

As Reported by the Senate Finance Committee

130th General Assembly

Regular Session

2013-2014

Sub. H. B. No. 59

Representative Amstutz

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Sub. H.B. 51 of the 130th General Assembly; to 608
amend Section 753.30 of Am. Sub. H.B. 153 of the 609
129th General Assembly; to amend Section 4 of Am. 610
Sub. H.B. 279 of the 129th General Assembly; to 611
amend Section 11 of Sub. H.B. 303 of the 129th 612
General Assembly; to amend Section 4 of Am. Sub. 613
H.B. 472 of the 129th General Assembly; to amend 614

Sections 201.80, 205.83, and 509.40 of Sub. H.B. 615
482 of the 129th General Assembly; to amend 616
Sections 301.11, 301.12, and 301.13 of Am. Sub. 617
H.B. 487 of the 129th General Assembly; to amend 618
Section 205.80 of Sub. H.B. 482 of the 129th 619
General Assembly, as subsequently amended; to 620
amend Section 4 of Sub. S.B. 171 of the 129th 621
General Assembly, as subsequently amended; to 622
amend Section 105.05 of Am. Sub. H.B. 2 of the 623
128th General Assembly; to repeal Section 624
267.60.31 of Am. Sub. H.B. 153 of the 129th 625
General Assembly; to repeal Section 125.10 of Am. 626
Sub. H.B. 1 of the 128th General Assembly as 627
subsequently amended; to repeal Section 514.03 of 628
Am. Sub. H.B. 66 of the 126th General Assembly; to 629
repeal Section 153 of Am. Sub. H.B. 117 of the 630
121st General Assembly as subsequently amended; to 631
amend Sections 203.30.40, 203.30.70, 203.30.80, 632
203.90.10, 203.90.20, 205.10.20, 205.30.90, 633
205.50.70, and 207.10.10 of Sub. S.B. 312 of the 634
129th General Assembly; to amend the versions of 635
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5104.013, 5104.03, 5104.08, and 5104.32 of the 637
Revised Code that are scheduled to take effect 638
January 1, 2014, to continue the provisions of 639
this act on and after that effective date; to 640
amend the versions of sections 4501.01, 4507.01, 641
and 4507.06 of the Revised Code that are scheduled 642
to take effect January 1, 2017, to continue the 643
provisions of this act on and after that effective 644
date; to amend section 3313.88 of the Revised Code 645
as it results from Section 101.01 of this act for 646
the purpose of adopting new section number 647

3313.482 on July 1, 2014; to make operating 648
appropriations for the biennium beginning July 1, 649
2013, and ending June 30, 2015; to provide 650
authorization and conditions for the operation of 651
state programs; to repeal sections 5168.20, 652
5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 653
5168.26, 5168.27, and 5168.28 of the Revised Code 654
on October 1, 2015, to terminate the operation of 655
those sections on that date; to repeal sections 656
5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 657
5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 658
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 659
of the Revised Code on October 16, 2015, to 660
terminate the operation of those sections on that 661
date; and to repeal section 5124.67 of the Revised 662
Code on July 1, 2018, to terminate the operation 663
of that section on that date. 664

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

Section 101.01. That sections 9.03, 9.15, 9.231, 9.239, 9.24, 665
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5736.11, 5736.12, 5736.13, 5736.14, 5736.99, 5741.032, 5751.55, 1102
5910.08, 5919.342, and 6133.041 of the Revised Code be enacted to 1103
read as follows: 1104

Sec. 1.611. As used in the Revised Code, "OSU extension" 1105
means the cooperative extension service that was established by 1106
the "Smith-Lever Act," 38 Stat. 372 (1914), 7 U.S.C. 341 et seq., 1107
and is administered in this state by the Ohio state university. 1108

Sec. 9.03. (A) As used in this section: 1109

(1) "Political subdivision" means any body corporate and 1110
politic, except a municipal corporation that has adopted a charter 1111
under Section 7 of Article XVIII, Ohio Constitution, and except a 1112
county that has adopted a charter under Sections 3 and 4 of 1113
Article X, Ohio Constitution, to which both of the following 1114
apply: 1115

(a) It is responsible for governmental activities only in a 1116
geographic area smaller than the state. 1117

(b) It is subject to the sovereign immunity of the state. 1118

(2) "Cigarettes" and "tobacco product" have the same meanings 1119
as in section 5743.01 of the Revised Code. 1120

(3) "Transaction" has the same meaning as in section 1315.51 1121
of the Revised Code. 1122

(4) "Campaign committee," "campaign fund," "candidate," 1123
"legislative campaign fund," "political action committee," 1124
"political committee," "political party," and "separate segregated 1125
fund" have the same meanings as in section 3517.01 of the Revised 1126
Code. 1127

(B) Except as otherwise provided in division (C) of this 1128
section, the governing body of a political subdivision may use 1129
public funds to publish and distribute newsletters, or to use any 1130
other means, to communicate information about the plans, policies, 1131
and operations of the political subdivision to members of the 1132
public within the political subdivision and to other persons who 1133
may be affected by the political subdivision. 1134

(C) Except as otherwise provided in division (A)(7) of 1135
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 1136
Revised Code, no governing body of a political subdivision shall 1137
use public funds to do any of the following: 1138

(1) Publish, distribute, or otherwise communicate information 1139
that does any of the following: 1140

(a) Contains defamatory, libelous, or obscene matter; 1141

(b) Promotes alcoholic beverages, cigarettes or other tobacco 1142
products, or any illegal product, service, or activity; 1143

(c) Promotes illegal discrimination on the basis of race, 1144
color, religion, national origin, handicap, age, or ancestry; 1145

(d) Supports or opposes any labor organization or any action 1146
by, on behalf of, or against any labor organization; 1147

(e) Supports or opposes the nomination or election of a 1148
candidate for public office, the investigation, prosecution, or 1149
recall of a public official, or the passage of a levy or bond 1150
issue. 1151

(2) Compensate any employee of the political subdivision for 1152

time spent on any activity to influence the outcome of an election 1153
for any of the purposes described in division (C)(1)(e) of this 1154
section. Division (C)(2) of this section does not prohibit the use 1155
of public funds to compensate an employee of a political 1156
subdivision for attending a public meeting to present information 1157
about the political subdivision's finances, activities, and 1158
governmental actions in a manner that is not designed to influence 1159
the outcome of an election or the passage of a levy or bond issue, 1160
even though the election, levy, or bond issue is discussed or 1161
debated at the meeting. 1162

(D) Except as otherwise provided in division (A)(7) of 1163
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 1164
Revised Code or in division (E) of this section, no person shall 1165
knowingly conduct a direct or indirect transaction of public funds 1166
to the benefit of any of the following: 1167

- (1) A campaign committee; 1168
- (2) A political action committee; 1169
- (3) A legislative campaign fund; 1170
- (4) A political party; 1171
- (5) A campaign fund; 1172
- (6) A political committee; 1173
- (7) A separate segregated fund; 1174
- (8) A candidate. 1175

(E) Division (D) of this section does not prohibit the 1176
utilization of any person's own time to speak in support of or in 1177
opposition to any candidate, recall, referendum, levy, or bond 1178
issue unless prohibited by any other section of the Revised Code. 1179

(F) Nothing in this section prohibits or restricts any 1180
political subdivision from sponsoring, participating in, or doing 1181
any of the following: 1182

(1) Charitable or public service advertising that is not 1183
commercial in nature; 1184

(2) Advertising of exhibitions, performances, programs, 1185
products, or services that are provided by employees of a 1186
political subdivision or are provided at or through premises owned 1187
or operated by a political subdivision; 1188

(3) Licensing an interest in a name or mark that is owned or 1189
controlled by the political subdivision. 1190

(G) Whoever violates division (D) of this section shall be 1191
punished as provided in section 3599.40 of the Revised Code. 1192

Sec. 9.15. When the body of a dead person is found in a 1193
township or municipal corporation, and such person was not an 1194
inmate of a correctional, benevolent, or charitable institution of 1195
this state, and the body is not claimed by any person for private 1196
interment or cremation at the person's own expense, or delivered 1197
for the purpose of medical or surgical study or dissection in 1198
accordance with section 1713.34 of the Revised Code, it shall be 1199
disposed of as follows: 1200

(A) If the person was a legal resident of the county, the 1201
proper officers of the township or municipal corporation in which 1202
the person's body was found shall cause it to be buried or 1203
cremated at the expense of the township or municipal corporation 1204
in which the person had a legal residence at the time of death. 1205

(B) If the person had a legal residence in any other county 1206
of the state at the time of death, the superintendent of the 1207
county home of the county in which such body was found shall cause 1208
it to be buried or cremated at the expense of the township or 1209
municipal corporation in which the person had a legal residence at 1210
the time of death. 1211

(C) If the person was an inmate of a correctional institution 1212

of the county or a patient or resident of a benevolent institution 1213
of the county, the person had no legal residence in the state, or 1214
the person's legal residence is unknown, the superintendent shall 1215
cause the person to be buried or cremated at the expense of the 1216
county. 1217

Such officials shall provide, at the grave of the person or, 1218
if the person's cremated remains are buried, at the grave of the 1219
person's cremated remains, a metal, stone, or concrete marker on 1220
which the person's name and age, if known, and date of death shall 1221
be inscribed. 1222

A political subdivision is not relieved of its duty to bury 1223
or cremate a person at its expense under this section when the 1224
body is claimed by an indigent person. As used in this section, 1225
"indigent person" means a person whose income does not exceed one 1226
hundred fifty per cent of the federal poverty line, as revised 1227
annually by the United States department of health and human 1228
services in accordance with section 673(2) of the "Omnibus Budget 1229
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 1230
amended, for a family size equal to the size of the person's 1231
family. 1232

Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 1233
this section, a governmental entity shall not disburse money 1234
totaling twenty-five thousand dollars or more to any person for 1235
the provision of services for the primary benefit of individuals 1236
or the public and not for the primary benefit of a governmental 1237
entity or the employees of a governmental entity, unless the 1238
contracting authority of the governmental entity first enters into 1239
a written contract with the person that is signed by the person or 1240
by an officer or agent of the person authorized to legally bind 1241
the person and that embodies all of the requirements and 1242
conditions set forth in sections 9.23 to 9.236 of the Revised 1243

Code. If the disbursement of money occurs over the course of a 1244
governmental entity's fiscal year, rather than in a lump sum, the 1245
contracting authority of the governmental entity shall enter into 1246
the written contract with the person at the point during the 1247
governmental entity's fiscal year that at least seventy-five 1248
thousand dollars has been disbursed by the governmental entity to 1249
the person. Thereafter, the contracting authority of the 1250
governmental entity shall enter into the written contract with the 1251
person at the beginning of the governmental entity's fiscal year, 1252
if, during the immediately preceding fiscal year, the governmental 1253
entity disbursed to that person an aggregate amount totaling at 1254
least seventy-five thousand dollars. 1255

(2) If the money referred to in division (A)(1) of this 1256
section is disbursed by or through more than one state agency to 1257
the person for the provision of services to the same population, 1258
the contracting authorities of those agencies shall determine 1259
which one of them will enter into the written contract with the 1260
person. 1261

(3) The requirements and conditions set forth in divisions 1262
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 1263
and (B) of section 9.234, divisions (A)(2) and (B) of section 1264
9.235, and sections 9.233 and 9.236 of the Revised Code do not 1265
apply with respect to the following: 1266

(a) Contracts to which all of the following apply: 1267

(i) The amount received for the services is a set fee for 1268
each time the services are provided, is determined in accordance 1269
with a fixed rate per unit of time or per service, or is a 1270
capitated rate, and the fee or rate is established by competitive 1271
bidding or by a market rate survey of similar services provided in 1272
a defined market area. The market rate survey may be one conducted 1273
by or on behalf of the governmental entity or an independent 1274
survey accepted by the governmental entity as statistically valid 1275

and reliable.	1276
(ii) The services are provided in accordance with standards established by state or federal law, or by rules or regulations adopted thereunder, for their delivery, which standards are enforced by the federal government, a governmental entity, or an accrediting organization recognized by the federal government or a governmental entity.	1277 1278 1279 1280 1281 1282
(iii) Payment for the services is made after the services are delivered and upon submission to the governmental entity of an invoice or other claim for payment as required by any applicable local, state, or federal law or, if no such law applies, by the terms of the contract.	1283 1284 1285 1286 1287
(b) Contracts under which the services are reimbursed through or in a manner consistent with a federal program that meets all of the following requirements:	1288 1289 1290
(i) The program calculates the reimbursement rate on the basis of the previous year's experience or in accordance with an alternative method set forth in rules adopted by the Ohio department of job and family services.	1291 1292 1293 1294
(ii) The reimbursement rate is derived from a breakdown of direct and indirect costs.	1295 1296
(iii) The program's guidelines describe types of expenditures that are allowable and not allowable under the program and delineate which costs are acceptable as direct costs for purposes of calculating the reimbursement rate.	1297 1298 1299 1300
(iv) The program includes a uniform cost reporting system with specific audit requirements.	1301 1302
(c) Contracts under which the services are reimbursed through or in a manner consistent with a federal program that calculates the reimbursement rate on a fee for service basis in compliance	1303 1304 1305

with United States office of management and budget Circular A-87, 1306
as revised May 10, 2004. 1307

(d) Contracts for services that are paid pursuant to the 1308
earmarking of an appropriation made by the general assembly for 1309
that purpose. 1310

(B) Division (A) of this section does not apply if the money 1311
is disbursed to a person pursuant to a contract with the United 1312
States or a governmental entity under any of the following 1313
circumstances: 1314

(1) The person receives the money directly or indirectly from 1315
the United States, and no governmental entity exercises any 1316
oversight or control over the use of the money. 1317

(2) The person receives the money solely in return for the 1318
performance of one or more of the following types of services: 1319

(a) Medical, therapeutic, or other health-related services 1320
provided by a person if the amount received is a set fee for each 1321
time the person provides the services, is determined in accordance 1322
with a fixed rate per unit of time, or is a capitated rate, and 1323
the fee or rate is reasonable and customary in the person's trade 1324
or profession; 1325

(b) Medicaid-funded services, including administrative and 1326
management services, provided pursuant to a contract or medicaid 1327
provider agreement that meets the requirements of the medicaid 1328
program established under ~~Chapter 5111. of the Revised Code.~~ 1329

(c) Services, other than administrative or management 1330
services or any of the services described in division (B)(2)(a) or 1331
(b) of this section, that are commonly purchased by the public at 1332
an hourly rate or at a set fee for each time the services are 1333
provided, unless the services are performed for the benefit of 1334
children, persons who are eligible for the services by reason of 1335
advanced age, medical condition, or financial need, or persons who 1336

are confined in a detention facility as defined in section 2921.01 1337
of the Revised Code, and the services are intended to help promote 1338
the health, safety, or welfare of those children or persons; 1339

(d) Educational services provided by a school to children 1340
eligible to attend that school. For purposes of division (B)(2)(d) 1341
of this section, "school" means any school operated by a school 1342
district board of education, any community school established 1343
under Chapter 3314. of the Revised Code, or any nonpublic school 1344
for which the state board of education prescribes minimum 1345
education standards under section 3301.07 of the Revised Code. 1346

(e) Services provided by a foster home as defined in section 1347
5103.02 of the Revised Code; 1348

(f) "Routine business services other than administrative or 1349
management services," as that term is defined by the attorney 1350
general by rule adopted in accordance with Chapter 119. of the 1351
Revised Code; 1352

(g) Services to protect the environment or promote 1353
environmental education that are provided by a nonprofit entity or 1354
services to protect the environment that are funded with federal 1355
grants or revolving loan funds and administered in accordance with 1356
federal law. 1357

(3) The person receives the money solely in return for the 1358
performance of services intended to help preserve public health or 1359
safety under circumstances requiring immediate action as a result 1360
of a natural or man-made emergency. 1361

(C) With respect to an unincorporated nonprofit association, 1362
corporation, or organization established for the purpose of 1363
providing educational, technical, consulting, training, financial, 1364
or other services to its members in exchange for membership dues 1365
and other fees, any of the services provided to a member that is a 1366
governmental entity shall, for purposes of this section, be 1367

considered services "for the primary benefit of a governmental 1368
entity or the employees of a governmental entity." 1369

Sec. 9.239. (A) There is hereby created the government 1370
contracting advisory council. The attorney general and auditor of 1371
state shall consult with the council on the performance of their 1372
rule-making functions under sections 9.237 and 9.238 of the 1373
Revised Code and shall consider any recommendations of the 1374
council. The medicaid director ~~of job and family services~~ shall 1375
annually report to the council the cost methodology of the 1376
medicaid-funded services described in division (A)(3)(d) of 1377
section 9.231 of the Revised Code. The council shall consist of 1378
the following members or their designees: 1379

- (1) The attorney general; 1380
- (2) The auditor of state; 1381
- (3) The director of administrative services; 1382
- (4) The director of aging; 1383
- (5) ~~The director of alcohol and drug addiction services~~ The 1384
medicaid director; 1385
- (6) The director of budget and management; 1386
- (7) The director of development services; 1387
- (8) The director of job and family services; 1388
- (9) The director of ~~mental health~~ mental health and addiction 1389
services; 1390
- (10) The director of developmental disabilities; 1391
- (11) The director of rehabilitation and correction; 1392
- (12) The administrator of workers' compensation; 1393
- (13) The executive director of the county commissioners' 1394
association of Ohio; 1395

(14) The president of the Ohio grantmakers forum;	1396
(15) The president of the Ohio chamber of commerce;	1397
(16) The president of the Ohio state bar association;	1398
(17) The president of the Ohio society of certified public accountants;	1399 1400
(18) The executive director of the Ohio association of nonprofit organizations;	1401 1402
(19) The president of the Ohio united way;	1403
(20) One additional member appointed by the attorney general;	1404
(21) One additional member appointed by the auditor of state.	1405
(B) If an agency or organization represented on the council ceases to exist in the form it has on September 29, 2005, the successor agency or organization shall be represented in its place. If there is no successor agency or organization, or if it is not clear what agency or organization is the successor, the attorney general shall designate an agency or organization to be represented in place of the agency or organization originally represented on the council.	1406 1407 1408 1409 1410 1411 1412 1413
(C) The two members appointed to the council shall serve three-year terms. Original appointments shall be made not later than sixty days after September 29, 2005. Vacancies on the council shall be filled in the same manner as the original appointment.	1414 1415 1416 1417
(D) The attorney general or the attorney general's designee shall be the chairperson of the council. The council shall meet at least once every two years to review the rules adopted under sections 9.237 and 9.238 of the Revised Code and to make recommendations to the attorney general and auditor of state regarding the adoption, amendment, or repeal of those rules. The council shall also meet at other times as requested by the attorney general or auditor of state.	1418 1419 1420 1421 1422 1423 1424 1425

(E) Members of the council shall serve without compensation 1426
or reimbursement. 1427

(F) The office of the attorney general shall provide 1428
necessary staff, facilities, supplies, and services to the 1429
council. 1430

(G) Sections 101.82 to 101.87 of the Revised Code do not 1431
apply to the council. 1432

Sec. 9.24. (A) Except as may be allowed under division (F) of 1433
this section, no state agency and no political subdivision shall 1434
award a contract as described in division (G)(1) of this section 1435
for goods, services, or construction, paid for in whole or in part 1436
with state funds, to a person against whom a finding for recovery 1437
has been issued by the auditor of state on and after January 1, 1438
2001, if the finding for recovery is unresolved. 1439

A contract is considered to be awarded when it is entered 1440
into or executed, irrespective of whether the parties to the 1441
contract have exchanged any money. 1442

(B) For purposes of this section, a finding for recovery is 1443
unresolved unless one of the following criteria applies: 1444

(1) The money identified in the finding for recovery is paid 1445
in full to the state agency or political subdivision to whom the 1446
money was owed; 1447

(2) The debtor has entered into a repayment plan that is 1448
approved by the attorney general and the state agency or political 1449
subdivision to whom the money identified in the finding for 1450
recovery is owed. A repayment plan may include a provision 1451
permitting a state agency or political subdivision to withhold 1452
payment to a debtor for goods, services, or construction provided 1453
to or for the state agency or political subdivision pursuant to a 1454
contract that is entered into with the debtor after the date the 1455

finding for recovery was issued. 1456

(3) The attorney general waives a repayment plan described in 1457
division (B)(2) of this section for good cause; 1458

(4) The debtor and state agency or political subdivision to 1459
whom the money identified in the finding for recovery is owed have 1460
agreed to a payment plan established through an enforceable 1461
settlement agreement. 1462

(5) The state agency or political subdivision desiring to 1463
enter into a contract with a debtor certifies, and the attorney 1464
general concurs, that all of the following are true: 1465

(a) Essential services the state agency or political 1466
subdivision is seeking to obtain from the debtor cannot be 1467
provided by any other person besides the debtor; 1468

(b) Awarding a contract to the debtor for the essential 1469
services described in division (B)(5)(a) of this section is in the 1470
best interest of the state; 1471

(c) Good faith efforts have been made to collect the money 1472
identified in the finding of recovery. 1473

(6) The debtor has commenced an action to contest the finding 1474
for recovery and a final determination on the action has not yet 1475
been reached. 1476

(C) The attorney general shall submit an initial report to 1477
the auditor of state, not later than December 1, 2003, indicating 1478
the status of collection for all findings for recovery issued by 1479
the auditor of state for calendar years 2001, 2002, and 2003. 1480
Beginning on January 1, 2004, the attorney general shall submit to 1481
the auditor of state, on the first day of every January, April, 1482
July, and October, a list of all findings for recovery that have 1483
been resolved in accordance with division (B) of this section 1484
during the calendar quarter preceding the submission of the list 1485

and a description of the means of resolution. The attorney general 1486
shall notify the auditor of state when a judgment is issued 1487
against an entity described in division (F)(1) of this section. 1488

(D) The auditor of state shall maintain a database, 1489
accessible to the public, listing persons against whom an 1490
unresolved finding for recovery has been issued, and the amount of 1491
the money identified in the unresolved finding for recovery. The 1492
auditor of state shall have this database operational on or before 1493
January 1, 2004. The initial database shall contain the 1494
information required under this division for calendar years 2001, 1495
2002, and 2003. 1496

Beginning January 15, 2004, the auditor of state shall update 1497
the database by the fifteenth day of every January, April, July, 1498
and October to reflect resolved findings for recovery that are 1499
reported to the auditor of state by the attorney general on the 1500
first day of the same month pursuant to division (C) of this 1501
section. 1502

(E) Before awarding a contract as described in division 1503
(G)(1) of this section for goods, services, or construction, paid 1504
for in whole or in part with state funds, a state agency or 1505
political subdivision shall verify that the person to whom the 1506
state agency or political subdivision plans to award the contract 1507
has no unresolved finding for recovery issued against the person. 1508
A state agency or political subdivision shall verify that the 1509
person does not appear in the database described in division (D) 1510
of this section or shall obtain other proof that the person has no 1511
unresolved finding for recovery issued against the person. 1512

(F) The prohibition of division (A) of this section and the 1513
requirement of division (E) of this section do not apply with 1514
respect to the companies, payments, or agreements described in 1515
divisions (F)(1) and (2) of this section, or in the circumstance 1516
described in division (F)(3) of this section. 1517

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

(2) To medicaid provider agreements under ~~Chapter 5111. of~~ the ~~Revised Code~~ medicaid program.

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

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

(a) The cost for the goods, services, or construction provided under the contract is estimated to exceed twenty-five thousand dollars.

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

(c) The contract is a renewal of a contract previously entered into and renewed pursuant to that preceding contract.	1549 1550
(2) This section does not apply to employment contracts.	1551
(H) As used in this section:	1552
(1) "State agency" has the same meaning as in section 9.66 of the Revised Code.	1553 1554
(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year.	1555 1556 1557 1558
(3) "Finding for recovery" means a determination issued by the auditor of state, contained in a report the auditor of state gives to the attorney general pursuant to section 117.28 of the Revised Code, that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated.	1559 1560 1561 1562 1563 1564 1565
(4) "Debtor" means a person against whom a finding for recovery has been issued.	1566 1567
(5) "Person" means the person named in the finding for recovery.	1568 1569
(6) "State money" does not include funds the state receives from another source and passes through to a political subdivision.	1570 1571
Sec. 9.833. (A) As used in this section, "political subdivision" has the meaning defined in sections 2744.01 and 3905.36 of the Revised Code. For purposes of this section, "political subdivision" includes municipal corporations as defined in section 5705.01 of the Revised Code.	1572 1573 1574 1575 1576
(B) Political subdivisions that provide health care benefits	1577

for their officers or employees may do any of the following:	1578
(1) Establish and maintain an individual self-insurance	1579
program with public moneys to provide authorized health care	1580
benefits, including but not limited to, health care, prescription	1581
drugs, dental care, and vision care, in accordance with division	1582
(C) of this section;	1583
(2) Establish and maintain a health savings account program	1584
whereby employees or officers may establish and maintain health	1585
savings accounts in accordance with section 223 of the Internal	1586
Revenue Code. Public moneys may be used to pay for or fund	1587
federally qualified high deductible health plans that are linked	1588
to health savings accounts or to make contributions to health	1589
savings accounts. A health savings account program may be a part	1590
of a self-insurance program.	1591
(3) After establishing an individual self-insurance program,	1592
agree with other political subdivisions that have established	1593
individual self-insurance programs for health care benefits, that	1594
their programs will be jointly administered in a manner specified	1595
in the agreement;	1596
(4) Pursuant to a written agreement and in accordance with	1597
division (C) of this section, join in any combination with other	1598
political subdivisions to establish and maintain a joint	1599
self-insurance program to provide health care benefits;	1600
(5) Pursuant to a written agreement, join in any combination	1601
with other political subdivisions to procure or contract for	1602
policies, contracts, or plans of insurance to provide health care	1603
benefits, which may include a health savings account program for	1604
their officers and employees subject to the agreement;	1605
(6) Use in any combination any of the policies, contracts,	1606
plans, or programs authorized under this division.	1607
(7) Any agreement made under division (B)(3), (4), (5), or	1608

(6) of this section shall be in writing, comply with division (C) 1609
of this section, and contain best practices established in 1610
consultation with and approved by the department of administrative 1611
services. The best practices may be reviewed and amended at the 1612
discretion of the political subdivisions in consultation with the 1613
department. Detailed information regarding the best practices 1614
shall be made available to any employee upon that employee's 1615
request. 1616

(8) Purchase plans ~~approved~~ containing best practices 1617
established by the department of administrative services under 1618
section 9.901 of the Revised Code. 1619

(C) Except as otherwise provided in division (E) of this 1620
section, the following apply to individual or joint self-insurance 1621
programs established pursuant to this section: 1622

(1) Such funds shall be reserved as are necessary, in the 1623
exercise of sound and prudent actuarial judgment, to cover 1624
potential cost of health care benefits for the officers and 1625
employees of the political subdivision. A certified audited 1626
financial statement and a report of aggregate amounts so reserved 1627
and aggregate disbursements made from such funds, together with a 1628
written report of a member of the American academy of actuaries 1629
certifying whether the amounts reserved conform to the 1630
requirements of this division, are computed in accordance with 1631
accepted loss reserving standards, and are fairly stated in 1632
accordance with sound loss reserving principles, shall be prepared 1633
and maintained, within ninety days after the last day of the 1634
fiscal year of the entity for which the report is provided for 1635
that fiscal year, in the office of the program administrator 1636
described in division (C)(3) of this section. 1637

The report required by division (C)(1) of this section shall 1638
include, but not be limited to, the aggregate of disbursements 1639
made for the administration of the program, including claims paid, 1640

costs of the legal representation of political subdivisions and 1641
employees, and fees paid to consultants. 1642

The program administrator described in division (C)(3) of 1643
this section shall make the report required by this division 1644
available for inspection by any person at all reasonable times 1645
during regular business hours, and, upon the request of such 1646
person, shall make copies of the report available at cost within a 1647
reasonable period of time. The program administrator shall further 1648
provide the report to the auditor of state under Chapter 117. of 1649
the Revised Code. The report required by this division is in lieu 1650
of the records required by division (A) of section 149.431 of the 1651
Revised Code. 1652

(2) Each political subdivision shall reserve funds necessary 1653
for an individual or joint self-insurance program in a special 1654
fund that may be established for political subdivisions other than 1655
an agency or instrumentality pursuant to an ordinance or 1656
resolution of the political subdivision and not subject to section 1657
5705.12 of the Revised Code. An agency or instrumentality shall 1658
reserve the funds necessary for an individual or joint 1659
self-insurance program in a special fund established pursuant to a 1660
resolution duly adopted by the agency's or instrumentality's 1661
governing board. The political subdivision may allocate the costs 1662
of insurance or any self-insurance program, or both, among the 1663
funds or accounts established under this division on the basis of 1664
relative exposure and loss experience. 1665

(3) A contract may be awarded, without the necessity of 1666
competitive bidding, to any person, political subdivision, 1667
nonprofit corporation organized under Chapter 1702. of the Revised 1668
Code, or regional council of governments created under Chapter 1669
167. of the Revised Code for purposes of administration of an 1670
individual or joint self-insurance program. No such contract shall 1671
be entered into without full, prior, public disclosure of all 1672

terms and conditions. The disclosure shall include, at a minimum, 1673
a statement listing all representations made in connection with 1674
any possible savings and losses resulting from the contract, and 1675
potential liability of any political subdivision or employee. The 1676
proposed contract and statement shall be disclosed and presented 1677
at a meeting of the political subdivision not less than one week 1678
prior to the meeting at which the political subdivision authorizes 1679
the contract. 1680

A contract awarded to a nonprofit corporation or a regional 1681
council of governments under this division may provide that all 1682
employees of the nonprofit corporation or regional council of 1683
governments, the employees of all entities related to the 1684
nonprofit corporation or regional council of governments, and the 1685
employees of other nonprofit corporations that have fifty or fewer 1686
employees and have been organized for the primary purpose of 1687
representing the interests of political subdivisions, may be 1688
covered by the individual or joint self-insurance program under 1689
the terms and conditions set forth in the contract. 1690

(4) The individual or joint self-insurance program shall 1691
include a contract with a certified public accountant and a member 1692
of the American academy of actuaries for the preparation of the 1693
written evaluations required under division (C)(1) of this 1694
section. 1695

(5) A joint self-insurance program may allocate the costs of 1696
funding the program among the funds or accounts established under 1697
this division to the participating political subdivisions on the 1698
basis of their relative exposure and loss experience. 1699

(6) An individual self-insurance program may allocate the 1700
costs of funding the program among the funds or accounts 1701
established under this division to the political subdivision that 1702
established the program. 1703

(7) Two or more political subdivisions may also authorize the establishment and maintenance of a joint health care cost containment program, including, but not limited to, the employment of risk managers, health care cost containment specialists, and consultants, for the purpose of preventing and reducing health care costs covered by insurance, individual self-insurance, or joint self-insurance programs.

(8) A political subdivision is not liable under a joint self-insurance program for any amount in excess of amounts payable pursuant to the written agreement for the participation of the political subdivision in the joint self-insurance program. Under a joint self-insurance program agreement, a political subdivision may, to the extent permitted under the written agreement, assume the risks of any other political subdivision. A joint self-insurance program established under this section is deemed a separate legal entity for the public purpose of enabling the members of the joint self-insurance program to obtain insurance or to provide for a formalized, jointly administered self-insurance fund for its members. An entity created pursuant to this section is exempt from all state and local taxes.

(9) Any political subdivision, other than an agency or instrumentality, may issue general obligation bonds, or special obligation bonds that are not payable from real or personal property taxes, and may also issue notes in anticipation of such bonds, pursuant to an ordinance or resolution of its legislative authority or other governing body for the purpose of providing funds to pay expenses associated with the settlement of claims, whether by way of a reserve or otherwise, and to pay the political subdivision's portion of the cost of establishing and maintaining an individual or joint self-insurance program or to provide for the reserve in the special fund authorized by division (C)(2) of this section.

In its ordinance or resolution authorizing bonds or notes 1736
under this section, a political subdivision may elect to issue 1737
such bonds or notes under the procedures set forth in Chapter 133. 1738
of the Revised Code. In the event of such an election, 1739
notwithstanding Chapter 133. of the Revised Code, the maturity of 1740
the bonds may be for any period authorized in the ordinance or 1741
resolution not exceeding twenty years, which period shall be the 1742
maximum maturity of the bonds for purposes of section 133.22 of 1743
the Revised Code. 1744

Bonds and notes issued under this section shall not be 1745
considered in calculating the net indebtedness of the political 1746
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 1747
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 1748
hereby made applicable to bonds or notes authorized under this 1749
section. 1750

(10) A joint self-insurance program is not an insurance 1751
company. Its operation does not constitute doing an insurance 1752
business and is not subject to the insurance laws of this state. 1753

(11) A joint self-insurance program shall pay the run-off 1754
expenses of a participating political subdivision that terminates 1755
its participation in the program if the political subdivision has 1756
accumulated funds in the reserves for incurred but not reported 1757
claims. The run-off payment, at minimum, shall be limited to an 1758
actuarially determined cap or sixty days, whichever is reached 1759
first. 1760

(D) A political subdivision may procure group life insurance 1761
for its employees in conjunction with an individual or joint 1762
self-insurance program authorized by this section, provided that 1763
the policy of group life insurance is not self-insured. 1764

(E) This section does not apply to individual self-insurance 1765
programs created solely by municipal corporations as defined in 1766

section 5705.01 of the Revised Code. 1767

(F) A public official or employee of a political subdivision 1768
who is or becomes a member of the governing body of the program 1769
administrator of a joint self-insurance program in which the 1770
political subdivision participates is not in violation of division 1771
(D) or (E) of section 102.03, division (C) of section 102.04, or 1772
section 2921.42 of the Revised Code as a result of either of the 1773
following: 1774

(1) The political subdivision's entering under this section 1775
into the written agreement to participate in the joint 1776
self-insurance program; 1777

(2) The political subdivision's entering under this section 1778
into any other contract with the joint self-insurance program. 1779

Sec. 9.90. (A) ~~The following applies until the department of 1780
administrative services implements healthcare plans designed under 1781
section 9.901 of the Revised Code. If those plans do not include 1782
or address any benefits listed in this section, or if the board of 1783
trustees or other governing body of a state institution of higher 1784
education, as defined in section 3345.011 of the Revised Code, 1785
board of education of a school district, or governing board of an 1786
educational service center do not elect to be covered under a plan 1787
offered by the department of administrative services under section 1788
9.901 of the Revised Code, the following provisions continue in 1789
effect for those benefits. The board of trustees or other 1790
governing body of a state institution of higher education, as 1791
defined in section 3345.011 of the Revised Code, board of 1792
education of a school district, or governing board of an 1793
educational service center may, in addition to all other powers 1794
provided in the Revised Code: 1795~~

(1) Contract for, purchase, or otherwise procure from an 1796
insurer or insurers licensed to do business by the state of Ohio 1797

for or on behalf of such of its employees as it may determine, 1798
life insurance, or sickness, accident, annuity, endowment, health, 1799
medical, hospital, dental, or surgical coverage and benefits, or 1800
any combination thereof, by means of insurance plans or other 1801
types of coverage, family, group or otherwise, and may pay from 1802
funds under its control and available for such purpose all or any 1803
portion of the cost, premium, or charge for such insurance, 1804
coverage, or benefits. However, the governing board, in addition 1805
to or as an alternative to the authority otherwise granted by 1806
division (A)(1) of this section, may elect to procure coverage for 1807
health care services, for or on behalf of such of its employees as 1808
it may determine, by means of policies, contracts, certificates, 1809
or agreements issued by at least two health insuring corporations 1810
holding a certificate of authority under Chapter 1751. of the 1811
Revised Code and may pay from funds under the governing board's 1812
control and available for such purpose all or any portion of the 1813
cost of such coverage. 1814

(2) Make payments to a custodial account for investment in 1815
regulated investment company stock for the purpose of providing 1816
retirement benefits as described in section 403(b)(7) of the 1817
Internal Revenue Code of 1954, as amended. Such stock shall be 1818
purchased only from persons authorized to sell such stock in this 1819
state. 1820

Any income of an employee deferred under divisions (A)(1) and 1821
(2) of this section in a deferred compensation program eligible 1822
for favorable tax treatment under the Internal Revenue Code of 1823
1954, as amended, shall continue to be included as regular 1824
compensation for the purpose of computing the contributions to and 1825
benefits from the retirement system of such employee. Any sum so 1826
deferred shall not be included in the computation of any federal 1827
and state income taxes withheld on behalf of any such employee. 1828

(B) All or any portion of the cost, premium, or charge 1829

therefor may be paid in such other manner or combination of 1830
manners as the board or governing body may determine, including 1831
direct payment by the employee in cases under division (A)(1) of 1832
this section, and, if authorized in writing by the employee in 1833
cases under division (A)(1) or (2) of this section, by the board 1834
or governing body with moneys made available by deduction from or 1835
reduction in salary or wages or by the foregoing of a salary or 1836
wage increase. Nothing in section 3917.01 or section 3917.06 of 1837
the Revised Code shall prohibit the issuance or purchase of group 1838
life insurance authorized by this section by reason of payment of 1839
premiums therefor by the board or governing body from its funds, 1840
and such group life insurance may be so issued and purchased if 1841
otherwise consistent with the provisions of sections 3917.01 to 1842
3917.07 of the Revised Code. 1843

(C) The board of education of any school district may 1844
exercise any of the powers granted to the governing boards of 1845
public institutions of higher education under divisions (A) and 1846
(B) of this section. All health care benefits provided to persons 1847
employed by the public schools of this state shall be through 1848
health care plans that contain best practices established by the 1849
department of administrative services pursuant to section 9.901 of 1850
the Revised Code. 1851

~~(D) Once the department of administrative services releases 1852
in final form health care plans designed under section 9.901 of 1853
the Revised Code, all health care benefits provided to persons 1854
employed by state institutions of higher education, school 1855
districts, or educational service centers may be through those 1856
plans. 1857~~

Sec. 9.901. (A)(1) All health care benefits provided to 1858
persons employed by ~~the political subdivisions and public school~~ 1859
~~districts of employers as defined by this state section~~ shall be 1860

provided by health care plans that contain best practices 1861
established ~~pursuant to this section~~ by the former school 1862
employees health care board or the department of administrative 1863
services. ~~Twelve months after the release of best practices by the~~ 1864
~~board~~ All policies or contracts for health care benefits 1865
~~provided to public school district employees~~ that are issued or 1866
renewed after the expiration of any applicable collective 1867
bargaining agreement must contain all best practices established 1868
pursuant to this section ~~by the board~~ at the time of renewal. ~~Any~~ 1869
~~or all of the health~~ Health care plans that contain the best 1870
practices ~~specified by the board~~ may be self-insured. 1871

(2) ~~Upon completion of the consultant's report under division~~ 1872
~~(E) of this section and once the plans are released in final form~~ 1873
~~by the department, all health care benefits provided to persons~~ 1874
~~employed by political subdivisions, public school districts, and~~ 1875
~~state institutions of higher education may be provided by health~~ 1876
~~care plans designed under this section by the department. The~~ 1877
~~department, in consultation with the superintendent of insurance,~~ 1878
~~may negotiate with and, in accordance with the competitive~~ 1879
~~selection procedures of Chapter 125. of the Revised Code, contract~~ 1880
~~with one or more insurance companies authorized to do business in~~ 1881
~~this state for the issuance of the plans. Any or all of the health~~ 1882
~~care plans designed by the department may be self insured. All~~ 1883
~~self-insured plans adopted shall be administered by the department~~ 1884
~~in accordance with this section. The plans shall incorporate the~~ 1885
~~best practices adopted by the department under division (C)(3) of~~ 1886
~~this section~~ consulting with the department of administrative 1887
services, a political subdivision may adopt a delivery system of 1888
benefits that is not in accordance with the department's adopted 1889
best practices if it is considered by the department to be most 1890
financially advantageous to the political subdivision. 1891

(3) ~~Before soliciting proposals from insurance companies for~~ 1892

~~the issuance of health care plans, the department, in consultation with the superintendent of insurance, shall determine what geographic regions exist in the state based on the availability of providers, networks, costs, and other factors relating to providing health care benefits. The department shall then determine what health care plans offered by political subdivisions, public school districts, state institutions, and existing consortiums in the region offer the most cost effective plan.~~

~~(4) The department, in consultation with the superintendent of insurance, shall develop a request for proposals and solicit bids for health care plans for political subdivisions, public school districts, and state institutions in a region similar to the existing plans. The department shall also determine the benefits offered by existing health care plans, the employees' costs, and the cost sharing arrangements used by political subdivisions, schools, and institutions participating in a consortium. The department shall determine what strategies are used by the existing plans to manage health care costs and shall study the potential benefits of state or regional consortiums offering multiple health care plans. When options exist in a defined regional service area that meet the benchmarks or best practices prescribed by the department, public employees shall be given the option of selecting from two or more health plans.~~

~~(5) No political subdivision, public school district, or state institution may be required to offer the health care plans designed under this section until action is taken under division (E) of this section.~~

~~In addition, political subdivisions, public school districts, or state institutions offering employee health care benefits through a plan offered by a consortium of two or more political subdivisions, districts, or state institutions, or a consortium of~~

~~one or more political subdivisions, districts, or state 1925
institutions and one or more other political subdivisions may 1926
continue offering consortium plans to the political subdivisions', 1927
districts', or institutions' employees if plans contain best 1928
practices required under this section. 1929~~

~~(6)~~ As used in this section: 1930

(a) "Public employer" means political subdivisions, public 1931
school districts, or state institutions of higher education. 1932

(b) "Public school district" means a city, local, exempted 1933
village, or joint vocational school district; a STEM school 1934
established under Chapter 3326. of the Revised Code; or an 1935
educational service center. "Public school district" does not mean 1936
a community school established under Chapter 3314. of the Revised 1937
Code. 1938

~~(b)~~(c) "State institution of higher education" or "state 1939
institution" means a state institution of higher education as 1940
defined in section 3345.011 of the Revised Code. 1941

~~(e)~~(d) "Political subdivision" has the same meaning as 1942
defined in section 9.833 of the Revised Code. 1943

~~(d)~~(e) A "health care plan" includes group policies, 1944
contracts, and agreements that provide hospital, surgical, or 1945
medical expense coverage, including self-insured plans. A "health 1946
care plan" does not include an individual plan offered to the 1947
employees of a political subdivision, public school district, or 1948
state institution, or a plan that provides coverage only for 1949
specific disease or accidents, or a hospital indemnity, medicare 1950
supplement, or other plan that provides only supplemental 1951
benefits, paid for by the employees of a political subdivision, 1952
public school district, or state institution. 1953

~~(e)~~(f) A "health plan sponsor" means a political subdivision, 1954
public school district, a state institution of higher education, a 1955

consortium of political subdivisions, public school districts, or 1956
state institutions, or a council of governments. 1957

~~(B)(4)~~ The ~~political subdivisions and~~ public employees health 1958
care fund is hereby created in the state treasury. The department 1959
shall use all funds in the ~~political subdivisions and~~ public 1960
employees health care fund solely to carry out the provisions of 1961
this section and related administrative costs. 1962

~~(C)(B)~~ The department of administrative services shall do all 1963
of the following: 1964

(1) ~~Include disease management and consumer education~~ 1965
~~programs, which programs shall include, but are not limited to,~~ 1966
~~wellness programs and other measures designed to encourage the~~ 1967
~~wise use of medical plan coverage. These programs are not services~~ 1968
~~or treatments for purposes of section 3901.71 of the Revised Code.~~ 1969

~~(2) After action is taken under division (E) of this section,~~ 1970
~~design health care plans for political subdivisions, public school~~ 1971
~~districts, and state institutions of higher education in~~ 1972
~~accordance with division (A) of this section separate from the~~ 1973
~~plans for state agencies;~~ 1974

~~(3) Adopt and release a set of standards that shall be~~ 1975
~~considered the best practices for health care plans offered to~~ 1976
~~employees of political subdivisions, public school districts, and~~ 1977
~~state institutions.~~ 1978

~~(4) Require that the plans the health plan sponsors~~ 1979
~~administer make readily available to the public all cost and~~ 1980
~~design elements of the plan;~~ 1981

~~(5) Set employee and employer health care plan premiums for~~ 1982
~~the plans designed under division (C)(2) of this section;~~ 1983

~~(6) Promote cooperation among all organizations affected by~~ 1984
~~this section in identifying the elements for the successful~~ 1985

implementation of this section;	1986
(7) Promote cost containment measures aligned with patient,	1987
plan, and provider management strategies in developing and	1988
managing health care plans;	1989
(8) Prepare and disseminate to the public an annual report on	1990
the status of health plan sponsors' effectiveness in making	1991
progress to reduce the rate of increase in insurance premiums and	1992
employee out of pocket expenses, as well as progress in improving	1993
the health status of political subdivision, public school	1994
district, and state institution employees and their families.	1995
(D) The sections in Chapter 3923. of the Revised Code	1996
regulating public employee benefit plans are not applicable to the	1997
health care plans designed pursuant to this section.	1998
(E) Before the department's release of the initial health	1999
care plans, the department shall contract with an independent	2000
consultant to analyze costs related to employee health care	2001
benefits provided by existing political subdivision, public school	2002
district, and state institution plans. All political subdivisions	2003
shall provide information requested by the department that the	2004
department determines is needed to complete this study. The	2005
information requested shall be held confidentially by the	2006
department and shall not be considered a public record under	2007
Chapter 149. of the Revised Code. The department may release the	2008
information after redacting all personally identifiable	2009
information. The consultant shall determine the benefits offered	2010
by existing plans, the employees' costs, and the cost sharing	2011
arrangements used by political subdivisions, schools, and	2012
institutions participating in a consortium. The consultant shall	2013
determine what strategies are used by the existing plans to manage	2014
health care costs and shall study the potential benefits of state	2015
or regional consortiums of political subdivisions, public schools,	2016
and institutions offering multiple health care plans. Based on the	2017

~~findings of the analysis, the consultant shall submit written 2018
recommendations to the department for the development and 2019
implementation of a successful program for pooling purchasing 2020
power for the acquisition of employee health care plans. The 2021
consultant's recommendations shall address, at a minimum, all of 2022
the following issues: 2023~~

~~(1) The development of a plan for regional coordination of 2024
the health care plans; 2025~~

~~(2) The establishment of regions for the provision of health 2026
care plans, based on the availability of providers and plans in 2027
the state at the time; 2028~~

~~(3) The viability of voluntary and mandatory participation by 2029
political subdivisions, public schools, and institutions of higher 2030
education; 2031~~

~~(4) The use of regional preferred provider and closed panel 2032
plans, health savings accounts, and alternative health care plans, 2033
to stabilize both costs and the premiums charged to political 2034
subdivisions, public school districts, and state institutions and 2035
their employees; 2036~~

~~(5) The use of the competitive bidding process for regional 2037
health care plans; 2038~~

~~(6) The use of information on claims and costs and of 2039
information reported by political subdivisions, public school 2040
districts, and state institutions pursuant to the Consolidated 2041
Omnibus Budget Reconciliation Act (COBRA) 100 Stat. 227, 29 U.S.C. 2042
1161, as amended in analyzing administrative and premium costs; 2043~~

~~(7) The experience of states that have statewide health care 2044
plans for political subdivision, public school district, and state 2045
institution employees, including the implementation strategies 2046
used by those states; 2047~~

(8) Recommended strategies for the use of first year roll in premiums in the transition from political subdivision, district, and state institution health care plans to department plans;	2048
	2049
	2050
(9) The option of allowing political subdivisions, public school districts, and state institutions to join an existing regional consortium as an alternative to department plans;	2051
	2052
	2053
(10) Mandatory and optional coverages to be offered by the department's plans;	2054
	2055
(11) Potential risks to the state from the use of plans developed under this section;	2056
	2057
(12) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;	2058
	2059
(13) The potential impacts of any changes to the existing purchasing structure on all of the following:	2060
	2061
(a) Existing health care pooling and consortiums;	2062
(b) Political subdivision, school district, and state institution employees;	2063
	2064
(c) Individual political subdivisions, school districts, and state institutions.	2065
	2066
(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;	2067
	2068
	2069
(15) Strategies available to the department in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;	2070
	2071
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(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised Code;	2073
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(17) How development of the federal health exchange in Ohio may impact public employees;	2077
(18) Impact of joint health insurance regional program on insurance carriers and agents;	2078
(19) The benefits, including any cost savings to the state of establishing a benchmark for public employers to meet in lieu of establishing new plans administered by the department.	2079
(F) The <u>Identify strategies to manage health care costs;</u>	2080
<u>(2) Study the potential benefits of state or regional consortiums of public employers' health care plans;</u>	2081
<u>(3) Publish information regarding the health care plans offered by political subdivisions, public school districts, state institutions, and existing consortiums;</u>	2082
<u>(4) Assist in the design of health care plans for political subdivisions, public school districts, and state institutions of higher education in accordance with division (A) of this section separate from the plans for state agencies;</u>	2083
<u>(5) Adopt and release a set of standards that shall be considered the best practices for health care plans offered to employees of political subdivisions, public school districts, and state institutions;</u>	2084
<u>(6) Require that plans the health plan sponsors administer make readily available to the public all cost and design elements of the plan;</u>	2085
<u>(7) Promote cooperation among all organizations affected by this section in identifying the elements for successful implementation of this section;</u>	2086
<u>(8) Promote cost containment measures aligned with patient, plan, and provider management strategies in developing and managing health care plans; and</u>	2087
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(9) Prepare and disseminate to the public an annual report on the status of health plan sponsors' effectiveness in complying with best practices and making progress to reduce the rate of increase in insurance premiums and employee out-of-pocket expenses, as well as progress in improving the health status of employees and their families.

(C) The director of administrative services may convene a public health care advisory committee is hereby created under the department of administrative services. The committee shall make recommendations to the director of administrative services or the director's designee on the development and adoption of best practices under this section. The committee shall consist of fifteen members: five members appointed by the speaker of the house of representatives; five members appointed by the president of the senate; and five members appointed by the governor and shall include representatives from state and local government employers, state and local government employees, insurance agents, health insurance companies, and joint purchasing arrangements currently in existence. Nothing in this section prohibits a political subdivision from adopting a delivery system of benefits that is not in accordance with the department's adopted best practices if it is considered to be most financially advantageous to the political subdivision. Members shall serve without compensation.

~~(G)~~(D) The department may adopt rules for the enforcement of health plan sponsors' compliance with the best practices standards adopted by the department pursuant to this section.

~~(H)~~(E) Any health care plan providing coverage for the employees of political subdivisions, public school districts, or state institutions of higher education, or that have provided coverage within two years before the effective date of this amendment, shall provide nonidentifiable aggregate claims and

administrative data for the coverage provided as required by the 2139
department, without charge, within thirty days after receiving a 2140
written request from the department. The claims data shall include 2141
data relating to employee group benefit sets, demographics, and 2142
claims experience. 2143

~~(I)~~(1)~~(F)~~ The department may ~~contract~~ work with other state 2144
agencies ~~for~~ to obtain services as the department deems necessary 2145
for the implementation and operation of this section, based on 2146
demonstrated experience and expertise in administration, 2147
management, data handling, actuarial studies, quality assurance, 2148
or for other needed services. 2149

~~(2)~~(G) The department shall hire staff as necessary to 2150
provide administrative support to the department and the public 2151
employee health care plan program established by this section. 2152

~~(J)~~ ~~Not more than ninety days before coverage begins for~~ 2153
~~political subdivision, public school district, and state~~ 2154
~~institution employees under health care plans designed by the~~ 2155
~~department, a political subdivision's governing body, public~~ 2156
~~school district's board of education, and a state institution's~~ 2157
~~board of trustees or managing authority shall provide detailed~~ 2158
~~information about the health care plans to the employees.~~ 2159

~~(K)~~(H) Nothing in this section shall be construed as 2160
prohibiting political subdivisions, public school districts, or 2161
state institutions from consulting with and compensating insurance 2162
agents and brokers for professional services or from establishing 2163
a self-insurance program. 2164

~~(L)~~(I) Pursuant to Chapter 117. of the Revised Code, the 2165
auditor of state shall conduct all necessary and required audits 2166
of the department. The auditor of state, upon request, also shall 2167
furnish to the department copies of audits of political 2168
subdivisions, public school districts, or consortia performed by 2169

the auditor of state. 2170

Sec. 101.39. (A) There is hereby created the joint 2171
legislative committee on health care oversight. The committee may 2172
review or study any matter related to the provision of health care 2173
services that it considers of significance to the citizens of this 2174
state, including the availability of health care, the quality of 2175
health care, the effectiveness and efficiency of managed care 2176
systems, and the operation of the ~~medical assistance~~ medicaid 2177
~~program established under Chapter 5111. of the Revised Code~~ or 2178
other government health programs. 2179

The department of ~~job and family services~~ medicaid, 2180
department of health, department of aging, department of ~~mental~~ 2181
~~health~~ mental health and addiction services, department of 2182
developmental disabilities, ~~department of alcohol and drug~~ 2183
~~addiction services~~, and other state agencies shall cooperate with 2184
the committee in its study and review of health care issues. On 2185
request, the departments shall provide the committee with reports 2186
and other information sufficient for the committee to fulfill its 2187
duties. 2188

The committee may issue recommendations as it determines 2189
appropriate. The recommendations may be made to the general 2190
assembly, state agencies, private industry, or any other entity. 2191

(B) The committee shall consist of the following members of 2192
the general assembly: the chairperson of the senate's standing 2193
committee with primary responsibility for health legislation, the 2194
chairperson of the house of representatives' standing committee 2195
with primary responsibility for health legislation, four members 2196
of the house of representatives appointed by the speaker of the 2197
house of representatives, and four members of the senate appointed 2198
by the president of the senate. Not more than two members 2199
appointed by the speaker of the house of representatives and not 2200

more than two members appointed by the president of the senate may 2201
be of the same political party. Except in 1995, appointments shall 2202
be made not later than fifteen days after the commencement of the 2203
first regular session of each general assembly. The chairpersons 2204
of the standing committees with primary responsibility for health 2205
legislation shall serve as co-chairpersons of the committee. 2206

Each member of the committee shall hold office during the 2207
general assembly in which the member is appointed and until a 2208
successor has been appointed, notwithstanding the adjournment sine 2209
die of the general assembly in which the member was appointed or 2210
the expiration of the member's term as a member of the general 2211
assembly. Any vacancies occurring among the members of the 2212
committee shall be filled in the manner of the original 2213
appointment. 2214

The committee shall meet at least quarterly and at the call 2215
of the co-chairpersons. The co-chairpersons shall determine the 2216
time, place, and agenda for each meeting of the committee. 2217

The committee has the same powers as other standing or select 2218
committees of the general assembly. The committee may request 2219
assistance from the legislative service commission. 2220

Sec. 101.391. (A) There is hereby created the joint 2221
legislative committee on medicaid technology and reform. The 2222
committee may review or study any matter that it considers 2223
relevant to the operation of the medicaid program ~~established~~ 2224
~~under Chapter 5111. of the Revised Code~~, with priority given to 2225
the study or review of mechanisms to enhance the program's 2226
effectiveness through improved technology systems and program 2227
reform. 2228

(B) The committee shall consist of five members of the house 2229
of representatives appointed by the speaker of the house of 2230
representatives and five members of the senate appointed by the 2231

president of the senate. Not more than three members appointed by 2232
the speaker of the house of representatives and not more than 2233
three members appointed by the president of the senate may be of 2234
the same political party. 2235

Each member of the committee shall hold office during the 2236
general assembly in which the member is appointed and until a 2237
successor has been appointed, notwithstanding the adjournment sine 2238
die of the general assembly in which the member was appointed or 2239
the expiration of the member's term as a member of the general 2240
assembly. Any vacancies occurring among the members of the 2241
committee shall be filled in the manner of the original 2242
appointment. 2243

(C) The committee has the same powers as other standing or 2244
select committees of the general assembly. The committee may 2245
employ an executive director. 2246

Sec. 101.392. (A) As used in this section, "Affordable Care 2247
Act" means the federal "Patient Protection and Affordable Care Act 2248
of 2010," Pub. L. 111-148, 124 Stat. 119, as amended by the 2249
federal "Health Care and Education Reconciliation Act of 2010," 2250
Pub. L. 111-152, 124 Stat. 1029, and any amendments to those acts, 2251
or any regulations or guidance issued under those acts. 2252

(B)(1) There is hereby created the joint legislative 2253
committee on the Affordable Care Act. The committee may review or 2254
study any matter that it considers relevant to the operation and 2255
impact of the Affordable Care Act in this state. 2256

(2) The committee shall study and assess the impact of the 2257
Affordable Care Act on the income of students attending colleges 2258
and universities in this state who are employed by state 2259
institutions of higher education, as defined in section 3345.011 2260
of the Revised Code. 2261

(C) The committee shall consist of three members of the house of representatives appointed by the speaker of the house of representatives, and three members of the senate appointed by the president of the senate. Two members appointed by the speaker of the house of representatives shall be from the majority party and one member shall be from the minority party, and two members appointed by the president of the senate shall be from the majority party and one member shall be from the minority party.

Each member of the committee shall hold office during the general assembly in which the member is appointed and until a successor has been appointed, notwithstanding the adjournment sine die of the general assembly in which the member was appointed or the expiration of the member's term as a member of the general assembly. Any vacancies occurring among the members of the committee shall be filled in the manner of the original appointment.

(D) The committee has the same powers as other standing or select committees of the general assembly. The committee may request assistance from the legislative service commission.

Sec. 102.02. (A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office or an office of a township with a population of five thousand or more, as determined by the most recent federal decennial census, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state;

the president or other chief administrative officer of every state 2293
institution of higher education as defined in section 3345.011 of 2294
the Revised Code; the executive director and the members of the 2295
capitol square review and advisory board appointed or employed 2296
pursuant to section 105.41 of the Revised Code; all members of the 2297
Ohio casino control commission, the executive director of the 2298
commission, all professional employees of the commission, and all 2299
technical employees of the commission who perform an internal 2300
audit function; the individuals set forth in division (B)(2) of 2301
section 187.03 of the Revised Code; the chief executive officer 2302
and the members of the board of each state retirement system; each 2303
employee of a state retirement board who is a state retirement 2304
system investment officer licensed pursuant to section 1707.163 of 2305
the Revised Code; the members of the Ohio retirement study council 2306
appointed pursuant to division (C) of section 171.01 of the 2307
Revised Code; employees of the Ohio retirement study council, 2308
other than employees who perform purely administrative or clerical 2309
functions; the administrator of workers' compensation and each 2310
member of the bureau of workers' compensation board of directors; 2311
the bureau of workers' compensation director of investments; the 2312
chief investment officer of the bureau of workers' compensation; 2313
all members of the board of commissioners on grievances and 2314
discipline of the supreme court and the ethics commission created 2315
under section 102.05 of the Revised Code; every business manager, 2316
treasurer, or superintendent of a city, local, exempted village, 2317
joint vocational, or cooperative education school district or an 2318
educational service center; every person who is elected to or is a 2319
candidate for the office of member of a board of education of a 2320
city, local, exempted village, joint vocational, or cooperative 2321
education school district or of a governing board of an 2322
educational service center that has a total student count of 2323
twelve thousand or more as most recently determined by the 2324
department of education pursuant to section 3317.03 of the Revised 2325

Code; every person who is appointed to the board of education of a 2326
municipal school district pursuant to division (B) or (F) of 2327
section 3311.71 of the Revised Code; all members of the board of 2328
directors of a sanitary district that is established under Chapter 2329
6115. of the Revised Code and organized wholly for the purpose of 2330
providing a water supply for domestic, municipal, and public use, 2331
and that includes two municipal corporations in two counties; 2332
every public official or employee who is paid a salary or wage in 2333
accordance with schedule C of section 124.15 or schedule E-2 of 2334
section 124.152 of the Revised Code; members of the board of 2335
trustees and the executive director of the southern Ohio 2336
agricultural and community development foundation; all members 2337
appointed to the Ohio livestock care standards board under section 2338
904.02 of the Revised Code; and every other public official or 2339
employee who is designated by the appropriate ethics commission 2340
pursuant to division (B) of this section. 2341

The disclosure statement shall include all of the following: 2342

(1) The name of the person filing the statement and each 2343
member of the person's immediate family and all names under which 2344
the person or members of the person's immediate family do 2345
business; 2346

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 2347
and except as otherwise provided in section 102.022 of the Revised 2348
Code, identification of every source of income, other than income 2349
from a legislative agent identified in division (A)(2)(b) of this 2350
section, received during the preceding calendar year, in the 2351
person's own name or by any other person for the person's use or 2352
benefit, by the person filing the statement, and a brief 2353
description of the nature of the services for which the income was 2354
received. If the person filing the statement is a member of the 2355
general assembly, the statement shall identify the amount of every 2356
source of income received in accordance with the following ranges 2357

of amounts: zero or more, but less than one thousand dollars; one 2358
thousand dollars or more, but less than ten thousand dollars; ten 2359
thousand dollars or more, but less than twenty-five thousand 2360
dollars; twenty-five thousand dollars or more, but less than fifty 2361
thousand dollars; fifty thousand dollars or more, but less than 2362
one hundred thousand dollars; and one hundred thousand dollars or 2363
more. Division (A)(2)(a) of this section shall not be construed to 2364
require a person filing the statement who derives income from a 2365
business or profession to disclose the individual items of income 2366
that constitute the gross income of that business or profession, 2367
except for those individual items of income that are attributable 2368
to the person's or, if the income is shared with the person, the 2369
partner's, solicitation of services or goods or performance, 2370
arrangement, or facilitation of services or provision of goods on 2371
behalf of the business or profession of clients, including 2372
corporate clients, who are legislative agents. A person who files 2373
the statement under this section shall disclose the identity of 2374
and the amount of income received from a person who the public 2375
official or employee knows or has reason to know is doing or 2376
seeking to do business of any kind with the public official's or 2377
employee's agency. 2378

(b) If the person filing the statement is a member of the 2379
general assembly, the statement shall identify every source of 2380
income and the amount of that income that was received from a 2381
legislative agent during the preceding calendar year, in the 2382
person's own name or by any other person for the person's use or 2383
benefit, by the person filing the statement, and a brief 2384
description of the nature of the services for which the income was 2385
received. Division (A)(2)(b) of this section requires the 2386
disclosure of clients of attorneys or persons licensed under 2387
section 4732.12 of the Revised Code, or patients of persons 2388
certified under section 4731.14 of the Revised Code, if those 2389
clients or patients are legislative agents. Division (A)(2)(b) of 2390

this section requires a person filing the statement who derives 2391
income from a business or profession to disclose those individual 2392
items of income that constitute the gross income of that business 2393
or profession that are received from legislative agents. 2394

(c) Except as otherwise provided in division (A)(2)(c) of 2395
this section, division (A)(2)(a) of this section applies to 2396
attorneys, physicians, and other persons who engage in the 2397
practice of a profession and who, pursuant to a section of the 2398
Revised Code, the common law of this state, a code of ethics 2399
applicable to the profession, or otherwise, generally are required 2400
not to reveal, disclose, or use confidences of clients, patients, 2401
or other recipients of professional services except under 2402
specified circumstances or generally are required to maintain 2403
those types of confidences as privileged communications except 2404
under specified circumstances. Division (A)(2)(a) of this section 2405
does not require an attorney, physician, or other professional 2406
subject to a confidentiality requirement as described in division 2407
(A)(2)(c) of this section to disclose the name, other identity, or 2408
address of a client, patient, or other recipient of professional 2409
services if the disclosure would threaten the client, patient, or 2410
other recipient of professional services, would reveal details of 2411
the subject matter for which legal, medical, or professional 2412
advice or other services were sought, or would reveal an otherwise 2413
privileged communication involving the client, patient, or other 2414
recipient of professional services. Division (A)(2)(a) of this 2415
section does not require an attorney, physician, or other 2416
professional subject to a confidentiality requirement as described 2417
in division (A)(2)(c) of this section to disclose in the brief 2418
description of the nature of services required by division 2419
(A)(2)(a) of this section any information pertaining to specific 2420
professional services rendered for a client, patient, or other 2421
recipient of professional services that would reveal details of 2422
the subject matter for which legal, medical, or professional 2423

advice was sought or would reveal an otherwise privileged 2424
communication involving the client, patient, or other recipient of 2425
professional services. 2426

(3) The name of every corporation on file with the secretary 2427
of state that is incorporated in this state or holds a certificate 2428
of compliance authorizing it to do business in this state, trust, 2429
business trust, partnership, or association that transacts 2430
business in this state in which the person filing the statement or 2431
any other person for the person's use and benefit had during the 2432
preceding calendar year an investment of over one thousand dollars 2433
at fair market value as of the thirty-first day of December of the 2434
preceding calendar year, or the date of disposition, whichever is 2435
earlier, or in which the person holds any office or has a 2436
fiduciary relationship, and a description of the nature of the 2437
investment, office, or relationship. Division (A)(3) of this 2438
section does not require disclosure of the name of any bank, 2439
savings and loan association, credit union, or building and loan 2440
association with which the person filing the statement has a 2441
deposit or a withdrawable share account. 2442

(4) All fee simple and leasehold interests to which the 2443
person filing the statement holds legal title to or a beneficial 2444
interest in real property located within the state, excluding the 2445
person's residence and property used primarily for personal 2446
recreation; 2447

(5) The names of all persons residing or transacting business 2448
in the state to whom the person filing the statement owes, in the 2449
person's own name or in the name of any other person, more than 2450
one thousand dollars. Division (A)(5) of this section shall not be 2451
construed to require the disclosure of debts owed by the person 2452
resulting from the ordinary conduct of a business or profession or 2453
debts on the person's residence or real property used primarily 2454
for personal recreation, except that the superintendent of 2455

financial institutions shall disclose the names of all 2456
state-chartered savings and loan associations and of all service 2457
corporations subject to regulation under division (E)(2) of 2458
section 1151.34 of the Revised Code to whom the superintendent in 2459
the superintendent's own name or in the name of any other person 2460
owes any money, and that the superintendent and any deputy 2461
superintendent of banks shall disclose the names of all 2462
state-chartered banks and all bank subsidiary corporations subject 2463
to regulation under section 1109.44 of the Revised Code to whom 2464
the superintendent or deputy superintendent owes any money. 2465

(6) The names of all persons residing or transacting business 2466
in the state, other than a depository excluded under division 2467
(A)(3) of this section, who owe more than one thousand dollars to 2468
the person filing the statement, either in the person's own name 2469
or to any person for the person's use or benefit. Division (A)(6) 2470
of this section shall not be construed to require the disclosure 2471
of clients of attorneys or persons licensed under section 4732.12 2472
or 4732.15 of the Revised Code, or patients of persons certified 2473
under section 4731.14 of the Revised Code, nor the disclosure of 2474
debts owed to the person resulting from the ordinary conduct of a 2475
business or profession. 2476

(7) Except as otherwise provided in section 102.022 of the 2477
Revised Code, the source of each gift of over seventy-five 2478
dollars, or of each gift of over twenty-five dollars received by a 2479
member of the general assembly from a legislative agent, received 2480
by the person in the person's own name or by any other person for 2481
the person's use or benefit during the preceding calendar year, 2482
except gifts received by will or by virtue of section 2105.06 of 2483
the Revised Code, or received from spouses, parents, grandparents, 2484
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 2485
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 2486
fathers-in-law, mothers-in-law, or any person to whom the person 2487

filing the statement stands in loco parentis, or received by way 2488
of distribution from any inter vivos or testamentary trust 2489
established by a spouse or by an ancestor; 2490

(8) Except as otherwise provided in section 102.022 of the 2491
Revised Code, identification of the source and amount of every 2492
payment of expenses incurred for travel to destinations inside or 2493
outside this state that is received by the person in the person's 2494
own name or by any other person for the person's use or benefit 2495
and that is incurred in connection with the person's official 2496
duties, except for expenses for travel to meetings or conventions 2497
of a national or state organization to which any state agency, 2498
including, but not limited to, any legislative agency or state 2499
institution of higher education as defined in section 3345.011 of 2500
the Revised Code, pays membership dues, or any political 2501
subdivision or any office or agency of a political subdivision 2502
pays membership dues; 2503

(9) Except as otherwise provided in section 102.022 of the 2504
Revised Code, identification of the source of payment of expenses 2505
for meals and other food and beverages, other than for meals and 2506
other food and beverages provided at a meeting at which the person 2507
participated in a panel, seminar, or speaking engagement or at a 2508
meeting or convention of a national or state organization to which 2509
any state agency, including, but not limited to, any legislative 2510
agency or state institution of higher education as defined in 2511
section 3345.011 of the Revised Code, pays membership dues, or any 2512
political subdivision or any office or agency of a political 2513
subdivision pays membership dues, that are incurred in connection 2514
with the person's official duties and that exceed one hundred 2515
dollars aggregated per calendar year; 2516

(10) If the disclosure statement is filed by a public 2517
official or employee described in division (B)(2) of section 2518
101.73 of the Revised Code or division (B)(2) of section 121.63 of 2519

the Revised Code who receives a statement from a legislative 2520
agent, executive agency lobbyist, or employer that contains the 2521
information described in division (F)(2) of section 101.73 of the 2522
Revised Code or division (G)(2) of section 121.63 of the Revised 2523
Code, all of the nondisputed information contained in the 2524
statement delivered to that public official or employee by the 2525
legislative agent, executive agency lobbyist, or employer under 2526
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 2527
the Revised Code. 2528

A person may file a statement required by this section in 2529
person ~~or~~, by mail, or by electronic means. A person who is a 2530
candidate for elective office shall file the statement no later 2531
than the thirtieth day before the primary, special, or general 2532
election at which the candidacy is to be voted on, whichever 2533
election occurs soonest, except that a person who is a write-in 2534
candidate shall file the statement no later than the twentieth day 2535
before the earliest election at which the person's candidacy is to 2536
be voted on. A person who holds elective office shall file the 2537
statement on or before the fifteenth day of April of each year 2538
unless the person is a candidate for office. A person who is 2539
appointed to fill a vacancy for an unexpired term in an elective 2540
office shall file the statement within fifteen days after the 2541
person qualifies for office. Other persons shall file an annual 2542
statement on or before the fifteenth day of April or, if appointed 2543
or employed after that date, within ninety days after appointment 2544
or employment. No person shall be required to file with the 2545
appropriate ethics commission more than one statement or pay more 2546
than one filing fee for any one calendar year. 2547

The appropriate ethics commission, for good cause, may extend 2548
for a reasonable time the deadline for filing a statement under 2549
this section. 2550

A statement filed under this section is subject to public 2551

inspection at locations designated by the appropriate ethics 2552
commission except as otherwise provided in this section. 2553

(B) The Ohio ethics commission, the joint legislative ethics 2554
committee, and the board of commissioners on grievances and 2555
discipline of the supreme court, using the rule-making procedures 2556
of Chapter 119. of the Revised Code, may require any class of 2557
public officials or employees under its jurisdiction and not 2558
specifically excluded by this section whose positions involve a 2559
substantial and material exercise of administrative discretion in 2560
the formulation of public policy, expenditure of public funds, 2561
enforcement of laws and rules of the state or a county or city, or 2562
the execution of other public trusts, to file an annual statement 2563
on or before the fifteenth day of April under division (A) of this 2564
section. The appropriate ethics commission shall send the public 2565
officials or employees written notice of the requirement by the 2566
fifteenth day of February of each year the filing is required 2567
unless the public official or employee is appointed after that 2568
date, in which case the notice shall be sent within thirty days 2569
after appointment, and the filing shall be made not later than 2570
ninety days after appointment. 2571

Except for disclosure statements filed by members of the 2572
board of trustees and the executive director of the southern Ohio 2573
agricultural and community development foundation, disclosure 2574
statements filed under this division with the Ohio ethics 2575
commission by members of boards, commissions, or bureaus of the 2576
state for which no compensation is received other than reasonable 2577
and necessary expenses shall be kept confidential. Disclosure 2578
statements filed with the Ohio ethics commission under division 2579
(A) of this section by business managers, treasurers, and 2580
superintendents of city, local, exempted village, joint 2581
vocational, or cooperative education school districts or 2582
educational service centers shall be kept confidential, except 2583

that any person conducting an audit of any such school district or 2584
educational service center pursuant to section 115.56 or Chapter 2585
117. of the Revised Code may examine the disclosure statement of 2586
any business manager, treasurer, or superintendent of that school 2587
district or educational service center. Disclosure statements 2588
filed with the Ohio ethics commission under division (A) of this 2589
section by the individuals set forth in division (B)(2) of section 2590
187.03 of the Revised Code shall be kept confidential. The Ohio 2591
ethics commission shall examine each disclosure statement required 2592
to be kept confidential to determine whether a potential conflict 2593
of interest exists for the person who filed the disclosure 2594
statement. A potential conflict of interest exists if the private 2595
interests of the person, as indicated by the person's disclosure 2596
statement, might interfere with the public interests the person is 2597
required to serve in the exercise of the person's authority and 2598
duties in the person's office or position of employment. If the 2599
commission determines that a potential conflict of interest 2600
exists, it shall notify the person who filed the disclosure 2601
statement and shall make the portions of the disclosure statement 2602
that indicate a potential conflict of interest subject to public 2603
inspection in the same manner as is provided for other disclosure 2604
statements. Any portion of the disclosure statement that the 2605
commission determines does not indicate a potential conflict of 2606
interest shall be kept confidential by the commission and shall 2607
not be made subject to public inspection, except as is necessary 2608
for the enforcement of Chapters 102. and 2921. of the Revised Code 2609
and except as otherwise provided in this division. 2610

(C) No person shall knowingly fail to file, on or before the 2611
applicable filing deadline established under this section, a 2612
statement that is required by this section. 2613

(D) No person shall knowingly file a false statement that is 2614
required to be filed under this section. 2615

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

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

For state office, except member of the		2623
state board of education	\$95	2624
For office of member of general assembly	\$40	2625
For county office	\$60	2626
For city office	\$35	2627
<u>For township office</u>	<u>\$35</u>	2628
For office of member of the state board		2629
of education	\$35	2630
For office of member of a city, local,		2631
exempted village, or cooperative		2632
education board of		2633
education or educational service		2634
center governing board	\$30	2635
For position of business manager,		2636
treasurer, or superintendent of a		2637
city, local, exempted village, joint		2638
vocational, or cooperative education		2639
school district or		2640
educational service center	\$30	2641

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective

position in a public agency of the state, the state agency that is 2648
the primary employer of the state official or employee shall pay 2649
the fee required under division (E)(1) or (F) of this section. 2650

(F) If a statement required to be filed under this section is 2651
not filed by the date on which it is required to be filed, the 2652
appropriate ethics commission shall assess the person required to 2653
file the statement a late filing fee of ten dollars for each day 2654
the statement is not filed, except that the total amount of the 2655
late filing fee shall not exceed two hundred fifty dollars. 2656

(G)(1) The appropriate ethics commission other than the Ohio 2657
ethics commission and the joint legislative ethics committee shall 2658
deposit all fees it receives under divisions (E) and (F) of this 2659
section into the general revenue fund of the state. 2660

(2) The Ohio ethics commission shall deposit all receipts, 2661
including, but not limited to, fees it receives under divisions 2662
(E) and (F) of this section, investigative or other fees, costs, 2663
or other funds it receives as a result of court orders, and all 2664
moneys it receives from settlements under division (G) of section 2665
102.06 of the Revised Code, into the Ohio ethics commission fund, 2666
which is hereby created in the state treasury. All moneys credited 2667
to the fund shall be used solely for expenses related to the 2668
operation and statutory functions of the commission. 2669

(3) The joint legislative ethics committee shall deposit all 2670
receipts it receives from the payment of financial disclosure 2671
statement filing fees under divisions (E) and (F) of this section 2672
into the joint legislative ethics committee investigative fund. 2673

(H) Division (A) of this section does not apply to a person 2674
elected or appointed to the office of precinct, ward, or district 2675
committee member under Chapter 3517. of the Revised Code; a 2676
presidential elector; a delegate to a national convention; village 2677
~~or township~~ officials and employees; township officials of a 2678

township with a population of less than five thousand, as 2679
determined by the most recent decennial census; all township 2680
employees; any physician or psychiatrist who is paid a salary or 2681
wage in accordance with schedule C of section 124.15 or schedule 2682
E-2 of section 124.152 of the Revised Code and whose primary 2683
duties do not require the exercise of administrative discretion; 2684
or any member of a board, commission, or bureau of any county or 2685
city who receives less than one thousand dollars per year for 2686
serving in that position. 2687

Sec. 103.0521. If a rule currently in effect is obsolete 2688
because the rule was adopted by an agency that is no longer in 2689
existence and jurisdiction over the rule has not been transferred 2690
to another agency, and if that status is verified by the executive 2691
director of the joint committee on agency rule review, the 2692
executive director shall prepare, for consideration of the joint 2693
committee, a motion that the director of the legislative service 2694
commission remove the obsolete rule from the Administrative Code. 2695

The chairperson of the joint committee, or another member of 2696
the joint committee delegated by the chairperson, shall offer the 2697
motion at the next meeting of the joint committee. If the motion 2698
is agreed to by the joint committee, the executive director shall 2699
transmit a copy of the motion to the director of the legislative 2700
service commission. The executive director shall certify on the 2701
copy transmitted that the motion was agreed to by the joint 2702
committee. 2703

Upon receiving the certified motion, the director of the 2704
legislative service commission shall remove the obsolete rule from 2705
the Administrative Code as directed in the motion. The director 2706
thereafter shall maintain the removed obsolete rule in a file of 2707
obsolete rules. The file of obsolete rules may be maintained in 2708
electronic form. 2709

Sec. 103.144. As used in sections 103.144 to 103.146 of the	2710
Revised Code:	2711
(A) "Mandated benefit" means the following, when considered	2712
in the context of a sickness and accident insurance policy or a	2713
health insuring corporation policy, contract, or agreement:	2714
(1) Any required coverage for a specific medical or	2715
health-related service, treatment, medication, or practice;	2716
(2) Any required coverage for the services of specific health	2717
care providers;	2718
(3) Any requirement that an insurer or health insuring	2719
corporation offer coverage to specific individuals or groups;	2720
(4) Any requirement that an insurer or health insuring	2721
corporation offer specific medical or health-related services,	2722
treatments, medications, or practices to existing insureds or	2723
enrollees;	2724
(5) Any required expansion of, or addition to, existing	2725
coverage;	2726
(6) Any mandated reimbursement amount to specific health care	2727
providers.	2728
(B) "Mandated benefit" does not include any required coverage	2729
or offer of coverage, any required expansion of, or addition to,	2730
existing coverage, or any mandated reimbursement amount to	2731
specific providers, as described in division (A) of this section,	2732
within the context of any public health benefits arrangement,	2733
including but not limited to, the coverage of beneficiaries	2734
enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620	2735
(1935), 42 U.S.C.A. 301, as amended, medicare pursuant to a	2736
medicare risk contract or medicare cost contract, or to the	2737
coverage of beneficiaries enrolled in Title XIX of the "Social	2738
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,	2739

~~known as the medical assistance program or medicaid, provided by 2740
the Ohio department of job and family services under Chapter 5111. 2741
of the Revised Code. 2742~~

Sec. 103.63. There is established an Ohio constitutional 2743
modernization commission consisting of thirty-two members. Twelve 2744
members shall be appointed from the general assembly as follows: 2745
three by the president of the senate, three by the minority leader 2746
of the senate, three by the speaker of the house of 2747
representatives, and three by the minority leader of the house of 2748
representatives. Not later than January 1, 2012, and every two 2749
years thereafter, the twelve general assembly members shall meet, 2750
organize, and elect two co-chairpersons, who shall be from 2751
different political parties. Beginning in 2014, the twelve general 2752
assembly members shall elect one co-chairperson from each house of 2753
the general assembly. The members shall then, by majority vote, 2754
appoint twenty commission members, not from the general assembly. 2755
All appointments shall end on the first day of January of every 2756
even-numbered year, and the commission shall then be re-created in 2757
the manner provided above. Members may be reappointed. Vacancies 2758
on the commission shall be filled in the manner provided for 2759
original appointments. 2760

The members of the commission shall serve without 2761
compensation, but each member shall be reimbursed for actual and 2762
necessary expenses incurred while engaging in the performance of 2763
the member's official duties. Membership on the commission does 2764
not constitute holding another public office. The joint 2765
legislative ethics committee is the appropriate ethics commission 2766
as described in division (F) of section 102.01 of the Revised Code 2767
for matters relating to the public members appointed to the Ohio 2768
constitutional modernization commission. 2769

Sec. 103.83. State-issued payment cards used by the general 2770

assembly or any legislative agency of this state shall be subject 2771
to a single-item purchase limit of ten thousand dollars and the 2772
monthly spending limit imposed by the office of budget and 2773
management on all other payment cardholders. Payment on a card 2774
used by the general assembly or a legislative agency shall not be 2775
required earlier than thirty days after the date of a transaction. 2776

Sec. 107.033. As part of the state budget the governor 2777
submits to the general assembly under section 107.03 of the 2778
Revised Code, the governor shall include the state appropriation 2779
limitations the general assembly shall not exceed when making 2780
aggregate general revenue fund appropriations for each respective 2781
fiscal year of the biennium covered by that budget. The aggregate 2782
general revenue fund appropriations the governor proposes in the 2783
state budget also shall not exceed those limitations for each 2784
respective fiscal year of the biennium covered by that budget. 2785

(A) For fiscal year 2008, the state appropriation limitation 2786
is the sum of the following: 2787

(1) The aggregate general revenue fund appropriations for 2788
fiscal year 2007; plus 2789

(2) The aggregate general revenue fund appropriations for 2790
fiscal year 2007 multiplied by either three and one-half per cent, 2791
or the sum of the rate of inflation plus the rate of population 2792
change, whichever is greater. 2793

(B) For each fiscal year thereafter that is not a recast 2794
fiscal year, the state appropriation limitation is the sum of the 2795
following: 2796

(1) The state appropriation limitation for the previous 2797
fiscal year; plus 2798

(2) The state appropriation limitation for the previous 2799
fiscal year multiplied by either three and one-half per cent, or 2800

the sum of the rate of inflation plus the rate of population 2801
change, whichever is greater. 2802

(C) For each recast fiscal year, the state appropriation 2803
limitation is the sum of the following: 2804

(1) The aggregate general revenue fund appropriations for the 2805
previous fiscal year; plus 2806

(2) The aggregate general revenue fund appropriations for the 2807
previous fiscal year multiplied by either three and one-half per 2808
cent, or the sum of the rate of inflation plus the rate of 2809
population change, whichever is greater. 2810

(D) The state appropriation limitation for a fiscal year 2811
shall be increased by the amount of a nongeneral revenue fund 2812
appropriation made in the immediately preceding fiscal year, if 2813
all of the following apply to the nongeneral revenue fund 2814
appropriation: 2815

(1) It was made on or after July 1, 2013. 2816

(2) It is included in the aggregate general revenue fund 2817
appropriations proposed for that fiscal year. 2818

(3) It is being made for the first time from the general 2819
revenue fund. 2820

Sec. 107.12. (A) As used in this section, "organization" 2821
means a faith-based or other organization that is exempt from 2822
federal income taxation under section 501(c)(3) of the "Internal 2823
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 2824
and provides charitable services to needy residents of this state. 2825

(B) There is hereby established within the office of the 2826
governor the governor's office of faith-based and community 2827
initiatives. The office shall: 2828

(1) Serve as a clearinghouse of information on federal, 2829

state, and local funding for charitable services performed by organizations; 2830
2831

(2) Encourage organizations to seek public funding for their charitable services; 2832
2833

(3) Assist local, state, and federal agencies in coordinating their activities to secure maximum use of funds and efforts that benefit people receiving charitable services from organizations; 2834
2835
2836

(4) Advise the governor, general assembly, and the advisory board of the governor's office of faith-based and community initiatives on the barriers that exist to collaboration between organizations and governmental entities and on ways to remove the barriers. 2837
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(C) The governor shall appoint an executive director and such other staff as may be necessary to manage the office and perform or oversee the performance of the duties of the office. Within sixty days after being appointed, and every twelve months thereafter, the executive director shall distribute to the advisory board and review with the board a strategic plan. The executive director shall report to the board at least quarterly on proposed initiatives and policies. A report shall include the condition of the budget and the finances of the office. 2842
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(D)(1) There is hereby created the advisory board of the governor's office of faith-based and community initiatives. The board shall consist of the following members: 2851
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2853

(a) The directors of aging, ~~alcohol and drug addiction services~~, rehabilitation and correction, health, job and family services, developmental disabilities, ~~mental health~~ mental health and addiction services, and youth services, or their designees; 2854
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2856
2857

(b) The speaker of the house of representatives shall appoint to the board two members of the house of representatives, not more than one of whom shall be from the same political party and at 2858
2859
2860

least one of whom shall be from the legislative black caucus. The 2861
president of the senate shall appoint to the board two members of 2862
the senate, not more than one of whom shall be from the same 2863
political party. 2864

(c) The governor, the speaker of the house of 2865
representatives, and the president of the senate shall each 2866
appoint to the board three representatives of the nonprofit, 2867
faith-based and other nonprofit community. 2868

(2) Terms of the office shall be one year. Any vacancy that 2869
occurs on the board shall be filled in the same manner as the 2870
original appointment. 2871

(3) Members of the board are not entitled to compensation, 2872
but the members appointed by the governor, the speaker of the 2873
house of representatives, and the president of the senate who are 2874
representatives of the nonprofit, faith-based and other nonprofit 2875
community shall be reimbursed for their actual and necessary 2876
expenses that are incurred in relation to board meetings. 2877

(4) The board shall be presided over by a chairperson and a 2878
vice-chairperson, who shall be the members of the board who are 2879
also members of the house of representatives or the senate. 2880
Annually on the first day of January, the chairpersonship and 2881
vice-chairpersonship shall alternate between the members of the 2882
house of representatives and the senate. 2883

(E) The board shall have the following duties: 2884

(1) Provide direction, guidance, and oversight to the office; 2885

(2) Assist in the dissemination of information about, and in 2886
the stimulation of public awareness of, the service programs 2887
supported by the office; 2888

(3) Review the budget and finances of the office, proposed 2889
initiatives and policies, and the executive director's annual 2890

strategic plan at board meetings; 2891

(4) Provide feedback for and proposed modifications of the 2892
executive director's strategic plan. Within forty-five days after 2893
submitting a strategic plan, the executive director shall contact 2894
each advisory board member to obtain feedback. With the approval 2895
of the advisory board chairperson, the executive director shall 2896
lead a strategic plan discussion at the first board meeting 2897
following the distribution of the strategic plan. 2898

(5) Publish a report of its activities and accomplishments on 2899
or before the first day of August of each year, and deliver copies 2900
of the report to the governor, the speaker and minority leader of 2901
the house of representatives, and the president and minority 2902
leader of the senate. 2903

(F) No member of the board or organization that the member is 2904
affiliated or involved with is eligible to receive any grant that 2905
the office administers or assists in administering. 2906

Sec. 109.06. Before entering upon the discharge of the duties 2907
of ~~his~~ office, the attorney general shall give a bond to the state 2908
in the sum of five thousand dollars, with ~~two or more sureties~~ 2909
~~approved by the governor~~ a surety authorized to do business in the 2910
state, conditioned for the faithful discharge of the duties of ~~his~~ 2911
the office of attorney general. Such bond, ~~with the approval of~~ 2912
~~the governor~~ and the oath of office ~~indorsed thereon~~, shall be 2913
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 2914
the secretary of state's office. 2915

The first assistant attorney general shall give a bond to the 2916
state in the sum of five thousand dollars, and such other 2917
employees as are designated by the attorney general shall give a 2918
bond to the state in such amounts as the attorney general 2919
determines. Such bonds shall be approved by the attorney general, 2920
conditioned for the faithful discharge of the duties of their 2921

offices, and shall be deposited with and kept by the secretary of 2922
state ~~and kept~~ in his the secretary of state's office. 2923

Sec. 109.36. As used in this section and sections 109.361 to 2924
109.366 of the Revised Code: 2925

(A)(1) "Officer or employee" means any of the following: 2926

(a) A person who, at the time a cause of action against the 2927
person arises, is serving in an elected or appointed office or 2928
position with the state or is employed by the state. 2929

(b) A person that, at the time a cause of action against the 2930
person, partnership, or corporation arises, is rendering medical, 2931
nursing, dental, podiatric, optometric, physical therapeutic, 2932
psychiatric, or psychological services pursuant to a personal 2933
services contract or purchased service contract with a department, 2934
agency, or institution of the state. 2935

(c) A person that, at the time a cause of action against the 2936
person, partnership, or corporation arises, is rendering peer 2937
review, utilization review, or drug utilization review services in 2938
relation to medical, nursing, dental, podiatric, optometric, 2939
physical therapeutic, psychiatric, or psychological services 2940
pursuant to a personal services contract or purchased service 2941
contract with a department, agency, or institution of the state. 2942

(d) A person who, at the time a cause of action against the 2943
person arises, is rendering medical, nursing, dental, podiatric, 2944
optometric, physical therapeutic, psychiatric, or psychological 2945
services to patients in a state institution operated by the 2946
department of ~~mental health~~ mental health and addiction services 2947
pursuant to an agreement with the department. 2948

(2) "Officer or employee" does not include any person 2949
elected, appointed, or employed by any political subdivision of 2950
the state. 2951

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

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

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

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence,

and of all well-known and habitual criminals. The person in charge 2983
of any county, multicounty, municipal, municipal-county, or 2984
multicounty-municipal jail or workhouse, community-based 2985
correctional facility, halfway house, alternative residential 2986
facility, or state correctional institution and the person in 2987
charge of any state institution having custody of a person 2988
suspected of having committed a felony, any crime constituting a 2989
misdemeanor on the first offense and a felony on subsequent 2990
offenses, or any misdemeanor described in division (A)(1)(a), 2991
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 2992
having custody of a child under eighteen years of age with respect 2993
to whom there is probable cause to believe that the child may have 2994
committed an act that would be a felony or an offense of violence 2995
if committed by an adult shall furnish such material to the 2996
superintendent of the bureau. Fingerprints, photographs, or other 2997
descriptive information of a child who is under eighteen years of 2998
age, has not been arrested or otherwise taken into custody for 2999
committing an act that would be a felony or an offense of violence 3000
who is not in any other category of child specified in this 3001
division, if committed by an adult, has not been adjudicated a 3002
delinquent child for committing an act that would be a felony or 3003
an offense of violence if committed by an adult, has not been 3004
convicted of or pleaded guilty to committing a felony or an 3005
offense of violence, and is not a child with respect to whom there 3006
is probable cause to believe that the child may have committed an 3007
act that would be a felony or an offense of violence if committed 3008
by an adult shall not be procured by the superintendent or 3009
furnished by any person in charge of any county, multicounty, 3010
municipal, municipal-county, or multicounty-municipal jail or 3011
workhouse, community-based correctional facility, halfway house, 3012
alternative residential facility, or state correctional 3013
institution, except as authorized in section 2151.313 of the 3014
Revised Code. 3015

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

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

(b) The style and number of the case;

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

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not

competent to stand trial, or an entry of a nolle prosequi, or the 3048
date of any other determination that constitutes final resolution 3049
of the case; 3050

(e) A statement of the original charge with the section of 3051
the Revised Code that was alleged to be violated; 3052

(f) If the person or child was convicted, pleaded guilty, or 3053
was adjudicated a delinquent child, the sentence or terms of 3054
probation imposed or any other disposition of the offender or the 3055
delinquent child. 3056

If the offense involved the disarming of a law enforcement 3057
officer or an attempt to disarm a law enforcement officer, the 3058
clerk shall clearly state that fact in the summary, and the 3059
superintendent shall ensure that a clear statement of that fact is 3060
placed in the bureau's records. 3061

(3) The superintendent shall cooperate with and assist 3062
sheriffs, chiefs of police, and other law enforcement officers in 3063
the establishment of a complete system of criminal identification 3064
and in obtaining fingerprints and other means of identification of 3065
all persons arrested on a charge of a felony, any crime 3066
constituting a misdemeanor on the first offense and a felony on 3067
subsequent offenses, or a misdemeanor described in division 3068
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 3069
Revised Code and of all children under eighteen years of age 3070
arrested or otherwise taken into custody for committing an act 3071
that would be a felony or an offense of violence if committed by 3072
an adult. The superintendent also shall file for record the 3073
fingerprint impressions of all persons confined in a county, 3074
multicounty, municipal, municipal-county, or multicounty-municipal 3075
jail or workhouse, community-based correctional facility, halfway 3076
house, alternative residential facility, or state correctional 3077
institution for the violation of state laws and of all children 3078
under eighteen years of age who are confined in a county, 3079

multicounty, municipal, municipal-county, or multicounty-municipal 3080
jail or workhouse, community-based correctional facility, halfway 3081
house, alternative residential facility, or state correctional 3082
institution or in any facility for delinquent children for 3083
committing an act that would be a felony or an offense of violence 3084
if committed by an adult, and any other information that the 3085
superintendent may receive from law enforcement officials of the 3086
state and its political subdivisions. 3087

(4) The superintendent shall carry out Chapter 2950. of the 3088
Revised Code with respect to the registration of persons who are 3089
convicted of or plead guilty to a sexually oriented offense or a 3090
child-victim oriented offense and with respect to all other duties 3091
imposed on the bureau under that chapter. 3092

(5) The bureau shall perform centralized recordkeeping 3093
functions for criminal history records and services in this state 3094
for purposes of the national crime prevention and privacy compact 3095
set forth in section 109.571 of the Revised Code and is the 3096
criminal history record repository as defined in that section for 3097
purposes of that compact. The superintendent or the 3098
superintendent's designee is the compact officer for purposes of 3099
that compact and shall carry out the responsibilities of the 3100
compact officer specified in that compact. 3101

(B) The superintendent shall prepare and furnish to every 3102
county, multicounty, municipal, municipal-county, or 3103
multicounty-municipal jail or workhouse, community-based 3104
correctional facility, halfway house, alternative residential 3105
facility, or state correctional institution and to every clerk of 3106
a court in this state specified in division (A)(2) of this section 3107
standard forms for reporting the information required under 3108
division (A) of this section. The standard forms that the 3109
superintendent prepares pursuant to this division may be in a 3110
tangible format, in an electronic format, or in both tangible 3111

formats and electronic formats. 3112

(C)(1) The superintendent may operate a center for 3113
electronic, automated, or other data processing for the storage 3114
and retrieval of information, data, and statistics pertaining to 3115
criminals and to children under eighteen years of age who are 3116
adjudicated delinquent children for committing an act that would 3117
be a felony or an offense of violence if committed by an adult, 3118
criminal activity, crime prevention, law enforcement, and criminal 3119
justice, and may establish and operate a statewide communications 3120
network to be known as the Ohio law enforcement gateway to gather 3121
and disseminate information, data, and statistics for the use of 3122
law enforcement agencies and for other uses specified in this 3123
division. The superintendent may gather, store, retrieve, and 3124
disseminate information, data, and statistics that pertain to 3125
children who are under eighteen years of age and that are gathered 3126
pursuant to sections 109.57 to 109.61 of the Revised Code together 3127
with information, data, and statistics that pertain to adults and 3128
that are gathered pursuant to those sections. 3129

(2) The superintendent or the superintendent's designee shall 3130
gather information of the nature described in division (C)(1) of 3131
this section that pertains to the offense and delinquency history 3132
of a person who has been convicted of, pleaded guilty to, or been 3133
adjudicated a delinquent child for committing a sexually oriented 3134
offense or a child-victim oriented offense for inclusion in the 3135
state registry of sex offenders and child-victim offenders 3136
maintained pursuant to division (A)(1) of section 2950.13 of the 3137
Revised Code and in the internet database operated pursuant to 3138
division (A)(13) of that section and for possible inclusion in the 3139
internet database operated pursuant to division (A)(11) of that 3140
section. 3141

(3) In addition to any other authorized use of information, 3142
data, and statistics of the nature described in division (C)(1) of 3143

this section, the superintendent or the superintendent's designee 3144
may provide and exchange the information, data, and statistics 3145
pursuant to the national crime prevention and privacy compact as 3146
described in division (A)(5) of this section. 3147

(4) The attorney general may adopt rules under Chapter 119. 3148
of the Revised Code establishing guidelines for the operation of 3149
and participation in the Ohio law enforcement gateway. The rules 3150
may include criteria for granting and restricting access to 3151
information gathered and disseminated through the Ohio law 3152
enforcement gateway. The attorney general shall permit the state 3153
medical board and board of nursing to access and view, but not 3154
alter, information gathered and disseminated through the Ohio law 3155
enforcement gateway. 3156

The attorney general may appoint a steering committee to 3157
advise the attorney general in the operation of the Ohio law 3158
enforcement gateway that is comprised of persons who are 3159
representatives of the criminal justice agencies in this state 3160
that use the Ohio law enforcement gateway and is chaired by the 3161
superintendent or the superintendent's designee. 3162

(D)(1) The following are not public records under section 3163
149.43 of the Revised Code: 3164

(a) Information and materials furnished to the superintendent 3165
pursuant to division (A) of this section; 3166

(b) Information, data, and statistics gathered or 3167
disseminated through the Ohio law enforcement gateway pursuant to 3168
division (C)(1) of this section; 3169

(c) Information and materials furnished to any board or 3170
person under division (F) or (G) of this section. 3171

(2) The superintendent or the superintendent's designee shall 3172
gather and retain information so furnished under division (A) of 3173
this section that pertains to the offense and delinquency history 3174

of a person who has been convicted of, pleaded guilty to, or been 3175
adjudicated a delinquent child for committing a sexually oriented 3176
offense or a child-victim oriented offense for the purposes 3177
described in division (C)(2) of this section. 3178

(E)(1) The attorney general shall adopt rules, in accordance 3179
with Chapter 119. of the Revised Code and subject to division 3180
(E)(2) of this section, setting forth the procedure by which a 3181
person may receive or release information gathered by the 3182
superintendent pursuant to division (A) of this section. A 3183
reasonable fee may be charged for this service. If a temporary 3184
employment service submits a request for a determination of 3185
whether a person the service plans to refer to an employment 3186
position has been convicted of or pleaded guilty to an offense 3187
listed or described in division (A)(1), (2), or (3) of section 3188
109.572 of the Revised Code, the request shall be treated as a 3189
single request and only one fee shall be charged. 3190

(2) Except as otherwise provided in this division, a rule 3191
adopted under division (E)(1) of this section may provide only for 3192
the release of information gathered pursuant to division (A) of 3193
this section that relates to the conviction of a person, or a 3194
person's plea of guilty to, a criminal offense. The superintendent 3195
shall not release, and the attorney general shall not adopt any 3196
rule under division (E)(1) of this section that permits the 3197
release of, any information gathered pursuant to division (A) of 3198
this section that relates to an adjudication of a child as a 3199
delinquent child, or that relates to a criminal conviction of a 3200
person under eighteen years of age if the person's case was 3201
transferred back to a juvenile court under division (B)(2) or (3) 3202
of section 2152.121 of the Revised Code and the juvenile court 3203
imposed a disposition or serious youthful offender disposition 3204
upon the person under either division, unless either of the 3205
following applies with respect to the adjudication or conviction: 3206

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that classification has not been removed.

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start

agency; the executive director of a public children services 3239
agency; a private company described in section 3314.41, 3319.392, 3240
3326.25, or 3328.20 of the Revised Code; or an employer described 3241
in division (J)(2) of section 3327.10 of the Revised Code may 3242
request that the superintendent of the bureau investigate and 3243
determine, with respect to any individual who has applied for 3244
employment in any position after October 2, 1989, or any 3245
individual wishing to apply for employment with a board of 3246
education may request, with regard to the individual, whether the 3247
bureau has any information gathered under division (A) of this 3248
section that pertains to that individual. On receipt of the 3249
request, subject to division (E)(2) of this section, the 3250
superintendent shall determine whether that information exists 3251
and, upon request of the person, board, or entity requesting 3252
information, also shall request from the federal bureau of 3253
investigation any criminal records it has pertaining to that 3254
individual. The superintendent or the superintendent's designee 3255
also may request criminal history records from other states or the 3256
federal government pursuant to the national crime prevention and 3257
privacy compact set forth in section 109.571 of the Revised Code. 3258
Within thirty days of the date that the superintendent receives a 3259
request, subject to division (E)(2) of this section, the 3260
superintendent shall send to the board, entity, or person a report 3261
of any information that the superintendent determines exists, 3262
including information contained in records that have been sealed 3263
under section 2953.32 of the Revised Code, and, within thirty days 3264
of its receipt, subject to division (E)(2) of this section, shall 3265
send the board, entity, or person a report of any information 3266
received from the federal bureau of investigation, other than 3267
information the dissemination of which is prohibited by federal 3268
law. 3269

(b) When a board of education or a registered private 3270
provider is required to receive information under this section as 3271

a prerequisite to employment of an individual pursuant to division 3272
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 3273
may accept a certified copy of records that were issued by the 3274
bureau of criminal identification and investigation and that are 3275
presented by an individual applying for employment with the 3276
district in lieu of requesting that information itself. In such a 3277
case, the board shall accept the certified copy issued by the 3278
bureau in order to make a photocopy of it for that individual's 3279
employment application documents and shall return the certified 3280
copy to the individual. In a case of that nature, a district or 3281
provider only shall accept a certified copy of records of that 3282
nature within one year after the date of their issuance by the 3283
bureau. 3284

(c) Notwithstanding division (F)(2)(a) of this section, in 3285
the case of a request under section 3319.39, 3319.391, or 3327.10 3286
of the Revised Code only for criminal records maintained by the 3287
federal bureau of investigation, the superintendent shall not 3288
determine whether any information gathered under division (A) of 3289
this section exists on the person for whom the request is made. 3290

(3) The state board of education may request, with respect to 3291
any individual who has applied for employment after October 2, 3292
1989, in any position with the state board or the department of 3293
education, any information that a school district board of 3294
education is authorized to request under division (F)(2) of this 3295
section, and the superintendent of the bureau shall proceed as if 3296
the request has been received from a school district board of 3297
education under division (F)(2) of this section. 3298

(4) When the superintendent of the bureau receives a request 3299
for information under section 3319.291 of the Revised Code, the 3300
superintendent shall proceed as if the request has been received 3301
from a school district board of education and shall comply with 3302
divisions (F)(2)(a) and (c) of this section. 3303

(5) When a recipient of a classroom reading improvement grant 3304
paid under section 3301.86 of the Revised Code requests, with 3305
respect to any individual who applies to participate in providing 3306
any program or service funded in whole or in part by the grant, 3307
the information that a school district board of education is 3308
authorized to request under division (F)(2)(a) of this section, 3309
the superintendent of the bureau shall proceed as if the request 3310
has been received from a school district board of education under 3311
division (F)(2)(a) of this section. 3312

(G) In addition to or in conjunction with any request that is 3313
required to be made under section 3701.881, 3712.09, or 3721.121 3314
of the Revised Code with respect to an individual who has applied 3315
for employment in a position that involves providing direct care 3316
to an older adult or adult resident, the chief administrator of a 3317
home health agency, hospice care program, home licensed under 3318
Chapter 3721. of the Revised Code, or adult day-care program 3319
operated pursuant to rules adopted under section 3721.04 of the 3320
Revised Code may request that the superintendent of the bureau 3321
investigate and determine, with respect to any individual who has 3322
applied after January 27, 1997, for employment in a position that 3323
does not involve providing direct care to an older adult or adult 3324
resident, whether the bureau has any information gathered under 3325
division (A) of this section that pertains to that individual. 3326

In addition to or in conjunction with any request that is 3327
required to be made under section 173.27 of the Revised Code with 3328
respect to an individual who has applied for employment in a 3329
position that involves providing ~~ombudsperson~~ ombudsman services 3330
to residents of long-term care facilities or recipients of 3331
community-based long-term care services, the state long-term care 3332
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee~~, or the director 3333
of health aging, a regional long-term care ombudsman, or the 3334
designee of the ombudsman, director, or program may request that 3335

the superintendent investigate and determine, with respect to any 3336
individual who has applied for employment in a position that does 3337
not involve providing such ~~ombuds person~~ ombudsman services, 3338
whether the bureau has any information gathered under division (A) 3339
of this section that pertains to that applicant. 3340

In addition to or in conjunction with any request that is 3341
required to be made under section ~~173.394~~ 173.38 of the Revised 3342
Code with respect to an individual who has applied for employment 3343
in a direct-care position ~~that involves providing direct care to~~ 3344
~~an individual~~, the chief administrator of a ~~community-based~~ 3345
~~long-term care agency provider, as defined in section 173.39 of~~ 3346
the Revised Code, may request that the superintendent investigate 3347
and determine, with respect to any individual who has applied for 3348
employment in a position that ~~does is not involve providing direct~~ 3349
~~care~~ a direct-care position, whether the bureau has any 3350
information gathered under division (A) of this section that 3351
pertains to that applicant. 3352

In addition to or in conjunction with any request that is 3353
required to be made under section 3712.09 of the Revised Code with 3354
respect to an individual who has applied for employment in a 3355
position that involves providing direct care to a pediatric 3356
respite care patient, the chief administrator of a pediatric 3357
respite care program may request that the superintendent of the 3358
bureau investigate and determine, with respect to any individual 3359
who has applied for employment in a position that does not involve 3360
providing direct care to a pediatric respite care patient, whether 3361
the bureau has any information gathered under division (A) of this 3362
section that pertains to that individual. 3363

On receipt of a request under this division, the 3364
superintendent shall determine whether that information exists 3365
and, on request of the individual requesting information, shall 3366
also request from the federal bureau of investigation any criminal 3367

records it has pertaining to the applicant. The superintendent or 3368
the superintendent's designee also may request criminal history 3369
records from other states or the federal government pursuant to 3370
the national crime prevention and privacy compact set forth in 3371
section 109.571 of the Revised Code. Within thirty days of the 3372
date a request is received, subject to division (E)(2) of this 3373
section, the superintendent shall send to the requester a report 3374
of any information determined to exist, including information 3375
contained in records that have been sealed under section 2953.32 3376
of the Revised Code, and, within thirty days of its receipt, shall 3377
send the requester a report of any information received from the 3378
federal bureau of investigation, other than information the 3379
dissemination of which is prohibited by federal law. 3380

(H) Information obtained by a government entity or person 3381
under this section is confidential and shall not be released or 3382
disseminated. 3383

(I) The superintendent may charge a reasonable fee for 3384
providing information or criminal records under division (F)(2) or 3385
(G) of this section. 3386

(J) As used in this section: 3387

(1) "Pediatric respite care program" and "pediatric respite 3388
care patient" have the same meanings as in section 3712.01 of the 3389
Revised Code. 3390

(2) "Sexually oriented offense" and "child-victim oriented 3391
offense" have the same meanings as in section 2950.01 of the 3392
Revised Code. 3393

(3) "Registered private provider" means a nonpublic school or 3394
entity registered with the superintendent of public instruction 3395
under section 3310.41 of the Revised Code to participate in the 3396
autism scholarship program or section 3310.58 of the Revised Code 3397
to participate in the Jon Peterson special needs scholarship 3398

program. 3399

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 3400
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 3401
a completed form prescribed pursuant to division (C)(1) of this 3402
section, and a set of fingerprint impressions obtained in the 3403
manner described in division (C)(2) of this section, the 3404
superintendent of the bureau of criminal identification and 3405
investigation shall conduct a criminal records check in the manner 3406
described in division (B) of this section to determine whether any 3407
information exists that indicates that the person who is the 3408
subject of the request previously has been convicted of or pleaded 3409
guilty to any of the following: 3410

(a) A violation of section 2903.01, 2903.02, 2903.03, 3411
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3412
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3413
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3414
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3415
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3416
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3417
2925.06, or 3716.11 of the Revised Code, felonious sexual 3418
penetration in violation of former section 2907.12 of the Revised 3419
Code, a violation of section 2905.04 of the Revised Code as it 3420
existed prior to July 1, 1996, a violation of section 2919.23 of 3421
the Revised Code that would have been a violation of section 3422
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3423
had the violation been committed prior to that date, or a 3424
violation of section 2925.11 of the Revised Code that is not a 3425
minor drug possession offense; 3426

(b) A violation of an existing or former law of this state, 3427
any other state, or the United States that is substantially 3428
equivalent to any of the offenses listed in division (A)(1)(a) of 3429

this section; 3430

(c) If the request is made pursuant to section 3319.39 of the 3431
Revised Code for an applicant who is a teacher, any offense 3432
specified in section 3319.31 of the Revised Code. 3433

(2) On receipt of a request pursuant to section 3712.09 or 3434
3721.121 of the Revised Code, a completed form prescribed pursuant 3435
to division (C)(1) of this section, and a set of fingerprint 3436
impressions obtained in the manner described in division (C)(2) of 3437
this section, the superintendent of the bureau of criminal 3438
identification and investigation shall conduct a criminal records 3439
check with respect to any person who has applied for employment in 3440
a position for which a criminal records check is required by those 3441
sections. The superintendent shall conduct the criminal records 3442
check in the manner described in division (B) of this section to 3443
determine whether any information exists that indicates that the 3444
person who is the subject of the request previously has been 3445
convicted of or pleaded guilty to any of the following: 3446

(a) A violation of section 2903.01, 2903.02, 2903.03, 3447
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3448
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3449
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3450
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3451
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3452
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3453
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3454
2925.22, 2925.23, or 3716.11 of the Revised Code; 3455

(b) An existing or former law of this state, any other state, 3456
or the United States that is substantially equivalent to any of 3457
the offenses listed in division (A)(2)(a) of this section. 3458

(3) On receipt of a request pursuant to section 173.27, 3459
~~173.394~~ 173.38, 3701.881, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, 3460

~~5111.034~~ 5164.342, 5123.081, or 5123.169 of the Revised Code, a 3461
completed form prescribed pursuant to division (C)(1) of this 3462
section, and a set of fingerprint impressions obtained in the 3463
manner described in division (C)(2) of this section, the 3464
superintendent of the bureau of criminal identification and 3465
investigation shall conduct a criminal records check of the person 3466
for whom the request is made. The superintendent shall conduct the 3467
criminal records check in the manner described in division (B) of 3468
this section to determine whether any information exists that 3469
indicates that the person who is the subject of the request 3470
previously has been convicted of, has pleaded guilty to, or 3471
(except in the case of a request pursuant to section 5164.34, 3472
5164.341, or 5164.342 of the Revised Code) has been found eligible 3473
for intervention in lieu of conviction for any of the following, 3474
regardless of the date of the conviction, the date of entry of the 3475
guilty plea, or (except in the case of a request pursuant to 3476
section 5164.34, 5164.341, or 5164.342 of the Revised Code) the 3477
date the person was found eligible for intervention in lieu of 3478
conviction: 3479

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 3480
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 3481
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 3482
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 3483
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3484
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 3485
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 3486
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 3487
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 3488
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3489
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 3490
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 3491
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 3492
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 3493

2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	3494
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	3495
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	3496
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	3497
2927.12, or 3716.11 of the Revised Code;	3498
(b) Felonious sexual penetration in violation of former	3499
section 2907.12 of the Revised Code;	3500
(c) A violation of section 2905.04 of the Revised Code as it	3501
existed prior to July 1, 1996;	3502
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	3503
the Revised Code when the underlying offense that is the object of	3504
the conspiracy, attempt, or complicity is one of the offenses	3505
listed in divisions (A)(3)(a) to (c) of this section;	3506
(e) A violation of an existing or former municipal ordinance	3507
or law of this state, any other state, or the United States that	3508
is substantially equivalent to any of the offenses listed in	3509
divisions (A)(3)(a) to (d) of this section.	3510
(4) On receipt of a request pursuant to section 2151.86 of	3511
the Revised Code, a completed form prescribed pursuant to division	3512
(C)(1) of this section, and a set of fingerprint impressions	3513
obtained in the manner described in division (C)(2) of this	3514
section, the superintendent of the bureau of criminal	3515
identification and investigation shall conduct a criminal records	3516
check in the manner described in division (B) of this section to	3517
determine whether any information exists that indicates that the	3518
person who is the subject of the request previously has been	3519
convicted of or pleaded guilty to any of the following:	3520
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03,	3521
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21,	3522
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02,	3523
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	3524

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3525
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3526
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3527
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3528
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3529
of the Revised Code, a violation of section 2905.04 of the Revised 3530
Code as it existed prior to July 1, 1996, a violation of section 3531
2919.23 of the Revised Code that would have been a violation of 3532
section 2905.04 of the Revised Code as it existed prior to July 1, 3533
1996, had the violation been committed prior to that date, a 3534
violation of section 2925.11 of the Revised Code that is not a 3535
minor drug possession offense, two or more OVI or OVUAC violations 3536
committed within the three years immediately preceding the 3537
submission of the application or petition that is the basis of the 3538
request, or felonious sexual penetration in violation of former 3539
section 2907.12 of the Revised Code; 3540

(b) A violation of an existing or former law of this state, 3541
any other state, or the United States that is substantially 3542
equivalent to any of the offenses listed in division (A)(4)(a) of 3543
this section. 3544

(5) Upon receipt of a request pursuant to section 5104.012 or 3545
5104.013 of the Revised Code, a completed form prescribed pursuant 3546
to division (C)(1) of this section, and a set of fingerprint 3547
impressions obtained in the manner described in division (C)(2) of 3548
this section, the superintendent of the bureau of criminal 3549
identification and investigation shall conduct a criminal records 3550
check in the manner described in division (B) of this section to 3551
determine whether any information exists that indicates that the 3552
person who is the subject of the request has been convicted of or 3553
pleaded guilty to any of the following: 3554

(a) A violation of section 2903.01, 2903.02, 2903.03, 3555
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 3556

2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 3557
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 3558
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3559
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 3560
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3561
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3562
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 3563
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 3564
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3565
3716.11 of the Revised Code, felonious sexual penetration in 3566
violation of former section 2907.12 of the Revised Code, a 3567
violation of section 2905.04 of the Revised Code as it existed 3568
prior to July 1, 1996, a violation of section 2919.23 of the 3569
Revised Code that would have been a violation of section 2905.04 3570
of the Revised Code as it existed prior to July 1, 1996, had the 3571
violation been committed prior to that date, a violation of 3572
section 2925.11 of the Revised Code that is not a minor drug 3573
possession offense, a violation of section 2923.02 or 2923.03 of 3574
the Revised Code that relates to a crime specified in this 3575
division, or a second violation of section 4511.19 of the Revised 3576
Code within five years of the date of application for licensure or 3577
certification. 3578

(b) A violation of an existing or former law of this state, 3579
any other state, or the United States that is substantially 3580
equivalent to any of the offenses or violations described in 3581
division (A)(5)(a) of this section. 3582

(6) Upon receipt of a request pursuant to section 5153.111 of 3583
the Revised Code, a completed form prescribed pursuant to division 3584
(C)(1) of this section, and a set of fingerprint impressions 3585
obtained in the manner described in division (C)(2) of this 3586
section, the superintendent of the bureau of criminal 3587
identification and investigation shall conduct a criminal records 3588

check in the manner described in division (B) of this section to 3589
determine whether any information exists that indicates that the 3590
person who is the subject of the request previously has been 3591
convicted of or pleaded guilty to any of the following: 3592

(a) A violation of section 2903.01, 2903.02, 2903.03, 3593
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3594
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3595
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3596
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3597
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3598
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3599
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3600
felonious sexual penetration in violation of former section 3601
2907.12 of the Revised Code, a violation of section 2905.04 of the 3602
Revised Code as it existed prior to July 1, 1996, a violation of 3603
section 2919.23 of the Revised Code that would have been a 3604
violation of section 2905.04 of the Revised Code as it existed 3605
prior to July 1, 1996, had the violation been committed prior to 3606
that date, or a violation of section 2925.11 of the Revised Code 3607
that is not a minor drug possession offense; 3608

(b) A violation of an existing or former law of this state, 3609
any other state, or the United States that is substantially 3610
equivalent to any of the offenses listed in division (A)(6)(a) of 3611
this section. 3612

(7) On receipt of a request for a criminal records check from 3613
an individual pursuant to section 4749.03 or 4749.06 of the 3614
Revised Code, accompanied by a completed copy of the form 3615
prescribed in division (C)(1) of this section and a set of 3616
fingerprint impressions obtained in a manner described in division 3617
(C)(2) of this section, the superintendent of the bureau of 3618
criminal identification and investigation shall conduct a criminal 3619
records check in the manner described in division (B) of this 3620

section to determine whether any information exists indicating 3621
that the person who is the subject of the request has been 3622
convicted of or pleaded guilty to a felony in this state or in any 3623
other state. If the individual indicates that a firearm will be 3624
carried in the course of business, the superintendent shall 3625
require information from the federal bureau of investigation as 3626
described in division (B)(2) of this section. Subject to division 3627
(F) of this section, the superintendent shall report the findings 3628
of the criminal records check and any information the federal 3629
bureau of investigation provides to the director of public safety. 3630

(8) On receipt of a request pursuant to section 1321.37, 3631
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 3632
Code, a completed form prescribed pursuant to division (C)(1) of 3633
this section, and a set of fingerprint impressions obtained in the 3634
manner described in division (C)(2) of this section, the 3635
superintendent of the bureau of criminal identification and 3636
investigation shall conduct a criminal records check with respect 3637
to any person who has applied for a license, permit, or 3638
certification from the department of commerce or a division in the 3639
department. The superintendent shall conduct the criminal records 3640
check in the manner described in division (B) of this section to 3641
determine whether any information exists that indicates that the 3642
person who is the subject of the request previously has been 3643
convicted of or pleaded guilty to any of the following: a 3644
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 3645
2925.03 of the Revised Code; any other criminal offense involving 3646
theft, receiving stolen property, embezzlement, forgery, fraud, 3647
passing bad checks, money laundering, or drug trafficking, or any 3648
criminal offense involving money or securities, as set forth in 3649
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3650
the Revised Code; or any existing or former law of this state, any 3651
other state, or the United States that is substantially equivalent 3652
to those offenses. 3653

(9) On receipt of a request for a criminal records check from 3654
the treasurer of state under section 113.041 of the Revised Code 3655
or from an individual under section 4701.08, 4715.101, 4717.061, 3656
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3657
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3658
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3659
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3660
4762.06, 4776.021, ~~or~~ 4779.091, or 4783.04 of the Revised Code, 3661
accompanied by a completed form prescribed under division (C)(1) 3662
of this section and a set of fingerprint impressions obtained in 3663
the manner described in division (C)(2) of this section, the 3664
superintendent of the bureau of criminal identification and 3665
investigation shall conduct a criminal records check in the manner 3666
described in division (B) of this section to determine whether any 3667
information exists that indicates that the person who is the 3668
subject of the request has been convicted of or pleaded guilty to 3669
any criminal offense in this state or any other state. Subject to 3670
division (F) of this section, the superintendent shall send the 3671
results of a check requested under section 113.041 of the Revised 3672
Code to the treasurer of state and shall send the results of a 3673
check requested under any of the other listed sections to the 3674
licensing board specified by the individual in the request. 3675

(10) On receipt of a request pursuant to section 1121.23, 3676
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3677
Code, a completed form prescribed pursuant to division (C)(1) of 3678
this section, and a set of fingerprint impressions obtained in the 3679
manner described in division (C)(2) of this section, the 3680
superintendent of the bureau of criminal identification and 3681
investigation shall conduct a criminal records check in the manner 3682
described in division (B) of this section to determine whether any 3683
information exists that indicates that the person who is the 3684
subject of the request previously has been convicted of or pleaded 3685
guilty to any criminal offense under any existing or former law of 3686

this state, any other state, or the United States. 3687

(11) On receipt of a request for a criminal records check 3688
from an appointing or licensing authority under section 3772.07 of 3689
the Revised Code, a completed form prescribed under division 3690
(C)(1) of this section, and a set of fingerprint impressions 3691
obtained in the manner prescribed in division (C)(2) of this 3692
section, the superintendent of the bureau of criminal 3693
identification and investigation shall conduct a criminal records 3694
check in the manner described in division (B) of this section to 3695
determine whether any information exists that indicates that the 3696
person who is the subject of the request previously has been 3697
convicted of or pleaded guilty or no contest to any offense under 3698
any existing or former law of this state, any other state, or the 3699
United States that is a disqualifying offense as defined in 3700
section 3772.07 of the Revised Code or substantially equivalent to 3701
such an offense. 3702

(12) On receipt of a request pursuant to section 2151.33 or 3703
2151.412 of the Revised Code, a completed form prescribed pursuant 3704
to division (C)(1) of this section, and a set of fingerprint 3705
impressions obtained in the manner described in division (C)(2) of 3706
this section, the superintendent of the bureau of criminal 3707
identification and investigation shall conduct a criminal records 3708
check with respect to any person for whom a criminal records check 3709
is required by that section. The superintendent shall conduct the 3710
criminal records check in the manner described in division (B) of 3711
this section to determine whether any information exists that 3712
indicates that the person who is the subject of the request 3713
previously has been convicted of or pleaded guilty to any of the 3714
following: 3715

(a) A violation of section 2903.01, 2903.02, 2903.03, 3716
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3717
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3718

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3719
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3720
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3721
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3722
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3723
2925.22, 2925.23, or 3716.11 of the Revised Code; 3724

(b) An existing or former law of this state, any other state, 3725
or the United States that is substantially equivalent to any of 3726
the offenses listed in division (A)(12)(a) of this section. 3727

(B) Subject to division (F) of this section, the 3728
superintendent shall conduct any criminal records check to be 3729
conducted under this section as follows: 3730

(1) The superintendent shall review or cause to be reviewed 3731
any relevant information gathered and compiled by the bureau under 3732
division (A) of section 109.57 of the Revised Code that relates to 3733
the person who is the subject of the criminal records check, 3734
including, if the criminal records check was requested under 3735
section 113.041, 121.08, 173.27, ~~173.394~~ 173.38, 1121.23, 1155.03, 3736
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 3737
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3738
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 3739
5104.013, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, ~~5111.034~~ 5164.342, 3740
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 3741
information contained in records that have been sealed under 3742
section 2953.32 of the Revised Code; 3743

(2) If the request received by the superintendent asks for 3744
information from the federal bureau of investigation, the 3745
superintendent shall request from the federal bureau of 3746
investigation any information it has with respect to the person 3747
who is the subject of the criminal records check, including 3748
fingerprint-based checks of national crime information databases 3749
as described in 42 U.S.C. 671 if the request is made pursuant to 3750

section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 3751
any other Revised Code section requires fingerprint-based checks 3752
of that nature, and shall review or cause to be reviewed any 3753
information the superintendent receives from that bureau. If a 3754
request under section 3319.39 of the Revised Code asks only for 3755
information from the federal bureau of investigation, the 3756
superintendent shall not conduct the review prescribed by division 3757
(B)(1) of this section. 3758

(3) The superintendent or the superintendent's designee may 3759
request criminal history records from other states or the federal 3760
government pursuant to the national crime prevention and privacy 3761
compact set forth in section 109.571 of the Revised Code. 3762

(4) The superintendent shall include in the results of the 3763
criminal records check a list or description of the offenses 3764
listed or described in division (A)(1), (2), (3), (4), (5), (6), 3765
(7), (8), (9), (10), (11), or (12) of this section, whichever 3766
division requires the superintendent to conduct the criminal 3767
records check. The superintendent shall exclude from the results 3768
any information the dissemination of which is prohibited by 3769
federal law. 3770

(5) The superintendent shall send the results of the criminal 3771
records check to the person to whom it is to be sent not later 3772
than the following number of days after the date the 3773
superintendent receives the request for the criminal records 3774
check, the completed form prescribed under division (C)(1) of this 3775
section, and the set of fingerprint impressions obtained in the 3776
manner described in division (C)(2) of this section: 3777

(a) If the superintendent is required by division (A) of this 3778
section (other than division (A)(3) of this section) to conduct 3779
the criminal records check, thirty; 3780

(b) If the superintendent is required by division (A)(3) of 3781

this section to conduct the criminal records check, sixty. 3782

(C)(1) The superintendent shall prescribe a form to obtain 3783
the information necessary to conduct a criminal records check from 3784
any person for whom a criminal records check is to be conducted 3785
under this section. The form that the superintendent prescribes 3786
pursuant to this division may be in a tangible format, in an 3787
electronic format, or in both tangible and electronic formats. 3788

(2) The superintendent shall prescribe standard impression 3789
sheets to obtain the fingerprint impressions of any person for 3790
whom a criminal records check is to be conducted under this 3791
section. Any person for whom a records check is to be conducted 3792
under this section shall obtain the fingerprint impressions at a 3793
county sheriff's office, municipal police department, or any other 3794
entity with the ability to make fingerprint impressions on the 3795
standard impression sheets prescribed by the superintendent. The 3796
office, department, or entity may charge the person a reasonable 3797
fee for making the impressions. The standard impression sheets the 3798
superintendent prescribes pursuant to this division may be in a 3799
tangible format, in an electronic format, or in both tangible and 3800
electronic formats. 3801

(3) Subject to division (D) of this section, the 3802
superintendent shall prescribe and charge a reasonable fee for 3803
providing a criminal records check under this section. The person 3804
requesting the criminal records check shall pay the fee prescribed 3805
pursuant to this division. In the case of a request under section 3806
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3807
2151.412, or ~~5111.032~~ 5164.34 of the Revised Code, the fee shall 3808
be paid in the manner specified in that section. 3809

(4) The superintendent of the bureau of criminal 3810
identification and investigation may prescribe methods of 3811
forwarding fingerprint impressions and information necessary to 3812
conduct a criminal records check, which methods shall include, but 3813

not be limited to, an electronic method. 3814

(D) The results of a criminal records check conducted under 3815
this section, other than a criminal records check specified in 3816
division (A)(7) of this section, are valid for the person who is 3817
the subject of the criminal records check for a period of one year 3818
from the date upon which the superintendent completes the criminal 3819
records check. If during that period the superintendent receives 3820
another request for a criminal records check to be conducted under 3821
this section for that person, the superintendent shall provide the 3822
results from the previous criminal records check of the person at 3823
a lower fee than the fee prescribed for the initial criminal 3824
records check. 3825

(E) When the superintendent receives a request for 3826
information from a registered private provider, the superintendent 3827
shall proceed as if the request was received from a school 3828
district board of education under section 3319.39 of the Revised 3829
Code. The superintendent shall apply division (A)(1)(c) of this 3830
section to any such request for an applicant who is a teacher. 3831

(F)(1) All information regarding the results of a criminal 3832
records check conducted under this section that the superintendent 3833
reports or sends under division (A)(7) or (9) of this section to 3834
the director of public safety, the treasurer of state, or the 3835
person, board, or entity that made the request for the criminal 3836
records check shall relate to the conviction of the subject 3837
person, or the subject person's plea of guilty to, a criminal 3838
offense. 3839

(2) Division (F)(1) of this section does not limit, restrict, 3840
or preclude the superintendent's release of information that 3841
relates to an adjudication of a child as a delinquent child, or 3842
that relates to a criminal conviction of a person under eighteen 3843
years of age if the person's case was transferred back to a 3844
juvenile court under division (B)(2) or (3) of section 2152.121 of 3845

the Revised Code and the juvenile court imposed a disposition or 3846
serious youthful offender disposition upon the person under either 3847
division, if either of the following applies with respect to the 3848
adjudication or conviction: 3849

(a) The adjudication or conviction was for a violation of 3850
section 2903.01 or 2903.02 of the Revised Code. 3851

(b) The adjudication or conviction was for a sexually 3852
oriented offense, as defined in section 2950.01 of the Revised 3853
Code, the juvenile court was required to classify the child a 3854
juvenile offender registrant for that offense under section 3855
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 3856
classification has not been removed. 3857

(G) As used in this section: 3858

(1) "Criminal records check" means any criminal records check 3859
conducted by the superintendent of the bureau of criminal 3860
identification and investigation in accordance with division (B) 3861
of this section. 3862

(2) "Minor drug possession offense" has the same meaning as 3863
in section 2925.01 of the Revised Code. 3864

(3) "OVI or OVUAC violation" means a violation of section 3865
4511.19 of the Revised Code or a violation of an existing or 3866
former law of this state, any other state, or the United States 3867
that is substantially equivalent to section 4511.19 of the Revised 3868
Code. 3869

(4) "Registered private provider" means a nonpublic school or 3870
entity registered with the superintendent of public instruction 3871
under section 3310.41 of the Revised Code to participate in the 3872
autism scholarship program or section 3310.58 of the Revised Code 3873
to participate in the Jon Peterson special needs scholarship 3874
program. 3875

Sec. 109.71. There is hereby created in the office of the 3876
attorney general the Ohio peace officer training commission. The 3877
commission shall consist of nine members appointed by the governor 3878
with the advice and consent of the senate and selected as follows: 3879
one member representing the public; two members who are incumbent 3880
sheriffs; two members who are incumbent chiefs of police; one 3881
member from the bureau of criminal identification and 3882
investigation; one member from the state highway patrol; one 3883
member who is the special agent in charge of a field office of the 3884
federal bureau of investigation in this state; and one member from 3885
the department of education, trade and industrial education 3886
services, law enforcement training. 3887

This section does not confer any arrest authority or any 3888
ability or authority to detain a person, write or issue any 3889
citation, or provide any disposition alternative, as granted under 3890
Chapter 2935. of the Revised Code. 3891

As used in sections 109.71 to 109.801 of the Revised Code: 3892

(A) "Peace officer" means: 3893

(1) A deputy sheriff, marshal, deputy marshal, member of the 3894
organized police department of a township or municipal 3895
corporation, member of a township police district or joint police 3896
district police force, member of a police force employed by a 3897
metropolitan housing authority under division (D) of section 3898
3735.31 of the Revised Code, or township constable, who is 3899
commissioned and employed as a peace officer by a political 3900
subdivision of this state or by a metropolitan housing authority, 3901
and whose primary duties are to preserve the peace, to protect 3902
life and property, and to enforce the laws of this state, 3903
ordinances of a municipal corporation, resolutions of a township, 3904
or regulations of a board of county commissioners or board of 3905
township trustees, or any of those laws, ordinances, resolutions, 3906

or regulations;	3907
(2) A police officer who is employed by a railroad company	3908
and appointed and commissioned by the secretary of state pursuant	3909
to sections 4973.17 to 4973.22 of the Revised Code;	3910
(3) Employees of the department of taxation engaged in the	3911
enforcement of Chapter 5743. of the Revised Code and designated by	3912
the tax commissioner for peace officer training for purposes of	3913
the delegation of investigation powers under section 5743.45 of	3914
the Revised Code;	3915
(4) An undercover drug agent;	3916
(5) Enforcement agents of the department of public safety	3917
whom the director of public safety designates under section	3918
5502.14 of the Revised Code;	3919
(6) An employee of the department of natural resources who is	3920
a natural resources law enforcement staff officer designated	3921
pursuant to section 1501.013, a park officer designated pursuant	3922
to section 1541.10, a forest officer designated pursuant to	3923
section 1503.29, a preserve officer designated pursuant to section	3924
1517.10, a wildlife officer designated pursuant to section	3925
1531.13, or a state watercraft officer designated pursuant to	3926
section 1547.521 of the Revised Code;	3927
(7) An employee of a park district who is designated pursuant	3928
to section 511.232 or 1545.13 of the Revised Code;	3929
(8) An employee of a conservancy district who is designated	3930
pursuant to section 6101.75 of the Revised Code;	3931
(9) A police officer who is employed by a hospital that	3932
employs and maintains its own proprietary police department or	3933
security department, and who is appointed and commissioned by the	3934
secretary of state pursuant to sections 4973.17 to 4973.22 of the	3935
Revised Code;	3936

(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;	3937 3938
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	3939 3940 3941
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	3942 3943 3944 3945 3946 3947 3948 3949
(13) A special police officer employed by the department of mental health <u>mental health and addiction services</u> pursuant to section 5119.14 <u>5119.08</u> of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	3950 3951 3952 3953 3954
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	3955 3956
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	3957 3958 3959
(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code;	3960 3961 3962
(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate	3963 3964 3965 3966 3967

by the executive director of the Ohio peace officer training 3968
commission attesting to the person's satisfactory completion of an 3969
approved state, county, municipal, or department of natural 3970
resources peace officer basic training program; 3971

(18) A special police officer employed by a port authority 3972
under section 4582.04 or 4582.28 of the Revised Code or a person 3973
serving as a special police officer employed by a port authority 3974
on a permanent basis on May 17, 2000, who has been awarded a 3975
certificate by the executive director of the Ohio peace officer 3976
training commission attesting to the person's satisfactory 3977
completion of an approved state, county, municipal, or department 3978
of natural resources peace officer basic training program; 3979

(19) A special police officer employed by a municipal 3980
corporation who has been awarded a certificate by the executive 3981
director of the Ohio peace officer training commission for 3982
satisfactory completion of an approved peace officer basic 3983
training program and who is employed on a permanent basis on or 3984
after March 19, 2003, at a municipal airport, or other municipal 3985
air navigation facility, that has scheduled operations, as defined 3986
in section 119.3 of Title 14 of the Code of Federal Regulations, 3987
14 C.F.R. 119.3, as amended, and that is required to be under a 3988
security program and is governed by aviation security rules of the 3989
transportation security administration of the United States 3990
department of transportation as provided in Parts 1542. and 1544. 3991
of Title 49 of the Code of Federal Regulations, as amended; 3992

(20) A police officer who is employed by an owner or operator 3993
of an amusement park that has an average yearly attendance in 3994
excess of six hundred thousand guests and that employs and 3995
maintains its own proprietary police department or security 3996
department, and who is appointed and commissioned by a judge of 3997
the appropriate municipal court or county court pursuant to 3998
section 4973.17 of the Revised Code; 3999

(21) A police officer who is employed by a bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions, who has been appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of a state, county, municipal, or department of natural resources peace officer basic training program;

(22) An investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section;

(23) A state fire marshal law enforcement officer appointed under section 3737.22 of the Revised Code or a person serving as a state fire marshal law enforcement officer on a permanent basis on or after July 1, 1982, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;

(24) A gaming agent employed under section 3772.03 of the Revised Code.

(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code.

(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.

(D) "Missing children" has the same meaning as in section 4031
2901.30 of the Revised Code. 4032

Sec. 109.746. (A) The attorney general may prepare public 4033
awareness programs that are designed to educate potential victims 4034
of violations of section 2905.32 of the Revised Code and their 4035
families of the risks of becoming a victim of a violation of that 4036
section. The attorney general may prepare these programs with 4037
assistance from the department of health, the department of ~~mental~~ 4038
~~health~~ mental health and addiction services, the department of job 4039
and family services, ~~the department of alcohol and drug addiction~~ 4040
~~services~~, and the department of education. 4041

(B) Any organization, person, or other governmental agency 4042
with an interest and expertise in trafficking in persons may 4043
submit information or materials to the attorney general regarding 4044
the preparation of the programs and materials permitted under this 4045
section. The attorney general, in developing the programs and 4046
materials permitted by this section, shall consider any 4047
information submitted pursuant to this division. 4048

Sec. 109.77. (A) As used in this section, "felony" has the 4049
same meaning as in section 109.511 of the Revised Code. 4050

(B)(1) Notwithstanding any general, special, or local law or 4051
charter to the contrary, and except as otherwise provided in this 4052
section, no person shall receive an original appointment on a 4053
permanent basis as any of the following unless the person 4054
previously has been awarded a certificate by the executive 4055
director of the Ohio peace officer training commission attesting 4056
to the person's satisfactory completion of an approved state, 4057
county, municipal, or department of natural resources peace 4058
officer basic training program: 4059

(a) A peace officer of any county, township, municipal 4060

corporation, regional transit authority, or metropolitan housing authority;	4061 4062
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	4063 4064 4065
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	4066 4067
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	4068 4069
(e) A state university law enforcement officer;	4070
(f) A special police officer employed by the department of mental health <u>mental health and addiction services</u> pursuant to section 5119.14 <u>5119.08</u> of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	4071 4072 4073 4074 4075
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	4076 4077 4078
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	4079 4080
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	4081 4082 4083 4084 4085 4086 4087 4088 4089
(j) A gaming agent employed under section 3772.03 of the	4090

Revised Code.	4091
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:	4092 4093 4094 4095 4096 4097 4098 4099 4100 4101
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	4102 4103 4104
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	4105 4106 4107
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	4108 4109
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	4110 4111
(e) A special police officer employed by the department of mental health <u>mental health and addiction services</u> pursuant to section 5119.14 <u>5119.08</u> of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	4112 4113 4114 4115 4116
(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	4117 4118 4119
(g) A special police officer employed by a port authority	4120

under section 4582.04 or 4582.28 of the Revised Code; 4121

(h) A special police officer employed by a municipal 4122
corporation at a municipal airport, or other municipal air 4123
navigation facility, that has scheduled operations, as defined in 4124
section 119.3 of Title 14 of the Code of Federal Regulations, 14 4125
C.F.R. 119.3, as amended, and that is required to be under a 4126
security program and is governed by aviation security rules of the 4127
transportation security administration of the United States 4128
department of transportation as provided in Parts 1542. and 1544. 4129
of Title 49 of the Code of Federal Regulations, as amended. 4130

(3) For purposes of division (B) of this section, a state, 4131
county, municipal, or department of natural resources peace 4132
officer basic training program, regardless of whether the program 4133
is to be completed by peace officers appointed on a permanent or 4134
temporary, probationary, or other nonpermanent basis, shall 4135
include training in the handling of the offense of domestic 4136
violence, other types of domestic violence-related offenses and 4137
incidents, and protection orders and consent agreements issued or 4138
approved under section 2919.26 or 3113.31 of the Revised Code and 4139
crisis intervention training. The requirement to complete training 4140
in the handling of the offense of domestic violence, other types 4141
of domestic violence-related offenses and incidents, and 4142
protection orders and consent agreements issued or approved under 4143
section 2919.26 or 3113.31 of the Revised Code does not apply to 4144
any person serving as a peace officer on March 27, 1979, and the 4145
requirement to complete training in crisis intervention does not 4146
apply to any person serving as a peace officer on April 4, 1985. 4147
Any person who is serving as a peace officer on April 4, 1985, who 4148
terminates that employment after that date, and who subsequently 4149
is hired as a peace officer by the same or another law enforcement 4150
agency shall complete training in crisis intervention as 4151
prescribed by rules adopted by the attorney general pursuant to 4152

section 109.742 of the Revised Code. No peace officer shall have 4153
employment as a peace officer terminated and then be reinstated 4154
with intent to circumvent this section. 4155

(4) Division (B) of this section does not apply to any person 4156
serving on a permanent basis on March 28, 1985, as a park officer, 4157
forest officer, preserve officer, wildlife officer, or state 4158
watercraft officer of the department of natural resources or as an 4159
employee of a park district under section 511.232 or 1545.13 of 4160
the Revised Code, to any person serving on a permanent basis on 4161
March 6, 1986, as an employee of a conservancy district designated 4162
pursuant to section 6101.75 of the Revised Code, to any person 4163
serving on a permanent basis on January 10, 1991, as a preserve 4164
officer of the department of natural resources, to any person 4165
employed on a permanent basis on July 2, 1992, as a special police 4166
officer by the department of ~~mental health~~ mental health and 4167
addiction services pursuant to section ~~5119.14~~ 5119.08 of the 4168
Revised Code or by the department of developmental disabilities 4169
pursuant to section 5123.13 of the Revised Code, to any person 4170
serving on a permanent basis on May 17, 2000, as a special police 4171
officer employed by a port authority under section 4582.04 or 4172
4582.28 of the Revised Code, to any person serving on a permanent 4173
basis on March 19, 2003, as a special police officer employed by a 4174
municipal corporation at a municipal airport or other municipal 4175
air navigation facility described in division (A)(19) of section 4176
109.71 of the Revised Code, to any person serving on a permanent 4177
basis on June 19, 1978, as a state university law enforcement 4178
officer pursuant to section 3345.04 of the Revised Code and who, 4179
immediately prior to June 19, 1978, was serving as a special 4180
police officer designated under authority of that section, or to 4181
any person serving on a permanent basis on September 20, 1984, as 4182
a liquor control investigator, known after June 30, 1999, as an 4183
enforcement agent of the department of public safety, engaged in 4184
the enforcement of Chapters 4301. and 4303. of the Revised Code. 4185

(5) Division (B) of this section does not apply to any person 4186
who is appointed as a regional transit authority police officer 4187
pursuant to division (Y) of section 306.35 of the Revised Code if, 4188
on or before July 1, 1996, the person has completed satisfactorily 4189
an approved state, county, municipal, or department of natural 4190
resources peace officer basic training program and has been 4191
awarded a certificate by the executive director of the Ohio peace 4192
officer training commission attesting to the person's satisfactory 4193
completion of such an approved program and if, on July 1, 1996, 4194
the person is performing peace officer functions for a regional 4195
transit authority. 4196

(C) No person, after September 20, 1984, shall receive an 4197
original appointment on a permanent basis as a veterans' home 4198
police officer designated under section 5907.02 of the Revised 4199
Code unless the person previously has been awarded a certificate 4200
by the executive director of the Ohio peace officer training 4201
commission attesting to the person's satisfactory completion of an 4202
approved police officer basic training program. Every person who 4203
is appointed on a temporary basis or for a probationary term or on 4204
other than a permanent basis as a veterans' home police officer 4205
designated under section 5907.02 of the Revised Code shall forfeit 4206
that position unless the person previously has completed 4207
satisfactorily or, within one year from the time of appointment, 4208
satisfactorily completes an approved police officer basic training 4209
program. 4210

(D) No bailiff or deputy bailiff of a court of record of this 4211
state and no criminal investigator who is employed by the state 4212
public defender shall carry a firearm, as defined in section 4213
2923.11 of the Revised Code, while on duty unless the bailiff, 4214
deputy bailiff, or criminal investigator has done or received one 4215
of the following: 4216

(1) Has been awarded a certificate by the executive director 4217

of the Ohio peace officer training commission, which certificate 4218
attests to satisfactory completion of an approved state, county, 4219
or municipal basic training program for bailiffs and deputy 4220
bailiffs of courts of record and for criminal investigators 4221
employed by the state public defender that has been recommended by 4222
the Ohio peace officer training commission; 4223

(2) Has successfully completed a firearms training program 4224
approved by the Ohio peace officer training commission prior to 4225
employment as a bailiff, deputy bailiff, or criminal investigator; 4226

(3) Prior to June 6, 1986, was authorized to carry a firearm 4227
by the court that employed the bailiff or deputy bailiff or, in 4228
the case of a criminal investigator, by the state public defender 4229
and has received training in the use of firearms that the Ohio 4230
peace officer training commission determines is equivalent to the 4231
training that otherwise is required by division (D) of this 4232
section. 4233

(E)(1) Before a person seeking a certificate completes an 4234
approved peace officer basic training program, the executive 4235
director of the Ohio peace officer training commission shall 4236
request the person to disclose, and the person shall disclose, any 4237
previous criminal conviction of or plea of guilty of that person 4238
to a felony. 4239

(2) Before a person seeking a certificate completes an 4240
approved peace officer basic training program, the executive 4241
director shall request a criminal history records check on the 4242
person. The executive director shall submit the person's 4243
fingerprints to the bureau of criminal identification and 4244
investigation, which shall submit the fingerprints to the federal 4245
bureau of investigation for a national criminal history records 4246
check. 4247

Upon receipt of the executive director's request, the bureau 4248

of criminal identification and investigation and the federal 4249
bureau of investigation shall conduct a criminal history records 4250
check on the person and, upon completion of the check, shall 4251
provide a copy of the criminal history records check to the 4252
executive director. The executive director shall not award any 4253
certificate prescribed in this section unless the executive 4254
director has received a copy of the criminal history records check 4255
on the person to whom the certificate is to be awarded. 4256

(3) The executive director of the commission shall not award 4257
a certificate prescribed in this section to a person who has been 4258
convicted of or has pleaded guilty to a felony or who fails to 4259
disclose any previous criminal conviction of or plea of guilty to 4260
a felony as required under division (E)(1) of this section. 4261

(4) The executive director of the commission shall revoke the 4262
certificate awarded to a person as prescribed in this section, and 4263
that person shall forfeit all of the benefits derived from being 4264
certified as a peace officer under this section, if the person, 4265
before completion of an approved peace officer basic training 4266
program, failed to disclose any previous criminal conviction of or 4267
plea of guilty to a felony as required under division (E)(1) of 4268
this section. 4269

(F)(1) Regardless of whether the person has been awarded the 4270
certificate or has been classified as a peace officer prior to, 4271
on, or after October 16, 1996, the executive director of the Ohio 4272
peace officer training commission shall revoke any certificate 4273
that has been awarded to a person as prescribed in this section if 4274
the person does either of the following: 4275

(a) Pleads guilty to a felony committed on or after January 4276
1, 1997; 4277

(b) Pleads guilty to a misdemeanor committed on or after 4278
January 1, 1997, pursuant to a negotiated plea agreement as 4279

provided in division (D) of section 2929.43 of the Revised Code in 4280
which the person agrees to surrender the certificate awarded to 4281
the person under this section. 4282

(2) The executive director of the commission shall suspend 4283
any certificate that has been awarded to a person as prescribed in 4284
this section if the person is convicted, after trial, of a felony 4285
committed on or after January 1, 1997. The executive director 4286
shall suspend the certificate pursuant to division (F)(2) of this 4287
section pending the outcome of an appeal by the person from that 4288
conviction to the highest court to which the appeal is taken or 4289
until the expiration of the period in which an appeal is required 4290
to be filed. If the person files an appeal that results in that 4291
person's acquittal of the felony or conviction of a misdemeanor, 4292
or in the dismissal of the felony charge against that person, the 4293
executive director shall reinstate the certificate awarded to the 4294
person under this section. If the person files an appeal from that 4295
person's conviction of the felony and the conviction is upheld by 4296
the highest court to which the appeal is taken or if the person 4297
does not file a timely appeal, the executive director shall revoke 4298
the certificate awarded to the person under this section. 4299

(G)(1) If a person is awarded a certificate under this 4300
section and the certificate is revoked pursuant to division (E)(4) 4301
or (F) of this section, the person shall not be eligible to 4302
receive, at any time, a certificate attesting to the person's 4303
satisfactory completion of a peace officer basic training program. 4304

(2) The revocation or suspension of a certificate under 4305
division (E)(4) or (F) of this section shall be in accordance with 4306
Chapter 119. of the Revised Code. 4307

(H)(1) A person who was employed as a peace officer of a 4308
county, township, or municipal corporation of the state on January 4309
1, 1966, and who has completed at least sixteen years of full-time 4310
active service as such a peace officer, or equivalent service as 4311

determined by the executive director of the Ohio peace officer 4312
training commission, may receive an original appointment on a 4313
permanent basis and serve as a peace officer of a county, 4314
township, or municipal corporation, or as a state university law 4315
enforcement officer, without complying with the requirements of 4316
division (B) of this section. 4317

(2) Any person who held an appointment as a state highway 4318
trooper on January 1, 1966, may receive an original appointment on 4319
a permanent basis and serve as a peace officer of a county, 4320
township, or municipal corporation, or as a state university law 4321
enforcement officer, without complying with the requirements of 4322
division (B) of this section. 4323

(I) No person who is appointed as a peace officer of a 4324
county, township, or municipal corporation on or after April 9, 4325
1985, shall serve as a peace officer of that county, township, or 4326
municipal corporation unless the person has received training in 4327
the handling of missing children and child abuse and neglect cases 4328
from an approved state, county, township, or municipal police 4329
officer basic training program or receives the training within the 4330
time prescribed by rules adopted by the attorney general pursuant 4331
to section 109.741 of the Revised Code. 4332

(J) No part of any approved state, county, or municipal basic 4333
training program for bailiffs and deputy bailiffs of courts of 4334
record and no part of any approved state, county, or municipal 4335
basic training program for criminal investigators employed by the 4336
state public defender shall be used as credit toward the 4337
completion by a peace officer of any part of the approved state, 4338
county, or municipal peace officer basic training program that the 4339
peace officer is required by this section to complete 4340
satisfactorily. 4341

(K) This section does not apply to any member of the police 4342
department of a municipal corporation in an adjoining state 4343

serving in this state under a contract pursuant to section 737.04 4344
of the Revised Code. 4345

Sec. 109.85. (A) Upon the written request of the governor, 4346
the general assembly, the auditor of state, the medicaid director 4347
~~of job and family services~~, the director of health, or the 4348
director of budget and management, or upon the attorney general's 4349
becoming aware of criminal or improper activity related to Chapter 4350
3721. and the ~~medical assistance~~ medicaid program established 4351
~~under section 5111.01 of the Revised Code~~, the attorney general 4352
shall investigate any criminal or civil violation of law related 4353
to Chapter 3721. of the Revised Code or the ~~medical assistance~~ 4354
medicaid program. 4355

(B) When it appears to the attorney general, as a result of 4356
an investigation under division (A) of this section, that there is 4357
cause to prosecute for the commission of a crime or to pursue a 4358
civil remedy, the attorney general may refer the evidence to the 4359
prosecuting attorney having jurisdiction of the matter, or to a 4360
regular grand jury drawn and impaneled pursuant to sections 4361
2939.01 to 2939.24 of the Revised Code, or to a special grand jury 4362
drawn and impaneled pursuant to section 2939.17 of the Revised 4363
Code, or the attorney general may initiate and prosecute any 4364
necessary criminal or civil actions in any court or tribunal of 4365
competent jurisdiction in this state. When proceeding under this 4366
section, the attorney general, and any assistant or special 4367
counsel designated by the attorney general for that purpose, have 4368
all rights, privileges, and powers of prosecuting attorneys. The 4369
attorney general shall have exclusive supervision and control of 4370
all investigations and prosecutions initiated by the attorney 4371
general under this section. The forfeiture provisions of Chapter 4372
2981. of the Revised Code apply in relation to any such criminal 4373
action initiated and prosecuted by the attorney general. 4374

(C) Nothing in this section shall prevent a county 4375
prosecuting attorney from investigating and prosecuting criminal 4376
activity related to Chapter 3721. of the Revised Code and the 4377
~~medical assistance~~ medicaid program ~~established under section~~ 4378
~~5111.01 of the Revised Code~~. The forfeiture provisions of Chapter 4379
2981. of the Revised Code apply in relation to any prosecution of 4380
criminal activity related to the ~~medical assistance~~ medicaid 4381
program undertaken by the prosecuting attorney. 4382

Sec. 109.86. (A) The attorney general shall investigate any 4383
activity the attorney general has reasonable cause to believe is 4384
in violation of section 2903.34 of the Revised Code. Upon written 4385
request of the governor, the general assembly, the auditor of 4386
state, or the director of health, job and family services, aging, 4387
~~mental health~~ mental health and addiction services, or 4388
developmental disabilities, the attorney general shall investigate 4389
any activity these persons believe is in violation of section 4390
2903.34 of the Revised Code. If after an investigation the 4391
attorney general has probable cause to prosecute for the 4392
commission of a crime, the attorney general shall refer the 4393
evidence to the prosecuting attorney, director of law, or other 4394
similar chief legal officer having jurisdiction over the matter. 4395
If the prosecuting attorney decides to present the evidence to a 4396
grand jury, the prosecuting attorney shall notify the attorney 4397
general in writing of the decision within thirty days after 4398
referral of the matter and shall present the evidence prior to the 4399
discharge of the next regular grand jury. If the director of law 4400
or other chief legal officer decides to prosecute the case, the 4401
director or officer shall notify the attorney general in writing 4402
of the decision within thirty days and shall initiate prosecution 4403
within sixty days after the matter was referred to the director or 4404
officer. 4405

(B) If the prosecuting attorney, director of law, or other 4406

chief legal officer fails to notify the attorney general or to 4407
present evidence or initiate prosecution in accordance with 4408
division (A) of this section, the attorney general may present the 4409
evidence to a regular grand jury drawn and impaneled pursuant to 4410
sections 2939.01 to 2939.24 of the Revised Code, or to a special 4411
grand jury drawn and impaneled pursuant to section 2939.17 of the 4412
Revised Code, or the attorney general may initiate and prosecute 4413
any action in any court or tribunal of competent jurisdiction in 4414
this state. The attorney general, and any assistant or special 4415
counsel designated by the attorney general, have all the powers of 4416
a prosecuting attorney, director of law, or other chief legal 4417
officer when proceeding under this section. Nothing in this 4418
section shall limit or prevent a prosecuting attorney, director of 4419
law, or other chief legal officer from investigating and 4420
prosecuting criminal activity committed against a resident or 4421
patient of a care facility. 4422

Sec. 109.90. (A) The attorney general shall collaborate with 4423
the state board of pharmacy and director of ~~alcohol and drug~~ 4424
~~addiction services~~ mental health and addiction services in the 4425
establishment and administration of a drug take-back program, as 4426
provided under section 4729.69 of the Revised Code. The office of 4427
the attorney general is solely responsible for the costs incurred 4428
in the establishment and administration of the program. 4429

(B) The attorney general may accept grants, gifts, or 4430
donations for purposes of the program. Money received under this 4431
division or section ~~3793.22~~ 5119.49 or 4729.69 of the Revised Code 4432
shall be deposited into the state treasury to the credit of the 4433
drug take-back program fund, which is hereby created. Money 4434
credited to the fund shall be used solely for purposes of the 4435
program. 4436

Sec. 111.02. Before entering upon the discharge of the duties 4437

of ~~his~~ office, the secretary of state shall give a bond to the 4438
state in the sum of one hundred thousand dollars, with ~~two or more~~ 4439
~~sureties approved by the governor, auditor of state, and attorney~~ 4440
~~general~~ a surety authorized to do business in the state, 4441
conditioned for the faithful discharge of the duties of ~~his~~ the 4442
office of secretary of state. The bond, ~~with the approval of the~~ 4443
~~proper officials~~ and the oath of office ~~indorsed thereon,~~ shall be 4444
deposited with and kept by the director of administrative services 4445
~~and kept~~ in ~~his~~ the director's office. 4446

Sec. 111.15. (A) As used in this section: 4447

(1) "Rule" includes any rule, regulation, bylaw, or standard 4448
having a general and uniform operation adopted by an agency under 4449
the authority of the laws governing the agency; any appendix to a 4450
rule; and any internal management rule. "Rule" does not include 4451
any guideline adopted pursuant to section 3301.0714 of the Revised 4452
Code, any order respecting the duties of employees, any finding, 4453
any determination of a question of law or fact in a matter 4454
presented to an agency, or any rule promulgated pursuant to 4455
Chapter 119., section 4141.14, division (C)(1) or (2) of section 4456
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 4457
any amendment or rescission of a rule. 4458

(2) "Agency" means any governmental entity of the state and 4459
includes, but is not limited to, any board, department, division, 4460
commission, bureau, society, council, institution, state college 4461
or university, community college district, technical college 4462
district, or state community college. "Agency" does not include 4463
the general assembly, the controlling board, the adjutant 4464
general's department, or any court. 4465

(3) "Internal management rule" means any rule, regulation, 4466
bylaw, or standard governing the day-to-day staff procedures and 4467
operations within an agency. 4468

(4) "Substantive revision" has the same meaning as in 4469
division (J) of section 119.01 of the Revised Code. 4470

(B)(1) Any rule, other than a rule of an emergency nature, 4471
adopted by any agency pursuant to this section shall be effective 4472
on the tenth day after the day on which the rule in final form and 4473
in compliance with division (B)(3) of this section is filed as 4474
follows: 4475

(a) The rule shall be filed in electronic form with both the 4476
secretary of state and the director of the legislative service 4477
commission; 4478

(b) The rule shall be filed in electronic form with the joint 4479
committee on agency rule review. Division (B)(1)(b) of this 4480
section does not apply to any rule to which division (D) of this 4481
section does not apply. 4482

An agency that adopts or amends a rule that is subject to 4483
division (D) of this section shall assign a review date to the 4484
rule that is not later than five years after its effective date. 4485
If no review date is assigned to a rule, or if a review date 4486
assigned to a rule exceeds the five-year maximum, the review date 4487
for the rule is five years after its effective date. A rule with a 4488
review date is subject to review under section 119.032 of the 4489
Revised Code. This paragraph does not apply to a rule of a state 4490
college or university, community college district, technical 4491
college district, or state community college. 4492

If all filings are not completed on the same day, the rule 4493
shall be effective on the tenth day after the day on which the 4494
latest filing is completed. If an agency in adopting a rule 4495
designates an effective date that is later than the effective date 4496
provided for by division (B)(1) of this section, the rule if filed 4497
as required by such division shall become effective on the later 4498
date designated by the agency. 4499

Any rule that is required to be filed under division (B)(1) 4500
of this section is also subject to division (D) of this section if 4501
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 4502
(8) of this section. 4503

If a rule incorporates a text or other material by reference, 4504
the agency shall comply with sections 121.71 to 121.76 of the 4505
Revised Code. 4506

(2) A rule of an emergency nature necessary for the immediate 4507
preservation of the public peace, health, or safety shall state 4508
the reasons for the necessity. The emergency rule, in final form 4509
and in compliance with division (B)(3) of this section, shall be 4510
filed in electronic form with the secretary of state, the director 4511
of the legislative service commission, and the joint committee on 4512
agency rule review. The emergency rule is effective immediately 4513
upon completion of the latest filing, except that if the agency in 4514
adopting the emergency rule designates an effective date, or date 4515
and time of day, that is later than the effective date and time 4516
provided for by division (B)(2) of this section, the emergency 4517
rule if filed as required by such division shall become effective 4518
at the later date, or later date and time of day, designated by 4519
the agency. 4520

An emergency rule becomes invalid at the end of the ninetieth 4521
day it is in effect. Prior to that date, the agency may file the 4522
emergency rule as a nonemergency rule in compliance with division 4523
(B)(1) of this section. The agency may not refile the emergency 4524
rule in compliance with division (B)(2) of this section so that, 4525
upon the emergency rule becoming invalid under such division, the 4526
emergency rule will continue in effect without interruption for 4527
another ninety-day period. 4528

(3) An agency shall file a rule under division (B)(1) or (2) 4529
of this section in compliance with the following standards and 4530
procedures: 4531

(a) The rule shall be numbered in accordance with the 4532
numbering system devised by the director for the Ohio 4533
administrative code. 4534

(b) The rule shall be prepared and submitted in compliance 4535
with the rules of the legislative service commission. 4536

(c) The rule shall clearly state the date on which it is to 4537
be effective and the date on which it will expire, if known. 4538

(d) Each rule that amends or rescinds another rule shall 4539
clearly refer to the rule that is amended or rescinded. Each 4540
amendment shall fully restate the rule as amended. 4541

If the director of the legislative service commission or the 4542
director's designee gives an agency notice pursuant to section 4543
103.05 of the Revised Code that a rule filed by the agency is not 4544
in compliance with the rules of the legislative service 4545
commission, the agency shall within thirty days after receipt of 4546
the notice conform the rule to the rules of the commission as 4547
directed in the notice. 4548

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 4549
of this section shall be recorded by the secretary of state and 4550
the director under the title of the agency adopting the rule and 4551
shall be numbered according to the numbering system devised by the 4552
director. The secretary of state and the director shall preserve 4553
the rules in an accessible manner. Each such rule shall be a 4554
public record open to public inspection and may be transmitted to 4555
any law publishing company that wishes to reproduce it. 4556

(D) At least sixty-five days before a board, commission, 4557
department, division, or bureau of the government of the state 4558
files a rule under division (B)(1) of this section, it shall file 4559
the full text of the proposed rule in electronic form with the 4560
joint committee on agency rule review, and the proposed rule is 4561
subject to legislative review and invalidation under division (I) 4562

of section 119.03 of the Revised Code. If a state board, 4563
commission, department, division, or bureau makes a substantive 4564
revision in a proposed rule after it is filed with the joint 4565
committee, the state board, commission, department, division, or 4566
bureau shall promptly file the full text of the proposed rule in 4567
its revised form in electronic form with the joint committee. The 4568
latest version of a proposed rule as filed with the joint 4569
committee supersedes each earlier version of the text of the same 4570
proposed rule. ~~Except as provided in division (F) of this section,~~ 4571
a A state board, commission, department, division, or bureau shall 4572
also file the rule summary and fiscal analysis prepared under 4573
section 127.18 of the Revised Code in electronic form along with a 4574
proposed rule, and along with a proposed rule in revised form, 4575
that is filed under this division. If a proposed rule has an 4576
adverse impact on businesses, the state board, commission, 4577
department, division, or bureau also shall file the business 4578
impact analysis, any recommendations received from the common 4579
sense initiative office, and the associated memorandum of 4580
response, if any, in electronic form along with the proposed rule, 4581
or the proposed rule in revised form, that is filed under this 4582
division. 4583

As used in this division, "commission" includes the public 4584
utilities commission when adopting rules under a federal or state 4585
statute. 4586

This division does not apply to any of the following: 4587

(1) A proposed rule of an emergency nature; 4588

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 4589
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4590
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 4591
Code; 4592

(3) A rule proposed by an agency other than a board, 4593

commission, department, division, or bureau of the government of 4594
the state; 4595

(4) A proposed internal management rule of a board, 4596
commission, department, division, or bureau of the government of 4597
the state; 4598

(5) Any proposed rule that must be adopted verbatim by an 4599
agency pursuant to federal law or rule, to become effective within 4600
sixty days of adoption, in order to continue the operation of a 4601
federally reimbursed program in this state, so long as the 4602
proposed rule contains both of the following: 4603

(a) A statement that it is proposed for the purpose of 4604
complying with a federal law or rule; 4605

(b) A citation to the federal law or rule that requires 4606
verbatim compliance. 4607

(6) An initial rule proposed by the director of health to 4608
impose safety standards and quality-of-care standards with respect 4609
to a health service specified in section 3702.11 of the Revised 4610
Code, or an initial rule proposed by the director to impose 4611
quality standards on a facility listed in division (A)(4) of 4612
section 3702.30 of the Revised Code, if section 3702.12 of the 4613
Revised Code requires that the rule be adopted under this section; 4614

(7) A rule of the state lottery commission pertaining to 4615
instant game rules. 4616

If a rule is exempt from legislative review under division 4617
(D)(5) of this section, and if the federal law or rule pursuant to 4618
which the rule was adopted expires, is repealed or rescinded, or 4619
otherwise terminates, the rule is thereafter subject to 4620
legislative review under division (D) of this section. 4621

(E) Whenever a state board, commission, department, division, 4622
or bureau files a proposed rule or a proposed rule in revised form 4623

under division (D) of this section, it shall also file the full 4624
text of the same proposed rule or proposed rule in revised form in 4625
electronic form with the secretary of state and the director of 4626
the legislative service commission. ~~Except as provided in division~~ 4627
~~(F) of this section,~~ a A state board, commission, department, 4628
division, or bureau shall file the rule summary and fiscal 4629
analysis prepared under section 127.18 of the Revised Code in 4630
electronic form along with a proposed rule or proposed rule in 4631
revised form that is filed with the secretary of state or the 4632
director of the legislative service commission. 4633

~~(F) Except as otherwise provided in this division, the 4634
auditor of state or the auditor of state's designee is not 4635
required to file a rule summary and fiscal analysis along with a 4636
proposed rule, or proposed rule in revised form, that the auditor 4637
of state proposes under section 117.12, 117.19, 117.38, or 117.43 4638
of the Revised Code and files under division (D) or (E) of this 4639
section.~~ 4640

Sec. 111.28. (A) There is hereby created in the state 4641
treasury the help America vote act (HAVA) fund. All moneys 4642
received by the secretary of state from the United States election 4643
assistance commission shall be credited to the fund. The secretary 4644
of state shall use the moneys credited to the fund for activities 4645
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 4646
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 4647
shall be credited to the fund. 4648

(B) There is hereby created in the state treasury the 4649
election reform/health and human services fund. All moneys 4650
received by the secretary of state from the United States 4651
department of health and human services shall be credited to the 4652
fund. The secretary of state shall use the moneys credited to the 4653
fund for activities conducted pursuant to grants awarded to the 4654

state under Title II, Subtitle D, Sections 261 to 265 of the Help 4655
America Vote Act of 2002 to assure access for individuals with 4656
disabilities. All investment earnings of the fund shall be 4657
credited to the fund. 4658

(C) There is hereby created in the state treasury the 4659
miscellaneous federal grants fund. All moneys the secretary of 4660
state receives as grants from federal sources that are not 4661
otherwise designated shall be credited to the fund. The secretary 4662
of state shall use the moneys credited to the fund for the 4663
purposes and activities required by the applicable federal grant 4664
agreements. All investment earnings of the fund shall be credited 4665
to the fund. 4666

Sec. 113.02. Before entering upon the discharge of the duties 4667
of ~~his~~ office, the treasurer of state shall give a bond to the 4668
state in the sum of one million dollars, with ~~sureties approved by~~ 4669
~~the governor~~ a surety authorized to do business in the state, 4670
conditioned for the faithful discharge of the duties of ~~his~~ the 4671
office of treasurer of state. The bond, ~~with the approval of the~~ 4672
~~governor~~ and the oath of office ~~endorsed thereon,~~ shall be 4673
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 4674
the secretary of state's office. 4675

Sec. 113.061. The treasurer of state shall adopt rules in 4676
accordance with Chapter 119. of the Revised Code governing the 4677
remittance of taxes by electronic funds transfer as required under 4678
sections 5726.03, 5727.311, 5727.83, 5733.022, 5735.062, 5736.04, 4679
5739.032, 5745.04, ~~and~~ 5747.072, 5749.06, and 5751.07 of the 4680
Revised Code and any other section of the Revised Code under which 4681
a person is required to remit taxes by electronic funds transfer. 4682
The rules shall govern the modes of electronic funds transfer 4683
acceptable to the treasurer of state and under what circumstances 4684
each mode is acceptable, the content and format of electronic 4685

funds transfers, the coordination of payment by electronic funds transfer and filing of associated tax reports and returns, the remittance of taxes by means other than electronic funds transfer by persons otherwise required to do so but relieved of the requirement by the treasurer of state, and any other matter that in the opinion of the treasurer of state facilitates payment by electronic funds transfer in a manner consistent with those sections.

Upon failure by a person, if so required, to remit taxes by electronic funds transfer in the manner prescribed under section 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 5739.032, 5745.04, ~~or~~ 5747.072, 5749.06, or 5751.07 of the Revised Code and rules adopted under this section, the treasurer of state shall notify the tax commissioner of such failure if the treasurer of state determines that such failure was not due to reasonable cause or was due to willful neglect, and shall provide the tax commissioner with any information used in making that determination. The tax commissioner may assess an additional charge as specified in the respective section of the Revised Code governing the requirement to remit taxes by electronic funds transfer.

The treasurer of state may implement means of acknowledging, upon the request of a taxpayer, receipt of tax remittances made by electronic funds transfer, and may adopt rules governing acknowledgments. The cost of acknowledging receipt of electronic remittances shall be paid by the person requesting acknowledgment.

The treasurer of state, not the tax commissioner, is responsible for resolving any problems involving electronic funds transfer transmissions.

Sec. 117.03. Before entering upon the discharge of the duties of ~~his~~ office, the auditor of state shall give a bond to the state in the sum of twenty thousand dollars, with a surety ~~approved by~~

~~the governor~~ authorized to do business in the state, conditioned 4717
for the faithful discharge of the duties of ~~his~~ the office of 4718
auditor of state. The bond, ~~with the approval of the governor~~ and 4719
the oath of office ~~endorsed thereon~~, shall be deposited with and 4720
kept by the secretary of state and kept in ~~his~~ the secretary of 4721
state's office. 4722

Sec. 117.10. The auditor of state shall audit all public 4723
offices as provided in this chapter. The auditor of state also may 4724
audit the accounts of private institutions, associations, boards, 4725
and corporations receiving public money for their use and may 4726
require of them annual reports in such form as the auditor of 4727
state prescribes. 4728

If the auditor of state performs or contracts for the 4729
performance of an audit, including a special audit, of the public 4730
employees retirement system, school employees retirement system, 4731
state teachers retirement system, state highway patrol retirement 4732
system, or Ohio police and fire pension fund, the auditor of state 4733
shall make a timely report of the results of the audit to the Ohio 4734
retirement study council. 4735

The auditor of state may audit the accounts of any medicaid 4736
provider, as defined in section ~~5111.06~~ 5164.01 of the Revised 4737
Code. 4738

If a public office has been audited by an agency of the 4739
United States government, the auditor of state may, if satisfied 4740
that the federal audit has been conducted according to principles 4741
and procedures not contrary to those of the auditor of state, use 4742
and adopt the federal audit and report in lieu of an audit by the 4743
auditor of state's own office. 4744

Within thirty days after the creation or dissolution or the 4745
winding up of the affairs of any public office, that public office 4746
shall notify the auditor of state in writing that this action has 4747

occurred. 4748

Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. 4749
of the Revised Code, the auditor of state or the auditor of 4750
state's designee shall do both of the following: 4751

(1) Before adopting any such rule, except a rule of an 4752
emergency nature, do each of the following: 4753

(a) At least thirty-five days before any public hearing on 4754
the proposed rule-making action, mail or send by electronic mail 4755
notice of the hearing to each public office and to each statewide 4756
organization that the auditor of state or designee determines will 4757
be affected or represents persons who will be affected by the 4758
proposed rule-making action; 4759

(b) Mail or send by electronic mail a copy of the proposed 4760
rule to any person or organization that requests a copy within 4761
five days after receipt of the request; 4762

(c) Consult with appropriate state and local government 4763
agencies, or with persons representative of their interests, 4764
including statewide organizations of local government officials, 4765
and consult with accounting professionals and other interested 4766
persons; 4767

(d) Conduct, on the date and at the time and place designated 4768
in the notice, a public hearing at which any person affected by 4769
the proposed rule, including statewide organizations of local 4770
government officials, may appear and be heard in person, by 4771
attorney, or both, and may present the person's or organization's 4772
position or contentions orally or in writing. 4773

(2) ~~Except as otherwise provided in division (A)(2) of this~~ 4774
~~section, comply~~ Comply with divisions (B) to (E) of section 111.15 4775
of the Revised Code. ~~The auditor of state is not required to file~~ 4776
~~a rule summary and fiscal analysis along with any copy of a~~ 4777

~~proposed rule, or proposed rule in revised form, that is filed 4778
with the joint committee on agency rule review, the secretary of 4779
state, or the director of the legislative service commission under 4780
division (D) or (E) of section 111.15 of the Revised Code. 4781~~

(B) The auditor of state shall diligently discharge the 4782
duties imposed by divisions (A)(1)(a), (b), and (c) of this 4783
section, but failure to mail or send by electronic mail any notice 4784
or copy of a proposed rule, or to consult with any person or 4785
organization, shall not invalidate any rule. 4786

(C) Notwithstanding any contrary provision of the Revised 4787
Code, the auditor of state may prepare and disseminate, to public 4788
offices and other interested persons and organizations, advisory 4789
bulletins, directives, and instructions relating to accounting and 4790
financial reporting systems, budgeting procedures, fiscal 4791
controls, and the constructions by the auditor of state of 4792
constitutional and statutory provisions, court decisions, and 4793
opinions of the attorney general. The bulletins, directives, and 4794
instructions shall be of an advisory nature only. 4795

(D) As used in this section, "rule" includes the adoption, 4796
amendment, or rescission of a rule. 4797

Sec. 119.01. As used in sections 119.01 to 119.13 of the 4798
Revised Code: 4799

(A)(1) "Agency" means, except as limited by this division, 4800
any official, board, or commission having authority to promulgate 4801
rules or make adjudications in the civil service commission, the 4802
division of liquor control, the department of taxation, the 4803
industrial commission, the bureau of workers' compensation, the 4804
functions of any administrative or executive officer, department, 4805
division, bureau, board, or commission of the government of the 4806
state specifically made subject to sections 119.01 to 119.13 of 4807
the Revised Code, and the licensing functions of any 4808

administrative or executive officer, department, division, bureau, 4809
board, or commission of the government of the state having the 4810
authority or responsibility of issuing, suspending, revoking, or 4811
canceling licenses. 4812

Except as otherwise provided in division (I) of this section, 4813
sections 119.01 to 119.13 of the Revised Code do not apply to the 4814
public utilities commission. Sections 119.01 to 119.13 of the 4815
Revised Code do not apply to the utility radiological safety 4816
board; to the controlling board; to actions of the superintendent 4817
of financial institutions and the superintendent of insurance in 4818
the taking possession of, and rehabilitation or liquidation of, 4819
the business and property of banks, savings and loan associations, 4820
savings banks, credit unions, insurance companies, associations, 4821
reciprocal fraternal benefit societies, and bond investment 4822
companies; to any action taken by the division of securities under 4823
section 1707.201 of the Revised Code; or to any action that may be 4824
taken by the superintendent of financial institutions under 4825
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 4826
1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 4827
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 4828

Sections 119.01 to 119.13 of the Revised Code do not apply to 4829
actions of the industrial commission or the bureau of workers' 4830
compensation under sections 4123.01 to 4123.94 of the Revised Code 4831
with respect to all matters of adjudication, or to the actions of 4832
the industrial commission, bureau of workers' compensation board 4833
of directors, and bureau of workers' compensation under division 4834
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 4835
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 4836
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 4837
(E) of section 4131.14 of the Revised Code with respect to all 4838
matters concerning the establishment of premium, contribution, and 4839
assessment rates. 4840

(2) "Agency" also means any official or work unit having authority to promulgate rules or make adjudications in the department of job and family services, but only with respect to both of the following:

(a) The adoption, amendment, or rescission of rules that section 5101.09 of the Revised Code requires be adopted in accordance with this chapter;

(b) The issuance, suspension, revocation, or cancellation of licenses.

(B) "License" means any license, permit, certificate, commission, or charter issued by any agency. "License" does not include any arrangement whereby a person, ~~institution,~~ or government entity furnishes medicaid services under a provider agreement with the department of ~~job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended~~ medicaid.

(C) "Rule" means any rule, regulation, or standard, having a general and uniform operation, adopted, promulgated, and enforced by any agency under the authority of the laws governing such agency, and includes any appendix to a rule. "Rule" does not include any internal management rule of an agency unless the internal management rule affects private rights and does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code.

(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature.

(E) "Hearing" means a public hearing by any agency in

compliance with procedural safeguards afforded by sections 119.01 4872
to 119.13 of the Revised Code. 4873

(F) "Person" means a person, firm, corporation, association, 4874
or partnership. 4875

(G) "Party" means the person whose interests are the subject 4876
of an adjudication by an agency. 4877

(H) "Appeal" means the procedure by which a person, aggrieved 4878
by a finding, decision, order, or adjudication of any agency, 4879
invokes the jurisdiction of a court. 4880

(I) "Rule-making agency" means any board, commission, 4881
department, division, or bureau of the government of the state 4882
that is required to file proposed rules, amendments, or 4883
rescissions under division (D) of section 111.15 of the Revised 4884
Code and any agency that is required to file proposed rules, 4885
amendments, or rescissions under divisions (B) and (H) of section 4886
119.03 of the Revised Code. "Rule-making agency" includes the 4887
public utilities commission. "Rule-making agency" does not include 4888
any state-supported college or university. 4889

(J) "Substantive revision" means any addition to, elimination 4890
from, or other change in a rule, an amendment of a rule, or a 4891
rescission of a rule, whether of a substantive or procedural 4892
nature, that changes any of the following: 4893

(1) That which the rule, amendment, or rescission permits, 4894
authorizes, regulates, requires, prohibits, penalizes, rewards, or 4895
otherwise affects; 4896

(2) The scope or application of the rule, amendment, or 4897
rescission. 4898

(K) "Internal management rule" means any rule, regulation, or 4899
standard governing the day-to-day staff procedures and operations 4900
within an agency. 4901

Sec. 120.06. (A)(1) The state public defender, when 4902
designated by the court or requested by a county public defender 4903
or joint county public defender, may provide legal representation 4904
in all courts throughout the state to indigent adults and 4905
juveniles who are charged with the commission of an offense or act 4906
for which the penalty or any possible adjudication includes the 4907
potential loss of liberty. 4908

(2) The state public defender may provide legal 4909
representation to any indigent person who, while incarcerated in 4910
any state correctional institution, is charged with a felony 4911
offense, for which the penalty or any possible adjudication that 4912
may be imposed by a court upon conviction includes the potential 4913
loss of liberty. 4914

(3) The state public defender may provide legal 4915
representation to any person incarcerated in any correctional 4916
institution of the state, in any matter in which the person 4917
asserts the person is unlawfully imprisoned or detained. 4918

(4) The state public defender, in any case in which the state 4919
public defender has provided legal representation or is requested 4920
to do so by a county public defender or joint county public 4921
defender, may provide legal representation on appeal. 4922

(5) The state public defender, when designated by the court 4923
or requested by a county public defender, joint county public 4924
defender, or the director of rehabilitation and correction, shall 4925
provide legal representation in parole and probation revocation 4926
matters or matters relating to the revocation of community control 4927
or post-release control under a community control sanction or 4928
post-release control sanction, unless the state public defender 4929
finds that the alleged parole or probation violator or alleged 4930
violator of a community control sanction or post-release control 4931
sanction has the financial capacity to retain the alleged 4932

violator's own counsel. 4933

(6) The state public defender, when designated by the court 4934
or requested by a county public defender, joint county public 4935
defender, the director of rehabilitation and correction, or the 4936
director of youth services, shall provide legal representation to 4937
a child confined in a facility operated, or contracted for, by the 4938
department of youth services, on administrative issues that may 4939
extend the period of the child's confinement in a facility 4940
operated, or contracted for, by the department of youth services, 4941
unless the state public defender finds that the child has the 4942
financial capacity to retain the child's own counsel. 4943

(7) If the state public defender contracts with a county 4944
public defender commission, a joint county public defender 4945
commission, or a board of county commissioners for the provision 4946
of services, under authority of division (C)(7) of section 120.04 4947
of the Revised Code, the state public defender shall provide legal 4948
representation in accordance with the contract. 4949

(B) The state public defender shall not be required to 4950
prosecute any appeal, postconviction remedy, or other proceeding 4951
pursuant to division (A)(3), (4), ~~or (5)~~, or (6) of this section, 4952
unless the state public defender first is satisfied that there is 4953
arguable merit to the proceeding. 4954

(C) A court may appoint counsel or allow an indigent person 4955
to select the indigent's own personal counsel to assist the state 4956
public defender as co-counsel when the interests of justice so 4957
require. When co-counsel is appointed to assist the state public 4958
defender, the co-counsel shall receive any compensation that the 4959
court may approve, not to exceed the amounts provided for in 4960
section 2941.51 of the Revised Code. 4961

(D)(1) When the state public defender is designated by the 4962
court or requested by a county public defender or joint county 4963

public defender to provide legal representation for an indigent 4964
person in any case, other than pursuant to a contract entered into 4965
under authority of division (C)(7) of section 120.04 of the 4966
Revised Code, the state public defender shall send to the county 4967
in which the case is filed a bill detailing the actual cost of the 4968
representation that separately itemizes legal fees and expenses. 4969
The county, upon receipt of an itemized bill from the state public 4970
defender pursuant to this division, shall pay the state public 4971
defender each of the following amounts: 4972

(a) For the amount identified as legal fees in the itemized 4973
bill, one hundred per cent of the amount identified as legal fees 4974
less the state reimbursement rate as calculated by the state 4975
public defender pursuant to section 120.34 of the Revised Code for 4976
the month the case terminated, as set forth in the itemized bill; 4977

(b) For the amount identified as expenses in the itemized 4978
bill, one hundred per cent. 4979

(2) Upon payment of the itemized bill under division (D)(1) 4980
of this section, the county may submit the cost of the expenses, 4981
excluding legal fees, to the state public defender for 4982
reimbursement pursuant to section 120.33 of the Revised Code. 4983

(3) When the state public defender provides investigation or 4984
mitigation services to private appointed counsel or to a county or 4985
joint county public defender as approved by the appointing court, 4986
other than pursuant to a contract entered into under authority of 4987
division (C)(7) of section 120.04 of the Revised Code, the state 4988
public defender shall send to the county in which the case is 4989
filed a bill itemizing the actual cost of the services provided. 4990
The county, upon receipt of an itemized bill from the state public 4991
defender pursuant to this division, shall pay one hundred per cent 4992
of the amount as set forth in the itemized bill. Upon payment of 4993
the itemized bill received pursuant to this division, the county 4994
may submit the cost of the investigation and mitigation services 4995

to the state public defender for reimbursement pursuant to section 4996
120.33 of the Revised Code. 4997

(4) There is hereby created in the state treasury the county 4998
representation fund for the deposit of moneys received from 4999
counties under this division. All moneys credited to the fund 5000
shall be used by the state public defender to provide legal 5001
representation for indigent persons when designated by the court 5002
or requested by a county or joint county public defender or to 5003
provide investigation or mitigation services, including 5004
investigation or mitigation services to private appointed counsel 5005
or a county or joint county public defender, as approved by the 5006
court. 5007

(E)(1) Notwithstanding any contrary provision of sections 5008
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 5009
that pertains to representation by the attorney general, an 5010
assistant attorney general, or special counsel of an officer or 5011
employee, as defined in section 109.36 of the Revised Code, or of 5012
an entity of state government, the state public defender may elect 5013
to contract with, and to have the state pay pursuant to division 5014
(E)(2) of this section for the services of, private legal counsel 5015
to represent the Ohio public defender commission, the state public 5016
defender, assistant state public defenders, other employees of the 5017
commission or the state public defender, and attorneys described 5018
in division (C) of section 120.41 of the Revised Code in a 5019
malpractice or other civil action or proceeding that arises from 5020
alleged actions or omissions related to responsibilities derived 5021
pursuant to this chapter, or in a civil action that is based upon 5022
alleged violations of the constitution or statutes of the United 5023
States, including section 1983 of Title 42 of the United States 5024
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 5025
arises from alleged actions or omissions related to 5026
responsibilities derived pursuant to this chapter, if the state 5027

public defender determines, in good faith, that the defendant in 5028
the civil action or proceeding did not act manifestly outside the 5029
scope of the defendant's employment or official responsibilities, 5030
with malicious purpose, in bad faith, or in a wanton or reckless 5031
manner. If the state public defender elects not to contract 5032
pursuant to this division for private legal counsel in a civil 5033
action or proceeding, then, in accordance with sections 109.02, 5034
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 5035
attorney general shall represent or provide for the representation 5036
of the Ohio public defender commission, the state public defender, 5037
assistant state public defenders, other employees of the 5038
commission or the state public defender, or attorneys described in 5039
division (C) of section 120.41 of the Revised Code in the civil 5040
action or proceeding. 5041

(2)(a) Subject to division (E)(2)(b) of this section, payment 5042
from the state treasury for the services of private legal counsel 5043
with whom the state public defender has contracted pursuant to 5044
division (E)(1) of this section shall be accomplished only through 5045
the following procedure: 5046

(i) The private legal counsel shall file with the attorney 5047
general a copy of the contract; a request for an award of legal 5048
fees, court costs, and expenses earned or incurred in connection 5049
with the defense of the Ohio public defender commission, the state 5050
public defender, an assistant state public defender, an employee, 5051
or an attorney in a specified civil action or proceeding; a 5052
written itemization of those fees, costs, and expenses, including 5053
the signature of the state public defender and the state public 5054
defender's attestation that the fees, costs, and expenses were 5055
earned or incurred pursuant to division (E)(1) of this section to 5056
the best of the state public defender's knowledge and information; 5057
a written statement whether the fees, costs, and expenses are for 5058
all legal services to be rendered in connection with that defense, 5059

are only for legal services rendered to the date of the request 5060
and additional legal services likely will have to be provided in 5061
connection with that defense, or are for the final legal services 5062
rendered in connection with that defense; a written statement 5063
indicating whether the private legal counsel previously submitted 5064
a request for an award under division (E)(2) of this section in 5065
connection with that defense and, if so, the date and the amount 5066
of each award granted; and, if the fees, costs, and expenses are 5067
for all legal services to be rendered in connection with that 5068
defense or are for the final legal services rendered in connection 5069
with that defense, a certified copy of any judgment entry in the 5070
civil action or proceeding or a signed copy of any settlement 5071
agreement entered into between the parties to the civil action or 5072
proceeding. 5073

(ii) Upon receipt of a request for an award of legal fees, 5074
court costs, and expenses and the requisite supportive 5075
documentation described in division (E)(2)(a)(i) of this section, 5076
the attorney general shall review the request and documentation; 5077
determine whether any of the limitations specified in division 5078
(E)(2)(b) of this section apply to the request; and, if an award 5079
of legal fees, court costs, or expenses is permissible after 5080
applying the limitations, prepare a document awarding legal fees, 5081
court costs, or expenses to the private legal counsel. The 5082
document shall name the private legal counsel as the recipient of 5083
the award; specify the total amount of the award as determined by 5084
the attorney general; itemize the portions of the award that 5085
represent legal fees, court costs, and expenses; specify any 5086
limitation applied pursuant to division (E)(2)(b) of this section 5087
to reduce the amount of the award sought by the private legal 5088
counsel; state that the award is payable from the state treasury 5089
pursuant to division (E)(2)(a)(iii) of this section; and be 5090
approved by the inclusion of the signatures of the attorney 5091
general, the state public defender, and the private legal counsel. 5092

(iii) The attorney general shall forward a copy of the document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until

the appropriation has been made. The private legal counsel shall 5126
make the request during the current biennium and during each 5127
succeeding biennium until a sufficient appropriation is made. 5128

(b) An award of legal fees, court costs, and expenses 5129
pursuant to division (E) of this section is subject to the 5130
following limitations: 5131

(i) The maximum award or maximum aggregate of a series of 5132
awards of legal fees, court costs, and expenses to the private 5133
legal counsel in connection with the defense of the Ohio public 5134
defender commission, the state public defender, an assistant state 5135
public defender, an employee, or an attorney in a specified civil 5136
action or proceeding shall not exceed fifty thousand dollars. 5137

(ii) The private legal counsel shall not be awarded legal 5138
fees, court costs, or expenses to the extent the fees, costs, or 5139
expenses are covered by a policy of malpractice or other 5140
insurance. 5141

(iii) The private legal counsel shall be awarded legal fees 5142
and expenses only to the extent that the fees and expenses are 5143
reasonable in light of the legal services rendered by the private 5144
legal counsel in connection with the defense of the Ohio public 5145
defender commission, the state public defender, an assistant state 5146
public defender, an employee, or an attorney in a specified civil 5147
action or proceeding. 5148

(c) If, pursuant to division (E)(2)(a) of this section, the 5149
attorney general denies a request for an award of legal fees, 5150
court costs, or expenses to private legal counsel because of the 5151
application of a limitation specified in division (E)(2)(b) of 5152
this section, the attorney general shall notify the private legal 5153
counsel in writing of the denial and of the limitation applied. 5154

(d) If, pursuant to division (E)(2)(c) of this section, a 5155
private legal counsel receives a denial of an award notification 5156

or if a private legal counsel refuses to approve a document under 5157
division (E)(2)(a)(ii) of this section because of the proposed 5158
application of a limitation specified in division (E)(2)(b) of 5159
this section, the private legal counsel may commence a civil 5160
action against the attorney general in the court of claims to 5161
prove the private legal counsel's entitlement to the award sought, 5162
to prove that division (E)(2)(b) of this section does not prohibit 5163
or otherwise limit the award sought, and to recover a judgment for 5164
the amount of the award sought. A civil action under division 5165
(E)(2)(d) of this section shall be commenced no later than two 5166
years after receipt of a denial of award notification or, if the 5167
private legal counsel refused to approve a document under division 5168
(E)(2)(a)(ii) of this section because of the proposed application 5169
of a limitation specified in division (E)(2)(b) of this section, 5170
no later than two years after the refusal. Any judgment of the 5171
court of claims in favor of the private legal counsel shall be 5172
paid from the state treasury in accordance with division (E)(2)(a) 5173
of this section. 5174

(F) If a court appoints the office of the state public 5175
defender to represent a petitioner in a postconviction relief 5176
proceeding under section 2953.21 of the Revised Code, the 5177
petitioner has received a sentence of death, and the proceeding 5178
relates to that sentence, all of the attorneys who represent the 5179
petitioner in the proceeding pursuant to the appointment, whether 5180
an assistant state public defender, the state public defender, or 5181
another attorney, shall be certified under Rule 20 of the Rules of 5182
Superintendence for the Courts of Ohio to represent indigent 5183
defendants charged with or convicted of an offense for which the 5184
death penalty can be or has been imposed. 5185

(G)(1) The state public defender may conduct a legal 5186
assistance referral service for children committed to the 5187
department of youth services relative to conditions of confinement 5188

claims. If the legal assistance referral service receives a 5189
request for assistance from a child confined in a facility 5190
operated, or contracted for, by the department of youth services 5191
and the state public defender determines that the child has a 5192
conditions of confinement claim that has merit, the state public 5193
defender may refer the child to a private attorney. If no private 5194
attorney who the child has been referred to by the state public 5195
defender accepts the case within a reasonable time, the state 5196
public defender may prepare, as appropriate, pro se pleadings in 5197
the form of a complaint regarding the conditions of confinement at 5198
the facility where the child is confined with a motion for 5199
appointment of counsel and other applicable pleadings necessary 5200
for sufficient pro se representation. 5201

(2) Division (G)(1) of this section does not authorize the 5202
state public defender to represent a child committed to the 5203
department of youth services in general civil matters arising 5204
solely out of state law. 5205

(3) The state public defender shall not undertake the 5206
representation of a child in court based on a conditions of 5207
confinement claim arising under this division. 5208

(H) A child's right to representation or services under this 5209
section is not affected by the child, or another person on behalf 5210
of the child, previously having paid for similar representation or 5211
services or having waived legal representation. 5212

(I) The state public defender shall have reasonable access to 5213
any child committed to the department of youth services, 5214
department of youth services institution, and department of youth 5215
services record as needed to implement this section. 5216

(J) As used in this section: 5217

(1) "Community control sanction" has the same meaning as in 5218
section 2929.01 of the Revised Code. 5219

(2) "Conditions of confinement" means any issue involving a constitutional right or other civil right related to a child's incarceration, including, but not limited to, actions cognizable under 42 U.S.C. 1983. 5220
5221
5222
5223

(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 5224
5225

Sec. 121.02. The following administrative departments and their respective directors are hereby created: 5226
5227

(A) The office of budget and management, which shall be administered by the director of budget and management; 5228
5229

(B) The department of commerce, which shall be administered by the director of commerce; 5230
5231

(C) The department of administrative services, which shall be administered by the director of administrative services; 5232
5233

(D) The department of transportation, which shall be administered by the director of transportation; 5234
5235

(E) The department of agriculture, which shall be administered by the director of agriculture; 5236
5237

(F) The department of natural resources, which shall be administered by the director of natural resources; 5238
5239

(G) The department of health, which shall be administered by the director of health; 5240
5241

(H) The department of job and family services, which shall be administered by the director of job and family services; 5242
5243

(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control; 5244
5245

(J) The department of public safety, which shall be administered by the director of public safety; 5246
5247

(K) The department of ~~mental health~~ mental health and 5248
addiction services, which shall be administered by the director of 5249
~~mental health~~ mental health and addiction services; 5250

(L) The department of developmental disabilities, which shall 5251
be administered by the director of developmental disabilities; 5252

(M) The department of insurance, which shall be administered 5253
by the superintendent of insurance as director thereof; 5254

(N) The development services agency, which shall be 5255
administered by the director of development services; 5256

(O) The department of youth services, which shall be 5257
administered by the director of youth services; 5258

(P) The department of rehabilitation and correction, which 5259
shall be administered by the director of rehabilitation and 5260
correction; 5261

(Q) The environmental protection agency, which shall be 5262
administered by the director of environmental protection; 5263

(R) The department of aging, which shall be administered by 5264
the director of aging; 5265

~~(S) The department of alcohol and drug addiction services,~~ 5266
~~which shall be administered by the director of alcohol and drug~~ 5267
~~addiction services;~~ 5268

~~(T) The department of veterans services, which shall be~~ 5269
~~administered by the director of veterans services;~~ 5270

(T) The department of medicaid, which shall be administered 5271
by the medicaid director. 5272

The director of each department shall exercise the powers and 5273
perform the duties vested by law in such department. 5274

Sec. 121.03. The following administrative department heads 5275
shall be appointed by the governor, with the advice and consent of 5276

the senate, and shall hold their offices during the term of the	5277
appointing governor, and are subject to removal at the pleasure of	5278
the governor.	5279
(A) The director of budget and management;	5280
(B) The director of commerce;	5281
(C) The director of transportation;	5282
(D) The director of agriculture;	5283
(E) The director of job and family services;	5284
(F) Until July 1, 1997, the director of liquor control;	5285
(G) The director of public safety;	5286
(H) The superintendent of insurance;	5287
(I) The director of development services;	5288
(J) The tax commissioner;	5289
(K) The director of administrative services;	5290
(L) The director of natural resources;	5291
(M) The director of mental health <u>mental health and addiction</u>	5292
<u>services</u> ;	5293
(N) The director of developmental disabilities;	5294
(O) The director of health;	5295
(P) The director of youth services;	5296
(Q) The director of rehabilitation and correction;	5297
(R) The director of environmental protection;	5298
(S) The director of aging;	5299
(T) The director of alcohol and drug addiction services;	5300
(U) The administrator of workers' compensation who meets the	5301
qualifications required under division (A) of section 4121.121 of	5302
the Revised Code;	5303

~~(V)~~(U) The director of veterans services who meets the 5304
qualifications required under section 5902.01 of the Revised Code; 5305

~~(W)~~(V) The chancellor of the Ohio board of regents; 5306

(W) The medicaid director. 5307

Sec. 121.22. (A) This section shall be liberally construed to 5308
require public officials to take official action and to conduct 5309
all deliberations upon official business only in open meetings 5310
unless the subject matter is specifically excepted by law. 5311

(B) As used in this section: 5312

(1) "Public body" means any of the following: 5313

(a) Any board, commission, committee, council, or similar 5314
decision-making body of a state agency, institution, or authority, 5315
and any legislative authority or board, commission, committee, 5316
council, agency, authority, or similar decision-making body of any 5317
county, township, municipal corporation, school district, or other 5318
political subdivision or local public institution; 5319

(b) Any committee or subcommittee of a body described in 5320
division (B)(1)(a) of this section; 5321

(c) A court of jurisdiction of a sanitary district organized 5322
wholly for the purpose of providing a water supply for domestic, 5323
municipal, and public use when meeting for the purpose of the 5324
appointment, removal, or reappointment of a member of the board of 5325
directors of such a district pursuant to section 6115.10 of the 5326
Revised Code, if applicable, or for any other matter related to 5327
such a district other than litigation involving the district. As 5328
used in division (B)(1)(c) of this section, "court of 5329
jurisdiction" has the same meaning as "court" in section 6115.01 5330
of the Revised Code. 5331

(2) "Meeting" means any prearranged discussion of the public 5332
business of the public body by a majority of its members. 5333

(3) "Regulated individual" means either of the following:	5334
(a) A student in a state or local public educational institution;	5335
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.	5337
(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	5338
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	5339
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	5340
(D) This section does not apply to any of the following:	5343
(1) A grand jury;	5344
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	5345
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	5346
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	5347
(5) Meetings of a child fatality review board established	5348

under section 307.621 of the Revised Code and meetings conducted	5364
pursuant to sections 5153.171 to 5153.173 of the Revised Code;	5365
(6) The state medical board when determining whether to	5366
suspend a certificate without a prior hearing pursuant to division	5367
(G) of either section 4730.25 or 4731.22 of the Revised Code;	5368
(7) The board of nursing when determining whether to suspend	5369
a license or certificate without a prior hearing pursuant to	5370
division (B) of section 4723.281 of the Revised Code;	5371
(8) The state board of pharmacy when determining whether to	5372
suspend a license without a prior hearing pursuant to division (D)	5373
of section 4729.16 of the Revised Code;	5374
(9) The state chiropractic board when determining whether to	5375
suspend a license without a hearing pursuant to section 4734.37 of	5376
the Revised Code;	5377
(10) The executive committee of the emergency response	5378
commission when determining whether to issue an enforcement order	5379
or request that a civil action, civil penalty action, or criminal	5380
action be brought to enforce Chapter 3750. of the Revised Code;	5381
(11) The board of directors of the nonprofit corporation	5382
formed under section 187.01 of the Revised Code or any committee	5383
thereof, and the board of directors of any subsidiary of that	5384
corporation or a committee thereof;	5385
(12) An audit conference conducted by the audit staff of the	5386
department of job and family services with officials of the public	5387
office that is the subject of that audit under section 5101.37 of	5388
the Revised Code;	5389
<u>(13) The occupational therapy section of the occupational</u>	5390
<u>therapy, physical therapy, and athletic trainers board when</u>	5391
<u>determining whether to suspend a license or limited permit without</u>	5392
<u>a hearing pursuant to division (D) of section 4755.11 of the</u>	5393

<u>Revised Code;</u>	5394
<u>(14) The physical therapy section of the occupational</u>	5395
<u>therapy, physical therapy, and athletic trainers board when</u>	5396
<u>determining whether to suspend a license without a hearing</u>	5397
<u>pursuant to division (E) of section 4755.47 of the Revised Code;</u>	5398
<u>(15) The athletic trainers section of the occupational</u>	5399
<u>therapy, physical therapy, and athletic trainers board when</u>	5400
<u>determining whether to suspend a license without a hearing</u>	5401
<u>pursuant to division (D) of section 4755.64 of the Revised Code.</u>	5402
(E) The controlling board, the industrial technology and	5403
enterprise advisory council , the tax credit authority, or the	5404
minority development financing advisory board, when meeting to	5405
consider granting assistance pursuant to Chapter 122. or 166. of	5406
the Revised Code, in order to protect the interest of the	5407
applicant or the possible investment of public funds, by unanimous	5408
vote of all board, council , or authority members present, may	5409
close the meeting during consideration of the following	5410
information confidentially received by the authority, council , or	5411
board from the applicant:	5412
(1) Marketing plans;	5413
(2) Specific business strategy;	5414
(3) Production techniques and trade secrets;	5415
(4) Financial projections;	5416
(5) Personal financial statements of the applicant or members	5417
of the applicant's immediate family, including, but not limited	5418
to, tax records or other similar information not open to public	5419
inspection.	5420
The vote by the authority, council , or board to accept or	5421
reject the application, as well as all proceedings of the	5422
authority, council , or board not subject to this division, shall	5423

be open to the public and governed by this section. 5424

(F) Every public body, by rule, shall establish a reasonable 5425
method whereby any person may determine the time and place of all 5426
regularly scheduled meetings and the time, place, and purpose of 5427
all special meetings. A public body shall not hold a special 5428
meeting unless it gives at least twenty-four hours' advance notice 5429
to the news media that have requested notification, except in the 5430
event of an emergency requiring immediate official action. In the 5431
event of an emergency, the member or members calling the meeting 5432
shall notify the news media that have requested notification 5433
immediately of the time, place, and purpose of the meeting. 5434

The rule shall provide that any person, upon request and 5435
payment of a reasonable fee, may obtain reasonable advance 5436
notification of all meetings at which any specific type of public 5437
business is to be discussed. Provisions for advance notification 5438
may include, but are not limited to, mailing the agenda of 5439
meetings to all subscribers on a mailing list or mailing notices 5440
in self-addressed, stamped envelopes provided by the person. 5441

(G) Except as provided in division (J) of this section, the 5442
members of a public body may hold an executive session only after 5443
a majority of a quorum of the public body determines, by a roll 5444
call vote, to hold an executive session and only at a regular or 5445
special meeting for the sole purpose of the consideration of any 5446
of the following matters: 5447

(1) To consider the appointment, employment, dismissal, 5448
discipline, promotion, demotion, or compensation of a public 5449
employee or official, or the investigation of charges or 5450
complaints against a public employee, official, licensee, or 5451
regulated individual, unless the public employee, official, 5452
licensee, or regulated individual requests a public hearing. 5453
Except as otherwise provided by law, no public body shall hold an 5454
executive session for the discipline of an elected official for 5455

conduct related to the performance of the elected official's 5456
official duties or for the elected official's removal from office. 5457
If a public body holds an executive session pursuant to division 5458
(G)(1) of this section, the motion and vote to hold that executive 5459
session shall state which one or more of the approved purposes 5460
listed in division (G)(1) of this section are the purposes for 5461
which the executive session is to be held, but need not include 5462
the name of any person to be considered at the meeting. 5463

(2) To consider the purchase of property for public purposes, 5464
or for the sale of property at competitive bidding, if premature 5465
disclosure of information would give an unfair competitive or 5466
bargaining advantage to a person whose personal, private interest 5467
is adverse to the general public interest. No member of a public 5468
body shall use division (G)(2) of this section as a subterfuge for 5469
providing covert information to prospective buyers or sellers. A 5470
purchase or sale of public property is void if the seller or buyer 5471
of the public property has received covert information from a 5472
member of a public body that has not been disclosed to the general 5473
public in sufficient time for other prospective buyers and sellers 5474
to prepare and submit offers. 5475

If the minutes of the public body show that all meetings and 5476
deliberations of the public body have been conducted in compliance 5477
with this section, any instrument executed by the public body 5478
purporting to convey, lease, or otherwise dispose of any right, 5479
title, or interest in any public property shall be conclusively 5480
presumed to have been executed in compliance with this section 5481
insofar as title or other interest of any bona fide purchasers, 5482
lessees, or transferees of the property is concerned. 5483

(3) Conferences with an attorney for the public body 5484
concerning disputes involving the public body that are the subject 5485
of pending or imminent court action; 5486

(4) Preparing for, conducting, or reviewing negotiations or 5487

bargaining sessions with public employees concerning their 5488
compensation or other terms and conditions of their employment; 5489

(5) Matters required to be kept confidential by federal law 5490
or regulations or state statutes; 5491

(6) Details relative to the security arrangements and 5492
emergency response protocols for a public body or a public office, 5493
if disclosure of the matters discussed could reasonably be 5494
expected to jeopardize the security of the public body or public 5495
office; 5496

(7) In the case of a county hospital operated pursuant to 5497
Chapter 339. of the Revised Code, a joint township hospital 5498
operated pursuant to Chapter 513. of the Revised Code, or a 5499
municipal hospital operated pursuant to Chapter 749. of the 5500
Revised Code, to consider trade secrets, as defined in section 5501
1333.61 of the Revised Code; 5502

(8) Details and terms relative to any application for an 5503
economic development project, if the economic development 5504
assistance is to be provided or administered under any provision 5505
of Chapter 715., 725., or 1728., sections 701.07, 3735.67 to 5506
3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5507
5709.75, or 5709.77 to 5709.81 of the Revised Code, or any other 5508
provision of law pursuant to which a political subdivision may 5509
provide economic development assistance. 5510

If a public body holds an executive session to consider any 5511
of the matters listed in divisions (G)(2) to ~~(7)~~(8) of this 5512
section, the motion and vote to hold that executive session shall 5513
state which one or more of the approved matters listed in those 5514
divisions are to be considered at the executive session. 5515

A public body specified in division (B)(1)(c) of this section 5516
shall not hold an executive session when meeting for the purposes 5517
specified in that division. 5518

(H) A resolution, rule, or formal action of any kind is 5519
invalid unless adopted in an open meeting of the public body. A 5520
resolution, rule, or formal action adopted in an open meeting that 5521
results from deliberations in a meeting not open to the public is 5522
invalid unless the deliberations were for a purpose specifically 5523
authorized in division (G) or (J) of this section and conducted at 5524
an executive session held in compliance with this section. A 5525
resolution, rule, or formal action adopted in an open meeting is 5526
invalid if the public body that adopted the resolution, rule, or 5527
formal action violated division (F) of this section. 5528

(I)(1) Any person may bring an action to enforce this 5529
section. An action under division (I)(1) of this section shall be 5530
brought within two years after the date of the alleged violation 5531
or threatened violation. Upon proof of a violation or threatened 5532
violation of this section in an action brought by any person, the 5533
court of common pleas shall issue an injunction to compel the 5534
members of the public body to comply with its provisions. 5535

(2)(a) If the court of common pleas issues an injunction 5536
pursuant to division (I)(1) of this section, the court shall order 5537
the public body that it enjoins to pay a civil forfeiture of five 5538
hundred dollars to the party that sought the injunction and shall 5539
award to that party all court costs and, subject to reduction as 5540
described in division (I)(2) of this section, reasonable 5541
attorney's fees. The court, in its discretion, may reduce an award 5542
of attorney's fees to the party that sought the injunction or not 5543
award attorney's fees to that party if the court determines both 5544
of the following: 5545

(i) That, based on the ordinary application of statutory law 5546
and case law as it existed at the time of violation or threatened 5547
violation that was the basis of the injunction, a well-informed 5548
public body reasonably would believe that the public body was not 5549
violating or threatening to violate this section; 5550

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

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

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

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

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

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

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

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

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

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

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

- (1) The department of aging;
- ~~(2) The department of alcohol and drug addiction services;~~
- ~~(3) The department of development services agency;~~
- ~~(4)~~(3) The department of developmental disabilities;
- ~~(5)~~(4) The department of education;
- ~~(6)~~(5) The department of health;
- ~~(7)~~(6) The department of job and family services;
- ~~(8)~~(7) The department of medicaid;
- (8) The department of ~~mental health~~ mental health and

addiction services; 5611

(9) The ~~rehabilitation services commission~~ opportunities for 5612
Ohioans with disabilities agency. 5613

(B) In revising eligibility standards and eligibility 5614
determination procedures, a state agency shall not make any 5615
program's eligibility standards or eligibility determination 5616
procedures inconsistent with state or federal law. To the extent 5617
authorized by state and federal law, the revisions may provide for 5618
the state agencies to share administrative operations. 5619

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5620
and children first cabinet council. The council shall be composed 5621
of the superintendent of public instruction, the ~~administrator~~ 5622
executive director of the ~~rehabilitation services commission~~ 5623
opportunities for Ohioans with disabilities agency, the medicaid 5624
director, and the directors of youth services, job and family 5625
services, ~~mental health~~ mental health and addiction services, 5626
health, ~~alcohol and drug addiction services,~~ developmental 5627
disabilities, aging, rehabilitation and correction, and budget and 5628
management. The chairperson of the council shall be the governor 5629
or the governor's designee and shall establish procedures for the 5630
council's internal control and management. 5631

The purpose of the cabinet council is to help families 5632
seeking government services. This section shall not be interpreted 5633
or applied to usurp the role of parents, but solely to streamline 5634
and coordinate existing government services for families seeking 5635
assistance for their children. 5636

(2) In seeking to fulfill its purpose, the council may do any 5637
of the following: 5638

(a) Advise and make recommendations to the governor and 5639
general assembly regarding the provision of services to children; 5640

- (b) Advise and assess local governments on the coordination of service delivery to children; 5641
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- (c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law; 5643
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- (d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system; 5647
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- (e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 5650
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- (f) Enter into contracts with and apply for grants from federal agencies or private organizations; 5655
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- (g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 5657
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- (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 5662
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- (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 5666
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- (j) Identify and disseminate publications regarding alleged 5670

or adjudicated unruly children and children who are at risk of 5671
being alleged or adjudicated unruly children and regarding 5672
programs serving those types of children; 5673

(k) Maintain an inventory of strategic planning facilitators 5674
for use by government or nonprofit entities that serve alleged or 5675
adjudicated unruly children or children who are at risk of being 5676
alleged or adjudicated unruly children. 5677

(3) The cabinet council shall provide for the following: 5678

(a) Reviews of service and treatment plans for children for 5679
which such reviews are requested; 5680

(b) Assistance as the council determines to be necessary to 5681
meet the needs of children referred by county family and children 5682
first councils; 5683

(c) Monitoring and supervision of a statewide, comprehensive, 5684
coordinated, multi-disciplinary, interagency system for infants 5685
and toddlers with developmental disabilities or delays and their 5686
families, as established pursuant to federal grants received and 5687
administered by the department of health for early intervention 5688
services under the "Individuals with Disabilities Education Act of 5689
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 5690

(4) The cabinet council shall develop and implement the 5691
following: 5692

(a) An interagency process to select the indicators that will 5693
be used to measure progress toward increasing child well-being in 5694
the state and to update the indicators on an annual basis. The 5695
indicators shall focus on expectant parents and newborns thriving; 5696
infants and toddlers thriving; children being ready for school; 5697
children and youth succeeding in school; youth choosing healthy 5698
behaviors; and youth successfully transitioning into adulthood. 5699

(b) An interagency system to offer guidance and monitor 5700

progress toward increasing child well-being in the state and in 5701
each county; 5702

(c) An annual plan that identifies state-level agency efforts 5703
taken to ensure progress towards increasing child well-being in 5704
the state. 5705

On an annual basis, the cabinet council shall submit to the 5706
governor and the general assembly a report on the status of 5707
efforts to increase child well-being in the state. This report 5708
shall be made available to any other person on request. 5709

(B)(1) Each board of county commissioners shall establish a 5710
county family and children first council. The board may invite any 5711
local public or private agency or group that funds, advocates, or 5712
provides services to children and families to have a 5713
representative become a permanent or temporary member of its 5714
county council. Each county council must include the following 5715
individuals: 5716

(a) At least three individuals who are not employed by an 5717
agency represented on the council and whose families are or have 5718
received services from an agency represented on the council or 5719
another county's council. Where possible, the number of members 5720
representing families shall be equal to twenty per cent of the 5721
council's membership. 5722

(b) The director of the board of alcohol, drug addiction, and 5723
mental health services that serves the county, or, in the case of 5724
a county that has a board of alcohol and drug addiction services 5725
and a community mental health board, the directors of both boards. 5726
If a board of alcohol, drug addiction, and mental health services 5727
covers more than one county, the director may designate a person 5728
to participate on the county's council. 5729

(c) The health commissioner, or the commissioner's designee, 5730
of the board of health of each city and general health district in 5731

the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.

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

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

(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;

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

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

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

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

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

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

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with

Disabilities Education Act of 2004"; 5762

(n) A representative of a local nonprofit entity that funds, 5763
advocates, or provides services to children and families. 5764

Notwithstanding any other provision of law, the public 5765
members of a county council are not prohibited from serving on the 5766
council and making decisions regarding the duties of the council, 5767
including those involving the funding of joint projects and those 5768
outlined in the county's service coordination mechanism 5769
implemented pursuant to division (C) of this section. 5770

The cabinet council shall establish a state appeals process 5771
to resolve disputes among the members of a county council 5772
concerning whether reasonable responsibilities as members are 5773
being shared. The appeals process may be accessed only by a 5774
majority vote of the council members who are required to serve on 5775
the council. Upon appeal, the cabinet council may order that state 5776
funds for services to children and families be redirected to a 5777
county's board of county commissioners. 5778

The county's juvenile court judge senior in service or 5779
another judge of the juvenile court designated by the 5780
administrative judge or, where there is no administrative judge, 5781
by the judge senior in service shall serve as the judicial advisor 5782
to the county family and children first council. The judge may 5783
advise the county council on the court's utilization of resources, 5784
services, or programs provided by the entities represented by the 5785
members of the county council and how those resources, services, 5786
or programs assist the court in its administration of justice. 5787
Service of a judge as a judicial advisor pursuant to this section 5788
is a judicial function. 5789

(2) The purpose of the county council is to streamline and 5790
coordinate existing government services for families seeking 5791
services for their children. In seeking to fulfill its purpose, a 5792

county council shall provide for the following:	5793
(a) Referrals to the cabinet council of those children for whom the county council cannot provide adequate services;	5794 5795
(b) Development and implementation of a process that annually evaluates and prioritizes services, fills service gaps where possible, and invents new approaches to achieve better results for families and children;	5796 5797 5798 5799
(c) Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004";	5800 5801 5802 5803 5804 5805 5806
(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;	5807 5808 5809
(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.	5810 5811 5812
(3) A county council shall develop and implement the following:	5813 5814
(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;	5815 5816 5817
(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth	5818 5819 5820 5821 5822

successfully transitioning into adulthood and take into account 5823
the indicators established by the cabinet council under division 5824
(A)(4)(a) of this section. 5825

(c) An annual plan that identifies the county's interagency 5826
efforts to increase child well-being in the county. 5827

On an annual basis, the county council shall submit a report 5828
on the status of efforts by the county to increase child 5829
well-being in the county to the county's board of county 5830
commissioners and the cabinet council. This report shall be made 5831
available to any other person on request. 5832

(4)(a) Except as provided in division (B)(4)(b) of this 5833
section, a county council shall comply with the policies, 5834
procedures, and activities prescribed by the rules or interagency 5835
agreements of a state department participating on the cabinet 5836
council whenever the county council performs a function subject to 5837
those rules or agreements. 5838

(b) On application of a county council, the cabinet council 5839
may grant an exemption from any rules or interagency agreements of 5840
a state department participating on the council if an exemption is 5841
necessary for the council to implement an alternative program or 5842
approach for service delivery to families and children. The 5843
application shall describe the proposed program or approach and 5844
specify the rules or interagency agreements from which an 5845
exemption is necessary. The cabinet council shall approve or 5846
disapprove the application in accordance with standards and 5847
procedures it shall adopt. If an application is approved, the 5848
exemption is effective only while the program or approach is being 5849
implemented, including a reasonable period during which the 5850
program or approach is being evaluated for effectiveness. 5851

(5)(a) Each county council shall designate an administrative 5852
agent for the council from among the following public entities: 5853

the board of alcohol, drug addiction, and mental health services, 5854
including a board of alcohol and drug addiction or a community 5855
mental health board if the county is served by separate boards; 5856
the board of county commissioners; any board of health of the 5857
county's city and general health districts; the county department 5858
of job and family services; the county agency responsible for the 5859
administration of children services pursuant to section 5153.15 of 5860
the Revised Code; the county board of developmental disabilities; 5861
any of the county's boards of education or governing boards of 5862
educational service centers; or the county's juvenile court. Any 5863
of the foregoing public entities, other than the board of county 5864
commissioners, may decline to serve as the council's 5865
administrative agent. 5866

A county council's administrative agent shall serve as the 5867
council's appointing authority for any employees of the council. 5868
The council shall file an annual budget with its administrative 5869
agent, with copies filed with the county auditor and with the 5870
board of county commissioners, unless the board is serving as the 5871
council's administrative agent. The council's administrative agent 5872
shall ensure that all expenditures are handled in accordance with 5873
policies, procedures, and activities prescribed by state 5874
departments in rules or interagency agreements that are applicable 5875
to the council's functions. 5876

The administrative agent of a county council shall send 5877
notice of a member's absence if a member listed in division (B)(1) 5878
of this section has been absent from either three consecutive 5879
meetings of the county council or a county council subcommittee, 5880
or from one-quarter of such meetings in a calendar year, whichever 5881
is less. The notice shall be sent to the board of county 5882
commissioners that establishes the county council and, for the 5883
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5884
section, to the governing board overseeing the respective entity; 5885

for the member listed in division (B)(1)(f) of this section, to 5886
the county board of developmental disabilities that employs the 5887
superintendent; for a member listed in division (B)(1)(g) or (h) 5888
of this section, to the school board that employs the 5889
superintendent; for the member listed in division (B)(1)(i) of 5890
this section, to the mayor of the municipal corporation; for the 5891
member listed in division (B)(1)(k) of this section, to the 5892
director of youth services; and for the member listed in division 5893
(B)(1)(n) of this section, to that member's board of trustees. 5894

The administrative agent for a county council may do any of 5895
the following on behalf of the council: 5896

(i) Enter into agreements or administer contracts with public 5897
or private entities to fulfill specific council business. Such 5898
agreements and contracts are exempt from the competitive bidding 5899
requirements of section 307.86 of the Revised Code if they have 5900
been approved by the county council and they are for the purchase 5901
of family and child welfare or child protection services or other 5902
social or job and family services for families and children. The 5903
approval of the county council is not required to exempt 5904
agreements or contracts entered into under section 5139.34, 5905
5139.41, or 5139.43 of the Revised Code from the competitive 5906
bidding requirements of section 307.86 of the Revised Code. 5907

(ii) As determined by the council, provide financial 5908
stipends, reimbursements, or both, to family representatives for 5909
expenses related to council activity; 5910

(iii) Receive by gift, grant, devise, or bequest any moneys, 5911
lands, or other property for the purposes for which the council is 5912
established. The agent shall hold, apply, and dispose of the 5913
moneys, lands, or other property according to the terms of the 5914
gift, grant, devise, or bequest. Any interest or earnings shall be 5915
treated in the same manner and are subject to the same terms as 5916
the gift, grant, devise, or bequest from which it accrues. 5917

(b)(i) If the county council designates the board of county commissioners as its administrative agent, the board may, by resolution, delegate any of its powers and duties as administrative agent to an executive committee the board establishes from the membership of the county council. The board shall name to the executive committee at least the individuals described in divisions (B)(1)(b) to (h) of this section and may appoint the president of the board or another individual as the chair of the executive committee. The executive committee must include at least one family county council representative who does not have a family member employed by an agency represented on the council.

(ii) The executive committee may, with the approval of the board, hire an executive director to assist the county council in administering its powers and duties. The executive director shall serve in the unclassified civil service at the pleasure of the executive committee. The executive director may, with the approval of the executive committee, hire other employees as necessary to properly conduct the county council's business.

(iii) The board may require the executive committee to submit an annual budget to the board for approval and may amend or repeal the resolution that delegated to the executive committee its authority as the county council's administrative agent.

(6) Two or more county councils may enter into an agreement to administer their county councils jointly by creating a regional family and children first council. A regional council possesses the same duties and authority possessed by a county council, except that the duties and authority apply regionally rather than to individual counties. Prior to entering into an agreement to create a regional council, the members of each county council to be part of the regional council shall meet to determine whether all or part of the members of each county council will serve as

members of the regional council. 5950

(7) A board of county commissioners may approve a resolution 5951
by a majority vote of the board's members that requires the county 5952
council to submit a statement to the board each time the council 5953
proposes to enter into an agreement, adopt a plan, or make a 5954
decision, other than a decision pursuant to section 121.38 of the 5955
Revised Code, that requires the expenditure of funds for two or 5956
more families. The statement shall describe the proposed 5957
agreement, plan, or decision. 5958

Not later than fifteen days after the board receives the 5959
statement, it shall, by resolution approved by a majority of its 5960
members, approve or disapprove the agreement, plan, or decision. 5961
Failure of the board to pass a resolution during that time period 5962
shall be considered approval of the agreement, plan, or decision. 5963

An agreement, plan, or decision for which a statement is 5964
required to be submitted to the board shall be implemented only if 5965
it is approved by the board. 5966

(C) Each county shall develop a county service coordination 5967
mechanism. The county service coordination mechanism shall serve 5968
as the guiding document for coordination of services in the 5969
county. For children who also receive services under the help me 5970
grow program, the service coordination mechanism shall be 5971
consistent with rules adopted by the department of health under 5972
section 3701.61 of the Revised Code. All family service 5973
coordination plans shall be developed in accordance with the 5974
county service coordination mechanism. The mechanism shall be 5975
developed and approved with the participation of the county 5976
entities representing child welfare; mental retardation and 5977
developmental disabilities; alcohol, drug addiction, and mental 5978
health services; health; juvenile judges; education; the county 5979
family and children first council; and the county early 5980
intervention collaborative established pursuant to the federal 5981

early intervention program operated under the "Individuals with 5982
Disabilities Education Act of 2004." The county shall establish an 5983
implementation schedule for the mechanism. The cabinet council may 5984
monitor the implementation and administration of each county's 5985
service coordination mechanism. 5986

Each mechanism shall include all of the following: 5987

(1) A procedure for an agency, including a juvenile court, or 5988
a family voluntarily seeking service coordination, to refer the 5989
child and family to the county council for service coordination in 5990
accordance with the mechanism; 5991

(2) A procedure ensuring that a family and all appropriate 5992
staff from involved agencies, including a representative from the 5993
appropriate school district, are notified of and invited to 5994
participate in all family service coordination plan meetings; 5995

(3) A procedure that permits a family to initiate a meeting 5996
to develop or review the family's service coordination plan and 5997
allows the family to invite a family advocate, mentor, or support 5998
person of the family's choice to participate in any such meeting; 5999

(4) A procedure for ensuring that a family service 6000
coordination plan meeting is conducted for each child who receives 6001
service coordination under the mechanism and for whom an emergency 6002
out-of-home placement has been made or for whom a nonemergency 6003
out-of-home placement is being considered. The meeting shall be 6004
conducted within ten days of an emergency out-of-home placement. 6005
The meeting shall be conducted before a nonemergency out-of-home 6006
placement. The family service coordination plan shall outline how 6007
the county council members will jointly pay for services, where 6008
applicable, and provide services in the least restrictive 6009
environment. 6010

(5) A procedure for monitoring the progress and tracking the 6011
outcomes of each service coordination plan requested in the county 6012

including monitoring and tracking children in out-of-home 6013
placements to assure continued progress, appropriateness of 6014
placement, and continuity of care after discharge from placement 6015
with appropriate arrangements for housing, treatment, and 6016
education.; 6017

(6) A procedure for protecting the confidentiality of all 6018
personal family information disclosed during service coordination 6019
meetings or contained in the comprehensive family service 6020
coordination plan.; 6021

(7) A procedure for assessing the needs and strengths of any 6022
child or family that has been referred to the council for service 6023
coordination, including a child whose parent or custodian is 6024
voluntarily seeking services, and for ensuring that parents and 6025
custodians are afforded the opportunity to participate; 6026

(8) A procedure for development of a family service 6027
coordination plan described in division (D) of this section; 6028

(9) A local dispute resolution process to serve as the 6029
process that must be used first to resolve disputes among the 6030
agencies represented on the county council concerning the 6031
provision of services to children, including children who are 6032
abused, neglected, dependent, unruly, alleged unruly, or 6033
delinquent children and under the jurisdiction of the juvenile 6034
court and children whose parents or custodians are voluntarily 6035
seeking services. The local dispute resolution process shall 6036
comply with sections 121.38, 121.381, and 121.382 of the Revised 6037
Code. The local dispute resolution process shall be used to 6038
resolve disputes between a child's parents or custodians and the 6039
county council regarding service coordination. The county council 6040
shall inform the parents or custodians of their right to use the 6041
dispute resolution process. Parents or custodians shall use 6042
existing local agency grievance procedures to address disputes not 6043
involving service coordination. The dispute resolution process is 6044

in addition to and does not replace other rights or procedures 6045
that parents or custodians may have under other sections of the 6046
Revised Code. 6047

The cabinet council shall adopt rules in accordance with 6048
Chapter 119. of the Revised Code establishing an administrative 6049
review process to address problems that arise concerning the 6050
operation of a local dispute resolution process. 6051

Nothing in division (C)(4) of this section shall be 6052
interpreted as overriding or affecting decisions of a juvenile 6053
court regarding an out-of-home placement, long-term placement, or 6054
emergency out-of-home placement. 6055

(D) Each county shall develop a family service coordination 6056
plan that does all of the following: 6057

(1) Designates service responsibilities among the various 6058
state and local agencies that provide services to children and 6059
their families, including children who are abused, neglected, 6060
dependent, unruly, or delinquent children and under the 6061
jurisdiction of the juvenile court and children whose parents or 6062
custodians are voluntarily seeking services; 6063

(2) Designates an individual, approved by the family, to 6064
track the progress of the family service coordination plan, 6065
schedule reviews as necessary, and facilitate the family service 6066
coordination plan meeting process; 6067

(3) Ensures that assistance and services to be provided are 6068
responsive to the strengths and needs of the family, as well as 6069
the family's culture, race, and ethnic group, by allowing the 6070
family to offer information and suggestions and participate in 6071
decisions. Identified assistance and services shall be provided in 6072
the least restrictive environment possible. 6073

(4) Includes a process for dealing with a child who is 6074
alleged to be an unruly child. The process shall include methods 6075

to divert the child from the juvenile court system; 6076

(5) Includes timelines for completion of goals specified in 6077
the plan with regular reviews scheduled to monitor progress toward 6078
those goals; 6079

(6) Includes a plan for dealing with short-term crisis 6080
situations and safety concerns. 6081

(E)(1) The process provided for under division (D)(4) of this 6082
section may include, but is not limited to, the following: 6083

(a) Designation of the person or agency to conduct the 6084
assessment of the child and the child's family as described in 6085
division (C)(7) of this section and designation of the instrument 6086
or instruments to be used to conduct the assessment; 6087

(b) An emphasis on the personal responsibilities of the child 6088
and the parental responsibilities of the parents, guardian, or 6089
custodian of the child; 6090

(c) Involvement of local law enforcement agencies and 6091
officials. 6092

(2) The method to divert a child from the juvenile court 6093
system that must be included in the service coordination process 6094
may include, but is not limited to, the following: 6095

(a) The preparation of a complaint under section 2151.27 of 6096
the Revised Code alleging that the child is an unruly child and 6097
notifying the child and the parents, guardian, or custodian that 6098
the complaint has been prepared to encourage the child and the 6099
parents, guardian, or custodian to comply with other methods to 6100
divert the child from the juvenile court system; 6101

(b) Conducting a meeting with the child, the parents, 6102
guardian, or custodian, and other interested parties to determine 6103
the appropriate methods to divert the child from the juvenile 6104
court system; 6105

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;

(d) A program to provide a mentor to the child or the parents, guardian, or custodian;

(e) A program to provide parenting education to the parents, guardian, or custodian;

(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;

(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.

(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.

Sec. 121.372. (A) As used in this section, "substitute care provider" means any of the following:

(1) ~~An alcohol and drug~~ A community addiction ~~program~~ services provider subject to certification under section ~~3793.06~~ 5119.36 of the Revised Code;

(2) An institution or association subject to certification under section 5103.03 of the Revised Code;

(3) A residential facility subject to licensure under section ~~5119.22~~ 5119.34 of the Revised Code;

(4) A residential facility subject to licensure under section 6136
5123.19 of the Revised Code. 6137

(B) Not later than ninety days after ~~the effective date of~~ 6138
~~this section~~ March 18, 1999, the members of the Ohio family and 6139
children first cabinet council, other than the director of budget 6140
and management, shall enter into an agreement to establish an 6141
office to perform the duties prescribed by division (C) of this 6142
section. The agreement shall specify one of the departments 6143
represented on the council as the department responsible for 6144
housing and supervising the office. The agreement shall include 6145
the recommendation of the council for funding the office. 6146

(C) The office established pursuant to the agreement entered 6147
into under this section shall review rules governing the 6148
certification and licensure of substitute care providers and 6149
determine which of the rules can be made substantively identical 6150
or more similar in order to minimize the number of differing 6151
certification and licensure standards and simplify the 6152
certification or licensure process for substitute care providers 6153
seeking certification or licensure from two or more of the 6154
departments represented on the council. The office shall provide 6155
county family and children first councils, substitute care 6156
providers, and persons interested in substitute care providers the 6157
opportunity to help the office with the review and determination. 6158
The office shall report its findings to the council. Each of the 6159
departments represented on the council that has adopted rules 6160
governing the certification or licensure of substitute care 6161
providers shall review the report and amend the rules as that 6162
department considers appropriate, except that no rule shall be 6163
amended so as to make it inconsistent with substitute care 6164
provider certification or licensure procedures and standards 6165
established by federal or state law. A department shall give 6166
priority to amendments that will not increase the department's 6167

administrative costs. In amending a rule, a department shall 6168
comply with Chapter 119. or section 111.15 of the Revised Code, as 6169
required by the Revised Code section governing the adoption of the 6170
particular rule. 6171

(D) In accordance with section 124.27 of the Revised Code, 6172
the council shall select a coordinator to oversee the office 6173
established pursuant to the agreement entered into under this 6174
section. The coordinator shall be in the classified service. In 6175
addition to overseeing the office, the coordinator shall perform 6176
any other duties the council assigns to the coordinator. The 6177
duties the council assigns to the coordinator shall be related to 6178
the duties of the office under division (C) of this section. 6179

Sec. 121.483. A deputy inspector general appointed under 6180
section 121.48 of the Revised Code, who has been awarded a 6181
certificate by the executive director of the Ohio peace officer 6182
training commission attesting to the person's satisfactory 6183
completion of an approved state, county, or municipal peace 6184
officer basic training program, shall, during the term of the 6185
deputy inspector general's appointment, be considered a peace 6186
officer for the purpose of maintaining a current and valid basic 6187
training certificate pursuant to rules adopted under section 6188
109.74 of the Revised Code. 6189

Sec. 122.075. (A) As used in this section: 6190

(1) "Alternative fuel" has the same meaning as in section 6191
125.831 of the Revised Code. 6192

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 6193
fuel that is derived from vegetable oils or animal fats, or any 6194
combination of those reagents, and that meets American society for 6195
testing and materials specification D6751-03a for biodiesel fuel 6196
(B100) blend stock distillate fuels. 6197

(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code. 6198
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(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code. 6200
6201

(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume. 6202
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(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume. 6204
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(7) "Incremental cost" means either of the following: 6206

(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased; 6207
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(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased. 6210
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(B) For the purpose of improving the air quality in this state, the director of development services shall establish an alternative fuel transportation program under which the director may make grants and loans to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals, for the purchase and use of alternative fuel, to pay the cost of fleet conversion, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers, fuel marketers, and others in order to increase the availability and use of alternative fuel. 6213
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(C) The director, in consultation with the director of agriculture, shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel transportation program. The rules shall establish 6224
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at least all of the following:	6228
(1) An application form and procedures governing the application process for receiving funds under the program;	6229 6230
(2) A procedure for prioritizing the award of grants and loans under the program. The procedures shall give preference to all of the following:	6231 6232 6233
(a) Publicly accessible refueling facilities;	6234
(b) Entities applying to the program that have secured funding from other sources, including, but not limited to, private or federal incentives;	6235 6236 6237
(c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located;	6238 6239 6240
(d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years;	6241 6242 6243
(e) Entities that will be purchasing or installing facilities or terminals for any type of alternative fuel.	6244 6245
(3) A requirement that the maximum incentive for the purchase and installation of an alternative fuel refueling or distribution facility or terminal be eighty per cent of the cost of the facility or terminal, except that at least twenty per cent of the total net cost of the facility or terminal shall be incurred by the recipient and not compensated for by any other source;	6246 6247 6248 6249 6250 6251
(4) A requirement that the maximum incentive for the purchase of alternative fuel be eighty per cent of the cost of the fuel or, in the case of blended biodiesel or blended gasoline, eighty per cent of the incremental cost of the blended biodiesel or blended gasoline;	6252 6253 6254 6255 6256
(5) Any other criteria, procedures, or guidelines that the	6257

director determines are necessary to administer the program, 6258
including fees, charges, interest rates, and payment schedules. 6259

(D) An applicant for a grant or loan under this section that 6260
sells motor vehicle fuel at retail shall agree that if the 6261
applicant receives funding, the applicant will report to the 6262
director the gallon or gallon equivalent amounts of alternative 6263
fuel the applicant sells at retail in this state for a period of 6264
three years after the project is completed. 6265

The director shall enter into a written confidentiality 6266
agreement with the applicant regarding the gallon or gallon 6267
equivalent amounts sold as described in this division, and upon 6268
execution of the agreement this information is not a public 6269
record. 6270

(E) There is hereby created in the state treasury the 6271
alternative fuel transportation fund. The fund shall consist of 6272
money transferred to the fund under division ~~(C)~~(B) of section 6273
125.836 and under division (B)(2) of section 3706.27 of the 6274
Revised Code, money that is appropriated to it by the general 6275
assembly, ~~and~~ money as may be specified by the general assembly 6276
from the advanced energy fund created by section 4928.61 of the 6277
Revised Code, and all money received from the repayment of loans 6278
made from the fund or in the event of a default on any such loan. 6279
Money in the fund shall be used to make grants and loans under the 6280
alternative fuel transportation program and by the director in the 6281
administration of that program. 6282

Sec. 122.083. (A) The director of development shall 6283
administer a shovel ready sites program to provide grants for 6284
projects to port authorities and development entities approved by 6285
the director. Grants may be used to pay the costs of any or all of 6286
the following: 6287

(1) Acquisition of property, including options; 6288

(2) Preparation of sites, including brownfield clean-up activities;	6289 6290
(3) Construction of road, water, telecommunication, and utility infrastructure;	6291 6292
(4) Payment of professional fees the amount of which shall not exceed twenty per cent of the grant amount for a project.	6293 6294
(B) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish procedures and requirements necessary for the administration of the program, including a requirement that a recipient of a grant enter into an agreement with the director governing the use of the grant.	6295 6296 6297 6298 6299
(C) There is hereby created in the state treasury the shovel ready sites fund consisting of money appropriated to it. Money in the fund shall be used solely for the purposes of this section.	6300 6301 6302
Sec. 122.17. (A) As used in this section:	6303
(1) "Income tax revenue" means the total amount withheld under section 5747.06 of the Revised Code by the taxpayer during the taxable year, or during the calendar year that includes the tax period, from the compensation of each employee or each home-based employee employed in the project to the extent the employee's withholdings are not used to determine the credit under section 122.171 of the Revised Code. "Income tax revenue" excludes amounts withheld before the day the taxpayer becomes eligible for the credit.	6304 6305 6306 6307 6308 6309 6310 6311 6312
(2) "Baseline income tax revenue" means income tax revenue except that the applicable withholding period is the twelve months immediately preceding the date the tax credit authority approves the taxpayer's application or the date the tax credit authority receives the recommendation described in division (C)(2)(a) of this section, whichever occurs first, multiplied by the sum of one	6313 6314 6315 6316 6317 6318

plus an annual pay increase factor to be determined by the tax 6319
credit authority. If the taxpayer becomes eligible for the credit 6320
after the first day of the taxpayer's taxable year or after the 6321
first day of the calendar year that includes the tax period, the 6322
taxpayer's baseline income tax revenue for the first such taxable 6323
or calendar year of credit eligibility shall be reduced in 6324
proportion to the number of days during the taxable or calendar 6325
year for which the taxpayer was not eligible for the credit. For 6326
subsequent taxable or calendar years, "baseline income tax 6327
revenue" equals the unreduced baseline income tax revenue for the 6328
preceding taxable or calendar year multiplied by the sum of one 6329
plus the pay increase factor. 6330

(3) "Excess income tax revenue" means income tax revenue 6331
minus baseline income tax revenue. 6332

(4) "Home-based employee" means an employee whose services 6333
are performed primarily from the employee's residence in this 6334
state exclusively for the benefit of the project and whose rate of 6335
pay is at least one hundred thirty-one per cent of the federal 6336
minimum wage under 29 U.S.C. 206. 6337

(B) The tax credit authority may make grants under this 6338
section to foster job creation in this state. Such a grant shall 6339
take the form of a refundable credit allowed against the tax 6340
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, or 5747.02 6341
or levied under Chapter 5751. of the Revised Code. The credit 6342
shall be claimed for the taxable years or tax periods specified in 6343
the taxpayer's agreement with the tax credit authority under 6344
division (D) of this section. With respect to taxes imposed under 6345
section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the 6346
Revised Code, the credit shall be claimed in the order required 6347
under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised 6348
Code. The amount of the credit available for a taxable year or for 6349
a calendar year that includes a tax period equals the excess 6350

income tax revenue for that year multiplied by the percentage 6351
specified in the agreement with the tax credit authority. Any 6352
credit granted under this section against the tax imposed by 6353
section 5733.06 or 5747.02 of the Revised Code, to the extent not 6354
fully utilized against such tax for taxable years ending prior to 6355
2008, shall automatically be converted without any action taken by 6356
the tax credit authority to a credit against the tax levied under 6357
Chapter 5751. of the Revised Code for tax periods beginning on or 6358
after July 1, 2008, provided that the person to whom the credit 6359
was granted is subject to such tax. The converted credit shall 6360
apply to those calendar years in which the remaining taxable years 6361
specified in the agreement end. 6362

(C)(1) A taxpayer or potential taxpayer who proposes a 6363
project to create new jobs in this state may apply to the tax 6364
credit authority to enter into an agreement for a tax credit under 6365
this section. 6366

An application shall not propose to include both home-based 6367
employees and employees who are not home-based employees in the 6368
computation of income tax revenue for the purposes of the same tax 6369
credit agreement. If a taxpayer or potential taxpayer employs both 6370
home-based employees and employees who are not home-based 6371
employees in a project, the taxpayer shall submit separate 6372
applications for separate tax credit agreements for the project, 6373
one of which shall include home-based employees in the computation 6374
of income tax revenue and one of which shall include all other 6375
employees in the computation of income tax revenue. 6376

The director of development services shall prescribe the form 6377
of the application. After receipt of an application, the authority 6378
may enter into an agreement with the taxpayer for a credit under 6379
this section if it determines all of the following: 6380

(a) The taxpayer's project will increase payroll and income 6381
tax revenue; 6382

(b) The taxpayer's project is economically sound and will 6383
benefit the people of this state by increasing opportunities for 6384
employment and strengthening the economy of this state; 6385

(c) Receiving the tax credit is a major factor in the 6386
taxpayer's decision to go forward with the project. 6387

(2)(a) A taxpayer that chooses to begin the project prior to 6388
receiving the determination of the authority may, upon submitting 6389
the taxpayer's application to the authority, request that the 6390
chief investment officer of the nonprofit corporation formed under 6391
section 187.01 of the Revised Code and the director review the 6392
taxpayer's application and recommend to the authority that the 6393
taxpayer's application be considered. As soon as possible after 6394
receiving such a request, the chief investment officer and the 6395
director shall review the taxpayer's application and, if they 6396
determine that the application warrants consideration by the 6397
authority, make that recommendation to the authority not later 6398
than six months after the application is received by the 6399
authority. 6400

(b) The authority shall consider any taxpayer's application 6401
for which it receives a recommendation under division (C)(2)(a) of 6402
this section. If the authority determines that the taxpayer does 6403
not meet all of the criteria set forth in division (C)(1) of this 6404
section, the authority and the development services agency shall 6405
proceed in accordance with rules adopted by the director pursuant 6406
to division (I) of this section. 6407

(D) An agreement under this section shall include all of the 6408
following: 6409

(1) A detailed description of the project that is the subject 6410
of the agreement; 6411

(2)(a) The term of the tax credit, which, except as provided 6412
in division (D)(2)(b) of this section, shall not exceed fifteen 6413

years, and the first taxable year, or first calendar year that 6414
includes a tax period, for which the credit may be claimed; 6415

(b) If the tax credit is computed on the basis of home-based 6416
employees, the term of the credit shall expire on or before the 6417
last day of the taxable or calendar year ending before the 6418
beginning of the seventh year after September 6, 2012, the 6419
effective date of H.B. 327 of the 129th general assembly. 6420

(3) A requirement that the taxpayer shall maintain operations 6421
at the project location for at least the greater of seven years or 6422
the term of the credit plus three years; 6423

(4) The percentage, as determined by the tax credit 6424
authority, of excess income tax revenue that will be allowed as 6425
the amount of the credit for each taxable year or for each 6426
calendar year that includes a tax period; 6427

(5) The pay increase factor to be applied to the taxpayer's 6428
baseline income tax revenue; 6429

(6) A requirement that the taxpayer annually shall report to 6430
the director of development services employment, tax withholding, 6431
investment, the provision of health care benefits and tuition 6432
reimbursement if required in the agreement, and other information 6433
the director needs to perform the director's duties under this 6434
section; 6435

(7) A requirement that the director of development services 6436
annually review the information reported under division (D)(6) of 6437
this section and verify compliance with the agreement; if the 6438
taxpayer is in compliance, a requirement that the director issue a 6439
certificate to the taxpayer stating that the information has been 6440
verified and identifying the amount of the credit that may be 6441
claimed for the taxable or calendar year; 6442

(8) A provision providing that the taxpayer may not relocate 6443
a substantial number of employment positions from elsewhere in 6444

this state to the project location unless the director of 6445
development services determines that the legislative authority of 6446
the county, township, or municipal corporation from which the 6447
employment positions would be relocated has been notified by the 6448
taxpayer of the relocation. 6449

For purposes of this section, the movement of an employment 6450
position from one political subdivision to another political 6451
subdivision shall be considered a relocation of an employment 6452
position unless the employment position in the first political 6453
subdivision is replaced. 6454

(9) If the tax credit is computed on the basis of home-based 6455
employees, that the tax credit may not be claimed by the taxpayer 6456
until the taxable year or tax period in which the taxpayer employs 6457
at least two hundred employees more than the number of employees 6458
the taxpayer employed on June 30, 2011. 6459

(E) If a taxpayer fails to meet or comply with any condition 6460
or requirement set forth in a tax credit agreement, the tax credit 6461
authority may amend the agreement to reduce the percentage or term 6462
of the tax credit. The reduction of the percentage or term may 6463
take effect in the current taxable or calendar year. 6464

(F) Projects that consist solely of point-of-final-purchase 6465
retail facilities are not eligible for a tax credit under this 6466
section. If a project consists of both point-of-final-purchase 6467
retail facilities and nonretail facilities, only the portion of 6468
the project consisting of the nonretail facilities is eligible for 6469
a tax credit and only the excess income tax revenue from the 6470
nonretail facilities shall be considered when computing the amount 6471
of the tax credit. If a warehouse facility is part of a 6472
point-of-final-purchase retail facility and supplies only that 6473
facility, the warehouse facility is not eligible for a tax credit. 6474
Catalog distribution centers are not considered 6475
point-of-final-purchase retail facilities for the purposes of this 6476

division, and are eligible for tax credits under this section. 6477

(G) Financial statements and other information submitted to 6478
the development services agency or the tax credit authority by an 6479
applicant or recipient of a tax credit under this section, and any 6480
information taken for any purpose from such statements or 6481
information, are not public records subject to section 149.43 of 6482
the Revised Code. However, the chairperson of the authority may 6483
make use of the statements and other information for purposes of 6484
issuing public reports or in connection with court proceedings 6485
concerning tax credit agreements under this section. Upon the 6486
request of the tax commissioner or, if the applicant or recipient 6487
is an insurance company, upon the request of the superintendent of 6488
insurance, the chairperson of the authority shall provide to the 6489
commissioner or superintendent any statement or information 6490
submitted by an applicant or recipient of a tax credit in 6491
connection with the credit. The commissioner or superintendent 6492
shall preserve the confidentiality of the statement or 6493
information. 6494

(H) A taxpayer claiming a credit under this section shall 6495
submit to the tax commissioner or, if the taxpayer is an insurance 6496
company, to the superintendent of insurance, a copy of the 6497
director of development services' certificate of verification 6498
under division (D)(7) of this section with the taxpayer's tax 6499
report or return for the taxable year or for the calendar year 6500
that includes the tax period. Failure to submit a copy of the 6501
certificate with the report or return does not invalidate a claim 6502
for a credit if the taxpayer submits a copy of the certificate to 6503
the commissioner or superintendent within sixty days after the 6504
commissioner or superintendent requests it. 6505

(I) The director of development services, after consultation 6506
with the tax commissioner and the superintendent of insurance and 6507
in accordance with Chapter 119. of the Revised Code, shall adopt 6508

rules necessary to implement this section, including rules that 6509
establish a procedure to be followed by the tax credit authority 6510
and the development services agency in the event the authority 6511
considers a taxpayer's application for which it receives a 6512
recommendation under division (C)(2)(a) of this section but does 6513
not approve it. The rules may provide for recipients of tax 6514
credits under this section to be charged fees to cover 6515
administrative costs of the tax credit program. The fees collected 6516
shall be credited to the business assistance fund created in 6517
section 122.174 of the Revised Code. At the time the director 6518
gives public notice under division (A) of section 119.03 of the 6519
Revised Code of the adoption of the rules, the director shall 6520
submit copies of the proposed rules to the chairpersons of the 6521
standing committees on economic development in the senate and the 6522
house of representatives. 6523

(J) For the purposes of this section, a taxpayer may include 6524
a partnership, a corporation that has made an election under 6525
subchapter S of chapter one of subtitle A of the Internal Revenue 6526
Code, or any other business entity through which income flows as a 6527
distributive share to its owners. A partnership, S-corporation, or 6528
other such business entity may elect to pass the credit received 6529
under this section through to the persons to whom the income or 6530
profit of the partnership, S-corporation, or other entity is 6531
distributed. The election shall be made on the annual report 6532
required under division (D)(6) of this section. The election 6533
applies to and is irrevocable for the credit for which the report 6534
is submitted. If the election is made, the credit shall be 6535
apportioned among those persons in the same proportions as those 6536
in which the income or profit is distributed. 6537

(K) If the director of development services determines that a 6538
taxpayer who has received a credit under this section is not 6539
complying with the requirement under division (D)(3) of this 6540

section, the director shall notify the tax credit authority of the 6541
noncompliance. After receiving such a notice, and after giving the 6542
taxpayer an opportunity to explain the noncompliance, the tax 6543
credit authority may require the taxpayer to refund to this state 6544
a portion of the credit in accordance with the following: 6545

(1) If the taxpayer maintained operations at the project 6546
location for a period less than or equal to the term of the 6547
credit, an amount not exceeding one hundred per cent of the sum of 6548
any credits allowed and received under this section; 6549

(2) If the taxpayer maintained operations at the project 6550
location for a period longer than the term of the credit, but less 6551
than the greater of seven years or the term of the credit plus 6552
three years, an amount not exceeding seventy-five per cent of the 6553
sum of any credits allowed and received under this section. 6554

In determining the portion of the tax credit to be refunded 6555
to this state, the tax credit authority shall consider the effect 6556
of market conditions on the taxpayer's project and whether the 6557
taxpayer continues to maintain other operations in this state. 6558
After making the determination, the authority shall certify the 6559
amount to be refunded to the tax commissioner or superintendent of 6560
insurance, as appropriate. If the amount is certified to the 6561
commissioner, the commissioner shall make an assessment for that 6562
amount against the taxpayer under Chapter 5726., 5733., 5747., or 6563
5751. of the Revised Code. If the amount is certified to the 6564
superintendent, the superintendent shall make an assessment for 6565
that amount against the taxpayer under Chapter 5725. or 5729. of 6566
the Revised Code. The time limitations on assessments under those 6567
chapters do not apply to an assessment under this division, but 6568
the commissioner or superintendent, as appropriate, shall make the 6569
assessment within one year after the date the authority certifies 6570
to the commissioner or superintendent the amount to be refunded. 6571

(L) On or before the first day of August each year, the 6572

director of development services shall submit a report to the 6573
governor, the president of the senate, and the speaker of the 6574
house of representatives on the tax credit program under this 6575
section. The report shall include information on the number of 6576
agreements that were entered into under this section during the 6577
preceding calendar year, a description of the project that is the 6578
subject of each such agreement, and an update on the status of 6579
projects under agreements entered into before the preceding 6580
calendar year. 6581

(M) There is hereby created the tax credit authority, which 6582
consists of the director of development services and four other 6583
members appointed as follows: the governor, the president of the 6584
senate, and the speaker of the house of representatives each shall 6585
appoint one member who shall be a specialist in economic 6586
development; the governor also shall appoint a member who is a 6587
specialist in taxation. Of the initial appointees, the members 6588
appointed by the governor shall serve a term of two years; the 6589
members appointed by the president of the senate and the speaker 6590
of the house of representatives shall serve a term of four years. 6591
Thereafter, terms of office shall be for four years. Initial 6592
appointments to the authority shall be made within thirty days 6593
after January 13, 1993. Each member shall serve on the authority 6594
until the end of the term for which the member was appointed. 6595
Vacancies shall be filled in the same manner provided for original 6596
appointments. Any member appointed to fill a vacancy occurring 6597
prior to the expiration of the term for which the member's 6598
predecessor was appointed shall hold office for the remainder of 6599
that term. Members may be reappointed to the authority. Members of 6600
the authority shall receive their necessary and actual expenses 6601
while engaged in the business of the authority. The director of 6602
development services shall serve as chairperson of the authority, 6603
and the members annually shall elect a vice-chairperson from among 6604
themselves. Three members of the authority constitute a quorum to 6605

transact and vote on the business of the authority. The majority 6606
vote of the membership of the authority is necessary to approve 6607
any such business, including the election of the vice-chairperson. 6608

The director of development services may appoint a 6609
professional employee of the development services agency to serve 6610
as the director's substitute at a meeting of the authority. The 6611
director shall make the appointment in writing. In the absence of 6612
the director from a meeting of the authority, the appointed 6613
substitute shall serve as chairperson. In the absence of both the 6614
director and the director's substitute from a meeting, the 6615
vice-chairperson shall serve as chairperson. 6616

(N) For purposes of the credits granted by this section 6617
against the taxes imposed under sections 5725.18 and 5729.03 of 6618
the Revised Code, "taxable year" means the period covered by the 6619
taxpayer's annual statement to the superintendent of insurance. 6620

(O) On or before the first day of ~~January~~ March of each of 6621
the ~~six~~ five calendar years ~~following the year in which H.B. 327~~ 6622
~~of the 129th general assembly becomes effective~~ beginning with 6623
2014, each taxpayer subject to an agreement with the tax credit 6624
authority under this section on the basis of home-based employees 6625
shall report the number of home-based employees and other 6626
employees employed by the taxpayer in this state to the ~~department~~ 6627
of development services agency. 6628

(P) On or before the first day of January of ~~the seventh~~ 6629
~~calendar year following the year in which H.B. 327 of the 129th~~ 6630
~~general assembly became effective~~ 2019, the director of 6631
development services shall submit a report to the governor, the 6632
president of the senate, and the speaker of the house of 6633
representatives on the effect of agreements entered into under 6634
this section in which the taxpayer included home-based employees 6635
in the computation of income tax revenue. The report shall include 6636
information on the number of such agreements that were entered 6637

into in the preceding six years, a description of the projects 6638
that were the subjects of such agreements, and an analysis of 6639
nationwide home-based employment trends, including the number of 6640
home-based jobs created from July 1, 2011, through June 30, 2017, 6641
and a description of any home-based employment tax incentives 6642
provided by other states during that time. 6643

(Q) The director of development services may require any 6644
agreement entered into under this section for a tax credit 6645
computed on the basis of home-based employees to contain a 6646
provision that the taxpayer makes available health care benefits 6647
and tuition reimbursement to all employees. 6648

Sec. 122.171. (A) As used in this section: 6649

(1) "Capital investment project" means a plan of investment 6650
at a project site for the acquisition, construction, renovation, 6651
or repair of buildings, machinery, or equipment, or for 6652
capitalized costs of basic research and new product development 6653
determined in accordance with generally accepted accounting 6654
principles, but does not include any of the following: 6655

(a) Payments made for the acquisition of personal property 6656
through operating leases; 6657

(b) Project costs paid before January 1, 2002; 6658

(c) Payments made to a related member as defined in section 6659
5733.042 of the Revised Code or to a consolidated elected taxpayer 6660
or a combined taxpayer as defined in section 5751.01 of the 6661
Revised Code. 6662

(2) "Eligible business" means a taxpayer and its related 6663
members with Ohio operations satisfying all of the following: 6664

(a) The taxpayer employs at least five hundred full-time 6665
equivalent employees or has an annual payroll of at least 6666
thirty-five million dollars at the time the tax credit authority 6667

grants the tax credit under this section; 6668

(b) The taxpayer makes or causes to be made payments for the 6669
capital investment project of one of the following: 6670

(i) If the taxpayer is engaged at the project site primarily 6671
as a manufacturer, at least fifty million dollars in the aggregate 6672
at the project site during a period of three consecutive calendar 6673
years, including the calendar year that includes a day of the 6674
taxpayer's taxable year or tax period with respect to which the 6675
credit is granted; 6676

(ii) If the taxpayer is engaged at the project site primarily 6677
in significant corporate administrative functions, as defined by 6678
the director of development services by rule, at least twenty 6679
million dollars in the aggregate at the project site during a 6680
period of three consecutive calendar years including the calendar 6681
year that includes a day of the taxpayer's taxable year or tax 6682
period with respect to which the credit is granted; 6683

(iii) If the taxpayer is applying to enter into an agreement 6684
for a tax credit authorized under division (B)(3) of this section, 6685
at least five million dollars in the aggregate at the project site 6686
during a period of three consecutive calendar years, including the 6687
calendar year that includes a day of the taxpayer's taxable year 6688
or tax period with respect to which the credit is granted. 6689

(c) The taxpayer had a capital investment project reviewed 6690
and approved by the tax credit authority as provided in divisions 6691
(C), (D), and (E) of this section. 6692

(3) "Full-time equivalent employees" means the quotient 6693
obtained by dividing the total number of hours for which employees 6694
were compensated for employment in the project by two thousand 6695
eighty. "Full-time equivalent employees" shall exclude hours that 6696
are counted for a credit under section 122.17 of the Revised Code. 6697

(4) "Income tax revenue" means the total amount withheld 6698

under section 5747.06 of the Revised Code by the taxpayer during 6699
the taxable year, or during the calendar year that includes the 6700
tax period, from the compensation of all employees employed in the 6701
project whose hours of compensation are included in calculating 6702
the number of full-time equivalent employees. 6703

(5) "Manufacturer" has the same meaning as in section 6704
5739.011 of the Revised Code. 6705

(6) "Project site" means an integrated complex of facilities 6706
in this state, as specified by the tax credit authority under this 6707
section, within a fifteen-mile radius where a taxpayer is 6708
primarily operating as an eligible business. 6709

(7) "Related member" has the same meaning as in section 6710
5733.042 of the Revised Code as that section existed on the 6711
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6712
general assembly, September 29, 1997. 6713

(8) "Taxable year" includes, in the case of a domestic or 6714
foreign insurance company, the calendar year ending on the 6715
thirty-first day of December preceding the day the superintendent 6716
of insurance is required to certify to the treasurer of state 6717
under section 5725.20 or 5729.05 of the Revised Code the amount of 6718
taxes due from insurance companies. 6719

(B) The tax credit authority created under section 122.17 of 6720
the Revised Code may grant tax credits under this section for the 6721
purpose of fostering job retention in this state. Upon application 6722
by an eligible business and upon consideration of the 6723
recommendation of the director of budget and management, tax 6724
commissioner, the superintendent of insurance in the case of an 6725
insurance company, and director of development services under 6726
division (C) of this section, the tax credit authority may grant 6727
the following credits against the tax imposed by section 5725.18, 6728
5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised 6729

Code:	6730
(1) A nonrefundable credit to an eligible business;	6731
(2) A refundable credit to an eligible business meeting the following conditions, provided that the director of budget and management, tax commissioner, superintendent of insurance in the case of an insurance company, and director of development services have recommended the granting of the credit to the tax credit authority before July 1, 2011:	6732 6733 6734 6735 6736 6737
(a) The business retains at least one thousand full-time equivalent employees at the project site.	6738 6739
(b) The business makes or causes to be made payments for a capital investment project of at least twenty-five million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the business' taxable year or tax period with respect to which the credit is granted.	6740 6741 6742 6743 6744 6745
(c) In 2010, the business received a written offer of financial incentives from another state of the United States that the director determines to be sufficient inducement for the business to relocate the business' operations from this state to that state.	6746 6747 6748 6749 6750
(3) A refundable credit to an eligible business with a total annual payroll of at least twenty million dollars, provided that the tax credit authority grants the tax credit on or after July 1, 2011, and before January 1, 2014.	6751 6752 6753 6754
The credits authorized in divisions (B)(1), (2), and (3) of this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the income	6755 6756 6757 6758 6759 6760

tax revenue for that year multiplied by the percentage specified 6761
in the agreement with the tax credit authority. The percentage may 6762
not exceed seventy-five per cent. The credit shall be claimed in 6763
the order required under section 5725.98, 5726.98, 5729.98, 6764
5733.98, 5747.98, or 5751.98 of the Revised Code. In determining 6765
the percentage and term of the credit, the tax credit authority 6766
shall consider both the number of full-time equivalent employees 6767
and the value of the capital investment project. The credit amount 6768
may not be based on the income tax revenue for a calendar year 6769
before the calendar year in which the tax credit authority 6770
specifies the tax credit is to begin, and the credit shall be 6771
claimed only for the taxable years or tax periods specified in the 6772
eligible business' agreement with the tax credit authority. In no 6773
event shall the credit be claimed for a taxable year or tax period 6774
terminating before the date specified in the agreement. Any credit 6775
granted under this section against the tax imposed by section 6776
5733.06 or 5747.02 of the Revised Code, to the extent not fully 6777
utilized against such tax for taxable years ending prior to 2008, 6778
shall automatically be converted without any action taken by the 6779
tax credit authority to a credit against the tax levied under 6780
Chapter 5751. of the Revised Code for tax periods beginning on or 6781
after July 1, 2008, provided that the person to whom the credit 6782
was granted is subject to such tax. The converted credit shall 6783
apply to those calendar years in which the remaining taxable years 6784
specified in the agreement end. 6785

If a nonrefundable credit allowed under division (B)(1) of 6786
this section for a taxable year or tax period exceeds the 6787
taxpayer's tax liability for that year or period, the excess may 6788
be carried forward for the three succeeding taxable or calendar 6789
years, but the amount of any excess credit allowed in any taxable 6790
year or tax period shall be deducted from the balance carried 6791
forward to the succeeding year or period. 6792

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

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

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

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

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

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

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

principal place of business or maintains a unit or division with 6824
at least four thousand two hundred employees at the project site. 6825

(E) An agreement under this section shall include all of the 6826
following: 6827

(1) A detailed description of the project that is the subject 6828
of the agreement, including the amount of the investment, the 6829
period over which the investment has been or is being made, the 6830
number of full-time equivalent employees at the project site, and 6831
the anticipated income tax revenue to be generated. 6832

(2) The term of the credit, the percentage of the tax credit, 6833
the maximum annual value of tax credits that may be allowed each 6834
year, and the first year for which the credit may be claimed. 6835

(3) A requirement that the taxpayer maintain operations at 6836
the project site for at least the greater of (a) the term of the 6837
credit plus three years, or (b) seven years. 6838

(4)(a) In the case of a credit granted under division (B)(1) 6839
of this section, a requirement that the taxpayer retain at least 6840
five hundred full-time equivalent employees at the project site 6841
and within this state for the entire term of the credit, or a 6842
requirement that the taxpayer maintain an annual payroll of at 6843
least thirty-five million dollars for the entire term of the 6844
credit; 6845

(b) In the case of a credit granted under division (B)(2) of 6846
this section, a requirement that the taxpayer retain at least one 6847
thousand full-time equivalent employees at the project site and 6848
within this state for the entire term of the credit; 6849

(c) In the case of a credit granted under division (B)(3) of 6850
this section, either of the following: 6851

(i) A requirement that the taxpayer retain at least five 6852
hundred full-time equivalent employees at the project site and 6853

within this state for the entire term of the credit and a 6854
requirement that the taxpayer maintain an annual payroll of at 6855
least twenty million dollars for the entire term of the credit; 6856

(ii) A requirement that the taxpayer maintain an annual 6857
payroll of at least thirty-five million dollars for the entire 6858
term of the credit. 6859

(5) A requirement that the taxpayer annually report to the 6860
director of development services employment, tax withholding, 6861
capital investment, and other information the director needs to 6862
perform the director's duties under this section. 6863

(6) A requirement that the director of development services 6864
annually review the annual reports of the taxpayer to verify the 6865
information reported under division (E)(5) of this section and 6866
compliance with the agreement. Upon verification, the director 6867
shall issue a certificate to the taxpayer stating that the 6868
information has been verified and identifying the amount of the 6869
credit for the taxable year or calendar year that includes the tax 6870
period. In determining the number of full-time equivalent 6871
employees, no position shall be counted that is filled by an 6872
employee who is included in the calculation of a tax credit under 6873
section 122.17 of the Revised Code. 6874

(7) A provision providing that the taxpayer may not relocate 6875
a substantial number of employment positions from elsewhere in 6876
this state to the project site unless the director of development 6877
services determines that the taxpayer notified the legislative 6878
authority of the county, township, or municipal corporation from 6879
which the employment positions would be relocated. 6880

For purposes of this section, the movement of an employment 6881
position from one political subdivision to another political 6882
subdivision shall be considered a relocation of an employment 6883
position unless the movement is confined to the project site. The 6884

transfer of an employment position from one political subdivision 6885
to another political subdivision shall not be considered a 6886
relocation of an employment position if the employment position in 6887
the first political subdivision is replaced by another employment 6888
position. 6889

(8) A waiver by the taxpayer of any limitations periods 6890
relating to assessments or adjustments resulting from the 6891
taxpayer's failure to comply with the agreement. 6892

(F) If a taxpayer fails to meet or comply with any condition 6893
or requirement set forth in a tax credit agreement, the tax credit 6894
authority may amend the agreement to reduce the percentage or term 6895
of the credit. The reduction of the percentage or term may take 6896
effect in the current taxable or calendar year. 6897

(G) Financial statements and other information submitted to 6898
the department of development services or the tax credit authority 6899
by an applicant for or recipient of a tax credit under this 6900
section, and any information taken for any purpose from such 6901
statements or information, are not public records subject to 6902
section 149.43 of the Revised Code. However, the chairperson of 6903
the authority may make use of the statements and other information 6904
for purposes of issuing public reports or in connection with court 6905
proceedings concerning tax credit agreements under this section. 6906
Upon the request of the tax commissioner, or the superintendent of 6907
insurance in the case of an insurance company, the chairperson of 6908
the authority shall provide to the commissioner or superintendent 6909
any statement or other information submitted by an applicant for 6910
or recipient of a tax credit in connection with the credit. The 6911
commissioner or superintendent shall preserve the confidentiality 6912
of the statement or other information. 6913

(H) A taxpayer claiming a tax credit under this section shall 6914
submit to the tax commissioner or, in the case of an insurance 6915
company, to the superintendent of insurance, a copy of the 6916

director of development services' certificate of verification 6917
under division (E)(6) of this section with the taxpayer's tax 6918
report or return for the taxable year or for the calendar year 6919
that includes the tax period. Failure to submit a copy of the 6920
certificate with the report or return does not invalidate a claim 6921
for a credit if the taxpayer submits a copy of the certificate to 6922
the commissioner or superintendent within sixty days after the 6923
commissioner or superintendent requests it. 6924

(I) For the purposes of this section, a taxpayer may include 6925
a partnership, a corporation that has made an election under 6926
subchapter S of chapter one of subtitle A of the Internal Revenue 6927
Code, or any other business entity through which income flows as a 6928
distributive share to its owners. A partnership, S-corporation, or 6929
other such business entity may elect to pass the credit received 6930
under this section through to the persons to whom the income or 6931
profit of the partnership, S-corporation, or other entity is 6932
distributed. The election shall be made on the annual report 6933
required under division (E)(5) of this section. The election 6934
applies to and is irrevocable for the credit for which the report 6935
is submitted. If the election is made, the credit shall be 6936
apportioned among those persons in the same proportions as those 6937
in which the income or profit is distributed. 6938

(J) If the director of development services determines that a 6939
taxpayer that received a certificate under division (E)(6) of this 6940
section is not complying with the requirement under division 6941
(E)(3) of this section, the director shall notify the tax credit 6942
authority of the noncompliance. After receiving such a notice, and 6943
after giving the taxpayer an opportunity to explain the 6944
noncompliance, the authority may terminate the agreement and 6945
require the taxpayer, or any related member or members that 6946
claimed the tax credit under division (N) of this section, to 6947
refund to the state all or a portion of the credit claimed in 6948

previous years, as follows: 6949

(1) If the taxpayer maintained operations at the project site 6950
for less than or equal to the term of the credit, an amount not to 6951
exceed one hundred per cent of the sum of any tax credits allowed 6952
and received under this section. 6953

(2) If the taxpayer maintained operations at the project site 6954
longer than the term of the credit, but less than the greater of 6955
(a) the term of the credit plus three years, or (b) seven years, 6956
the amount required to be refunded shall not exceed seventy-five 6957
per cent of the sum of any tax credits allowed and received under 6958
this section. 6959

In determining the portion of the credit to be refunded to 6960
this state, the authority shall consider the effect of market 6961
conditions on the taxpayer's project and whether the taxpayer 6962
continues to maintain other operations in this state. After making 6963
the determination, the authority shall certify the amount to be 6964
refunded to the tax commissioner or the superintendent of 6965
insurance. If the taxpayer, or any related member or members who 6966
claimed the tax credit under division (N) of this section, is not 6967
an insurance company, the commissioner shall make an assessment 6968
for that amount against the taxpayer under Chapter 5726., 5733., 6969
5747., or 5751. of the Revised Code. If the taxpayer, or any 6970
related member or members that claimed the tax credit under 6971
division (N) of this section, is an insurance company, the 6972
superintendent of insurance shall make an assessment under section 6973
5725.222 or 5729.102 of the Revised Code. The time limitations on 6974
assessments under those chapters and sections do not apply to an 6975
assessment under this division, but the commissioner or 6976
superintendent shall make the assessment within one year after the 6977
date the authority certifies to the commissioner or superintendent 6978
the amount to be refunded. 6979

(K) The director of development services, after consultation 6980

with the tax commissioner and the superintendent of insurance and 6981
in accordance with Chapter 119. of the Revised Code, shall adopt 6982
rules necessary to implement this section. The rules may provide 6983
for recipients of tax credits under this section to be charged 6984
fees to cover administrative costs of the tax credit program. The 6985
fees collected shall be credited to the business assistance fund 6986
created in section 122.174 of the Revised Code. At the time the 6987
director gives public notice under division (A) of section 119.03 6988
of the Revised Code of the adoption of the rules, the director 6989
shall submit copies of the proposed rules to the chairpersons of 6990
the standing committees on economic development in the senate and 6991
the house of representatives. 6992

(L) On or before the first day of August of each year, the 6993
director of development services shall submit a report to the 6994
governor, the president of the senate, and the speaker of the 6995
house of representatives on the tax credit program under this 6996
section. The report shall include information on the number of 6997
agreements that were entered into under this section during the 6998
preceding calendar year, a description of the project that is the 6999
subject of each such agreement, and an update on the status of 7000
projects under agreements entered into before the preceding 7001
calendar year. 7002

(M)(1) The aggregate amount of tax credits issued under 7003
division (B)(1) of this section during any calendar year for 7004
capital investment projects reviewed and approved by the tax 7005
credit authority may not exceed the following amounts: 7006

(a) For 2010, thirteen million dollars; 7007

(b) For 2011 through 2023, the amount of the limit for the 7008
preceding calendar year plus thirteen million dollars; 7009

(c) For 2024 and each year thereafter, one hundred 7010
ninety-five million dollars. 7011

(2) The aggregate amount of tax credits authorized under 7012
divisions (B)(2) and (3) of this section and allowed to be claimed 7013
by taxpayers in any calendar year for capital improvement projects 7014
reviewed and approved by the tax credit authority in 2011, 2012, 7015
and 2013 combined shall not exceed twenty-five million dollars. An 7016
amount equal to the aggregate amount of credits first authorized 7017
in calendar year 2011, 2012, and 2013 may be claimed over the 7018
ensuing period up to fifteen years, subject to the terms of 7019
individual tax credit agreements. 7020

The limitations in division (M) of this section do not apply 7021
to credits for capital investment projects approved by the tax 7022
credit authority before July 1, 2009. 7023

(N) This division applies only to an eligible business that 7024
is part of an affiliated group that includes a diversified savings 7025
and loan holding company or a grandfathered unitary savings and 7026
loan holding company, as those terms are defined in section 7027
5726.01 of the Revised Code. Notwithstanding any contrary 7028
provision of the agreement between such an eligible business and 7029
the tax credit authority, any credit granted under this section 7030
against the tax imposed by section 5725.18, 5729.03, 5733.06, 7031
5747.02, or 5751.02 of the Revised Code to the eligible business, 7032
at the election of the eligible business and without any action by 7033
the tax credit authority, may be shared with any member or members 7034
of the affiliated group that includes the eligible business, which 7035
member or members may claim the credit against the taxes imposed 7036
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 7037
of the Revised Code. Credits shall be claimed by the eligible 7038
business in sequential order, as applicable, first claiming the 7039
credits to the fullest extent possible against the tax that the 7040
certificate holder is subject to, then against the tax imposed by, 7041
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 7042
lastly 5726.02 of the Revised Code. The credits may be allocated 7043

among the members of the affiliated group in such manner as the 7044
eligible business elects, but subject to the sequential order 7045
required under this division. This division applies to credits 7046
granted before, on, or after March 27, 2013, the effective date of 7047
H.B. 510 of the 129th general assembly. Credits granted before 7048
that effective date that are shared and allocated under this 7049
division may be claimed in those calendar years in which the 7050
remaining taxable years specified in the agreement end. 7051

As used in this division, "affiliated group" means a group of 7052
two or more persons with fifty per cent or greater of the value of 7053
each person's ownership interests owned or controlled directly, 7054
indirectly, or constructively through related interests by common 7055
owners during all or any portion of the taxable year, and the 7056
common owners. "Affiliated group" includes, but is not limited to, 7057
any person eligible to be included in a consolidated elected 7058
taxpayer group under section 5751.011 of the Revised Code or a 7059
combined taxpayer group under section 5751.012 of the Revised 7060
Code. 7061

Sec. 122.175. (A) As used in this section: 7062

(1) "Capital investment project" means a plan of investment 7063
at a project site for the acquisition, construction, renovation, 7064
expansion, replacement, or repair of a computer data center or of 7065
computer data center equipment, but does not include any of the 7066
following: 7067

(a) Project costs paid before a date determined by the tax 7068
credit authority for each capital investment project; 7069

(b) Payments made to a related member as defined in section 7070
5733.042 of the Revised Code or to a consolidated elected taxpayer 7071
or a combined taxpayer as defined in section 5751.01 of the 7072
Revised Code. 7073

(2) "Computer data center" means a facility used or to be used primarily to house computer data center equipment used or to be used in conducting a one or more computer data center ~~business~~ businesses, as determined by the tax credit authority.

(3) "Computer data center business" means, as may be further determined by the tax credit authority, a business that provides electronic information services as defined in division (Y)(1)(c) of section 5739.01 of the Revised Code, or that leases a facility to one or more such businesses. "Computer data center business" does not include providing electronic publishing as defined in division (LLL) of that section.

(4) "Computer data center equipment" means tangible personal property used or to be used for any of the following:

(a) To conduct a computer data center business, including equipment cooling systems to manage the performance of computer data center equipment;

(b) To generate, transform, transmit, distribute, or manage electricity necessary to operate the tangible personal property used or to be used in conducting a computer data center business;

(c) As building and construction materials sold to construction contractors for incorporation into a computer data center.

(5) "Eligible computer data center" means a computer data center that satisfies all of the following requirements:

(a) ~~The taxpayer~~ One or more taxpayers operating a computer data center business at the project site will, in the aggregate, make payments for a capital investment project of at least one hundred million dollars ~~in the aggregate~~ at the project site during a period of three consecutive calendar years;

(b) ~~The taxpayer~~ One or more taxpayers operating a computer

data center business at the project site will, in the aggregate, 7104
pay annual compensation that is subject to the withholding 7105
obligation imposed under section 5747.06 of the Revised Code of at 7106
least ~~five~~ one million ~~five hundred thousand~~ dollars to employees 7107
employed at the project site for ~~the term of the agreement~~ each 7108
year of the agreement beginning on or after the first day of the 7109
twenty-fifth month after the agreement was entered into under this 7110
section. 7111

(6) "Person" has the same meaning as in section 5701.01 of 7112
the Revised Code. 7113

(7) "Project site," "related member," and "tax credit 7114
authority" have the same meanings as in sections 122.17 and 7115
122.171 of the Revised Code. 7116

(8) "Taxpayer" means any person subject to the taxes imposed 7117
under Chapters 5739. and 5741. of the Revised Code. 7118

(B) The tax credit authority may completely or partially 7119
exempt from the taxes levied under Chapters 5739. and 5741. of the 7120
Revised Code the sale, storage, use, or other consumption of 7121
computer data center equipment used or to be used at an eligible 7122
computer data center. Any such exemption shall extend to charges 7123
for the delivery, installation, or repair of the computer data 7124
center equipment subject to the exemption under this section. 7125

(C) A taxpayer that proposes a capital improvement project 7126
for an eligible computer data center in this state may apply to 7127
the tax credit authority to enter into an agreement under this 7128
section ~~for~~ authorizing a complete or partial exemption from the 7129
taxes imposed under Chapters 5739. and 5741. of the Revised Code 7130
on computer data center equipment purchased by the applicant or 7131
any other taxpayer that operates a computer data center business 7132
at the project site and used or to be used at the eligible 7133
computer data center. The director of development services shall 7134

prescribe the form of the application. After receipt of an 7135
application, the authority shall forward copies of the application 7136
to the director of budget and management, the tax commissioner, 7137
and the director of development services, each of whom shall 7138
review the application to determine the economic impact that the 7139
proposed eligible computer data center would have on the state and 7140
any affected political subdivisions and submit to the authority a 7141
summary of their determinations and recommendations. 7142

(D) Upon review and consideration of such determinations and 7143
recommendations, the tax credit authority may enter into an 7144
agreement with the applicant and any other taxpayer that operates 7145
a computer data center business at the project site for a complete 7146
or partial exemption from the taxes imposed under Chapters 5739. 7147
and 5741. of the Revised Code on computer data center equipment 7148
used or to be used at an eligible computer data center if the 7149
authority determines all of the following: 7150

(1) The ~~taxpayer's~~ capital investment project for the 7151
eligible computer data center will increase payroll and the amount 7152
of income taxes to be withheld from employee compensation pursuant 7153
to section 5747.06 of the Revised Code. 7154

(2) The ~~taxpayer~~ applicant is economically sound and has the 7155
ability to complete or effect the completion of the proposed 7156
capital investment project. 7157

(3) The ~~taxpayer~~ applicant intends to and has the ability to 7158
maintain operations at the project site for the term of the 7159
agreement. 7160

(4) Receiving the exemption is a major factor in the 7161
~~taxpayer's~~ applicant's decision to begin, continue with, or 7162
complete the capital investment project. 7163

(E) An agreement entered into under this section shall 7164
include all of the following: 7165

(1) A detailed description of the capital investment project 7166
that is the subject of the agreement, including the amount of the 7167
investment, the period over which the investment has been or is 7168
being made, the annual compensation to be paid by ~~the~~ each 7169
taxpayer subject to the agreement to its employees at the project 7170
site, and the anticipated amount of income taxes to be withheld 7171
from employee compensation pursuant to section 5747.06 of the 7172
Revised Code. 7173

(2) The percentage of the exemption from the taxes imposed 7174
under Chapters 5739. and 5741. of the Revised Code for the 7175
computer data center equipment used or to be used at the eligible 7176
computer data center, the length of time the computer data center 7177
equipment will be exempted, and the first date on which the 7178
exemption applies. 7179

(3) A requirement that ~~the taxpayer maintain~~ the computer 7180
data center ~~as~~ remain an eligible computer data center during the 7181
term of the agreement and that the ~~taxpayer~~ applicant maintain 7182
operations at the eligible computer data center during that term. 7183
An applicant does not violate the requirement described in 7184
division (E)(3) of this section if the applicant ceases operations 7185
at the eligible computer data center during the term of the 7186
agreement but resumes those operations within eighteen months 7187
after the date of cessation. The agreement shall provide that, in 7188
such a case, the applicant and any other taxpayer that operates a 7189
computer data center business at the project site shall not claim 7190
the tax exemption authorized in the agreement for any purchase of 7191
computer data center equipment made during the period in which the 7192
applicant did not maintain operations at the eligible computer 7193
data center. 7194

(4) A requirement that during, for each year of the term of 7195
the agreement ~~the taxpayer~~ beginning on or after the first day of 7196
the twenty-fifth month after the date the agreement was entered 7197

into, one or more taxpayers operating a computer data center 7198
business at the project site will, in the aggregate, pay annual 7199
compensation that is subject to the withholding obligation imposed 7200
under section 5747.06 of the Revised Code of at least ~~five~~ one 7201
million five hundred thousand dollars to ~~its~~ employees at the 7202
eligible computer data center. 7203

(5) A requirement that ~~the~~ each taxpayer subject to the 7204
agreement annually report to the director of development services 7205
employment, tax withholding, capital investment, and other 7206
information required by the director to perform the director's 7207
duties under this section. 7208

(6) A requirement that the director of development services 7209
annually review the annual reports of ~~the~~ each taxpayer subject to 7210
the agreement to verify the information reported under division 7211
(E)(5) of this section and compliance with the agreement. Upon 7212
verification, the director shall issue a certificate to ~~the~~ each 7213
such taxpayer stating that the information has been verified and 7214
that the taxpayer remains eligible for the exemption specified in 7215
the agreement. 7216

(7) A provision providing that the ~~taxpayer~~ taxpayers subject 7217
to the agreement may not relocate a substantial number of 7218
employment positions from elsewhere in this state to the project 7219
site unless the director of development services determines that 7220
the appropriate taxpayer notified the legislative authority of the 7221
county, township, or municipal corporation from which the 7222
employment positions would be relocated. For purposes of this 7223
paragraph, the movement of an employment position from one 7224
political subdivision to another political subdivision shall be 7225
considered a relocation of an employment position unless the 7226
movement is confined to the project site. The transfer of an 7227
employment position from one political subdivision to another 7228
political subdivision shall not be considered a relocation of an 7229

employment position if the employment position in the first 7230
political subdivision is replaced by another employment position. 7231

(8) A waiver by ~~the~~ each taxpayer subject to the agreement of 7232
any limitations periods relating to assessments or adjustments 7233
resulting from the taxpayer's failure to comply with the 7234
agreement. 7235

(F) The term of an agreement under this section shall be 7236
determined by the tax credit authority, and the amount of the 7237
exemption shall not exceed one hundred per cent of such taxes that 7238
would otherwise be owed in respect to the exempted computer data 7239
center equipment. 7240

(G) If ~~a~~ any taxpayer subject to an agreement under this 7241
section fails to meet or comply with any condition or requirement 7242
set forth in ~~an~~ the agreement ~~under this section~~, the tax credit 7243
authority may amend the agreement to reduce the percentage of the 7244
exemption or term during which the exemption applies to the 7245
computer data center equipment used or to be used by the 7246
noncompliant taxpayer at an eligible computer data center. The 7247
reduction of the percentage or term may take effect in the current 7248
calendar year. 7249

(H) Financial statements and other information submitted to 7250
the department of development services or the tax credit authority 7251
by an applicant for or recipient of an exemption under this 7252
section, and any information taken for any purpose from such 7253
statements or information, are not public records subject to 7254
section 149.43 of the Revised Code. However, the chairperson of 7255
the authority may make use of the statements and other information 7256
for purposes of issuing public reports or in connection with court 7257
proceedings concerning tax exemption agreements under this 7258
section. Upon the request of the tax commissioner, the chairperson 7259
of the authority shall provide to the tax commissioner any 7260
statement or other information submitted by an applicant for or 7261

recipient of an exemption under this section. The tax commissioner 7262
shall preserve the confidentiality of the statement or other 7263
information. 7264

(I) The tax commissioner shall issue a direct payment permit 7265
under section 5739.031 of the Revised Code to a each taxpayer ~~that~~ 7266
~~enters into~~ subject to an agreement under this section. Such 7267
direct payment permit shall authorize the taxpayer to pay any 7268
sales and use taxes due on purchases of computer data center 7269
equipment used or to be used in an eligible computer data center 7270
and to pay any sales and use taxes due on purchases of tangible 7271
personal property or taxable services other than computer data 7272
center equipment used or to be used in an eligible computer data 7273
center directly to the tax commissioner. Each such taxpayer shall 7274
pay pursuant to such direct payment permit all sales tax levied on 7275
such purchases under sections 5739.02, 5739.021, 5739.023, and 7276
5739.026 of the Revised Code and all use tax levied on such 7277
purchases under sections 5741.02, 5741.021, 5741.022, and 5741.023 7278
of the Revised Code, consistent with the terms of the agreement 7279
entered into under this section. 7280

During the term of an agreement under this section ~~the~~ each 7281
taxpayer subject to the agreement shall submit to the tax 7282
commissioner a return that shows the amount of computer data 7283
center equipment purchased for use at the eligible computer data 7284
center, the amount of tangible personal property and taxable 7285
services other than computer data center equipment purchased for 7286
use at the eligible computer data center, the amount of tax under 7287
Chapter 5739. or 5741. of the Revised Code that would be due in 7288
the absence of the agreement under this section, the exemption 7289
percentage for computer data center equipment specified in the 7290
agreement, and the amount of tax due under Chapter 5739. or 5741. 7291
of the Revised Code as a result of the agreement under this 7292
section. ~~The~~ Each such taxpayer shall pay the tax shown on the 7293

return to be due in the manner and at the times as may be further 7294
prescribed by the tax commissioner. ~~The~~ Each such taxpayer shall 7295
include a copy of the director of development services' 7296
certificate of verification issued under division (E)(6) of this 7297
section. Failure to submit a copy of the certificate with the 7298
return does not invalidate the claim for exemption if the taxpayer 7299
submits a copy of the certificate to the tax commissioner within 7300
sixty days after the tax commissioner requests it. 7301

(J) If the director of development services determines that a 7302
~~taxpayer that~~ one or more taxpayers received an exemption ~~under~~ 7303
~~this section is not complying~~ from taxes due on the purchase of 7304
computer data center equipment purchased for use at a computer 7305
data center that no longer complies with the requirement under 7306
division (E)(3) of this section, the director shall notify the tax 7307
credit authority and, if applicable, the taxpayer that applied to 7308
enter the agreement for the exemption under division (C) if this 7309
section of the noncompliance. After receiving such a notice, and 7310
after giving ~~the~~ each taxpayer subject to the agreement an 7311
opportunity to explain the noncompliance, the authority may 7312
terminate the agreement and require ~~the~~ each such taxpayer to pay 7313
to the state all or a portion of the taxes that would have been 7314
owed in regards to the exempt equipment in previous years, all as 7315
determined under rules adopted pursuant to division (K) of this 7316
section. In determining the portion of the taxes that would have 7317
been owed on the previously exempted equipment to be paid to this 7318
state by ~~the~~ a taxpayer, the authority shall consider the effect 7319
of market conditions on the ~~taxpayer's~~ eligible computer data 7320
center ~~and,~~ whether the taxpayer continues to maintain other 7321
operations in this state, and, with respect to agreements 7322
involving multiple taxpayers, the taxpayer's level of 7323
responsibility for the noncompliance. After making the 7324
determination, the authority shall certify to the tax commissioner 7325
the amount to be paid by ~~the~~ each taxpayer subject to the 7326

agreement. The tax commissioner shall make an assessment for that 7327
amount against ~~the~~ each such taxpayer under Chapter 5739. or 5741. 7328
of the Revised Code. The time limitations on assessments under 7329
those chapters do not apply to an assessment under this division, 7330
but the tax commissioner shall make the assessment within one year 7331
after the date the authority certifies to the tax commissioner the 7332
amount to be paid by the taxpayer. 7333

(K) The director of development services, after consultation 7334
with the tax commissioner and in accordance with Chapter 119. of 7335
the Revised Code, shall adopt rules necessary to implement this 7336
section. The rules may provide for recipients of tax exemptions 7337
under this section to be charged fees to cover administrative 7338
costs incurred in the administration of this section. The fees 7339
collected shall be credited to the business assistance fund 7340
created in section 122.174 of the Revised Code. At the time the 7341
director gives public notice under division (A) of section 119.03 7342
of the Revised Code of the adoption of the rules, the director 7343
shall submit copies of the proposed rules to the chairpersons of 7344
the standing committees on economic development in the senate and 7345
the house of representatives. 7346

(L) On or before the first day of August of each year, the 7347
director of development services shall submit a report to the 7348
governor, the president of the senate, and the speaker of the 7349
house of representatives on the tax exemption authorized under 7350
this section. The report shall include information on the number 7351
of agreements that were entered into under this section during the 7352
preceding calendar year, a description of the eligible computer 7353
data center that is the subject of each such agreement, and an 7354
update on the status of eligible computer data centers under 7355
agreements entered into before the preceding calendar year. 7356

(M) A taxpayer may be made a party to an existing agreement 7357
entered into under this section by the tax credit authority and 7358

another taxpayer or group of taxpayers. In such a case, the 7359
taxpayer shall be entitled to all benefits and bound by all 7360
obligations contained in the agreement and all requirements 7361
described in this section. When an agreement includes multiple 7362
taxpayers, each taxpayer shall be entitled to a direct payment 7363
permit as authorized in division (I) of this section. 7364

Sec. 122.28. As used in sections 122.28 and 122.30 to 122.36 7365
of the Revised Code: 7366

(A) "New technology" means the development through science or 7367
research of methods, processes, and procedures, including but not 7368
limited to those involving the processing and utilization of coal, 7369
for practical application in industrial or agribusiness 7370
situations. 7371

(B) "Industrial research" means study and investigation in 7372
giving new shapes, new qualities or new combinations to matter or 7373
material products by the application of labor thereto or the 7374
rehabilitation of an existing matter or material product. 7375

(C) "Enterprise" means a business with its principal place of 7376
business in this state or which proposes to be engaged in this 7377
state in research and development or in the provision of products 7378
or services involving a significant amount of new technology. 7379

(D) "Educational institutions" means nonprofit public and 7380
private colleges and universities, incorporated or unincorporated, 7381
in the state. 7382

(E) "Small business" means an enterprise with less than four 7383
hundred employees, including corporations, partnerships, 7384
unincorporated entities, proprietorships, and joint enterprises. 7385

(F) "Applied research" means the application of basic 7386
research for the development of new technology. 7387

~~Sec. 122.30. The industrial technology and enterprise~~ 7388
~~advisory council and the director of development are~~ services is 7389
vested with the powers and duties provided in sections 122.28 and 7390
122.30 to 122.36 of the Revised Code, to promote the welfare of 7391
the people of the state through the interaction of the business 7392
and industrial community and educational institutions in the 7393
development of new technology and enterprise. 7394

(A) It is necessary for the state to establish the ~~industrial~~ 7395
~~technology and enterprise advisory council and the programs~~ 7396
created pursuant to sections 122.28 and 122.30 to 122.36 of the 7397
Revised Code to accomplish the following purposes which are 7398
determined to be essential: 7399

(1) Improve the existing industrial and agricultural base of 7400
the state; 7401

(2) Improve the economy of the state by providing employment, 7402
increasing productivity, and slowing the rate of inflation; 7403

(3) Develop markets worldwide for the products of the state's 7404
natural resources and agricultural and manufacturing industries; 7405

(4) Maintain a high standard of living for the people of the 7406
state. 7407

(B) ~~The industrial technology and enterprise advisory council~~ 7408
~~shall do all of the following:~~ 7409

~~(1) Make recommendations to the director of development as to~~ 7410
~~applications for assistance pursuant to sections 122.28 to 122.36~~ 7411
~~of the Revised Code. The council may revise its recommendations to~~ 7412
~~reflect any changes in the proposed assistance made by the~~ 7413
~~director.~~ 7414

~~(2) Advise the director in the administration of sections~~ 7415
~~122.28 to 122.36 of the Revised Code;~~ 7416

~~(3) Adopt bylaws to govern the conduct of the council's~~ 7417

~~business.~~ 7418

~~(C) The director of development shall do all of the~~ 7419
following: 7420

(1) Receive applications for assistance under sections 122.28 7421
~~and 122.30~~ to 122.36 of the Revised Code ~~and, after processing,~~ 7422
~~forward them to the council together with necessary supporting~~ 7423
~~information;~~ 7424

(2) ~~Receive the recommendations of the council and make~~ Make 7425
a ~~final~~ determination whether to approve the application for 7426
assistance; 7427

(3) Transmit determinations to approve assistance exceeding 7428
forty thousand dollars to the controlling board, together with any 7429
information the controlling board requires, for the board's review 7430
and decision as to whether to approve the assistance; 7431

(4) Gather and disseminate information and conduct hearings, 7432
conferences, seminars, investigations, and special studies on 7433
problems and programs concerning industrial research and new 7434
technology and their commercial applications in the state; 7435

(5) Establish an annual program to recognize the 7436
accomplishments and contributions of individuals and organizations 7437
in the development of industrial research and new technology in 7438
the state; 7439

(6) Stimulate both public and industrial awareness and 7440
interest in industrial research and development of new technology 7441
primarily in the areas of industrial processes, implementation, 7442
energy, agribusiness, medical technology, avionics, and food 7443
processing; 7444

(7) Develop and implement comprehensive and coordinated 7445
policies, programs, and procedures promoting industrial research 7446
and new technology; 7447

- (8) Propose appropriate legislation or executive actions to stimulate the development of industrial research and new technology by enterprises and individuals; 7448
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- (9) Encourage and facilitate contracts between industry, agriculture, educational institutions, federal agencies, and state agencies, with special emphasis on industrial research and new technology by small businesses and agribusiness; 7451
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- (10) Participate with any state agency in developing specific programs and goals to assist in the development of industrial research and new technology and monitor performance; 7455
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- (11) Assist enterprises in obtaining alternative forms of governmental or commercial financing for industrial research and new technology; 7458
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- (12) Assist enterprises or individuals in the implementation of new programs and policies and the expansion of existing programs to provide an atmosphere conducive to increased cooperation among and participation by individuals, enterprises, and educational institutions engaged in industrial research and the development of new technology; 7461
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- (13) Advertise, prepare, print, and distribute books, maps, pamphlets, and other information ~~which in the judgment of the director will further its purposes;~~ 7467
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- (14) Include in the director's annual report to the governor and the general assembly a report on the activities for the preceding calendar year under sections 122.28 and 122.30 to 122.36 of the Revised Code; 7470
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- (15) Approve the expenditure of money appropriated by the general assembly for the purpose of sections 122.28 and 122.30 to 122.36 of the Revised Code; 7474
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- (16) Identify and implement federal research and development 7477

programs which would link Ohio's industrial base, research 7478
facilities, and natural resources; 7479

(17) Employ and fix the compensation of technical and 7480
professional personnel, who shall be in the unclassified civil 7481
service, and employ other personnel, who shall be in the 7482
classified civil service, as necessary to carry out the provisions 7483
of sections 122.28 and 122.30 to 122.36 of the Revised Code. 7484

Sec. 122.31. All expenses and obligations incurred by the 7485
director of development ~~and the industrial technology and~~ 7486
~~enterprise advisory council~~ services in carrying out ~~their the~~ 7487
director's powers and ~~in exercising their~~ duties under sections 7488
122.28 and 122.30 to 122.36 of the Revised Code, are payable from 7489
revenues or other receipts or income from grants, gifts, 7490
contributions, compensation, reimbursement, and funds established 7491
in accordance with those sections or general revenue funds 7492
appropriated by the general assembly for operating expenses of the 7493
director ~~or council~~. 7494

Sec. 122.32. The director of development services, on behalf 7495
of the programs authorized pursuant to sections 122.28 and 122.30 7496
to 122.36 of the Revised Code, may receive and accept grants, 7497
gifts, and contributions of money, property, labor, and other 7498
things of value to be held, used, and applied only for the purpose 7499
for which the grants, gifts, and contributions are made, from 7500
individuals, private and public corporations, from the United 7501
States or any agency of the United States, and from any political 7502
subdivision of the state. The director may agree to repay any 7503
contribution of money or to return any property contributed or its 7504
value at times, in amounts, and on terms and conditions excluding 7505
the payment of interest as the director determines at the time the 7506
contribution is made. The director may evidence the obligation by 7507
written contracts, subject to section 122.31 of the Revised Code, 7508

provided that the director shall not thereby incur indebtedness of 7509
or impose liability upon the state or any political subdivision. 7510

Sec. 122.33. The director of development services shall 7511
administer the following programs: 7512

(A) The industrial technology and enterprise development 7513
grant program, to provide capital to acquire, construct, enlarge, 7514
improve, or equip and to sell, lease, exchange, and otherwise 7515
dispose of property, structures, equipment, and facilities within 7516
the state. 7517

Such funding may be made to enterprises that propose to 7518
develop new products or technologies when the director finds all 7519
of the following factors to be present: 7520

(1) The undertaking will benefit the people of the state by 7521
creating or preserving jobs and employment opportunities or 7522
improving the economic welfare of the people of the state, and 7523
promoting the development of new technology. 7524

(2) There is reasonable assurance that the potential 7525
royalties to be derived from the sale of the product or process 7526
described in the proposal will be sufficient to repay the funding 7527
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 7528
Code and that, in making the agreement, as it relates to patents, 7529
copyrights, and other ownership rights, there is reasonable 7530
assurance that the resulting new technology will be utilized to 7531
the maximum extent possible in facilities located in Ohio. 7532

(3) The technology and research to be undertaken will allow 7533
enterprises to compete more effectively in the marketplace. Grants 7534
of capital may be in such form and conditioned upon such terms as 7535
the ~~board~~ director deems appropriate. 7536

(B) The industrial technology and enterprise resources 7537
program to provide for the collection, dissemination, and exchange 7538

of information regarding equipment, facilities, and business 7539
planning consultation resources available in business, industry, 7540
and educational institutions and to establish methods by which 7541
small businesses may use available facilities and resources. The 7542
methods may include, but need not be limited to, leases 7543
reimbursing the educational institutions for their actual costs 7544
incurred in maintaining the facilities and agreements assigning 7545
royalties from development of successful products or processes 7546
through the use of the facilities and resources. The director 7547
shall operate this program in conjunction with the board of 7548
regents. 7549

(C) The Thomas Alva Edison grant program to provide grants to 7550
foster research, development, or technology transfer efforts 7551
involving enterprises and educational institutions that will lead 7552
to the creation of jobs. The director may utilize the Edison 7553
center network in carrying out the goals and objectives of this 7554
program. For the purposes of this division, "Edison center 7555
network" means the six cooperative research and development 7556
facilities in this state that receive funding under this division, 7557
are nonprofit organizations, have been in existence at least 7558
eighteen years as of the effective date of this amendment, and 7559
have experience in delivering manufacturing extension partnership 7560
program services to companies in this state. 7561

(1) Grants may be made to a nonprofit organization or a 7562
public or private educational institution, department, college, 7563
institute, faculty member, or other administrative subdivision or 7564
related entity of an educational institution when the director 7565
finds that the undertaking will benefit the people of the state by 7566
supporting research in advanced technology areas likely to improve 7567
the economic welfare of the people of the state through promoting 7568
the development of new commercial technology. 7569

(2) Grants may be made in a form and conditioned upon terms 7570

as the director considers appropriate. 7571

(3) Grants made under this program shall in all instances be 7572
in conjunction with a contribution to the project by a cooperating 7573
enterprise which maintains or proposes to maintain a relevant 7574
research, development, or manufacturing facility in the state, by 7575
a nonprofit organization, or by an educational institution or 7576
related entity; however, funding provided by an educational 7577
institution or related entity shall not be from general revenue 7578
funds appropriated by the Ohio general assembly. No grant made 7579
under this program shall exceed the contribution made by the 7580
cooperating enterprise, nonprofit organization, or educational 7581
institution or related entity. The director may consider 7582
cooperating contributions in the form of state of the art new 7583
equipment or in other forms provided the director determines that 7584
the contribution is essential to the successful implementation of 7585
the project. The director may adopt rules or guidelines for the 7586
valuation of contributions of equipment or other property. 7587

(4) The director may determine fields of research from which 7588
grant applications will be accepted under this program. 7589

Sec. 122.34. The exercise of the powers granted by sections 7590
122.28 and 122.30 to 122.36 of the Revised Code will be in all 7591
respects for the benefit of the people of the state, for the 7592
improvement of commerce and prosperity, improvement of employment 7593
conditions, and will constitute the performance of essential 7594
governmental functions. 7595

Sec. 122.35. All moneys received under sections 122.28 and 7596
122.30 to 122.36 of the Revised Code are trust funds to be held 7597
and applied solely as provided in those sections and section 7598
166.03 of the Revised Code. All moneys, except when deposited with 7599
the treasurer of the state, shall be kept and secured in 7600

depositories as selected by the director of development services 7601
in the manner provided in sections 135.01 to 135.21 of the Revised 7602
Code, insofar as those sections are applicable. All moneys held by 7603
the director in trust to carry out the purposes of sections 122.28 7604
and 122.30 to 122.36 of the Revised Code shall be used as provided 7605
in sections 122.28 and 122.30 to 122.36 of the Revised Code and at 7606
no time be part of other public funds. 7607

Sec. 122.36. Any materials or data submitted to, made 7608
available to, or received by the director of development, ~~the~~ 7609
~~industrial technology and enterprise advisory council,~~ services or 7610
the controlling board, to the extent that the material or data 7611
consist of trade secrets, as defined in section 1333.61 of the 7612
Revised Code, or commercial or financial information, regarding 7613
projects are not public records for the purposes of section 149.43 7614
of the Revised Code. 7615

Sec. 122.58. Moneys in the funds established pursuant to 7616
Chapter 122. of the Revised Code, except as otherwise provided in 7617
any proceedings authorizing revenue bonds or in any trust 7618
agreement securing such bonds, in excess of current needs, may be 7619
invested in notes, bonds, or other obligations which are direct 7620
obligations of or are guaranteed by the United States, in 7621
certificates of deposit or other withdrawable accounts of banks, 7622
trust companies, and building and loan or savings and loan 7623
associations organized under the laws of the state or the United 7624
States, or in the manner provided in any agreement entered into 7625
pursuant to section 169.05 of the Revised Code. 7626

Income from all such investments of moneys in any fund shall 7627
be credited to such funds as the director of development 7628
determines subject to the provisions of any bond issuance 7629
proceedings or trust agreement, and such investments may be sold 7630
at such time as the director shall determine, provided 7631

certificates of deposit or other withdrawable accounts may be sold 7632
only in accordance with division (B) of section 169.05 or 7633
divisions ~~(D) and~~ (E) and (F) of section 169.08 of the Revised 7634
Code. 7635

Sec. 122.657. For the purposes of sections 122.65 to 122.658 7636
of the Revised Code, the director of development shall establish 7637
policies and requirements regarding all of the following: 7638

(A) The form and content of applications for grants or loans 7639
from the clean Ohio revitalization fund under section 122.652 of 7640
the Revised Code. The policies and requirements shall require that 7641
each application include, at a minimum, all of the following: 7642

(1) The name, address, and telephone number of the applicant; 7643

(2) The legal description of the property for which the grant 7644
or loan is requested; 7645

(3) A summary description of the hazardous substances or 7646
petroleum present at the brownfield and a certified copy of the 7647
results of an assessment; 7648

(4) A detailed explanation of the proposed cleanup or 7649
remediation of the brownfield, including an identification of the 7650
applicable cleanup standards, and a detailed description of the 7651
proposed use of the brownfield after completion of the cleanup or 7652
remediation; 7653

(5) An estimate of the total cost to clean up or remediate 7654
the brownfield in order to comply with the applicable cleanup 7655
standards. The total cost shall include the cost of employing a 7656
certified professional under section 122.654 of the Revised Code. 7657

(6) A detailed explanation of the portion of the estimated 7658
total cost of the cleanup or remediation of the brownfield that 7659
the applicant proposes to provide as required under sections 7660
122.653 and 122.658 of the Revised Code and financial records 7661

supporting the proposal; 7662

(7) A certified copy of a resolution or ordinance approving 7663
the project that the applicant shall obtain from the board of 7664
township trustees of the township or the legislative authority of 7665
the municipal corporation in which the property is located, 7666
whichever is applicable; 7667

(8) A description of the estimated economic benefit that will 7668
result from a cleanup or remediation of the brownfield; 7669

(9) An application summary for purposes of review by an 7670
integrating committee or, if applicable, the executive committee 7671
of an integrating committee under division (B) of section 122.652 7672
of the Revised Code; 7673

(10) With respect to applications for loans, information 7674
demonstrating that the applicant will implement a financial 7675
management plan that includes, without limitation, provisions for 7676
the satisfactory repayment of the loan; 7677

(11) Any other provisions that the director determines should 7678
be included in an application. 7679

(B) Procedures for conducting public meetings and providing 7680
public notice under division (A) of section 122.652 of the Revised 7681
Code; 7682

(C) Criteria to be used by integrating committees or, if 7683
required under division (C) of section 122.652 of the Revised 7684
Code, executive committees of integrating committees when 7685
prioritizing projects under division (B) of section 122.652 of the 7686
Revised Code. The policies and requirements also shall establish 7687
procedures that integrating committees or, if required under 7688
division (C) of section 122.652 of the Revised Code, executive 7689
committees of integrating committees shall use in applying the 7690
criteria. 7691

(D) A selection process that provides for the prioritization of brownfield cleanup or remediation projects for which grant or loan applications are submitted under section 122.652 of the Revised Code. The policies and requirements shall require the selection process to give priority to projects in which the post-cleanup or remediation use will be for a combination of residential, commercial, or industrial purposes, which may include the conversion of a portion of a brownfield to a recreation, park, or natural area that is integrated with the residential, commercial, or industrial use of the brownfield after cleanup or remediation, or will incorporate projects that are funded by grants awarded under sections 164.20 to 164.27 of the Revised Code. The policies and requirements shall require the selection process to incorporate and emphasize all of the following factors:

(1) The potential economic benefit that will result from the cleanup or remediation of a brownfield;

(2) The potential environmental improvement that will result from the cleanup or remediation of a brownfield;

(3) The amount and nature of the match provided by an applicant as required under sections 122.653 and 122.658 of the Revised Code;

(4) Funding priorities recommended by integrating committees or, if required under division (C) of section 122.652 of the Revised Code, executive committees of integrating committees under division (B) of section 122.652 of the Revised Code;

(5) The potential benefit to low-income communities, including minority communities, that will result from the cleanup or remediation of a brownfield;

(6) Any other factors that the director considers appropriate.

(E) The development of criteria that the director shall use

when awarding grants under section 122.656 of the Revised Code. 7723
The criteria shall give priority to public health projects. In 7724
addition, the director, in consultation with the director of 7725
environmental protection, shall establish policies and 7726
requirements that require the criteria to include a public health 7727
project selection process that incorporates and emphasizes all of 7728
the following factors: 7729

(1) The potential environmental improvement that will result 7730
from the cleanup or remediation; 7731

(2) The ability of an applicant to access the property for 7732
purposes of the cleanup or remediation; 7733

(3) The name and qualifications of the cleanup or remediation 7734
contractor; 7735

(4) Any other factors that the director of development 7736
considers appropriate. 7737

The director of development may develop any other policies 7738
and requirements that the director determines are necessary for 7739
the administration of section 122.656 of the Revised Code. 7740

(F) The development of a brownfield cleanup and remediation 7741
oversight program to ensure compliance with sections 122.65 to 7742
122.658 of the Revised Code and policies and requirements 7743
established under this section. The policies and requirements 7744
shall require the program to include, at a minimum, both of the 7745
following: 7746

(1) Procedures for the accounting of invoices and receipts 7747
and any other documents that are necessary to demonstrate that a 7748
cleanup or remediation was properly performed; 7749

(2) Procedures that are necessary to provide a detailed 7750
explanation of the status of the property five years after the 7751
completed cleanup or remediation. 7752

(G) A delineation of what constitutes administrative costs 7753
for purposes of divisions (D) and (F) of section 122.658 of the 7754
Revised Code; 7755

(H) Procedures and requirements for making loans and loan 7756
agreements that include at least all of the following: 7757

(1) Not more than fifteen per cent of moneys annually 7758
allocated to the clean Ohio revitalization fund shall be used for 7759
loans. 7760

(2) The loans shall be made at or below market rates of 7761
interest, including, without limitation, interest-free loans. 7762

(3) The recipient of a loan shall identify a source of 7763
security and a source of repayment of the loan. 7764

~~(4) All payments of principal and interest on a loan shall be 7765
deposited in the state treasury and credited to the clean Ohio 7766
revitalization revolving loan fund. 7767~~

~~(5) The clean Ohio council may accept notes and other forms 7768
of obligation to evidence indebtedness, accept mortgages, liens, 7769
pledges, assignments, and other security interests to secure such 7770
indebtedness, and take any actions that are considered by the 7771
council to be appropriate to protect such security and safeguard 7772
against losses, including, without limitation, foreclosure and 7773
bidding on the purchase of property upon foreclosure or other 7774
sale. 7775~~

(I) Any other policies and requirements that the director 7776
determines are necessary for the administration of sections 122.65 7777
to 122.658 of the Revised Code. 7778

Sec. 122.658. (A) The clean Ohio revitalization fund is 7779
hereby created in the state treasury. The fund shall consist of 7780
moneys credited to it pursuant to section 151.40 of the Revised 7781
Code. Moneys in the fund shall be used to make grants or loans for 7782

projects that have been approved by the clean Ohio council in 7783
accordance with section 122.653 of the Revised Code, except that 7784
the council annually shall devote twenty per cent of the net 7785
proceeds of obligations deposited in the clean Ohio revitalization 7786
fund for the purposes of section 122.656 of the Revised Code. 7787

Moneys in the clean Ohio revitalization fund may be used to 7788
pay reasonable costs incurred by the department of development and 7789
the environmental protection agency in administering sections 7790
122.65 to 122.658 of the Revised Code. All investment earnings of 7791
the fund shall be credited to the fund. Investment earnings 7792
credited to the clean Ohio revitalization fund may be used to pay 7793
costs incurred by the department of development and the 7794
environmental protection agency pursuant to sections 122.65 to 7795
122.658 of the Revised Code. 7796

The department of development shall administer the clean Ohio 7797
revitalization fund in accordance with this section, policies and 7798
requirements established under section 122.657 of the Revised 7799
Code, and the terms of agreements entered into by the council 7800
under section 122.653 of the Revised Code. 7801

(B) Grants awarded and loans made under section 122.653 of 7802
the Revised Code shall provide not more than seventy-five per cent 7803
of the estimated total cost of a project. A grant or loan to any 7804
one project shall not exceed three million dollars. An applicant 7805
shall provide at least twenty-five per cent of the estimated total 7806
cost of a project. The applicant's share may consist of one or a 7807
combination of any of the following: 7808

(1) Payment of the cost of acquiring the property for the 7809
purposes of sections 122.65 to 122.658 of the Revised Code; 7810

(2) Payment of the reasonable cost of an assessment at the 7811
property; 7812

(3) The reasonable value, as determined by the council, of 7813
labor and materials that will be contributed by the applicant in 7814
performing the cleanup or remediation; 7815

(4) Moneys received by the applicant in any form for use in 7816
performing the cleanup or remediation; 7817

(5) Loans secured by the applicant for the purpose of the 7818
cleanup or remediation of the brownfield. 7819

Costs that were incurred more than two years prior to the 7820
submission of an application to the clean Ohio council for the 7821
acquisition of property, assessments, and labor and materials 7822
shall not be used as part of the applicant's matching share. 7823

(C) The department of development shall not make any payment 7824
to an applicant from the clean Ohio revitalization fund to pay 7825
costs of the applicant that were not included in an application 7826
for a grant or loan under section 122.653 of the Revised Code or 7827
that exceed the amount of the estimated total cost of the project 7828
included in the application. If, upon completion of a project, the 7829
costs of the project are less than the amounts included in the 7830
application, the amounts included in the application less the 7831
amounts of the actual costs of the project shall be credited to 7832
the clean Ohio revitalization fund. However, the amounts credited 7833
shall be equivalent in percentage to the percentage of the costs 7834
of the project that were to be funded by the grant or loan from 7835
the fund. 7836

(D) Grants awarded or loans made under section 122.653 of the 7837
Revised Code from the clean Ohio revitalization fund shall be used 7838
by an applicant only to pay the costs of the actual cleanup or 7839
remediation of a brownfield and shall not be used by an applicant 7840
to pay any administrative costs incurred by the applicant. Costs 7841
related to the use of a certified professional for purposes of 7842
section 122.654 of the Revised Code are not administrative costs 7843

and may be paid with moneys from grants awarded or loans made 7844
under section 122.653 of the Revised Code. 7845

(E) The portion of net proceeds of obligations devoted under 7846
division (A) of this section for the purposes of section 122.656 7847
of the Revised Code shall be used to make grants for assessments, 7848
cleanup or remediation of brownfields, and public health projects 7849
that have been approved by the director of development under that 7850
section. The department of development shall administer section 7851
122.656 of the Revised Code in accordance with this section, 7852
policies and requirements established under section 122.657 of the 7853
Revised Code, and the terms of agreements entered into by the 7854
director under section 122.656 of the Revised Code. The director 7855
shall not grant more than twenty-five million dollars for public 7856
health projects under section 122.656 of the Revised Code. 7857

(F) Grants awarded under section 122.656 of the Revised Code 7858
shall be used by an applicant only to pay the costs of actually 7859
conducting an assessment, a cleanup or remediation of a 7860
brownfield, or a public health project and shall not be used by an 7861
applicant to pay any administrative costs incurred by the 7862
applicant. Costs related to the use of a certified professional 7863
for purposes of section 122.654 of the Revised Code are not 7864
administrative costs and may be paid with moneys from grants 7865
awarded under section 122.656 of the Revised Code. 7866

~~(G)(1) The clean Ohio revitalization revolving loan fund is 7867
hereby created in the state treasury. Payments of principal and 7868
interest on loans made from the clean Ohio revitalization fund 7869
shall be credited to this revolving loan fund, as shall payments 7870
of principal and interest on loans made from the revolving loan 7871
fund itself. The revolving loan fund's investment earnings shall 7872
be credited to it. 7873~~

~~(2) The clean Ohio revitalization revolving loan fund shall 7874
be used to make loans for the same purposes and subject to the 7875~~

~~same policies, requirements, criteria, and application procedures~~ 7876
~~as loans made from the clean Ohio revitalization fund.~~ 7877

Sec. 122.66. As used in sections 122.66 to 122.702 of the 7878
Revised Code: 7879

(A) "Poverty line" means the official poverty line 7880
established by the director of the United States office of 7881
management and budget and as revised by the ~~director~~ secretary of 7882
~~the office of community health and human~~ services in accordance 7883
with section 673(2) of the "Community Services Block Grant Act," 7884
95 Stat. 1609, 42 U.S.C.A. 9902. 7885

(B) "Low-income person" means a person whose adjusted gross 7886
income as defined in division (A) of section 5747.01 of the 7887
Revised Code is below the poverty line as defined in division (A) 7888
of this section. 7889

(C) "Advocacy" means the act of pleading for, supporting, or 7890
recommending actions on behalf of low-income persons. 7891

(D) "Community action agency" means a community-based and 7892
operated private nonprofit agency or organization that includes or 7893
is designed to include a sufficient number of projects or 7894
components to provide a range of services and activities having a 7895
measurable and potentially major impact on the causes of poverty 7896
in the community or those areas of the community where poverty is 7897
a particularly acute problem and is designated as a community 7898
action agency by the ~~office of~~ community services division 7899
pursuant to sections 122.68 and 122.69 of the Revised Code. 7900

(E) "Community" means a city, village, county, multicity or 7901
multicounty unit, a neighborhood or other area, disregarding 7902
boundaries or political subdivisions, which provides a suitable 7903
organizational base and possesses a commonality of needs and 7904
interests for a community action program suitable to be served by 7905

a community action agency. 7906

(F) "Service area" means the geographical area served by a 7907
community action agency. 7908

Sec. 122.67. There is hereby created in the ~~department of~~ 7909
development services agency the ~~office of~~ community services 7910
division. The director of development services shall employ and 7911
fix the compensation of professional and technical unclassified 7912
personnel as necessary to carry out the provisions of sections 7913
122.66 to 122.701 of the Revised Code. 7914

Sec. 122.68. The ~~office of~~ community services division shall: 7915
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(A) Administer all federal funds appropriated to the state 7917
from the "Community Services Block Grant Act," 95 Stat. 511, 42 7918
U.S.C.A. 9901, and comply with requirements imposed by that act in 7919
its application for, and administration of, the funds; 7920

(B) Designate community action agencies to receive community 7921
services block grant funds; 7922

(C) Disburse at least ninety-five per cent or such other 7923
higher maximum amount as may from time to time be designated by 7924
congress of the funds received in the state from the "Community 7925
Services Block Grant Act" to community action agencies that comply 7926
with the requirements of section 122.69 of the Revised Code and 7927
migrant and seasonal farm worker organizations that are not 7928
designated community action agencies but which provide the 7929
services described in division (B)(1) of section 122.69 of the 7930
Revised Code. 7931

(D) Provide technical assistance to community action agencies 7932
to improve program planning, development, and administration; 7933

(E) Conduct yearly performance assessments, according to 7934

criteria determined by ~~department of~~ development services agency 7935
rule, to determine whether community action agencies are in 7936
compliance with section 122.69 of the Revised Code; 7937

(F) Annually prepare and submit to the United States 7938
secretary of health and human services, the governor, the 7939
president of the Ohio senate, and the speaker of the Ohio house of 7940
representatives, a comprehensive report that includes: 7941

(1) Certification that all community action agencies 7942
designated to receive funds from the "Community Services Block 7943
Grant Act" are in compliance with section 122.69 of the Revised 7944
Code; 7945

(2) A program plan for the next federal fiscal year that has 7946
been made available for public inspection and that details how 7947
community services block grant funds will be disbursed and used 7948
during that fiscal year; 7949

(3) Information detailing how funds were expended for the 7950
current fiscal year; 7951

(4) An audit of community services block grant expenditures 7952
for the preceding federal fiscal year that is conducted in 7953
accordance with generally accepted accounting principles by an 7954
independent auditing firm that has no connection with any 7955
community action agency receiving community services block grant 7956
funds or with any employee of the ~~office~~ division. 7957

(G) Serve as a statewide advocate for social and economic 7958
opportunities for low-income persons. 7959

Sec. 122.681. (A) Except as permitted by this section, or 7960
when required by federal law, no person or government entity shall 7961
solicit, release, disclose, receive, use, or knowingly permit or 7962
participate in the use of any information regarding an individual 7963
receiving assistance pursuant to a community services division 7964

program under sections 122.66 to 122.702 of the Revised Code for 7965
any purpose not directly related to the administration of a 7966
division assistance program. 7967

(B) To the extent permitted by federal law, the division, and 7968
any entity that receives division funds to administer a division 7969
program to assist individuals, shall release information regarding 7970
an individual assistance recipient to the following: 7971

(1) A government entity responsible for administering the 7972
assistance program for purposes directly related to the 7973
administration of the program; 7974

(2) A law enforcement agency for the purpose of any 7975
investigation, prosecution, or criminal or civil proceeding 7976
relating to the administration of the assistance program; 7977

(3) A government entity responsible for administering a 7978
children's protective services program, for the purpose of 7979
protecting children. 7980

(C) To the extent permitted by federal law and section 7981
1347.08 of the Revised Code, the division, and any entity 7982
administering a division program, shall provide access to 7983
information regarding an individual assistance recipient to all of 7984
the following: 7985

(1) The individual assistance recipient; 7986

(2) The authorized representative of the individual 7987
assistance recipient; 7988

(3) The legal guardian of the individual assistance 7989
recipient; 7990

(4) The attorney of the individual assistance recipient. 7991

(D) To the extent permitted by federal law, the division, and 7992
any entity administering a division program, may do either of the 7993

<u>following:</u>	7994
<u>(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization:</u>	7995
<u>(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need.</u>	7997
<u>(E) The community services division, or an entity administering a division program, shall provide, at no cost, a copy of each written authorization to the individual who signed it.</u>	7998
<u>(F) The development services agency may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C)(2) of this section.</u>	7999
Sec. 122.69. (A) Any nonprofit agency or organization seeking designation as a community action agency by the office of community services <u>division</u> shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization.	8000
(B) Any nonprofit agency or organization that receives the endorsement provided for in division (A) of this section shall be designated by the office <u>division</u> as the community action agency for the community it serves and shall receive community services block grant funds for any period of time that the nonprofit agency or organization:	8001
(1) Provides a range of services and opportunities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities may include but	8002
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shall not be limited to:	8024
(a) Providing activities designed to assist low-income persons, including elderly and handicapped low-income persons, to:	8025
(i) Secure and maintain meaningful employment, training, work experience, and unsubsidized employment;	8026
(ii) Attain an adequate education;	8027
(iii) Make better use of available income;	8028
(iv) Obtain and maintain adequate housing and a suitable living environment;	8029
(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;	8030
(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency;	8031
(vii) Achieve greater participation in the affairs of the community;	8032
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	8033
(ix) Obtain energy assistance, conservation, and weatherization services.	8034
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	8035
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	8036
(d) Providing child care services, nutrition and health	8037
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services, transportation services, alcoholism and narcotic 8053
addiction prevention and rehabilitation services, youth 8054
development services, and community services to elderly and 8055
handicapped persons; 8056

(e) Encouraging entities in the private sector to participate 8057
in efforts to ameliorate poverty in the community. 8058

(2) Annually submits to the ~~office of community services~~ 8059
division a program plan and budget for use of community services 8060
block grant funds for the next federal fiscal year. At least ten 8061
days prior to its submission to the ~~office of community services~~ 8062
division, a copy of the program plan and budget shall be made 8063
available to the chief elected officials of the municipal 8064
corporations and counties within the service area in order to 8065
provide them the opportunity to review and comment upon such plan 8066
and budget. 8067

(3) Composes its board of directors in compliance with 8068
section (c)(3) of section 675 of ~~the~~ the "Community Services Block 8069
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the board 8070
shall consist of not less than fifteen nor more than thirty-three 8071
members; 8072

(4) Complies with the prohibitions against discrimination and 8073
political activity, as provided in the "Community Services Block 8074
Grant Act"; 8075

(5) Complies with fiscal and program requirements established 8076
by ~~department of~~ development services agency rule. 8077

Sec. 122.70. The board of directors of a community action 8078
agency shall: 8079

(A) Select, appoint, and may remove the executive director of 8080
the community action agency; 8081

(B) Approve contracts, annual program budgets, and policies 8082

of the community action agency; 8083

(C) Advise the elected officials of any political subdivision 8084
located within its service area, and state and federal elected 8085
officials who represent its service area, of the nature and extent 8086
of poverty within its community, and advise them of any needed 8087
changes; 8088

(D) Convene public meetings to provide community members the 8089
opportunity to comment on public policies and programs to reduce 8090
poverty; 8091

(E) Annually evaluate the policies and programs of the 8092
community action agency according to criteria determined by 8093
~~department of~~ development services agency rule; 8094

(F) Submit the results of the evaluation required by division 8095
(E) of this section, along with recommendations for improved 8096
administration of the community action agency, to the ~~office of~~ 8097
community services division; 8098

(G) Adopt a code of ethics for the board of directors and the 8099
employees of the community action agency; 8100

(H) Adopt written policies describing all of the following: 8101

(1) How the community action agency is to expend and 8102
distribute the community services block grant funds that it 8103
receives from the ~~office of community services~~ division under 8104
sections 122.68 and 122.69 of the Revised Code; 8105

(2) The salary, benefits, travel expenses, and any other 8106
compensation that persons are to receive for serving on the 8107
community action agency's board of directors; 8108

(3) The operating procedures to be used by the board to 8109
conduct its meetings, to vote on all official business it 8110
considers, and to provide notice of its meetings. 8111

(I) Provide for the posting of notices in a conspicuous place 8112

indicating that the code of ethics described in division (G) of 8113
this section and the policies described in division (H) of this 8114
section are available for public inspection at the community 8115
action agency during normal business hours. 8116

Sec. 122.701. (A) Prior to designating a new community action 8117
agency or rescinding a community action agency's designation, the 8118
~~office of~~ community services division shall: 8119

(1) Determine whether a community action agency is in 8120
compliance with section 122.69 of the Revised Code; 8121

(2) Consult with the chief elected officials of political 8122
subdivisions located within a community action agency's service 8123
area, and, in designating a new community action agency, obtain 8124
their endorsement of the agency in accordance with division (A) of 8125
section 122.69 of the Revised Code; 8126

(3) Hold at least one public meeting within a community 8127
action agency's service area for the purpose of allowing citizens 8128
to comment on the community action agency's delivery of services; 8129

(4) Evaluate the proposed service area of the community 8130
action agency, and, as may be necessary, modify the boundaries of 8131
the service area so that low-income persons in the area are 8132
adequately and efficiently served. 8133

(B) After providing notice and hearing pursuant to sections 8134
119.01 to 119.13 of the Revised Code, the director of development 8135
services: 8136

(1) May rescind the designation of a community action agency 8137
~~if he finds~~ after finding that the agency is not in compliance 8138
with any or all of the provisions of section 122.69 of the Revised 8139
Code; 8140

(2) Shall rescind the designation of a community action 8141
agency upon notification from the chief elected officials of more 8142

than one-half of the municipal corporations and the counties 8143
within a community currently served by a community action agency 8144
that such agency is not endorsed by them and ~~upon a~~ after finding 8145
~~by him~~ that the agency is not in compliance with section 122.69 of 8146
the Revised Code. 8147

Any agency whose designation is rescinded pursuant to this 8148
section may appeal from an order rescinding such designation 8149
pursuant to section 119.12 of the Revised Code. 8150

Sec. 122.76. (A) The director of development services, with 8151
controlling board approval, may lend funds to minority business 8152
enterprises and to community improvement corporations, Ohio 8153
development corporations, minority contractors business assistance 8154
organizations, and minority business supplier development councils 8155
for the purpose of loaning funds to minority business enterprises 8156
~~and~~, for the purpose of procuring or improving real or personal 8157
property, or both, for the establishment, location, or expansion 8158
of industrial, distribution, commercial, or research facilities in 8159
the state, and for the purpose of contract financing, and to 8160
community development corporations that predominantly benefit 8161
minority business enterprises or are located in a census tract 8162
that has a population that is sixty per cent or more minority, if 8163
the director determines, in the director's sole discretion, that 8164
all of the following apply: 8165

(1) The project is economically sound and will benefit the 8166
people of the state by increasing opportunities for employment, by 8167
strengthening the economy of the state, or expanding minority 8168
business enterprises. 8169

(2) The proposed minority business enterprise borrower is 8170
unable to finance the proposed project through ordinary financial 8171
channels at comparable terms. 8172

(3) The value of the project is or, upon completion, will be 8173

at least equal to the total amount of the money expended in the 8174
procurement or improvement of the project. 8175

(4) The amount to be loaned by the director will not exceed 8176
seventy-five per cent of the total amount expended in the 8177
procurement or improvement of the project. 8178

(5) The amount to be loaned by the director will be 8179
adequately secured by a first or second mortgage upon the project 8180
or by mortgages, leases, liens, assignments, or pledges on or of 8181
other property or contracts as the director requires, and such 8182
mortgage will not be subordinate to any other liens or mortgages 8183
except the liens securing loans or investments made by financial 8184
institutions referred to in division (A)(3) of this section, and 8185
the liens securing loans previously made by any financial 8186
institution in connection with the procurement or expansion of all 8187
or part of a project. 8188

(B) Any proposed minority business enterprise borrower 8189
submitting an application for assistance under this section shall 8190
not have defaulted on a previous loan from the director, and no 8191
full or limited partner, major shareholder, or holder of an equity 8192
interest of the proposed minority business enterprise borrower 8193
shall have defaulted on a loan from the director. 8194

(C) The proposed minority business enterprise borrower shall 8195
demonstrate to the satisfaction of the director that it is able to 8196
successfully compete in the private sector if it obtains the 8197
necessary financial, technical, or managerial support and that 8198
support is available through the director, the minority business 8199
development office of the ~~department of~~ development services 8200
agency, or other identified and acceptable sources. In determining 8201
whether a minority business enterprise borrower will be able to 8202
successfully compete, the director may give consideration to such 8203
factors as the successful completion of or participation in 8204
courses of study, recognized by the board of regents as providing 8205

financial, technical, or managerial skills related to the 8206
operation of the business, by the economically disadvantaged 8207
individual, owner, or partner, and the prior success of the 8208
individual, owner, or partner in personal, career, or business 8209
activities, as well as to other factors identified by the 8210
director. 8211

(D) The director shall not lend funds for the purpose of 8212
procuring or improving motor vehicles or accounts receivable. 8213

Sec. 122.861. (A) As used in this section: 8214

(1) "Certified engine configuration" means a new, rebuilt, or 8215
remanufactured engine configuration that satisfies divisions 8216
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 8217
section: 8218

(a) It has been certified by the administrator of the United 8219
States environmental protection agency or the California air 8220
resources board. 8221

(b) It meets or is rebuilt or remanufactured to a more 8222
stringent set of engine emission standards than when originally 8223
manufactured, as determined pursuant to Subtitle G of Title VII of 8224
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 8225
et seq. 8226

(c) In the case of a certified engine configuration involving 8227
the replacement of an existing engine, an engine configuration 8228
that replaced an engine that was removed from the vehicle and 8229
returned to the supplier for remanufacturing to a more stringent 8230
set of engine emissions standards or for scrappage. 8231

(2) "Section 793" means section 793 of the Energy Policy Act 8232
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 8233

(3) "Verified technology" means a pollution control 8234
technology, including a retrofit technology, advanced truckstop 8235

electrification system, or auxiliary power unit, that has been 8236
verified by the administrator of the United States environmental 8237
protection agency or the California air resources board. 8238

(B) For the purpose of reducing emissions from diesel 8239
engines, the director of environmental protection shall administer 8240
a diesel emissions reduction grant program and a diesel emissions 8241
reduction revolving loan program. The programs shall provide for 8242
the implementation in this state of section 793 and shall 8243
otherwise be administered in compliance with the requirements of 8244
section 793, and any regulations issued pursuant to that section. 8245

The director shall apply to the administrator of the United 8246
States environmental protection agency for grant or loan funds 8247
available under section 793 to help fund the diesel emissions 8248
reduction grant program and the diesel emissions reduction 8249
revolving loan program. 8250

~~(C) There is hereby created in the state treasury the diesel 8251
emissions grant fund consisting of money appropriated to it by the 8252
general assembly, any grants obtained from the federal government 8253
under section 793, and any other grants, gifts, or other 8254
contributions of money made to the credit of the fund. Money in 8255
the fund shall be used for the purpose of making grants for 8256
projects relating to certified engine configurations and verified 8257
technologies in a manner consistent with the requirements of 8258
section 793 and any regulations issued under that section. 8259
Interest earned from moneys in the fund shall be used to 8260
administer the diesel emissions reduction grant program. 8261~~

~~(D) There is hereby created in the state treasury the diesel 8262
emissions reduction revolving loan fund consisting of money 8263
appropriated to it by the general assembly, any grants obtained 8264
from the federal government under section 793, and any other 8265
grants, gifts, or other contributions of money made to the credit 8266
of the fund. Money in the fund shall be used for the purpose of 8267~~

making loans for projects relating to certified engine 8268
configurations and verified technologies in a manner consistent 8269
with the requirements of section 793 and any regulations issued 8270
pursuant to that section. Interest earned from moneys in the fund 8271
shall be used to administer the diesel emissions reduction 8272
revolving loan program. 8273

Sec. 123.01. (A) The department of administrative services, 8274
in addition to those powers enumerated in Chapters 124. and 125. 8275
of the Revised Code and provided elsewhere by law, shall exercise 8276
the following powers: 8277

(1) To prepare and suggest comprehensive plans for the 8278
development of grounds and buildings under the control of a state 8279
agency; 8280

(2) To acquire, by purchase, gift, devise, lease, or grant, 8281
all real estate required by a state agency, in the exercise of 8282
which power the department may exercise the power of eminent 8283
domain, in the manner provided by sections 163.01 to 163.22 of the 8284
Revised Code; 8285

(3) To erect, supervise, and maintain all public monuments 8286
and memorials erected by the state, except where the supervision 8287
and maintenance is otherwise provided by law; 8288

(4) To procure, by lease, storage accommodations for a state 8289
agency; 8290

(5) To lease or grant easements or licenses for unproductive 8291
and unused lands or other property under the control of a state 8292
agency. Such leases, easements, or licenses may be granted to any 8293
person or entity, shall be for a period not to exceed fifteen 8294
years, and shall be executed for the state by the director of 8295
administrative services, provided that the director shall grant 8296
leases, easements, or licenses of university land for periods not 8297

to exceed twenty-five years for purposes approved by the 8298
respective university's board of trustees wherein the uses are 8299
compatible with the uses and needs of the university and may grant 8300
leases of university land for periods not to exceed forty years 8301
for purposes approved by the respective university's board of 8302
trustees pursuant to section 123.17 of the Revised Code. 8303

(6) To lease space for the use of a state agency; 8304

(7) To have general supervision and care of the storerooms, 8305
offices, and buildings leased for the use of a state agency; 8306

(8) To exercise general custodial care of all real property 8307
of the state; 8308

(9) To assign and group together state offices in any city in 8309
the state and to establish, in cooperation with the state agencies 8310
involved, rules governing space requirements for office or storage 8311
use; 8312

(10) To lease for a period not to exceed forty years, 8313
pursuant to a contract providing for the construction thereof 8314
under a lease-purchase plan, buildings, structures, and other 8315
improvements for any public purpose, and, in conjunction 8316
therewith, to grant leases, easements, or licenses for lands under 8317
the control of a state agency for a period not to exceed forty 8318
years. The lease-purchase plan shall provide that at the end of 8319
the lease period, the buildings, structures, and related 8320
improvements, together with the land on which they are situated, 8321
shall become the property of the state without cost. 8322

(a) Whenever any building, structure, or other improvement is 8323
to be so leased by a state agency, the department shall retain 8324
either basic plans, specifications, bills of materials, and 8325
estimates of cost with sufficient detail to afford bidders all 8326
needed information or, alternatively, all of the following plans, 8327
details, bills of materials, and specifications: 8328

(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;	8329 8330
(ii) Details to scale and full sized, so drawn and represented as to be easily understood;	8331 8332
(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;	8333 8334
(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;	8335 8336 8337 8338
(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.	8339 8340
(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.	8341 8342 8343 8344 8345 8346 8347 8348 8349 8350 8351 8352 8353 8354
(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers'	8355 8356 8357 8358 8359

compensation has certified that the person to be awarded the lease 8360
agreement has complied with Chapter 4123. of the Revised Code, 8361
until, if the builder submitting the lowest and best bid is a 8362
foreign corporation, the secretary of state has certified that the 8363
corporation is authorized to do business in this state, until, if 8364
the builder submitting the lowest and best bid is a person 8365
nonresident of this state, the person has filed with the secretary 8366
of state a power of attorney designating the secretary of state as 8367
its agent for the purpose of accepting service of summons in any 8368
action brought under Chapter 4123. of the Revised Code, and until 8369
the agreement is submitted to the attorney general and the 8370
attorney general's approval is certified thereon. Within thirty 8371
days after the day on which the bids are received, the department 8372
shall investigate the bids received and shall determine that the 8373
bureau and the secretary of state have made the certifications 8374
required by this section of the builder who has submitted the 8375
lowest and best bid. Within ten days of the completion of the 8376
investigation of the bids, the department shall award the lease 8377
agreement to the builder who has submitted the lowest and best bid 8378
and who has been certified by the bureau and secretary of state as 8379
required by this section. If bidding for the lease agreement has 8380
been conducted upon the basis of basic plans, specifications, 8381
bills of materials, and estimates of costs, upon the award to the 8382
builder the department, or the builder with the approval of the 8383
department, shall appoint an architect or engineer licensed in 8384
this state to prepare such further detailed plans, specifications, 8385
and bills of materials as are required to construct the building, 8386
structure, or improvement. The department shall adopt such rules 8387
as are necessary to give effect to this section. The department 8388
may reject any bid. Where there is reason to believe there is 8389
collusion or combination among bidders, the bids of those 8390
concerned therein shall be rejected. 8391

(11) To acquire by purchase, gift, devise, or grant and to 8392

transfer, lease, or otherwise dispose of all real property 8393
required to assist in the development of a conversion facility as 8394
defined in section 5709.30 of the Revised Code as that section 8395
existed before its repeal by Amended Substitute House Bill 95 of 8396
the 125th general assembly; 8397

(12) To lease for a period not to exceed forty years, 8398
notwithstanding any other division of this section, the 8399
state-owned property located at 408-450 East Town Street, 8400
Columbus, Ohio, formerly the state school for the deaf, to a 8401
developer in accordance with this section. "Developer," as used in 8402
this section, has the same meaning as in section 123.77 of the 8403
Revised Code. 8404

Such a lease shall be for the purpose of development of the 8405
land for use by senior citizens by constructing, altering, 8406
renovating, repairing, expanding, and improving the site as it 8407
existed on June 25, 1982. A developer desiring to lease the land 8408
shall prepare for submission to the department a plan for 8409
development. Plans shall include provisions for roads, sewers, 8410
water lines, waste disposal, water supply, and similar matters to 8411
meet the requirements of state and local laws. The plans shall 8412
also include provision for protection of the property by insurance 8413
or otherwise, and plans for financing the development, and shall 8414
set forth details of the developer's financial responsibility. 8415

The department may employ, as employees or consultants, 8416
persons needed to assist in reviewing the development plans. Those 8417
persons may include attorneys, financial experts, engineers, and 8418
other necessary experts. The department shall review the 8419
development plans and may enter into a lease if it finds all of 8420
the following: 8421

(a) The best interests of the state will be promoted by 8422
entering into a lease with the developer; 8423

(b) The development plans are satisfactory; 8424

(c) The developer has established the developer's financial 8425
responsibility and satisfactory plans for financing the 8426
development. 8427

The lease shall contain a provision that construction or 8428
renovation of the buildings, roads, structures, and other 8429
necessary facilities shall begin within one year after the date of 8430
the lease and shall proceed according to a schedule agreed to 8431
between the department and the developer or the lease will be 8432
terminated. The lease shall contain such conditions and 8433
stipulations as the director considers necessary to preserve the 8434
best interest of the state. Moneys received by the state pursuant 8435
to this lease shall be paid into the general revenue fund. The 8436
lease shall provide that at the end of the lease period the 8437
buildings, structures, and related improvements shall become the 8438
property of the state without cost. 8439

(13) To manage the use of space owned and controlled by the 8440
department, including space in property under the jurisdiction of 8441
the Ohio building authority, by doing all of the following: 8442

(a) Biennially implementing, by state agency location, a 8443
census of agency employees assigned space; 8444

(b) Periodically in the discretion of the director of 8445
administrative services: 8446

(i) Requiring each state agency to categorize the use of 8447
space allotted to the agency between office space, common areas, 8448
storage space, and other uses, and to report its findings to the 8449
department; 8450

(ii) Creating and updating a master space utilization plan 8451
for all space allotted to state agencies. The plan shall 8452
incorporate space utilization metrics. 8453

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;	8454 8455
(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.	8456 8457
(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.	8458 8459 8460 8461
(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.	8462 8463 8464 8465 8466 8467 8468 8469 8470 8471 8472
(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	8473 8474
(a) Identifying available energy efficiency and conservation opportunities;	8475 8476
(b) Providing for interchange of information among purchasing agencies;	8477 8478
(c) Identifying laws, policies, rules, and procedures that should be modified;	8479 8480
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products	8481 8482 8483

having a significant impact on energy consumption by the government; (e) Providing technical assistance and training to state employees involved in the purchasing process; (f) Working with the ~~department of~~ development services agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation. (16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year. Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year, except for those passenger vehicles acquired for use in law enforcement or emergency rescue work, by a sum of terms, each of which is a fraction created by dividing the number of passenger vehicles of a given make, model, and year, except for passenger vehicles acquired for use in law enforcement or emergency rescue work, acquired during the fiscal year by the fuel economy measured

by the administrator of the United States environmental protection 8516
agency, for the given make, model, and year of vehicle, that 8517
constitutes an average fuel economy for combined city and highway 8518
driving. 8519

As used in division (A)(16) of this section, "acquired" means 8520
leased for a period of sixty continuous days or more, or 8521
purchased. 8522

(B) This section and section 125.02 of the Revised Code shall 8523
not interfere with any of the following: 8524

(1) The power of the adjutant general to purchase military 8525
supplies, or with the custody of the adjutant general of property 8526
leased, purchased, or constructed by the state and used for 8527
military purposes, or with the functions of the adjutant general 8528
as director of state armories; 8529

(2) The power of the director of transportation in acquiring 8530
rights-of-way for the state highway system, or the leasing of 8531
lands for division or resident district offices, or the leasing of 8532
lands or buildings required in the maintenance operations of the 8533
department of transportation, or the purchase of real property for 8534
garage sites or division or resident district offices, or in 8535
preparing plans and specifications for and constructing such 8536
buildings as the director may require in the administration of the 8537
department; 8538

(3) The power of the director of public safety and the 8539
registrar of motor vehicles to purchase or lease real property and 8540
buildings to be used solely as locations to which a deputy 8541
registrar is assigned pursuant to division (B) of section 4507.011 8542
of the Revised Code and from which the deputy registrar is to 8543
conduct the deputy registrar's business, the power of the director 8544
of public safety to purchase or lease real property and buildings 8545
to be used as locations for division or district offices as 8546

required in the maintenance of operations of the department of 8547
public safety, and the power of the superintendent of the state 8548
highway patrol in the purchase or leasing of real property and 8549
buildings needed by the patrol, to negotiate the sale of real 8550
property owned by the patrol, to rent or lease real property owned 8551
or leased by the patrol, and to make or cause to be made repairs 8552
to all property owned or under the control of the patrol; 8553

(4) The power of the division of liquor control in the 8554
leasing or purchasing of retail outlets and warehouse facilities 8555
for the use of the division; 8556

(5) The power of the director of development services to 8557
enter into leases of real property, buildings, and office space to 8558
be used solely as locations for the state's foreign offices to 8559
carry out the purposes of section 122.05 of the Revised Code; 8560

(6) The power of the director of environmental protection to 8561
enter into environmental covenants, to grant and accept easements, 8562
or to sell property pursuant to division (G) of section 3745.01 of 8563
the Revised Code. 8564

(C) Purchases for, and the custody and repair of, buildings 8565
under the management and control of the capitol square review and 8566
advisory board, the ~~rehabilitation services commission~~ 8567
opportunities for Ohioans with disabilities agency, the bureau of 8568
workers' compensation, or the departments of public safety, job 8569
and family services, ~~mental health~~ mental health and addiction 8570
services, developmental disabilities, and rehabilitation and 8571
correction; buildings of educational and benevolent institutions 8572
under the management and control of boards of trustees; and 8573
purchases or leases for, and the custody and repair of, office 8574
space used for the purposes of the joint legislative ethics 8575
committee are not subject to the control and jurisdiction of the 8576
department of administrative services. 8577

If the joint legislative ethics committee so requests, the 8578
committee and the director of administrative services may enter 8579
into a contract under which the department of administrative 8580
services agrees to perform any services requested by the committee 8581
that the department is authorized under this section to perform. 8582

(D) Any instrument by which real property is acquired 8583
pursuant to this section shall identify the agency of the state 8584
that has the use and benefit of the real property as specified in 8585
section 5301.012 of the Revised Code. 8586

Sec. 123.10. (A) As used in this section and section 123.11 8587
of the Revised Code, "public exigency" means an injury or 8588
obstruction that occurs in any public works of the state 8589
maintained by the director of administrative services and that 8590
materially impairs its immediate use or places in jeopardy 8591
property adjacent to it; an immediate danger of such an injury or 8592
obstruction; or an injury or obstruction, or an immediate danger 8593
of an injury or obstruction, that occurs in any public works of 8594
the state maintained by the director of administrative services 8595
and that materially impairs its immediate use or places in 8596
jeopardy property adjacent to it. 8597

(B) When a declaration of public exigency is issued pursuant 8598
to division (C) of this section, ~~the director of administrative~~ 8599
~~services may request~~ the Ohio facilities construction commission 8600
~~to~~ shall enter into contracts with proper persons for the 8601
performance of labor, the furnishing of materials, or the 8602
construction of any structures and buildings necessary to the 8603
maintenance, control, and management of the public works of the 8604
state or any part of those public works. Any contracts awarded for 8605
the work performed pursuant to the declaration of a public 8606
exigency may be awarded without competitive bidding or selection 8607
as set forth in Chapter 153. of the Revised Code. 8608

(C) The executive director of ~~administrative services~~ the Ohio facilities construction commission may issue a declaration of a public exigency on the executive director's own initiative or upon the request of the director of any state agency. The executive director's declaration shall identify the specific injury, obstruction, or danger that is the subject of the declaration and shall set forth a dollar limitation for the repair, removal, or prevention of that exigency under the declaration.

Before any project to repair, remove, or prevent a public exigency under the executive director's declaration may begin, the executive director shall send notice of the project, in writing, to the director of budget and management and to the members of the controlling board. That notice shall detail the project to be undertaken to address the public exigency and shall include a copy of the executive director's declaration that establishes the monetary limitations on that project.

Sec. 123.11. When a public exigency, as defined in division (A) of section 123.10 of the Revised Code, exists, the executive director of ~~administrative services~~ the Ohio facilities construction commission may take possession of lands and use them, or materials and other property necessary for the maintenance, protection, or repair of the public works, in accordance with sections 163.01 to 163.22 of the Revised Code.

Sec. 123.19. There is hereby established in the state treasury the theater equipment maintenance fund. All appropriate theater-related revenues of the department of administrative services, as determined by the department, shall be credited to that fund and to any accounts created in that fund with the department's approval. All appropriate theater-related expenses of the department, as determined by the department, including

reimbursement of, or payment to, any other fund or any 8640
governmental agency for advances made or services rendered to or 8641
on behalf of the department, shall be paid from that fund as 8642
determined by or pursuant to directions of the department. All 8643
investment earnings of that fund shall be credited to it and shall 8644
be allocated among any accounts created in the fund in the manner 8645
determined by the department. 8646

Sec. 123.201. (A) There is hereby created in the state 8647
treasury the Ohio facilities construction commission fund, 8648
consisting of transfers of moneys authorized by the general 8649
assembly and revenues received by the Ohio facilities construction 8650
commission under section 123.21 of the Revised Code. Investment 8651
earnings on moneys in the fund shall be credited to the fund. 8652
Moneys in the fund may be used by the commission, in performing 8653
its duties under this chapter, to pay personnel and other 8654
administrative expenses, to pay the cost of preparing building 8655
design specifications, to pay the cost of providing project 8656
management services, and for other purposes determined by the 8657
commission to be necessary to fulfill its duties under this 8658
chapter. 8659

(B)(1) There is hereby created in the state treasury the 8660
cultural and sports facilities building fund, consisting of 8661
proceeds of obligations authorized to pay costs of Ohio cultural 8662
facilities and Ohio sports facilities for which appropriations are 8663
made by the general assembly. All investment earnings of the fund 8664
shall be credited to the fund. 8665

(2) Upon the request of the executive director of the Ohio 8666
facilities construction commission and subject to applicable tax 8667
law limitations, the director of budget and management may 8668
transfer to the Ohio cultural facilities administration fund 8669
moneys credited to the cultural and sports facilities building 8670

fund to pay the costs of administering projects funded through the 8671
cultural and sports facilities building fund. 8672

(C) There is hereby created in the state treasury the Ohio 8673
cultural facilities administration fund, consisting of transfers 8674
of money authorized by the general assembly and revenues received 8675
by the commission under division (A)(9) of section 123.21 of the 8676
Revised Code. Moneys in the fund may be used by the Ohio 8677
facilities construction commission in administering projects 8678
funded through the cultural and sports facilities building fund 8679
pursuant to sections 123.28 and 128.281 of the Revised Code. All 8680
investment earnings of that fund shall be credited to it and shall 8681
be allocated among any accounts created in the fund in the manner 8682
determined by the commission. 8683

(D)(1) There is hereby created in the state treasury the 8684
capital donations fund, which shall be administered by the Ohio 8685
facilities construction commission. The fund consists of gifts, 8686
grants, devises, bequests, and other financial contributions made 8687
to the commission for the construction or improvement of cultural 8688
and sports facilities and shall be used in accordance with the 8689
specific purposes for which the gifts, grants, devises, bequests, 8690
or other financial contributions are made. All investment earnings 8691
of the fund shall be credited to the fund. Chapters 123., 125., 8692
127., and 153. and section 3517.13 of the Revised Code do not 8693
apply to contract obligations paid from the fund, notwithstanding 8694
anything to the contrary in those chapters or that section. 8695

(2) Not later than one month following the end of each 8696
quarter of the fiscal year, the commission shall allocate the 8697
amounts credited to the fund from investment earnings during that 8698
preceding quarter of the fiscal year among the specific projects 8699
for which they are to be used and shall certify this information 8700
to the director of budget and management. 8701

(3) If the amounts credited to the fund for a particular 8702

project exceed what is required to complete that project, the 8703
commission may refund any of those excess amounts, including 8704
unexpended investment earnings attributable to those amounts, to 8705
the entity from which they were received. 8706

Sec. 123.21. (A) The Ohio facilities construction commission 8707
may perform any act and ensure the performance of any function 8708
necessary or appropriate to carry out the purposes of, and 8709
exercise the powers granted under this chapter or any other 8710
provision of the Revised Code, including any of the following: 8711

(1) Prepare, or contract to be prepared, by licensed 8712
engineers or architects, surveys, general and detailed plans, 8713
specifications, bills of materials, and estimates of cost for any 8714
projects, improvements, or public buildings to be constructed by 8715
state agencies that may be authorized by legislative 8716
appropriations or any other funds made available therefor, 8717
provided that the construction of the projects, improvements, or 8718
public buildings is a statutory duty of the commission. This 8719
section does not require the independent employment of an 8720
architect or engineer as provided by section 153.01 of the Revised 8721
Code in the cases to which section 153.01 of the Revised Code 8722
applies. This section does not affect or alter the existing powers 8723
of the director of transportation. 8724

(2) Have general supervision over the construction of any 8725
projects, improvements, or public buildings constructed for a 8726
state agency and over the inspection of materials prior to their 8727
incorporation into those projects, improvements, or buildings. 8728

(3) Make contracts for and supervise the design and 8729
construction of any projects and improvements or the construction 8730
and repair of buildings under the control of a state agency. All 8731
such contracts may be based in whole or in part on the unit price 8732
or maximum estimated cost, with payment computed and made upon 8733

actual quantities or units. 8734

(4) Adopt, amend, and rescind rules pertaining to the 8735
administration of the construction of the public works of the 8736
state as required by law, in accordance with Chapter 119. of the 8737
Revised Code. 8738

(5) Contract with, retain the services of, or designate, and 8739
fix the compensation of, such agents, accountants, consultants, 8740
advisers, and other independent contractors as may be necessary or 8741
desirable to carry out the programs authorized under this chapter, 8742
or authorize the executive director to perform such powers and 8743
duties. 8744

(6) Receive and accept any gifts, grants, donations, and 8745
pledges, and receipts therefrom, to be used for the programs 8746
authorized under this chapter. 8747

(7) Make and enter into all contracts, commitments, and 8748
agreements, and execute all instruments, necessary or incidental 8749
to the performance of its duties and the execution of its rights 8750
and powers under this chapter, or authorize the executive director 8751
to perform such powers and duties. 8752

(8) Debar a contractor as provided in section 153.02 of the 8753
Revised Code. 8754

(9) Enter into and administer cooperative agreements for 8755
cultural projects, as provided in sections 123.28 and 123.281 of 8756
the Revised Code. 8757

(B) The commission shall appoint and fix the compensation of 8758
an executive director who shall serve at the pleasure of the 8759
commission. The executive director shall exercise all powers that 8760
the commission possesses, supervise the operations of the 8761
commission, and perform such other duties as delegated by the 8762
commission. The executive director also shall employ and fix the 8763
compensation of such employees as will facilitate the activities 8764

and purposes of the commission, who shall serve at the pleasure of 8765
the executive director. The employees of the commission are exempt 8766
from Chapter 4117. of the Revised Code and are not considered 8767
public employees as defined in section 4117.01 of the Revised 8768
Code. Any agreement entered into prior to July 1, 2012, between 8769
the office of collective bargaining and the exclusive 8770
representative for employees of the commission is binding and 8771
shall continue to have effect. 8772

(C) The attorney general shall serve as the legal 8773
representative for the commission and may appoint other counsel as 8774
necessary for that purpose in accordance with section 109.07 of 8775
the Revised Code. 8776

Sec. 123.27. (A) As used in this section: 8777

"Capital facilities project" means the construction, 8778
reconstruction, improvement, enlargement, alteration, or repair of 8779
a building by a public entity. 8780

"Public entity" includes a state agency and a state 8781
institution of higher education. 8782

"State institution of higher education" has the same meaning 8783
as in section 3345.011 of the Revised Code. 8784

(B) Commencing not later than July 1, 2012, and upon 8785
completion of a capital facilities project that is funded wholly 8786
or in part using state funds, each public entity shall submit a 8787
report about the project to the executive director of the Ohio 8788
facilities construction commission. The report shall be submitted 8789
in Ohio administrative knowledge system capital improvement format 8790
or in a manner determined by the executive director and not later 8791
than thirty days after the project is complete. The report shall 8792
provide the total original contract bid, total cost of change 8793
orders, total actual cost of the project, total costs incurred for 8794

mediation and litigation services, and any other data requested by 8795
the executive director. The first report submitted pursuant to 8796
this division shall include information about any capital 8797
facilities project completed on or after July 1, 2011. Any capital 8798
facilities project that is funded wholly or in part through 8799
appropriations made to the Ohio school facilities commission, or 8800
the Ohio public works commission, ~~or the Ohio cultural facilities~~ 8801
~~commission,~~ or for which a joint use agreement has been entered 8802
into with any public entity, is exempt from the reporting 8803
requirement prescribed under this division. 8804

(C) Commencing not later than July 1, 2012, and annually 8805
thereafter, the attorney general shall report to the executive 8806
director of the Ohio facilities construction commission on any 8807
mediation and litigation costs associated with capital facilities 8808
projects for which a judgment has been rendered. The report shall 8809
be submitted in a manner prescribed by the executive director and 8810
shall contain any information requested by the executive director 8811
related to capital facilities project mediation and litigation 8812
costs. 8813

(D) As soon as practicable after such information is made 8814
available, the executive director of the Ohio facilities 8815
construction commission shall incorporate the information reported 8816
pursuant to divisions (B) and (C) of this section into the Ohio 8817
administrative knowledge system. 8818

Sec. ~~3383.01~~ 123.28. As used in this ~~chapter~~ section and in 8819
section 123.281 of the Revised Code: 8820

(A) "Culture" means any of the following: 8821

(1) Visual, musical, dramatic, graphic, design, and other 8822
arts, including, but not limited to, architecture, dance, 8823
literature, motion pictures, music, painting, photography, 8824
sculpture, and theater, and the provision of training or education 8825

in these arts; 8826

(2) The presentation or making available, in museums or other 8827
indoor or outdoor facilities, of principles of science and their 8828
development, use, or application in business, industry, or 8829
commerce or of the history, heritage, development, presentation, 8830
and uses of the arts described in division (A)(1) of this section 8831
and of transportation; 8832

(3) The preservation, presentation, or making available of 8833
features of archaeological, architectural, environmental, or 8834
historical interest or significance in a state historical facility 8835
or a local historical facility. 8836

(B) "Cultural organization" means either of the following: 8837

(1) A governmental agency or Ohio nonprofit corporation, 8838
including the Ohio historical society, that provides programs or 8839
activities in areas directly concerned with culture; 8840

(2) A regional arts and cultural district as defined in 8841
section 3381.01 of the Revised Code. 8842

(C) "Cultural project" means all or any portion of an Ohio 8843
cultural facility for which the general assembly has ~~specifically~~ 8844
~~authorized the spending of money, or made an appropriation,~~ 8845
~~pursuant to division (D)(3) or (E) of section 3383.07 of the~~ 8846
Revised Code or has specifically authorized the spending of money 8847
or the making of rental payments relating to the financing of 8848
construction. 8849

(D) "Cooperative contract" means a contract between the Ohio 8850
~~cultural~~ facilities construction commission and a cultural 8851
organization providing the terms and conditions of the cooperative 8852
use of an Ohio cultural facility. 8853

(E) "Costs of operation" means amounts required to manage an 8854
Ohio cultural facility that are incurred following the completion 8855

of construction of its cultural project, provided that both of the 8856
following apply: 8857

(1) Those amounts either: 8858

(a) Have been committed to a fund dedicated to that purpose; 8859

(b) Equal the principal of any endowment fund, the income 8860
from which is dedicated to that purpose. 8861

(2) The commission and the cultural organization have 8862
executed an agreement with respect to either of those funds. 8863

(F) ~~"General building services" means general building 8864
services for an Ohio cultural facility or an Ohio sports facility,~~ 8865
~~including, but not limited to, general custodial care, security,~~ 8866
~~maintenance, repair, painting, decoration, cleaning, utilities,~~ 8867
~~fire safety, grounds and site maintenance and upkeep, and~~ 8868
~~plumbing.~~ 8869

~~(G)~~ "Governmental agency" means ~~a state agency, a 8870
state supported or state assisted institution of higher education,~~ 8871
a municipal corporation, county, township, or school district, a 8872
port authority created under Chapter 4582. of the Revised Code, 8873
any other political subdivision or special district in this state 8874
established by or pursuant to law, or any combination of these 8875
entities; except where otherwise indicated, the United States or 8876
any department, division, or agency of the United States, or any 8877
agency, commission, or authority established pursuant to an 8878
interstate compact or agreement. 8879

~~(H)~~(G) "Local contributions" means the value of an asset 8880
provided by or on behalf of a cultural organization from sources 8881
other than the state, the value and nature of which shall be 8882
approved by the Ohio ~~cultural~~ facilities construction commission, 8883
in its sole discretion. "Local contributions" may include the 8884
value of the site where a cultural project is to be constructed. 8885
All "local contributions," except a contribution attributable to 8886

such a site, shall be for the costs of construction of a cultural 8887
project or the creation or expansion of an endowment for the costs 8888
of operation of a cultural facility. 8889

~~(I)~~(H) "Local historical facility" means a site or facility, 8890
other than a state historical facility, of archaeological, 8891
architectural, environmental, or historical interest or 8892
significance, or a facility, including a storage facility, 8893
appurtenant to the operations of such a site or facility, that is 8894
owned by a cultural organization, ~~provided the facility meets the~~ 8895
~~requirements of division (K)(2)(b) of this section, is managed by~~ 8896
~~or pursuant to a contract with the Ohio cultural facilities~~ 8897
~~commission,~~ and is used for or in connection with the cultural 8898
activities ~~of the commission,~~ including the presentation or making 8899
available of culture to the public. 8900

~~(J)~~(I) "Manage," "operate," or "management" means the 8901
provision of, or the exercise of control over the provision of, 8902
activities: 8903

(1) Relating to culture for an Ohio cultural facility, 8904
including as applicable, but not limited to, providing for 8905
displays, exhibitions, specimens, and models; booking of artists, 8906
performances, or presentations; scheduling; and hiring or 8907
contracting for directors, curators, technical and scientific 8908
staff, ushers, stage managers, and others directly related to the 8909
cultural activities in the facility; but not including general 8910
building services; 8911

(2) Relating to sports and athletic events for an Ohio sports 8912
facility, including as applicable, but not limited to, providing 8913
for booking of athletes, teams, and events; scheduling; and hiring 8914
or contracting for staff, ushers, managers, and others directly 8915
related to the sports and athletic events in the facility; but not 8916
including general building services. 8917

- ~~(K)~~(J) "Ohio cultural facility" means any of the following: 8918
- (1) The theaters located in the state office tower at 77 8919
South High street in Columbus; 8920
- (2) Any ~~capital~~ cultural facility in this state ~~to which both~~ 8921
~~of the following apply:~~ 8922
- ~~(a) The construction of a cultural project related to the~~ 8923
~~facility was authorized or funded by the general assembly pursuant~~ 8924
~~to division (D)(3) of section 3383.07 of the Revised Code and~~ 8925
~~proceeds of state bonds are used for costs of the cultural~~ 8926
~~project.~~ 8927
- ~~(b) The facility that is managed directly by, or is subject~~ 8928
~~to a cooperative or management contract with, the Ohio cultural~~ 8929
~~facilities construction commission, and is used for or in~~ 8930
~~connection with the activities of the commission, including the~~ 8931
~~presentation or making available of culture to the public and the~~ 8932
~~provision of training or education in culture.~~ 8933
- (3) A state historical facility or a local historical 8934
facility. 8935
- ~~(L) "State agency" means the state or any of its branches,~~ 8936
~~officers, boards, commissions, authorities, departments,~~ 8937
~~divisions, or other units or agencies.~~ 8938
- ~~(M)~~(K) "Construction" includes acquisition, including 8939
acquisition by lease-purchase, demolition, reconstruction, 8940
alteration, renovation, remodeling, enlargement, improvement, site 8941
improvements, and related equipping and furnishing. 8942
- ~~(N)~~(L) "State historical facility" means a site or facility 8943
that has all of the following characteristics: 8944
- (1) It is created, supervised, operated, protected, 8945
maintained, and promoted by the Ohio historical society pursuant 8946
to the society's performance of public functions under sections 8947

149.30 and 149.302 of the Revised Code. 8948

(2) Its title must reside wholly or in part with the state, 8949
the society, or both the state and the society. 8950

(3) It is managed directly by or is subject to a cooperative 8951
or management contract with the Ohio ~~cultural~~ facilities 8952
construction commission and is used for or in connection with ~~the~~ 8953
cultural activities ~~of the commission~~, including the presentation 8954
or making available of culture to the public. 8955

~~(O)~~(M) "Ohio sports facility" means all or a portion of a 8956
stadium, arena, tennis facility, motorsports complex, or other 8957
capital facility in this state. A primary purpose of the facility 8958
shall be to provide a site or venue for the presentation to the 8959
public of motorsports events, professional tennis tournaments, or 8960
events of one or more major or minor league professional athletic 8961
or sports teams that are associated with the state or with a city 8962
or region of the state. The facility shall be, in the case of a 8963
motorsports complex, owned by the state or governmental agency, or 8964
in all other instances, owned by or located on real property owned 8965
by the state or a governmental agency, and includes all parking 8966
facilities, walkways, and other auxiliary facilities, equipment, 8967
furnishings, and real and personal property and interests and 8968
rights therein, that may be appropriate for or used for or in 8969
connection with the facility or its operation, for capital costs 8970
of which state funds are spent pursuant to ~~this chapter~~ this 8971
section and section 123.281 of the Revised Code. A facility 8972
constructed as an Ohio sports facility may be both an Ohio 8973
cultural facility and an Ohio sports facility. 8974

~~(P)~~(N) "Motorsports" means sporting events in which motor 8975
vehicles are driven on a clearly demarcated tracked surface. 8976

Sec. ~~3383-07~~ 123.281. (A) The Ohio facilities construction 8977
commission shall provide for the construction of a cultural 8978

project in conformity with Chapter 153. of the Revised Code, 8979
except as follows: 8980

~~(1) For a cultural project other than a state historical 8981
facility, construction services may be provided on behalf of the 8982
state by the Ohio cultural facilities commission, or by for 8983
construction services provided on behalf of the state by a 8984
governmental agency or a cultural organization in accordance with 8985
divisions (B) and (C) of this section. 8986~~

~~(B) In order for a governmental agency or a cultural 8987
organization that occupies, will occupy, or is responsible for the 8988
Ohio cultural facility, as determined by the Ohio cultural 8989
facilities commission. For a project receiving a state 8990
appropriation of fifty thousand dollars or less, the Ohio cultural 8991
facilities commission may delegate to its executive director the 8992
authority to approve the provision of construction services by 8993
such an agency or organization, but not the authority to 8994
disapprove that provision. Construction services to be provided by 8995
a governmental agency or a cultural organization shall be 8996
specified in an agreement between the Ohio cultural facilities 8997
commission and the governmental agency or cultural organization. 8998
The agreement, or any actions taken under it, are not subject to 8999
Chapter 123. or 153. of the Revised Code, except for sections 9000
123.081 and 153.011 of the Revised Code, and shall be subject to 9001
Chapter 4115. of the Revised Code. 9002~~

~~(2) For a cultural project that is to provide construction 9003
services on behalf of the state for a cultural project, other than 9004
a state historical facility, for which the general assembly has 9005
made an appropriation or specifically authorized the spending of 9006
money or the making of rental payments relating to the financing 9007
of the construction, the governmental agency or cultural 9008
organization shall submit to the Ohio facilities construction 9009
commission a cooperative agreement that includes, but is not 9010~~

limited to, provisions that: 9011

(1) Specify how the proposed project will support culture, as defined in section 123.28 of the Revised Code; 9012
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(2) Specify that the governmental agency or cultural organization has local contributions amounting to not less than fifty per cent of the total state funding for the cultural project; 9014
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(3) Specify that the funds shall be used only for construction, as defined in section 123.28 of the Revised Code; 9018
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(4) Identify the facility to be constructed, renovated, remodeled, or improved; 9020
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(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready for full occupancy without exceeding appropriated funds; 9022
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(6) Specify that the governmental agency or cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility; 9026
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(7) Specify that the agreement or any actions taken under it are not subject to Chapters 123. or 153. of the Revised Code, except for section 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code; and 9030
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(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission. 9034
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(C) In order for a cultural organization to provide construction services on behalf of the state for a state historical facility, ~~construction services may be provided by the Ohio cultural facilities commission or by a cultural organization that occupies, will occupy, or is responsible for the facility, as~~ 9036
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determined by the Ohio cultural facilities commission. For a 9041
facility receiving a state appropriation of fifty thousand dollars 9042
or less, the Ohio cultural facilities commission may delegate to 9043
its executive director the authority to approve the provision of 9044
construction services by such an organization, but not the 9045
authority to disapprove that provision. The construction services 9046
to be provided by the cultural organization shall be specified in 9047
an agreement between the Ohio cultural facilities commission and 9048
the cultural organization. That agreement, and any actions taken 9049
under it, are not subject to Chapter 123., 153., or 4115. of the 9050
Revised Code. 9051

(B) For an Ohio sports facility that is financed in part by 9052
obligations issued pursuant to Chapter 154. of the Revised Code, 9053
construction services shall be provided on behalf of the state by 9054
or at the direction of the governmental agency or nonprofit 9055
corporation that will own or be responsible for the management of 9056
the facility, all as determined by the Ohio cultural facilities 9057
commission. For a facility receiving a state appropriation of 9058
fifty thousand dollars or less, the Ohio cultural facilities 9059
commission may delegate to its executive director the authority to 9060
approve the provision of construction services by or at the 9061
direction of the agency or corporation, but not the authority to 9062
disapprove that provision. Any construction services to be 9063
provided by a governmental agency or nonprofit corporation shall 9064
be specified in an agreement between the Ohio cultural facilities 9065
commission and the governmental agency or nonprofit corporation. 9066
That agreement, and any actions taken under it, are not subject to 9067
Chapter 123. or 153. of the Revised Code, except for sections 9068
123.081 and 153.011 of the Revised Code, and shall be subject to 9069
Chapter 4115. of the Revised Code. 9070

(C) General building services for an Ohio cultural facility 9071
shall be provided by the Ohio cultural facilities commission or by 9072

~~a cultural organization that occupies, will occupy, or is responsible for the facility, as determined by the Ohio cultural facilities commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to approve the provision of general building services by such an organization, but not the authority to disapprove that provision. Alternatively, the Ohio building authority may elect to provide those services for Ohio cultural facilities financed with proceeds of state bonds issued by the authority. The costs of management and general building services shall be paid by the cultural organization that occupies, will occupy, or is responsible for the facility as provided in an agreement between the Ohio cultural facilities commission and the cultural organization, except that the state may pay for general building services for state owned cultural facilities constructed on state owned land.~~

~~General building services for an Ohio sports facility shall be provided by or at the direction of the governmental agency or nonprofit corporation that will be responsible for the management of the facility, all as determined by the Ohio cultural facilities commission. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to approve the provision of general building services by or at the direction of the agency or corporation, but not the authority to disapprove that provision. Any general building services to be provided by a governmental agency or nonprofit corporation for an Ohio sports facility shall be specified in an agreement between the Ohio cultural facilities commission and the governmental agency or nonprofit corporation. That agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.081 and 153.011 of the~~

~~Revised Code, and shall be subject to Chapter 4115. of the Revised Code.~~ 9106
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~~(D) This division does not apply to a state historical facility. No state funds, including any state bond proceeds, shall be spent on the construction of any cultural project under this chapter unless, with respect to the cultural project and to the Ohio cultural facility related to the project, all of the following apply:~~ 9108
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~~(1) The Ohio cultural facilities commission has determined that there is a need for the cultural project and the Ohio cultural facility related to the project in the region of the state in which the Ohio cultural facility is located or for which the facility is proposed. For a project receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to determine need but only in the affirmative.~~ 9114
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~~(2) The Ohio cultural facilities commission has determined that, as an indication of substantial regional support for the cultural project, the cultural organization has made provision satisfactory to the Ohio cultural facilities commission, in its sole discretion, for local contributions amounting to not less than fifty per cent of the total state funding for the cultural project. For a project receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to determine the adequacy of the regional support but only in the affirmative.~~ 9122
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~~(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the cultural project, or for rental payments relating to the financing of the construction of the cultural project. Authorization to spend money, or an appropriation, for planning the cultural project does not constitute authorization to~~ 9132
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~~spend money on, or an appropriation for, construction of the~~ 9138
~~cultural project.~~ 9139

~~(E) No state funds, including any state bond proceeds, shall~~ 9140
~~be spent on the construction of any state historical facility~~ 9141
~~under this chapter unless the general assembly has specifically~~ 9142
~~authorized the spending of money on, or made an appropriation for,~~ 9143
~~the construction of the state historical project related to the~~ 9144
~~facility, or for rental payments relating to the financing of the~~ 9145
~~construction of the state historical project. Authorization to~~ 9146
~~spend money, or an appropriation, for planning the state~~ 9147
~~historical project does not constitute authorization to spend~~ 9148
~~money on, or an appropriation for, the construction of the state~~ 9149
~~historical project.~~ 9150

~~(F) for which the general assembly has made an appropriation~~ 9151
~~or specifically authorized the spending of money or the making of~~ 9152
~~rental payments relating to the financing of the construction, the~~ 9153
~~cultural organization shall submit to the Ohio facilities~~ 9154
~~construction commission a cooperative agreement that includes, but~~ 9155
~~is not limited to, provisions that:~~ 9156

~~(1) Specify how the proposed project will support culture, as~~ 9157
~~defined in section 123.28 of the Revised Code;~~ 9158

~~(2) Specify that the funds shall be used only for~~ 9159
~~construction, as defined in section 123.28 of the Revised Code;~~ 9160

~~(3) Identify the facility to be constructed, renovated,~~ 9161
~~remodeled, or improved;~~ 9162

~~(4) Specify that the project scope meets the intent and~~ 9163
~~purpose of the project appropriation and that the project can be~~ 9164
~~completed and ready for full occupancy without exceeding~~ 9165
~~appropriated funds;~~ 9166

~~(5) Specify that the cultural organization shall hold the~~ 9167
~~Ohio facilities construction commission harmless from all~~ 9168

liability for the operation and maintenance costs of the facility; 9169

(6) Specify that the agreement or any actions taken under it 9170
are not subject to Chapters 123., 153., or 4115. of the Revised 9171
Code; and 9172

(7) Provide that amendments to the agreement shall require 9173
the approval of the Ohio facilities construction commission. 9174

(D) State funds shall not be used to pay or reimburse more 9175
than fifteen per cent of the initial estimated construction cost 9176
of an Ohio sports facility, excluding any site acquisition cost, 9177
and no state funds, including any state bond proceeds, shall be 9178
spent on any Ohio sports facility under this chapter unless, with 9179
respect to that facility, all of the following apply: 9180

(1) The Ohio cultural facilities construction commission has 9181
determined that there is a need for the facility in the region of 9182
the state for which the facility is proposed to provide the 9183
function of an Ohio sports facility as provided for in this 9184
chapter. For a facility receiving a state appropriation of fifty 9185
thousand dollars or less, the Ohio cultural facilities commission 9186
may delegate to its executive director the authority to determine 9187
need but only in the affirmative. 9188

(2) As an indication of substantial local support for the 9189
facility, the Ohio cultural facilities commission has received a 9190
financial and development plan satisfactory to it, and provision 9191
has been made, by agreement or otherwise, satisfactory to the Ohio 9192
cultural facilities commission, for a contribution amounting to 9193
not less than eighty-five per cent of the total estimated 9194
construction cost of the facility, excluding any site acquisition 9195
cost, from sources other than the state. For a facility receiving 9196
a state appropriation of fifty thousand dollars or less, the Ohio 9197
cultural facilities commission may delegate to its executive 9198
director the authority to evaluate the financial and development 9199

~~plan and the contribution and to determine their adequacy but only~~ 9200
~~in the affirmative.~~ 9201

~~(3)~~(2) The general assembly has specifically authorized the 9202
spending of money on, or made an appropriation for, the 9203
construction of the facility, or for rental payments relating to 9204
state financing of all or a portion of the costs of constructing 9205
the facility. Authorization to spend money, or an appropriation, 9206
for planning or determining the feasibility of or need for the 9207
facility does not constitute authorization to spend money on, or 9208
an appropriation for, costs of constructing the facility. 9209

~~(4)~~(3) If state bond proceeds are being used for the Ohio 9210
sports facility, the state or a governmental agency owns or has 9211
sufficient property interests in the facility or in the site of 9212
the facility or in the portion or portions of the facility 9213
financed from proceeds of state bonds, which may include, but is 9214
not limited to, the right to use or to require the use of the 9215
facility for the presentation of sport and athletic events to the 9216
public at the facility. 9217

~~(G)~~(E) In addition to the requirements of division ~~(F)~~(D) of 9218
this section, no state funds, including any state bond proceeds, 9219
shall be spent on any Ohio sports facility that is a motorsports 9220
complex, unless, with respect to that facility, both of the 9221
following apply: 9222

(1) Motorsports events shall be presented at the facility 9223
pursuant to a lease entered into with the owner of the facility. 9224
The term of the lease shall be for a period of not less than the 9225
greater of the useful life of the portion of the facility financed 9226
from proceeds of state bonds as determined using the guidelines 9227
for maximum maturities as provided under divisions (B) and (C) of 9228
section 133.20 of the Revised Code, or the period of time 9229
remaining to the date of payment or provision for payment of 9230
outstanding state bonds allocable to costs of the facility, all as 9231

determined by the director of budget and management and certified 9232
by the executive director ~~to~~ of the Ohio ~~cultural~~ facilities 9233
construction commission and to the treasurer of state. 9234

(2) Any motorsports organization that commits to using the 9235
facility for an established period of time shall give the 9236
political subdivision in which the facility is located not less 9237
than six months' advance notice if the organization intends to 9238
cease utilizing the facility prior to the expiration of that 9239
established period. Such a motorsports organization shall be 9240
liable to the state for any state funds used on the construction 9241
costs of the facility. 9242

~~(H)~~(F) In addition to the requirements of division ~~(F)~~(D) of 9243
this section, no state bond proceeds shall be spent on any Ohio 9244
sports facility that is a tennis facility, unless the owner or 9245
manager of the facility provides contractual commitments from a 9246
national or international professional tennis organization in a 9247
form acceptable to the ~~cultural~~ Ohio facilities construction 9248
commission that assures that one or more sanctioned professional 9249
tennis events will be presented at the facility during each year 9250
that the bonds remain outstanding. 9251

Sec. 124.11. The civil service of the state and the several 9252
counties, cities, civil service townships, city health districts, 9253
general health districts, and city school districts of the state 9254
shall be divided into the unclassified service and the classified 9255
service. 9256

(A) The unclassified service shall comprise the following 9257
positions, which shall not be included in the classified service, 9258
and which shall be exempt from all examinations required by this 9259
chapter: 9260

(1) All officers elected by popular vote or persons appointed 9261
to fill vacancies in those offices; 9262

(2) All election officers as defined in section 3501.01 of the Revised Code;	9263 9264
(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	9265 9266 9267
(b) The heads of all departments appointed by a board of county commissioners;	9268 9269
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	9270 9271 9272 9273
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	9274 9275 9276 9277
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	9278 9279 9280
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	9281 9282 9283
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	9284 9285 9286
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system,	9287 9288 9289 9290 9291 9292

colleges, and universities;	9293
(b) The library staff of any library in the state supported wholly or in part at public expense.	9294 9295
(8) Four clerical and administrative support employees for each of the elective state officers, four clerical and administrative support employees for each board of county commissioners and one such employee for each county commissioner, and four clerical and administrative support employees for other elective officers and each of the principal appointive executive officers, boards, or commissions, except for civil service commissions, that are authorized to appoint such clerical and administrative support employees;	9296 9297 9298 9299 9300 9301 9302 9303 9304
(9) The deputies and assistants of state agencies authorized to act for and on behalf of the agency, or holding a fiduciary or administrative relation to that agency and those persons employed by and directly responsible to elected county officials or a county administrator and holding a fiduciary or administrative relationship to such elected county officials or county administrator, and the employees of such county officials whose fitness would be impracticable to determine by competitive examination, provided that division (A)(9) of this section shall not affect those persons in county employment in the classified service as of September 19, 1961. Nothing in division (A)(9) of this section applies to any position in a county department of job and family services created pursuant to Chapter 329. of the Revised Code.	9305 9306 9307 9308 9309 9310 9311 9312 9313 9314 9315 9316 9317 9318
(10) Bailiffs, constables, official stenographers, and commissioners of courts of record, deputies of clerks of the courts of common pleas who supervise or who handle public moneys or secured documents, and such officers and employees of courts of record and such deputies of clerks of the courts of common pleas as the appointing authority finds it impracticable to determine	9319 9320 9321 9322 9323 9324

their fitness by competitive examination; 9325

(11) Assistants to the attorney general, special counsel 9326
appointed or employed by the attorney general, assistants to 9327
county prosecuting attorneys, and assistants to city directors of 9328
law; 9329

(12) Such teachers and employees in the agricultural 9330
experiment stations; such students in normal schools, colleges, 9331
and universities of the state who are employed by the state or a 9332
political subdivision of the state in student or intern 9333
classifications; and such unskilled labor positions as the 9334
director of administrative services, with respect to positions in 9335
the service of the state, or any municipal civil service 9336
commission may find it impracticable to include in the competitive 9337
classified service; provided such exemptions shall be by order of 9338
the commission or the director, duly entered on the record of the 9339
commission or the director with the reasons for each such 9340
exemption; 9341

(13) Any physician or dentist who is a full-time employee of 9342
the department of ~~mental health~~ mental health and addiction 9343
services, the department of developmental disabilities, or an 9344
institution under the jurisdiction of either department; and 9345
physicians who are in residency programs at the institutions; 9346

(14) Up to twenty positions at each institution under the 9347
jurisdiction of the department of ~~mental health~~ mental health and 9348
addiction services or the department of developmental disabilities 9349
that the department director determines to be primarily 9350
administrative or managerial; and up to fifteen positions in any 9351
division of either department, excluding administrative assistants 9352
to the director and division chiefs, which are within the 9353
immediate staff of a division chief and which the director 9354
determines to be primarily and distinctively administrative and 9355
managerial; 9356

(15) Noncitizens of the United States employed by the state,	9357
or its counties or cities, as physicians or nurses who are duly	9358
licensed to practice their respective professions under the laws	9359
of this state, or medical assistants, in mental or chronic disease	9360
hospitals, or institutions;	9361
(16) Employees of the governor's office;	9362
(17) Fire chiefs and chiefs of police in civil service	9363
townships appointed by boards of township trustees under section	9364
505.38 or 505.49 of the Revised Code;	9365
(18) Executive directors, deputy directors, and program	9366
directors employed by boards of alcohol, drug addiction, and	9367
mental health services under Chapter 340. of the Revised Code, and	9368
secretaries of the executive directors, deputy directors, and	9369
program directors;	9370
(19) Superintendents, and management employees as defined in	9371
section 5126.20 of the Revised Code, of county boards of	9372
developmental disabilities;	9373
(20) Physicians, nurses, and other employees of a county	9374
hospital who are appointed pursuant to sections 339.03 and 339.06	9375
of the Revised Code;	9376
(21) The executive director of the state medical board, who	9377
is appointed pursuant to division (B) of section 4731.05 of the	9378
Revised Code;	9379
(22) County directors of job and family services as provided	9380
in section 329.02 of the Revised Code and administrators appointed	9381
under section 329.021 of the Revised Code;	9382
(23) A director of economic development who is hired pursuant	9383
to division (A) of section 307.07 of the Revised Code;	9384
(24) Chiefs of construction and compliance, of operations and	9385
maintenance, of worker protection, and of licensing and	9386

certification in the division of industrial compliance in the 9387
department of commerce; 9388

(25) The executive director of a county transit system 9389
appointed under division (A) of section 306.04 of the Revised 9390
Code; 9391

(26) Up to five positions at each of the administrative 9392
departments listed in section 121.02 of the Revised Code and at 9393
the department of taxation, department of the adjutant general, 9394
department of education, Ohio board of regents, bureau of workers' 9395
compensation, industrial commission, state lottery commission, 9396
opportunities for Ohioans with disabilities agency, and public 9397
utilities commission of Ohio that the head of that administrative 9398
department or of that other state agency determines to be involved 9399
in policy development and implementation. The head of the 9400
administrative department or other state agency shall set the 9401
compensation for employees in these positions at a rate that is 9402
not less than the minimum compensation specified in pay range 41 9403
but not more than the maximum compensation specified in pay range 9404
44 47 of salary schedule E-2 in section 124.152 of the Revised 9405
Code. The authority to establish positions in the unclassified 9406
service under division (A)(26) of this section is in addition to 9407
and does not limit any other authority that an administrative 9408
department or state agency has under the Revised Code to establish 9409
positions, appoint employees, or set compensation. 9410

(27) Employees of the department of agriculture employed 9411
under section 901.09 of the Revised Code; 9412

(28) For cities, counties, civil service townships, city 9413
health districts, general health districts, and city school 9414
districts, the deputies and assistants of elective or principal 9415
executive officers authorized to act for and in the place of their 9416
principals or holding a fiduciary relation to their principals; 9417

(29) Employees who receive intermittent or temporary appointments under division (B) of section 124.30 of the Revised Code;	9418 9419 9420
(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;	9421 9422 9423
(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;	9424 9425
(32) Employees placed in the unclassified service by another section of the Revised Code.	9426 9427
(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.	9428 9429 9430 9431 9432 9433 9434 9435 9436 9437 9438 9439
(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or	9440 9441 9442 9443 9444 9445 9446 9447 9448

employment shall be given in, all positions in the competitive 9449
class that are not filled by promotion, reinstatement, transfer, 9450
or reduction, as provided in this chapter, and the rules of the 9451
director of administrative services, by appointment from those 9452
certified to the appointing officer in accordance with this 9453
chapter. 9454

(2) The unskilled labor class shall include ordinary 9455
unskilled laborers. Vacancies in the labor class for positions in 9456
service of the state shall be filled by appointment from lists of 9457
applicants registered by the director or the director's designee. 9458
Vacancies in the labor class for all other positions shall be 9459
filled by appointment from lists of applicants registered by a 9460
commission. The director or the commission, as applicable, by 9461
rule, shall require an applicant for registration in the labor 9462
class to furnish evidence or take tests as the director or 9463
commission considers proper with respect to age, residence, 9464
physical condition, ability to labor, honesty, sobriety, industry, 9465
capacity, and experience in the work or employment for which 9466
application is made. Laborers who fulfill the requirements shall 9467
be placed on the eligible list for the kind of labor or employment 9468
sought, and preference shall be given in employment in accordance 9469
with the rating received from that evidence or in those tests. 9470
Upon the request of an appointing officer, stating the kind of 9471
labor needed, the pay and probable length of employment, and the 9472
number to be employed, the director or commission, as applicable, 9473
shall certify from the highest on the list double the number to be 9474
employed; from this number, the appointing officer shall appoint 9475
the number actually needed for the particular work. If more than 9476
one applicant receives the same rating, priority in time of 9477
application shall determine the order in which their names shall 9478
be certified for appointment. 9479

(C) A municipal or civil service township civil service 9480

commission may place volunteer firefighters who are paid on a 9481
fee-for-service basis in either the classified or the unclassified 9482
civil service. 9483

(D)(1) This division does not apply to persons in the 9484
unclassified service who have the right to resume positions in the 9485
classified service under sections 4121.121, ~~5119.071~~ 5119.18, 9486
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 9487
Revised Code or to cities, counties, or political subdivisions of 9488
the state. 9489

(2) A person who holds a position in the classified service 9490
of the state and who is appointed to a position in the 9491
unclassified service shall retain the right to resume the position 9492
and status held by the person in the classified service 9493
immediately prior to the person's appointment to the position in 9494
the unclassified service, regardless of the number of positions 9495
the person held in the unclassified service. An employee's right 9496
to resume a position in the classified service may only be 9497
exercised when an appointing authority demotes the employee to a 9498
pay range lower than the employee's current pay range or revokes 9499
the employee's appointment to the unclassified service and: 9500

(a) That person held a certified position prior to July 1, 9501
2007, in the classified service within the appointing authority's 9502
agency; or 9503

(b) That person held a permanent position on or after July 1, 9504
2007, in the classified service within the appointing authority's 9505
agency. 9506

(3) An employee forfeits the right to resume a position in 9507
the classified service when: 9508

(a) The employee is removed from the position in the 9509
unclassified service due to incompetence, inefficiency, 9510
dishonesty, drunkenness, immoral conduct, insubordination, 9511

discourteous treatment of the public, neglect of duty, violation 9512
of this chapter or the rules of the director of administrative 9513
services, any other failure of good behavior, any other acts of 9514
misfeasance, malfeasance, or nonfeasance in office, or conviction 9515
of a felony; or 9516

(b) Upon transfer to a different agency. 9517

(4) Reinstatement to a position in the classified service 9518
shall be to a position substantially equal to that position in the 9519
classified service held previously, as certified by the director 9520
of administrative services. If the position the person previously 9521
held in the classified service has been placed in the unclassified 9522
service or is otherwise unavailable, the person shall be appointed 9523
to a position in the classified service within the appointing 9524
authority's agency that the director of administrative services 9525
certifies is comparable in compensation to the position the person 9526
previously held in the classified service. Service in the position 9527
in the unclassified service shall be counted as service in the 9528
position in the classified service held by the person immediately 9529
prior to the person's appointment to the position in the 9530
unclassified service. When a person is reinstated to a position in 9531
the classified service as provided in this division, the person is 9532
entitled to all rights, status, and benefits accruing to the 9533
position in the classified service during the person's time of 9534
service in the position in the unclassified service. 9535

Sec. 124.14. (A)(1) The director of administrative services 9536
shall establish, and may modify or rescind, by rule, a job 9537
classification plan for all positions, offices, and employments 9538
~~the salaries of which are paid in whole or in part by in the~~ 9539
service of the state. The director shall group jobs within a 9540
classification so that the positions are similar enough in duties 9541
and responsibilities to be described by the same title, to have 9542

the same pay assigned with equity, and to have the same 9543
qualifications for selection applied. The director shall, by rule, 9544
assign a classification title to each classification within the 9545
classification plan. However, the director shall consider in 9546
establishing classifications, including classifications with 9547
parenthetical titles, and assigning pay ranges such factors as 9548
duties performed only on one shift, special skills in short supply 9549
in the labor market, recruitment problems, separation rates, 9550
comparative salary rates, the amount of training required, and 9551
other conditions affecting employment. The director shall describe 9552
the duties and responsibilities of the class, establish the 9553
qualifications for being employed in each position in the class, 9554
and file with the secretary of state a copy of specifications for 9555
all of the classifications. The director shall file new, 9556
additional, or revised specifications with the secretary of state 9557
before they are used. 9558

The director shall, by rule, assign each classification, 9559
either on a statewide basis or in particular counties or state 9560
institutions, to a pay range established under section 124.15 or 9561
section 124.152 of the Revised Code. The director may assign a 9562
classification to a pay range on a temporary basis for a period of 9563
six months. The director may establish, by rule adopted under 9564
Chapter 119. of the Revised Code, experimental classification 9565
plans for some or all employees paid directly by warrant of the 9566
director of budget and management. The rule shall include 9567
specifications for each classification within the plan and shall 9568
specifically address compensation ranges, and methods for 9569
advancing within the ranges, for the classifications, which may be 9570
assigned to pay ranges other than the pay ranges established under 9571
section 124.15 or 124.152 of the Revised Code. 9572

(2) The director of administrative services may reassign to a 9573
proper classification those positions that have been assigned to 9574

an improper classification. If the compensation of an employee in 9575
such a reassigned position exceeds the maximum rate of pay for the 9576
employee's new classification, the employee shall be placed in pay 9577
step X and shall not receive an increase in compensation until the 9578
maximum rate of pay for that classification exceeds the employee's 9579
compensation. 9580

(3) The director may reassign an exempt employee, as defined 9581
in section 124.152 of the Revised Code, to a bargaining unit 9582
classification if the director determines that the bargaining unit 9583
classification is the proper classification for that employee. 9584
Notwithstanding Chapter 4117. of the Revised Code or instruments 9585
and contracts negotiated under it, these placements are at the 9586
director's discretion. 9587

(4) The director shall, by rule, assign related 9588
classifications, which form a career progression, to a 9589
classification series. The director shall, by rule, assign each 9590
classification in the classification plan a five-digit number, the 9591
first four digits of which shall denote the classification series 9592
to which the classification is assigned. When a career progression 9593
encompasses more than ten classifications, the director shall, by 9594
rule, identify the additional classifications belonging to a 9595
classification series. The additional classifications shall be 9596
part of the classification series, notwithstanding the fact that 9597
the first four digits of the number assigned to the additional 9598
classifications do not correspond to the first four digits of the 9599
numbers assigned to other classifications in the classification 9600
series. 9601

(B) Division (A) of this section and sections 124.15 and 9602
124.152 of the Revised Code do not apply to the following persons, 9603
positions, offices, and employments: 9604

(1) Elected officials; 9605

(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;

(3) Any position for which the authority to determine compensation is given by law to another individual or entity;

(4) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.

(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.

(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before a hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.

(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee in the service of the state who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified.

The director shall give to the employee affected and to the 9637
employee's appointing authority a written notice of the director's 9638
determination whether or not to reclassify the position or to 9639
reassign the employee to another classification. An employee or 9640
appointing authority desiring a hearing shall file a written 9641
request for the hearing with the state personnel board of review 9642
within thirty days after receiving the notice. The board shall set 9643
the matter for a hearing and notify the employee and appointing 9644
authority of the time and place of the hearing. The employee, the 9645
appointing authority, or any authorized representative of the 9646
employee who wishes to submit facts for the consideration of the 9647
board shall be afforded reasonable opportunity to do so. After the 9648
hearing, the board shall consider anew the reclassification and 9649
may order the reclassification of the employee and require the 9650
director to assign the employee to such appropriate classification 9651
as the facts and evidence warrant. As provided in division (A)(1) 9652
of section 124.03 of the Revised Code, the board may determine the 9653
most appropriate classification for the position of any employee 9654
coming before the board, with or without a job audit. The board 9655
shall disallow any reclassification or reassignment classification 9656
of any employee when it finds that changes have been made in the 9657
duties and responsibilities of any particular employee for 9658
political, religious, or other unjust reasons. 9659

(E)(1) Employees of each county department of job and family 9660
services shall be paid a salary or wage established by the board 9661
of county commissioners. The provisions of section 124.18 of the 9662
Revised Code concerning the standard work week apply to employees 9663
of county departments of job and family services. A board of 9664
county commissioners may do either of the following: 9665

(a) Notwithstanding any other section of the Revised Code, 9666
supplement the sick leave, vacation leave, personal leave, and 9667
other benefits of any employee of the county department of job and 9668

family services of that county, if the employee is eligible for 9669
the supplement under a written policy providing for the 9670
supplement; 9671

(b) Notwithstanding any other section of the Revised Code, 9672
establish alternative schedules of sick leave, vacation leave, 9673
personal leave, or other benefits for employees not inconsistent 9674
with the provisions of a collective bargaining agreement covering 9675
the affected employees. 9676

(2) Division (E)(1) of this section does not apply to 9677
employees for whom the state employment relations board 9678
establishes appropriate bargaining units pursuant to section 9679
4117.06 of the Revised Code, except in either of the following 9680
situations: 9681

(a) The employees for whom the state employment relations 9682
board establishes appropriate bargaining units elect no 9683
representative in a board-conducted representation election. 9684

(b) After the state employment relations board establishes 9685
appropriate bargaining units for such employees, all employee 9686
organizations withdraw from a representation election. 9687

(F)(1) Notwithstanding any contrary provision of sections 9688
124.01 to 124.64 of the Revised Code, the board of trustees of 9689
each state university or college, as defined in section 3345.12 of 9690
the Revised Code, shall carry out all matters of governance 9691
involving the officers and employees of the university or college, 9692
including, but not limited to, the powers, duties, and functions 9693
of the department of administrative services and the director of 9694
administrative services specified in this chapter. Officers and 9695
employees of a state university or college shall have the right of 9696
appeal to the state personnel board of review as provided in this 9697
chapter. 9698

(2) Each board of trustees shall adopt rules under section 9699

111.15 of the Revised Code to carry out the matters of governance 9700
described in division (F)(1) of this section. Until the board of 9701
trustees adopts those rules, a state university or college shall 9702
continue to operate pursuant to the applicable rules adopted by 9703
the director of administrative services under this chapter. 9704

(G)(1) Each board of county commissioners may, by a 9705
resolution adopted by a majority of its members, establish a 9706
county personnel department to exercise the powers, duties, and 9707
functions specified in division (G) of this section. As used in 9708
division (G) of this section, "county personnel department" means 9709
a county personnel department established by a board of county 9710
commissioners under division (G)(1) of this section. 9711

(2)(a) Each board of county commissioners, by a resolution 9712
adopted by a majority of its members, may designate the county 9713
personnel department of the county to exercise the powers, duties, 9714
and functions specified in sections 124.01 to 124.64 and Chapter 9715
325. of the Revised Code with regard to employees in the service 9716
of the county, except for the powers and duties of the state 9717
personnel board of review, which powers and duties shall not be 9718
construed as having been modified or diminished in any manner by 9719
division (G)(2) of this section, with respect to the employees for 9720
whom the board of county commissioners is the appointing authority 9721
or co-appointing authority. 9722

(b) Nothing in division (G)(2) of this section shall be 9723
construed to limit the right of any employee who possesses the 9724
right of appeal to the state personnel board of review to continue 9725
to possess that right of appeal. 9726

(c) Any board of county commissioners that has established a 9727
county personnel department may contract with the department of 9728
administrative services, in accordance with division (H) of this 9729
section, another political subdivision, or an appropriate public 9730
or private entity to provide competitive testing services or other 9731

appropriate services. 9732

(3) After the county personnel department of a county has 9733
been established as described in division (G)(2) of this section, 9734
any elected official, board, agency, or other appointing authority 9735
of that county, upon written notification to the county personnel 9736
department, may elect to use the services and facilities of the 9737
county personnel department. Upon receipt of the notification by 9738
the county personnel department, the county personnel department 9739
shall exercise the powers, duties, and functions as described in 9740
division (G)(2) of this section with respect to the employees of 9741
that elected official, board, agency, or other appointing 9742
authority. 9743

(4) Each board of county commissioners, by a resolution 9744
adopted by a majority of its members, may disband the county 9745
personnel department. 9746

(5) Any elected official, board, agency, or appointing 9747
authority of a county may end its involvement with a county 9748
personnel department upon actual receipt by the department of a 9749
certified copy of the notification that contains the decision to 9750
no longer participate. 9751

(6) A county personnel department, in carrying out its 9752
duties, shall adhere to merit system principles with regard to 9753
employees of county departments of job and family services, child 9754
support enforcement agencies, and public child welfare agencies so 9755
that there is no threatened loss of federal funding for these 9756
agencies, and the county is financially liable to the state for 9757
any loss of federal funds due to the action or inaction of the 9758
county personnel department. 9759

(H) County agencies may contract with the department of 9760
administrative services for any human resources services, 9761
including, but not limited to, establishment and modification of 9762

job classification plans, competitive testing services, and 9763
periodic audits and reviews of the county's uniform application of 9764
the powers, duties, and functions specified in sections 124.01 to 9765
124.64 and Chapter 325. of the Revised Code with regard to 9766
employees in the service of the county. Nothing in this division 9767
modifies the powers and duties of the state personnel board of 9768
review with respect to employees in the service of the county. 9769
Nothing in this division limits the right of any employee who 9770
possesses the right of appeal to the state personnel board of 9771
review to continue to possess that right of appeal. 9772

(I) The director of administrative services shall establish 9773
the rate and method of compensation for all employees who are paid 9774
directly by warrant of the director of budget and management and 9775
who are serving in positions that the director of administrative 9776
services has determined impracticable to include in the state job 9777
classification plan. This division does not apply to elected 9778
officials, legislative employees, employees of the legislative 9779
service commission, employees who are in the unclassified civil 9780
service and exempt from collective bargaining coverage in the 9781
office of the secretary of state, auditor of state, treasurer of 9782
state, and attorney general, employees of the courts, employees of 9783
the bureau of workers' compensation whose compensation the 9784
administrator of workers' compensation establishes under division 9785
(B) of section 4121.121 of the Revised Code, or employees of an 9786
appointing authority authorized by law to fix the compensation of 9787
those employees. 9788

(J) The director of administrative services shall set the 9789
rate of compensation for all intermittent, seasonal, temporary, 9790
emergency, and casual employees in the service of the state who 9791
are not considered public employees under section 4117.01 of the 9792
Revised Code. Those employees are not entitled to receive employee 9793
benefits. This rate of compensation shall be equitable in terms of 9794

the rate of employees serving in the same or similar 9795
classifications. This division does not apply to elected 9796
officials, legislative employees, employees of the legislative 9797
service commission, employees who are in the unclassified civil 9798
service and exempt from collective bargaining coverage in the 9799
office of the secretary of state, auditor of state, treasurer of 9800
state, and attorney general, employees of the courts, employees of 9801
the bureau of workers' compensation whose compensation the 9802
administrator establishes under division (B) of section 4121.121 9803
of the Revised Code, or employees of an appointing authority 9804
authorized by law to fix the compensation of those employees. 9805

Sec. 124.18. (A) Forty hours shall be the standard work week 9806
for all employees whose salary or wage is paid in whole or in part 9807
by the state or by any state-supported college or university. When 9808
any employee whose salary or wage is paid in whole or in part by 9809
the state or by any state-supported college or university is 9810
required by an authorized administrative authority to be in an 9811
active pay status more than forty hours in any calendar week, the 9812
employee shall be compensated for such time over forty hours, 9813
except as otherwise provided in this section, at one and one-half 9814
times the employee's regular rate of pay. The use of sick leave or 9815
any leave used in lieu of sick leave shall not be considered to be 9816
active pay status for the purposes of earning overtime or 9817
compensatory time by employees whose wages are paid directly by 9818
warrant of the director of budget and management. A flexible-hours 9819
employee is not entitled to compensation for overtime work unless 9820
the employee's authorized administrative authority required the 9821
employee to be in active pay status for more than forty hours in a 9822
calendar week, regardless of the number of hours the employee 9823
works on any day in the same calendar week. 9824

Such compensation for overtime work shall be paid no later 9825
than at the conclusion of the next succeeding pay period. 9826

If the employee elects to take compensatory time off in lieu 9827
of overtime pay for any overtime worked, such compensatory time 9828
shall be granted by the employee's administrative superior, on a 9829
time and one-half basis, at a time mutually convenient to the 9830
employee and the administrative superior. Compensatory time is not 9831
available for use until it appears on the employee's earning 9832
statement and the compensation described in the earning statement 9833
is available to the employee. 9834

An employee may accrue compensatory time to a maximum of two 9835
hundred forty hours, except that public safety employees and other 9836
employees who meet the criteria established in the "Federal Fair 9837
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 9838
as amended, may accrue a maximum of four hundred eighty hours of 9839
compensatory time. An employee shall be paid at the employee's 9840
regular rate of pay for any hours of compensatory time accrued in 9841
excess of these maximum amounts if the employee has not used the 9842
compensatory time within three hundred sixty-five days after it is 9843
granted, if the employee transfers to another agency of the state, 9844
or if a change in the employee's status exempts the employee from 9845
the payment of overtime compensation. Upon the termination of 9846
employment, any employee with accrued but unused compensatory time 9847
shall be paid for that time at a rate that is the greater of the 9848
employee's final regular rate of pay or the employee's average 9849
regular rate of pay during the employee's last three years of 9850
employment with the state. 9851

No overtime, as described in this section, can be paid unless 9852
it has been authorized by the authorized administrative authority. 9853
Employees may be exempted from the payment of compensation as 9854
required by this section only under the criteria for exemption 9855
from the payment of overtime compensation established in the 9856
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 9857
U.S.C.A. 207, 213, as amended. With the approval of the director 9858

of administrative services, the appointing authority may establish 9859
a policy to grant compensatory time or to pay compensation to 9860
~~state~~ employees in the service of the state who are exempt from 9861
overtime compensation. With the approval of the board of county 9862
commissioners, a county human services department may establish a 9863
policy to grant compensatory time or to pay compensation to 9864
employees of the department who are exempt from overtime 9865
compensation. 9866

(B)(1) An employee, whose salary or wage is paid in whole or 9867
in part by the state, shall be paid for the holidays declared in 9868
section 124.19 of the Revised Code and shall not be required to 9869
work on those holidays, unless, in the opinion of the employee's 9870
responsible administrative authority, failure to work on those 9871
holidays would impair the public service. 9872

(2) An employee paid directly by warrant of the director of 9873
budget and management who is scheduled to work on the first day of 9874
January, the commemoration of memorial day, the fourth day of 9875
July, the fourth Thursday in November, or the twenty-fifth day of 9876
December and who does not report to work the day before, the day 9877
of, or the day after the holiday due to an illness of the employee 9878
or of a member of the employee's immediate family shall not 9879
receive holiday pay as provided by this division, unless the 9880
employee can provide documentation of extenuating circumstances 9881
that prohibited the employee from so reporting to work. If the 9882
employee works a shift between the employee's scheduled shift and 9883
the holiday, the employee shall be paid for the holiday. 9884

(3) An employee also shall not be paid for a holiday unless 9885
the employee was in active pay status on the scheduled work day 9886
immediately preceding the holiday, except that an employee need 9887
not be in active pay status on that work day in order to be paid 9888
for the holiday if the employee is participating in a mandatory or 9889
voluntary cost savings day under section 124.392 of the Revised 9890

Code. 9891

(4) If any of the holidays declared in section 124.19 of the Revised Code falls on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of the holidays declared in section 124.19 of the Revised Code falls on Sunday, the Monday immediately succeeding shall be observed as the holiday. Employees whose work schedules are based on the requirements of a seven-days-a-week work operation shall observe holidays on the actual days specified in section 124.19 of the Revised Code.

(5) If an employee's work schedule is other than Monday through Friday, the employee shall be entitled to eight hours of holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

(6) A full-time permanent employee is entitled to a minimum of eight hours of pay for each holiday regardless of the employee's work shift and work schedule. A flexible-hours employee, who is normally scheduled to work in excess of eight hours on a day on which a holiday falls, either shall be required to work an alternate schedule for that week or shall receive additional holiday pay for the hours the employee is normally scheduled to work. Such an alternate schedule may require a flexible-hours employee to work five shifts consisting of eight hours each during the week including the holiday, and, in that case, the employee shall receive eight hours of holiday pay for the day the holiday is observed.

(7) Except as provided under section 124.392 of the Revised Code, part-time permanent employees shall receive four hours of holiday pay regardless of the employee's work shift and work schedule.

(8) When an employee who is eligible for overtime pay under this section is required by the employee's responsible

administrative authority to work on the day observed as a holiday, 9922
the employee shall be entitled to pay for such time worked at one 9923
and one-half times the employee's regular rate of pay in addition 9924
to the employee's regular pay, or to be granted compensatory time 9925
off at time and one-half thereafter, at the employee's option. 9926
Payment at such rate shall be excluded in the calculation of hours 9927
in active pay status. 9928

(C) Each appointing authority may designate the number of 9929
employees in an agency who are flexible-hours employees. The 9930
appointing authority may establish for each flexible-hours 9931
employee a specified minimum number of hours to be worked each day 9932
that is consistent with the "Federal Fair Labor Standards Act of 9933
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 9934

(D) This section shall be uniformly administered for 9935
employees as defined in section 124.01 of the Revised Code and by 9936
the personnel departments of state-supported colleges and 9937
universities for employees of state-supported colleges and 9938
universities. If employees are not paid directly by warrant of the 9939
director of budget and management, the political subdivision shall 9940
determine whether the use of sick leave shall be considered to be 9941
active pay status for purposes of those employees earning overtime 9942
or compensatory time. 9943

(E) Policies relating to the payment of overtime pay or the 9944
granting of compensatory time off shall be adopted by the chief 9945
administrative officer of the house of representatives for 9946
employees of the house of representatives, by the clerk of the 9947
senate for employees of the senate, and by the director of the 9948
legislative service commission for all other legislative 9949
employees. 9950

(F) As used in this section, "regular rate of pay" means the 9951
base rate of pay an employee receives plus any pay supplements 9952
received pursuant to section 124.181 of the Revised Code. 9953

Sec. 124.30. (A) Classified positions in the civil service 9954
may be filled without competition as follows: 9955

(1) Whenever there are urgent reasons for filling a vacancy 9956
in any position in the classified civil service and the director 9957
of administrative services is unable to certify to the appointing 9958
authority, upon its request, a list of persons eligible for 9959
appointment to the position after a competitive examination, the 9960
appointing authority may fill the position by noncompetitive 9961
examination. 9962

A temporary appointment may be made without regard to the 9963
rules of sections 124.01 to 124.64 of the Revised Code. Except as 9964
otherwise provided in this division, the temporary appointment may 9965
not continue longer than one hundred twenty days, and in no case 9966
shall successive temporary appointments be made. A temporary 9967
appointment longer than one hundred twenty days may be made if 9968
necessary by reason of sickness, disability, or other approved 9969
leave of absence of regular officers or employees, in which case 9970
it may continue during the period of sickness, disability, or 9971
other approved leave of absence, subject to the rules of the 9972
director. 9973

(2) In case of a vacancy in a position in the classified 9974
civil service where peculiar and exceptional qualifications of a 9975
scientific, managerial, professional, or educational character are 9976
required, and upon satisfactory evidence that for specified 9977
reasons competition in this special case is impracticable and that 9978
the position can best be filled by a selection of some designated 9979
person of high and recognized attainments in those qualities, the 9980
director may suspend the provisions of sections 124.01 to 124.64 9981
of the Revised Code that require competition in this special case, 9982
but no suspension shall be general in its application. All such 9983
cases of suspension shall be reported in the annual report of the 9984

director with the reasons for each suspension. The director shall 9985
suspend the provisions when ~~the~~ either of the following applies: 9986

(a) The director of job and family services provides the 9987
certification under section 5101.051 of the Revised Code that a 9988
position with the department of job and family services can best 9989
be filled if the provisions are suspended; 9990

(b) The medicaid director provides the certification under 9991
section 5160.051 of the Revised Code that a position with the 9992
department of medicaid can best be filled if the provisions are 9993
suspended. 9994

(3) The acceptance or refusal by an eligible person of a 9995
temporary appointment shall not affect the person's standing on 9996
the eligible list for permanent appointment, nor shall the period 9997
of temporary service be counted as a part of the probationary 9998
service in case of subsequent appointment to a permanent position. 9999

(B) Persons who receive temporary or intermittent 10000
appointments are in the unclassified civil service and serve at 10001
the pleasure of their appointing authority. 10002

Sec. 124.341. (A) If an employee in the classified or 10003
unclassified civil service becomes aware in the course of 10004
employment of a violation of state or federal statutes, rules, or 10005
regulations or the misuse of public resources, and the employee's 10006
supervisor or appointing authority has authority to correct the 10007
violation or misuse, the employee may file a written report 10008
identifying the violation or misuse with the supervisor or 10009
appointing authority. In addition to or instead of filing a 10010
written report with the supervisor or appointing authority, the 10011
employee may file a written report with the office of internal 10012
~~auditing~~ audit created under section 126.45 of the Revised Code or 10013
file a complaint with the auditor of state's fraud-reporting 10014
system under section 117.103 of the Revised Code. 10015

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the office of internal ~~auditing~~ audit, or the auditor of state's fraud-reporting system, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the employee may report it to the appropriate ethics commission.

(B) Except as otherwise provided in division (C) of this section, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint as authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
 - (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
 - (3) Transferring or reassigning the employee;
 - (4) Denying the employee promotion that otherwise would have been received;
 - (5) Reducing the employee in pay or position.
- (C) An employee in the classified or unclassified civil

service shall make a reasonable effort to determine the accuracy 10047
of any information reported under division (A) of this section. 10048
The employee is subject to disciplinary action, including 10049
suspension or removal, as determined by the employee's appointing 10050
authority, for purposely, knowingly, or recklessly reporting false 10051
information under division (A) of this section. 10052

(D) If an appointing authority takes any disciplinary or 10053
retaliatory action against a classified or unclassified employee 10054
as a result of the employee's having filed a report or complaint 10055
under division (A) of this section, the employee's sole and 10056
exclusive remedy, notwithstanding any other provision of law, is 10057
to file an appeal with the state personnel board of review within 10058
thirty days after receiving actual notice of the appointing 10059
authority's action. If the employee files such an appeal, the 10060
board shall immediately notify the employee's appointing authority 10061
and shall hear the appeal. The board may affirm or disaffirm the 10062
action of the appointing authority or may issue any other order as 10063
is appropriate. The order of the board is appealable in accordance 10064
with Chapter 119. of the Revised Code. 10065

(E) As used in this section: 10066

(1) "Purposely," "knowingly," and "recklessly" have the same 10067
meanings as in section 2901.22 of the Revised Code. 10068

(2) "Appropriate ethics commission" has the same meaning as 10069
in section 102.01 of the Revised Code. 10070

(3) "Inspector general" means the inspector general appointed 10071
under section 121.48 of the Revised Code. 10072

Sec. 124.381. (A)(1)(a) An employee in the service of the 10073
state may be eligible to receive salary continuation not to exceed 10074
four hundred eighty hours at the employee's total rate of pay for 10075
absence as a result of injury incurred during the performance of, 10076

or arising out of, state employment. When an eligible employee's 10077
absence as a result of such an injury extends beyond four hundred 10078
eighty hours, the employee immediately becomes subject to sections 10079
124.382 and 124.385 of the Revised Code regarding sick leave and 10080
disability leave benefits. 10081

An employee is ineligible to receive salary continuation 10082
until the date of implementation is established in the rules 10083
adopted under division (C)(1) of this section. 10084

(b) Employees of the secretary of state, auditor of state, 10085
treasurer of state, attorney general, supreme court, general 10086
assembly, or legislative service commission are not subject to 10087
division (A)(1)(a) of this section unless the relevant appointing 10088
authority notifies the director of administrative services in 10089
writing of the intent to have all of the appointing authority's 10090
employees participate in salary continuation. The relevant 10091
appointing authority also may discontinue salary continuation for 10092
all of its employees by providing written notice of the 10093
discontinuation to the director. 10094

Participation in salary continuation is subject to rules 10095
adopted under division (C)(1) of this section. 10096

(2) Each employee of the department of rehabilitation and 10097
correction, the department of ~~mental health~~ mental health and 10098
addiction services, the department of developmental disabilities, 10099
the department of veterans services, or the Ohio schools for the 10100
deaf and blind, and each employee of the department of youth 10101
services as established in division (A) of section 124.14 of the 10102
Revised Code who sustains a qualifying physical condition 10103
inflicted by a ward of these agencies during the time the employee 10104
is lawfully carrying out the assigned duties of the employee's 10105
position shall be paid occupational injury leave at the employee's 10106
total rate of pay during the period the employee is disabled as a 10107
result of that qualifying physical condition, but in no case to 10108

exceed nine hundred sixty hours, in lieu of workers' compensation. 10109
Pay made according to this division shall not be charged to the 10110
employee's accumulation of sick leave credit. In any case when an 10111
employee's disability as a result of such a qualifying physical 10112
condition extends beyond nine hundred sixty hours, the employee 10113
immediately becomes subject to sections 124.382 and 124.385 of the 10114
Revised Code regarding sick leave and disability leave benefits. 10115

(B) An employee who is receiving salary continuation or 10116
occupational injury leave under division (A)(1) or (2) of this 10117
section is not eligible for other paid leave, including holiday 10118
pay, while receiving benefits under either division. While an 10119
employee is receiving salary continuation or occupational injury 10120
leave under division (A)(1) or (2) of this section, vacation leave 10121
credit ceases to accrue to the employee under section 124.134 of 10122
the Revised Code, but sick leave credit and personal leave credit 10123
continue to accrue to the employee under sections 124.382 and 10124
124.386 of the Revised Code. 10125

(C)(1) The director of administrative services shall adopt 10126
rules for the administration of both the salary continuation 10127
program and the occupational injury leave program. The rules shall 10128
include, but not be limited to, provisions for determining a 10129
disability, for filing a claim for leave under this section, and 10130
for allowing or denying claims for the leave. 10131

(2) The director also may adopt rules for the payment of 10132
health benefits while an employee is on workers' compensation 10133
leave. 10134

(D) An appointing authority may apply to the director of 10135
administrative services to grant salary continuation under 10136
division (A)(1) of this section or occupational injury leave under 10137
division (A)(2) of this section to law enforcement personnel 10138
employed by the agency. 10139

Sec. 124.57. (A) No officer or employee in the classified 10140
service of the state, the several counties, cities, and city 10141
school districts of the state, or the civil service townships of 10142
the state shall directly or indirectly, orally or by letter, 10143
solicit or receive, or be in any manner concerned in soliciting or 10144
receiving, any assessment, subscription, or contribution for any 10145
political party or for any candidate for public office; nor shall 10146
any person solicit directly or indirectly, orally or by letter, or 10147
be in any manner concerned in soliciting, any such assessment, 10148
contribution, or payment from any officer or employee in the 10149
classified service of the state, the several counties, cities, or 10150
city school districts of the state, or the civil service townships 10151
of the state; nor shall any officer or employee in the classified 10152
service of the state, the several counties, cities, and city 10153
school districts of the state, or the civil service townships of 10154
the state be an officer in any political organization or take part 10155
in politics other than to vote as the officer or employee pleases 10156
and to express freely political opinions. 10157

(B)(1) Nothing in division (A) of this section prohibits an 10158
officer or employee described in that division from serving as a 10159
precinct election official under section 3501.22 of the Revised 10160
Code. 10161

(2) Nothing in division (A) of this section prohibits an 10162
employee of ~~the Ohio cooperative~~ OSU extension ~~service~~ whose 10163
position is transferred from the unclassified civil service to the 10164
classified civil service and who also holds the office of 10165
president of a city legislative authority from completing the 10166
existing term of office as president. 10167

Sec. 124.84. (A) The department of administrative services, 10168
in consultation with the superintendent of insurance and subject 10169
to division (D) of this section, ~~shall~~ may negotiate and contract 10170

with one or more insurance companies or health insuring 10171
corporations authorized to operate or do business in this state 10172
for the purchase of a policy of long-term care insurance covering 10173
all state employees who are paid directly by warrant of the 10174
director of budget and management, including elected state 10175
officials. Any policy purchased under this division shall be 10176
negotiated and entered into in accordance with the competitive 10177
selection procedures specified in Chapter 125. of the Revised 10178
Code. As used in this section, "long-term care insurance" has the 10179
same meaning as in section 3923.41 of the Revised Code. 10180

(B) Any elected state official or state employee paid 10181
directly by warrant of the director of budget and management may 10182
elect to participate in any long-term care insurance policy 10183
purchased under division (A) of this section. All or any portion 10184
of the premium charged may be paid by the state. Participation in 10185
the policy may include the dependents and family members of the 10186
elected state official or state employee. 10187

If a participant in a long-term care insurance policy leaves 10188
employment, the participant and the participant's dependents and 10189
family members may, at their election, continue to participate in 10190
a policy established under this section. The manner of payment and 10191
the portion of premium charged the participant, dependent, and 10192
family member shall be established pursuant to division (E) of 10193
this section. 10194

(C) Any long-term care insurance policy purchased under this 10195
section or section 124.841 or 145.581 of the Revised Code shall 10196
provide for all of the following with respect to the premiums 10197
charged for the policy: 10198

(1) They shall be set at the entry age of the official or 10199
employee when first covered by the policy and shall not increase 10200
except as a class during coverage under the policy. 10201

(2) They shall be based on the class of all officials or employees covered by the policy. 10202
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(3) They shall continue, pursuant to section 145.581 of the Revised Code, after the retirement of the official or employee who is covered under the policy, at the rate in effect on the date of the official's or employee's retirement. 10204
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(D) Prior to entering into a contract with an insurance company or health insuring corporation for the purchase of a long-term care insurance policy under this section, the department shall request the superintendent of insurance to certify the financial condition of the company or corporation. The department shall not enter into the contract if, according to that certification, the company or corporation is insolvent, is determined by the superintendent to be potentially unable to fulfill its contractual obligations, or is placed under an order of rehabilitation or conservation by a court of competent jurisdiction or under an order of supervision by the superintendent. 10208
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(E) The department shall adopt rules in accordance with section 111.15 of the Revised Code governing long-term care insurance purchased under this section. All or any portion of the premium charged the participants, dependents, and family members shall be paid in such manner or combination of manners as the department determines. 10220
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Sec. ~~3701.041~~ 124.88. (A) The employee assistance program is hereby established in the department of administrative services for the purpose of referring state employees paid by warrant of the director of budget and management who are in need of medical, social, or other services to providers of those services. 10226
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~~The director of health, in consultation with the director of budget and management, shall determine a rate at which the~~ 10231
10232

~~payrolls of all state agencies with employees paid by warrant of 10233
the director of budget and management shall be charged each pay 10234
period that is sufficient to cover the costs of administering the 10235
program. The rate shall be based upon the total number of such 10236
employees and may be adjusted as the director of health, in 10237
consultation with the director of budget and management, considers 10238
necessary. All money collected from the assessment shall be 10239
deposited in the state treasury to the credit of the employee 10240
assistance general services fund, which is hereby created. The 10241
fund shall be used by the director of health to administer the 10242
program. 10243~~

(B) Records of the identity, diagnosis, prognosis, or 10244
treatment of any person that are maintained in connection with the 10245
employee assistance program created in division (A) of this 10246
section are not public records under section 149.43 of the Revised 10247
Code and shall be disclosed only as provided in division (C) of 10248
this section. 10249

(C)(1) Records described in division (B) of this section may 10250
be disclosed with the prior written consent of the person who is 10251
the subject of the record. 10252

(2) Records described in division (B) of this section may be 10253
disclosed with or without the prior written consent of the person 10254
who is the subject of the record under the following conditions: 10255

(a) To medical personnel to the extent necessary to meet a 10256
bona fide medical emergency; 10257

(b) To qualified personnel for the purpose of conducting 10258
scientific research, management audits, financial audits, or 10259
program evaluation, but the personnel shall not directly or 10260
indirectly identify any person who is the subject of the record in 10261
any report of the research, audit, or evaluation or in any other 10262
manner; 10263

(c) If authorized by an appropriate order of a court of competent jurisdiction granted after a showing of good cause. In determining good cause, the court shall weigh the public interest and the need for disclosure against injury to the person who is the subject of the record and to the employee assistance program. Upon granting such an order, the court shall, in determining the extent to which the disclosure of all or any part of any record is necessary, impose appropriate safeguards against unauthorized disclosure.

(D) Except as authorized by a court order described in division (C)(2)(c) of this section, no record described in division (B) of this section may be used to initiate or substantiate criminal charges against the person who is the subject of the record or to conduct any investigation of such a person.

Sec. 125.05. Except as provided in division (F) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (D) of this section.

(A) Subject to division (E) of this section, a state agency may, without competitive selection, make any purchase of supplies or services that cost twenty-five thousand dollars or less. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

(B) Subject to division (E) of this section and in accordance with section 125.051 of the Revised Code, a state agency may make purchases of supplies and services that cost more than twenty-five thousand dollars but less than fifty thousand dollars if the

purchases are made under the direction of an employee of the 10295
agency who is certified by the department to make purchases and if 10296
the purchases comply with the department's purchasing procedures. 10297
Section 127.16 of the Revised Code does not apply to purchases 10298
made under this division. Until the certification effective date 10299
established by the department in rules adopted under section 10300
125.051 of the Revised Code, state agencies may make purchases of 10301
supplies and services that cost more than twenty-five thousand 10302
dollars but less than fifty thousand dollars in the same manner as 10303
provided in division (A) of this section. 10304

(C) Subject to division (E) of this section, a state agency 10305
wanting to purchase supplies or services that cost more than 10306
twenty-five thousand dollars shall, unless otherwise authorized by 10307
law, make the purchase from or through the department. The 10308
department shall make the purchase by competitive selection. If 10309
the director of administrative services determines that it is not 10310
possible or not advantageous to the state for the department to 10311
make the purchase, the department shall grant the agency a release 10312
and permit under section 125.06 of the Revised Code to make the 10313
purchase. Section 127.16 of the Revised Code does not apply to 10314
purchases the department makes under this section. 10315

(D) An agency that has been granted a release and permit to 10316
make a purchase may make the purchase without competitive 10317
selection if after making the purchase the cumulative purchase 10318
threshold as computed under division (E) of section 127.16 of the 10319
Revised Code would: 10320

(1) Be exceeded and the controlling board approves the 10321
purchase; 10322

(2) Not be exceeded and the department of administrative 10323
services approves the purchase. 10324

(E) Not later than the thirty-first day of January of each 10325

even-numbered year, the directors of administrative services and 10326
budget and management shall review and recommend to the general 10327
assembly, if necessary, adjustments to the amounts specified in 10328
divisions (A) to (C) of this section and division (B) of section 10329
127.16 of the Revised Code. 10330

(F) If ~~the eTech Ohio commission~~, the department of 10331
education, or the Ohio education computer network determines that 10332
it can purchase software services or supplies for specified school 10333
districts at a price less than the price for which the districts 10334
could purchase the same software services or supplies for 10335
themselves, the ~~commission~~, department, or network shall certify 10336
that fact to the department of administrative services and, acting 10337
as an agent for the specified school districts, shall make that 10338
purchase without following the provisions in divisions (A) to (D) 10339
of this section. 10340

Sec. 125.21. The director of administrative services shall 10341
process payroll information for the purpose of payment for 10342
personal services of state officials and employees on the basis of 10343
rates of pay determined by pertinent law, the director, or other 10344
competent authority. 10345

Calculation of payrolls may be made after the conclusion of 10346
each pay period based upon the amount of time served as certified 10347
by the appropriate appointing authority. Payment for personal 10348
service rendered by an official or employee during any pay period 10349
shall be made no later than at the conclusion of the official's or 10350
employee's next succeeding pay period. 10351

The director of administrative services shall furnish to the 10352
director of budget and management all necessary data for drawing 10353
state official and employee pay warrants and preparing earning 10354
statements. These data shall include the rate at which paid; the 10355
time for which paid, including overtime and any other adjustments 10356

affecting the official's or employee's gross pay; all taxes 10357
withheld, including, whenever practicable, year-to-date figures on 10358
all taxes withheld; the amount of contribution to the appropriate 10359
retirement system; any voluntary deductions made in accordance 10360
with authorizations filed by the official or employee; and whether 10361
a direct deposit is to be made in accordance with an authorization 10362
filed by the official or employee. 10363

Amounts deducted from the salaries or wages of all officials 10364
and employees shall be transferred to the payroll ~~withholding~~ 10365
deduction fund, which is hereby created in the state treasury for 10366
the purpose of consolidating all such deductions made in any 10367
month. Payments from this fund shall be made at intervals for the 10368
intended purpose of the deduction or for refund where it is 10369
determined that deductions were made in error. 10370

Sec. 125.212. The life insurance investment fund is hereby 10371
created in the state treasury. The fund shall consist of amounts 10372
from ~~the payroll withholding fund created by section 125.21 of the~~ 10373
~~Revised Code~~ state agencies, life insurance premium refunds 10374
received by the state, and other receipts related to the state's 10375
life insurance benefit program. The fund shall be used to pay the 10376
costs of the state's life insurance benefit program. All 10377
investment earnings of the life insurance investment fund shall be 10378
credited to the fund. 10379

Sec. 125.27. (A) There is hereby created in the state 10380
treasury the building improvement fund. The fund shall retain the 10381
interest earned. 10382

(B) The fund shall consist of any payments made by intrastate 10383
transfer voucher from the appropriation item for office building 10384
operating payments. 10385

(C) The fund shall be used for major maintenance or 10386

improvements required in the James A. Rhodes or Frank J. Lausche 10387
state office tower, Toledo government center, Senator Oliver R. 10388
Ocasek government office building, and Vern Riffe center for 10389
government and the arts. 10390

Sec. 125.28. (A)(1) Each state agency that is supported in 10391
whole or in part by nongeneral revenue fund money and that 10392
occupies space in the James A. Rhodes or Frank J. Lausche state 10393
office tower, Toledo government center, Senator Oliver R. Ocasek 10394
government office building, Vern Riffe center for government and 10395
the arts, capitol square, or governor's mansion shall reimburse 10396
the general revenue fund for the cost of occupying the space in 10397
the ratio that the occupied space in each facility attributable to 10398
the nongeneral revenue fund money bears to the total space 10399
occupied by the state agency in the facility. 10400

(2) All agencies that occupy space in the old blind school or 10401
that occupy warehouse space in the general services facility shall 10402
reimburse the department of administrative services for the cost 10403
of occupying the space. The director of administrative services 10404
shall determine the amount of debt service, if any, to be charged 10405
to building tenants and shall collect reimbursements for it. 10406

(3) Each agency that is supported in whole or in part by 10407
nongeneral revenue fund money and that occupies space in any other 10408
facility or facilities owned and maintained by the department of 10409
administrative services or space in the general services facility 10410
other than warehouse space shall reimburse the department for the 10411
cost of occupying the space, including debt service, if any, in 10412
the ratio that the occupied space in each facility attributable to 10413
the nongeneral revenue fund money bears to the total space 10414
occupied by the state agency in the facility. 10415

(B) The director of administrative services may provide 10416
building maintenance services and ~~skilled trades~~ minor 10417

~~construction project management~~ services to any state agency 10418
~~occupying space in a facility that is not owned by the department~~ 10419
~~of administrative services~~ and may collect reimbursements for the 10420
cost of providing those services. 10421

(C) All money collected by the department of administrative 10422
services for operating expenses of facilities owned or maintained 10423
by the department shall be deposited into the state treasury to 10424
the credit of the building management fund, which is hereby 10425
~~created, or to the credit of the building operation fund, which is~~ 10426
~~hereby created~~. All money collected by the department for ~~skilled~~ 10427
~~trades~~ minor construction project management services shall be 10428
deposited into the state treasury to the credit of the ~~skilled~~ 10429
~~trades~~ minor construction project management fund, which is hereby 10430
created. All money collected for debt service shall be deposited 10431
into the general revenue fund. 10432

(D) The director of administrative services shall determine 10433
the reimbursable cost of space in state-owned or state-leased 10434
facilities and shall collect reimbursements for that cost. 10435

Sec. 125.602. (A) The department of developmental 10436
disabilities, the department of ~~mental health~~ mental health and 10437
addiction services, the department of job and family services, the 10438
~~rehabilitation services commission~~ opportunities for Ohioans with 10439
disabilities agency, and any other state or governmental agency or 10440
community rehabilitation program responsible for the provision of 10441
rehabilitation and vocational educational services to persons with 10442
work-limiting disabilities may, through written agreement, 10443
cooperate in providing resources to the department of 10444
administrative services for the operation of the office of 10445
procurement from community rehabilitation programs. These 10446
resources may include, but are not limited to, leadership and 10447
assistance in dealing with the societal aspects of meeting the 10448

needs of persons with work-limiting disabilities. 10449

(B) The office and all governmental entities that administer 10450
socioeconomic programs may enter into contractual agreements, 10451
cooperative working relationships, or other arrangements that are 10452
necessary for effective coordination and realization of the 10453
objectives of these entities. 10454

Sec. 125.603. (A) The office of procurement from community 10455
rehabilitation programs shall do the following in addition to 10456
other duties specified in sections 125.60 to 125.6012 of the 10457
Revised Code: 10458

(1) Establish, maintain, and periodically update a 10459
procurement list of approved supplies and services available from 10460
qualified nonprofit agencies; 10461

(2) Monitor the procurement practices of government ordering 10462
offices to ensure compliance with sections 125.60 to 125.6012 of 10463
the Revised Code; 10464

(3) In cooperation with qualified nonprofit agencies, 10465
government ordering offices, the department of developmental 10466
disabilities, the department of ~~mental health~~ mental health and 10467
addiction services, the department of job and family services, and 10468
the ~~rehabilitation services commission~~ opportunities for Ohioans 10469
with disabilities agency, develop and recommend to the director of 10470
administrative services rules the director shall adopt in 10471
accordance with Chapter 119. of the Revised Code for the effective 10472
and efficient administration of sections 125.60 to 125.6012 of the 10473
Revised Code; 10474

(4) Prepare a report of its activities by the last day of 10475
December of each year. The report shall be posted electronically 10476
on the office's web site. 10477

(B) The office of procurement from community rehabilitation 10478

programs may enter into contractual agreements and establish pilot 10479
programs to further the objectives of sections 125.60 to 125.6012 10480
of the Revised Code. 10481

Sec. 125.832. (A) The department of administrative services 10482
is granted exclusive authority over the acquisition and management 10483
of all motor vehicles used by state agencies. In carrying out this 10484
authority, the department shall do both of the following: 10485

(1) Approve the purchase or lease of each motor vehicle for 10486
use by a state agency. The department shall decide if a motor 10487
vehicle shall be leased or purchased for that use. 10488

Except as otherwise provided in division (A)(1) of this 10489
section, on and after July 1, 2005, each state agency shall 10490
acquire all passenger motor vehicles under the department's master 10491
leasing program. If the department determines that acquisition 10492
under that program is not the most economical method and if the 10493
department and the state agency acquiring the passenger motor 10494
vehicle can provide economic justification for doing so, the 10495
department may approve the purchase, rather than the lease, of a 10496
passenger motor vehicle for the acquiring state agency. 10497

(2) Direct and approve all funds that are expended for the 10498
purchase, lease, repair, maintenance, registration, insuring, and 10499
other costs related to the possession and operation of motor 10500
vehicles for the use of state agencies. 10501

(B) The director of administrative services shall establish 10502
and operate a fleet management program. The director shall operate 10503
the program for purposes including, but not limited to, 10504
cost-effective acquisition, maintenance, management, analysis, and 10505
disposal of all motor vehicles owned or leased by the state. All 10506
state agencies shall comply with statewide fleet management 10507
policies and procedures established by the director for the 10508
program, including, but not limited to, motor vehicle assignments, 10509

additions of motor vehicles to fleets or motor vehicle 10510
replacements, motor vehicle fueling, and motor vehicle repairs. 10511

(C) The director shall establish and maintain a fleet 10512
reporting system and shall require state agencies to submit to the 10513
department information relative to state motor vehicles, including 10514
motor vehicles described in division (G)(2) of section 125.831 of 10515
the Revised Code, to be used in operating the fleet management 10516
program. State agencies shall provide to the department fleet data 10517
and other information, including, but not limited to, mileage and 10518
costs. The data and other information shall be submitted in 10519
formats and in a manner determined by the department. 10520

(D) All state agency purchases or leases of motor vehicles 10521
are subject to the prior approval of the director under division 10522
(A)(1) of this section. 10523

(E) State agencies that utilize state motor vehicles or pay 10524
mileage reimbursements to employees shall provide a fleet plan to 10525
the department as directed by the department. 10526

(F)(1) The fleets of state agencies that consist of one 10527
hundred or less vehicles on July 1, 2004, shall be managed by the 10528
department's fleet management program on a time schedule 10529
determined by the department, unless the state agency has received 10530
delegated authority as described in division (G) of this section. 10531

(2) The fleets of state agencies that consist of greater than 10532
one hundred motor vehicles, but less than five hundred motor 10533
vehicles, on July 1, 2005, also shall be managed by the 10534
department's fleet management program on a time schedule 10535
determined by the department, unless the state agency has received 10536
delegated authority as described in division (G) of this section. 10537

(G)(1) The department may delegate any or all of its duties 10538
regarding fleet management to a state agency, if the state agency 10539
demonstrates to the satisfaction of the department both of the 10540

following: 10541

(a) Capabilities to institute and manage a fleet management 10542
program, including, but not limited to, the presence of a 10543
certified fleet manager; 10544

(b) Fleet management performance, as demonstrated by fleet 10545
data and other information submitted pursuant to annual reporting 10546
requirements and any other criteria the department considers 10547
necessary in evaluating the performance. 10548

(2) The department may determine that a state agency is not 10549
in compliance with this section and direct that the agency's fleet 10550
management duties be transferred to the department. 10551

(H) The proceeds derived from the disposition of any motor 10552
vehicles under this section shall be paid to whichever of the 10553
following applies: 10554

(1) The fund that originally provided moneys for the purchase 10555
or lease of the motor vehicles; 10556

(2) If the motor vehicles were originally purchased with 10557
moneys derived from the general revenue fund, the proceeds shall 10558
be deposited, in the director's discretion, into the state 10559
treasury to the credit of either the fleet management fund created 10560
by section 125.83 of the Revised Code or the investment recovery 10561
fund created by section 125.14 of the Revised Code. 10562

(I)(1) The department shall create and maintain a certified 10563
fleet manager program. 10564

(2) State agencies that have received delegated authority as 10565
described in division (G) of this section shall have a certified 10566
fleet manager. 10567

(J) The department annually shall prepare and submit a 10568
statewide fleet report to the governor, the speaker of the house 10569
of representatives, and the president of the senate. The report 10570

shall be submitted not later than the thirty-first day of January 10571
following the end of each fiscal year. It may include, but is not 10572
limited to, the numbers and types of motor vehicles, their 10573
mileage, miles per gallon, and cost per mile, mileage 10574
reimbursements, accident and insurance data, and information 10575
regarding compliance by state agencies having delegated authority 10576
under division (G) of this section with applicable fleet 10577
management requirements. 10578

(K) The director shall adopt rules for implementing the fleet 10579
management program that are consistent with recognized best 10580
practices. The program shall be supported by reasonable fee 10581
charges for the services provided. The director shall collect 10582
these fees and deposit them into the state treasury to the credit 10583
for the fleet management fund created by section 125.83 of the 10584
Revised Code. The setting and collection of fees under this 10585
division is not subject to any restriction imposed by law upon the 10586
director's or the department's authority to set or collect fees. 10587

(L) The director also shall adopt rules that prohibit, except 10588
in very limited circumstances, the exclusive assignment of 10589
state-owned, leased, or pooled motor vehicles to state employees 10590
and that prohibit the reimbursement under section 126.31 of the 10591
Revised Code of state employees who use their own motor vehicles 10592
for any mileage they incur above an amount that the department 10593
shall determine annually unless reimbursement for the excess 10594
mileage is approved by the department in accordance with standards 10595
for that approval the director shall establish in those rules. 10596
Beginning on September 26, 2003, no state-owned, leased, or pooled 10597
motor vehicle shall be personally assigned as any form of 10598
compensation or benefit of state employment, and no state-owned, 10599
leased, or pooled motor vehicle shall be assigned to an employee 10600
solely for commuting to and from home and work. 10601

(M) The director shall do both of the following: 10602

(1) Implement to the greatest extent possible the
recommendations from the 2002 report entitled "Administrative
Analysis of the Ohio Fleet Management Program" in connection with
the authority granted to the department by this section;

(2) Attempt to reduce the number of passenger vehicles used
by state agencies during the fiscal years ending on June 30, 2004,
and June 30, 2005.

(N) Each state agency shall reimburse the department for all
costs incurred in the assignment of motor vehicles to the state
agency.

(O) The director shall do all of the following in managing
the fleet management program:

(1) Determine how motor vehicles will be maintained, insured,
operated, financed, and licensed;

(2) Pursuant to the formula in division (O)(3) of this
section, annually establish the minimum number of business miles
per year an employee of a state agency must drive in order to
qualify for approval by the department to receive a motor vehicle
for business use;

(3) Establish the minimum number of business miles per year
at an amount that results when the annual motor vehicle cost is
divided by the amount that is the reimbursement rate per mile
minus the amount that is the sum of the fuel cost, the operating
cost, and the insurance cost. As used in this division:

(a) "Annual motor vehicle cost" means the price of a motor
vehicle divided by the number of years an average motor vehicle is
used.

(b) "Fuel cost" means the average price per gallon of motor
fuel divided by the miles per gallon fuel efficiency of a motor
vehicle.

(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year. 10633
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(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by the product resulting when the number of miles an average motor vehicle is driven per year is multiplied by the number of years an average motor vehicle is used. 10636
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(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code. 10640
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~~(P)(1) Not later than the fifteenth day of September of each year, each state institution of higher education shall report to the department on all of the following topics relating to motor vehicles that the institution acquires and manages:~~ 10644
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~~(a) The methods it uses to track the motor vehicles;~~ 10648

~~(b) Whether or not it uses a fuel card program to purchase fuel for, or to pay for the maintenance of, the motor vehicles;~~ 10649
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~~(c) Whether or not it makes bulk purchases of fuel for the motor vehicles.~~ 10651
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~~(2) Assuming it does not use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides, the report of a state institution of higher education required by division (P)(1) of this section also shall include both of the following:~~ 10653
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~~(a) An analysis of the amount the institution would save, if any, if it were to use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides instead of the fleet management system the institution regularly uses;~~ 10658
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~~(b) A rationale for either continuing with the fleet management system that the institution regularly uses or changing to the use of those tools and services that the department provides.~~ 10663
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~~(3) The department shall certify within ninety days after receipt of all reports under division (P)(1) of this section a list of those state institutions of higher education that the department determines would save amounts if they were to use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides. The institutions so certified then shall use those tools and services that the department provides until the department next certifies institutions under division (P)(3) of this section.~~ 10667
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Sec. 125.833. (A) There is hereby established in the department of administrative services the vehicle management commission. 10676
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(B) The commission shall consist of seven members. One member shall be an officer or employee of the department of administrative services who is appointed by the director of administrative services. One member shall be an officer or employee of the department of public safety who is appointed by the director of public safety. The other members shall be two members of the house of representatives appointed by the speaker of the house of representatives, two members of the senate appointed by the president of the senate, and one person with experience in the vehicle leasing, purchasing, and maintenance industry in this state appointed by the governor and serving at the governor's pleasure. The governor shall appoint the commission's chairperson. 10679
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Initial appointments of the members to the commission shall be made by October 1, 2013, in the manner prescribed in this 10692
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section. The initial meeting of the commission shall be held on 10694
that date and twice annually thereafter each year. After the 10695
initial appointments, appointments of legislative members to the 10696
commission shall be made within fifteen days after the 10697
commencement of the first regular session of the general assembly 10698
in the manner prescribed in this section. The terms of legislative 10699
members on the commission shall be for the duration of the session 10700
of the general assembly in which they are appointed. Members shall 10701
continue to serve on the commission until the appointments are 10702
made in the following session of the general assembly, unless they 10703
cease to be members of the general assembly. A vacancy on the 10704
commission shall be filled for the unexpired term in the same 10705
manner as the original appointment. 10706

(C) The commission shall periodically review the 10707
implementation of the fleet management program by the department 10708
of administrative services under section 125.832 of the Revised 10709
Code and may recommend to the department and the general assembly 10710
modifications to the department's procedures and functions and 10711
other statutory changes. 10712

Sec. 125.836. (A) As used in this section: 10713

(1) "Biodiesel," "blended biodiesel," and "diesel fuel" have 10714
the same meanings as in section 125.831 of the Revised Code. 10715

(2) ~~"Credit" means a credit generated by the acquisition of~~ 10716
~~alternative fueled vehicles in accordance with the "Energy Policy~~ 10717
~~Act of 1992," 106 Stat. 2897, 42 U.S.C. 13257.~~ 10718

~~(3) "Incremental cost" means the difference in cost between~~ 10719
~~blended biodiesel and conventional petroleum-based diesel fuel at~~ 10720
~~the time the blended biodiesel is purchased.~~ 10721

~~(B) The department of administrative services shall establish~~ 10722
~~and administer a credit banking and selling program. The~~ 10723

~~department may sell or trade credits in accordance with procedures 10724
established pursuant to the "Energy Policy Act of 1992," 106 Stat. 10725
2897, 42 U.S.C. 13258. 10726~~

~~(C) There is hereby created in the state treasury the 10727
"biodiesel revolving fund," to which shall be credited moneys 10728
received from the sale of credits under this section, any moneys 10729
appropriated to the fund by the general assembly, and any other 10730
moneys obtained or accepted by the ~~department~~ development services 10731
agency for crediting to the fund. Moneys credited to the fund 10732
shall be used to pay for the incremental cost of biodiesel for use 10733
in vehicles owned or leased by the state that use diesel fuel. The 10734
director of ~~administrative services~~, after consultation with the 10735
~~director~~ of development, services may direct the director of 10736
budget and management to transfer available moneys in the 10737
biodiesel revolving fund to the alternative fuel transportation 10738
fund created in section 122.075 of the Revised Code to be used by 10739
the ~~department~~ of development services agency for the purposes 10740
specified in that section. 10741~~

~~(D) The director of administrative services shall adopt rules 10742
under Chapter 119. of the Revised Code that are necessary for the 10743
administration of the credit banking and selling program. 10744~~

Sec. 126.07. Except as provided in division (B) of section 10745
126.21 of the Revised Code, no contract, agreement, or obligation 10746
involving the expenditure of money chargeable to an appropriation, 10747
nor any resolution or order for the expenditure of money 10748
chargeable to an appropriation, shall be valid and enforceable 10749
unless the director of budget and management first certifies that 10750
there is a balance in the appropriation not already obligated to 10751
pay existing obligations, in an amount at least equal to the 10752
portion of the contract, agreement, obligation, resolution, or 10753
order to be performed in the current fiscal year. Any written 10754

contract or agreement entered into by the state shall contain a 10755
clause stating that the obligations of the state are subject to 10756
this section. 10757

The chief administrative officer of a state agency is 10758
responsible for the preaudit and approval of expenditures and 10759
other transactions of the agency. In order to initiate the making 10760
of a payment from the state treasury, the person in a state agency 10761
who requests that the payment be made shall first submit to the 10762
chief administrative officer of the agency all invoices, claims, 10763
vouchers, and other documentation related to the payment. The 10764
chief administrative officer shall examine each voucher and all 10765
other documentation required to support the voucher and determine 10766
whether they meet all the requirements established by the director 10767
of budget and management for making the payment. If they do meet 10768
those requirements, the chief administrative officer shall certify 10769
to the director the approval of the chief administrative officer 10770
for payment. 10771

Prior to drawing a warrant or processing an electronic funds 10772
transfer as provided in section 126.35 of the Revised Code, the 10773
director may review and audit the voucher, any documentation 10774
accompanying the voucher, and any other documentation related to 10775
the transaction that the director may require to determine if the 10776
transaction is in accordance with law. The director shall not 10777
approve payment to be made if the director finds that there is not 10778
an unobligated balance in the appropriation for the payment, that 10779
the payment is not for a valid claim against the state that is 10780
legally due, or that insufficient documentation has been 10781
submitted. If the director does not approve payment, the director 10782
shall notify the agency of the reasons the director has not given 10783
approval. 10784

In approving payments to be made under this section, the 10785
director, upon receipt of certification from the director of job 10786

and family services pursuant to section 4141.231 of the Revised Code, shall withhold from amounts otherwise payable to a person who is the subject of the director of jobs and family services' certification, the amount certified to be due and unpaid to the director of job and family services, and shall approve for payment to the director of job and family services, the amount withheld.

As used in this section and in section 126.21 of the Revised Code, "chief administrative officer" means either of the following:

(A) The director of the agency or, in the case of a state agency without a director, the equivalent officer of that agency;

(B) The designee of the chief administrative officer for the purposes of such sections.

Sec. 126.14. The release of any money appropriated for the purchase of real estate shall be approved by the controlling board. The release of money appropriated for all other capital projects is also subject to the approval of the controlling board, except that the director of budget and management may approve the release of money appropriated for specific projects in accordance with the requirements of this section and except that the director of budget and management may approve the release of unencumbered capital balances, for a project to repair, remove, or prevent a public exigency declared to exist by the executive director of ~~administrative services~~ the Ohio facilities construction commission under section 123.10 of the Revised Code, ~~or by the executive director of the Ohio facilities construction commission under section 123.23 of the Revised Code,~~ in the amount designated in that declaration.

Within sixty days after the effective date of any act appropriating money for capital projects, the director shall determine which appropriations are for general projects and which

are for specific projects. Specific projects may include specific 10818
higher education projects that are to be funded from general 10819
purpose appropriations from the higher education improvement fund 10820
or the higher education improvement taxable fund created in 10821
section 154.21 of the Revised Code. Upon determining which 10822
projects are general and which are specific, the director shall 10823
submit to the controlling board a list that includes a brief 10824
description of and the estimated expenditures for each specific 10825
project. The release of money for any specific higher education 10826
projects that are to be funded from general purpose appropriations 10827
from the higher education improvement fund or the higher education 10828
improvement taxable fund but that are not included on the list, 10829
and the release of money for any specific higher education 10830
projects included on the list that will exceed the estimated 10831
expenditures by more than ten per cent, are subject to the 10832
approval of the controlling board. 10833

The director may create new appropriation items and make 10834
transfers of appropriations to them for specific higher education 10835
projects included on the list that are to be funded from general 10836
purpose appropriations for basic renovations that are made from 10837
the higher education improvement fund or the higher education 10838
improvement taxable fund. 10839

Sec. 126.211. The director of budget and management shall not 10840
release funds to a veterans organization until the director has 10841
been advised by the director of veterans services under division 10842
(Y) of section 5902.02 of the Revised Code that the organization 10843
has submitted a satisfactory report as required by division (W) of 10844
that section. 10845

Sec. 126.32. (A) Any officer of any state agency may 10846
authorize reimbursement for travel, including the costs of 10847
transportation, for lodging, and for meals to any person who is 10848

interviewing for a position that is classified in pay range 13 or 10849
above in schedule E-1 or schedule E-1 for step seven only, or is 10850
classified in schedule E-2, of section 124.152 of the Revised 10851
Code. 10852

(B) If a person is appointed to a position listed in section 10853
121.03 of the Revised Code, to the position of chairperson of the 10854
industrial commission, adjutant general, chancellor of the Ohio 10855
board of regents, superintendent of public instruction, 10856
chairperson of the public utilities commission of Ohio, or 10857
director of the state lottery commission, to a position holding a 10858
fiduciary relationship to the governor, to a position of an 10859
appointing authority of the department of ~~mental health~~ mental
health and addiction services, developmental disabilities, or 10860
rehabilitation and correction, to a position of superintendent in 10861
the department of youth services, or to a position under section 10862
122.05 of the Revised Code, and if that appointment requires a 10863
permanent change of residence, the appropriate state agency may 10864
reimburse the person for the person's actual and necessary 10865
expenses, including the cost of in-transit storage of household 10866
goods and personal effects, of moving the person and members of 10867
the person's immediate family residing in the person's household, 10868
and of moving their household goods and personal effects, to the 10869
person's new location. 10870
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Until that person moves the person's permanent residence to 10872
the new location, but not for a period that exceeds thirty 10873
consecutive days, the state agency may reimburse the person for 10874
the person's temporary living expenses at the new location that 10875
the person has incurred on behalf of the person and members of the 10876
person's immediate family residing in the person's household. In 10877
addition, the state agency may reimburse that person for the 10878
person's travel expenses between the new location and the person's 10879
former residence during this period for a maximum number of trips 10880

specified by rule of the director of budget and management, but 10881
the state agency shall not reimburse the person for travel 10882
expenses incurred for those trips by members of the person's 10883
immediate family. With the prior written approval of the director, 10884
the maximum thirty-day period for temporary living expenses may be 10885
extended for a person appointed to a position under section 122.05 10886
of the Revised Code. 10887

The director of development services may reimburse a person 10888
appointed to a position under section 122.05 of the Revised Code 10889
for the person's actual and necessary expenses of moving the 10890
person and members of the person's immediate family residing in 10891
the person's household back to the United States and may reimburse 10892
a person appointed to such a position for the cost of storage of 10893
household goods and personal effects of the person and the 10894
person's immediate family while the person is serving outside the 10895
United States, if the person's office outside the United States is 10896
the person's primary job location. 10897

(C) All reimbursement under division (A) or (B) of this 10898
section shall be made in the manner, and at rates that do not 10899
exceed those, provided by rule of the director of budget and 10900
management in accordance with section 111.15 of the Revised Code. 10901
Reimbursements may be made under division (B) of this section 10902
directly to the persons who incurred the expenses or directly to 10903
the providers of goods or services the persons receive, as 10904
determined by the director of budget and management. 10905

Sec. 126.35. (A) The director of budget and management shall 10906
draw warrants or process electronic funds transfers against the 10907
treasurer of state pursuant to all requests for payment that the 10908
director has approved under section 126.07 of the Revised Code. 10909

(B) Unless a cash assistance payment is to be made by 10910
electronic benefit transfer, payment by the director of budget and 10911

management to a participant in the Ohio works first program 10912
pursuant to Chapter 5107. of the Revised Code, a recipient of 10913
disability financial assistance pursuant to Chapter 5115. of the 10914
Revised Code, or a recipient of cash assistance provided under the 10915
refugee assistance program established under section 5101.49 of 10916
the Revised Code shall be made by direct deposit to the account of 10917
the participant or recipient in the financial institution 10918
designated under section 329.03 of the Revised Code. Payment by 10919
the director of budget and management to a recipient of benefits 10920
distributed through the medium of electronic benefit transfer 10921
pursuant to section 5101.33 of the Revised Code shall be by 10922
electronic benefit transfer. Payment by the director of budget and 10923
management as compensation to an employee of the state who has, 10924
pursuant to section 124.151 of the Revised Code, designated a 10925
financial institution and account for the direct deposit of such 10926
payments shall be made by direct deposit to the account of the 10927
employee. Payment to any other payee who has designated a 10928
financial institution and account for the direct deposit of such 10929
payment may be made by direct deposit to the account of the payee 10930
in the financial institution as provided in section 9.37 of the 10931
Revised Code. Accounts maintained by the director of budget and 10932
management or the director's agent in a financial institution for 10933
the purpose of effectuating payment by direct deposit or 10934
electronic benefit transfer shall be maintained in accordance with 10935
section 135.18 of the Revised Code. 10936

(C) All other payments from the state treasury shall be made 10937
by paper warrants, electronic funds transfers, or by direct 10938
deposit payable to the respective payees. The director of budget 10939
and management may mail the paper warrants to the respective 10940
payees or distribute them through other state agencies, whichever 10941
the director determines to be the better procedure. 10942

~~(D) If the average per transaction cost the director of~~ 10943

~~budget and management incurs in making direct deposits for a state 10944
agency exceeds the average per transaction cost the director 10945
incurs in drawing paper warrants for all public offices during the 10946
same period of time, the director may certify the difference in 10947
cost and the number of direct deposits for the agency to the 10948
director of administrative services. The director of 10949
administrative services shall reimburse the director of budget and 10950
management for such additional costs and add the amount to the 10951
processing charge assessed upon the state agency. 10952~~

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of the 10953
Revised Code, "state agency" means the administrative departments 10954
listed in section 121.02 of the Revised Code, the department of 10955
taxation, the bureau of workers' compensation, ~~and~~ the Ohio board 10956
of regents, the opportunities for Ohioans with disabilities 10957
agency, the public utilities commission of Ohio, the adjutant 10958
general, and the state lottery commission. 10959

(B) The office of internal ~~auditing~~ audit is hereby created 10960
in the office of budget and management to ~~conduct~~ direct internal 10961
audits of state agencies or divisions of state agencies to improve 10962
their operations in the areas of risk management, internal 10963
controls, and governance. The director of budget and management, 10964
with the approval of the governor, shall appoint for the office of 10965
internal ~~auditing~~ audit a chief internal auditor who meets the 10966
qualifications specified in division ~~(C)~~(E) of this section. The 10967
chief internal auditor shall serve at the director's pleasure and 10968
be responsible for the administration of the office of internal 10969
~~auditing~~ audit consistent with sections 126.45 to 126.48 of the 10970
Revised Code. 10971

(C) The office of internal ~~auditing~~ audit shall conduct 10972
programs for the internal auditing of state agencies. The programs 10973
shall include an annual internal audit plan, reviewed by the state 10974

audit committee, that utilizes risk assessment techniques and 10975
identifies the specific audits to be ~~conducted~~ directed during the 10976
year. The programs also shall include periodic audits of each 10977
state agency's major systems and controls, including those systems 10978
and controls pertaining to accounting, administration, and 10979
~~electronic data processing~~ information technology. Upon the 10980
request of the office of internal ~~auditing~~ audit, each state 10981
agency shall provide office employees access to all records and 10982
documents necessary for the performance of an internal audit. 10983

The director of budget and management shall assess a charge 10984
against each state agency for which the office of internal 10985
~~auditing~~ audit conducts internal auditing programs under sections 10986
126.45 to 126.48 of the Revised Code so that the total amount of 10987
these charges is sufficient to cover the costs of the operation of 10988
the office of internal ~~auditing~~ audit. 10989

(D) At the request of any other organized body, office, or 10990
agency established by the laws of the state for the exercise of 10991
any function of state government that is not described in division 10992
(A) of this section, the office of internal audit may direct an 10993
internal audit of all or part of that body, office, or agency. The 10994
office of internal audit shall charge an amount sufficient to 10995
cover the costs it incurs in relation to the requested audit. 10996

~~(C)~~(E) The chief internal auditor of the office of internal 10997
~~auditing~~ audit shall hold at least a bachelor's degree and be one 10998
of the following: 10999

(1) A certified internal auditor, a certified government 11000
auditing professional, or a certified public accountant, who also 11001
has held a PA registration or a CPA certificate authorized by 11002
Chapter 4701. of the Revised Code for at least four years and has 11003
at least six years of auditing experience; 11004

(2) An auditor who has held a PA registration or a CPA 11005

certificate authorized by Chapter 4701. of the Revised Code for at 11006
least four years and has at least ten years of auditing 11007
experience. 11008

~~(D)~~(F) The chief internal auditor, subject to the direction 11009
and control of the director of budget and management, may appoint 11010
and maintain any staff necessary to carry out the duties assigned 11011
by sections 126.45 to 126.48 of the Revised Code to the office of 11012
internal ~~auditing~~ audit or to the chief internal auditor. 11013

Sec. 126.46. (A)(1) There is hereby created the state audit 11014
committee, consisting of the following five members: one public 11015
member appointed by the governor; two public members appointed by 11016
the speaker of the house of representatives, one of which may be a 11017
person who is recommended by the minority leader of the house of 11018
representatives; and two public members appointed by the president 11019
of the senate, one of which may be a person who is recommended by 11020
the minority leader of the senate. Not more than two of the four 11021
members appointed by the speaker of the house of representatives 11022
and the president of the senate shall belong to or be affiliated 11023
with the same political party. The member appointed by the 11024
governor shall have the program and management expertise required 11025
to perform the duties of the committee's chairperson. 11026

Each member of the committee shall be external to the 11027
management structure of state government and shall serve a 11028
three-year term. Each term shall commence on the first day of July 11029
and end on the thirtieth day of June. Any member may continue in 11030
office subsequent to the expiration date of the member's term 11031
until the member's successor takes office or until a period of 11032
ninety days has elapsed, whichever occurs first. Members may be 11033
reappointed to serve one additional term. 11034

~~On the effective date of the amendment of this section by~~ 11035
~~H.B. 153 of the 129th general assembly~~ September 29, 2011, the 11036

terms of the members shall be altered as follows: 11037

(a) The terms of the members appointed by the president shall 11038
expire on June 30, 2012. 11039

(b) The term of the member appointed by the speaker scheduled 11040
to expire on November 17, 2012, shall expire on June 30, 2013. 11041

(c) The term of the other member appointed by the speaker 11042
shall expire on June 30, 2014. 11043

(d) The term of the member appointed by the governor shall 11044
expire on June 30, 2014. 11045

The committee shall include at least one member who is a 11046
financial expert; at least one member who is an active, inactive, 11047
or retired certified public accountant; at least one member who is 11048
familiar with governmental financial accounting; at least one 11049
member who is familiar with information technology systems and 11050
services; and at least one member who is a representative of the 11051
public. 11052

Any vacancy on the committee shall be filled in the same 11053
manner as provided in this division, and, when applicable, the 11054
person appointed to fill a vacancy shall serve the remainder of 11055
the predecessor's term. 11056

(2) Members of the committee shall receive reimbursement for 11057
actual and necessary expenses incurred in the discharge of their 11058
duties. 11059

(3) The member of the committee appointed by the governor 11060
shall serve as the committee's chairperson. 11061

(4) Members of the committee shall be subject to the 11062
disclosure statement requirements of section 102.02 of the Revised 11063
Code. 11064

(B) The state audit committee shall do all of the following: 11065

(1) ~~Ensure that~~ Evaluate whether the internal audits 11066

~~conducted~~ directed by the office of internal ~~auditing~~ audit in the 11067
office of budget and management conform to the institute of 11068
internal auditors' international ~~standards for the~~ professional 11069
~~practice of~~ practices framework for internal auditing and to the 11070
institute of internal auditors' code of ethics; 11071

(2) Review and comment on the process used by the office of 11072
budget and management to prepare ~~its annual budgetary financial~~ 11073
~~report and~~ the state's comprehensive annual financial report 11074
required under division (A)(9) of section 126.21 of the Revised 11075
Code; 11076

(3) Review and comment on unaudited financial statements 11077
submitted to the auditor of state and communicate with external 11078
auditors as required by government auditing standards; 11079

(4) Perform the additional functions imposed upon it by 11080
section 126.47 of the Revised Code. 11081

(C) As used in this section, "financial expert" means a 11082
person who has all of the following: 11083

(1) An understanding of generally accepted accounting 11084
principles and financial statements; 11085

(2) The ability to assess the general application of those 11086
principles in connection with accounting for estimates, accruals, 11087
and reserves; 11088

(3) Experience preparing, auditing, analyzing, or evaluating 11089
financial statements presenting accounting issues that generally 11090
are of comparable breadth and level of complexity to those likely 11091
to be presented by a state agency's financial statements, or 11092
experience actively supervising one or more persons engaged in 11093
those activities; 11094

(4) An understanding of internal controls and procedures for 11095
financial reporting; and 11096

(5) An understanding of audit committee functions. 11097

Sec. 126.47. (A) The state audit committee created by section 11098
126.46 of the Revised Code shall ensure that the office of 11099
internal ~~auditing~~ audit in the office of budget and management has 11100
an annual internal audit plan that identifies the internal audits 11101
of state agencies or divisions of state agencies scheduled for the 11102
next fiscal year. The chief internal auditor of the office of 11103
internal ~~auditing~~ audit shall submit the plan to the state audit 11104
committee for review and comment before the beginning of each 11105
fiscal year. The chief internal auditor may submit a revised 11106
internal audit plan for review and comment at any time the 11107
director of budget and management believes there is reason to 11108
modify the previously submitted plan for a fiscal year. 11109

(B) To determine the state agencies or divisions of state 11110
agencies that are to be internally audited, the office of internal 11111
~~auditing~~ audit, in the formulation of an annual or revised 11112
internal audit plan, and the state audit committee, in reviewing a 11113
submitted annual or revised internal audit plan, shall consider 11114
the following factors: 11115

(1) The risk for fraud, waste, or abuse of public money 11116
within an agency or division; 11117

(2) The length of time since an agency or division was last 11118
subject to an internal audit; 11119

(3) The size of an agency or division, and the amount of time 11120
and resources necessary to audit it; 11121

(4) Any other factor the state audit committee determines to 11122
be relevant. 11123

(C) All internal audits shall be ~~conducted only~~ directed by 11124
employees of the office of internal ~~auditing~~ audit. 11125

(D) After the conclusion of an internal audit, the chief 11126

internal auditor shall submit a preliminary report of the internal 11127
audit's findings and recommendations to the state audit committee 11128
and to the director of the state agency involved. The state agency 11129
or division of the state agency covered by the preliminary report 11130
shall be provided an opportunity to respond within thirty days 11131
after receipt of the preliminary report. The response shall 11132
include a corrective action plan for any recommendations in the 11133
preliminary report that are not disputed by the agency or 11134
division. Any response received by the office of internal ~~auditing~~ 11135
audit within that thirty-day period shall be included in the 11136
office's final report of the internal audit's findings and 11137
recommendations. The final report shall be issued by the office of 11138
internal ~~auditing~~ audit within thirty days after the termination 11139
of the thirty-day response period. Copies of the final report 11140
shall be submitted to the state audit committee, the governor, and 11141
the director of the state agency involved. The state audit 11142
committee shall determine an appropriate method for making the 11143
preliminary and final reports available for public inspection in a 11144
timely manner. 11145

Any suspected fraud or other illegal activity discovered by 11146
the office of internal ~~auditing~~ audit during ~~the conduct of~~ an 11147
internal audit shall be reported immediately to the state audit 11148
committee, the director of the state agency in which the fraud or 11149
illegal activity is suspected to have occurred, and the auditor of 11150
state. 11151

(E) The chief internal auditor shall prepare an annual report 11152
and submit the report to the governor, the president of the 11153
senate, the speaker of the house of representatives, and the 11154
auditor of state. The office of budget and management shall make 11155
the report available to the public by posting it on the office's 11156
web site before the first of ~~July~~ August of each year. 11157

Sec. 126.48. Any (A) Except as provided in division (B) of this section, any preliminary or final report of an internal audit's findings and recommendations which is produced by the office of internal ~~auditing~~ audit in the office of budget and management and all work papers of the internal audit are confidential and are not public records under section 149.43 of the Revised Code until the final report of an internal audit's findings and recommendations is submitted to the state audit committee, the governor, and the director of the state agency involved. 11158
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(B) The following are not public records under section 149.43 of the Revised Code: 11168
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(1) An internal audit report that meets the definition of a security record under section 149.433 of the Revised Code; 11170
11171

(2) Any information derived from a state tax return or state tax return information as permitted to be used by the office of internal audit under section 5703.21 of the Revised Code. 11172
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Sec. 127.14. The controlling board may, at the request of any state agency or the director of budget and management, authorize, with respect to the provisions of any appropriation act: 11175
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(A) Transfers of all or part of an appropriation within but not between state agencies, except such transfers as the director of budget and management is authorized by law to make, provided that no transfer shall be made by the director for the purpose of effecting new or changed levels of program service not authorized by the general assembly; 11179
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(B) Transfers of all or part of an appropriation from one fiscal year to another; 11185
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(C) Transfers of all or part of an appropriation within or 11187

between state agencies made necessary by administrative 11188
reorganization or by the abolition of an agency or part of an 11189
agency; 11190

(D) Transfers of all or part of cash balances in excess of 11191
needs from any fund of the state to the general revenue fund or to 11192
such other fund of the state to which the money would have been 11193
credited in the absence of the fund from which the transfers are 11194
authorized to be made, except that the controlling board may not 11195
authorize such transfers from the accrued leave liability fund, 11196
auto registration distribution fund, local motor vehicle license 11197
tax fund, budget stabilization fund, building improvement fund, 11198
development bond retirement fund, facilities establishment fund, 11199
gasoline excise tax fund, general revenue fund, higher education 11200
improvement fund, highway improvement bond retirement fund, 11201
highway obligations bond retirement fund, highway capital 11202
improvement fund, highway operating fund, horse racing tax fund, 11203
improvements bond retirement fund, public library fund, liquor 11204
control fund, local government fund, local transportation 11205
improvement program fund, mental health facilities improvement 11206
fund, Ohio fairs fund, parks and recreation improvement fund, 11207
public improvements bond retirement fund, school district income 11208
tax fund, state agency facilities improvement fund, state and 11209
local government highway distribution fund, state highway safety 11210
fund, state lottery fund, undivided liquor permit fund, Vietnam 11211
conflict compensation bond retirement fund, volunteer fire 11212
fighters' dependents fund, waterways safety fund, wildlife fund, 11213
workers' compensation fund, or any fund not specified in this 11214
division that the director of budget and management determines to 11215
be a bond fund or bond retirement fund; 11216

(E) Transfers of all or part of those appropriations included 11217
in the emergency purposes account of the controlling board; 11218

(F) Temporary transfers of all or part of an appropriation or 11219

other moneys into and between existing funds, or new funds, as may 11220
be established by law when needed for capital outlays for which 11221
notes or bonds will be issued; 11222

(G) Transfer or release of all or part of an appropriation to 11223
a state agency requiring controlling board approval of such 11224
transfer or release as provided by law; 11225

(H) Temporary transfer of funds included in the emergency 11226
purposes appropriation of the controlling board. Such temporary 11227
transfers may be made subject to conditions specified by the 11228
controlling board at the time temporary transfers are authorized. 11229
No transfers shall be made under this division for the purpose of 11230
effecting new or changed levels of program service not authorized 11231
by the general assembly. 11232

As used in this section, "request" means an application by a 11233
state agency or the director of budget and management seeking some 11234
action by the controlling board. 11235

When authorizing the transfer of all or part of an 11236
appropriation under this section, the controlling board may 11237
authorize the transfer to an existing appropriation item and the 11238
creation of and transfer to a new appropriation item. 11239

Whenever there is a transfer of all or part of funds included 11240
in the emergency purposes appropriation by the controlling board, 11241
pursuant to division (E) of this section, the state agency or the 11242
director of budget and management receiving such transfer shall 11243
keep a detailed record of the use of the transferred funds. At the 11244
earliest scheduled meeting of the controlling board following the 11245
accomplishment of the purposes specified in the request originally 11246
seeking the transfer, or following the total expenditure of the 11247
transferred funds for the specified purposes, the state agency or 11248
the director of budget and management shall submit a report on the 11249
expenditure of such funds to the board. The portion of any 11250

appropriation so transferred which is not required to accomplish 11251
the purposes designated in the original request to the controlling 11252
board shall be returned to the proper appropriation of the 11253
controlling board at this time. 11254

Notwithstanding any provisions of law providing for the 11255
deposit of revenues received by a state agency to the credit of a 11256
particular fund in the state treasury, whenever there is a 11257
temporary transfer of funds included in the emergency purposes 11258
appropriation of the controlling board pursuant to division (H) of 11259
this section, revenues received by any state agency receiving such 11260
a temporary transfer of funds shall, as directed by the 11261
controlling board, be transferred back to the emergency purposes 11262
appropriation. 11263

The board may delegate to the director of budget and 11264
management authority to approve transfers among items of 11265
appropriation under division (A) of this section. 11266

Sec. 127.16. (A) Upon the request of either a state agency or 11267
the director of budget and management and after the controlling 11268
board determines that an emergency or a sufficient economic reason 11269
exists, the controlling board may approve the making of a purchase 11270
without competitive selection as provided in division (B) of this 11271
section. 11272

(B) Except as otherwise provided in this section, no state 11273
agency, using money that has been appropriated to it directly, 11274
shall: 11275

(1) Make any purchase from a particular supplier, that would 11276
amount to fifty thousand dollars or more when combined with both 11277
the amount of all disbursements to the supplier during the fiscal 11278
year for purchases made by the agency and the amount of all 11279
outstanding encumbrances for purchases made by the agency from the 11280
supplier, unless the purchase is made by competitive selection or 11281

with the approval of the controlling board;	11282
(2) Lease real estate from a particular supplier, if the	11283
lease would amount to seventy-five thousand dollars or more when	11284
combined with both the amount of all disbursements to the supplier	11285
during the fiscal year for real estate leases made by the agency	11286
and the amount of all outstanding encumbrances for real estate	11287
leases made by the agency from the supplier, unless the lease is	11288
made by competitive selection or with the approval of the	11289
controlling board.	11290
(C) Any person who authorizes a purchase in violation of	11291
division (B) of this section shall be liable to the state for any	11292
state funds spent on the purchase, and the attorney general shall	11293
collect the amount from the person.	11294
(D) Nothing in division (B) of this section shall be	11295
construed as:	11296
(1) A limitation upon the authority of the director of	11297
transportation as granted in sections 5501.17, 5517.02, and	11298
5525.14 of the Revised Code;	11299
(2) Applying to medicaid provider agreements under Chapter	11300
5111. of the Revised Code <u>medicaid program</u> ;	11301
(3) Applying to the purchase of examinations from a sole	11302
supplier by a state licensing board under Title XLVII of the	11303
Revised Code;	11304
(4) Applying to entertainment contracts for the Ohio state	11305
fair entered into by the Ohio expositions commission, provided	11306
that the controlling board has given its approval to the	11307
commission to enter into such contracts and has approved a total	11308
budget amount for such contracts as agreed upon by commission	11309
action, and that the commission causes to be kept itemized records	11310
of the amounts of money spent under each contract and annually	11311
files those records with the clerk of the house of representatives	11312

and the clerk of the senate following the close of the fair; 11313

(5) Limiting the authority of the chief of the division of 11314
mineral resources management to contract for reclamation work with 11315
an operator mining adjacent land as provided in section 1513.27 of 11316
the Revised Code; 11317

(6) Applying to investment transactions and procedures of any 11318
state agency, except that the agency shall file with the board the 11319
name of any person with whom the agency contracts to make, broker, 11320
service, or otherwise manage its investments, as well as the 11321
commission, rate, or schedule of charges of such person with 11322
respect to any investment transactions to be undertaken on behalf 11323
of the agency. The filing shall be in a form and at such times as 11324
the board considers appropriate. 11325

(7) Applying to purchases made with money for the per cent 11326
for arts program established by section 3379.10 of the Revised 11327
Code; 11328

(8) Applying to purchases made by the ~~rehabilitation services~~ 11329
~~commission~~ opportunities for Ohioans with disabilities agency of 11330
services, or supplies, that are provided to persons with 11331
disabilities, or to purchases made by the ~~commission~~ agency in 11332
connection with the eligibility determinations it makes for 11333
applicants of programs administered by the social security 11334
administration; 11335

(9) Applying to payments by the department of ~~job and family~~ 11336
~~services~~ medicaid under section ~~5111.13~~ 5164.85 of the Revised 11337
Code for group health plan premiums, deductibles, coinsurance, and 11338
other cost-sharing expenses; 11339

(10) Applying to any agency of the legislative branch of the 11340
state government; 11341

(11) Applying to agreements or contracts entered into under 11342
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 11343

Revised Code;	11344
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	11345 11346 11347 11348
(13) Applying to dues or fees paid for membership in an organization or association;	11349 11350
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	11351 11352
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	11353 11354 11355 11356
(16) Applying to purchases of tickets for passenger air transportation;	11357 11358
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	11359 11360 11361
(18) Applying to the judicial branch of state government;	11362
(19) Applying to purchases of liquor for resale by the division of liquor control;	11363 11364
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	11365 11366 11367
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	11368 11369 11370 11371
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published	11372 11373

materials;	11374
(23) Applying to purchases from other state agencies,	11375
including state-assisted institutions of higher education <u>or the</u>	11376
<u>Ohio historical society</u> ;	11377
(24) Limiting the authority of the director of environmental	11378
protection to enter into contracts under division (D) of section	11379
3745.14 of the Revised Code to conduct compliance reviews, as	11380
defined in division (A) of that section;	11381
(25) Applying to purchases from a qualified nonprofit agency	11382
pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of	11383
the Revised Code;	11384
(26) Applying to payments by the department of job and family	11385
services to the United States department of health and human	11386
services for printing and mailing notices pertaining to the tax	11387
refund offset program of the internal revenue service of the	11388
United States department of the treasury;	11389
(27) Applying to contracts entered into by the department of	11390
developmental disabilities under section 5123.18 of the Revised	11391
Code;	11392
(28) Applying to payments made by the department of mental	11393
health <u>mental health and addiction services</u> under a physician	11394
recruitment program authorized by section 5119.101 <u>5119.185</u> of the	11395
Revised Code;	11396
(29) Applying to contracts entered into with persons by the	11397
director of commerce for unclaimed funds collection and remittance	11398
efforts as provided in division (F) of section 169.03 of the	11399
Revised Code. The director shall keep an itemized accounting of	11400
unclaimed funds collected by those persons and amounts paid to	11401
them for their services.	11402
(30) Applying to purchases made by a state institution of	11403

higher education in accordance with the terms of a contract 11404
between the vendor and an inter-university purchasing group 11405
comprised of purchasing officers of state institutions of higher 11406
education; 11407

(31) Applying to the department of ~~job and family services~~ 11408
medicaid's purchases of health assistance services under the 11409
children's health insurance program ~~part I provided for under~~ 11410
~~section 5101.50 of the Revised Code, the children's health~~ 11411
~~insurance program part II provided for under section 5101.51 of~~ 11412
~~the Revised Code, or the children's health insurance program part~~ 11413
~~III provided for under section 5101.52 of the Revised Code;~~ 11414

(32) Applying to payments by the attorney general from the 11415
reparations fund to hospitals and other emergency medical 11416
facilities for performing medical examinations to collect physical 11417
evidence pursuant to section 2907.28 of the Revised Code; 11418

(33) Applying to contracts with a contracting authority or 11419
administrative receiver under division (B) of section 5126.056 of 11420
the Revised Code; 11421

(34) Applying to purchases of goods and services by the 11422
department of veterans services in accordance with the terms of 11423
contracts entered into by the United States department of veterans 11424
affairs; 11425

(35) Applying to payments by the superintendent of the bureau 11426
of criminal identification and investigation to the federal bureau 11427
of investigation for criminal records checks pursuant to section 11428
109.572 of the Revised Code; 11429

(36) Applying to contracts entered into by the department of 11430
~~job and family services~~ medicaid under section ~~5111.054~~ 5164.47 of 11431
the Revised Code; 11432

(37) Applying to contracts entered into under section 5160.12 11433
of the Revised Code; 11434

<u>(38) Applying to payments to the Ohio historical society from</u>	11435
<u>other state agencies.</u>	11436
(E) When determining whether a state agency has reached the	11437
cumulative purchase thresholds established in divisions (B)(1) and	11438
(2) of this section, all of the following purchases by such agency	11439
shall not be considered:	11440
(1) Purchases made through competitive selection or with	11441
controlling board approval;	11442
(2) Purchases listed in division (D) of this section;	11443
(3) For the purposes of the threshold of division (B)(1) of	11444
this section only, leases of real estate.	11445
(F) As used in this section, "competitive selection,"	11446
"purchase," "supplies," and "services" have the same meanings as	11447
in section 125.01 of the Revised Code.	11448
Sec. 5507-01 <u>128.01</u>. As used in this chapter:	11449
(A) "9-1-1 system" means a system through which individuals	11450
can request emergency service using the telephone number 9-1-1.	11451
(B) "Basic 9-1-1" means a 9-1-1 system in which a caller	11452
provides information on the nature of and the location of an	11453
emergency, and the personnel receiving the call must determine the	11454
appropriate emergency service provider to respond at that	11455
location.	11456
(C) "Enhanced 9-1-1" means a 9-1-1 system capable of	11457
providing both enhanced wireline 9-1-1 and wireless enhanced	11458
9-1-1.	11459
(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which	11460
the wireline telephone network, in providing wireline 9-1-1,	11461
automatically routes the call to emergency service providers that	11462
serve the location from which the call is made and immediately	11463

provides to personnel answering the 9-1-1 call information on the 11464
location and the telephone number from which the call is being 11465
made. 11466

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in 11467
providing wireless 9-1-1, has the capabilities of phase I and, to 11468
the extent available, phase II enhanced 9-1-1 services as 11469
described in 47 C.F.R. 20.18 (d) to (h). 11470

(F)(1) "Wireless service" means federally licensed commercial 11471
mobile service as defined in 47 U.S.C. 332(d) and further defined 11472
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 11473
service provided by any wireless, two-way communications device, 11474
including a radio-telephone communications line used in cellular 11475
telephone service or personal communications service, a network 11476
radio access line, or any functional or competitive equivalent of 11477
such a radio-telephone communications or network radio access 11478
line. 11479

(2) Nothing in this chapter applies to paging or any service 11480
that cannot be used to call 9-1-1. 11481

(G) "Wireless service provider" means a facilities-based 11482
provider of wireless service to one or more end users in this 11483
state. 11484

(H) "Wireless 9-1-1" means the emergency calling service 11485
provided by a 9-1-1 system pursuant to a call originating in the 11486
network of a wireless service provider. 11487

(I) "Wireline 9-1-1" means the emergency calling service 11488
provided by a 9-1-1 system pursuant to a call originating in the 11489
network of a wireline service provider. 11490

(J) "Wireline service provider" means a facilities-based 11491
provider of wireline service to one or more end-users in this 11492
state. 11493

(K) "Wireline service" means basic local exchange service, as 11494
defined in section 4927.01 of the Revised Code, that is 11495
transmitted by means of interconnected wires or cables by a 11496
wireline service provider authorized by the public utilities 11497
commission. 11498

(L) "Wireline telephone network" means the selective router 11499
and data base processing systems, trunking and data wiring cross 11500
connection points at the public safety answering point, and all 11501
other voice and data components of the 9-1-1 system. 11502

(M) "Subdivision" means a county, municipal corporation, 11503
township, township fire district, joint fire district, township 11504
police district, joint police district, joint ambulance district, 11505
or joint emergency medical services district that provides 11506
emergency service within its territory, or that contracts with 11507
another municipal corporation, township, or district or with a 11508
private entity to provide such service; and a state college or 11509
university, port authority, or park district of any kind that 11510
employs law enforcement officers that act as the primary police 11511
force on the grounds of the college or university or port 11512
authority or in the parks operated by the district. 11513

(N) "Emergency service" means emergency law enforcement, 11514
firefighting, ambulance, rescue, and medical service. 11515

(O) "Emergency service provider" means the state highway 11516
patrol and an emergency service department or unit of a 11517
subdivision or that provides emergency service to a subdivision 11518
under contract with the subdivision. 11519

(P) "Public safety answering point" means a facility to which 11520
9-1-1 system calls for a specific territory are initially routed 11521
for response and where personnel respond to specific requests for 11522
emergency service by directly dispatching the appropriate 11523
emergency service provider, relaying a message to the appropriate 11524

provider, or transferring the call to the appropriate provider. 11525

(Q) "Customer premises equipment" means telecommunications 11526
equipment, including telephone instruments, on the premises of a 11527
public safety answering point that is used in answering and 11528
responding to 9-1-1 system calls. 11529

(R) "Municipal corporation in the county" includes any 11530
municipal corporation that is wholly contained in the county and 11531
each municipal corporation located in more than one county that 11532
has a greater proportion of its territory in the county to which 11533
the term refers than in any other county. 11534

(S) "Board of county commissioners" includes the legislative 11535
authority of a county established under Section 3 of Article X, 11536
Ohio Constitution, or Chapter 302. of the Revised Code. 11537

(T) "Final plan" means a final plan adopted under division 11538
(B) of section ~~5507.08~~ 128.08 of the Revised Code and, except as 11539
otherwise expressly provided, an amended final plan adopted under 11540
section ~~5507.12~~ 128.12 of the Revised Code. 11541

(U) "Subdivision served by a public safety answering point" 11542
means a subdivision that provides emergency service for any part 11543
of its territory that is located within the territory of a public 11544
safety answering point whether the subdivision provides the 11545
emergency service with its own employees or pursuant to a 11546
contract. 11547

(V) A township's population includes only population of the 11548
unincorporated portion of the township. 11549

(W) "Telephone company" means a company engaged in the 11550
business of providing local exchange telephone service by making 11551
available or furnishing access and a dial tone to persons within a 11552
local calling area for use in originating and receiving voice 11553
grade communications over a switched network operated by the 11554
provider of the service within the area and gaining access to 11555

other telecommunications services. "Telephone company" includes a wireline service provider and a wireless service provider unless otherwise expressly specified. For purposes of sections ~~5507.25~~ 128.25 and ~~5507.26~~ 128.26 of the Revised Code, "telephone company" means a wireline service provider.

(X) "Prepaid wireless calling service" has the same meaning as in division (AA)(5) of section 5739.01 of the Revised Code.

(Y) "Provider of a prepaid wireless calling service" means a wireless service provider that provides a prepaid wireless calling service.

(Z) "Retail sale" has the same meaning as in section 5739.01 of the Revised Code.

(AA) "Seller" means a person that sells a prepaid wireless calling service to another person by retail sale.

(BB) "Consumer" means the person for whom the prepaid wireless calling service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the prepaid wireless calling service is charged, or to whom the admission is granted.

(CC) "Reseller" means a nonfacilities-based provider of wireless service that provides wireless service under its own name to one or more end users in this state using the network of a wireless service provider.

(DD) "Steering committee" means the statewide emergency services internet protocol network steering committee established by division (A)(1) of section 128.02 of the Revised Code.

Sec. ~~5507.02~~ 128.02. (A)(1) There is hereby created the statewide emergency services internet protocol network steering committee, consisting of the following ten members:

(a) The state chief information officer or the officer's

designee;	11586
(b) Two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party;	11587 11588 11589
(c) Two members of the senate appointed by the president, one from the majority party and one from the minority party;	11590 11591
(d) Five members appointed by the governor.	11592
(2) In appointing the five members under division (A)(1)(d) of this section, the governor shall appoint two representatives of the county commissioners' association of Ohio or a successor organization, two representatives of the Ohio municipal league or a successor organization, and one representative of the Ohio township association or a successor organization. For each of these appointments, the governor shall consider a nominee proposed by the association or successor organization. The governor may reject any of the nominees and may request that a nominating entity submit alternative nominees.	11593 11594 11595 11596 11597 11598 11599 11600 11601 11602
(3) Initial appointments shall be made not later than ten days after September 28, 2012.	11603 11604
(B)(1) The state chief information officer or the officer's designee shall serve as the chairperson of the steering committee and shall be a nonvoting member. All other members shall be voting members.	11605 11606 11607 11608
(2) A member of the steering committee appointed from the membership of the senate or the house of representatives shall serve during the member's term as a member of the general assembly and until a successor is appointed and qualified, notwithstanding adjournment of the general assembly or the expiration of the member's term as a member of the general assembly.	11609 11610 11611 11612 11613 11614
(3) The initial terms of one of the representatives of the	11615

county commissioners' association of Ohio, one of the 11616
representatives of the Ohio municipal league, and the 11617
representative of the Ohio township association shall all expire 11618
on December 31, 2016. The initial terms of the other 11619
representatives of the county commissioners' association of Ohio 11620
and the Ohio municipal league shall expire on December 31, 2014. 11621
Thereafter, terms of the members appointed by the governor shall 11622
be for four years, with each term ending on the same day of the 11623
same month as the term it succeeds. Each member appointed by the 11624
governor shall hold office from the date of the member's 11625
appointment until the end of the term for which the member was 11626
appointed, and may be reappointed. A member appointed by the 11627
governor shall continue in office after the expiration date of the 11628
member's term until the member's successor takes office or until a 11629
period of sixty days has elapsed, whichever occurs first. Members 11630
appointed by the governor shall serve without compensation and 11631
shall not be reimbursed for expenses. 11632

(4) A vacancy in the position of any member of the steering 11633
committee shall be filled for the unexpired term in the same 11634
manner as the original appointment. 11635

(C) The steering committee shall generally advise the state 11636
on the implementation, operation, and maintenance of a statewide 11637
emergency services internet protocol network that would support 11638
state and local government next-generation 9-1-1 and the dispatch 11639
of emergency service providers. The steering committee shall do 11640
all of the following: 11641

(1) On or before May 15, 2013, deliver an initial report to 11642
the speaker of the house of representatives, the president of the 11643
senate, and the governor providing recommendations for the state 11644
to address the development of a statewide emergency services 11645
internet protocol network, which recommendations shall include a 11646
review of the current funding model for this state's 9-1-1 systems 11647

and may include a recommendation for a reduction in wireless 9-1-1 charges; 11648
11649

(2) Examine the readiness of the state's current technology infrastructure for a statewide emergency services internet protocol network; 11650
11651
11652

(3) Research legislative authority with regard to governance and funding of a statewide emergency services internet protocol network, and provide recommendations on best practices to limit duplicative efforts to ensure an effective transition to next-generation 9-1-1; 11653
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(4) Make recommendations for consolidation of public-safety-answering-point operations in this state, including recommendations for accelerating the consolidation schedule established in section ~~5507.571~~ 128.571 of the Revised Code, to accommodate next-generation 9-1-1 technology and to facilitate a more efficient and effective emergency services system; 11658
11659
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(5) Recommend policies, procedures, and statutory or regulatory authority to effectively govern a statewide emergency services internet protocol network; 11664
11665
11666

(6) Designate a next-generation 9-1-1 statewide coordinator to serve as the primary point of contact for federal initiatives; 11667
11668

(7) Coordinate with statewide initiatives and associations such as the state interoperable executive committee, the Ohio geographically referenced information program council, the Ohio multi-agency radio communications system steering committee, and other interested parties; 11669
11670
11671
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11673

(8) Serve as the entity responsible for the administration of Chapter 128. of the Revised Code. 11674
11675

~~(D)(1) Not later than February 15, 2013, each chairperson of a countywide 9-1-1 planning committee or the chairperson's~~ 11676
11677

~~designee shall report the following information~~ A 9-1-1 service provider shall provide to the steering committee: 11678
11679

(a) The aggregate number of access lines that the provider maintains within the state of Ohio; 11680
11681

(b) The aggregate amount of costs and cost recovery associated with providing 9-1-1 service, including coverage under tariffs and bill and keep arrangements within this state; 11682
11683
11684

(c) Any other information requested by the steering committee deemed necessary to support the transition to next generation 9-1-1. 11685
11686
11687

(2) Any political subdivision or governmental entity operating a public safety answering point shall provide to the steering committee: 11688
11689
11690

(a) The geographic location and population of the area for which the planning committee is responsible; 11691
11692

(b) Statistics detailing the number of 9-1-1 calls received; 11693

(c) A report of expenditures made from disbursements ~~from the wireless for~~ 9-1-1 government assistance fund; 11694
11695

(d) An inventory of and the technical specifications for the current 9-1-1 network and equipment; 11696
11697

(e) Any other information requested by the steering committee that is deemed necessary to support the transition to next generation 9-1-1. 11698
11699
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~~(2)(a) If, by February 15, 2013, a countywide 9-1-1 planning committee fails to provide to the steering committee the information required under division (D)(1) of this section, the steering committee shall notify the Ohio 9-1-1 coordinator of the failure and the coordinator shall suspend disbursements from the wireless 9-1-1 government assistance fund to that county. Disbursements to the county shall resume after the steering~~ 11701
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~~committee receives the required information and notifies the 11708
coordinator that the requirement has been met. 11709~~

~~(b) Beginning January 1, 2014, the notification that the 11710
steering committee has received the required information shall be 11711
sent to the tax commissioner, and the disbursements to the county 11712
shall resume after the tax commissioner receives that notice 11713~~

~~(3) The information requested under divisions (D)(1) and (2) 11714
of this section shall be provided by the 9-1-1 service provider, 11715
political subdivision, or governmental entity within forty-five 11716
days of the request of the steering committee. 11717~~

(E) The steering committee shall hold its inaugural meeting 11718
not later than thirty days after September 28, 2012. Thereafter, 11719
the steering committee shall meet at least once a month, either in 11720
person or utilizing telecommunication-conferencing technology. A 11721
majority of the voting members shall constitute a quorum. 11722

(F)(1) The steering committee shall have a permanent 11723
technical-standards subcommittee and a permanent 11724
public-safety-answering-point-operations subcommittee, and may, 11725
from time to time, establish additional subcommittees, to advise 11726
and assist the steering committee based upon the subcommittees' 11727
areas of expertise. 11728

(2) The membership of subcommittees shall be determined by 11729
the steering committee. 11730

(a) The technical-standards subcommittee shall include one 11731
member representing a wireline or wireless service provider that 11732
participates in the state's 9-1-1 system, one representative of 11733
the Ohio academic resources network, one representative of the 11734
Ohio multi-agency radio communications system steering committee, 11735
one representative of the Ohio geographically referenced 11736
information program, and one member representing each of the 11737
following associations selected by the steering committee from 11738

nominations received from that association:	11739
(i) The Ohio telephone association;	11740
(ii) The Ohio chapter of the association of public-safety communications officials;	11741 11742
(iii) The Ohio chapter of the national emergency number association.	11743 11744
(b) The public-safety-answering-point-operations subcommittee shall include one member representing the division of emergency management of the department of public safety, one member representing the state highway patrol, two members recommended by the county commissioners' association of Ohio who are managers of public safety answering points, two members recommended by the Ohio municipal league who are managers of public safety answering points, and one member from each of the following associations selected by the steering committee from nominations received from that association:	11745 11746 11747 11748 11749 11750 11751 11752 11753 11754
(i) The buckeye state sheriffs' association;	11755
(ii) The Ohio association of chiefs of police;	11756
(iii) The Ohio association of fire chiefs;	11757
(iv) The Ohio chapter of the association of public-safety communications officials;	11758 11759
(v) The Ohio chapter of the national emergency number association.	11760 11761
(G) The committee is not an agency, as defined in section 101.82 of the Revised Code, for purposes of sections 101.82 to 101.87 of the Revised Code.	11762 11763 11764
(H) As used in this section, "9-1-1 system," "wireless service provider," "wireline service provider," "emergency service provider," and "public safety answering point" have the same meanings as in section 5507.01 <u>128.01</u> of the Revised Code.	11765 11766 11767 11768

(I) As used in this section, "bill and keep arrangements" has 11769
the same meaning as in 47 C.F.R. 51.713. 11770

Sec. ~~5507.021~~ 128.021. Not later than January 1, 2014, and in 11771
accordance with Chapter 119. of the Revised Code, the ~~statewide~~ 11772
~~emergency services internet protocol network~~ steering committee 11773
shall adopt rules that establish technical and operational 11774
standards for public safety answering points eligible to receive 11775
disbursements under section ~~5507.55~~ 128.55 of the Revised Code. 11776
The rules shall incorporate industry standards and best practices 11777
for wireless 9-1-1 services. Public safety answering points shall 11778
comply with the standards not later than two years after the 11779
effective date of the rules adopting the standards. 11780

Sec. ~~5507.022~~ 128.022. The ~~statewide emergency services~~ 11781
~~internet protocol network~~ steering committee shall establish 11782
guidelines for the tax commissioner to use when disbursing money 11783
from the next generation 9-1-1 fund to countywide 9-1-1 systems in 11784
the state. The guidelines shall be consistent with the standards 11785
adopted in section ~~5507.021~~ 128.021 of the Revised Code and shall 11786
specify that disbursements may be used for costs associated with 11787
the operation of and equipment for phase II wireless systems and 11788
for costs associated with a county's migration to next generation 11789
9-1-1 systems and technology. 11790

Sec. ~~5507.03~~ 128.03. (A)(1) A countywide 9-1-1 system shall 11791
include all of the territory of the townships and municipal 11792
corporations in the county and any portion of such a municipal 11793
corporation that extends into an adjacent county. 11794

(2) The system shall exclude any territory served by a 11795
wireline service provider that is not capable of reasonably 11796
meeting the technical and economic requirements of providing the 11797
wireline telephone network portion of the countywide system for 11798

that territory. The system shall exclude from enhanced 9-1-1 any territory served by a wireline service provider that is not capable of reasonably meeting the technical and economic requirements of providing the wireline telephone network portion of enhanced 9-1-1 for that territory. If a 9-1-1 planning committee and a wireline service provider do not agree on whether the provider is so capable, the planning committee shall notify the ~~department of public safety steering committee~~, and the ~~department steering committee~~ shall determine whether the wireline service provider is so capable. The planning committee shall ascertain whether such disagreement exists before making its implementation proposal under division (A) of section ~~5507.07~~ 128.07 of the Revised Code. The ~~department's steering committee's~~ determination shall be in the form of an order. No final plan shall require a wireline service provider to provide the wireline telephone network portion of a 9-1-1 system that the ~~department steering committee~~ has determined the provider is not reasonably capable of providing.

(B) A countywide 9-1-1 system may be a basic or enhanced 9-1-1 system, or a combination of the two, and shall be for the purpose of providing both wireline 9-1-1 and wireless 9-1-1.

(C) Every emergency service provider that provides emergency service within the territory of a countywide 9-1-1 system shall participate in the countywide system.

(D)(1) Each public safety answering point shall be operated by a subdivision or a regional council of governments and shall be operated constantly.

(2) A subdivision or a regional council of governments that operates a public safety answering point shall pay all of the costs associated with establishing, equipping, furnishing, operating, and maintaining that facility and shall allocate those costs among itself and the subdivisions served by the answering

point based on the allocation formula in a final plan. The 11831
wireline service provider or other entity that provides or 11832
maintains the customer premises equipment shall bill the operating 11833
subdivision or the operating regional council of governments for 11834
the cost of providing such equipment, or its maintenance. A 11835
wireless service provider and a subdivision or regional council of 11836
governments operating a public safety answering point may enter 11837
into a service agreement for providing wireless enhanced 9-1-1 11838
pursuant to a final plan adopted under this chapter. 11839

(E) Except to the extent provided in a final plan that 11840
provides for funding of a 9-1-1 system in part through charges 11841
imposed under section ~~5507.22~~ 128.22 of the Revised Code, each 11842
subdivision served by a public safety answering point shall pay 11843
the subdivision or regional council of governments that operates 11844
the answering point the amount computed in accordance with the 11845
allocation formula set forth in the final plan. 11846

(F) Notwithstanding any other provision of law, the purchase 11847
or other acquisition, installation, and maintenance of the 11848
telephone network for a 9-1-1 system and the purchase or other 11849
acquisition, installation, and maintenance of customer premises 11850
equipment at a public safety answering point made in compliance 11851
with a final plan or an agreement under section ~~5507.09~~ 128.09 of 11852
the Revised Code, including customer premises equipment used to 11853
provide wireless enhanced 9-1-1, are not subject to any 11854
requirement of competitive bidding. 11855

(G) Each emergency service provider participating in a 11856
countywide 9-1-1 system shall maintain a telephone number in 11857
addition to 9-1-1. 11858

(H) Whenever a final plan provides for the implementation of 11859
basic 9-1-1, the planning committee shall so notify the ~~department~~ 11860
~~of public safety steering committee~~, which shall determine whether 11861
the wireline service providers serving the territory covered by 11862

the plan are capable of reasonably meeting the technical and 11863
economic requirements of providing the wireline telephone network 11864
portion of an enhanced 9-1-1 system. The determination shall be 11865
made solely for purposes of division (C)(2) of section ~~5507.18~~ 11866
128.18 of the Revised Code. 11867

(I) If the public safety answering point personnel reasonably 11868
determine that a 9-1-1 call is not an emergency, the personnel 11869
shall provide the caller with the telephone number of an 11870
appropriate subdivision agency as applicable. 11871

(J) A final plan adopted under this chapter, or an agreement 11872
under section ~~5507.09~~ 128.09 of the Revised Code, may provide 11873
that, by further agreement included in the plan or agreement, the 11874
state highway patrol or one or more public safety answering points 11875
of another 9-1-1 system is the public safety answering point or 11876
points for the provision of wireline or wireless 9-1-1 for all or 11877
part of the territory of the 9-1-1 system established under the 11878
plan or agreement. In that event, the subdivision for which the 11879
wireline or wireless 9-1-1 is provided as named in the agreement 11880
shall be deemed the subdivision operating the public safety 11881
answering point or points for purposes of this chapter, except 11882
that, for the purpose of division (D)(2) of this section, that 11883
subdivision shall pay only so much of the costs of establishing, 11884
equipping, furnishing, operating, or maintaining any such public 11885
safety answering point as are specified in the agreement with the 11886
patrol or other system. 11887

(K) A final plan for the provision of wireless enhanced 9-1-1 11888
shall provide that any wireless 9-1-1 calls routed to a state 11889
highway patrol-operated public safety answering point by default, 11890
due to a wireless service provider so routing all such calls of 11891
its subscribers without prior permission, are instead to be routed 11892
as provided under the plan. Upon the implementation of countywide 11893
wireless enhanced 9-1-1 pursuant to a final plan, the state 11894

highway patrol shall cease any functioning as a public safety
answering point providing wireless 9-1-1 within the territory
covered by the countywide 9-1-1 system so established, unless the
patrol functions as a public safety answering point providing
wireless enhanced 9-1-1 pursuant to an agreement included in the
plan as authorized under division (J) of this section.

Sec. ~~5507.06~~ 128.06. (A) A board of county commissioners or
the legislative authority of any municipal corporation in the
county that contains at least thirty per cent of the county's
population may adopt a resolution to convene a 9-1-1 planning
committee, which shall serve without compensation and shall
consist of three voting members as follows:

(1) The president or other presiding officer of the board of
county commissioners, who shall serve as chairperson of the
committee;

(2) The chief executive officer of the most populous
municipal corporation in the county;

(3) From the more populous of the following, either the chief
executive officer of the second most populous municipal
corporation in the county or a member of the board of township
trustees of the most populous township in the county as selected
by majority vote of the board of trustees.

In counties with a population of one hundred seventy-five
thousand or more, the planning committee shall consist of two
additional voting members as follows: a member of a board of
township trustees selected by the majority of boards of township
trustees in the county pursuant to resolutions they adopt, and the
chief executive officer of a municipal corporation in the county
selected by the majority of the legislative authorities of
municipal corporations in the county pursuant to resolutions they
adopt.

When determining population under this division, population 11926
residing outside the county shall be excluded. 11927

(B) Within thirty days after the adoption of a resolution to 11928
convene the committee under division (A) of this section, the 11929
committee shall convene for the sole purpose of developing a final 11930
plan for implementing a countywide 9-1-1 system. The county shall 11931
provide the committee with any clerical, legal, and other staff 11932
assistance necessary to develop the final plan and shall pay for 11933
copying, mailing, and any other such expenses incurred by the 11934
committee in developing the final plan and in meeting the 11935
requirements imposed by sections ~~5507.06~~ 128.06 to ~~5507.08~~ 128.08 11936
of the Revised Code. 11937

(C) The 9-1-1 planning committee shall appoint a 9-1-1 11938
technical advisory committee to assist it in planning the 11939
countywide 9-1-1 system. The advisory committee shall include at 11940
least one fire chief and one police chief serving in the county, 11941
the county sheriff, a representative of the state highway patrol 11942
selected by the patrol, one representative of each telephone 11943
company in each case selected by the telephone company 11944
represented, the director/coordinator of emergency management 11945
appointed under section 5502.26, 5502.27, or 5502.271 of the 11946
Revised Code, as appropriate, and a member of a board of township 11947
trustees of a township in the county selected by a majority of 11948
boards of township trustees in the county pursuant to resolutions 11949
they adopt. 11950

Sec. ~~5507.07~~ 128.07. (A) The 9-1-1 planning committee shall 11951
prepare a proposal on the implementation of a countywide 9-1-1 11952
system and shall hold a public meeting on the proposal to explain 11953
the system to and receive comments from public officials. At least 11954
thirty but not more than sixty days before the meeting, the 11955
committee shall send a copy of the implementation proposal and 11956

written notice of the meeting: 11957

(1) By certified mail, to the board of county commissioners, 11958
the legislative authority of each municipal corporation in the 11959
county, and to the board of trustees of each township in the 11960
county; and 11961

(2) To the board of trustees, directors, or park 11962
commissioners of each subdivision that will be served by a public 11963
safety answering point under the plan. 11964

(B) The proposal and the final plan adopted by the committee 11965
shall specify: 11966

(1) Which telephone companies serving customers in the county 11967
and, as authorized in division (A)(1) of section ~~5507.03~~ 128.03 of 11968
the Revised Code, in an adjacent county will participate in the 11969
9-1-1 system; 11970

(2) The location and number of public safety answering 11971
points; how they will be connected to a company's telephone 11972
network; from what geographic territory each will receive 9-1-1 11973
calls; whether basic or enhanced 9-1-1 service will be provided 11974
within such territory; what subdivisions will be served by the 11975
answering point; and whether an answering point will respond to 11976
calls by directly dispatching an emergency service provider, by 11977
relaying a message to the appropriate provider, or by transferring 11978
the call to the appropriate provider; 11979

(3) Which subdivision or regional council of governments will 11980
establish, equip, furnish, operate, and maintain a particular 11981
public safety answering point; 11982

(4) A projection of the initial cost of establishing, 11983
equipping, and furnishing and of the annual cost of the first five 11984
years of operating and maintaining each public safety answering 11985
point; 11986

(5) Whether the cost of establishing, equipping, furnishing, 11987
operating, or maintaining each public safety answering point 11988
should be funded through charges imposed under section ~~5507.22~~ 11989
128.22 of the Revised Code or will be allocated among the 11990
subdivisions served by the answering point and, if any such cost 11991
is to be allocated, the formula for so allocating it; 11992

(6) How each emergency service provider will respond to a 11993
misdirected call. 11994

(C) Following the meeting required by this section, the 9-1-1 11995
planning committee may modify the implementation proposal and, no 11996
later than nine months after the resolution authorized by section 11997
~~5507.06~~ 128.06 of the Revised Code is adopted, may adopt, by 11998
majority vote, a final plan for implementing a countywide 9-1-1 11999
system. If a planning committee and wireline service provider do 12000
not agree on whether the wireline service provider is capable of 12001
providing the wireline telephone network as described under 12002
division (A) of section ~~5507.03~~ 128.03 of the Revised Code and the 12003
planning committee refers that question to the ~~department of~~ 12004
~~public safety steering committee~~, the ~~department steering~~ 12005
~~committee~~ may extend the nine-month deadline established by this 12006
division to twelve months. Immediately on completion of the plan, 12007
the planning committee shall send a copy of the final plan: 12008

(1) By certified mail to the board of county commissioners of 12009
the county, to the legislative authority of each municipal 12010
corporation in the county, and to the board of township trustees 12011
of each township in the county; and 12012

(2) To the board of trustees, directors, or park 12013
commissioners of each subdivision that will be served by a public 12014
safety answering point under the plan. 12015

~~(D) If the committee has not adopted a final plan on or 12016
before the deadline in division (C) of this section, the committee 12017~~

~~shall cease to exist. A new 9-1-1 planning committee may be 12018
convened in the manner established in section 5507.06 of the 12019
Revised Code to develop an implementation proposal and final plan 12020
in accordance with the requirements of sections 5507.06 to 5507.08 12021
of the Revised Code. 12022~~

Sec. ~~5507.08~~ 128.08. (A) Within sixty days after receipt of 12023
the final plan pursuant to division (C) of section ~~5507.07~~ 128.07 12024
of the Revised Code, the board of county commissioners of the 12025
county and the legislative authority of each municipal corporation 12026
in the county and of each township whose territory is proposed to 12027
be included in a countywide 9-1-1 system shall act by resolution 12028
to approve or disapprove the plan, except that, with respect to a 12029
final plan that provides for funding of the 9-1-1 system in part 12030
through charges imposed under section ~~5507.22~~ 128.22 of the 12031
Revised Code, the board of county commissioners shall not act by 12032
resolution to approve or disapprove the plan until after a 12033
resolution adopted under section ~~5507.22~~ 128.22 of the Revised 12034
Code has become effective as provided in division (D) of that 12035
section. A municipal corporation or township whose territory is 12036
proposed to be included in the system includes any municipal 12037
corporation or township in which a part of its territory is 12038
excluded pursuant to division (A)(2) of section ~~5507.03~~ 128.03 of 12039
the Revised Code. Each such authority immediately shall notify the 12040
board of county commissioners in writing of its approval or 12041
disapproval of the final plan. Failure by a board or legislative 12042
authority to notify the board of county commissioners of approval 12043
or disapproval within such sixty-day period shall be deemed 12044
disapproval by the board or authority. 12045

(B) As used in this division, "county's population" excludes 12046
the population of any municipal corporation or township that, 12047
under the plan, is completely excluded from 9-1-1 service in the 12048
county's final plan. A countywide plan is effective if all of the 12049

following entities approve the plan in accordance with this 12050
section: 12051

(1) The board of county commissioners; 12052

(2) The legislative authority of a municipal corporation that 12053
contains at least thirty per cent of the county's population, if 12054
any; 12055

(3) The legislative authorities of municipal corporations and 12056
townships that contain at least sixty per cent of the county's 12057
population or, if the plan has been approved by a municipal 12058
corporation that contains at least sixty per cent of the county's 12059
population, by the legislative authorities of municipal 12060
corporations and townships that contain at least seventy-five per 12061
cent of the county's population. 12062

(C) After a countywide plan approved in accordance with this 12063
section is adopted, all of the telephone companies, subdivisions, 12064
and regional councils of governments included in the plan are 12065
subject to the specific requirements of the plan and to this 12066
chapter. 12067

Sec. ~~5507-09~~ 128.09. (A) If a final plan is disapproved under 12068
division (B) of section ~~5507-08~~ 128.08 of the Revised Code, by 12069
resolution, the legislative authority of a municipal corporation 12070
or township that contains at least thirty per cent of the county's 12071
population may establish within its boundaries, or the legislative 12072
authorities of a group of municipal corporations or townships each 12073
of which is contiguous with at least one other such municipal 12074
corporation or township in the group, together containing at least 12075
thirty per cent of the county's population, may jointly establish 12076
within their boundaries a 9-1-1 system. For that purpose, the 12077
municipal corporation or township may enter into an agreement, and 12078
the contiguous municipal corporations or townships may jointly 12079
enter into an agreement with one or more telephone companies. 12080

12081
(B) If no resolution has been adopted to convene a 9-1-1 12082
planning committee under section ~~5507.06~~ 128.06 of the Revised 12083
Code, by resolution, the legislative authority of any municipal 12084
corporation in the county may establish within its boundaries, or 12085
the legislative authorities of a group of municipal corporations 12086
and townships each of which is contiguous to at least one of the 12087
other such municipal corporations or townships in the group may 12088
jointly establish within their boundaries, a 9-1-1 system. For 12089
that purpose, the municipal corporation, or contiguous municipal 12090
corporations and townships, may enter into an agreement with one 12091
or more telephone companies. 12092

(C) Whenever a telephone company that is a wireline service 12093
provider and one or more municipal corporations and townships 12094
enter into an agreement under division (A) or (B) of this section 12095
to provide for the wireline telephone network portion of a basic 12096
9-1-1 system, the telephone company shall so notify the ~~department~~ 12097
~~of public safety steering committee~~, which shall determine whether 12098
the telephone company is capable of reasonably meeting the 12099
technical and economic requirements of providing the wireline 12100
telephone network for an enhanced system within the territory 12101
served by the company and covered by the agreement. The 12102
determination shall be made solely for the purposes of division 12103
(C)(2) of section ~~5507.18~~ 128.18 of the Revised Code. 12104

(D) Within three years from the date of entering into an 12105
initial agreement described under division (C) of this section, 12106
the telephone company shall have installed the wireline telephone 12107
network portion of the 9-1-1 system according to the terms, 12108
conditions, requirements, and specifications set forth in the 12109
agreement. 12110

(E) A telephone company that is a wireline service provider 12111
shall recover the cost of installing the wireline telephone 12112

network system pursuant to agreements made under this section as 12113
provided in sections ~~5507.18~~ 128.18 and 5733.55 of the Revised 12114
Code. 12115

Sec. ~~5507.12~~ 128.12. (A) An amended final plan is required 12116
for any of the following purposes: 12117

(1) Expanding the territory included in the countywide 9-1-1 12118
system; 12119

(2) Upgrading any part or all of a system from basic to 12120
enhanced wireline 9-1-1; 12121

(3) Adjusting the territory served by a public safety 12122
answering point; 12123

(4) Permitting a regional council of governments to operate a 12124
public safety answering point; 12125

(5) Represcribing the funding of public safety answering 12126
points as between the alternatives set forth in division (B)(5) of 12127
section ~~5507.07~~ 128.07 of the Revised Code; 12128

(6) Providing for wireless enhanced 9-1-1; 12129

(7) Adding a telephone company as a participant in a 12130
countywide 9-1-1 system after the implementation of wireline 9-1-1 12131
or wireless enhanced 9-1-1; 12132

(8) Providing that the state highway patrol or one or more 12133
public safety answering points of another 9-1-1 system function as 12134
a public safety answering point or points for the provision of 12135
wireline or wireless 9-1-1 for all or part of the territory of the 12136
system established under the final plan, as contemplated under 12137
division (J) of section ~~5507.03~~ 128.03 of the Revised Code; 12138

(9) Making any other necessary adjustments to the plan. 12139

(B) ~~Except as otherwise provided in division (C) of this 12140
section, a final plan shall be amended in the manner provided for 12141~~

~~adopting a final plan under sections 5507.06 to 5507.08 of the~~ 12142
~~Revised Code, including convening a 9-1-1 planning committee and~~ 12143
~~developing a proposed amended plan prior to adopting an amended~~ 12144
~~final plan.~~ 12145

~~(C)~~(1) To amend a final plan for the purpose described in 12146
division (A)(7) of this section, an entity that wishes to be added 12147
as a participant in a 9-1-1 system shall file a written letter of 12148
that intent with the board of county commissioners of the county 12149
that approved the final plan. The final plan is deemed amended 12150
upon the filing of that letter. The entity that files the letter 12151
shall send written notice of that filing to all subdivisions, 12152
regional councils of governments, and telephone companies 12153
participating in the system. 12154

(2) An amendment to a final plan for a any other purpose set 12155
forth in division (A)~~(1), (3), (6), or (9)~~ of this section may be 12156
made by an addendum approved by a majority of the 9-1-1 planning 12157
committee. The board of county commissioners shall call a meeting 12158
of the 9-1-1 planning committee for the purpose of considering an 12159
addendum pursuant to this division. 12160

(3) Adoption of any resolution under section ~~5507.22~~ 128.22 12161
of the Revised Code pursuant to a final plan that both has been 12162
adopted and provides for funding through charges imposed under 12163
that section is not an amendment of a final plan for the purpose 12164
of this division. 12165

~~(D)~~(C) When a final plan is amended for a purpose described 12166
in division (A)(1), (2), or (7) of this section, sections ~~5507.18~~ 12167
128.18 and 5733.55 of the Revised Code apply with respect to the 12168
receipt of the nonrecurring and recurring rates and charges for 12169
the wireline telephone network portion of the 9-1-1 system. 12170

Sec. ~~5507.15~~ 128.15. (A) Within three years from the date an 12171
initial final plan becomes effective under division (B) of section 12172

~~5507.08~~ 128.08 of the Revised Code, the wireline service providers 12173
designated in the plan shall have installed the wireline telephone 12174
network portion of the 9-1-1 system according to the terms, 12175
conditions, requirements, and specifications set forth in that 12176
plan. 12177

(B)(1) Upon installation of a countywide 9-1-1 system, the 12178
board of county commissioners may direct the county engineer to 12179
erect and maintain at the county boundaries on county roads and 12180
state and interstate highways, signs indicating the availability 12181
of a countywide 9-1-1 system. Any sign erected by a county under 12182
this section shall be erected in accordance with and meet the 12183
specifications established under division (B)(2) of this section. 12184
All expenses incurred in erecting and maintaining the signs shall 12185
be paid by the county. 12186

(2) The director of transportation shall develop design 12187
specifications for signs giving notice of the availability of a 12188
countywide 9-1-1 system. The director also shall establish 12189
standards for the erection of the signs and, in accordance with 12190
federal law and regulations and recognized engineering practices, 12191
specify those locations where the signs shall not be erected. 12192

Sec. ~~5507.18~~ 128.18. (A) In accordance with this chapter and 12193
Chapters 4901., 4903., 4905., and 4909. of the Revised Code, the 12194
public utilities commission shall determine the just, reasonable, 12195
and compensatory rates, tolls, classifications, charges, or 12196
rentals to be observed and charged for the wireline telephone 12197
network portion of a basic or enhanced 9-1-1 system, and each 12198
telephone company that is a wireline service provider 12199
participating in the system shall be subject to those chapters, to 12200
the extent they apply, as to the service provided by its portion 12201
of the wireline telephone network for the system as described in 12202
the final plan or to be installed pursuant to agreements under 12203

section ~~5507.09~~ 128.09 of the Revised Code, and as to the rates, 12204
tolls, classifications, charges, or rentals to be observed and 12205
charged for that service. 12206

(B) Only the customers of a participating telephone company 12207
described in division (A) of this section that are served within 12208
the area covered by a 9-1-1 system shall pay the recurring rates 12209
for the maintenance and operation of the company's portion of the 12210
wireline telephone network of the system. Such rates shall be 12211
computed by dividing the total monthly recurring rates set forth 12212
in the company's schedule as filed in accordance with section 12213
4905.30 of the Revised Code, by the total number of residential 12214
and business customer access lines, or their equivalent, within 12215
the area served. Each residential and business customer within the 12216
area served shall pay the recurring rates based on the number of 12217
its residential and business customer access lines or their 12218
equivalent. No company shall include such amount on any customer's 12219
bill until the company has completed its portion of the wireline 12220
telephone network in accordance with the terms, conditions, 12221
requirements, and specifications of the final plan or an agreement 12222
made under section ~~5507.09~~ 128.09 of the Revised Code. 12223

(C)(1) Except as otherwise provided in division (C)(2) of 12224
this section, a participating telephone company described in 12225
division (A) of this section may receive through the credit 12226
authorized by section 5733.55 of the Revised Code the total 12227
nonrecurring charges for its portion of the wireline telephone 12228
network of the system and the total nonrecurring charges for any 12229
updating or modernization of that wireline telephone network in 12230
accordance with the terms, conditions, requirements, and 12231
specifications of the final plan or pursuant to agreements under 12232
section ~~5507.09~~ 128.09 of the Revised Code, as such charges are 12233
set forth in the schedule filed by the telephone company in 12234
accordance with section 4905.30 of the Revised Code. However, that 12235

portion, updating, or modernization shall not be for or include 12236
the provision of wireless 9-1-1. As applicable, the receipt of 12237
permissible charges shall occur only upon the completion of the 12238
installation of the network or the completion of the updating or 12239
modernization. 12240

(2) The credit shall not be allowed under division (C)(1) of 12241
this section for the upgrading of a system from basic to enhanced 12242
wireline 9-1-1 if both of the following apply: 12243

(a) The telephone company received the credit for the 12244
wireline telephone network portion of the basic 9-1-1 system now 12245
proposed to be upgraded. 12246

(b) At the time the final plan or agreement pursuant to 12247
section ~~5507.09~~ 128.09 of the Revised Code calling for the basic 12248
9-1-1 system was agreed to, the telephone company was capable of 12249
reasonably meeting the technical and economic requirements of 12250
providing the wireline telephone network portion of an enhanced 12251
9-1-1 system within the territory proposed to be upgraded, as 12252
determined by the ~~department of public safety steering committee~~ 12253
under division (A) or (H) of section ~~5507.03~~ 128.03 or division 12254
(C) of section ~~5507.09~~ 128.09 of the Revised Code. 12255

(3) If the credit is not allowed under division (C)(2) of 12256
this section, the total nonrecurring charges for the wireline 12257
telephone network used in providing 9-1-1 service, as set forth in 12258
the schedule filed by a telephone company in accordance with 12259
section 4905.30 of the Revised Code, on completion of the 12260
installation of the network in accordance with the terms, 12261
conditions, requirements, and specifications of the final plan or 12262
pursuant to section ~~5507.09~~ 128.09 of the Revised Code, shall be 12263
paid by the municipal corporations and townships with any 12264
territory in the area in which such upgrade from basic to enhanced 12265
9-1-1 is made. 12266

(D) If customer premises equipment for a public safety answering point is supplied by a telephone company that is required to file a schedule under section 4905.30 of the Revised Code pertaining to customer premises equipment, the recurring and nonrecurring rates and charges for the installation and maintenance of the equipment specified in the schedule shall apply.

Sec. ~~5507.22~~ 128.22. (A)(1) For the purpose of paying the costs of establishing, equipping, and furnishing one or more public safety answering points as part of a countywide 9-1-1 system effective under division (B) of section ~~5507.08~~ 128.08 of the Revised Code and paying the expense of administering and enforcing this section, the board of county commissioners of a county, in accordance with this section, may fix and impose, on each lot or parcel of real property in the county that is owned by a person, municipal corporation, township, or other political subdivision and is improved, or is in the process of being improved, reasonable charges to be paid by each such owner. The charges shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels.

(2) For the purpose of paying the costs of operating and maintaining the answering points and paying the expense of administering and enforcing this section, the board, in accordance with this section, may fix and impose reasonable charges to be paid by each owner, as provided in division (A)(1) of this section, that shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels. The board may fix and impose charges under this division pursuant to a resolution adopted for the purposes of both divisions (A)(1) and (2) of this section or pursuant to a resolution adopted solely for the purpose of division (A)(2) of this section, and charges imposed under division (A)(2) of this

section may be separately imposed or combined with charges imposed 12299
under division (A)(1) of this section. 12300

(B) Any board adopting a resolution under this section 12301
pursuant to a final plan initiating the establishment of a 9-1-1 12302
system or pursuant to an amendment to a final plan shall adopt the 12303
resolution within sixty days after the board receives the final 12304
plan for the 9-1-1 system pursuant to division (C) of section 12305
~~5507.07~~ 128.07 of the Revised Code. The board by resolution may 12306
change any charge imposed under this section whenever the board 12307
considers it advisable. Any resolution adopted under this section 12308
shall declare whether securities will be issued under Chapter 133. 12309
of the Revised Code in anticipation of the collection of unpaid 12310
special assessments levied under this section. 12311

(C) The board shall adopt a resolution under this section at 12312
a public meeting held in accordance with section 121.22 of the 12313
Revised Code. Additionally, the board, before adopting any such 12314
resolution, shall hold at least two public hearings on the 12315
proposed charges. Prior to the first hearing, the board shall 12316
publish notice of the hearings once a week for two consecutive 12317
weeks in a newspaper of general circulation in the county or as 12318
provided in section 7.16 of the Revised Code. The notice shall 12319
include a listing of the charges proposed in the resolution and 12320
the date, time, and location of each of the hearings. The board 12321
shall hear any person who wishes to testify on the charges or the 12322
resolution. 12323

(D) No resolution adopted under this section shall be 12324
effective sooner than thirty days following its adoption nor shall 12325
any such resolution be adopted as an emergency measure. The 12326
resolution is subject to a referendum in accordance with sections 12327
305.31 to 305.41 of the Revised Code unless, in the resolution, 12328
the board of county commissioners directs the board of elections 12329
of the county to submit the question of imposing the charges to 12330

the electors of the county at the next primary or general election 12331
in the county occurring not less than ninety days after the 12332
resolution is certified to the board. No resolution shall go into 12333
effect unless approved by a majority of those voting upon it in 12334
any election allowed under this division. 12335

(E) To collect charges imposed under division (A) of this 12336
section, the board of county commissioners shall certify them to 12337
the county auditor of the county who then shall place them upon 12338
the real property duplicate against the properties to be assessed, 12339
as provided in division (A) of this section. Each assessment shall 12340
bear interest at the same rate that securities issued in 12341
anticipation of the collection of the assessments bear, is a lien 12342
on the property assessed from the date placed upon the real 12343
property duplicate by the auditor, and shall be collected in the 12344
same manner as other taxes. 12345

(F) All money collected by or on behalf of a county under 12346
this section shall be paid to the county treasurer of the county 12347
and kept in a separate and distinct fund to the credit of the 12348
county. The fund shall be used to pay the costs allowed in 12349
division (A) of this section and specified in the resolution 12350
adopted under that division. In no case shall any surplus so 12351
collected be expended for other than the use and benefit of the 12352
county. 12353

Sec. ~~5507.25~~ 128.25. (A) This section applies only to a 12354
county that meets both of the following conditions: 12355

(1) A final plan for a countywide 9-1-1 system either has not 12356
been approved in the county under section ~~5507.08~~ 128.08 of the 12357
Revised Code or has been approved but has not been put into 12358
operation because of a lack of funding; 12359

(2) The board of county commissioners, at least once, has 12360
submitted to the electors of the county the question of raising 12361

funds for a 9-1-1 system under section ~~5507.22~~ 128.22, 5705.19, or 12362
5739.026 of the Revised Code, and a majority of the electors has 12363
disapproved the question each time it was submitted. 12364

(B) A board of county commissioners may adopt a resolution 12365
imposing a monthly charge on telephone access lines to pay for the 12366
equipment costs of establishing and maintaining no more than three 12367
public safety answering points of a countywide 9-1-1 system, which 12368
public safety answering points shall be only twenty-four-hour 12369
dispatching points already existing in the county. The resolution 12370
shall state the amount of the charge, which shall not exceed fifty 12371
cents per month, and the month the charge will first be imposed, 12372
which shall be no earlier than four months after the special 12373
election held pursuant to this section. Each residential and 12374
business telephone company customer within the area served by the 12375
9-1-1 system shall pay the monthly charge for each of its 12376
residential or business customer access lines or their equivalent. 12377

Before adopting a resolution under this division, the board 12378
of county commissioners shall hold at least two public hearings on 12379
the proposed charge. Before the first hearing, the board shall 12380
publish notice of the hearings once a week for two consecutive 12381
weeks in a newspaper of general circulation in the county or as 12382
provided in section 7.16 of the Revised Code. The notice shall 12383
state the amount of the proposed charge, an explanation of the 12384
necessity for the charge, and the date, time, and location of each 12385
of the hearings. 12386

(C) A resolution adopted under division (B) of this section 12387
shall direct the board of elections to submit the question of 12388
imposing the charge to the electors of the county at a special 12389
election on the day of the next primary or general election in the 12390
county. The board of county commissioners shall certify a copy of 12391
the resolution to the board of elections not less than ninety days 12392
before the day of the special election. No resolution adopted 12393

under division (B) of this section shall take effect unless 12394
approved by a majority of the electors voting upon the resolution 12395
at an election held pursuant to this section. 12396

In any year, the board of county commissioners may impose a 12397
lesser charge than the amount originally approved by the electors. 12398
The board may change the amount of the charge no more than once a 12399
year. The board may not impose a charge greater than the amount 12400
approved by the electors without first holding an election on the 12401
question of the greater charge. 12402

(D) Money raised from a monthly charge on telephone access 12403
lines under this section shall be deposited into a special fund 12404
created in the county treasury by the board of county 12405
commissioners pursuant to section 5705.12 of the Revised Code, to 12406
be used only for the necessary equipment costs of establishing and 12407
maintaining no more than three public safety answering points of a 12408
countywide 9-1-1 system pursuant to a resolution adopted under 12409
division (B) of this section. In complying with this division, any 12410
county may seek the assistance of the ~~department of public safety~~ 12411
steering committee with regard to operating and maintaining a 12412
9-1-1 system. 12413

(E) Pursuant to the voter approval required by division (C) 12414
of this section, the final plan for a countywide 9-1-1 system that 12415
will be funded through a monthly charge imposed in accordance with 12416
this section shall be amended by the existing 9-1-1 planning 12417
committee, and the amendment of such a final plan is not an 12418
amendment of a final plan for the purpose of division (A) of 12419
section ~~5507.12~~ 128.12 of the Revised Code. 12420

Sec. ~~5507.26~~ 128.26. (A) This section applies only to a 12421
county that has a final plan for a countywide 9-1-1 system that 12422
either has not been approved in the county under section ~~5507.08~~ 12423
128.08 of the Revised Code or has been approved but has not been 12424

put into operation because of a lack of funding. 12425

(B) A board of county commissioners may adopt a resolution 12426
imposing a monthly charge on telephone access lines to pay for the 12427
operating and equipment costs of establishing and maintaining no 12428
more than one public safety answering point of a countywide 9-1-1 12429
system. The resolution shall state the amount of the charge, which 12430
shall not exceed fifty cents per month, and the month the charge 12431
will first be imposed, which shall be no earlier than four months 12432
after the special election held pursuant to this section. Each 12433
residential and business telephone company customer within the 12434
area of the county served by the 9-1-1 system shall pay the 12435
monthly charge for each of its residential or business customer 12436
access lines or their equivalent. 12437

Before adopting a resolution under this division, the board 12438
of county commissioners shall hold at least two public hearings on 12439
the proposed charge. Before the first hearing, the board shall 12440
publish notice of the hearings once a week for two consecutive 12441
weeks in a newspaper of general circulation in the county or as 12442
provided in section 7.16 of the Revised Code. The notice shall 12443
state the amount of the proposed charge, an explanation of the 12444
necessity for the charge, and the date, time, and location of each 12445
of the hearings. 12446

(C) A resolution adopted under division (B) of this section 12447
shall direct the board of elections to submit the question of 12448
imposing the charge to the electors of the county at a special 12449
election on the day of the next primary or general election in the 12450
county. The board of county commissioners shall certify a copy of 12451
the resolution to the board of elections not less than ninety days 12452
before the day of the special election. No resolution adopted 12453
under division (B) of this section shall take effect unless 12454
approved by a majority of the electors voting upon the resolution 12455
at an election held pursuant to this section. 12456

In any year, the board of county commissioners may impose a lesser charge than the amount originally approved by the electors. The board may change the amount of the charge no more than once a year. The board shall not impose a charge greater than the amount approved by the electors without first holding an election on the question of the greater charge.

(D) Money raised from a monthly charge on telephone access lines under this section shall be deposited into a special fund created in the county treasury by the board of county commissioners pursuant to section 5705.12 of the Revised Code, to be used only for the necessary operating and equipment costs of establishing and maintaining no more than one public safety answering point of a countywide 9-1-1 system pursuant to a resolution adopted under division (B) of this section. In complying with this division, any county may seek the assistance of the ~~department of public safety steering committee~~ with regard to operating and maintaining a 9-1-1 system.

(E) Nothing in sections ~~5507.01 128.01~~ to ~~5507.34 128.34~~ of the Revised Code precludes a final plan adopted in accordance with those sections from being amended to provide that, by agreement included in the plan, a public safety answering point of another countywide 9-1-1 system is the public safety answering point of a countywide 9-1-1 system funded through a monthly charge imposed in accordance with this section. In that event, the county for which the public safety answering point is provided shall be deemed the subdivision operating the public safety answering point for purposes of sections ~~5507.01 128.01~~ to ~~5507.34 128.34~~ of the Revised Code, except that, for the purpose of division (D) of section ~~5507.03 128.03~~ of the Revised Code, the county shall pay only so much of the costs associated with establishing, equipping, furnishing, operating, or maintaining the public safety answering point specified in the agreement included in the final plan.

(F) Pursuant to the voter approval required by division (C) 12489
of this section, the final plan for a countywide 9-1-1 system that 12490
will be funded through a monthly charge imposed in accordance with 12491
this section, or that will be amended to include an agreement 12492
described in division (E) of this section, shall be amended by the 12493
existing 9-1-1 planning committee, and the amendment of such a 12494
final plan is not an amendment of a final plan for the purpose of 12495
division (A) of section ~~5507.12~~ 128.12 of the Revised Code. 12496

Sec. ~~5507.27~~ 128.27. (A) As part of its normal monthly 12497
billing process, each telephone company with customers in the area 12498
served by a 9-1-1 system shall bill and collect from those 12499
customers any charge imposed under section ~~5507.25~~ 128.25 or 12500
~~5507.26~~ 128.26 of the Revised Code. The company may list the 12501
charge as a separate entry on each bill and may indicate on the 12502
bill that the charge is made pursuant to approval of a ballot 12503
issue by county voters. Any customer billed by a company for a 12504
charge imposed under section ~~5507.25~~ 128.25 or ~~5507.26~~ 128.26 of 12505
the Revised Code is liable to the county for the amount billed. 12506
The company shall apply any partial payment of a customer's bill 12507
first to the amount the customer owes the company. The company 12508
shall keep complete records of charges it bills and collects, and 12509
such records shall be open during business hours for inspection by 12510
the county commissioners or their agents or employees. If a 12511
company fails to bill any customer for the charge, it is liable to 12512
the county for the amount that was not billed. 12513

(B) A telephone company that collects charges under this 12514
section shall remit the money to the county on a quarterly basis. 12515
The company may retain three per cent of any charge it collects as 12516
compensation for the costs of such collection. If a company 12517
collects charges under this section and fails to remit the money 12518
to the county as prescribed, it is liable to the county for any 12519
amount collected and not remitted. 12520

~~Sec. 5507.32~~ 128.32. (A)(1) The state, the state highway 12521
patrol, a subdivision, or a regional council of governments 12522
participating in a 9-1-1 system established under this chapter and 12523
any officer, agent, employee, or independent contractor of the 12524
state, the state highway patrol, or such a participating 12525
subdivision or regional council of governments is not liable in 12526
damages in a civil action for injuries, death, or loss to persons 12527
or property arising from any act or omission, except willful or 12528
wanton misconduct, in connection with developing, adopting, or 12529
approving any final plan or any agreement made under section 12530
~~5507.09~~ 128.09 of the Revised Code or otherwise bringing into 12531
operation the 9-1-1 system pursuant to this chapter. 12532

(2) The ~~Ohio 9-1-1 council, the wireless 9-1-1 advisory~~ 12533
~~board, steering committee~~ and any member of ~~that council or board~~ 12534
the steering committee are not liable in damages in a civil action 12535
for injuries, death, or loss to persons or property arising from 12536
any act or omission, except willful or wanton misconduct, in 12537
connection with the development or operation of a 9-1-1 system 12538
established under this chapter. 12539

(B) Except as otherwise provided in this section ~~5507.32~~ of 12540
~~the Revised Code~~, an individual who gives emergency instructions 12541
through a 9-1-1 system established under this chapter, and the 12542
principals for whom the person acts, including both employers and 12543
independent contractors, public and private, and an individual who 12544
follows emergency instructions and the principals for whom that 12545
person acts, including both employers and independent contractors, 12546
public and private, are not liable in damages in a civil action 12547
for injuries, death, or loss to persons or property arising from 12548
the issuance or following of emergency instructions, except where 12549
the issuance or following of the instructions constitutes willful 12550
or wanton misconduct. 12551

(C) Except for willful or wanton misconduct, a telephone company, and any other installer, maintainer, or provider, through the sale or otherwise, of customer premises equipment, and their respective officers, directors, employees, agents, and suppliers are not liable in damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from any of the following:

(1) Such an entity's or its officers', directors', employees', agents', or suppliers' participation in or acts or omissions in connection with participating in or developing, maintaining, or operating a 9-1-1 system;

(2) Such an entity's or its officers', directors', employees', agents', or suppliers' provision of assistance to a public utility, municipal utility, or state or local government as authorized by divisions (G)(4) and (5) of this section.

(D) Except for willful or wanton misconduct, a provider of and a seller of a prepaid wireless calling service and their respective officers, directors, employees, agents, and suppliers are not liable in damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from anything described in division (C) of this section.

(E) No person shall knowingly use the telephone number of a 9-1-1 system established under this chapter to report an emergency if the person knows that no emergency exists.

(F) No person shall knowingly use a 9-1-1 system for a purpose other than obtaining emergency service.

(G) No person shall disclose or use any information concerning telephone numbers, addresses, or names obtained from the data base that serves the public safety answering point of a 9-1-1 system established under this chapter, except for any of the following purposes or under any of the following circumstances:

(1) For the purpose of the 9-1-1 system;	12583
(2) For the purpose of responding to an emergency call to an emergency service provider;	12584 12585
(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;	12586 12587 12588 12589 12590
(4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the department of public safety steering <u>committee</u> .	12591 12592 12593 12594 12595 12596 12597 12598
(5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the department of public safety steering committee . The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the department of public safety steering committee .	12599 12600 12601 12602 12603 12604 12605 12606
Sec. 5507.34 128.34. (A) The attorney general, upon request of the department of public safety steering committee , or on the attorney general's own initiative, shall begin proceedings against a telephone company that is a wireline service provider to enforce compliance with this chapter or with the terms, conditions, requirements, or specifications of a final plan or of an agreement under section 5507.09 128.09 of the Revised Code as to wireline or	12607 12608 12609 12610 12611 12612 12613

wireless 9-1-1. 12614

(B) The attorney general, upon the attorney general's own 12615
initiative, or any prosecutor, upon the prosecutor's initiative, 12616
shall begin proceedings against a subdivision or a regional 12617
council of governments as to wireline or wireless 9-1-1 to enforce 12618
compliance with this chapter or with the terms, conditions, 12619
requirements, or specifications of a final plan or of an agreement 12620
under section ~~5507.09~~ 128.09 of the Revised Code as to wireline or 12621
wireless 9-1-1. 12622

Sec. ~~5507.40~~ 128.40. There is hereby created within the 12623
~~public utilities commission department of administrative services~~ 12624
the 9-1-1 ~~service~~ program office, headed by an ~~Ohio 9-1-1~~ 12625
~~coordinator~~ administrator in the unclassified civil service 12626
pursuant to division (A)(9) of section 124.11 of the Revised Code. 12627
The ~~coordinator~~ administrator shall be appointed by and serve at 12628
the pleasure of the ~~commission chairperson~~ director of 12629
administrative services and shall report directly to the 12630
~~chairperson. On May 6, 2005, the chairperson shall appoint an~~ 12631
~~interim coordinator and, upon submission of a list of nominees by~~ 12632
~~the Ohio 9-1-1 council pursuant to section 5507.65 of the Revised~~ 12633
~~Code, shall consider those nominees in making the final~~ 12634
~~appointment and in appointing any subsequent coordinator. The~~ 12635
~~chairperson may request the council to submit additional nominees~~ 12636
~~and may reject any of the nominees. The chairperson shall fix the~~ 12637
~~compensation of the coordinator. The chairperson shall evaluate~~ 12638
~~the performance of the coordinator after considering the~~ 12639
~~evaluation and recommendations of the council under section~~ 12640
~~5507.65 of the Revised Code~~ state chief information officer. The 12641
program office 12642

~~The Ohio 9-1-1 coordinator~~ shall administer the wireless 12643
9-1-1 government assistance fund as specified in sections ~~5507.53~~ 12644

~~128.53 and 5507.55 128.55~~ of the Revised Code. The coordinator 12645
shall carry out the coordinator's duties under this chapter. The 12646
chairperson may establish additional duties of the coordinator 12647
based on a list of recommended duties submitted by the Ohio 9-1-1 12648
council pursuant to section 5507.65 of the Revised Code. The 12649
chairperson may assign one or more commission employees to assist 12650
the coordinator in carrying out the coordinator's duties. 12651

Sec. 5507.42 128.42. (A) There is hereby imposed a wireless 12652
9-1-1 charge of twenty-five cents per month as follows: 12653

(1) On each wireless telephone number of a wireless service 12654
subscriber who has a billing address in this state. The subscriber 12655
shall pay the wireless 9-1-1 charge for each such wireless 12656
telephone number assigned to the subscriber. Each wireless service 12657
provider and each reseller shall collect the wireless 9-1-1 charge 12658
as a specific line item on each subscriber's monthly bill. The 12659
line item shall be expressly designated "State/Local Wireless-E911 12660
Costs (\$0.25/billed number)." If a provider bills a subscriber for 12661
any wireless enhanced 9-1-1 costs that the provider may incur, the 12662
charge or amount is not to appear in the same line item as the 12663
state/local line item. If the charge or amount is to appear in its 12664
own, separate line item on the bill, the charge or amount shall be 12665
expressly designated "[Name of Provider] Federal Wireless-E911 12666
Costs." 12667

(2)(a) Prior to January 1, 2014, on each subscriber of 12668
prepaid wireless service. A wireless service provider or reseller 12669
shall collect the wireless 9-1-1 charge in either of the following 12670
manners: 12671

(i) If the subscriber has a positive account balance on the 12672
last day of the month and has used the service during that month, 12673
by reducing that balance not later than the end of the first week 12674
of the following month by twenty-five cents or an equivalent 12675

number of airtime minutes; 12676

(ii) By dividing the total earned prepaid wireless telephone 12677
revenue from sales within this state received by the wireless 12678
service provider or reseller during the month by fifty, 12679
multiplying the quotient by twenty-five cents. 12680

(b) Amounts collected under division (A)(2) of this section 12681
shall be remitted pursuant to division (A)(1) of section ~~5507.46~~ 12682
128.46 of the Revised Code. 12683

The wireless 9-1-1 charges authorized under this section 12684
shall not be imposed on a subscriber of wireless lifeline service 12685
or a provider of that service. 12686

(B) Beginning January 1, 2014: 12687

(1) There is hereby imposed, on each retail sale of a prepaid 12688
wireless calling service occurring in this state, a wireless 9-1-1 12689
charge of five_tenths of one per cent of the sale price. 12690

(2) For purposes of division (B)(1) of this section, a retail 12691
sale occurs in this state if it is effected by the consumer 12692
appearing in person at a seller's business location in this state, 12693
or if the sale is sourced to this state under division (E)(3) of 12694
section 5739.034 of the Revised Code, except that under that 12695
division, in lieu of sourcing a sale under division (C)(5) of 12696
section 5739.033 of the Revised Code, the seller, rather than the 12697
service provider, may elect to source the sale to the location 12698
associated with the mobile telephone number. 12699

(3)(a) Except as provided in division (B)(4)(c) of this 12700
section, the seller of the prepaid wireless calling service shall 12701
collect the charge from the consumer at the time of each retail 12702
sale and disclose the amount of the charge to the consumer at the 12703
time of the sale by itemizing the charge on the receipt, invoice, 12704
or similar form of written documentation provided to the consumer. 12705

(b) The seller shall comply with the reporting and remittance requirements under section ~~5507.46~~ 128.46 of the Revised Code. 12706
12707

(4) When a prepaid wireless calling service is sold with one or more other products or services for a single, nonitemized price, the wireless 9-1-1 charge imposed under division (B)(1) of this section shall apply to the entire nonitemized price, except as provided in divisions (B)(4)(a) to (c) of this section. 12708
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(a) If the amount of the prepaid wireless calling service is disclosed to the consumer as a dollar amount, the seller may elect to apply the charge only to that dollar amount. 12713
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12715

(b) If the seller can identify the portion of the nonitemized price that is attributable to the prepaid wireless calling service, by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes, including nontax purposes, the seller may elect to apply the charge only to that portion. 12716
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(c) If a minimal amount of a prepaid wireless calling service is sold with a prepaid wireless calling device for the single, nonitemized price, the seller may elect not to collect the charge. As used in this division, "minimal" means either ten minutes or less or five dollars or less. 12722
12723
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(C) The wireless 9-1-1 charges shall be exempt from state or local taxation. 12727
12728

Sec. ~~5507.44~~ 128.44. Beginning January 1, 2014, the tax commissioner shall provide notice to all known wireless service providers, resellers, and sellers of prepaid wireless calling services of any increase or decrease in either of the wireless 9-1-1 charges imposed under section ~~5507.42~~ 128.42 of the Revised Code. Each notice shall be provided not less than thirty days before the effective date of the increase or decrease. 12729
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Sec. ~~5507.46~~ 128.46. (A) Prior to January 1, 2014: 12736

(1) A wireless service provider or reseller, not later than 12737
the last day of each month, shall remit the full amount of all 12738
wireless 9-1-1 charges it collected under division (A) of section 12739
~~5507.42~~ 128.42 of the Revised Code for the second preceding 12740
calendar month to the ~~Ohio 9-1-1 coordinator~~ administrator, with 12741
the exception of charges equivalent to the amount authorized as a 12742
billing and collection fee under division (A)(2) of this section. 12743
In doing so, the provider or reseller may remit the requisite 12744
amount in any reasonable manner consistent with its existing 12745
operating or technological capabilities, such as by customer 12746
address, location associated with the wireless telephone number, 12747
or another allocation method based on comparable, relevant data. 12748
If the wireless service provider or reseller receives a partial 12749
payment for a bill from a wireless service subscriber, the 12750
wireless service provider or reseller shall apply the payment 12751
first against the amount the subscriber owes the wireless service 12752
provider or reseller and shall remit to the ~~coordinator~~ 12753
administrator such lesser amount, if any, as results from that 12754
invoice. 12755

(2) A wireless service provider or reseller may retain as a 12756
billing and collection fee two per cent of the total wireless 12757
9-1-1 charges it collects in a month and shall account to the 12758
~~coordinator~~ administrator for the amount retained. 12759

(3) The ~~coordinator~~ administrator shall return to, or credit 12760
against the next month's remittance of, a wireless service 12761
provider or reseller the amount of any remittances the ~~coordinator~~ 12762
administrator determines were erroneously submitted by the 12763
provider or reseller. 12764

(B) Beginning January 1, 2014: 12765

(1) Each seller of a prepaid wireless calling service, 12766

wireless service provider, and reseller shall, on or before the 12767
twenty-third day of each month, except as provided in divisions 12768
(B)(2) and (3) of this section, do both of the following: 12769

(a) Make and file a return for the preceding month, in the 12770
form prescribed by the tax commissioner, showing the amount of the 12771
wireless 9-1-1 charges due under section ~~5507.42~~ 128.42 of the 12772
Revised Code for that month; 12773

(b) Remit the full amount due, as shown on the return, with 12774
the exception of charges equivalent to the amount authorized as a 12775
collection fee under division (B)(4) of this section. 12776

(2) The commissioner may grant one or more thirty-day 12777
extensions for making and filing returns and remitting amounts 12778
due. 12779

(3) If a seller is required to collect prepaid wireless 9-1-1 12780
charges in amounts that do not merit monthly returns, the 12781
commissioner may authorize the seller to make and file returns 12782
less frequently. The commissioner shall ascertain whether this 12783
authorization is warranted upon the basis of administrative costs 12784
to the state. 12785

(4) A wireless service provider, reseller, and seller may 12786
each retain as a collection fee three per cent of the total 12787
wireless 9-1-1 charges required to be collected under section 12788
~~5507.42~~ 128.42 of the Revised Code, and shall account to the tax 12789
commissioner for the amount retained. 12790

(5) The return required under division (B)(1)(a) of this 12791
section shall be filed electronically using the Ohio business 12792
gateway, as defined in section 718.051 of the Revised Code, the 12793
Ohio telefile system, or any other electronic means prescribed by 12794
the tax commissioner. Remittance of the amount due shall be made 12795
electronically in a manner approved by the commissioner. A 12796
wireless service provider, reseller, or seller may apply to the 12797

commissioner on a form prescribed by the commissioner to be 12798
excused from either electronic requirement of this division. For 12799
good cause shown, the commissioner may excuse the provider, 12800
reseller, or seller from either or both of the requirements and 12801
may permit the provider, reseller, or seller to file returns or 12802
make remittances by nonelectronic means. 12803

(C)(1) Prior to January 1, 2014, each subscriber on which a 12804
wireless 9-1-1 charge is imposed under division (A) of section 12805
~~5507.42~~ 128.42 of the Revised Code is liable to the state for the 12806
amount of the charge. If a wireless service provider or reseller 12807
fails to collect the charge under that division from a subscriber 12808
of prepaid wireless service, or fails to bill any other subscriber 12809
for the charge, the wireless service provider or reseller is 12810
liable to the state for the amount not collected or billed. If a 12811
wireless service provider or reseller collects charges under that 12812
division and fails to remit the money to the ~~coordinator~~ 12813
administrator, the wireless service provider or reseller is liable 12814
to the state for any amount collected and not remitted. 12815

(2) Beginning January 1, 2014: 12816

(a) Each subscriber or consumer on which a wireless 9-1-1 12817
charge is imposed under section ~~5507.42~~ 128.42 of the Revised Code 12818
is liable to the state for the amount of the charge. If a wireless 12819
service provider or reseller fails to bill or collect the charge, 12820
or if a seller fails to collect the charge, the provider, 12821
reseller, or seller is liable to the state for the amount not 12822
billed or collected. If a provider, reseller, or seller fails to 12823
remit money to the tax commissioner as required under this 12824
section, the provider, reseller, or seller is liable to the state 12825
for the amount not remitted, regardless of whether the amount was 12826
collected. 12827

(b) No provider of a prepaid wireless calling service shall 12828
be liable to the state for any wireless 9-1-1 charge imposed under 12829

division (B)(1) of section ~~5507.42~~ 128.42 of the Revised Code that 12830
was not collected or remitted. 12831

(D) Prior to January 1, 2014: 12832

(1) If the ~~public utilities commission~~ steering committee has 12833
reason to believe that a wireless service provider or reseller has 12834
failed to bill, collect, or remit the wireless 9-1-1 charge as 12835
required by divisions (A)(1) and (C)(1) of this section or has 12836
retained more than the amount authorized under division (A)(2) of 12837
this section, and after written notice to the provider or 12838
reseller, the ~~commission~~ steering committee may audit the provider 12839
or reseller for the sole purpose of making such a determination. 12840
The audit may include, but is not limited to, a sample of the 12841
provider's or reseller's billings, collections, remittances, or 12842
retentions for a representative period, and the ~~commission~~ 12843
steering committee shall make a good faith effort to reach 12844
agreement with the provider or reseller in selecting that sample. 12845

(2) Upon written notice to the wireless service provider or 12847
reseller, the ~~commission~~ steering committee, by order after 12848
completion of the audit, may make an assessment against the 12849
provider or reseller if, pursuant to the audit, the ~~commission~~ 12850
steering committee determines that the provider or reseller has 12851
failed to bill, collect, or remit the wireless 9-1-1 charge as 12852
required by divisions (A)(1) and (C)(1) of this section or has 12853
retained more than the amount authorized under division (A)(2) of 12854
this section. The assessment shall be in the amount of any 12855
remittance that was due and unpaid on the date notice of the audit 12856
was sent by the ~~commission~~ steering committee to the provider or 12857
reseller or, as applicable, in the amount of the excess amount 12858
under division (A)(2) of this section retained by the provider or 12859
reseller as of that date. 12860

(3) The portion of any assessment not paid within sixty days 12861

after the date of service by the ~~commission steering committee~~ of 12862
the assessment notice under division (D)(2) of this section shall 12863
bear interest from that date until paid at the rate per annum 12864
prescribed by section 5703.47 of the Revised Code. That interest 12865
may be collected by making an assessment under division (D)(2) of 12866
this section. An assessment under this division and any interest 12867
due shall be remitted in the same manner as the wireless 9-1-1 12868
charge imposed under division (A) of section ~~5507.42~~ 128.42 of the 12869
Revised Code. 12870

~~(4) An assessment is final and due and payable and shall be 12871
remitted to the commission unless the assessed party petitions for 12872
rehearing under section 4903.10 of the Revised Code. The 12873
proceedings of the commission specified in division (D)(4) of this 12874
section are subject to and governed by Chapter 4903. of the 12875
Revised Code, except that the court of appeals of Franklin county 12876
has exclusive, original jurisdiction to review, modify, or vacate 12877
an order of the commission under division (D)(2) of this section. 12878
The court shall hear and determine such appeal in the same manner 12879
and under the same standards as the Ohio supreme court hears and 12880
determines appeals under Chapter 4903. of the Revised Code. 12881~~

~~The judgment of the court of appeals is final and conclusive 12882
unless reversed, vacated, or modified on appeal. Such an appeal 12883
may be made by the commission or the person to whom the order 12884
under division (D)(2) of this section was issued and shall proceed 12885
as in the case of appeals in civil actions as provided in Chapter 12886
2505. of the Revised Code. Unless the provider, reseller, or 12887
seller assessed files with the steering committee within sixty 12888
days after service of the notice of assessment, either personally 12889
or by certified mail, a written petition for reassessment, signed 12890
by the party assessed or that party's authorized agent having 12891
knowledge of the facts, the assessment shall become final and the 12892
amount of the assessment shall be due and payable from the party 12893~~

assessed to the administrator. The petition shall indicate the 12894
objections of the party assessed, but additional objections may be 12895
raised in writing if received by the administrator or the steering 12896
committee prior to the date shown on the final determination. 12897

(5) After an assessment becomes final, if any portion of the 12898
assessment remains unpaid, including accrued interest, a certified 12899
copy of the ~~commission's entry making the assessment~~ final 12900
assessment may be filed in the office of the clerk of the court of 12901
common pleas in the county in which the place of business of the 12902
assessed party is located. If the party assessed maintains no 12903
place of business in this state, the certified copy of the ~~entry~~ 12904
final assessment may be filed in the office of the clerk of the 12905
court of common pleas of Franklin county. Immediately upon the 12906
filing, the clerk shall enter a judgment for the state against the 12907
assessed party in the amount shown on the ~~entry~~ final assessment. 12908
The judgment may be filed by the clerk in a loose-leaf book 12909
entitled "special judgments for wireless 9-1-1 charges" and shall 12910
have the same effect as other judgments. The judgment shall be 12911
executed upon the request of the ~~commission~~ steering committee. 12912

(6) An assessment under this division does not discharge a 12913
subscriber's liability to reimburse the provider or reseller for 12914
the wireless 9-1-1 charge imposed under division (A) of section 12915
~~5507.42~~ 128.42 of the Revised Code. If, after the date of service 12916
of the audit notice under division (D)(1) of this section, a 12917
subscriber pays a wireless 9-1-1 charge for the period covered by 12918
the assessment, the payment shall be credited against the 12919
assessment. 12920

(7) All money collected by the ~~commission~~ administrator under 12921
division (D) of this section shall be paid to the treasurer of 12922
state, for deposit to the credit of the wireless 9-1-1 government 12923
assistance fund. 12924

(E) Beginning January 1, 2014: 12925

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by this section and section ~~5507.42~~ 128.42 of the Revised Code or has retained more than the amount authorized under division (B)(4) of this section, and after written notice to the provider, reseller, or seller, the tax commissioner may audit the provider, reseller, or seller for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the provider's, reseller's, or seller's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the provider, reseller, or seller in selecting that sample.

(2) Upon written notice to the wireless service provider, reseller, or seller, the tax commissioner, after completion of the audit, may make an assessment against the provider, reseller, or seller if, pursuant to the audit, the tax commissioner determines that the provider, reseller, or seller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by this section and section ~~5507.42~~ 128.42 of the Revised Code or has retained more than the amount authorized under division (B)(4) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the tax commissioner to the provider, reseller, or seller or, as applicable, in the amount of the excess amount under division (B)(4) of this section retained by the provider, reseller, or seller as of that date.

(3) The portion of any assessment consisting of wireless 9-1-1 charges due and not paid within sixty days after the date ~~of service by the tax commissioner of that~~ the assessment notice was made under division (E)(2) of this section shall bear interest from that date until paid at the rate per annum prescribed by

section 5703.47 of the Revised Code. That interest may be 12958
collected by making an assessment under division (E)(2) of this 12959
section. ~~An assessment under this division and any interest due~~ 12960
~~shall be remitted in the same manner as the wireless 9-1-1 charges~~ 12961
~~imposed under section 5507.42 of the Revised Code.~~ 12962

~~(4) The portion of the assessment not paid within sixty days~~ 12963
~~after the day the assessment was issued shall bear interest at the~~ 12964
~~rate per annum prescribed by section 5703.47 of the Revised Code~~ 12965
~~from the day the commissioner issues the assessment until it is~~ 12966
~~paid. Interest shall be remitted in the same manner as the 9-1-1~~ 12967
~~charges and may be collected by the issuance of an assessment~~ 12968
~~under division (E) of this section.~~ 12969

~~(5)~~ Unless the provider, reseller, or seller assessed files 12970
with the tax commissioner within sixty days after service of the 12971
notice of assessment, either personally or by certified mail, a 12972
written petition for reassessment, signed by the party assessed or 12973
that party's authorized agent having knowledge of the facts, the 12974
assessment shall become final and the amount of the assessment 12975
shall be due and payable from the party assessed to the treasurer 12976
of state, for deposit to the next generation 9-1-1 fund, which is 12977
created under section ~~5507.54~~ 128.54 of the Revised Code. The 12978
petition shall indicate the objections of the party assessed, but 12979
additional objections may be raised in writing if received by the 12980
commissioner prior to the date shown on the final determination. 12981
If the petition has been properly filed, the commissioner shall 12982
proceed under section 5703.60 of the Revised Code. 12983

~~(6)~~(5) After an assessment becomes final, if any portion of 12984
the assessment remains unpaid, including accrued interest, a 12985
certified copy of the final assessment may be filed in the office 12986
of the clerk of the court of common pleas in the county in which 12987
the business of the assessed party is conducted. If the party 12988
assessed maintains no place of business in this state, the 12989

certified copy of the final assessment may be filed in the office 12990
of the clerk of the court of common pleas of Franklin county. 12991
Immediately upon the filing, the clerk shall enter a judgment for 12992
the state against the assessed party in the amount shown on the 12993
final assessment. The judgment may be filed by the clerk in a 12994
loose-leaf book entitled "special judgments for wireless 9-1-1 12995
charges" and shall have the same effect as other judgments. The 12996
judgment shall be executed upon the request of the tax 12997
commissioner. 12998

~~(7)~~(6) If the commissioner determines that the commissioner 12999
erroneously has refunded a wireless 9-1-1 charge to any person, 13000
the commissioner may make an assessment against that person for 13001
recovery of the erroneously refunded charge. 13002

~~(8)~~(7) An assessment under division (E) of this section does 13003
not discharge a subscriber's or consumer's liability to reimburse 13004
the provider, reseller, or seller for a wireless 9-1-1 charge. If, 13005
after the date of service of the audit notice under division 13006
(E)(1) of this section, a subscriber or consumer pays a wireless 13007
9-1-1 charge for the period covered by the assessment, the payment 13008
shall be credited against the assessment. 13009

Sec. ~~5507.52~~ 128.52. (A) Beginning on July 1, 2013, each 13010
seller of a prepaid wireless calling service required to collect 13011
prepaid wireless 9-1-1 charges under division (B) of section 13012
~~5507.42~~ 128.42 of the Revised Code shall also be subject to the 13013
provisions of Chapter 5739. of the Revised Code regarding the 13014
excise tax on retail sales levied under section 5739.02 of the 13015
Revised Code, as those provisions apply to audits, assessments, 13016
appeals, enforcement, liability, and penalties. 13017

(B) The tax commissioner shall establish procedures by which 13018
a person may document that a sale is not a retail sale of a 13019
prepaid wireless calling service. The procedures shall 13020

substantially coincide with similar procedures under Chapter 5739. 13021
of the Revised Code. 13022

Sec. ~~5507.53~~ 128.53. (A) There is hereby created the wireless 13023
9-1-1 administrative fund in the state treasury. ~~A sufficient~~ 13024
~~percentage, determined by the chairperson of the public utilities~~ 13025
~~commission but not to exceed two~~ Two per cent, of the periodic 13026
remittances of the wireless 9-1-1 charges under section ~~5507.46~~ 13027
128.46 of the Revised Code shall be deposited to the credit of the 13028
fund, to be used by the ~~commission~~ steering committee to cover 13029
such nonpayroll costs and, at the discretion of the ~~commission~~ 13030
steering committee such payroll costs, of the ~~commission~~ steering 13031
committee as are incurred in ~~assisting the coordinator in~~ carrying 13032
out ~~sections 5507.40 to 5507.66 of the Revised Code and in~~ 13033
~~conducting audits under division (D) of section 5507.46 of the~~ 13034
~~Revised Code. In addition, the compensation of the Ohio 9-1-1~~ 13035
~~coordinator, and any expenses of the coordinator in carrying out~~ 13036
~~those sections, shall be paid from the fund~~ this chapter. 13037

(B) There is hereby created the wireless 9-1-1 government 13038
assistance fund, which shall be in the custody of the treasurer of 13039
state but shall not be part of the state treasury. The periodic 13040
remittances of the wireless 9-1-1 charges under section ~~5507.46~~ 13041
128.46 of the Revised Code, remaining after the deposit required 13042
by division (A) of this section, shall be deposited to the credit 13043
of the wireless 9-1-1 government assistance fund. The treasurer of 13044
state shall deposit or invest the moneys in this fund in 13045
accordance with Chapter 135. of the Revised Code and any other 13046
provision of law governing public moneys of the state as defined 13047
in section 135.01 of the Revised Code. The treasurer of state 13048
shall credit the interest earned to the fund. The treasurer of 13049
state shall disburse money from the fund solely upon order of the 13050
~~coordinator~~ steering committee as authorized under division (A) of 13051
13052

section ~~5507.55~~ 128.55 of the Revised Code. Annually, unless the 13053
fund is depleted, the treasurer of state shall certify to the 13054
~~coordinator~~ steering committee the amount of moneys in the 13055
treasurer of state's custody belonging to the fund. 13056

(C) The ~~commission~~ steering committee shall transfer the 13057
funds remaining in the wireless 9-1-1 government assistance fund 13058
after the disbursements made under division (A) of section ~~5507.55~~ 13059
128.55 of the Revised Code to the credit of the next generation 13060
9-1-1 fund, created in section ~~5507.54~~ 128.54 of the Revised Code. 13061
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Sec. ~~5507.54~~ 128.54. (A) Beginning January 1, 2014: 13063

(1) The periodic remittances of the wireless 9-1-1 charges 13064
under section ~~5507.46~~ 128.46 of the Revised Code shall be paid to 13065
the treasurer of state for deposit as follows: 13066

(a) ~~Ninety-eight~~ Ninety-seven per cent to the wireless 9-1-1 13067
government assistance fund, which is hereby created in the custody 13068
of the treasurer of state but which shall not be a part of the 13069
state treasury. The treasurer of state shall deposit or invest the 13070
moneys in this fund in accordance with Chapter 135. of the Revised 13071
Code and any other provision of law governing public moneys of the 13072
state as defined in section 135.01 of the Revised Code. The 13073
treasurer of state shall credit the interest earned to the fund. 13074
The treasurer of state shall disburse money from the fund solely 13075
upon order of the tax commissioner according to policies 13076
established by the ~~statewide emergency services internet protocol~~ 13077
~~network~~ steering committee as authorized under section ~~5507.021~~ 13078
128.021 of the Revised Code. Annually, until the fund is depleted, 13079
the treasurer of state shall certify to the commissioner the 13080
amount of moneys in the treasurer of state's custody belonging to 13081
the fund. 13082

(b) One per cent to the wireless 9-1-1 administrative fund, 13083

which is hereby created in the state treasury. The treasurer of state shall credit the interest earned to the fund.

(c) ~~One~~ Two per cent to the ~~wireless 9-1-1 public safety~~ administrative program fund, which is hereby created in the state treasury. The treasurer of state shall credit the interest earned to the fund.

(2) The tax commissioner shall use the remittances in the wireless 9-1-1 administrative fund to defray the costs in carrying out this chapter.

(3) The ~~director of public safety steering committee~~ shall use the remittances in the ~~wireless 9-1-1 public safety~~ administrative program fund to defray the costs incurred by the ~~department steering committee~~ in carrying out this chapter.

(4) Annually, the tax commissioner and the ~~director of public safety steering committee~~, after paying administrative costs under ~~division (B) of this section~~, shall transfer any excess remaining in the administrative funds to the next generation 9-1-1 fund, created under this section.

(B)(1) There is hereby created the next generation 9-1-1 fund, which shall be in the custody of the treasurer but shall not be a part of the state treasury.

(2) Beginning on January 1, 2014, the tax commissioner shall transfer the funds remaining in the wireless 9-1-1 government assistance fund after the disbursements made under division (B)(1) of section ~~5507.55~~ 128.55 of the Revised Code to the credit of the next generation 9-1-1 fund.

(3) The treasurer of state shall deposit or invest the moneys in the next generation 9-1-1 fund in accordance with Chapter 135. of the Revised Code and any other provision of law governing public moneys of the state as defined in section 135.01 of the Revised Code. The treasurer of state shall credit the interest

earned to the fund. The treasurer of state shall disburse money 13115
from the fund solely upon order of the tax commissioner according 13116
to policies established by the ~~statewide emergency services~~ 13117
~~internet protocol network~~ steering committee as authorized under 13118
section ~~5507.021~~ 128.021 of the Revised Code. Annually, until the 13119
fund is depleted, the treasurer of state shall certify to the 13120
commissioner the amount of moneys in the treasurer of state's 13121
custody belonging to the fund. 13122

Sec. ~~5507.55~~ 128.55. (A) Prior to January 1, 2014, the ~~public~~ 13123
~~utilities commission steering committee~~ shall disburse moneys from 13124
the wireless 9-1-1 government assistance fund to each county in 13125
the same manner as the 2012 disbursements, in accordance with 13126
divisions (A) and (B) of section 4931.64 of the Revised Code as 13127
those divisions existed prior to the effective date of H.B. 360 of 13128
the 129th general assembly, December 20, 2012. 13129

(B) Beginning January 1, 2014: 13130

(1) The tax commissioner, not later than the last day of each 13131
month, shall disburse moneys from the wireless 9-1-1 government 13132
assistance fund to each county in the same manner as the 2012 13133
disbursements, in accordance with divisions (A) and (B) of section 13134
4931.64 of the Revised Code as those divisions existed prior to 13135
the effective date of H.B. 360 of the 129th general assembly, 13136
December 20, 2012. 13137

(2) The tax commissioner shall disburse moneys from the next 13138
generation 9-1-1 fund in accordance with the guidelines 13139
established under section ~~5507.022~~ 128.022 of the Revised Code. 13140

(C) Immediately upon receipt by a county treasurer of a 13141
disbursement under division (A) or (B)(1) of this section, the 13142
county shall disburse, in accordance with the allocation formula 13143
set forth in the final plan, the amount the county so received to 13144
any other subdivisions in the county and any regional councils of 13145

governments in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan. 13146
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(D) Nothing in this chapter affects the authority of a subdivision operating or served by a public safety answering point of a 9-1-1 system or a regional council of governments operating a public safety answering point of a 9-1-1 system to use, as provided in the final plan for the system or in an agreement under section ~~5507.09~~ 128.09 of the Revised Code, any other authorized revenue of the subdivision or the regional council of governments for the purposes of providing basic or enhanced 9-1-1. 13148
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Sec. ~~5507.57~~ 128.57. Except as otherwise provided in section ~~5507.571~~ 128.571 of the Revised Code: 13156
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(A) A countywide 9-1-1 system receiving a disbursement under section ~~5507.55~~ 128.55 of the Revised Code shall provide countywide wireless enhanced 9-1-1 in accordance with this chapter beginning as soon as reasonably possible after receipt of the first disbursement or, if that service is already implemented, shall continue to provide such service. Except as provided in divisions (B), (C), and (E) of this section, a disbursement shall be used solely for the purpose of paying either or both of the following: 13158
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(1) Any costs of designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining the necessary data, hardware, software, and trunking required for the public safety answering point or points of the 9-1-1 system to provide wireless enhanced 9-1-1, which costs are incurred before or on or after May 6, 2005, and consist of such additional costs of the 9-1-1 system over and above any costs incurred to provide wireline 9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, up to twenty-five thousand dollars of the disbursements received on or after January 1, 2009, may be applied to data, hardware, and 13167
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software that automatically alerts personnel receiving a 9-1-1 13177
call that a person at the subscriber's address or telephone number 13178
may have a mental or physical disability, of which that personnel 13179
shall inform the appropriate emergency service provider. On or 13180
after the provision of technical and operational standards 13181
pursuant to ~~division (D)(1) of section 5507.65~~ 128.021 of the 13182
Revised Code, a regional council of governments operating a public 13183
safety answering point or a subdivision shall consider the 13184
standards before incurring any costs described in this division. 13185

(2) Any costs of training the staff of the public safety 13186
answering point or points to provide wireless enhanced 9-1-1, 13187
which costs are incurred before or on or after May 6, 2005. 13188

(B) A subdivision or a regional council of governments that 13189
certifies to the ~~department of public safety steering committee~~ 13190
that it has paid the costs described in divisions (A)(1) and (2) 13191
of this section and is providing countywide wireless enhanced 13192
9-1-1 may use disbursements received under section ~~5507.55~~ 128.55 13193
of the Revised Code to pay any of its personnel costs of one or 13194
more public safety answering points providing countywide wireless 13195
enhanced 9-1-1. 13196

(C) After receiving its July 2013 disbursement under division 13197
(A) of section ~~5507.55~~ 128.55 of the Revised Code, a regional 13198
council of governments operating a public safety answering point 13199
or a subdivision may use any remaining balance of disbursements it 13200
received under that division to pay any of its costs of providing 13201
countywide wireless 9-1-1, including the personnel costs of one or 13202
more public safety answering points providing that service. 13203

(D) The costs described in divisions (A), (B), (C), and (E) 13204
of this section may include any such costs payable pursuant to an 13205
agreement under division (J) of section ~~5507.03~~ 128.03 of the 13206
Revised Code. 13207

(E)(1) No disbursement to a countywide 9-1-1 system for costs of a public safety answering point shall be made from the wireless 9-1-1 government assistance fund or the next generation 9-1-1 fund unless the public safety answering point meets the standards set by rule of the ~~statewide emergency services internet protocol network~~ steering committee under section ~~5507.021~~ 128.021 of the Revised Code.

(2) The ~~department of public safety steering committee~~ shall monitor compliance with the standards ~~set by the steering committee. The department~~ and shall notify the tax commissioner to suspend disbursements to a countywide 9-1-1 system that fails to meet the standards. Upon receipt of this notification, the commissioner shall suspend disbursements until the commissioner is notified of compliance with the standards.

(F) The auditor of state may audit and review each county's expenditures of funds received from the wireless 9-1-1 government assistance fund to verify that the funds were used in accordance with the requirements of this chapter.

Sec. ~~5507.571~~ 128.571. (A) Payment of costs specified in divisions (A) to (D) of section ~~5507.57~~ 128.57 of the Revised Code from a disbursement under section ~~5507.55~~ 128.55 of the Revised Code shall be limited to those specified and payable costs incurred for a specified number of public safety answering points of the particular 9-1-1 system as follows:

(1) For the period beginning on March 1, 2009, and ending on December 31, 2015, a countywide 9-1-1 system may use disbursements for not more than five public safety answering points per calendar year.

(2) Except as provided in division (B) of this section:

(a) For the period beginning on January 1, 2016, and ending

on December 31, 2017, a countywide 9-1-1 system may use 13238
disbursements for not more than four public safety answering 13239
points per calendar year. 13240

(b) For the period beginning on January 1, 2018, and 13241
thereafter a countywide 9-1-1 system may use disbursements for not 13242
more than three public safety answering points per calendar year. 13243

(B) If within a county there is a municipal corporation with 13244
a population of over ~~175,000~~ one hundred seventy-five thousand 13245
according to the most recent federal decennial census, that county 13246
may use disbursements for one public safety answering point in 13247
addition to the number of public safety answering points allowed 13248
under division (A)(2) of this section. 13249

(C) If a county exceeds the allowable number of public safety 13250
answering points under this section, disbursements to countywide 13251
9-1-1 systems made to the county from the wireless 9-1-1 13252
government assistance fund and the next generation 9-1-1 fund 13253
shall be reduced by fifty per cent until the county complies with 13254
the public safety answering point limitations established under 13255
this section. 13256

Sec. ~~5507.60~~ 128.60. (A)(1) A telephone company, the state 13257
highway patrol as described in division (J) of section ~~5507.03~~ 13258
128.03 of the Revised Code, and each subdivision or regional 13259
council of governments operating one or more public safety 13260
answering points for a countywide system providing wireless 9-1-1, 13261
shall provide the ~~director of public safety steering committee~~ and 13262
the tax commissioner with such information as the ~~director~~ 13263
steering committee and tax commissioner request for the purposes 13264
of carrying out their duties under this chapter, including, but 13265
not limited to, duties regarding the collection of the wireless 13266
9-1-1 charges imposed under section ~~5507.42~~ 128.42 of the Revised 13267
Code. 13268

(2) A wireless service provider shall provide an official, 13269
employee, agent, or representative of a subdivision or regional 13270
council of governments operating a public safety answering point, 13271
or of the state highway patrol as described in division (J) of 13272
section ~~5507.03~~ 128.03 of the Revised Code, with such technical, 13273
service, and location information as the official, employee, 13274
agent, or representative requests for the purpose of providing 13275
wireless 9-1-1. 13276

(3) A subdivision or regional council of governments 13277
operating one or more public safety answering points of a 9-1-1 13278
system, and a telephone company, shall provide to the ~~Ohio 9-1-1~~ 13279
~~council steering committee~~ such information as the ~~council~~ 13280
steering committee requires for the purpose of carrying out its 13281
duties under ~~division (D) of section 5507.65~~ Chapter 128. of the 13282
Revised Code. 13283

(B)(1) Any information provided under division (A) of this 13284
section that consists of trade secrets as defined in section 13285
1333.61 of the Revised Code or of information regarding the 13286
customers, revenues, expenses, or network information of a 13287
telephone company shall be confidential and does not constitute a 13288
public record for the purpose of section 149.43 of the Revised 13289
Code. 13290

(2) The ~~director steering committee~~, tax commissioner, and 13291
any official, employee, agent, or representative of the ~~director~~ 13292
steering committee, of the tax commissioner, of the state highway 13293
patrol as described in division (J) of section ~~5507.03~~ 128.03 of 13294
the Revised Code, or of a subdivision or regional council of 13295
governments operating a public safety answering point, while 13296
acting or claiming to act in the capacity of the ~~director steering~~ 13297
committee or tax commissioner or such official, employee, agent, 13298
or representative, shall not disclose any information provided 13299
under division (A) of this section regarding a telephone company's 13300

customers, revenues, expenses, or network information. Nothing in 13301
division (B)(2) of this section precludes any such information 13302
from being aggregated and included in any report ~~required under~~ 13303
~~division (D) of section 5507.66 of the Revised Code of the~~ 13304
steering committee, tax commissioner, or any official, employee, 13305
agent, or representative of the steering committee or tax 13306
commissioner, provided the aggregated information does not 13307
identify the number of any particular company's customers or the 13308
amount of its revenues or expenses or identify a particular 13309
company as to any network information. 13310

Sec. ~~5507.63~~ 128.63. (A) The tax commissioner may adopt rules 13311
in accordance with Chapter 119. of the Revised Code to carry out 13312
this chapter, including rules prescribing the necessary accounting 13313
for the collection fee under division (B)(4) of section ~~5507.46~~ 13314
128.46 of the Revised Code. 13315

(B) The amounts of the wireless 9-1-1 charges shall be 13316
prescribed only by act of the general assembly. 13317

Sec. ~~5507.99~~ 128.99. (A) Whoever violates division (E) of 13318
section ~~5507.32~~ 128.32 of the Revised Code is guilty of a 13319
misdemeanor of the fourth degree. 13320

(B) Whoever violates division (F) or (G) of section ~~5507.32~~ 13321
128.32 or division (B)(2) of section ~~5507.60~~ 128.60 of the Revised 13322
Code is guilty of a misdemeanor of the fourth degree on a first 13323
offense and a felony of the fifth degree on each subsequent 13324
offense. 13325

Sec. 131.51. (A) On or before July 5, 2013, the tax 13326
commissioner shall compute the following amounts and certify those 13327
amounts to the director of budget and management: 13328

(1) A percentage calculated by multiplying one hundred by the 13329

quotient obtained by dividing the total amount credited to the 13330
local government fund in fiscal year 2013 by the total amount of 13331
tax revenue credited to the general revenue fund in fiscal year 13332
2013. The percentage shall be rounded to the nearest one-hundredth 13333
of one per cent. 13334

(2) A percentage calculated by multiplying one hundred by the 13335
quotient obtained by dividing the total amount credited to the 13336
public library fund in fiscal year 2013 by the total amount of tax 13337
revenue credited to the general revenue fund in fiscal year 2013. 13338
The percentage shall be rounded to the nearest one-hundredth of 13339
one per cent. 13340

(B) On or before the seventh day of each month, the director 13341
of budget and management shall credit to the local government fund 13342
an amount equal to the product obtained by multiplying the 13343
percentage calculated under division (A)(1) of this section by the 13344
total tax revenue credited to the general revenue fund during the 13345
preceding month. In determining the total tax revenue credited to 13346
the general revenue fund during the preceding month, the director 13347
shall include amounts transferred from the fund during the 13348
preceding month under this division and division (C) of this 13349
section. Money shall be distributed from the local government fund 13350
as required under section 5747.50 of the Revised Code during the 13351
same month in which it is credited to the fund. 13352

(C) On or before the seventh day of each month, the director 13353
of budget and management shall credit to the public library fund 13354
an amount equal to the product obtained by multiplying the 13355
percentage calculated under division (A)(2) of this section by the 13356
total tax revenue credited to the general revenue fund during the 13357
preceding month. In determining the total tax revenue credited to 13358
the general revenue fund during the preceding month, the director 13359
shall include amounts transferred from the fund during the 13360
preceding month under this division and division (B) of this 13361

section. Money shall be distributed from the public library fund 13362
as required under section 5747.47 of the Revised Code during the 13363
same month in which it is credited to the fund. 13364

(D) The director of budget and management shall develop a 13365
schedule identifying the specific tax revenue sources to be used 13366
to make the monthly transfers required under divisions (B) and (C) 13367
of this section. The director may, from time to time, revise the 13368
schedule as the director considers necessary. 13369

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 13370
and 2151.655 of the Revised Code, in other sections of the Revised 13371
Code that make reference to this chapter unless the context does 13372
not permit, and in related proceedings, unless otherwise expressly 13373
provided: 13374

(A) "Acquisition" as applied to real or personal property 13375
includes, among other forms of acquisition, acquisition by 13376
exercise of a purchase option, and acquisition of interests in 13377
property, including, without limitation, easements and 13378
rights-of-way, and leasehold and other lease interests initially 13379
extending or extendable for a period of at least sixty months. 13380

(B) "Anticipatory securities" means securities, including 13381
notes, issued in anticipation of the issuance of other securities. 13382

(C) "Board of elections" means the county board of elections 13383
of the county in which the subdivision is located. If the 13384
subdivision is located in more than one county, "board of 13385
elections" means the county board of elections of the county that 13386
contains the largest portion of the population of the subdivision 13387
or that otherwise has jurisdiction in practice over and 13388
customarily handles election matters relating to the subdivision. 13389

(D) "Bond retirement fund" means the bond retirement fund 13390
provided for in section 5705.09 of the Revised Code, and also 13391

means a sinking fund or any other special fund, regardless of the 13392
name applied to it, established by or pursuant to law or the 13393
proceedings for the payment of debt charges. Provision may be made 13394
in the applicable proceedings for the establishment in a bond 13395
retirement fund of separate accounts relating to debt charges on 13396
particular securities, or on securities payable from the same or 13397
common sources, and for the application of moneys in those 13398
accounts only to specified debt charges on specified securities or 13399
categories of securities. Subject to law and any provisions in the 13400
applicable proceedings, moneys in a bond retirement fund or 13401
separate account in a bond retirement fund may be transferred to 13402
other funds and accounts. 13403

(E) "Capitalized interest" means all or a portion of the 13404
interest payable on securities from their date to a date stated or 13405
provided for in the applicable legislation, which interest is to 13406
be paid from the proceeds of the securities. 13407

(F) "Chapter 133. securities" means securities authorized by 13408
or issued pursuant to or in accordance with this chapter. 13409

(G) "County auditor" means the county auditor of the county 13410
in which the subdivision is located. If the subdivision is located 13411
in more than one county, "county auditor" means the county auditor 13412
of the county that contains the highest amount of the tax 13413
valuation of the subdivision or that otherwise has jurisdiction in 13414
practice over and customarily handles property tax matters 13415
relating to the subdivision. In the case of a county that has 13416
adopted a charter, "county auditor" means the officer who 13417
generally has the duties and functions provided in the Revised 13418
Code for a county auditor. 13419

(H) "Credit enhancement facilities" means letters of credit, 13420
lines of credit, stand-by, contingent, or firm securities purchase 13421
agreements, insurance, or surety arrangements, guarantees, and 13422
other arrangements that provide for direct or contingent payment 13423

of debt charges, for security or additional security in the event 13424
of nonpayment or default in respect of securities, or for making 13425
payment of debt charges to and at the option and on demand of 13426
securities holders or at the option of the issuer or upon certain 13427
conditions occurring under put or similar arrangements, or for 13428
otherwise supporting the credit or liquidity of the securities, 13429
and includes credit, reimbursement, marketing, remarketing, 13430
indexing, carrying, interest rate hedge, and subrogation 13431
agreements, and other agreements and arrangements for payment and 13432
reimbursement of the person providing the credit enhancement 13433
facility and the security for that payment and reimbursement. 13434

(I) "Current operating expenses" or "current expenses" means 13435
the lawful expenditures of a subdivision, except those for 13436
permanent improvements and for payments of debt charges of the 13437
subdivision. 13438

(J) "Debt charges" means the principal, including any 13439
mandatory sinking fund deposits and mandatory redemption payments, 13440
interest, and any redemption premium, payable on securities as 13441
those payments come due and are payable. The use of "debt charges" 13442
for this purpose does not imply that any particular securities 13443
constitute debt within the meaning of the Ohio Constitution or 13444
other laws. 13445

(K) "Financing costs" means all costs and expenses relating 13446
to the authorization, including any required election, issuance, 13447
sale, delivery, authentication, deposit, custody, clearing, 13448
registration, transfer, exchange, fractionalization, replacement, 13449
payment, and servicing of securities, including, without 13450
limitation, costs and expenses for or relating to publication and 13451
printing, postage, delivery, preliminary and final official 13452
statements, offering circulars, and informational statements, 13453
travel and transportation, underwriters, placement agents, 13454
investment bankers, paying agents, registrars, authenticating 13455

agents, remarketing agents, custodians, clearing agencies or 13456
corporations, securities depositories, financial advisory 13457
services, certifications, audits, federal or state regulatory 13458
agencies, accounting and computation services, legal services and 13459
obtaining approving legal opinions and other legal opinions, 13460
credit ratings, redemption premiums, and credit enhancement 13461
facilities. Financing costs may be paid from any moneys available 13462
for the purpose, including, unless otherwise provided in the 13463
proceedings, from the proceeds of the securities to which they 13464
relate and, as to future financing costs, from the same sources 13465
from which debt charges on the securities are paid and as though 13466
debt charges. 13467

(L) "Fiscal officer" means the following, or, in the case of 13468
absence or vacancy in the office, a deputy or assistant authorized 13469
by law or charter to act in the place of the named officer, or if 13470
there is no such authorization then the deputy or assistant 13471
authorized by legislation to act in the place of the named officer 13472
for purposes of this chapter, in the case of the following 13473
subdivisions: 13474

(1) A county, the county auditor; 13475

(2) A municipal corporation, the city auditor or village 13476
clerk or clerk-treasurer, or the officer who, by virtue of a 13477
charter, has the duties and functions provided in the Revised Code 13478
for the city auditor or village clerk or clerk-treasurer; 13479

(3) A school district, the treasurer of the board of 13480
education; 13481

(4) A regional water and sewer district, the secretary of the 13482
board of trustees; 13483

(5) A joint township hospital district, the treasurer of the 13484
district; 13485

(6) A joint ambulance district, the clerk of the board of 13486

trustees;	13487
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	13488 13489
(8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district;	13490 13491 13492 13493 13494
(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	13495 13496 13497
(10) A joint fire district, the clerk of the board of trustees of that district;	13498 13499
(11) A regional or county library district, the person responsible for the financial affairs of that district;	13500 13501
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	13502 13503 13504
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	13505 13506 13507
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	13508 13509 13510
(15) A subdivision described in division (MM) (18) <u>(19)</u> of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	13511 13512 13513
(16) A joint police district, the treasurer of the district;	13514
<u>(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code.</u>	13515 13516

(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code. 13517
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(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations. 13519
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(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner. 13526
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(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise. 13529
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(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged. 13532
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(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt of payment of money to a future time. 13536
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(S) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and includes any laws of the United States providing for application of that code. 13540
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(T) "Issuer" means any public issuer and any nonprofit corporation authorized to issue securities for or on behalf of any public issuer. 13544
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(U) "Legislation" means an ordinance or resolution passed by a majority affirmative vote of the then members of the taxing authority unless a different vote is required by charter provisions governing the passage of the particular legislation by the taxing authority.

(V) "Mandatory sinking fund redemption requirements" means amounts required by proceedings to be deposited in a bond retirement fund for the purpose of paying in any year or fiscal year by mandatory redemption prior to stated maturity the principal of securities that is due and payable, except for mandatory prior redemption requirements as provided in those proceedings, in a subsequent year or fiscal year.

(W) "Mandatory sinking fund requirements" means amounts required by proceedings to be deposited in a year or fiscal year in a bond retirement fund for the purpose of paying the principal of securities that is due and payable in a subsequent year or fiscal year.

(X) "Net indebtedness" has the same meaning as in division (A) of section 133.04 of the Revised Code.

(Y) "Obligor," in the case of securities or fractionalized interests in public obligations issued by another person the debt charges or their equivalents on which are payable from payments made by a public issuer, means that public issuer.

(Z) "One purpose" relating to permanent improvements means any one permanent improvement or group or category of permanent improvements for the same utility, enterprise, system, or project, development or redevelopment project, or for or devoted to the same general purpose, function, or use or for which self-supporting securities, based on the same or different sources of revenues, may be issued or for which special assessments may be levied by a single ordinance or resolution. "One purpose"

includes, but is not limited to, in any case any off-street	13578
parking facilities relating to another permanent improvement, and:	13579
(1) Any number of roads, highways, streets, bridges,	13580
sidewalks, and viaducts;	13581
(2) Any number of off-street parking facilities;	13582
(3) In the case of a county, any number of permanent	13583
improvements for courthouse, jail, county offices, and other	13584
county buildings, and related facilities;	13585
(4) In the case of a school district, any number of	13586
facilities and buildings for school district purposes, and related	13587
facilities.	13588
(AA) "Outstanding," referring to securities, means securities	13589
that have been issued, delivered, and paid for, except any of the	13590
following:	13591
(1) Securities canceled upon surrender, exchange, or	13592
transfer, or upon payment or redemption;	13593
(2) Securities in replacement of which or in exchange for	13594
which other securities have been issued;	13595
(3) Securities for the payment, or redemption or purchase for	13596
cancellation prior to maturity, of which sufficient moneys or	13597
investments, in accordance with the applicable legislation or	13598
other proceedings or any applicable law, by mandatory sinking fund	13599
redemption requirements, mandatory sinking fund requirements, or	13600
otherwise, have been deposited, and credited for the purpose in a	13601
bond retirement fund or with a trustee or paying or escrow agent,	13602
whether at or prior to their maturity or redemption, and, in the	13603
case of securities to be redeemed prior to their stated maturity,	13604
notice of redemption has been given or satisfactory arrangements	13605
have been made for giving notice of that redemption, or waiver of	13606
that notice by or on behalf of the affected security holders has	13607

been filed with the subdivision or its agent for the purpose. 13608

(BB) "Paying agent" means the one or more banks, trust 13609
companies, or other financial institutions or qualified persons, 13610
including an appropriate office or officer of the subdivision, 13611
designated as a paying agent or place of payment of debt charges 13612
on the particular securities. 13613

(CC) "Permanent improvement" or "improvement" means any 13614
property, asset, or improvement certified by the fiscal officer, 13615
which certification is conclusive, as having an estimated life or 13616
period of usefulness of five years or more, and includes, but is 13617
not limited to, real estate, buildings, and personal property and 13618
interests in real estate, buildings, and personal property, 13619
equipment, furnishings, and site improvements, and reconstruction, 13620
rehabilitation, renovation, installation, improvement, 13621
enlargement, and extension of property, assets, or improvements so 13622
certified as having an estimated life or period of usefulness of 13623
five years or more. The acquisition of all the stock ownership of 13624
a corporation is the acquisition of a permanent improvement to the 13625
extent that the value of that stock is represented by permanent 13626
improvements. A permanent improvement for parking, highway, road, 13627
and street purposes includes resurfacing, but does not include 13628
ordinary repair. 13629

(DD) "Person" has the same meaning as in section 1.59 of the 13630
Revised Code and also includes any federal, state, interstate, 13631
regional, or local governmental agency, any subdivision, and any 13632
combination of those persons. 13633

(EE) "Proceedings" means the legislation, certifications, 13634
notices, orders, sale proceedings, trust agreement or indenture, 13635
mortgage, lease, lease-purchase agreement, assignment, credit 13636
enhancement facility agreements, and other agreements, 13637
instruments, and documents, as amended and supplemented, and any 13638
election proceedings, authorizing, or providing for the terms and 13639

conditions applicable to, or providing for the security or sale or 13640
award of, public obligations, and includes the provisions set 13641
forth or incorporated in those public obligations and proceedings. 13642

(FF) "Public issuer" means any of the following that is 13643
authorized by law to issue securities or enter into public 13644
obligations: 13645

(1) The state, including an agency, commission, officer, 13646
institution, board, authority, or other instrumentality of the 13647
state; 13648

(2) A taxing authority, subdivision, district, or other local 13649
public or governmental entity, and any combination or consortium, 13650
or public division, district, commission, authority, department, 13651
board, officer, or institution, thereof; 13652

(3) Any other body corporate and politic, or other public 13653
entity. 13654

(GG) "Public obligations" means both of the following: 13655

(1) Securities; 13656

(2) Obligations of a public issuer to make payments under 13657
installment sale, lease, lease purchase, or similar agreements, 13658
which obligations may bear interest or interest equivalent. 13659

(HH) "Refund" means to fund and retire outstanding 13660
securities, including advance refunding with or without payment or 13661
redemption prior to maturity. 13662

(II) "Register" means the books kept and maintained by the 13663
registrar for registration, exchange, and transfer of registered 13664
securities. 13665

(JJ) "Registrar" means the person responsible for keeping the 13666
register for the particular registered securities, designated by 13667
or pursuant to the proceedings. 13668

(KK) "Securities" means bonds, notes, certificates of 13669

indebtedness, commercial paper, and other instruments in writing, 13670
including, unless the context does not admit, anticipatory 13671
securities, issued by an issuer to evidence its obligation to 13672
repay money borrowed, or to pay interest, by, or to pay at any 13673
future time other money obligations of, the issuer of the 13674
securities, but not including public obligations described in 13675
division (GG)(2) of this section. 13676

(LL) "Self-supporting securities" means securities or 13677
portions of securities issued for the purpose of paying costs of 13678
permanent improvements to the extent that receipts of the 13679
subdivision, other than the proceeds of taxes levied by that 13680
subdivision, derived from or with respect to the improvements or 13681
the operation of the improvements being financed, or the 13682
enterprise, system, project, or category of improvements of which 13683
the improvements being financed are part, are estimated by the 13684
fiscal officer to be sufficient to pay the current expenses of 13685
that operation or of those improvements or enterprise, system, 13686
project, or categories of improvements and the debt charges 13687
payable from those receipts on securities issued for the purpose. 13688
Until such time as the improvements or increases in rates and 13689
charges have been in operation or effect for a period of at least 13690
six months, the receipts therefrom, for purposes of this 13691
definition, shall be those estimated by the fiscal officer, except 13692
that those receipts may include, without limitation, payments made 13693
and to be made to the subdivision under leases or agreements in 13694
effect at the time the estimate is made. In the case of an 13695
operation, improvements, or enterprise, system, project, or 13696
category of improvements without at least a six-month history of 13697
receipts, the estimate of receipts by the fiscal officer, other 13698
than those to be derived under leases and agreements then in 13699
effect, shall be confirmed by the taxing authority. 13700

(MM) "Subdivision" means any of the following: 13701

(1) A county, including a county that has adopted a charter under Article X, Ohio Constitution;	13702 13703
(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;	13704 13705 13706
(3) A school district;	13707
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	13708 13709
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	13710 13711
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	13712 13713
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	13714 13715
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	13716 13717 13718 13719
(9) A township police district organized under section 505.48 of the Revised Code;	13720 13721
(10) A township;	13722
(11) A joint fire district organized under section 505.371 of the Revised Code;	13723 13724
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	13725 13726 13727
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	13728 13729
(14) A joint emergency medical services district organized	13730

under section 307.052 of the Revised Code;	13731
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	13732 13733
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	13734 13735
(17) A joint police district organized under section 505.482 of the Revised Code;	13736 13737
(18) <u>A lake facilities authority created under Chapter 353. of the Revised Code;</u>	13738 13739
<u>(19)</u> Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	13740 13741 13742
(NN) "Taxing authority" means in the case of the following subdivisions:	13743 13744
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	13745 13746 13747 13748 13749 13750
(2) A municipal corporation, the legislative authority;	13751
(3) A school district, the board of education;	13752
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	13753 13754 13755 13756
(5) A joint township hospital district, the joint township hospital board;	13757 13758
(6) A detention facility district or a district organized	13759

under section 2151.65 of the Revised Code, a combined district 13760
organized under sections 2152.41 and 2151.65 of the Revised Code, 13761
or a joint emergency medical services district, the joint board of 13762
county commissioners; 13763

(7) A township, a fire district organized under division (C) 13764
of section 505.37 of the Revised Code, or a township police 13765
district, the board of township trustees; 13766

(8) A joint solid waste management district organized under 13767
section 343.01 or 343.012 of the Revised Code, the board of 13768
directors of the district; 13769

(9) A subdivision described in division (MM)~~(18)~~(19) of this 13770
section, the legislative or governing body or official; 13771

(10) A joint police district, the joint police district 13772
board; 13773

(11) A lake facilities authority, the board of directors. 13774

(OO) "Tax limitation" means the "ten-mill limitation" as 13775
defined in section 5705.02 of the Revised Code without diminution 13776
by reason of section 5705.313 of the Revised Code or otherwise, 13777
or, in the case of a municipal corporation or county with a 13778
different charter limitation on property taxes levied to pay debt 13779
charges on unvoted securities, that charter limitation. Those 13780
limitations shall be respectively referred to as the "ten-mill 13781
limitation" and the "charter tax limitation." 13782

(PP) "Tax valuation" means the aggregate of the valuations of 13783
property subject to ad valorem property taxation by the 13784
subdivision on the real property, personal property, and public 13785
utility property tax lists and duplicates most recently certified 13786
for collection, and shall be calculated without deductions of the 13787
valuations of otherwise taxable property exempt in whole or in 13788
part from taxation by reason of exemptions of certain amounts of 13789
taxable value under division (C) of section 5709.01, tax 13790

reductions under section 323.152 of the Revised Code, or similar 13791
laws now or in the future in effect. 13792

For purposes of section 133.06 of the Revised Code, "tax 13793
valuation" shall not include the valuation of tangible personal 13794
property used in business, telephone or telegraph property, 13795
interexchange telecommunications company property, or personal 13796
property owned or leased by a railroad company and used in 13797
railroad operations listed under or described in section 5711.22, 13798
division (B) or (F) of section 5727.111, or section 5727.12 of the 13799
Revised Code. 13800

(QQ) "Year" means the calendar year. 13801

(RR) "Administrative agent," "agent," "commercial paper," 13802
"floating rate interest structure," "indexing agent," "interest 13803
rate hedge," "interest rate period," "put arrangement," and 13804
"remarketing agent" have the same meanings as in section 9.98 of 13805
the Revised Code. 13806

(SS) "Sales tax supported" means obligations to the payment 13807
of debt charges on which an additional sales tax or additional 13808
sales taxes have been pledged by the taxing authority of a county 13809
pursuant to section 133.081 of the Revised Code. 13810

Sec. 133.06. (A) A school district shall not incur, without a 13811
vote of the electors, net indebtedness that exceeds an amount 13812
equal to one-tenth of one per cent of its tax valuation, except as 13813
provided in divisions (G) and (H) of this section and in division 13814
(C) of section 3313.372 of the Revised Code, or as prescribed in 13815
section 3318.052 or 3318.44 of the Revised Code, or as provided in 13816
division (J) of this section. 13817

(B) Except as provided in divisions (E), (F), and (I) of this 13818
section, a school district shall not incur net indebtedness that 13819
exceeds an amount equal to nine per cent of its tax valuation. 13820

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

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

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

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

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

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section,

under division (E) of this section; 13852

(3) Indebtedness resulting from the dissolution of a joint 13853
vocational school district under section 3311.217 of the Revised 13854
Code, evidenced by outstanding securities of that joint vocational 13855
school district; 13856

(4) Loans, evidenced by any securities, received under 13857
sections 3313.483, 3317.0210, and 3317.0211, ~~and 3317.64~~ of the 13858
Revised Code; 13859

(5) Debt incurred under section 3313.374 of the Revised Code; 13860

(6) Debt incurred pursuant to division (B)(5) of section 13861
3313.37 of the Revised Code to acquire computers and related 13862
hardware; 13863

(7) Debt incurred under section 3318.042 of the Revised Code. 13864

(E) A school district may become a special needs district as 13865
to certain securities as provided in division (E) of this section. 13866

(1) A board of education, by resolution, may declare its 13867
school district to be a special needs district by determining both 13868
of the following: 13869

(a) The student population is not being adequately serviced 13870
by the existing permanent improvements of the district. 13871

(b) The district cannot obtain sufficient funds by the 13872
issuance of securities within the limitation of division (B) of 13873
this section to provide additional or improved needed permanent 13874
improvements in time to meet the needs. 13875

(2) The board of education shall certify a copy of that 13876
resolution to the superintendent of public instruction with a 13877
statistical report showing all of the following: 13878

(a) The history of and a projection of the growth of the tax 13879
valuation; 13880

(b) The projected needs;	13881
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	13882 13883
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	13884 13885 13886
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	13887 13888 13889
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.	13890 13891 13892 13893 13894 13895 13896 13897
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	13898 13899 13900 13901
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	13902 13903 13904 13905 13906 13907
(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase	13908 13909 13910 13911

during the next ten years. 13912

(F) A school district may issue securities for emergency 13913
purposes, in a principal amount that does not exceed an amount 13914
equal to three per cent of its tax valuation, as provided in this 13915
division. 13916

(1) A board of education, by resolution, may declare an 13917
emergency if it determines both of the following: 13918

(a) School buildings or other necessary school facilities in 13919
the district have been wholly or partially destroyed, or condemned 13920
by a constituted public authority, or that such buildings or 13921
facilities are partially constructed, or so constructed or planned 13922
as to require additions and improvements to them before the 13923
buildings or facilities are usable for their intended purpose, or 13924
that corrections to permanent improvements are necessary to remove 13925
or prevent health or safety hazards. 13926

(b) Existing fiscal and net indebtedness limitations make 13927
adequate replacement, additions, or improvements impossible. 13928

(2) Upon the declaration of an emergency, the board of 13929
education may, by resolution, submit to the electors of the 13930
district pursuant to section 133.18 of the Revised Code the 13931
question of issuing securities for the purpose of paying the cost, 13932
in excess of any insurance or condemnation proceeds received by 13933
the district, of permanent improvements to respond to the 13934
emergency need. 13935

(3) The procedures for the election shall be as provided in 13936
section 133.18 of the Revised Code, except that: 13937

(a) The form of the ballot shall describe the emergency 13938
existing, refer to this division as the authority under which the 13939
emergency is declared, and state that the amount of the proposed 13940
securities exceeds the limitations prescribed by division (B) of 13941
this section; 13942

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

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

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

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

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

energy consumption and resultant operational and maintenance 13975
costs, as defined by the commission, would be reduced. 13976

If the board finds after receiving the report that the amount 13977
of money the district would spend on such installations, 13978
modifications, or remodeling is not likely to exceed the amount of 13979
money it would save in energy and resultant operational and 13980
maintenance costs over the ensuing fifteen years, the board may 13981
submit to the commission a copy of its findings and a request for 13982
approval to incur indebtedness to finance the making or 13983
modification of installations or the remodeling of buildings for 13984
the purpose of significantly reducing energy consumption. 13985

~~If the commission determines that the board's findings are~~ 13986
~~reasonable, it~~ The school facilities commission, in consultation 13987
with the auditor of state, may deny a request under this division 13988
by the board of education any school district is in a state of 13989
fiscal watch pursuant to division (A) of section 3316.03 of the 13990
Revised Code, if it determines that the expenditure of funds is 13991
not in the best interest of the school district. 13992

No district board of education of a school district that is 13993
in a state of fiscal emergency pursuant to division (B) of section 13994
3316.03 of the Revised Code shall submit a request without 13995
submitting evidence that the installations, modifications, or 13996
remodeling have been approved by the district's financial planning 13997
and supervision commission established under section 3316.05 of 13998
the Revised Code. 13999

No board of education of a school district that, for three or 14000
more consecutive years, has been declared to be in a state of 14001
academic emergency under section 3302.03 of the Revised Code, as 14002
that section existed prior to March 22, 2013, and has failed to 14003
meet adequate yearly progress, or has met any condition set forth 14004
in division (A)(2), (3), or (4) of section 3302.10 of the Revised 14005
Code shall submit a request without first receiving approval to 14006

incur indebtedness from the district's academic distress 14007
commission established under that section, for so long as such 14008
commission continues to be required for the district. 14009

(2) The school facilities commission shall approve the 14010
board's request. Upon provided that the following conditions are 14011
satisfied: 14012

(a) The commission determines that the board's findings are 14013
reasonable. 14014

(b) The request for approval is complete. 14015

(c) The installations, modifications, or remodeling are 14016
consistent with any project to construct or acquire classroom 14017
facilities, or to reconstruct or make additions to existing 14018
classroom facilities under sections 3318.01 to 3318.20 or sections 14019
3318.40 to 3318.45 of the Revised Code. 14020

Upon receipt of the commission's approval, the district may 14021
issue securities without a vote of the electors in a principal 14022
amount not to exceed nine-tenths of one per cent of its tax 14023
valuation for the purpose of making such installations, 14024
modifications, or remodeling, but the total net indebtedness of 14025
the district without a vote of the electors incurred under this 14026
and all other sections of the Revised Code, except section 14027
3318.052 of the Revised Code, shall not exceed one per cent of the 14028
district's tax valuation. 14029

(3) So long as any securities issued under ~~division (C)~~ of 14030
this ~~section~~ division remain outstanding, the board of education 14031
shall monitor the energy consumption and resultant operational and 14032
maintenance costs of buildings in which installations or 14033
modifications have been made or remodeling has been done pursuant 14034
to ~~division (C)~~ of this ~~section~~ division and shall maintain and 14035
annually update a report documenting the reductions in energy 14036
consumption and resultant operational and maintenance cost savings 14037

attributable to such installations, modifications, or remodeling. 14038
The report shall be certified by an architect or engineer 14039
independent of any person that provided goods or services to the 14040
board in connection with the energy conservation measures that are 14041
the subject of the report. The resultant operational and 14042
maintenance cost savings shall be certified by the school district 14043
treasurer. The report shall be submitted annually to the 14044
commission. 14045

(H) With the consent of the superintendent of public 14046
instruction, a school district may incur without a vote of the 14047
electors net indebtedness that exceeds the amounts stated in 14048
divisions (A) and (G) of this section for the purpose of paying 14049
costs of permanent improvements, if and to the extent that both of 14050
the following conditions are satisfied: 14051

(1) The fiscal officer of the school district estimates that 14052
receipts of the school district from payments made under or 14053
pursuant to agreements entered into pursuant to section 725.02, 14054
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 14055
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 14056
Code, or distributions under division (C) of section 5709.43 of 14057
the Revised Code, or any combination thereof, are, after 14058
accounting for any appropriate coverage requirements, sufficient 14059
in time and amount, and are committed by the proceedings, to pay 14060
the debt charges on the securities issued to evidence that 14061
indebtedness and payable from those receipts, and the taxing 14062
authority of the district confirms the fiscal officer's estimate, 14063
which confirmation is approved by the superintendent of public 14064
instruction; 14065

(2) The fiscal officer of the school district certifies, and 14066
the taxing authority of the district confirms, that the district, 14067
at the time of the certification and confirmation, reasonably 14068
expects to have sufficient revenue available for the purpose of 14069

operating such permanent improvements for their intended purpose 14070
upon acquisition or completion thereof, and the superintendent of 14071
public instruction approves the taxing authority's confirmation. 14072

The maximum maturity of securities issued under division (H) 14073
of this section shall be the lesser of twenty years or the maximum 14074
maturity calculated under section 133.20 of the Revised Code. 14075

(I) A school district may incur net indebtedness by the 14076
issuance of securities in accordance with the provisions of this 14077
chapter in excess of the limit specified in division (B) or (C) of 14078
this section when necessary to raise the school district portion 14079
of the basic project cost and any additional funds necessary to 14080
participate in a project under Chapter 3318. of the Revised Code, 14081
including the cost of items designated by the Ohio school 14082
facilities commission as required locally funded initiatives, the 14083
cost of other locally funded initiatives in an amount that does 14084
not exceed fifty per cent of the district's portion of the basic 14085
project cost, and the cost for site acquisition. The school 14086
facilities commission shall notify the superintendent of public 14087
instruction whenever a school district will exceed either limit 14088
pursuant to this division. 14089

(J) A school district whose portion of the basic project cost 14090
of its classroom facilities project under sections 3318.01 to 14091
3318.20 of the Revised Code is greater than or equal to one 14092
hundred million dollars may incur without a vote of the electors 14093
net indebtedness in an amount up to two per cent of its tax 14094
valuation through the issuance of general obligation securities in 14095
order to generate all or part of the amount of its portion of the 14096
basic project cost if the controlling board has approved the 14097
school facilities commission's conditional approval of the project 14098
under section 3318.04 of the Revised Code. The school district 14099
board and the Ohio school facilities commission shall include the 14100
dedication of the proceeds of such securities in the agreement 14101

entered into under section 3318.08 of the Revised Code. No state 14102
moneys shall be released for a project to which this section 14103
applies until the proceeds of any bonds issued under this section 14104
that are dedicated for the payment of the school district portion 14105
of the project are first deposited into the school district's 14106
project construction fund. 14107

Sec. 135.143. (A) The treasurer of state may invest or 14108
execute transactions for any part or all of the interim funds of 14109
the state in the following classifications of obligations: 14110

(1) United States treasury bills, notes, bonds, or any other 14111
obligations or securities issued by the United States treasury or 14112
any other obligation guaranteed as to principal and interest by 14113
the United States; 14114

(2) Bonds, notes, debentures, or any other obligations or 14115
securities issued by any federal government agency or 14116
instrumentality; 14117

(3)(a) Bonds and other direct, notes, and other obligations 14118
of the state of Ohio issued by the treasurer of state ~~and of,~~ the 14119
Ohio public facilities commission, the Ohio building authority, 14120
~~and~~ the Ohio housing finance agency, the Ohio water development 14121
authority, and the Ohio turnpike and infrastructure commission; 14122

(b) Bonds, notes, and other obligations of any state or 14123
political subdivision thereof rated at the time of purchase in the 14124
three highest categories by two nationally recognized rating 14125
agencies and purchased through a recognized securities dealer. 14126

(4)(a) Written repurchase agreements with any eligible Ohio 14127
financial institution that is a member of the federal reserve 14128
system or federal home loan bank or any recognized United States 14129
government securities dealer that is recognized as a primary 14130
dealer by the federal reserve bank of New York, under the terms of 14131

which agreement the treasurer of state purchases and the eligible 14132
financial institution or dealer agrees unconditionally to 14133
repurchase any of the securities that are listed in division 14134
(A)(1), (2), or (6) of this section and that will mature or are 14135
redeemable within ten years from the date of purchase. The market 14136
value of securities subject to these transactions must exceed the 14137
principal value of the repurchase agreement by an amount specified 14138
by the treasurer of state, and the securities must be delivered 14139
into the custody of the treasurer of state or the qualified 14140
trustee or agent designated by the treasurer of state. The 14141
agreement shall contain the requirement that for each transaction 14142
pursuant to the agreement, the participating institution or dealer 14143
shall provide all of the following information: 14144

(i) The par value of the securities; 14145

(ii) The type, rate, and maturity date of the securities; 14146

(iii) A numerical identifier generally accepted in the 14147
securities industry that designates the securities. 14148

(b) The treasurer of state also may sell any securities, 14149
listed in division (A)(1), (2), or (6) of this section, regardless 14150
of maturity or time of redemption of the securities, under the 14151
same terms and conditions for repurchase, provided that the 14152
securities have been fully paid for and are owned by the treasurer 14153
of state at the time of the sale. 14154

(5) Securities lending agreements with any eligible financial 14155
institution that is a member of the federal reserve system or 14156
federal home loan bank or any recognized United States government 14157
securities dealer, under the terms of which agreements the 14158
treasurer of state lends securities and the eligible financial 14159
institution or dealer agrees to simultaneously exchange similar 14160
securities or cash, equal value for equal value. 14161

Securities and cash received as collateral for a securities 14162

lending agreement are not interim funds of the state. The 14163
investment of cash collateral received pursuant to a securities 14164
lending agreement may be invested only in such instruments 14165
specified by the treasurer of state in accordance with a written 14166
investment policy. 14167

(6) Various forms of commercial paper issued by any 14168
~~corporation~~ entity that is ~~incorporated~~ organized under the laws 14169
of the United States or a state, which notes are rated at the time 14170
of purchase in the two highest categories by two nationally 14171
recognized rating agencies, provided that the total amount 14172
invested under this section in any commercial paper at any time 14173
shall not exceed ~~twenty-five~~ forty per cent of the state's total 14174
average portfolio, as determined and calculated by the treasurer 14175
of state; 14176

(7) Bankers acceptances, maturing in two hundred seventy days 14177
or less, ~~which are eligible for purchase by the federal reserve~~ 14178
~~system~~, provided that the total amount invested in bankers 14179
acceptances at any time shall not exceed ten per cent of the 14180
state's total average portfolio, as determined and calculated by 14181
the treasurer of state; 14182

(8) Certificates of deposit in eligible institutions applying 14183
for interim moneys as provided in section 135.08 of the Revised 14184
Code, including linked deposits as provided in sections 135.61 to 14185
135.67 of the Revised Code, agricultural linked deposits as 14186
provided in sections 135.71 to 135.76 of the Revised Code, and 14187
housing linked deposits as provided in sections 135.81 to 135.87 14188
of the Revised Code; 14189

(9) The state treasurer's investment pool authorized under 14190
section 135.45 of the Revised Code; 14191

(10) Debt interests, other than commercial paper described in 14192
division (A)(6) of this section, rated at the time of purchase in 14193

the three highest categories by two nationally recognized rating agencies and issued by ~~corporations~~ entities that are ~~incorporated~~ organized under the laws of the United States or a state, or issued by foreign nations diplomatically recognized by the United States government, or any instrument based on, derived from, or related to such interests, provided that:

(a) The investments in debt interests, other than commercial paper, shall not exceed in the aggregate twenty-five per cent of the state's portfolio;

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

(c) ~~The~~ When added to the investment in commercial paper, the investments in the debt interests of a single issuer shall not exceed in the aggregate ~~one half of one~~ five per cent of the state's portfolio, ~~except that debt interests of a single issuer that is a foreign nation shall not exceed in the aggregate one per cent of the state's portfolio.~~

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

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

For purposes of division (A)(10) of this section, the "state's portfolio" means the state's total average portfolio, as

determined and calculated by the treasurer of state. 14225

(11) No-load money market mutual funds ~~consisting exclusively~~ 14226
~~of obligations described in division (A)(1), (2), or (6) of this~~ 14227
~~section and repurchase agreements secured by such obligations~~ 14228
rated at the time of purchase in the highest category by at least 14229
one nationally recognized rating agency. 14230

(12) Obligations of a political subdivision issued under 14231
Chapter 133. of the Revised Code and identified in an agreement 14232
described in division (G) of this section. 14233

(B) Whenever, during a period of designation, the treasurer 14234
of state classifies public moneys as interim moneys, the treasurer 14235
of state shall notify the state board of deposit of such action. 14236
The notification shall be given within thirty days after such 14237
classification and, in the event the state board of deposit does 14238
not concur in such classification or in the investments or 14239
deposits made under this section, the board may order the 14240
treasurer of state to sell or liquidate any of the investments or 14241
deposits, and any such order shall specifically describe the 14242
investments or deposits and fix the date upon which they are to be 14243
sold or liquidated. Investments or deposits so ordered to be sold 14244
or liquidated shall be sold or liquidated for cash by the 14245
treasurer of state on the date fixed in such order at the then 14246
current market price. Neither the treasurer of state nor the 14247
members of the state board of deposit shall be held accountable 14248
for any loss occasioned by sales or liquidations of investments or 14249
deposits at prices lower than their cost. Any loss or expense 14250
incurred in making these sales or liquidations is payable as other 14251
expenses of the treasurer's office. 14252

(C) If any securities or obligations invested in by the 14253
treasurer of state pursuant to this section are registrable either 14254
as to principal or interest, or both, such securities or 14255
obligations shall be registered in the name of the treasurer of 14256

state. 14257

(D) The treasurer of state is responsible for the safekeeping 14258
of all securities or obligations under this section. Any such 14259
securities or obligations may be deposited for safekeeping as 14260
provided in section 113.05 of the Revised Code. 14261

(E) Interest earned on any investments or deposits authorized 14262
by this section shall be collected by the treasurer of state and 14263
credited by the treasurer of state to the proper fund of the 14264
state. 14265

(F) Whenever investments or deposits acquired under this 14266
section mature and become due and payable, the treasurer of state 14267
shall present them for payment according to their tenor, and shall 14268
collect the moneys payable thereon. The moneys so collected shall 14269
be treated as public moneys subject to sections 135.01 to 135.21 14270
of the Revised Code. 14271

(G) The treasurer of state and any political subdivision 14272
issuing obligations referred to in division (A)(12) of this 14273
section, which obligations mature within one year from the 14274
original date of issuance, may enter into an agreement providing 14275
for: 14276

(1) The purchase of those obligations by the treasurer of 14277
state on terms and subject to conditions set forth in the 14278
agreement; 14279

(2) The payment by the political subdivision to the treasurer 14280
of state of a reasonable fee as consideration for the agreement of 14281
the treasurer of state to purchase those obligations; provided, 14282
however, that the treasurer of state shall not be authorized to 14283
enter into any such agreement with a board of education of a 14284
school district that has an outstanding obligation with respect to 14285
a loan received under authority of section 3313.483 of the Revised 14286
Code. 14287

(H) For purposes of division (G) of this section, a fee shall not be considered reasonable unless it is set to recover only the direct costs, a reasonable estimate of the indirect costs associated with the purchasing of obligations of a political subdivision under division (G) of this section and any reselling of the obligations or any interest in the obligations, including interests in a fund comprised of the obligations, and the administration thereof. No money from the general revenue fund shall be used to subsidize the purchase or resale of these obligations.

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

(J) As used in this section, "political subdivision" means a county, township, municipal corporation, or ~~board of education of~~ a school district.

Sec. 135.22. (A) For purposes of this section:

(1) "Treasurer" has the same meaning as in section 135.01 of the Revised Code, but does not include a county treasurer or the treasurer of state. "Treasurer" includes any person whose duties include making investment decisions with respect to the investment or deposit of interim moneys.

(2) "Subdivision" has the same meaning as in section 135.01 of the Revised Code.

(B) To enhance the background and working knowledge of

treasurers in investments, cash management, ~~and~~ the collection of 14318
taxes, ethics, and in any other subject area that the treasurer of 14319
state determines is reasonably related to the duties of a 14320
treasurer, the treasurer of state shall provide annual continuing 14321
education programs for treasurers. A treasurer annually shall 14322
complete the continuing education programs described in this 14323
section, unless the treasurer annually provides a notice of 14324
exemption described in division (E) of this section. 14325

(C) The treasurer of state shall determine the manner, 14326
content, and length of the continuing education programs after 14327
consultation with appropriate statewide organizations of local 14328
government officials. 14329

(D) Upon successful completion of a continuing education 14330
program required by this section, the treasurer of state shall 14331
issue a certificate indicating that the treasurer has successfully 14332
completed the continuing education program prescribed by the 14333
treasurer of state. The treasurer of state shall forward to the 14334
auditor of state any certificates issued pursuant to this division 14335
by the treasurer of state. The auditor of state shall maintain in 14336
the auditor's records any certificates forwarded by the treasurer 14337
of state pursuant to this division. As part of the auditor of 14338
state's audit of the subdivision conducted in accordance with 14339
section 117.11 of the Revised Code, the auditor of state shall 14340
report whether the treasurer is in compliance with this section of 14341
the Revised Code. 14342

(E) Division (B) of this section does not apply to any 14343
treasurer who annually provides a notice of exemption to the 14344
auditor of state. The notice shall be certified by the treasurer 14345
of state and shall provide that the treasurer is not subject to 14346
the continuing education requirements set forth in division (B) of 14347
this section, because the treasurer invests or deposits public 14348
moneys in the following investments only: 14349

(1) Interim deposits pursuant to division (B)(3) of section 14350
135.14 or section 135.145 of the Revised Code; 14351

(2) No-load money market mutual funds pursuant to division 14352
(B)(5) of section 135.14 of the Revised Code; 14353

(3) The Ohio subdivision's fund pursuant to division (B)(6) 14354
of section 135.14 of the Revised Code. 14355

(F) In carrying out the duties required by this section, the 14356
treasurer of state may charge the subdivision served by the 14357
treasurer a registration fee that will meet actual and necessary 14358
expenses in connection with the training of the treasurer, 14359
including instruction fees, site acquisition costs, and the cost 14360
of course materials. Any necessary personal expenses of a 14361
treasurer incurred as a result of attending the continuing 14362
education courses shall be borne by the subdivision represented by 14363
the treasurer. 14364

(G) The treasurer of state may allow any other interested 14365
person to attend any of the continuing education programs that are 14366
held pursuant to this section, provided that before attending any 14367
such continuing education program, the interested person has paid 14368
to the treasurer of state the full registration fee set for the 14369
continuing education program. 14370

(H) All funds collected pursuant to this section shall be 14371
paid into the county treasurer education fund created pursuant to 14372
section 321.46 of the Revised Code, and the actual and necessary 14373
expenses of the treasurer of state in conducting the continuing 14374
education programs required by this section shall be paid from 14375
this fund. 14376

(I) The treasurer of state may adopt reasonable rules not 14377
inconsistent with this section for the implementation of this 14378
section. 14379

Sec. 135.35. (A) The investing authority shall deposit or 14380
invest any part or all of the county's inactive moneys and shall 14381
invest all of the money in the county public library fund when 14382
required by section 135.352 of the Revised Code. The following 14383
classifications of securities and obligations are eligible for 14384
such deposit or investment: 14385

(1) United States treasury bills, notes, bonds, or any other 14386
obligation or security issued by the United States treasury, any 14387
other obligation guaranteed as to principal or interest by the 14388
United States, or any book entry, zero-coupon United States 14389
treasury security that is a direct obligation of the United 14390
States. 14391

Nothing in the classification of eligible securities and 14392
obligations set forth in divisions (A)(2) to (11) of this section 14393
shall be construed to authorize any investment in stripped 14394
principal or interest obligations of such eligible securities and 14395
obligations. 14396

(2) Bonds, notes, debentures, or any other obligations or 14397
securities issued by any federal government agency or 14398
instrumentality, including, but not limited to, the federal 14399
national mortgage association, federal home loan bank, federal 14400
farm credit bank, federal home loan mortgage corporation, 14401
government national mortgage association, and student loan 14402
marketing association. All federal agency securities shall be 14403
direct issuances of federal government agencies or 14404
instrumentalities. 14405

(3) Time certificates of deposit or savings or deposit 14406
accounts, including, but not limited to, passbook accounts, in any 14407
eligible institution mentioned in section 135.32 of the Revised 14408
Code; 14409

(4) Bonds and other obligations of this state or the 14410

political subdivisions of this state; 14411

(5) No-load money market mutual funds consisting exclusively 14412
of obligations described in division (A)(1) or (2) of this section 14413
and repurchase agreements secured by such obligations, provided 14414
that investments in securities described in this division are made 14415
only through eligible institutions mentioned in section 135.32 of 14416
the Revised Code; 14417

(6) The Ohio subdivision's fund as provided in section 135.45 14418
of the Revised Code; 14419

(7) Securities lending agreements with any eligible 14420
institution mentioned in section 135.32 of the Revised Code that 14421
is a member of the federal reserve system or federal home loan 14422
bank or with any recognized United States government securities 14423
dealer meeting the description in division (J)(1) of this section, 14424
under the terms of which agreements the investing authority lends 14425
securities and the eligible institution or dealer agrees to 14426
simultaneously exchange similar securities or cash, equal value 14427
for equal value. 14428

Securities and cash received as collateral for a securities 14429
lending agreement are not inactive moneys of the county or moneys 14430
of a county public library fund. The investment of cash collateral 14431
received pursuant to a securities lending agreement may be 14432
invested only in instruments specified by the investing authority 14433
in the written investment policy described in division (K) of this 14434
section. 14435

(8) Up to twenty-five per cent of the county's total average 14436
portfolio in either of the following investments: 14437

(a) Commercial paper notes issued by an entity that is 14438
defined in division (D) of section 1705.01 of the Revised Code and 14439
that has assets exceeding five hundred million dollars, to which 14440
notes all of the following apply: 14441

(i) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.	14442 14443 14444
(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.	14445 14446 14447
(iii) The notes mature not later than two hundred seventy days after purchase.	14448 14449
(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and to which both of the following apply:	14450 14451 14452
(i) The obligations are eligible for purchase by the federal reserve system.	14453 14454
(ii) The obligations mature not later than one hundred eighty days after purchase.	14455 14456
No investment shall be made pursuant to division (A)(8) of this section unless the investing authority has completed additional training for making the investments authorized by division (A)(8) of this section. The type and amount of additional training shall be approved by the auditor of state and may be conducted by or provided under the supervision of the auditor of state.	14457 14458 14459 14460 14461 14462 14463
(9) Up to fifteen per cent of the county's total average portfolio in notes issued by corporations that are incorporated under the laws of the United States and that are operating within the United States, or by depository institutions that are doing business under authority granted by the United States or any state and that are operating within the United States, provided both of the following apply:	14464 14465 14466 14467 14468 14469 14470
(a) The notes are rated in the second highest or higher	14471

category by at least two nationally recognized standard rating services at the time of purchase.	14472 14473
(b) The notes mature not later than two years after purchase.	14474
(10) No-load money market mutual funds rated in the highest category at the time of purchase by at least one nationally recognized standard rating service and consisting exclusively of obligations described in division (A)(1), (2), or (6) of section 135.143 of the Revised Code;	14475 14476 14477 14478 14479
(11) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized standard rating services and issued by foreign nations diplomatically recognized by the United States government. All interest and principal shall be denominated and payable in United States funds. The investments made under division (A)(11) of this section shall not exceed in the aggregate one per cent of a county's total average portfolio.	14480 14481 14482 14483 14484 14485 14486 14487
The investing authority shall invest under division (A)(11) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, there is no prior history of default, and the debt interest matures not later than five years after purchase. For purposes of division (A)(11) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, at the time of purchase in the three highest categories by two nationally recognized standard rating services.	14488 14489 14490 14491 14492 14493 14494 14495 14496 14497 14498
(12) A current unpaid or delinquent tax line of credit authorized under division (G) of section 135.341 of the Revised Code, provided that all of the conditions for entering into such a line of credit under that division are satisfied, or bonds and	14499 14500 14501 14502

other obligations of a county land reutilization corporation 14503
organized under Chapter 1724. of the Revised Code, if the county 14504
land reutilization corporation is located wholly or partly within 14505
the same county as the investing authority. 14506

(B) Nothing in the classifications of eligible obligations 14507
and securities set forth in divisions (A)(1) to (11) of this 14508
section shall be construed to authorize investment in a 14509
derivative, and no investing authority shall invest any county 14510
inactive moneys or any moneys in a county public library fund in a 14511
derivative. For purposes of this division, "derivative" means a 14512
financial instrument or contract or obligation whose value or 14513
return is based upon or linked to another asset or index, or both, 14514
separate from the financial instrument, contract, or obligation 14515
itself. Any security, obligation, trust account, or other 14516
instrument that is created from an issue of the United States 14517
treasury or is created from an obligation of a federal agency or 14518
instrumentality or is created from both is considered a derivative 14519
instrument. An eligible investment described in this section with 14520
a variable interest rate payment, based upon a single interest 14521
payment or single index comprised of other eligible investments 14522
provided for in division (A)(1) or (2) of this section, is not a 14523
derivative, provided that such variable rate investment has a 14524
maximum maturity of two years. A treasury inflation-protected 14525
security shall not be considered a derivative, provided the 14526
security matures not later than five years after purchase. 14527

(C) Except as provided in ~~division~~ divisions (D) and (O) of 14528
this section, any investment made pursuant to this section must 14529
mature within ~~five~~ ten years from the date of settlement, unless 14530
the investment is matched to a specific obligation or debt of the 14531
county or to a specific obligation or debt of a political 14532
subdivision of this state, and the investment is specifically 14533
approved by the investment advisory committee. 14534

(D) The investing authority may also enter into a written repurchase agreement with any eligible institution mentioned in section 135.32 of the Revised Code or any eligible securities dealer pursuant to division (J) of this section, under the terms of which agreement the investing authority purchases and the eligible institution or dealer agrees unconditionally to repurchase any of the securities listed in divisions (B)(1) to (5), except letters of credit described in division (B)(2), of section 135.18 of the Revised Code. The market value of securities subject to an overnight written repurchase agreement must exceed the principal value of the overnight written repurchase agreement by at least two per cent. A written repurchase agreement must exceed the principal value of the overnight written repurchase agreement, by at least two per cent. A written repurchase agreement shall not exceed thirty days, and the market value of securities subject to a written repurchase agreement must exceed the principal value of the written repurchase agreement by at least two per cent and be marked to market daily. All securities purchased pursuant to this division shall be delivered into the custody of the investing authority or the qualified custodian of the investing authority or an agent designated by the investing authority. A written repurchase agreement with an eligible securities dealer shall be transacted on a delivery versus payment basis. The agreement shall contain the requirement that for each transaction pursuant to the agreement the participating institution shall provide all of the following information:

(1) The par value of the securities;

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

(3) A numerical identifier generally accepted in the securities industry that designates the securities.

No investing authority shall enter into a written repurchase agreement under the terms of which the investing authority agrees

to sell securities owned by the county to a purchaser and agrees 14567
with that purchaser to unconditionally repurchase those 14568
securities. 14569

(E) No investing authority shall make an investment under 14570
this section, unless the investing authority, at the time of 14571
making the investment, reasonably expects that the investment can 14572
be held until its maturity. The investing authority's written 14573
investment policy shall specify the conditions under which an 14574
investment may be redeemed or sold prior to maturity. 14575

(F) No investing authority shall pay a county's inactive 14576
moneys or moneys of a county public library fund into a fund 14577
established by another subdivision, treasurer, governing board, or 14578
investing authority, if that fund was established by the 14579
subdivision, treasurer, governing board, or investing authority 14580
for the purpose of investing or depositing the public moneys of 14581
other subdivisions. This division does not apply to the payment of 14582
public moneys into either of the following: 14583

(1) The Ohio subdivision's fund pursuant to division (A)(6) 14584
of this section; 14585

(2) A fund created solely for the purpose of acquiring, 14586
constructing, owning, leasing, or operating municipal utilities 14587
pursuant to the authority provided under section 715.02 of the 14588
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 14589

For purposes of division (F) of this section, "subdivision" 14590
includes a county. 14591

(G) The use of leverage, in which the county uses its current 14592
investment assets as collateral for the purpose of purchasing 14593
other assets, is prohibited. The issuance of taxable notes for the 14594
purpose of arbitrage is prohibited. Contracting to sell securities 14595
not owned by the county, for the purpose of purchasing such 14596
securities on the speculation that bond prices will decline, is 14597

prohibited. 14598

(H) Any securities, certificates of deposit, deposit 14599
accounts, or any other documents evidencing deposits or 14600
investments made under authority of this section shall be issued 14601
in the name of the county with the county treasurer or investing 14602
authority as the designated payee. If any such deposits or 14603
investments are registrable either as to principal or interest, or 14604
both, they shall be registered in the name of the treasurer. 14605

(I) The investing authority shall be responsible for the 14606
safekeeping of all documents evidencing a deposit or investment 14607
acquired under this section, including, but not limited to, 14608
safekeeping receipts evidencing securities deposited with a 14609
qualified trustee, as provided in section 135.37 of the Revised 14610
Code, and documents confirming the purchase of securities under 14611
any repurchase agreement under this section shall be deposited 14612
with a qualified trustee, provided, however, that the qualified 14613
trustee shall be required to report to the investing authority, 14614
auditor of state, or an authorized outside auditor at any time 14615
upon request as to the identity, market value, and location of the 14616
document evidencing each security, and that if the participating 14617
institution is a designated depository of the county for the 14618
current period of designation, the securities that are the subject 14619
of the repurchase agreement may be delivered to the treasurer or 14620
held in trust by the participating institution on behalf of the 14621
investing authority. 14622

Upon the expiration of the term of office of an investing 14623
authority or in the event of a vacancy in the office for any 14624
reason, the officer or the officer's legal representative shall 14625
transfer and deliver to the officer's successor all documents 14626
mentioned in this division for which the officer has been 14627
responsible for safekeeping. For all such documents transferred 14628
and delivered, the officer shall be credited with, and the 14629

officer's successor shall be charged with, the amount of moneys 14630
evidenced by such documents. 14631

(J)(1) All investments, except for investments in securities 14632
described in divisions (A)(5), (6), and (12) of this section, 14633
shall be made only through a member of the national association of 14634
securities dealers, through a bank, savings bank, or savings and 14635
loan association regulated by the superintendent of financial 14636
institutions, or through an institution regulated by the 14637
comptroller of the currency, federal deposit insurance 14638
corporation, or board of governors of the federal reserve system. 14639

(2) Payment for investments shall be made only upon the 14640
delivery of securities representing such investments to the 14641
treasurer, investing authority, or qualified trustee. If the 14642
securities transferred are not represented by a certificate, 14643
payment shall be made only upon receipt of confirmation of 14644
transfer from the custodian by the treasurer, governing board, or 14645
qualified trustee. 14646

(K)(1) Except as otherwise provided in division (K)(2) of 14647
this section, no investing authority shall make an investment or 14648
deposit under this section, unless there is on file with the 14649
auditor of state a written investment policy approved by the 14650
investing authority. The policy shall require that all entities 14651
conducting investment business with the investing authority shall 14652
sign the investment policy of that investing authority. All 14653
brokers, dealers, and financial institutions, described in 14654
division (J)(1) of this section, initiating transactions with the 14655
investing authority by giving advice or making investment 14656
recommendations shall sign the investing authority's investment 14657
policy thereby acknowledging their agreement to abide by the 14658
policy's contents. All brokers, dealers, and financial 14659
institutions, described in division (J)(1) of this section, 14660
executing transactions initiated by the investing authority, 14661

having read the policy's contents, shall sign the investment 14662
policy thereby acknowledging their comprehension and receipt. 14663

(2) If a written investment policy described in division 14664
(K)(1) of this section is not filed on behalf of the county with 14665
the auditor of state, the investing authority of that county shall 14666
invest the county's inactive moneys and moneys of the county 14667
public library fund only in time certificates of deposits or 14668
savings or deposit accounts pursuant to division (A)(3) of this 14669
section, no-load money market mutual funds pursuant to division 14670
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 14671
division (A)(6) of this section. 14672

(L)(1) The investing authority shall establish and maintain 14673
an inventory of all obligations and securities acquired by the 14674
investing authority pursuant to this section. The inventory shall 14675
include a description of each obligation or security, including 14676
type, cost, par value, maturity date, settlement date, and any 14677
coupon rate. 14678

(2) The investing authority shall also keep a complete record 14679
of all purchases and sales of the obligations and securities made 14680
pursuant to this section. 14681

(3) The investing authority shall maintain a monthly 14682
portfolio report and issue a copy of the monthly portfolio report 14683
describing such investments to the county investment advisory 14684
committee, detailing the current inventory of all obligations and 14685
securities, all transactions during the month that affected the 14686
inventory, any income received from the obligations and 14687
securities, and any investment expenses paid, and stating the 14688
names of any persons effecting transactions on behalf of the 14689
investing authority. 14690

(4) The monthly portfolio report shall be a public record and 14691
available for inspection under section 149.43 of the Revised Code. 14692

(5) The inventory and the monthly portfolio report shall be filed with the board of county commissioners. The monthly portfolio report also shall be filed with the treasurer of state.

(M) An investing authority may enter into a written investment or deposit agreement that includes a provision under which the parties agree to submit to nonbinding arbitration to settle any controversy that may arise out of the agreement, including any controversy pertaining to losses of public moneys resulting from investment or deposit. The arbitration provision shall be set forth entirely in the agreement, and the agreement shall include a conspicuous notice to the parties that any party to the arbitration may apply to the court of common pleas of the county in which the arbitration was held for an order to vacate, modify, or correct the award. Any such party may also apply to the court for an order to change venue to a court of common pleas located more than one hundred miles from the county in which the investing authority is located.

For purposes of this division, "investment or deposit agreement" means any agreement between an investing authority and a person, under which agreement the person agrees to invest, deposit, or otherwise manage, on behalf of the investing authority, a county's inactive moneys or moneys in a county public library fund, or agrees to provide investment advice to the investing authority.

(N)(1) An investment held in the county portfolio on September 27, 1996, that was a legal investment under the law as it existed before September 27, 1996, may be held until maturity, or if the investment does not have a maturity date the investment may be held until five years from September 27, 1996, regardless of whether the investment would qualify as a legal investment under the terms of this section as amended.

(2) An investment held in the county portfolio on ~~the~~

~~effective date of this amendment~~ September 10, 2012, that was a 14725
legal investment under the law as it existed before ~~the effective~~ 14726
~~date of this amendment~~ September 10, 2012, may be held until 14727
maturity. 14728

(O) Upon a majority affirmative vote of the county investment 14729
advisory committee in support of such action, an investment 14730
authority may invest up to twenty-five per cent of the county's 14731
total average portfolio of investments made under this section in 14732
securities and obligations that mature on a date that is more than 14733
ten years from the date of settlement. 14734

Sec. 135.61. As used in sections 135.61 to 135.67 of the 14735
Revised Code: 14736

(A) "Eligible small business" means any person, including, 14737
but not limited to a person engaged in agriculture, that has all 14738
of the following characteristics: 14739

(1) Is headquartered in this state; 14740

(2) Maintains offices and operating facilities exclusively in 14741
this state and transacts business in this state; 14742

(3) Employs fewer than one hundred fifty employees, the 14743
majority of whom are residents of this state; 14744

(4) Is organized for profit. 14745

(B) "Eligible lending institution" means a financial 14746
institution that is eligible to make commercial loans, is a public 14747
depository of state funds under section 135.03 of the Revised 14748
Code, and agrees to participate in the linked deposit program. 14749

(C) "Linked deposit" means a certificate of deposit or other 14750
financial institution instrument placed by the treasurer of state 14751
with an eligible lending institution at a rate below current 14752
market rates, as determined and calculated by the treasurer of 14753
state, provided the institution agrees to lend the value of such 14754

deposit, according to the deposit agreement provided in division 14755
(C) of section 135.65 of the Revised Code, to eligible small 14756
businesses at a rate that reflects an equal percentage rate 14757
reduction below the present borrowing rate applicable to each 14758
specific business at the time of the deposit of state funds in the 14759
institution. 14760

(D) "Other financial institution instrument" has the same 14761
meaning as in section 135.81 of the Revised Code. 14762

(E) "Loan" means a contractual agreement under which an 14763
eligible lending institution agrees to lend money in the form of 14764
an upfront lump sum, a line of credit, or any other reasonable 14765
arrangement approved by the treasurer of state. 14766

Sec. 135.71. As used in sections 135.71 to 135.76 of the 14767
Revised Code: 14768

(A) "Eligible agricultural business" means any person engaged 14769
in agriculture that has all of the following characteristics: 14770

(1) Is headquartered and domiciled in this state; 14771

(2) Maintains land or facilities for agricultural purposes in 14772
this state provided that the land or facilities within this state 14773
comprise not less than fifty-one per cent of the total of all 14774
lands or facilities maintained by the person; 14775

(3) Is organized for profit. 14776

(B) "Eligible lending institution" means a financial 14777
institution that is eligible to make commercial loans, agrees to 14778
participate in the agricultural linked deposit program, and: 14779

(1) Is a public depository of state funds under section 14780
135.03 of the Revised Code; or 14781

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 14782
Code, is an institution of the farm credit system organized under 14783

the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 14784
2001, as amended. 14785

(C) "Agricultural linked deposit" means a certificate of 14786
deposit placed by the treasurer of state with an eligible lending 14787
institution under section 135.74 of the Revised Code or an 14788
investment in bonds, notes, debentures, or other obligations or 14789
securities issued by the federal farm credit bank with regard to 14790
an eligible lending institution. 14791

(D) "Loan" means a contractual agreement under which an 14792
eligible lending institution agrees to lend money in the form of 14793
an upfront lump sum, a line of credit, or any other reasonable 14794
arrangement approved by the treasurer of state. 14795

Sec. 135.80. (A) The legislative authority of a municipal 14796
corporation, by ordinance; the board of directors of a port 14797
authority or a lake facilities authority, by resolution; or the 14798
board of county commissioners, by resolution, may establish a 14799
linked deposit program authorizing the treasurer or governing 14800
board of the municipal corporation, the board of directors of the 14801
port authority or lake facilities authority, or the investing 14802
authority of the county, as created or designated by the ordinance 14803
or resolution, to place certificates of deposit at up to three per 14804
cent below market rates with an eligible lending institution 14805
applying for interim moneys as provided in section 135.08 of the 14806
Revised Code, selected to invest port authority or lake facilities 14807
authority moneys in linked deposit programs pursuant to section 14808
4582.54 or 353.15 of the Revised Code, or applying for inactive 14809
moneys as provided in section 135.32 of the Revised Code, provided 14810
the institution agrees to lend the value of such deposit to 14811
eligible borrowers at up to three per cent below the present 14812
borrowing rate applicable to each borrower. The ordinance or 14813
resolution shall include requirements and provisions that are 14814

necessary to establish the program, including, but not limited to:	14815
(1) Eligibility requirements for borrowers who may receive reduced rate loans under the program;	14816 14817
(2) Application procedures for borrowers and institutions wishing to participate in the program;	14818 14819
(3) Review procedures for applications and criteria for acceptance or rejection of applications for reduced rate loans;	14820 14821
(4) Necessary agreements between the eligible lending institution and the treasurer or governing board of the municipal corporation, the board of directors of the port authority <u>or lake facilities authority</u> , or the investing authority of the county to carry out the purposes of the linked deposit program;	14822 14823 14824 14825 14826
(5) Annual reports regarding the operation of the program to be made by the treasurer or governing board to the legislative authority, the eligible lending institution to the board of directors of the port authority <u>or lake facilities authority</u> , or the investing authority to the board of county commissioners.	14827 14828 14829 14830 14831
(B) The municipal corporation and the treasurer or governing board, the port authority <u>or lake facilities authority</u> and the board of directors, and the county and the investing authority or the board of county commissioners, are not liable to any eligible lending institution in any manner for the payment of the principal or interest on any reduced rate loan made under the program, and any delay in payment or default on the part of any borrower does not in any manner affect the deposit agreement between the eligible lending institution and the treasurer or governing board, the board of directors, or the investing authority or board of county commissioners.	14832 14833 14834 14835 14836 14837 14838 14839 14840 14841 14842
(C) For purposes of this section, both of the following apply:	14843 14844

(1) "Investing authority" has the same meaning as in section 135.31 of the Revised Code.	14845 14846
(2) "Port authority" means a port authority created in accordance with section 4582.22 of the Revised Code.	14847 14848
<u>(3) "Lake facilities authority" means a lake facilities authority created in accordance with section 353.02 of the Revised Code.</u>	14849 14850 14851
Sec. 135.81. As used in sections 135.81 to 135.87 of the Revised Code:	14852 14853
(A) "Eligible governmental subdivision" means a municipal corporation, port authority created in accordance with section 4582.22 of the Revised Code, or county in this state.	14854 14855 14856
(B) "Eligible governmental subdivision housing linked deposit program" means any program established pursuant to section 135.80 of the Revised Code by the legislative authority of a municipal corporation, the board of directors of a port authority created in accordance with section 4582.22 of the Revised Code, or the board of county commissioners of a county, in which the program goals address specific housing issues relative to the geographic boundaries of that municipal corporation, port authority, or county. These program goals include, but are not limited to, home improvement, home restoration, energy efficiency, retention of historic significance, controlling urban sprawl, neighborhood revitalization, affordable housing, home ownership for persons unable to secure conventional financing, urban development, or economic revitalization of a residential area as a result of a natural disaster or other catastrophic occurrence.	14857 14858 14859 14860 14861 14862 14863 14864 14865 14866 14867 14868 14869 14870 14871
(C) "Eligible housing linked deposit participant" means any person or small business that meets the requirements set forth in an eligible governmental subdivision housing linked deposit	14872 14873 14874

program or set forth by the treasurer of state pursuant to 14875
division (B)(2) of section 135.82 of the Revised Code and that is 14876
a resident of this state. 14877

(D) "Eligible lending institution" means a financial 14878
institution meeting all of the following: 14879

(1) It is eligible to make commercial loans or residential 14880
loans. 14881

(2) It is a public depository of state funds under section 14882
135.03 of the Revised Code. 14883

(3) It agrees to participate in a program to provide housing 14884
linked deposits. 14885

(E) "Housing linked deposit" means a certificate of deposit 14886
or other financial institution instrument, described in section 14887
135.85 of the Revised Code, placed by the treasurer of state with 14888
an eligible lending institution, in accordance with division (B) 14889
of section 135.84 of the Revised Code, provided that the 14890
institution agrees, at the time of the deposit of state funds and 14891
for the period of the deposit, to lend the value of the deposit 14892
according to the deposit agreement described in section 135.85 of 14893
the Revised Code to eligible housing linked deposit participants 14894
at a fixed interest rate of up to three hundred basis points below 14895
the present borrowing rate applicable to each participant in the 14896
absence of approval to participate in the programs described in 14897
division (B) of section 135.82 of the Revised Code. 14898

(F) "Other financial institution instrument" means a fully 14899
collateralized product that otherwise would pay market rates of 14900
interest approved by the treasurer of state, for the purpose of 14901
providing eligible housing linked deposit participants with the 14902
benefits of a housing linked deposit. 14903

(G) "Loan" means a contractual agreement under which an 14904
eligible lending institution agrees to lend money in the form of 14905

an upfront lump sum, a line of credit, or any other reasonable 14906
arrangement approved by the treasurer of state. 14907

Sec. 135.85. (A) Upon placement of a housing linked deposit 14908
with an eligible lending institution pursuant to division (B) of 14909
section 135.84 of the Revised Code, the eligible lending 14910
institution shall do both of the following: 14911

(1) Enter into a deposit agreement with the treasurer of 14912
state that includes all of the following: 14913

(a) Any requirements necessary to carry out the purposes of 14914
sections 135.81 to 135.87 of the Revised Code; 14915

(b) Provisions for any certificate of deposit or other 14916
financial institution instrument meeting the requirements 14917
described in division (B) of this section and placed for any 14918
maturity considered appropriate by the treasurer of state but not 14919
exceeding five years; 14920

(c) A specification of the period of time in which the 14921
eligible lending institution is to provide the reduced interest 14922
rate to an approved applicant. 14923

(2) Lend funds as provided in division (C) of this section 14924
and in accordance with the deposit agreement described in this 14925
section to each eligible housing linked deposit participant 14926
approved by the treasurer of state pursuant to division (A) of 14927
section 135.84 of the Revised Code. 14928

(B) Both of the following apply to any certificate of deposit 14929
or other financial institution instrument described in division 14930
(A)(1)(b) of this section: 14931

(1) The certificate of deposit or other financial institution 14932
instrument shall not be renewed upon final maturity. 14933

(2) Interest shall be paid at the times and in the manner 14934
prescribed by the treasurer of state. 14935

(C) The loan described in division (A)(2) of this section shall be at a fixed rate of up to three hundred basis points below the present borrowing rate that would apply to the eligible housing linked deposit participant in the absence of approval to participate in the programs described in division (B) of section 135.82 of the Revised Code.

(D) A certificate of compliance with this section in the form and manner prescribed by the treasurer of state shall be provided by the eligible lending institution.

(E)(1) Any delay in payments or default on the part of the eligible housing linked deposit participant does not in any manner affect the deposit agreement between the eligible lending institution and the treasurer of state.

(2) If an eligible lending institution changes the terms of a loan to an eligible housing linked deposit participant because of a delay in payments or default, the housing linked deposit amount shall be returned to the treasurer of state by the eligible lending institution. In which case, the deposit amount plus interest and without early withdrawal penalties shall be returned in a timely manner as prescribed by the treasurer of state.

(F) An eligible lending institution shall comply fully with sections 135.81 to 135.87 of the Revised Code.

Sec. 140.01. As used in this chapter:

(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency.

(B) "Public hospital agency" means any county, board of county hospital trustees established pursuant to section 339.02 of the Revised Code, county hospital commission established pursuant to section 339.14 of the Revised Code, municipal corporation, new community authority organized under Chapter 349. of the Revised

Code, joint township hospital district, state or municipal 14966
university or college operating or authorized to operate a 14967
hospital facility, or the state. 14968

(C) "Nonprofit hospital agency" means a corporation or 14969
association not for profit, no part of the net earnings of which 14970
inures or may lawfully inure to the benefit of any private 14971
shareholder or individual, that has authority to own or operate a 14972
hospital facility or provides or is to provide services to one or 14973
more other hospital agencies. 14974

(D) "Governing body" means, in the case of a county, the 14975
board of county commissioners or other legislative body; in the 14976
case of a board of county hospital trustees, the board; in the 14977
case of a county hospital commission, the commission; in the case 14978
of a municipal corporation, the council or other legislative 14979
authority; in the case of a new community authority, its board of 14980
trustees; in the case of a joint township hospital district, the 14981
joint township district hospital board; in the case of a state or 14982
municipal university or college, its board of trustees or board of 14983
directors; in the case of a nonprofit hospital agency, the board 14984
of trustees or other body having general management of the agency; 14985
and, in the case of the state, the director of development 14986
services or the Ohio higher educational facility commission. 14987

(E) "Hospital facilities" means buildings, structures and 14988
other improvements, additions thereto and extensions thereof, 14989
furnishings, equipment, and real estate and interests in real 14990
estate, used or to be used for or in connection with one or more 14991
hospitals, emergency, intensive, intermediate, extended, 14992
long-term, or self-care facilities, diagnostic and treatment and 14993
out-patient facilities, facilities related to programs for home 14994
health services, clinics, laboratories, public health centers, 14995
research facilities, and rehabilitation facilities, for or 14996
pertaining to diagnosis, treatment, care, or rehabilitation of 14997

sick, ill, injured, infirm, impaired, disabled, or handicapped 14998
persons, or the prevention, detection, and control of disease, and 14999
also includes education, training, and food service facilities for 15000
health professions personnel, housing facilities for such 15001
personnel and their families, and parking and service facilities 15002
in connection with any of the foregoing; and includes any one, 15003
part of, or any combination of the foregoing; and further includes 15004
site improvements, utilities, machinery, facilities, furnishings, 15005
and any separate or connected buildings, structures, improvements, 15006
sites, utilities, facilities, or equipment to be used in, or in 15007
connection with the operation or maintenance of, or supplementing 15008
or otherwise related to the services or facilities to be provided 15009
by, any one or more of such hospital facilities. 15010

(F) "Costs of hospital facilities" means the costs of 15011
acquiring hospital facilities or interests in hospital facilities, 15012
including membership interests in nonprofit hospital agencies, 15013
costs of constructing hospital facilities, costs of improving one 15014
or more hospital facilities, including reconstructing, 15015
rehabilitating, remodeling, renovating, and enlarging, costs of 15016
equipping and furnishing such facilities, and all financing costs 15017
pertaining thereto, including, without limitation thereto, costs 15018
of engineering, architectural, and other professional services, 15019
designs, plans, specifications and surveys, and estimates of cost, 15020
costs of tests and inspections, the costs of any indemnity or 15021
surety bonds and premiums on insurance, all related direct or 15022
allocable administrative expenses pertaining thereto, fees and 15023
expenses of trustees, depositories, and paying agents for the 15024
obligations, cost of issuance of the obligations and financing 15025
charges and fees and expenses of financial advisors, attorneys, 15026
accountants, consultants and rating services in connection 15027
therewith, capitalized interest on the obligations, amounts 15028
necessary to establish reserves as required by the bond 15029
proceedings, the reimbursement of all moneys advanced or applied 15030

by the hospital agency or others or borrowed from others for the 15031
payment of any item or items of costs of such facilities, and all 15032
other expenses necessary or incident to planning or determining 15033
feasibility or practicability with respect to such facilities, and 15034
such other expenses as may be necessary or incident to the 15035
acquisition, construction, reconstruction, rehabilitation, 15036
remodeling, renovation, enlargement, improvement, equipment, and 15037
furnishing of such facilities, the financing thereof, and the 15038
placing of the same in use and operation, including any one, part 15039
of, or combination of such classes of costs and expenses, and 15040
means the costs of refinancing obligations issued by, or 15041
reimbursement of money advanced by, nonprofit hospital agencies or 15042
others the proceeds of which were used for the payment of costs of 15043
hospital facilities, if the governing body of the public hospital 15044
agency determines that the refinancing or reimbursement advances 15045
the purposes of this chapter, whether or not the refinancing or 15046
reimbursement is in conjunction with the acquisition or 15047
construction of additional hospital facilities. 15048

(G) "Hospital receipts" means all moneys received by or on 15049
behalf of a hospital agency from or in connection with the 15050
ownership, operation, acquisition, construction, improvement, 15051
equipping, or financing of any hospital facilities, including, 15052
without limitation thereto, any rentals and other moneys received 15053
from the lease, sale, or other disposition of hospital facilities, 15054
and any gifts, grants, interest subsidies, or other moneys 15055
received under any federal program for assistance in financing the 15056
costs of hospital facilities, and any other gifts, grants, and 15057
donations, and receipts therefrom, available for financing the 15058
costs of hospital facilities. 15059

(H) "Obligations" means bonds, notes, or other evidences of 15060
indebtedness or obligation, including interest coupons pertaining 15061
thereto, issued or issuable by a public hospital agency to pay 15062

costs of hospital facilities.	15063
(I) "Bond service charges" means principal, interest, and call premium, if any, required to be paid on obligations.	15064 15065
(J) "Bond proceedings" means one or more ordinances, resolutions, trust agreements, indentures, and other agreements or documents, and amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms, including any variable interest rates, and conditions applicable to, or providing for the security of, obligations and the provisions contained in such obligations.	15066 15067 15068 15069 15070 15071 15072
(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.	15073 15074
(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.	15075 15076
(M) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:	15077 15078 15079 15080 15081
(1) A hospital required to be certified by section 3727.02 of the Revised Code;	15082 15083
(2) A nursing home or residential care facility;	15084
(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;	15085 15086 15087
(4) A residential facility licensed by the department of mental health <u>mental health and addiction services</u> under section 5119.22 <u>5119.34</u> of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	15088 15089 15090 15091 15092

(5) A residential facility licensed by the department of	15093
mental health <u>mental health and addiction services</u> under section	15094
5119.22 <u>5119.34</u> of the Revised Code that is not a residential	15095
facility described in division (M)(4) of this section;	15096
(6) A facility licensed to provide methadone treatment under	15097
section 3793.11 <u>5119.39</u> of the Revised Code;	15098
(7) A facility certified as an alcohol and drug <u>a community</u>	15099
addiction program <u>services provider</u> under section 3793.06 <u>5119.36</u>	15100
of the Revised Code;	15101
(8) A residential facility licensed under section 5123.19 of	15102
the Revised Code or a facility providing services under a contract	15103
with the department of developmental disabilities under section	15104
5123.18 of the Revised Code;	15105
(9) A residential facility used as part of a hospital to	15106
provide housing for staff of the hospital or students pursuing a	15107
course of study at the hospital.	15108
Sec. 140.03. (A) Two or more hospital agencies may enter into	15109
agreements for the acquisition, construction, reconstruction,	15110
rehabilitation, remodeling, renovating, enlarging, equipping, and	15111
furnishing of hospital facilities, or the management, operation,	15112
occupancy, use, maintenance, and repair of hospital facilities, or	15113
for participation in programs, projects, activities, and services	15114
useful to, connected with, supplementing, or otherwise related to	15115
the services provided by, or the operation of, hospital facilities	15116
operated by one or more participating hospital agencies, including	15117
any combination of such purposes, all in such manner as to promote	15118
the public purpose stated in section 140.02 of the Revised Code. A	15119
city health district; general health district; board of alcohol,	15120
drug addiction, and mental health services; county board of	15121
developmental disabilities; the department of mental health <u>mental</u>	15122
<u>health and addiction services</u> ; the department of developmental	15123

disabilities; or any public body engaged in the education or 15124
training of health professions personnel may join in any such 15125
agreement for purposes related to its authority under laws 15126
applicable to it, and as such a participant shall be considered a 15127
public hospital agency or hospital agency for the purposes of this 15128
section. 15129

(B) An agreement entered into under authority of this section 15130
shall, where appropriate, provide for: 15131

(1) The manner in which the title to the hospital facilities, 15132
including the sites and interest in real estate pertaining 15133
thereto, is to be held, transferred, or disposed of; 15134

(2) Unless provided for by lease pursuant to section 140.05 15135
of the Revised Code, the method by which such hospital facilities 15136
are to be acquired, constructed, or otherwise improved and by 15137
which they shall be managed, occupied, maintained, and repaired, 15138
including the designation of one of the hospital agencies to have 15139
charge of the details of acquisition, construction, or improvement 15140
pursuant to the contracting procedures prescribed under the law 15141
applicable to one of the participating public hospital agencies; 15142

(3) The management or administration of any such programs, 15143
projects, activities, or services, which may include management or 15144
administration by one of said hospital agencies or a board or 15145
agency thereof; 15146

(4) Annual, or more frequent, reports to the participating 15147
hospital agencies as to the revenues and receipts pertaining to 15148
the subject of the agreement, the expenditures thereof, the status 15149
and application of other funds contributed under such agreement, 15150
and such other matters as may be specified by or pursuant to such 15151
agreement; 15152

(5) The manner of apportionment or sharing of costs of 15153
hospital facilities, any other applicable costs of management, 15154

operation, maintenance, and repair of hospital facilities, and 15155
costs for the programs, projects, activities, and services forming 15156
the subject of the agreement, which apportionment or sharing may 15157
be prescribed in fixed amounts, or determined by ratios, formulas, 15158
or otherwise, and paid as service charges, rentals, or in such 15159
other manner as provided in the agreement, and may include amounts 15160
sufficient to meet the bond service charges and other payments and 15161
deposits required under the bond proceedings for obligations 15162
issued to pay costs of hospital facilities. A hospital agency may 15163
commit itself to make such payments at least for so long as any 15164
such obligations are outstanding. In the apportionment, different 15165
classes of costs or expenses may be apportioned to one or more, 15166
all or less than all, of the participating hospital agencies as 15167
determined under such agreement. 15168

(C) An agreement entered into under authority of this section 15169
may provide for: 15170

(1) An orderly process for making determinations or advising 15171
as to planning, execution, implementation, and operation, which 15172
may include designating one of the hospital agencies, or a board 15173
thereof, for any of such purposes, provisions for a committee, 15174
board, or commission, and for representation thereon, or as may 15175
otherwise be provided; 15176

(2) Securing necessary personnel, including participation of 15177
personnel from the respective hospital agencies; 15178

(3) Standards or conditions for the admission or 15179
participation of patients and physicians; 15180

(4) Conditions for admittance of other hospital agencies to 15181
participation under the agreement; 15182

(5) Fixing or establishing the method of determining charges 15183
to be made for particular services; 15184

(6) The manner of amending, supplementing, terminating, or 15185

withdrawal or removal of any party from, the agreement, and the	15186
term of the agreement, or an indefinite term;	15187
(7) Designation of the applicants for or recipients of any	15188
federal, state, or other aid, assistance, or loans available by	15189
reason of any activities conducted under the agreement;	15190
(8) Designation of one or more of the participating hospital	15191
agencies to maintain, prepare, and submit, on behalf of all	15192
parties to the agreement, any or all records and reports with	15193
regard to the activities conducted under the agreement;	15194
(9) Any incidental use of the hospital facilities, or	15195
services thereof, by participating public hospital agencies for	15196
any of their lawful purposes, which incidental use does not impair	15197
the character of the facilities as hospital facilities for any	15198
purpose of this chapter;	15199
(10) Such other matters as the parties thereto may agree upon	15200
for the purposes of division (A) of this section.	15201
(D) For the purpose of paying or contributing its share under	15202
an agreement made under this section, a public hospital agency	15203
may:	15204
(1) Expend any moneys from its general fund, and from any	15205
other funds not otherwise restricted by law, but including funds	15206
for permanent improvements of hospital facilities of such public	15207
hospital agency where the contribution is to be made toward the	15208
costs of hospital facilities under the agreement, and including	15209
funds derived from levies for, or receipts available for,	15210
operating expenses of hospital facilities or services of such	15211
public hospital agency where the contribution or payment is to be	15212
made toward operating expenses of the hospital facilities or	15213
services under the agreement or for the services provided thereby;	15214
(2) Issue obligations under Chapter 133. or section 140.06,	15215
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section	15216

3 of Article XVIII, Ohio Constitution, if applicable to such 15217
public hospital agency, to pay costs of hospital facilities, or 15218
issue obligations under any other provision of law authorizing 15219
such public hospital agency to issue obligations for any costs of 15220
hospital facilities; 15221

(3) Levy taxes under Chapter 5705. or section 513.13 or 15222
3709.29 of the Revised Code, if applicable to such public hospital 15223
agency, provided that the purpose of such levy may include the 15224
provision of funds for either or both permanent improvements and 15225
current expenses if required for the contribution or payment of 15226
such hospital agency under such agreement, and each such public 15227
hospital agency may issue notes in anticipation of any such levy, 15228
pursuant to the procedures provided in section 5705.191 of the 15229
Revised Code if the levy is solely for current expenses, and in 15230
section 5705.193 of the Revised Code if the levy is all or in part 15231
for permanent improvements; 15232

(4) Contribute real and personal property or interest therein 15233
without necessity for competitive bidding or public auction on 15234
disposition of such property. 15235

(E) Any funds provided by public hospital agencies that are 15236
parties to an agreement entered into under this section shall be 15237
transferred to and placed in a separate fund or funds of such 15238
participating public hospital agency as is designated under the 15239
agreement. The funds shall be applied for the purposes provided in 15240
such agreement and are subject to audit. Pursuant to any 15241
determinations to be made under such agreement, the funds shall be 15242
deposited, invested, and disbursed under the provisions of law 15243
applicable to the public hospital agency in whose custody the 15244
funds are held. This division is subject to the provisions of any 15245
applicable bond proceedings under section 133.08, 140.06, 339.15, 15246
or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 15247
Constitution. The records and reports of such public hospital 15248

agency under Chapter 117. of the Revised Code and sections 3702.51 15249
to 3702.62 of the Revised Code, with respect to the funds shall be 15250
sufficient without necessity for reports thereon by the other 15251
public hospital agencies participating under such agreement. 15252

(F)(1) Prior to its entry into any such agreement, the public 15253
hospital agency must determine, and set forth in a resolution or 15254
ordinance, that the contribution to be made by it under such 15255
agreement will be fair consideration for value and benefit to be 15256
derived by it under such agreement and that the agreement will 15257
promote the public purpose stated in section 140.02 of the Revised 15258
Code. 15259

(2) If the agreement is with a board of county commissioners, 15260
board of county hospital trustees, or county hospital commission 15261
and is an initial agreement for the acquisition or operation of a 15262
county hospital operated by a board of county hospital trustees 15263
under section 339.06 of the Revised Code, the governing body of 15264
the public hospital agency shall submit the agreement, accompanied 15265
by the resolution or ordinance, to the board of county 15266
commissioners for review pursuant to section 339.091 of the 15267
Revised Code. The agreement may be entered into only if the board 15268
of county commissioners adopts a resolution under that section. 15269
The requirements of division (F)(2) of this section do not apply 15270
to the agreement if one or more hospitals classified as general 15271
hospitals by the director of health under section 3701.07 of the 15272
Revised Code are operating in the same county as the county 15273
hospital. 15274

Sec. 140.05. (A)(1) A public hospital agency may lease any 15275
hospital facility to one or more hospital agencies for use as a 15276
hospital facility, or to one or more city or general health 15277
districts; boards of alcohol, drug addiction, and mental health 15278
services; county boards of developmental disabilities; the 15279

department of ~~mental health~~ mental health and addiction services; 15280
or the department of developmental disabilities, for uses which 15281
they are authorized to make thereof under the laws applicable to 15282
them, or any combination of them, and they may lease such 15283
facilities to or from a hospital agency for such uses, upon such 15284
terms and conditions as are agreed upon by the parties. Such lease 15285
may be for a term of fifty years or less and may provide for an 15286
option of the lessee to renew for a term of fifty years or less, 15287
as therein set forth. Prior to entering into such lease, the 15288
governing body of any public hospital agency granting such lease 15289
must determine, and set forth in a resolution or ordinance, that 15290
such lease will promote the public purpose stated in section 15291
140.02 of the Revised Code and that the lessor public hospital 15292
agency will be duly benefited thereby. 15293

(2) If the lease is with a board of county commissioners, 15294
board of county hospital trustees, or county hospital commission 15295
and is an agreement for the initial lease of a county hospital 15296
operated by a board of county hospital trustees under section 15297
339.06 of the Revised Code, the governing body of the public 15298
hospital agency shall submit the agreement, accompanied by the 15299
resolution or ordinance, to the board of county commissioners for 15300
review pursuant to section 339.091 of the Revised Code. The 15301
agreement may be entered into only if the board of county 15302
commissioners adopts a resolution under that section. The 15303
requirements of division (A)(2) of this section do not apply to 15304
the lease if one or more hospitals classified as general hospitals 15305
by the director of health under section 3701.07 of the Revised 15306
Code are operating in the same county as the county hospital. 15307

(B) Any lease entered into pursuant to this section shall 15308
provide that in the event that the lessee fails faithfully and 15309
efficiently to administer, maintain, and operate such leased 15310
facilities as hospital facilities, or fails to provide the 15311

services thereof without regard to race, creed, color, or national 15312
origin, or fails to require that any hospital agency using such 15313
facilities or the services thereof shall not discriminate by 15314
reason of race, creed, color, or national origin, after an 15315
opportunity to be heard upon written charges, said lease may be 15316
terminated at the time, in the manner and with consequences 15317
therein provided. If any such lease does not contain terms to the 15318
effect provided in this division, it shall nevertheless be deemed 15319
to contain such terms which shall be implemented as determined by 15320
the governing body of the lessor. 15321

(C) Such lease may provide for rentals commencing at any time 15322
agreed upon, or advance rental, and continuing for such period 15323
therein provided, notwithstanding and without diminution, rebate, 15324
or setoff by reason of time of availability of the hospital 15325
facility for use, delays in construction, failure of completion, 15326
damage or destruction of the hospital facilities, or for any other 15327
reason. 15328

(D) Such lease may provide for the sale or transfer of title 15329
of the leased facilities pursuant to an option to purchase, 15330
lease-purchase, or installment purchase upon terms therein 15331
provided or to be determined as therein provided, which may 15332
include provision for the continued use thereof as a hospital 15333
facility for some reasonable period, taking into account efficient 15334
useful life and other factors, as is provided therein. 15335

(E) Such lease may be entered as part of or in connection 15336
with an agreement pursuant to section 140.03 of the Revised Code. 15337
Any hospital facilities which are the subject of an agreement 15338
entered into under section 140.03 of the Revised Code may be 15339
leased pursuant to this section. 15340

(F) If land acquired by a public hospital agency for a 15341
hospital facility is adjacent to an existing hospital facility 15342
owned by another hospital agency, the public hospital agency may, 15343

in connection with such acquisition or the leasing of such land 15344
and hospital facilities thereon to one or more hospital agencies, 15345
enter into an agreement with the hospital agency which owns such 15346
adjacent hospital facility for the use of common walls in the 15347
construction, operation, or maintenance of hospital facilities of 15348
the public hospital agency. For the purpose of construction, 15349
operation, or maintenance of hospital facilities, a public 15350
hospital agency may acquire by purchase, gift, lease, lease with 15351
option to purchase, lease-purchase, or installment purchase, 15352
easement deed, or other agreement, real estate and interests in 15353
real estate, including rights to use space over, under or upon 15354
real property owned by others, and support, access, common wall, 15355
and other rights in connection therewith. Any public hospital 15356
agency or other political subdivision or any public agency, board, 15357
commission, institution, body, or instrumentality may grant such 15358
real estate, interests, or rights to any hospital agency upon such 15359
terms as are agreed upon without necessity for competitive bidding 15360
or public auction. 15361

Sec. 145.01. As used in this chapter: 15362

(A) "Public employee" means: 15363

(1) Any person holding an office, not elective, under the 15364
state or any county, township, municipal corporation, park 15365
district, conservancy district, sanitary district, health 15366
district, metropolitan housing authority, state retirement board, 15367
Ohio historical society, public library, county law library, union 15368
cemetery, joint hospital, institutional commissary, state 15369
university, or board, bureau, commission, council, committee, 15370
authority, or administrative body as the same are, or have been, 15371
created by action of the general assembly or by the legislative 15372
authority of any of the units of local government named in 15373
division (A)(1) of this section, or employed and paid in whole or 15374

in part by the state or any of the authorities named in division	15375
(A)(1) of this section in any capacity not covered by section	15376
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.	15377
(2) A person who is a member of the public employees	15378
retirement system and who continues to perform the same or similar	15379
duties under the direction of a contractor who has contracted to	15380
take over what before the date of the contract was a publicly	15381
operated function. The governmental unit with which the contract	15382
has been made shall be deemed the employer for the purposes of	15383
administering this chapter.	15384
(3) Any person who is an employee of a public employer,	15385
notwithstanding that the person's compensation for that employment	15386
is derived from funds of a person or entity other than the	15387
employer. Credit for such service shall be included as total	15388
service credit, provided that the employee makes the payments	15389
required by this chapter, and the employer makes the payments	15390
required by sections 145.48 and 145.51 of the Revised Code.	15391
(4) A person who elects in accordance with section 145.015 of	15392
the Revised Code to remain a contributing member of the public	15393
employees retirement system.	15394
(5) A person who is an employee of the legal rights service	15395
on September 30, 2012, and continues to be employed by the	15396
nonprofit entity established under Section 319.20 of Am. Sub. H.B.	15397
153 of the 129th general assembly. The nonprofit entity is the	15398
employer for the purpose of this chapter.	15399
In all cases of doubt, the public employees retirement board	15400
shall determine under section 145.036, 145.037, or 145.038 of the	15401
Revised Code whether any person is a public employee, and its	15402
decision is final.	15403
(B) "Member" means any public employee, other than a public	15404
employee excluded or exempted from membership in the retirement	15405

system by section 145.03, 145.031, 145.032, 145.033, 145.034, 15406
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 15407
retirant who becomes a member under division (C) of section 145.38 15408
of the Revised Code. "Member" also includes a disability benefit 15409
recipient. 15410

(C) "Head of the department" means the elective or appointive 15411
head of the several executive, judicial, and administrative 15412
departments, institutions, boards, and commissions of the state 15413
and local government as the same are created and defined by the 15414
laws of this state or, in case of a charter government, by that 15415
charter. 15416

(D) "Employer" or "public employer" means the state or any 15417
county, township, municipal corporation, park district, 15418
conservancy district, sanitary district, health district, 15419
metropolitan housing authority, state retirement board, Ohio 15420
historical society, public library, county law library, union 15421
cemetery, joint hospital, institutional commissary, state medical 15422
university, state university, or board, bureau, commission, 15423
council, committee, authority, or administrative body as the same 15424
are, or have been, created by action of the general assembly or by 15425
the legislative authority of any of the units of local government 15426
named in this division not covered by section 742.01, 3307.01, 15427
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 15428
means the employer of any public employee. 15429

(E) "Prior military service" also means all service credited 15430
for active duty with the armed forces of the United States as 15431
provided in section 145.30 of the Revised Code. 15432

(F) "Contributor" means any person who has an account in the 15433
employees' savings fund created by section 145.23 of the Revised 15434
Code. When used in the sections listed in division (B) of section 15435
145.82 of the Revised Code, "contributor" includes any person 15436
participating in a PERS defined contribution plan. 15437

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter.

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in the public employees retirement system, shall make a payment of the contributions they would have paid had they been members of this system for the eighteen months of employment preceding the date membership was established. When that payment has been made by all such employee members, a corresponding payment shall be paid into the employers' accumulation fund by that municipal

corporation as the employer of the employees. 15470

(3) Where a member also is a member of the state teachers 15471
retirement system or the school employees retirement system, or 15472
both, except in cases of retirement on a combined basis pursuant 15473
to section 145.37 of the Revised Code or as provided in section 15474
145.383 of the Revised Code, service credit for any period shall 15475
be credited on the basis of the ratio that contributions to the 15476
public employees retirement system bear to total contributions in 15477
all state retirement systems. 15478

(4) Not more than one year of credit may be given for any 15479
period of twelve months. 15480

(5) "Ohio service credit" means credit for service that was 15481
rendered to the state or any of its political subdivisions or any 15482
employer. 15483

(I) "Regular interest" means interest at any rates for the 15484
respective funds and accounts as the public employees retirement 15485
board may determine from time to time. 15486

(J) "Accumulated contributions" means the sum of all amounts 15487
credited to a contributor's individual account in the employees' 15488
savings fund together with any interest credited to the 15489
contributor's account under section 145.471 or 145.472 of the 15490
Revised Code. 15491

(K)(1) "Final average salary" means the greater of the 15492
following: 15493

(a) The sum of the member's earnable salaries for the 15494
appropriate number of calendar years of contributing service, 15495
determined under section 145.017 of the Revised Code, in which the 15496
member's earnable salary was highest, divided by the same number 15497
of calendar years or, if the member has fewer than the appropriate 15498
number of calendar years of contributing service, the total of the 15499
member's earnable salary for all years of contributing service 15500

divided by the number of calendar years of the member's 15501
contributing service; 15502

(b) The sum of a member's earnable salaries for the 15503
appropriate number of consecutive months, determined under section 15504
145.017 of the Revised Code, that were the member's last months of 15505
service, up to and including the last month, divided by the 15506
appropriate number of years or, if the time between the first and 15507
final months of service is less than the appropriate number of 15508
consecutive months, the total of the member's earnable salary for 15509
all months of contributing service divided by the number of years 15510
between the first and final months of contributing service, 15511
including any fraction of a year, except that the member's final 15512
average salary shall not exceed the member's highest earnable 15513
salary for any twelve consecutive months. 15514

(2) If contributions were made in only one calendar year, 15515
"final average salary" means the member's total earnable salary. 15516

(L) "Annuity" means payments for life derived from 15517
contributions made by a contributor and paid from the annuity and 15518
pension reserve fund as provided in this chapter. All annuities 15519
shall be paid in twelve equal monthly installments. 15520

(M) "Annuity reserve" means the present value, computed upon 15521
the basis of the mortality and other tables adopted by the board, 15522
of all payments to be made on account of any annuity, or benefit 15523
in lieu of any annuity, granted to a retirant as provided in this 15524
chapter. 15525

(N)(1) "Disability retirement" means retirement as provided 15526
in section 145.36 of the Revised Code. 15527

(2) "Disability allowance" means an allowance paid on account 15528
of disability under section 145.361 of the Revised Code. 15529

(3) "Disability benefit" means a benefit paid as disability 15530
retirement under section 145.36 of the Revised Code, as a 15531

disability allowance under section 145.361 of the Revised Code, or 15532
as a disability benefit under section 145.37 of the Revised Code. 15533

(4) "Disability benefit recipient" means a member who is 15534
receiving a disability benefit. 15535

(O) "Age and service retirement" means retirement as provided 15536
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 15537
and former section 145.34 of the Revised Code. 15538

(P) "Pensions" means annual payments for life derived from 15539
contributions made by the employer that at the time of retirement 15540
are credited into the annuity and pension reserve fund from the 15541
employers' accumulation fund and paid from the annuity and pension 15542
reserve fund as provided in this chapter. All pensions shall be 15543
paid in twelve equal monthly installments. 15544

(Q) "Retirement allowance" means the pension plus that 15545
portion of the benefit derived from contributions made by the 15546
member. 15547

(R)(1) Except as otherwise provided in division (R) of this 15548
section, "earnable salary" means all salary, wages, and other 15549
earnings paid to a contributor by reason of employment in a 15550
position covered by the retirement system. The salary, wages, and 15551
other earnings shall be determined prior to determination of the 15552
amount required to be contributed to the employees' savings fund 15553
under section 145.47 of the Revised Code and without regard to 15554
whether any of the salary, wages, or other earnings are treated as 15555
deferred income for federal income tax purposes. "Earnable salary" 15556
includes the following: 15557

(a) Payments made by the employer in lieu of salary, wages, 15558
or other earnings for sick leave, personal leave, or vacation used 15559
by the contributor; 15560

(b) Payments made by the employer for the conversion of sick 15561
leave, personal leave, and vacation leave accrued, but not used if 15562

the payment is made during the year in which the leave is accrued, 15563
except that payments made pursuant to section 124.383 or 124.386 15564
of the Revised Code are not earnable salary; 15565

(c) Allowances paid by the employer for maintenance, 15566
consisting of housing, laundry, and meals, as certified to the 15567
retirement board by the employer or the head of the department 15568
that employs the contributor; 15569

(d) Fees and commissions paid under section 507.09 of the 15570
Revised Code; 15571

(e) Payments that are made under a disability leave program 15572
sponsored by the employer and for which the employer is required 15573
by section 145.296 of the Revised Code to make periodic employer 15574
and employee contributions; 15575

(f) Amounts included pursuant to former division (K)(3) and 15576
former division (Y) of this section and section 145.2916 of the 15577
Revised Code. 15578

(2) "Earnable salary" does not include any of the following: 15579

(a) Fees and commissions, other than those paid under section 15580
507.09 of the Revised Code, paid as sole compensation for personal 15581
services and fees and commissions for special services over and 15582
above services for which the contributor receives a salary; 15583

(b) Amounts paid by the employer to provide life insurance, 15584
sickness, accident, endowment, health, medical, hospital, dental, 15585
or surgical coverage, or other insurance for the contributor or 15586
the contributor's family, or amounts paid by the employer to the 15587
contributor in lieu of providing the insurance; 15588

(c) Incidental benefits, including lodging, food, laundry, 15589
parking, or services furnished by the employer, or use of the 15590
employer's property or equipment, or amounts paid by the employer 15591
to the contributor in lieu of providing the incidental benefits; 15592

(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	15593 15594 15595
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	15596 15597 15598 15599
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	15600 15601 15602 15603 15604
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;	15605 15606 15607 15608 15609 15610
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:	15611 15612 15613 15614 15615
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	15616 15617
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	15618 15619 15620
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	15621 15622

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.

(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.

(T) "Contributing service" means both of the following:

(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.

(2) Service credit received by election of the member under section 145.814 of the Revised Code.

(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, and 145.46 and former section 145.34 of the Revised Code.

(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) "Five years of service credit," for the exclusive purpose

of satisfying the service credit requirements and of determining 15653
eligibility under section 145.33 or 145.332 of the Revised Code, 15654
means employment covered under this chapter or under a former 15655
retirement plan operated, recognized, or endorsed by the employer 15656
prior to coverage under this chapter or under a combination of the 15657
coverage. 15658

(Z) "Deputy sheriff" means any person who is commissioned and 15659
employed as a full-time peace officer by the sheriff of any 15660
county, and has been so employed since on or before December 31, 15661
1965; any person who is or has been commissioned and employed as a 15662
peace officer by the sheriff of any county since January 1, 1966, 15663
and who has received a certificate attesting to the person's 15664
satisfactory completion of the peace officer training school as 15665
required by section 109.77 of the Revised Code; or any person 15666
deputized by the sheriff of any county and employed pursuant to 15667
section 2301.12 of the Revised Code as a criminal bailiff or court 15668
constable who has received a certificate attesting to the person's 15669
satisfactory completion of the peace officer training school as 15670
required by section 109.77 of the Revised Code. 15671

(AA) "Township constable or police officer in a township 15672
police department or district" means any person who is 15673
commissioned and employed as a full-time peace officer pursuant to 15674
Chapter 505. or 509. of the Revised Code, who has received a 15675
certificate attesting to the person's satisfactory completion of 15676
the peace officer training school as required by section 109.77 of 15677
the Revised Code. 15678

(BB) "Drug agent" means any person who is either of the 15679
following: 15680

(1) Employed full time as a narcotics agent by a county 15681
narcotics agency created pursuant to section 307.15 of the Revised 15682
Code and has received a certificate attesting to the satisfactory 15683
completion of the peace officer training school as required by 15684

section 109.77 of the Revised Code; 15685

(2) Employed full time as an undercover drug agent as defined 15686
in section 109.79 of the Revised Code and is in compliance with 15687
section 109.77 of the Revised Code. 15688

(CC) "Department of public safety enforcement agent" means a 15689
full-time employee of the department of public safety who is 15690
designated under section 5502.14 of the Revised Code as an 15691
enforcement agent and who is in compliance with section 109.77 of 15692
the Revised Code. 15693

(DD) "Natural resources law enforcement staff officer" means 15694
a full-time employee of the department of natural resources who is 15695
designated a natural resources law enforcement staff officer under 15696
section 1501.013 of the Revised Code and is in compliance with 15697
section 109.77 of the Revised Code. 15698

(EE) "Park officer" means a full-time employee of the 15699
department of natural resources who is designated a park officer 15700
under section 1541.10 of the Revised Code and is in compliance 15701
with section 109.77 of the Revised Code. 15702

(FF) "Forest officer" means a full-time employee of the 15703
department of natural resources who is designated a forest officer 15704
under section 1503.29 of the Revised Code and is in compliance 15705
with section 109.77 of the Revised Code. 15706

(GG) "Preserve officer" means a full-time employee of the 15707
department of natural resources who is designated a preserve 15708
officer under section 1517.10 of the Revised Code and is in 15709
compliance with section 109.77 of the Revised Code. 15710

(HH) "Wildlife officer" means a full-time employee of the 15711
department of natural resources who is designated a wildlife 15712
officer under section 1531.13 of the Revised Code and is in 15713
compliance with section 109.77 of the Revised Code. 15714

(II) "State watercraft officer" means a full-time employee of the department of natural resources who is designated a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(JJ) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(KK) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(MM) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(NN) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section ~~5119.14~~ 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for an institution for the developmentally disabled" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(PP) "State university law enforcement officer" means any person who is employed full time as a state university law

enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code. 15746
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(QQ) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section. 15749
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(RR) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code. 15753
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(SS) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 15756
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(TT) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person serving full time as a special police officer pursuant to that section on a permanent basis on October 21, 1997, who is in compliance with section 109.77 of the Revised Code. 15760
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(UU) "Municipal public safety director" means a person who serves full time as the public safety director of a municipal corporation with the duty of directing the activities of the municipal corporation's police department and fire department. 15767
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(VV) Notwithstanding section 2901.01 of the Revised Code, "PERS law enforcement officer" means a sheriff or any of the following whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety 15771
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enforcement agent, natural resources law enforcement staff 15777
officer, park officer, forest officer, preserve officer, wildlife 15778
officer, state watercraft officer, park district police officer, 15779
conservancy district officer, veterans' home police officer, 15780
special police officer for a mental health institution, special 15781
police officer for an institution for the developmentally 15782
disabled, state university law enforcement officer, municipal 15783
police officer, house sergeant at arms, assistant house sergeant 15784
at arms, regional transit authority police officer, or state 15785
highway patrol police officer. "PERS law enforcement officer" also 15786
includes a person serving as a municipal public safety director at 15787
any time during the period from September 29, 2005, to March 24, 15788
2009, if the duties of that service were to preserve the peace, 15789
protect life and property, and enforce the laws of this state. 15790

(WW) "Hamilton county municipal court bailiff" means a person 15791
appointed by the clerk of courts of the Hamilton county municipal 15792
court under division (A)(3) of section 1901.32 of the Revised Code 15793
who is employed full time as a bailiff or deputy bailiff, who has 15794
received a certificate attesting to the person's satisfactory 15795
completion of the peace officer basic training described in 15796
division (D)(1) of section 109.77 of the Revised Code. 15797

(XX) "PERS public safety officer" means a Hamilton county 15798
municipal court bailiff, or any of the following whose primary 15799
duties are other than to preserve the peace, protect life and 15800
property, and enforce the laws of this state: a deputy sheriff, 15801
township constable or police officer in a township police 15802
department or district, drug agent, department of public safety 15803
enforcement agent, natural resources law enforcement staff 15804
officer, park officer, forest officer, preserve officer, wildlife 15805
officer, state watercraft officer, park district police officer, 15806
conservancy district officer, veterans' home police officer, 15807
special police officer for a mental health institution, special 15808

police officer for an institution for the ~~mentally retarded and~~ 15809
developmentally disabled, state university law enforcement 15810
officer, municipal police officer, house sergeant at arms, 15811
assistant house sergeant at arms, regional transit authority 15812
police officer, or state highway patrol police officer. "PERS 15813
public safety officer" also includes a person serving as a 15814
municipal public safety director at any time during the period 15815
from September 29, 2005, to March 24, 2009, if the duties of that 15816
service were other than to preserve the peace, protect life and 15817
property, and enforce the laws of this state. 15818

(YY) "Fiduciary" means a person who does any of the 15819
following: 15820

(1) Exercises any discretionary authority or control with 15821
respect to the management of the system or with respect to the 15822
management or disposition of its assets; 15823

(2) Renders investment advice for a fee, direct or indirect, 15824
with respect to money or property of the system; 15825

(3) Has any discretionary authority or responsibility in the 15826
administration of the system. 15827

(ZZ) "Actuary" means an individual who satisfies all of the 15828
following requirements: 15829

(1) Is a member of the American academy of actuaries; 15830

(2) Is an associate or fellow of the society of actuaries; 15831

(3) Has a minimum of five years' experience in providing 15832
actuarial services to public retirement plans. 15833

(AAA) "PERS defined benefit plan" means the plan described in 15834
sections 145.201 to 145.79 of the Revised Code. 15835

(BBB) "PERS defined contribution plans" means the plan or 15836
plans established under section 145.81 of the Revised Code. 15837

Sec. 145.012. (A) "Public employee," as defined in division	15838
(A) of section 145.01 of the Revised Code, does not include any	15839
person:	15840
(1) Who is employed by a private, temporary-help service and	15841
performs services under the direction of a public employer or is	15842
employed on a contractual basis as an independent contractor under	15843
a personal service contract with a public employer;	15844
(2) Who is an emergency employee serving on a temporary basis	15845
in case of fire, snow, earthquake, flood, or other similar	15846
emergency;	15847
(3) Who is employed in a program established pursuant to the	15848
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	15849
1501;	15850
(4) Who is an appointed member of either the motor vehicle	15851
salvage dealers board or the motor vehicle dealer's board whose	15852
rate and method of payment are determined pursuant to division (J)	15853
of section 124.15 of the Revised Code;	15854
(5) Who is employed as an election worker and paid less than	15855
five hundred dollars per calendar year for that service;	15856
(6) Who is employed as a firefighter in a position requiring	15857
satisfactory completion of a firefighter training course approved	15858
under former section 3303.07 or section 4765.55 of the Revised	15859
Code or conducted under section 3737.33 of the Revised Code except	15860
for the following:	15861
(a) Any firefighter who has elected under section 145.013 of	15862
the Revised Code to remain a contributing member of the public	15863
employees retirement system;	15864
(b) Any firefighter who was eligible to transfer from the	15865
public employees retirement system to the Ohio police and fire	15866
pension fund under section 742.51 or 742.515 of the Revised Code	15867

and did not elect to transfer; 15868

(c) Any firefighter who has elected under section 742.516 of 15869
the Revised Code to transfer from the Ohio police and fire pension 15870
fund to the public employees retirement system. 15871

(7) Who is a member of the board of health of a city or 15872
general health district, which pursuant to sections 3709.051 and 15873
3709.07 of the Revised Code includes a combined health district, 15874
and whose compensation for attendance at meetings of the board is 15875
set forth in division (B) of section 3709.02 or division (B) of 15876
section 3709.05 of the Revised Code, as appropriate; 15877

(8) Who participates in an alternative retirement plan 15878
established under Chapter 3305. of the Revised Code; 15879

(9) Who is a member of the board of directors of a sanitary 15880
district established under Chapter 6115. of the Revised Code; 15881

(10) Who is a member of the unemployment compensation 15882
advisory council; 15883

(11) Who is an employee, officer, or governor-appointed 15884
member of the board of directors of the nonprofit corporation 15885
formed under section 187.01 of the Revised Code; 15886

(12) Who is employed by the nonprofit entity established to 15887
provide advocacy services and a client assistance program for 15888
people with disabilities under Section 319.20 of Am. Sub. H.B. 153 15889
of the 129th general assembly and whose employment begins on or 15890
after October 1, 2012. 15891

(B) No inmate of a correctional institution operated by the 15892
department of rehabilitation and correction, no patient in a 15893
hospital for the mentally ill or criminally insane operated by the 15894
department of ~~mental health~~ mental health and addiction services, 15895
no resident in an institution for the mentally retarded operated 15896
by the department of developmental disabilities, no resident 15897

admitted as a patient of a veterans' home operated under Chapter 15898
5907. of the Revised Code, and no resident of a county home shall 15899
be considered as a public employee for the purpose of establishing 15900
membership or calculating service credit or benefits under this 15901
chapter. Nothing in this division shall be construed to affect any 15902
service credit attained by any person who was a public employee 15903
before becoming an inmate, patient, or resident at any institution 15904
listed in this division, or the payment of any benefit for which 15905
such a person or such a person's beneficiaries otherwise would be 15906
eligible. 15907

Sec. 145.037. (A) As used in this section and section 145.038 15908
of the Revised Code, "business entity" means an entity with five 15909
or more employees that is a corporation, association, firm, 15910
limited liability company, partnership, sole proprietorship, or 15911
other entity engaged in business. 15912

(B)(1) Except as provided in division (B)(2) of this section, 15913
an individual who provided personal services to a public employer 15914
on or before January 7, 2013, but was not classified as a public 15915
employee may request from the public employees retirement board a 15916
determination of whether the individual should have been 15917
classified as a public employee for purposes of this chapter. The 15918
request shall be made on a form provided by the board. 15919

(2) Division (B)(1) of this section does not apply to an 15920
individual employed by a business entity under contract with a 15921
public employer to provide personal services to the employer. 15922

(C)(1) Not later than thirty days after January 7, 2013, the 15923
board shall notify each employer of the right of an individual 15924
described in division (B)(1) of this section to seek the 15925
determination described in that division. The notice shall be 15926
accompanied by copies of the form described in division (B)(1) of 15927
this section. 15928

(2) Not later than September 7, 2013, the employer shall send 15929
to each individual described in division (B)(1) of this section a 15930
copy of the form provided by the retirement system and written 15931
notice of the right to seek a determination of whether the 15932
individual should have been classified as a public employee. The 15933
notice shall be sent to the individual's last known address on 15934
record with the employer. 15935

(3) On receipt of a properly completed form, the board shall 15936
determine whether the individual should have been classified as a 15937
public employee. If the board determines that the individual is 15938
not a public employee with regard to the services in question, for 15939
the purposes of this chapter the individual shall be considered an 15940
independent contractor with regard to the services in question. 15941
The board's determination is final. 15942

(4) The board shall notify the individual and the employer of 15943
its determination. The determination shall apply to services 15944
performed before, on, or after January 7, 2013, for the same 15945
employer in the same capacity. 15946

(D) Regardless of whether an individual actually receives 15947
notice under this section, the request for a determination must be 15948
made not later than August 7 8, 2014, unless the individual can 15949
demonstrate to the board's satisfaction through medical records 15950
that on that date the individual was physically or mentally 15951
incapacitated and unable to request a determination. 15952

Sec. 145.22. (A) The public employees retirement board shall 15953
have prepared annually by or under the supervision of an actuary 15954
an actuarial valuation of the pension assets, liabilities, and 15955
funding requirements of the public employees retirement system as 15956
established pursuant to this chapter. The actuary shall complete 15957
the valuation in accordance with actuarial standards of practice 15958
promulgated by the actuarial standards board of the American 15959

academy of actuaries and prepare a report of the valuation. The	15960
report shall include all of the following:	15961
(1) A summary of the benefit provisions evaluated;	15962
(2) A summary of the census data and financial information used in the valuation;	15963 15964
(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system;	15965 15966 15967 15968 15969
(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;	15970 15971 15972
(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;	15973 15974 15975
(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.	15976 15977 15978
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the first day of September following the year for which the valuation was made.	15979 15980 15981 15982 15983 15984
(B) At such time as the public employees retirement board determines, and at least once in each five-year period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, contributors, and	15985 15986 15987 15988 15989

beneficiaries of the system to update the actuarial assumptions 15990
used in the actuarial valuation required by division (A) of this 15991
section. The actuary shall prepare a report of the actuarial 15992
investigation. The report shall be prepared and any recommended 15993
changes in actuarial assumptions shall be made in accordance with 15994
the actuarial standards of practice promulgated by the actuarial 15995
standards board of the American academy of actuaries. The report 15996
shall include all of the following: 15997

(1) A summary of relevant decrement and economic assumption 15998
experience observed over the period of the investigation; 15999

(2) Recommended changes in actuarial assumptions to be used 16000
in subsequent actuarial valuations required by division (A) of 16001
this section; 16002

(3) A measurement of the financial effect of the recommended 16003
changes in actuarial assumptions. 16004

The board shall submit the report to the Ohio retirement 16005
study council and the standing committees of the house of 16006
representatives and the senate with primary responsibility for 16007
retirement legislation not later than the first day of November 16008
following the last fiscal year of the period the report covers. 16009

(C) The board may at any time request the actuary to make any 16010
studies or actuarial valuations to determine the adequacy of the 16011
contribution rate determined under section 145.48 of the Revised 16012
Code, and those rates may be adjusted by the board, as recommended 16013
by the actuary, effective as of the first of any year thereafter. 16014

(D) The board shall have prepared by or under the supervision 16015
of an actuary an actuarial analysis of any introduced legislation 16016
expected to have a measurable financial impact on the retirement 16017
system. The actuarial analysis shall be completed in accordance 16018
with the actuarial standards of practice promulgated by the 16019
actuarial standards board of the American academy of actuaries. 16020

The actuary shall prepare a report of the actuarial analysis, 16021
which shall include all of the following: 16022

(1) A summary of the statutory changes that are being 16023
evaluated; 16024

(2) A description of or reference to the actuarial 16025
assumptions and actuarial cost method used in the report; 16026

(3) A description of the participant group or groups included 16027
in the report; 16028

(4) A statement of the financial impact of the legislation, 16029
including the resulting increase, if any, in the employer normal 16030
cost percentage; the increase, if any, in actuarial accrued 16031
liabilities; and the per cent of payroll that would be required to 16032
amortize the increase in actuarial accrued liabilities as a level 16033
per cent of covered payroll for all active members over a period 16034
not to exceed thirty years; 16035

(5) A statement of whether the scheduled contributions to the 16036
system after the proposed change is enacted are expected to be 16037
sufficient to satisfy the funding objectives established by the 16038
board. 16039

Not later than sixty days from the date of introduction of 16040
the legislation, the board shall submit a copy of the actuarial 16041
analysis to the legislative service commission, the standing 16042
committees of the house of representatives and the senate with 16043
primary responsibility for retirement legislation, and the Ohio 16044
retirement study council. 16045

(E) The board shall have prepared annually a report giving a 16046
full accounting of the revenues and costs relating to the 16047
provision of benefits under sections 145.58 and 145.584 of the 16048
Revised Code. The report shall be made as of December 31, 1997, 16049
and the thirty-first day of December of each year thereafter. The 16050
report shall include the following: 16051

(1) A description of the statutory authority for the benefits provided;	16052 16053
(2) A summary of the benefits;	16054
(3) A summary of the eligibility requirements for the benefits;	16055 16056
(4) A statement of the number of participants eligible for the benefits;	16057 16058
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	16059 16060
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	16061 16062
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	16063 16064 16065 16066 16067
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	16068 16069 16070 16071
(9) A description of any significant changes that affect the comparability of the report required under this division;	16072 16073
(10) A statement of the amount paid under division (C) of section 145.58 of the Revised Code.	16074 16075
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirtieth day of June following the year for which the report was made.	16076 16077 16078 16079 16080 16081

Sec. 149.01. Each elective state officer, the adjutant 16082
general, the adult parole authority, the department of 16083
agriculture, the director of administrative services, the public 16084
utilities commission, the superintendent of insurance, the 16085
superintendent of financial institutions, the superintendent of 16086
purchases and printing, the fire marshal, the industrial 16087
commission, the administrator of workers' compensation, the state 16088
department of transportation, the department of health, the state 16089
medical board, the state dental board, the board of embalmers and 16090
funeral directors, the Ohio commission for the blind, the 16091
accountancy board of Ohio, the state council of uniform state 16092
laws, the board of commissioners of the sinking fund, the 16093
department of taxation, the board of tax appeals, the division of 16094
liquor control, the director of state armories, the trustees of 16095
the Ohio state university, and every private or quasi-public 16096
institution, association, board, or corporation receiving state 16097
money for its use and purpose shall make annually, at the end of 16098
each fiscal year, in quadruplicate, a report of the transactions 16099
and proceedings of that office or department for that fiscal year, 16100
excepting receipts and disbursements unless otherwise specifically 16101
required by law. The report shall contain a summary of the 16102
official acts of the officer, board, council, commission, 16103
institution, association, or corporation and any suggestions and 16104
recommendations that are proper. ~~On the first day of August of~~ 16105
~~each year, one~~ 16106

One of the reports shall be filed with the governor, one with 16107
the secretary of state, and one with the state library, and one 16108
shall be kept on file in the office of the officer, board, 16109
council, commission, institution, association, or corporation. The 16110
reports shall be so filed by the first day of August, except that 16111
the report of the treasurer of state shall be so filed by the 16112
thirty-first day of December. 16113

Sec. 149.12. The state library board shall forward, free of charge, in a paper or electronic format, one copy of each legislative bulletin, daily house and senate journal, pamphlet law as described in section 149.09 of the Revised Code, and summary of enactments published by the legislative service commission, to the following libraries:

(A) Each library within the state that has been designated by the state library board under section 149.11 of the Revised Code as a depository for state publications;

(B) In each county containing no library described in division (A) of this section, to a public library designated by the state library board to receive the journals, bulletins, and summaries described in this section. The state library board shall designate libraries that can best preserve the publications and are so located geographically that they can make the publications conveniently accessible to the residents of the county.

The state library board shall forward the daily house and senate journals once every week while the general assembly is in session and the legislative bulletin, each pamphlet law, and the summary of enactments as they are published.

Each library receiving publications under this section or under section 149.09 of the Revised Code shall make these publications accessible to the public.

Sec. 149.307. There is hereby created in the state treasury the Ohio history license plate contribution fund. The fund shall consist of the contributions that are paid to the registrar of motor vehicles by applicants who choose to obtain "Ohio history" license plates pursuant to section 4503.95 of the Revised Code.

The contributions deposited in the fund shall be used by the Ohio historical society to provide grants to historical

organizations located in this state. An organization that receives 16144
a grant under this section shall use the grant only to host 16145
exhibits and increase access to its collection by the public. 16146

The society shall establish and administer all aspects of the 16147
grant program, including eligibility requirements for receiving a 16148
grant under the program. 16149

Not later than the last business day of January of each year, 16150
the society shall prepare and submit to the general assembly a 16151
written report, detailing all aspects of the grant program during 16152
the immediately preceding calendar year. 16153

Sec. 149.311. (A) As used in this section: 16154

(1) "Historic building" means a building, including its 16155
structural components, that is located in this state and that is 16156
either individually listed on the national register of historic 16157
places under 16 U.S.C. 470a, located in a registered historic 16158
district, and certified by the state historic preservation officer 16159
as being of historic significance to the district, or is 16160
individually listed as an historic landmark designated by a local 16161
government certified under 16 U.S.C. 470a(c). 16162

(2) "Qualified rehabilitation expenditures" means 16163
expenditures paid or incurred during the rehabilitation period, 16164
and before and after that period as determined under 26 U.S.C. 47, 16165
by an owner or qualified lessee of an historic building to 16166
rehabilitate the building. "Qualified rehabilitation expenditures" 16167
includes architectural or engineering fees paid or incurred in 16168
connection with the rehabilitation, and expenses incurred in the 16169
preparation of nomination forms for listing on the national 16170
register of historic places. "Qualified rehabilitation 16171
expenditures" does not include any of the following: 16172

(a) The cost of acquiring, expanding, or enlarging an 16173

historic building;	16174
(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;	16175 16176 16177
(c) New building construction costs.	16178
(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.	16179 16180 16181 16182
(4) "Qualified lessee" means a person subject to a lease agreement for a <u>an</u> historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code.	16183 16184 16185 16186 16187
(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section.	16188 16189 16190
(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.	16191 16192 16193 16194 16195
(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.	16196 16197 16198 16199 16200
(8) "Rehabilitation period" means one of the following:	16201
(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified	16202 16203

lessee not to exceed twenty-four months during which 16204
rehabilitation occurs; 16205

(b) If the rehabilitation initially was planned to be 16206
completed in stages, a period chosen by the owner or qualified 16207
lessee not to exceed sixty months during which rehabilitation 16208
occurs. Each stage shall be reviewed as a phase of a 16209
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 16210
successor to that section. 16211

(9) "State historic preservation officer" or "officer" means 16212
the state historic preservation officer appointed by the governor 16213
under 16 U.S.C. 470a. 16214

(B) The owner or qualified lessee of an historic building may 16215
apply to the director of development services for a rehabilitation 16216
tax credit certificate for qualified rehabilitation expenditures 16217
paid or incurred by such owner or qualified lessee after April 4, 16218
2007, for rehabilitation of an historic building. If the owner of 16219
a an historic building enters a pass-through agreement with a 16220
qualified lessee for the purposes of the federal rehabilitation 16221
tax credit under 26 U.S.C. 47, the qualified rehabilitation 16222
expenditures paid or incurred by the owner after April 4, 2007, 16223
~~shall~~ may be attributed to the qualified lessee. 16224

The form and manner of filing such applications shall be 16225
prescribed by rule of the director. Each application shall state 16226
the amount of qualified rehabilitation expenditures the applicant 16227
estimates will be paid or incurred. The director may require 16228
applicants to furnish documentation of such estimates. 16229

The director, after consultation with the tax commissioner 16230
and in accordance with Chapter 119. of the Revised Code, shall 16231
adopt rules that establish all of the following: 16232

(1) Forms and procedures by which applicants may apply for 16233
rehabilitation tax credit certificates; 16234

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;	16235 16236 16237 16238 16239 16240
(3) Eligibility requirements for obtaining a certificate under this section;	16241 16242
(4) The form of rehabilitation tax credit certificates;	16243
(5) Reporting requirements and monitoring procedures;	16244
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	16245 16246 16247 16248 16249 16250
(7) Any other rules necessary to implement and administer this section.	16251 16252
(C) The director of development services shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	16253 16254 16255 16256
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	16257 16258 16259
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	16260 16261 16262 16263
(3) That receiving a rehabilitation tax credit certificate	16264

under this section is a major factor in: 16265

(a) The applicant's decision to rehabilitate the historic 16266
building; or 16267

(b) To increase the level of investment in such 16268
rehabilitation. 16269

An applicant shall demonstrate to the satisfaction of the 16270
state historic preservation officer and director of development 16271
services that the rehabilitation will satisfy the standards 16272
described in division (C)(2) of this section before the applicant 16273
begins the physical rehabilitation of the historic building. 16274

(D)(1) If the director of development services determines 16275
that an application meets the criteria in divisions (C)(1), (2), 16276
and (3) of this section, the director shall conduct a cost-benefit 16277
analysis for the historic building that is the subject of the 16278
application to determine whether rehabilitation of the historic 16279
building will result in a net revenue gain in state and local 16280
taxes once the building is used. The director shall consider the 16281
results of the cost-benefit analysis in determining whether to 16282
approve the application. The director shall also consider the 16283
potential economic impact and the regional distributive balance of 16284
the credits throughout the state. The director may approve an 16285
application only after completion of the cost-benefit analysis. 16286

(2) A rehabilitation tax credit certificate shall not be 16287
issued for an amount greater than the estimated amount furnished 16288
by the applicant on the application for such certificate and 16289
approved by the director. The director shall not approve more than 16290
a total of sixty million dollars of rehabilitation tax credits per 16291
fiscal year but the director may reallocate unused tax credits 16292
from a prior fiscal year for new applicants and such reallocated 16293
credits shall not apply toward the dollar limit of this division. 16294

(3) For rehabilitations with a rehabilitation period not 16295

exceeding twenty-four months as provided in division (A)(7)(a) of 16296
this section, a rehabilitation tax credit certificate shall not be 16297
issued before the rehabilitation of the historic building is 16298
completed. 16299

(4) For rehabilitations with a rehabilitation period not 16300
exceeding sixty months as provided in division (A)(7)(b) of this 16301
section, a rehabilitation tax credit certificate shall not be 16302
issued before a stage of rehabilitation is completed. After all 16303
stages of rehabilitation are completed, if the director cannot 16304
determine that the criteria in division (C) of this section are 16305
satisfied for all stages of rehabilitations, the director shall 16306
certify this finding to the tax commissioner, and any 16307
rehabilitation tax credits received by the applicant shall be 16308
repaid by the applicant and may be collected by assessment as 16309
unpaid tax by the commissioner. 16310

(5) The director of development services shall require the 16311
applicant to provide a third-party cost certification by a 16312
certified public accountant of the actual costs attributed to the 16313
rehabilitation of the historic building when qualified 16314
rehabilitation expenditures exceed two hundred thousand dollars. 16315

If an applicant whose application is approved for receipt of 16316
a rehabilitation tax credit certificate fails to provide to the 16317
director sufficient evidence of reviewable progress, including a 16318
viable financial plan, copies of final construction drawings, and 16319
evidence that the applicant has obtained all historic approvals 16320
within twelve months after the date the applicant received 16321
notification of approval, and if the applicant fails to provide 16322
evidence to the director that the applicant has secured and closed 16323
on financing for the rehabilitation within eighteen months after 16324
receiving notification of approval, the director may rescind the 16325
approval of the application. The director shall notify the 16326
applicant if the approval has been rescinded. Credits that would 16327

have been available to an applicant whose approval was rescinded 16328
shall be available for other qualified applicants. Nothing in this 16329
division prohibits an applicant whose approval has been rescinded 16330
from submitting a new application for a rehabilitation tax credit 16331
certificate. 16332

(E) Issuance of a certificate represents a finding by the 16333
director of development services of the matters described in 16334
divisions (C)(1), (2), and (3) of this section only; issuance of a 16335
certificate does not represent a verification or certification by 16336
the director of the amount of qualified rehabilitation 16337
expenditures for which a tax credit may be claimed under section 16338
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, ~~or~~ 5747.76, or 16339
5751.55 of the Revised Code. The amount of qualified 16340
rehabilitation expenditures for which a tax credit may be claimed 16341
is subject to inspection and examination by the tax commissioner 16342
or employees of the commissioner under section 5703.19 of the 16343
Revised Code and any other applicable law. Upon the issuance of a 16344
certificate, the director shall certify to the tax commissioner, 16345
in the form and manner requested by the tax commissioner, the name 16346
of the applicant, the amount of qualified rehabilitation 16347
expenditures shown on the certificate, and any other information 16348
required by the rules adopted under this section. 16349

(F)(1) On or before the first day of April each year, the 16350
director of development services and tax commissioner jointly 16351
shall submit to the president of the senate and the speaker of the 16352
house of representatives a report on the tax credit program 16353
established under this section and sections 5725.151, 5725.34, 16354
5726.52, 5729.17, 5733.47, ~~and~~ 5747.76, and 5751.55 of the Revised 16355
Code. The report shall present an overview of the program and 16356
shall include information on the number of rehabilitation tax 16357
credit certificates issued under this section during the preceding 16358
fiscal year, an update on the status of each historic building for 16359

which an application was approved under this section, the dollar amount of the tax credits granted under sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, ~~and~~ 5747.76, and 5751.55 of the Revised Code, and any other information the director and commissioner consider relevant to the topics addressed in the report.

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

(G) There is hereby created in the state treasury the historic rehabilitation tax credit operating fund. The director of development services is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.44, ~~and~~ 5747.76, and 5751.55 of the Revised Code. Any such fees collected shall be credited to the fund and used to pay reasonable costs incurred by the department of development services in administering this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.44, ~~and~~ 5747.76, and 5751.55 of the Revised Code.

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

Sec. 149.43. (A) As used in this section:	16391
(1) "Public record" means records kept by any public office,	16392
including, but not limited to, state, county, city, village,	16393
township, and school district units, and records pertaining to the	16394
delivery of educational services by an alternative school in this	16395
state kept by the nonprofit or for-profit entity operating the	16396
alternative school pursuant to section 3313.533 of the Revised	16397
Code. "Public record" does not mean any of the following:	16398
(a) Medical records;	16399
(b) Records pertaining to probation and parole proceedings or	16400
to proceedings related to the imposition of community control	16401
sanctions and post-release control sanctions;	16402
(c) Records pertaining to actions under section 2151.85 and	16403
division (C) of section 2919.121 of the Revised Code and to	16404
appeals of actions arising under those sections;	16405
(d) Records pertaining to adoption proceedings, including the	16406
contents of an adoption file maintained by the department of	16407
health under section 3705.12 of the Revised Code;	16408
(e) Information in a record contained in the putative father	16409
registry established by section 3107.062 of the Revised Code,	16410
regardless of whether the information is held by the department of	16411
job and family services or, pursuant to section 3111.69 of the	16412
Revised Code, the office of child support in the department or a	16413
child support enforcement agency;	16414
(f) Records listed in division (A) of section 3107.42 of the	16415
Revised Code or specified in division (A) of section 3107.52 of	16416
the Revised Code;	16417
(g) Trial preparation records;	16418
(h) Confidential law enforcement investigatory records;	16419

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	16420 16421
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	16422 16423
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	16424 16425 16426 16427
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	16428 16429 16430 16431
(m) Intellectual property records;	16432
(n) Donor profile records;	16433
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	16434 16435
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	16436 16437 16438 16439 16440 16441
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	16442 16443 16444 16445 16446
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	16447 16448
(s) Records provided to, statements made by review board	16449

members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

~~(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;~~

~~(y)~~ Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

~~(z)~~(y) Records listed in section 5101.29 of the Revised Code;

~~(aa)~~(z) Discharges recorded with a county recorder under 16481
section 317.24 of the Revised Code, as specified in division 16482
(B)(2) of that section; 16483

~~(bb)~~(aa) Usage information including names and addresses of 16484
specific residential and commercial customers of a municipally 16485
owned or operated public utility; 16486

~~(cc)~~(bb) Records described in division (C) of section 187.04 16487
of the Revised Code that are not designated to be made available 16488
to the public as provided in that division. 16489

(2) "Confidential law enforcement investigatory record" means 16490
any record that pertains to a law enforcement matter of a 16491
criminal, quasi-criminal, civil, or administrative nature, but 16492
only to the extent that the release of the record would create a 16493
high probability of disclosure of any of the following: 16494

(a) The identity of a suspect who has not been charged with 16495
the offense to which the record pertains, or of an information 16496
source or witness to whom confidentiality has been reasonably 16497
promised; 16498

(b) Information provided by an information source or witness 16499
to whom confidentiality has been reasonably promised, which 16500
information would reasonably tend to disclose the source's or 16501
witness's identity; 16502

(c) Specific confidential investigatory techniques or 16503
procedures or specific investigatory work product; 16504

(d) Information that would endanger the life or physical 16505
safety of law enforcement personnel, a crime victim, a witness, or 16506
a confidential information source. 16507

(3) "Medical record" means any document or combination of 16508
documents, except births, deaths, and the fact of admission to or 16509
discharge from a hospital, that pertains to the medical history, 16510

diagnosis, prognosis, or medical condition of a patient and that 16511
is generated and maintained in the process of medical treatment. 16512

(4) "Trial preparation record" means any record that contains 16513
information that is specifically compiled in reasonable 16514
anticipation of, or in defense of, a civil or criminal action or 16515
proceeding, including the independent thought processes and 16516
personal trial preparation of an attorney. 16517

(5) "Intellectual property record" means a record, other than 16518
a financial or administrative record, that is produced or 16519
collected by or for faculty or staff of a state institution of 16520
higher learning in the conduct of or as a result of study or 16521
research on an educational, commercial, scientific, artistic, 16522
technical, or scholarly issue, regardless of whether the study or 16523
research was sponsored by the institution alone or in conjunction 16524
with a governmental body or private concern, and that has not been 16525
publicly released, published, or patented. 16526

(6) "Donor profile record" means all records about donors or 16527
potential donors to a public institution of higher education 16528
except the names and reported addresses of the actual donors and 16529
the date, amount, and conditions of the actual donation. 16530

(7) "Peace officer, parole officer, probation officer, 16531
bailiff, prosecuting attorney, assistant prosecuting attorney, 16532
correctional employee, community-based correctional facility 16533
employee, youth services employee, firefighter, EMT, or 16534
investigator of the bureau of criminal identification and 16535
investigation residential and familial information" means any 16536
information that discloses any of the following about a peace 16537
officer, parole officer, probation officer, bailiff, prosecuting 16538
attorney, assistant prosecuting attorney, correctional employee, 16539
community-based correctional facility employee, youth services 16540
employee, firefighter, EMT, or investigator of the bureau of 16541
criminal identification and investigation: 16542

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's,

correctional employee's, community-based correctional facility 16575
employee's, youth services employee's, firefighter's, EMT's, or 16576
investigator of the bureau of criminal identification and 16577
investigation's employer; 16578

(e) The identity and amount of any charitable or employment 16579
benefit deduction made by the peace officer's, parole officer's, 16580
probation officer's, bailiff's, prosecuting attorney's, assistant 16581
prosecuting attorney's, correctional employee's, community-based 16582
correctional facility employee's, youth services employee's, 16583
firefighter's, EMT's, or investigator of the bureau of criminal 16584
identification and investigation's employer from the peace 16585
officer's, parole officer's, probation officer's, bailiff's, 16586
prosecuting attorney's, assistant prosecuting attorney's, 16587
correctional employee's, community-based correctional facility 16588
employee's, youth services employee's, firefighter's, EMT's, or 16589
investigator of the bureau of criminal identification and 16590
investigation's compensation unless the amount of the deduction is 16591
required by state or federal law; 16592

(f) The name, the residential address, the name of the 16593
employer, the address of the employer, the social security number, 16594
the residential telephone number, any bank account, debit card, 16595
charge card, or credit card number, or the emergency telephone 16596
number of the spouse, a former spouse, or any child of a peace 16597
officer, parole officer, probation officer, bailiff, prosecuting 16598
attorney, assistant prosecuting attorney, correctional employee, 16599
community-based correctional facility employee, youth services 16600
employee, firefighter, EMT, or investigator of the bureau of 16601
criminal identification and investigation; 16602

(g) A photograph of a peace officer who holds a position or 16603
has an assignment that may include undercover or plain clothes 16604
positions or assignments as determined by the peace officer's 16605
appointing authority. 16606

As used in divisions (A)(7) and (B)(9) of this section, 16607
"peace officer" has the same meaning as in section 109.71 of the 16608
Revised Code and also includes the superintendent and troopers of 16609
the state highway patrol; it does not include the sheriff of a 16610
county or a supervisory employee who, in the absence of the 16611
sheriff, is authorized to stand in for, exercise the authority of, 16612
and perform the duties of the sheriff. 16613

As used in divisions (A)(7) and (B)(5) of this section, 16614
"correctional employee" means any employee of the department of 16615
rehabilitation and correction who in the course of performing the 16616
employee's job duties has or has had contact with inmates and 16617
persons under supervision. 16618

As used in divisions (A)(7) and (B)(5) of this section, 16619
"youth services employee" means any employee of the department of 16620
youth services who in the course of performing the employee's job 16621
duties has or has had contact with children committed to the 16622
custody of the department of youth services. 16623

As used in divisions (A)(7) and (B)(9) of this section, 16624
"firefighter" means any regular, paid or volunteer, member of a 16625
lawfully constituted fire department of a municipal corporation, 16626
township, fire district, or village. 16627

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 16628
means EMTs-basic, EMTs-I, and paramedics that provide emergency 16629
medical services for a public emergency medical service 16630
organization. "Emergency medical service organization," 16631
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 16632
section 4765.01 of the Revised Code. 16633

As used in divisions (A)(7) and (B)(9) of this section, 16634
"investigator of the bureau of criminal identification and 16635
investigation" has the meaning defined in section 2903.11 of the 16636
Revised Code. 16637

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be

promptly prepared and made available for inspection to any person 16668
at all reasonable times during regular business hours. Subject to 16669
division (B)(8) of this section, upon request, a public office or 16670
person responsible for public records shall make copies of the 16671
requested public record available at cost and within a reasonable 16672
period of time. If a public record contains information that is 16673
exempt from the duty to permit public inspection or to copy the 16674
public record, the public office or the person responsible for the 16675
public record shall make available all of the information within 16676
the public record that is not exempt. When making that public 16677
record available for public inspection or copying that public 16678
record, the public office or the person responsible for the public 16679
record shall notify the requester of any redaction or make the 16680
redaction plainly visible. A redaction shall be deemed a denial of 16681
a request to inspect or copy the redacted information, except if 16682
federal or state law authorizes or requires a public office to 16683
make the redaction. 16684

(2) To facilitate broader access to public records, a public 16685
office or the person responsible for public records shall organize 16686
and maintain public records in a manner that they can be made 16687
available for inspection or copying in accordance with division 16688
(B) of this section. A public office also shall have available a 16689
copy of its current records retention schedule at a location 16690
readily available to the public. If a requester makes an ambiguous 16691
or overly broad request or has difficulty in making a request for 16692
copies or inspection of public records under this section such 16693
that the public office or the person responsible for the requested 16694
public record cannot reasonably identify what public records are 16695
being requested, the public office or the person responsible for 16696
the requested public record may deny the request but shall provide 16697
the requester with an opportunity to revise the request by 16698
informing the requester of the manner in which records are 16699
maintained by the public office and accessed in the ordinary 16700

course of the public office's or person's duties. 16701

(3) If a request is ultimately denied, in part or in whole, 16702
the public office or the person responsible for the requested 16703
public record shall provide the requester with an explanation, 16704
including legal authority, setting forth why the request was 16705
denied. If the initial request was provided in writing, the 16706
explanation also shall be provided to the requester in writing. 16707
The explanation shall not preclude the public office or the person 16708
responsible for the requested public record from relying upon 16709
additional reasons or legal authority in defending an action 16710
commenced under division (C) of this section. 16711

(4) Unless specifically required or authorized by state or 16712
federal law or in accordance with division (B) of this section, no 16713
public office or person responsible for public records may limit 16714
or condition the availability of public records by requiring 16715
disclosure of the requester's identity or the intended use of the 16716
requested public record. Any requirement that the requester 16717
disclose the requestor's identity or the intended use of the 16718
requested public record constitutes a denial of the request. 16719

(5) A public office or person responsible for public records 16720
may ask a requester to make the request in writing, may ask for 16721
the requester's identity, and may inquire about the intended use 16722
of the information requested, but may do so only after disclosing 16723
to the requester that a written request is not mandatory and that 16724
the requester may decline to reveal the requester's identity or 16725
the intended use and when a written request or disclosure of the 16726
identity or intended use would benefit the requester by enhancing 16727
the ability of the public office or person responsible for public 16728
records to identify, locate, or deliver the public records sought 16729
by the requester. 16730

(6) If any person chooses to obtain a copy of a public record 16731
in accordance with division (B) of this section, the public office 16732

or person responsible for the public record may require that 16733
person to pay in advance the cost involved in providing the copy 16734
of the public record in accordance with the choice made by the 16735
person seeking the copy under this division. The public office or 16736
the person responsible for the public record shall permit that 16737
person to choose to have the public record duplicated upon paper, 16738
upon the same medium upon which the public office or person 16739
responsible for the public record keeps it, or upon any other 16740
medium upon which the public office or person responsible for the 16741
public record determines that it reasonably can be duplicated as 16742
an integral part of the normal operations of the public office or 16743
person responsible for the public record. When the person seeking 16744
the copy makes a choice under this division, the public office or 16745
person responsible for the public record shall provide a copy of 16746
it in accordance with the choice made by the person seeking the 16747
copy. Nothing in this section requires a public office or person 16748
responsible for the public record to allow the person seeking a 16749
copy of the public record to make the copies of the public record. 16750

(7) Upon a request made in accordance with division (B) of 16751
this section and subject to division (B)(6) of this section, a 16752
public office or person responsible for public records shall 16753
transmit a copy of a public record to any person by United States 16754
mail or by any other means of delivery or transmission within a 16755
reasonable period of time after receiving the request for the 16756
copy. The public office or person responsible for the public 16757
record may require the person making the request to pay in advance 16758
the cost of postage if the copy is transmitted by United States 16759
mail or the cost of delivery if the copy is transmitted other than 16760
by United States mail, and to pay in advance the costs incurred 16761
for other supplies used in the mailing, delivery, or transmission. 16762

Any public office may adopt a policy and procedures that it 16763
will follow in transmitting, within a reasonable period of time 16764

after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

In any policy and procedures adopted under this division, a public office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person

responsible for public records, having custody of the records of 16797
the agency employing a specified peace officer, parole officer, 16798
probation officer, bailiff, prosecuting attorney, assistant 16799
prosecuting attorney, correctional employee, community-based 16800
correctional facility employee, youth services employee, 16801
firefighter, EMT, or investigator of the bureau of criminal 16802
identification and investigation shall disclose to the journalist 16803
the address of the actual personal residence of the peace officer, 16804
parole officer, probation officer, bailiff, prosecuting attorney, 16805
assistant prosecuting attorney, correctional employee, 16806
community-based correctional facility employee, youth services 16807
employee, firefighter, EMT, or investigator of the bureau of 16808
criminal identification and investigation and, if the peace 16809
officer's, parole officer's, probation officer's, bailiff's, 16810
prosecuting attorney's, assistant prosecuting attorney's, 16811
correctional employee's, community-based correctional facility 16812
employee's, youth services employee's, firefighter's, EMT's, or 16813
investigator of the bureau of criminal identification and 16814
investigation's spouse, former spouse, or child is employed by a 16815
public office, the name and address of the employer of the peace 16816
officer's, parole officer's, probation officer's, bailiff's, 16817
prosecuting attorney's, assistant prosecuting attorney's, 16818
correctional employee's, community-based correctional facility 16819
employee's, youth services employee's, firefighter's, EMT's, or 16820
investigator of the bureau of criminal identification and 16821
investigation's spouse, former spouse, or child. The request shall 16822
include the journalist's name and title and the name and address 16823
of the journalist's employer and shall state that disclosure of 16824
the information sought would be in the public interest. 16825

(b) Division (B)(9)(a) of this section also applies to 16826
journalist requests for customer information maintained by a 16827
municipally owned or operated public utility, other than social 16828
security numbers and any private financial information such as 16829

credit reports, payment methods, credit card numbers, and bank 16830
account information. 16831

(c) As used in division (B)(9) of this section, "journalist" 16832
means a person engaged in, connected with, or employed by any news 16833
medium, including a newspaper, magazine, press association, news 16834
agency, or wire service, a radio or television station, or a 16835
similar medium, for the purpose of gathering, processing, 16836
transmitting, compiling, editing, or disseminating information for 16837
the general public. 16838

(C)(1) If a person allegedly is aggrieved by the failure of a 16839
public office or the person responsible for public records to 16840
promptly prepare a public record and to make it available to the 16841
person for inspection in accordance with division (B) of this 16842
section or by any other failure of a public office or the person 16843
responsible for public records to comply with an obligation in 16844
accordance with division (B) of this section, the person allegedly 16845
aggrieved may commence a mandamus action to obtain a judgment that 16846
orders the public office or the person responsible for the public 16847
record to comply with division (B) of this section, that awards 16848
court costs and reasonable attorney's fees to the person that 16849
instituted the mandamus action, and, if applicable, that includes 16850
an order fixing statutory damages under division (C)(1) of this 16851
section. The mandamus action may be commenced in the court of 16852
common pleas of the county in which division (B) of this section 16853
allegedly was not complied with, in the supreme court pursuant to 16854
its original jurisdiction under Section 2 of Article IV, Ohio 16855
Constitution, or in the court of appeals for the appellate 16856
district in which division (B) of this section allegedly was not 16857
complied with pursuant to its original jurisdiction under Section 16858
3 of Article IV, Ohio Constitution. 16859

If a requestor transmits a written request by hand delivery 16860
or certified mail to inspect or receive copies of any public 16861

record in a manner that fairly describes the public record or 16862
class of public records to the public office or person responsible 16863
for the requested public records, except as otherwise provided in 16864
this section, the requestor shall be entitled to recover the 16865
amount of statutory damages set forth in this division if a court 16866
determines that the public office or the person responsible for 16867
public records failed to comply with an obligation in accordance 16868
with division (B) of this section. 16869

The amount of statutory damages shall be fixed at one hundred 16870
dollars for each business day during which the public office or 16871
person responsible for the requested public records failed to 16872
comply with an obligation in accordance with division (B) of this 16873
section, beginning with the day on which the requester files a 16874
mandamus action to recover statutory damages, up to a maximum of 16875
one thousand dollars. The award of statutory damages shall not be 16876
construed as a penalty, but as compensation for injury arising 16877
from lost use of the requested information. The existence of this 16878
injury shall be conclusively presumed. The award of statutory 16879
damages shall be in addition to all other remedies authorized by 16880
this section. 16881

The court may reduce an award of statutory damages or not 16882
award statutory damages if the court determines both of the 16883
following: 16884

(a) That, based on the ordinary application of statutory law 16885
and case law as it existed at the time of the conduct or 16886
threatened conduct of the public office or person responsible for 16887
the requested public records that allegedly constitutes a failure 16888
to comply with an obligation in accordance with division (B) of 16889
this section and that was the basis of the mandamus action, a 16890
well-informed public office or person responsible for the 16891
requested public records reasonably would believe that the conduct 16892
or threatened conduct of the public office or person responsible 16893

for the requested public records did not constitute a failure to 16894
comply with an obligation in accordance with division (B) of this 16895
section; 16896

(b) That a well-informed public office or person responsible 16897
for the requested public records reasonably would believe that the 16898
conduct or threatened conduct of the public office or person 16899
responsible for the requested public records would serve the 16900
public policy that underlies the authority that is asserted as 16901
permitting that conduct or threatened conduct. 16902

(2)(a) If the court issues a writ of mandamus that orders the 16903
public office or the person responsible for the public record to 16904
comply with division (B) of this section and determines that the 16905
circumstances described in division (C)(1) of this section exist, 16906
the court shall determine and award to the relator all court 16907
costs. 16908

(b) If the court renders a judgment that orders the public 16909
office or the person responsible for the public record to comply 16910
with division (B) of this section, the court may award reasonable 16911
attorney's fees subject to reduction as described in division 16912
(C)(2)(c) of this section. The court shall award reasonable 16913
attorney's fees, subject to reduction as described in division 16914
(C)(2)(c) of this section when either of the following applies: 16915

(i) The public office or the person responsible for the 16916
public records failed to respond affirmatively or negatively to 16917
the public records request in accordance with the time allowed 16918
under division (B) of this section. 16919

(ii) The public office or the person responsible for the 16920
public records promised to permit the relator to inspect or 16921
receive copies of the public records requested within a specified 16922
period of time but failed to fulfill that promise within that 16923
specified period of time. 16924

(c) Court costs and reasonable attorney's fees awarded under 16925
this section shall be construed as remedial and not punitive. 16926
Reasonable attorney's fees shall include reasonable fees incurred 16927
to produce proof of the reasonableness and amount of the fees and 16928
to otherwise litigate entitlement to the fees. The court may 16929
reduce an award of attorney's fees to the relator or not award 16930
attorney's fees to the relator if the court determines both of the 16931
following: 16932

(i) That, based on the ordinary application of statutory law 16933
and case law as it existed at the time of the conduct or 16934
threatened conduct of the public office or person responsible for 16935
the requested public records that allegedly constitutes a failure 16936
to comply with an obligation in accordance with division (B) of 16937
this section and that was the basis of the mandamus action, a 16938
well-informed public office or person responsible for the 16939
requested public records reasonably would believe that the conduct 16940
or threatened conduct of the public office or person responsible 16941
for the requested public records did not constitute a failure to 16942
comply with an obligation in accordance with division (B) of this 16943
section; 16944

(ii) That a well-informed public office or person responsible 16945
for the requested public records reasonably would believe that the 16946
conduct or threatened conduct of the public office or person 16947
responsible for the requested public records as described in 16948
division (C)(2)(c)(i) of this section would serve the public 16949
policy that underlies the authority that is asserted as permitting 16950
that conduct or threatened conduct. 16951

(D) Chapter 1347. of the Revised Code does not limit the 16952
provisions of this section. 16953

(E)(1) To ensure that all employees of public offices are 16954
appropriately educated about a public office's obligations under 16955
division (B) of this section, all elected officials or their 16956

appropriate designees shall attend training approved by the 16957
attorney general as provided in section 109.43 of the Revised 16958
Code. In addition, all public offices shall adopt a public records 16959
policy in compliance with this section for responding to public 16960
records requests. In adopting a public records policy under this 16961
division, a public office may obtain guidance from the model 16962
public records policy developed and provided to the public office 16963
by the attorney general under section 109.43 of the Revised Code. 16964
Except as otherwise provided in this section, the policy may not 16965
limit the number of public records that the public office will 16966
make available to a single person, may not limit the number of 16967
public records that it will make available during a fixed period 16968
of time, and may not establish a fixed period of time before it 16969
will respond to a request for inspection or copying of public 16970
records, unless that period is less than eight hours. 16971

(2) The public office shall distribute the public records 16972
policy adopted by the public office under division (E)(1) of this 16973
section to the employee of the public office who is the records 16974
custodian or records manager or otherwise has custody of the 16975
records of that office. The public office shall require that 16976
employee to acknowledge receipt of the copy of the public records 16977
policy. The public office shall create a poster that describes its 16978
public records policy and shall post the poster in a conspicuous 16979
place in the public office and in all locations where the public 16980
office has branch offices. The public office may post its public 16981
records policy on the internet web site of the public office if 16982
the public office maintains an internet web site. A public office 16983
that has established a manual or handbook of its general policies 16984
and procedures for all employees of the public office shall 16985
include the public records policy of the public office in the 16986
manual or handbook. 16987

(F)(1) The bureau of motor vehicles may adopt rules pursuant 16988

to Chapter 119. of the Revised Code to reasonably limit the number 16989
of bulk commercial special extraction requests made by a person 16990
for the same records or for updated records during a calendar 16991
year. The rules may include provisions for charges to be made for 16992
bulk commercial special extraction requests for the actual cost of 16993
the bureau, plus special extraction costs, plus ten per cent. The 16994
bureau may charge for expenses for redacting information, the 16995
release of which is prohibited by law. 16996

(2) As used in division (F)(1) of this section: 16997

(a) "Actual cost" means the cost of depleted supplies, 16998
records storage media costs, actual mailing and alternative 16999
delivery costs, or other transmitting costs, and any direct 17000
equipment operating and maintenance costs, including actual costs 17001
paid to private contractors for copying services. 17002

(b) "Bulk commercial special extraction request" means a 17003
request for copies of a record for information in a format other 17004
than the format already available, or information that cannot be 17005
extracted without examination of all items in a records series, 17006
class of records, or ~~data base~~ database by a person who intends to 17007
use or forward the copies for surveys, marketing, solicitation, or 17008
resale for commercial purposes. "Bulk commercial special 17009
extraction request" does not include a request by a person who 17010
gives assurance to the bureau that the person making the request 17011
does not intend to use or forward the requested copies for 17012
surveys, marketing, solicitation, or resale for commercial 17013
purposes. 17014

(c) "Commercial" means profit-seeking production, buying, or 17015
selling of any good, service, or other product. 17016

(d) "Special extraction costs" means the cost of the time 17017
spent by the lowest paid employee competent to perform the task, 17018
the actual amount paid to outside private contractors employed by 17019

the bureau, or the actual cost incurred to create computer 17020
programs to make the special extraction. "Special extraction 17021
costs" include any charges paid to a public agency for computer or 17022
records services. 17023

(3) For purposes of divisions (F)(1) and (2) of this section, 17024
"surveys, marketing, solicitation, or resale for commercial 17025
purposes" shall be narrowly construed and does not include 17026
reporting or gathering news, reporting or gathering information to 17027
assist citizen oversight or understanding of the operation or 17028
activities of government, or nonprofit educational research. 17029

Sec. 149.431. (A) Except as provided in sections 9.833 and 17030
~~2744.08~~ 2744.081 of the Revised Code, any governmental entity or 17031
agency and any nonprofit corporation or association, except a 17032
corporation organized pursuant to Chapter 1719. of the Revised 17033
Code prior to January 1, 1980 or organized pursuant to Chapter 17034
3941. of the Revised Code, that enters into a contract or other 17035
agreement with the federal government, a unit of state government, 17036
or a political subdivision or taxing unit of this state for the 17037
provision of services shall keep accurate and complete financial 17038
records of any moneys expended in relation to the performance of 17039
the services pursuant to such contract or agreement according to 17040
generally accepted accounting principles. Such contract or 17041
agreement and such financial records shall be deemed to be public 17042
records as defined in division (A)(1) of section 149.43 of the 17043
Revised Code and are subject to the requirements of division (B) 17044
of that section, except that: 17045

(1) Any information directly or indirectly identifying a 17046
present or former individual patient or client or such an 17047
individual patient's or client's diagnosis, prognosis, or medical 17048
treatment, treatment for a mental or emotional disorder, treatment 17049
for mental retardation or a developmental disability, treatment 17050

for drug abuse or alcoholism, or counseling for personal or social 17051
problems is not a public record; 17052

(2) If disclosure of the contract or agreement or financial 17053
records is requested at a time when confidential professional 17054
services are being provided to a patient or client whose 17055
confidentiality might be violated if disclosure were made at that 17056
time, disclosure may be deferred if reasonable times are 17057
established when the contract or agreement or financial records 17058
will be disclosed. 17059

(3) Any nonprofit corporation or association that receives 17060
both public and private funds in fulfillment of any such contract 17061
or other agreement is not required to keep as public records the 17062
financial records of any private funds expended in relation to the 17063
performance of services pursuant to the contract or agreement. 17064

(B) Any nonprofit corporation or association that receives 17065
more than fifty per cent of its gross receipts excluding moneys 17066
received pursuant to Title XVIII of the "Social Security Act," 49 17067
Stat. 620 (1935), 42 U.S.C. 301, as amended, in a calendar year in 17068
fulfillment of a contract or other agreement for services with a 17069
governmental entity shall maintain information setting forth the 17070
compensation of any individual serving the nonprofit corporation 17071
or association in an executive or administrative capacity. Such 17072
information shall be deemed to be public records as defined in 17073
division (A)(1) of section 149.43 of the Revised Code and is 17074
subject to the requirements of division (B) of that section. 17075

Nothing in this section shall be construed to otherwise limit 17076
the provisions of section 149.43 of the Revised Code. 17077

Sec. 149.54. In order to ensure that archaeological survey 17078
and salvage work on public lands, dedicated archaeological 17079
preserves, and registered state archaeological landmarks is 17080
conducted in a scientific manner, the director of the Ohio 17081

historical society shall, in consultation with the Ohio 17082
archaeological council and the archaeological society of Ohio, 17083
adopt and may amend or rescind rules, in accordance with Chapter 17084
119. of the Revised Code, prescribing minimum education, training, 17085
and experience requirements for personnel in charge of or 17086
otherwise engaging in archaeological survey and salvage work, and 17087
prescribing scientific methods for undertaking such activities. 17088

No person shall engage in archaeological survey or salvage 17089
work on any land that is owned, controlled, or administered by the 17090
state or any political subdivision of the state, or at any 17091
archaeological preserve, dedicated under section 149.52 of the 17092
Revised Code, ~~or at any state archaeological landmark registered~~ 17093
~~under section 149.51 of the Revised Code,~~ without first obtaining 17094
the written permission of the director. To obtain permission, the 17095
applicant shall submit written application to the director, which 17096
application shall indicate the proposed location, the 17097
qualifications of personnel who will be engaged in the 17098
archaeological survey or salvage work, the proposed methods of 17099
survey or salvage, and such other information as the director 17100
requires by rule. 17101

The director shall deny the applicant permission to engage in 17102
archaeological survey or salvage work at the proposed location if 17103
the applicant's proposed undertaking will not comply with the 17104
rules adopted under this section. The director shall by written 17105
order approve or deny permission to disturb the site. If the 17106
director decides to deny permission, the order shall state the 17107
reasons for denial, and the director shall afford the applicant an 17108
adjudication hearing under Chapter 119. of the Revised Code. The 17109
requirements of this section and of any rule adopted pursuant to 17110
this section shall not apply to any department, agency, unit, 17111
instrumentality, or political subdivision of the state. 17112

Whoever violates this section is guilty of a misdemeanor of 17113

the second degree. Whoever violates or threatens to violate this 17114
section may be enjoined from violation. 17115

Sec. 151.11. (A) As used in this section: 17116

(1) "Costs of sites and facilities" includes related direct 17117
administrative expenses and allocable portions of the direct costs 17118
of those projects. "Costs of sites and facilities" includes 17119
"allowable costs" as defined in section 122.085 of the Revised 17120
Code. 17121

(2) "Obligations" means obligations as defined in section 17122
151.01 of the Revised Code issued to pay costs of sites and 17123
facilities in Ohio for and in support of industry, commerce, 17124
distribution, and research and development purposes as referred to 17125
in division (A)(3) of Section 2p of Article VIII, Ohio 17126
Constitution. 17127

(B) The issuing authority shall issue general obligations of 17128
the state to pay costs of sites and facilities pursuant to 17129
division (B)(3) of Section 2p of Article VIII, Ohio Constitution, 17130
section 151.01 of the Revised Code, and this section. The issuing 17131
authority shall issue obligations in the amount determined by the 17132
issuing authority to be required for those purposes. The total 17133
principal amount of obligations issued under this section shall 17134
not exceed one hundred fifty million dollars. 17135

(C) Net proceeds of obligations shall be deposited into the 17136
job ready site development fund created by section 122.0820 of the 17137
Revised Code. 17138

(D) There is hereby created in the state treasury the job 17139
ready site development bond service fund. All moneys received by 17140
the state and required by the bond proceedings, consistent with 17141
section 151.01 of the Revised Code and this section, to be 17142
deposited, transferred, or credited to the bond service fund, and 17143

all other moneys transferred or allocated to or received for the 17144
purposes of that fund, shall be deposited and credited to the bond 17145
service fund, subject to any applicable provisions of the bond 17146
proceedings, but without necessity for any act of appropriation. 17147
During the period beginning with the date of the first issuance of 17148
obligations and continuing during the time that any obligations 17149
are outstanding in accordance with their terms, so long as moneys 17150
in the bond service fund are insufficient to pay debt service when 17151
due on those obligations payable from that fund, except the 17152
principal amounts of bond anticipation notes payable from the 17153
proceeds of renewal notes or bonds anticipated, and due in the 17154
particular fiscal year, a sufficient amount of revenues of the 17155
state is committed and, without necessity for further act of 17156
appropriation, shall be paid to the bond service fund for the 17157
purpose of paying that debt service when due. All investment 17158
earnings on the cash balance in the fund shall be credited to the 17159
fund. 17160

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 17161
152.33 of the Revised Code: 17162

(1) "Obligations" means bonds, notes, or other evidences of 17163
obligation, including interest coupons pertaining thereto, issued 17164
pursuant to sections 152.09 to 152.33 of the Revised Code. 17165

(2) "State agencies" means the state of Ohio and branches, 17166
officers, boards, commissions, authorities, departments, 17167
divisions, courts, general assembly, or other units or agencies of 17168
the state. "State agency" also includes counties, municipal 17169
corporations, and governmental entities of this state that enter 17170
into leases with the Ohio building authority pursuant to section 17171
152.31 of the Revised Code or that are designated by law as state 17172
agencies for the purpose of performing a state function that is to 17173
be housed by a capital facility for which the Ohio building 17174

authority is authorized to issue revenue obligations pursuant to 17175
sections 152.09 to 152.33 of the Revised Code. 17176

(3) "Bond service charges" means principal, including 17177
mandatory sinking fund requirements for retirement of obligations, 17178
and interest, and redemption premium, if any, required to be paid 17179
by the Ohio building authority on obligations. 17180

(4) "Capital facilities" means buildings, structures, and 17181
other improvements, and equipment, real estate, and interests in 17182
real estate therefor, within the state, and any one, part of, or 17183
combination of the foregoing, for housing of branches and agencies 17184
of state government, including capital facilities for the purpose 17185
of housing personnel, equipment, or functions, or any combination 17186
thereof that the state agencies are responsible for housing, for 17187
which the Ohio building authority is authorized to issue 17188
obligations pursuant to Chapter 152. of the Revised Code, and 17189
includes storage and parking facilities related to such capital 17190
facilities. For purposes of sections 152.10 to 152.15 of the 17191
Revised Code, "capital facilities" includes community or technical 17192
college capital facilities. 17193

(5) "Cost of capital facilities" means the costs of 17194
assessing, planning, acquiring, constructing, reconstructing, 17195
rehabilitating, remodeling, renovating, enlarging, improving, 17196
altering, maintaining, equipping, furnishing, repairing, painting, 17197
decorating, managing, or operating capital facilities, and the 17198
financing thereof, including the cost of clearance and preparation 17199
of the site and of any land to be used in connection with capital 17200
facilities, the cost of participating in capital facilities 17201
pursuant to section 152.33 of the Revised Code, the cost of any 17202
indemnity and surety bonds and premiums on insurance, all related 17203
direct administrative expenses and allocable portions of direct 17204
costs of the authority and lessee state agencies, cost of 17205
engineering and architectural services, designs, plans, 17206

specifications, surveys, and estimates of cost, legal fees, fees 17207
and expenses of trustees, depositories, and paying agents for the 17208
obligations, cost of issuance of the obligations and financing 17209
charges and fees and expenses of financial advisers and 17210
consultants in connection therewith, interest on obligations from 17211
the date thereof to the time when interest is to be covered from 17212
sources other than proceeds of obligations, amounts that represent 17213
the portion of investment earnings to be rebated or to be paid to 17214
the federal government in order to maintain the exclusion from 17215
gross income for federal income tax purposes of interest on those 17216
obligations pursuant to section 148(f) of the Internal Revenue 17217
Code, amounts necessary to establish reserves as required by the 17218
resolutions or the obligations, trust agreements, or indentures, 17219
costs of audits, the reimbursement of all moneys advanced or 17220
applied by or borrowed from any governmental entity, whether to or 17221
by the authority or others, from whatever source provided, for the 17222
payment of any item or items of cost of the capital facilities, 17223
any share of the cost undertaken by the authority pursuant to 17224
arrangements made with governmental entities under division (J) of 17225
section 152.21 of the Revised Code, and all other expenses 17226
necessary or incident to assessing, planning, or determining the 17227
feasibility or practicability with respect to capital facilities, 17228
and such other expenses as may be necessary or incident to the 17229
assessment, planning, acquisition, construction, reconstruction, 17230
rehabilitation, remodeling, renovation, enlargement, improvement, 17231
alteration, maintenance, equipment, furnishing, repair, painting, 17232
decoration, management, or operation of capital facilities, the 17233
financing thereof and the placing of the same in use and 17234
operation, including any one, part of, or combination of such 17235
classes of costs and expenses. 17236

(6) "Governmental entity" means any state agency, municipal 17237
corporation, county, township, school district, and any other 17238
political subdivision or special district in this state 17239

established pursuant to law, and, except where otherwise 17240
indicated, also means the United States or any of the states or 17241
any department, division, or agency thereof, and any agency, 17242
commission, or authority established pursuant to an interstate 17243
compact or agreement. 17244

(7) "Governing body" means: 17245

(a) In the case of a county, the board of county 17246
commissioners or other legislative authority; in the case of a 17247
municipal corporation, the legislative authority; in the case of a 17248
township, the board of township trustees; in the case of a school 17249
district, the board of education; 17250

(b) In the case of any other governmental entity, the 17251
officer, board, commission, authority, or other body having the 17252
general management of the entity or having jurisdiction or 17253
authority in the particular circumstances. 17254

(8) "Available receipts" means fees, charges, revenues, 17255
grants, subsidies, income from the investment of moneys, proceeds 17256
from the sale of goods or services, and all other revenues or 17257
receipts received by or on behalf of any state agency for which 17258
capital facilities are financed with obligations issued under 17259
Chapter 152. of the Revised Code, any state agency participating 17260
in capital facilities pursuant to section 152.33 of the Revised 17261
Code, or any state agency by which the capital facilities are 17262
constructed or financed; revenues or receipts derived by the 17263
authority from the operation, leasing, or other disposition of 17264
capital facilities, and the proceeds of obligations issued under 17265
Chapter 152. of the Revised Code; and also any moneys appropriated 17266
by a governmental entity, gifts, grants, donations, and pledges, 17267
and receipts therefrom, available for the payment of bond service 17268
charges on such obligations. 17269

(9) "Available community or technical college receipts" means 17270

all money received by a community or technical college or 17271
community or technical college district, including income, 17272
revenues, and receipts from the operation, ownership, or control 17273
of facilities, grants, gifts, donations, and pledges and receipts 17274
therefrom, receipts from fees and charges, the allocated state 17275
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 17276
Revised Code, and the proceeds of the sale of obligations, 17277
including proceeds of obligations issued to refund obligations 17278
previously issued, but excluding any special fee, and receipts 17279
therefrom, charged pursuant to division (D) of section 154.21 of 17280
the Revised Code. 17281

(10) "Community or technical college," "college," "community 17282
or technical college district," and "district" have the same 17283
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 17284

(11) "Community or technical college capital facilities" 17285
means auxiliary facilities, education facilities, and housing and 17286
dining facilities, as those terms are defined in section 3345.12 17287
of the Revised Code, to the extent permitted to be financed by the 17288
issuance of obligations under division (A)(2) of section 3357.112 17289
of the Revised Code, that are authorized by sections 3354.121, 17290
3357.112, and 3358.10 of the Revised Code to be financed by 17291
obligations issued by a community or technical college district, 17292
and for which the Ohio building authority is authorized to issue 17293
obligations pursuant to Chapter 152. of the Revised Code, and 17294
includes any one, part of, or any combination of the foregoing, 17295
and further includes site improvements, utilities, machinery, 17296
furnishings, and any separate or connected buildings, structures, 17297
improvements, sites, open space and green space areas, utilities, 17298
or equipment to be used in, or in connection with the operation or 17299
maintenance of, or supplementing or otherwise related to the 17300
services or facilities to be provided by, such facilities. 17301

(12) "Cost of community or technical college capital 17302

facilities" means the costs of acquiring, constructing, 17303
reconstructing, rehabilitating, remodeling, renovating, enlarging, 17304
improving, equipping, or furnishing community or technical college 17305
capital facilities, and the financing thereof, including the cost 17306
of clearance and preparation of the site and of any land to be 17307
used in connection with community or technical college capital 17308
facilities, the cost of any indemnity and surety bonds and 17309
premiums on insurance, all related direct administrative expenses 17310
and allocable portions of direct costs of the authority, community 17311
or technical college or community or technical college district, 17312
cost of engineering, architectural services, design, plans, 17313
specifications and surveys, estimates of cost, legal fees, fees 17314
and expenses of trustees, depositories, bond registrars, and 17315
paying agents for the obligations, cost of issuance of the 17316
obligations and financing costs and fees and expenses of financial 17317
advisers and consultants in connection therewith, interest on the 17318
obligations from the date thereof to the time when interest is to 17319
be covered by available receipts or other sources other than 17320
proceeds of the obligations, amounts that represent the portion of 17321
investment earnings to be rebated or to be paid to the federal 17322
government in order to maintain the exclusion from gross income 17323
for federal income tax purposes of interest on those obligations 17324
pursuant to section 148(f) of the Internal Revenue Code, amounts 17325
necessary to establish reserves as required by the bond 17326
proceedings, costs of audits, the reimbursements of all moneys 17327
advanced or applied by or borrowed from the community or technical 17328
college, community or technical college district, or others, from 17329
whatever source provided, including any temporary advances from 17330
state appropriations, for the payment of any item or items of cost 17331
of community or technical college facilities, and all other 17332
expenses necessary or incident to planning or determining 17333
feasibility or practicability with respect to such facilities, and 17334
such other expenses as may be necessary or incident to the 17335

acquisition, construction, reconstruction, rehabilitation, 17336
remodeling, renovation, enlargement, improvement, equipment, and 17337
furnishing of community or technical college capital facilities, 17338
the financing thereof and the placing of them in use and 17339
operation, including any one, part of, or combination of such 17340
classes of costs and expenses. 17341

(B) Pursuant to the powers granted to the general assembly 17342
under Section 2i of Article VIII, Ohio Constitution, to authorize 17343
the issuance of revenue obligations and other obligations, the 17344
owners or holders of which are not given the right to have excises 17345
or taxes levied by the general assembly for the payment of 17346
principal thereof or interest thereon, the Ohio building authority 17347
may issue obligations, in accordance with Chapter 152. of the 17348
Revised Code, and shall cause the net proceeds thereof, after any 17349
deposits of accrued interest for the payment of bond service 17350
charges and after any deposit of all or such lesser portion as the 17351
authority may direct of the premium received upon the sale of 17352
those obligations for the payment of the bond service charges, to 17353
be applied to the costs of capital facilities designated by or 17354
pursuant to act of the general assembly for housing state agencies 17355
as authorized by Chapter 152. of the Revised Code. The authority 17356
shall provide by resolution for the issuance of such obligations. 17357
The bond service charges and all other payments required to be 17358
made by the trust agreement or indenture securing such obligations 17359
shall be payable solely from available receipts of the authority 17360
pledged thereto as provided in such resolution. The available 17361
receipts pledged and thereafter received by the authority are 17362
immediately subject to the lien of such pledge without any 17363
physical delivery thereof or further act, and the lien of any such 17364
pledge is valid and binding against all parties having claims of 17365
any kind against the authority, irrespective of whether those 17366
parties have notice thereof, and creates a perfected security 17367
interest for all purposes of Chapter 1309. of the Revised Code and 17368

a perfected lien for purposes of any real property interest, all 17369
without the necessity for separation or delivery of funds or for 17370
the filing or recording of the resolution, trust agreement, 17371
indenture, or other agreement by which such pledge is created or 17372
any certificate, statement, or other document with respect 17373
thereto; and the pledge of such available receipts is effective 17374
and the money therefrom and thereof may be applied to the purposes 17375
for which pledged. Every pledge, and every covenant and agreement 17376
made with respect to the pledge, made in the resolution may 17377
therein be extended to the benefit of the owners and holders of 17378
obligations authorized by Chapter 152. of the Revised Code, the 17379
net proceeds of which are to be applied to the costs of capital 17380
facilities, and to any trustee therefor, for the further securing 17381
of the payment of the bond service charges, and all or any rights 17382
under any agreement or lease made under this section may be 17383
assigned for such purpose. Obligations may be issued at one time 17384
or from time to time, and each issue shall be dated, shall mature 17385
at such time or times as determined by the authority not exceeding 17386
forty years from the date of issue, and may be redeemable before 17387
maturity at the option of the authority at such price or prices 17388
and under such terms and conditions as are fixed by the authority 17389
prior to the issuance of the obligations. The authority shall 17390
determine the form of the obligations, fix their denominations, 17391
establish their interest rate or rates, which may be a variable 17392
rate or rates, or the maximum interest rate, and establish within 17393
or without this state a place or places of payment of bond service 17394
charges. 17395

(C) The obligations shall be signed by the authority 17396
chairperson, vice-chairperson, and secretary-treasurer, and the 17397
authority seal shall be affixed. The signatures may be facsimile 17398
signatures and the seal affixed may be a facsimile seal, as 17399
provided by resolution of the authority. Any coupons attached may 17400
bear the facsimile signature of the chairperson. In case any 17401

officer who has signed any obligations, or caused the officer's 17402
facsimile signature to be affixed thereto, ceases to be such 17403
officer before such obligations have been delivered, such 17404
obligations may, nevertheless, be issued and delivered as though 17405
the person who had signed the obligations or caused the person's 17406
facsimile signature to be affixed thereto had not ceased to be 17407
such officer. 17408

Any obligations may be executed on behalf of the authority by 17409
an officer who, on the date of execution, is the proper officer 17410
although on the date of such obligations such person was not the 17411
proper officer. 17412

(D) All obligations issued by the authority shall have all 17413
the qualities and incidents of negotiable instruments and may be 17414
issued in coupon or in registered form, or both, as the authority 17415
determines. Provision may be made for the registration of any 17416
obligations with coupons attached thereto as to principal alone or 17417
as to both principal and interest, their exchange for obligations 17418
so registered, and for the conversion or reconversion into 17419
obligations with coupons attached thereto of any obligations 17420
registered as to both principal and interest, and for reasonable 17421
charges for such registration, exchange, conversion, and 17422
reconversion. The authority may sell its obligations in any manner 17423
and for such prices as it determines, except that the authority 17424
shall sell obligations sold at public or private sale in 17425
accordance with section 152.091 of the Revised Code. 17426

(E) The obligations of the authority, principal, interest, 17427
and any proceeds from their sale or transfer, are exempt from all 17428
taxation within this state. 17429

(F) The authority is authorized to issue revenue obligations 17430
and other obligations under Section 2i of Article VIII, Ohio 17431
Constitution, for the purpose of paying the cost of capital 17432
facilities for housing of branches and agencies of state 17433

government, including capital facilities for the purpose of 17434
housing personnel, equipment, or functions, or any combination 17435
thereof that the state agencies are responsible for housing, as 17436
are authorized by Chapter 152. of the Revised Code, and that are 17437
authorized by the general assembly by the appropriation of lease 17438
payments or other moneys for such capital facilities or by any 17439
other act of the general assembly, but not including the 17440
appropriation of moneys for feasibility studies for such capital 17441
facilities. This division does not authorize the authority to 17442
issue obligations pursuant to Section 2i of Article VIII, Ohio 17443
Constitution, to pay the cost of capital facilities for mental 17444
hygiene and retardation, parks and recreation, or state-supported 17445
or state-assisted institutions of higher education. 17446

(G) The authority is authorized to issue revenue obligations 17447
under Section 2i of Article VIII, Ohio Constitution, on behalf of 17448
a community or technical college district and shall cause the net 17449
proceeds thereof, after any deposits of accrued interest for the 17450
payment of bond service charges and after any deposit of all or 17451
such lesser portion as the authority may direct of the premium 17452
received upon the sale of those obligations for the payment of the 17453
bond service charges, to be applied to the cost of community or 17454
technical college capital facilities, provided that the issuance 17455
of such obligations is subject to the execution of a written 17456
agreement in accordance with division (C) of section ~~3333.90~~ 17457
3333.59 of the Revised Code for the withholding and depositing of 17458
funds otherwise due the district, or the college it operates, in 17459
respect of its allocated state share of instruction. 17460

The authority shall provide by resolution for the issuance of 17461
such obligations. The bond service charges and all other payments 17462
required to be made by the trust agreement or indenture securing 17463
the obligations shall be payable solely from available community 17464
or technical college receipts pledged thereto as provided in the 17465

resolution. The available community or technical college receipts 17466
pledged and thereafter received by the authority are immediately 17467
subject to the lien of such pledge without any physical delivery 17468
thereof or further act, and the lien of any such pledge is valid 17469
and binding against all parties having claims of any kind against 17470
the authority, irrespective of whether those parties have notice 17471
thereof, and creates a perfected security interest for all 17472
purposes of Chapter 1309. of the Revised Code and a perfected lien 17473
for purposes of any real property interest, all without the 17474
necessity for separation or delivery of funds or for the filing or 17475
recording of the resolution, trust agreement, indenture, or other 17476
agreement by which such pledge is created or any certificate, 17477
statement, or other document with respect thereto; and the pledge 17478
of such available community or technical college receipts is 17479
effective and the money therefrom and thereof may be applied to 17480
the purposes for which pledged. Every pledge, and every covenant 17481
and agreement made with respect to the pledge, made in the 17482
resolution may therein be extended to the benefit of the owners 17483
and holders of obligations authorized by this division, and to any 17484
trustee therefor, for the further securing of the payment of the 17485
bond service charges, and all or any rights under any agreement or 17486
lease made under this section may be assigned for such purpose. 17487
Obligations may be issued at one time or from time to time, and 17488
each issue shall be dated, shall mature at such time or times as 17489
determined by the authority not exceeding forty years from the 17490
date of issue, and may be redeemable before maturity at the option 17491
of the authority at such price or prices and under such terms and 17492
conditions as are fixed by the authority prior to the issuance of 17493
the obligations. The authority shall determine the form of the 17494
obligations, fix their denominations, establish their interest 17495
rate or rates, which may be a variable rate or rates, or the 17496
maximum interest rate, and establish within or without this state 17497
a place or places of payment of bond service charges. 17498

Sec. 153.692. For every design-build contract, the public authority planning to contract for design-build services shall first obtain the services of a criteria architect or engineer by doing either of the following:

(A) Contracting for the services consistent with sections 153.65 to 153.70 of the Revised Code;

(B) Obtaining the services through an architect or engineer who is an employee of the public authority and notifying the ~~department of administrative services~~ Ohio facilities construction commission before the services are performed.

Sec. 154.01. As used in this chapter:

(A) "Commission" means the Ohio public facilities commission created in section 151.02 of the Revised Code.

(B) "Obligations" means bonds, notes, or other evidences of obligation, including interest coupons pertaining thereto, issued pursuant to Chapter 154. of the Revised Code.

(C) "Bond proceedings" means the order or orders, resolution or resolutions, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security of, obligations issued pursuant to Chapter 154. of the Revised Code, and the provisions contained in such obligations.

(D) "State agencies" means the state of Ohio and officers, boards, commissions, departments, divisions, or other units or agencies of the state.

(E) "Governmental agency" means state agencies, state supported and assisted institutions of higher education, municipal corporations, counties, townships, school districts, and any other

political subdivision or special district in this state 17528
established pursuant to law, and, except where otherwise 17529
indicated, also means the United States or any department, 17530
division, or agency thereof, and any agency, commission, or 17531
authority established pursuant to an interstate compact or 17532
agreement. 17533

(F) "Institutions of higher education" and "state supported 17534
or state assisted institutions of higher education" means the 17535
state universities identified in section 3345.011 of the Revised 17536
Code, the northeast Ohio medical university, state universities or 17537
colleges at any time created, community college districts, 17538
university branch districts, and technical college districts at 17539
any time established or operating under Chapter 3354., 3355., or 17540
3357. of the Revised Code, and other institutions for education, 17541
including technical education, beyond the high school, receiving 17542
state support or assistance for their expenses of operation. 17543

(G) "Governing body" means: 17544

(1) In the case of institutions of higher education, the 17545
board of trustees, board of directors, commission, or other body 17546
vested by law with the general management, conduct, and control of 17547
one or more institutions of higher education; 17548

(2) In the case of a county, the board of county 17549
commissioners or other legislative body; in the case of a 17550
municipal corporation, the council or other legislative body; in 17551
the case of a township, the board of township trustees; in the 17552
case of a school district, the board of education; 17553

(3) In the case of any other governmental agency, the 17554
officer, board, commission, authority or other body having the 17555
general management thereof or having jurisdiction or authority in 17556
the particular circumstances. 17557

(H) "Person" means any person, firm, partnership, 17558

association, or corporation. 17559

(I) "Bond service charges" means principal, including 17560
mandatory sinking fund requirements for retirement of obligations, 17561
and interest, and redemption premium, if any, required to be paid 17562
by the state on obligations. If not prohibited by the applicable 17563
bond proceedings, bond service charges may include costs relating 17564
to credit enhancement facilities that are related to and 17565
represent, or are intended to provide a source of payment of or 17566
limitation on, other bond service charges. 17567

(J) "Capital facilities" means buildings, structures, and 17568
other improvements, and equipment, real estate, and interests in 17569
real estate therefor, within the state, and any one, part of, or 17570
combination of the foregoing, to serve the general purposes for 17571
which the issuing authority is authorized to issue obligations 17572
pursuant to Chapter 154. of the Revised Code, including, but not 17573
limited to, drives, roadways, parking facilities, walks, lighting, 17574
machinery, furnishings, utilities, landscaping, wharves, docks, 17575
piers, reservoirs, dams, tunnels, bridges, retaining walls, 17576
riprap, culverts, ditches, channels, watercourses, retention 17577
basins, standpipes and water storage facilities, waste treatment 17578
and disposal facilities, heating, air conditioning and 17579
communications facilities, inns, lodges, cabins, camping sites, 17580
golf courses, boat and bathing facilities, athletic and 17581
recreational facilities, and site improvements. 17582

(K) "Costs of capital facilities" means the costs of 17583
acquiring, constructing, reconstructing, rehabilitating, 17584
remodeling, renovating, enlarging, improving, equipping, or 17585
furnishing capital facilities, and the financing thereof, 17586
including the cost of clearance and preparation of the site and of 17587
any land to be used in connection with capital facilities, the 17588
cost of any indemnity and surety bonds and premiums on insurance, 17589
all related direct administrative expenses and allocable portions 17590

of direct costs of the commission or issuing authority and 17591
department of administrative services, or other designees of the 17592
commission under section 154.17 of the Revised Code, cost of 17593
engineering and architectural services, designs, plans, 17594
specifications, surveys, and estimates of cost, legal fees, fees 17595
and expenses of trustees, depositories, and paying agents for the 17596
obligations, cost of issuance of the obligations and financing 17597
charges and fees and expenses of financial advisers and 17598
consultants in connection therewith, interest on obligations, 17599
including but not limited to, interest from the date of their 17600
issuance to the time when interest is to be covered from sources 17601
other than proceeds of obligations, amounts necessary to establish 17602
reserves as required by the bond proceedings, costs of audits, the 17603
reimbursement of all moneys advanced or applied by or borrowed 17604
from any governmental agency, whether to or by the commission or 17605
others, from whatever source provided, for the payment of any item 17606
or items of cost of the capital facilities, any share of the cost 17607
undertaken by the commission pursuant to arrangements made with 17608
governmental agencies under division (H) of section 154.06 of the 17609
Revised Code, and all other expenses necessary or incident to 17610
planning or determining feasibility or practicability with respect 17611
to capital facilities, and such other expenses as may be necessary 17612
or incident to the acquisition, construction, reconstruction, 17613
rehabilitation, remodeling, renovation, enlargement, improvement, 17614
equipment, and furnishing of capital facilities, the financing 17615
thereof and the placing of the same in use and operation, 17616
including any one, part of, or combination of such classes of 17617
costs and expenses. 17618

(L) "Public service facilities" means inns, lodges, hotels, 17619
cabins, camping sites, scenic trails, picnic sites, restaurants, 17620
commissaries, golf courses, boating and bathing facilities and 17621
other similar facilities in state parks. 17622

(M) "State parks" means:	17623
(1) State reservoirs described and identified in section 1541.06 of the Revised Code;	17624 17625
(2) All lands or interests therein of the state identified as administered by the division of parks and recreation in the "inventory of state owned lands administered by the department of natural resources as of June 1, 1963," as recorded in the journal of the director, which inventory was prepared by the real estate section of the department and is supported by maps now on file in said real estate section;	17626 17627 17628 17629 17630 17631 17632
(3) All lands or interests in lands of the state designated after June 1, 1963, as state parks in the journal of the director with the approval of the recreation and resources council.	17633 17634 17635
State parks do not include any lands or interest in lands of the state administered jointly by two or more divisions of the department of natural resources. The designation of lands as state parks under divisions (M)(1) to (3) of this section is conclusive and such lands shall be under the control of and administered by the division of parks and recreation. No order or proceeding designating lands as state parks or park purchase areas is subject to any appeal or review by any officer, board, commission, or court.	17636 17637 17638 17639 17640 17641 17642 17643 17644
(N) "Bond service fund" means the applicable fund created for and pledged to the payment of bond service charges under section 154.20, 154.21, 154.22, or 154.23 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited thereto.	17645 17646 17647 17648 17649
(O) "Improvement fund" means the applicable fund created for the payment of costs of capital facilities under section <u>123.201</u> , 154.20, 154.21, <u>or</u> 154.22, or 3383.09 of the Revised Code, including all moneys and investments, and earnings from	17650 17651 17652 17653

investments, credited and to be credited thereto. 17654

(P) "Special funds" or "funds" means, except where the 17655
context does not permit, the bond service funds, the improvements 17656
funds, and any other funds for similar or different purposes 17657
created under bond proceedings, including all moneys and 17658
investments, and earnings from investments, credited and to be 17659
credited thereto. 17660

(Q) "Year" unless the context indicates a different meaning 17661
or intent, means a calendar year beginning on the first day of 17662
January and ending on the thirty-first day of December. 17663

(R) "Fiscal year" means the period of twelve months beginning 17664
on the first day of July and ending on the thirtieth day of June. 17665

(S) "Issuing authority" means the treasurer of state or the 17666
officer or employee who by law performs the functions of that 17667
office. 17668

(T) "Credit enhancement facilities" has the same meaning as 17669
in section 133.01 of the Revised Code. 17670

(U) "Ohio cultural facility" and "Ohio sports facility" have 17671
the same meanings as in section ~~3383.01~~ 123.28 of the Revised 17672
Code. 17673

Sec. 154.17. The departments of administrative services, 17674
~~mental health~~ mental health and addiction services, developmental 17675
disabilities, rehabilitation and correction, and natural 17676
resources, the Ohio board of regents, institutions of higher 17677
education, and other state officers and state agencies shall 17678
cooperate with the commission in providing services and 17679
information requested by the commission for purposes of Chapter 17680
154. of the Revised Code, and the commission may make mutually 17681
satisfactory arrangements therefor and may thereunder designate 17682
any governmental agency for the management or performance of 17683

particular functions of the commission, other than the 17684
authorization and issuance of obligations provided for in Chapter 17685
154. of the Revised Code, pursuant to which designation, upon 17686
acceptance thereof by that governmental agency, that function may 17687
be carried out with the full force and effect as if performed by 17688
the commission. Any such designation shall be made only by formal 17689
action or written agreement of the commission. In the management 17690
of capital facilities or performance of other functions with 17691
respect thereto, a governmental agency may exercise all powers 17692
which it has under law with respect to other similar facilities 17693
under its jurisdiction. 17694

Contracts relating to capital facilities shall be made in 17695
accordance with the law pertaining to the governmental agency 17696
designated under authority of this section to perform such 17697
contracting function, and in any other case shall be made in 17698
accordance with Chapter 153. of the Revised Code, for which 17699
purpose the commission shall be considered the owner, provided 17700
that the commission may assign the function of owner to the 17701
department of administrative services or other governmental agency 17702
as it determines. The commission may acquire by assignment from 17703
any governmental agency contracts which are not completed and 17704
which involve acquiring, constructing, reconstructing, 17705
rehabilitating, remodeling, renovating, enlarging, improving, 17706
equipping, or furnishing capital facilities, provided that such 17707
governmental agency has complied with the procedures prescribed by 17708
laws for its letting of such contract. 17709

No contract shall be let or assignment thereof accepted under 17710
this section involving performance in accordance with plans and 17711
specifications until such plans and specifications have been 17712
submitted to and approved by the governmental agency to have 17713
responsibility for the management of the capital facilities 17714
provided for in such plans and specifications, which approval 17715

shall be considered to be given if no approval or disapproval is 17716
communicated in writing to the commission or its designee for such 17717
purpose within sixty days following such submission of plans and 17718
specifications. Approval by such governmental agency of changes in 17719
plans and specifications is not required if the director of 17720
administrative services or the designee of the commission for such 17721
purpose shall certify that such changes do not substantially 17722
change the location, character, or extent of such capital 17723
facilities. 17724

Sec. 154.20. (A) Subject to authorization by the general 17725
assembly under section 154.02 of the Revised Code, the issuing 17726
authority may issue obligations pursuant to this chapter to pay 17727
costs of capital facilities for mental hygiene and retardation, 17728
including housing for mental hygiene and retardation patients and 17729
persons with substance use disorders. 17730

(B) Any capital facilities for mental hygiene or retardation, 17731
including housing for mental hygiene and retardation patients and 17732
persons with substance use disorders, may be leased by the 17733
commission to the department of ~~mental health,~~ mental health and 17734
addiction services or the department of developmental 17735
~~disabilities, or the department of alcohol and drug addiction~~ 17736
~~services,~~ and other agreements may be made by the commission and 17737
any one or more of these departments with respect to the use or 17738
purchase of such capital facilities or, subject to the approval of 17739
the director of the department, the commission may lease such 17740
capital facilities to, and make or provide for other agreements 17741
with respect to the use or purchase thereof with, any governmental 17742
agency having authority under law to operate such capital 17743
facilities, and the director of the department may sublease such 17744
capital facilities to, and make other agreements with respect to 17745
the use or purchase thereof with, any such governmental agency, 17746
which may include provisions for transmittal to the mental health 17747

bond service trust fund created under division (E) of this 17748
section, by such governmental agency or by a nonprofit corporation 17749
providing mental hygiene and retardation services for or under 17750
contract with or the supervision of that governmental agency, of 17751
receipts of that agency or nonprofit corporation from charges for 17752
the treatment or care of mental hygiene and retardation patients, 17753
all upon such terms and conditions as the parties may agree upon 17754
and pursuant to this chapter, notwithstanding any other provision 17755
of law affecting the leasing, acquisition, or disposition of 17756
capital facilities by the parties. 17757

(C) For purposes of this section, "available receipts" means 17758
all receipts of the state from charges for the treatment or care 17759
of mental hygiene and retardation patients, including support 17760
payments received under Chapter 5121. of the Revised Code and 17761
moneys required to be transmitted to the mental health bond 17762
service trust fund pursuant to subleases and other agreements 17763
between any of the departments and another governmental agency 17764
pursuant to division (B) of this section as the subleases and 17765
other agreements may be further implemented for internal planning, 17766
budgeting, and accounting purposes pursuant to rules adopted by 17767
the director of ~~mental health~~, mental health and addiction 17768
services or director of developmental disabilities, ~~or director of~~ 17769
~~alcohol and drug addiction services~~, any revenues or receipts 17770
derived by the commission from the operation, leasing, or other 17771
disposition of capital facilities financed under this section, the 17772
proceeds of obligations issued under this section and sections 17773
154.11 and 154.12 of the Revised Code, and also means any gifts, 17774
grants, donations, and pledges, and receipts therefrom, available 17775
for the payment of bond service charges on such obligations. The 17776
issuing authority may pledge all, or such portion as that 17777
authority determines, of the available receipts to the payment of 17778
bond service charges on obligations issued under this section and 17779
under sections 154.11 and 154.12 of the Revised Code and for the 17780

establishment and maintenance of any reserves, as provided in the 17781
bond proceedings, and make other provisions therein with respect 17782
to such available receipts as authorized by this chapter, which 17783
provisions shall be controlling notwithstanding any other 17784
provision of law pertaining thereto. 17785

(D) The issuing authority may covenant in the bond 17786
proceedings that the state and state agencies shall, so long as 17787
any obligations issued under this section are outstanding, cause 17788
to be charged and collected charges for the treatment or care of 17789
mental hygiene and retardation patients sufficient in amount to 17790
provide for the payment of bond service charges on such 17791
obligations and for the establishment and maintenance of any 17792
reserves, as provided in the bond proceedings, and such covenants 17793
shall be controlling notwithstanding any other provision of law 17794
pertaining to such charges. 17795

(E) There is hereby created the mental health bond service 17796
trust fund, which shall be in the custody of the treasurer of 17797
state but shall be separate and apart from and not a part of the 17798
state treasury. All moneys received by or on account of the 17799
commission or issuing authority or state agencies and required by 17800
the applicable bond proceedings to be deposited, transferred, or 17801
credited to the fund, and all other moneys transferred or 17802
allocated to or received for the purposes of the fund, shall be 17803
deposited with the treasurer of state and credited to such fund, 17804
subject to applicable provisions of the bond proceedings, but 17805
without necessity for any act of appropriation. The mental health 17806
bond service trust fund is a trust fund and is hereby pledged to 17807
the payment of bond service charges on the obligations issued 17808
pursuant to this section and sections 154.11 and 154.12 of the 17809
Revised Code to the extent provided in the applicable bond 17810
proceedings, and payment thereof from such fund shall be made or 17811
provided for by the treasurer of state in accordance with such 17812

bond proceedings without necessity for any act of appropriation. 17813

(F) There is hereby created in the state treasury the mental 17814
health facilities improvement fund. Subject to the bond 17815
proceedings therefor, all of the proceeds of the sale of 17816
obligations pursuant to this section shall be credited to the 17817
fund, except that any accrued interest shall be credited to the 17818
mental health bond service fund. The mental health facilities 17819
improvement fund may also be comprised of gifts, grants, 17820
appropriated moneys, and other sums and securities received to the 17821
credit of such fund. All investment earnings on the cash balance 17822
in the fund shall be credited to the fund. The fund shall be 17823
applied only to the following purposes: 17824

(1) Paying costs of capital facilities for mental hygiene and 17825
retardation, including housing for mental hygiene and retardation 17826
patients or for persons with substance use disorders, under the 17827
jurisdiction of the department of ~~mental health~~, mental health and 17828
addiction services or department of developmental disabilities, ~~or~~ 17829
~~department of alcohol and drug addiction services;~~ 17830

(2) Participating in capital facilities for mental hygiene 17831
and retardation, including housing for mental hygiene and 17832
retardation patients or for persons with substance use disorders, 17833
with the federal government, municipal corporations, counties, or 17834
other governmental agencies, or a nonprofit corporation 17835
specifically chartered to provide a mental health, substance use, 17836
or mental retardation service when such service fulfills a public 17837
purpose, which participation may be by grants or contributions to 17838
them for such capital facilities. Except as provided in division 17839

(G) of this section, the nonprofit corporation may act in concert 17840
with a limited partnership or a limited liability company eligible 17841
to participate in the nonprofit set-aside described in section 17842
42(h)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2198, 17843
26 U.S.C. 42, and the Ohio housing finance agency's housing tax 17844

credit program for the purpose of making use of low-income housing 17845
tax credits in support of housing for mental hygiene and 17846
retardation patients. 17847

(G) A nonprofit corporation providing a mental retardation 17848
service must obtain written approval from the director of 17849
developmental disabilities before acting in concert with a limited 17850
partnership or limited liability company as described in division 17851
(F)(2) of this section. However, the director may issue one 17852
blanket approval for all such nonprofit corporations. 17853

(H) This section is to be applied with other applicable 17854
provisions of this chapter. 17855

Sec. 154.22. (A) Subject to authorization by the general 17856
assembly under section 154.02 of the Revised Code, the issuing 17857
authority may authorize and issue obligations pursuant to this 17858
chapter to pay costs of capital facilities for parks and 17859
recreation. 17860

(B) Any capital facilities for parks and recreation may be 17861
leased by the commission to the department of natural resources 17862
and other agreements may be made by the commission and such 17863
department with respect to the use or purchase of such capital 17864
facilities or, subject to the approval of the director of such 17865
department, the commission may lease such capital facilities to, 17866
and make other agreements with respect to their use or purchase 17867
with, any governmental agency having authority under law to 17868
operate such capital facilities, and the director of such 17869
department may sublease such capital facilities to, and make other 17870
agreements with respect to the use or purchase thereof with, any 17871
such governmental agency, or such director may sublease or 17872
contract for the operation of such capital facilities in 17873
accordance with the applicable provisions of sections 1501.09, 17874
1501.091, and 1501.10 of the Revised Code, all upon such terms and 17875

conditions as the parties may agree upon and pursuant to this 17876
chapter, notwithstanding any other provisions of law affecting the 17877
leasing, acquisition, or disposition of capital facilities by such 17878
parties. 17879

(C) For purposes of this section, "available receipts" means 17880
all receipts, including fees, charges, and rentals, derived or to 17881
be derived from state parks and public service facilities in any 17882
state park or parks, any other receipts of state agencies with 17883
respect to parks and recreational facilities, any revenues or 17884
receipts derived by the commission from the operation, leasing, or 17885
other disposition of capital facilities financed under this 17886
section, the proceeds of obligations issued under this section and 17887
sections 154.11 and 154.12 of the Revised Code, and also means any 17888
gifts, grants, donations, and pledges, and receipts thereon, 17889
available for the payment of bond service charges on obligations 17890
issued under this section. The issuing authority may pledge all, 17891
or such portion as it determines, of the available receipts to the 17892
payment of bond service charges on obligations issued under this 17893
section and sections 154.11 and 154.12 of the Revised Code and for 17894
the establishment and maintenance of any reserves, as provided in 17895
the bond proceedings, and make other provisions therein with 17896
respect to such available receipts as authorized by this chapter, 17897
which provisions shall be controlling notwithstanding any other 17898
provision of law pertaining thereto. 17899

(D) The issuing authority may covenant in the bond proceeding 17900
that the state and state agencies shall, so long as any 17901
obligations issued under this section are outstanding, cause to be 17902
charged and collected fees, charges, and rentals for the use of 17903
state parks and public service facilities and other fees and 17904
charges with respect to parks and recreation sufficient in amount 17905
to provide for the payment of bond service charges on such 17906
obligations and for the establishment and maintenance of any 17907

reserves as provided in the bond proceedings, and such covenants 17908
shall be controlling notwithstanding any other provision of law 17909
pertaining to such charges except any provision of law prohibiting 17910
or limiting charges for the use of swimming facilities of state 17911
parks and public service facilities by persons under sixteen years 17912
of age. 17913

(E) There is hereby created the parks and recreation bond 17914
service trust fund, which shall be in the custody of the treasurer 17915
of state but shall be separate and apart from and not a part of 17916
the state treasury. All moneys received by or on account of the 17917
commission or issuing authority or state agencies and required by 17918
the applicable bond proceedings to be deposited, transferred, or 17919
allocated to or received for the purposes of the trust fund shall 17920
be deposited with the treasurer of state and credited to such 17921
fund, subject to applicable provisions of the bond proceedings but 17922
without necessity for any act of appropriation. The trust fund is 17923
hereby pledged to the payment of bond service charges on the 17924
obligations issued pursuant to this section and sections 154.11 17925
and 154.12 of the Revised Code to the extent provided in the 17926
applicable bond proceedings, and payment thereof from such fund 17927
shall be made or provided for by the treasurer of state in 17928
accordance with such bond proceedings without necessity for any 17929
act of appropriation. 17930

(F) There is hereby created in the state treasury the parks 17931
and recreation improvement fund. Subject to the bond proceedings 17932
therefor, all of the proceeds of the sale of obligations issued 17933
pursuant to this section shall be credited to such fund, except 17934
that any accrued interest received shall be credited to the parks 17935
and recreation bond service trust fund. The parks and recreation 17936
improvement fund may also be comprised of gifts, grants, 17937
appropriated moneys, and other sums and securities received to the 17938
credit of such fund. Such fund shall be applied only to the 17939

purpose of paying costs of capital facilities for parks and 17940
recreation under the jurisdiction of the department of natural 17941
resources or for participation in capital facilities for parks and 17942
recreation with the federal government, municipal corporations, 17943
counties, or other governmental agencies, or any one or more of 17944
them, which participation may be by grants or contributions to 17945
them for such capital facilities. All investment earnings on the 17946
cash balance in the fund shall be credited to the fund. 17947

(G) All state parks shall be exclusively under the control 17948
and administration of the division of parks and recreation. With 17949
the approval of the recreation and resources council, the director 17950
of natural resources may by order remove from the classification 17951
as state parks any of the lands or interests therein referred to 17952
in divisions (M)(2) and (3) of section 154.01 of the Revised Code, 17953
subject to the limitations, provisions, and conditions in any 17954
order authorizing state park revenue bonds, in any trust agreement 17955
securing such bonds, or in bond proceedings with respect to 17956
obligations issued pursuant to this section. Lands or interests 17957
therein so removed shall be transferred to other divisions of the 17958
department for administration or may be sold as provided by law. 17959
Proceeds of any sale shall be used or transferred as provided in 17960
the order authorizing state park revenue bonds or in such trust 17961
agreement, or in bond proceedings with respect to obligations 17962
issued pursuant to this section, and if no such provision is made 17963
shall be transferred to the state park fund created by section 17964
1541.22 of the Revised Code. 17965

(H) This section shall be applied with other applicable 17966
provisions of this chapter. 17967

(I) Any instrument by which real property is acquired 17968
pursuant to this section shall identify the agency of the state 17969
that has the use and benefit of the real property as specified in 17970
section 5301.012 of the Revised Code. 17971

Sec. 154.23. (A) Subject to authorization by the general 17972
assembly under section 154.02 of the Revised Code, the issuing 17973
authority may issue obligations pursuant to this chapter to pay 17974
costs of capital facilities for Ohio cultural facilities and Ohio 17975
sports facilities. 17976

(B) The Ohio public facilities commission may lease any 17977
capital facilities for Ohio cultural facilities or Ohio sports 17978
facilities to, and make or provide for other agreements with 17979
respect to the use or purchase of such capital facilities with, 17980
the Ohio ~~cultural~~ facilities construction commission and, with the 17981
Ohio ~~cultural~~ facilities construction commission's approval, any 17982
governmental agency having authority under law to operate such 17983
capital facilities. ~~Any lease or agreement shall be subject to~~ 17984
~~Chapter 3383. of the Revised Code.~~ 17985

(C) For purposes of this section, "available receipts" means 17986
any revenues or receipts derived by the Ohio public facilities 17987
commission from the operation, leasing, or other disposition of 17988
capital facilities financed under this section, the proceeds of 17989
obligations issued under this section and section 154.11 or 154.12 17990
of the Revised Code, and also means any gifts, grants, donations, 17991
and pledges, and receipts thereon, available for the payment of 17992
bond service charges on obligations issued under this section. The 17993
issuing authority may pledge all, or such portion as it 17994
determines, of the available receipts to the payment of bond 17995
service charges on obligations issued under this section and 17996
section 154.11 or 154.12 of the Revised Code and for the 17997
establishment and maintenance of any reserves, as provided in the 17998
bond proceedings, and make other provisions therein with respect 17999
to such available receipts as authorized by this chapter, which 18000
provisions shall be controlling notwithstanding any other 18001
provision of law pertaining thereto. 18002

(D) There is hereby created one or more funds, as determined 18003
by the issuing authority in the bond proceedings, designated as 18004
the "Ohio cultural facilities ~~commission~~ bond service fund" with, 18005
if more than one such fund, such further identifying name as the 18006
issuing authority determines, which shall be in the custody of the 18007
treasurer of state but shall be separate and apart from and not a 18008
part of the state treasury. All money received by or on account of 18009
the issuing authority or the Ohio ~~cultural~~ facilities construction 18010
commission and required by the applicable bond proceedings to be 18011
deposited, transferred, or credited to the Ohio cultural 18012
facilities ~~commission~~ bond service fund, and all other money 18013
transferred or allocated to or received for the purposes of that 18014
fund shall be deposited with the treasurer of state and credited 18015
to the applicable fund, subject to applicable provisions of the 18016
bond proceedings, but without necessity of any act or 18017
appropriation. The Ohio cultural facilities ~~commission~~ bond 18018
service funds are trust funds and are hereby pledged to the 18019
payment of bond service charges on the applicable obligations 18020
issued pursuant to this section and section 154.11 or 154.12 of 18021
the Revised Code to the extent provided in the applicable bond 18022
proceedings, and payment thereof from such funds shall be made or 18023
provided for by the treasurer of state in accordance with the 18024
applicable bond proceedings without necessity for any act or 18025
appropriation. 18026

(E) This section is to be applied with other applicable 18027
provisions of this chapter. 18028

Sec. 154.25. (A) As used in this section: 18029

(1) "Available community or technical college receipts" means 18030
all money received by a community or technical college or 18031
community or technical college district, including income, 18032
revenues, and receipts from the operation, ownership, or control 18033

of facilities, grants, gifts, donations, and pledges and receipts 18034
therefrom, receipts from fees and charges, the allocated state 18035
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 18036
Revised Code, and the proceeds of the sale of obligations, 18037
including proceeds of obligations issued to refund obligations 18038
previously issued, but excluding any special fee, and receipts 18039
therefrom, charged pursuant to division (D) of section 154.21 of 18040
the Revised Code. 18041

(2) "Community or technical college," "college," "community 18042
or technical college district," and "district" have the same 18043
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 18044

(3) "Community or technical college capital facilities" means 18045
auxiliary facilities, education facilities, and housing and dining 18046
facilities, as those terms are defined in section 3345.12 of the 18047
Revised Code, to the extent permitted to be financed by the 18048
issuance of obligations under division (A)(2) of section 3357.112 18049
of the Revised Code, that are authorized by sections 3354.121, 18050
3357.112, and 3358.10 of the Revised Code to be financed by 18051
obligations issued by a community or technical college district, 18052
and for which the issuing authority is authorized to issue 18053
obligations pursuant to this section, and includes any one, part 18054
of, or any combination of the foregoing, and further includes site 18055
improvements, utilities, machinery, furnishings, and any separate 18056
or connected buildings, structures, improvements, sites, open 18057
space and green space areas, utilities, or equipment to be used 18058
in, or in connection with the operation or maintenance of, or 18059
supplementing or otherwise related to the services or facilities 18060
to be provided by, such facilities. 18061

(4) "Cost of community or technical college capital 18062
facilities" means the costs of acquiring, constructing, 18063
reconstructing, rehabilitating, remodeling, renovating, enlarging, 18064
improving, equipping, or furnishing community or technical college 18065

capital facilities, and the financing thereof, including the cost 18066
of clearance and preparation of the site and of any land to be 18067
used in connection with community or technical college capital 18068
facilities, the cost of any indemnity and surety bonds and 18069
premiums on insurance, all related direct administrative expenses 18070
and allocable portions of direct costs of the commission and the 18071
issuing authority, community or technical college or community or 18072
technical college district, cost of engineering, architectural 18073
services, design, plans, specifications and surveys, estimates of 18074
cost, legal fees, fees and expenses of trustees, depositories, 18075
bond registrars, and paying agents for obligations, cost of 18076
issuance of obligations and financing costs and fees and expenses 18077
of financial advisers and consultants in connection therewith, 18078
interest on obligations from the date thereof to the time when 18079
interest is to be covered by available receipts or other sources 18080
other than proceeds of those obligations, amounts necessary to 18081
establish reserves as required by the bond proceedings, costs of 18082
audits, the reimbursements of all moneys advanced or applied by or 18083
borrowed from the community or technical college, community or 18084
technical college district, or others, from whatever source 18085
provided, including any temporary advances from state 18086
appropriations, for the payment of any item or items of cost of 18087
community or technical college facilities, and all other expenses 18088
necessary or incident to planning or determining feasibility or 18089
practicability with respect to such facilities, and such other 18090
expenses as may be necessary or incident to the acquisition, 18091
construction, reconstruction, rehabilitation, remodeling, 18092
renovation, enlargement, improvement, equipment, and furnishing of 18093
community or technical college capital facilities, the financing 18094
thereof and the placing of them in use and operation, including 18095
any one, part of, or combination of such classes of costs and 18096
expenses. 18097

(5) "Capital facilities" includes community or technical 18098

college capital facilities. 18099

(6) "Obligations" has the same meaning as in section 154.01 18100
or 3345.12 of the Revised Code, as the context requires. 18101

(B) The issuing authority is authorized to issue revenue 18102
obligations under Section 2i of Article VIII, Ohio Constitution, 18103
on behalf of a community or technical college district and shall 18104
cause the net proceeds thereof, after any deposits of accrued 18105
interest for the payment of bond service charges and after any 18106
deposit of all or such lesser portion as the issuing authority may 18107
direct of the premium received upon the sale of those obligations 18108
for the payment of the bond service charges, to be applied to the 18109
cost of community or technical college capital facilities, 18110
provided that the issuance of such obligations is subject to the 18111
execution of a written agreement in accordance with division (C) 18112
of section ~~3333.90~~ 3333.59 of the Revised Code for the withholding 18113
and depositing of funds otherwise due the district, or the college 18114
it operates, in respect of its allocated state share of 18115
instruction. 18116

(C) The bond service charges and all other payments required 18117
to be made by the trust agreement or indenture securing the 18118
obligations shall be payable solely from available community or 18119
technical college receipts pledged thereto as provided in the 18120
resolution. The available community or technical college receipts 18121
pledged and thereafter received by the commission are immediately 18122
subject to the lien of such pledge without any physical delivery 18123
thereof or further act, and the lien of any such pledge is valid 18124
and binding against all parties having claims of any kind against 18125
the authority, irrespective of whether those parties have notice 18126
thereof, and creates a perfected security interest for all 18127
purposes of Chapter 1309. of the Revised Code and a perfected lien 18128
for purposes of any real property interest, all without the 18129
necessity for separation or delivery of funds or for the filing or 18130

recording of the resolution, trust agreement, indenture, or other 18131
agreement by which such pledge is created or any certificate, 18132
statement, or other document with respect thereto; and the pledge 18133
of such available community or technical college receipts is 18134
effective and the money therefrom and thereof may be applied to 18135
the purposes for which pledged. Every pledge, and every covenant 18136
and agreement made with respect to the pledge, made in the 18137
resolution may therein be extended to the benefit of the owners 18138
and holders of obligations authorized by this section, and to any 18139
trustee therefor, for the further securing of the payment of the 18140
bond service charges, and all or any rights under any agreement or 18141
lease made under this section may be assigned for such purpose. 18142

(D) This section is to be applied with other applicable 18143
provisions of this chapter. 18144

Sec. 156.02. The executive director of ~~administrative~~ 18145
~~services~~ the Ohio facilities construction commission may contract 18146
with an energy or a water services company, architect, 18147
professional engineer, contractor, or other person experienced in 18148
the design and implementation of energy or water conservation 18149
measures for a report containing an analysis and recommendations 18150
pertaining to the implementation of energy or water conservation 18151
measures that result in energy, water, or wastewater cost savings, 18152
operating cost savings, or avoided capital costs for the 18153
institution. The report shall include estimates of all costs of 18154
such installations, including the costs of design, engineering, 18155
installation, maintenance, repairs, and debt service, and 18156
estimates of the energy, water, or wastewater cost savings, 18157
operating cost savings, and avoided capital costs created. 18158

Sec. 156.03. (A) If the executive director of ~~administrative~~ 18159
~~services~~ the Ohio facilities construction commission wishes to 18160
enter into an installment payment contract pursuant to section 18161

156.04 of the Revised Code or any other contract to implement one 18162
or more energy or water saving measures, the executive director 18163
may proceed under Chapter 153. of the Revised Code, or, 18164
alternatively, the executive director may request the controlling 18165
board to exempt the contract from Chapter 153. of the Revised 18166
Code. 18167

If the controlling board by a majority vote approves an 18168
exemption, that chapter shall not apply to the contract and 18169
instead the executive director shall request proposals from at 18170
least three parties for the implementation of the energy or water 18171
saving measures. Prior to providing any interested party a copy of 18172
any such request, the executive director shall advertise, in a 18173
newspaper of general circulation in the county where the contract 18174
is to be performed, and may advertise by electronic means pursuant 18175
to rules adopted by the executive director, the executive 18176
director's intent to request proposals for the implementation of 18177
the energy or water saving measures. The notice shall invite 18178
interested parties to submit proposals for consideration and shall 18179
be published at least thirty days prior to the date for accepting 18180
proposals. 18181

(B) Upon receiving the proposals, the executive director 18182
shall analyze them and, after considering the cost estimates of 18183
each proposal and the availability of funds to pay for each with 18184
current appropriations or by financing the cost of each through an 18185
installment payment contract under section 156.04 of the Revised 18186
Code, may select one or more proposals or reject all proposals. In 18187
selecting proposals, the executive director shall select the one 18188
or more proposals most likely to result in the greatest energy, 18189
water, or wastewater savings, operating costs savings, and avoided 18190
capital costs created. 18191

(C) No contract shall be awarded to implement energy or water 18192
saving measures under this section, unless the executive director 18193

finds that both of the following circumstances exists: 18194

(1) Not less than one-fifteenth of the costs of the contract 18195
shall be paid within two years from the date of purchase; 18196

(2) In the case of a contract for a cogeneration system 18197
described in division (B)(8) of section 156.01 of the Revised 18198
Code, the remaining balance of the cost of the contract shall be 18199
paid within twenty years from the date of purchase, and, in the 18200
case of all other contracts, fifteen years. 18201

Sec. 156.04. (A) In accordance with this section and section 18202
156.03 of the Revised Code, the executive director of 18203
~~administrative services~~ the Ohio facilities construction 18204
commission may enter into an installment payment contract for the 18205
implementation of one or more energy or water saving measures. If 18206
the executive director wishes an installment payment contract to 18207
be exempted from Chapter 153. of the Revised Code, the executive 18208
director shall proceed pursuant to section 156.03 of the Revised 18209
Code. 18210

(B) Any installment payment contract under this section shall 18211
provide that all payments, except payments for repairs and 18212
obligations on termination of the contract prior to its 18213
expiration, are to be a stated percentage of calculated energy, 18214
water, or wastewater cost savings, operating costs, and avoided 18215
capital costs attributable to the one or more measures over a 18216
defined period of time and are to be made only to the extent that 18217
those calculated amounts actually occur. No such contract shall 18218
contain either of the following: 18219

(1) A requirement of any additional capital investment or 18220
contribution of funds, other than funds available from state or 18221
federal grants; 18222

(2) In the case of a contract for a cogeneration system 18223

described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated to the ~~department of administrative services~~ Ohio facilities construction commission by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code.

Sec. 156.05. In accordance with Chapter 119. of the Revised Code, the executive director of ~~administrative services~~ the Ohio facilities construction commission shall adopt, and enforce rules necessary to administer sections 156.01 to 156.04 of the Revised Code. Rules adopted under this section shall establish procedures by which the executive director may authorize in ~~his~~ the executive director's stead the manager of any building owned by the state to enter into contracts authorized under sections 156.01 to 156.04 of the Revised Code.

Sec. 166.02. (A) The general assembly finds that many local areas throughout the state are experiencing economic stagnation or decline, and that the economic development programs provided for in this chapter will constitute deserved, necessary reinvestment by the state in those areas, materially contribute to their

economic revitalization, and result in improving the economic 18254
welfare of all the people of the state. Accordingly, it is 18255
declared to be the public policy of the state, through the 18256
operations of this chapter and other applicable laws adopted 18257
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 18258
and other authority vested in the general assembly, to assist in 18259
and facilitate the establishment or development of eligible 18260
projects or assist and cooperate with any governmental agency in 18261
achieving such purpose. 18262

(B) In furtherance of such public policy and to implement 18263
such purpose, the director of development may: 18264

(1) After consultation with appropriate governmental 18265
agencies, enter into agreements with persons engaged in industry, 18266
commerce, distribution, or research and with governmental agencies 18267
to induce such persons to acquire, construct, reconstruct, 18268
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 18269
otherwise develop, eligible projects and make provision therein 18270
for project facilities and governmental actions, as authorized by 18271
this chapter and other applicable laws, subject to any required 18272
actions by the general assembly or the controlling board and 18273
subject to applicable local government laws and regulations; 18274

(2) Provide for the guarantees and loans as provided for in 18275
sections 166.06 and 166.07 of the Revised Code; 18276

(3) Subject to release of such moneys by the controlling 18277
board, contract for labor and materials needed for, or contract 18278
with others, including governmental agencies, to provide, project 18279
facilities the allowable costs of which are to be paid for or 18280
reimbursed from moneys in the facilities establishment fund, and 18281
contract for the operation of such project facilities; 18282

(4) Subject to release thereof by the controlling board, from 18283
moneys in the facilities establishment fund acquire or contract to 18284

acquire by gift, exchange, or purchase, including the obtaining 18285
and exercise of purchase options, property, and convey or 18286
otherwise dispose of, or provide for the conveyance or disposition 18287
of, property so acquired or contracted to be acquired by sale, 18288
exchange, lease, lease purchase, conditional or installment sale, 18289
transfer, or other disposition, including the grant of an option 18290
to purchase, to any governmental agency or to any other person 18291
without necessity for competitive bidding and upon such terms and 18292
conditions and manner of consideration pursuant to and as the 18293
director determines to be appropriate to satisfy the objectives of 18294
sections 166.01 to 166.11 of the Revised Code; 18295

(5) Retain the services of or employ financial consultants, 18296
appraisers, consulting engineers, superintendents, managers, 18297
construction and accounting experts, attorneys, and employees, 18298
agents, and independent contractors as are necessary in the 18299
director's judgment and fix the compensation for their services; 18300

(6) Receive and accept from any person grants, gifts, and 18301
contributions of money, property, labor, and other things of 18302
value, to be held, used and applied only for the purpose for which 18303
such grants, gifts, and contributions are made; 18304

(7) Enter into appropriate arrangements and agreements with 18305
any governmental agency for the taking or provision by that 18306
governmental agency of any governmental action; 18307

(8) Do all other acts and enter into contracts and execute 18308
all instruments necessary or appropriate to carry out the 18309
provisions of this chapter; 18310

(9) Adopt rules to implement any of the provisions of this 18311
chapter applicable to the director. 18312

(C) The determinations by the director that facilities 18313
constitute eligible projects, that facilities are project 18314
facilities, that costs of such facilities are allowable costs, and 18315

all other determinations relevant thereto or to an action taken or 18316
agreement entered into shall be conclusive for purposes of the 18317
validity and enforceability of rights of parties arising from 18318
actions taken and agreements entered into under this chapter. 18319

(D) Except as otherwise prescribed in this chapter, all 18320
expenses and obligations incurred by the director in carrying out 18321
the director's powers and in exercising the director's duties 18322
under this chapter, shall be payable solely from, as appropriate, 18323
moneys in the facilities establishment fund, the loan guarantee 18324
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 18325
loan fund, the research and development loan fund, the logistics 18326
and distribution infrastructure fund, ~~the logistics and~~ 18327
~~distribution infrastructure taxable bond fund,~~ or moneys 18328
appropriated for such purpose by the general assembly. This 18329
chapter does not authorize the director or the issuing authority 18330
under section 166.08 of the Revised Code to incur bonded 18331
indebtedness of the state or any political subdivision thereof, or 18332
to obligate or pledge moneys raised by taxation for the payment of 18333
any bonds or notes issued or guarantees made pursuant to this 18334
chapter. 18335

(E) Any governmental agency may enter into an agreement with 18336
the director, any other governmental agency, or a person to be 18337
assisted under this chapter, to take or provide for the purposes 18338
of this chapter any governmental action it is authorized to take 18339
or provide, and to undertake on behalf and at the request of the 18340
director any action which the director is authorized to undertake 18341
pursuant to divisions (B)(3), (4), and (5) of this section or 18342
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 18343
Code. Governmental agencies of the state shall cooperate with and 18344
provide assistance to the director of development and the 18345
controlling board in the exercise of their respective functions 18346
under this chapter. 18347

Sec. 166.03. (A) There is hereby created the facilities 18348
establishment fund within the state treasury, consisting of 18349
proceeds from the issuance of obligations as specified under 18350
section 166.08 of the Revised Code; the moneys received by the 18351
state from the sources specified in section 166.09 of the Revised 18352
Code; service charges imposed under sections 166.06 and 166.07 of 18353
the Revised Code; any grants, gifts, or contributions of moneys 18354
received by the director of development services to be used for 18355
loans made under section 166.07 of the Revised Code or for the 18356
payment of the allowable costs of project facilities; and all 18357
other moneys appropriated or transferred to the fund. Moneys in 18358
the loan guarantee fund in excess of the loan guarantee reserve 18359
requirement, but subject to the provisions and requirements of any 18360
guarantee contracts, may be transferred to the facilities 18361
establishment fund by the treasurer of state upon the order of the 18362
director of development services. Moneys received by the state 18363
under Chapter 122. of the Revised Code, to the extent allocable to 18364
the utilization of moneys derived from proceeds of the sale of 18365
obligations pursuant to section 166.08 of the Revised Code, shall 18366
be credited to the facilities establishment fund. All investment 18367
earnings on the cash balance in the fund shall be credited to the 18368
fund. 18369

(B) All moneys appropriated or transferred to the facilities 18370
establishment fund may be released at the request of the director 18371
of development services for payment of allowable costs or the 18372
making of loans under section 166.07 of the Revised Code, for 18373
transfer to the loan guarantee fund established in section 166.06 18374
of the Revised Code, or for use for the purpose of or transfer to 18375
the funds established by sections 122.35, 122.42, 122.54, 122.55, 18376
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 18377
and, until July 1, 2003, the fund established by section 166.031 18378
of the Revised Code, and, until July 1, 2007, the fund established 18379

by section 122.26 of the Revised Code, but only for such of those 18380
purposes as are within the authorization of Section 13 of Article 18381
VIII, Ohio Constitution, in all cases subject to the approval of 18382
the controlling board. 18383

(C) The ~~department of~~ development services agency, in the 18384
administration of the facilities establishment fund, is encouraged 18385
to utilize and promote the utilization of, to the maximum 18386
practicable extent, the other existing programs, business 18387
incentives, and tax incentives that department is required or 18388
authorized to administer or supervise. 18389

Sec. 166.04. (A) Prior to entering into each agreement to 18390
provide assistance under sections 166.02, 166.06, and 166.07 of 18391
the Revised Code, the director of development services shall 18392
determine whether the assistance will conform to the requirements 18393
of sections 166.01 to 166.11 of the Revised Code. Such 18394
determination, and the facts upon which it is based, shall be set 18395
forth, where required, by the director in submissions made to the 18396
controlling board when the director seeks a release of moneys 18397
under section 166.02 of the Revised Code. An agreement to provide 18398
assistance under sections 166.02, 166.06, and 166.07 of the 18399
Revised Code shall set forth such determination, which shall be 18400
conclusive for purposes of the validity and enforceability of such 18401
agreement and any loan guarantees, loans, or other agreements 18402
entered into pursuant to such agreement to provide assistance. 18403

(B) Whenever a person applies for financial assistance under 18404
sections 166.02, 166.06, and 166.07 of the Revised Code and the 18405
project for which assistance is requested is to relocate 18406
facilities that are currently being operated by the person and 18407
that are located in another county, municipal corporation, or 18408
township, the ~~director~~ person shall provide written notification 18409
of the relocation to the appropriate local governmental bodies ~~and~~ 18410

~~state officials. The~~ Prior to entering into an agreement to 18411
provide the assistance, the director shall verify that such 18412
~~notification shall contain the following information:~~ 18413

~~(1) The name of the person applying for financial assistance;~~ 18414

~~(2) The county, and the municipal corporation or township, in~~ 18415
~~which the project for which assistance is requested is located;~~ 18416
~~and~~ 18417

~~(3) The county, and the municipal corporation or township, in~~ 18418
~~which the facility to be replaced is located~~ has been provided. 18419

(C) As used in division (B) of this section: 18420

~~(1),~~ "Appropriate appropriate local governmental bodies" 18421
means: 18422

~~(a)(1) The boards~~ board of county commissioners or 18423
legislative ~~authorities~~ authority of the county in which the 18424
~~project for which assistance is requested is located and of the~~ 18425
~~county in which the facility to be replaced is located;~~ 18426

~~(b)(2) The legislative authority of the municipal corporation~~ 18427
~~or the board of township trustees of the township in which the~~ 18428
~~project for which assistance is requested is located; and~~ 18429

~~(c) The legislative authority of the municipal corporation or~~ 18430
~~the board of township trustees of the township in which the~~ 18431
~~facility to be replaced is located.~~ 18432

~~(2) "State officials" means:~~ 18433

~~(a) The state representative and state senator in whose~~ 18434
~~districts the project for which assistance is requested is~~ 18435
~~located;~~ 18436

~~(b) The state representative and state senator in whose~~ 18437
~~districts the facility to be replaced is located.~~ 18438

Sec. 166.08. (A) As used in this chapter: 18439

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations. 18440
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(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations. 18447
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(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto. 18451
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(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer. 18457
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(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section. 18459
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(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from 18462
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the lease, sale, or other disposition, or use, of project 18471
facilities, and from the repayment, including interest, of loans 18472
made from proceeds received from the sale of obligations; accrued 18473
interest received from the sale of obligations; income from the 18474
investment of the special funds; and any gifts, grants, donations, 18475
and pledges, and receipts therefrom, available for the payment of 18476
bond service charges. 18477

(7) "Special funds" or "funds" means, except where the 18478
context does not permit, the bond service fund, and any other 18479
funds, including reserve funds, created under the bond 18480
proceedings, and the economic development bond service fund 18481
created by division (S) of this section to the extent provided in 18482
the bond proceedings, including all moneys and investments, and 18483
earnings from investment, credited and to be credited thereto. 18484

(B) Subject to the limitations provided in section 166.11 of 18485
the Revised Code, the issuing authority, upon the certification by 18486
the director of development or, with respect to eligible advanced 18487
energy projects, the Ohio air quality development authority to the 18488
issuing authority of the amount of moneys or additional moneys 18489
needed in the facilities establishment fund, the loan guarantee 18490
fund, the innovation Ohio loan fund, the innovation Ohio loan 18491
guarantee fund, the research and development loan fund, the 18492
logistics and distribution infrastructure fund, ~~the logistics and~~ 18493
~~distribution infrastructure taxable bond fund,~~ the advanced energy 18494
research and development fund, or the advanced energy research and 18495
development taxable fund, as applicable, for the purpose of 18496
paying, or making loans for, allowable costs from the facilities 18497
establishment fund, allowable innovation costs from the innovation 18498
Ohio loan fund, allowable costs from the research and development 18499
loan fund, allowable costs from the logistics and distribution 18500
infrastructure fund, ~~allowable costs from the logistics and~~ 18501
~~distribution infrastructure taxable bond fund,~~ allowable costs 18502

from the advanced energy research and development fund, or 18503
allowable costs from the advanced energy research and development 18504
taxable fund, as applicable, or needed for capitalized interest, 18505
for funding reserves, and for paying costs and expenses incurred 18506
in connection with the issuance, carrying, securing, paying, 18507
redeeming, or retirement of the obligations or any obligations 18508
refunded thereby, including payment of costs and expenses relating 18509
to letters of credit, lines of credit, insurance, put agreements, 18510
standby purchase agreements, indexing, marketing, remarketing and 18511
administrative arrangements, interest swap or hedging agreements, 18512
and any other credit enhancement, liquidity, remarketing, renewal, 18513
or refunding arrangements, all of which are authorized by this 18514
section, or providing moneys for the loan guarantee fund or the 18515
innovation Ohio loan guarantee fund, as provided in this chapter 18516
or needed for the purposes of funds established in accordance with 18517
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 18518
122.561, 122.57, and 122.80 of the Revised Code which are within 18519
the authorization of Section 13 of Article VIII, Ohio 18520
Constitution, or, with respect to certain eligible advanced energy 18521
projects, Section 2p of Article VIII, Ohio Constitution, shall 18522
issue obligations of the state under this section in the required 18523
amount; provided that such obligations may be issued to satisfy 18524
the covenants in contracts of guarantee made under section 166.06 18525
or 166.15 of the Revised Code, notwithstanding limitations 18526
otherwise applicable to the issuance of obligations under this 18527
section. The proceeds of such obligations, except for the portion 18528
to be deposited in special funds, including reserve funds, as may 18529
be provided in the bond proceedings, shall as provided in the bond 18530
proceedings be deposited by the director of development to the 18531
facilities establishment fund, the loan guarantee fund, the 18532
innovation Ohio loan guarantee fund, the innovation Ohio loan 18533
fund, the research and development loan fund, or the logistics and 18534
distribution infrastructure fund, ~~or the logistics and~~ 18535

~~distribution infrastructure taxable bond fund~~, or be deposited by 18536
the Ohio air quality development authority to the advanced energy 18537
research and development fund or the advanced energy research and 18538
development taxable fund. Bond proceedings for project financing 18539
obligations may provide that the proceeds derived from the 18540
issuance of such obligations shall be deposited into such fund or 18541
funds provided for in the bond proceedings and, to the extent 18542
provided for in the bond proceedings, such proceeds shall be 18543
deemed to have been deposited into the facilities establishment 18544
fund and transferred to such fund or funds. The issuing authority 18545
may appoint trustees, paying agents, and transfer agents and may 18546
retain the services of financial advisors, accounting experts, and 18547
attorneys, and retain or contract for the services of marketing, 18548
remarketing, indexing, and administrative agents, other 18549
consultants, and independent contractors, including printing 18550
services, as are necessary in the issuing authority's judgment to 18551
carry out this section. The costs of such services are allowable 18552
costs payable from the facilities establishment fund or the 18553
research and development loan fund, allowable innovation costs 18554
payable from the innovation Ohio loan fund, or allowable costs 18555
payable from the logistics and distribution infrastructure fund, 18556
~~the logistics and distribution infrastructure taxable bond fund~~, 18557
the advanced energy research and development fund, or the advanced 18558
energy research and development taxable fund, as applicable. 18559

(C) The holders or owners of such obligations shall have no 18560
right to have moneys raised by taxation obligated or pledged, and 18561
moneys raised by taxation shall not be obligated or pledged, for 18562
the payment of bond service charges. Such holders or owners shall 18563
have no rights to payment of bond service charges from any moneys 18564
accruing to the state from the lease, sale, or other disposition, 18565
or use, of project facilities, or from payment of the principal of 18566
or interest on loans made, or fees charged for guarantees made, or 18567
from any money or property received by the director, treasurer of 18568

state, or the state under Chapter 122. of the Revised Code, or 18569
from any other use of the proceeds of the sale of the obligations, 18570
and no such moneys may be used for the payment of bond service 18571
charges, except for accrued interest, capitalized interest, and 18572
reserves funded from proceeds received upon the sale of the 18573
obligations and except as otherwise expressly provided in the 18574
applicable bond proceedings pursuant to written directions by the 18575
director. The right of such holders and owners to payment of bond 18576
service charges is limited to all or that portion of the pledged 18577
receipts and those special funds pledged thereto pursuant to the 18578
bond proceedings in accordance with this section, and each such 18579
obligation shall bear on its face a statement to that effect. 18580

(D) Obligations shall be authorized by resolution or order of 18581
the issuing authority and the bond proceedings shall provide for 18582
the purpose thereof and the principal amount or amounts, and shall 18583
provide for or authorize the manner or agency for determining the 18584
principal maturity or maturities, not exceeding twenty-five years 18585
from the date of issuance, the interest rate or rates or the 18586
maximum interest rate, the date of the obligations and the dates 18587
of payment of interest thereon, their denomination, and the 18588
establishment within or without the state of a place or places of 18589
payment of bond service charges. Sections 9.98 to 9.983 of the 18590
Revised Code are applicable to obligations issued under this 18591
section, subject to any applicable limitation under section 166.11 18592
of the Revised Code. The purpose of such obligations may be stated 18593
in the bond proceedings in terms describing the general purpose or 18594
purposes to be served. The bond proceedings also shall provide, 18595
subject to the provisions of any other applicable bond 18596
proceedings, for the pledge of all, or such part as the issuing 18597
authority may determine, of the pledged receipts and the 18598
applicable special fund or funds to the payment of bond service 18599
charges, which pledges may be made either prior or subordinate to 18600
other expenses, claims, or payments, and may be made to secure the 18601

obligations on a parity with obligations theretofore or thereafter 18602
issued, if and to the extent provided in the bond proceedings. The 18603
pledged receipts and special funds so pledged and thereafter 18604
received by the state are immediately subject to the lien of such 18605
pledge without any physical delivery thereof or further act, and 18606
the lien of any such pledges is valid and binding against all 18607
parties having claims of any kind against the state or any 18608
governmental agency of the state, irrespective of whether such 18609
parties have notice thereof, and shall create a perfected security 18610
interest for all purposes of Chapter 1309. of the Revised Code, 18611
without the necessity for separation or delivery of funds or for 18612
the filing or recording of the bond proceedings by which such 18613
pledge is created or any certificate, statement or other document 18614
with respect thereto; and the pledge of such pledged receipts and 18615
special funds is effective and the money therefrom and thereof may 18616
be applied to the purposes for which pledged without necessity for 18617
any act of appropriation. Every pledge, and every covenant and 18618
agreement made with respect thereto, made in the bond proceedings 18619
may therein be extended to the benefit of the owners and holders 18620
of obligations authorized by this section, and to any trustee 18621
therefor, for the further security of the payment of the bond 18622
service charges. 18623

(E) The bond proceedings may contain additional provisions as 18624
to: 18625

(1) The redemption of obligations prior to maturity at the 18626
option of the issuing authority at such price or prices and under 18627
such terms and conditions as are provided in the bond proceedings; 18628

(2) Other terms of the obligations; 18629

(3) Limitations on the issuance of additional obligations; 18630

(4) The terms of any trust agreement or indenture securing 18631
the obligations or under which the same may be issued; 18632

(5) The deposit, investment and application of special funds, 18633
and the safeguarding of moneys on hand or on deposit, without 18634
regard to Chapter 131. or 135. of the Revised Code, but subject to 18635
any special provisions of this chapter, with respect to particular 18636
funds or moneys, provided that any bank or trust company which 18637
acts as depository of any moneys in the special funds may furnish 18638
such indemnifying bonds or may pledge such securities as required 18639
by the issuing authority; 18640

(6) Any or every provision of the bond proceedings being 18641
binding upon such officer, board, commission, authority, agency, 18642
department, or other person or body as may from time to time have 18643
the authority under law to take such actions as may be necessary 18644
to perform all or any part of the duty required by such provision; 18645

(7) Any provision that may be made in a trust agreement or 18646
indenture; 18647

(8) Any other or additional agreements with the holders of 18648
the obligations, or the trustee therefor, relating to the 18649
obligations or the security therefor, including the assignment of 18650
mortgages or other security obtained or to be obtained for loans 18651
under section 122.43, 166.07, or 166.16 of the Revised Code. 18652

(F) The obligations may have the great seal of the state or a 18653
facsimile thereof affixed thereto or printed thereon. The 18654
obligations and any coupons pertaining to obligations shall be 18655
signed or bear the facsimile signature of the issuing authority. 18656
Any obligations or coupons may be executed by the person who, on 18657
the date of execution, is the proper issuing authority although on 18658
the date of such bonds or coupons such person was not the issuing 18659
authority. If the issuing authority whose signature or a facsimile 18660
of whose signature appears on any such obligation or coupon ceases 18661
to be the issuing authority before delivery thereof, such 18662
signature or facsimile is nevertheless valid and sufficient for 18663
all purposes as if the former issuing authority had remained the 18664

issuing authority until such delivery; and if the seal to be 18665
affixed to obligations has been changed after a facsimile of the 18666
seal has been imprinted on such obligations, such facsimile seal 18667
shall continue to be sufficient as to such obligations and 18668
obligations issued in substitution or exchange therefor. 18669

(G) All obligations are negotiable instruments and securities 18670
under Chapter 1308. of the Revised Code, subject to the provisions 18671
of the bond proceedings as to registration. The obligations may be 18672
issued in coupon or in registered form, or both, as the issuing 18673
authority determines. Provision may be made for the registration 18674
of any obligations with coupons attached thereto as to principal 18675
alone or as to both principal and interest, their exchange for 18676
obligations so registered, and for the conversion or reconversion 18677
into obligations with coupons attached thereto of any obligations 18678
registered as to both principal and interest, and for reasonable 18679
charges for such registration, exchange, conversion, and 18680
reconversion. 18681

(H) Obligations may be sold at public sale or at private 18682
sale, as determined in the bond proceedings. 18683

Obligations issued to provide moneys for the loan guarantee 18684
fund or the innovation Ohio loan guarantee fund may, as determined 18685
by the issuing authority, be sold at private sale, and without 18686
publication of a notice of sale. 18687

(I) Pending preparation of definitive obligations, the 18688
issuing authority may issue interim receipts or certificates which 18689
shall be exchanged for such definitive obligations. 18690

(J) In the discretion of the issuing authority, obligations 18691
may be secured additionally by a trust agreement or indenture 18692
between the issuing authority and a corporate trustee which may be 18693
any trust company or bank having a place of business within the 18694
state. Any such agreement or indenture may contain the resolution 18695

or order authorizing the issuance of the obligations, any 18696
provisions that may be contained in any bond proceedings, and 18697
other provisions which are customary or appropriate in an 18698
agreement or indenture of such type, including, but not limited 18699
to: 18700

(1) Maintenance of each pledge, trust agreement, indenture, 18701
or other instrument comprising part of the bond proceedings until 18702
the state has fully paid the bond service charges on the 18703
obligations secured thereby, or provision therefor has been made; 18704

(2) In the event of default in any payments required to be 18705
made by the bond proceedings, or any other agreement of the 18706
issuing authority made as a part of the contract under which the 18707
obligations were issued, enforcement of such payments or agreement 18708
by mandamus, the appointment of a receiver, suit in equity, action 18709
at law, or any combination of the foregoing; 18710

(3) The rights and remedies of the holders of obligations and 18711
of the trustee, and provisions for protecting and enforcing them, 18712
including limitations on rights of individual holders of 18713
obligations; 18714

(4) The replacement of any obligations that become mutilated 18715
or are destroyed, lost, or stolen; 18716

(5) Such other provisions as the trustee and the issuing 18717
authority agree upon, including limitations, conditions, or 18718
qualifications relating to any of the foregoing. 18719

(K) Any holders of obligations or trustees under the bond 18720
proceedings, except to the extent that their rights are restricted 18721
by the bond proceedings, may by any suitable form of legal 18722
proceedings, protect and enforce any rights under the laws of this 18723
state or granted by such bond proceedings. Such rights include the 18724
right to compel the performance of all duties of the issuing 18725
authority, the director of development, the Ohio air quality 18726

development authority, or the division of liquor control required 18727
by this chapter or the bond proceedings; to enjoin unlawful 18728
activities; and in the event of default with respect to the 18729
payment of any bond service charges on any obligations or in the 18730
performance of any covenant or agreement on the part of the 18731
issuing authority, the director of development, the Ohio air 18732
quality development authority, or the division of liquor control 18733
in the bond proceedings, to apply to a court having jurisdiction 18734
of the cause to appoint a receiver to receive and administer the 18735
pledged receipts and special funds, other than those in the 18736
custody of the treasurer of state, which are pledged to the 18737
payment of the bond service charges on such obligations or which 18738
are the subject of the covenant or agreement, with full power to 18739
pay, and to provide for payment of bond service charges on, such 18740
obligations, and with such powers, subject to the direction of the 18741
court, as are accorded receivers in general equity cases, 18742
excluding any power to pledge additional revenues or receipts or 18743
other income or moneys of the issuing authority or the state or 18744
governmental agencies of the state to the payment of such 18745
principal and interest and excluding the power to take possession 18746
of, mortgage, or cause the sale or otherwise dispose of any 18747
project facilities. 18748

Each duty of the issuing authority and the issuing 18749
authority's officers and employees, and of each governmental 18750
agency and its officers, members, or employees, undertaken 18751
pursuant to the bond proceedings or any agreement or lease, 18752
lease-purchase agreement, or loan made under authority of this 18753
chapter, and in every agreement by or with the issuing authority, 18754
is hereby established as a duty of the issuing authority, and of 18755
each such officer, member, or employee having authority to perform 18756
such duty, specifically enjoined by the law resulting from an 18757
office, trust, or station within the meaning of section 2731.01 of 18758
the Revised Code. 18759

The person who is at the time the issuing authority, or the 18760
issuing authority's officers or employees, are not liable in their 18761
personal capacities on any obligations issued by the issuing 18762
authority or any agreements of or with the issuing authority. 18763

(L) The issuing authority may authorize and issue obligations 18764
for the refunding, including funding and retirement, and advance 18765
refunding with or without payment or redemption prior to maturity, 18766
of any obligations previously issued by the issuing authority. 18767
Such obligations may be issued in amounts sufficient for payment 18768
of the principal amount of the prior obligations, any redemption 18769
premiums thereon, principal maturities of any such obligations 18770
maturing prior to the redemption of the remaining obligations on a 18771
parity therewith, interest accrued or to accrue to the maturity 18772
dates or dates of redemption of such obligations, and any 18773
allowable costs including expenses incurred or to be incurred in 18774
connection with such issuance and such refunding, funding, and 18775
retirement. Subject to the bond proceedings therefor, the portion 18776
of proceeds of the sale of obligations issued under this division 18777
to be applied to bond service charges on the prior obligations 18778
shall be credited to an appropriate account held by the trustee 18779
for such prior or new obligations or to the appropriate account in 18780
the bond service fund for such obligations. Obligations authorized 18781
under this division shall be deemed to be issued for those 18782
purposes for which such prior obligations were issued and are 18783
subject to the provisions of this section pertaining to other 18784
obligations, except as otherwise provided in this section; 18785
provided that, unless otherwise authorized by the general 18786
assembly, any limitations imposed by the general assembly pursuant 18787
to this section with respect to bond service charges applicable to 18788
the prior obligations shall be applicable to the obligations 18789
issued under this division to refund, fund, advance refund or 18790
retire such prior obligations. 18791

(M) The authority to issue obligations under this section 18792
includes authority to issue obligations in the form of bond 18793
anticipation notes and to renew the same from time to time by the 18794
issuance of new notes. The holders of such notes or interest 18795
coupons pertaining thereto shall have a right to be paid solely 18796
from the pledged receipts and special funds that may be pledged to 18797
the payment of the bonds anticipated, or from the proceeds of such 18798
bonds or renewal notes, or both, as the issuing authority provides 18799
in the resolution or order authorizing such notes. Such notes may 18800
be additionally secured by covenants of the issuing authority to 18801
the effect that the issuing authority and the state will do such 18802
or all things necessary for the issuance of such bonds or renewal 18803
notes in appropriate amount, and apply the proceeds thereof to the 18804
extent necessary, to make full payment of the principal of and 18805
interest on such notes at the time or times contemplated, as 18806
provided in such resolution or order. For such purpose, the 18807
issuing authority may issue bonds or renewal notes in such 18808
principal amount and upon such terms as may be necessary to 18809
provide funds to pay when required the principal of and interest 18810
on such notes, notwithstanding any limitations prescribed by or 18811
for purposes of this section. Subject to this division, all 18812
provisions for and references to obligations in this section are 18813
applicable to notes authorized under this division. 18814

The issuing authority in the bond proceedings authorizing the 18815
issuance of bond anticipation notes shall set forth for such bonds 18816
an estimated interest rate and a schedule of principal payments 18817
for such bonds and the annual maturity dates thereof, and for 18818
purposes of any limitation on bond service charges prescribed 18819
under division (A) of section 166.11 of the Revised Code, the 18820
amount of bond service charges on such bond anticipation notes is 18821
deemed to be the bond service charges for the bonds anticipated 18822
thereby as set forth in the bond proceedings applicable to such 18823
notes, but this provision does not modify any authority in this 18824

section to pledge receipts and special funds to, and covenant to 18825
issue bonds to fund, the payment of principal of and interest and 18826
any premium on such notes. 18827

(N) Obligations issued under this section are lawful 18828
investments for banks, societies for savings, savings and loan 18829
associations, deposit guarantee associations, trust companies, 18830
trustees, fiduciaries, insurance companies, including domestic for 18831
life and domestic not for life, trustees or other officers having 18832
charge of sinking and bond retirement or other special funds of 18833
political subdivisions and taxing districts of this state, the 18834
commissioners of the sinking fund of the state, the administrator 18835
of workers' compensation, the state teachers retirement system, 18836
the public employees retirement system, the school employees 18837
retirement system, and the Ohio police and fire pension fund, 18838
notwithstanding any other provisions of the Revised Code or rules 18839
adopted pursuant thereto by any governmental agency of the state 18840
with respect to investments by them, and are also acceptable as 18841
security for the deposit of public moneys. 18842

(O) Unless otherwise provided in any applicable bond 18843
proceedings, moneys to the credit of or in the special funds 18844
established by or pursuant to this section may be invested by or 18845
on behalf of the issuing authority only in notes, bonds, or other 18846
obligations of the United States, or of any agency or 18847
instrumentality of the United States, obligations guaranteed as to 18848
principal and interest by the United States, obligations of this 18849
state or any political subdivision of this state, and certificates 18850
of deposit of any national bank located in this state and any 18851
bank, as defined in section 1101.01 of the Revised Code, subject 18852
to inspection by the superintendent of banks. If the law or the 18853
instrument creating a trust pursuant to division (J) of this 18854
section expressly permits investment in direct obligations of the 18855
United States or an agency of the United States, unless expressly 18856

prohibited by the instrument, such moneys also may be invested in 18857
no-front-end-load money market mutual funds consisting exclusively 18858
of obligations of the United States or an agency of the United 18859
States and in repurchase agreements, including those issued by the 18860
fiduciary itself, secured by obligations of the United States or 18861
an agency of the United States; and in common trust funds 18862
established in accordance with section 1111.20 of the Revised Code 18863
and consisting exclusively of any such securities, notwithstanding 18864
division (A)(4) of that section. The income from such investments 18865
shall be credited to such funds as the issuing authority 18866
determines, and such investments may be sold at such times as the 18867
issuing authority determines or authorizes. 18868

(P) Provision may be made in the applicable bond proceedings 18869
for the establishment of separate accounts in the bond service 18870
fund and for the application of such accounts only to the 18871
specified bond service charges on obligations pertinent to such 18872
accounts and bond service fund and for other accounts therein 18873
within the general purposes of such fund. Unless otherwise 18874
provided in any applicable bond proceedings, moneys to the credit 18875
of or in the several special funds established pursuant to this 18876
section shall be disbursed on the order of the treasurer of state, 18877
provided that no such order is required for the payment from the 18878
bond service fund when due of bond service charges on obligations. 18879

(Q) The issuing authority may pledge all, or such portion as 18880
the issuing authority determines, of the pledged receipts to the 18881
payment of bond service charges on obligations issued under this 18882
section, and for the establishment and maintenance of any 18883
reserves, as provided in the bond proceedings, and make other 18884
provisions therein with respect to pledged receipts as authorized 18885
by this chapter, which provisions are controlling notwithstanding 18886
any other provisions of law pertaining thereto. 18887

(R) The issuing authority may covenant in the bond 18888

proceedings, and any such covenants are controlling 18889
notwithstanding any other provision of law, that the state and 18890
applicable officers and governmental agencies of the state, 18891
including the general assembly, so long as any obligations are 18892
outstanding, shall: 18893

(1) Maintain statutory authority for and cause to be charged 18894
and collected wholesale and retail prices for spirituous liquor 18895
sold by the state or its agents so that the pledged receipts are 18896
sufficient in amount to meet bond service charges, and the 18897
establishment and maintenance of any reserves and other 18898
requirements provided for in the bond proceedings, and, as 18899
necessary, to meet covenants contained in contracts of guarantee 18900
made under section 166.06 of the Revised Code; 18901

(2) Take or permit no action, by statute or otherwise, that 18902
would impair the exemption from federal income taxation of the 18903
interest on the obligations. 18904

(S) There is hereby created the economic development bond 18905
service fund, which shall be in the custody of the treasurer of 18906
state but shall be separate and apart from and not a part of the 18907
state treasury. All moneys received by or on account of the 18908
issuing authority or state agencies and required by the applicable 18909
bond proceedings, consistent with this section, to be deposited, 18910
transferred, or credited to a bond service fund or the economic 18911
development bond service fund, and all other moneys transferred or 18912
allocated to or received for the purposes of the fund, shall be 18913
deposited and credited to such fund and to any separate accounts 18914
therein, subject to applicable provisions of the bond proceedings, 18915
but without necessity for any act of appropriation. During the 18916
period beginning with the date of the first issuance of 18917
obligations and continuing during such time as any such 18918
obligations are outstanding, and so long as moneys in the 18919
pertinent bond service funds are insufficient to pay all bond 18920

services charges on such obligations becoming due in each year, a 18921
sufficient amount of the gross profit on the sale of spirituous 18922
liquor included in pledged receipts are committed and shall be 18923
paid to the bond service fund or economic development bond service 18924
fund in each year for the purpose of paying the bond service 18925
charges becoming due in that year without necessity for further 18926
act of appropriation for such purpose and notwithstanding anything 18927
to the contrary in Chapter 4301. of the Revised Code. The economic 18928
development bond service fund is a trust fund and is hereby 18929
pledged to the payment of bond service charges to the extent 18930
provided in the applicable bond proceedings, and payment thereof 18931
from such fund shall be made or provided for by the treasurer of 18932
state in accordance with such bond proceedings without necessity 18933
for any act of appropriation. 18934

(T) The obligations, the transfer thereof, and the income 18935
therefrom, including any profit made on the sale thereof, shall at 18936
all times be free from taxation within the state. 18937

Sec. 166.25. (A) The director of development services, with 18938
the approval of the controlling board and subject to the other 18939
applicable provisions of this chapter, may lend money in the 18940
logistics and distribution infrastructure fund ~~and the logistics~~ 18941
~~and distribution infrastructure taxable bond fund~~ to persons for 18942
the purpose of paying allowable costs of eligible logistics and 18943
distribution projects. 18944

(B) In determining the eligible logistics and distribution 18945
projects to be assisted and the nature, amount, and terms of 18946
assistance to be provided for an eligible logistics and 18947
distribution project, the director shall consult with appropriate 18948
governmental agencies, including the department of transportation 18949
and the Ohio rail development commission. 18950

(C) Any loan made pursuant to this section shall be evidenced 18951

by a loan agreement, which shall contain such terms as the 18952
director determines necessary or appropriate, including 18953
performance measures and reporting requirements. The director may 18954
take actions necessary or appropriate to collect or otherwise deal 18955
with any loan made under this section, including requiring a loan 18956
recipient to repay the amount of the loan plus interest at a rate 18957
of three per cent above the federal short term interest rate or 18958
any other rate determined by the director. 18959

Sec. 167.03. (A) The council shall have the power to: 18960

(1) Study such area governmental problems common to two or 18961
more members of the council as it deems appropriate, including but 18962
not limited to matters affecting health, safety, welfare, 18963
education, economic conditions, and regional development; 18964

(2) Promote cooperative arrangements and coordinate action 18965
among its members, and between its members and other agencies of 18966
local or state governments, whether or not within Ohio, and the 18967
federal government; 18968

(3) Make recommendations for review and action to the members 18969
and other public agencies that perform functions within the 18970
region; 18971

(4) Promote cooperative agreements and contracts among its 18972
members or other governmental agencies and private persons, 18973
corporations, or agencies; 18974

(5) Operate a public safety answering point in accordance 18975
with Chapter ~~5507~~ 128. of the Revised Code; 18976

(6) Perform planning directly by personnel of the council, or 18977
under contracts between the council and other public or private 18978
planning agencies. 18979

(B) The council may: 18980

(1) Review, evaluate, comment upon, and make recommendations, 18981

relative to the planning and programming, and the location, 18982
financing, and scheduling of public facility projects within the 18983
region and affecting the development of the area; 18984

(2) Act as an areawide agency to perform comprehensive 18985
planning for the programming, locating, financing, and scheduling 18986
of public facility projects within the region and affecting the 18987
development of the area and for other proposed land development or 18988
uses, which projects or uses have public metropolitan wide or 18989
interjurisdictional significance; 18990

(3) Act as an agency for coordinating, based on metropolitan 18991
wide comprehensive planning and programming, local public 18992
policies, and activities affecting the development of the region 18993
or area. 18994

(C) The council may, by appropriate action of the governing 18995
bodies of the members, perform such other functions and duties as 18996
are performed or capable of performance by the members and 18997
necessary or desirable for dealing with problems of mutual 18998
concern. 18999

(D) The authority granted to the council by this section or 19000
in any agreement by the members thereof shall not displace any 19001
existing municipal, county, regional, or other planning commission 19002
or planning agency in the exercise of its statutory powers. 19003

Sec. 169.02. Subject to division (B) of section 169.01 of the 19004
Revised Code, the following constitute unclaimed funds: 19005

(A) Except as provided in division (R) of this section, any 19006
demand, savings, or matured time deposit account, or matured 19007
certificate of deposit, together with any interest or dividend on 19008
it, less any lawful claims, that is held or owed by a holder which 19009
is a financial organization, unclaimed for a period of five years; 19010

(B) Any funds paid toward the purchase of withdrawable shares 19011

or other interest in a financial organization, and any interest or 19012
dividends on them, less any lawful claims, that is held or owed by 19013
a holder which is a financial organization, unclaimed for a period 19014
of five years; 19015

(C) Except as provided in division (A) of section 3903.45 of 19016
the Revised Code, moneys held or owed by a holder, including a 19017
fraternal association, providing life insurance, including annuity 19018
or endowment coverage, unclaimed for three years after becoming 19019
payable as established from the records of such holder under any 19020
life or endowment insurance policy or annuity contract that has 19021
matured or terminated. An insurance policy, the proceeds of which 19022
are payable on the death of the insured, not matured by proof of 19023
death of the insured is deemed matured and the proceeds payable if 19024
such policy was in force when the insured attained the limiting 19025
age under the mortality table on which the reserve is based. 19026

Moneys otherwise payable according to the records of such 19027
holder are deemed payable although the policy or contract has not 19028
been surrendered as required. 19029

(D) Any deposit made to secure payment or any sum paid in 19030
advance for utility services of a public utility and any amount 19031
refundable from rates or charges collected by a public utility for 19032
utility services held or owed by a holder, less any lawful claims, 19033
that has remained unclaimed for one year after the termination of 19034
the services for which the deposit or advance payment was made or 19035
one year from the date the refund was payable, whichever is 19036
earlier; 19037

(E) Except as provided in division (R) of this section, any 19038
certificates, securities as defined in section 1707.01 of the 19039
Revised Code, nonwithdrawable shares, other instruments evidencing 19040
ownership, or rights to them or funds paid toward the purchase of 19041
them, or any dividend, capital credit, profit, distribution, 19042
interest, or payment on principal or other sum, held or owed by a 19043

holder, including funds deposited with a fiscal agent or fiduciary 19044
for payment of them, and instruments representing an ownership 19045
interest, unclaimed for five years. Any underlying share or other 19046
intangible instrument representing an ownership interest in a 19047
business association, in which the issuer has recorded on its 19048
books the issuance of the share but has been unable to deliver the 19049
certificate to the shareholder, constitutes unclaimed funds if 19050
such underlying share is unclaimed for five years. In addition, an 19051
underlying share constitutes unclaimed funds if a dividend, 19052
distribution, or other sum payable as a result of the underlying 19053
share has remained unclaimed by the owner for five years. 19054

This division shall not prejudice the rights of fiscal agents 19055
or fiduciaries for payment to return the items described in this 19056
division to their principals, according to the terms of an agency 19057
or fiduciary agreement, but such a return shall constitute the 19058
principal as the holder of the items and shall not interrupt the 19059
period for computing the time for which the items have remained 19060
unclaimed. 19061

In the case of any such funds accruing and held or owed by a 19062
corporation under division (E) of section 1701.24 of the Revised 19063
Code, such corporation shall comply with this chapter, subject to 19064
the limitation contained in section 1701.34 of the Revised Code. 19065
The period of time for which such funds have gone unclaimed 19066
specified in section 1701.34 of the Revised Code shall be 19067
computed, with respect to dividends or distributions, commencing 19068
as of the dates when such dividends or distributions would have 19069
been payable to the shareholder had such shareholder surrendered 19070
the certificates for cancellation and exchange by the date 19071
specified in the order relating to them. 19072

Capital credits of a cooperative which after January 1, 1972, 19073
have been allocated to members and which by agreement are 19074
expressly required to be paid if claimed after death of the owner 19075

are deemed payable, for the purpose of this chapter, fifteen years 19076
after either the termination of service by the cooperative to the 19077
owner or upon the nonactivity as provided in division (B) of 19078
section 169.01 of the Revised Code, whichever occurs later, 19079
provided that this provision does not apply if the payment is not 19080
mandatory. 19081

(F) Any sum payable on certified checks or other written 19082
instruments certified or issued and representing funds held or 19083
owed by a holder, less any lawful claims, that are unclaimed for 19084
five years from the date payable or from the date of issuance if 19085
payable on demand; except that the unclaimed period for money 19086
orders that are not third party bank checks is seven years, and 19087
the unclaimed period for traveler's checks is fifteen years, from 19088
the date payable or from the date of issuance if payable on 19089
demand. 19090

As used in this division, "written instruments" include, but 19091
are not limited to, certified checks, cashier's checks, bills of 19092
exchange, letters of credit, drafts, money orders, and traveler's 19093
checks. 19094

If there is no address of record for the owner or other 19095
person entitled to the funds, such address is presumed to be the 19096
address where the instrument was certified or issued. 19097

(G) Except as provided in division (R) of this section, all 19098
moneys, rights to moneys, or other intangible property, arising 19099
out of the business of engaging in the purchase or sale of 19100
securities, or otherwise dealing in intangibles, less any lawful 19101
claims, that are held or owed by a holder and are unclaimed for 19102
five years from the date of transaction. 19103

(H) Except as provided in division (A) of section 3903.45 of 19104
the Revised Code, all moneys, rights to moneys, and other 19105
intangible property distributable in the course of dissolution or 19106

liquidation of a holder that are unclaimed for one year after the 19107
date set by the holder for distribution; 19108

(I) All moneys, rights to moneys, or other intangible 19109
property removed from a safe-deposit box or other safekeeping 19110
repository located in this state or removed from a safe-deposit 19111
box or other safekeeping repository of a holder, on which the 19112
lease or rental period has expired, or any amount arising from the 19113
sale of such property, less any lawful claims, that are unclaimed 19114
for three years from the date on which the lease or rental period 19115
expired; 19116

(J) Subject to division (M)(2) of this section, all moneys, 19117
rights to moneys, or other intangible property, and any income or 19118
increment on them, held or owed by a holder which is a fiduciary 19119
for the benefit of another, or a fiduciary or custodian of a 19120
qualified retirement plan or individual retirement arrangement 19121
under section 401 or 408 of the Internal Revenue Code, unclaimed 19122
for three years after the final date for distribution; 19123

(K) All moneys, rights to moneys, or other intangible 19124
property held or owed in this state or held for or owed to an 19125
owner whose last known address is within this state, by the United 19126
States government or any state, as those terms are described in 19127
division (E) of section 169.01 of the Revised Code, unclaimed by 19128
the owner for three years, excluding any property in the control 19129
of any court in a proceeding in which a final adjudication has not 19130
been made; 19131

(L) Amounts payable pursuant to the terms of any policy of 19132
insurance, other than life insurance, or any refund available 19133
under such a policy, held or owed by any holder, unclaimed for 19134
three years from the date payable or distributable; 19135

(M)(1) Subject to division (M)(2) of this section, any funds 19136
constituting rents or lease payments due, any deposit made to 19137

secure payment of rents or leases, or any sum paid in advance for 19138
rents, leases, possible damage to property, unused services, 19139
performance requirements, or any other purpose, held or owed by a 19140
holder unclaimed for one year; 19141

(2) Any escrow funds, security deposits, or other moneys that 19142
are received by a licensed broker in a fiduciary capacity and 19143
that, pursuant to division (A)(26) of section 4735.18 of the 19144
Revised Code, are required to be deposited into and maintained in 19145
a special or trust, noninterest-bearing bank account separate and 19146
distinct from any personal or other account of the licensed 19147
broker, held or owed by the licensed broker unclaimed for two 19148
years. 19149

(N) Any sum greater than fifty dollars payable as wages, any 19150
sum payable as salaries or commissions, any sum payable for 19151
services rendered, funds owed or held as royalties, oil and 19152
mineral proceeds, funds held for or owed to suppliers, and moneys 19153
owed under pension and profit-sharing plans, held or owed by any 19154
holder unclaimed for one year from date payable or distributable, 19155
and all other credits held or owed, or to be refunded to a retail 19156
customer, by any holder unclaimed for three years from date 19157
payable or distributable; 19158

(O) Amounts held in respect of or represented by lay-aways 19159
sold after January 1, 1972, less any lawful claims, when such 19160
lay-aways are unclaimed for three years after the sale of them; 19161

(P) All moneys, rights to moneys, and other intangible 19162
property not otherwise constituted as unclaimed funds by this 19163
section, including any income or increment on them, less any 19164
lawful claims, which are held or owed by any holder, other than a 19165
holder which holds a permit issued pursuant to Chapter 3769. of 19166
the Revised Code, and which have remained unclaimed for three 19167
years after becoming payable or distributable; 19168

(Q) All moneys that arise out of a sale held pursuant to 19169
section 5322.03 of the Revised Code, that are held by a holder for 19170
delivery on demand to the appropriate person pursuant to division 19171
(I) of that section, and that are unclaimed for two years after 19172
the date of the sale. 19173

(R)(1) Any funds that are subject to an agreement between the 19174
holder and owner providing for automatic reinvestment and that 19175
constitute dividends, distributions, or other sums held or owed by 19176
a holder in connection with a security as defined in section 19177
1707.01 of the Revised Code, an ownership interest in an 19178
investment company registered under the "Investment Company Act of 19179
1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a certificate 19180
of deposit, unclaimed for a period of five years. 19181

(2) The five-year period under division (R)(1) of this 19182
section commences from the date a second shareholder notification 19183
or communication mailing to the owner of the funds is returned to 19184
the holder as undeliverable by the United States postal service or 19185
other carrier. The notification or communication mailing by the 19186
holder shall be no less frequent than quarterly. 19187

All moneys in a personal allowance account, as defined by 19188
rules adopted by the medicaid director ~~of job and family services~~, 19189
up to and including the maximum resource limitation, of a medicaid 19190
~~patient~~ recipient who has died after receiving care in a long-term 19191
care facility, and for whom there is no identifiable heir or 19192
sponsor, are not subject to this chapter. 19193

Sec. 169.05. (A) Every holder required to file a report under 19194
section 169.03 of the Revised Code shall, at the time of filing, 19195
pay to the director of commerce ten per cent of the aggregate 19196
amount of unclaimed funds as shown on the report, except for 19197
aggregate amounts of fifty dollars or less in which case one 19198
hundred per cent shall be paid. The funds may be deposited by the 19199

director in the state treasury to the credit of the unclaimed 19200
funds trust fund, which is hereby created, or placed with a 19201
financial organization. Any interest earned on money in the trust 19202
fund shall be credited to the trust fund. The remainder of the 19203
aggregate amount of unclaimed funds as shown on the report, plus 19204
earnings accrued to date of payment to the director, shall, at the 19205
option of the director, be retained by the holder or paid to the 19206
director for deposit as agent for the mortgage funds with a 19207
financial organization as defined in section 169.01 of the Revised 19208
Code, with the funds to be in income-bearing accounts to the 19209
credit of the mortgage funds, or the holder may enter into an 19210
agreement with the director specifying the obligations of the 19211
United States in which funds are to be invested, and agree to pay 19212
the interest on the obligations to the state. Holders retaining 19213
any funds not in obligations of the United States shall enter into 19214
an agreement with the director specifying the classification of 19215
income-bearing account in which the funds will be held and pay the 19216
state interest on the funds at a rate equal to the prevailing 19217
market rate for similar funds. Moneys that the holder is required 19218
to pay to the director rather than to retain may be deposited with 19219
the treasurer of state, or placed with a financial organization. 19220

Securities and other intangible property transferred to the 19221
director shall, within a reasonable time, be converted to cash and 19222
the proceeds deposited as provided for other funds. 19223

One-half of the funds evidenced by agreements, in 19224
income-bearing accounts, or on deposit with the treasurer of state 19225
shall be allocated on the records of the director to the mortgage 19226
insurance fund created by section 122.561 of the Revised Code. Out 19227
of the remaining half, after allocation of sufficient moneys to 19228
the minority business bonding fund to meet the provisions of 19229
division (B) of this section, the remainder shall be allocated on 19230
the records of the director to the housing development fund 19231

created by division (A) of section 175.11 of the Revised Code. 19232

(B) The director shall serve as agent for the director of 19233
development and as agent for the Ohio housing finance agency in 19234
making deposits and withdrawals and maintaining records pertaining 19235
to the minority business bonding fund created by section 122.88 of 19236
the Revised Code, the mortgage insurance fund, and the housing 19237
development fund created by section 175.11 of the Revised Code. 19238
Funds from the mortgage insurance fund are available to the 19239
director of development when those funds are to be disbursed to 19240
prevent or cure, or upon the occurrence of, a default of a 19241
mortgage insured pursuant to section 122.451 of the Revised Code. 19242
Funds from the housing development fund are available upon request 19243
to the Ohio housing finance agency, in an amount not to exceed the 19244
funds allocated on the records of the director, for the purposes 19245
of section 175.05 of the Revised Code. Funds from the minority 19246
business bonding fund are available to the director of development 19247
upon request to pay obligations on bonds the director writes 19248
pursuant to section 122.88 of the Revised Code; except that, 19249
unless the general assembly authorizes additional amounts, the 19250
total maximum amount of moneys that may be allocated to the 19251
minority business bonding fund under this division is ten million 19252
dollars. 19253

When funds are to be disbursed, the appropriate agency shall 19254
call upon the director to transfer the necessary funds to it. The 19255
director shall first withdraw the funds paid by the holders and 19256
deposited with the treasurer of state or in a financial 19257
institution as agent for the funds. Whenever these funds are 19258
inadequate to meet the request, the director shall provide for a 19259
withdrawal of funds, within a reasonable time and in the amount 19260
necessary to meet the request, from financial institutions in 19261
which the funds were retained or placed by a holder and from other 19262
holders who have retained funds, in an equitable manner as the 19263

director prescribes. In the event that the amount to be withdrawn 19264
from any one holder is less than five hundred dollars, the amount 19265
to be withdrawn is at the director's discretion. The director 19266
shall then transfer to the agency the amount of funds requested. 19267

Funds deposited in the unclaimed funds trust fund are subject 19268
to call by the director when necessary to pay claims the director 19269
allows under section 169.08 of the Revised Code, in accordance 19270
with the director's rules, to defray the necessary costs of making 19271
publications this chapter requires and to pay other operating and 19272
administrative expenses the department of commerce incurs in the 19273
administration and enforcement of this chapter. 19274

The unclaimed funds trust fund shall be assessed a 19275
proportionate share of the administrative costs of the department 19276
of commerce in accordance with procedures the director of commerce 19277
prescribes and the director of budget and management approves. The 19278
assessment shall be paid from the unclaimed funds trust fund to 19279
the division of administration fund. 19280

(C) Earnings on the accounts in financial organizations to 19281
the credit of the mortgage funds shall, at the option of the 19282
financial organization, be credited to the accounts at times and 19283
at rates as earnings are paid on other accounts of the same 19284
classification held in the financial organization or paid to the 19285
director. The director shall be notified annually, and at other 19286
times as the director may request, of the amount of the earnings 19287
credited to the accounts. Interest on unclaimed funds a holder 19288
retains shall be paid to the director or credited as specified in 19289
the agreement under which the organization retains the funds. 19290
Interest payable to the director under an agreement to invest 19291
unclaimed funds ~~and~~ in income-bearing accounts or obligations of 19292
the United States shall be paid annually by the holder to the 19293
director. Any earnings or interest the director receives under 19294
this division shall be deposited in and credited to the mortgage 19295

funds. 19296

Sec. 169.07. (A) Upon the payment of unclaimed funds to the 19297
director of commerce under section 169.05 of the Revised Code the 19298
holder will be relieved of further responsibility for the 19299
safe-keeping thereof and will be held harmless by the state from 19300
any and all liabilities for any claim arising out of the transfer 19301
of such funds to the state. 19302

(B) If legal proceedings are instituted against a holder 19303
which has paid unclaimed funds to the director or entered into an 19304
agreement as provided in section 169.05 of the Revised Code in 19305
respect to such funds, such holder shall notify the director in 19306
writing of the pendency of such proceedings and the director shall 19307
intervene and assume the defense of such proceedings. Failure to 19308
give such notice shall absolve the state from any and all 19309
liability which it may have with regard to such funds. If judgment 19310
is entered against such holder, the director shall, upon proof of 19311
satisfaction of such judgment, forthwith reimburse such 19312
organization for the amount of the judgment or enter into an 19313
agreement modified to reflect the satisfaction of such judgment, 19314
if the holder retained such funds, and shall reimburse such holder 19315
for any legal fees, costs and other expenses incurred in such 19316
proceedings in the manner provided for the payment of claims under 19317
~~division~~ divisions (D) and (E) of section 169.08 of the Revised 19318
Code. 19319

Sec. 169.08. (A) The director shall pay to the owner or other 19320
person who has established the right to payment under this 19321
section, funds from the unclaimed funds trust fund in an amount 19322
equal to the amount of property delivered or reported to the 19323
director, or equal to the net proceeds if the securities or other 19324
property have been sold, together with interest earned by the 19325
state if required to be paid under division (D) of this section. 19326

Any person claiming a property interest in unclaimed funds 19327
delivered or reported to the state under Chapter 169. of the 19328
Revised Code, including the office of child support in the 19329
department of job and family services, pursuant to section 3123.88 19330
of the Revised Code, may file a claim thereto on the form 19331
prescribed by the director of commerce. 19332

(B) The director shall consider matters relevant to any claim 19333
filed under division (A) of this section and shall hold a formal 19334
hearing if requested or considered necessary and receive evidence 19335
concerning such claim. A finding and decision in writing on each 19336
claim filed shall be prepared, stating the substance of any 19337
evidence received or heard and the reasons for allowance or 19338
disallowance of the claim. The evidence and decision shall be a 19339
public record. No statute of limitations shall bar the allowance 19340
of a claim. 19341

(C) For the purpose of conducting any hearing, the director 19342
may require the attendance of such witnesses and the production of 19343
such books, records, and papers as the director desires, and the 19344
director may take the depositions of witnesses residing within or 19345
without this state in the same manner as is prescribed by law for 19346
the taking of depositions in civil actions in the court of common 19347
pleas, and for that purpose the director may issue a subpoena for 19348
any witness or a subpoena duces tecum to compel the production of 19349
any books, records, or papers, directed to the sheriff of the 19350
county where such witness resides or is found, which shall be 19351
served and returned. The fees of the sheriff shall be the same as 19352
that allowed in the court of common pleas in criminal cases. 19353
Witnesses shall be paid the fees and mileage provided for under 19354
section 119.094 of the Revised Code. Fees and mileage shall be 19355
paid from the unclaimed funds trust fund. 19356

(D) Interest ~~is not~~ earned by the state shall be payable to 19357

claimants of unclaimed funds held by the state in accordance with 19358
final court orders derived from the Sogg v. Zurz, 121 Ohio St.3d 19359
449 (2009), line of cases and final settlement agreement 19360
determining payment of interest on unclaimed funds. For properties 19361
received by the state on or before July 26, 1991, interest shall 19362
be paid at a rate of six per cent per annum from the date the 19363
state received the property up to and including July 26, 1991. No 19364
interest shall be payable on any properties for the period from 19365
July 27, 1991, up to and including August 2, 2000. For properties 19366
held by the state on August 3, 2000, or after, interest shall be 19367
paid at the applicable required rate per annum for the period held 19368
from August 3, 2000, or the date of receipt, whichever is later, 19369
up to and including the date the claim is paid. Claims 19370

(E) Claims shall be paid from the trust fund. If the amount 19371
available in the trust fund is not sufficient to pay pending 19372
claims, or other amounts disbursable from the trust fund, the 19373
treasurer of state shall certify such fact to the director, who 19374
shall then withdraw such amount of funds from the mortgage 19375
accounts as the director determines necessary to reestablish the 19376
trust fund to a level required to pay anticipated claims but not 19377
more than ten per cent of the net unclaimed funds reported to 19378
date. 19379

The director may withdraw the funds paid to the director by 19380
the holders and deposited by the director with the treasurer of 19381
state or in a financial institution as agent for such funds. 19382
Whenever these funds are inadequate to meet the requirements for 19383
the trust fund, the director shall provide for a withdrawal of 19384
funds, within a reasonable time, in such amount as is necessary to 19385
meet the requirements, from financial institutions in which such 19386
funds were retained or placed by a holder and from other holders 19387
who have retained funds, in an equitable manner as prescribed by 19388
the director. In the event that the amount to be withdrawn from 19389

any one such holder is less than five hundred dollars, the amount 19390
to be withdrawn shall be at the discretion of the director. Such 19391
funds may be reimbursed in the amounts withdrawn when the trust 19392
fund has a surplus over the amount required to pay anticipated 19393
claims. Whenever the trust fund has a surplus over the amount 19394
required to pay anticipated claims, the director may transfer such 19395
surplus to the mortgage accounts. 19396

~~(E)~~(F) If a claim which is allowed under this section relates 19397
to funds which have been retained by the reporting holder, and if 19398
the funds, on deposit with the treasurer of state pursuant to this 19399
chapter, are insufficient to pay claims, the director may notify 19400
such holder in writing of the payment of the claim and such holder 19401
shall immediately reimburse the state in the amount of such claim. 19402
The reimbursement shall be credited to the unclaimed funds trust 19403
fund. 19404

~~(F)~~(G) Any person, including the office of child support, 19405
adversely affected by a decision of the director may appeal such 19406
decision in the manner provided in Chapter 119. of the Revised 19407
Code. 19408

In the event the claimant prevails, the claimant shall be 19409
reimbursed for reasonable attorney's fees and costs. 19410

~~(G)~~(H) Notwithstanding anything to the contrary in this 19411
chapter, any holder who has paid moneys to or entered into an 19412
agreement with the director pursuant to section 169.05 of the 19413
Revised Code on certified checks, cashiers' checks, bills of 19414
exchange, letters of credit, drafts, money orders, or travelers' 19415
checks, may make payment to any person entitled thereto, including 19416
the office of child support, and upon surrender of the document, 19417
except in the case of travelers' checks, and proof of such 19418
payment, the director shall reimburse the holder for such payment 19419
without interest. 19420

Sec. 173.03. (A) There is hereby created the Ohio advisory 19421
council for the aging, which shall consist of twelve members to be 19422
appointed by the governor with the advice and consent of the 19423
senate. Two ex officio members of the council shall be members of 19424
the house of representatives appointed by the speaker of the house 19425
of representatives and shall be members of two different political 19426
parties. Two ex officio members of the council shall be members of 19427
the senate appointed by the president of the senate and shall be 19428
members of two different political parties. The medicaid director 19429
and directors of ~~mental health~~ mental health and addiction 19430
services, developmental disabilities, health, and job and family 19431
services, or their designees, shall serve as ex officio members of 19432
the council. The council shall carry out its role as defined under 19433
the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, 19434
as amended. 19435

At the first meeting of the council, and annually thereafter, 19436
the members shall select one of their members to serve as 19437
chairperson and one of their members to serve as vice-chairperson. 19438

(B) Members of the council shall be appointed for a term of 19439
three years, except that for the first appointment members of the 19440
Ohio commission on aging who were serving on the commission 19441
immediately prior to July 26, 1984, shall become members of the 19442
council for the remainder of their unexpired terms. Thereafter, 19443
appointment to the council shall be for a three-year term by the 19444
governor. Each member shall hold office from the date of 19445
appointment until the end of the term for which the member was 19446
appointed. Any member appointed to fill a vacancy occurring prior 19447
to the expiration of the term for which the member's predecessor 19448
was appointed shall hold office for the remainder of the term. No 19449
member shall continue in office subsequent to the expiration date 19450
of the member's term unless reappointed under the provisions of 19451
this section, and no member shall serve more than three 19452

consecutive terms on the council. 19453

(C) Membership of the council shall represent all areas of 19454
Ohio and shall be as follows: 19455

(1) A majority of members of the council shall have attained 19456
the age of ~~sixty~~ fifty and have a knowledge of and continuing 19457
interest in the affairs and welfare of the older citizens of Ohio. 19458
The fields of business, labor, health, law, and human services 19459
shall be represented in the membership. 19460

(2) No more than seven members shall be of the same political 19461
party. 19462

(D) Any member of the council may be removed from office by 19463
the governor for neglect of duty, misconduct, or malfeasance in 19464
office after being informed in writing of the charges and afforded 19465
an opportunity for a hearing. Two consecutive unexcused absences 19466
from regularly scheduled meetings constitute neglect of duty. 19467

(E) The director of aging may reimburse a member for actual 19468
and necessary traveling and other expenses incurred in the 19469
discharge of official duties. But reimbursement shall be made in 19470
the manner and at rates that do not exceed those prescribed by the 19471
director of budget and management for any officer, member, or 19472
employee of, or consultant to, any state agency. 19473

(F) Council members are not limited as to the number of terms 19474
they may serve. 19475

(G)(1) The department of aging may award grants to or enter 19476
into contracts with a member of the advisory council or an entity 19477
that the member represents if any of the following apply: 19478

(a) The department determines that the member or the entity 19479
the member represents is capable of providing the goods or 19480
services specified under the terms of the grant or contract. 19481

(b) The member has not taken part in any discussion or vote 19482

of the council related to whether the council should recommend 19483
that the department of aging award the grant to or enter into the 19484
contract with the member of the advisory council or the entity 19485
that the member represents. 19486

(2) A member of the advisory council is not in violation of 19487
Chapter 102. or section 2921.42 of the Revised Code with regard to 19488
receiving a grant or entering into a contract under this section 19489
if the conditions of division (G)(1)(a) and (b) of this section 19490
have been met. 19491

Sec. 173.14. As used in sections 173.14 to 173.27 of the 19492
Revised Code: 19493

(A)(1) Except as otherwise provided in division (A)(2) of 19494
this section, "long-term care facility" includes any residential 19495
facility that provides personal care services for more than 19496
twenty-four hours for one or more unrelated adults, including all 19497
of the following: 19498

(a) A "nursing home," "residential care facility," or "home 19499
for the aging" as defined in section 3721.01 of the Revised Code; 19500

(b) A facility authorized to provide extended care services 19501
under Title XVIII of the "Social Security Act," 49 Stat. 620 19502
(1935), 42 U.S.C. 301, as amended, including a long-term acute 19503
care hospital that provides medical and rehabilitative care to 19504
patients who require an average length of stay greater than 19505
twenty-five days and is classified by the centers for medicare and 19506
medicaid services as a long-term care hospital pursuant to 42 19507
C.F.R. 412.23(e); 19508

(c) A county home or district home operated pursuant to 19509
Chapter 5155. of the Revised Code; 19510

(d) A residential facility licensed under section ~~5119.22~~ 19511
5119.34 of the Revised Code that provides accommodations, 19512

supervision, and personal care services for three to sixteen 19513
unrelated adults or accommodations and personal care services for 19514
only one or two adults who are ~~recipients under the~~ receiving 19515
residential state supplement program; 19516

(e) A facility approved by the veterans administration under 19517
section 104(a) of the "Veterans Health Care Amendments of 1983," 19518
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 19519
the placement and care of veterans. 19520

(2) "Long-term care facility" does not include a residential 19521
facility licensed under section 5123.19 of the Revised Code. 19522

(B) "Resident" means a resident of a long-term care facility 19523
and, where appropriate, includes a prospective, previous, or 19524
deceased resident of a long-term care facility. 19525

(C) "Community-based long-term care services" means health 19526
and social services provided to persons in their own homes or in 19527
community care settings, and includes any of the following: 19528

(1) Case management; 19529

(2) Home health care; 19530

(3) Homemaker services; 19531

(4) Chore services; 19532

(5) Respite care; 19533

(6) Adult day care; 19534

(7) Home-delivered meals; 19535

(8) Personal care; 19536

(9) Physical, occupational, and speech therapy; 19537

(10) Transportation; 19538

(11) Any other health and social services provided to persons 19539
that allow them to retain their independence in their own homes or 19540

in community care settings. 19541

(D) "Recipient" means a recipient of community-based 19542
long-term care services and, where appropriate, includes a 19543
prospective, previous, or deceased recipient of community-based 19544
long-term care services. 19545

(E) "Sponsor" means an adult relative, friend, or guardian 19546
who has an interest in or responsibility for the welfare of a 19547
resident or a recipient. 19548

(F) "Personal care services" has the same meaning as in 19549
section 3721.01 of the Revised Code. 19550

(G) "Regional long-term care ~~ombudsperson~~ ombudsman program" 19551
means an entity, either public or private and nonprofit, 19552
designated as a regional long-term care ~~ombudsperson~~ ombudsman 19553
program by the state long-term care ~~ombudsperson~~ ombudsman. 19554

(H) "Representative of the office of the state long-term care 19555
~~ombudsperson~~ ombudsman program" means the state long-term care 19556
~~ombudsperson~~ ombudsman or a member of the ~~ombudsperson's~~ 19557
ombudsman's staff, or a person certified as a representative of 19558
the office under section 173.21 of the Revised Code. 19559

(I) "Area agency on aging" means an area agency on aging 19560
established under the "Older Americans Act of 1965," 79 Stat. 219, 19561
42 U.S.C.A. 3001, as amended. 19562

Sec. 173.17. (A) The state long-term care ~~ombudsperson~~ 19563
ombudsman shall do all of the following: 19564

(1) Appoint a staff and direct and administer the work of the 19565
staff; 19566

(2) Supervise the nursing home investigative unit established 19567
under division (I) of section 173.01 of the Revised Code; 19568

(3) Oversee the performance and operation of the office of 19569

the state long-term care ~~ombudsperson~~ ombudsman program, including 19570
the operation of regional long-term care ~~ombudsperson~~ ombudsman 19571
programs; 19572

(4) Establish and maintain a statewide uniform reporting 19573
system to collect and analyze information relating to complaints 19574
and conditions in long-term care facilities and complaints 19575
regarding the provision of community-based long-term care services 19576
for the purpose of identifying and resolving significant problems; 19577

(5) Provide for public forums to discuss concerns and 19578
problems relating to action, inaction, or decisions that may 19579
adversely affect the health, safety, welfare, or rights of 19580
residents and recipients of services by providers of long-term 19581
care and their representatives, public agencies and entities, and 19582
social service agencies. This may include any of the following: 19583
conducting public hearings; sponsoring workshops and conferences; 19584
holding meetings for the purpose of obtaining information about 19585
residents and recipients, discussing and publicizing their needs, 19586
and advocating solutions to their problems; and promoting the 19587
development of citizen organizations. 19588

(6) Encourage, cooperate with, and assist in the development 19589
and operation of services to provide current, objective, and 19590
verified information about long-term care; 19591

(7) Develop and implement, with the assistance of regional 19592
programs, a continuing program to publicize, through the media and 19593
civic organizations, the office, its purposes, and its methods of 19594
operation; 19595

(8) Maintain written descriptions of the duties and 19596
qualifications of representatives of the office; 19597

(9) Evaluate and make known concerns and issues regarding 19598
long-term care by doing all of the following: 19599

(a) Preparing an annual report containing information and 19600

findings regarding the types of problems experienced by residents 19601
and recipients and the complaints made by or on behalf of 19602
residents and recipients. The report shall include recommendations 19603
for policy, regulatory, and legislative changes to solve problems, 19604
resolve complaints, and improve the quality of care and life for 19605
residents and recipients and shall be submitted to the governor, 19606
the speaker of the house of representatives, the president of the 19607
senate, the directors of health and of job and family services, 19608
and the commissioner of the administration on aging of the United 19609
States department of health and human services. 19610

(b) Monitoring and analyzing the development and 19611
implementation of federal, state, and local laws, rules, and 19612
policies regarding long-term care services in this state and 19613
recommending to officials changes the office considers appropriate 19614
in these laws, rules, and policies; 19615

(c) Providing information and making recommendations to 19616
public agencies, members of the general assembly, and others 19617
regarding problems and concerns of residents and recipients. 19618

(10) Conduct training for employees and volunteers on 19619
~~ombudsperson's~~ ombudsman's staff and for representatives of the 19620
office employed by regional programs; 19621

(11) Monitor the training of representatives of the office 19622
who provide volunteer services to regional programs, and provide 19623
technical assistance to the regional programs in conducting the 19624
training; 19625

(12) Issue certificates attesting to the successful 19626
completion of training and specifying the level of responsibility 19627
for which a representative of the office who has completed 19628
training is qualified; 19629

(13) Register as a residents' rights advocate with the 19630
department of health under division (B) of section 3701.07 of the 19631

Revised Code;	19632
(14) Perform other duties specified by the department of aging.	19633 19634
(B) The state ombuds <u>ombudsman</u> may delegate any of the ombuds <u>ombudsman's</u> authority or duties under sections 173.14 to 173.26 of the Revised Code to any member of the ombuds <u>ombudsman's</u> staff. The state ombuds <u>ombudsman</u> is responsible for any authority or duties the ombuds <u>ombudsman</u> delegates.	19635 19636 19637 19638 19639 19640
Sec. 173.19. (A) The office of the state long-term care ombuds <u>ombudsman</u> program, through the state long-term care ombuds <u>ombudsman</u> and the regional long-term care ombuds <u>ombudsman</u> programs, shall receive, investigate, and attempt to resolve complaints made by residents, recipients, sponsors, providers of long-term care, or any person acting on behalf of a resident or recipient, relating to either of the following:	19641 19642 19643 19644 19645 19646 19647 19648
(1) The health, safety, welfare, or civil rights of a resident or recipient or any violation of a resident's rights described in sections 3721.10 to 3721.17 of the Revised Code;	19649 19650 19651
(2) Any action or inaction or decision by a provider of long-term care or representative of a provider, a governmental entity, or a private social service agency that may adversely affect the health, safety, welfare, or rights of a resident or recipient.	19652 19653 19654 19655 19656
(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the handling of complaints received under this section, including procedures for conducting investigations of complaints. The rules shall include procedures to ensure that no representative of the office	19657 19658 19659 19660 19661

investigates any complaint involving a provider of long-term care 19662
with which the representative was once employed or associated. 19663

The state ~~ombudsperson~~ ombudsman and regional programs shall 19664
establish procedures for handling complaints consistent with the 19665
department's rules. Complaints shall be dealt with in accordance 19666
with the procedures established under this division. 19667

(C) The office of the state long-term care ~~ombudsperson~~ 19668
ombudsman program may decline to investigate any complaint if it 19669
determines any of the following: 19670

(1) That the complaint is frivolous, vexatious, or not made 19671
in good faith; 19672

(2) That the complaint was made so long after the occurrence 19673
of the incident on which it is based that it is no longer 19674
reasonable to conduct an investigation; 19675

(3) That an adequate investigation cannot be conducted 19676
because of insufficient funds, insufficient staff, lack of staff 19677
expertise, or any other reasonable factor that would result in an 19678
inadequate investigation despite a good faith effort; 19679

(4) That an investigation by the office would create a real 19680
or apparent conflict of interest. 19681

(D) If a regional long-term care ~~ombudsperson~~ ombudsman 19682
program declines to investigate a complaint, it shall refer the 19683
complaint to the state long-term care ~~ombudsperson~~ ombudsman. 19684

(E) Each complaint to be investigated by a regional program 19685
shall be assigned to a representative of the office of the state 19686
long-term care ~~ombudsperson~~ ombudsman program. If the 19687
representative determines that the complaint is valid, the 19688
representative shall assist the parties in attempting to resolve 19689
it. If the representative is unable to resolve it, the 19690
representative shall refer the complaint to the state ~~ombudsperson~~ 19691

ombudsman. 19692

In order to carry out the duties of sections 173.14 to 173.26 19693
of the Revised Code, a representative has the right to private 19694
communication with residents and their sponsors and access to 19695
long-term care facilities, including the right to tour resident 19696
areas unescorted and the right to tour facilities unescorted as 19697
reasonably necessary to the investigation of a complaint. Access 19698
to facilities shall be during reasonable hours or, during 19699
investigation of a complaint, at other times appropriate to the 19700
complaint. 19701

When community-based long-term care services are provided at 19702
a location other than the recipient's home, a representative has 19703
the right to private communication with the recipient and the 19704
recipient's sponsors and access to the community-based long-term 19705
care site, including the right to tour the site unescorted. Access 19706
to the site shall be during reasonable hours or, during the 19707
investigation of a complaint, at other times appropriate to the 19708
complaint. 19709

(F) The state ~~ombudsperson~~ ombudsman shall determine whether 19710
complaints referred to the ~~ombudsperson~~ ombudsman under division 19711
(D) or (E) of this section warrant investigation. The 19712
~~ombudsperson's~~ ombudsman's determination in this matter is final. 19713

Sec. 173.20. (A) If consent is given and unless otherwise 19714
prohibited by law, a representative of the office of the state 19715
long-term care ombudsman program shall have access to any records, 19716
including medical records, of a resident or a recipient that are 19717
reasonably necessary for investigation of a complaint. Consent may 19718
be given in any of the following ways: 19719

(1) In writing by the resident or recipient; 19720

(2) Orally by the resident or recipient, witnessed in writing 19721

at the time it is given by one other person, and, if the records
involved are being maintained by a long-term care provider, also
by an employee of the long-term care provider designated under
division (E)(1) of this section;

(3) In writing by the guardian of the resident or recipient;

(4) In writing by the attorney in fact of the resident or
recipient, if the resident or recipient has authorized the
attorney in fact to give such consent;

(5) In writing by the executor or administrator of the estate
of a deceased resident or recipient.

(B) If consent to access to records is not refused by a
resident or recipient or ~~his~~ the resident's or recipient's legal
representative but cannot be obtained and any of the following
circumstances exist, a representative of the office of the state
long-term care ombudsman program, on approval of the state
long-term care ombudsman, may inspect the records of a resident or
a recipient, including medical records, that are reasonably
necessary for investigation of a complaint:

(1) The resident or recipient is unable to express written or
oral consent and there is no guardian or attorney in fact;

(2) There is a guardian or attorney in fact, but ~~he~~ the
guardian or attorney in fact cannot be contacted within three
working days;

(3) There is a guardianship or durable power of attorney, but
its existence is unknown by the long-term care provider and the
representative of the office at the time of the investigation;

(4) There is no executor or administrator of the estate of a
deceased resident or recipient.

(C) If a representative of the office of the state long-term
care ombudsman program has been refused access to records by a

guardian or attorney in fact, but has reasonable cause to believe 19752
that the guardian or attorney in fact is not acting in the best 19753
interests of the resident or recipient, the representative may, on 19754
approval of the state long-term care ombudsman, inspect the 19755
records of the resident or recipient, including medical records, 19756
that are reasonably necessary for investigation of a complaint. 19757

(D) A representative of the office of the state long-term 19758
care ombudsman program shall have access to any records of a 19759
long-term care provider reasonably necessary to an investigation 19760
conducted under this section, including but not limited to: 19761
incident reports, dietary records, policies and procedures of a 19762
facility required to be maintained under section ~~5111.21~~ 5165.06 19763
of the Revised Code, admission agreements, staffing schedules, any 19764
document depicting the actual staffing pattern of the provider, 19765
any financial records that are matters of public record, resident 19766
council and grievance committee minutes, and any waiting list 19767
maintained by a facility in accordance with section ~~5111.31~~ 19768
5165.08 of the Revised Code, or any similar records or lists 19769
maintained by a provider of community-based long-term care 19770
services. Pursuant to division (E)(2) of this section, a 19771
representative shall be permitted to make or obtain copies of any 19772
of these records after giving the long-term care provider 19773
twenty-four hours' notice. A long-term care provider may impose a 19774
charge for providing copies of records under this division that 19775
does not exceed the actual and necessary expense of making the 19776
copies. 19777

The state ombudsman shall take whatever action is necessary 19778
to ensure that any copy of a record made or obtained under this 19779
division is returned to the long-term care provider no later than 19780
three years after the date the investigation for which the copy 19781
was made or obtained is completed. 19782

(E)(1) Each long-term care provider shall designate one or 19783

more of its employees to be responsible for witnessing the giving 19784
of oral consent under division (A) of this section. In the event 19785
that a designated employee is not available when a resident or 19786
recipient attempts to give oral consent, the provider shall 19787
designate another employee to witness the consent. 19788

(2) Each long-term care provider shall designate one or more 19789
of its employees to be responsible for releasing records for 19790
copying to representatives of the office of the long-term care 19791
ombudsman program who request permission to make or obtain copies 19792
of records specified in division (D) of this section. In the event 19793
that a designated employee is not available when a representative 19794
of the office makes the request, the long-term care provider shall 19795
designate another employee to release the records for copying. 19796

(F) A long-term care provider or any employee of such a 19797
provider is immune from civil or criminal liability or action 19798
taken pursuant to a professional disciplinary procedure for the 19799
release or disclosure of records to a representative of the office 19800
pursuant to this section. 19801

(G) A state or local government agency or entity with records 19802
relevant to a complaint or investigation being conducted by a 19803
representative of the office shall provide the representative 19804
access to the records. 19805

(H) The state ombudsman, with the approval of the director of 19806
aging, may issue a subpoena to compel any person ~~he~~ the ombudsman 19807
reasonably believes may be able to provide information to appear 19808
before ~~him~~ the ombudsman or ~~his~~ the ombudsman's designee and give 19809
sworn testimony and to produce documents, books, records, papers, 19810
or other evidence the state ombudsman believes is relevant to the 19811
investigation. On the refusal of a witness to be sworn or to 19812
answer any question put to ~~him~~ the witness, or if a person 19813
disobeys a subpoena, the ombudsman shall apply to the Franklin 19814
county court of common pleas for a contempt order, as in the case 19815

of disobedience of the requirements of a subpoena issued from the 19816
court, or a refusal to testify in the court. 19817

(I) The state ombudsman may petition the court of common 19818
pleas in the county in which a long-term care facility is located 19819
to issue an injunction against any long-term care facility in 19820
violation of sections 3721.10 to 3721.17 of the Revised Code. 19821

(J) Any suspected violation of Chapter 3721. of the Revised 19822
Code discovered during the course of an investigation may be 19823
reported to the department of health. Any suspected criminal 19824
violation discovered during the course of an investigation shall 19825
be reported to the attorney general or other appropriate law 19826
enforcement authorities. 19827

(K) The department of aging shall adopt rules in accordance 19828
with Chapter 119. of the Revised Code for referral by the state 19829
ombudsman and regional long-term care ombudsman programs of 19830
complaints to other public agencies or entities. A public agency 19831
or entity to which a complaint is referred shall keep the state 19832
ombudsman or regional program handling the complaint advised and 19833
notified in writing in a timely manner of the disposition of the 19834
complaint to the extent permitted by law. 19835

Sec. 173.21. (A) The office of the state long-term care 19836
~~ombudsperson~~ ombudsman program, through the state long-term care 19837
~~ombudsperson~~ ombudsman and the regional long-term care 19838
~~ombudsperson~~ ombudsman programs, shall require each representative 19839
of the office to complete a training and certification program in 19840
accordance with this section and to meet the continuing education 19841
requirements established under this section. 19842

(B) The department of aging shall adopt rules under Chapter 19843
119. of the Revised Code specifying the content of training 19844
programs for representatives of the office of the state long-term 19845
care ~~ombudsperson~~ ombudsman program. Training for representatives 19846

other than those who are volunteers providing services through 19847
regional long-term care ~~ombudsperson~~ ombudsman programs shall 19848
include instruction regarding federal, state, and local laws, 19849
rules, and policies on long-term care facilities and 19850
community-based long-term care services; investigative techniques; 19851
and other topics considered relevant by the department and shall 19852
consist of the following: 19853

(1) A minimum of forty clock hours of basic instruction, 19854
which shall be completed before the trainee is permitted to handle 19855
complaints without the supervision of a representative of the 19856
office certified under this section; 19857

(2) An additional sixty clock hours of instruction, which 19858
shall be completed within the first fifteen months of employment; 19859

(3) An internship of twenty clock hours, which shall be 19860
completed within the first twenty-four months of employment, 19861
including instruction in, and observation of, basic nursing care 19862
and long-term care provider operations and procedures. The 19863
internship shall be performed at a site that has been approved as 19864
an internship site by the state long-term care ~~ombudsperson~~ 19865
ombudsman. 19866

(4) One of the following, which shall be completed within the 19867
first twenty-four months of employment: 19868

(a) Observation of a survey conducted by the director of 19869
health to certify a nursing facility to ~~receive funds under~~ 19870
~~sections 5111.20 to 5111.32 of the Revised Code~~ participate in the 19871
medicaid program; 19872

(b) Observation of an inspection conducted by the director of 19873
~~mental health~~ mental health and addiction services to license a 19874
residential facility under section ~~5119.22~~ 5119.34 of the Revised 19875
Code that provides accommodations, supervision, and personal care 19876
services for three to sixteen unrelated adults. 19877

(5) Any other training considered appropriate by the department. 19878
19879

(C) ~~Persons~~ Any person who for a period of at least six months prior to June 11, 1990, served as ~~embudsmen~~ an ombudsman through the long-term care ~~ombudsperson~~ ombudsman program established by the department of aging under division (M) of section 173.01 of the Revised Code shall not be required to complete a training program. ~~These persons~~ Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office. 19880
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(D) The state ~~ombudsperson~~ ombudsman and each regional program shall conduct training programs for volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. Training programs may be conducted that train volunteers to complete some, but not all, of the duties of a representative of the office. Each regional office shall bear the cost of training its representatives who are volunteers. On completion of a training program, the representative shall take an examination administered by the department of aging. On attainment of a passing score, a volunteer shall be certified by the department as a representative authorized to perform services specified in the certification. The department shall issue an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's 19895
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duties and which shall be surrendered at the time the 19910
representative separates from the office. Except as a supervised 19911
part of a training program, no volunteer shall perform any duty 19912
unless he is certified as a representative having received 19913
appropriate training for that duty. 19914

(E) The state ~~ombudsperson~~ ombudsman shall provide technical 19915
assistance to regional programs conducting training programs for 19916
volunteers and shall monitor the training programs. 19917

(F) Prior to scheduling an observation of a certification 19918
survey or licensing inspection for purposes of division (B)(4) of 19919
this section, the state ~~ombudsperson~~ ombudsman shall obtain 19920
permission to have the survey or inspection observed from both the 19921
director of health and the long-term care facility at which the 19922
survey or inspection is to take place. 19923

(G) The department of aging shall establish continuing 19924
education requirements for representatives of the office. 19925

Sec. 173.23. (A) Representatives of the office of the state 19926
long-term care ~~ombudsperson~~ ombudsman program are immune from 19927
civil or criminal liability for any action taken in the good faith 19928
performance of their official duties under sections 173.14 to 19929
173.26 of the Revised Code. 19930

(B) A person acting in good faith is immune from civil or 19931
criminal liability incident to any of the following: providing 19932
information to the office, participating in registration of a 19933
complaint with the office, participating in investigation of a 19934
complaint by the office, or participating in an administrative or 19935
judicial proceeding resulting from a complaint. 19936

(C) No person shall knowingly register a false complaint with 19937
the office, or knowingly swear or affirm the truth of a false 19938
complaint previously registered, when the statement is made with 19939

purpose to incriminate another. 19940

(D) The attorney general shall provide legal counsel to the 19941
office of the state long-term care ~~ombuds~~ombudsman program 19942
and to the regional long-term care ~~ombuds~~ombudsman 19943
programs. The attorney general shall represent any representative 19944
of the office and any representative of a regional program against 19945
whom any legal action is brought in connection with the 19946
representative's official duties under sections 173.14 to 173.26 19947
of the Revised Code. 19948

Sec. 173.25. The office of the state long-term care 19949
~~ombuds~~ombudsman program shall, in carrying out the 19950
provisions and purposes of sections 173.14 to 173.26 of the 19951
Revised Code, advise, consult, and cooperate with any agency, 19952
program, or other entity related to the purposes of the office. 19953
Any agency, program, or other entity related to the purposes of 19954
the office shall advise, consult, and cooperate with the office. 19955

The office shall attempt to establish effective coordination 19956
with government-sponsored programs that provide legal services to 19957
the elderly and with protective and advocacy programs for 19958
individuals with developmental disabilities, mental retardation, 19959
or mental illness. 19960

Sec. 173.26. (A) Each of the following facilities shall 19961
annually pay to the department of aging six dollars for each bed 19962
~~maintained by the facility for use by a resident was licensed or~~ 19963
otherwise authorized to maintain during any part of the previous 19964
year: 19965

(1) Nursing homes, and residential care facilities, ~~and homes~~ 19966
~~for the aging~~ as defined in section 3721.01 of the Revised Code; 19967

(2) Facilities authorized to provide extended care services 19968
under Title XVIII of the "Social Security Act," 49 Stat. 620 19969

(1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to patients who require an average length of stay greater than twenty-five days and is classified by the centers for medicare and medicaid services as a long-term care hospital pursuant to 42 C.F.R. 412.23(e);

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(3) County homes and district homes operated pursuant to Chapter 5155. of the Revised Code;

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(4) Residential facilities licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provide accommodations, supervision, and personal care services for three to sixteen unrelated adults;

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(5) Facilities approved by the Veterans Administration under Section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.

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The department shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish deadlines for payments required by this section. A facility that fails, within ninety days after the established deadline, to pay a payment required by this section shall be assessed at two times the original invoiced payment.

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(B) All money collected under this section shall be deposited in the state treasury to the credit of the office of the state long-term care ~~ombuds person~~ ombudsman program fund, which is hereby created. Money credited to the fund shall be used solely to pay the costs of operating the regional long-term care ~~ombuds person~~ ombudsman programs.

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(C) The state long-term care ~~ombuds person~~ ombudsman and the regional programs may solicit and receive contributions to support the operation of the office or a regional program, except that no

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contribution shall be solicited or accepted that would interfere with the independence or objectivity of the office or program. 20001
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Sec. 173.27. (A) As used in this section: 20003

(1) "Applicant" means a person who is under final consideration for employment ~~with the office of the state long-term care ombudsperson program~~ by a responsible party in a full-time, part-time, or temporary position that involves providing ~~ombudsperson~~ ombudsman services to residents and recipients. "Applicant" includes a person who is under final consideration for employment as the state long-term care ~~ombudsperson~~ ombudsman or the head of a regional long-term care ~~ombudsperson~~ ombudsman program. "Applicant" does not include a person seeking to provide ~~ombudsperson~~ ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 20004
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 20017
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(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 20019
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(4) "Employee" means a person employed by ~~the office of the state long-term care ombudsperson program~~ a responsible party in a full-time, part-time, or temporary position that involves providing ~~ombudsperson~~ ombudsman services to residents and recipients. "Employee" includes the person employed as the state long-term care ~~ombudsperson~~ ombudsman and a person employed as the head of a regional long-term care ~~ombudsperson~~ ombudsman program. "Employee" does not include a person who provides ~~ombudsperson~~ ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration 20022
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other than reimbursement for actual expenses. 20032

(5) "Responsible ~~entity~~ party" means the following: 20033

(a) In the case of an applicant who is under final 20034

consideration for employment as the state long-term care 20035

~~ombudsperson~~ ombudsman or the person employed as the state 20036

long-term care ~~ombudsperson~~ ombudsman, the director of aging; 20037

(b) In the case of any other applicant who is under final 20038

consideration for employment with the state long-term care 20039

ombudsman program or any other employee of the state long-term 20040

care ombudsman program, the state long-term care ~~ombudsperson~~ or 20041

~~the ombudsperson's designee~~ ombudsman; 20042

(c) In the case of an applicant who is under final 20043

consideration for employment with a regional long-term care 20044

ombudsman program (including as the head of the regional program) 20045

or an employee of a regional long-term care ombudsman program 20046

(including the head of a regional program), the regional long-term 20047

care ombudsman program. 20048

(B) ~~The office of the state long-term care ombudsperson~~ 20049

~~program~~ A responsible party may not employ an applicant or 20050

continue to employ an employee in a position that involves 20051

providing ~~ombudsperson~~ ombudsman services to residents and 20052

recipients if any of the following apply: 20053

(1) A review of the databases listed in division (D) of this 20054

section reveals any of the following: 20055

(a) That the applicant or employee is included in one or more 20056

of the databases listed in divisions (D)(1) to (5) of this 20057

section; 20058

(b) That there is in the state nurse aide registry 20059

established under section 3721.32 of the Revised Code a statement 20060

detailing findings by the director of health that the applicant or 20061

employee neglected or abused a long-term care facility or 20062
residential care facility resident or misappropriated property of 20063
such a resident; 20064

(c) That the applicant or employee is included in one or more 20065
of the databases, if any, specified in rules adopted under this 20066
section and the rules prohibit the ~~office~~ responsible party from 20067
employing an applicant or continuing to employ an employee 20068
included in such a database in a position that involves providing 20069
~~ombudsperson~~ ombudsman services to residents and recipients. 20070

(2) After the applicant or employee is provided, pursuant to 20071
division (E)(2)(a) of this section, a copy of the form prescribed 20072
pursuant to division (C)(1) of section 109.572 of the Revised Code 20073
and the standard impression sheet prescribed pursuant to division 20074
(C)(2) of that section, the applicant or employee fails to 20075
complete the form or provide the applicant's or employee's 20076
fingerprint impressions on the standard impression sheet. 20077

(3) ~~Except as provided~~ Unless the applicant or employee meets 20078
standards specified in rules adopted under this section, the 20079
applicant or employee is found by a criminal records check 20080
required by this section to have been convicted of, pleaded guilty 20081
to, or been found eligible for intervention in lieu of conviction 20082
for a disqualifying offense. 20083

(C) ~~The A~~ responsible entity party or a responsible party's 20084
designee shall inform each applicant of both of the following at 20085
the time of the applicant's initial application for employment in 20086
a position that involves providing ~~ombudsperson~~ ombudsman services 20087
to residents and recipients: 20088

(1) That a review of the databases listed in division (D) of 20089
this section will be conducted to determine whether the ~~office of~~ 20090
~~the state long term care ombudsperson program~~ responsible party is 20091
prohibited by division (B)(1) of this section from employing the 20092

applicant in the position; 20093

(2) That, unless the database review reveals that the 20094
applicant may not be employed in the position, a criminal records 20095
check of the applicant will be conducted and the applicant is 20096
required to provide a set of the applicant's fingerprint 20097
impressions as part of the criminal records check. 20098

(D) As a condition of any applicant's being employed by ~~the~~ 20099
~~office of the state long term care ombudsperson program a~~ 20100
responsible party in a position that involves providing 20101
~~ombudsperson~~ ombudsman services to residents and recipients, the 20102
responsible ~~entity~~ party or designee shall conduct a database 20103
review of the applicant in accordance with rules adopted under 20104
this section. If rules adopted under this section so require, the 20105
responsible ~~entity~~ party or designee shall conduct a database 20106
review of an employee in accordance with the rules as a condition 20107
of the ~~office's~~ responsible party continuing to employ the 20108
employee in a position that involves providing ~~ombudsperson~~ 20109
ombudsman services to residents and recipients. A database review 20110
shall determine whether the applicant or employee is included in 20111
any of the following: 20112

(1) The excluded parties list system that is maintained by 20113
the United States general services administration pursuant to 20114
subpart 9.4 of the federal acquisition regulation and available at 20115
the federal web site known as the system for award management; 20116

(2) The list of excluded individuals and entities maintained 20117
by the office of inspector general in the United States department 20118
of health and human services pursuant to section 1128 of the 20119
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 20120
amended, and section 1156 of the "Social Security Act," 96 Stat. 20121
388 (1982), 42 U.S.C. 1320c-5, as amended; 20122

(3) The registry of MR/DD employees established under section 20123

5123.52 of the Revised Code;	20124
(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;	20125 20126 20127
(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	20128 20129
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	20130 20131
(7) Any other database, if any, specified in rules adopted under this section.	20132 20133
(E)(1) As a condition of any applicant's being employed by the office of the state long-term care ombudsperson program a responsible party in a position that involves providing ombudsperson ombudsman services to residents and recipients, the responsible entity party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible entity party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the office's responsible party continuing to employ the employee in a position that involves providing ombudsperson ombudsman services to residents and recipients. However, the responsible entity party or designee is not required to request the criminal records check of the applicant or employee if the office responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsperson ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present	20134 20135 20136 20137 20138 20139 20140 20141 20142 20143 20144 20145 20146 20147 20148 20149 20150 20151 20152 20153 20154

proof of having been a resident of this state for the five-year 20155
period immediately prior to the date the criminal records check is 20156
requested or provide evidence that within that five-year period 20157
the superintendent has requested information about the applicant 20158
or employee from the federal bureau of investigation in a criminal 20159
records check, the responsible ~~entity~~ party or designee shall 20160
request that the superintendent obtain information from the 20161
federal bureau of investigation as part of the criminal records 20162
check. Even if an applicant or employee for whom a criminal 20163
records check request is required by this section presents proof 20164
of having been a resident of this state for the five-year period, 20165
the responsible ~~entity~~ party or designee may request that the 20166
superintendent include information from the federal bureau of 20167
investigation in the criminal records check. 20168

(2) ~~The~~ A responsible ~~entity~~ party or designee shall do all 20169
of the following: 20170

(a) Provide to each applicant and employee for whom a 20171
criminal records check request is required by this section a copy 20172
of the form prescribed pursuant to division (C)(1) of section 20173
109.572 of the Revised Code and a standard impression sheet 20174
prescribed pursuant to division (C)(2) of that section; 20175

(b) Obtain the completed form and standard impression sheet 20176
from the applicant or employee; 20177

(c) Forward the completed form and standard impression sheet 20178
to the superintendent. 20179

(3) ~~The office of the state long term care ombudsperson~~ 20180
~~program~~ A responsible party shall pay to the bureau of criminal 20181
identification and investigation the fee prescribed pursuant to 20182
division (C)(3) of section 109.572 of the Revised Code for each 20183
criminal records check the responsible ~~entity~~ party or the 20184
responsible party's designee requests under this section. The 20185

office responsible party may charge an applicant a fee not 20186
exceeding the amount the office responsible party pays to the 20187
bureau under this section if the responsible entity party or 20188
designee notifies the applicant at the time of initial application 20189
for employment of the amount of the fee. 20190

~~(F)(1) The office of the state long term care ombudsperson~~ 20191
~~program~~ A responsible party may employ conditionally an applicant 20192
for whom a criminal records check is required by this section 20193
prior to obtaining the results of the criminal records check if 20194
both of the office following apply: 20195

(a) The responsible party is not prohibited by division 20196
(B)(1) of this section from employing the applicant in a position 20197
that involves providing ~~ombudsperson~~ ombudsman services to 20198
residents and recipients ~~and the;~~ 20199

(b) The responsible entity party or designee requests the 20200
criminal records check in accordance with division (E) of this 20201
section not later than five business days after the applicant 20202
begins conditional employment. 20203

~~(2) The office of the state long term care ombudsperson~~ 20204
~~program~~ A responsible party shall terminate the employment of an 20205
applicant employed conditionally under division (F)(1) of this 20206
section if the results of the criminal records check, other than 20207
the results of any request for information from the federal bureau 20208
of investigation, are not obtained within the period ending sixty 20209
days after the date the request for the criminal records check is 20210
made. Regardless of when the results of the criminal records check 20211
are obtained, if the results indicate that the applicant has been 20212
convicted of, pleaded guilty to, or been found eligible for 20213
intervention in lieu of conviction for a disqualifying offense, 20214
the office responsible party shall terminate the applicant's 20215
employment unless ~~circumstances~~ the applicant meets standards 20216
specified in rules adopted under this section that permit the 20217

~~office responsible party~~ to employ the applicant ~~exist~~ and the 20218
~~office responsible party~~ chooses to employ the applicant. 20219

Termination of employment under this division shall be considered 20220
just cause for discharge for purposes of division (D)(2) of 20221
section 4141.29 of the Revised Code if the applicant makes any 20222
attempt to deceive the ~~office responsible party or designee~~ about 20223
the applicant's criminal record. 20224

(G) The report of any criminal records check conducted 20225
pursuant to a request made under this section is not a public 20226
record for the purposes of section 149.43 of the Revised Code and 20227
shall not be made available to any person other than the 20228
following: 20229

(1) The applicant or employee who is the subject of the 20230
criminal records check or the applicant's or employee's 20231
representative; 20232

(2) The responsible ~~entity party~~ or ~~the responsible entity's~~ 20233
~~representative designee~~; 20234

(3) ~~If the state long-term care ombudsperson designates the~~ 20235
~~head or other employee of~~ In the case of a criminal records check 20236
conducted for an applicant who is under final consideration for 20237
employment with a regional long-term care ombudsperson ombudsman 20238
~~program to request a criminal records check under this section~~ 20239
(including as the head of the regional program) or an employee of 20240
a regional long-term care ombudsman program (including the head of 20241
a regional program), the state long-term care ombudsman or a 20242
representative of the office of the state long-term care 20243
~~ombudsperson ombudsman~~ program who is responsible for monitoring 20244
the regional program's compliance with this section; 20245

(4) A court, hearing officer, or other necessary individual 20246
involved in a case dealing with any of the following: 20247

(a) A denial of employment of the applicant or employee; 20248

(b) Employment or unemployment benefits of the applicant or employee; 20249
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(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers. 20251
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(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who ~~the office of the state long term care ombudsperson program~~ a responsible party employs in a position that involves providing ~~ombudsperson~~ ombudsman services to residents and recipients, all of the following shall apply: 20253
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(1) If the ~~office~~ responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the ~~office~~ responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 20260
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(2) If the ~~office~~ responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the ~~office~~ responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 20266
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(3) If the ~~office~~ responsible party in good faith employed the applicant or employee ~~according to~~ because the ~~personal character applicant or employee meets~~ standards established specified in rules adopted under this section, the ~~office~~ responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 20272
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(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted. 20280
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(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 20286
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(1) The rules may do the following: 20288

(a) Require employees to undergo database reviews and criminal records checks under this section; 20289
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 20291
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(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 20294
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(2) The rules shall specify all of the following: 20297

(a) The procedures for conducting database reviews under this section; 20298
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 20300
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(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which ~~the office of the state long term care ombudsperson program~~ a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 20304
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(d) ~~Circumstances under which the office of the state~~ 20310
~~long term care ombudsperson program may employ~~ Standards that an 20311
applicant or employee ~~who~~ must meet for a responsible party to be 20312
permitted to employ the applicant or continue to employ the 20313
employee in a position that involves providing ombudsman services 20314
to residents and recipients if the applicant or employee is found 20315
by a criminal records check required by this section to have been 20316
convicted of, pleaded guilty to, or been found eligible for 20317
intervention in lieu of conviction for a disqualifying offense ~~but~~ 20318
~~meets personal character standards.~~ 20319

Sec. 173.28. (A)(1) As used in this division, "incident" 20320
means the occurrence of a violation with respect to a resident or 20321
recipient, as those terms are defined in section 173.14 of the 20322
Revised Code. A violation is a separate incident for each day it 20323
occurs and for each resident who is subject to it. 20324

In lieu of the fine that may be imposed under division (A) of 20325
section 173.99 of the Revised Code, the director of aging may, 20326
under Chapter 119. of the Revised Code, fine a long-term care 20327
provider or other entity, or a person employed by a long-term care 20328
provider or other entity, for a violation of division (C) of 20329
section 173.24 of the Revised Code. The fine shall not exceed one 20330
thousand dollars per incident. 20331

(2) In lieu of the fine that may be imposed under division 20332
(C) of section 173.99 of the Revised Code, the director may, under 20333
Chapter 119. of the Revised Code, fine a long-term care provider 20334
or other entity, or a person employed by a long-term care provider 20335
or other entity, for violating division (E) of section 173.19 of 20336
the Revised Code by denying a representative of the office of the 20337
state long-term care ~~ombudsman~~ ombudsman program the access 20338
required by that division. The fine shall not exceed five hundred 20339
dollars for each day the violation continued. 20340

(B) On request of the director, the attorney general shall
bring and prosecute to judgment a civil action to collect any fine
imposed under division (A)(1) or (2) of this section that remains
unpaid thirty days after the violator's final appeal is exhausted.

(C) All fines collected under this section shall be deposited
into the state treasury to the credit of the state long-term care
~~ombuds person~~ ombudsman program fund created under section 173.26
of the Revised Code.

Sec. ~~173.394~~ 173.38. (A) As used in this section:

(1) "Applicant" means a person who is under final
consideration for employment with a ~~community-based long-term care~~
~~agency~~ responsible party in a full-time, part-time, or temporary
direct-care position that ~~involves providing direct care to an~~
~~individual~~ or is referred to a ~~community-based long-term care~~
~~agency~~ responsible party by an employment service for such a
position. "Applicant" does not include a person ~~who provides~~
~~direct care to an individual~~ being considered for a direct-care
position as a volunteer ~~without receiving or expecting to receive~~
~~any form of remuneration other than reimbursement for actual~~
~~expenses.~~

(2) "Area agency on aging" has the same meaning as in section
173.14 of the Revised Code.

(3) "Community-based long-term care services" means
community-based long-term care services, as defined in section
173.14 of the Revised Code, that are provided under a program the
department of aging administers.

(4) "Consumer" means an individual who receives
community-based long-term care services.

(5) "Criminal records check" has the same meaning as in
section 109.572 of the Revised Code.

<u>(6)(a) "Direct-care position" means an employment position in</u>	20371
<u>which an employee has either or both of the following:</u>	20372
<u>(i) In-person contact with one or more consumers;</u>	20373
<u>(ii) Access to one or more consumers' personal property or</u>	20374
<u>records.</u>	20375
<u>(b) "Direct-care position" does not include a person whose</u>	20376
<u>sole duties are transporting individuals under Chapter 306. of the</u>	20377
<u>Revised Code.</u>	20378
<u>(7) "Disqualifying offense" means any of the offenses listed</u>	20379
<u>or described in divisions (A)(3)(a) to (e) of section 109.572 of</u>	20380
<u>the Revised Code.</u>	20381
<u>(8) "Employee" means a person employed by a community-based</u>	20382
<u>long term care agency <u>responsible party</u> in a full-time, part-time,</u>	20383
<u>or temporary <u>direct-care</u> position that involves providing direct</u>	20384
<u>care to an individual and a person who works in such a position</u>	20385
<u>due to being referred to a community based long term care agency</u>	20386
<u><u>responsible party</u> by an employment service. "Employee" does not</u>	20387
<u>include a person who provides direct care to an individual <u>works</u></u>	20388
<u><u>in a direct-care position</u> as a volunteer without receiving or</u>	20389
<u>expecting to receive any form of remuneration other than</u>	20390
<u>reimbursement for actual expenses.</u>	20391
<u>(9) "PASSPORT administrative agency" has the same meaning as</u>	20392
<u>in section 173.42 of the Revised Code.</u>	20393
<u>(10) "Provider" has the same meaning as in section 173.39 of</u>	20394
<u>the Revised Code.</u>	20395
<u>(11) "Responsible party" means the following:</u>	20396
<u>(a) An area agency on aging in the case of either of the</u>	20397
<u>following:</u>	20398
<u>(i) A person who is an applicant because the person is under</u>	20399
<u>final consideration for employment with the agency in a full-time,</u>	20400

part-time, or temporary direct-care position or is referred to the 20401
agency by an employment service for such a position; 20402

(ii) A person who is an employee because the person is 20403
employed by the agency in a full-time, part-time, or temporary 20404
direct-care position or works in such a position due to being 20405
referred to the agency by an employment service. 20406

(b) A PASSPORT administrative agency in the case of either of 20407
the following: 20408

(i) A person who is an applicant because the person is under 20409
final consideration for employment with the agency in a full-time, 20410
part-time, or temporary direct-care position or is referred to the 20411
agency by an employment service for such a position; 20412

(ii) A person who is an employee because the person is 20413
employed by the agency in a full-time, part-time, or temporary 20414
direct-care position or works in such a position due to being 20415
referred to the agency by an employment service. 20416

(c) A provider in the case of either of the following: 20417

(i) A person who is an applicant because the person is under 20418
final consideration for employment with the provider in a 20419
full-time, part-time, or temporary direct-care position or is 20420
referred to the provider by an employment service for such a 20421
position; 20422

(ii) A person who is an employee because the person is 20423
employed by the provider in a full-time, part-time, or temporary 20424
direct-care position or works in such a position due to being 20425
referred to the provider by an employment service. 20426

(d) A subcontractor in the case of either of the following: 20427

(i) A person who is an applicant because the person is under 20428
final consideration for employment with the subcontractor in a 20429
full-time, part-time, or temporary direct-care position or is 20430

referred to the subcontractor by an employment service for such a position; 20431
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(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service. 20433
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(12) "Subcontractor" has the meaning specified in rules adopted under this section. 20437
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(13) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 20439
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(14) "Waiver agency" has the same meaning as in section 5111.033 5164.342 of the Revised Code. 20442
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. If a ~~community based long term care agency provider~~ or subcontractor also is a waiver agency, the ~~agency provider or subcontractor~~ may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section ~~5111.033~~ 5164.342 of the Revised Code rather than this section. 20444
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(C) No ~~community based long term care agency~~ responsible party shall employ an applicant or continue to employ an employee in a direct-care position ~~that involves providing direct care to an individual~~ if any of the following apply: 20454
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(1) A review of the databases listed in division (E) of this section reveals any of the following: 20458
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(a) That the applicant or employee is included in one or more 20460

of the databases listed in divisions (E)(1) to (5) of this 20461
section; 20462

(b) That there is in the state nurse aide registry 20463
established under section 3721.32 of the Revised Code a statement 20464
detailing findings by the director of health that the applicant or 20465
employee neglected or abused a long-term care facility or 20466
residential care facility resident or misappropriated property of 20467
such a resident; 20468

(c) That the applicant or employee is included in one or more 20469
of the databases, if any, specified in rules adopted under this 20470
section and the rules prohibit the ~~agency~~ responsible party from 20471
employing an applicant or continuing to employ an employee 20472
included in such a database in a direct-care position ~~that~~ 20473
~~involves providing direct care to an individual.~~ 20474

(2) After the applicant or employee is provided, pursuant to 20475
division (F)(2)(a) of this section, a copy of the form prescribed 20476
pursuant to division (C)(1) of section 109.572 of the Revised Code 20477
and the standard impression sheet prescribed pursuant to division 20478
(C)(2) of that section, the applicant or employee fails to 20479
complete the form or provide the applicant's or employee's 20480
fingerprint impressions on the standard impression sheet. 20481

(3) ~~Except as provided~~ Unless the applicant or employee meets 20482
standards specified in rules adopted under this section, the 20483
applicant or employee is found by a criminal records check 20484
required by this section to have been convicted of, pleaded guilty 20485
to, or been found eligible for intervention in lieu of conviction 20486
for a disqualifying offense. 20487

(D) Except as provided by division (G) of this section, the 20488
chief administrator of a ~~community-based long-term care agency~~ 20489
responsible party shall inform each applicant of both of the 20490
following at the time of the applicant's initial application for 20491

employment or referral to the ~~agency~~ responsible party by an 20492
employment service for a direct-care position ~~that involves~~ 20493
~~providing direct care to an individual:~~ 20494

(1) That a review of the databases listed in division (E) of 20495
this section will be conducted to determine whether the ~~agency~~ 20496
responsible party is prohibited by division (C)(1) of this section 20497
from employing the applicant in the direct-care position; 20498

(2) That, unless the database review reveals that the 20499
applicant may not be employed in the direct-care position, a 20500
criminal records check of the applicant will be conducted and the 20501
applicant is required to provide a set of the applicant's 20502
fingerprint impressions as part of the criminal records check. 20503

(E) As a condition of employing any applicant in a 20504
direct-care position ~~that involves providing direct care to an~~ 20505
~~individual~~, the chief administrator of a ~~community based long term~~ 20506
~~care agency~~ responsible party shall conduct a database review of 20507
the applicant in accordance with rules adopted under this section. 20508
If rules adopted under this section so require, the chief 20509
administrator of a ~~community based long term care agency~~ 20510
responsible party shall conduct a database review of an employee 20511
in accordance with the rules as a condition of continuing to 20512
employ the employee in a direct-care position ~~that involves~~ 20513
~~providing direct care to an individual~~. However, a chief 20514
administrator is not required to conduct a database review of an 20515
applicant or employee if division (G) of this section applies. A 20516
database review shall determine whether the applicant or employee 20517
is included in any of the following: 20518

(1) The excluded parties list system that is maintained by 20519
the United States general services administration pursuant to 20520
subpart 9.4 of the federal acquisition regulation and available at 20521
the federal web site known as the system for award management; 20522

(2) The list of excluded individuals and entities maintained 20523
by the office of inspector general in the United States department 20524
of health and human services pursuant to ~~section 1128~~ of the 20525
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 20526
1156, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156~~ of the 20527
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as~~ 20528
~~amended;~~ 20529

(3) The registry of MR/DD employees established under section 20530
5123.52 of the Revised Code; 20531

(4) The internet-based sex offender and child-victim offender 20532
database established under division (A)(11) of section 2950.13 of 20533
the Revised Code; 20534

(5) The internet-based database of inmates established under 20535
section 5120.66 of the Revised Code; 20536

(6) The state nurse aide registry established under section 20537
3721.32 of the Revised Code; 20538

(7) Any other database, if any, specified in rules adopted 20539
under this section. 20540

(F)(1) As a condition of employing any applicant in a 20541
direct-care position ~~that involves providing direct care to an~~ 20542
~~individual~~, the chief administrator of a ~~community based long term~~ 20543
~~care agency~~ responsible party shall request that the 20544
superintendent of the bureau of criminal identification and 20545
investigation conduct a criminal records check of the applicant. 20546
If rules adopted under this section so require, the chief 20547
administrator of a ~~community based long term care agency~~ 20548
responsible party shall request that the superintendent conduct a 20549
criminal records check of an employee at times specified in the 20550
rules as a condition of continuing to employ the employee in a 20551
direct-care position ~~that involves providing direct care to an~~ 20552
~~individual~~. However, the chief administrator is not required to 20553

request the criminal records check of the applicant or employee if 20554
division (G) of this section applies or the ~~agency~~ responsible 20555
party is prohibited by division (C)(1) of this section from 20556
employing the applicant or continuing to employ the employee in a 20557
direct-care position ~~that involves providing direct care to an~~ 20558
~~individual~~. If an applicant or employee for whom a criminal 20559
records check request is required by this section does not present 20560
proof of having been a resident of this state for the five-year 20561
period immediately prior to the date the criminal records check is 20562
requested or provide evidence that within that five-year period 20563
the superintendent has requested information about the applicant 20564
or employee from the federal bureau of investigation in a criminal 20565
records check, the chief administrator shall request that the 20566
superintendent obtain information from the federal bureau of 20567
investigation as part of the criminal records check. Even if an 20568
applicant or employee for whom a criminal records check request is 20569
required by this section presents proof of having been a resident 20570
of this state for the five-year period, the chief administrator 20571
may request that the superintendent include information from the 20572
federal bureau of investigation in the criminal records check. 20573

(2) The chief administrator shall do all of the following: 20574

(a) Provide to each applicant and employee for whom a 20575
criminal records check request is required by this section a copy 20576
of the form prescribed pursuant to division (C)(1) of section 20577
109.572 of the Revised Code and a standard impression sheet 20578
prescribed pursuant to division (C)(2) of that section; 20579

(b) Obtain the completed form and standard impression sheet 20580
from the applicant or employee; 20581

(c) Forward the completed form and standard impression sheet 20582
to the superintendent. 20583

(3) A ~~community based long term care~~ agency responsible party 20584

shall pay to the bureau of criminal identification and 20585
investigation the fee prescribed pursuant to division (C)(3) of 20586
section 109.572 of the Revised Code for each criminal records 20587
check the ~~agency~~ responsible party requests under this section. ~~An~~ 20588
~~agency~~ A responsible party may charge an applicant a fee not 20589
exceeding the amount the ~~agency~~ responsible party pays to the 20590
bureau under this section if both of the following apply: 20591

(a) The ~~agency~~ responsible party notifies the applicant at 20592
the time of initial application for employment of the amount of 20593
the fee and that, unless the fee is paid, the applicant will not 20594
be considered for employment. 20595

(b) The medicaid program ~~established under Chapter 5111. of~~ 20596
~~the Revised Code~~ does not ~~reimburse~~ pay the ~~agency~~ responsible 20597
party for the fee it pays to the bureau under this section. 20598

(G) Divisions (D) to (F) of this section do not apply with 20599
regard to an applicant or employee if the applicant or employee is 20600
referred to a ~~community based long term~~ agency responsible party 20601
by an employment service that supplies full-time, part-time, or 20602
temporary staff for direct-care positions ~~that involve providing~~ 20603
~~direct care to an individual~~ and both of the following apply: 20604

(1) The chief administrator of the ~~agency~~ responsible party 20605
receives from the employment service confirmation that a review of 20606
the databases listed in division (E) of this section was conducted 20607
of the applicant or employee. 20608

(2) The chief administrator of the ~~agency~~ responsible party 20609
receives from the employment service, applicant, or employee a 20610
report of the results of a criminal records check of the applicant 20611
or employee that has been conducted by the superintendent within 20612
the one-year period immediately preceding the following: 20613

(a) In the case of an applicant, the date of the applicant's 20614
referral by the employment service to the ~~agency~~ responsible 20615

party; 20616

(b) In the case of an employee, the date by which the ~~agency~~ responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section. 20617
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(H)(1) A ~~community based long term care agency~~ responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to 20620
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obtaining the results of the criminal records check if the ~~agency~~ responsible party is not prohibited by division (C)(1) of this 20623
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section from employing the applicant in a direct-care position 20625
~~that involves providing direct care to an individual~~ and either of 20626
the following applies: 20627

(a) The chief administrator of the ~~agency~~ responsible party 20628
requests the criminal records check in accordance with division 20629
(F) of this section not later than five business days after the 20630
applicant begins conditional employment. 20631

(b) The applicant is referred to the ~~agency~~ responsible party 20632
by an employment service, the employment service or the applicant 20633
provides the chief administrator of the ~~agency~~ responsible party a 20634
letter that is on the letterhead of the employment service, the 20635
letter is dated and signed by a supervisor or another designated 20636
official of the employment service, and the letter states all of 20637
the following: 20638

(i) That the employment service has requested the 20639
superintendent to conduct a criminal records check regarding the 20640
applicant; 20641

(ii) That the requested criminal records check is to include 20642
a determination of whether the applicant has been convicted of, 20643
pleaded guilty to, or been found eligible for intervention in lieu 20644
of conviction for a disqualifying offense; 20645

(iii) That the employment service has not received the - 20646

results of the criminal records check as of the date set forth on 20647
the letter; 20648

(iv) That the employment service promptly will send a copy of 20649
the results of the criminal records check to the chief 20650
administrator of the ~~agency~~ responsible party when the employment 20651
service receives the results. 20652

(2) If a ~~community based long term care agency~~ responsible 20653
party employs an applicant conditionally pursuant to division 20654
(H)(1)(b) of this section, the employment service, on its receipt 20655
of the results of the criminal records check, promptly shall send 20656
a copy of the results to the chief administrator of the ~~agency~~ 20657
responsible party. 20658

(3) A ~~community based long term care agency~~ responsible party 20659
that employs an applicant conditionally pursuant to division 20660
(H)(1)(a) or (b) of this section shall terminate the applicant's 20661
employment if the results of the criminal records check, other 20662
than the results of any request for information from the federal 20663
bureau of investigation, are not obtained within the period ending 20664
sixty days after the date the request for the criminal records 20665
check is made. Regardless of when the results of the criminal 20666
records check are obtained, if the results indicate that the 20667
applicant has been convicted of, pleaded guilty to, or been found 20668
eligible for intervention in lieu of conviction for a 20669
disqualifying offense, the ~~agency~~ responsible party shall 20670
terminate the applicant's employment unless ~~circumstances the~~ 20671
applicant meets standards specified in rules adopted under this 20672
section that permit the ~~agency~~ responsible party to employ the 20673
applicant ~~exist~~ and the ~~agency~~ responsible party chooses to employ 20674
the applicant. Termination of employment under this division shall 20675
be considered just cause for discharge for purposes of division 20676
(D)(2) of section 4141.29 of the Revised Code if the applicant 20677
makes any attempt to deceive the ~~agency~~ responsible party about 20678

the applicant's criminal record. 20679

(I) The report of any criminal records check conducted 20680
pursuant to a request made under this section is not a public 20681
record for the purposes of section 149.43 of the Revised Code and 20682
shall not be made available to any person other than the 20683
following: 20684

(1) The applicant or employee who is the subject of the 20685
criminal records check or the applicant's or employee's 20686
representative; 20687

(2) The chief administrator of the ~~community based long term~~ 20688
~~care agency~~ responsible party requesting the criminal records 20689
check or the administrator's representative; 20690

(3) The administrator of any other facility, agency, or 20691
program that provides ~~direct care to individuals~~ community-based 20692
long-term care services that is owned or operated by the same 20693
entity that owns or operates the ~~community based long term care~~ 20694
~~agency~~ responsible party that requested the criminal records 20695
check; 20696

(4) The employment service that requested the criminal 20697
records check; 20698

(5) The director of aging or a person authorized by the 20699
director to monitor a ~~community based long term care agency's~~ 20700
responsible party's compliance with this section; 20701

(6) The medicaid director ~~of job and family services~~ and the 20702
staff of the department of ~~job and family services~~ medicaid who 20703
are involved in the administration of the medicaid program if 20704
either of the following apply: 20705

(a) In the case of a criminal records check requested by a 20706
~~community based long term care agency~~ provider or subcontractor, 20707
the ~~agency~~ provider or subcontractor also is a waiver agency; 20708

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a ~~community based long term care agency~~ provider or subcontractor that also is a waiver agency.

(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a ~~community based long term care agency~~ responsible party employs in a direct-care position ~~that involves providing direct care to individuals~~, all of the following shall apply:

(1) If the ~~agency~~ responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the ~~agency~~ responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the ~~agency~~ responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the ~~agency~~ responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

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(3) If the ~~agency~~ responsible party in good faith employed the applicant or employee ~~according to~~ because the ~~personal character~~ applicant or employee meets standards ~~established~~ specified in rules adopted under this section, the ~~agency~~ responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this section;

~~(b)~~(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

~~(c)~~(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a ~~community-based long-term care agency~~ responsible party is

prohibited from employing an applicant or continuing to employ an 20769
employee who is found by a database review to be included in one 20770
or more of those databases; 20771

~~(d) Circumstances under which a community based long term 20772
care agency may employ~~ (e) Standards that an applicant or employee 20773
~~who must meet for a responsible party to be permitted to employ 20774
the applicant or continue to employ the employee in a direct-care 20775
position if the applicant or employee is found by a criminal 20776
records check required by this section to have been convicted of, 20777
pleaded guilty to, or been found eligible for intervention in lieu 20778
of conviction for a disqualifying offense ~~but meets personal 20779
character standards.~~ 20780~~

Sec. 173.39. (A) As used in sections 173.39 to ~~173.394~~ 20781
173.393 of the Revised Code: 20782

(1) "~~Community based long term care agency~~ Provider" means a 20783
person or ~~government~~ governmental entity that provides 20784
community-based long-term care services under a program the 20785
department of aging administers, ~~regardless of whether the person 20786
or government entity is certified under section 173.391 or 20787
authorized to receive payment for the services from the department 20788
under section 173.392 of the Revised Code.~~ "Community based 20789
~~long term care agency~~ Provider" includes a person or ~~government 20790
governmental~~ entity that provides home and community-based 20791
services to older adults through the PASSPORT program ~~created 20792
under as defined in section 173.40~~ 173.51 of the Revised Code. 20793

(2) "Community-based long-term care services" has the same 20794
meaning as in section 173.14 of the Revised Code. 20795

(B) Except as provided in section 173.392 of the Revised 20796
Code, the department of aging may not pay a ~~person or government 20797
entity~~ provider for providing community-based long-term care 20798
services under a program the department administers unless the 20799

~~person or government entity provider~~ is certified under section 20800
173.391 of the Revised Code and provides the services. 20801

Sec. 173.391. (A) The department of aging or its designee 20802
shall do all of the following in accordance with Chapter 119. of 20803
the Revised Code: 20804

(1) Certify a ~~person or government entity provider~~ to provide 20805
community-based long-term care services under a program the 20806
department administers if the ~~person or government entity provider~~ 20807
satisfies the requirements for certification established by rules 20808
adopted under division (B) of this section and pays the fee, if 20809
any, established by rules adopted under division (G) of this 20810
section; 20811

(2) When required to do so by rules adopted under division 20812
(B) of this section, take one or more of the following 20813
disciplinary actions against a ~~person or government entity~~ 20814
provider certified under division (A)(1) of this section: 20815

(a) Issue a written warning; 20816

(b) Require the submission of a plan of correction or 20817
evidence of compliance with requirements identified by the 20818
department; 20819

(c) Suspend referrals; 20820

(d) Remove clients; 20821

(e) Impose a fiscal sanction such as a civil monetary penalty 20822
or an order that unearned funds be repaid; 20823

(f) Suspend the certification; 20824

(g) Revoke the certification; 20825

(h) Impose another sanction. 20826

(3) Except as provided in division (E) of this section, hold 20827
hearings when there is a dispute between the department or its 20828

designee and a ~~person or government entity~~ provider concerning 20829
actions the department or its designee takes regarding a decision 20830
not to certify the ~~person or government entity~~ provider under 20831
division (A)(1) of this section or a disciplinary action under 20832
divisions (A)(2)(e) to (h) of this section. 20833

(B) The director of aging shall adopt rules in accordance 20834
with Chapter 119. of the Revised Code establishing certification 20835
requirements and standards for determining which type of 20836
disciplinary action to take under division (A)(2) of this section 20837
in individual situations. The rules shall establish procedures for 20838
all of the following: 20839

(1) Ensuring that ~~community-based long-term care agencies~~ 20840
providers comply with section ~~173.394~~ 173.38 of the Revised Code; 20841

(2) Evaluating the services provided by the ~~agencies~~ 20842
providers to ensure that the services are provided in a quality 20843
manner advantageous to the individual receiving the services; 20844

(3) Determining when to take disciplinary action under 20845
division (A)(2) of this section and which disciplinary action to 20846
take; 20847

(4) Determining what constitutes another sanction for 20848
purposes of division (A)(2)(h) of this section. 20849

(C) The procedures established in rules adopted under 20850
division (B)(2) of this section shall require that all of the 20851
following be considered as part of an evaluation described in 20852
division (B)(2) of this section: 20853

(1) The ~~community-based long-term care agency's~~ provider's 20854
experience and financial responsibility; 20855

(2) The ~~agency's~~ provider's ability to comply with standards 20856
for the community-based long-term care services that the ~~agency~~ 20857
provider provides under a program the department administers; 20858

(3) The ~~agency's~~ provider's ability to meet the needs of the individuals served; 20859
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(4) Any other factor the director considers relevant. 20861

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served. 20862
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(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply: 20869
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(1) Rules adopted by the director of aging pursuant to this chapter require the ~~community based long term care agency~~ provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case: 20872
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(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained. 20879
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(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted. 20882
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(2) The ~~agency's~~ provider's certification under this section has been denied, suspended, or revoked for any of the following reasons: 20885
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(a) A ~~government~~ governmental entity of this state, other 20888

than the department of aging, has terminated or refused to renew 20889
any of the following held by, or has denied any of the following 20890
sought by, a ~~community-based long-term care agency~~ provider: a 20891
provider agreement, license, certificate, permit, or 20892
certification. Division (E)(2)(a) of this section applies 20893
regardless of whether the ~~agency~~ provider has entered into a 20894
provider agreement in, or holds a license, certificate, permit, or 20895
certification issued by, another state. 20896

(b) The ~~agency~~ provider or a principal owner or manager of 20897
the ~~agency~~ provider who provides direct care has entered a guilty 20898
plea for, or has been convicted of, an offense materially related 20899
to the medicaid program. 20900

(c) The ~~agency~~ provider or a principal owner or manager of 20901
the ~~agency~~ provider who provides direct care has entered a guilty 20902
plea for, been convicted of, or been found eligible for 20903
intervention in lieu of conviction for an offense listed or 20904
described in divisions (A)(3)(a) to (e) of section 109.572 of the 20905
Revised Code, but only if ~~none of the personal character the~~ 20906
~~provider, principal owner, or manager does not meet~~ standards 20907
~~established~~ specified by the director in rules adopted under 20908
section ~~173.394~~ 173.38 of the Revised Code ~~apply~~. 20909

(d) The United States department of health and human services 20910
has taken adverse action against the ~~agency~~ provider and that 20911
action impacts the ~~agency's~~ provider's participation in the 20912
medicaid program. 20913

(e) The ~~agency~~ provider has failed to enter into or renew a 20914
provider agreement with the PASSPORT administrative agency, as 20915
that term is defined in section 173.42 of the Revised Code, that 20916
administers programs on behalf of the department of aging in the 20917
region of the state in which the ~~agency~~ provider is certified to 20918
provide services. 20919

(f) The ~~agency~~ provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(g) The ~~agency~~ provider denied or failed to provide the department or its designee access to the ~~agency's~~ provider's facilities during the ~~agency's~~ provider's normal business hours for purposes of conducting an audit or structural compliance review.

(h) The ~~agency~~ provider has ceased doing business.

(i) The ~~agency~~ provider has voluntarily relinquished its certification for any reason.

(3) The ~~agency's~~ provider's provider agreement with the department of ~~job and family services~~ medicaid has been suspended under division (C) of section ~~5111.031~~ 5164.37 of the Revised Code.

(4) The ~~agency's~~ provider's provider agreement with the department of ~~job and family services~~ medicaid is denied or revoked because the ~~agency~~ provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section ~~5111.031~~ 5164.37 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the ~~agency~~ provider describing a decision not to certify the ~~agency~~ provider under division (A)(1) of this section or the disciplinary action the department proposes to take under division (A)(2)(e) to (h) of this section. The notice shall be sent to the ~~agency's~~ provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged

by the department of aging or its designee for certification 20951
issued under this section. 20952

All fees collected by the department or its designee under 20953
this section shall be deposited in the state treasury to the 20954
credit of the provider certification fund, which is hereby 20955
created. Money credited to the fund shall be used to pay for 20956
community-based long-term care services, administrative costs 20957
associated with ~~community based long term care agency~~ provider 20958
certification under this section, and administrative costs related 20959
to the publication of the Ohio long-term care consumer guide. 20960

Sec. 173.392. (A) The department of aging may pay a ~~person or~~ 20961
~~government entity~~ provider for providing community-based long-term 20962
care services under a program the department administers, even 20963
though the ~~person or government entity~~ provider is not certified 20964
under section 173.391 of the Revised Code, if all of the following 20965
are the case: 20966

(1) The ~~person or government entity~~ provider has a contract 20967
with the department of aging or the department's designee to 20968
provide the services in accordance with the contract or has 20969
received a grant from the department or its designee to provide 20970
the services in accordance with a grant agreement; 20971

(2) The contract or grant agreement includes detailed 20972
conditions of participation for ~~providers of services under a~~ 20973
~~program the department administers~~ the provider and service 20974
standards that the ~~person or government entity~~ provider is 20975
required to satisfy; 20976

(3) The ~~person or government entity~~ provider complies with 20977
the contract or grant agreement; 20978

(4) The contract or grant is not for medicaid-funded 20979
services, other than services provided under the PACE program 20980

administered by the department of aging under section 173.50 of the Revised Code. 20981
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(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code governing both of the following: 20983
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(1) Contracts and grant agreements between the department of aging or its designee and ~~persons and government entities regarding community based long term care services provided under a program the department administers~~ providers; 20986
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(2) The department's payment for community-based long-term care services under this section. 20990
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Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the Revised Code: 20992
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(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging. 20994
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(2) "Department of aging-administered medicaid waiver component" means each of the following: 20997
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(a) The medicaid-funded component of the PASSPORT program created under section ~~173.40~~ 173.52 of the Revised Code; 20999
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(b) The choices program created under section ~~173.403~~ 173.53 of the Revised Code; 21001
21002

(c) The medicaid-funded component of the assisted living program created under section ~~5111.89~~ 173.54 of the Revised Code; 21003
21004

(d) Any other medicaid waiver component, as defined in section ~~5111.85~~ 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code. 21005
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(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	21010 21011 21012
(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;	21013 21014
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 <u>5164.02</u> of the Revised Code:	21015 21016 21017 21018
(i) Home health services;	21019
(ii) Private duty nursing services;	21020
(iii) Durable medical equipment;	21021
(iv) Services of a clinical nurse specialist;	21022
(v) Services of a certified nurse practitioner.	21023
(c) Services available to a participant of the PACE program.	21024
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section.	21025 21026 21027 21028
(5) "Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.	21029 21030
(6) "Nursing facility" has the same meaning as in section 5111.20 <u>5165.01</u> of the Revised Code.	21031 21032
(7) (6) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.	21033 21034 21035
(8) (7) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program.	21036 21037 21038

~~(9)~~(8) "Program administrator" means an area agency on aging 21039
or other entity under contract with the department of aging to 21040
administer the long-term care consultation program in a geographic 21041
region specified in the contract. 21042

~~(10)~~(9) "Representative" means a person acting on behalf of 21043
an individual specified in division (G) of this section. A 21044
representative may be a family member, attorney, hospital social 21045
worker, or any other person chosen to act on behalf of the 21046
individual. 21047

(B) The department of aging shall develop a long-term care 21048
consultation program whereby individuals or their representatives 21049
are provided with long-term care consultations and receive through 21050
these professional consultations information about options 21051
available to meet long-term care needs and information about 21052
factors to consider in making long-term care decisions. The 21053
long-term care consultations provided under the program may be 21054
provided at any appropriate time, as permitted or required under 21055
this section and the rules adopted under it, including either 21056
prior to or after the individual who is the subject of a 21057
consultation has been admitted to a nursing facility or granted 21058
assistance in receiving home and community-based services covered 21059
by medicaid components the department of aging administers. 21060

(C) The long-term care consultation program shall be 21061
administered by the department of aging, except that the 21062
department may have the program administered on a regional basis 21063
by one or more program administrators. The department and each 21064
program administrator shall administer the program in such a 21065
manner that all of the following are included: 21066

(1) Coordination and collaboration with respect to all 21067
available funding sources for long-term care services; 21068

(2) Assessments of individuals regarding their long-term care 21069

service needs;	21070
(3) Assessments of individuals regarding their on-going eligibility for long-term care services;	21071 21072
(4) Procedures for assisting individuals in obtaining access to, and coordination of, health and supportive services, including department of aging-administered medicaid waiver components;	21073 21074 21075
(5) Priorities for using available resources efficiently and effectively.	21076 21077
(D) The program's long-term care consultations shall be provided by individuals certified by the department under section 173.422 of the Revised Code.	21078 21079 21080
(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:	21081 21082 21083
(1) The availability of any long-term care options open to the individual;	21084 21085
(2) Sources and methods of both public and private payment for long-term care services;	21086 21087
(3) Factors to consider when choosing among the available programs, services, and benefits;	21088 21089
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	21090 21091 21092
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061 <u>5119.40</u> , and <u>5123.021</u> , and <u>5165.03</u> of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 <u>173.546</u> or <u>5165.04</u> of the Revised Code.	21093 21094 21095 21096 21097 21098 21099

(G)(1) Unless an exemption specified in division (I) of this section is applicable, each of the following shall be provided with a long-term care consultation:

(a) An individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in a nursing facility;

(b) An individual who requests a long-term care consultation;

(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.

(2) In addition to the individuals specified in division (G)(1) of this section, a long-term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility.

(H)(1) Except as provided in division (H)(2) or (3) of this section, a long-term care consultation provided pursuant to division (G) of this section shall be provided as follows:

(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section ~~5111.204~~ 5165.04 of the Revised Code, the consultation shall be completed in accordance with the applicable time frames specified in that section for providing a level of care determination based on the assessment.

(b) In all other cases, the consultation shall be provided not later than five calendar days after the department or program administrator receives notice of the reason for which the consultation is to be provided pursuant to division (G) of this section.

(2) An individual or the individual's representative may request that a long-term care consultation be provided on a date that is later than the date required under division (H)(1)(a) or (b) of this section. 21131
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(3) If a long-term care consultation cannot be completed within the number of days required by division (H)(1) or (2) of this section, the department or program administrator may do any of the following: 21135
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(a) In the case of an individual specified in division (G)(1) of this section, exempt the individual from the consultation pursuant to rules that may be adopted under division (L) of this section; 21139
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(b) In the case of an applicant for admission to a nursing facility, provide the consultation after the individual is admitted to the nursing facility; 21143
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(c) In the case of a resident of a nursing facility, provide the consultation as soon as practicable. 21146
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(I) An individual is not required to be provided a long-term care consultation under division (G)(1) of this section if any of the following apply: 21148
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(1) The department or program administrator has attempted to provide the consultation, but the individual or the individual's representative refuses to cooperate; 21151
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(2) The individual is to receive care in a nursing facility under a contract for continuing care as defined in section 173.13 of the Revised Code; 21154
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(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility 21157
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licensed under Chapter 3721. of the Revised Code, a residential 21161
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 21162
Code that provides accommodations, supervision, and personal care 21163
services for three to sixteen unrelated adults, or an independent 21164
living arrangement; 21165

(4) The individual is to receive continual care in a home for 21166
the aged exempt from taxation under section 5701.13 of the Revised 21167
Code; 21168

(5) The individual is seeking admission to a facility that is 21169
not a nursing facility with a provider agreement under section 21170
~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or ~~5111.672~~ 5165.512 of the 21171
Revised Code; 21172

(6) The individual is exempted from the long-term care 21173
consultation requirement by the department or the program 21174
administrator pursuant to rules that may be adopted under division 21175
(L) of this section. 21176

(J) As part of the long-term care consultation program, the 21177
department or program administrator shall assist an individual or 21178
individual's representative in accessing all sources of care and 21179
services that are appropriate for the individual and for which the 21180
individual is eligible, including all available home and 21181
community-based services covered by medicaid components the 21182
department of aging administers. The assistance shall include 21183
providing for the conduct of assessments or other evaluations and 21184
the development of individualized plans of care or services under 21185
section 173.424 of the Revised Code. 21186

(K) No nursing facility for which an operator has a provider 21187
agreement under section ~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or 21188
~~5111.672~~ 5165.512 of the Revised Code shall admit any individual 21189
as a resident, unless the nursing facility has received evidence 21190
that a long-term care consultation has been completed for the 21191

individual or division (I) of this section is applicable to the 21192
individual. 21193

(L) The director of aging may adopt any rules the director 21194
considers necessary for the implementation and administration of 21195
this section. The rules shall be adopted in accordance with 21196
Chapter 119. of the Revised Code and may specify any or all of the 21197
following: 21198

(1) Procedures for providing long-term care consultations 21199
pursuant to this section; 21200

(2) Information to be provided through long-term care 21201
consultations regarding long-term care services that are 21202
available; 21203

(3) Criteria and procedures to be used to identify and 21204
recommend appropriate service options for an individual receiving 21205
a long-term care consultation; 21206

(4) Criteria for exempting individuals from the long-term 21207
care consultation requirement; 21208

(5) Circumstances under which it may be appropriate to 21209
provide an individual's long-term care consultation after the 21210
individual's admission to a nursing facility rather than before 21211
admission; 21212

(6) Criteria for identifying nursing facility residents who 21213
would benefit from the provision of a long-term care consultation; 21214

(7) A description of the types of information from a nursing 21215
facility that is needed under the long-term care consultation 21216
program to assist a resident with relocation from the facility; 21217

(8) Standards to prevent conflicts of interest relative to 21218
the referrals made by a person who performs a long-term care 21219
consultation, including standards that prohibit the person from 21220
being employed by a provider of long-term care services; 21221

(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section. 21222
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(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules ~~adopted under~~ authorized by section ~~5111.02~~ 5165.191 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of ~~job and family services~~ medicaid, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator. 21224
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(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code for any of the following reasons: 21236
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(a) The nursing facility admits an individual, without evidence that a long-term care consultation has been provided, as required by this section; 21240
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(b) The nursing facility denies a person attempting to provide a long-term care consultation access to the facility or a resident of the facility; 21243
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(c) The nursing facility denies the department of aging or program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program. 21246
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(2) In accordance with section ~~5111.62~~ 5162.66 of the Revised Code, all fines collected under division (N)(1) of this section shall be deposited into the state treasury to the credit of the 21250
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residents protection fund. 21253

~~Sec. 173.43.~~ (A) ~~Subject to section 173.433 of the Revised~~ 21254
~~Code, the~~ The department of aging shall enter into an interagency 21255
agreement with the department of ~~job and family services~~ medicaid 21256
under section ~~5111.91~~ 5162.35 of the Revised Code under which the 21257
department of aging is required to establish for each biennium a 21258
unified long-term care budget for home and community-based 21259
services covered by medicaid components the department of aging 21260
administers. The interagency agreement shall require the 21261
department of aging to do all of the following: 21262

(1) Administer the unified long-term care budget in 21263
accordance with sections 173.43 to 173.434 of the Revised Code and 21264
the general assembly's appropriations for home and community-based 21265
services covered by medicaid components the department of aging 21266
administers for the applicable biennium; 21267

(2) Contract with each PASSPORT administrative agency for 21268
assistance in the administration of the unified long-term care 21269
budget; 21270

(3) Provide individuals who are eligible for home and 21271
community-based services covered by medicaid components the 21272
department of aging administers a choice of services that meet the 21273
individuals' needs and improve their quality of life; 21274

(4) Provide a continuum of services that meet the life-long 21275
needs of individuals who are eligible for home and community-based 21276
services covered by medicaid components the department of aging 21277
administers. 21278

(B) The director of budget and management shall create new 21279
appropriation items as necessary for establishment of the unified 21280
long-term care budget. 21281

~~Sec. 173.431. Subject to section 173.433 of the Revised Code,~~ 21282

~~the~~ The department of aging shall ensure that the unified 21283
long-term care budget established under section 173.43 of the 21284
Revised Code is administered in a manner that provides medicaid 21285
coverage of and expands access to all of the following as 21286
necessary to meet the needs of individuals receiving home and 21287
community-based services covered by medicaid components the 21288
department of aging administers: 21289

(A) To the extent permitted by the medicaid waivers 21290
authorizing department of aging-administered medicaid waiver 21291
components, all of the following medicaid waiver services provided 21292
under department of aging-administered medicaid waiver components: 21293

- (1) Personal care services; 21294
- (2) Home-delivered meals; 21295
- (3) Adult day-care; 21296
- (4) Homemaker services; 21297
- (5) Emergency response services; 21298
- (6) Medical equipment and supplies; 21299
- (7) Chore services; 21300
- (8) Social work counseling; 21301
- (9) Nutritional counseling; 21302
- (10) Independent living assistance; 21303
- (11) Medical transportation; 21304
- (12) Nonmedical transportation; 21305
- (13) Home care attendant services; 21306
- (14) Assisted living services; 21307
- (15) Community transition services; 21308
- (16) Enhanced community living services; 21309

(17) All other medicaid waiver services provided under 21310
department of aging-administered medicaid waiver components. 21311

(B) All of the following state medicaid plan services as 21312
specified in rules adopted under section ~~5111.02~~ 5164.02 of the 21313
Revised Code: 21314

(1) Home health services; 21315

(2) Private duty nursing services; 21316

(3) Durable medical equipment; 21317

(4) Services of a clinical nurse specialist; 21318

(5) Services of a certified nurse practitioner. 21319

(C) The services that the PACE program provides. 21320

Sec. 173.432. ~~Subject to section 173.433 of the Revised Code,~~ 21321
~~the~~ The department of aging or its designee shall provide care 21322
management and authorization services with regard to the state 21323
plan services specified in division (B) of section 173.431 of the 21324
Revised Code that are provided to participants of department of 21325
aging-administered medicaid waiver components. The department or 21326
its designee shall ensure that no person providing the care 21327
management and authorization services performs an activity that 21328
may not be performed without a valid certificate or license issued 21329
by an agency of this state unless the person holds the valid 21330
certificate or license. 21331

Sec. 173.434. ~~The director of job and family services shall~~ 21332
~~adopt~~ To the extent authorized by rules under authorized by 21333
section ~~5111.85~~ 5162.021 of the Revised Code ~~to authorize,~~ the 21334
director of aging ~~to~~ shall adopt rules that are needed to 21335
implement sections 173.43 to 173.432 of the Revised Code. The 21336
~~director of aging's~~ rules shall be adopted in accordance with 21337
Chapter 119. of the Revised Code. 21338

Sec. 173.45. As used in this section and in sections 173.46 21339
to 173.49 of the Revised Code: 21340

(A) "Residential facility" means a residential facility 21341
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 21342
provides accommodations, supervision, and personal care services 21343
for three to sixteen unrelated adults. 21344

(B) "Community-based long-term care services" has the same 21345
meaning as in section 173.14 of the Revised Code. 21346

(C) "Long-term care facility" means a nursing home or 21347
residential care facility. 21348

(D) "Nursing home" and "residential care facility" have the 21349
same meanings as in section 3721.01 of the Revised Code. 21350

(E) "Nursing facility" has the same meaning as in section 21351
~~5111.20~~ 5165.01 of the Revised Code. 21352

Sec. 173.47. (A) For purposes of publishing the Ohio 21353
long-term care consumer guide, the department of aging shall 21354
conduct or provide for the conduct of an annual customer 21355
satisfaction survey of each long-term care facility. The results 21356
of the surveys may include information obtained from long-term 21357
care facility residents, their families, or both. A survey that is 21358
to include information obtained from nursing facility residents 21359
shall include the questions specified in divisions (C)(7)(a) and 21360
(b) and (18) and (D)(7)(a) and (b) of section ~~5111.244~~ 5165.25 of 21361
the Revised Code. A survey that is to include information obtained 21362
from the families of nursing facility residents shall include the 21363
questions specified in divisions (C)(8)(a) and (b) and (19) and 21364
(D)(8)(a) and (b) of section ~~5111.244~~ 5165.25 of the Revised Code. 21365

(B) Each long-term care facility shall cooperate in the 21366
conduct of its annual customer satisfaction survey. 21367

Sec. 173.48. (A)(1) The department of aging may charge annual 21368
fees to long-term care facilities for the publication of the Ohio 21369
long-term care consumer guide. The department may contract with 21370
any person or government entity to collect the fees on its behalf. 21371
All fees collected under this section shall be deposited in 21372
accordance with division (B) of this section. 21373

(2) The annual fees charged under this section shall not 21374
exceed the following amounts: 21375

(a) Six hundred fifty dollars for each long-term care 21376
facility that is a nursing home; 21377

(b) Three hundred dollars for each long-term care facility 21378
that is a residential care facility. 21379

(3) Fees paid by a long-term care facility that is a nursing 21380
facility shall be reimbursed through the medicaid program ~~operated~~ 21381
~~under Chapter 5111. of the Revised Code.~~ 21382

(B) There is hereby created in the state treasury the 21383
long-term care consumer guide fund. Money collected from the fees 21384
charged for the publication of the Ohio long-term care consumer 21385
guide under division (A) of this section shall be credited to the 21386
fund. The department shall use money in the fund for costs 21387
associated with publishing the Ohio long-term care consumer guide, 21388
including, but not limited to, costs incurred in conducting or 21389
providing for the conduct of customer satisfaction surveys. 21390

Sec. 173.50. (A) Pursuant to a contract entered into with the 21391
department of ~~job and family services~~ medicaid as an interagency 21392
agreement under section ~~5111.91~~ 5162.35 of the Revised Code, the 21393
department of aging shall carry out the day-to-day administration 21394
of the component of the medicaid program ~~established under Chapter~~ 21395
~~5111. of the Revised Code~~ known as the program of all-inclusive 21396
care for the elderly or PACE. The department of aging shall carry 21397

out its PACE administrative duties in accordance with the 21398
provisions of the interagency agreement and all applicable federal 21399
laws, including the "Social Security Act," ~~79 Stat. 286 (1965)~~ 21400
section 1934, 42 U.S.C. 1396u-4, ~~as amended.~~ 21401

(B) ~~The department~~ To the extent authorized by rules 21402
authorized by section 5162.021 of the Revised Code, the director 21403
of aging may adopt rules in accordance with Chapter 119. of the 21404
Revised Code regarding the PACE program, including rules 21405
establishing priorities for enrolling in the program pursuant to 21406
section 173.501 of the Revised Code. ~~The department's rules are~~ 21407
~~subject to both of the following:~~ 21408

~~(1) The rules shall be authorized by rules adopted by the~~ 21409
~~department of job and family services.~~ 21410

~~(2) The rules~~ shall address only those issues that are not 21411
addressed in rules adopted by the ~~department of job and family~~ 21412
~~services~~ medicaid director for the PACE program. 21413

Sec. 173.501. (A) As used in this section: 21414

"Nursing facility" has the same meaning as in section ~~5111.20~~ 21415
5165.01 of the Revised Code. 21416

"PACE provider" has the same meaning as in the "Social 21417
Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3). 21418

(B) The department of aging shall establish a home first 21419
component of the PACE program under which eligible individuals may 21420
be enrolled in the PACE program in accordance with this section. 21421
An individual is eligible for the PACE program's home first 21422
component if both of the following apply: 21423

(1) The individual has been determined to be eligible for the 21424
PACE program. 21425

(2) At least one of the following applies: 21426

- (a) The individual has been admitted to a nursing facility. 21427
- (b) A physician has determined and documented in writing that 21428
the individual has a medical condition that, unless the individual 21429
is enrolled in home and community-based services such as the PACE 21430
program, will require the individual to be admitted to a nursing 21431
facility within thirty days of the physician's determination. 21432
- (c) The individual has been hospitalized and a physician has 21433
determined and documented in writing that, unless the individual 21434
is enrolled in home and community-based services such as the PACE 21435
program, the individual is to be transported directly from the 21436
hospital to a nursing facility and admitted. 21437
- (d) Both of the following apply: 21438
- (i) The individual is the subject of a report made under 21439
section 5101.61 of the Revised Code regarding abuse, neglect, or 21440
exploitation or such a report referred to a county department of 21441
job and family services under section 5126.31 of the Revised Code 21442
or has made a request to a county department for protective 21443
services as defined in section 5101.60 of the Revised Code. 21444
- (ii) A county department of job and family services and an 21445
area agency on aging have jointly documented in writing that, 21446
unless the individual is enrolled in home and community-based 21447
services such as the PACE program, the individual should be 21448
admitted to a nursing facility. 21449
- (C) Each month, the department of aging shall identify 21450
individuals who are eligible for the home first component of the 21451
PACE program. When the department identifies such an individual, 21452
the department shall notify the PACE provider serving the area in 21453
which the individual resides. The PACE provider shall determine 21454
whether the PACE program is appropriate for the individual and 21455
whether the individual would rather participate in the PACE 21456
program than continue or begin to reside in a nursing facility. If 21457

the PACE provider determines that the PACE program is appropriate 21458
for the individual and the individual would rather participate in 21459
the PACE program than continue or begin to reside in a nursing 21460
facility, the PACE provider shall so notify the department of 21461
aging. On receipt of the notice from the PACE provider, the 21462
department of aging shall approve the individual's enrollment in 21463
the PACE program in accordance with priorities established in 21464
rules adopted under section 173.50 of the Revised Code. 21465

Sec. 173.51. As used in sections 173.51 to 173.56 of the 21466
Revised Code: 21467

"Area agency on aging" has the same meaning as in section 21468
173.14 of the Revised Code. 21469

"Assisted living program" means the program that consists of 21470
a medicaid-funded component created under section 173.54 of the 21471
Revised Code and a state-funded component created under section 21472
173.543 of the Revised Code and provides assisted living services 21473
to individuals who meet the program's applicable eligibility 21474
requirements. 21475

"Assisted living services" means the following home and 21476
community-based services: personal care, homemaker, chore, 21477
attendant care, companion, medication oversight, and therapeutic 21478
social and recreational programming. 21479

"Assisted living waiver" means the federal medicaid waiver 21480
granted by the United States secretary of health and human 21481
services that authorizes the medicaid-funded component of the 21482
assisted living program. 21483

"Choices program" means the program created under section 21484
173.53 of the Revised Code. 21485

"County or district home" means a county or district home 21486
operated under Chapter 5155. of the Revised Code. 21487

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 21488
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"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 21491
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"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 21496
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"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 21498
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"PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code. 21500
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"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. 21502
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"PASSPORT region" means a group of contiguous counties served by an individual PASSPORT administrative agency. 21510
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"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program. 21512
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"Representative" means a person acting on behalf of an applicant for the medicaid-funded component or state-funded component of the assisted living program. A representative may be 21515
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a family member, attorney, hospital social worker, or any other 21518
person chosen to act on behalf of an applicant. 21519

"Residential care facility" has the same meaning as in 21520
section 3721.01 of the Revised Code. 21521

"Unified long-term services and support medicaid waiver 21522
component" means the medicaid waiver component authorized by 21523
section 5166.14 of the Revised Code. 21524

~~Sec. 173.40 173.52.~~ (A) ~~As used in sections 173.40 to 173.402~~ 21525
~~of the Revised Code:~~ 21526

~~"Medicaid waiver component" has the same meaning as in~~ 21527
~~section 5111.85 of the Revised Code.~~ 21528

~~"PASSPORT program" means the program created under this~~ 21529
~~section.~~ 21530

~~"PASSPORT waiver" means the federal medicaid waiver granted~~ 21531
~~by the United States secretary of health and human services that~~ 21532
~~authorizes the medicaid funded component of the PASSPORT program.~~ 21533

~~"Unified long term services and support medicaid waiver~~ 21534
~~component" means the medicaid waiver component authorized by~~ 21535
~~section 5111.864 of the Revised Code.~~ 21536

~~(B) There is hereby created~~ The department of medicaid shall 21537
create the medicaid-funded component of the preadmission screening 21538
system providing options and resources today program, or PASSPORT 21539
program. The PASSPORT program shall provide home and 21540
community based services as an alternative to nursing facility 21541
placement for individuals who are aged and disabled and meet the 21542
program's applicable eligibility requirements. Subject to division 21543
~~(C) of this section, the program shall have a medicaid-funded~~ 21544
~~component and a state funded component.~~ In creating the 21545
medicaid-funded component, the department of medicaid shall 21546
collaborate with the department of aging. 21547

~~(C)(1)(B)~~ Unless the medicaid-funded component of the 21548
PASSPORT program is terminated under division ~~(C)(2)~~ of this 21549
section, all of the following apply: 21550

~~(a)(1)~~ The department of aging shall administer the 21551
medicaid-funded component through a contract entered into with the 21552
department of ~~job and family services~~ medicaid under section 21553
~~5111.91~~ 5162.35 of the Revised Code. 21554

~~(b)(2)~~ The medicaid-funded component shall be operated as a 21555
separate medicaid waiver component. 21556

~~(e)(3)~~ For an individual to be eligible for the 21557
medicaid-funded component, the individual must be a medicaid 21558
recipient and meet the additional eligibility requirements 21559
applicable to the individual established in rules adopted under 21560
division ~~(C)(1)(d)(B)(4)~~ of this section. 21561

~~(d)~~ ~~The director of job and family services shall adopt (4)~~ 21562
To the extent authorized by rules under authorization by section 21563
~~5111.85~~ 5162.021 of the Revised Code ~~and,~~ the director of aging 21564
shall adopt rules in accordance with Chapter 119. of the Revised 21565
Code to implement the medicaid-funded component. 21566

~~(2)(C)~~ If the unified long-term services and support medicaid 21567
waiver component is created, the departments of aging and ~~job and~~ 21568
~~family services~~ medicaid shall work together to determine whether 21569
the medicaid-funded component of the PASSPORT program should 21570
continue to operate as a separate medicaid waiver component or be 21571
terminated. If the departments determine that the medicaid-funded 21572
component of the PASSPORT program should be terminated, the 21573
medicaid-funded component shall cease to exist on a date the 21574
departments shall specify. 21575

~~(D)(1)~~ ~~The department of aging shall administer the~~ 21576
~~state funded component of the PASSPORT program. The state funded~~ 21577
~~component shall not be administered as part of the medicaid~~ 21578

~~program.~~ 21579

~~(2) For an individual to be eligible for the state funded component, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D)(4) of this section:~~ 21580
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~~(a) The individual must have been enrolled in the state funded component on September 1, 1991, (as the state funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) denied.~~ 21585
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~~(b) The individual must have had the individual's enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) terminated and the individual must still need the home and community based services provided under the PASSPORT program to protect the individual's health and safety.~~ 21592
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~~(c) The individual must have an application for the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid funded component (or, if the medicaid funded component is~~ 21599
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~~terminated under division (C)(2) of this section, the unified
long term services and support medicaid waiver component).~~ 21611
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~~(3) An individual who is eligible for the state funded
component because the individual meets the requirement of division
(D)(2)(c) of this section may participate in the component on that
basis for not more than ninety days.~~ 21613
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~~(4) The director of aging shall adopt rules in accordance
with section 111.15 of the Revised Code to implement the
state funded component. The additional eligibility requirements
established in the rules may vary for the different groups of
individuals specified in divisions (D)(2)(a), (b), and (c) of this
section.~~ 21617
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Sec. 173.401 173.521. (A) ~~As used in this section:~~ 21623

~~"Area agency on aging" has the same meaning as in section
173.14 of the Revised Code.~~ 21624
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~~"Long term care consultation program" means the program the
department of aging is required to develop under section 173.42 of
the Revised Code.~~ 21626
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~~"Long term care consultation program administrator" or
"administrator" means the department of aging or, if the
department contracts with an area agency on aging or other entity
to administer the long term care consultation program for a
particular area, that agency or entity.~~ 21629
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~~"Nursing facility" has the same meaning as in section 5111.20
of the Revised Code.~~ 21634
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~~(B) Subject Unless the medicaid-funded component of the
PASSPORT program is terminated pursuant to division (C)(2) of
section 173.40 173.52 of the Revised Code, the department shall
establish a home first component of the PASSPORT program under
which eligible individuals may be enrolled in the medicaid-funded~~ 21636
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component of the PASSPORT program in accordance with this section. 21641
An individual is eligible for the PASSPORT program's home first 21642
component if both of the following apply: 21643

(1) The individual has been determined to be eligible for the 21644
medicaid-funded component of the PASSPORT program. 21645

(2) At least one of the following applies: 21646

(a) The individual has been admitted to a nursing facility. 21647

(b) A physician has determined and documented in writing that 21648
the individual has a medical condition that, unless the individual 21649
is enrolled in home and community-based services such as the 21650
PASSPORT program, will require the individual to be admitted to a 21651
nursing facility within thirty days of the physician's 21652
determination. 21653

(c) The individual has been hospitalized and a physician has 21654
determined and documented in writing that, unless the individual 21655
is enrolled in home and community-based services such as the 21656
PASSPORT program, the individual is to be transported directly 21657
from the hospital to a nursing facility and admitted. 21658

(d) Both of the following apply: 21659

(i) The individual is the subject of a report made under 21660
section 5101.61 of the Revised Code regarding abuse, neglect, or 21661
exploitation or such a report referred to a county department of 21662
job and family services under section 5126.31 of the Revised Code 21663
or has made a request to a county department for protective 21664
services as defined in section 5101.60 of the Revised Code. 21665

(ii) A county department of job and family services and an 21666
area agency on aging have jointly documented in writing that, 21667
unless the individual is enrolled in home and community-based 21668
services such as the PASSPORT program, the individual should be 21669
admitted to a nursing facility. 21670

~~(C)~~(B) Each month, each area agency on aging shall identify 21671
individuals residing in the area that the agency serves who are 21672
eligible for the home first component of the PASSPORT program. 21673
When an area agency on aging identifies such an individual, the 21674
agency shall notify the long-term care consultation program 21675
administrator serving the area in which the individual resides. 21676
The administrator shall determine whether the PASSPORT program is 21677
appropriate for the individual and whether the individual would 21678
rather participate in the PASSPORT program than continue or begin 21679
to reside in a nursing facility. If the administrator determines 21680
that the PASSPORT program is appropriate for the individual and 21681
the individual would rather participate in the PASSPORT program 21682
than continue or begin to reside in a nursing facility, the 21683
administrator shall so notify the department of aging. On receipt 21684
of the notice from the administrator, the department shall approve 21685
the individual's enrollment in the medicaid-funded component of 21686
the PASSPORT program regardless of the unified waiting list 21687
established under section ~~173.404~~ 173.55 of the Revised Code, 21688
unless the enrollment would cause the component to exceed any 21689
limit on the number of individuals who may be enrolled in the 21690
component as set by the United States secretary of health and 21691
human services in the PASSPORT waiver. 21692

Sec. 173.522. (A) The department of aging shall create and 21693
administer the state-funded component of the PASSPORT program. The 21694
state-funded component shall not be administered as part of the 21695
medicaid program. 21696

(B) For an individual to be eligible for the state-funded 21697
component of the PASSPORT program, the individual must meet one of 21698
the following requirements and meet the additional eligibility 21699
requirements applicable to the individual established in rules 21700
adopted under division (D) of this section: 21701

(1) The individual must have been enrolled in the state-funded component on September 1, 1991, (as the state-funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid-funded component of the PASSPORT program (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) denied. 21702
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(2) The individual must have had the individual's enrollment in the medicaid-funded component of the PASSPORT program (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) terminated and the individual must still need the home and community-based services provided under the PASSPORT program to protect the individual's health and safety. 21710
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(3) The individual must have an application for the medicaid-funded component of the PASSPORT program (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component). 21718
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(C) An individual who is eligible for the state-funded 21733

component of the PASSPORT program because the individual meets the 21734
requirement of division (B)(3) of this section may participate in 21735
the component on that basis for not more than ninety days. 21736

(D) The director of aging shall adopt rules in accordance 21737
with section 111.15 of the Revised Code to implement the 21738
state-funded component of the PASSPORT program. The additional 21739
eligibility requirements established in the rules may vary for the 21740
different groups of individuals specified in divisions (B)(1), 21741
(2), and (3) of this section. 21742

Sec. 173.523. (A) An individual who is an applicant for or 21743
participant or former participant in the state-funded component of 21744
the PASSPORT program may appeal an adverse action taken or 21745
proposed to be taken by the department of aging or an entity 21746
designated by the department concerning participation in or 21747
services provided under the component if the action will result in 21748
any of the following: 21749

(1) Denial of enrollment or continued enrollment in the 21750
component; 21751

(2) Denial of or reduction in the amount of services 21752
requested by or offered to the individual under the component; 21753

(3) Assessment of any patient liability payment pursuant to 21754
rules adopted by the department under this section. 21755

The appeal shall be made in accordance with section 173.56 of 21756
the Revised Code and rules adopted pursuant to that section. 21757

(B) An individual who is an applicant for or participant or 21758
former participant in the state-funded component of the PASSPORT 21759
program may not bring an appeal under this or any other section of 21760
the Revised Code if any of the following is the case: 21761

(1) The individual has voluntarily withdrawn the application 21762
for enrollment in the component; 21763

(2) The individual has voluntarily terminated enrollment in the component; 21764
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(3) The individual agrees with the action being taken or proposed; 21766
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(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code; 21768
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(5) The individual has received services under the component for the maximum time permitted by this section. 21771
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Sec. ~~173.402~~ 173.524. An individual enrolled in the PASSPORT 21773
program may request that home-delivered meals provided to the 21774
individual under the PASSPORT program be kosher. If such a request 21775
is made, the department of aging or the department's designee 21776
shall ensure that each home-delivered meal provided to the 21777
individual under the PASSPORT program is kosher. In complying with 21778
this requirement, the department or department's designee shall 21779
require each entity that provides home-delivered meals to the 21780
individual to provide the individual with meals that meet, as much 21781
as possible, the requirements established in rules adopted under 21782
~~section 173.40~~ sections 173.52 and 173.522 of the Revised Code 21783
governing the home-delivered meal service while complying with 21784
kosher practices for meal preparation and dietary restrictions. 21785

An entity that provides a kosher home-delivered meal to a 21786
PASSPORT program enrollee pursuant to this section shall be 21787
reimbursed for the meal at a rate equal to the rate for 21788
home-delivered meals furnished to PASSPORT program enrollees 21789
requiring a therapeutic diet. 21790

Sec. 173.525. (A) The PASSPORT program shall include a structured family caregiver component as a pilot program in three rural PASSPORT regions under which an individual enrolled in the 21791
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PASSPORT program may choose a family member to provide the individual home and community-based services that the individual receives under the PASSPORT program. A family member must do all of the following to be eligible to be a family caregiver under the PASSPORT program: 21794
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(1) Complete all the training, obtain all required credentials, and satisfy all other applicable requirements to be a PASSPORT provider; 21799
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(2) Arrange for an agency that is a PASSPORT provider to do all of the following: 21802
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(a) Assist the family member with the requirements to be a family caregiver; 21804
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(b) Provide or arrange professional staff training to or for the family member; 21806
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(c) If possible, include the family member in electronic records used for the PASSPORT program; 21808
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(d) Provide professional staff support that is appropriate for the PASSPORT enrollee's care needs to the enrollee for whom the family member serves as a family caregiver. 21810
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(3) Comply with any other applicable requirements specified in rules adopted under sections 173.52 and 173.522 of the Revised Code. 21813
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(B) An individual may serve as the family caregiver for not more than two PASSPORT enrollees. A family caregiver may provide home and community-based services covered by the PASSPORT program in the home of either the caregiver or the PASSPORT enrollee. 21816
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(C) The structured family caregiver component of the PASSPORT program shall be available as a pilot program in three rural PASSPORT regions not later than January 1, 2014. The payment rate for the component shall be adequate to pay the family caregiver a 21820
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stipend and reimburse the agency provider for the costs of 21824
providing professional staff support pursuant to division 21825
(A)(2)(d) of this section. 21826

~~Sec. 173.403~~ 173.53. (A) ~~As used in this section:~~ 21827

~~"Choices program" means the program created under this~~ 21828
~~section.~~ 21829

~~"Medicaid waiver component" has the same meaning as in~~ 21830
~~section 5111.85 of the Revised Code.~~ 21831

~~"Unified long term services and support medicaid waiver~~ 21832
~~component" means the medicaid waiver component authorized by~~ 21833
~~section 5111.864 of the Revised Code.~~ 21834

~~(B) Subject to division (C) of this section, there is hereby~~ 21835
~~created~~ The department of medicaid shall create the choices 21836
program. In creating the choices program, the department of 21837
medicaid shall collaborate with the department of aging. Subject 21838
to division (B) of this section: 21839

(1) The choices program shall provide home and 21840
community-based services. ~~The~~ 21841

(2) The department of aging shall administer the choices 21842
program through a contract entered into with the department of ~~job~~ 21843
~~and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 21844
Revised Code. ~~Subject to federal approval, the~~ 21845

(3) The choices program shall be available statewide. 21846

~~(C)~~ (B) If the unified long-term services and support medicaid 21847
waiver component is created, the departments of aging and ~~job and~~ 21848
~~family services~~ medicaid shall ~~work together~~ collaborate to 21849
determine whether the choices program should continue to operate 21850
as a separate medicaid waiver component or be terminated. If the 21851
departments determine that the choices program should be 21852
terminated, the program shall cease to exist on a date the 21853

departments shall specify. 21854

(C) If the choices program is terminated pursuant to division 21855
(B) of this section or for another reason, not sooner than six 21856
months before the date on which the program ceases to exist, the 21857
director of aging may do both of the following: 21858

(1) Suspend new enrollments in the choices program; 21859

(2) Transfer participants of the choices program to the 21860
following: 21861

(a) Except as provided in division (C)(2)(b) of this section, 21862
the medicaid-funded component of the PASSPORT program created 21863
under section 173.52 of the Revised Code; 21864

(b) If the medicaid-funded component of the PASSPORT program 21865
is terminated pursuant to division (C) of section 173.52 of the 21866
Revised Code, the unified long-term services and support medicaid 21867
waiver component. 21868

~~Sec. 5111.89 173.54. (A) As used in sections 5111.89 to~~ 21869
~~5111.894 of the Revised Code:~~ 21870

~~"Area agency on aging" has the same meaning as in section~~ 21871
~~173.14 of the Revised Code.~~ 21872

~~"Assisted living program" means the program created under~~ 21873
~~this section.~~ 21874

~~"Assisted living services" means the following home and~~ 21875
~~community based services: personal care, homemaker, chore,~~ 21876
~~attendant care, companion, medication oversight, and therapeutic~~ 21877
~~social and recreational programming.~~ 21878

~~"Assisted living waiver" means the federal medicaid waiver~~ 21879
~~granted by the United States secretary of health and human~~ 21880
~~services that authorizes the medicaid funded component of the~~ 21881
~~assisted living program.~~ 21882

~~"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.~~ 21883
21884

~~"Long term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.~~ 21885
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~~"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.~~ 21888
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~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 21893
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~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 21895
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~~"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.~~ 21897
21898

~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 21899
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~~(B) There is hereby created The department of medicaid shall create the medicaid-funded component of the assisted living program. The program shall provide assisted living services to individuals who meet the program's applicable eligibility requirements. Subject to division (C) of this section, the program shall have a medicaid-funded component and a state-funded component In creating the medicaid-funded component, the department of medicaid shall collaborate with the department of aging.~~ 21902
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~~(C)(1)(B) Unless the medicaid-funded component of the assisted living program is terminated under division (C)(2) of~~ 21911
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this section, all of the following apply: 21913

~~(a)~~(1) The department of aging shall administer the 21914
medicaid-funded component through a contract entered into with the 21915
department of ~~job and family services~~ medicaid under section 21916
~~5111.91~~ 5162.35 of the Revised Code. 21917

~~(b)~~(2) The contract shall include an estimate of the 21918
medicaid-funded component's costs. 21919

~~(c)~~(3) The medicaid-funded component shall be operated as a 21920
separate medicaid waiver component. 21921

~~(d)~~(4) The medicaid-funded component may not serve more 21922
individuals than is set by the United States secretary of health 21923
and human services in the assisted living waiver. 21924

~~(e)~~ ~~The director of job and family services may adopt rules~~ 21925
~~under section 5111.85 of the Revised Code regarding the~~ 21926
~~medicaid funded component.~~ 21927

~~(f)~~ ~~The~~ (5) To the extent authorized by rules authorized by 21928
section 5162.021 of the Revised Code, the director of aging may 21929
adopt rules under Chapter 119. of the Revised Code regarding the 21930
medicaid-funded component ~~that the rules adopted by the director~~ 21931
~~of job and family services under division (C)(1)(c) of this~~ 21932
~~section authorize the director of aging to adopt.~~ 21933

~~(2)~~(C) If the unified long-term services and support medicaid 21934
waiver component is created, the departments of aging and ~~job and~~ 21935
~~family services~~ medicaid shall ~~work together~~ collaborate to 21936
determine whether the medicaid-funded component of the assisted 21937
living program should continue to operate as a separate medicaid 21938
waiver component or be terminated. If the departments determine 21939
that the medicaid-funded component of the assisted living program 21940
should be terminated, the medicaid-funded component shall cease to 21941
exist on a date the departments shall specify. 21942

~~(D) The department of aging shall administer the state funded component of the assisted living program. The state funded component shall not be administered as part of the medicaid program.~~ 21943
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~~An individual who is eligible for the state funded component may participate in the component for not more than ninety days.~~ 21947
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~~The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state funded component.~~ 21949
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Sec. ~~5111.891~~ 173.541. To be eligible for the medicaid-funded component of the assisted living program, an individual must meet all of the following requirements: 21952
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(A) Need an intermediate level of care as determined ~~under rule 5101:3-3-06~~ by an assessment conducted under section 173.546 of the ~~Administrative~~ Revised Code; 21955
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(B) While receiving assisted living services under the medicaid-funded component, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the component, including both of the following: 21958
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(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 21962
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(2) A county or district home licensed as a residential care facility. 21967
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(C) Meet all other eligibility requirements for the medicaid-funded component established in rules adopted ~~pursuant to division (C) of~~ under section ~~5111.89~~ 173.54 of the Revised Code. 21969
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Sec. ~~5111.894~~ 173.542. (A) ~~Subject~~ Unless the medicaid-funded 21972
component of the assisted living program is terminated pursuant to 21973
division (C)~~(2)~~ of section ~~5111.89~~ 173.54 of the Revised Code, the 21974
department of aging shall establish a home first component of the 21975
assisted living program under which eligible individuals may be 21976
enrolled in the medicaid-funded component of the assisted living 21977
program in accordance with this section. An individual is eligible 21978
for the assisted living program's home first component if both of 21979
the following apply: 21980

(1) The individual has been determined to be eligible for the 21981
medicaid-funded component of the assisted living program. 21982

(2) At least one of the following applies: 21983

(a) The individual has been admitted to a nursing facility. 21984

(b) A physician has determined and documented in writing that 21985
the individual has a medical condition that, unless the individual 21986
is enrolled in home and community-based services such as the 21987
assisted living program, will require the individual to be 21988
admitted to a nursing facility within thirty days of the 21989
physician's determination. 21990

(c) The individual has been hospitalized and a physician has 21991
determined and documented in writing that, unless the individual 21992
is enrolled in home and community-based services such as the 21993
assisted living program, the individual is to be transported 21994
directly from the hospital to a nursing facility and admitted. 21995

(d) Both of the following apply: 21996

(i) The individual is the subject of a report made under 21997
section 5101.61 of the Revised Code regarding abuse, neglect, or 21998
exploitation or such a report referred to a county department of 21999
job and family services under section 5126.31 of the Revised Code 22000
or has made a request to a county department for protective 22001

services as defined in section 5101.60 of the Revised Code. 22002

(ii) A county department of job and family services and an 22003
area agency on aging have jointly documented in writing that, 22004
unless the individual is enrolled in home and community-based 22005
services such as the assisted living program, the individual 22006
should be admitted to a nursing facility. 22007

(B) Each month, each area agency on aging shall identify 22008
individuals residing in the area that the area agency on aging 22009
serves who are eligible for the home first component of the 22010
assisted living program. When an area agency on aging identifies 22011
such an individual and determines that there is a vacancy in a 22012
residential care facility participating in the medicaid-funded 22013
component of the assisted living program that is acceptable to the 22014
individual, the agency shall notify the long-term care 22015
consultation program administrator serving the area in which the 22016
individual resides. The administrator shall determine whether the 22017
assisted living program is appropriate for the individual and 22018
whether the individual would rather participate in the assisted 22019
living program than continue or begin to reside in a nursing 22020
facility. If the administrator determines that the assisted living 22021
program is appropriate for the individual and the individual would 22022
rather participate in the assisted living program than continue or 22023
begin to reside in a nursing facility, the administrator shall so 22024
notify the department of aging. On receipt of the notice from the 22025
administrator, the department shall approve the individual's 22026
enrollment in the medicaid-funded component of the assisted living 22027
program regardless of the unified waiting list established under 22028
section ~~173.404~~ 173.55 of the Revised Code, unless the enrollment 22029
would cause the component to exceed any limit on the number of 22030
individuals who may participate in the component as set by the 22031
United States secretary of health and human services in the 22032
assisted living waiver. 22033

Sec. 173.543. The department of aging shall create and 22034
administer the state-funded component of the assisted living 22035
program. The state-funded component shall not be administered as 22036
part of the medicaid program. 22037

An individual who is eligible for the state-funded component 22038
may participate in the component for not more than ninety days. 22039

The director of aging shall adopt rules in accordance with 22040
section 111.15 of the Revised Code to implement the state-funded 22041
component. 22042

Sec. ~~5111.892~~ 173.544. To be eligible for the state-funded 22043
component of the assisted living program, an individual must meet 22044
all of the following requirements: 22045

(A) The individual must need an intermediate level of care as 22046
determined ~~under rule 5101:3-3-06~~ by an assessment conducted under 22047
section 173.546 of the Administrative Revised Code. 22048

(B) The individual must have an application for the 22049
medicaid-funded component of the assisted living program (or, if 22050
the medicaid-funded component is terminated under division (C)~~(2)~~ 22051
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 22052
long-term services and support medicaid waiver component) pending 22053
and the department or the department's designee must have 22054
determined that the individual meets the nonfinancial eligibility 22055
requirements of the medicaid-funded component (or, if the 22056
medicaid-funded component is terminated under division (C)~~(2)~~ of 22057
section ~~5111.89~~ 173.54 of the Revised Code, the unified long-term 22058
services and support medicaid waiver component) and not have 22059
reason to doubt that the individual meets the financial 22060
eligibility requirements of the medicaid-funded component (or, if 22061
the medicaid-funded component is terminated under division (C)~~(2)~~ 22062
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 22063

long-term services and support medicaid waiver component). 22064

(C) While receiving assisted living services under the 22065
state-funded component, the individual must reside in a 22066
residential care facility that is authorized by a valid provider 22067
agreement to participate in the component, including both of the 22068
following: 22069

(1) A residential care facility that is owned or operated by 22070
a metropolitan housing authority that has a contract with the 22071
United States department of housing and urban development to 22072
receive an operating subsidy or rental assistance for the 22073
residents of the facility; 22074

(2) A county or district home licensed as a residential care 22075
facility. 22076

(D) The individual must meet all other eligibility 22077
requirements for the state-funded component established in rules 22078
adopted under ~~division (D) of section 5111.89~~ 173.54 of the 22079
Revised Code. 22080

Sec. 173.545. (A) An individual who is an applicant for or 22081
participant or former participant in the state-funded component of 22082
the assisted living program may appeal an adverse action taken or 22083
proposed to be taken by the department of aging or an entity 22084
designated by the department concerning participation in or 22085
services provided under the component if the action will result in 22086
any of the following: 22087

(1) Denial of enrollment or continued enrollment in the 22088
component; 22089

(2) Denial of or reduction in the amount of services 22090
requested by or offered to the individual under the component; 22091

(3) Assessment of any patient liability payment pursuant to 22092
rules adopted by the department under this section. 22093

The appeal shall be made in accordance with section 173.56 of 22094
the Revised Code and rules adopted pursuant to that section. 22095

(B) An individual who is an applicant for or participant or 22096
former participant in the state-funded component of the assisted 22097
living program may not bring an appeal under this or any other 22098
section of the Revised Code if any of the following is the case: 22099

(1) The individual has voluntarily withdrawn the application 22100
for enrollment in the component; 22101

(2) The individual has voluntarily terminated enrollment in 22102
the component; 22103

(3) The individual agrees with the action being taken or 22104
proposed; 22105

(4) The individual fails to submit a written request for a 22106
hearing to the director of aging within the time specified in the 22107
rules adopted pursuant to section 173.56 of the Revised Code; 22108

(5) The individual has received services under the component 22109
for the maximum time permitted by this section. 22110

Sec. 173.546. (A) Each applicant for the assisted living 22111
program shall undergo an assessment to determine whether the 22112
applicant needs an intermediate level of care. The department of 22113
medicaid or an agency under contract pursuant to division (C) of 22114
this section shall conduct the assessment. The assessment may be 22115
performed concurrently with a long-term care consultation provided 22116
under section 173.42 of the Revised Code. 22117

(B) An applicant or applicant's representative has the right 22118
to appeal an assessment's findings. Section 5160.31 of the Revised 22119
Code applies to appeals regarding the medicaid-funded component of 22120
the assisted living program. The department or an agency under 22121
contract to conduct the assessment shall provide written notice of 22122
this right to the applicant or applicant's representative and the 22123

residential care facility in which the applicant intends to reside 22124
if enrolled in the assisted living program. The notice shall 22125
include an explanation of the appeal procedures. The department or 22126
agency under contract to conduct the assessment shall represent 22127
the state in any appeal of an assessment's findings. 22128

(C) The department may contract with one or more agencies to 22129
perform assessments under this section. A contract shall specify 22130
the agency's responsibilities regarding the assessments. 22131

Sec. ~~5111.893~~ 173.547. A residential care facility providing 22132
services covered by the assisted living program to an individual 22133
enrolled in the program shall have staff on-site twenty-four hours 22134
each day who are able to do all of the following: 22135

(A) Meet the scheduled and unpredicted needs of the 22136
individuals enrolled in the assisted living program in a manner 22137
that promotes the individuals' dignity and independence; 22138

(B) Provide supervision services for those individuals; 22139

(C) Help keep the individuals safe and secure. 22140

Sec. ~~173.404~~ 173.55. (A) As used in this section: 22141

(1) "Department of aging-administered medicaid waiver 22142
component" means each of the following: 22143

(a) The medicaid-funded component of the PASSPORT program 22144
~~created under section 173.40 of the Revised Code;~~ 22145

(b) The choices program ~~created under section 173.403 of the~~ 22146
~~Revised Code;~~ 22147

(c) The medicaid-funded component of the assisted living 22148
~~program created under section 5111.89 of the Revised Code.~~ 22149

(2) "PACE program" means the component of the medicaid 22150
program the department of aging administers pursuant to section 22151

173.50 of the Revised Code. 22152

(B) If the department of aging determines that there are 22153
insufficient funds to enroll all individuals who have applied and 22154
been determined eligible for department of aging-administered 22155
medicaid waiver components and the PACE program, the department 22156
shall establish a unified waiting list for the components and 22157
program. Only individuals eligible for a department of 22158
aging-administered medicaid waiver component or the PACE program 22159
may be placed on the unified waiting list. An individual who may 22160
be enrolled in a department of aging-administered medicaid waiver 22161
component or the PACE program through a home first component 22162
established under section ~~173.401~~, 173.501, 173.521 or ~~5111.894~~ 22163
173.542 of the Revised Code may be so enrolled without being 22164
placed on the unified waiting list. 22165

Sec. 173.56. (A) The department of aging shall adopt rules in 22166
accordance with section 111.15 of the Revised Code governing 22167
appeals brought under section 173.523 or 173.545 of the Revised 22168
Code. The rules shall require notice and the opportunity for a 22169
hearing. The rules may allow an appeal hearing to be conducted by 22170
telephone and permit the department to record hearings conducted 22171
by telephone. Chapter 119. of the Revised Code applies to a 22172
hearing under section 173.523 or 173.545 of the Revised Code only 22173
to the extent provided in rules the department adopts under this 22174
section. 22175

(B) An appeal shall be commenced by submission of a written 22176
request for a hearing to the director of aging within the time 22177
specified in the rules adopted under this section. The hearing may 22178
be recorded, but neither the recording nor a transcript of the 22179
recording is part of the official record of the proceeding. The 22180
director shall notify the individual bringing the appeal of the 22181
director's decision and of the procedure for appealing the 22182

decision. 22183

(C) The director's decision may be appealed to a court of 22184
common pleas pursuant to section 119.12 of the Revised Code. The 22185
appeal shall be governed by that section except as follows: 22186

(1) The appeal shall be in the court of common pleas of the 22187
county in which the individual who brings the appeal resides or, 22188
if the individual does not reside in this state, to the Franklin 22189
county court of common pleas. 22190

(2) The notice of appeal must be mailed to the department and 22191
filed with the court not later than thirty days after the 22192
department mails notice of the director's decision. For good cause 22193
shown, the court may extend the time for mailing and filing the 22194
notice of appeal, but the time cannot exceed six months from the 22195
date the department mails the notice of the director's decision. 22196

(3) If an individual applies to the court for designation as 22197
an indigent and the court grants the application, the individual 22198
shall not be required to furnish the costs of the appeal. 22199

(4) The department is required to file a transcript of the 22200
testimony of the state hearing with the court only if the court 22201
orders that the transcript be filed. The court shall make such an 22202
order only if it finds that the department and the individual 22203
bringing the appeal are unable to stipulate to the facts of the 22204
case and that the transcript is essential to a determination of 22205
the appeal. The department shall file the transcript not later 22206
than thirty days after such an order is issued. 22207

Sec. 173.99. (A) A long-term care provider, person employed 22208
by a long-term care provider, other entity, or employee of such 22209
other entity that violates division (C) of section 173.24 of the 22210
Revised Code is subject to a fine not to exceed one thousand 22211
dollars for each violation. 22212

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that violates division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ~~ombuds person~~ ombudsman program the access required by that division is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.

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

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

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

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

regarding the administration of its programs. The hearing shall be 22243
held at a time and place as the agency determines and when a 22244
quorum of the agency is present. 22245

(E) The agency shall appoint committees and subcommittees 22246
comprised of members of the agency to handle matters it deems 22247
appropriate. 22248

(1) The agency shall adopt an annual plan to address this 22249
state's housing needs. The agency shall appoint an annual plan 22250
committee to develop the plan and present it to the agency for 22251
consideration. 22252

(2) The annual plan committee shall select an advisory board 22253
from a list of interested individuals the executive director 22254
provides or on its own recommendation. The advisory board shall 22255
provide input on the plan at committee meetings prior to the 22256
annual public hearing. At the public hearing, the committee shall 22257
discuss advisory board comments. The advisory board may include, 22258
but is not limited to, persons who represent state agencies, local 22259
governments, public corporations, nonprofit organizations, 22260
community development corporations, housing advocacy organizations 22261
for low- and moderate-income persons, realtors, syndicators, 22262
investors, lending institutions as recommended by a statewide 22263
banking organization, and other entities participating in the 22264
agency's programs. 22265

Each agency program that allows for loans to be made to 22266
finance housing for owner occupancy that benefits other than low- 22267
and moderate-income households, or for loans to be made to 22268
individuals under bonds issued pursuant to division (B) of section 22269
175.08 of the Revised Code, shall be presented to the advisory 22270
board and included in the annual plan as approved by the agency 22271
before the program's implementation. 22272

(F) The agency shall prepare an annual financial report 22273

describing its activities during the reporting year and submit 22274
that report in accordance with division (H) of this section and to 22275
the governor, the speaker of the house of representatives, and the 22276
president of the senate within three months after the end of the 22277
reporting year. The report shall include the agency's audited 22278
financial statements, prepared in accordance with generally 22279
accepted accounting principles and appropriate accounting 22280
standards. 22281

(G) The agency shall prepare an annual report of its programs 22282
describing how the programs have met this state's housing needs. 22283
The agency shall submit the report in accordance with division (H) 22284
of this section and to the governor, the speaker of the house of 22285
representatives, and the president of the senate within three 22286
months after the end of the reporting year. 22287

(H)(1) The agency shall submit, within a time frame agreed to 22288
by the agency and the chairs, the annual financial report 22289
described in division (F) of this section and the annual report of 22290
programs described in division (G) of this section to the chairs 22291
of the committees dealing with housing issues in the house of 22292
representatives and the senate. 22293

(2) Within forty-five days of issuance of the annual 22294
financial report, the agency shall cause the agency's executive 22295
director to appear in person before the committees described in 22296
division (H)(1) of this section to testify in regard to the 22297
financial report and the report of programs. The testimony shall 22298
include each of the following: 22299

(a) An overview of the annual plan adopted pursuant to 22300
division (E)(1) of this section; 22301

(b) An evaluation of whether the objectives in the annual 22302
plan were met through a comparison of the annual plan with the 22303
annual financial report and report of programs; 22304

(c) A complete listing of all business and contractual relationships between the agency and other entities and organizations that participated in agency programs during the fiscal year reported by the agency's annual financial report and report of programs. 22305
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Sec. 187.10. (A) No person, with purpose to corrupt a director, officer, or employee of JobsOhio, shall promise, offer, or give any valuable thing or valuable benefit. 22310
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(B) No person who is a director, officer, or employee of JobsOhio, either before or after being appointed, qualified, or employed in that capacity, shall knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly influence the person or another director, officer, or employee of JobsOhio with respect to the discharge of the person's or the other director's, officer's, or employee's duty. 22313
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(C) Whoever violates division (A) or (B) of this section is guilty of the offense of bribery, as set forth in section 2921.02 of the Revised Code. 22321
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Sec. 191.01. As used in this chapter: 22324

(A) "Administrative safeguards," "availability," "confidentiality," "integrity," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304. 22325
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(B) "Business associate," "covered entity," "health plan," "individually identifiable health information," and "protected health information" have the same meanings as in 45 C.F.R. 160.103. 22329
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(C) "Executive director of the office of health transformation" or "executive director" means the executive 22333
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director of the office of health transformation or the chief 22335
administrative officer of a successor governmental entity 22336
responsible for health system oversight in this state. 22337

(D) "Government program providing public benefits" means any 22338
program administered by a state agency that has been identified, 22339
pursuant to section 191.02 of the Revised Code, by the executive 22340
director of the office of health transformation in consultation 22341
with the individuals specified in that section. 22342

(E) "Office of health transformation" means the office of 22343
health transformation created by executive order 2011-02K. 22344

(F) "Operating protocol" means a protocol adopted by the 22345
executive director of the office of health transformation or the 22346
executive director's designee under division (D) of section 191.06 22347
of the Revised Code. 22348

(G) "Participating agency" means a state agency that 22349
participates in a health transformation initiative as specified in 22350
the one or more operating protocols adopted for the initiative 22351
under division (D) of section 191.06 of the Revised Code. 22352

(H) "Personally identifiable information" means information 22353
that meets both of the following criteria: 22354

(1) It identifies an individual or there is a reasonable 22355
basis to believe that it may be used to identify an individual; 22356

(2) It relates to an individual's eligibility for, 22357
application for, or receipt of public benefits from a government 22358
program providing public benefits. 22359

(I) "State agency" means each of the following: 22360

(1) The department of administrative services; 22361

(2) The department of aging; 22362

~~(2) The department of alcohol and drug addiction services;~~ 22363

(3) The department of development <u>services agency</u> ;	22364
(4) The department of developmental disabilities;	22365
(5) The department of education;	22366
(6) The department of health;	22367
(7) The department of insurance;	22368
(8) The department of job and family services;	22369
(9) <u>The department of medicaid</u> ;	22370
<u>(10) The department of mental health mental health and addiction services</u> ;	22371 22372
(10) <u>(11)</u> The department of rehabilitation and correction;	22373
(11) <u>(12)</u> The department of taxation;	22374
(12) <u>(13)</u> The department of veterans services;	22375
(13) <u>(14)</u> The department of youth services.	22376
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	22377
Sec. 191.02. The executive director of the office of health	22378
transformation, in consultation with all of the following	22379
individuals, shall identify each government program administered	22380
by a state agency that is to be considered a government program	22381
providing public benefits for purposes of section 191.04 of the	22382
Revised Code:	22383
(A) <u>The director of administrative services</u> ;	22384
<u>(B)</u> The director of aging;	22385
(B) The director of alcohol and drug addiction services ;	22386
(C) The director of development <u>services</u> ;	22387
(D) The director of developmental disabilities;	22388
(E) The director of health;	22389

(F) The director <u>of</u> job and family services;	22390
(G) <u>The director of medicaid;</u>	22391
(H) The director of mental health <u>mental health and addiction</u>	22392
<u>services;</u>	22393
(H) <u>(I)</u> The director of rehabilitation and correction;	22394
(I) <u>(J)</u> The director of veterans services;	22395
(J) <u>(K)</u> The director of youth services;	22396
(K) <u>(L)</u> The administrator <u>executive director</u> of the	22397
rehabilitation services commission <u>opportunities for Ohioans with</u>	22398
<u>disabilities agency;</u>	22399
(L) <u>(M)</u> The administrator of workers' compensation;	22400
(M) <u>(N)</u> The superintendent of insurance;	22401
(N) <u>(O)</u> The superintendent of public instruction;	22402
(O) <u>(P)</u> The tax commissioner.	22403
Sec. 191.04. (A) In accordance with federal laws governing	22404
the confidentiality of individually identifiable health	22405
information, including the "Health Insurance Portability and	22406
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021,	22407
42 U.S.C. 1320d et seq., as amended, and regulations promulgated	22408
by the United States department of health and human services to	22409
implement the act, a state agency may exchange protected health	22410
information with another state agency relating to eligibility for	22411
or enrollment in a health plan or relating to participation in a	22412
government program providing public benefits if the exchange of	22413
information is necessary for either or both of the following:	22414
(1) Operating a health plan;	22415
(2) Coordinating, or improving the administration or	22416
management of, the health care-related functions of at least one	22417

government program providing public benefits. 22418

(B) For fiscal ~~year~~ years 2013, 2014, and 2015 only, a state 22419
agency also may exchange personally identifiable information with 22420
another state agency for purposes related to and in support of a 22421
health transformation initiative identified by the executive 22422
director of the office of health transformation pursuant to 22423
division (C) of section 191.06 of the Revised Code. 22424

(C) With respect to a state agency that uses or discloses 22425
personally identifiable information, all of the following 22426
conditions apply: 22427

(1) The state agency shall use or disclose the information 22428
only as permitted or required by state and federal law. In 22429
addition, if the information is obtained during fiscal year 2013, 22430
2014, or 2015 from an exchange of personally identifiable 22431
information permitted under division (B) of this section, the 22432
agency shall also use or disclose the information in accordance 22433
with all operating protocols that apply to the use or disclosure. 22434

(2) If the state agency is a state agency other than the 22435
department of ~~job and family services~~ medicaid and it uses or 22436
discloses protected health information that is related to a 22437
medicaid recipient and obtained from the department of ~~job and~~ 22438
~~family services~~ medicaid or another agency operating a component 22439
of the medicaid program, the state agency shall comply with all 22440
state and federal laws that apply to the department of ~~job and~~ 22441
~~family services~~ medicaid when that department, as the state's 22442
single state agency to supervise the medicaid program ~~as specified~~ 22443
~~in section 5111.01 of the Revised Code~~, uses or discloses 22444
protected health information. 22445

(3) A state agency shall implement administrative, physical, 22446
and technical safeguards for the purpose of protecting the 22447
confidentiality, integrity, and availability of personally 22448

identifiable information the creation, receipt, maintenance, or 22449
transmittal of which is affected or governed by this section. 22450

(4) If a state agency discovers an unauthorized use or 22451
disclosure of unsecured protected health information or unsecured 22452
individually identifiable health information, the state agency 22453
shall, not later than seventy-two hours after the discovery, do 22454
all of the following: 22455

(a) Identify the individuals who are the subject of the 22456
protected health information or individually identifiable health 22457
information; 22458

(b) Report the discovery and the names of all individuals 22459
identified pursuant to division (C)(4)(a) of this section to all 22460
other state agencies and the executive director of the office of 22461
health transformation or the executive director's designee; 22462

(c) Mitigate, to the extent reasonably possible, any 22463
potential adverse effects of the unauthorized use or disclosure. 22464

(5) A state agency shall make available to the executive 22465
director of the office of health transformation or the executive 22466
director's designee, and to any other state or federal 22467
governmental entity required by law to have access on that 22468
entity's request, all internal practices, records, and 22469
documentation relating to personally identifiable information it 22470
receives, uses, or discloses that is affected or governed by this 22471
section. 22472

(6) On termination or expiration of an operating protocol and 22473
if feasible, a state agency shall return or destroy all personally 22474
identifiable information received directly from or received on 22475
behalf of another state agency. If the personally identifiable 22476
information is not returned or destroyed, the state agency 22477
maintaining the information shall extend the protections set forth 22478
in this section for as long as it is maintained. 22479

(7) If a state agency enters into a subcontract or, when required by 45 C.F.R. 164.502(e)(2), a business associate agreement, the subcontract or business associate agreement shall require the subcontractor or business associate to comply with the terms of this section as if the subcontractor or business associate were a state agency.

Sec. 191.06. (A) The provisions of this section shall apply only for fiscal ~~year~~ years 2013, 2014, and 2015.

(B) The executive director of the office of health transformation or the executive director's designee may facilitate the coordination of operations and exchange of information between state agencies. The purpose of the executive director's authority under this section is to support agency collaboration for health transformation purposes, including modernization of the medicaid program, streamlining of health and human services programs in this state, and improving the quality, continuity, and efficiency of health care and health care support systems in this state.

(C) In furtherance of the authority of the executive director of the office of health transformation under division (B) of this section, the executive director or the executive director's designee shall identify each health transformation initiative in this state that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of specifying each participating agency's role in coordinating, operating, or funding the initiative, or facilitating the exchange of data or other information for the initiative. The executive director shall publish a list of the identified health transformation initiatives on the internet web site maintained by the office of health transformation.

(D) For each health transformation initiative that is

identified under division (C) of this section, the executive 22511
director or the executive director's designee shall, in 22512
consultation with each participating agency, adopt one or more 22513
operating protocols. Notwithstanding any law enacted by the 22514
general assembly or rule adopted by a state agency, the provisions 22515
in a protocol shall supersede any provisions in an interagency 22516
agreement, including an interagency agreement entered into under 22517
section 5101.10 or ~~5111.91~~ 5162.35 of the Revised Code, that 22518
differ from the provisions of the protocol. 22519

(E)(1) An operating protocol adopted under division (D) of 22520
this section shall include both of the following: 22521

(a) All terms necessary to meet the requirements of "other 22522
arrangements" between a covered entity and a business associate 22523
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 22524

(b) If known, the date on which the protocol will terminate 22525
or expire. 22526

(2) In addition, a protocol may specify the extent to which 22527
each participating agency is responsible and accountable for 22528
completing the tasks necessary for successful completion of the 22529
initiative, including tasks relating to the following components 22530
of the initiative: 22531

(a) Workflow; 22532

(b) Funding; 22533

(c) Exchange of data or other information that is 22534
confidential pursuant to state or federal law. 22535

(F) An operating protocol adopted under division (D) of this 22536
section shall have the same force and effect as an interagency 22537
agreement or data sharing agreement, and each participating agency 22538
shall comply with it. 22539

~~(G) The director of job and family services shall determine 22540~~

~~whether a waiver of federal medicaid requirements or a medicaid
state plan amendment is necessary to fulfill the requirements of
this section. If the director determines a waiver or medicaid
state plan amendment is necessary, the director shall apply to the
United States secretary of health and human services for the
waiver or amendment.~~

Sec. 301.28. (A) As used in this section: 22547

(1) "Financial transaction device" includes a credit card, 22548
debit card, charge card, or prepaid or stored value card, or 22549
automated clearinghouse network credit, debit, or e-check entry 22550
that includes, but is not limited to, accounts receivable and 22551
internet-initiated, point of purchase, and telephone-initiated 22552
applications or any other device or method for making an 22553
electronic payment or transfer of funds. 22554

(2) "County expenses" includes fees, costs, taxes, 22555
assessments, fines, penalties, payments, or any other expense a 22556
person owes or otherwise pays to a county office under the 22557
authority of a county official, other than dog registration and 22558
kennel fees required to be paid under Chapter 955. of the Revised 22559
Code. "County expenses" includes payment to a county office of 22560
money confiscated during the commitment of an individual to a 22561
county jail, of bail, of money for a prisoner's inmate account, 22562
and of money for goods and services obtained by or for the use of 22563
an individual incarcerated by a county sheriff. 22564

(3) "County official" includes the county auditor, county 22565
treasurer, county engineer, county recorder, county prosecuting 22566
attorney, county sheriff, county coroner, county park district and 22567
board of county commissioners, the clerk of the probate court, the 22568
clerk of the juvenile court, the clerks of court for all divisions 22569
of the courts of common pleas, and the clerk of the court of 22570
common pleas, the clerk of a county-operated municipal court, and 22571

the clerk of a county court. 22572

The term "county expenses" includes county expenses owed to 22573
the board of health of the general health district or a combined 22574
health district in the county. If the board of county 22575
commissioners authorizes county expenses to be paid by financial 22576
transaction devices under this section, then the board of health 22577
and the general health district and the combined health district 22578
may accept payments by financial transaction devices under this 22579
section as if the board were a "county official" and the district 22580
were a county office. However, in the case of a general health 22581
district formed by unification of general health districts under 22582
section 3709.10 of the Revised Code, this entitlement applies only 22583
if all the boards of county commissioners of all counties in the 22584
district have authorized payments to be accepted by financial 22585
transaction devices. 22586

(B) Notwithstanding any other section of the Revised Code and 22587
except as provided in division (D) of this section, a board of 22588
county commissioners may adopt a resolution authorizing the 22589
acceptance of payments by financial transaction devices for county 22590
expenses. The resolution shall include the following: 22591

(1) A specification of those county officials who, and of the 22592
county offices under those county officials that, are authorized 22593
to accept payments by financial transaction devices; 22594

(2) A list of county expenses that may be paid for through 22595
the use of a financial transaction device; 22596

(3) Specific identification of financial transaction devices 22597
that the board authorizes as acceptable means of payment for 22598
county expenses. Uniform acceptance of financial transaction 22599
devices among different types of county expenses is not required. 22600

(4) The amount, if any, authorized as a surcharge or 22601
convenience fee under division (E) of this section for persons 22602

using a financial transaction device. Uniform application of 22603
surcharges or convenience fees among different types of county 22604
expenses is not required. 22605

(5) A specific provision as provided in division (G) of this 22606
section requiring the payment of a penalty if a payment made by 22607
means of a financial transaction device is returned or dishonored 22608
for any reason. 22609

The board's resolution shall also designate the county 22610
treasurer as an administrative agent to solicit proposals, within 22611
guidelines established by the board in the resolution and in 22612
compliance with the procedures provided in division (C) of this 22613
section, from financial institutions, issuers of financial 22614
transaction devices, and processors of financial transaction 22615
devices, to make recommendations about those proposals to the 22616
board, and to assist county offices in implementing the county's 22617
financial transaction devices program. The county treasurer may 22618
decline this responsibility within thirty days after receiving a 22619
copy of the board's resolution by notifying the board in writing 22620
within that period. If the treasurer so notifies the board, the 22621
board shall perform the duties of the administrative agent. 22622

If the county treasurer is the administrative agent and fails 22623
to administer the county financial transaction devices program in 22624
accordance with the guidelines in the board's resolution, the 22625
board shall notify the treasurer in writing of the board's 22626
findings, explain the failures, and give the treasurer six months 22627
to correct the failures. If the treasurer fails to make the 22628
appropriate corrections within that six-month period, the board 22629
may pass a resolution declaring the board to be the administrative 22630
agent. The board may later rescind that resolution at its 22631
discretion. 22632

(C) The county shall follow the procedures provided in this 22633
division whenever it plans to contract with financial 22634

institutions, issuers of financial transaction devices, or 22635
processors of financial transaction devices for the purposes of 22636
this section. The administrative agent shall request proposals 22637
from at least three financial institutions, issuers of financial 22638
transaction devices, or processors of financial transaction 22639
devices, as appropriate in accordance with the resolution adopted 22640
under division (B) of this section. Prior to sending any financial 22641
institution, issuer, or processor a copy of any such request, the 22642
county shall advertise its intent to request proposals in a 22643
newspaper of general circulation in the county once a week for two 22644
consecutive weeks or as provided in section 7.16 of the Revised 22645
Code. The notice shall state that the county intends to request 22646
proposals; specify the purpose of the request; indicate the date, 22647
which shall be at least ten days after the second publication, on 22648
which the request for proposals will be mailed to financial 22649
institutions, issuers, or processors; and require that any 22650
financial institution, issuer, or processor, whichever is 22651
appropriate, interested in receiving the request for proposals 22652
submit written notice of this interest to the county not later 22653
than noon of the day on which the request for proposals will be 22654
mailed. 22655

Upon receiving the proposals, the administrative agent shall 22656
review them and make a recommendation to the board of county 22657
commissioners on which proposals to accept. The board of county 22658
commissioners shall consider the agent's recommendation and review 22659
all proposals submitted, and then may choose to contract with any 22660
or all of the entities submitting proposals, as appropriate. The 22661
board shall provide any financial institution, issuer, or 22662
processor that submitted a proposal, but with which the board does 22663
not enter into a contract, notice that its proposal is rejected. 22664
The notice shall state the reasons for the rejection, indicate 22665
whose proposals were accepted, and provide a copy of the terms and 22666
conditions of the successful bids. 22667

(D) A board of county commissioners adopting a resolution 22668
under this section shall send a copy of the resolution to each 22669
county official in the county who is authorized by the resolution 22670
to accept payments by financial transaction devices. After 22671
receiving the resolution and before accepting payments by 22672
financial transaction devices, a county official shall provide 22673
written notification to the board of county commissioners of the 22674
official's intent to implement the resolution within the 22675
official's office. Each county office subject to the board's 22676
resolution adopted under division (B) of this section may use only 22677
the financial institutions, issuers of financial transaction 22678
devices, and processors of financial transaction devices with 22679
which the board of county commissioners contracts, and each such 22680
office is subject to the terms of those contracts. 22681

If a county office under the authority of a county official 22682
is directly responsible for collecting one or more county expenses 22683
and the county official determines not to accept payments by 22684
financial transaction devices for one or more of those expenses, 22685
the office shall not be required to accept payments by financial 22686
transaction devices, notwithstanding the adoption of a resolution 22687
by the board of county commissioners under this section. 22688

Any office of a clerk of the court of common pleas that 22689
accepts financial transaction devices on or before July 1, 1999, 22690
and any other county office that accepted such devices before 22691
January 1, 1998, may continue to accept such devices without being 22692
subject to any resolution passed by the board of county 22693
commissioners under division (B) of this section, or any other 22694
oversight by the board of the office's financial transaction 22695
devices program. Any such office may use surcharges or convenience 22696
fees in any manner the county official in charge of the office 22697
determines to be appropriate, and, if the county treasurer 22698
consents, may appoint the county treasurer to be the office's 22699

administrative agent for purposes of accepting financial 22700
transaction devices. In order not to be subject to the resolution 22701
of the board of county commissioners adopted under division (B) of 22702
this section, a county office shall notify the board in writing 22703
within thirty days after March 30, 1999, that it accepted 22704
financial transaction devices prior to January 1, 1998, or, in the 22705
case of the office of a clerk of the court of common pleas, the 22706
clerk has accepted or will accept such devices on or before July 22707
1, 1999. Each such notification shall explain how processing costs 22708
associated with financial transaction devices are being paid and 22709
shall indicate whether surcharge or convenience fees are being 22710
passed onto consumers. 22711

(E) A board of county commissioners may establish a surcharge 22712
or convenience fee that may be imposed upon a person making 22713
payment by a financial transaction device. The surcharge or 22714
convenience fee shall not be imposed unless authorized or 22715
otherwise permitted by the rules prescribed by an agreement 22716
governing the use and acceptance of the financial transaction 22717
device. 22718

If a surcharge or convenience fee is imposed, every county 22719
office accepting payment by a financial transaction device, 22720
regardless of whether that office is subject to a resolution 22721
adopted by a board of county commissioners, shall clearly post a 22722
notice in that office and shall notify each person making a 22723
payment by such a device about the surcharge or fee. Notice to 22724
each person making a payment shall be provided regardless of the 22725
medium used to make the payment and in a manner appropriate to 22726
that medium. Each notice shall include all of the following: 22727

(1) A statement that there is a surcharge or convenience fee 22728
for using a financial transaction device; 22729

(2) The total amount of the charge or fee expressed in 22730
dollars and cents for each transaction, or the rate of the charge 22731

or fee expressed as a percentage of the total amount of the 22732
transaction, whichever is applicable; 22733

(3) A clear statement that the surcharge or convenience fee 22734
is nonrefundable. 22735

(F) If a person elects to make a payment to the county by a 22736
financial transaction device and a surcharge or convenience fee is 22737
imposed, the payment of the surcharge or fee shall be considered 22738
voluntary and the surcharge or fee is not refundable. 22739

(G) If a person makes payment by financial transaction device 22740
and the payment is returned or dishonored for any reason, the 22741
person is liable to the county for payment of a penalty over and 22742
above the amount of the expense due. The board of county 22743
commissioners shall determine the amount of the penalty, which may 22744
be either a fee not to exceed twenty dollars or payment of the 22745
amount necessary to reimburse the county for banking charges, 22746
legal fees, or other expenses incurred by the county in collecting 22747
the returned or dishonored payment. The remedies and procedures 22748
provided in this section are in addition to any other available 22749
civil or criminal remedies provided by law. 22750

(H) No person making any payment by financial transaction 22751
device to a county office shall be relieved from liability for the 22752
underlying obligation except to the extent that the county 22753
realizes final payment of the underlying obligation in cash or its 22754
equivalent. If final payment is not made by the financial 22755
transaction device issuer or other guarantor of payment in the 22756
transaction, the underlying obligation shall survive and the 22757
county shall retain all remedies for enforcement that would have 22758
applied if the transaction had not occurred. 22759

(I) A county official or employee who accepts a financial 22760
transaction device payment in accordance with this section and any 22761
applicable state or local policies or rules is immune from 22762

personal liability for the final collection of such payments. 22763

Sec. 305.23. (A) As used in this section: 22764

(1) "County office" means the offices of the county 22765
commissioner, county auditor, county treasurer, county engineer, 22766
county recorder, county prosecuting attorney, county sheriff, 22767
county coroner, county park district, veterans service commission, 22768
clerk of the juvenile court, clerks of court for all divisions of 22769
the courts of common pleas, including the clerk of the court of 22770
common pleas, clerk of a county-operated municipal court, and 22771
clerk of a county court, and any agency, department, or division 22772
under the authority of, or receiving funding in whole or in part 22773
from, any of those county offices. 22774

(2) "Human resources" means any and all functions relating to 22775
human resource management, including civil service, employee 22776
benefits administration, collective bargaining, labor relations, 22777
risk management, workers' compensation, unemployment compensation, 22778
and any human resource management function required by state or 22779
federal law, but "human resources" does not authorize a board of 22780
county commissioners to adopt a resolution establishing a 22781
centralized human resource service that requires any county office 22782
to conform to any classification and compensation plan, position 22783
descriptions, or organizational structure; to determine the rate 22784
of compensation of any employee appointed by the appointing 22785
authority of a county office or the salary ranges for positions of 22786
a county office within the aggregate limits set in the 22787
appropriation resolution of the board of county commissioners; to 22788
determine the number of or the terms of employment of any employee 22789
appointed by the appointing authority of a county office within 22790
the aggregate limits set in the board's appropriation resolution; 22791
or to exercise powers relating to the hiring, qualifications, 22792
evaluation, suspension, demotion, disciplinary action, layoff, 22793

furloughing, establishment of a modified work-week schedule, or 22794
the termination of any employee appointed by the appointing 22795
authority of any county office. 22796

(B) Subject to division (C) of this section, a board of 22797
county commissioners may adopt a resolution establishing 22798
centralized purchasing, printing, transportation, vehicle 22799
maintenance, human resources, revenue collection, and mail 22800
operation services for a county office. Before adopting a 22801
resolution under this section, the board of county commissioners, 22802
in a written notice, shall inform any other county office that 22803
will be impacted by the resolution of the board's desire to 22804
establish a centralized service or services. The written notice 22805
shall include a statement that provides the rationale and the 22806
estimated savings anticipated for centralizing a service or 22807
services. In addition, the board may request any other county 22808
office to serve as the agent and responsible party for 22809
administering a centralized service or services. That county 22810
office may enter into an agreement with the board of county 22811
commissioners to administer the centralized service or services 22812
under such terms and conditions as are included in the agreement, 22813
but nothing in this section authorizes the board of county 22814
commissioners to require a county office to serve as the agent and 22815
responsible party for administering a centralized service or 22816
services at the board's request. 22817

A resolution establishing a centralized service or services 22818
shall specify all of the following: 22819

(1) The name of the county office that will be the agent and 22820
responsible party for administering a centralized service or 22821
services, and if the agent and responsible party is not the board 22822
of county commissioners, the designation of the county office that 22823
has entered into an agreement under division (B) of this section 22824
with the board to be the agent and responsible party; 22825

(2) Which county offices are required to use the centralized services;	22826 22827
(3) If not all of the centralized services, which centralized service each county office must use;	22828 22829
(4) A list of rates and charges the county office shall pay for the centralized services;	22830 22831
(5) The date upon which each county office specified in the resolution shall begin using the centralized services.	22832 22833
Not later than ten days after a resolution is adopted under this section, the clerk of the board of county commissioners shall send a copy of the resolution to each county office that is specified in the resolution.	22834 22835 22836 22837
(C) A board of county commissioners shall not adopt a resolution that establishes a centralized service or services regarding any of the following:	22838 22839 22840
(1) Purchases made for contract services with moneys from the special fund designated as "general county recorder's technology fund moneys to supplement the equipment needs of the county recorder" <u>established</u> under section 317.321 of the Revised Code or from the funds that are paid out of the general fund of the county under sections 325.071 and 325.12 of the Revised Code;	22841 22842 22843 22844 22845 22846
(2) Purchases made with moneys from the real estate assessment fund established under section 325.31 of the Revised Code;	22847 22848 22849
(3) Purchases of financial software used by the county auditor;	22850 22851
(4) The printing of county property tax bills;	22852
(5) The collection of any taxes, assessments, and fees the county treasurer is required by law to collect;	22853 22854
(6) Purchases of software used by the county recorder.	22855

(D) Nothing in this section authorizes the board of county commissioners to have control or authority over funds that are received directly by a county office under another section of the Revised Code, or to control, or have authority regarding, the expenditure or use of such funds.

Sec. 306.35. Upon the creation of a regional transit authority as provided by section 306.32 of the Revised Code, and upon the qualifying of its board of trustees and the election of a president and a vice-president, the authority shall exercise in its own name all the rights, powers, and duties vested in and conferred upon it by sections 306.30 to 306.53 of the Revised Code. Subject to any reservations, limitations, and qualifications that are set forth in those sections, the regional transit authority:

(A) May sue or be sued in its corporate name;

(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it;

(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity of any instrument;

(D)(1) May adopt, amend, and repeal bylaws for the administration of its affairs and rules for the control of the administration and operation of transit facilities under its jurisdiction, and for the exercise of all of its rights of ownership in those transit facilities;

(2) The regional transit authority also may adopt bylaws and rules for the following purposes:

(a) To prohibit selling, giving away, or using any beer or intoxicating liquor on transit vehicles or transit property;

(b) For the preservation of good order within or on transit vehicles or transit property;	22886 22887
(c) To provide for the protection and preservation of all property and life within or on transit vehicles or transit property;	22888 22889 22890
(d) To regulate and enforce the collection of fares.	22891
(3) Before a bylaw or rule adopted under division (D)(2) of this section takes effect, the regional transit authority shall provide for a notice of its adoption to be published once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code.	22892 22893 22894 22895 22896 22897
(4) No person shall violate any bylaw or rule of a regional transit authority adopted under division (D)(2) of this section.	22898 22899
(E) May fix, alter, and collect fares, rates, and rentals and other charges for the use of transit facilities under its jurisdiction to be determined exclusively by it for the purpose of providing for the payment of the expenses of the regional transit authority, the acquisition, construction, improvement, extension, repair, maintenance, and operation of transit facilities under its jurisdiction, the payment of principal and interest on its obligations, and to fulfill the terms of any agreements made with purchasers or holders of any such obligations, or with any person or political subdivision;	22900 22901 22902 22903 22904 22905 22906 22907 22908 22909
(F) Shall have jurisdiction, control, possession, and supervision of all property, rights, easements, licenses, moneys, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to it;	22910 22911 22912 22913 22914
(G)(1) Except as provided in division (G)(2) of this section, may acquire, construct, improve, extend, repair, lease, operate,	22915 22916

maintain, or manage transit facilities within or without its 22917
territorial boundaries, considered necessary to accomplish the 22918
purposes of its organization and make charges for the use of 22919
transit facilities. 22920

(2) ~~Beginning on July 1, 2011, a~~ A regional transit authority 22921
shall not ~~extend its service or facilities into a political~~ 22922
~~subdivision~~ acquire, construct, improve, extend, repair, lease, 22923
operate, maintain, or manage transit facilities outside ~~the~~ its 22924
territorial boundaries ~~of the authority without giving prior~~ 22925
until: 22926

(a) It has provided written notice of its proposed action to 22927
the legislative authority of ~~the~~ any political subdivision. ~~The~~ 22928
~~legislative authority shall have thirty days after receiving the~~ 22929
~~notice to comment on the proposal~~ in which the action of the 22930
regional transit authority is proposed to take place; and 22931

(b) It has received from each such affected political 22932
subdivision an agreement containing the terms and conditions for 22933
the regional transit authority action. 22934

(H) May levy and collect taxes as provided in sections 306.40 22935
and 306.49 of the Revised Code; 22936

(I) May issue bonds secured by its general credit as provided 22937
in section 306.40 of the Revised Code; 22938

(J) May hold, encumber, control, acquire by donation, by 22939
purchase for cash or by installment payments, by lease-purchase 22940
agreement, by lease with option to purchase, or by condemnation, 22941
and may construct, own, lease as lessee or lessor, use, and sell, 22942
real and personal property, or any interest or right in real and 22943
personal property, within or without its territorial boundaries, 22944
for the location or protection of transit facilities and 22945
improvements and access to transit facilities and improvements, 22946
the relocation of buildings, structures, and improvements situated 22947

on lands acquired by the regional transit authority, or for any 22948
other necessary purpose, or for obtaining or storing materials to 22949
be used in constructing, maintaining, and improving transit 22950
facilities under its jurisdiction; 22951

(K) May exercise the power of eminent domain to acquire 22952
property or any interest in property, within or without its 22953
territorial boundaries, that is necessary or proper for the 22954
construction or efficient operation of any transit facility or 22955
access to any transit facility under its jurisdiction in 22956
accordance with section 306.36 of the Revised Code; 22957

(L) May provide by agreement with any county, including the 22958
counties within its territorial boundaries, or any municipal 22959
corporation or any combination of counties or municipal 22960
corporations for the making of necessary surveys, appraisals, and 22961
examinations preliminary to the acquisition or construction of any 22962
transit facility and the amount of the expense for the surveys, 22963
appraisals, and examinations to be paid by each such county or 22964
municipal corporation; 22965

(M) May provide by agreement with any county, including the 22966
counties within its territorial boundaries, or any municipal 22967
corporation or any combination of those counties or municipal 22968
corporations for the acquisition, construction, improvement, 22969
extension, maintenance, or operation of any transit facility owned 22970
or to be owned and operated by it or owned or to be owned and 22971
operated by any such county or municipal corporation and the terms 22972
on which it shall be acquired, leased, constructed, maintained, or 22973
operated, and the amount of the cost and expense of the 22974
acquisition, lease, construction, maintenance, or operation to be 22975
paid by each such county or municipal corporation; 22976

(N) May issue revenue bonds for the purpose of acquiring, 22977
replacing, improving, extending, enlarging, or constructing any 22978
facility or permanent improvement that it is authorized to 22979

acquire, replace, improve, extend, enlarge, or construct, 22980
including all costs in connection with and incidental to the 22981
acquisition, replacement, improvement, extension, enlargement, or 22982
construction, and their financing, as provided by section 306.37 22983
of the Revised Code; 22984

(O) May enter into and supervise franchise agreements for the 22985
operation of a transit system; 22986

(P) May accept the assignment of and supervise an existing 22987
franchise agreement for the operation of a transit system; 22988

(Q) May exercise a right to purchase a transit system in 22989
accordance with the acquisition terms of an existing franchise 22990
agreement; and in connection with the purchase the regional 22991
transit authority may issue revenue bonds as provided by section 22992
306.37 of the Revised Code or issue bonds secured by its general 22993
credit as provided in section 306.40 of the Revised Code; 22994

(R) May apply for and accept grants or loans from the United 22995
States, the state, or any other public body for the purpose of 22996
providing for the development or improvement of transit 22997
facilities, mass transportation facilities, equipment, techniques, 22998
methods, or services, and grants or loans needed to exercise a 22999
right to purchase a transit system pursuant to agreement with the 23000
owner of those transit facilities, or for providing lawful 23001
financial assistance to existing transit systems; and may provide 23002
any consideration that may be required in order to obtain those 23003
grants or loans from the United States, the state, or other public 23004
body, either of which grants or loans may be evidenced by the 23005
issuance of revenue bonds as provided by section 306.37 of the 23006
Revised Code or general obligation bonds as provided by section 23007
306.40 of the Revised Code; 23008

(S) May employ and fix the compensation of consulting 23009
engineers, superintendents, managers, and such other engineering, 23010

construction, accounting and financial experts, attorneys, and 23011
other employees and agents necessary for the accomplishment of its 23012
purposes; 23013

(T) May procure insurance against loss to it by reason of 23014
damages to its properties resulting from fire, theft, accident, or 23015
other casualties or by reason of its liability for any damages to 23016
persons or property occurring in the construction or operation of 23017
transit facilities under its jurisdiction or the conduct of its 23018
activities; 23019

(U) May maintain funds that it considers necessary for the 23020
efficient performance of its duties; 23021

(V) May direct its agents or employees, when properly 23022
identified in writing, after at least five days' written notice, 23023
to enter upon lands within or without its territorial boundaries 23024
in order to make surveys and examinations preliminary to the 23025
location and construction of transit facilities, without liability 23026
to it or its agents or employees except for actual damage done; 23027

(W) On its own motion, may request the appropriate zoning 23028
board, as defined in section 4563.03 of the Revised Code, to 23029
establish and enforce zoning regulations pertaining to any transit 23030
facility under its jurisdiction in the manner prescribed by 23031
sections 4563.01 to 4563.21 of the Revised Code; 23032

(X) If it acquires any existing transit system, shall assume 23033
all the employer's obligations under any existing labor contract 23034
between the employees and management of the system. If the board 23035
acquires, constructs, controls, or operates any such facilities, 23036
it shall negotiate arrangements to protect the interests of 23037
employees affected by the acquisition, construction, control, or 23038
operation. The arrangements shall include, but are not limited to: 23039

(1) The preservation of rights, privileges, and benefits 23040
under existing collective bargaining agreements or otherwise, the 23041

preservation of rights and benefits under any existing pension plans covering prior service, and continued participation in social security in addition to participation in the public employees retirement system as required in Chapter 145. of the Revised Code;

(2) The continuation of collective bargaining rights;

(3) The protection of individual employees against a worsening of their positions with respect to their employment;

(4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off;

(5) Paid training or retraining programs;

(6) Signed written labor agreements.

The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.

(Y) May provide for and maintain security operations, including a transit police department, subject to section 306.352 of the Revised Code. Regional transit authority police officers shall have the power and duty to act as peace officers within transit facilities owned, operated, or leased by the transit authority to protect the transit authority's property and the person and property of passengers, to preserve the peace, and to enforce all laws of the state and ordinances and regulations of political subdivisions in which the transit authority operates. Regional transit authority police officers also shall have the power and duty to act as peace officers when they render emergency assistance outside their jurisdiction to any other peace officer who is not a regional transit authority police officer and who has arrest authority under section 2935.03 of the Revised Code. Regional transit authority police officers may render emergency assistance if there is a threat of imminent physical danger to the

peace officer, a threat of physical harm to another person, or any other serious emergency situation and if either the peace officer who is assisted requests emergency assistance or it appears that the peace officer who is assisted is unable to request emergency assistance and the circumstances observed by the regional transit authority police officer reasonably indicate that emergency assistance is appropriate.

Before exercising powers of arrest and the other powers and duties of a peace officer, each regional transit authority police officer shall take an oath and give bond to the state in a sum that the board of trustees prescribes for the proper performance of the officer's duties.

Persons employed as regional transit authority police officers shall complete training for the position to which they have been appointed as required by the Ohio peace officer training commission as authorized in section 109.77 of the Revised Code, or be otherwise qualified. The cost of the training shall be provided by the regional transit authority.

(Z) May procure a policy or policies insuring members of its board of trustees against liability on account of damages or injury to persons and property resulting from any act or omission of a member in the member's official capacity as a member of the board or resulting solely out of the member's membership on the board;

(AA) May enter into any agreement for the sale and leaseback or lease and leaseback of transit facilities, which agreement may contain all necessary covenants for the security and protection of any lessor or the regional transit authority including, but not limited to, indemnification of the lessor against the loss of anticipated tax benefits arising from acts, omissions, or misrepresentations of the regional transit authority. In connection with that transaction, the regional transit authority

may contract for insurance and letters of credit and pay any 23105
premiums or other charges for the insurance and letters of credit. 23106
The fiscal officer shall not be required to furnish any 23107
certificate under section 5705.41 of the Revised Code in 23108
connection with the execution of any such agreement. 23109

(BB) In regard to any contract entered into on or after March 23110
19, 1993, for the rendering of services or the supplying of 23111
materials or for the construction, demolition, alteration, repair, 23112
or reconstruction of transit facilities in which a bond is 23113
required for the faithful performance of the contract, may permit 23114
the person awarded the contract to utilize a letter of credit 23115
issued by a bank or other financial institution in lieu of the 23116
bond; 23117

(CC) May enter into agreements with municipal corporations 23118
located within the territorial jurisdiction of the regional 23119
transit authority permitting regional transit authority police 23120
officers employed under division (Y) of this section to exercise 23121
full arrest powers, as provided in section 2935.03 of the Revised 23122
Code, for the purpose of preserving the peace and enforcing all 23123
laws of the state and ordinances and regulations of the municipal 23124
corporation within the areas that may be agreed to by the regional 23125
transit authority and the municipal corporation. 23126

Sec. 307.07. (A) The board of county commissioners, by 23127
resolution, may create an office of economic development, to 23128
develop and promote plans and programs designed to assure that 23129
county resources are efficiently used, economic growth is properly 23130
balanced, and that county economic development is coordinated with 23131
that of the state and other local governments. For this purpose, 23132
the board may appropriate moneys from the county general fund, or, 23133
pursuant to section 307.64 of the Revised Code, moneys derived 23134
from a tax levied pursuant to division (EE) of section 5705.19 of 23135

the Revised Code, for the creation and operation of the office 23136
for, any economic development purpose of the office, and to 23137
provide for the establishment and operation of a program of 23138
economic development, including in support of a county land 23139
reutilization corporation organized under Chapter 1724. of the 23140
Revised Code. The board may hire a director of economic 23141
development, who shall be a member of the unclassified civil 23142
service, and fix the director's compensation; or may do any of the 23143
following: 23144

(1) Enter into an agreement with a county planning commission 23145
within the county, created under section 713.22 of the Revised 23146
Code, or a regional planning commission, created under section 23147
713.21 of the Revised Code, regardless of whether the county is a 23148
member of the commission, to carry out all of the functions and 23149
duties of a director of economic development under division (B) of 23150
this section. Any agreement shall set forth the procedure by which 23151
the county or regional planning commission shall gain the approval 23152
of the board of county commissioners for any actions, functions, 23153
and duties under division (B) of this section. Any agreement may 23154
continue in effect for a period of one to three years and may be 23155
renewed with the consent of all parties. The civil service status 23156
of planning commission staff shall not be affected by any 23157
agreement under this division. 23158

(2) Enter into an agreement with ~~the Ohio cooperative~~ OSU 23159
extension ~~service~~, providing for the use of employees hired by the 23160
Ohio state university under section 3335.36 of the Revised Code to 23161
carry out all of the functions and duties of a director of 23162
economic development under division (B) of this section. Any 23163
agreement shall set forth the procedure by which ~~the Ohio~~ 23164
~~cooperative~~ OSU extension ~~service~~ shall gain the approval of the 23165
board of county commissioners for any actions, functions, and 23166
duties under division (B) of this section. Any agreement may 23167

continue in effect for a period of one to three years and may be 23168
renewed with the consent of all parties. The employment 23169
classification of ~~Ohio cooperative~~ OSU extension ~~service~~ employees 23170
shall not be affected by any agreement under this division. 23171

Any moneys appropriated by the board of county commissioners 23172
to execute an agreement for the provision of services pursuant to 23173
this section by ~~the Ohio cooperative~~ OSU extension ~~service~~ shall 23174
be paid to the Ohio state university to the credit of the ~~Ohio~~ 23175
~~cooperative~~ OSU extension ~~service~~ fund created under section 23176
3335.35 of the Revised Code. 23177

(3) Enter into an agreement with a public or private 23178
nonprofit organization to carry out all of the functions and 23179
duties of a director of economic development under division (B) of 23180
this section. The agreement shall set forth the procedure by which 23181
the nonprofit organization shall gain the approval of the board of 23182
county commissioners for any actions, functions, and duties under 23183
that division. The agreement may continue in effect for a period 23184
of one to three years and may be renewed with the consent of all 23185
parties. The employment classification of the nonprofit 23186
organization's employees shall not be affected by an agreement 23187
under this division. 23188

(B) The director of economic development may: 23189

(1) With the approval of the board, hire such staff and 23190
employ such technical and advisory personnel as the director sees 23191
fit to enable the director to carry out the functions and duties 23192
of the office; 23193

(2) With the approval of the board, contract for services 23194
necessary to enable the director to carry out the functions and 23195
duties of the office; 23196

(3) With the approval of the board, enter into agreements 23197
with federal, state, and local governments and agencies thereof, 23198

and with public, private, or nonprofit organizations to carry out	23199
the functions and duties of the office;	23200
(4) Maintain membership in development organizations;	23201
(5) With the approval of the board, make loans or grants and	23202
provide other forms of financial assistance for the purpose of	23203
economic development, including financial assistance for permanent	23204
public improvements, in compliance with applicable laws of this	23205
state, and fix the rate of interest and charges to be made for	23206
such financial assistance;	23207
(6) With the approval of the board, receive and accept	23208
grants, gifts, and contributions of money, property, labor, and	23209
other things of value, to be held, used, and applied only for the	23210
purpose for which they are made, from individuals, private and	23211
public corporations, the United States government or any agency	23212
thereof, from the state or any agency thereof, or from any	23213
political subdivision or any agency thereof, and may agree to	23214
repay any contribution of money or return any property contributed	23215
or the value thereof in amounts, and on terms and conditions,	23216
excluding the payment of interest, as the director determines, and	23217
may evidence the obligations by written evidence;	23218
(7) Establish with the board any funds that are necessary for	23219
the deposit and disbursement of gifts or contributions of money	23220
accepted for economic development purposes;	23221
(8) With the approval of the board, design, implement,	23222
monitor, oversee, and evaluate economic development plans,	23223
programs, strategies, and policies;	23224
(9) Purchase real property to convey to a county land	23225
reutilization corporation to be used in accordance with its public	23226
purposes;	23227
(10) Perform all acts necessary to fulfill the functions and	23228
duties of the office.	23229

(C) The boards of county commissioners of two or more 23230
counties, by resolution, may create a joint office of economic 23231
development for the purposes set forth in division (A) of this 23232
section. The counties participating in a joint office of economic 23233
development shall enter into an agreement that sets forth the 23234
contribution of funds, services, and property to the joint office 23235
from each participating county; establishes the person, public 23236
agency, or nonprofit organization that shall carry out the 23237
functions and duties of the office; and discloses any other terms 23238
by which the joint office shall operate. 23239

The boards of county commissioners of counties participating 23240
in a joint office of economic development may appropriate moneys 23241
from their respective county general funds, or, pursuant to 23242
section 307.64 of the Revised Code, moneys derived from a tax 23243
levied pursuant to division (EE) of section 5705.19 of the Revised 23244
Code, for the creation and operation of the joint office, for any 23245
economic development purpose of the office, and to provide for the 23246
establishment and operation of a program of economic development. 23247
The participating counties may hire a director of economic 23248
development for the joint office or enter into an agreement with a 23249
public agency or nonprofit organization in a manner set forth in 23250
division (A) of this section to carry out the functions and duties 23251
set forth in division (B) of this section. 23252

Any agreement establishing a joint office of economic 23253
development shall set forth the procedure by which the person, 23254
public agency, or nonprofit organization carrying out the 23255
functions and duties of the office shall gain the approval of the 23256
participating boards of county commissioners for any actions, 23257
functions, and duties under division (B) of this section. 23258

(D) As used in this section, "economic development" has the 23259
same meaning as in section 307.64 of the Revised Code. 23260

Sec. 307.674. (A) As used in this section:	23261
(1) "Bonds" means:	23262
(a) Revenue bonds of the port authority described in division	23263
(B)(2)(a) of this section;	23264
(b) Securities as defined in division (KK) of section 133.01	23265
of the Revised Code issued by the host municipal corporation,	23266
described in division (B)(3)(a) of this section;	23267
(c) Any bonds issued to refund any of those revenue bonds or	23268
securities.	23269
(2) "Corporation" means a nonprofit corporation that is	23270
organized under the laws of this state and that includes within	23271
the purposes for which it is incorporated the authorization to	23272
lease and operate facilities such as a port authority educational	23273
and cultural performing arts facility.	23274
(3) "Cost," as applied to a port authority educational and	23275
cultural performing arts facility, means the cost of acquiring,	23276
constructing, renovating, rehabilitating, equipping, or improving	23277
the facility, or any combination of those purposes, collectively	23278
referred to in this section as "construction," and the cost of	23279
acquisition of all land, rights of way, property rights,	23280
easements, franchise rights, and interests required for those	23281
purposes, the cost of demolishing or removing any buildings or	23282
structures on land so acquired, including the cost of acquiring	23283
any land to which those buildings or structures may be moved, the	23284
cost of public utility and common carrier relocation or	23285
duplication, the cost of all machinery, furnishings, and	23286
equipment, financing charges, interest prior to and during	23287
construction and for not more than three years after completion of	23288
construction, costs arising under guaranty agreements,	23289
reimbursement agreements, or other credit enhancement agreements	23290

relating to bonds, engineering, expenses of research and 23291
development with respect to such facility, legal expenses, plans, 23292
specifications, surveys, studies, estimates of costs and revenues, 23293
other expenses necessary or incident to determining the 23294
feasibility or practicability of acquiring or constructing the 23295
facility, administrative expense, and other expenses as may be 23296
necessary or incident to that acquisition or construction and the 23297
financing of such acquisition or construction, including, with 23298
respect to the revenue bonds of a port authority, amounts to be 23299
paid into any special funds from the proceeds of those bonds, and 23300
repayments to the port authority, host county, host municipal 23301
corporation, or corporation of any amounts advanced for the 23302
foregoing purposes. 23303

(4) "Debt service charges" means, for any period or payable 23304
at any time, the principal of and interest and any premium due on 23305
bonds for that period or payable at that time whether due at 23306
maturity or upon mandatory redemption, together with any required 23307
deposits to reserves for the payment of principal of and interest 23308
on those bonds, and includes any payments required by the port 23309
authority to satisfy any of its obligations under or arising from 23310
any guaranty agreements, reimbursement agreements, or other credit 23311
enhancement agreements described in division (C) of this section. 23312

(5) "Host county" means the county within the boundaries of 23313
which the port authority educational and cultural performing arts 23314
facility is or will be located. 23315

(6) "Host municipal corporation" means the municipal 23316
corporation within the boundaries of which the port authority 23317
educational and cultural performing arts facility is or will be 23318
located. 23319

(7) "Port authority" means a port authority created pursuant 23320
to section 4582.22 of the Revised Code. 23321

(8) "Port authority educational and cultural performing arts facility" means a facility that consists of a center for music or other performing arts, a theater or other facilities to provide programs of an educational, recreational, or cultural nature, or any combination of those purposes as determined by the parties to the cooperative agreement for which provision is made in division (B) of this section to fulfill the public educational, recreational, and cultural purposes set forth therein, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(B) A host county, a host municipal corporation, and a port authority may enter into a cooperative agreement with a corporation under which, as further provided for in that agreement:

(1) The host county may agree to do any or all of the following:

(a) Levy and collect a tax under division (E) and division (F) of section 5739.09 of the Revised Code for the purposes, and in an amount sufficient for those purposes, described in divisions (B)(1)(b) and (c) of this section;

(b) Pay to the port authority all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be used to pay a portion of the costs of acquiring, constructing, renovating, rehabilitating, equipping, or improving the port authority educational and cultural performing arts facility;

(c) Pledge and pay to the corporation all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be

used to pay a portion of the costs to the corporation of leasing 23353
the port authority educational and cultural performing arts 23354
facility from the port authority. 23355

(2) The port authority may agree to do any or all of the 23356
following: 23357

(a) Issue its revenue bonds pursuant to section 4582.48 of 23358
the Revised Code for the purpose of paying all or a portion of the 23359
costs of the port authority educational and cultural performing 23360
arts facility; 23361

(b) Acquire, construct, renovate, rehabilitate, equip, and 23362
improve the port authority educational and cultural performing 23363
arts facility; 23364

(c) Lease the port authority educational and cultural 23365
performing arts facility to the corporation; 23366

(d) To the extent provided for in the cooperative agreement 23367
or the lease to the corporation, authorize the corporation to 23368
administer on behalf of the port authority the contracts for 23369
acquiring, constructing, renovating, rehabilitating, or equipping 23370
the port authority educational and cultural performing arts 23371
facility; 23372

(e) Use the revenue derived from the lease of the port 23373
authority educational and cultural performing arts facility to the 23374
corporation solely to pay debt service charges on revenue bonds of 23375
the port authority issued pursuant to division (B)(2)(a) of this 23376
section and to pay its obligations under or arising from any 23377
guaranty agreements, reimbursement agreements, or other credit 23378
enhancement agreements provided for in this section. 23379

(3) The host municipal corporation may agree to do either or 23380
both of the following: 23381

(a) Issue its bonds for the purpose of paying all or a 23382

portion of the costs of the port authority educational and 23383
cultural performing arts facility, and pay the proceeds from the 23384
issuance to the port authority for that purpose; 23385

(b) Enter into a guaranty agreement, a reimbursement 23386
agreement, or other credit enhancement agreement with the port 23387
authority to provide a guaranty or other credit enhancement of the 23388
port authority revenue bonds referred to in division (B)(2)(a) of 23389
this section pledging taxes, other than ad valorem property taxes, 23390
or other revenues for the purpose of providing the funds required 23391
to satisfy the host municipal corporation's obligations under that 23392
agreement. 23393

The cooperative agreement may provide that the proceeds of 23394
such securities or of such guaranty agreement, reimbursement 23395
agreement, or other credit enhancement agreement be deposited with 23396
and administered by the trustee pursuant to the trust agreement 23397
authorized in division (C) of this section. 23398

(4) The corporation may agree to do any or all of the 23399
following: 23400

(a) Lease the port authority educational and cultural 23401
performing arts facility from the port authority; 23402

(b) Operate and maintain the port authority educational and 23403
cultural performing arts facility pursuant to the lease; 23404

(c) To the extent provided for in the cooperative agreement 23405
or the lease from the port authority, administer on behalf of the 23406
port authority the contracts for acquiring, constructing, 23407
renovating, rehabilitating, or equipping the port authority 23408
educational and cultural performing arts facility. 23409

(C) The pledge and payments referred to in divisions 23410
(B)(1)(b) and (c) of this section and provided for in the 23411
cooperative agreement shall be for the period stated in the 23412
cooperative agreement but shall not extend longer than the period 23413

necessary to provide for the final retirement of the port 23414
authority revenue bonds referred to in division (B)(2)(a) of this 23415
section, and for the satisfaction by the port authority of any of 23416
its obligations under or arising from any guaranty agreements, 23417
reimbursement agreements, or other credit enhancement agreements 23418
relating to those bonds or to the revenues pledged to them. The 23419
cooperative agreement shall provide for the termination of the 23420
cooperative agreement, including the pledge and payment referred 23421
to in division (B)(1)(c) of this section, if the port authority 23422
revenue bonds referred to in division (B)(2)(a) of this section 23423
have not been issued, sold, and delivered within five years of the 23424
effective date of the cooperative agreement. 23425

The cooperative agreement shall provide that any port 23426
authority revenue bonds shall be secured by a trust agreement 23427
between the port authority and a corporate trustee that is a trust 23428
company or bank having the powers of a trust company within or 23429
outside the state but authorized to exercise trust powers within 23430
the state. The host county may be a party to that trust agreement 23431
for the purpose of better securing the pledge by the host county 23432
of its payment to the corporation pursuant to division (B)(1)(c) 23433
of this section. A tax levied pursuant to section 5739.09 of the 23434
Revised Code for the purposes specified in division (B)(1)(b) or 23435
(c) of this section is not subject to diminution by initiative or 23436
referendum or diminution by statute, unless provision is made for 23437
an adequate substitute reasonably satisfactory to the trustee 23438
under the trust agreement that secures the port authority revenue 23439
bonds. 23440

(D) A pledge of money by a host county under this section 23441
shall not be net indebtedness of the host county for purposes of 23442
section 133.07 of the Revised Code. A guaranty or other credit 23443
enhancement by a host municipal corporation under this section 23444
shall not be net indebtedness of the host municipal corporation 23445

for purposes of section 133.05 of the Revised Code. 23446

(E) If the terms of the cooperative agreement so provide, any 23447
contract for the acquisition, construction, renovation, 23448
rehabilitation, equipping, or improving of a port authority 23449
educational and cultural performing arts facility shall be made in 23450
such manner as is determined by the board of directors of the port 23451
authority, and unless the cooperative agreement provides 23452
otherwise, such a contract is not subject to division (R)(2) of 23453
section 4582.31 of the Revised Code. The port authority may take 23454
the assignment of and assume any contracts for the acquisition, 23455
construction, renovation, rehabilitation, equipping, or improving 23456
of a port authority educational and cultural performing arts 23457
facility that had previously been authorized by any of the host 23458
county, the host municipality, or the corporation. Such contracts 23459
are not subject to division (R)(2) of section 4582.31 of the 23460
Revised Code. 23461

Any contract for the acquisition, construction, renovation, 23462
rehabilitation, equipping, or improving of a port authority 23463
educational and cultural performing arts facility entered into, 23464
assigned, or assumed pursuant to this division shall provide that 23465
all laborers and mechanics employed for the acquisition, 23466
construction, renovation, rehabilitation, equipping, or improving 23467
of that facility shall be paid at the prevailing rates of wages of 23468
laborers and mechanics for the class of work called for by the 23469
port authority educational and cultural performing arts facility, 23470
which wages shall be determined in accordance with the 23471
requirements of Chapter 4115. of the Revised Code for the 23472
determination of prevailing wage rates. 23473

Notwithstanding any provisions to the contrary in section 23474
~~3383.07~~ 123.281 of the Revised Code, construction services and 23475
general building services for a port authority educational and 23476
cultural performing arts facility funded completely or in part 23477

with money appropriated by the state to the Ohio ~~cultural~~ 23478
facilities construction commission may be provided by a port 23479
authority or a corporation that occupies, will occupy, or is 23480
responsible for that facility, as determined by the commission. 23481
The construction services and general building services to be 23482
provided by the port authority or the corporation shall be 23483
specified in an agreement between the commission and the port 23484
authority or corporation. That agreement, or any actions taken 23485
under it, are not subject to Chapters 123. or 153. of the Revised 23486
Code, but are subject to Chapter 4115. of the Revised Code. 23487

Sec. 307.86. Anything to be purchased, leased, leased with an 23488
option or agreement to purchase, or constructed, including, but 23489
not limited to, any product, structure, construction, 23490
reconstruction, improvement, maintenance, repair, or service, 23491
except the services of an accountant, architect, attorney at law, 23492
physician, professional engineer, construction project manager, 23493
consultant, surveyor, or appraiser, by or on behalf of the county 23494
or contracting authority, as defined in section 307.92 of the 23495
Revised Code, at a cost in excess of fifty thousand dollars, 23496
except as otherwise provided in division (D) of section 713.23 and 23497
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 23498
307.861, 339.05, 340.03, ~~340.033~~, 4115.31 to 4115.35, ~~5119.16~~ 23499
5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised 23500
Code, shall be obtained through competitive bidding. However, 23501
competitive bidding is not required when any of the following 23502
applies: 23503

(A) The board of county commissioners, by a unanimous vote of 23504
its members, makes a determination that a real and present 23505
emergency exists, and that determination and the reasons for it 23506
are entered in the minutes of the proceedings of the board, when 23507
either of the following applies: 23508

(1) The estimated cost is less than one hundred thousand 23509
dollars. 23510

(2) There is actual physical disaster to structures, radio 23511
communications equipment, or computers. 23512

For purposes of this division, "unanimous vote" means all 23513
three members of a board of county commissioners when all three 23514
members are present, or two members of the board if only two 23515
members, constituting a quorum, are present. 23516

Whenever a contract of purchase, lease, or construction is 23517
exempted from competitive bidding under division (A)(1) of this 23518
section because the estimated cost is less than one hundred 23519
thousand dollars, but the estimated cost is fifty thousand dollars 23520
or more, the county or contracting authority shall solicit 23521
informal estimates from no fewer than three persons who could 23522
perform the contract, before awarding the contract. With regard to 23523
each such contract, the county or contracting authority shall 23524
maintain a record of such estimates, including the name of each 23525
person from whom an estimate is solicited. The county or 23526
contracting authority shall maintain the record for the longer of 23527
at least one year after the contract is awarded or the amount of 23528
time the federal government requires. 23529

(B)(1) The purchase consists of supplies or a replacement or 23530
supplemental part or parts for a product or equipment owned or 23531
leased by the county, and the only source of supply for the 23532
supplies, part, or parts is limited to a single supplier. 23533

(2) The purchase consists of services related to information 23534
technology, such as programming services, that are proprietary or 23535
limited to a single source. 23536

(C) The purchase is from the federal government, the state, 23537
another county or contracting authority of another county, or a 23538
board of education, educational service center, township, or 23539

municipal corporation. 23540

(D) The purchase is made by a county department of job and 23541
family services under section 329.04 of the Revised Code and 23542
consists of family services duties or workforce development 23543
activities or is made by a county board of developmental 23544
disabilities under section 5126.05 of the Revised Code and 23545
consists of program services, such as direct and ancillary client 23546
services, child care, case management services, residential 23547
services, and family resource services. 23548

(E) The purchase consists of criminal justice services, 23549
social services programs, family services, or workforce 23550
development activities by the board of county commissioners from 23551
nonprofit corporations or associations under programs funded by 23552
the federal government or by state grants. 23553

(F) The purchase consists of any form of an insurance policy 23554
or contract authorized to be issued under Title XXXIX of the 23555
Revised Code or any form of health care plan authorized to be 23556
issued under Chapter 1751. of the Revised Code, or any combination 23557
of such policies, contracts, plans, or services that the 23558
contracting authority is authorized to purchase, and the 23559
contracting authority does all of the following: 23560

(1) Determines that compliance with the requirements of this 23561
section would increase, rather than decrease, the cost of the 23562
purchase; 23563

(2) Requests issuers of the policies, contracts, plans, or 23564
services to submit proposals to the contracting authority, in a 23565
form prescribed by the contracting authority, setting forth the 23566
coverage and cost of the policies, contracts, plans, or services 23567
as the contracting authority desires to purchase; 23568

(3) Negotiates with the issuers for the purpose of purchasing 23569
the policies, contracts, plans, or services at the best and lowest 23570

price reasonably possible. 23571

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government. 23572
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(H) Child care services are purchased for provision to county employees. 23577
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(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply: 23579
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23581

(a) The contracting authority is authorized by the Revised Code to lease the property. 23582
23583

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property. 23584
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(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code. 23588
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(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect. 23593
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(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this 23598
23599
23600

division. 23601

(J) The purchase is made pursuant to section 5139.34 or 23602
sections 5139.41 to 5139.46 of the Revised Code and is of programs 23603
or services that provide case management, treatment, or prevention 23604
services to any felony or misdemeanor delinquent, unruly youth, 23605
or status offender under the supervision of the juvenile court, 23606
including, but not limited to, community residential care, day 23607
treatment, services to children in their home, or electronic 23608
monitoring. 23609

(K) The purchase is made by a public children services agency 23610
pursuant to section 307.92 or 5153.16 of the Revised Code and 23611
consists of family services, programs, or ancillary services that 23612
provide case management, prevention, or treatment services for 23613
children at risk of being or alleged to be abused, neglected, or 23614
dependent children. 23615

(L) The purchase is to obtain the services of emergency 23616
medical service organizations under a contract made by the board 23617
of county commissioners pursuant to section 307.05 of the Revised 23618
Code with a joint emergency medical services district. 23619

(M) The county contracting authority determines that the use 23620
of competitive sealed proposals would be advantageous to the 23621
county and the contracting authority complies with section 307.862 23622
of the Revised Code. 23623

Any issuer of policies, contracts, plans, or services listed 23624
in division (F) of this section and any prospective lessor under 23625
division (I) of this section may have the issuer's or prospective 23626
lessor's name and address, or the name and address of an agent, 23627
placed on a special notification list to be kept by the 23628
contracting authority, by sending the contracting authority that 23629
name and address. The contracting authority shall send notice to 23630
all persons listed on the special notification list. Notices shall 23631

state the deadline and place for submitting proposals. The 23632
contracting authority shall mail the notices at least six weeks 23633
prior to the deadline set by the contracting authority for 23634
submitting proposals. Every five years the contracting authority 23635
may review this list and remove any person from the list after 23636
mailing the person notification of that action. 23637

Any contracting authority that negotiates a contract under 23638
division (F) of this section shall request proposals and negotiate 23639
with issuers in accordance with that division at least every three 23640
years from the date of the signing of such a contract, unless the 23641
parties agree upon terms for extensions or renewals of the 23642
contract. Such extension or renewal periods shall not exceed six 23643
years from the date the initial contract is signed. 23644

Any real estate appraiser employed pursuant to division (I) 23645
of this section shall disclose any fees or compensation received 23646
from any source in connection with that employment. 23647

Sec. 309.09. (A) The prosecuting attorney shall be the legal 23648
adviser of the board of county commissioners, board of elections, 23649
all other county officers and boards, and all tax-supported public 23650
libraries, and any of them may require written opinions or 23651
instructions from the prosecuting attorney in matters connected 23652
with their official duties. The prosecuting attorney shall 23653
prosecute and defend all suits and actions that any such officer, 23654
board, or tax-supported public library directs or to which it is a 23655
party, and no county officer may employ any other counsel or 23656
attorney at the expense of the county, except as provided in 23657
section 305.14 of the Revised Code. 23658

(B)(1) The prosecuting attorney shall be the legal adviser 23659
for all township officers, boards, and commissions, unless, 23660
subject to division (B)(2) of this section, the township has 23661
adopted a limited home rule government pursuant to Chapter 504. of 23662

the Revised Code and has not entered into a contract to have the prosecuting attorney serve as the township law director, in which case, subject to division (B)(2) of this section, the township law director, whether serving full-time or part-time, shall be the legal adviser for all township officers, boards, and commissions. When the board of township trustees finds it advisable or necessary to have additional legal counsel, it may employ an attorney other than the township law director or the prosecuting attorney of the county, either for a particular matter or on an annual basis, to represent the township and its officers, boards, and commissions in their official capacities and to advise them on legal matters. No such legal counsel may be employed, except on the order of the board of township trustees, duly entered upon its journal, in which the compensation to be paid for the legal services shall be fixed. The compensation shall be paid from the township fund.

Nothing in this division confers any of the powers or duties of a prosecuting attorney under section 309.08 of the Revised Code upon a township law director.

(2)(a) If any township in the county served by the prosecuting attorney has adopted any resolution regarding the operation of adult entertainment establishments pursuant to the authority that is granted under section 503.52 of the Revised Code or if a resolution of that nature has been adopted under section 503.53 of the Revised Code in a township in the county served by the prosecuting attorney, all of the following apply:

(i) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E)(1)(c) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township in the trial and argument in any court or tribunal of any challenge to the validity of the

resolution. If the challenge to the validity of the resolution is 23695
before a federal court, the prosecuting attorney may request the 23696
attorney general to assist the prosecuting attorney in prosecuting 23697
and defending the challenge and, upon the prosecuting attorney's 23698
making of such a request, the attorney general shall assist the 23699
prosecuting attorney in performing that service if the resolution 23700
was drafted in accordance with legal guidance provided by the 23701
attorney general as described in division (B)(2) of section 503.52 23702
of the Revised Code. The attorney general shall provide this 23703
assistance without charge to the township for which the service is 23704
performed. If a township adopts a resolution without the legal 23705
guidance of the attorney general, the attorney general is not 23706
required to provide assistance as described in this division to a 23707
prosecuting attorney. 23708

(ii) Upon the request of a township in the county that has 23709
adopted, or in which has been adopted, a resolution of that nature 23710
that is made pursuant to division (E)(1)(a) of section 503.52 of 23711
the Revised Code, the prosecuting attorney shall prosecute and 23712
defend on behalf of the township a civil action to enjoin the 23713
violation of the resolution in question. 23714

(iii) Upon the request of a township in the county that has 23715
adopted, or in which has been adopted, a resolution of that nature 23716
that is made pursuant to division (E)(1)(b) of section 503.52 of 23717
the Revised Code, the prosecuting attorney shall prosecute and 23718
defend on behalf of the township a civil action under Chapter 23719
3767. of the Revised Code to abate as a nuisance the place in the 23720
unincorporated area of the township at which the resolution is 23721
being or has been violated. Proceeds from the sale of personal 23722
property or contents seized pursuant to the action shall be 23723
applied and deposited in accordance with division (E)(1)(b) of 23724
section 503.52 of the Revised Code. 23725

(b) The provisions of division (B)(2)(a) of this section 23726

apply regarding all townships, including townships that have 23727
adopted a limited home rule government pursuant to Chapter 504. of 23728
the Revised Code, and regardless of whether a township that has so 23729
adopted a limited home rule government has entered into a contract 23730
with the prosecuting attorney as described in division (B) of 23731
section 504.15 of the Revised Code or has appointed a law director 23732
as described in division (A) of that section. 23733

The prosecuting attorney shall prosecute and defend in the 23734
actions and proceedings described in division (B)(2)(a) of this 23735
section without charge to the township for which the services are 23736
performed. 23737

(C) Whenever the board of county commissioners employs an 23738
attorney other than the prosecuting attorney of the county, 23739
without the authorization of the court of common pleas as provided 23740
in section 305.14 of the Revised Code, either for a particular 23741
matter or on an annual basis, to represent the board in its 23742
official capacity and to advise it on legal matters, the board 23743
shall enter upon its journal an order of the board in which the 23744
compensation to be paid for the legal services shall be fixed. The 23745
compensation shall be paid from the county general fund. The total 23746
compensation paid, in any year, by the board for legal services 23747
under this division shall not exceed the total annual compensation 23748
of the prosecuting attorney for that county. 23749

(D) The prosecuting attorney and the board of county 23750
commissioners jointly may contract with a board of park 23751
commissioners under section 1545.07 of the Revised Code for the 23752
prosecuting attorney to provide legal services to the park 23753
district the board of park commissioners operates. 23754

(E) The prosecuting attorney may be, in the prosecuting 23755
attorney's discretion and with the approval of the board of county 23756
commissioners, the legal adviser of a joint fire district created 23757
under section 505.371 of the Revised Code at no cost to the 23758

district or may be the legal adviser to the district under a 23759
contract that the prosecuting attorney and the district enter 23760
into, and that the board of county ~~commissioner~~ commissioners 23761
approves, to authorize the prosecuting attorney to provide legal 23762
services to the district. 23763

(F) The prosecuting attorney may be, in the prosecuting 23764
attorney's discretion and with the approval of the board of county 23765
commissioners, the legal adviser of a joint ambulance district 23766
created under section 505.71 of the Revised Code at no cost to the 23767
district or may be the legal adviser to the district under a 23768
contract that the prosecuting attorney and the district enter 23769
into, and that the board of county commissioners approves, to 23770
authorize the prosecuting attorney to provide legal services to 23771
the district. 23772

(G) The prosecuting attorney may be, in the prosecuting 23773
attorney's discretion and with the approval of the board of county 23774
commissioners, the legal adviser of a joint emergency medical 23775
services district created under section 307.052 of the Revised 23776
Code at no cost to the district or may be the legal adviser to the 23777
district under a contract that the prosecuting attorney and the 23778
district enter into, and that the board of county commissioners 23779
approves, to authorize the prosecuting attorney to provide legal 23780
services to the district. 23781

(H) The prosecuting attorney may be, in the prosecuting 23782
attorney's discretion and with the approval of the board of county 23783
commissioners, the legal adviser of a fire and ambulance district 23784
created under section 505.375 of the Revised Code at no cost to 23785
the district or may be the legal adviser to the district under a 23786
contract that the prosecuting attorney and the district enter 23787
into, and that the board of county commissioners approves, to 23788
authorize the prosecuting attorney to provide legal services to 23789
the district. 23790

(I) All money received pursuant to a contract entered into 23791
under division (D), (E), (F), (G), or (H) of this section shall be 23792
deposited into the prosecuting attorney's legal services fund, 23793
which shall be established in the county treasury of each county 23794
in which such a contract exists. Moneys in that fund may be 23795
appropriated only to the prosecuting attorney for the purpose of 23796
providing legal services to a park district, joint fire district, 23797
joint ambulance district, joint emergency medical services 23798
district, or a fire and ambulance district, as applicable, under a 23799
contract entered into under the applicable division. 23800

(J) The prosecuting attorney shall be the legal advisor of a 23801
lake facilities authority as provided in section 353.02 of the 23802
Revised Code. 23803

Sec. 317.06. (A) Each county recorder who is newly elected to 23804
a full term of office shall attend and successfully complete at 23805
least fifteen hours of continuing education courses during the 23806
first year of the recorder's term of office and complete at least 23807
another eight hours of such courses each year of the remaining 23808
term. Each county recorder who is elected to a subsequent term of 23809
office shall attend and successfully complete at least eight hours 23810
of such courses in each year of any subsequent term of office. To 23811
be counted toward the continuing education hours required by this 23812
section, a course must be approved by the Ohio recorders' 23813
association. Any county recorder who teaches an approved course 23814
shall be entitled to credit for the course in the same manner as 23815
if the county recorder had attended the course. 23816

The Ohio recorders' association shall record and, upon 23817
request, verify the completion of required course work for each 23818
county recorder and issue a statement to each county recorder of 23819
the number of hours of continuing education the county recorder 23820
has successfully completed. Each year the association shall send a 23821

list of the continuing education courses, and the number of hours 23822
each county recorder has successfully completed, to the auditor of 23823
state and shall provide a copy of this list to any other 23824
individual who requests it. 23825

The association shall issue a "failure to complete notice" to 23826
any county recorder required to complete continuing education 23827
courses under this section who fails to successfully complete at 23828
least fifteen hours of continuing education courses during the 23829
first year of the county recorder's first term of office or to 23830
complete a total of at least thirty-nine hours of such courses, 23831
including the fifteen hours completed in the first year of the 23832
first term, by the end of that term. The association shall issue a 23833
"failure to complete notice" to any county recorder required to 23834
complete continuing education courses under this section who fails 23835
to successfully complete at least eight hours of continuing 23836
education courses each year of any subsequent term of office or to 23837
complete a total of at least thirty-two hours of such courses, by 23838
the end of that subsequent term. The notice is for informational 23839
purposes only and does not affect any individual's ability to hold 23840
the office of county recorder. 23841

~~(B) Each board of county commissioners shall approve, from 23842
money appropriated to the county recorder, a reasonable amount 23843
requested by the county recorder of its county to cover the The 23844
costs the county recorder must incur to meet the requirements of 23845
division (A) of this section, including registration fees, lodging 23846
and meal expenses, and travel expenses shall be paid from the 23847
county recorder's technology fund, if such a fund has been 23848
established under section 317.321 of the Revised Code. 23849~~

Sec. 317.08. (A) Except as provided in divisions (C), (D), 23850
and (E) of this section, the county recorder shall keep six 23851
separate sets of records as follows: 23852

(1) A record of deeds, in which shall be recorded all deeds 23853
and other instruments of writing for the absolute and 23854
unconditional sale or conveyance of lands, tenements, and 23855
hereditaments; all notices as provided in sections 5301.47 to 23856
5301.56 of the Revised Code; all judgments or decrees in actions 23857
brought under section 5303.01 of the Revised Code; all 23858
declarations and bylaws, and all amendments to declarations and 23859
bylaws, as provided in Chapter 5311. of the Revised Code; 23860
affidavits as provided in sections 5301.252 and 5301.56 of the 23861
Revised Code; all certificates as provided in section 5311.17 of 23862
the Revised Code; all articles dedicating archaeological preserves 23863
accepted by the director of the Ohio historical society under 23864
section 149.52 of the Revised Code; all articles dedicating nature 23865
preserves accepted by the director of natural resources under 23866
section 1517.05 of the Revised Code; ~~all agreements for the~~ 23867
~~registration of lands as archaeological or historic landmarks~~ 23868
~~under section 149.51 or 149.55 of the Revised Code;~~ all 23869
conveyances of conservation easements and agricultural easements 23870
under section 5301.68 of the Revised Code; all instruments 23871
extinguishing agricultural easements under section 901.21 or 23872
5301.691 of the Revised Code or pursuant to terms of such an 23873
easement granted to a charitable organization under section 23874
5301.68 of the Revised Code; all instruments or orders described 23875
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 23876
no further action letters issued under section 122.654 or 3746.11 23877
of the Revised Code; all covenants not to sue issued under section 23878
3746.12 of the Revised Code, including all covenants not to sue 23879
issued pursuant to section 122.654 of the Revised Code; any 23880
restrictions on the use of property contained in a no further 23881
action letter issued under section 122.654 of the Revised Code, 23882
any restrictions on the use of property identified pursuant to 23883
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 23884
restrictions on the use of property contained in a deed or other 23885

instrument as provided in division (E) or (F) of section 3737.882	23886
of the Revised Code; any easement executed or granted under	23887
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	23888
any environmental covenant entered into in accordance with	23889
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of	23890
trust, as described in division (A) of section 5301.255 of the	23891
Revised Code, that describe specific real property; and all	23892
agreements entered into under division (A) of section 1506.44 of	23893
the Revised Code;	23894
(2) A record of mortgages, in which shall be recorded all of	23895
the following:	23896
(a) All mortgages, including amendments, supplements,	23897
modifications, and extensions of mortgages, or other instruments	23898
of writing by which lands, tenements, or hereditaments are or may	23899
be mortgaged or otherwise conditionally sold, conveyed, affected,	23900
or encumbered;	23901
(b) All executory installment contracts for the sale of land	23902
executed after September 29, 1961, that by their terms are not	23903
required to be fully performed by one or more of the parties to	23904
them within one year of the date of the contracts;	23905
(c) All options to purchase real estate, including	23906
supplements, modifications, and amendments of the options, but no	23907
option of that nature shall be recorded if it does not state a	23908
specific day and year of expiration of its validity;	23909
(d) Any tax certificate sold under section 5721.33 of the	23910
Revised Code, or memorandum of it, that is presented for filing of	23911
record.	23912
(3) A record of powers of attorney, including all memoranda	23913
of trust, as described in division (A) of section 5301.255 of the	23914
Revised Code, that do not describe specific real property;	23915
(4) A record of plats, in which shall be recorded all plats	23916

and maps of town lots, of the subdivision of town lots, and of 23917
other divisions or surveys of lands, any center line survey of a 23918
highway located within the county, the plat of which shall be 23919
furnished by the director of transportation or county engineer, 23920
and all drawings and amendments to drawings, as provided in 23921
Chapter 5311. of the Revised Code; 23922

(5) A record of leases, in which shall be recorded all 23923
leases, memoranda of leases, and supplements, modifications, and 23924
amendments of leases and memoranda of leases; 23925

(6) A record of declarations executed pursuant to section 23926
2133.02 of the Revised Code and durable powers of attorney for 23927
health care executed pursuant to section 1337.12 of the Revised 23928
Code. 23929

(B) All instruments or memoranda of instruments entitled to 23930
record shall be recorded in the proper record in the order in 23931
which they are presented for record. The recorder may index, keep, 23932
and record in one volume unemployment compensation liens, internal 23933
revenue tax liens and other liens in favor of the United States as 23934
described in division (A) of section 317.09 of the Revised Code, 23935
personal tax liens, mechanic's liens, agricultural product liens, 23936
notices of liens, certificates of satisfaction or partial release 23937
of estate tax liens, discharges of recognizances, excise and 23938
franchise tax liens on corporations, broker's liens, and liens 23939
provided for in sections 1513.33, 1513.37, 3752.13, ~~5111.022~~ 23940
5164.56, and 5311.18 of the Revised Code. 23941

The recording of an option to purchase real estate, including 23942
any supplement, modification, and amendment of the option, under 23943
this section shall serve as notice to any purchaser of an interest 23944
in the real estate covered by the option only during the period of 23945
the validity of the option as stated in the option. 23946

(C) In lieu of keeping the six separate sets of records 23947

required in divisions (A)(1) to (6) of this section and the 23948
records required in divisions (D) and (E) of this section, a 23949
county recorder may record all the instruments required to be 23950
recorded by this section in two separate sets of record books. One 23951
set shall be called the "official records" and shall contain the 23952
instruments listed in divisions (A)(1), (2), (3), (5), and (6) and 23953
(D) and (E) of this section. The second set of records shall 23954
contain the instruments listed in division (A)(4) of this section. 23955

(D) Except as provided in division (C) of this section, the 23956
county recorder shall keep a separate set of records containing 23957
all corrupt activity lien notices filed with the recorder pursuant 23958
to section 2923.36 of the Revised Code and a separate set of 23959
records containing all medicaid fraud lien notices filed with the 23960
recorder pursuant to section 2933.75 of the Revised Code. 23961

(E)(1) The county recorder shall keep a separate set of 23962
records containing all transfers, conveyances, or assignments of 23963
any type of tangible or intangible personal property or any rights 23964
or interests in that property if and to the extent that any person 23965
wishes to record that personal property transaction and if the 23966
applicable instrument is acknowledged before a notary public. If 23967
the transferor is a natural person, the notice of personal 23968
property transfer shall be recorded in the county in this state in 23969
which the transferor maintains the transferor's principal 23970
residence. If the transferor is not a natural person, the notice 23971
of personal property transfer shall be recorded in the county in 23972
this state in which the transferor maintains its principal place 23973
of business. If the transferor does not maintain a principal 23974
residence or a principal place of business in this state and the 23975
transfer is to a trustee of a legacy trust formed pursuant to 23976
Chapter 5816. of the Revised Code, the notice of personal property 23977
transfer shall be recorded in the county in this state where that 23978
trustee maintains a principal residence or principal place of 23979

business. In all other instances, the notice of personal property 23980
transfer shall be recorded in the county in this state where the 23981
property described in the notice is located. 23982

(2) The records described in division (E)(1) of this section 23983
shall be maintained in or as part of the "official records" under 23984
division (C) of this section. 23985

Sec. 317.32. The county recorder shall charge and collect the 23986
following fees, to include, except as otherwise provided in 23987
division (A)(2) of this section, base fees for the recorder's 23988
services and housing trust fund fees collected pursuant to section 23989
317.36 of the Revised Code: 23990

(A)(1) Except as otherwise provided in division (A)(2) of 23991
this section, for recording and indexing an instrument if the 23992
photocopy or any similar process is employed, a base fee of 23993
fourteen dollars for the first two pages and a housing trust fund 23994
fee of fourteen dollars, and a base fee of four dollars and a 23995
housing trust fund fee of four dollars for each subsequent page, 23996
size eight and one-half inches by fourteen inches, or fraction of 23997
a page, including the caption page, of such instrument; 23998

(2) For recording and indexing an instrument described in 23999
division (E)(1) of section 317.08 of the Revised Code if the 24000
photocopy or any similar process is employed, a fee of 24001
twenty-eight dollars for the first two pages to be deposited ~~into~~ 24002
~~the county treasury to the credit of the special fund designated~~ 24003
~~as "general fund moneys to supplement the equipment needs of the~~ 24004
~~county recorder" under section 317.321 of the Revised Code as~~ 24005
specified elsewhere in this division, and a fee of eight dollars 24006
to be deposited in the same manner for each subsequent page, size 24007
eight and one-half inches by fourteen inches, or fraction of a 24008
page, including the caption page, of that instrument~~+. If the~~ 24009
county recorder's technology fund has been established under 24010

section 317.321 of the Revised Code, of the twenty-eight dollars, 24011
fourteen dollars shall be deposited into the county treasury to 24012
the credit of the county recorder's technology fund and fourteen 24013
dollars shall be deposited into the county treasury to the credit 24014
of the county general fund. If the county recorder's technology 24015
fund has not been established, the twenty-eight dollars shall be 24016
deposited into the county treasury to the credit of the county 24017
general fund. 24018

(B) For certifying a photocopy from the record previously 24019
recorded, a base fee of one dollar and a housing trust fund fee of 24020
one dollar per page, size eight and one-half inches by fourteen 24021
inches, or fraction of a page; for each certification if the 24022
recorder's seal is required, except as to instruments issued by 24023
the armed forces of the United States, a base fee of fifty cents 24024
and a housing trust fund fee of fifty cents; 24025

(C) For manual or typewritten recording of assignment or 24026
satisfaction of mortgage or lease or any other marginal entry, a 24027
base fee of four dollars and a housing trust fund fee of four 24028
dollars; 24029

(D) For entering any marginal reference by separate recorded 24030
instrument, a base fee of two dollars and a housing trust fund fee 24031
of two dollars for each marginal reference set out in that 24032
instrument, in addition to the fees set forth in division (A)(1) 24033
of this section; 24034

(E) For indexing in the real estate mortgage records, 24035
pursuant to section 1309.519 of the Revised Code, financing 24036
statements covering crops growing or to be grown, timber to be 24037
cut, minerals or the like, including oil and gas, accounts subject 24038
to section 1309.301 of the Revised Code, or fixture filings made 24039
pursuant to section 1309.334 of the Revised Code, a base fee of 24040
two dollars and a housing trust fund fee of two dollars for each 24041
name indexed; 24042

(F) For recording manually any plat not exceeding six lines, 24043
a base fee of two dollars and a housing trust fund fee of two 24044
dollars, and for each additional line, a base fee of ten cents and 24045
a housing trust fund fee of ten cents; 24046

(G) For filing zoning resolutions, including text and maps, 24047
in the office of the recorder as required under sections 303.11 24048
and 519.11 of the Revised Code, a base fee of twenty-five dollars 24049
and a housing trust fund fee of twenty-five dollars, regardless of 24050
the size or length of the resolutions; 24051

(H) For filing zoning amendments, including text and maps, in 24052
the office of the recorder as required under sections 303.12 and 24053
519.12 of the Revised Code, a base fee of ten dollars and a 24054
housing trust fund fee of ten dollars regardless of the size or 24055
length of the amendments; 24056

(I) For photocopying a document, other than at the time of 24057
recording and indexing as provided for in division (A)(1) or (2) 24058
of this section, a base fee of one dollar and a housing trust fund 24059
fee of one dollar per page, size eight and one-half inches by 24060
fourteen inches, or fraction thereof; 24061

(J) For local facsimile transmission of a document, a base 24062
fee of one dollar and a housing trust fund fee of one dollar per 24063
page, size eight and one-half inches by fourteen inches, or 24064
fraction thereof; for long distance facsimile transmission of a 24065
document, a base fee of two dollars and a housing trust fund fee 24066
of two dollars per page, size eight and one-half inches by 24067
fourteen inches, or fraction thereof; 24068

(K) For recording a declaration executed pursuant to section 24069
2133.02 of the Revised Code or a durable power of attorney for 24070
health care executed pursuant to section 1337.12 of the Revised 24071
Code, or both a declaration and a durable power of attorney for 24072
health care, a base fee of at least fourteen dollars but not more 24073

than twenty dollars and a housing trust fund fee of at least 24074
fourteen dollars but not more than twenty dollars. 24075

In any county in which the recorder employs the photostatic 24076
or any similar process for recording maps, plats, or prints the 24077
recorder shall determine, charge, and collect for the recording or 24078
rerecording of any map, plat, or print, a base fee of five cents 24079
and a housing trust fund fee of five cents per square inch, for 24080
each square inch of the map, plat, or print filed for that 24081
recording or rerecording, with a minimum base fee of twenty 24082
dollars and a minimum housing trust fund fee of twenty dollars; 24083
for certifying a copy from the record, a base fee of two cents and 24084
a housing trust fund fee of two cents per square inch of the 24085
record, with a minimum base fee of two dollars and a minimum 24086
housing trust fund fee of two dollars. 24087

The fees provided in this section shall be paid upon the 24088
presentation of the instruments for record or upon the application 24089
for any certified copy of the record, except that the payment of 24090
fees associated with the filing and recording of, or the copying 24091
of, notices of internal revenue tax liens and notices of other 24092
liens in favor of the United States as described in division (A) 24093
of section 317.09 of the Revised Code and certificates of 24094
discharge or release of those liens, shall be governed by section 24095
317.09 of the Revised Code, and the payment of fees for providing 24096
copies of instruments conveying or extinguishing agricultural 24097
easements to the office of farmland preservation in the department 24098
of agriculture under division (H) of section 5301.691 of the 24099
Revised Code shall be governed by that division. 24100

Sec. 317.321. (A) Not later than the first day of October of 24101
any year, the county recorder may submit to the board of county 24102
commissioners a proposal for funding any of the following: 24103

(1) The acquisition ~~or~~ and maintenance of micrographic ~~or~~ 24104

imaging and other technological equipment or for and contract 24105
services or a proposal to therefor; 24106

(2) To reserve funds for the office's future equipment 24107
technology needs if the county recorder has no immediate plans for 24108
the acquisition of imaging and other technological equipment or 24109
contract services, or to use the county recorder's technology fund 24110
as a dedicated revenue source to repay debt to purchase any 24111
imaging and other technological equipment before the accumulation 24112
of adequate resources to purchase the equipment with cash. Either 24113

(3) Subject to division (G) of this section, for other 24114
expenses associated with the acquisition and maintenance of 24115
imaging and other technological equipment and contract services. 24116

(B) The proposal shall be in writing and shall include at 24117
least the following: 24118

(1) A request that an amount not to exceed seven eight 24119
dollars of the fee total base fees collected for filing or 24120
recording a document for which a fee is charged as required by 24121
division (A)(1) of section 317.32 of the Revised Code or by 24122
section 1309.525 or 5310.15 of the Revised Code and the amount of 24123
the fees collected under division (A)(2) of section 317.32 of the 24124
Revised Code be placed in the county treasury and designated as 24125
"general to the credit of the county recorder's technology fund 24126
moneys to supplement the equipment needs of the county recorder"; 24127

(2) The Except as provided in division (E)(3) of this 24128
section, the number of years, not to exceed five, for which the 24129
county recorder requests that the amount requested under division 24130
(A)(1) of this section be given the designation specified in that 24131
division; 24132

(3) An estimate of the total amount of fees that will be 24133
generated for filing or recording a document for which a fee is 24134
charged as required by division (A)(1) or (2) of section 317.32 of 24135

the Revised Code or by section 1309.525 or 5310.15 of the Revised Code; 24136
24137

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 ~~of the Revised Code~~ or by section 1309.525 or 5310.15 of the Revised Code that will be designated as "general credited to the county recorder's technology fund moneys to supplement the equipment needs of the county recorder" if the request submitted under division ~~(A)~~(B)(1) of this section is approved by the board of county commissioners. 24138
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(C) A proposal for the ~~acquisition or maintenance of micrographic or other equipment or for contract services~~ purposes of division (A)(1) of this section shall include a description or summary of the ~~micrographic or~~ imaging and other technological equipment, ~~or maintenance of the micrographic or other equipment,~~ that the county recorder proposes to acquire and maintain, or ~~and~~ the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal ~~to reserve funds for the office's future equipment needs if the county recorder has no immediate plans for the acquisition of equipment or services~~ purposes of division (A)(2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with moneys in the county recorder's technology fund, if the proposal is for those purposes. 24146
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~~(B)~~(D) The board of county commissioners shall receive either a proposal and the clerk shall enter it on the journal. At the 24166
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same time, the board shall establish a date, not sooner than 24168
fifteen or later than thirty days after the ~~board's receipt of~~ 24169
board receives the proposal, on which to meet with the recorder to 24170
review the proposal. 24171

~~(C)(E)(1) Not~~ Except as provided in division (E)(3) of this 24172
section, not later than the fifteenth day of December of any year 24173
in which a proposal ~~for the acquisition or maintenance of~~ 24174
~~micrographic or other equipment or for contract services is~~ 24175
submitted under division (A) of this section, the board of county 24176
commissioners shall approve, reject, or modify the proposal and 24177
notify the county recorder of its action on the proposal. If the 24178
board rejects or modifies the proposal, it shall make a written 24179
finding that the request is for a purpose other than for 24180
~~acquiring, leasing, or otherwise obtaining micrographic or other~~ 24181
~~equipment or contracts for use by the county recorder~~ a purpose in 24182
division (A) of this section, or that the amount requested ~~for the~~ 24183
~~acquisition or maintenance of micrographic or other equipment or~~ 24184
~~for contract services~~ is excessive as determined by the board. ~~If~~ 24185
~~the board approves the proposal, it shall request the~~ 24186
~~establishment of a special fund under section 5705.12 of the~~ 24187
~~Revised Code for any fees designated as "general fund moneys to~~ 24188
~~supplement the equipment needs of the county recorder."~~ 24189

(2) ~~Not later than the fifteenth day of December of any year~~ 24190
~~in which a proposal to reserve funds for the office's future~~ 24191
~~equipment needs is submitted under division (A) of this section,~~ 24192
~~the board of county commissioners shall approve the proposal,~~ 24193
~~notify the county recorder of its action on the proposal, and~~ 24194
~~request the establishment of a special fund under section 5705.12~~ 24195
~~of the Revised Code for any fees designated as "general~~ A proposal 24196
submitted under division (A) of this section that was approved by 24197
the board of county commissioners before, and is in effect on, the 24198
effective date of this amendment shall continue in effect until 24199

January 1, 2019, notwithstanding the number of years of funding 24200
specified in the approved proposal. 24201

(3) A proposal submitted under division (A) of this section 24202
between October 1, 2013, and October 1, 2017, may request that an 24203
amount that does not exceed three dollars be credited to the 24204
county recorder's technology fund, in addition to the amount 24205
previously approved by the board of county commissioners in a 24206
proposal described in division (E)(2) of this section. The 24207
proposal may be submitted each year during that time period, but 24208
shall be limited to funding in the following fiscal year. If the 24209
total of the amount under division (E)(2) of this section and the 24210
amount requested under this division does not exceed eight 24211
dollars, the board shall approve the proposal and notify the 24212
county recorder of its approval. 24213

(4) If the total amount of fees provided for in divisions 24214
(B), (E)(2), and (E)(3) of this section is less than eight 24215
dollars, a proposal requesting additional fees may be submitted to 24216
the board of county commissioners under division (E)(1) of this 24217
section, as long as the total amount of the fees in divisions (B) 24218
and (E)(2), (3), and (4) of this section that are to be credited 24219
to the county recorder's technology fund does not exceed eight 24220
dollars, and the proposal is for a number of years, not to exceed 24221
five. 24222

(5) When a proposal is approved by the board of county 24223
commissioners under division (E) of this section, the county 24224
recorder's technology fund moneys to supplement the equipment 24225
needs of the county recorder." is established in the county 24226
treasury, and, beginning on the following first day of January, 24227
the fees approved shall be deposited in that fund. 24228

(D)(F) The acquisition ~~or~~ and maintenance of ~~micrographic or~~ 24229
imaging and other technological equipment, and the acquisition of 24230
other associated expenses and contract services therefor, shall be 24231

specifically governed by sections 307.80 to 307.806, 307.84 to 24232
307.846, 307.86 to 307.92, and 5705.38, and by division (D) of 24233
section 5705.41 of the Revised Code. 24234

(G) If the use of the county recorder's technology fund for 24235
the purposes of division (A)(3) of this section includes 24236
associated expenses for personnel, the use of the fund for 24237
personnel shall be strictly confined to personnel directly related 24238
to imaging and other technological equipment, and any compensation 24239
increases for those personnel shall not exceed the average of the 24240
annual aggregate percentage increase or decrease in the 24241
compensation fixed by the board of county commissioners for their 24242
employees, and for the officers in section 325.27 of the Revised 24243
Code. Use of the fund for compensation bonuses, or for recognizing 24244
outstanding employee performance in a manner described in section 24245
325.25 of the Revised Code, is prohibited. 24246

(H) If a county is under a fiscal caution under section 24247
118.025 of the Revised Code, or is under a fiscal watch or fiscal 24248
emergency as defined in section 118.01 of the Revised Code, the 24249
board of county commissioners, notwithstanding sections 5705.14 to 24250
5705.16 of the Revised Code, may transfer from the county 24251
recorder's technology fund any moneys the board deems necessary. 24252

Sec. 317.36. (A) The county recorder shall collect the low- 24253
and moderate-income housing trust fund fee as specified in 24254
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 24255
4509.60, ~~5111.022~~ 5164.56, 5310.15, 5719.07, 5727.56, 5733.18, 24256
5733.22, 6101.09, and 6115.09 of the Revised Code. The amount of 24257
any housing trust fund fee the recorder is authorized to collect 24258
is equal to the amount of any base fee the recorder is authorized 24259
to collect for services. The housing trust fund fee shall be 24260
collected in addition to the base fee. 24261

(B) The recorder shall certify the amounts collected as 24262

housing trust fund fees pursuant to division (A) of this section 24263
into the county treasury as housing trust fund fees to be paid to 24264
the treasurer of state pursuant to section 319.63 of the Revised 24265
Code. 24266

Sec. 321.35. Upon demand of the treasurer of state while 24267
holding a school district, county, township, or municipal 24268
corporation obligation purchased under division (G)(1) of section 24269
135.143 of the Revised Code, in making any payment under section 24270
321.31 or 321.34 of the Revised Code, the county auditor shall 24271
withhold funds of the school district, county, township, or 24272
municipal corporation in an amount sufficient to pay debt service 24273
charges on that obligation and any of the fee for the agreement to 24274
purchase that obligation, less any amount deposited for that 24275
purpose under division (D) of section 3317.18 of the Revised Code. 24276
The county auditor shall promptly pay to the treasurer of state 24277
the amount withheld. 24278

Sec. 321.44. (A)(1) A county probation services fund shall be 24279
established in the county treasury of each county. The fund a 24280
county establishes under this division shall contain all moneys 24281
paid to the treasurer of the county under section 2951.021 of the 24282
Revised Code for deposit into the fund. The moneys paid into the 24283
fund shall be deposited by the treasurer of the county into the 24284
appropriate account established under divisions (A)(1)(a) to (d) 24285
of this section. Separate accounts shall be maintained in 24286
accordance with the following criteria in the fund a county 24287
establishes under this division: 24288

(a) If a county department of probation is established in the 24289
county, a separate account shall be maintained in the fund for the 24290
county department of probation. 24291

(b) If the judges of the court of common pleas of the county 24292

have affiliated with the judges of the court of common pleas of 24293
one or more other counties and have established a multicounty 24294
department of probation, a separate account shall be maintained in 24295
the fund for the multicounty department of probation. 24296

(c) If a department of probation is established in a 24297
county-operated municipal court that has jurisdiction within the 24298
county, a separate account shall be maintained in the fund for the 24299
municipal court department of probation. 24300

(d) If a county department of probation has not been 24301
established in the county and if the court of common pleas of the 24302
county, pursuant to section 2301.32 of the Revised Code, has 24303
entered into an agreement with the adult parole authority under 24304
which the court may place defendants under a community control 24305
sanction in charge of the authority, a separate account shall be 24306
maintained in the fund for the court of common pleas. 24307

(2) For any county, if a county department of probation is 24308
established in the county or if a department of probation is 24309
established in a county-operated municipal court that has 24310
jurisdiction within the county, the board of county commissioners 24311
of the county shall appropriate to the county department of 24312
probation or municipal court department of probation all money 24313
that is contained in the department's account in the county 24314
probation services fund established in the county for use only for 24315
specialized staff, purchase of equipment, purchase of services, 24316
reconciliation programs for offenders and victims, other treatment 24317
programs, including ~~alcohol and drug~~ community addiction programs 24318
services providers certified under section ~~3793.06~~ 5119.36 of the 24319
Revised Code, determined to be appropriate by the chief probation 24320
officer of the department of probation, and other similar expenses 24321
related to placing offenders under a community control sanction. 24322

For any county, if the judges of the court of common pleas of 24323
the county have affiliated with the judges of the court of common 24324

pleas of one or more other counties and have established a 24325
multicounty department of probation to serve the counties, the 24326
board of county commissioners of the county shall appropriate and 24327
the county treasurer shall transfer to the multicounty probation 24328
services fund established for the multicounty department of 24329
probation under division (B) of this section all money that is 24330
contained in the multicounty department of probation account in 24331
the county probation services fund established in the county for 24332
use in accordance with that division. 24333

For any county, if a county department of probation has not 24334
been established in the county and if the court of common pleas of 24335
the county, pursuant to section 2301.32 of the Revised Code, has 24336
entered into an agreement with the adult parole authority under 24337
which the court may place defendants under a community control 24338
sanction in charge of the authority, the board of county 24339
commissioners of the county shall appropriate to the court all 24340
money that is contained in the court's account in the county 24341
probation services fund established in the county for use only for 24342
specialized staff, purchase of equipment, purchase of services, 24343
reconciliation programs for offenders and victims, other treatment 24344
and recovery support services, including properly credentialed 24345
treatment and recovery support services program providers or those 24346
certified under section ~~3793.06~~ 5119.36 of the Revised Code, 24347
determined to be appropriate by the authority, and other similar 24348
uses related to placing offenders under a community control 24349
sanction. 24350

(B) If the judges of the courts of common pleas of two or 24351
more counties have established a multicounty department of 24352
probation, a multicounty probation services fund shall be 24353
established in the county treasury of the county whose treasurer, 24354
in accordance with section 2301.27 of the Revised Code, is 24355
designated by the judges of the courts of common pleas as the 24356

treasurer to whom monthly supervision fees are to be appropriated 24357
and transferred under division (A)(2) of this section for deposit 24358
into the fund. The fund shall contain all moneys that are paid to 24359
the treasurer of any member county under section 2951.021 of the 24360
Revised Code for deposit into the county's probation services fund 24361
and that subsequently are appropriated and transferred to the 24362
multicounty probation services fund under division (A)(2) of this 24363
section. The board of county commissioners of the county in which 24364
the multicounty probation services fund is established shall 24365
appropriate the money contained in that fund to the multicounty 24366
department of probation, for use only for specialized staff, 24367
purchase of equipment, purchase of services, reconciliation 24368
programs for offenders and victims, other treatment programs, 24369
including ~~alcohol and drug~~ community addiction ~~programs~~ services 24370
providers certified under section ~~3793.06~~ 5119.36 of the Revised 24371
Code, determined to be appropriate by the chief probation officer, 24372
and for other similar expenses related to placing offenders under 24373
a community control sanction. 24374

(C) Any money in a county or multicounty probation services 24375
fund at the end of a fiscal year shall not revert to the general 24376
fund of the county but shall be retained in the fund. 24377

(D) As used in this section: 24378

(1) "County-operated municipal court" has the same meaning as 24379
in section 1901.03 of the Revised Code. 24380

(2) "Multicounty department of probation" means a probation 24381
department established under section 2301.27 of the Revised Code 24382
to serve more than one county. 24383

(3) "Community control sanction" has the same meaning as in 24384
section 2929.01 of the Revised Code. 24385

Sec. 323.158. (A) As used in this section, ~~"qualifying:~~ 24386

(1) "Qualifying county" means a county to which both of the following apply:

~~(1)~~(a) At least one major league professional athletic team ~~plays~~ played its home schedule in the county for the season beginning in 1996;

~~(2)~~(b) The majority of the electors of the county, voting at an election held in 1996, approved a referendum on a resolution of the board of county commissioners levying a sales and use tax under sections 5739.026 and 5741.023 of the Revised Code.

(2) "Eligible homestead" means a homestead that is not an ineligible homestead.

(3) "Ineligible homestead" means either of the following:

(a) A homestead against which foreclosure or other proceedings to take possession of the homestead have been initiated based on a mortgage, lien, or security interest on or in the homestead. A homestead is an "ineligible homestead" for any tax year during which such proceedings against the homestead remain pending.

(b) A homestead that is listed on the delinquent tax list. A homestead is an "ineligible homestead" for any tax year during which the homestead is listed on the delinquent tax list.

(B) On or before December 31, 1996, the board of county commissioners of a qualifying county may adopt a resolution under this section. The resolution shall grant a partial real property tax exemption to each eligible homestead in the county that also receives the tax reduction under division (B) of section 323.152 of the Revised Code. The partial exemption shall take the form of the reduction by a specified percentage each year of the real property taxes on the eligible homestead. The resolution shall specify the percentage, which may be any amount. The board may include in the resolution a condition that the partial exemption

will apply only upon the receipt by the county of additional 24418
revenue from a source specified in the resolution. The resolution 24419
shall specify the tax year in which the partial exemption first 24420
applies, which may be the tax year in which the resolution takes 24421
effect as long as the resolution takes effect before the county 24422
auditor certifies the tax duplicate of real and public utility 24423
property for that tax year to the county treasurer. Upon adopting 24424
the resolution, the board shall certify copies of it to the county 24425
auditor and the tax commissioner. 24426

(C) After complying with sections 319.301, 319.302, and 24427
323.152 of the Revised Code, the county auditor shall reduce the 24428
remaining sum to be levied against a an eligible homestead by the 24429
percentage called for in the resolution adopted under division (B) 24430
of this section. The auditor shall certify the amount of taxes 24431
remaining after the reduction to the county treasurer for 24432
collection as the real property taxes charged and payable on the 24433
eligible homestead. 24434

(D) For each tax year, the county auditor shall certify to 24435
the board of county commissioners the total amount by which real 24436
property taxes were reduced under this section. At the time of 24437
each semi-annual settlement of real property taxes between the 24438
county auditor and county treasurer, the board of county 24439
commissioners shall pay to the auditor one-half of that total 24440
amount. Upon receipt of the payment, the county auditor shall 24441
distribute it among the various taxing districts in the county as 24442
if it had been levied, collected, and settled as real property 24443
taxes. The board of county commissioners shall make the payment 24444
from the county general fund or from any other county revenue that 24445
may be used for that purpose. In making the payment, the board may 24446
use revenue from taxes levied by the county to provide additional 24447
general revenue under sections 5739.021 and 5741.021 of the 24448
Revised Code or to provide additional revenue for the county 24449

general fund under sections 5739.026 and 5741.023 of the Revised Code. 24450
24451

(E) The partial exemption under this section shall not 24452
directly or indirectly affect the determination of the principal 24453
amount of notes that may be issued in anticipation of a tax levy 24454
or the amount of securities that may be issued for any permanent 24455
improvements authorized in conjunction with a tax levy. 24456

(F) At any time, the board of county commissioners may adopt 24457
a resolution amending or repealing the partial exemption granted 24458
under this section. Upon adopting a resolution amending or 24459
repealing the partial exemption, the board shall certify copies of 24460
it to the county auditor and the tax commissioner. The resolution 24461
shall specify the tax year in which the amendment or repeal first 24462
applies, which may be the tax year in which the resolution takes 24463
effect as long as the resolution takes effect before the county 24464
auditor certifies the tax duplicate of real and public utility 24465
property for that tax year to the county treasurer. 24466

(G) If a person files a late application for a tax reduction 24467
under division (B) of section 323.152 of the Revised Code for the 24468
preceding year for an eligible homestead, and is granted the 24469
reduction, the person also shall receive the reduction under this 24470
section for the preceding year. The county auditor shall credit 24471
the amount of the reduction against the person's current year 24472
taxes, and shall include the amount of the reduction in the amount 24473
certified to the board of county commissioners under division (D) 24474
of this section. 24475

Sec. 329.04. (A) The county department of job and family 24476
services shall have, exercise, and perform the following powers 24477
and duties: 24478

(1) Perform any duties assigned by the state department of 24479
job and family services or department of medicaid regarding the 24480

provision of public family services, including the provision of 24481
the following services to prevent or reduce economic or personal 24482
dependency and to strengthen family life: 24483

(a) Services authorized by a Title IV-A program, as defined 24484
in section 5101.80 of the Revised Code; 24485

(b) Social services authorized by Title XX of the "Social 24486
Security Act" and provided for by section 5101.46 or 5101.461 of 24487
the Revised Code; 24488

(c) If the county department is designated as the child 24489
support enforcement agency, services authorized by Title IV-D of 24490
the "Social Security Act" and provided for by Chapter 3125. of the 24491
Revised Code. The county department may perform the services 24492
itself or contract with other government entities, and, pursuant 24493
to division (C) of section 2301.35 and section 2301.42 of the 24494
Revised Code, private entities, to perform the Title IV-D 24495
services. 24496

(d) Duties assigned under section ~~5111.98~~ 5162.031 of the 24497
Revised Code. 24498

(2) Administer disability financial assistance, as required 24499
by the state department of job and family services under section 24500
5115.03 of the Revised Code; 24501

(3) Administer burials insofar as the administration of 24502
burials was, prior to September 12, 1947, imposed upon the board 24503
of county commissioners and if otherwise required by state law; 24504

(4) Cooperate with state and federal authorities in any 24505
matter relating to family services and to act as the agent of such 24506
authorities; 24507

(5) Submit an annual account of its work and expenses to the 24508
board of county commissioners and to the state department of job 24509
and family services and department of medicaid at the close of 24510

each fiscal year; 24511

(6) Exercise any powers and duties relating to family 24512
services duties or workforce development activities imposed upon 24513
the county department of job and family services by law, by 24514
resolution of the board of county commissioners, or by order of 24515
the governor, when authorized by law, to meet emergencies during 24516
war or peace; 24517

~~(7) Determine the eligibility for medical assistance of 24518
recipients of aid under Title XVI of the "Social Security Act"; 24519~~

~~(8) If assigned by the state director of job and family 24520
services under section 5101.515 or 5101.525 of the Revised Code, 24521
determine applicants' eligibility for health assistance under the 24522
children's health insurance program part II or part III; 24523~~

~~(9) Enter into a plan of cooperation with the board of county 24524
commissioners under section 307.983, consult with the board in the 24525
development of the transportation work plan developed under 24526
section 307.985, establish with the board procedures under section 24527
307.986 for providing services to children whose families relocate 24528
frequently, and comply with the contracts the board enters into 24529
under sections 307.981 and 307.982 of the Revised Code that affect 24530
the county department; 24531~~

~~(10)(8) For the purpose of complying with a grant agreement 24532
the board of county commissioners enters into under sections 24533
307.98 and 5101.21 of the Revised Code, exercise the powers and 24534
perform the duties the grant agreement assigns to the county 24535
department; 24536~~

~~(11)(9) If the county department is designated as the 24537
workforce development agency, provide the workforce development 24538
activities specified in the contract required by section 330.05 of 24539
the Revised Code. 24540~~

(B) The powers and duties of a county department of job and 24541

family services are, and shall be exercised and performed, under 24542
the control and direction of the board of county commissioners. 24543
The board may assign to the county department any power or duty of 24544
the board regarding family services duties and workforce 24545
development activities. If the new power or duty necessitates the 24546
state department of job and family services or department of 24547
medicaid changing its federal cost allocation plan, the county 24548
department may not implement the power or duty unless the United 24549
States department of health and human services approves the 24550
changes. 24551

Sec. 329.051. The county department of job and family 24552
services shall make voter registration applications as prescribed 24553
by the secretary of state under section 3503.10 of the Revised 24554
Code available to persons who are applying for, receiving 24555
assistance from, or participating in any of the following: 24556

(A) The disability financial assistance program established 24557
under Chapter 5115. of the Revised Code; 24558

(B) The ~~medical assistance~~ medicaid program ~~established under~~ 24559
~~Chapter 5111. of the Revised Code;~~ 24560

(C) The Ohio works first program established under Chapter 24561
5107. of the Revised Code; 24562

(D) The prevention, retention, and contingency program 24563
established under Chapter 5108. of the Revised Code. 24564

Sec. 329.06. (A) Except as provided in division (C) of this 24565
section and section 6301.08 of the Revised Code, the board of 24566
county commissioners shall establish a county family services 24567
planning committee. The board shall appoint a member to represent 24568
the county department of job and family services; an employee in 24569
the classified civil service of the county department of job and 24570
family services, if there are any such employees; and a member to 24571

represent the public. The board shall appoint other individuals to 24572
the committee in such a manner that the committee's membership is 24573
broadly representative of the groups of individuals and the public 24574
and private entities that have an interest in the family services 24575
provided in the county. The board shall make appointments in a 24576
manner that reflects the ethnic and racial composition of the 24577
county. The following groups and entities may be represented on 24578
the committee: 24579

(1) Consumers of family services; 24580

(2) The public children services agency; 24581

(3) The child support enforcement agency; 24582

(4) The county family and children first council; 24583

(5) Public and private colleges and universities; 24584

(6) Public entities that provide family services, including 24585
boards of health, boards of education, the county board of 24586
developmental disabilities, and the board of alcohol, drug 24587
addiction, and mental health services that serves the county; 24588

(7) Private nonprofit and for-profit entities that provide 24589
family services in the county or that advocate for consumers of 24590
family services in the county, including entities that provide 24591
services to or advocate for victims of domestic violence; 24592

(8) Labor organizations; 24593

(9) Any other group or entity that has an interest in the 24594
family services provided in the county, including groups or 24595
entities that represent any of the county's business, urban, and 24596
rural sectors. 24597

(B) The county family services planning committee shall do 24598
all of the following: 24599

(1) Serve as an advisory body to the board of county 24600
commissioners with regard to the family services provided in the 24601

county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;

(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:

(a) Return of assistance groups to participation in either program after ceasing to participate;

(b) Teen pregnancy rates among the programs' participants;

(c) The other types of assistance the programs' participants receive, including medicaid ~~under Chapter 5111. of the Revised Code~~, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;

(d) Other issues the committee considers appropriate.

The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.

(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;

(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;

(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the

family services provided in the county. The committee's	24632
recommendations may address the following:	24633
(a) Implementation and administration of family service programs;	24634 24635
(b) Use of federal, state, and local funds available for family service programs;	24636 24637
(c) Establishment of goals to be achieved by family service programs;	24638 24639
(d) Evaluation of the outcomes of family service programs;	24640
(e) Any other matter the board considers relevant to the provision of family services.	24641 24642
(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity.	24643 24644 24645 24646 24647 24648
Sec. 329.14. (A) An individual whose household income does not exceed two hundred per cent of the federal poverty line is eligible to participate in an individual development account program established by the county department of job and family services of the county in which the individual resides. An eligible individual seeking to be a participant in the program shall enter into an agreement with the fiduciary organization administering the program. The agreement shall specify the terms and conditions of uses of funds deposited, financial documentation required to be maintained by the participant, expectations and responsibilities of the participant, and services to be provided by the fiduciary organization.	24649 24650 24651 24652 24653 24654 24655 24656 24657 24658 24659 24660
(B) A participant may deposit earned income, as defined in 26	24661

U.S.C. 911(d)(2), as amended, into the account. The fiduciary organization may deposit into the account an amount not exceeding four times the amount deposited by the participant except that a fiduciary organization may not, pursuant to an agreement with an employer, deposit an amount into an account held by a participant who is employed by the employer. An account may have no more than ten thousand dollars in it at any time.

(C) Notwithstanding eligibility requirements established in or pursuant to Chapter 5107.7 or 5108.7, ~~or 5111.~~ of the Revised Code, to the extent permitted by federal statutes and regulations, money in an individual development account, including interest, is exempt from consideration in determining whether the participant or a member of the participant's assistance group is eligible for assistance under Chapter 5107.7 or 5108.7, ~~or 5111.~~ of the Revised Code and the amount of assistance the participant or assistance group is eligible to receive.

(D)(1) Except as provided in division (D)(2) of this section, an individual development account program participant may use money in the account only for the following purposes:

(a) Postsecondary educational expenses paid directly from the account to an eligible education institution or vendor;

(b) Qualified acquisition expenses of a principal residence, as defined in 26 U.S.C. 1034, as amended, paid directly from the account to the person or government entity to which the expenses are due;

(c) Qualified business capitalization expenses made in accordance with a qualified business plan that has been approved by a financial institution or by a nonprofit microenterprise program having demonstrated business expertise and paid directly from the account to the person to whom the expenses are due.

(2) A fiduciary organization shall permit a participant to

withdraw money deposited by the participant if it is needed to 24693
deal with a personal emergency of the participant or a member of 24694
the participant's family or household. Withdrawal shall result in 24695
the loss of any matching funds in an amount equal to the amount of 24696
the withdrawal. 24697

(3) Regardless of the reason for the withdrawal, a withdrawal 24698
from an individual development account may be made only with the 24699
approval of the fiduciary organization. 24700

Sec. 333.01. As used in this chapter: 24701

(A) "County sales and use tax" means the tax levied by a 24702
county under division (A) of section 5739.021 or division (A) of 24703
section 5741.021 of the Revised Code that is returned or 24704
distributed to the county under section 5739.21 or 5741.03 of the 24705
Revised Code. 24706

(B) "Impact facility" means a permanent structure, including 24707
all interior or exterior square footage used for educational or 24708
exhibition activities, that meets all of the following criteria: 24709

(1) It is used for the sale of tangible personal property or 24710
services; 24711

(2) At least ten per cent of the facility's total square 24712
footage is dedicated to educational or exhibition activities; 24713

(3) At least ~~fifty~~ thirty million dollars is invested in 24714
land, buildings, infrastructure, and equipment for the facility at 24715
the site of the facility over a period of not more than two years; 24716

(4) An annualized average of at least one hundred fifty new 24717
full-time equivalent positions will be created and maintained at 24718
the facility; 24719

(5) More than fifty per cent of the visitors to the facility 24720
are reasonably anticipated to live at least ~~one hundred~~ fifty 24721
miles from the facility. 24722

(C) "Qualifying investment" means a person's investment in 24723
land, buildings, infrastructure, and equipment for creating an 24724
impact facility. 24725

(D) "Full-time equivalent positions" means the total number 24726
of hours worked at a facility in a work week, divided by forty 24727
hours per week. 24728

Sec. 333.02. Before June 1, ~~2007~~ 2015, a board of county 24729
commissioners of a county that levies a county sales and use tax 24730
may enter into an agreement with any person that proposes to 24731
construct an impact facility in the county to provide payments to 24732
that person of up to seventy-five per cent of the county sales and 24733
use tax collected on each retail sale made by that person at the 24734
facility, for a term of up to ten years, or until the person's 24735
qualifying investment in the impact facility has been realized 24736
through the payments, whichever occurs first. 24737

Sec. 333.03. (A) A person seeking to enter into an agreement 24738
and obtain payments under section 333.02 of the Revised Code shall 24739
provide both of the following to the board of county 24740
commissioners: 24741

(1) A certification by the person's chief financial officer, 24742
or the equivalent if that position does not exist, that the 24743
criteria listed in division (B) of section 333.01 of the Revised 24744
Code will be met; and 24745

(2) An application on a form or in a format acceptable to the 24746
board that describes the proposed impact facility, including the 24747
projected level of investment in and new jobs to be created at the 24748
facility, the rationale used for determining that more than fifty 24749
per cent of the facility's visitors live at least ~~one hundred~~ 24750
fifty miles from the facility, the types of activities to be 24751
conducted at the facility, the projected levels of sales to occur 24752

at the facility, a calculation of the facility's square footage 24753
that will be dedicated to educational or exhibition activities, 24754
and any other information the board of county commissioners 24755
reasonably requests about the expected operations of the facility. 24756

(B) The board of county commissioners shall request the 24757
director of development services to certify that the proposed 24758
facility meets the criteria for an impact facility listed in 24759
division (B) of section 333.01 of the Revised Code. The board of 24760
county commissioners may, but need not, make findings of fact that 24761
a proposed facility meets the criteria for an impact facility 24762
listed in division (B) of section 333.01 of the Revised Code 24763
before or after requesting the certification. If the director of 24764
development services certifies a proposed facility as an impact 24765
facility under this section, and if the board makes such findings, 24766
the findings and certification are conclusive and not subject to 24767
reopening at any time. 24768

Sec. 333.04. (A) After review of the items submitted under 24769
division (A) of section 333.03 of the Revised Code, and after 24770
receipt of the certification from the director of development 24771
services under division (B) of that section, a board of county 24772
commissioners, before June 1, ~~2007~~ 2015, may enter into an 24773
agreement under section 333.02 of the Revised Code, provided that 24774
the board has determined all of the following: 24775

(1) The proposed impact facility is economically sound; 24776

(2) Construction of the proposed impact facility has not 24777
begun prior to the day the agreement is entered into; 24778

(3) The impact facility will benefit the county by increasing 24779
employment opportunities and strengthening the local and regional 24780
economy; and 24781

(4) Receiving payments from the board of county commissioners 24782

is a major factor in the person's decision to go forward with construction of the impact facility. 24783
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(B) An agreement entered into under this section shall include all of the following: 24785
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(1) A description of the impact facility that is the subject of the agreement, including the existing investment level, if any, the proposed amount of investments, the scheduled starting and completion dates for the facility, and the number and type of full-time equivalent positions to be created at the facility; 24787
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(2) The percentage of the county sales and use tax collected at the impact facility that will be used to make payments to the person entering into the agreement; 24792
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(3) The term of the payments and the first calendar quarter in which the person may apply for a payment under section 333.06 of the Revised Code; 24795
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(4) A requirement that the amount of payments made to the person during the term established under division (B)(3) of this section shall not exceed the person's qualifying investment, and that all payments cease when that amount is reached; 24798
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(5) A requirement that the person maintain operations at the impact facility for at least the term established under division (B)(3) of this section; 24802
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(6) A requirement that the person annually certify to the board of county commissioners, on or before a date established by the board in the agreement, the level of investment in, the number of employees and type of full-time equivalent positions at, and the amount of county sales and use tax collected and remitted to the tax commissioner or treasurer of state from sales made at, the facility; 24805
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(7) A provision stating that the creation of the proposed 24812

impact facility does not involve the relocation of ~~more than ten~~ 24813
~~any~~ full-time equivalent positions ~~and two million dollars in~~ 24814
~~taxable assets or any tangible personal property~~ to the impact 24815
facility from another facility owned by the person, or a related 24816
member of the person, that is located in another political 24817
subdivision of this state, other than the political subdivision in 24818
which the impact facility is or will be located; 24819

(8) ~~A provision stating that the person will not relocate~~ 24820
~~more than ten full-time equivalent positions and two million~~ 24821
~~dollars in taxable assets to the impact facility from another~~ 24822
~~facility in another political subdivision of this state during the~~ 24823
~~term of the payments without the written approval of the director~~ 24824
~~of development;~~ 24825

~~(9)~~ A detailed explanation of how the person determined that 24826
more than fifty per cent of the visitors to the facility live at 24827
least ~~one hundred~~ fifty miles from the facility. 24828

(C) ~~For purposes of this section, the transfer of a full-time~~ 24829
~~equivalent position or taxable asset from another political~~ 24830
~~subdivision in this state to the political subdivision in which~~ 24831
~~the impact facility is or will be located shall be considered a~~ 24832
~~relocation, unless the person refills the full-time equivalent~~ 24833
~~position, or replaces the taxable asset with an asset of equal or~~ 24834
~~greater taxable value, within six months after the transfer. The~~ 24835
~~person may not receive a payment under this chapter for any year~~ 24836
~~in which more than ten relocations occurred without the written~~ 24837
~~consent of the board of county commissioners~~ No payment may be 24838
made under this chapter to a person that is found to be in 24839
violation of the provision described in division (B)(7) of this 24840
section. 24841

Sec. 333.05. (A) ~~If~~ Except as otherwise provided in this 24842
division, if a person fails to meet or comply with any provision 24843

of an agreement entered into under section 333.02 of the Revised Code, the board of county commissioners may amend the agreement to reduce the percentage or term, or both, of the payments the person is entitled to receive under the agreement. The reduction shall commence in the calendar quarter immediately following the calendar quarter in which the board amends the agreement. If a person fails to comply with the provision described in division (B)(7) of section 333.04 of the Revised Code, no payments may be made under this chapter to that person after the person is found to be in violation.

(B) A board of county commissioners shall submit to the department of development and to the tax commissioner a copy of each agreement entered into under section 333.02 of the Revised Code and any modifications to an agreement within thirty days after finalization or modification of the agreement.

Sec. 339.02. (A) As used in this section, "area served by the hospital" means the geographic area, whether or not included within the county, from which a county hospital regularly draws patients.

(B) Unless a board of county hospital trustees for the county is in existence in accordance with this section, such board shall be created pursuant to this section after the board of county commissioners first determines by resolution to establish a county hospital. Copies of such resolution shall be certified to the probate judge of the county senior in point of service and to the judge, other than a probate judge, of the court of common pleas of the county senior in point of service. The board of county commissioners together with the probate judge of the county senior in point of service and the judge of the court of common pleas of the county senior in point of service shall, within ten days after such certification, appoint a board of county hospital trustees.

(C) In making appointments to a board of county hospital trustees, ~~all~~ both of the following apply with respect to the individuals who may be appointed:

(1) Members shall be electors and representative of the area served by the hospital, except that not more than two members may be electors of the area served by the hospital that is outside the county in which the hospital is located.

~~(2) In no case shall more than one half of the members be independents or be members of any one political party.~~

~~(3)~~ A physician may serve as a member, including a physician who is authorized to admit and treat patients at the hospital, except as follows:

(a) Not more than two physicians may serve as members at the same time;

(b) No physician who is employed by the hospital may serve as a member.

(D) A board of county hospital trustees shall be composed of six members, unless the board of county commissioners determines that the board of trustees can more effectively function with eight or ten members in which case there may be eight or ten members, as designated by the board of county commissioners.

(E) With respect to the initial appointment of members to a board of county hospital trustees, all of the following apply:

(1) When the board is composed of six members, their terms of office shall be one for one year, one for two years, one for three years, one for four years, one for five years, and one for six years from the first Monday of March thereafter.

(2) When the board is composed of eight members, their terms of office shall be one for one year, one for two years, two for three years, one for four years, one for five years, and two for

six years from the first Monday of March thereafter. 24905

(3) When the board is composed of ten members, their terms of 24906
office shall be two for one year, one for two years, two for three 24907
years, two for four years, one for five years, and two for six 24908
years from the first Monday of March thereafter. 24909

(F) Except as provided in division (G)(2) of this section, 24910
all of the following apply with respect to vacancies on a board of 24911
county hospital trustees: 24912

(1) Annually, on the first Monday of March, the board of 24913
county commissioners together with the probate judge of the county 24914
senior in point of service and the judge of the court of common 24915
pleas of the county senior in point of service shall appoint or 24916
reappoint for a term of six years a sufficient number of members 24917
to replace those members whose terms have expired. 24918

(2) The appointing authority shall fill a vacancy not later 24919
than six months after the vacancy occurs. If the vacancy remains 24920
unfilled on that date, the remaining members of the board, by 24921
majority vote, shall appoint an individual to fill the vacancy. 24922

(3) The appointing authority may fill a vacancy by seeking 24923
nominations from a selection committee consisting of one county 24924
commissioner designated by the board of county commissioners, the 24925
chair of the board of county hospital trustees, and the county 24926
hospital administrator. If nominations for filling a vacancy are 24927
sought from a selection committee, the committee shall nominate at 24928
least three individuals for the vacancy. The appointing authority 24929
may fill the vacancy by appointing one of the nominated 24930
individuals or by appointing another individual selected by the 24931
appointing authority. 24932

(4) Any member appointed to fill a vacancy occurring prior to 24933
the expiration date of the term for which the member's predecessor 24934
was appointed shall hold office as a member for the remainder of 24935

that term. 24936

(G)(1) The board of county commissioners together with the 24937
probate judge senior in point of service and the judge of the 24938
court of common pleas senior in point of service in any county in 24939
which a board of county hospital trustees has been appointed may 24940
expand the number of members to eight or to ten. When the number 24941
of members is increased to eight, one shall be appointed for a 24942
three-year and one for a six-year term from the first Monday of 24943
March thereafter. When the number of members is increased from six 24944
to ten, the term for additional members shall be: one for one 24945
year, one for three years, one for four years, and one for six 24946
years from the first Monday of March thereafter. When the number 24947
of members is increased from eight to ten, the term for additional 24948
members shall be: one for one year and one for four years from the 24949
first Monday of March thereafter. Thereafter except as provided in 24950
division (G)(2) of this section, upon the expiration of the term 24951
of office of each member, the vacancy shall be filled in the 24952
manner specified in division (F) of this section. 24953

(2) The board of county commissioners together with the 24954
probate judge senior in point of service and the judge of the 24955
court of common pleas senior in point of service may reduce the 24956
number of members of a board of county hospital trustees to eight 24957
or to six. The reduction shall occur on expiration of a member's 24958
term of office, at which time no appointment shall be made. While 24959
the board of county commissioners and the judges are in the 24960
process of reducing the number of members, the board of county 24961
hospital trustees may consist of nine or seven members for one 24962
year. 24963

(H) Any member of a board of county hospital trustees may be 24964
removed from office by the appointing authority for neglect of 24965
duty, misconduct, or malfeasance in office. The member shall be 24966
informed in writing of the charges and afforded an opportunity for 24967

a hearing before the appointing authority. The appointing 24968
authority shall not remove a member from office for political 24969
reasons. 24970

(I) The board of county commissioners may provide members of 24971
a board of county hospital trustees ~~shall a stipend for their~~ 24972
service or require the members to serve without compensation, ~~but,~~ 24973
The members shall be allowed their necessary and reasonable 24974
expenses incurred in the performance of their duties, including 24975
the cost of their participation in any continuing education 24976
programs or developmental programs that the members consider 24977
necessary. Allowable stipends and expenses shall be paid out of 24978
the funds provided for the county hospital. 24979

(J) The persons selected to be members of a board of county 24980
hospital trustees shall forthwith be notified, by mail, of their 24981
appointment. When a board is initially appointed, the notice shall 24982
state a time, not more than ten days later, when such board shall 24983
meet at the county seat of such county to organize. On the date 24984
stated, the board shall meet and organize. 24985

(K) A board of county hospital trustees shall organize by 24986
electing one of its number as chairperson and such other officers 24987
as specified in the board's rules. Four members of a six-member 24988
board constitute a quorum, five members constitute a quorum of an 24989
eight-member board, and six members constitute a quorum of a 24990
ten-member board. 24991

A board of county hospital trustees shall hold meetings at 24992
least ~~once a month~~ quarterly, shall adopt necessary rules of 24993
procedure, and shall keep a record of its proceedings and a strict 24994
account of all its receipts, disbursements, and expenditures. On 24995
completion of the construction and equipping of a county hospital, 24996
the board shall file such account with the board of county 24997
commissioners and make final settlement with the board of county 24998
commissioners for the construction and equipping of the hospital. 24999

Sec. 339.05. (A) A board of county hospital trustees may 25000
adopt, annually, bidding procedures and purchasing or leasing 25001
policies ~~for services~~ provided through a joint purchasing 25002
arrangement sponsored by a nonprofit organization, ~~and~~ for 25003
services, supplies, and equipment, that are routinely used in the 25004
operation of the hospital and that cost in excess of the amount 25005
specified in section 307.86 of the Revised Code as the amount 25006
above which purchases must be competitively bid. If a board of 25007
county hospital trustees adopts those policies and procedures, and 25008
if the board of county commissioners approves them, the board of 25009
county hospital trustees may follow those policies and procedures 25010
in lieu of following the competitive bidding procedures of 25011
sections 307.86 to 307.92 of the Revised Code. 25012

(B) Notwithstanding section 307.86 of the Revised Code, the 25013
board of county hospital trustees is exempt from competitive 25014
bidding as required under that section if the board, by a 25015
unanimous vote of its members, makes a determination that a real 25016
and present emergency exists, and either of the following applies: 25017

(1) The estimated cost is less than one hundred thousand 25018
dollars. 25019

(2) There is actual physical damage to structures or 25020
equipment. 25021

The board shall enter the determination of emergency and the 25022
reasons for it in the minutes of its proceedings. 25023

For purposes of this section, a vote is unanimous if all 25024
members of a board of county hospital trustees are present, or a 25025
lesser number of members of the board if not all members are 25026
present, provided that the number of members present constitutes a 25027
quorum. 25028

Whenever a contract of purchase, lease, or construction is 25029

exempted from competitive bidding because the estimated cost is 25030
less than one hundred thousand dollars, but the estimated cost is 25031
fifty thousand dollars or more, the board shall solicit informal 25032
estimates from not fewer than three persons who could perform the 25033
contract, before awarding the contract. With regard to each such 25034
contract, the board shall maintain a record of the informal 25035
estimates, including the name of each person from whom an informal 25036
estimate was solicited. The board shall maintain the record for 25037
the longer of at least one year after the contract is awarded or 25038
an amount of time required by the federal government. 25039

Sec. 339.06. (A) The board of county hospital trustees, upon 25040
completion of construction or leasing and equipping of a county 25041
hospital, shall assume and continue the operation of the hospital. 25042

(B) The board of county hospital trustees shall have the 25043
entire management and control of the county hospital. The board 25044
may in writing delegate its management and control of the county 25045
hospital to the administrator of the county hospital employed 25046
under section 339.07 of the Revised Code. The board shall 25047
establish such rules for the hospital's government, management, 25048
control, and the admission of persons as are expedient. 25049

(C) The board of county hospital trustees has control of the 25050
property of the county hospital, including management and disposal 25051
of surplus property other than real estate or an interest in real 25052
estate. 25053

(D) With respect to the use of funds by the board of county 25054
hospital trustees and its accounting for the use of funds, all of 25055
the following apply: 25056

(1) The board of county hospital trustees has control of all 25057
funds used in the county hospital's operation, including moneys 25058
received from the operation of the hospital, moneys appropriated 25059
for its operation by the board of county commissioners, and moneys 25060

resulting from special levies submitted by the board of county commissioners as provided for in section 5705.22 of the Revised Code. 25061
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(2) Of the funds used in the county hospital's operation, all or part of any amount determined not to be necessary to meet current demands on the hospital may be invested by the board of county hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to section 135.35 of the Revised Code, subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to section 135.341 of the Revised Code. 25064
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(3) Annually, not later than sixty days before the end of the fiscal year used by the county hospital, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for that board's review. The board of county commissioners shall review and approve the proposed budget by the first day of the fiscal year to which the budget applies. If the board of county commissioners has not approved the budget by the first day of the fiscal year to which the budget applies, the budget is deemed to have been approved by the board on the first day of that fiscal year. 25073
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(4) The board of county hospital trustees shall not expend funds received from taxes collected pursuant to any tax levied under section 5705.22 of the Revised Code or the amount appropriated to the county hospital by the board of county commissioners in the annual appropriation measure for the county until its budget for the applicable fiscal year is approved in accordance with division (C)(3) of this section. At any time the amount received from those sources differs from the amount shown in the approved budget, the board of county commissioners may require the board of county hospital trustees to revise the county 25083
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hospital budget accordingly. 25093

(5) Funds under the control of the board of county hospital 25094
trustees may be disbursed by the board, consistent with the 25095
approved budget, for the uses and purposes of the county hospital; 25096
for the replacement of necessary equipment; for the acquisition, 25097
leasing, or construction of permanent improvements to county 25098
hospital property; or for making a donation authorized by division 25099
(E) of this section. Each disbursement of funds shall be made on a 25100
voucher signed by signatories designated and approved by the board 25101
of county hospital trustees. 25102

(6) The head of a board of county hospital trustees is not 25103
required to file an estimate of contemplated revenue and 25104
expenditures for the ensuing fiscal year under section 5705.28 of 25105
the Revised Code unless the board of county commissioners levies a 25106
tax for the county hospital, or such a tax is proposed, or the 25107
board of county hospital trustees desires that the board of county 25108
commissioners make an appropriation to the county hospital for the 25109
ensuing fiscal year. 25110

(7) All moneys appropriated by the board of county 25111
commissioners or from special levies by the board of county 25112
commissioners for the operation of the hospital, when collected 25113
shall be paid to the board of county hospital trustees on a 25114
warrant of the county auditor and approved by the board of county 25115
commissioners. 25116

(8) The board of county hospital trustees shall provide for 25117
the conduct of an annual financial audit of the county hospital. 25118
Not later than thirty days after it receives the final report of 25119
an annual financial audit, the board shall file a copy of the 25120
report with the board of county commissioners. 25121

(E) For the public purpose of improving the health, safety, 25122
and general welfare of the community, the board of county hospital 25123

trustees may donate to a nonprofit entity any of the following:	25124
(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;	25125 25126
(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;	25127 25128 25129
(3) Services rendered by the hospital.	25130
(F)(1) For purposes of division (F)(2) of this section:	25131
(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.	25132 25133
(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.	25134 25135
(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.	25136 25137
(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, savings and loan association, or savings bank if the contract meets all of the following requirements:	25138 25139 25140 25141
(a) The term of the contract does not exceed one year, except that the contract may provide for the automatic renewal of the contract for up to four additional one-year periods if, on the date of automatic renewal, the aggregate outstanding draws remaining unpaid under the secured line of credit do not exceed fifty per cent of the maximum amount that can be drawn under the secured line of credit.	25142 25143 25144 25145 25146 25147 25148
(b) The contract provides that the bank, savings and loan association, or savings bank shall not commence a civil action against the board of county commissioners, any member of the board, or the county to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured	25149 25150 25151 25152 25153

line of credit at the time of any default by the board of county hospital trustees. 25154
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(c) The contract provides that no assets other than those of the county hospital can be used to secure the line of credit. 25156
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(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit. 25158
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(3) Any obligation incurred by a board of county hospital trustees under division (F)(2) of this section is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code. 25161
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(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both. 25166
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(5) No board of county hospital trustees shall at any time have more than one secured line of credit under division (F)(2) of this section. 25172
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(G) The board of county hospital trustees shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in the hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes. 25175
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(H) The board of county hospital trustees may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds. 25180
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(I) The board of county hospital trustees may authorize a 25185
county hospital and each of its units, hospital board members, 25186
designated hospital employees, and medical staff members to be a 25187
member of and maintain membership in any local, state, or national 25188
group or association organized and operated for the promotion of 25189
the public health and welfare or advancement of the efficiency of 25190
hospital administration and in connection therewith to use tax 25191
funds for the payment of dues and fees and related expenses but 25192
nothing in this section prohibits the board from using receipts 25193
from hospital operation, other than tax funds, for the payment of 25194
such dues and fees. 25195

(J) The following apply to the board of county hospital 25196
trustees in relation to its employees and the employees of the 25197
county hospital: 25198

(1) The board shall adopt the wage and salary schedule for 25199
employees. 25200

(2) The board may employ the hospital's administrator 25201
pursuant to section 339.07 of the Revised Code, and the 25202
administrator may employ individuals for the hospital in 25203
accordance with that section. 25204

(3) The board may employ assistants as necessary to perform 25205
its clerical work, superintend properly the construction of the 25206
county hospital, and pay the hospital's expenses. Such employees 25207
may be paid from funds provided for the county hospital. 25208

(4) The board may hire, by contract or as salaried employees, 25209
such management consultants, accountants, attorneys, engineers, 25210
architects, construction managers, and other professional advisors 25211
as it determines are necessary and desirable to assist in the 25212
management of the programs and operation of the county hospital. 25213
Such professional advisors may be paid from county hospital 25214
operating funds. 25215

(5) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to:	25216 25217 25218 25219
(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year;	25220 25221 25222
(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;	25223 25224
(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;	25225 25226 25227
(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;	25228 25229
(e) Moving expenses for new employees;	25230
(f) Discounts on hospital supplies and services.	25231
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	25232 25233 25234 25235
(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.	25236 25237
(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.	25238 25239 25240 25241
(9) The board may provide employee recognition awards and hold employee recognition dinners.	25242 25243
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.	25244 25245

(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.

The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.

(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts.

Sec. 339.07. (A) The board of county hospital trustees shall provide for the administration of the county hospital by directly employing a hospital administrator or by entering into a contract for the management of the hospital under which an administrator is provided. When an administrator is employed directly, the board shall adopt a job description delineating the administrator's powers and duties and the board may pay the administrator's salary and other benefits from funds provided for the hospital.

(B) During the construction and equipping of the hospital, the administrator shall act in an advisory capacity to the board of county hospital trustees. After the hospital is completed, the administrator shall serve as the chief executive officer and shall carry out the administration of the county hospital according to the policies set forth by the board and any written delegation.

The administrator shall administer the county hospital, make reports, and take any other action that the administrator determines is necessary for the operation of the hospital.

At the end of each fiscal year, the administrator shall 25277
submit to the board a complete financial statement showing the 25278
receipts, revenues, and expenditures in detail for the entire 25279
fiscal year. 25280

The administrator shall ensure that the hospital has such 25281
physicians, nurses, and other employees as are necessary for the 25282
proper care, control, and management of the county hospital and 25283
its patients. The physicians, nurses, and other employees may be 25284
suspended or removed by the administrator at any time the welfare 25285
of the hospital warrants suspension or removal. The administrator 25286
may obtain physicians, nurses, and other employees by direct 25287
employment, entering into contracts, or granting authority to 25288
practice in the hospital. Persons employed directly shall be in 25289
the unclassified civil service, pursuant to section 124.11 of the 25290
Revised Code. 25291

Sec. 340.01. (A) As used in this chapter, "addiction," 25292
"addiction services," "alcohol and drug addiction services," ~~and~~ 25293
"community addiction services provider," "community mental health 25294
services provider," "~~alcohol and drug addiction programs~~ gambling 25295
addiction services," "mental health services," and "mental 25296
illness" have the same meanings as in section ~~3793.01~~ 5119.01 of 25297
the Revised Code. 25298

(B) An alcohol, drug addiction, and mental health service 25299
district shall be established in any county or combination of 25300
counties having a population of at least fifty thousand to provide 25301
~~alcohol and drug~~ addiction services and mental health services. 25302
With the approval of the ~~directors~~ director of ~~mental health and~~ 25303
~~alcohol and drug addiction services~~ mental health and addiction 25304
services, any county or combination of counties having a 25305
population of less than fifty thousand may establish such a 25306
district. Districts comprising more than one county shall be known 25307

as joint-county districts. 25308

The board of county commissioners of any county participating 25309
in a joint-county district may submit a resolution requesting 25310
withdrawal from the district together with a comprehensive plan or 25311
plans that are in compliance with rules adopted by the director of 25312
~~mental health~~ mental health and addiction services under ~~section~~ 25313
~~5119.61~~ section 5119.22 of the Revised Code ~~and rules adopted by~~ 25314
~~the department of alcohol and drug addiction services under~~ 25315
~~section 3793.05 of the Revised Code~~, and that provide for the 25316
equitable adjustment and division of all services, assets, 25317
property, debts, and obligations, if any, of the joint-county 25318
district to the board of alcohol, drug addiction, and mental 25319
health services, to the boards of county commissioners of each 25320
county in the district, and to the directors. No county 25321
participating in a joint-county service district may withdraw from 25322
the district without the consent of the ~~directors~~ director of 25323
~~mental health and alcohol and drug addiction services~~ mental 25324
health and addiction services nor earlier than one year after the 25325
submission of such resolution unless all of the participating 25326
counties agree to an earlier withdrawal. Any county withdrawing 25327
from a joint-county district shall continue to have levied against 25328
its tax list and duplicate any tax levied by the district during 25329
the period in which the county was a member of the district until 25330
such time as the levy expires or is renewed or replaced. 25331

Sec. 340.011. (A) This chapter shall be interpreted to 25332
accomplish all of the following: 25333

(1) Establish a unified system of treatment for mentally ill 25334
persons and persons with addictions; 25335

(2) Establish a community support system available for every 25336
alcohol, drug addiction, and mental health service district; 25337

(3) Protect the personal liberty of mentally ill persons so 25338

that they may be treated in the least restrictive environment; 25339

(4) Encourage the development of high quality, cost 25340
effective, and comprehensive services, including culturally 25341
sensitive services; 25342

(5) Foster the development of comprehensive community mental 25343
health services, based on recognized local needs, especially for 25344
severely mentally disabled children, adolescents, and adults; 25345

(6) Ensure that services provided meet minimum standards 25346
established by the director of ~~mental health or the department of~~ 25347
~~alcohol and drug addiction services~~ mental health and addiction 25348
services; 25349

(7) Promote the delivery of high quality and cost-effective 25350
~~alcohol and drug~~ addiction and mental health services; 25351

(8) Promote the participation of ~~consumers of~~ persons 25352
receiving mental health services and ~~alcohol and drug~~ addiction 25353
services in the planning, delivery, and evaluation of these 25354
services. 25355

(B) Nothing in Chapter 340., ~~3793.~~, 5119., or 5122. of the 25356
Revised Code shall be construed as requiring a board of county 25357
commissioners to provide resources beyond the total amount set 25358
forth in a ~~community~~ budget and statement of services to be 25359
provided by the alcohol, drug addiction, and mental health ~~plan~~ 25360
services board, as developed and submitted under section ~~340.03~~ 25361
340.08 of the Revised Code, ~~to provide the services listed in~~ 25362
~~section 340.09 of the Revised Code, and nothing in those chapters~~ 25363
~~shall be construed as requiring a board of county commissioners to~~ 25364
~~provide resources beyond the total amount set forth in a plan for~~ 25365
~~alcohol and drug addiction services, prepared and submitted in~~ 25366
~~accordance with sections 340.033 and 3793.05 of the Revised Code,~~ 25367
~~to provide alcohol and drug addiction services.~~ 25368

~~Sec. 340.02. As used in this section, "mental health professional" means a person who is qualified to work with mentally ill persons, pursuant to standards established by the director of mental health under section 5119.611 of the Revised Code.~~ 25369
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(A) For each alcohol, drug addiction, and mental health service district, there shall be appointed a board of alcohol, drug addiction, and mental health services consisting of eighteen members or fourteen members. Should the board of alcohol, drug addiction, and mental health services elect to remain at eighteen members, as provided under section 340.02 of the Revised Code as it existed immediately prior to the date of this amendment, the board of alcohol, drug addiction, and mental health services and the board of county commissioners shall not be required to take any action. Should the board of alcohol, drug addiction, and mental health services elect a recommendation to become a fourteen-member board, that recommendation must be approved by the board of county commissioners of the county in which the alcohol, drug addiction, and mental health district is located in order for the transition to a fourteen-member board to occur. Not later than September 30, 2013, each board of alcohol, drug addiction, and mental health services wishing to become a fourteen-member board shall notify the board of county commissioners of that recommendation. Failure of the board of county commissioners to take action within thirty days after receipt of the recommendation shall be deemed agreement by the board of county commissioners to transition to a fourteen-member board of alcohol, drug addiction, and mental health services. Should the board of county commissioners reject the recommendation, the board of county commissioners shall adopt a resolution stating that rejection within thirty days after receipt of the recommendation. Upon adoption of the resolution, the board of county commissioners 25374
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shall meet with the board of alcohol, drug addiction, and mental health services to discuss the matter. After the meeting, the board of county commissioners shall notify the department of mental health and addiction services of its election not later than January 1, 2014. In a joint-county district, a majority of the boards of county commissioners must not reject the recommendation of a joint-county board to become a fourteen-member board in order for the transition to a fourteen-member board to occur. Should the joint-county district have an even number of counties, and the boards of county commissioners of these counties tie in terms of whether or not to accept the recommendation of the alcohol, drug addiction, and mental health services board, the recommendation of the alcohol, drug addiction, and mental health service board to become a fourteen-member board shall prevail. The election shall be final. Failure to provide notice of its election to the department on or before January 1, 2014, shall constitute an election to continue to operate as an eighteen-member board. If an existing board provides timely notice of its election to transition to operate as a fourteen-member board, the number of board members may decline from eighteen to fourteen by attrition as current members' terms expire. However, the composition of the board must reflect the requirements set forth in this section for fourteen-member boards. ~~Nine~~ For all boards, half of the members shall be interested in mental health ~~programs and facilities services~~ and ~~nine other~~ half of the members shall be interested in alcohol ~~or~~, drug, or gambling addiction ~~programs~~ services. All members shall be residents of the service district. The membership shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex.

The (B) For boards operating as eighteen-member boards, the director of ~~mental health~~ mental health and addiction services shall appoint ~~four~~ eight members of the board, ~~the director of alcohol and drug addiction services shall appoint four members,~~

and the board of county commissioners shall appoint ten members. 25434
For boards operating as fourteen-member boards, the director of 25435
mental health and addiction services shall appoint six members of 25436
the board and the board of county commissioners shall appoint 25437
eight members. In a joint-county district, the county 25438
commissioners of each participating county shall appoint members 25439
in as nearly as possible the same proportion as that county's 25440
population bears to the total population of the district, except 25441
that at least one member shall be appointed from each 25442
participating county. 25443

(C) ~~The director of mental health~~ mental health and addiction 25444
services shall ensure that at least one member of the board is a 25445
~~psychiatrist and one member of the board is a mental health~~ 25446
~~professional. If the appointment of a psychiatrist is not~~ 25447
~~possible, as determined under rules adopted by the director, a~~ 25448
~~licensed physician may be appointed in place of the psychiatrist.~~ 25449
~~If the appointment of a licensed physician is not possible, the~~ 25450
~~director of mental health may waive the requirement that the~~ 25451
~~psychiatrist or licensed physician be a resident of the service~~ 25452
~~district and appoint a psychiatrist or licensed physician from a~~ 25453
~~contiguous county. The director of mental health shall ensure that~~ 25454
clinician with experience in the delivery of mental health 25455
services, at least one member of the board is a person who has 25456
received or is receiving mental health services paid for by public 25457
funds ~~and,~~ at least one member of the board is a parent or other 25458
relative of such a person. 25459

~~The director of alcohol and drug addiction services shall~~ 25460
~~ensure that at least one member of the board is a professional in~~ 25461
~~the field of alcohol or drug addiction services and one member of~~ 25462
~~the board is an advocate for persons receiving treatment for~~ 25463
~~alcohol or drug addiction. Of the members appointed by the~~ 25464
~~director of alcohol and drug addiction services, at least one~~ 25465

member of the board is a clinician with experience in the delivery of addiction services, at least one shall be member of the board is a person who has received or is receiving ~~services for alcohol or drug~~ addiction services paid for by public funds, and at least one shall be member of the board is a parent or other relative of such a person. A single member who meets both qualifications may fulfill the requirement for a clinician with experience in the delivery of mental health services and a clinician with experience in the delivery of addiction services.

(D) No member or employee of a board of alcohol, drug addiction, and mental health services shall serve as a member of the board of any ~~agency provider~~ with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No member of a board of alcohol, drug addiction, and mental health services shall be an employee of any ~~agency provider~~ with which the board has entered into a contract for the provision of services or facilities, ~~unless the board member's employment duties with the agency consist of providing, only outside the district the board serves, services for which the medicaid program pays.~~ No person shall be an employee of a board and such ~~an agency a provider~~ unless the board and ~~agency provider~~ both agree in writing.

(E) No person shall serve as a member of the board of alcohol, drug addiction, and mental health services whose spouse, child, parent, brother, sister, grandchild, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a member of the board of any ~~agency provider~~ with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No person shall serve as a member or employee of the board whose spouse, child, parent, brother, sister, stepparent, stepchild,

stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 25498
daughter-in-law, brother-in-law, or sister-in-law serves as a 25499
county commissioner of a county or counties in the alcohol, drug 25500
addiction, and mental health service district. 25501

(F) Each year each board member shall attend at least one 25502
inservice training session provided or approved by the department 25503
of ~~mental health or the department of alcohol and drug addiction~~ 25504
~~services~~ mental health and addiction services. Such training 25505
~~sessions shall not be considered to be regularly scheduled~~ 25506
~~meetings of the board.~~ 25507

~~Each~~ (G) For boards operating as eighteen-member boards, each 25508
member shall be appointed for a term of four years, commencing the 25509
first day of July, except that one-third of initial appointments 25510
to a newly established board, and to the extent possible to 25511
expanded boards, shall be for terms of two years, one-third of 25512
initial appointments shall be for terms of three years, and 25513
one-third of initial appointments shall be for terms of four 25514
years. For boards operating as fourteen-member boards, each member 25515
shall be appointed for a term of four years, commencing the first 25516
day of July, except that four of the initial appointments to a 25517
newly established board, and to the extent possible to expanded 25518
boards, shall be for terms of two years, five initial appointments 25519
shall be for terms of three years, and five initial appointments 25520
shall be for terms of four years. No member shall serve more than 25521
two consecutive four-year terms under the same appointing 25522
authority. A member may serve for three consecutive terms under 25523
the same appointing authority only if one of the terms is for less 25524
than two years. A member who has served two consecutive four-year 25525
terms or three consecutive terms totaling less than ten years is 25526
eligible for reappointment by the same appointing authority one 25527
year following the end of the second or third term, respectively. 25528

When a vacancy occurs, appointment for the expired or 25529

unexpired term shall be made in the same manner as an original 25530
appointment. The appointing authority shall be notified by 25531
certified mail of any vacancy and shall fill the vacancy within 25532
sixty days following that notice. 25533

Any member of the board may be removed from office by the 25534
appointing authority for neglect of duty, misconduct, or 25535
malfeasance in office, and shall be removed by the appointing 25536
authority if the member is barred by this section from serving as 25537
a board member. The member shall be informed in writing of the 25538
charges and afforded an opportunity for a hearing. Upon the 25539
absence of a member within one year from either four board 25540
meetings or from two board meetings without prior notice, the 25541
board shall notify the appointing authority, which may vacate the 25542
appointment and appoint another person to complete the member's 25543
term. 25544

Members of the board shall serve without compensation, but 25545
shall be reimbursed for actual and necessary expenses incurred in 25546
the performance of their official duties, as defined by rules of 25547
the ~~departments~~ department of ~~mental health and alcohol and drug~~ 25548
~~addiction services~~ mental health and addiction services. 25549

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 25550
health service district ~~comprised of a county with a population of~~ 25551
~~two hundred fifty thousand or more on October 10, 1989, the board~~ 25552
~~of county commissioners shall, within thirty days of October 10,~~ 25553
~~1989, establish an alcohol and drug addiction services board as~~ 25554
~~the entity responsible for providing alcohol and drug addiction~~ 25555
~~services in the county, unless, prior to that date, the board~~ 25556
~~adopts a resolution providing that the entity responsible for~~ 25557
~~providing the services is a board of alcohol, drug addiction, and~~ 25558
~~mental health services. If where the board of county commissioners~~ 25559
~~establishes~~ has established an alcohol and drug addiction services 25560

board, the community mental health board established under former 25561
section 340.02 of the Revised Code shall serve as the entity 25562
responsible for providing mental health services in the county. A 25563
community mental health board has all the powers, duties, and 25564
obligations of a board of alcohol, drug addiction, and mental 25565
health services with regard to mental health services. An alcohol 25566
and drug addiction services board has all the powers, duties, and 25567
obligations of a board of alcohol, drug addiction, and mental 25568
health services with regard to ~~alcohol and drug~~ addiction 25569
services. Any provision of the Revised Code that refers to a board 25570
of alcohol, drug addiction, and mental health services with regard 25571
to mental health services also refers to a community mental health 25572
board and any provision that refers to a board of alcohol, drug 25573
addiction, and mental health services with regard to alcohol and 25574
drug addiction services also refers to an alcohol and drug 25575
addiction services board. 25576

An alcohol and drug addiction services board shall consist of 25577
eighteen members or fourteen members, six of whom at the election 25578
of the board. Not later than January 1, 2014, each alcohol and 25579
drug addiction services board shall notify the department of 25580
mental health and addiction services of its election to operate as 25581
an eighteen-member board or to operate as a fourteen-member board. 25582
The election shall be final. Failure to provide notice of its 25583
election to the department on or before January 1, 2014, shall 25584
constitute an election to continue to operate as an 25585
eighteen-member board. If an existing board provides timely notice 25586
of its election to operate as a fourteen-member board, the number 25587
of board members may decline from eighteen to fourteen by 25588
attrition as current members' terms expire. However, the 25589
composition of the board must reflect the requirements set forth 25590
in this section and in applicable provisions of section 340.02 of 25591
the Revised Code for fourteen-member boards. For boards operating 25592
as eighteen-member boards, six members shall be appointed by the 25593

director of alcohol and drug addiction services mental health and 25594
addiction services and twelve ~~of whom~~ members shall be appointed 25595
by the board of county commissioners. ~~Of the members appointed by~~ 25596
~~the~~ The director, one shall be of mental health and addiction 25597
services shall ensure that at least one member of the board is a 25598
person who has received or is receiving services for alcohol ~~or,~~ 25599
drug, or gambling addiction, at least one shall be member is a 25600
parent or relative of such a person, and at least one shall be 25601
member is a professional in the field of alcohol or drug clinician 25602
with experience in the delivery of addiction services, ~~and one~~ 25603
~~shall be an advocate for persons receiving treatment for alcohol~~ 25604
~~or drug addiction.~~ The membership of the board shall, as nearly as 25605
possible, reflect the composition of the population of the service 25606
district as to race and sex. Members shall be residents of the 25607
service district and shall be interested in alcohol and, drug, or 25608
gambling addiction services. Requirements for membership, 25609
including prohibitions against certain family and business 25610
relationships, and terms of office shall be the same as those for 25611
members of boards of alcohol, drug addiction, and mental health 25612
services. 25613

A community mental health board shall consist of eighteen 25614
members or fourteen members, at the election of the board. Not 25615
later than January 1, 2014, each community mental health board 25616
shall notify the department of mental health and addiction 25617
services of its election to operate as an eighteen-member board or 25618
to operate as a fourteen-member board. The election shall be 25619
final. Failure to provide notice of its election to the department 25620
on or before January 1, 2014, shall constitute an election to 25621
continue to operate as an eighteen-member board. If an existing 25622
board provides timely notice of its election to operate as a 25623
fourteen-member board, the number of board members may decline 25624
from eighteen to fourteen by attrition as current members' terms 25625
expire. However, the composition of the board must reflect the 25626

requirements set forth in this section and in applicable 25627
provisions of section 340.02 of the Revised Code for 25628
fourteen-member boards. For boards operating as eighteen-member 25629
boards, six of whom members shall be appointed by the director of 25630
mental health mental health and addiction services and twelve of 25631
whom members shall be appointed by the board of county 25632
commissioners. Of the members appointed by the The director, one 25633
shall be of mental health and addiction services shall ensure that 25634
at least one member of the board is a person who has received or 25635
is receiving mental health services, at least one shall be member 25636
is a parent or relative of such a person, and at least one shall 25637
be member is a psychiatrist or a physician, and one shall be a 25638
clinician with experience in the delivery of mental health 25639
professional services. The membership of the board as nearly as 25640
possible shall reflect the composition of the population of the 25641
service district as to race and sex. Members shall be residents of 25642
the service district and shall be interested in mental health 25643
services. Requirements for membership, including prohibitions 25644
against certain family and business relationships, and terms of 25645
office shall be the same as those for members of boards of 25646
alcohol, drug addiction, and mental health services. 25647

~~(B) If a board of county commissioners subject to division~~ 25648
~~(A) of this section did not adopt a resolution providing for a~~ 25649
~~board of alcohol, drug addiction, and mental health services, the~~ 25650
~~board of county commissioners may establish such a board in~~ 25651
~~accordance with the following procedures:~~ 25652

~~(1) Not later than January 1, 2007, the board of county~~ 25653
~~commissioners shall adopt a resolution expressing its intent to~~ 25654
~~establish a board of alcohol, drug addiction, and mental health~~ 25655
~~services.~~ 25656

~~(2) After adopting a resolution under division (B)(1) of this~~ 25657
~~section, the board of county commissioners shall instruct the~~ 25658

~~county's community mental health board and alcohol and drug
addiction services board to prepare a report on the feasibility,
process, and proposed plan to establish a board of alcohol, drug
addiction, and mental health services. The board of county
commissioners shall specify the date by which the report must be
submitted to the board for its review.~~

~~(3) After reviewing the report prepared under division (B)(2)
of this section, the board may adopt a final resolution
establishing a board of alcohol, drug addiction, and mental health
services. A final resolution establishing such a board shall be
adopted not later than July 1, 2007.~~

~~(C)(1) If a board of county commissioners subject to division
(A) of this section did not adopt a final resolution providing for
a board of alcohol, drug addiction, and mental health services ~~and
did not establish such a board under division (B) of this section
on or before July 1, 2007~~, the board of county commissioners may
establish a board of alcohol, drug addiction, and mental health
services on or after the effective date of this amendment. To
establish the board, the board of county commissioners shall adopt
a resolution providing for the board's establishment. The
composition of the board, the procedures for appointing members,
and all other matters related to the board and its members are
subject to section 340.02 of the Revised Code, with the following
exceptions:~~

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

~~(b) To the greatest extent possible, the appointing~~

authorities shall appoint the initial members from among the 25691
members jointly recommended under division ~~(C)~~(B)(1)(a) of this 25692
section. 25693

(2) If a board of alcohol, drug addiction, and mental health 25694
services is established pursuant to division ~~(C)~~(B)(1) of this 25695
section, the board has the same rights, privileges, immunities, 25696
powers, and duties that were possessed by the county's community 25697
mental health board and alcohol and drug addiction services board. 25698
When the board is established, all property and obligations of the 25699
community mental health board and alcohol and drug addiction 25700
services board shall be transferred to the board of alcohol, drug 25701
addiction, and mental health services. 25702

Sec. 340.03. (A) Subject to rules issued by the director of 25703
~~mental health~~ mental health and addiction services after 25704
consultation with relevant constituencies as required by division 25705
~~(L)~~(A)(10) of section ~~5119.06~~ 5119.21 of the Revised Code, with 25706
~~regard to mental health services,~~ the board of alcohol, drug 25707
addiction, and mental health services shall: 25708

(1) Serve as the community addiction and mental health 25709
services planning agency for the county or counties under its 25710
jurisdiction, and in so doing it shall: 25711

(a) Evaluate the need for facilities and community addiction 25712
and mental health services; 25713

(b) In cooperation with other local and regional planning and 25714
funding bodies and with relevant ethnic organizations, assess the 25715
community addiction and mental health needs, evaluate strengths 25716
and challenges, and set priorities, ~~and develop plans for the~~ 25717
~~operation of facilities and~~ community addiction and mental health 25718
services, including treatment and prevention. When the board sets 25719
priorities for the operation of addiction services, the board 25720
shall consult with the county commissioners of the counties in the 25721

board's service district regarding the services described in 25722
section 340.15 of the Revised Code and shall give priority to 25723
those services, except that those services shall not have a 25724
priority over services provided to pregnant women under programs 25725
developed in relation to the mandate established in section 25726
5119.17 of the Revised Code; 25727

(c) In accordance with guidelines issued by the director of 25728
~~mental health~~ mental health and addiction services after 25729
consultation with board representatives, annually develop and 25730
submit to the department of ~~mental health~~ mental health and 25731
addiction services a community addiction and mental health 25732
services plan listing community addiction and mental health 25733
services needs, including the needs of all residents of the 25734
district ~~now residing in state mental institutions and severely~~ 25735
~~mentally disabled adults, children, and adolescents;~~ currently 25736
receiving inpatient services in state-operated hospitals, the 25737
needs of other populations as required by state or federal law or 25738
programs, the needs of all children subject to a determination 25739
made pursuant to section 121.38 of the Revised Code~~;~~ and ~~all the~~ 25740
priorities for facilities and community addiction and mental 25741
health services ~~that are or will be in operation or provided~~ 25742
during the period for which the plan will be in ~~operation in the~~ 25743
~~service district to meet such needs~~ effect. 25744

In alcohol, drug addiction, and mental health service 25745
districts that have separate alcohol and drug addiction services 25746
and community mental health boards, the alcohol and drug addiction 25747
services board shall submit a community addiction services plan 25748
and the community mental health board shall submit a community 25749
mental health services plan. Each board shall consult with its 25750
counterpart in developing its plan and address the interaction 25751
between the local addiction services and mental health services 25752
systems and populations with regard to needs and priorities in 25753

developing its plan. 25754

~~The plan shall include, but not be limited to, a statement of~~ 25755
~~which of the services listed in section 340.09 of the Revised Code~~ 25756
~~the board intends to make available. The board must include crisis~~ 25757
~~intervention services for individuals in an emergency situation in~~ 25758
~~the plan and explain how the board intends to make such services~~ 25759
~~available. The plan must also include a statement of the inpatient~~ 25760
~~and community based services the board proposes that the~~ 25761
~~department operate, an assessment of the number and types of~~ 25762
~~residential facilities needed, such other information as the~~ 25763
~~department requests, and a budget for moneys the board expects to~~ 25764
~~receive. The department shall approve or disapprove the plan, in~~ 25765
~~whole or in part, according to the criteria developed pursuant to~~ 25766
~~section 5119.61 5119.22 of the Revised Code. The department's~~ 25767
~~statement of approval or disapproval shall specify the inpatient~~ 25768
~~and the community based services that the department will operate~~ 25769
~~for the board. Eligibility for state and federal funding shall be~~ 25770
~~contingent upon an approved plan or relevant part of a plan.~~ 25771

If a board determines that it is necessary to amend a plan ~~or~~ 25772
~~an allocation request~~ that has been approved under this division 25773
~~(A)(1)(c) of this section~~, the board shall submit a proposed 25774
amendment to the director. The director may approve or disapprove 25775
all or part of the amendment. The director shall inform the board 25776
of the reasons for disapproval of all or part of an amendment and 25777
of the criteria that must be met before the amendment may be 25778
approved. The director shall provide the board an opportunity to 25779
present its case on behalf of the amendment. The director shall 25780
give the board a reasonable time in which to meet the criteria, 25781
and shall offer the board technical assistance to help it meet the 25782
criteria. 25783

The board shall ~~implement~~ operate in accordance with the plan 25784
approved by the department. 25785

(d) Promote, arrange, and implement working agreements with 25786
social agencies, both public and private, and with judicial 25787
agencies. 25788

(2) Investigate, or request another agency to investigate, 25789
any complaint alleging abuse or neglect of any person receiving 25790
services from a community addiction or mental health ~~agency as~~ 25791
~~defined in section 5122.01 of the Revised Code~~ services provider 25792
certified under section 5119.36 of the Revised Code or alleging 25793
abuse or neglect of a ~~person~~ resident receiving addiction services 25794
or with mental illness or severe mental disability residing in a 25795
residential facility licensed under section ~~5119.22~~ 5119.34 of the 25796
Revised Code. If the investigation substantiates the charge of 25797
abuse or neglect, the board shall take whatever action it 25798
determines is necessary to correct the situation, including 25799
notification of the appropriate authorities. Upon request, the 25800
board shall provide information about such investigations to the 25801
department. 25802

(3) For the purpose of section ~~5119.61~~ 5119.36 of the 25803
Revised Code, cooperate with the director of ~~mental health~~ mental 25804
health and addiction services in visiting and evaluating whether 25805
the services of a community addiction or mental health ~~agency~~ 25806
services provider satisfy the certification standards established 25807
by rules adopted under that section; 25808

(4) In accordance with criteria established under division 25809
(E) of section ~~5119.61~~ 5119.22 of the Revised Code, conduct 25810
program audits that review and evaluate the quality, 25811
effectiveness, and efficiency of services provided through its 25812
community addiction and mental health ~~plan~~ contracted services and 25813
submit its findings and recommendations to the department of 25814
~~mental health~~ mental health and addiction services; 25815

(5) In accordance with section ~~5119.22~~ 5119.34 of the Revised 25816
Code, review an application for a residential facility license and 25817

provide to the department of ~~mental health~~ mental health and 25818
addiction services any information about the applicant or facility 25819
that the board would like the department to consider in reviewing 25820
the application; 25821

(6) ~~Audit, in accordance with rules adopted by the auditor of~~ 25822
~~state pursuant to section 117.20 of the Revised Code, at least~~ 25823
~~annually all programs and services provided under contract with~~ 25824
~~the board. In so doing, the board may contract for or employ the~~ 25825
~~services of private auditors. A~~ Obtain a copy of the fiscal audit 25826
report of all provider organizations under contract with the 25827
board. The fiscal audit report shall be provided to the director 25828
of ~~mental health~~ mental health and addiction services, the auditor 25829
of state, and the county auditor of each county in the board's 25830
district. Nothing in division (A)(6) of this section shall be 25831
interpreted as prohibiting or requiring the inclusion of 25832
provisions requiring performance audits or periodic fiscal reports 25833
in contracts negotiated between the board and services providers. 25834
However, any provision in such a contract requiring a performance 25835
audit or periodic fiscal report shall relate only to programs and 25836
services paid for by the board in question with local funds. 25837

(7) Recruit and promote local financial support for addiction 25838
and mental health ~~programs~~ services from private and public 25839
sources; 25840

(8)(a) Enter into contracts with public and private 25841
facilities for the operation of facility services ~~included in the~~ 25842
~~board's community mental health plan~~ and enter into contracts with 25843
public and private community addiction and mental health ~~agencies~~ 25844
service providers for the provision of community addiction and 25845
mental health services ~~that are listed in section 340.09 of the~~ 25846
~~Revised Code and included in the board's community mental health~~ 25847
~~plan~~. The board may not contract with a residential facility 25848
subject to section 5119.34 of the Revised Code unless the facility 25849

is licensed by the director of mental health and addiction 25850
services and may not contract with a community addiction or mental 25851
health agency services provider to provide community addiction or 25852
mental health services included in the board's community mental 25853
health plan unless the services are certified by the director of 25854
mental health mental health and addiction services under section 25855
5119.611 5119.36 of the Revised Code. Section 307.86 of the 25856
Revised Code does not apply to contracts entered into under this 25857
division. In contracting with a community addiction or mental 25858
health agency services provider, a board shall consider the cost 25859
effectiveness of services provided by that agency provider and the 25860
quality and continuity of care, and may review cost elements, 25861
including salary costs, of the services to be provided. A 25862
utilization review process ~~shall~~ may be established as part of the 25863
contract for services entered into between a board and a community 25864
addiction or mental health agency services provider. The board may 25865
establish this process in a way that is most effective and 25866
efficient in meeting local needs. ~~Until July 1, 2012, a contract~~ 25867
~~with a community mental health agency or facility, as defined in~~ 25868
~~section 5111.023 of the Revised Code, to provide services listed~~ 25869
~~in division (B) of that section shall provide for the agency or~~ 25870
~~facility to be paid in accordance with the contract entered into~~ 25871
~~between the departments of job and family services and mental~~ 25872
~~health under section 5111.91 of the Revised Code and any rules~~ 25873
~~adopted under division (A) of section 5119.61 of the Revised Code.~~ 25874

If either the board or a facility or community addiction or 25875
mental health agency services provider with which the board 25876
contracts under this division ~~(A)(8)(a) of this section~~ proposes 25877
not to renew the contract or proposes substantial changes in 25878
contract terms, the other party shall be given written notice at 25879
least one hundred twenty days before the expiration date of the 25880
contract. During the first sixty days of this one hundred 25881
twenty-day period, both parties shall attempt to resolve any 25882

dispute through good faith collaboration and negotiation in order 25883
to continue to provide services to persons in need. If the dispute 25884
has not been resolved sixty days before the expiration date of the 25885
contract, either party may notify the department of ~~mental health~~ 25886
mental health and addiction services of the unresolved dispute. 25887
The director may require both parties to submit the dispute to a 25888
third party with the cost to be shared by the board and the 25889
facility or ~~community mental health agency~~ provider. The third 25890
party shall issue to the board, the facility or ~~agency~~ provider, 25891
and the department recommendations on how the dispute may be 25892
resolved twenty days prior to the expiration date of the contract, 25893
unless both parties agree to a time extension. The director shall 25894
adopt rules establishing the procedures of this dispute resolution 25895
process. 25896

(b) With the prior approval of the director of ~~mental health~~ 25897
mental health and addiction services, a board may operate a 25898
facility or provide a community addiction or mental health service 25899
as follows, if there is no other qualified private or public 25900
facility or community addiction or mental health ~~agency~~ services 25901
provider that is immediately available and willing to operate such 25902
a facility or provide the service: 25903

(i) In an emergency situation, any board may operate a 25904
facility or provide a community addiction or mental health service 25905
in order to provide essential services for the duration of the 25906
emergency; 25907

(ii) In a service district with a population of at least one 25908
hundred thousand but less than five hundred thousand, a board may 25909
operate a facility or provide a community addiction or mental 25910
health service for no longer than one year; 25911

(iii) In a service district with a population of less than 25912
one hundred thousand, a board may operate a facility or provide a 25913
community addiction or mental health service for no longer than 25914

one year, except that such a board may operate a facility or 25915
provide a community addiction or mental health service for more 25916
than one year with the prior approval of the director and the 25917
prior approval of the board of county commissioners, or of a 25918
majority of the boards of county commissioners if the district is 25919
a joint-county district. 25920

The director shall not give a board approval to operate a 25921
facility or provide a community addiction or mental health service 25922
under division (A)(8)(b)(ii) or (iii) of this section unless the 25923
director determines that it is not feasible to have the department 25924
operate the facility or provide the service. 25925

The director shall not give a board approval to operate a 25926
facility or provide a community addiction or mental health service 25927
under division (A)(8)(b)(iii) of this section unless the director 25928
determines that the board will provide greater administrative 25929
efficiency and more or better services than would be available if 25930
the board contracted with a private or public facility or 25931
community addiction or mental health ~~agency~~ services provider. 25932

The director shall not give a board approval to operate a 25933
facility previously operated by a person or other government 25934
entity unless the board has established to the director's 25935
satisfaction that the person or other government entity cannot 25936
effectively operate the facility or that the person or other 25937
government entity has requested the board to take over operation 25938
of the facility. The director shall not give a board approval to 25939
provide a community addiction or mental health service previously 25940
provided by a community addiction or mental health ~~agency~~ services
provider unless the board has established to the director's 25941
satisfaction that the ~~agency~~ provider cannot effectively provide 25942
the service or that the ~~agency~~ provider has requested the board 25943
take over providing the service. 25944
25945

The director shall review and evaluate a board's operation of 25946

a facility and provision of community addiction or mental health 25947
service under division (A)(8)(b) of this section. 25948

Nothing in division (A)(8)(b) of this section authorizes a 25949
board to administer or direct the daily operation of any facility 25950
or community addiction or mental health ~~agency~~ services provider, 25951
but a facility or ~~agency~~ provider may contract with a board to 25952
receive administrative services or staff direction from the board 25953
under the direction of the governing body of the facility or 25954
agency provider. 25955

(9) Approve fee schedules and related charges or adopt a unit 25956
cost schedule or other methods of payment for contract services 25957
provided by community addiction or mental health ~~agencies~~ services 25958
providers in accordance with guidelines issued by the department 25959
as necessary to comply with state and federal laws pertaining to 25960
financial assistance; 25961

(10) Submit to the director and the county commissioners of 25962
the county or counties served by the board, and make available to 25963
the public, an annual report of the ~~programs~~ services under the 25964
jurisdiction of the board, including a fiscal accounting; 25965

(11) Establish, to the extent resources are available, a 25966
~~community support system~~ continuum of care, which provides for 25967
prevention, treatment, support, and rehabilitation services and 25968
opportunities. The essential elements of the ~~system~~ continuum 25969
include, but are not limited to, the following components in 25970
accordance with section ~~5119.06~~ 5119.21 of the Revised Code: 25971

(a) To locate persons in need of addiction or mental health 25972
services to inform them of available services and benefits 25973
~~mechanisms~~; 25974

(b) Assistance for ~~clients~~ persons receiving services to 25975
obtain services necessary to meet basic human needs for food, 25976
clothing, shelter, medical care, personal safety, and income; 25977

(c) Mental <u>Addiction and mental health care services</u> ,	25978
including, but not limited to, outpatient, <u>residential</u> , partial	25979
hospitalization, and, where appropriate, inpatient care;	25980
(d) Emergency services and crisis intervention;	25981
(e) Assistance for clients <u>persons receiving services</u> to	25982
obtain vocational services and opportunities for jobs;	25983
(f) The provision of services designed to develop social,	25984
community, and personal living skills;	25985
(g) Access to a wide range of housing and the provision of	25986
residential treatment and support;	25987
(h) Support, assistance, consultation, and education for	25988
families, friends, consumers of <u>persons receiving addiction or</u>	25989
mental health services, and others;	25990
(i) Recognition and encouragement of families, friends,	25991
neighborhood networks, especially networks that include racial and	25992
ethnic minorities, churches, community organizations, and	25993
meaningful <u>community</u> employment as natural supports for consumers	25994
of <u>persons receiving addiction or</u> mental health services;	25995
(j) Grievance procedures and protection of the rights of	25996
consumers of <u>persons receiving addiction or</u> mental health	25997
services;	25998
(k) Case management <u>Community psychiatric supportive</u>	25999
<u>treatment services</u> , which includes continual individualized	26000
assistance and advocacy to ensure that needed services are offered	26001
and procured.	26002
(12) <u>Establish a method for evaluating referrals for</u>	26003
<u>involuntary commitment and affidavits filed pursuant to section</u>	26004
<u>5122.11 of the Revised Code in order to assist the probate</u>	26005
<u>division of the court of common pleas in determining whether there</u>	26006
<u>is probable cause that a respondent is subject to involuntary</u>	26007

hospitalization and what alternative treatment is available and 26008
appropriate, if any; 26009

(13) Designate the treatment ~~program~~ services, agency 26010
provider, or facility, or other placement for each person 26011
involuntarily committed to the board pursuant to Chapter 5122. of 26012
the Revised Code ~~and authorize payment for such treatment.~~ The 26013
board shall provide the least restrictive and most appropriate 26014
alternative that is available for any person involuntarily 26015
committed to it and shall assure that the listed services ~~listed~~ 26016
~~in~~ submitted and approved in accordance with division (B) of 26017
section ~~340.09~~ 340.08 of the Revised Code are available to 26018
severely mentally disabled persons residing within its service 26019
district. The board shall establish the procedure for authorizing 26020
payment for services, which may include prior authorization in 26021
appropriate circumstances. The board may provide for services 26022
directly to a severely mentally disabled person when life or 26023
safety is endangered and when no community mental health ~~agency~~ 26024
services provider is available to provide the service. 26025

~~(13) Establish a method for evaluating referrals for~~ 26026
~~involuntary commitment and affidavits filed pursuant to section~~ 26027
~~5122.11 of the Revised Code in order to assist the probate~~ 26028
~~division of the court of common pleas in determining whether there~~ 26029
~~is probable cause that a respondent is subject to involuntary~~ 26030
~~hospitalization and what alternative treatment is available and~~ 26031
~~appropriate, if any;~~ 26032

(14) Ensure that apartments or rooms built, subsidized, 26033
renovated, rented, owned, or leased by the board or a community 26034
addiction or mental health agency services provider have been 26035
approved as meeting minimum fire safety standards and that persons 26036
residing in the rooms or apartments are receiving appropriate and 26037
necessary services, including culturally relevant services, from a 26038
community addiction or mental health agency services provider. 26039

This division does not apply to residential facilities licensed 26040
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code. 26041

(15) Establish a mechanism for obtaining advice and 26042
involvement of ~~consumer recommendation and advice~~ persons 26043
receiving publicly funded addiction or mental health services on 26044
matters pertaining to addiction and mental health services in the 26045
alcohol, drug addiction, and mental health service district; 26046

(16) Perform the duties required by rules adopted under 26047
section ~~5119.61~~ 5119.22 of the Revised Code regarding referrals by 26048
the board or mental health ~~agencies~~ services providers under 26049
contract with the board of individuals with mental illness or 26050
severe mental disability to residential facilities as defined in 26051
division (A)(9)(b)(iii) of section ~~5119.22~~ 5119.34 of the Revised 26052
Code and effective arrangements for ongoing mental health services 26053
for the individuals. The board is accountable in the manner 26054
specified in the rules for ensuring that the ongoing mental health 26055
services are effectively arranged for the individuals. 26056

(B) The board shall establish such rules, operating 26057
procedures, standards, and bylaws, and perform such other duties 26058
as may be necessary or proper to carry out the purposes of this 26059
chapter. 26060

(C) A board of alcohol, drug addiction, and mental health 26061
services may receive by gift, grant, devise, or bequest any 26062
moneys, lands, or property for the benefit of the purposes for 26063
which the board is established, and may hold and apply it 26064
according to the terms of the gift, grant, or bequest. All money 26065
received, including accrued interest, by gift, grant, or bequest 26066
shall be deposited in the treasury of the county, the treasurer of 26067
which is custodian of the alcohol, drug addiction, and mental 26068
health services funds to the credit of the board and shall be 26069
available for use by the board for purposes stated by the donor or 26070
grantor. 26071

(D) No board member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the board member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section, ~~section 340.033~~, or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a board member or employee of a board taken within the scope of the board member's official duties or employee's employment. For the purposes of this division, the conduct of a board member or employee shall not be considered willful or wanton misconduct if the board member or employee acted in good faith and in a manner that the board member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

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

Sec. 340.031. A board of alcohol, drug addiction, and mental health services may:

(A) Inspect any residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code and located in its district, ~~pursuant to a contract with the department of mental health;~~

(B) Acquire, convey, lease, or enter into a contract to purchase, lease, or sell property for community addiction and mental health ~~and alcohol and drug addiction~~ services and related purposes, and enter into loan agreements, including mortgages, for

the acquisition of such property. 26103

Sec. 340.032. The board of alcohol, drug addiction, and 26104
mental health services shall employ a qualified mental health or 26105
~~alcohol or drug~~ addiction services professional with experience in 26106
administration or a professional administrator with experience in 26107
mental health or ~~alcohol or drug~~ addiction services to serve as 26108
executive director of the board and shall prescribe the director's 26109
duties. 26110

The board shall fix the compensation of the executive 26111
director. In addition to such compensation, the director shall be 26112
reimbursed for actual and necessary expenses incurred in the 26113
performance of ~~his~~ the director's official duties. The board, by 26114
majority vote of the full membership, may remove the director for 26115
cause, upon written charges, after an opportunity has been 26116
afforded ~~him~~ the director for a hearing before the board on 26117
request. 26118

The board may delegate to its executive director the 26119
authority to act in its behalf in the performance of its 26120
administrative duties. 26121

As used in this section, "mental health professional" and 26122
"addiction services professional" mean an individual who is 26123
qualified to work with mentally ill persons or persons receiving 26124
addiction services, pursuant to standards established by the 26125
director of mental health and addiction services under Chapter 26126
5119. of the Revised Code. 26127

Sec. 340.04. In addition to such other duties as may be 26128
lawfully imposed, the executive director of a board of alcohol, 26129
drug addiction, and mental health services shall: 26130

(A) Serve as executive officer of the board and subject to 26131
the prior approval of the board for each contract, execute 26132

contracts on its behalf; 26133

(B) Supervise services and facilities provided, operated, 26134
contracted, or supported by the board to the extent of determining 26135
that ~~programs~~ services and facilities are being administered in 26136
conformity with this chapter and rules of the director of ~~mental~~ 26137
~~health and the department of alcohol and drug addiction services~~ 26138
mental health and addiction services; 26139

(C) Provide consultation to ~~agencies, associations, or~~ 26140
~~individuals~~ addiction and mental health services providers 26141
providing services supported by the board; 26142

(D) Recommend to the board the changes necessary to increase 26143
the effectiveness of addiction and mental health services ~~and~~ 26144
~~alcohol and drug addiction services~~ and other matters necessary or 26145
desirable to carry out this chapter; 26146

(E) Employ and remove from office such employees and 26147
consultants in the classified civil service and, subject to the 26148
approval of the board, employ and remove from office such other 26149
employees and consultants as may be necessary for the work of the 26150
board, and fix their compensation and reimbursement within the 26151
limits set by the salary schedule and the budget approved by the 26152
board; 26153

(F) Encourage the development and expansion of preventive, 26154
treatment, rehabilitative, and consultative ~~programs~~ services in 26155
the field of addiction and mental health services with emphasis on 26156
continuity of care; 26157

(G) Prepare for board approval an annual report of the 26158
~~programs~~ services and facilities under the jurisdiction of the 26159
board, including a fiscal accounting of all services; 26160

(H) Conduct such studies as may be necessary and practicable 26161
for the promotion of mental health, promotion of addiction 26162
services, and the prevention of mental illness, emotional 26163

disorders, and addiction ~~to alcohol and drugs;~~ 26164

(I) Authorize the county auditor, or in a joint-county 26165
district the county auditor designated as the auditor for the 26166
district, to issue warrants for the payment of board obligations 26167
approved by the board, provided that all payments from funds 26168
distributed to the board by the department of mental health and 26169
addiction services are in accordance with the ~~comprehensive~~ 26170
~~community mental health plan~~ budget submitted pursuant to section 26171
340.08 of the Revised Code, as approved by the department of 26172
~~mental health, or with the alcohol and drug addiction services~~ 26173
~~plan as approved by the department of alcohol and drug addiction~~ 26174
~~services~~ mental health and addiction services. 26175

Sec. 340.05. A community addiction or mental health ~~agency~~ 26176
services provider that receives a complaint alleging abuse or 26177
neglect of an individual with mental illness or severe mental 26178
disability, or an individual receiving addiction services, who 26179
resides in a residential facility as defined in division (A)(9)(b) 26180
of section ~~5119.22~~ 5119.34 of the Revised Code shall report the 26181
complaint to the board of alcohol, drug addiction, and mental 26182
health services serving the alcohol, drug addiction, and mental 26183
health service district in which the residential facility is 26184
located. A board of alcohol, drug addiction, and mental health 26185
services that receives such a complaint or a report from a 26186
community addiction or mental health ~~agency~~ services provider of 26187
such a complaint shall report the complaint to the director of 26188
~~mental health~~ mental health and addiction services for the purpose 26189
of the director conducting an investigation under section ~~5119.22~~ 26190
5119.34 of the Revised Code. The board may enter the facility with 26191
or without the director and, if the health and safety of a 26192
resident is in immediate danger, take any necessary action to 26193
protect the resident. The board's action shall not violate any 26194
resident's rights specified in rules adopted by the department of 26195

~~mental health~~ mental health and addiction services under section 26196
~~5119.22~~ 5119.34 of the Revised Code. The board shall immediately 26197
report to the director regarding the board's actions under this 26198
section. 26199

Sec. 340.07. The board of county commissioners of any county 26200
participating in an alcohol, drug addiction, and mental health 26201
service district or joint-county district, upon receipt from the 26202
board of alcohol, drug addition, and mental health services of a 26203
resolution so requesting, may appropriate money to such board for 26204
the operation, lease, acquisition, construction, renovation, and 26205
maintenance of addiction or mental health services, ~~programs,~~ 26206
~~providers~~ and facilities ~~for mentally ill and emotionally~~ 26207
~~disturbed persons~~ in accordance with the comprehensive community 26208
addiction and mental health plan or for alcohol and drug addiction 26209
~~programs in accordance with the alcohol and drug addiction~~ 26210
~~services plan~~ services budget approved by the department of mental 26211
health and addiction services pursuant to section 340.08 of the 26212
Revised Code. 26213

Sec. 340.08. In accordance with rules or guidelines issued by 26214
the director of mental health and addiction services, each board 26215
of alcohol, drug addiction, and mental health services shall do 26216
all of the following: 26217

(A) Submit to the department a report of receipts and 26218
expenditures for all federal, state, and local moneys the board 26219
expects to receive; 26220

(1) The report shall identify funds the board and public 26221
children services agencies in the board's service district have 26222
available to fund jointly the services described in section 340.15 26223
of the Revised Code. 26224

(2) The board's proposed budget for expenditures of state and 26225

federal funds distributed to the board by the department shall be 26226
deemed an application for funds, and the department shall approve 26227
or disapprove the budget for these expenditures. The department 26228
shall inform the board of the reasons for disapproval of the 26229
budget for the expenditure of state and federal funds and of the 26230
criteria that must be met before the budget may be approved. The 26231
director shall provide the board an opportunity to present its 26232
case on behalf of the submitted budget. The director shall give 26233
the board a reasonable time in which to meet the criteria and 26234
shall offer the board technical assistance to help it meet the 26235
criteria. 26236

If a board determines that it is necessary to amend a budget 26237
that has been approved under this section, the board shall submit 26238
a proposed amendment to the director. The director may approve or 26239
disapprove all or part of the amendment. The director shall inform 26240
the board of the reasons for disapproval of all or part of the 26241
amendment and of the criteria that must be met before the 26242
amendment may be approved. The director shall provide the board an 26243
opportunity to present its case on behalf of the amendment. The 26244
director shall give the board a reasonable time in which to meet 26245
the criteria and shall offer the board technical assistance to 26246
help it meet the criteria. 26247

(3) The director of mental health and addiction services, in 26248
whole or in part, may withhold funds otherwise to be allocated to 26249
a board of alcohol, drug addiction, and mental health services 26250
under Chapter 5119. of the Revised Code if the board's use of 26251
state and federal funds fails to comply with the approved budget, 26252
as it may be amended with the approval of the department. 26253

(B) Submit to the department a statement identifying the 26254
services described in section 340.09 of the Revised Code the board 26255
intends to make available. The board shall include crisis 26256
intervention services for individuals in emergency situations and 26257

services required pursuant to section 340.15 of the Revised Code, 26258
and the board shall explain the manner in which the board intends 26259
to make such services available. The list of services shall be 26260
compatible with the budget submitted pursuant to division (A) of 26261
this section. The department shall approve or disapprove the 26262
proposed listing of services to be made available. The department 26263
shall inform the board of the reasons for disapproval of the 26264
listing of proposed services and of the criteria that must be met 26265
before listing of proposed services may be approved. The director 26266
shall provide the board an opportunity to present its case on 26267
behalf of the submitted listing of proposed services. The director 26268
shall give the board a reasonable time in which to meet the 26269
criteria and shall offer the board technical assistance to help it 26270
meet the criteria. 26271

(C) Enter into a continuity of care agreement with the state 26272
institution operated by the department of mental health and 26273
addiction services and designated as the institution serving the 26274
district encompassing the board's service district. Subject to 26275
division (B) of section 340.011 of the Revised Code, the 26276
continuity of care agreement shall outline the department's and 26277
the board's responsibilities to plan for and coordinate with each 26278
other to address the needs of board residents who are patients in 26279
the institution, with an emphasis on managing appropriate hospital 26280
bed day use and discharge planning. 26281

(D) In conjunction with the department of mental health and 26282
addiction services, operate a coordinated system for tracking and 26283
monitoring persons found not guilty by reason of insanity and 26284
committed pursuant to section 2945.40 of the Revised Code who have 26285
been granted a conditional release and persons found incompetent 26286
to stand trial and committed pursuant to section 2945.39 of the 26287
Revised Code who have been granted a conditional release. The 26288
system shall do all of the following: 26289

<u>(1) Centralize responsibility for the tracking of those persons;</u>	26290
	26291
<u>(2) Provide for uniformity in monitoring those persons;</u>	26292
<u>(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.</u>	26293
	26294
	26295
<u>(E) Submit to the department a report summarizing complaints and grievances received by the board concerning the rights of persons seeking or receiving services, investigations of complaints and grievances, and outcomes of the investigations.</u>	26296
	26297
	26298
	26299
<u>(F) Provide to the department information to be submitted to the community addiction and mental health information system or systems established by the department under Chapter 5119. of the Revised Code.</u>	26300
	26301
	26302
	26303
<u>(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.</u>	26304
	26305
	26306
	26307
	26308
	26309
<u>(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.</u>	26310
	26311
	26312
	26313
Sec. 340.09. (A) <u>The department of mental health mental health and addiction services shall provide assistance to any county for the operation of boards of alcohol, drug addiction, and mental health services and, the provision of the following services approved by the department within the continuum of care, the provision of approved support functions, and the partnership</u>	26314
	26315
	26316
	26317
	26318
	26319

<u>in, or support for, approved continuum of care-related activities</u>	26320
from funds appropriated for that purpose by the general assembly+.	26321
(A) Outpatient;	26322
(B) <u>Categories in the continuum of care may include all of</u>	26323
<u>the following:</u>	26324
<u>(1) Inpatient;</u>	26325
(C) Partial hospitalization <u>(2) Residential;</u>	26326
(D) Rehabilitation <u>(3) Outpatient treatment;</u>	26327
(E) <u>(4) Intensive and other supports;</u>	26328
<u>(5) Recovery support;</u>	26329
<u>(6) Prevention and wellness management.</u>	26330
<u>(C) Support functions may include all of the following:</u>	26331
<u>(1) Consultation;</u>	26332
(F) Mental health education and other preventive services;	26333
(G) Emergency;	26334
(H) Crisis intervention;	26335
(I) <u>(2) Research;</u>	26336
(J) <u>(3) Administrative;</u>	26337
(K) <u>(4) Referral and information;</u>	26338
(L) Residential;	26339
(M) <u>(5) Training;</u>	26340
(N) Substance abuse;	26341
(O) <u>(6) Service and program evaluation+.</u>	26342
(P) Community support system;	26343
(Q) Case management;	26344
(R) Residential housing;	26345

~~(S) Other services approved by the board and the director of~~ 26346
~~mental health.~~ 26347

Sec. 340.091. Each board of alcohol, drug addiction, and 26348
mental health services shall contract with a community mental 26349
health ~~agency~~ services provider under division (A)~~(7)~~(8)(a) of 26350
section 340.03 of the Revised Code for the ~~agency~~ provider to do 26351
all of the following in accordance with rules adopted under 26352
section ~~5119.61~~ 5119.22 of the Revised Code for an individual 26353
referred to the ~~agency~~ provider under division (D)(2) of section 26354
~~5119.69~~ 5119.41 of the Revised Code: 26355

(A) Assess the individual and, if the ~~agency~~ provider 26356
determines that the environment in which the individual will be 26357
living while receiving residential state supplement payments is 26358
appropriate for the individual's needs, issue a recommendation to 26359
the referring residential state supplement administrative agency 26360
that the referring agency should conclude that the living 26361
environment is appropriate when it makes its determination 26362
regarding the appropriateness of the environment; 26363

(B) Provide ongoing monitoring to ensure that listed services 26364
~~provided under~~ submitted and approved under division (B) of 26365
section ~~340.09~~ 340.08 of the Revised Code are available to the 26366
individual; 26367

(C) Provide discharge planning to ensure the individual's 26368
earliest possible transition to a less restrictive environment. 26369

Sec. 340.10. The county auditor or, in a joint-county 26370
alcohol, drug addiction, and mental health service district, the 26371
auditor of the county, the treasurer of which has been designated 26372
in the agreement between the counties of the district as custodian 26373
of the community addiction and mental health services funds ~~and~~ 26374
~~alcohol and drug addiction services funds~~, is hereby designated as 26375

the auditor and fiscal officer of an alcohol, drug addiction, and 26376
mental health service district or joint-county district. State 26377
funds allocated for the support of a service district shall be 26378
paid to the county treasurer or, in a joint-county district, to 26379
the treasurer of that county designated in the agreement as 26380
custodian of the community addiction and mental health services 26381
funds and authorized to make payments from such funds on order of 26382
the county auditor and on recommendation of the board of alcohol, 26383
drug addiction, and mental health services, or the executive 26384
director of the board when authorized by the board. The auditor 26385
shall submit to the board a detailed monthly statement of all 26386
receipts, disbursements, and ending balances for the community 26387
addiction and mental health services funds. 26388

Sec. 340.11. A board of alcohol, drug addiction, and mental 26389
health services may procure a policy or policies of insurance 26390
insuring board members or employees of the board or agencies 26391
providers with which the board contracts against liability arising 26392
from the performance of their official duties. If the liability 26393
insurance is unavailable or the amount a board has procured or is 26394
able to procure is insufficient to cover the amount of a claim, 26395
the board may indemnify a board member or employee as follows: 26396

(A) For any action or inaction in the capacity of board 26397
member or employee or at the request of the board, whether or not 26398
the action or inaction is expressly authorized by this or any 26399
other section of the Revised Code, if both of the following apply: 26400

(1) The board member or employee acted in good faith and in a 26401
manner that the board member or employee reasonably believed was 26402
in or was not opposed to the best interests of the board; ~~and~~ 26403

(2) With respect to any criminal action or proceeding, the 26404
board member or employee had no reason to believe the board 26405
member's or employee's conduct was unlawful. 26406

(B) Against any expenses, including attorneys' fees, the board member or employee actually and reasonably incurs as a result of a suit or other proceeding involving the defense of any action or inaction in the capacity of board member or employee or at the request of the board, or in defense of any claim, issue, or matter raised in connection with the defense of such an action or inaction, to the extent that the board member or employee is successful on the merits or otherwise.

Sec. 340.12. No board of alcohol, drug addiction, and mental health services or any ~~agency, corporation, or association~~ addiction or mental health services provider under contract with such a board shall discriminate in the provision of services under its authority, in employment, or contract on the basis of race, color, creed, sex, ~~ereed~~, national origin, or disability, ~~or national origin~~.

Each board, ~~and~~ each community addiction or mental health ~~agency, and each alcohol and drug addiction program~~ services provider shall have a written affirmative action program. The affirmative action program shall include goals for the employment and effective utilization of, including contracts with, members of economically disadvantaged groups as defined in division (E)(1) of section 122.71 of the Revised Code in percentages reflecting as nearly as possible the composition of the alcohol, drug addiction, and mental health service district served by the board. Each board, ~~agency,~~ and ~~program~~ provider shall file a description of the affirmative action program and a progress report on its implementation with the department of ~~mental health or the department of alcohol and drug addiction services~~ mental health and addiction services.

Sec. 340.13. (A) As used in this section, ~~"minority":~~

(1) "Minority business enterprise" has the same meaning as in 26437
division ~~(E)(1)~~ of section 122.71 of the Revised Code. 26438

(2) "EDGE business enterprise" has the same meaning as in 26439
section 123.152 of the Revised Code. 26440

(B) Any minority business enterprise that desires to bid on a 26441
contract under division (C) ~~or (D)~~ of this section shall first 26442
apply to the equal employment opportunity coordinator in the 26443
department of administrative services for certification as a 26444
minority business enterprise. Any EDGE business enterprise that 26445
desires to bid on a contract under division (D) of this section 26446
shall first apply to the equal employment opportunity coordinator 26447
of the department of administrative services for certification as 26448
an EDGE business enterprise. The coordinator shall approve the 26449
application of any minority business enterprise or EDGE business 26450
enterprise that complies with the rules adopted under section 26451
122.71 or 123.152 of the Revised Code, respectively. The 26452
coordinator shall prepare and maintain a list of minority business 26453
enterprises and EDGE business enterprises certified under ~~this~~ 26454
~~section~~ those sections. 26455

(C) From the contracts to be awarded for the purchases of 26456
equipment, materials, supplies, or services, other than contracts 26457
entered into under section 340.03 ~~or 340.033~~ of the Revised Code, 26458
each board of alcohol, drug addiction, and mental health services 26459
shall select a number of contracts with an aggregate value of 26460
approximately fifteen per cent of the total estimated value of 26461
contracts to be awarded in the current fiscal year. The board 26462
shall set aside the contracts so selected for bidding by minority 26463
business enterprises only. The bidding procedures for such 26464
contracts shall be the same as for all other contracts awarded 26465
under section 307.86 of the Revised Code, except that only 26466
minority business enterprises certified and listed ~~under~~ pursuant 26467
to division (B) of this section shall be qualified to submit bids. 26468

(D) To the extent that a board is authorized to enter into 26469
contracts for construction, the board shall ~~set aside a number of~~ 26470
~~contracts~~ strive to attain a yearly contract dollar procurement 26471
goal the aggregate value of which equals approximately five per 26472
cent of the aggregate value of construction contracts for the 26473
current fiscal year for ~~bidding by minority~~ EDGE business 26474
enterprises only. ~~The bidding procedures for the contracts set~~ 26475
~~aside for minority business enterprises shall be the same as for~~ 26476
~~all other contracts awarded by the board, except that only~~ 26477
~~minority business enterprises certified and listed under division~~ 26478
~~(B) of this section shall be qualified to submit bids.~~ 26479

(E)(1) In the case of contracts set aside under ~~divisions~~ 26480
division (C) ~~and (D)~~ of this section, if no bid is submitted by a 26481
minority business enterprise, the contract shall be awarded 26482
according to normal bidding procedures. The board shall from time 26483
to time set aside such additional contracts as are necessary to 26484
replace those contracts previously set aside on which no minority 26485
business enterprise bid. 26486

(2) If a board, after having made a good faith effort, is 26487
unable to comply with the goal of procurement for contracting with 26488
EDGE business enterprises pursuant to division (D) of this 26489
section, the board may apply in writing, on a form prescribed by 26490
the department of administrative services, to the director of 26491
mental health and addiction services for a waiver or modification 26492
of the goal. 26493

(F) This section does not preclude any minority business 26494
enterprise or EDGE business enterprise from bidding on any other 26495
contract not specifically set aside for minority business 26496
enterprises or subject to procurement goals for EDGE business 26497
enterprises. 26498

(G) Within ninety days after the beginning of each fiscal 26499
year, each board shall file a report with the department of ~~mental~~ 26500

~~health~~ mental health and addiction services that shows for that 26501
fiscal year the name of each minority business enterprise and EDGE 26502
business enterprise with which the board entered into a contract, 26503
the value and type of each such contract, the total value of 26504
contracts awarded under divisions (C) and (D) of this section, the 26505
total value of contracts awarded for the purchases of equipment, 26506
materials, supplies, or services, other than contracts entered 26507
into under section 340.03 of the Revised Code, and the total value 26508
of contracts entered into for construction. 26509

(H) Any person who intentionally misrepresents ~~himself~~ self 26510
as owning, controlling, operating, or participating in a minority 26511
business enterprise or an EDGE business enterprise for the purpose 26512
of obtaining contracts or any other benefits under this section 26513
shall be guilty of theft by deception as provided for in section 26514
2913.02 of the Revised Code. 26515

Sec. 340.15. (A) A public children services agency that 26516
identifies a child by a risk assessment conducted pursuant to 26517
section 5153.16 of the Revised Code as being at imminent risk of 26518
being abused or neglected because of an addiction of a parent, 26519
guardian, or custodian of the child to a drug of abuse or alcohol 26520
shall refer the child's addicted parent, guardian, or custodian 26521
and, if the agency determines that the child needs alcohol or 26522
other drug addiction services, the child to ~~an alcohol and drug a~~ 26523
community addiction program services provider certified by the 26524
department of ~~alcohol and drug addiction services~~ mental health 26525
and addiction services under section ~~3793.06~~ 5119.36 of the 26526
Revised Code. A public children services agency that is sent a 26527
court order issued pursuant to division (B) of section 2151.3514 26528
of the Revised Code shall refer the addicted parent or other 26529
caregiver of the child identified in the court order to ~~an alcohol~~ 26530
~~and drug a community~~ addiction program services provider certified 26531
by the department of ~~alcohol and drug addiction services~~ mental 26532

health and addiction services under section ~~3793.06~~ 5119.36 of the Revised Code. On receipt of a referral under this division and to the extent funding identified under division (A) ~~(1)~~ of section ~~340.033~~ 340.08 of the Revised Code is available, the ~~program~~ provider shall provide the following services to the addicted parent, guardian, custodian, or caregiver and child in need of ~~alcohol or other drug~~ addiction services:

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

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

(3) If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code and the order requires the specified parent or other caregiver of the child to submit to alcohol or other drug testing during, after, or both during and after, treatment, testing in accordance with the court order.

(B) The services described in division (A) of this section shall have a priority as provided in the ~~alcohol and drug~~ addiction and mental health services plan and budget established pursuant to ~~section 340.033~~ sections 340.03 and 340.08 of the Revised Code. Once a referral has been received pursuant to this section, the public children services agency and the ~~alcohol or drug~~ addiction program services provider shall, in accordance with 42 C.F.R. Part 2, share with each other any information concerning the persons and services described in that division that the agency and ~~program~~ provider determine are necessary to share. If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code, the results and recommendations of the ~~alcohol and drug~~ addiction program services provider also shall be provided and used as described in division

(D) of that section. Information obtained or maintained by the agency or ~~program~~ provider pursuant to this section that could enable the identification of any person described in division (A) of this section is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

~~Sec. 340.16. Not later than ninety days after September 5, 2001, the~~ The department of ~~mental health~~ mental health and addiction services and the department of ~~job and family services~~ medicaid shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

~~The department of mental health and department of job and family services shall collaborate in formulating a plan that delineates the funding responsibilities of public children services agencies and boards of alcohol, drug addiction, and mental health services for services provided under section 5111.023 of the Revised Code to children in the custody of public children services agencies. The departments shall complete the plan not later than ninety days after September 5, 2001.~~

Sec. 341.192. (A) As used in this section:

(1) "Jail" means a county jail, or a multicounty, municipal-county, or multicounty-municipal correctional center.

~~(2) "Medical assistance program" has the same meaning as in section 2913.40 of the Revised Code.~~

~~(3)~~ "Medical provider" means a physician, hospital, laboratory, pharmacy, or other health care provider that is not

employed by or under contract to a county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in a jail or state correctional institution, or is in the custody of a law enforcement officer.

~~(4)~~(3) "Necessary care" means medical care of a nonelective nature that cannot be postponed until after the period of confinement of a person who is confined in a jail or state correctional institution, or is in the custody of a law enforcement officer without endangering the life or health of the person.

(B) If a physician employed by or under contract to a county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in a jail or state correctional institution determines that a person who is confined in the jail or state correctional institution or who is in the custody of a law enforcement officer prior to the person's confinement in a jail or state correctional institution requires necessary care that the physician cannot provide, the necessary care shall be provided by a medical provider. The county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction shall pay a medical provider for necessary care an amount not exceeding the authorized reimbursement rate for the same service established by the department of ~~job and family services~~ medicaid under the ~~medical assistance~~ medicaid program.

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or an addition to an existing community planned pursuant to this chapter so that it includes facilities for the conduct of industrial, commercial,

residential, cultural, educational, and recreational activities, 26626
and designed in accordance with planning concepts for the 26627
placement of utility, open space, and other supportive facilities. 26628

In the case of a new community authority established within 26629
three years after March 22, 2012, the effective date of H.B. 225 26630
of the 129th general assembly, "new community" may mean a 26631
community or development of property planned under this chapter in 26632
relation to an existing community so that the community includes 26633
facilities for the conduct of community activities, and is 26634
designed in accordance with planning concepts for the placement of 26635
utility, open space, and other supportive facilities for the 26636
community. 26637

(B) "New community development program" means a program for 26638
the development of a new community characterized by well-balanced 26639
and diversified land use patterns and which includes land 26640
acquisition and land development, the acquisition, construction, 26641
operation, and maintenance of community facilities, and the 26642
provision of services authorized in this chapter. 26643

In the case of a new community authority established within 26644
three years after March 22, 2012, the effective date of H.B. 225 26645
of the 129th general assembly, a new community development program 26646
may take into account any existing community in relation to which 26647
a new community is developed for purposes of being characterized 26648
by well-balanced and diversified land use patterns. 26649

(C) "New community district" means the area of land described 26650
by the developer in the petition as set forth in division (A) of 26651
section 349.03 of the Revised Code for development as a new 26652
community and any lands added to the district by amendment of the 26653
resolution establishing the community authority. 26654

(D) "New community authority" means a body corporate and 26655
politic in this state, established pursuant to section 349.03 of 26656

the Revised Code and governed by a board of trustees as provided 26657
in section 349.04 of the Revised Code. 26658

(E) "Developer" means any person, organized for carrying out 26659
a new community development program who owns or controls, through 26660
leases of at least seventy-five years' duration, options, or 26661
contracts to purchase, the land within a new community district, 26662
or any municipal corporation, county, or port authority that owns 26663
the land within a new community district, or has the ability to 26664
acquire such land, either by voluntary acquisition or condemnation 26665
in order to eliminate slum, blighted, and deteriorated or 26666
deteriorating areas and to prevent the recurrence thereof. In the 26667
case of a new community authority established within three years 26668
after March 22, 2012, the effective date of H.B. 225 of the 129th 26669
general assembly, "developer" may mean a person, municipal 26670
corporation, county, or port authority that controls land within a 26671
new community district through leases of at least forty years' 26672
duration. 26673

(F) "Organizational board of commissioners" means, ~~if the~~ the 26674
following: 26675

(1) For a new community district that is located in only one 26676
county, the board of county commissioners of ~~such that~~ county; ~~if~~ 26677

(2) For a new community district that is located in more than 26678
one county, a board consisting of the members of the board of 26679
county commissioners of each of the counties in which the district 26680
is located, provided that action of ~~such the~~ board shall require a 26681
majority vote of the members of each separate board of county 26682
commissioners; or, ~~if~~ 26683

(3) For a new community district that is located entirely 26684
within the boundaries of a municipal corporation or for a new 26685
community district where more than half of the new community 26686
district is located within the boundaries of the most populous 26687

municipal corporation of a county, the legislative authority of 26688
the municipal corporation. 26689

(G) "Land acquisition" means the acquisition of real property 26690
and interests in real property as part of a new community 26691
development program. 26692

(H) "Land development" means the process of clearing and 26693
grading land, making, installing, or constructing water 26694
distribution systems, sewers, sewage collection systems, steam, 26695
gas, and electric lines, roads, streets, curbs, gutters, 26696
sidewalks, storm drainage facilities, and other installations or 26697
work, whether within or without the new community district, and 26698
the construction of community facilities. 26699

(I)(1) "Community facilities" means all real property, 26700
buildings, structures, or other facilities, including related 26701
fixtures, equipment, and furnishings, to be owned, operated, 26702
financed, constructed, and maintained under this chapter, 26703
including public, community, village, neighborhood, or town 26704
buildings, centers and plazas, auditoriums, day care centers, 26705
recreation halls, educational facilities, hospital facilities as 26706
defined in section 140.01 of the Revised Code, recreational 26707
facilities, natural resource facilities, including parks and other 26708
open space land, lakes and streams, cultural facilities, community 26709
streets, pathway and bikeway systems, pedestrian underpasses and 26710
overpasses, lighting facilities, design amenities, or other 26711
community facilities, and buildings needed in connection with 26712
water supply or sewage disposal installations or steam, gas, or 26713
electric lines or installation. 26714

(2) In the case of a new community authority established 26715
within three years after March 22, 2012, the effective date of 26716
H.B. 225 of the 129th general assembly, "community facilities" may 26717
mean, in addition to the facilities authorized in division (I)(1) 26718
of this section, any community facilities that are owned, 26719

operated, financed, constructed, or maintained for, relating to, 26720
or in furtherance of community activities, including, but not 26721
limited to, town buildings or other facilities, health care 26722
facilities including, but limited to, hospital facilities, and 26723
off-street parking facilities. 26724

(J) "Cost" as applied to a new community development program 26725
means all costs related to land acquisition and land development, 26726
the acquisition, construction, maintenance, and operation of 26727
community facilities and offices of the community authority, and 26728
of providing furnishings and equipment therefor, financing charges 26729
including interest prior to and during construction and for the 26730
duration of the new community development program, planning 26731
expenses, engineering expenses, administrative expenses including 26732
working capital, and all other expenses necessary and incident to 26733
the carrying forward of the new community development program. 26734

(K) "Income source" means any and all sources of income to 26735
the community authority, including community development charges 26736
of which the new community authority is the beneficiary as 26737
provided in section 349.07 of the Revised Code, rentals, user fees 26738
and other charges received by the new community authority, any 26739
gift or grant received, any moneys received from any funds 26740
invested by or on behalf of the new community authority, and 26741
proceeds from the sale or lease of land and community facilities. 26742

(L) "Community development charge" means: 26743

(1) A dollar amount which shall be determined on the basis of 26744
the assessed valuation of real property or interests in real 26745
property in a new community district sold, leased, or otherwise 26746
conveyed by the developer or the new community authority, the 26747
income of the residents of such property subject to such charge 26748
under section 349.07 of the Revised Code, if such property is 26749
devoted to residential uses or to the profits of any business, a 26750
uniform fee on each parcel of such real property originally sold, 26751

leased, or otherwise conveyed by the developer or new community authority, or any combination of the foregoing bases. 26752
26753

(2) For a new community authority that is established within 26754
three years after March 22, 2012, the effective date of H.B. 225 26755
of the 129th general assembly, "community development charge" 26756
includes, in addition to the charges authorized in division (L)(1) 26757
of this section, a charge determined on the basis of all or a part 26758
of the income of the residents of real property within the new 26759
community district if such property is devoted to residential uses 26760
or of persons employed within the district, or all or a part of 26761
the profits, gross receipts, or other revenues of any business 26762
operating in the new community district, including, but not 26763
limited to, rentals received from leases of real property located 26764
in the district. If a new community authority imposes a community 26765
development charge determined on the basis of rentals received 26766
from leases of real property, improvements of any such leased real 26767
property located in the new community district and subject to that 26768
charge may not be exempted from taxation under section 5709.40, 26769
5709.41, 5709.73, or 5709.78 of the Revised Code. 26770

(M) "Proximate city" means any city that, as of the date of 26771
filing of the petition under section 349.03 of the Revised Code, 26772
is the city with the greatest population located in the county in 26773
which the proposed new community district is located, is the city 26774
with the greatest population located in an adjoining county if any 26775
portion of such city is within five miles of any part of the 26776
boundaries of such district, or exercises extraterritorial 26777
subdivision authority under section 711.09 of the Revised Code 26778
with respect to any part of such district. 26779

In the case of a new community authority that is established 26780
within three years after March 22, 2012, the effective date of 26781
H.B. 225 of the 129th general assembly, "proximate city" may mean 26782
a municipal corporation in which, at the time of filing the 26783

petition under section 349.03 of the Revised Code, any portion of 26784
the proposed new community district is located, or, if at the time 26785
of that filing more than one-half of the proposed district is 26786
contained within a joint economic development district created 26787
under sections 715.70 to 715.83 of the Revised Code, the township 26788
containing the greatest portion of the territory of the joint 26789
economic development district. 26790

(N) "Community activities" means cultural, educational, 26791
governmental, recreational, residential, industrial, commercial, 26792
distribution and research activities, or any combination thereof 26793
that includes residential activities. 26794

Sec. 349.04. The following method of selecting a board of 26795
trustees is deemed to be a compelling state interest. Within ten 26796
days after the new community authority has been established, as 26797
provided in section 349.03 of the Revised Code, an initial board 26798
of trustees shall be appointed as follows: the organizational 26799
board of commissioners shall appoint by resolution at least three, 26800
but not more than six, citizen members of the board of trustees to 26801
represent the interests of present and future residents of the new 26802
community district and one member to serve as a representative of 26803
local government, and the developer shall appoint a number of 26804
members equal to the number of citizen members to serve as 26805
representatives of the developer. In the case of a new community 26806
authority established within three years after March 22, 2012, the 26807
citizen members may represent present and future employers within 26808
the new community district and any present or future residents of 26809
the district. 26810

Members shall serve two-year overlapping terms, with two of 26811
each of the initial citizen and developer members appointed to 26812
serve initial one-year terms. The organizational board of 26813
commissioners shall adopt, by further resolution adopted within 26814

one year of such resolution establishing such initial board of 26815
trustees, a method for selection of successor members thereof 26816
which determines the projected total population of the projected 26817
new community and meets the following criteria: 26818

(A) The appointed citizen members shall be replaced by 26819
elected citizen members according to a schedule established by the 26820
organizational board of commissioners calculated to achieve one 26821
such replacement each time the new community district gains a 26822
proportion, having a numerator of one and a denominator of twice 26823
the number of citizen members, of its projected total population 26824
until such time as all of the appointed citizen members are 26825
replaced. 26826

(B) Representatives of the developer shall be replaced by 26827
elected citizen members according to a schedule established by the 26828
organizational board of commissioners calculated to achieve one 26829
such replacement each time the new community district gains a 26830
proportion, having a numerator of one and a denominator equal to 26831
the number of developer members, of its projected total population 26832
until such time as all of the developer's representatives are 26833
replaced. 26834

(C) The representative of local government shall be replaced 26835
by an elected citizen member at the time the new community 26836
district gains three-quarters of its projected total population. 26837

Elected citizen members of the board of trustees shall be 26838
elected by a majority of the residents of the new community 26839
district voting at elections held at the times and in the manner 26840
provided in a resolution of the organizational board of 26841
commissioners. Each citizen member except an appointed citizen 26842
member shall be a qualified elector who resides within the new 26843
community district. ~~In the case of a new community authority for~~ 26844
~~which a petition is filed within three years after March 22, 2012,~~ 26845
~~the~~ The organizational board of commissioners, by resolution, may 26846

adopt an alternative method of selecting or electing successor 26847
members of the board of trustees provided that if an alternative 26848
method of selection is adopted for a new community authority 26849
organized prior to March 22, 2012, the board of trustees of that 26850
authority shall be limited in the collection of a community 26851
development charge, collected pursuant to division (O) of section 26852
349.06 of the Revised Code, and the issuance of bonds or notes, 26853
issued pursuant to section 349.08 of the Revised Code, to the 26854
amount or to the extent otherwise permitted for a board of 26855
trustees whose members are not elected by residents of the new 26856
community district. If the alternative method provides for the 26857
election of citizen members, the elections may be held at the 26858
times and in the manner provided in the petition or in a 26859
resolution of the organizational board of commissioners, and the 26860
elected citizen members shall be qualified electors who reside in 26861
the new community district. 26862

Citizen members shall not be employees of or have financial 26863
interest in the developer. If a vacancy occurs in the office of a 26864
member other than a member appointed by the developer, the 26865
organizational board of commissioners may appoint a successor 26866
member for the remainder of the unexpired term. Any appointed 26867
member of the board of trustees may at any time be removed by the 26868
organizational board of commissioners for misfeasance, 26869
nonfeasance, or malfeasance in office. Members appointed by the 26870
developer may also at any time be removed by the developer without 26871
a showing of cause. 26872

Each member of the board of trustees, before entering upon 26873
official duties, shall take and subscribe to an oath before an 26874
officer authorized to administer oaths in Ohio that the member 26875
will honestly and faithfully perform the duties of the member's 26876
office. Such oath shall be filed in the office of the clerk of the 26877
board of county commissioners in which the petition was filed. 26878

Upon taking the oath, the board of trustees shall elect one of its 26879
number as chairperson and another as vice-chairperson, and shall 26880
appoint suitable persons as secretary and treasurer who need not 26881
be members of the board. The treasurer shall be the fiscal officer 26882
of the authority. The board shall adopt by-laws governing the 26883
administration of the affairs of the new community authority. Each 26884
member of the board shall post a bond for the faithful performance 26885
of official duties and give surety therefor in such amount, but 26886
not less than ten thousand dollars, as the resolution creating 26887
such board shall prescribe. 26888

All of the powers of the new community authority shall be 26889
exercised by its board of trustees, but without relief of such 26890
responsibility, such powers may be delegated to committees of the 26891
board or its officers and employees in accordance with its 26892
by-laws. A majority of the board shall constitute a quorum, and a 26893
concurrence of a majority of a quorum in any matter within the 26894
board's duties is sufficient for its determination, provided a 26895
quorum is present when such concurrence is had and a majority of 26896
those members constituting such quorum are trustees not appointed 26897
by the developer. All trustees shall be empowered to vote on all 26898
matters within the authority of the board of trustees, and no vote 26899
by a member appointed by the developer shall be construed to give 26900
rise to civil or criminal liability for conflict of interest on 26901
the part of public officials. 26902

Sec. 351.021. (A) The resolution of the county commissioners 26903
creating a convention facilities authority, or any amendment or 26904
supplement to that resolution, may authorize the authority to levy 26905
one or both of the excise taxes authorized by division (B) of this 26906
section to pay the cost of one or more facilities; to pay 26907
principal, interest, and premium on convention facilities 26908
authority tax anticipation bonds issued to pay those costs; to pay 26909
the operating costs of the authority; to pay operating and 26910

maintenance costs of those facilities; and to pay the costs of 26911
administering the excise tax. 26912

(B) The board of directors of a convention facilities 26913
authority that has been authorized pursuant to resolution adopted, 26914
amended, or supplemented by the board of county commissioners 26915
pursuant to division (A) of this section may levy, by resolution 26916
adopted on or before December 31, 1988, either or both of the 26917
following: 26918

(1) Within the territory of the authority, an additional 26919
excise tax not to exceed four per cent on each transaction. The 26920
excise tax authorized by division (B)(1) of this section shall be 26921
in addition to any excise tax levied pursuant to section 5739.08 26922
or 5739.09 of the Revised Code, or division (B)(2) of this 26923
section. 26924

(2) Within that portion of any municipal corporation that is 26925
located within the territory of the authority or within the 26926
boundaries of any township that is located within the territory of 26927
the authority, which municipal corporation or township is levying 26928
any portion of the excise tax authorized by division (A) of 26929
section 5739.08 of the Revised Code, and with the approval, by 26930
ordinance or resolution, of the legislative authority of that 26931
municipal corporation or township, an additional excise tax not to 26932
exceed nine-tenths of one per cent on each transaction. The excise 26933
tax authorized by division (B)(2) of this section may be levied 26934
only if, on the effective date of the levy specified in the 26935
resolution making the levy, the amount being levied pursuant to 26936
division (A) of section 5739.08 of the Revised Code by each 26937
municipal corporation or township in which the tax authorized by 26938
division (B)(2) of this section will be levied, when added to the 26939
amount levied under division (B)(2) of this section, does not 26940
exceed three per cent on each transaction. The excise tax 26941
authorized by division (B)(2) of this section shall be in addition 26942

to any excise tax that is levied pursuant to section 5739.08 or 26943
5739.09 of the Revised Code, or division (B)(1) of this section. 26944

(C)(1) The board of directors of a convention facilities 26945
authority that is located in an eligible Appalachian county; that 26946
has been authorized pursuant to resolution adopted, amended, or 26947
supplemented by the board of county commissioners pursuant to 26948
division (A) of this section; and that is not levying a tax under 26949
division (B)(1) or (2) of this section may levy within the 26950
territory of the authority, by resolution adopted on or before 26951
December 31, 2005, an additional excise tax not to exceed three 26952
per cent on each transaction. The excise tax authorized under 26953
division (C)(1) of this section shall be in addition to any excise 26954
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 26955
Code. 26956

As used in division (C)(1) of this section, "eligible 26957
Appalachian county" means a county in this state designated as 26958
being in the "Appalachian region" under the "Appalachian Regional 26959
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 26960
having a population less than eighty thousand according to the 26961
most recent federal decennial census. 26962

(2) Division ~~(B)~~(C)(2) of this section applies only to a 26963
convention facilities authority located in a county with a 26964
population, according to the 2000 federal decennial census, of at 26965
least one hundred thirty-five thousand and not more than one 26966
hundred fifty thousand and containing entirely within its 26967
boundaries the territory of a municipal corporation with a 26968
population according to that census of more than fifty thousand. 26969
The board of directors of such a convention facilities authority, 26970
by resolution adopted on or before November 1, 2009, may levy 26971
within the territory of the authority an excise tax on 26972
transactions by which lodging by a hotel is or is to be furnished 26973
to transient guests at a rate not to exceed three per cent on such 26974

transactions for the same purposes for which a tax may be levied 26975
under division (B) of this section. The resolution may be adopted 26976
only if the board of county commissioners of the county, by 26977
resolution, authorizes the levy of the tax. The resolution of the 26978
board of county commissioners is subject to referendum as 26979
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 26980
pursuant to those procedures, a referendum is to be held, the 26981
board's resolution does not take effect until approved by a 26982
majority of electors voting on the question. The convention 26983
facilities authority may adopt the resolution authorized by 26984
division (C)(2) of this section before the election, but the 26985
authority's resolution shall not take effect if the board of 26986
commissioners' resolution is not approved at the election. A tax 26987
levied under division (C)(2) of this section is in addition to any 26988
tax levied under section 5739.09 of the Revised Code. 26989

(D) The authority shall provide for the administration and 26990
allocation of an excise tax levied pursuant to division (B) or (C) 26991
of this section. All receipts arising from those excise taxes 26992
shall be expended for the purposes provided in, and in accordance 26993
with this section and section 351.141 of the Revised Code. An 26994
excise tax levied under division (B) or (C) of this section shall 26995
remain in effect at the rate at which it is levied for at least 26996
the duration of the period for which the receipts from the tax 26997
have been anticipated and pledged pursuant to section 351.141 of 26998
the Revised Code. 26999

(E) Except as provided in division (B)(2) of this section, 27000
the levy of an excise tax on each transaction pursuant to sections 27001
5739.08 and 5739.09 of the Revised Code does not prevent a 27002
convention facilities authority from levying an excise tax 27003
pursuant to division (B) or (C) of this section. 27004

(F) A convention facilities authority located in a county 27005
with a population greater than eighty thousand but less than 27006

ninety thousand according to the 2010 federal decennial census 27007
that levies a tax under division (B) of this section may amend the 27008
resolution levying the tax to allocate a portion of the revenue 27009
from the tax for support of tourism-related sites or facilities 27010
and programs operated by the county or a municipal corporation 27011
within the county in which the authority is located or for the 27012
purpose of leasing lands for county fairs, erecting buildings for 27013
county fair purposes, making improvements on a county fairground, 27014
or for any purpose connected with the use of a county fairground 27015
or with the management thereof by the county in which the 27016
authority is located. The revenue allocated by the authority for 27017
such purposes in a calendar year shall not exceed fifteen per cent 27018
of the total revenue from the tax in the preceding calendar year. 27019

Sec. 353.01. For purposes of this chapter: 27020

(A) "Lake facilities authority" means a body corporate and 27021
politic created pursuant to section 353.02 of the Revised Code. 27022

(B) "Watershed" means a watershed as determined by the United 27023
States geological survey. 27024

(C) "Impacted watershed" means a watershed meeting both of 27025
the following conditions: 27026

(1) The watershed contains a natural or man-made lake of at 27027
least one-half square mile that has experienced levels of 27028
microcystin toxins in excess of eighty parts-per-billion, as 27029
measured by the Ohio environmental protection agency, during the 27030
twenty-four month period immediately preceding the date the last 27031
resolution necessary for the creation of a lake facilities 27032
authority under section 353.02 of the Revised Code was adopted. 27033

(2) The watershed is partially or completely located within a 27034
state park, as defined in section 154.01 of the Revised Code, that 27035
has averaged at least four hundred thousand visitors per year for 27036

the four calendar years preceding the calendar year in which the 27037
last resolution necessary for the creation of a lake facilities 27038
authority under section 353.02 of the Revised Code was adopted. 27039

(D) "Impacted lake district" means the territory of all 27040
townships and municipal corporations having territory in an 27041
impacted watershed. 27042

(E) "Cost" as applied to a lake facilities authority facility 27043
means the cost of acquisition or construction of the facility; the 27044
cost of acquisition of all land, rights-of-way, property rights, 27045
easements, franchise rights, and interests required for such 27046
acquisition; the cost of demolishing or removing any buildings or 27047
structures on land so acquired, including the cost of acquiring 27048
any lands to which such buildings or structures may be moved; the 27049
cost of acquiring or constructing and equipping a principal office 27050
of the lake facilities authority; the cost of diverting highways, 27051
interchange of highways, and access roads to private property, 27052
including the cost of land or easements for the access roads, the 27053
cost of public utility and common carrier relocation or 27054
duplication, the cost of all machinery, furnishings, and 27055
equipment, financing charges, interest prior to and during any 27056
construction and for no more than eighteen months after completion 27057
of any construction; engineering; expenses of research and 27058
development with respect to an impacted lake district; legal 27059
expenses; expenses of developing or obtaining plans, 27060
specifications, engineering surveys, studies, and estimates of 27061
cost and revenues; expenses necessary or incident to determining 27062
the feasibility or practicability of acquiring or constructing the 27063
facility or remediating the impacted lake district; administrative 27064
expense; and such other expenses as may be necessary or incident 27065
to the acquisition or construction of the facility, the 27066
remediation of the impacted lake district and other activities 27067
authorized by this chapter, the financing of such acquisition, 27068

construction or remediation, including the amount authorized in 27069
the resolution of the lake facilities authority providing for the 27070
issuance of lake facilities authority revenue bonds to be paid 27071
into any special funds from the proceeds of such bonds and the 27072
financing of the placing of the facility in operation, the cost of 27073
issuing the bonds, and the financing of remediation and other 27074
purposes authorized by this chapter. 27075

(F) "Revenues" means all rentals and other charges received 27076
by the lake facilities authority with respect to an impacted 27077
watershed; any gift or grant received with respect to any impacted 27078
watershed; money received in repayment of, and for interest on, 27079
any loans made by the authority to a person or governmental 27080
agency, whether from the United States or any department, 27081
administration, or agency thereof, or otherwise; proceeds of lake 27082
facilities authority revenue bonds to the extent the use thereof 27083
for payment of principal or of premium, if any, or interest on the 27084
bonds is authorized by the authority; proceeds from any insurance, 27085
appropriation, or guaranty pertaining to an impacted watershed or 27086
property mortgaged to secure bonds or pertaining to the financing 27087
of any activities authorized under this chapter; income and profit 27088
from the investment of the proceeds of lake facilities authority 27089
revenue bonds or of any revenues; and contributions of service 27090
payments in lieu of taxes generated pursuant to section 5709.40, 27091
5709.41, 5709.73, or 5709.78 of the Revised Code, and all other 27092
nontax revenues paid or payable to the lake facilities authority. 27093

(G) "Lake facilities revenue bonds," unless the context 27094
indicates a different meaning or intent, includes revenue notes, 27095
revenue renewal notes, and revenue refunding bonds. 27096

(H) "Authorized purpose" means activities that remediate, 27097
rehabilitate, enhance, foster, aid, improve, provide, or promote 27098
an impacted watershed within the jurisdiction of the lake 27099
facilities authority, including, without limitation, research and 27100

development efforts related thereto. 27101

(I) "Lake facilities authority facility" or "facility" means 27102
real or personal property, or any combination thereof owned, 27103
leased, or otherwise controlled or financed by a lake facilities 27104
authority and directly related to an authorized purpose. 27105

Sec. 353.02. A lake facilities authority may be created by 27106
the board of county commissioners of a county that contains all of 27107
the territory of an impacted watershed. If the territory of an 27108
impacted watershed is contained within more than one county, a 27109
joint facilities lake authority may be created by resolution of 27110
the board of commissioners of each county in which the impacted 27111
watershed is located. A resolution creating a lake facilities 27112
authority must include a finding that the watershed sought to be 27113
improved or remediated pursuant to this chapter is an impacted 27114
watershed. 27115

A lake facilities authority created pursuant to this section 27116
is a body corporate and politic which may sue and be sued, plead 27117
and be impleaded, and has the powers and jurisdiction enumerated 27118
in this chapter. The exercise by an authority of the powers 27119
conferred upon it shall be deemed to be essential governmental 27120
functions of this state. 27121

Within sixty days after the creation of a lake facilities 27122
authority, the county engineer of each county with territory in 27123
the impacted watershed shall prepare a survey denoting the 27124
boundaries of the impacted watershed in the county. The survey 27125
shall include references to the county auditor's permanent parcel 27126
number designations as those parcel number designations correspond 27127
to the boundaries of the impacted watershed. If requested by the 27128
county engineer of each county with territory in the impacted 27129
watershed, the cost of such surveys shall be paid from the funds 27130
of the lake facilities authority pursuant to an agreement between 27131

the lake facilities authority and the county engineer of each 27132
county. Such funds may be advanced by the board of county 27133
commissioners of any county with territory in the impacted 27134
watershed. 27135

The county auditor of the county with the greatest amount of 27136
territory in the impacted watershed shall be the fiscal officer 27137
for the lake facilities authority. The county prosecutor of the 27138
county with the greatest amount of territory in the impacted 27139
watershed shall be the legal advisor of the lake facilities 27140
authority and shall prosecute and defend all suits and actions 27141
that the lake facilities authority directs or to which it is a 27142
party. 27143

Upon the creation of a lake facilities authority, no 27144
authority that is granted by law any powers or duties that are 27145
substantially the same as the powers and duties of a lake 27146
facilities authority may be created if its territorial 27147
jurisdiction includes any territory within the impacted lake 27148
district. 27149

Sec. 353.03. A lake facilities authority may do all of the 27150
following: 27151

(A) Acquire by purchase, lease, gift, or otherwise, on such 27152
terms and in such manner as it considers proper, real and personal 27153
property necessary for an authorized purpose or any estate, 27154
interest, or right therein, within or without the impacted lake 27155
district; 27156

(B) Improve, remediate, maintain, sell, lease, or otherwise 27157
dispose of real and personal property on such terms and in such 27158
manner as it considers proper; 27159

(C) Request that the department of natural resources, the 27160
environmental protection agency, or the department of agriculture 27161

<u>adopt, modify, and enforce reasonable rules and regulations</u>	27162
<u>governing impacted watersheds;</u>	27163
<u>(D) Employ such managers, administrative officers, agents,</u>	27164
<u>engineers, architects, attorneys, contractors, subcontractors, and</u>	27165
<u>employees as may be appropriate in the exercise of the rights,</u>	27166
<u>powers, and duties conferred on it, prescribe the duties and</u>	27167
<u>compensation for such persons, require bonds to be given by any</u>	27168
<u>such persons and by officers of the authority for the faithful</u>	27169
<u>performance of their duties, and fix the amount and surety</u>	27170
<u>therefor, and pay the surety;</u>	27171
<u>(E) Sue and be sued in its corporate name;</u>	27172
<u>(F)(1) Make and enter into all contracts and agreements and</u>	27173
<u>execute all instruments relating to the provisions of this</u>	27174
<u>chapter;</u>	27175
<u>(2) Except as provided otherwise under divisions (F)(2) and</u>	27176
<u>(3) of this section, when the cost of a contract for the</u>	27177
<u>construction of any building, structure, or other improvement</u>	27178
<u>undertaken by a lake facilities authority involves an expenditure</u>	27179
<u>exceeding twenty-five thousand dollars, and the lake facilities</u>	27180
<u>authority is the contracting authority, the lake facilities</u>	27181
<u>authority shall make a written contract after notice calling for</u>	27182
<u>bids for the award of the contract has been given by publication</u>	27183
<u>twice, with at least seven days between publications, in a</u>	27184
<u>newspaper of general circulation in the impacted lake district.</u>	27185
<u>Each such contract shall be awarded to the lowest responsive and</u>	27186
<u>responsible bidder in accordance with section 9.312 of the Revised</u>	27187
<u>Code. The board of directors by rule may provide criteria for the</u>	27188
<u>negotiation and award without competitive bidding of any contract</u>	27189
<u>as to which the lake facilities authority is the contracting</u>	27190
<u>authority for the construction of any building or structure or</u>	27191
<u>other improvement under any of the following circumstances:</u>	27192

(a) There exists a real and present emergency that threatens damage to property or injury to persons of the lake facilities authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed at the time of the contract's execution by the officer of the lake facilities authority that executes the contract and shall be attached to the contract. 27193
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(b) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement. 27201
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27203

(c) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 27204
27205

(d) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 27206
27207
27208

(e) A single bid is received by the lake facilities authority after complying with the above provisions. 27209
27210

(3) In addition to the exceptions to competitive bidding requirements under division (F)(2) of this section, a lake facilities authority may contract for the acquisition or construction of any property for an authorized purpose and for the leasing, subleasing, sale, or other disposition of the property in a manner determined by the lake facilities authority in its sole discretion, without necessity for competitive bidding or performance bonds. 27211
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(4) With respect to any public improvement undertaken by, or under contract for, the lake facilities authority, the authority may elect to apply sections 4115.03 to 4115.21 of the Revised Code. 27219
27220
27221
27222

(G) Accept aid or contributions from any source of money, 27223

property, labor, or other things of value, to be held, used, and 27224
applied only for the purposes for which the grants and 27225
contributions are made; 27226

(H) Apply for and accept grants, loans, or commitments of 27227
guarantee or insurance, including any guarantees of lake 27228
facilities authority bonds and notes, from the United States, the 27229
state, or other public body or other sources, and provide any 27230
consideration which may be required in order to obtain such 27231
grants, loans, or contracts of guarantee or insurance; 27232

(I) Procure insurance against loss to the lake facilities 27233
authority by reason of damage to its properties resulting from 27234
fire, theft, accident, or other casualties, or by reason of its 27235
liability for any damages to persons or property occurring in the 27236
construction or operation of facilities or areas under its 27237
jurisdiction or the conduct of its activities; 27238

(J) Maintain such funds or reserves as it considers necessary 27239
for the efficient performance of its duties; 27240

(K) Enforce any covenants, of which the lake facilities 27241
authority is the beneficiary, running with the land. 27242

(L) Issue securities for the remediation of an impacted 27243
watershed and directly related permanent improvements in 27244
compliance with Chapter 133. of the Revised Code, except that such 27245
bonds or notes may be issued only pursuant to a vote of the 27246
electors residing within the impacted lake district. The net 27247
indebtedness incurred by a lake facilities authority pursuant to 27248
this division may not exceed one-tenth of one per cent of the 27249
total value of all property within the territory comprising the 27250
impacted lake district as listed and assessed for taxation. 27251

(M) Issue lake facilities authority revenue bonds beyond the 27252
limit of bonded indebtedness provided by law, payable solely from 27253
revenues as provided in section 353.09 of the Revised Code for the 27254

purpose of providing funds to pay costs of any facility or 27255
facilities or parts thereof; 27256

(N) Advise and provide input to political subdivisions within 27257
the impacted lake district with respect to zoning and land use 27258
planning within the impacted lake district; 27259

(O) Enter into agreements for the management, ownership, 27260
possession, or control of lands or property to be used for wetland 27261
mitigation banking; 27262

(P) Adopt and modify rules and regulations to carry out the 27263
authority granted to the lake facilities authority under this 27264
section. 27265

Sec. 353.04. (A) Upon the creation of a lake facilities 27266
authority under section 353.02 of the Revised Code, a board of 27267
directors consisting of the county commissioners of each county 27268
with territory in the impacted lake district shall be created. 27269
Membership on the board is not a direct or indirect interest in a 27270
contract or expenditure of money by the county. Notwithstanding 27271
any provision of law to the contrary, no member of the board shall 27272
be disqualified from holding any public office or employment by 27273
reason of membership on the board. The board is a public body for 27274
the purposes of section 121.22 of the Revised Code and a public 27275
office for the purposes of section 149.43 of the Revised Code. 27276
Notwithstanding those sections, the board may hold closed meetings 27277
and protect the confidentiality of information under the same 27278
circumstances as authorized for a community improvement 27279
corporation under section 1724.11 of the Revised Code. Chapter 27280
2744. of the Revised Code applies to the board. Each year, the 27281
board shall prepare an annual report of its activities and make it 27282
available to the public. 27283

(B) A board of directors shall consult with the advisory 27284
council created under this division in performing the remediation 27285

and other activities authorized by this chapter. 27286

Not later than sixty days after the creation of the board of 27287
directors, the board shall provide written notice of its creation 27288
to the legislative authority of each political subdivision with 27289
territory in the impacted lake district. The notice shall describe 27290
the process for the appointment of an advisory council. Upon 27291
receipt of such notice, the legislative authority of each 27292
political subdivision with territory in the impacted lake district 27293
shall appoint one representative each to serve on the advisory 27294
council. The representative need not be an elected or appointed 27295
official of the political subdivision. 27296

Sec. 353.05. The board of directors of a lake facilities 27297
authority, by resolution, may propose the levy of a tax upon the 27298
taxable property in the impacted lake district pursuant to section 27299
5705.55 of the Revised Code. 27300

Sec. 353.06. As used in this section, "hotel" and "transient 27301
guests" have the same meanings as in section 5739.01 of the 27302
Revised Code. 27303

A resolution creating a lake facilities authority under 27304
section 353.02 of the Revised Code, or any amendments or 27305
supplements thereto, may authorize the authority to levy an excise 27306
tax on transactions by which lodging in a hotel is or is to be 27307
furnished to transient guests to pay any costs authorized under 27308
this chapter; to pay principal, interest, and premium on lake 27309
facilities authority tax anticipation bonds issued to pay those 27310
costs; to pay the operating costs of the authority; and to pay the 27311
costs of administering the tax. 27312

Upon the affirmative vote of at least a majority of the 27313
qualified electors in a primary or general election within the 27314
impacted lake district voting at an election held for the purpose 27315

of authorizing the tax, the board of directors of a lake facilities authority authorized to levy a tax under this section may, by resolution, levy an additional excise tax within the territory of the impacted lake district on all transactions by which lodging in a hotel is or is to be furnished to transient guests. The rate of the tax, when added to the aggregate rate of excise taxes levied in the impacted lake district pursuant to section 351.021, 5739.08, or 5739.09 of the Revised Code, shall not cause the total aggregate rate to exceed five per cent on any such transaction.

The lake facilities authority shall provide for the administration and allocation of a tax levied pursuant to this section. All receipts arising from the tax shall be expended for the purposes provided in, and in accordance with, this section. An excise tax levied under this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 353.08 of the Revised Code.

The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as follows or in any other form acceptable to the secretary of state:

"An excise tax on all transactions by which lodging in a hotel is or is to be furnished to transient guests within the territory of the (name of impacted lake district) for the purpose of at a rate of for (number of years the tax is to be levied).

	<u>For the Excise Tax</u>	"
	<u>Against the Excise Tax</u>	

Sec. 353.07. The director of natural resources may transfer real property owned by the state to a lake facilities authority

for the purpose of promoting wetland banking, wildlife, or 27347
sporting activities. The division of wildlife within the 27348
department of natural resources may enter into an agreement with a 27349
lake facilities authority to establish wetland or natural areas to 27350
benefit wildlife or sporting activities. The agreement may be 27351
entered as part of, or in conjunction with, a mitigation banking 27352
program. 27353

Sec. 353.08. A lake facilities authority that levies a tax 27354
authorized by sections 353.05 and 5705.55 or section 353.06 of the 27355
Revised Code may, by resolution, anticipate the proceeds of the 27356
tax and issue lake facilities authority anticipation bonds, and 27357
notes anticipating the proceeds or the bonds, in the principal 27358
amount that, in the opinion of the authority, are necessary for 27359
the purpose of paying the cost of an authorized purpose, and that 27360
the authority is able to pay over the term of the issue with the 27361
interest on the bonds or notes, or in the case of notes 27362
anticipating bonds over the term of the bonds, by the estimated 27363
amount of the taxes anticipated. The taxes are determined by the 27364
general assembly to satisfy any applicable requirement of Section 27365
11 of Article XII, Ohio Constitution. 27366

Every issue of outstanding anticipation bonds shall be 27367
payable out of the proceeds of the taxes anticipated and other 27368
revenues of the authority that are pledged for such payment. The 27369
pledge shall be valid and binding from the time the pledge is 27370
made, and the anticipated excise taxes and revenues so pledged and 27371
thereafter received by the authority immediately shall be subject 27372
to the lien of that pledge without any physical delivery of those 27373
taxes and revenues or further act. The lien of any pledge is valid 27374
and binding as against all parties having claims of any kind in 27375
tort, contract, or otherwise against the authority, whether or not 27376
such parties have notice of the lien. Neither the resolution nor 27377

any trust agreement by which a pledge is created need be filed or 27378
recorded except in the authority's records. 27379

The anticipation bonds shall bear such date or dates, and 27380
shall mature at such time or times, in the case of any such notes 27381
or any renewals of such notes not exceeding twenty years from the 27382
date of issue of such original notes and in the case of any such 27383
bonds or any refunding bonds not exceeding forty years from the 27384
date of the original issue of notes or bonds for the purpose, and 27385
shall be executed in the manner that the resolution authorizing 27386
the bonds may provide. The anticipation bonds shall bear interest 27387
at such rates, or at a variable rate or rates changing from time 27388
to time, in accordance with provisions provided in the authorizing 27389
resolution, be in such denominations and form, either coupon or 27390
registered, carry such registration privileges, be payable in such 27391
medium of payment and at such place or places, and be subject to 27392
such terms of redemption, as the authority may authorize or 27393
provide. 27394

Sec. 353.09. A lake facilities authority at any time may 27395
issue lake facilities authority revenue bonds in such principal 27396
amounts as, in the opinion of the lake facilities authority, are 27397
necessary for the purpose of paying the cost of one or more lake 27398
facilities authority facilities or parts thereof. A lake 27399
facilities authority at any time may issue renewal notes, issue 27400
bonds to retire its notes and, whenever it considers refunding 27401
expedient, refund any bonds by the issuance of lake facilities 27402
authority revenue refunding bonds, whether the bonds to be 27403
refunded have or have not matured, and issue lake facilities 27404
authority revenue bonds partly to refund outstanding bonds and 27405
partly for any other authorized purpose. The lake facilities 27406
authority revenue refunding bonds shall be sold and the proceeds 27407
applied to the purchase, redemption, or payment of the bonds to be 27408
refunded. Lake facilities authority revenue bonds shall be special 27409

obligations of the lake facilities authority payable out of the 27410
revenues of the lake facilities authority that are pledged for 27411
such payment. The pledge shall be valid and binding from the time 27412
the pledge is made and the revenues so pledged and thereafter 27413
received by the lake facilities authority immediately shall be 27414
subject to the lien of the pledge without any physical delivery 27415
thereof or further act, and the lien of the pledge is valid and 27416
binding as against all parties having claims of any kind in tort, 27417
contract, or otherwise against the lake facilities authority, 27418
irrespective of whether those parties have notice thereof. Neither 27419
the resolution nor any trust agreement by which a pledge is 27420
created need be filed or recorded except in the records of the 27421
lake facilities authority. 27422

Whether or not the lake facilities authority revenue bonds 27423
are of such form and character as to be negotiable instruments, 27424
the lake facilities authority revenue bonds shall have all the 27425
qualities and incidents of negotiable instruments, subject only to 27426
the provisions of the bonds for registration. 27427

The lake facilities authority revenue bonds shall be 27428
authorized by resolution of the lake facilities authority, and 27429
shall bear interest at such rate or rates, shall bear such date or 27430
dates, and shall mature at such time or times, and in such number 27431
of installments as may be provided in or pursuant to that 27432
resolution. The final maturity of any lake facilities authority 27433
revenue bond in the form of a note and any renewals thereof shall 27434
not exceed five years from the date of issue of the original note. 27435
The final maturity of any issue of lake facilities authority 27436
revenue bonds shall not be later than forty-five years from the 27437
date of issue of the original issue of bonds. Any such bonds or 27438
notes shall be executed in a manner as the resolution or 27439
resolutions may provide. The lake facilities authority revenue 27440
bonds shall be in such denominations, be in such form, either 27441

coupon or registered, carry such registration privileges, be 27442
payable in such medium of payment, at such place or places, and be 27443
subject to such terms of redemption as may be provided in or 27444
pursuant to the resolution authorizing their issuance. Lake 27445
facilities authority revenue bonds of the lake facilities 27446
authority may be sold by the lake facilities authority, at public 27447
or private sale, at or at not less than a price or prices as the 27448
lake facilities authority determines. In case any officer whose 27449
signature or a facsimile of whose signature appears on any bonds, 27450
notes, or coupons, ceases to be such officer before delivery of 27451
bonds or notes, the signature or facsimile shall nevertheless be 27452
sufficient for all purposes the same as if the officer had 27453
remained in office until such delivery, and in case the seal of 27454
the lake facilities authority has been changed after a facsimile 27455
has been imprinted on such bonds or notes, the facsimile seal will 27456
continue to be sufficient for all purposes. 27457

Any resolution or resolutions authorizing any lake facilities 27458
authority revenue bonds or any issue of bonds may contain 27459
provisions, subject to any agreements with bondholders as may then 27460
exist, which provisions shall be a part of the contract with the 27461
holders of bonds, as to the pledging of all or any part of the 27462
revenues of the lake facilities authority to secure the payment of 27463
the lake facilities authority bonds or of any issue of the bonds; 27464
the use and disposition of revenues of the lake facilities 27465
authority; a covenant to fix, alter, and collect rentals and other 27466
charges so that pledged revenues will be sufficient to pay costs 27467
of operation, maintenance, and repairs, pay principal of and 27468
interest on bonds secured by the pledge of such revenues, and 27469
provide any reserves that may be required by the applicable 27470
resolution or trust agreement; the setting aside of reserve funds, 27471
sinking funds, or replacement and improvement funds and the 27472
regulation and disposition thereof; the crediting of the proceeds 27473
of the sale of bonds to and among the funds referred to or 27474

provided for in or pursuant to the resolution authorizing the 27475
issuance of the bonds or notes; the use, lease, sale, or other 27476
disposition of any lake facilities authority facility or any other 27477
assets of the lake facilities authority; limitations on the 27478
purpose to which the proceeds of sale of bonds may be applied and 27479
the pledging of those proceeds to secure the payment of the bonds 27480
or of any issue of the bonds; as to notes issued in anticipation 27481
of the issuance of bonds, the agreement of the lake facilities 27482
authority to do all things necessary for the authorization, 27483
issuance, and sale of the bonds in amounts that may be necessary 27484
for the timely retirement of the notes; limitations on the 27485
issuance of additional bonds; the terms upon which additional 27486
bonds may be issued and secured; the refunding of outstanding 27487
bonds; the procedure, if any, by which the terms of any contract 27488
with bondholders may be amended or abrogated, the amount of bonds 27489
the holders of which must consent thereto, and the manner in which 27490
such consent may be given; limitations on the amount of moneys to 27491
be expended by the lake facilities authority for operating, 27492
administrative, or other expenses of the lake facilities 27493
authority; securing any bonds or notes by a trust agreement; and 27494
any other matters, of like or different character, that in any way 27495
affect the security or protection of the bonds or notes. 27496

Neither the board of directors of the lake facilities 27497
authority nor any person executing the bonds shall be liable 27498
personally on the bonds or be subject to any personal liability or 27499
accountability by reason of the issuance thereof. 27500

The issuance of lake facilities authority revenue bonds under 27501
this section need not comply with any other law applicable to the 27502
issuance of bonds or notes. 27503

Sec. 353.10. (A) With respect to facilities, and their 27504
financing, for an authorized purpose, under agreements whereby the 27505

person to whom the facility is to be leased, subleased, or sold, 27506
or to whom a loan is to be made for the facility, is to make 27507
payments sufficient to pay all of the principal of, premium, if 27508
any, and interest on the lake facilities authority revenue bonds 27509
issued for the facility, the lake facilities authority, in 27510
addition to other powers under this chapter, may do any of the 27511
following: 27512

(1) Make loans for the acquisition or construction of the 27513
facility to such person upon such terms as the lake facilities 27514
authority may determine or authorize including secured or 27515
unsecured loans, and, in connection therewith, enter into loan 27516
agreements and other agreements, accept notes and other forms of 27517
obligation to evidence such indebtedness and mortgages, liens, 27518
pledges, assignments, or other security interests to secure such 27519
indebtedness, which may be prior or subordinate to or on a parity 27520
with other indebtedness, obligations, mortgages, pledges, 27521
assignments, other security interests, or liens or encumbrances, 27522
and take actions it considers appropriate to protect such security 27523
and safeguard against losses, including, without limitation, 27524
foreclosure and the bidding upon and purchase of property upon 27525
foreclosure or other sale; 27526

(2) Sell the facility under such terms as it may determine, 27527
including, without limitation, sale by conditional sale or 27528
installment sale, under which title may pass prior to or after 27529
completion of the facility or payment or provisions for payment of 27530
all principal of, premium, if any, and interest on the bonds, or 27531
at any other time provided in the agreement pertaining to the 27532
sale, and including sale under an option to purchase at a price 27533
which may be a nominal amount or less than true value at the time 27534
of purchase; 27535

(3) Grant a mortgage, lien, or other encumbrance on, or 27536

pledge or assignment of, or other security interest with respect 27537
to, all or any part of the facility, revenues, reserve funds, or 27538
other funds established in connection with the bonds, or on, of, 27539
or with respect to any lease, sublease, sale, conditional sale or 27540
installment sale agreement, loan agreement, or other agreement 27541
pertaining to the lease, sublease, sale, or other disposition of a 27542
facility or pertaining to a loan made for a facility, or any 27543
guaranty or insurance agreement made with respect thereto, or any 27544
interest of the lake facilities authority therein, or any other 27545
interest granted, assigned, or released to secure payments of the 27546
principal of, premium, if any, or interest on the bonds or to 27547
secure any other payments to be made by the lake facilities 27548
authority, which mortgage, lien, encumbrance, pledge, assignment, 27549
or other security interest may be prior or subordinate to or on a 27550
parity with any other mortgage, assignment, or other security 27551
interest, or lien or encumbrance; 27552

(4) Provide that the interest on the bonds may be at a 27553
variable rate or rates changing from time to time in accordance 27554
with a base or formula as authorized by the lake facilities 27555
authority; 27556

(5) Contract for the acquisition or construction of the 27557
facility or any part thereof and for the leasing, subleasing, 27558
sale, or other disposition of the facility in a manner determined 27559
by the lake facilities authority in its sole discretion, without 27560
necessity for competitive bidding or performance bonds; 27561

(6) Make appropriate provision for adequate maintenance of 27562
the facility. 27563

(B) With respect to the facilities referred to in this 27564
section, the authority granted by this section is cumulative and 27565
supplementary to all other authority granted in this chapter. The 27566
authority granted by this section does not alter or impair any 27567
similar authority granted elsewhere in this chapter for or with 27568

respect to other facilities. 27569

Sec. 353.11. In the discretion of the lake facilities 27570
authority, any lake facilities authority revenue bonds issued 27571
under this chapter may be secured by a trust agreement between the 27572
lake facilities authority and a corporate trustee that may be any 27573
trust company or bank having the powers of a trust company within 27574
or without the state. 27575

The trust agreement may pledge or assign revenues of the lake 27576
facilities authority to be received and may convey or mortgage any 27577
facility or any part thereof. The trust agreement or any 27578
resolution providing for the issuance of such bonds may contain 27579
any provisions for protecting and enforcing the rights and 27580
remedies of the bondholders as are reasonable and proper and not 27581
in violation of law, including covenants setting forth the duties 27582
of the lake facilities authority in relation to the acquisition of 27583
property, the construction, improvement, maintenance, repair, 27584
operation, and insurance of the facility in connection with which 27585
the bonds are authorized, the rentals or other charges to be 27586
imposed for the use or services of any facility, the custody, 27587
safeguarding, and application of all moneys, and provisions for 27588
the employment of consulting engineers in connection with the 27589
construction or operation of the facility. 27590

Any bank or trust company incorporated under the laws of this 27591
state that may act as depository of the proceeds of bonds or of 27592
revenues may furnish any indemnifying bonds or may pledge any 27593
securities that are required by the lake facilities authority. The 27594
trust agreement may set forth the rights and remedies of the 27595
bondholders and of the trustee, and may restrict the individual 27596
right of action by bondholders as is customary in trust agreements 27597
or trust indentures securing similar bonds. The trust agreement 27598
may contain any other provisions that the lake facilities 27599

authority determines reasonable and proper for the security of the 27600
bondholders. All expenses incurred in carrying out the provisions 27601
of the trust agreement may be treated as a part of the cost of the 27602
operation of the facility. 27603

Sec. 353.12. Any holder of lake facilities authority revenue 27604
bonds issued under sections 353.09 to 353.15 of the Revised Code, 27605
or any of the coupons pertaining to those bonds, and the trustee 27606
under any trust agreement, except to the extent the rights given 27607
by those sections may be restricted by the applicable resolution 27608
or that trust agreement, may by suit, action, mandamus, or other 27609
proceedings, protect and enforce any rights under the laws of the 27610
state or granted under those sections, the trust agreement, or the 27611
resolution authorizing the issuance of the bonds, and may enforce 27612
and compel the performance of all duties required by those 27613
sections, or by the trust agreement or resolution, to be performed 27614
by the lake facilities authority or any officer of the lake 27615
facilities authority, including the fixing, charging, and 27616
collecting of rentals or other charges. 27617

Sec. 353.13. Lake facilities authority revenue bonds issued 27618
under sections 353.09 to 353.15 of the Revised Code do not 27619
constitute a debt, or a pledge of the faith and credit, of the 27620
state or any political subdivision of the state. The holders or 27621
owners of the bonds have no right to have taxes levied by the 27622
general assembly or taxing authority of any political subdivision 27623
of the state for the payment of the principal of or interest on 27624
the bonds. The bonds are payable solely from the revenues and 27625
funds pledged for their payment as authorized by this chapter, 27626
unless the revenue bonds are notes issued in anticipation of the 27627
issuance of the bonds, or the revenue bonds are refunded by 27628
refunding bonds issued under section 353.09 of the Revised Code, 27629
provided that the refunding bonds shall be payable solely from 27630

revenues and funds pledged for their payment as authorized by that 27631
section. All bonds shall contain on the face thereof a statement 27632
to the effect that the bonds, as to both principal and interest, 27633
are not debts of the state or any political subdivision of the 27634
state, but are payable solely from revenues and funds pledged for 27635
their payment. 27636

Sec. 353.14. All moneys, funds, properties, and assets 27637
acquired by the lake facilities authority under this chapter, 27638
whether as proceeds from the sale of lake facilities authority 27639
revenue bonds or as revenues, or otherwise, shall be held by it in 27640
trust for the purposes of carrying out its powers and duties, 27641
shall be used and reused as provided in this chapter, and shall at 27642
no time be part of other public funds. Such funds, except as 27643
otherwise provided in any resolution authorizing its lake 27644
facilities authority revenue bonds or in any trust agreement 27645
securing those bonds, or except when invested pursuant to section 27646
353.15 of the Revised Code, shall be kept in depositories selected 27647
by the lake facilities authority in the manner provided in Chapter 27648
135. of the Revised Code for the selection of eligible public 27649
depositories, and the deposits shall be secured as provided in 27650
that chapter. The resolution authorizing the issuance of such 27651
bonds or the trust agreement securing the bonds shall provide that 27652
any officer to whom, or any bank or trust company to which, such 27653
money is paid shall act as trustee of the money and hold and apply 27654
the money for the purposes for which the bonds are issued, subject 27655
to such conditions as Chapter 135. of the Revised Code and such 27656
resolutions or trust agreement provide. 27657

Sec. 353.15. Except as otherwise provided in any resolution 27658
authorizing the issuance of its lake facilities authority revenue 27659
bonds or in any trust agreement securing the bonds, moneys in the 27660

funds of the lake facilities authority in excess of current needs 27661
may be invested as permitted by sections 135.01 to 135.21 of the 27662
Revised Code or invested in linked deposit programs established by 27663
resolution of the board of directors in accordance with section 27664
135.80 of the Revised Code. Income from all investments of moneys 27665
in any fund shall be credited to funds as the lake facilities 27666
authority determines, subject to the provisions of any such 27667
resolution or trust agreement, and the investments may be sold at 27668
any time the lake facilities authority determines. 27669

Sec. 353.16. Bonds of a lake facilities authority and lake 27670
facilities authority revenue bonds are lawful investments of 27671
banks, societies for savings, trust companies, savings and loan 27672
associations, deposit guaranty associations, trustees, 27673
fiduciaries, trustees or other officers having charge of the bond 27674
retirement funds or sinking funds of port authorities and 27675
political subdivisions, and taxing districts of this state, the 27676
commissioners of the sinking fund of this state, the administrator 27677
of workers' compensation, the state teachers retirement system, 27678
the school employees retirement system, the public employees 27679
retirement system, the Ohio police and fire pension fund, and 27680
insurance companies, including domestic life insurance companies 27681
and domestic insurance companies other than life, and are 27682
acceptable as security for the deposit of public moneys. 27683

Sec. 511.261. If a township park district enters into an 27684
agreement for the sale or lease of mineral rights regarding a park 27685
within the district, any royalties or other moneys resulting from 27686
the sale or lease shall be deposited into a special fund that the 27687
board of park commissioners shall establish under division (F) of 27688
section 5705.09 of the Revised Code. The fund shall be used 27689
exclusively for maintenance of parks within the district and for 27690

the acquisition of new park lands. 27691

Sec. 517.271. Notwithstanding section 517.22 of the Revised Code, the company, association, or religious society that most recently owned and operated a cemetery currently owned by a board of township trustees may petition the probate court of the county in which the cemetery is located to transfer the ownership of the cemetery to the petitioner. 27692
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If the court determines that the petitioner has met all of the following conditions, the court shall transfer the ownership of the cemetery to the petitioner and shall order the board to give the petitioner all necessary records and documents concerning the cemetery, including records of the board's sale of any lots pursuant to section 517.07 of the Revised Code: 27698
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(A) The petitioner has the financial resources necessary to operate and maintain the cemetery; 27704
27705

(B) The petitioner is in compliance with all applicable laws and administrative rules concerning the owners and operators of cemeteries, including registration under section 4767.02 of the Revised Code; and 27706
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(C) The petitioner owes no delinquent taxes. 27710

Sec. 715.013. (A) Except as otherwise expressly authorized by the Revised Code, no municipal corporation shall levy a tax that is the same as or similar to a tax levied under Chapter 322., 3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 5737., 5739., 5741., 5743., ~~or~~ 5749., or 5751. of the Revised Code. 27711
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(B) This section does not prohibit a municipal corporation from levying a tax on any of the following: 27718
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(1) Amounts received for admission to any place;	27720
(2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code;	27721 27722
(3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code.	27723 27724
Sec. 715.691. (A) As used in this section:	27725
(1) "Contracting party" means a municipal corporation that has entered into a joint economic development zone contract or any party succeeding to the municipal corporation, or a township that entered into a joint economic development zone contract with a municipal corporation.	27726 27727 27728 27729 27730
(2) "Zone" means a joint economic development zone designated under this section.	27731 27732
(B) This section provides alternative procedures and requirements for creating and operating a joint economic development zone to those set forth in section 715.69 of the Revised Code. This section applies only if one of the contracting parties to the zone does not levy a municipal income tax under Chapter 718. of the Revised Code. A municipal corporation that does not levy a municipal income tax may enter into an agreement to create and operate a joint economic development zone under this section or under section 715.69 of the Revised Code.	27733 27734 27735 27736 27737 27738 27739 27740 27741
Two or more municipal corporations or one or more townships and one or more municipal corporations may enter into a contract whereby they agree to share in the costs of improvements for an area or areas located in one or more of the contracting parties that they designate as a joint economic development zone for the purpose of facilitating new or expanded growth for commercial or economic development in the state. The contract and zone shall meet the requirements of divisions (B) to (J) of this section.	27742 27743 27744 27745 27746 27747 27748 27749

(C) The contract shall set forth each contracting party's contribution to the joint economic development zone. The contributions may be in any form that the contracting parties agree to, and may include, but are not limited to, the provision of services, money, or equipment. The contract may be amended, renewed, or terminated with the consent of the contracting parties. The contract shall continue in existence throughout the term it specifies and shall be binding on the contracting parties and on any entities succeeding to the contracting parties.

(D) Before the legislative authority of any of the contracting parties enacts an ordinance or resolution approving a contract to designate a joint economic development zone, the legislative authority of each of the contracting parties shall hold a public hearing concerning the contract and zone. Each legislative authority shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation or township. During the thirty-day period prior to the public hearing, all of the following documents shall be available for public inspection in the office of the clerk of the legislative authority of a municipal corporation that is a contracting party and in the office of the fiscal officer of a township that is a contracting party:

(1) A copy of the contract designating the zone;

(2) A description of the area or areas to be included in the zone, including a map in sufficient detail to denote the specific boundaries of the area or areas;

(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.

A public hearing held under division (D) of this section

shall allow for public comment and recommendations on the contract 27781
and zone. The contracting parties may include in the contract any 27782
of those recommendations prior to approval of the contract. 27783

(E) After the public hearings required under division (D) of 27784
this section have been held, each contracting party may enact an 27785
ordinance or resolution approving the contract to designate a 27786
joint economic development zone. After each contracting party has 27787
enacted an ordinance or resolution, the clerk of the legislative 27788
authority of a municipal corporation that is a contracting party 27789
and the fiscal officer of a township that is a contracting party 27790
shall file with the board of elections of each county within which 27791
a contracting party is located a copy of the ordinance or 27792
resolution approving the contract and shall direct the board of 27793
elections to submit the ordinance or resolution to the electors of 27794
the contracting party on the day of the next general, primary, or 27795
special election occurring at least ninety days after the 27796
ordinance or resolution is filed with the board of elections. If 27797
any of the contracting parties is a township, however, then only 27798
the township or townships shall submit the resolution to the 27799
electors. 27800

(F)(1) If a vote is required to approve a municipal 27801
corporation as a contracting party to a joint economic development 27802
zone under this section, the ballot shall be in the following 27803
form: 27804

"Shall the ordinance of the legislative authority of the 27805
(city or village) of (name of contracting party) approving the 27806
contract with (name of each other contracting party) for the 27807
designation of a joint economic development zone be approved? 27808

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

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(2) If a vote is required to approve a township as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

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"Shall the resolution of the board of township trustees of the township of (name of contracting party) approving the contract with (name of each other contracting party) for the designation of a joint economic development zone be approved?"

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	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

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If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

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(G)(1) A board of directors shall govern each joint economic development zone created under section 715.691 of the Revised Code. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year as did the term that it succeeds. A member may be reappointed to the board.

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(2) Membership on the board is not the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment. Membership on the board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other

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political subdivision with which a member may be affiliated. 27843
Notwithstanding any provision of law or a charter to the contrary, 27844
no member of the board shall forfeit or be disqualified from 27845
holding any public office or employment by reason of membership on 27846
the board. 27847

(3) The board is a public body for the purposes of section 27848
121.22 of the Revised Code. Chapter 2744. of the Revised Code 27849
applies to the board and the zone. 27850

(H) The contract may grant to the board of directors 27851
appointed under division (G) of this section the power to adopt a 27852
resolution to levy an income tax within the zone. The income tax 27853
shall be used for the purposes of the zone and for the purposes of 27854
the contracting ~~municipal corporations~~ parties pursuant to the 27855
contract. The income tax may be levied in the zone based on income 27856
earned by persons working within the zone and on the net profits 27857
of businesses located in the zone. The income tax is subject to 27858
Chapter 718. of the Revised Code, except that a vote shall be 27859
required by the electors residing in the zone to approve the rate 27860
of income tax unless a majority of the electors residing within 27861
the zone, as determined by the total number of votes cast in the 27862
zone for the office of governor at the most recent general 27863
election for that office, submit a petition to the board 27864
requesting that the election provided for in division (H)(1) of 27865
this section not be held. If no electors reside within the zone, 27866
then division (H)(3) of this section applies. The rate of the 27867
income tax shall be no higher than the highest rate being levied 27868
by a municipal corporation that is a party to the contract. 27869

(1) The board of directors may levy an income tax at a rate 27870
that is not higher than the highest rate being levied by a 27871
municipal corporation that is a party to the contract, provided 27872
that the rate of the income tax is first submitted to and approved 27873
by the electors of the zone at the succeeding regular or primary 27874

election, or a special election called by the board, occurring 27875
subsequent to ninety days after a certified copy of the resolution 27876
levying the income tax and calling for the election is filed with 27877
the board of elections. If the voters approve the levy of the 27878
income tax, the income tax shall be in force for the full period 27879
of the contract establishing the zone. No election shall be held 27880
under this section if a majority of the electors residing within 27881
the zone, determined as specified in division (H) of this section, 27882
submit a petition to that effect to the board of directors. Any 27883
increase in the rate of an income tax by the board of directors 27884
shall be approved by a vote of the electors of the zone and shall 27885
be in force for the remaining period of the contract establishing 27886
the zone. 27887

(2) Whenever a zone is located in the territory of more than 27888
one contracting party, a majority vote of the electors in each of 27889
the several portions of the territory of the contracting parties 27890
constituting the zone approving the levy of the tax is required 27891
before it may be imposed under division (H) of this section. 27892

(3) If no electors reside in the zone, no election for the 27893
approval or rejection of an income tax shall be held under this 27894
section, provided that where no electors reside in the zone, the 27895
rate of the income tax shall be no higher than the highest rate 27896
being levied by a municipal corporation that is a party to the 27897
contract. 27898

(4) The board of directors of a zone levying an income tax 27899
shall enter into an agreement with one of the municipal 27900
corporations that is a party to the contract to administer, 27901
collect, and enforce the income tax on behalf of the zone. 27902

(5) The board of directors of a zone shall publish or post 27903
public notice within the zone of any resolution adopted levying an 27904
income tax in the same manner required of municipal corporations 27905
under sections 731.21 and 731.25 of the Revised Code. 27906

(I)(1) If for any reason a contracting party reverts to or 27907
has its boundaries changed so that it is classified as a township 27908
that is the entity succeeding to that contracting party, the 27909
township is considered to be a municipal corporation for the 27910
purposes of the contract for the full period of the contract 27911
establishing the joint economic development zone, except that if 27912
that contracting party is administering, collecting, and enforcing 27913
the income tax on behalf of the district as provided in division 27914
(H)(4) of this section, the contract shall be amended to allow one 27915
of the other contracting parties to administer, collect, and 27916
enforce that tax. 27917

(2) Notwithstanding any other section of the Revised Code, if 27918
there is any change in the boundaries of a township so that a 27919
municipal corporation once located within the township is no 27920
longer so located, the township shall remain in existence even 27921
though its remaining unincorporated area contains less than 27922
twenty-two square miles, if the township has been or becomes a 27923
party to a contract creating a joint economic development zone 27924
under this section or the contract creating that joint economic 27925
development zone under this section is terminated or repudiated 27926
for any reason by any party or person. The township shall continue 27927
its existing status in all respects, including having the same 27928
form of government and the same elected board of trustees as its 27929
governing body. The township shall continue to receive all of its 27930
tax levies and sources of income as a township in accordance with 27931
any section of the Revised Code, whether the levies and sources of 27932
income generate millage within the ten-mill limitation or in 27933
excess of the ten-mill limitation. The name of the township may be 27934
changed to the name of the contracting party appearing in the 27935
contract creating a joint economic development zone under this 27936
section, so long as the name does not conflict with any other name 27937
in the state that has been certified by the secretary of state. 27938
The township shall have all of the powers set out in sections 27939

715.79, 715.80, and 715.81 of the Revised Code. 27940

(J) If, after creating and operating a joint economic 27941
development zone under this section, a contracting party that did 27942
not levy a municipal income tax under Chapter 718. of the Revised 27943
Code levies such a tax, the tax shall not apply to the zone for 27944
the full period of the contract establishing the zone, if the 27945
board of directors of the zone has levied an income tax as 27946
provided in division (H) of this section. 27947

Sec. 721.01. Municipal corporations have special power to 27948
sell or lease real estate or to sell personal property belonging 27949
to the municipal corporation, when such real estate or personal 27950
property is not needed for any municipal purpose. Such power shall 27951
be exercised in the manner provided by ~~sections 721.01 to 721.26,~~ 27952
~~inclusive, of the Revised Code~~ this chapter. 27953

Sec. 721.03. No contract, except as provided in section 27954
721.28 of the Revised Code, for the sale or lease of real estate 27955
belonging to a municipal corporation shall be made unless 27956
authorized by an ordinance, approved by a two-thirds vote of the 27957
members of the legislative authority of such municipal 27958
corporation, and by the board or officer having supervision or 27959
management of such real estate. When the contract is so 27960
authorized, it shall be made in writing by such board or officer, 27961
and, except as provided in section 721.27 or 721.29 of the Revised 27962
Code, only with the highest bidder, after advertisement once a 27963
week for five consecutive weeks in a newspaper of general 27964
circulation within the municipal corporation or as provided in 27965
section 7.16 of the Revised Code. Such board or officer may reject 27966
any bids and readvertise until all such real estate is sold or 27967
leased. 27968

Sec. 721.29. The legislative authority of a city may sell to 27969

a board of county commissioners real estate belonging to the city 27970
that is no longer needed for city purposes upon such lawful terms 27971
as are agreed upon between the city and the board of county 27972
commissioners, without competitive bidding as required by section 27973
721.03 of the Revised Code. No such sale shall be made unless the 27974
contract for the sale is authorized by ordinance, approved by a 27975
two-thirds vote of the members of the legislative authority of the 27976
city, and by the board or officer having supervision or management 27977
of the real estate. 27978

Sec. 731.091. (A) The legislative authority of a village may, 27979
by the adoption of an ordinance or resolution to eliminate 27980
staggered terms of office, determine that all members of the 27981
legislative authority shall be elected at the same municipal 27982
election as provided for in this section. 27983

(B) At the regular municipal election occurring not less than 27984
ninety days after the certification of the ordinance or resolution 27985
to the board of elections eliminating staggered terms of office, 27986
the following apply: 27987

(1) If there are six members of the legislative authority, 27988
~~three~~ the number of members eligible for election at that regular 27989
municipal election shall be elected ~~at the next regular municipal~~ 27990
~~election for~~ to two-year nonstaggered terms, and all members of 27991
the legislative authority shall be elected to four-year 27992
nonstaggered terms at all following municipal elections. 27993

(2) If there are five members of the legislative authority, 27994
~~three~~ a number of members that is one less than the number of 27995
members that would otherwise be eligible for election at that 27996
regular municipal election but for the first-time implementation 27997
of the new membership of five, or, in the case of a village that 27998
has previously reduced its number of members to five, then the 27999
number of members eligible for election at that regular municipal 28000

election shall be elected ~~at the next municipal election for to~~ 28001
two-year nonstaggered terms, and all members shall be elected to 28002
four-year nonstaggered terms at all following municipal elections. 28003

Sec. 737.41. (A) The legislative authority of a municipal 28004
corporation in which is established a municipal court, other than 28005
a county-operated municipal court, that has a department of 28006
probation shall establish in the municipal treasury a municipal 28007
probation services fund. The fund shall contain all moneys paid to 28008
the treasurer of the municipal corporation under section 2951.021 28009
of the Revised Code for deposit into the fund. The treasurer of 28010
the municipal corporation shall disburse the money contained in 28011
the fund at the request of the municipal court department of 28012
probation, for use only by that department for specialized staff, 28013
purchase of equipment, purchase of services, reconciliation 28014
programs for offenders and victims, other treatment programs, 28015
including ~~alcohol and drug~~ community addiction ~~programs~~ services 28016
providers certified under section ~~3793.06~~ 5119.36 of the Revised 28017
Code, determined to be appropriate by the chief probation officer, 28018
and other similar expenses related to placing offenders under a 28019
community control sanction. 28020

(B) Any money in a municipal probation services fund at the 28021
end of a fiscal year shall not revert to the treasury of the 28022
municipal corporation but shall be retained in the fund. 28023

(C) As used in this section: 28024

(1) "County-operated municipal court" has the same meaning as 28025
in section 1901.03 of the Revised Code. 28026

(2) "Community control sanction" has the same meaning as in 28027
section 2929.01 of the Revised Code. 28028

Sec. 742.14. (A) The board of trustees of the Ohio police and 28029
fire pension fund shall have prepared triennially by or under the 28030

supervision of an actuary an actuarial valuation of the pension 28031
assets, liabilities, and funding requirements of the Ohio police 28032
and fire pension fund as established pursuant to sections 742.01 28033
to 742.61 of the Revised Code. The actuary shall complete the 28034
valuation in accordance with actuarial standards of practice 28035
promulgated by the actuarial standards board of the American 28036
academy of actuaries and prepare a report of the valuation. The 28037
report shall include all of the following: 28038

(1) A summary of the benefit provisions evaluated; 28039

(2) A summary of the census data and financial information 28040
used in the valuation; 28041

(3) A description of the actuarial assumptions, actuarial 28042
cost method, and asset valuation method used in the valuation, 28043
including a statement of the assumed rate of payroll growth and 28044
assumed rate of growth or decline in the number of members of the 28045
fund contributing to the pension fund; 28046

(4) A summary of findings that includes a statement of the 28047
actuarial accrued pension liabilities and unfunded actuarial 28048
accrued pension liabilities; 28049

(5) A schedule showing the effect of any changes in the 28050
benefit provisions, actuarial assumptions, or cost methods since 28051
the last triennial actuarial valuation; 28052

(6) A statement of whether employee and employer 28053
contributions to the pension fund are expected to be sufficient to 28054
satisfy the funding objectives established by the board. 28055

The first triennial report shall be made not later than 28056
November 1, 2013, to the Ohio retirement study council, the 28057
director of budget and management, and the standing committees of 28058
the house of representatives and the senate with primary 28059
responsibility for retirement legislation immediately upon its 28060
availability and thereafter triennially, not later than the first 28061

day of November. 28062

(B) At such times as the board determines, and at least once 28063
in each quinquennial period, the board shall have prepared by or 28064
under the supervision of an actuary an actuarial investigation of 28065
the mortality, service, and other experience of the members of the 28066
fund and of other system retirants, as defined in section 742.26 28067
of the Revised Code, who are members of a police department or a 28068
fire department to update the actuarial assumptions used in the 28069
actuarial valuation required by division (A) of this section. The 28070
actuary shall prepare a report of the actuarial investigation. The 28071
report shall be prepared and any recommended changes in actuarial 28072
assumptions shall be made in accordance with the actuarial 28073
standards of practice promulgated by the actuarial standards board 28074
of the American academy of actuaries. The report shall include all 28075
of the following: 28076

(1) A summary of relevant decrement and economic assumption 28077
experience observed over the period of the investigation; 28078

(2) Recommended changes in actuarial assumptions to be used 28079
in subsequent actuarial valuations required by division (A) of 28080
this section; 28081

(3) A measurement of the financial effect of the recommended 28082
changes in actuarial assumptions; 28083

(4) If the investigation required by this division includes 28084
the investigation required by division (E) of this section, a 28085
report of the result of that investigation. 28086

The board shall submit the report to the Ohio retirement 28087
study council and the standing committees of the house of 28088
representatives and the senate with primary responsibility for 28089
retirement legislation not later than the first day of November 28090
following the last fiscal year of the period the report covers. 28091

(C) The board shall have prepared by or under the supervision 28092

of an actuary an actuarial analysis of any introduced legislation 28093
expected to have a measurable financial impact on the pension 28094
fund. The actuarial analysis shall be completed in accordance with 28095
the actuarial standards of practice promulgated by the actuarial 28096
standards board of the American academy of actuaries. The actuary 28097
shall prepare a report of the actuarial analysis, which shall 28098
include all of the following: 28099

(1) A summary of the statutory changes that are being 28100
evaluated; 28101

(2) A description of or reference to the actuarial 28102
assumptions and actuarial cost method used in the report; 28103

(3) A description of the participant group or groups included 28104
in the report; 28105

(4) A statement of the financial impact of the legislation, 28106
including the resulting increase, if any, in the employer normal 28107
cost percentage; the increase, if any, in actuarial accrued 28108
liabilities; and the per cent of payroll that would be required to 28109
amortize the increase in actuarial accrued liabilities as a level 28110
per cent of covered payroll for all active members of the fund 28111
over a period not to exceed thirty years; 28112

(5) A statement of whether the scheduled contributions to the 28113
system after the proposed change is enacted are expected to be 28114
sufficient to satisfy the funding objectives established by the 28115
board. 28116

Not later than sixty days from the date of introduction of 28117
the legislation, the board shall submit a copy of the actuarial 28118
analysis to the legislative service commission, the standing 28119
committees of the house of representatives and the senate with 28120
primary responsibility for retirement legislation, and the Ohio 28121
retirement study council. 28122

(D) The board shall have prepared triennially a report giving 28123

a full accounting of the revenues and costs relating to the	28124
provision of benefits under section 742.45 of the Revised Code.	28125
The first triennial report shall be made as of December 31, 2013,	28126
and the thirty-first day of December triennially thereafter. The	28127
report shall include the following:	28128
(1) A description of the statutory authority for the benefits	28129
provided;	28130
(2) A summary of the benefits;	28131
(3) A summary of the eligibility requirements for the	28132
benefits;	28133
(4) A statement of the number of participants eligible for	28134
the benefits;	28135
(5) A description of the accounting, asset valuation, and	28136
funding method used to provide the benefits;	28137
(6) A statement of the net assets available for the provision	28138
of the benefits as of the last day of the fiscal year;	28139
(7) A statement of any changes in the net assets available	28140
for the provision of benefits, including participant and employer	28141
contributions, net investment income, administrative expenses, and	28142
benefits provided to participants, as of the last day of the	28143
fiscal year;	28144
(8) For the last six consecutive fiscal years, a schedule of	28145
the net assets available for the benefits, the annual cost of	28146
benefits, administrative expenses incurred, and annual employer	28147
contributions allocated for the provision of benefits;	28148
(9) A description of any significant changes that affect the	28149
comparability of the report required under this division;	28150
(10) A statement of the amount paid under division (B) of	28151
section 742.45 of the Revised Code.	28152
The board shall submit the report to the Ohio retirement	28153

study council, the director of budget and management, and the 28154
standing committees of the house of representatives and the senate 28155
with primary responsibility for retirement legislation immediately 28156
upon its availability and not later than the thirtieth day of June 28157
following the year for which the report was made. 28158

(E) At least once in each quinquennial period, the board 28159
shall have prepared by or under the supervision of an actuary an 28160
actuarial investigation of the deferred retirement option plan 28161
established under section 742.43 of the Revised Code. The 28162
investigation shall include an examination of the financial 28163
impact, if any, on the fund of offering the plan to members. 28164

The actuary shall prepare a report of the actuarial 28165
investigation. The report shall include a determination of whether 28166
the plan, as established or modified, has a negative financial 28167
impact on the fund and, if so, recommendations on how to modify 28168
the plan to eliminate the negative financial impact. If the 28169
actuarial report indicates that the plan has a negative financial 28170
impact on the fund, the board may modify the plan or cease to 28171
allow members who have not already done so to elect to participate 28172
in the plan. The firefighter and police officers employers' 28173
contributions shall not be increased to offset any negative 28174
financial impact of the plan. 28175

If the board ceases to allow members to elect to participate 28176
in the plan, the rights and obligations of members who have 28177
already elected to participate shall not be altered. 28178

The board may include the actuarial investigation required 28179
under this division as part of the actuarial investigation 28180
required under division (B) of this section. If the report of the 28181
actuarial investigation required by this division is not included 28182
in the report required by division (B) of this section, the board 28183
shall submit the report required by this division to the Ohio 28184
retirement study council and the standing committees of the house 28185

of representatives and the senate with primary responsibility for 28186
retirement legislation not later than the first day of November 28187
following the last fiscal year of the period the report covers. 28188

Sec. 743.50. (A) A municipal corporation that has established 28189
and implemented a watershed management program with regard to 28190
reservoirs for drinking water shall not include in the program any 28191
prohibition against maintenance of property that constitutes a 28192
buffer around a body of water that is part of such a reservoir by 28193
an owner of property that is contiguous to the buffer. 28194

(B) A municipal corporation that has established and 28195
implemented a watershed management program with regard to 28196
reservoirs for drinking water shall not include in the program any 28197
prohibition against mowing grass, weeds, or other vegetation on 28198
municipal property that constitutes a buffer around a body of 28199
water that is part of such a reservoir by owners of property 28200
contiguous to the buffer. 28201

(C) No peace officer or other official with authority to cite 28202
trespassers on municipal property described in this section may 28203
issue a civil or criminal citation to any individual who enters 28204
municipal property buffering a reservoir for the sole purpose of 28205
mowing grass, weeds, or other vegetation in an effort to beautify 28206
the municipal property that is contiguous to property owned by the 28207
individual. 28208

Sec. 755.06. (A) The board of park commissioners shall have 28209
the expenditures of all moneys appropriated by the legislative 28210
authority of the city or received from any other source for the 28211
purchase, acquisition, improvement, maintenance, equipment, or 28212
enjoyment of all property mentioned in section 755.05 of the 28213
Revised Code, but no liability shall be incurred or expenditure 28214
made unless the money required therefor is in the treasury to the 28215

credit of the park fund and not appropriated for any other 28216
purpose. 28217

(B) Notwithstanding division (A) of this section, if the 28218
legislative authority of a municipal corporation enters into an 28219
agreement for the sale or lease of mineral rights regarding lands 28220
that the board of park commissioners manages or controls, any 28221
royalties or other moneys resulting from the sale or lease shall 28222
be deposited into a special fund that the legislative authority 28223
shall establish under division (F) of section 5705.09 of the 28224
Revised Code. The board of park commissioners shall use the fund 28225
exclusively for maintenance of lands that the board manages or 28226
controls and for the acquisition of new park lands. 28227

Sec. 901.21. (A) As used in this section and section 901.22 28228
of the Revised Code: 28229

(1) "Agricultural easement" has the same meaning as in 28230
section 5301.67 of the Revised Code. 28231

(2) "Agriculture" means those activities occurring on land 28232
devoted exclusively to agricultural use, as defined in section 28233
5713.30 of the Revised Code, or on land that constitutes a 28234
homestead. 28235

(3) "Homestead" means the portion of a farm on which is 28236
located a dwelling house, yard, or outbuildings such as a barn or 28237
garage. 28238

(B) The director of agriculture may acquire real property 28239
used predominantly in agriculture and agricultural easements by 28240
gift, devise, or bequest if, at the time an easement is granted, 28241
such an easement is on land that is valued for purposes of real 28242
property taxation at its current value for agricultural use under 28243
section 5713.31 of the Revised Code or that constitutes a 28244
homestead. Any terms may be included in an agricultural easement 28245

so acquired that are necessary or appropriate to preserve on 28246
behalf of the grantor of the easement the favorable tax 28247
consequences of the gift, devise, or bequest under the "Internal 28248
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 28249
The director, by any such means or by purchase or lease, may 28250
acquire, or acquire the use of, stationary personal property or 28251
equipment that is located on land acquired in fee by the director 28252
under this section and that is necessary or appropriate for the 28253
use of the land predominantly in agriculture. 28254

(C) The director may include, in an agricultural easement 28255
acquired under division (B) of this section, a provision to 28256
preserve a unique natural or physical feature on the land so long 28257
as the use of the land remains predominantly agricultural. 28258

(D) The director may do all things necessary or appropriate 28259
to retain the use of real property acquired in fee under division 28260
(B) of this section predominantly in agriculture, including, 28261
without limitation, performing any of the activities described in 28262
division (A)(1) or (2) of section 5713.30 of the Revised Code or 28263
entering into contracts to lease or rent the real property so 28264
acquired to persons or governmental entities that will use the 28265
land predominantly in agriculture. 28266

~~(D)~~(E)(1) When the director considers it to be necessary or 28267
appropriate, the director may sell real property acquired in fee, 28268
and stationary personal property or equipment acquired by gift, 28269
devise, bequest, or purchase, under division (B) of this section 28270
on such terms as the director considers to be advantageous to this 28271
state. 28272

(2) An agricultural easement acquired under division (B) of 28273
this section may be extinguished under the circumstances 28274
prescribed, and in accordance with the terms and conditions set 28275
forth, in the instrument conveying the agricultural easement. 28276

~~(E)~~(F) There is hereby created in the state treasury the 28277
agricultural easement purchase fund. The fund shall consist of the 28278
proceeds received from the sale of real and personal property 28279
under division ~~(D)~~(E) of this section; moneys received due to the 28280
extinguishment of agricultural easements acquired by the director 28281
under division (B) of this section or section 5301.691 of the 28282
Revised Code; moneys received due to the extinguishment of 28283
agricultural easements purchased with the assistance of matching 28284
grants made under section 901.22 of the Revised Code; gifts, 28285
bequests, devises, and contributions received by the director for 28286
the purpose of acquiring agricultural easements; and grants 28287
received from public or private sources for the purpose of 28288
purchasing agricultural easements. The fund shall be administered 28289
by the director, and moneys in the fund shall be used by the 28290
director exclusively to purchase agricultural easements under 28291
division (A) of section 5301.691 of the Revised Code and provide 28292
matching grants under section 901.22 of the Revised Code to 28293
municipal corporations, counties, townships, soil and water 28294
conservation districts established under Chapter 1515. of the 28295
Revised Code, and charitable organizations described in division 28296
(B) of section 5301.69 of the Revised Code for the purchase of 28297
agricultural easements. Money in the fund shall be used only to 28298
purchase agricultural easements on land that is valued for 28299
purposes of real property taxation at its current value for 28300
agricultural use under section 5713.31 of the Revised Code or that 28301
constitutes a homestead when the easement is purchased. 28302

~~(F)~~(G) There is hereby created in the state treasury the 28303
clean Ohio agricultural easement fund. Twelve and one-half per 28304
cent of net proceeds of obligations issued and sold pursuant to 28305
sections 151.01 and 151.09 of the Revised Code shall be deposited 28306
into the fund. The fund shall be used by the director for the 28307
purposes of this section, section 901.22 of the Revised Code, and 28308
the provisions of sections 5301.67 to 5301.70 of the Revised Code 28309

governing agricultural easements. Investment earnings of the fund 28310
shall be credited to the fund and may be used to pay costs 28311
incurred by the director in administering those sections and 28312
provisions. 28313

~~(G)~~(H) The term of an agricultural easement purchased wholly 28314
or in part with money from the clean Ohio agricultural easement 28315
fund or the agricultural easement purchase fund shall be perpetual 28316
and shall run with the land. 28317

Sec. 901.22. (A) The director of agriculture, in accordance 28318
with Chapter 119. of the Revised Code, shall adopt rules that do 28319
all of the following: 28320

(1) Establish procedures and eligibility criteria for making 28321
matching grants to municipal corporations, counties, townships, 28322
soil and water conservation districts established under Chapter 28323
1515. of the Revised Code, and charitable organizations described 28324
in division (B) of section 5301.69 of the Revised Code for the 28325
purchase of agricultural easements. With respect to agricultural 28326
easements that are purchased or proposed to be purchased with such 28327
matching grants that consist in whole or in part of moneys from 28328
the clean Ohio agricultural easement fund created in section 28329
901.21 of the Revised Code, the rules shall establish all of the 28330
following: 28331

(a) Procedures for all of the following: 28332

(i) Soliciting and accepting applications for matching 28333
grants; 28334

(ii) Participation by local governments and by the public in 28335
the process of making matching grants to charitable organizations; 28336

(iii) Notifying local governments, charitable organizations, 28337
and organizations that represent the interests of farmers of the 28338
ranking system established in rules adopted under division 28339

(A)(1)(b) of this section.	28340
(b) A ranking system for applications for the matching grants	28341
that is based on the soil type, proximity of the land or other	28342
land that is conducive to agriculture as defined by rules adopted	28343
under this section and that is the subject of an application to	28344
other agricultural land or other land that is conducive to	28345
agriculture as defined by rules adopted under this section and	28346
that is already or is in the process of becoming permanently	28347
protected from development, farm stewardship, development	28348
pressure, and, if applicable, a local comprehensive land use plan	28349
involved with a proposed agricultural easement. The rules shall	28350
require that preference be given to proposed agricultural	28351
easements that involve the greatest proportion of all of the	28352
following:	28353
(i) Prime soils, unique or locally important soils,	28354
microclimates, or similar features;	28355
(ii) Land that is adjacent to or that is in close proximity	28356
to other agricultural land or other land that is conducive to	28357
agriculture as defined by rules adopted under this section and	28358
that is already or is in the process of becoming permanently	28359
protected from development, by agricultural easement or otherwise,	28360
so that a buffer would exist between the land involving the	28361
proposed agricultural easement and areas that have been developed	28362
or likely will be developed for purposes other than agriculture;	28363
(iii) The use of best management practices, including	28364
federally or state approved conservation plans, and a history of	28365
substantial compliance with applicable federal and state laws;	28366
(iv) Development pressure that is imminent, but not a result	28367
of current location in the direct path of urban development;	28368
(v) Areas identified for agricultural protection in local	28369
comprehensive land use plans.	28370

(c) Any other criteria that the director determines are necessary for selecting applications for matching grants;	28371 28372
(d) Requirements regarding the information that must be included in the annual monitoring report that must be prepared for an agricultural easement under division (E)(2) of section 5301.691 of the Revised Code, procedures for submitting a copy of the report to the office of farmland preservation in the department of agriculture, and requirements and procedures governing corrective actions that may be necessary to enforce the terms of the agricultural easement.	28373 28374 28375 28376 28377 28378 28379 28380
(2) Establish provisions that shall be included in the instrument conveying to a municipal corporation, county, township, soil and water conservation district, or charitable organization any agricultural easement purchased with matching grant funds provided by the director under this section, including, without limitation, all of the following provisions:	28381 28382 28383 28384 28385 28386
(a) A provision stating that an easement so purchased may be extinguished only if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the easement, or if the requirements of the easement are extinguished by judicial proceedings;	28387 28388 28389 28390 28391 28392
(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to the total value of the land at the time the easement was acquired;	28393 28394 28395 28396 28397
(c) A provision requiring that, upon receipt of the portion of the proceeds of a sale, exchange, or involuntary conversion described in division (A)(2)(b) of this section, the municipal corporation, county, township, soil and water conservation	28398 28399 28400 28401

district, or charitable organization remit to the director an 28402
amount of money equal to the percentage of the cost of purchasing 28403
the easement it received as a matching grant under this section. 28404

Moneys received by the director pursuant to rules adopted 28405
under division (A)(2)(c) of this section shall be credited to the 28406
agricultural easement purchase fund created in section 901.21 of 28407
the Revised Code. 28408

(3) Establish a provision that provides a charitable 28409
organization, municipal corporation, township, county, or soil and 28410
water conservation district with the option of purchasing 28411
agricultural easements either in installments or with a lump sum 28412
payment. The rules shall include a requirement that a charitable 28413
organization, municipal corporation, township, county, or soil and 28414
water conservation district negotiate with the seller of the 28415
agricultural easement concerning any installment payment terms, 28416
including the dates and amounts of payments and the interest rate 28417
on the outstanding balance. The rules also shall require the 28418
director to approve any method of payment that is undertaken in 28419
accordance with the rules adopted under division (A)(3) of this 28420
section. 28421

(4) Establish any other requirements that the director 28422
considers to be necessary or appropriate to implement or 28423
administer a program to make matching grants under this section 28424
and monitor those grants. 28425

(B) The director may develop guidelines regarding the 28426
acquisition of agricultural easements by the department of 28427
agriculture and the provisions of instruments conveying those 28428
easements. The director may make the guidelines available to 28429
public and private entities authorized to acquire and hold 28430
agricultural easements. 28431

(C) The director may provide technical assistance in 28432

developing a program for the acquisition and monitoring of 28433
agricultural easements to public and private entities authorized 28434
to hold agricultural easements. The technical assistance may 28435
include, without limitation, reviewing and providing advisory 28436
recommendations regarding draft instruments conveying agricultural 28437
easements. 28438

(D)(1) The director may make matching grants from the 28439
agricultural easement purchase fund and the clean Ohio 28440
agricultural easement fund to municipal corporations, counties, 28441
townships, soil and water conservation districts, and charitable 28442
organizations to assist those political subdivisions and 28443
charitable organizations in purchasing agricultural easements. 28444
Application for a matching grant shall be made on forms prescribed 28445
and provided by the director. The matching grants shall be made in 28446
compliance with the criteria and procedures established in rules 28447
adopted under this section. Instruments conveying agricultural 28448
easements purchased with matching grant funds provided under this 28449
section, at a minimum, shall include the mandatory provisions set 28450
forth in those rules. 28451

Matching grants made under this division using moneys from 28452
the clean Ohio agricultural easement fund created in section 28453
901.21 of the Revised Code may provide up to seventy-five per cent 28454
of the value of an agricultural easement as determined by a 28455
general real estate appraiser who is certified under Chapter 4763. 28456
of the Revised Code or as determined through a points-based 28457
appraisal system established under division (D)(2) of this 28458
section. Not less than twenty-five per cent of the value of the 28459
agricultural easement shall be provided by the recipient of the 28460
matching grant or donated by the person who is transferring the 28461
easement to the grant recipient. The amount of such a matching 28462
grant used for the purchase of a single agricultural easement 28463
shall not exceed one million dollars. 28464

(2) The director shall establish a points-based appraisal system for the purposes of division (D)(1) of this section. The director may include any or all of the following factors in the system:	28465 28466 28467 28468
(a) Whether the applicable county auditor has determined that the land is land that is devoted exclusively to agriculture for the purposes of sections 5713.30 to 5713.38 of the Revised Code;	28469 28470 28471
(b) Changes in land values following the completion of the applicable county auditor's reappraisal or triennial update;	28472 28473
(c) Soil types and productivity;	28474
(d) Proximity of the land to land that is already subject to an agricultural easement, conservation easement created under sections 5301.67 to 5301.70 of the Revised Code, or similar land-use limitation;	28475 28476 28477 28478
(e) Proximity of the land to water and sewer lines, road interchanges, and nonagricultural development;	28479 28480
(f) Parcel size and roadway frontage of the land;	28481
(g) Existence of an agreement entered into under division (D) of section 1515.08 of the Revised Code or of an operation and management plan developed under division (A) of section 1511.021 of the Revised Code;	28482 28483 28484 28485
(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code;	28486 28487 28488 28489
(i) Any other factors that the director determines are necessary for inclusion in the system.	28490 28491
(E) <u>An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical</u>	28492 28493 28494

feature on the land so long as the use of the land remains 28495
predominantly agricultural. 28496

(F) For any agricultural easement purchased with a matching 28497
grant that consists in whole or in part of moneys from the clean 28498
Ohio agricultural easement fund, the director shall be named as a 28499
grantee on the instrument conveying the easement, as shall the 28500
municipal corporation, county, township, soil and water 28501
conservation district, or charitable organization that receives 28502
the grant. 28503

~~(F)~~(G)(1) The director shall monitor and evaluate the 28504
effectiveness and efficiency of the agricultural easement program 28505
as a farmland preservation tool. On or before July 1, 1999, and 28506
the first day of July of each year thereafter, the director shall 28507
prepare and submit a report to the chairpersons of the standing 28508
committees of the senate and the house of representatives that 28509
consider legislation regarding agriculture. The report shall 28510
consider and address the following criteria to determine the 28511
program's effectiveness: 28512

(a) The number of agricultural easements purchased during the 28513
preceding year; 28514

(b) The location of those easements; 28515

(c) The number of acres of land preserved for agricultural 28516
use; 28517

(d) The amount of money used by a municipal corporation, 28518
township, county, or soil and water conservation district from any 28519
fund to purchase the agricultural easements; 28520

(e) The number of state matching grants given to purchase the 28521
agricultural easements; 28522

(f) The amount of state matching grant moneys used to 28523
purchase the agricultural easements. 28524

(2) The report also shall consider and include, at a minimum, 28525
the following information for each county to determine the 28526
program's efficiency: 28527

(a) The total number of acres in the county; 28528

(b) The total number of acres in current agricultural use; 28529

(c) The total number of acres preserved for agricultural use 28530
in the preceding year; 28531

(d) The average cost, per acre, of land preserved for 28532
agricultural use in the preceding year. 28533

Sec. 901.23. (A) There is hereby created the farmland 28534
preservation advisory board consisting of twelve voting members 28535
appointed by the director of agriculture as follows: 28536

(1) One member who is a county commissioner or a 28537
representative of a statewide organization that represents county 28538
commissioners; 28539

(2) One member who is a township trustee or a representative 28540
of a statewide organization that represents township trustees; 28541

(3) One representative of the Ohio state university; 28542

(4) One representative of a ~~national~~ nonprofit organization 28543
dedicated to the preservation of farmland; 28544

(5) One representative each of development, environmental, 28545
planning, and soil and water conservation interests; 28546

(6) One farmer from each of the state's four quadrants. 28547

Terms of office shall be staggered and shall be for three 28548
years, with each term ending on the same day of the same month as 28549
did the term that it succeeds. Each member shall hold office from 28550
the date of appointment until the end of the term for which the 28551
member was appointed, except that the term of any member who is a 28552
county commissioner or township trustee shall end when the member 28553

ceases to serve as a county commissioner or township trustee. 28554

Members may be reappointed. Vacancies shall be filled in the 28555
manner provided for original appointments. Any member appointed to 28556
fill a vacancy occurring prior to the expiration date of the term 28557
for which the member was appointed shall serve for the remainder 28558
of that term. A member shall continue to serve subsequent to the 28559
expiration date of the member's term until the member's successor 28560
takes office or until a period of sixty days has elapsed, 28561
whichever occurs first. Members shall serve at the pleasure of the 28562
director. 28563

The executive director of the office of farmland preservation 28564
in the department of agriculture or another employee of the 28565
department who is designated by the director shall serve as the 28566
nonvoting chairperson of the board. The director annually shall 28567
designate one member of the board to serve as its 28568
vice-chairperson. The board may adopt bylaws governing its 28569
operation and shall meet at a time when the director, or the 28570
director's designee, considers it appropriate in order for the 28571
board to provide advice as required under division (B) of this 28572
section. 28573

(B) The board shall provide advice to the director regarding 28574
all of the following: 28575

(1) The design and implementation of an agricultural easement 28576
purchase program; 28577

(2) The selection of applications that will be awarded 28578
matching grants under division (D) of section 901.22 of the 28579
Revised Code for the purchase of agricultural easements; 28580

(3) The design and implementation of any other statewide 28581
farmland protection measures that the director considers 28582
appropriate. 28583

(C) Serving as a member of the board does not constitute 28584

holding a public office or position of employment under the laws 28585
of this state and does not constitute grounds for removal of 28586
public officers or employees from their offices or positions of 28587
employment. 28588

(D) A board member shall be reimbursed for actual and 28589
necessary expenses incurred in the discharge of duties as a board 28590
member. 28591

Sec. 903.11. (A) The director of agriculture may enter into 28592
contracts or agreements to carry out the purposes of this chapter 28593
with any public or private person, including ~~the Ohio state~~ 28594
~~university~~ OSU extension ~~service~~, the natural resources 28595
conservation service in the United States department of 28596
agriculture, the environmental protection agency, the division of 28597
soil and water resources in the department of natural resources, 28598
and soil and water conservation districts established under 28599
Chapter 1515. of the Revised Code. However, the director shall not 28600
enter into a contract or agreement with a private person for the 28601
review of applications for permits to install, permits to operate, 28602
NPDES permits, or review compliance certificates that are issued 28603
under this chapter or for the inspection of a facility regulated 28604
under this chapter or with any person for the issuance of any of 28605
those permits or certificates or for the enforcement of this 28606
chapter and rules adopted under it. 28607

(B) The director may administer grants and loans using moneys 28608
from the federal government and other sources, public or private, 28609
for carrying out any of the director's functions. Nothing in this 28610
chapter shall be construed to limit the eligibility of owners or 28611
operators of animal feeding facilities or other agricultural 28612
enterprises to receive moneys from the water pollution control 28613
loan fund established under section 6111.036 of the Revised Code 28614
and the nonpoint source pollution management fund established 28615

under section 6111.037 of the Revised Code. 28616

The director of agriculture shall provide the director of 28617
environmental protection with written recommendations for 28618
providing financial assistance from those funds to agricultural 28619
enterprises. The director of environmental protection shall 28620
consider the recommendations in developing priorities for 28621
providing financial assistance from the funds. 28622

Sec. 903.30. (A) No person shall violate division (B)(1), 28623
(C)(1), (K), or (M)(1) or (2) of section 903.08 of the Revised 28624
Code or the NPDES provisions of a permit to operate. 28625

(B) No person shall violate or fail to perform any duty 28626
required by sections 903.01 to 903.07 and 903.12 of the Revised 28627
Code, violate a rule, or violate an order or term or condition of 28628
a permit issued by the director of agriculture under those 28629
sections or rules. 28630

(C) The attorney general, upon the written request of the 28631
director, shall prosecute any person who violates division (A) or 28632
(B) of this section. 28633

Sec. 903.99. (A) Whoever negligently violates division (A)(2) 28634
of section 903.02 or division (A)(2) of section 903.03 903.30 of 28635
the Revised Code is guilty of a misdemeanor of the third degree on 28636
a first offense, a misdemeanor of the second degree on a second 28637
offense, and a misdemeanor of the first degree on a third or 28638
subsequent offense. Each ten day period that the offense continues 28639
shall be fined not more than ten thousand dollars or imprisoned 28640
for not more than ninety days, or both. Each day of violation 28641
constitutes a separate offense. For purposes of this division, 28642
notwithstanding division (D) of section 2901.22 of the Revised 28643
Code, a person acts negligently when, because of a lapse from due 28644
care, the person fails to perceive or avoid a risk that the 28645

person's conduct may cause a certain result or may be of a certain 28646
nature. A person is negligent with respect to circumstances when, 28647
because of a lapse from due care, the person fails to perceive or 28648
avoid a risk that such circumstances may exist. 28649
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(B) Whoever recklessly ~~violates the terms and conditions of a~~ 28651
~~permit to install issued under section 903.02 of the Revised Code~~ 28652
~~or of a permit to operate issued under section 903.03 of the~~ 28653
~~Revised Code, division (A) or (B)(1), (C)(1), or (M)(1) or (2) of~~ 28654
~~section 903.08 of the Revised Code, or the NPDES provisions of a~~ 28655
~~permit to operate shall be fined not more than twenty five~~ 28656
~~thousand dollars.~~ of section 903.30 of the Revised Code shall be 28657
fined not more than ten thousand dollars or imprisoned for not 28658
more than one year, or both. Each day of violation constitutes a 28659
separate offense. 28660

(C) Whoever knowingly violates division ~~(K)~~(A) or (B) of 28661
section ~~903.08~~ 903.30 of the Revised Code is guilty of a felony 28662
and shall be fined not more than twenty-five thousand dollars or 28663
imprisoned for not more than three years, or both. Each day of 28664
violation constitutes a separate offense. 28665

Sec. 905.06. The director of agriculture shall: 28666

(A) Gather information on the performance of various 28667
agricultural additives, including distributors' and manufacturers' 28668
claims, the results of investigation or research on additives, and 28669
the conditions when they are useful, and make the information 28670
available to the public; 28671

(B) Provide and distribute, in cooperation with ~~the~~ 28672
~~agricultural~~ OSU extension ~~service~~, information on the use of 28673
agricultural additives; 28674

(C) Provide for the prompt and thorough investigation of 28675

written complaints received concerning agricultural additives. 28676

Sec. 909.15. All moneys from registration fees and from fines 28677
imposed and recovered under sections 909.01 to 909.18 of the 28678
Revised Code, shall be paid to the director of agriculture, who 28679
shall deposit such moneys in the state treasury to the credit of 28680
the ~~general revenue~~ plant pest program fund created in section 28681
927.54 of the Revised Code. 28682

Sec. 924.02. The director of agriculture, subject to sections 28683
924.01 to 924.16 and Chapter 119. of the Revised Code, shall do 28684
all of the following: 28685

(A) Establish procedures by which producers of Ohio 28686
agricultural commodities may propose, develop, and operate 28687
marketing programs to: 28688

(1) Promote the sale and use of their products; 28689

(2) Develop new uses and markets for such products; 28690

(3) Improve the methods of distributing such products to 28691
consumers; 28692

(4) Standardize the quality of such products for specific 28693
uses. 28694

(B) Adopt and enforce rules to put into effect the intent of 28695
sections 924.01 to 924.16 of the Revised Code; 28696

(C) ~~Determine~~ Except as provided in section 924.06 of the 28697
Revised Code, determine the eligibility of producers to 28698
participate in referendums and other procedures that may be 28699
required to establish marketing programs for agricultural 28700
commodities. 28701

Sec. 924.06. (A) ~~Within ninety days after he has approved a~~ 28702
~~proposed amendment to an agricultural commodity marketing program~~ 28703

~~established before April 10, 1985, the director of agriculture 28704
shall determine by a referendum whether the eligible producers 28705
favor the proposed amendment to the program. Any proposed 28706
amendment to a marketing program established before April 10, 28707
1985, is favored by the producers of the agricultural commodity 28708
which would be affected by the proposed amendment if either of the 28709
following occurs: 28710~~

~~(1) Sixty six and two thirds per cent or more, by number, of 28711
the producers who vote in the referendum, vote in favor of the 28712
amendment, and represent a majority of the volume of the affected 28713
commodity that was produced in the preceding marketing year by all 28714
producers who voted in the referendum; 28715~~

~~(2) A majority of the producers who vote in the referendum, 28716
vote in favor of the amendment and represent sixty six and 28717
two thirds per cent, or more, of the volume of the affected 28718
commodity that was produced in the preceding marketing year by all 28719
the producers who voted in the referendum. 28720~~

~~(B) Within ninety days after he has approved approving an 28721
agricultural commodity marketing program proposed on or after 28722
April 10, 1985 the effective date of this amendment, or a proposed 28723
amendment to ~~such a~~ an agricultural commodity marketing program, 28724
the director of agriculture shall determine by a referendum 28725
whether the eligible producers favor the proposed marketing 28726
program or amendment. Any such marketing program or amendment to 28727
~~such~~ a marketing program is favored by the producers of the 28728
agricultural commodity that would be affected by the proposed 28729
program or amendment if a majority of the producers who vote in 28730
the referendum vote in favor of the program or amendment. 28731~~

~~(C)(B) If the producers who vote in any referendum held 28732
pursuant to this section do not favor a proposed marketing 28733
program, or proposed amendment to a program, the director shall 28734
hold no additional referendum on that proposed program or proposed 28735~~

amendment during the ten months following the close of the 28736
referendum at which the producers did not favor that proposed 28737
program or amendment. 28738

~~(D)~~(C) In any referendum held pursuant to this section, each 28739
eligible producer of the ~~Ohio~~ agricultural commodity ~~which~~ that 28740
would be affected by the proposed marketing program, or amendment 28741
to a program, is entitled to one vote. 28742

~~(E)~~(D) In any referendum held on an agricultural commodity 28743
marketing program, or a proposed amendment to such a program, 28744
votes may be cast in person or by mailing a ballot to a polling 28745
place designated by the director. The director shall establish a 28746
three-day period during which eligible producers may vote in 28747
person during normal business hours at polling places designated 28748
by the director. The director or other appropriate person shall 28749
send a mail-in ballot by ordinary first-class mail to any eligible 28750
producer who requests one by calling the toll-free telephone 28751
number or sending in the ballot request form provided for in 28752
division ~~(F)~~(E) of this section, by calling one of the polling 28753
places designated by the director, or by any additional method 28754
that the director or operating committee may provide. No ballot 28755
returned by mail shall be valid if it is postmarked later than the 28756
third day of the election period established by the director. 28757

~~(F)~~(E) For any referendum held on an agricultural commodity 28758
marketing program, or a proposed amendment to such a program, the 28759
director or operating committee shall cause a ballot request form 28760
to be published at least thirty days before the beginning of the 28761
election period established under division ~~(E)~~(D) of this section 28762
in at least two appropriate periodicals designated by the 28763
director, and shall make the form available for reproduction to 28764
any interested group or association. The director shall provide a 28765
toll-free telephone number that producers may call to request a 28766
ballot. 28767

(F) For the purposes of a referendum held on an egg marketing program or a proposed amendment to such a program under this section, an eligible producer is a person who is in the business of producing and marketing, or causing to be produced and marketed, eggs from a flock of more than seventy-five thousand domesticated chickens and, if the referendum is held on a proposed amendment to an egg marketing program, is subject to an assessment under the program. 28768
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Sec. 927.54. The plant pest program fund is hereby created in the state treasury. The fund shall consist of money credited to it under section 909.15 of the Revised Code and under this chapter and any rules adopted under it. The director of agriculture shall use money in the fund to administer this chapter and Chapter 909. of the Revised Code. 28776
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The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide upon request, an annual report classifying the receipts and disbursements that pertain to plant pests. 28782
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Sec. 935.01. As used in this chapter: 28786

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city authorized by section 3709.05 of the Revised Code. 28787
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(B) "Circus" means a traveling show to which all of the following apply: 28791
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(1) It is licensed by the United States department of agriculture under the federal animal welfare act. 28793
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(2) It presents dangerous wild animals, restricted snakes, or both in a public performance as its own event or as part of a fair or carnival. 28795
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(3) It does not allow physical contact between the public and the dangerous wild animals or restricted snakes possessed by it.	28798
Division (B)(3) of this section does not apply to rides or other interactions between the public and an elephant, provided that such a ride or other interaction is under the direct supervision of an experienced animal handler.	28799
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(4) It is in the state for less than sixty-five days each year.	28804
	28805
(C) "Dangerous wild animal" means any of the following, including hybrids unless otherwise specified:	28806
	28807
(1) Hyenas;	28808
(2) Gray wolves, excluding hybrids;	28809
(3) Lions;	28810
(4) Tigers;	28811
(5) Jaguars;	28812
(6) Leopards, including clouded leopards, Sunda clouded leopards, and snow leopards;	28813
	28814
(7) All of the following, including hybrids with domestic cats unless otherwise specified:	28815
	28816
(a) Cheetahs;	28817
(b) Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;	28818
	28819
(c) Cougars, also known as pumas or mountain lions;	28820
(d) Caracals;	28821
(e) Servals, excluding hybrids with domestic cats commonly known as savannah cats.	28822
	28823
(8) Bears;	28824
(9) Elephants;	28825

(10) Rhinoceroses;	28826
(11) Hippopotamuses;	28827
(12) Cape buffaloes;	28828
(13) African wild dogs;	28829
(14) Komodo dragons;	28830
(15) Alligators;	28831
(16) Crocodiles;	28832
(17) Caimans, excluding dwarf caimans;	28833
(18) Gharials;	28834
(19) Nonhuman primates other than lemurs and the nonhuman primates specified in division (C)(20) of this section;	28835 28836
(20) All of the following nonhuman primates:	28837
(a) Golden lion, black-faced lion, golden-rumped lion, cotton-top, emperor, saddlebacked, black-mantled, and Geoffroy's tamarins;	28838 28839 28840
(b) Southern and northern night monkeys;	28841
(c) Dusky titi and masked titi monkeys;	28842
(d) Muriquis;	28843
(e) Goeldi's monkeys;	28844
(f) White-faced, black-bearded, white-nose bearded, and monk sakis;	28845 28846
(g) Bald and black uakaris;	28847
(h) Black handed, white bellied, brown headed, and black spider monkeys;	28848 28849
(i) Common woolly monkeys;	28850
(j) <u>(i)</u> Red, black, and mantled howler monkeys.	28851
"Dangerous wild animal" does not include a domesticated	28852

animal that is considered livestock as defined in section 901.70 28853
of the Revised Code. 28854

(D) "Federal animal welfare act" has the same meaning as in 28855
section 959.131 of the Revised Code. 28856

(E) "Felony drug abuse offense" has the same meaning as in 28857
section 2925.01 of the Revised Code. 28858

(F) "Health district" means a city or general health district 28859
created by or under the authority of Chapter 3709. of the Revised 28860
Code. 28861

(G) "Humane society" means an organization that is organized 28862
under section 1717.05 of the Revised Code. 28863

(H) "Law enforcement officer" means a sheriff, deputy 28864
sheriff, constable, police officer of a township or joint police 28865
district, marshal, deputy marshal, municipal police officer, or 28866
state highway patrol trooper. 28867

(I) "Natural resources law enforcement officers" means peace 28868
officers as specified in division (A)(6) of section 109.71 of the 28869
Revised Code and employees of the division of wildlife specified 28870
in sections 1531.13 and 1531.14 of the Revised Code. 28871

(J) "Offense of violence" has the same meaning as in section 28872
2901.01 of the Revised Code. 28873

(K) "Rescue facility" means a nonprofit organization as 28874
described in section 170 of the "Internal Revenue Code of 1986," 28875
100 Stat. 2085, 26 U.S.C. 170, as amended, that operates a place 28876
of refuge where abused, neglected, unwanted, impounded, abandoned, 28877
orphaned, or displaced dangerous wild animals are provided care 28878
for their lifetime or released back to their natural habitat, and, 28879
with respect to an animal possessed by the organization, that does 28880
not do any of the following: 28881

(1) Sell, trade, or barter the animal or the animal's body 28882

parts;	28883
(2) Use the animal in any manner for profit;	28884
(3) Breed the animal;	28885
(4) Allow the public the opportunity to come into contact with the animal.	28886 28887
(L) "Restricted snake" means any of the following:	28888
(1) All of the following constricting snakes that are twelve feet or longer:	28889 28890
(a) Green anacondas;	28891
(b) Yellow anacondas;	28892
(c) Reticulated pythons;	28893
(d) Indian pythons;	28894
(e) Burmese pythons;	28895
(f) North African rock pythons;	28896
(g) South African rock pythons;	28897
(h) Amethystine pythons.	28898
(2) Species of the following families:	28899
(a) Atractaspididae;	28900
(b) Elapidae;	28901
(c) Viperidae.	28902
(3) Boomslang snakes;	28903
(4) Twig snakes.	28904
(M) "Rule" means a rule adopted under section 935.17 of the Revised Code.	28905 28906
(N) "Veterinarian" means a person who is licensed under Chapter 4741. of the Revised Code.	28907 28908

(O) "Wildlife sanctuary" means a nonprofit organization as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 170, as amended, that is accredited or verified by the global federation of animal sanctuaries, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals or restricted snakes are provided care for their lifetime or released back to their natural habitat, and, with respect to an animal or snake possessed by the organization, that does not do any of the following:

(1) Use or allow the use of the animal or snake for any type of entertainment or in a traveling exhibit;

(2) Sell, trade, lease, loan, or barter the animal or snake or the animal's or snake's body parts;

(3) Use or allow the use of the animal or snake in any manner for profit;

(4) Breed the animal or snake;

(5) Allow the public the opportunity to come into physical contact with the animal or snake.

Sec. 935.03. (A) Division (A) of section 935.02 of the Revised Code does not apply to any of the following:

(1) A person to which all of the following apply:

(a) The person possesses a dangerous wild animal.

(b) The person has been issued a license by the United States department of agriculture under the federal animal welfare act.

(c) The director of agriculture has determined that the person is in the process of becoming an accredited member of the association of zoos and aquariums or the zoological association of America.

(d) The director has informed the person that the person is exempt from division (A) of section 935.02 of the Revised Code.	28938 28939
(2) An organization to which all of the following apply:	28940
(a) The organization possesses a dangerous wild animal.	28941
(b) The director has determined that the organization is in the process of being accredited or verified by the global federation of animal sanctuaries as a wildlife sanctuary.	28942 28943 28944
(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code.	28945 28946
(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.	28947 28948
(B) Except for the purposes of divisions (A) and (B) of section 935.04 of the Revised Code, this chapter does not apply to any of the following:	28949 28950 28951
(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;	28952 28953 28954 28955
(2) A research facility as defined in the federal animal welfare act;	28956 28957
(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international;	28958 28959 28960
(4) A circus;	28961
(5) A wildlife rehabilitation facility that is issued a permit by the chief of the division of wildlife in rules adopted under section 1531.08 of the Revised Code and that rehabilitates dangerous wild animals or restricted snakes that are native to the state for the purpose of reintroduction into the wild;	28962 28963 28964 28965 28966

(6) A veterinarian that is providing temporary veterinary care to a dangerous wild animal or restricted snake;	28967 28968
(7) A wildlife sanctuary;	28969
(8) An individual who does not reside in this state, is traveling through this state with a dangerous wild animal or restricted snake, and does all of the following:	28970 28971 28972
(a) Confines the animal or snake in a cage at all times;	28973
(b) Confines the animal or snake in a cage that is not accessible to the public;	28974 28975
(c) Does not exhibit the animal or snake;	28976
(d) Is in the state not more than forty-eight hours unless the animal or snake is receiving veterinary care.	28977 28978
(9) An educational institution that displays a single dangerous wild animal as a sports mascot and that meets all of the following criteria:	28979 28980 28981
(a) An official of the educational institution has submitted an affidavit attesting that the institution will care for the animal as long as the animal lives and in a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America.	28982 28983 28984 28985 28986
(b) The educational institution maintains a liability insurance policy with an insurer authorized or approved to write such insurance in this state that covers claims for injury or damage to persons or property caused by a dangerous wild animal. The amount of the insurance coverage shall be not less than one million dollars.	28987 28988 28989 28990 28991 28992
(c) During display and transport, the educational institution confines the dangerous wild animal in a cage that does not permit physical contact between the animal and the public.	28993 28994 28995
(d) The educational institution began displaying a dangerous	28996

wild animal as a mascot prior to ~~the effective date of this~~ 28997
~~section September 5, 2012.~~ 28998

(10) Any person who has been issued a permit under section 28999
1533.08 of the Revised Code; 29000

(11) Any person authorized to possess a dangerous wild animal 29001
or restricted snake under section 1531.25 of the Revised Code or 29002
rules adopted under it; 29003

~~(12) A mobility impaired person as defined in section 955.011 29004
of the Revised Code who possesses a dangerous wild animal 29005
specified in division (C)(20)(h) of section 935.01 of the Revised 29006
Code that has been trained by a nonprofit agency or is in such 29007
training to assist the mobility impaired person; 29008~~

~~(13) A deaf or hearing impaired person who possesses a 29009
dangerous wild animal specified in division (C)(20)(h) of section 29010
935.01 of the Revised Code that has been trained by a nonprofit 29011
agency or is in such training to assist the deaf or 29012
hearing impaired person; 29013~~

~~(14) A person who is blind as defined in section 955.011 of 29014
the Revised Code and possesses a dangerous wild animal specified 29015
in division (C)(20)(h) of section 935.01 of the Revised Code that 29016
has been trained by a nonprofit agency or is in such training to 29017
assist the blind person. 29018~~

Sec. 935.041. A person that possesses any of the following 29019
animals shall register the animal in the same manner as provided 29020
in section 935.04 of the Revised Code: 29021

(A) Pygmy, white-tufted-ear, silvery, and black-pencilled 29022
marmosets; 29023

(B) Squirrel monkeys; 29024

(C) Brown, white-faced, weeping, and white-fronted capuchins; 29025

(D) Lemurs;	29026
<u>(E) Black-handed, white-bellied, brown-headed, and black spider monkeys.</u>	29027 29028
Sec. 935.12. (A) Except as provided in division (B) of this section, a person that has been issued a permit under this chapter for a dangerous wild animal or animals shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules.	29029 29030 29031 29032 29033
(B) A person that has been issued a wildlife shelter, wildlife propagation permit, or rescue facility permit under this chapter for a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code shall comply with both of the following:	29034 29035 29036 29037 29038
(1) The requirements regarding the care of those animals established in regulations adopted under the federal animal welfare act;	29039 29040 29041
(2) The requirements regarding the housing of those animals established in rules.	29042 29043
(C) A person that has been issued a restricted snake possession or restricted snake propagation permit under this chapter shall comply with the requirements regarding the care and housing of those snakes established in standards adopted by the zoological association of America <u>and in effect on September 5, 2012.</u>	29044 29045 29046 29047 29048 29049
Sec. 955.01. (A)(1) Except as otherwise provided in this section or in sections 955.011, 955.012, and 955.16 of the Revised Code, every person who owns, keeps, or harbors a dog more than three months of age, shall file, on or after the first day of the preceding <u>applicable</u> December, but before the thirty-first day of <u>the applicable</u> January of each year , in the office of the county	29050 29051 29052 29053 29054 29055

auditor of the county in which the dog is kept or harbored, an 29056
application for registration for ~~the following a period of one~~ 29057
~~year, beginning the thirty first day of January of that year or~~ 29058
three years or an application for a permanent registration. The 29059
board of county commissioners, by resolution, may extend the 29060
period for filing the application. The application shall state the 29061
age, sex, color, character of hair, whether short or long, and 29062
breed, if known, of the dog and the name and address of the owner 29063
of the dog. A registration fee of two dollars for each year of 29064
registration for a one-year or three-year registration or twenty 29065
dollars for a permanent registration for each dog shall accompany 29066
the application, ~~unless.~~ However, the fee may exceed that amount 29067
if a greater fee has been established under division (A)(2) of 29068
this section or under section 955.14 of the Revised Code. 29069

(2) A board of county commissioners may establish a 29070
registration fee higher than the one provided for in division 29071
(A)(1) of this section for dogs more than nine months of age that 29072
have not been spayed or neutered, except that the higher 29073
registration fee permitted by this division shall not apply if a 29074
person registering a dog furnishes with the application either a 29075
certificate from a licensed veterinarian verifying that the dog 29076
should not be spayed or neutered because of its age or medical 29077
condition or because the dog is used or intended for use for show 29078
or breeding purposes or a certificate from the owner of the dog 29079
declaring that the owner holds a valid hunting license issued by 29080
the division of wildlife of the department of natural resources 29081
and that the dog is used or intended for use for hunting purposes. 29082
If the board establishes such a fee, the application for 29083
registration shall state whether the dog is spayed or neutered, 29084
and whether a licensed veterinarian has certified that the dog 29085
should not be spayed or neutered or the owner has stated that the 29086
dog is used or intended to be used for hunting purposes. The board 29087
may require a person who is registering a spayed or neutered dog 29088

to furnish with the application a certificate from a licensed 29089
veterinarian verifying that the dog is spayed or neutered. No 29090
person shall furnish a certificate under this division ~~which~~ that 29091
the person knows to be false. 29092

(B) If the application for registration is not filed and the 29093
registration fee paid, on or before the thirty-first day of the 29094
applicable January of each year or, if the board of county 29095
commissioners by resolution has extended the date to a date later 29096
than the thirty-first day of January, the date established by the 29097
board, the auditor shall assess a penalty in an amount equal to 29098
the registration fee upon the owner, keeper, or harborer, which 29099
~~must~~ shall be paid with the registration fee. 29100

(C) An animal shelter that keeps or harbors a dog more than 29101
three months of age is exempt from paying any fees imposed under 29102
division (A) or (B) of this section if it is a nonprofit 29103
organization that is exempt from federal income taxation under 29104
subsection 501(a) and described in subsection 501(c)(3) of the 29105
"Internal Revenue Code of 1986," 100 Stat. ~~285~~ 2085, 26 U.S.C. 1. 29106

Sec. 955.05. After the thirty-first day of January of any 29107
year, except as otherwise provided in section 955.012 or 955.16 of 29108
the Revised Code, every person, immediately upon becoming the 29109
owner, keeper, or harborer of any dog more than three months of 29110
age or brought from outside the state during any year, shall file 29111
like applications, with fees, as required by section 955.01 of the 29112
Revised Code, for registration for the current year. If ~~such~~ the 29113
application is not filed and the fee paid, within thirty days 29114
after ~~such~~ the dog is acquired, becomes three months of age, or is 29115
brought from outside the state, the auditor shall assess a penalty 29116
in an amount equal to the registration fee upon ~~such~~ the owner, 29117
keeper, or harborer, which ~~must~~ shall be paid with the 29118
registration fee. Thereafter, the owner, keeper, or harborer shall 29119

register the dog for a period of one year or three years or 29120
register the dog permanently as provided in section 955.01 of the 29121
Revised Code. 29122

Every person becoming the owner of a kennel of dogs after the 29123
thirty-first day of January of any year shall file like 29124
applications, with fees, as required by section 955.04 of the 29125
Revised Code, for the registration of such kennel for the current 29126
calendar year. If such application is not filed and the fee paid 29127
within thirty days after the person becomes the owner of such 29128
kennel, the auditor shall assess a penalty in an amount equal to 29129
the registration fee upon the owner of such kennel. 29130

Sec. 955.06. The owner, keeper, or harborer of a dog becoming 29131
three months of age after the first day of July in a calendar year 29132
and the owner, keeper, or harborer of a dog purchased outside the 29133
state after the first day of July in a calendar year shall 29134
register the dog for one year. The registration fee for any such 29135
dog becoming three months of age after the first day of July of 29136
any year and the registration fee of any dog purchased from 29137
outside the state after the first day of July of any year shall be 29138
one-half of the original fee. Thereafter, the owner, keeper, or 29139
harborer shall register the dog for a period of one year or three 29140
years or register the dog permanently as provided in section 29141
955.01 of the Revised Code. 29142

Sec. 955.07. Upon the filing of the application for 29143
registration required by sections 955.01 and 955.04 of the Revised 29144
Code and upon the payment of the registration fee and the 29145
administrative fee, if applicable, the county auditor shall assign 29146
a distinctive number to every dog or dog kennel described in the 29147
application and shall deliver a certificate of registration 29148
bearing the number to the owner of the dog or dog kennel. A record 29149
of all certificates of registration issued, together with the 29150

applications for registration, shall be kept by the auditor in a 29151
dog and kennel register ~~for two years or~~ until after an audit 29152
performed by the auditor of state, ~~whichever is later~~. This record 29153
shall be open to the inspection of any person during reasonable 29154
business hours. 29155

Sec. 955.08. In addition to the certificate of registration 29156
provided for by section 955.07 of the Revised Code, the county 29157
auditor shall issue to every person making application for the 29158
registration of a dog and paying the required fee therefor a metal 29159
tag for each dog so registered. The form, color, character, and 29160
lettering of the tag shall be prescribed by the county auditor. 29161
~~Each year the tag shall be a color distinctive from that of the~~ 29162
~~previous year.~~ If a tag is lost, a duplicate shall be furnished by 29163
the auditor upon proper proof of loss and the payment of five 29164
dollars for each duplicate tag issued. 29165

Sec. 955.09. Certificates of registration and registration 29166
tags shall be valid only during the calendar year ~~in~~ or years for 29167
which they are issued, ~~and during the first thirty one days of the~~ 29168
~~following calendar year.~~ 29169

Sec. 955.12. The Except as provided in section 955.121 of 29170
Revised Code, a board of county commissioners shall appoint or 29171
employ a county dog warden and deputies in such number, for such 29172
periods of time, and at such compensation as the board considers 29173
necessary to enforce sections 955.01 to 955.27, 955.29 to 955.38, 29174
and 955.50 to 955.53 of the Revised Code. 29175

The warden and deputies shall give bond in a sum not less 29176
than five hundred dollars and not more than two thousand dollars, 29177
as set by the board, conditioned for the faithful performance of 29178
their duties. The bond or bonds may, in the discretion of the 29179
board, be individual or blanket bonds. The bonds shall be filed 29180

with the county auditor of their respective counties. 29181

The warden and deputies shall make a record of all dogs 29182
owned, kept, and harbored in their respective counties. They shall 29183
patrol their respective counties and seize and impound on sight 29184
all dogs found running at large and all dogs more than three 29185
months of age found not wearing a valid registration tag, except 29186
any dog that wears a valid registration tag and is: on the 29187
premises of its owner, keeper, or harborer, under the reasonable 29188
control of its owner or some other person, hunting with its owner 29189
or its handler at a field trial, kept constantly confined in a dog 29190
kennel registered under this chapter or one licensed under Chapter 29191
956. of the Revised Code, or acquired by, and confined on the 29192
premises of, an institution or organization of the type described 29193
in section 955.16 of the Revised Code. A dog that wears a valid 29194
registration tag may be seized on the premises of its owner, 29195
keeper, or harborer and impounded only in the event of a natural 29196
disaster. 29197

If a dog warden has reason to believe that a dog is being 29198
treated inhumanely on the premises of its owner, keeper, or 29199
harborer, the warden shall apply to the court of common pleas for 29200
the county in which the premises are located for an order to enter 29201
the premises, and if necessary, seize the dog. If the court finds 29202
probable cause to believe that the dog is being treated 29203
inhumanely, it shall issue such an order. 29204

The warden and deputies shall also investigate all claims for 29205
damages to animals reported to them under section 955.29 of the 29206
Revised Code and assist claimants to fill out the claim form 29207
therefor. They shall make weekly reports, in writing, to the board 29208
in their respective counties of all dogs seized, impounded, 29209
redeemed, and destroyed and of all claims for damage to animals 29210
inflicted by dogs. 29211

The wardens and deputies shall have the same police powers as 29212

are conferred upon sheriffs and police officers in the performance 29213
of their duties as prescribed by sections 955.01 to 955.27, 955.29 29214
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 29215
also have power to summon the assistance of bystanders in 29216
performing their duties and may serve writs and other legal 29217
processes issued by any court in their respective counties with 29218
reference to enforcing those sections. County auditors may 29219
deputize the wardens or deputies to issue dog licenses as provided 29220
in sections 955.01 and 955.14 of the Revised Code. 29221

Whenever any person files an affidavit in a court of 29222
competent jurisdiction that there is a dog running at large that 29223
is not kept constantly confined either in a dog kennel registered 29224
under this chapter or one licensed under Chapter 956. of the 29225
Revised Code or on the premises of an institution or organization 29226
of the type described in section 955.16 of the Revised Code or 29227
that a dog is kept or harbored in the warden's jurisdiction 29228
without being registered as required by law, the court shall 29229
immediately order the warden to seize and impound the dog. 29230
Thereupon the warden shall immediately seize and impound the dog 29231
complained of. The warden shall give immediate notice by certified 29232
mail to the owner, keeper, or harbinger of the dog seized and 29233
impounded by the warden, if the owner, keeper, or harbinger can be 29234
determined from the current year's registration list maintained by 29235
the warden and the county auditor of the county where the dog is 29236
registered, that the dog has been impounded and that, unless the 29237
dog is redeemed within fourteen days of the date of the notice, it 29238
may thereafter be sold or destroyed according to law. If the 29239
owner, keeper, or harbinger cannot be determined from the current 29240
year's registration list maintained by the warden and the county 29241
auditor of the county where the dog is registered, the officer 29242
shall post a notice in the pound or animal shelter both describing 29243
the dog and place where seized and advising the unknown owner 29244
that, unless the dog is redeemed within three days, it may 29245

thereafter be sold or destroyed according to law. 29246

As used in this section, "animal" has the same meaning as in 29247
section 955.51 of the Revised Code. 29248

Sec. 955.121. (A)(1) In lieu of appointing a county dog 29249
warden and deputies under section 955.12 of the Revised Code, a 29250
board of county commissioners may appoint the county sheriff to 29251
enforce sections 955.01 to 955.27, 955.29 to 955.38, and 955.50 to 29252
955.53 of the Revised Code. If a board chooses to appoint the 29253
county sheriff as the county dog warden, the board shall enter 29254
into a two-year written agreement with the sheriff for that 29255
purpose at the first meeting in a calendar year following a 29256
general election in which at least one of the members of the board 29257
was elected. 29258

(2) The agreement may authorize both of the following: 29259

(a) The sheriff to appoint sheriff's deputies or persons 29260
other than peace officers as deputy dog wardens; 29261

(b) The transfer of any benefits accrued by employees who are 29262
transferred as a result of the county sheriff's being appointed as 29263
the county dog warden. 29264

(B) Any dog warden and deputy dog wardens appointed under 29265
this section shall comply with both of the following: 29266

(1) Any training requirements applicable to county dog 29267
wardens and deputy dog wardens appointed or employed under section 29268
955.12 of the Revised Code; 29269

(2) The requirements established in that section. 29270

(C) If a county sheriff or a sheriff's deputies are appointed 29271
as a dog warden or deputy dog wardens under this section, 29272
references in this chapter and in Chapters 953., 956., and 959. of 29273
the Revised Code to "dog warden" and "deputy dog warden" shall be 29274
deemed to be replaced, respectively, with references to "sheriff" 29275

and "deputy sheriff." 29276

Sec. 955.14. (A) Notwithstanding section 955.01 of the 29277
Revised Code, a board of county commissioners by resolution may 29278
increase dog and kennel registration fees in the county. The 29279
amount of the fees shall not exceed an amount that the board, in 29280
its discretion, estimates is needed to pay all expenses for the 29281
administration of this chapter and to pay claims allowed for 29282
animals injured or destroyed by dogs. Such a resolution shall be 29283
adopted not earlier than the first day of February and not later 29284
than the thirty-first day of August of any year and shall ~~apply to~~ 29285
specify the registration period ~~commencing on the first day of~~ 29286
~~December of the current year and ending on the thirty first day of~~ 29287
~~January of the following year, unless the period is extended under~~ 29288
~~section 955.01 of the Revised Code or periods to which the~~ 29289
increased fees apply. ~~Any~~ An increase in fees adopted under this 29290
division shall be in the ratio of two dollars for each year of 29291
registration, and twenty dollars for a permanent registration, for 29292
a dog registration fee and ten dollars for a kennel registration 29293
fee. 29294

(B) Not later than the fifteenth day of October of each year, 29295
the board of county commissioners shall determine if there is 29296
sufficient money in the dog and kennel fund, after paying the 29297
expenses of administration incurred or estimated to be incurred 29298
for the remainder of the year, to pay the claims allowed for 29299
animals injured or destroyed by dogs. If the board determines 29300
there is not sufficient money in the dog and kennel fund to pay 29301
the claims allowed, the board shall provide by resolution that all 29302
claims remaining unpaid shall be paid from the general fund of the 29303
county. All money paid out of the general fund for those purposes 29304
may be replaced by the board from the dog and kennel fund at any 29305
time during the following year notwithstanding section 5705.14 of 29306
the Revised Code. 29307

(C) Notwithstanding section 955.20 of the Revised Code, if 29308
dog and kennel registration fees in any county are increased above 29309
two dollars for each year of registration and twenty dollars for a 29310
permanent registration for a dog registration fee and ten dollars, 29311
respectively, for a kennel registration fee under authority of 29312
division (A) of this section, then on or before the first day of 29313
March following each year in which the increased fees are in 29314
effect, the county auditor shall draw on the dog and kennel fund a 29315
warrant payable to the college of veterinary medicine of the Ohio 29316
state university in an amount equal to ten cents for each one-year 29317
dog and registration, thirty cents for each three-year dog 29318
registration, one dollar for each permanent dog registration, and 29319
ten cents for each kennel registration fee received during the 29320
preceding year. The money received by the college of veterinary 29321
medicine of the Ohio state university under this division shall be 29322
applied for research and study of the diseases of dogs, 29323
particularly those transmittable to humans, and for research of 29324
other diseases of dogs that by their nature will provide results 29325
applicable to the prevention and treatment of both human and 29326
canine illness. 29327

(D) The Ohio state university college of veterinary medicine 29328
shall be responsible to report annually to the general assembly 29329
the progress of the research and study authorized and funded by 29330
division (C) of this section. The report shall briefly describe 29331
the research projects undertaken and assess the value of each. The 29332
report shall account for funds received pursuant to division (C) 29333
of this section and for the funds expended attributable to each 29334
research project and for other necessary expenses in conjunction 29335
with the research authorized by division (C) of this section. The 29336
report shall be filed with the general assembly by the first day 29337
of May of each year. 29338

(E) The county auditor may authorize agents to receive 29339

applications for registration of dogs and kennels and to issue 29340
certificates of registration and tags. If authorized agents are 29341
employed in a county, each applicant for a dog or kennel 29342
registration shall pay to the agent an administrative fee of 29343
seventy-five cents in addition to the registration fee. The 29344
administrative fee shall be the compensation of the agent. The 29345
county auditor shall establish rules for reporting and accounting 29346
by the agents. No administrative or similar fee shall be charged 29347
in any county except as authorized by this division or division 29348
(F) of this section. 29349

(F) For any county that accepts the payment of dog and kennel 29350
registration fees by financial transaction devices in accordance 29351
with section 955.013 of the Revised Code, in addition to those 29352
registration fees, the county auditor shall collect for each 29353
registration paid by a financial transaction device one of the 29354
following: 29355

(1) An administrative fee of seventy-five cents or another 29356
amount necessary to cover actual costs designated by the county 29357
auditor; 29358

(2) If the board of county commissioners adopts a surcharge 29359
or convenience fee for making payments by a financial transaction 29360
device under division (E) of section 301.28 of the Revised Code, 29361
that surcharge or convenience fee; 29362

(3) If the county auditor contracts with a third party to 29363
provide services to enable registration via the internet as 29364
provided in section 955.013 of the Revised Code, a surcharge or 29365
convenience fee as agreed to between that third party and the 29366
county for those internet registration services. Any additional 29367
expenses incurred by the county auditor that result from a 29368
contract with a third party as provided in this section and 29369
section 955.013 of the Revised Code and that are not covered by a 29370
surcharge or convenience fee shall be paid out of the allowance 29371

provided to the county auditor under section 955.20 of the Revised Code. 29372
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(G) The county auditor shall post conspicuously the amount of 29374
the administrative fee, surcharge, or convenience fee that is 29375
permissible under this section on the web page where the auditor 29376
accepts payments for registrations made under division (B)(1) of 29377
section 955.013 of the Revised Code. If any person chooses to pay 29378
by financial transaction device, the administrative fee, 29379
surcharge, or convenience fee shall be considered voluntary and is 29380
not refundable. 29381

(H) As used in this section, "animal" has the same meaning as 29382
in section 955.51 of the Revised Code. 29383

Sec. 955.201. (A) As used in this section and in section 29384
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 29385
corporation organized by that name under Chapter 1702. of the 29386
Revised Code that consists of humane societies, veterinarians, 29387
animal shelters, companion animal breeders, dog wardens, or 29388
similar individuals and entities. 29389

(B) The Ohio pet fund shall do all of the following: 29390

(1) Establish eligibility criteria for organizations that may 29391
receive financial assistance from the Ohio pet fund. Those 29392
organizations may include any of the following: 29393

(a) An animal shelter as defined in section 4729.01 of the 29394
Revised Code; 29395

(b) A local nonprofit veterinary association that operates a 29396
program for the sterilization of dogs and cats; 29397

(c) A charitable organization that is exempt from federal 29398
income taxation under subsection 501(c)(3) of the Internal Revenue 29399
Code and a purpose of which is to support programs for the 29400
sterilization of dogs and cats and educational programs concerning 29401

the proper veterinary care of those animals. 29402

(2) Establish procedures for applying for financial 29403
assistance from the Ohio pet fund. Application procedures shall 29404
require eligible organizations to submit detailed proposals that 29405
outline the intended uses of the moneys sought. 29406

(3) Establish eligibility criteria for sterilization and 29407
educational programs for which moneys from the Ohio pet fund may 29408
be used and, consistent with division (C) of this section, 29409
establish eligibility criteria for individuals who seek 29410
sterilization for their dogs and cats from eligible organizations; 29411

(4) Establish procedures for the disbursement of moneys the 29412
Ohio pet fund receives from license plate contributions pursuant 29413
to division (C) of section 4503.551 of the Revised Code; 29414

(5) Advertise or otherwise provide notification of the 29415
availability of financial assistance from the Ohio pet fund for 29416
eligible organizations; 29417

(6) Design markings to be inscribed on "pets" license plates 29418
under section 4503.551 of the Revised Code. 29419

(C)(1) The owner of a dog or cat is eligible for dog or cat 29420
sterilization services from an eligible organization when those 29421
services are subsidized in whole or in part by money from the Ohio 29422
pet fund if any of the following applies: 29423

(a) The income of the owner's family does not exceed one 29424
hundred fifty per cent of the federal poverty guideline. 29425

(b) The owner, or any member of the owner's family who 29426
resides with the owner, is a recipient or beneficiary of one of 29427
the following government assistance programs: 29428

(i) Low-income housing assistance under the "United States 29429
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the 29430
federal section 8 housing program; 29431

(ii) The Ohio works first program established by Chapter 5107. of the Revised Code;	29432 29433
(iii) Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance <u>The medicaid program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code;</u>	29434 29435 29436 29437 29438
(iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability;	29439 29440 29441
(v) The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), administered by the department of job and family services under section 5101.54 of the Revised Code;	29442 29443 29444 29445
(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code;	29446 29447 29448 29449 29450
(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;	29451 29452 29453
(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended.	29454 29455 29456
(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following:	29457 29458 29459
(i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or	29460 29461

regional pound, or a holding and impoundment facility that 29462
contracts with a municipal corporation; 29463

(ii) A certificate of adoption showing that the dog or cat 29464
was adopted through a nonprofit corporation operating an animal 29465
adoption referral service whose holding facility, if any, is 29466
licensed in accordance with state law or a municipal ordinance. 29467

(2) The Ohio pet fund shall determine the type of documentary 29468
evidence that must be presented by the owner of a dog or cat to 29469
show that the income of the owner's family does not exceed one 29470
hundred fifty per cent of the federal poverty guideline or that 29471
the owner is eligible under division (C)(1)(b) of this section. 29472

(D) As used in division (C) of this section, "federal poverty 29473
guideline" means the official poverty guideline as revised 29474
annually by the United States department of health and human 29475
services in accordance with section 673(2) of the "Omnibus Budget 29476
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 29477
amended, for a family size equal to the size of the family of the 29478
person whose income is being determined. 29479

Sec. 956.07. (A) A person who is applying for a license to 29480
operate a high volume breeder or to act as or perform the 29481
functions of a dog retailer under section 956.04 or 956.05 of the 29482
Revised Code, as applicable, shall include with the application 29483
for a license a nonrefundable license application fee. For the 29484
purpose of calculating the application fee for a high volume 29485
breeder, the sale of one dog from a litter constitutes the sale of 29486
a litter. The application fees are as follows: 29487

(1) For a high volume breeder: 29488

(a) One hundred fifty dollars if the high volume breeder 29489
annually sells at least nine, but not more than fifteen litters; 29490

(b) Two hundred fifty dollars if the high volume breeder 29491

annually sells at least sixteen, but not more than twenty-five litters; 29492
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(c) Three hundred fifty dollars if the high volume breeder annually sells at least twenty-six, but not more than thirty-five litters; 29494
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(d) Five hundred dollars if the high volume breeder annually sells at least thirty-six, but not more than forty-five litters; 29497
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(e) Seven hundred fifty dollars if the high volume breeder annually sells forty-six or more litters. 29499
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(2) For a dog retailer, five hundred dollars. 29501

(B) Money collected by the director of agriculture from each application fee submitted under this section shall be ~~transmitted by the director to the treasurer of~~ deposited in the state treasury to be credited to the credit of the high volume breeder kennel control license fund created in section 956.18 of the Revised Code. The ~~treasurer of state shall transfer to the county auditor of the county in which a high volume breeder is located or will be located~~ director shall use fifty dollars of the application fee submitted by ~~the~~ a high volume breeder under this section or an amount equal to the fee charged ~~in that county~~ for the registration of a kennel under section 955.14 of the Revised Code in the county in which the high volume breeder is located or will be located, whichever is greater, to reimburse that county. The county auditor shall deposit the transferred money into that county's dog and kennel fund created under section 955.20 of the Revised Code. 29502
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Sec. 956.18. (A) All money collected by the director of agriculture from license fees under section ~~956.08~~ 956.07 and civil penalties assessed under section 956.13 of the Revised Code shall be deposited in the state treasury to the credit of the high 29518
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volume breeder kennel control license fund, which is hereby 29522
created. The fund shall also consist of money appropriated to it. 29523

(B) No money may be released from the fund without 29524
controlling board approval. The director shall request the 29525
controlling board to release money in an amount not to exceed two 29526
million five hundred thousand dollars per biennium. 29527

(C) The director shall use the money in the fund for the 29528
purpose of administering this chapter and rules adopted under it. 29529

Sec. 959.131. (A) As used in this section: 29530

(1) "Companion animal" means any animal that is kept inside a 29531
residential dwelling and any dog or cat regardless of where it is 29532
kept. "Companion animal" does not include livestock or any wild 29533
animal. 29534

(2) "Cruelty," "torment," and "torture" have the same 29535
meanings as in section 1717.01 of the Revised Code. 29536

(3) "Residential dwelling" means a structure or shelter or 29537
the portion of a structure or shelter that is used by one or more 29538
humans for the purpose of a habitation. 29539

(4) "Practice of veterinary medicine" has the same meaning as 29540
in section 4741.01 of the Revised Code. 29541

(5) "Wild animal" has the same meaning as in section 1531.01 29542
of the Revised Code. 29543

(6) "Federal animal welfare act" means the "Laboratory Animal 29544
Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 29545
2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. 29546
L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act 29547
Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and 29548
the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 29549
(1985), and as it may be subsequently amended. 29550

(7) "Dog kennel" means an animal rescue for dogs that is registered under section 956.06 of the Revised Code, a boarding kennel, or a training kennel. 29551
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(8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code. 29554
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(9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration. 29556
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(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal. 29559
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(C) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following: 29562
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(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal; 29565
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(2) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners. 29568
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(D) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty 29578
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against the companion animal. 29582

(E) No owner, manager, or employee of a dog kennel who 29583
confines or is the custodian or caretaker of a companion animal 29584
shall negligently do any of the following: 29585

(1) Torture, torment, needlessly mutilate or maim, cruelly 29586
beat, poison, needlessly kill, or commit an act of cruelty against 29587
the companion animal; 29588

(2) Deprive the companion animal of necessary sustenance, 29589
confine the companion animal without supplying it during the 29590
confinement with sufficient quantities of good, wholesome food and 29591
water, or impound or confine the companion animal without 29592
affording it, during the impoundment or confinement, with access 29593
to shelter from heat, cold, wind, rain, snow, or excessive direct 29594
sunlight if it can reasonably be expected that the companion 29595
animal would become sick or suffer in any other way as a result of 29596
or due to the deprivation, confinement, or impoundment or 29597
confinement in any of those specified manners. 29598

(F) Divisions (B) ~~and~~, (C), (D), and (E) of this section do 29599
not apply to any of the following: 29600

(1) A companion animal used in scientific research conducted 29601
by an institution in accordance with the federal animal welfare 29602
act and related regulations; 29603

(2) The lawful practice of veterinary medicine by a person 29604
who has been issued a license, temporary permit, or registration 29605
certificate to do so under Chapter 4741. of the Revised Code; 29606

(3) Dogs being used or intended for use for hunting or field 29607
trial purposes, provided that the dogs are being treated in 29608
accordance with usual and commonly accepted practices for the care 29609
of hunting dogs; 29610

(4) The use of common training devices, if the companion 29611

animal is being treated in accordance with usual and commonly 29612
accepted practices for the training of animals; 29613

(5) The administering of medicine to a companion animal that 29614
was properly prescribed by a person who has been issued a license, 29615
temporary permit, or registration certificate under Chapter 4741. 29616
of the Revised Code. 29617

~~(E)~~(G) Notwithstanding any section of the Revised Code that 29618
otherwise provides for the distribution of fine moneys, the clerk 29619
of court shall forward all fines the clerk collects that are so 29620
imposed for any violation of this section to the treasurer of the 29621
political subdivision or the state, whose county humane society or 29622
law enforcement agency is to be paid the fine money as determined 29623
under this division. The treasurer to whom the fines are forwarded 29624
shall pay the fine moneys to the county humane society or the 29625
county, township, municipal corporation, or state law enforcement 29626
agency in this state that primarily was responsible for or 29627
involved in the investigation and prosecution of the violation. If 29628
a county humane society receives any fine moneys under this 29629
division, the county humane society shall use the fine moneys to 29630
provide the training that is required for humane agents under 29631
section 1717.06 of the Revised Code. 29632

Sec. 959.132. (A) As used in this section: 29633

(1) "Companion animal" has the same meaning as in section 29634
959.131 of the Revised Code. 29635

(2) "Impounding agency" means a county humane society 29636
organized under section 1717.05 of the Revised Code, an animal 29637
shelter, or a law enforcement agency that has impounded a 29638
companion animal in accordance with this section. 29639

(3) "Offense" means a violation of section 959.131 of the 29640
Revised Code or an attempt, in violation of section 2923.02 of the 29641

Revised Code, to violate section 959.131 of the Revised Code. 29642

(4) "Officer" means any law enforcement officer, agent of a 29643
county humane society, or other person appointed to act as an 29644
animal control officer for a municipal corporation or township in 29645
accordance with state law, an ordinance, or a resolution. 29646

(B) An officer may seize and cause to be impounded at an 29647
impounding agency a companion animal that the officer has probable 29648
cause to believe is the subject of an offense. No officer or 29649
impounding agency shall impound a companion animal that is the 29650
subject of an offense in a shelter owned, operated, or controlled 29651
by a board of county commissioners pursuant to Chapter 955. of the 29652
Revised Code unless the board, by resolution, authorizes the 29653
impoundment of such a companion animal in a shelter owned, 29654
operated, or controlled by that board and has executed, in the 29655
case when the officer is other than a dog warden or assistant dog 29656
warden, a contract specifying the terms and conditions of the 29657
impoundment. 29658

(C) The officer shall give written notice of the seizure and 29659
impoundment to the owner, keeper, or harbinger of the companion 29660
animal that was seized and impounded. If the officer is unable to 29661
give the notice to the owner, keeper, or harbinger of the companion 29662
animal, the officer shall post the notice on the door of the 29663
residence or in another conspicuous place on the premises at which 29664
the companion animal was seized. The notice shall include a 29665
statement that a hearing will be held not later than ten days 29666
after the notice is provided or at the next available court date 29667
to determine whether the officer had probable cause to seize the 29668
companion animal and, if applicable, to determine the amount of a 29669
bond or cash deposit that is needed to provide for the companion 29670
animal's care and keeping for not less than thirty days beginning 29671
on the date on which the companion animal was impounded. 29672

(D) A companion animal that is seized under this section may 29673

be humanely destroyed immediately or at any time during 29674
impoundment if a licensed veterinarian determines it to be 29675
necessary because the companion animal is suffering. 29676

(E)(1) Not later than ten days after notice is provided or at 29677
the next available court date, the court shall hold a hearing to 29678
determine whether the officer impounding a companion animal had 29679
probable cause to seize the companion animal. If the court 29680
determines that probable cause exists, the court shall determine 29681
the amount of a bond or cash deposit that is needed to provide for 29682
the companion animal's care and keeping for not less than thirty 29683
days beginning on the date on which the companion animal was 29684
impounded. 29685

(2) If the court determines that probable cause does not 29686
exist, the court immediately shall order the impounding agency to 29687
return the companion animal to its owner if possible. If the 29688
companion animal cannot be returned because it has died as a 29689
result of neglect or other misconduct by the impounding agency or 29690
if the companion animal is injured as a result of neglect or other 29691
misconduct by the impounding agency, the court shall order the 29692
impounding agency to pay the owner an amount determined by the 29693
court to be equal to the reasonable market value of the companion 29694
animal at the time that it was impounded plus statutory interest 29695
as defined in section 1343.03 of the Revised Code from the date of 29696
the impoundment or an amount determined by the court to be equal 29697
to the reasonable cost of treatment of the injury to the companion 29698
animal, as applicable. The requirement established in division 29699
(E)(2) of this section regarding the payment of the reasonable 29700
market value of the companion animal shall not apply in the case 29701
of a dog that, in violation of section 955.01 of the Revised Code, 29702
was not registered at the time it was seized and impounded. 29703

(3) If the court determines that probable cause exists and 29704
determines the amount of a bond or cash deposit, the case shall 29705

continue and the owner shall post a bond or cash deposit to 29706
provide for the companion animal's care and keeping for not less 29707
than thirty days beginning on the date on which the companion 29708
animal was impounded. The owner may renew a bond or cash deposit 29709
by posting, not later than ten days following the expiration of 29710
the period for which a previous bond or cash deposit was posted, a 29711
new bond or cash deposit in an amount that the court, in 29712
consultation with the impounding agency, determines is sufficient 29713
to provide for the companion animal's care and keeping for not 29714
less than thirty days beginning on the date on which the previous 29715
period expired. If no bond or cash deposit is posted or if a bond 29716
or cash deposit expires and is not renewed, the impounding agency 29717
may determine the disposition of the companion animal unless the 29718
court issues an order that specifies otherwise. 29719

(F) If a person is convicted of committing an offense, the 29720
court may impose the following additional penalties against the 29721
person: 29722

(1) A requirement that the person pay for the costs incurred 29723
by the impounding agency in caring for a companion animal involved 29724
in the applicable offense, provided that the costs were incurred 29725
during the companion animal's impoundment. A bond or cash deposit 29726
posted under this section may be applied to the costs. 29727

(2) An order permanently terminating the person's right to 29728
possession, title, custody, or care of the companion animal that 29729
was involved in the offense. If the court issues such an order, 29730
the court shall order the disposition of the companion animal. 29731

(G) If a person is found not guilty of committing an offense, 29732
the court immediately shall order the impounding agency to return 29733
the companion animal to its owner if possible and to return the 29734
entire amount of any bond or cash deposit posted under division 29735
(E) of this section. If the companion animal cannot be returned 29736
because it has died as a result of neglect or other misconduct by 29737

the impounding agency or if the companion animal is injured as a 29738
result of neglect or other misconduct by the impounding agency, 29739
the court shall order the impounding agency to pay the owner an 29740
amount determined by the court to be equal to the reasonable 29741
market value of the companion animal at the time that it was 29742
impounded plus statutory interest as defined in section 1343.03 of 29743
the Revised Code from the date of the impoundment or an amount 29744
determined by the court to be equal to the reasonable cost of 29745
treatment of the injury to the companion animal, as applicable. 29746
The requirements established in this division regarding the return 29747
of a bond or cash deposit and the payment of the reasonable market 29748
value of the companion animal shall not apply in the case of a dog 29749
that, in violation of section 955.01 of the Revised Code, was not 29750
registered at the time it was seized and impounded. 29751

(H) If charges are filed under section 959.131 of the Revised 29752
Code against the custodian or caretaker of a companion animal, but 29753
the companion animal that is the subject of the charges is not 29754
impounded, the court in which the charges are pending may order 29755
the owner or person having custody of the companion animal to 29756
provide to the companion animal the necessities described in 29757
division (C)(2) or (E)(2) of section 959.131 of the Revised Code 29758
until the final disposition of the charges. If the court issues an 29759
order of that nature, the court also may authorize an officer or 29760
another person to visit the place where the companion animal is 29761
being kept, at the times and under the conditions that the court 29762
may set, to determine whether the companion animal is receiving 29763
those necessities and to remove and impound the companion animal 29764
if the companion animal is not receiving those necessities. 29765

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of 29766
the Revised Code is guilty of a minor misdemeanor. 29767

(B) Except as otherwise provided in this division, whoever 29768

violates section 959.02 of the Revised Code is guilty of a 29769
misdemeanor of the second degree. If the value of the animal 29770
killed or the injury done amounts to three hundred dollars or 29771
more, whoever violates section 959.02 of the Revised Code is 29772
guilty of a misdemeanor of the first degree. 29773

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 29774
or 959.17 of the Revised Code is guilty of a misdemeanor of the 29775
fourth degree. 29776

(D) Whoever violates division (A) of section 959.13 of the 29777
Revised Code is guilty of a misdemeanor of the second degree. In 29778
addition, the court may order the offender to forfeit the animal 29779
or livestock and may provide for its disposition, including, but 29780
not limited to, the sale of the animal or livestock. If an animal 29781
or livestock is forfeited and sold pursuant to this division, the 29782
proceeds from the sale first shall be applied to pay the expenses 29783
incurred with regard to the care of the animal from the time it 29784
was taken from the custody of the former owner. The balance of the 29785
proceeds from the sale, if any, shall be paid to the former owner 29786
of the animal. 29787

(E)(1) Whoever violates division (B) of section 959.131 of 29788
the Revised Code is guilty of a misdemeanor of the first degree on 29789
a first offense and a felony of the fifth degree on each 29790
subsequent offense. 29791

(2) Whoever violates section 959.01 of the Revised Code or 29792
division (C) of section 959.131 of the Revised Code is guilty of a 29793
misdemeanor of the second degree on a first offense and a 29794
misdemeanor of the first degree on each subsequent offense. 29795

(3) Whoever violates division (D) of section 959.131 of the 29796
Revised Code is guilty of a felony of the fifth degree. 29797

(4) Whoever violates division (E) of section 959.131 of the 29798
Revised Code is guilty of a misdemeanor of the first degree. 29799

(5)(a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.

~~(4)~~(6) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(F) Whoever violates section 959.14 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree.

(H) Whoever violates section 959.16 of the Revised Code is guilty of a felony of the fourth degree for a first offense and a felony of the third degree on each subsequent offense.

Sec. 991.03. (A) The Ohio expositions commission shall:	29830
(1) Conduct at least one fair or exposition annually;	29831
(2) Maintain and manage property held by the state for the purpose of conducting fairs, expositions, and exhibits;	29832 29833
(3) As provided in section 109.122 of the Revised Code, provide notice of or copies of any proposed entertainment or sponsorship contracts to the attorney general.	29834 29835 29836
(B) The commission may:	29837
(1) Conduct such additional fairs, expositions, or exhibitions as the commission determines are in the general public interest;	29838 29839 29840
(2) Accept on behalf of the state conveyances of property for the purposes of conducting fairs, expositions, and exhibits, subject to any terms and conditions agreed to by the commission and approved by the controlling board;	29841 29842 29843 29844
(3) <u>Accept gifts, devises, and bequests of money, lands, and other property and apply the money, lands, or other property according to the terms of the gift, devise, or bequest. A political subdivision as authorized by law may make gifts and devises to the commission, and the commission shall apply such a gift or devise according to the terms of the gift or devise. All gifts and bequests of money accepted under this division shall be deposited into the state treasury to the credit of the Ohio expositions support fund.</u>	29845 29846 29847 29848 29849 29850 29851 29852 29853
(4) Enter into contracts that the commission considers necessary or worthwhile in the conduct of its purposes, provided that contracts made for a term exceeding two years, other than those described in division (B)(4) of this section, shall be subject to the approval of the controlling board and provided that the attorney general, pursuant to the attorney general's authority	29854 29855 29856 29857 29858 29859

under section 109.122 of the Revised Code, has not disapproved the 29860
proposed contract; 29861

~~(4)~~(5) Enter into contracts for the mutual exchange of goods 29862
or services; 29863

~~(5)~~(6) Sell or convey all or a portion of the property, land, 29864
or buildings under its management subject to the approval of the 29865
legislature; 29866

~~(6)~~(7) Grant leases on all or any part of the property, land, 29867
or buildings under the management of the commission to private or 29868
public organizations, which appear to be in the best interests of 29869
the state, with the approval of the controlling board and director 29870
of administrative services, subject to the following conditions: 29871

(a) The lessees shall make or construct improvements on such 29872
lands or buildings at no cost to the commission or to the state, 29873
subject to prior approval by the director of administrative 29874
services of detailed plans and specifications of such 29875
improvements. 29876

(b) No person, firm, or corporation shall cause a lien to be 29877
filed against any funds or property of the state or of the 29878
commission as a result of a lessee's activities pursuant to 29879
division (B)~~(6)~~(7)(a) of this section. 29880

(c) Leases shall be entered into subject to the sale of such 29881
property, lands, or buildings during the term of the lease. 29882

(d) No leases shall be made which interfere with a fair, 29883
exposition, or exhibition on such lands. 29884

~~(7)~~(8) Encumber appropriations for the entire amount of a 29885
contract at the time the contract is made, even though the 29886
contract will not be performed in the fiscal year for which the 29887
appropriations were made. 29888

~~(8)~~(9) Implement a credit card payment program permitting 29889

payment by means of a credit card of any fees, charges, and 29890
rentals associated with conducting fairs, expositions, and 29891
exhibits. The commission may open an account outside the state 29892
treasury in a financial institution for the purpose of depositing 29893
credit card receipts. By the end of the business day following the 29894
deposit of the receipts, the financial institution shall make 29895
available to the commission funds in the amount of the receipts. 29896
The commission shall then pay these funds into the state treasury 29897
to the credit of the Ohio expositions fund. 29898

The commission shall adopt rules as necessary to carry out 29899
the purposes of division (B)~~(8)~~(9) of this section. The rules 29900
shall include standards for determining eligible financial 29901
institutions and the manner in which funds shall be made available 29902
and shall be consistent with the standards contained in sections 29903
135.03, 135.18, and 135.181 of the Revised Code. 29904

The commission shall not adopt or enforce any rules which 29905
will prohibit livestock exhibited at the Ohio state fair from 29906
participating in county and independent fairs in the state. 29907

Sec. 991.04. There is hereby established in the state 29908
treasury the Ohio expositions fund. All Except for gifts and 29909
bequests of money accepted under division (B)(3) of section 991.03 29910
of the Revised Code, all moneys collected by the Ohio expositions 29911
commission pursuant to sections 991.01 to 991.07 of the Revised 29912
Code and any income generated from the investment of those moneys 29913
shall be paid into the fund and may be used to defray the costs of 29914
administration and carrying out the purposes of sections 991.01 to 29915
991.07 of the Revised Code. 29916

With the approval of the director of budget and management, 29917
provisions may be made for a cash fund to be established on the 29918
state fairgrounds during the period of activities related to the 29919
holding of the annual state fair. The purpose of such fund is to 29920

provide for payment of premiums and entertainers and for immediate 29921
payment of small amounts for obligations, including ticket 29922
refunds, of such nature as to require immediate payment. 29923

The expositions commission shall cause to be kept an accurate 29924
record of all transactions, contracts, and proceedings. The 29925
director of budget and management shall prescribe a system of 29926
accounting and reporting. Such system shall include methods and 29927
forms showing the sources from which all revenues of the 29928
expositions commission are received, the amount collected from 29929
each source, and the amount expended for each purpose. 29930

Sec. 991.041. There is in the state treasury the Ohio 29931
expositions support fund. All gifts and bequests of money accepted 29932
under division (B)(3) of section 991.03 of the Revised Code shall 29933
be deposited into the state treasury to the credit of the fund. 29934
Investment earnings of the fund shall be deposited into the fund. 29935
The Ohio expositions commission may use the fund, consistent with 29936
the terms of the gift or bequest, to defray the cost of 29937
administration and of carrying out the purposes of sections 991.01 29938
to 991.07 of the Revised Code. 29939

Sec. 991.06. Annually on or before the thirtieth day of 29940
September the Ohio expositions commission, through its general 29941
manager, shall prepare and file with the auditor of state a 29942
statement showing the total amount received from each source of 29943
revenue, the total amount disbursed for each class of 29944
expenditures, and the aggregate of all receipts and expenditures 29945
of the commission. This statement shall also include a summary of 29946
each contract for the mutual exchange of goods or services entered 29947
into by the commission under ~~division (B)(4)~~ of section 991.03 of 29948
the Revised Code. Upon receipt of such statement, the auditor of 29949
state shall have it verified and make a report of ~~his~~ the auditor 29950
of state's findings thereon to the governor. 29951

Assistant auditors of state shall conduct an audit of 29952
activities of the annual Ohio state fair on the Ohio exposition 29953
center during the period when the fair is in progress. 29954

The cost of such audit shall be included in the annual 29955
expenses of the Ohio expositions commission. 29956

Sec. 1309.521. (A) A filing office that accepts written 29957
records may not refuse to accept a written initial financing 29958
statement in the ~~following~~ form and format set forth in the 29959
official text of the 2010 amendments to article 9 of the uniform 29960
commercial code promulgated by the American law institute and the 29961
national conference of commissioners on uniform state laws, except 29962
for a reason prescribed in division (B) of section 1309.516 of the 29963
Revised Code+_. 29964

~~UCC FINANCING STATEMENT~~ 29965

~~Follow instructions (front and back) carefully.~~ 29966

~~A. Name and phone of contact at filer (optional)~~ 29967

~~.....~~ 29968

~~B. Send acknowledgment to: (name and address)~~ 29969

~~.....~~ 29970

~~.....~~ 29971

~~.....~~ ~~The above space is for filing office use only.~~ 29972

~~1. DEBTOR'S EXACT FULL LEGAL NAME~~ 29973

~~(Insert only one debtor name [1a or 1b]. Do not abbreviate or~~ 29974

~~combine names. If completing 1b, insert the debtor's name exactly~~ 29975

~~as it appears on the debtor's current driver's license or~~

~~identification card issued by this state, if one exists.)~~

~~1a. Organization's name~~ 29976

~~or~~ 29977

~~1b. Individual's last name First name~~ 29978

~~Middle name Suffix~~ 29979

~~1c. Mailing address~~ 29980

City	State	Postal code	Country	29981
				29982
Additional information regarding organization debtor				29983
1d. Type of organization				29984
1e. Jurisdiction of organization				29985
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME				29986
(Insert only one debtor name [2a or 2b]. Do not abbreviate or				29987
combine names. If completing 2b, insert the debtor's name exactly				29988
as it appears on the debtor's current driver's license or				
identification card issued by this state, if one exists.)				
2a. Organization's name				29989
or				29990
2b. Individual's last name				29991
First name				
Middle name				29992
Suffix				
2c. Mailing address				29993
City				29994
State				
Postal code				29995
Country				
Additional information regarding organization debtor				29996
2d. Type of organization				29997
2e. Jurisdiction of organization				29998
3. SECURED PARTY'S NAME (or name of total assignee of assignor				29999
S/P). Insert only one secured party name (3a or 3b).				30000
3a. Organization's name				30001
or				30002
3b. Individual's last name				30003
First name				
Middle name				30004
Suffix				
3c. Mailing address				30005
City				30006
State				
Postal code				30007
Country				
4. This FINANCING STATEMENT covers the following collateral:				30007
.....				30008
.....				30009
.....				30010
.....				30011

5. ALTERNATIVE DESIGNATION (if applicable):	30012
[] Lessee/lessor [] Consignee/consignor [] Bailee/bailor	30013
[] Seller/buyer [] Ag. lien [] Non UCC filing	30014
6. [] This FINANCING STATEMENT is to be filed [for record] (or	30015
recorded) in the REAL ESTATE RECORDS. Attach addendum	30016
[if applicable].	30017
7. Check to REQUEST SEARCH REPORT(S) on debtor(s)	30018
[ADDITIONAL FEE] [optional]	30019
[] All debtors [] Debtor 1 [] Debtor 2	30020
8. OPTIONAL FILER REFERENCE DATA	30021
.....	30022
.....	30023
UCC FINANCING STATEMENT ADDENDUM	30024
Follow instructions (front and back) carefully.	30025
9. NAME OF FIRST DEBTOR (1a OR 1b) ON RELATED FINANCING STATEMENT	30026
9a. Organization's name	30027
or	30028
9b. Individual's last name First name	30029
Middle name Suffix	30030
10. MISCELLANEOUS	30031
.....	30032
.....	30033
..... The above space is for filing office use only.	30034
11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME	30035
(Insert only one name [11a or 11b]. Do not abbreviate or combine	30036
names. If completing 11b, insert the debtor's name exactly as it	30037
appears on the debtor's current driver's license or identification	
card issued by this state, if one exists.)	
11a. Organization's name	30038
or	30039
11b. Individual's last name First name	30040
Middle name Suffix	30041
11c. Mailing address	30042

City	30043
State	30044
Postal code	30045
Country	30046
Additional information regarding organization debtor	30047
11d. Type of organization	30048
11e. Jurisdiction of organization	30049
12. [] ADDITIONAL SECURED PARTY'S or [] ASSIGNOR S/P'S NAME	30050
(Insert only one name [12a or 12b].)	30051
12a. Organization's name	30052
or	30053
12b. Individual's last name	30054
First name	30055
Middle name	30056
Suffix	30057
12c. Mailing address	30058
City	30059
State	30060
Postal code	30061
Country	30062
13. This FINANCING STATEMENT covers [] timber to be cut or	30063
[] as extracted collateral, or is filed as a [] fixture filing.	30064
14. DESCRIPTION OF REAL ESTATE:	30065
.....	30066
.....	30067
.....	30068
.....	30069
.....	30070
.....	30071
.....	30072
15. Name and address of a RECORD OWNER of above described real	30073
estate (if debtor does not have a record interest):	30074
.....	30075
.....	30076
.....	30077
.....	30078
.....	30079
16. Additional collateral description:	30080
.....	30081
.....	30082
.....	30083
.....	30084
.....	30085
17. Check only if applicable and check only one box.	30086
Debtor is a [] Trust or [] Trustee acting with respect to	30087
property held in trust or [] Decedent's estate	30088

18. Check only if applicable and check only one box.	30076
[] Debtor is a transmitting utility	30077
[] Filed in connection with a manufactured home transaction— effective 30 years	30078 30079
[] Filed in connection with a public finance transaction— effective 30 years	30080 30081
(B) A filing office that accepts written records may not refuse to accept a written record in the following form and format <u>set forth as form UCC3 and form UCC3Ad in the final official text</u> <u>of the 2010 amendments to article 9 of the uniform commercial code</u> <u>promulgated by the American law institute and the national</u> <u>conference of commissioners on uniform state laws,</u> except for a reason prescribed in division (B) of section 1309.516 of the Revised Code:—	30082 30083 30084 30085 30086 30087 30088 30089
UCC FINANCING STATEMENT AMENDMENT	30090
Follow instructions (front and back) carefully.	30091
A. Name and phone of contact at filer (optional)	30092 30093
B. Send acknowledgment to: (name and address)	30094 30095 30096
The above space is for filing office use only.	30097
1a. INITIAL FINANCING STATEMENT FILE NUMBER	30098
1b. [] This financing statement amendment is to be filed [for record] (or recorded) in the real estate records.	30099 30100
2. [] TERMINATION: Effectiveness of the financing statement identified above is terminated with respect to security interest(s) of the secured party authorizing this termination statement.	30101
3. [] CONTINUATION: Effectiveness of the financing statement identified above with respect to security interest(s) of the secured party authorizing this continuation statement is continued for the additional period provided by applicable law.	30102

4. [] ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.	30103
5. AMENDMENT (PARTY INFORMATION): This amendment affects [] Debtor or [] Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.	30104
[] CHANGE name and/or address. Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c.	30105
[] DELETE name. Give record name to be deleted in item 6a or 6b.	
[] ADD name. Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).	
6. CURRENT RECORD INFORMATION:	30110
6a. Organization's name	30111
or	30112
6b. Individual's last name First name	30113
Middle name Suffix	30114
7. CHANGED (NEW) OR ADDED INFORMATION:	30115
(If completing 7b and the amendment affects a debtor, insert the debtor's name exactly as it appears on the debtor's current driver's license or identification card issued by this state, if one exists.)	30116
7a. Organization's name	30117
or	30118
7b. Individual's last name First name	30119
Middle name Suffix	30120
7c. Mailing address	30121
City State Postal code Country	30122
Additional information regarding organization debtor	30123
7d. Type of organization	30124
30125	

7e. Jurisdiction of organization	30126
8. AMENDMENT (COLLATERAL CHANGE). Check only one box.	30127
Describe collateral [] deleted or [] added, or give entire	30128
[] restated collateral description, or describe collateral	30129
[] assigned.	30130
.....	30131
.....	30132
.....	30133
.....	30134
9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT	30135
(name of assignor, if this is an assignment). If this is an	30136
amendment authorized by a debtor that adds collateral or adds	30137
the authorizing debtor, or if this is a termination authorized	30138
by a debtor, check here [] and enter name of debtor	30139
authorizing this amendment.	30140
9a. Organization's name	30141
or	30142
9b. Individual's last name First name	30143
Middle name Suffix	30144
10. OPTIONAL FILER REFERENCE DATA	30145
.....	30146
UCC FINANCING STATEMENT AMENDMENT ADDENDUM	30147
Follow instructions (front and back) carefully.	30148
11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a	30149
on amendment form)	30150
12. NAME OF PARTY AUTHORIZING	30151
THIS AMENDMENT (same as item 9	30152
on amendment form)	30153
12a. Organization's name	30154
.....	30155
or	30156
12b. Individual's last name	30157
.....	30158

First name 30159
Middle name Suffix ... ~~The above space is for filing office use only.~~ 30160
~~13. Use this space for additional information.~~ 30161
..... 30162
..... 30163
..... 30164
..... 30165

Sec. 1321.51. As used in sections 1321.51 to 1321.60 of the Revised Code: 30166

(A) "Person" means an individual, partnership, association, trust, corporation, or any other legal entity. 30168

(B) "Certificate" means a certificate of registration issued under sections 1321.51 to 1321.60 of the Revised Code. 30170

(C) "Registrant" means a person to whom one or more certificates of registration have been issued under sections 1321.51 to 1321.60 of the Revised Code. 30172

(D) "Principal amount" means the amount of cash paid to, or paid or payable for the account of, the borrower, and includes any charge, fee, or expense that is financed by the borrower at origination of the loan or during the term of the loan. 30175

(E) "Interest" means all charges payable directly or indirectly by a borrower to a registrant as a condition to a loan or an application for a loan, however denominated, but does not include default charges, deferment charges, insurance charges or premiums, court costs, loan origination charges, check collection charges, credit line charges, points, prepayment penalties, or other fees and charges specifically authorized by law. 30179

(F) "Interest-bearing loan" means a loan in which the debt is expressed as the principal amount and interest is computed, charged, and collected on unpaid principal balances outstanding 30186

from time to time. 30189

(G) "Precomputed loan" means a loan in which the debt is a 30190
sum comprising the principal amount and the amount of interest 30191
computed in advance on the assumption that all scheduled payments 30192
will be made when due. 30193

(H) "Actuarial method" means the method of allocating 30194
payments made on a loan between the principal amount and interest 30195
whereby a payment is applied first to the accumulated interest and 30196
the remainder to the unpaid principal amount. 30197

(I) "Applicable charge" means the amount of interest 30198
attributable to each monthly installment period of the loan 30199
contract. The applicable charge is computed as if each installment 30200
period were one month and any charge for extending the first 30201
installment period beyond one month is ignored. In the case of 30202
loans originally scheduled to be repaid in sixty-one months or 30203
less, the applicable charge for any installment period is that 30204
proportion of the total interest contracted for, as the balance 30205
scheduled to be outstanding during that period bears to the sum of 30206
all of the periodic balances, all determined according to the 30207
payment schedule originally contracted for. In all other cases, 30208
the applicable charge for any installment period is that which 30209
would have been made for such period had the loan been made on an 30210
interest-bearing basis, based upon the assumption that all 30211
payments were made according to schedule. 30212

(J) "Broker" means a person who acts as an intermediary or 30213
agent in finding, arranging, or negotiating loans, other than 30214
residential mortgage loans, and charges or receives a fee for 30215
these services. 30216

(K) "Annual percentage rate" means the ratio of the interest 30217
on a loan to the unpaid principal balances on the loan for any 30218
period of time, expressed on an annual basis. 30219

(L) "Point" means a charge equal to one per cent of either of	30220
the following:	30221
(1) The principal amount of a precomputed loan or	30222
interest-bearing loan;	30223
(2) The original credit line of an open-end loan.	30224
(M) "Prepayment penalty" means a charge for prepayment of a	30225
loan at any time prior to five years from the date the loan	30226
contract is executed.	30227
(N) "Refinancing" means a loan the proceeds of which are used	30228
in whole or in part to pay the unpaid balance of a prior loan made	30229
by the same registrant to the same borrower under sections 1321.51	30230
to 1321.60 of the Revised Code.	30231
(O) "Superintendent of financial institutions" includes the	30232
deputy superintendent for consumer finance as provided in section	30233
1181.21 of the Revised Code.	30234
(P)(1) "Mortgage loan originator" means an individual who for	30235
compensation or gain, or in anticipation of compensation or gain,	30236
does any of the following:	30237
(a) Takes or offers to take a residential mortgage loan	30238
application;	30239
(b) Assists or offers to assist a borrower in obtaining or	30240
applying to obtain a residential mortgage loan by, among other	30241
things, advising on loan terms, including rates, fees, and other	30242
costs;	30243
(c) Offers or negotiates terms of a residential mortgage	30244
loan;	30245
(d) Issues or offers to issue a commitment for a residential	30246
mortgage loan to a borrower.	30247
(2) "Mortgage loan originator" does not include any of the	30248
following:	30249

(a) An individual who performs purely administrative or clerical tasks on behalf of a mortgage loan originator;	30250 30251
(b) A person licensed pursuant to Chapter 4735. of the Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, mortgage loan originator, or by any agent thereof;	30252 30253 30254 30255 30256 30257
(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101, in effect on January 1, 2009;	30258 30259 30260
(d) A person acting solely as a loan processor or underwriter, who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the person can or will perform any of the activities of a mortgage loan originator;	30261 30262 30263 30264 30265 30266
(e) A loan originator licensed under sections 1322.01 to 1322.12 of the Revised Code, when acting solely under that authority;	30267 30268 30269
(f) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or another mortgage loan originator, or by any agent thereof;	30270 30271 30272 30273 30274
(g) Any person engaged in the retail sale of manufactured homes, mobile homes, or industrialized units if, in connection with financing those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following:	30275 30276 30277 30278 30279
(i) Offer or negotiate the residential mortgage loan rates or	30280

terms; 30281

(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms; 30282
30283

(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured home, mobile home, or industrialized unit; 30284
30285
30286
30287

(iv) Assist the borrower in completing the residential mortgage loan application. 30288
30289

(3) An individual acting exclusively as a servicer engaging in loss mitigation efforts with respect to existing mortgage transactions shall not be considered a mortgage loan originator for purposes of sections 1321.51 to 1321.60 of the Revised Code until July 1, 2011, unless such delay is denied by the United States department of housing and urban development. 30290
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30295

(Q) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real estate upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1602. 30296
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(R) "Nationwide mortgage licensing system and registry" or "NMLS" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators, or their successor entities, for the licensing and registration of mortgage loan originators, or any system established by the secretary of housing and urban development pursuant to the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 30303
30304
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(S) "Registered mortgage loan originator" means an individual 30312
to whom both of the following apply: 30313

(1) The individual is a mortgage loan originator and an 30314
employee of a depository institution, a subsidiary that is owned 30315
and controlled by a depository institution and regulated by a 30316
federal banking agency, or an institution regulated by the farm 30317
credit administration. 30318

(2) The individual is registered with, and maintains a unique 30319
identifier through, the ~~nationwide mortgage licensing system and~~ 30320
~~registry~~ NMLS. 30321

(T) "Administrative or clerical tasks" means the receipt, 30322
collection, and distribution of information common for the 30323
processing or underwriting of a loan in the mortgage industry, and 30324
communication with a consumer to obtain information necessary for 30325
the processing or underwriting of a residential mortgage loan. 30326

(U) "Federal banking agency" means the board of governors of 30327
the federal reserve system, the comptroller of the currency, the 30328
director of the office of thrift supervision, the national credit 30329
union administration, and the federal deposit insurance 30330
corporation. 30331

(V) "Loan processor or underwriter" means an individual who 30332
performs clerical or support duties at the direction of and 30333
subject to the supervision and instruction of a licensed mortgage 30334
loan originator or registered mortgage loan originator. For 30335
purposes of this division, to "perform clerical or support duties" 30336
means to do all of the following activities: 30337

(1) Receiving, collecting, distributing, and analyzing 30338
information common for the processing or underwriting of a 30339
residential mortgage loan; 30340

(2) Communicating with a borrower to obtain the information 30341
necessary for the processing or underwriting of a loan, to the 30342

extent the communication does not include offering or negotiating 30343
loan rates or terms or counseling borrowers about residential 30344
mortgage loan rates or terms. 30345

(W) "Real estate brokerage activity" means any activity that 30346
involves offering or providing real estate brokerage services to 30347
the public, including all of the following: 30348

(1) Acting as a real estate agent or real estate broker for a 30349
buyer, seller, lessor, or lessee of real property; 30350

(2) Bringing together parties interested in the sale, 30351
purchase, lease, rental, or exchange of real property; 30352

(3) Negotiating, on behalf of any party, any portion of a 30353
contract relating to the sale, purchase, lease, rental, or 30354
exchange of real property, other than in connection with providing 30355
financing for any such transaction; 30356

(4) Engaging in any activity for which a person engaged in 30357
that activity is required to be registered or licensed as a real 30358
estate agent or real estate broker under any applicable law; 30359

(5) Offering to engage in any activity, or to act in any 30360
capacity, described in division (W) of this section. 30361

(X) "Licensee" means any person that has been issued a 30362
mortgage loan originator license under sections 1321.51 to 1321.60 30363
of the Revised Code. 30364

(Y) "Unique identifier" means a number or other identifier 30365
that permanently identifies a mortgage loan originator and is 30366
assigned by protocols established by the ~~national mortgage~~ 30367
~~licensing system and registry~~ NMLS or federal banking agencies to 30368
facilitate electronic tracking of mortgage loan originators and 30369
uniform identification of, and public access to, the employment 30370
history of and the publicly adjudicated disciplinary and 30371
enforcement actions against mortgage loan originators. 30372

(Z) "State" in the context of referring to states in addition to Ohio means any state of the United States, the district of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the trust territory of the Pacific islands, the virgin islands, and the northern Mariana islands.

(AA) "Depository institution" has the same meaning as in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813, and includes any credit union.

(BB) "Bona fide third party" means a person that is not an employee of, related to, or affiliated with, the registrant, and that is not used for the purpose of circumvention or evasion of sections 1321.51 to 1321.60 of the Revised Code.

(CC) "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage.

(DD) "Employee" means an individual for whom a registrant or applicant, in addition to providing a wage or salary, pays social security and unemployment taxes, provides workers' compensation coverage, and withholds local, state, and federal income taxes. "Employee" also includes any individual who acts as a mortgage loan originator or operations manager of the registrant, but for whom the registrant is prevented by law from making income tax withholdings.

(EE) "Primary point of contact" means the employee or owner designated by the registrant or applicant to be the individual who the division of financial institutions can contact regarding compliance or licensing matters relating to the registrant's or applicant's business or lending activities secured by an interest in real estate.

(FF) "Consumer reporting agency" has the same meaning as in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C. 1681a, as amended.

(GG) "Mortgage broker" has the same meaning as in section 30404
1322.01 of the Revised Code. 30405

Sec. 1321.535. (A) Each applicant for a mortgage loan 30406
originator license shall submit to a written test that is 30407
developed and approved by the ~~nationwide mortgage licensing system~~ 30408
~~and registry~~ NMLS and administered by a test provider approved by 30409
the ~~nationwide mortgage licensing system and registry~~ NMLS based 30410
upon reasonable standards. 30411

(1) The test shall adequately measure the applicant's 30412
knowledge and comprehension in appropriate subject matters, 30413
including ethics and federal and state law related to mortgage 30414
origination, fraud, consumer protection, the nontraditional 30415
mortgage marketplace, and fair lending issues. 30416

(2) An individual shall not be considered to have passed the 30417
test unless the individual achieves a test score of at least 30418
seventy-five per cent correct answers on all questions ~~and at~~ 30419
~~least seventy five per cent correct answers on all questions~~ 30420
~~relating to Ohio mortgage lending laws and the Ohio consumer sales~~ 30421
~~practices act, Chapter 1345. of the Revised Code, as it applies to~~ 30422
~~registrants and licensees.~~ 30423

(3) An individual may retake the test three consecutive times 30424
provided the period between taking the tests is at least thirty 30425
days. 30426

(4) After failing three consecutive tests, an individual 30427
shall be required to wait at least six months before taking the 30428
test again. 30429

(5) If a mortgage loan originator fails to maintain a valid 30430
license for a period of five years or longer, the individual shall 30431
be required to retake the test. For this purpose, any time during 30432
which the individual is a registered mortgage loan originator 30433

shall not be taken into account. 30434

(B) Notwithstanding division (A) of this section, if the 30435
~~nationwide mortgage licensing system and registry~~ NMLS fails to 30436
have in place a testing process that meets the criteria set forth 30437
in that division, the superintendent shall require, until that 30438
process is in place, evidence that the mortgage loan originator 30439
applicant passed a written test acceptable to the superintendent. 30440

Sec. 1321.55. (A) Every registrant shall keep records 30441
pertaining to loans made under sections 1321.51 to 1321.60 of the 30442
Revised Code. Such records shall be segregated from records 30443
pertaining to transactions that are not subject to these sections 30444
of the Revised Code. Every registrant shall preserve records 30445
pertaining to loans made under sections 1321.51 to 1321.60 of the 30446
Revised Code for at least two years after making the final entry 30447
on such records. Accounting systems maintained in whole or in part 30448
by mechanical or electronic data processing methods that provide 30449
information equivalent to that otherwise required are acceptable 30450
for this purpose. At least once each eighteen-month cycle, the 30451
division of financial institutions shall make or cause to be made 30452
an examination of records pertaining to loans made under sections 30453
1321.51 to 1321.60 of the Revised Code, for the purpose of 30454
determining whether the registrant is complying with these 30455
sections and of verifying the registrant's annual report. 30456

(B)(1) As required by the superintendent of financial 30457
institutions, each registrant shall file with the division each 30458
year a report under oath or affirmation, on forms supplied by the 30459
division, concerning the business and operations for the preceding 30460
calendar year. Whenever a registrant operates two or more 30461
registered offices or whenever two or more affiliated registrants 30462
operate registered offices, then a composite report of the group 30463
of registered offices may be filed in lieu of individual reports. 30464

(2) The division shall publish annually an analysis of the information required under division (B)(1) of this section, but the individual reports shall not be public records and shall not be open to public inspection.

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

(4) If the division obtains a call report from the NMLS, the call report is confidential and not a public record for the purposes of section 149.43 of the Revised Code.

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

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

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

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

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

149.43 of the Revised Code. 30496

(E) This section does not prevent the division of financial 30497
institutions from releasing to or exchanging with other financial 30498
institution regulatory authorities information relating to 30499
registrants and licensees. For this purpose, a "financial 30500
institution regulatory authority" includes a regulator of a 30501
business activity in which a registrant or licensee is engaged, or 30502
has applied to engage in, to the extent that the regulator has 30503
jurisdiction over a registrant or licensee engaged in that 30504
business activity. A registrant or licensee is engaged in a 30505
business activity, and a regulator of that business activity has 30506
jurisdiction over the registrant or licensee, whether the 30507
registrant or licensee conducts the activity directly or a 30508
subsidiary or affiliate of the registrant or licensee conducts the 30509
activity. 30510

(1) Any confidentiality or privilege arising under federal or 30511
state law with respect to any information or material provided to 30512
the ~~nationalwide mortgage licensing system and registry~~ NMLS shall 30513
continue to apply to the information or material after the 30514
information or material has been provided to the ~~nationalwide~~ 30515
~~mortgage licensing system and registry~~ NMLS. The information and 30516
material so provided may be shared with all state and federal 30517
regulatory officials with mortgage industry oversight authority 30518
without the loss of confidentiality or privilege protections 30519
provided by federal law or the law of any state. Information or 30520
material described in division (E)(1) of this section to which 30521
confidentiality or privilege applies shall not be subject to any 30522
of the following: 30523

(a) Disclosure under any federal or state law governing 30524
disclosure to the public of information held by an officer or an 30525
agency of the federal government or of the respective state; 30526

(b) Subpoena or discovery, or admission into evidence, in any 30527

private civil action or administrative process, unless the person 30528
to whom such information or material pertains waives, in whole or 30529
in part and at the discretion of the person, any privilege held by 30530
the ~~nationwide mortgage licensing system and registry~~ NMLS with 30531
respect to that information or material. 30532

(2) The superintendent, in order to promote more effective 30533
regulation and reduce regulatory burden through supervisory 30534
information sharing, may enter into sharing arrangements with 30535
other governmental agencies, the conference of state bank 30536
supervisors, and the American association of residential mortgage 30537
regulators. 30538

(3) Any state law, including section 149.43 of the Revised 30539
Code, relating to the disclosure of confidential supervisory 30540
information or any information or material described in division 30541
(C)(1) or (E)(1) of this section that is inconsistent with this 30542
section shall be superseded by the requirements of this section. 30543

(F) This section shall not apply with respect to information 30544
or material relating to the employment history of, and publicly 30545
adjudicated disciplinary and enforcement actions against, mortgage 30546
loan originators that is included in the ~~nationwide mortgage~~ 30547
~~licensing system and registry~~ NMLS for access by the public. 30548

(G) This section does not prevent the division from releasing 30549
information relating to registrants and licensees to the attorney 30550
general, to the superintendent of real estate and professional 30551
licensing for purposes relating to the administration of Chapters 30552
4735. and 4763. of the Revised Code, to the superintendent of 30553
insurance for purposes relating to the administration of Chapter 30554
3953. of the Revised Code, to the commissioner of securities for 30555
purposes relating to the administration of Chapter 1707. of the 30556
Revised Code, or to local law enforcement agencies and local 30557
prosecutors. Information the division releases pursuant to this 30558
section remains confidential. 30559

(H) The superintendent of financial institutions shall, by 30560
rule adopted in accordance with Chapter 119. of the Revised Code, 30561
establish a process by which mortgage loan originators may 30562
challenge information provided to the ~~nationalwide mortgage~~ 30563
~~licensing system and registry~~ NMLS by the superintendent. 30564

(I) No person, in connection with any examination or 30565
investigation conducted by the superintendent under sections 30566
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 30567
the following: 30568

(1) Circumvent, interfere with, obstruct, or fail to 30569
cooperate, including making a false or misleading statement, 30570
failing to produce records, or intimidating or suborning any 30571
witness; 30572

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 30573
any books, records, computer records, or other information; 30574

(3) Tamper with, alter, or manufacture any evidence. 30575

Sec. 1322.01. As used in sections 1322.01 to 1322.12 of the 30576
Revised Code: 30577

(A) "Buyer" means an individual who is solicited to purchase 30578
or who purchases the services of a mortgage broker for purposes of 30579
obtaining a residential mortgage loan. 30580

(B) "Consumer reporting agency" has the same meaning as in 30581
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 30582
as amended. 30583

(C) "Employee" means an individual for whom a mortgage 30584
broker, in addition to providing a wage or salary, pays social 30585
security and unemployment taxes, provides workers' compensation 30586
coverage, and withholds local, state, and federal income taxes. 30587
"Employee" also includes any individual who acts as a loan 30588
originator or operations manager of a registrant, but for whom the 30589

registrant is prevented by law from making income tax withholdings. 30590
30591

(D) "Licensee" means any individual who has been issued a loan originator license under sections 1322.01 to 1322.12 of the Revised Code. 30592
30593
30594

(E)(1) "Loan originator" means an individual who for compensation or gain, or in anticipation of compensation or gain, does any of the following: 30595
30596
30597

(a) Takes or offers to take a residential mortgage loan application; 30598
30599

(b) Assists or offers to assist a buyer in obtaining or applying to obtain a residential mortgage loan by, among other things, advising on loan terms, including rates, fees, and other costs; 30600
30601
30602
30603

(c) Offers or negotiates terms of a residential mortgage loan; 30604
30605

(d) Issues or offers to issue a commitment for a residential mortgage loan to a buyer. 30606
30607

(2) "Loan originator" does not include any of the following: 30608

(a) An individual who performs purely administrative or clerical tasks on behalf of a loan originator; 30609
30610

(b) A person licensed under Chapter 4735. of the Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, loan originator, or by any agent thereof; 30611
30612
30613
30614
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(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101 in effect on January 1, 2009; 30616
30617
30618

(d) An employee of a registrant who acts solely as a loan 30619

processor or underwriter and who does not represent to the public, 30620
through advertising or other means of communicating, including the 30621
use of business cards, stationery, brochures, signs, rate lists, 30622
or other promotional items, that the employee can or will perform 30623
any of the activities of a loan originator; 30624

(e) A mortgage loan originator licensed under sections 30625
1321.51 to 1321.60 of the Revised Code, when acting solely under 30626
that authority; 30627

(f) A licensed attorney who negotiates the terms of a 30628
residential mortgage loan on behalf of a client as an ancillary 30629
matter to the attorney's representation of the client, unless the 30630
attorney is compensated by a lender, a mortgage broker, or another 30631
loan originator, or by any agent thereof; 30632

(g) Any person engaged in the retail sale of manufactured 30633
homes, mobile homes, or industrialized units if, in connection 30634
with financing those retail sales, the person only assists the 30635
borrower by providing or transmitting the loan application and 30636
does not do any of the following: 30637

(i) Offer or negotiate the residential mortgage loan rates or 30638
terms; 30639

(ii) Provide any counseling with borrowers about residential 30640
mortgage loan rates or terms; 30641

(iii) Receive any payment or fee from any company or 30642
individual for assisting the borrower obtain or apply for 30643
financing to purchase the manufactured home, mobile home, or 30644
industrialized unit; 30645

(iv) Assist the borrower in completing a residential mortgage 30646
loan application. 30647

(h) An individual employed by a nonprofit organization that 30648
is recognized as tax exempt under 26 U.S.C. 501(c)(3) and whose 30649

primary activity is the construction, remodeling, or 30650
rehabilitation of homes for use by low-income families, provided 30651
that the nonprofit organization makes no-profit mortgage loans or 30652
mortgage loans at zero per cent interest to low-income families 30653
and no fees accrue directly to the nonprofit organization or 30654
individual employed by the nonprofit organization from those 30655
mortgage loans and that the United States department of housing 30656
and urban development does not deny this exemption. 30657

(F) "Mortgage" means any indebtedness secured by a deed of 30658
trust, security deed, or other lien on real property. 30659

(G)(1) "Mortgage broker" means any of the following: 30660

(a) A person that holds that person out as being able to 30661
assist a buyer in obtaining a mortgage and charges or receives 30662
from either the buyer or lender money or other valuable 30663
consideration readily convertible into money for providing this 30664
assistance; 30665

(b) A person that solicits financial and mortgage information 30666
from the public, provides that information to a mortgage broker or 30667
a person that makes residential mortgage loans, and charges or 30668
receives from either of them money or other valuable consideration 30669
readily convertible into money for providing the information; 30670

(c) A person engaged in table-funding or warehouse-lending 30671
mortgage loans that are first lien residential mortgage loans. 30672

(2) "Mortgage broker" does not include any of the following 30673
persons only with respect to business engaged in or authorized by 30674
the person's charter, license, authority, approval, or 30675
certificate, or as otherwise authorized by division (G)(2)(h) of 30676
this section: 30677

(a) A person that makes residential mortgage loans and 30678
receives a scheduled payment on each of those mortgage loans; 30679

(b) Any entity chartered and lawfully doing business under 30680
the authority of any law of this state, another state, or the 30681
United States as a bank, savings bank, trust company, savings and 30682
loan association, or credit union, or a subsidiary of any such 30683
entity, which subsidiary is regulated by a federal banking agency 30684
and is owned and controlled by a depository institution; 30685

(c) A consumer reporting agency that is in substantial 30686
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 30687
U.S.C.A. 1681a, as amended; 30688

(d) Any political subdivision, or any governmental or other 30689
public entity, corporation, instrumentality, or agency, in or of 30690
the United States or any state; 30691

(e) A college or university, or controlled entity of a 30692
college or university, as those terms are defined in section 30693
1713.05 of the Revised Code; 30694

(f) Any entity created solely for the purpose of securitizing 30695
loans secured by an interest in real estate, provided the entity 30696
does not service the loans. For purposes of division (G)(2)(f) of 30697
this section, "securitizing" means the packaging and sale of 30698
mortgage loans as a unit for sale as investment securities, but 30699
only to the extent of those activities. 30700

(g) Any person engaged in the retail sale of manufactured 30701
homes, mobile homes, or industrialized units if, in connection 30702
with obtaining financing by others for those retail sales, the 30703
person only assists the borrower by providing or transmitting the 30704
loan application and does not do any of the following: 30705

(i) Offer or negotiate the residential mortgage loan rates or 30706
terms; 30707

(ii) Provide any counseling with borrowers about residential 30708
mortgage loan rates or terms; 30709

(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured home, mobile home, or industrialized unit;

(iv) Assist the borrower in completing the residential mortgage loan application.

(h) A mortgage banker, provided it complies with section 1322.022 of the Revised Code and holds a valid letter of exemption issued by the superintendent. For purposes of this section, "mortgage banker" means any person that makes, services, buys, or sells residential mortgage loans secured by a first lien, that underwrites the loans, and that meets at least one of the following criteria:

(i) The person has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program. Division (G)(2)(h)(i) of this section includes a person that has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program and that makes loans in excess of the applicable loan limit set by the federal national mortgage association, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the United States department of housing and urban development. Division (G)(2)(h)(i) of this section does not include a mortgagee approved as a loan correspondent.

(ii) The person has been directly approved by the federal national mortgage association as a seller/servicer. Division (G)(2)(h)(ii) of this section includes a person that has been directly approved by the federal national mortgage association as a seller/servicer and that makes loans in excess of the applicable

loan limit set by the federal national mortgage association, 30742
provided that the loans in all respects, except loan amounts, 30743
comply with the underwriting and documentation requirements of the 30744
federal national mortgage association. 30745

(iii) The person has been directly approved by the federal 30746
home loan mortgage corporation as a seller/servicer. Division 30747
(G)(2)(h)(iii) of this section includes a person that has been 30748
directly approved by the federal home loan mortgage corporation as 30749
a seller/servicer and that makes loans in excess of the applicable 30750
loan limit set by the federal home loan mortgage corporation, 30751
provided that the loans in all respects, except loan amounts, 30752
comply with the underwriting and documentation requirements of the 30753
federal home loan mortgage corporation. 30754

(iv) The person has been directly approved by the United 30755
States department of veterans affairs as a nonsupervised automatic 30756
lender. Division (G)(2)(h)(iv) of this section does not include a 30757
person directly approved by the United States department of 30758
veterans affairs as a nonsupervised lender, an agent of a 30759
nonsupervised automatic lender, or an agent of a nonsupervised 30760
lender. 30761

(i) A nonprofit organization that is recognized as tax exempt 30762
under 26 U.S.C. 501(c)(3) and whose primary activity is the 30763
construction, remodeling, or rehabilitation of homes for use by 30764
low-income families, provided that the nonprofit organization 30765
makes no-profit mortgage loans or mortgage loans at zero per cent 30766
interest to low-income families and no fees accrue directly to the 30767
nonprofit organization from those mortgage loans and that the 30768
United States department of housing and urban development does not 30769
deny this exemption. 30770

(j) A credit union service organization, provided that the 30771
organization utilizes services provided by registered loan 30772
originators or that it holds a valid letter of exemption issued by 30773

the superintendent under section 1322.023 of the Revised Code and 30774
complies with that section. 30775

(H) "Operations manager" means the employee or owner 30776
responsible for the everyday operations, compliance requirements, 30777
and management of a mortgage broker business. 30778

(I) "Registered loan originator" means an individual to whom 30779
both of the following apply: 30780

(1) The individual is a loan originator and an employee of a 30781
depository institution, a subsidiary that is owned and controlled 30782
by a depository institution and regulated by a federal banking 30783
agency, or an institution regulated by the farm credit 30784
administration. 30785

(2) The individual is registered with, and maintains a unique 30786
identifier through, the ~~nationwide mortgage licensing system and~~ 30787
~~registry~~ NMLS. 30788

(J) "Registrant" means any person that has been issued a 30789
mortgage broker certificate of registration under sections 1322.01 30790
to 1322.12 of the Revised Code. 30791

(K) "Superintendent of financial institutions" includes the 30792
deputy superintendent for consumer finance as provided in section 30793
1181.21 of the Revised Code. 30794

(L) "Table-funding mortgage loan" means a residential 30795
mortgage loan transaction in which the residential mortgage loan 30796
is initially payable to the mortgage broker, the mortgage broker 30797
does not use the mortgage broker's own funds to fund the 30798
transaction, and, by the terms of the mortgage or other agreement, 30799
the mortgage is simultaneously assigned to another person. 30800

(M) "Warehouse-lending mortgage loan" means a residential 30801
mortgage loan transaction in which the residential mortgage loan 30802
is initially payable to the mortgage broker, the mortgage broker 30803

uses the mortgage broker's own funds to fund the transaction, and 30804
the mortgage is sold or assigned before the mortgage broker 30805
receives a scheduled payment on the residential mortgage loan. 30806

(N) "Administrative or clerical tasks" means the receipt, 30807
collection, and distribution of information common for the 30808
processing or underwriting of a loan in the mortgage industry, and 30809
communication with a consumer to obtain information necessary for 30810
the processing or underwriting of a residential mortgage loan. 30811

(O) "Appraisal company" means a sole proprietorship, 30812
partnership, corporation, limited liability company, or any other 30813
business entity or association, that employs or retains the 30814
services of a person licensed or certified under Chapter 4763. of 30815
the Revised Code for purposes of performing residential real 30816
estate appraisals for mortgage loans. 30817

(P) "Depository institution" has the same meaning as in 30818
section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 30819
U.S.C. 1813, and includes any credit union. 30820

(Q) "Federal banking agency" means the board of governors of 30821
the federal reserve system, the comptroller of the currency, the 30822
director of the office of thrift supervision, the national credit 30823
union administration, and the federal deposit insurance 30824
corporation. 30825

(R) "Immediate family" means an individual's spouse, child, 30826
stepchild, parent, stepparent, grandparent, grandchild, brother, 30827
sister, parent-in-law, brother-in-law, or sister-in-law. 30828

(S) "Individual" means a natural person. 30829

(T) "Loan processor or underwriter" means an individual who 30830
performs clerical or support duties at the direction of and 30831
subject to the supervision and instruction of a licensed loan 30832
originator or registered loan originator. For purposes of this 30833
division, to "perform clerical or support duties" means to do all 30834

of the following activities:	30835
(1) Receiving, collecting, distributing, and analyzing information common for the processing or underwriting of a residential mortgage loan;	30836 30837 30838
(2) Communicating with a buyer to obtain the information necessary for the processing or underwriting of a loan, to the extent the communication does not include offering or negotiating loan rates or terms or counseling buyers about residential mortgage loan rates or terms.	30839 30840 30841 30842 30843
(U) "Nationwide mortgage licensing system and registry" <u>or</u> " <u>NMLS</u> " means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators, or their successor entities, for the licensing and registration of loan originators, or any system established by the secretary of housing and urban development pursuant to the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.	30844 30845 30846 30847 30848 30849 30850 30851
(V) "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage.	30852 30853
(W) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including all of the following:	30854 30855 30856
(1) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;	30857 30858
(2) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing for any such transaction;	30859 30860 30861
(3) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing	30862 30863 30864

financing for any such transaction; 30865

(4) Engaging in any activity for which a person engaged in 30866
that activity is required to be registered or licensed as a real 30867
estate agent or real estate broker under any applicable law; 30868

(5) Offering to engage in any activity, or to act in any 30869
capacity, described in division (W) of this section. 30870

(X) "Residential mortgage loan" means any loan primarily for 30871
personal, family, or household use that is secured by a mortgage 30872
or other equivalent consensual security interest on a dwelling or 30873
on residential real estate upon which is constructed or intended 30874
to be constructed a dwelling. For purposes of this division, 30875
"dwelling" has the same meaning as in section 103 of the "Truth in 30876
Lending Act," 82 Stat. 146, 15 U.S.C. 1602. 30877

(Y) "State," in the context of referring to states in 30878
addition to Ohio, means any state of the United States, the 30879
district of Columbia, any territory of the United States, Puerto 30880
Rico, Guam, American Samoa, the trust territory of the Pacific 30881
islands, the virgin islands, and the northern Mariana islands. 30882

(Z) "Unique identifier" means a number or other identifier 30883
that permanently identifies a loan originator and is assigned by 30884
protocols established by the ~~nationalwide mortgage licensing system~~ 30885
~~and registry~~ NMLS or federal banking agencies to facilitate 30886
electronic tracking of loan originators and uniform identification 30887
of, and public access to, the employment history of and the 30888
publicly adjudicated disciplinary and enforcement actions against 30889
loan originators. 30890

Sec. 1322.051. (A) Each person designated under division 30891
(A)(3) of section 1322.03 of the Revised Code to act as operations 30892
manager for a mortgage broker business shall submit to a written 30893
test approved by the superintendent of financial institutions. An 30894

individual shall not be considered to have passed the written test 30895
unless the individual achieves a test score of at least 30896
seventy-five per cent correct answers to all questions. 30897

(B) Each applicant for a loan originator license shall submit 30898
to a written test that is developed and approved by the ~~nationwide~~ 30899
~~mortgage licensing system and registry~~ NMLS and administered by a 30900
test provider approved by the ~~nationwide mortgage licensing system~~ 30901
and ~~registry~~ NMLS based on reasonable standards. 30902

(1) The test shall adequately measure the applicant's 30903
knowledge and comprehension in appropriate subject areas, 30904
including ethics, federal and state law related to mortgage 30905
origination, fraud, consumer protection, and the nontraditional 30906
mortgage marketplace, and fair lending issues. 30907

(2) An individual shall not be considered to have passed the 30908
written test unless the individual achieves a test score of at 30909
least seventy-five per cent correct answers on all questions ~~and~~ 30910
~~at least seventy five per cent correct answers on all questions~~ 30911
~~relating to state mortgage lending laws and the Ohio consumer~~ 30912
~~sales practices act, Chapter 1345. of the Revised Code, as it~~ 30913
~~applies to registrants and licensees.~~ 30914

(3) An individual may retake the test three consecutive times 30915
provided the period between taking the tests is at least thirty 30916
days. If an individual fails three consecutive tests, the 30917
individual shall be required to wait at least six months before 30918
taking the test again. 30919

(4) If a loan originator fails to maintain a valid loan 30920
originator license for a period of five years or longer, the 30921
individual shall be required to retake the test. 30922

For this purpose, any time during which the individual is a 30923
registered loan originator shall not be taken into account. 30924

(C) Notwithstanding division (B) of this section, until the 30925

~~nationwide mortgage licensing system and registry~~ NMLS implements 30926
a testing process that meets the criteria set forth in that 30927
division, the superintendent shall require each applicant to pass 30928
a written test acceptable to the superintendent. 30929

Sec. 1327.46. As used in sections 1327.46 to 1327.61 of the 30930
Revised Code: 30931

(A) "Weights and measures" means all weights and measures of 30932
every kind, instruments and devices for weighing and measuring, 30933
and any appliances and accessories associated with any such 30934
instruments and devices, except that "weights and measures" shall 30935
not be construed to include meters for the measurement of 30936
electricity, gas, whether natural or manufactured, or water when 30937
the same are operated in a public utility system. Such 30938
electricity, gas, and water meters, and appliances or accessories 30939
associated therewith, are specifically excluded from the purview 30940
of the weights and measures laws. 30941

(B) "Intrastate commerce" means all commerce or trade that is 30942
begun, carried on, and completed wholly within the limits of this 30943
state, and "introduced into intrastate commerce" defines the time 30944
and place in which the first sale and delivery of a commodity is 30945
made within the state, the delivery being made either directly to 30946
the purchaser or to a common carrier for shipment to the 30947
purchaser. 30948

(C) "Package" means any commodity put up or packaged in any 30949
manner in advance of sale in units suitable for either wholesale 30950
or retail sale. 30951

(D) "Consumer package" means a package that is customarily 30952
produced or distributed for sale through a retail sales agency for 30953
consumption by an individual or use by an individual. 30954

(E) "Weight" as used in connection with any commodity means 30955

net weight.	30956
(F) "Correct" as used in connection with weights and measures means conformity with all applicable requirements of sections 1327.46 to 1327.61 of the Revised Code and rules adopted pursuant to those sections.	30957 30958 30959 30960
(G) " <u>Primary Reference</u> standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.	30961 30962 30963
(H) " <u>Secondary Working</u> standards" means the physical standards that are traceable to the <u>primary reference</u> standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules.	30964 30965 30966 30967
(I) "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.	30968 30969
(J) "Net weight" means the weight of a commodity, excluding any materials, substances, or items not considered to be a part of the commodity. Materials, substances, or items not considered to be part of the commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.	30970 30971 30972 30973 30974 30975 30976
(K) "Random weight package" means a package that is one of a lot, shipment, or delivery of packages of the same commodity with no fixed pattern of weights.	30977 30978 30979
(L) "Sold" includes keeping, offering, or exposing for sale.	30980
(M) "Commercially used weighing and measuring device" means a device described in the national institute of standards and technology handbook 44 or its supplements and revisions and any other weighing and measuring device designated by rules adopted under division (C) of section 1327.50 of the Revised Code.	30981 30982 30983 30984 30985

"Commercially used weighing and measuring device" includes, but is not limited to, a livestock scale, vehicle scale, railway scale, vehicle tank meter, bulk rack meter, and LPG meter.

(N) "Livestock scale" means a scale equipped with stock racks and gates that is adapted to weighing livestock standing on the scale platform.

(O) "Vehicle scale" means a scale that is adapted to weighing highway, farm, or other large industrial vehicles other than railroad cars.

(P) "Railway scale" means a rail scale that is designed to weigh railroad cars.

(Q) "Vehicle tank meter" means a vehicle mounted device that is designed for the measurement and delivery of liquid products from a tank.

(R) "Bulk rack meter" means a wholesale device, usually mounted on a rack, that is designed for the measurement and delivery of liquid products.

(S) "LPG meter" means a system, including a mechanism or machine of the meter type, that is designed to measure and deliver liquefied petroleum gas in the liquid state by a definite quantity whether installed in a permanent location or mounted on a vehicle.

(T) "Service person" means an individual who installs, services, repairs, reconditions, or places into service a commercially used weighing and measuring device for any type of compensation.

Sec. 1327.48. Weights and measures that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the national institute of standards and technology, shall be the state ~~primary~~ reference standards of weights and measures, and shall be

maintained in such calibration as is prescribed by the national 31016
institute of standards and technology. All ~~secondary working~~ 31017
standards may be prescribed by the director of agriculture and 31018
shall be verified upon their initial receipt, and as often as 31019
found necessary by the director. 31020

Sec. 1327.50. The director of agriculture shall: 31021

(A) Maintain traceability of the state standards to those of 31022
the ~~national institute of standards and technology~~ international 31023
system of units; 31024

(B) Enforce sections 1327.46 to 1327.61 of the Revised Code; 31025

(C) Issue reasonable rules for the uniform enforcement of 31026
sections 1327.46 to 1327.61 of the Revised Code, which rules shall 31027
have the force and effect of law; 31028

(D) Establish standards of weight, measure, or count, 31029
reasonable standards of fill, and standards for the voluntary 31030
presentation of cost per unit information for any package; 31031

(E) Grant any exemptions from sections 1327.46 to 1327.61 of 31032
the Revised Code, or any rules adopted under those sections, when 31033
appropriate to the maintenance of good commercial practices in the 31034
state; 31035

(F) Conduct investigations to ensure compliance with sections 31036
1327.46 to 1327.61 of the Revised Code; 31037

(G) Delegate to appropriate personnel any of these 31038
responsibilities for the proper administration of the director's 31039
office; 31040

(H) Test as often as is prescribed by rule the standards of 31041
weight and measure used by any municipal corporation or county 31042
within the state, and approve the same when found to be correct; 31043

(I) Inspect and test weights and measures that are sold; 31044

(J) Inspect and test to ascertain if they are correct,	31045
weights and measures commercially used either:	31046
(1) In determining the weight, measure, or count of	31047
commodities or things sold on the basis of weight, measure, or	31048
count;	31049
(2) In computing the basic charge or payment for goods or	31050
services rendered on the basis of weight, measure, or count.	31051
(K) Test all weights and measures used in checking the	31052
receipt or disbursement of supplies in every institution, for the	31053
maintenance of which funds are appropriated by the general	31054
assembly;	31055
(L) Approve for use, and may mark, such weights and measures	31056
as the director finds to be correct, and shall reject and mark as	31057
rejected such weights and measures as the director finds to be	31058
incorrect. Weights and measures that have been rejected may be	31059
seized if not corrected within the time specified or if used or	31060
disposed of in a manner not specifically authorized, and may be	31061
condemned and seized if found to be incorrect and not capable of	31062
being made correct.	31063
(M) Weigh, measure, or inspect packaged commodities that are	31064
sold or in the process of delivery to determine whether they	31065
contain the amounts represented and whether they are sold in	31066
accordance with sections 1327.46 to 1327.61 of the Revised Code or	31067
rules adopted under those sections. In carrying out this section,	31068
the director shall employ recognized sampling procedures, such as	31069
those designated in the national institute of standards and	31070
technology handbook 133 "checking the net contents of packaged	31071
goods."	31072
(N) Prescribe by rule the appropriate term or unit of weight	31073
or measure to be used, whenever the director determines in the	31074
case of a specific commodity that an existing practice of	31075

declaring the quantity by weight, measure, numerical count, or 31076
combination thereof, does not facilitate value comparisons by 31077
consumers, or offers an opportunity for consumer confusion; 31078

(O) Allow reasonable variations from the stated quantity of 31079
contents, which shall include those caused by unavoidable 31080
deviations in good manufacturing practice and by loss or gain of 31081
moisture during the course of good distribution practice, only 31082
after the commodity has entered intrastate commerce; 31083

(P) Provide for the weights and measures training of 31084
inspector personnel and establish minimum training requirements, 31085
which shall be met by all inspector personnel, whether county, 31086
municipal, or state; 31087

(Q) Prescribe the methods of tests and inspections to be 31088
employed in the enforcement of sections 1327.46 to 1327.61 of the 31089
Revised Code. The director may prescribe the official test and 31090
inspection forms to be used. 31091

(R) Provide by rule for ~~voluntary~~ registration with the 31092
director of private service persons who are employed by 31093
commercially used weighing and measuring device servicing 31094
agencies, ~~and personnel~~; 31095

(S) In conjunction with the national institute of standards 31096
and technology, operate a type evaluation program for 31097
certification of weighing and measuring devices as part of the 31098
national type evaluation program. The director shall establish a 31099
schedule of fees for services rendered by the department of 31100
agriculture for type evaluation services. The director may require 31101
any weighing or measuring instrument or device to be traceable to 31102
a national type evaluation program certificate of conformance 31103
prior to use for commercial or law enforcement purposes. 31104

(T) Verify advertised prices, price representations, and 31105
point-of-sale systems, as necessary, to determine both the 31106

accuracy of prices and computations and the correct use of the 31107
equipment and the accuracy of prices printed or recalled from a 31108
database if a system utilizes scanning or coding in lieu of manual 31109
entry. In order to implement this division, the director shall do 31110
all of the following: 31111

(1) Employ recognized procedures such as those designated in 31112
the national institute of standards and technology handbook 130, 31113
uniform laws and regulations, "examination procedures for price 31114
verification"; 31115

(2) Adopt rules establishing requirements governing the 31116
accuracy of advertised prices and point-of-sale systems and 31117
establishing requirements and procedures for the enforcement of 31118
this division; 31119

(3) Conduct necessary inspections. 31120

Sec. 1327.501. (A) No person shall operate in this state a 31121
commercially used weighing and measuring device that provides the 31122
~~final~~ quantity ~~and final~~ or cost of a final transaction and for 31123
which a fee is established in division (G) of this section unless 31124
the operator of the device obtains a permit issued by the director 31125
of agriculture or the director's designee. 31126

(B) An application for a permit shall be submitted to the 31127
director on a form that the director prescribes and provides. The 31128
applicant shall include with the application any information that 31129
is specified on the application form as well as the application 31130
fee established in this section. 31131

(C) Upon receipt of a completed application and the required 31132
fee from an applicant, the director or the director's designee 31133
shall issue or deny the permit to operate the commercially used 31134
weighing and measuring device that was the subject of the 31135
application. 31136

(D) A permit issued under this section expires on the 31137
thirtieth day of June of the year following its issuance and may 31138
be renewed annually on or before the first day of July of that 31139
year upon payment of a permit renewal fee established in this 31140
section. 31141

(E) If a permit renewal fee is more than sixty days past due, 31142
the director may assess a late penalty in an amount established 31143
under this section. 31144

(F) The director shall do both of the following: 31145

(1) Establish procedures and requirements governing the 31146
issuance or denial of permits under this section; 31147

(2) Establish late penalties to be assessed for the late 31148
payment of a permit renewal fee and fees for the replacement of 31149
lost or destroyed permits. 31150

(G) An applicant for a permit to operate under this section 31151
shall pay an application fee in the following applicable amount: 31152

(1) Seventy-five dollars for a livestock scale; 31153

(2) Seventy-five dollars for a vehicle scale; 31154

(3) Seventy-five dollars for a railway scale; 31155

(4) Seventy-five dollars for a vehicle tank meter; 31156

(5) Seventy-five dollars for a bulk rack meter; 31157

(6) Seventy-five dollars for a an LPG meter. 31158

A person who is issued a permit under this section and who 31159
seeks to renew that permit shall pay an annual permit renewal fee. 31160
The amount of a permit renewal fee shall be equal to the 31161
application fee for that permit established in this division. 31162

(H) All money collected through the payment of fees and the 31163
imposition of penalties under this section shall be credited to 31164
the metrology and scale certification and device permitting fund 31165

created in section 1327.511 of the Revised Code. 31166

Sec. 1327.502. A service person who is employed by a 31167
commercially used weighing and measuring device servicing agency 31168
shall register with the director of agriculture in accordance with 31169
rules adopted under section 1327.50 of the Revised Code. 31170

Sec. 1327.61. No person shall do any of the following: 31171

(A) Use or have in possession for use in commerce any 31172
incorrect weight or measure; 31173

(B) Wrap, package, label, or advertise any product or service 31174
contrary to this chapter, or any rules adopted under it, or sell, 31175
offer, hold, or expose for sale any service or product wrapped, 31176
packaged, labeled, or offered for sale contrary to this chapter or 31177
any rules adopted under it, or misrepresent the quantity or price 31178
or service contrary to this chapter, or any rules adopted under 31179
it; 31180

(C) Remove any tag, seal, or mark from any weight or measure 31181
without specific written authorization from the proper authority; 31182

(D) Install for use, repair, service, or place into service a 31183
commercially used weighing and measuring device unless the 31184
installation, repair, service, or placement is performed by one of 31185
the following: 31186

(1) A department of agriculture division of weights and 31187
measures inspector; 31188

(2) A service person registered with the department; 31189

(3) A county or municipal weights and measures inspector. 31190

(E) Hinder or obstruct any weights and measures official in 31191
the performance of ~~his~~ official duties; 31192

~~(E)~~(F) Sell or offer for use in commerce any incorrect weight 31193

or measure. 31194

Sec. 1327.99. Whoever violates section 1327.501 or 1327.54 or 31195
division (A), (B), (C), or ~~(D)~~(E) of section 1327.61 of the 31196
Revised Code or a rule adopted under sections 1327.46 to 1327.61 31197
of the Revised Code is guilty of a misdemeanor of the second 31198
degree on a first offense; on each subsequent offense within seven 31199
years after the first offense, ~~such~~ the person is guilty of a 31200
misdemeanor of the first degree. 31201

Sec. 1332.26. (A) No political subdivision shall require a 31202
video service provider to obtain from it any authority to provide 31203
video service within its boundaries. 31204

(B) Except as authorized under division (C) of this section 31205
and under sections 1332.30 and 1332.32 of the Revised Code, no 31206
political subdivision shall request anything of value from a video 31207
service provider for providing video service; impose any fee, 31208
license, or gross receipt tax on the provision of video service by 31209
such a provider; or impose any franchise or other requirement on 31210
the provision of video service by a video service provider, 31211
including, but not limited to, any provision regulating rates 31212
charged by a video service provider or establishing any build-out 31213
requirement or requirement to deploy any facility or equipment. 31214

(C) When requested to do so, a video service provider shall 31215
assist a municipal corporation or township in addressing video 31216
service subscriber complaints, in a manner consistent with the 31217
provider's complaint handling process set forth in its application 31218
pursuant to division (A)(7) of section 1332.24 of the Revised 31219
Code. Nothing in sections 1332.21 to 1332.34 of the Revised Code 31220
affects any authority granted under sections 1345.01 to 1345.13 of 31221
the Revised Code. 31222

(D) A video service provider shall meet all of the following 31223

customer service standards:	31224
(1) The provider shall restore video service within	31225
seventy-two hours after a subscriber reports a service	31226
interruption or other problem if the cause was not a natural	31227
disaster.	31228
(2) Upon a report by a subscriber of a service interruption	31229
and if the interruption is caused by the video service provider	31230
and lasts for more than four hours in a given day, the provider	31231
shall give the subscriber a credit in the amount of the cost of	31232
each such day's video service as would be billed to the	31233
subscriber.	31234
(3) Upon a report by a subscriber of a service interruption	31235
and if the interruption is not caused by the video service	31236
provider and lasts for more than twenty-four consecutive hours,	31237
the provider shall give the subscriber, for each hour of service	31238
interruption, a credit in the amount of the cost of per hour video	31239
service as would be billed to the subscriber.	31240
(4) The provider shall give a subscriber at least thirty	31241
days' advance, written notice before removing a channel from the	31242
provider's video service, but no such notice is required if the	31243
provider must remove the channel because of circumstances beyond	31244
its control.	31245
(5) The provider shall give a subscriber at least ten days'	31246
advance, written notice of a disconnection of all or part of the	31247
subscriber's video service, except if the disconnection <u>any of the</u>	31248
<u>following apply:</u>	31249
(a) <u>Disconnection</u> has been requested by the subscriber 7.	31250
(b) <u>Disconnection</u> is necessary to prevent theft of video	31251
service , or.	31252
(c) <u>Disconnection is necessary to prevent the use of video</u>	31253

service through fraud. 31254

(d) Disconnection is necessary to reduce or prevent signal 31255
leakage as described in 47 C.F.R. 76.611. 31256

(6) The provider shall not establish a due date earlier than 31257
fourteen days after a video service bill is issued. 31258

(7) The provider shall not disconnect all or part of a 31259
subscriber's video service for failure of the subscriber to pay 31260
any amount of its video service bill, until the bill amount is at 31261
least ~~forty five~~ fourteen days past due. 31262

~~(7)~~(8) The provider shall give a subscriber at least thirty 31263
days' advance, written notice before instituting an increase in 31264
video service rates. 31265

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 31266
Revised Code: 31267

(A) "Adult" means a person who is eighteen years of age or 31268
older. 31269

(B) "Attending physician" means the physician to whom a 31270
principal or the family of a principal has assigned primary 31271
responsibility for the treatment or care of the principal or, if 31272
the responsibility has not been assigned, the physician who has 31273
accepted that responsibility. 31274

(C) "Comfort care" means any of the following: 31275

(1) Nutrition when administered to diminish the pain or 31276
discomfort of a principal, but not to postpone death; 31277

(2) Hydration when administered to diminish the pain or 31278
discomfort of a principal, but not to postpone death; 31279

(3) Any other medical or nursing procedure, treatment, 31280
intervention, or other measure that is taken to diminish the pain 31281
or discomfort of a principal, but not to postpone death. 31282

(D) "Consulting physician" means a physician who, in 31283
conjunction with the attending physician of a principal, makes one 31284
or more determinations that are required to be made by the 31285
attending physician, or to be made by the attending physician and 31286
one other physician, by an applicable provision of sections 31287
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 31288
medical certainty and in accordance with reasonable medical 31289
standards. 31290

(E) "Declaration for mental health treatment" has the same 31291
meaning as in section 2135.01 of the Revised Code. 31292

(F) "Guardian" means a person appointed by a probate court 31293
pursuant to Chapter 2111. of the Revised Code to have the care and 31294
management of the person of an incompetent. 31295

(G) "Health care" means any care, treatment, service, or 31296
procedure to maintain, diagnose, or treat an individual's physical 31297
or mental condition or physical or mental health. 31298

(H) "Health care decision" means informed consent, refusal to 31299
give informed consent, or withdrawal of informed consent to health 31300
care. 31301

(I) "Health care facility" means any of the following: 31302

(1) A hospital; 31303

(2) A hospice care program, pediatric respite care program, 31304
or other institution that specializes in comfort care of patients 31305
in a terminal condition or in a permanently unconscious state; 31306

(3) A nursing home; 31307

(4) A home health agency; 31308

(5) An intermediate care facility for ~~the mentally retarded~~ 31309
individuals with intellectual disabilities; 31310

(6) A regulated community mental health organization. 31311

(J) "Health care personnel" means physicians, nurses,	31312
physician assistants, emergency medical technicians-basic,	31313
emergency medical technicians-intermediate, emergency medical	31314
technicians-paramedic, medical technicians, dietitians, other	31315
authorized persons acting under the direction of an attending	31316
physician, and administrators of health care facilities.	31317
(K) "Home health agency" has the same meaning as in section	31318
3701.881 of the Revised Code.	31319
(L) "Hospice care program" and "pediatric respite care	31320
program" have the same meanings as in section 3712.01 of the	31321
Revised Code.	31322
(M) "Hospital" has the same meanings as in sections 3701.01,	31323
3727.01, and 5122.01 of the Revised Code.	31324
(N) "Hydration" means fluids that are artificially or	31325
technologically administered.	31326
(O) "Incompetent" has the same meaning as in section 2111.01	31327
of the Revised Code.	31328
(P) "Intermediate care facility for the mentally retarded	31329
<u>individuals with intellectual disabilities</u> " has the same meaning	31330
as in section 5111.20 <u>5124.01</u> of the Revised Code.	31331
(Q) "Life-sustaining treatment" means any medical procedure,	31332
treatment, intervention, or other measure that, when administered	31333
to a principal, will serve principally to prolong the process of	31334
dying.	31335
(R) "Medical claim" has the same meaning as in section	31336
2305.113 of the Revised Code.	31337
(S) "Mental health treatment" has the same meaning as in	31338
section 2135.01 of the Revised Code.	31339
(T) "Nursing home" has the same meaning as in section 3721.01	31340
of the Revised Code.	31341

(U) "Nutrition" means sustenance that is artificially or technologically administered.	31342 31343
(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:	31344 31345 31346 31347 31348 31349
(1) Irreversible unawareness of one's being and environment.	31350
(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.	31351 31352
(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.	31353 31354 31355 31356
(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	31357 31358 31359
(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.	31360 31361
(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.	31362 31363 31364 31365
(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section 5119.22 <u>5119.34</u> of the Revised Code or a community mental health agency <u>services provider</u> as defined in section 5122.01 of the Revised Code.	31366 31367 31368 31369 31370
(BB) "Terminal condition" means an irreversible, incurable,	31371

and untreatable condition caused by disease, illness, or injury 31372
from which, to a reasonable degree of medical certainty as 31373
determined in accordance with reasonable medical standards by a 31374
principal's attending physician and one other physician who has 31375
examined the principal, both of the following apply: 31376

(1) There can be no recovery. 31377

(2) Death is likely to occur within a relatively short time 31378
if life-sustaining treatment is not administered. 31379

(CC) "Tort action" means a civil action for damages for 31380
injury, death, or loss to person or property, other than a civil 31381
action for damages for a breach of contract or another agreement 31382
between persons. 31383

Sec. 1347.08. (A) Every state or local agency that maintains 31384
a personal information system, upon the request and the proper 31385
identification of any person who is the subject of personal 31386
information in the system, shall: 31387

(1) Inform the person of the existence of any personal 31388
information in the system of which the person is the subject; 31389

(2) Except as provided in divisions (C) and (E)(2) of this 31390
section, permit the person, the person's legal guardian, or an 31391
attorney who presents a signed written authorization made by the 31392
person, to inspect all personal information in the system of which 31393
the person is the subject; 31394

(3) Inform the person about the types of uses made of the 31395
personal information, including the identity of any users usually 31396
granted access to the system. 31397

(B) Any person who wishes to exercise a right provided by 31398
this section may be accompanied by another individual of the 31399
person's choice. 31400

(C)(1) A state or local agency, upon request, shall disclose 31401

medical, psychiatric, or psychological information to a person who 31402
is the subject of the information or to the person's legal 31403
guardian, unless a physician, psychiatrist, or psychologist 31404
determines for the agency that the disclosure of the information 31405
is likely to have an adverse effect on the person, in which case 31406
the information shall be released to a physician, psychiatrist, or 31407
psychologist who is designated by the person or by the person's 31408
legal guardian. 31409

(2) Upon the signed written request of either a licensed 31410
attorney at law or a licensed physician designated by the inmate, 31411
together with the signed written request of an inmate of a 31412
correctional institution under the administration of the 31413
department of rehabilitation and correction, the department shall 31414
disclose medical information to the designated attorney or 31415
physician as provided in division (C) of section 5120.21 of the 31416
Revised Code. 31417

(D) If an individual who is authorized to inspect personal 31418
information that is maintained in a personal information system 31419
requests the state or local agency that maintains the system to 31420
provide a copy of any personal information that the individual is 31421
authorized to inspect, the agency shall provide a copy of the 31422
personal information to the individual. Each state and local 31423
agency may establish reasonable fees for the service of copying, 31424
upon request, personal information that is maintained by the 31425
agency. 31426

(E)(1) This section regulates access to personal information 31427
that is maintained in a personal information system by persons who 31428
are the subject of the information, but does not limit the 31429
authority of any person, including a person who is the subject of 31430
personal information maintained in a personal information system, 31431
to inspect or have copied, pursuant to section 149.43 of the 31432
Revised Code, a public record as defined in that section. 31433

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

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

(1) The contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

(4) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend

to identify such an individual; 31464

(8) Records that identify an individual described in division 31465
(A)(1) of section ~~5111.61~~ 5165.88 of the Revised Code, or that 31466
would tend to identify such an individual; 31467

(9) Test materials, examinations, or evaluation tools used in 31468
an examination for licensure as a nursing home administrator that 31469
the board of ~~examiners~~ executives of ~~nursing home administrators~~ 31470
long-term services and supports administers under section 4751.04 31471
of the Revised Code or contracts under that section with a private 31472
or government entity to administer; 31473

(10) Information contained in a database established and 31474
maintained pursuant to section 5101.13 of the Revised Code. 31475

Sec. 1501.011. (A) ~~The~~ Except as provided in divisions (B), 31476
(C), and (D) of this section, the Ohio facilities construction 31477
commission shall supervise the design and construction of, and 31478
make contracts for the construction, reconstruction, improvement, 31479
enlargement, alteration, repair, or decoration of, any projects or 31480
improvements for the department of natural resources ~~has the~~ 31481
~~following powers in addition to its other powers: to prepare, or~~ 31482
~~contract to be prepared, surveys, general and detailed plans,~~ 31483
~~specifications, bills of materials, and estimates of cost for, to~~ 31484
~~enter into contracts for, and to supervise the performance of~~ 31485
~~labor, the furnishing of materials, or the construction, repair,~~ 31486
~~or maintenance of any projects, improvements, or buildings, on~~ 31487
~~lands and waters under the control of the department, as that~~ that may 31488
be authorized by legislative appropriations or any other funds 31489
available therefor, the estimated cost of which amounts to two 31490
hundred thousand dollars or more or the amount determined pursuant 31491
to section 153.53 of the Revised Code or more. 31492

(B) ~~Except as provided in division (E) of this section, the~~ 31493
~~director of natural resources shall publish notice in a newspaper~~ 31494

~~of general circulation in the region where the activity for which~~ 31495
~~bids are submitted is to occur and in any other newspapers that~~ 31496
~~the director determines are appropriate, at least once each week~~ 31497
~~for four consecutive weeks, the last publication to be at least~~ 31498
~~eight days preceding the day for opening bids, seeking proposals~~ 31499
~~on each contract for the performance of labor, the furnishing of~~ 31500
~~materials, or the construction, repair, or maintenance of~~ 31501
~~projects, improvements, or buildings, as necessary for compliance~~ 31502
~~with provisions of the act to make appropriations for capital~~ 31503
~~improvements or the act to make general appropriations, and the~~ 31504
~~director may also advertise in such trade journals as will afford~~ 31505
~~adequate information to the public of the terms of the contract~~ 31506
~~and the nature of the work to be performed, together with the time~~ 31507
~~of the letting and place and manner of receiving proposals, and~~ 31508
~~the places where plans and specifications are on file. A proposal~~ 31509
~~is invalid and shall not be considered by the department unless~~ 31510
~~the form for proposals specified by the department is used without~~ 31511
~~change, alteration, or addition~~ The department of natural 31512
resources shall administer the construction of improvements under 31513
an agreement with the supervisors of a soil and water conservation 31514
district pursuant to division (I) of section 1515.08 of the 31515
Revised Code. 31516

(C) ~~Each bidder for a contract for the performance of labor,~~ 31517
~~the furnishing of materials, or the maintenance, construction,~~ 31518
~~demolition, alteration, repair, or reconstruction of an~~ 31519
~~improvement shall meet the requirements of section 153.54 of the~~ 31520
~~Revised Code. The director may require each bidder to furnish~~ 31521
~~under oath, upon such printed forms as the director may prescribe,~~ 31522
~~detailed information with respect to the bidder's financial~~ 31523
~~resources, equipment, past performance record, organization~~ 31524
~~personnel, and experience, together with such other information as~~ 31525
~~the director considers necessary.~~ 31526

~~(D) The director shall award the contract to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. The award shall be made within a reasonable time after the date on which the bids were opened, and the successful bidder shall enter into a contract within ten days from the date the successful bidder is notified that the contract has been awarded, or within any longer period that the director considers necessary. Nothing in this section shall preclude the rejection of any bid the acceptance of which is not in the best interests of the state. No contract shall be entered into until the bureau of workers' compensation has certified that the corporation, partnership, or person awarded the contract has complied with Chapter 4123. of the Revised Code and until, if the bidder awarded the contract is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, and until, if the bidder so awarded the contract is a person or partnership nonresident of this state, the person or partnership has filed with the secretary of state a power of attorney designating the secretary of state as its agency for the purpose of accepting service of process.~~

~~(E) With respect to the director's entering into a contract for the performance of labor, the furnishing of materials, or the construction, repair, or maintenance of any projects, improvements, or buildings on lands and waters under the control of the department, both of the following apply:~~

~~(1) The director is not required to advertise for and receive bids if the total estimated cost of the contract is less than twenty five thousand dollars.~~

~~(2) The director is not required to advertise for bids, regardless of the cost of the contract, if the (1) The department of natural resources shall supervise the design and construction of, and make contracts for the construction, reconstruction,~~

<u>improvement, enlargement, alteration, repair, or decoration of,</u>	31559
<u>any of the following activities, projects, or improvements:</u>	31560
<u>(a) Dam repairs administered by the division of engineering</u>	31561
<u>under Chapter 1507. of the Revised Code;</u>	31562
<u>(b) Projects or improvements administered by the division of</u>	31563
<u>watercraft and funded through the waterways safety fund</u>	31564
<u>established in section 1547.75 of the Revised Code;</u>	31565
<u>(c) Projects or improvements administered by the division of</u>	31566
<u>wildlife under Chapter 1531. or 1533. of the Revised Code;</u>	31567
<u>(d) Activities conducted by the department pursuant to</u>	31568
<u>section 5511.05 of the Revised Code in order to maintain the</u>	31569
<u>department's roadway inventory.</u>	31570
<u>(2) If a contract to be let under division (C)(1) of this</u>	31571
<u>section involves an exigency that concerns the public health,</u>	31572
<u>safety, or welfare or addresses an emergency situation in which</u>	31573
<u>timeliness is crucial in preventing the cost of the contract from</u>	31574
<u>increasing significantly. Regarding such a contract, the director</u>	31575
<u>may solicit bids by sending a letter to a minimum of three</u>	31576
<u>contractors in the region where the contract is to be let or by</u>	31577
<u>any other means that the director considers appropriate.</u>	31578
(F) The director may insert in any contract awarded under	31579
this section a clause providing for value engineering change	31580
proposals, under which a contractor who has been awarded a	31581
contract may propose a change in the plans and specifications of	31582
the project that saves the department time or money on the project	31583
without impairing any of the essential functions and	31584
characteristics of the project such as service life, reliability,	31585
economy of operation, ease of maintenance, safety, and necessary	31586
standardized features. If the director adopts the value	31587
engineering proposal, the savings from the proposal shall be	31588
divided between the department and the contractor according to	31589

~~guidelines established by the director, provided that the contractor shall receive at least fifty per cent of the savings from the proposal. The adoption of a value engineering proposal does not invalidate the award of the contract or require the director to rebid the project.~~

~~(G) When in the opinion of the department the work under any contract made under this section or any law of the state is neglected by the contractor, the work completed is deficient in quality or materials, or the work is not prosecuted with the diligence and force specified or intended in the contract, the department may require the contractor to provide, at no additional expense to the department, any additional labor and materials that are necessary to complete the improvements at the level of quality and within the time of performance specified in the contract. Procedures concerning such a requirement together with its format shall be specified in the contract. If the contractor fails to comply with the requirement within the period specified in the contract, the department may take action to complete the work through other means, up to and including termination of the contract.~~

~~(H) When an exigency occurs or there is immediate danger of an exigency that would materially impair the successful bidding, construction, or completion of a project, improvement, or building, the director may revise related plans and specifications as necessary to address the exigency through the issuance of an addendum prior to the opening of bids or, in accordance with procedures established in section 153.62 of the Revised Code, through the issuance of a change order after the contract has been awarded, pursuant to the declaration of a public exigency, the department may award the contract without competitive bidding or selection as otherwise required by Chapter 153. of the Revised Code.~~

(D) The executive director of the Ohio facilities 31622
construction commission may authorize the department of natural 31623
resources to administer any other project or improvement, the 31624
estimated cost of which, including design fees, construction, 31625
equipment, and contingency amounts, is not more than one million 31626
five hundred thousand dollars. 31627

Sec. 1501.45. (A) As used in this section: 31628

(1) "Forfeiture laws" means provisions that are established 31629
in Title XXIX of the Revised Code and that govern the forfeiture 31630
and disposition of certain property that is seized pursuant to a 31631
law enforcement investigation. 31632

(2) "Law enforcement division" means the division of 31633
forestry, the division of natural areas and preserves, the 31634
division of wildlife, the division of parks and recreation, or the 31635
division of watercraft in the department of natural resources. 31636

(3) "Law enforcement fund" means a fund created in this 31637
section. 31638

(B) Except as otherwise provided in this section and 31639
notwithstanding any provision of the Revised Code that is not in 31640
Title XV of the Revised Code to the contrary, the forfeiture laws 31641
apply to a law enforcement division that substantially conducts an 31642
investigation that results in the ordered forfeiture of property 31643
and also apply to the involved forfeiture of property, and the law 31644
enforcement division shall comply with those forfeiture laws. 31645
Accordingly, the portion of the forfeiture laws that authorizes 31646
certain proceeds from forfeited property to be distributed to the 31647
law enforcement agency that substantially conducted the 31648
investigation that resulted in the seizure of the subsequently 31649
forfeited property apply to the law enforcement divisions except 31650
as provided in division (C)(2)(a) of this section. If a law 31651
enforcement division is eligible to receive such proceeds, the 31652

proceeds shall be deposited into the state treasury to the credit 31653
of the applicable law enforcement fund. 31654

(C)(1) There are hereby created in the state treasury ~~the~~ 31655
~~division of forestry law enforcement fund, the division of natural~~ 31656
~~areas and preserves law enforcement fund,~~ the division of wildlife 31657
law enforcement fund, the division of parks and recreation law 31658
enforcement fund, and the division of watercraft law enforcement 31659
fund. ~~The~~ 31660

(2) ~~The~~ funds shall consist of proceeds from forfeited 31661
property that are deposited ~~in accordance with this section. The~~ 31662
as follows: 31663

(a) Proceeds from forfeited property resulting from an 31664
investigation conducted by the division of forestry, the division 31665
of natural areas and preserves, or the division of parks and 31666
recreation shall be deposited in the division of parks and 31667
recreation law enforcement fund. 31668

(b) Proceeds from forfeited property resulting from an 31669
investigation conducted by the division of wildlife shall be 31670
deposited in the division of wildlife law enforcement fund. 31671

(c) Proceeds from forfeited property resulting from an 31672
investigation conducted by the division of watercraft shall be 31673
deposited in the division of watercraft law enforcement fund. 31674

(3) ~~The~~ funds shall be used ~~by the applicable law enforcement~~ 31675
~~division~~ for law enforcement purposes specified in the forfeiture 31676
laws; ~~however, a~~ as follows: 31677

(a) Money in the division of parks and recreation law 31678
enforcement fund shall be used by the division of parks and 31679
recreation. 31680

(b) Money in the division of wildlife law enforcement fund 31681
shall be used by the division of wildlife. 31682

(c) Money in the division of watercraft law enforcement fund 31683
shall be used by the division of watercraft. 31684

(4) A law enforcement division shall not use ~~such funds~~ its 31685
fund to pay the salaries of its employees or to provide for any 31686
other remuneration of personnel. 31687

(D) If the forfeiture laws conflict with any provisions that 31688
govern forfeitures and that are established in another section of 31689
Title XV of the Revised Code, the provisions established in the 31690
other section of Title XV apply. 31691

Sec. 1506.21. (A) There is hereby created the Ohio Lake Erie 31692
commission, consisting of the directors of environmental 31693
protection, natural resources, health, agriculture, ~~and~~ 31694
transportation, and development services, or their designees, and 31695
five additional members appointed by the governor who shall serve 31696
at the pleasure of the governor. The members of the commission 31697
annually shall designate a chairperson, who shall preside at the 31698
meetings of the commission, and a secretary. 31699

The commission shall hold at least one meeting every three 31700
months. The secretary of the commission shall keep a record of its 31701
proceedings. Special meetings shall be held at the call of the 31702
chairperson or upon the request of four members of the commission. 31703
All meetings and records of the commission shall be open to the 31704
public. Six members of the commission constitute a quorum. The 31705
agencies represented on the commission shall furnish clerical, 31706
technical, and other services required by the commission in the 31707
performance of its duties. 31708

(B) The commission shall do all of the following: 31709

(1) Ensure the coordination of state and local policies and 31710
programs pertaining to Lake Erie water quality, toxic pollution 31711
control, and resource protection; 31712

- (2) Review, and make recommendations concerning, the development and implementation of policies, programs, and issues for long-term, comprehensive protection of Lake Erie water resources and water quality that are consistent with the great lakes water quality agreement and the great lakes toxic substances control agreement; 31713
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- (3) Recommend policies and programs to modify the coastal management program of this state; 31719
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- (4) At each regular meeting, consider matters relating to the implementation of sections 1506.22 and 1506.23 of the Revised Code; 31721
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31723
- (5) Publish and submit the Lake Erie protection agenda in accordance with division (C) of section 1506.23 of the Revised Code; 31724
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- (6) Ensure the implementation of a basinwide approach to Lake Erie issues; 31727
31728
- (7) Increase representation of the interests of this state in state, regional, national, and international forums pertaining to the resources and water quality of Lake Erie and the Lake Erie basin; 31729
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- (8) Promote education concerning the wise management of the resources of Lake Erie; 31733
31734
- (9) Establish public advisory councils as considered necessary to assist in programs established under this section and sections 1506.22 and 1506.23 of the Revised Code. Members of the public advisory councils shall represent a broad cross section of interests, shall have experience or expertise in the subject for which the advisory council was established, and shall serve without compensation. 31735
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- (10) Prepare and submit the report required under division 31742

(D) of section 1506.23 of the Revised Code. 31743

(C) Each state agency, upon the request of the commission, 31744
shall cooperate in the implementation of this section and sections 31745
1506.22 and 1506.23 of the Revised Code. 31746

Sec. 1506.30. As used in sections 1506.30 to 1506.36 of the 31747
Revised Code: 31748

(A) "Abandoned property" means a submerged aircraft; a 31749
submerged watercraft, including a ship, boat, canoe, skiff, raft, 31750
or barge; the rigging, gear, fittings, trappings, and equipment of 31751
a submerged aircraft or watercraft; the personal property of the 31752
officers, crew, and passengers of a submerged aircraft or 31753
watercraft; the cargo of a submerged aircraft or watercraft that 31754
has been deserted, relinquished, cast away, or left behind and for 31755
which attempts at reclamation have been abandoned by the owners 31756
and insurers; and submerged materials resulting from activities of 31757
prehistoric and historic native Americans. 31758

(B) "Lake Erie" means that portion of the waters and lands of 31759
Lake Erie belonging to the state as provided in section 1506.10 of 31760
the Revised Code. 31761

(C) "Historical value" means the quality of significance 31762
exemplified by an object, structure, site, or district that is 31763
included in or eligible for inclusion in ~~the state registry of~~ 31764
~~archaeological landmarks authorized under section 149.51 of the~~ 31765
~~Revised Code, the state registry of historic landmarks authorized~~ 31766
~~under section 149.55 of the Revised Code, or the national register~~ 31767
of historic places. 31768

(D) "Marine surveyor" means a person engaged in the business 31769
of mapping or surveying submerged lands and abandoned property. 31770

(E) "Mechanical or other assistance" means all artificial 31771
devices used to raise or remove artifacts from abandoned property, 31772

including pry bars, wrenches and other hand or power tools, 31773
cutting torches, explosives, winches, flotation bags, lines to 31774
surface, extra divers buoyancy devices, and other buoyancy 31775
devices. 31776

(F) "Recreational value" means value relating to an activity 31777
in which the public engages or may engage for recreation or sport, 31778
including scuba diving and fishing, as determined by the director 31779
of natural resources. 31780

Sec. 1509.01. As used in this chapter: 31781

(A) "Well" means any borehole, whether drilled or bored, 31782
within the state for production, extraction, or injection of any 31783
gas or liquid mineral, excluding potable water to be used as such, 31784
but including natural or artificial brines and oil field waters. 31785

(B) "Oil" means crude petroleum oil and all other 31786
hydrocarbons, regardless of gravity, that are produced in liquid 31787
form by ordinary production methods, but does not include 31788
hydrocarbons that were originally in a gaseous phase in the 31789
reservoir. 31790

(C) "Gas" means all natural gas and all other fluid 31791
hydrocarbons that are not oil, including condensate. 31792

(D) "Condensate" means liquid hydrocarbons separated at or 31793
near the well pad or along the gas production or gathering system 31794
prior to gas processing. 31795

(E) "Pool" means an underground reservoir containing a common 31796
accumulation of oil or gas, or both, but does not include a gas 31797
storage reservoir. Each zone of a geological structure that is 31798
completely separated from any other zone in the same structure may 31799
contain a separate pool. 31800

(F) "Field" means the general area underlaid by one or more 31801
pools. 31802

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	31803 31804 31805
(H) "Waste" includes all of the following:	31806
(1) Physical waste, as that term generally is understood in the oil and gas industry;	31807 31808
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	31809 31810
(3) Inefficient storing of oil or gas;	31811
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	31812 31813 31814 31815 31816 31817
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	31818 31819
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	31820 31821 31822 31823 31824
(J) "Tract" means a single, individually taxed parcel of land appearing on the tax list.	31825 31826
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules	31827 31828 31829 31830 31831 31832

adopted and orders issued under this chapter. "Owner" does not 31833
include a person who obtains a lease of the mineral rights for oil 31834
and gas on a parcel of land if the person does not attempt to 31835
produce or produce oil or gas from a well or obtain a permit under 31836
this chapter for a well or if the entire interest of a well is 31837
transferred to the person in accordance with division (B) of 31838
section 1509.31 of the Revised Code. 31839

(L) "Royalty interest" means the fee holder's share in the 31840
production from a well. 31841

(M) "Discovery well" means the first well capable of 31842
producing oil or gas in commercial quantities from a pool. 31843

(N) "Prepared clay" means a clay that is plastic and is 31844
thoroughly saturated with fresh water to a weight and consistency 31845
great enough to settle through saltwater in the well in which it 31846
is to be used, except as otherwise approved by the chief of the 31847
division of oil and gas resources management. 31848

(O) "Rock sediment" means the combined cutting and residue 31849
from drilling sedimentary rocks and formation. 31850

(P) "Excavations and workings," "mine," and "pillar" have the 31851
same meanings as in section 1561.01 of the Revised Code. 31852

(Q) "Coal bearing township" means a township designated as 31853
such by the chief of the division of mineral resources management 31854
under section 1561.06 of the Revised Code. 31855

(R) "Gas storage reservoir" means a continuous area of a 31856
subterranean porous sand or rock stratum or strata into which gas 31857
is or may be injected for the purpose of storing it therein and 31858
removing it therefrom and includes a gas storage reservoir as 31859
defined in section 1571.01 of the Revised Code. 31860

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 31861
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 31862

"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 31863
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 31864
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 31865
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 31866
regulations adopted under those acts. 31867

(T) "Person" includes any political subdivision, department, 31868
agency, or instrumentality of this state; the United States and 31869
any department, agency, or instrumentality thereof; and any legal 31870
entity defined as a person under section 1.59 of the Revised Code. 31871

(U) "Brine" means all saline geological formation water 31872
resulting from, obtained from, or produced in connection with 31873
exploration, drilling, well stimulation, production of oil or gas, 31874
or plugging of a well. 31875

(V) "Waters of the state" means all streams, lakes, ponds, 31876
marshes, watercourses, waterways, springs, irrigation systems, 31877
drainage systems, and other bodies of water, surface or 31878
underground, natural or artificial, that are situated wholly or 31879
partially within this state or within its jurisdiction, except 31880
those private waters that do not combine or effect a junction with 31881
natural surface or underground waters. 31882

(W) "Exempt Mississippian well" means a well that meets all 31883
of the following criteria: 31884

(1) Was drilled and completed before January 1, 1980; 31885

(2) Is located in an unglaciated part of the state; 31886

(3) Was completed in a reservoir no deeper than the 31887
Mississippian Big Injun sandstone in areas underlain by 31888
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 31889
sandstone in areas directly underlain by Permian stratigraphy; 31890

(4) Is used primarily to provide oil or gas for domestic use. 31891

(X) "Exempt domestic well" means a well that meets all of the 31892

following criteria:	31893
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	31894 31895
(2) Is used primarily to provide gas for the owner's domestic use;	31896 31897
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	31898 31899 31900 31901
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	31902 31903 31904 31905
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	31906 31907 31908 31909 31910 31911
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	31912 31913 31914
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:	31915 31916 31917 31918 31919 31920 31921 31922 31923

(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;	31924 31925 31926
(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;	31927 31928 31929 31930
(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;	31931 31932 31933 31934 31935 31936 31937
<u>(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or another operation at a wellpad or that will be disposed of in accordance with applicable laws and rules adopted under them.</u>	31938 31939 31940 31941 31942 31943 31944
(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.	31945 31946 31947 31948
(CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it.	31949 31950 31951 31952
(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the	31953 31954

Revised Code.	31955
(EE) "Material and substantial violation" means any of the following:	31956
	31957
(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;	31958
	31959
(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	31960
	31961
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	31962
	31963
(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;	31964
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	31968
(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	31969
	31970
(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	31971
	31972
	31973
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	31974
	31975
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	31976
	31977
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	31978
	31979
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	31980
	31981
	31982
	31983

(HH) "Well pad" means the area that is cleared or prepared 31984
for the drilling of one or more horizontal wells. 31985

Sec. 1509.02. There is hereby created in the department of 31986
natural resources the division of oil and gas resources 31987
management, which shall be administered by the chief of the 31988
division of oil and gas resources management. The division has 31989
sole and exclusive authority to regulate the permitting, location, 31990
and spacing of oil and gas wells and production operations within 31991
the state, excepting only those activities regulated under federal 31992
laws for which oversight has been delegated to the environmental 31993
protection agency and activities regulated under sections 6111.02 31994
to ~~6111.029~~ 6111.028 of the Revised Code. The regulation of oil 31995
and gas activities is a matter of general statewide interest that 31996
requires uniform statewide regulation, and this chapter and rules 31997
adopted under it constitute a comprehensive plan with respect to 31998
all aspects of the locating, drilling, well stimulation, 31999
completing, and operating of oil and gas wells within this state, 32000
including site construction and restoration, permitting related to 32001
those activities, and the disposal of wastes from those wells. In 32002
order to assist the division in the furtherance of its sole and 32003
exclusive authority as established in this section, the chief may 32004
enter into cooperative agreements with other state agencies for 32005
advice and consultation, including visitations at the surface 32006
location of a well on behalf of the division. Such cooperative 32007
agreements do not confer on other state agencies any authority to 32008
administer or enforce this chapter and rules adopted under it. In 32009
addition, such cooperative agreements shall not be construed to 32010
dilute or diminish the division's sole and exclusive authority as 32011
established in this section. Nothing in this section affects the 32012
authority granted to the director of transportation and local 32013
authorities in section 723.01 or 4513.34 of the Revised Code, 32014
provided that the authority granted under those sections shall not 32015

be exercised in a manner that discriminates against, unfairly 32016
impedes, or obstructs oil and gas activities and operations 32017
regulated under this chapter. 32018

The chief shall not hold any other public office, nor shall 32019
the chief be engaged in any occupation or business that might 32020
interfere with or be inconsistent with the duties as chief. 32021

All moneys collected by the chief pursuant to sections 32022
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 32023
1509.28, 1509.34, and 1509.50 of the Revised Code, ninety per cent 32024
of moneys received by the treasurer of state from the tax levied 32025
in divisions (A)(5) and (6) of section 5749.02 of the Revised 32026
Code, all civil penalties paid under section 1509.33 of the 32027
Revised Code, and, notwithstanding any section of the Revised Code 32028
relating to the distribution or crediting of fines for violations 32029
of the Revised Code, all fines imposed under divisions (A) and (B) 32030
of section 1509.99 of the Revised Code and fines imposed under 32031
divisions (C) and (D) of section 1509.99 of the Revised Code for 32032
all violations prosecuted by the attorney general and for 32033
violations prosecuted by prosecuting attorneys that do not involve 32034
the transportation of brine by vehicle shall be deposited into the 32035
state treasury to the credit of the oil and gas well fund, which 32036
is hereby created. Fines imposed under divisions (C) and (D) of 32037
section 1509.99 of the Revised Code for violations prosecuted by 32038
prosecuting attorneys that involve the transportation of brine by 32039
vehicle and penalties associated with a compliance agreement 32040
entered into pursuant to this chapter shall be paid to the county 32041
treasury of the county where the violation occurred. 32042

The fund shall be used solely and exclusively for the 32043
purposes enumerated in division (B) of section 1509.071 of the 32044
Revised Code, for the expenses of the division associated with the 32045
administration of this chapter and Chapter 1571. of the Revised 32046
Code and rules adopted under them, and for expenses that are 32047

critical and necessary for the protection of human health and 32048
safety and the environment related to oil and gas production in 32049
this state. The expenses of the division in excess of the moneys 32050
available in the fund shall be paid from general revenue fund 32051
appropriations to the department. 32052

Sec. 1509.062. (A)(1) The owner of a well that has not been 32053
completed, a well that has not produced within one year after 32054
completion, ~~or~~ an existing well that is not a horizontal well and 32055
that has no reported production for two consecutive reporting 32056
periods as reported in accordance with section 1509.11 of the 32057
Revised Code, or an existing horizontal well that has no reported 32058
production for eight consecutive reporting periods as reported in 32059
accordance with section 1509.11 of the Revised Code shall plug the 32060
well in accordance with section 1509.12 of the Revised Code, 32061
obtain temporary inactive well status for the well in accordance 32062
with this section, or perform another activity regarding the well 32063
that is approved by the chief of the division of oil and gas 32064
resources management. 32065

(2) If a well has a reported annual production that is less 32066
than one hundred thousand cubic feet of natural gas or fifteen 32067
barrels of crude oil, or a combination thereof, the chief may 32068
require the owner of the well to submit an application for 32069
temporary inactive well status under this section for the well. 32070

(B) In order for the owner of a well to submit an application 32071
for temporary inactive well status for the well under this 32072
division, the owner and the well shall be in compliance with this 32073
chapter and rules adopted under it, any terms and conditions of 32074
the permit for the well, and applicable orders issued by the 32075
chief. An application for temporary inactive status for a well 32076
shall be submitted to the chief on a form prescribed and provided 32077
by the chief and shall contain all of the following: 32078

(1) The owner's name and address and, if the owner is a corporation, the name and address of the corporation's statutory agent; 32079
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32081

(2) The signature of the owner or of the owner's authorized agent. When an authorized agent signs an application, the application shall be accompanied by a certified copy of the appointment as such agent. 32082
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(3) The permit number assigned to the well. If the well has not been assigned a permit number, the chief shall assign a permit number to the well. 32086
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(4) A map, on a scale not smaller than four hundred feet to the inch, that shows the location of the well and the tank battery, that includes the latitude and longitude of the well, and that contains all other data that are required by the chief; 32089
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(5) A demonstration that the well is of future utility and that the applicant has a viable plan to utilize the well within a reasonable period of time; 32093
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(6) A demonstration that the well poses no threat to the health or safety of persons, property, or the environment; 32096
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(7) Any other relevant information that the chief prescribes by rule. 32098
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The chief may waive any of the requirements established in divisions (B)(1) to (6) of this section if the division of oil and gas resources management possesses a current copy of the information or document that is required in the applicable division. 32100
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(C) Upon receipt of an application for temporary inactive well status, the chief shall review the application and shall either deny the application by issuing an order or approve the application. The chief shall approve the application only if the 32105
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chief determines that the well that is the subject of the 32109
application poses no threat to the health or safety of persons, 32110
property, or the environment. If the chief approves the 32111
application, the chief shall notify the applicant of the chief's 32112
approval. Upon receipt of the chief's approval, the owner shall 32113
shut in the well and empty all liquids and gases from all storage 32114
tanks, pipelines, and other equipment associated with the well. In 32115
addition, the owner shall maintain the well, other equipment 32116
associated with the well, and the surface location of the well in 32117
a manner that prevents hazards to the health and safety of people 32118
and the environment. The owner shall inspect the well at least 32119
every six months and submit to the chief within fourteen days 32120
after the inspection a record of inspection on a form prescribed 32121
and provided by the chief. 32122

(D) Not later than thirty days prior to the expiration of 32123
temporary inactive well status or a renewal of temporary inactive 32124
well status approved by the chief for a well, the owner of the 32125
well may submit to the chief an application for renewal of the 32126
temporary inactive well status on a form prescribed and provided 32127
by the chief. The application shall include a detailed plan that 32128
describes the ultimate disposition of the well, the time frames 32129
for that disposition, and any other information that the chief 32130
determines is necessary. The chief shall either deny an 32131
application by order or approve the application. If the chief 32132
approves the application, the chief shall notify the owner of the 32133
well of the chief's approval. 32134

(E) An application for temporary inactive well status shall 32135
be accompanied by a nonrefundable fee of one hundred dollars. An 32136
application for a renewal of temporary inactive well status shall 32137
be accompanied by a nonrefundable fee of two hundred fifty dollars 32138
for the first renewal and five hundred dollars for each subsequent 32139
renewal. 32140

(F) After a third renewal, the chief may require an owner to provide a surety bond in an amount not to exceed ten thousand dollars for each of the owner's wells that has been approved by the chief for temporary inactive well status.

(G) Temporary inactive well status approved by the chief expires one year after the date of approval of the application for temporary inactive well status or production from the well commences, whichever occurs sooner. In addition, a renewal of a temporary inactive well status expires one year after the expiration date of the initial temporary inactive well status or one year after the expiration date of the previous renewal of the temporary inactive well status, as applicable, or production from the well commences, whichever occurs sooner.

(H) The owner of a well that has been approved by the chief for temporary inactive well status may commence production from the well at any time. Not later than sixty days after the commencement of production from such a well, the owner shall notify the chief of the commencement of production.

(I) This chapter and rules adopted under it, any terms and conditions of the permit for a well, and applicable orders issued by the chief apply to a well that has been approved by the chief for temporary inactive well status or renewal of that status.

Sec. 1509.074. (A) With regard to material that results from the construction, operation, or plugging of a horizontal well, all of the following apply:

(1) Except as provided in division (A)(2) of this section, the owner shall determine the concentration of radium-226 and of radium-228 in representative samples of the material if the material is technologically enhanced naturally occurring radioactive material. The owner shall provide for the collection and analysis of the representative samples of the material. The

collection and analysis of the representative samples shall be 32172
performed in accordance with requirements approved by the chief of 32173
the division of oil and gas resources management. The owner shall 32174
not remove the material from the location associated with the 32175
production operation of the horizontal well until the analysis is 32176
complete and the results are available. However, the owner may do 32177
one of the following: 32178

(a) Temporarily store the material in an area adjacent to the 32179
location associated with the production operation of the well 32180
while the results from the analysis of the representative samples 32181
are pending if the material is located in an area that is 32182
designated by the division of oil and gas resources management and 32183
the owner complies with all conditions imposed by the chief; 32184

(b) Prior to the collection of representative samples under 32185
division (A)(1) of this section, transport the material to a 32186
location for which a permit or order has been issued under 32187
division (C) of section 1509.22 of the Revised Code. The owner 32188
shall provide for the collection of representative samples of the 32189
material at that location in accordance with that division and 32190
shall temporarily store the material at that location while the 32191
results from the analysis are pending. 32192

(2) The owner is not required to determine the concentration 32193
of radium-226 and of radium-228 of the material that is 32194
technologically enhanced naturally occurring radioactive material 32195
if any of the following applies: 32196

(a) The material is reused in the horizontal well from where 32197
it originated or is transferred to another site for reuse in a 32198
horizontal well. For purposes of division (A)(2)(a) of this 32199
section, a material is reused if the material is used in a 32200
substantially similar manner as it was originally used. 32201

(b) The owner disposes of the material at an injection well 32202

for which a permit has been issued under section 1509.22 of the Revised Code. 32203
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(c) The owner uses the material in association with a method of enhanced recovery for which a permit has been issued under section 1509.21 of the Revised Code. 32205
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(d) The material is transported out of the state for lawful disposal. The owner shall retain records that substantiate the lawful disposal and provide them to the chief upon request. 32208
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(3) Except as provided in division (A)(2) of this section, the owner shall transport and dispose of material that is technologically enhanced naturally occurring radioactive material in accordance with all applicable laws. 32211
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(4) If the material is not technologically enhanced naturally occurring radioactive material and the material has come in contact with a refined oil-based substance, the owner shall do one of the following: 32215
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(a) If the material is removed from the location associated with the production operation of the well or from a location specified in a permit or order issued under division (C) of section 1509.22 of the Revised Code, dispose of the material at a solid waste facility that is authorized to accept the material in accordance with Chapter 3734. of the Revised Code and rules adopted under it; 32219
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(b) If the material is removed from the location associated with the production operation of the well or from a location specified in a permit or order issued under division (C) of section 1509.22 of the Revised Code, beneficially use the material in accordance with rules adopted by the director of environmental protection under section 3734.125 of the Revised Code; 32226
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(c) If the material is not removed from the location associated with the production operation of the well, recycle or 32232
32233

reuse the material with the approval of the chief. 32234

(5) If the material is not technologically enhanced naturally occurring radioactive material and the material has not come in contact with a refined oil-based substance, the material may be used at the location associated with the production operation of the horizontal well or at another location associated with a production operation. 32235
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(B) An owner who has obtained results under division (A)(1) of this section shall keep and maintain the results for a period of three years. In addition, the owner shall provide a copy of the results to the chief upon request. 32241
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(C) As used in this section: 32245

(1) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code. 32246
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(2) "Owner" includes a person that is an authorized agent of an owner. 32249
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Sec. 1509.10. (A) Any person drilling within the state shall, 32251
within sixty days after the completion of drilling operations to 32252
the proposed total depth or after a determination that a well is a 32253
dry or lost hole, file with the division of oil and gas resources 32254
management all wireline electric logs and an accurate well 32255
completion record on a form that is prescribed by the chief of the 32256
division of oil and gas resources management that designates: 32257

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(1) The purpose for which the well was drilled; 32259

(2) The character, depth, and thickness of geological units 32260
encountered, including coal seams, mineral beds, associated fluids 32261
such as fresh water, brine, and crude oil, natural gas, and sour 32262
gas, if such seams, beds, fluids, or gases are known; 32263

(3) The dates on which drilling operations were commenced and completed;	32264 32265
(4) The types of drilling tools used and the name of the person that drilled the well;	32266 32267
(5) The length in feet of the various sizes of casing and tubing used in drilling the well, the amount removed after completion, the type and setting depth of each packer, all other data relating to cementing in the annular space behind such casing or tubing, and data indicating completion as a dry, gas, oil, combination oil and gas, brine injection, or artificial brine well or a stratigraphic test;	32268 32269 32270 32271 32272 32273 32274
(6) The number of perforations in the casing and the intervals of the perforations;	32275 32276
(7) The elevation above mean sea level of the point from which the depth measurements were made, stating also the height of the point above ground level at the well, the total depth of the well, and the deepest geological unit that was penetrated in the drilling of the well;	32277 32278 32279 32280 32281
(8) If applicable, the type, volume, and concentration of acid, and the date on which acid was used in acidizing the well;	32282 32283
(9)(a) If applicable, the trade name and the total amount of all products, fluids, and substances, and the supplier of each product, fluid, or substance, not including cement and its constituents and lost circulation materials, intentionally added to facilitate the drilling of any portion of the well until the surface casing is set and properly sealed. The owner shall identify each additive used and provide a brief description of the purpose for which the additive is used. In addition, the owner shall include a list of all chemicals, not including any information that is designated as a trade secret pursuant to division (I)(1) of this section, intentionally added to all	32284 32285 32286 32287 32288 32289 32290 32291 32292 32293 32294

products, fluids, or substances and include each chemical's 32295
corresponding chemical abstracts service number and the maximum 32296
concentration of each chemical. The owner shall obtain the 32297
chemical information, not including any information that is 32298
designated as a trade secret pursuant to division (I)(1) of this 32299
section, from the company that drilled the well, provided service 32300
at the well, or supplied the chemicals. If the company that 32301
drilled the well, provided service at the well, or supplied the 32302
chemicals provides incomplete or inaccurate chemical information, 32303
the owner shall make reasonable efforts to obtain the required 32304
information from the company or supplier. 32305

(b) For purposes of division (A)(9)(a) of this section, if 32306
recycled fluid was used, the total volume of recycled fluid and 32307
the well that is the source of the recycled fluid or the 32308
centralized facility that is the source of the recycled fluid. 32309

(10)(a) If applicable, the type and volume of fluid, not 32310
including cement and its constituents or information that is 32311
designated as a trade secret pursuant to division (I)(1) of this 32312
section, used to stimulate the reservoir of the well, the 32313
reservoir breakdown pressure, the method used for the containment 32314
of fluids recovered from the fracturing of the well, the methods 32315
used for the containment of fluids when pulled from the wellbore 32316
from swabbing the well, the average pumping rate of the well, and 32317
the name of the person that performed the well stimulation. In 32318
addition, the owner shall include a copy of the log from the 32319
stimulation of the well, a copy of the invoice for each of the 32320
procedures and methods described in division (A)(10) of this 32321
section that were used on a well, and a copy of the pumping 32322
pressure and rate graphs. However, the owner may redact from the 32323
copy of each invoice that is required to be included under 32324
division (A)(10) of this section the costs of and charges for the 32325
procedures and methods described in division (A)(10) of this 32326

section that were used on a well. 32327

(b) If applicable, the trade name and the total volume of all 32328
products, fluids, and substances, and the supplier of each 32329
product, fluid, or substance used to stimulate the well. The owner 32330
shall identify each additive used, provide a brief description of 32331
the purpose for which the additive is used, and include the 32332
maximum concentration of the additive used. In addition, the owner 32333
shall include a list of all chemicals, not including any 32334
information that is designated as a trade secret pursuant to 32335
division (I)(1) of this section, intentionally added to all 32336
products, fluids, or substances and include each chemical's 32337
corresponding chemical abstracts service number and the maximum 32338
concentration of each chemical. The owner shall obtain the 32339
chemical information, not including any information that is 32340
designated as a trade secret pursuant to division (I)(1) of this 32341
section, from the company that stimulated the well or supplied the 32342
chemicals. If the company that stimulated the well or supplied the 32343
chemicals provides incomplete or inaccurate chemical information, 32344
the owner shall make reasonable efforts to obtain the required 32345
information from the company or supplier. 32346

(c) For purposes of division (A)(10)(b) of this section, if 32347
recycled fluid was used, the total volume of recycled fluid and 32348
the well that is the source of the recycled fluid or the 32349
centralized facility that is the source of the recycled fluid. 32350

(11) The name of the company that performed the logging of 32351
the well and the types of wireline electric logs performed on the 32352
well. 32353

The well completion record shall be submitted in duplicate. 32354
The first copy shall be retained as a permanent record in the 32355
files of the division, and the second copy shall be transmitted by 32356
the chief to the division of geological survey. 32357

(B)(1) Not later than sixty days after the completion of the drilling operations to the proposed total depth, the owner shall file all wireline electric logs with the division of oil and gas resources management and the chief shall transmit such logs electronically, if available, to the division of geological survey. Such logs may be retained by the owner for a period of not more than six months, or such additional time as may be granted by the chief in writing, after the completion of the well substantially to the depth shown in the application required by section 1509.06 of the Revised Code.

(2) If a well is not completed within sixty days after the completion of drilling operations, the owner shall file with the division of oil and gas resources management a supplemental well completion record that includes all of the information required under this section within sixty days after the completion of the well.

(3) After a well is initially completed and stimulated and until the well is plugged, the owner shall report, on a form prescribed by the chief, all materials placed into the formation to refracture, restimulate, or newly complete the well. The owner shall submit the information within sixty days after completing the refracturing, restimulation, or new completion. In addition, the owner shall report the information required in divisions (A)(10)(a) to (c) of this section, as applicable, in a manner consistent with the requirements established in this section.

(C) Upon request in writing by the chief of the division of geological survey prior to the beginning of drilling of the well, the person drilling the well shall make available a complete set of cuttings accurately identified as to depth.

(D) The form of the well completion record required by this section shall be one that has been prescribed by the chief of the division of oil and gas resources management and the chief of the

division of geological survey. The filing of a log as required by 32390
this section fulfills the requirement of filing a log with the 32391
chief of the division of geological survey in section 1505.04 of 32392
the Revised Code. 32393

(E) If a material listed or designated under division (A)(9) 32394
or (10) or (B)(3) of this section is a material for which the 32395
division of oil and gas resources management does not have a 32396
material safety data sheet, the owner shall provide a copy of the 32397
material safety data sheet for the material to the chief. 32398

(F) An owner shall submit to the chief the information that 32399
is required in divisions (A)(10)(b) and (c) and (B)(3) of this 32400
section consistent with the requirements established in this 32401
section using one of the following methods: 32402

(1) On a form prescribed by the chief; 32403

(2) Through the chemical disclosure registry that is 32404
maintained by the ground water protection council and the 32405
interstate oil and gas compact commission; 32406

(3) Any other means approved by the chief. 32407

(G) The chief shall post on the division's web site each 32408
material safety data sheet obtained under division (E) of this 32409
section. In addition, the chief shall make available through the 32410
division's web site the chemical information that is required by 32411
divisions (A)(9) and (10) and (B)(3) of this section. 32412

(H)(1) If a medical professional, in order to assist in the 32413
diagnosis or treatment of an individual who was affected by an 32414
incident associated with the production operations of a well, 32415
requests the exact chemical composition of each product, fluid, or 32416
substance and of each chemical component in a product, fluid, or 32417
substance that is designated as a trade secret pursuant to 32418
division (I) of this section, the person claiming the trade secret 32419
protection pursuant to that division shall provide to the medical 32420

professional the exact chemical composition of the product, fluid, 32421
or substance and of the chemical component in a product, fluid, or 32422
substance that is requested. 32423

(2) A medical professional who receives information pursuant 32424
to division (H)(1) of this section shall keep the information 32425
confidential and shall not disclose the information for any 32426
purpose that is not related to the diagnosis or treatment of an 32427
individual who was affected by an incident associated with the 32428
production operations of a well. Nothing in division (H)(2) of 32429
this section precludes a medical professional from making any 32430
report required by law or professional ethical standards. 32431

(I)(1) The owner of a well who is required to submit a well 32432
completion record under division (A) of this section or a report 32433
under division (B)(3) of this section or a person that provides 32434
information to the owner as described in and for purposes of 32435
division (A)(9) or (10) or (B)(3) of this section may designate 32436
without disclosing on a form prescribed by the chief and withhold 32437
from disclosure to the chief the identity, amount, concentration, 32438
or purpose of a product, fluid, or substance or of a chemical 32439
component in a product, fluid, or substance as a trade secret. The 32440
owner or person may pursue enforcement of any rights or remedies 32441
established in sections 1333.61 to 1333.69 of the Revised Code for 32442
misappropriation, as defined in section 1333.61 of the Revised 32443
Code, with respect to the identity, amount, concentration, or 32444
purpose of a product, fluid, or substance or a chemical component 32445
in a product, fluid, or substance designated as a trade secret 32446
pursuant to division (I)(1) of this section. The division shall 32447
not disclose information regarding the identity, amount, 32448
concentration, or purpose of any product, fluid, or substance or 32449
of any chemical component in a product, fluid, or substance 32450
designated as a trade secret pursuant to division (I)(1) of this 32451
section. 32452

(2) A property owner, an adjacent property owner, or any person or agency of this state having an interest that is or may be adversely affected by a product, fluid, or substance or by a chemical component in a product, fluid, or substance may commence a civil action in the court of common pleas of Franklin county against an owner or person described in division (I)(1) of this section challenging the owner's or person's claim to entitlement to trade secret protection for the specific identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance pursuant to division (I)(1) of this section. A person who commences a civil action pursuant to division (I)(2) of this section shall provide notice to the chief in a manner prescribed by the chief. In the civil action, the court shall conduct an in camera review of information submitted by an owner or person described in division (I)(1) of this section to determine if the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance pursuant to division (I)(1) of this section is entitled to trade secret protection.

(J)(1) Except for any information that is designated as a trade secret pursuant to division (I)(1) of this section and except as provided in division (J)(2) of this section, the owner of a well shall maintain records of all chemicals placed in a well for a period of not less than two years after the date on which each such chemical was placed in the well. The chief may inspect the records at any time concerning any such chemical.

(2) An owner or person who has designated the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance as a trade secret pursuant to division (I)(1) of this section shall maintain the records for such a product, fluid, or

substance or for a chemical component in a product, fluid, or 32485
substance for a period of not less than two years after the date 32486
on which each such product, fluid, or substance or each such 32487
chemical component in a product, fluid, or substance was placed in 32488
the well. Upon the request of the chief, the owner or person, as 32489
applicable, shall disclose the records to the chief if the 32490
information is necessary to respond to a spill, release, or 32491
investigation. However, the chief shall not disclose the 32492
information that is designated as a trade secret. 32493

(K)(1) For purposes of correcting inaccuracies and 32494
incompleteness in chemical information required by divisions 32495
(A)(9) and (10) and (B)(3) of this section, an owner shall be 32496
considered in substantial compliance if the owner has made 32497
reasonable efforts to obtain the required information from the 32498
supplier. 32499

(2) For purposes of reporting under this section, an owner is 32500
not required to report chemicals that occur incidentally or in 32501
trace amounts. 32502

(L) As used in this section, the term "material safety data 32503
sheet" shall conform to any revision of or change in the term by 32504
the occupational safety and health administration in the United 32505
States department of labor. 32506

Sec. 1509.11. (A)(1) The owner of any well, ~~including~~ except 32507
a horizontal well, that is producing or capable of producing oil 32508
or gas shall file with the chief of the division of oil and gas 32509
resources management, on or before the thirty-first day of March, 32510
a statement of production of oil, gas, and brine for the last 32511
preceding calendar year in such form as the chief may prescribe. 32512
An owner that has more than one hundred such wells in this state 32513
shall submit electronically the statement of production in a 32514
format that is approved by the chief. The chief shall include on 32515

the form, at the minimum, a request for the submittal of the 32516
information that a person who is regulated under this chapter is 32517
required to submit under the "Emergency Planning and Community 32518
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 32519
regulations adopted under it, and that the division of oil and gas 32520
resources management does not obtain through other reporting 32521
mechanisms. 32522

(2) The owner of any horizontal well that is producing or 32523
capable of producing oil or gas shall file with the chief, on the 32524
forty-fifth day following the close of each calendar quarter, a 32525
statement of production of oil, gas, and brine for the preceding 32526
calendar quarter in a form that the chief prescribes. An owner 32527
that has more than one hundred horizontal wells in this state 32528
shall submit electronically the statement of production in a 32529
format that is approved by the chief. The chief shall include on 32530
the form, at a minimum, a request for the submittal of the 32531
information that a person who is regulated under this chapter is 32532
required to submit under the "Emergency Planning and Community 32533
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 32534
regulations adopted under it, and that the division does not 32535
obtain through other reporting mechanisms. 32536

(B) The chief shall not disclose information received from 32537
the department of taxation under division (C)(12) of section 32538
5703.21 of the Revised Code until the related statement of 32539
production required by division (A) of this section is filed with 32540
the chief. 32541

Sec. 1509.16. (A) As used in this section, "oil country 32542
tubular goods" means circular steel pipes that are seamless or 32543
welded and used in drilling for oil or natural gas, including 32544
casing, tubing, and drill pipe, whether finished or unfinished, 32545
and steel couplings and drill collars used with the pipes. 32546

(B) An owner shall file with the division of oil and gas resources management a disclosure form that specifies the country in which each oil country tubular good initially used in a production operation on or after the effective date of this section was manufactured unless that country cannot be determined by the owner. The division shall prescribe the disclosure form and consult with representatives from the natural gas, oil, and steel industries when developing the form. The division shall use the information specified on the form to establish a quality well infrastructure catalog. 32547
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(C) The division shall determine the date on which the disclosure form shall be filed. 32557
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Sec. 1509.22. (A) Except when acting in accordance with section 1509.226 of the Revised Code, no person shall place or cause to be placed in ground water or in or on the land or discharge or cause to be discharged in surface water brine, crude oil, natural gas, or other fluids associated with the exploration ~~or~~ development, well stimulation, production operations, or plugging of oil and gas resources ~~in surface or ground water or in or on the land in such quantities or in such manner as actually that~~ causes or could reasonably be anticipated to cause ~~either of the following:~~ 32559
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~~(1) Water used for consumption by humans or domestic animals to exceed the standards of the Safe Drinking Water Act;~~ 32569
32570

~~(2) Damage damage or injury to public health or safety or the environment.~~ 32571
32572

(B)(1) No person shall store or dispose of brine in violation of a plan approved under division (A) of section 1509.222 or section 1509.226 of the Revised Code, in violation of a resolution submitted under section 1509.226 of the Revised Code, or in violation of rules or orders applicable to those plans or 32573
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resolutions. 32578

(2)(a) On and after January 1, 2014, no person shall store, 32579
recycle, treat, process, or dispose of in this state brine or 32580
other waste substances associated with the exploration, 32581
development, well stimulation, production operations, or plugging 32582
of oil and gas resources without an order or a permit issued under 32583
this section or section 1509.06 or 1509.21 of the Revised Code or 32584
rules adopted under any of those sections. For purposes of 32585
division (B)(2)(a) of this section, a permit or other form of 32586
authorization issued by another agency of the state or a political 32587
subdivision of the state shall not be considered a permit or order 32588
issued by the chief of the division of oil and gas resources 32589
management under this chapter. 32590

(b) Division (B)(2)(a) of this section does not apply to a 32591
person that disposes of such waste substances other than brine in 32592
accordance with Chapter 3734. of the Revised Code and rules 32593
adopted under it. 32594

~~(C) The chief of the division of oil and gas resources~~ 32595
~~management shall adopt rules and issue orders regarding storage,~~ 32596
~~recycling, treatment, processing, and disposal of brine and other~~ 32597
~~waste substances; however, the. The rules shall establish~~ 32598
procedures and requirements in accordance with which a person 32599
shall apply for a permit or order for the storage, recycling, 32600
treatment, processing, or disposal of brine and other waste 32601
substances that are not subject to a permit issued under section 32602
1509.06 or 1509.21 of the Revised Code and in accordance with 32603
which the chief may issue such a permit or order. An application 32604
for such a permit shall be accompanied by a nonrefundable fee of 32605
two thousand five hundred dollars. 32606

The storage, recycling, treatment, processing, and disposal 32607
of brine and other waste substances and the chief's rules relating 32608
to storage, recycling, treatment, processing, and disposal are 32609

subject to all of the following standards: 32610

(1) Brine from any well except an exempt Mississippian well 32611
shall be disposed of only ~~by injection~~ as follows: 32612

(a) By injection into an underground formation, including 32613
annular disposal if approved by rule of the chief, which injection 32614
shall be subject to division (D) of this section; ~~by~~ 32615

(b) By surface application in accordance with section 32616
1509.226 of the Revised Code; ~~in~~ 32617

(c) In association with a method of enhanced recovery as 32618
provided in section 1509.21 of the Revised Code; ~~or by~~ 32619

(d) In any other ~~methods~~ manner not specified in divisions 32620
(C)(1)(a) to (c) of this section that is approved by a permit or 32621
order issued by the chief for testing or implementing a new 32622
technology or method of disposal. Brine 32623

(2) Brine from exempt Mississippian wells shall not be 32624
discharged directly into the waters of the state. 32625

~~(2)~~(3) Muds, cuttings, and other waste substances shall not 32626
be disposed of in violation of this chapter or any rule adopted 32627
under it. 32628

~~(3)~~(4) Pits or steel tanks shall be used as authorized by the 32629
chief for containing brine and other waste substances resulting 32630
from, obtained from, or produced in connection with drilling, well 32631
stimulation, reworking, reconditioning, plugging back, or plugging 32632
operations. The pits and steel tanks shall be constructed and 32633
maintained to prevent the escape of brine and other waste 32634
substances. 32635

~~(4)~~(5) A dike or pit may be used for spill prevention and 32636
control. A dike or pit so used shall be constructed and maintained 32637
to prevent the escape of brine and crude oil, and the reservoir 32638
within such a dike or pit shall be kept reasonably free of brine, 32639

crude oil, and other waste substances. 32640

~~(5) Earthen impoundments~~ (6) Impoundments constructed 32641
utilizing a synthetic liner pursuant to the division's 32642
specifications may be used for the temporary storage of ~~fluids~~ 32643
waste substances used in the construction, stimulation, or 32644
plugging of a well. 32645

~~(6)(7)~~ No pit, ~~earthen impoundment,~~ or dike shall be used for 32646
the temporary storage of brine or other waste substances except in 32647
accordance with divisions (C) ~~(3) to~~ (4) and (5) of this section. 32648

~~(7)(8)~~ No pit or dike shall be used for the ultimate disposal 32649
of brine or other liquid waste substances. 32650

(D)(1) No person, without first having obtained a permit from 32651
the chief, shall inject brine or other waste substances resulting 32652
from, obtained from, or produced in connection with oil or gas 32653
drilling, exploration, or production into an underground formation 32654
unless a rule of the chief expressly authorizes the injection 32655
without a permit. The permit shall be in addition to any permit 32656
required by section 1509.05 of the Revised Code, and the permit 32657
application shall be accompanied by a permit fee of one thousand 32658
dollars. The chief shall adopt rules in accordance with Chapter 32659
119. of the Revised Code regarding the injection into wells of 32660
brine and other waste substances resulting from, obtained from, or 32661
produced in connection with oil or gas drilling, exploration, or 32662
production. The rules shall include provisions regarding all of 32663
the following: 32664

(a) Applications for and issuance of the permits required by 32665
this division; 32666

(b) Entry to conduct inspections and to examine and copy 32667
records to ascertain compliance with this division and rules, 32668
orders, and terms and conditions of permits adopted or issued 32669
under it; 32670

(c) The provision and maintenance of information through 32671
monitoring, recordkeeping, and reporting. In addition, the rules 32672
shall require the owner of an injection well who has been issued a 32673
permit under division (D) of this section to quarterly submit 32674
electronically to the chief information concerning each shipment 32675
of brine or other waste substances received by the owner for 32676
injection into the well. 32677

(d) The provision and electronic reporting quarterly of 32678
information concerning brine and other waste substances from a 32679
transporter that is registered under section 1509.222 of the 32680
Revised Code prior to the injection of the transported brine or 32681
other waste substances; 32682

(e) Any other provisions in furtherance of the goals of this 32683
section and the Safe Drinking Water Act. 32684

(2) The chief may adopt rules in accordance with Chapter 119. 32685
of the Revised Code authorizing tests to evaluate whether fluids 32686
or carbon dioxide may be injected in a reservoir and to determine 32687
the maximum allowable injection pressure, which shall be conducted 32688
in accordance with methods prescribed in the rules or in 32689
accordance with conditions of the permit. In addition, the chief 32690
may adopt rules that do both of the following: 32691

(a) Establish the total depth of a well for which a permit 32692
has been applied for or issued under this division; 32693

(b) Establish requirements and procedures to protect public 32694
health and safety. 32695

(3) To implement the goals of the Safe Drinking Water Act, 32696
the chief shall not issue a permit for the injection of brine or 32697
other waste substances resulting from, obtained from, or produced 32698
in connection with oil or gas drilling, exploration, or production 32699
unless the chief concludes that the applicant has demonstrated 32700
that the injection will not result in the presence of any 32701

contaminant in ground water that supplies or can reasonably be expected to supply any public water system, such that the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

(4) The chief may issue an order to the owner of a well in existence on ~~the effective date of this amendment~~ September 10, 2012, to make changes in the operation of the well in order to correct problems or to address safety concerns.

(5) This division and rules, orders, and terms and conditions of permits adopted or issued under it shall be construed to be no more stringent than required for compliance with the Safe Drinking Water Act unless essential to ensure that underground sources of drinking water will not be endangered.

(E) The owner holding a permit, or an assignee or transferee who has assumed the obligations and liabilities imposed by this chapter and any rules adopted or orders issued under it pursuant to section 1509.31 of the Revised Code, and the operator of a well shall be liable for a violation of this section or any rules adopted or orders or terms or conditions of a permit issued under it.

(F)(1) An owner shall replace the water supply of the holder of an interest in real property who obtains all or part of the holder's supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been substantially disrupted by contamination, diminution, or interruption proximately resulting from the owner's oil or gas operation, or the owner may elect to compensate the holder of the interest in real property for the difference between the fair market value of the interest before the damage occurred to the water supply and the fair market value after the damage occurred if the cost of replacing the water

supply exceeds this difference in fair market values. However, 32734
during the pendency of any order issued under this division, the 32735
owner shall obtain for the holder or shall reimburse the holder 32736
for the reasonable cost of obtaining a water supply from the time 32737
of the contamination, diminution, or interruption by the operation 32738
until the owner has complied with an order of the chief for 32739
compliance with this division or such an order has been revoked or 32740
otherwise becomes not effective. If the owner elects to pay the 32741
difference in fair market values, but the owner and the holder 32742
have not agreed on the difference within thirty days after the 32743
chief issues an order for compliance with this division, within 32744
ten days after the expiration of that thirty-day period, the owner 32745
and the chief each shall appoint an appraiser to determine the 32746
difference in fair market values, except that the holder of the 32747
interest in real property may elect to appoint and compensate the 32748
holder's own appraiser, in which case the chief shall not appoint 32749
an appraiser. The two appraisers appointed shall appoint a third 32750
appraiser, and within thirty days after the appointment of the 32751
third appraiser, the three appraisers shall hold a hearing to 32752
determine the difference in fair market values. Within ten days 32753
after the hearing, the appraisers shall make their determination 32754
by majority vote and issue their final determination of the 32755
difference in fair market values. The chief shall accept a 32756
determination of the difference in fair market values made by 32757
agreement of the owner and holder or by appraisers under this 32758
division and shall make and dissolve orders accordingly. This 32759
division does not affect in any way the right of any person to 32760
enforce or protect, under applicable law, the person's interest in 32761
water resources affected by an oil or gas operation. 32762

(2) For purposes of determining contamination of a water 32763
supply under division (F)(1) of this section, the chief shall 32764
review any baseline water supply test data that are available and 32765
may apply the primary drinking water standards established under 32766

the Safe Drinking Water Act. 32767

(G) In any action brought by the state for a violation of 32768
division (A) of this section involving any well at which annular 32769
disposal is used, there shall be a rebuttable presumption 32770
available to the state that the annular disposal caused the 32771
violation if the well is located within a one-quarter-mile radius 32772
of the site of the violation. 32773

(H)(1) There is levied on the owner of an injection well who 32774
has been issued a permit under division (D) of this section the 32775
following fees: 32776

(a) Five cents per barrel of each substance that is delivered 32777
to a well to be injected in the well when the substance is 32778
produced within the division of oil and gas resources management 32779
regulatory district in which the well is located or within an 32780
adjoining oil and gas resources management regulatory district; 32781

(b) Twenty cents per barrel of each substance that is 32782
delivered to a well to be injected in the well when the substance 32783
is not produced within the division of oil and gas resources 32784
management regulatory district in which the well is located or 32785
within an adjoining oil and gas resources management regulatory 32786
district. 32787

(2) The maximum number of barrels of substance per injection 32788
well in a calendar year on which a fee may be levied under 32789
division (H) of this section is five hundred thousand. If in a 32790
calendar year the owner of an injection well receives more than 32791
five hundred thousand barrels of substance to be injected in the 32792
owner's well and if the owner receives at least one substance that 32793
is produced within the division's regulatory district in which the 32794
well is located or within an adjoining regulatory district and at 32795
least one substance that is not produced within the division's 32796
regulatory district in which the well is located or within an 32797

adjoining regulatory district, the fee shall be calculated first 32798
on all of the barrels of substance that are not produced within 32799
the division's regulatory district in which the well is located or 32800
within an adjoining district at the rate established in division 32801
(H)(2) of this section. The fee then shall be calculated on the 32802
barrels of substance that are produced within the division's 32803
regulatory district in which the well is located or within an 32804
adjoining district at the rate established in division (H)(1) of 32805
this section until the maximum number of barrels established in 32806
division (H)(2) of this section has been attained. 32807

(3) The owner of an injection well who is issued a permit 32808
under division (D) of this section shall collect the fee levied by 32809
division (H) of this section on behalf of the division of oil and 32810
gas resources management and forward the fee to the division. The 32811
chief shall transmit all money received under division (H) of this 32812
section to the treasurer of state who shall deposit the money in 32813
the state treasury to the credit of the oil and gas well fund 32814
created in section 1509.02 of the Revised Code. The owner of an 32815
injection well who collects the fee levied by this division may 32816
retain up to three per cent of the amount that is collected. 32817

(4) The chief shall adopt rules in accordance with Chapter 32818
119. of the Revised Code establishing requirements and procedures 32819
for collection of the fee levied by division (H) of this section. 32820

Sec. 1509.226. (A) If a board of county commissioners, a 32821
board of township trustees, or the legislative authority of a 32822
municipal corporation wishes to permit the surface application of 32823
brine to roads, streets, highways, and other similar land surfaces 32824
it owns or has the right to control for control of dust or ice, it 32825
may adopt a resolution permitting such application as provided in 32826
this section. If a board or legislative authority does not adopt 32827
such a resolution, then no such surface application of brine is 32828

permitted on such roads, streets, highways, and other similar 32829
surfaces. If a board or legislative authority votes on a proposed 32830
resolution to permit such surface application of brine, but the 32831
resolution fails to receive the affirmative vote of a majority of 32832
the board or legislative authority, the board or legislative 32833
authority shall not adopt such a resolution for one year following 32834
the date on which the vote was taken. A board or legislative 32835
authority shall hold at least one public hearing on any proposal 32836
to permit surface application of brine under this division and may 32837
hold additional hearings. The board or legislative authority shall 32838
publish notice of the time and place of each such public hearing 32839
in a newspaper of general circulation in the political subdivision 32840
at least five days before the day on which the hearing is to be 32841
held. 32842

(B) If a board or legislative authority adopts a resolution 32843
permitting the surface application of brine to roads, streets, 32844
highways, and other similar land surfaces under division (A) of 32845
this section, the board or legislative authority shall, within 32846
thirty days after the adoption of the resolution, prepare and 32847
submit to the chief of the division of oil and gas resources 32848
management a copy of the resolution. Any department, agency, or 32849
instrumentality of this state or the United States that wishes to 32850
permit the surface application of brine to roads, streets, 32851
highways, and other similar land surfaces it owns or has a right 32852
to control shall prepare and submit guidelines for such 32853
application, but need not adopt a resolution under division (A) of 32854
this section permitting such surface application. 32855

All resolutions and guidelines shall be subject to the 32856
following standards: 32857

(1) Brine shall not be applied: 32858

(a) To a water-saturated surface; 32859

(b) Directly to vegetation near or adjacent to surfaces being treated;	32860 32861
(c) Within twelve feet of structures crossing bodies of water or crossing drainage ditches;	32862 32863
(d) Between sundown and sunrise, except for ice control.	32864
(2) The discharge of brine through the spreader bar shall stop when the application stops.	32865 32866
(3) The applicator vehicle shall be moving at least five miles per hour at all times while the brine is being applied.	32867 32868
(4) The maximum spreader bar nozzle opening shall be three-quarters of an inch in diameter.	32869 32870
(5) The maximum uniform application rate of brine shall be three thousand gallons per mile on a twelve-foot-wide road or three gallons per sixty square feet on unpaved lots.	32871 32872 32873
(6) The applicator vehicle discharge valve shall be closed between the brine collection point and the specific surfaces that have been approved for brine application.	32874 32875 32876
(7) Any valves that provide for tank draining other than through the spreader bar shall be closed during the brine application and transport.	32877 32878 32879
(8) The angle of discharge from the applicator vehicle spreader bar shall not be greater than sixty degrees from the perpendicular to the unpaved surface.	32880 32881 32882
(9) Only the last twenty-five per cent of an applicator vehicle's contents shall be allowed to have a pressure greater than atmospheric pressure; therefore, the first seventy-five per cent of the applicator vehicle's contents shall be discharged under atmospheric pressure.	32883 32884 32885 32886 32887
(10) Only brine that is produced from a well <u>that is not a horizontal well</u> shall be allowed to be spread on a road. Fluids	32888 32889

from the drilling of a well, flowback from the stimulation of a 32890
well, and other fluids used to treat a well shall not be spread on 32891
a road. 32892

If a resolution or guidelines contain only the standards 32893
listed in divisions (B)(1) to (10) of this section, without 32894
addition or qualification, the resolution or guidelines shall be 32895
deemed effective when submitted to the chief without further 32896
action by the chief. All other resolutions and guidelines shall 32897
comply with and be no less stringent than this chapter, rules 32898
concerning surface application that the chief shall adopt under 32899
division (C) of section 1509.22 of the Revised Code, and other 32900
rules of the chief. Within fifteen days after receiving such other 32901
resolutions and guidelines, the chief shall review them for 32902
compliance with the law and rules and disapprove them if they do 32903
not comply. 32904

The board, legislative authority, or department, agency, or 32905
instrumentality may revise and resubmit any resolutions or 32906
guidelines that the chief disapproves after each disapproval, and 32907
the chief shall again review and approve or disapprove them within 32908
fifteen days after receiving them. The board, legislative 32909
authority, or department, agency, or instrumentality may amend any 32910
resolutions or guidelines previously approved by the chief and 32911
submit them, as amended, to the chief. The chief shall receive, 32912
review, and approve or disapprove the amended resolutions or 32913
guidelines on the same basis and in the same time as original 32914
resolutions or guidelines. The board, legislative authority, or 32915
department, agency, or instrumentality shall not implement amended 32916
resolutions or guidelines until they are approved by the chief 32917
under this division. 32918

(C) Any person, other than a political subdivision required 32919
to adopt a resolution under division (A) of this section or a 32920
department, agency, or instrumentality of this state or the United 32921

States, who owns or has a legal right or obligation to maintain a 32922
road, street, highway, or other similar land surface may file with 32923
the board of county commissioners a written plan for the 32924
application of brine to the road, street, highway, or other 32925
surface. The board need not approve any such plans, but if it 32926
approves a plan, the plan shall comply with this chapter, rules 32927
adopted thereunder, and the board's resolutions, if any. 32928
Disapproved plans may be revised and resubmitted for the board's 32929
approval. Approved plans may also be revised and submitted to the 32930
board. A plan or revised plan shall do all of the following: 32931

(1) Identify the sources of brine to be used under the plan; 32932

(2) Identify by name, address, and registration certificate, 32933
if applicable, any transporters of the brine; 32934

(3) Specifically identify the places to which the brine will 32935
be applied; 32936

(4) Specifically describe the method, rate, and frequency of 32937
application. 32938

(D) The board may attach terms and conditions to approval of 32939
a plan, or revised plan, and may revoke approval for any violation 32940
of this chapter, rules adopted thereunder, resolutions adopted by 32941
the board, or terms or conditions attached by the board. The board 32942
shall conduct at least one public hearing before approving a plan 32943
or revised plan, publishing notice of the time and place of each 32944
such public hearing in a newspaper of general circulation in the 32945
county at least five days before the day on which the hearing is 32946
to be held. The board shall record the filings of all plans and 32947
revised plans in its journal. The board shall approve, disapprove, 32948
or revoke approval of a plan or revised plan by the adoption of a 32949
resolution. Upon approval of a plan or revised plan, the board 32950
shall send a copy of the plan to the chief. Upon revoking approval 32951
of a plan or revised plan, the board shall notify the chief of the 32952

revocation. 32953

(E) No person shall: 32954

(1) Apply brine to a water-saturated surface; 32955

(2) Apply brine directly to vegetation adjacent to the 32956
surface of roads, streets, highways, and other surfaces to which 32957
brine may be applied. 32958

(F) Each political subdivision that adopts a resolution under 32959
divisions (A) and (B) of this section, each department, agency, or 32960
instrumentality of this state or the United States that submits 32961
guidelines under division (B) of this section, and each person who 32962
files a plan under divisions (C) and (D) of this section shall, on 32963
or before the fifteenth day of April of each year, file a report 32964
with the chief concerning brine applied within the person's or 32965
governmental entity's jurisdiction, including the quantities 32966
transported and the sources and application points during the last 32967
preceding calendar year and such other information in such form as 32968
the chief requires. 32969

(G) Any political subdivision or department, agency, or 32970
instrumentality of this state or the United States that applies 32971
brine under this section may do so with its own personnel, 32972
vehicles, and equipment without registration under or compliance 32973
with section 1509.222 or 1509.223 of the Revised Code and without 32974
the necessity for filing the surety bond or other security 32975
required by section 1509.225 of the Revised Code. However, each 32976
such entity shall legibly identify vehicles used to apply brine 32977
with reflective paint in letters no less than four inches in 32978
height, indicating the word "brine" and that the vehicle is a 32979
vehicle of the political subdivision, department, agency, or 32980
instrumentality. Except as stated in this division, such entities 32981
shall transport brine in accordance with sections 1509.22 to 32982
1509.226 of the Revised Code. 32983

(H) A surface application plan filed for approval under 32984
division (C) of this section shall be accompanied by a 32985
nonrefundable fee of fifty dollars, which shall be credited to the 32986
general fund of the county. An approved plan is valid for one year 32987
from the date of its approval unless it is revoked before that 32988
time. An approved revised plan is valid for the remainder of the 32989
term of the plan it supersedes unless it is revoked before that 32990
time. Any person who has filed such a plan or revised plan and had 32991
it approved may renew it by refiling it in accordance with 32992
divisions (C) and (D) of this section within thirty days before 32993
any anniversary of the date on which the original plan was 32994
approved. The board shall notify the chief of renewals and 32995
nonrenewals of plans. Even if a renewed plan is approved under 32996
those divisions, the plan is not effective until notice is 32997
received by the chief, and until notice is received, the chief 32998
shall enforce this chapter and rules adopted thereunder with 32999
regard to the affected roads, streets, highways, and other similar 33000
land surfaces as if the plan had not been renewed. 33001

(I) A resolution adopted under division (A) of this section 33002
by a board or legislative authority shall be effective for one 33003
year following the date of its adoption and from month to month 33004
thereafter until the board or legislative authority, by 33005
resolution, terminates the authority granted in the original 33006
resolution. The termination shall be effective not less than seven 33007
days after enactment of the resolution, and a copy of the 33008
resolution shall be sent to the chief. 33009

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 33010
assessment is hereby imposed by this section on an owner. An owner 33011
shall pay the assessment in the same manner as a severer who is 33012
required to file a return under section 5749.06 of the Revised 33013
Code. However, an owner may designate a severer who shall pay the 33014
owner's assessment on behalf of the owner on the return that the 33015

severer is required to file under that section. If a severer so 33016
pays an owner's assessment, the severer may recoup from the owner 33017
the amount of the assessment. Except for an exempt domestic well, 33018
the assessment imposed shall be in addition to the taxes levied on 33019
the severance of oil and gas under section 5749.02 of the Revised 33020
Code. 33021

(B)(1) Except for an exempt domestic well, the oil and gas 33022
regulatory cost recovery assessment shall be calculated on a 33023
quarterly basis and shall be one of the following: 33024

(a) If the sum of ten cents per barrel of oil for all of the 33025
wells of the owner, one-half of one cent per one thousand cubic 33026
feet of natural gas for all of the wells of the owner, and the 33027
amount of the severance tax levied on each severer for all of the 33028
wells of the owner under divisions (A)(5) and (6) of section 33029
5749.02 of the Revised Code, as applicable, is greater than the 33030
sum of fifteen dollars for each well owned by the owner, the 33031
amount of the assessment is the sum of ten cents per barrel of oil 33032
for all of the wells of the owner and one-half of one cent per one 33033
thousand cubic feet of natural gas for all of the wells of the 33034
owner. 33035

(b) If the sum of ten cents per barrel of oil for all of the 33036
wells of the owner, one-half of one cent per one thousand cubic 33037
feet of natural gas for all of the wells of the owner, and the 33038
amount of the severance tax levied on each severer for all of the 33039
wells of the owner under divisions (A)(5) and (6) of section 33040
5749.02 of the Revised Code, as applicable, is less than the sum 33041
of fifteen dollars for each well owned by the owner, the amount of 33042
the assessment is the sum of fifteen dollars for each well owned 33043
by the owner less the amount of the tax levied on each severer for 33044
all of the wells of the owner under divisions (A)(5) and (6) of 33045
section 5749.02 of the Revised Code, as applicable. 33046

(2) The oil and gas regulatory cost recovery assessment for a well that becomes an exempt domestic well on and after June 30, 2010, shall be sixty dollars to be paid to the division of oil and gas resources management on the first day of July of each year.

(C) All money collected pursuant to this section shall be ~~deposited in the state treasury to the credit of~~ credited to the severance tax receipts fund. After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money in the severance tax receipts fund from amounts collected pursuant to this section shall be credited to the oil and gas well fund created in section 1509.02 of the Revised Code.

(D) Except for purposes of revenue distribution as specified in division (B) of section 5749.02 of the Revised Code, the oil and gas regulatory cost recovery assessment imposed by this section shall be treated the same and equivalent for all purposes as the taxes levied on the severance of oil and gas under that section. However, the assessment imposed by this section is not a tax under Chapter 5749. of the Revised Code.

Sec. 1511.02. The chief of the division of soil and water resources, subject to the approval of the director of natural resources, shall do all of the following:

(A) Provide administrative leadership to local soil and water conservation districts in planning, budgeting, staffing, and administering district programs and the training of district supervisors and personnel in their duties, responsibilities, and authorities as prescribed in this chapter and Chapter 1515. of the Revised Code;

(B) Administer this chapter and Chapter 1515. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in

exercising its statutory responsibilities;	33078
(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement;	33079 33080 33081
(D) Coordinate the development and implementation of cooperative programs and working agreements between local soil and water conservation districts and divisions or sections of the department of natural resources, or other agencies of local, state, and federal government;	33082 33083 33084 33085 33086
(E) Subject to the approval of the Ohio soil and water conservation commission, adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code. Rules adopted pursuant to this section:	33087 33088 33089 33090
(1) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming or silvicultural operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by animal waste or by soil sediment including substances attached thereto, and establish criteria for determination of the acceptability of such management and conservation practices;	33091 33092 33093 33094 33095 33096 33097 33098
(2) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for nonfarm commercial, industrial, residential, or other nonfarm purposes, and establish criteria for determination of the acceptability of such management and conservation practices. The standards shall be designed to implement applicable	33099 33100 33101 33102 33103 33104 33105 33106 33107 33108

areawide waste treatment management plans prepared under section 33109
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 33110
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 33111
shall not apply in any municipal corporation or county that adopts 33112
ordinances or rules pertaining to sediment control, nor to lands 33113
being used in a strip mine operation as defined in section 1513.01 33114
of the Revised Code, nor to lands being used in a surface mining 33115
operation as defined in section 1514.01 of the Revised Code. 33116

(3) May recommend criteria and procedures for the approval of 33117
urban sediment pollution abatement plans and issuance of permits 33118
prior to any grading, excavating, filling, or other whole or 33119
partial disturbance of five or more contiguous acres of land owned 33120
by one person or operated as one development unit and require 33121
implementation of such a plan. Areas of less than five contiguous 33122
acres are not exempt from compliance with other provisions of this 33123
chapter and rules adopted under them. 33124

(4) Shall establish procedures for administration of rules 33125
for agricultural pollution abatement and urban sediment pollution 33126
abatement and for enforcement of rules for agricultural pollution 33127
abatement; 33128

(5) Shall specify the pollution abatement practices eligible 33129
for state cost sharing and determine the conditions for 33130
eligibility, the construction standards and specifications, the 33131
useful life, the maintenance requirements, and the limits of cost 33132
sharing for those practices. Eligible practices shall be limited 33133
to practices that address agricultural or silvicultural operations 33134
and that require expenditures that are likely to exceed the 33135
economic returns to the owner or operator and that abate soil 33136
erosion or degradation of the waters of the state by animal waste 33137
or soil sediment including pollutants attached thereto. 33138

(6) Shall establish procedures for administering grants to 33139
owners or operators of agricultural land or concentrated animal 33140

feeding operations for the implementation of operation and 33141
management plans; 33142

(7) Shall establish procedures for administering grants to 33143
soil and water conservation districts for urban sediment pollution 33144
abatement programs, specify the types of projects eligible for 33145
grants, establish limits on the availability of grants, and 33146
establish requirements governing the execution of projects to 33147
encourage the reduction of erosion and sedimentation associated 33148
with soil-disturbing activities; 33149

(8) Shall do all of the following with regard to composting 33150
conducted in conjunction with agricultural operations: 33151

(a) Provide for the distribution of educational material 33152
concerning composting to the offices of ~~the Ohio cooperative~~ OSU 33153
extension ~~service~~ for the purposes of section 1511.022 of the 33154
Revised Code; 33155

(b) Establish methods, techniques, or practices for 33156
composting dead animals, or particular types of dead animals, that 33157
are to be used at such operations, as the chief considers to be 33158
necessary or appropriate; 33159

(c) Establish requirements and procedures governing the 33160
review and approval or disapproval of composting plans by the 33161
supervisors of soil and water conservation districts under 33162
division (Q) of section 1515.08 of the Revised Code. 33163

(9) Shall be adopted, amended, or rescinded after the chief 33164
does all of the following: 33165

(a) Mails notice to each statewide organization that the 33166
chief determines represents persons or local governmental agencies 33167
who would be affected by the proposed rule, amendment thereto, or 33168
rescission thereof at least thirty-five days before any public 33169
hearing thereon; 33170

(b) Mails a copy of each proposed rule, amendment thereto, or
rescission thereof to any person who requests a copy, within five
days after receipt of the request;

(c) Consults with appropriate state and local governmental
agencies or their representatives, including statewide
organizations of local governmental officials, industrial
representatives, and other interested persons;

(d) If the rule relates to agricultural pollution abatement,
develops an economic impact statement concerning the effect of the
proposed rule or amendment.

(10) Shall not conflict with air or water quality standards
adopted pursuant to section 3704.03 or 6111.041 of the Revised
Code. Compliance with rules adopted pursuant to this section does
not affect liability for noncompliance with air or water quality
standards adopted pursuant to section 3704.03 or 6111.041 of the
Revised Code. The application of a level of management and
conservation practices recommended under this section to control
windblown soil from farming operations creates a presumption of
compliance with section 3704.03 of the Revised Code as that
section applies to windblown soil.

(11) Insofar as the rules relate to urban sediment pollution,
shall not be applicable in a municipal corporation or county that
adopts ordinances or rules for urban sediment control, except that
a municipal corporation or county that adopts such ordinances or
rules may receive moneys for urban sediment control that are
disbursed by the board of supervisors of the applicable soil and
water conservation district under division (N) of section 1515.08
of the Revised Code. The rules shall not exempt any person from
compliance with municipal ordinances enacted pursuant to Section 3
of Article XVIII, Ohio Constitution.

(F) Cost share with landowners on practices established

pursuant to division (E)(5) of this section as moneys are 33202
appropriated and available for that purpose. Any practice for 33203
which cost share is provided shall be maintained for its useful 33204
life. Failure to maintain a cost share practice for its useful 33205
life shall subject the landowner to full repayment to the 33206
division. 33207

(G) Issue orders requiring compliance with any rule adopted 33208
under division (E)(1) of this section or with section 1511.022 of 33209
the Revised Code. Before the chief issues an order, the chief 33210
shall afford each person allegedly liable an adjudication hearing 33211
under Chapter 119. of the Revised Code. The chief may require in 33212
an order that a person who has caused agricultural pollution by 33213
failure to comply with the standards established under division 33214
(E)(1) of this section operate under an operation and management 33215
plan approved by the chief under this section. The chief shall 33216
require in an order that a person who has failed to comply with 33217
division (A) of section 1511.022 of the Revised Code prepare a 33218
composting plan in accordance with rules adopted under division 33219
(E)(10)(c) of this section and operate in accordance with that 33220
plan or that a person who has failed to operate in accordance with 33221
such a plan begin to operate in accordance with it. Each order 33222
shall be issued in writing and contain a finding by the chief of 33223
the facts upon which the order is based and the standard that is 33224
not being met. 33225

(H) Employ field assistants and such other employees as are 33226
necessary for the performance of the work prescribed by Chapter 33227
1515. of the Revised Code, for performance of work of the 33228
division, and as agreed to under working agreements or contractual 33229
arrangements with local soil and water conservation districts, 33230
prescribe their duties, and fix their compensation in accordance 33231
with such schedules as are provided by law for the compensation of 33232
state employees. 33233

All employees of the division, unless specifically exempted 33234
by law, shall be employed subject to the classified civil service 33235
laws in force at the time of employment. 33236

(I) In connection with new or relocated projects involving 33237
highways, underground cables, pipelines, railroads, and other 33238
improvements affecting soil and water resources, including surface 33239
and subsurface drainage: 33240

(1) Provide engineering service as is mutually agreeable to 33241
the Ohio soil and water conservation commission and the director 33242
to aid in the design and installation of soil and water 33243
conservation practices as a necessary component of such projects; 33244

(2) Maintain close liaison between the owners of lands on 33245
which the projects are executed, local soil and water conservation 33246
districts, and authorities responsible for such projects; 33247

(3) Review plans for such projects to ensure their compliance 33248
with standards developed under division (E) of this section in 33249
cooperation with the department of transportation or with any 33250
other interested agency that is engaged in soil or water 33251
conservation projects in the state in order to minimize adverse 33252
impacts on soil and water resources adjacent to or otherwise 33253
affected by these projects; 33254

(4) Recommend measures to retard erosion and protect soil and 33255
water resources through the installation of water impoundment or 33256
other soil and water conservation practices; 33257

(5) Cooperate with other agencies and subdivisions of the 33258
state to protect the agricultural status of rural lands adjacent 33259
to such projects and control adverse impacts on soil and water 33260
resources. 33261

(J) Collect, analyze, inventory, and interpret all available 33262
information pertaining to the origin, distribution, extent, use, 33263
and conservation of the soil resources of the state; 33264

(K) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;

(L) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be upon such terms as are mutually agreeable to the districts and the department of natural resources.

(M) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;

(N) When necessary for the purposes of this chapter or Chapter 1515. of the Revised Code, develop or approve operation and management plans.

This section does not restrict the excrement of domestic or farm animals defecated on land outside a concentrated animal feeding operation or runoff therefrom into the waters of the state.

Sec. 1511.022. (A) Any person who owns or operates an agricultural operation, or owns the animals raised by the owner or operator of an agricultural operation, and who wishes to conduct composting of dead animals resulting from the agricultural operation shall do both of the following:

(1) Participate in an educational course concerning composting conducted by ~~the Ohio cooperative~~ OSU extension service and obtain a certificate of completion for the course;

(2) Use the appropriate method, technique, or practice of

composting established in rules adopted under division (E)(8) of 33295
section 1511.02 of the Revised Code. 33296

(B) Any person who fails to comply with division (A) of this 33297
section shall prepare and operate under a composting plan in 33298
accordance with an order issued by the chief of the division of 33299
soil and water resources under division (G) of section 1511.02 of 33300
the Revised Code. If the person's proposed composting plan is 33301
disapproved by the board of supervisors of the appropriate soil 33302
and water conservation district under division (Q)(3) of section 33303
1515.08 of the Revised Code, the person may appeal the plan 33304
disapproval to the chief, who shall afford the person a hearing. 33305
Following the hearing, the chief shall uphold the plan disapproval 33306
or reverse it. If the chief reverses the disapproval, the plan 33307
shall be deemed approved. 33308

Sec. 1519.05. (A) As used in this section, "local political 33309
subdivision" and "nonprofit organization" have the same meanings 33310
as in section 164.20 of the Revised Code. 33311

(B)(1) There is hereby created in the state treasury the 33312
clean Ohio trail fund. Twelve and one-half per cent of the net 33313
proceeds of obligations issued and sold pursuant to sections 33314
151.01 and 151.09 of the Revised Code shall be deposited into the 33315
fund. 33316

(2) Investment earnings of the fund shall be credited to the 33317
fund and may be used to pay costs incurred by the director of 33318
natural resources in administering this section. 33319

(3) Money in the clean Ohio trail fund shall not be used for 33320
the appropriation of land, rights, rights-of-way, franchises, 33321
easements, or other property through the exercise of the right of 33322
eminent domain. 33323

The (4) Except as provided in division (B)(5) of this 33324

section, the director shall use moneys in the fund exclusively to 33325
provide matching grants to nonprofit organizations and to local 33326
political subdivisions for the purposes of purchasing land or 33327
interests in land for recreational trails and for the construction 33328
of such trails. A matching grant may provide up to seventy-five 33329
per cent of the cost of a recreational trail project, and the 33330
recipient of the matching grant shall provide not less than 33331
twenty-five per cent of that cost. 33332

(5) The director, at the director's discretion, may use up to 33333
twenty-five per cent of moneys in the fund to provide grants to 33334
nonprofit organizations and to local political subdivisions for 33335
the purpose of maintaining recreational trails. 33336

(C) The director shall establish policies for the purposes of 33337
this section. The policies shall establish all of the following: 33338

(1) Procedures for providing matching grants to nonprofit 33339
organizations and local political subdivisions for the purposes of 33340
purchasing land or interests in land for recreational trails and 33341
for the construction of such trails, including, without 33342
limitation, procedures for both of the following: 33343

(a) Developing a grant application form and soliciting, 33344
accepting, and approving grant applications; 33345

(b) Participation by nonprofit organizations and local 33346
political subdivisions in the application process. 33347

(2) A requirement that an application for a matching grant 33348
for a recreational trail project include a copy of a resolution 33349
supporting the project from each county in which the proposed 33350
project is to be conducted and whichever of the following is 33351
applicable: 33352

(a) If the proposed project is to be conducted wholly within 33353
the geographical boundaries of one township, a copy of a 33354
resolution supporting the project from the township; 33355

(b) If the proposed project is to be conducted wholly within the geographical boundaries of one municipal corporation, a copy of a resolution supporting the project from the municipal corporation;

(c) If the proposed project is to be conducted in more than one, but fewer than five townships or municipal corporations, a copy of a resolution supporting the project from at least one-half of the total number of townships and municipal corporations in which the proposed project is to be conducted;

(d) If the proposed project is to be conducted in five or more municipal corporations, a copy of a resolution supporting the project from at least three-fifths of the total number of townships and municipal corporations in which the proposed project is to be conducted.

(3) Eligibility criteria that must be satisfied by an applicant in order to receive a matching grant and that emphasize the following:

(a) Synchronization with the statewide trail plan;

(b) Complete regional systems and links to the statewide trail system;

(c) A combination of funds from various state agencies;

(d) The provision of links in urban areas that support commuter access and show economic impact on local communities;

(e) The linkage of population centers with public outdoor recreation areas and facilities;

(f) The purchase of rail lines that are linked to the statewide trail plan;

(g) The preservation of natural corridors.

(4) Items of value, such as in-kind contributions of land, easements or other interests in land, labor, or materials, that

may be considered as contributing toward the percentage of the 33386
cost of a recreational trails project that must be provided by a 33387
matching grant recipient; 33388

(5) A requirement that an application for a matching grant 33389
for a recreational trail project include a study on the current 33390
use of existing trails in the county in which the proposed project 33391
will be located if there is an existing trail in that county. The 33392
study shall include a report on the maintenance needs and a plan 33393
for use of the proposed project. 33394

(6) Procedures for providing grants to nonprofit 33395
organizations and local political subdivisions for the purpose of 33396
maintaining recreational trails, including, without limitation, 33397
procedures for both of the following: 33398

(a) Developing a grant application form and soliciting, 33399
accepting, and approving grant applications; 33400

(b) Participation by nonprofit organizations and local 33401
political subdivisions in the application process. 33402

(7) Eligibility criteria that must be satisfied by an 33403
applicant in order to receive a grant for the purpose of 33404
maintaining recreational trails. 33405

Sec. 1531.06. (A) The chief of the division of wildlife, with 33406
the approval of the director of natural resources, may acquire by 33407
gift, lease, purchase, or otherwise lands or surface rights upon 33408
lands and waters or surface rights upon waters for wild animals, 33409
fish or game management, preservation, propagation, and 33410
protection, outdoor and nature activities, public fishing and 33411
hunting grounds, and flora and fauna preservation. The chief, with 33412
the approval of the director, may receive by grant, devise, 33413
bequest, donation, or assignment evidences of indebtedness, the 33414
proceeds of which are to be used for the purchase of such lands or 33415

surface rights upon lands and waters or surface rights upon 33416
waters. 33417

(B)(1) The chief shall adopt rules for the protection of 33418
state-owned or leased lands and waters and property under the 33419
control of the division of wildlife against wrongful use or 33420
occupancy that will ensure the carrying out of the intent of this 33421
section, protect those lands, waters, and property from 33422
depredations, and preserve them from molestation, spoilation, 33423
destruction, or any improper use or occupancy thereof, including 33424
rules with respect to recreational activities and for the 33425
government and use of such lands, waters, and property. 33426

(2) The chief may adopt rules benefiting wild animals, fish 33427
or game management, preservation, propagation, and protection, 33428
outdoor and nature activities, public fishing and hunting grounds, 33429
and flora and fauna preservation, and regulating the taking and 33430
possession of wild animals on any lands or waters owned or leased 33431
or under the division's supervision and control and, for a 33432
specified period of years, may prohibit or recall the taking and 33433
possession of any wild animal on any portion of such lands or 33434
waters. The division clearly shall define and mark the boundaries 33435
of the lands and waters owned or leased or under its supervision 33436
and control upon which the taking of any wild animal is 33437
prohibited. 33438

(C) The chief, with the approval of the director, may acquire 33439
by gift, lease, or purchase land for the purpose of establishing 33440
state fish hatcheries and game farms and may erect on it buildings 33441
or structures that are necessary. 33442

The title to or lease of such lands and waters shall be taken 33443
by the chief in the name of the state. The lease or purchase price 33444
of all such lands and waters may be paid from hunting and trapping 33445
and fishing licenses and any other funds. 33446

(D) To provide more public recreation, stream and lake 33447
agreements for public fishing only may be obtained under rules 33448
adopted by the chief. 33449

(E) The chief, with the approval of the director, may 33450
establish user fees for the use of special public facilities or 33451
participation in special activities on lands and waters 33452
administered by the division. The special facilities and 33453
activities may include hunting or fishing on special designated 33454
public lands and waters intensively managed or stocked with 33455
artificially propagated game birds or fish, field trial 33456
facilities, wildlife nature centers, firearm ranges, boat mooring 33457
facilities, camping sites, and other similar special facilities 33458
and activities. The chief shall determine whether the user fees 33459
are refundable and shall ensure that that information is provided 33460
at the time the user fees are paid. 33461

(F) The chief, with the approval of the director, may enter 33462
into lease agreements for rental of concessions or other special 33463
projects situated on state-owned or leased lands or waters or 33464
other property under the division's control. The chief shall set 33465
and collect the fees for concession rentals or other special 33466
projects; regulate through contracts between the division and 33467
cessionaires the sale of tangible objects at concessions or 33468
other special projects; and keep a record of all such fee payments 33469
showing the amount received, from whom received, and for what 33470
purpose the fee was collected. 33471

(G) The chief may sell or donate conservation-related items 33472
or items that promote wildlife conservation, including, but not 33473
limited to, stamps, pins, badges, books, bulletins, maps, 33474
publications, calendars, and any other educational article or 33475
artifact pertaining to wild animals; sell confiscated or forfeited 33476
items; and sell surplus structures and equipment, and timber or 33477
crops from lands owned, administered, leased, or controlled by the 33478

division. The chief, with the approval of the director, also may 33479
engage in campaigns and special events that promote wildlife 33480
conservation by selling or donating wildlife-related materials, 33481
memberships, and other items of promotional value. 33482

(H) The chief may sell, lease, or transfer minerals or 33483
mineral rights, with the approval of the director, when the chief 33484
and the director determine it to be in the best interest of the 33485
state. Upon approval of the director, the chief may make, execute, 33486
and deliver contracts, including leases, to mine, drill, or 33487
excavate iron ore, stone, coal, salt, and other minerals, other 33488
than oil or gas, upon and under lands owned by the state and 33489
administered by the division to any person who complies with the 33490
terms of such a contract. No such contract shall be valid for more 33491
than fifty years from its effective date. Consideration for 33492
minerals and mineral rights shall be by rental or royalty basis as 33493
prescribed by the chief and payable as prescribed by contract. 33494
Moneys collected under this division shall be paid into the state 33495
treasury to the credit of the wildlife habitat fund created in 33496
section 1531.33 of the Revised Code. Contracts entered into under 33497
this division also may provide for consideration for minerals or 33498
mineral rights in the form of acquisition of lands as provided 33499
under divisions (A) and (C) of this section. 33500

(I) All moneys received under divisions (E), (F), and (G) of 33501
this section shall be paid into the state treasury to the credit 33502
of a fund that shall be used for the purposes outlined in section 33503
1533.15 of the Revised Code and for the management of other wild 33504
animals for their ecological and nonconsumptive recreational value 33505
or benefit. 33506

(J) The chief, with the approval of the director, may barter 33507
or sell wild animals to other states, state or federal agencies, 33508
and conservation or zoological organizations. Moneys received from 33509
the sale of wild animals shall be deposited into the ~~wild animal~~ 33510

wildlife fund created in section ~~1531.34~~ 1531.17 of the Revised Code. 33511
33512

(K) The chief shall adopt rules establishing standards and 33513
guidelines for the administration of contraceptive chemicals to 33514
noncaptive wild animals. The rules may specify chemical delivery 33515
methods and devices and monitoring requirements. 33516

The chief shall establish criteria for the issuance of and 33517
shall issue permits for the administration of contraceptive 33518
chemicals to noncaptive wild animals. No person shall administer 33519
contraceptive chemicals to noncaptive wild animals without a 33520
permit issued by the chief. 33521

(L) All fees set by the chief under this section shall be 33522
approved by the wildlife council. 33523

(M) Information contained in the wildlife diversity database 33524
that is established pursuant to division (B)(2) of this section 33525
and section 1531.25 of the Revised Code may be made available to 33526
any individual or public or private agency for research, 33527
educational, environmental, land management, or other similar 33528
purposes that are not detrimental to the conservation of a species 33529
or feature. Information regarding sensitive site locations of 33530
species that are listed pursuant to section 1531.25 of the Revised 33531
Code and of features that are included in the wildlife diversity 33532
database is not subject to section 149.43 of the Revised Code if 33533
the chief determines that the release of the information could be 33534
detrimental to the conservation of a species or feature. 33535

Sec. 1531.17. All fines, penalties, and forfeitures arising 33536
from prosecutions, convictions, confiscations, or otherwise under 33537
this chapter and Chapters 1517. and 1533. of the Revised Code, 33538
unless otherwise directed by the director of natural resources, 33539
shall be paid by the officer by whom collected to the director and 33540
by ~~him~~ the director paid into the state treasury to the credit of 33541

the wildlife fund, which is hereby created, for the use of the 33542
division of wildlife. All moneys received from the sale of wild 33543
animals under division (J) of section 1531.06 shall be paid into 33544
the state treasury to the credit of the wildlife fund for the use 33545
of the division. All moneys collected as license fees on nets in 33546
the Lake Erie fishing district shall be paid by the director into 33547
the state treasury to the credit of the wildlife fund for use only 33548
in the betterment and the propagation of fish therein or in 33549
otherwise propagating fish in such district. All investment 33550
earnings of the fund shall be credited to the fund. The wildlife 33551
fund shall not be used for compensation of personnel employed by 33552
other divisions of the department of natural resources who are 33553
assigned to law enforcement duties in aid of the division of 33554
wildlife or for compensation of division of wildlife personnel for 33555
activities related to the instruction of personnel of other 33556
divisions. 33557

Sec. 1541.50. (A) There is hereby created the state 33558
recreational vehicle fund advisory board consisting of nine 33559
members. Not later than sixty days after the effective date of 33560
this section, the director of natural resources shall appoint all 33561
of the following members to the board: 33562

(1) Two members shall represent snowmobile users; 33563

(2) Two members shall represent all-purpose vehicle users; 33564

(3) Two members shall represent off-highway motorcycle users; 33565

(4) One member shall represent full-size four wheel drive 33566
users; 33567

(5) Two members shall represent power sport dealers. 33568

Of the initial appointments to the board, three shall serve 33569
for a one-year term, three shall serve for a two-year term, and 33570
three shall serve for a three-year term. Thereafter, terms of 33571

office shall be for three years, with each term ending on the same 33572
day of the same month as did the term that it succeeds. Each 33573
member shall hold office from the date of appointment until the 33574
end of the term for which the member was appointed. 33575

(B) Members may be reappointed. Any member appointed to fill 33576
a vacancy occurring prior to the expiration date of the term for 33577
which the member was appointed shall serve for the remainder of 33578
that term. A member shall continue to serve subsequent to the 33579
expiration date of the member's term until the member's successor 33580
takes office or until a period of sixty days has elapsed, 33581
whichever occurs first. 33582

(C) The state recreational vehicle fund advisory board shall 33583
advise with and make recommendations to the department of natural 33584
resources regarding the use of state recreational vehicle fund 33585
money and the department shall give primary consideration to the 33586
board's advice and recommendations. 33587

(D) Serving as a member of the board does not constitute 33588
holding a public office or position of employment under the laws 33589
of this state and does not constitute grounds for removal of 33590
public officers or employees from their offices or positions of 33591
employment. 33592

(E) A board member shall be reimbursed for actual and 33593
necessary expenses incurred in the discharge of duties as a board 33594
member. 33595

~~**Sec. 1545.071.** The following applies until the department of 33596
administrative services implements for park districts the health 33597
care plans under section 9.901 of the Revised Code. If those plans 33598
do not include or address any benefits listed in this section, the 33599
following provisions continue in effect for those benefits. 33600~~

The board of park commissioners of any park district may 33601

procure and pay all or any part of the cost of group insurance 33602
policies that may provide benefits for hospitalization, surgical 33603
care, major medical care, disability, dental care, eye care, 33604
medical care, hearing aids, or prescription drugs, or sickness and 33605
accident insurance or a combination of any of the foregoing types 33606
of insurance or coverage for park district officers and employees 33607
and their immediate dependents issued by an insurance company duly 33608
authorized to do business in this state. 33609

The board may procure and pay all or any part of the cost of 33610
group life insurance to insure the lives of park district 33611
employees. 33612

The board also may contract for group health care services 33613
with health insuring corporations holding a certificate of 33614
authority under Chapter 1751. of the Revised Code provided that 33615
each officer or employee is permitted to: 33616

(A) Choose between a plan offered by an insurance company and 33617
a plan offered by a health insuring corporation and provided 33618
further that the officer or employee pays any amount by which the 33619
cost of the plan chosen by the officer or employee exceeds the 33620
cost of the plan offered by the board under this section; 33621

(B) Change the choice made under division (A) of this section 33622
at a time each year as determined in advance by the board. 33623

Any appointed member of the board of park commissioners and 33624
the spouse and dependent children of the member may be covered, at 33625
the option and expense of the member, as a noncompensated employee 33626
of the park district under any benefit plan described in division 33627
(A) of this section. The member shall pay to the park district the 33628
amount certified to it by the benefit provider as the provider's 33629
charge for the coverage the member has chosen under division (A) 33630
of this section. Payments for coverage shall be made, in advance, 33631
in a manner prescribed by the board. The member's exercise of an 33632

option to be covered under this section shall be in writing, 33633
announced at a regular public meeting of the board, and recorded 33634
as a public record in the minutes of the board. 33635

The board may provide the benefits authorized in this section 33636
by contributing to a health and welfare trust fund administered 33637
through or in conjunction with a collective bargaining 33638
representative of the park district employees. 33639

The board may provide the benefits described in this section 33640
through an individual self-insurance program or a joint 33641
self-insurance program as provided in section 9.833 of the Revised 33642
Code. 33643

Sec. 1545.23. If a park district enters into an agreement for 33644
the sale or lease of mineral rights regarding a park within the 33645
district, any royalties or other moneys resulting from the sale or 33646
lease shall be deposited into a special fund that the board of 33647
park commissioners shall create. The fund shall be used 33648
exclusively for maintenance of parks within the district and for 33649
the acquisition of new park lands. 33650

Sec. 1547.05. No Except as provided in division (A)(2) of 33651
section 1547.052 of the Revised Code, no person born on or after 33652
January 1, 1982, under eighteen years of age shall operate on the 33653
waters in this state a powercraft powered by more than ten 33654
horsepower, and no person shall supervise a person under division 33655
(A) of section 1547.06 of the Revised Code, unless the operator or 33656
supervisor successfully has completed either a safe boater course 33657
approved by the national association of state boating law 33658
administrators or a proctored or nonproctored proficiency 33659
examination that tests knowledge of information included in the 33660
curriculum of such a course, and has received a certificate as 33661
evidence of successful completion of the course or examination. 33662

No person shall permit a powercraft to be operated on the 33663
waters in this state in violation of this section. 33664

Sec. 1547.051. A person ~~born on or after January 1, 1982,~~ 33665
under eighteen years of age who is operating on the waters in this 33666
state a powercraft powered by more than ten horsepower or a person 33667
who is supervising a person under division (A) of section 1547.06 33668
of the Revised Code and who is stopped by a law enforcement 33669
officer in the enforcement of ~~Chapter 1547. of the Revised Code~~ 33670
this chapter or rules adopted under it shall present to the law 33671
enforcement officer, not later than seventy-two hours after being 33672
stopped, a certificate obtained by the person pursuant to section 33673
1547.05 of the Revised Code prior to being stopped or proof of 33674
holding such a certificate. Failure of the person to present the 33675
certificate or proof of holding it within seventy-two hours 33676
constitutes ~~prima facie~~ prima facie evidence of a violation of 33677
section 1547.05 of the Revised Code. 33678

Sec. 1547.052. (A) No rental business shall lease, hire, or 33679
rent a powercraft powered by more than ten horsepower for 33680
operation on the waters in this state to a person ~~born on or after~~ 33681
~~January 1, 1982~~ under eighteen years of age, or to a person who 33682
will be supervising a person under division (A) of section 1547.06 33683
of the Revised Code, unless the person to whom the powercraft will 33684
be leased, hired, or rented meets one of the following 33685
requirements: 33686

(1) The person signs a statement on the rental agreement or 33687
attached to the rental agreement that the person has successfully 33688
completed a safe boater course approved by the national 33689
association of state boating law administrators or has 33690
successfully completed a proficiency examination as provided in 33691
section 1547.05 of the Revised Code. 33692

(2) The person receives educational materials from the rental business and successfully passes, with a score of ninety per cent or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination shall be indicated on or attached to the powercraft rental agreement. 33693
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(B) Any person ~~born on or after January 1, 1982,~~ under eighteen years of age operating a leased, hired, or rented powercraft or supervising the operation of a leased, hired, or rented powercraft under division (A) of section 1547.06 of the Revised Code shall: 33699
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(1) Meet the requirements for boater education of division (A) of this section;~~i~~ 33704
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(2) Be named as an operator on the agreement that leases, hires, or rents the powercraft. 33706
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(C) The division of watercraft shall make available to all watercraft rental businesses in Ohio boater safety educational materials and an abbreviated examination that shall be used by the watercraft rental business for the purposes of division (A)(2) of this section. 33708
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Sec. 1547.06. (A) ~~Except as otherwise provided in this division, no~~ (1) No person under ~~sixteen~~ twelve years of age shall operate a personal watercraft on the waters in this state. A 33713
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(2) A person who is not less than twelve, nor more than fifteen years of age may operate a personal watercraft if a supervising person eighteen years of age or older is aboard the personal watercraft and, ~~in the case of a supervising person born~~ meets one of the following requirements: 33716
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(a) Was born before January 1, 1982; 33721

(b) Was born on or after January 1, 1982, ~~if the supervising~~ 33722

~~person and~~ holds a certificate obtained under section 1547.05 of 33723
the Revised Code ~~or, in;~~ 33724

(c) In the case of a rented powercraft, meets the 33725
requirements of section 1547.052 of the Revised Code. 33726

(B) No person under twelve years of age shall operate any 33727
vessel on the waters in this state unless the person is under the 33728
direct visual and audible supervision, during the operation, of a 33729
person who is eighteen years of age or older. This division does 33730
not apply to a personal watercraft, which shall be governed by 33731
division (A) of this section, or to a powercraft, other than a 33732
personal watercraft, powered by more than ten horsepower, which 33733
shall be governed by division (C) of this section. 33734

(C) No person under twelve years of age shall operate on the 33735
waters in this state a powercraft, other than a personal 33736
watercraft, powered by more than ten horsepower unless the person 33737
is under the direct visual and audible supervision, during the 33738
operation, of a person eighteen years of age or older who is 33739
aboard the powercraft ~~and, in the case of such a supervising~~ 33740
~~person born on or after January 1, 1982, who holds a certificate~~ 33741
~~obtained under section 1547.05 of the Revised Code or, in the case~~ 33742
~~of a rented powercraft, meets the requirements of section 1547.052~~ 33743
~~of the Revised Code.~~ 33744

(D) No supervising person eighteen years of age or older 33745
shall permit any person who is under the supervising person's 33746
supervision and who is operating a vessel on the waters in this 33747
state to violate any section of this chapter or a rule adopted 33748
under it. 33749

Sec. 1547.532. (A) All of the following are exempt from 33750
registration under this chapter: 33751

(1) Sailboards; 33752

<u>(2) Kiteboards;</u>	33753
<u>(3) Paddleboards;</u>	33754
<u>(4) Belly boats or float tubes.</u>	33755
<u>(B) As used in this section:</u>	33756
<u>(1) "Belly boat" or "float tube" means a vessel that is</u>	33757
<u>inflatable, propelled solely by human muscular effort without</u>	33758
<u>using an oar, paddle, or pole, and designed to accommodate a</u>	33759
<u>single individual as an operator in such a manner that the</u>	33760
<u>operator remains partially submerged in the water.</u>	33761
<u>(2) "Kiteboard" means a recreational vessel that is</u>	33762
<u>inherently buoyant, has no cockpit, and is operated by an</u>	33763
<u>individual who is standing on the vessel while using a kite as a</u>	33764
<u>means of propulsion and lift.</u>	33765
<u>(3) "Paddleboard" means a recreational vessel that is</u>	33766
<u>inherently buoyant, is propelled by human muscular effort using a</u>	33767
<u>pole or single- or double-bladed paddle, and is operated by an</u>	33768
<u>individual who is kneeling, standing, or lying on the vessel.</u>	33769
<u>(4) "Sailboard" means a recreational vessel that is</u>	33770
<u>inherently buoyant, has no cockpit, has a single sail mounted on a</u>	33771
<u>mast that is connected to the vessel by a free-rotating, flexible</u>	33772
<u>joint, and is operated by an individual who is standing on the</u>	33773
<u>vessel.</u>	33774
Sec. 1547.542. (A) Any person or organization owning any	33775
number of canoes, rowboats, inflatable watercraft, or sailboats	33776
for the purpose of rental to the public may apply with the chief	33777
of the division of watercraft for and receive an annual	33778
certificate of livery registration. No watercraft shall be rented	33779
to the public from a livery or other place of business in this	33780
state unless it first has been numbered and registered in	33781
accordance with this section or section 1547.54 of the Revised	33782

Code. Certificates of livery registration shall be issued by an 33783
authorized agent who is selected by the chief from among those 33784
designated under section 1547.54 of the Revised Code. The 33785
certificate shall display ~~the~~ all of the following: 33786

(1) The name of the owner of the livery,~~the;~~ 33787

(2) The date of issuance,~~the;~~ 33788

(3) The date of expiration,~~the;~~ 33789

(4) The number of watercraft registered,~~the;~~ 33790

(5) The fee paid,~~an;~~ 33791

(6) An authorized facsimile of the signature of the chief 33792
provided by the authorized agent who is selected to issue the 33793
certificate,~~and the;~~ 33794

(7) The signature of the livery owner.~~The certificate shall~~ 33795
~~bear the;~~ 33796

(8) The livery watercraft registration number assigned to the 33797
livery owner, ~~which shall be displayed in accordance with section~~ 33798
~~1547.57 of the Revised Code on each watercraft in the fleet for~~ 33799
~~which the certificate was issued. The~~ 33800

The owner of the livery shall be issued a tag for each 33801
watercraft that has been registered in accordance with this 33802
section. The tag shall be affixed to each such watercraft in 33803
accordance with this section prior to the watercraft's being 33804
rented to the public. The chief shall prescribe the content and 33805
form of the tag in rules adopted under section 1547.52 of the 33806
Revised Code. 33807

The owner of a livery shall obtain an amended certificate of 33808
livery registration from the chief whenever the composition of the 33809
fleet changes. 33810

(B) Not later than March 15, 2015, the owner of a livery 33811
shall identify each watercraft in the fleet for which a 33812

certificate of registration has been issued under this section in 33813
one of the following ways: 33814

(1) By displaying the livery watercraft registration number 33815
assigned to the livery owner on the forward half of both sides of 33816
the watercraft in block characters that are of a single color that 33817
contrasts with the color of the hull and are at least three inches 33818
in height. The livery watercraft registration number shall be 33819
displayed in such a manner that the number is visible under normal 33820
operating conditions. In addition, the tag that has been issued to 33821
the watercraft under this section shall be placed not more than 33822
six inches from the livery watercraft registration number on the 33823
port side of the watercraft. 33824

(2) By displaying the livery name on the rear half of the 33825
watercraft in such a manner that it is clearly visible under 33826
normal operating conditions. If there is insufficient space or it 33827
is impractical to display the livery name on the sides of the 33828
watercraft, the livery name may be displayed on the rear half of 33829
the watercraft's deck, provided that the display of the name does 33830
not interfere with the placement of the tag that has been issued 33831
to the watercraft. In addition, the tag shall be placed in one of 33832
the following locations: 33833

(a) In the upper right corner of the transom so that the tag 33834
does not interfere with the legibility of the hull identification 33835
number of the watercraft; 33836

(b) Six inches from the stern on the outside of the 33837
watercraft below the port side gunwale; 33838

(c) On the inside of the watercraft on the upper portion of 33839
the starboard side gunwale so that the tag is visible from the 33840
port side of the watercraft; 33841

(d) On a deck on the rear half of the watercraft. 33842

For purposes of division (B) of this section, each watercraft 33843

in a livery fleet shall be identified in a uniform and consistent manner. 33844
33845

(C) The fee for each watercraft registered under this section shall be an annual registration fee. The fee shall be one-third of the triennial registration fees prescribed in section 1547.54 of the Revised Code. However, if the size of the fleet does not increase, the fee for an amended certificate of livery registration shall be the fee prescribed for issuing a duplicate registration certificate under section 1547.54 of the Revised Code, and the chief shall not refund to the livery owner all or any portion of an annual registration fee applicable to a watercraft transferred or abandoned by the livery owner. If the size of the fleet increases, the livery owner shall be required to pay the applicable annual registration fee for each watercraft registered under an amended certificate of livery registration that is in excess of the number of watercraft contained in the annual certificate of livery registration. 33846
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In addition to the fees established in this section, watercraft that are not powercraft shall be charged a waterways conservation assessment fee. The fee shall be collected at the time of the issuance of an annual livery registration under this section and shall be one dollar and fifty cents for each watercraft included in the registration. The fee shall be deposited in the state treasury and credited to a distinct account in the waterways safety fund created in section 1547.75 of the Revised Code. 33861
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(D) The certificate of livery registration, rental ~~receipts~~ agreements, and required safety equipment are subject to inspection at any time at the livery's place of business by any authorized representative of the division of watercraft or any law enforcement officer in accordance with section 1547.63 of the Revised Code. 33870
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(E) Except as provided in this section, all watercraft 33876
registered under this section are subject to this chapter and 33877
Chapter 1548. of the Revised Code. 33878

(F) The chief may issue an order temporarily ~~or permanently~~ 33879
restricting or suspending a livery certificate of registration and 33880
the privileges associated with it without a hearing if the chief 33881
finds that the holder of the certificate has violated this 33882
chapter. 33883

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 33884
Revised Code is guilty of a felony of the fourth degree. 33885

(B) Whoever violates division (F) of section 1547.08, section 33886
1547.10, division (I) of section 1547.111, section 1547.13, or 33887
section 1547.66 of the Revised Code is guilty of a misdemeanor of 33888
the first degree. 33889

(C) Whoever violates a provision of this chapter or a rule 33890
adopted thereunder, for which no penalty is otherwise provided, is 33891
guilty of a minor misdemeanor. 33892

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 33893
the Revised Code without causing injury to persons or damage to 33894
property is guilty of a misdemeanor of the fourth degree. 33895

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 33896
the Revised Code causing injury to persons or damage to property 33897
is guilty of a misdemeanor of the third degree. 33898

(F) Whoever violates division (N) of section 1547.54, 33899
division (G) of section 1547.30, or section 1547.131, 1547.25, 33900
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 33901
of the Revised Code or a rule adopted under division (A)(2) of 33902
section 1547.52 of the Revised Code is guilty of a misdemeanor of 33903
the fourth degree. 33904

(G) Whoever violates section 1547.11 of the Revised Code is 33905

guilty of a misdemeanor of the first degree and shall be punished 33906
as provided in division (G)(1), (2), or (3) of this section. 33907

(1) Except as otherwise provided in division (G)(2) or (3) of 33908
this section, the court shall sentence the offender to a jail term 33909
of three consecutive days and may sentence the offender pursuant 33910
to section 2929.24 of the Revised Code to a longer jail term. In 33911
addition, the court shall impose upon the offender a fine of not 33912
less than one hundred fifty nor more than one thousand dollars. 33913

The court may suspend the execution of the mandatory jail 33914
term of three consecutive days that it is required to impose by 33915
division (G)(1) of this section if the court, in lieu of the 33916
suspended jail term, places the offender under a community control 33917
sanction pursuant to section 2929.25 of the Revised Code and 33918
requires the offender to attend, for three consecutive days, a 33919
drivers' intervention program that is certified pursuant to 33920
section ~~3793.10~~ 5119.38 of the Revised Code. The court also may 33921
suspend the execution of any part of the mandatory jail term of 33922
three consecutive days that it is required to impose by division 33923
(G)(1) of this section if the court places the offender under a 33924
community control sanction pursuant to section 2929.25 of the 33925
Revised Code for part of the three consecutive days; requires the 33926
offender to attend, for that part of the three consecutive days, a 33927
drivers' intervention program that is certified pursuant to 33928
section ~~3793.10~~ 5119.38 of the Revised Code; and sentences the 33929
offender to a jail term equal to the remainder of the three 33930
consecutive days that the offender does not spend attending the 33931
drivers' intervention program. The court may require the offender, 33932
as a condition of community control, to attend and satisfactorily 33933
complete any treatment or education programs, in addition to the 33934
required attendance at a drivers' intervention program, that the 33935
operators of the drivers' intervention program determine that the 33936
offender should attend and to report periodically to the court on 33937

the offender's progress in the programs. The court also may impose 33938
any other conditions of community control on the offender that it 33939
considers necessary. 33940

(2) If, within six years of the offense, the offender has 33941
been convicted of or pleaded guilty to one violation of section 33942
1547.11 of the Revised Code or one other equivalent offense, the 33943
court shall sentence the offender to a jail term of ten 33944
consecutive days and may sentence the offender pursuant to section 33945
2929.24 of the Revised Code to a longer jail term. In addition, 33946
the court shall impose upon the offender a fine of not less than 33947
one hundred fifty nor more than one thousand dollars. 33948

In addition to any other sentence that it imposes upon the 33949
offender, the court may require the offender to attend a drivers' 33950
intervention program that is certified pursuant to section ~~3793.10~~ 33951
5119.38 of the Revised Code. 33952

(3) If, within six years of the offense, the offender has 33953
been convicted of or pleaded guilty to more than one violation or 33954
offense identified in division (G)(2) of this section, the court 33955
shall sentence the offender to a jail term of thirty consecutive 33956
days and may sentence the offender to a longer jail term of not 33957
more than one year. In addition, the court shall impose upon the 33958
offender a fine of not less than one hundred fifty nor more than 33959
one thousand dollars. 33960

In addition to any other sentence that it imposes upon the 33961
offender, the court may require the offender to attend a drivers' 33962
intervention program that is certified pursuant to section ~~3793.10~~ 33963
5119.38 of the Revised Code. 33964

(4) Upon a showing that serving a jail term would seriously 33965
affect the ability of an offender sentenced pursuant to division 33966
(G)(1), (2), or (3) of this section to continue the offender's 33967
employment, the court may authorize that the offender be granted 33968

work release after the offender has served the mandatory jail term 33969
of three, ten, or thirty consecutive days that the court is 33970
required by division (G)(1), (2), or (3) of this section to 33971
impose. No court shall authorize work release during the mandatory 33972
jail term of three, ten, or thirty consecutive days that the court 33973
is required by division (G)(1), (2), or (3) of this section to 33974
impose. The duration of the work release shall not exceed the time 33975
necessary each day for the offender to commute to and from the 33976
place of employment and the place in which the jail term is served 33977
and the time actually spent under employment. 33978

(5) Notwithstanding any section of the Revised Code that 33979
authorizes the suspension of the imposition or execution of a 33980
sentence or the placement of an offender in any treatment program 33981
in lieu of being imprisoned or serving a jail term, no court shall 33982
suspend the mandatory jail term of ten or thirty consecutive days 33983
required to be imposed by division (G)(2) or (3) of this section 33984
or place an offender who is sentenced pursuant to division (G)(2) 33985
or (3) of this section in any treatment program in lieu of being 33986
imprisoned or serving a jail term until after the offender has 33987
served the mandatory jail term of ten or thirty consecutive days 33988
required to be imposed pursuant to division (G)(2) or (3) of this 33989
section. Notwithstanding any section of the Revised Code that 33990
authorizes the suspension of the imposition or execution of a 33991
sentence or the placement of an offender in any treatment program 33992
in lieu of being imprisoned or serving a jail term, no court, 33993
except as specifically authorized by division (G)(1) of this 33994
section, shall suspend the mandatory jail term of three 33995
consecutive days required to be imposed by division (G)(1) of this 33996
section or place an offender who is sentenced pursuant to division 33997
(G)(1) of this section in any treatment program in lieu of 33998
imprisonment until after the offender has served the mandatory 33999
jail term of three consecutive days required to be imposed 34000
pursuant to division (G)(1) of this section. 34001

(6) As used in division (G) of this section:	34002
(a) "Equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.	34003 34004
(b) "Jail term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	34005 34006
(H) Whoever violates section 1547.304 of the Revised Code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.	34007 34008 34009 34010 34011 34012 34013
(I) Whoever violates division (B) or (C) of section 1547.49 of the Revised Code is guilty of a minor misdemeanor.	34014 34015
(J) Whoever violates section 1547.31 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.	34016 34017 34018 34019
(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.	34020 34021 34022 34023 34024 34025
(L) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the national association of state boating law administrators before	34026 34027 34028 34029 34030 34031 34032

the offender is allowed to operate a powercraft powered by more 34033
than ten horsepower on the waters in this state. Violation of a 34034
court order entered under this division is punishable as contempt 34035
under Chapter 2705. of the Revised Code. 34036

Sec. 1548.02. The chief of the division of watercraft shall 34037
adopt such rules as the chief considers necessary to ensure 34038
uniform and orderly operation of this chapter, and the clerks of 34039
the courts of common pleas shall conform to those rules. The chief 34040
shall receive and file in the chief's office all information 34041
forwarded to the chief by the clerks under this chapter and shall 34042
maintain indexes covering the state at large for that information. 34043
These indexes shall be for the state at large and not for 34044
individual counties. 34045

The chief shall check with the chief's record all duplicate 34046
certificates of title received in the chief's office from the 34047
clerks. 34048

If it appears that any certificate of title has been 34049
improperly issued or is no longer required, the chief shall cancel 34050
the certificate. Upon the cancellation of any certificate of 34051
title, the chief shall notify the clerk who issued it, and the 34052
clerk shall enter the cancellation in the clerk's records. The 34053
chief also shall notify the person to whom the certificate of 34054
title was issued, as well as any lienholders appearing on it, of 34055
the cancellation and, if it is a physical certificate of title, 34056
shall demand the surrender of the certificate of title, but the 34057
cancellation shall not affect the validity of any lien noted on 34058
it. The holder of a physical certificate of title shall return it 34059
to the chief immediately. 34060

The clerks shall keep on hand a sufficient supply of blank 34061
forms that, except certificate of title and memorandum certificate 34062
forms, shall be furnished and distributed without charge to 34063

registered manufacturers or dealers or to other persons residing 34064
within the county. The clerks shall provide the certificates of 34065
title, ~~the~~ and ribbons, cartridges, or other devices necessary for 34066
~~data~~ the operation of the certificate of title processing, and 34067
~~removable backup media~~ equipment as determined by the automated 34068
title processing board pursuant to division (C) of section 4505.09 34069
of the Revised Code from moneys provided to the clerks from the 34070
automated title processing fund in accordance with division 34071
(B) ~~(3)(b)~~ of section 4505.09 of the Revised Code. The clerks shall 34072
furnish all other supplies from other moneys available to the 34073
clerks. 34074

Sec. 1551.33. (A) The director of development services shall 34075
appoint and fix the compensation of the director of the Ohio coal 34076
development office. The director shall serve at the pleasure of 34077
the director of development services. 34078

(B) The director of the office shall do all of the following: 34079

(1) Biennially prepare and maintain the Ohio coal development 34080
agenda required under section 1551.34 of the Revised Code; 34081

(2) Propose and support policies for the office consistent 34082
with the Ohio coal development agenda and develop means to 34083
implement the agenda; 34084

(3) Initiate, undertake, and support projects to carry out 34085
the office's purposes and ensure that the projects are consistent 34086
with and meet the selection criteria established by the Ohio coal 34087
development agenda; 34088

(4) Actively encourage joint participation in and, when 34089
feasible, joint funding of the office's projects with governmental 34090
agencies, electric utilities, universities and colleges, other 34091
public or private interests, or any other person; 34092

(5) Establish a table of organization for and employ such 34093

employees and agents as are necessary for the administration and 34094
operation of the office. Any such employees shall be in the 34095
unclassified service and shall serve at the pleasure of the 34096
director of development services. 34097

(6) ~~Appoint specified members of and convene~~ Convene the 34098
technical advisory committee established under section 1551.35 of 34099
the Revised Code; 34100

(7) Review, with the assistance of the technical advisory 34101
committee, proposed coal research and development projects as 34102
defined in section 1555.01 of the Revised Code, and coal 34103
development projects, submitted to the office by public utilities 34104
for the purpose of section 4905.304 of the Revised Code. If the 34105
director and the advisory committee determine that any such 34106
facility or project has as its purpose the enhanced use of Ohio 34107
coal in an environmentally acceptable, cost effective manner, 34108
promotes energy conservation, is cost effective, and is 34109
environmentally sound, the director shall submit to the public 34110
utilities commission a report recommending that the commission 34111
allow the recovery of costs associated with the facility or 34112
project under section 4905.304 of the Revised Code and including 34113
the reasons for the recommendation. 34114

(8) Establish such policies, procedures, and guidelines as 34115
are necessary to achieve the office's purposes. 34116

(C) With the approval of the director of development 34117
services, the director of the office may exercise any of the 34118
powers and duties that the director of development services 34119
considers appropriate or desirable to achieve the office's 34120
purposes, including, but not limited to, the powers and duties 34121
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 34122
Revised Code. 34123

Additionally, the director of the office may make loans to 34124

governmental agencies or persons for projects to carry out the 34125
office's purposes. Fees, charges, rates of interest, times of 34126
payment of interest and principal, and other terms, conditions, 34127
and provisions of the loans shall be such as the director of the 34128
office determines to be appropriate and in furtherance of the 34129
purposes for which the loans are made. The mortgage lien securing 34130
any moneys lent by the director of the office may be subordinate 34131
to the mortgage lien securing any moneys lent or invested by a 34132
financial institution, but shall be superior to that securing any 34133
moneys lent or expended by any other person. The moneys used in 34134
making the loans shall be disbursed upon order of the director of 34135
the office. 34136

Sec. 1551.35. (A) There is hereby established a technical 34137
advisory committee to assist the director of the Ohio coal 34138
development office in achieving the office's purposes. The 34139
director of development services shall appoint to the committee 34140
one member of the public utilities commission and one 34141
representative each of coal production companies, the united mine 34142
workers of America, electric utilities, manufacturers that use 34143
Ohio coal, and environmental organizations, as well as two people 34144
with a background in coal research and development technology, one 34145
of whom is employed at the time of the member's appointment by a 34146
state university, as defined in section 3345.011 of the Revised 34147
Code. In addition, the committee shall include four legislative 34148
members. The speaker and minority leader of the house of 34149
representatives each shall appoint one member of the house of 34150
representatives, and the president and minority leader of the 34151
senate each shall appoint one member of the senate, to the 34152
committee. The director of environmental protection shall serve on 34153
the committee as an ex officio member. Any member of the committee 34154
may designate in writing a substitute to serve in the member's 34155
absence on the committee. The director of environmental protection 34156

may designate in writing the chief of the air pollution control 34157
division of the agency to represent the agency. Members shall 34158
serve on the committee at the pleasure of their appointing 34159
authority. Members of the committee appointed by the director of 34160
~~the office~~ development services and, notwithstanding section 34161
101.26 of the Revised Code, legislative members of the committee, 34162
when engaged in their official duties as members of the committee, 34163
shall be compensated on a per diem basis in accordance with 34164
division (J) of section 124.15 of the Revised Code, except that 34165
the member of the public utilities commission and, while employed 34166
by a state university, the member with a background in coal 34167
research, shall not be so compensated. Members shall receive their 34168
actual and necessary expenses incurred in the performance of their 34169
duties. 34170

(B) The technical advisory committee shall review and make 34171
recommendations concerning the Ohio coal development agenda 34172
required under section 1551.34 of the Revised Code, project 34173
proposals, research and development projects submitted to the 34174
office by public utilities for the purpose of section 4905.304 of 34175
the Revised Code, proposals for grants, loans, and loan guarantees 34176
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 34177
and such other topics as the director of the office considers 34178
appropriate. 34179

(C) The technical advisory committee may hold an executive 34180
session at any regular or special meeting for the purpose of 34181
considering research and development project proposals or 34182
applications for assistance submitted to the Ohio coal development 34183
office under section 1551.33, or sections 1555.01 to 1555.06, of 34184
the Revised Code, to the extent that the proposals or applications 34185
consist of trade secrets or other proprietary information. 34186

Any materials or data submitted to, made available to, or 34187
received by the ~~department of~~ development services agency or the 34188

director of the Ohio coal development office in connection with 34189
agreements for assistance entered into under this chapter or 34190
Chapter 1555. of the Revised Code, or any information taken from 34191
those materials or data for any purpose, to the extent that the 34192
materials or data consist of trade secrets or other proprietary 34193
information, are not public records for the purposes of section 34194
149.43 of the Revised Code. 34195

As used in this division, "trade secrets" has the same 34196
meaning as in section 1333.61 of the Revised Code. 34197

Sec. 1555.15. There is hereby created in the state treasury 34198
the coal research and development fund. Moneys obtained for coal 34199
research and development projects from federal grants or loans, 34200
private grants, and other sources, and moneys paid into the fund 34201
pursuant to section 151.07 or 1555.08 of the Revised Code, shall 34202
be expended for the purpose of making grants and making or 34203
guaranteeing loans for coal research and development projects that 34204
will encourage the use of Ohio coal, to any individual, 34205
association, or corporation doing business in this state, or to 34206
any educational or scientific institution located in this state as 34207
provided for in Section 15 of Article VIII, Ohio Constitution and 34208
section 1555.08 of the Revised Code, when appropriated for such 34209
purposes by the general assembly. All investment earnings on the 34210
cash balance in the fund shall be credited to the fund. 34211

The director of budget and management shall establish and 34212
maintain records or accounts for or within the coal research and 34213
development fund in such manner as to show the amounts credited to 34214
such fund pursuant to section 1555.08 of the Revised Code and that 34215
the amounts so credited have been expended for the purposes set 34216
forth in Section 15 of Article VIII, Ohio Constitution, and 34217
section 151.07 of the Revised Code. The director of budget and 34218
management may otherwise manage the fund to comply with any 34219

requirements established by federal grants or loans, private 34220
grants, or moneys from other sources. 34221

Sec. 1711.07. The board of directors of a county or 34222
independent agricultural society shall consist of at least eight 34223
members. An employee of the ~~Ohio state university~~ OSU extension 34224
~~service~~ and the county school superintendent shall be members ex 34225
officio. Their terms of office shall be determined by the rules of 34226
the department of agriculture. Any vacancy in the board caused by 34227
death, resignation, refusal to qualify, removal from county, or 34228
other cause may be filled by the board until the society's next 34229
annual election, when a director shall be elected for the 34230
unexpired term. There shall be an annual election of directors by 34231
ballot at a time and a place fixed by the board, but this election 34232
shall not be held later than the first Saturday in December 1994, 34233
and not later than the fifteenth day of November each year 34234
thereafter, beginning in 1995. The secretary of the society shall 34235
give notice of ~~such~~ the election, for three weeks prior to the 34236
holding thereof, in a newspaper of general circulation in the 34237
county or as provided in section 7.16 of the Revised Code, or by 34238
letter mailed to each member of the society. Only persons holding 34239
membership certificates at the close of the annual county fair, or 34240
at least fifteen calendar days before the date of election, as may 34241
be fixed by the board, may vote, unless ~~such~~ the election is held 34242
on the fairground during the fair, in which case all persons 34243
holding membership certificates on the date and hour of the 34244
election may vote. When the election is to be held during the 34245
fair, notice of ~~such~~ the election ~~must~~ shall be prominently 34246
mentioned in the premium list, in addition to the notice required 34247
in a newspaper. The terms of office of the retiring directors 34248
shall expire, and those of the directors-elect shall begin, not 34249
later than the first Saturday in January 1995, and not later than 34250
the thirtieth day of November each year thereafter, beginning in 34251

1995. 34252

The secretary of ~~such~~ the society shall send the name and 34253
address of each member of its board to the director of agriculture 34254
within ten days after the election. 34255

Sec. 1721.10. ~~Lands~~ Except as otherwise provided in this 34256
section, lands appropriated and set apart as burial grounds, 34257
either for public or for private use, and recorded or filed as 34258
such in the office of the county recorder of the county where they 34259
are situated, and any burial ground that has been used as such for 34260
fifteen years are exempt from sale on execution on a judgment, 34261
taxation, dower, and compulsory partition; but land appropriated 34262
and set apart as a private burial ground is not so exempt if it 34263
exceeds in value the sum of fifty dollars. 34264

The lien for taxes against such burial grounds may be 34265
enforced in the same manner prescribed for abandoned lands under 34266
sections 323.65 to 323.79 of the Revised Code except that the 34267
burial ground may be transferred only to a municipal corporation, 34268
county, or township under division (D) of section 323.74 of the 34269
Revised Code. No burial ground that is otherwise exempt from sale 34270
or execution under this section shall be offered for sale at 34271
public auction. 34272

Sec. 1724.03. (A) After the articles of incorporation have 34273
been filed, and at the first meeting of the board of directors of 34274
a county land reutilization corporation, the board shall adopt 34275
regulations for the government of the corporation, the conduct of 34276
its affairs, and the management of its property, consistent with 34277
law and the articles. The content of the regulations shall be 34278
governed by section 1702.11 of the Revised Code to the extent not 34279
inconsistent with this chapter. 34280

(B) The board of directors of a county land reutilization 34281

corporation shall be composed of five, seven, or nine members, 34282
including the county treasurer, at least two of the members of the 34283
board of county commissioners, one representative of the largest 34284
municipal corporation, based on the population according to the 34285
most recent federal decennial census, that is located in the 34286
county, one representative of a township with a population of at 34287
least ten thousand in the unincorporated area of the township 34288
according to the most recent federal decennial census, if at least 34289
two such townships exist in the county, and any remaining members 34290
selected by the treasurer and the county commissioners who are 34291
members of the corporation's board. The township representative 34292
shall be chosen by a majority of the boards of township trustees 34293
of townships with a population of at least ten thousand in the 34294
unincorporated area of the township according to the most recent 34295
federal decennial census. At least one board member shall have 34296
private sector or nonprofit experience in rehabilitation or real 34297
estate acquisitions. A county treasurer and the county 34298
commissioners each may appoint a representative, as a director of 34299
the corporation, to act for the officer at any of the meetings of 34300
the corporation. Except as may otherwise be authorized by the 34301
regulations of the corporation, all members of the board of 34302
directors shall serve without compensation, but shall be 34303
reimbursed for actual and necessary expenses. 34304

Sec. 1739.061. (A)(1) This section applies to both of the 34305
following: 34306

(a) A multiple employer welfare arrangement that issues or 34307
requires the use of a standardized identification card or an 34308
electronic technology for submission and routing of prescription 34309
drug claims; 34310

(b) A person or entity that a multiple employer welfare 34311
arrangement contracts with to issue a standardized identification 34312

card or an electronic technology described in division (A)(1)(a) 34313
of this section. 34314

(2) Notwithstanding division (A)(1) of this section, this 34315
section does not apply to the issuance or required use of a 34316
standardized identification card or an electronic technology for 34317
the submission and routing of prescription drug claims in 34318
connection with any of the following: 34319

(a) Any program or arrangement covering only accident, 34320
credit, dental, disability income, long-term care, hospital 34321
indemnity, medicare supplement, medicare, tricare, specified 34322
disease, or vision care; coverage under a 34323
one-time-limited-duration policy of not longer than six months; 34324
coverage issued as a supplement to liability insurance; insurance 34325
arising out of workers' compensation or similar law; automobile 34326
medical payment insurance; or insurance under which benefits are 34327
payable with or without regard to fault and which is statutorily 34328
required to be contained in any liability insurance policy or 34329
equivalent self-insurance. 34330

(b) Coverage provided under the medicaid, ~~as defined in~~ 34331
~~section 5111.01 of the Revised Code~~ program. 34332

(c) Coverage provided under an employer's self-insurance plan 34333
or by any of its administrators, as defined in section 3959.01 of 34334
the Revised Code, to the extent that federal law supersedes, 34335
preempts, prohibits, or otherwise precludes the application of 34336
this section to the plan and its administrators. 34337

(B) A standardized identification card or an electronic 34338
technology issued or required to be used as provided in division 34339
(A)(1) of this section shall contain uniform prescription drug 34340
information in accordance with either division (B)(1) or (2) of 34341
this section. 34342

(1) The standardized identification card or the electronic 34343

technology shall be in a format and contain information fields 34344
approved by the national council for prescription drug programs or 34345
a successor organization, as specified in the council's or 34346
successor organization's pharmacy identification card 34347
implementation guide in effect on the first day of October most 34348
immediately preceding the issuance or required use of the 34349
standardized identification card or the electronic technology. 34350

(2) If the multiple employer welfare arrangement or person 34351
under contract with it to issue a standardized identification card 34352
or an electronic technology requires the information for the 34353
submission and routing of a claim, the standardized identification 34354
card or the electronic technology shall contain any of the 34355
following information: 34356

(a) The name of the multiple employer welfare arrangement; 34357

(b) The individual's name, group number, and identification 34358
number; 34359

(c) A telephone number to inquire about pharmacy-related 34360
issues; 34361

(d) The issuer's international identification number, labeled 34362
as "ANSI BIN" or "RxBIN"; 34363

(e) The processor's control number, labeled as "RxPCN"; 34364

(f) The individual's pharmacy benefits group number if 34365
different from the insured's medical group number, labeled as 34366
"RxGrp." 34367

(C) If the standardized identification card or the electronic 34368
technology issued or required to be used as provided in division 34369
(A)(1) of this section is also used for submission and routing of 34370
nonpharmacy claims, the designation "Rx" is required to be 34371
included as part of the labels identified in divisions (B)(2)(d) 34372
and (e) of this section if the issuer's international 34373

identification number or the processor's control number is 34374
different for medical and pharmacy claims. 34375

(D) Each multiple employer welfare arrangement described in 34376
division (A) of this section shall annually file a certificate 34377
with the superintendent of insurance certifying that it or any 34378
person it contracts with to issue a standardized identification 34379
card or electronic technology for submission and routing of 34380
prescription drug claims complies with this section. 34381

(E)(1) Except as provided in division (E)(2) of this section, 34382
if there is a change in the information contained in the 34383
standardized identification card or the electronic technology 34384
issued to an individual, the multiple employer welfare arrangement 34385
or person under contract with it to issue a standardized 34386
identification card or an electronic technology shall issue a new 34387
card or electronic technology to the individual. 34388

(2) A multiple employer welfare arrangement or person under 34389
contract with it is not required under division (E)(1) of this 34390
section to issue a new card or electronic technology to an 34391
individual more than once during a twelve-month period. 34392

(F) Nothing in this section shall be construed as requiring a 34393
multiple employer welfare arrangement to produce more than one 34394
standardized identification card or one electronic technology for 34395
use by individuals accessing health care benefits provided under a 34396
multiple employer welfare arrangement. 34397

Sec. 1751.01. As used in this chapter: 34398

(A)(1) "Basic health care services" means the following 34399
services when medically necessary: 34400

(a) Physician's services, except when such services are 34401
supplemental under division (B) of this section; 34402

(b) Inpatient hospital services; 34403

(c) Outpatient medical services;	34404
(d) Emergency health services;	34405
(e) Urgent care services;	34406
(f) Diagnostic laboratory services and diagnostic and therapeutic radiologic services;	34407 34408
(g) Diagnostic and treatment services, other than prescription drug services, for biologically based mental illnesses;	34409 34410 34411
(h) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care;	34412 34413 34414 34415
(i) Routine patient care for patients enrolled in an eligible cancer clinical trial pursuant to section 3923.80 of the Revised Code.	34416 34417 34418
"Basic health care services" does not include experimental procedures.	34419 34420
Except as provided by divisions (A)(2) and (3) of this section in connection with the offering of coverage for diagnostic and treatment services for biologically based mental illnesses, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage	34421 34422 34423 34424 34425 34426 34427 34428 34429 34430 34431 34432 34433

of beneficiaries under any contract covering officers or employees 34434
of the state that has been entered into by the department of 34435
administrative services. 34436

(2) A health insuring corporation may offer coverage for 34437
diagnostic and treatment services for biologically based mental 34438
illnesses without offering coverage for all other basic health 34439
care services. A health insuring corporation may offer coverage 34440
for diagnostic and treatment services for biologically based 34441
mental illnesses alone or in combination with one or more 34442
supplemental health care services. However, a health insuring 34443
corporation that offers coverage for any other basic health care 34444
service shall offer coverage for diagnostic and treatment services 34445
for biologically based mental illnesses in combination with the 34446
offer of coverage for all other listed basic health care services. 34447

(3) A health insuring corporation that offers coverage for 34448
basic health care services is not required to offer coverage for 34449
diagnostic and treatment services for biologically based mental 34450
illnesses in combination with the offer of coverage for all other 34451
listed basic health care services if all of the following apply: 34452

(a) The health insuring corporation submits documentation 34453
certified by an independent member of the American academy of 34454
actuaries to the superintendent of insurance showing that incurred 34455
claims for diagnostic and treatment services for biologically 34456
based mental illnesses for a period of at least six months 34457
independently caused the health insuring corporation's costs for 34458
claims and administrative expenses for the coverage of basic 34459
health care services to increase by more than one per cent per 34460
year. 34461

(b) The health insuring corporation submits a signed letter 34462
from an independent member of the American academy of actuaries to 34463
the superintendent of insurance opining that the increase in costs 34464
described in division (A)(3)(a) of this section could reasonably 34465

justify an increase of more than one per cent in the annual 34466
premiums or rates charged by the health insuring corporation for 34467
the coverage of basic health care services. 34468

(c) The superintendent of insurance makes the following 34469
determinations from the documentation and opinion submitted 34470
pursuant to divisions (A)(3)(a) and (b) of this section: 34471

(i) Incurred claims for diagnostic and treatment services for 34472
biologically based mental illnesses for a period of at least six 34473
months independently caused the health insuring corporation's 34474
costs for claims and administrative expenses for the coverage of 34475
basic health care services to increase by more than one per cent 34476
per year. 34477

(ii) The increase in costs reasonably justifies an increase 34478
of more than one per cent in the annual premiums or rates charged 34479
by the health insuring corporation for the coverage of basic 34480
health care services. 34481

Any determination made by the superintendent under this 34482
division is subject to Chapter 119. of the Revised Code. 34483

(B)(1) "Supplemental health care services" means any health 34484
care services other than basic health care services that a health 34485
insuring corporation may offer, alone or in combination with 34486
either basic health care services or other supplemental health 34487
care services, and includes: 34488

(a) Services of facilities for intermediate or long-term 34489
care, or both; 34490

(b) Dental care services; 34491

(c) Vision care and optometric services including lenses and 34492
frames; 34493

(d) Podiatric care or foot care services; 34494

(e) Mental health services, excluding diagnostic and 34495

treatment services for biologically based mental illnesses;	34496
(f) Short-term outpatient evaluative and crisis-intervention mental health services;	34497
(g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;	34498
(h) Home health services;	34499
(i) Prescription drug services;	34500
(j) Nursing services;	34501
(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	34502
(l) Physical therapy services;	34503
(m) Chiropractic services;	34504
(n) Any other category of services approved by the superintendent of insurance.	34505
(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.	34506
(C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.	34507
(D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the	34508
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diagnostic and statistical manual of mental disorders published by 34525
the American psychiatric association. 34526

(E) "Closed panel plan" means a health care plan that 34527
requires enrollees to use participating providers. 34528

(F) "Compensation" means remuneration for the provision of 34529
health care services, determined on other than a fee-for-service 34530
or discounted-fee-for-service basis. 34531

(G) "Contractual periodic prepayment" means the formula for 34532
determining the premium rate for all subscribers of a health 34533
insuring corporation. 34534

(H) "Corporation" means a corporation formed under Chapter 34535
1701. or 1702. of the Revised Code or the similar laws of another 34536
state. 34537

(I) "Emergency health services" means those health care 34538
services that must be available on a seven-days-per-week, 34539
twenty-four-hours-per-day basis in order to prevent jeopardy to an 34540
enrollee's health status that would occur if such services were 34541
not received as soon as possible, and includes, where appropriate, 34542
provisions for transportation and indemnity payments or service 34543
agreements for out-of-area coverage. 34544

(J) "Enrollee" means any natural person who is entitled to 34545
receive health care benefits provided by a health insuring 34546
corporation. 34547

(K) "Evidence of coverage" means any certificate, agreement, 34548
policy, or contract issued to a subscriber that sets out the 34549
coverage and other rights to which such person is entitled under a 34550
health care plan. 34551

(L) "Health care facility" means any facility, except a 34552
health care practitioner's office, that provides preventive, 34553
diagnostic, therapeutic, acute convalescent, rehabilitation, 34554

mental health, mental retardation, intermediate care, or skilled 34555
nursing services. 34556

(M) "Health care services" means basic, supplemental, and 34557
specialty health care services. 34558

(N) "Health delivery network" means any group of providers or 34559
health care facilities, or both, or any representative thereof, 34560
that have entered into an agreement to offer health care services 34561
in a panel rather than on an individual basis. 34562

(O) "Health insuring corporation" means a corporation, as 34563
defined in division (H) of this section, that, pursuant to a 34564
policy, contract, certificate, or agreement, pays for, reimburses, 34565
or provides, delivers, arranges for, or otherwise makes available, 34566
basic health care services, supplemental health care services, or 34567
specialty health care services, or a combination of basic health 34568
care services and either supplemental health care services or 34569
specialty health care services, through either an open panel plan 34570
or a closed panel plan. 34571

"Health insuring corporation" does not include a limited 34572
liability company formed pursuant to Chapter 1705. of the Revised 34573
Code, an insurer licensed under Title XXXIX of the Revised Code if 34574
that insurer offers only open panel plans under which all 34575
providers and health care facilities participating receive their 34576
compensation directly from the insurer, a corporation formed by or 34577
on behalf of a political subdivision or a department, office, or 34578
institution of the state, or a public entity formed by or on 34579
behalf of a board of county commissioners, a county board of 34580
developmental disabilities, an alcohol and drug addiction services 34581
board, a board of alcohol, drug addiction, and mental health 34582
services, or a community mental health board, as those terms are 34583
used in Chapters 340. and 5126. of the Revised Code. Except as 34584
provided by division (D) of section 1751.02 of the Revised Code, 34585
or as otherwise provided by law, no board, commission, agency, or 34586

other entity under the control of a political subdivision may 34587
accept insurance risk in providing for health care services. 34588
However, nothing in this division shall be construed as 34589
prohibiting such entities from purchasing the services of a health 34590
insuring corporation or a third-party administrator licensed under 34591
Chapter 3959. of the Revised Code. 34592

(P) "Intermediary organization" means a health delivery 34593
network or other entity that contracts with licensed health 34594
insuring corporations or self-insured employers, or both, to 34595
provide health care services, and that enters into contractual 34596
arrangements with other entities for the provision of health care 34597
services for the purpose of fulfilling the terms of its contracts 34598
with the health insuring corporations and self-insured employers. 34599

(Q) "Intermediate care" means residential care above the 34600
level of room and board for patients who require personal 34601
assistance and health-related services, but who do not require 34602
skilled nursing care. 34603

~~(R) "Medicaid" has the same meaning as in section 5111.01 of~~ 34604
~~the Revised Code.~~ 34605

~~(S)~~ "Medical record" means the personal information that 34606
relates to an individual's physical or mental condition, medical 34607
history, or medical treatment. 34608

~~(T) "Medicare" means the program established under Title~~ 34609
~~XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C.~~ 34610
~~1395, as amended.~~ 34611

~~(U)~~(S)(1) "Open panel plan" means a health care plan that 34612
provides incentives for enrollees to use participating providers 34613
and that also allows enrollees to use providers that are not 34614
participating providers. 34615

(2) No health insuring corporation may offer an open panel 34616
plan, unless the health insuring corporation is also licensed as 34617

an insurer under Title XXXIX of the Revised Code, the health 34618
insuring corporation, on June 4, 1997, holds a certificate of 34619
authority or license to operate under Chapter 1736. or 1740. of 34620
the Revised Code, or an insurer licensed under Title XXXIX of the 34621
Revised Code is responsible for the out-of-network risk as 34622
evidenced by both an evidence of coverage filing under section 34623
1751.11 of the Revised Code and a policy and certificate filing 34624
under section 3923.02 of the Revised Code. 34625

~~(V)~~(T) "Osteopathic hospital" means a hospital registered 34626
under section 3701.07 of the Revised Code that advocates 34627
osteopathic principles and the practice and perpetuation of 34628
osteopathic medicine by doing any of the following: 34629

(1) Maintaining a department or service of osteopathic 34630
medicine or a committee on the utilization of osteopathic 34631
principles and methods, under the supervision of an osteopathic 34632
physician; 34633

(2) Maintaining an active medical staff, the majority of 34634
which is comprised of osteopathic physicians; 34635

(3) Maintaining a medical staff executive committee that has 34636
osteopathic physicians as a majority of its members. 34637

~~(W)~~(U) "Panel" means a group of providers or health care 34638
facilities that have joined together to deliver health care 34639
services through a contractual arrangement with a health insuring 34640
corporation, employer group, or other payor. 34641

~~(X)~~(V) "Person" has the same meaning as in section 1.59 of 34642
the Revised Code, and, unless the context otherwise requires, 34643
includes any insurance company holding a certificate of authority 34644
under Title XXXIX of the Revised Code, any subsidiary and 34645
affiliate of an insurance company, and any government agency. 34646

~~(Y)~~(W) "Premium rate" means any set fee regularly paid by a 34647
subscriber to a health insuring corporation. A "premium rate" does 34648

not include a one-time membership fee, an annual administrative 34649
fee, or a nominal access fee, paid to a managed health care system 34650
under which the recipient of health care services remains solely 34651
responsible for any charges accessed for those services by the 34652
provider or health care facility. 34653

~~(Z)~~(X) "Primary care provider" means a provider that is 34654
designated by a health insuring corporation to supervise, 34655
coordinate, or provide initial care or continuing care to an 34656
enrollee, and that may be required by the health insuring 34657
corporation to initiate a referral for specialty care and to 34658
maintain supervision of the health care services rendered to the 34659
enrollee. 34660

~~(AA)~~(Y) "Provider" means any natural person or partnership of 34661
natural persons who are licensed, certified, accredited, or 34662
otherwise authorized in this state to furnish health care 34663
services, or any professional association organized under Chapter 34664
1785. of the Revised Code, provided that nothing in this chapter 34665
or other provisions of law shall be construed to preclude a health 34666
insuring corporation, health care practitioner, or organized 34667
health care group associated with a health insuring corporation 34668
from employing certified nurse practitioners, certified nurse 34669
anesthetists, clinical nurse specialists, certified nurse 34670
midwives, dietitians, physician assistants, dental assistants, 34671
dental hygienists, optometric technicians, or other allied health 34672
personnel who are licensed, certified, accredited, or otherwise 34673
authorized in this state to furnish health care services. 34674

~~(BB)~~(Z) "Provider sponsored organization" means a 34675
corporation, as defined in division (H) of this section, that is 34676
at least eighty per cent owned or controlled by one or more 34677
hospitals, as defined in section 3727.01 of the Revised Code, or 34678
one or more physicians licensed to practice medicine or surgery or 34679
osteopathic medicine and surgery under Chapter 4731. of the 34680

Revised Code, or any combination of such physicians and hospitals. 34681
Such control is presumed to exist if at least eighty per cent of 34682
the voting rights or governance rights of a provider sponsored 34683
organization are directly or indirectly owned, controlled, or 34684
otherwise held by any combination of the physicians and hospitals 34685
described in this division. 34686

~~(CC)~~(AA) "Solicitation document" means the written materials 34687
provided to prospective subscribers or enrollees, or both, and 34688
used for advertising and marketing to induce enrollment in the 34689
health care plans of a health insuring corporation. 34690

~~(DD)~~(BB) "Subscriber" means a person who is responsible for 34691
making payments to a health insuring corporation for participation 34692
in a health care plan, or an enrollee whose employment or other 34693
status is the basis of eligibility for enrollment in a health 34694
insuring corporation. 34695

~~(EE)~~(CC) "Urgent care services" means those health care 34696
services that are appropriately provided for an unforeseen 34697
condition of a kind that usually requires medical attention 34698
without delay but that does not pose a threat to the life, limb, 34699
or permanent health of the injured or ill person, and may include 34700
such health care services provided out of the health insuring 34701
corporation's approved service area pursuant to indemnity payments 34702
or service agreements. 34703

Sec. 1751.11. (A) Every subscriber of a health insuring 34704
corporation is entitled to an evidence of coverage for the health 34705
care plan under which health care benefits are provided. 34706

(B) Every subscriber of a health insuring corporation that 34707
offers basic health care services is entitled to an identification 34708
card or similar document that specifies the health insuring 34709
corporation's name as stated in its articles of incorporation, and 34710
any trade or fictitious names used by the health insuring 34711

corporation. The identification card or document shall list at 34712
least one toll-free telephone number that provides the subscriber 34713
with access, to information on a twenty-four-hours-per-day, 34714
seven-days-per-week basis, as to how health care services may be 34715
obtained. The identification card or document shall also list at 34716
least one toll-free number that, during normal business hours, 34717
provides the subscriber with access to information on the coverage 34718
available under the subscriber's health care plan and information 34719
on the health care plan's internal and external review processes. 34720

(C) No evidence of coverage, or amendment to the evidence of 34721
coverage, shall be delivered, issued for delivery, renewed, or 34722
used, until the form of the evidence of coverage or amendment has 34723
been filed by the health insuring corporation with the 34724
superintendent of insurance. If the superintendent does not 34725
disapprove the evidence of coverage or amendment within sixty days 34726
after it is filed it shall be deemed approved, unless the 34727
superintendent sooner gives approval for the evidence of coverage 34728
or amendment. With respect to an amendment to an approved evidence 34729
of coverage, the superintendent only may disapprove provisions 34730
amended or added to the evidence of coverage. If the 34731
superintendent determines within the sixty-day period that any 34732
evidence of coverage or amendment fails to meet the requirements 34733
of this section, the superintendent shall so notify the health 34734
insuring corporation and it shall be unlawful for the health 34735
insuring corporation to use such evidence of coverage or 34736
amendment. At any time, the superintendent, upon at least thirty 34737
days' written notice to a health insuring corporation, may 34738
withdraw an approval, deemed or actual, of any evidence of 34739
coverage or amendment on any of the grounds stated in this 34740
section. Such disapproval shall be effected by a written order, 34741
which shall state the grounds for disapproval and shall be issued 34742
in accordance with Chapter 119. of the Revised Code. 34743

(D) No evidence of coverage or amendment shall be delivered,	34744
issued for delivery, renewed, or used:	34745
(1) If it contains provisions or statements that are	34746
inequitable, untrue, misleading, or deceptive;	34747
(2) Unless it contains a clear, concise, and complete	34748
statement of the following:	34749
(a) The health care services and insurance or other benefits,	34750
if any, to which an enrollee is entitled under the health care	34751
plan;	34752
(b) Any exclusions or limitations on the health care	34753
services, type of health care services, benefits, or type of	34754
benefits to be provided, including copayments and deductibles;	34755
(c) An enrollee's personal financial obligation for	34756
noncovered services;	34757
(d) Where and in what manner general information and	34758
information as to how health care services may be obtained is	34759
available, including a toll-free telephone number;	34760
(e) The premium rate with respect to individual and	34761
conversion contracts, and relevant copayment and deductible	34762
provisions with respect to all contracts. The statement of the	34763
premium rate, however, may be contained in a separate insert.	34764
(f) The method utilized by the health insuring corporation	34765
for resolving enrollee complaints;	34766
(g) The utilization review, internal review, and external	34767
review procedures established under sections 1751.77 to 1751.83	34768
and Chapter 3922. of the Revised Code.	34769
(3) Unless it provides for the continuation of an enrollee's	34770
coverage, in the event that the enrollee's coverage under the	34771
group policy, contract, certificate, or agreement terminates while	34772
the enrollee is receiving inpatient care in a hospital. This	34773

continuation of coverage shall terminate at the earliest 34774
occurrence of any of the following: 34775

(a) The enrollee's discharge from the hospital; 34776

(b) The determination by the enrollee's attending physician 34777
that inpatient care is no longer medically indicated for the 34778
enrollee; however, nothing in division (D)(3)(b) of this section 34779
precludes a health insuring corporation from engaging in 34780
utilization review as described in the evidence of coverage. 34781

(c) The enrollee's reaching the limit for contractual 34782
benefits; 34783

(d) The effective date of any new coverage. 34784

(4) Unless it contains a provision that states, in substance, 34785
that the health insuring corporation is not a member of any 34786
guaranty fund, and that in the event of the health insuring 34787
corporation's insolvency, an enrollee is protected only to the 34788
extent that the hold harmless provision required by section 34789
1751.13 of the Revised Code applies to the health care services 34790
rendered; 34791

(5) Unless it contains a provision that states, in substance, 34792
that in the event of the insolvency of the health insuring 34793
corporation, an enrollee may be financially responsible for health 34794
care services rendered by a provider or health care facility that 34795
is not under contract to the health insuring corporation, whether 34796
or not the health insuring corporation authorized the use of the 34797
provider or health care facility. 34798

(E) Notwithstanding divisions (C) and (D) of this section, a 34799
health insuring corporation may use an evidence of coverage that 34800
provides for the coverage of beneficiaries enrolled in medicare 34801
pursuant to a medicare contract, or an evidence of coverage that 34802
provides for the coverage of beneficiaries enrolled in the federal 34803
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 34804

an evidence of coverage that provides for the coverage of medicaid 34805
recipients, or an evidence of coverage that provides for the 34806
coverage of beneficiaries under any other federal health care 34807
program regulated by a federal regulatory body, or an evidence of 34808
coverage that provides for the coverage of beneficiaries under any 34809
contract covering officers or employees of the state that has been 34810
entered into by the department of administrative services, if both 34811
of the following apply: 34812

(1) The evidence of coverage has been approved by the United 34813
States department of health and human services, the United States 34814
office of personnel management, the ~~Ohio~~ department of ~~job and~~ 34815
~~family services~~ medicaid, or the department of administrative 34816
services. 34817

(2) The evidence of coverage is filed with the superintendent 34818
of insurance prior to use and is accompanied by documentation of 34819
approval from the United States department of health and human 34820
services, the United States office of personnel management, the 34821
~~Ohio~~ department of ~~job and family services~~ medicaid, or the 34822
department of administrative services. 34823

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 34824
no premium rate for nongroup and conversion policies for health 34825
care services, or any amendment to them, may be used by any health 34826
insuring corporation at any time until the contractual periodic 34827
prepayment and premium rate, or amendment, have been filed with 34828
the superintendent of insurance, and shall not be effective until 34829
the expiration of sixty days after their filing unless the 34830
superintendent sooner gives approval. The filing shall be 34831
accompanied by an actuarial certification in the form prescribed 34832
by the superintendent. The superintendent shall disapprove the 34833
filing, if the superintendent determines within the sixty-day 34834
period that the contractual periodic prepayment or premium rate, 34835

or amendment, is not in accordance with sound actuarial principles 34836
or is not reasonably related to the applicable coverage and 34837
characteristics of the applicable class of enrollees. The 34838
superintendent shall notify the health insuring corporation of the 34839
disapproval, and it shall thereafter be unlawful for the health 34840
insuring corporation to use the contractual periodic prepayment or 34841
premium rate, or amendment. 34842

(2) No contractual periodic prepayment for group policies for 34843
health care services shall be used until the contractual periodic 34844
prepayment has been filed with the superintendent. The filing 34845
shall be accompanied by an actuarial certification in the form 34846
prescribed by the superintendent. The superintendent may reject a 34847
filing made under division (A)(2) of this section at any time, 34848
with at least thirty days' written notice to a health insuring 34849
corporation, if the contractual periodic prepayment is not in 34850
accordance with sound actuarial principles or is not reasonably 34851
related to the applicable coverage and characteristics of the 34852
applicable class of enrollees. 34853

(3) At any time, the superintendent, upon at least thirty 34854
days' written notice to a health insuring corporation, may 34855
withdraw the approval given under division (A)(1) of this section, 34856
deemed or actual, of any contractual periodic prepayment or 34857
premium rate, or amendment, based on information that either of 34858
the following applies: 34859

(a) The contractual periodic prepayment or premium rate, or 34860
amendment, is not in accordance with sound actuarial principles. 34861

(b) The contractual periodic prepayment or premium rate, or 34862
amendment, is not reasonably related to the applicable coverage 34863
and characteristics of the applicable class of enrollees. 34864

(4) Any disapproval under division (A)(1) of this section, 34865
any rejection of a filing made under division (A)(2) of this 34866

section, or any withdrawal of approval under division (A)(3) of 34867
this section, shall be effected by a written notice, which shall 34868
state the specific basis for the disapproval, rejection, or 34869
withdrawal and shall be issued in accordance with Chapter 119. of 34870
the Revised Code. 34871

(B) Notwithstanding division (A) of this section, a health 34872
insuring corporation may use a contractual periodic prepayment or 34873
premium rate for policies used for the coverage of beneficiaries 34874
enrolled in medicare pursuant to a medicare risk contract or 34875
medicare cost contract, or for policies used for the coverage of 34876
beneficiaries enrolled in the federal employees health benefits 34877
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 34878
coverage of medicaid recipients, or for policies used for the 34879
coverage of beneficiaries under any other federal health care 34880
program regulated by a federal regulatory body, or for policies 34881
used for the coverage of beneficiaries under any contract covering 34882
officers or employees of the state that has been entered into by 34883
the department of administrative services, if both of the 34884
following apply: 34885

(1) The contractual periodic prepayment or premium rate has 34886
been approved by the United States department of health and human 34887
services, the United States office of personnel management, the 34888
department of ~~job and family services~~ medicaid, or the department 34889
of administrative services. 34890

(2) The contractual periodic prepayment or premium rate is 34891
filed with the superintendent prior to use and is accompanied by 34892
documentation of approval from the United States department of 34893
health and human services, the United States office of personnel 34894
management, the department of ~~job and family services~~ medicaid, or 34895
the department of administrative services. 34896

(C) The administrative expense portion of all contractual 34897
periodic prepayment or premium rate filings submitted to the 34898

superintendent for review must reflect the actual cost of 34899
administering the product. The superintendent may require that the 34900
administrative expense portion of the filings be itemized and 34901
supported. 34902

(D)(1) Copayments must be reasonable and must not be a 34903
barrier to the necessary utilization of services by enrollees. 34904

(2) A health insuring corporation, in order to ensure that 34905
copayments are reasonable and not a barrier to the necessary 34906
utilization of basic health care services by enrollees, may do one 34907
of the following: 34908

(a) Impose copayment charges on any single covered basic 34909
health care service that does not exceed forty per cent of the 34910
average cost to the health insuring corporation of providing the 34911
service; 34912

(b) Impose copayment charges that annually do not exceed 34913
twenty per cent of the total annual cost to the health insuring 34914
corporation of providing all covered basic health care services, 34915
including physician office visits, urgent care services, and 34916
emergency health services, when aggregated as to all persons 34917
covered under the filed product in question. In addition, annual 34918
copayment charges as to each enrollee shall not exceed twenty per 34919
cent of the total annual cost to the health insuring corporation 34920
of providing all covered basic health care services, including 34921
physician office visits, urgent care services, and emergency 34922
health services, as to such enrollee. The total annual cost of 34923
providing a health care service is the cost to the health insuring 34924
corporation of providing the health care service to its enrollees 34925
as reduced by any applicable provider discount. 34926

(3) To ensure that copayments are reasonable and not a 34927
barrier to the utilization of basic health care services, a health 34928
insuring corporation may not impose, in any contract year, on any 34929

subscriber or enrollee, copayments that exceed two hundred per cent of the average annual premium rate to subscribers or enrollees. 34930
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(4) For purposes of division (D) of this section, both of the following apply: 34933
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(a) Copayments imposed by health insuring corporations in connection with a high deductible health plan that is linked to a health savings account are reasonable and are not a barrier to the necessary utilization of services by enrollees. 34935
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(b) Divisions (D)(2) and (3) of this section do not apply to a high deductible health plan that is linked to a health savings account. 34939
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(E) A health insuring corporation shall not impose lifetime maximums on basic health care services. However, a health insuring corporation may establish a benefit limit for inpatient hospital services that are provided pursuant to a policy, contract, certificate, or agreement for supplemental health care services. 34942
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(F) A health insuring corporation may require that an enrollee pay an annual deductible that does not exceed one thousand dollars per enrollee or two thousand dollars per family, except that: 34947
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(1) A health insuring corporation may impose higher deductibles for high deductible health plans that are linked to health savings accounts; 34951
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(2) The superintendent may adopt rules allowing different annual deductible amounts for plans with a medical savings account, health reimbursement arrangement, flexible spending account, or similar account; 34954
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(3) A health insuring corporation may impose higher deductibles under health plans if requested by the group contract, 34958
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policy, certificate, or agreement holder, or an individual seeking 34960
coverage under an individual health plan. This shall not be 34961
construed as requiring the health insuring corporation to create 34962
customized health plans for group contract holders or individuals. 34963

(G) As used in this section, "health savings account" and 34964
"high deductible health plan" have the same meanings as in the 34965
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 34966
amended. 34967

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 34968
Revised Code, any policy, contract, or agreement for health care 34969
services authorized by this chapter that is issued, delivered, or 34970
renewed in this state and that provides that coverage of an 34971
unmarried dependent child will terminate upon attainment of the 34972
limiting age for dependent children specified in the policy, 34973
contract, or agreement, shall also provide in substance both of 34974
the following: 34975

(1) Once an unmarried child has attained the limiting age for 34976
dependent children, as provided in the policy, contract, or 34977
agreement, upon the request of the subscriber, the health insuring 34978
corporation shall offer to cover the unmarried child until the 34979
child attains twenty-eight years of age if all of the following 34980
are true: 34981

(a) The child is the natural child, stepchild, or adopted 34982
child of the subscriber. 34983

(b) The child is a resident of this state or a full-time 34984
student at an accredited public or private institution of higher 34985
education. 34986

(c) The child is not employed by an employer that offers any 34987
health benefit plan under which the child is eligible for 34988
coverage. 34989

(d) The child is not eligible for coverage under the medicaid 34990
program established under Chapter 5111. of the Revised Code or the 34991
medicare program established under Title XVIII of the "Social 34992
Security Act," 42 U.S.C. 1395. 34993

(2) That attainment of the limiting age for dependent 34994
children shall not operate to terminate the coverage of a 34995
dependent child if the child is and continues to be both of the 34996
following: 34997

(a) Incapable of self-sustaining employment by reason of 34998
mental retardation or physical handicap; 34999

(b) Primarily dependent upon the subscriber for support and 35000
maintenance. 35001

(B) Proof of incapacity and dependence for purposes of 35002
division (A)(2) of this section shall be furnished to the health 35003
insuring corporation within thirty-one days of the child's 35004
attainment of the limiting age. Upon request, but not more 35005
frequently than annually, the health insuring corporation may 35006
require proof satisfactory to it of the continuance of such 35007
incapacity and dependency. 35008

(C) Nothing in this section shall do any of the following: 35009

(1) Require that any policy, contract, or agreement offer 35010
coverage for dependent children or provide coverage for an 35011
unmarried dependent child's children as dependents on the policy, 35012
contract, or agreement; 35013

(2) Require an employer to pay for any part of the premium 35014
for an unmarried dependent child that has attained the limiting 35015
age for dependents, as provided in the policy, contract, or 35016
agreement; 35017

(3) Require an employer to offer health insurance coverage to 35018
the dependents of any employee. 35019

(D) This section does not apply to any health insuring corporation policy, contract, or agreement offering only supplemental health care services or specialty health care services. 35020
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(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following: 35024
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(1) A public employee benefit plan; 35027

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 35028
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Sec. 1751.271. (A) Each health insuring corporation that provides coverage to medicaid recipients shall post a performance bond in the amount of three million dollars as security to fulfill the obligations of the health insuring corporation to pay claims of contracted providers for covered health care services provided to medicaid recipients. The bond shall be payable to the department of insurance in the event that the health insuring corporation is placed in rehabilitation or liquidation proceedings under Chapter 3903. of the Revised Code, and shall become a special deposit subject to section 3903.14 or 3903.421 of the Revised Code, as applicable. In lieu of the performance bond, a medicaid health insuring corporation may deposit securities with the superintendent of insurance, acceptable to the superintendent, in the amount of three million dollars, to satisfy the bonding requirements of this section. Upon rehabilitation or liquidation, the securities shall become a special deposit subject to sections 3903.14 and 3903.421 of the Revised Code, as applicable. The health insuring corporation shall receive the interest on the deposited securities as long as the health insuring corporation remains solvent. 35030
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(B) The bond shall be issued by a surety company licensed 35050

with the department of insurance. The bond or deposit, or any replacement bond or deposit, shall be in a form acceptable to the superintendent, and shall remain in effect during the duration of the medicaid health insuring corporation's license and thereafter until all claims against the medicaid health insuring corporation have been paid in full.

(C) Documentation of the bond acceptable to the superintendent of insurance shall be filed with the superintendent prior to the issuance of a certificate of authority. Annually, thirty days prior to the renewal of its certificate of authority, every medicaid health insuring corporation shall furnish the superintendent of insurance with evidence that the required bond is still in effect.

(D) As used in this section:

(1) "Contracted provider" means a provider that has a contract with a medicaid health insuring corporation to provide covered health care services to medicaid recipients.

(2) "Medicaid health insuring corporation" means a health insuring corporation that provides health insurance coverage or otherwise assumes claims liabilities for medicaid recipients.

(3) "Medicaid recipient" means a person ~~eligible for assistance under~~ enrolled in the medicaid program ~~operated pursuant to Chapter 5111. of the Revised Code.~~

Sec. 1751.31. (A) Any changes in a health insuring corporation's solicitation document shall be filed with the superintendent of insurance. The superintendent, within sixty days of filing, may disapprove any solicitation document or amendment to it on any of the grounds stated in this section. Such disapproval shall be effected by written notice to the health insuring corporation. The notice shall state the grounds for

disapproval and shall be issued in accordance with Chapter 119. of 35081
the Revised Code. 35082

(B) The solicitation document shall contain all information 35083
necessary to enable a consumer to make an informed choice as to 35084
whether or not to enroll in the health insuring corporation. The 35085
information shall include a specific description of the health 35086
care services to be available and the approximate number and type 35087
of full-time equivalent medical practitioners. The information 35088
shall be presented in the solicitation document in a manner that 35089
is clear, concise, and intelligible to prospective applicants in 35090
the proposed service area. 35091

(C) Every potential applicant whose subscription to a health 35092
care plan is solicited shall receive, at or before the time of 35093
solicitation, a solicitation document approved by the 35094
superintendent. 35095

(D) Notwithstanding division (A) of this section, a health 35096
insuring corporation may use a solicitation document that the 35097
corporation uses in connection with policies for medicare 35098
beneficiaries pursuant to a medicare risk contract or medicare 35099
cost contract, or for policies for beneficiaries of the federal 35100
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 35101
for policies for medicaid recipients, or for policies for 35102
beneficiaries of any other federal health care program regulated 35103
by a federal regulatory body, or for policies for beneficiaries of 35104
contracts covering officers or employees of the state entered into 35105
by the department of administrative services, if both of the 35106
following apply: 35107

(1) The solicitation document has been approved by the United 35108
States department of health and human services, the United States 35109
office of personnel management, the department of ~~job and family~~ 35110
~~services~~ medicaid, or the department of administrative services. 35111

(2) The solicitation document is filed with the 35112
superintendent of insurance prior to use and is accompanied by 35113
documentation of approval from the United States department of 35114
health and human services, the United States office of personnel 35115
management, the department of ~~job and family services~~ medicaid, or 35116
the department of administrative services. 35117

(E) No health insuring corporation, or its agents or 35118
representatives, shall use monetary or other valuable 35119
consideration, engage in misleading or deceptive practices, or 35120
make untrue, misleading, or deceptive representations to induce 35121
enrollment. Nothing in this division shall prohibit incentive 35122
forms of remuneration such as commission sales programs for the 35123
health insuring corporation's employees and agents. 35124

(F) Any person obligated for any part of a premium rate in 35125
connection with an enrollment agreement, in addition to any right 35126
otherwise available to revoke an offer, may cancel such agreement 35127
within seventy-two hours after having signed the agreement or 35128
offer to enroll. Cancellation occurs when written notice of the 35129
cancellation is given to the health insuring corporation or its 35130
agents or other representatives. A notice of cancellation mailed 35131
to the health insuring corporation shall be considered to have 35132
been filed on its postmark date. 35133

(G) Nothing in this section shall prohibit healthy lifestyle 35134
programs. 35135

Sec. 1751.60. (A) Except as provided for in divisions (E) and 35136
(F) of this section, every provider or health care facility that 35137
contracts with a health insuring corporation to provide health 35138
care services to the health insuring corporation's enrollees or 35139
subscribers shall seek compensation for covered services solely 35140
from the health insuring corporation and not, under any 35141
circumstances, from the enrollees or subscribers, except for 35142

approved copayments and deductibles. 35143

(B) No subscriber or enrollee of a health insuring 35144
corporation is liable to any contracting provider or health care 35145
facility for the cost of any covered health care services, if the 35146
subscriber or enrollee has acted in accordance with the evidence 35147
of coverage. 35148

(C) Except as provided for in divisions (E) and (F) of this 35149
section, every contract between a health insuring corporation and 35150
provider or health care facility shall contain a provision 35151
approved by the superintendent of insurance requiring the provider 35152
or health care facility to seek compensation solely from the 35153
health insuring corporation and not, under any circumstances, from 35154
the subscriber or enrollee, except for approved copayments and 35155
deductibles. 35156

(D) Nothing in this section shall be construed as preventing 35157
a provider or health care facility from billing the enrollee or 35158
subscriber of a health insuring corporation for noncovered 35159
services. 35160

(E) Upon application by a health insuring corporation and a 35161
provider or health care facility, the superintendent may waive the 35162
requirements of divisions (A) and (C) of this section when, in 35163
addition to the reserve requirements contained in section 1751.28 35164
of the Revised Code, the health insuring corporation provides 35165
sufficient assurances to the superintendent that the provider or 35166
health care facility has been provided with financial guarantees. 35167
No waiver of the requirements of divisions (A) and (C) of this 35168
section is effective as to enrollees or subscribers for whom the 35169
health insuring corporation is compensated under a provider 35170
agreement or risk contract entered into pursuant to Chapter 5111- 35171
er 5115. of the Revised Code under the medicaid program. 35172

(F) The requirements of divisions (A) to (C) of this section 35173

apply only to health care services provided to an enrollee or 35174
subscriber prior to the effective date of a termination of a 35175
contract between the health insuring corporation and the provider 35176
or health care facility. 35177

Sec. 1901.10. (A)~~(1)(a)~~ The judges of ~~the~~ a municipal court 35178
and officers of the court shall take an oath of office as provided 35179
in section 3.23 of the Revised Code. ~~The~~ 35180

(B) ~~The~~ office of judge of ~~the~~ a municipal court is subject 35181
to forfeiture, and the judge may be removed from office, for the 35182
causes and by the procedure provided in sections 3.07 to 3.10 of 35183
the Revised Code. A vacancy in the office of judge exists upon the 35184
death, resignation, forfeiture, removal from office, or absence 35185
from official duties for a period of six consecutive months, as 35186
determined under this section, of the judge and also by reason of 35187
the expiration of the term of an incumbent when no successor has 35188
been elected or qualified. ~~The chief justice of the supreme court~~ 35189
~~may designate a judge of another municipal court to act until that~~ 35190
~~vacancy is filled in accordance with section 107.08 of the Revised~~ 35191
~~Code.~~ A vacancy resulting from the absence of a judge from 35192
official duties for a period of six consecutive months shall be 35193
determined and declared by the legislative authority. 35194

~~(b)~~(C)(1) If a vacancy occurs in the office of judge or clerk 35195
of ~~the~~ a municipal court after the one-hundredth day before the 35196
first Tuesday after the first Monday in May and prior to the 35197
fortieth day before the day of the general election, all 35198
candidates for election to the unexpired term of the judge or 35199
clerk shall file nominating petitions with the board of elections 35200
not later than four p.m. on the tenth day following the day on 35201
which the vacancy occurs, except that, when the vacancy occurs 35202
fewer than six days before the fortieth day before the general 35203
election, the deadline for filing shall be four p.m. on the 35204

thirty-sixth day before the day of the general election. 35205

~~(e)(2)~~ Each nominating petition referred to in division 35206
~~(A)(C)(1)(b)~~ of this section shall be in the form prescribed in 35207
section 3513.261 of the Revised Code and shall be signed by at 35208
least fifty qualified electors of the territory of the municipal 35209
court. No nominating petition shall be accepted for filing or 35210
filed if it appears on its face to contain signatures aggregating 35211
in number more than twice the minimum aggregate number of 35212
signatures required by this section. 35213

~~(2) If a judge of a municipal court that has only one judge 35214
is temporarily absent, incapacitated, or otherwise unavailable, 35215
the judge may appoint a substitute who has the qualifications 35216
required by section 1901.06 of the Revised Code or a retired judge 35217
of a court of record who is a qualified elector and a resident of 35218
the territory of the court. If the judge is unable to make the 35219
appointment, the chief justice of the supreme court shall appoint 35220
a substitute. The appointee shall serve during the absence, 35221
incapacity, or unavailability of the incumbent, shall have the 35222
jurisdiction and powers conferred upon the judge of the municipal 35223
court, and shall be styled "acting judge." During that time of 35224
service, the acting judge shall sign all process and records and 35225
shall perform all acts pertaining to the office, except that of 35226
removal and appointment of officers of the court. All courts shall 35227
take judicial notice of the selection and powers of the acting 35228
judge. The incumbent judge shall establish the amount of 35229
compensation of an acting judge upon either a per diem, hourly, or 35230
other basis, but the rate of pay shall not exceed the per diem 35231
amount received by the incumbent judge. 35232~~

~~(B) When the volume of cases pending in any municipal court 35233
necessitates an additional judge, the chief justice of the supreme 35234
court, upon the written request of the judge or presiding judge of 35235
that municipal court, may designate a judge of another municipal 35236~~

~~court or county court to serve for any period of time that the chief justice may prescribe. The compensation of a judge so designated shall be paid from the city treasury or, in the case of a county operated municipal court, from the county treasury. In addition to the annual salary provided for in section 1901.11 of the Revised Code and in addition to any compensation under division (A)(5) or (6) of section 141.04 of the Revised Code to which the judge is entitled in connection with the judge's own court, a full time or part time judge while holding court outside the judge's territory on the designation of the chief justice shall receive actual and necessary expenses and compensation as follows:~~

~~(1) A full time judge shall receive thirty dollars for each day of the assignment.~~

~~(2) A part time judge shall receive for each day of the assignment the per diem compensation of the judges of the court to which the judge is assigned, less the per diem amount paid to those judges pursuant to section 141.04 of the Revised Code, calculated on the basis of two hundred fifty working days per year.~~

~~If a request is made by a judge or the presiding judge of a municipal court to designate a judge of another municipal court because of the volume of cases in the court for which the request is made and the chief justice reports, in writing, that no municipal or county court judge is available to serve by designation, the judges of the court requesting the designation may appoint a substitute as provided in division (A)(2) of this section, who may serve for any period of time that is prescribed by the chief justice. The substitute judge shall be paid in the same manner and at the same rate as the incumbent judges, except that, if the substitute judge is entitled to compensation under division (A)(5) or (6) of section 141.04 of the Revised Code, then~~

~~section 1901.121 of the Revised Code shall govern its payment.~~ 35269

Sec. 1901.12. (A) A ~~municipal~~ judge of a municipal court is 35270
entitled to thirty days of vacation in each calendar year. Not 35271
less than two hundred forty days of open session of the municipal 35272
court shall be held by each judge during the year, unless all 35273
business of the court is disposed of sooner. 35274

(B) ~~When a court consists of a single judge, a qualified~~ 35275
~~substitute may be appointed in accordance with division (A)(2) of~~ 35276
~~section 1901.10 of the Revised Code to serve during the thirty day~~ 35277
~~vacation period, who shall be paid in the same manner and at the~~ 35278
~~same rate as the incumbent judge, except that, if the substitute~~ 35279
~~judge is entitled to compensation under division (A)(5) or (6) of~~ 35280
~~section 141.04 of the Revised Code, then section 1901.121 of the~~ 35281
~~Revised Code shall govern its payment.~~ If a municipal court 35282
consists of two or more judges, ~~one of the judges shall be in~~ 35283
~~attendance at the court at all times, and the presiding judge~~ 35284
shall have the authority to designate the vacation period for each 35285
judge, ~~and when necessary, to appoint a substitute for the judge~~ 35286
~~when on vacation or not in attendance. If a court consists of more~~ 35287
~~than two judges, two thirds of the court shall be in attendance at~~ 35288
~~all times, and the presiding judge shall have authority to~~ 35289
~~designate the vacation period of each judge, and, when necessary,~~ 35290
~~to appoint a substitute for any judge on vacation or not in~~ 35291
~~attendance.~~ 35292

Sec. 1901.121. (A)(1) If a vacancy occurs in the office of a 35293
judge of a municipal court that consists of only one judge or if 35294
the judge of a municipal court of that nature is incapacitated or 35295
unavailable due to disqualification, suspension, or recusal, the 35296
chief justice of the supreme court may assign a sitting judge of 35297
another court of record or a retired judge of a court of record to 35298
temporarily serve on the court in accordance with rules adopted by 35299

the supreme court pursuant to division (A)(1) of Section 5 of 35300
Article IV, Ohio Constitution. The assignee shall be styled 35301
"assigned judge" and shall serve for any period of time the chief 35302
justice may prescribe. 35303

(2) If a judge of a municipal court that consists of only one 35304
judge is otherwise temporarily absent for a reason other than as 35305
specified in division (A)(1) of this section, the judge may do 35306
either of the following: 35307

(a) Appoint a substitute who is a resident of the territory 35308
of the court or, if the territory of the court has a population of 35309
less than twenty-five thousand according to the latest federal 35310
decennial census and the judge is unable to appoint a substitute 35311
who is a resident of the territory of the court, appoint a 35312
substitute who is a resident of the territory of a municipal or 35313
county court that is contiguous to the court. The appointee shall 35314
either be admitted to the practice of law in this state and have 35315
been, for a total of at least six years preceding appointment, 35316
engaged in the practice of law in this state or a judge of a court 35317
of record in any jurisdiction in the United States or be a retired 35318
judge of a court of record. The appointee shall be styled "acting 35319
judge" and shall temporarily serve on the court during the 35320
temporary absence of the incumbent judge. 35321

(b) Request the chief justice of the supreme court to assign 35322
a sitting judge of another court of record or a retired judge of a 35323
court of record to temporarily serve on the court in accordance 35324
with rules adopted by the supreme court pursuant to division 35325
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35326
shall be styled "assigned judge" and shall serve for any period of 35327
time the chief justice may prescribe. 35328

(B) If a vacancy occurs in the office of a judge of a 35329
municipal court that consists of two judges or if a judge of a 35330

municipal court of that nature is incapacitated, unavailable, or 35331
temporarily absent, the presiding judge may do either of the 35332
following: 35333

(1) Appoint a substitute who is a resident of the territory 35334
of the court or, if the territory of the court has a population of 35335
less than twenty-five thousand according to the latest federal 35336
decennial census and the judge is unable to appoint a substitute 35337
who is a resident of the territory of the court, appoint a 35338
substitute who is a resident of the territory of a municipal or 35339
county court that is contiguous to the court. The appointee shall 35340
either be admitted to the practice of law in this state and have 35341
been, for a total of at least six years preceding appointment, 35342
engaged in the practice of law in this state or a judge of a court 35343
of record in any jurisdiction in the United States or be a retired 35344
judge of a court of record. The appointee shall be styled "acting 35345
judge" and shall temporarily serve on the court during the vacancy 35346
or the incapacity, unavailability, or temporary absence of the 35347
incumbent judge. 35348

(2) Request the chief justice of the supreme court to assign 35349
a sitting judge of another court of record or a retired judge of a 35350
court of record to temporarily serve on the court in accordance 35351
with rules adopted by the supreme court pursuant to division 35352
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35353
shall be styled "assigned judge" and shall serve for any period of 35354
time the chief justice may prescribe. 35355

(C) If a vacancy occurs in the office of a judge of a 35356
municipal court that consists of three or more judges or if a 35357
judge of a municipal court of that nature is incapacitated, 35358
unavailable, or temporarily absent, the presiding judge may do 35359
either of the following: 35360

(1) If no other judge of the court is available to perform 35361
the duties of the judge, appoint a substitute who is a resident of 35362

the territory of the court. The appointee shall either be admitted 35363
to the practice of law in this state and have been, for a total of 35364
at least six years preceding appointment, engaged in the practice 35365
of law in this state or a judge of a court of record in any 35366
jurisdiction in the United States or be a retired judge of a court 35367
of record. The appointee shall be styled "acting judge" and shall 35368
temporarily serve on the court during the vacancy or the 35369
incapacity, unavailability, or temporary absence of the incumbent 35370
judge. 35371

(2) Request the chief justice of the supreme court to assign 35372
a sitting judge of another court of record or a retired judge of a 35373
court of record to temporarily serve on the court in accordance 35374
with rules adopted by the supreme court pursuant to division 35375
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35376
shall be styled "assigned judge" and shall serve for any period of 35377
time the chief justice may prescribe. 35378

(D) When the volume of cases pending in any municipal court 35379
necessitates an additional judge, the judge, if the court consists 35380
of a single judge, or the presiding judge, if the court consists 35381
of two or more judges, may request the chief justice of the 35382
supreme court to assign a sitting judge of another court of record 35383
or a retired judge of a court of record to temporarily serve on 35384
the court in accordance with rules adopted by the supreme court 35385
pursuant to division (A)(1) of Section 5 of Article IV, Ohio 35386
Constitution. The appointee shall be styled "assigned judge" and 35387
shall serve for any period of time the chief justice may 35388
prescribe. 35389

(E) An acting judge appointed pursuant to division (A)(2)(a), 35390
(B)(1), or (C)(1) of this section and an assigned judge assigned 35391
pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of 35392
this section shall have the jurisdiction and adjudicatory powers 35393
conferred upon the judge of the municipal court. During the time 35394

of service, the acting judge or assigned judge shall sign all 35395
process and records and shall perform all acts pertaining to the 35396
office, except that of removal and appointment of officers of the 35397
municipal court. All courts shall take judicial notice of the 35398
selection and powers of the acting judge or assigned judge. 35399

Sec. 1901.122. (A)(1) An acting judge appointed pursuant to 35400
division (A)(2)(a), (B)(1), or (C)(1) of section 1901.121 of the 35401
Revised Code shall receive reimbursement for actual and necessary 35402
expenses and a per diem compensation established by the incumbent 35403
judge, subject to the following limitations: 35404

(a) If the incumbent judge receives compensation as described 35405
in division (A)(5) of section 141.04 of the Revised Code, the per 35406
diem compensation of the acting judge shall not exceed the per 35407
diem compensation paid to the incumbent judge based upon a work 35408
year of two hundred fifty days. 35409

(b) If the incumbent judge receives compensation as described 35410
in division (A)(6) of section 141.04 of the Revised Code, the per 35411
diem compensation of the acting judge shall not exceed the per 35412
diem compensation paid to the incumbent judge based upon a work 35413
year of one hundred thirty days. 35414

(2) The per diem compensation of the acting judge shall be 35415
payable in the same manner as the compensation paid to the 35416
incumbent judge during the same period. 35417

(B) An assigned judge assigned pursuant to division (A)(1), 35418
(A)(2)(b), (B)(2), (C)(2), or (D) of section 1901.121 of the 35419
Revised Code shall receive reimbursement for actual and necessary 35420
expenses and a per diem compensation computed as follows: 35421

(1) If the assigned judge receives compensation as described 35422
in division (A)(5) of section 141.04 of the Revised Code, thirty 35423
dollars; 35424

(2) If the assigned judge receives compensation as described in division (A)(6) of section 141.04 of the Revised Code, the per diem compensation of a judge of a municipal court compensated as described in division (A)(5) of section 141.04 of the Revised Code, less the per diem compensation of the assigned judge, each calculated on the basis of two hundred fifty working days per year; 35425
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(3) If the assigned judge is a retired judge of a municipal or county court or a court of common pleas, the established per diem compensation for a judge of a municipal court compensated as described in division (A)(5) of section 141.04 of the Revised Code, calculated on the basis of two hundred fifty working days per year, in addition to any retirement benefits to which the assigned judge may be entitled; 35432
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(4) If the assigned judge is a sitting judge of the court of appeals or a court of common pleas, fifty dollars. 35439
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Sec. 1901.123. (A)(1) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county-operated municipal court or other municipal court is located shall pay the per diem compensation to which an acting judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) of section 1901.121 of the Revised Code is entitled pursuant to division (A)(1) of section 1901.122 of the Revised Code. 35441
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(2) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county-operated municipal court or other municipal court is located shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), or (D) of section 1901.121 of the Revised Code is entitled pursuant to division (B) of section 1901.122 of the Revised Code. 35448
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(B) The treasurer of a county that, pursuant to division (A) 35455

of this section, is required to pay any compensation to which an acting judge or assigned judge is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the acting judge or assigned judge stating the days and hours worked. The administrative director shall cause reimbursements of those amounts to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid.

Sec. 1901.33. (A) The judge or judges of a municipal court may appoint one or more interpreters, one or more mental health professionals, one or more probation officers, an assignment commissioner, deputy assignment commissioners, and other court aides on a full-time, part-time, hourly, or other basis. Each appointee shall receive the compensation out of the city treasury that the legislative authority prescribes in either biweekly installments or semimonthly installments, as determined by the payroll administrator, except that in a county-operated municipal court they shall receive the compensation out of the treasury of the county in which the court is located that the board of county commissioners prescribes. Probation officers have all the powers of regular police officers and shall perform any duties that are designated by the judge or judges of the court. Assignment commissioners shall assign cases for trial and perform any other duties that the court directs.

The judge or judges may appoint one or more typists, ~~stenographers~~, statistical clerks, and official court reporters, each of whom shall be paid the compensation out of the city treasury that the legislative authority prescribes, except that in a county-operated municipal court they shall be paid the

compensation out of the treasury of the county in which the court 35488
is located that the board of county commissioners prescribes. The 35489
cost of transcripts shall be determined as provided in section 35490
2301.25 of the Revised Code. 35491

(B) If a municipal court appoints one or more probation 35492
officers, those officers shall constitute the municipal court 35493
department of probation unless the court designates other 35494
employees as the department of probation for the court. 35495

(C) The chief probation officer may grant permission to a 35496
probation officer to carry firearms when required in the discharge 35497
of the probation officer's official duties if the probation 35498
officer has successfully completed a basic firearm training 35499
program that is approved by the executive director of the Ohio 35500
peace officer training commission. A probation officer who has 35501
been granted permission to carry a firearm in the discharge of the 35502
probation officer's official duties annually shall successfully 35503
complete a firearms requalification program in accordance with 35504
section 109.801 of the Revised Code. 35505

(D) The judge or judges of a municipal court in which the 35506
clerk of the court is elected as provided in division (A)(1)(a) or 35507
(d) or (A)(2)(b) of section 1901.31 of the Revised Code may 35508
appoint an administrative assistant. The administrative assistant 35509
shall have charge of personnel related matters of the court and 35510
shall perform any other administrative duties assigned by the 35511
court. The administrative assistant shall receive the compensation 35512
out of the city treasury that the court prescribes, except that, 35513
in a county-operated municipal court, the administrative assistant 35514
shall receive the compensation out of the treasury of the county 35515
in which the court is located that the court prescribes. 35516

Sec. 1907.14. (A) A judge of a county court shall take an 35517
oath of office as provided in section 3.23 of the Revised Code. 35518

the_ 35519

(B) The office of judge of a county court is subject to 35520
forfeiture, and a judge may be removed from office, for the causes 35521
and by the procedure provided in sections 3.07 to 3.10 of the 35522
Revised Code. 35523

~~When a judge of a county court is temporarily absent,~~ 35524
~~incapacitated, or otherwise unavailable, the judge may appoint a~~ 35525
~~substitute having the qualifications required by section 1907.13~~ 35526
~~of the Revised Code or may appoint a retired judge of a court of~~ 35527
~~record in the state who is a qualified elector and a resident of~~ 35528
~~the county court district. If the judge is unable to make the~~ 35529
~~appointment, the administrative judge of the county court district~~ 35530
~~or the administrative judge of the court of common pleas of the~~ 35531
~~county shall appoint the substitute. The appointee shall serve~~ 35532
~~during the absence, incapacity, or unavailability of the~~ 35533
~~incumbent, shall have the jurisdiction and powers conferred upon~~ 35534
~~the judge of the county court, and shall be styled "acting judge."~~ 35535
~~During that term of service, the acting judge shall sign all~~ 35536
~~process and records and perform all acts pertaining to the office~~ 35537
~~except that of removal and appointment of officers of the court.~~ 35538
~~All courts shall take judicial notice of the selection and powers~~ 35539
~~of the acting judge. The incumbent judge shall establish the~~ 35540
~~amount of the compensation of an acting judge on a per diem,~~ 35541
~~hourly, or other basis, and the compensation shall not exceed the~~ 35542
~~per diem compensation paid to the incumbent judge based upon a~~ 35543
~~work year of one hundred thirty days. The compensation shall be~~ 35544
~~payable in the same manner as the compensation paid to the~~ 35545
~~incumbent judge during the same period.~~ 35546

Sec. 1907.141. (A)(1) If a vacancy occurs in the office of a 35547
judge of a county court that consists of only one judge or if the 35548
judge of a county court of that nature is incapacitated or 35549

unavailable due to disqualification, suspension, or recusal, the 35550
chief justice of the supreme court may assign a sitting judge of 35551
another court of record or a retired judge of a court of record to 35552
temporarily serve on the court in accordance with rules adopted by 35553
the supreme court pursuant to division (A)(1) of Section 5 of 35554
Article IV, Ohio Constitution. The assignee shall be styled 35555
"assigned judge" and shall serve for any period of time the chief 35556
justice may prescribe. 35557

(2) If a judge of a county court that consists of only one 35558
judge is temporarily absent for a reason other than as specified 35559
in division (A)(1) of this section, the judge may do either of the 35560
following: 35561

(a) Appoint a substitute who is a resident of the territory 35562
of the court or, if the territory of the court has a population of 35563
less than twenty-five thousand according to the latest federal 35564
decennial census and the judge is unable to appoint a substitute 35565
who is a resident of the territory of the court, appoint a 35566
substitute who is a resident of the territory of a municipal or 35567
county court that is contiguous to the court. The appointee shall 35568
either be admitted to the practice of law in this state and have 35569
been, for a total of at least six years preceding appointment, 35570
engaged in the practice of law in this state or a judge of a court 35571
of record in any jurisdiction in the United States or be a retired 35572
judge of a court of record. The appointee shall be styled "acting 35573
judge" and shall temporarily serve on the court during the 35574
temporary absence of the incumbent judge. 35575

(b) Request the chief justice of the supreme court to assign 35576
a sitting judge of another court of record or a retired judge of a 35577
court of record to temporarily serve on the court in accordance 35578
with rules adopted by the supreme court pursuant to division 35579
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35580

shall be styled "assigned judge" and shall serve for any period of 35581
time the chief justice may prescribe. 35582

(B) If a vacancy occurs in the office of a judge of a county 35583
court that consists of two judges or if a judge of a county court 35584
of that nature is incapacitated, unavailable, or temporarily 35585
absent, the presiding judge may do either of the following: 35586

(1) Appoint a substitute who is a resident of the territory 35587
of the court or, if the territory of the court has a population of 35588
less than twenty-five thousand according to the latest federal 35589
decennial census and the judge is unable to appoint a substitute 35590
who is a resident of the territory of the court, appoint a 35591
substitute who is a resident of the territory of a municipal or 35592
county court that is contiguous to the court. The appointee shall 35593
either be admitted to the practice of law in this state and have 35594
been, for a total of at least six years preceding appointment, 35595
engaged in the practice of law in this state or a judge of a court 35596
of record in any jurisdiction in the United States or be a retired 35597
judge of a court of record. The appointee shall be styled "acting 35598
judge" and shall temporarily serve on the court during the vacancy 35599
or the incapacity, unavailability, or temporary absence of the 35600
incumbent judge. 35601

(2) Request the chief justice of the supreme court to assign 35602
a sitting judge of another court of record or a retired judge of a 35603
court of record to temporarily serve on the court in accordance 35604
with rules adopted by the supreme court pursuant to division 35605
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35606
shall be styled "assigned judge" and shall serve for any period of 35607
time the chief justice may prescribe. 35608

(C) If a vacancy occurs in the office of a judge of a county 35609
court that consists of three or more judges or if a judge of a 35610
county court of that nature is incapacitated, unavailable, or 35611
temporarily absent, the presiding judge may do either of the 35612

following: 35613

(1) If no other judge of the court is available to perform 35614
the duties of the judge, appoint a substitute who is a resident of 35615
the territory of the court. The appointee shall either be admitted 35616
to the practice of law in this state and have been, for a total of 35617
at least six years preceding appointment, engaged in the practice 35618
of law in this state or a judge of a court of record in any 35619
jurisdiction in the United States or be a retired judge of a court 35620
of record. The appointee shall be styled "acting judge" and shall 35621
temporarily serve on the court during the vacancy or the 35622
incapacity, unavailability, or temporary absence of the incumbent 35623
judge. 35624

(2) Request the chief justice of the supreme court to assign 35625
a sitting judge of another court of record or a retired judge of a 35626
court of record to temporarily serve on the court in accordance 35627
with rules adopted by the supreme court pursuant to division 35628
(A)(1) of Section 5 of Article IV, Ohio Constitution. The assignee 35629
shall be styled "assigned judge" and shall serve for any period of 35630
time the chief justice may prescribe 35631

(D) An acting judge appointed pursuant to division (A)(2)(a), 35632
(B)(1), or (C)(1) of this section and an assigned judge assigned 35633
pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of this 35634
section shall have the jurisdiction and adjudicatory powers 35635
conferred upon the judge of the county court. During the time of 35636
service, the acting judge or assigned judge shall sign all process 35637
and records and shall perform all acts pertaining to the office, 35638
except that of removal and appointment of officers of the court. 35639
All courts shall take judicial notice of the selection and powers 35640
of the acting judge or assigned judge. 35641

Sec. 1907.142. (A) An acting judge appointed pursuant to 35642
division (A)(2)(a), (B)(1), or (C)(1) of section 1907.141 of the 35643

Revised Code shall receive reimbursement for actual and necessary expenses and a per diem compensation established by the incumbent judge, provided the per diem compensation of the acting judge shall not exceed the per diem compensation paid to the incumbent judge based upon a work year of one hundred thirty days. The per diem compensation of the acting judge shall be payable in the same manner as the compensation paid to the incumbent judge during the same period.

(B) An assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of section 1907.141 of the Revised Code shall receive reimbursement for actual and necessary expenses and a per diem compensation computed as follows:

(1) If the assigned judge receives compensation as described in division (A)(5) of section 141.04 of the Revised Code, thirty dollars;

(2) If the assigned judge receives compensation as described in division (A)(6) of section 141.04 of the Revised Code, the per diem compensation of a judge of a municipal court compensated as described in division (A)(5) of section 141.04 of the Revised Code, less the per diem compensation of the assigned judge, each calculated on the basis of two hundred fifty working days per year;

(3) If the assigned judge is a retired judge of a municipal or county court or a court of common pleas, the established per diem compensation for a judge of a municipal court compensated as described in division (A)(5) of section 141.04 of the Revised Code, calculated on the basis of two hundred fifty working days per year, in addition to any retirement benefits to which the assigned judge may be entitled;

(4) If the assigned judge is a sitting judge of the court of appeals or a court of common pleas, fifty dollars.

Sec. 1907.143. (A)(1) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county court is located shall pay the per diem compensation to which an acting judge appointed pursuant to division (A)(2)(b), (B)(1), or (C)(1) of section 1907.141 of the Revised Code is entitled pursuant to division (A) of section 1907.142 of the Revised Code.

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(2) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county court is located shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C)(2) of section 1907.141 of the Revised Code is entitled pursuant to division (B) of section 1907.142 of the Revised Code.

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(B) The treasurer of a county that, pursuant to division (A) of this section, is required to pay any compensation to which an acting judge or assigned judge is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the acting judge or assigned judge stating the days and hours worked. The administrative director shall cause reimbursements of those amounts to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid.

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Sec. 1923.14. (A) Except as otherwise provided in this section, within ten days after receiving a writ of execution described in division (A) or (B) of section 1923.13 of the Revised Code, the sheriff, police officer, constable, or bailiff shall execute it by restoring the plaintiff to the possession of the premises, and shall levy and collect the costs and make return, as

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upon other executions. If an appeal from the judgment of 35706
restitution is filed and if, following the filing of the appeal, a 35707
stay of execution is obtained and any required bond is filed with 35708
the court of common pleas, municipal court, or county court, the 35709
judge of that court immediately shall issue an order to the 35710
sheriff, police officer, constable, or bailiff commanding the 35711
delay of all further proceedings upon the execution. If the 35712
premises have been restored to the plaintiff, the sheriff, police 35713
officer, constable, or bailiff shall forthwith place the defendant 35714
in possession of them, and return the writ with the sheriff's, 35715
police officer's, constable's, or bailiff's proceedings and the 35716
costs taxed on it. 35717

(B)(1) After a court of common pleas, municipal court, or 35718
county court issues a writ of execution described in division (B) 35719
of section 1923.13 of the Revised Code, the clerk of the court 35720
shall send by regular mail, to the last known address of the 35721
titled owner of the manufactured home, mobile home, or 35722
recreational vehicle that is the subject of the writ and to the 35723
last known address of each other person who is listed on the writ 35724
as having any outstanding right, title, or interest in the home, 35725
vehicle, or personal property and to the auditor and treasurer of 35726
the county in which the court is located, a written notice that 35727
the home or vehicle potentially may be sold, destroyed, or have 35728
its title transferred under the circumstances described in 35729
division (B)(3) or (4) of this section. 35730

(2) Except as otherwise provided in this division, after 35731
receiving a writ of execution described in division (B) of section 35732
1923.13 of the Revised Code, and after causing the defendant to be 35733
removed from the residential premises of the manufactured home 35734
park, if necessary, in accordance with the writ, the sheriff, 35735
police officer, constable, or bailiff may cause the manufactured 35736
home, mobile home, or recreational vehicle that is the subject of 35737

the writ, and all personal property on the residential premises, 35738
at the sheriff's, police officer's, constable's, or bailiff's 35739
option, either to be removed from the manufactured home park and, 35740
if necessary, moved to a storage facility of the sheriff's, police 35741
officer's, constable's, or bailiff's choice, or to be retained at 35742
their current location on the residential premises, until they are 35743
claimed by the defendant or they are disposed of in a manner 35744
authorized by division (B)(3), (4), or (6) of this section or by 35745
another section of the Revised Code. The sheriff, police officer, 35746
constable, or bailiff shall not cause the manufactured home, 35747
mobile home, or recreational vehicle that is the subject of the 35748
writ, or the personal property, to be removed from the 35749
manufactured home park or moved to a storage facility if the 35750
holder of any outstanding lien, right, title, or interest in the 35751
home or vehicle, other than the titled owner of the home or 35752
vehicle, meets the conditions set forth in division (B)(6) or (7) 35753
of this section. 35754

The sheriff, police officer, constable, or bailiff who 35755
removes the manufactured home, mobile home, or recreational 35756
vehicle, or the abandoned personal property, from the residential 35757
premises shall be immune from civil liability pursuant to section 35758
2744.03 of the Revised Code for any damage caused to the home, 35759
vehicle, or any personal property during the removal. The park 35760
operator shall not be liable for any damage caused by the park 35761
operator's removal of the manufactured home, mobile home, or 35762
recreational vehicle or the removal of the personal property from 35763
the residential premises, or for any damage to the home, vehicle, 35764
or personal property during the time the home, vehicle, or 35765
property remains abandoned or stored in the manufactured home 35766
park, unless the damage is the result of acts that the park 35767
operator or the park operator's agents or employees performed with 35768
malicious purpose, in bad faith, or in a wanton or reckless 35769
manner. The reasonable costs for a removal of the manufactured 35770

home, mobile home, or recreational vehicle and personal property 35771
and, as applicable, the reasonable costs for its storage shall 35772
constitute a lien upon the home or vehicle payable by the titled 35773
owner of the home or vehicle or payable pursuant to division 35774
(B)(3) of this section. 35775

(3) Except as provided in divisions (B)(4), (5), and (6) of 35776
this section and division (D) of section 1923.12 of the Revised 35777
Code, within sixty days after receiving a writ of execution 35778
described in division (B) of section 1923.13 of the Revised Code, 35779
the sheriff, police officer, constable, or bailiff shall commence 35780
proceedings for the sale of the manufactured home, mobile home, or 35781
recreational vehicle that is the subject of the writ, and the 35782
abandoned personal property on the residential premises, if the 35783
home or vehicle is determined to be abandoned in accordance with 35784
the procedures for the sale of goods on execution under Chapter 35785
2329. of the Revised Code. In addition to all notices required to 35786
be given under section 2329.13 of the Revised Code, the sheriff, 35787
police officer, constable, or bailiff shall serve at their 35788
respective last known addresses a written notice of the date, 35789
time, and place of the sale upon all persons who are listed on the 35790
writ of execution as having any outstanding right, title, or 35791
interest in the abandoned manufactured home, mobile home, or 35792
recreational vehicle and the personal property and shall provide 35793
written notice to the auditor and the treasurer of the county in 35794
which the court issuing the writ is located. 35795

Unless the proceedings are governed by division (D) of 35796
section 1923.12 of the Revised Code, notwithstanding any statutory 35797
provision to the contrary, including, but not limited to, section 35798
2329.66 of the Revised Code, there shall be no stay of execution 35799
or exemption from levy or sale on execution available to the 35800
titled owner of the abandoned manufactured home, mobile home, or 35801
recreational vehicle in relation to a sale under this division. 35802

Except as otherwise provided in sections 2113.031, 2117.25, and 35803
~~5111.11~~ 5162.21 of the Revised Code in a case involving a deceased 35804
resident or resident's estate, the sheriff, police officer, 35805
constable, or bailiff shall distribute the proceeds from the sale 35806
of an abandoned manufactured home, mobile home, or recreational 35807
vehicle and any personal property under this division in the 35808
following manner: 35809

(a) The sheriff, police officer, constable, or bailiff shall 35810
first pay the costs for any moving of and any storage outside the 35811
manufactured home park of the home or vehicle and any personal 35812
property pursuant to division (B)(2) of this section, the costs of 35813
the sale, including reimbursing the park operator for the deposit 35814
that the park operator paid to the clerk of court under division 35815
(C) of section 1923.12 of the Revised Code, and any unpaid court 35816
costs assessed against the defendant in the underlying action. 35817

(b) Following the payment required by division (B)(3)(a) of 35818
this section, the sheriff, police officer, constable, or bailiff 35819
shall pay all outstanding tax liens on the home or vehicle. 35820

(c) Following the payment required by division (B)(3)(b) of 35821
this section, the sheriff, police officer, constable, or bailiff 35822
shall pay all other outstanding security interests, liens, or 35823
encumbrances on the home or vehicle by priority of filing or other 35824
priority. 35825

(d) Following the payment required by division (B)(3)(c) of 35826
this section, the sheriff, police officer, constable, or bailiff 35827
shall pay any outstanding monetary judgment rendered under section 35828
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 35829
and any costs associated with retaining the home or vehicle prior 35830
to the sale at its location on the residential premises within the 35831
manufactured home park pursuant to division (B)(2) of this 35832
section. 35833

(e) After complying with divisions (B)(3)(a) to (d) of this section, the sheriff, police officer, constable, or bailiff shall report any remaining money as unclaimed funds pursuant to Chapter 169. of the Revised Code.

Upon the return of any writ of execution for the satisfaction of which an abandoned manufactured home, mobile home, or recreational vehicle has been sold under this division, on careful examination of the proceedings of the sheriff, police officer, constable, or bailiff conducting the sale, if the court that issued the writ finds that the sale was made, in all respects, in conformity with the relevant provisions of Chapter 2329. of the Revised Code and with this division, it shall direct the clerk of the court to make an entry on the journal that the court is satisfied with the legality of the sale and the court shall direct the clerk of the court of common pleas of the county in which the writ was issued to issue a certificate of title, free and clear of all security interests, liens, and encumbrances, to the purchaser of the home or vehicle. The clerk of the court of common pleas shall issue the new certificate of title to the purchaser of the home or vehicle regardless of whether the writ was issued by the court of common pleas or another court duly authorized to issue the writ. If the manufactured home, mobile home, or recreational vehicle sold under this division is located in a manufactured home park, the purchaser of the home or vehicle shall have no right to maintain the home or vehicle in the manufactured home park without the park operator's consent and the sheriff, police officer, constable, or bailiff conducting the sale shall notify all prospective purchasers of this fact prior to the commencement of the sale.

If, after it is offered for sale on two occasions under this division, the abandoned manufactured home, mobile home, or recreational vehicle cannot be sold due to a want of bidders, the

sheriff, police officer, constable, or bailiff shall present the writ of execution unsatisfied to the clerk of the court of common pleas of the county in which the writ was issued for the issuance by the clerk in the manner prescribed in section 4505.10 of the Revised Code of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances. The clerk of the court of common pleas shall issue the new certificate of title transferring the title of the manufactured home, mobile home, or recreational vehicle to the plaintiff regardless of whether the writ was issued by the court of common pleas or another court duly authorized to issue the writ. If any taxes are owed on the home or vehicle at this time, the county auditor shall remove the delinquent taxes from the manufactured home tax list and the delinquent manufactured home tax list and remit any penalties for late payment of manufactured home taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under this section.

(4) Except as provided in division (B)(5) or (6) of this section and division (D) of section 1923.12 of the Revised Code, within sixty days after receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is determined to be abandoned and to have a value of less than three thousand dollars, the sheriff, police officer, constable, or bailiff shall serve at their respective last known addresses a written notice of potential action as described in this division upon all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle. This notice shall be in addition to all notices required to be given under section 2329.13 of the Revised Code. Subject to the fulfillment of these notice requirements, the sheriff, police officer, constable, or bailiff shall take one of the following

actions with respect to the abandoned manufactured home, mobile home, or recreational vehicle: 35899
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(a) Cause its destruction if there is no person having an outstanding right, title, or interest in the home or vehicle, other than the titled owner of the home or vehicle; 35901
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(b) Proceed with its sale under division (B)(3) of this section; 35904
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(c) If there is no person having an outstanding right, title, or interest in the home or vehicle other than the titled owner of the home or vehicle, or if there is an outstanding right, title, or interest in the home or vehicle and the lienholder consents in writing, present the writ of execution to the clerk of the court of common pleas of the county in which the writ was issued for the issuance by the clerk in the manner prescribed in section 4505.10 of the Revised Code of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances. The clerk of the court of common pleas shall issue the new certificate of title transferring the title of the home or vehicle regardless of whether the writ was issued by the court of common pleas or another court duly authorized to issue the writ. If any taxes are owed on the home or vehicle at this time, the county auditor shall remove the delinquent taxes from the manufactured home tax list and the delinquent manufactured home tax list and remit any penalties for late payment of manufactured home taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under this section. 35906
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(5) At any time prior to the issuance of the writ of execution described in division (B) of section 1923.13 of the Revised Code, the titled owner of the manufactured home, mobile home, or recreational vehicle that would be the subject of the writ may remove the abandoned home or vehicle from the 35926
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manufactured home park or other place of storage upon payment to 35931
the county auditor of all outstanding tax liens on the home or 35932
vehicle and, unless the owner is indigent, payment to the clerk of 35933
court of all unpaid court costs assessed against the defendant in 35934
the underlying action. After the issuance of the writ of 35935
execution, the titled owner of the home or vehicle may remove the 35936
abandoned home or vehicle from the manufactured home park or other 35937
place of storage at any time up to the day before the scheduled 35938
sale, destruction, or transfer of the home or vehicle pursuant to 35939
division (B)(3) or (4) of this section upon payment of all of the 35940
following: 35941

(a) All costs for moving and storage of the home or vehicle 35942
pursuant to division (B)(2) of this section and all costs incurred 35943
by the sheriff, police officer, constable, or bailiff up to and 35944
including the date of the removal of the home or vehicle; 35945

(b) All outstanding tax liens on the home or vehicle; 35946

(c) Unless the owner is indigent, all unpaid court costs 35947
assessed against the defendant in the underlying action. 35948

(6) At any time after the issuance of the writ of execution 35949
described in division (B) of section 1923.13 of the Revised Code, 35950
the holder of any outstanding lien, right, title, or interest in 35951
the manufactured home, mobilehome, or recreational vehicle, other 35952
than the titled owner of the home or vehicle, may stop the 35953
sheriff, police officer, constable, or bailiff from proceeding 35954
with the sale under this division by doing both of the following: 35955

(a) Commencing a proceeding to repossess the home or vehicle 35956
pursuant to Chapters 1309. and 1317. of the Revised Code; 35957

(b) Paying to the park operator all monthly rental payments 35958
for the lot on which the home or vehicle is located from the time 35959
of the issuance of the writ of execution until the time that the 35960
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 35961

the Revised Code. 35962

(7)(a) At any time prior to the day before the scheduled sale 35963
of the property pursuant to division (B)(3) of this section, the 35964
defendant may remove any personal property of the defendant from 35965
the abandoned home or vehicle or other place of storage. 35966

(b) If personal property owned by a person other than the 35967
defendant is abandoned on the residential premises and has not 35968
previously been removed, the owner of the personal property may 35969
remove the personal property from the abandoned home or vehicle or 35970
other place of storage up to the day before the scheduled sale of 35971
the property pursuant to division (B)(3) of this section upon 35972
presentation of proof of ownership of the property that is 35973
satisfactory to the sheriff, police officer, constable, or bailiff 35974
conducting the sale. 35975

Sec. 2101.026. (A) The probate court of Franklin county may 35976
accept funds or other program assistance from the board of 35977
alcohol, drug addiction, and mental health services of Franklin 35978
county or the Franklin county board of developmental disabilities. 35979
Any funds received by the probate court of Franklin county under 35980
this division shall be paid into the treasury of Franklin county 35981
and credited to a fund to be known as the Franklin county probate 35982
court mental health fund. 35983

(B) The moneys in the Franklin county probate court mental 35984
health fund shall be used for services to help ensure the 35985
treatment of any person who is under the care of the board of 35986
alcohol, drug addiction, and mental health services of Franklin 35987
county or the Franklin county board of developmental disabilities. 35988
These services include, but are not limited to, involuntary 35989
commitment proceedings and the establishment and management of 35990
adult guardianships, including all associated expenses, for wards 35991
who are under the care of the board of alcohol, drug addiction, 35992

and mental health services of Franklin county or the Franklin 35993
county board of developmental disabilities. 35994

(C) If the judge of the probate court of Franklin county 35995
determines that some of the moneys in the Franklin county probate 35996
court mental health fund are needed for the efficient operation of 35997
that court, the moneys may be used for the acquisition of 35998
equipment, the hiring and training of staff, community services 35999
programs, volunteer guardianship training services, the employment 36000
of magistrates, and other related services. 36001

Sec. 2101.08. The probate judge may appoint court reporters 36002
and fix their compensation in the manner provided for the court of 36003
common pleas in sections 2301.18 to ~~2301.26~~ 2301.25 of the Revised 36004
Code. 36005

Sec. 2101.24. (A)(1) Except as otherwise provided by law, the 36006
probate court has exclusive jurisdiction: 36007

(a) To take the proof of wills and to admit to record 36008
authenticated copies of wills executed, proved, and allowed in the 36009
courts of any other state, territory, or country. If the probate 36010
judge is unavoidably absent, any judge of the court of common 36011
pleas may take proof of wills and approve bonds to be given, but 36012
the record of these acts shall be preserved in the usual records 36013
of the probate court. 36014

(b) To grant and revoke letters testamentary and of 36015
administration; 36016

(c) To direct and control the conduct and settle the accounts 36017
of executors and administrators and order the distribution of 36018
estates; 36019

(d) To appoint the attorney general to serve as the 36020
administrator of an estate pursuant to section 2113.06 of the 36021
Revised Code; 36022

(e) To appoint and remove guardians, conservators, and testamentary trustees, direct and control their conduct, and settle their accounts;	36023 36024 36025
(f) To grant marriage licenses;	36026
(g) To make inquests respecting persons who are so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that they are unable to manage their property and affairs effectively, subject to guardianship;	36027 36028 36029 36030 36031
(h) To qualify assignees, appoint and qualify trustees and commissioners of insolvents, control their conduct, and settle their accounts;	36032 36033 36034
(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;	36035 36036 36037 36038
(j) To authorize the completion of real property contracts on petition of executors and administrators;	36039 36040
(k) To construe wills;	36041
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	36042 36043 36044
(m) To direct and control the conduct of fiduciaries and settle their accounts;	36045 36046
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	36047 36048
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	36049 36050
(p) To hear and determine actions to contest the validity of wills;	36051 36052

(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	36053 36054 36055
(r) To hear and determine an action commenced pursuant to section 3107.41 of the Revised Code to obtain the release of information pertaining to the birth name of the adopted person and the identity of the adopted person's biological parents and biological siblings;	36056 36057 36058 36059 36060
(s) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	36061 36062
(t) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	36063 36064
(u) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	36065 36066 36067
(v) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	36068 36069 36070
(w) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	36071 36072 36073
(x) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	36074 36075 36076 36077 36078 36079
(y) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to	36080 36081 36082

section 2133.09 of the Revised Code, in accordance with that 36083
section; 36084

(z) To hear and determine applications of attending 36085
physicians in accordance with division (B) of section 2133.15 of 36086
the Revised Code; 36087

(aa) To hear and determine actions relative to the use or 36088
continuation of comfort care in connection with certain principals 36089
under durable powers of attorney for health care, declarants under 36090
declarations, or patients in accordance with division (E) of 36091
either section 1337.16 or 2133.12 of the Revised Code; 36092

(bb) To hear and determine applications for an order 36093
relieving an estate from administration under section 2113.03 of 36094
the Revised Code; 36095

(cc) To hear and determine applications for an order granting 36096
a summary release from administration under section 2113.031 of 36097
the Revised Code; 36098

(dd) To hear and determine actions relating to the exercise 36099
of the right of disposition, in accordance with section 2108.90 of 36100
the Revised Code; 36101

(ee) To hear and determine actions relating to the 36102
disinterment and reinterment of human remains under section 517.23 36103
of the Revised Code; 36104

(ff) To hear and determine petitions for an order for 36105
treatment of a person suffering from alcohol and other drug abuse 36106
filed under section ~~3793.34~~ 5119.93 of the Revised Code and to 36107
order treatment of that nature in accordance with, and take other 36108
actions afforded to the court under, sections ~~3793.31~~ 5119.90 to 36109
~~3793.39~~ 5119.98 of the Revised Code. 36110

(2) In addition to the exclusive jurisdiction conferred upon 36111
the probate court by division (A)(1) of this section, the probate 36112

court shall have exclusive jurisdiction over a particular subject matter if both of the following apply:

(a) Another section of the Revised Code expressly confers jurisdiction over that subject matter upon the probate court.

(b) No section of the Revised Code expressly confers jurisdiction over that subject matter upon any other court or agency.

(B)(1) The probate court has concurrent jurisdiction with, and the same powers at law and in equity as, the general division of the court of common pleas to issue writs and orders, and to hear and determine actions as follows:

(a) If jurisdiction relative to a particular subject matter is stated to be concurrent in a section of the Revised Code or has been construed by judicial decision to be concurrent, any action that involves that subject matter;

(b) Any action that involves an inter vivos trust; a trust created pursuant to section 5815.28 of the Revised Code; a charitable trust or foundation; subject to divisions (A)(1)(u) and (z) of this section, a power of attorney, including, but not limited to, a durable power of attorney; the medical treatment of a competent adult; or a writ of habeas corpus;

(c) Subject to section 2101.31 of the Revised Code, any action with respect to a probate estate, guardianship, trust, or post-death dispute that involves any of the following:

(i) A designation or removal of a beneficiary of a life insurance policy, annuity contract, retirement plan, brokerage account, security account, bank account, real property, or tangible personal property;

(ii) A designation or removal of a payable-on-death beneficiary or transfer-on-death beneficiary;

(iii) A change in the title to any asset involving a joint and survivorship interest;	36143 36144
(iv) An alleged gift;	36145
(v) The passing of assets upon the death of an individual otherwise than by will, intestate succession, or trust.	36146 36147
(2) Any action that involves a concurrent jurisdiction subject matter and that is before the probate court may be transferred by the probate court, on its order, to the general division of the court of common pleas.	36148 36149 36150 36151
(C) The probate court has plenary power at law and in equity to dispose fully of any matter that is properly before the court, unless the power is expressly otherwise limited or denied by a section of the Revised Code.	36152 36153 36154 36155
(D) The jurisdiction acquired by a probate court over a matter or proceeding is exclusive of that of any other probate court, except when otherwise provided by law.	36156 36157 36158
Sec. 2108.05. (A) A donor may make an anatomical gift by doing any of the following:	36159 36160
(1) Authorizing a statement or symbol to be imprinted on the donor's driver's license or identification card indicating that the donor has certified a willingness to make an anatomical gift;	36161 36162 36163
(2) Specifying in the donor's will an intent to make an anatomical gift;	36164 36165
(3) Specifying an intent to make an anatomical gift in the donor's declaration as described in section 2133.16 of the Revised Code;	36166 36167 36168
(4) During a terminal illness or injury of the donor, communicating in any manner to a minimum of two adults, at least one of whom is a disinterested witness, that the donor intends to	36169 36170 36171

make an anatomical gift;	36172
(5) Following the procedure in division (B) of this section.	36173
(B) A donor or other person authorized to make an anatomical gift under section 2108.04 of the Revised Code may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has certified a willingness to make an anatomical gift be included in a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and shall do both of the following:	36174 36175 36176 36177 36178 36179 36180 36181 36182
(1) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person;	36183 36184 36185
(2) State that it has been signed and witnessed as provided in division (B)(1) of this section.	36186 36187
(C) <u>Once a donor has authorized a statement or symbol to be imprinted on the donor's driver's license or identification card indicating that the donor has certified a willingness to make an anatomical gift, the donor does not need to recertify the donor's willingness to make an anatomical gift upon renewal of the driver's license or identification card. The authorization shall remain in effect until the donor withdraws that authorization.</u>	36188 36189 36190 36191 36192 36193 36194
(D) Revocation, suspension, expiration, or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.	36195 36196 36197
(D) (E) An anatomical gift made by will takes effect on the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.	36198 36199 36200
Sec. 2113.041. (A) The administrator of the medicaid estate	36201

recovery program established pursuant to section ~~5111.11~~ 5162.21 36202
of the Revised Code may present an affidavit to a financial 36203
institution requesting that the financial institution release 36204
account proceeds to recover the cost of services correctly 36205
provided to a medicaid recipient who is subject to the medicaid 36206
estate recovery program. The affidavit shall include all of the 36207
following information: 36208

(1) The name of the decedent; 36209

(2) The name of any person who gave notice that the decedent 36210
was a medicaid recipient and that person's relationship to the 36211
decedent; 36212

(3) The name of the financial institution; 36213

(4) The account number; 36214

(5) A description of the claim for estate recovery; 36215

(6) The amount of funds to be recovered. 36216

(B) A financial institution may release account proceeds to 36217
the administrator of the medicaid estate recovery program if all 36218
of the following apply: 36219

(1) The decedent held an account at the financial institution 36220
that was in the decedent's name only. 36221

(2) No estate has been, and it is reasonable to assume that 36222
no estate will be, opened for the decedent. 36223

(3) The decedent has no outstanding debts known to the 36224
administrator of the medicaid estate recovery program. 36225

(4) The financial institution has received no objections or 36226
has determined that no valid objections to release of proceeds 36227
have been received. 36228

(C) If proceeds have been released pursuant to division (B) 36229
of this section and the department of ~~job and family services~~ 36230

medicaid receives notice of a valid claim to the proceeds that has 36231
a higher priority under section 2117.25 of the Revised Code than 36232
the claim of the medicaid estate recovery program, the department 36233
may refund the proceeds to the financial institution or pay them 36234
to the person or government entity with the claim. 36235

Sec. 2113.06. (A) Administration of the estate of an 36236
intestate shall be granted to persons mentioned in this division, 36237
in the following order: 36238

(1) To the surviving spouse of the deceased, if resident of 36239
the state; 36240

(2) To one of the next of kin of the deceased, resident of 36241
the state. 36242

(B) If the persons entitled to administer the estate under 36243
division (A) of this section fail to take or renounce 36244
administration voluntarily, the matter shall be set for hearing 36245
and notice given to the persons. 36246

(C) If there are no persons entitled to administration, if 36247
they are for any reason unsuitable for the discharge of the trust, 36248
or if without sufficient cause they neglect to apply within a 36249
reasonable time for the administration of the estate, their right 36250
to priority shall be lost, and the court shall commit the 36251
administration to some suitable person who is a resident of the 36252
state, or to the attorney general or the attorney general's 36253
designee, if the department of ~~job and family services~~ medicaid is 36254
seeking to recover ~~medical assistance~~ the costs of medicaid 36255
services from the deceased pursuant to section ~~5111.11~~ 5162.21 or 36256
~~5111.111~~ 5162.211 of the Revised Code. The person granted 36257
administration may be a creditor of the estate. 36258

(D) This section applies to the appointment of an 36259
administrator de bonis non. 36260

Sec. 2117.061. (A) As used in this section:	36261
(1) "Medicaid estate recovery program" means the program instituted under section 5111.11 <u>5162.21</u> of the Revised Code.	36262 36263
(2) "Person responsible for the estate" means the executor, administrator, commissioner, or person who filed pursuant to section 2113.03 of the Revised Code for release from administration of an estate.	36264 36265 36266 36267
(B) The person responsible for the estate of a decedent subject to the medicaid estate recovery program or the estate of a decedent who was the spouse of a decedent subject to the medicaid estate recovery program shall submit a properly completed medicaid estate recovery notice form to the administrator of the medicaid estate recovery program not later than thirty days after the occurrence of any of the following:	36268 36269 36270 36271 36272 36273 36274
(1) The granting of letters of administration or letters testamentary;	36275 36276
(2) The filing of an application for release from administration or summary release from administration.	36277 36278
(C) The person responsible for the estate shall mark the appropriate box on the appropriate probate form that gives notice to the administrator of the medicaid estate recovery program to indicate compliance with the requirements of division (B) of this section.	36279 36280 36281 36282 36283
(D) The administrator of the medicaid estate recovery program shall present a claim for estate recovery to the person responsible for the estate of the decedent or the person's legal representative not later than ninety days after the date on which the medicaid estate recovery notice form is received under division (B) of this section or one year after the decedent's death, whichever is later.	36284 36285 36286 36287 36288 36289 36290

Sec. 2117.25. (A) Every executor or administrator shall 36291
proceed with diligence to pay the debts of the decedent and shall 36292
apply the assets in the following order: 36293

(1) Costs and expenses of administration; 36294

(2) An amount, not exceeding four thousand dollars, for 36295
funeral expenses that are included in the bill of a funeral 36296
director, funeral expenses other than those in the bill of a 36297
funeral director that are approved by the probate court, and an 36298
amount, not exceeding three thousand dollars, for burial and 36299
cemetery expenses, including that portion of the funeral 36300
director's bill allocated to cemetery expenses that have been paid 36301
to the cemetery by the funeral director. 36302

For purposes of division (A)(2) of this section, burial and 36303
cemetery expenses shall be limited to the following: 36304

(a) The purchase of a right of interment; 36305

(b) Monuments or other markers; 36306

(c) The outer burial container; 36307

(d) The cost of opening and closing the place of interment; 36308

(e) The urn. 36309

(3) The allowance for support made to the surviving spouse, 36310
minor children, or both under section 2106.13 of the Revised Code; 36311

(4) Debts entitled to a preference under the laws of the 36312
United States; 36313

(5) Expenses of the last sickness of the decedent; 36314

(6) If the total bill of a funeral director for funeral 36315
expenses exceeds four thousand dollars, then, in addition to the 36316
amount described in division (A)(2) of this section, an amount, 36317
not exceeding two thousand dollars, for funeral expenses that are 36318
included in the bill and that exceed four thousand dollars; 36319

(7) Expenses of the decedent's last continuous stay in a nursing home as defined in section 3721.01 of the Revised Code, residential facility as defined in section 5123.19 of the Revised Code, or hospital long-term care unit as defined in section ~~3721.50~~ 5168.40 of the Revised Code.

For purposes of division (A)(7) of this section, a decedent's last ~~continuance~~ continuous stay includes up to thirty consecutive days during which the decedent was temporarily absent from the nursing home, residential facility, or hospital long-term care unit.

(8) Personal property taxes, claims made under the medicaid estate recovery program instituted pursuant to section ~~5111.11~~ 5162.21 of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;

(9) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;

(10) Other debts for which claims have been presented and finally allowed.

(B) The part of the bill of a funeral director that exceeds the total of six thousand dollars as described in divisions (A)(2) and (6) of this section, and the part of a claim included in division (A)(9) of this section that exceeds three hundred dollars shall be included as a debt under division (A)(10) of this section, depending upon the time when the claim for the additional amount is presented.

(C) Any natural person or fiduciary who pays a claim of any creditor described in division (A) of this section shall be subrogated to the rights of that creditor proportionate to the amount of the payment and shall be entitled to reimbursement for

that amount in accordance with the priority of payments set forth 36351
in that division. 36352

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 36353
to the manner in which and the time within which claims shall be 36354
presented, shall apply to claims set forth in divisions (A)(2), 36355
(6), and (9) of this section. Claims for an expense of 36356
administration or for the allowance for support need not be 36357
presented. The executor or administrator shall pay debts included 36358
in divisions (A)(4) and (8) of this section, of which the executor 36359
or administrator has knowledge, regardless of presentation. 36360

(2) The giving of written notice to an executor or 36361
administrator of a motion or application to revive an action 36362
pending against the decedent at the date of death shall be 36363
equivalent to the presentation of a claim to the executor or 36364
administrator for the purpose of determining the order of payment 36365
of any judgment rendered or decree entered in such an action. 36366

(E) No payments shall be made to creditors of one class until 36367
all those of the preceding class are fully paid or provided for. 36368
If the assets are insufficient to pay all the claims of one class, 36369
the creditors of that class shall be paid ratably. 36370

(F) If it appears at any time that the assets have been 36371
exhausted in paying prior or preferred charges, allowances, or 36372
claims, those payments shall be a bar to an action on any claim 36373
not entitled to that priority or preference. 36374

Sec. 2133.01. Unless the context otherwise requires, as used 36375
in sections 2133.01 to 2133.15 of the Revised Code: 36376

(A) "Adult" means an individual who is eighteen years of age 36377
or older. 36378

(B) "Attending physician" means the physician to whom a 36379
declarant or other patient, or the family of a declarant or other 36380

patient, has assigned primary responsibility for the treatment or 36381
care of the declarant or other patient, or, if the responsibility 36382
has not been assigned, the physician who has accepted that 36383
responsibility. 36384

(C) "Comfort care" means any of the following: 36385

(1) Nutrition when administered to diminish the pain or 36386
discomfort of a declarant or other patient, but not to postpone 36387
the declarant's or other patient's death; 36388

(2) Hydration when administered to diminish the pain or 36389
discomfort of a declarant or other patient, but not to postpone 36390
the declarant's or other patient's death; 36391

(3) Any other medical or nursing procedure, treatment, 36392
intervention, or other measure that is taken to diminish the pain 36393
or discomfort of a declarant or other patient, but not to postpone 36394
the declarant's or other patient's death. 36395

(D) "Consulting physician" means a physician who, in 36396
conjunction with the attending physician of a declarant or other 36397
patient, makes one or more determinations that are required to be 36398
made by the attending physician, or to be made by the attending 36399
physician and one other physician, by an applicable provision of 36400
this chapter, to a reasonable degree of medical certainty and in 36401
accordance with reasonable medical standards. 36402

(E) "Declarant" means any adult who has executed a 36403
declaration in accordance with section 2133.02 of the Revised 36404
Code. 36405

(F) "Declaration" means a written document executed in 36406
accordance with section 2133.02 of the Revised Code. 36407

(G) "Durable power of attorney for health care" means a 36408
document created pursuant to sections 1337.11 to 1337.17 of the 36409
Revised Code. 36410

(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	36411 36412 36413
(I) "Health care facility" means any of the following:	36414
(1) A hospital;	36415
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	36416 36417 36418
(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	36419 36420
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	36421 36422 36423
(5) An intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities</u> .	36424 36425
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	36426 36427 36428 36429 36430 36431
(K) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.	36432 36433
(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	36434 36435 36436
(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.	36437 36438
(N) "Hydration" means fluids that are artificially or technologically administered.	36439 36440

(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	36441 36442
(P) "Intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities</u> " has the same meaning as in section 5111.20 <u>5124.01</u> of the Revised Code.	36443 36444 36445
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	36446 36447 36448 36449
(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.	36450 36451 36452 36453
(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	36454 36455
(T) "Nutrition" means sustenance that is artificially or technologically administered.	36456 36457
(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:	36458 36459 36460 36461 36462 36463 36464
(1) Irreversible unawareness of one's being and environment.	36465
(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.	36466 36467 36468
(V) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and	36469 36470

governmental agencies, boards, commissions, departments, 36471
institutions, offices, and other instrumentalities. 36472

(W) "Physician" means a person who is authorized under 36473
Chapter 4731. of the Revised Code to practice medicine and surgery 36474
or osteopathic medicine and surgery. 36475

(X) "Political subdivision" and "state" have the same 36476
meanings as in section 2744.01 of the Revised Code. 36477

(Y) "Professional disciplinary action" means action taken by 36478
the board or other entity that regulates the professional conduct 36479
of health care personnel, including the state medical board and 36480
the board of nursing. 36481

(Z) "Qualified patient" means an adult who has executed a 36482
declaration and has been determined to be in a terminal condition 36483
or in a permanently unconscious state. 36484

(AA) "Terminal condition" means an irreversible, incurable, 36485
and untreatable condition caused by disease, illness, or injury 36486
from which, to a reasonable degree of medical certainty as 36487
determined in accordance with reasonable medical standards by a 36488
declarant's or other patient's attending physician and one other 36489
physician who has examined the declarant or other patient, both of 36490
the following apply: 36491

(1) There can be no recovery. 36492

(2) Death is likely to occur within a relatively short time 36493
if life-sustaining treatment is not administered. 36494

(BB) "Tort action" means a civil action for damages for 36495
injury, death, or loss to person or property, other than a civil 36496
action for damages for breach of a contract or another agreement 36497
between persons. 36498

Sec. 2133.25. (A) The department of health, by rule adopted 36499
pursuant to Chapter 119. of the Revised Code, shall adopt a 36500

standardized method of procedure for the withholding of CPR by 36501
physicians, emergency medical services personnel, and health care 36502
facilities in accordance with sections 2133.21 to 2133.26 of the 36503
Revised Code. The standardized method shall specify criteria for 36504
determining when a do-not-resuscitate order issued by a physician 36505
is current. The standardized method so adopted shall be the 36506
"do-not-resuscitate protocol" for purposes of sections 2133.21 to 36507
2133.26 of the Revised Code. The department also shall approve one 36508
or more standard forms of DNR identification to be used throughout 36509
this state. 36510

(B) The department of health shall adopt rules in accordance 36511
with Chapter 119. of the Revised Code for the administration of 36512
sections 2133.21 to 2133.26 of the Revised Code. 36513

(C) The department of health shall appoint an advisory 36514
committee to advise the department in the development of rules 36515
under this section. The advisory committee shall include, but 36516
shall not be limited to, representatives of each of the following 36517
organizations: 36518

(1) The association for hospitals and health systems (OHA); 36519

(2) The Ohio state medical association; 36520

(3) The Ohio chapter of the American college of emergency 36521
physicians; 36522

(4) The Ohio hospice organization; 36523

(5) The Ohio council for home care; 36524

(6) The Ohio health care association; 36525

(7) The Ohio ambulance association; 36526

(8) The Ohio medical directors association; 36527

(9) The Ohio association of emergency medical services; 36528

(10) The bioethics network of Ohio; 36529

(11) The Ohio nurses association;	36530
(12) The Ohio academy of nursing homes;	36531
(13) The Ohio association of professional firefighters;	36532
(14) The department of developmental disabilities;	36533
(15) The Ohio osteopathic association;	36534
(16) The association of Ohio philanthropic homes, housing and services for the aging;	36535 36536
(17) The catholic conference of Ohio;	36537
(18) The department of aging;	36538
(19) The department of mental health <u>mental health and</u> <u>addiction services</u> ;	36539 36540
(20) The Ohio private residential association;	36541
(21) The northern Ohio fire fighters association.	36542
Sec. 2151.011. (A) As used in the Revised Code:	36543
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	36544 36545 36546
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	36547 36548 36549 36550 36551
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	36552 36553 36554 36555
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	36556 36557

- (2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter. 36558
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- (3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption. 36560
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- (4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following: 36565
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- (a) Receives and cares for children for two or more consecutive weeks; 36570
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- (b) Participates in the placement of children in certified foster homes; 36572
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- (c) Provides adoption services in conjunction with a public children services agency or private child placing agency. 36574
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- (B) As used in this chapter: 36576
- (1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs. 36577
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- (2) "Adult" means an individual who is eighteen years of age or older. 36583
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- (3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children 36585
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services agency or a private child placing agency. 36588

(4) "Alternative response" means the public children services 36589
agency's response to a report of child abuse or neglect that 36590
engages the family in a comprehensive evaluation of child safety, 36591
risk of subsequent harm, and family strengths and needs and that 36592
does not include a determination as to whether child abuse or 36593
neglect occurred. 36594

(5) "Certified foster home" means a foster home, as defined 36595
in section 5103.02 of the Revised Code, certified under section 36596
5103.03 of the Revised Code. 36597

(6) "Child" means a person who is under eighteen years of 36598
age, except that the juvenile court has jurisdiction over any 36599
person who is adjudicated an unruly child prior to attaining 36600
eighteen years of age until the person attains twenty-one years of 36601
age, and, for purposes of that jurisdiction related to that 36602
adjudication, a person who is so adjudicated an unruly child shall 36603
be deemed a "child" until the person attains twenty-one years of 36604
age. 36605

(7) "Child day camp," "child care," "child day-care center," 36606
"part-time child day-care center," "type A family day-care home," 36607
"certified type B family day-care home," "type B home," 36608
"administrator of a child day-care center," "administrator of a 36609
type A family day-care home," "in-home aide," and "authorized 36610
provider" have the same meanings as in section 5104.01 of the 36611
Revised Code. 36612

(8) "Child care provider" means an individual who is a 36613
child-care staff member or administrator of a child day-care 36614
center, a type A family day-care home, or a type B family day-care 36615
home, or an in-home aide or an individual who is licensed, is 36616
regulated, is approved, operates under the direction of, or 36617
otherwise is certified by the department of job and family 36618

services, department of developmental disabilities, or the early 36619
childhood programs of the department of education. 36620

(9) "Chronic truant" has the same meaning as in section 36621
2152.02 of the Revised Code. 36622

(10) "Commit" means to vest custody as ordered by the court. 36623

(11) "Counseling" includes both of the following: 36624

(a) General counseling services performed by a public 36625
children services agency or shelter for victims of domestic 36626
violence to assist a child, a child's parents, and a child's 36627
siblings in alleviating identified problems that may cause or have 36628
caused the child to be an abused, neglected, or dependent child. 36629

(b) Psychiatric or psychological therapeutic counseling 36630
services provided to correct or alleviate any mental or emotional 36631
illness or disorder and performed by a licensed psychiatrist, 36632
licensed psychologist, or a person licensed under Chapter 4757. of 36633
the Revised Code to engage in social work or professional 36634
counseling. 36635

(12) "Custodian" means a person who has legal custody of a 36636
child or a public children services agency or private child 36637
placing agency that has permanent, temporary, or legal custody of 36638
a child. 36639

(13) "Delinquent child" has the same meaning as in section 36640
2152.02 of the Revised Code. 36641

(14) "Detention" means the temporary care of children pending 36642
court adjudication or disposition, or execution of a court order, 36643
in a public or private facility designed to physically restrict 36644
the movement and activities of children. 36645

(15) "Developmental disability" has the same meaning as in 36646
section 5123.01 of the Revised Code. 36647

(16) "Differential response approach" means an approach that 36648

a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(17) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(18) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and

is attending another public or nonpublic school in this or another state; 36680
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(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code; 36682
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(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code. 36685
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(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code. 36688
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(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care. 36691
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(25) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 36696
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(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 36698
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(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 36702
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(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 36704
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(29) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

(30) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Engaging in sexual activity with a child in the person's care;

(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;

(c) Use of restraint procedures on a child that cause injury or pain;

(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;

(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(31) "Out-of-home care child neglect" means any of the

following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;
- (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;
- (c) Failure to develop a process for all of the following:
 - (i) Administration of prescription drugs or psychotropic drugs for the child;
 - (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;
 - (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.
- (d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;
- (e) Confinement of the child to a locked room without monitoring by staff;
- (f) Failure to provide ongoing security for all prescription and nonprescription medication;
- (g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right

to consent to adoption, and divests the natural parents or 36771
adoptive parents of all parental rights, privileges, and 36772
obligations, including all residual rights and obligations. 36773

(33) "Permanent surrender" means the act of the parents or, 36774
if a child has only one parent, of the parent of a child, by a 36775
voluntary agreement authorized by section 5103.15 of the Revised 36776
Code, to transfer the permanent custody of the child to a public 36777
children services agency or a private child placing agency. 36778

(34) "Person" means an individual, association, corporation, 36779
or partnership and the state or any of its political subdivisions, 36780
departments, or agencies. 36781

(35) "Person responsible for a child's care in out-of-home 36782
care" means any of the following: 36783

(a) Any foster caregiver, in-home aide, or provider; 36784

(b) Any administrator, employee, or agent of any of the 36785
following: a public or private detention facility; shelter 36786
facility; certified children's crisis care facility; organization; 36787
certified organization; child day-care center; type A family 36788
day-care home; certified type B family day-care home; group home; 36789
institution; state institution; residential facility; residential 36790
care facility; residential camp; day camp; school district; 36791
community school; chartered nonpublic school; educational service 36792
center; hospital; or medical clinic; 36793

(c) Any person who supervises or coaches children as part of 36794
an extracurricular activity sponsored by a school district, public 36795
school, or chartered nonpublic school; 36796

(d) Any other person who performs a similar function with 36797
respect to, or has a similar relationship to, children. 36798

(36) "Physically impaired" means having one or more of the 36799
following conditions that substantially limit one or more of an 36800

individual's major life activities, including self-care, receptive 36801
and expressive language, learning, mobility, and self-direction: 36802

(a) A substantial impairment of vision, speech, or hearing; 36803

(b) A congenital orthopedic impairment; 36804

(c) An orthopedic impairment caused by disease, rheumatic 36805
fever or any other similar chronic or acute health problem, or 36806
amputation or another similar cause. 36807

(37) "Placement for adoption" means the arrangement by a 36808
public children services agency or a private child placing agency 36809
with a person for the care and adoption by that person of a child 36810
of whom the agency has permanent custody. 36811

(38) "Placement in foster care" means the arrangement by a 36812
public children services agency or a private child placing agency 36813
for the out-of-home care of a child of whom the agency has 36814
temporary custody or permanent custody. 36815

(39) "Planned permanent living arrangement" means an order of 36816
a juvenile court pursuant to which both of the following apply: 36817

(a) The court gives legal custody of a child to a public 36818
children services agency or a private child placing agency without 36819
the termination of parental rights. 36820

(b) The order permits the agency to make an appropriate 36821
placement of the child and to enter into a written agreement with 36822
a foster care provider or with another person or agency with whom 36823
the child is placed. 36824

(40) "Practice of social work" and "practice of professional 36825
counseling" have the same meanings as in section 4757.01 of the 36826
Revised Code. 36827

(41) "Sanction, service, or condition" means a sanction, 36828
service, or condition created by court order following an 36829
adjudication that a child is an unruly child that is described in 36830

division (A)(4) of section 2152.19 of the Revised Code. 36831

(42) "Protective supervision" means an order of disposition 36832
pursuant to which the court permits an abused, neglected, 36833
dependent, or unruly child to remain in the custody of the child's 36834
parents, guardian, or custodian and stay in the child's home, 36835
subject to any conditions and limitations upon the child, the 36836
child's parents, guardian, or custodian, or any other person that 36837
the court prescribes, including supervision as directed by the 36838
court for the protection of the child. 36839

(43) "Psychiatrist" has the same meaning as in section 36840
5122.01 of the Revised Code. 36841

(44) "Psychologist" has the same meaning as in section 36842
4732.01 of the Revised Code. 36843

(45) "Residential camp" means a program in which the care, 36844
physical custody, or control of children is accepted overnight for 36845
recreational or recreational and educational purposes. 36846

(46) "Residential care facility" means an institution, 36847
residence, or facility that is licensed by the department of 36848
~~mental health~~ mental health and addiction services under section 36849
~~5119.22~~ 5119.34 of the Revised Code and that provides care for a 36850
child. 36851

(47) "Residential facility" means a home or facility that is 36852
licensed by the department of developmental disabilities under 36853
section 5123.19 of the Revised Code and in which a child with a 36854
developmental disability resides. 36855

(48) "Residual parental rights, privileges, and 36856
responsibilities" means those rights, privileges, and 36857
responsibilities remaining with the natural parent after the 36858
transfer of legal custody of the child, including, but not 36859
necessarily limited to, the privilege of reasonable visitation, 36860
consent to adoption, the privilege to determine the child's 36861

religious affiliation, and the responsibility for support. 36862

(49) "School day" means the school day established by the 36863
state board of education pursuant to section 3313.48 of the 36864
Revised Code. 36865

(50) "School month" and "school year" have the same meanings 36866
as in section 3313.62 of the Revised Code. 36867

(51) "Secure correctional facility" means a facility under 36868
the direction of the department of youth services that is designed 36869
to physically restrict the movement and activities of children and 36870
used for the placement of children after adjudication and 36871
disposition. 36872

(52) "Sexual activity" has the same meaning as in section 36873
2907.01 of the Revised Code. 36874

(53) "Shelter" means the temporary care of children in 36875
physically unrestricted facilities pending court adjudication or 36876
disposition. 36877

(54) "Shelter for victims of domestic violence" has the same 36878
meaning as in section 3113.33 of the Revised Code. 36879

(55) "Temporary custody" means legal custody of a child who 36880
is removed from the child's home, which custody may be terminated 36881
at any time at the discretion of the court or, if the legal 36882
custody is granted in an agreement for temporary custody, by the 36883
person who executed the agreement. 36884

(56) "Traditional response" means a public children services 36885
agency's response to a report of child abuse or neglect that 36886
encourages engagement of the family in a comprehensive evaluation 36887
of the child's current and future safety needs and a fact-finding 36888
process to determine whether child abuse or neglect occurred and 36889
the circumstances surrounding the alleged harm or risk of harm. 36890

(C) For the purposes of this chapter, a child shall be 36891

presumed abandoned when the parents of the child have failed to 36892
visit or maintain contact with the child for more than ninety 36893
days, regardless of whether the parents resume contact with the 36894
child after that period of ninety days. 36895

Sec. 2151.3514. (A) As used in this section: 36896

(1) "~~Alcohol and drug~~ Community addiction program services 36897
provider" has the same meaning as in section ~~3793.01~~ 5119.01 of 36898
the Revised Code; 36899

(2) "Chemical dependency" means either of the following: 36900

(a) The chronic and habitual use of alcoholic beverages to 36901
the extent that the user no longer can control the use of alcohol 36902
or endangers the user's health, safety, or welfare or that of 36903
others; 36904

(b) The use of a drug of abuse to the extent that the user 36905
becomes physically or psychologically dependent on the drug or 36906
endangers the user's health, safety, or welfare or that of others. 36907

(3) "Drug of abuse" has the same meaning as in section 36908
3719.011 of the Revised Code. 36909

~~(4) "Medicaid" means the program established under Chapter 36910
5111. of the Revised Code. 36911~~

(B) If the juvenile court issues an order of temporary 36912
custody or protective supervision under division (A) of section 36913
2151.353 of the Revised Code with respect to a child adjudicated 36914
to be an abused, neglected, or dependent child and the alcohol or 36915
other drug addiction of a parent or other caregiver of the child 36916
was the basis for the adjudication of abuse, neglect, or 36917
dependency, the court shall issue an order requiring the parent or 36918
other caregiver to submit to an assessment and, if needed, 36919
treatment from ~~an alcohol and drug~~ a community addiction program 36920
services provider certified by the department of ~~alcohol and drug~~ 36921

~~addiction services~~ mental health and addiction services. The court 36922
may order the parent or other caregiver to submit to alcohol or 36923
other drug testing during, after, or both during and after, the 36924
treatment. The court shall send any order issued pursuant to this 36925
division to the public children services agency that serves the 36926
county in which the court is located for use as described in 36927
section 340.15 of the Revised Code. 36928

(C) Any order requiring alcohol or other drug testing that is 36929
issued pursuant to division (B) of this section shall require one 36930
alcohol or other drug test to be conducted each month during a 36931
period of twelve consecutive months beginning the month 36932
immediately following the month in which the order for alcohol or 36933
other drug testing is issued. Arrangements for administering the 36934
alcohol or other drug tests, as well as funding the costs of the 36935
tests, shall be locally determined in accordance with sections 36936
~~340.033~~ 340.03 and 340.15 of the Revised Code. If a parent or 36937
other caregiver required to submit to alcohol or other drug tests 36938
under this section is not a recipient of medicaid, the agency that 36939
refers the parent or caregiver for the tests may require the 36940
parent or caregiver to reimburse the agency for the cost of 36941
conducting the tests. 36942

(D) The certified ~~alcohol and drug~~ community addiction 36943
~~program~~ services provider that conducts any alcohol or other drug 36944
tests ordered in accordance with divisions (B) and (C) of this 36945
section shall send the results of the tests, along with the 36946
~~program's~~ provider's recommendations as to the benefits of 36947
continued treatment, to the court and to the public children 36948
services agency providing services to the involved family, 36949
according to federal regulations set forth in 42 C.F.R. Part 2, 36950
and division (B) of section 340.15 of the Revised Code. The court 36951
shall consider the results and the recommendations sent to it 36952
under this division in any adjudication or review by the court, 36953

according to section 2151.353, 2151.414, or 2151.419 of the Revised Code.

Sec. 2151.362. (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as applicable, the court, at the time of making any order that removes a child from the child's own home or that vests legal or permanent custody of the child in a person other than the child's parent or a government agency, shall determine the school district that is to bear the cost of educating the child. The court shall make the determination a part of the order that provides for the child's placement or commitment. That school district shall bear the cost of educating the child unless and until the department of education determines that a different district shall be responsible for bearing that cost pursuant to division (A)(2) of this section. The court's order shall state that the determination of which school district is responsible to bear the cost of educating the child is subject to re-determination by the department pursuant to that division.

(2) If, while the child is in the custody of a person other than the child's parent or a government agency, the department of education determines that the place of residence of the child's parent has changed since the court issued its initial order, the department may name a different school district to bear the cost of educating the child. The department shall make this new determination, and any future determinations, based on evidence received from the school district currently responsible to bear the cost of educating the child. If the department finds that the evidence demonstrates to its satisfaction that the residence of the child's parent has changed since the court issued its initial order under division (A)(1) of this section, or since the department last made a determination under division (A)(2) of this section, the department shall name the district in which the

child's parent currently resides or, if the parent's residence is 36986
not known, the district in which the parent's last known residence 36987
is located. If the department cannot determine any Ohio district 36988
in which the parent currently resides or has resided, the school 36989
district designated in the initial court order under division 36990
(A)(1) of this section, or in the most recent determination made 36991
by the department under division (A)(2) of this section, shall 36992
continue to bear the cost of educating the child. 36993

(B) Whenever a child is placed in a detention facility 36994
established under section 2152.41 of the Revised Code or a 36995
juvenile facility established under section 2151.65 of the Revised 36996
Code, the facility shall be responsible for coordinating the 36997
education of the child. The facility may take any of the following 36998
measures in coordinating the education of the child: 36999

(1) If applicable, use the chartered nonpublic school that 37000
the facility operates; 37001

(2) Arrange with the school district responsible for bearing 37002
the cost of educating the child determined under division (A) of 37003
this section, for the facility to educate the child on its own; 37004

(3) Contract with an educational service center for the 37005
service center to educate the child; 37006

(4) Contract with the school district in which the facility 37007
is located for that school district to educate the child; 37008

(5) If the child is enrolled in an internet- or 37009
computer-based community school established under Chapter 3314. of 37010
the Revised Code, and provided that the facility possesses the 37011
necessary hardware, software, and internet connectivity, permit 37012
continued instruction of the child by the internet- or 37013
computer-based community school. 37014

If the facility coordinates the education of the child 37015
pursuant to division (B)(1), (2), (3), or (4) of this section, 37016

child's school district as determined by the court or the 37017
department, in the same manner as prescribed in division (A) of 37018
this section, shall pay the cost of educating the child based on 37019
the per capita cost of the educational facility within the 37020
detention home or juvenile facility. 37021

If the facility coordinates the education of the child 37022
pursuant to division (B)(5) of this section, payment for the cost 37023
of educating the child shall be made only as provided in division 37024
(C) of section 3314.08 of the Revised Code. 37025

(C) Whenever a child is placed by the court in a private 37026
institution, school, or residential treatment center or any other 37027
private facility, the state shall pay to the court a subsidy to 37028
help defray the expense of educating the child in an amount equal 37029
to the product of the daily per capita educational cost of the 37030
private facility, as determined pursuant to this section, and the 37031
number of days the child resides at the private facility, provided 37032
that the subsidy shall not exceed twenty-five hundred dollars per 37033
year per child. The daily per capita educational cost of a private 37034
facility shall be determined by dividing the actual program cost 37035
of the private facility or twenty-five hundred dollars, whichever 37036
is less, by three hundred sixty-five days or by three hundred 37037
sixty-six days for years that include February twenty-ninth. The 37038
state shall pay seventy-five per cent of the total subsidy for 37039
each year quarterly to the court. The state may adjust the 37040
remaining twenty-five per cent of the total subsidy to be paid to 37041
the court for each year to an amount that is less than twenty-five 37042
per cent of the total subsidy for that year based upon the 37043
availability of funds appropriated to the department of education 37044
for the purpose of subsidizing courts that place a child in a 37045
private institution, school, or residential treatment center or 37046
any other private facility and shall pay that adjusted amount to 37047
the court at the end of the year. 37048

Sec. 2151.83. (A) A public children services agency or 37049
private child placing agency, on the request of a young adult, 37050
shall enter into a jointly prepared written agreement with the 37051
young adult that obligates the agency to ensure that independent 37052
living services are provided to the young adult and sets forth the 37053
responsibilities of the young adult regarding the services. The 37054
agreement shall be developed based on the young adult's strengths, 37055
needs, and circumstances. The agreement shall be designed to 37056
promote the young adult's successful transition to independent 37057
adult living and emotional and economic self-sufficiency. 37058

(B) If the young adult appears to be eligible for services 37059
from one or more of the following entities, the agency must 37060
contact the appropriate entity to determine eligibility: 37061

(1) An entity, other than the agency, that is represented on 37062
a county family and children first council established pursuant to 37063
section 121.37 of the Revised Code. If the entity is a board of 37064
alcohol, drug addiction, and mental health services, an alcohol 37065
and drug addiction services board, or a community mental health 37066
board, the agency shall contact the provider of alcohol, drug 37067
addiction, or mental health services that has been designated by 37068
the board to determine the young adult's eligibility for services. 37069

(2) ~~The rehabilitation services commission opportunities for~~ 37070
Ohioans with disabilities agency; 37071

(3) A metropolitan housing authority established pursuant to 37072
section 3735.27 of the Revised Code. 37073

If an entity described in this division determines that the 37074
young adult qualifies for services from the entity, that entity, 37075
the young adult, and the agency to which the young adult made the 37076
request for independent living services shall enter into a written 37077
addendum to the jointly prepared agreement entered into under 37078
division (A) of this section. The addendum shall indicate how 37079

services under the agreement and addendum are to be coordinated 37080
and allocate the service responsibilities among the entities and 37081
agency that signed the addendum. 37082

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 37083
entity that appoints or employs any person responsible for a 37084
child's care in out-of-home care shall request the superintendent 37085
of BCII to conduct a criminal records check with respect to any 37086
person who is under final consideration for appointment or 37087
employment as a person responsible for a child's care in 37088
out-of-home care, except that section 3319.39 of the Revised Code 37089
shall apply instead of this section if the out-of-home care entity 37090
is a public school, educational service center, or chartered 37091
nonpublic school. 37092

(2) At the times specified in this division, the 37093
administrative director of an agency, or attorney, who arranges an 37094
adoption for a prospective adoptive parent shall request the 37095
superintendent of BCII to conduct a criminal records check with 37096
respect to that prospective adoptive parent and a criminal records 37097
check with respect to all persons eighteen years of age or older 37098
who reside with the prospective adoptive parent. The 37099
administrative director or attorney shall request a criminal 37100
records check pursuant to this division at the time of the initial 37101
home study, every four years after the initial home study at the 37102
time of an update, and at the time that an adoptive home study is 37103
completed as a new home study. 37104

(3) Before a recommending agency submits a recommendation to 37105
the department of job and family services on whether the 37106
department should issue a certificate to a foster home under 37107
section 5103.03 of the Revised Code, and every four years 37108
thereafter prior to a recertification under that section, the 37109
administrative director of the agency shall request that the 37110

superintendent of BCII conduct a criminal records check with 37111
respect to the prospective foster caregiver and a criminal records 37112
check with respect to all other persons eighteen years of age or 37113
older who reside with the foster caregiver. 37114

(B)(1) If a person subject to a criminal records check under 37115
division (A)(1) of this section does not present proof that the 37116
person has been a resident of this state for the five-year period 37117
immediately prior to the date upon which the criminal records 37118
check is requested or does not provide evidence that within that 37119
five-year period the superintendent of BCII has requested 37120
information about the person from the federal bureau of 37121
investigation in a criminal records check, the appointing or 37122
hiring officer shall request that the superintendent of BCII 37123
obtain information from the federal bureau of investigation as a 37124
part of the criminal records check, including fingerprint-based 37125
checks of national crime information databases as described in 42 37126
U.S.C. 671. If a person subject to a criminal records check under 37127
division (A)(1) of this section presents proof that the person has 37128
been a resident of this state for that five-year period, the 37129
appointing or hiring officer or attorney may request that the 37130
superintendent of BCII include information from the federal bureau 37131
of investigation in the criminal records check, including 37132
fingerprint-based checks of national crime information databases 37133
as described in 42 U.S.C. 671. 37134

When the administrative director of an agency, or attorney, 37135
who arranges an adoption for a prospective parent requests, at the 37136
time of the initial home study, a criminal records check for a 37137
person pursuant to division (A)(2) of this section, the 37138
administrative director or attorney shall request that the 37139
superintendent of BCII obtain information from the federal bureau 37140
of investigation as part of the criminal records check, including 37141
fingerprint-based checks of national crime information databases 37142

as described in 42 U.S.C. 671, for the person subject to the 37143
criminal records check. In all other cases in which the 37144
administrative director of an agency, or attorney, who arranges an 37145
adoption for a prospective parent requests a criminal records 37146
check for a person pursuant to division (A)(2) of this section, 37147
the administrative director or attorney may request that the 37148
superintendent of BCII include information from the federal bureau 37149
of investigation in the criminal records check, including 37150
fingerprint-based checks of national crime information databases 37151
as described in 42 U.S.C. 671. 37152

When the administrative director of a recommending agency 37153
requests, before submitting a recommendation to the department of 37154
job and family services on whether the department should issue a 37155
certificate to a foster home under section 5103.03 of the Revised 37156
Code, a criminal records check for a person pursuant to division 37157
(A)(3) of this section, the administrative director shall request 37158
that the superintendent of BCII obtain information from the 37159
federal bureau of investigation as part of a criminal records 37160
check, including fingerprint-based checks of national crime 37161
information databases as described in 42 U.S.C. 671, for the 37162
person subject to the criminal records check. In all other cases 37163
in which the administrative director of a recommending agency 37164
requests a criminal records check for a person pursuant to 37165
division (A)(3) of this section, the administrative director may 37166
request that the superintendent of BCII include information from 37167
the federal bureau of investigation in the criminal records check, 37168
including fingerprint-based checks of national crime information 37169
databases as described in 42 U.S.C. 671. 37170

Prior to a hearing on a final decree of adoption or 37171
interlocutory order of adoption by a probate court, the 37172
administrative director of an agency, or an attorney, who arranges 37173
an adoption for a prospective parent shall provide to the clerk of 37174

the probate court either of the following: 37175

(a) Any information received pursuant to a request made under 37176
this division from the superintendent of BCII or the federal 37177
bureau of investigation as part of the criminal records check, 37178
including fingerprint-based checks of national crime information 37179
databases as described in 42 U.S.C. 671, for the person subject to 37180
the criminal records check; 37181

(b) Written notification that the person subject to a 37182
criminal records check pursuant to this division failed upon 37183
request to provide the information necessary to complete the form 37184
or failed to provide impressions of the person's fingerprints as 37185
required under division (B)(2) of this section. 37186

(2) An appointing or hiring officer, administrative director, 37187
or attorney required by division (A) of this section to request a 37188
criminal records check shall provide to each person subject to a 37189
criminal records check a copy of the form prescribed pursuant to 37190
division (C)(1) of section 109.572 of the Revised Code and a 37191
standard impression sheet to obtain fingerprint impressions 37192
prescribed pursuant to division (C)(2) of section 109.572 of the 37193
Revised Code, obtain the completed form and impression sheet from 37194
the person, and forward the completed form and impression sheet to 37195
the superintendent of BCII at the time the criminal records check 37196
is requested. 37197

Any person subject to a criminal records check who receives 37198
pursuant to this division a copy of the form prescribed pursuant 37199
to division (C)(1) of section 109.572 of the Revised Code and a 37200
copy of an impression sheet prescribed pursuant to division (C)(2) 37201
of that section and who is requested to complete the form and 37202
provide a set of fingerprint impressions shall complete the form 37203
or provide all the information necessary to complete the form and 37204
shall provide the impression sheet with the impressions of the 37205
person's fingerprints. If a person subject to a criminal records 37206

check, upon request, fails to provide the information necessary to 37207
complete the form or fails to provide impressions of the person's 37208
fingerprints, the appointing or hiring officer shall not appoint 37209
or employ the person as a person responsible for a child's care in 37210
out-of-home care, a probate court may not issue a final decree of 37211
adoption or an interlocutory order of adoption making the person 37212
an adoptive parent, and the department of job and family services 37213
shall not issue a certificate authorizing the prospective foster 37214
caregiver to operate a foster home. 37215

(C)(1) No appointing or hiring officer shall appoint or 37216
employ a person as a person responsible for a child's care in 37217
out-of-home care, the department of job and family services shall 37218
not issue a certificate under section 5103.03 of the Revised Code 37219
authorizing a prospective foster caregiver to operate a foster 37220
home, and no probate court shall issue a final decree of adoption 37221
or an interlocutory order of adoption making a person an adoptive 37222
parent if the person or, in the case of a prospective foster 37223
caregiver or prospective adoptive parent, any person eighteen 37224
years of age or older who resides with the prospective foster 37225
caregiver or prospective adoptive parent previously has been 37226
convicted of or pleaded guilty to any of the violations described 37227
in division (A)(4) of section 109.572 of the Revised Code, unless 37228
the person meets rehabilitation standards established in rules 37229
adopted under division (F) of this section. 37230

(2) The appointing or hiring officer may appoint or employ a 37231
person as a person responsible for a child's care in out-of-home 37232
care conditionally until the criminal records check required by 37233
this section is completed and the officer receives the results of 37234
the criminal records check. If the results of the criminal records 37235
check indicate that, pursuant to division (C)(1) of this section, 37236
the person subject to the criminal records check does not qualify 37237
for appointment or employment, the officer shall release the 37238

person from appointment or employment. 37239

(3) Prior to certification or recertification under section 37240
5103.03 of the Revised Code, the prospective foster caregiver 37241
subject to a criminal records check under division (A)(3) of this 37242
section shall notify the recommending agency of the revocation of 37243
any foster home license, certificate, or other similar 37244
authorization in another state occurring within the five years 37245
prior to the date of application to become a foster caregiver in 37246
this state. The failure of a prospective foster caregiver to 37247
notify the recommending agency of any revocation of that type in 37248
another state that occurred within that five-year period shall be 37249
grounds for denial of the person's foster home application or the 37250
revocation of the person's foster home certification, whichever is 37251
applicable. If a person has had a revocation in another state 37252
within the five years prior to the date of the application, the 37253
department of job and family services shall not issue a foster 37254
home certificate to the prospective foster caregiver. 37255

(D) The appointing or hiring officer, administrative 37256
director, or attorney shall pay to the bureau of criminal 37257
identification and investigation the fee prescribed pursuant to 37258
division (C)(3) of section 109.572 of the Revised Code for each 37259
criminal records check conducted in accordance with that section 37260
upon a request pursuant to division (A) of this section. The 37261
officer, director, or attorney may charge the person subject to 37262
the criminal records check a fee for the costs the officer, 37263
director, or attorney incurs in obtaining the criminal records 37264
check. A fee charged under this division shall not exceed the 37265
amount of fees the officer, director, or attorney pays for the 37266
criminal records check. If a fee is charged under this division, 37267
the officer, director, or attorney shall notify the person who is 37268
the applicant at the time of the person's initial application for 37269
appointment or employment, an adoption to be arranged, or a 37270

certificate to operate a foster home of the amount of the fee and 37271
that, unless the fee is paid, the person who is the applicant will 37272
not be considered for appointment or employment or as an adoptive 37273
parent or foster caregiver. 37274

(E) The report of any criminal records check conducted by the 37275
bureau of criminal identification and investigation in accordance 37276
with section 109.572 of the Revised Code and pursuant to a request 37277
made under division (A) of this section is not a public record for 37278
the purposes of section 149.43 of the Revised Code and shall not 37279
be made available to any person other than the following: 37280

(1) The person who is the subject of the criminal records 37281
check or the person's representative; 37282

(2) The appointing or hiring officer, administrative 37283
director, or attorney requesting the criminal records check or the 37284
officer's, director's, or attorney's representative; 37285

(3) The department of job and family services, a county 37286
department of job and family services, or a public children 37287
services agency; 37288

(4) Any court, hearing officer, or other necessary individual 37289
involved in a case dealing with the denial of employment, a final 37290
decree of adoption or interlocutory order of adoption, or a foster 37291
home certificate. 37292

(F) The director of job and family services shall adopt rules 37293
in accordance with Chapter 119. of the Revised Code to implement 37294
this section. The rules shall include rehabilitation standards a 37295
person who has been convicted of or pleaded guilty to an offense 37296
listed in division (A)(4) of section 109.572 of the Revised Code 37297
must meet for an appointing or hiring officer to appoint or employ 37298
the person as a person responsible for a child's care in 37299
out-of-home care, a probate court to issue a final decree of 37300
adoption or interlocutory order of adoption making the person an 37301

adoptive parent, or the department to issue a certificate 37302
authorizing the prospective foster caregiver to operate a foster 37303
home or not revoke a foster home certificate for a violation 37304
specified in section 5103.0328 of the Revised Code. 37305

(G) An appointing or hiring officer, administrative director, 37306
or attorney required by division (A) of this section to request a 37307
criminal records check shall inform each person who is the 37308
applicant, at the time of the person's initial application for 37309
appointment or employment, an adoption to be arranged, or a foster 37310
home certificate, that the person subject to the criminal records 37311
check is required to provide a set of impressions of the person's 37312
fingerprints and that a criminal records check is required to be 37313
conducted and satisfactorily completed in accordance with section 37314
109.572 of the Revised Code. 37315

~~(H) The department of job and family services may waive the 37316
requirement that a criminal records check based on fingerprints be 37317
conducted for an adult resident of a prospective adoptive or 37318
foster home or the home of a foster caregiver if the recommending 37319
agency documents to the department's satisfaction that the adult 37320
resident is physically unable to comply with the fingerprinting 37321
requirement and poses no danger to foster children or adoptive 37322
children who may be placed in the home. In such cases, the 37323
recommending or approving agency shall request that the bureau of 37324
criminal identification and investigation conduct a criminal 37325
records check using the person's name and social security number. 37326~~

~~(I) As used in this section: 37327~~

~~(1) "Children's hospital" means any of the following: 37328~~

~~(a) A hospital registered under section 3701.07 of the 37329
Revised Code that provides general pediatric medical and surgical 37330
care, and in which at least seventy-five per cent of annual 37331
inpatient discharges for the preceding two calendar years were 37332~~

individuals less than eighteen years of age;	37333
(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	37334 37335 37336 37337 37338 37339 37340
(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (I) (H)(1)(a) of this section.	37341 37342 37343 37344
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	37345 37346
(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.	37347 37348 37349 37350 37351 37352
(4) "Person subject to a criminal records check" means the following:	37353 37354
(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;	37355 37356 37357
(b) A prospective adoptive parent;	37358
(c) A prospective foster caregiver;	37359
(d) A person eighteen years old or older who resides with a prospective foster caregiver or a prospective adoptive parent.	37360 37361
(5) "Recommending agency" means a public children services	37362

agency, private child placing agency, or private noncustodial 37363
agency to which the department of job and family services has 37364
delegated a duty to inspect and approve foster homes. 37365

(6) "Superintendent of BCII" means the superintendent of the 37366
bureau of criminal identification and investigation. 37367

Sec. 2152.54. (A) An evaluation of a child who does not 37368
appear to the court to be a person who is at least moderately 37369
intellectually disabled shall be made by an evaluator who is one 37370
of the following: 37371

(1) A professional employed by a psychiatric facility or 37372
center certified by the department of ~~mental health~~ mental health
and addiction services to provide forensic services and appointed 37373
by the director of the facility or center to conduct the 37374
evaluation; 37375
37376

(2) A psychiatrist or a licensed clinical psychologist who 37377
satisfies the criteria of division (I)(1) of section 5122.01 of 37378
the Revised Code and has specialized education, training, or 37379
experience in forensic evaluations of children or adolescents. 37380

(B) An evaluation of a child who appears to the court to be a 37381
person who is at least moderately intellectually disabled shall be 37382
made by a psychiatrist or licensed clinical psychologist who 37383
satisfies the criteria of division (I)(1) of section 5122.01 of 37384
the Revised Code and has specialized education, training, or 37385
experience in forensic evaluations of children or adolescents who 37386
have intellectual disability. 37387

(C) If an evaluation is conducted by an evaluator of the type 37388
described in division (A)(1) or (2) of this section and the 37389
evaluator concludes that the child is a person who is at least 37390
moderately intellectually disabled, the evaluator shall 37391
discontinue the evaluation and notify the court within one 37392

business day after reaching the conclusion. Within two business 37393
days after receiving notification, the court shall order the child 37394
to undergo an evaluation by an evaluator of the type described in 37395
division (B) of this section. Within two business days after the 37396
appointment of the new evaluator, the original evaluator shall 37397
deliver to the new evaluator all information relating to the child 37398
obtained during the original evaluation. 37399

Sec. 2152.59. (A) If after a hearing held pursuant to section 37400
2152.58 of the Revised Code the court determines that a child is 37401
competent, the court shall proceed with the delinquent child's 37402
proceeding as provided by law. No statement that a child makes 37403
during an evaluation or hearing conducted under sections 2152.51 37404
through 2152.59 of the Revised Code shall be used against the 37405
child on the issue of responsibility or guilt in any child or 37406
adult proceeding. 37407

(B) If after a hearing held pursuant to section 2152.58 of 37408
the Revised Code the court determines that the child is not 37409
competent and cannot attain competency within the period of time 37410
applicable under division (D)(2) of this section, the court shall 37411
dismiss the charges without prejudice, except that the court may 37412
delay dismissal for up to ninety calendar days and do either of 37413
the following: 37414

(1) Refer the matter to a public children services agency and 37415
request that agency determine whether to file an action in 37416
accordance with section 2151.27 of the Revised Code alleging that 37417
the child is a dependent, neglected, or abused child; 37418

(2) Assign court staff to refer the child or the child's 37419
family to the local family and children first council or an agency 37420
funded by the department of ~~mental health~~ mental health and 37421
addiction services or department of developmental disabilities or 37422
otherwise secure services to reduce the potential that the child 37423

would engage in behavior that could result in delinquent child or 37424
other criminal charges. 37425

(C) If after a hearing held pursuant to section 2152.58 of 37426
the Revised Code the court determines that a child is not 37427
competent but could likely attain competency by participating in 37428
services specifically designed to help the child develop 37429
competency, the court may order the child to participate in 37430
services specifically designed to help the child develop 37431
competency at county expense. The court shall name a reliable 37432
provider to deliver the competency attainment services and shall 37433
order the child's parent, guardian, or custodian to contact that 37434
provider by a specified date to arrange for services. 37435

(D) The competency attainment services provided to a child 37436
shall be based on a competency attainment plan described in 37437
division (E)(2) of this section and approved by the court. 37438
Services are subject to the following conditions and time periods 37439
measured from the date the court approves the plan: 37440

(1) Services shall be provided in the least restrictive 37441
setting that is consistent with the child's ability to attain 37442
competency and the safety of both the child and the community. If 37443
the child has been released on temporary or interim orders and 37444
refuses or fails to cooperate with the service provider, the court 37445
may reassess the orders and amend them to require a more 37446
appropriate setting. 37447

(2) No child shall be required to participate in competency 37448
attainment services for longer than is required for the child to 37449
attain competency. The following maximum periods of participation 37450
apply: 37451

(a) If a child is ordered to participate in competency 37452
attainment services that are provided outside of a residential 37453
setting, the child shall not participate in those services for a 37454

period exceeding three months if the child is charged with an act 37455
that would be a misdemeanor if committed by an adult, six months 37456
if the child is charged with an act that would be a felony of the 37457
third, fourth, or fifth degree if committed by an adult, or one 37458
year if the child is charged with an act that would be a felony of 37459
the first or second degree, aggravated murder, or murder if 37460
committed by an adult. 37461

(b) If a child is ordered to receive competency attainment 37462
services that are provided in a residential setting that is 37463
operated solely or in part for the purpose of providing competency 37464
attainment services, the child shall not participate in those 37465
services for a period exceeding forty-five calendar days if the 37466
child is charged with an act that would be a misdemeanor if 37467
committed by an adult, three months if the child is charged with 37468
an act that would be a felony of the third, fourth, or fifth 37469
degree if committed by an adult, six months if the child is 37470
charged with an act that would be a felony of the first or second 37471
degree if committed by an adult, or one year if the child is 37472
charged with an act that would be aggravated murder or murder if 37473
committed by an adult. 37474

(c) If a child is ordered into a residential, detention, or 37475
other secured setting for reasons other than to participate in 37476
competency attainment services and is also ordered to participate 37477
in competency attainment services concurrently, the child shall 37478
participate in the competency attainment services for not longer 37479
than the relevant period set forth in division (D)(2)(a) of this 37480
section. 37481

(d) If a child is ordered to participate in competency 37482
attainment services that require the child to live for some but 37483
not all of the duration of the services in a residential setting 37484
that is operated solely or in part for the purpose of providing 37485
competency attainment services, the child shall participate in the 37486

competency attainment services for not longer than the relevant 37487
period set forth in division (D)(2)(b) of this section. For the 37488
purpose of calculating a time period under division (D)(2)(d) of 37489
this section, two days of participation in a nonresidential 37490
setting shall equal one day of participation in a residential 37491
setting. 37492

(3) A child who receives competency attainment services in a 37493
residential setting that is operated solely or partly for the 37494
purpose of providing competency attainment services is in 37495
detention for purposes of section 2921.34 and division (B) of 37496
section 2152.18 of the Revised Code during the time that the child 37497
resides in the residential setting. 37498

(E)(1) Within ten business days after the court names the 37499
provider responsible for the child's competency attainment 37500
services under division (D) of this section, the court shall 37501
deliver to that provider a copy of each competency assessment 37502
report it has received for review. The provider shall return the 37503
copies of the reports to the court upon the termination of the 37504
services. 37505

(2) Not later than thirty calendar days after the child 37506
contacts the competency attainment services provider under 37507
division (C) of this section, the provider shall submit to the 37508
court a plan for the child to attain competency. The court shall 37509
provide copies of the plan to the prosecuting attorney, the 37510
child's attorney, the child's guardian ad litem, if any, and the 37511
child's parents, guardian, or custodian. 37512

(F) The provider that provides the child's competency 37513
attainment services pursuant to the competency attainment plan 37514
shall submit reports to the court on the following schedule: 37515

(1) A report on the child's progress every thirty calendar 37516
days and on the termination of services. The report shall not 37517

include any details of the alleged offense as reported by the 37518
child. 37519

(2) If the provider determines that the child is not 37520
cooperating to a degree that would allow the services to be 37521
effective to help the child attain competency, a report informing 37522
the court of the determination within three business days after 37523
making the determination; 37524

(3) If the provider determines that the current setting is no 37525
longer the least restrictive setting that is consistent with the 37526
child's ability to attain competency and the safety of both the 37527
child and the community, a report informing the court of the 37528
determination within three business days after making the 37529
determination; 37530

(4) If the provider determines that the child has achieved 37531
the goals of the plan and would be able to understand the nature 37532
and objectives of the proceeding against the child and to assist 37533
in the child's defense, with or without reasonable accommodations 37534
to meet the criteria set forth in division (B) of section 2152.56 37535
of the Revised Code, a report informing the court of that 37536
determination within three business days after making the 37537
determination. If the provider believes that accommodations would 37538
be necessary or desirable, the report shall include 37539
recommendations for accommodations. 37540

(5) If the provider determines that the child will not 37541
achieve the goals of the plan within the applicable period of time 37542
under division (D)(2) of this section, a report informing the 37543
court of the determination within three business days after making 37544
the determination. The report shall include recommendations for 37545
services for the child that would support the safety of the child 37546
or the community. 37547

(G) The court shall provide copies of any report made under 37548

division (F) of this section to the prosecuting attorney, the 37549
child's attorney, and the child's guardian ad litem, if any. The 37550
court shall provide copies of any report made under division (F) 37551
of this section to the child's parents, guardian, or custodian 37552
unless the court finds that doing so is not in the best interest 37553
of the child. 37554

(H)(1) Within fifteen business days after receiving a report 37555
under division (F) of this section, the court may hold a hearing 37556
to determine if a new order is necessary. To assist in making a 37557
determination under division (H) of this section, the court may 37558
order a new competency evaluation in accordance with section 37559
2152.53 of the Revised Code. Until a new order is issued or the 37560
required period of participation expires, the child shall continue 37561
to participate in competency attainment services. 37562

(2) If after a hearing held under division (H)(1) of this 37563
section the court determines that the child is not making progress 37564
toward competency or is so uncooperative that attainment services 37565
cannot be effective, the court may order a change in setting or 37566
services that would help the child attain competency within the 37567
relevant period of time under division (D)(2) of this section. 37568

(3) If after a hearing held under division (H)(1) of this 37569
section the court determines that the child has not or will not 37570
attain competency within the relevant period of time under 37571
division (D)(2) of this section, the court shall dismiss the 37572
delinquency complaint without prejudice, except that the court may 37573
delay dismissal for up to ninety calendar days and do either of 37574
the following: 37575

(a) Refer the matter to a public children services agency and 37576
request that agency determine whether to file an action in 37577
accordance with section 2151.27 of the Revised Code alleging that 37578
the child is a dependent, neglected, or abused child; 37579

(b) Assign court staff to refer the child or the child's family to the local family and children first council or an agency funded by the department of ~~mental health~~ mental health and addiction services or department of developmental disabilities or otherwise secure services to reduce the potential that the child would engage in behavior that could result in delinquency or other criminal charges.

(4) A dismissal under division (H)(3) of this section does not preclude a future delinquent child proceeding or criminal prosecution as provided under section 2151.23 of the Revised Code if the child eventually attains competency.

(5) If after a hearing held under division (H)(1) of this section the court determines that the child has attained competency, the court shall proceed with the delinquent child's proceeding in accordance with division (A) of this section.

(6) A dismissal under this section does not bar a civil action based on the acts or omissions that formed the basis of the complaint.

Sec. 2301.14. The clerk of the court of common pleas in which the service of a court interpreter is rendered shall tax in the cost bill in such case, to be collected as other costs, the sum of three dollars for each day of service of such interpreter, which fees shall be paid into the county treasury to the credit of the county fund. If the party taxed with costs is indigent, the clerk shall not tax the interpreter's fees as costs, and the county shall pay the interpreter's fees.

Sec. 2301.19. A transcript is an official verbatim record of a proceeding that is prepared by a reporter and that is certified to be correct by the reporter. A transcript, but not a duplicate copy of a transcript, shall be taken and received as prima facie

evidence of its correctness. 37610

Sec. 2301.20. ~~All~~ If any party to a civil and or criminal 37611
~~actions~~ action requests the services of a reporter at a hearing in 37612
the action, the court ~~of common pleas shall be recorded~~ grant the 37613
request. The reporter shall ~~take accurate notes of or~~ 37614
~~electronically record~~ carefully preserve the ~~oral testimony~~ 37615
proceeding on an appropriate medium. The ~~notes and electronic~~ 37616
~~records~~ medium shall be filed in the office of the official 37617
reporter and carefully preserved for either of the following 37618
periods of time: 37619

(A) If the action is not a capital case, the ~~notes and~~ 37620
~~electronic records~~ medium shall be preserved for the period of 37621
time specified by the court of common pleas, which period of time 37622
shall not be longer than the period of time that the other records 37623
of the particular action are required to be kept. 37624

(B) If the action is a capital case, the ~~notes and electronic~~ 37625
~~records~~ medium shall be preserved for the longer of ten years or 37626
until the final disposition of the action and exhaustion of all 37627
appeals. 37628

Sec. 2301.23. ~~When notes have been taken or an electronic~~ 37629
~~recording has been made in a case as provided in section 2301.20~~ 37630
~~of the Revised Code, if~~ If the court or ~~either~~ any party to ~~the a~~ 37631
suit requests a written transcripts transcript of all or any 37632
portion of the proceeding that has been preserved on an 37633
appropriate medium by the reporter or other court personnel, the 37634
reporter ~~reporting the case~~ shall make a full and accurate 37635
~~transcripts of the notes or electronic recording~~ transcript. The 37636
court may direct the official reporter to furnish to the court and 37637
the parties copies of decisions rendered and charges delivered by 37638
the court in pending cases. 37639

When the compensation for transcripts, copies of decisions, 37640
or charges is taxed as a part of the costs, the transcripts, 37641
copies of decisions, and charges shall remain on file with the 37642
papers of the case. 37643

Sec. 2301.24. (A) As used in this section, "actual cost" 37644
means the cost of depleted supplies; records storage media costs; 37645
actual mailing and alternative delivery costs, or other 37646
transmitting costs; and any direct equipment operating and 37647
maintenance costs, including actual costs paid to private 37648
contractors for copying services. 37649

(B) The compensation of reporters for making written 37650
transcripts as provided in section 2301.23 of the Revised Code 37651
shall be fixed by the court of common pleas of the county in which 37652
the ~~trial proceeding~~ is held. ~~If more than one~~ When a transcript 37653
of ~~the same testimony or any portion of a~~ proceeding is ordered, 37654
by the prosecuting attorney, the attorney general, a municipal 37655
director of law, or a similar chief legal officer of a public 37656
office in an appeal of any civil, criminal, or juvenile case or by 37657
the indigent defendant in an appeal of any criminal or juvenile 37658
case, any additional transcript of the same portion of the 37659
proceeding that is ordered by any of these parties for filing 37660
shall be provided by the reporter ~~shall make copies of the~~ 37661
transcript at cost pursuant to division (B)(1) of section 149.43 37662
of the Revised Code or shall provide an electronic copy of the 37663
transcript free of charge at actual cost. In all other 37664
circumstances, the compensation to the reporter for making an 37665
additional transcript shall be as fixed by the court but shall not 37666
exceed one-half the compensation allowed for the first transcript 37667
made of the portion of the proceeding. The compensation shall be 37668
paid by the party for whose benefit a transcript is made. ~~The,~~ 37669
except that the compensation for transcripts requested by the 37670
prosecuting attorney or an indigent defendant in criminal cases or 37671

by the trial judge in either civil or criminal cases, and for 37672
copies of decisions and charges furnished by direction of the 37673
court shall be paid from the county treasury and taxed and 37674
collected as costs. 37675

(C) A reporter who takes the testimony of witnesses before a 37676
grand jury shall receive the same compensation for the transcript, 37677
and be paid in the same manner, as for other transcripts under 37678
division (B) of this section. 37679

(D) A duplicate copy of a transcript shall be provided by the 37680
clerk of court, if the transcript has been filed, or by the 37681
reporter, if the transcript has not been filed, at actual cost. 37682
Personnel cost may be added to the actual cost if the time of a 37683
reporter who makes a duplicate copy or an additional transcript is 37684
not paid for by a public entity. The reporter shall provide an 37685
electronic copy of a transcript at actual cost. 37686

Sec. 2301.25. When ordered by the prosecuting attorney or the 37687
defendant in a criminal case or when ordered by a judge of the 37688
court of common pleas in either civil or criminal cases, the costs 37689
of transcripts shall be taxed as costs in the case, collected as 37690
other costs, whether the transcripts have been prepaid or not, as 37691
provided by section 2301.24 of the Revised Code, paid by the clerk 37692
of the court of common pleas quarterly into the county treasury, 37693
and credited to the general fund. If, upon final judgment, the 37694
costs or any part of the costs are adjudged against a defendant in 37695
a criminal case and the defendant has prepaid for the cost of a 37696
transcript or has paid a deposit toward the cost of the 37697
transcript, the defendant shall be allowed credit ~~on~~ for the cost 37698
bill of the amount paid for the transcript the defendant ordered 37699
and, if prepaid or deposited and shall not be charged again for 37700
that amount as part of the costs. If upon final judgment the costs 37701
are ~~finally~~ adjudged against the state, the defendant shall ~~have 37702~~

~~the defendant's deposit be refunded the amount prepaid or
deposited toward the transcript. All transcripts shall be taken
and received as prima facie evidence of their correctness. If the
testimony of witnesses is taken before the grand jury by
reporters, they shall receive for the transcripts the same
compensation and be paid in the same manner as provided in this
section and section 2301.24 of the Revised Code.~~

This section, as amended by H.B. 59 of the 130th general
assembly, applies to transcripts of proceedings that are recorded
on or after the effective date of the amendment.

Sec. 2303.201. (A)(1) The court of common pleas of any county
may determine that for the efficient operation of the court
additional funds are required to computerize the court, to make
available computerized legal research services, or to do both.
Upon making a determination that additional funds are required for
either or both of those purposes, the court shall authorize and
direct the clerk of the court of common pleas to charge one
additional fee, not to exceed six dollars, on the filing of each
cause of action or appeal under divisions (A), (Q), and (U) of
section 2303.20 of the Revised Code.

(2) All fees collected under division (A)(1) of this section
shall be paid to the county treasurer. The treasurer shall place
the funds from the fees in a separate fund to be disbursed either
upon an order of the court, subject to an appropriation by the
board of county commissioners, or upon an order of the court,
subject to the court making an annual report available to the
public listing the use of all such funds, in an amount not greater
than the actual cost to the court of procuring and maintaining
computerization of the court, computerized legal research
services, or both.

(3) If the court determines that the funds in the fund

described in division (A)(2) of this section are more than 37734
sufficient to satisfy the purpose for which the additional fee 37735
described in division (A)(1) of this section was imposed, the 37736
court may declare a surplus in the fund and, subject to an 37737
appropriation by the board of county commissioners, expend those 37738
surplus funds, or upon an order of the court, subject to the court 37739
making an annual report available to the public listing the use of 37740
all such funds, expend those surplus funds, for other appropriate 37741
technological expenses of the court. 37742

(B)(1) The court of common pleas of any county may determine 37743
that, for the efficient operation of the court, additional funds 37744
are required to make technological advances in or to computerize 37745
the office of the clerk of the court of common pleas and, upon 37746
that determination, authorize and direct the clerk of the court of 37747
common pleas to charge an additional fee, not to exceed twenty 37748
dollars, on the filing of each cause of action or appeal, on the 37749
filing, docketing, and endorsing of each certificate of judgment, 37750
or on the docketing and indexing of each aid in execution or 37751
petition to vacate, revive, or modify a judgment under divisions 37752
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 37753
and not to exceed one dollar each for the services described in 37754
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 37755
the Revised Code. Subject to division (B)(2) of this section, all 37756
moneys collected under division (B)(1) of this section shall be 37757
paid to the county treasurer to be disbursed, upon an order of the 37758
court of common pleas and subject to appropriation by the board of 37759
county commissioners, in an amount no greater than the actual cost 37760
to the court of procuring and maintaining technology and computer 37761
systems for the office of the clerk of the court of common pleas. 37762

(2) If the court of common pleas of a county makes the 37763
determination described in division (B)(1) of this section, the 37764
board of county commissioners of that county may issue one or more 37765

general obligation bonds for the purpose of procuring and 37766
maintaining the technology and computer systems for the office of 37767
the clerk of the court of common pleas. In addition to the 37768
purposes stated in division (B)(1) of this section for which the 37769
moneys collected under that division may be expended, the moneys 37770
additionally may be expended to pay debt charges on and financing 37771
costs related to any general obligation bonds issued pursuant to 37772
division (B)(2) of this section as they become due. General 37773
obligation bonds issued pursuant to division (B)(2) of this 37774
section are Chapter 133. securities. 37775

(C) The court of common pleas shall collect the sum of 37776
twenty-six dollars as additional filing fees in each new civil 37777
action or proceeding for the charitable public purpose of 37778
providing financial assistance to legal aid societies that operate 37779
within the state and to support the office of the state public 37780
defender. This division does not apply to proceedings concerning 37781
annulments, dissolutions of marriage, divorces, legal separation, 37782
spousal support, marital property or separate property 37783
distribution, support, or other domestic relations matters; to a 37784
juvenile division of a court of common pleas; to a probate 37785
division of a court of common pleas, except that the additional 37786
filing fees shall apply to name change, guardianship, adoption, 37787
and decedents' estate proceedings; or to an execution on a 37788
judgment, proceeding in aid of execution, or other post-judgment 37789
proceeding arising out of a civil action. The filing fees required 37790
to be collected under this division shall be in addition to any 37791
other filing fees imposed in the action or proceeding and shall be 37792
collected at the time of the filing of the action or proceeding. 37793
The court shall not waive the payment of the additional filing 37794
fees in a new civil action or proceeding unless the court waives 37795
the advanced payment of all filing fees in the action or 37796
proceeding. All such moneys collected during a month except for an 37797
amount equal to up to one per cent of those moneys retained to 37798

cover administrative costs shall be transmitted on or before the 37799
twentieth day of the following month by the clerk of the court to 37800
the treasurer of state in a manner prescribed by the treasurer of 37801
state or by the Ohio legal assistance foundation. The treasurer of 37802
state shall deposit four per cent of the funds collected under 37803
this division to the credit of the civil case filing fee fund 37804
established under section 120.07 of the Revised Code and 37805
ninety-six per cent of the funds collected under this division to 37806
the credit of the legal aid fund established under section 120.52 37807
of the Revised Code. 37808

The court may retain up to one per cent of the moneys it 37809
collects under this division to cover administrative costs, 37810
including the hiring of any additional personnel necessary to 37811
implement this division. If the court fails to transmit to the 37812
treasurer of state the moneys the court collects under this 37813
division in a manner prescribed by the treasurer of state or by 37814
the Ohio legal assistance foundation, the court shall forfeit the 37815
moneys the court retains under this division to cover 37816
administrative costs, including the hiring of any additional 37817
personnel necessary to implement this division, and shall transmit 37818
to the treasurer of state all moneys collected under this 37819
division, including the forfeited amount retained for 37820
administrative costs, for deposit in the legal aid fund. 37821

(D) On and after the thirtieth day after December 9, 1994, 37822
the court of common pleas shall collect the sum of thirty-two 37823
dollars as additional filing fees in each new action or proceeding 37824
for annulment, divorce, or dissolution of marriage for the purpose 37825
of funding shelters for victims of domestic violence pursuant to 37826
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 37827
required to be collected under this division shall be in addition 37828
to any other filing fees imposed in the action or proceeding and 37829
shall be collected at the time of the filing of the action or 37830

proceeding. The court shall not waive the payment of the 37831
additional filing fees in a new action or proceeding for 37832
annulment, divorce, or dissolution of marriage unless the court 37833
waives the advanced payment of all filing fees in the action or 37834
proceeding. On or before the twentieth day of each month, all 37835
moneys collected during the immediately preceding month pursuant 37836
to this division shall be deposited by the clerk of the court into 37837
the county treasury in the special fund used for deposit of 37838
additional marriage license fees as described in section 3113.34 37839
of the Revised Code. Upon their deposit into the fund, the moneys 37840
shall be retained in the fund and expended only as described in 37841
section 3113.34 of the Revised Code. 37842

(E)(1) The court of common pleas may determine that, for the 37843
efficient operation of the court, additional funds are necessary 37844
to acquire and pay for special projects of the court, including, 37845
but not limited to, the acquisition of additional facilities or 37846
the rehabilitation of existing facilities, the acquisition of 37847
equipment, the hiring and training of staff, community service 37848
programs, mediation or dispute resolution services, the employment 37849
of magistrates, the training and education of judges, acting 37850
judges, and magistrates, and other related services. Upon that 37851
determination, the court by rule may charge a fee, in addition to 37852
all other court costs, on the filing of each criminal cause, civil 37853
action or proceeding, or judgment by confession. 37854

If the court of common pleas offers or requires a special 37855
program or ~~service~~ additional services in cases of a specific 37856
type, the court by rule may assess an additional charge in a case 37857
of that type, over and above court costs, to cover the special 37858
program or service. The court shall adjust the special assessment 37859
periodically, but not retroactively, so that the amount assessed 37860
in those cases does not exceed the actual cost of providing the 37861
service or program. 37862

All moneys collected under division (E) of this section shall 37863
be paid to the county treasurer for deposit into either a general 37864
special projects fund or a fund established for a specific special 37865
project. Moneys from a fund of that nature shall be disbursed upon 37866
an order of the court, subject to an appropriation by the board of 37867
county commissioners, in an amount no greater than the actual cost 37868
to the court of a project. If a specific fund is terminated 37869
because of the discontinuance of a program or service established 37870
under division (E) of this section, the court may order, subject 37871
to an appropriation by the board of county commissioners, that 37872
moneys remaining in the fund be transferred to an account 37873
established under this division for a similar purpose. 37874

(2) As used in division (E) of this section: 37875

(a) "Criminal cause" means a charge alleging the violation of 37876
a statute or ordinance, or subsection of a statute or ordinance, 37877
that requires a separate finding of fact or a separate plea before 37878
disposition and of which the defendant may be found guilty, 37879
whether filed as part of a multiple charge on a single summons, 37880
citation, or complaint or as a separate charge on a single 37881
summons, citation, or complaint. "Criminal cause" does not include 37882
separate violations of the same statute or ordinance, or 37883
subsection of the same statute or ordinance, unless each charge is 37884
filed on a separate summons, citation, or complaint. 37885

(b) "Civil action or proceeding" means any civil litigation 37886
that must be determined by judgment entry. 37887

Sec. 2305.234. (A) As used in this section: 37888

(1) "Chiropractic claim," "medical claim," and "optometric 37889
claim" have the same meanings as in section 2305.113 of the 37890
Revised Code. 37891

(2) "Dental claim" has the same meaning as in section 37892

2305.113 of the Revised Code, except that it does not include any 37893
claim arising out of a dental operation or any derivative claim 37894
for relief that arises out of a dental operation. 37895

(3) "Governmental health care program" has the same meaning 37896
as in section 4731.65 of the Revised Code. 37897

(4) "Health care facility or location" means a hospital, 37898
clinic, ambulatory surgical facility, office of a health care 37899
professional or associated group of health care professionals, 37900
training institution for health care professionals, or any other 37901
place where medical, dental, or other health-related diagnosis, 37902
care, or treatment is provided to a person. 37903

(5) "Health care professional" means any of the following who 37904
provide medical, dental, or other health-related diagnosis, care, 37905
or treatment: 37906

(a) Physicians authorized under Chapter 4731. of the Revised 37907
Code to practice medicine and surgery or osteopathic medicine and 37908
surgery; 37909

(b) Registered nurses and licensed practical nurses licensed 37910
under Chapter 4723. of the Revised Code and individuals who hold a 37911
certificate of authority issued under that chapter that authorizes 37912
the practice of nursing as a certified registered nurse 37913
anesthetist, clinical nurse specialist, certified nurse-midwife, 37914
or certified nurse practitioner; 37915

(c) Physician assistants authorized to practice under Chapter 37916
4730. of the Revised Code; 37917

(d) Dentists and dental hygienists licensed under Chapter 37918
4715. of the Revised Code; 37919

(e) Physical therapists, physical therapist assistants, 37920
occupational therapists, and occupational therapy assistants 37921
licensed under Chapter 4755. of the Revised Code; 37922

(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	37923 37924
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	37925 37926
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	37927 37928
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	37929 37930
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	37931 37932
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	37933 37934 37935 37936
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	37937 37938
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	37939 37940
(n) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	37941 37942 37943 37944 37945
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	37946 37947
(p) Independent chemical dependency counselors, chemical dependency counselors III, chemical dependency counselors II, and chemical dependency counselors I, licensed under Chapter 4758. of the Revised Code.	37948 37949 37950 37951
(6) "Health care worker" means a person other than a health	37952

care professional who provides medical, dental, or other 37953
health-related care or treatment under the direction of a health 37954
care professional with the authority to direct that individual's 37955
activities, including medical technicians, medical assistants, 37956
dental assistants, orderlies, aides, and individuals acting in 37957
similar capacities. 37958

(7) "Indigent and uninsured person" means a person who meets 37959
all of the following requirements: 37960

(a) The person's income is not greater than two hundred per 37961
cent of the current poverty line as defined by the United States 37962
office of management and budget and revised in accordance with 37963
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 37964
95 Stat. 511, 42 U.S.C. 9902, as amended. 37965

(b) The person is not eligible ~~to receive medical assistance~~ 37966
~~under Chapter 5111. of the Revised Code or assistance under~~ for 37967
the medicaid program or any other governmental health care 37968
program. 37969

(c) Either of the following applies: 37970

(i) The person is not a policyholder, certificate holder, 37971
insured, contract holder, subscriber, enrollee, member, 37972
beneficiary, or other covered individual under a health insurance 37973
or health care policy, contract, or plan. 37974

(ii) The person is a policyholder, certificate holder, 37975
insured, contract holder, subscriber, enrollee, member, 37976
beneficiary, or other covered individual under a health insurance 37977
or health care policy, contract, or plan, but the insurer, policy, 37978
contract, or plan denies coverage or is the subject of insolvency 37979
or bankruptcy proceedings in any jurisdiction. 37980

(8) "Nonprofit health care referral organization" means an 37981
entity that is not operated for profit and refers patients to, or 37982
arranges for the provision of, health-related diagnosis, care, or 37983

treatment by a health care professional or health care worker. 37984

(9) "Operation" means any procedure that involves cutting or 37985
otherwise infiltrating human tissue by mechanical means, including 37986
surgery, laser surgery, ionizing radiation, therapeutic 37987
ultrasound, or the removal of intraocular foreign bodies. 37988

"Operation" does not include the administration of medication by 37989
injection, unless the injection is administered in conjunction 37990
with a procedure infiltrating human tissue by mechanical means 37991
other than the administration of medicine by injection. 37992

"Operation" does not include routine dental restorative 37993
procedures, the scaling of teeth, or extractions of teeth that are 37994
not impacted. 37995

(10) "Tort action" means a civil action for damages for 37996
injury, death, or loss to person or property other than a civil 37997
action for damages for a breach of contract or another agreement 37998
between persons or government entities. 37999

(11) "Volunteer" means an individual who provides any 38000
medical, dental, or other health-care related diagnosis, care, or 38001
treatment without the expectation of receiving and without receipt 38002
of any compensation or other form of remuneration from an indigent 38003
and uninsured person, another person on behalf of an indigent and 38004
uninsured person, any health care facility or location, any 38005
nonprofit health care referral organization, or any other person 38006
or government entity. 38007

(12) "Community control sanction" has the same meaning as in 38008
section 2929.01 of the Revised Code. 38009

(13) "Deep sedation" means a drug-induced depression of 38010
consciousness during which a patient cannot be easily aroused but 38011
responds purposefully following repeated or painful stimulation, a 38012
patient's ability to independently maintain ventilatory function 38013
may be impaired, a patient may require assistance in maintaining a 38014

patent airway and spontaneous ventilation may be inadequate, and 38015
cardiovascular function is usually maintained. 38016

(14) "General anesthesia" means a drug-induced loss of 38017
consciousness during which a patient is not arousable, even by 38018
painful stimulation, the ability to independently maintain 38019
ventilatory function is often impaired, a patient often requires 38020
assistance in maintaining a patent airway, positive pressure 38021
ventilation may be required because of depressed spontaneous 38022
ventilation or drug-induced depression of neuromuscular function, 38023
and cardiovascular function may be impaired. 38024

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 38025
health care professional who is a volunteer and complies with 38026
division (B)(2) of this section is not liable in damages to any 38027
person or government entity in a tort or other civil action, 38028
including an action on a medical, dental, chiropractic, 38029
optometric, or other health-related claim, for injury, death, or 38030
loss to person or property that allegedly arises from an action or 38031
omission of the volunteer in the provision to an indigent and 38032
uninsured person of medical, dental, or other health-related 38033
diagnosis, care, or treatment, including the provision of samples 38034
of medicine and other medical products, unless the action or 38035
omission constitutes willful or wanton misconduct. 38036

(2) To qualify for the immunity described in division (B)(1) 38037
of this section, a health care professional shall do all of the 38038
following prior to providing diagnosis, care, or treatment: 38039

(a) Determine, in good faith, that the indigent and uninsured 38040
person is mentally capable of giving informed consent to the 38041
provision of the diagnosis, care, or treatment and is not subject 38042
to duress or under undue influence; 38043

(b) Inform the person of the provisions of this section, 38044
including notifying the person that, by giving informed consent to 38045

the provision of the diagnosis, care, or treatment, the person 38046
cannot hold the health care professional liable for damages in a 38047
tort or other civil action, including an action on a medical, 38048
dental, chiropractic, optometric, or other health-related claim, 38049
unless the action or omission of the health care professional 38050
constitutes willful or wanton misconduct; 38051

(c) Obtain the informed consent of the person and a written 38052
waiver, signed by the person or by another individual on behalf of 38053
and in the presence of the person, that states that the person is 38054
mentally competent to give informed consent and, without being 38055
subject to duress or under undue influence, gives informed consent 38056
to the provision of the diagnosis, care, or treatment subject to 38057
the provisions of this section. A written waiver under division 38058
(B)(2)(c) of this section shall state clearly and in conspicuous 38059
type that the person or other individual who signs the waiver is 38060
signing it with full knowledge that, by giving informed consent to 38061
the provision of the diagnosis, care, or treatment, the person 38062
cannot bring a tort or other civil action, including an action on 38063
a medical, dental, chiropractic, optometric, or other 38064
health-related claim, against the health care professional unless 38065
the action or omission of the health care professional constitutes 38066
willful or wanton misconduct. 38067

(3) A physician or podiatrist who is not covered by medical 38068
malpractice insurance, but complies with division (B)(2) of this 38069
section, is not required to comply with division (A) of section 38070
4731.143 of the Revised Code. 38071

(C) Subject to divisions (F) and (G)(3) of this section, 38072
health care workers who are volunteers are not liable in damages 38073
to any person or government entity in a tort or other civil 38074
action, including an action upon a medical, dental, chiropractic, 38075
optometric, or other health-related claim, for injury, death, or 38076
loss to person or property that allegedly arises from an action or 38077

omission of the health care worker in the provision to an indigent 38078
and uninsured person of medical, dental, or other health-related 38079
diagnosis, care, or treatment, unless the action or omission 38080
constitutes willful or wanton misconduct. 38081

(D) Subject to divisions (F) and (G)(3) of this section, a 38082
nonprofit health care referral organization is not liable in 38083
damages to any person or government entity in a tort or other 38084
civil action, including an action on a medical, dental, 38085
chiropractic, optometric, or other health-related claim, for 38086
injury, death, or loss to person or property that allegedly arises 38087
from an action or omission of the nonprofit health care referral 38088
organization in referring indigent and uninsured persons to, or 38089
arranging for the provision of, medical, dental, or other 38090
health-related diagnosis, care, or treatment by a health care 38091
professional described in division (B)(1) of this section or a 38092
health care worker described in division (C) of this section, 38093
unless the action or omission constitutes willful or wanton 38094
misconduct. 38095

(E) Subject to divisions (F) and (G)(3) of this section and 38096
to the extent that the registration requirements of section 38097
3701.071 of the Revised Code apply, a health care facility or 38098
location associated with a health care professional described in 38099
division (B)(1) of this section, a health care worker described in 38100
division (C) of this section, or a nonprofit health care referral 38101
organization described in division (D) of this section is not 38102
liable in damages to any person or government entity in a tort or 38103
other civil action, including an action on a medical, dental, 38104
chiropractic, optometric, or other health-related claim, for 38105
injury, death, or loss to person or property that allegedly arises 38106
from an action or omission of the health care professional or 38107
worker or nonprofit health care referral organization relative to 38108
the medical, dental, or other health-related diagnosis, care, or 38109

treatment provided to an indigent and uninsured person on behalf 38110
of or at the health care facility or location, unless the action 38111
or omission constitutes willful or wanton misconduct. 38112

(F)(1) Except as provided in division (F)(2) of this section, 38113
the immunities provided by divisions (B), (C), (D), and (E) of 38114
this section are not available to a health care professional, 38115
health care worker, nonprofit health care referral organization, 38116
or health care facility or location if, at the time of an alleged 38117
injury, death, or loss to person or property, the health care 38118
professionals or health care workers involved are providing one of 38119
the following: 38120

(a) Any medical, dental, or other health-related diagnosis, 38121
care, or treatment pursuant to a community service work order 38122
entered by a court under division (B) of section 2951.02 of the 38123
Revised Code or imposed by a court as a community control 38124
sanction; 38125

(b) Performance of an operation to which any one of the 38126
following applies: 38127

(i) The operation requires the administration of deep 38128
sedation or general anesthesia. 38129

(ii) The operation is a procedure that is not typically 38130
performed in an office. 38131

(iii) The individual involved is a health care professional, 38132
and the operation is beyond the scope of practice or the 38133
education, training, and competence, as applicable, of the health 38134
care professional. 38135

(c) Delivery of a baby or any other purposeful termination of 38136
a human pregnancy. 38137

(2) Division (F)(1) of this section does not apply when a 38138
health care professional or health care worker provides medical, 38139

dental, or other health-related diagnosis, care, or treatment that 38140
is necessary to preserve the life of a person in a medical 38141
emergency. 38142

(G)(1) This section does not create a new cause of action or 38143
substantive legal right against a health care professional, health 38144
care worker, nonprofit health care referral organization, or 38145
health care facility or location. 38146

(2) This section does not affect any immunities from civil 38147
liability or defenses established by another section of the 38148
Revised Code or available at common law to which a health care 38149
professional, health care worker, nonprofit health care referral 38150
organization, or health care facility or location may be entitled 38151
in connection with the provision of emergency or other medical, 38152
dental, or other health-related diagnosis, care, or treatment. 38153

(3) This section does not grant an immunity from tort or 38154
other civil liability to a health care professional, health care 38155
worker, nonprofit health care referral organization, or health 38156
care facility or location for actions that are outside the scope 38157
of authority of health care professionals or health care workers. 38158

(4) This section does not affect any legal responsibility of 38159
a health care professional, health care worker, or nonprofit 38160
health care referral organization to comply with any applicable 38161
law of this state or rule of an agency of this state. 38162

(5) This section does not affect any legal responsibility of 38163
a health care facility or location to comply with any applicable 38164
law of this state, rule of an agency of this state, or local code, 38165
ordinance, or regulation that pertains to or regulates building, 38166
housing, air pollution, water pollution, sanitation, health, fire, 38167
zoning, or safety. 38168

Sec. 2307.65. (A) The attorney general may bring a civil 38169

action in the Franklin county court of common pleas on behalf of 38170
the department of ~~job and family services~~ medicaid, and the 38171
prosecuting attorney of the county in which a violation of 38172
division (B) of section 2913.401 of the Revised Code occurs may 38173
bring a civil action in the court of common pleas of that county 38174
on behalf of the county department of job and family services, 38175
against a person who violates division (B) of section 2913.401 of 38176
the Revised Code for the recovery of the amount of benefits paid 38177
on behalf of a person that either department would not have paid 38178
but for the violation minus any amounts paid in restitution under 38179
division (C)(2) of section 2913.401 of the Revised Code and for 38180
reasonable attorney's fees and all other fees and costs of 38181
litigation. 38182

(B) In a civil action brought under division (A) of this 38183
section, if the defendant failed to disclose a transfer of 38184
property in violation of division (B)(3) of section 2913.401 of 38185
the Revised Code, the court may also grant any of the following 38186
relief to the extent permitted by the "Social Security Act," 38187
section 1917, 42 U.S.C. 1396p: 38188

(1) Avoidance of the transfer of property that was not 38189
disclosed in violation of division (B)(3) of section 2913.401 of 38190
the Revised Code to the extent of the amount of benefits the 38191
department would not have paid but for the violation; 38192

(2) An order of attachment or garnishment against the 38193
property in accordance with Chapter 2715. or 2716. of the Revised 38194
Code; 38195

(3) An injunction against any further disposition by the 38196
transferor or transferee, or both, of the property the transfer of 38197
which was not disclosed in violation of division (B)(3) of section 38198
2913.401 of the Revised Code or against the disposition of other 38199
property by the transferor or transferee; 38200

(4) Appointment of a receiver to take charge of the property transferred or of other property of the transferee;	38201 38202
(5) Any other relief that the court considers just and equitable.	38203 38204
(C) To the extent permitted by <u>the "Social Security Act," section 1917,</u> 42 U.S.C. 1396p, the department of job and family services <u>medicaid</u> or the county department of job and family services may enforce a judgment obtained under this section by levying on property the transfer of which was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code or on the proceeds of the transfer of that property in accordance with Chapter 2329. of the Revised Code.	38205 38206 38207 38208 38209 38210 38211 38212
(D) The remedies provided in divisions (B) and (C) of this section do not apply if the transferee of the property the transfer of which was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code acquired the property in good faith and for fair market value.	38213 38214 38215 38216 38217
(E) The remedies provided in this section are not exclusive and do not preclude the use of any other criminal or civil remedy for any act that is in violation of section 2913.401 of the Revised Code.	38218 38219 38220 38221
(F) Amounts of medicaid benefits <u>medicaid services</u> paid and recovered in an action brought under this section shall be credited to the general revenue fund, and any applicable federal share shall be returned to the appropriate agency or department of the United States.	38222 38223 38224 38225 38226
Sec. 2311.14. (A)(1) Whenever because of a hearing, speech, or other impairment a party to or witness in a legal proceeding cannot readily understand or communicate, the court shall appoint a qualified interpreter to assist such person. Before appointing	38227 38228 38229 38230

~~any interpreter under this division for a party or witness who is 38231
a mentally retarded person or developmentally disabled person, the 38232
court shall evaluate the qualifications of the interpreter and 38233
shall make a determination as to the ability of the interpreter to 38234
effectively interpret on behalf of the party or witness that the 38235
interpreter will assist, and the court may appoint the interpreter 38236
only if the court is satisfied that the interpreter is able to 38237
effectively interpret on behalf of that party or witness. 38238~~

(2) This section is not limited to a person who speaks a 38239
language other than English. It also applies to the language and 38240
descriptions of any mentally retarded person or developmentally 38241
disabled person who cannot be reasonably understood, or who cannot 38242
understand questioning, without the aid of an interpreter. The 38243
interpreter may aid the parties in formulating methods of 38244
questioning the person with mental retardation or a developmental 38245
disability and in interpreting the answers of the person. 38246

(B) Before entering upon official duties, the interpreter 38247
shall take an oath that the interpreter will make a true 38248
interpretation of the proceedings to the party or witness, and 38249
that the interpreter will truly repeat the statements made by such 38250
party or witness to the court, to the best of the interpreter's 38251
ability. If the interpreter is appointed to assist a mentally 38252
retarded person or developmentally disabled person as described in 38253
division (A)(2) of this section, the oath also shall include an 38254
oath that the interpreter will not prompt, lead, suggest, or 38255
otherwise improperly influence the testimony of the witness or 38256
party. 38257

(C) The court shall determine a reasonable fee for all such 38258
interpreter service which shall be paid out of the same funds as 38259
witness fees. If the party taxed with costs is indigent, the court 38260
shall not tax the interpreter's fees as costs, and the county 38261
shall pay the interpreter's fees. 38262

(D) As used in this section, "mentally retarded person" and 38263
"developmentally disabled person" have the same meanings as in 38264
section 5123.01 of the Revised Code. 38265

Sec. 2317.02. The following persons shall not testify in 38266
certain respects: 38267

(A)(1) An attorney, concerning a communication made to the 38268
attorney by a client in that relation or concerning the attorney's 38269
advice to a client, except that the attorney may testify by 38270
express consent of the client or, if the client is deceased, by 38271
the express consent of the surviving spouse or the executor or 38272
administrator of the estate of the deceased client. However, if 38273
the client voluntarily reveals the substance of attorney-client 38274
communications in a nonprivileged context or is deemed by section 38275
2151.421 of the Revised Code to have waived any testimonial 38276
privilege under this division, the attorney may be compelled to 38277
testify on the same subject. 38278

The testimonial privilege established under this division 38279
does not apply concerning a communication between a client who has 38280
since died and the deceased client's attorney if the communication 38281
is relevant to a dispute between parties who claim through that 38282
deceased client, regardless of whether the claims are by testate 38283
or intestate succession or by inter vivos transaction, and the 38284
dispute addresses the competency of the deceased client when the 38285
deceased client executed a document that is the basis of the 38286
dispute or whether the deceased client was a victim of fraud, 38287
undue influence, or duress when the deceased client executed a 38288
document that is the basis of the dispute. 38289

(2) An attorney, concerning a communication made to the 38290
attorney by a client in that relationship or the attorney's advice 38291
to a client, except that if the client is an insurance company, 38292
the attorney may be compelled to testify, subject to an in camera 38293

inspection by a court, about communications made by the client to 38294
the attorney or by the attorney to the client that are related to 38295
the attorney's aiding or furthering an ongoing or future 38296
commission of bad faith by the client, if the party seeking 38297
disclosure of the communications has made a prima-facie showing of 38298
bad faith, fraud, or criminal misconduct by the client. 38299

(B)(1) A physician or a dentist concerning a communication 38300
made to the physician or dentist by a patient in that relation or 38301
the physician's or dentist's advice to a patient, except as 38302
otherwise provided in this division, division (B)(2), and division 38303
(B)(3) of this section, and except that, if the patient is deemed 38304
by section 2151.421 of the Revised Code to have waived any 38305
testimonial privilege under this division, the physician may be 38306
compelled to testify on the same subject. 38307

The testimonial privilege established under this division 38308
does not apply, and a physician or dentist may testify or may be 38309
compelled to testify, in any of the following circumstances: 38310

(a) In any civil action, in accordance with the discovery 38311
provisions of the Rules of Civil Procedure in connection with a 38312
civil action, or in connection with a claim under Chapter 4123. of 38313
the Revised Code, under any of the following circumstances: 38314

(i) If the patient or the guardian or other legal 38315
representative of the patient gives express consent; 38316

(ii) If the patient is deceased, the spouse of the patient or 38317
the executor or administrator of the patient's estate gives 38318
express consent; 38319

(iii) If a medical claim, dental claim, chiropractic claim, 38320
or optometric claim, as defined in section 2305.113 of the Revised 38321
Code, an action for wrongful death, any other type of civil 38322
action, or a claim under Chapter 4123. of the Revised Code is 38323
filed by the patient, the personal representative of the estate of 38324

the patient if deceased, or the patient's guardian or other legal representative. 38325
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(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code. 38327
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(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to the criminal offense in question. 38334
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(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the physician or dentist that are related to the action and obtained by subpoena, search warrant, or other lawful means. A court that permits or compels a physician or dentist to testify in such an action or permits the introduction into evidence of patient records or other communications in such an action shall require that appropriate measures be taken to ensure that the confidentiality of any patient named or otherwise identified in the records is maintained. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records. 38341
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(e)(i) If the communication was between a patient who has 38356

since died and the deceased patient's physician or dentist, the 38357
communication is relevant to a dispute between parties who claim 38358
through that deceased patient, regardless of whether the claims 38359
are by testate or intestate succession or by inter vivos 38360
transaction, and the dispute addresses the competency of the 38361
deceased patient when the deceased patient executed a document 38362
that is the basis of the dispute or whether the deceased patient 38363
was a victim of fraud, undue influence, or duress when the 38364
deceased patient executed a document that is the basis of the 38365
dispute. 38366

(ii) If neither the spouse of a patient nor the executor or 38367
administrator of that patient's estate gives consent under 38368
division (B)(1)(a)(ii) of this section, testimony or the 38369
disclosure of the patient's medical records by a physician, 38370
dentist, or other health care provider under division (B)(1)(e)(i) 38371
of this section is a permitted use or disclosure of protected 38372
health information, as defined in 45 C.F.R. 160.103, and an 38373
authorization or opportunity to be heard shall not be required. 38374

(iii) Division (B)(1)(e)(i) of this section does not require 38375
a mental health professional to disclose psychotherapy notes, as 38376
defined in 45 C.F.R. 164.501. 38377

(iv) An interested person who objects to testimony or 38378
disclosure under division (B)(1)(e)(i) of this section may seek a 38379
protective order pursuant to Civil Rule 26. 38380

(v) A person to whom protected health information is 38381
disclosed under division (B)(1)(e)(i) of this section shall not 38382
use or disclose the protected health information for any purpose 38383
other than the litigation or proceeding for which the information 38384
was requested and shall return the protected health information to 38385
the covered entity or destroy the protected health information, 38386
including all copies made, at the conclusion of the litigation or 38387
proceeding. 38388

(2)(a) If any law enforcement officer submits a written 38389
statement to a health care provider that states that an official 38390
criminal investigation has begun regarding a specified person or 38391
that a criminal action or proceeding has been commenced against a 38392
specified person, that requests the provider to supply to the 38393
officer copies of any records the provider possesses that pertain 38394
to any test or the results of any test administered to the 38395
specified person to determine the presence or concentration of 38396
alcohol, a drug of abuse, a combination of them, a controlled 38397
substance, or a metabolite of a controlled substance in the 38398
person's whole blood, blood serum or plasma, breath, or urine at 38399
any time relevant to the criminal offense in question, and that 38400
conforms to section 2317.022 of the Revised Code, the provider, 38401
except to the extent specifically prohibited by any law of this 38402
state or of the United States, shall supply to the officer a copy 38403
of any of the requested records the provider possesses. If the 38404
health care provider does not possess any of the requested 38405
records, the provider shall give the officer a written statement 38406
that indicates that the provider does not possess any of the 38407
requested records. 38408

(b) If a health care provider possesses any records of the 38409
type described in division (B)(2)(a) of this section regarding the 38410
person in question at any time relevant to the criminal offense in 38411
question, in lieu of personally testifying as to the results of 38412
the test in question, the custodian of the records may submit a 38413
certified copy of the records, and, upon its submission, the 38414
certified copy is qualified as authentic evidence and may be 38415
admitted as evidence in accordance with the Rules of Evidence. 38416
Division (A) of section 2317.422 of the Revised Code does not 38417
apply to any certified copy of records submitted in accordance 38418
with this division. Nothing in this division shall be construed to 38419
limit the right of any party to call as a witness the person who 38420
administered the test to which the records pertain, the person 38421

under whose supervision the test was administered, the custodian 38422
of the records, the person who made the records, or the person 38423
under whose supervision the records were made. 38424

(3)(a) If the testimonial privilege described in division 38425
(B)(1) of this section does not apply as provided in division 38426
(B)(1)(a)(iii) of this section, a physician or dentist may be 38427
compelled to testify or to submit to discovery under the Rules of 38428
Civil Procedure only as to a communication made to the physician 38429
or dentist by the patient in question in that relation, or the 38430
physician's or dentist's advice to the patient in question, that 38431
related causally or historically to physical or mental injuries 38432
that are relevant to issues in the medical claim, dental claim, 38433
chiropractic claim, or optometric claim, action for wrongful 38434
death, other civil action, or claim under Chapter 4123. of the 38435
Revised Code. 38436

(b) If the testimonial privilege described in division (B)(1) 38437
of this section does not apply to a physician or dentist as 38438
provided in division (B)(1)(c) of this section, the physician or 38439
dentist, in lieu of personally testifying as to the results of the 38440
test in question, may submit a certified copy of those results, 38441
and, upon its submission, the certified copy is qualified as 38442
authentic evidence and may be admitted as evidence in accordance 38443
with the Rules of Evidence. Division (A) of section 2317.422 of 38444
the Revised Code does not apply to any certified copy of results 38445
submitted in accordance with this division. Nothing in this 38446
division shall be construed to limit the right of any party to 38447
call as a witness the person who administered the test in 38448
question, the person under whose supervision the test was 38449
administered, the custodian of the results of the test, the person 38450
who compiled the results, or the person under whose supervision 38451
the results were compiled. 38452

(4) The testimonial privilege described in division (B)(1) of 38453

this section is not waived when a communication is made by a 38454
physician to a pharmacist or when there is communication between a 38455
patient and a pharmacist in furtherance of the physician-patient 38456
relation. 38457

(5)(a) As used in divisions (B)(1) to (4) of this section, 38458
"communication" means acquiring, recording, or transmitting any 38459
information, in any manner, concerning any facts, opinions, or 38460
statements necessary to enable a physician or dentist to diagnose, 38461
treat, prescribe, or act for a patient. A "communication" may 38462
include, but is not limited to, any medical or dental, office, or 38463
hospital communication such as a record, chart, letter, 38464
memorandum, laboratory test and results, x-ray, photograph, 38465
financial statement, diagnosis, or prognosis. 38466

(b) As used in division (B)(2) of this section, "health care 38467
provider" means a hospital, ambulatory care facility, long-term 38468
care facility, pharmacy, emergency facility, or health care 38469
practitioner. 38470

(c) As used in division (B)(5)(b) of this section: 38471

(i) "Ambulatory care facility" means a facility that provides 38472
medical, diagnostic, or surgical treatment to patients who do not 38473
require hospitalization, including a dialysis center, ambulatory 38474
surgical facility, cardiac catheterization facility, diagnostic 38475
imaging center, extracorporeal shock wave lithotripsy center, home 38476
health agency, inpatient hospice, birthing center, radiation 38477
therapy center, emergency facility, and an urgent care center. 38478
"Ambulatory health care facility" does not include the private 38479
office of a physician or dentist, whether the office is for an 38480
individual or group practice. 38481

(ii) "Emergency facility" means a hospital emergency 38482
department or any other facility that provides emergency medical 38483
services. 38484

(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code. 38485
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(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 38487
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(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility ~~or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20~~ 5165.01 of the Revised Code; a facility ~~or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended,~~ as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code. 38489
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(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 38503
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(d) As used in divisions (B)(1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 38505
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(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists. 38508
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(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians who report an employee's use 38511
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of a drug of abuse, or a condition of an employee other than one 38516
involving the use of a drug of abuse, to the employer of the 38517
employee in accordance with division (B) of that section. As used 38518
in division (B)(7) of this section, "employee," "employer," and 38519
"physician" have the same meanings as in section 2305.33 of the 38520
Revised Code. 38521

(C)(1) A cleric, when the cleric remains accountable to the 38522
authority of that cleric's church, denomination, or sect, 38523
concerning a confession made, or any information confidentially 38524
communicated, to the cleric for a religious counseling purpose in 38525
the cleric's professional character. The cleric may testify by 38526
express consent of the person making the communication, except 38527
when the disclosure of the information is in violation of a sacred 38528
trust and except that, if the person voluntarily testifies or is 38529
deemed by division (A)(4)(c) of section 2151.421 of the Revised 38530
Code to have waived any testimonial privilege under this division, 38531
the cleric may be compelled to testify on the same subject except 38532
when disclosure of the information is in violation of a sacred 38533
trust. 38534

(2) As used in division (C) of this section: 38535

(a) "Cleric" means a member of the clergy, rabbi, priest, 38536
Christian Science practitioner, or regularly ordained, accredited, 38537
or licensed minister of an established and legally cognizable 38538
church, denomination, or sect. 38539

(b) "Sacred trust" means a confession or confidential 38540
communication made to a cleric in the cleric's ecclesiastical 38541
capacity in the course of discipline enjoined by the church to 38542
which the cleric belongs, including, but not limited to, the 38543
Catholic Church, if both of the following apply: 38544

(i) The confession or confidential communication was made 38545
directly to the cleric. 38546

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.

(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family therapist, or registered under Chapter 4757. of the Revised Code as a social work assistant concerning a confidential communication received from a client in that relation or the person's advice to a client unless any of the following applies:

(a) The communication or advice indicates clear and present

danger to the client or other persons. For the purposes of this 38578
division, cases in which there are indications of present or past 38579
child abuse or neglect of the client constitute a clear and 38580
present danger. 38581

(b) The client gives express consent to the testimony. 38582

(c) If the client is deceased, the surviving spouse or the 38583
executor or administrator of the estate of the deceased client 38584
gives express consent. 38585

(d) The client voluntarily testifies, in which case the 38586
school guidance counselor or person licensed or registered under 38587
Chapter 4757. of the Revised Code may be compelled to testify on 38588
the same subject. 38589

(e) The court in camera determines that the information 38590
communicated by the client is not germane to the counselor-client, 38591
marriage and family therapist-client, or social worker-client 38592
relationship. 38593

(f) A court, in an action brought against a school, its 38594
administration, or any of its personnel by the client, rules after 38595
an in-camera inspection that the testimony of the school guidance 38596
counselor is relevant to that action. 38597

(g) The testimony is sought in a civil action and concerns 38598
court-ordered treatment or services received by a patient as part 38599
of a case plan journalized under section 2151.412 of the Revised 38600
Code or the court-ordered treatment or services are necessary or 38601
relevant to dependency, neglect, or abuse or temporary or 38602
permanent custody proceedings under Chapter 2151. of the Revised 38603
Code. 38604

(2) Nothing in division (G)(1) of this section shall relieve 38605
a school guidance counselor or a person licensed or registered 38606
under Chapter 4757. of the Revised Code from the requirement to 38607
report information concerning child abuse or neglect under section 38608

2151.421 of the Revised Code. 38609

(H) A mediator acting under a mediation order issued under 38610
division (A) of section 3109.052 of the Revised Code or otherwise 38611
issued in any proceeding for divorce, dissolution, legal 38612
separation, annulment, or the allocation of parental rights and 38613
responsibilities for the care of children, in any action or 38614
proceeding, other than a criminal, delinquency, child abuse, child 38615
neglect, or dependent child action or proceeding, that is brought 38616
by or against either parent who takes part in mediation in 38617
accordance with the order and that pertains to the mediation 38618
process, to any information discussed or presented in the 38619
mediation process, to the allocation of parental rights and 38620
responsibilities for the care of the parents' children, or to the 38621
awarding of parenting time rights in relation to their children; 38622

(I) A communications assistant, acting within the scope of 38623
the communication assistant's authority, when providing 38624
telecommunications relay service pursuant to section 4931.06 of 38625
the Revised Code or Title II of the "Communications Act of 1934," 38626
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 38627
made through a telecommunications relay service. Nothing in this 38628
section shall limit the obligation of a communications assistant 38629
to divulge information or testify when mandated by federal law or 38630
regulation or pursuant to subpoena in a criminal proceeding. 38631

Nothing in this section shall limit any immunity or privilege 38632
granted under federal law or regulation. 38633

(J)(1) A chiropractor in a civil proceeding concerning a 38634
communication made to the chiropractor by a patient in that 38635
relation or the chiropractor's advice to a patient, except as 38636
otherwise provided in this division. The testimonial privilege 38637
established under this division does not apply, and a chiropractor 38638
may testify or may be compelled to testify, in any civil action, 38639
in accordance with the discovery provisions of the Rules of Civil 38640

Procedure in connection with a civil action, or in connection with 38641
a claim under Chapter 4123. of the Revised Code, under any of the 38642
following circumstances: 38643

(a) If the patient or the guardian or other legal 38644
representative of the patient gives express consent. 38645

(b) If the patient is deceased, the spouse of the patient or 38646
the executor or administrator of the patient's estate gives 38647
express consent. 38648

(c) If a medical claim, dental claim, chiropractic claim, or 38649
optometric claim, as defined in section 2305.113 of the Revised 38650
Code, an action for wrongful death, any other type of civil 38651
action, or a claim under Chapter 4123. of the Revised Code is 38652
filed by the patient, the personal representative of the estate of 38653
the patient if deceased, or the patient's guardian or other legal 38654
representative. 38655

(2) If the testimonial privilege described in division (J)(1) 38656
of this section does not apply as provided in division (J)(1)(c) 38657
of this section, a chiropractor may be compelled to testify or to 38658
submit to discovery under the Rules of Civil Procedure only as to 38659
a communication made to the chiropractor by the patient in 38660
question in that relation, or the chiropractor's advice to the 38661
patient in question, that related causally or historically to 38662
physical or mental injuries that are relevant to issues in the 38663
medical claim, dental claim, chiropractic claim, or optometric 38664
claim, action for wrongful death, other civil action, or claim 38665
under Chapter 4123. of the Revised Code. 38666

(3) The testimonial privilege established under this division 38667
does not apply, and a chiropractor may testify or be compelled to 38668
testify, in any criminal action or administrative proceeding. 38669

(4) As used in this division, "communication" means 38670
acquiring, recording, or transmitting any information, in any 38671

manner, concerning any facts, opinions, or statements necessary to 38672
enable a chiropractor to diagnose, treat, or act for a patient. A 38673
communication may include, but is not limited to, any 38674
chiropractic, office, or hospital communication such as a record, 38675
chart, letter, memorandum, laboratory test and results, x-ray, 38676
photograph, financial statement, diagnosis, or prognosis. 38677

(K)(1) Except as provided under division (K)(2) of this 38678
section, a critical incident stress management team member 38679
concerning a communication received from an individual who 38680
receives crisis response services from the team member, or the 38681
team member's advice to the individual, during a debriefing 38682
session. 38683

(2) The testimonial privilege established under division 38684
(K)(1) of this section does not apply if any of the following are 38685
true: 38686

(a) The communication or advice indicates clear and present 38687
danger to the individual who receives crisis response services or 38688
to other persons. For purposes of this division, cases in which 38689
there are indications of present or past child abuse or neglect of 38690
the individual constitute a clear and present danger. 38691

(b) The individual who received crisis response services 38692
gives express consent to the testimony. 38693

(c) If the individual who received crisis response services 38694
is deceased, the surviving spouse or the executor or administrator 38695
of the estate of the deceased individual gives express consent. 38696

(d) The individual who received crisis response services 38697
voluntarily testifies, in which case the team member may be 38698
compelled to testify on the same subject. 38699

(e) The court in camera determines that the information 38700
communicated by the individual who received crisis response 38701
services is not germane to the relationship between the individual 38702

and the team member. 38703

(f) The communication or advice pertains or is related to any 38704
criminal act. 38705

(3) As used in division (K) of this section: 38706

(a) "Crisis response services" means consultation, risk 38707
assessment, referral, and on-site crisis intervention services 38708
provided by a critical incident stress management team to 38709
individuals affected by crisis or disaster. 38710

(b) "Critical incident stress management team member" or 38711
"team member" means an individual specially trained to provide 38712
crisis response services as a member of an organized community or 38713
local crisis response team that holds membership in the Ohio 38714
critical incident stress management network. 38715

(c) "Debriefing session" means a session at which crisis 38716
response services are rendered by a critical incident stress 38717
management team member during or after a crisis or disaster. 38718

(L)(1) Subject to division (L)(2) of this section and except 38719
as provided in division (L)(3) of this section, an employee 38720
assistance professional, concerning a communication made to the 38721
employee assistance professional by a client in the employee 38722
assistance professional's official capacity as an employee 38723
assistance professional. 38724

(2) Division (L)(1) of this section applies to an employee 38725
assistance professional who meets either or both of the following 38726
requirements: 38727

(a) Is certified by the employee assistance certification 38728
commission to engage in the employee assistance profession; 38729

(b) Has education, training, and experience in all of the 38730
following: 38731

(i) Providing workplace-based services designed to address 38732

employer and employee productivity issues;	38733
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	38734 38735 38736 38737
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	38738 38739 38740 38741
(iv) Selecting and evaluating available community resources;	38742
(v) Making appropriate referrals;	38743
(vi) Local and national employee assistance agreements;	38744
(vii) Client confidentiality.	38745
(3) Division (L)(1) of this section does not apply to any of the following:	38746 38747
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	38748 38749 38750 38751
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	38752 38753 38754
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	38755 38756 38757
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	38758 38759 38760
(e) A civil or criminal malpractice action brought against	38761

the employee assistance professional; 38762

(f) When the employee assistance professional has the express 38763
consent of the client or, if the client is deceased or disabled, 38764
the client's legal representative; 38765

(g) When the testimonial privilege otherwise provided by 38766
division (L)(1) of this section is abrogated under law. 38767

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 38768
2317.41 of the Revised Code but subject to division (B) of this 38769
section, the records, or copies or photographs of the records, of 38770
a hospital, homes required to be licensed pursuant to section 38771
3721.01 of the Revised Code, and residential facilities licensed 38772
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code that 38773
provides accommodations, supervision, and personal care services 38774
for three to sixteen unrelated adults, in lieu of the testimony in 38775
open court of their custodian, person who made them, or person 38776
under whose supervision they were made, may be qualified as 38777
authentic evidence if any such person endorses thereon the 38778
person's verified certification identifying such records, giving 38779
the mode and time of their preparation, and stating that they were 38780
prepared in the usual course of the business of the institution. 38781
Such records, copies, or photographs may not be qualified by 38782
certification as provided in this section unless the party 38783
intending to offer them delivers a copy of them, or of their 38784
relevant portions, to the attorney of record for each adverse 38785
party not less than five days before trial. Nothing in this 38786
section shall be construed to limit the right of any party to call 38787
the custodian, person who made such records, or person under whose 38788
supervision they were made, as a witness. 38789

(B) Division (A) of this section does not apply to any 38790
certified copy of the results of any test given to determine the 38791
presence or concentration of alcohol, a drug of abuse, a 38792

combination of them, a controlled substance, or a metabolite of a 38793
controlled substance in a patient's whole blood, blood serum or 38794
plasma, breath, or urine at any time relevant to a criminal 38795
offense that is submitted in a criminal action or proceeding in 38796
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 38797
of the Revised Code. 38798

Sec. 2329.192. (A) As used in this section: 38799

(1) "State lien" means a lien upon real estate, including 38800
lands and tenements, of persons indebted to the state for debt, 38801
taxes, or in any other manner recorded by a state agency in any 38802
office of the clerk of a county court or the county recorder. 38803

(2) "State lienholder" means the department, agency, or other 38804
division of the state in whose name a state lien has been filed or 38805
recorded. 38806

(B) In every action seeking the judicial sale of real estate 38807
that is subject to a state lien, all of the following apply: 38808

(1) The party seeking a judicial sale shall include the state 38809
lienholder as a party defendant and shall serve that state 38810
lienholder with a copy of the preliminary judicial report or 38811
commitment for an owner's fee policy of title insurance filed in 38812
accordance with section 2329.191 of the Revised Code. 38813

(2) A state lienholder shall not be made a party defendant if 38814
no state lien has been recorded against the owner of the real 38815
estate for which the judicial sale is sought. 38816

(3) The appearance of the state lienholder shall be presumed 38817
for purposes of jurisdiction, and the court shall take judicial 38818
notice that the state has a lien against the real estate. 38819

(4) A state lienholder may, but is not required to, file an 38820
answer to the complaint or any other pleading in the action if the 38821
amount, validity, or priority of the state lien is not identified 38822

in the pleadings as disputed and shall file an answer to the 38823
complaint or any other pleading in the action if the amount, 38824
validity, or priority of the state lien is identified in the 38825
pleadings as disputed. If a state lien is not identified as 38826
disputed, unless the state files an answer or other responsive 38827
pleading, the party seeking the judicial sale is not required to 38828
serve the state lienholder with any answer or subsequent pleadings 38829
in the action for judicial sale. 38830

(5) As part of any order confirming the sale of the real 38831
estate that is subject to any undisputed state lien or 38832
distributing the proceeds of any judicial sale of real estate, the 38833
undisputed state lien shall be protected as if the state had 38834
appeared in the action and filed an answer asserting the validity 38835
of the state lien as recorded in the office of the clerk of the 38836
county court or the office of the county recorder. 38837

(6) Any party asserting a dispute as to the amount, validity, 38838
or priority of the state lien or of any lien or other interest 38839
that has priority over the state lien shall serve the state 38840
lienholder and the attorney general with notice of the dispute, 38841
and the state lienholder shall be permitted to file a responsive 38842
pleading and participate in the proceedings as if the state 38843
lienholder had been served with a summons on the date the state 38844
lienholder received notice of the dispute. 38845

(C) Upon the judicial sale of the real estate that is the 38846
subject of an action under division (B) of this section, the 38847
interest of any undisputed state lien shall transfer to the 38848
proceeds of the sale of the real estate, and the state lienholder 38849
shall be entitled to payment from the proceeds of the sale of the 38850
real estate in accordance with the state lienholder's priority as 38851
set forth in the final judicial report or commitment for an 38852
owner's fee policy of title insurance filed in accordance with 38853
section 2329.191 of the Revised Code. 38854

Sec. 2335.09. Whenever, in any criminal proceeding or 38855
prosecution for the violation of an ordinance, or in a hearing 38856
before a coroner, an interpreter is necessary, the judge, 38857
magistrate, or coroner may appoint interpreters, who shall receive 38858
fees as witnesses in the case or proceeding. Such fees shall be 38859
taxed and paid as provided by sections 2335.05 to 2335.08~~7~~ 38860
~~inclusive~~, of the Revised Code for other witness fees. If the 38861
party taxed with costs is indigent, interpreter's fees shall not 38862
be taxed as costs, and the legislative authority of the court 38863
shall pay the interpreter's fees. This section shall not apply if, 38864
by law, an interpreter is otherwise provided. 38865

Sec. 2335.11. In felony cases in which the defendant is 38866
convicted, the fees of the various magistrates and their officers, 38867
the witness fees, and interpreter's fees shall be inserted in the 38868
judgment of conviction and, when collected shall be disbursed by 38869
the clerk of the court of common pleas to the persons entitled 38870
thereto. In minor state cases, which have come to the court of 38871
common pleas through such magistrate's courts, the fees enumerated 38872
by this section shall be inserted in the judgment of conviction 38873
and, when collected shall be disbursed by the clerk to the persons 38874
entitled thereto. In both felonies and minor state cases, such 38875
clerk shall pay the witness and interpreter's fees into the county 38876
treasury, monthly. 38877

If the defendant is indigent, the interpreter's fees shall 38878
not be inserted in the judgment of conviction, and the county 38879
shall pay the interpreter's fees. 38880

In all cases in which recognizances are taken, forfeited, and 38881
collected, the amount recovered shall be paid into the county 38882
treasury, and if no conviction is had, such costs shall be paid by 38883
the county upon the allowance of the county auditor. 38884

Sec. 2501.16. (A) Each court of appeals may appoint one or 38885
more official reporters, law clerks, secretaries, and any other 38886
employees that the court considers necessary for its efficient 38887
operation. 38888

The clerk of the court of common pleas, acting as the clerk 38889
of the court of appeals for the county, shall perform the duties 38890
otherwise performed and collect the fees otherwise collected by 38891
the clerk of the court of common pleas, as set forth in section 38892
2303.03 of the Revised Code, and shall maintain the files and 38893
records of the court. The clerk of the court of common pleas, 38894
acting as the clerk of the court of appeals for the county, may 38895
refuse to accept for filing any pleading or paper submitted for 38896
filing by a person who has been found to be a vexatious litigator 38897
under section 2323.52 of the Revised Code and who has failed to 38898
obtain leave from the court of appeals to proceed under that 38899
section. The overhead expenses pertaining to the office of the 38900
clerk of the court of common pleas that result from the clerk's 38901
acting as clerk of the court of appeals for the county, other than 38902
wages and salaries, shall be paid from the funds provided under 38903
sections 2501.18 and 2501.181 of the Revised Code. 38904

Each officer and employee appointed pursuant to this section 38905
shall take an oath of office, serve at the pleasure of the court, 38906
and perform any duties that the court directs. Each reporter shall 38907
have the powers that are vested in official reporters of the court 38908
of common pleas under sections 2301.18 to ~~2301.26~~ 2301.25 of the 38909
Revised Code. Whenever an opinion, per curiam, or report of a case 38910
has been prepared in accordance with section 2503.20 of the 38911
Revised Code, the official reporter immediately shall forward one 38912
copy of the opinion, per curiam, or report to the reporter of the 38913
supreme court, without expense to the reporter. 38914

(B) The court of appeals may determine that, for the 38915

efficient operation of the court, additional funds are necessary 38916
to acquire and pay for special projects of the court, including, 38917
but not limited to, the acquisition of additional facilities or 38918
the rehabilitation of existing facilities, the acquisition of 38919
equipment, the hiring and training of staff, the employment of 38920
magistrates, the training and education of judges, acting judges, 38921
and magistrates, community service programs, and other related 38922
services. Upon that determination, the court by rule may charge a 38923
fee, in addition to all other court costs, on the filing of each 38924
case or cause over which the court has jurisdiction. 38925

If the court of appeals offers a special program or service 38926
in cases of a specific type, the court by rule may assess an 38927
additional charge in a case of that type, over and above court 38928
costs, to cover the special program or service. The court shall 38929
adjust the special assessment periodically, but not retroactively, 38930
so that the amount assessed in those cases does not exceed the 38931
actual cost of providing the service or program. 38932

All moneys collected under division (B) of this section shall 38933
be paid to the county treasurer of the county selected as the 38934
principal seat of that court of appeals for deposit into either a 38935
general special projects fund or a fund established for a specific 38936
special project. Moneys from a fund of that nature shall be 38937
disbursed upon an order of the court in an amount no greater than 38938
the actual cost to the court of a project. If a specific fund is 38939
terminated because of the discontinuance of a program or service 38940
established under division (B) of this section, the court may 38941
order that moneys remaining in the fund be transferred to an 38942
account established under this division for a similar purpose. 38943

Sec. 2505.02. (A) As used in this section: 38944

(1) "Substantial right" means a right that the United States 38945
Constitution, the Ohio Constitution, a statute, the common law, or 38946

a rule of procedure entitles a person to enforce or protect. 38947

(2) "Special proceeding" means an action or proceeding that 38948
is specially created by statute and that prior to 1853 was not 38949
denoted as an action at law or a suit in equity. 38950

(3) "Provisional remedy" means a proceeding ancillary to an 38951
action, including, but not limited to, a proceeding for a 38952
preliminary injunction, attachment, discovery of privileged 38953
matter, suppression of evidence, a prima-facie showing pursuant to 38954
section 2307.85 or 2307.86 of the Revised Code, a prima-facie 38955
showing pursuant to section 2307.92 of the Revised Code, or a 38956
finding made pursuant to division (A)(3) of section 2307.93 of the 38957
Revised Code. 38958

(B) An order is a final order that may be reviewed, affirmed, 38959
modified, or reversed, with or without retrial, when it is one of 38960
the following: 38961

(1) An order that affects a substantial right in an action 38962
that in effect determines the action and prevents a judgment; 38963

(2) An order that affects a substantial right made in a 38964
special proceeding or upon a summary application in an action 38965
after judgment; 38966

(3) An order that vacates or sets aside a judgment or grants 38967
a new trial; 38968

(4) An order that grants or denies a provisional remedy and 38969
to which both of the following apply: 38970

(a) The order in effect determines the action with respect to 38971
the provisional remedy and prevents a judgment in the action in 38972
favor of the appealing party with respect to the provisional 38973
remedy. 38974

(b) The appealing party would not be afforded a meaningful or 38975
effective remedy by an appeal following final judgment as to all 38976

proceedings, issues, claims, and parties in the action.	38977
(5) An order that determines that an action may or may not be maintained as a class action;	38978 38979
(6) An order determining the constitutionality of any changes to the Revised Code made by Am. Sub. S.B. 281 of the 124th general assembly, including the amendment of sections 1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (<u>renumbered as 5164.07 by H.B. 59 of the 130th general assembly</u>), and the enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any changes made by Sub. S.B. 80 of the 125th general assembly, including the amendment of sections 2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the Revised Code;	38980 38981 38982 38983 38984 38985 38986 38987 38988 38989 38990
(7) An order in an appropriation proceeding that may be appealed pursuant to division (B)(3) of section 163.09 of the Revised Code.	38991 38992 38993
(C) When a court issues an order that vacates or sets aside a judgment or grants a new trial, the court, upon the request of either party, shall state in the order the grounds upon which the new trial is granted or the judgment vacated or set aside.	38994 38995 38996 38997
(D) This section applies to and governs any action, including an appeal, that is pending in any court on July 22, 1998, and all claims filed or actions commenced on or after July 22, 1998, notwithstanding any provision of any prior statute or rule of law of this state.	38998 38999 39000 39001 39002
Sec. 2701.03. (A) If a judge of the court of common pleas allegedly is interested in a proceeding pending before the court, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the court or a party's	39003 39004 39005 39006

counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the court, any party to the proceeding or the party's counsel may file an affidavit of disqualification with the clerk of the supreme court in accordance with division (B) of this section.

(B) An affidavit of disqualification filed under section 2101.39 ~~or~~, 2501.13, 2701.031, or 2743.041 of the Revised Code or division (A) of this section shall be filed with the clerk of the supreme court not less than seven calendar days before the day on which the next hearing in the proceeding is scheduled and shall include all of the following:

(1) The specific allegations on which the claim of interest, bias, prejudice, or disqualification is based and the facts to support each of those allegations or, in relation to an affidavit filed against a judge of a court of appeals, a specific allegation that the judge presided in the lower court in the same proceeding and the facts to support that allegation;

(2) The jurat of a notary public or another person authorized to administer oaths or affirmations;

(3) A certificate indicating that a copy of the affidavit has been served on the probate judge, judge of a court of appeals, ~~or~~ judge of a court of common pleas, judge of a municipal or county court, or judge of the court of claims against whom the affidavit is filed and on all other parties or their counsel;

(4) The date of the next scheduled hearing in the proceeding or, if there is no hearing scheduled, a statement that there is no hearing scheduled.

(C)(1) Except as provided in division (C)(2) of this section, when an affidavit of disqualification is presented to the clerk of the supreme court for filing under division (B) of this section,

all of the following apply: 39037

(a) The clerk of the supreme court shall accept the affidavit 39038
for filing and shall forward the affidavit to the chief justice of 39039
the supreme court. 39040

(b) The supreme court shall send notice of the filing of the 39041
affidavit to the probate court served by the judge if the 39042
affidavit is filed against a probate court judge, to the clerk of 39043
the court of appeals served by the judge if the affidavit is filed 39044
against a judge of a court of appeals, ~~or~~ to the clerk of the 39045
court of common pleas served by the judge if the affidavit is 39046
filed against a judge of a court of common pleas, to the clerk of 39047
the municipal or county court served by the judge if the affidavit 39048
is filed against a judge of a municipal or county court, or to the 39049
clerk of the court of claims if the affidavit is filed against a 39050
judge of the court of claims. 39051

(c) Upon receipt of the notice under division (C)(1)(b) of 39052
this section, the probate court, the clerk of the court of 39053
appeals, ~~or~~ the clerk of the court of common pleas, the clerk of 39054
the municipal or county court, or the clerk of the court of claims 39055
shall enter the fact of the filing of the affidavit on the docket 39056
of the probate court, the docket of the court of appeals, ~~or~~ the 39057
docket in the proceeding in the court of common pleas, the docket 39058
of the proceeding in the municipal or county court, or the docket 39059
of the proceeding in the court of claims. 39060

(2) The clerk of the supreme court shall not accept an 39061
affidavit of disqualification presented for filing under division 39062
(B) of this section if it is not timely presented for filing or 39063
does not satisfy the requirements of divisions (B)(2), (3), and 39064
(4) of this section. 39065

(D)(1) Except as provided in divisions (D)(2) to (4) of this 39066
section, if the clerk of the supreme court accepts an affidavit of 39067

disqualification for filing under divisions (B) and (C) of this 39068
section, the affidavit deprives the judge against whom the 39069
affidavit was filed of any authority to preside in the proceeding 39070
until the chief justice of the supreme court, or a justice of the 39071
supreme court designated by the chief justice, rules on the 39072
affidavit pursuant to division (E) of this section. 39073

(2) A judge against whom an affidavit of disqualification has 39074
been filed under divisions (B) and (C) of this section may do any 39075
of the following that is applicable: 39076

(a) If, based on the scheduled hearing date, the affidavit 39077
was not timely filed, the judge may preside in the proceeding. 39078

(b) If the proceeding is a domestic relations proceeding, the 39079
judge may issue any temporary order relating to spousal support 39080
pendente lite and the support, maintenance, and allocation of 39081
parental rights and responsibilities for the care of children. 39082

(c) If the proceeding pertains to a complaint brought 39083
pursuant to Chapter 2151. or 2152. of the Revised Code, the judge 39084
may issue any temporary order pertaining to the relation and 39085
conduct of any other person toward a child who is the subject of a 39086
complaint as the interest and welfare of the child may require. 39087

(3) A judge against whom an affidavit of disqualification has 39088
been filed under divisions (B) and (C) of this section may 39089
determine a matter that does not affect a substantive right of any 39090
of the parties. 39091

(4) If the clerk of the supreme court accepts an affidavit of 39092
disqualification for filing under divisions (B) and (C) of this 39093
section, if the chief justice of the supreme court, or a justice 39094
of the supreme court designated by the chief justice, denies the 39095
affidavit of disqualification pursuant to division (E) of this 39096
section, and if, after the denial, a second or subsequent 39097
affidavit of disqualification regarding the same judge and the 39098

same proceeding is filed by the same party who filed or on whose behalf was filed the affidavit that was denied or by counsel for the same party who filed or on whose behalf was filed the affidavit that was denied, the judge against whom the second or subsequent affidavit is filed may preside in the proceeding prior to the ruling of the chief justice of the supreme court, or a justice designated by the chief justice, on the second or subsequent affidavit.

(E) If the clerk of the supreme court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section and if the chief justice of the supreme court, or any justice of the supreme court designated by the chief justice, determines that the interest, bias, prejudice, or disqualification alleged in the affidavit does not exist, the chief justice or the designated justice shall issue an entry denying the affidavit of disqualification. If the chief justice of the supreme court, or any justice of the supreme court designated by the chief justice, determines that the interest, bias, prejudice, or disqualification alleged in the affidavit exists, the chief justice or the designated justice shall issue an entry that disqualifies that judge from presiding in the proceeding and either order that the proceeding be assigned to another judge of the court of which the disqualified judge is a member, to a judge of another court, or to a retired judge.

Sec. 2701.031. ~~(A)~~ If a judge of a municipal or county court allegedly is interested in a proceeding pending before the judge, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the judge or to a party's counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the judge, any party to the proceeding or the party's counsel may file an affidavit of disqualification with the clerk of the supreme court ~~in which the proceeding is~~

pending. The affidavit of disqualification shall be filed and 39131
decided in accordance with divisions (B) to (E) of section 2701.03 39132
of the Revised Code, and, upon the filing of the affidavit, the 39133
provisions of those divisions apply to the affidavit, the 39134
proceeding, the judge, and the parties to the proceeding. 39135

~~(B) An affidavit of disqualification shall be filed under~~ 39136
~~this section with the clerk of the court in which the proceeding~~ 39137
~~is pending not less than seven calendar days before the day on~~ 39138
~~which the next hearing in the proceeding is scheduled and shall~~ 39139
~~include all of the following:~~ 39140

~~(1) The specific allegations on which the claim of interest,~~ 39141
~~bias, prejudice, or disqualification is based and the facts to~~ 39142
~~support each of those allegations;~~ 39143

~~(2) The jurat of a notary public or another person authorized~~ 39144
~~to administer oaths or affirmations;~~ 39145

~~(3) A certificate indicating that a copy of the affidavit has~~ 39146
~~been served on the judge of the municipal or county court against~~ 39147
~~whom the affidavit is filed and on all other parties or their~~ 39148
~~counsel;~~ 39149

~~(4) The date of the next scheduled hearing in the proceeding~~ 39150
~~or, if there is no hearing scheduled, a statement that there is no~~ 39151
~~hearing scheduled.~~ 39152

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 39153
~~when an affidavit of disqualification is presented to the clerk of~~ 39154
~~a municipal or county court for filing under division (B) of this~~ 39155
~~section, the clerk shall enter the fact of the filing on the~~ 39156
~~docket in that proceeding and shall provide notice of the filing~~ 39157
~~of the affidavit to one of the following:~~ 39158

~~(a) The presiding judge of the court of common pleas of the~~ 39159
~~county;~~ 39160

~~(b) If there is no presiding judge of the court of common pleas of the county, a judge of the court of common pleas of the county.~~ 39161
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~~(2) The clerk of the municipal or county court in which a proceeding is pending shall not accept an affidavit of disqualification presented for filing under division (B) of this section if it is not timely presented for filing or does not satisfy the requirements of divisions (B)(2), (3), and (4) of this section.~~ 39164
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~~(D)(1) Except as provided in divisions (D)(2) to (4) of this section, if the clerk of the municipal or county court in which a proceeding is pending accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section, the affidavit deprives the judge of a municipal or county court against whom the affidavit was filed of any authority to preside in the proceeding until the judge who was notified pursuant to division (C)(1) of this section rules on the affidavit pursuant to division (E) of this section.~~ 39170
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~~(2) A judge of a municipal or county court against whom an affidavit of disqualification has been filed under divisions (B) and (C) of this section may preside in the proceeding if, based on the scheduled hearing date, the affidavit was not timely filed.~~ 39179
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~~(3) A judge of a municipal or county court against whom an affidavit of disqualification has been filed under divisions (B) and (C) of this section may determine a matter that does not affect a substantive right of any of the parties.~~ 39183
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~~(4) If the clerk of a municipal or county court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section, if the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit of disqualification denies the affidavit pursuant to division (E) of~~ 39187
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~~this section, and if, after the denial, a second or subsequent affidavit of disqualification regarding the same judge and the same proceeding is filed by the same party who filed or on whose behalf was filed the affidavit that was denied or by counsel for the same party who filed or on whose behalf was filed the affidavit that was denied, the judge of a municipal or county court against whom the second or subsequent affidavit is filed may preside in the proceeding prior to the ruling, by the judge who is notified pursuant to division (C)(1) of this section, on the second or subsequent affidavit pursuant to division (E) of this section.~~

~~(E) If the clerk of a municipal or county court accepts an affidavit of disqualification for filing under divisions (B) and (C) of this section and if the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit determines that the interest, bias, prejudice, or disqualification alleged in the affidavit does not exist, the judge who is so notified shall issue an entry denying the affidavit of disqualification. If the judge who is notified pursuant to division (C)(1) of this section of the filing of the affidavit determines that the interest, bias, prejudice, or disqualification alleged in the affidavit exists, the judge who is so notified shall issue an entry that disqualifies the judge against whom the affidavit was filed from presiding in the proceeding and designate another judge of the municipal or county court, or of the court of common pleas, to preside in the proceeding in place of the disqualified judge.~~

Sec. 2743.03. (A)(1) There is hereby created a court of claims. The court of claims is a court of record and has exclusive, original jurisdiction of all civil actions against the state permitted by the waiver of immunity contained in section 2743.02 of the Revised Code, and exclusive jurisdiction of the

causes of action of all parties in civil actions that are removed 39224
to the court of claims, ~~and jurisdiction to hear appeals from the~~ 39225
~~decisions of the court of claims commissioners.~~ The court shall 39226
have full equity powers in all actions within its jurisdiction and 39227
may entertain and determine all counterclaims, cross-claims, and 39228
third-party claims. 39229

(2) If the claimant in a civil action as described in 39230
division (A)(1) of this section also files a claim for a 39231
declaratory judgment, injunctive relief, or other equitable relief 39232
against the state that arises out of the same circumstances that 39233
gave rise to the civil action described in division (A)(1) of this 39234
section, the court of claims has exclusive, original jurisdiction 39235
to hear and determine that claim in that civil action. This 39236
division does not affect, and shall not be construed as affecting, 39237
the original jurisdiction of another court of this state to hear 39238
and determine a civil action in which the sole relief that the 39239
claimant seeks against the state is a declaratory judgment, 39240
injunctive relief, or other equitable relief. 39241

(3) In addition to its exclusive, original jurisdiction as 39242
conferred by division (A)(1) and (2) of this section, the court of 39243
claims has exclusive, original jurisdiction as described in 39244
division (F) of section 2743.02, division (B) of section 3335.03, 39245
and division (C) of section 5903.02 of the Revised Code. 39246

(B) The court of claims shall sit in Franklin county, its 39247
hearings shall be public, and it shall consist of incumbent 39248
justices or judges of the supreme court, courts of appeals, or 39249
courts of common pleas, or retired justices or judges eligible for 39250
active duty pursuant to division (C) of Section 6 of Article IV, 39251
Ohio Constitution, sitting by temporary assignment of the chief 39252
justice of the supreme court. The chief justice may direct the 39253
court to sit in any county for cases on removal upon a showing of 39254
substantial hardship and whenever justice dictates. 39255

(C)(1) A civil action against the state shall be heard and 39256
determined by a single judge. Upon application by the claimant or 39257
the state, the chief justice of the supreme court may assign a 39258
panel of three judges to hear and determine a civil action 39259
presenting novel or complex issues of law or fact. Concurrence of 39260
two members of the panel is necessary for any judgment or order. 39261

(2) Whenever the chief justice of the supreme court believes 39262
an equitable resolution of a case will be expedited, the chief 39263
justice may appoint ~~referees~~ magistrates in accordance with Civil 39264
Rule 53 to hear the case. 39265

(3) When any dispute under division (B) of section 153.12 of 39266
the Revised Code is brought to the court of claims, upon request 39267
of either party to the dispute, the chief justice of the supreme 39268
court shall appoint a single referee or a panel of three referees. 39269
The referees need not be attorneys, but shall be persons 39270
knowledgeable about construction contract law, a member of the 39271
construction industry panel of the American arbitration 39272
association, or an individual or individuals deemed qualified by 39273
the chief justice to serve. No person shall serve as a referee if 39274
that person has been employed by an affected state agency or a 39275
contractor or subcontractor involved in the dispute at any time in 39276
the preceding five years. Proceedings governing referees shall be 39277
in accordance with Civil Rule 53, except as modified by this 39278
division. The referee or panel of referees shall submit its 39279
report, which shall include a recommendation and finding of fact, 39280
to the judge assigned to the case by the chief justice, within 39281
thirty days of the conclusion of the hearings. Referees appointed 39282
pursuant to this division shall be compensated on a per diem basis 39283
at the same rate as is paid to judges of the court and also shall 39284
be paid their expenses. If a single referee is appointed or a 39285
panel of three referees is appointed, then, with respect to one 39286
referee of the panel, the compensation and expenses of the referee 39287

shall not be taxed as part of the costs in the case but shall be 39288
included in the budget of the court. If a panel of three referees 39289
is appointed, the compensation and expenses of the two remaining 39290
referees shall be taxed as costs of the case. 39291

All costs of a case shall be apportioned among the parties. 39292
The court may not require that any party deposit with the court 39293
cash, bonds, or other security in excess of two hundred dollars to 39294
guarantee payment of costs without the prior approval in each case 39295
of the chief justice. 39296

(4) An appeal from a decision of the ~~court of claims~~ 39297
~~commissioners~~ attorney general shall be heard and determined by 39298
one judge of the court of claims. 39299

(D) The Rules of Civil Procedure shall govern practice and 39300
procedure in all actions in the court of claims, except insofar as 39301
inconsistent with this chapter. The supreme court may promulgate 39302
rules governing practice and procedure in actions in the court as 39303
provided in Section 5 of Article IV, Ohio Constitution. 39304

(E)(1) A party who files a counterclaim against the state or 39305
makes the state a third-party defendant in an action commenced in 39306
any court, other than the court of claims, shall file a petition 39307
for removal in the court of claims. The petition shall state the 39308
basis for removal, be accompanied by a copy of all process, 39309
pleadings, and other papers served upon the petitioner, and shall 39310
be signed in accordance with Civil Rule 11. A petition for removal 39311
based on a counterclaim shall be filed within twenty-eight days 39312
after service of the counterclaim of the petitioner. A petition 39313
for removal based on third-party practice shall be filed within 39314
twenty-eight days after the filing of the third-party complaint of 39315
the petitioner. 39316

(2) Within seven days after filing a petition for removal, 39317
the petitioner shall give written notice to the parties, and shall 39318

file a copy of the petition with the clerk of the court in which 39319
the action was brought originally. The filing effects the removal 39320
of the action to the court of claims, and the clerk of the court 39321
where the action was brought shall forward all papers in the case 39322
to the court of claims. The court of claims shall adjudicate all 39323
civil actions removed. The court may remand a civil action to the 39324
court in which it originated upon a finding that the removal 39325
petition does not justify removal, or upon a finding that the 39326
state is no longer a party. 39327

(3) Bonds, undertakings, or security and injunctions, 39328
attachments, sequestrations, or other orders issued prior to 39329
removal remain in effect until dissolved or modified by the court 39330
of claims. 39331

Sec. 2743.041. If a judge of the court of claims allegedly is 39332
interested in a proceeding pending before the judge, allegedly is 39333
related to or has a bias or prejudice for or against a party to a 39334
proceeding pending before the judge or to a party's counsel, or 39335
allegedly otherwise is disqualified to preside in a proceeding 39336
pending before the judge, any party to the proceeding or the 39337
party's counsel may file an affidavit of disqualification with the 39338
clerk of the supreme court. The affidavit of disqualification 39339
shall be filed and decided in accordance with divisions (B) to (E) 39340
of section 2701.03 of the Revised Code, and, upon the filing of 39341
the affidavit, the provisions of those divisions apply to the 39342
affidavit, the proceeding, the judge, and the parties to the 39343
proceeding. 39344

Sec. 2743.09. The clerk of the court of claims shall do all 39345
of the following: 39346

(A) Administer oaths and take and certify affidavits, 39347
depositions, and acknowledgments of powers of attorney and other 39348

instruments in writing; 39349

(B) Prepare the dockets, enter and record the orders, 39350
judgments, decisions, awards, and proceedings of the court of 39351
claims ~~and the court of claims commissioners~~, and issue writs and 39352
process; 39353

(C) Maintain an office in Franklin county in rooms provided 39354
by the supreme court for that purpose; 39355

(D) Keep an appearance docket of civil actions, and claims 39356
for an award of reparations, ~~and appeals from decisions of the~~ 39357
~~court of claims commissioners~~. The clerk may refuse to accept for 39358
filing any pleading or paper that relates to a civil action in the 39359
court of claims and that is submitted for filing by a person who 39360
has been found to be a vexatious litigator under section 2323.52 39361
of the Revised Code and who has failed to obtain leave to proceed 39362
under that section. 39363

Upon the commencement of an action or claim, the clerk shall 39364
assign it a number. This number shall be placed on the first page, 39365
and every continuation page, of the appearance docket that 39366
concerns the particular action or claim. In addition, this number 39367
and the names of the parties shall be placed on the case file and 39368
every paper filed in the action or claim. 39369

At the time the action is commenced the clerk shall enter in 39370
the appearance docket the names of the parties in full and the 39371
names of counsel and shall index the action alphabetically by the 39372
last name of each party. Thereafter, the clerk shall 39373
chronologically note in the appearance docket all process issued 39374
and returns, pleas, motions, papers filed in the action, orders, 39375
verdicts, and judgments. The notations shall be brief but shall 39376
show the date of filing, substance, and journal volume and page of 39377
each order, verdict, and judgment. An action is commenced for 39378
purposes of this division by the filing of a complaint, including 39379

a form complaint under section 2743.10 of the Revised Code or a petition for removal. 39380
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At the time an appeal for an award of reparations is commenced, the clerk shall enter the full names of the claimant, the victim, and the attorneys in the appearance docket and shall index the claim alphabetically by the last name of the claimant and the victim. Thereafter, the clerk shall chronologically note in the appearance docket all process issued and returns, motions, papers filed in the claim, orders, decisions, and awards. The notations shall be brief but shall show the date of filing, substance, and journal volume and page of each order. 39382
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(E) Keep all original papers filed in an action or claim in a separate file folder and a journal in which all orders, verdicts, and judgments of the court ~~and commissioners~~ shall be recorded; 39391
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(F) Charge and collect fees pursuant to section 2303.20 of the Revised Code, keep a cashbook in which the clerk shall enter the amounts received, make a report to the clerk of the supreme court each quarter of the fees received during the preceding quarter, and pay them monthly into the state treasury; 39394
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(G) Appoint reporters and other clerical personnel; 39399

(H) Under the direction of the chief justice, establish procedures for hearing and determining appeals for an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code. 39400
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Sec. 2743.121. ~~(A) A panel of court of claims commissioners shall render its decisions as to claims for an award of reparations in writing and shall include separate findings of fact and any conclusions of law that are necessary. Orders as to claims for an award of reparations shall be entered on the journal, and the clerk shall certify on the order the date of journalization~~ 39404
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~~and shall send copies of the order and decision to the claimant, 39410
the attorney general, and the prosecuting attorney of the county 39411
in which the criminally injurious conduct occurred. 39412~~

~~(B) A judge of the The court of claims shall render the 39413
judge's its decisions as to appeals from decisions of a panel of 39414
court of claims commissioners the attorney general pursuant to 39415
sections 2743.51 to 2743.72 of the Revised Code in writing and 39416
shall include a separate finding for each issue contested upon 39417
appeal. Orders as to appeals shall be entered on the journal, and 39418
the clerk shall certify on the order the date of journalization 39419
and shall send copies of the order and decision to the claimant, 39420
the attorney general, and the prosecuting attorney of the county 39421
in which the criminally injurious conduct occurred. 39422~~

Sec. 2743.191. (A)(1) There is hereby created in the state 39423
treasury the reparations fund, which shall be used only for the 39424
following purposes: 39425

(a) The payment of awards of reparations that are granted by 39426
the attorney general; 39427

(b) The compensation of any personnel needed by the attorney 39428
general to administer sections 2743.51 to 2743.72 of the Revised 39429
Code; 39430

(c) The compensation of witnesses as provided in division (J) 39431
of section 2743.65 of the Revised Code; 39432

(d) Other administrative costs of hearing and determining 39433
claims for an award of reparations by the attorney general; 39434

(e) The costs of administering sections 2907.28 and 2969.01 39435
to 2969.06 of the Revised Code; 39436

(f) The costs of investigation and decision-making as 39437
certified by the attorney general; 39438

(g) The provision of state financial assistance to victim 39439

assistance programs in accordance with sections 109.91 and 109.92 39440
of the Revised Code; 39441

(h) The costs of paying the expenses of sex offense-related 39442
examinations and antibiotics pursuant to section 2907.28 of the 39443
Revised Code; 39444

(i) The cost of printing and distributing the pamphlet 39445
prepared by the attorney general pursuant to section 109.42 of the 39446
Revised Code; 39447

(j) Subject to division (D) of section 2743.71 of the Revised 39448
Code, the costs associated with the printing and providing of 39449
information cards or other printed materials to law enforcement 39450
agencies and prosecuting authorities and with publicizing the 39451
availability of awards of reparations pursuant to section 2743.71 39452
of the Revised Code; 39453

(k) The payment of costs of administering a DNA specimen 39454
collection procedure pursuant to sections 2152.74 and 2901.07 of 39455
the Revised Code, of performing DNA analysis of those DNA 39456
specimens, and of entering the resulting DNA records regarding 39457
those analyses into the DNA database pursuant to section 109.573 39458
of the Revised Code; 39459

(l) The payment of actual costs associated with initiatives 39460
by the attorney general for the apprehension, prosecution, and 39461
accountability of offenders, and the enhancing of services to 39462
crime victims. The amount of payments made pursuant to division 39463
(A)(1)(1) of this section during any given fiscal year shall not 39464
exceed five per cent of the balance of the reparations fund at the 39465
close of the immediately previous fiscal year; 39466

(m) The costs of administering the adult parole authority's 39467
supervision pursuant to division (E) of section 2971.05 of the 39468
Revised Code of sexually violent predators who are sentenced to a 39469
prison term pursuant to division (A)(3) of section 2971.03 of the 39470

Revised Code and of offenders who are sentenced to a prison term 39471
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 39472
(c), or (B)(3)(a), (b), (c), or (d) of that section; 39473

(n) Subject to the limit set forth in those sections, the 39474
costs of the installation and monitoring of an electronic 39475
monitoring device used in the monitoring of a respondent pursuant 39476
to an electronic monitoring order issued by a court under division 39477
(E)(1)(b) of section 2151.34 or division (E)(1)(b) of section 39478
2903.214 of the Revised Code if the court determines that the 39479
respondent is indigent or used in the monitoring of an offender 39480
pursuant to an electronic monitoring order issued under division 39481
(B)(5) of section 2919.27 of the Revised Code if the court 39482
determines that the offender is indigent; 39483

(o) The provision of state financial assistance to rape 39484
crisis programs by the attorney general. 39485

(2) All costs paid pursuant to section 2743.70 of the Revised 39486
Code, the portions of license reinstatement fees mandated by 39487
division (F)(2)(b) of section 4511.191 of the Revised Code to be 39488
credited to the fund, the portions of the proceeds of the sale of 39489
a forfeited vehicle specified in division (C)(2) of section 39490
4503.234 of the Revised Code, payments collected by the department 39491
of rehabilitation and correction from prisoners who voluntarily 39492
participate in an approved work and training program pursuant to 39493
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 39494
all moneys collected by the state pursuant to its right of 39495
subrogation provided in section 2743.72 of the Revised Code shall 39496
be deposited in the fund. 39497

(B) In making an award of reparations, the attorney general 39498
shall render the award against the state. The award shall be 39499
accomplished only through the following procedure, and the 39500
following procedure may be enforced by writ of mandamus directed 39501
to the appropriate official: 39502

(1) The attorney general shall provide for payment of the 39503
claimant or providers in the amount of the award only if the 39504
amount of the award is fifty dollars or more. 39505

(2) The expense shall be charged against all available 39506
unencumbered moneys in the fund. 39507

(3) If sufficient unencumbered moneys do not exist in the 39508
fund, the attorney general shall make application for payment of 39509
the award out of the emergency purposes account or any other 39510
appropriation for emergencies or contingencies, and payment out of 39511
this account or other appropriation shall be authorized if there 39512
are sufficient moneys greater than the sum total of then pending 39513
emergency purposes account requests or requests for releases from 39514
the other appropriations. 39515

(4) If sufficient moneys do not exist in the account or any 39516
other appropriation for emergencies or contingencies to pay the 39517
award, the attorney general shall request the general assembly to 39518
make an appropriation sufficient to pay the award, and no payment 39519
shall be made until the appropriation has been made. The attorney 39520
general shall make this appropriation request during the current 39521
biennium and during each succeeding biennium until a sufficient 39522
appropriation is made. If, prior to the time that an appropriation 39523
is made by the general assembly pursuant to this division, the 39524
fund has sufficient unencumbered funds to pay the award or part of 39525
the award, the available funds shall be used to pay the award or 39526
part of the award, and the appropriation request shall be amended 39527
to request only sufficient funds to pay that part of the award 39528
that is unpaid. 39529

(C) The attorney general shall not make payment on a decision 39530
or order granting an award until all appeals have been determined 39531
and all rights to appeal exhausted, except as otherwise provided 39532
in this section. If any party to a claim for an award of 39533
reparations appeals from only a portion of an award, and a 39534

remaining portion provides for the payment of money by the state, 39535
that part of the award calling for the payment of money by the 39536
state and not a subject of the appeal shall be processed for 39537
payment as described in this section. 39538

(D) The attorney general shall prepare itemized bills for the 39539
costs of printing and distributing the pamphlet the attorney 39540
general prepares pursuant to section 109.42 of the Revised Code. 39541
The itemized bills shall set forth the name and address of the 39542
persons owed the amounts set forth in them. 39543

(E) The attorney general shall adopt rules under Chapter 119. 39544
of the Revised Code governing the provision of state financial 39545
assistance to rape crisis programs under division (A)(1)(o) of 39546
this section. 39547

(F) As used in this section: 39548

(1) "DNA analysis" and "DNA specimen" have the same meanings 39549
as in section 109.573 of the Revised Code. 39550

(2) "Rape crisis program" means any of the following: 39551

(a) The nonprofit state sexual assault coalition designated 39552
by the center for injury prevention and control of the federal 39553
centers for disease control and prevention; 39554

(b) A victim witness assistance program operated by a 39555
prosecuting attorney; 39556

(c) A program operated by a government-based or nonprofit 39557
entity that provides a full continuum of services to victims of 39558
sexual assault, including, but not limited to, hotlines, victim 39559
advocacy, and support services from the onset of the need for 39560
services through the completion of healing, that does not provide 39561
medical services, and that may refer victims to physicians for 39562
medical care but does not engage in or refer for services for 39563
which the use of genetic services funds is prohibited by section 39564

<u>3701.511 of the Revised Code.</u>	39565
<u>(3) "Sexual assault" means any of the following:</u>	39566
<u>(a) A violation of section 2907.02, 2907.03, 2907.04,</u>	39567
<u>2907.05, or former section 2907.12 of the Revised Code;</u>	39568
<u>(b) A violation of an existing or former municipal ordinance</u>	39569
<u>or law of this or any other state or the United States that is or</u>	39570
<u>was substantially equivalent to any section listed in division</u>	39571
<u>(F)(3)(a) of this section.</u>	39572
Sec. 2743.20. Appeals from orders and judgments of the court	39573
of claims lie to the same courts under the same circumstances, as	39574
appeals from the court of common pleas of Franklin county, and the	39575
same rules of law govern their determination. The decision of the	39576
court of claims with respect to an appeal from a decision of the	39577
court of claims commissioners <u>the attorney general pursuant to</u>	39578
<u>sections 2743.51 to 2743.72 of the Revised Code</u> is final, and no	39579
appeal from the decision of the court of claims lies to any other	39580
court.	39581
Sec. 2743.48. (A) As used in this section and section 2743.49	39582
of the Revised Code, a "wrongfully imprisoned individual" means an	39583
individual who satisfies each of the following:	39584
(1) The individual was charged with a violation of a section	39585
of the Revised Code by an indictment or information, and the	39586
violation charged was an aggravated felony or felony.	39587
(2) The individual was found guilty of, but did not plead	39588
guilty to, the particular charge or a lesser-included offense by	39589
the court or jury involved, and the offense of which the	39590
individual was found guilty was an aggravated felony or felony.	39591
(3) The individual was sentenced to an indefinite or definite	39592
term of imprisonment in a state correctional institution for the	39593

offense of which the individual was found guilty. 39594

(4) The individual's conviction was vacated, dismissed, or 39595
reversed on appeal, the prosecuting attorney in the case cannot or 39596
will not seek any further appeal of right or upon leave of court, 39597
and no criminal proceeding is pending, can be brought, or will be 39598
brought by any prosecuting attorney, city director of law, village 39599
solicitor, or other chief legal officer of a municipal corporation 39600
against the individual for any act associated with that 39601
conviction. 39602

(5) Subsequent to sentencing and during or subsequent to 39603
imprisonment, an error in procedure resulted in the individual's 39604
release, or it was determined by the court of common pleas in the 39605
county where the underlying criminal action was initiated that the 39606
charged offense, including all lesser-included offenses, either 39607
was not committed by the individual or was not committed by any 39608
person. 39609

(B)(1) A person may file a civil action to be declared a 39610
wrongfully imprisoned individual in the court of common pleas in 39611
the county where the underlying criminal action was initiated. 39612
That civil action shall be separate from the underlying finding of 39613
guilt by the court of common pleas. The prosecuting attorney of 39614
that county shall be served with a copy of the complaint and shall 39615
defend all civil actions to determine a person to be a wrongfully 39616
imprisoned individual under this section. Upon the filing of a 39617
civil action to be determined a wrongfully imprisoned individual, 39618
the attorney general also shall be served with a copy of the 39619
complaint and shall be heard. 39620

(2) When the court of common pleas in the county where the 39621
underlying criminal action was initiated determines in a separate 39622
civil action that a person is a wrongfully imprisoned individual, 39623
the court shall provide the person with a copy of this section and 39624
orally inform the person and the person's attorney of the person's 39625

rights under this section to commence a civil action against the 39626
state in the court of claims because of the person's wrongful 39627
imprisonment and to be represented in that civil action by counsel 39628
of the person's own choice. 39629

(3) The court described in division (B)(1) of this section 39630
shall notify the clerk of the court of claims, in writing and 39631
within seven days after the date of the entry of its determination 39632
that the person is a wrongfully imprisoned individual, of the name 39633
and proposed mailing address of the person and of the fact that 39634
the person has the rights to commence a civil action and to have 39635
legal representation as provided in this section. The clerk of the 39636
court of claims shall maintain in the clerk's office a list of 39637
wrongfully imprisoned individuals for whom notices are received 39638
under this section and shall create files in the clerk's office 39639
for each such individual. 39640

(4) Within sixty days after the date of the entry of the 39641
determination by the court of common pleas in the county where the 39642
underlying criminal action was initiated that a person is a 39643
wrongfully imprisoned individual, the clerk of the court of claims 39644
shall forward a preliminary judgment to the president of the 39645
controlling board requesting the payment of fifty per cent of the 39646
amount described in division (E)(2)(b) of this section to the 39647
wrongfully imprisoned individual. The board shall take all actions 39648
necessary to cause the payment of that amount out of the emergency 39649
purposes special purpose account of the board. 39650

(5) If an individual was serving at the time of the wrongful 39651
imprisonment concurrent sentences on other convictions that were 39652
not vacated, dismissed, or reversed on appeal, the individual is 39653
not eligible for compensation as described in this section for any 39654
portion of that wrongful imprisonment that occurred during a 39655
concurrent sentence of that nature. 39656

(C)(1) In a civil action under this section, a wrongfully 39657

imprisoned individual has the right to have counsel of the 39658
individual's own choice. 39659

(2) If a wrongfully imprisoned individual who is the subject 39660
of a court determination as described in division (B)(2) of this 39661
section does not commence a civil action under this section within 39662
six months after the entry of that determination, the clerk of the 39663
court of claims shall send a letter to the wrongfully imprisoned 39664
individual, at the address set forth in the notice received from 39665
the court of common pleas pursuant to division (B)(3) of this 39666
section or to any later address provided by the wrongfully 39667
imprisoned individual, that reminds the wrongfully imprisoned 39668
individual of the wrongfully imprisoned individual's rights under 39669
this section. Until the statute of limitations provided in 39670
division (H) of this section expires and unless the wrongfully 39671
imprisoned individual commences a civil action under this section, 39672
the clerk of the court of claims shall send a similar letter in a 39673
similar manner to the wrongfully imprisoned individual at least 39674
once each three months after the sending of the first reminder. 39675

(D) Notwithstanding any provisions of this chapter to the 39676
contrary, a wrongfully imprisoned individual has and may file a 39677
civil action against the state, in the court of claims, to recover 39678
a sum of money as described in this section, because of the 39679
individual's wrongful imprisonment. The court of claims shall have 39680
exclusive, original jurisdiction over such a civil action. The 39681
civil action shall proceed, be heard, and be determined as 39682
provided in sections 2743.01 to 2743.20 of the Revised Code, 39683
except that if a provision of this section conflicts with a 39684
provision in any of those sections, the provision in this section 39685
controls. 39686

(E)(1) In a civil action as described in division (D) of this 39687
section, the complainant may establish that the claimant is a 39688
wrongfully imprisoned individual by submitting to the court of 39689

claims a certified copy of the judgment entry of the court of 39690
common pleas associated with the claimant's conviction and 39691
sentencing, and a certified copy of the entry of the determination 39692
of the court of common pleas that the claimant is a wrongfully 39693
imprisoned individual under division (B)(2) of this section. No 39694
other evidence shall be required of the complainant to establish 39695
that the claimant is a wrongfully imprisoned individual, and the 39696
claimant shall be irrebuttably presumed to be a wrongfully 39697
imprisoned individual. 39698

(2) In a civil action as described in division (D) of this 39699
section, upon presentation of requisite proof to the court of 39700
claims, a wrongfully imprisoned individual is entitled to receive 39701
a sum of money that equals the total of each of the following 39702
amounts: 39703

(a) The amount of any fine or court costs imposed and paid, 39704
and the reasonable attorney's fees and other expenses incurred by 39705
the wrongfully imprisoned individual in connection with all 39706
associated criminal proceedings and appeals, and, if applicable, 39707
in connection with obtaining the wrongfully imprisoned 39708
individual's discharge from confinement in the state correctional 39709
institution; 39710

(b) For each full year of imprisonment in the state 39711
correctional institution for the offense of which the wrongfully 39712
imprisoned individual was found guilty, forty thousand three 39713
hundred thirty dollars or the adjusted amount determined by the 39714
auditor of state pursuant to section 2743.49 of the Revised Code, 39715
and for each part of a year of being so imprisoned, a pro-rated 39716
share of forty thousand three hundred thirty dollars or the 39717
adjusted amount determined by the auditor of state pursuant to 39718
section 2743.49 of the Revised Code; 39719

(c) Any loss of wages, salary, or other earned income that 39720
directly resulted from the wrongfully imprisoned individual's 39721

arrest, prosecution, conviction, and wrongful imprisonment;	39722
(d) The amount of the following cost debts the department of rehabilitation and correction recovered from the wrongfully imprisoned individual who was in custody of the department or under the department's supervision:	39723
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(i) Any user fee or copayment for services at a detention facility, including, but not limited to, a fee or copayment for sick call visits;	39727
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(ii) The cost of housing and feeding the wrongfully imprisoned individual in a detention facility;	39730
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(iii) The cost of supervision of the wrongfully imprisoned individual;	39732
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(iv) The cost of any ancillary services provided to the wrongfully imprisoned individual.	39734
	39735
(F)(1) If the court of claims determines in a civil action as described in division (D) of this section that the complainant is a wrongfully imprisoned individual, it shall enter judgment for the wrongfully imprisoned individual in the amount of the sum of money to which the wrongfully imprisoned individual is entitled under division (E)(2) of this section. In determining that sum, the court of claims shall not take into consideration any expenses incurred by the state or any of its political subdivisions in connection with the arrest, prosecution, and imprisonment of the wrongfully imprisoned individual, including, but not limited to, expenses for food, clothing, shelter, and medical services. The court shall reduce that sum by the amount of the payment to the wrongfully imprisoned individual described in division (B)(4) of this section.	39736
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(2) If the wrongfully imprisoned individual was represented in the civil action under this section by counsel of the wrongfully imprisoned individual's own choice, the court of claims	39750
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shall include in the judgment entry referred to in division (F)(1) 39753
of this section an award for the reasonable attorney's fees of 39754
that counsel. These fees shall be paid as provided in division (G) 39755
of this section. 39756

(3) The state consents to be sued by a wrongfully imprisoned 39757
individual because the imprisonment was wrongful, and to liability 39758
on its part because of that fact, only as provided in this 39759
section. However, this section does not affect any liability of 39760
the state or of its employees to a wrongfully imprisoned 39761
individual on a claim for relief that is not based on the fact of 39762
the wrongful imprisonment, including, but not limited to, a claim 39763
for relief that arises out of circumstances occurring during the 39764
wrongfully imprisoned individual's confinement in the state 39765
correctional institution. 39766

(G) The clerk of the court of claims shall forward a 39767
certified copy of a judgment under division (F) of this section to 39768
the president of the controlling board. The board shall take all 39769
actions necessary to cause the payment of the judgment out of the 39770
emergency purposes special purpose account of the board. 39771

(H) To be eligible to recover a sum of money as described in 39772
this section because of wrongful imprisonment, both of the 39773
following shall apply to a wrongfully imprisoned individual: 39774

(1) The wrongfully imprisoned individual shall not have been, 39775
prior to September 24, 1986, the subject of an act of the general 39776
assembly that authorized an award of compensation for the wrongful 39777
imprisonment or have been the subject of an action before the 39778
former sundry claims board that resulted in an award of 39779
compensation for the wrongful imprisonment. 39780

(2) The wrongfully imprisoned individual shall commence a 39781
civil action under this section in the court of claims no later 39782
than two years after the date of the entry of the determination of 39783

the court of common pleas that the individual is a wrongfully 39784
imprisoned individual under division (B)(2) of this section. 39785

Sec. 2743.52. (A) The attorney general shall make awards of 39786
reparations for economic loss arising from criminally injurious 39787
conduct, if satisfied by a preponderance of the evidence that the 39788
requirements for an award of reparations have been met. 39789

(B) ~~A The~~ court of claims ~~panel of commissioners or a judge~~ 39790
~~of the court of claims~~ has appellate jurisdiction to order awards 39791
of reparations for economic loss arising from criminally injurious 39792
conduct, if satisfied by a preponderance of the evidence that the 39793
requirements for an award of reparations have been met. 39794

(C) A decision of the attorney general, ~~an order of a court~~ 39795
~~of claims panel of commissioners,~~ or the judgment of a ~~judge of~~ 39796
the court of claims concerning an OVI violation shall not be used 39797
as the basis for any civil or criminal action and shall not be 39798
admissible as evidence in any civil or criminal proceeding. 39799

Sec. 2743.53. ~~(A) A~~ The court of claims ~~panel of~~ 39800
~~commissioners~~ shall hear and determine all matters relating to 39801
appeals from decisions of the attorney general pursuant to 39802
sections 2743.51 to 2743.72 of the Revised Code. 39803

~~(B) A judge of the court of claims shall hear and determine~~ 39804
~~all matters relating to appeals from decisions or orders of a~~ 39805
~~panel of commissioners of the court of claims.~~ 39806

Sec. 2743.531. The court of claims victims of crime fund is 39807
hereby created in the state treasury. The fund shall be used to 39808
pay the compensation of the ~~court of claims commissioners,~~ the 39809
~~compensation of judges of the court of claims necessary to hear~~ 39810
~~and determine appeals from the commissioners,~~ the compensation of 39811
any court of claims personnel needed to administer sections 39812

2743.51 to 2743.72 of the Revised Code, and other administrative 39813
expenses of hearing and determining ~~appeals by court of claims~~ 39814
~~commissioners and judges~~ under sections 2743.51 to 2743.72 of the 39815
Revised Code. 39816

At the beginning of each fiscal year, the director of budget 39817
and management shall transfer cash from the reparations fund to 39818
the court of claims victims of crime fund in an amount sufficient 39819
to make the cash balance in the court of claims victims of crime 39820
fund equal to the sum of the appropriation for that fiscal year 39821
and all prior fiscal year encumbrances. If the appropriation from 39822
the court of claims victims of crime fund is increased during the 39823
fiscal year, the director shall transfer cash from the reparations 39824
fund to the court of claims victims of crime fund in an amount 39825
equal to the increase in the appropriation. 39826

Sec. 2743.55. ~~(A) The attorney general, a court of claims~~ 39827
~~panel of commissioners, or a judge of the court of claims shall~~ 39828
determine all matters relating to claims for an award of 39829
reparations. The attorney general, ~~a court of claims panel of~~ 39830
~~commissioners, or a judge of the court of claims may order law~~ 39831
enforcement officers to provide copies of any information or data 39832
gathered in the investigation of the criminally injurious conduct 39833
that is the basis of any claim to enable the attorney general, ~~a~~ 39834
~~court of claims panel of commissioners, or a judge of the court of~~ 39835
claims to determine whether, and the extent to which, a claimant 39836
qualifies for an award of reparations. 39837

~~(B) A court of claims panel of commissioners shall sit in~~ 39838
~~Franklin county.~~ 39839

Sec. 2743.60. (A) The attorney general, ~~a court of claims~~ 39840
~~panel of commissioners, or a judge of the court of claims shall~~ 39841
not make or order an award of reparations to a claimant if the 39842

criminally injurious conduct upon which the claimant bases a claim 39843
never was reported to a law enforcement officer or agency. 39844

(B)(1) The attorney general, ~~a panel of commissioners,~~ or a 39845
~~judge of~~ the court of claims shall not make or order an award of 39846
reparations to a claimant if any of the following apply: 39847

(a) The claimant is the offender or an accomplice of the 39848
offender who committed the criminally injurious conduct, or the 39849
award would unjustly benefit the offender or accomplice. 39850

(b) Except as provided in division (B)(2) of this section, 39851
both of the following apply: 39852

(i) The victim was a passenger in a motor vehicle and knew or 39853
reasonably should have known that the driver was under the 39854
influence of alcohol, a drug of abuse, or both. 39855

(ii) The claimant is seeking compensation for injuries 39856
proximately caused by the driver described in division 39857
(B)(1)(b)(i) of this section being under the influence of alcohol, 39858
a drug of abuse, or both. 39859

(c) Both of the following apply: 39860

(i) The victim was under the influence of alcohol, a drug of 39861
abuse, or both and was a passenger in a motor vehicle and, if 39862
sober, should have reasonably known that the driver was under the 39863
influence of alcohol, a drug of abuse, or both. 39864

(ii) The claimant is seeking compensation for injuries 39865
proximately caused by the driver described in division 39866
(B)(1)(b)(i) of this section being under the influence of alcohol, 39867
a drug of abuse, or both. 39868

(2) Division (B)(1)(b) of this section does not apply if on 39869
the date of the occurrence of the criminally injurious conduct, 39870
the victim was under sixteen years of age or was at least sixteen 39871
years of age but less than eighteen years of age and was riding 39872

with a parent, guardian, or care-provider. 39873

(C) The attorney general, ~~a panel of commissioners~~, or a 39874
~~judge~~ of the court of claims, upon a finding that the claimant or 39875
victim has not fully cooperated with appropriate law enforcement 39876
agencies, may deny a claim or reconsider and reduce an award of 39877
reparations. 39878

(D) The attorney general, ~~a panel of commissioners~~, or a 39879
~~judge~~ of the court of claims shall reduce an award of reparations 39880
or deny a claim for an award of reparations that is otherwise 39881
payable to a claimant to the extent that the economic loss upon 39882
which the claim is based is recouped from other persons, including 39883
collateral sources. If an award is reduced or a claim is denied 39884
because of the expected recoupment of all or part of the economic 39885
loss of the claimant from a collateral source, the amount of the 39886
award or the denial of the claim shall be conditioned upon the 39887
claimant's economic loss being recouped by the collateral source. 39888
If the award or denial is conditioned upon the recoupment of the 39889
claimant's economic loss from a collateral source and it is 39890
determined that the claimant did not unreasonably fail to present 39891
a timely claim to the collateral source and will not receive all 39892
or part of the expected recoupment, the claim may be reopened and 39893
an award may be made in an amount equal to the amount of expected 39894
recoupment that it is determined the claimant will not receive 39895
from the collateral source. 39896

If the claimant recoups all or part of the economic loss upon 39897
which the claim is based from any other person or entity, 39898
including a collateral source, the attorney general may recover 39899
pursuant to section 2743.72 of the Revised Code the part of the 39900
award that represents the economic loss for which the claimant 39901
received the recoupment from the other person or entity. 39902

(E)(1) Except as otherwise provided in division (E)(2) of 39903
this section, the attorney general, ~~a panel of commissioners~~, or a 39904

~~judge~~ of the court of claims shall not make an award to a claimant 39905
if any of the following applies: 39906

(a) The victim was convicted of a felony within ten years 39907
prior to the criminally injurious conduct that gave rise to the 39908
claim or is convicted of a felony during the pendency of the 39909
claim. 39910

(b) The claimant was convicted of a felony within ten years 39911
prior to the criminally injurious conduct that gave rise to the 39912
claim or is convicted of a felony during the pendency of the 39913
claim. 39914

(c) It is proved by a preponderance of the evidence that the 39915
victim or the claimant engaged, within ten years prior to the 39916
criminally injurious conduct that gave rise to the claim or during 39917
the pendency of the claim, in an offense of violence, a violation 39918
of section 2925.03 of the Revised Code, or any substantially 39919
similar offense that also would constitute a felony under the laws 39920
of this state, another state, or the United States. 39921

(d) The claimant was convicted of a violation of section 39922
2919.22 or 2919.25 of the Revised Code, or of any state law or 39923
municipal ordinance substantially similar to either section, 39924
within ten years prior to the criminally injurious conduct that 39925
gave rise to the claim or during the pendency of the claim. 39926

(e) It is proved by a preponderance of the evidence that the 39927
victim at the time of the criminally injurious conduct that gave 39928
rise to the claim engaged in conduct that was a felony violation 39929
of section 2925.11 of the Revised Code or engaged in any 39930
substantially similar conduct that would constitute a felony under 39931
the laws of this state, another state, or the United States. 39932

(2) The attorney general, ~~a panel of commissioners,~~ or a 39933
~~judge~~ of the court of claims may make an award to a minor 39934
dependent of a deceased victim for dependent's economic loss or 39935

for counseling pursuant to division (F)(2) of section 2743.51 of 39936
the Revised Code if the minor dependent is not ineligible under 39937
division (E)(1) of this section due to the minor dependent's 39938
criminal history and if the victim was not killed while engaging 39939
in illegal conduct that contributed to the criminally injurious 39940
conduct that gave rise to the claim. For purposes of this section, 39941
the use of illegal drugs by the deceased victim shall not be 39942
deemed to have contributed to the criminally injurious conduct 39943
that gave rise to the claim. 39944

(F) In determining whether to make an award of reparations 39945
pursuant to this section, the attorney general or ~~panel of~~ 39946
~~commissioners~~ the court of claims shall consider whether there was 39947
contributory misconduct by the victim or the claimant. The 39948
attorney general, ~~a panel of commissioners,~~ or ~~a judge of the~~ 39949
court of claims shall reduce an award of reparations or deny a 39950
claim for an award of reparations to the extent it is determined 39951
to be reasonable because of the contributory misconduct of the 39952
claimant or the victim. 39953

When the attorney general decides whether a claim should be 39954
denied because of an allegation of contributory misconduct, the 39955
burden of proof on the issue of that alleged contributory 39956
misconduct shall be upon the claimant, if either of the following 39957
apply: 39958

(1) The victim was convicted of a felony more than ten years 39959
prior to the criminally injurious conduct that is the subject of 39960
the claim or has a record of felony arrests under the laws of this 39961
state, another state, or the United States. 39962

(2) There is good cause to believe that the victim engaged in 39963
an ongoing course of criminal conduct within five years or less of 39964
the criminally injurious conduct that is the subject of the claim. 39965

(G) The attorney general, ~~a panel of commissioners,~~ or a 39966

~~judge~~ of the court of claims shall not make an award of 39967
reparations to a claimant if the criminally injurious conduct that 39968
caused the injury or death that is the subject of the claim 39969
occurred to a victim who was an adult and while the victim, after 39970
being convicted of or pleading guilty to an offense, was serving a 39971
sentence of imprisonment in any detention facility, as defined in 39972
section 2921.01 of the Revised Code. 39973

(H) If a claimant unreasonably fails to present a claim 39974
timely to a source of benefits or advantages that would have been 39975
a collateral source and that would have reimbursed the claimant 39976
for all or a portion of a particular expense, the attorney 39977
general, ~~a panel of commissioners,~~ or ~~a judge~~ of the court of 39978
claims may reduce an award of reparations or deny a claim for an 39979
award of reparations to the extent that it is reasonable to do so. 39980

(I) Reparations payable to a victim and to all other 39981
claimants sustaining economic loss because of injury to or the 39982
death of that victim shall not exceed fifty thousand dollars in 39983
the aggregate. If the attorney general, ~~a panel of commissioners,~~ 39984
or ~~a judge~~ of the court of claims reduces an award under division 39985
(F) of this section, the maximum aggregate amount of reparations 39986
payable under this division shall be reduced proportionately to 39987
the reduction under division (F) of this section. 39988

(J) Nothing in this section shall be construed to prohibit an 39989
award to a claimant whose claim is based on the claimant's being a 39990
victim of a violation of section 2905.32 of the Revised Code if 39991
the claimant was less than eighteen years of age when the 39992
criminally injurious conduct occurred. 39993

Sec. 2743.601. Except as otherwise provided in this section, 39994
the amendments to sections 2743.51, 2743.56, 2743.59, and 2743.60 39995
of the Revised Code made by the act in which this section was 39996
enacted apply to all applications for an award of reparations 39997

filed on or after ~~the effective date of this section~~ September 30, 39998
2011, and to all applications for an award of reparations filed 39999
before ~~the effective date of this section~~ September 30, 2011, for 40000
which an award or denial of the claim by the attorney general, ~~a~~ 40001
~~panel of commissioners,~~ or the court of claims has not yet become 40002
final. The amendments to section 2743.60 of the Revised Code made 40003
by the act in which this section was enacted, to the extent that 40004
they eliminate the statute of limitations and to the extent that 40005
they remove the seventy-two hour reporting requirement, and the 40006
amendments to section 2743.51 of the Revised Code concerning 40007
guardian bonds shall apply to all claims for an award of 40008
reparations pending on ~~the effective date of this section~~ 40009
September 30, 2011, and to all claims for an award of reparations 40010
filed on or after ~~the effective date of this section~~ September 30, 40011
2011, that are based on criminally injurious conduct not 40012
previously addressed by the attorney general, ~~by a panel of~~ 40013
~~commissioners,~~ or ~~by~~ the court of claims. 40014

Sec. 2743.61. (A) The attorney general, on the attorney 40015
general's own motion or upon request of a claimant or victim, may 40016
reconsider a decision to make an award of reparations, the amount 40017
of an award of reparations, or a decision to deny a claim for an 40018
award of reparations. A claimant may file a request for 40019
reconsideration with the attorney general not later than thirty 40020
days after the attorney general renders an initial decision. A 40021
claimant may submit with the request any additional information 40022
that is relevant to the claimant's claim for an award of 40023
reparation. 40024

The attorney general shall reconsider the application based 40025
upon evidence that is relevant to the application and issue a 40026
final decision within sixty days of receiving the request for 40027
reconsideration. The attorney general may extend the sixty-day 40028

time limit and shall record in writing specific reasons to justify 40029
the extension. The attorney general shall notify the claimant of 40030
the extension and of the reasons for the extension. 40031

If a claimant does not file a request for reconsideration of 40032
a decision of the attorney general to make an award or to deny a 40033
claim or of the amount of an award within thirty days after the 40034
decision is rendered, the award, the denial of the claim, or the 40035
amount of the award is final unless the attorney general in the 40036
interest of justice allows the reconsideration after the 40037
expiration of that period of time. 40038

(B) A claimant may appeal an award of reparations, the amount 40039
of an award of reparations, or the denial of a claim for an award 40040
of reparations that is made by a final decision of the attorney 40041
general after any reconsideration. If the final decision of the 40042
attorney general with respect to any claim for an award of 40043
reparations is appealed, a the court of claims ~~panel of~~ 40044
~~commissioners~~, within ninety days of receiving the notice of 40045
appeal, shall schedule and conduct a hearing on the appeal. The 40046
~~panel of commissioners~~ court shall determine the appeal within 40047
sixty days from the date of the hearing on the basis of the record 40048
of the hearing before the ~~commissioners~~ court, including the 40049
original award or denial and the finding of fact of the attorney 40050
general, any information or documents that the attorney general 40051
used in the investigation, any information or data provided to the 40052
attorney general, any briefs or oral arguments that may be 40053
requested by a the court ~~of claims panel of commissioners~~, and any 40054
additional evidence presented at the hearing. The ~~panel of~~ 40055
~~commissioners~~ court may extend the sixty-day time limit and shall 40056
record in writing specific reasons to justify the extension. The 40057
attorney general shall supply the ~~panel of commissioners~~ court 40058
with the original decision awarding or denying compensation, the 40059
finding of fact of the attorney general, any information or 40060

documents that the attorney general used in the investigation, and 40061
any information or data provided to the attorney general within 40062
fourteen days of the filing of the objection and notice of appeal 40063
by the applicant. The ~~panel of commissioners~~ court shall notify 40064
the claimant and attorney general of the extension and of the 40065
reasons for the extension. If upon hearing and consideration of 40066
the record and evidence, the court ~~of claims panel of~~ 40067
~~commissioners~~ decides that the decision of the attorney general 40068
appealed from is reasonable and lawful, it shall affirm the same. 40069
If the court ~~of claims panel of commissioners~~ decides that the 40070
decision of the attorney general is not supported by a 40071
preponderance of the evidence or is unreasonable or unlawful, ~~it~~ 40072
the court shall reverse and vacate the decision or modify it and 40073
enter judgment thereon. The 40074

~~(C) The attorney general or a claimant may appeal an award of 40075
reparations, the amount of an award of reparations, or the denial 40076
of a claim for an award of reparations that is made by a panel of 40077
court of claims commissioners. If the determination of the panel 40078
of commissioners with respect to any claim for an award of 40079
reparations is appealed, a judge of the court of claims shall hear 40080
and determine the appeal on the basis of the record of the hearing 40081
before the commissioners, including the original award or denial 40082
made by the attorney general, any information or documents 40083
presented to the panel of commissioners, and any briefs or oral 40084
arguments that may be requested by the judge. If upon hearing and 40085
consideration of the record and evidence, the judge decides that 40086
the decision of the panel of commissioners is unreasonable or 40087
unlawful, the judge shall reverse and vacate the decision or 40088
modify it and enter judgment on the claim. The decision of the 40089
judge of the court of claims is final. 40090~~

~~(D)~~(C) Notices of an appeal concerning an award of 40091
reparations shall be filed within thirty days after the date on 40092

which the award or the denial of a claim is made by a final 40093
decision of the attorney general. If a notice of appeal is not 40094
filed within the thirty-day period, the award or denial of the 40095
claim is final unless ~~a~~ the court of claims ~~panel of commissioners~~ 40096
in the interests of justice allows the appeal. 40097

~~(E) The attorney general or a claimant shall file a notice of 40098
an appeal concerning an order or decision of a panel of 40099
commissioners within thirty days after the date on which the award 40100
or the denial of a claim is made by the panel of commissioners. If 40101
the attorney general or a claimant does not file a notice of 40102
appeal with respect to an award or denial within the thirty day 40103
period, the award or denial of the claim is final unless a judge 40104
of the court of claims in the interests of justice allows the 40105
appeal. 40106~~

Sec. 2743.62. (A)(1) Subject to division (A)(2) of this 40107
section, there is no privilege, except the privileges arising from 40108
the attorney-client relationship, as to communications or records 40109
that are relevant to the physical, mental, or emotional condition 40110
of the claimant or victim in a proceeding under sections 2743.51 40111
to 2743.72 of the Revised Code in which that condition is an 40112
element. 40113

(2)(a) Except as specified in division (A)(2)(b) of this 40114
section, any record or report that a judge of the court of claims, ~~or~~ 40115
~~a court of claims panel of commissioners,~~ or the attorney general 40116
has obtained prior to, or obtains on or after, June 30, 1998, 40117
under the provisions of sections 2743.51 to 2743.72 of the Revised 40118
Code and that is confidential or otherwise exempt from public 40119
disclosure under section 149.43 of the Revised Code while in the 40120
possession of the creator of the record or report shall remain 40121
confidential or exempt from public disclosure under section 149.43 40122
of the Revised Code while in the possession of the court of claims 40123

or the attorney general. 40124

(b) Notwithstanding division (A)(2)(a) of this section, a 40125
judge of the court of claims, a ~~panel of commissioners~~ magistrate, 40126
a claimant, a claimant's attorney, or the attorney general may 40127
disclose or refer to records or reports described in that division 40128
in any hearing conducted under sections 2743.51 to 2743.72 of the 40129
Revised Code or in the judge's, ~~panel of commissioners'~~ 40130
magistrate's, claimant's, or attorney general's written pleadings, 40131
findings, recommendations, and decisions. 40132

(B) If the mental, physical, or emotional condition of a 40133
victim or claimant is material to a claim for an award of 40134
reparations, the attorney general, ~~a panel of commissioners~~, or a 40135
~~judge of~~ the court of claims may order the victim or claimant to 40136
submit to a mental or physical examination and may order an 40137
autopsy of a deceased victim. The order may be made for good cause 40138
shown and upon notice to the person to be examined and to the 40139
claimant. The order shall specify the time, place, manner, 40140
conditions, and scope of the examination or autopsy and the person 40141
by whom it is to be made. In the case of a mental examination, the 40142
person specified may be a physician or psychologist. In the case 40143
of a physical examination, the person specified may be a 40144
physician, a physician assistant, a clinical nurse specialist, a 40145
certified nurse practitioner, or a certified nurse-midwife. In the 40146
case of an autopsy, the person specified must be a physician. The 40147
order shall require the person who performs the examination or 40148
autopsy to file with the attorney general a detailed written 40149
report of the examination or autopsy. The report shall set out the 40150
findings, including the results of all tests made, diagnoses, 40151
prognoses, and other conclusions and reports of earlier 40152
examinations of the same conditions. 40153

(C) On request of the person examined, the attorney general 40154
shall furnish the person a copy of the report. If the victim is 40155

deceased, the attorney general, on request, shall furnish the 40156
claimant a copy of the report. 40157

(D) The attorney general, ~~a panel of commissioners~~, or a 40158
~~judge~~ of the court of claims may require the claimant to 40159
supplement the application for an award of reparations with any 40160
reasonably available medical or psychological reports relating to 40161
the injury for which the award of reparations is claimed. 40162

(E) The attorney general, ~~a panel of commissioners~~, or a 40163
~~judge~~ of the court of claims, in a claim arising out of a 40164
violation of any provision of sections 2907.02 to 2907.07 of the 40165
Revised Code, shall not request the victim or the claimant to 40166
supply, or permit any person to supply, any evidence of specific 40167
instances of the victim's sexual activity, opinion evidence of the 40168
victim's sexual activity, or reputation evidence of the victim's 40169
sexual activity unless it involves evidence of the origin of 40170
semen, pregnancy, or disease or evidence of the victim's past 40171
sexual activity with the offender and only to the extent that the 40172
~~judge, the panel~~ court of commissioners, claims or the attorney 40173
general finds that the evidence is relevant to a fact at issue in 40174
the claim. 40175

Sec. 2743.63. If a person refuses to comply with an order 40176
under sections 2743.51 to 2743.72 of the Revised Code, or asserts 40177
a privilege, except privileges arising from the attorney-client 40178
relationship, to withhold or suppress evidence relevant to a claim 40179
for an award of reparations, the attorney general may make any 40180
just decision including denial of the claim but shall not find the 40181
person in contempt. If necessary to carry out any of the attorney 40182
general's powers and duties, the attorney general may petition a 40183
the court of claims ~~panel of commissioners~~ for an appropriate 40184
order, including but not limited to a finding of contempt, but a 40185
~~panel of commissioners~~ the court shall not find a person in 40186

contempt for refusal to submit to a mental or physical 40187
examination. 40188

Sec. 2743.64. The attorney general,~~a court of claims panel~~ 40189
~~of commissioners,~~ or a judge of the court of claims may make an 40190
award of reparations whether or not any person is prosecuted or 40191
convicted for committing the conduct that is the basis of the 40192
award. Proof of conviction of a person whose conduct gave rise to 40193
a claim is conclusive evidence that the crime was committed, 40194
unless an application for rehearing, an appeal of the conviction, 40195
or certiorari is pending, or a rehearing or new trial has been 40196
ordered. 40197

If the prosecuting attorney of the county in which the 40198
criminally injurious conduct allegedly occurred requests the 40199
suspension of proceedings in any claim for an award of reparations 40200
and if the request is made because of the commencement of a 40201
criminal prosecution, the attorney general may suspend, because a 40202
criminal prosecution has been commenced or is imminent, the 40203
proceedings in any claim for an award of reparations for a 40204
definite period of time, and may make an emergency award under 40205
section 2743.67 of the Revised Code. 40206

Sec. 2743.65. (A) The attorney general shall determine, and 40207
the state shall pay, in accordance with this section attorney's 40208
fees, commensurate with services rendered, to the attorney 40209
representing a claimant under sections 2743.51 to 2743.72 of the 40210
Revised Code. The attorney shall submit on an application form an 40211
itemized fee bill at the rate of sixty dollars per hour upon 40212
receipt of the final decision on the claim. Attorney's fees paid 40213
pursuant to this section are subject to the following maximum 40214
amounts: 40215

(1) A maximum of seven hundred twenty dollars for claims 40216

resolved without the filing of an appeal to the ~~panel~~ court of 40217
~~commissioners~~ claims; 40218

(2) A maximum of one thousand twenty dollars for claims in 40219
which an appeal to the ~~panel~~ court of ~~commissioners~~ claims is 40220
filed plus, at the request of an attorney whose main office is not 40221
in Franklin county, Delaware county, Licking county, Fairfield 40222
county, Pickaway county, Madison county, or Union county, an 40223
amount for the attorney's travel time to attend the oral hearing 40224
before the ~~panel~~ court of ~~commissioners~~ claims at the rate of 40225
thirty dollars per hour; 40226

(3) A maximum of one thousand three hundred twenty dollars 40227
for claims in which an appeal to a ~~judge~~ of the court of claims is 40228
filed plus, at the request of an attorney whose main office is not 40229
in Franklin county, Delaware county, Licking county, Fairfield 40230
county, Pickaway county, Madison county, or Union county, an 40231
amount for the attorney's travel time to attend the oral hearing 40232
before the ~~judge~~ court at the rate of thirty dollars per hour; 40233

(4) A maximum of seven hundred twenty dollars for a 40234
supplemental reparations application; 40235

(5) A maximum of two hundred dollars if the claim is denied 40236
on the basis of a claimant's or victim's conviction of a felony 40237
offense prior to the filing of the claim. If the claimant or 40238
victim is convicted of a felony offense during the pendency of the 40239
claim, the two hundred dollars maximum does not apply. If the 40240
attorney had knowledge of the claimant's or victim's felony 40241
conviction prior to the filing of the application for the claim, 40242
the attorney general may determine that the filing of the claim 40243
was frivolous and may deny attorney's fees. 40244

(B) The attorney general may determine that an attorney be 40245
reimbursed for fees incurred in the creation of a guardianship if 40246
the guardianship is required in order for an individual to receive 40247

an award of reparations, and those fees shall be reimbursed at a 40248
rate of sixty dollars per hour. 40249

(C)(1) The attorney general shall forward an application form 40250
for attorney's fees to a claimant's attorney before or when the 40251
final decision on a claim is rendered. The application form for 40252
attorney's fees shall do all of the following: 40253

(a) Inform the attorney of the requirements of this section; 40254

(b) Require a verification statement comporting with the law 40255
prohibiting falsification; 40256

(c) Require an itemized fee statement; 40257

(d) Require a verification statement that the claimant was 40258
served a copy of the completed application form; 40259

(e) Include notice that the claimant may oppose the 40260
application by notifying the attorney general in writing within 40261
ten days. 40262

(2) The attorney general shall forward a copy of this section 40263
to the attorney with the application form for attorney's fees. The 40264
attorney shall file the application form with the attorney 40265
general. The attorney general's decision with respect to an award 40266
of attorney's fees is final ten days after the attorney general 40267
renders the decision and mails a copy of the decision to the 40268
attorney at the address provided by the attorney. The attorney may 40269
request reconsideration of the decision on grounds that it is 40270
insufficient or calculated incorrectly. The attorney general's 40271
decision on the request for reconsideration is final. 40272

(D) The attorney general shall review all application forms 40273
for attorney's fees that are submitted by a claimant's attorney 40274
and shall issue an order approving the amount of fees to be paid 40275
to the attorney within sixty days after receipt of the application 40276
form. 40277

(E) No attorney's fees shall be paid for the following:	40278
(1) Estate work or representation of a claimant against a collateral source;	40279 40280
(2) Duplication of investigative work required to be performed by the attorney general;	40281 40282
(3) Performance of unnecessary criminal investigation of the offense;	40283 40284
(4) Presenting or appealing an issue that has been repeatedly ruled upon by the highest appellate authority, unless a unique set of facts or unique issue of law exists that distinguishes it;	40285 40286 40287
(5) A fee request that is unreasonable, is not commensurate with services rendered, violates the Ohio code of professional responsibility, or is based upon services that are determined to be frivolous.	40288 40289 40290 40291
(F)(1) The attorney general may reduce or deny the payment of attorney's fees to an attorney who has filed a frivolous claim. Subject to division (A)(5) of this section, the denial of a claim on the basis of a felony conviction, felony conduct, or contributory misconduct does not constitute a frivolous claim.	40292 40293 40294 40295 40296
(2) As used in this section, "frivolous claim" means a claim in which there is clearly no legal grounds under the existing laws of this state to support the filing of a claim on behalf of the claimant or victim.	40297 40298 40299 40300
(G) The attorney general may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made where the attorney demonstrates to the attorney general that the nature of the particular claim required the expenditure of an amount in excess of that allowed.	40301 40302 40303 40304 40305
(H) No attorney shall receive payment under this section for assisting a claimant with an application for an award of	40306 40307

reparations under sections 2743.51 to 2743.72 of the Revised Code 40308
if that attorney's fees have been allowed as an expense in 40309
accordance with division (F)(4) of section 2743.51 of the Revised 40310
Code. 40311

(I) A contract or other agreement between an attorney and any 40312
person that provides for the payment of attorney's fees or other 40313
payments in excess of the attorney's fees allowed under this 40314
section for representing a claimant under sections 2743.51 to 40315
2743.72 of the Revised Code shall be void and unenforceable. 40316

(J) Each witness who appears in a hearing on a claim for an 40317
award of reparations shall receive compensation in an amount equal 40318
to that received by witnesses under section 119.094 of the Revised 40319
Code. 40320

Sec. 2743.66. (A) A decision of the attorney general, or 40321
~~order of a court of claims panel of commissioners,~~ or judgment of 40322
~~a judge~~ of the court of claims granting an award of reparations 40323
may provide for the payment of the award in a lump sum or in 40324
installments. The part of an award equal to the amount of economic 40325
loss accrued to the date of the award shall be paid in a lump sum. 40326
An award for allowable expense that would accrue after the award 40327
is made shall not be paid in a lump sum. Except as provided in 40328
division (B) of this section, the part of an award not paid in a 40329
lump sum shall be paid in installments. 40330

(B) Upon the motion of the claimant, the attorney general may 40331
commute future economic loss, other than allowable expense, to a 40332
lump sum but only upon a finding that either of the following 40333
applies: 40334

(1) The award in a lump sum will promote the interests of the 40335
claimant. 40336

(2) The present value of all future economic loss, other than 40337

allowable expense, does not exceed one thousand dollars. 40338

(C) The attorney general may make an award for future 40339
economic loss payable in installments only for a period as to 40340
which future economic loss reasonably can be determined. An award 40341
for future economic loss payable in installments may be 40342
reconsidered and modified upon a finding that a material and 40343
substantial change of circumstances has occurred. 40344

(D) An award is not subject to execution, attachment, 40345
garnishment, or other process, except that, upon receipt of an 40346
award by a claimant: 40347

(1) The part of the award that is for allowable expense or 40348
funeral expense is not exempt from such action by a creditor to 40349
the extent that the creditor provided products, services, or 40350
accommodations the costs of which are included in the award. 40351

(2) The part of the award that is for work loss shall not be 40352
exempt from such action to secure payment of spousal support, 40353
other maintenance, or child support. 40354

(3) The attorney general may recover the award pursuant to 40355
section 2743.72 of the Revised Code if it is discovered that the 40356
claimant actually was not eligible for the award or that the award 40357
otherwise should not have been made under the standards and 40358
criteria set forth in sections 2743.51 to 2743.72 of the Revised 40359
Code. 40360

(4) If the claimant receives compensation from any other 40361
person or entity, including a collateral source, for an expense 40362
that is included within the award, the attorney general may 40363
recover pursuant to section 2743.72 of the Revised Code the part 40364
of the award that represents the expense for which the claimant 40365
received the compensation from the other person or entity. 40366

(E) If a person entitled to an award of reparations is under 40367
eighteen years of age and if the amount of the award exceeds one 40368

thousand dollars, the order providing for the payment of the award 40369
shall specify that the award be paid either to the guardian of the 40370
estate of the minor appointed pursuant to Chapter 2111. of the 40371
Revised Code or to the person or depository designated by the 40372
probate court under section 2111.05 of the Revised Code. If a 40373
person entitled to an award of reparations is under eighteen years 40374
of age and if the amount of the award is one thousand dollars or 40375
less, the order providing for the payment of the award may specify 40376
that the award be paid to an adult member of the family of the 40377
minor who is legally responsible for the minor's care or to any 40378
other person designated by the attorney general or ~~panel of~~ 40379
~~commissioners issuing the decision or order~~ court of claims. 40380

Sec. 2743.67. The attorney general may make an emergency 40381
award if, before acting on an application for an award of 40382
reparations under this section, it appears likely that a final 40383
award will be made, and the claimant or victim will suffer undue 40384
hardship if immediate economic relief is not obtained. An 40385
emergency award shall not exceed two thousand dollars. The 40386
attorney general or the court of claims ~~panel of commissioners~~ 40387
shall deduct an amount of the emergency award from the final 40388
award, or the claimant or victim shall repay the amount of the 40389
emergency award that exceeds the final award made to the claimant. 40390
If no final award is made, the claimant or victim shall repay the 40391
entire emergency award. 40392

Sec. 2743.68. A claimant may file a supplemental reparations 40393
application in a claim if the attorney general, ~~a court of claims~~ 40394
~~panel of commissioners,~~ or ~~judge of~~ the court of claims, within 40395
five years prior to the filing of the supplemental application, 40396
has made any of the following determinations: 40397

(A) That an award, supplemental award, or installment award 40398
be granted; 40399

(B) That an award, supplemental award, or installment award 40400
be conditioned or denied because of actual or potential recovery 40401
from a collateral source; 40402

(C) That an award, supplemental award, or installment award 40403
be denied because the claimant had not incurred any economic loss 40404
at that time. 40405

Sec. 2743.69. (A) The attorney general shall prepare and 40406
transmit annually to the governor, the president of the senate, 40407
the speaker of the house of representatives, and the minority 40408
leaders of both houses a report of the activities of the Ohio 40409
crime victims compensation program under sections 2743.51 to 40410
2743.72 of the Revised Code. The report shall include all of the 40411
following: 40412

(1) The number of claims filed, the number of awards made and 40413
the amount of each award, and a statistical summary of awards made 40414
and denied, including the average size of awards; 40415

(2) The balance in the reparations fund, with a listing by 40416
source and amount of the moneys that have been deposited in the 40417
fund; 40418

(3) The amount that has been withdrawn from the fund, 40419
including separate listings of the administrative costs incurred 40420
by the attorney general and ~~a the court of claims panel of~~ 40421
~~commissioners, compensation of judges and court personnel,~~ the 40422
amount awarded as attorney's fees, and the amount of payments made 40423
pursuant to divisions (A)(1)(k) and (l) of section 2743.191 of the 40424
Revised Code. 40425

(B) The director of budget and management shall assist the 40426
attorney general in the preparation of the report required by this 40427
section. 40428

Sec. 2743.71. (A) Any law enforcement agency that 40429

investigates, and any prosecuting attorney, city director of law, 40430
village solicitor, or similar prosecuting authority who 40431
prosecutes, an offense committed in this state shall, upon first 40432
contact with the victim or the victim's family or dependents, give 40433
the victim or the victim's family or dependents a copy of an 40434
information card or other printed material provided by the 40435
attorney general pursuant to division (B) of this section and 40436
explain, upon request, the information on the card or material to 40437
the victim or the victim's family or dependents. 40438

(B) The attorney general shall have printed, and shall 40439
provide to law enforcement agencies, prosecuting attorneys, city 40440
directors of law, village solicitors, and similar prosecuting 40441
authorities, cards or other materials that contain information 40442
explaining awards of reparations. The information on the cards or 40443
other materials shall include, but shall not be limited to, the 40444
following statements: 40445

(1) Awards of reparations are limited to losses that are 40446
caused by physical injury resulting from criminally injurious 40447
conduct; 40448

(2) Reparations applications are required to be filed ~~within~~ 40449
~~two years after the date of the criminally injurious conduct if~~ 40450
~~the victim was an adult, or~~ within the period provided by division 40451
(B)(1) of section 2743.56 of the Revised Code if the victim of 40452
the criminally injurious conduct was a minor; 40453

(3) An attorney who represents an applicant for an award of 40454
reparations cannot charge the applicant for the services rendered 40455
in relation to that representation but is required to apply to the 40456
attorney general for payment for the representation; 40457

(4) Applications for awards of reparations may be obtained 40458
from the attorney general, law enforcement agencies, and victim 40459
assistance agencies and are to be filed with the attorney general. 40460

(C) The attorney general may order that a reasonable amount of money be paid out of the reparations fund, subject to the limitation imposed by division (D) of this section, for use by the attorney general to publicize the availability of awards of reparations.

(D) During any fiscal year, the total expenditure for the printing and providing of information cards or other materials pursuant to division (B) of this section and for the publicizing of the availability of awards of reparations pursuant to division (C) of this section shall not exceed two per cent of the total of all court costs deposited, in accordance with section 2743.70 of the Revised Code, in the reparations fund during the immediately preceding fiscal year.

Sec. 2744.05. Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function:

(A) Punitive or exemplary damages shall not be awarded.

(B)(1) If a claimant receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against a political subdivision recovered by that claimant. No insurer or other person is entitled to bring an action under a subrogation provision in an insurance or other contract against a political subdivision with respect to those benefits.

The amount of the benefits shall be deducted from an award against a political subdivision under division (B)(1) of this section regardless of whether the claimant may be under an

obligation to pay back the benefits upon recovery, in whole or in part, for the claim. A claimant whose benefits have been deducted from an award under division (B)(1) of this section is not considered fully compensated and shall not be required to reimburse a subrogated claim for benefits deducted from an award pursuant to division (B)(1) of this section.

(2) Nothing in division (B)(1) of this section shall be construed to do either of the following:

(a) Limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds;

(b) Prohibit the department of ~~job and family services~~ medicaid from recovering from the political subdivision, pursuant to section ~~5101.58~~ 5160.37 of the Revised Code, the cost of medical assistance ~~benefits provided under Chapter 5107. or 5111. of the Revised Code~~ provided under a medical assistance program.

(C)(1) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.

(2) As used in this division, "the actual loss of the person who is awarded the damages" includes all of the following:

(a) All wages, salaries, or other compensation lost by the person injured as a result of the injury, including wages, salaries, or other compensation lost as of the date of a judgment and future expected lost earnings of the person injured;

(b) All expenditures of the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that were necessary because of the injury;

(c) All expenditures to be incurred in the future, as determined by the court, by the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that will be necessary because of the injury;

(d) All expenditures of a person whose property was injured or destroyed or of another person on behalf of the person whose property was injured or destroyed in order to repair or replace the property that was injured or destroyed;

(e) All expenditures of the person injured or of the person whose property was injured or destroyed or of another person on behalf of the person injured or of the person whose property was injured or destroyed in relation to the actual preparation or presentation of the claim involved;

(f) Any other expenditures of the person injured or of the person whose property was injured or destroyed or of another person on behalf of the person injured or of the person whose property was injured or destroyed that the court determines represent an actual loss experienced because of the personal or property injury or property loss.

"The actual loss of the person who is awarded the damages"

does not include any fees paid or owed to an attorney for any 40554
services rendered in relation to a personal or property injury or 40555
property loss, and does not include any damages awarded for pain 40556
and suffering, for the loss of society, consortium, companionship, 40557
care, assistance, attention, protection, advice, guidance, 40558
counsel, instruction, training, or education of the person 40559
injured, for mental anguish, or for any other intangible loss. 40560

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 40561
(3) of this section or as otherwise provided in this section, a 40562
prosecution shall be barred unless it is commenced within the 40563
following periods after an offense is committed: 40564

(a) For a felony, six years; 40565

(b) For a misdemeanor other than a minor misdemeanor, two 40566
years; 40567

(c) For a minor misdemeanor, six months. 40568

(2) There is no period of limitation for the prosecution of a 40569
violation of section 2903.01 or 2903.02 of the Revised Code. 40570

(3) Except as otherwise provided in divisions (B) to (H) of 40571
this section, a prosecution of any of the following offenses shall 40572
be barred unless it is commenced within twenty years after the 40573
offense is committed: 40574

(a) A violation of section 2903.03, 2903.04, 2905.01, 40575
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 40576
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 40577
2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised 40578
Code, a violation of section 2903.11 or 2903.12 of the Revised 40579
Code if the victim is a peace officer, a violation of section 40580
2903.13 of the Revised Code that is a felony, or a violation of 40581
former section 2907.12 of the Revised Code; 40582

(b) A conspiracy to commit, attempt to commit, or complicity 40583

in committing a violation set forth in division (A)(3)(a) of this section. 40584
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(B)(1) Except as otherwise provided in division (B)(2) of this section, if the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by the aggrieved person's legal representative who is not a party to the offense. 40586
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(2) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution for a violation of section 2913.49 of the Revised Code shall be commenced within five years after discovery of the offense either by an aggrieved person or the aggrieved person's legal representative who is not a party to the offense. 40593
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(C)(1) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time: 40599
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(a) For an offense involving misconduct in office by a public servant, at any time while the accused remains a public servant, or within two years thereafter; 40603
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(b) For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter. 40606
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(2) As used in this division: 40610

(a) An "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of section 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of section 102.03, division (A) of section 2921.02, 40611
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division (A) or (B) of section 2921.43, or division (F) or (G) of 40615
section 3517.13 of the Revised Code, that is directly related to 40616
an offense involving misconduct in office of a public servant. 40617

(b) "Public servant" has the same meaning as in section 40618
2921.01 of the Revised Code. 40619

(D) An offense is committed when every element of the offense 40620
occurs. In the case of an offense of which an element is a 40621
continuing course of conduct, the period of limitation does not 40622
begin to run until such course of conduct or the accused's 40623
accountability for it terminates, whichever occurs first. 40624

(E) A prosecution is commenced on the date an indictment is 40625
returned or an information filed, or on the date a lawful arrest 40626
without a warrant is made, or on the date a warrant, summons, 40627
citation, or other process is issued, whichever occurs first. A 40628
prosecution is not commenced by the return of an indictment or the 40629
filing of an information unless reasonable diligence is exercised 40630
to issue and execute process on the same. A prosecution is not 40631
commenced upon issuance of a warrant, summons, citation, or other 40632
process, unless reasonable diligence is exercised to execute the 40633
same. 40634

(F) The period of limitation shall not run during any time 40635
when the corpus delicti remains undiscovered. 40636

(G) The period of limitation shall not run during any time 40637
when the accused purposely avoids prosecution. Proof that the 40638
accused departed this state or concealed the accused's identity or 40639
whereabouts is prima-facie evidence of the accused's purpose to 40640
avoid prosecution. 40641

(H) The period of limitation shall not run during any time a 40642
prosecution against the accused based on the same conduct is 40643
pending in this state, even though the indictment, information, or 40644
process that commenced the prosecution is quashed or the 40645

proceedings on the indictment, information, or process are set 40646
aside or reversed on appeal. 40647

(I) The period of limitation for a violation of any provision 40648
of Title XXIX of the Revised Code that involves a physical or 40649
mental wound, injury, disability, or condition of a nature that 40650
reasonably indicates abuse or neglect of a child under eighteen 40651
years of age or of a mentally retarded, developmentally disabled, 40652
or physically impaired child under twenty-one years of age shall 40653
not begin to run until either of the following occurs: 40654

(1) The victim of the offense reaches the age of majority. 40655

(2) A public children services agency, or a municipal or 40656
county peace officer that is not the parent or guardian of the 40657
child, in the county in which the child resides or in which the 40658
abuse or neglect is occurring or has occurred has been notified 40659
that abuse or neglect is known, suspected, or believed to have 40660
occurred. 40661

(J) As used in this section, "peace officer" has the same 40662
meaning as in section 2935.01 of the Revised Code. 40663

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of 40664
the Revised Code: 40665

(1) "Information" means information that can be integrated 40666
into the computer system and that relates to the physical or 40667
mental description of a minor including, but not limited to, 40668
height, weight, color of hair and eyes, use of eyeglasses or 40669
contact lenses, skin coloring, physical or mental handicaps, 40670
special medical conditions or needs, abnormalities, problems, 40671
scars and marks, and distinguishing characteristics, and other 40672
information that could assist in identifying a minor including, 40673
but not limited to, full name and nickname, date and place of 40674
birth, age, names and addresses of parents and other relatives, 40675

fingerprints, dental records, photographs, social security number, 40676
driver's license number, credit card numbers, bank account 40677
numbers, and clothing. 40678

(2) "Minor" means a person under eighteen years of age. 40679

(3) "Missing children" or "missing child" means either of the 40680
following: 40681

(a) A minor who has run away from or who otherwise is missing 40682
from the home of, or the care, custody, and control of, the 40683
minor's parents, parent who is the residential parent and legal 40684
custodian, guardian, legal custodian, or other person having 40685
responsibility for the care of the minor; 40686

(b) A minor who is missing and about whom there is reason to 40687
believe the minor could be the victim of a violation of section 40688
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 40689
violation of section 2905.04 of the Revised Code as it existed 40690
prior to July 1, 1996. 40691

(B) When a law enforcement agency in this state that has 40692
jurisdiction in the matter is informed that a minor is or may be a 40693
missing child and that the person providing the information wishes 40694
to file a missing child report, the law enforcement agency shall 40695
take that report. Upon taking the report, the law enforcement 40696
agency shall take prompt action upon it, including, but not 40697
limited to, concerted efforts to locate the missing child. No law 40698
enforcement agency in this state shall have a rule or policy that 40699
prohibits or discourages the filing of or the taking of action 40700
upon a missing child report, within a specified period following 40701
the discovery or formulation of a belief that a minor is or could 40702
be a missing child. 40703

(C) If a missing child report is made to a law enforcement 40704
agency in this state that has jurisdiction in the matter, the law 40705
enforcement agency shall gather readily available information 40706

about the missing child and integrate it into the national crime 40707
information center computer immediately following the making of 40708
the report. The law enforcement agency shall make reasonable 40709
efforts to acquire additional information about the missing child 40710
following the transmittal of the initially available information, 40711
and promptly integrate any additional information acquired into 40712
such computer systems. 40713

Whenever a law enforcement agency integrates information 40714
about a missing child into the national crime information center 40715
computer, the law enforcement agency promptly shall notify the 40716
missing child's parents, parent who is the residential parent and 40717
legal custodian, guardian, or legal custodian, or any other person 40718
responsible for the care of the missing child, that it has so 40719
integrated the information. 40720

The parents, parent who is the residential parent and legal 40721
custodian, guardian, legal custodian, or other person responsible 40722
for the care of the missing child shall provide available 40723
information upon request, and may provide information voluntarily, 40724
to the law enforcement agency during the information gathering 40725
process. The law enforcement agency also may obtain available 40726
information about the missing child from other persons, subject to 40727
constitutional and statutory limitations. 40728

(D) Upon the filing of a missing child report, the law 40729
enforcement agency involved may notify the public or nonpublic 40730
school in which the missing child is or was most recently 40731
enrolled, as ascertained by the agency, that the child is the 40732
subject of a missing child report and that the child's school 40733
records are to be marked in accordance with section 3313.672 of 40734
the Revised Code. 40735

(E) Upon the filing of a missing child report, the law 40736
enforcement agency involved promptly shall make a reasonable 40737
attempt to notify other law enforcement agencies within its county 40738

and, if the agency has jurisdiction in a municipal corporation or township that borders another county, to notify the law enforcement agency for the municipal corporation or township in the other county with which it shares the border, that it has taken a missing child report and may be requesting assistance or cooperation in the case, and provide relevant information to the other law enforcement agencies. The agency may notify additional law enforcement agencies, or appropriate public children services agencies, about the case, request their assistance or cooperation in the case, and provide them with relevant information.

Upon request from a law enforcement agency, a public children services agency shall grant the law enforcement agency access to all information concerning a missing child that the agency possesses that may be relevant to the law enforcement agency in investigating a missing child report concerning that child. The information obtained by the law enforcement agency shall be used only to further the investigation to locate the missing child.

(F) Upon request, law enforcement agencies in this state shall provide assistance to, and cooperate with, other law enforcement agencies in their investigation of missing child cases. The assistance and cooperation under this paragraph shall be pursuant to any terms agreed upon by the law enforcement agencies, which may include the provision of law enforcement services or the use of law enforcement equipment or the interchange of services and equipment among the cooperating law enforcement agencies. Chapter 2744. of the Revised Code, insofar as it applies to the operation of law enforcement agencies, shall apply to the cooperating political subdivisions and to the law enforcement agency employees when they are rendering services pursuant to this paragraph outside the territory of the political subdivision by which they are employed. Law enforcement agency employees rendering services outside the territory of the

political subdivision in which they are employed, pursuant to this 40771
paragraph, shall be entitled to participate in any indemnity fund 40772
established by their employer to the same extent as if they were 40773
rendering service within the territory of their employing 40774
political subdivision. Those law enforcement agency employees also 40775
shall be entitled to all the rights and benefits of Chapter 4123. 40776
of the Revised Code to the same extent as if rendering services 40777
within the territory of their employing political subdivision. 40778

The information in any missing child report made to a law 40779
enforcement agency shall be made available, upon request, to law 40780
enforcement personnel of this state, other states, and the federal 40781
government when the law enforcement personnel indicate that the 40782
request is to aid in identifying or locating a missing child or 40783
the possible identification of a deceased minor who, upon 40784
discovery, cannot be identified. 40785

(G) When a missing child has not been located within thirty 40786
days after the date on which the missing child report pertaining 40787
to the child was filed with a law enforcement agency, that law 40788
enforcement agency shall request the missing child's parents, 40789
parent who is the residential parent and legal custodian, 40790
guardian, or legal custodian, or any other person responsible for 40791
the care of the missing child, to provide written consent for the 40792
law enforcement agency to contact the missing child's dentist and 40793
request the missing child's dental records. Upon receipt of such 40794
written consent, the dentist shall release a copy of the missing 40795
child's dental records to the law enforcement agency and shall 40796
provide and encode the records in such form as requested by the 40797
law enforcement agency. The law enforcement agency then shall 40798
integrate information in the records into the national crime 40799
information center computer in order to compare the records to 40800
those of unidentified deceased persons. This division does not 40801
prevent a law enforcement agency from seeking consent to obtain 40802

copies of a missing child's dental records, or prevent a missing 40803
child's parents, parent who is the residential parent and legal 40804
custodian, guardian, or legal custodian, or any other person 40805
responsible for the care of the missing child, from granting 40806
consent for the release of copies of the missing child's dental 40807
records to a law enforcement agency, at any time. 40808

(H) A missing child's parents, parent who is the residential 40809
parent and legal custodian, guardian, or legal custodian, or any 40810
other persons responsible for the care of a missing child, 40811
immediately shall notify the law enforcement agency with which 40812
they filed the missing child report whenever the child has 40813
returned to their home or to their care, custody, and control, has 40814
been released if the missing child was the victim of an offense 40815
listed in division (A)(3)(b) of this section, or otherwise has 40816
been located. Upon such notification or upon otherwise learning 40817
that a missing child has returned to the home of, or to the care, 40818
custody, and control of the missing child's parents, parent who is 40819
the residential parent and legal custodian, guardian, legal 40820
custodian, or other person responsible for the missing child's 40821
care, has been released if the missing child was the victim of an 40822
offense listed in division (A)(3)(b) of this section, or otherwise 40823
has been located, the law enforcement agency involved promptly 40824
shall integrate the fact that the minor no longer is a missing 40825
child into the national crime information center computer and 40826
shall inform any school that was notified under division (D) of 40827
this section that the minor is no longer a missing child. 40828

~~(I) Nothing contained in this section shall be construed to 40829
impair the confidentiality of services provided to runaway minors 40830
by shelters for runaway minors pursuant to sections 5119.64 to 40831
5119.68 of the Revised Code. 40832~~

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 40833

Revised Code:	40834
(A) "Care facility" means any of the following:	40835
(1) Any "home" as defined in section 3721.10 or 5111.20 of the Revised Code;	40836 40837
(2) Any "residential facility" as defined in section 5123.19 of the Revised Code;	40838 40839
(3) Any institution or facility operated or provided by the department of mental health <u>mental health and addiction services</u> or by the department of developmental disabilities pursuant to sections 5119.02 <u>5119.14</u> and 5123.03 of the Revised Code;	40840 40841 40842 40843
(4) Any "residential facility" as defined in section 5119.22 <u>5119.34</u> of the Revised Code;	40844 40845
(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;	40846 40847 40848
(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others.	40849 40850 40851 40852 40853
(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.	40854 40855 40856 40857
(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the person.	40858 40859 40860 40861 40862
(2) "Neglect" means recklessly failing to provide a person	40863

with any treatment, care, goods, or service that is necessary to 40864
maintain the health or safety of the person when the failure 40865
results in serious physical harm to the person. 40866

(D) "Inappropriate use of a physical or chemical restraint, 40867
medication, or isolation" means the use of physical or chemical 40868
restraint, medication, or isolation as punishment, for staff 40869
convenience, excessively, as a substitute for treatment, or in 40870
quantities that preclude habilitation and treatment. 40871

Sec. 2907.22. (A) No person shall knowingly: 40872

(1) Establish, maintain, operate, manage, supervise, control, 40873
or have an interest in a brothel or any other enterprise a purpose 40874
of which is to facilitate engagement in sexual activity for hire; 40875

(2) Supervise, manage, or control the activities of a 40876
prostitute in engaging in sexual activity for hire; 40877

(3) Transport another, or cause another to be transported 40878
~~across the boundary of this state or of any county in this state,~~ 40879
in order to facilitate the other person's engaging in sexual 40880
activity for hire; 40881

(4) For the purpose of violating or facilitating a violation 40882
of this section, induce or procure another to engage in sexual 40883
activity for hire. 40884

(B) Whoever violates this section is guilty of promoting 40885
prostitution. Except as otherwise provided in this division, 40886
promoting prostitution is a felony of the fourth degree. If any 40887
prostitute in the brothel involved in the offense, or the 40888
prostitute whose activities are supervised, managed, or controlled 40889
by the offender, or the person transported, induced, or procured 40890
by the offender to engage in sexual activity for hire, is a minor, 40891
whether or not the offender knows the age of the minor, then 40892
promoting prostitution is a felony of the third degree. If the 40893

offender in any case also is convicted of or pleads guilty to a 40894
specification as described in section 2941.1422 of the Revised 40895
Code that was included in the indictment, count in the indictment, 40896
or information charging the offense, the court shall sentence the 40897
offender to a mandatory prison term as provided in division (B)(7) 40898
of section 2929.14 of the Revised Code and shall order the 40899
offender to make restitution as provided in division (B)(8) of 40900
section 2929.18 of the Revised Code. 40901

Sec. 2913.01. As used in this chapter, unless the context 40902
requires that a term be given a different meaning: 40903

(A) "Deception" means knowingly deceiving another or causing 40904
another to be deceived by any false or misleading representation, 40905
by withholding information, by preventing another from acquiring 40906
information, or by any other conduct, act, or omission that 40907
creates, confirms, or perpetuates a false impression in another, 40908
including a false impression as to law, value, state of mind, or 40909
other objective or subjective fact. 40910

(B) "Defraud" means to knowingly obtain, by deception, some 40911
benefit for oneself or another, or to knowingly cause, by 40912
deception, some detriment to another. 40913

(C) "Deprive" means to do any of the following: 40914

(1) Withhold property of another permanently, or for a period 40915
that appropriates a substantial portion of its value or use, or 40916
with purpose to restore it only upon payment of a reward or other 40917
consideration; 40918

(2) Dispose of property so as to make it unlikely that the 40919
owner will recover it; 40920

(3) Accept, use, or appropriate money, property, or services, 40921
with purpose not to give proper consideration in return for the 40922
money, property, or services, and without reasonable justification 40923

or excuse for not giving proper consideration. 40924

(D) "Owner" means, unless the context requires a different 40925
meaning, any person, other than the actor, who is the owner of, 40926
who has possession or control of, or who has any license or 40927
interest in property or services, even though the ownership, 40928
possession, control, license, or interest is unlawful. 40929

(E) "Services" include labor, personal services, professional 40930
services, rental services, public utility services including 40931
wireless service as defined in division (F)(1) of section ~~5507.01~~ 40932
128.01 of the Revised Code, common carrier services, and food, 40933
drink, transportation, entertainment, and cable television 40934
services and, for purposes of section 2913.04 of the Revised Code, 40935
include cable services as defined in that section. 40936

(F) "Writing" means any computer software, document, letter, 40937
memorandum, note, paper, plate, data, film, or other thing having 40938
in or upon it any written, typewritten, or printed matter, and any 40939
token, stamp, seal, credit card, badge, trademark, label, or other 40940
symbol of value, right, privilege, license, or identification. 40941

(G) "Forge" means to fabricate or create, in whole or in part 40942
and by any means, any spurious writing, or to make, execute, 40943
alter, complete, reproduce, or otherwise purport to authenticate 40944
any writing, when the writing in fact is not authenticated by that 40945
conduct. 40946

(H) "Utter" means to issue, publish, transfer, use, put or 40947
send into circulation, deliver, or display. 40948

(I) "Coin machine" means any mechanical or electronic device 40949
designed to do both of the following: 40950

(1) Receive a coin, bill, or token made for that purpose; 40951

(2) In return for the insertion or deposit of a coin, bill, 40952
or token, automatically dispense property, provide a service, or 40953

grant a license. 40954

(J) "Slug" means an object that, by virtue of its size, 40955
shape, composition, or other quality, is capable of being inserted 40956
or deposited in a coin machine as an improper substitute for a 40957
genuine coin, bill, or token made for that purpose. 40958

(K) "Theft offense" means any of the following: 40959

(1) A violation of section 2911.01, 2911.02, 2911.11, 40960
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 40961
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 40962
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 40963
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 40964
2913.51, 2915.05, or 2921.41 of the Revised Code; 40965

(2) A violation of an existing or former municipal ordinance 40966
or law of this or any other state, or of the United States, 40967
substantially equivalent to any section listed in division (K)(1) 40968
of this section or a violation of section 2913.41, 2913.81, or 40969
2915.06 of the Revised Code as it existed prior to July 1, 1996; 40970

(3) An offense under an existing or former municipal 40971
ordinance or law of this or any other state, or of the United 40972
States, involving robbery, burglary, breaking and entering, theft, 40973
embezzlement, wrongful conversion, forgery, counterfeiting, 40974
deceit, or fraud; 40975

(4) A conspiracy or attempt to commit, or complicity in 40976
committing, any offense under division (K)(1), (2), or (3) of this 40977
section. 40978

(L) "Computer services" includes, but is not limited to, the 40979
use of a computer system, computer network, computer program, data 40980
that is prepared for computer use, or data that is contained 40981
within a computer system or computer network. 40982

(M) "Computer" means an electronic device that performs 40983

logical, arithmetic, and memory functions by the manipulation of 40984
electronic or magnetic impulses. "Computer" includes, but is not 40985
limited to, all input, output, processing, storage, computer 40986
program, or communication facilities that are connected, or 40987
related, in a computer system or network to an electronic device 40988
of that nature. 40989

(N) "Computer system" means a computer and related devices, 40990
whether connected or unconnected, including, but not limited to, 40991
data input, output, and storage devices, data communications 40992
links, and computer programs and data that make the system capable 40993
of performing specified special purpose data processing tasks. 40994

(O) "Computer network" means a set of related and remotely 40995
connected computers and communication facilities that includes 40996
more than one computer system that has the capability to transmit 40997
among the connected computers and communication facilities through 40998
the use of computer facilities. 40999

(P) "Computer program" means an ordered set of data 41000
representing coded instructions or statements that, when executed 41001
by a computer, cause the computer to process data. 41002

(Q) "Computer software" means computer programs, procedures, 41003
and other documentation associated with the operation of a 41004
computer system. 41005

(R) "Data" means a representation of information, knowledge, 41006
facts, concepts, or instructions that are being or have been 41007
prepared in a formalized manner and that are intended for use in a 41008
computer, computer system, or computer network. For purposes of 41009
section 2913.47 of the Revised Code, "data" has the additional 41010
meaning set forth in division (A) of that section. 41011

(S) "Cable television service" means any services provided by 41012
or through the facilities of any cable television system or other 41013
similar closed circuit coaxial cable communications system, or any 41014

microwave or similar transmission service used in connection with 41015
any cable television system or other similar closed circuit 41016
coaxial cable communications system. 41017

(T) "Gain access" means to approach, instruct, communicate 41018
with, store data in, retrieve data from, or otherwise make use of 41019
any resources of a computer, computer system, or computer network, 41020
or any cable service or cable system both as defined in section 41021
2913.04 of the Revised Code. 41022

(U) "Credit card" includes, but is not limited to, a card, 41023
code, device, or other means of access to a customer's account for 41024
the purpose of obtaining money, property, labor, or services on 41025
credit, or for initiating an electronic fund transfer at a 41026
point-of-sale terminal, an automated teller machine, or a cash 41027
dispensing machine. It also includes a county procurement card 41028
issued under section 301.29 of the Revised Code. 41029

(V) "Electronic fund transfer" has the same meaning as in 92 41030
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 41031

(W) "Rented property" means personal property in which the 41032
right of possession and use of the property is for a short and 41033
possibly indeterminate term in return for consideration; the 41034
rentee generally controls the duration of possession of the 41035
property, within any applicable minimum or maximum term; and the 41036
amount of consideration generally is determined by the duration of 41037
possession of the property. 41038

(X) "Telecommunication" means the origination, emission, 41039
dissemination, transmission, or reception of data, images, 41040
signals, sounds, or other intelligence or equivalence of 41041
intelligence of any nature over any communications system by any 41042
method, including, but not limited to, a fiber optic, electronic, 41043
magnetic, optical, digital, or analog method. 41044

(Y) "Telecommunications device" means any instrument, 41045

equipment, machine, or other device that facilitates 41046
telecommunication, including, but not limited to, a computer, 41047
computer network, computer chip, computer circuit, scanner, 41048
telephone, cellular telephone, pager, personal communications 41049
device, transponder, receiver, radio, modem, or device that 41050
enables the use of a modem. 41051

(Z) "Telecommunications service" means the providing, 41052
allowing, facilitating, or generating of any form of 41053
telecommunication through the use of a telecommunications device 41054
over a telecommunications system. 41055

(AA) "Counterfeit telecommunications device" means a 41056
telecommunications device that, alone or with another 41057
telecommunications device, has been altered, constructed, 41058
manufactured, or programmed to acquire, intercept, receive, or 41059
otherwise facilitate the use of a telecommunications service or 41060
information service without the authority or consent of the 41061
provider of the telecommunications service or information service. 41062
"Counterfeit telecommunications device" includes, but is not 41063
limited to, a clone telephone, clone microchip, tumbler telephone, 41064
or tumbler microchip; a wireless scanning device capable of 41065
acquiring, intercepting, receiving, or otherwise facilitating the 41066
use of telecommunications service or information service without 41067
immediate detection; or a device, equipment, hardware, or software 41068
designed for, or capable of, altering or changing the electronic 41069
serial number in a wireless telephone. 41070

(BB)(1) "Information service" means, subject to division 41071
(BB)(2) of this section, the offering of a capability for 41072
generating, acquiring, storing, transforming, processing, 41073
retrieving, utilizing, or making available information via 41074
telecommunications, including, but not limited to, electronic 41075
publishing. 41076

(2) "Information service" does not include any use of a 41077

capability of a type described in division (BB)(1) of this section 41078
for the management, control, or operation of a telecommunications 41079
system or the management of a telecommunications service. 41080

(CC) "Elderly person" means a person who is sixty-five years 41081
of age or older. 41082

(DD) "Disabled adult" means a person who is eighteen years of 41083
age or older and has some impairment of body or mind that makes 41084
the person unable to work at any substantially remunerative 41085
employment that the person otherwise would be able to perform and 41086
that will, with reasonable probability, continue for a period of 41087
at least twelve months without any present indication of recovery 41088
from the impairment, or who is eighteen years of age or older and 41089
has been certified as permanently and totally disabled by an 41090
agency of this state or the United States that has the function of 41091
so classifying persons. 41092

(EE) "Firearm" and "dangerous ordnance" have the same 41093
meanings as in section 2923.11 of the Revised Code. 41094

(FF) "Motor vehicle" has the same meaning as in section 41095
4501.01 of the Revised Code. 41096

(GG) "Dangerous drug" has the same meaning as in section 41097
4729.01 of the Revised Code. 41098

(HH) "Drug abuse offense" has the same meaning as in section 41099
2925.01 of the Revised Code. 41100

(II)(1) "Computer hacking" means any of the following: 41101

(a) Gaining access or attempting to gain access to all or 41102
part of a computer, computer system, or a computer network without 41103
express or implied authorization with the intent to defraud or 41104
with intent to commit a crime; 41105

(b) Misusing computer or network services including, but not 41106
limited to, mail transfer programs, file transfer programs, proxy 41107

servers, and web servers by performing functions not authorized by 41108
the owner of the computer, computer system, or computer network or 41109
other person authorized to give consent. As used in this division, 41110
"misuse of computer and network services" includes, but is not 41111
limited to, the unauthorized use of any of the following: 41112

(i) Mail transfer programs to send mail to persons other than 41113
the authorized users of that computer or computer network; 41114

(ii) File transfer program proxy services or proxy servers to 41115
access other computers, computer systems, or computer networks; 41116

(iii) Web servers to redirect users to other web pages or web 41117
servers. 41118

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 41119
using a group of computer programs commonly known as "port 41120
scanners" or "probes" to intentionally access any computer, 41121
computer system, or computer network without the permission of the 41122
owner of the computer, computer system, or computer network or 41123
other person authorized to give consent. The group of computer 41124
programs referred to in this division includes, but is not limited 41125
to, those computer programs that use a computer network to access 41126
a computer, computer system, or another computer network to 41127
determine any of the following: the presence or types of computers 41128
or computer systems on a network; the computer network's 41129
facilities and capabilities; the availability of computer or 41130
network services; the presence or versions of computer software 41131
including, but not limited to, operating systems, computer 41132
services, or computer contaminants; the presence of a known 41133
computer software deficiency that can be used to gain unauthorized 41134
access to a computer, computer system, or computer network; or any 41135
other information about a computer, computer system, or computer 41136
network not necessary for the normal and lawful operation of the 41137
computer initiating the access. 41138

(ii) The group of computer programs referred to in division 41139
(II)(1)(c)(i) of this section does not include standard computer 41140
software used for the normal operation, administration, 41141
management, and test of a computer, computer system, or computer 41142
network including, but not limited to, domain name services, mail 41143
transfer services, and other operating system services, computer 41144
programs commonly called "ping," "tcpdump," and "traceroute" and 41145
other network monitoring and management computer software, and 41146
computer programs commonly known as "nslookup" and "whois" and 41147
other systems administration computer software. 41148

(d) The intentional use of a computer, computer system, or a 41149
computer network in a manner that exceeds any right or permission 41150
granted by the owner of the computer, computer system, or computer 41151
network or other person authorized to give consent. 41152

(2) "Computer hacking" does not include the introduction of a 41153
computer contaminant, as defined in section 2909.01 of the Revised 41154
Code, into a computer, computer system, computer program, or 41155
computer network. 41156

(JJ) "Police dog or horse" has the same meaning as in section 41157
2921.321 of the Revised Code. 41158

(KK) "Anhydrous ammonia" is a compound formed by the 41159
combination of two gaseous elements, nitrogen and hydrogen, in the 41160
manner described in this division. Anhydrous ammonia is one part 41161
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 41162
weight is fourteen parts nitrogen to three parts hydrogen, which 41163
is approximately eighty-two per cent nitrogen to eighteen per cent 41164
hydrogen. 41165

(LL) "Assistance dog" has the same meaning as in section 41166
955.011 of the Revised Code. 41167

(MM) "Federally licensed firearms dealer" has the same 41168
meaning as in section 5502.63 of the Revised Code. 41169

Sec. 2913.40. (A) As used in this section:	41170
(1) "Statement or representation" means any oral, written, electronic, electronic impulse, or magnetic communication that is used to identify an item of goods or a service for which reimbursement may be made under the medical assistance <u>medicaid</u> program or that states income and expense and is or may be used to determine a rate of reimbursement under the medical assistance <u>medicaid</u> program.	41171 41172 41173 41174 41175 41176 41177
(2) "Medical assistance program" means the program established by the department of job and family services to provide medical assistance under section 5111.01 of the Revised Code and the medicaid program of Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	41178 41179 41180 41181 41182
(3) "Provider" means any person who has signed a provider agreement with the department of job and family services <u>medicaid</u> to provide goods or services pursuant to the medical assistance <u>medicaid</u> program or any person who has signed an agreement with a party to such a provider agreement under which the person agrees to provide goods or services that are reimbursable under the medical assistance <u>medicaid</u> program.	41183 41184 41185 41186 41187 41188 41189
(4) <u>(3)</u> "Provider agreement" means an oral or written agreement between the department of job and family services and a person in which the person agrees to provide goods or services under the medical assistance program <u>has the same meaning as in section 5164.01 of the Revised Code.</u>	41190 41191 41192 41193 41194
(5) <u>(4)</u> "Recipient" means any individual who receives goods or services from a provider under the medical assistance <u>medicaid</u> program.	41195 41196 41197
(6) <u>(5)</u> "Records" means any medical, professional, financial, or business records relating to the treatment or care of any	41198 41199

recipient, to goods or services provided to any recipient, or to 41200
rates paid for goods or services provided to any recipient and any 41201
records that are required by the rules of the medicaid director ~~of~~ 41202
~~job and family services~~ to be kept for the ~~medical assistance~~ 41203
medicaid program. 41204

(B) No person shall knowingly make or cause to be made a 41205
false or misleading statement or representation for use in 41206
obtaining reimbursement from the ~~medical assistance~~ medicaid 41207
program. 41208

(C) No person, with purpose to commit fraud or knowing that 41209
the person is facilitating a fraud, shall do either of the 41210
following: 41211

(1) Contrary to the terms of the person's provider agreement, 41212
charge, solicit, accept, or receive for goods or services that the 41213
person provides under the ~~medical assistance~~ medicaid program any 41214
property, money, or other consideration in addition to the amount 41215
of reimbursement under the ~~medical assistance~~ medicaid program and 41216
the person's provider agreement for the goods or services and any 41217
cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 of 41218
the Revised Code or rules adopted pursuant to section ~~5111.01,~~ 41219
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 41220
regarding the medicaid program. 41221

(2) Solicit, offer, or receive any remuneration, other than 41222
any cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 41223
of the Revised Code or rules adopted ~~under section 5111.01,~~ 41224
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 41225
regarding the medicaid program, in cash or in kind, including, but 41226
not limited to, a kickback or rebate, in connection with the 41227
furnishing of goods or services for which whole or partial 41228
reimbursement is or may be made under the ~~medical assistance~~ 41229
medicaid program. 41230

(D) No person, having submitted a claim for or provided goods or services under the ~~medical assistance~~ medicaid program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the ~~medical assistance~~ medicaid program:

(1) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person;

(2) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to disclose fully all income and expenditures upon which rates of reimbursements were based for the person.

(E) Whoever violates this section is guilty of medicaid fraud. Except as otherwise provided in this division, medicaid fraud is a misdemeanor of the first degree. If the value of property, services, or funds obtained in violation of this section is one thousand dollars or more and is less than seven thousand five hundred dollars, medicaid fraud is a felony of the fifth degree. If the value of property, services, or funds obtained in violation of this section is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, medicaid fraud is a felony of the fourth degree. If the value of the property, services, or funds obtained in violation of this section is one hundred fifty thousand dollars or more, medicaid fraud is a felony of the third degree.

(F) Upon application of the governmental agency, office, or other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the ~~medical~~

assistance medicaid program to which the person is not entitled to 41263
pay to the applicant its cost of investigating and prosecuting the 41264
case. The costs of investigation and prosecution that a defendant 41265
is ordered to pay pursuant to this division shall be in addition 41266
to any other penalties for the receipt of that reimbursement that 41267
are provided in this section, section ~~5111.03~~ 5164.35 of the 41268
Revised Code, or any other provision of law. 41269

(G) The provisions of this section are not intended to be 41270
exclusive remedies and do not preclude the use of any other 41271
criminal or civil remedy for any act that is in violation of this 41272
section. 41273

Sec. 2913.401. (A) As used in this section: 41274

(1) "Medicaid ~~benefits services~~" means ~~benefits under the~~ 41275
~~medical assistance program established under Chapter 5111.~~ has the 41276
same meaning as in section 5164.01 of the Revised Code. 41277

(2) "Property" means any real or personal property or other 41278
asset in which a person has any legal title or interest. 41279

(B) No person shall knowingly do any of the following in an 41280
application for enrollment in the medicaid ~~benefits~~ program or in 41281
a document that requires a disclosure of assets for the purpose of 41282
determining eligibility ~~to receive~~ for the medicaid ~~benefits~~ 41283
program: 41284

(1) Make or cause to be made a false or misleading statement; 41285

(2) Conceal an interest in property; 41286

(3)(a) Except as provided in division (B)(3)(b) of this 41287
section, fail to disclose a transfer of property that occurred 41288
during the period beginning thirty-six months before submission of 41289
the application or document and ending on the date the application 41290
or document was submitted; 41291

(b) Fail to disclose a transfer of property that occurred 41292

during the period beginning sixty months before submission of the 41293
application or document and ending on the date the application or 41294
document was submitted and that was made to an irrevocable trust a 41295
portion of which is not distributable to the applicant for 41296
~~medicaid benefits~~ or the recipient of medicaid ~~benefits~~ or to a 41297
revocable trust. 41298

(C)(1) Whoever violates this section is guilty of medicaid 41299
eligibility fraud. Except as otherwise provided in this division, 41300
a violation of this section is a misdemeanor of the first degree. 41301
If the value of the medicaid ~~benefits~~ services paid as a result of 41302
the violation is one thousand dollars or more and is less than 41303
seven thousand five hundred dollars, a violation of this section 41304
is a felony of the fifth degree. If the value of the medicaid 41305
~~benefits~~ services paid as a result of the violation is seven 41306
thousand five hundred dollars or more and is less than one hundred 41307
fifty thousand dollars, a violation of this section is a felony of 41308
the fourth degree. If the value of the medicaid ~~benefits~~ services 41309
paid as a result of the violation is one hundred fifty thousand 41310
dollars or more, a violation of this section is a felony of the 41311
third degree. 41312

(2) In addition to imposing a sentence under division (C)(1) 41313
of this section, the court shall order that a person who is guilty 41314
of medicaid eligibility fraud make restitution in the full amount 41315
of any medicaid ~~benefits~~ services paid on behalf of an applicant 41316
for or recipient of medicaid ~~benefits~~ for which the applicant or 41317
recipient was not eligible, plus interest at the rate applicable 41318
to judgments on unreimbursed amounts from the date on which the 41319
~~benefits~~ medicaid services were paid to the date on which 41320
restitution is made. 41321

(3) The remedies and penalties provided in this section are 41322
not exclusive and do not preclude the use of any other criminal or 41323
civil remedy for any act that is in violation of this section. 41324

(D) This section does not apply to a person who fully 41325
disclosed in an application for medicaid ~~benefits~~ or in a document 41326
that requires a disclosure of assets for the purpose of 41327
determining eligibility ~~to receive~~ for medicaid ~~benefits~~ all of 41328
the interests in property of the applicant for or recipient of 41329
medicaid ~~benefits~~, all transfers of property by the applicant for 41330
or recipient of medicaid ~~benefits~~, and the circumstances of all 41331
those transfers. 41332

(E) Any amounts of medicaid ~~benefits~~ services recovered as 41333
restitution under this section and any interest on those amounts 41334
shall be credited to the general revenue fund, and any applicable 41335
federal share shall be returned to the appropriate agency or 41336
department of the United States. 41337

Sec. 2915.02. (A) No person shall do any of the following: 41338

(1) Engage in bookmaking, or knowingly engage in conduct that 41339
facilitates bookmaking; 41340

(2) Establish, promote, or operate or knowingly engage in 41341
conduct that facilitates any game of chance conducted for profit 41342
or any scheme of chance; 41343

(3) Knowingly procure, transmit, exchange, or engage in 41344
conduct that facilitates the procurement, transmission, or 41345
exchange of information for use in establishing odds or 41346
determining winners in connection with bookmaking or with any game 41347
of chance conducted for profit or any scheme of chance; 41348

(4) Engage in betting or in playing any scheme or game of 41349
chance as a substantial source of income or livelihood; 41350

(5) Conduct, or participate in the conduct of, a sweepstakes 41351
with the use of a sweepstakes terminal device at a sweepstakes 41352
terminal device facility and either: 41353

(a) Give to another person any item described in division 41354

(VV)(1), (2), (3), or (4) of section 2915.01 of the Revised Code 41355
as a prize for playing or participating in a sweepstakes; or 41356

(b) Give to another person any merchandise prize, or a 41357
redeemable voucher for a merchandise prize, the wholesale value of 41358
which is in excess of ten dollars and which is awarded as a single 41359
entry for playing or participating in a sweepstakes. Redeemable 41360
vouchers shall not be redeemable for a merchandise prize that has 41361
a wholesale value of more than ten dollars. 41362

(6) Conduct, or participate in the conduct of, a sweepstakes 41363
with the use of a sweepstakes terminal device at a sweepstakes 41364
terminal device facility without first obtaining a current annual 41365
"certificate of registration" from the attorney general as 41366
required by division (F) of this section; 41367

(7) With purpose to violate division (A)(1), (2), (3), (4), 41368
(5), or (6) of this section, acquire, possess, control, or operate 41369
any gambling device. 41370

(B) For purposes of division (A)(1) of this section, a person 41371
facilitates bookmaking if the person in any way knowingly aids an 41372
illegal bookmaking operation, including, without limitation, 41373
placing a bet with a person engaged in or facilitating illegal 41374
bookmaking. For purposes of division (A)(2) of this section, a 41375
person facilitates a game of chance conducted for profit or a 41376
scheme of chance if the person in any way knowingly aids in the 41377
conduct or operation of any such game or scheme, including, 41378
without limitation, playing any such game or scheme. 41379

(C) This section does not prohibit conduct in connection with 41380
gambling expressly permitted by law. 41381

(D) This section does not apply to any of the following: 41382

(1) Games of chance, if all of the following apply: 41383

(a) The games of chance are not craps for money or roulette 41384

for money. 41385

(b) The games of chance are conducted by a charitable 41386
organization that is, and has received from the internal revenue 41387
service a determination letter that is currently in effect, 41388
stating that the organization is, exempt from federal income 41389
taxation under subsection 501(a) and described in subsection 41390
501(c)(3) of the Internal Revenue Code. 41391

(c) The games of chance are conducted at festivals of the 41392
charitable organization that are conducted not more than a total 41393
of five days a calendar year, and are conducted on premises owned 41394
by the charitable organization for a period of no less than one 41395
year immediately preceding the conducting of the games of chance, 41396
on premises leased from a governmental unit, or on premises that 41397
are leased from a veteran's or fraternal organization and that 41398
have been owned by the lessor veteran's or fraternal organization 41399
for a period of no less than one year immediately preceding the 41400
conducting of the games of chance. 41401

A charitable organization shall not lease premises from a 41402
veteran's or fraternal organization to conduct a festival 41403
described in division (D)(1)(c) of this section if the veteran's 41404
or fraternal organization already has leased the premises twelve 41405
times during the preceding year to charitable organizations for 41406
that purpose. If a charitable organization leases premises from a 41407
veteran's or fraternal organization to conduct a festival 41408
described in division (D)(1)(c) of this section, the charitable 41409
organization shall not pay a rental rate for the premises per day 41410
of the festival that exceeds the rental rate per bingo session 41411
that a charitable organization may pay under division (B)(1) of 41412
section 2915.09 of the Revised Code when it leases premises from 41413
another charitable organization to conduct bingo games. 41414

(d) All of the money or assets received from the games of 41415
chance after deduction only of prizes paid out during the conduct 41416

of the games of chance are used by, or given, donated, or 41417
otherwise transferred to, any organization that is described in 41418
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 41419
Revenue Code and is either a governmental unit or an organization 41420
that is tax exempt under subsection 501(a) and described in 41421
subsection 501(c)(3) of the Internal Revenue Code; 41422

(e) The games of chance are not conducted during, or within 41423
ten hours of, a bingo game conducted for amusement purposes only 41424
pursuant to section 2915.12 of the Revised Code. 41425

No person shall receive any commission, wage, salary, reward, 41426
tip, donation, gratuity, or other form of compensation, directly 41427
or indirectly, for operating or assisting in the operation of any 41428
game of chance. 41429

(2) Any tag fishing tournament operated under a permit issued 41430
under section 1533.92 of the Revised Code, as "tag fishing 41431
tournament" is defined in section 1531.01 of the Revised Code; 41432

(3) Bingo conducted by a charitable organization that holds a 41433
license issued under section 2915.08 of the Revised Code. 41434

(E) Division (D) of this section shall not be construed to 41435
authorize the sale, lease, or other temporary or permanent 41436
transfer of the right to conduct games of chance, as granted by 41437
that division, by any charitable organization that is granted that 41438
right. 41439

(F) Any person desiring to conduct, or participate in the 41440
conduct of, a sweepstakes with the use of a sweepstakes terminal 41441
device at a sweepstakes terminal device facility shall first 41442
register with the office of the attorney general and obtain an 41443
annual certificate of registration by providing a filing fee of 41444
two hundred dollars and all information as required by rule 41445
adopted under division (H) of this section. Not later than the 41446
tenth day of each month, each sweepstakes terminal device operator 41447

shall file a sweepstakes terminal device monthly report with the attorney general and provide a filing fee of fifty dollars and all information required by rule adopted under division (H) of this section. All information provided to the attorney general under this division shall be available to law enforcement upon request.

(G) A person may apply to the attorney general, on a form prescribed by the attorney general, for a certificate of compliance that the person is not operating a sweepstakes terminal device facility. The form shall require the person to include the address of the business location where sweepstakes terminal devices will be used and to make the following certifications:

(1) That the person will not use more than two sweepstakes terminal devices at the business location;

(2) That the retail value of sweepstakes prizes to be awarded at the business location using sweepstakes terminal devices during a reporting period will be less than three per cent of the gross revenue received at the business location during the reporting period;

(3) That no other form of gaming except lottery ticket sales as authorized under Chapter 3770. of the Revised Code will be conducted at the business location or in an adjoining area of the business location;

(4) That any sweepstakes terminal device at the business location will not allow any deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of similar payment to be used, directly or indirectly, to participate in a sweepstakes;

(5) That notification of any prize will not take place on the same day as a participant's sweepstakes entry; and

(6) That the person consents to provide any other information to the attorney general as required by rule adopted under division

(H) of this section. 41479

The filing fee for a certificate of compliance is two hundred 41480
fifty dollars. The attorney general may charge up to an additional 41481
two hundred fifty dollars for reasonable expenses resulting from 41482
any investigation related to an application for a certificate of 41483
compliance. 41484

A certificate of compliance is effective for one year. The 41485
certificate holder may reapply for a certificate of compliance. A 41486
person issued a certificate of compliance shall file semiannual 41487
reports with the attorney general stating the number of 41488
sweepstakes terminal devices at the business location and that the 41489
retail value of prizes awarded at the business location using 41490
sweepstakes terminal devices is less than three per cent of the 41491
gross revenue received at the business location. 41492

(H) The attorney general shall adopt rules setting forth: 41493

(1) The required information to be submitted by persons 41494
conducting a sweepstakes with the use of a sweepstakes terminal 41495
device at a sweepstakes terminal device facility as described in 41496
division (F) of this section; ~~and~~ 41497

(2) The requirements pertaining to a certificate of 41498
compliance under division (G) of this section, which shall provide 41499
for a person to file a consolidated application and a consolidated 41500
semiannual report if a person has more than one business location; 41501
and 41502

(3) The standards and requirements for security and 41503
surveillance equipment, in consultation with the Ohio casino 41504
control commission, that may require a person with a certificate 41505
of registration to install security and surveillance equipment 41506
where any chips, tokens, tickets, electronic cards, or similar 41507
objects may be redeemed for cash, whether by an employee or by 41508
electronic means, that shall capture, for law enforcement 41509

purposes, facial feature pattern characteristics, including a 41510
computerized facial image, and that shall require such records to 41511
be retained for at least five years. The attorney general may 41512
secure, by agreement, information and services as the attorney 41513
general considers necessary from any state agency or other unit of 41514
state government. All costs related to the installation of 41515
security and surveillance equipment shall be the responsibility of 41516
the person with the certificate of registration. 41517

The attorney general shall issue a certificate of 41518
registration or a certificate of compliance to all persons who 41519
have successfully satisfied the applicable requirements of this 41520
section. The attorney general shall post online a registry of all 41521
properly registered and certified sweepstakes terminal device 41522
operators. 41523

(I) The attorney general may refuse to issue an annual 41524
certificate of registration or certificate of compliance to any 41525
person or, if one has been issued, the attorney general may revoke 41526
a certificate of registration or a certificate of compliance if 41527
the applicant has provided any information to the attorney general 41528
as part of a registration, certification, monthly report, 41529
semiannual report, or any other information that is materially 41530
false or misleading, or if the applicant or any officer, partner, 41531
or owner of five per cent or more interest in the applicant has 41532
violated any provision of this chapter. 41533

(J) The attorney general may take any necessary and 41534
reasonable action to determine a violation of this chapter, 41535
including requesting documents and information, performing 41536
inspections of premises, or requiring the attendance of any person 41537
at an examination under oath. 41538

(K) Whoever violates this section is guilty of gambling, a 41539
misdemeanor of the first degree. If the offender previously has 41540
been convicted of any gambling offense, gambling is a felony of 41541

the fifth degree. Notwithstanding this division, failing to file a sweepstakes terminal device monthly report as required by division (F) of this section or the semiannual report required by division (G) of this section is a misdemeanor of the first degree.

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court may order an evaluation of the mental condition of the defendant if the court determines that either of the following criteria apply:

(i) If the alleged violation is a violation of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of a family or household member covered by the order or agreement, or conduct by the defendant that caused a family or household member to believe that the defendant would cause physical harm to that member or that member's property.

(ii) If the alleged violation is a violation of a protection order issued pursuant to section 2903.213 or 2903.214 of the Revised Code or a protection order issued by a court of another state, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of the person covered by the order, or conduct by the defendant that caused the person covered by the order to believe that the defendant would cause physical harm to that person or that person's property.

(b) If a defendant is charged with a violation of section 2903.211 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court may order an

evaluation of the mental condition of the defendant. 41573

(2) An evaluation ordered under division (A)(1) of this 41574
section shall be completed no later than thirty days from the date 41575
the order is entered pursuant to that division. In that order, the 41576
court shall do either of the following: 41577

(a) Order that the evaluation of the mental condition of the 41578
defendant be preceded by an examination conducted either by a 41579
forensic center that is designated by the department of ~~mental~~ 41580
~~health~~ mental health and addiction services to conduct 41581
examinations and make evaluations of defendants charged with 41582
violations of section 2903.211 or 2919.27 of the Revised Code or 41583
of substantially similar municipal ordinances in the area in which 41584
the court is located, or by any other program or facility that is 41585
designated by the department of ~~mental health~~ mental health and 41586
addiction services or the department of developmental disabilities 41587
to conduct examinations and make evaluations of defendants charged 41588
with violations of section 2903.211 or 2919.27 of the Revised Code 41589
or of substantially similar municipal ordinances, and that is 41590
operated by either department or is certified by either department 41591
as being in compliance with the standards established under 41592
division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 of the Revised Code 41593
or division (C) of section 5123.04 of the Revised Code. 41594

(b) Designate a center, program, or facility other than one 41595
designated by the department of ~~mental health~~ mental health and 41596
addiction services or the department of developmental 41597
disabilities, as described in division (A)(2)(a) of this section, 41598
to conduct the evaluation and preceding examination of the mental 41599
condition of the defendant. 41600

Whether the court acts pursuant to division (A)(2)(a) or (b) 41601
of this section, the court may designate examiners other than the 41602
personnel of the center, program, facility, or department involved 41603
to make the evaluation and preceding examination of the mental 41604

condition of the defendant. 41605

(B) If the court considers that additional evaluations of the 41606
mental condition of a defendant are necessary following the 41607
evaluation authorized by division (A) of this section, the court 41608
may order up to two additional similar evaluations. These 41609
evaluations shall be completed no later than thirty days from the 41610
date the applicable court order is entered. If more than one 41611
evaluation of the mental condition of the defendant is ordered 41612
under this division, the prosecutor and the defendant may 41613
recommend to the court an examiner whom each prefers to perform 41614
one of the evaluations and preceding examinations. 41615

(C)(1) The court may order a defendant who has been released 41616
on bail to submit to an examination under division (A) or (B) of 41617
this section. The examination shall be conducted either at the 41618
detention facility in which the defendant would have been confined 41619
if the defendant had not been released on bail, or, if so 41620
specified by the center, program, facility, or examiners involved, 41621
at the premises of the center, program, or facility. Additionally, 41622
the examination shall be conducted at the times established by the 41623
examiners involved. If such a defendant refuses to submit to an 41624
examination or a complete examination as required by the court or 41625
the center, program, facility, or examiners involved, the court 41626
may amend the conditions of the bail of the defendant and order 41627
the sheriff to take the defendant into custody and deliver the 41628
defendant to the detention facility in which the defendant would 41629
have been confined if the defendant had not been released on bail, 41630
or, if so specified by the center, program, facility, or examiners 41631
involved, to the premises of the center, program, or facility, for 41632
purposes of the examination. 41633

(2) A defendant who has not been released on bail shall be 41634
examined at the detention facility in which the defendant is 41635
confined or, if so specified by the center, program, facility, or 41636

examiners involved, at the premises of the center, program, or 41637
facility. 41638

(D) The examiner of the mental condition of a defendant under 41639
division (A) or (B) of this section shall file a written report 41640
with the court within thirty days after the entry of an order for 41641
the evaluation of the mental condition of the defendant. The 41642
report shall contain the findings of the examiner; the facts in 41643
reasonable detail on which the findings are based; the opinion of 41644
the examiner as to the mental condition of the defendant; the 41645
opinion of the examiner as to whether the defendant represents a 41646
substantial risk of physical harm to other persons as manifested 41647
by evidence of recent homicidal or other violent behavior, 41648
evidence of recent threats that placed other persons in reasonable 41649
fear of violent behavior and serious physical harm, or evidence of 41650
present dangerousness; and the opinion of the examiner as to the 41651
types of treatment or counseling that the defendant needs. The 41652
court shall provide copies of the report to the prosecutor and 41653
defense counsel. 41654

(E) The costs of any evaluation and preceding examination of 41655
a defendant that is ordered pursuant to division (A) or (B) of 41656
this section shall be taxed as court costs in the criminal case. 41657

(F) If the examiner considers it necessary in order to make 41658
an accurate evaluation of the mental condition of a defendant, an 41659
examiner under division (A) or (B) of this section may request any 41660
family or household member of the defendant to provide the 41661
examiner with information. A family or household member may, but 41662
is not required to, provide information to the examiner upon 41663
receipt of the request. 41664

(G) As used in this section: 41665

(1) "Bail" includes a recognizance. 41666

(2) "Examiner" means a psychiatrist, a licensed independent 41667

social worker who is employed by a forensic center that is 41668
certified as being in compliance with the standards established 41669
under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 or division 41670
(C) of section 5123.04 of the Revised Code, a licensed 41671
professional clinical counselor who is employed at a forensic 41672
center that is certified as being in compliance with such 41673
standards, or a licensed clinical psychologist, except that in 41674
order to be an examiner, a licensed clinical psychologist shall 41675
meet the criteria of division (I)(1) of section 5122.01 of the 41676
Revised Code or be employed to conduct examinations by the 41677
department of ~~mental health~~ mental health and addiction services 41678
or by a forensic center certified as being in compliance with the 41679
standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 41680
5119.10 or division (C) of section 5123.04 of the Revised Code 41681
that is designated by the department of ~~mental health~~ mental 41682
health and addiction services. 41683

(3) "Family or household member" has the same meaning as in 41684
section 2919.25 of the Revised Code. 41685

(4) "Prosecutor" has the same meaning as in section 2935.01 41686
of the Revised Code. 41687

(5) "Psychiatrist" and "licensed clinical psychologist" have 41688
the same meanings as in section 5122.01 of the Revised Code. 41689

(6) "Protection order issued by a court of another state" has 41690
the same meaning as in section 2919.27 of the Revised Code. 41691

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of the 41692
Revised Code: 41693

(A) "Public official" means any elected or appointed officer, 41694
or employee, or agent of the state or any political subdivision, 41695
whether in a temporary or permanent capacity, and includes, but is 41696
not limited to, legislators, judges, and law enforcement officers. 41697

"Public official" does not include an employee, officer, or 41698
governor-appointed member of the board of directors of the 41699
nonprofit corporation formed under section 187.01 of the Revised 41700
Code. 41701

(B) "Public servant" means any of the following: 41702

(1) Any public official; 41703

(2) Any person performing ad hoc a governmental function, 41704
including, but not limited to, a juror, member of a temporary 41705
commission, master, arbitrator, advisor, or consultant; 41706

(3) A person who is a candidate for public office, whether or 41707
not the person is elected or appointed to the office for which the 41708
person is a candidate. A person is a candidate for purposes of 41709
this division if the person has been nominated according to law 41710
for election or appointment to public office, or if the person has 41711
filed a petition or petitions as required by law to have the 41712
person's name placed on the ballot in a primary, general, or 41713
special election, or if the person campaigns as a write-in 41714
candidate in any primary, general, or special election. 41715

"Public servant" does not include an employee, officer, or 41716
governor-appointed member of the board of directors of the 41717
nonprofit corporation formed under section 187.01 of the Revised 41718
Code. 41719

(C) "Party official" means any person who holds an elective 41720
or appointive post in a political party in the United States or 41721
this state, by virtue of which the person directs, conducts, or 41722
participates in directing or conducting party affairs at any level 41723
of responsibility. 41724

(D) "Official proceeding" means any proceeding before a 41725
legislative, judicial, administrative, or other governmental 41726
agency or official authorized to take evidence under oath, and 41727
includes any proceeding before a referee, hearing examiner, 41728

commissioner, notary, or other person taking testimony or a 41729
deposition in connection with an official proceeding. 41730

(E) "Detention" means arrest; confinement in any vehicle 41731
subsequent to an arrest; confinement in any public or private 41732
facility for custody of persons charged with or convicted of crime 41733
in this state or another state or under the laws of the United 41734
States or alleged or found to be a delinquent child or unruly 41735
child in this state or another state or under the laws of the 41736
United States; hospitalization, institutionalization, or 41737
confinement in any public or private facility that is ordered 41738
pursuant to or under the authority of section 2945.37, 2945.371, 41739
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 41740
Code; confinement in any vehicle for transportation to or from any 41741
facility of any of those natures; detention for extradition or 41742
deportation; except as provided in this division, supervision by 41743
any employee of any facility of any of those natures that is 41744
incidental to hospitalization, institutionalization, or 41745
confinement in the facility but that occurs outside the facility; 41746
supervision by an employee of the department of rehabilitation and 41747
correction of a person on any type of release from a state 41748
correctional institution; or confinement in any vehicle, airplane, 41749
or place while being returned from outside of this state into this 41750
state by a private person or entity pursuant to a contract entered 41751
into under division (E) of section 311.29 of the Revised Code or 41752
division (B) of section 5149.03 of the Revised Code. For a person 41753
confined in a county jail who participates in a county jail 41754
industry program pursuant to section 5147.30 of the Revised Code, 41755
"detention" includes time spent at an assigned work site and going 41756
to and from the work site. 41757

(F) "Detention facility" means any public or private place 41758
used for the confinement of a person charged with or convicted of 41759
any crime in this state or another state or under the laws of the 41760

United States or alleged or found to be a delinquent child or 41761
unruly child in this state or another state or under the laws of 41762
the United States. 41763

(G) "Valuable thing or valuable benefit" includes, but is not 41764
limited to, a contribution. This inclusion does not indicate or 41765
imply that a contribution was not included in those terms before 41766
September 17, 1986. 41767

(H) "Campaign committee," "contribution," "political action 41768
committee," "legislative campaign fund," "political party," and 41769
"political contributing entity" have the same meanings as in 41770
section 3517.01 of the Revised Code. 41771

(I) "Provider agreement" ~~and "medical assistance program"~~ 41772
~~have~~ has the same ~~meanings~~ meaning as in section ~~2913.40~~ 5164.01 41773
of the Revised Code. 41774

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 41775
this section, no person, knowing that a felony has been or is 41776
being committed, shall knowingly fail to report such information 41777
to law enforcement authorities. 41778

(2) No person, knowing that a violation of division (B) of 41779
section 2913.04 of the Revised Code has been, or is being 41780
committed or that the person has received information derived from 41781
such a violation, shall knowingly fail to report the violation to 41782
law enforcement authorities. 41783

(B) Except for conditions that are within the scope of 41784
division (E) of this section, no physician, limited practitioner, 41785
nurse, or other person giving aid to a sick or injured person 41786
shall negligently fail to report to law enforcement authorities 41787
any gunshot or stab wound treated or observed by the physician, 41788
limited practitioner, nurse, or person, or any serious physical 41789
harm to persons that the physician, limited practitioner, nurse, 41790

or person knows or has reasonable cause to believe resulted from 41791
an offense of violence. 41792

(C) No person who discovers the body or acquires the first 41793
knowledge of the death of a person shall fail to report the death 41794
immediately to a physician whom the person knows to be treating 41795
the deceased for a condition from which death at such time would 41796
not be unexpected, or to a law enforcement officer, an ambulance 41797
service, an emergency squad, or the coroner in a political 41798
subdivision in which the body is discovered, the death is believed 41799
to have occurred, or knowledge concerning the death is obtained. 41800

(D) No person shall fail to provide upon request of the 41801
person to whom a report required by division (C) of this section 41802
was made, or to any law enforcement officer who has reasonable 41803
cause to assert the authority to investigate the circumstances 41804
surrounding the death, any facts within the person's knowledge 41805
that may have a bearing on the investigation of the death. 41806

(E)(1) As used in this division, "burn injury" means any of 41807
the following: 41808

(a) Second or third degree burns; 41809

(b) Any burns to the upper respiratory tract or laryngeal 41810
edema due to the inhalation of superheated air; 41811

(c) Any burn injury or wound that may result in death; 41812

(d) Any physical harm to persons caused by or as the result 41813
of the use of fireworks, novelties and trick noisemakers, and wire 41814
sparklers, as each is defined by section 3743.01 of the Revised 41815
Code. 41816

(2) No physician, nurse, or limited practitioner who, outside 41817
a hospital, sanitarium, or other medical facility, attends or 41818
treats a person who has sustained a burn injury that is inflicted 41819
by an explosion or other incendiary device or that shows evidence 41820

of having been inflicted in a violent, malicious, or criminal 41821
manner shall fail to report the burn injury immediately to the 41822
local arson, or fire and explosion investigation, bureau, if there 41823
is a bureau of this type in the jurisdiction in which the person 41824
is attended or treated, or otherwise to local law enforcement 41825
authorities. 41826

(3) No manager, superintendent, or other person in charge of 41827
a hospital, sanitarium, or other medical facility in which a 41828
person is attended or treated for any burn injury that is 41829
inflicted by an explosion or other incendiary device or that shows 41830
evidence of having been inflicted in a violent, malicious, or 41831
criminal manner shall fail to report the burn injury immediately 41832
to the local arson, or fire and explosion investigation, bureau, 41833
if there is a bureau of this type in the jurisdiction in which the 41834
person is attended or treated, or otherwise to local law 41835
enforcement authorities. 41836

(4) No person who is required to report any burn injury under 41837
division (E)(2) or (3) of this section shall fail to file, within 41838
three working days after attending or treating the victim, a 41839
written report of the burn injury with the office of the state 41840
fire marshal. The report shall comply with the uniform standard 41841
developed by the state fire marshal pursuant to division (A)(15) 41842
of section 3737.22 of the Revised Code. 41843

(5) Anyone participating in the making of reports under 41844
division (E) of this section or anyone participating in a judicial 41845
proceeding resulting from the reports is immune from any civil or 41846
criminal liability that otherwise might be incurred or imposed as 41847
a result of such actions. Notwithstanding section 4731.22 of the 41848
Revised Code, the physician-patient relationship is not a ground 41849
for excluding evidence regarding a person's burn injury or the 41850
cause of the burn injury in any judicial proceeding resulting from 41851
a report submitted under division (E) of this section. 41852

(F)(1) Any doctor of medicine or osteopathic medicine, 41853
hospital intern or resident, registered or licensed practical 41854
nurse, psychologist, social worker, independent social worker, 41855
social work assistant, professional clinical counselor, or 41856
professional counselor who knows or has reasonable cause to 41857
believe that a patient or client has been the victim of domestic 41858
violence, as defined in section 3113.31 of the Revised Code, shall 41859
note that knowledge or belief and the basis for it in the 41860
patient's or client's records. 41861

(2) Notwithstanding section 4731.22 of the Revised Code, the 41862
doctor-patient privilege shall not be a ground for excluding any 41863
information regarding the report containing the knowledge or 41864
belief noted under division (F)(1) of this section, and the 41865
information may be admitted as evidence in accordance with the 41866
Rules of Evidence. 41867

(G) Divisions (A) and (D) of this section do not require 41868
disclosure of information, when any of the following applies: 41869

(1) The information is privileged by reason of the 41870
relationship between attorney and client; doctor and patient; 41871
licensed psychologist or licensed school psychologist and client; 41872
member of the clergy, rabbi, minister, or priest and any person 41873
communicating information confidentially to the member of the 41874
clergy, rabbi, minister, or priest for a religious counseling 41875
purpose of a professional character; husband and wife; or a 41876
communications assistant and those who are a party to a 41877
telecommunications relay service call. 41878

(2) The information would tend to incriminate a member of the 41879
actor's immediate family. 41880

(3) Disclosure of the information would amount to revealing a 41881
news source, privileged under section 2739.04 or 2739.12 of the 41882
Revised Code. 41883

(4) Disclosure of the information would amount to disclosure 41884
by a member of the ordained clergy of an organized religious body 41885
of a confidential communication made to that member of the clergy 41886
in that member's capacity as a member of the clergy by a person 41887
seeking the aid or counsel of that member of the clergy. 41888

(5) Disclosure would amount to revealing information acquired 41889
by the actor in the course of the actor's duties in connection 41890
with a bona fide program of treatment or services for drug 41891
dependent persons or persons in danger of drug dependence, which 41892
program is maintained or conducted by a hospital, clinic, person, 41893
agency, or ~~organization~~ services provider certified pursuant to 41894
section ~~3793.06~~ 5119.36 of the Revised Code. 41895

(6) Disclosure would amount to revealing information acquired 41896
by the actor in the course of the actor's duties in connection 41897
with a bona fide program for providing counseling services to 41898
victims of crimes that are violations of section 2907.02 or 41899
2907.05 of the Revised Code or to victims of felonious sexual 41900
penetration in violation of former section 2907.12 of the Revised 41901
Code. As used in this division, "counseling services" include 41902
services provided in an informal setting by a person who, by 41903
education or experience, is competent to provide those services. 41904

(H) No disclosure of information pursuant to this section 41905
gives rise to any liability or recrimination for a breach of 41906
privilege or confidence. 41907

(I) Whoever violates division (A) or (B) of this section is 41908
guilty of failure to report a crime. Violation of division (A)(1) 41909
of this section is a misdemeanor of the fourth degree. Violation 41910
of division (A)(2) or (B) of this section is a misdemeanor of the 41911
second degree. 41912

(J) Whoever violates division (C) or (D) of this section is 41913
guilty of failure to report knowledge of a death, a misdemeanor of 41914

the fourth degree. 41915

(K)(1) Whoever negligently violates division (E) of this 41916
section is guilty of a minor misdemeanor. 41917

(2) Whoever knowingly violates division (E) of this section 41918
is guilty of a misdemeanor of the second degree. 41919

Sec. 2921.36. (A) No person shall knowingly convey, or 41920
attempt to convey, onto the grounds of a detention facility or of 41921
an institution, office building, or other place that is under the 41922
control of the department of ~~mental health~~ mental health and 41923
addiction services, the department of developmental disabilities, 41924
the department of youth services, or the department of 41925
rehabilitation and correction any of the following items: 41926

(1) Any deadly weapon or dangerous ordnance, as defined in 41927
section 2923.11 of the Revised Code, or any part of or ammunition 41928
for use in such a deadly weapon or dangerous ordnance; 41929

(2) Any drug of abuse, as defined in section 3719.011 of the 41930
Revised Code; 41931

(3) Any intoxicating liquor, as defined in section 4301.01 of 41932
the Revised Code. 41933

(B) Division (A) of this section does not apply to any person 41934
who conveys or attempts to convey an item onto the grounds of a 41935
detention facility or of an institution, office building, or other 41936
place under the control of the department of ~~mental health~~ mental 41937
health and addiction services, the department of developmental 41938
disabilities, the department of youth services, or the department 41939
of rehabilitation and correction pursuant to the written 41940
authorization of the person in charge of the detention facility or 41941
the institution, office building, or other place and in accordance 41942
with the written rules of the detention facility or the 41943
institution, office building, or other place. 41944

(C) No person shall knowingly deliver, or attempt to deliver, 41945
to any person who is confined in a detention facility, to a child 41946
confined in a youth services facility, to a prisoner who is 41947
temporarily released from confinement for a work assignment, or to 41948
any patient in an institution under the control of the department 41949
of ~~mental health~~ mental health and addiction services or the 41950
department of developmental disabilities any item listed in 41951
division (A)(1), (2), or (3) of this section. 41952

(D) No person shall knowingly deliver, or attempt to deliver, 41953
cash to any person who is confined in a detention facility, to a 41954
child confined in a youth services facility, or to a prisoner who 41955
is temporarily released from confinement for a work assignment. 41956

(E) No person shall knowingly deliver, or attempt to deliver, 41957
to any person who is confined in a detention facility, to a child 41958
confined in a youth services facility, or to a prisoner who is 41959
temporarily released from confinement for a work assignment a 41960
cellular telephone, two-way radio, or other electronic 41961
communications device. 41962

(F)(1) It is an affirmative defense to a charge under 41963
division (A)(1) of this section that the weapon or dangerous 41964
ordnance in question was being transported in a motor vehicle for 41965
any lawful purpose, that it was not on the actor's person, and, if 41966
the weapon or dangerous ordnance in question was a firearm, that 41967
it was unloaded and was being carried in a closed package, box, or 41968
case or in a compartment that can be reached only by leaving the 41969
vehicle. 41970

(2) It is an affirmative defense to a charge under division 41971
(C) of this section that the actor was not otherwise prohibited by 41972
law from delivering the item to the confined person, the child, 41973
the prisoner, or the patient and that either of the following 41974
applies: 41975

(a) The actor was permitted by the written rules of the 41976
detention facility or the institution, office building, or other 41977
place to deliver the item to the confined person or the patient. 41978

(b) The actor was given written authorization by the person 41979
in charge of the detention facility or the institution, office 41980
building, or other place to deliver the item to the confined 41981
person or the patient. 41982

(G)(1) Whoever violates division (A)(1) of this section or 41983
commits a violation of division (C) of this section involving an 41984
item listed in division (A)(1) of this section is guilty of 41985
illegal conveyance of weapons onto the grounds of a specified 41986
governmental facility, a felony of the third degree. If the 41987
offender is an officer or employee of the department of 41988
rehabilitation and correction, the court shall impose a mandatory 41989
prison term. 41990

(2) Whoever violates division (A)(2) of this section or 41991
commits a violation of division (C) of this section involving any 41992
drug of abuse is guilty of illegal conveyance of drugs of abuse 41993
onto the grounds of a specified governmental facility, a felony of 41994
the third degree. If the offender is an officer or employee of the 41995
department of rehabilitation and correction or of the department 41996
of youth services, the court shall impose a mandatory prison term. 41997

(3) Whoever violates division (A)(3) of this section or 41998
commits a violation of division (C) of this section involving any 41999
intoxicating liquor is guilty of illegal conveyance of 42000
intoxicating liquor onto the grounds of a specified governmental 42001
facility, a misdemeanor of the second degree. 42002

(4) Whoever violates division (D) of this section is guilty 42003
of illegal conveyance of cash onto the grounds of a detention 42004
facility, a misdemeanor of the first degree. If the offender 42005
previously has been convicted of or pleaded guilty to a violation 42006

of division (D) of this section, illegal conveyance of cash onto 42007
the grounds of a detention facility is a felony of the fifth 42008
degree. 42009

(5) Whoever violates division (E) of this section is guilty 42010
of illegal conveyance of a communications device onto the grounds 42011
of a specified governmental facility, a misdemeanor of the first 42012
degree, or if the offender previously has been convicted of or 42013
pleaded guilty to a violation of division (E) of this section, a 42014
felony of the fifth degree. 42015

Sec. 2921.38. (A) No person who is confined in a detention 42016
facility, with intent to harass, annoy, threaten, or alarm another 42017
person, shall cause or attempt to cause the other person to come 42018
into contact with blood, semen, urine, feces, or another bodily 42019
substance by throwing the bodily substance at the other person, by 42020
expelling the bodily substance upon the other person, or in any 42021
other manner. 42022

(B) No person, with intent to harass, annoy, threaten, or 42023
alarm a law enforcement officer, shall cause or attempt to cause 42024
the law enforcement officer to come into contact with blood, 42025
semen, urine, feces, or another bodily substance by throwing the 42026
bodily substance at the law enforcement officer, by expelling the 42027
bodily substance upon the law enforcement officer, or in any other 42028
manner. 42029

(C) No person, with knowledge that the person is a carrier of 42030
the virus that causes acquired immunodeficiency syndrome, is a 42031
carrier of a hepatitis virus, or is infected with tuberculosis and 42032
with intent to harass, annoy, threaten, or alarm another person, 42033
shall cause or attempt to cause the other person to come into 42034
contact with blood, semen, urine, feces, or another bodily 42035
substance by throwing the bodily substance at the other person, by 42036
expelling the bodily substance upon the other person, or in any 42037

other manner. 42038

(D) Whoever violates this section is guilty of harassment 42039
with a bodily substance. A violation of division (A) or (B) of 42040
this section is a felony of the fifth degree. A violation of 42041
division (C) of this section is a felony of the third degree. 42042

(E)(1) The court, on request of the prosecutor, or the law 42043
enforcement authority responsible for the investigation of the 42044
violation, shall cause a person who allegedly has committed a 42045
violation of this section to submit to one or more appropriate 42046
tests to determine if the person is a carrier of the virus that 42047
causes acquired immunodeficiency syndrome, is a carrier of a 42048
hepatitis virus, or is infected with tuberculosis. 42049

(2) The court shall charge the offender with the costs of the 42050
test or tests ordered under division (E)(1) of this section unless 42051
the court determines that the accused is unable to pay, in which 42052
case the costs shall be charged to the entity that operates the 42053
detention facility in which the alleged offense occurred. 42054

(F) This section does not apply to a person who is 42055
hospitalized, institutionalized, or confined in a facility 42056
operated by the department of ~~mental health~~ mental health and 42057
addiction services or the department of developmental 42058
disabilities. 42059

Sec. 2923.126. (A) A concealed handgun license that is issued 42060
under section 2923.125 of the Revised Code shall expire five years 42061
after the date of issuance. A licensee who has been issued a 42062
license under that section shall be granted a grace period of 42063
thirty days after the licensee's license expires during which the 42064
licensee's license remains valid. Except as provided in divisions 42065
(B) and (C) of this section, a licensee who has been issued a 42066
concealed handgun license under section 2923.125 or 2923.1213 of 42067
the Revised Code may carry a concealed handgun anywhere in this 42068

state if the licensee also carries a valid license and valid 42069
identification when the licensee is in actual possession of a 42070
concealed handgun. The licensee shall give notice of any change in 42071
the licensee's residence address to the sheriff who issued the 42072
license within forty-five days after that change. 42073

If a licensee is the driver or an occupant of a motor vehicle 42074
that is stopped as the result of a traffic stop or a stop for 42075
another law enforcement purpose and if the licensee is 42076
transporting or has a loaded handgun in the motor vehicle at that 42077
time, the licensee shall promptly inform any law enforcement 42078
officer who approaches the vehicle while stopped that the licensee 42079
has been issued a concealed handgun license and that the licensee 42080
currently possesses or has a loaded handgun; the licensee shall 42081
not knowingly disregard or fail to comply with lawful orders of a 42082
law enforcement officer given while the motor vehicle is stopped, 42083
knowingly fail to remain in the motor vehicle while stopped, or 42084
knowingly fail to keep the licensee's hands in plain sight after 42085
any law enforcement officer begins approaching the licensee while 42086
stopped and before the officer leaves, unless directed otherwise 42087
by a law enforcement officer; and the licensee shall not knowingly 42088
have contact with the loaded handgun by touching it with the 42089
licensee's hands or fingers, in any manner in violation of 42090
division (E) of section 2923.16 of the Revised Code, after any law 42091
enforcement officer begins approaching the licensee while stopped 42092
and before the officer leaves. Additionally, if a licensee is the 42093
driver or an occupant of a commercial motor vehicle that is 42094
stopped by an employee of the motor carrier enforcement unit for 42095
the purposes defined in section 5503.04 of the Revised Code and if 42096
the licensee is transporting or has a loaded handgun in the 42097
commercial motor vehicle at that time, the licensee shall promptly 42098
inform the employee of the unit who approaches the vehicle while 42099
stopped that the licensee has been issued a concealed handgun 42100
license and that the licensee currently possesses or has a loaded 42101

handgun. 42102

If a licensee is stopped for a law enforcement purpose and if 42103
the licensee is carrying a concealed handgun at the time the 42104
officer approaches, the licensee shall promptly inform any law 42105
enforcement officer who approaches the licensee while stopped that 42106
the licensee has been issued a concealed handgun license and that 42107
the licensee currently is carrying a concealed handgun; the 42108
licensee shall not knowingly disregard or fail to comply with 42109
lawful orders of a law enforcement officer given while the 42110
licensee is stopped or knowingly fail to keep the licensee's hands 42111
in plain sight after any law enforcement officer begins 42112
approaching the licensee while stopped and before the officer 42113
leaves, unless directed otherwise by a law enforcement officer; 42114
and the licensee shall not knowingly remove, attempt to remove, 42115
grasp, or hold the loaded handgun or knowingly have contact with 42116
the loaded handgun by touching it with the licensee's hands or 42117
fingers, in any manner in violation of division (B) of section 42118
2923.12 of the Revised Code, after any law enforcement officer 42119
begins approaching the licensee while stopped and before the 42120
officer leaves. 42121

(B) A valid concealed handgun license does not authorize the 42122
licensee to carry a concealed handgun in any manner prohibited 42123
under division (B) of section 2923.12 of the Revised Code or in 42124
any manner prohibited under section 2923.16 of the Revised Code. A 42125
valid license does not authorize the licensee to carry a concealed 42126
handgun into any of the following places: 42127

(1) A police station, sheriff's office, or state highway 42128
patrol station, premises controlled by the bureau of criminal 42129
identification and investigation, a state correctional 42130
institution, jail, workhouse, or other detention facility, an 42131
airport passenger terminal, or an institution that is maintained, 42132
operated, managed, and governed pursuant to division (A) of 42133

section 5119.02 <u>5119.14</u> of the Revised Code or division (A)(1) of	42134
section 5123.03 of the Revised Code;	42135
(2) A school safety zone if the licensee's carrying the	42136
concealed handgun is in violation of section 2923.122 of the	42137
Revised Code;	42138
(3) A courthouse or another building or structure in which a	42139
courtroom is located, in violation of section 2923.123 of the	42140
Revised Code;	42141
(4) Any premises or open air arena for which a D permit has	42142
been issued under Chapter 4303. of the Revised Code if the	42143
licensee's carrying the concealed handgun is in violation of	42144
section 2923.121 of the Revised Code;	42145
(5) Any premises owned or leased by any public or private	42146
college, university, or other institution of higher education,	42147
unless the handgun is in a locked motor vehicle or the licensee is	42148
in the immediate process of placing the handgun in a locked motor	42149
vehicle;	42150
(6) Any church, synagogue, mosque, or other place of worship,	42151
unless the church, synagogue, mosque, or other place of worship	42152
posts or permits otherwise;	42153
(7) A child day-care center, a type A family day-care home, a	42154
type B family day-care home, or a type C family day-care home,	42155
except that this division does not prohibit a licensee who resides	42156
in a type A family day-care home, a type B family day-care home,	42157
or a type C family day-care home from carrying a concealed handgun	42158
at any time in any part of the home that is not dedicated or used	42159
for day-care purposes, or from carrying a concealed handgun in a	42160
part of the home that is dedicated or used for day-care purposes	42161
at any time during which no children, other than children of that	42162
licensee, are in the home;	42163
(8) An aircraft that is in, or intended for operation in,	42164

foreign air transportation, interstate air transportation, 42165
intrastate air transportation, or the transportation of mail by 42166
aircraft; 42167

(9) Any building that is a government facility of this state 42168
or a political subdivision of this state and that is not a 42169
building that is used primarily as a shelter, restroom, parking 42170
facility for motor vehicles, or rest facility and is not a 42171
courthouse or other building or structure in which a courtroom is 42172
located that is subject to division (B)(3) of this section; 42173

(10) A place in which federal law prohibits the carrying of 42174
handguns. 42175

(C)(1) Nothing in this section shall negate or restrict a 42176
rule, policy, or practice of a private employer that is not a 42177
private college, university, or other institution of higher 42178
education concerning or prohibiting the presence of firearms on 42179
the private employer's premises or property, including motor 42180
vehicles owned by the private employer. Nothing in this section 42181
shall require a private employer of that nature to adopt a rule, 42182
policy, or practice concerning or prohibiting the presence of 42183
firearms on the private employer's premises or property, including 42184
motor vehicles owned by the private employer. 42185

(2)(a) A private employer shall be immune from liability in a 42186
civil action for any injury, death, or loss to person or property 42187
that allegedly was caused by or related to a licensee bringing a 42188
handgun onto the premises or property of the private employer, 42189
including motor vehicles owned by the private employer, unless the 42190
private employer acted with malicious purpose. A private employer 42191
is immune from liability in a civil action for any injury, death, 42192
or loss to person or property that allegedly was caused by or 42193
related to the private employer's decision to permit a licensee to 42194
bring, or prohibit a licensee from bringing, a handgun onto the 42195
premises or property of the private employer. As used in this 42196

division, "private employer" includes a private college, 42197
university, or other institution of higher education. 42198

(b) A political subdivision shall be immune from liability in 42199
a civil action, to the extent and in the manner provided in 42200
Chapter 2744. of the Revised Code, for any injury, death, or loss 42201
to person or property that allegedly was caused by or related to a 42202
licensee bringing a handgun onto any premises or property owned, 42203
leased, or otherwise under the control of the political 42204
subdivision. As used in this division, "political subdivision" has 42205
the same meaning as in section 2744.01 of the Revised Code. 42206

(3)(a) Except as provided in division (C)(3)(b) of this 42207
section, the owner or person in control of private land or 42208
premises, and a private person or entity leasing land or premises 42209
owned by the state, the United States, or a political subdivision 42210
of the state or the United States, may post a sign in a 42211
conspicuous location on that land or on those premises prohibiting 42212
persons from carrying firearms or concealed firearms on or onto 42213
that land or those premises. Except as otherwise provided in this 42214
division, a person who knowingly violates a posted prohibition of 42215
that nature is guilty of criminal trespass in violation of 42216
division (A)(4) of section 2911.21 of the Revised Code and is 42217
guilty of a misdemeanor of the fourth degree. If a person 42218
knowingly violates a posted prohibition of that nature and the 42219
posted land or premises primarily was a parking lot or other 42220
parking facility, the person is not guilty of criminal trespass in 42221
violation of division (A)(4) of section 2911.21 of the Revised 42222
Code and instead is subject only to a civil cause of action for 42223
trespass based on the violation. 42224

(b) A landlord may not prohibit or restrict a tenant who is a 42225
licensee and who on or after September 9, 2008, enters into a 42226
rental agreement with the landlord for the use of residential 42227
premises, and the tenant's guest while the tenant is present, from 42228

lawfully carrying or possessing a handgun on those residential 42229
premises. 42230

(c) As used in division (C)(3) of this section: 42231

(i) "Residential premises" has the same meaning as in section 42232
5321.01 of the Revised Code, except "residential premises" does 42233
not include a dwelling unit that is owned or operated by a college 42234
or university. 42235

(ii) "Landlord," "tenant," and "rental agreement" have the 42236
same meanings as in section 5321.01 of the Revised Code. 42237

(D) A person who holds a concealed handgun license issued by 42238
another state that is recognized by the attorney general pursuant 42239
to a reciprocity agreement entered into pursuant to section 109.69 42240
of the Revised Code has the same right to carry a concealed 42241
handgun in this state as a person who was issued a concealed 42242
handgun license under section 2923.125 of the Revised Code and is 42243
subject to the same restrictions that apply to a person who 42244
carries a license issued under that section. 42245

(E) A peace officer has the same right to carry a concealed 42246
handgun in this state as a person who was issued a concealed 42247
handgun license under section 2923.125 of the Revised Code. For 42248
purposes of reciprocity with other states, a peace officer shall 42249
be considered to be a licensee in this state. 42250

(F)(1) A qualified retired peace officer who possesses a 42251
retired peace officer identification card issued pursuant to 42252
division (F)(2) of this section and a valid firearms 42253
requalification certification issued pursuant to division (F)(3) 42254
of this section has the same right to carry a concealed handgun in 42255
this state as a person who was issued a concealed handgun license 42256
under section 2923.125 of the Revised Code and is subject to the 42257
same restrictions that apply to a person who carries a license 42258
issued under that section. For purposes of reciprocity with other 42259

states, a qualified retired peace officer who possesses a retired 42260
peace officer identification card issued pursuant to division 42261
(F)(2) of this section and a valid firearms requalification 42262
certification issued pursuant to division (F)(3) of this section 42263
shall be considered to be a licensee in this state. 42264

(2)(a) Each public agency of this state or of a political 42265
subdivision of this state that is served by one or more peace 42266
officers shall issue a retired peace officer identification card 42267
to any person who retired from service as a peace officer with 42268
that agency, if the issuance is in accordance with the agency's 42269
policies and procedures and if the person, with respect to the 42270
person's service with that agency, satisfies all of the following: 42271

(i) The person retired in good standing from service as a 42272
peace officer with the public agency, and the retirement was not 42273
for reasons of mental instability. 42274

(ii) Before retiring from service as a peace officer with 42275
that agency, the person was authorized to engage in or supervise 42276
the prevention, detection, investigation, or prosecution of, or 42277
the incarceration of any person for, any violation of law and the 42278
person had statutory powers of arrest. 42279

(iii) At the time of the person's retirement as a peace 42280
officer with that agency, the person was trained and qualified to 42281
carry firearms in the performance of the peace officer's duties. 42282

(iv) Before retiring from service as a peace officer with 42283
that agency, the person was regularly employed as a peace officer 42284
for an aggregate of fifteen years or more, or, in the alternative, 42285
the person retired from service as a peace officer with that 42286
agency, after completing any applicable probationary period of 42287
that service, due to a service-connected disability, as determined 42288
by the agency. 42289

(b) A retired peace officer identification card issued to a 42290

person under division (F)(2)(a) of this section shall identify the 42291
person by name, contain a photograph of the person, identify the 42292
public agency of this state or of the political subdivision of 42293
this state from which the person retired as a peace officer and 42294
that is issuing the identification card, and specify that the 42295
person retired in good standing from service as a peace officer 42296
with the issuing public agency and satisfies the criteria set 42297
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 42298
addition to the required content specified in this division, a 42299
retired peace officer identification card issued to a person under 42300
division (F)(2)(a) of this section may include the firearms 42301
requalification certification described in division (F)(3) of this 42302
section, and if the identification card includes that 42303
certification, the identification card shall serve as the firearms 42304
requalification certification for the retired peace officer. If 42305
the issuing public agency issues credentials to active law 42306
enforcement officers who serve the agency, the agency may comply 42307
with division (F)(2)(a) of this section by issuing the same 42308
credentials to persons who retired from service as a peace officer 42309
with the agency and who satisfy the criteria set forth in 42310
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 42311
credentials so issued to retired peace officers are stamped with 42312
the word "RETIRED." 42313

(c) A public agency of this state or of a political 42314
subdivision of this state may charge persons who retired from 42315
service as a peace officer with the agency a reasonable fee for 42316
issuing to the person a retired peace officer identification card 42317
pursuant to division (F)(2)(a) of this section. 42318

(3) If a person retired from service as a peace officer with 42319
a public agency of this state or of a political subdivision of 42320
this state and the person satisfies the criteria set forth in 42321
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 42322

may provide the retired peace officer with the opportunity to 42323
attend a firearms requalification program that is approved for 42324
purposes of firearms requalification required under section 42325
109.801 of the Revised Code. The retired peace officer may be 42326
required to pay the cost of the course. 42327

If a retired peace officer who satisfies the criteria set 42328
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 42329
firearms requalification program that is approved for purposes of 42330
firearms requalification required under section 109.801 of the 42331
Revised Code, the retired peace officer's successful completion of 42332
the firearms requalification program requalifies the retired peace 42333
officer for purposes of division (F) of this section for five 42334
years from the date on which the program was successfully 42335
completed, and the requalification is valid during that five-year 42336
period. If a retired peace officer who satisfies the criteria set 42337
forth in divisions (F)(2)(a)(i) to (iv) of this section 42338
satisfactorily completes such a firearms requalification program, 42339
the retired peace officer shall be issued a firearms 42340
requalification certification that identifies the retired peace 42341
officer by name, identifies the entity that taught the program, 42342
specifies that the retired peace officer successfully completed 42343
the program, specifies the date on which the course was 42344
successfully completed, and specifies that the requalification is 42345
valid for five years from that date of successful completion. The 42346
firearms requalification certification for a retired peace officer 42347
may be included in the retired peace officer identification card 42348
issued to the retired peace officer under division (F)(2) of this 42349
section. 42350

A retired peace officer who attends a firearms 42351
requalification program that is approved for purposes of firearms 42352
requalification required under section 109.801 of the Revised Code 42353
may be required to pay the cost of the program. 42354

(G) As used in this section:	42355
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	42356 42357
(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.	42358 42359
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	42360 42361
(c) The person is not prohibited by federal law from receiving firearms.	42362 42363
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.	42364 42365 42366
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	42367 42368
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	42369 42370 42371 42372 42373 42374
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	42375 42376 42377
Sec. 2925.03. (A) No person shall knowingly do any of the following:	42378 42379
(1) Sell or offer to sell a controlled substance or a controlled substance analog;	42380 42381
(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a	42382 42383

controlled substance analog, when the offender knows or has 42384
reasonable cause to believe that the controlled substance or a 42385
controlled substance analog is intended for sale or resale by the 42386
offender or another person. 42387

(B) This section does not apply to any of the following: 42388

(1) Manufacturers, licensed health professionals authorized 42389
to prescribe drugs, pharmacists, owners of pharmacies, and other 42390
persons whose conduct is in accordance with Chapters 3719., 4715., 42391
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 42392

(2) If the offense involves an anabolic steroid, any person 42393
who is conducting or participating in a research project involving 42394
the use of an anabolic steroid if the project has been approved by 42395
the United States food and drug administration; 42396

(3) Any person who sells, offers for sale, prescribes, 42397
dispenses, or administers for livestock or other nonhuman species 42398
an anabolic steroid that is expressly intended for administration 42399
through implants to livestock or other nonhuman species and 42400
approved for that purpose under the "Federal Food, Drug, and 42401
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 42402
and is sold, offered for sale, prescribed, dispensed, or 42403
administered for that purpose in accordance with that act. 42404

(C) Whoever violates division (A) of this section is guilty 42405
of one of the following: 42406

(1) If the drug involved in the violation is any compound, 42407
mixture, preparation, or substance included in schedule I or 42408
schedule II, with the exception of marihuana, cocaine, L.S.D., 42409
heroin, hashish, and controlled substance analogs, whoever 42410
violates division (A) of this section is guilty of aggravated 42411
trafficking in drugs. The penalty for the offense shall be 42412
determined as follows: 42413

(a) Except as otherwise provided in division (C)(1)(b), (c), 42414

(d), (e), or (f) of this section, aggravated trafficking in drugs 42415
is a felony of the fourth degree, and division (C) of section 42416
2929.13 of the Revised Code applies in determining whether to 42417
impose a prison term on the offender. 42418

(b) Except as otherwise provided in division (C)(1)(c), (d), 42419
(e), or (f) of this section, if the offense was committed in the 42420
vicinity of a school or in the vicinity of a juvenile, aggravated 42421
trafficking in drugs is a felony of the third degree, and division 42422
(C) of section 2929.13 of the Revised Code applies in determining 42423
whether to impose a prison term on the offender. 42424

(c) Except as otherwise provided in this division, if the 42425
amount of the drug involved equals or exceeds the bulk amount but 42426
is less than five times the bulk amount, aggravated trafficking in 42427
drugs is a felony of the third degree, and, except as otherwise 42428
provided in this division, there is a presumption for a prison 42429
term for the offense. If aggravated trafficking in drugs is a 42430
felony of the third degree under this division and if the offender 42431
two or more times previously has been convicted of or pleaded 42432
guilty to a felony drug abuse offense, the court shall impose as a 42433
mandatory prison term one of the prison terms prescribed for a 42434
felony of the third degree. If the amount of the drug involved is 42435
within that range and if the offense was committed in the vicinity 42436
of a school or in the vicinity of a juvenile, aggravated 42437
trafficking in drugs is a felony of the second degree, and the 42438
court shall impose as a mandatory prison term one of the prison 42439
terms prescribed for a felony of the second degree. 42440

(d) Except as otherwise provided in this division, if the 42441
amount of the drug involved equals or exceeds five times the bulk 42442
amount but is less than fifty times the bulk amount, aggravated 42443
trafficking in drugs is a felony of the second degree, and the 42444
court shall impose as a mandatory prison term one of the prison 42445
terms prescribed for a felony of the second degree. If the amount 42446

of the drug involved is within that range and if the offense was 42447
committed in the vicinity of a school or in the vicinity of a 42448
juvenile, aggravated trafficking in drugs is a felony of the first 42449
degree, and the court shall impose as a mandatory prison term one 42450
of the prison terms prescribed for a felony of the first degree. 42451

(e) If the amount of the drug involved equals or exceeds 42452
fifty times the bulk amount but is less than one hundred times the 42453
bulk amount and regardless of whether the offense was committed in 42454
the vicinity of a school or in the vicinity of a juvenile, 42455
aggravated trafficking in drugs is a felony of the first degree, 42456
and the court shall impose as a mandatory prison term one of the 42457
prison terms prescribed for a felony of the first degree. 42458

(f) If the amount of the drug involved equals or exceeds one 42459
hundred times the bulk amount and regardless of whether the 42460
offense was committed in the vicinity of a school or in the 42461
vicinity of a juvenile, aggravated trafficking in drugs is a 42462
felony of the first degree, the offender is a major drug offender, 42463
and the court shall impose as a mandatory prison term the maximum 42464
prison term prescribed for a felony of the first degree. 42465

(2) If the drug involved in the violation is any compound, 42466
mixture, preparation, or substance included in schedule III, IV, 42467
or V, whoever violates division (A) of this section is guilty of 42468
trafficking in drugs. The penalty for the offense shall be 42469
determined as follows: 42470

(a) Except as otherwise provided in division (C)(2)(b), (c), 42471
(d), or (e) of this section, trafficking in drugs is a felony of 42472
the fifth degree, and division (B) of section 2929.13 of the 42473
Revised Code applies in determining whether to impose a prison 42474
term on the offender. 42475

(b) Except as otherwise provided in division (C)(2)(c), (d), 42476
or (e) of this section, if the offense was committed in the 42477

vicinity of a school or in the vicinity of a juvenile, trafficking 42478
in drugs is a felony of the fourth degree, and division (C) of 42479
section 2929.13 of the Revised Code applies in determining whether 42480
to impose a prison term on the offender. 42481

(c) Except as otherwise provided in this division, if the 42482
amount of the drug involved equals or exceeds the bulk amount but 42483
is less than five times the bulk amount, trafficking in drugs is a 42484
felony of the fourth degree, and division (B) of section 2929.13 42485
of the Revised Code applies in determining whether to impose a 42486
prison term for the offense. If the amount of the drug involved is 42487
within that range and if the offense was committed in the vicinity 42488
of a school or in the vicinity of a juvenile, trafficking in drugs 42489
is a felony of the third degree, and there is a presumption for a 42490
prison term for the offense. 42491

(d) Except as otherwise provided in this division, if the 42492
amount of the drug involved equals or exceeds five times the bulk 42493
amount but is less than fifty times the bulk amount, trafficking 42494
in drugs is a felony of the third degree, and there is a 42495
presumption for a prison term for the offense. If the amount of 42496
the drug involved is within that range and if the offense was 42497
committed in the vicinity of a school or in the vicinity of a 42498
juvenile, trafficking in drugs is a felony of the second degree, 42499
and there is a presumption for a prison term for the offense. 42500

(e) Except as otherwise provided in this division, if the 42501
amount of the drug involved equals or exceeds fifty times the bulk 42502
amount, trafficking in drugs is a felony of the second degree, and 42503
the court shall impose as a mandatory prison term one of the 42504
prison terms prescribed for a felony of the second degree. If the 42505
amount of the drug involved equals or exceeds fifty times the bulk 42506
amount and if the offense was committed in the vicinity of a 42507
school or in the vicinity of a juvenile, trafficking in drugs is a 42508
felony of the first degree, and the court shall impose as a 42509

mandatory prison term one of the prison terms prescribed for a 42510
felony of the first degree. 42511

(3) If the drug involved in the violation is marihuana or a 42512
compound, mixture, preparation, or substance containing marihuana 42513
other than hashish, whoever violates division (A) of this section 42514
is guilty of trafficking in marihuana. The penalty for the offense 42515
shall be determined as follows: 42516

(a) Except as otherwise provided in division (C)(3)(b), (c), 42517
(d), (e), (f), (g), or (h) of this section, trafficking in 42518
marihuana is a felony of the fifth degree, and division (B) of 42519
section 2929.13 of the Revised Code applies in determining whether 42520
to impose a prison term on the offender. 42521

(b) Except as otherwise provided in division (C)(3)(c), (d), 42522
(e), (f), (g), or (h) of this section, if the offense was 42523
committed in the vicinity of a school or in the vicinity of a 42524
juvenile, trafficking in marihuana is a felony of the fourth 42525
degree, and division (B) of section 2929.13 of the Revised Code 42526
applies in determining whether to impose a prison term on the 42527
offender. 42528

(c) Except as otherwise provided in this division, if the 42529
amount of the drug involved equals or exceeds two hundred grams 42530
but is less than one thousand grams, trafficking in marihuana is a 42531
felony of the fourth degree, and division (B) of section 2929.13 42532
of the Revised Code applies in determining whether to impose a 42533
prison term on the offender. If the amount of the drug involved is 42534
within that range and if the offense was committed in the vicinity 42535
of a school or in the vicinity of a juvenile, trafficking in 42536
marihuana is a felony of the third degree, and division (C) of 42537
section 2929.13 of the Revised Code applies in determining whether 42538
to impose a prison term on the offender. 42539

(d) Except as otherwise provided in this division, if the 42540

amount of the drug involved equals or exceeds one thousand grams 42541
but is less than five thousand grams, trafficking in marihuana is 42542
a felony of the third degree, and division (C) of section 2929.13 42543
of the Revised Code applies in determining whether to impose a 42544
prison term on the offender. If the amount of the drug involved is 42545
within that range and if the offense was committed in the vicinity 42546
of a school or in the vicinity of a juvenile, trafficking in 42547
marihuana is a felony of the second degree, and there is a 42548
presumption that a prison term shall be imposed for the offense. 42549

(e) Except as otherwise provided in this division, if the 42550
amount of the drug involved equals or exceeds five thousand grams 42551
but is less than twenty thousand grams, trafficking in marihuana 42552
is a felony of the third degree, and there is a presumption that a 42553
prison term shall be imposed for the offense. If the amount of the 42554
drug involved is within that range and if the offense was 42555
committed in the vicinity of a school or in the vicinity of a 42556
juvenile, trafficking in marihuana is a felony of the second 42557
degree, and there is a presumption that a prison term shall be 42558
imposed for the offense. 42559

(f) Except as otherwise provided in this division, if the 42560
amount of the drug involved equals or exceeds twenty thousand 42561
grams but is less than forty thousand grams, trafficking in 42562
marihuana is a felony of the second degree, and the court shall 42563
impose a mandatory prison term of five, six, seven, or eight 42564
years. If the amount of the drug involved is within that range and 42565
if the offense was committed in the vicinity of a school or in the 42566
vicinity of a juvenile, trafficking in marihuana is a felony of 42567
the first degree, and the court shall impose as a mandatory prison 42568
term the maximum prison term prescribed for a felony of the first 42569
degree. 42570

(g) Except as otherwise provided in this division, if the 42571
amount of the drug involved equals or exceeds forty thousand 42572

grams, trafficking in marihuana is a felony of the second degree, 42573
and the court shall impose as a mandatory prison term the maximum 42574
prison term prescribed for a felony of the second degree. If the 42575
amount of the drug involved equals or exceeds forty thousand grams 42576
and if the offense was committed in the vicinity of a school or in 42577
the vicinity of a juvenile, trafficking in marihuana is a felony 42578
of the first degree, and the court shall impose as a mandatory 42579
prison term the maximum prison term prescribed for a felony of the 42580
first degree. 42581

(h) Except as otherwise provided in this division, if the 42582
offense involves a gift of twenty grams or less of marihuana, 42583
trafficking in marihuana is a minor misdemeanor upon a first 42584
offense and a misdemeanor of the third degree upon a subsequent 42585
offense. If the offense involves a gift of twenty grams or less of 42586
marihuana and if the offense was committed in the vicinity of a 42587
school or in the vicinity of a juvenile, trafficking in marihuana 42588
is a misdemeanor of the third degree. 42589

(4) If the drug involved in the violation is cocaine or a 42590
compound, mixture, preparation, or substance containing cocaine, 42591
whoever violates division (A) of this section is guilty of 42592
trafficking in cocaine. The penalty for the offense shall be 42593
determined as follows: 42594

(a) Except as otherwise provided in division (C)(4)(b), (c), 42595
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 42596
felony of the fifth degree, and division (B) of section 2929.13 of 42597
the Revised Code applies in determining whether to impose a prison 42598
term on the offender. 42599

(b) Except as otherwise provided in division (C)(4)(c), (d), 42600
(e), (f), or (g) of this section, if the offense was committed in 42601
the vicinity of a school or in the vicinity of a juvenile, 42602
trafficking in cocaine is a felony of the fourth degree, and 42603
division (C) of section 2929.13 of the Revised Code applies in 42604

determining whether to impose a prison term on the offender. 42605

(c) Except as otherwise provided in this division, if the 42606
amount of the drug involved equals or exceeds five grams but is 42607
less than ten grams of cocaine, trafficking in cocaine is a felony 42608
of the fourth degree, and division (B) of section 2929.13 of the 42609
Revised Code applies in determining whether to impose a prison 42610
term for the offense. If the amount of the drug involved is within 42611
that range and if the offense was committed in the vicinity of a 42612
school or in the vicinity of a juvenile, trafficking in cocaine is 42613
a felony of the third degree, and there is a presumption for a 42614
prison term for the offense. 42615

(d) Except as otherwise provided in this division, if the 42616
amount of the drug involved equals or exceeds ten grams but is 42617
less than twenty grams of cocaine, trafficking in cocaine is a 42618
felony of the third degree, and, except as otherwise provided in 42619
this division, there is a presumption for a prison term for the 42620
offense. If trafficking in cocaine is a felony of the third degree 42621
under this division and if the offender two or more times 42622
previously has been convicted of or pleaded guilty to a felony 42623
drug abuse offense, the court shall impose as a mandatory prison 42624
term one of the prison terms prescribed for a felony of the third 42625
degree. If the amount of the drug involved is within that range 42626
and if the offense was committed in the vicinity of a school or in 42627
the vicinity of a juvenile, trafficking in cocaine is a felony of 42628
the second degree, and the court shall impose as a mandatory 42629
prison term one of the prison terms prescribed for a felony of the 42630
second degree. 42631

(e) Except as otherwise provided in this division, if the 42632
amount of the drug involved equals or exceeds twenty grams but is 42633
less than twenty-seven grams of cocaine, trafficking in cocaine is 42634
a felony of the second degree, and the court shall impose as a 42635
mandatory prison term one of the prison terms prescribed for a 42636

felony of the second degree. If the amount of the drug involved is 42637
within that range and if the offense was committed in the vicinity 42638
of a school or in the vicinity of a juvenile, trafficking in 42639
cocaine is a felony of the first degree, and the court shall 42640
impose as a mandatory prison term one of the prison terms 42641
prescribed for a felony of the first degree. 42642

(f) If the amount of the drug involved equals or exceeds 42643
twenty-seven grams but is less than one hundred grams of cocaine 42644
and regardless of whether the offense was committed in the 42645
vicinity of a school or in the vicinity of a juvenile, trafficking 42646
in cocaine is a felony of the first degree, and the court shall 42647
impose as a mandatory prison term one of the prison terms 42648
prescribed for a felony of the first degree. 42649

(g) If the amount of the drug involved equals or exceeds one 42650
hundred grams of cocaine and regardless of whether the offense was 42651
committed in the vicinity of a school or in the vicinity of a 42652
juvenile, trafficking in cocaine is a felony of the first degree, 42653
the offender is a major drug offender, and the court shall impose 42654
as a mandatory prison term the maximum prison term prescribed for 42655
a felony of the first degree. 42656

(5) If the drug involved in the violation is L.S.D. or a 42657
compound, mixture, preparation, or substance containing L.S.D., 42658
whoever violates division (A) of this section is guilty of 42659
trafficking in L.S.D. The penalty for the offense shall be 42660
determined as follows: 42661

(a) Except as otherwise provided in division (C)(5)(b), (c), 42662
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 42663
felony of the fifth degree, and division (B) of section 2929.13 of 42664
the Revised Code applies in determining whether to impose a prison 42665
term on the offender. 42666

(b) Except as otherwise provided in division (C)(5)(c), (d), 42667

(e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the

offense was committed in the vicinity of a school or in the 42732
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 42733
first degree, the offender is a major drug offender, and the court 42734
shall impose as a mandatory prison term the maximum prison term 42735
prescribed for a felony of the first degree. 42736

(6) If the drug involved in the violation is heroin or a 42737
compound, mixture, preparation, or substance containing heroin, 42738
whoever violates division (A) of this section is guilty of 42739
trafficking in heroin. The penalty for the offense shall be 42740
determined as follows: 42741

(a) Except as otherwise provided in division (C)(6)(b), (c), 42742
(d), (e), (f), or (g) of this section, trafficking in heroin is a 42743
felony of the fifth degree, and division (B) of section 2929.13 of 42744
the Revised Code applies in determining whether to impose a prison 42745
term on the offender. 42746

(b) Except as otherwise provided in division (C)(6)(c), (d), 42747
(e), (f), or (g) of this section, if the offense was committed in 42748
the vicinity of a school or in the vicinity of a juvenile, 42749
trafficking in heroin is a felony of the fourth degree, and 42750
division (C) of section 2929.13 of the Revised Code applies in 42751
determining whether to impose a prison term on the offender. 42752

(c) Except as otherwise provided in this division, if the 42753
amount of the drug involved equals or exceeds ten unit doses but 42754
is less than fifty unit doses or equals or exceeds one gram but is 42755
less than five grams, trafficking in heroin is a felony of the 42756
fourth degree, and division (B) of section 2929.13 of the Revised 42757
Code applies in determining whether to impose a prison term for 42758
the offense. If the amount of the drug involved is within that 42759
range and if the offense was committed in the vicinity of a school 42760
or in the vicinity of a juvenile, trafficking in heroin is a 42761
felony of the third degree, and there is a presumption for a 42762
prison term for the offense. 42763

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred

fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of trafficking in hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(7)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the

vicinity of a juvenile, trafficking in hashish is a felony of the 42828
third degree, and division (C) of section 2929.13 of the Revised 42829
Code applies in determining whether to impose a prison term on the 42830
offender. 42831

(d) Except as otherwise provided in this division, if the 42832
amount of the drug involved equals or exceeds fifty grams but is 42833
less than two hundred fifty grams of hashish in a solid form or 42834
equals or exceeds ten grams but is less than fifty grams of 42835
hashish in a liquid concentrate, liquid extract, or liquid 42836
distillate form, trafficking in hashish is a felony of the third 42837
degree, and division (C) of section 2929.13 of the Revised Code 42838
applies in determining whether to impose a prison term on the 42839
offender. If the amount of the drug involved is within that range 42840
and if the offense was committed in the vicinity of a school or in 42841
the vicinity of a juvenile, trafficking in hashish is a felony of 42842
the second degree, and there is a presumption that a prison term 42843
shall be imposed for the offense. 42844

(e) Except as otherwise provided in this division, if the 42845
amount of the drug involved equals or exceeds two hundred fifty 42846
grams but is less than one thousand grams of hashish in a solid 42847
form or equals or exceeds fifty grams but is less than two hundred 42848
grams of hashish in a liquid concentrate, liquid extract, or 42849
liquid distillate form, trafficking in hashish is a felony of the 42850
third degree, and there is a presumption that a prison term shall 42851
be imposed for the offense. If the amount of the drug involved is 42852
within that range and if the offense was committed in the vicinity 42853
of a school or in the vicinity of a juvenile, trafficking in 42854
hashish is a felony of the second degree, and there is a 42855
presumption that a prison term shall be imposed for the offense. 42856

(f) Except as otherwise provided in this division, if the 42857
amount of the drug involved equals or exceeds one thousand grams 42858
but is less than two thousand grams of hashish in a solid form or 42859

equals or exceeds two hundred grams but is less than four hundred 42860
grams of hashish in a liquid concentrate, liquid extract, or 42861
liquid distillate form, trafficking in hashish is a felony of the 42862
second degree, and the court shall impose a mandatory prison term 42863
of five, six, seven, or eight years. If the amount of the drug 42864
involved is within that range and if the offense was committed in 42865
the vicinity of a school or in the vicinity of a juvenile, 42866
trafficking in hashish is a felony of the first degree, and the 42867
court shall impose as a mandatory prison term the maximum prison 42868
term prescribed for a felony of the first degree. 42869

(g) Except as otherwise provided in this division, if the 42870
amount of the drug involved equals or exceeds two thousand grams 42871
of hashish in a solid form or equals or exceeds four hundred grams 42872
of hashish in a liquid concentrate, liquid extract, or liquid 42873
distillate form, trafficking in hashish is a felony of the second 42874
degree, and the court shall impose as a mandatory prison term the 42875
maximum prison term prescribed for a felony of the second degree. 42876
If the amount of the drug involved equals or exceeds two thousand 42877
grams of hashish in a solid form or equals or exceeds four hundred 42878
grams of hashish in a liquid concentrate, liquid extract, or 42879
liquid distillate form and if the offense was committed in the 42880
vicinity of a school or in the vicinity of a juvenile, trafficking 42881
in hashish is a felony of the first degree, and the court shall 42882
impose as a mandatory prison term the maximum prison term 42883
prescribed for a felony of the first degree. 42884

(8) If the drug involved in the violation is a controlled 42885
substance analog or compound, mixture, preparation, or substance 42886
that contains a controlled substance analog, whoever violates 42887
division (A) of this section is guilty of trafficking in a 42888
controlled substance analog. The penalty for the offense shall be 42889
determined as follows: 42890

(a) Except as otherwise provided in division (C)(8)(b), (c), 42891

(d), (e), (f), or (g) of this section, trafficking in a controlled substance analog is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(8)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of

this section shall do all of the following that are applicable 42956
regarding the offender: 42957

(1) If the violation of division (A) of this section is a 42958
felony of the first, second, or third degree, the court shall 42959
impose upon the offender the mandatory fine specified for the 42960
offense under division (B)(1) of section 2929.18 of the Revised 42961
Code unless, as specified in that division, the court determines 42962
that the offender is indigent. Except as otherwise provided in 42963
division (H)(1) of this section, a mandatory fine or any other 42964
fine imposed for a violation of this section is subject to 42965
division (F) of this section. If a person is charged with a 42966
violation of this section that is a felony of the first, second, 42967
or third degree, posts bail, and forfeits the bail, the clerk of 42968
the court shall pay the forfeited bail pursuant to divisions 42969
(D)(1) and (F) of this section, as if the forfeited bail was a 42970
fine imposed for a violation of this section. If any amount of the 42971
forfeited bail remains after that payment and if a fine is imposed 42972
under division (H)(1) of this section, the clerk of the court 42973
shall pay the remaining amount of the forfeited bail pursuant to 42974
divisions (H)(2) and (3) of this section, as if that remaining 42975
amount was a fine imposed under division (H)(1) of this section. 42976

(2) The court shall suspend the driver's or commercial 42977
driver's license or permit of the offender in accordance with 42978
division (G) of this section. 42979

(3) If the offender is a professionally licensed person, the 42980
court immediately shall comply with section 2925.38 of the Revised 42981
Code. 42982

(E) When a person is charged with the sale of or offer to 42983
sell a bulk amount or a multiple of a bulk amount of a controlled 42984
substance, the jury, or the court trying the accused, shall 42985
determine the amount of the controlled substance involved at the 42986
time of the offense and, if a guilty verdict is returned, shall 42987

return the findings as part of the verdict. In any such case, it 42988
is unnecessary to find and return the exact amount of the 42989
controlled substance involved, and it is sufficient if the finding 42990
and return is to the effect that the amount of the controlled 42991
substance involved is the requisite amount, or that the amount of 42992
the controlled substance involved is less than the requisite 42993
amount. 42994

(F)(1) Notwithstanding any contrary provision of section 42995
3719.21 of the Revised Code and except as provided in division (H) 42996
of this section, the clerk of the court shall pay any mandatory 42997
fine imposed pursuant to division (D)(1) of this section and any 42998
fine other than a mandatory fine that is imposed for a violation 42999
of this section pursuant to division (A) or (B)(5) of section 43000
2929.18 of the Revised Code to the county, township, municipal 43001
corporation, park district, as created pursuant to section 511.18 43002
or 1545.04 of the Revised Code, or state law enforcement agencies 43003
in this state that primarily were responsible for or involved in 43004
making the arrest of, and in prosecuting, the offender. However, 43005
the clerk shall not pay a mandatory fine so imposed to a law 43006
enforcement agency unless the agency has adopted a written 43007
internal control policy under division (F)(2) of this section that 43008
addresses the use of the fine moneys that it receives. Each agency 43009
shall use the mandatory fines so paid to subsidize the agency's 43010
law enforcement efforts that pertain to drug offenses, in 43011
accordance with the written internal control policy adopted by the 43012
recipient agency under division (F)(2) of this section. 43013

(2)~~(a)~~ Prior to receiving any fine moneys under division 43014
(F)(1) of this section or division (B) of section 2925.42 of the 43015
Revised Code, a law enforcement agency shall adopt a written 43016
internal control policy that addresses the agency's use and 43017
disposition of all fine moneys so received and that provides for 43018
the keeping of detailed financial records of the receipts of those 43019

fine moneys, the general types of expenditures made out of those 43020
fine moneys, and the specific amount of each general type of 43021
expenditure. The policy shall not provide for or permit the 43022
identification of any specific expenditure that is made in an 43023
ongoing investigation. All financial records of the receipts of 43024
those fine moneys, the general types of expenditures made out of 43025
those fine moneys, and the specific amount of each general type of 43026
expenditure by an agency are public records open for inspection 43027
under section 149.43 of the Revised Code. Additionally, a written 43028
internal control policy adopted under this division is such a 43029
public record, and the agency that adopted it shall comply with 43030
it. 43031

~~(b) Each law enforcement agency that receives in any calendar 43032
year any fine moneys under division (F)(1) of this section or 43033
division (B) of section 2925.42 of the Revised Code shall prepare 43034
a report covering the calendar year that cumulates all of the 43035
information contained in all of the public financial records kept 43036
by the agency pursuant to division (F)(2)(a) of this section for 43037
that calendar year, and shall send a copy of the cumulative 43038
report, no later than the first day of March in the calendar year 43039
following the calendar year covered by the report, to the attorney 43040
general. Each report received by the attorney general is a public 43041
record open for inspection under section 149.43 of the Revised 43042
Code. Not later than the fifteenth day of April in the calendar 43043
year in which the reports are received, the attorney general shall 43044
send to the president of the senate and the speaker of the house 43045
of representatives a written notification that does all of the 43046
following:~~ 43047

~~(i) Indicates that the attorney general has received from law 43048
enforcement agencies reports of the type described in this 43049
division that cover the previous calendar year and indicates that 43050
the reports were received under this division;~~ 43051

~~(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;~~ 43052
43053

~~(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.~~ 43054
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43056

(3) As used in division (F) of this section: 43057

(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor. 43058
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(b) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 43060
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(G) When required under division (D)(2) of this section or any other provision of this chapter, the court shall suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section or any other specified provision of this chapter. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension. 43062
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(H)(1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, in addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter 43077
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2981. of the Revised Code, the court that sentences an offender 43083
who is convicted of or pleads guilty to a violation of division 43084
(A) of this section may impose upon the offender an additional 43085
fine specified for the offense in division (B)(4) of section 43086
2929.18 of the Revised Code. A fine imposed under division (H)(1) 43087
of this section is not subject to division (F) of this section and 43088
shall be used solely for the support of one or more eligible 43089
~~alcohol and drug~~ community addiction ~~programs~~ services provider in 43090
accordance with divisions (H)(2) and (3) of this section. 43091

(2) The court that imposes a fine under division (H)(1) of 43092
this section shall specify in the judgment that imposes the fine 43093
one or more eligible ~~alcohol and drug~~ community addiction ~~programs~~ 43094
services provider for the support of which the fine money is to be 43095
used. No ~~alcohol and drug~~ community addiction ~~program~~ services 43096
provider shall receive or use money paid or collected in 43097
satisfaction of a fine imposed under division (H)(1) of this 43098
section unless the ~~program~~ services provider is specified in the 43099
judgment that imposes the fine. No ~~alcohol and drug~~ community 43100
addiction ~~program~~ services provider shall be specified in the 43101
judgment unless the ~~program~~ services provider is an eligible 43102
~~alcohol and drug~~ community addiction ~~program~~ services provider 43103
and, except as otherwise provided in division (H)(2) of this 43104
section, unless the ~~program~~ services provider is located in the 43105
county in which the court that imposes the fine is located or in a 43106
county that is immediately contiguous to the county in which that 43107
court is located. If no eligible ~~alcohol and drug~~ community 43108
addiction ~~program~~ services provider is located in any of those 43109
counties, the judgment may specify an eligible ~~alcohol and drug~~ 43110
community addiction ~~program~~ services provider that is located 43111
anywhere within this state. 43112

(3) Notwithstanding any contrary provision of section 3719.21 43113
of the Revised Code, the clerk of the court shall pay any fine 43114

imposed under division (H)(1) of this section to the eligible 43115
~~alcohol and drug~~ community addiction ~~program~~ services provider 43116
specified pursuant to division (H)(2) of this section in the 43117
judgment. The eligible ~~alcohol and drug~~ community addiction 43118
~~program~~ services provider that receives the fine moneys shall use 43119
the moneys only for the alcohol and drug addiction services 43120
identified in the application for certification under section 43121
~~3793.06~~ 5119.36 of the Revised Code or in the application for a 43122
license under section ~~3793.11~~ 5119.39 of the Revised Code filed 43123
with the department of ~~alcohol and drug~~ addiction services mental 43124
health and addiction services by the ~~alcohol and drug~~ community 43125
addiction ~~program~~ services provider specified in the judgment. 43126

(4) Each ~~alcohol and drug~~ community addiction ~~program~~ 43127
services provider that receives in a calendar year any fine moneys 43128
under division (H)(3) of this section shall file an annual report 43129
covering that calendar year with the court of common pleas and the 43130
board of county commissioners of the county in which the ~~program~~ 43131
services provider is located, with the court of common pleas and 43132
the board of county commissioners of each county from which the 43133
~~program~~ services provider received the moneys if that county is 43134
different from the county in which the ~~program~~ services provider 43135
is located, and with the attorney general. The ~~alcohol and drug~~ 43136
community addiction ~~program~~ services provider shall file the 43137
report no later than the first day of March in the calendar year 43138
following the calendar year in which the ~~program~~ services provider 43139
received the fine moneys. The report shall include statistics on 43140
the number of persons served by the ~~alcohol and drug~~ community 43141
addiction ~~program~~ services provider, identify the types of alcohol 43142
and drug addiction services provided to those persons, and include 43143
a specific accounting of the purposes for which the fine moneys 43144
received were used. No information contained in the report shall 43145
identify, or enable a person to determine the identity of, any 43146
person served by the ~~alcohol and drug~~ community addiction ~~program~~ 43147

services provider. Each report received by a court of common 43148
pleas, a board of county commissioners, or the attorney general is 43149
a public record open for inspection under section 149.43 of the 43150
Revised Code. 43151

(5) As used in divisions (H)(1) to (5) of this section: 43152

(a) "~~Alcohol and drug~~ Community addiction program services 43153
provider" and "alcohol and drug addiction services" have the same 43154
meanings as in section ~~3793.01~~ 5119.01 of the Revised Code. 43155

(b) "Eligible ~~alcohol and drug~~ community addiction program 43156
services provider" means ~~an alcohol and drug~~ a community addiction 43157
~~program services provider~~ that is certified under section ~~3793.06~~ 43158
5119.36 of the Revised Code or licensed under section ~~3793.11~~ 43159
5119.39 of the Revised Code by the department of ~~alcohol and drug~~ 43160
~~addiction services~~ mental health and addiction services. 43161

(I) As used in this section, "drug" includes any substance 43162
that is represented to be a drug. 43163

(J) It is an affirmative defense to a charge of trafficking 43164
in a controlled substance analog under division (C)(8) of this 43165
section that the person charged with violating that offense sold 43166
or offered to sell, or prepared for shipment, shipped, 43167
transported, delivered, prepared for distribution, or distributed 43168
an item described in division (HH)(2)(a), (b), or (c) of section 43169
3719.01 of the Revised Code. 43170

Sec. 2929.15. (A)(1) If in sentencing an offender for a 43171
felony the court is not required to impose a prison term, a 43172
mandatory prison term, or a term of life imprisonment upon the 43173
offender, the court may directly impose a sentence that consists 43174
of one or more community control sanctions authorized pursuant to 43175
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 43176
court is sentencing an offender for a fourth degree felony OVI 43177

offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed upon an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers

appropriate, including, but not limited to, requiring that the 43211
offender not ingest or be injected with a drug of abuse and submit 43212
to random drug testing as provided in division (D) of this section 43213
to determine whether the offender ingested or was injected with a 43214
drug of abuse and requiring that the results of the drug test 43215
indicate that the offender did not ingest or was not injected with 43216
a drug of abuse. 43217

(2)(a) If a court sentences an offender to any community 43218
control sanction or combination of community control sanctions 43219
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 43220
Revised Code, the court shall place the offender under the general 43221
control and supervision of a department of probation in the county 43222
that serves the court for purposes of reporting to the court a 43223
violation of any condition of the sanctions, any condition of 43224
release under a community control sanction imposed by the court, a 43225
violation of law, or the departure of the offender from this state 43226
without the permission of the court or the offender's probation 43227
officer. Alternatively, if the offender resides in another county 43228
and a county department of probation has been established in that 43229
county or that county is served by a multicounty probation 43230
department established under section 2301.27 of the Revised Code, 43231
the court may request the court of common pleas of that county to 43232
receive the offender into the general control and supervision of 43233
that county or multicounty department of probation for purposes of 43234
reporting to the court a violation of any condition of the 43235
sanctions, any condition of release under a community control 43236
sanction imposed by the court, a violation of law, or the 43237
departure of the offender from this state without the permission 43238
of the court or the offender's probation officer, subject to the 43239
jurisdiction of the trial judge over and with respect to the 43240
person of the offender, and to the rules governing that department 43241
of probation. 43242

If there is no department of probation in the county that 43243
serves the court, the court shall place the offender, regardless 43244
of the offender's county of residence, under the general control 43245
and supervision of the adult parole authority for purposes of 43246
reporting to the court a violation of any of the sanctions, any 43247
condition of release under a community control sanction imposed by 43248
the court, a violation of law, or the departure of the offender 43249
from this state without the permission of the court or the 43250
offender's probation officer. 43251

(b) If the court imposing sentence upon an offender sentences 43252
the offender to any community control sanction or combination of 43253
community control sanctions authorized pursuant to section 43254
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 43255
offender violates any condition of the sanctions, any condition of 43256
release under a community control sanction imposed by the court, 43257
violates any law, or departs the state without the permission of 43258
the court or the offender's probation officer, the public or 43259
private person or entity that operates or administers the sanction 43260
or the program or activity that comprises the sanction shall 43261
report the violation or departure directly to the sentencing 43262
court, or shall report the violation or departure to the county or 43263
multicounty department of probation with general control and 43264
supervision over the offender under division (A)(2)(a) of this 43265
section or the officer of that department who supervises the 43266
offender, or, if there is no such department with general control 43267
and supervision over the offender under that division, to the 43268
adult parole authority. If the public or private person or entity 43269
that operates or administers the sanction or the program or 43270
activity that comprises the sanction reports the violation or 43271
departure to the county or multicounty department of probation or 43272
the adult parole authority, the department's or authority's 43273
officers may treat the offender as if the offender were on 43274
probation and in violation of the probation, and shall report the 43275

violation of the condition of the sanction, any condition of 43276
release under a community control sanction imposed by the court, 43277
the violation of law, or the departure from the state without the 43278
required permission to the sentencing court. 43279

(3) If an offender who is eligible for community control 43280
sanctions under this section admits to being drug addicted or the 43281
court has reason to believe that the offender is drug addicted, 43282
and if the offense for which the offender is being sentenced was 43283
related to the addiction, the court may require that the offender 43284
be assessed by a properly credentialed professional within a 43285
specified period of time and shall require the professional to 43286
file a written assessment of the offender with the court. If a 43287
court imposes treatment and recovery support services as a 43288
community control sanction, the court shall direct the level and 43289
type of treatment and recovery support services after 43290
consideration of the written assessment, if available at the time 43291
of sentencing, and recommendations of the professional and other 43292
treatment and recovery support services providers. 43293

(4) If an assessment completed pursuant to division (A)(3) of 43294
this section indicates that the offender is addicted to drugs or 43295
alcohol, the court may include in any community control sanction 43296
imposed for a violation of section 2925.02, 2925.03, 2925.04, 43297
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 43298
2925.37 of the Revised Code a requirement that the offender 43299
participate in a treatment and recovery support services program 43300
certified under section ~~3793.06~~ 5119.36 of the Revised Code or 43301
offered by another properly credentialed ~~program~~ community 43302
addiction services provider. 43303

(B)(1) If the conditions of a community control sanction are 43304
violated or if the offender violates a law or leaves the state 43305
without the permission of the court or the offender's probation 43306
officer, the sentencing court may impose upon the violator one or 43307

more of the following penalties: 43308

(a) A longer time under the same sanction if the total time 43309
under the sanctions does not exceed the five-year limit specified 43310
in division (A) of this section; 43311

(b) A more restrictive sanction under section 2929.16, 43312
2929.17, or 2929.18 of the Revised Code; 43313

(c) A prison term on the offender pursuant to section 2929.14 43314
of the Revised Code. 43315

(2) The prison term, if any, imposed upon a violator pursuant 43316
to this division shall be within the range of prison terms 43317
available for the offense for which the sanction that was violated 43318
was imposed and shall not exceed the prison term specified in the 43319
notice provided to the offender at the sentencing hearing pursuant 43320
to division (B)(2) of section 2929.19 of the Revised Code. The 43321
court may reduce the longer period of time that the offender is 43322
required to spend under the longer sanction, the more restrictive 43323
sanction, or a prison term imposed pursuant to this division by 43324
the time the offender successfully spent under the sanction that 43325
was initially imposed. 43326

(C) If an offender, for a significant period of time, 43327
fulfills the conditions of a sanction imposed pursuant to section 43328
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 43329
manner, the court may reduce the period of time under the sanction 43330
or impose a less restrictive sanction, but the court shall not 43331
permit the offender to violate any law or permit the offender to 43332
leave the state without the permission of the court or the 43333
offender's probation officer. 43334

(D)(1) If a court under division (A)(1) of this section 43335
imposes a condition of release under a community control sanction 43336
that requires the offender to submit to random drug testing, the 43337
department of probation or the adult parole authority that has 43338

general control and supervision of the offender under division 43339
(A)(2)(a) of this section may cause the offender to submit to 43340
random drug testing performed by a laboratory or entity that has 43341
entered into a contract with any of the governmental entities or 43342
officers authorized to enter into a contract with that laboratory 43343
or entity under section 341.26, 753.33, or 5120.63 of the Revised 43344
Code. 43345

(2) If no laboratory or entity described in division (D)(1) 43346
of this section has entered into a contract as specified in that 43347
division, the department of probation or the adult parole 43348
authority that has general control and supervision of the offender 43349
under division (A)(2)(a) of this section shall cause the offender 43350
to submit to random drug testing performed by a reputable public 43351
laboratory to determine whether the individual who is the subject 43352
of the drug test ingested or was injected with a drug of abuse. 43353

(3) A laboratory or entity that has entered into a contract 43354
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 43355
shall perform the random drug tests under division (D)(1) of this 43356
section in accordance with the applicable standards that are 43357
included in the terms of that contract. A public laboratory shall 43358
perform the random drug tests under division (D)(2) of this 43359
section in accordance with the standards set forth in the policies 43360
and procedures established by the department of rehabilitation and 43361
correction pursuant to section 5120.63 of the Revised Code. An 43362
offender who is required under division (A)(1) of this section to 43363
submit to random drug testing as a condition of release under a 43364
community control sanction and whose test results indicate that 43365
the offender ingested or was injected with a drug of abuse shall 43366
pay the fee for the drug test if the department of probation or 43367
the adult parole authority that has general control and 43368
supervision of the offender requires payment of a fee. A 43369
laboratory or entity that performs the random drug testing on an 43370

offender under division (D)(1) or (2) of this section shall 43371
transmit the results of the drug test to the appropriate 43372
department of probation or the adult parole authority that has 43373
general control and supervision of the offender under division 43374
(A)(2)(a) of this section. 43375

Sec. 2930.01. As used in this chapter: 43376

(A) "Crime" means any of the following: 43377

(1) A felony; 43378

(2) A violation of section 2903.05, 2903.06, 2903.13, 43379
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 43380
Revised Code, a violation of section 2903.07 of the Revised Code 43381
as it existed prior to March 23, 2000, or a violation of a 43382
substantially equivalent municipal ordinance; 43383

(3) A violation of division (A) or (B) of section 4511.19, 43384
division (A) or (B) of section 1547.11, or division (A)(3) of 43385
section 4561.15 of the Revised Code or of a municipal ordinance 43386
substantially similar to any of those divisions that is the 43387
proximate cause of a vehicle, streetcar, trackless trolley, 43388
aquatic device, or aircraft accident in which the victim receives 43389
injuries for which the victim receives medical treatment either at 43390
the scene of the accident by emergency medical services personnel 43391
or at a hospital, ambulatory care facility, physician's office, 43392
specialist's office, or other medical care facility. 43393

(4) A motor vehicle accident to which both of the following 43394
apply: 43395

(a) The motor vehicle accident is caused by a violation of a 43396
provision of the Revised Code that is a misdemeanor of the first 43397
degree or higher. 43398

(b) As a result of the motor vehicle accident, the victim 43399
receives injuries for which the victim receives medical treatment 43400

either at the scene of the accident by emergency medical services 43401
personnel or at a hospital, ambulatory care facility, physician's 43402
office, specialist's office, or other medical care facility. 43403

(B) "Custodial agency" means one of the following: 43404

(1) The entity that has custody of a defendant or an alleged 43405
juvenile offender who is incarcerated for a crime, is under 43406
detention for the commission of a specified delinquent act, or who 43407
is detained after a finding of incompetence to stand trial or not 43408
guilty by reason of insanity relative to a crime, including any of 43409
the following: 43410

(a) The department of rehabilitation and correction or the 43411
adult parole authority; 43412

(b) A county sheriff; 43413

(c) The entity that administers a jail, as defined in section 43414
2929.01 of the Revised Code; 43415

(d) The entity that administers a community-based 43416
correctional facility and program or a district community-based 43417
correctional facility and program; 43418

(e) The department of ~~mental health~~ mental health and 43419
addiction services or other entity to which a defendant found 43420
incompetent to stand trial or not guilty by reason of insanity is 43421
committed. 43422

(2) The entity that has custody of an alleged juvenile 43423
offender pursuant to an order of disposition of a juvenile court, 43424
including the department of youth services or a school, camp, 43425
institution, or other facility operated for the care of delinquent 43426
children. 43427

(C) "Defendant" means a person who is alleged to be the 43428
perpetrator of a crime in a police report or in a complaint, 43429
indictment, or information that charges the commission of a crime 43430

and that provides the basis for the criminal prosecution and 43431
subsequent proceedings to which this chapter makes reference. 43432

(D) "Member of the victim's family" means a spouse, child, 43433
stepchild, sibling, parent, stepparent, grandparent, or other 43434
relative of a victim but does not include a person who is charged 43435
with, convicted of, or adjudicated to be a delinquent child for 43436
the crime or specified delinquent act against the victim or 43437
another crime or specified delinquent act arising from the same 43438
conduct, criminal episode, or plan. 43439

(E) "Prosecutor" means one of the following: 43440

(1) With respect to a criminal case, it has the same meaning 43441
as in section 2935.01 of the Revised Code and also includes the 43442
attorney general and, when appropriate, the employees of any 43443
person listed in section 2935.01 of the Revised Code or of the 43444
attorney general. 43445

(2) With respect to a delinquency proceeding, it includes any 43446
person listed in division (C) of section 2935.01 of the Revised 43447
Code or an employee of a person listed in that division who 43448
prosecutes a delinquency proceeding. 43449

(F) "Public agency" means an office, agency, department, 43450
bureau, or other governmental entity of the state or of a 43451
political subdivision of the state. 43452

(G) "Public official" has the same meaning as in section 43453
2921.01 of the Revised Code. 43454

(H) "Victim" means either of the following: 43455

(1) A person who is identified as the victim of a crime or 43456
specified delinquent act in a police report or in a complaint, 43457
indictment, or information that charges the commission of a crime 43458
and that provides the basis for the criminal prosecution or 43459
delinquency proceeding and subsequent proceedings to which this 43460

chapter makes reference. 43461

(2) A person who receives injuries as a result of a vehicle, 43462
streetcar, trackless trolley, aquatic device, or aircraft accident 43463
that is proximately caused by a violation described in division 43464
(A)(3) of this section or a motor vehicle accident that is 43465
proximately caused by a violation described in division (A)(4) of 43466
this section and who receives medical treatment as described in 43467
division (A)(3) or (4) of this section, whichever is applicable. 43468

(I) "Victim's representative" means a member of the victim's 43469
family or another person who pursuant to the authority of section 43470
2930.02 of the Revised Code exercises the rights of a victim under 43471
this chapter. 43472

(J) "Court" means a court of common pleas, juvenile court, 43473
municipal court, or county court. 43474

(K) "Delinquency proceeding" means all proceedings in a 43475
juvenile court that are related to a case in which a complaint has 43476
been filed alleging that a child is a delinquent child. 43477

(L) "Case" means a delinquency proceeding and all related 43478
activity or a criminal prosecution and all related activity. 43479

(M) The "defense" means the defense against criminal charges 43480
in a criminal prosecution or the defense against a delinquent 43481
child complaint in a delinquency proceeding. 43482

(N) The "prosecution" means the prosecution of criminal 43483
charges in a criminal prosecution or the prosecution of a 43484
delinquent child complaint in a delinquency proceeding. 43485

(O) "Specified delinquent act" means any of the following: 43486

(1) An act committed by a child that if committed by an adult 43487
would be a felony; 43488

(2) An act committed by a child that is a violation of a 43489
section listed in division (A)(1) or (2) of this section or is a 43490

violation of a substantially equivalent municipal ordinance;	43491
(3) An act committed by a child that is described in division	43492
(A)(3) or (4) of this section.	43493
(P)(1) "Alleged juvenile offender" means a child who is	43494
alleged to have committed a specified delinquent act in a police	43495
report or in a complaint in juvenile court that charges the	43496
commission of a specified delinquent act and that provides the	43497
basis for the delinquency proceeding and all subsequent	43498
proceedings to which this chapter makes reference.	43499
(2) As used in divisions (O) and (P)(1) of this section,	43500
"child" has the same meaning as in section 2151.011 of the Revised	43501
Code.	43502
(Q) "Motor vehicle accident" means any accident involving a	43503
motor vehicle.	43504
(R) "Motor vehicle" has the same meaning as in section	43505
4509.01 of the Revised Code.	43506
(S) "Aircraft" has the same meaning as in section 4561.01 of	43507
the Revised Code.	43508
(T) "Aquatic device" means any vessel, or any water skis,	43509
aquaplane, or similar device.	43510
(U) "Vehicle," "streetcar," and "trackless trolley" have the	43511
same meanings as in section 4511.01 of the Revised Code.	43512
(V) "Vehicle, streetcar, trackless trolley, aquatic device,	43513
or aircraft accident" means any accident involving a vehicle,	43514
streetcar, trackless trolley, aquatic device, or aircraft.	43515
(W) "Vessel" has the same meaning as in section 1547.01 of	43516
the Revised Code.	43517
Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal,	43518
deputy marshal, municipal police officer, township constable,	43519

police officer of a township or joint police district, member of a 43520
police force employed by a metropolitan housing authority under 43521
division (D) of section 3735.31 of the Revised Code, member of a 43522
police force employed by a regional transit authority under 43523
division (Y) of section 306.35 of the Revised Code, state 43524
university law enforcement officer appointed under section 3345.04 43525
of the Revised Code, veterans' home police officer appointed under 43526
section 5907.02 of the Revised Code, special police officer 43527
employed by a port authority under section 4582.04 or 4582.28 of 43528
the Revised Code, or a special police officer employed by a 43529
municipal corporation at a municipal airport, or other municipal 43530
air navigation facility, that has scheduled operations, as defined 43531
in section 119.3 of Title 14 of the Code of Federal Regulations, 43532
14 C.F.R. 119.3, as amended, and that is required to be under a 43533
security program and is governed by aviation security rules of the 43534
transportation security administration of the United States 43535
department of transportation as provided in Parts 1542. and 1544. 43536
of Title 49 of the Code of Federal Regulations, as amended, shall 43537
arrest and detain, until a warrant can be obtained, a person found 43538
violating, within the limits of the political subdivision, 43539
metropolitan housing authority housing project, regional transit 43540
authority facilities or areas of a municipal corporation that have 43541
been agreed to by a regional transit authority and a municipal 43542
corporation located within its territorial jurisdiction, college, 43543
university, veterans' home operated under Chapter 5907. of the 43544
Revised Code, port authority, or municipal airport or other 43545
municipal air navigation facility, in which the peace officer is 43546
appointed, employed, or elected, a law of this state, an ordinance 43547
of a municipal corporation, or a resolution of a township. 43548

(2) A peace officer of the department of natural resources, a 43549
state fire marshal law enforcement officer described in division 43550
(A)(23) of section 109.71 of the Revised Code, or an individual 43551
designated to perform law enforcement duties under section 43552

511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 43553
detain, until a warrant can be obtained, a person found violating, 43554
within the limits of the peace officer's, state fire marshal law 43555
enforcement officer's, or individual's territorial jurisdiction, a 43556
law of this state. 43557

(3) The house sergeant at arms, if the house sergeant at arms 43558
has arrest authority pursuant to division (E)(1) of section 43559
101.311 of the Revised Code, and an assistant house sergeant at 43560
arms shall arrest and detain, until a warrant can be obtained, a 43561
person found violating, within the limits of the sergeant at 43562
arms's or assistant sergeant at arms's territorial jurisdiction 43563
specified in division (D)(1)(a) of section 101.311 of the Revised 43564
Code or while providing security pursuant to division (D)(1)(f) of 43565
section 101.311 of the Revised Code, a law of this state, an 43566
ordinance of a municipal corporation, or a resolution of a 43567
township. 43568

(4) The senate sergeant at arms and an assistant senate 43569
sergeant at arms shall arrest and detain, until a warrant can be 43570
obtained, a person found violating, within the limits of the 43571
sergeant at arms's or assistant sergeant at arms's territorial 43572
jurisdiction specified in division (B) of section 101.312 of the 43573
Revised Code, a law of this state, an ordinance of a municipal 43574
corporation, or a resolution of a township. 43575

(B)(1) When there is reasonable ground to believe that an 43576
offense of violence, the offense of criminal child enticement as 43577
defined in section 2905.05 of the Revised Code, the offense of 43578
public indecency as defined in section 2907.09 of the Revised 43579
Code, the offense of domestic violence as defined in section 43580
2919.25 of the Revised Code, the offense of violating a protection 43581
order as defined in section 2919.27 of the Revised Code, the 43582
offense of menacing by stalking as defined in section 2903.211 of 43583
the Revised Code, the offense of aggravated trespass as defined in 43584

section 2911.211 of the Revised Code, a theft offense as defined 43585
in section 2913.01 of the Revised Code, or a felony drug abuse 43586
offense as defined in section 2925.01 of the Revised Code, has 43587
been committed within the limits of the political subdivision, 43588
metropolitan housing authority housing project, regional transit 43589
authority facilities or those areas of a municipal corporation 43590
that have been agreed to by a regional transit authority and a 43591
municipal corporation located within its territorial jurisdiction, 43592
college, university, veterans' home operated under Chapter 5907. 43593
of the Revised Code, port authority, or municipal airport or other 43594
municipal air navigation facility, in which the peace officer is 43595
appointed, employed, or elected or within the limits of the 43596
territorial jurisdiction of the peace officer, a peace officer 43597
described in division (A) of this section may arrest and detain 43598
until a warrant can be obtained any person who the peace officer 43599
has reasonable cause to believe is guilty of the violation. 43600

(2) For purposes of division (B)(1) of this section, the 43601
execution of any of the following constitutes reasonable ground to 43602
believe that the offense alleged in the statement was committed 43603
and reasonable cause to believe that the person alleged in the 43604
statement to have committed the offense is guilty of the 43605
violation: 43606

(a) A written statement by a person alleging that an alleged 43607
offender has committed the offense of menacing by stalking or 43608
aggravated trespass; 43609

(b) A written statement by the administrator of the 43610
interstate compact on mental health appointed under section 43611
~~5119.51~~ 5119.71 of the Revised Code alleging that a person who had 43612
been hospitalized, institutionalized, or confined in any facility 43613
under an order made pursuant to or under authority of section 43614
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43615
2945.402 of the Revised Code has escaped from the facility, from 43616

confinement in a vehicle for transportation to or from the 43617
facility, or from supervision by an employee of the facility that 43618
is incidental to hospitalization, institutionalization, or 43619
confinement in the facility and that occurs outside of the 43620
facility, in violation of section 2921.34 of the Revised Code; 43621

(c) A written statement by the administrator of any facility 43622
in which a person has been hospitalized, institutionalized, or 43623
confined under an order made pursuant to or under authority of 43624
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43625
2945.402 of the Revised Code alleging that the person has escaped 43626
from the facility, from confinement in a vehicle for 43627
transportation to or from the facility, or from supervision by an 43628
employee of the facility that is incidental to hospitalization, 43629
institutionalization, or confinement in the facility and that 43630
occurs outside of the facility, in violation of section 2921.34 of 43631
the Revised Code. 43632

(3)(a) For purposes of division (B)(1) of this section, a 43633
peace officer described in division (A) of this section has 43634
reasonable grounds to believe that the offense of domestic 43635
violence or the offense of violating a protection order has been 43636
committed and reasonable cause to believe that a particular person 43637
is guilty of committing the offense if any of the following 43638
occurs: 43639

(i) A person executes a written statement alleging that the 43640
person in question has committed the offense of domestic violence 43641
or the offense of violating a protection order against the person 43642
who executes the statement or against a child of the person who 43643
executes the statement. 43644

(ii) No written statement of the type described in division 43645
(B)(3)(a)(i) of this section is executed, but the peace officer, 43646
based upon the peace officer's own knowledge and observation of 43647
the facts and circumstances of the alleged incident of the offense 43648

of domestic violence or the alleged incident of the offense of 43649
violating a protection order or based upon any other information, 43650
including, but not limited to, any reasonably trustworthy 43651
information given to the peace officer by the alleged victim of 43652
the alleged incident of the offense or any witness of the alleged 43653
incident of the offense, concludes that there are reasonable 43654
grounds to believe that the offense of domestic violence or the 43655
offense of violating a protection order has been committed and 43656
reasonable cause to believe that the person in question is guilty 43657
of committing the offense. 43658

(iii) No written statement of the type described in division 43659
(B)(3)(a)(i) of this section is executed, but the peace officer 43660
witnessed the person in question commit the offense of domestic 43661
violence or the offense of violating a protection order. 43662

(b) If pursuant to division (B)(3)(a) of this section a peace 43663
officer has reasonable grounds to believe that the offense of 43664
domestic violence or the offense of violating a protection order 43665
has been committed and reasonable cause to believe that a 43666
particular person is guilty of committing the offense, it is the 43667
preferred course of action in this state that the officer arrest 43668
and detain that person pursuant to division (B)(1) of this section 43669
until a warrant can be obtained. 43670

If pursuant to division (B)(3)(a) of this section a peace 43671
officer has reasonable grounds to believe that the offense of 43672
domestic violence or the offense of violating a protection order 43673
has been committed and reasonable cause to believe that family or 43674
household members have committed the offense against each other, 43675
it is the preferred course of action in this state that the 43676
officer, pursuant to division (B)(1) of this section, arrest and 43677
detain until a warrant can be obtained the family or household 43678
member who committed the offense and whom the officer has 43679
reasonable cause to believe is the primary physical aggressor. 43680

There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting 43712
from the other person's threatened use of force against any person 43713
or resulting from the other person's use or history of the use of 43714
force against any person, and the reasonableness of that fear; 43715

(iv) The comparative severity of any injuries suffered by the 43716
persons involved in the alleged offense. 43717

(e)(i) A peace officer described in division (A) of this 43718
section shall not require, as a prerequisite to arresting or 43719
charging a person who has committed the offense of domestic 43720
violence or the offense of violating a protection order, that the 43721
victim of the offense specifically consent to the filing of 43722
charges against the person who has committed the offense or sign a 43723
complaint against the person who has committed the offense. 43724

(ii) If a person is arrested for or charged with committing 43725
the offense of domestic violence or the offense of violating a 43726
protection order and if the victim of the offense does not 43727
cooperate with the involved law enforcement or prosecuting 43728
authorities in the prosecution of the offense or, subsequent to 43729
the arrest or the filing of the charges, informs the involved law 43730
enforcement or prosecuting authorities that the victim does not 43731
wish the prosecution of the offense to continue or wishes to drop 43732
charges against the alleged offender relative to the offense, the 43733
involved prosecuting authorities, in determining whether to 43734
continue with the prosecution of the offense or whether to dismiss 43735
charges against the alleged offender relative to the offense and 43736
notwithstanding the victim's failure to cooperate or the victim's 43737
wishes, shall consider all facts and circumstances that are 43738
relevant to the offense, including, but not limited to, the 43739
statements and observations of the peace officers who responded to 43740
the incident that resulted in the arrest or filing of the charges 43741
and of all witnesses to that incident. 43742

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 43743

this section whether to arrest a person pursuant to division 43744
(B)(1) of this section, a peace officer described in division (A) 43745
of this section shall not consider as a factor any possible 43746
shortage of cell space at the detention facility to which the 43747
person will be taken subsequent to the person's arrest or any 43748
possibility that the person's arrest might cause, contribute to, 43749
or exacerbate overcrowding at that detention facility or at any 43750
other detention facility. 43751

(g) If a peace officer described in division (A) of this 43752
section intends pursuant to divisions (B)(3)(a) to (g) of this 43753
section to arrest a person pursuant to division (B)(1) of this 43754
section and if the officer is unable to do so because the person 43755
is not present, the officer promptly shall seek a warrant for the 43756
arrest of the person. 43757

(h) If a peace officer described in division (A) of this 43758
section responds to a report of an alleged incident of the offense 43759
of domestic violence or an alleged incident of the offense of 43760
violating a protection order and if the circumstances of the 43761
incident involved the use or threatened use of a deadly weapon or 43762
any person involved in the incident brandished a deadly weapon 43763
during or in relation to the incident, the deadly weapon that was 43764
used, threatened to be used, or brandished constitutes contraband, 43765
and, to the extent possible, the officer shall seize the deadly 43766
weapon as contraband pursuant to Chapter 2981. of the Revised 43767
Code. Upon the seizure of a deadly weapon pursuant to division 43768
(B)(3)(h) of this section, section 2981.12 of the Revised Code 43769
shall apply regarding the treatment and disposition of the deadly 43770
weapon. For purposes of that section, the "underlying criminal 43771
offense" that was the basis of the seizure of a deadly weapon 43772
under division (B)(3)(h) of this section and to which the deadly 43773
weapon had a relationship is any of the following that is 43774
applicable: 43775

(i) The alleged incident of the offense of domestic violence 43776
or the alleged incident of the offense of violating a protection 43777
order to which the officer who seized the deadly weapon responded; 43778

(ii) Any offense that arose out of the same facts and 43779
circumstances as the report of the alleged incident of the offense 43780
of domestic violence or the alleged incident of the offense of 43781
violating a protection order to which the officer who seized the 43782
deadly weapon responded. 43783

(4) If, in the circumstances described in divisions (B)(3)(a) 43784
to (g) of this section, a peace officer described in division (A) 43785
of this section arrests and detains a person pursuant to division 43786
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 43787
this section, a peace officer described in division (A) of this 43788
section seizes a deadly weapon, the officer, to the extent 43789
described in and in accordance with section 9.86 or 2744.03 of the 43790
Revised Code, is immune in any civil action for damages for 43791
injury, death, or loss to person or property that arises from or 43792
is related to the arrest and detention or the seizure. 43793

(C) When there is reasonable ground to believe that a 43794
violation of division (A)(1), (2), (3), (4), or (5) of section 43795
4506.15 or a violation of section 4511.19 of the Revised Code has 43796
been committed by a person operating a motor vehicle subject to 43797
regulation by the public utilities commission of Ohio under Title 43798
XLIX of the Revised Code, a peace officer with authority to 43799
enforce that provision of law may stop or detain the person whom 43800
the officer has reasonable cause to believe was operating the 43801
motor vehicle in violation of the division or section and, after 43802
investigating the circumstances surrounding the operation of the 43803
vehicle, may arrest and detain the person. 43804

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 43805
municipal police officer, member of a police force employed by a 43806
metropolitan housing authority under division (D) of section 43807

3735.31 of the Revised Code, member of a police force employed by 43808
a regional transit authority under division (Y) of section 306.35 43809
of the Revised Code, special police officer employed by a port 43810
authority under section 4582.04 or 4582.28 of the Revised Code, 43811
special police officer employed by a municipal corporation at a 43812
municipal airport or other municipal air navigation facility 43813
described in division (A) of this section, township constable, 43814
police officer of a township or joint police district, state 43815
university law enforcement officer appointed under section 3345.04 43816
of the Revised Code, peace officer of the department of natural 43817
resources, individual designated to perform law enforcement duties 43818
under section 511.232, 1545.13, or 6101.75 of the Revised Code, 43819
the house sergeant at arms if the house sergeant at arms has 43820
arrest authority pursuant to division (E)(1) of section 101.311 of 43821
the Revised Code, or an assistant house sergeant at arms is 43822
authorized by division (A) or (B) of this section to arrest and 43823
detain, within the limits of the political subdivision, 43824
metropolitan housing authority housing project, regional transit 43825
authority facilities or those areas of a municipal corporation 43826
that have been agreed to by a regional transit authority and a 43827
municipal corporation located within its territorial jurisdiction, 43828
port authority, municipal airport or other municipal air 43829
navigation facility, college, or university in which the officer 43830
is appointed, employed, or elected or within the limits of the 43831
territorial jurisdiction of the peace officer, a person until a 43832
warrant can be obtained, the peace officer, outside the limits of 43833
that territory, may pursue, arrest, and detain that person until a 43834
warrant can be obtained if all of the following apply: 43835

(1) The pursuit takes place without unreasonable delay after 43836
the offense is committed; 43837

(2) The pursuit is initiated within the limits of the 43838
political subdivision, metropolitan housing authority housing 43839

project, regional transit authority facilities or those areas of a 43840
municipal corporation that have been agreed to by a regional 43841
transit authority and a municipal corporation located within its 43842
territorial jurisdiction, port authority, municipal airport or 43843
other municipal air navigation facility, college, or university in 43844
which the peace officer is appointed, employed, or elected or 43845
within the limits of the territorial jurisdiction of the peace 43846
officer; 43847

(3) The offense involved is a felony, a misdemeanor of the 43848
first degree or a substantially equivalent municipal ordinance, a 43849
misdemeanor of the second degree or a substantially equivalent 43850
municipal ordinance, or any offense for which points are 43851
chargeable pursuant to section 4510.036 of the Revised Code. 43852

(E) In addition to the authority granted under division (A) 43853
or (B) of this section: 43854

(1) A sheriff or deputy sheriff may arrest and detain, until 43855
a warrant can be obtained, any person found violating section 43856
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 43857
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 43858
portion of any street or highway that is located immediately 43859
adjacent to the boundaries of the county in which the sheriff or 43860
deputy sheriff is elected or appointed. 43861

(2) A member of the police force of a township police 43862
district created under section 505.48 of the Revised Code, a 43863
member of the police force of a joint police district created 43864
under section 505.482 of the Revised Code, or a township constable 43865
appointed in accordance with section 509.01 of the Revised Code, 43866
who has received a certificate from the Ohio peace officer 43867
training commission under section 109.75 of the Revised Code, may 43868
arrest and detain, until a warrant can be obtained, any person 43869
found violating any section or chapter of the Revised Code listed 43870
in division (E)(1) of this section, other than sections 4513.33 43871

and 4513.34 of the Revised Code, on the portion of any street or 43872
highway that is located immediately adjacent to the boundaries of 43873
the township police district or joint police district, in the case 43874
of a member of a township police district or joint police district 43875
police force, or the unincorporated territory of the township, in 43876
the case of a township constable. However, if the population of 43877
the township that created the township police district served by 43878
the member's police force, or the townships and municipal 43879
corporations that created the joint police district served by the 43880
member's police force, or the township that is served by the 43881
township constable, is sixty thousand or less, the member of the 43882
township police district or joint police district police force or 43883
the township constable may not make an arrest under division 43884
(E)(2) of this section on a state highway that is included as part 43885
of the interstate system. 43886

(3) A police officer or village marshal appointed, elected, 43887
or employed by a municipal corporation may arrest and detain, 43888
until a warrant can be obtained, any person found violating any 43889
section or chapter of the Revised Code listed in division (E)(1) 43890
of this section on the portion of any street or highway that is 43891
located immediately adjacent to the boundaries of the municipal 43892
corporation in which the police officer or village marshal is 43893
appointed, elected, or employed. 43894

(4) A peace officer of the department of natural resources, a 43895
state fire marshal law enforcement officer described in division 43896
(A)(23) of section 109.71 of the Revised Code, or an individual 43897
designated to perform law enforcement duties under section 43898
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 43899
detain, until a warrant can be obtained, any person found 43900
violating any section or chapter of the Revised Code listed in 43901
division (E)(1) of this section, other than sections 4513.33 and 43902
4513.34 of the Revised Code, on the portion of any street or 43903

highway that is located immediately adjacent to the boundaries of 43904
the lands and waters that constitute the territorial jurisdiction 43905
of the peace officer or state fire marshal law enforcement 43906
officer. 43907

(F)(1) A department of ~~mental health~~ mental health and 43908
addiction services special police officer or a department of 43909
developmental disabilities special police officer may arrest 43910
without a warrant and detain until a warrant can be obtained any 43911
person found committing on the premises of any institution under 43912
the jurisdiction of the particular department a misdemeanor under 43913
a law of the state. 43914

A department of ~~mental health~~ mental health and addiction 43915
services special police officer or a department of developmental 43916
disabilities special police officer may arrest without a warrant 43917
and detain until a warrant can be obtained any person who has been 43918
hospitalized, institutionalized, or confined in an institution 43919
under the jurisdiction of the particular department pursuant to or 43920
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 43921
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 43922
found committing on the premises of any institution under the 43923
jurisdiction of the particular department a violation of section 43924
2921.34 of the Revised Code that involves an escape from the 43925
premises of the institution. 43926

(2)(a) If a department of ~~mental health~~ mental health and 43927
addiction services special police officer or a department of 43928
developmental disabilities special police officer finds any person 43929
who has been hospitalized, institutionalized, or confined in an 43930
institution under the jurisdiction of the particular department 43931
pursuant to or under authority of section 2945.37, 2945.371, 43932
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 43933
Code committing a violation of section 2921.34 of the Revised Code 43934
that involves an escape from the premises of the institution, or 43935

if there is reasonable ground to believe that a violation of 43936
section 2921.34 of the Revised Code has been committed that 43937
involves an escape from the premises of an institution under the 43938
jurisdiction of the department of ~~mental health~~ mental health and 43939
addiction services or the department of developmental disabilities 43940
and if a department of ~~mental health~~ mental health and addiction 43941
services special police officer or a department of developmental 43942
disabilities special police officer has reasonable cause to 43943
believe that a particular person who has been hospitalized, 43944
institutionalized, or confined in the institution pursuant to or 43945
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 43946
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 43947
the violation, the special police officer, outside of the premises 43948
of the institution, may pursue, arrest, and detain that person for 43949
that violation of section 2921.34 of the Revised Code, until a 43950
warrant can be obtained, if both of the following apply: 43951

(i) The pursuit takes place without unreasonable delay after 43952
the offense is committed; 43953

(ii) The pursuit is initiated within the premises of the 43954
institution from which the violation of section 2921.34 of the 43955
Revised Code occurred. 43956

(b) For purposes of division (F)(2)(a) of this section, the 43957
execution of a written statement by the administrator of the 43958
institution in which a person had been hospitalized, 43959
institutionalized, or confined pursuant to or under authority of 43960
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43961
2945.402 of the Revised Code alleging that the person has escaped 43962
from the premises of the institution in violation of section 43963
2921.34 of the Revised Code constitutes reasonable ground to 43964
believe that the violation was committed and reasonable cause to 43965
believe that the person alleged in the statement to have committed 43966
the offense is guilty of the violation. 43967

- (G) As used in this section: 43968
- (1) A "department of ~~mental health~~ mental health and addiction services special police officer" means a special police officer of the department of ~~mental health~~ mental health and addiction services designated under section ~~5119.14~~ 5119.08 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program. 43969
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- (2) A "department of developmental disabilities special police officer" means a special police officer of the department of developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program. 43977
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- (3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 43984
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- (4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. 43986
43987
- (5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code. 43988
43989
- (6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code. 43990
43991
- (7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 43992
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1531.13 of the Revised Code, a park officer designated pursuant to 43999
section 1541.10 of the Revised Code, or a state watercraft officer 44000
designated pursuant to section 1547.521 of the Revised Code. 44001

(8) "Portion of any street or highway" means all lanes of the 44002
street or highway irrespective of direction of travel, including 44003
designated turn lanes, and any berm, median, or shoulder. 44004

Sec. 2935.33. (A) If a person charged with a misdemeanor is 44005
taken before a judge of a court of record and if it appears to the 44006
judge that the person is an alcoholic or is suffering from acute 44007
alcohol intoxication and that the person would benefit from 44008
services provided by ~~an alcohol and drug~~ a community addiction 44009
~~program~~ services provider certified under Chapter ~~3793.~~ 5119. of 44010
the Revised Code, the judge may place the person temporarily in a 44011
~~program~~ services provider certified under that chapter in the area 44012
in which the court has jurisdiction for inpatient care and 44013
treatment for an indefinite period not exceeding five days. The 44014
commitment does not limit the right to release on bail. The judge 44015
may dismiss a charge of a violation of division (B) of section 44016
2917.11 of the Revised Code or of a municipal ordinance 44017
substantially equivalent to that division if the defendant 44018
complies with all the conditions of treatment ordered by the 44019
court. 44020

The court may order that any fines or court costs collected 44021
by the court from defendants who have received inpatient care from 44022
~~an alcohol and drug~~ a community addiction ~~program~~ services 44023
provider be paid, for the benefit of the program, to the board of 44024
alcohol, drug addiction, and mental health services of the 44025
alcohol, drug addiction, and mental health service district in 44026
which the ~~program~~ services provider is located or to the director 44027
of ~~alcohol and drug addiction services~~ mental health and addiction 44028
services. 44029

(B) If a person is being sentenced for a violation of 44030
division (B) of section 2917.11 or section 4511.19 of the Revised 44031
Code, a misdemeanor violation of section 2919.25 of the Revised 44032
Code, a misdemeanor violation of section 2919.27 of the Revised 44033
Code involving a protection order issued or consent agreement 44034
approved pursuant to section 2919.26 or 3113.31 of the Revised 44035
Code, or a violation of a municipal ordinance substantially 44036
equivalent to that division or any of those sections and if it 44037
appears to the judge at the time of sentencing that the person is 44038
an alcoholic or is suffering from acute alcohol intoxication and 44039
that, in lieu of imprisonment, the person would benefit from 44040
services provided by ~~an alcohol and drug~~ a community addiction 44041
~~program services provider~~ certified under Chapter ~~3793-~~ 5119. of 44042
the Revised Code, the court may commit the person to close 44043
supervision in any facility in the area in which the court has 44044
jurisdiction that is, or is operated by, such a ~~program services~~ 44045
provider. Such close supervision may include outpatient services 44046
and part-time release, except that a person convicted of a 44047
violation of division (A) of section 4511.19 of the Revised Code 44048
shall be confined to the facility for at least three days and 44049
except that a person convicted of a misdemeanor violation of 44050
section 2919.25 of the Revised Code, a misdemeanor violation of 44051
section 2919.27 of the Revised Code involving a protection order 44052
issued or consent agreement approved pursuant to section 2919.26 44053
or 3113.31 of the Revised Code, or a violation of a substantially 44054
equivalent municipal ordinance shall be confined to the facility 44055
in accordance with the order of commitment. A commitment of a 44056
person to a facility for purposes of close supervision shall not 44057
exceed the maximum term for which the person could be imprisoned. 44058

(C) A law enforcement officer who finds a person subject to 44059
prosecution for violation of division (B) of section 2917.11 of 44060
the Revised Code or a municipal ordinance substantially equivalent 44061
to that division and who has reasonable cause to believe that the 44062

person is an alcoholic or is suffering from acute alcohol 44063
intoxication and would benefit from immediate treatment 44064
immediately may place the person in ~~an alcohol and drug a~~ 44065
community addiction program services provider certified under 44066
Chapter ~~3793.~~ 5119. of the Revised Code in the area in which the 44067
person is found, for emergency treatment, in lieu of other arrest 44068
procedures, for a maximum period of forty-eight hours. During that 44069
time, if the person desires to leave such custody, the person 44070
shall be released forthwith. 44071

(D) As used in this section: 44072

(1) "Alcoholic" has the same meaning as in section ~~3793.01~~ 44073
5119.01 of the Revised Code; 44074

(2) "Acute alcohol intoxication" means a heavy consumption of 44075
alcohol over a relatively short period of time, resulting in 44076
dysfunction of the brain centers controlling behavior, speech, and 44077
memory and causing characteristic withdrawal symptoms. 44078

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 of 44079
the Revised Code: 44080

(1) "Prosecutor" means a prosecuting attorney or a city 44081
director of law, village solicitor, or similar chief legal officer 44082
of a municipal corporation who has authority to prosecute a 44083
criminal case that is before the court or the criminal case in 44084
which a defendant in a criminal case has been found incompetent to 44085
stand trial or not guilty by reason of insanity. 44086

(2) "Examiner" means either of the following: 44087

(a) A psychiatrist or a licensed clinical psychologist who 44088
satisfies the criteria of division (I)(1) of section 5122.01 of 44089
the Revised Code or is employed by a certified forensic center 44090
designated by the department of ~~mental health~~ mental health and 44091
addiction services to conduct examinations or evaluations. 44092

(b) For purposes of a separate mental retardation evaluation 44093
that is ordered by a court pursuant to division (H) of section 44094
2945.371 of the Revised Code, a psychologist designated by the 44095
director of developmental disabilities pursuant to that section to 44096
conduct that separate mental retardation evaluation. 44097

(3) "Nonsecured status" means any unsupervised, off-grounds 44098
movement or trial visit from a hospital or institution, or any 44099
conditional release, that is granted to a person who is found 44100
incompetent to stand trial and is committed pursuant to section 44101
2945.39 of the Revised Code or to a person who is found not guilty 44102
by reason of insanity and is committed pursuant to section 2945.40 44103
of the Revised Code. 44104

(4) "Unsupervised, off-grounds movement" includes only 44105
off-grounds privileges that are unsupervised and that have an 44106
expectation of return to the hospital or institution on a daily 44107
basis. 44108

(5) "Trial visit" means a patient privilege of a longer 44109
stated duration of unsupervised community contact with an 44110
expectation of return to the hospital or institution at designated 44111
times. 44112

(6) "Conditional release" means a commitment status under 44113
which the trial court at any time may revoke a person's 44114
conditional release and order the rehospitalization or 44115
reinstitutionalization of the person as described in division (A) 44116
of section 2945.402 of the Revised Code and pursuant to which a 44117
person who is found incompetent to stand trial or a person who is 44118
found not guilty by reason of insanity lives and receives 44119
treatment in the community for a period of time that does not 44120
exceed the maximum prison term or term of imprisonment that the 44121
person could have received for the offense in question had the 44122
person been convicted of the offense instead of being found 44123
incompetent to stand trial on the charge of the offense or being 44124

found not guilty by reason of insanity relative to the offense. 44125

(7) "Licensed clinical psychologist," "mentally ill person 44126
subject to hospitalization by court order," and "psychiatrist" 44127
have the same meanings as in section 5122.01 of the Revised Code. 44128

(8) "Mentally retarded person subject to institutionalization 44129
by court order" has the same meaning as in section 5123.01 of the 44130
Revised Code. 44131

(B) In a criminal action in a court of common pleas, a county 44132
court, or a municipal court, the court, prosecutor, or defense may 44133
raise the issue of the defendant's competence to stand trial. If 44134
the issue is raised before the trial has commenced, the court 44135
shall hold a hearing on the issue as provided in this section. If 44136
the issue is raised after the trial has commenced, the court shall 44137
hold a hearing on the issue only for good cause shown or on the 44138
court's own motion. 44139

(C) The court shall conduct the hearing required or 44140
authorized under division (B) of this section within thirty days 44141
after the issue is raised, unless the defendant has been referred 44142
for evaluation in which case the court shall conduct the hearing 44143
within ten days after the filing of the report of the evaluation 44144
or, in the case of a defendant who is ordered by the court 44145
pursuant to division (H) of section 2945.371 of the Revised Code 44146
to undergo a separate mental retardation evaluation conducted by a 44147
psychologist designated by the director of developmental 44148
disabilities, within ten days after the filing of the report of 44149
the separate mental retardation evaluation under that division. A 44150
hearing may be continued for good cause. 44151

(D) The defendant shall be represented by counsel at the 44152
hearing conducted under division (C) of this section. If the 44153
defendant is unable to obtain counsel, the court shall appoint 44154
counsel under Chapter 120. of the Revised Code or under the 44155

authority recognized in division (C) of section 120.06, division 44156
(E) of section 120.16, division (E) of section 120.26, or section 44157
2941.51 of the Revised Code before proceeding with the hearing. 44158

(E) The prosecutor and defense counsel may submit evidence on 44159
the issue of the defendant's competence to stand trial. A written 44160
report of the evaluation of the defendant may be admitted into 44161
evidence at the hearing by stipulation, but, if either the 44162
prosecution or defense objects to its admission, the report may be 44163
admitted under sections 2317.36 to 2317.38 of the Revised Code or 44164
any other applicable statute or rule. 44165

(F) The court shall not find a defendant incompetent to stand 44166
trial solely because the defendant is receiving or has received 44167
treatment as a voluntary or involuntary mentally ill patient under 44168
Chapter 5122. or a voluntary or involuntary mentally retarded 44169
resident under Chapter 5123. of the Revised Code or because the 44170
defendant is receiving or has received psychotropic drugs or other 44171
medication, even if the defendant might become incompetent to 44172
stand trial without the drugs or medication. 44173

(G) A defendant is presumed to be competent to stand trial. 44174
If, after a hearing, the court finds by a preponderance of the 44175
evidence that, because of the defendant's present mental 44176
condition, the defendant is incapable of understanding the nature 44177
and objective of the proceedings against the defendant or of 44178
assisting in the defendant's defense, the court shall find the 44179
defendant incompetent to stand trial and shall enter an order 44180
authorized by section 2945.38 of the Revised Code. 44181

(H) Municipal courts shall follow the procedures set forth in 44182
sections 2945.37 to 2945.402 of the Revised Code. Except as 44183
provided in section 2945.371 of the Revised Code, a municipal 44184
court shall not order an evaluation of the defendant's competence 44185
to stand trial or the defendant's mental condition at the time of 44186
the commission of the offense to be conducted at any hospital 44187

operated by the department of ~~mental health~~ mental health and 44188
addiction services. Those evaluations shall be performed through 44189
community resources including, but not limited to, certified 44190
forensic centers, court probation departments, and community 44191
mental health ~~agencies~~ services providers. All expenses of the 44192
evaluations shall be borne by the legislative authority of the 44193
municipal court, as defined in section 1901.03 of the Revised 44194
Code, and shall be taxed as costs in the case. If a defendant is 44195
found incompetent to stand trial or not guilty by reason of 44196
insanity, a municipal court may commit the defendant as provided 44197
in sections 2945.38 to 2945.402 of the Revised Code. 44198

Sec. 2945.371. (A) If the issue of a defendant's competence 44199
to stand trial is raised or if a defendant enters a plea of not 44200
guilty by reason of insanity, the court may order one or more 44201
evaluations of the defendant's present mental condition or, in the 44202
case of a plea of not guilty by reason of insanity, of the 44203
defendant's mental condition at the time of the offense charged. 44204
An examiner shall conduct the evaluation. 44205

(B) If the court orders more than one evaluation under 44206
division (A) of this section, the prosecutor and the defendant may 44207
recommend to the court an examiner whom each prefers to perform 44208
one of the evaluations. If a defendant enters a plea of not guilty 44209
by reason of insanity and if the court does not designate an 44210
examiner recommended by the defendant, the court shall inform the 44211
defendant that the defendant may have independent expert 44212
evaluation and that, if the defendant is unable to obtain 44213
independent expert evaluation, it will be obtained for the 44214
defendant at public expense if the defendant is indigent. 44215

(C) If the court orders an evaluation under division (A) of 44216
this section, the defendant shall be available at the times and 44217
places established by the examiners who are to conduct the 44218

evaluation. The court may order a defendant who has been released 44219
on bail or recognizance to submit to an evaluation under this 44220
section. If a defendant who has been released on bail or 44221
recognizance refuses to submit to a complete evaluation, the court 44222
may amend the conditions of bail or recognizance and order the 44223
sheriff to take the defendant into custody and deliver the 44224
defendant to a center, program, or facility operated or certified 44225
by the department of ~~mental health~~ mental health and addiction 44226
services or the department of developmental disabilities where the 44227
defendant may be held for evaluation for a reasonable period of 44228
time not to exceed twenty days. 44229

(D) A defendant who has not been released on bail or 44230
recognizance may be evaluated at the defendant's place of 44231
detention. Upon the request of the examiner, the court may order 44232
the sheriff to transport the defendant to a program or facility 44233
operated or certified by the department of ~~mental health~~ mental 44234
health and addiction services or the department of developmental 44235
disabilities, where the defendant may be held for evaluation for a 44236
reasonable period of time not to exceed twenty days, and to return 44237
the defendant to the place of detention after the evaluation. A 44238
municipal court may make an order under this division only upon 44239
the request of a certified forensic center examiner. 44240

(E) If a court orders the evaluation to determine a 44241
defendant's mental condition at the time of the offense charged, 44242
the court shall inform the examiner of the offense with which the 44243
defendant is charged. 44244

(F) In conducting an evaluation of a defendant's mental 44245
condition at the time of the offense charged, the examiner shall 44246
consider all relevant evidence. If the offense charged involves 44247
the use of force against another person, the relevant evidence to 44248
be considered includes, but is not limited to, any evidence that 44249
the defendant suffered, at the time of the commission of the 44250

offense, from the "battered woman syndrome." 44251

(G) The examiner shall file a written report with the court 44252
within thirty days after entry of a court order for evaluation, 44253
and the court shall provide copies of the report to the prosecutor 44254
and defense counsel. The report shall include all of the 44255
following: 44256

(1) The examiner's findings; 44257

(2) The facts in reasonable detail on which the findings are 44258
based; 44259

(3) If the evaluation was ordered to determine the 44260
defendant's competence to stand trial, all of the following 44261
findings or recommendations that are applicable: 44262

(a) Whether the defendant is capable of understanding the 44263
nature and objective of the proceedings against the defendant or 44264
of assisting in the defendant's defense; 44265

(b) If the examiner's opinion is that the defendant is 44266
incapable of understanding the nature and objective of the 44267
proceedings against the defendant or of assisting in the 44268
defendant's defense, whether the defendant presently is mentally 44269
ill or mentally retarded and, if the examiner's opinion is that 44270
the defendant presently is mentally retarded, whether the 44271
defendant appears to be a mentally retarded person subject to 44272
institutionalization by court order; 44273

(c) If the examiner's opinion is that the defendant is 44274
incapable of understanding the nature and objective of the 44275
proceedings against the defendant or of assisting in the 44276
defendant's defense, the examiner's opinion as to the likelihood 44277
of the defendant becoming capable of understanding the nature and 44278
objective of the proceedings against the defendant and of 44279
assisting in the defendant's defense within one year if the 44280
defendant is provided with a course of treatment; 44281

(d) If the examiner's opinion is that the defendant is 44282
incapable of understanding the nature and objective of the 44283
proceedings against the defendant or of assisting in the 44284
defendant's defense and that the defendant presently is mentally 44285
ill or mentally retarded, the examiner's recommendation as to the 44286
least restrictive placement or commitment alternative, consistent 44287
with the defendant's treatment needs for restoration to competency 44288
and with the safety of the community. 44289

(4) If the evaluation was ordered to determine the 44290
defendant's mental condition at the time of the offense charged, 44291
the examiner's findings as to whether the defendant, at the time 44292
of the offense charged, did not know, as a result of a severe 44293
mental disease or defect, the wrongfulness of the defendant's acts 44294
charged. 44295

(H) If the examiner's report filed under division (G) of this 44296
section indicates that in the examiner's opinion the defendant is 44297
incapable of understanding the nature and objective of the 44298
proceedings against the defendant or of assisting in the 44299
defendant's defense and that in the examiner's opinion the 44300
defendant appears to be a mentally retarded person subject to 44301
institutionalization by court order, the court shall order the 44302
defendant to undergo a separate mental retardation evaluation 44303
conducted by a psychologist designated by the director of 44304
developmental disabilities. Divisions (C) to (F) of this section 44305
apply in relation to a separate mental retardation evaluation 44306
conducted under this division. The psychologist appointed under 44307
this division to conduct the separate mental retardation 44308
evaluation shall file a written report with the court within 44309
thirty days after the entry of the court order requiring the 44310
separate mental retardation evaluation, and the court shall 44311
provide copies of the report to the prosecutor and defense 44312
counsel. The report shall include all of the information described 44313

in divisions (G)(1) to (4) of this section. If the court orders a separate mental retardation evaluation of a defendant under this division, the court shall not conduct a hearing under divisions (B) to (H) of section 2945.37 of the Revised Code regarding that defendant until a report of the separate mental retardation evaluation conducted under this division has been filed. Upon the filing of that report, the court shall conduct the hearing within the period of time specified in division (C) of section 2945.37 of the Revised Code.

(I) An examiner appointed under divisions (A) and (B) of this section or under division (H) of this section to evaluate a defendant to determine the defendant's competence to stand trial also may be appointed to evaluate a defendant who has entered a plea of not guilty by reason of insanity, but an examiner of that nature shall prepare separate reports on the issue of competence to stand trial and the defense of not guilty by reason of insanity.

(J) No statement that a defendant makes in an evaluation or hearing under divisions (A) to (H) of this section relating to the defendant's competence to stand trial or to the defendant's mental condition at the time of the offense charged shall be used against the defendant on the issue of guilt in any criminal action or proceeding, but, in a criminal action or proceeding, the prosecutor or defense counsel may call as a witness any person who evaluated the defendant or prepared a report pursuant to a referral under this section. Neither the appointment nor the testimony of an examiner appointed under this section precludes the prosecutor or defense counsel from calling other witnesses or presenting other evidence on competency or insanity issues.

(K) Persons appointed as examiners under divisions (A) and (B) of this section or under division (H) of this section shall be paid a reasonable amount for their services and expenses, as

certified by the court. The certified amount shall be paid by the 44346
county in the case of county courts and courts of common pleas and 44347
by the legislative authority, as defined in section 1901.03 of the 44348
Revised Code, in the case of municipal courts. 44349

Sec. 2945.38. (A) If the issue of a defendant's competence to 44350
stand trial is raised and if the court, upon conducting the 44351
hearing provided for in section 2945.37 of the Revised Code, finds 44352
that the defendant is competent to stand trial, the defendant 44353
shall be proceeded against as provided by law. If the court finds 44354
the defendant competent to stand trial and the defendant is 44355
receiving psychotropic drugs or other medication, the court may 44356
authorize the continued administration of the drugs or medication 44357
or other appropriate treatment in order to maintain the 44358
defendant's competence to stand trial, unless the defendant's 44359
attending physician advises the court against continuation of the 44360
drugs, other medication, or treatment. 44361

(B)(1)(a) If, after taking into consideration all relevant 44362
reports, information, and other evidence, the court finds that the 44363
defendant is incompetent to stand trial and that there is a 44364
substantial probability that the defendant will become competent 44365
to stand trial within one year if the defendant is provided with a 44366
course of treatment, the court shall order the defendant to 44367
undergo treatment. If the defendant has been charged with a felony 44368
offense and if, after taking into consideration all relevant 44369
reports, information, and other evidence, the court finds that the 44370
defendant is incompetent to stand trial, but the court is unable 44371
at that time to determine whether there is a substantial 44372
probability that the defendant will become competent to stand 44373
trial within one year if the defendant is provided with a course 44374
of treatment, the court shall order continuing evaluation and 44375
treatment of the defendant for a period not to exceed four months 44376
to determine whether there is a substantial probability that the 44377

defendant will become competent to stand trial within one year if 44378
the defendant is provided with a course of treatment. 44379

(b) The court order for the defendant to undergo treatment or 44380
continuing evaluation and treatment under division (B)(1)(a) of 44381
this section shall specify that the defendant, if determined to 44382
require mental health treatment or continuing evaluation and 44383
treatment, either shall be committed to the department of ~~mental~~ 44384
~~health~~ mental health and addiction services for treatment or 44385
continuing evaluation and treatment at a hospital, facility, or 44386
agency, as determined to be clinically appropriate by the 44387
department of ~~mental health~~ mental health and addiction services 44388
or shall be committed to a facility certified by the department of 44389
~~mental health~~ mental health and addiction services as being 44390
qualified to treat mental illness, to a public or community mental 44391
health facility, or to a psychiatrist or another mental health 44392
professional for treatment or continuing evaluation and treatment. 44393
Prior to placing the defendant, the department of ~~mental health~~ 44394
mental health and addiction services shall obtain court approval 44395
for that placement following a hearing. The court order for the 44396
defendant to undergo treatment or continuing evaluation and 44397
treatment under division (B)(1)(a) of this section shall specify 44398
that the defendant, if determined to require treatment or 44399
continuing evaluation and treatment for mental retardation, shall 44400
receive treatment or continuing evaluation and treatment at an 44401
institution or facility operated by the department of 44402
developmental disabilities, at a facility certified by the 44403
department of developmental disabilities as being qualified to 44404
treat mental retardation, at a public or private mental 44405
retardation facility, or by a psychiatrist or another mental 44406
retardation professional. In any case, the order may restrict the 44407
defendant's freedom of movement as the court considers necessary. 44408
The prosecutor in the defendant's case shall send to the chief 44409
clinical officer of the hospital, facility, or agency where the 44410

defendant is placed by the department of ~~mental health~~ mental 44411
health and addiction services, or to the managing officer of the 44412
institution, the director of the program or facility, or the 44413
person to which the defendant is committed, copies of relevant 44414
police reports and other background information that pertains to 44415
the defendant and is available to the prosecutor unless the 44416
prosecutor determines that the release of any of the information 44417
in the police reports or any of the other background information 44418
to unauthorized persons would interfere with the effective 44419
prosecution of any person or would create a substantial risk of 44420
harm to any person. 44421

In determining the place of commitment, the court shall 44422
consider the extent to which the person is a danger to the person 44423
and to others, the need for security, and the type of crime 44424
involved and shall order the least restrictive alternative 44425
available that is consistent with public safety and treatment 44426
goals. In weighing these factors, the court shall give preference 44427
to protecting public safety. 44428

(c) If the defendant is found incompetent to stand trial, if 44429
the chief clinical officer of the hospital, facility, or agency 44430
where the defendant is placed, or the managing officer of the 44431
institution, the director of the program or facility, or the 44432
person to which the defendant is committed for treatment or 44433
continuing evaluation and treatment under division (B)(1)(b) of 44434
this section determines that medication is necessary to restore 44435
the defendant's competency to stand trial, and if the defendant 44436
lacks the capacity to give informed consent or refuses medication, 44437
the chief clinical officer of the hospital, facility, or agency 44438
where the defendant is placed, or the managing officer of the 44439
institution, the director of the program or facility, or the 44440
person to which the defendant is committed for treatment or 44441
continuing evaluation and treatment may petition the court for 44442

authorization for the involuntary administration of medication. 44443
The court shall hold a hearing on the petition within five days of 44444
the filing of the petition if the petition was filed in a 44445
municipal court or a county court regarding an incompetent 44446
defendant charged with a misdemeanor or within ten days of the 44447
filing of the petition if the petition was filed in a court of 44448
common pleas regarding an incompetent defendant charged with a 44449
felony offense. Following the hearing, the court may authorize the 44450
involuntary administration of medication or may dismiss the 44451
petition. 44452

(2) If the court finds that the defendant is incompetent to 44453
stand trial and that, even if the defendant is provided with a 44454
course of treatment, there is not a substantial probability that 44455
the defendant will become competent to stand trial within one 44456
year, the court shall order the discharge of the defendant, unless 44457
upon motion of the prosecutor or on its own motion, the court 44458
either seeks to retain jurisdiction over the defendant pursuant to 44459
section 2945.39 of the Revised Code or files an affidavit in the 44460
probate court for the civil commitment of the defendant pursuant 44461
to Chapter 5122. or 5123. of the Revised Code alleging that the 44462
defendant is a mentally ill person subject to hospitalization by 44463
court order or a mentally retarded person subject to 44464
institutionalization by court order. If an affidavit is filed in 44465
the probate court, the trial court shall send to the probate court 44466
copies of all written reports of the defendant's mental condition 44467
that were prepared pursuant to section 2945.371 of the Revised 44468
Code. 44469

The trial court may issue the temporary order of detention 44470
that a probate court may issue under section 5122.11 or 5123.71 of 44471
the Revised Code, to remain in effect until the probable cause or 44472
initial hearing in the probate court. Further proceedings in the 44473
probate court are civil proceedings governed by Chapter 5122. or 44474

5123. of the Revised Code. 44475

(C) No defendant shall be required to undergo treatment, 44476
including any continuing evaluation and treatment, under division 44477
(B)(1) of this section for longer than whichever of the following 44478
periods is applicable: 44479

(1) One year, if the most serious offense with which the 44480
defendant is charged is one of the following offenses: 44481

(a) Aggravated murder, murder, or an offense of violence for 44482
which a sentence of death or life imprisonment may be imposed; 44483

(b) An offense of violence that is a felony of the first or 44484
second degree; 44485

(c) A conspiracy to commit, an attempt to commit, or 44486
complicity in the commission of an offense described in division 44487
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 44488
complicity is a felony of the first or second degree. 44489

(2) Six months, if the most serious offense with which the 44490
defendant is charged is a felony other than a felony described in 44491
division (C)(1) of this section; 44492

(3) Sixty days, if the most serious offense with which the 44493
defendant is charged is a misdemeanor of the first or second 44494
degree; 44495

(4) Thirty days, if the most serious offense with which the 44496
defendant is charged is a misdemeanor of the third or fourth 44497
degree, a minor misdemeanor, or an unclassified misdemeanor. 44498

(D) Any defendant who is committed pursuant to this section 44499
shall not voluntarily admit the defendant or be voluntarily 44500
admitted to a hospital or institution pursuant to section 5122.02, 44501
5122.15, 5123.69, or 5123.76 of the Revised Code. 44502

(E) Except as otherwise provided in this division, a 44503
defendant who is charged with an offense and is committed by the 44504

court under this section to the department of ~~mental health~~ mental health and addiction services or is committed to an institution or facility for the treatment of mental retardation shall not be granted unsupervised on-grounds movement, supervised off-grounds movement, or nonsecured status except in accordance with the court order. The court may grant a defendant supervised off-grounds movement to obtain medical treatment or specialized habilitation treatment services if the person who supervises the treatment or the continuing evaluation and treatment of the defendant ordered under division (B)(1)(a) of this section informs the court that the treatment or continuing evaluation and treatment cannot be provided at the hospital or facility where the defendant is placed by the department of ~~mental health~~ mental health and addiction services or the institution or facility to which the defendant is committed. The chief clinical officer of the hospital or facility where the defendant is placed by the department of ~~mental health~~ mental health and addiction services or the managing officer of the institution or director of the facility to which the defendant is committed, or a designee of any of those persons, may grant a defendant movement to a medical facility for an emergency medical situation with appropriate supervision to ensure the safety of the defendant, staff, and community during that emergency medical situation. The chief clinical officer of the hospital or facility where the defendant is placed by the department of ~~mental health~~ mental health and addiction services or the managing officer of the institution or director of the facility to which the defendant is committed shall notify the court within twenty-four hours of the defendant's movement to the medical facility for an emergency medical situation under this division.

(F) The person who supervises the treatment or continuing evaluation and treatment of a defendant ordered to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of this section shall file a written report with the

court at the following times: 44538

(1) Whenever the person believes the defendant is capable of 44539
understanding the nature and objective of the proceedings against 44540
the defendant and of assisting in the defendant's defense; 44541

(2) For a felony offense, fourteen days before expiration of 44542
the maximum time for treatment as specified in division (C) of 44543
this section and fourteen days before the expiration of the 44544
maximum time for continuing evaluation and treatment as specified 44545
in division (B)(1)(a) of this section, and, for a misdemeanor 44546
offense, ten days before the expiration of the maximum time for 44547
treatment, as specified in division (C) of this section; 44548

(3) At a minimum, after each six months of treatment; 44549

(4) Whenever the person who supervises the treatment or 44550
continuing evaluation and treatment of a defendant ordered under 44551
division (B)(1)(a) of this section believes that there is not a 44552
substantial probability that the defendant will become capable of 44553
understanding the nature and objective of the proceedings against 44554
the defendant or of assisting in the defendant's defense even if 44555
the defendant is provided with a course of treatment. 44556

(G) A report under division (F) of this section shall contain 44557
the examiner's findings, the facts in reasonable detail on which 44558
the findings are based, and the examiner's opinion as to the 44559
defendant's capability of understanding the nature and objective 44560
of the proceedings against the defendant and of assisting in the 44561
defendant's defense. If, in the examiner's opinion, the defendant 44562
remains incapable of understanding the nature and objective of the 44563
proceedings against the defendant and of assisting in the 44564
defendant's defense and there is a substantial probability that 44565
the defendant will become capable of understanding the nature and 44566
objective of the proceedings against the defendant and of 44567
assisting in the defendant's defense if the defendant is provided 44568

with a course of treatment, if in the examiner's opinion the 44569
defendant remains mentally ill or mentally retarded, and if the 44570
maximum time for treatment as specified in division (C) of this 44571
section has not expired, the report also shall contain the 44572
examiner's recommendation as to the least restrictive placement or 44573
commitment alternative that is consistent with the defendant's 44574
treatment needs for restoration to competency and with the safety 44575
of the community. The court shall provide copies of the report to 44576
the prosecutor and defense counsel. 44577

(H) If a defendant is committed pursuant to division (B)(1) 44578
of this section, within ten days after the treating physician of 44579
the defendant or the examiner of the defendant who is employed or 44580
retained by the treating facility advises that there is not a 44581
substantial probability that the defendant will become capable of 44582
understanding the nature and objective of the proceedings against 44583
the defendant or of assisting in the defendant's defense even if 44584
the defendant is provided with a course of treatment, within ten 44585
days after the expiration of the maximum time for treatment as 44586
specified in division (C) of this section, within ten days after 44587
the expiration of the maximum time for continuing evaluation and 44588
treatment as specified in division (B)(1)(a) of this section, 44589
within thirty days after a defendant's request for a hearing that 44590
is made after six months of treatment, or within thirty days after 44591
being advised by the treating physician or examiner that the 44592
defendant is competent to stand trial, whichever is the earliest, 44593
the court shall conduct another hearing to determine if the 44594
defendant is competent to stand trial and shall do whichever of 44595
the following is applicable: 44596

(1) If the court finds that the defendant is competent to 44597
stand trial, the defendant shall be proceeded against as provided 44598
by law. 44599

(2) If the court finds that the defendant is incompetent to 44600

stand trial, but that there is a substantial probability that the defendant will become competent to stand trial if the defendant is provided with a course of treatment, and the maximum time for treatment as specified in division (C) of this section has not expired, the court, after consideration of the examiner's recommendation, shall order that treatment be continued, may change the facility or program at which the treatment is to be continued, and shall specify whether the treatment is to be continued at the same or a different facility or program.

(3) If the court finds that the defendant is incompetent to stand trial, if the defendant is charged with an offense listed in division (C)(1) of this section, and if the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the defendant is provided with a course of treatment, or if the maximum time for treatment relative to that offense as specified in division (C) of this section has expired, further proceedings shall be as provided in sections 2945.39, 2945.401, and 2945.402 of the Revised Code.

(4) If the court finds that the defendant is incompetent to stand trial, if the most serious offense with which the defendant is charged is a misdemeanor or a felony other than a felony listed in division (C)(1) of this section, and if the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the defendant is provided with a course of treatment, or if the maximum time for treatment relative to that offense as specified in division (C) of this section has expired, the court shall dismiss the indictment, information, or complaint against the defendant. A dismissal under this division is not a bar to further prosecution based on the same conduct. The court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment pursuant to Chapter 5122. or 5123. of the Revised Code.

If an affidavit for civil commitment is filed, the court may 44633
detain the defendant for ten days pending civil commitment. All of 44634
the following provisions apply to persons charged with a 44635
misdemeanor or a felony other than a felony listed in division 44636
(C)(1) of this section who are committed by the probate court 44637
subsequent to the court's or prosecutor's filing of an affidavit 44638
for civil commitment under authority of this division: 44639

(a) The chief clinical officer of the entity, hospital, or 44640
facility, the managing officer of the institution, the director of 44641
the program, or the person to which the defendant is committed or 44642
admitted shall do all of the following: 44643

(i) Notify the prosecutor, in writing, of the discharge of 44644
the defendant, send the notice at least ten days prior to the 44645
discharge unless the discharge is by the probate court, and state 44646
in the notice the date on which the defendant will be discharged; 44647

(ii) Notify the prosecutor, in writing, when the defendant is 44648
absent without leave or is granted unsupervised, off-grounds 44649
movement, and send this notice promptly after the discovery of the 44650
absence without leave or prior to the granting of the 44651
unsupervised, off-grounds movement, whichever is applicable; 44652

(iii) Notify the prosecutor, in writing, of the change of the 44653
defendant's commitment or admission to voluntary status, send the 44654
notice promptly upon learning of the change to voluntary status, 44655
and state in the notice the date on which the defendant was 44656
committed or admitted on a voluntary status. 44657

(b) Upon receiving notice that the defendant will be granted 44658
unsupervised, off-grounds movement, the prosecutor either shall 44659
re-indict the defendant or promptly notify the court that the 44660
prosecutor does not intend to prosecute the charges against the 44661
defendant. 44662

(I) If a defendant is convicted of a crime and sentenced to a 44663

jail or workhouse, the defendant's sentence shall be reduced by 44664
the total number of days the defendant is confined for evaluation 44665
to determine the defendant's competence to stand trial or 44666
treatment under this section and sections 2945.37 and 2945.371 of 44667
the Revised Code or by the total number of days the defendant is 44668
confined for evaluation to determine the defendant's mental 44669
condition at the time of the offense charged. 44670

Sec. 2945.39. (A) If a defendant who is charged with an 44671
offense described in division (C)(1) of section 2945.38 of the 44672
Revised Code is found incompetent to stand trial, after the 44673
expiration of the maximum time for treatment as specified in 44674
division (C) of that section or after the court finds that there 44675
is not a substantial probability that the defendant will become 44676
competent to stand trial even if the defendant is provided with a 44677
course of treatment, one of the following applies: 44678

(1) The court or the prosecutor may file an affidavit in 44679
probate court for civil commitment of the defendant in the manner 44680
provided in Chapter 5122. or 5123. of the Revised Code. If the 44681
court or prosecutor files an affidavit for civil commitment, the 44682
court may detain the defendant for ten days pending civil 44683
commitment. If the probate court commits the defendant subsequent 44684
to the court's or prosecutor's filing of an affidavit for civil 44685
commitment, the chief clinical officer of the entity, hospital, or 44686
facility, the managing officer of the institution, the director of 44687
the program, or the person to which the defendant is committed or 44688
admitted shall send to the prosecutor the notices described in 44689
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 44690
Code within the periods of time and under the circumstances 44691
specified in those divisions. 44692

(2) On the motion of the prosecutor or on its own motion, the 44693
court may retain jurisdiction over the defendant if, at a hearing, 44694

the court finds both of the following by clear and convincing evidence: 44695
44696

(a) The defendant committed the offense with which the defendant is charged. 44697
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(b) The defendant is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order. 44699
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(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the defendant, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the defendant that is relevant to the defendant's ability to conform to the law. 44702
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(C) If the court conducts a hearing as described in division (A)(2) of this section and if the court does not make both findings described in divisions (A)(2)(a) and (b) of this section by clear and convincing evidence, the court shall dismiss the indictment, information, or complaint against the defendant. Upon the dismissal, the court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment of the defendant pursuant to Chapter 5122. or 5123. of the Revised Code. If the court or prosecutor files an affidavit for civil commitment, the court may order that the defendant be detained for up to ten days pending the civil commitment. If the probate court commits the defendant subsequent to the court's or prosecutor's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall send to the prosecutor the notices described in divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 44709
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within the periods of time and under the circumstances specified 44727
in those divisions. A dismissal of charges under this division is 44728
not a bar to further criminal proceedings based on the same 44729
conduct. 44730

(D)(1) If the court conducts a hearing as described in 44731
division (A)(2) of this section and if the court makes the 44732
findings described in divisions (A)(2)(a) and (b) of this section 44733
by clear and convincing evidence, the court shall commit the 44734
defendant, if determined to require mental health treatment, 44735
either to the department of ~~mental health~~ mental health and 44736
addiction services for treatment at a hospital, facility, or 44737
agency as determined clinically appropriate by the department of 44738
~~mental health~~ mental health and addiction services or to another 44739
medical or psychiatric facility, as appropriate. Prior to placing 44740
the defendant, the department of ~~mental health~~ mental health and 44741
addiction services shall obtain court approval for that placement. 44742
If the court conducts such a hearing and if it makes those 44743
findings by clear and convincing evidence, the court shall commit 44744
the defendant, if determined to require treatment for mental 44745
retardation, to a facility operated by the department of 44746
developmental disabilities, or another facility, as appropriate. 44747
In determining the place of commitment, the court shall consider 44748
the extent to which the person is a danger to the person and to 44749
others, the need for security, and the type of crime involved and 44750
shall order the least restrictive alternative available that is 44751
consistent with public safety and the welfare of the defendant. In 44752
weighing these factors, the court shall give preference to 44753
protecting public safety. 44754

(2) If a court makes a commitment of a defendant under 44755
division (D)(1) of this section, the prosecutor shall send to the 44756
hospital, facility, or agency where the defendant is placed by the 44757
department of ~~mental health~~ mental health and addiction services 44758

or to the defendant's place of commitment all reports of the 44759
defendant's current mental condition and, except as otherwise 44760
provided in this division, any other relevant information, 44761
including, but not limited to, a transcript of the hearing held 44762
pursuant to division (A)(2) of this section, copies of relevant 44763
police reports, and copies of any prior arrest and conviction 44764
records that pertain to the defendant and that the prosecutor 44765
possesses. The prosecutor shall send the reports of the 44766
defendant's current mental condition in every case of commitment, 44767
and, unless the prosecutor determines that the release of any of 44768
the other relevant information to unauthorized persons would 44769
interfere with the effective prosecution of any person or would 44770
create a substantial risk of harm to any person, the prosecutor 44771
also shall send the other relevant information. Upon admission of 44772
a defendant committed under division (D)(1) of this section, the 44773
place of commitment shall send to the board of alcohol, drug 44774
addiction, and mental health services or the community mental 44775
health board serving the county in which the charges against the 44776
defendant were filed a copy of all reports of the defendant's 44777
current mental condition and a copy of the other relevant 44778
information provided by the prosecutor under this division, 44779
including, if provided, a transcript of the hearing held pursuant 44780
to division (A)(2) of this section, the relevant police reports, 44781
and the prior arrest and conviction records that pertain to the 44782
defendant and that the prosecutor possesses. 44783

(3) If a court makes a commitment under division (D)(1) of 44784
this section, all further proceedings shall be in accordance with 44785
sections 2945.401 and 2945.402 of the Revised Code. 44786

Sec. 2945.40. (A) If a person is found not guilty by reason 44787
of insanity, the verdict shall state that finding, and the trial 44788
court shall conduct a full hearing to determine whether the person 44789
is a mentally ill person subject to hospitalization by court order 44790

or a mentally retarded person subject to institutionalization by 44791
court order. Prior to the hearing, if the trial judge believes 44792
that there is probable cause that the person found not guilty by 44793
reason of insanity is a mentally ill person subject to 44794
hospitalization by court order or mentally retarded person subject 44795
to institutionalization by court order, the trial judge may issue 44796
a temporary order of detention for that person to remain in effect 44797
for ten court days or until the hearing, whichever occurs first. 44798

Any person detained pursuant to a temporary order of 44799
detention issued under this division shall be held in a suitable 44800
facility, taking into consideration the place and type of 44801
confinement prior to and during trial. 44802

(B) The court shall hold the hearing under division (A) of 44803
this section to determine whether the person found not guilty by 44804
reason of insanity is a mentally ill person subject to 44805
hospitalization by court order or a mentally retarded person 44806
subject to institutionalization by court order within ten court 44807
days after the finding of not guilty by reason of insanity. 44808
Failure to conduct the hearing within the ten-day period shall 44809
cause the immediate discharge of the respondent, unless the judge 44810
grants a continuance for not longer than ten court days for good 44811
cause shown or for any period of time upon motion of the 44812
respondent. 44813

(C) If a person is found not guilty by reason of insanity, 44814
the person has the right to attend all hearings conducted pursuant 44815
to sections 2945.37 to 2945.402 of the Revised Code. At any 44816
hearing conducted pursuant to one of those sections, the court 44817
shall inform the person that the person has all of the following 44818
rights: 44819

(1) The right to be represented by counsel and to have that 44820
counsel provided at public expense if the person is indigent, with 44821
the counsel to be appointed by the court under Chapter 120. of the 44822

Revised Code or under the authority recognized in division (C) of 44823
section 120.06, division (E) of section 120.16, division (E) of 44824
section 120.26, or section 2941.51 of the Revised Code; 44825

(2) The right to have independent expert evaluation and to 44826
have that independent expert evaluation provided at public expense 44827
if the person is indigent; 44828

(3) The right to subpoena witnesses and documents, to present 44829
evidence on the person's behalf, and to cross-examine witnesses 44830
against the person; 44831

(4) The right to testify in the person's own behalf and to 44832
not be compelled to testify; 44833

(5) The right to have copies of any relevant medical or 44834
mental health document in the custody of the state or of any place 44835
of commitment other than a document for which the court finds that 44836
the release to the person of information contained in the document 44837
would create a substantial risk of harm to any person. 44838

(D) The hearing under division (A) of this section shall be 44839
open to the public, and the court shall conduct the hearing in 44840
accordance with the Rules of Civil Procedure. The court shall make 44841
and maintain a full transcript and record of the hearing 44842
proceedings. The court may consider all relevant evidence, 44843
including, but not limited to, any relevant psychiatric, 44844
psychological, or medical testimony or reports, the acts 44845
constituting the offense in relation to which the person was found 44846
not guilty by reason of insanity, and any history of the person 44847
that is relevant to the person's ability to conform to the law. 44848

(E) Upon completion of the hearing under division (A) of this 44849
section, if the court finds there is not clear and convincing 44850
evidence that the person is a mentally ill person subject to 44851
hospitalization by court order or a mentally retarded person 44852
subject to institutionalization by court order, the court shall 44853

discharge the person, unless a detainer has been placed upon the 44854
person by the department of rehabilitation and correction, in 44855
which case the person shall be returned to that department. 44856

(F) If, at the hearing under division (A) of this section, 44857
the court finds by clear and convincing evidence that the person 44858
is a mentally ill person subject to hospitalization by court 44859
order, the court shall commit the person either to the department 44860
of ~~mental health~~ mental health and addiction services for 44861
treatment in a hospital, facility, or agency as determined 44862
clinically appropriate by the department of ~~mental health~~ mental 44863
health and addiction services or to another medical or psychiatric 44864
facility, as appropriate. Prior to placing the defendant, the 44865
department of ~~mental health~~ mental health and addiction services 44866
shall obtain court approval for that placement. If, at the hearing 44867
under division (A) of this section, the court determines by clear 44868
and convincing evidence that the person requires treatment for 44869
mental retardation, it shall commit the person to a facility 44870
operated by the department of developmental disabilities or 44871
another facility, as appropriate. Further proceedings shall be in 44872
accordance with sections 2945.401 and 2945.402 of the Revised 44873
Code. In determining the place of commitment, the court shall 44874
consider the extent to which the person is a danger to the person 44875
and to others, the need for security, and the type of crime 44876
involved and shall order the least restrictive alternative 44877
available that is consistent with public safety and the welfare of 44878
the person. In weighing these factors, the court shall give 44879
preference to protecting public safety. 44880

(G) If a court makes a commitment of a person under division 44881
(F) of this section, the prosecutor shall send to the hospital, 44882
facility, or agency where the person is placed by the department 44883
of ~~mental health~~ mental health and addiction services or to the 44884
defendant's place of commitment all reports of the person's 44885

current mental condition, and, except as otherwise provided in 44886
this division, any other relevant information, including, but not 44887
limited to, a transcript of the hearing held pursuant to division 44888
(A) of this section, copies of relevant police reports, and copies 44889
of any prior arrest and conviction records that pertain to the 44890
person and that the prosecutor possesses. The prosecutor shall 44891
send the reports of the person's current mental condition in every 44892
case of commitment, and, unless the prosecutor determines that the 44893
release of any of the other relevant information to unauthorized 44894
persons would interfere with the effective prosecution of any 44895
person or would create a substantial risk of harm to any person, 44896
the prosecutor also shall send the other relevant information. 44897
Upon admission of a person committed under division (F) of this 44898
section, the place of commitment shall send to the board of 44899
alcohol, drug addiction, and mental health services or the 44900
community mental health board serving the county in which the 44901
charges against the person were filed a copy of all reports of the 44902
person's current mental condition and a copy of the other relevant 44903
information provided by the prosecutor under this division, 44904
including, if provided, a transcript of the hearing held pursuant 44905
to division (A) of this section, the relevant police reports, and 44906
the prior arrest and conviction records that pertain to the person 44907
and that the prosecutor possesses. 44908

(H) A person who is committed pursuant to this section shall 44909
not voluntarily admit the person or be voluntarily admitted to a 44910
hospital or institution pursuant to section 5122.02, 5122.15, 44911
5123.69, or 5123.76 of the Revised Code. 44912

Sec. 2945.401. (A) A defendant found incompetent to stand 44913
trial and committed pursuant to section 2945.39 of the Revised 44914
Code or a person found not guilty by reason of insanity and 44915
committed pursuant to section 2945.40 of the Revised Code shall 44916
remain subject to the jurisdiction of the trial court pursuant to 44917

that commitment, and to the provisions of this section, until the 44918
final termination of the commitment as described in division 44919
(J)(1) of this section. If the jurisdiction is terminated under 44920
this division because of the final termination of the commitment 44921
resulting from the expiration of the maximum prison term or term 44922
of imprisonment described in division (J)(1)(b) of this section, 44923
the court or prosecutor may file an affidavit for the civil 44924
commitment of the defendant or person pursuant to Chapter 5122. or 44925
5123. of the Revised Code. 44926

(B) A hearing conducted under any provision of sections 44927
2945.37 to 2945.402 of the Revised Code shall not be conducted in 44928
accordance with Chapters 5122. and 5123. of the Revised Code. Any 44929
person who is committed pursuant to section 2945.39 or 2945.40 of 44930
the Revised Code shall not voluntarily admit the person or be 44931
voluntarily admitted to a hospital or institution pursuant to 44932
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 44933
All other provisions of Chapters 5122. and 5123. of the Revised 44934
Code regarding hospitalization or institutionalization shall apply 44935
to the extent they are not in conflict with this chapter. A 44936
commitment under section 2945.39 or 2945.40 of the Revised Code 44937
shall not be terminated and the conditions of the commitment shall 44938
not be changed except as otherwise provided in division (D)(2) of 44939
this section with respect to a mentally retarded person subject to 44940
institutionalization by court order or except by order of the 44941
trial court. 44942

(C) The department of ~~mental health~~ mental health and 44943
addiction services or the institution, facility, or program to 44944
which a defendant or person has been committed under section 44945
2945.39 or 2945.40 of the Revised Code shall report in writing to 44946
the trial court, at the times specified in this division, as to 44947
whether the defendant or person remains a mentally ill person 44948
subject to hospitalization by court order or a mentally retarded 44949

person subject to institutionalization by court order and, in the 44950
case of a defendant committed under section 2945.39 of the Revised 44951
Code, as to whether the defendant remains incompetent to stand 44952
trial. The department, institution, facility, or program shall 44953
make the reports after the initial six months of treatment and 44954
every two years after the initial report is made. The trial court 44955
shall provide copies of the reports to the prosecutor and to the 44956
counsel for the defendant or person. Within thirty days after its 44957
receipt pursuant to this division of a report from the department, 44958
institution, facility, or program, the trial court shall hold a 44959
hearing on the continued commitment of the defendant or person or 44960
on any changes in the conditions of the commitment of the 44961
defendant or person. The defendant or person may request a change 44962
in the conditions of confinement, and the trial court shall 44963
conduct a hearing on that request if six months or more have 44964
elapsed since the most recent hearing was conducted under this 44965
section. 44966

(D)(1) Except as otherwise provided in division (D)(2) of 44967
this section, when a defendant or person has been committed under 44968
section 2945.39 or 2945.40 of the Revised Code, at any time after 44969
evaluating the risks to public safety and the welfare of the 44970
defendant or person, the designee of the department of ~~mental~~ 44971
~~health~~ mental health and addiction services or the managing 44972
officer of the institution or director of the facility or program 44973
to which the defendant or person is committed may recommend a 44974
termination of the defendant's or person's commitment or a change 44975
in the conditions of the defendant's or person's commitment. 44976

Except as otherwise provided in division (D)(2) of this 44977
section, if the designee of the department of ~~mental health~~ mental 44978
health and addiction services recommends on-grounds unsupervised 44979
movement, off-grounds supervised movement, or nonsecured status 44980
for the defendant or person or termination of the defendant's or 44981

person's commitment, the following provisions apply: 44982

(a) If the department's designee recommends on-grounds 44983
unsupervised movement or off-grounds supervised movement, the 44984
department's designee shall file with the trial court an 44985
application for approval of the movement and shall send a copy of 44986
the application to the prosecutor. Within fifteen days after 44987
receiving the application, the prosecutor may request a hearing on 44988
the application and, if a hearing is requested, shall so inform 44989
the department's designee. If the prosecutor does not request a 44990
hearing within the fifteen-day period, the trial court shall 44991
approve the application by entering its order approving the 44992
requested movement or, within five days after the expiration of 44993
the fifteen-day period, shall set a date for a hearing on the 44994
application. If the prosecutor requests a hearing on the 44995
application within the fifteen-day period, the trial court shall 44996
hold a hearing on the application within thirty days after the 44997
hearing is requested. If the trial court, within five days after 44998
the expiration of the fifteen-day period, sets a date for a 44999
hearing on the application, the trial court shall hold the hearing 45000
within thirty days after setting the hearing date. At least 45001
fifteen days before any hearing is held under this division, the 45002
trial court shall give the prosecutor written notice of the date, 45003
time, and place of the hearing. At the conclusion of each hearing 45004
conducted under this division, the trial court either shall 45005
approve or disapprove the application and shall enter its order 45006
accordingly. 45007

(b) If the department's designee recommends termination of 45008
the defendant's or person's commitment at any time or if the 45009
department's designee recommends the first of any nonsecured 45010
status for the defendant or person, the department's designee 45011
shall send written notice of this recommendation to the trial 45012
court and to the local forensic center. The local forensic center 45013

shall evaluate the committed defendant or person and, within 45014
thirty days after its receipt of the written notice, shall submit 45015
to the trial court and the department's designee a written report 45016
of the evaluation. The trial court shall provide a copy of the 45017
department's designee's written notice and of the local forensic 45018
center's written report to the prosecutor and to the counsel for 45019
the defendant or person. Upon the local forensic center's 45020
submission of the report to the trial court and the department's 45021
designee, all of the following apply: 45022

(i) If the forensic center disagrees with the recommendation 45023
of the department's designee, it shall inform the department's 45024
designee and the trial court of its decision and the reasons for 45025
the decision. The department's designee, after consideration of 45026
the forensic center's decision, shall either withdraw, proceed 45027
with, or modify and proceed with the recommendation. If the 45028
department's designee proceeds with, or modifies and proceeds 45029
with, the recommendation, the department's designee shall proceed 45030
in accordance with division (D)(1)(b)(iii) of this section. 45031

(ii) If the forensic center agrees with the recommendation of 45032
the department's designee, it shall inform the department's 45033
designee and the trial court of its decision and the reasons for 45034
the decision, and the department's designee shall proceed in 45035
accordance with division (D)(1)(b)(iii) of this section. 45036

(iii) If the forensic center disagrees with the 45037
recommendation of the department's designee and the department's 45038
designee proceeds with, or modifies and proceeds with, the 45039
recommendation or if the forensic center agrees with the 45040
recommendation of the department's designee, the department's 45041
designee shall work with community mental health ~~agencies~~ services 45042
providers, programs, facilities, or boards of alcohol, drug 45043
addiction, and mental health services or community mental health 45044
boards to develop a plan to implement the recommendation. If the 45045

defendant or person is on medication, the plan shall include, but 45046
shall not be limited to, a system to monitor the defendant's or 45047
person's compliance with the prescribed medication treatment plan. 45048
The system shall include a schedule that clearly states when the 45049
defendant or person shall report for a medication compliance 45050
check. The medication compliance checks shall be based upon the 45051
effective duration of the prescribed medication, taking into 45052
account the route by which it is taken, and shall be scheduled at 45053
intervals sufficiently close together to detect a potential 45054
increase in mental illness symptoms that the medication is 45055
intended to prevent. 45056

The department's designee, after consultation with the board 45057
of alcohol, drug addiction, and mental health services or the 45058
community mental health board serving the area, shall send the 45059
recommendation and plan developed under division (D)(1)(b)(iii) of 45060
this section, in writing, to the trial court, the prosecutor, and 45061
the counsel for the committed defendant or person. The trial court 45062
shall conduct a hearing on the recommendation and plan developed 45063
under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) 45064
and (d) and (E) to (J) of this section apply regarding the 45065
hearing. 45066

(c) If the department's designee's recommendation is for 45067
nonsecured status or termination of commitment, the prosecutor may 45068
obtain an independent expert evaluation of the defendant's or 45069
person's mental condition, and the trial court may continue the 45070
hearing on the recommendation for a period of not more than thirty 45071
days to permit time for the evaluation. 45072

The prosecutor may introduce the evaluation report or present 45073
other evidence at the hearing in accordance with the Rules of 45074
Evidence. 45075

(d) The trial court shall schedule the hearing on a 45076
department's designee's recommendation for nonsecured status or 45077

termination of commitment and shall give reasonable notice to the 45078
prosecutor and the counsel for the defendant or person. Unless 45079
continued for independent evaluation at the prosecutor's request 45080
or for other good cause, the hearing shall be held within thirty 45081
days after the trial court's receipt of the recommendation and 45082
plan. 45083

(2)(a) Division (D)(1) of this section does not apply to 45084
on-grounds unsupervised movement of a defendant or person who has 45085
been committed under section 2945.39 or 2945.40 of the Revised 45086
Code, who is a mentally retarded person subject to 45087
institutionalization by court order, and who is being provided 45088
residential habilitation, care, and treatment in a facility 45089
operated by the department of developmental disabilities. 45090

(b) If, pursuant to section 2945.39 of the Revised Code, the 45091
trial court commits a defendant who is found incompetent to stand 45092
trial and who is a mentally retarded person subject to 45093
institutionalization by court order, if the defendant is being 45094
provided residential habilitation, care, and treatment in a 45095
facility operated by the department of developmental disabilities, 45096
if an individual who is conducting a survey for the department of 45097
health to determine the facility's compliance with the 45098
certification requirements of the medicaid program ~~under Chapter~~ 45099
~~5111. of the Revised Code and Title XIX of the "Social Security~~ 45100
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ cites the 45101
defendant's receipt of the residential habilitation, care, and 45102
treatment in the facility as being inappropriate under the 45103
certification requirements, if the defendant's receipt of the 45104
residential habilitation, care, and treatment in the facility 45105
potentially jeopardizes the facility's continued receipt of 45106
federal medicaid moneys, and if as a result of the citation the 45107
chief clinical officer of the facility determines that the 45108
conditions of the defendant's commitment should be changed, the 45109

department of developmental disabilities may cause the defendant 45110
to be removed from the particular facility and, after evaluating 45111
the risks to public safety and the welfare of the defendant and 45112
after determining whether another type of placement is consistent 45113
with the certification requirements, may place the defendant in 45114
another facility that the department selects as an appropriate 45115
facility for the defendant's continued receipt of residential 45116
habilitation, care, and treatment and that is a no less secure 45117
setting than the facility in which the defendant had been placed 45118
at the time of the citation. Within three days after the 45119
defendant's removal and alternative placement under the 45120
circumstances described in division (D)(2)(b) of this section, the 45121
department of developmental disabilities shall notify the trial 45122
court and the prosecutor in writing of the removal and alternative 45123
placement. 45124

The trial court shall set a date for a hearing on the removal 45125
and alternative placement, and the hearing shall be held within 45126
twenty-one days after the trial court's receipt of the notice from 45127
the department of developmental disabilities. At least ten days 45128
before the hearing is held, the trial court shall give the 45129
prosecutor, the department of developmental disabilities, and the 45130
counsel for the defendant written notice of the date, time, and 45131
place of the hearing. At the hearing, the trial court shall 45132
consider the citation issued by the individual who conducted the 45133
survey for the department of health to be prima-facie evidence of 45134
the fact that the defendant's commitment to the particular 45135
facility was inappropriate under the certification requirements of 45136
the medicaid program ~~under Chapter 5111. of the Revised Code and~~ 45137
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 45138
~~U.S.C.A. 301, as amended,~~ and potentially jeopardizes the 45139
particular facility's continued receipt of federal medicaid 45140
moneys. At the conclusion of the hearing, the trial court may 45141
approve or disapprove the defendant's removal and alternative 45142

placement. If the trial court approves the defendant's removal and 45143
alternative placement, the department of developmental 45144
disabilities may continue the defendant's alternative placement. 45145
If the trial court disapproves the defendant's removal and 45146
alternative placement, it shall enter an order modifying the 45147
defendant's removal and alternative placement, but that order 45148
shall not require the department of developmental disabilities to 45149
replace the defendant for purposes of continued residential 45150
habilitation, care, and treatment in the facility associated with 45151
the citation issued by the individual who conducted the survey for 45152
the department of health. 45153

(E) In making a determination under this section regarding 45154
nonsecured status or termination of commitment, the trial court 45155
shall consider all relevant factors, including, but not limited 45156
to, all of the following: 45157

(1) Whether, in the trial court's view, the defendant or 45158
person currently represents a substantial risk of physical harm to 45159
the defendant or person or others; 45160

(2) Psychiatric and medical testimony as to the current 45161
mental and physical condition of the defendant or person; 45162

(3) Whether the defendant or person has insight into the 45163
defendant's or person's condition so that the defendant or person 45164
will continue treatment as prescribed or seek professional 45165
assistance as needed; 45166

(4) The grounds upon which the state relies for the proposed 45167
commitment; 45168

(5) Any past history that is relevant to establish the 45169
defendant's or person's degree of conformity to the laws, rules, 45170
regulations, and values of society; 45171

(6) If there is evidence that the defendant's or person's 45172
mental illness is in a state of remission, the medically suggested 45173

cause and degree of the remission and the probability that the 45174
defendant or person will continue treatment to maintain the 45175
remissive state of the defendant's or person's illness should the 45176
defendant's or person's commitment conditions be altered. 45177

(F) At any hearing held pursuant to division (C) or (D)(1) or 45178
(2) of this section, the defendant or the person shall have all 45179
the rights of a defendant or person at a commitment hearing as 45180
described in section 2945.40 of the Revised Code. 45181

(G) In a hearing held pursuant to division (C) or (D)(1) of 45182
this section, the prosecutor has the burden of proof as follows: 45183

(1) For a recommendation of termination of commitment, to 45184
show by clear and convincing evidence that the defendant or person 45185
remains a mentally ill person subject to hospitalization by court 45186
order or a mentally retarded person subject to 45187
institutionalization by court order; 45188

(2) For a recommendation for a change in the conditions of 45189
the commitment to a less restrictive status, to show by clear and 45190
convincing evidence that the proposed change represents a threat 45191
to public safety or a threat to the safety of any person. 45192

(H) In a hearing held pursuant to division (C) or (D)(1) or 45193
(2) of this section, the prosecutor shall represent the state or 45194
the public interest. 45195

(I) At the conclusion of a hearing conducted under division 45196
(D)(1) of this section regarding a recommendation from the 45197
designee of the department of ~~mental health~~ mental health and 45198
addiction services, managing officer of the institution, or 45199
director of a facility or program, the trial court may approve, 45200
disapprove, or modify the recommendation and shall enter an order 45201
accordingly. 45202

(J)(1) A defendant or person who has been committed pursuant 45203
to section 2945.39 or 2945.40 of the Revised Code continues to be 45204

under the jurisdiction of the trial court until the final 45205
termination of the commitment. For purposes of division (J) of 45206
this section, the final termination of a commitment occurs upon 45207
the earlier of one of the following: 45208

(a) The defendant or person no longer is a mentally ill 45209
person subject to hospitalization by court order or a mentally 45210
retarded person subject to institutionalization by court order, as 45211
determined by the trial court; 45212

(b) The expiration of the maximum prison term or term of 45213
imprisonment that the defendant or person could have received if 45214
the defendant or person had been convicted of the most serious 45215
offense with which the defendant or person is charged or in 45216
relation to which the defendant or person was found not guilty by 45217
reason of insanity; 45218

(c) The trial court enters an order terminating the 45219
commitment under the circumstances described in division 45220
(J)(2)(a)(ii) of this section. 45221

(2)(a) If a defendant is found incompetent to stand trial and 45222
committed pursuant to section 2945.39 of the Revised Code, if 45223
neither of the circumstances described in divisions (J)(1)(a) and 45224
(b) of this section applies to that defendant, and if a report 45225
filed with the trial court pursuant to division (C) of this 45226
section indicates that the defendant presently is competent to 45227
stand trial or if, at any other time during the period of the 45228
defendant's commitment, the prosecutor, the counsel for the 45229
defendant, or the designee of the department of ~~mental health~~ 45230
mental health and addiction services or the managing officer of 45231
the institution or director of the facility or program to which 45232
the defendant is committed files an application with the trial 45233
court alleging that the defendant presently is competent to stand 45234
trial and requesting a hearing on the competency issue or the 45235
trial court otherwise has reasonable cause to believe that the 45236

defendant presently is competent to stand trial and determines on 45237
its own motion to hold a hearing on the competency issue, the 45238
trial court shall schedule a hearing on the competency of the 45239
defendant to stand trial, shall give the prosecutor, the counsel 45240
for the defendant, and the department's designee or the managing 45241
officer of the institution or the director of the facility to 45242
which the defendant is committed notice of the date, time, and 45243
place of the hearing at least fifteen days before the hearing, and 45244
shall conduct the hearing within thirty days of the filing of the 45245
application or of its own motion. If, at the conclusion of the 45246
hearing, the trial court determines that the defendant presently 45247
is capable of understanding the nature and objective of the 45248
proceedings against the defendant and of assisting in the 45249
defendant's defense, the trial court shall order that the 45250
defendant is competent to stand trial and shall be proceeded 45251
against as provided by law with respect to the applicable offenses 45252
described in division (C)(1) of section 2945.38 of the Revised 45253
Code and shall enter whichever of the following additional orders 45254
is appropriate: 45255

(i) If the trial court determines that the defendant remains 45256
a mentally ill person subject to hospitalization by court order or 45257
a mentally retarded person subject to institutionalization by 45258
court order, the trial court shall order that the defendant's 45259
commitment to the department of ~~mental health~~ mental health and 45260
addiction services or to an institution, facility, or program for 45261
the treatment of mental retardation be continued during the 45262
pendency of the trial on the applicable offenses described in 45263
division (C)(1) of section 2945.38 of the Revised Code. 45264

(ii) If the trial court determines that the defendant no 45265
longer is a mentally ill person subject to hospitalization by 45266
court order or a mentally retarded person subject to 45267
institutionalization by court order, the trial court shall order 45268

that the defendant's commitment to the department of ~~mental health~~ 45269
mental health and addiction services or to an institution, 45270
facility, or program for the treatment of mental retardation shall 45271
not be continued during the pendency of the trial on the 45272
applicable offenses described in division (C)(1) of section 45273
2945.38 of the Revised Code. This order shall be a final 45274
termination of the commitment for purposes of division (J)(1)(c) 45275
of this section. 45276

(b) If, at the conclusion of the hearing described in 45277
division (J)(2)(a) of this section, the trial court determines 45278
that the defendant remains incapable of understanding the nature 45279
and objective of the proceedings against the defendant or of 45280
assisting in the defendant's defense, the trial court shall order 45281
that the defendant continues to be incompetent to stand trial, 45282
that the defendant's commitment to the department of ~~mental health~~ 45283
mental health and addiction services or to an institution, 45284
facility, or program for the treatment of mental retardation shall 45285
be continued, and that the defendant remains subject to the 45286
jurisdiction of the trial court pursuant to that commitment, and 45287
to the provisions of this section, until the final termination of 45288
the commitment as described in division (J)(1) of this section. 45289

Sec. 2951.041. (A)(1) If an offender is charged with a 45290
criminal offense, including but not limited to a violation of 45291
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 45292
the Revised Code, and the court has reason to believe that drug or 45293
alcohol usage by the offender was a factor leading to the criminal 45294
offense with which the offender is charged or that, at the time of 45295
committing that offense, the offender had a mental illness or was 45296
a person with intellectual disability and that the mental illness 45297
or status as a person with intellectual disability was a factor 45298
leading to the offender's criminal behavior, the court may accept, 45299
prior to the entry of a guilty plea, the offender's request for 45300

intervention in lieu of conviction. The request shall include a 45301
statement from the offender as to whether the offender is alleging 45302
that drug or alcohol usage by the offender was a factor leading to 45303
the criminal offense with which the offender is charged or is 45304
alleging that, at the time of committing that offense, the 45305
offender had a mental illness or was a person with intellectual 45306
disability and that the mental illness or status as a person with 45307
intellectual disability was a factor leading to the criminal 45308
offense with which the offender is charged. The request also shall 45309
include a waiver of the defendant's right to a speedy trial, the 45310
preliminary hearing, the time period within which the grand jury 45311
may consider an indictment against the offender, and arraignment, 45312
unless the hearing, indictment, or arraignment has already 45313
occurred. The court may reject an offender's request without a 45314
hearing. If the court elects to consider an offender's request, 45315
the court shall conduct a hearing to determine whether the 45316
offender is eligible under this section for intervention in lieu 45317
of conviction and shall stay all criminal proceedings pending the 45318
outcome of the hearing. If the court schedules a hearing, the 45319
court shall order an assessment of the offender for the purpose of 45320
determining the offender's eligibility for intervention in lieu of 45321
conviction and recommending an appropriate intervention plan. 45322

If the offender alleges that drug or alcohol usage by the 45323
offender was a factor leading to the criminal offense with which 45324
the offender is charged, the court may order that the offender be 45325
assessed by ~~a program~~ an addiction services provider certified 45326
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 45327
properly credentialed professional for the purpose of determining 45328
the offender's eligibility for intervention in lieu of conviction 45329
and recommending an appropriate intervention plan. The ~~program~~ 45330
addiction services provider or the properly credentialed 45331
professional shall provide a written assessment of the offender to 45332
the court. 45333

(2) The victim notification provisions of division (C) of 45334
section 2930.08 of the Revised Code apply in relation to any 45335
hearing held under division (A)(1) of this section. 45336

(B) An offender is eligible for intervention in lieu of 45337
conviction if the court finds all of the following: 45338

(1) The offender previously has not been convicted of or 45339
pleaded guilty to a felony offense of violence or previously has 45340
been convicted of or pleaded guilty to any felony that is not an 45341
offense of violence and the prosecuting attorney recommends that 45342
the offender be found eligible for participation in intervention 45343
in lieu of treatment under this section, previously has not been 45344
through intervention in lieu of conviction under this section or 45345
any similar regimen, and is charged with a felony for which the 45346
court, upon conviction, would impose a community control sanction 45347
on the offender under division (B)(2) of section 2929.13 of the 45348
Revised Code or with a misdemeanor. 45349

(2) The offense is not a felony of the first, second, or 45350
third degree, is not an offense of violence, is not a violation of 45351
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 45352
not a violation of division (A)(1) of section 2903.08 of the 45353
Revised Code, is not a violation of division (A) of section 45354
4511.19 of the Revised Code or a municipal ordinance that is 45355
substantially similar to that division, and is not an offense for 45356
which a sentencing court is required to impose a mandatory prison 45357
term, a mandatory term of local incarceration, or a mandatory term 45358
of imprisonment in a jail. 45359

(3) The offender is not charged with a violation of section 45360
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 45361
with a violation of section 2925.03 of the Revised Code that is a 45362
felony of the first, second, third, or fourth degree, and is not 45363
charged with a violation of section 2925.11 of the Revised Code 45364
that is a felony of the first, second, or third degree. 45365

(4) If an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court has ordered that the offender be assessed by ~~a program~~ an addiction services provider certified pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan, the offender has been assessed by ~~a program~~ an addiction services provider of that nature or a properly credentialed professional in accordance with the court's order, and the ~~program~~ addiction services provider or properly credentialed professional has filed the written assessment of the offender with the court.

(5) If an offender alleges that, at the time of committing the criminal offense with which the offender is charged, the offender had a mental illness or was a person with intellectual disability and that the mental illness or status as a person with intellectual disability was a factor leading to that offense, the offender has been assessed by a psychiatrist, psychologist, independent social worker, or professional clinical counselor for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

(6) The offender's drug usage, alcohol usage, mental illness, or intellectual disability, whichever is applicable, was a factor leading to the criminal offense with which the offender is charged, intervention in lieu of conviction would not demean the seriousness of the offense, and intervention would substantially reduce the likelihood of any future criminal activity.

(7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's

official duties at the time of the alleged offense. 45398

(8) If the offender is charged with a violation of section 45399
2925.24 of the Revised Code, the alleged violation did not result 45400
in physical harm to any person, and the offender previously has 45401
not been treated for drug abuse. 45402

(9) The offender is willing to comply with all terms and 45403
conditions imposed by the court pursuant to division (D) of this 45404
section. 45405

(10) The offender is not charged with an offense that would 45406
result in the offender being disqualified under Chapter 4506. of 45407
the Revised Code from operating a commercial motor vehicle or 45408
would subject the offender to any other sanction under that 45409
chapter. 45410

(C) At the conclusion of a hearing held pursuant to division 45411
(A) of this section, the court shall enter its determination as to 45412
whether the offender is eligible for intervention in lieu of 45413
conviction and as to whether to grant the offender's request. If 45414
the court finds under division (B) of this section that the 45415
offender is eligible for intervention in lieu of conviction and 45416
grants the offender's request, the court shall accept the 45417
offender's plea of guilty and waiver of the defendant's right to a 45418
speedy trial, the preliminary hearing, the time period within 45419
which the grand jury may consider an indictment against the 45420
offender, and arraignment, unless the hearing, indictment, or 45421
arraignment has already occurred. In addition, the court then may 45422
stay all criminal proceedings and order the offender to comply 45423
with all terms and conditions imposed by the court pursuant to 45424
division (D) of this section. If the court finds that the offender 45425
is not eligible or does not grant the offender's request, the 45426
criminal proceedings against the offender shall proceed as if the 45427
offender's request for intervention in lieu of conviction had not 45428
been made. 45429

(D) If the court grants an offender's request for 45430
intervention in lieu of conviction, the court shall place the 45431
offender under the general control and supervision of the county 45432
probation department, the adult parole authority, or another 45433
appropriate local probation or court services agency, if one 45434
exists, as if the offender was subject to a community control 45435
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 45436
Revised Code. The court shall establish an intervention plan for 45437
the offender. The terms and conditions of the intervention plan 45438
shall require the offender, for at least one year from the date on 45439
which the court grants the order of intervention in lieu of 45440
conviction, to abstain from the use of illegal drugs and alcohol, 45441
to participate in treatment and recovery support services, and to 45442
submit to regular random testing for drug and alcohol use and may 45443
include any other treatment terms and conditions, or terms and 45444
conditions similar to community control sanctions, which may 45445
include community service or restitution, that are ordered by the 45446
court. 45447

(E) If the court grants an offender's request for 45448
intervention in lieu of conviction and the court finds that the 45449
offender has successfully completed the intervention plan for the 45450
offender, including the requirement that the offender abstain from 45451
using illegal drugs and alcohol for a period of at least one year 45452
from the date on which the court granted the order of intervention 45453
in lieu of conviction, the requirement that the offender 45454
participate in treatment and recovery support services, and all 45455
other terms and conditions ordered by the court, the court shall 45456
dismiss the proceedings against the offender. Successful 45457
completion of the intervention plan and period of abstinence under 45458
this section shall be without adjudication of guilt and is not a 45459
criminal conviction for purposes of any disqualification or 45460
disability imposed by law and upon conviction of a crime, and the 45461
court may order the sealing of records related to the offense in 45462

question in the manner provided in sections 2953.31 to 2953.36 of 45463
the Revised Code. 45464

(F) If the court grants an offender's request for 45465
intervention in lieu of conviction and the offender fails to 45466
comply with any term or condition imposed as part of the 45467
intervention plan for the offender, the supervising authority for 45468
the offender promptly shall advise the court of this failure, and 45469
the court shall hold a hearing to determine whether the offender 45470
failed to comply with any term or condition imposed as part of the 45471
plan. If the court determines that the offender has failed to 45472
comply with any of those terms and conditions, it shall enter a 45473
finding of guilty and shall impose an appropriate sanction under 45474
Chapter 2929. of the Revised Code. If the court sentences the 45475
offender to a prison term, the court, after consulting with the 45476
department of rehabilitation and correction regarding the 45477
availability of services, may order continued court-supervised 45478
activity and treatment of the offender during the prison term and, 45479
upon consideration of reports received from the department 45480
concerning the offender's progress in the program of activity and 45481
treatment, may consider judicial release under section 2929.20 of 45482
the Revised Code. 45483

(G) As used in this section: 45484

(1) "Community control sanction" has the same meaning as in 45485
section 2929.01 of the Revised Code. 45486

(2) "Intervention in lieu of conviction" means any 45487
court-supervised activity that complies with this section. 45488

(3) "Peace officer" has the same meaning as in section 45489
2935.01 of the Revised Code. 45490

(4) "Mental illness" and "psychiatrist" have the same 45491
meanings as in section 5122.01 of the Revised Code. 45492

(5) "Person with intellectual disability" means a person 45493

having significantly subaverage general intellectual functioning 45494
existing concurrently with deficiencies in adaptive behavior, 45495
manifested during the developmental period. 45496

(6) "Psychologist" has the same meaning as in section 4732.01 45497
of the Revised Code. 45498

(H) Whenever the term "mentally retarded person" is used in 45499
any statute, rule, contract, grant, or other document, the 45500
reference shall be deemed to include a "person with intellectual 45501
disability," as defined in this section. 45502

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 45503
the Revised Code, an eligible offender may apply to the sentencing 45504
court if convicted in this state, or to a court of common pleas if 45505
convicted in another state or in a federal court, for the sealing 45506
of the conviction record. Application may be made at the 45507
expiration of three years after the offender's final discharge if 45508
convicted of a felony, or at the expiration of one year after the 45509
offender's final discharge if convicted of a misdemeanor. 45510

(2) Any person who has been arrested for any misdemeanor 45511
offense and who has effected a bail forfeiture may apply to the 45512
court in which the misdemeanor criminal case was pending when bail 45513
was forfeited for the sealing of the record of the case. Except as 45514
provided in section 2953.61 of the Revised Code, the application 45515
may be filed at any time after the expiration of one year from the 45516
date on which the bail forfeiture was entered upon the minutes of 45517
the court or the journal, whichever entry occurs first. 45518
45519

(B) Upon the filing of an application under this section, the 45520
court shall set a date for a hearing and shall notify the 45521
prosecutor for the case of the hearing on the application. The 45522
prosecutor may object to the granting of the application by filing 45523
an objection with the court prior to the date set for the hearing. 45524

The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. If the applicant was convicted of or pleaded guilty to a violation of division (A)(2) or (B) of section 2919.21 of the Revised Code, the probation officer or county department of probation that the court directed to make inquiries concerning the applicant shall contact the child support enforcement agency enforcing the applicant's obligations under the child support order to inquire about the offender's compliance with the child support order.

(C)(1) The court shall do each of the following:

(a) Determine whether the applicant is an eligible offender or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case. If the applicant applies as an eligible offender pursuant to division (A)(1) of this section and has two or three convictions that result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, in making its determination under this division, the court initially shall determine whether it is not in the public interest for the two or three convictions to be counted as one conviction. If the court determines that it is not in the public interest for the two or three convictions to be counted as one conviction, the court shall determine that the applicant is not an eligible offender; if the court does not make that determination, the court shall determine that the offender is an eligible offender.

(b) Determine whether criminal proceedings are pending

against the applicant; 45557

(c) If the applicant is an eligible offender who applies 45558
pursuant to division (A)(1) of this section, determine whether the 45559
applicant has been rehabilitated to the satisfaction of the court; 45560

(d) If the prosecutor has filed an objection in accordance 45561
with division (B) of this section, consider the reasons against 45562
granting the application specified by the prosecutor in the 45563
objection; 45564

(e) Weigh the interests of the applicant in having the 45565
records pertaining to the applicant's conviction sealed against 45566
the legitimate needs, if any, of the government to maintain those 45567
records. 45568

(2) If the court determines, after complying with division 45569
(C)(1) of this section, that the applicant is an eligible offender 45570
or the subject of a bail forfeiture, that no criminal proceeding 45571
is pending against the applicant, and that the interests of the 45572
applicant in having the records pertaining to the applicant's 45573
conviction or bail forfeiture sealed are not outweighed by any 45574
legitimate governmental needs to maintain those records, and that 45575
the rehabilitation of an applicant who is an eligible offender 45576
applying pursuant to division (A)(1) of this section has been 45577
attained to the satisfaction of the court, the court, except as 45578
provided in divisions (G) and (H) of this section, shall order all 45579
official records pertaining to the case sealed and, except as 45580
provided in division (F) of this section, all index references to 45581
the case deleted and, in the case of bail forfeitures, shall 45582
dismiss the charges in the case. The proceedings in the case shall 45583
be considered not to have occurred and the conviction or bail 45584
forfeiture of the person who is the subject of the proceedings 45585
shall be sealed, except that upon conviction of a subsequent 45586
offense, the sealed record of prior conviction or bail forfeiture 45587
may be considered by the court in determining the sentence or 45588

other appropriate disposition, including the relief provided for 45589
in sections 2953.31 to 2953.33 of the Revised Code. 45590

(3) Upon the filing of an application under this section, the 45591
applicant, unless indigent, shall pay a fee of fifty dollars. The 45592
court shall pay thirty dollars of the fee into the state treasury. 45593
It shall pay twenty dollars of the fee into the county general 45594
revenue fund if the sealed conviction or bail forfeiture was 45595
pursuant to a state statute, or into the general revenue fund of 45596
the municipal corporation involved if the sealed conviction or 45597
bail forfeiture was pursuant to a municipal ordinance. 45598

(D) Inspection of the sealed records included in the order 45599
may be made only by the following persons or for the following 45600
purposes: 45601

(1) By a law enforcement officer or prosecutor, or the 45602
assistants of either, to determine whether the nature and 45603
character of the offense with which a person is to be charged 45604
would be affected by virtue of the person's previously having been 45605
convicted of a crime; 45606

(2) By the parole or probation officer of the person who is 45607
the subject of the records, for the exclusive use of the officer 45608
in supervising the person while on parole or under a community 45609
control sanction or a post-release control sanction, and in making 45610
inquiries and written reports as requested by the court or adult 45611
parole authority; 45612

(3) Upon application by the person who is the subject of the 45613
records, by the persons named in the application; 45614

(4) By a law enforcement officer who was involved in the 45615
case, for use in the officer's defense of a civil action arising 45616
out of the officer's involvement in that case; 45617

(5) By a prosecuting attorney or the prosecuting attorney's 45618
assistants, to determine a defendant's eligibility to enter a 45619

pre-trial diversion program established pursuant to section 45620
2935.36 of the Revised Code; 45621

(6) By any law enforcement agency or any authorized employee 45622
of a law enforcement agency or by the department of rehabilitation 45623
and correction as part of a background investigation of a person 45624
who applies for employment with the agency as a law enforcement 45625
officer or with the department as a corrections officer; 45626

(7) By any law enforcement agency or any authorized employee 45627
of a law enforcement agency, for the purposes set forth in, and in 45628
the manner provided in, section 2953.321 of the Revised Code; 45629

(8) By the bureau of criminal identification and 45630
investigation or any authorized employee of the bureau for the 45631
purpose of providing information to a board or person pursuant to 45632
division (F) or (G) of section 109.57 of the Revised Code; 45633

(9) By the bureau of criminal identification and 45634
investigation or any authorized employee of the bureau for the 45635
purpose of performing a criminal history records check on a person 45636
to whom a certificate as prescribed in section 109.77 of the 45637
Revised Code is to be awarded; 45638

(10) By the bureau of criminal identification and 45639
investigation or any authorized employee of the bureau for the 45640
purpose of conducting a criminal records check of an individual 45641
pursuant to division (B) of section 109.572 of the Revised Code 45642
that was requested pursuant to any of the sections identified in 45643
division (B)(1) of that section; 45644

(11) By the bureau of criminal identification and 45645
investigation, an authorized employee of the bureau, a sheriff, or 45646
an authorized employee of a sheriff in connection with a criminal 45647
records check described in section 311.41 of the Revised Code; 45648

(12) By the attorney general or an authorized employee of the 45649
attorney general or a court for purposes of determining a person's 45650

classification pursuant to Chapter 2950. of the Revised Code; 45651

(13) By a prosecuting attorney or the attorney general, or 45652
the assistants of either, for purposes of defending or 45653
participating in a civil action brought pursuant to division 45654
(B)(1) of section 2743.48 of the Revised Code. 45655

When the nature and character of the offense with which a 45656
person is to be charged would be affected by the information, it 45657
may be used for the purpose of charging the person with an 45658
offense. 45659

(E) In any criminal proceeding, proof of any otherwise 45660
admissible prior conviction may be introduced and proved, 45661
notwithstanding the fact that for any such prior conviction an 45662
order of sealing previously was issued pursuant to sections 45663
2953.31 to 2953.36 of the Revised Code. 45664

(F) The person or governmental agency, office, or department 45665
that maintains sealed records pertaining to convictions or bail 45666
forfeitures that have been sealed pursuant to this section may 45667
maintain a manual or computerized index to the sealed records. The 45668
index shall contain only the name of, and alphanumeric identifiers 45669
that relate to, the persons who are the subject of the sealed 45670
records, the word "sealed," and the name of the person, agency, 45671
office, or department that has custody of the sealed records, and 45672
shall not contain the name of the crime committed. The index shall 45673
be made available by the person who has custody of the sealed 45674
records only for the purposes set forth in divisions (C), (D), and 45675
(E) of this section. 45676

(G) Notwithstanding any provision of this section or section 45677
2953.33 of the Revised Code that requires otherwise, a board of 45678
education of a city, local, exempted village, or joint vocational 45679
school district that maintains records of an individual who has 45680
been permanently excluded under sections 3301.121 and 3313.662 of 45681

the Revised Code is permitted to maintain records regarding a 45682
conviction that was used as the basis for the individual's 45683
permanent exclusion, regardless of a court order to seal the 45684
record. An order issued under this section to seal the record of a 45685
conviction does not revoke the adjudication order of the 45686
superintendent of public instruction to permanently exclude the 45687
individual who is the subject of the sealing order. An order 45688
issued under this section to seal the record of a conviction of an 45689
individual may be presented to a district superintendent as 45690
evidence to support the contention that the superintendent should 45691
recommend that the permanent exclusion of the individual who is 45692
the subject of the sealing order be revoked. Except as otherwise 45693
authorized by this division and sections 3301.121 and 3313.662 of 45694
the Revised Code, any school employee in possession of or having 45695
access to the sealed conviction records of an individual that were 45696
the basis of a permanent exclusion of the individual is subject to 45697
section 2953.35 of the Revised Code. 45698

(H) For purposes of sections 2953.31 to 2953.36 of the 45699
Revised Code, DNA records collected in the DNA database and 45700
fingerprints filed for record by the superintendent of the bureau 45701
of criminal identification and investigation shall not be sealed 45702
unless the superintendent receives a certified copy of a final 45703
court order establishing that the offender's conviction has been 45704
overturned. For purposes of this section, a court order is not 45705
"final" if time remains for an appeal or application for 45706
discretionary review with respect to the order. 45707

Sec. 2967.22. Whenever it is brought to the attention of the 45708
adult parole authority or a department of probation that a 45709
parolee, person under a community control sanction, person under 45710
transitional control, or releasee appears to be a mentally ill 45711
person subject to hospitalization by court order, as defined in 45712
section 5122.01 of the Revised Code, or a mentally retarded person 45713

subject to institutionalization by court order, as defined in 45714
section 5123.01 of the Revised Code, the parole or probation 45715
officer, subject to the approval of the chief of the adult parole 45716
authority, the designee of the chief of the adult parole 45717
authority, or the chief probation officer, may file an affidavit 45718
under section 5122.11 or 5123.71 of the Revised Code. A parolee, 45719
person under a community control sanction, or releasee who is 45720
involuntarily detained under Chapter 5122. or 5123. of the Revised 45721
Code shall receive credit against the period of parole or 45722
community control or the term of post-release control for the 45723
period of involuntary detention. 45724

If a parolee, person under a community control sanction, 45725
person under transitional control, or releasee escapes from an 45726
institution or facility within the department of ~~mental health~~ 45727
mental health and addiction services or the department of 45728
developmental disabilities, the superintendent of the institution 45729
immediately shall notify the chief of the adult parole authority 45730
or the chief probation officer. Notwithstanding the provisions of 45731
section 5122.26 of the Revised Code, the procedure for the 45732
apprehension, detention, and return of the parolee, person under a 45733
community control sanction, person under transitional control, or 45734
releasee is the same as that provided for the apprehension, 45735
detention, and return of persons who escape from institutions 45736
operated by the department of rehabilitation and correction. If 45737
the escaped parolee, person under transitional control, or 45738
releasee is not apprehended and returned to the custody of the 45739
department of ~~mental health~~ mental health and addiction services 45740
or the department of developmental disabilities within ninety days 45741
after the escape, the parolee, person under transitional control, 45742
or releasee shall be discharged from the custody of the department 45743
of ~~mental health~~ mental health and addiction services or the 45744
department of developmental disabilities and returned to the 45745

custody of the department of rehabilitation and correction. If the
escaped person under a community control sanction is not
apprehended and returned to the custody of the department of
~~mental health~~ mental health and addiction services or the
department of developmental disabilities within ninety days after
the escape, the person under a community control sanction shall be
discharged from the custody of the department of ~~mental health~~
mental health and addiction services or the department of
developmental disabilities and returned to the custody of the
court that sentenced that person.

Sec. 2981.01. (A) Forfeitures under this chapter shall be
governed by all of the following purposes:

(1) To provide economic disincentives and remedies to deter
and offset the economic effect of offenses by seizing and
forfeiting contraband, proceeds, and certain instrumentalities;

(2) To ensure that seizures and forfeitures of
instrumentalities are proportionate to the offense committed;

(3) To protect third parties from wrongful forfeiture of
their property;

(4) To prioritize restitution for victims of offenses.

(B) As used in this chapter:

(1) "Aircraft" has the same meaning as in section 4561.01 of
the Revised Code.

(2) "Computers," "computer networks," "computer systems,"
"computer software," and "telecommunications device" have the same
meanings as in section 2913.01 of the Revised Code.

(3) "Financial institution" means a bank, credit union,
savings and loan association, or a licensee or registrant under
Chapter 1321. of the Revised Code.

(4) "Firearm" and "dangerous ordnance" have the same meanings 45775
as in section 2923.11 of the Revised Code. 45776

(5) "Innocent person" includes any bona fide purchaser of 45777
property that is subject to forfeiture, including any person who 45778
establishes a valid claim to or interest in the property in 45779
accordance with section 2923.04 of the Revised Code, and any 45780
victim of an alleged offense. 45781

(6) "Instrumentality" means property otherwise lawful to 45782
possess that is used in or intended to be used in an offense. An 45783
"instrumentality" may include, but is not limited to, a firearm, a 45784
mobile instrumentality, a computer, a computer network, a computer 45785
system, computer software, a telecommunications device, money, and 45786
any other means of exchange. 45787

(7) "Law enforcement agency" includes, but is not limited to, 45788
the state board of pharmacy, the enforcement division of the 45789
department of taxation, the Ohio casino control commission, and 45790
the office of the prosecutor. 45791

(8) "Mobile instrumentality" means an instrumentality that is 45792
inherently mobile and used in the routine transport of persons. 45793
"Mobile instrumentality" includes, but is not limited to, any 45794
vehicle, any watercraft, and any aircraft. 45795

(9) "Money" has the same meaning as in section 1301.201 of 45796
the Revised Code. 45797

(10) "Offense" means any act or omission that could be 45798
charged as a criminal offense or a delinquent act, whether or not 45799
a formal criminal prosecution or delinquent child proceeding began 45800
at the time the forfeiture is initiated. Except as otherwise 45801
specified, an offense for which property may be forfeited includes 45802
any felony and any misdemeanor. The commission of an "offense" 45803
includes the commission of a delinquent act. 45804

(11) "Proceeds" means both of the following: 45805

(a) In cases involving unlawful goods, services, or activities, "proceeds" means any property derived directly or indirectly from an offense. "Proceeds" may include, but is not limited to, money or any other means of exchange. "Proceeds" is not limited to the net gain or profit realized from the offense.

(b) In cases involving lawful goods or services that are sold or provided in an unlawful manner, "proceeds" means the amount of money or other means of exchange acquired through the illegal transactions resulting in the forfeiture, less the direct costs lawfully incurred in providing the goods or services. The lawful costs deduction does not include any part of the overhead expenses of, or income taxes paid by, the entity providing the goods or services. The alleged offender or delinquent child has the burden to prove that any costs are lawfully incurred.

(12) "Property" means "property" as defined in section 2901.01 of the Revised Code and any benefit, privilege, claim, position, interest in an enterprise, or right derived, directly or indirectly, from the offense.

(13) "Property subject to forfeiture" includes contraband and proceeds and may include instrumentalities as provided in this chapter.

(14) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. When relevant, "prosecutor" also includes the attorney general.

(15) "Vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(16) "Watercraft" has the same meaning as in section 1547.01 of the Revised Code.

(C) The penalties and procedures under Chapters 2923., 2925., ~~and~~ 2933., and 3772. of the Revised Code remain in effect to the extent that they do not conflict with this chapter.

Sec. 2981.12. (A) Unclaimed or forfeited property in the 45837
custody of a law enforcement agency, other than property described 45838
in division (A)(2) of section 2981.11 of the Revised Code, shall 45839
be disposed of by order of any court of record that has 45840
territorial jurisdiction over the political subdivision that 45841
employs the law enforcement agency, as follows: 45842

(1) Drugs shall be disposed of pursuant to section 3719.11 of 45843
the Revised Code or placed in the custody of the secretary of the 45844
treasury of the United States for disposal or use for medical or 45845
scientific purposes under applicable federal law. 45846

(2) Firearms and dangerous ordnance suitable for police work 45847
may be given to a law enforcement agency for that purpose. 45848
Firearms suitable for sporting use or as museum pieces or 45849
collectors' items may be sold at public auction pursuant to 45850
division (B) of this section. The agency may sell other firearms 45851
and dangerous ordnance to a federally licensed firearms dealer in 45852
a manner that the court considers proper. The agency shall destroy 45853
any firearms or dangerous ordnance not given to a law enforcement 45854
agency or sold or shall send them to the bureau of criminal 45855
identification and investigation for destruction by the bureau. 45856

(3) Obscene materials shall be destroyed. 45857

(4) Beer, intoxicating liquor, or alcohol seized from a 45858
person who does not hold a permit issued under Chapters 4301. and 45859
4303. of the Revised Code or otherwise forfeited to the state for 45860
an offense under section 4301.45 or 4301.53 of the Revised Code 45861
shall be sold by the division of liquor control if the division 45862
determines that it is fit for sale or shall be placed in the 45863
custody of the investigations unit in the department of public 45864
safety and be used for training relating to law enforcement 45865
activities. The department, with the assistance of the division of 45866
liquor control, shall adopt rules in accordance with Chapter 119. 45867

of the Revised Code to provide for the distribution to state or 45868
local law enforcement agencies upon their request. If any tax 45869
imposed under Title XLIII of the Revised Code has not been paid in 45870
relation to the beer, intoxicating liquor, or alcohol, any moneys 45871
acquired from the sale shall first be used to pay the tax. All 45872
other money collected under this division shall be paid into the 45873
state treasury. Any beer, intoxicating liquor, or alcohol that the 45874
division determines to be unfit for sale shall be destroyed. 45875

(5) Money received by an inmate of a correctional institution 45876
from an unauthorized source or in an unauthorized manner shall be 45877
returned to the sender, if known, or deposited in the inmates' 45878
industrial and entertainment fund of the institution if the sender 45879
is not known. 45880

(6)(a) Any mobile instrumentality forfeited under this 45881
chapter may be given to the law enforcement agency that initially 45882
seized the mobile instrumentality for use in performing its 45883
duties, if the agency wants the mobile instrumentality. The agency 45884
shall take the mobile instrumentality subject to any security 45885
interest or lien on the mobile instrumentality. 45886

(b) Vehicles and vehicle parts forfeited under sections 45887
4549.61 to 4549.63 of the Revised Code may be given to a law 45888
enforcement agency for use in performing its duties. Those parts 45889
may be incorporated into any other official vehicle. Parts that do 45890
not bear vehicle identification numbers or derivatives of them may 45891
be sold or disposed of as provided by rules of the director of 45892
public safety. Parts from which a vehicle identification number or 45893
derivative of it has been removed, defaced, covered, altered, or 45894
destroyed and that are not suitable for police work or 45895
incorporation into an official vehicle shall be destroyed and sold 45896
as junk or scrap. 45897

(7) Computers, computer networks, computer systems, and 45898
computer software suitable for police work may be given to a law 45899

enforcement agency for that purpose or disposed of under division 45900
(B) of this section. 45901

(8) Money seized in connection with a violation of section 45902
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 45903
deposited in the victims of human trafficking fund created by 45904
section 5101.87 of the Revised Code. 45905

(B) Unclaimed or forfeited property that is not described in 45906
division (A) of this section or division (A)(2) of section 2981.11 45907
of the Revised Code, with court approval, may be used by the law 45908
enforcement agency in possession of it. If it is not used by the 45909
agency, it may be sold without appraisal at a public auction to 45910
the highest bidder for cash or disposed of in another manner that 45911
the court considers proper. 45912

(C) Except as provided in divisions (A) and (F) of this 45913
section and after compliance with division (D) of this section 45914
when applicable, any moneys acquired from the sale of property 45915
disposed of pursuant to this section shall be placed in the 45916
general revenue fund of the state, or the general fund of the 45917
county, the township, or the municipal corporation of which the 45918
law enforcement agency involved is an agency. 45919

(D) If the property was in the possession of the law 45920
enforcement agency in relation to a delinquent child proceeding in 45921
a juvenile court, ten per cent of any moneys acquired from the 45922
sale of property disposed of under this section shall be applied 45923
to one or more ~~alcohol and drug~~ community addiction treatment 45924
~~programs~~ services providers that are certified by the department 45925
of ~~alcohol and drug addiction services~~ mental health and addiction
services under section ~~3793.06~~ 5119.36 of the Revised Code. A 45927
juvenile court shall not specify a ~~program~~ services provider, 45928
except as provided in this division, unless the ~~program~~ services
provider is in the same county as the court or in a contiguous 45930
county. If no certified ~~program~~ services provider is located in 45931

any of those counties, the juvenile court may specify a certified 45932
~~program services provider~~ anywhere in Ohio. The remaining ninety 45933
per cent of the proceeds or cash shall be applied as provided in 45934
division (C) of this section. 45935

Each ~~treatment program~~ services provider that receives in any 45936
calendar year forfeited money under this division shall file an 45937
annual report for that year with the attorney general and with the 45938
court of common pleas and board of county commissioners of the 45939
county in which the ~~program~~ services provider is located and of 45940
any other county from which the ~~program~~ services provider received 45941
forfeited money. The ~~program~~ services provider shall file the 45942
report on or before the first day of March in the calendar year 45943
following the calendar year in which the ~~program~~ services provider 45944
received the money. The report shall include statistics on the 45945
number of persons the ~~program~~ services provider served, identify 45946
the types of treatment services it provided to them, and include a 45947
specific accounting of the purposes for which it used the money so 45948
received. No information contained in the report shall identify, 45949
or enable a person to determine the identity of, any person served 45950
by the ~~program~~ services provider. 45951

(E) Each certified ~~alcohol and drug~~ community addiction 45952
~~treatment program~~ services provider that receives in any calendar 45953
year money under this section or under section 2981.13 of the 45954
Revised Code as the result of a juvenile forfeiture order shall 45955
file an annual report for that calendar year with the attorney 45956
general and with the court of common pleas and board of county 45957
commissioners of the county in which the ~~program~~ services provider 45958
is located and of any other county from which the ~~program~~ services 45959
provider received the money. The ~~program~~ services provider shall 45960
file the report on or before the first day of March in the 45961
calendar year following the year in which the ~~program~~ services 45962
provider received the money. The report shall include statistics 45963

on the number of persons served with the money, identify the types 45964
of treatment services provided, and specifically account for how 45965
the money was used. No information in the report shall identify or 45966
enable a person to determine the identity of anyone served by the 45967
program services provider. 45968

As used in this division, "juvenile-related forfeiture order" 45969
means any forfeiture order issued by a juvenile court under 45970
section 2981.04 or 2981.05 of the Revised Code and any disposal of 45971
property ordered by a court under section 2981.11 of the Revised 45972
Code regarding property that was in the possession of a law 45973
enforcement agency in relation to a delinquent child proceeding in 45974
a juvenile court. 45975

(F) Each board of county commissioners that recognizes a 45976
citizens' reward program under section 9.92 of the Revised Code 45977
shall notify each law enforcement agency of that county and of a 45978
township or municipal corporation wholly located in that county of 45979
the recognition by filing a copy of its resolution conferring that 45980
recognition with each of those agencies. When the board recognizes 45981
a citizens' reward program and the county includes a part, but not 45982
all, of the territory of a municipal corporation, the board shall 45983
so notify the law enforcement agency of that municipal corporation 45984
of the recognition of the citizens' reward program only if the 45985
county contains the highest percentage of the municipal 45986
corporation's population. 45987

Upon being so notified, each law enforcement agency shall pay 45988
twenty-five per cent of any forfeited proceeds or cash derived 45989
from each sale of property disposed of pursuant to this section to 45990
the citizens' reward program for use exclusively to pay rewards. 45991
No part of the funds may be used to pay expenses associated with 45992
the program. If a citizens' reward program that operates in more 45993
than one county or in another state in addition to this state 45994
receives funds under this section, the funds shall be used to pay 45995

rewards only for tips and information to law enforcement agencies 45996
concerning offenses committed in the county from which the funds 45997
were received. 45998

Receiving funds under this section or section 2981.11 of the 45999
Revised Code does not make the citizens' reward program a 46000
governmental unit or public office for purposes of section 149.43 46001
of the Revised Code. 46002

(G) Any property forfeited under this chapter shall not be 46003
used to pay any fine imposed upon a person who is convicted of or 46004
pleads guilty to an underlying criminal offense or a different 46005
offense arising out of the same facts and circumstances. 46006

(H) Any moneys acquired from the sale of personal effects, 46007
tools, or other property seized because the personal effects, 46008
tools, or other property were used in the commission of a 46009
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 46010
Code or derived from the proceeds of the commission of a violation 46011
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 46012
disposed of pursuant to this section shall be placed in the 46013
victims of human trafficking fund created by section 5101.87 of 46014
the Revised Code. 46015

Sec. 2981.13. (A) Except as otherwise provided in this 46016
section, property ordered forfeited as contraband, proceeds, or an 46017
instrumentality pursuant to this chapter shall be disposed of, 46018
used, or sold pursuant to section 2981.12 of the Revised Code. If 46019
the property is to be sold under that section, the prosecutor 46020
shall cause notice of the proposed sale to be given in accordance 46021
with law. 46022

(B) If the contraband or instrumentality forfeited under this 46023
chapter is sold, any moneys acquired from a sale and any proceeds 46024
forfeited under this chapter shall be applied in the following 46025
order: 46026

(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding; 46027
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46029

(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets; 46030
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46033

(3) Third, to pay the balance due on any security interest preserved under this chapter; 46034
46035

(4) Fourth, apply the remaining amounts as follows: 46036

(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more certified alcohol and drug addiction treatment programs as provided in division (D) of section 2981.12 of the Revised Code; 46037
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(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation: the law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code; the state highway patrol contraband, forfeiture, and other fund; the department of public safety investigative unit contraband, forfeiture, and other fund; the department of taxation enforcement fund; the board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code; the medicaid fraud investigation and prosecution fund; the casino control commission enforcement fund created by section 3772.36 of the Revised Code; or the treasurer of state for deposit into the peace officer training commission fund if any other state law 46041
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enforcement agency substantially conducted the investigation. In 46058
the case of property forfeited for medicaid fraud, any remaining 46059
amount shall be used by the attorney general to investigate and 46060
prosecute medicaid fraud offenses. 46061

If the prosecutor declines to accept any of the remaining 46062
amounts, the amounts shall be applied to the fund of the agency 46063
that substantially conducted the investigation. 46064

(c) If more than one law enforcement agency is substantially 46065
involved in the seizure of property forfeited under this chapter, 46066
the court ordering the forfeiture shall equitably divide the 46067
amounts, after calculating any distribution to the law enforcement 46068
trust fund of the prosecutor pursuant to division (B)(4) of this 46069
section, among the entities that the court determines were 46070
substantially involved in the seizure. 46071

(C)(1) A law enforcement trust fund shall be established by 46072
the prosecutor of each county who intends to receive any remaining 46073
amounts pursuant to this section, by the sheriff of each county, 46074
by the legislative authority of each municipal corporation, by the 46075
board of township trustees of each township that has a township 46076
police department, township or joint police district police force, 46077
or office of the constable, and by the board of park commissioners 46078
of each park district created pursuant to section 511.18 or 46079
1545.01 of the Revised Code that has a park district police force 46080
or law enforcement department, for the purposes of this section. 46081

There is hereby created in the state treasury the state 46082
highway patrol contraband, forfeiture, and other fund, the 46083
department of public safety investigative unit contraband, 46084
forfeiture, and other fund, the medicaid fraud investigation and 46085
prosecution fund, the department of taxation enforcement fund, and 46086
the peace officer training commission fund, for the purposes of 46087
this section. 46088

Amounts distributed to any municipal corporation, township, 46089
or park district law enforcement trust fund shall be allocated 46090
from the fund by the legislative authority only to the police 46091
department of the municipal corporation, by the board of township 46092
trustees only to the township police department, township police 46093
district police force, or office of the constable, by the joint 46094
police district board only to the joint police district, and by 46095
the board of park commissioners only to the park district police 46096
force or law enforcement department. 46097

(2)(a) No amounts shall be allocated to a fund created under 46098
this section or used by an agency unless the agency has adopted a 46099
written internal control policy that addresses the use of moneys 46100
received from the appropriate fund. The appropriate fund shall be 46101
expended only in accordance with that policy and, subject to the 46102
requirements specified in this section, only for the following 46103
purposes: 46104

(i) To pay the costs of protracted or complex investigations 46105
or prosecutions; 46106

(ii) To provide reasonable technical training or expertise; 46107

(iii) To provide matching funds to obtain federal grants to 46108
aid law enforcement, in the support of DARE programs or other 46109
programs designed to educate adults or children with respect to 46110
the dangers associated with the use of drugs of abuse; 46111

(iv) To pay the costs of emergency action taken under section 46112
3745.13 of the Revised Code relative to the operation of an 46113
illegal methamphetamine laboratory if the forfeited property or 46114
money involved was that of a person responsible for the operation 46115
of the laboratory; 46116

(v) For other law enforcement purposes that the 46117
superintendent of the state highway patrol, department of public 46118
safety, prosecutor, county sheriff, legislative authority, 46119

department of taxation, Ohio casino control commission, board of 46120
township trustees, or board of park commissioners determines to be 46121
appropriate. 46122

(b) The board of pharmacy drug law enforcement fund shall be 46123
expended only in accordance with the written internal control 46124
policy so adopted by the board and only in accordance with section 46125
4729.65 of the Revised Code, except that it also may be expended 46126
to pay the costs of emergency action taken under section 3745.13 46127
of the Revised Code relative to the operation of an illegal 46128
methamphetamine laboratory if the forfeited property or money 46129
involved was that of a person responsible for the operation of the 46130
laboratory. 46131

(c) The state highway patrol contraband, forfeiture, and 46132
other fund, the department of public safety investigative unit 46133
contraband, forfeiture, and other fund, the department of taxation 46134
enforcement fund, the board of pharmacy drug law enforcement fund, 46135
the casino control commission enforcement fund, and a law 46136
enforcement trust fund shall not be used to meet the operating 46137
costs of the state highway patrol, of the investigative unit of 46138
the department of public safety, of the state board of pharmacy, 46139
of any political subdivision, of the Ohio casino control 46140
commission, or of any office of a prosecutor or county sheriff 46141
that are unrelated to law enforcement. 46142

(d) Forfeited moneys that are paid into the state treasury to 46143
be deposited into the peace officer training commission fund shall 46144
be used by the commission only to pay the costs of peace officer 46145
training. 46146

(3) Any of the following offices or agencies that receive 46147
amounts under this section during any calendar year shall file a 46148
report with the specified entity, not later than the thirty-first 46149
day of January of the next calendar year, verifying that the 46150
moneys were expended only for the purposes authorized by this 46151

section or other relevant statute and specifying the amounts 46152
expended for each authorized purpose: 46153

(a) Any sheriff or prosecutor shall file the report with the 46154
county auditor. 46155

(b) Any municipal corporation police department shall file 46156
the report with the legislative authority of the municipal 46157
corporation. 46158

(c) Any township police department, township or joint police 46159
district police force, or office of the constable shall file the 46160
report with the board of township trustees of the township. 46161

(d) Any park district police force or law enforcement 46162
department shall file the report with the board of park 46163
commissioners of the park district. 46164

(e) The superintendent of the state highway patrol and the 46165
tax commissioner shall file the report with the attorney general. 46166

(f) The executive director of the state board of pharmacy 46167
shall file the report with the attorney general, verifying that 46168
cash and forfeited proceeds paid into the board of pharmacy drug 46169
law enforcement fund were used only in accordance with section 46170
4729.65 of the Revised Code. 46171

(g) The peace officer training commission shall file a report 46172
with the attorney general, verifying that cash and forfeited 46173
proceeds paid into the peace officer training commission fund 46174
pursuant to this section during the prior calendar year were used 46175
by the commission during the prior calendar year only to pay the 46176
costs of peace officer training. 46177

(h) The executive director of the Ohio casino control 46178
commission shall file the report with the attorney general, 46179
verifying that cash and forfeited proceeds paid into the casino 46180
control commission enforcement fund were used only in accordance 46181

with section 3772.36 of the Revised Code. 46182

(D) The written internal control policy of a county sheriff, 46183
prosecutor, municipal corporation police department, township 46184
police department, township or joint police district police force, 46185
office of the constable, or park district police force or law 46186
enforcement department shall provide that at least ten per cent of 46187
the first one hundred thousand dollars of amounts deposited during 46188
each calendar year in the agency's law enforcement trust fund 46189
under this section, and at least twenty per cent of the amounts 46190
exceeding one hundred thousand dollars that are so deposited, 46191
shall be used in connection with community preventive education 46192
programs. The manner of use shall be determined by the sheriff, 46193
prosecutor, department, police force, or office of the constable 46194
after receiving and considering advice on appropriate community 46195
preventive education programs from the county's board of alcohol, 46196
drug addiction, and mental health services, from the county's 46197
alcohol and drug addiction services board, or through appropriate 46198
community dialogue. 46199

The financial records kept under the internal control policy 46200
shall specify the amount deposited during each calendar year in 46201
the portion of that amount that was used pursuant to this 46202
division, and the programs in connection with which the portion of 46203
that amount was so used. 46204

As used in this division, "community preventive education 46205
programs" include, but are not limited to, DARE programs and other 46206
programs designed to educate adults or children with respect to 46207
the dangers associated with using drugs of abuse. 46208

(E) Upon the sale, under this section or section 2981.12 of 46209
the Revised Code, of any property that is required by law to be 46210
titled or registered, the state shall issue an appropriate 46211
certificate of title or registration to the purchaser. If the 46212
state is vested with title and elects to retain property that is 46213

required to be titled or registered under law, the state shall 46214
issue an appropriate certificate of title or registration. 46215

(F) Any failure of a law enforcement officer or agency, 46216
prosecutor, court, or the attorney general to comply with this 46217
section in relation to any property seized does not affect the 46218
validity of the seizure and shall not be considered to be the 46219
basis for suppressing any evidence resulting from the seizure, 46220
provided the seizure itself was lawful. 46221

Sec. 3101.051. (A) Except as provided in division (B) of this 46222
section, a probate court shall make available to any person for 46223
inspection the records pertaining to the issuance of marriage 46224
licenses as provided under section 149.43 of the Revised Code. 46225

(B) Before it makes available to a person any records 46226
pertaining to the issuance of a marriage license as described in 46227
division (A) of this section, subject to division (C) of this 46228
section, a probate court shall delete or otherwise remove any 46229
social security numbers of the parties to a marriage so that they 46230
are not available to the person inspecting the records. 46231

(C) Division (B) of this section does not apply in any of the 46232
following circumstances: 46233

(1) If the records in question are inspected by authorized 46234
personnel of the division of child support in the department of 46235
job and family services under section ~~5101.31~~ 5101.37 of the 46236
Revised Code; 46237

(2) If the records in question are inspected by law 46238
enforcement personnel for purposes of a criminal investigation; 46239

(3) If the records in question with the social security 46240
numbers are necessary for use in a civil or criminal trial and the 46241
release of the records with the social security numbers is ordered 46242
by a court with jurisdiction over the trial; 46243

(4) If the records in question are inspected by either party 46244
to the marriage to which the records pertain; 46245

(5) If the court possessed the records in question prior to 46246
the effective date of this section. 46247

Sec. 3107.083. Not later than ninety days after June 20, 46248
1996, the director of job and family services shall do all of the 46249
following: 46250

(A)(1) For a parent of a child who, if adopted, will be an 46251
adopted person as defined in section 3107.45 of the Revised Code, 46252
prescribe a form that has the following six components: 46253

(a) A component the parent signs under section 3107.071, 46254
3107.081, or 5103.151 of the Revised Code to indicate the 46255
requirements of section 3107.082 or 5103.152 of the Revised Code 46256
have been met. The component shall be as follows: 46257

"Statement Concerning Ohio Law and Adoption Materials 46258

By signing this component of this form, I acknowledge that it 46259
has been explained to me, and I understand, that, if I check the 46260
space on the next component of this form that indicates that I 46261
authorize the release, the adoption file maintained by the Ohio 46262
Department of Health, which contains identifying information about 46263
me at the time of my child's birth, will be released, on request, 46264
to the adoptive parent when the adoptee is at least age eighteen 46265
but younger than age twenty-one and to the adoptee when he or she 46266
is age twenty-one or older. It has also been explained to me, and 46267
I understand, that I may prohibit the release of identifying 46268
information about me contained in the adoption file by checking 46269
the space on the next component of this form that indicates that I 46270
do not authorize the release of the identifying information. It 46271
has additionally been explained to me, and I understand, that I 46272
may change my mind regarding the decision I make on the next 46273
component of this form at any time and as many times as I desire 46274

by signing, dating, and having filed with the Ohio Department of 46275
Health a denial of release form or authorization of release form 46276
prescribed and provided by the Department of Health and providing 46277
the Department two items of identification. 46278

By signing this component of this form, I also acknowledge 46279
that I have been provided a copy of written materials about 46280
adoption prepared by the Ohio Department of Job and Family 46281
Services, the adoption process and ramifications of consenting to 46282
adoption or entering into a voluntary permanent custody surrender 46283
agreement have been discussed with me, and I have been provided 46284
the opportunity to review the materials and ask questions about 46285
the materials and discussion. 46286

Signature of biological parent: 46287
Signature of witness: 46288
Date: " 46289

(b) A component the parent signs under section 3107.071, 46290
3107.081, or 5103.151 of the Revised Code regarding the parent's 46291
decision whether to allow identifying information about the parent 46292
contained in an adoption file maintained by the department of 46293
health to be released to the parent's child and adoptive parent 46294
pursuant to section 3107.47 of the Revised Code. The component 46295
shall be as follows: 46296

"Statement Regarding Release of Identifying Information 46297

The purpose of this component of this form is to allow a 46298
biological parent to decide whether to allow the Ohio Department 46299
of Health to provide an adoptee and adoptive parent identifying 46300
information about the adoptee's biological parent contained in an 46301
adoption file maintained by the Department. Please check one of 46302
the following spaces: 46303

..... YES, I authorize the Ohio Department of Health to 46304
release identifying information about me, on
request, to the adoptive parent when the adoptee is

at least age eighteen but younger than age
twenty-one and to the adoptee when he or she is age
twenty-one or older.

..... NO, I do not authorize the release of identifying 46305
information about me to the adoptive parent or
adoptee.

Signature of biological parent: 46306

Signature of witness: 46307

Date: " 46308

(c) A component the parent, if the mother of the child, 46309
completes and signs under section 3107.071, 3107.081, or 5103.151 46310
of the Revised Code to indicate, to the extent of the mother's 46311
knowledge, all of the following: 46312

(i) Whether the mother, during her pregnancy, was a recipient 46313
of the ~~medical assistance~~ medicaid program ~~established under~~ 46314
~~Chapter 5111. of the Revised Code~~ or other public health insurance 46315
program and, if so, the dates her eligibility began and ended; 46316

(ii) Whether the mother, during her pregnancy, was covered by 46317
private health insurance and, if so, the dates the coverage began 46318
and ended, the name of the insurance provider, the type of 46319
coverage, and the identification number of the coverage; 46320

(iii) The name and location of the hospital, freestanding 46321
~~birth~~ birthing center, or other place where the mother gave birth 46322
and, if different, received medical care immediately after giving 46323
birth; 46324

(iv) The expenses of the obstetrical and neonatal care; 46325

(v) Whether the mother has been informed that the adoptive 46326
parent or the agency or attorney arranging the adoption are to pay 46327
expenses involved in the adoption, including expenses the mother 46328
has paid and expects to receive or has received reimbursement, 46329
and, if so, what expenses are to be or have been paid and an 46330

estimate of the expenses; 46331

(vi) Any other information related to expenses the department 46332
determines appropriate to be included in this component. 46333

(d) A component the parent may sign to authorize the agency 46334
or attorney arranging the adoption to provide to the child or 46335
adoptive parent materials, other than photographs of the parent, 46336
that the parent requests be given to the child or adoptive parent 46337
pursuant to section 3107.68 of the Revised Code. 46338

(e) A component the parent may sign to authorize the agency 46339
or attorney arranging the adoption to provide to the child or 46340
adoptive parent photographs of the parent pursuant to section 46341
3107.68 of the Revised Code. 46342

(f) A component the parent may sign to authorize the agency 46343
or attorney arranging the adoption to provide to the child or 46344
adoptive parent the first name of the parent pursuant to section 46345
3107.68 of the Revised Code. 46346

(2) State at the bottom of the form that the parent is to 46347
receive a copy of the form the parent signed. 46348

(3) Provide copies of the form prescribed under this division 46349
to probate and juvenile courts, public children services agencies, 46350
private child placing agencies, private noncustodial agencies, 46351
attorneys, and persons authorized to take acknowledgments. 46352

(B)(1) For a parent of a child who, if adopted, will become 46353
an adopted person as defined in section 3107.39 of the Revised 46354
Code, prescribe a form that has the following five components: 46355

(a) A component the parent signs under section 3107.071, 46356
3107.081, or 5103.151 of the Revised Code to attest that the 46357
requirement of division (A) of section 3107.082 or division (A) of 46358
section 5103.152 of the Revised Code has been met; 46359

(b) A component the parent, if the mother of the child, 46360

completes and signs under section 3107.071, 3107.081, or 5103.151 46361
of the Revised Code to indicate, to the extent of the mother's 46362
knowledge, all of the following: 46363

(i) Whether the mother, during her pregnancy, was a recipient 46364
of the ~~medical assistance~~ medicaid program ~~established under~~ 46365
~~Chapter 5111. of the Revised Code~~ or other public health insurance 46366
program and, if so, the dates her eligibility began and ended; 46367

(ii) Whether the mother, during her pregnancy, was covered by 46368
private health insurance and, if so, the dates the coverage began 46369
and ended, the name of the insurance provider, the type of 46370
coverage, and the identification number of the coverage; 46371

(iii) The name and location of the hospital, freestanding 46372
~~birth~~ birthing center, or other place where the mother gave birth 46373
and, if different, received medical care immediately after giving 46374
birth; 46375

(iv) The expenses of the obstetrical and neonatal care; 46376

(v) Whether the mother has been informed that the adoptive 46377
parent or the agency or attorney arranging the adoption are to pay 46378
expenses involved in the adoption, including expenses the mother 46379
has paid and expects to receive or has received reimbursement for, 46380
and, if so, what expenses are to be or have been paid and an 46381
estimate of the expenses; 46382

(vi) Any other information related to expenses the department 46383
determines appropriate to be included in the component. 46384

(c) A component the parent may sign to authorize the agency 46385
or attorney arranging the adoption to provide to the child or 46386
adoptive parent materials, other than photographs of the parent, 46387
that the parent requests be given to the child or adoptive parent 46388
pursuant to section 3107.68 of the Revised Code. 46389

(d) A component the parent may sign to authorize the agency 46390

or attorney arranging the adoption to provide to the child or 46391
adoptive parent photographs of the parent pursuant to section 46392
3107.68 of the Revised Code. 46393

(e) A component the parent may sign to authorize the agency 46394
or attorney arranging the adoption to provide to the child or 46395
adoptive parent the first name of the parent pursuant to section 46396
3107.68 of the Revised Code. 46397

(2) State at the bottom of the form that the parent is to 46398
receive a copy of the form the parent signed. 46399

(3) Provide copies of the form prescribed under this division 46400
to probate and juvenile courts, public children services agencies, 46401
private child placing agencies, private noncustodial agencies, and 46402
attorneys. 46403

(C) Prepare the written materials about adoption that are 46404
required to be given to parents under division (A) of section 46405
3107.082 and division (A) of section 5103.152 of the Revised Code. 46406
The materials shall provide information about the adoption 46407
process, including ramifications of a parent consenting to a 46408
child's adoption or entering into a voluntary permanent custody 46409
surrender agreement. The materials also shall include referral 46410
information for professional counseling and adoption support 46411
organizations. The director shall provide the materials to 46412
assessors. 46413

(D) Adopt rules in accordance with Chapter 119. of the 46414
Revised Code specifying the documents that must be filed with a 46415
probate court under divisions (B) and (D) of section 3107.081 of 46416
the Revised Code and a juvenile court under divisions (C) and (E) 46417
of section 5103.151 of the Revised Code. 46418

Sec. 3109.15. There is hereby created within the department 46419
of job and family services the children's trust fund board 46420

consisting of fifteen members. The directors of ~~alcohol and drug~~ 46421
~~addiction services~~ mental health and addiction services, health, 46422
and job and family services shall be members of the board. Eight 46423
public members shall be appointed by the governor. These members 46424
shall be persons with demonstrated knowledge in programs for 46425
children, shall be representative of the demographic composition 46426
of this state, and, to the extent practicable, shall be 46427
representative of the following categories: the educational 46428
community; the legal community; the social work community; the 46429
medical community; the voluntary sector; and professional 46430
providers of child abuse and child neglect services. Five of these 46431
members shall be residents of metropolitan statistical areas as 46432
defined by the United States office of management and budget where 46433
the population exceeds four hundred thousand; no two such members 46434
shall be residents of the same metropolitan statistical area. Two 46435
members of the board shall be members of the house of 46436
representatives appointed by the speaker of the house of 46437
representatives and shall be members of two different political 46438
parties. Two members of the board shall be members of the senate 46439
appointed by the president of the senate and shall be members of 46440
two different political parties. All members of the board 46441
appointed by the speaker of the house of representatives or the 46442
president of the senate shall serve until the expiration of the 46443
sessions of the general assembly during which they were appointed. 46444
They may be reappointed to an unlimited number of successive terms 46445
of two years at the pleasure of the speaker of the house of 46446
representatives or president of the senate. Public members shall 46447
serve terms of three years. Each member shall serve until the 46448
member's successor is appointed, or until a period of sixty days 46449
has elapsed, whichever occurs first. No public member may serve 46450
more than two consecutive full terms. All vacancies on the board 46451
shall be filled for the balance of the unexpired term in the same 46452
manner as the original appointment. 46453

Any member of the board may be removed by the member's 46454
appointing authority for misconduct, incompetency, or neglect of 46455
duty after first being given the opportunity to be heard in the 46456
member's own behalf. Pursuant to section 3.17 of the Revised Code, 46457
a member, except a member of the general assembly or a judge of 46458
any court in the state, who fails to attend at least three-fifths 46459
of the regular and special meetings held by the board during any 46460
two-year period forfeits the member's position on the board. 46461

Each member of the board shall serve without compensation but 46462
shall be reimbursed for all actual and necessary expenses incurred 46463
in the performance of official duties. 46464

At the beginning of the first year of each even-numbered 46465
general assembly, the chairperson of the board shall be appointed 46466
by the speaker of the house of representatives from among members 46467
of the board who are members of the house of representatives. At 46468
the beginning of the first year of each odd-numbered general 46469
assembly, the chairperson of the board shall be appointed by the 46470
president of the senate from among the members of the board who 46471
are senate members. 46472

The board shall biennially select a vice-chair from among its 46473
nonlegislative members. 46474

Sec. 3111.04. (A) An action to determine the existence or 46475
nonexistence of the father and child relationship may be brought 46476
by the child or the child's personal representative, the child's 46477
mother or her personal representative, a man alleged or alleging 46478
himself to be the child's father, the child support enforcement 46479
agency of the county in which the child resides if the child's 46480
mother, father, or alleged father is a recipient of public 46481
assistance or of services under Title IV-D of the "Social Security 46482
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 46483
alleged father's personal representative. 46484

(B) An agreement does not bar an action under this section.	46485
(C) If an action under this section is brought before the birth of the child and if the action is contested, all proceedings, except service of process and the taking of depositions to perpetuate testimony, may be stayed until after the birth.	46486 46487 46488 46489 46490
(D) A recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall cooperate with the child support enforcement agency of the county in which a child resides to obtain an administrative determination pursuant to sections 3111.38 to 3111.54 of the Revised Code, or, if necessary, a court determination pursuant to sections 3111.01 to 3111.18 of the Revised Code, of the existence or nonexistence of a parent and child relationship between the father and the child. If the recipient fails to cooperate, the agency may commence an action to determine the existence or nonexistence of a parent and child relationship between the father and the child pursuant to sections 3111.01 to 3111.18 of the Revised Code.	46491 46492 46493 46494 46495 46496 46497 46498 46499 46500 46501 46502 46503
(E) As used in this section, "public assistance" means all of the following:	46504 46505
(1) Medicaid under Chapter 5111. of the Revised Code;	46506
(2) Ohio works first under Chapter 5107. of the Revised Code;	46507
(3) Disability financial assistance under Chapter 5115. of the Revised Code.	46508 46509
Sec. 3111.72. The contract between the department of job and family services and a local hospital shall require all of the following:	46510 46511 46512
(A) That the hospital provide a staff person to meet with each unmarried mother who gave birth in or en route to the	46513 46514

hospital within twenty-four hours of the birth or before the 46515
mother is released from the hospital; 46516

(B) That the staff person attempt to meet with the father of 46517
the unmarried mother's child if possible; 46518

(C) That the staff person explain to the unmarried mother and 46519
the father, if he is present, the benefit to the child of 46520
establishing a parent and child relationship between the father 46521
and the child and the various proper procedures for establishing a 46522
parent and child relationship; 46523

(D) That the staff person present to the unmarried mother 46524
and, if possible, the father, the pamphlet or statement regarding 46525
the rights and responsibilities of a natural parent that is 46526
prepared and provided by the department of job and family services 46527
pursuant to section 3111.32 of the Revised Code; 46528

(E) That the staff person provide the mother and, if 46529
possible, the father, all forms and statements necessary to 46530
voluntarily establish a parent and child relationship, including, 46531
but not limited to, the acknowledgment of paternity affidavit 46532
prepared by the department of job and family services pursuant to 46533
section 3111.31 of the Revised Code; 46534

(F) That the staff person, at the request of both the mother 46535
and father, help the mother and father complete any form or 46536
statement necessary to establish a parent and child relationship; 46537

(G) That the hospital provide a notary public to notarize an 46538
acknowledgment of paternity affidavit signed by the mother and 46539
father; 46540

(H) That the staff person present to an unmarried mother who 46541
is not participating in the Ohio works first program established 46542
under Chapter 5107. of the Revised Code or receiving ~~medical~~ 46543
~~assistance under Chapter 5111. of the Revised Code~~ medicaid an 46544
application for Title IV-D services; 46545

(I) That the staff person forward any completed 46546
acknowledgment of paternity, no later than ten days after it is 46547
completed, to the office of child support in the department of job 46548
and family services; 46549

(J) That the department of job and family services pay the 46550
hospital twenty dollars for every correctly signed and notarized 46551
acknowledgment of paternity affidavit from the hospital. 46552

Sec. 3119.29. (A) As used in this section and sections 46553
3119.30 to 3119.56 of the Revised Code: 46554

(1) "Cash medical support" means an amount ordered to be paid 46555
in a child support order toward the cost of health insurance 46556
provided by a public entity, another parent, or person with whom 46557
the child resides, through employment or otherwise, or for other 46558
medical cost not covered by insurance. 46559

(2) "Federal poverty line" has the same meaning as defined in 46560
section 5104.01 of the Revised Code. 46561

(3) "Health care" means such medical support that includes 46562
coverage under a health insurance plan, payment of costs of 46563
premiums, ~~co-payments~~ copayments, and deductibles, or payment for 46564
medical expenses incurred on behalf of the child. 46565

(4) "Health insurance coverage" means accessible private 46566
health insurance that provides primary care services within thirty 46567
miles from the residence of the child subject to the child support 46568
order. 46569

(5) "Health plan administrator" means any entity authorized 46570
under Title XXXIX of the Revised Code to engage in the business of 46571
insurance in this state, any health insuring corporation, any 46572
legal entity that is self-insured and provides benefits to its 46573
employees or members, and the administrator of any such entity or 46574
corporation. 46575

(6) "National medical support notice" means a form required 46576
by the "Child Support Performance and Incentive Act of 1998," P.L. 46577
105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as amended, and 46578
jointly developed and promulgated by the secretary of health and 46579
human services and the secretary of labor in federal regulations 46580
adopted under that act as modified by the department of job and 46581
family services under section 3119.291 of the Revised Code. 46582

(7) "Person required to provide health insurance coverage" 46583
means the obligor, obligee, or both, required by the court under a 46584
court child support order or by the child support enforcement 46585
agency under an administrative child support order to provide 46586
health insurance coverage pursuant to section 3119.30 of the 46587
Revised Code. 46588

(8) Subject to division (B) of this section, "reasonable 46589
cost" means the contributing cost of private family health 46590
insurance to the person responsible for the health care of the 46591
children subject to the child support order that does not exceed 46592
an amount equal to five per cent of the annual gross income of 46593
that person. 46594

(9) "Title XIX" has the same meaning as ~~defined~~ in section 46595
~~5111.20~~ 5165.01 of the Revised Code. 46596

(B) If the United States secretary of health and human 46597
services issues a regulation defining "reasonable cost" or a 46598
similar term or phrase relevant to the provisions in child support 46599
orders relating to the provision of health care for children 46600
subject to the orders, and if that definition is substantively 46601
different from the meaning of "reasonable cost" as defined in 46602
division (A) of this section, "reasonable cost" as used in this 46603
section shall have the meaning as defined by the United States 46604
secretary of health and human services. 46605

Sec. 3119.54. A party to a child support order issued in 46606

accordance with section 3119.30 of the Revised Code shall notify 46607
any physician, hospital, or other provider of medical services 46608
that provides medical services to the child who is the subject of 46609
the child support order of the number of any health insurance or 46610
health care policy, contract, or plan that covers the child if the 46611
child is eligible for ~~medical assistance under Chapter 5111. of~~ 46612
~~the Revised Code~~ medicaid. The party shall include in the notice 46613
the name and address of the insurer. Any physician, hospital, or 46614
other provider of medical services ~~for which medical assistance is~~ 46615
~~available under Chapter 5111. of the Revised Code~~ covered by the 46616
medicaid program who is notified under this section of the 46617
existence of a health insurance or health care policy, contract, 46618
or plan with coverage for children who are eligible for ~~medical~~ 46619
~~assistance~~ medicaid shall first bill the insurer for any services 46620
provided for those children. If the insurer fails to pay all or 46621
any part of a claim filed under this section and the services for 46622
which the claim is filed are covered by ~~Chapter 5111. of the~~ 46623
~~Revised Code~~ the medicaid program, the physician, hospital, or 46624
other medical services provider shall bill the remaining unpaid 46625
costs of the services ~~in accordance with Chapter 5111. of the~~ 46626
~~Revised Code~~ to the medicaid program. 46627

Sec. 3121.441. (A) Notwithstanding the provisions of this 46628
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 46629
and 5107.20 of the Revised Code providing for the office of child 46630
support in the department of job and family services to collect, 46631
withhold, or deduct spousal support, when a court pursuant to 46632
section 3105.18 or 3105.65 of the Revised Code issues or modifies 46633
an order requiring an obligor to pay spousal support or grants or 46634
modifies a decree of dissolution of marriage incorporating a 46635
separation agreement that provides for spousal support, or at any 46636
time after the issuance, granting, or modification of an order or 46637

decree of that type, the court may permit the obligor to make the 46638
spousal support payments directly to the obligee instead of to the 46639
office if the obligee and the obligor have no minor children born 46640
as a result of their marriage and the obligee has not assigned the 46641
spousal support amounts to the department pursuant to section 46642
~~5101.59~~ or 5107.20 or 5160.38 of the Revised Code. 46643

(B) A court that permits an obligor to make spousal support 46644
payments directly to the obligee pursuant to division (A) of this 46645
section shall order the obligor to make the spousal support 46646
payments as a check, as a money order, or in any other form that 46647
establishes a clear record of payment. 46648

(C) If a court permits an obligor to make spousal support 46649
payments directly to an obligee pursuant to division (A) of this 46650
section and the obligor is in default in making any spousal 46651
support payment to the obligee, the court, upon motion of the 46652
obligee or on its own motion, may rescind the permission granted 46653
under that division. After the rescission, the court shall 46654
determine the amount of arrearages in the spousal support payments 46655
and order the obligor to make to the office of child support in 46656
the department of job and family services any spousal support 46657
payments that are in arrears and any future spousal support 46658
payments. Upon the issuance of the order of the court under this 46659
division, the provisions of this chapter, Chapters 3119., 3123., 46660
and 3125., and sections 3770.071 and 5107.20 of the Revised Code 46661
apply with respect to the collection, withholding, or deduction of 46662
the obligor's spousal support payments that are the subject of 46663
that order of the court. 46664

Sec. 3121.89. As used in sections 3121.891 to 3121.8911 of 46665
the Revised Code: 46666

(A) "Contractor" means an individual who provides services to 46667
an employer as an independent contractor for compensation that is 46668

reported as income other than wages and who is an individual, the 46669
sole shareholder of a corporation, or the sole member of a limited 46670
liability company. "Contractor" does not include any of the 46671
following: 46672

(1) An individual performing intelligence or 46673
counterintelligence functions for a state agency if the head of 46674
the agency has determined that reporting pursuant to this section 46675
could endanger the safety of the individual or compromise an 46676
ongoing investigation or intelligence mission; 46677

(2) A professionally licensed person who is providing 46678
services to the employer under that license; 46679

(3) An individual who will receive for the services provided 46680
under the contract compensation of less than two thousand five 46681
hundred dollars per year or a greater amount that the director of 46682
job and family services establishes by rule adopted under section 46683
3121.896 of the Revised Code. 46684

(B) "Employee" means an individual who is employed to provide 46685
services to an employer for compensation that is reported as 46686
income from wages. "Employee" does not include an individual 46687
performing intelligence or counterintelligence functions for a 46688
state agency, if the head of the agency has determined that 46689
reporting pursuant to this section could endanger the safety of 46690
the employee or compromise an ongoing investigation or 46691
intelligence mission. 46692

(C) "Employer" means any person or governmental entity other 46693
than the federal government for which an individual performs any 46694
service, of whatever nature, as the employee or contractor of such 46695
person, except that: 46696

(1) If the person for whom the individual performs services 46697
does not have control of the payment of compensation for the 46698
services, "employer" means the person having control of the 46699

payment of the compensation. 46700

(2) In the case of a person paying compensation on behalf of 46701
a nonresident alien individual, foreign partnership, or foreign 46702
corporation not engaged in trade or business within the United 46703
States, "employer" means the person paying the compensation. 46704

(3) In the case of compensation paid to a contractor, 46705
"employer" does not include any person or entity that lacks a 46706
federal employer identification number. 46707

(D) "Newly hired employee" means either of the following: 46708

(1) An employee who has not previously been employed by the 46709
employer; 46710

(2) An employee who was previously employed by an employer 46711
but has been separated from that prior employment for at least 46712
sixty consecutive days. 46713

(E) "Professionally licensed person" has the same meaning as 46714
in section 2925.01 of the Revised Code. 46715

Sec. 3121.891. (A) Except as provided in division (B) or (C) 46716
of this section, every employer shall make a new hire report to 46717
the department of job and family services regarding ~~the hiring,~~ 46718
~~rehiring, or return to work as an~~ a newly hired employee or a 46719
contractor of a person who resides, works, or will be assigned to 46720
work in this state to whom the employer anticipates paying 46721
compensation. 46722

(B) An employer with employees or contractors in two or more 46723
states that transmits new hire reports magnetically or 46724
electronically may make the new hire report to another state if 46725
the employer does both of the following: 46726

(1) Notifies the Ohio department of job and family services 46727
and the United States secretary of health and human services in 46728
writing that the employer has designated another state as the 46729

state to which the employer will transmit the report; 46730

(2) Transmits the report to that state in compliance with 46731
federal law. 46732

(C) The department may by rule exempt employers from making 46733
new hire reports on any classification of contractors if the 46734
department determines that exempting the employer will assist the 46735
administration of the new hire reporting requirement. 46736

Sec. 3121.892. (A) An employer shall include all of the 46737
following in each new hire report: 46738

(1) For each employee, the employee's name, address, date of 46739
birth, social security number, and date of hire, ~~rehire, or return~~ 46740
~~to work;~~ 46741

(2) For each contractor, the contractor's name, address, 46742
social security or tax identification number, the date payments 46743
begin, and the length of time the contractor will be performing 46744
services for the employer; 46745

(3) The employer's name, address, and identification number. 46746

(B) The department of job and family services may by rule 46747
require that additional information, specified in the rule, be 46748
included in each new hire report. 46749

Sec. 3121.893. An employer shall make a new hire report for 46750
each newly hired employee or contractor in a manner prescribed by 46751
the department of job and family services. The department may 46752
require that the report include or consist of the submission of a 46753
copy of the United States internal revenue service form W-4 46754
(employee's withholding allowance certificate) for the employee, a 46755
form provided by the department, or any other hiring document or 46756
data storage device or mechanism the department authorizes. An 46757
employer may make the new hire report by mail, fax, magnetic or 46758

electronic means, or other means the department authorizes. If an 46759
employer makes a new hire report by mail, the date of making the 46760
report is the postmark date if the report is mailed in the United 46761
States with first class postage and is addressed as the department 46762
authorizes. An employer shall make the new hire report not later 46763
than twenty days after the date on which the employer hires ~~or~~ 46764
~~rehires~~ an employee ~~or the employee returns to work~~ or the date on 46765
which the employer engages or re-engages the contractor or the 46766
contractor resumes providing services under the contract. 46767

Sec. 3121.898. The department of job and family services 46768
shall use the new hire reports it receives for any of the 46769
following purposes set forth in 42 U.S.C. 653a, as amended, 46770
including: 46771

(A) To locate individuals for the purposes of establishing 46772
paternity and for establishing, modifying, and enforcing child 46773
support orders. 46774

(B) As used in this division, "state agency" means every 46775
department, bureau, board, commission, office, or other organized 46776
body established by the constitution or laws of this state for the 46777
exercise of state government; every entity of county government 46778
that is subject to the rules of a state agency; and every 46779
contractual agent of a state agency. 46780

To make available to any state agency responsible for 46781
administering any of the following programs for purposes of 46782
verifying program eligibility: 46783

(1) Any Title IV-A program as defined in section 5101.80 of 46784
the Revised Code; 46785

(2) The medicaid program ~~authorized by Chapter 5111. of the~~ 46786
~~Revised Code;~~ 46787

(3) The unemployment compensation program authorized by 46788

Chapter 4141. of the Revised Code; 46789

(4) The supplemental nutrition assistance program authorized 46790
by section 5101.54 of the Revised Code; 46791

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 46792
amended. 46793

(C) The administration of the employment security program 46794
under the director of job and family services. 46795

Sec. 3123.958. The office of child support ~~shall~~ may publish 46796
and distribute ~~the first~~ a set of posters throughout the state ~~not~~ 46797
~~later than October 1, 1992. The office shall publish and~~ 46798
~~distribute subsequent sets of posters not less than twice~~ 46799
annually. 46800

Sec. 3125.18. A child support enforcement agency shall 46801
administer a Title IV-A program identified under division 46802
(A)(4)(c) or ~~(f)~~ (g) of section 5101.80 of the Revised Code that 46803
the department of job and family services provides for the agency 46804
to administer under the department's supervision pursuant to 46805
section 5101.801 of the Revised Code. 46806

Sec. 3125.36. (A) Subject to division (B) of this section, 46807
all support orders that are administered by a child support 46808
enforcement agency designated under section 307.981 of the Revised 46809
Code or former section 2301.35 of the Revised Code and are 46810
eligible for Title IV-D services shall be Title IV-D cases under 46811
Title IV-D of the "Social Security Act." Subject to division (B) 46812
of this section, all obligees of support orders administered by 46813
the agency shall be considered to have filed a signed application 46814
for Title IV-D services. 46815

(B) Except as provided in division (D) of this section, a 46816
court that issues or modifies a support order shall require the 46817

obligee under the order to sign, at the time of the issuance or 46818
modification of the order, an application for Title IV-D services 46819
and to file, as soon as possible, the signed application with the 46820
child support enforcement agency that will administer the order. 46821
The application shall be on a form prescribed by the department of 46822
job and family services. Except as provided in division (D) of 46823
this section, a support order that is administered by a child 46824
support enforcement agency, and that is eligible for Title IV-D 46825
services shall be a Title IV-D case under Title IV-D of the 46826
"Social Security Act" only upon the filing of the signed 46827
application for Title IV-D services. 46828

(C) A child support enforcement agency shall make available 46829
an application for Title IV-D services to all persons requesting a 46830
child support enforcement agency's assistance in an action under 46831
sections 3111.01 to 3111.18 of the Revised Code or in an 46832
administrative proceeding brought to establish a parent and child 46833
relationship, to establish or modify an administrative support 46834
order, or to establish or modify an order to provide health 46835
insurance coverage for the children subject to a support order. 46836

(D) An obligee under a support order who has assigned the 46837
right to the support pursuant to section ~~5101.59~~ or 5107.20 or 46838
5160.38 of the Revised Code shall not be required to sign an 46839
application for Title IV-D services. The support order shall be 46840
considered a Title IV-D case. 46841

Sec. 3301.07. The state board of education shall exercise 46842
under the acts of the general assembly general supervision of the 46843
system of public education in the state. In addition to the powers 46844
otherwise imposed on the state board under the provisions of law, 46845
the board shall have the powers described in this section. 46846

(A) The state board shall exercise policy forming, planning, 46847
and evaluative functions for the public schools of the state 46848

except as otherwise provided by law. 46849

(B)(1) The state board shall exercise leadership in the 46850
improvement of public education in this state, and administer the 46851
educational policies of this state relating to public schools, and 46852
relating to instruction and instructional material, building and 46853
equipment, transportation of pupils, administrative 46854
responsibilities of school officials and personnel, and finance 46855
and organization of school districts, educational service centers, 46856
and territory. Consultative and advisory services in such matters 46857
shall be provided by the board to school districts and educational 46858
service centers of this state. 46859

(2) The state board also shall develop a standard of 46860
financial reporting which shall be used by each school district 46861
board of education and ~~educational service center~~ each governing 46862
board of an educational service center, each governing authority 46863
of a community school established under Chapter 3314., each 46864
governing body of a STEM school established under Chapter 3328., 46865
and each board of trustees of a college-preparatory boarding 46866
school established under Chapter 3328. of the Revised Code to make 46867
its financial information and annual budgets for each school 46868
building under its control available to the public in a format 46869
understandable by the average citizen. The format shall show, 46870
~~among other things, both~~ at the district ~~and educational service~~ 46871
~~center level or~~ and at the school building level, ~~as determined~~ 46872
~~appropriate by the department of education,~~ revenue by source; 46873
expenditures for salaries, wages, and benefits of employees, 46874
showing such amounts separately for classroom teachers, other 46875
employees required to hold licenses issued pursuant to sections 46876
3319.22 to 3319.31 of the Revised Code, and all other employees; 46877
expenditures other than for personnel, by category, including 46878
utilities, textbooks and other educational materials, equipment, 46879
permanent improvements, pupil transportation, extracurricular 46880

athletics, and other extracurricular activities; and per pupil 46881
expenditures. The format shall also include information on total 46882
revenue and expenditures, per pupil revenue, and expenditures for 46883
both classroom and nonclassroom purposes, as defined by the 46884
standards adopted under section 3302.20 of the Revised Code in the 46885
aggregate and for each subgroup of students, as defined by section 46886
3317.40 of the Revised Code, that receives services provided for 46887
by state or federal funding. 46888

(3) Each school district board, governing authority, 46889
governing body, or board of trustees, or its respective designee, 46890
shall annually report, to the department of education, all 46891
financial information required by the standards for financial 46892
reporting, as prescribed by division (B)(2) of this section and 46893
adopted by the state board. The department shall post these 46894
reports in a prominent location on its web site and shall notify 46895
each school when reports are made available. 46896

(C) The state board shall administer and supervise the 46897
allocation and distribution of all state and federal funds for 46898
public school education under the provisions of law, and may 46899
prescribe such systems of accounting as are necessary and proper 46900
to this function. It may require county auditors and treasurers, 46901
boards of education, educational service center governing boards, 46902
treasurers of such boards, teachers, and other school officers and 46903
employees, or other public officers or employees, to file with it 46904
such reports as it may prescribe relating to such funds, or to the 46905
management and condition of such funds. 46906

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 46907
XLVII, and LI of the Revised Code a reference is made to standards 46908
prescribed under this section or division (D) of this section, 46909
that reference shall be construed to refer to the standards 46910
prescribed under division (D)(2) of this section, unless the 46911
context specifically indicates a different meaning or intent. 46912

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of ~~requiring~~ providing children access to a general education of high quality according to the learning needs of each individual, including students with disabilities, economically disadvantaged students, limited English proficient students, and students identified as gifted. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; the provision of safe buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

The state board shall base any standards governing the promotion of students or requirements for graduation on the ability of students, at any grade level, to earn credits or advance upon demonstration of mastery of knowledge and skills through competency-based learning models. Credits of grade level advancement shall not require a minimum number of days or hours in a classroom.

The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals.

In the formulation and administration of such standards for

nonpublic schools the board shall also consider the particular 46945
needs, methods and objectives of those schools, provided they do 46946
not conflict with the provision of a general education of a high 46947
quality and provided that regular procedures shall be followed for 46948
promotion from grade to grade of pupils who have met the 46949
educational requirements prescribed. 46950

~~In the formulation and administration of such standards as 46951
they relate to instructional materials and equipment in public 46952
schools, including library materials, the board shall require that 46953
the material and equipment be aligned with and promote skills 46954
expected under the statewide academic standards adopted under 46955
section 3301.079 of the Revised Code. 46956~~

(3) In addition to the minimum standards required by division 46957
(D)(2) of this section, the state board may formulate and 46958
prescribe the following additional minimum operating standards for 46959
school districts: 46960

(a) Standards for the effective and efficient organization, 46961
administration, and supervision of each school district ~~so that it 46962
becomes a thinking and learning organization according to 46963
principles of systems design and collaborative professional 46964
learning communities research as defined by the superintendent of 46965
public instruction, including a focus on the personalized and 46966
individualized needs of each student; a shared responsibility 46967
among school boards, administrators, faculty, and staff to develop 46968
a common vision, mission, and set of guiding principles; a shared 46969
responsibility among school boards, administrators, faculty, and 46970
staff to engage in a process of collective inquiry, action 46971
orientation, and experimentation to ensure the academic success of 46972
all students; commitment to teaching and learning strategies that 46973
utilize technological tools and emphasize inter disciplinary, 46974
real world, project based, and technology oriented learning 46975
experiences to meet the individual needs of every student; with a 46976~~

commitment to high expectations for every student based on the 46977
learning needs of each individual, including students with 46978
disabilities, economically disadvantaged students, limited English 46979
proficient students, and students identified as gifted, and 46980
commitment to closing the achievement gap without suppressing the 46981
achievement levels of higher achieving students so that all 46982
students achieve core knowledge and skills in accordance with the 46983
statewide academic standards adopted under section 3301.079 of the 46984
Revised Code; ~~commitment to the use of assessments to diagnose the~~ 46985
~~needs of each student; effective connections and relationships~~ 46986
~~with families and others that support student success; and~~ 46987
~~commitment to the use of positive behavior intervention supports~~ 46988
~~throughout a district to ensure a safe and secure learning~~ 46989
~~environment for all students;~~ 46990

(b) Standards for the establishment of business advisory 46991
councils under section 3313.82 of the Revised Code; 46992

(c) Standards for school district buildings that may require+ 46993

~~(i) The the effective and efficient organization,~~ 46994
administration, and supervision of each school district building 46995
~~so that it becomes a thinking and learning organization according~~ 46996
~~to principles of systems design and collaborative professional~~ 46997
~~learning communities research as defined by the state~~ 46998
~~superintendent, including a focus on the personalized and~~ 46999
~~individualized needs of each student; a shared responsibility~~ 47000
~~among building administrators, faculty, and staff to develop a~~ 47001
~~common vision, mission, and set of guiding principles; a shared~~ 47002
~~responsibility among building administrators, faculty, and staff~~ 47003
~~to engage in a process of collective inquiry, action orientation,~~ 47004
~~and experimentation to ensure the academic success of all~~ 47005
~~students; commitment to job embedded professional development and~~ 47006
~~professional mentoring and coaching; established periods of time~~ 47007
~~for teachers to pursue planning time for the development of lesson~~ 47008

~~plans, professional development, and shared learning; commitment 47009
to effective management strategies that allow administrators 47010
reasonable access to classrooms for observation and professional 47011
development experiences; commitment to teaching and learning 47012
strategies that utilize technological tools and emphasize 47013
inter-disciplinary, real world, project based, and 47014
technology oriented learning experiences to meet the individual 47015
needs of every student; with a commitment to high expectations for 47016
every student based on the learning needs of each individual, 47017
including students with disabilities, economically disadvantaged 47018
students, limited English proficient students, and students 47019
identified as gifted, and commitment to closing the achievement 47020
gap without suppressing the achievement levels of higher achieving 47021
students so that all students achieve core knowledge and skills in 47022
accordance with the statewide academic standards adopted under 47023
section 3301.079 of the Revised Code; ~~commitment to the use of 47024
assessments to diagnose the needs of each student; effective 47025
connections and relationships with families and others that 47026
support student success; commitment to the use of positive 47027
behavior intervention supports throughout the building to ensure a 47028
safe and secure learning environment for all students;~~ 47029~~

~~(ii) A school building leadership team to coordinate positive 47030
behavior intervention supports, learning environments, thinking 47031
and learning systems, collaborative planning, planning time, 47032
student academic interventions, student extended learning 47033
opportunities, and other activities identified by the team and 47034
approved by the district board of education. The team shall 47035
include the building principal, representatives from each 47036
collective bargaining unit, a classroom teacher, parents, business 47037
representatives, and others that support student success. 47038~~

~~(E) The state board may require as part of the health 47039
curriculum information developed under section 2108.34 of the 47040~~

Revised Code promoting the donation of anatomical gifts pursuant 47041
to Chapter 2108. of the Revised Code and may provide the 47042
information to high schools, educational service centers, and 47043
joint vocational school district boards of education; 47044

(F) The state board shall prepare and submit annually to the 47045
governor and the general assembly a report on the status, needs, 47046
and major problems of the public schools of the state, with 47047
recommendations for necessary legislative action and a ten-year 47048
projection of the state's public and nonpublic school enrollment, 47049
by year and by grade level. 47050

(G) The state board shall prepare and submit to the director 47051
of budget and management the biennial budgetary requests of the 47052
state board of education, for its agencies and for the public 47053
schools of the state. 47054

(H) The state board shall cooperate with federal, state, and 47055
local agencies concerned with the health and welfare of children 47056
and youth of the state. 47057

(I) The state board shall require such reports from school 47058
districts and educational service centers, school officers, and 47059
employees as are necessary and desirable. The superintendents and 47060
treasurers of school districts and educational service centers 47061
shall certify as to the accuracy of all reports required by law or 47062
state board or state department of education rules to be submitted 47063
by the district or educational service center and which contain 47064
information necessary for calculation of state funding. Any 47065
superintendent who knowingly falsifies such report shall be 47066
subject to license revocation pursuant to section 3319.31 of the 47067
Revised Code. 47068

(J) In accordance with Chapter 119. of the Revised Code, the 47069
state board shall adopt procedures, standards, and guidelines for 47070
the education of children with disabilities pursuant to Chapter 47071

3323. of the Revised Code, including procedures, standards, and 47072
guidelines governing programs and services operated by county 47073
boards of developmental disabilities pursuant to section 3323.09 47074
of the Revised Code. 47075

(K) For the purpose of encouraging the development of special 47076
programs of education for academically gifted children, the state 47077
board shall employ competent persons to analyze and publish data, 47078
promote research, advise and counsel with boards of education, and 47079
encourage the training of teachers in the special instruction of 47080
gifted children. The board may provide financial assistance out of 47081
any funds appropriated for this purpose to boards of education and 47082
educational service center governing boards for developing and 47083
conducting programs of education for academically gifted children. 47084

(L) The state board shall require that all public schools 47085
emphasize and encourage, within existing units of study, the 47086
teaching of energy and resource conservation as recommended to 47087
each district board of education by leading business persons 47088
involved in energy production and conservation, beginning in the 47089
primary grades. 47090

(M) The state board shall formulate and prescribe minimum 47091
standards requiring the use of phonics as a technique in the 47092
teaching of reading in grades kindergarten through three. In 47093
addition, the state board shall provide in-service training 47094
programs for teachers on the use of phonics as a technique in the 47095
teaching of reading in grades kindergarten through three. 47096

(N) The state board may adopt rules necessary for carrying 47097
out any function imposed on it by law, and may provide rules as 47098
are necessary for its government and the government of its 47099
employees, and may delegate to the superintendent of public 47100
instruction the management and administration of any function 47101
imposed on it by law. It may provide for the appointment of board 47102
members to serve on temporary committees established by the board 47103

for such purposes as are necessary. Permanent or standing 47104
committees shall not be created. 47105

(O) Upon application from the board of education of a school 47106
district, the superintendent of public instruction may issue a 47107
waiver exempting the district from compliance with the standards 47108
adopted under divisions (B)(2) and (D) of this section, as they 47109
relate to the operation of a school operated by the district. The 47110
state board shall adopt standards for the approval or disapproval 47111
of waivers under this division. The state superintendent shall 47112
consider every application for a waiver, and shall determine 47113
whether to grant or deny a waiver in accordance with the state 47114
board's standards. For each waiver granted, the state 47115
superintendent shall specify the period of time during which the 47116
waiver is in effect, which shall not exceed five years. A district 47117
board may apply to renew a waiver. 47118

Sec. 3301.0711. (A) The department of education shall: 47119

(1) Annually furnish to, grade, and score all assessments 47120
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 47121
the Revised Code to be administered by city, local, exempted 47122
village, and joint vocational school districts, except that each 47123
district shall score any assessment administered pursuant to 47124
division (B)(10) of this section. Each assessment so furnished 47125
shall include the data verification code of the student to whom 47126
the assessment will be administered, as assigned pursuant to 47127
division (D)(2) of section 3301.0714 of the Revised Code. In 47128
furnishing the practice versions of Ohio graduation tests 47129
prescribed by division (D) of section 3301.0710 of the Revised 47130
Code, the department shall make the tests available on its web 47131
site for reproduction by districts. In awarding contracts for 47132
grading assessments, the department shall give preference to 47133
Ohio-based entities employing Ohio residents. 47134

(2) Adopt rules for the ethical use of assessments and 47135
prescribing the manner in which the assessments prescribed by 47136
section 3301.0710 of the Revised Code shall be administered to 47137
students. 47138

(B) Except as provided in divisions (C) and (J) of this 47139
section, the board of education of each city, local, and exempted 47140
village school district shall, in accordance with rules adopted 47141
under division (A) of this section: 47142

(1) Administer the English language arts assessments 47143
prescribed under division (A)(1)(a) of section 3301.0710 of the 47144
Revised Code twice annually to all students in the third grade who 47145
have not attained the score designated for that assessment under 47146
division (A)(2)(c) of section 3301.0710 of the Revised Code. 47147

(2) Administer the mathematics assessment prescribed under 47148
division (A)(1)(a) of section 3301.0710 of the Revised Code at 47149
least once annually to all students in the third grade. 47150

(3) Administer the assessments prescribed under division 47151
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 47152
annually to all students in the fourth grade. 47153

(4) Administer the assessments prescribed under division 47154
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 47155
annually to all students in the fifth grade. 47156

(5) Administer the assessments prescribed under division 47157
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 47158
annually to all students in the sixth grade. 47159

(6) Administer the assessments prescribed under division 47160
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 47161
annually to all students in the seventh grade. 47162

(7) Administer the assessments prescribed under division 47163
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 47164

annually to all students in the eighth grade. 47165

(8) Except as provided in division (B)(9) of this section, 47166
administer any assessment prescribed under division (B)(1) of 47167
section 3301.0710 of the Revised Code as follows: 47168

(a) At least once annually to all tenth grade students and at 47169
least twice annually to all students in eleventh or twelfth grade 47170
who have not yet attained the score on that assessment designated 47171
under that division; 47172

(b) To any person who has successfully completed the 47173
curriculum in any high school or the individualized education 47174
program developed for the person by any high school pursuant to 47175
section 3323.08 of the Revised Code but has not received a high 47176
school diploma and who requests to take such assessment, at any 47177
time such assessment is administered in the district. 47178

(9) In lieu of the board of education of any city, local, or 47179
exempted village school district in which the student is also 47180
enrolled, the board of a joint vocational school district shall 47181
administer any assessment prescribed under division (B)(1) of 47182
section 3301.0710 of the Revised Code at least twice annually to 47183
any student enrolled in the joint vocational school district who 47184
has not yet attained the score on that assessment designated under 47185
that division. A board of a joint vocational school district may 47186
also administer such an assessment to any student described in 47187
division (B)(8)(b) of this section. 47188

(10) If the district has a three-year average graduation rate 47189
of not more than seventy-five per cent, administer each assessment 47190
prescribed by division (D) of section 3301.0710 of the Revised 47191
Code in September to all ninth grade students, beginning in the 47192
school year that starts July 1, 2005. 47193

Except as provided in section 3313.614 of the Revised Code 47194
for administration of an assessment to a person who has fulfilled 47195

the curriculum requirement for a high school diploma but has not 47196
passed one or more of the required assessments, the assessments 47197
prescribed under division (B)(1) of section 3301.0710 of the 47198
Revised Code and the practice assessments prescribed under 47199
division (D) of that section and required to be administered under 47200
divisions (B)(8), (9), and (10) of this section shall not be 47201
administered after the assessment system prescribed by division 47202
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 47203
Code is implemented under rule of the state board adopted under 47204
division (D)(1) of section 3301.0712 of the Revised Code. 47205

(11) Administer the assessments prescribed by division (B)(2) 47206
of section 3301.0710 and section 3301.0712 of the Revised Code in 47207
accordance with the timeline and plan for implementation of those 47208
assessments prescribed by rule of the state board adopted under 47209
division (D)(1) of section 3301.0712 of the Revised Code. 47210

(C)(1)(a) In the case of a student receiving special 47211
education services under Chapter 3323. of the Revised Code, the 47212
individualized education program developed for the student under 47213
that chapter shall specify the manner in which the student will 47214
participate in the assessments administered under this section. 47215
The individualized education program may excuse the student from 47216
taking any particular assessment required to be administered under 47217
this section if it instead specifies an alternate assessment 47218
method approved by the department of education as conforming to 47219
requirements of federal law for receipt of federal funds for 47220
disadvantaged pupils. To the extent possible, the individualized 47221
education program shall not excuse the student from taking an 47222
assessment unless no reasonable accommodation can be made to 47223
enable the student to take the assessment. 47224

(b) Any alternate assessment approved by the department for a 47225
student under this division shall produce measurable results 47226
comparable to those produced by the assessment it replaces in 47227

order to allow for the student's results to be included in the 47228
data compiled for a school district or building under section 47229
3302.03 of the Revised Code. 47230

(c) Any student enrolled in a chartered nonpublic school who 47231
has been identified, based on an evaluation conducted in 47232
accordance with section 3323.03 of the Revised Code or section 504 47233
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 47234
794, as amended, as a child with a disability shall be excused 47235
from taking any particular assessment required to be administered 47236
under this section if a plan developed for the student pursuant to 47237
rules adopted by the state board excuses the student from taking 47238
that assessment. In the case of any student so excused from taking 47239
an assessment, the chartered nonpublic school shall not prohibit 47240
the student from taking the assessment. 47241

(2) A district board may, for medical reasons or other good 47242
cause, excuse a student from taking an assessment administered 47243
under this section on the date scheduled, but that assessment 47244
shall be administered to the excused student not later than nine 47245
days following the scheduled date. The district board shall 47246
annually report the number of students who have not taken one or 47247
more of the assessments required by this section to the state 47248
board of education not later than the thirtieth day of June. 47249

(3) As used in this division, "limited English proficient 47250
student" has the same meaning as in 20 U.S.C. 7801. 47251

No school district board shall excuse any limited English 47252
proficient student from taking any particular assessment required 47253
to be administered under this section, except that any limited 47254
English proficient student who has been enrolled in United States 47255
schools for less than one full school year shall not be required 47256
to take any reading, writing, or English language arts assessment. 47257
However, no board shall prohibit a limited English proficient 47258
student who is not required to take an assessment under this 47259

division from taking the assessment. A board may permit any 47260
limited English proficient student to take an assessment required 47261
to be administered under this section with appropriate 47262
accommodations, as determined by the department. For each limited 47263
English proficient student, each school district shall annually 47264
assess that student's progress in learning English, in accordance 47265
with procedures approved by the department. 47266

The governing authority of a chartered nonpublic school may 47267
excuse a limited English proficient student from taking any 47268
assessment administered under this section. However, no governing 47269
authority shall prohibit a limited English proficient student from 47270
taking the assessment. 47271

(D)(1) In the school year next succeeding the school year in 47272
which the assessments prescribed by division (A)(1) or (B)(1) of 47273
section 3301.0710 of the Revised Code or former division (A)(1), 47274
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 47275
existed prior to September 11, 2001, are administered to any 47276
student, the board of education of any school district in which 47277
the student is enrolled in that year shall provide to the student 47278
intervention services commensurate with the student's performance, 47279
including any intensive intervention required under section 47280
3313.608 of the Revised Code, in any skill in which the student 47281
failed to demonstrate at least a score at the proficient level on 47282
the assessment. 47283

(2) Following any administration of the assessments 47284
prescribed by division (D) of section 3301.0710 of the Revised 47285
Code to ninth grade students, each school district that has a 47286
three-year average graduation rate of not more than seventy-five 47287
per cent shall determine for each high school in the district 47288
whether the school shall be required to provide intervention 47289
services to any students who took the assessments. In determining 47290
which high schools shall provide intervention services based on 47291

the resources available, the district shall consider each school's 47292
graduation rate and scores on the practice assessments. The 47293
district also shall consider the scores received by ninth grade 47294
students on the English language arts and mathematics assessments 47295
prescribed under division (A)(1)(f) of section 3301.0710 of the 47296
Revised Code in the eighth grade in determining which high schools 47297
shall provide intervention services. 47298

Each high school selected to provide intervention services 47299
under this division shall provide intervention services to any 47300
student whose results indicate that the student is failing to make 47301
satisfactory progress toward being able to attain scores at the 47302
proficient level on the Ohio graduation tests. Intervention 47303
services shall be provided in any skill in which a student 47304
demonstrates unsatisfactory progress and shall be commensurate 47305
with the student's performance. Schools shall provide the 47306
intervention services prior to the end of the school year, during 47307
the summer following the ninth grade, in the next succeeding 47308
school year, or at any combination of those times. 47309

(E) Except as provided in section 3313.608 of the Revised 47310
Code and division (M) of this section, no school district board of 47311
education shall utilize any student's failure to attain a 47312
specified score on an assessment administered under this section 47313
as a factor in any decision to deny the student promotion to a 47314
higher grade level. However, a district board may choose not to 47315
promote to the next grade level any student who does not take an 47316
assessment administered under this section or make up an 47317
assessment as provided by division (C)(2) of this section and who 47318
is not exempt from the requirement to take the assessment under 47319
division (C)(3) of this section. 47320

(F) No person shall be charged a fee for taking any 47321
assessment administered under this section. 47322

(G)(1) Each school district board shall designate one 47323

location for the collection of assessments administered in the 47324
spring under division (B)(1) of this section and those 47325
administered under divisions (B)(2) to (7) of this section. Each 47326
district board shall submit the assessments to the entity with 47327
which the department contracts for the scoring of the assessments 47328
as follows: 47329

(a) If the district's total enrollment in grades kindergarten 47330
through twelve during the first full school week of October was 47331
less than two thousand five hundred, not later than the Friday 47332
after all of the assessments have been administered; 47333

(b) If the district's total enrollment in grades kindergarten 47334
through twelve during the first full school week of October was 47335
two thousand five hundred or more, but less than seven thousand, 47336
not later than the Monday after all of the assessments have been 47337
administered; 47338

(c) If the district's total enrollment in grades kindergarten 47339
through twelve during the first full school week of October was 47340
seven thousand or more, not later than the Tuesday after all of 47341
the assessments have been administered. 47342

However, any assessment that a student takes during the 47343
make-up period described in division (C)(2) of this section shall 47344
be submitted not later than the Friday following the day the 47345
student takes the assessment. 47346

(2) The department or an entity with which the department 47347
contracts for the scoring of the assessment shall send to each 47348
school district board a list of the individual scores of all 47349
persons taking an assessment prescribed by division (A)(1) or 47350
(B)(1) of section 3301.0710 of the Revised Code within sixty days 47351
after its administration, but in no case shall the scores be 47352
returned later than the fifteenth day of June following the 47353
administration. For assessments administered under this section by 47354

a joint vocational school district, the department or entity shall 47355
also send to each city, local, or exempted village school district 47356
a list of the individual scores of any students of such city, 47357
local, or exempted village school district who are attending 47358
school in the joint vocational school district. 47359

(H) Individual scores on any assessments administered under 47360
this section shall be released by a district board only in 47361
accordance with section 3319.321 of the Revised Code and the rules 47362
adopted under division (A) of this section. No district board or 47363
its employees shall utilize individual or aggregate results in any 47364
manner that conflicts with rules for the ethical use of 47365
assessments adopted pursuant to division (A) of this section. 47366

(I) Except as provided in division (G) of this section, the 47367
department or an entity with which the department contracts for 47368
the scoring of the assessment shall not release any individual 47369
scores on any assessment administered under this section. The 47370
state board of education shall adopt rules to ensure the 47371
protection of student confidentiality at all times. The rules may 47372
require the use of the data verification codes assigned to 47373
students pursuant to division (D)(2) of section 3301.0714 of the 47374
Revised Code to protect the confidentiality of student scores. 47375

(J) Notwithstanding division (D) of section 3311.52 of the 47376
Revised Code, this section does not apply to the board of 47377
education of any cooperative education school district except as 47378
provided under rules adopted pursuant to this division. 47379

(1) In accordance with rules that the state board of 47380
education shall adopt, the board of education of any city, 47381
exempted village, or local school district with territory in a 47382
cooperative education school district established pursuant to 47383
divisions (A) to (C) of section 3311.52 of the Revised Code may 47384
enter into an agreement with the board of education of the 47385
cooperative education school district for administering any 47386

assessment prescribed under this section to students of the city, 47387
exempted village, or local school district who are attending 47388
school in the cooperative education school district. 47389

(2) In accordance with rules that the state board of 47390
education shall adopt, the board of education of any city, 47391
exempted village, or local school district with territory in a 47392
cooperative education school district established pursuant to 47393
section 3311.521 of the Revised Code shall enter into an agreement 47394
with the cooperative district that provides for the administration 47395
of any assessment prescribed under this section to both of the 47396
following: 47397

(a) Students who are attending school in the cooperative 47398
district and who, if the cooperative district were not 47399
established, would be entitled to attend school in the city, 47400
local, or exempted village school district pursuant to section 47401
3313.64 or 3313.65 of the Revised Code; 47402

(b) Persons described in division (B)(8)(b) of this section. 47403

Any assessment of students pursuant to such an agreement 47404
shall be in lieu of any assessment of such students or persons 47405
pursuant to this section. 47406

~~(K)(1) As a condition of compliance with section 3313.612 of 47407
the Revised Code, each chartered nonpublic school that educates 47408~~
(a) Each chartered nonpublic school for which at least thirty-five 47409
per cent of its total enrollment is made up of students who are 47410
participating in state scholarship programs shall administer the 47411
assessments prescribed by section 3301.0710 of the Revised Code. 47412

(b) If a chartered nonpublic school is not subject to 47413
division (K)(1)(a) of this section and is educating students in 47414
grades nine through twelve, it shall administer the assessments 47415
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 47416
Revised Code as a condition of compliance with section 3313.612 of 47417

the Revised Code. Any chartered nonpublic school that is not 47418
subject to division (K)(1)(a) of this section may participate in 47419
the assessment program by administering any of the assessments 47420
prescribed by division (A) of section 3301.0710 of the Revised 47421
Code. The chief administrator of the school shall specify which 47422
assessments the school will administer. Such specification shall 47423
be made in writing to the superintendent of public instruction 47424
prior to the first day of August of any school year in which 47425
assessments are administered and shall include a pledge that the 47426
nonpublic school will administer the specified assessments in the 47427
same manner as public schools are required to do under this 47428
section and rules adopted by the department. 47429

(2) The department of education shall furnish the assessments 47430
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 47431
to each chartered nonpublic school that is subject to division 47432
(K)(1)(a) of this section or participates under ~~this~~ division 47433
(K)(1)(b) of this section. 47434

(L)(1) The superintendent of the state school for the blind 47435
and the superintendent of the state school for the deaf shall 47436
administer the assessments described by sections 3301.0710 and 47437
3301.0712 of the Revised Code. Each superintendent shall 47438
administer the assessments in the same manner as district boards 47439
are required to do under this section and rules adopted by the 47440
department of education and in conformity with division (C)(1)(a) 47441
of this section. 47442

(2) The department of education shall furnish the assessments 47443
described by sections 3301.0710 and 3301.0712 of the Revised Code 47444
to each superintendent. 47445

(M) Notwithstanding division (E) of this section, a school 47446
district may use a student's failure to attain a score in at least 47447
the proficient range on the mathematics assessment described by 47448
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 47449

an assessment described by division (A)(1)(b), (c), (d), (e), or 47450
(f) of section 3301.0710 of the Revised Code as a factor in 47451
retaining that student in the current grade level. 47452

(N)(1) In the manner specified in divisions (N)(3) and (4) of 47453
this section, the assessments required by division (A)(1) of 47454
section 3301.0710 of the Revised Code shall become public records 47455
pursuant to section 149.43 of the Revised Code on the first day of 47456
July following the school year that the assessments were 47457
administered. 47458

(2) The department may field test proposed questions with 47459
samples of students to determine the validity, reliability, or 47460
appropriateness of questions for possible inclusion in a future 47461
year's assessment. The department also may use anchor questions on 47462
assessments to ensure that different versions of the same 47463
assessment are of comparable difficulty. 47464

Field test questions and anchor questions shall not be 47465
considered in computing scores for individual students. Field test 47466
questions and anchor questions may be included as part of the 47467
administration of any assessment required by division (A)(1) or 47468
(B)(1) of section 3301.0710 of the Revised Code. 47469

(3) Any field test question or anchor question administered 47470
under division (N)(2) of this section shall not be a public 47471
record. Such field test questions and anchor questions shall be 47472
redacted from any assessments which are released as a public 47473
record pursuant to division (N)(1) of this section. 47474

(4) This division applies to the assessments prescribed by 47475
division (A) of section 3301.0710 of the Revised Code. 47476

(a) The first administration of each assessment, as specified 47477
in former section 3301.0712 of the Revised Code, shall be a public 47478
record. 47479

(b) For subsequent administrations of each assessment prior 47480

to the 2011-2012 school year, not less than forty per cent of the 47481
questions on the assessment that are used to compute a student's 47482
score shall be a public record. The department shall determine 47483
which questions will be needed for reuse on a future assessment 47484
and those questions shall not be public records and shall be 47485
redacted from the assessment prior to its release as a public 47486
record. However, for each redacted question, the department shall 47487
inform each city, local, and exempted village school district of 47488
the statewide academic standard adopted by the state board of 47489
education under section 3301.079 of the Revised Code and the 47490
corresponding benchmark to which the question relates. The 47491
preceding sentence does not apply to field test questions that are 47492
redacted under division (N)(3) of this section. 47493

(c) The administrations of each assessment in the 2011-2012 47494
school year and later shall not be a public record. 47495

(5) Each assessment prescribed by division (B)(1) of section 47496
3301.0710 of the Revised Code shall not be a public record. 47497

(0) As used in this section: 47498

(1) "Three-year average" means the average of the most recent 47499
consecutive three school years of data. 47500

(2) "Dropout" means a student who withdraws from school 47501
before completing course requirements for graduation and who is 47502
not enrolled in an education program approved by the state board 47503
of education or an education program outside the state. "Dropout" 47504
does not include a student who has departed the country. 47505

(3) "Graduation rate" means the ratio of students receiving a 47506
diploma to the number of students who entered ninth grade four 47507
years earlier. Students who transfer into the district are added 47508
to the calculation. Students who transfer out of the district for 47509
reasons other than dropout are subtracted from the calculation. If 47510
a student who was a dropout in any previous year returns to the 47511

same school district, that student shall be entered into the 47512
calculation as if the student had entered ninth grade four years 47513
before the graduation year of the graduating class that the 47514
student joins. 47515

(4) "State scholarship programs" means the educational choice 47516
scholarship pilot program established under sections 3310.01 to 47517
3310.17 of the Revised Code, the autism scholarship program 47518
established under section 3310.41 of the Revised Code, the Jon 47519
Peterson special needs scholarship program established under 47520
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 47521
project scholarship program established under sections 3313.974 to 47522
3313.979 of the Revised Code. 47523

Sec. 3301.0712. (A) The state board of education, the 47524
superintendent of public instruction, and the chancellor of the 47525
Ohio board of regents shall develop a system of college and work 47526
ready assessments as described in divisions (B)(1) and (2) of this 47527
section to assess whether each student upon graduating from high 47528
school is ready to enter college or the workforce. The system 47529
shall replace the Ohio graduation tests prescribed in division 47530
(B)(1) of section 3301.0710 of the Revised Code as a measure of 47531
student academic performance and a prerequisite for eligibility 47532
for a high school diploma in the manner prescribed by rule of the 47533
state board adopted under division (D) of this section. 47534

(B) The college and work ready assessment system shall 47535
consist of the following: 47536

(1) A nationally standardized assessment that measures 47537
college and career readiness selected jointly by the state 47538
superintendent and the chancellor. 47539

(2) A series of end-of-course examinations in the areas of 47540
science, mathematics, English language arts, American history, and 47541
American government selected jointly by the state superintendent 47542

and the chancellor in consultation with faculty in the appropriate 47543
subject areas at institutions of higher education of the 47544
university system of Ohio. For each subject area, the state 47545
superintendent and chancellor shall select multiple assessments 47546
that school districts, public schools, and chartered nonpublic 47547
schools may use as end-of-course examinations. Subject to division 47548
(B)(3)(b) of this section, those assessments shall include 47549
nationally recognized subject area assessments, such as advanced 47550
placement examinations, SAT subject tests, international 47551
baccalaureate examinations, and other assessments of college and 47552
work readiness. 47553

(3)(a) Not later than July 1, 2013, each school district 47554
board of education shall adopt interim end-of-course examinations 47555
that comply with the requirements of divisions (B)(3)(b)(i) and 47556
(ii) of this section to assess mastery of American history and 47557
American government standards adopted under division (A)(1)(b) of 47558
section 3301.079 of the Revised Code and the topics required under 47559
division (M) of section 3313.603 of the Revised Code. Each high 47560
school of the district shall use the interim examinations until 47561
the state superintendent and chancellor select end-of-course 47562
examinations in American history and American government under 47563
division (B)(2) of this section. 47564

(b) Not later than July 1, 2014, the state superintendent and 47565
the chancellor shall select the end-of-course examinations in 47566
American history and American government. 47567

(i) The end-of-course examinations in American history and 47568
American government shall require demonstration of mastery of the 47569
American history and American government content for social 47570
studies standards adopted under division (A)(1)(b) of section 47571
3301.079 of the Revised Code and the topics required under 47572
division (M) of section 3313.603 of the Revised Code. 47573

(ii) At least twenty per cent of the end-of-course 47574

examination in American government shall address the topics on 47575
American history and American government described in division (M) 47576
of section 3313.603 of the Revised Code. 47577

(C) The state board shall convene a group of national 47578
experts, state experts, and local practitioners to provide advice, 47579
guidance, and recommendations for the alignment of standards and 47580
model curricula to the assessments and in the design of the 47581
end-of-course examinations prescribed by this section. 47582

(D) Upon completion of the development of the assessment 47583
system, the state board shall adopt rules prescribing all of the 47584
following: 47585

(1) A timeline and plan for implementation of the assessment 47586
system, including a phased implementation if the state board 47587
determines such a phase-in is warranted; 47588

(2) The date after which a person entering ninth grade shall 47589
meet the requirements of the entire assessment system as a 47590
prerequisite for a high school diploma under section 3313.61, 47591
3313.612, or 3325.08 of the Revised Code; 47592

(3) The date after which a person shall meet the requirements 47593
of the entire assessment system as a prerequisite for a diploma of 47594
adult education under section 3313.611 of the Revised Code; 47595

(4) Whether and the extent to which a person may be excused 47596
from an American history end-of-course examination and an American 47597
government end-of-course examination under division (H) of section 47598
3313.61 and division (B)~~(2)~~(3) of section 3313.612 of the Revised 47599
Code; 47600

(5) The date after which a person who has fulfilled the 47601
curriculum requirement for a diploma but has not passed one or 47602
more of the required assessments at the time the person fulfilled 47603
the curriculum requirement shall meet the requirements of the 47604
entire assessment system as a prerequisite for a high school 47605

diploma under division (B) of section 3313.614 of the Revised Code; 47606
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(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 47608
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No rule adopted under this division shall be effective earlier than one year after the date the rule is filed in final form pursuant to Chapter 119. of the Revised Code. 47612
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(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department of education to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation. 47615
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Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include: 47623
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(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section; 47629
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 47632
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(3) Procedures for annually compiling the data in accordance 47635

with division (G) of this section; 47636

(4) Procedures for annually reporting the data to the public 47637
in accordance with division (H) of this section. 47638

(B) The guidelines adopted under this section shall require 47639
the data maintained in the education management information system 47640
to include at least the following: 47641

(1) Student participation and performance data, for each 47642
grade in each school district as a whole and for each grade in 47643
each school building in each school district, that includes: 47644

(a) The numbers of students receiving each category of 47645
instructional service offered by the school district, such as 47646
regular education instruction, vocational education instruction, 47647
specialized instruction programs or enrichment instruction that is 47648
part of the educational curriculum, instruction for gifted 47649
students, instruction for students with disabilities, and remedial 47650
instruction. The guidelines shall require instructional services 47651
under this division to be divided into discrete categories if an 47652
instructional service is limited to a specific subject, a specific 47653
type of student, or both, such as regular instructional services 47654
in mathematics, remedial reading instructional services, 47655
instructional services specifically for students gifted in 47656
mathematics or some other subject area, or instructional services 47657
for students with a specific type of disability. The categories of 47658
instructional services required by the guidelines under this 47659
division shall be the same as the categories of instructional 47660
services used in determining cost units pursuant to division 47661
(C)(3) of this section. 47662

(b) The numbers of students receiving support or 47663
extracurricular services for each of the support services or 47664
extracurricular programs offered by the school district, such as 47665
counseling services, health services, and extracurricular sports 47666

and fine arts programs. The categories of services required by the	47667
guidelines under this division shall be the same as the categories	47668
of services used in determining cost units pursuant to division	47669
(C)(4)(a) of this section.	47670
(c) Average student grades in each subject in grades nine	47671
through twelve;	47672
(d) Academic achievement levels as assessed under sections	47673
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	47674
(e) The number of students designated as having a disabling	47675
condition pursuant to division (C)(1) of section 3301.0711 of the	47676
Revised Code;	47677
(f) The numbers of students reported to the state board	47678
pursuant to division (C)(2) of section 3301.0711 of the Revised	47679
Code;	47680
(g) Attendance rates and the average daily attendance for the	47681
year. For purposes of this division, a student shall be counted as	47682
present for any field trip that is approved by the school	47683
administration.	47684
(h) Expulsion rates;	47685
(i) Suspension rates;	47686
(j) Dropout rates;	47687
(k) Rates of retention in grade;	47688
(l) For pupils in grades nine through twelve, the average	47689
number of carnegie units, as calculated in accordance with state	47690
board of education rules;	47691
(m) Graduation rates, to be calculated in a manner specified	47692
by the department of education that reflects the rate at which	47693
students who were in the ninth grade three years prior to the	47694
current year complete school and that is consistent with	47695
nationally accepted reporting requirements;	47696

(n) Results of diagnostic assessments administered to 47697
kindergarten students as required under section 3301.0715 of the 47698
Revised Code to permit a comparison of the academic readiness of 47699
kindergarten students. However, no district shall be required to 47700
report to the department the results of any diagnostic assessment 47701
administered to a kindergarten student if the parent of that 47702
student requests the district not to report those results. 47703

(2) Personnel and classroom enrollment data for each school 47704
district, including: 47705

(a) The total numbers of licensed employees and nonlicensed 47706
employees and the numbers of full-time equivalent licensed 47707
employees and nonlicensed employees providing each category of 47708
instructional service, instructional support service, and 47709
administrative support service used pursuant to division (C)(3) of 47710
this section. The guidelines adopted under this section shall 47711
require these categories of data to be maintained for the school 47712
district as a whole and, wherever applicable, for each grade in 47713
the school district as a whole, for each school building as a 47714
whole, and for each grade in each school building. 47715

(b) The total number of employees and the number of full-time 47716
equivalent employees providing each category of service used 47717
pursuant to divisions (C)(4)(a) and (b) of this section, and the 47718
total numbers of licensed employees and nonlicensed employees and 47719
the numbers of full-time equivalent licensed employees and 47720
nonlicensed employees providing each category used pursuant to 47721
division (C)(4)(c) of this section. The guidelines adopted under 47722
this section shall require these categories of data to be 47723
maintained for the school district as a whole and, wherever 47724
applicable, for each grade in the school district as a whole, for 47725
each school building as a whole, and for each grade in each school 47726
building. 47727

(c) The total number of regular classroom teachers teaching 47728

classes of regular education and the average number of pupils 47729
enrolled in each such class, in each of grades kindergarten 47730
through five in the district as a whole and in each school 47731
building in the school district. 47732

(d) The number of lead teachers employed by each school 47733
district and each school building. 47734

(3)(a) Student demographic data for each school district, 47735
including information regarding the gender ratio of the school 47736
district's pupils, the racial make-up of the school district's 47737
pupils, the number of limited English proficient students in the 47738
district, and an appropriate measure of the number of the school 47739
district's pupils who reside in economically disadvantaged 47740
households. The demographic data shall be collected in a manner to 47741
allow correlation with data collected under division (B)(1) of 47742
this section. Categories for data collected pursuant to division 47743
(B)(3) of this section shall conform, where appropriate, to 47744
standard practices of agencies of the federal government. 47745

(b) With respect to each student entering kindergarten, 47746
whether the student previously participated in a public preschool 47747
program, a private preschool program, or a head start program, and 47748
the number of years the student participated in each of these 47749
programs. 47750

(4) Any data required to be collected pursuant to federal 47751
law. 47752

(C) The education management information system shall include 47753
cost accounting data for each district as a whole and for each 47754
school building in each school district. The guidelines adopted 47755
under this section shall require the cost data for each school 47756
district to be maintained in a system of mutually exclusive cost 47757
units and shall require all of the costs of each school district 47758
to be divided among the cost units. The guidelines shall require 47759

the system of mutually exclusive cost units to include at least 47760
the following: 47761

(1) Administrative costs for the school district as a whole. 47762
The guidelines shall require the cost units under this division 47763
(C)(1) to be designed so that each of them may be compiled and 47764
reported in terms of average expenditure per pupil in formula ADM 47765
in the school district, as determined pursuant to section 3317.03 47766
of the Revised Code. 47767

(2) Administrative costs for each school building in the 47768
school district. The guidelines shall require the cost units under 47769
this division (C)(2) to be designed so that each of them may be 47770
compiled and reported in terms of average expenditure per 47771
full-time equivalent pupil receiving instructional or support 47772
services in each building. 47773

(3) Instructional services costs for each category of 47774
instructional service provided directly to students and required 47775
by guidelines adopted pursuant to division (B)(1)(a) of this 47776
section. The guidelines shall require the cost units under 47777
division (C)(3) of this section to be designed so that each of 47778
them may be compiled and reported in terms of average expenditure 47779
per pupil receiving the service in the school district as a whole 47780
and average expenditure per pupil receiving the service in each 47781
building in the school district and in terms of a total cost for 47782
each category of service and, as a breakdown of the total cost, a 47783
cost for each of the following components: 47784

(a) The cost of each instructional services category required 47785
by guidelines adopted under division (B)(1)(a) of this section 47786
that is provided directly to students by a classroom teacher; 47787

(b) The cost of the instructional support services, such as 47788
services provided by a speech-language pathologist, classroom 47789
aide, multimedia aide, or librarian, provided directly to students 47790

in conjunction with each instructional services category; 47791

(c) The cost of the administrative support services related 47792
to each instructional services category, such as the cost of 47793
personnel that develop the curriculum for the instructional 47794
services category and the cost of personnel supervising or 47795
coordinating the delivery of the instructional services category. 47796

(4) Support or extracurricular services costs for each 47797
category of service directly provided to students and required by 47798
guidelines adopted pursuant to division (B)(1)(b) of this section. 47799
The guidelines shall require the cost units under division (C)(4) 47800
of this section to be designed so that each of them may be 47801
compiled and reported in terms of average expenditure per pupil 47802
receiving the service in the school district as a whole and 47803
average expenditure per pupil receiving the service in each 47804
building in the school district and in terms of a total cost for 47805
each category of service and, as a breakdown of the total cost, a 47806
cost for each of the following components: 47807

(a) The cost of each support or extracurricular services 47808
category required by guidelines adopted under division (B)(1)(b) 47809
of this section that is provided directly to students by a 47810
licensed employee, such as services provided by a guidance 47811
counselor or any services provided by a licensed employee under a 47812
supplemental contract; 47813

(b) The cost of each such services category provided directly 47814
to students by a nonlicensed employee, such as janitorial 47815
services, cafeteria services, or services of a sports trainer; 47816

(c) The cost of the administrative services related to each 47817
services category in division (C)(4)(a) or (b) of this section, 47818
such as the cost of any licensed or nonlicensed employees that 47819
develop, supervise, coordinate, or otherwise are involved in 47820
administering or aiding the delivery of each services category. 47821

(D)(1) The guidelines adopted under this section shall 47822
require school districts to collect information about individual 47823
students, staff members, or both in connection with any data 47824
required by division (B) or (C) of this section or other reporting 47825
requirements established in the Revised Code. The guidelines may 47826
also require school districts to report information about 47827
individual staff members in connection with any data required by 47828
division (B) or (C) of this section or other reporting 47829
requirements established in the Revised Code. The guidelines shall 47830
not authorize school districts to request social security numbers 47831
of individual students. The guidelines shall prohibit the 47832
reporting under this section of a student's name, address, and 47833
social security number to the state board of education or the 47834
department of education. The guidelines shall also prohibit the 47835
reporting under this section of any personally identifiable 47836
information about any student, except for the purpose of assigning 47837
the data verification code required by division (D)(2) of this 47838
section, to any other person unless such person is employed by the 47839
school district or the information technology center operated 47840
under section 3301.075 of the Revised Code and is authorized by 47841
the district or technology center to have access to such 47842
information or is employed by an entity with which the department 47843
contracts for the scoring or the development of state assessments. 47844
The guidelines may require school districts to provide the social 47845
security numbers of individual staff members and the county of 47846
residence for a student. Nothing in this section prohibits the 47847
state board of education or department of education from providing 47848
a student's county of residence to the department of taxation to 47849
facilitate the distribution of tax revenue. 47850

(2)(a) The guidelines shall provide for each school district 47851
or community school to assign a data verification code that is 47852
unique on a statewide basis over time to each student whose 47853
initial Ohio enrollment is in that district or school and to 47854

report all required individual student data for that student 47855
utilizing such code. The guidelines shall also provide for 47856
assigning data verification codes to all students enrolled in 47857
districts or community schools on the effective date of the 47858
guidelines established under this section. The assignment of data 47859
verification codes for other entities, as described in division 47860
(D)(2)(c) of this section, the use of those codes, and the 47861
reporting and use of associated individual student data shall be 47862
coordinated by the department in accordance with state and federal 47863
law. 47864

School districts shall report individual student data to the 47865
department through the information technology centers utilizing 47866
the code. The entities described in division (D)(2)(c) of this 47867
section shall report individual student data to the department in 47868
the manner prescribed by the department. 47869

Except as provided in sections 3301.941, 3310.11, 3310.42, 47870
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 47871
shall the state board or the department have access to information 47872
that would enable any data verification code to be matched to 47873
personally identifiable student data. 47874

(b) Each school district and community school shall ensure 47875
that the data verification code is included in the student's 47876
records reported to any subsequent school district, community 47877
school, or state institution of higher education, as defined in 47878
section 3345.011 of the Revised Code, in which the student 47879
enrolls. Any such subsequent district or school shall utilize the 47880
same identifier in its reporting of data under this section. 47881

(c) The director of any state agency that administers a 47882
publicly funded program providing services to children who are 47883
younger than compulsory school age, as defined in section 3321.01 47884
of the Revised Code, including the directors of health, job and 47885
family services, ~~mental health~~ mental health and addiction 47886

services, and developmental disabilities, shall request and 47887
receive, pursuant to sections 3301.0723 and 3701.62 of the Revised 47888
Code, a data verification code for a child who is receiving those 47889
services. 47890

(E) The guidelines adopted under this section may require 47891
school districts to collect and report data, information, or 47892
reports other than that described in divisions (A), (B), and (C) 47893
of this section for the purpose of complying with other reporting 47894
requirements established in the Revised Code. The other data, 47895
information, or reports may be maintained in the education 47896
management information system but are not required to be compiled 47897
as part of the profile formats required under division (G) of this 47898
section or the annual statewide report required under division (H) 47899
of this section. 47900

(F) Beginning with the school year that begins July 1, 1991, 47901
the board of education of each school district shall annually 47902
collect and report to the state board, in accordance with the 47903
guidelines established by the board, the data required pursuant to 47904
this section. A school district may collect and report these data 47905
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 47906

(G) The state board shall, in accordance with the procedures 47907
it adopts, annually compile the data reported by each school 47908
district pursuant to division (D) of this section. The state board 47909
shall design formats for profiling each school district as a whole 47910
and each school building within each district and shall compile 47911
the data in accordance with these formats. These profile formats 47912
shall: 47913

(1) Include all of the data gathered under this section in a 47914
manner that facilitates comparison among school districts and 47915
among school buildings within each school district; 47916

(2) Present the data on academic achievement levels as 47917

assessed by the testing of student achievement maintained pursuant 47918
to division (B)(1)(d) of this section. 47919

(H)(1) The state board shall, in accordance with the 47920
procedures it adopts, annually prepare a statewide report for all 47921
school districts and the general public that includes the profile 47922
of each of the school districts developed pursuant to division (G) 47923
of this section. Copies of the report shall be sent to each school 47924
district. 47925

(2) The state board shall, in accordance with the procedures 47926
it adopts, annually prepare an individual report for each school 47927
district and the general public that includes the profiles of each 47928
of the school buildings in that school district developed pursuant 47929
to division (G) of this section. Copies of the report shall be 47930
sent to the superintendent of the district and to each member of 47931
the district board of education. 47932

(3) Copies of the reports received from the state board under 47933
divisions (H)(1) and (2) of this section shall be made available 47934
to the general public at each school district's offices. Each 47935
district board of education shall make copies of each report 47936
available to any person upon request and payment of a reasonable 47937
fee for the cost of reproducing the report. The board shall 47938
annually publish in a newspaper of general circulation in the 47939
school district, at least twice during the two weeks prior to the 47940
week in which the reports will first be available, a notice 47941
containing the address where the reports are available and the 47942
date on which the reports will be available. 47943

(I) Any data that is collected or maintained pursuant to this 47944
section and that identifies an individual pupil is not a public 47945
record for the purposes of section 149.43 of the Revised Code. 47946

(J) As used in this section: 47947

(1) "School district" means any city, local, exempted 47948

village, or joint vocational school district and, in accordance 47949
with section 3314.17 of the Revised Code, any community school. As 47950
used in division (L) of this section, "school district" also 47951
includes any educational service center or other educational 47952
entity required to submit data using the system established under 47953
this section. 47954

(2) "Cost" means any expenditure for operating expenses made 47955
by a school district excluding any expenditures for debt 47956
retirement except for payments made to any commercial lending 47957
institution for any loan approved pursuant to section 3313.483 of 47958
the Revised Code. 47959

(K) Any person who removes data from the information system 47960
established under this section for the purpose of releasing it to 47961
any person not entitled under law to have access to such 47962
information is subject to section 2913.42 of the Revised Code 47963
prohibiting tampering with data. 47964

(L)(1) In accordance with division (L)(2) of this section and 47965
the rules adopted under division (L)(10) of this section, the 47966
department of education may sanction any school district that 47967
reports incomplete or inaccurate data, reports data that does not 47968
conform to data requirements and descriptions published by the 47969
department, fails to report data in a timely manner, or otherwise 47970
does not make a good faith effort to report data as required by 47971
this section. 47972

(2) If the department decides to sanction a school district 47973
under this division, the department shall take the following 47974
sequential actions: 47975

(a) Notify the district in writing that the department has 47976
determined that data has not been reported as required under this 47977
section and require the district to review its data submission and 47978
submit corrected data by a deadline established by the department. 47979

The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the

district has been sanctioned for failing to report data as 48010
required by this section; 48011

(viii) If the district is issued a report card under section 48012
3302.03 of the Revised Code and incomplete or inaccurate data 48013
submitted by the district likely caused the district to receive a 48014
higher performance rating than it deserved under that section, 48015
issue a revised report card for the district; 48016

(ix) Any other action designed to correct the district's data 48017
reporting problems. 48018

(3) Any time the department takes an action against a school 48019
district under division (L)(2) of this section, the department 48020
shall make a report of the circumstances that prompted the action. 48021
The department shall send a copy of the report to the district 48022
superintendent or chief administrator and maintain a copy of the 48023
report in its files. 48024

(4) If any action taken under division (L)(2) of this section 48025
resolves a school district's data reporting problems to the 48026
department's satisfaction, the department shall not take any 48027
further actions described by that division. If the department 48028
withheld funds from the district under that division, the 48029
department may release those funds to the district, except that if 48030
the department withheld funding under division (L)(2)(c) of this 48031
section, the department shall not release the funds withheld under 48032
division (L)(2)(b) of this section and, if the department withheld 48033
funding under division (L)(2)(d) of this section, the department 48034
shall not release the funds withheld under division (L)(2)(b) or 48035
(c) of this section. 48036

(5) Notwithstanding anything in this section to the contrary, 48037
the department may use its own staff or an outside entity to 48038
conduct an audit of a school district's data reporting practices 48039
any time the department has reason to believe the district has not 48040

made a good faith effort to report data as required by this 48041
section. If any audit conducted by an outside entity under 48042
division (L)(2)(d)(i) or (5) of this section confirms that a 48043
district has not made a good faith effort to report data as 48044
required by this section, the district shall reimburse the 48045
department for the full cost of the audit. The department may 48046
withhold state funds due to the district for this purpose. 48047

(6) Prior to issuing a revised report card for a school 48048
district under division (L)(2)(d)(viii) of this section, the 48049
department may hold a hearing to provide the district with an 48050
opportunity to demonstrate that it made a good faith effort to 48051
report data as required by this section. The hearing shall be 48052
conducted by a referee appointed by the department. Based on the 48053
information provided in the hearing, the referee shall recommend 48054
whether the department should issue a revised report card for the 48055
district. If the referee affirms the department's contention that 48056
the district did not make a good faith effort to report data as 48057
required by this section, the district shall bear the full cost of 48058
conducting the hearing and of issuing any revised report card. 48059

(7) If the department determines that any inaccurate data 48060
reported under this section caused a school district to receive 48061
excess state funds in any fiscal year, the district shall 48062
reimburse the department an amount equal to the excess funds, in 48063
accordance with a payment schedule determined by the department. 48064
The department may withhold state funds due to the district for 48065
this purpose. 48066

(8) Any school district that has funds withheld under 48067
division (L)(2) of this section may appeal the withholding in 48068
accordance with Chapter 119. of the Revised Code. 48069

(9) In all cases of a disagreement between the department and 48070
a school district regarding the appropriateness of an action taken 48071
under division (L)(2) of this section, the burden of proof shall 48072

be on the district to demonstrate that it made a good faith effort 48073
to report data as required by this section. 48074

(10) The state board of education shall adopt rules under 48075
Chapter 119. of the Revised Code to implement division (L) of this 48076
section. 48077

(M) No information technology center or school district shall 48078
acquire, change, or update its student administration software 48079
package to manage and report data required to be reported to the 48080
department unless it converts to a student software package that 48081
is certified by the department. 48082

(N) The state board of education, in accordance with sections 48083
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 48084
license as defined under division (A) of section 3319.31 of the 48085
Revised Code that has been issued to any school district employee 48086
found to have willfully reported erroneous, inaccurate, or 48087
incomplete data to the education management information system. 48088

(O) No person shall release or maintain any information about 48089
any student in violation of this section. Whoever violates this 48090
division is guilty of a misdemeanor of the fourth degree. 48091

(P) The department shall disaggregate the data collected 48092
under division (B)(1)(n) of this section according to the race and 48093
socioeconomic status of the students assessed. No data collected 48094
under that division shall be included on the report cards required 48095
by section 3302.03 of the Revised Code. 48096

(Q) If the department cannot compile any of the information 48097
required by division (H) of section 3302.03 of the Revised Code 48098
based upon the data collected under this section, the department 48099
shall develop a plan and a reasonable timeline for the collection 48100
of any data necessary to comply with that division. 48101

Sec. 3301.0715. (A) Except as otherwise required under 48102

division (B)(1) of section 3313.608 of the Revised Code, the board 48103
of education of each city, local, and exempted village school 48104
district shall administer each applicable diagnostic assessment 48105
developed and provided to the district in accordance with section 48106
3301.079 of the Revised Code to the following: 48107

(1) Any student who transfers into the district or to a 48108
different school within the district if each applicable diagnostic 48109
assessment was not administered by the district or school the 48110
student previously attended in the current school year, within 48111
thirty days after the date of transfer. If the district or school 48112
into which the student transfers cannot determine whether the 48113
student has taken any applicable diagnostic assessment in the 48114
current school year, the district or school may administer the 48115
diagnostic assessment to the student. 48116

(2) ~~Each~~ (a) Prior to July 1, 2014, each kindergarten 48117
student, not earlier than four weeks prior to the first day of 48118
school and not later than the first day of October. ~~For~~ 48119

(b) Beginning July 1, 2014, each kindergarten student, not 48120
earlier than the first day of the school year and not later than 48121
the first day of November, except that the language and reading 48122
skills portion of the assessment shall be administered by the 48123
thirtieth day of September to fulfill the requirements of division 48124
(B) of section 3313.608 of the Revised Code. 48125

For the purpose of division (A)(2) of this section, the 48126
district shall administer the kindergarten readiness assessment 48127
provided by the department of education. In no case shall the 48128
results of the readiness assessment be used to prohibit a student 48129
from enrolling in kindergarten. 48130

(3) Each student enrolled in first, second, or third grade. 48131

(B) Each district board shall administer each diagnostic 48132

assessment when the board deems appropriate, provided the 48133
administration complies with section 3313.608 of the Revised Code. 48134
However, the board shall administer any diagnostic assessment at 48135
least once annually to all students in the appropriate grade 48136
level. A district board may administer any diagnostic assessment 48137
in the fall and spring of a school year to measure the amount of 48138
academic growth attributable to the instruction received by 48139
students during that school year. 48140

(C) Any district that received an excellent or effective 48141
rating for the immediately preceding school year, pursuant to 48142
section 3302.03 of the Revised Code as it existed prior to ~~the~~ 48143
~~effective date of this amendment~~ March 22, 2013, or the equivalent 48144
of such rating as determined by the department of education, may 48145
use different diagnostic assessments from those adopted under 48146
division (D) of section 3301.079 of the Revised Code in order to 48147
satisfy the requirements of division (A)(2) of this section. 48148

(D) Each district board shall utilize and score any 48149
diagnostic assessment administered under division (A) of this 48150
section in accordance with rules established by the department. 48151
After the administration of any diagnostic assessment, each 48152
district shall provide a student's completed diagnostic 48153
assessment, the results of such assessment, and any other 48154
accompanying documents used during the administration of the 48155
assessment to the parent of that student, and shall include all 48156
such documents and information in any plan developed for the 48157
student under division (C) of section 3313.608 of the Revised 48158
Code. Each district shall submit to the department, in the manner 48159
the department prescribes, the results of the diagnostic 48160
assessments administered under this section, regardless of the 48161
type of assessment used under section 3313.608 of the Revised 48162
Code. The department may issue reports with respect to the data 48163
collected. 48164

(E) Each district board shall provide intervention services 48165
to students whose diagnostic assessments show that they are 48166
failing to make satisfactory progress toward attaining the 48167
academic standards for their grade level. 48168

Sec. 3301.0723. (A) The independent contractor engaged by the 48169
department of education to create and maintain for school 48170
districts and community schools the student data verification 48171
codes required by division (D)(2) of section 3301.0714 of the 48172
Revised Code, upon request of the director of any state agency 48173
that administers a publicly funded program providing services to 48174
children who are younger than compulsory school age, as defined in 48175
section 3321.01 of the Revised Code, including the directors of 48176
health, job and family services, ~~mental health~~ mental health and 48177
addiction services, and developmental disabilities, shall assign a 48178
data verification code to a child who is receiving such services 48179
and shall provide that code to the director. The contractor also 48180
shall provide that code to the department of education. 48181

(B) The director of a state agency that receives a child's 48182
data verification code under division (A) of this section shall 48183
use that code to submit information for that child to the 48184
department of education in accordance with section 3301.0714 of 48185
the Revised Code. 48186

(C) A public school that receives from the independent 48187
contractor the data verification code for a child assigned under 48188
division (A) of this section shall not request or assign to that 48189
child another data verification code under division (D)(2) of 48190
section 3301.0714 of the Revised Code. That school and any other 48191
public school in which the child subsequently enrolls shall use 48192
the data verification code assigned under division (A) of this 48193
section to report data relative to that student required under 48194
section 3301.0714 of the Revised Code. 48195

Sec. 3301.0725. A school district may employ certificated 48196
instructional personnel for ~~more days during a school year than~~ 48197
~~the district normally employs its regular classroom teachers~~ hours 48198
outside of the normal school day for the purpose of providing 48199
extended programming, subject to the provisions of section 48200
3319.0812 of the Revised Code. Extended programming, as defined by 48201
rule of the state board of education, shall be based upon learner 48202
needs and, if applicable, business and industry validated 48203
standards and competencies and shall enhance student learning 48204
opportunities. Extended programming shall be subject to the 48205
requirements of sections 3313.6018 and 3313.6019 of the Revised 48206
Code. 48207

No rule of the state board shall require extended programming 48208
employment of certificated instructional personnel as a condition 48209
of eligibility for funding under any other section of the Revised 48210
Code. 48211

Sec. 3301.15. The state board of education or its authorized 48212
representatives may inspect all institutions under the control of 48213
the department of job and family services, the department of 48214
~~mental health~~ mental health and addiction services, the department 48215
of developmental disabilities, and the department of 48216
rehabilitation and correction which employ teachers, and may make 48217
a report on the teaching, discipline, and school equipment in 48218
these institutions to the director of job and family services, the 48219
director of ~~mental health~~ mental health and addiction services, 48220
the director of developmental disabilities, the director of 48221
rehabilitation and correction, and the governor. 48222

Sec. 3301.16. Pursuant to standards prescribed by the state 48223
board of education as provided in division (D) of section 3301.07 48224
of the Revised Code, the state board shall classify and charter 48225

school districts and individual schools within each district 48226
except that no charter shall be granted to a nonpublic school 48227
unless the school complies with division (K)(1)(a) of section 48228
3301.0711, if applicable, and section 3313.612 of the Revised 48229
Code. 48230

In the course of considering the charter of a new school 48231
district created under section 3311.26 or 3311.38 of the Revised 48232
Code, the state board shall require the party proposing creation 48233
of the district to submit to the board a map, certified by the 48234
county auditor of the county in which the proposed new district is 48235
located, showing the boundaries of the proposed new district. In 48236
the case of a proposed new district located in more than one 48237
county, the map shall be certified by the county auditor of each 48238
county in which the proposed district is located. 48239

The state board shall revoke the charter of any school 48240
district or school which fails to meet the standards for 48241
elementary and high schools as prescribed by the board. The state 48242
board shall also revoke the charter of any nonpublic school that 48243
does not comply with division (K)(1)(a) of section 3301.0711, if 48244
applicable, and section 3313.612 of the Revised Code. 48245

In the issuance and revocation of school district or school 48246
charters, the state board shall be governed by the provisions of 48247
Chapter 119. of the Revised Code. 48248

No school district, or individual school operated by a school 48249
district, shall operate without a charter issued by the state 48250
board under this section. 48251

In case a school district charter is revoked pursuant to this 48252
section, the state board may dissolve the school district and 48253
transfer its territory to one or more adjacent districts. An 48254
equitable division of the funds, property, and indebtedness of the 48255
school district shall be made by the state board among the 48256

receiving districts. The board of education of a receiving 48257
district shall accept such territory pursuant to the order of the 48258
state board. Prior to dissolving the school district, the state 48259
board shall notify the appropriate educational service center 48260
governing board and all adjacent school district boards of 48261
education of its intention to do so. Boards so notified may make 48262
recommendations to the state board regarding the proposed 48263
dissolution and subsequent transfer of territory. Except as 48264
provided in section 3301.161 of the Revised Code, the transfer 48265
ordered by the state board shall become effective on the date 48266
specified by the state board, but the date shall be at least 48267
thirty days following the date of issuance of the order. 48268

A high school is one of higher grade than an elementary 48269
school, in which instruction and training are given in accordance 48270
with sections 3301.07 and 3313.60 of the Revised Code and which 48271
also offers other subjects of study more advanced than those 48272
taught in the elementary schools and such other subjects as may be 48273
approved by the state board of education. 48274

An elementary school is one in which instruction and training 48275
are given in accordance with sections 3301.07 and 3313.60 of the 48276
Revised Code and which offers such other subjects as may be 48277
approved by the state board of education. In districts wherein a 48278
junior high school is maintained, the elementary schools in that 48279
district may be considered to include only the work of the first 48280
six school years inclusive, plus the kindergarten year. 48281

Sec. 3302.01. As used in this chapter: 48282

(A) "Performance index score" means the average of the totals 48283
derived from calculations for each subject area of English 48284
language arts, mathematics, science, and social studies of the 48285
weighted proportion of untested students and students scoring at 48286
each level of skill described in division (A)(2) of section 48287

3301.0710 of the Revised Code on the assessments prescribed by 48288
divisions (A) and (B)(1) of that section. The department of 48289
education shall assign weights such that students who do not take 48290
an assessment receive a weight of zero and students who take an 48291
assessment receive progressively larger weights dependent upon the 48292
level of skill attained on the assessment. The department shall 48293
assign additional weights to students who have been permitted to 48294
pass over a subject in accordance with a student acceleration 48295
policy adopted under section 3324.10 of the Revised Code. If such 48296
a student attains the proficient score prescribed under division 48297
(A)(2)(c) of section 3301.0710 of the Revised Code or higher on an 48298
assessment, the department shall assign the student the weight 48299
prescribed for the next higher scoring level. If such a student 48300
attains the advanced score, prescribed under division (A)(2)(a) of 48301
section 3301.0710 of the Revised Code, on an assessment, the 48302
department shall assign to the student an additional proportional 48303
weight, as approved by the state board. For each school year that 48304
such a student's score is included in the performance index score 48305
and the student attains the proficient score on an assessment, 48306
that additional weight shall be assigned to the student on a 48307
subject-by-subject basis. 48308

Students shall be included in the "performance index score" 48309
in accordance with division (K)(2) of section 3302.03 of the 48310
Revised Code. 48311

(B) "Subgroup" means a subset of the entire student 48312
population of the state, a school district, or a school building 48313
and includes each of the following: 48314

- (1) Major racial and ethnic groups; 48315
- (2) Students with disabilities; 48316
- (3) Economically disadvantaged students; 48317
- (4) Limited English proficient students; 48318

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.

(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.

(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.

(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."

(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."

(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be

developed and implemented in accordance with section 3302.021 of the Revised Code. 48350
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(G)(1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class. 48352
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(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate. 48356
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(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 48360
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(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and the United States department of education. 48362
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Sec. 3302.03. Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual report cards reflecting 48366
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the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A)(1) For the 2012-2013 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A)(1)(b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates.

In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an

"A."	48412
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:	48413 48414 48415 48416 48417
(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."	48418 48419
(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B."	48420 48421 48422
(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."	48423 48424 48425 48426
(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D."	48427 48428 48429 48430
(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F."	48431 48432
Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.	48433 48434 48435 48436 48437
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the	48438 48439 48440 48441

lowest quintile for achievement on a statewide basis. Each 48442
subgroup shall be a separate graded measure. 48443

(2) Not later than April 30, 2013, the state board of 48444
education shall adopt a resolution describing the performance 48445
measures, benchmarks, and grading system for the 2012-2013 school 48446
year and, not later than June 30, 2013, shall adopt rules in 48447
accordance with Chapter 119. of the Revised Code that prescribe 48448
the methods by which the performance measures under division 48449
(A)(1) of this section shall be assessed and assigned a letter 48450
grade, including performance benchmarks for each letter grade. 48451

At least forty-five days prior to the state board's adoption 48452
of rules to prescribe the methods by which the performance 48453
measures under division (A)(1) of this section shall be assessed 48454
and assigned a letter grade, the department shall conduct a public 48455
presentation before the standing committees of the house of 48456
representatives and the senate that consider education legislation 48457
describing such methods, including performance benchmarks. 48458

(3) There shall not be an overall letter grade for a school 48459
district or building for the 2012-2013 school year. 48460

(B)(1) For the 2013-2014 school year, the department shall 48461
issue grades as described in division (E) of this section for each 48462
of the following performance measures: 48463

(a) Annual measurable objectives; 48464

(b) Performance index score for a school district or 48465
building. Grades shall be awarded as a percentage of the total 48466
possible points on the performance index system as created by the 48467
department. In adopting benchmarks for assigning letter grades 48468
under division (B)(1)(b) of this section, the state board shall 48469
designate ninety per cent or higher for an "A," at least seventy 48470
per cent but not more than eighty per cent for a "C," and less 48471
than fifty per cent for an "F." 48472

(c) The extent to which the school district or building meets 48473
each of the applicable performance indicators established by the 48474
state board under section 3302.03 of the Revised Code and the 48475
percentage of applicable performance indicators that have been 48476
achieved. In adopting benchmarks for assigning letter grades under 48477
division (B)(1)(c) of this section, the state board shall 48478
designate ninety per cent or higher for an "A." 48479

(d) The four- and five-year adjusted cohort graduation rates; 48480

(e) The overall score under the value-added progress 48481
dimension of a school district or building, for which the 48482
department shall use up to three years of value-added data as 48483
available. 48484

(f) The value-added progress dimension score for a school 48485
district or building disaggregated for each of the following 48486
subgroups: students identified as gifted in superior cognitive 48487
ability and specific academic ability fields under Chapter 3324. 48488
of the Revised Code, students with disabilities, and students 48489
whose performance places them in the lowest quintile for 48490
achievement on a statewide basis. Each subgroup shall be a 48491
separate graded measure. 48492

(g) Whether a school district or building is making progress 48493
in improving literacy in grades kindergarten through three, as 48494
determined using a method prescribed by the state board. The state 48495
board shall adopt rules to prescribe benchmarks and standards for 48496
assigning grades to districts and buildings for purposes of 48497
division (B)(1)(~~j~~)(g) of this section. In adopting benchmarks for 48498
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 48499
this section, the state board shall determine progress made based 48500
on the reduction in the percentage of students scoring below grade 48501
level, or below proficient, compared from year to year on the 48502
~~English language arts~~ reading and writing diagnostic assessments 48503
administered under section 3301.0715 of the Revised Code and the 48504

third grade English language arts assessment under section 48505
3301.0710 of the Revised Code, as applicable. The state board 48506
shall designate for a "C" grade a value that is not lower than the 48507
statewide average value for this measure. No grade shall be issued 48508
under divisions (B)(1)(g) and (C)(1)~~(j)~~(g) of this section for a 48509
district or building in which less than five per cent of students 48510
have scored below grade level on the diagnostic assessment 48511
administered to students in kindergarten under division (B)(1) of 48512
section 3313.608 of the Revised Code. 48513

(2) In addition to the graded measures in division (B)(1) of 48514
this section, the department shall include on a school district's 48515
or building's report card all of the following without an assigned 48516
letter grade: 48517

(a) The percentage of students enrolled in a district or 48518
building participating in advanced placement classes and the 48519
percentage of those students who received a score of three or 48520
better on advanced placement examinations; 48521

(b) The number of a district's or building's students who 48522
have earned at least three college credits through dual enrollment 48523
programs, such as the post-secondary enrollment options program 48524
under Chapter 3365. of the Revised Code and state-approved 48525
career-technical courses offered through dual enrollment or 48526
statewide articulation, that appear on a student's transcript or 48527
other official document, either of which is issued by the 48528
institution of higher education from which the student earned the 48529
college credit. The credits earned that are reported under 48530
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 48531
include any that are remedial or developmental and shall include 48532
those that count toward the curriculum requirements established 48533
for completion of a degree. 48534

(c) The percentage of students enrolled in a district or 48535
building who have taken a national standardized test used for 48536

college admission determinations and the percentage of those 48537
students who are determined to be remediation-free in accordance 48538
with standards adopted under division (F) of section 3345.061 of 48539
the Revised Code; 48540

(d) The percentage of the district's or the building's 48541
students who receive industry credentials. The state board shall 48542
adopt criteria for acceptable industry credentials. 48543

(e) The percentage of students enrolled in a district or 48544
building who are participating in an international baccalaureate 48545
program and the percentage of those students who receive a score 48546
of four or better on the international baccalaureate examinations. 48547

(f) The percentage of the district's or building's students 48548
who receive an honors diploma under division (B) of section 48549
3313.61 of the Revised Code. 48550

(3) Not later than December 31, 2013, the state board shall 48551
adopt rules in accordance with Chapter 119. of the Revised Code 48552
that prescribe the methods by which the performance measures under 48553
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 48554
and assigned a letter grade, including performance benchmarks for 48555
each grade. 48556

At least forty-five days prior to the state board's adoption 48557
of rules to prescribe the methods by which the performance 48558
measures under division (B)(1) of this section shall be assessed 48559
and assigned a letter grade, the department shall conduct a public 48560
presentation before the standing committees of the house of 48561
representatives and the senate that consider education legislation 48562
describing such methods, including performance benchmarks. 48563

(4) There shall not be an overall letter grade for a school 48564
district or building for the 2013-2014 school year. 48565

(C)(1) For the 2014-2015 school year and each school year 48566
thereafter, the department shall issue grades as described in 48567

division (E) of this section for each of the following performance 48568
measures and an overall letter grade based on an aggregate of 48569
those measures: 48570

(a) Annual measurable objectives; 48571

(b) Performance index score for a school district or 48572
building. Grades shall be awarded as a percentage of the total 48573
possible points on the performance index system as created by the 48574
department. In adopting benchmarks for assigning letter grades 48575
under division (C)(1)(b) of this section, the state board shall 48576
designate ninety per cent or higher for an "A," at least seventy 48577
per cent but not more than eighty per cent for a "C," and less 48578
than fifty per cent for an "F." 48579

(c) The extent to which the school district or building meets 48580
each of the applicable performance indicators established by the 48581
state board under section 3302.03 of the Revised Code and the 48582
percentage of applicable performance indicators that have been 48583
achieved. In adopting benchmarks for assigning letter grades under 48584
division (C)(1)(c) of this section, the state board shall 48585
designate ninety per cent or higher for an "A." 48586

(d) The four- and five-year adjusted cohort graduation rates; 48587

(e) The overall score under the value-added progress 48588
dimension, or another measure of student academic progress if 48589
adopted by the state board, of a school district or building, for 48590
which the department shall use up to three years of value-added 48591
data as available. 48592

In adopting benchmarks for assigning letter grades for 48593
overall score on value-added progress dimension under division 48594
(C)(1)(e) of this section, the state board shall prohibit the 48595
assigning of a grade of "A" for that measure unless the district's 48596
or building's grade assigned for value-added progress dimension 48597
for all subgroups under division (C)(1)(~~i~~)(f) of this section is a 48598

"B" or higher. 48599

For the metric prescribed by division (C)(1)(e) of this 48600
section, the state board may adopt a student academic progress 48601
measure to be used instead of the value-added progress dimension. 48602
If the state board adopts such a measure, it also shall prescribe 48603
a method for assigning letter grades for the new measure that is 48604
comparable to the method prescribed in division (A)(1)(e) of this 48605
section. 48606

(f) The value-added progress dimension score of a school 48607
district or building disaggregated for each of the following 48608
subgroups: students identified as gifted in superior cognitive 48609
ability and specific academic ability fields under Chapter 3324. 48610
of the Revised Code, students with disabilities, and students 48611
whose performance places them in the lowest quintile for 48612
achievement on a statewide basis, as determined by a method 48613
prescribed by the state board. Each subgroup shall be a separate 48614
graded measure. 48615

The state board may adopt student academic progress measures 48616
to be used instead of the value-added progress dimension. If the 48617
state board adopts such measures, it also shall prescribe a method 48618
for assigning letter grades for the new measures that is 48619
comparable to the method prescribed in division (A)(1)(e) of this 48620
section. 48621

(g) Whether a school district or building is making progress 48622
in improving literacy in grades kindergarten through three, as 48623
determined using a method prescribed by the state board. The state 48624
board shall adopt rules to prescribe benchmarks and standards for 48625
assigning grades to a district or building for purposes of 48626
division (C)(1)(~~jj~~)(g) of this section. The state board shall 48627
designate for a "C" grade a value that is not lower than the 48628
statewide average value for this measure. No grade shall be issued 48629
under division (C)(1)(g) of this section for a district or 48630

building in which less than five per cent of students have scored 48631
below grade level on the kindergarten diagnostic assessment under 48632
division (B)(1) of section 3313.608 of the Revised Code. 48633

(2) In addition to the graded measures in division (C)(1) of 48634
this section, the department shall include on a school district's 48635
or building's report card all of the following without an assigned 48636
letter grade: 48637

(a) The percentage of students enrolled in a district or 48638
building who have taken a national standardized test used for 48639
college admission determinations and the percentage of those 48640
students who are determined to be remediation-free in accordance 48641
with the standards adopted under division (F) of section 3345.061 48642
of the Revised Code; 48643

(b) The percentage of students enrolled in a district or 48644
building participating in advanced placement classes and the 48645
percentage of those students who received a score of three or 48646
better on advanced placement examinations; 48647

(c) The number of a district's or building's students who 48648
have earned at least three college credits through dual enrollment 48649
programs, such as the post-secondary enrollment options program 48650
under Chapter 3365. of the Revised Code and state-approved 48651
career-technical courses offered through dual enrollment or 48652
statewide articulation, that appear on a student's transcript or 48653
other official document, either of which is issued by the 48654
institution of higher education from which the student earned the 48655
college credit. The credits earned that are reported under 48656
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 48657
include any that are remedial or developmental and shall include 48658
those that count toward the curriculum requirements established 48659
for completion of a degree. 48660

(d) The percentage of the district's or building's students 48661

who receive an honor's diploma under division (B) of section 48662
3313.61 of the Revised Code; 48663

(e) The percentage of the district's or building's students 48664
who receive industry credentials; 48665

(f) The percentage of students enrolled in a district or 48666
building who are participating in an international baccalaureate 48667
program and the percentage of those students who receive a score 48668
of four or better on the international baccalaureate examinations; 48669

(g) The results of the college and career-ready assessments 48670
administered under division (B)(1) of section 3301.0712 of the 48671
Revised Code. 48672

(3) The state board shall adopt rules pursuant to Chapter 48673
119. of the Revised Code that establish a method to assign an 48674
overall grade for a school district or school building for the 48675
2014-2015 school year and each school year thereafter. The rules 48676
shall group the performance measures in divisions (C)(1) and (2) 48677
of this section into the following components: 48678

(a) Gap closing, which shall include the performance measure 48679
in division (C)(1)(a) of this section; 48680

(b) Achievement, which shall include the performance measures 48681
in divisions (C)(1)(b) and (c) of this section; 48682

(c) Progress, which shall include the performance measures in 48683
divisions (C)(1)(e) and ~~(i)~~(f) of this section; 48684

(d) Graduation, which shall include the performance measure 48685
in division (C)(1)(d) of this section; 48686

(e) Kindergarten through third-grade literacy, which shall 48687
include the performance measure in division (C)(1)~~(h)~~(g) of this 48688
section; 48689

(f) Prepared for success, which shall include the performance 48690
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 48691

this section. The state board shall develop a method to determine 48692
a grade for the component in division (C)(3)(f) of this section 48693
using the performance measures in divisions (C)(2)(a), (b), (c), 48694
(d), (e), and (f) of this section. When available, the state board 48695
may incorporate the performance measure under division (C)(2)(g) 48696
of this section into the component under division (C)(3)(f) of 48697
this section. When determining the overall grade for the prepared 48698
for success component prescribed by division (C)(3)(f) of this 48699
section, no individual student shall be counted in more than one 48700
performance measure. However, if a student qualifies for more than 48701
one performance measure in the component, the state board may, in 48702
its method to determine a grade for the component, specify an 48703
additional weight for such a student that is not greater than or 48704
equal to 1.0. In determining the overall score under division 48705
(C)(3)(f) of this section, the state board shall ensure that the 48706
pool of students included in the performance measures aggregated 48707
under that division are all of the students included in the four- 48708
and five-year adjusted graduation cohort. 48709

In the rules adopted under division (C)(3) of this section, 48710
the state board shall adopt a method for determining a grade for 48711
each component in divisions (C)(3)(a) to (f) of this section. The 48712
state board also shall establish a method to assign an overall 48713
grade of "A," "B," "C," "D," or "F" using the grades assigned for 48714
each component. The method the state board adopts for assigning an 48715
overall grade shall give equal weight to the components in 48716
divisions (C)(3)(b) and (c) of this section. 48717

At least forty-five days prior to the state board's adoption 48718
of rules to prescribe the methods for calculating the overall 48719
grade for the report card, as required by this division, the 48720
department shall conduct a public presentation before the standing 48721
committees of the house of representatives and the senate that 48722
consider education legislation describing the format for the 48723

report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.

(D) Not later than July 1, 2015, the state board shall develop a measure of student academic progress for high school students. Beginning with the report card for the 2015-2016 school year, each school district and applicable school building shall be assigned a separate letter grade for this measure and the district's or building's grade for that measure shall be included in determining the district's or building's overall letter grade. This measure shall be included within the measure prescribed in division (C)~~(2)~~(3)(c) of this section in the calculation for the overall letter grade.

(E) The letter grades assigned to a school district or building under this section shall be as follows:

(1) "A" for a district or school making excellent progress;

(2) "B" for a district or school making above average progress;

(3) "C" for a district or school making average progress;

(4) "D" for a district or school making below average progress;

(5) "F" for a district or school failing to meet minimum progress.

(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	48753 48754
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	48755 48756 48757
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	48758 48759
(7) Performance of students grouped by those who are economically disadvantaged;	48760 48761
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	48762 48763 48764
(9) Performance of students grouped by those who are classified as limited English proficient;	48765 48766
(10) Performance of students grouped by those who have disabilities;	48767 48768
(11) Performance of students grouped by those who are classified as migrants;	48769 48770
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	48771 48772 48773 48774 48775 48776 48777 48778 48779
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	48780 48781 48782

The department may disaggregate data on student performance 48783
according to other categories that the department determines are 48784
appropriate. To the extent possible, the department shall 48785
disaggregate data on student performance according to any 48786
combinations of two or more of the categories listed in divisions 48787
(F)(1) to (13) of this section that it deems relevant. 48788

In reporting data pursuant to division (F) of this section, 48789
the department shall not include in the report cards any data 48790
statistical in nature that is statistically unreliable or that 48791
could result in the identification of individual students. For 48792
this purpose, the department shall not report student performance 48793
data for any group identified in division (F) of this section that 48794
contains less than ten students. If the department does not report 48795
student performance data for a group because it contains less than 48796
ten students, the department shall indicate on the report card 48797
that is why data was not reported. 48798

(G) The department may include with the report cards any 48799
additional education and fiscal performance data it deems 48800
valuable. 48801

(H) The department shall include on each report card a list 48802
of additional information collected by the department that is 48803
available regarding the district or building for which the report 48804
card is issued. When available, such additional information shall 48805
include student mobility data disaggregated by race and 48806
socioeconomic status, college enrollment data, and the reports 48807
prepared under section 3302.031 of the Revised Code. 48808

The department shall maintain a site on the world wide web. 48809
The report card shall include the address of the site and shall 48810
specify that such additional information is available to the 48811
public at that site. The department shall also provide a copy of 48812
each item on the list to the superintendent of each school 48813
district. The district superintendent shall provide a copy of any 48814

item on the list to anyone who requests it. 48815

(I) Division (I) of this section does not apply to conversion 48816
community schools that primarily enroll students between sixteen 48817
and twenty-two years of age who dropped out of high school or are 48818
at risk of dropping out of high school due to poor attendance, 48819
disciplinary problems, or suspensions. 48820

(1) For any district that sponsors a conversion community 48821
school under Chapter 3314. of the Revised Code, the department 48822
shall combine data regarding the academic performance of students 48823
enrolled in the community school with comparable data from the 48824
schools of the district for the purpose of determining the 48825
performance of the district as a whole on the report card issued 48826
for the district under this section or section 3302.033 of the 48827
Revised Code. 48828

(2) Any district that leases a building to a community school 48829
located in the district or that enters into an agreement with a 48830
community school located in the district whereby the district and 48831
the school endorse each other's programs may elect to have data 48832
regarding the academic performance of students enrolled in the 48833
community school combined with comparable data from the schools of 48834
the district for the purpose of determining the performance of the 48835
district as a whole on the district report card. Any district that 48836
so elects shall annually file a copy of the lease or agreement 48837
with the department. 48838

(3) Any municipal school district, as defined in section 48839
3311.71 of the Revised Code, that sponsors a community school 48840
located within the district's territory, or that enters into an 48841
agreement with a community school located within the district's 48842
territory whereby the district and the community school endorse 48843
each other's programs, may exercise either or both of the 48844
following elections: 48845

(a) To have data regarding the academic performance of 48846
students enrolled in that community school combined with 48847
comparable data from the schools of the district for the purpose 48848
of determining the performance of the district as a whole on the 48849
district's report card; 48850

(b) To have the number of students attending that community 48851
school noted separately on the district's report card. 48852

The election authorized under division (I)(3)(a) of this 48853
section is subject to approval by the governing authority of the 48854
community school. 48855

Any municipal school district that exercises an election to 48856
combine or include data under division (I)(3) of this section, by 48857
the first day of October of each year, shall file with the 48858
department documentation indicating eligibility for that election, 48859
as required by the department. 48860

(J) The department shall include on each report card the 48861
percentage of teachers in the district or building who are highly 48862
qualified, as defined by the "No Child Left Behind Act of 2001," 48863
and a comparison of that percentage with the percentages of such 48864
teachers in similar districts and buildings. 48865

(K)(1) In calculating English language arts, mathematics, 48866
social studies, or science assessment passage rates used to 48867
determine school district or building performance under this 48868
section, the department shall include all students taking an 48869
assessment with accommodation or to whom an alternate assessment 48870
is administered pursuant to division (C)(1) or (3) of section 48871
3301.0711 of the Revised Code. 48872

(2) In calculating performance index scores, rates of 48873
achievement on the performance indicators established by the state 48874
board under section 3302.02 of the Revised Code, and annual 48875
measurable objectives for determining adequate yearly progress for 48876

school districts and buildings under this section, the department 48877
shall do all of the following: 48878

(a) Include for each district or building only those students 48879
who are included in the ADM certified for the first full school 48880
week of October and are continuously enrolled in the district or 48881
building through the time of the spring administration of any 48882
assessment prescribed by division (A)(1) or (B)(1) of section 48883
3301.0710 of the Revised Code that is administered to the 48884
student's grade level; 48885

(b) Include cumulative totals from both the fall and spring 48886
administrations of the third grade English language arts 48887
achievement assessment; 48888

(c) Except as required by the "No Child Left Behind Act of 48889
2001," exclude for each district or building any limited English 48890
proficient student who has been enrolled in United States schools 48891
for less than one full school year. 48892

(L) Beginning with the 2015-2016 school year and at least 48893
once every three years thereafter, the state board of education 48894
shall review and may adjust the benchmarks for assigning letter 48895
grades to the performance measures and components prescribed under 48896
divisions (C)(3) and (D) of this section. 48897

Sec. 3302.032. (A) Not later than December 31, 2011, the 48898
state board of education shall establish a measure of the 48899
following: 48900

(1) Student success in meeting the benchmarks contained in 48901
the physical education standards adopted under division (A)(3) of 48902
section 3301.079 of the Revised Code; 48903

(2) Compliance with the requirements for local wellness 48904
policies prescribed by section 204 of the "Child Nutrition and WIC 48905
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 48906

(3) Whether a school district or building has elected to administer the screenings authorized by sections 3313.674, 3314.15, and 3326.26 of the Revised Code;

(4) Whether a school district or building is participating in the physical activity pilot program administered under section 3313.6016 of the Revised Code.

(B) The measure shall be included on the school district and building report cards issued under section 3302.03 of the Revised Code, beginning with the report cards issued for the 2012-2013 school year, but it shall not be a factor in the performance ratings issued under that section.

(C) The department of education may accept, receive, and expend gifts, devises, or bequests of money for the purpose of establishing the measure required by this section.

(D) The department shall not include a student enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, or a child with a disability, as defined in section 3323.01 of the Revised Code, in any reports using the measures required under division (A) of this section.

Sec. 3302.035. (A) As used in this section, "internet- or computer-based community school" and "operator" have the same meanings as in section 3314.02 of the Revised Code.

(B) The department of education shall issue to each operator that manages, in whole or in part, more than one internet- or computer-based community school composite grades for the same measures prescribed for individual schools and school districts by section 3302.03 of the Revised Code based on the grades issued under that section for such schools managed by the operator.

(C) An internet- or computer-based community school managed by an operator described in division (B) of this section shall be

subject to sanctions under this chapter or permanent closure under 48937
section 3314.35 of the Revised Code based on the lower of the 48938
grade or grades issued to an individual school under section 48939
3302.03 of the Revised Code or the composite grade or grades 48940
issued to the school's operator under this section. 48941

(D) This section does not apply to a community school 48942
described in division (A)(4)(a) of section 3314.35 of the Revised 48943
Code. 48944

Sec. 3302.20. (A) The department of education shall develop 48945
standards for determining, from the existing data reported in 48946
accordance with sections 3301.0714 and 3314.17 of the Revised 48947
Code, the amount of annual operating expenditures for classroom 48948
instructional purposes and for nonclassroom purposes for each 48949
city, exempted village, local, and joint vocational school 48950
district, each community school established under Chapter 3314. 48951
that is not an internet- or computer-based community school, each 48952
internet- or computer-based community school, and each STEM school 48953
established under Chapter 3326. of the Revised Code. The 48954
department shall present those standards to the state board of 48955
education for consideration. In developing the standards, the 48956
department shall adapt existing standards used by professional 48957
organizations, research organizations, and other state 48958
governments. The department also shall align the expenditure 48959
categories required for reporting under the standards with the 48960
categories that are required for reporting to the United States 48961
department of education under federal law. 48962

The state board shall consider the proposed standards and 48963
adopt a final set of standards not later than December 31, 2012. 48964
School districts, community schools, and STEM schools shall begin 48965
reporting data in accordance with the standards on June 30, 2013. 48966

(B)(1) The department shall categorize all city, exempted 48967

village, and local school districts into not less than three nor 48968
more than five groups based primarily on average daily student 48969
enrollment as reported on the most recent report card issued for 48970
each district under section 3302.03 of the Revised Code. 48971

(2) The department shall categorize all joint vocational 48972
school districts into not less than three nor more than five 48973
groups based primarily on average daily membership as reported 48974
under division (D) of section 3317.03 of the Revised Code rounded 48975
to the nearest whole number. 48976

(3) The department shall categorize all community schools 48977
that are not internet- or computer-based community schools into 48978
not less than three nor more than five groups based primarily on 48979
average daily student enrollment as reported on the most recent 48980
report card issued for each community school under sections 48981
3302.03 and 3314.012 of the Revised Code or, in the case of a 48982
school to which section 3314.017 of the Revised Code applies, on 48983
the total number of students reported under divisions (B)(2)(a) 48984
and (b) of section 3314.08 of the Revised Code. 48985

(4) The department shall categorize all internet- or 48986
computer-based community schools into a single category. 48987

(5) The department shall categorize all STEM schools into a 48988
single category. 48989

(C) Using the standards adopted under division (A) of this 48990
section and the data reported under sections 3301.0714 and 3314.17 48991
of the Revised Code, the department shall compute annually for 48992
each fiscal year, the following: 48993

(1) The percentage of each district's, community school's, or 48994
STEM school's total operating budget spent for classroom 48995
instructional purposes; 48996

(2) The statewide average percentage for all districts, 48997
community schools, and STEM schools combined spent for classroom 48998

instructional purposes;	48999
(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;	49000 49001 49002
(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:	49003 49004 49005
(a) From highest to lowest percentage spent for classroom instructional purposes;	49006 49007
(b) From lowest to highest percentage spent for noninstructional purposes.	49008 49009
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	49010 49011 49012
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	49013 49014 49015
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditures per pupil;	49016 49017 49018
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	49019 49020 49021
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	49022 49023
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil;	49024 49025 49026
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under	49027 49028

section 3302.033 of the Revised Code. 49029

(3) Within each category of community schools that are not 49030
internet- or computer-based community schools, the department 49031
shall denote each school that is: 49032

(a) Among the twenty per cent of all such community schools 49033
statewide with the lowest total operating expenditures per pupil; 49034

(b) Among the twenty per cent of all such community schools 49035
statewide with the highest performance index scores, excluding 49036
such community schools to which section 3314.017 of the Revised 49037
Code applies. 49038

(4) Within the category of internet- or computer-based 49039
community schools, the department shall denote each school that 49040
is: 49041

(a) Among the twenty per cent of all such community schools 49042
statewide with the lowest total operating expenditures per pupil; 49043

(b) Among the twenty per cent of all such community schools 49044
statewide with the highest performance index scores, excluding 49045
such community schools to which section 3314.017 of the Revised 49046
Code applies. 49047

(5) Within the category of STEM schools, the department shall 49048
denote each school that is: 49049

(a) Among the twenty per cent of all STEM schools statewide 49050
with the lowest total operating expenditures per pupil; 49051

(b) Among the twenty per cent of all STEM schools statewide 49052
with the highest performance index scores. 49053

For purposes of divisions (D)(3)(b) and (4)(b) of this 49054
section, the display shall note that, in accordance with section 49055
3314.017 of the Revised Code, a performance index score is not 49056
reported for some community schools that serve primarily students 49057
enrolled in dropout prevention and recovery programs. 49058

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Operating expenditures per pupil" has the same meaning as "expenditure per equivalent pupils" as defined in section 3302.26 of the Revised Code.

Sec. 3302.21. (A) The department of education shall develop a system to rank order all city, exempted village, and local school districts, community schools established under Chapter 3314. of the Revised Code except those community schools to which section 3314.017 of the Revised Code applies, and STEM schools established under Chapter 3326. of the Revised Code according to the following measures:

(1) Performance index score for each school district, community school, and STEM school and for each separate building of a district, community school, or STEM school. For districts, schools, or buildings to which the performance index score does

not apply, the superintendent of public instruction may develop 49089
another measure of student academic performance based on similar 49090
data and performance measures if appropriate and use that measure 49091
to include those buildings in the ranking so that districts, 49092
schools, and buildings may be reliably compared to each other. 49093

(2) Student performance growth from year to year, using the 49094
value-added progress dimension, if applicable, and other measures 49095
of student performance growth designated by the superintendent of 49096
public instruction for subjects and grades not covered by the 49097
value-added progress dimension or the alternative student academic 49098
progress measure if adopted under division (C)(1)(e) of section 49099
3302.03 of the Revised Code; 49100

(3) Current operating expenditures per pupil as determined 49101
under standards adopted by the state board of education under 49102
section 3302.20 of the Revised Code; 49103

(4) Of total current operating expenditures, percentage spent 49104
for classroom instruction as determined under standards adopted by 49105
the state board under section 3302.20 of the Revised Code; 49106

(5) Performance of, and opportunities provided to, students 49107
identified as gifted using value-added progress dimensions, if 49108
applicable, and other relevant measures as designated by the 49109
superintendent of public instruction. 49110

The department shall rank each district, each community 49111
school except a community school to which section 3314.017 of the 49112
Revised Code applies, and each STEM school annually in accordance 49113
with the system developed under this section. 49114

(B) In addition to the reports required by sections 3302.03 49115
and 3302.031 of the Revised Code, not later than the first day of 49116
September each year, the department shall issue a report for each 49117
city, exempted village, and local school district, each community 49118
school except a community school to which section 3314.017 of the 49119

Revised Code applies, and each STEM school indicating the 49120
district's or school's rank on each measure described in divisions 49121
(A)(1) to (4) of this section, including each separate building's 49122
rank among all public school buildings according to performance 49123
index score under division (A)(1) of this section. 49124

(C) As used in this section, "operating expenditures per 49125
pupil" has the same meaning as "expenditure per equivalent pupils" 49126
as defined in section 3302.26 of the Revised Code. 49127

Sec. 3302.22. (A) The governor's effective and efficient 49128
schools recognition program is hereby created. Each year, the 49129
governor shall recognize, in a manner deemed appropriate by the 49130
governor, the top ten per cent of all public schools in this 49131
state, including ~~schools of city~~, exempted village, and local 49132
school districts, ~~or~~ joint vocational school districts, community 49133
schools established under Chapter 3314. ~~of the Revised Code~~, and 49134
STEM schools established under Chapter 3326. of the Revised Code. 49135

(B) The top ten per cent of schools shall be determined by 49136
the department of education according to standards established by 49137
the department, in consultation with the governor's office of 21st 49138
century education. The standards for recognition for each type of 49139
school may vary depending upon the unique characteristics of that 49140
type of school. The standards shall include, but need not be 49141
limited to, both of the following, provided that sufficient data 49142
is available for each school: 49143

(1) Student performance, as determined by factors ~~including 49144
that may include~~, but not be limited to, performance indicators 49145
under section 3302.02 of the Revised Code, report cards issued 49146
under section 3302.03 of the Revised Code, performance index score 49147
rankings under section 3302.21 of the Revised Code, and any other 49148
statewide or national assessment or student performance 49149
recognition program the department selects; 49150

(2) Fiscal performance, including which may include 49151
cost-effective measures taken by the school. 49152

(C) If applicable, the standards under divisions (B)(1) and 49153
(2) of this section may be applied at the school building or 49154
district level, depending upon the quality and availability of 49155
data. 49156

Sec. 3302.26. (A) As used in this section: 49157

(1) "Expenditure per equivalent pupils" is the total 49158
operating expenditures of a school district divided by the measure 49159
of equivalent pupils. 49160

(2) "Measure of equivalent pupils" is the total number of 49161
students in a school district adjusted for the relative 49162
differences in costs associated with the unique characteristics 49163
and needs of each category of pupil. 49164

(B) The department of education shall create a performance 49165
management section on the department's public web site. The 49166
performance management section shall include information on 49167
academic and financial performance metrics for each school 49168
district to assist schools and districts in providing an effective 49169
and efficient delivery of educational services. The section shall 49170
include a graph that illustrates the relationship between a 49171
district's academic performance, as measured by the performance 49172
index score, and its expenditure per equivalent pupils as compared 49173
to similar districts. The section shall include statistics of 49174
academic and financial performance measures for each school 49175
district to allow for a comparison and benchmarking between 49176
districts. 49177

(C) The department may contract with an independent 49178
organization to develop and host the performance management 49179
section of its web site. 49180

Sec. 3303.41. There is hereby created the governor's council 49181
on people with disabilities. The council shall consist of 49182
twenty-one members of which the majority shall be people with 49183
disabilities as defined in this section, appointed by the governor 49184
for a term of three years except that for initial appointments, 49185
seven members shall be appointed for a term of one year, seven 49186
members shall be appointed for a term of two years, and seven 49187
members shall be appointed for a term of three years. Members may 49188
succeed themselves not more than one time. The governor shall 49189
annually appoint a ~~chairman~~ chairperson who may succeed himself or 49190
herself not more than one time. Members of the council shall serve 49191
without compensation, but shall be paid the actual and necessary 49192
expenses they incur in the performance of their duties. 49193

The council shall meet at least six times annually at such 49194
times and places as may be designated by the ~~chairman~~ chairperson. 49195

The governor's council on people with disabilities shall be 49196
assigned to the ~~rehabilitation services commission~~ opportunities 49197
for Ohioans with disabilities agency for administrative purposes. 49198
The ~~administrator~~ executive director of the ~~rehabilitation~~ 49199
~~services commission~~ opportunities for Ohioans with disabilities 49200
agency shall assign one professional staff person to the council 49201
to serve as executive secretary and other personnel as determined 49202
advisable. 49203

The council shall have the following powers: 49204

(A) To cooperate with the president's committee on employment 49205
of the handicapped; 49206

(B) To cooperate with all employers both public and private 49207
in locating or developing employment opportunities for people with 49208
disabilities; 49209

(C) To encourage and assist in the creation of committees at 49210

the community level; 49211

(D) To assist local, state, and federal agencies to 49212
coordinate their activities for the purpose of securing maximum 49213
utilization of funds and efforts that benefit people with 49214
disabilities; 49215

(E) To encourage cooperation among public and private 49216
employers, unions, and rehabilitation agencies, bureaus, and 49217
organizations both public and private with a specific goal to 49218
facilitate employment of people with disabilities; 49219

(F) To serve in an advisory capacity to the governor's office 49220
directly and as needed to the general assembly on issues relating 49221
to the needs, problems, and other concerns of people with 49222
disabilities; 49223

(G) To conduct educational programs to acquaint the public 49224
with the abilities and accomplishments of people with 49225
disabilities; 49226

(H) To promote the elimination of architectural barriers to 49227
make buildings used by the public accessible and useable by 49228
persons with physical limitations; 49229

(I) To make such rules as it determines advisable for the 49230
conduct of its own business. 49231

The council shall annually report to the governor on council 49232
activities and on the state of ~~Ohio's~~ the people of this state 49233
with disabilities. This report may include any recommendations 49234
believed necessary or desirable to carry out the purposes of this 49235
section. 49236

As used in this section, "person with a disability" means any 49237
individual who has a disability or condition ~~which~~ that, 49238
regardless of its physical or mental origin, imposes a functional 49239
limitation. ~~It~~ 49240

It shall be lawful for any public employee or officer to 49241
serve as a member of the council. 49242

Sec. 3304.11. As used in sections 3304.11 to 3304.27, 49243
~~inclusive,~~ of the Revised Code: 49244

(A) ~~"Handicapped person" or "disabled person"~~ "Person with a 49245
disability" means any person with a physical or mental ~~disability~~ 49246
~~which impairment that~~ is a substantial ~~handicap~~ impediment to 49247
employment ~~and which is of a nature that~~ who can benefit in terms 49248
of an employment outcome from the provision of vocational 49249
rehabilitation services ~~may reasonably be expected to render him~~ 49250
~~fit to engage in a gainful occupation consistent with his~~ 49251
~~capacities and abilities, and any person with a physical or mental~~ 49252
~~disability that constitutes a substantial handicap to employment~~ 49253
~~for whom vocational rehabilitation services are necessary to~~ 49254
~~determine his rehabilitation potential.~~ 49255

(B) "Physical or mental ~~disability~~ impairment" means a 49256
physical or mental condition that materially limits, contributes 49257
to limiting or, if not corrected, will probably result in limiting 49258
a person's activities or functioning. 49259

(C) "Substantial ~~handicap~~ impediment to employment" means a 49260
physical or mental disability that impedes a person's occupational 49261
performance, by preventing ~~his~~ the person's obtaining, retaining, 49262
or preparing for a gainful occupation consistent with ~~his~~ the 49263
person's capacities and abilities. 49264

(D) "Vocational rehabilitation" and "vocational 49265
rehabilitation services" means any activity or service calculated 49266
to enable a ~~handicapped~~ person with a disability or groups of 49267
~~handicapped~~ persons with disabilities to engage in gainful 49268
occupation and includes, but is not limited to, medical and 49269
vocational evaluation, including diagnostic and related services, 49270
vocational counseling, guidance and placement, including follow-up 49271

services, rehabilitation training, including books and other 49272
training materials, physical restoration, recruitment and training 49273
services designed to provide ~~handicapped~~ persons with disabilities 49274
new employment opportunities, maintenance, occupational tools, 49275
equipment, supplies, transportation, services to families of 49276
~~handicapped~~ persons which with disabilities that contribute 49277
substantially to the rehabilitation of these persons, and any 49278
other goods or service necessary to render a ~~handicapped~~ person 49279
with a disability employable. 49280

(E) "Establishment of a rehabilitation facility" means the 49281
expansion, remodeling, or alteration of an existing building, 49282
~~which that~~ is necessary to adapt or to increase the effectiveness 49283
of that building for rehabilitation facility purposes, the 49284
acquisition of equipment for these purposes, and the initial 49285
staffing. 49286

(F) "Construction" means the construction of new buildings, 49287
acquisition of land or existing buildings and their expansion, 49288
remodeling, alteration and renovation, and the initial staffing 49289
and equipment of any new, newly acquired, expanded, remodeled, 49290
altered, or renovated buildings. 49291

(G) "Physical restoration services" means those services 49292
~~which that~~ are necessary to correct or substantially modify within 49293
a reasonable period of time a physical or mental condition ~~which~~ 49294
that is stable or slowly progressive. 49295

(H) "Occupational license" means any license, permit, or 49296
other written authority required by any governmental unit in order 49297
to engage in any occupation or business. 49298

(I) "Maintenance" means money payments to ~~disabled~~ persons 49299
with disabilities who need financial assistance for their 49300
subsistence during their vocational rehabilitation. 49301

Sec. 3304.12. (A) The governor, with the advice and consent 49302
of the senate, shall appoint ~~a rehabilitation services~~ the 49303
opportunities for Ohioans with disabilities commission within the 49304
opportunities for Ohioans with disabilities agency consisting of 49305
seven members, no more than four of whom shall be members of the 49306
same political party and who shall include at least three from 49307
rehabilitation professions, including at least one member from the 49308
field of services to the blind, and at least four ~~handicapped~~ 49309
individuals with disabilities, no less than two nor more than 49310
three of whom have received vocational rehabilitation services 49311
offered by a state vocational rehabilitation agency or the 49312
veterans' administration. ~~Such handicapped~~ The members with 49313
disabilities shall be representative of several major categories 49314
of ~~handicapped~~ persons with disabilities served by the ~~commission~~ 49315
opportunities for Ohioans with disabilities agency. 49316

(B) ~~Of the members first appointed to the commission, one~~ 49317
~~shall be appointed for a term of seven years, one for a term of~~ 49318
~~six years, one for a term of five years, one for a term of four~~ 49319
~~years, one for a term of three years, one for a term of two years,~~ 49320
~~and one for a term of one year. Thereafter, terms~~ Terms of office 49321
shall be for seven years, commencing on the ninth day of September 49322
and ending on the eighth day of September, with no person eligible 49323
to serve more than two seven-year terms. Each member shall hold 49324
office from the date of ~~his~~ appointment until the end of the term 49325
for which ~~he~~ the member was appointed. Any member appointed to 49326
fill a vacancy occurring prior to the expiration of the term for 49327
which ~~his~~ the member's predecessor was appointed shall hold office 49328
for the remainder of ~~such~~ that term. Any member shall continue in 49329
office subsequent to the expiration date of ~~his~~ the member's term 49330
until ~~his~~ a successor takes office, or until a period of sixty 49331
days has elapsed, whichever occurs first. ~~Members appointed to the~~ 49332
~~commission after September 1, 1977, shall be handicapped~~ 49333

~~individuals representing those who have received vocational 49334
rehabilitation services offered by a state vocational 49335
rehabilitaion agency or the veterans' administration until the 49336
commission membership includes at least four such individuals. 49337~~
Members who fail to perform their duties or who are guilty of 49338
misconduct may be removed on written charges preferred by the 49339
governor or by a majority of the commission. 49340

(C) Members of the commission shall be reimbursed for travel 49341
and necessary expenses incurred in the conduct of their duties, 49342
and shall receive an amount fixed pursuant to division (J) of 49343
section 124.15 of the Revised Code while actually engaged in 49344
attendance at meetings or in the performance of their duties. 49345

Sec. 3304.13. The ~~rehabilitation services commission~~ 49346
opportunities for Ohioans with disabilities commission shall hold 49347
its first meeting at the call of the governor, and at that 49348
meeting, shall elect one of its members as ~~chairman~~ chairperson 49349
and adopt rules governing the time and place of regular meetings, 49350
which shall be held not less than once every four months. Special 49351
meetings shall be held at the call of the ~~chairman~~ chairperson or 49352
any three members of the commission. The ~~chairman~~ chairperson 49353
shall serve for four years, unless removed earlier by a majority 49354
vote of the commission, and shall be ineligible to serve as 49355
~~chairman~~ chairperson during the succeeding four years. Each member 49356
of the commission, before entering upon the duties of office, 49357
shall take and subscribe an oath to uphold the constitution and 49358
laws of the United States and this state and to perform the duties 49359
of office honestly, faithfully, and impartially. Each member shall 49360
give a bond of five thousand dollars, with a sufficient surety 49361
approved by the treasurer of state. After approval, the bond shall 49362
be filed with the secretary of state. If the bond is executed by a 49363
surety company, the premiums on it shall be paid from the funds 49364
appropriated for the expenses of the ~~rehabilitation services~~ 49365

~~commission opportunities for Ohioans with disabilities agency.~~ 49366

~~Sec. 3304.16~~ 3304.14. ~~In carrying out~~ For the purposes of 49367
sections 3304.11 to 3304.27 of the Revised Code, the 49368
~~rehabilitation services commission opportunities for Ohioans with~~ 49369
~~disabilities commission shall approve the state vocational~~ 49370
~~rehabilitation plan, jointly approve the state plan for~~ 49371
~~independent living with the Ohio state independent living council,~~ 49372
~~appoint a consumer advisory committee, and, to the extent~~ 49373
~~feasible, conduct a review and analysis of the effectiveness of~~ 49374
~~and consumer satisfaction with all of the following:~~ 49375

(A) ~~Shall develop all necessary rules~~ The functions performed 49376
~~by the opportunities for Ohioans with disabilities agency;~~ 49377

(B) ~~Shall prepare and submit to the governor annual reports~~ 49378
~~of activities and expenditures and, prior to each first regular~~ 49379
~~session of the general assembly, an estimate of sums required to~~ 49380
~~carry out the commission's responsibilities~~ The vocational 49381
~~rehabilitation services provided by state agencies and other~~ 49382
~~public and private entities responsible for providing vocational~~ 49383
~~rehabilitation services to persons with disabilities under the~~ 49384
~~"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as~~ 49385
~~amended;~~ 49386

(C) ~~Shall certify any disbursement of funds available to the~~ 49387
~~commission for vocational rehabilitation activities;~~ 49388

(D) ~~Shall serve as the sole state agency designated to~~ 49389
~~administer the plan under the "Rehabilitation Act of 1973," 87~~ 49390
~~Stat. 355, 29 U.S.C. 701, as amended;~~ 49391

(E) ~~Shall take appropriate action to guarantee rights of and~~ 49392
~~services to handicapped persons;~~ 49393

(F) ~~Shall consult with and advise other state agencies to~~ 49394
~~assist them in meeting the needs of handicapped persons more~~ 49395

~~effectively and to achieve maximum coordination among programs for
the handicapped;~~ 49396
49397

~~(G) Shall establish an administrative division of consumer
affairs and advocacy within the commission to promote and help
guarantee the rights of handicapped persons;~~ 49398
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49400

~~(H) Shall maintain an inventory of state services that are
available to handicapped persons;~~ 49401
49402

~~(I) Shall utilize, support, assist, and cooperate with the
governor's committee on employment of the handicapped;~~ 49403
49404

~~(J) May delegate to any officer or employee of the commission
any necessary powers and duties, except that the commission shall
delegate to the administrator of the commission, as provided in
section 3304.14 of the Revised Code, the power and duty to
administer the daily operation and provision of vocational
rehabilitation services;~~ 49405
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~~(K) May take any other necessary or appropriate action for
cooperation with public and private agencies and organizations
which may include:~~ 49411
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~~(1) Reciprocal agreements with other states to provide for
the vocational rehabilitation of individuals within the states
concerned;~~ 49414
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~~(2) Contracts or other arrangements with public and other
nonprofit agencies and organizations for the construction or
establishment and operation of vocational rehabilitation programs
and facilities;~~ 49417
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~~(3) Cooperative arrangements with the federal government for
carrying out sections 3304.11 to 3304.27 of the Revised Code, the
"Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C.
31, as amended, or other federal statutes pertaining to vocational
rehabilitation, and to this end, may adopt plans and methods of~~ 49421
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~~administration found necessary by the federal government for the 49426
efficient operation of any joint arrangements or the efficient 49427
application of any federal statutes; 49428~~

~~(4) Upon the designation of the governor, performing 49429
functions and services for the federal government relating to 49430
individuals under a physical or mental disability. 49431~~

~~(L) May take any appropriate action necessary to obtain 49432
federal funds in the maximum amount and most advantageous 49433
proportion possible; 49434~~

~~(M) May conduct research and demonstration projects, 49435
including inquiries concerning the causes of blindness and its 49436
prevention, provide training and instruction, including the 49437
establishment and maintenance of research fellowships and 49438
traineeships along with all necessary stipends and allowances, 49439
disseminate information, and provide technical assistance relating 49440
to vocational rehabilitation; 49441~~

~~(N) May plan, establish, and operate programs, facilities, 49442
and services relating to vocational rehabilitation; 49443~~

~~(O) May accept and hold, invest, reinvest, or otherwise use 49444
gifts made for the purpose of furthering vocational 49445
rehabilitation; 49446~~

~~(P) May ameliorate the condition of the aged blind or other 49447
severely disabled individuals by establishing a program of home 49448
visitation by commission employees for the purpose of instruction; 49449~~

~~(Q) May establish and manage small business enterprises that 49450
are operated by persons with a substantial handicap to employment, 49451
including blind persons; 49452~~

~~(R) May purchase from insurance companies licensed to do 49453
business in this state any insurance deemed necessary by the 49454
commission for the efficient operation of a suitable vending 49455~~

facility as defined in division (A) of section 3304.28 of the Revised Code; 49456
49457

~~(S) May accept directly from any state agency, and any state agency may transfer directly to the commission, surplus computers and computer equipment to be used for any purposes the commission considers appropriate, notwithstanding sections 125.12 to 125.14 of the Revised Code~~ 49458
The employment outcomes achieved by eligible individuals receiving services under sections 3304.11 to 3304.27 of the Revised Code, including the availability of health and other employment benefits in connection with those employment outcomes. 49459
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Sec. ~~3304.14~~ 3304.15. (A) There is hereby created the opportunities for Ohioans with disabilities agency. The agency is the designated state unit authorized under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended, to provide vocational rehabilitation to eligible persons with disabilities. 49467
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(B) The governor shall appoint an ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency to serve at the pleasure of the governor and shall fix the ~~administrator's~~ executive director's compensation. The ~~administrator~~ executive director shall devote the ~~administrator's~~ executive director's entire time to the duties of the ~~administrator's~~ executive director's office, shall hold no other office or position of trust and profit, and shall engage in no other business during the ~~administrator's~~ executive director's term of office. The governor may grant the ~~administrator~~ executive director the authority to appoint, remove, and discipline without regard to sex, race, creed, color, age, or national origin, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the ~~commission~~ agency. 49472
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(B)(1) The executive director of the opportunities for Ohioans with disabilities agency is the executive and administrative officer of the agency. Whenever the Revised Code imposes a duty on or requires an action of the agency, the executive director shall perform the duty or action on behalf of the agency. The executive director may establish procedures for all of the following:

- (1) The governance of the agency;
- (2) The conduct of agency employees and officers;
- (3) The performance of agency business;
- (4) The custody, use, and preservation of agency records, papers, books, documents, and property.

(C) The ~~administrator~~ executive director shall have exclusive authority to administer the daily operation and provision of vocational rehabilitation services under this chapter. In exercising that authority, the executive director may do all of the following:

- (1) Adopt rules in accordance with Chapter 119. of the Revised Code;
- (2) Prepare and submit an annual report to the governor;
- (3) Certify any disbursement of funds available to the agency for vocational rehabilitation activities;
- (4) Take appropriate action to guarantee rights of services to people with disabilities;
- (5) Consult with and advise other state agencies and coordinate programs for persons with disabilities;
- (6) Comply with the requirements for match as part of budget submission;
- (7) Establish research and demonstration projects;

<u>(8) Accept, hold, invest, reinvest, or otherwise use gifts to</u>	49516
<u>further vocational rehabilitation;</u>	49517
<u>(9) For the purposes of the business enterprise program</u>	49518
<u>administered under sections 3304.28 to 3304.35 of the Revised</u>	49519
<u>Code:</u>	49520
<u>(a) Establish and manage small business entities owned or</u>	49521
<u>operated by visually impaired persons;</u>	49522
<u>(b) Purchase insurance;</u>	49523
<u>(c) Accept computers.</u>	49524
<u>(10) Enter into contracts and other agreements for the</u>	49525
<u>provision of services.</u>	49526
<u>(2)(D) The administrator <u>executive director</u> shall establish a</u>	49527
<u>fee schedule for vocational rehabilitation services in accordance</u>	49528
<u>with 34 C.F.R. 361.50.</u>	49529
Sec. 3304.15 <u>3304.16</u>. The <u>rehabilitation services commission</u>	49530
<u>executive director of the opportunities for Ohioans with</u>	49531
<u>disabilities agency</u> shall establish administrative subdivisions	49532
<u>under its control</u> as it determines necessary or appropriate to	49533
carry out its <u>the agency's</u> functions and duties, but there shall	49534
be a bureau of services for the visually impaired and a bureau of	49535
vocational rehabilitation, each of which has as its head a <u>deputy</u>	49536
director appointed by the administrator, subject to commission	49537
<u>approval executive director</u>. The commission executive director	49538
shall prescribe the budgets for the government of each division,	49539
and rules for the conduct of its employees, the performance of its	49540
business, and the custody, use, and preservation of the records,	49541
papers, books, documents, and property pertaining thereto.	49542
Sec. 3304.17. The <u>rehabilitation services commission</u>	49543
<u>opportunities for Ohioans with disabilities agency</u> shall provide	49544

vocational rehabilitation services to all eligible ~~handicapped~~ 49545
persons with disabilities, including any ~~handicapped~~ person with a 49546
disability who is eligible under the terms of an agreement or 49547
arrangement with another state or with the federal government. 49548

Sec. 3304.18. The treasurer of state shall be the custodian 49549
of all moneys received from the federal government for vocational 49550
rehabilitation programs and shall disburse the money upon the 49551
certification of the ~~rehabilitation services commission~~ executive 49552
director of the opportunities for Ohioans with disabilities 49553
agency. If federal funds are not available to the state for 49554
vocational rehabilitation purposes, the governor shall include as 49555
part of ~~his~~ the governor's biennial budget request to the general 49556
assembly a request for funds sufficient to support the activities 49557
of the ~~commission~~ agency. 49558

Sec. 3304.181. If the total of all funds available from 49559
nonfederal sources to support the activities of the ~~rehabilitation~~ 49560
~~services commission~~ opportunities for Ohioans with disabilities 49561
agency does not comply with the expenditure requirements of 34 49562
C.F.R. 361.60 and 361.62 for those activities or would cause the 49563
state to lose an allotment or fail to receive a reallotment under 49564
34 C.F.R. 361.65, the ~~commission~~ agency may solicit additional 49565
funds from, and enter into agreements for the use of those funds 49566
with, private or public entities, including local government 49567
entities of this state. The ~~commission~~ agency may continue to 49568
solicit additional funds and enter into agreements until the total 49569
funding available is sufficient for the ~~commission~~ agency to 49570
receive federal funds at the maximum amount and in the most 49571
advantageous proportion possible. 49572

Any agreement entered into between the ~~commission~~ agency and 49573
a private or public entity to provide funds under this section 49574
shall be in accordance with 34 C.F.R. 361.28 and section 3304.182 49575

of the Revised Code. 49576

Sec. 3304.182. Any agreement between the ~~rehabilitation~~ 49577
~~services commission~~ opportunities for Ohioans with disabilities 49578
agency and a private or public entity providing funds under 49579
section 3304.181 of the Revised Code may permit the ~~commission~~ 49580
agency to receive a specified percentage of the funds, but the 49581
percentage shall be not more than twenty-five per cent of the 49582
total funds available under the agreement. The ~~commission~~ agency 49583
may terminate an agreement at any time for just cause. It may 49584
terminate an agreement for any other reason by giving at least 49585
thirty days' notice to the public or private entity. 49586

Any services provided under an agreement entered into under 49587
section 3304.181 of the Revised Code shall be provided by a person 49588
or government entity that meets the accreditation standards 49589
established in rules adopted by the ~~commission~~ agency under 49590
section ~~3304.16~~ 3304.15 of the Revised Code. 49591

Sec. 3304.19. The right of a ~~handicapped~~ person with a 49592
disability to living maintenance under sections 3304.11 to 49593
3304.27, ~~inclusive~~, of the Revised Code, is not transferable or 49594
assignable at law or in equity, and none of the money paid or 49595
payable or rights existing under this ~~act~~ chapter are subject to 49596
execution, levy, attachment, garnishment, or other legal process, 49597
or to the operation of any bankruptcy or insolvency law. 49598

Sec. 3304.20. Any person applying for or receiving vocational 49599
rehabilitation services who is dissatisfied with regard to the 49600
furnishing or denial of services, may file a request for an 49601
administrative review and redetermination of that action in 49602
accordance with rules of the ~~rehabilitation services commission~~ 49603
opportunities for Ohioans with disabilities agency. When the 49604
person is dissatisfied with the finding of this administrative 49605

review, ~~he~~ the person is entitled, in accordance with ~~commission~~ 49606
agency rules and in accordance with Chapter 119. of the Revised 49607
Code, to a fair hearing before the ~~administrator~~ executive 49608
director of the ~~rehabilitation services commission~~ agency. 49609

Sec. 3304.21. No person shall, except for the purposes of 49610
sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, and 49611
in accordance with the rules established by the ~~rehabilitation~~ 49612
~~services commission~~ opportunities for Ohioans with disabilities 49613
agency, solicit, disclose, receive, make use of, authorize, 49614
knowingly permit, participate in, or acquiesce in the use of any 49615
list of names or information concerning persons applying for or 49616
receiving any services from the ~~commission~~ agency, which 49617
information is directly or indirectly derived from the records of 49618
the agency or is acquired in the performance of the person's 49619
official duties. 49620

Sec. 3304.22. No officer or employee of the ~~rehabilitation~~ 49621
~~services~~ opportunities for Ohioans with disabilities commission, 49622
the opportunities for Ohioans with disabilities agency, or any 49623
person engaged in the administration of a vocational 49624
rehabilitation program sponsored by or affiliated with the state 49625
shall use or permit the use of any vocational rehabilitation 49626
program for the purpose of interfering with an election for any 49627
partisan political purpose; solicit or receive money for a 49628
partisan political purpose; or require any other person to 49629
contribute any service or money for a partisan political purpose. 49630
Whoever violates this section shall be removed from ~~his~~ the 49631
officer's or employee's office or employment. 49632

Sec. 3304.25. The members of the ~~bureau~~ consumer advisory 49633
~~committees~~ committee appointed under section 3304.14 of the 49634
Revised Code shall receive no compensation for their services 49635

except their actual and necessary traveling and other expenses 49636
incurred in the performance of their official duties, which shall 49637
first be approved by the ~~administrator~~ executive director of the 49638
~~rehabilitation services commission~~ opportunities for Ohioans with 49639
disabilities agency. 49640

Sec. 3304.27. All vocational rehabilitation services made 49641
available under sections 3304.11 to 3304.27, ~~inclusive,~~ of the 49642
Revised Code, are made available subject to amendment or repeal of 49643
~~those~~ sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, 49644
and no ~~disabled~~ person with a disability shall have any claim by 49645
reason of ~~his~~ the person's vocational rehabilitation being 49646
affected in any way by such an amendment or repeal. 49647

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 49648
Revised Code: 49649

(A) "Suitable vending facility" means automatic vending 49650
machines, cafeterias, snack bars, cart service shelters, counters, 49651
and other appropriate auxiliary food service equipment determined 49652
to be necessary by the bureau of services for the visually 49653
impaired for the automatic or manual dispensing of foods, 49654
beverages, and other such commodities for sale by persons, no 49655
fewer than one-half of whom are blind, under the supervision of a 49656
licensed blind vendor or an employee of the ~~commission~~ 49657
opportunities for Ohioans with disabilities agency. 49658

(B) "Blind" means either of the following: 49659

(1) Vision twenty/two hundred or less in the better eye with 49660
proper correction; 49661

(2) Field defect in the better eye with proper correction 49662
~~which~~ that contracts the peripheral field so that the diameter of 49663
the visual field subtends an angle no greater than twenty degrees. 49664

(C) "Governmental property" means any real property, 49665

building, or facility owned, leased, or rented by the state or any 49666
board, commission, department, division, or other unit or agency 49667
thereof, but does not include any institution under the management 49668
of the department of rehabilitation and correction pursuant to 49669
section 5120.05 of the Revised Code, or under the management of 49670
the department of youth services created pursuant to section 49671
5139.01 of the Revised Code. 49672

Sec. 3304.41. The ~~rehabilitation services commission~~ 49673
opportunities for Ohioans with disabilities agency shall establish 49674
and administer a program for the use of funds appropriated for 49675
that purpose to provide personal care assistance to enable 49676
eligible severely physically disabled persons to live 49677
independently or work, shall adopt rules in accordance with 49678
Chapter 119. of the Revised Code as necessary to carry out the 49679
purposes of this section, and shall apply to the controlling board 49680
for the release of the funds. 49681

Sec. 3305.03. (A) The Ohio board of regents shall designate 49682
the entities that are eligible to provide investment options under 49683
alternative retirement plans maintained by public institutions of 49684
higher education. The board shall accept and review applications 49685
from entities seeking designation as a vendor. The board shall not 49686
designate an entity as a vendor unless the entity meets the 49687
requirements described in division (B) of this section. 49688

(B) To be eligible for designation as a vendor, an entity 49689
must meet both of the following requirements: 49690

(1) The entity must be authorized to conduct business in this 49691
state with regard to the investment options to be offered under an 49692
alternative retirement plan maintained by a public institution of 49693
higher education. 49694

(2) The entity must ~~offer~~ meet one of the following 49695

<u>requirements:</u>	49696
<u>(a) Have provided investment options for not less than ten years under alternative retirement plans maintained by public institutions of higher education in this state;</u>	49697 49698 49699
<u>(b) Offer</u> the same or similar investment options under alternative retirement plans, optional retirement plans, or similar types of plans with respect to which all of the following apply:	49700 49701 49702 49703
(a) <u>(i)</u> The plans are defined contribution plans that are qualified plans under Internal Revenue Code 401(a) or 403(b).	49704 49705
(b) <u>(ii)</u> The plans are maintained by institutions of higher education in at least ten other states.	49706 49707
(c) <u>(iii)</u> The plans are established as primary retirement plans that are alternatives to or a component of the applicable state retirement system.	49708 49709 49710
(C) In determining whether to designate an entity as a vendor, the board of regents shall identify, consider, and evaluate all of the following:	49711 49712 49713
(1) The experience of the entity in providing in <u>this state</u> or other states investment options under alternative retirement plans, optional retirement plans, or similar types of plans that meet the requirements of division (B)(2) <u>(a) or (b)</u> of this section, <u>as applicable;</u>	49714 49715 49716 49717 49718
(2) The potential effectiveness of the entity in recruiting eligible employees to select that entity for purposes of participating in an alternative retirement plan and in retaining those employees' accounts;	49719 49720 49721 49722
(3) Whether the entity intends to offer a broad range of investment options to the electing employees;	49723 49724
(4) The suitability of the investment options to the needs	49725

and interests of the electing employees and their beneficiaries;	49726
(5) The capability of the entity to offer sufficient	49727
information to the electing employees and their beneficiaries to	49728
make informed decisions with regard to investment options offered	49729
by the entity;	49730
(6) The capability of the entity to perform in a manner that	49731
is in the best interests of the electing employees and their	49732
beneficiaries;	49733
(7) The fees and expenses associated with the entity's	49734
investment options and the manner in which the entity intends to	49735
disclose those fees and expenses;	49736
(8) The rights and benefits to be provided under the	49737
investment options;	49738
(9) The capability of the entity to provide the rights and	49739
benefits under the investment options;	49740
(10) Comments submitted by a public institution of higher	49741
education under section 3305.031 of the Revised Code;	49742
(11) Any other matters the board of regents considers	49743
relevant.	49744
(D) The board of regents shall conduct periodic reviews of	49745
each entity designated as a vendor and the investment options	49746
being offered to ensure that the requirements and purposes of this	49747
chapter are being met. The reviews of a vendor shall occur not	49748
less frequently than once every three years.	49749
If it finds that the vendor is not in compliance with the	49750
requirements of this chapter or the vendor is not satisfactorily	49751
meeting the purposes of this chapter, the board shall rescind the	49752
vendor's designation.	49753
(E) Notwithstanding sections 125.01 to 125.11 of the Revised	49754
Code, designation of a vendor or the execution of any agreement	49755

under this chapter is not subject to competitive bidding under 49756
those sections. 49757

Sec. 3307.51. (A) The state teachers retirement board shall 49758
have prepared annually by or under the supervision of an actuary 49759
an actuarial valuation of the pension assets, liabilities, and 49760
funding requirements of the STRS defined benefit plan. The actuary 49761
shall complete the valuation in accordance with actuarial 49762
standards of practice promulgated by the actuarial standards board 49763
of the American academy of actuaries and prepare a report of the 49764
valuation. The report shall include all of the following: 49765

(1) A summary of the benefit provisions evaluated; 49766

(2) A summary of the census data and financial information 49767
used in the valuation; 49768

(3) A description of the actuarial assumptions, actuarial 49769
cost method, and asset valuation method used in the valuation, 49770
including a statement of the assumed rate of payroll growth and 49771
assumed rate of growth or decline in the number of members 49772
contributing to the retirement system; 49773

(4) A summary of findings that includes a statement of the 49774
actuarial accrued pension liabilities and unfunded actuarial 49775
accrued pension liabilities; 49776

(5) A schedule showing the effect of any changes in the 49777
benefit provisions, actuarial assumptions, or cost methods since 49778
the last annual actuarial valuation; 49779

(6) A statement of whether contributions to the retirement 49780
system are expected to be sufficient to satisfy the funding 49781
objectives established by the board. 49782

The board shall submit the report to the Ohio retirement 49783
study council, the director of budget and management, and the 49784
standing committees of the house of representatives and the senate 49785

with primary responsibility for retirement legislation immediately 49786
upon its availability and not later than the first day of January 49787
following the year for which the valuation was made. 49788

(B) At such times as the state teachers retirement board 49789
determines, and at least once in each quinquennial period, the 49790
board shall have prepared by or under the supervision of an 49791
actuary an actuarial investigation of the mortality, service, and 49792
other experience of the members, retirants, and beneficiaries of 49793
the system, and other system retirants as defined in section 49794
3307.35 of the Revised Code to update the actuarial assumptions 49795
used in the actuarial valuation required by division (A) of this 49796
section. The actuary shall prepare a report of the actuarial 49797
investigation. The report shall be prepared and any recommended 49798
changes in actuarial assumptions shall be made in accordance with 49799
the actuarial standards of practice promulgated by the actuarial 49800
standards board of the American academy of actuaries. The report 49801
shall include all of the following: 49802

(1) A summary of relevant decrement and economic assumption 49803
experience observed over the period of the investigation; 49804

(2) Recommended changes in actuarial assumptions to be used 49805
in subsequent actuarial valuations required by division (A) of 49806
this section; 49807

(3) A measurement of the financial effect of the recommended 49808
changes in actuarial assumptions. 49809

The board shall submit the report to the Ohio retirement 49810
study council and the standing committees of the house of 49811
representatives and the senate with primary responsibility for 49812
retirement legislation not later than the first day of May 49813
following the last fiscal year of the period the report covers. 49814

(C) The board may at any time request the actuary to make any 49815
other studies or actuarial valuations to determine the adequacy of 49816

the normal and deficiency rates of contribution provided by 49817
section 3307.28 of the Revised Code, and those rates may be 49818
adjusted by the board, as recommended by the actuary, effective as 49819
of the first of any year thereafter. 49820

(D) The board shall have prepared by or under the supervision 49821
of an actuary an actuarial analysis of any introduced legislation 49822
expected to have a measurable financial impact on the retirement 49823
system. The actuarial analysis shall be completed in accordance 49824
with the actuarial standards of practice promulgated by the 49825
actuarial standards board of the American academy of actuaries. 49826
The actuary shall prepare a report of the actuarial analysis, 49827
which shall include all of the following: 49828

(1) A summary of the statutory changes that are being 49829
evaluated; 49830

(2) A description of or reference to the actuarial 49831
assumptions and actuarial cost method used in the report; 49832

(3) A description of the participant group or groups included 49833
in the report; 49834

(4) A statement of the financial impact of the legislation, 49835
including the resulting increase, if any, in the employer normal 49836
cost percentage; the increase, if any, in actuarial accrued 49837
liabilities; and the per cent of payroll that would be required to 49838
amortize the increase in actuarial accrued liabilities as a level 49839
per cent of covered payroll for all active members over a period 49840
not to exceed thirty years; 49841

(5) A statement of whether the scheduled contributions to the 49842
system after the proposed change is enacted are expected to be 49843
sufficient to satisfy the funding objectives established by the 49844
board. 49845

Not later than sixty days from the date of introduction of 49846
the legislation, the board shall submit a copy of the actuarial 49847

analysis to the legislative service commission, the standing 49848
committees of the house of representatives and the senate with 49849
primary responsibility for retirement legislation, and the Ohio 49850
retirement study council. 49851

(E) The board shall have prepared annually a report giving a 49852
full accounting of the revenues and costs relating to the 49853
provision of benefits under section 3307.39 of the Revised Code. 49854
The report shall be made as of June 30, 1997, and the thirtieth 49855
day of June of each year thereafter. The report shall include the 49856
following: 49857

(1) A description of the statutory authority for the benefits 49858
provided; 49859

(2) A summary of the benefits; 49860

(3) A summary of the eligibility requirements for the 49861
benefits; 49862

(4) A statement of the number of participants eligible for 49863
the benefits; 49864

(5) A description of the accounting, asset valuation, and 49865
funding method used to provide the benefits; 49866

(6) A statement of the net assets available for the 49867
provisions of benefits as of the last day of the fiscal year; 49868

(7) A statement of any changes in the net assets available 49869
for the provision of benefits, including participant and employer 49870
contributions, net investment income, administrative expenses, and 49871
benefits provided to participants, as of the last day of the 49872
fiscal year; 49873

(8) For the last six consecutive fiscal years, a schedule of 49874
the net assets available for the benefits, the annual cost of 49875
benefits, administrative expenses incurred, and annual employer 49876
contributions allocated for the provision of benefits; 49877

(9) A description of any significant changes that affect the comparability of the report required under this division; 49878
49879

(10) A statement of the amount paid under division (B) of section 3307.39 of the Revised Code. 49880
49881

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the thirty-first day of December following the year for which the report was made. 49882
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Sec. 3309.21. (A) The school employees retirement board shall have prepared annually by or under the supervision of an actuary an actuarial valuation of the pension assets, liabilities, and funding requirements of the school employees retirement system as established pursuant to this chapter. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries and prepare a report of the valuation. The report shall include all of the following: 49888
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(1) A summary of the benefit provisions evaluated; 49897

(2) A summary of the census data and financial information used in the valuation; 49898
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(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system; 49900
49901
49902
49903
49904

(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities; 49905
49906
49907

(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;

(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the first day of May following the year for which the valuation was made.

(B) At such times as the school employees retirement board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries of the retirement system, and SERS retirants and other system retirants as defined in section 3309.341 of the Revised Code to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of

this section; 49939

(3) A measurement of the financial effect of the recommended 49940
changes in actuarial assumptions. 49941

The board shall submit the report to the Ohio retirement 49942
study council and the standing committees of the house of 49943
representatives and the senate with primary responsibility for 49944
retirement legislation not later than the first day of May 49945
following the last fiscal year of the period the report covers. 49946

(C) The board may at any time request the actuary to make any 49947
studies or actuarial valuations to determine the adequacy of the 49948
rates of contribution as provided by section 3309.49 of the 49949
Revised Code, and those rates may be adjusted by the board, as 49950
recommended by the actuary, effective as of the first of any year 49951
thereafter. 49952

(D) The board shall have prepared by or under the supervision 49953
of an actuary an actuarial analysis of any introduced legislation 49954
expected to have a measurable financial impact on the retirement 49955
system. The actuarial analysis shall be completed in accordance 49956
with the actuarial standards of practice promulgated by the 49957
actuarial standards board of the American academy of actuaries. 49958
The actuary shall prepare a report of the actuarial analysis, 49959
which shall include all of the following: 49960

(1) A summary of the statutory changes that are being 49961
evaluated; 49962

(2) A description of or reference to the actuarial 49963
assumptions and actuarial cost method used in the report; 49964

(3) A description of the participant group or groups included 49965
in the report; 49966

(4) A statement of the financial impact of the legislation, 49967
including the resulting increase, if any, in the employer normal 49968

cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period not to exceed thirty years;

(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.

Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.

(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under sections 3309.375 and 3309.69 of the Revised Code. The report shall be made as of June 30, 1997, and the thirtieth day of June of each year thereafter. The report shall include the following:

(1) A description of the statutory authority for the benefits provided;

(2) A summary of the benefits;

(3) A summary of the eligibility requirements for the benefits;

(4) A statement of the number of participants eligible for the benefits;

(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;

(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	49999 50000
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	50001 50002 50003 50004 50005
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	50006 50007 50008 50009
(9) A description of any significant changes that affect the comparability of the report required under this division;	50010 50011
(10) A statement of the amount paid under division (E) of section 3309.69 of the Revised Code.	50012 50013
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirty-first day of December following the year for which the report was made.	50014 50015 50016 50017 50018 50019
Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the Revised Code:	50020 50021
(A) "Chartered nonpublic school" means a nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules adopted by the state board.	50022 50023 50024 50025
(B) An "eligible student" is a student who satisfies the conditions specified in section 3310.03 <u>or 3310.032</u> of the Revised Code.	50026 50027 50028

(C) "Parent" has the same meaning as in section 3313.98 of the Revised Code. 50029
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(D) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 50031
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(E) "School year" has the same meaning as in section 3313.62 of the Revised Code. 50034
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Sec. 3310.02. (A) The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code for up to the following number of eligible students: 50036
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(1) Thirty thousand in the 2011-2012 school year; 50041

(2) Sixty thousand in the 2012-2013 school year and thereafter. 50042
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(B) If the number of students who apply for a scholarship exceeds the number of scholarships available under division (A) of this section for the applicable school year, the department shall award scholarships in the following order of priority: 50044
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50046
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(1) First, to eligible students who received scholarships in the prior school year; 50048
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(2) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in division (B)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (B)(1) of this section, the department shall select students described in division (B)(2) of this section by lot to receive any remaining scholarships. 50050
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(3) Third, to other eligible students who qualify under 50059
division (A) of section 3310.03 of the Revised Code. If the number 50060
of students described in division (B)(3) of this section who apply 50061
for a scholarship exceeds the number of available scholarships 50062
after awards are made under divisions (B)(1) and (2) of this 50063
section, the department shall select students described in 50064
division (B)(3) of this section by lot to receive any remaining 50065
scholarships. 50066

(4) Fourth, to eligible students with family incomes at or 50067
below two hundred per cent of the federal poverty guidelines who 50068
qualify under division ~~(B)~~(D) of section 3310.03 of the Revised 50069
Code. If the number of students described in division (B)(4) of 50070
this section who apply for a scholarship exceeds the number of 50071
available scholarships after awards are made under divisions 50072
(B)(1) to (3) of this section, the department shall select 50073
students described in division (B)(4) of this section by lot to 50074
receive any remaining scholarships. 50075

(5) Fifth, to other eligible students who qualify under 50076
division ~~(B)~~(D) of section 3310.03 of the Revised Code. If the 50077
number of students described in division (B)(5) of this section 50078
who apply for a scholarship exceeds the number of available 50079
scholarships after awards are made under divisions (B)(1) to (4) 50080
of this section, the department shall select students described in 50081
division (B)(5) of this section by lot to receive any remaining 50082
scholarships. 50083

(6) Sixth, to eligible students with family incomes at or 50084
below two hundred per cent of the federal poverty guidelines who 50085
qualify under division (B) of section 3310.03 of the Revised Code. 50086
If the number of students described in division (B)(6) of this 50087
section who apply for a scholarship exceeds the number of 50088
available scholarships after awards are made under divisions 50089
(B)(1) to (5) of this section, the department shall select 50090

students described in division (B)(6) of this section by lot to 50091
receive any remaining scholarships. 50092

(7) Seventh, to other eligible students who qualify under 50093
division (B) of section 3310.03 of the Revised Code. If the number 50094
of students described in division (B)(7) of this section who apply 50095
for a scholarship exceeds the number of available scholarships 50096
after awards are made under divisions (B)(1) to (6) of this 50097
section, the department shall select students described in 50098
division (B)(7) of this section by lot to receive any remaining 50099
scholarships. 50100

Sec. 3310.03. A student is an "eligible student" for purposes 50101
of the educational choice scholarship pilot program if the 50102
student's resident district is not a school district in which the 50103
pilot project scholarship program is operating under sections 50104
3313.974 to 3313.979 of the Revised Code and the student satisfies 50105
one of the conditions in division (A), (B), ~~or (C)~~, or (D) of this 50106
section: 50107

(A)(1) The student is enrolled in a school building operated 50108
by the student's resident district that, on the report card issued 50109
under section 3302.03 of the Revised Code published prior to the 50110
first day of July of the school year for which a scholarship is 50111
sought, did not receive a rating as described in division ~~(G)~~(H) 50112
of this section, and to which any or a combination of any of the 50113
following apply for two of the three most recent report cards 50114
published prior to the first day of July of the school year for 50115
which a scholarship is sought: 50116

(a) The building was declared to be in a state of academic 50117
emergency or academic watch under section 3302.03 of the Revised 50118
Code as that section existed prior to ~~the effective date of this~~ 50119
~~amendment~~ March 22, 2013. 50120

(b) The building received a grade of "D" or "F" for the 50121

performance index score under division (A)(1)(b) or (B)(1)(b) of 50122
section 3302.03 of the Revised Code and for the value-added 50123
progress dimension under division (A)(1)(e) or (B)(1)(e) of 50124
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 50125
school year, or both; or if the building serves only grades ten 50126
through twelve, the building received a grade of "D" or "F" for 50127
the performance index score under division (A)(1)(b) or (B)(1)(b) 50128
of section 3302.03 of the Revised Code and had a four-year 50129
adjusted cohort graduation rate of less than seventy-five per 50130
cent. 50131

(c) The building received an overall grade of "D" or "F" 50132
under division (C)(3) of section 3302.03 of the Revised Code or a 50133
grade of "F" for the value-added progress dimension under division 50134
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 50135
school year or any school year thereafter. 50136

(2) The student is eligible to enroll in kindergarten will be 50137
enrolling in school in this state for the first time in the school 50138
year for which a scholarship is sought, will be at least five 50139
years of age by the first day of January of the school year for 50140
which a scholarship is sought, and otherwise would be assigned 50141
under section 3319.01 of the Revised Code in the school year for 50142
which a scholarship is sought, to a school building described in 50143
division (A)(1) of this section. 50144

(3) The student is enrolled in a community school established 50145
under Chapter 3314. of the Revised Code but otherwise would be 50146
assigned under section 3319.01 of the Revised Code to a building 50147
described in division (A)(1) of this section. 50148

(4) The student is enrolled in a school building operated by 50149
the student's resident district or in a community school 50150
established under Chapter 3314. of the Revised Code and otherwise 50151
would be assigned under section 3319.01 of the Revised Code to a 50152
school building described in division (A)(1) of this section in 50153

the school year for which the scholarship is sought. 50154

(5) The student ~~is eligible to enroll in kindergarten in~~ will 50155
be both enrolling in school in this state for the first time and 50156
at least five years of age by the first day of January of the 50157
school year for which a scholarship is sought, or is enrolled in a 50158
community school established under Chapter 3314. of the Revised 50159
Code, and all of the following apply to the student's resident 50160
district: 50161

(a) The district has in force an intradistrict open 50162
enrollment policy under which no student in ~~kindergarten or the~~ 50163
~~community school~~ student's grade level, ~~respectively,~~ is 50164
automatically assigned to a particular school building; 50165

(b) In the most recent rating published prior to the first 50166
day of July of the school year for which scholarship is sought, 50167
the district did not receive a rating described in division ~~(G)~~(H) 50168
of this section, and in at least two of the three most recent 50169
report cards published prior to the first day of July of that 50170
school year, any or a combination of the following apply to the 50171
district: 50172

(i) The district was declared to be in a state of academic 50173
emergency under section 3302.03 of the Revised Code as it existed 50174
prior to ~~the effective date of this amendment~~ March 22, 2013. 50175

(ii) The district received a grade of "D" or "F" for the 50176
performance index score under division (A)(1)(b) or (B)(1)(b) of 50177
section 3302.03 of the Revised Code and for the value-added 50178
progress dimension under division (A)(1)(e) or (B)(1)(e) of 50179
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 50180
school year, or both. 50181

(c) The district received an overall grade of "D" or "F" 50182
under division (C)(3) of section 3302.03 of the Revised Code or a 50183
grade of "F" for the value-added progress dimension under division 50184

(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter. 50185
50186

(B)(1) The student is enrolled in a school building operated by the student's resident district and to which both of the following apply: 50187
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(a) The building was ranked, for at least two of the three most recent rankings published under section 3302.21 of the Revised Code prior to the first day of July of the school year for which a scholarship is sought, in the lowest ten per cent of all public school buildings according to performance index score under section 3302.21 of the Revised Code. 50190
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(b) The building was not declared to be excellent or effective, or the equivalent of such ratings as determined by the department of education, under section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought. 50196
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(2) ~~The student is eligible to enroll in kindergarten~~ will be enrolling in school in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (B)(1) of this section. 50201
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(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section. 50210
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(4) The student is enrolled in a school building operated by the student's resident district or in a community school 50214
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established under Chapter 3314. of the Revised Code and otherwise 50216
would be assigned under section 3319.01 of the Revised Code to a 50217
school building described in division (B)(1) of this section in 50218
the school year for which the scholarship is sought. 50219

(C) The student is enrolled in a nonpublic school at the time 50220
the school is granted a charter by the state board of education 50221
under section 3301.16 of the Revised Code and the student meets 50222
the standards of division (B) of section 3310.031 of the Revised 50223
Code. 50224

(D) For the 2016-2017 school year and each school year 50225
thereafter, the student is in any of grades kindergarten through 50226
three, is enrolled in a school building that is operated by the 50227
student's resident district or will be enrolling in school in this 50228
state for the first time in the school year for which a 50229
scholarship is sought, and to which both of the following apply: 50230

(1) The building, in at least two of the three most recent 50231
ratings of school buildings published prior to the first day of 50232
July of the school year for which a scholarship is sought, 50233
received a grade of "D" or "F" for making progress in improving 50234
literacy in grades kindergarten through three under division 50235
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 50236

(2) The building did not receive a grade of "A" for making 50237
progress in improving literacy in grades kindergarten through 50238
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 50239
the Revised Code in the most recent rating published prior to the 50240
first day of July of the school year for which a scholarship is 50241
sought. 50242

(E) A student who receives a scholarship under the 50243
educational choice scholarship pilot program remains an eligible 50244
student and may continue to receive scholarships in subsequent 50245
school years until the student completes grade twelve, so long as 50246

all of the following apply: 50247

(1) The student's resident district remains the same, or the 50248
student transfers to a new resident district and otherwise would 50249
be assigned in the new resident district to a school building 50250
described in division (A)(1) ~~or~~, (B)(1), or (D) of this section; 50251

(2) The student takes each assessment prescribed for the 50252
student's grade level under section 3301.0710 or 3301.0712 of the 50253
Revised Code while enrolled in a chartered nonpublic school; 50254

(3) In each school year that the student is enrolled in a 50255
chartered nonpublic school, the student is absent from school for 50256
not more than twenty days that the school is open for instruction, 50257
not including excused absences. 50258

~~(E)~~(F)(1) The department shall cease awarding first-time 50259
scholarships pursuant to divisions (A)(1) to (4) of this section 50260
with respect to a school building that, in the most recent ratings 50261
of school buildings published under section 3302.03 of the Revised 50262
Code prior to the first day of July of the school year, ceases to 50263
meet the criteria in division (A)(1) of this section. The 50264
department shall cease awarding first-time scholarships pursuant 50265
to division (A)(5) of this section with respect to a school 50266
district that, in the most recent ratings of school districts 50267
published under section 3302.03 of the Revised Code prior to the 50268
first day of July of the school year, ceases to meet the criteria 50269
in division (A)(5) of this section. 50270

(2) The department shall cease awarding first-time 50271
scholarships pursuant to divisions (B)(1) to (4) of this section 50272
with respect to a school building that, in the most recent ratings 50273
of school buildings under section 3302.03 of the Revised Code 50274
prior to the first day of July of the school year, ceases to meet 50275
the criteria in division (B)(1) of this section. 50276

(3) The department shall cease awarding first-time 50277

scholarships pursuant to division (D) of this section with respect 50278
to a school building that, in the most recent ratings of school 50279
buildings under section 3302.03 of the Revised Code prior to the 50280
first day of July of the school year, ceases to meet the criteria 50281
in division (D) of this section. 50282

(4) However, students who have received scholarships in the 50283
prior school year remain eligible students pursuant to division 50284
~~(D)~~(E) of this section. 50285

~~(F)~~(G) The state board of education shall adopt rules 50286
defining excused absences for purposes of division ~~(D)~~(E)(3) of 50287
this section. 50288

~~(G)~~(H)(1) A student who satisfies only the conditions 50289
prescribed in divisions (A)(1) to (4) of this section shall not be 50290
eligible for a scholarship if the student's resident building 50291
meets any of the following in the most recent rating under section 50292
3302.03 of the Revised Code published prior to the first day of 50293
July of the school year for which a scholarship is sought: 50294

(a) The building has an overall designation of excellent or 50295
effective under section 3302.03 of the Revised Code as it existed 50296
prior to ~~the effective date of this amendment~~ March 22, 2013. 50297

(b) For the 2012-2013 or 2013-2014 school year or both, the 50298
building has a grade of "A" or "B" for the performance index score 50299
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 50300
Revised Code and for the value-added progress dimension under 50301
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 50302
Code; or if the building serves only grades ten through twelve, 50303
the building received a grade of "A" or "B" for the performance 50304
index score under division (A)(1)(b) or (B)(1)(b) of section 50305
3302.03 of the Revised Code and had a four-year adjusted cohort 50306
graduation rate of greater than or equal to seventy-five per cent. 50307

(c) For the 2014-2015 school year or any school year 50308

thereafter, the building has a grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of greater than or equal to seventy-five per cent.

(2) A student who satisfies only the conditions prescribed in division (A)(5) of this section shall not be eligible for a scholarship if the student's resident district meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought:

(a) The district has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ March 22, 2013.

(b) The district has a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 and 2013-2014 school years.

(c) The district has an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter.

Sec. 3310.032. (A) A student is an "eligible student" for purposes of the expansion of the educational choice scholarship

pilot program under this section if the student's resident 50340
district is not a school district in which the pilot project 50341
scholarship program is operating under sections 3313.974 to 50342
3313.979 of the Revised Code, the student is not eligible for an 50343
educational choice scholarship under section 3310.03 of the 50344
Revised Code, and the student's family income is at or below two 50345
hundred per cent of the federal poverty guidelines, as defined in 50346
section 5101.46 of the Revised Code. 50347

(B) In each fiscal year for which the general assembly 50348
appropriates funds for purposes of this section, the department of 50349
education shall pay scholarships to attend chartered nonpublic 50350
schools in accordance with section 3310.08 of the Revised Code. 50351
The number of scholarships awarded under this section shall not 50352
exceed the number that can be funded with appropriations made by 50353
the general assembly for this purpose. 50354

(C) Scholarships under this section shall be awarded as 50355
follows: 50356

(1) For the 2013-2014 school year, to eligible students who 50357
are entering kindergarten in that school year for the first time; 50358

(2) For each subsequent school year, scholarships shall be 50359
awarded to eligible students in the next grade level above the 50360
highest grade level awarded in the preceding school year, in 50361
addition to the grade levels for which students received 50362
scholarships in the preceding school year. 50363

(D) If the number of eligible students who apply for a 50364
scholarship under this section exceeds the scholarships available 50365
based on the appropriation for this section, the department shall 50366
award scholarships in the following order of priority: 50367

(1) First, to eligible students who received scholarships 50368
under this section in the prior school year; 50369

(2) Second, to eligible students with family incomes at or below one hundred per cent of the federal poverty guidelines. If the number of students described in division (D)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D)(1) of this section, the department shall select students described in division (D)(2) of this section by lot to receive any remaining scholarships. 50370
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(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D)(3) of this section exceeds the number of available scholarships after awards are made under divisions (D)(1) and (2) of this section, the department shall select students described in division (D)(3) of this section by lot to receive any remaining scholarships. 50378
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(E) Subject to divisions (E)(1) to (3) of this section, a student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 50384
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Once a scholarship is awarded under this section, the student shall remain eligible for that scholarship for the current school year and subsequent school years even if the student's family income rises above the amount specified in division (A) of this section, provided the student remains enrolled in a chartered nonpublic school, however: 50391
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(1) If the student's family income is above two hundred per cent but at or below three hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of seventy-five per cent of the full scholarship amount. 50397
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(2) If the student's family income is above three hundred per cent but at or below four hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of fifty per cent of the full scholarship amount. 50401
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(3) If the student's family income is above four hundred per cent of the federal poverty guidelines, the student is no longer eligible to receive an educational choice scholarship. 50405
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Sec. 3310.035. (A) A student who is eligible for an educational choice scholarship under both sections 3310.03 and 3310.032 of the Revised Code, and applies for a scholarship for the first time after the effective date of this section shall receive a scholarship under section 3310.03 of the Revised Code. 50408
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(B) A student who is eligible under both sections 3310.03 and 3310.032 of the Revised Code and received a scholarship in the previous school year shall continue to receive the scholarship under the section from which the student received the scholarship in the previous school year, so long as: 50413
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(1) The number of students who apply for a scholarship does not exceed the number of scholarships available under division (A) of section 3310.02 of the Revised Code. 50418
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(2) A student who receives a scholarship under section 3310.03 of the Revised Code satisfies with the conditions specified in divisions (E)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 satisfies with the conditions specified in divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 50421
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Sec. 3310.05. A scholarship under the educational choice scholarship pilot program is not available for any student whose resident district is a school district in which the pilot project scholarship program is operating under sections 3313.974 to 50427
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3313.979 of the Revised Code. The two pilot programs are separate 50431
and distinct, with differing eligibility criteria. The pilot 50432
project scholarship program operating under sections 3313.974 to 50433
3313.979 of the Revised Code is a district-wide program that may 50434
award scholarships to students who do not attend district schools 50435
that face academic challenges, whereas the educational choice 50436
scholarship pilot program established under sections 3310.01 to 50437
3310.17 of the Revised Code is limited to students of individual 50438
district school buildings that face academic challenges and to 50439
students from low-income families. 50440

Sec. 3310.06. It is the policy adopted by the general 50441
assembly that the educational choice scholarship pilot program 50442
shall be construed as one of several educational options available 50443
for students enrolled in persistently low-performing school 50444
buildings or for students from low-income families. Students may 50445
be enrolled in the schools of the student's resident district, in 50446
a community school established under Chapter 3314. of the Revised 50447
Code, in the schools of another school district pursuant to an 50448
open enrollment policy adopted under section 3313.98 of the 50449
Revised Code, in a chartered nonpublic school with or without a 50450
scholarship under the educational choice scholarship pilot 50451
program, or in other schools as the law may provide. 50452

Sec. 3310.08. (A) The amount paid for an eligible student 50453
under the educational choice scholarship pilot program shall be 50454
the lesser of the tuition of the chartered nonpublic school in 50455
which the student is enrolled or the maximum amount prescribed in 50456
section 3310.09 of the Revised Code. 50457

(B)(1) The department of education shall pay to the parent of 50458
each eligible student for whom a scholarship is awarded under the 50459
program, or to the student if at least eighteen years of age, 50460

periodic partial payments of the scholarship. 50461

(2) The department shall proportionately reduce or terminate 50462
the payments for any student who withdraws from a chartered 50463
nonpublic school prior to the end of the school year. 50464

(C)(1) The department shall deduct from the payments made to 50465
each school district under Chapter 3317., and if necessary, 50466
sections 321.24 and 323.156 of the Revised Code, the amount paid 50467
under division (B) of this section for each eligible student 50468
awarded who qualifies for a scholarship under the program section 50469
3310.03 of the Revised Code and who is entitled under section 50470
3313.64 or 3313.65 of the Revised Code to attend school in the 50471
district. In the case of a student entitled to attend school in a 50472
school district under division (B)(2)(a) of section 3313.64 or 50473
division (C) of section 3313.65 of the Revised Code, the 50474
department shall deduct the payments from the school district that 50475
includes the student in its average daily membership as reported 50476
to the department under section 3317.03 of the Revised Code, as 50477
determined by the department. 50478

(2) If the department reduces or terminates payments to a 50479
parent or a student, as prescribed in division (B)(2) of this 50480
section, and the student enrolls in the schools of the student's 50481
resident district or in a community school, established under 50482
Chapter 3314. of the Revised Code, before the end of the school 50483
year, the department shall proportionally restore to the resident 50484
district the amount deducted for that student under division 50485
(C)(1) of this section. 50486

Sec. 3310.13. (A) No chartered nonpublic school shall charge 50487
any student whose family income is at or below two hundred per 50488
cent of the federal poverty guidelines, as defined in section 50489
5101.46 of the Revised Code, a tuition fee that is greater than 50490
the total amount paid for that student under section 3310.08 of 50491

the Revised Code. 50492

(B) A chartered nonpublic school may charge any other student 50493
who is paid a scholarship under that section the difference 50494
between the amount of the scholarship and the regular tuition 50495
charge of the school. ~~Each chartered nonpublic school shall permit~~ 50496
~~such an eligible student's family, at the family's option, to~~ 50497
~~provide volunteer services in lieu of cash payment to pay all or~~ 50498
~~part of the amount of the school's tuition not covered by the~~ 50499
~~scholarship paid under section 3310.08 of the Revised Code.~~ 50500

Sec. 3310.14. ~~Notwithstanding division (K) of section~~ 50501
~~3301.0711 of the Revised Code, each~~ Each chartered nonpublic 50502
school that is not subject to division (K)(1)(a) of section 50503
3301.0711 of the Revised Code and enrolls students awarded 50504
scholarships under sections 3310.01 to 3310.17 of the Revised Code 50505
annually shall administer the assessments prescribed by section 50506
3301.0710 or 3301.0712 of the Revised Code to each scholarship 50507
student enrolled in the school in accordance with section 50508
3301.0711 of the Revised Code. Each chartered nonpublic school 50509
that is subject to this section shall report to the department of 50510
education the results of each assessment administered to each 50511
scholarship student under this section. 50512

Nothing in this section requires a chartered nonpublic school 50513
to administer any achievement assessment, except for an Ohio 50514
graduation test prescribed by division (B)(1) of section 3301.0710 50515
of the Revised Code, as required by section 3313.612 of the 50516
Revised Code, to any student enrolled in the school who is not a 50517
scholarship student. 50518

Sec. 3310.522. In order to maintain eligibility for a 50519
scholarship under the program, a student shall take each 50520
assessment prescribed by sections 3301.0710 and 3301.0712 of the 50521

Revised Code, unless the student is excused from taking that 50522
assessment under federal law or the student's individualized 50523
education program. 50524

~~Notwithstanding division (K) of section 3301.0711 of the~~ 50525
~~Revised Code, each~~ Each registered private provider that is not 50526
subject to division (K)(1)(a) of section 3301.0711 of the Revised 50527
Code and enrolls a student who is awarded a scholarship under this 50528
section shall administer each assessment prescribed by sections 50529
3301.0710 and 3301.0712 of the Revised Code to that student, 50530
unless the student is excused from taking that assessment, and 50531
shall report to the department the results of each assessment so 50532
administered. 50533

Nothing in this section requires any chartered nonpublic 50534
school that is a registered private provider to administer any 50535
achievement assessment, except for an Ohio graduation test 50536
prescribed by division (B)(1) of section 3301.0710 of the Revised 50537
Code, as required by section 3313.612 of the Revised Code, to any 50538
student enrolled in the school who is not a scholarship student. 50539

Sec. 3310.56. (A) The amount of the scholarship awarded and 50540
paid to an eligible applicant for services for a qualified special 50541
education child under the Jon Peterson special needs scholarship 50542
program in each school year shall be the least of the amounts 50543
prescribed in divisions (A)(1), (2), ~~or~~ and (3) of this section, 50544
as follows: 50545

(1) The amount of fees charged for that school year by the 50546
alternative public provider or registered private provider; 50547

(2) The sum of the amounts calculated under divisions 50548
(A)(2)(a) and (b) of this section: 50549

(a) ~~The sum of the formula amount plus the per pupil amount~~ 50550
~~of the base funding supplements specified in divisions (C)(1) to~~ 50551

~~(4) of section 3317.012 of the Revised Code for fiscal year 2009;~~ 50552

(b) An amount ~~equal to \$5,732 times the following multiple~~ 50553
prescribed for the child's disability as follows: 50554

(i) For a student in category one, ~~0.2892~~ the amount 50555
specified in division (A) of section 3317.013 of the Revised Code; 50556

(ii) For a student in category two, ~~0.3691~~ the amount 50557
specified in division (B) of section 3317.013 of the Revised Code; 50558

(iii) For a student in category three, ~~1.7695~~ the amount 50559
specified in division (C) of section 3317.013 of the Revised Code; 50560

(iv) For a student in category four, ~~2.3646~~ the amount 50561
specified in division (D) of section 3317.013 of the Revised Code; 50562

(v) For a student in category five, ~~3.1129~~ the amount 50563
specified in division (E) of section 3317.013 of the Revised Code; 50564

(vi) For a student in category six, ~~4.7342~~ the amount 50565
specified in division (F) of section 3317.013 of the Revised Code. 50566

~~Before applying the multiples specified in divisions~~ 50567
~~(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted~~ 50568
~~by multiplying them by 0.90.~~ 50569

(3) Twenty thousand dollars. 50570

(B) As used in division (A)(2)(b) of this section, a child 50571
with a disability is in: 50572

(1) "Category one" if the ~~child's primary or only identified~~ 50573
~~disability is a speech and language disability, as this term is~~ 50574
~~defined pursuant to Chapter 3323. child is receiving special~~ 50575
education services for a disability specified in division (A) of 50576
section 3317.013 of the Revised Code; 50577

(2) "Category two" if the child is ~~identified as specific~~ 50578
~~learning disabled or developmentally disabled, as these terms are~~ 50579
~~defined pursuant to Chapter 3323. of the Revised Code, or as~~ 50580

~~having an other health impairment minor, as defined in section 3317.02 receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code;~~ 50581
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(3) "Category three" if the child is ~~identified as vision impaired, hearing disabled, or severe behavior disabled, as these terms are defined pursuant to Chapter 3323.~~ receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code; 50584
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(4) "Category four" if the child is ~~identified as orthopedically disabled, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment major, as defined in section 3317.02 receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code;~~ 50589
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(5) "Category five" if the child is ~~identified as having multiple disabilities, as this term is defined pursuant to Chapter 3323.~~ receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code; 50595
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(6) "Category six" if the child is ~~identified as autistic, having traumatic brain injuries, or both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323.~~ receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 50599
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Sec. 3311.0510. (A) If all of the client school districts of an educational service center have terminated their agreements with the service center under division (D) of section 3313.843 of the Revised Code, upon the latest effective date of the terminations, the governing board of that service center shall be abolished and such service center shall be dissolved by order of the superintendent of public instruction. The superintendent's order shall provide for the equitable division and disposition of 50604
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the assets, property, debts, and obligations of the service center 50612
among the school districts that were client school districts of 50613
the service center for the service center's last fiscal year of 50614
operation. The superintendent's order shall provide that the tax 50615
duplicate of each of those school districts shall be bound for and 50616
assume the district's equitable share of the outstanding 50617
indebtedness of the service center. The superintendent's order is 50618
final and is not appealable. 50619

Immediately upon the abolishment of the service center 50620
governing board pursuant to this section, the superintendent of 50621
public instruction shall appoint a qualified individual to 50622
administer the dissolution of the service center and to implement 50623
the terms of the superintendent's dissolution order. 50624

Prior to distributing assets to any school district under 50625
this section, but after paying in full other debts and obligations 50626
of the service center under this section, the superintendent of 50627
public instruction may assess against the remaining assets of the 50628
service center the amount of the costs incurred by the department 50629
of education in performing the superintendent's duties under this 50630
division, including the fees, if any, owed to the individual 50631
appointed to administer the superintendent's dissolution order. 50632
Any excess cost incurred by the department under this division 50633
shall be divided equitably among the school districts that were 50634
client school districts of the service center for the service 50635
center's last fiscal year of operation. Each district's share of 50636
that excess cost shall be bound against the tax duplicate of that 50637
district. 50638

(B) A final audit of the former service center shall be 50639
performed in accordance with procedures established by the auditor 50640
of state. 50641

(C) The public records of an educational service center that 50642

is dissolved under this section shall be transferred in accordance 50643
with this division. Public records maintained by the service 50644
center in connection with services provided by the service center 50645
to local school districts of which the territory of the service 50646
center is or previously was made up shall be transferred to each 50647
of the respective local school districts. Public records 50648
maintained by the service center in connection with services 50649
provided to client school districts shall be transferred to each 50650
of the respective client school districts. All other public 50651
records maintained by the service center at the time the service 50652
center ceases operations shall be transferred to the Ohio 50653
historical society for analysis and disposition by the society in 50654
its capacity as archives administrator for the state and its 50655
political subdivisions pursuant to division (C) of section 149.30 50656
and section 149.31 of the Revised Code. 50657

(D) As used in this section, "client school district" ~~has the~~ 50658
~~same meaning as in section 3317.11 of the Revised Code~~ means a 50659
city, exempted village, or local school district that has entered 50660
into an agreement under section 3313.843 or 3313.845 of the 50661
Revised Code to receive any services from an educational service 50662
center. 50663

Sec. 3311.19. (A) The management and control of a joint 50664
vocational school district shall be vested in the joint vocational 50665
school district board of education. ~~Where a joint vocational~~ 50666
~~school district is composed only of two or more local school~~ 50667
~~districts located in one county, or when all the participating~~ 50668
~~districts are in one county and the boards of such participating~~ 50669
~~districts so choose, the educational service center governing~~ 50670
~~board of the county in which the joint vocational school district~~ 50671
~~is located shall serve as the joint vocational school district~~ 50672
~~board of education. Where a joint vocational school district is~~ 50673
~~composed of local school districts of more than one county, or of~~ 50674

~~any combination of city, local, or exempted village school
districts or educational service centers, unless administration by
the educational service center governing board has been chosen by
all the participating districts in one county pursuant to this
section, the board of education of the joint vocational school
district shall be composed of one or more persons who are members
of the boards of education from each of the city or exempted
village school districts or members of the educational service
centers' governing boards affected to be appointed by the boards
of education or governing boards of such school districts and
educational service centers. In such joint vocational school
districts the number and terms of members of the joint vocational
school district board of education and the allocation of a given
number of members to each of the city and exempted village
districts and educational service centers shall be determined in
the plan for such district, provided that each such joint
vocational school district board of education shall be composed of
an odd number of members.~~

~~(B) Notwithstanding division (A) of this section, a governing
board of an educational service center that has members of its
governing board serving on a joint vocational school district
board of education may make a request to the joint vocational
district board that the joint vocational school district plan be
revised to provide for one or more members of boards of education
of local school districts that are within the territory of the
educational service district and within the joint vocational
school district to serve in the place of or in addition to its
educational service center governing board members. If agreement
is obtained among a majority of the boards of education and
governing boards that have a member serving on the joint
vocational school district board of education and among a majority
of the local school district boards of education included in the
district and located within the territory of the educational~~

~~service center whose board requests the substitution or addition, 50708
the state board of education may revise the joint vocational 50709
school district plan to conform with such agreement. 50710~~

~~(C) If the board of education of any school district or 50711
educational service center governing board included within a joint 50712
vocational district that has had its board or governing board 50713
membership revised under division (B) of this section requests the 50714
joint vocational school district board to submit to the state 50715
board of education a revised plan under which one or more joint 50716
vocational board members chosen in accordance with a plan revised 50717
under such division would again be chosen in the manner prescribed 50718
by division (A) of this section, the joint vocational board shall 50719
submit the revised plan to the state board of education, provided 50720
the plan is agreed to by a majority of the boards of education 50721
represented on the joint vocational board, a majority of the local 50722
school district boards included within the joint vocational 50723
district, and each educational service center governing board 50724
affected by such plan. The state board of education may revise the 50725
joint vocational school district plan to conform with the revised 50726
plan. which, beginning on the effective date of this amendment, 50727
shall be appointed under division (C) of this section. Beginning 50728
on the effective date of this amendment, no board member shall be 50729
appointed in the manner formerly provided by this section, as it 50730
existed prior to the effective date of this amendment. 50731~~

All members of a joint vocational school district board 50732
serving unexpired terms on the effective date of this amendment 50733
may continue in office until the expiration of their terms. If a 50734
member leaves office for any reason prior to the expiration of 50735
that member's term, the vacancy shall be filled only in the manner 50736
provided in division (C) of this section. 50737

(B) Members of the joint vocational school district board 50738
appointed on or after the effective date of this amendment shall 50739

serve for three year terms of office. No member shall hold office 50740
for a period of longer than two consecutive terms. Terms shall be 50741
considered consecutive unless separated by three or more years. 50742

Members of the board shall be selected based on the diversity 50743
of the employers from the geographical region of the state in 50744
which the territory of the joint vocational school district is 50745
located represented by the members. A majority of the members of 50746
the board shall reside in or be employed within the territory of 50747
the joint vocational school district board upon which the member 50748
serves. 50749

(C) The board of education of each city, exempted village, or 50750
local school district or educational service center that belongs 50751
to the joint vocational school district shall appoint one member 50752
to the joint vocational school district board; however, that 50753
individual shall not be a member of an appointing school district 50754
or service center board. The total number of members appointed to 50755
the joint vocational school district board shall be equal to the 50756
number of members on the joint vocational school district's board 50757
prior to the effective date of this amendment. 50758

Initial appointments under this section shall be made as the 50759
terms of members of each joint vocational school district board 50760
who are serving unexpired terms on the effective date of this 50761
amendment expire or as those offices are otherwise vacated prior 50762
to the expiration date. The appointing district boards shall 50763
continue to replace members in such a way that, by the time all 50764
terms of members serving on the effective date of this amendment 50765
have expired or their offices have been vacated prior to 50766
expiration of the term of office, the joint vocational school 50767
district board consists of one member appointed by the board of 50768
each school district belonging to the joint vocational school 50769
district. Thereafter, appointments shall be made by a district 50770
board as terms expire or are otherwise vacated. 50771

Appointing boards may also appoint students of the district 50772
to serve as additional members of the board, but student members 50773
shall be nonvoting members. 50774

Members of the joint vocational board shall have experience 50775
as chief financial officers, chief executive officers, human 50776
resources managers, or other business and industry professionals 50777
who are qualified to discuss the labor needs of the region with 50778
respect to the regional economy. The appointing board shall 50779
appoint members who represent employers in the region served by 50780
the joint vocational school district who are qualified to consider 50781
a region's workforce needs with an understanding of the skills, 50782
training, and education needed for current and future employment 50783
needs in the region. 50784

(D) The vocational schools in ~~such~~ the joint vocational 50785
school district shall be available to all youth of school age 50786
within the joint vocational school district subject to the rules 50787
adopted by the joint vocational school district board of education 50788
in regard to the standards requisite to admission. A joint 50789
vocational school district board of education shall have the same 50790
powers, duties, and authority for the management and operation of 50791
such joint vocational school district as is granted by law, except 50792
by this chapter and Chapters 124., 3317., 3323., and 3331. of the 50793
Revised Code, to a board of education of a city school district, 50794
and shall be subject to all the provisions of law that apply to a 50795
city school district, except such provisions in this chapter and 50796
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 50797

(E) ~~Where a governing board of an educational service center~~ 50798
~~has been designated to serve as the joint vocational school~~ 50799
~~district board of education, the educational service center~~ 50800
~~superintendent shall be the executive officer for the joint~~ 50801
~~vocational school district, and the governing board may provide~~ 50802
~~for additional compensation to be paid to the educational service~~ 50803

~~center superintendent by the joint vocational school district, but~~ 50804
~~the educational service center superintendent shall have no~~ 50805
~~continuing tenure other than that of educational service center~~ 50806
~~superintendent.~~ The superintendent of schools of a joint 50807
vocational school district shall exercise the duties and authority 50808
vested by law in a superintendent of schools pertaining to the 50809
operation of a school district and the employment and supervision 50810
of its personnel. The joint vocational school district board of 50811
education shall appoint a treasurer of the joint vocational school 50812
district who shall be the fiscal officer for such district and who 50813
shall have all the powers, duties, and authority vested by law in 50814
a treasurer of a board of education. ~~Where a governing board of an~~ 50815
~~educational service center has been designated to serve as the~~ 50816
~~joint vocational school district board of education, such board~~ 50817
~~may appoint the educational service center superintendent as the~~ 50818
~~treasurer of the joint vocational school district.~~ 50819

(F) Each member of a joint vocational school district board 50820
of education may be paid such compensation as the board provides 50821
by resolution, but it shall not exceed one hundred twenty-five 50822
dollars per member for each meeting attended plus mileage, at the 50823
rate per mile provided by resolution of the board, to and from 50824
meetings of the board. 50825

The board may provide by resolution for the deduction of 50826
amounts payable for benefits under section 3313.202 of the Revised 50827
Code. 50828

Each member of a joint vocational school district board may 50829
be paid such compensation as the board provides by resolution for 50830
attendance at an approved training program, provided that such 50831
compensation shall not exceed sixty dollars per day for attendance 50832
at a training program three hours or fewer in length and one 50833
hundred twenty-five dollars a day for attendance at a training 50834
program longer than three hours in length. However, no board 50835

member shall be compensated for the same training program under 50836
this section and section 3313.12 of the Revised Code. 50837

Sec. 3311.22. A governing board of an educational service 50838
center may propose, by resolution adopted by majority vote of its 50839
full membership, or qualified electors of the area affected equal 50840
in number to at least fifty-five per cent of the qualified 50841
electors voting at the last general election residing within that 50842
portion of a school district, or districts proposed to be 50843
transferred may propose, by petition, the transfer of a part or 50844
all of one or more local school districts to another local school 50845
district or districts within the territory of the educational 50846
service center. Such transfers may be made only to local school 50847
districts adjoining the school district that is proposed to be 50848
transferred, unless the board of education of the district 50849
proposed to be transferred has entered into an agreement pursuant 50850
to section 3313.42 of the Revised Code, in which case such 50851
transfers may be made to any local school district within the 50852
territory of the educational service center. 50853

When a governing board of an educational service center 50854
adopts a resolution proposing a transfer of school territory it 50855
shall forthwith file a copy of such resolution, together with an 50856
accurate map of the territory described in the resolution, with 50857
the board of education of each school district whose boundaries 50858
would be altered by such proposal. A governing board of an 50859
educational service center proposing a transfer of territory under 50860
the provisions of this section shall at its next regular meeting 50861
that occurs not earlier than thirty days after the adoption by the 50862
governing board of a resolution proposing such transfer, adopt a 50863
resolution making the transfer effective at any time prior to the 50864
next succeeding first day of July, unless, prior to the expiration 50865
of such thirty-day period, qualified electors residing in the area 50866
proposed to be transferred, equal in number to a majority of the 50867

qualified electors voting at the last general election, file a 50868
petition of referendum against such transfer. 50869

Any petition of transfer or petition of referendum filed 50870
under the provisions of this section shall be filed at the office 50871
of the educational service center superintendent. The person 50872
presenting the petition shall be given a receipt containing 50873
thereon the time of day, the date, and the purpose of the 50874
petition. 50875

The educational service center superintendent shall cause the 50876
board of elections to check the sufficiency of signatures on any 50877
petition of transfer or petition of referendum filed under this 50878
section and, if found to be sufficient, the superintendent shall 50879
present the petition to the educational service center governing 50880
board at a meeting of the board which shall occur not later than 50881
thirty days following the filing of the petition. 50882

Upon presentation to the educational service center governing 50883
board of a proposal to transfer territory as requested by petition 50884
of fifty-five per cent of the qualified electors voting at the 50885
last general election or a petition of referendum against a 50886
proposal of the county board to transfer territory, the governing 50887
board shall promptly certify the proposal to the board of 50888
elections for the purpose of having the proposal placed on the 50889
ballot at the next general or primary election which occurs not 50890
less than ninety days after the date of such certification, or at 50891
a special election, the date of which shall be specified in the 50892
certification, which date shall not be less than ninety days after 50893
the date of such certification. Signatures on a petition of 50894
transfer or petition of referendum may be withdrawn up to and 50895
including the above mentioned meeting of the educational service 50896
center governing board only by order of the board upon testimony 50897
of the petitioner concerned under oath before the board that the 50898
petitioner's signature was obtained by fraud, duress, or 50899

misrepresentation. 50900

If a petition is filed with the educational service center 50901
governing board which proposes the transfer of a part or all of 50902
the territory included in a resolution of transfer previously 50903
adopted by the educational service center governing board, no 50904
action shall be taken on such petition if within the thirty-day 50905
period after the adoption of the resolution of transfer a 50906
referendum petition is filed. After the election, if the proposed 50907
transfer fails to receive a majority vote, action on such petition 50908
shall then be processed under this section as though originally 50909
filed under the provisions hereof. If no referendum petition is 50910
filed within the thirty-day period after the adoption of the 50911
resolution of transfer, no action shall be taken on such petition. 50912

If a petition is filed with the educational service center 50913
governing board which proposes the transfer of a part or all of 50914
the territory included in a petition previously filed by electors 50915
no action shall be taken on such new petition. 50916

Upon certification of a proposal to the board or boards of 50917
elections pursuant to this section, the board or boards of 50918
elections shall make the necessary arrangements for the submission 50919
of such question to the electors of the county or counties 50920
qualified to vote thereon, and the election shall be conducted and 50921
canvassed and the results shall be certified in the same manner as 50922
in regular elections for the election of members of a board of 50923
education. 50924

The persons qualified to vote upon a proposal are the 50925
electors residing in the district or districts containing 50926
territory that is proposed to be transferred. If the proposed 50927
transfer be approved by at least a majority of the electors voting 50928
on the proposal, the educational service center governing board 50929
shall make such transfer at any time prior to the next succeeding 50930
first day of July. If the proposed transfer is not approved by at 50931

least a majority of the electors voting on the proposal, the 50932
question of transferring any property included in the territory 50933
covered by the proposal shall not be submitted to electors at any 50934
election prior to the first general election the date of which is 50935
at least two years after the date of the original election, or the 50936
first primary election held in an even-numbered year the date of 50937
which is at least two years after the date of the original 50938
election. A transfer shall be subject to the approval of the 50939
receiving board or boards of education, unless the proposal was 50940
initiated by the educational service center governing board, in 50941
which case, if the transfer is opposed by the board of education 50942
offered the territory, the local board may, within thirty days, 50943
following the receipt of the notice of transfer, appeal to the 50944
state board of education which shall then either approve or 50945
disapprove the transfer. 50946

Following an election upon a proposed transfer initiated by a 50947
petition the board of education that is offered territory shall, 50948
within thirty days following receipt of the proposal, either 50949
accept or reject the transfer. 50950

When an entire school district is proposed to be transferred 50951
to two or more school districts and the offer is rejected by any 50952
one of the receiving boards of education, none of the territory 50953
included in the proposal shall be transferred. 50954

Upon the acceptance of territory by the receiving board or 50955
boards of education the educational service center governing board 50956
offering the territory shall file with the county auditor and with 50957
the state board of education an accurate map showing the 50958
boundaries of the territory transferred. 50959

Upon the making of such transfer, the net indebtedness of the 50960
former district from which territory was transferred shall be 50961
apportioned between the acquiring school district and that portion 50962
of the former school district remaining after the transfer in the 50963

ratio which the assessed valuation of the territory transferred to 50964
the acquiring school district bears to the assessed valuation of 50965
the original school district as of the effective date of the 50966
transfer. As used in this section "net indebtedness" means the 50967
difference between the par value of the outstanding and unpaid 50968
bonds and notes of the school district and the amount held in the 50969
sinking fund and other indebtedness retirement funds for their 50970
redemption. 50971

~~If an entire district is transferred, any indebtedness of the 50972
former district incurred as a result of a loan made under section 50973
3317.64 of the Revised Code is hereby canceled and such 50974
indebtedness shall not be apportioned among any districts 50975
acquiring the territory. 50976~~

Upon the making of any transfer under this section, the funds 50977
of the district from which territory was transferred shall be 50978
divided equitably by the educational service center governing 50979
board between the acquiring district and any part of the original 50980
district remaining after the transfer. 50981

If an entire district is transferred the board of education 50982
of such district is thereby abolished or if a member of the board 50983
of education lives in that part of a school district transferred 50984
the member becomes a nonresident of the school district from which 50985
the territory was transferred and such member ceases to be a 50986
member of the board of education of such district. 50987

The legal title of all property of the board of education in 50988
the territory transferred shall become vested in the board of 50989
education of the school district to which such territory is 50990
transferred. 50991

Subsequent to June 30, 1959, if an entire district is 50992
transferred, foundation program moneys accruing to a district 50993
accepting school territory under the provisions of this section or 50994

former section 3311.22 of the Revised Code, shall not be less, in 50995
any year during the next succeeding three years following the 50996
transfer, than the sum of the amounts received by the districts 50997
separately in the year in which the transfer was consummated. 50998

Sec. 3311.231. A governing board of an educational service 50999
center may propose, by resolution adopted by majority vote of its 51000
full membership, or qualified electors of the area affected equal 51001
in number to not less than fifty-five per cent of the qualified 51002
electors voting at the last general election residing within that 51003
portion of a school district proposed to be transferred may 51004
propose, by petition, the transfer of a part or all of one or more 51005
local school districts within the territory of the center to an 51006
adjoining educational service center or to an adjoining city or 51007
exempted village school district. 51008

A governing board of an educational service center adopting a 51009
resolution proposing a transfer of school territory under this 51010
section shall file a copy of such resolution together with an 51011
accurate map of the territory described in the resolution, with 51012
the board of education of each school district whose boundaries 51013
would be altered by such proposal. Where a transfer of territory 51014
is proposed by a governing board of an educational service center 51015
under this section, the governing board shall, at its next regular 51016
meeting that occurs not earlier than the thirtieth day after the 51017
adoption by the governing board of the resolution proposing such 51018
transfer, adopt a resolution making the transfer as originally 51019
proposed, effective at any time prior to the next succeeding first 51020
day of July, unless, prior to the expiration of such thirty-day 51021
period, qualified electors residing in the area proposed to be 51022
transferred, equal in number to a majority of the qualified 51023
electors voting at the last general election, file a petition of 51024
referendum against such transfer. 51025

Any petition of transfer or petition of referendum under the 51026
provisions of this section shall be filed at the office of the 51027
educational service center superintendent. The person presenting 51028
the petition shall be given a receipt containing thereon the time 51029
of day, the date, and the purpose of the petition. 51030

The educational service center superintendent shall cause the 51031
board of elections to check the sufficiency of signatures on any 51032
such petition, and, if found to be sufficient, the superintendent 51033
shall present the petition to the educational service center 51034
governing board at a meeting of said governing board which shall 51035
occur not later than thirty days following the filing of said 51036
petition. 51037

The educational service center governing board shall promptly 51038
certify the proposal to the board of elections of such counties in 51039
which school districts whose boundaries would be altered by such 51040
proposal are located for the purpose of having the proposal placed 51041
on the ballot at the next general or primary election which occurs 51042
not less than ninety days after the date of such certification or 51043
at a special election, the date of which shall be specified in the 51044
certification, which date shall not be less than ninety days after 51045
the date of such certification. 51046

Signatures on a petition of transfer or petition of 51047
referendum may be withdrawn up to and including the above 51048
mentioned meeting of the educational service center governing 51049
board only by order of the governing board upon testimony of the 51050
petitioner concerned under oath before the board that the 51051
petitioner's signature was obtained by fraud, duress, or 51052
misrepresentation. 51053

If a petition is filed with the educational service center 51054
governing board which proposes the transfer of a part or all of 51055
the territory included either in a petition previously filed by 51056
electors or in a resolution of transfer previously adopted by the 51057

educational service center governing board, no action shall be 51058
taken on such new petition as long as the previously initiated 51059
proposal is pending before the governing board or is subject to an 51060
election. 51061

Upon certification of a proposal to the board or boards of 51062
elections pursuant to this section, the board or boards of 51063
elections shall make the necessary arrangements for the submission 51064
of such question to the electors of the county or counties 51065
qualified to vote thereon, and the election shall be conducted and 51066
canvassed and the results shall be certified in the same manner as 51067
in regular elections for the election of members of a board of 51068
education. 51069

The persons qualified to vote upon a proposal are the 51070
electors residing in the district or districts containing 51071
territory that is proposed to be transferred. If the proposed 51072
transfer is approved by at least a majority of the electors voting 51073
on the proposal, the educational service center governing board 51074
shall make such transfer at any time prior to the next succeeding 51075
first day of July, subject to the approval of the receiving board 51076
of education in case of a transfer to a city or exempted village 51077
school district, and subject to the approval of the educational 51078
service center governing board of the receiving center, in case of 51079
a transfer to an educational service center. If the proposed 51080
transfer is not approved by at least a majority of the electors 51081
voting on the proposal, the question of transferring any property 51082
included in the territory covered by the proposal shall not be 51083
submitted to electors at any election prior to the first general 51084
election the date of which is at least two years after the date of 51085
the original election, or the first primary election held in an 51086
even-numbered year the date of which is at least two years after 51087
the date of the original election. 51088

Where a territory is transferred under this section to a city 51089

or exempted village school district, the board of education of 51090
such district shall, and where territory is transferred to an 51091
educational service center the governing board of such educational 51092
service center shall, within thirty days following receipt of the 51093
proposal, either accept or reject the transfer. 51094

Where a governing board of an educational service center 51095
adopts a resolution accepting territory transferred to the 51096
educational service center under the provisions of sections 51097
3311.231 and 3311.24 of the Revised Code, the governing board 51098
shall, at the time of the adoption of the resolution accepting the 51099
territory, designate the school district to which the accepted 51100
territory shall be annexed. 51101

When an entire school district is proposed to be transferred 51102
to two or more adjoining school districts and the offer is 51103
rejected by any one of the receiving boards of education, none of 51104
the territory included in the proposal shall be transferred. 51105

Upon the acceptance of territory by the receiving board or 51106
boards of education the educational service center governing board 51107
offering the territory shall file with the county auditor of each 51108
county affected by the transfer and with the state board of 51109
education an accurate map showing the boundaries of the territory 51110
transferred. 51111

Upon the making of such transfer, the net indebtedness of the 51112
former district from which territory was transferred shall be 51113
apportioned between the acquiring school district and the portion 51114
of the former school district remaining after the transfer in the 51115
ratio which the assessed valuation of the territory transferred to 51116
the acquiring school district bears to the assessed valuation of 51117
the original school district as of the effective date of the 51118
transfer. As used in this section "net indebtedness" means the 51119
difference between the par value of the outstanding and unpaid 51120
bonds and notes of the school district and the amount held in the 51121

sinking fund and other indebtedness retirement funds for their 51122
redemption. 51123

~~If an entire district is transferred, any indebtedness of the 51124
former district incurred as a result of a loan made under section 51125
3317.64 of the Revised Code is hereby canceled and such 51126
indebtedness shall not be apportioned among any districts 51127
acquiring the territory. 51128~~

Upon the making of any transfer under this section, the funds 51129
of the district from which territory was transferred shall be 51130
divided equitably by the educational service center governing 51131
board, between the acquiring district and any part of the original 51132
district remaining after the transfer. 51133

If an entire district is transferred the board of education 51134
of such district is thereby abolished or if a member of the board 51135
of education lives in that part of a school district transferred 51136
the member becomes a nonresident of the school district from which 51137
the territory was transferred and such member ceases to be a 51138
member of the board of education of such district. 51139

The legal title of all property of the board of education in 51140
the territory transferred shall become vested in the board of 51141
education of the school district to which such territory is 51142
transferred. 51143

If an entire district is transferred, foundation program 51144
moneys accruing to a district receiving school territory under the 51145
provisions of this section shall not be less, in any year during 51146
the next succeeding three years following the transfer, than the 51147
sum of the amounts received by the districts separately in the 51148
year in which the transfer was consummated. 51149

Sec. 3311.38. The state board of education may conduct, or 51150
may direct the superintendent of public instruction to conduct, 51151

studies where there is evidence of need for transfer of local, 51152
exempted village, or city school districts, or parts of any such 51153
districts, to contiguous or noncontiguous local, exempted village, 51154
or city school districts. Such studies shall include a study of 51155
the effect of any proposal upon any portion of a school district 51156
remaining after such proposed transfer. The state board, in 51157
conducting such studies and in making recommendations as a result 51158
thereof, shall consider the possibility of improving school 51159
district organization as well as the desires of the residents of 51160
the school districts which would be affected. 51161

(A) After the adoption of recommendations growing out of any 51162
such study, or upon receipt of a resolution adopted by majority 51163
vote of the full membership of the board of any city, local, or 51164
exempted village school district requesting that the entire 51165
district be transferred to another city, local, or exempted 51166
village school district, the state board may propose by resolution 51167
the transfer of territory, which may consist of part or all of the 51168
territory of a local, exempted village, or city school district to 51169
a contiguous local, exempted village, or city school district. 51170

The state board shall thereupon file a copy of such proposal 51171
with the board of education of each school district whose 51172
boundaries would be altered by the proposal and with the governing 51173
board of any educational service center in which such school 51174
district is located. 51175

The state board may, not less than thirty days following the 51176
adoption of the resolution proposing the transfer of territory, 51177
certify the proposal to the board of elections of the county or 51178
counties in which any of the territory of the proposed district is 51179
located, for the purpose of having the proposal placed on the 51180
ballot at the next general election or at a primary election 51181
occurring not less than ninety days after the adoption of such 51182
resolution. 51183

If any proposal has been previously initiated pursuant to 51184
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 51185
affects any of the territory affected by the proposal of the state 51186
board, the proposal of the state board shall not be placed on the 51187
ballot while the previously initiated proposal is subject to an 51188
election. 51189

Upon certification of a proposal to the board of elections of 51190
any county pursuant to this section, the board of elections of 51191
such county shall make the necessary arrangements for the 51192
submission of such question to the electors of the county 51193
qualified to vote thereon, and the election shall be counted and 51194
canvassed and the results shall be certified in the same manner as 51195
in regular elections for the election of members of a board of 51196
education. 51197

The electors qualified to vote upon a proposal are the 51198
electors residing in the local, exempted village, or city school 51199
districts, containing territory proposed to be transferred. 51200

If the proposed transfer be approved by a majority of the 51201
electors voting on the proposal, the state board, subject to the 51202
approval of the board of education of the district to which the 51203
territory would be transferred, shall make such transfer prior to 51204
the next succeeding July 1. 51205

(B) If a study conducted in accordance with this section 51206
involves a school district with less than four thousand dollars of 51207
assessed value for each pupil in the total student count 51208
determined under section 3317.03 of the Revised Code, the state 51209
board of education, with the approval of the educational service 51210
center governing board, and upon recommendation by the state 51211
superintendent of public instruction, may by resolution transfer 51212
all or any part of such a school district to any city, exempted 51213
village, or local school district which has more than twenty-five 51214
thousand pupils in average daily membership. Such resolution of 51215

transfer shall be adopted only after the board of education of the 51216
receiving school district has adopted a resolution approving the 51217
proposed transfer. For the purposes of this division, the assessed 51218
value shall be as certified in accordance with section 3317.021 of 51219
the Revised Code. 51220

(C) Upon the making of a transfer of an entire school 51221
district pursuant to this section, the indebtedness of the 51222
district transferred shall be assumed in full by the acquiring 51223
district and the funds of the district transferred shall be paid 51224
over in full to the acquiring district, ~~except that any~~ 51225
~~indebtedness of the transferred district incurred as a result of a~~ 51226
~~loan made under section 3317.64 of the Revised Code is hereby~~ 51227
~~anceled and shall not be assumed by the acquiring district.~~ 51228

(D) Upon the making of a transfer pursuant to this section, 51229
when only part of a district is transferred, the net indebtedness 51230
of each original district of which only a part is taken by the 51231
acquiring district shall be apportioned between the acquiring 51232
district and the original district in the ratio which the assessed 51233
valuation of the part taken by the acquiring district bears to the 51234
assessed valuation of the original district as of the effective 51235
date of the transfer. As used in this section "net indebtedness" 51236
means the difference between the par value of the outstanding and 51237
unpaid bonds and notes of the school district and the amount held 51238
in the sinking fund and other indebtedness retirement funds for 51239
their redemption. 51240

(E) Upon the making of a transfer pursuant to this section, 51241
when only part of a district is transferred, the funds of the 51242
district from which territory was transferred shall be divided 51243
equitably by the state board between the acquiring district and 51244
that part of the former district remaining after the transfer. 51245

(F) If an entire school district is transferred, the board of 51246
education of such district is thereby abolished. If part of a 51247

school district is transferred, any member of the board of 51248
education who is a legal resident of that part which is 51249
transferred shall thereby cease to be a member of that board. 51250

If an entire school district is transferred, foundation 51251
program moneys accruing to a district accepting school territory 51252
under the provisions of this section shall not be less, in any 51253
year during the next succeeding three years following the 51254
transfer, than the sum of the amounts received by the districts 51255
separately in the year in which the transfer became effective. 51256

Sec. 3311.86. (A) As used in this section: 51257

(1) "Alliance" means a municipal school district 51258
transformation alliance established as a nonprofit corporation. 51259

(2) "Alliance municipal school district" means a municipal 51260
school district for which an alliance has been created under this 51261
section. 51262

(3) "Partnering community school" means a community school 51263
established under Chapter 3314. of the Revised Code that is 51264
located within the territory of a municipal school district and 51265
that either is sponsored by the district or is a party to an 51266
agreement with the district whereby the district and the community 51267
school endorse each other's programs. 51268

(4) "Transformation alliance education plan" means a plan 51269
prepared by the mayor, and confirmed by the alliance, to transform 51270
public education in the alliance municipal school district to a 51271
system of municipal school district schools and partnering 51272
community schools that will be held to the highest standards of 51273
school performance and student achievement. 51274

(B) If one or more partnering community schools are located 51275
in a municipal school district, the mayor may initiate proceedings 51276
to establish a municipal school district transformation alliance 51277

as a nonprofit corporation under Chapter 1702. of the Revised Code. The mayor shall have sole authority to appoint the directors of any alliance created under this section. The directors of the alliance shall include representatives of all of the following:

(1) The municipal school district;

(2) Partnering community schools;

(3) Members of the community at large, including parents and educators;

(4) The business community, including business leaders and foundation leaders.

No one group listed in divisions (B)(1) to (4) of this section shall comprise a majority of the directors. The mayor shall be an ex officio director, and serve as the chairperson of the board of directors, of any alliance created under this section. If the proceedings are initiated, the mayor shall identify the directors in the articles of incorporation filed under section 1702.04 of the Revised Code.

(C)(1) A majority of the members of the board of directors of the alliance shall constitute a quorum of the board. Any formal action taken by the board of directors shall take place at a meeting of the board and shall require the concurrence of a majority of the members of the board. Meetings of the board of directors shall be public meetings open to the public at all times, except that the board and its committees and subcommittees may hold an executive session, as if it were a public body with public employees, for any of the purposes for which an executive session of a public body is permitted under division (G) of section 121.22 of the Revised Code, notwithstanding that the alliance is not a public body as defined in that section, and its employees are not public employees as provided in division (F) of this section. The board of directors shall establish reasonable

methods whereby any person may determine the time and place of all 51309
of the board's public meetings and by which any person, upon 51310
request, may obtain reasonable advance notification of the board's 51311
public meetings. Provisions for that advance notification may 51312
include, but are not limited to, mailing notices to all 51313
subscribers on a mailing list or mailing notices in 51314
self-addressed, stamped envelopes provided by the person. 51315

(2) All records of the alliance shall be organized and 51316
maintained by the alliance and also filed with the department of 51317
education. The alliance and the department shall make those 51318
records available to the public as though those records were 51319
public records for purposes of Chapter 149. of the Revised Code. 51320
The department shall promptly notify the alliance upon the 51321
department's receipt of any requests for records relating to the 51322
alliance pursuant to section 149.43 of the Revised Code. 51323

(3) The board of directors of the alliance shall establish a 51324
conflicts of interest policy and shall adopt that policy, and any 51325
amendments to the policy, at a meeting of the board held in 51326
accordance with this section. 51327

(D) If an alliance is created under this section, the 51328
alliance shall do all of the following: 51329

(1) Report annually on the performance of all municipal 51330
school district schools and all community schools established 51331
under Chapter 3314. of the Revised Code and located in the 51332
district, using the criteria adopted under division (B) of section 51333
3311.87 of the Revised Code; 51334

(2) Confirm and monitor implementation of the transformation 51335
alliance education plan; 51336

(3) Suggest national education models for and provide input 51337
in the development of new municipal school district schools and 51338
partnering community schools. 51339

(E) Divisions (E)(1) to (3) of this section apply to each community school sponsor that is subject to approval by the department of education under section 3314.015 of the Revised Code whose approval under that section is granted or renewed on or after ~~the effective date of this section~~ October 1, 2012.

Divisions (E)(1) to (3) of this section do not apply to a sponsor that has been approved by the department prior to that date, until the sponsor's approval is renewed or granted anew on or after that date.

(1) Before a sponsor to which this section applies may sponsor new community schools in an alliance municipal school district, the sponsor shall request recommendation from the alliance to sponsor community schools in the district.

(2) The alliance shall review the sponsor's application and shall make a recommendation based on the standards for sponsors developed under division (A)(2) of section 3311.87 of the Revised Code.

(3) The department shall use the standards developed under division (A)(2) of section 3311.87 of the Revised Code, in addition to any other requirements of the Revised Code, to review a sponsor's request and make a final determination, on recommendation of the alliance, of whether the sponsor may sponsor new community schools in the alliance municipal school district.

No sponsor shall be required to receive authorization to sponsor new community schools under division (E)(3) of this section more than one time.

(F) Directors, officers, and employees of an alliance are not public employees or public officials, are not subject to Chapters 124., 145., and 4117. of the Revised Code, and are not "public officials" or "public servants" as defined in section 2921.01 of the Revised Code. Membership on the board of directors of an

alliance does not constitute the holding of an incompatible public office or employment in violation of any statutory or common law prohibition against the simultaneous holding of more than one public office or employment. Members of the board of directors of an alliance are not disqualified from holding any public office by reason of that membership, and do not forfeit by reason of that membership the public office or employment held when appointed to the board, notwithstanding any contrary disqualification or forfeiture requirement under the Revised Code or the common law of this state.

(G) The authority to establish an alliance under this section expires on January 1, 2018. Any alliance established under this section is terminated, and any related authority granted to the alliance under this section expires on that date.

Sec. 3312.08. Each fiscal agent selected by the department of education pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center in accordance with an agreement entered into under section ~~3317.11~~ 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department ~~in accordance with that section~~ and any operating funds

appropriated for an information technology center shall be paid 51402
directly to the information technology center by the department 51403
pursuant to section 3301.075 of the Revised Code. 51404

(C) Implement any expenditure of funds recommended by the 51405
advisory council for the region pursuant to section 3312.04 of the 51406
Revised Code or required by the terms of any performance contract, 51407
unless there are insufficient funds available to the region to pay 51408
for the expenditure or the expenditure violates a provision of the 51409
Revised Code, a rule of the state board of education regarding 51410
such expenditure, or the terms of a performance contract; 51411

(D) Exercise fiscal oversight of the implementation of state 51412
and regional education initiatives and school improvement efforts. 51413

Sec. 3313.372. (A) As used in this section, "energy 51414
conservation measure" means an installation or modification of an 51415
installation in, or remodeling of, a building, to reduce energy 51416
consumption. It includes: 51417

(1) Insulation of the building structure and systems within 51418
the building; 51419

(2) Storm windows and doors, multiglazed windows and doors, 51420
heat absorbing or heat reflective glazed and coated window and 51421
door systems, additional glazing, reductions in glass area, and 51422
other window and door system modifications that reduce energy 51423
consumption; 51424

(3) Automatic energy control systems; 51425

(4) Heating, ventilating, or air conditioning system 51426
modifications or replacements; 51427

(5) Caulking and weatherstripping; 51428

(6) Replacement or modification of lighting fixtures to 51429
increase the energy efficiency of the system without increasing 51430
the overall illumination of a facility, unless such increase in 51431

illumination is necessary to conform to the applicable state or local building code for the proposed lighting system; 51432
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(7) Energy recovery systems; 51434

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings; 51435
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(9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure. 51438
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(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms: 51441
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(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase. 51448
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(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase. 51450
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The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, be stated as a percentage of calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time. Those payments shall be made only to the extent that the savings described in this division actually occur. The contractor shall warrant and guarantee that the energy conservation measures shall realize guaranteed savings and shall be responsible to pay an amount equal 51452
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to any savings shortfall. 51463

An installment payment contract entered into by a board of 51464
education under this section shall require the board to contract 51465
in accordance with division (A) of section 3313.46 of the Revised 51466
Code for the installation, modification, or remodeling of energy 51467
conservation measures unless division (A) of section 3313.46 of 51468
the Revised Code does not apply pursuant to division (B)(3) of 51469
that section. 51470

(C) The board may issue the notes of the school district 51471
signed by the president and the treasurer of the board and 51472
specifying the terms of the purchase and securing the deferred 51473
payments provided in this section, payable at the times provided 51474
and bearing interest at a rate not exceeding the rate determined 51475
as provided in section 9.95 of the Revised Code. The notes may 51476
contain an option for prepayment and shall not be subject to 51477
Chapter 133. of the Revised Code. In the resolution authorizing 51478
the notes, the board may provide, without the vote of the electors 51479
of the district, for annually levying and collecting taxes in 51480
amounts sufficient to pay the interest on and retire the notes, 51481
except that the total net indebtedness of the district without a 51482
vote of the electors incurred under this and all other sections of 51483
the Revised Code, except section 3318.052 of the Revised Code, 51484
shall not exceed one per cent of the district's tax valuation. 51485
Revenues derived from local taxes or otherwise, for the purpose of 51486
conserving energy or for defraying the current operating expenses 51487
of the district, may be applied to the payment of interest and the 51488
retirement of such notes. The notes may be sold at private sale or 51489
given to the contractor under the installment payment contract 51490
authorized by division (B) of this section. 51491

(D) Debt incurred under this section shall not be included in 51492
the calculation of the net indebtedness of a school district under 51493
section 133.06 of the Revised Code. 51494

(E) No school district board shall enter into an installment
payment contract under division (B) of this section unless it
first obtains a report of the costs of the energy conservation
measures and the savings thereof as described under division (G)
of section 133.06 of the Revised Code as a requirement for issuing
energy securities, makes a finding that the amount spent on such
measures is not likely to exceed the amount of money it would save
in energy costs and resultant operational and maintenance costs as
described in that division, except that that finding shall cover
the ensuing fifteen years, and the Ohio school facilities
commission determines that the district board's findings are
reasonable and approves the contract as described in that
division.

The district board shall monitor the savings and maintain a
report of those savings, which shall be submitted to the
commission in the same manner as required by division (G) of
section 133.06 of the Revised Code in the case of energy
securities.

Sec. 3313.376. As used in this section, "client school
district" ~~has the same meaning as in section 3317.11 of the
Revised Code~~ means a city, exempted village, or local school
district that has entered into an agreement under section 3313.843
or 3313.845 of the Revised Code to receive any services from an
educational service center.

For the purpose of obtaining quantity discounts in purchasing
textbooks; computer equipment, including computer software; school
buses; and natural gas, electricity, and other utility services,
the governing boards of two or more educational service centers
may enter into agreements, including installment purchase and
lease-purchase contracts, to jointly purchase such commodities to
be utilized by client school districts of the educational service

centers. 51526

Sec. 3313.48. (A) The board of education of each city, 51527
exempted village, local, and joint vocational school district 51528
shall provide for the free education of the youth of school age 51529
within the district under its jurisdiction, at such places as will 51530
be most convenient for the attendance of the largest number 51531
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 51532
~~Code, each~~ Each school so provided and each chartered nonpublic 51533
school shall be open for instruction with pupils in attendance, 51534
including scheduled classes, supervised activities, and approved 51535
education options but excluding lunch and breakfast periods and 51536
extracurricular activities, for not less than ~~one hundred~~ 51537
~~eighty two days~~ four hundred fifty-five hours in the case of 51538
pupils in kindergarten unless such pupils are provided all-day 51539
kindergarten, as defined in section 3321.05 of the Revised Code, 51540
in which case the pupils shall be in attendance for nine hundred 51541
ten hours; nine hundred ten hours in the case of pupils in grades 51542
one through six; and one thousand one hours in the case of pupils 51543
in grades seven through twelve in each school year, which may 51544
include all of the following: 51545

~~(A)(1)~~ Up to four the equivalent of two school days per year 51546
~~in which classes are dismissed one half day early or the~~ 51547
~~equivalent amount of time during a different number of days during~~ 51548
~~which pupils would otherwise be in attendance but are not required~~ 51549
~~to attend~~ for the purpose of individualized parent-teacher 51550
conferences and reporting periods; 51551

~~(B)(2)~~ Up to the equivalent of two school days per year 51552
during which pupils would otherwise be in attendance but are not 51553
required to attend for professional meetings of teachers ~~when such~~ 51554
~~days occur during a regular school week and schools are not in~~ 51555
~~session;~~ 51556

~~(C) The number of days the school is closed as a result of public calamity, as provided in section 3317.01 of the Revised Code (3) Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades kindergarten through six.~~

~~The state board of education shall adopt standards for defining "school day" as used in sections 3313.48 and 3317.01 of the Revised Code.~~

~~Except as otherwise provided in this section, each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. Except as otherwise provided in this section, each day for grades one through six shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as are approved by the state board of education.~~

~~(B) Not later than thirty days prior to adopting a school calendar, the board of education of each city, exempted village, and local school district shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction.~~

~~(C) No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction during the previous school year unless the reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable~~

number of hours required under division (A) of this section. 51589

(D) Prior to making any change in the hours or days in which 51590
a high school under its jurisdiction is open for instruction, the 51591
board of education of each city, exempted village, and local 51592
school district shall consider the compatibility of the proposed 51593
change with the scheduling needs of any joint vocational school 51594
district in which any of the high school's students are also 51595
enrolled. The board shall consider the impact of the proposed 51596
change on student access to the instructional programs offered by 51597
the joint vocational school district, incentives for students to 51598
participate in career-technical education, transportation, and the 51599
timing of graduation. The board shall provide the joint vocational 51600
school district board with advance notice of the proposed change 51601
and the two boards shall enter into a written agreement 51602
prescribing reasonable accommodations to meet the scheduling needs 51603
of the joint vocational school district prior to implementation of 51604
the change. 51605

(E) Prior to making any change in the hours or days in which 51606
a school under its jurisdiction is open for instruction, the board 51607
of education of each city, exempted village, and local school 51608
district shall consider the compatibility of the proposed change 51609
with the scheduling needs of any community school established 51610
under Chapter 3314. of the Revised Code to which the district is 51611
required to transport students under sections 3314.09 and 3327.01 51612
of the Revised Code. The board shall consider the impact of the 51613
proposed change on student access to the instructional programs 51614
offered by the community school, transportation, and the timing of 51615
graduation. The board shall provide the sponsor, governing 51616
authority, and operator of the community school with advance 51617
notice of the proposed change, and the board and the governing 51618
authority, or operator if such authority is delegated to the 51619
operator, shall enter into a written agreement prescribing 51620

reasonable accommodations to meet the scheduling needs of the 51621
community school prior to implementation of the change. 51622

(F) Prior to making any change in the hours or days in which 51623
the schools under its jurisdiction are open for instruction, the 51624
board of education of each city, exempted village, and local 51625
school district shall consult with the chartered nonpublic schools 51626
to which the district is required to transport students under 51627
section 3327.01 of the Revised Code and shall consider the effect 51628
of the proposed change on the schedule for transportation of those 51629
students to their nonpublic schools. The governing authority of a 51630
chartered nonpublic school shall consult with each school district 51631
board of education that transports students to the chartered 51632
nonpublic school under section 3327.01 of the Revised Code prior 51633
to making any change in the hours or days in which the nonpublic 51634
school is open for instruction. 51635

(G) The state board of education shall not adopt or enforce 51636
any rule or standard that imposes on chartered nonpublic schools 51637
the procedural requirements imposed on school districts by 51638
divisions (B), (C), (D), and (E) of this section. 51639

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 51640
the term "school day" is used, unless otherwise specified, that 51641
term shall be construed to mean the time during a calendar day 51642
that a school is open for instruction pursuant to the schedule 51643
adopted by the board of education of the school district or the 51644
governing authority of the chartered nonpublic school in 51645
accordance with section 3313.48 of the Revised Code. 51646

Sec. 3313.483. (A) A board of education, upon the adoption of 51647
a resolution stating that it may be financially unable to open on 51648
the day or to remain open for instruction on all days set forth in 51649
its adopted school calendar and pay all obligated expenses, or the 51650

superintendent of public instruction upon the issuance of written 51651
notification under division (B) of section 3313.489 of the Revised 51652
Code, shall request the auditor of state to determine whether such 51653
situation exists. The auditor shall deliver a copy of each request 51654
from a board of education to the superintendent of public 51655
instruction. In the case of a school district not under a fiscal 51656
emergency pursuant to Chapter 3316. of the Revised Code the 51657
auditor shall not issue a finding under this section until written 51658
notification is received from the superintendent pursuant to 51659
section 3313.487 of the Revised Code. 51660

(B) If the auditor of state finds that the board of education 51661
has attempted to avail itself to the fullest extent authorized by 51662
law of all lawful revenue sources available to it except those 51663
authorized by section 5705.21 of the Revised Code, the auditor 51664
shall certify that finding to the superintendent of public 51665
instruction and the state board of education and shall certify the 51666
operating deficit the district will have at the end of the fiscal 51667
year if it commences or continues operating its instructional 51668
program in accordance with its adopted school calendar and pays 51669
all obligated expenses. 51670

(C) No board of education may delay the opening of its 51671
schools or close its schools for financial reasons. Upon the 51672
request of the superintendent of public instruction, the attorney 51673
general shall seek injunctive relief and any other relief required 51674
to enforce this prohibition in the court of common pleas of 51675
Franklin county. The court of common pleas of Franklin county has 51676
exclusive original jurisdiction over all such actions. 51677

(D) Upon the receipt of any certification of an operating 51678
deficit from the auditor of state, a board of education shall make 51679
application to a commercial bank, underwriter, or other 51680
prospective lender or purchaser of its obligations for a loan in 51681
an amount sufficient to enable the district to open or remain open 51682

for instruction on all days set forth in its adopted school 51683
calendar but not to exceed the amount of the deficit certified. 51684

(E)(1) Any board of education that has applied for and been 51685
denied a loan from a commercial bank, underwriter, or other 51686
prospective lender or purchaser of its obligations pursuant to 51687
division (D) of this section shall submit to the superintendent of 51688
public instruction a plan for implementing reductions in the 51689
school district's budget; apply for a loan from a commercial bank, 51690
underwriter, or other prospective lender or purchaser of its 51691
obligations in an amount not to exceed its certified deficit; and 51692
provide the superintendent such information as the superintendent 51693
requires concerning its application for such a loan. The board of 51694
education of a school district declared to be under a fiscal watch 51695
pursuant to division (A) of section 3316.03 of the Revised Code 51696
may, upon approval of the superintendent, utilize the financial 51697
plan required by section 3316.04 of the Revised Code, or 51698
applicable parts thereof, as the plan required under this 51699
division. The board of education of a school district declared to 51700
be under a fiscal emergency pursuant to division (B) of section 51701
3316.03 of the Revised Code may utilize the financial recovery 51702
plan for the district, or applicable parts thereof, as the plan 51703
required under this division. Except for the plan of a school 51704
district under a fiscal emergency, the superintendent shall 51705
evaluate, make recommendations concerning, and approve or 51706
disapprove each plan. When a plan is submitted, the superintendent 51707
shall immediately notify the members of the general assembly whose 51708
legislative districts include any or all of the territory of the 51709
school district submitting the plan. 51710

(2) The superintendent shall submit to the controlling board 51711
a copy of each plan the superintendent approves, or each plan 51712
submitted by a district under a fiscal emergency pursuant to 51713
division (B) of section 3316.03 of the Revised Code, and the 51714

general terms of each proposed loan, and shall make 51715
recommendations regarding the plan and whether a proposed loan to 51716
the board of education should be approved for payment as provided 51717
in division (E)(3) of this section. The controlling board shall 51718
approve or disapprove the plan and the proposed loan presented to 51719
it by the superintendent. In the case of a district not under a 51720
fiscal emergency pursuant to division (B) of section 3316.03 of 51721
the Revised Code, the controlling board may require a board of 51722
education to implement the superintendent's recommendations for 51723
expenditure reductions or impose other requirements. Loan 51724
repayments shall be in accordance with a schedule approved by the 51725
superintendent, except that the principal amount of the loan shall 51726
be payable in monthly, semiannual, or annual installments of 51727
principal and interest that are substantially equal principal and 51728
interest installments. Except as otherwise provided in division 51729
(E)(2) of this section, repayment shall be made no later than the 51730
fifteenth day of June of the second fiscal year following the 51731
approval of the loan. A school district with a certified deficit 51732
in excess of either twenty-five million dollars or fifteen per 51733
cent of the general fund expenditures of the district during the 51734
fiscal year shall repay the loan no later than the fifteenth day 51735
of June of the tenth fiscal year following the approval of the 51736
loan. In deciding whether to approve or disapprove a proposed 51737
loan, the controlling board shall consider the deficit certified 51738
by the auditor of state pursuant to this section. A board of 51739
education that has an outstanding loan approved pursuant to this 51740
section with a repayment date of more than two fiscal years after 51741
the date of approval of such loan may not apply for another loan 51742
with such a repayment date until the outstanding loan has been 51743
repaid. 51744

(3) If a board of education has submitted and received 51745
controlling board approval of a plan and proposed loan in 51746
accordance with this section, the superintendent of public 51747

instruction shall report to the controlling board the actual 51748
amounts loaned to the board of education. Such board of education 51749
shall request the superintendent to pay any funds the board of 51750
education would otherwise receive pursuant to Chapter 3306. of the 51751
Revised Code first directly to the holders of the board of 51752
education's notes, or an agent thereof, such amounts as are 51753
specified under the terms of the loan. Such payments shall be made 51754
only from and to the extent of money appropriated by the general 51755
assembly for purposes of such sections. No note or other 51756
obligation of the board of education under the loan constitutes an 51757
obligation nor a debt or a pledge of the faith, credit, or taxing 51758
power of the state, and the holder or owner of such note or 51759
obligation has no right to have taxes levied by the general 51760
assembly for the payment of such note or obligation, and such note 51761
or obligation shall contain a statement to that effect. 51762

(4) Pursuant to the terms of such a loan, a board of 51763
education may issue its notes in anticipation of the collection of 51764
its voted levies for current expenses or its receipt of such state 51765
funds or both. Such notes shall be issued in accordance with 51766
division (E) of section 133.10 of the Revised Code and constitute 51767
Chapter 133. securities to the extent such division and the 51768
otherwise applicable provisions of Chapter 133. of the Revised 51769
Code are not inconsistent with this section, provided that in any 51770
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 51771
(E)(2) of section 133.10 of the Revised Code do not apply to such 51772
notes. 51773

(5) Notwithstanding section 133.36 or 3313.17, any other 51774
section of the Revised Code, or any other provision of law, a 51775
board of education that has received a loan under this section may 51776
not declare bankruptcy, so long as any portion of such loan 51777
remains unpaid. 51778

(F) Under this section and ~~sections~~ section 3313.4810 and 51779

~~3313.4811~~, "board of education" or "district board" includes the 51780
financial planning and supervision commission of a school district 51781
under a fiscal emergency pursuant to Chapter 3316. of the Revised 51782
Code where such commission chooses to exercise the powers and 51783
duties otherwise required of the district board of education under 51784
this section and ~~sections~~ section 3313.4810 and ~~3313.4811~~ of the 51785
Revised Code. 51786

Sec. 3313.484. No loan shall be approved under sections 51787
3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code after March 1, 51788
1998. 51789

By the last day of June each year, the department of 51790
education shall calculate and pay a subsidy to every school 51791
district that during the current fiscal year paid and was 51792
obligated to pay interest on a loan under sections 3313.483 to 51793
~~3313.4811~~ 3313.4810 of the Revised Code in excess of two per cent 51794
simple interest. The amount of the subsidy shall equal the 51795
difference between the amount of interest the district paid and 51796
was obligated to pay during the year and the interest that the 51797
district would have been obligated to pay if the interest rate on 51798
the loan had been two per cent per year. 51799

Sec. 3313.488. (A) Within fifteen days ~~of~~ after the date a 51800
~~board of education requests that its school district be made~~ 51801
~~subject to this section as authorized by section 3317.62 of the~~ 51802
~~Revised Code, or~~ the state board of education has issued issues an 51803
order under section 3313.487 of the Revised Code making a school 51804
district subject to this section, the district's board of 51805
education shall prepare a fiscal statement of expenses and 51806
expenditures for the remainder of the current fiscal year. The 51807
fiscal statement shall be submitted to the superintendent of 51808
public instruction and shall set forth all revenues to be received 51809
by the district during the remainder of the fiscal year and their 51810

sources, the expenses to be incurred by the district during the 51811
remainder of the fiscal year, the outstanding and unpaid expenses 51812
at the time the fiscal statement is prepared and the date or dates 51813
by which such expenses must be paid, and such other information as 51814
the superintendent requires to enable the superintendent to ensure 51815
that during the remainder of the fiscal year, the district will 51816
not incur any expenses that will further impair its ability to 51817
operate an instructional program that meets or exceeds the minimum 51818
standards of the state board of education and requirements of the 51819
Revised Code during the current and ensuing fiscal years with the 51820
revenue available to it from existing revenue sources. The fiscal 51821
statement shall be presented in such detail and form as the 51822
superintendent prescribes. Beginning the tenth day after the 51823
fiscal statement is submitted and for the remainder of the fiscal 51824
year, the board shall not make any expenditure of money, make any 51825
employment, purchase, or rental contract, give any order involving 51826
the expenditure of money, or increase any wage or salary schedule 51827
unless the superintendent of public instruction has approved the 51828
fiscal statement in writing and the expenditure, contract, order, 51829
or schedule has been approved in writing by the superintendent as 51830
being in conformity with the fiscal statement. 51831

Any contract or expenditure made, order given, or schedule 51832
adopted or put into effect without the written approval of the 51833
superintendent of public instruction is void, and no warrant shall 51834
be issued in payment of any amount due thereon. 51835

(B) A board of education subject to division (A) of this 51836
section shall prepare a fiscal statement of expenses and 51837
expenditures for the ensuing fiscal year. The fiscal statement 51838
shall be submitted to the superintendent of public instruction and 51839
shall set forth all revenues to be received by the district during 51840
such year and their source, the expenses to be incurred by the 51841
district during such year, the outstanding and unpaid expenses on 51842

the first day of such fiscal year, the date or dates by which such 51843
expenses must be paid, and such other information as the 51844
superintendent requires to enable the superintendent to ensure 51845
that during such year, the district will not incur any expenses 51846
that will further impair its ability to operate an instructional 51847
program that meets or exceeds the minimum standards of the state 51848
board of education and requirements of the Revised Code during 51849
such year with the revenue available to it from existing revenue 51850
sources. The fiscal statement shall be presented at the time and 51851
in such detail and form as the superintendent prescribes. During 51852
the fiscal year following the year in which a board of education 51853
first becomes subject to division (A) of this section it shall not 51854
make any expenditure of money, make any employment, purchase, or 51855
rental contract, give any order involving the expenditure of 51856
money, or increase any wage or salary schedule unless the 51857
superintendent of public instruction has approved the fiscal 51858
statement submitted under this division in writing and has 51859
approved the expenditure, contract, order, or schedule in writing 51860
as being in conformity with the fiscal statement. 51861

Any contract or expenditure made, order given, or schedule 51862
adopted or put into effect without the written approval of the 51863
superintendent of public instruction is void, and no warrant shall 51864
be issued in payment of any amount due thereon. 51865

(C) The state board of education shall examine any fiscal 51866
statement presented to and approved by the superintendent of 51867
public instruction under division (B) of this section and shall 51868
determine whether the data set forth in the fiscal statement are 51869
factual and based upon assumptions that in its judgment are 51870
reasonable expectations consistent with acceptable governmental 51871
budget and accounting practices. If the state board so determines 51872
and finds that the revenues and expenditures in the fiscal 51873
statement are in balance for the fiscal year and the fiscal 51874

statement will enable the district to operate during such year 51875
without interrupting its school calendar, it shall certify its 51876
determination and finding to the district at least thirty days 51877
prior to the beginning of the fiscal year, and the district shall 51878
thereupon cease to be subject to this section. If the state board 51879
does not make such a determination and finding, the board of 51880
education and school district are subject to this division and 51881
division (B) of this section in the ensuing fiscal year and each 51882
fiscal year thereafter until the state board makes a 51883
determination, finding, and certification under this division. 51884

(D) Any officer, employee, or other person who knowingly 51885
expends or authorizes the expenditure of any public funds or 51886
knowingly authorizes or executes any contract, order, or schedule 51887
contrary to division (A) or (B) of this section or who knowingly 51888
expends or authorizes the expenditure of any public funds on any 51889
such void contract, order, or schedule is jointly and severally 51890
liable in person and upon any official bond that the officer, 51891
employee, or other person has given to such school district to the 51892
extent of any payments on the void claim, not to exceed twenty 51893
thousand dollars. The attorney general at the written request of 51894
the superintendent of public instruction shall enforce this 51895
liability by civil action brought in any court of appropriate 51896
jurisdiction in the name of and on behalf of the school district. 51897

(E) During each month that a board of education is subject to 51898
division (A), (B), or (C) of this section, the superintendent of 51899
public instruction shall submit a report to the speaker of the 51900
house of representatives and the president of the senate on the 51901
financial condition of the school district. The report shall 51902
contain the date by which the superintendent anticipates the 51903
district will cease to be subject to such divisions, the 51904
district's plans for becoming exempt from such section, and such 51905
other information the superintendent determines appropriate or the 51906

speaker of the house of representatives or president of the senate 51907
requests. 51908

In addition to the other reports required under this 51909
division, on the thirty-first day of each school district fiscal 51910
year following a fiscal year in which a school district first 51911
becomes subject to this section, the superintendent shall submit a 51912
written report to the speaker of the house of representatives and 51913
the president of the senate. The report shall include 51914
recommendations to the general assembly for strengthening the 51915
financial condition of school districts based upon the experiences 51916
of the superintendent and the state board in exercising their 51917
powers under this section and sections 3313.483 and 3313.487 of 51918
the Revised Code. 51919

(F) This section does not apply to a school district declared 51920
to be under a fiscal emergency pursuant to division (B) of section 51921
3316.03 of the Revised Code. 51922

Sec. 3313.4810. Any school district receiving a loan under 51923
section 3313.483 ~~or 3317.64~~ of the Revised Code in excess of seven 51924
per cent of the general fund expenditures of the district during 51925
the fiscal year in which the loan is received and that has 51926
received a loan under that section within the last five years is 51927
subject to section 3313.488 of the Revised Code for the duration 51928
of the fiscal year in which the district receives the loan and 51929
during the ensuing two fiscal years. The controlling board may not 51930
relieve a school district to which this section applies from any 51931
requirements imposed under section 3313.483 ~~or 3317.64~~ of the 51932
Revised Code to implement recommendations of the superintendent of 51933
public instruction for expenditure reduction and may not modify 51934
any other requirements imposed under such section upon such a 51935
district as a condition for receiving the loan unless expressly 51936
authorized to do so by law. The superintendent of public 51937

instruction shall, among any recommendations ~~he~~ the superintendent 51938
makes for expenditure reduction under section 3313.483 ~~or 3317.63~~ 51939
of the Revised Code affecting the number of employees of a school 51940
district to which this section applies, provide wherever possible 51941
for the retention of teachers who are actually involved in the 51942
daily teaching of students in the classroom. 51943

Sec. 3313.533. (A) The board of education of a city, exempted 51944
village, or local school district may adopt a resolution to 51945
establish and maintain an alternative school in accordance with 51946
this section. The resolution shall specify, but not necessarily be 51947
limited to, all of the following: 51948

(1) The purpose of the school, which purpose shall be to 51949
serve students who are on suspension, who are having truancy 51950
problems, who are experiencing academic failure, who have a 51951
history of class disruption, who are exhibiting other academic or 51952
behavioral problems specified in the resolution, or who have been 51953
discharged or released from the custody of the department of youth 51954
services under section 5139.51 of the Revised Code; 51955

(2) The grades served by the school, which may include any of 51956
grades kindergarten through twelve; 51957

(3) A requirement that the school be operated in accordance 51958
with this section. The board of education adopting the resolution 51959
under division (A) of this section shall be the governing board of 51960
the alternative school. The board shall develop and implement a 51961
plan for the school in accordance with the resolution establishing 51962
the school and in accordance with this section. Each plan shall 51963
include, but not necessarily be limited to, all of the following: 51964

(a) Specification of the reasons for which students will be 51965
accepted for assignment to the school and any criteria for 51966
admission that are to be used by the board to approve or 51967
disapprove the assignment of students to the school; 51968

(b) Specification of the criteria and procedures that will be used for returning students who have been assigned to the school back to the regular education program of the district;

(c) An evaluation plan for assessing the effectiveness of the school and its educational program and reporting the results of the evaluation to the public.

(B) Notwithstanding any provision of Title XXXVIII of the Revised Code to the contrary, the alternative school plan may include any of the following:

(1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the state board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief administrative officer;

(2) Restrictions on student participation in extracurricular or interscholastic activities;

(3) A requirement that students wear uniforms prescribed by the district board of education.

(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.

(D) An alternative school may be established in all or part of a school building.

(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code,

to establish an alternative school, the district board may join 51999
with the board of education of one or more other districts to form 52000
a joint alternative school by forming a cooperative education 52001
school district under section 3311.52 or 3311.521 of the Revised 52002
Code, or a joint educational program under section 3313.842 of the 52003
Revised Code. The authority to employ personnel or to contract 52004
with a nonprofit or for profit entity under division (C) of this 52005
section applies to any alternative school program established 52006
under this division. 52007

(F) Any individual employed as a teacher at an alternative 52008
school operated by a nonprofit or for profit entity under this 52009
section shall be licensed and shall be subject to background 52010
checks, as described in section 3319.39 of the Revised Code, in 52011
the same manner as an individual employed by a school district. 52012

(G) Division (G) of this section applies only to any 52013
alternative school that is operated by a nonprofit or for profit 52014
entity under contract with the school district. 52015

(1) In addition to the specifications authorized under 52016
division (B) of this section, any plan adopted under that division 52017
for an alternative school to which division (G) of this section 52018
also applies shall include the following: 52019

(a) A description of the educational program provided at the 52020
alternative school, which shall include: 52021

(i) Provisions for the school to be configured in clusters or 52022
small learning communities; 52023

(ii) Provisions for the incorporation of education technology 52024
into the curriculum; 52025

(iii) Provisions for accelerated learning programs in reading 52026
and mathematics. 52027

(b) A method to determine the reading and mathematics level 52028

of each student assigned to the alternative school and a method to 52029
continuously monitor each student's progress in those areas. The 52030
methods employed under this division shall be aligned with the 52031
curriculum adopted by the school district board of education under 52032
section 3313.60 of the Revised Code. 52033

(c) A plan for social services to be provided at the 52034
alternative school, such as, but not limited to, counseling 52035
services, psychological support services, and enrichment programs; 52036

(d) A plan for a student's transition from the alternative 52037
school back to a school operated by the school district; 52038

(e) A requirement that the alternative school maintain 52039
financial records in a manner that is compatible with the form 52040
prescribed for school districts by the auditor of state to enable 52041
the district to comply with any rules adopted by the auditor of 52042
state. 52043

(2) Notwithstanding division (A)(2) of this section, any 52044
alternative school to which division (G) of this section applies 52045
shall include only grades six through twelve. 52046

(3) Notwithstanding anything in division (A)(3)(a) of this 52047
section to the contrary, the characteristics of students who may 52048
be assigned to an alternative school to which division (G) of this 52049
section applies shall include only disruptive and low-performing 52050
students. 52051

(H) When any district board of education determines to 52052
contract with a nonprofit or for profit entity to operate an 52053
alternative school under this section, the board shall use the 52054
procedure set forth in this division. 52055

(1) The board shall publish notice of a request for proposals 52056
in a newspaper of general circulation in the district once each 52057
week for a period of two consecutive weeks, or as provided in 52058
section 7.16 of the Revised Code, prior to the date specified by 52059

the board for receiving proposals. Notices of requests for 52060
proposals shall contain a general description of the subject of 52061
the proposed contract and the location where the request for 52062
proposals may be obtained. The request for proposals shall include 52063
all of the following information: 52064

(a) Instructions and information to respondents concerning 52065
the submission of proposals, including the name and address of the 52066
office where proposals are to be submitted; 52067

(b) Instructions regarding communications, including at least 52068
the names, titles, and telephone numbers of persons to whom 52069
questions concerning a proposal may be directed; 52070

(c) A description of the performance criteria that will be 52071
used to evaluate whether a respondent to which a contract is 52072
awarded is meeting the district's educational standards or the 52073
method by which such performance criteria will be determined; 52074

(d) Factors and criteria to be considered in evaluating 52075
proposals, the relative importance of each factor or criterion, 52076
and a description of the evaluation procedures to be followed; 52077

(e) Any terms or conditions of the proposed contract, 52078
including any requirement for a bond and the amount of such bond; 52079

(f) Documents that may be incorporated by reference into the 52080
request for proposals, provided that the request for proposals 52081
specifies where such documents may be obtained and that such 52082
documents are readily available to all interested parties. 52083

(2) After the date specified for receiving proposals, the 52084
board shall evaluate the submitted proposals and may hold 52085
discussions with any respondent to ensure a complete understanding 52086
of the proposal and the qualifications of such respondent to 52087
execute the proposed contract. Such qualifications shall include, 52088
but are not limited to, all of the following: 52089

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the students and the district. If fewer than three proposals are submitted, the board shall select each proposal submitted. The board may cancel a request for proposals or reject all proposals at any time prior to the execution of a contract.

The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding clarifications or revisions. The board may terminate or discontinue any further discussion with a respondent upon written notice.

(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration

the scope, complexity, and nature of the services to be performed 52121
by the respondent under the contract. 52122

(5) Except as provided in division (H)(6) of this section, 52123
the request for proposals, submitted proposals, and related 52124
documents shall become public records under section 149.43 of the 52125
Revised Code after the award of the contract. 52126

(6) Any respondent may request in writing that the board not 52127
disclose confidential or proprietary information or trade secrets 52128
contained in the proposal submitted by the respondent to the 52129
board. Any such request shall be accompanied by an offer of 52130
indemnification from the respondent to the board. The board shall 52131
determine whether to agree to the request and shall inform the 52132
respondent in writing of its decision. If the board agrees to 52133
nondisclosure of specified information in a proposal, such 52134
information shall not become a public record under section 149.43 52135
of the Revised Code. If the respondent withdraws its proposal at 52136
any time prior to the execution of a contract, the proposal shall 52137
not be a public record under section 149.43 of the Revised Code. 52138

(I) Upon a recommendation from the department and in 52139
accordance with section 3301.16 of the Revised Code, the state 52140
board of education may revoke the charter of any alternative 52141
school operated by a school district that violates this section. 52142

Sec. 3313.539. (A) As used in this section, ~~"physician":~~ 52143

"Physician" means a person authorized under Chapter 4731. of 52144
the Revised Code to practice medicine and surgery or osteopathic 52145
medicine and surgery. 52146

"Chiropractor" means a person licensed under Chapter 4734. of 52147
the Revised Code to practice chiropractic. 52148

(B) No school district board of education or governing 52149
authority of a chartered or nonchartered nonpublic school shall 52150

permit a student to practice for or compete in interscholastic 52151
athletics until the student has submitted, to a school official 52152
designated by the board or governing authority, a form signed by 52153
the parent, guardian, or other person having care or charge of the 52154
student stating that the student and the parent, guardian, or 52155
other person having care or charge of the student have received 52156
the concussion and head injury information sheet required by 52157
section 3707.52 of the Revised Code. A completed form shall be 52158
submitted each school year, as defined in section 3313.62 of the 52159
Revised Code, for each sport or other category of interscholastic 52160
athletics for or in which the student practices or competes. 52161

(C)(1) No school district board of education or governing 52162
authority of a chartered or nonchartered nonpublic school shall 52163
permit an individual to coach interscholastic athletics unless the 52164
individual holds a pupil-activity program permit issued under 52165
section 3319.303 of the Revised Code for coaching interscholastic 52166
athletics. 52167

(2) No school district board of education or governing 52168
authority of a chartered or nonchartered nonpublic school shall 52169
permit an individual to referee interscholastic athletics unless 52170
the individual holds a pupil-activity program permit issued under 52171
section 3319.303 of the Revised Code for coaching interscholastic 52172
athletics or presents evidence that the individual has 52173
successfully completed, within the previous three years, a 52174
training program in recognizing the symptoms of concussions and 52175
head injuries to which the department of health has provided a 52176
link on its internet web site under section 3707.52 of the Revised 52177
Code or a training program authorized and required by an 52178
organization that regulates interscholastic conferences or events. 52179

(D) If a student practicing for or competing in an 52180
interscholastic athletic event exhibits signs, symptoms, or 52181
behaviors consistent with having sustained a concussion or head 52182

injury while participating in the practice or competition, the 52183
student shall be removed from the practice or competition by 52184
either of the following: 52185

(1) The individual who is serving as the student's coach 52186
during that practice or competition; 52187

(2) An individual who is serving as a referee during that 52188
practice or competition. 52189

(E)(1) If a student is removed from practice or competition 52190
under division (D) of this section, the coach or referee who 52191
removed the student shall not allow the student, on the same day 52192
the student is removed, to return to that practice or competition 52193
or to participate in any other practice or competition for which 52194
the coach or referee is responsible. Thereafter, the coach or 52195
referee shall not allow the student to return to that practice or 52196
competition or to participate in any other practice or competition 52197
for which the coach or referee is responsible until both of the 52198
following conditions are satisfied: 52199

(a) The student's condition is assessed by ~~either~~ any of the 52200
following: 52201

(i) A physician; 52202

(ii) A chiropractor; 52203

(iii) Any other licensed health care provider the school 52204
district board of education or governing authority of the 52205
chartered or nonchartered nonpublic school, pursuant to division 52206
(E)(2) of this section, authorizes to assess a student who has 52207
been removed from practice or competition under division (D) of 52208
this section. 52209

(b) The student receives written clearance that it is safe 52210
for the student to return to practice or competition from a 52211
physician, chiropractor, or ~~from~~ another licensed health care 52212

provider authorized pursuant to division (E)(2) of this section to grant the clearance. 52213
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(2) A school district board of education or governing authority of a chartered or nonchartered nonpublic school may authorize a licensed health care provider who is not a physician or a chiropractor to make an assessment or grant a clearance for purposes of division (E)(1) of this section only if the provider is acting in accordance with one of the following, as applicable to the provider's authority to practice in this state: 52215
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(a) In consultation with a physician; 52222

(b) Pursuant to the referral of a physician; 52223

(c) In collaboration with a physician; 52224

(d) Under the supervision of a physician. 52225

(3) A physician, chiropractor, or other licensed health care provider who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer. 52226
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(F) A school district board of education or governing authority of a chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events shall be considered to be in compliance with divisions (B), (D), and (E) of this section, as long as the requirements of those rules are substantially similar to the requirements of divisions (B), (D), and (E) of this section. 52229
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(G)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton 52237
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misconduct. 52243

This section does not eliminate, limit, or reduce any other 52244
immunity or defense that a school district, member of a school 52245
district board of education, or school district employee or 52246
volunteer, including a coach or referee, may be entitled to under 52247
Chapter 2744. or any other provision of the Revised Code or under 52248
the common law of this state. 52249

(2) A chartered or nonchartered nonpublic school or any 52250
officer, director, employee, or volunteer of the school, including 52251
a coach or referee, is not liable in damages in a civil action for 52252
injury, death, or loss to person or property allegedly arising 52253
from providing services or performing duties under this section, 52254
unless the act or omission constitutes willful or wanton 52255
misconduct. 52256

Sec. 3313.5311. (A) As used in this section and in section 52257
3313.5312 of the Revised Code, "extracurricular activity" has the 52258
same meaning as in section 3313.537 of the Revised Code. 52259

(B) If the nonpublic school in which the student is enrolled 52260
does not offer the extracurricular activity, a student enrolled in 52261
a chartered or nonchartered nonpublic school shall be afforded, by 52262
the superintendent of the school district in which the student is 52263
entitled to attend school under section 3313.64 or 3313.65 of the 52264
Revised Code, the opportunity to participate in that 52265
extracurricular activity at the district school to which the 52266
student otherwise would be assigned during that school year. If 52267
more than one school operated by the school district serves the 52268
student's grade level, as determined by the district 52269
superintendent based on the student's age and academic 52270
performance, the student shall be afforded the opportunity to 52271
participate in that extracurricular activity at the school to 52272
which the student would be assigned by the superintendent under 52273

section 3319.01 of the Revised Code. 52274

(C) The superintendent of any school district may afford any student enrolled in a nonpublic school, and who is not entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in an extracurricular activity offered by a school of the district, if both of the following apply: 52275
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(1) The nonpublic school in which the student is enrolled does not offer the extracurricular activity; 52281
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(2) The extracurricular activity is not interscholastic athletics or interscholastic contests or competition in music, drama, or forensics. 52283
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(D) In order to participate in an extracurricular activity under this section, the student shall be of the appropriate age and grade level, as determined by the superintendent of the district, for the school that offers the extracurricular activity, and shall fulfill the same academic, nonacademic, and financial requirements as any other participant. 52286
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(E) No school district shall impose additional rules on a student to participate under this section that do not apply to other students participating in the same extracurricular activity. No district shall impose additional fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity. 52292
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(F) A school district board of education may require a student enrolled in a chartered or nonchartered nonpublic school to enroll and participate in not more than one academic course at the school offering the extracurricular activity as a condition to participating in the activity. In that case, the board shall admit students seeking to enroll in an academic course to fulfill the requirement as space allows after first enrolling students 52298
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assigned to that school. 52305

(G) No school district, interscholastic conference, or 52306
organization that regulates interscholastic conferences or events 52307
shall require a student who is eligible to participate in 52308
interscholastic extracurricular activities under this section to 52309
meet eligibility requirements that conflict with this section. 52310

Sec. 3313.5312. (A) A student who is receiving home 52311
instruction in accordance with division (A)(2) of section 3321.04 52312
of the Revised Code shall be afforded, by the superintendent of 52313
the school district in which the student is entitled to attend 52314
school under section 3313.64 or 3313.65 of the Revised Code, the 52315
opportunity to participate in any extracurricular activity offered 52316
at the district school to which the student otherwise would be 52317
assigned during that school year. If more than one school operated 52318
by the school district serves the student's grade level, as 52319
determined by the district superintendent based on the student's 52320
age and academic performance, the student shall be afforded the 52321
opportunity to participate in extracurricular activities at the 52322
school to which the student would be assigned by the 52323
superintendent under section 3319.01 of the Revised Code. If a 52324
student who is afforded the opportunity to participate in 52325
extracurricular activities under division (A) of this section 52326
wishes to participate in an activity that is offered by the 52327
district, the student shall not participate in that activity at 52328
another school or school district to which the student is not 52329
entitled to attend. 52330

(B) The superintendent of any school district may afford any 52331
student who receives home instruction under division (A)(2) of 52332
section 3321.04 of the Revised Code, and who is not entitled to 52333
attend school in the district under section 3313.64 or 3313.65 of 52334
the Revised Code, the opportunity to participate in any 52335

extracurricular activity offered by a school of the district, if 52336
the district to which the student is entitled to attend does not 52337
offer that extracurricular activity. 52338

(C) In order to participate in an extracurricular activity 52339
under this section, the student shall be of the appropriate age 52340
and grade level, as determined by the superintendent of the 52341
district, for the school that offers the extracurricular activity, 52342
shall fulfill the same nonacademic and financial requirements as 52343
any other participant, and shall fulfill either of the following 52344
academic requirements: 52345

(1) If the student received home instruction in the preceding 52346
grading period, the student shall meet any academic requirements 52347
established by the state board of education for the continuation 52348
of home instruction. 52349

(2) If the student did not receive home instruction in the 52350
preceding grading period, the student's academic performance 52351
during the preceding grading period shall have met any academic 52352
standards for eligibility to participate in the program 52353
established by the school district. 52354

(D) Eligibility for a student who leaves a school district 52355
mid-year for home instruction shall be determined based on an 52356
interim academic assessment issued by the district in which the 52357
student was enrolled based on the student's work while enrolled in 52358
that district. 52359

(E) Any student who commences home instruction after the 52360
beginning of a school year and who is, at the time home 52361
instruction commences, ineligible to participate in an 52362
extracurricular activity due to failure to meet academic standards 52363
or any other requirements of the district shall not participate in 52364
the extracurricular activity under this section until the student 52365
meets the academic requirements established by the state board of 52366

education for continuation of home instruction as verified by the 52367
superintendent of the district. No student under this section 52368
shall be eligible to participate in the same semester in which the 52369
student was determined ineligible. 52370

(F) No school district shall impose additional rules on a 52371
student to participate under this section that do not apply to 52372
other students participating in the same extracurricular activity. 52373
No district shall impose fees for a student to participate under 52374
this section that exceed any fees charged to other students 52375
participating in the same extracurricular activity. 52376

(G) A school district board of education may require a 52377
student who receives home instruction under division (A)(2) of 52378
section 3321.04 of the Revised Code to enroll and participate in 52379
not more than one academic course at the school offering the 52380
extracurricular activity as a condition to participating in the 52381
activity. In that case, the board shall admit students seeking to 52382
enroll in an academic course to fulfill the requirement as space 52383
allows after first enrolling students assigned to that school. 52384

(H) No school district, interscholastic conference, or 52385
organization that regulates interscholastic conferences or events 52386
shall require a student who is eligible to participate in 52387
interscholastic extracurricular activities under this section to 52388
meet eligibility requirements that conflict with this section. 52389

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 52390
of the Revised Code, divisions (A) to (E) of this section do not 52391
apply to any cooperative education school district established 52392
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 52393
Code. 52394

(A) The board of education of each city ~~and~~, exempted 52395
village, ~~and local~~ school district, ~~the governing board of each~~ 52396
~~educational service center~~, and the board of each cooperative 52397

education school district established, pursuant to section 52398
3311.521 of the Revised Code, shall prescribe a curriculum for all 52399
schools under ~~their~~ its control. Except as provided in division 52400
(E) of this section, in any such curriculum there shall be 52401
included the study of the following subjects: 52402

(1) The language arts, including reading, writing, spelling, 52403
oral and written English, and literature; 52404

(2) Geography, the history of the United States and of Ohio, 52405
and national, state, and local government in the United States, 52406
including a balanced presentation of the relevant contributions to 52407
society of men and women of African, Mexican, Puerto Rican, and 52408
American Indian descent as well as other ethnic and racial groups 52409
in Ohio and the United States; 52410

(3) Mathematics; 52411

(4) Natural science, including instruction in the 52412
conservation of natural resources; 52413

(5) Health education, which shall include instruction in: 52414

(a) The nutritive value of foods, including natural and 52415
organically produced foods, the relation of nutrition to health, 52416
and the use and effects of food additives; 52417

(b) The harmful effects of and legal restrictions against the 52418
use of drugs of abuse, alcoholic beverages, and tobacco; 52419

(c) Venereal disease education, except that upon written 52420
request of the student's parent or guardian, a student shall be 52421
excused from taking instruction in venereal disease education; 52422

(d) In grades kindergarten through six, instruction in 52423
personal safety and assault prevention, except that upon written 52424
request of the student's parent or guardian, a student shall be 52425
excused from taking instruction in personal safety and assault 52426
prevention; 52427

(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.

(C) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E)

of this section, every high school shall include in the 52459
requirements for graduation from any curriculum one-half unit each 52460
of American history and government. 52461

(D) Except as provided in division (E) of this section, basic 52462
instruction or demonstrated mastery in geography, United States 52463
history, the government of the United States, the government of 52464
the state of Ohio, local government in Ohio, the Declaration of 52465
Independence, the United States Constitution, and the Constitution 52466
of the state of Ohio shall be required before pupils may 52467
participate in courses involving the study of social problems, 52468
economics, foreign affairs, United Nations, world government, 52469
socialism, and communism. 52470

(E) For each cooperative education school district 52471
established pursuant to section 3311.521 of the Revised Code and 52472
each city, exempted village, and local school district that has 52473
territory within such a cooperative district, the curriculum 52474
adopted pursuant to divisions (A) to (D) of this section shall 52475
only include the study of the subjects that apply to the grades 52476
operated by each such school district. The curriculums for such 52477
schools, when combined, shall provide to each student of these 52478
districts all of the subjects required under divisions (A) to (D) 52479
of this section. 52480

(F) The board of education of any cooperative education 52481
school district established pursuant to divisions (A) to (C) of 52482
section 3311.52 of the Revised Code shall prescribe a curriculum 52483
for the subject areas and grade levels offered in any school under 52484
its control. 52485

(G) Upon the request of any parent or legal guardian of a 52486
student, the board of education of any school district shall 52487
permit the parent or guardian to promptly examine, with respect to 52488
the parent's or guardian's own child: 52489

(1) Any survey or questionnaire, prior to its administration to the child;	52490 52491
(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;	52492 52493 52494
(3) Any completed and graded test taken or survey or questionnaire filled out by the child;	52495 52496
(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.	52497 52498 52499 52500
Sec. 3313.603. (A) As used in this section:	52501
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	52502 52503 52504 52505
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	52506 52507 52508 52509
(3) <u>"Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.</u>	52510 52511
(4) <u>"Child with a disability" and "IEP" have the same meanings as in section 3323.01 of the Revised Code.</u>	52512 52513
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	52514 52515 52516 52517 52518

(1) English language arts, four units;	52519
(2) Health, one-half unit;	52520
(3) Mathematics, three units;	52521
(4) Physical education, one-half unit;	52522
(5) Science, two units until September 15, 2003, and three	52523
units thereafter, which at all times shall include both of the	52524
following:	52525
(a) Biological sciences, one unit;	52526
(b) Physical sciences, one unit.	52527
(6) History and government, one unit, which shall comply with	52528
division (M) of this section and shall include both of the	52529
following:	52530
(a) American history, one-half unit;	52531
(b) American government, one-half unit.	52532
(7) Social studies, two units.	52533
(8) Elective units, seven units until September 15, 2003, and	52534
six units thereafter.	52535
Each student's electives shall include at least one unit, or	52536
two half units, chosen from among the areas of	52537
business/technology, fine arts, and/or foreign language.	52538
(C) Beginning with students who enter ninth grade for the	52539
first time on or after July 1, 2010, except as provided in	52540
divisions (D) to (F) of this section, the requirements for	52541
graduation from every public and chartered nonpublic high school	52542
shall include twenty units that are designed to prepare students	52543
for the workforce and college. The units shall be distributed as	52544
follows:	52545
(1) English language arts, four units;	52546

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	52547 52548 52549
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	52550 52551
(4) Physical education, one-half unit;	52552
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	52553 52554 52555 52556
(a) Physical sciences, one unit;	52557
(b) Life sciences, one unit;	52558
(c) Advanced study in one or more of the following sciences, one unit:	52559 52560
(i) Chemistry, physics, or other physical science;	52561
(ii) Advanced biology or other life science;	52562
(iii) Astronomy, physical geology, or other earth or space science.	52563 52564
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	52565 52566 52567
(a) American history, one-half unit;	52568
(b) American government, one-half unit.	52569
(7) Social studies, two units.	52570
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and	52571 52572 52573 52574 52575

entrepreneurship adopted under division (A)(2) of that section, 52576
into one or more existing social studies credits required under 52577
division (C)(7) of this section, or into the content of another 52578
class, so that every high school student receives instruction in 52579
those concepts. In developing the curriculum required by this 52580
paragraph, schools shall use available public-private partnerships 52581
and resources and materials that exist in business, industry, and 52582
through the centers for economics education at institutions of 52583
higher education in the state. 52584

(8) Five units consisting of one or any combination of 52585
foreign language, fine arts, business, career-technical education, 52586
family and consumer sciences, technology, agricultural education, 52587
a junior reserve officer training corps (JROTC) program approved 52588
by the congress of the United States under title 10 of the United 52589
States Code, or English language arts, mathematics, science, or 52590
social studies courses not otherwise required under division (C) 52591
of this section. 52592

Ohioans must be prepared to apply increased knowledge and 52593
skills in the workplace and to adapt their knowledge and skills 52594
quickly to meet the rapidly changing conditions of the 52595
twenty-first century. National studies indicate that all high 52596
school graduates need the same academic foundation, regardless of 52597
the opportunities they pursue after graduation. The goal of Ohio's 52598
system of elementary and secondary education is to prepare all 52599
students for and seamlessly connect all students to success in 52600
life beyond high school graduation, regardless of whether the next 52601
step is entering the workforce, beginning an apprenticeship, 52602
engaging in post-secondary training, serving in the military, or 52603
pursuing a college degree. 52604

The Ohio core curriculum is the standard expectation for all 52605
students entering ninth grade for the first time at a public or 52606
chartered nonpublic high school on or after July 1, 2010. A 52607

student may satisfy this expectation through a variety of methods, 52608
including, but not limited to, integrated, applied, 52609
career-technical, and traditional coursework. 52610

Whereas teacher quality is essential for student success in 52611
completing the Ohio core curriculum, the general assembly shall 52612
appropriate funds for strategic initiatives designed to strengthen 52613
schools' capacities to hire and retain highly qualified teachers 52614
in the subject areas required by the curriculum. Such initiatives 52615
are expected to require an investment of \$120,000,000 over five 52616
years. 52617

Stronger coordination between high schools and institutions 52618
of higher education is necessary to prepare students for more 52619
challenging academic endeavors and to lessen the need for academic 52620
remediation in college, thereby reducing the costs of higher 52621
education for Ohio's students, families, and the state. The state 52622
board and the chancellor of the Ohio board of regents shall 52623
develop policies to ensure that only in rare instances will 52624
students who complete the Ohio core curriculum require academic 52625
remediation after high school. 52626

School districts, community schools, and chartered nonpublic 52627
schools shall integrate technology into learning experiences 52628
across the curriculum in order to maximize efficiency, enhance 52629
learning, and prepare students for success in the 52630
technology-driven twenty-first century. Districts and schools 52631
shall use distance and web-based course delivery as a method of 52632
providing or augmenting all instruction required under this 52633
division, including laboratory experience in science. Districts 52634
and schools shall utilize technology access and electronic 52635
learning opportunities provided by the ~~eTech Ohio~~ broadcast 52636
educational media commission, chancellor, the Ohio learning 52637
network, education technology centers, public television stations, 52638
and other public and private providers. 52639

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2014, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the Ohio core curriculum prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) After the student has attended high school for two years, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop an individual career plan for the student that specifies the student matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5) The student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

The department of education, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2014. The department shall submit its findings and any recommendations not later than August 1, 2014, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.

(E) Each school district and chartered nonpublic school retains the authority to require an even more rigorous minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department,

may qualify for graduation from high school by successfully 52702
completing a competency-based instructional program administered 52703
by the dropout prevention and recovery program in lieu of 52704
completing the Ohio core curriculum prescribed in division (C) of 52705
this section. The department shall grant a waiver to a dropout 52706
prevention and recovery program, within sixty days after the 52707
program applies for the waiver, if the program meets all of the 52708
following conditions: 52709

(1) The program serves only students not younger than sixteen 52710
years of age and not older than twenty-one years of age. 52711

(2) The program enrolls students who, at the time of their 52712
initial enrollment, either, or both, are at least one grade level 52713
behind their cohort age groups or experience crises that 52714
significantly interfere with their academic progress such that 52715
they are prevented from continuing their traditional programs. 52716

(3) The program requires students to attain at least the 52717
applicable score designated for each of the assessments prescribed 52718
under division (B)(1) of section 3301.0710 of the Revised Code or, 52719
to the extent prescribed by rule of the state board under division 52720
(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) 52721
of that section. 52722

(4) The program develops an individual career plan for the 52723
student that specifies the student's matriculating to a two-year 52724
degree program, acquiring a business and industry credential, or 52725
entering an apprenticeship. 52726

(5) The program provides counseling and support for the 52727
student related to the plan developed under division (F)(4) of 52728
this section during the remainder of the student's high school 52729
experience. 52730

(6) The program requires the student and the student's 52731
parent, guardian, or custodian to sign and file, in accordance 52732

with procedural requirements stipulated by the program, a written 52733
statement asserting the parent's, guardian's, or custodian's 52734
consent to the student's graduating without completing the Ohio 52735
core curriculum and acknowledging that one consequence of not 52736
completing the Ohio core curriculum is ineligibility to enroll in 52737
most state universities in Ohio without further coursework. 52738

(7) Prior to receiving the waiver, the program has submitted 52739
to the department an instructional plan that demonstrates how the 52740
academic content standards adopted by the state board under 52741
section 3301.079 of the Revised Code will be taught and assessed. 52742

If the department does not act either to grant the waiver or 52743
to reject the program application for the waiver within sixty days 52744
as required under this section, the waiver shall be considered to 52745
be granted. 52746

(G) Every high school may permit students below the ninth 52747
grade to take advanced work. If a high school so permits, it shall 52748
award high school credit for successful completion of the advanced 52749
work and shall count such advanced work toward the graduation 52750
requirements of division (B) or (C) of this section if the 52751
advanced work was both: 52752

(1) Taught by a person who possesses a license or certificate 52753
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 52754
Code that is valid for teaching high school; 52755

(2) Designated by the board of education of the city, local, 52756
or exempted village school district, the board of the cooperative 52757
education school district, or the governing authority of the 52758
chartered nonpublic school as meeting the high school curriculum 52759
requirements. 52760

Each high school shall record on the student's high school 52761
transcript all high school credit awarded under division (G) of 52762
this section. In addition, if the student completed a seventh- or 52763

eighth-grade fine arts course described in division (K) of this 52764
section and the course qualified for high school credit under that 52765
division, the high school shall record that course on the 52766
student's high school transcript. 52767

(H) The department shall make its individual academic career 52768
plan available through its Ohio career information system web site 52769
for districts and schools to use as a tool for communicating with 52770
and providing guidance to students and families in selecting high 52771
school courses. 52772

(I) Units earned in English language arts, mathematics, 52773
science, and social studies that are delivered through integrated 52774
academic and career-technical instruction are eligible to meet the 52775
graduation requirements of division (B) or (C) of this section. 52776

(J) The state board, in consultation with the chancellor, 52777
shall adopt a statewide plan implementing methods for students to 52778
earn units of high school credit based on a demonstration of 52779
subject area competency, instead of or in combination with 52780
completing hours of classroom instruction. The state board shall 52781
adopt the plan not later than March 31, 2009, and commence phasing 52782
in the plan during the 2009-2010 school year. The plan shall 52783
include a standard method for recording demonstrated proficiency 52784
on high school transcripts. Each school district and community 52785
school shall comply with the state board's plan adopted under this 52786
division and award units of high school credit in accordance with 52787
the plan. The state board may adopt existing methods for earning 52788
high school credit based on a demonstration of subject area 52789
competency as necessary prior to the 2009-2010 school year. 52790

(K) This division does not apply to students who qualify for 52791
graduation from high school under division (D) or (F) of this 52792
section, or to students pursuing a career-technical instructional 52793
track as determined by the school district board of education or 52794
the chartered nonpublic school's governing authority. 52795

Nevertheless, the general assembly encourages such students to 52796
consider enrolling in a fine arts course as an elective. 52797

Beginning with students who enter ninth grade for the first 52798
time on or after July 1, 2010, each student enrolled in a public 52799
or chartered nonpublic high school shall complete two semesters or 52800
the equivalent of fine arts to graduate from high school. The 52801
coursework may be completed in any of grades seven to twelve. Each 52802
student who completes a fine arts course in grade seven or eight 52803
may elect to count that course toward the five units of electives 52804
required for graduation under division (C)(8) of this section, if 52805
the course satisfied the requirements of division (G) of this 52806
section. In that case, the high school shall award the student 52807
high school credit for the course and count the course toward the 52808
five units required under division (C)(8) of this section. If the 52809
course in grade seven or eight did not satisfy the requirements of 52810
division (G) of this section, the high school shall not award the 52811
student high school credit for the course but shall count the 52812
course toward the two semesters or the equivalent of fine arts 52813
required by this division. 52814

(L)(1) Notwithstanding anything to the contrary in this 52815
section, the board of education of each school district and the 52816
governing authority of each chartered nonpublic school may adopt a 52817
policy to excuse from the high school physical education 52818
requirement each student who, during high school, has participated 52819
in interscholastic athletics, marching band, or cheerleading for 52820
at least two full seasons or in the junior reserve officer 52821
training corps for at least two full school years. If the board or 52822
authority adopts such a policy, the board or authority shall not 52823
require the student to complete any physical education course as a 52824
condition to graduate. ~~However~~ 52825

(2) Notwithstanding anything to the contrary in this section, 52826
the following students shall be excused from the high school 52827

<u>physical education requirement prescribed by this section:</u>	52828
<u>(a) A student enrolled in an internet- or computer-based</u>	52829
<u>community school;</u>	52830
<u>(b) To the extent that division (L)(2) does not conflict with</u>	52831
<u>the child's IEP, any child with a disability.</u>	52832
<u>(3) However, the any student excused from the physical</u>	52833
<u>education requirement under division (L) of this section shall be</u>	52834
required to complete one-half unit, consisting of at least sixty	52835
hours of instruction, in another course of study. In the case of a	52836
student who has participated in the junior reserve officer	52837
training corps for at least two full school years, credit received	52838
for that participation may be used to satisfy the requirement to	52839
complete one-half unit in another course of study.	52840
(M) It is important that high school students learn and	52841
understand United States history and the governments of both the	52842
United States and the state of Ohio. Therefore, beginning with	52843
students who enter ninth grade for the first time on or after July	52844
1, 2012, the study of American history and American government	52845
required by divisions (B)(6) and (C)(6) of this section shall	52846
include the study of all of the following documents:	52847
(1) The Declaration of Independence;	52848
(2) The Northwest Ordinance;	52849
(3) The Constitution of the United States with emphasis on	52850
the Bill of Rights;	52851
(4) The Ohio Constitution.	52852
The study of each of the documents prescribed in divisions	52853
(M)(1) to (4) of this section shall include study of that document	52854
in its original context.	52855
The study of American history and government required by	52856
divisions (B)(6) and (C)(6) of this section shall include the	52857

historical evidence of the role of documents such as the 52858
Federalist Papers and the Anti-Federalist Papers to firmly 52859
establish the historical background leading to the establishment 52860
of the provisions of the Constitution and Bill of Rights. 52861

Sec. 3313.6013. (A) As used in this section, "dual enrollment 52862
program" means a program that enables a student to earn credit 52863
toward a degree from an institution of higher education while 52864
enrolled in high school or that enables a student to complete 52865
coursework while enrolled in high school that may earn credit 52866
toward a degree from an institution of higher education upon the 52867
student's attainment of a specified score on an examination 52868
covering the coursework. Dual enrollment programs may include any 52869
of the following: 52870

(1) The post-secondary enrollment options program established 52871
under Chapter 3365. of the Revised Code; 52872

(2) Advanced placement courses; 52873

(3) Any similar program established pursuant to an agreement 52874
between a school district or chartered nonpublic high school and 52875
an institution of higher education; 52876

(4) Early college high schools. 52877

(B) Each city, local, exempted village, and joint vocational 52878
school district and each chartered nonpublic high school shall 52879
provide students enrolled in grades nine through twelve with the 52880
opportunity to participate in a dual enrollment program. For this 52881
purpose, each school district and chartered nonpublic high school 52882
shall offer at least one dual enrollment program in accordance 52883
with division (B)(1) or (2) of this section, as applicable. 52884

(1) A city, local, or exempted village school district meets 52885
the requirements of this division through its mandatory 52886
participation in the post-secondary enrollment options program 52887

established under Chapter 3365. of the Revised Code. However, a 52888
city, local, or exempted village school district may offer any 52889
other dual enrollment program, in addition to the post-secondary 52890
enrollment options program, and each joint vocational school 52891
district shall offer at least one other dual enrollment program, 52892
to students in good standing, as defined by the partnership for 52893
continued learning under section 3301.42 of the Revised Code as it 52894
existed prior to October 16, 2009, or as subsequently defined by 52895
the department of education. 52896

(2) A chartered nonpublic high school that elects to 52897
participate in the post-secondary enrollment options program 52898
established under Chapter 3365. of the Revised Code meets the 52899
requirements of this division. Each chartered nonpublic high 52900
school that elects not to participate in the post-secondary 52901
enrollment options program instead shall offer at least one other 52902
dual enrollment program to students in good standing, as defined 52903
by the partnership for continued learning under section 3301.42 of 52904
the Revised Code as it existed prior to October 16, 2009, or as 52905
subsequently defined by the department of education. 52906

(C) Each school district and each chartered nonpublic high 52907
school shall provide information about the dual enrollment 52908
programs offered by the district or school to all students 52909
enrolled in grades eight through eleven. 52910

Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, 52911
the department of education shall administer a pilot program 52912
requiring daily physical activity for students. Any school 52913
district; community school established under Chapter 3314. of the 52914
Revised Code; science, technology, engineering, and mathematics 52915
school established under Chapter 3326. of the Revised Code; or 52916
chartered nonpublic school annually may elect to participate in 52917
the pilot program by notifying the department of its interest by a 52918

date established by the department. If a school district elects to 52919
participate in the pilot program, ~~each school building operated by~~ 52920
~~the district shall be required~~ the district shall select one or 52921
more school buildings to participate in the program. To the 52922
maximum extent possible, the department shall seek to include in 52923
the pilot program districts and schools that are located in urban, 52924
suburban, and rural areas distributed geographically throughout 52925
the state. The department shall administer the pilot program in 52926
accordance with this section. 52927

(B) Except as provided in division (C) of this section, each 52928
district or school participating in the pilot program shall 52929
require all students in ~~each of grades kindergarten through twelve~~ 52930
the school building selected under division (A) of this section to 52931
engage in at least thirty minutes of moderate to rigorous physical 52932
activity each school day or at least one hundred fifty minutes of 52933
moderate to rigorous physical activity each week, exclusive of 52934
recess. Physical activity engaged in during the following may 52935
count toward the daily requirement: 52936

(1) A physical education course; 52937

(2) A program or activity occurring before or after the 52938
regular school day, as defined in section 3313.814 of the Revised 52939
Code, that is sponsored or approved by the school of attendance, 52940
provided school officials are able to monitor students' 52941
participation to ensure compliance with the requirement. 52942

(C) None of the following shall be subject to the requirement 52943
of division (B) of this section: 52944

(1) Any student enrolled in the post-secondary enrollment 52945
options program established under Chapter 3365. of the Revised 52946
Code; 52947

(2) Any student enrolled in a career-technical education 52948
program operated by the district or school; 52949

(3) Any student enrolled in a dropout prevention and recovery program operated by the district or school;	52950 52951
<u>(4) Any student enrolled in an internet- or computer-based community school;</u>	52952 52953
<u>(5) Any child with a disability, to the extent that division (C)(5) of this section does not conflict with the child's IEP. As used in this section, "child with a disability" and "IEP" have the same meanings as in section 3323.01 of the Revised Code.</u>	52954 52955 52956 52957
(D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section.	52958 52959 52960 52961 52962
(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.	52963 52964 52965 52966
(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division.	52967 52968 52969 52970 52971 52972
<u>Sec. 3313.6018. (A) As used in this section and section 3313.6019 of the Revised Code, "extended programming" means extended programming as described in section 3301.0725 of the Revised Code.</u>	52973 52974 52975 52976
<u>(B) Except as provided in division (C) of section 3313.6019 of the Revised Code, extended programming shall be used for activities that involve direct contact with students or are</u>	52977 52978 52979

directly related to student programs and activities. On any given 52980
day that extended programming is provided, it shall be provided 52981
for at least one hour. 52982

Sec. 3313.6019. (A) Not later than December 31, 2013, the 52983
department of education shall issue a report with recommendations 52984
for quality agricultural education programs. These recommendations 52985
shall be developed using both of the following: 52986

(1) The standards for exemplary agricultural education that 52987
are described in the national quality program standards for 52988
secondary (grades 9-12) agricultural education developed by the 52989
national council for agricultural education or a successor 52990
document developed by the national council for agricultural 52991
education or its successor; 52992

(2) The quality program standards for Ohio's agricultural and 52993
environmental systems career field programs or a successor 52994
document developed by the department, the Ohio association of 52995
agricultural educators, the Ohio state university, and wilmingon 52996
college of Ohio. 52997

The report shall include the appropriate use of extended 52998
programming in agricultural education programs and the recommended 52999
number of hours outside the normal school day that licensed 53000
educators may be permitted to provide extended programming 53001
instruction. Following the initial issuance of the report, the 53002
department may periodically review and update the report as it 53003
considers necessary. 53004

(B) All agricultural education instructors shall utilize a 53005
three-part model of agricultural education instruction of 53006
classroom instruction, FFA activities, and extended programming 53007
projects. 53008

(C) Professional development associated with agricultural 53009

education shall be considered an acceptable use of extended 53010
student programming funds. 53011

(D) All agricultural education instructors shall submit a 53012
monthly time log to the principal of the school at which the 53013
extended programming is offered, or the principal's designee, for 53014
review. 53015

Sec. 3313.612. (A) No nonpublic school chartered by the state 53016
board of education shall grant a high school diploma to any person 53017
unless, subject to section 3313.614 of the Revised Code, the 53018
person has met the assessment requirements of division (A)(1) or 53019
(2) of this section, as applicable. 53020

(1) If the person entered the ninth grade prior to the date 53021
prescribed by rule of the state board under division (D)(2) of 53022
section 3301.0712 of the Revised Code, the person has attained at 53023
least the applicable scores designated under division (B)(1) of 53024
section 3301.0710 of the Revised Code on all the assessments 53025
required by that division, or has satisfied the alternative 53026
conditions prescribed in section 3313.615 of the Revised Code. 53027

(2) If the person entered the ninth grade on or after the 53028
date prescribed by rule of the state board under division (E)(2) 53029
of section 3301.0712 of the Revised Code, the person has met the 53030
requirements of the entire assessment system prescribed under 53031
division (B)(2) of section 3301.0710 of the Revised Code. 53032

(B) This section does not apply to ~~either~~ any of the 53033
following: 53034

(1) Any person with regard to any assessment from which the 53035
person was excused pursuant to division (C)(1)(c) of section 53036
3301.0711 of the Revised Code; 53037

(2) Any person that attends a nonpublic school accredited 53038
through the independent school association of the central states 53039

with regard to any end-of-course examination required under 53040
divisions (B)(2) and (3) of section 3301.0712 of the Revised Code; 53041

(3) Any person with regard to the social studies assessment 53042
under division (B)(1) of section 3301.0710 of the Revised Code, 53043
any American history end-of-course examination and any American 53044
government end-of-course examination required under division 53045
(B)(2) of that section if such an exemption is prescribed by rule 53046
of the state board of education under division (D)(4) of section 53047
3301.0712 of the Revised Code, or the citizenship test under 53048
former division (B) of section 3301.0710 of the Revised Code as it 53049
existed prior to September 11, 2001, if all of the following 53050
apply: 53051

(a) The person is not a citizen of the United States; 53052

(b) The person is not a permanent resident of the United 53053
States; 53054

(c) The person indicates no intention to reside in the United 53055
States after completion of high school. 53056

(C) As used in this division, "limited English proficient 53057
student" has the same meaning as in division (C)(3) of section 53058
3301.0711 of the Revised Code. 53059

Notwithstanding division (C)(3) of section 3301.0711 of the 53060
Revised Code, no limited English proficient student who has not 53061
either attained the applicable scores designated under division 53062
(B)(1) of section 3301.0710 of the Revised Code on all the 53063
assessments required by that division, or met the requirements of 53064
the assessments under division (B)(2) of that section, shall be 53065
awarded a diploma under this section. 53066

Sec. 3313.615. This section shall apply to diplomas awarded 53067
after September 15, 2006, to students who are required to take the 53068
five Ohio graduation tests prescribed by division (B)(1) of 53069

section 3301.0710 of the Revised Code. 53070

(A) As an alternative to the requirement that a person attain 53071
the scores designated under division (B)(1) of section 3301.0710 53072
of the Revised Code on all the assessments required under that 53073
division in order to be eligible for a high school diploma or an 53074
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 53075
Revised Code or for a diploma of adult education under section 53076
3313.611 of the Revised Code, a person who has attained at least 53077
the applicable scores designated under division (B)(1) of section 53078
3301.0710 of the Revised Code on all but one of the assessments 53079
required by that division and from which the person was not 53080
excused or exempted, pursuant to division (L) of section 3313.61, 53081
division (B)(1) of section 3313.612, or section 3313.532 of the 53082
Revised Code, may be awarded a diploma or honors diploma if the 53083
person has satisfied all of the following conditions: 53084

(1) On the one assessment required under division (B)(1) of 53085
section 3301.0710 of the Revised Code for which the person failed 53086
to attain the designated score, the person missed that score by 53087
ten points or less; 53088

(2) Has a ninety-seven per cent school attendance rate in 53089
each of the last four school years, excluding any excused 53090
absences; 53091

(3) Has not been expelled from school under section 3313.66 53092
of the Revised Code in any of the last four school years; 53093

(4) Has a grade point average of at least 2.5 out of 4.0, or 53094
its equivalent as designated in rules adopted by the state board 53095
of education, in the subject area of the assessment required under 53096
division (B)(1) of section 3301.0710 of the Revised Code for which 53097
the person failed to attain the designated score; 53098

(5) Has completed the high school curriculum requirements 53099
prescribed in section 3313.603 of the Revised Code or has 53100

qualified under division (D) or (F) of that section; 53101

(6) Has taken advantage of any intervention programs provided 53102
by the school district or school in the subject area described in 53103
division (A)(4) of this section and has a ninety-seven per cent 53104
attendance rate, excluding any excused absences, in any of those 53105
programs that are provided at times beyond the normal school day, 53106
school week, or school year or has received comparable 53107
intervention services from a source other than the school district 53108
or school; 53109

(7) Holds a letter recommending graduation from each of the 53110
person's high school teachers in the subject area described in 53111
division (A)(4) of this section and from the person's high school 53112
principal. 53113

(B) The state board of education shall establish rules 53114
designating grade point averages equivalent to the average 53115
specified in division (A)(4) of this section for use by school 53116
districts and schools with different grading systems. 53117

(C) Any student who is exempt from attaining the applicable 53118
score designated under division (B)(1) of section 3301.0710 of the 53119
Revised Code on the Ohio graduation test in social studies 53120
pursuant to division (H) of section 3313.61 or division (B)~~(2)~~(3) 53121
of section 3313.612 of the Revised Code shall not qualify for a 53122
high school diploma under this section, unless, notwithstanding 53123
the exemption, the student attains the applicable score on that 53124
assessment. If the student attains the applicable score on that 53125
assessment, the student may qualify for a diploma under this 53126
section in the same manner as any other student who is required to 53127
take the five Ohio graduation tests prescribed by division (B)(1) 53128
of section 3301.0710 of the Revised Code. 53129

Sec. 3313.62. The school year shall begin on the first day of 53130
July of each calendar year and close on the thirtieth day of June 53131

of the succeeding calendar year. A school week shall consist of 53132
five days, ~~and a school month of four school weeks.~~ A chartered 53133
nonpublic school may be open for instruction with pupils in 53134
attendance on any day of the week, including Saturday or Sunday. 53135

Sec. 3313.64. (A) As used in this section and in section 53136
3313.65 of the Revised Code: 53137

(1)(a) Except as provided in division (A)(1)(b) of this 53138
section, "parent" means either parent, unless the parents are 53139
separated or divorced or their marriage has been dissolved or 53140
annulled, in which case "parent" means the parent who is the 53141
residential parent and legal custodian of the child. When a child 53142
is in the legal custody of a government agency or a person other 53143
than the child's natural or adoptive parent, "parent" means the 53144
parent with residual parental rights, privileges, and 53145
responsibilities. When a child is in the permanent custody of a 53146
government agency or a person other than the child's natural or 53147
adoptive parent, "parent" means the parent who was divested of 53148
parental rights and responsibilities for the care of the child and 53149
the right to have the child live with the parent and be the legal 53150
custodian of the child and all residual parental rights, 53151
privileges, and responsibilities. 53152

(b) When a child is the subject of a power of attorney 53153
executed under sections 3109.51 to 3109.62 of the Revised Code, 53154
"parent" means the grandparent designated as attorney in fact 53155
under the power of attorney. When a child is the subject of a 53156
caretaker authorization affidavit executed under sections 3109.64 53157
to 3109.73 of the Revised Code, "parent" means the grandparent 53158
that executed the affidavit. 53159

(2) "Legal custody," "permanent custody," and "residual 53160
parental rights, privileges, and responsibilities" have the same 53161
meanings as in section 2151.011 of the Revised Code. 53162

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.	53163 53164 53165
(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:	53166 53167 53168 53169
(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.	53170 53171 53172
(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.	53173 53174 53175
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	53176 53177 53178
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	53179 53180
(5) "Agency" means all of the following:	53181
(a) A public children services agency;	53182
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	53183 53184 53185 53186 53187 53188
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.	53189 53190 53191 53192

(6) A child is placed for adoption if either of the following occurs:	53193 53194
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	53195 53196 53197 53198
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	53199 53200 53201
(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.	53202 53203
(8) "Child," unless otherwise indicated, includes preschool children with disabilities.	53204 53205
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	53206 53207 53208 53209
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.	53210 53211 53212 53213 53214
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	53215 53216
(2) <u>A Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not</u> reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:	53217 53218 53219 53220 53221
(a) The child is in the legal or permanent custody of a	53222

government agency or a person other than the child's natural or adoptive parent. 53223
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(b) The child resides in a home. 53225

(c) The child requires special education. 53226

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 53227
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(a) The placement for adoption has been terminated. 53233

(b) Another school district is required to admit the child under division (B)(1) of this section. 53234
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Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code. 53236
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(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child: 53241
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(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child 53247
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resides in a home. 53253

(2) For a child that does not receive special education in 53254
accordance with Chapter 3323. of the Revised Code, except as 53255
otherwise provided in division (C)(2)(d) of this section, if the 53256
child is in the permanent or legal custody of a government agency 53257
or person other than the child's parent, tuition shall be paid by: 53258

(a) The district in which the child's parent resided at the 53259
time the court removed the child from home or at the time the 53260
court vested legal or permanent custody of the child in the person 53261
or government agency, whichever occurred first; 53262

(b) If the parent's residence at the time the court removed 53263
the child from home or placed the child in the legal or permanent 53264
custody of the person or government agency is unknown, tuition 53265
shall be paid by the district in which the child resided at the 53266
time the child was removed from home or placed in legal or 53267
permanent custody, whichever occurred first; 53268

(c) If a school district cannot be established under division 53269
(C)(2)(a) or (b) of this section, tuition shall be paid by the 53270
district determined as required by section 2151.362 of the Revised 53271
Code by the court at the time it vests custody of the child in the 53272
person or government agency; 53273

(d) If at the time the court removed the child from home or 53274
vested legal or permanent custody of the child in the person or 53275
government agency, whichever occurred first, one parent was in a 53276
residential or correctional facility or a juvenile residential 53277
placement and the other parent, if living and not in such a 53278
facility or placement, was not known to reside in this state, 53279
tuition shall be paid by the district determined under division 53280
(D) of section 3313.65 of the Revised Code as the district 53281
required to pay any tuition while the parent was in such facility 53282
or placement; 53283

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home ~~or~~, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services, and does not receive special education.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to

both the school district providing the educational services and, 53315
if different, the school district that is responsible to pay 53316
tuition for the child. The department shall deduct the certified 53317
amount from the state basic aid funds payable under Chapter 3317. 53318
of the Revised Code to the district responsible to pay tuition and 53319
shall pay that amount to the district providing the educational 53320
services to the child. 53321

(D) Tuition required to be paid under divisions (C)(2) and 53322
(3)(a) of this section shall be computed in accordance with 53323
section 3317.08 of the Revised Code. Tuition required to be paid 53324
under division (C)(3)(b) of this section shall be computed in 53325
accordance with section 3317.081 of the Revised Code. If a home 53326
fails to pay the tuition required by division (C)(3)(b) of this 53327
section, the board of education providing the education may 53328
recover in a civil action the tuition and the expenses incurred in 53329
prosecuting the action, including court costs and reasonable 53330
attorney's fees. If the prosecuting attorney or city director of 53331
law represents the board in such action, costs and reasonable 53332
attorney's fees awarded by the court, based upon the prosecuting 53333
attorney's, director's, or one of their designee's time spent 53334
preparing and presenting the case, shall be deposited in the 53335
county or city general fund. 53336

(E) A board of education may enroll a child free of any 53337
tuition obligation for a period not to exceed sixty days, on the 53338
sworn statement of an adult resident of the district that the 53339
resident has initiated legal proceedings for custody of the child. 53340

(F) In the case of any individual entitled to attend school 53341
under this division, no tuition shall be charged by the school 53342
district of attendance and no other school district shall be 53343
required to pay tuition for the individual's attendance. 53344
Notwithstanding division (B), (C), or (E) of this section: 53345

(1) All persons at least eighteen but under twenty-two years 53346

of age who live apart from their parents, support themselves by 53347
their own labor, and have not successfully completed the high 53348
school curriculum or the individualized education program 53349
developed for the person by the high school pursuant to section 53350
3323.08 of the Revised Code, are entitled to attend school in the 53351
district in which they reside. 53352

(2) Any child under eighteen years of age who is married is 53353
entitled to attend school in the child's district of residence. 53354

(3) A child is entitled to attend school in the district in 53355
which either of the child's parents is employed if the child has a 53356
medical condition that may require emergency medical attention. 53357
The parent of a child entitled to attend school under division 53358
(F)(3) of this section shall submit to the board of education of 53359
the district in which the parent is employed a statement from the 53360
child's physician certifying that the child's medical condition 53361
may require emergency medical attention. The statement shall be 53362
supported by such other evidence as the board may require. 53363

(4) Any child residing with a person other than the child's 53364
parent is entitled, for a period not to exceed twelve months, to 53365
attend school in the district in which that person resides if the 53366
child's parent files an affidavit with the superintendent of the 53367
district in which the person with whom the child is living resides 53368
stating all of the following: 53369

(a) That the parent is serving outside of the state in the 53370
armed services of the United States; 53371

(b) That the parent intends to reside in the district upon 53372
returning to this state; 53373

(c) The name and address of the person with whom the child is 53374
living while the parent is outside the state. 53375

(5) Any child under the age of twenty-two years who, after 53376
the death of a parent, resides in a school district other than the 53377

district in which the child attended school at the time of the 53378
parent's death is entitled to continue to attend school in the 53379
district in which the child attended school at the time of the 53380
parent's death for the remainder of the school year, subject to 53381
approval of that district board. 53382

(6) A child under the age of twenty-two years who resides 53383
with a parent who is having a new house built in a school district 53384
outside the district where the parent is residing is entitled to 53385
attend school for a period of time in the district where the new 53386
house is being built. In order to be entitled to such attendance, 53387
the parent shall provide the district superintendent with the 53388
following: 53389

(a) A sworn statement explaining the situation, revealing the 53390
location of the house being built, and stating the parent's 53391
intention to reside there upon its completion; 53392

(b) A statement from the builder confirming that a new house 53393
is being built for the parent and that the house is at the 53394
location indicated in the parent's statement. 53395

(7) A child under the age of twenty-two years residing with a 53396
parent who has a contract to purchase a house in a school district 53397
outside the district where the parent is residing and who is 53398
waiting upon the date of closing of the mortgage loan for the 53399
purchase of such house is entitled to attend school for a period 53400
of time in the district where the house is being purchased. In 53401
order to be entitled to such attendance, the parent shall provide 53402
the district superintendent with the following: 53403

(a) A sworn statement explaining the situation, revealing the 53404
location of the house being purchased, and stating the parent's 53405
intent to reside there; 53406

(b) A statement from a real estate broker or bank officer 53407
confirming that the parent has a contract to purchase the house, 53408

that the parent is waiting upon the date of closing of the 53409
mortgage loan, and that the house is at the location indicated in 53410
the parent's statement. 53411

The district superintendent shall establish a period of time 53412
not to exceed ninety days during which the child entitled to 53413
attend school under division (F)(6) or (7) of this section may 53414
attend without tuition obligation. A student attending a school 53415
under division (F)(6) or (7) of this section shall be eligible to 53416
participate in interscholastic athletics under the auspices of 53417
that school, provided the board of education of the school 53418
district where the student's parent resides, by a formal action, 53419
releases the student to participate in interscholastic athletics 53420
at the school where the student is attending, and provided the 53421
student receives any authorization required by a public agency or 53422
private organization of which the school district is a member 53423
exercising authority over interscholastic sports. 53424

(8) A child whose parent is a full-time employee of a city, 53425
local, or exempted village school district, or of an educational 53426
service center, may be admitted to the schools of the district 53427
where the child's parent is employed, or in the case of a child 53428
whose parent is employed by an educational service center, in the 53429
district that serves the location where the parent's job is 53430
primarily located, provided the district board of education 53431
establishes such an admission policy by resolution adopted by a 53432
majority of its members. Any such policy shall take effect on the 53433
first day of the school year and the effective date of any 53434
amendment or repeal may not be prior to the first day of the 53435
subsequent school year. The policy shall be uniformly applied to 53436
all such children and shall provide for the admission of any such 53437
child upon request of the parent. No child may be admitted under 53438
this policy after the first day of classes of any school year. 53439

(9) A child who is with the child's parent under the care of 53440

a shelter for victims of domestic violence, as defined in section 53441
3113.33 of the Revised Code, is entitled to attend school free in 53442
the district in which the child is with the child's parent, and no 53443
other school district shall be required to pay tuition for the 53444
child's attendance in that school district. 53445

The enrollment of a child in a school district under this 53446
division shall not be denied due to a delay in the school 53447
district's receipt of any records required under section 3313.672 53448
of the Revised Code or any other records required for enrollment. 53449
Any days of attendance and any credits earned by a child while 53450
enrolled in a school district under this division shall be 53451
transferred to and accepted by any school district in which the 53452
child subsequently enrolls. The state board of education shall 53453
adopt rules to ensure compliance with this division. 53454

(10) Any child under the age of twenty-two years whose parent 53455
has moved out of the school district after the commencement of 53456
classes in the child's senior year of high school is entitled, 53457
subject to the approval of that district board, to attend school 53458
in the district in which the child attended school at the time of 53459
the parental move for the remainder of the school year and for one 53460
additional semester or equivalent term. A district board may also 53461
adopt a policy specifying extenuating circumstances under which a 53462
student may continue to attend school under division (F)(10) of 53463
this section for an additional period of time in order to 53464
successfully complete the high school curriculum for the 53465
individualized education program developed for the student by the 53466
high school pursuant to section 3323.08 of the Revised Code. 53467

(11) As used in this division, "grandparent" means a parent 53468
of a parent of a child. A child under the age of twenty-two years 53469
who is in the custody of the child's parent, resides with a 53470
grandparent, and does not require special education is entitled to 53471
attend the schools of the district in which the child's 53472

grandparent resides, provided that, prior to such attendance in 53473
any school year, the board of education of the school district in 53474
which the child's grandparent resides and the board of education 53475
of the school district in which the child's parent resides enter 53476
into a written agreement specifying that good cause exists for 53477
such attendance, describing the nature of this good cause, and 53478
consenting to such attendance. 53479

In lieu of a consent form signed by a parent, a board of 53480
education may request the grandparent of a child attending school 53481
in the district in which the grandparent resides pursuant to 53482
division (F)(11) of this section to complete any consent form 53483
required by the district, including any authorization required by 53484
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 53485
Code. Upon request, the grandparent shall complete any consent 53486
form required by the district. A school district shall not incur 53487
any liability solely because of its receipt of a consent form from 53488
a grandparent in lieu of a parent. 53489

Division (F)(11) of this section does not create, and shall 53490
not be construed as creating, a new cause of action or substantive 53491
legal right against a school district, a member of a board of 53492
education, or an employee of a school district. This section does 53493
not affect, and shall not be construed as affecting, any 53494
immunities from defenses to tort liability created or recognized 53495
by Chapter 2744. of the Revised Code for a school district, 53496
member, or employee. 53497

(12) A child under the age of twenty-two years is entitled to 53498
attend school in a school district other than the district in 53499
which the child is entitled to attend school under division (B), 53500
(C), or (E) of this section provided that, prior to such 53501
attendance in any school year, both of the following occur: 53502

(a) The superintendent of the district in which the child is 53503
entitled to attend school under division (B), (C), or (E) of this 53504

section contacts the superintendent of another district for 53505
purposes of this division; 53506

(b) The superintendents of both districts enter into a 53507
written agreement that consents to the attendance and specifies 53508
that the purpose of such attendance is to protect the student's 53509
physical or mental well-being or to deal with other extenuating 53510
circumstances deemed appropriate by the superintendents. 53511

While an agreement is in effect under this division for a 53512
student who is not receiving special education under Chapter 3323. 53513
of the Revised Code and notwithstanding Chapter 3327. of the 53514
Revised Code, the board of education of neither school district 53515
involved in the agreement is required to provide transportation 53516
for the student to and from the school where the student attends. 53517

A student attending a school of a district pursuant to this 53518
division shall be allowed to participate in all student 53519
activities, including interscholastic athletics, at the school 53520
where the student is attending on the same basis as any student 53521
who has always attended the schools of that district while of 53522
compulsory school age. 53523

(13) All school districts shall comply with the 53524
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 53525
seq., for the education of homeless children. Each city, local, 53526
and exempted village school district shall comply with the 53527
requirements of that act governing the provision of a free, 53528
appropriate public education, including public preschool, to each 53529
homeless child. 53530

When a child loses permanent housing and becomes a homeless 53531
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 53532
such a homeless person changes temporary living arrangements, the 53533
child's parent or guardian shall have the option of enrolling the 53534
child in either of the following: 53535

(a) The child's school of origin, as defined in 42 U.S.C.A. 53536
11432(g)(3)(C); 53537

(b) The school that is operated by the school district in 53538
which the shelter where the child currently resides is located and 53539
that serves the geographic area in which the shelter is located. 53540

(14) A child under the age of twenty-two years who resides 53541
with a person other than the child's parent is entitled to attend 53542
school in the school district in which that person resides if both 53543
of the following apply: 53544

(a) That person has been appointed, through a military power 53545
of attorney executed under section 574(a) of the "National Defense 53546
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 53547
U.S.C. 1044b, or through a comparable document necessary to 53548
complete a family care plan, as the parent's agent for the care, 53549
custody, and control of the child while the parent is on active 53550
duty as a member of the national guard or a reserve unit of the 53551
armed forces of the United States or because the parent is a 53552
member of the armed forces of the United States and is on a duty 53553
assignment away from the parent's residence. 53554

(b) The military power of attorney or comparable document 53555
includes at least the authority to enroll the child in school. 53556

The entitlement to attend school in the district in which the 53557
parent's agent under the military power of attorney or comparable 53558
document resides applies until the end of the school year in which 53559
the military power of attorney or comparable document expires. 53560

(G) A board of education, after approving admission, may 53561
waive tuition for students who will temporarily reside in the 53562
district and who are either of the following: 53563

(1) Residents or domiciliaries of a foreign nation who 53564
request admission as foreign exchange students; 53565

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

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(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

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(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

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(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

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(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

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(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to

receive tuition pursuant to division (C)(2) or (3) of this section 53630
or section 3313.65 of the Revised Code shall have an amount 53631
credited under division (C) of section 3317.023 of the Revised 53632
Code equal to its own tuition rate for the same period of 53633
attendance. If the tuition rate credited to the district of 53634
attendance exceeds the rate deducted from the district required to 53635
pay tuition, the department of education shall pay the district of 53636
attendance the difference from amounts deducted from all 53637
districts' payments under division (C) of section 3317.023 of the 53638
Revised Code but not credited to other school districts under such 53639
division and from appropriations made for such purpose. The 53640
treasurer of each school district shall, by the fifteenth day of 53641
January and July, furnish the superintendent of public instruction 53642
a report of the names of each child who attended the district's 53643
schools under divisions (C)(2) and (3) of this section or section 53644
3313.65 of the Revised Code during the preceding six calendar 53645
months, the duration of the attendance of those children, the 53646
school district responsible for tuition on behalf of the child, 53647
and any other information that the superintendent requires. 53648

Upon receipt of the report the superintendent, pursuant to 53649
division (C) of section 3317.023 of the Revised Code, shall deduct 53650
each district's tuition obligations under divisions (C)(2) and (3) 53651
of this section or section 3313.65 of the Revised Code and pay to 53652
the district of attendance that amount plus any amount required to 53653
be paid by the state. 53654

(K) In the event of a disagreement, the superintendent of 53655
public instruction shall determine the school district in which 53656
the parent resides. 53657

(L) Nothing in this section requires or authorizes, or shall 53658
be construed to require or authorize, the admission to a public 53659
school in this state of a pupil who has been permanently excluded 53660
from public school attendance by the superintendent of public 53661

instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 53662
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(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 53664
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Sec. 3313.646. (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a ~~preschool~~ program to provide services to preschool-age children, provided the board has demonstrated a need for the program. A board may use school funds in support of preschool programs. The board shall maintain, operate, and admit children to any such program pursuant to rules adopted by such board and the rules of the state board of education adopted under sections 3301.52 to 3301.57 of the Revised Code. 53679
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A board of education may establish fees or tuition, which may be graduated in proportion to family income, for participation in a preschool program. In cases where payment of fees or tuition would create a hardship for the child's parent or guardian, the 53689
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board may waive any such fees or tuition. 53693

(B) No board of education that is not receiving funds under 53694
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 53695
March 17, 1989, shall compete for funds under the "Head Start Act" 53696
with any grantee receiving funds under that act. 53697

(C) A board of education may contract with any of the 53698
following preschool providers to provide ~~preschool programs~~ 53699
services to preschool-age children, other than ~~programs for units~~ 53700
~~described by divisions (B) and (C) of those services for which the~~ 53701
district is eligible to receive funding under section 3317.05 53702
3317.0213 of the Revised Code, ~~for children of the school~~ 53703
~~district:~~ 53704

(1) Any organization receiving funds under the "Head Start 53705
Act"; 53706

(2) Any nonsectarian eligible nonpublic school as defined in 53707
division (H) of section 3301.52 of the Revised Code; 53708

(3) Any child care provider licensed under Chapter 5104. of 53709
the Revised Code. 53710

Boards may contract to provide ~~preschool programs~~ services to 53711
preschool-age children only with such organizations whose staff 53712
meet the requirements of rules adopted under section 3301.53 of 53713
the Revised Code or those of the child development associate 53714
credential established by the national association for the 53715
education of young children. 53716

(D) A contract entered into under division (C) of this 53717
section may provide for the board of education to lease school 53718
facilities to the preschool provider or to furnish transportation, 53719
utilities, or staff for the preschool program. 53720

(E) The treasurer of any board of education operating a 53721
preschool program pursuant to this section shall keep an account 53722

of all funds used to operate the program in the same manner as the 53723
treasurer would any other funds of the district pursuant to this 53724
chapter. 53725

Sec. 3313.65. (A) As used in this section and section 3313.64 53726
of the Revised Code: 53727

(1) A person is "in a residential facility" if the person is 53728
a resident or a resident patient of an institution, home, or other 53729
residential facility that is: 53730

(a) Licensed as a nursing home, residential care facility, or 53731
home for the aging by the director of health under section 3721.02 53732
of the Revised Code; 53733

(b) Maintained as a county home or district home by the board 53734
of county commissioners or a joint board of county commissioners 53735
under Chapter 5155. of the Revised Code; 53736

(c) Operated or administered by a board of alcohol, drug 53737
addiction, and mental health services under section 340.03 ~~or~~ 53738
~~340.06~~ of the Revised Code, or provides residential care pursuant 53739
to contracts made under section 340.03 ~~or 340.033~~ of the Revised 53740
Code; 53741

(d) Maintained as a state institution for the mentally ill 53742
under Chapter 5119. of the Revised Code; 53743

(e) Licensed by the department of ~~mental health~~ mental health 53744
and addiction services under section ~~5119.20~~ 5119.33 or ~~5119.22~~ 53745
5119.34 of the Revised Code; 53746

(f) Licensed as a residential facility by the department of 53747
developmental disabilities under section 5123.19 of the Revised 53748
Code; 53749

(g) Operated by the veteran's administration or another 53750
agency of the United States government; 53751

(h) Operated by the Ohio veterans' home.	53752
(2) A person is "in a correctional facility" if any of the following apply:	53753
(a) The person is an Ohio resident and is:	53754
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	53755
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	53756
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	53757
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	53758
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.	53759
(4) "Community control sanction" has the same meaning as in	53760
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section 2929.01 of the Revised Code. 53782

(5) "Post-release control sanction" has the same meaning as 53783
in section 2967.01 of the Revised Code. 53784

(B) If the circumstances described in division (C) of this 53785
section apply, the determination of what school district must 53786
admit a child to its schools and what district, if any, is liable 53787
for tuition shall be made in accordance with this section, rather 53788
than section 3313.64 of the Revised Code. 53789

(C) A child who does not reside in the school district in 53790
which the child's parent resides and for whom a tuition obligation 53791
previously has not been established under division (C)(2) of 53792
section 3313.64 of the Revised Code shall be admitted to the 53793
schools of the district in which the child resides if at least one 53794
of the child's parents is in a residential or correctional 53795
facility or a juvenile residential placement and the other parent, 53796
if living and not in such a facility or placement, is not known to 53797
reside in this state. 53798

(D) Regardless of who has custody or care of the child, 53799
whether the child resides in a home, or whether the child receives 53800
special education, if a district admits a child under division (C) 53801
of this section, tuition shall be paid to that district as 53802
follows: 53803

(1) If the child's parent is in a juvenile residential 53804
placement, by the district in which the child's parent resided at 53805
the time the parent became subject to the jurisdiction of the 53806
juvenile court; 53807

(2) If the child's parent is in a correctional facility, by 53808
the district in which the child's parent resided at the time the 53809
sentence was imposed; 53810

(3) If the child's parent is in a residential facility, by 53811
the district in which the parent resided at the time the parent 53812

was admitted to the residential facility, except that if the 53813
parent was transferred from another residential facility, tuition 53814
shall be paid by the district in which the parent resided at the 53815
time the parent was admitted to the facility from which the parent 53816
first was transferred; 53817

(4) In the event of a disagreement as to which school 53818
district is liable for tuition under division (C)(1), (2), or (3) 53819
of this section, the superintendent of public instruction shall 53820
determine which district shall pay tuition. 53821

(E) If a child covered by division (D) of this section 53822
receives special education in accordance with Chapter 3323. of the 53823
Revised Code, the tuition shall be paid in accordance with section 53824
3323.13 or 3323.14 of the Revised Code. Tuition for children who 53825
do not receive special education shall be paid in accordance with 53826
division (J) of section 3313.64 of the Revised Code. 53827

Sec. 3313.674. (A) Except as provided in division (D) of this 53828
section, the board of education of each city, exempted village, or 53829
local school district and the governing authority of each 53830
chartered nonpublic school may require each student enrolled in 53831
kindergarten, third grade, fifth grade, and ninth grade to undergo 53832
a screening for body mass index and weight status category. 53833
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(B) The board or governing authority may provide any 53835
screenings authorized by this section itself, contract with 53836
another entity for provision of the screenings, or request the 53837
parent or guardian of each student subject to the screening to 53838
obtain the screening from a provider selected by the parent or 53839
guardian and to submit the results to the board or governing 53840
authority. If the board or governing authority provides the 53841
screenings itself or contracts with another entity for provision 53842
of the screenings, the board or governing authority shall protect 53843

student privacy by ensuring that each student is screened alone 53844
and not in the presence of other students or staff. 53845

(C) Each school year, each board or governing authority 53846
electing to require the screening shall provide the parent or 53847
guardian of each student subject to the screening with information 53848
about the screening program. If the board or governing authority 53849
requests parents and guardians to obtain a screening from a 53850
provider of their choosing, the board or governing authority shall 53851
provide them with a list of providers and information about 53852
screening services available in the community to parents and 53853
guardians who cannot afford a private provider. 53854

(D) If the parent or guardian of a student subject to the 53855
screening signs and submits to the board or governing authority a 53856
written statement indicating that the parent or guardian does not 53857
wish to have the student undergo the screening, the board or 53858
governing authority shall not require the student to be screened. 53859

(E) The board or governing authority shall notify the parent 53860
or guardian of each student screened under this section of any 53861
health risks associated with the student's results and shall 53862
provide the parent or guardian with information about 53863
appropriately addressing the risks. For this purpose, the 53864
department of health, in consultation with the department of 53865
education and the healthy choices for healthy children council 53866
established under section 3301.92 of the Revised Code, shall 53867
develop a list of documents, pamphlets, or other resources that 53868
may be distributed to parents and guardians under this division. 53869

(F) The board or governing authority shall maintain the 53870
confidentiality of each student's individual screening results at 53871
all times. No board or governing authority shall report a 53872
student's individual screening results to any person other than 53873
the student's parent or guardian. 53874

(G) In a manner prescribed by rule of the director of health, 53875
each board or governing authority electing to require the 53876
screening shall report aggregated body mass index and weight 53877
status category data collected under this section, and any other 53878
demographic data required by the director, to the department of 53879
health. In the case of a school district, data shall be aggregated 53880
for the district as a whole and not for individual schools within 53881
the district, unless the district operates only one school. In the 53882
case of a chartered nonpublic school, data shall be aggregated for 53883
the school as a whole. The department annually may publish the 53884
data reported under this division, aggregated by county. For each 53885
county in which a district, community school, STEM school, or 53886
chartered nonpublic school has elected not to require the 53887
screening for a school year for which data is published, the 53888
department shall note that the data for the county in which the 53889
district or school is located is incomplete. The department may 53890
share data reported under this division with other governmental 53891
entities for the purpose of monitoring population health, making 53892
reports, or public health promotional activities. 53893

(H) To the extent that this division does not conflict with 53894
the child's IEP, no child with a disability shall be subject to 53895
the requirements of this section. 53896

As used in this section, "child with a disability" and "IEP" 53897
have the same meanings as in section 3323.01 of the Revised Code. 53898

Sec. 3313.714. (A) As used in this section: 53899

(1) "Board of education" means the board of education of a 53900
city, local, exempted village, or joint vocational school 53901
district. 53902

(2) "Healthcheck" means the early and periodic screening, 53903
diagnosis, and treatment program, a component of the ~~medical~~ 53904
~~assistance~~ medicaid program established under Title XIX of the 53905

~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 302, as amended, and Chapter 5111. of the Revised Code.~~ 53906
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(3) "Pupil" means a person under age twenty-two enrolled in the schools of a city, local, exempted village, or joint vocational school district. 53908
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(4) "Parent" means either parent with the following exceptions: 53911
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(a) If one parent has custody by court order, "parent" means the parent with custody. 53913
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(b) If neither parent has legal custody, "parent" means the person or government entity with legal custody. 53915
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(c) The child's legal guardian or a person who has accepted responsibility for the health, safety, and welfare of the child. 53917
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(B) At the request of the department of ~~job and family services~~ medicaid, a board of education shall establish and conduct a healthcheck program for pupils enrolled in the schools of the district who are medicaid recipients ~~of medical assistance under Chapter 5111. of the Revised Code.~~ At the request of a board of education, the department may authorize the board to establish a healthcheck program. A board that establishes a healthcheck program shall enter into a ~~medical assistance~~ medicaid provider agreement with the department. 53919
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A healthcheck program established by a board of education shall be conducted in accordance with rules adopted by the medicaid director ~~of job and family services~~ under division (F) of this section. The healthcheck program shall include all of the following components: 53928
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(1) A comprehensive health and development history; 53933

(2) A comprehensive physical examination; 53934

(3) A developmental assessment; 53935

(4) A nutritional assessment;	53936
(5) A vision assessment;	53937
(6) A hearing assessment;	53938
(7) An immunization assessment;	53939
(8) Lead screening and laboratory tests ordered by a doctor of medicine or osteopathic medicine as part of one of the other components;	53940 53941 53942
(9) Such other assessment as may be required by the department of job and family services <u>medicaid</u> in accordance with the requirements of the healthcheck program.	53943 53944 53945
All services included in a board of education's healthcheck program that the board provided under sections 3313.67, 3313.673, 3313.68, 3313.69, and 3313.71 of the Revised Code during the 1990-1991 school year shall continue to be provided to medical assistance <u>medicaid</u> recipients by the board pursuant to those sections. The services shall be considered part of the healthcheck program for <u>medicaid</u> recipients of medical assistance , and the board shall be eligible for reimbursement <u>payment</u> from the state department in accordance with this division for providing the services.	53946 53947 53948 53949 53950 53951 53952 53953 53954 53955
The department shall reimburse <u>pay</u> boards of education for healthcheck program services provided under this division at the rates paid under the medical assistance <u>medicaid</u> program to physicians, dentists, nurses, and other providers of healthcheck services.	53956 53957 53958 53959 53960
(C) Each board of education that conducts a healthcheck program shall determine for each pupil enrolled in the schools of the district whether the pupil is a medical assistance <u>medicaid</u> recipient. The department of job and family services <u>medicaid</u> and county departments of human services <u>job and family services</u> shall	53961 53962 53963 53964 53965

assist the board in making these determinations. Except as 53966
necessary to carry out the purposes of this section, all 53967
information received by a board under this division shall be 53968
confidential. 53969

Before the first day of October of each year, each board that 53970
conducts a healthcheck program shall send the parent of each pupil 53971
who is under age eighteen and a medicaid recipient ~~of medical~~ 53972
~~assistance~~ notice that the pupil will be examined under the 53973
district's healthcheck program unless the parent notifies the 53974
board that the parent denies consent for the examination. The 53975
notice shall include a form to be used by the parent to indicate 53976
that the parent denies consent. The denial shall be effective only 53977
if the form is signed by the parent and returned to the board or 53978
the school in which the pupil is enrolled. If the parent does not 53979
return a signed form indicating denial of consent within two weeks 53980
after the date the notice is sent, the school district and the 53981
department of ~~job and family services~~ medicaid shall deem the 53982
parent to have consented to examination of the parent's child 53983
under the healthcheck program. In the case of a pupil age eighteen 53984
or older, the notice shall be given to the pupil, and the school 53985
district and the department of ~~job and family services~~ medicaid 53986
shall deem the pupil to have consented to examination unless the 53987
pupil returns the signed form indicating the pupil's denial of 53988
consent. 53989

(D)(1) As used in this division: 53990

(a) "Nonfederal share" means the portion of expenditures for 53991
services that is required under the ~~medical assistance~~ medicaid 53992
program to be paid for with state or local government funds. 53993

(b) "Federal financial participation" means the portion of 53994
expenditures for services that is ~~reimbursed~~ payable under the 53995
~~medical assistance~~ medicaid program with federal funds. 53996

(2) At the request of a board of education, the state 53997
department may enter into an agreement with the board under which 53998
the board provides medical services to a medicaid recipient ~~of~~ 53999
~~medical assistance~~ that are ~~reimbursable~~ payable under the ~~medical~~ 54000
~~assistance~~ medicaid program but not under the healthcheck program. 54001
The agreement may be for a term specified in the agreement and 54002
renewable by mutual consent of the board and the department, or 54003
may continue in force as long as agreeable to the board and the 54004
department. 54005

The board shall use state or local funds of the district to 54006
pay the nonfederal share of expenditures for services provided 54007
under this division. Prior to entering into or renewing an 54008
agreement and at any other time requested by the department while 54009
the agreement is in force, the board shall certify to the 54010
department in accordance with the rules adopted under division (F) 54011
of this section that it will have sufficient state or local funds 54012
to pay the nonfederal share of expenditures under this division. 54013
If the board fails to make the certification, the department shall 54014
not enter into or renew the agreement. If an agreement has been 54015
entered into, it shall be void unless the board makes the 54016
certification not later than fifteen days after receiving notice 54017
from the department that the certification is due. The board shall 54018
report to the department, in accordance with the rules, the amount 54019
of state or local funds it spends to provide services under this 54020
division. 54021

The department shall ~~reimburse~~ pay the board the federal 54022
financial participation allowed for the board's expenditures for 54023
services under this division. The total of the nonfederal share 54024
spent by the board and the federal financial participation 54025
~~reimbursed~~ paid by the department for a service rendered under 54026
this division shall be an amount agreed to by the board and the 54027
department, but shall not exceed the maximum ~~reimbursable~~ payable 54028

~~amount~~ for that service under rules adopted ~~by the director of job~~ 54029
~~and family services~~ under ~~Chapter 5111. section 5164.02~~ of the 54030
Revised Code. The rules adopted under division (F) of this section 54031
shall include procedures under which the department will recover 54032
from a board overpayments and subsequent federal audit 54033
disallowances of federal financial participation ~~reimbursed~~ paid 54034
by the department. 54035

(E) A board of education shall provide services under 54036
division (D) of this section and under its healthcheck program as 54037
provided in division (E)(1), (2), or (3) of this section: 54038

(1) By having the services performed by physicians, dentists, 54039
and nurses employed by the board; 54040

(2) By contracting with physicians, dentists, nurses, and 54041
other providers of services who have ~~medical assistance~~ medicaid 54042
provider agreements with the department of ~~job and family services~~ 54043
medicaid; 54044

(3) By having some of the services performed by persons 54045
described in division (E)(1) of this section and others performed 54046
by persons described in division (E)(2) of this section. 54047

(F) The medicaid director ~~of job and family services~~ shall 54048
adopt rules in accordance with Chapter 119. of the Revised Code 54049
governing healthcheck programs conducted under this section and 54050
services provided under division (D) of this section. 54051

Sec. 3313.715. The board of education of a school district 54052
may request from the director of developmental disabilities the 54053
appropriate identification numbers for all students residing in 54054
the district who are ~~medical assistance~~ medicaid recipients ~~under~~ 54055
~~Chapter 5111. of the Revised Code.~~ The director shall furnish such 54056
numbers upon receipt of lists of student names furnished by the 54057
district board, in such form as the director may require. 54058

The medicaid director of ~~job and family services~~ shall 54059
provide the director of developmental disabilities with the data 54060
necessary for compliance with this section. 54061

Section 3319.321 of the Revised Code does not apply to the 54062
release of student names or other data to the director of 54063
developmental disabilities for the purposes of this section. 54064
Chapter 1347. of the Revised Code does not apply to information 54065
required to be kept by a school board or the departments of ~~job~~ 54066
~~and family services~~ medicaid or developmental disabilities to the 54067
extent necessary to comply with this section and section 3313.714 54068
of the Revised Code. However, any such information or data shall 54069
be used only for the specific legal purposes of such boards and 54070
departments and shall not be released to any unauthorized person. 54071

Sec. 3313.82. The board of education of each ~~city and~~ 54072
~~exempted village~~ school district and the governing board of each 54073
educational service center shall appoint a business advisory 54074
council, except that a school district that has entered into an 54075
agreement under section 3313.843 or 3313.845 of the Revised Code 54076
to receive any services from an educational service center is not 54077
required to appoint a council if the school district and 54078
educational service center agree that the educational service 54079
center's council will represent the business of the district. The 54080
council shall advise and provide recommendations to the board on 54081
matters specified by the board including, but not necessarily 54082
limited to, the delineation of employment skills and the 54083
development of curriculum to instill these skills; changes in the 54084
economy and in the job market, and the types of employment in 54085
which future jobs are most likely to be available; and suggestions 54086
for developing a working relationship among businesses, labor 54087
organizations, and educational personnel ~~in the district or in the~~ 54088
~~territory of the educational service center.~~ Each board shall 54089
determine the membership and organization of its council. 54090

Notwithstanding division (D) of section 3311.19 and division (D) 54091
of section 3311.52 of the Revised Code, this section shall not 54092
apply to the board of education of any joint vocational school 54093
district or any cooperative education school district created 54094
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 54095
Code. 54096

Sec. 3313.83. (A)(1) For the purpose of pooling resources, 54097
operating more cost effectively, minimizing administrative 54098
overhead, encouraging the sharing of resource development, and 54099
diminishing duplication, the boards of education of two or more 54100
city, local, or exempted village school districts each having a 54101
majority of its territory in a county with a population greater 54102
than one million two hundred thousand, by adopting identical 54103
resolutions, may enter into an agreement providing for the 54104
creation of a regional student education district for the purpose 54105
of funding the following for students enrolled in those school 54106
districts, including students diagnosed as autistic and students 54107
with special needs, and their immediate family members: 54108

(a) Special education services; 54109

(b) Behavioral health services for persons with special 54110
needs. 54111

If more than eight boards of education adopt resolutions to 54112
form a regional student education district, the boards may meet at 54113
facilities of the educational service center of the county to 54114
discuss membership in the district. 54115

(2) The territory of a regional student education district at 54116
any time shall be composed of the combined territories of the 54117
school districts that are parties to the agreement at that time. 54118
Services funded by a regional student education district shall be 54119
available to all individuals enrolled in a school district that is 54120
a part of the regional student education district and members of 54121

their immediate family. 54122

(3) The agreement may be amended pursuant to terms and 54123
procedures mutually agreed to by the boards of education that are 54124
parties to the agreement. 54125

(B) Each regional student education district shall be 54126
governed by a board of directors. The superintendent of each board 54127
of education that is a party to the agreement shall serve on the 54128
board of directors. The agreement shall provide for the terms of 54129
office of directors. Directors shall receive no compensation, but 54130
shall be reimbursed, from the special fund of the regional student 54131
education district, for the reasonable and necessary expenses they 54132
incur in the performance of their duties for the district. The 54133
agreement shall provide for the conduct of the board's initial 54134
organizational meeting and for the frequency of subsequent 54135
meetings and quorum requirements. At its first meeting, the board 54136
shall designate from among its members a president and secretary 54137
in the manner provided in the agreement. 54138

The board of directors of a regional student education 54139
district is a body corporate and politic, is capable of suing and 54140
being sued, is capable of contracting within the limits of this 54141
section and the agreement governing the district, and is capable 54142
of accepting gifts, donations, bequests, or other grants of money 54143
for use in paying its expenses. The district is a public office 54144
and its directors are public officials within the meaning of 54145
section 117.01 of the Revised Code, the board of directors is a 54146
public body within the meaning of section 121.22 of the Revised 54147
Code, and records of the board and of the district are public 54148
records within the meaning of section 149.43 of the Revised Code. 54149

The agreement shall require the board to designate a 54150
permanent location for its offices and meeting place, and may 54151
provide for the use of such facilities and property for the 54152
provision of services by the agencies with which the board 54153

contracts under division (C) of this section. 54154

(C)(1) To provide the services identified in division (A)(1) 54155
of this section, the board of directors of a regional student 54156
education district shall provide for the hiring of employees or 54157
shall contract with one or more entities. Except as provided in 54158
division (C)(2) of this section, any entity with which the board 54159
of directors contracts to provide the services identified in 54160
division (A)(1)(b) of this section shall be a qualified nonprofit, 54161
nationally accredited agency to which both of the following apply: 54162

(a) The agency is licensed or certified by the departments of 54163
~~mental health, mental health and addiction services and job and~~ 54164
family services, ~~and alcohol and drug addiction services.~~ 54165

(b) The agency provides school-based behavioral health 54166
services. 54167

(2) The board of directors may contract with an entity that 54168
does not meet the conditions stated in division (C)(1) of this 54169
section if the services to be provided by the entity are only 54170
incidental to the services identified in division (A)(1)(b) of 54171
this section. 54172

(3) The board of directors may levy a tax throughout the 54173
district as provided in section 5705.2111 of the Revised Code. The 54174
board of directors shall provide for the creation of a special 54175
fund to hold the proceeds of any tax levied under section 54176
5705.2111 of the Revised Code and any gifts, donations, bequests, 54177
or other grants of money coming into the possession of the 54178
district. A regional student education district is a subdivision, 54179
and the board of directors is a governing body, within the meaning 54180
of section 135.01 of the Revised Code. The board of directors may 54181
not issue securities or otherwise incur indebtedness. 54182

(4) The adoption or rejection by electors of a tax levy to 54183
fund a regional student education district pursuant to section 54184

5705.2111 of the Revised Code does not alter the duty of each 54185
school district member of the regional student education district 54186
to provide special education and related services as required 54187
under Chapter 3323. of the Revised Code. On the expiration of a 54188
regional student education district levy, the state, member school 54189
districts of the regional student education district, and any 54190
other governmental entity shall not be obligated to provide 54191
replacement funding for the revenues under the expired levy. The 54192
tax levy, in whole or in part, shall not be considered a levy for 54193
current operating expenses pursuant to division (A) of section 54194
3317.01 of the Revised Code for any of the school districts that 54195
are members of the regional student education district. 54196

(D)(1) The agreement shall provide for the manner of 54197
appointing an individual or entity to perform the duties of fiscal 54198
officer of the regional student education district. The agreement 54199
shall specify the length of time the individual or entity shall 54200
perform those duties and whether the individual or entity may be 54201
reappointed upon the completion of a term. The fiscal officer may 54202
receive compensation for performing the duties of the position and 54203
be reimbursed for reasonable expenses of performing those duties 54204
from the regional student education district's special fund. 54205

(2) The legal advisor of the board of directors of a regional 54206
student education district shall be the prosecuting attorney of 54207
the most populous county containing a school district that is a 54208
member of the regional student education district. The prosecuting 54209
attorney shall prosecute all actions against a member of the board 54210
of directors for malfeasance or misfeasance in office and shall be 54211
the legal counsel for the board and its members in all other 54212
actions brought by or against them and shall conduct those actions 54213
in the prosecuting attorney's official capacity. No compensation 54214
in addition to the prosecuting attorney's regular salary shall be 54215
allowed. 54216

(E) The board of directors of a regional student education district shall procure a policy or policies of insurance insuring the board, the fiscal officer, and the legal representative against liability on account of damage or injury to persons and property. Before procuring such insurance the board shall adopt a resolution setting forth the amount of insurance to be purchased, the necessity of the insurance, and a statement of its estimated premium cost. Insurance procured pursuant to this section shall be from one or more recognized insurance companies authorized to do business in this state. The cost of the insurance shall be paid from the district's special fund.

A regional student education district is a political subdivision within the meaning of section 2744.01 of the Revised Code.

(F)(1) The board of education of a school district having a majority of its territory in the county may join an existing regional student education district by adopting a resolution requesting to join as a party to the agreement and upon approval by the boards of education that currently are parties to the agreement. If a tax is levied in the regional student education district under section 5705.2111 of the Revised Code, a board of education may join the district only after a majority of qualified electors in the school district voting on the question vote in favor of levying the tax throughout the school district. A board of education joining an existing district shall have the same powers, rights, and obligations under the agreement as other boards of education that are parties to the agreement.

(2) A board of education that is a party to an agreement under this section may withdraw the school district from a regional student education district by adopting a resolution. The withdrawal shall take effect on the date provided in the resolution. If a tax is levied in the regional student education

district under section 5705.2111 of the Revised Code, the 54249
resolution shall take effect not later than the first day of 54250
January following adoption of the resolution. Beginning with the 54251
first day of January following adoption of the resolution, any tax 54252
levied under section 5705.2111 of the Revised Code shall not be 54253
levied within the territory of the withdrawing school district. 54254
Any collection of tax levied in the territory of the withdrawing 54255
school district under that section that has not been settled and 54256
distributed when the resolution takes effect shall be credited to 54257
the district's special fund. 54258

(G) An agreement entered into under this section shall 54259
provide for the manner of the regional student education 54260
district's dissolution. The district shall cease to exist when not 54261
more than one school district remains in the district, and the 54262
levy of any tax under section 5705.2111 of the Revised Code shall 54263
not be extended on the tax lists in any tax year beginning after 54264
the dissolution of the district. The agreement shall provide that, 54265
upon dissolution of the district, any unexpended balance in the 54266
district's special fund shall be divided among the school 54267
districts that are parties to the agreement immediately before 54268
dissolution in proportion to the taxable valuation of taxable 54269
property in the districts, and credited to their respective 54270
general funds. 54271

Sec. 3313.841. The boards of education and governing boards 54272
of two or more city, local, joint vocational, or exempted village 54273
school districts or educational service centers may contract in 54274
accordance with the terms of this section for the sharing on a 54275
cooperative basis of the services of supervisory teachers, special 54276
instruction teachers, special education teachers, and other 54277
licensed personnel necessary to conduct approved cooperative 54278
classes for special education and related services and gifted 54279
education. 54280

The boards of two or more districts or service centers 54281
desiring to enroll students in such classes shall each adopt 54282
resolutions indicating such desire and designating one of the 54283
participating districts or service centers as the funding agent 54284
for purposes of this section. The district or service center 54285
designated as the funding agent shall enter into an employment 54286
contract with each licensed teacher whose services are to be 54287
shared among the participating districts and service centers. In 54288
turn, the funding agent shall enter into contracts with each of 54289
the districts and service centers which have adopted resolutions 54290
agreeing to participate in the cooperative program upon terms 54291
agreed to by all parties to such contract. Such contracts between 54292
districts and service centers shall set forth the services to be 54293
provided by the licensed teacher employed by the funding agent 54294
whose services are to be shared by the participating districts and 54295
service centers and the basis for computing the amounts to be paid 54296
for such services to the funding agent by the participating 54297
districts and service centers. 54298

For purposes of ~~division (B) of section 3317.05~~ 3317.0213 of 54299
the Revised Code, the funding agent shall count all pupils 54300
enrolled in cooperative programs for pupils with disabilities as 54301
pupils enrolled in such programs in the funding agent district. 54302
Upon receipt of payment for such programs, the funding agent 54303
district shall credit the account of districts participating in 54304
the cooperative program for the amounts due under contracts 54305
entered into under the terms of this section in proportion to the 54306
number of resident students enrolled in the cooperative program 54307
from each participating district and service center. 54308

In determining the terms of the contract entered into by the 54309
funding agent district or service center and the participating 54310
districts and service centers, the superintendent of schools of 54311
each participating board of education and governing board shall 54312

serve as a committee which shall recommend such terms to such boards. 54313
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Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district. 54315
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(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 54318
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(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 54325
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(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in the agreement shall be provided to the 54331
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district in the manner specified in the agreement. The district 54344
board of education shall reimburse the educational service center 54345
governing board pursuant to ~~section 3317.11 of the Revised Code~~ 54346
division (H) of this section. 54347

~~Beginning with the 2012-2013 school year, the board of any 54348
district described in division (B)(2) of this section may elect 54349
not to receive the supervisory services for which supervisory 54350
units are paid under division (B) of section 3317.11 of the 54351
Revised Code, provided that election is specified in the 54352
agreement.~~ 54353

(C) Any agreement entered into pursuant to this section shall 54354
be filed with the department of education by the first day of July 54355
of the school year for which the agreement is in effect. 54356

(D)(1) An agreement for services from an educational service 54357
center entered into under this section may be terminated by the 54358
school district board of education, at its option, by notifying 54359
the governing board of the service center by March 1, 2012, or by 54360
the first day of January of any odd-numbered year thereafter, that 54361
the district board intends to terminate the agreement in that 54362
year, and that termination shall be effective on the thirtieth day 54363
of June of that year. The failure of a district board to notify an 54364
educational service center of its intent to terminate an agreement 54365
by March 1, 2012, shall result in renewal of the existing 54366
agreement for the following school year. Thereafter, the failure 54367
of a district board to notify an educational service center of its 54368
intent to terminate an agreement by the first day of January of an 54369
odd-numbered year shall result in renewal of the existing 54370
agreement for the following two school years. 54371

(2) If the school district that terminates an agreement for 54372
services under division (D)(1) of this section is also subject to 54373
the requirement of division (B)(1) of this section, the district 54374
board shall enter into a new agreement with any educational 54375

service center so that the new agreement is effective on the first 54376
day of July of that same year. 54377

(3) If all moneys owed by a school district to an educational 54378
service center under an agreement for services terminated under 54379
division (D)(1) of this section have been paid in full by the 54380
effective date of the termination, the governing board of the 54381
service center shall submit an affidavit to the department 54382
certifying that fact not later than fifteen days after the 54383
termination's effective date. Notwithstanding anything in the 54384
Revised Code to the contrary, until the department receives such 54385
an affidavit, it shall not make any payments to any other 54386
educational service center with which the district enters into an 54387
agreement under this section for services that the educational 54388
service center provides to the district. 54389

(E) An educational service center may apply to any state or 54390
federal agency for competitive grants. It may also apply to any 54391
private entity for additional funds. 54392

(F) Not later than January 1, 2014, each educational service 54393
center shall post on its web site a list of all of the services 54394
that it provides and the corresponding cost for each of those 54395
services. 54396

(G)(1) For purposes of calculating any state subsidy to be 54397
paid to an educational service center for services provided to a 54398
school district, the service center's student count shall be the 54399
sum of the total student counts of all the school districts with 54400
which the educational service center has entered into an agreement 54401
under this section. 54402

(2) When a district enters into a new agreement with a new 54403
educational service center, the department of education shall 54404
ensure that the state subsidy for services provided to the 54405
district is paid to the new educational service center and that 54406

the educational service center with which the district previously had an agreement is no longer paid a state subsidy for providing services to that district. 54407
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(H) Pursuant to division (B) of section 3317.023 of the Revised Code, the department annually shall deduct from each school district that enters into an agreement with an educational service center under this section, and pay to the service center, an amount equal to six dollars and fifty cents times the school district's total student count. The district board of education, or the district superintendent acting on behalf of the district board, may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the districts that entered into an agreement under this section approve an amount in excess of six dollars and fifty cents per student in total student count, each district shall pay the excess amount to the service center. 54410
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(I) For purposes of this section, a school district's "total student count" means the average daily student enrollment reported on the most recent report card issued for the district pursuant to section 3302.03 of the Revised Code. 54424
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Sec. 3313.844. The governing authority of a community school established under Chapter 3314. of the Revised Code and the governing board of an educational service center may enter into an agreement, through adoption of identical resolutions, under which the service center board will provide services to the community school. Services provided under the agreement and the amount and manner in which the community school ~~board~~ will pay for such services shall be mutually agreed to by the school's governing ~~board~~ authority and the service center board, and shall be specified in the service agreement. If specified in the agreement 54428
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as the manner of payment, the department of education shall pay 54438
the service center the amount due to it under the agreement and 54439
shall deduct that amount from the payments made to the community 54440
school under Chapter 3314. of the Revised Code. Any agreement 54441
entered into under this section shall be valid only if a copy is 54442
filed with the department. 54443

Sec. 3313.845. The board of education of a city, exempted 54444
village, ~~or~~ local, or joint vocational school district and the 54445
governing board of an educational service center may enter into an 54446
agreement under which the educational service center will provide 54447
services to the school district. Services provided under the 54448
agreement and the amount to be paid for such services shall be 54449
mutually agreed to by the district board of education and the 54450
service center governing board, and shall be specified in the 54451
agreement. Payment for services specified in the agreement shall 54452
be made pursuant to ~~division (D) of section 3317.11 of the Revised~~ 54453
~~Code and shall not include any deduction under division (B), (C),~~ 54454
~~or (F) of that section~~ the terms of that agreement. If specified 54455
in the agreement as the manner of payment, the department of 54456
education shall pay the service center the amount due to it under 54457
the agreement and shall deduct that amount from the payments made 54458
to the city, exempted village, local, or joint vocational school 54459
district under Chapter 3317. of the Revised Code. Any agreement 54460
entered into pursuant to this section shall be valid only if a 54461
copy is filed with the department ~~of education.~~ 54462

The authority granted under this section to the boards of 54463
education of city, exempted village, and local school districts is 54464
in addition to the authority granted to such boards under section 54465
3313.843 of the Revised Code. 54466

Sec. 3313.848. (A) As used in this section: 54467

(1) "Client" means a city, local, or exempted village school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, or political subdivision. 54468
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(2) "Governing body" means the board of education of a school district, governing authority of a community school, governing body of a STEM school, or governing body of a political subdivision. 54472
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(3) "Political subdivision" has the same meaning as used in section 3313.846 of the Revised Code. 54476
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(4) "Service agreement" means an agreement that a client has entered into with an educational service center under section 3313.843, 3313.844, 3313.845, 3313.846, or 3326.45 of the Revised Code and any subsequent amendment to that agreement. 54478
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(B) If at the end of a fiscal year for which a service agreement is in effect any of the funds paid directly by a client to the educational service center under the agreement are unexpended and unobligated, a client's governing body may elect to have the service center retain the unexpended and unobligated funds for the purpose of applying them toward any payment the client will owe to the service center under a service agreement for the next fiscal year. The treasurer or fiscal officer of the client shall indicate on the client's end-of-year financial report that unexpended funds have been retained by the service center and the amount of those funds. 54482
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(C) A client shall expend its funds retained under division (B) of this section only for services specifically set forth under a service agreement. The treasurer of the educational service center shall keep a record of the client's expenditure and the service or services for which the expenditure was made. On at least an annual basis, or upon the request of the client's 54493
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governing body or its treasurer or fiscal officer, the treasurer 54499
of the service center shall notify the client's treasurer or 54500
fiscal officer of the expenditures recorded under this division. 54501
The client's treasurer or fiscal officer shall include that 54502
information in the financial report made by the treasurer or 54503
fiscal officer at the next meeting of the client's governing body 54504
that occurs following receipt of the information. 54505

Sec. 3313.849. The governing bodies of two or more city, 54506
exempted village, local, or joint vocational school districts, 54507
community schools established under Chapter 3314. of the Revised 54508
Code, or STEM schools established under Chapter 3326. of the 54509
Revised Code, may mutually agree to share supervisory, curriculum, 54510
teaching, special education, professional development, or any 54511
other services offered by an educational service center and may 54512
pool their funding to pay the cost of receiving those services. 54513
Each of the governing bodies of the districts or schools 54514
participating in shared services pursuant to this section shall 54515
specify in its service agreement with the service center under 54516
section 3313.843, 3313.844, 3313.845, or 3326.45 of the Revised 54517
Code which services that the participants have agreed to share, 54518
any other districts or schools participating in the shared 54519
services, and the amount of funds that the governing body will 54520
contribute toward the total cost of the shared services. Each 54521
governing body's funding contribution shall be paid to the service 54522
center in accordance with section 3313.843, 3313.844, 3313.845, or 54523
3326.45 of the Revised Code, as applicable. 54524

The authority granted under this section is in addition to 54525
the authority granted to school district boards of education under 54526
section 3313.841 of the Revised Code. 54527

Sec. 3313.88. (A)(1) Prior to the first day of August of each 54528
school year, the board of education of any school district or the 54529

governing authority of any chartered nonpublic school may submit 54530
to the department of education a plan to require students to 54531
access and complete classroom lessons posted on the district's or 54532
nonpublic school's web portal or web site in order to make up days 54533
in that school year on which it is necessary to close schools for 54534
any of the reasons specified in division (B) of section 3317.01 of 54535
the Revised Code in excess of the number of days permitted under 54536
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 54537

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Prior to the first day of August of each school year, the 54539
governing authority of any community school established under 54540
Chapter 3314. that is not an internet- or computer-based community 54541
school, as defined in section 3314.02 of the Revised Code, may 54542
submit to the department a plan to require students to access and 54543
complete classroom lessons posted on the school's web portal or 54544
web site in order to make up days or hours in that school year on 54545
which it is necessary to close the school for any of the reasons 54546
specified in division ~~(L)~~(H)(4) of section 3314.08 of the Revised 54547
Code so that the school is in compliance with the minimum number 54548
of hours required under Chapter 3314. of the Revised Code. 54549

A plan submitted by a school district board or chartered 54550
nonpublic school governing authority shall provide for making up 54551
any number of days, up to a maximum of three days. A plan 54552
submitted by a community school governing authority shall provide 54553
for making up any number of hours, up to a maximum of the 54554
equivalent of three days. Provided the plan meets all requirements 54555
of this section, the department shall permit the board or 54556
governing authority to implement the plan for the applicable 54557
school year. 54558

(2) Each plan submitted under this section by a school 54559
district board of education shall include the written consent of 54560

the teachers' employee representative designated under division 54561
(B) of section 4117.04 of the Revised Code. 54562

(3) Each plan submitted under this section shall provide for 54563
the following: 54564

(a) Not later than the first day of November of the school 54565
year, each classroom teacher shall develop a sufficient number of 54566
lessons for each course taught by the teacher that school year to 54567
cover the number of make-up days or hours specified in the plan. 54568
The teacher shall designate the order in which the lessons are to 54569
be posted on the district's, community school's, or nonpublic 54570
school's web portal or web site in the event of a school closure. 54571
Teachers may be granted up to one professional development day to 54572
create lesson plans for those lessons. 54573

(b) To the extent possible and necessary, a classroom teacher 54574
shall update or replace, based on current instructional progress, 54575
one or more of the lesson plans developed under division (A)(3)(a) 54576
of this section before they are posted on the web portal or web 54577
site under division (A)(3)(c) of this section or distributed under 54578
division (B) of this section. 54579

(c) As soon as practicable after a school closure, a district 54580
or school employee responsible for web portal or web site 54581
operations shall make the designated lessons available to students 54582
on the district's, community school's, or nonpublic school's 54583
portal or site. A lesson shall be posted for each course that was 54584
scheduled to meet on the day or hours of the closure. 54585

(d) Each student enrolled in a course for which a lesson is 54586
posted on the portal or site shall be granted a two-week period 54587
from the date of posting to complete the lesson. The student's 54588
classroom teacher shall grade the lesson in the same manner as 54589
other lessons. The student may receive an incomplete or failing 54590
grade if the lesson is not completed on time. 54591

(e) If a student does not have access to a computer at the student's residence and the plan does not include blizzard bags under division (B) of this section, the student shall be permitted to work on the posted lessons at school after the student's school reopens. If the lessons were posted prior to the reopening, the student shall be granted a two-week period from the date of the reopening, rather than from the date of posting as otherwise required under division (A)(3)(d) of this section, to complete the lessons. The district board or community school or nonpublic school governing authority may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

(B)(1) In addition to posting classroom lessons online under division (A) of this section, the board of education of any school district or governing authority of any community or chartered nonpublic school may include in the plan distribution of "blizzard bags," which are paper copies of the lessons posted online.

(2) If a school opts to use blizzard bags, teachers shall prepare paper copies in conjunction with the lessons to be posted online and update the paper copies whenever the teacher updates the online lesson plans.

(3) The board of education of any school district or governing authority of any community or chartered nonpublic school that opts to use blizzard bags shall specify in the plan the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the superintendent of a school district or the principal, director, chief administrative officer, or the equivalent, of a school.

(4) Students shall turn in completed lessons in accordance

with division (A)(3)(d) of this section. 54624

(C)(1) No school district that implements a plan in 54625
accordance with this section shall be considered to have failed to 54626
comply with division (B) of section 3317.01 of the Revised Code 54627
with respect to the number of make-up days specified in the plan. 54628

(2) No community school that implements a plan in accordance 54629
with this section shall be considered to have failed to comply 54630
with the minimum number of hours required under Chapter 3314. of 54631
the Revised Code with respect to the number of make-up hours 54632
specified in the plan. 54633

Sec. 3313.911. The state board of education may adopt a 54634
resolution assigning a city, exempted village, or local school 54635
district that is not a part of a joint vocational school district 54636
to membership in a joint vocational school district. A copy of the 54637
resolution shall be certified to the board of education of the 54638
joint vocational school district and the board of education of the 54639
district proposed to be assigned. The board of education of the 54640
joint vocational school district shall advertise a copy of the 54641
resolution in a newspaper of general circulation in the district 54642
proposed to be assigned once each week for two weeks, or as 54643
provided in section 7.16 of the Revised Code, immediately 54644
following the certification of the resolution to the board. The 54645
assignment shall take effect on the ninety-first day after the 54646
state board adopts the resolution, unless prior to that date 54647
qualified electors residing in the school district proposed for 54648
assignment, equal in number to ten per cent of the qualified 54649
electors of that district voting at the last general election, 54650
file a petition against the assignment. 54651

The petition of referendum shall be filed with the treasurer 54652
of the board of education of the district proposed to be assigned 54653
to the joint vocational school district. The treasurer shall give 54654

the person presenting the petition a receipt showing the time of 54655
day, date, and purpose of the petition. The treasurer shall cause 54656
the board of elections to determine the sufficiency of signatures 54657
on the petition and if the signatures are found to be sufficient, 54658
shall present the petition to the board of education of the 54659
district. The board of education shall promptly certify the 54660
question to the board of elections for the purpose of having the 54661
question placed on the ballot at the next general, primary, or 54662
special election not earlier than sixty days after the date of the 54663
certification. 54664

Only those qualified electors residing in the district 54665
proposed for assignment to the joint vocational school district 54666
are qualified to vote on the question. If a majority of the 54667
electors voting on the question vote against the assignment, it 54668
shall not take place, and the state board of education shall 54669
require the district to contract with the joint vocational school 54670
district or another school district as authorized by section 54671
3313.91 of the Revised Code. 54672

If a majority of the electors voting on the question do not 54673
vote against the assignment, the assignment shall take immediate 54674
effect, and the board of education of the joint vocational school 54675
district shall notify the county auditor of the county in which 54676
the school district becoming a part of the joint vocational school 54677
district is located to have any outstanding levy of the joint 54678
vocational school district spread over the territory of the school 54679
district that has become a part of the joint vocational school 54680
district. 54681

The assignment of a school district to a joint vocational 54682
school district pursuant to this section is subject to any 54683
agreements made between the board of education of the assigned 54684
school district and the board of education of the joint vocational 54685
school district. Such an agreement may include provisions for a 54686

payment by the assigned school district to the joint vocational 54687
school district of an amount to be contributed toward the cost of 54688
the existing facilities of the joint vocational school district. 54689

~~On the assignment of a school district to a joint vocational 54690
school district pursuant to this section, the joint vocational 54691
school district's board of education shall submit a proposal to 54692
the state board of education to enlarge or reorganize the 54693
membership of the joint vocational school district's board of 54694
education if expansion or reorganization of the board is necessary 54695
in order to comply with section 3311.19 of the Revised Code. 54696~~

Sec. 3313.976. (A) No private school may receive scholarship 54697
payments from parents pursuant to section 3313.979 of the Revised 54698
Code until the chief administrator of the private school registers 54699
the school with the superintendent of public instruction. The 54700
state superintendent shall register any school that meets the 54701
following requirements: 54702

(1) The school is located within the boundaries of the pilot 54703
project school district; 54704

(2) The school indicates in writing its commitment to follow 54705
all requirements for a state-sponsored scholarship program 54706
specified under sections 3313.974 to 3313.979 of the Revised Code, 54707
including, but not limited to, the requirements for admitting 54708
students pursuant to section 3313.977 of the Revised Code; 54709

(3) The school meets all state minimum standards for 54710
chartered nonpublic schools in effect on July 1, 1992, except that 54711
the state superintendent at the superintendent's discretion may 54712
register nonchartered nonpublic schools meeting the other 54713
requirements of this division; 54714

(4) The school does not discriminate on the basis of race, 54715
religion, or ethnic background; 54716

- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 54717
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- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 54719
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 54722
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- (8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. 54725
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- (9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services. 54732
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- (10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase 54743
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described in division (C)(2) of that section. 54748

(11) ~~Notwithstanding~~ If the school is not subject to division 54749
(K)(1)(a) of section 3301.0711 of the Revised Code, ~~the school it~~ 54750
annually administers the assessments prescribed by section 54751
3301.0710 of the Revised Code to each scholarship student enrolled 54752
in the school in accordance with section 3301.0711 of the Revised 54753
Code and reports to the department of education the results of 54754
each such assessment administered to each scholarship student. 54755

(B) The state superintendent shall revoke the registration of 54756
any school if, after a hearing, the superintendent determines that 54757
the school is in violation of any of the provisions of division 54758
(A) of this section. 54759

(C) Any public school located in a school district adjacent 54760
to the pilot project district may receive scholarship payments on 54761
behalf of parents pursuant to section 3313.979 of the Revised Code 54762
if the superintendent of the district in which such public school 54763
is located notifies the state superintendent prior to the first 54764
day of March that the district intends to admit students from the 54765
pilot project district for the ensuing school year pursuant to 54766
section 3327.06 of the Revised Code. 54767

(D) Any parent wishing to purchase tutorial assistance from 54768
any person or governmental entity pursuant to the pilot project 54769
program under sections 3313.974 to 3313.979 of the Revised Code 54770
shall apply to the state superintendent. The state superintendent 54771
shall approve providers who appear to possess the capability of 54772
furnishing the instructional services they are offering to 54773
provide. 54774

Sec. 3313.978. (A) Annually by the first day of November, the 54775
superintendent of public instruction shall notify the pilot 54776
project school district of the number of initial scholarships that 54777
the state superintendent will be awarding in each of grades 54778

kindergarten through twelve. 54779

The state superintendent shall provide information about the 54780
scholarship program to all students residing in the district, 54781
shall accept applications from any such students until such date 54782
as shall be established by the state superintendent as a deadline 54783
for applications, and shall establish criteria for the selection 54784
of students to receive scholarships from among all those applying 54785
prior to the deadline, which criteria shall give preference to 54786
students from low-income families. The state superintendent shall 54787
notify students of their selection prior to the fifteenth day of 54788
January. 54789

(1) A student receiving a pilot project scholarship may 54790
utilize it at an alternative public school by notifying the 54791
district superintendent, at any time before the beginning of the 54792
school year, of the name of the public school in an adjacent 54793
school district to which the student has been accepted pursuant to 54794
section 3327.06 of the Revised Code. 54795

(2) A student may decide to utilize a pilot project 54796
scholarship at a registered private school in the district if all 54797
of the following conditions are met: 54798

(a) By the fifteenth day of February of the preceding school 54799
year, or at any time prior to the start of the school year, the 54800
parent makes an application on behalf of the student to a 54801
registered private school. 54802

(b) The registered private school notifies the parent and the 54803
state superintendent as follows that the student has been 54804
admitted: 54805

(i) By the fifteenth day of March of the preceding school 54806
year if the student filed an application by the fifteenth day of 54807
February and was admitted by the school pursuant to division (A) 54808
of section 3313.977 of the Revised Code; 54809

(ii) Within one week of the decision to admit the student if 54810
the student is admitted pursuant to division (C) of section 54811
3313.977 of the Revised Code. 54812

(c) The student actually enrolls in the registered private 54813
school to which the student was first admitted or in another 54814
registered private school in the district or in a public school in 54815
an adjacent school district. 54816

(B) The state superintendent shall also award in any school 54817
year tutorial assistance grants to a number of students equal to 54818
the number of students who receive scholarships under division (A) 54819
of this section. Tutorial assistance grants shall be awarded 54820
solely to students who are enrolled in the public schools of the 54821
district in a grade level covered by the pilot project. Tutorial 54822
assistance grants may be used solely to obtain tutorial assistance 54823
from a provider approved pursuant to division (D) of section 54824
3313.976 of the Revised Code. 54825

All students wishing to obtain tutorial assistance grants 54826
shall make application to the state superintendent by the first 54827
day of the school year in which the assistance will be used. The 54828
state superintendent shall award assistance grants in accordance 54829
with criteria the superintendent shall establish. 54830

(C)(1) In the case of basic scholarships for students in 54831
grades kindergarten through eight, the scholarship amount shall 54832
not exceed the lesser of the net tuition charges of the 54833
alternative school the scholarship recipient attends or ~~three~~ 54834
~~thousand dollars before fiscal year 2007, three thousand four~~ 54835
~~hundred fifty dollars in fiscal year 2007 through fiscal year~~ 54836
~~2011, and~~ four thousand two hundred fifty dollars in fiscal year 54837
2012 and thereafter. 54838

In the case of basic scholarships for students in grades nine 54839
through twelve, the scholarship amount shall not exceed the lesser 54840

of the net tuition charges of the alternative school the 54841
scholarship recipient attends or ~~two thousand seven hundred~~ 54842
~~dollars before fiscal year 2007, three thousand four hundred fifty~~ 54843
~~dollars in fiscal year 2007 through fiscal year 2011, and five~~ 54844
thousand dollars in fiscal year 2012 and thereafter fiscal year 54845
2013, and five thousand seven hundred dollars in fiscal year 2014 54846
and thereafter. 54847

The net tuition and fees charged to a student shall be the 54848
tuition amount specified by the alternative school minus all other 54849
financial aid, discounts, and adjustments received for the 54850
student. In cases where discounts are offered for multiple 54851
students from the same family, and not all students in the same 54852
family are scholarship recipients, the net tuition amount 54853
attributable to the scholarship recipient shall be the lowest net 54854
tuition to which the family is entitled. 54855

(2) The state superintendent shall provide for an increase in 54856
the basic scholarship amount in the case of any student who is a 54857
mainstreamed student with a disability and shall further increase 54858
such amount in the case of any separately educated student with a 54859
disability. Such increases shall take into account the 54860
instruction, related services, and transportation costs of 54861
educating such students. 54862

(3) In the case of tutorial assistance grants, the grant 54863
amount shall not exceed the lesser of the provider's actual 54864
charges for such assistance or: 54865

(a) Before fiscal year 2007, a percentage established by the 54866
state superintendent, not to exceed twenty per cent, of the amount 54867
of the pilot project school district's average basic scholarship 54868
amount; 54869

(b) In fiscal year 2007 and thereafter, four hundred dollars. 54870

(D)(1) Annually by the first day of November, the state 54871

superintendent shall estimate the maximum per-pupil scholarship 54872
amounts for the ensuing school year. The state superintendent 54873
shall make this estimate available to the general public at the 54874
offices of the district board of education together with the forms 54875
required by division (D)(2) of this section. 54876

(2) Annually by the fifteenth day of January, the chief 54877
administrator of each registered private school located in the 54878
pilot project district and the principal of each public school in 54879
such district shall complete a parental information form and 54880
forward it to the president of the board of education. The 54881
parental information form shall be prescribed by the department of 54882
education and shall provide information about the grade levels 54883
offered, the numbers of students, tuition amounts, achievement 54884
test results, and any sectarian or other organizational 54885
affiliations. 54886

(E)(1) Only for the purpose of administering the pilot 54887
project scholarship program, the department may request from any 54888
of the following entities the data verification code assigned 54889
under division (D)(2) of section 3301.0714 of the Revised Code to 54890
any student who is seeking a scholarship under the program: 54891

(a) The school district in which the student is entitled to 54892
attend school under section 3313.64 or 3313.65 of the Revised 54893
Code; 54894

(b) If applicable, the community school in which the student 54895
is enrolled; 54896

(c) The independent contractor engaged to create and maintain 54897
data verification codes. 54898

(2) Upon a request by the department under division (E)(1) of 54899
this section for the data verification code of a student seeking a 54900
scholarship or a request by the student's parent for that code, 54901
the school district or community school shall submit that code to 54902

the department or parent in the manner specified by the 54903
department. If the student has not been assigned a code, because 54904
the student will be entering kindergarten during the school year 54905
for which the scholarship is sought, the district shall assign a 54906
code to that student and submit the code to the department or 54907
parent by a date specified by the department. If the district does 54908
not assign a code to the student by the specified date, the 54909
department shall assign a code to the student. 54910

The department annually shall submit to each school district 54911
the name and data verification code of each student residing in 54912
the district who is entering kindergarten, who has been awarded a 54913
scholarship under the program, and for whom the department has 54914
assigned a code under this division. 54915

(3) The department shall not release any data verification 54916
code that it receives under division (E) of this section to any 54917
person except as provided by law. 54918

(F) Any document relative to the pilot project scholarship 54919
program that the department holds in its files that contains both 54920
a student's name or other personally identifiable information and 54921
the student's data verification code shall not be a public record 54922
under section 149.43 of the Revised Code. 54923

(G)(1) The department annually shall compile the scores 54924
attained by scholarship students enrolled in registered private 54925
schools on the assessments administered to the students pursuant 54926
to division (A)(11) of section 3313.976 of the Revised Code. The 54927
scores shall be aggregated as follows: 54928

(a) By school district, which shall include all scholarship 54929
students residing in the pilot project school district who are 54930
enrolled in a registered private school and were required to take 54931
an assessment pursuant to division (A)(11) of section 3313.976 of 54932
the Revised Code; 54933

(b) By registered private school, which shall include all 54934
scholarship students enrolled in that school who were required to 54935
take an assessment pursuant to division (A)(11) of section 54936
3313.976 of the Revised Code. 54937

(2) The department shall disaggregate the student performance 54938
data described in division (G)(1) of this section according to the 54939
following categories: 54940

(a) Grade level; 54941

(b) Race and ethnicity; 54942

(c) Gender; 54943

(d) Students who have participated in the scholarship program 54944
for three or more years; 54945

(e) Students who have participated in the scholarship program 54946
for more than one year and less than three years; 54947

(f) Students who have participated in the scholarship program 54948
for one year or less; 54949

(g) Economically disadvantaged students. 54950

(3) The department shall post the student performance data 54951
required under divisions (G)(1) and (2) of this section on its web 54952
site and shall include that data in the information about the 54953
scholarship program provided to students under division (A) of 54954
this section. In reporting student performance data under this 54955
division, the department shall not include any data that is 54956
statistically unreliable or that could result in the 54957
identification of individual students. For this purpose, the 54958
department shall not report performance data for any group that 54959
contains less than ten students. 54960

(4) The department shall provide the parent of each 54961
scholarship student enrolled in a registered private school with 54962
information comparing the student's performance on the assessments 54963

administered pursuant to division (A)(11) of section 3313.976 of 54964
the Revised Code with the average performance of similar students 54965
enrolled in the building operated by the pilot project school 54966
district that the scholarship student would otherwise attend. In 54967
calculating the performance of similar students, the department 54968
shall consider age, grade, race and ethnicity, gender, and 54969
socioeconomic status. 54970

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 54971
and division (D) of section 3311.52 of the Revised Code, the 54972
provisions of this section and sections 3313.981 to 3313.983 of 54973
the Revised Code that apply to a city school district do not apply 54974
to a joint vocational or cooperative education school district 54975
unless expressly specified. 54976

(A) As used in this section and sections 3313.981 to 3313.983 54977
of the Revised Code: 54978

(1) "Parent" means either of the natural or adoptive parents 54979
of a student, except under the following conditions: 54980

(a) When the marriage of the natural or adoptive parents of 54981
the student has been terminated by a divorce, dissolution of 54982
marriage, or annulment or the natural or adoptive parents of the 54983
student are living separate and apart under a legal separation 54984
decree and the court has issued an order allocating the parental 54985
rights and responsibilities with respect to the student, "parent" 54986
means the residential parent as designated by the court except 54987
that "parent" means either parent when the court issues a shared 54988
parenting decree. 54989

(b) When a court has granted temporary or permanent custody 54990
of the student to an individual or agency other than either of the 54991
natural or adoptive parents of the student, "parent" means the 54992
legal custodian of the child. 54993

(c) When a court has appointed a guardian for the student,	54994
"parent" means the guardian of the student.	54995
(2) "Native student" means a student entitled under section	54996
3313.64 or 3313.65 of the Revised Code to attend school in a	54997
district adopting a resolution under this section.	54998
(3) "Adjacent district" means a city, exempted village, or	54999
local school district having territory that abuts the territory of	55000
a district adopting a resolution under this section.	55001
(4) "Adjacent district student" means a student entitled	55002
under section 3313.64 or 3313.65 of the Revised Code to attend	55003
school in an adjacent district.	55004
(5) "Adjacent district joint vocational student" means an	55005
adjacent district student who enrolls in a city, exempted village,	55006
or local school district pursuant to this section and who also	55007
enrolls in a joint vocational school district that does not	55008
contain the territory of the district for which that student is a	55009
native student and does contain the territory of the city,	55010
exempted village, or local district in which the student enrolls.	55011
(6) "Formula amount" has the same meaning as in section	55012
3317.02 of the Revised Code.	55013
(7) "Adjusted formula amount" means the sum of the formula	55014
amount plus the per pupil amount of the base funding supplements	55015
specified in divisions (C)(1) to (4) of section 3317.012 of the	55016
Revised Code for fiscal year 2009.	55017
(8) "Poverty line" means the poverty line established by the	55018
director of the United States office of management and budget as	55019
revised by the director <u>secretary</u> of the office of community	55020
<u>health and human</u> services in accordance with section 673(2) of the	55021
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A.	55022
9902, as amended.	55023

~~(9)~~(8) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 55024
55025

~~(10)~~(9) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section. 55026
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~~(11)~~(10) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district. 55029
55030
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~~(12)~~(11) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code. 55032
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(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies: 55038
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(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code; 55042
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(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution; 55046
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(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution. 55049
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55051

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of 55052
55053

the following: 55054

(a) Application procedures, including deadlines for 55055
application and for notification of students and the 55056
superintendent of the applicable district whenever an adjacent or 55057
other district student's application is approved. 55058

(b) Procedures for admitting adjacent or other district 55059
applicants free of any tuition obligation to the district's 55060
schools, including, but not limited to: 55061

(i) The establishment of district capacity limits by grade 55062
level, school building, and education program; 55063

(ii) A requirement that all native students wishing to be 55064
enrolled in the district will be enrolled and that any adjacent or 55065
other district students previously enrolled in the district shall 55066
receive preference over first-time applicants; 55067

(iii) Procedures to ensure that an appropriate racial balance 55068
is maintained in the district schools. 55069

(C) Except as provided in section 3313.982 of the Revised 55070
Code, the procedures for admitting adjacent or other district 55071
students, as applicable, shall not include: 55072

(1) Any requirement of academic ability, or any level of 55073
athletic, artistic, or other extracurricular skills; 55074

(2) Limitations on admitting applicants because of 55075
disability, except that a board may refuse to admit a student 55076
receiving services under Chapter 3323. of the Revised Code, if the 55077
services described in the student's IEP are not available in the 55078
district's schools; 55079

(3) A requirement that the student be proficient in the 55080
English language; 55081

(4) Rejection of any applicant because the student has been 55082
subject to disciplinary proceedings, except that if an applicant 55083

has been suspended or expelled by the student's district for ten 55084
consecutive days or more in the term for which admission is sought 55085
or in the term immediately preceding the term for which admission 55086
is sought, the procedures may include a provision denying 55087
admission of such applicant. 55088

(D)(1) Each school board permitting only enrollment of 55089
adjacent district students shall provide information about the 55090
policy adopted under this section, including the application 55091
procedures and deadlines, to the superintendent and the board of 55092
education of each adjacent district and, upon request, to the 55093
parent of any adjacent district student. 55094

(2) Each school board permitting enrollment of other district 55095
students shall provide information about the policy adopted under 55096
this section, including the application procedures and deadlines, 55097
upon request, to the board of education of any other school 55098
district or to the parent of any student anywhere in the state. 55099

(E) Any school board shall accept all credits toward 55100
graduation earned in adjacent or other district schools by an 55101
adjacent or other district student or a native student. 55102

(F)(1) No board of education may adopt a policy discouraging 55103
or prohibiting its native students from applying to enroll in the 55104
schools of an adjacent or any other district that has adopted a 55105
policy permitting such enrollment, except that: 55106

(a) A district may object to the enrollment of a native 55107
student in an adjacent or other district in order to maintain an 55108
appropriate racial balance. 55109

(b) The board of education of a district receiving funds 55110
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 55111
may adopt a resolution objecting to the enrollment of its native 55112
students in adjacent or other districts if at least ten per cent 55113
of its students are included in the determination of the United 55114

States secretary of education made under section 20 U.S.C.A. 55115
238(a). 55116

(2) If a board objects to enrollment of native students under 55117
this division, any adjacent or other district shall refuse to 55118
enroll such native students unless tuition is paid for the 55119
students in accordance with section 3317.08 of the Revised Code. 55120
An adjacent or other district enrolling such students may not 55121
receive funding for those students in accordance with section 55122
3313.981 of the Revised Code. 55123

(G) The state board of education shall monitor school 55124
districts to ensure compliance with this section and the 55125
districts' policies. The board may adopt rules requiring uniform 55126
application procedures, deadlines for application, notification 55127
procedures, and record-keeping requirements for all school boards 55128
that adopt policies permitting the enrollment of adjacent or other 55129
district students, as applicable. If the state board adopts such 55130
rules, no school board shall adopt a policy that conflicts with 55131
those rules. 55132

(H) A resolution adopted by a board of education under this 55133
section that entirely prohibits the enrollment of students from 55134
adjacent and from other school districts does not abrogate any 55135
agreement entered into under section 3313.841 or 3313.92 of the 55136
Revised Code or any contract entered into under section 3313.90 of 55137
the Revised Code between the board of education adopting the 55138
resolution and the board of education of any adjacent or other 55139
district or prohibit these boards of education from entering into 55140
any such agreement or contract. 55141

(I) Nothing in this section shall be construed to permit or 55142
require the board of education of a city, exempted village, or 55143
local school district to exclude any native student of the 55144
district from enrolling in the district. 55145

Sec. 3313.981. (A) The state board of education shall adopt 55146
rules requiring all of the following: 55147

(1) The board of education of each city, exempted village, 55148
and local school district to annually report to the department of 55149
education all of the following: 55150

(a) The number of adjacent district or other district 55151
students, as applicable, and adjacent district or other district 55152
joint vocational students, as applicable, enrolled in the district 55153
and the number of native students enrolled in adjacent or other 55154
districts, in accordance with a policy adopted under division (B) 55155
of section 3313.98 of the Revised Code; 55156

(b) Each adjacent district or other district student's or 55157
adjacent district or other district joint vocational student's 55158
date of enrollment in the district; 55159

(c) The full-time equivalent number of adjacent district or 55160
other district students enrolled in ~~vocational~~ each of the 55161
categories of career-technical education programs or classes 55162
described in ~~division (A) of~~ section 3317.014 of the Revised Code 55163
~~and the full-time equivalent number of such students enrolled in~~ 55164
~~vocational education programs or classes described in division (B)~~ 55165
~~of that section;~~ 55166

(d) Each native student's date of enrollment in an adjacent 55167
or other district. 55168

(2) The board of education of each joint vocational school 55169
district to annually report to the department all of the 55170
following: 55171

(a) The number of adjacent district or other district joint 55172
vocational students, as applicable, enrolled in the district; 55173

(b) The full-time equivalent number of adjacent district or 55174
other district joint vocational students enrolled in ~~vocational~~ 55175

~~each category of career-technical education programs or classes 55176~~
~~described in ~~division (A)~~ of section 3317.014 of the Revised Code 55177~~
~~and the full-time equivalent number of such students enrolled in 55178~~
~~vocational education programs or classes described in ~~division (B)~~ 55179~~
~~of that section; 55180~~

(c) For each adjacent district or other district joint 55181
vocational student, the city, exempted village, or local school 55182
district in which the student is also enrolled. 55183

(3) Prior to the first full school week in October each year, 55184
the superintendent of each city, local, or exempted village school 55185
district that admits adjacent district or other district students 55186
or adjacent district or other district joint vocational students 55187
in accordance with a policy adopted under division (B) of section 55188
3313.98 of the Revised Code to notify each adjacent or other 55189
district where those students are entitled to attend school under 55190
section 3313.64 or 3313.65 of the Revised Code of the number of 55191
the adjacent or other district's native students who are enrolled 55192
in the superintendent's district under the policy. 55193

The rules shall provide for the method of counting students 55194
who are enrolled for part of a school year in an adjacent or other 55195
district or as an adjacent district or other district joint 55196
vocational student. 55197

(B) From the payments made to a city, exempted village, or 55198
local school district under Chapter 3317. of the Revised Code and, 55199
if necessary, from the payments made to the district under 55200
sections 321.24 and 323.156 of the Revised Code, the department of 55201
education shall annually subtract both of the following: 55202

(1) An amount equal to the number of the district's native 55203
students reported under division (A)(1) of this section who are 55204
enrolled in adjacent or other school districts pursuant to 55205
policies adopted by such districts under division (B) of section 55206

3313.98 of the Revised Code multiplied by the ~~adjusted~~ formula amount; 55207
55208

(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student; 55209
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(3) For the ~~full-time equivalent number~~ each of the district's native students reported under division (A)(1)(c) or (2)(b) of this section as enrolled in ~~vocational~~ career-technical education programs or classes described in section 3317.014 of the Revised Code, ~~an the per pupil amount equal to \$5,732 times the applicable multiple~~ prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis. 55214
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(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following: 55222
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55224

(1) An amount equal to the ~~adjusted~~ formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section; 55225
55226
55227
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55229

(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students, except for any adjacent or other district joint vocational students, receiving special education and related services in the district; 55230
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(3) For the ~~full-time equivalent number~~ each of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division 55235
55236
55237

(A)(1)(c) of this section as enrolled in ~~vocational~~ 55238
career-technical education programs or classes described in 55239
section 3317.014 of the Revised Code, ~~an~~ the per pupil amount 55240
~~equal to \$5,732 times the applicable multiple~~ prescribed by that 55241
section for the student's respective career-technical category, on 55242
a full-time equivalency basis; 55243

(4) An amount equal to the number of adjacent district or 55244
other district joint vocational students reported under division 55245
(A)(1) of this section multiplied by an amount equal to twenty per 55246
cent of the ~~adjusted~~ formula amount. 55247

(D) To the payments made to a joint vocational school 55248
district under Chapter 3317. of the Revised Code, the department 55249
of education shall add, for each adjacent district or other 55250
district joint vocational student reported under division (A)(2) 55251
of this section, both of the following: 55252

(1) The ~~adjusted~~ formula amount; 55253

(2) ~~An~~ The per pupil amount ~~equal to the full-time equivalent~~ 55254
~~number for each~~ of the students reported pursuant to division 55255
(A)(2)(b) of this section ~~times \$5,732 times the applicable~~ 55256
~~multiple~~ prescribed by section 3317.014 of the Revised Code for 55257
the student's respective career-technical category, on a full-time 55258
equivalency basis. 55259

(E)(1) A city, exempted village, or local school board 55260
providing special education and related services to an adjacent or 55261
other district student in accordance with an IEP shall, pursuant 55262
to rules of the state board, compute the excess costs to educate 55263
such student as follows: 55264

(a) Subtract the ~~adjusted~~ formula amount from the actual 55265
costs to educate the student; 55266

(b) From the amount computed under division (E)(1)(a) of this 55267
section subtract the amount of any funds received by the district 55268

under Chapter 3317. of the Revised Code to provide special 55269
education and related services to the student. 55270

(2) The board shall report the excess costs computed under 55271
this division to the department of education. 55272

(3) If any student for whom excess costs are computed under 55273
division (E)(1) of this section is an adjacent or other district 55274
joint vocational student, the department of education shall add 55275
the amount of such excess costs to the payments made under Chapter 55276
3317. of the Revised Code to the joint vocational school district 55277
enrolling the student. 55278

(F) As provided in division (D)(1)(b) of section 3317.03 of 55279
the Revised Code, no joint vocational school district shall count 55280
any adjacent or other district joint vocational student enrolled 55281
in the district in its formula ADM certified under section 3317.03 55282
of the Revised Code. 55283

(G) No city, exempted village, or local school district shall 55284
receive a payment under division (C) of this section for a 55285
student, and no joint vocational school district shall receive a 55286
payment under division (D) of this section for a student, if for 55287
the same school year that student is counted in the district's 55288
formula ADM certified under section 3317.03 of the Revised Code. 55289

(H) Upon request of a parent, and provided the board offers 55290
transportation to native students of the same grade level and 55291
distance from school under section 3327.01 of the Revised Code, a 55292
city, exempted village, or local school board enrolling an 55293
adjacent or other district student shall provide transportation 55294
for the student within the boundaries of the board's district, 55295
except that the board shall be required to pick up and drop off a 55296
nonhandicapped student only at a regular school bus stop 55297
designated in accordance with the board's transportation policy. 55298
Pursuant to rules of the state board of education, such board may 55299

reimburse the parent from funds received for pupil transportation 55300
under section 3317.0212 of the Revised Code, or other provisions 55301
of law, for the reasonable cost of transportation from the 55302
student's home to the designated school bus stop if the student's 55303
family has an income below the federal poverty line. 55304

Sec. 3314.015. (A) The department of education shall be 55305
responsible for the oversight of any and all sponsors of the 55306
community schools established under this chapter and shall provide 55307
technical assistance to schools and sponsors in their compliance 55308
with applicable laws and the terms of the contracts entered into 55309
under section 3314.03 of the Revised Code and in the development 55310
and start-up activities of those schools. In carrying out its 55311
duties under this section, the department shall do all of the 55312
following: 55313

(1) In providing technical assistance to proposing parties, 55314
governing authorities, and sponsors, conduct training sessions and 55315
distribute informational materials; 55316

(2) Approve entities to be sponsors of community schools; 55317

(3) Monitor and evaluate, as required under section 3314.016 55318
of the Revised Code, the effectiveness of any and all sponsors in 55319
their oversight of the schools with which they have contracted; 55320

(4) By December thirty-first of each year, issue a report to 55321
the governor, the speaker of the house of representatives, the 55322
president of the senate, and the chairpersons of the house and 55323
senate committees principally responsible for education matters 55324
regarding the effectiveness of academic programs, operations, and 55325
legal compliance and of the financial condition of all community 55326
schools established under this chapter and on the performance of 55327
community school sponsors; 55328

(5) From time to time, make legislative recommendations to 55329

the general assembly designed to enhance the operation and 55330
performance of community schools. 55331

(B)(1) Except as provided in sections 3314.021 and 3314.027 55332
of the Revised Code, no entity listed in division (C)(1) of 55333
section 3314.02 of the Revised Code shall enter into a preliminary 55334
agreement under division (C)(2) of section 3314.02 of the Revised 55335
Code until it has received approval from the department of 55336
education to sponsor community schools under this chapter and has 55337
entered into a written agreement with the department regarding the 55338
manner in which the entity will conduct such sponsorship. ~~The~~ 55339

The initial term of a sponsor's agreement with the department 55340
shall be for up to seven years. For every year that the sponsor 55341
satisfies the conditions of division (B)(1)(a) or (b) of this 55342
section, as applicable, the department shall add one year to the 55343
agreement term, subject to divisions (C) and (F) of this section, 55344
unless the sponsor notifies the department that it does not wish 55345
to have the term of the agreement so extended. 55346

To qualify for the extension of the term of the sponsor's 55347
agreement, the sponsor shall satisfy one of the following, as 55348
applicable: 55349

(a) Prior to January 1, 2015, the sponsor is not in the 55350
lowest twenty per cent of sponsors statewide according to the 55351
composite performance index score as ranked under section 3314.016 55352
of the Revised Code, as that section exists prior to that date, 55353
and the sponsor continues to meet all the requirements of this 55354
chapter pertaining to community school sponsors. 55355

(b) On or after January 1, 2015, the sponsor is rated as 55356
"exemplary" or "effective" under section 3314.016 of the Revised 55357
Code, as that section exists on and after that date, and the 55358
sponsor continues to meet all the requirements of this chapter 55359
pertaining to community school sponsors. 55360

The department shall adopt in accordance with Chapter 119. of 55361
the Revised Code rules containing criteria, procedures, and 55362
deadlines for processing applications for ~~such~~ approval of 55363
sponsors, for oversight of sponsors, for notifying a sponsor of 55364
noncompliance with applicable laws and administrative rules under 55365
division (F) of this section, for revocation of the approval of 55366
sponsors under division (C) of this section, and for entering into 55367
written agreements with sponsors. The rules shall require an 55368
entity to submit evidence of the entity's ability and willingness 55369
to comply with the provisions of division (D) of section 3314.03 55370
of the Revised Code. The rules also shall require entities 55371
approved as sponsors on and after June 30, 2005, to demonstrate a 55372
record of financial responsibility and successful implementation 55373
of educational programs. If an entity seeking approval on or after 55374
June 30, 2005, to sponsor community schools in this state sponsors 55375
or operates schools in another state, at least one of the schools 55376
sponsored or operated by the entity must be comparable to or 55377
better than the performance of Ohio schools in need of continuous 55378
improvement under section 3302.03 of the Revised Code, as 55379
determined by the department. 55380

Subject to section 3314.016 of the Revised Code, an entity 55381
that sponsors community schools may enter into preliminary 55382
agreements and sponsor up to one hundred schools, provided each 55383
school and the contract for sponsorship meets the requirements of 55384
this chapter. 55385

(2) The state board of education shall determine, pursuant to 55386
criteria specified in rules adopted in accordance with Chapter 55387
119. of the Revised Code, whether the mission proposed to be 55388
specified in the contract of a community school to be sponsored by 55389
a state university board of trustees or the board's designee under 55390
division (C)(1)(e) of section 3314.02 of the Revised Code complies 55391
with the requirements of that division. Such determination of the 55392

state board is final. 55393

(3) The state board of education shall determine, pursuant to 55394
criteria specified in rules adopted in accordance with Chapter 55395
119. of the Revised Code, if any tax-exempt entity under section 55396
501(c)(3) of the Internal Revenue Code that is proposed to be a 55397
sponsor of a community school is an education-oriented entity for 55398
purpose of satisfying the condition prescribed in division 55399
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 55400
determination of the state board is final. 55401

(C) If at any time the state board of education finds that a 55402
sponsor is not in compliance or is no longer willing to comply 55403
with its contract with any community school or with the 55404
department's rules for sponsorship, the state board or designee 55405
shall conduct a hearing in accordance with Chapter 119. of the 55406
Revised Code on that matter. If after the hearing, the state board 55407
or designee has confirmed the original finding, the department of 55408
education may revoke the sponsor's approval to sponsor community 55409
schools. In that case, the department's office of Ohio school 55410
sponsorship, established under section 3314.029 of the Revised 55411
Code, may assume the sponsorship of any schools with which the 55412
sponsor has contracted until the earlier of the expiration of two 55413
school years or until a new sponsor as described in division 55414
(C)(1) of section 3314.02 of the Revised Code is secured by the 55415
school's governing authority. The office of Ohio school 55416
sponsorship may extend the term of the contract in the case of a 55417
school for which it has assumed sponsorship under this division as 55418
necessary to accommodate the term of the department's 55419
authorization to sponsor the school specified in this division. 55420
Community schools sponsored under this division shall not apply to 55421
the limit on directly authorized community schools under division 55422
(A)(3) of section 3314.029 of the Revised Code. However, nothing 55423
in this division shall preclude a community school affected by 55424

this division from applying for sponsorship under that section. 55425

(D) The decision of the department to disapprove an entity 55426
for sponsorship of a community school or to revoke approval for 55427
such sponsorship under division (C) of this section, may be 55428
appealed by the entity in accordance with section 119.12 of the 55429
Revised Code. 55430

(E) The department shall adopt procedures for use by a 55431
community school governing authority and sponsor when the school 55432
permanently closes and ceases operation, which shall include at 55433
least procedures for data reporting to the department, handling of 55434
student records, distribution of assets in accordance with section 55435
3314.074 of the Revised Code, and other matters related to ceasing 55436
operation of the school. 55437

(F)(1) In lieu of revoking a sponsor's authority to sponsor 55438
community schools under division (C) of this section, if the 55439
department finds that a sponsor is not in compliance with 55440
applicable laws and administrative rules, the department shall 55441
declare in a written notice to the sponsor the specific laws or 55442
rules, or both, for which the sponsor is noncompliant. A sponsor 55443
notified under division (F)(1) of this section shall respond to 55444
the department not later than fourteen days after the notification 55445
with a proposed plan to remedy the conditions for which the 55446
sponsor was found to be noncompliant. The department shall approve 55447
or disapprove the plan not later than fourteen days after 55448
receiving it. If the plan is disapproved, the sponsor may submit a 55449
revised plan to the department not later than fourteen days after 55450
receiving notification of disapproval from the department or not 55451
later than sixty days after the date the sponsor received 55452
notification of noncompliance from the department, whichever is 55453
earlier. The department shall approve or disapprove the revised 55454
plan not later than fourteen days after receiving it or not later 55455
than sixty days after the date the sponsor received notification 55456

of noncompliance from the department, whichever is earlier. A 55457
sponsor may continue to make revisions by the deadlines prescribed 55458
in division (F)(1) of this section to any revised plan that is 55459
disapproved by the department until the sixtieth day after the 55460
date the sponsor received notification of noncompliance from the 55461
department. 55462

If a plan or a revised plan is approved, the sponsor shall 55463
implement it not later than sixty days after the date the sponsor 55464
received notification of noncompliance from the department or not 55465
later than thirty days after the plan is approved, whichever is 55466
later. If a sponsor does not respond to the department or 55467
implement an approved compliance plan by the deadlines prescribed 55468
by division (F)(1) of this section, or if a sponsor does not 55469
receive approval of a compliance plan on or before the sixtieth 55470
day after the date the sponsor received notification of 55471
noncompliance from the department, the department shall declare in 55472
written notice to the sponsor that the sponsor is in probationary 55473
status, and may limit the sponsor's ability to sponsor additional 55474
schools. 55475

(2) A sponsor that has been placed on probationary status 55476
under division (F)(1) of this section may apply to the department 55477
for its probationary status to be lifted. The application for a 55478
sponsor's probationary status to be lifted shall include evidence, 55479
occurring after the initial notification of noncompliance, of the 55480
sponsor's compliance with applicable laws and administrative 55481
rules. Not later than fourteen days after receiving an application 55482
from the sponsor, the department shall decide whether or not to 55483
remove the sponsor's probationary status. 55484

(G) In carrying out its duties under this chapter, the 55485
department shall not impose requirements on community schools or 55486
their sponsors that are not permitted by law or duly adopted 55487
rules. 55488

(H) This section applies to entities that sponsor conversion 55489
community schools and new start-up schools. 55490

Sec. 3314.017. (A) The state board of education shall 55491
prescribe by rules, adopted in accordance with Chapter 119. of the 55492
Revised Code, an academic performance rating and report card 55493
system that satisfies the requirements of this section for 55494
community schools that primarily serve students enrolled in 55495
dropout prevention and recovery programs as described in division 55496
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 55497
lieu of the system prescribed under sections 3302.03 and 3314.012 55498
of the Revised Code beginning with the 2012-2013 school year. Each 55499
such school shall comply with the testing and reporting 55500
requirements of the system as prescribed by the state board. 55501

(B) Nothing in this section shall at any time relieve a 55502
school from its obligations under the "No Child Left Behind Act of 55503
2001" to make "adequate yearly progress," as both that act and 55504
that term are defined in section 3302.01 of the Revised Code, or a 55505
school's amenability to the provisions of section 3302.04 or 55506
3302.041 of the Revised Code. The department shall continue to 55507
report each school's performance as required by the act and to 55508
enforce applicable sanctions under section 3302.04 or 3302.041 of 55509
the Revised Code. 55510

(C) The rules adopted by the state board shall prescribe the 55511
following performance indicators for the rating and report card 55512
system required by this section: 55513

(1) Graduation rate for each of the following student 55514
cohorts: 55515

(a) The number of students who graduate in four years or less 55516
with a regular high school diploma divided by the number of 55517
students who form the adjusted cohort for the graduating class; 55518

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	55519 55520 55521
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	55522 55523 55524
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	55525 55526 55527
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	55528 55529 55530
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the applicable state high school achievement assessments required under division (B)(1) or (2) of section 3301.0710 of the Revised Code and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the applicable state high school achievement assessments by their twenty-second birthday;	55531 55532 55533 55534 55535 55536 55537 55538 55539
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	55540 55541
(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.	55542 55543 55544 55545 55546
(D)(1) The state board's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data	55547 55548 55549

gathered by the department under division (F) of this section. 55550
Based on a school's level of attainment or nonattainment of the 55551
expected performance levels and benchmarks for each of the 55552
indicators, the department shall rate each school in one of the 55553
following categories: 55554

- (a) Exceeds standards; 55555
- (b) Meets standards; 55556
- (c) Does not meet standards. 55557

(2) The state board's rules shall establish all of the 55558
following: 55559

- (a) Not later than June 30, 2013, performance levels and 55560
benchmarks for the indicators described in divisions (C)(1) to (3) 55561
of this section; 55562
- (b) Not later than December 31, 2014, both of the following: 55563
 - (i) Performance levels and benchmarks for the indicator 55564
described in division (C)(4) of this section; 55565
 - (ii) Standards for awarding a community school described in 55566
division (A)(4)(a) of section 3314.35 of the Revised Code an 55567
overall designation, which shall be calculated as follows: 55568
 - (I) Thirty per cent of the score shall be based on the 55569
indicators described in division (C)(1) of this section that are 55570
applicable to the school year for which the overall designation is 55571
granted. 55572
 - (II) Thirty per cent of the score shall be based on the 55573
indicators described in division (C)(4) of this section. 55574
 - (III) Twenty per cent of the score shall be based on the 55575
indicators described in division (C)(2) of this section. 55576
 - (IV) Twenty per cent of the score shall be based on the 55577
indicators described in division (C)(3) of this section. 55578

(3) If both of the indicators described in divisions (C)(1) 55579
and (2) of this section improve by ten per cent for two 55580
consecutive years, a school shall be rated ~~as~~ not less than "meets 55581
standards." 55582

The rating and the relevant performance data for each school 55583
shall be posted on the department's web site, and a copy of the 55584
rating and data shall be provided to the governing authority of 55585
the community school. 55586

(E)(1) For the 2012-2013 school year, the department shall 55587
issue a report card including the following performance measures, 55588
but without a performance rating as described in divisions 55589
(D)(1)(a) to (c) of this section, for each community school 55590
described in division (A)(4)(a) of section 3314.35 of the Revised 55591
Code: 55592

(a) The graduation rates as described in divisions (C)(1)(a) 55593
to (c) of this section; 55594

(b) The percentage of twelfth-grade students and other 55595
students who have attained a designated passing score on high 55596
school achievement assessments as described in division (C)(2) of 55597
this section; 55598

(c) The statewide average for the graduation rates and 55599
assessment passage rates described in divisions (C)(1)(a) to (c) 55600
and (C)(2) of this section; 55601

(d) Annual measurable objectives described in division (C)(3) 55602
of this section. 55603

(2) For the 2013-2014 school year, the department shall issue 55604
a report card including the following performance measures for 55605
each community school described in division (A)(4) of section 55606
3314.35 of the Revised Code: 55607

(a) The graduation rates described in divisions (C)(1)(a) to 55608

(d) of this section, including a performance rating as described	55609
in divisions (D)(1)(a) to (c) of this section;	55610
(b) The percentage of twelfth-grade students and other	55611
students who have attained a designated passing score on high	55612
school achievement assessments as described in division (C)(2) of	55613
this section, including a performance rating as described in	55614
divisions (D)(1)(a) to (c) of this section;	55615
(c) Annual measurable objectives described in division (C)(3)	55616
of this section, including a performance rating as described in	55617
divisions (D)(1)(a) to (c) of this section;	55618
(d) Both of the following without an assigned rating:	55619
(i) Growth in annual student achievement in reading and	55620
mathematics described in division (C)(4) of this section, if	55621
available;	55622
(ii) Student outcome data, including postsecondary credit	55623
earned, nationally recognized career or technical certification,	55624
military enlistment, job placement, and attendance rate.	55625
(3) Beginning with the 2014-2015 school year, and annually	55626
thereafter, the department shall issue a report card for each	55627
community school described in division (A)(4)(a) of section	55628
3314.35 of the Revised Code that includes all of the following	55629
performance measures, including a performance rating for each	55630
measure as described in divisions (D)(1)(a) to (c) of this	55631
section:	55632
(a) The graduation rates as described in division (C)(1) of	55633
this section;	55634
(b) The percentage of twelfth-grade students and other	55635
students who have attained a designated passing score on high	55636
school achievement assessments as described in division (C)(2) of	55637
this section;	55638

(c) Annual measurable objectives described in division (C)(3) 55639
of this section, including a performance rating as described in 55640
divisions (D)(1)(a) to (c) of this section; 55641

(d) Growth in annual student achievement in reading and 55642
mathematics as described in division (C)(4) of this section; 55643

(e) An overall performance designation for the school 55644
calculated under rules adopted under division (D)(2) of this 55645
section. 55646

The department shall also include student outcome data, 55647
including postsecondary credit earned, nationally recognized 55648
career or technical certification, military enlistment, job 55649
placement, attendance rate, and progress on closing achievement 55650
gaps for each school. This information shall not be included in 55651
the calculation of a school's performance rating. 55652

(F) In developing the rating and report card system required 55653
by this section, during the 2012-2013 and 2013-2014 school years, 55654
the department shall gather and analyze data as determined 55655
necessary from each community school described in division 55656
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 55657
shall cooperate with the department by supplying requested data 55658
and administering required assessments, including sample 55659
assessments for purposes of measuring student achievement growth 55660
as described in division (C)(4) of this section. The department 55661
shall consult with stakeholder groups in performing its duties 55662
under this division. 55663

The department shall also identify one or more states that 55664
have established or are in the process of establishing similar 55665
academic performance rating systems for dropout prevention and 55666
recovery programs and consult with the departments of education of 55667
those states in developing the system required by this section. 55668

(G) Not later than December 31, 2014, the state board shall 55669

review the performance levels and benchmarks for performance 55670
indicators in the report card issued under this section and may 55671
revise them based on the data collected under division (F) of this 55672
section. 55673

Sec. 3314.027. Notwithstanding the requirement for initial 55674
approval of sponsorship by the department of education prescribed 55675
in divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 55676
Code and any geographical restriction or mission requirement 55677
prescribed in division (C)(1) of section 3314.02 of the Revised 55678
Code, an entity that has entered into a contract to sponsor a 55679
community school on April 8, 2003, may continue to sponsor the 55680
school in conformance with the terms of that contract ~~as long as~~ 55681
~~the entity complies with all other sponsorship provisions of this~~ 55682
~~chapter. Such an entity~~ and also may enter into new contracts to 55683
sponsor community schools after April 8, 2003, ~~and need not be~~ 55684
~~approved by the department for such sponsorship, as otherwise~~ 55685
~~required under divisions (A)(2) and (B)(1) of section 3314.015 of~~ 55686
~~the Revised Code,~~ as long as the contracts conform to and the 55687
entity complies with all other provisions of this chapter. 55688

Regardless of the entity's authority to sponsor community 55689
schools without the initial approval of the department, each 55690
entity described in this section is under the continuing oversight 55691
of the department in accordance with rules adopted under section 55692
3314.015 of the Revised Code. 55693

Sec. 3314.029. This section establishes the Ohio school 55694
sponsorship program. The department of education shall establish 55695
an office of Ohio school sponsorship to perform the department's 55696
duties prescribed by this section. 55697

(A)(1) Notwithstanding anything to the contrary in this 55698
chapter, but subject to section 3314.20 of the Revised Code, any 55699

person, group of individuals, or entity may apply to the 55700
department for direct authorization to establish a community 55701
school and, upon approval of the application, may establish the 55702
school. Notwithstanding anything to the contrary in this chapter, 55703
the governing authority of an existing community school, upon the 55704
expiration or termination of its contract with the school's 55705
sponsor entered into under section 3314.03 of the Revised Code, 55706
may apply to the department for direct authorization to continue 55707
operating the school and, upon approval of the application, may 55708
continue to operate the school. 55709

Each application submitted to the department shall include 55710
the following: 55711

(a) Evidence that the applicant will be able to comply with 55712
division (C) of this section; 55713

(b) A statement indicating that the applicant agrees to 55714
comply with all applicable provisions of this chapter, including 55715
the requirement to be established as a nonprofit corporation or 55716
public benefit corporation in accordance with division (A)(1) of 55717
section 3314.03 of the Revised Code; 55718

(c) A statement attesting that no unresolved finding of 55719
recovery has been issued by the auditor of state against any 55720
person, group of individuals, or entity that is a party to the 55721
application and that no person who is party to the application has 55722
been a member of the governing authority of any community school 55723
that has permanently closed and against which an unresolved 55724
finding of recovery has been issued by the auditor of state. In 55725
the case of an application submitted by the governing authority of 55726
an existing community school, a person who is party to the 55727
application shall include each individual member of that governing 55728
authority. 55729

(d) A statement that the school will be nonsectarian in its 55730

programs, admission policies, employment practices, and all other 55731
operations, and will not be operated by a sectarian school or 55732
religious institution; 55733

(e) A statement of whether the school is to be created by 55734
converting all or part of an existing public school or educational 55735
service center building or is to be a new start-up school. If it 55736
is a converted public school or service center building, the 55737
statement shall include a specification of any duties or 55738
responsibilities of an employer that the board of education or 55739
service center governing board that operated the school or 55740
building before conversion is delegating to the governing 55741
authority of the community school with respect to all or any 55742
specified group of employees, provided the delegation is not 55743
prohibited by a collective bargaining agreement applicable to such 55744
employees. 55745

(f) A statement that the school's teachers will be licensed 55746
in the manner prescribed by division (A)(10) of section 3314.03 of 55747
the Revised Code; 55748

(g) A statement that the school will comply with all of the 55749
provisions of law enumerated in divisions (A)(11)(d) and (e) of 55750
section 3314.03 of the Revised Code and of division (A)(11)(h) of 55751
that section, if applicable; 55752

(h) A statement that the school's graduation and curriculum 55753
requirements will comply with division (A)(11)(f) of section 55754
3314.03 of the Revised Code; 55755

(i) A description of each of the following: 55756

(i) The school's mission and educational program, the 55757
characteristics of the students the school is expected to attract, 55758
the ages and grade levels of students, and the focus of the 55759
curriculum; 55760

(ii) The school's governing authority, which shall be in 55761

compliance with division (E) of section 3314.02 of the Revised Code; 55762
55763

(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code; 55764
55765
55766

(iv) The school's business plan, including a five-year financial forecast; 55767
55768

(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school; 55769
55770
55771

(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 55772
55773
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55775

(vii) The facilities to be used by the school and their locations; 55776
55777

(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division ~~(L)~~(H)(2) of section 3314.08 of the Revised Code. 55778
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(2) Subject to division (A)(3) of this section, the department shall approve each application, unless, within thirty days after receipt of the application, the department determines that the application does not satisfy the requirements of division (A)(1) of this section and provides the applicant a written explanation of the reasons for the determination. In that case, the department shall grant the applicant thirty days to correct the insufficiencies in the application. If the department determines that the insufficiencies have been corrected, it shall 55784
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approve the application. If the department determines that the 55793
insufficiencies have not been corrected, it shall deny the 55794
application and provide the applicant with a written explanation 55795
of the reasons for the denial. The denial of an application may be 55796
appealed in accordance with section 119.12 of the Revised Code. 55797

(3) For each of five school years, beginning with the school 55798
year that begins in the calendar year in which this section takes 55799
effect, the department may approve up to twenty applications for 55800
community schools to be established or to continue operation under 55801
division (A) of this section; however, of the twenty applications 55802
that may be approved each school year, only up to five may be for 55803
the establishment of new schools. 55804

(4) Notwithstanding division (A)(2) of this section, the 55805
department may deny an application submitted by the governing 55806
authority of an existing community school, if a previous sponsor 55807
of that school did not renew its contract or terminated its 55808
contract with the school entered into under section 3314.03 of the 55809
Revised Code. 55810

(B) The department and the governing authority of each 55811
community school authorized under this section shall enter into a 55812
contract under section 3314.03 of the Revised Code. 55813
Notwithstanding division (A)(13) of that section, the contract 55814
with an existing community school may begin at any time during the 55815
academic year. The length of the initial contract of any community 55816
school under this section may be for any term up to five years. 55817
The contract may be renewed in accordance with division (E) of 55818
that section. The contract may provide for the school's governing 55819
authority to pay a fee for oversight and monitoring of the school 55820
that does not exceed three per cent of the total amount of 55821
payments for operating expenses that the school receives from the 55822
state. 55823

(C) The department may require a community school authorized 55824

under this section to post and file with the superintendent of 55825
public instruction a bond payable to the state or to file with the 55826
state superintendent a guarantee, which shall be used to pay the 55827
state any moneys owed by the community school in the event the 55828
school closes. 55829

(D) Except as otherwise provided in this section, a community 55830
school authorized under this section shall comply with all 55831
applicable provisions of this chapter. The department may take any 55832
action that a sponsor may take under this chapter to enforce the 55833
school's compliance with this division and the terms of the 55834
contract entered into under division (B) of this section. 55835

(E) Not later than December 31, 2012, and annually 55836
thereafter, the department shall issue a report on the program, 55837
including information about the number of community schools 55838
participating in the program and their compliance with the 55839
provisions of this chapter. In its fifth report, the department 55840
shall include a complete evaluation of the program and 55841
recommendations regarding the program's continuation. Each report 55842
shall be provided to the general assembly, in accordance with 55843
section 101.68 of the Revised Code, and to the governor. 55844

Sec. 3314.03. A copy of every contract entered into under 55845
this section shall be filed with the superintendent of public 55846
instruction. The department of education shall make available on 55847
its web site a copy of every approved, executed contract filed 55848
with the superintendent under this section. 55849

(A) Each contract entered into between a sponsor and the 55850
governing authority of a community school shall specify the 55851
following: 55852

(1) That the school shall be established as either of the 55853
following: 55854

(a) A nonprofit corporation established under Chapter 1702.	55855
of the Revised Code, if established prior to April 8, 2003;	55856
(b) A public benefit corporation established under Chapter	55857
1702. of the Revised Code, if established after April 8, 2003.	55858
(2) The education program of the school, including the	55859
school's mission, the characteristics of the students the school	55860
is expected to attract, the ages and grades of students, and the	55861
focus of the curriculum;	55862
(3) The academic goals to be achieved and the method of	55863
measurement that will be used to determine progress toward those	55864
goals, which shall include the statewide achievement assessments;	55865
(4) Performance standards by which the success of the school	55866
will be evaluated by the sponsor;	55867
(5) The admission standards of section 3314.06 of the Revised	55868
Code and, if applicable, section 3314.061 of the Revised Code;	55869
(6)(a) Dismissal procedures;	55870
(b) A requirement that the governing authority adopt an	55871
attendance policy that includes a procedure for automatically	55872
withdrawing a student from the school if the student without a	55873
legitimate excuse fails to participate in one hundred five	55874
consecutive hours of the learning opportunities offered to the	55875
student.	55876
(7) The ways by which the school will achieve racial and	55877
ethnic balance reflective of the community it serves;	55878
(8) Requirements for financial audits by the auditor of	55879
state. The contract shall require financial records of the school	55880
to be maintained in the same manner as are financial records of	55881
school districts, pursuant to rules of the auditor of state.	55882
Audits shall be conducted in accordance with section 117.10 of the	55883
Revised Code.	55884

(9) The facilities to be used and their locations;	55885
(10) Qualifications of teachers, including the following:	55886
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	55887 55888 55889 55890 55891
(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.	55892 55893 55894 55895 55896
(11) That the school will comply with the following requirements:	55897 55898
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	55899 55900 55901
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	55902 55903 55904
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	55905 55906 55907 55908
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673,	55909 55910 55911 55912 55913 55914

3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 55915
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 55916
3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 55917
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 55918
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 55919
4123., 4141., and 4167. of the Revised Code as if it were a school 55920
district and will comply with section 3301.0714 of the Revised 55921
Code in the manner specified in section 3314.17 of the Revised 55922
Code. 55923

(e) The school shall comply with Chapter 102. and section 55924
2921.42 of the Revised Code. 55925

(f) The school will comply with sections 3313.61, 3313.611, 55926
and 3313.614 of the Revised Code, except that for students who 55927
enter ninth grade for the first time before July 1, 2010, the 55928
requirement in sections 3313.61 and 3313.611 of the Revised Code 55929
that a person must successfully complete the curriculum in any 55930
high school prior to receiving a high school diploma may be met by 55931
completing the curriculum adopted by the governing authority of 55932
the community school rather than the curriculum specified in Title 55933
XXXIII of the Revised Code or any rules of the state board of 55934
education. Beginning with students who enter ninth grade for the 55935
first time on or after July 1, 2010, the requirement in sections 55936
3313.61 and 3313.611 of the Revised Code that a person must 55937
successfully complete the curriculum of a high school prior to 55938
receiving a high school diploma shall be met by completing the 55939
Ohio core curriculum prescribed in division (C) of section 55940
3313.603 of the Revised Code, unless the person qualifies under 55941
division (D) or (F) of that section. Each school shall comply with 55942
the plan for awarding high school credit based on demonstration of 55943
subject area competency, adopted by the state board of education 55944
under division (J) of section 3313.603 of the Revised Code. 55945

(g) The school governing authority will submit within four 55946

months after the end of each school year a report of its 55947
activities and progress in meeting the goals and standards of 55948
divisions (A)(3) and (4) of this section and its financial status 55949
to the sponsor and the parents of all students enrolled in the 55950
school. 55951

(h) The school, unless it is an internet- or computer-based 55952
community school, will comply with section 3313.801 of the Revised 55953
Code as if it were a school district. 55954

(i) If the school is the recipient of moneys from a grant 55955
awarded under the federal race to the top program, Division (A), 55956
Title XIV, Sections 14005 and 14006 of the "American Recovery and 55957
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 55958
school will pay teachers based upon performance in accordance with 55959
section 3317.141 and will comply with section 3319.111 of the 55960
Revised Code as if it were a school district. 55961

(12) Arrangements for providing health and other benefits to 55962
employees; 55963

(13) The length of the contract, which shall begin at the 55964
beginning of an academic year. No contract shall exceed five years 55965
unless such contract has been renewed pursuant to division (E) of 55966
this section. 55967

(14) The governing authority of the school, which shall be 55968
responsible for carrying out the provisions of the contract; 55969

(15) A financial plan detailing an estimated school budget 55970
for each year of the period of the contract and specifying the 55971
total estimated per pupil expenditure amount for each such year. 55972
~~The plan shall specify for each year the base formula amount that 55973~~
~~will be used for purposes of funding calculations under section 55974~~
~~3314.08 of the Revised Code. This base formula amount for any year 55975~~
~~shall not exceed the formula amount defined under section 3317.02 55976~~
~~of the Revised Code. The plan may also specify for any year a 55977~~

~~percentage figure to be used for reducing the per pupil amount of 55978
the subsidy calculated pursuant to section 3317.029 of the Revised 55979
Code the school is to receive that year under section 3314.08 of 55980
the Revised Code. 55981~~

(16) Requirements and procedures regarding the disposition of 55982
employees of the school in the event the contract is terminated or 55983
not renewed pursuant to section 3314.07 of the Revised Code; 55984

(17) Whether the school is to be created by converting all or 55985
part of an existing public school or educational service center 55986
building or is to be a new start-up school, and if it is a 55987
converted public school or service center building, specification 55988
of any duties or responsibilities of an employer that the board of 55989
education or service center governing board that operated the 55990
school or building before conversion is delegating to the 55991
governing authority of the community school with respect to all or 55992
any specified group of employees provided the delegation is not 55993
prohibited by a collective bargaining agreement applicable to such 55994
employees; 55995

(18) Provisions establishing procedures for resolving 55996
disputes or differences of opinion between the sponsor and the 55997
governing authority of the community school; 55998

(19) A provision requiring the governing authority to adopt a 55999
policy regarding the admission of students who reside outside the 56000
district in which the school is located. That policy shall comply 56001
with the admissions procedures specified in sections 3314.06 and 56002
3314.061 of the Revised Code and, at the sole discretion of the 56003
authority, shall do one of the following: 56004

(a) Prohibit the enrollment of students who reside outside 56005
the district in which the school is located; 56006

(b) Permit the enrollment of students who reside in districts 56007
adjacent to the district in which the school is located; 56008

(c) Permit the enrollment of students who reside in any other district in the state. 56009
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(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; 56011
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(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 56015
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(22) A provision recognizing both of the following: 56018

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; 56019
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(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action. 56023
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(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division ~~(L)~~(H)(2) of section 3314.08 of the Revised Code; 56030
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(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not 56036
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be required to take any action described in division (F) of 56040
section 3302.04 of the Revised Code. 56041

(25) Beginning in the 2006-2007 school year, the school will 56042
open for operation not later than the thirtieth day of September 56043
each school year, unless the mission of the school as specified 56044
under division (A)(2) of this section is solely to serve dropouts. 56045
In its initial year of operation, if the school fails to open by 56046
the thirtieth day of September, or within one year after the 56047
adoption of the contract pursuant to division (D) of section 56048
3314.02 of the Revised Code if the mission of the school is solely 56049
to serve dropouts, the contract shall be void. 56050

(B) The community school shall also submit to the sponsor a 56051
comprehensive plan for the school. The plan shall specify the 56052
following: 56053

(1) The process by which the governing authority of the 56054
school will be selected in the future; 56055

(2) The management and administration of the school; 56056

(3) If the community school is a currently existing public 56057
school or educational service center building, alternative 56058
arrangements for current public school students who choose not to 56059
attend the converted school and for teachers who choose not to 56060
teach in the school or building after conversion; 56061

(4) The instructional program and educational philosophy of 56062
the school; 56063

(5) Internal financial controls. 56064

(C) A contract entered into under section 3314.02 of the 56065
Revised Code between a sponsor and the governing authority of a 56066
community school may provide for the community school governing 56067
authority to make payments to the sponsor, which is hereby 56068
authorized to receive such payments as set forth in the contract 56069

between the governing authority and the sponsor. The total amount 56070
of such payments for oversight and monitoring of the school shall 56071
not exceed three per cent of the total amount of payments for 56072
operating expenses that the school receives from the state. 56073

(D) The contract shall specify the duties of the sponsor 56074
which shall be in accordance with the written agreement entered 56075
into with the department of education under division (B) of 56076
section 3314.015 of the Revised Code and shall include the 56077
following: 56078

(1) Monitor the community school's compliance with all laws 56079
applicable to the school and with the terms of the contract; 56080

(2) Monitor and evaluate the academic and fiscal performance 56081
and the organization and operation of the community school on at 56082
least an annual basis; 56083

(3) Report on an annual basis the results of the evaluation 56084
conducted under division (D)(2) of this section to the department 56085
of education and to the parents of students enrolled in the 56086
community school; 56087

(4) Provide technical assistance to the community school in 56088
complying with laws applicable to the school and terms of the 56089
contract; 56090

(5) Take steps to intervene in the school's operation to 56091
correct problems in the school's overall performance, declare the 56092
school to be on probationary status pursuant to section 3314.073 56093
of the Revised Code, suspend the operation of the school pursuant 56094
to section 3314.072 of the Revised Code, or terminate the contract 56095
of the school pursuant to section 3314.07 of the Revised Code as 56096
determined necessary by the sponsor; 56097

(6) Have in place a plan of action to be undertaken in the 56098
event the community school experiences financial difficulties or 56099
closes prior to the end of a school year. 56100

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.042. The governing authority of each community school shall comply with the standards for financial reporting adopted under division (B)(2) of section 3301.07 of the Revised Code.

Sec. 3314.05. (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B)(3) and (4) of this section, no community school shall be established in more than one school district under the same contract.

(B) Division (B) of this section shall not apply to internet-

or computer-based community schools. 56131

(1) A community school may be located in multiple facilities 56132
under the same contract only if the limitations on availability of 56133
space prohibit serving all the grade levels specified in the 56134
contract in a single facility or division (B)(2), (3), or (4) of 56135
this section applies to the school. The school shall not offer the 56136
same grade level classrooms in more than one facility. 56137

(2) A community school may be located in multiple facilities 56138
under the same contract and, notwithstanding division (B)(1) of 56139
this section, may assign students in the same grade level to 56140
multiple facilities, as long as all of the following apply: 56141

~~(a) The governing authority of the community school filed a 56142
copy of its contract with the school's sponsor under section 56143
3314.03 of the Revised Code with the superintendent of public 56144
instruction on or before May 15, 2008. 56145~~

~~(b) The school was not open for operation prior to July 1, 56146
2008. 56147~~

~~(e)~~ The governing authority has entered into and maintains a 56148
contract with an operator of the type described in division 56149
(A)(8)(b) of section 3314.02 of the Revised Code. 56150

~~(d)~~(b) The contract with that operator qualified the school 56151
to be established pursuant to division (A) of former section 56152
3314.016 of the Revised Code. 56153

~~(e)~~(c) The school's rating under section 3302.03 of the 56154
Revised Code does not fall below a combination of any of the 56155
following for two or more consecutive years: 56156

(i) A rating of "in need of continuous improvement" under 56157
section 3302.03 of the Revised Code, as that section existed prior 56158
to ~~the effective date of this section~~ March 22, 2013; 56159

(ii) For the 2012-2013 and 2013-2014 school years, a rating 56160

of "C" for both the performance index score under division 56161
(A)(1)(b) or (B)(1)(b) and the value-added dimension under 56162
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 56163
Code; or if the building serves only grades ten through twelve, 56164
the building received a grade of "C" for the performance index 56165
score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of 56166
the Revised Code; 56167

(iii) For the 2014-2015 school year and for any school year 56168
thereafter, an overall grade of "C" under division (C)(3) of 56169
section 3302.03 of the Revised Code or an overall performance 56170
designation of "meets standards" under division (E)(3)(e) of 56171
section 3314.017 of the Revised Code. 56172

(3) A new start-up community school may be established in two 56173
school districts under the same contract if all of the following 56174
apply: 56175

(a) At least one of the school districts in which the school 56176
is established is a challenged school district; 56177

(b) The school operates not more than one facility in each 56178
school district and, in accordance with division (B)(1) of this 56179
section, the school does not offer the same grade level classrooms 56180
in both facilities; and 56181

(c) Transportation between the two facilities does not 56182
require more than thirty minutes of direct travel time as measured 56183
by school bus. 56184

In the case of a community school to which division (B)(3) of 56185
this section applies, if only one of the school districts in which 56186
the school is established is a challenged school district, that 56187
district shall be considered the school's primary location and the 56188
district in which the school is located for the purposes of 56189
division (A)(19) of section 3314.03 and divisions (C) and (H) of 56190
section 3314.06 of the Revised Code and for all other purposes of 56191

this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

(b) Either of the following conditions are satisfied:

(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located;

(ii) The community school is managed by an operator.

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this

state. The school shall not receive state funds under section 56253
3314.08 of the Revised Code for any student who is not a resident 56254
of this state. 56255

An individual younger than five years of age may be admitted 56256
to the school in accordance with division (A)(2) of section 56257
3321.01 of the Revised Code. 56258

(B)(1) That admission to the school may be limited to 56259
students who have attained a specific grade level or are within a 56260
specific age group; to students that meet a definition of 56261
"at-risk," as defined in the contract; to residents of a specific 56262
geographic area within the district, as defined in the contract; 56263
or to separate groups of autistic students and nondisabled 56264
students, as authorized in section 3314.061 of the Revised Code 56265
and as defined in the contract. 56266

(2) For purposes of division (B)(1) of this section, 56267
"at-risk" students may include those students identified as gifted 56268
students under section 3324.03 of the Revised Code. 56269

(C) Whether enrollment is limited to students who reside in 56270
the district in which the school is located or is open to 56271
residents of other districts, as provided in the policy adopted 56272
pursuant to the contract. 56273

(D)(1) That there will be no discrimination in the admission 56274
of students to the school on the basis of race, creed, color, 56275
disability, or sex except that: 56276

(a) The governing authority may do either of the following 56277
for the purpose described in division (G) of this section: 56278

(i) Establish a single-gender school for either sex; 56279

(ii) Establish single-gender schools for each sex under the 56280
same contract, provided substantially equal facilities and 56281
learning opportunities are offered for both boys and girls. Such 56282

facilities and opportunities may be offered for each sex at 56283
separate locations. 56284

(b) The governing authority may establish a school that 56285
simultaneously serves a group of students identified as autistic 56286
and a group of students who are not disabled, as authorized in 56287
section 3314.061 of the Revised Code. However, unless the total 56288
capacity established for the school has been filled, no student 56289
with any disability shall be denied admission on the basis of that 56290
disability. 56291

(2) That upon admission of any student with a disability, the 56292
community school will comply with all federal and state laws 56293
regarding the education of students with disabilities. 56294

(E) That the school may not limit admission to students on 56295
the basis of intellectual ability, measures of achievement or 56296
aptitude, or athletic ability, except that a school may limit its 56297
enrollment to students as described in division (B) of this 56298
section. 56299

(F) That the community school will admit the number of 56300
students that does not exceed the capacity of the school's 56301
programs, classes, grade levels, or facilities. 56302

(G) That the purpose of single-gender schools that are 56303
established shall be to take advantage of the academic benefits 56304
some students realize from single-gender instruction and 56305
facilities and to offer students and parents residing in the 56306
district the option of a single-gender education. 56307

(H) That, except as otherwise provided under division (B) of 56308
this section or section 3314.061 of the Revised Code, if the 56309
number of applicants exceeds the capacity restrictions of division 56310
(F) of this section, students shall be admitted by lot from all 56311
those submitting applications, except preference shall be given to 56312
students attending the school the previous year and to students 56313

who reside in the district in which the school is located. 56314
Preference may be given to siblings of students attending the 56315
school the previous year. 56316

Notwithstanding divisions (A) to (H) of this section, in the 56317
event the racial composition of the enrollment of the community 56318
school is violative of a federal desegregation order, the 56319
community school shall take any and all corrective measures to 56320
comply with the desegregation order. 56321

Sec. 3314.072. The provisions of this section are enacted to 56322
promote the public health, safety, and welfare by establishing 56323
procedures under which the governing authorities of community 56324
schools established under this chapter will be held accountable 56325
for their compliance with the terms of the contracts they enter 56326
into with their school's sponsors and the law relating to the 56327
school's operation. Suspension of the operation of a school 56328
imposed under this section is intended to encourage the governing 56329
authority's compliance with the terms of the school's contract and 56330
the law and is not intended to be an alteration of the terms of 56331
that contract. 56332

(A) If a sponsor of a community school established under this 56333
chapter suspends the operation of that school pursuant to 56334
procedures set forth in this section, the governing authority 56335
shall not operate that school while the suspension is in effect. 56336
Any such suspension shall remain in effect until the sponsor 56337
notifies the governing authority that it is no longer in effect. 56338
The contract of a school of which operation is suspended under 56339
this section also may be subject to termination or nonrenewal 56340
under section 3314.07 of the Revised Code. 56341

(B) If at any time conditions at the school do not comply 56342
with a health and safety standard established by law for school 56343
buildings, the sponsor shall immediately suspend the operation of 56344

the school pursuant to procedures set forth in division (D) of 56345
this section. If the sponsor fails to take action to suspend the 56346
operation of a school to which this division applies, the 56347
department of education may take such action. 56348

(C)(1) For any of the reasons prescribed in division 56349
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 56350
sponsor of a community school established under this chapter may 56351
suspend the operation of the school only if it first issues to the 56352
governing authority notice of the sponsor's intent to suspend the 56353
operation of the contract. Such notice shall explain the reasons 56354
for the sponsor's intent to suspend operation of the contract and 56355
shall provide the school's governing authority with five business 56356
days to submit to the sponsor a proposal to remedy the conditions 56357
cited as reasons for the suspension. 56358

(2) The sponsor shall promptly review any proposed remedy 56359
timely submitted by the governing authority and either approve or 56360
disapprove the remedy. If the sponsor disapproves the remedy 56361
proposed by the governing authority, if the governing authority 56362
fails to submit a proposed remedy in the manner prescribed by the 56363
sponsor, or if the governing authority fails to implement the 56364
remedy as approved by the sponsor, the sponsor may suspend 56365
operation of the school pursuant to procedures set forth in 56366
division (D) of this section. 56367

(D)(1) If division (B) of this section applies or if the 56368
sponsor of a community school established under this chapter 56369
decides to suspend the operation of a school as permitted in 56370
division (C)(2) of this section, the sponsor shall promptly send 56371
written notice to the governing authority stating that the 56372
operation of the school is immediately suspended, and explaining 56373
the specific reasons for the suspension. The notice shall state 56374
that the governing authority has five business days to submit a 56375
proposed remedy to the conditions cited as reasons for the 56376

suspension or face potential contract termination. 56377

(2) Upon receipt of the notice of suspension prescribed under 56378
division (D)(1) of this section, the governing authority shall 56379
immediately notify the employees of the school and the parents of 56380
the students enrolled in the school of the suspension and the 56381
reasons therefore, and shall cease all school operations on the 56382
next business day. 56383

(E)(1) Beginning with the 2013-2014 school year, if the 56384
sponsor of a community school suspends the operation of that 56385
school pursuant to procedures set forth in this section, the 56386
school's contract with the sponsor under section 3314.03 of the 56387
Revised Code shall become void, if the governing authority of the 56388
school fails to provide a proposal to remedy the conditions cited 56389
by the sponsor as reasons for the suspension, to the satisfaction 56390
of the sponsor, by the thirtieth day of September of the school 56391
year immediately following the school year in which the operation 56392
of school was suspended. 56393

(2) If, prior to the effective date of this amendment, the 56394
sponsor of a community school has suspended the operation of the 56395
school, the contract with the sponsor under section 3314.03 of the 56396
Revised Code shall become void if the governing authority of the 56397
school fails to provide by September 30, 2014, a proposal to 56398
remedy the conditions cited by the sponsor as reasons for the 56399
suspension, to the satisfaction of the sponsor. 56400

Sec. 3314.074. Divisions (A) and (B) of this section apply 56401
only to the extent permitted under Chapter 1702. of the Revised 56402
Code. 56403

(A) If any community school established under this chapter 56404
permanently closes and ceases its operation as a community school, 56405
the assets of that school shall be distributed first to the 56406
retirement funds of employees of the school, employees of the 56407

school, and private creditors who are owed compensation, and then 56408
any remaining funds shall be paid to the department of education 56409
for redistribution to the school districts in which the students 56410
who were enrolled in the school at the time it ceased operation 56411
were entitled to attend school under section 3313.64 or 3313.65 of 56412
the Revised Code. The amount distributed to each school district 56413
shall be proportional to the district's share of the total 56414
enrollment in the community school. 56415

(B) If a community school closes and ceases to operate as a 56416
community school and the school has received computer hardware or 56417
software from the former Ohio SchoolNet commission or the former 56418
eTech Ohio commission, such hardware or software shall be ~~returned~~ 56419
turned over to the ~~eTech Ohio commission~~ department of education, 56420
~~and the eTech Ohio commission~~ which shall redistribute the 56421
hardware and software, to the extent such redistribution is 56422
possible, to school districts in conformance with the provisions 56423
of the programs as they were operated and administered by the 56424
former eTech Ohio commission. 56425

(C) If the assets of the school are insufficient to pay all 56426
persons or entities to whom compensation is owed, the 56427
prioritization of the distribution of the assets to individual 56428
persons or entities within each class of payees may be determined 56429
by decree of a court in accordance with this section and Chapter 56430
1702. of the Revised Code. 56431

Sec. 3314.08. ~~The deductions under division (C) and the 56432
payments under division (D) of this section for fiscal years 2012 56433
and 2013 shall be made in accordance with section 3314.088 of the 56434
Revised Code.~~ 56435

(A) As used in this section: 56436

(1) ~~"Base formula amount" means the amount specified as such 56437
in a community school's financial plan for a school year pursuant 56438~~

~~to division (A)(15) of section 3314.03 of the Revised Code. 56439~~

~~(2) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 56440~~

~~56441~~

~~(3) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section. 56442~~

~~56443~~

~~56444~~

~~(4) "Applicable vocational education weight" means:~~ 56445

~~(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division: 56446~~

~~56447~~

~~56448~~

~~(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division. 56449~~

~~56450~~

~~56451~~

~~(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code. 56452~~

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~~(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program. 56455~~

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~~(7) "Poverty based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code. 56459~~

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~~(8) "All day kindergarten" has the same meaning as in section 3321.05 of the Revised Code. 56465~~

~~56466~~

~~(9)(a) "Category one career-technical education student" means a student who is receiving the career-technical education 56467~~

~~56468~~

services described in division (A) of section 3317.014 of the Revised Code. 56469
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(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code. 56471
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(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code. 56474
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(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code. 56477
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(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code. 56480
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(2)(a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code. 56483
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(b) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code. 56486
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(c) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code. 56489
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(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 56492
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(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 56496
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(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 56499
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56502

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 56503
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56505

(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 56506
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(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 56509
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(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 56512
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(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 56514
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(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 56516
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(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 56519
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(B) The state board of education shall adopt rules requiring both of the following: 56521
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(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in ~~grades one~~ each grade kindergarten through twelve in a community school established under this chapter, ~~the number of students entitled to attend school in the district who are~~ 56523
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~~enrolled in kindergarten in a community school, the number of~~ 56529
~~those kindergartners who are enrolled in all-day kindergarten in~~ 56530
~~their community school,~~ and for each child, the community school 56531
in which the child is enrolled. 56532

(2) The governing authority of each community school 56533
established under this chapter to annually report all of the 56534
following: 56535

(a) The number of students enrolled in grades one through 56536
twelve and the full-time equivalent number of students enrolled in 56537
kindergarten in the school who are not receiving special education 56538
and related services pursuant to an IEP; 56539

(b) The number of enrolled students in grades one through 56540
twelve and the full-time equivalent number of enrolled students in 56541
kindergarten, who are receiving special education and related 56542
services pursuant to an IEP; 56543

(c) The number of students reported under division (B)(2)(b) 56544
of this section receiving special education and related services 56545
pursuant to an IEP for a disability described in each of divisions 56546
(A) to (F) of section 3317.013 of the Revised Code; 56547

(d) The full-time equivalent number of students reported 56548
under divisions (B)(2)(a) and (b) of this section who are enrolled 56549
in ~~vocational~~ career-technical education programs or classes 56550
described in each of divisions (A) ~~and (B)~~ to (E) of section 56551
3317.014 of the Revised Code that are provided by the community 56552
school; 56553

(e) Twenty per cent of the number of students reported under 56554
divisions (B)(2)(a) and (b) of this section who are not reported 56555
under division (B)(2)(d) of this section but who are enrolled in 56556
~~vocational~~ career-technical education programs or classes 56557
described in each of divisions (A) ~~and (B)~~ to (E) of section 56558
3317.014 of the Revised Code at a joint vocational school district 56559

~~under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational school district or another district in the career-technical planning district to which the school is assigned;~~

~~(f) The number of enrolled preschool children with disabilities receiving special education services in a state-funded unit;~~

~~(g) The community school's base formula amount;~~

~~(h) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;~~

~~(g) The number of students reported under divisions (B)(2)(a) and (b) who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.~~

~~(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;~~

~~(i) Any poverty based assistance reduction factor that applies to a school year under section 3313.64 or 3313.65 of the Revised Code.~~

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under division (B)(2) of this section any student

for whom tuition is charged under division (F) of this section. 56590

~~(C) From the state education aid calculated for a city, 56591
exempted village, or local school district and, if necessary, from 56592
the payment made to the district under sections 321.24 and 323.156 56593
of the Revised Code, the department of education shall annually 56594
subtract the sum of the amounts described in divisions (C)(1) to 56595
(9) of this section. However, when deducting payments on behalf of 56596
students enrolled in internet or computer based community 56597
schools, the department shall deduct only those amounts described 56598
in divisions (C)(1) and (2) of this section. Furthermore, the 56599
aggregate amount deducted under this division shall not exceed the 56600
sum of the district's state education aid and its payment under 56601
sections 321.24 and 323.156 of the Revised Code. 56602~~

~~(1) An amount equal to the sum of the amounts obtained when, 56603
for each community school where the district's students are 56604
enrolled, the number of the district's students reported under 56605
divisions (B)(2)(a), (b), and (c) of this section who are enrolled 56606
in grades one through twelve, and one half the number of students 56607
reported under those divisions who are enrolled in kindergarten, 56608
in that community school is multiplied by the sum of the base 56609
formula amount of that community school plus the per pupil amount 56610
of the base funding supplements specified in divisions (C)(1) to 56611
(4) of section 3317.012 of the Revised Code. 56612~~

~~(2) The sum of the amounts calculated under divisions 56613
(C)(2)(a) and (b) of this section: 56614~~

~~(a) For each of the district's students reported under 56615
division (B)(2)(c) of this section as enrolled in a community 56616
school in grades one through twelve and receiving special 56617
education and related services pursuant to an IEP for a disability 56618
described in section 3317.013 of the Revised Code, the product of 56619
the applicable special education weight times the community 56620
school's base formula amount: 56621~~

~~(b) For each of the district's students reported under 56622
division (B)(2)(c) of this section as enrolled in kindergarten in 56623
a community school and receiving special education and related 56624
services pursuant to an IEP for a disability described in section 56625
3317.013 of the Revised Code, one half of the amount calculated as 56626
prescribed in division (C)(2)(a) of this section. 56627~~

~~(3) For each of the district's students reported under 56628
division (B)(2)(d) of this section for whom payment is made under 56629
division (D)(4) of this section, the amount of that payment; 56630~~

~~(4) An amount equal to the sum of the amounts obtained when, 56631
for each community school where the district's students are 56632
enrolled, the number of the district's students enrolled in that 56633
community school who are included in the district's poverty 56634
student count is multiplied by the per pupil amount of 56635
poverty based assistance the school district receives that year 56636
pursuant to division (C) of section 3317.029 of the Revised Code, 56637
as adjusted by any poverty based assistance reduction factor of 56638
that community school. The per pupil amount of that aid for the 56639
district shall be calculated by the department. 56640~~

~~(5) An amount equal to the sum of the amounts obtained when, 56641
for each community school where the district's students are 56642
enrolled, the district's per pupil amount of aid received under 56643
division (E) of section 3317.029 of the Revised Code, as adjusted 56644
by any poverty based assistance reduction factor of the community 56645
school, is multiplied by the sum of the following: 56646~~

~~(a) The number of the district's students reported under 56647
division (B)(2)(a) of this section who are enrolled in grades one 56648
to three in that community school and who are not receiving 56649
special education and related services pursuant to an IEP; 56650~~

~~(b) One half of the district's students who are enrolled in 56651
all day or any other kindergarten class in that community school 56652~~

~~and who are not receiving special education and related services pursuant to an IEP;~~ 56653
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~~(c) One half of the district's students who are enrolled in all day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.~~ 56655
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~~The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.~~ 56659
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~~(6) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the number of the district's students enrolled in the community school who are identified as limited English proficient.~~ 56664
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~~(7) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:~~ 56672
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~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 56678
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~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 56680
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~~The district's per pupil amount under division (G) of section 3317.029 of the Revised Code is the district's amount per teacher~~ 56682
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~~calculated under division (G)(1) or (2) of that section divided by
17.~~ 56684
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~~(8) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the district's per pupil amount received under divisions
(H) and (I) of section 3317.029 of the Revised Code, as adjusted
by any poverty-based assistance reduction factor of that community
school, is multiplied by the sum of the following:~~ 56686
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~~(a) The number of the district's students enrolled in grades
one through twelve in that community school;~~ 56692
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~~(b) One half of the number of the district's students
enrolled in kindergarten in that community school.~~ 56694
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~~The district's per pupil amount under divisions (H) and (I)
of section 3317.029 of the Revised Code is the amount calculated
under each division divided by the district's formula ADM, as
defined in section 3317.02 of the Revised Code.~~ 56696
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~~(9) An amount equal to the per pupil state parity aid funding
calculated for the school district under either division (C) or
(D) of section 3317.0217 of the Revised Code multiplied by the sum
of the number of students in grades one through twelve, and
one half of the number of students in kindergarten, who are
entitled to attend school in the district and are enrolled in a
community school as reported under division (B)(1) of this
section.~~ 56700
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~~(D) The department shall annually pay to a community school
established under this chapter the sum of the amounts described in
divisions (D)(1) to (10) of this section. However, the department
shall calculate and pay to each internet or computer based
community school only the amounts described in divisions (D)(1) to
(3) of this section. Furthermore, the sum of the payments to all
community schools under divisions (D)(1), (2), and (4) to (10) of~~ 56708
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~~this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.~~

~~(1) An amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one half of the kindergarten students in the school, reported under divisions (B)(2)(a), (b), and (c) of this section who are not receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code is multiplied by the sum of the community school's base formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~

~~(2) The sum of the following amounts:~~

~~(a) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, the following amount:~~

~~(the school's base formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code) + (the applicable special education weight X the community school's base formula amount);~~

~~(b) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, one half of the amount calculated under the formula prescribed in division (D)(2)(a) of this section.~~

~~(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.~~

~~(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.~~

~~(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty based assistance that school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)(4) of this section.~~

~~(6) An amount equal to the sum of the amounts obtained when,~~

~~for each school district where the community school's students are
entitled to attend school, the district's per pupil amount of aid
received under division (E) of section 3317.029 of the Revised
Code, as adjusted by any poverty based assistance reduction factor
of the community school, is multiplied by the sum of the
following:~~

~~(a) The number of the district's students reported under
division (B)(2)(a) of this section who are enrolled in grades one
to three in that community school and who are not receiving
special education and related services pursuant to an IEP;~~

~~(b) One half of the district's students who are enrolled in
all day or any other kindergarten class in that community school
and who are not receiving special education and related services
pursuant to an IEP;~~

~~(c) One half of the district's students who are enrolled in
all day kindergarten in that community school and who are not
receiving special education and related services pursuant to an
IEP.~~

~~The district's per pupil amount of aid under division (E) of
section 3317.029 of the Revised Code shall be determined as
described in division (C)(5) of this section.~~

~~(7) An amount equal to the sum of the amounts obtained when,
for each school district where the community school's students are
entitled to attend school, the number of that district's students
enrolled in the community school who are identified as
limited English proficient is multiplied by the district's per
pupil amount received under division (F) of section 3317.029 of
the Revised Code, as adjusted by any poverty based assistance
reduction factor of the community school.~~

~~(8) An amount equal to the sum of the amounts obtained when,
for each school district where the community school's students are~~

~~entitled to attend school, the district's per pupil amount 56810
received under division (G) of section 3317.029 of the Revised 56811
Code, as adjusted by any poverty based assistance reduction factor 56812
of the community school, is multiplied by the sum of the 56813
following: 56814~~

~~(a) The number of the district's students enrolled in grades 56815
one through twelve in that community school; 56816~~

~~(b) One half of the number of the district's students 56817
enrolled in kindergarten in that community school. 56818~~

~~The district's per pupil amount under division (G) of section 56819
3317.029 of the Revised Code shall be determined as described in 56820
division (C)(7) of this section. 56821~~

~~(9) An amount equal to the sum of the amounts obtained when, 56822
for each school district where the community school's students are 56823
entitled to attend school, the district's per pupil amount 56824
received under divisions (H) and (I) of section 3317.029 of the 56825
Revised Code, as adjusted by any poverty based assistance 56826
reduction factor of the community school, is multiplied by the sum 56827
of the following: 56828~~

~~(a) The number of the district's students enrolled in grades 56829
one through twelve in that community school; 56830~~

~~(b) One half of the number of the district's students 56831
enrolled in kindergarten in that community school. 56832~~

~~The district's per pupil amount under divisions (H) and (I) 56833
of section 3317.029 of the Revised Code shall be determined as 56834
described in division (C)(8) of this section. 56835~~

~~(10) An amount equal to the sum of the amounts obtained when, 56836
for each school district where the community school's students are 56837
entitled to attend school, the district's per pupil amount of 56838
state parity aid funding calculated under either division (C) or 56839~~

~~(D) of section 3317.0217 of the Revised Code is multiplied by the 56840
sum of the number of that district's students enrolled in grades 56841
one through twelve, and one half of the number of that district's 56842
students enrolled in kindergarten, in the community school as 56843
reported under divisions (B)(2)(a) and (b) of this section. 56844~~

~~(E)(1) If a community school's costs for a fiscal year for a 56845
student receiving special education and related services pursuant 56846
to an IEP for a disability described in divisions (B) to (F) of 56847
section 3317.013 of the Revised Code exceed the threshold 56848
catastrophic cost for serving the student as specified in division 56849
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 56850
submit to the superintendent of public instruction documentation, 56851
as prescribed by the superintendent, of all its costs for that 56852
student. Upon submission of documentation for a student of the 56853
type and in the manner prescribed, the department shall pay to the 56854
community school an amount equal to the school's costs for the 56855
student in excess of the threshold catastrophic costs. 56856~~

~~(2) The community school shall only report under division 56857
(E)(1) of this section, and the department shall only pay for, the 56858
costs of educational expenses and the related services provided to 56859
the student in accordance with the student's individualized 56860
education program. Any legal fees, court costs, or other costs 56861
associated with any cause of action relating to the student may 56862
not be included in the amount. 56863~~

~~(F) A community school may apply to the department of 56864
education for preschool children with disabilities unit funding 56865
the school would receive if it were a school district. Upon 56866
request of its governing authority, a community school that 56867
received such unit funding as a school district operated school 56868
before it became a community school shall retain any units awarded 56869
to it as a school district operated school provided the school 56870
continues to meet eligibility standards for the unit. 56871~~

~~A community school shall be considered a school district and its governing authority shall be considered a board of education for the purpose of applying to any state or federal agency for grants that a school district may receive under federal or state law or any appropriations act of the general assembly. The governing authority of a community school may apply to any private entity for additional funds.~~

(G)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

<u>(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;</u>	56903 56904 56905
<u>(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;</u>	56906 56907 56908
<u>(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;</u>	56909 56910 56911
<u>(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.</u>	56912 56913 56914
<u>(d) If the student is in kindergarten through third grade, an additional amount of \$225, in fiscal year 2014, and \$335, in fiscal year 2015;</u>	56915 56916 56917
<u>(e) If the student is economically disadvantaged, an additional amount equal to the following:</u>	56918 56919
<u>(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X (the resident district's economically disadvantaged index)</u>	56920 56921
<u>(f) Limited English proficiency funds as follows:</u>	56922
<u>(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;</u>	56923 56924 56925
<u>(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;</u>	56926 56927 56928
<u>(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.</u>	56929 56930 56931
<u>(g) Career-technical education funds as follows:</u>	56932

<u>(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;</u>	56933 56934 56935
<u>(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;</u>	56936 56937 56938
<u>(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;</u>	56939 56940 56941
<u>(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;</u>	56942 56943 56944
<u>(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.</u>	56945 56946 56947
<u>Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.</u>	56948 56949 56950 56951
<u>(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.</u>	56952 56953 56954 56955 56956 56957
<u>No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.</u>	56958 56959 56960
<u>(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant</u>	56961 56962

to an IEP for a disability described in divisions (B) to (F) of 56963
section 3317.013 of the Revised Code exceed the threshold 56964
catastrophic cost for serving the student as specified in division 56965
(B) of section 3317.0214 of the Revised Code, the school may 56966
submit to the superintendent of public instruction documentation, 56967
as prescribed by the superintendent, of all its costs for that 56968
student. Upon submission of documentation for a student of the 56969
type and in the manner prescribed, the department shall pay to the 56970
community school an amount equal to the school's costs for the 56971
student in excess of the threshold catastrophic costs. 56972

(b) The community school shall report under division 56973
(C)(3)(a) of this section, and the department shall pay for, only 56974
the costs of educational expenses and the related services 56975
provided to the student in accordance with the student's 56976
individualized education program. Any legal fees, court costs, or 56977
other costs associated with any cause of action relating to the 56978
student may not be included in the amount. 56979

(4) In any fiscal year, a community school receiving funds 56980
under division (C)(1)(g) of this section shall spend those funds 56981
only for the purposes that the department designates as approved 56982
for career-technical education expenses. Career-technical 56983
educational expenses approved by the department shall include only 56984
expenses connected to the delivery of career-technical programming 56985
to career-technical students. The department shall require the 56986
school to report data annually so that the department may monitor 56987
the school's compliance with the requirements regarding the manner 56988
in which funding received under division (C)(1)(g) of this section 56989
may be spent. 56990

(5) All funds received under division (C)(1)(g) of this 56991
section shall be spent in the following manner: 56992

(a) At least seventy-five per cent of the funds shall be 56993
spent on curriculum development, purchase, and implementation; 56994

<u>instructional resources and supplies; industry-based program</u>	56995
<u>certification; student assessment, credentialing, and placement;</u>	56996
<u>curriculum specific equipment purchases and leases;</u>	56997
<u>career-technical student organization fees and expenses; home and</u>	56998
<u>agency linkages; work-based learning experiences; professional</u>	56999
<u>development; and other costs directly associated with</u>	57000
<u>career-technical education programs including development of new</u>	57001
<u>programs.</u>	57002
<u>(b) Not more than twenty-five per cent of the funds shall be</u>	57003
<u>used for personnel expenditures.</u>	57004
<u>(6) A community school shall spend the funds it receives</u>	57005
<u>under division (C)(1)(e) of this section in accordance with</u>	57006
<u>section 3317.25 of the Revised Code.</u>	57007
<u>(7) If the sum of the payments computed under division (C)(1)</u>	57008
<u>of this section for the students entitled to attend school in a</u>	57009
<u>particular school district under sections 3313.64 and 3313.65 of</u>	57010
<u>the Revised Code exceeds the sum of that district's state</u>	57011
<u>education aid and its payment under sections 321.24 and 323.156 of</u>	57012
<u>the Revised Code, the department shall calculate and apply a</u>	57013
<u>proration factor to the payments to all community schools under</u>	57014
<u>that division for the students entitled to attend school in that</u>	57015
<u>district.</u>	57016
<u>(D) A board of education sponsoring a community school may</u>	57017
<u>utilize local funds to make enhancement grants to the school or</u>	57018
<u>may agree, either as part of the contract or separately, to</u>	57019
<u>provide any specific services to the community school at no cost</u>	57020
<u>to the school.</u>	57021
<u>(H)(E) A community school may not levy taxes or issue bonds</u>	57022
<u>secured by tax revenues.</u>	57023
<u>(I)(F) No community school shall charge tuition for the</u>	57024
<u>enrollment of any student who is a resident of this state. A</u>	57025

community school may charge tuition for the enrollment of any student who is not a resident of this state. 57026
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~~(J)~~(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division ~~(D)~~(C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school. 57028
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(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 57035
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(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school. 57037
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~~(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the~~ 57040
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~~list who reside in each school district who were included in the~~ 57058
~~department's report under section 3317.10 of the Revised Code. In~~ 57059
~~complying with this division, the department of job and family~~ 57060
~~services shall not report to the state department of education any~~ 57061
~~personally identifiable information on any student.~~ 57062

~~(L)~~(H) The department of education shall adjust the amounts 57063
subtracted and paid under ~~divisions~~ division (C) ~~and (D)~~ of this 57064
section to reflect any enrollment of students in community schools 57065
for less than the equivalent of a full school year. The state 57066
board of education within ninety days after April 8, 2003, shall 57067
adopt in accordance with Chapter 119. of the Revised Code rules 57068
governing the payments to community schools under this section ~~and~~ 57069
~~section 3314.13 of the Revised Code~~ including initial payments in 57070
a school year and adjustments and reductions made in subsequent 57071
periodic payments to community schools and corresponding 57072
deductions from school district accounts as provided under 57073
~~divisions~~ division (C) ~~and (D)~~ of this section ~~and section 3314.13~~ 57074
~~of the Revised Code~~. For purposes of this section ~~and section~~ 57075
~~3314.13 of the Revised Code:~~ 57076

(1) A student shall be considered enrolled in the community 57077
school for any portion of the school year the student is 57078
participating at a college under Chapter 3365. of the Revised 57079
Code. 57080

(2) A student shall be considered to be enrolled in a 57081
community school for the period of time beginning on the later of 57082
the date on which the school both has received documentation of 57083
the student's enrollment from a parent and the student has 57084
commenced participation in learning opportunities as defined in 57085
the contract with the sponsor, or thirty days prior to the date on 57086
which the student is entered into the education management 57087
information system established under section 3301.0714 of the 57088
Revised Code. For purposes of applying this division and divisions 57089

~~(L)~~(H)(3) and (4) of this section to a community school student, 57090
"learning opportunities" shall be defined in the contract, which 57091
shall describe both classroom-based and non-classroom-based 57092
learning opportunities and shall be in compliance with criteria 57093
and documentation requirements for student participation which 57094
shall be established by the department. Any student's instruction 57095
time in non-classroom-based learning opportunities shall be 57096
certified by an employee of the community school. A student's 57097
enrollment shall be considered to cease on the date on which any 57098
of the following occur: 57099

(a) The community school receives documentation from a parent 57100
terminating enrollment of the student. 57101

(b) The community school is provided documentation of a 57102
student's enrollment in another public or private school. 57103

(c) The community school ceases to offer learning 57104
opportunities to the student pursuant to the terms of the contract 57105
with the sponsor or the operation of any provision of this 57106
chapter. 57107

Except as otherwise specified in this paragraph, beginning in 57108
the 2011-2012 school year, any student who completed the prior 57109
school year in an internet- or computer-based community school 57110
shall be considered to be enrolled in the same school in the 57111
subsequent school year until the student's enrollment has ceased 57112
as specified in division ~~(L)~~(H)(2) of this section. The department 57113
shall continue subtracting and paying amounts for the student 57114
under ~~divisions~~ division (C) and ~~(D)~~ of this section without 57115
interruption at the start of the subsequent school year. However, 57116
if the student without a legitimate excuse fails to participate in 57117
the first one hundred five consecutive hours of learning 57118
opportunities offered to the student in that subsequent school 57119
year, the student shall be considered not to have re-enrolled in 57120
the school for that school year and the department shall 57121

recalculate the payments to the school for that school year to 57122
account for the fact that the student is not enrolled. 57123

(3) The department shall determine each community school 57124
student's percentage of full-time equivalency based on the 57125
percentage of learning opportunities offered by the community 57126
school to that student, reported either as number of hours or 57127
number of days, is of the total learning opportunities offered by 57128
the community school to a student who attends for the school's 57129
entire school year. However, no internet- or computer-based 57130
community school shall be credited for any time a student spends 57131
participating in learning opportunities beyond ten hours within 57132
any period of twenty-four consecutive hours. Whether it reports 57133
hours or days of learning opportunities, each community school 57134
shall offer not less than nine hundred twenty hours of learning 57135
opportunities during the school year. 57136

(4) With respect to the calculation of full-time equivalency 57137
under division ~~(L)~~(H)(3) of this section, the department shall 57138
waive the number of hours or days of learning opportunities not 57139
offered to a student because the community school was closed 57140
during the school year due to disease epidemic, hazardous weather 57141
conditions, law enforcement emergencies, inoperability of school 57142
buses or other equipment necessary to the school's operation, 57143
damage to a school building, or other temporary circumstances due 57144
to utility failure rendering the school building unfit for school 57145
use, so long as the school was actually open for instruction with 57146
students in attendance during that school year for not less than 57147
the minimum number of hours required by this chapter. The 57148
department shall treat the school as if it were open for 57149
instruction with students in attendance during the hours or days 57150
waived under this division. 57151

~~(M)~~(I) The department of education shall reduce the amounts 57152
paid under ~~division (D)~~ of this section to reflect payments made 57153

to colleges under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code.

~~(N)~~(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division ~~(D)~~(C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall 57185
jointly make recommendations to the general assembly for 57186
legislative changes that may be required to assure fiscal and 57187
academic accountability for such schools. 57188

~~(O)~~(K)(1) If the department determines that a review of a 57189
community school's enrollment is necessary, such review shall be 57190
completed and written notice of the findings shall be provided to 57191
the governing authority of the community school and its sponsor 57192
within ninety days of the end of the community school's fiscal 57193
year, unless extended for a period not to exceed thirty additional 57194
days for one of the following reasons: 57195

(a) The department and the community school mutually agree to 57196
the extension. 57197

(b) Delays in data submission caused by either a community 57198
school or its sponsor. 57199

(2) If the review results in a finding that additional 57200
funding is owed to the school, such payment shall be made within 57201
thirty days of the written notice. If the review results in a 57202
finding that the community school owes moneys to the state, the 57203
following procedure shall apply: 57204

(a) Within ten business days of the receipt of the notice of 57205
findings, the community school may appeal the department's 57206
determination to the state board of education or its designee. 57207

(b) The board or its designee shall conduct an informal 57208
hearing on the matter within thirty days of receipt of such an 57209
appeal and shall issue a decision within fifteen days of the 57210
conclusion of the hearing. 57211

(c) If the board has enlisted a designee to conduct the 57212
hearing, the designee shall certify its decision to the board. The 57213
board may accept the decision of the designee or may reject the 57214
decision of the designee and issue its own decision on the matter. 57215

(d) Any decision made by the board under this division is 57216
final. 57217

(3) If it is decided that the community school owes moneys to 57218
the state, the department shall deduct such amount from the 57219
school's future payments in accordance with guidelines issued by 57220
the superintendent of public instruction. 57221

~~(P)~~(L) The department shall not subtract from a school 57222
district's state aid account ~~under division (C) of this section~~ 57223
and shall not pay to a community school under division ~~(D)~~(C) of 57224
this section any amount for any of the following: 57225

(1) Any student who has graduated from the twelfth grade of a 57226
public or nonpublic high school; 57227

(2) Any student who is not a resident of the state; 57228

(3) Any student who was enrolled in the community school 57229
during the previous school year when assessments were administered 57230
under section 3301.0711 of the Revised Code but did not take one 57231
or more of the assessments required by that section and was not 57232
excused pursuant to division (C)(1) or (3) of that section, unless 57233
the superintendent of public instruction grants the student a 57234
waiver from the requirement to take the assessment and a parent is 57235
not paying tuition for the student pursuant to section 3314.26 of 57236
the Revised Code. The superintendent may grant a waiver only for 57237
good cause in accordance with rules adopted by the state board of 57238
education. 57239

(4) Any student who has attained the age of twenty-two years, 57240
except for veterans of the armed services whose attendance was 57241
interrupted before completing the recognized twelve-year course of 57242
the public schools by reason of induction or enlistment in the 57243
armed forces and who apply for enrollment in a community school 57244
not later than four years after termination of war or their 57245
honorable discharge. If, however, any such veteran elects to 57246

enroll in special courses organized for veterans for whom tuition 57247
is paid under federal law, or otherwise, the department shall not 57248
subtract from a school district's state aid account ~~under division~~ 57249
~~(C) of this section~~ and shall not pay to a community school under 57250
division ~~(D)~~(C) of this section any amount for that veteran. 57251

Sec. 3314.082. A community school shall be considered a 57252
school district and its governing authority shall be considered a 57253
board of education for the purpose of applying to any state or 57254
federal agency for grants that a school district may receive under 57255
federal or state law or any appropriations act of the general 57256
assembly. The governing authority of a community school may apply 57257
to any private entity for additional funds. 57258

Sec. 3314.083. If the department of education pays a joint 57259
vocational school district under division ~~(G)(4)~~(C)(3) of section 57260
3317.16 of the Revised Code for excess costs of providing special 57261
education and related services to a student with a disability who 57262
is enrolled in a community school, as calculated under division 57263
~~(G)(2)~~(C)(1) of that section, the department shall deduct the 57264
amount of that payment from the amount calculated for payment to 57265
the community school under section 3314.08 of the Revised Code. 57266

Sec. 3314.084. (A) As used in this section: 57267

(1) "Formula ADM" has the same meaning as in section 3317.03 57268
of the Revised Code. 57269

(2) "Home" has the same meaning as in section 3313.64 of the 57270
Revised Code. 57271

(3) "School district of residence" has the same meaning as in 57272
section 3323.01 of the Revised Code; however, a community school 57273
established under this chapter is not a "school district of 57274
residence" for purposes of this section. 57275

(B) Notwithstanding anything to the contrary in section 57276
3314.08 or 3317.03 of the Revised Code, all of the following apply 57277
in the case of a child who is enrolled in a community school and 57278
is also living in a home: 57279

(1) For purposes of the report required under division (B)(1) 57280
of section 3314.08 of the Revised Code, the child's school 57281
district of residence, and not the school district in which the 57282
home that the child is living in is located, shall be considered 57283
to be the school district in which the child is entitled to attend 57284
school. That school district of residence, therefore, shall make 57285
the report required under division (B)(1) of section 3314.08 of 57286
the Revised Code with respect to the child. 57287

(2) For purposes of the report required under division (B)(2) 57288
of section 3314.08 of the Revised Code, the community school shall 57289
report the name of the child's school district of residence. 57290

(3) The child's school district of residence shall count the 57291
child in that district's formula ADM. 57292

(4) The school district in which the home that the child is 57293
living in is located shall not count the child in that district's 57294
formula ADM. 57295

(5) The ~~Department~~ department of ~~Education~~ education shall 57296
deduct the applicable amounts prescribed under division (C) of 57297
section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised 57298
Code from the child's school district of residence and shall not 57299
deduct those amounts from the school district in which the home 57300
that the child is living in is located. 57301

(6) The ~~Department~~ department shall make the payments 57302
prescribed in ~~divisions (D) and (E)~~ division (C) of section 57303
3314.08 ~~and section 3314.13~~ of the Revised Code, as applicable, to 57304
the community school. 57305

Sec. 3314.086. A community school established under this chapter, including an internet- or computer-based community school, may provide career-technical education in the manner prescribed by section 3313.90 of the Revised Code. The community school may contract with any public agency, board, or bureau or with any private individual or firm for the purchase of any career-technical education or vocational rehabilitation service for any student enrolled in the community school and may pay for such services with funds received under section 3314.08 of the Revised Code.

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Sec. 3314.087. (A) As used in this section:

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(1) "Career-technical program" means ~~vocational~~ career-technical programs or classes described in division (A) ~~or~~ (B), (C), (D), or (E) of section 3317.014 of the Revised Code in which a student is enrolled.

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(2) "Formula ADM," "category one ~~or two~~ vocational through five career-technical education ADM," and "FTE basis" have the same meanings as in section 3317.02 of the Revised Code.

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(3) "Resident school district" means the city, exempted village, or local school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

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(B) Notwithstanding anything to the contrary in this chapter or Chapter 3317. of the Revised Code, a student enrolled in a community school may simultaneously enroll in the career-technical program operated by the ~~student's resident school district~~ career-technical planning district to which the student's resident district belongs. On an FTE basis, the student's resident school district shall count the student in the category one ~~or two~~ vocational through five career-technical education ADM for the

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proportion of the time the student is enrolled in ~~the district's a~~ 57336
career-technical program of the career-technical planning district 57337
to which the student's resident district belongs and, accordingly, 57338
the department of education shall calculate funds under Chapter 57339
3317. for the resident district attributable to the student for 57340
the proportion of time the student attends the career-technical 57341
program. The community school shall count the student in its 57342
enrollment report under section 3314.08 of the Revised Code and 57343
shall report to the department the proportion of time that the 57344
student attends classes at the community school. The department 57345
shall pay the community school and deduct from the student's 57346
resident school district the amount computed for the student under 57347
section 3314.08 of the Revised Code in proportion to the fraction 57348
of the time on an FTE basis that the student attends classes at 57349
the community school. "Full-time equivalency" for a community 57350
school student, as defined in division ~~(L)~~(H) of section 3314.08 57351
of the Revised Code, does not apply to the student. 57352

Sec. 3314.091. (A) A school district is not required to 57353
provide transportation for any native student enrolled in a 57354
community school if the district board of education has entered 57355
into an agreement with the community school's governing authority 57356
that designates the community school as responsible for providing 57357
or arranging for the transportation of the district's native 57358
students to and from the community school. For any such agreement 57359
to be effective, it must be certified by the superintendent of 57360
public instruction as having met all of the following 57361
requirements: 57362

(1) It is submitted to the department of education by a 57363
deadline which shall be established by the department. 57364

(2) In accordance with divisions (C)(1) and (2) of this 57365
section, it specifies qualifications, such as residing a minimum 57366

distance from the school, for students to have their transportation provided or arranged.

(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.

(4) The sponsor of the community school also has signed the agreement.

(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(2) ~~For~~ Except as provided in division (B)(4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the thirty-first day of January of the previous school year, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community

school. If the governing authority of the community school has 57399
previously accepted responsibility for providing or arranging for 57400
the transportation of a district's native students to and from the 57401
community school, under division (B)(1) or (2) of this section, 57402
and has since relinquished that responsibility under division 57403
(B)(3) of this section, the governing authority shall not accept 57404
that responsibility again unless the district board consents to 57405
the governing authority's acceptance of that responsibility. 57406

(3) A governing authority's acceptance of responsibility 57407
under division (B)(1) or (2) of this section shall cover an entire 57408
school year, and shall remain in effect for subsequent school 57409
years unless the governing authority submits written notification 57410
to the district board that the governing authority is 57411
relinquishing the responsibility. However, a governing authority 57412
shall not relinquish responsibility for transportation before the 57413
end of a school year, and shall submit the notice relinquishing 57414
responsibility by the thirty-first day of January, in order to 57415
allow the school district reasonable time to prepare 57416
transportation for its native students enrolled in the school. 57417

(4)(a) For any school year that begins on or after July 1, 57418
2014, a school district is not required to provide transportation 57419
for any native student enrolled in a community school scheduled to 57420
open for operation in the current school year, if the governing 57421
authority of the community school, by the fifteenth day of April 57422
of the previous school year, submits written notification to the 57423
district board of education stating that the governing authority 57424
is accepting responsibility for providing or arranging for the 57425
transportation of the district's native students to and from the 57426
community school. 57427

(b) The governing authority of a community school that 57428
accepts responsibility for transporting its students under 57429
division (4)(a) of this section shall comply with divisions (B)(2) 57430

and (3) of this section to renew or relinquish that authority for 57431
subsequent school years. 57432

(C)(1) A community school governing authority that enters 57433
into an agreement under division (A) of this section, or that 57434
accepts responsibility under division (B) of this section, shall 57435
provide or arrange transportation free of any charge for each of 57436
its enrolled students who is required to be transported under 57437
section 3327.01 of the Revised Code or who would otherwise be 57438
transported by the school district under the district's 57439
transportation policy. The governing authority shall report to the 57440
department of education the number of students transported or for 57441
whom transportation is arranged under this section in accordance 57442
with rules adopted by the state board of education. 57443

(2) The governing authority may provide or arrange 57444
transportation for any other enrolled student who is not eligible 57445
for transportation in accordance with division (C)(1) of this 57446
section and may charge a fee for such service up to the actual 57447
cost of the service. 57448

(3) Notwithstanding anything to the contrary in division 57449
(C)(1) or (2) of this section, a community school governing 57450
authority shall provide or arrange transportation free of any 57451
charge for any disabled student enrolled in the school for whom 57452
the student's individualized education program developed under 57453
Chapter 3323. of the Revised Code specifies transportation. 57454

(D)(1) If a school district board and a community school 57455
governing authority elect to enter into an agreement under 57456
division (A) of this section, the department of education shall 57457
make payments to the community school according to the terms of 57458
the agreement for each student actually transported under division 57459
(C)(1) of this section. 57460

If a community school governing authority accepts 57461

transportation responsibility under division (B) of this section, 57462
the department shall make payments to the community school for 57463
each student actually transported or for whom transportation is 57464
arranged by the community school under division (C)(1) of this 57465
section, calculated as follows: 57466

(a) For any fiscal year which the general assembly has 57467
specified that transportation payments to school districts be 57468
based on an across-the-board percentage of the district's payment 57469
for the previous school year, the per pupil payment to the 57470
community school shall be the following quotient: 57471

(i) The total amount calculated for the school district in 57472
which the child is entitled to attend school for student 57473
transportation other than transportation of children with 57474
disabilities; divided by 57475

(ii) The number of students included in the district's 57476
transportation ADM for the current fiscal year, as reported under 57477
division (B)~~(13)~~(19) of section 3317.03 of the Revised Code, plus 57478
the number of students enrolled in the community school not 57479
counted in the district's transportation ADM who are transported 57480
under division (B)(1) or (2) of this section. 57481

(b) For any fiscal year which the general assembly has 57482
specified that the transportation payments to school districts be 57483
calculated in accordance with section 3317.0212 of the Revised 57484
Code and any rules of the state board of education implementing 57485
that section, the payment to the community school shall be the 57486
amount so calculated that otherwise would be paid to the school 57487
district in which the student is entitled to attend school by the 57488
method of transportation the district would have used. The 57489
community school, however, is not required to use the same method 57490
to transport that student. 57491

(c) Divisions (D)(1)(a) and (b) of this section do not apply 57492

to fiscal years 2012 and 2013. Rather, for each of those fiscal 57493
years, the per pupil payment to a community school for 57494
transporting a student shall be the total amount paid under former 57495
section 3306.12 of the Revised Code for fiscal year 2011 to the 57496
school district in which the child is entitled to attend school 57497
divided by that district's "qualifying ridership," as defined in 57498
that section for fiscal year 2011. 57499

As used in this division "entitled to attend school" means 57500
entitled to attend school under section 3313.64 or 3313.65 of the 57501
Revised Code. 57502

(2) The department shall deduct the payment under division 57503
(D)(1) of this section from the state education aid, as defined in 57504
section 3314.08 of the Revised Code, and, if necessary, the 57505
payment under sections 321.14 and 323.156 of the Revised Code, 57506
that is otherwise paid to the school district in which the student 57507
enrolled in the community school is entitled to attend school. The 57508
department shall include the number of the district's native 57509
students for whom payment is made to a community school under 57510
division (D)(1) of this section in the calculation of the 57511
district's transportation payment under section 3317.0212 of the 57512
Revised Code and the operating appropriations act. 57513

(3) A community school shall be paid under division (D)(1) of 57514
this section only for students who are eligible as specified in 57515
section 3327.01 of the Revised Code and division (C)(1) of this 57516
section, and whose transportation to and from school is actually 57517
provided, who actually utilized transportation arranged, or for 57518
whom a payment in lieu of transportation is made by the community 57519
school's governing authority. To qualify for the payments, the 57520
community school shall report to the department, in the form and 57521
manner required by the department, data on the number of students 57522
transported or whose transportation is arranged, the number of 57523
miles traveled, cost to transport, and any other information 57524

requested by the department. 57525

(4) A community school shall use payments received under this 57526
section solely to pay the costs of providing or arranging for the 57527
transportation of students who are eligible as specified in 57528
section 3327.01 of the Revised Code and division (C)(1) of this 57529
section, which may include payments to a parent, guardian, or 57530
other person in charge of a child in lieu of transportation. 57531

(E) Except when arranged through payment to a parent, 57532
guardian, or person in charge of a child, transportation provided 57533
or arranged for by a community school pursuant to an agreement 57534
under this section is subject to all provisions of the Revised 57535
Code, and all rules adopted under the Revised Code, pertaining to 57536
the construction, design, equipment, and operation of school buses 57537
and other vehicles transporting students to and from school. The 57538
drivers and mechanics of the vehicles are subject to all 57539
provisions of the Revised Code, and all rules adopted under the 57540
Revised Code, pertaining to drivers and mechanics of such 57541
vehicles. The community school also shall comply with sections 57542
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 57543
of section 3327.16 of the Revised Code and, subject to division 57544
(C)(1) of this section, sections 3327.01 and 3327.02 of the 57545
Revised Code, as if it were a school district. 57546

Sec. 3314.092. The governing authority or operator of a 57547
community school established under this chapter shall consult with 57548
each school district board of education that transports students 57549
to the community school under sections 3314.09 and 3327.01 of the 57550
Revised Code prior to making any change in the hours or days in 57551
which the community school is open for instruction. 57552

Sec. 3314.11. (A) The board of education of each city, 57553
exempted village, and local school district monthly shall review 57554

enrollment for students enrolled in community schools established 57555
under this chapter and entitled to attend school in the district 57556
under section 3313.64 or 3313.65 of the Revised Code. For each 57557
student, the district shall verify to the department of education 57558
both of the following: 57559

(1) The community school in which the student is enrolled; 57560

(2) That the student is entitled to attend school in the 57561
district under section 3313.64 or 3313.65 of the Revised Code. 57562

(B) For purposes of its initial reporting of the school 57563
districts its students are entitled to attend, the governing 57564
authority of a community school may adopt a policy that prescribes 57565
the number of documents listed in division (E) of this section 57566
required to verify a student's residency. This policy, if adopted, 57567
shall supersede any policy concerning the number of documents for 57568
initial residency verification adopted by the district the student 57569
is entitled to attend. If a community school does not adopt a 57570
policy under this division, the policy of the school district in 57571
which the student is entitled to attend shall prevail. 57572

(C) In making the determinations under this section, the 57573
school district in which a parent or child resides is the location 57574
the parent or student has established as the primary residence and 57575
where substantial family activity takes place. 57576

(D) If a district's determination under division (A) of this 57577
section of the school district a student is entitled to attend 57578
under section 3313.64 or 3313.65 of the Revised Code differs from 57579
a community school's determination under division (B) of this 57580
section, the community school shall provide the school district 57581
that made the determination under division (A) of this section 57582
with documentation of the student's residency and shall make a 57583
good faith effort to accurately identify the correct residence of 57584
the student. 57585

(E) For purposes of this section, the following documents may serve as evidence of primary residence:	57586 57587
(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;	57588 57589
(2) A utility bill or receipt of utility installation issued within ninety days of enrollment;	57590 57591
(3) A paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;	57592 57593 57594
(4) The most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence;	57595 57596 57597
(5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The superintendent of public instruction shall develop guidelines for determining what qualifies as an "official document" under this division.	57598 57599 57600 57601 57602
(F) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F)(13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq.	57603 57604 57605 57606 57607 57608 57609
(G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more than sixty days after the monthly deadline established by the department of education for reporting of community school enrollment, may present the matter to the superintendent of public instruction. Not later than thirty days after the community school	57610 57611 57612 57613 57614 57615 57616

presents the matter, the state superintendent, or the state 57617
superintendent's designee, shall determine which district the 57618
student is entitled to attend and shall direct any necessary 57619
adjustments to payments and deductions under ~~sections~~ section 57620
3314.08 ~~and 3314.13~~ of the Revised Code based on that 57621
determination. 57622

Sec. 3314.26. (A) Each internet- or computer-based community 57623
school shall withdraw from the school any student who, for two 57624
consecutive school years, has failed to participate in the spring 57625
administration of any assessment prescribed under section 57626
3301.0710 or 3301.0712 of the Revised Code for the student's grade 57627
level and was not excused from the assessment pursuant to division 57628
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 57629
of whether a waiver was granted for the student under division 57630
~~(P)~~(L)(3) of section 3314.08 of the Revised Code. The school shall 57631
report any such student's data verification code, as assigned 57632
pursuant to section 3301.0714 of the Revised Code, to the 57633
department of education. The department shall maintain a list of 57634
all data verification codes reported under this division and 57635
section 3313.6410 of the Revised Code and provide that list to 57636
each internet- or computer-based community school and to each 57637
school to which section 3313.6410 of the Revised Code applies. 57638

(B) No internet- or computer-based community school shall 57639
receive any state funds under this chapter for any enrolled 57640
student whose data verification code appears on the list 57641
maintained by the department under division (A) of this section. 57642

Notwithstanding any provision of the Revised Code to the 57643
contrary, the parent of any such student shall pay tuition to the 57644
internet- or computer-based community school in an amount equal to 57645
the state funds the school otherwise would receive for that 57646
student, as determined by the department. An internet- or 57647

computer-based community school may withdraw any student for whom 57648
the parent does not pay tuition as required by this division. 57649

Sec. 3314.261. A student shall be considered continuously 57650
enrolled for purposes of the administration of state assessments 57651
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 57652
if the student transfers from an internet or computer-based 57653
community school to another internet or computer-based community 57654
school that is managed by the same operator. 57655

Sec. 3314.29. (A) Notwithstanding anything in this chapter to 57656
the contrary, an internet- or computer-based community school may 57657
divide into two separate internet- or computer-based community 57658
schools by grade level, if all of the following apply: 57659

(1) The school was in operation on or before the effective 57660
date of this section. 57661

(2) The school offers at least grades one through eight. 57662

(3) The sponsor of the school approves dividing the school 57663
into two separate schools under this section. 57664

(4) The school exercises the option to divide into two 57665
separate schools under this section during either the 2013-2014 or 57666
2014-2015 school year. 57667

(5) Either of the following applies: 57668

(a) For a school that divides into separate schools in the 57669
2013-2014 school year, the school is rated in continuous 57670
improvement or higher for the 2011-2012 school year on the report 57671
cards issued under section 3302.03 of the Revised Code as that 57672
section existed prior to March 22, 2013, and the school receives a 57673
grade of "C" or higher on its performance index score under 57674
division (A)(1)(b) of section 3302.03 of the Revised Code for the 57675
report cards issued for the 2012-2013 school year. 57676

(b) For a school that divides into separate schools in the 2013-2014 school year, the school receives a grade of "C" or higher on its performance index score under divisions (A)(1)(b) and (B)(1)(b) of section 3302.03 of the Revised Code on the report cards issued for both the 2012-2013 and 2013-2014 school years.

(B) No school may exercise the option under this section after the 2014-2015 school year. However, the authority of a school that has exercised the option under this section to operate separately as two schools continues for all subsequent school years in which the schools are in operation.

(C) If a school divides into separate schools under this section, the accountability data of the original school, including report card ratings under section 3302.03 of the Revised Code, shall continue to apply to the applicable grade levels of the new schools.

(D) The resulting two schools from a separation under this section shall not add additional grade levels at any time during either school's operation.

(E) An internet- or computer-based community school created under this section shall not count toward the annual limit on new internet- or computer-based community schools prescribed by division (B) of section 3314.013 of the Revised Code.

Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:	57707
(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.	57708 57709
(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	57710 57711 57712
(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.	57713 57714 57715 57716 57717
(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.	57718 57719 57720 57721
(2) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013:	57722 57723 57724
(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	57725 57726 57727 57728
(b) The school satisfies all of the following conditions:	57729
(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.	57730 57731
(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	57732 57733 57734
(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth	57735 57736

in either reading or mathematics, as determined by the department 57737
in accordance with rules adopted under division (A) of section 57738
3302.021 of the Revised Code. 57739

(c) The school offers any of grade levels ten to twelve and 57740
has been declared to be in a state of academic emergency under 57741
section 3302.03 of the Revised Code for two of the three most 57742
recent school years. 57743

(3) Except as provided in division (A)(4) of this section, 57744
this section applies to any community school that meets one of the 57745
following criteria on or after July 1, 2013: 57746

(a) The school does not offer a grade level higher than three 57747
and, for two of the three most recent school years, satisfies any 57748
of the following criteria: 57749

(i) The school has been declared to be in a state of academic 57750
emergency under section 3302.03 of the Revised Code, as it existed 57751
prior to ~~the effective date of this amendment~~ March 22, 2013; 57752

(ii) The school has received a grade of "F" in improving 57753
literacy in grades kindergarten through three under division 57754
(B)(1)(j) or (C)(1)(k) of section 3302.03 of the Revised Code; 57755

(iii) The school has received an overall grade of "F" under 57756
division (C) of section 3302.03 of the Revised Code. 57757

(b) The school offers any of grade levels four to eight but 57758
does not offer a grade level higher than nine and, for two of the 57759
three most recent school years, satisfies any of the following 57760
criteria: 57761

(i) The school has been declared to be in a state of academic 57762
emergency under section 3302.03 of the Revised Code, as it existed 57763
prior to ~~the effective date of this amendment~~ March 22, 2013, and 57764
the school showed less than one standard year of academic growth 57765
in either reading or mathematics, as determined by the department 57766

in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code; 57767
57768

(ii) The school has received a grade of "F" for the 57769
performance index score under division (A)(1)(b), (B)(1)(b), or 57770
(C)(1)(b) and a grade of "F" for the value-added progress 57771
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 57772
section 3302.03 of the Revised Code; 57773

(iii) The school has received an overall grade of "F" under 57774
division (C) and a grade of "F" for the value-added progress 57775
dimension under division (C)(1)(e) of section 3302.03 of the 57776
Revised Code. 57777

(c) The school offers any of grade levels ten to twelve and, 57778
for two of the three most recent school years, satisfies any of 57779
the following criteria: 57780

(i) The school has been declared to be in a state of academic 57781
emergency under section 3302.03 of the Revised Code, as it existed 57782
prior to ~~the effective date of this amendment~~ March 22, 2013; 57783

(ii) The school has received a grade of "F" for the 57784
performance index score under division (A)(1)(b), (B)(1)(b), or 57785
(C)(1)(b) and has not met annual measurable objectives under 57786
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 57787
the Revised Code; 57788

(iii) The school has received an overall grade of "F" under 57789
division (C) and a grade of "F" for the value-added progress 57790
dimension under division (C)(1)(e) of section 3302.03 of the 57791
Revised Code. 57792

For purposes of division (A)(3) of this section only, the 57793
value-added progress dimension for a community school shall be 57794
calculated using assessment scores for only those students to whom 57795
the school has administered the achievement assessments prescribed 57796
by section 3301.0710 of the Revised Code for at least the two most 57797

recent school years. 57798

(4) This section does not apply to either of the following: 57799

(a) Any community school in which a majority of the students 57800
are enrolled in a dropout prevention and recovery program that is 57801
operated by the school. Rather, such schools shall be subject to 57802
closure only as provided in section 3314.351 of the Revised Code. 57803
However, prior to July 1, 2014, a community school in which a 57804
majority of the students are enrolled in a dropout prevention and 57805
recovery program shall be exempt from this section only if it has 57806
been granted a waiver under section 3314.36 of the Revised Code. 57807

(b) Any community school in which a majority of the enrolled 57808
students are children with disabilities receiving special 57809
education and related services in accordance with Chapter 3323. of 57810
the Revised Code. 57811

(B) Any community school to which this section applies shall 57812
permanently close at the conclusion of the school year in which 57813
the school first becomes subject to this section. The sponsor and 57814
governing authority of the school shall comply with all procedures 57815
for closing a community school adopted by the department under 57816
division (E) of section 3314.015 of the Revised Code. The 57817
governing authority of the school shall not enter into a contract 57818
with any other sponsor under section 3314.03 of the Revised Code 57819
after the school closes. 57820

(C) In accordance with division (B) of section 3314.012 of 57821
the Revised Code, the department shall not consider the 57822
performance ratings assigned to a community school for its first 57823
two years of operation when determining whether the school meets 57824
the criteria prescribed by division (A)(1) or (2) of this section. 57825

Sec. 3315.07. (A) The board of education of each ~~city and~~ 57826
~~exempted village~~ school district may provide an instructional 57827

program for the employees of the district. The board may provide 57828
the necessary bulletins and instructional material in connection 57829
with the program and pay the cost of meetings held for the purpose 57830
of carrying out the program. 57831

(B) The board of any district or educational service center 57832
may provide bulletins or other materials necessary for the 57833
effective administration of the schools of ~~such the~~ the district or 57834
programs of the educational service center and may compile, make 57835
available, or publish any of the following materials not 57836
inconsistent with division (C) of this section: student handbooks, 57837
dress codes, curriculum guides, school policy bulletins, 57838
newsletters, board meeting summaries or minutes, financial 57839
reports, annual reports, and other reports concerning the 57840
operation of the schools of the district or programs of the 57841
service center. Such materials shall be published for the purpose 57842
of furthering public awareness of all aspects of the board's 57843
educational program and operation including: 57844

(1) Board policies and actions, procedures, administration 57845
and finance, and state and federal requirements; 57846

(2) The board's programs, activities, and plans; 57847

(3) Student achievements and information concerning 57848
employees; 57849

(4) Any other information the board considers helpful in 57850
keeping students, parents, employees, and residents aware of the 57851
operation of the school district. The board may assign to 57852
employees the duty of producing the information authorized by this 57853
division as a part or all of their jobs. 57854

(C)(1) Except as otherwise provided in division (C)(2) of 57855
this section, no board of education shall use public funds to 57856
support or oppose the passage of a school levy or bond issue or to 57857
compensate any school district employee for time spent on any 57858

activity intended to influence the outcome of a school levy or 57859
bond issue election. 57860

(2) A board of education may permit any of its employees to 57861
attend a public meeting during ~~his~~ the employee's regular working 57862
hours for the purpose of presenting information about school 57863
finances and activities and board actions, even if the purpose of 57864
the meeting is to discuss or debate the passage of a school levy 57865
or bond issue. 57866

(D) ~~Boards~~ The board of education of ~~local a school districts~~ 57867
~~and, subject to approval by the educational service center~~ 57868
~~governing board, boards of city and exempted village school~~ 57869
~~districts located in whole or in part in the territory of~~ district 57870
that has entered into an agreement under section 3313.843 or 57871
3313.845 of the Revised Code to receive any services from an 57872
educational service center may authorize ~~educational~~ the service 57873
center ~~governing boards~~ to purchase or to accept upon donation 57874
supplies and equipment for such school ~~districts~~ district and to 57875
pay the transportation, handling, and storage charges involved in 57876
securing such supplies and equipment. Upon such authorization, the 57877
governing board may make such purchases or accept such donations 57878
and pay from the service center fund the cost of such supplies and 57879
equipment and the transportation, handling, and storage charges 57880
involved. ~~Boards~~ The district board shall reimburse in full the 57881
service center governing board for all such expenditures on ~~their~~ 57882
its behalf. 57883

Sec. 3315.33. There is hereby established a fund to be known 57884
as the Ohio scholarship fund for teacher trainees for the public 57885
purpose of relieving the existing teacher shortage in public 57886
schools, to be administered and expended as prescribed in sections 57887
3315.33 to 3315.35 of the Revised Code. Appropriations by the 57888
general assembly for the purpose of scholarships for teacher 57889

trainees shall be paid into this fund. 57890

Each scholarship for a teacher trainee shall have a maximum 57891
value of five hundred dollars annually and shall be awarded as 57892
follows: 57893

(A) The state board of education shall prescribe standards 57894
and requirements which shall be met by persons who are eligible 57895
for such scholarships. Scholarships shall be allocated among the 57896
counties of the state on an equitable basis by the state board of 57897
education, provided that not less than three such scholarships 57898
shall be available annually to residents of each county of the 57899
state. If, on the first day of September in each year, the state 57900
board of education finds that the number of eligible persons 57901
recommended from any county is less than the number of 57902
scholarships allocated to that county, it may reallocate the 57903
remaining scholarships among the counties in which the number of 57904
eligible persons exceeds the number of scholarships allocated. 57905
Such reallocation as may affect a county in one year shall not 57906
prejudice in any way the allocation to it in succeeding years. 57907

(B) In accordance with the requirements of sections 3315.33, 57908
3315.34, and 3315.35 of the Revised Code, the educational service 57909
center superintendent in each educational service center as 57910
committee chairperson shall appoint a committee consisting of one 57911
~~city or exempted village~~ high school principal, one elementary 57912
school principal, and one ~~city or exempted village~~ classroom 57913
teacher. This committee shall select and recommend, on the basis 57914
of merit, a number of high school graduates, not to exceed the 57915
number allocated to each county by the state board of education, 57916
who are interested in teaching and whose work and qualifications 57917
are such as to indicate that they possess the qualities which 57918
should be possessed by a successful teacher. Such persons shall 57919
not have previously been enrolled in any college of education or 57920
have majored in education in any college or university. Such other 57921

college training shall be considered in determining such person's 57922
qualifications to become a successful teacher. 57923

(C) The scholarship fund for teacher trainees shall be 57924
disbursed to scholarship holders upon their application as 57925
approved by the state board of education upon vouchers for that 57926
purpose. Such scholarships shall be paid in equal installments at 57927
the beginning of each quarter or semester while college is in 57928
session to each person who has been awarded such a scholarship 57929
when the following requirements are met: 57930

(1) Such person shall be a bona fide student in the college 57931
of education or department of teacher training in an Ohio 57932
institution of higher learning. 57933

(2) Such person shall pursue a course of study in elementary 57934
education in said college of education or department of teacher 57935
training approved by the state board of education. 57936

Sec. 3315.40. The board of education of a city, local, 57937
exempted village, or joint vocational school district or the 57938
governing board of any educational service center may establish an 57939
education foundation fund. Moneys in the fund shall consist of 57940
proceeds paid into the fund under division (B) of section 3313.36 57941
of the Revised Code. In addition, by resolution adopted by a 57942
majority of its members, a city, local, exempted village, or joint 57943
vocational board may annually direct the school district treasurer 57944
to pay into the education foundation fund an amount from the 57945
school district general fund not to exceed one-half of one per 57946
cent of the total appropriations of the school district as 57947
estimated by the board at the time the resolution is adopted or as 57948
set forth in the annual appropriation measure as most recently 57949
amended or supplemented; and any governing board, by resolution 57950
adopted by a majority of its members, may annually direct the 57951
service center treasurer to pay into the education foundation fund 57952

an amount not to exceed one-half of one per cent of the funds 57953
received by the governing board pursuant to an agreement entered 57954
into under section ~~3317.11~~ 3313.843 or 3313.845 of the Revised 57955
Code. 57956

Income from the investment of moneys in the fund shall be 57957
paid into the fund. A board, by resolution adopted by a majority 57958
of its members, may accept a trust created under section 3315.41 57959
of the Revised Code for the investment of money in the educational 57960
foundation fund and direct the school district or service center 57961
treasurer to pay to the trustee, the initial trust principal 57962
contemplated by the instrument creating the trust. A board that 57963
has accepted a trust created under section 3315.41 of the Revised 57964
Code may do any of the following by resolution adopted by a 57965
majority of its members: direct the school district or service 57966
center treasurer to pay additional amounts to the trust principal, 57967
amend the trust, revoke the trust, or provide for payment of 57968
compensation to the trustee. 57969

Moneys in the fund shall be expended only by resolution 57970
adopted by a majority of the members of the board for operating or 57971
capital costs of any existing or new and innovative program 57972
designed to enhance or promote education within the district or 57973
service center, such as scholarships for students or teachers. 57974

A board of education or governing board may appoint a 57975
committee of administrators to administer the education foundation 57976
fund and to make recommendations for the use of the fund. Members 57977
of the committee shall serve at the discretion of the appointing 57978
board. Members shall receive no compensation, but may be 57979
reimbursed for actual and necessary expenses incurred in the 57980
performance of their official duties. 57981

Sec. 3315.42. Sections 3315.40 and 3315.41 of the Revised 57982
Code do not apply to either of the following: 57983

(A) A school district that has received funds for a project 57984
under Chapter 3318. of the Revised Code, so long as the purchase 57985
price to be paid by the board for the state's interest in the 57986
project has not been paid; 57987

(B) A school district that has an outstanding loan under 57988
section 3313.483 ~~or sections 3317.62 to 3317.64~~ of the Revised 57989
Code. 57990

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 57991
133. or sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised 57992
Code, and subject to the approval of the superintendent of public 57993
instruction, a school district that is in a state of fiscal watch 57994
declared under section 3316.03 of the Revised Code may restructure 57995
or refinance loans obtained or in the process of being obtained 57996
under section 3313.483 of the Revised Code if all of the following 57997
requirements are met: 57998

(1) The operating deficit certified for the school district 57999
for the current or preceding fiscal year under section 3313.483 of 58000
the Revised Code exceeds fifteen per cent of the district's 58001
general revenue fund for the fiscal year preceding the year for 58002
which the certification of the operating deficit is made. 58003

(2) The school district voters have, during the period of the 58004
fiscal watch, approved the levy of a tax under section 718.09, 58005
718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code 58006
that is not a renewal or replacement levy, or a levy under section 58007
5705.199 of the Revised Code, and that will provide new operating 58008
revenue. 58009

(3) The board of education of the school district has adopted 58010
or amended the financial plan required by section 3316.04 of the 58011
Revised Code to reflect the restructured or refinanced loans, and 58012
sets forth the means by which the district will bring projected 58013
operating revenues and expenditures, and projected debt service 58014

obligations, into balance for the life of any such loan. 58015

(B) Subject to the approval of the superintendent of public 58016
instruction, the school district may issue securities to evidence 58017
the restructuring or refinancing authorized by this section. Such 58018
securities may extend the original period for repayment not to 58019
exceed ten years, and may alter the frequency and amount of 58020
repayments, interest or other financing charges, and other terms 58021
or agreements under which the loans were originally contracted, 58022
provided the loans received under sections 3313.483 of the Revised 58023
Code are repaid from funds the district would otherwise receive 58024
under Chapter 3317. of the Revised Code, as required under 58025
division (E)(3) of section 3313.483 of the Revised Code. 58026
Securities issued for the purpose of restructuring or refinancing 58027
under this section shall be repaid in equal payments and at equal 58028
intervals over the term of the debt and are not eligible to be 58029
included in any subsequent proposal to restructure or refinance. 58030

(C) Unless the district is declared to be in a state of 58031
fiscal emergency under division (D) of section 3316.04 of the 58032
Revised Code, a school district shall remain in a state of fiscal 58033
watch for the duration of the repayment period of any loan 58034
restructured or refinanced under this section. 58035

Sec. 3316.06. (A) Within one hundred twenty days after the 58036
first meeting of a school district financial planning and 58037
supervision commission, the commission shall adopt a financial 58038
recovery plan regarding the school district for which the 58039
commission was created. During the formulation of the plan, the 58040
commission shall seek appropriate input from the school district 58041
board and from the community. This plan shall contain the 58042
following: 58043

(1) Actions to be taken to: 58044

(a) Eliminate all fiscal emergency conditions declared to 58045

exist pursuant to division (B) of section 3316.03 of the Revised Code; 58046
58047

(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits; 58048
58049

(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven; 58050
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(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any; 58054
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(e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts; 58059
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(f) Avoid any fiscal emergency condition in the future; 58062

(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally. 58063
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(2) The management structure that will enable the school district to take the actions enumerated in division (A)(1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A)(1) of 58066
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this section. 58077

(3) The target dates for the commencement, progress upon, and 58078
completion of the actions enumerated in division (A)(1) of this 58079
section and a reasonable period of time expected to be required to 58080
implement the plan. The commission shall prepare a reasonable time 58081
schedule for progress toward and achievement of the requirements 58082
for the plan, and the plan shall be consistent with that time 58083
schedule. 58084

(4) The amount and purpose of any issue of debt obligations 58085
that will be issued, together with assurances that any such debt 58086
obligations that will be issued will not exceed debt limits 58087
supported by appropriate certifications by the fiscal officer of 58088
the school district and the county auditor. Debt obligations 58089
issued pursuant to section 133.301 of the Revised Code shall 58090
include assurances that such debt shall be in an amount not to 58091
exceed the amount certified under division (B) of such section. If 58092
the commission considers it necessary in order to maintain or 58093
improve educational opportunities of pupils in the school 58094
district, the plan may include a proposal to restructure or 58095
refinance outstanding debt obligations incurred by the board under 58096
section 3313.483 of the Revised Code contingent upon the approval, 58097
during the period of the fiscal emergency, by district voters of a 58098
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 58099
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 58100
renewal or replacement levy, or a levy under section 5705.199 of 58101
the Revised Code, and that will provide new operating revenue. 58102
Notwithstanding any provision of Chapter 133. or sections 3313.483 58103
to ~~3313.4811~~ 3313.4810 of the Revised Code, following the required 58104
approval of the district voters and with the approval of the 58105
commission, the school district may issue securities to evidence 58106
the restructuring or refinancing. Those securities may extend the 58107
original period for repayment, not to exceed ten years, and may 58108

alter the frequency and amount of repayments, interest or other 58109
financing charges, and other terms of agreements under which the 58110
debt originally was contracted, at the discretion of the 58111
commission, provided that any loans received pursuant to section 58112
3313.483 of the Revised Code shall be paid from funds the district 58113
would otherwise receive under Chapter 3317. of the Revised Code, 58114
as required under division (E)(3) of section 3313.483 of the 58115
Revised Code. The securities issued for the purpose of 58116
restructuring or refinancing the debt shall be repaid in equal 58117
payments and at equal intervals over the term of the debt and are 58118
not eligible to be included in any subsequent proposal for the 58119
purpose of restructuring or refinancing debt under this section. 58120

(5) An evaluation of the feasibility of entering into shared 58121
services agreements with other political subdivisions for the 58122
joint exercise of any power, performance of any function, or 58123
rendering of any service, if so authorized by statute. 58124

(B) Any financial recovery plan may be amended subsequent to 58125
its adoption. Each financial recovery plan shall be updated 58126
annually. 58127

(C) Each school district financial planning and supervision 58128
commission shall submit the financial recovery plan it adopts or 58129
updates under this section to the state superintendent of public 58130
instruction for approval immediately following its adoption or 58131
updating. The state superintendent shall evaluate the plan and 58132
either approve or disapprove it within thirty calendar days from 58133
the date of its submission. If the plan is disapproved, the state 58134
superintendent shall recommend modifications that will render it 58135
acceptable. No financial planning and supervision commission shall 58136
implement a financial recovery plan that is adopted or updated on 58137
or after April 10, 2001, unless the state superintendent has 58138
approved it. 58139

Sec. 3317.01. As used in this section, "school district," 58140
unless otherwise specified, means any city, local, exempted 58141
village, joint vocational, or cooperative education school 58142
district and any educational service center. 58143

This chapter shall be administered by the state board of 58144
education. The superintendent of public instruction shall 58145
calculate the amounts payable to each school district and shall 58146
certify the amounts payable to each eligible district to the 58147
treasurer of the district as provided by this chapter. As soon as 58148
possible after such amounts are calculated, the superintendent 58149
shall certify to the treasurer of each school district the 58150
district's adjusted charge-off increase, as defined in section 58151
5705.211 of the Revised Code. Certification of moneys pursuant to 58152
this section shall include the amounts payable to each school 58153
building, at a frequency determined by the superintendent, for 58154
each subgroup of students, as defined in section 3317.40 of the 58155
Revised Code, receiving services, provided for by state funding, 58156
from the district or school. No moneys shall be distributed 58157
pursuant to this chapter without the approval of the controlling 58158
board. 58159

The state board of education shall, in accordance with 58160
appropriations made by the general assembly, meet the financial 58161
obligations of this chapter. 58162

Moneys distributed pursuant to this chapter shall be 58163
calculated and paid on a fiscal year basis, beginning with the 58164
first day of July and extending through the thirtieth day of June. 58165
The moneys appropriated for each fiscal year shall be distributed 58166
periodically to each school district unless otherwise provided 58167
for. The state board, in June of each year, shall submit to the 58168
controlling board the state board's year-end distributions 58169
pursuant to this chapter. 58170

Payments shall be calculated to reflect the biannual reporting of average daily membership. Annualized periodic payments for each school district shall be based on the district's final student counts verified by the superintendent of public instruction based on reports under section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, as follows:

the sum of one-half of the number of students verified and adjusted for the first full week in October plus one-half of the average of the numbers verified and adjusted for the first full week in October and for the first full week in February

Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the minimum number of ~~days or~~ hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers. ~~This requirement shall be~~

~~waived by the superintendent of public instruction if it had been 58203
necessary for a school to be closed because of disease epidemic, 58204
hazardous weather conditions, law enforcement emergencies, 58205
inoperability of school buses or other equipment necessary to the 58206
school's operation, damage to a school building, or other 58207
temporary circumstances due to utility failure rendering the 58208
school building unfit for school use, provided that for those 58209
school districts operating pursuant to section 3313.48 of the 58210
Revised Code the number of days the school was actually open for 58211
instruction with pupils in attendance and for individualized 58212
parent teacher conference and reporting periods is not less than 58213
one hundred seventy five, or for those school districts operating 58214
on a trimester plan the number of days the school was actually 58215
open for instruction with pupils in attendance not less than 58216
seventy nine days in any trimester, for those school districts 58217
operating on a quarterly plan the number of days the school was 58218
actually open for instruction with pupils in attendance not less 58219
than fifty nine days in any quarter, or for those school districts 58220
operating on a pentamester plan the number of days the school was 58221
actually open for instruction with pupils in attendance not less 58222
than forty four days in any pentamester. 58223~~

A school district shall not be considered to have failed to 58224
comply with this division ~~or section 3313.481 of the Revised Code~~ 58225
because schools were open for instruction but either twelfth grade 58226
students were excused from attendance for up to the equivalent of 58227
three school days or only a portion of the kindergarten students 58228
were in attendance for up to the equivalent of three school days 58229
in order to allow for the gradual orientation to school of such 58230
students. 58231

~~The superintendent of public instruction shall waive the 58232
requirements of this section with reference to the minimum number 58233
of days or hours school must be in session with pupils in 58234~~

~~attendance for the school year succeeding the school year in which 58235
a board of education initiates a plan of operation pursuant to 58236
section 3313.481 of the Revised Code. The minimum requirements of 58237
this section shall again be applicable to such a district 58238
beginning with the school year commencing the second July 58239
succeeding the initiation of one such plan, and for each school 58240
year thereafter. 58241~~

~~A school district shall not be considered to have failed to 58242
comply with this division or section 3313.48 or 3313.481 of the 58243
Revised Code because schools were open for instruction but the 58244
length of the regularly scheduled school day, for any number of 58245
days during the school year, was reduced by not more than two 58246
hours due to hazardous weather conditions. 58247~~

~~A board of education or governing board of an educational 58248
service center which has not conformed with other law and the 58249
rules pursuant thereto, shall not participate in the distribution 58250
of funds authorized by this chapter, except for good and 58251
sufficient reason established to the satisfaction of the state 58252
board of education and the state controlling board. 58253~~

~~All funds allocated to school districts under this chapter, 58254
except those specifically allocated for other purposes, shall be 58255
used to pay current operating expenses only. 58256~~

~~**Sec. 3317.013.** Except for a preschool child with a disability 58257
for whom a scholarship has been awarded under section 3310.41 of 58258
the Revised Code, this section does not apply to preschool 58259
children with disabilities. 58260~~

~~Analysis of special education cost data has resulted in a 58261
finding that the average special education additional cost per 58262
pupil, including the costs of related services, can be expressed 58263
as a multiple of the formula amount. The multiples amounts for the 58264
following categories of special education programs, as these 58265~~

programs are defined for purposes of Chapter 3323. of the Revised Code, and adjusted as provided in this section, are as follows:

(A) ~~A multiple of 0.2906~~ An amount of \$1,503, in fiscal year 2014, or \$1,517, in fiscal year 2015, for students each student whose primary or only identified disability is a speech and language disability, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) ~~A multiple of 0.7374~~ An amount of \$3,813, in fiscal year 2014, or \$3,849, in fiscal year 2015, for students each student identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, ~~or~~ identified as having an other health impairment-minor, or identified as a preschool child who is developmentally delayed;

(C) ~~A multiple of 1.7716~~ An amount of \$9,160, in fiscal year 2014, or \$9,248, in fiscal year 2015, for students each student identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) ~~A multiple of 2.3643~~ An amount of \$12,225, in fiscal year 2014, or \$12,342, in fiscal year 2015, for students each student identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major;

(E) ~~A multiple of 3.2022~~ An amount of \$16,557, in fiscal year 2014, or \$16,715, in fiscal year 2015, for students each student identified as orthopedically disabled or as having multiple disabilities, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(F) ~~A multiple of 4.7205~~ An amount of \$24,407, in fiscal year 2014, or \$24,641, in fiscal year 2015, for students each student

identified as autistic, having traumatic brain injuries, or as 58297
both visually and hearing impaired, as these terms are defined 58298
pursuant to Chapter 3323. of the Revised Code. 58299

~~In fiscal years 2008, 2009, 2010, 2011, 2012, and 2013, the 58300
multiples specified in divisions (A) to (F) of this section shall 58301
be adjusted by multiplying them by 0.90. 58302~~

Sec. 3317.014. The career-technical education additional 58303
amount per pupil for each student enrolled in career-technical 58304
education programs approved by the department of education in 58305
accordance with rules adopted under section 3313.90 of the Revised 58306
Code shall be as follows: 58307

(A) An amount of \$4,336, in fiscal year 2014, or \$4,408, in 58308
fiscal year 2015, for each student enrolled in career-technical 58309
education workforce development programs in environmental and 58310
agricultural systems, construction technologies, engineering and 58311
science technologies, finance, health science, information 58312
technology, and manufacturing technologies; 58313

(B) An amount of \$3,907, in fiscal year 2014, or \$3,944, in 58314
fiscal year 2015, for each student enrolled in workforce 58315
development programs in business and administration, hospitality 58316
and tourism, human services, law and public safety, and 58317
transportation systems; 58318

(C) An amount of \$2,470, in fiscal year 2014, or \$2,494, in 58319
fiscal year 2015, for students enrolled in workforce development 58320
career-based intervention programs; 58321

(D) An amount of \$1,781, in fiscal year 2014, or \$1,798, in 58322
fiscal year 2015, for students enrolled in workforce development 58323
programs in arts and communications, education and training, 58324
marketing, workforce development academics, and career 58325
development; 58326

(E) An amount of \$1,379, in fiscal year 2014, or \$1,392, in fiscal year 2015, for students enrolled in family and consumer science programs. 58327
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The amount for career-technical education associated services shall be \$225, in fiscal year 2014, or \$227, in fiscal year 2015. 58330
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Sec. 3317.016. The amounts for limited English proficient students shall be as follows: 58332
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(A) An amount of \$1,500, in fiscal year 2014, and \$1,515, in fiscal year 2015, for each student who has been enrolled in schools in the United States for 180 school days or less and was not previously exempted from taking the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing). 58334
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(B) An amount of \$1,125, in fiscal year 2014, and \$1,136, in fiscal year 2015, for each student who has been enrolled in schools in the United States for more than 180 school days or was previously exempted from taking the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing). 58340
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(C) An amount of \$750, in fiscal year 2014, and \$758, in fiscal year 2015, for each student who does not qualify for inclusion under division (A) or (B) of this section and is in a trial-mainstream period, as defined by the department. 58346
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Sec. 3317.017. The department of education shall compute a school district's state share index as follows: 58350
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(A) Calculate the district's valuation index, which equals the following quotient: 58352
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(The district's three-year average valuation / the district's total ADM) / (the statewide three-year average valuation for 58354
58355

school districts with a total ADM greater than zero / the 58356
statewide total ADM) 58357

(B) Calculate the district's median income index, which 58358
equals the following quotient: 58359

(The district's median Ohio adjusted gross income / the 58360
median of the median Ohio adjusted gross income of all districts 58361
statewide) 58362

(C) Determine the district's wealth index as follows: 58363

(1) If the district's median income index is less than the 58364
district's valuation index, then the district's wealth index shall 58365
be equal to [(1/3 X the district's median income index) + (2/3 X 58366
the district's valuation index)]. 58367

(2) If the district's median income index is greater than or 58368
equal to the district's valuation index, then the district's 58369
wealth index shall be equal to the district's valuation index. 58370

(D) Determine the district's state share index as follows: 58371

(1) If the district's wealth index is less than or equal to 58372
0.35, then the district's state share index shall be equal to 58373
0.90. 58374

(2) If the district's wealth index is greater than 0.35 but 58375
less than or equal to 0.90, then the district's state share index 58376
shall be equal to {0.40 X [(0.90 - the district's wealth index) / 58377
0.55]} + 0.50. 58378

(3) If the district's wealth index is greater than 0.90 but 58379
less than 1.8, then the district's state share index shall be 58380
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 58381
0.05. 58382

(4) If the district's wealth index is greater than or equal 58383
to 1.8, then the district's state share index shall be equal to 58384
0.05. 58385

(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district. 58386
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(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section. 58395
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(F) When performing the calculations required under this section, the department shall not round to fewer than four decimal places. 58400
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For purposes of these calculations for fiscal years 2014 and 2015, "three-year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" means the total ADM for fiscal year 2014; "median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax-exempt value" means the tax-exempt value for fiscal year 2014. 58403
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Sec. 3317.02. As used in this chapter: 58410

(A)(1) "Category one career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 58411
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(2) "Category two career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. 58416
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(3) "Category three career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (C) of section 3317.014 of the Revised Code and reported under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code. 58421
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(4) "Category four career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (D) of section 3317.014 of the Revised Code and reported under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code. 58426
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(5) "Category five career-technical education ADM" means the average daily membership of students receiving career-technical education services described in division (E) of section 3317.014 of the Revised Code and reported under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code. 58431
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(B)(1) "Category one limited English proficient ADM" means the average daily membership of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and reported under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code. 58436
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(2) "Category two limited English proficient ADM" means the average daily membership of limited English proficient students described in division (B) of section 3317.016 of the Revised Code and reported under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code. 58441
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(3) "Category three limited English proficient ADM" means the 58446

average daily membership of limited English proficient students 58447
described in division (C) of section 3317.016 of the Revised Code 58448
and reported under division (B)(18) or (D)(2)(o) of section 58449
3317.03 of the Revised Code. 58450

(C)(1) "Category one special education ADM" means the average 58451
daily membership of children with disabilities receiving special 58452
education services for the disability specified in division (A) of 58453
section 3317.013 of the Revised Code and reported under division 58454
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 58455

(2) "Category two special education ADM" means the average 58456
daily membership of children with disabilities receiving special 58457
education services for those disabilities specified in division 58458
(B) of section 3317.013 of the Revised Code and reported under 58459
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 58460
Code. 58461

(3) "Category three special education ADM" means the average 58462
daily membership of students receiving special education services 58463
for those disabilities specified in division (C) of section 58464
3317.013 of the Revised Code, and reported under division (B)(7) 58465
or (D)(2)(d) of section 3317.03 of the Revised Code. 58466

(4) "Category four special education ADM" means the average 58467
daily membership of students receiving special education services 58468
for those disabilities specified in division (D) of section 58469
3317.013 of the Revised Code and reported under division (B)(8) or 58470
(D)(2)(e) of section 3317.03 of the Revised Code. 58471

(5) "Category five special education ADM" means the average 58472
daily membership of students receiving special education services 58473
for the disabilities specified in division (E) of section 3317.013 58474
of the Revised Code and reported under division (B)(9) or 58475
(D)(2)(f) of section 3317.03 of the Revised Code. 58476

(6) "Category six special education ADM" means the average 58477

daily membership of students receiving special education services 58478
for the disabilities specified in division (F) of section 3317.013 58479
of the Revised Code and reported under division (B)(10) or 58480
(D)(2)(g) of section 3317.03 of the Revised Code. 58481

(D) "County DD board" means a county board of developmental 58482
disabilities. 58483

(E) "Economically disadvantaged index for a school district" 58484
means the square of the quotient of that district's percentage of 58485
students in its total ADM who are identified as economically 58486
disadvantaged as defined by the department of education, divided 58487
by the statewide percentage of students identified as economically 58488
disadvantaged. 58489

(F)(1) "Formula ADM" means, for a city, local, or exempted 58490
village school district, the average daily membership described in 58491
division (A) of section 3317.03 of the Revised Code, as verified 58492
by the superintendent of public instruction and adjusted if so 58493
ordered under division (K) of that section, and as further 58494
adjusted by counting only twenty per cent of the number of joint 58495
vocational school district students counted under division (A)(3) 58496
of section 3317.03 of the Revised Code. 58497

(2) "Formula ADM" means, for a joint vocational school 58498
district, the final number verified by the superintendent of 58499
public instruction, based on the number reported pursuant to 58500
division (D) of section 3317.03 of the Revised Code, as adjusted, 58501
if so ordered, under division (K) of that section. 58502

(G) "Formula amount" means \$5,745, for fiscal year 2014, and 58503
\$5,800, for fiscal year 2015. 58504

(H) "FTE basis" means a count of students based on full-time 58505
equivalency, in accordance with rules adopted by the department of 58506
education pursuant to section 3317.03 of the Revised Code. In 58507
adopting its rules under this division, the department shall 58508

provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career technical education ADM in the same proportion the student is counted in formula ADM. 58509
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(I) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 58513
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(J) "Medically fragile child" means a child to whom all of the following apply: 58515
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(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 58517
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(2) The child requires the services of a registered nurse on a daily basis. 58520
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 58522
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(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply: 58525
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(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 58529
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(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child. 58533
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(2) A child may be identified as having an "other health 58538

impairment-minor" if the child's condition meets the definition of 58539
"other health impaired" established in rules previously adopted by 58540
the state board of education but the child's condition does not 58541
meet either of the conditions specified in division (K)(1)(a) or 58542
(b) of this section. 58543

(L) "Preschool child with a disability" means a child with a 58544
disability, as defined in section 3323.01 of the Revised Code, who 58545
is at least age three but is not of compulsory school age, as 58546
defined in section 3321.01 of the Revised Code, and who is not 58547
currently enrolled in kindergarten. 58548

(M) "Preschool scholarship ADM" means the number of preschool 58549
children with disabilities reported under division (B)(3)(h) of 58550
section 3317.03 of the Revised Code. 58551

(N) "Related services" includes: 58552

(1) Child study, special education supervisors and 58553
coordinators, speech and hearing services, adaptive physical 58554
development services, occupational or physical therapy, teacher 58555
assistants for children with disabilities whose disabilities are 58556
described in division (B) of section 3317.013 or division (B)(3) 58557
of this section, behavioral intervention, interpreter services, 58558
work study, nursing services, and specialized integrative services 58559
as those terms are defined by the department; 58560

(2) Speech and language services provided to any student with 58561
a disability, including any student whose primary or only 58562
disability is a speech and language disability; 58563

(3) Any related service not specifically covered by other 58564
state funds but specified in federal law, including but not 58565
limited to, audiology and school psychological services; 58566

(4) Any service included in units funded under former 58567
division (O)(1) of section 3317.024 of the Revised Code; 58568

<u>(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.</u>	58569
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<u>(O) "School district," unless otherwise specified, means city, local, and exempted village school districts.</u>	58572
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<u>(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.</u>	58574
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<u>(Q) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.</u>	58576
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	58578
<u>(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.</u>	58579
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	58582
<u>(S) "Total ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.</u>	58583
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<u>(T) "Total special education ADM" means the sum of categories one through six special education ADM.</u>	58588
	58589
<u>(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.</u>	58590
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Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (7) (5) of this section for each city, exempted village, and local school district, and the	58594
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information required by divisions (A)(1) and (2) of this section 58599
for each joint vocational school district, and it shall be used, 58600
along with the information certified under division (B) of this 58601
section, in making the computations for the district under this 58602
chapter. 58603

(1) The taxable value of real and public utility real 58604
property in the school district subject to taxation in the 58605
preceding tax year, by class and by county of location. 58606

(2) The taxable value of tangible personal property, 58607
including public utility personal property, subject to taxation by 58608
the district for the preceding tax year. 58609

(3)(a) The total property tax rate and total taxes charged 58610
and payable for the current expenses for the preceding tax year 58611
and the total property tax rate and the total taxes charged and 58612
payable to a joint vocational district for the preceding tax year 58613
that are limited to or to the extent apportioned to current 58614
expenses. 58615

(b) The portion of the amount of taxes charged and payable 58616
reported for each city, local, and exempted village school 58617
district under division (A)(3)(a) of this section attributable to 58618
a joint vocational school district. 58619

(4) The value of all real and public utility real property in 58620
the school district exempted from taxation minus both of the 58621
following: 58622

(a) The value of real and public utility real property in the 58623
district owned by the United States government and used 58624
exclusively for a public purpose; 58625

(b) The value of real and public utility real property in the 58626
district exempted from taxation under Chapter 725. or 1728. or 58627
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 58628
5709.73, or 5709.78 of the Revised Code. 58629

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

~~(6) The sum of the school district compensation value as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code as if such property had been assessed for taxation that year and the other compensation value for the school district, minus the amounts described in divisions (A)(6)(c) to (i) of this section. The portion of school district compensation value or other compensation value attributable to an incentive district exemption may be subtracted only once even if that incentive district satisfies more than one of the criteria in divisions (A)(6)(c) to (i) of this section.~~

~~(a) "School district compensation value" means the aggregate value of real property in the school district exempted from taxation pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code to the extent that the exempted value results in the charging of payments in lieu of taxes required to be paid to the school district under division (D)(1) or (2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code.~~

~~(b) "Other compensation value" means the quotient that results from dividing (i) the dollar value of compensation received by the school district during the preceding tax year pursuant to division (B), (C), or (D) of section 5709.82 of the Revised Code and the amounts received pursuant to an agreement as~~

~~specified in division (D)(2) of section 5709.40, division (D) of 58662
section 5709.73, or division (C) of section 5709.78 of the Revised 58663
Code to the extent those amounts were not previously reported or 58664
included in division (A)(6)(a) of this section, and so that any 58665
such amount is reported only once under division (A)(6)(b) of this 58666
section, in relation to exemptions from taxation granted pursuant 58667
to an ordinance or resolution adopted under division (C) of 58668
section 5709.40, division (C) of section 5709.73, or division (B) 58669
of section 5709.78 of the Revised Code, by (ii) the real property 58670
tax rate in effect for the preceding tax year for 58671
nonresidential/agricultural real property after making the 58672
reductions required by section 319.301 of the Revised Code. 58673~~

~~(c) The portion of school district compensation value or 58674
other compensation value that was exempted from taxation pursuant 58675
to such an ordinance or resolution for the preceding tax year, if 58676
the ordinance or resolution is adopted prior to January 1, 2006, 58677
and the legislative authority or board of township trustees or 58678
county commissioners, prior to January 1, 2006, executes a 58679
contract or agreement with a developer, whether for profit or 58680
not for profit, with respect to the development of a project 58681
undertaken or to be undertaken and identified in the ordinance or 58682
resolution, and upon which parcels such project is being, or will 58683
be, undertaken; 58684~~

~~(d) The portion of school district compensation value that 58685
was exempted from taxation for the preceding tax year and for 58686
which payments in lieu of taxes for the preceding tax year were 58687
provided to the school district under division (D)(1) of section 58688
5709.40 of the Revised Code. 58689~~

~~(e) The portion of school district compensation value that 58690
was exempted from taxation for the preceding tax year pursuant to 58691
such an ordinance or resolution, if and to the extent that, on or 58692
before April 1, 2006, the fiscal officer of the municipal 58693~~

~~corporation that adopted the ordinance, or of the township or 58694
county that adopted the resolution, certifies and provides 58695
appropriate supporting documentation to the tax commissioner and 58696
the director of development that, based on hold harmless 58697
provisions in any agreement between the school district and the 58698
legislative authority of the municipal corporation, board of 58699
township trustees, or board of county commissioners that was 58700
entered into on or before June 1, 2005, the ability or obligation 58701
of the municipal corporation, township, or county to repay bonds, 58702
notes, or other financial obligations issued or entered into prior 58703
to January 1, 2006, will be impaired, including obligations to or 58704
of any other body corporate and politic with whom the legislative 58705
authority of the municipal corporation or board of township 58706
trustees or county commissioners has entered into an agreement 58707
pertaining to the use of service payments derived from the 58708
improvements exempted;~~ 58709

~~(f) The portion of school district compensation value that 58710
was exempted from taxation for the preceding tax year pursuant to 58711
such an ordinance or resolution, if the ordinance or resolution is 58712
adopted prior to January 1, 2006, in a municipal corporation with 58713
a population that exceeds one hundred thousand, as shown by the 58714
most recent federal decennial census, that includes a major 58715
employment center and that is adjacent to historically distressed 58716
neighborhoods, if the legislative authority of the municipal 58717
corporation that exempted the property prepares an economic 58718
analysis that demonstrates that all taxes generated within the 58719
incentive district accruing to the state by reason of improvements 58720
constructed within the district during its existence exceed the 58721
amount the state pays the school district under section 3317.022 58722
of the Revised Code attributable to such property exemption from 58723
the school district's recognized valuation. The analysis shall be 58724
submitted to and approved by the department of development prior 58725
to January 1, 2006, and the department shall not unreasonably 58726~~

~~withhold approval.~~ 58727

~~(g) The portion of school district compensation value that 58728
was exempted from taxation for the preceding tax year under such 58729
an ordinance or resolution, if the ordinance or resolution is 58730
adopted prior to January 1, 2006, and if service payments have 58731
been pledged to be used for mixed use riverfront entertainment 58732
development in any county with a population that exceeds six 58733
hundred thousand, as shown by the most recent federal decennial 58734
census;~~ 58735

~~(h) The portion of school district compensation value that 58736
was exempted from taxation for the preceding tax year under such 58737
an ordinance or resolution, if, prior to January 1, 2006, the 58738
legislative authority of a municipal corporation, board of 58739
township trustees, or board of county commissioners has pledged 58740
service payments for a designated transportation capacity project 58741
approved by the transportation review advisory council under 58742
Chapter 5512. of the Revised Code;~~ 58743

~~(i) The portion of school district compensation value that 58744
was exempted from taxation for the preceding tax year under such 58745
an ordinance or resolution if the legislative authority of a 58746
municipal corporation, board of township trustees, or board of 58747
county commissioners have, by January 1, 2006, pledged proceeds 58748
for designated transportation improvement projects that involve 58749
federal funds for which the proceeds are used to meet a local 58750
share match requirement for such funding.~~ 58751

~~As used in division (A)(6) of this section, "project" has the 58752
same meaning as in section 5709.40 of the Revised Code.~~ 58753

~~(7) The aggregate value of real property in the school 58754
district for which an exemption from taxation is granted by an 58755
ordinance or resolution adopted on or after January 1, 2006, under 58756
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 58757~~

~~5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code, as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code and as if such property had been assessed for taxation that year, minus the product determined by multiplying (a) the aggregate value of the real property in the school district exempted from taxation for the preceding tax year under any of the chapters or sections specified in this division, by (b) a fraction, the numerator of which is the difference between (i) the amount of anticipated revenue such school district would have received for the preceding tax year if the real property exempted from taxation had not been exempted from taxation and (ii) the aggregate amount of payments in lieu of taxes on the exempt real property for the preceding tax year and other compensation received for the preceding tax year by the school district pursuant to any agreements entered into on or after January 1, 2006, under section 5709.82 of the Revised Code between the school district and the legislative authority of a political subdivision that acted under the authority of a chapter or statute specified in this division, that were entered into in relation to such exemption, and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation had not been exempted.~~

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of

the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of

the district, excluding any income tax receipts allocated for the 58822
project cost, debt service, or maintenance set-aside associated 58823
with a state-assisted classroom facilities project as authorized 58824
by section 3318.052 of the Revised Code; 58825

(3) Divide the amount estimated under division (D)(2) of this 58826
section by the product obtained under division (D)(1) of this 58827
section. 58828

~~(E)(1) On or before June 1, 2006, and the first day of April 58829
of each year thereafter, the director of development shall report 58830
to the department of education, the tax commissioner, and the 58831
director of budget and management the total amounts of payments 58832
received by each city, local, exempted village, or joint 58833
vocational school district for the preceding tax year pursuant to 58834
division (D) of section 5709.40, division (D) of section 5709.73, 58835
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 58836
or (D) of section 5709.82 of the Revised Code in relation to 58837
exemptions from taxation granted pursuant to an ordinance adopted 58838
by the legislative authority of a municipal corporation under 58839
division (C) of section 5709.40 of the Revised Code, or a 58840
resolution adopted by a board of township trustees or board of 58841
county commissioners under division (C) of section 5709.73 or 58842
division (B) of section 5709.78 of the Revised Code, respectively. 58843
On or before April 1, 2006, and the first day of March of each 58844
year thereafter, the treasurer of each city, local, exempted 58845
village, or joint vocational school district that has entered into 58846
such an agreement shall report to the director of development the 58847
total amounts of such payments the district received for the 58848
preceding tax year as provided in this section. The state board of 58849
education, in accordance with sections 3319.31 and 3319.311 of the 58850
Revised Code, may suspend or revoke the license of a treasurer 58851
found to have willfully reported erroneous, inaccurate, or 58852
incomplete data under this division. 58853~~

~~(2) On or before April 1, 2007, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to divisions (B), (C), and (D) of section 5709.82 of the Revised Code in relation to exemptions from taxation granted pursuant to ordinances or resolutions adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code. On or before March 1, 2007, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided by this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.~~

Sec. 3317.022. (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

<u>(2) Targeted assistance funds calculated under divisions (A)</u>	58885
<u>and (B) of section 3317.0217 of the Revised Code;</u>	58886
<u>(3) Additional state aid for special education and related</u>	58887
<u>services provided under Chapter 3323. of the Revised Code</u>	58888
<u>calculated as the sum of the following:</u>	58889
<u>(a) The district's category one special education ADM X the</u>	58890
<u>amount specified in division (A) of section 3317.013 of the</u>	58891
<u>Revised Code X the district's state share index;</u>	58892
<u>(b) The district's category two special education ADM X the</u>	58893
<u>amount specified in division (B) of section 3317.013 of the</u>	58894
<u>Revised Code X the district's state share index;</u>	58895
<u>(c) The district's category three special education ADM X the</u>	58896
<u>amount specified in division (C) of section 3317.013 of the</u>	58897
<u>Revised Code X the district's state share index;</u>	58898
<u>(d) The district's category four special education ADM X the</u>	58899
<u>amount specified in division (D) of section 3317.013 of the</u>	58900
<u>Revised Code X the district's state share index;</u>	58901
<u>(e) The district's category five special education ADM X the</u>	58902
<u>amount specified in division (E) of section 3317.013 of the</u>	58903
<u>Revised Code X the district's state share index;</u>	58904
<u>(f) The district's category six special education ADM X the</u>	58905
<u>amount specified in division (F) of section 3317.013 of the</u>	58906
<u>Revised Code X the district's state share index.</u>	58907
<u>(4) Kindergarten through third grade literacy funds</u>	58908
<u>calculated according to the following formula:</u>	58909
<u>[(\$125, in fiscal year 2014, or \$175, in fiscal year 2015) X</u>	58910
<u>formula ADM for grades kindergarten through three X the district's</u>	58911
<u>state share index] + [(\$100, in fiscal year 2014, or \$160, in</u>	58912
<u>fiscal year 2015) X formula ADM for grades kindergarten through</u>	58913
<u>three]</u>	58914

For purposes of this calculation, the department shall 58915
subtract from a district's formula ADM for grades kindergarten 58916
through three the number of students reported under division 58917
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 58918
internet- or computer-based community school who are in grades 58919
kindergarten through three. 58920

(5) Economically disadvantaged funds calculated according to 58921
the following formula: 58922

(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X 58923
(the district's economically disadvantaged index) X the number of 58924
students who are economically disadvantaged as reported under 58925
division (B)(21) of section 3317.03 of the Revised Code 58926

(6) Limited English proficiency funds calculated as the sum 58927
of the following: 58928

(a) The district's category one limited English proficient 58929
ADM X the amount specified in division (A) of section 3317.016 of 58930
the Revised Code X the district's state share index; 58931

(b) The district's category two limited English proficient 58932
ADM X the amount specified in division (B) of section 3317.016 of 58933
the Revised Code X the district's state share index; 58934

(c) The district's category three limited English proficient 58935
ADM X the amount specified in division (C) of section 3317.016 of 58936
the Revised Code X the district's state share index. 58937

(7)(a) Gifted identification funds calculated according to 58938
the following formula: 58939

(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the 58940
district's formula ADM 58941

(b) Gifted unit funding calculated under section 3317.051 of 58942
the Revised Code. 58943

(8) Career-technical education funds calculated as the sum of 58944

<u>the following:</u>	58945
<u>(a) The district's category one career-technical education</u>	58946
<u>ADM X the amount specified in division (A) of section 3317.014 of</u>	58947
<u>the Revised Code X the district's state share index;</u>	58948
<u>(b) The district's category two career-technical education</u>	58949
<u>ADM X the amount specified in division (B) of section 3317.014 of</u>	58950
<u>the Revised Code X the district's state share index;</u>	58951
<u>(c) The district's category three career-technical education</u>	58952
<u>ADM X the amount specified in division (C) of section 3317.014 of</u>	58953
<u>the Revised Code X the district's state share index;</u>	58954
<u>(d) The district's category four career-technical education</u>	58955
<u>ADM X the amount specified in division (D) of section 3317.014 of</u>	58956
<u>the Revised Code X the district's state share index;</u>	58957
<u>(e) The district's category five career-technical education</u>	58958
<u>ADM X the amount specified in division (E) of section 3317.014 of</u>	58959
<u>the Revised Code X the district's state share index.</u>	58960
<u>Payment of funds under division (A)(8) of this section is</u>	58961
<u>subject to approval under section 3317.161 of the Revised Code.</u>	58962
<u>(9) Career-technical education associated services funds</u>	58963
<u>calculated according to the following formula:</u>	58964
<u>The district's state share index X the amount for career-technical</u>	58965
<u>education associated services specified in section 3317.014 of the</u>	58966
<u>Revised Code X the sum of categories one through five</u>	58967
<u>career-technical education ADM</u>	58968
<u>(B) In any fiscal year, a school district shall spend for</u>	58969
<u>purposes that the department designates as approved for special</u>	58970
<u>education and related services expenses at least the amount</u>	58971
<u>calculated as follows:</u>	58972
<u>(The formula amount X the total special education ADM) + (the</u>	58973
<u>district's category one special education ADM X the amount</u>	58974

specified in division (A) of section 3317.013 of the Revised Code) 58975
+ (the district's category two special education ADM X the amount 58976
specified in division (B) of section 3317.013 of the Revised Code) 58977
+ (the district's category three special education ADM X the 58978
amount specified in division (C) of section 3317.013 of the 58979
Revised Code) + (the district's category four special education 58980
ADM X the amount specified in division (D) of section 3317.013 of 58981
the Revised Code) + (the district's category five special 58982
education ADM X the amount specified in division (E) of section 58983
3317.013 of the Revised Code) + (the district's category six 58984
special education ADM X the amount specified in division (F) of 58985
section 3317.013 of the Revised Code) 58986

The purposes approved by the department for special education 58987
expenses shall include, but shall not be limited to, 58988
identification of children with disabilities, compliance with 58989
state rules governing the education of children with disabilities 58990
and prescribing the continuum of program options for children with 58991
disabilities, provision of speech language pathology services, and 58992
the portion of the school district's overall administrative and 58993
overhead costs that are attributable to the district's special 58994
education student population. 58995

The scholarships deducted from the school district's account 58996
under sections 3310.41 and 3310.55 of the Revised Code shall be 58997
considered to be an approved special education and related 58998
services expense for the purpose of the school district's 58999
compliance with this division. 59000

(C) In any fiscal year, a school district receiving funds 59001
under division (A)(8) of this section shall spend those funds only 59002
for the purposes that the department designates as approved for 59003
career-technical education expenses. Career-technical educational 59004
expenses approved by the department shall include only expenses 59005
connected to the delivery of career-technical programming to 59006

career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(8) of this section may be spent. 59007
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(D) In any fiscal year, a school district receiving funds under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes. 59012
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(E) All funds received under division (A)(8) of this section shall be spent in the following manner: 59026
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(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs. 59028
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(2) Not more than twenty-five per cent of the funds shall be 59038

used for personnel expenditures. 59039

(F) A school district shall spend the funds it receives under 59040
division (A)(5) of this section in accordance with section 3317.25 59041
of the Revised Code. 59042

Sec. 3317.023. (A) The amounts required to be paid to a 59043
district under this chapter shall be adjusted by the amount of the 59044
computations made under divisions (B) to (K) of this section. 59045

As used in this section: 59046

(1) "~~VEPD~~ CTPD" means a school district or group of school 59047
districts designated by the department of education as being 59048
responsible for the planning for and provision of ~~vocational~~ 59049
career-technical education services to students within the 59050
district or group. A community school established under Chapter 59051
3314. of the Revised Code or a STEM school established under 59052
Chapter 3326. of the Revised Code may be assigned to a 59053
career-technical planning district. 59054

(2) "Lead district" means a school district, including a 59055
joint vocational school district, designated by the department as 59056
a ~~VEPD~~ CTPD, or designated to provide primary ~~vocational~~ 59057
career-technical education leadership within a ~~VEPD~~ CTPD composed 59058
of a group of districts and, if assigned to the CTPD, community 59059
schools and STEM schools. 59060

(B) If a local ~~school district, or a~~ city, or exempted 59061
village school district to which a governing board of an 59062
educational service center provides services pursuant to an 59063
agreement entered into under section 3313.843 of the Revised Code, 59064
deduct the amount of the payment required for the reimbursement of 59065
the governing board under that section ~~3317.11 of the Revised~~ 59066
~~Code.~~ 59067

(C)(1) If the district is required to pay to or entitled to 59068

receive tuition from another school district under division (C)(2) 59069
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 59070
or if the superintendent of public instruction is required to 59071
determine the correct amount of tuition and make a deduction or 59072
credit under section 3317.08 of the Revised Code, deduct and 59073
credit such amounts as provided in division (J) of section 3313.64 59074
or section 3317.08 of the Revised Code. 59075

(2) For each child for whom the district is responsible for 59076
tuition or payment under division (A)(1) of section 3317.082 or 59077
section 3323.091 of the Revised Code, deduct the amount of tuition 59078
or payment for which the district is responsible. 59079

(D) If the district has been certified by the superintendent 59080
of public instruction under section 3313.90 of the Revised Code as 59081
not in compliance with the requirements of that section, deduct an 59082
amount equal to ten per cent of the amount computed for the 59083
district under this chapter. 59084

(E) If the district has received a loan from a commercial 59085
lending institution for which payments are made by the 59086
superintendent of public instruction pursuant to division (E)(3) 59087
of section 3313.483 of the Revised Code, deduct an amount equal to 59088
such payments. 59089

(F)(1) If the district is a party to an agreement entered 59090
into under division (D), (E), or (F) of section 3311.06 or 59091
division (B) of section 3311.24 of the Revised Code and is 59092
obligated to make payments to another district under such an 59093
agreement, deduct an amount equal to such payments if the district 59094
school board notifies the department in writing that it wishes to 59095
have such payments deducted. 59096

(2) If the district is entitled to receive payments from 59097
another district that has notified the department to deduct such 59098
payments under division (F)(1) of this section, add the amount of 59099

such payments. 59100

(G) If the district is required to pay an amount of funds to 59101
a cooperative education district pursuant to a provision described 59102
by division (B)(4) of section 3311.52 or division (B)(8) of 59103
section 3311.521 of the Revised Code, deduct such amounts as 59104
provided under that provision and credit those amounts to the 59105
cooperative education district for payment to the district under 59106
division (B)(1) of section 3317.19 of the Revised Code. 59107

(H)(1) If a district is educating a student entitled to 59108
attend school in another district pursuant to a shared education 59109
contract, compact, or cooperative education agreement other than 59110
an agreement entered into pursuant to section 3313.842 of the 59111
Revised Code, credit to that educating district on an FTE basis 59112
both of the following: 59113

(a) An amount equal to the formula amount. 59114

(b) ~~An Any amount equal to \$5,732 times the state share 59115
percentage times any multiple applicable to the student for fiscal 59116
year 2009 pursuant to section 3317.013 or 3317.014 of the Revised 59117
Code, as those sections existed for that fiscal year. 59118~~

(2) Deduct any amount credited pursuant to division (H)(1) of 59119
this section from amounts paid to the school district in which the 59120
student is entitled to attend school pursuant to section 3313.64 59121
or 3313.65 of the Revised Code. 59122

(3) If the district is required by a shared education 59123
contract, compact, or cooperative education agreement to make 59124
payments to an educational service center, deduct the amounts from 59125
payments to the district and add them to the amounts paid to the 59126
service center pursuant to section 3317.11 of the Revised Code. 59127

(I)(1) If a district, including a joint vocational school 59128
district, is a lead district of a ~~VEPD~~ CTPD, credit to that 59129
district the following ~~amounts~~ amount calculated for ~~all the~~ each 59130

school ~~districts~~ district within that ~~VEPD~~ CTPD: 59131

~~(a) In any fiscal year except fiscal year 2012 or 2013, the~~ 59132
~~amount computed under division (D)(2) of section 3317.022 of the~~ 59133
~~Revised Code;~~ 59134

~~(b) In fiscal years 2012 and 2013, an amount equal to the~~ 59135
~~following:~~ 59136

state share ~~percentage~~ index X .05 X ~~\$5,732~~ the formula amount X 59137
the sum of categories one 59138
~~and two vocational~~ through five career-technical education ADM 59139

(2) Deduct from each appropriate district that is not a lead 59140
district, the amount attributable to that district that is 59141
credited to a lead district under division (I)(1) of this section. 59142

(J) If the department pays a joint vocational school district 59143
under division ~~(G)(4)(C)(3)~~ of section 3317.16 of the Revised Code 59144
for excess costs of providing special education and related 59145
services to a student with a disability, as calculated under 59146
division ~~(G)(2)(C)(1)~~ of that section, the department shall deduct 59147
the amount of that payment from the city, local, or exempted 59148
village school district that is responsible as specified in that 59149
section for the excess costs. 59150

(K)(1) If the district reports an amount of excess cost for 59151
special education services for a child under division (C) of 59152
section 3323.14 of the Revised Code, the department shall pay that 59153
amount to the district. 59154

(2) If the district reports an amount of excess cost for 59155
special education services for a child under division (C) of 59156
section 3323.14 of the Revised Code, the department shall deduct 59157
that amount from the district of residence of that child. 59158

Sec. 3317.0212. ~~The department of education shall make no~~ 59159
~~payments under this section for fiscal year 2012 or 2013.~~ 59160

(A) As used in this section:	59161
(1) "Assigned bus" means a school bus used to transport qualifying riders.	59162 59163
(2) "Nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.	59164 59165 59166 59167 59168 59169
(3) "Qualifying riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.	59170 59171 59172 59173 59174 59175 59176
(4) (2) "Qualifying ridership" means the average number of qualifying riders who are provided school bus service by a school district during the first full week of October.	59177 59178 59179
(5) (3) "Rider density" means the number of qualifying riders <u>total ADM</u> per square mile of a school district.	59180 59181
(6) (4) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:	59182 59183 59184
(a) School buses owned or leased by the district;	59185
(b) School buses operated by a private contractor hired by the district;	59186 59187
(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.	59188 59189 59190

(B) Not later than the fifteenth day of October each year, 59191
each city, local, and exempted village school district shall 59192
report to the department of education its qualifying ridership, 59193
~~nontraditional ridership, number of qualifying riders per assigned~~ 59194
~~bus,~~ and any other information requested by the department. 59195
Subsequent adjustments to the reported numbers shall be made only 59196
in accordance with rules adopted by the department. 59197

(C) The department shall calculate the statewide 59198
transportation cost per student as follows: 59199

(1) Determine each city, local, and exempted village school 59200
district's transportation cost per student by dividing the 59201
district's total costs for school bus service in the previous 59202
fiscal year by its qualifying ridership in the previous fiscal 59203
year. 59204

(2) After excluding districts that do not provide school bus 59205
service and the ten districts with the highest transportation 59206
costs per student and the ten districts with the lowest 59207
transportation costs per student, divide the aggregate cost for 59208
school bus service for the remaining districts in the previous 59209
fiscal year by the aggregate qualifying ridership of those 59210
districts in the previous fiscal year. 59211

(D) The department shall calculate the statewide 59212
transportation cost per mile as follows: 59213

(1) Determine each city, local, and exempted village school 59214
district's transportation cost per mile by dividing the district's 59215
total costs for school bus service in the previous fiscal year by 59216
its total number of miles driven for school bus service in the 59217
previous fiscal year. 59218

(2) After excluding districts that do not provide school bus 59219
service and the ten districts with the highest transportation 59220
costs per mile and the ten districts with the lowest 59221

transportation costs per mile, divide the aggregate cost for 59222
school bus service for the remaining districts in the previous 59223
fiscal year by the aggregate miles driven for school bus service 59224
in those districts in the previous fiscal year. 59225

(E) The department shall calculate each city, local, and 59226
exempted village school district's transportation base payment as 59227
follows: 59228

(1) Multiply the statewide transportation cost per student by 59229
the district's qualifying ridership for the current fiscal year. 59230

(2) Multiply the statewide transportation cost per mile by 59231
the district's total number of miles driven for school bus service 59232
in the current fiscal year. 59233

(3) Multiply the greater of the amounts calculated under 59234
divisions (E)(1) and (2) of this section by the greater of sixty 59235
per cent or the district's state share percentage index, as 59236
defined in section 3317.02 of the Revised Code. 59237

~~(F) The department shall calculate each city, local, and 59238
exempted village school district's nontraditional ridership 59239
adjustment according to the following formula: 59240~~

~~(nontraditional ridership for the current fiscal year / 59241
qualifying ridership for the current fiscal year) X 0.1 X 59242
transportation base payment 59243~~

~~(G) If a city, local, or exempted village school district 59244
offers school bus service to all resident students who are 59245
enrolled in regular education in district schools in grades nine 59246
to twelve and who live more than one mile from the school they 59247
attend, the department shall calculate the district's high school 59248
ridership adjustment according to the following formula: 59249~~

~~0.025 X transportation base payment 59250~~

~~(H) If a city, local, or exempted village school district 59251
offers school bus service to students enrolled in grades 59252~~

~~kindergarten to eight who live more than one mile, but two miles
or less, from the school they attend, the department shall
calculate an additional adjustment according to the following
formula:~~

~~0.025 X transportation base payment~~

~~(1) The department annually shall establish a target
number of qualifying riders per assigned bus for each city, local,
and exempted village school district. The department shall use the
most recently available data in establishing the target number.
The target number shall be based on the statewide median number of
qualifying riders per assigned bus as adjusted to reflect the
district's rider density in comparison to the rider density of all
other districts. The department shall post on the department's web
site each district's target number of qualifying riders per
assigned bus and a description of how the target number was
determined.~~

~~(2) The department shall determine each school district's
efficiency index by dividing the district's median number of
qualifying riders per assigned bus by its target number of
qualifying riders per assigned bus.~~

~~(3) The department shall determine each city, local, and
exempted village school district's efficiency adjustment as
follows:~~

~~(a) If the district's efficiency index is equal to or greater
than 1.5, the efficiency adjustment shall be calculated according
to the following formula:~~

~~0.1 X transportation base payment~~

~~(b) If the district's efficiency index is less than 1.5 but
equal to or greater than 1.0, the efficiency adjustment shall be
calculated according to the following formula:~~

~~[(efficiency index — 1) / 5] X transportation base payment~~

~~(c) If the district's efficiency index is less than 1.0, the efficiency adjustment shall be zero.~~ 59284
59285

~~(J) The department shall pay each city, local, and exempted village school district the lesser of the following:~~ 59286
59287

~~(1) The sum of the amounts calculated under divisions (E) to (H) and (I)(3) of this section;~~ 59288
59289

~~(2) The district's total costs for school bus service for the prior fiscal year.~~ 59290
59291

~~(K) In addition to funds paid under division (J)(E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.~~ 59292
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(G)(1) In fiscal years 2014 and 2015, the department shall pay each district a pro rata portion of the amounts calculated under division (E) of this section and described in division (F) of this section, based on state appropriations. 59300
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(2) In addition to the prorated payment under division (G)(1) of this section, in fiscal years 2014 and 2015, the department shall pay each school district that meets the conditions prescribed in division (G)(3) of this section an additional amount equal to the difference of (a) the amounts calculated under division (E) of this section and prescribed in division (F) of this section minus (b) that prorated payment. 59304
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(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions: 59311
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(a) The district qualifies for the calculation of a payment 59313

under division (E) of this section because it transports students 59314
on board-owned or contractor-owned school buses. 59315

(b) The district's state share index is greater than or equal 59316
to 0.50. 59317

(c) The district's rider density is at or below the median 59318
rider density of all districts that qualify for calculation of a 59319
payment under division (E) of this section. 59320

(H) Each city, local, and exempted village school district 59321
shall report all data used to calculate funding for transportation 59322
under this section through the education management information 59323
system pursuant to section 3301.0714 of the Revised Code. 59324

Sec. 3317.0213. (A) The department of education shall compute 59325
and pay in accordance with this section additional state aid for 59326
preschool special education children to each city, local, and 59327
exempted village school district and to each institution, as 59328
defined in section 3323.091 of the Revised Code. Funding shall be 59329
provided for children who are not enrolled in kindergarten and who 59330
are under age six on the thirtieth day of September of the 59331
academic year, or on the first day of August of the academic year 59332
if the school district in which the child is enrolled has adopted 59333
a resolution under division (A)(3) of section 3321.01 of the 59334
Revised Code, but not less than age three on the first day of 59335
December of the academic year. 59336

The additional state aid shall be calculated under the 59337
following formula: 59338

(\$4,000 X the number of preschool special education children) 59339
+ the sum of the following: 59340

(1) The district's or institution's category one special 59341
education preschool students X the amount specified in division 59342
(A) of section 3317.013 of the Revised Code X the district's state 59343

<u>share index X 0.50;</u>	59344
<u>(2) The district's or institution's category two special</u>	59345
<u>education preschool students X the amount specified in division</u>	59346
<u>(B) of section 3317.013 of the Revised Code X the district's state</u>	59347
<u>share index X 0.50;</u>	59348
<u>(3) The district's or institution's category three special</u>	59349
<u>education preschool students X the amount specified in division</u>	59350
<u>(C) of section 3317.013 of the Revised Code X the district's state</u>	59351
<u>share index X 0.50;</u>	59352
<u>(4) The district's or institution's category four special</u>	59353
<u>education preschool students X the amount specified in division</u>	59354
<u>(D) of section 3317.013 of the Revised Code X the district's state</u>	59355
<u>share index X 0.50;</u>	59356
<u>(5) The district's or institution's category five special</u>	59357
<u>education preschool students X the amount specified in division</u>	59358
<u>(E) of section 3317.013 of the Revised Code X the district's state</u>	59359
<u>share index X 0.50;</u>	59360
<u>(6) The district's or institution's category six special</u>	59361
<u>education preschool students X the amount specified in division</u>	59362
<u>(F) of section 3317.013 of the Revised Code X the district's state</u>	59363
<u>share index X 0.50.</u>	59364
<u>The special education disability categories for preschool</u>	59365
<u>children used in this section are the same categories prescribed</u>	59366
<u>in section 3317.013 of the Revised Code.</u>	59367
<u>As used in division (A) of this section, the state share</u>	59368
<u>index of a student enrolled in an institution is the state share</u>	59369
<u>index of the school district in which the student is entitled to</u>	59370
<u>attend school under section 3313.64 or 3313.65 of the Revised</u>	59371
<u>Code.</u>	59372
<u>(B) If an educational service center is providing services to</u>	59373

preschool special education students under agreement with the 59374
city, local, or exempted village school district in which the 59375
students are entitled to attend school, that district may 59376
authorize the department to transfer funds computed under this 59377
section to the service center providing those services. 59378

(C) If a county DD board is providing services to preschool 59379
special education students under agreement with the city, local, 59380
or exempted village school district in which the students are 59381
entitled to attend school, the department shall deduct from the 59382
district's payment computed under division (A) of this section the 59383
total amount of those funds that are attributable to the students 59384
served by the county DD board and pay that amount to that board. 59385

Sec. 3317.0214. (A) The department shall compute and pay in 59386
accordance with this section additional state aid to school 59387
districts for students in categories two through six special 59388
education ADM. If a district's costs for the fiscal year for a 59389
student in its categories two through six special education ADM 59390
exceed the threshold catastrophic cost for serving the student, 59391
the district may submit to the superintendent of public 59392
instruction documentation, as prescribed by the superintendent, of 59393
all its costs for that student. Upon submission of documentation 59394
for a student of the type and in the manner prescribed, the 59395
department shall pay to the district an amount equal to the sum of 59396
the following: 59397

(1) One-half of the district's costs for the student in 59398
excess of the threshold catastrophic cost; 59399

(2) The product of one-half of the district's costs for the 59400
student in excess of the threshold catastrophic cost multiplied by 59401
the district's state share index. 59402

(B) For purposes of division (A) of this section, the 59403
threshold catastrophic cost for serving a student equals: 59404

(1) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars; 59405
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(2) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars. 59408
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(C) The district shall report under division (A) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 59410
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Sec. 3317.0217. Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code. 59417
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(A) The department of education shall annually compute targeted assistance funds to school districts, as follows: 59420
59421

(1) Calculate the local wealth per pupil of each school district, which equals the following sum: 59422
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(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its formula ADM; plus 59424
59425

(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (ii) its formula ADM. 59426
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(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil. 59430
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(3) Compute the statewide wealth per pupil, which equals the following sum: 59433
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(a) One-half times the quotient of (i) the sum of the 59435
three-year average valuations for all school districts divided by 59436
(ii) the sum of formula ADM counts for all schools districts; plus 59437

(b) One-half times the quotient of (i) the sum of the 59438
three-year average total federal adjusted gross incomes for all 59439
school districts divided by (ii) the sum of formula ADM counts for 59440
all school districts. 59441

(4) Compute each district's wealth index by dividing the 59442
statewide wealth per pupil by the district's local wealth per 59443
pupil. 59444

(5) Compute the per pupil targeted assistance for each 59445
eligible school district in accordance with the following formula: 59446

(Threshold local wealth per pupil - the district's local wealth 59447
per pupil) 59448

X target millage X the district's wealth index 59449

Where: 59450

(a) An "eligible school district" means a school district 59451
with a local wealth per pupil less than that of the school 59452
district with the 490th lowest local wealth per pupil. 59453

(b) "Threshold local wealth per pupil" means the local wealth 59454
per pupil of the school district with the 490th lowest local 59455
wealth per pupil. 59456

(c) "Target millage" means 0.006. 59457

If the result of the calculation for a school district under 59458
division (A)(5) of this section is less than zero, the district's 59459
targeted assistance shall be zero. 59460

(6) Calculate the aggregate amount to be paid as targeted 59461
assistance funds to each school district under division (A) of 59462
section 3317.022 of the Revised Code by multiplying the per pupil 59463
targeted assistance computed under division (A)(5) of this section 59464

by the district's net formula ADM. 59465

As used in this division, a district's "net formula ADM" means its formula ADM minus the number of community school students reported under division (B)(3)(d) of section 3317.03 of the Revised Code X 0.75, the number of internet- and computer-based community school students reported under division (B)(3)(e) of that section, and the number of scholarship students reported under divisions (B)(3)(f), (g), and (l) of that section. 59466
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(B) The department shall annually compute supplemental targeted assistance funds to school districts, as follows: 59473
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(1) Compute each district's agricultural percentage as the quotient of (a) the three-year average tax valuation of real property in the district that is classified as agricultural property divided by (b) the three-year average tax valuation of all of the real property in the district. For purposes of this computation, a district's "three-year average tax valuation" means the average of a district's tax valuation for fiscal years 2012, 2013, and 2014. 59475
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(2) Determine each district's agricultural targeted percentage as follows: 59483
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(a) If a district's agricultural percentage is greater than or equal to 0.10, then the district's agricultural targeted percentage shall be equal to 0.40. 59485
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59487

(b) If a district's agricultural percentage is less than 0.10, then the district's agricultural targeted percentage shall be equal to 4 X the district's agricultural percentage. 59488
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(3) Calculate the aggregate amount to be paid as supplemental targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the district's agricultural targeted percentage by the amount calculated for the district under division (A)(6) of this section. 59491
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Sec. 3317.03. (A) The superintendent of each city, local, and 59496
exempted village school district ~~and of each educational service~~ 59497
~~center shall, for the schools under the superintendent's~~ 59498
~~supervision,~~ certify to the state board of education on or before 59499
the fifteenth day of October in each year for the first full 59500
school week in October, and on or before the fifteenth day of 59501
February in each year for the first full school week in February, 59502
the average daily membership of students receiving services from 59503
schools under the superintendent's supervision, and the numbers of 59504
other students entitled to attend school in the district under 59505
section 3313.64 or 3313.65 of the Revised Code the superintendent 59506
is required to report under this section, so that the department 59507
of education can calculate the district's formula ADM. If a school 59508
under the superintendent's supervision is closed for one or more 59509
days during ~~that~~ a week for which the average daily membership 59510
must be certified due to hazardous weather conditions or other 59511
circumstances described in ~~the first paragraph of~~ division 59512
~~(B)(A)(1)~~ of section ~~3317.01~~ 3313.482 of the Revised Code, the 59513
superintendent may apply to the superintendent of public 59514
instruction for a waiver, under which the superintendent of public 59515
instruction may exempt the district superintendent from certifying 59516
the average daily membership for that school for that week and 59517
specify an alternate week in the same month for certifying the 59518
average daily membership of that school. 59519

The average daily membership during ~~such~~ a week shall consist 59520
of the sum of the following: 59521

(1) On an FTE basis, the number of students in grades 59522
kindergarten through twelve receiving any educational services 59523
from the district, except that the following categories of 59524
students shall not be included in the determination: 59525

(a) Students enrolled in adult education classes; 59526

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	59527 59528 59529
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	59530 59531 59532 59533
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;	59534 59535
(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	59536 59537 59538
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	59539 59540 59541 59542 59543
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	59544 59545 59546 59547
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	59548 59549 59550
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	59551 59552 59553 59554 59555
(d) An adjacent or other school district under an open	59556

enrollment policy adopted pursuant to section 3313.98 of the Revised Code; 59557
59558

(e) An educational service center or cooperative education district; 59559
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(f) Another school district under a cooperative education agreement, compact, or contract; 59561
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(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code; 59563
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(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 59567
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As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 59570
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(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 59573
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(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code. 59577
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(3) The number of students enrolled in a joint vocational school district or under a ~~vocational~~ career-technical education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a ~~vocational~~ career-technical education compact; 59579
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~~(4) The number of children with disabilities, other than preschool children with disabilities, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county DD board, minus the number of such children placed with a county DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.~~

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the average daily membership, each superintendent shall report separately the following student counts for the same ~~week~~ weeks for which average daily membership is certified:

(1) The total average daily membership in regular learning day classes included in the report under division (A)(1) or (2) of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;

(2) The number of all preschool children with disabilities enrolled as of the first day of December in classes in the district ~~that are~~ for whom the district is eligible for approval to receive funding under division (B) of section 3317.05 3317.0213 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with ~~rules adopted under that~~ the disability categories prescribed in section 3317.013 of the Revised Code;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised

Code as described in division (I)(2)(a) or (b) of this section;	59618
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	59619 59620 59621 59622 59623
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	59624 59625
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	59626 59627 59628 59629 59630 59631
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	59632 59633 59634 59635
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code <u>and who qualified for the scholarship under section 3310.03 of the Revised Code</u> ;	59636 59637 59638 59639
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	59640 59641 59642
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	59643 59644 59645
(i) Participating in a program operated by a county DD board or a state institution;	59646 59647

(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	59648 59649 59650 59651
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	59652 59653
<u>(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.</u>	59654 59655 59656
(4) The number of pupils enrolled in joint vocational schools;	59657 59658
(5) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	59659 59660 59661 59662 59663 59664 59665 59666
(6) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	59667 59668 59669 59670 59671 59672 59673 59674
(7) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the	59675 59676 59677 59678

Revised Code, including children attending a special education 59679
program operated by an alternative public provider or a registered 59680
private provider with a scholarship awarded under sections 3310.51 59681
to 3310.64 of the Revised Code; 59682

(8) The combined average daily membership of children with 59683
disabilities reported under division (A)(1) or (2) of this section 59684
receiving special education services for category four 59685
disabilities described in division (D) of section 3317.013 of the 59686
Revised Code, including children attending a special education 59687
program operated by an alternative public provider or a registered 59688
private provider with a scholarship awarded under sections 3310.51 59689
to 3310.64 of the Revised Code; 59690

(9) The combined average daily membership of children with 59691
disabilities reported under division (A)(1) or (2) of this section 59692
receiving special education services for the category five 59693
disabilities described in division (E) of section 3317.013 of the 59694
Revised Code, including children attending a special education 59695
program operated by an alternative public provider or a registered 59696
private provider with a scholarship awarded under sections 3310.51 59697
to 3310.64 of the Revised Code; 59698

(10) The combined average daily membership of children with 59699
disabilities reported under division (A)(1) or (2) and under 59700
division (B)(3)(h) of this section receiving special education 59701
services for category six disabilities described in division (F) 59702
of section 3317.013 of the Revised Code, including children 59703
attending a special education program operated by an alternative 59704
public provider or a registered private provider with a 59705
scholarship awarded under either section 3310.41 or sections 59706
3310.51 to 3310.64 of the Revised Code; 59707

(11) The average daily membership of pupils reported under 59708
division (A)(1) or (2) of this section enrolled in category one 59709
~~vocational~~ career-technical education programs or classes, 59710

described in division (A) of section 3317.014 of the Revised Code, 59711
operated by the school district or by another district that is a 59712
member of the district's career-technical planning district, other 59713
than a joint vocational school district, or by an educational 59714
service center, ~~excluding any student reported under division~~ 59715
~~(B)(3)(e) of this section as enrolled in an internet or~~ 59716
~~computer-based community school~~, notwithstanding division ~~(C)(H)~~ 59717
of section 3317.02 of the Revised Code and division (C)(3) of this 59718
section; 59719

(12) The average daily membership of pupils reported under 59720
division (A)(1) or (2) of this section enrolled in category two 59721
~~vocational~~ career-technical education programs or services, 59722
described in division (B) of section 3317.014 of the Revised Code, 59723
operated by the school district or another school district that is 59724
a member of the district's career-technical planning district, 59725
other than a joint vocational school district, or by an 59726
educational service center, ~~excluding any student reported under~~ 59727
~~division (B)(3)(e) of this section as enrolled in an internet or~~ 59728
~~computer-based community school~~, notwithstanding division ~~(C)(H)~~ 59729
of section 3317.02 of the Revised Code and division (C)(3) of this 59730
section; 59731

~~Beginning with fiscal year 2010, vocational education ADM~~ 59732
~~shall not be used to calculate a district's funding but shall be~~ 59733
~~reported under divisions (B)(11) and (12) of this section for~~ 59734
~~statistical purposes.~~ 59735

(13) The average daily membership of pupils reported under 59736
division (A)(1) or (2) of this section enrolled in category three 59737
career-technical education programs or services, described in 59738
division (C) of section 3317.014 of the Revised Code, operated by 59739
the school district or another school district that is a member of 59740
the district's career-technical planning district, other than a 59741
joint vocational school district, or by an educational service 59742

center, notwithstanding division (H) of section 3317.02 of the 59743
Revised Code and division (C)(3) of this section; 59744

(14) The average daily membership of pupils reported under 59745
division (A)(1) or (2) of this section enrolled in category four 59746
career-technical education programs or services, described in 59747
division (D) of section 3317.014 of the Revised Code, operated by 59748
the school district or another school district that is a member of 59749
the district's career-technical planning district, other than a 59750
joint vocational school district, or by an educational service 59751
center, notwithstanding division (H) of section 3317.02 of the 59752
Revised Code and division (C)(3) of this section; 59753

(15) The average daily membership of pupils reported under 59754
division (A)(1) or (2) of this section enrolled in category five 59755
career-technical education programs or services, described in 59756
division (E) of section 3317.014 of the Revised Code, operated by 59757
the school district or another school district that is a member of 59758
the district's career-technical planning district, other than a 59759
joint vocational school district, or by an educational service 59760
center, notwithstanding division (H) of section 3317.02 of the 59761
Revised Code and division (C)(3) of this section; 59762

(16) The average daily membership of pupils reported under 59763
division (A)(1) or (2) of this section who are limited English 59764
proficient students described in division (A) of section 3317.016 59765
of the Revised Code, excluding any student reported under division 59766
(B)(3)(e) of this section as enrolled in an internet- or 59767
computer-based community school; 59768

(17) The average daily membership of pupils reported under 59769
division (A)(1) or (2) of this section who are limited English 59770
proficient students described in division (B) of section 3317.016 59771
of the Revised Code, excluding any student reported under division 59772
(B)(3)(e) of this section as enrolled in an internet- or 59773
computer-based community school; 59774

<u>(18) The average daily membership of pupils reported under</u>	59775
<u>division (A)(1) or (2) of this section who are limited English</u>	59776
<u>proficient students described in division (C) of section 3317.016</u>	59777
<u>of the Revised Code, excluding any student reported under division</u>	59778
<u>(B)(3)(e) of this section as enrolled in an internet- or</u>	59779
<u>computer-based community school;</u>	59780
<u>(19) The average number of children transported by the school</u>	59781
<u>district on board-owned or contractor-owned and -operated buses,</u>	59782
<u>reported in accordance with rules adopted by the department of</u>	59783
<u>education;</u>	59784
(14) <u>(20)(a) The number of children, other than preschool</u>	59785
<u>children with disabilities, the district placed with a county DD</u>	59786
<u>board in fiscal year 1998+. Division (B)(20)(a) of this section</u>	59787
<u>does not apply after fiscal year 2013.</u>	59788
(b) The number of children with disabilities, other than	59789
preschool children with disabilities, placed with a county DD	59790
board in the current fiscal year to receive special education	59791
services for the category one disability described in division (A)	59792
of section 3317.013 of the Revised Code;	59793
(c) The number of children with disabilities, other than	59794
preschool children with disabilities, placed with a county DD	59795
board in the current fiscal year to receive special education	59796
services for category two disabilities described in division (B)	59797
of section 3317.013 of the Revised Code;	59798
(d) The number of children with disabilities, other than	59799
preschool children with disabilities, placed with a county DD	59800
board in the current fiscal year to receive special education	59801
services for category three disabilities described in division (C)	59802
of section 3317.013 of the Revised Code;	59803
(e) The number of children with disabilities, other than	59804
preschool children with disabilities, placed with a county DD	59805

board in the current fiscal year to receive special education 59806
services for category four disabilities described in division (D) 59807
of section 3317.013 of the Revised Code; 59808

(f) The number of children with disabilities, other than 59809
preschool children with disabilities, placed with a county DD 59810
board in the current fiscal year to receive special education 59811
services for the category five disabilities described in division 59812
(E) of section 3317.013 of the Revised Code; 59813

(g) The number of children with disabilities, other than 59814
preschool children with disabilities, placed with a county DD 59815
board in the current fiscal year to receive special education 59816
services for category six disabilities described in division (F) 59817
of section 3317.013 of the Revised Code. 59818

(21) The number of students who are economically 59819
disadvantaged, as defined by the department, excluding any student 59820
reported under division (B)(3)(e) of this section as enrolled in 59821
an internet- or computer-based community school. A student shall 59822
not be categorically excluded from the number reported under 59823
division (B)(21) of this section based on anything other than 59824
family income. 59825

(C)(1) The average daily membership in divisions (B)(1) to 59826
(12) of this section shall be based upon the number of full-time 59827
equivalent students. The state board of education shall adopt 59828
rules defining full-time equivalent students and for determining 59829
the average daily membership therefrom for the purposes of 59830
divisions (A), (B), and (D) of this section. ~~Each student enrolled 59831~~
~~in kindergarten shall be counted as one full-time equivalent 59832~~
~~student regardless of whether the student is enrolled in a 59833~~
~~part day or all day kindergarten class. 59834~~

(2) A student enrolled in a community school established 59835
under Chapter 3314., a science, technology, engineering, and 59836

mathematics school established under Chapter 3326., or a 59837
college-preparatory boarding school established under Chapter 59838
3328. of the Revised Code shall be counted in the formula ADM and, 59839
if applicable, the category one, two, three, four, five, or six 59840
special education ADM of the school district in which the student 59841
is entitled to attend school under section 3313.64 or 3313.65 of 59842
the Revised Code for the same proportion of the school year that 59843
the student is counted in the enrollment of the community school, 59844
the science, technology, engineering, and mathematics school, or 59845
the college-preparatory boarding school for purposes of section 59846
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 59847
the number of students reported pursuant to division (B)(3)(d), 59848
(e), (j), or (k) of this section, the department may adjust the 59849
formula ADM of a school district to account for students entitled 59850
to attend school in the district under section 3313.64 or 3313.65 59851
of the Revised Code who are enrolled in a community school, a 59852
science, technology, engineering, and mathematics school, or a 59853
college-preparatory boarding school for only a portion of the 59854
school year. 59855

(3) No child shall be counted as more than a total of one 59856
child in the sum of the average daily memberships of a school 59857
district under division (A), divisions (B)(1) to ~~(12)~~(22), or 59858
division (D) of this section, except as follows: 59859

(a) A child with a disability described in section 3317.013 59860
of the Revised Code may be counted both in formula ADM and in 59861
category one, two, three, four, five, or six special education ADM 59862
and, if applicable, in category one ~~or~~, ~~two vocational~~, ~~three~~, 59863
four, or five career-technical education ADM. As provided in 59864
division ~~(C)~~(H) of section 3317.02 of the Revised Code, such a 59865
child shall be counted in category one, two, three, four, five, or 59866
six special education ADM in the same proportion that the child is 59867
counted in formula ADM. 59868

(b) A child enrolled in ~~vocational~~ career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one ~~or~~, two ~~vocational~~, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one ~~or~~, two ~~vocational~~, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the ~~vocational~~ career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October ~~the formula ADM, for purposes of section 3318.42 of the Revised Code and for any other purpose prescribed by law for which "formula ADM" of the joint vocational district is a factor, and on or before the fifteenth day of February in each year for the first full school week in February, the average daily membership.~~ If a school operated by the joint vocational school district is closed for one or more days during ~~that a week~~ for which the average daily membership must be certified due to hazardous weather conditions or other circumstances described in ~~the first paragraph of division (B)(A)(1) of section 3317.01~~ 3313.482 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the ~~formula ADM~~ average daily membership for that school for that

week and specify an alternate week in the same month for 59901
certifying the ~~formula~~ ADM average daily membership of that 59902
school. 59903

The ~~formula~~ ADM average daily membership, except as otherwise 59904
provided in this division, shall consist of the average daily 59905
membership during ~~such~~ a week, on an FTE basis, of the number of 59906
students receiving any educational services from the district, 59907
including students enrolled in a community school established 59908
under Chapter 3314. or a science, technology, engineering, and 59909
mathematics school established under Chapter 3326. of the Revised 59910
Code who are attending the joint vocational district ~~under an~~ 59911
~~agreement between the district board of education and the~~ 59912
~~governing authority of the community school or the governing body~~ 59913
~~of the science, technology, engineering, and mathematics school~~ 59914
and are entitled to attend school in a city, local, or exempted 59915
village school district whose territory is part of the territory 59916
of the joint vocational district. 59917

The following categories of students shall not be included in 59918
the determination made under division (D)(1) of this section: 59919

(a) Students enrolled in adult education classes; 59920

(b) Adjacent or other district joint vocational students 59921
enrolled in the district under an open enrollment policy pursuant 59922
to section 3313.98 of the Revised Code; 59923

(c) Students receiving services in the district pursuant to a 59924
compact, cooperative education agreement, or a contract, but who 59925
are entitled to attend school in a city, local, or exempted 59926
village school district whose territory is not part of the 59927
territory of the joint vocational district; 59928

(d) Students for whom tuition is payable pursuant to sections 59929
3317.081 and 3323.141 of the Revised Code. 59930

(2) To enable the department of education to obtain the data 59931

needed to complete the calculation of payments pursuant to this 59932
chapter, in addition to the ~~formula~~ ADM, each superintendent shall 59933
report separately the average daily membership included in the 59934
report under division (D)(1) of this section for each of the 59935
following categories of students for each of the ~~same week~~ weeks 59936
for which ~~formula~~ ADM is certified: 59937

(a) Students enrolled in each individual grade included in 59938
the joint vocational district schools; 59939

(b) Children with disabilities receiving special education 59940
services for the category one disability described in division (A) 59941
of section 3317.013 of the Revised Code; 59942

(c) Children with disabilities receiving special education 59943
services for the category two disabilities described in division 59944
(B) of section 3317.013 of the Revised Code; 59945

(d) Children with disabilities receiving special education 59946
services for category three disabilities described in division (C) 59947
of section 3317.013 of the Revised Code; 59948

(e) Children with disabilities receiving special education 59949
services for category four disabilities described in division (D) 59950
of section 3317.013 of the Revised Code; 59951

(f) Children with disabilities receiving special education 59952
services for the category five disabilities described in division 59953
(E) of section 3317.013 of the Revised Code; 59954

(g) Children with disabilities receiving special education 59955
services for category six disabilities described in division (F) 59956
of section 3317.013 of the Revised Code; 59957

(h) Students receiving category one ~~vocational~~ 59958
career-technical education services, described in division (A) of 59959
section 3317.014 of the Revised Code; 59960

(i) Students receiving category two ~~vocational~~ 59961

career-technical education services, described in division (B) of section 3317.014 of the Revised Code; 59962
59963

(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code; 59964
59965
59966

(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code; 59967
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59969

(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code; 59970
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59972

(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code; 59973
59974

(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code; 59975
59976

(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code; 59977
59978

(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income. 59979
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The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 59983
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(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the 59988
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actual membership enrolled in regular day classes. For the purpose 59992
of determining average daily membership, the membership figure of 59993
any school shall not include any pupils except those pupils 59994
described by division (A) of this section. The record of 59995
membership for each school shall be maintained in such manner that 59996
no pupil shall be counted as in membership prior to the actual 59997
date of entry in the school and also in such manner that where for 59998
any cause a pupil permanently withdraws from the school that pupil 59999
shall not be counted as in membership from and after the date of 60000
such withdrawal. There shall not be included in the membership of 60001
any school any of the following: 60002

(1) Any pupil who has graduated from the twelfth grade of a 60003
public or nonpublic high school; 60004

(2) Any pupil who is not a resident of the state; 60005

(3) Any pupil who was enrolled in the schools of the district 60006
during the previous school year when assessments were administered 60007
under section 3301.0711 of the Revised Code but did not take one 60008
or more of the assessments required by that section and was not 60009
excused pursuant to division (C)(1) or (3) of that section; 60010

(4) Any pupil who has attained the age of twenty-two years, 60011
except for veterans of the armed services whose attendance was 60012
interrupted before completing the recognized twelve-year course of 60013
the public schools by reason of induction or enlistment in the 60014
armed forces and who apply for reenrollment in the public school 60015
system of their residence not later than four years after 60016
termination of war or their honorable discharge. 60017

If, however, any veteran described by division (E)(4) of this 60018
section elects to enroll in special courses organized for veterans 60019
for whom tuition is paid under the provisions of federal laws, or 60020
otherwise, that veteran shall not be included in average daily 60021
membership. 60022

Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the week for which the average daily membership is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those children with disabilities currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

~~(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth~~

~~day of February. For the balance of the fiscal year, beginning 60055
with the February payments, the superintendent of public 60056
instruction shall use the increased formula ADM in calculating or 60057
recalculating the amounts to be allocated in accordance with 60058
section 3317.022 or 3317.16 of the Revised Code. In no event shall 60059
the superintendent use an increased membership certified to the 60060
superintendent after the fifteenth day of February. Division 60061
(F)(1) of this section does not apply after fiscal year 2006. 60062~~

~~(2) If on the first school day of April the total number of 60063
classes or units for preschool children with disabilities that are 60064
eligible for approval under division (B) of section 3317.05 of the 60065
Revised Code exceeds the number of units that have been approved 60066
for the year under that division, the superintendent of schools of 60067
any city, exempted village, or cooperative education school 60068
district or educational service center shall make the 60069
certifications required by this section for that day. If the 60070
department determines additional units can be approved for the 60071
fiscal year within any limitations set forth in the acts 60072
appropriating moneys for the funding of such units, the department 60073
shall approve additional units for the fiscal year on the basis of 60074
such average daily membership. For each unit so approved, the 60075
department shall pay an amount computed in the manner prescribed 60076
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 60077
Code. 60078~~

~~(3) If a student attending a community school under Chapter 60079
3314., a science, technology, engineering, and mathematics school 60080
established under Chapter 3326., or a college-preparatory boarding 60081
school established under Chapter 3328. of the Revised Code is not 60082
included in the formula ADM certified for the school district in 60083
which the student is entitled to attend school under section 60084
3313.64 or 3313.65 of the Revised Code, the department of 60085
education shall adjust the formula ADM of that school district to 60086~~

include the student in accordance with division (C)(2) of this 60087
section, and shall recalculate the school district's payments 60088
under this chapter for the entire fiscal year on the basis of that 60089
adjusted formula ADM. This requirement applies regardless of 60090
whether the student was enrolled, as defined in division (E) of 60091
this section, in the community school, the science, technology, 60092
engineering, and mathematics school, or the college-preparatory 60093
boarding school during the ~~week~~ weeks for which the formula ADM is 60094
being certified. 60095

~~(4)~~(2) If a student awarded an educational choice scholarship 60096
is not included in the formula ADM of the school district from 60097
which the department deducts funds for the scholarship under 60098
section 3310.08 of the Revised Code, the department shall adjust 60099
the formula ADM of that school district to include the student to 60100
the extent necessary to account for the deduction, and shall 60101
recalculate the school district's payments under this chapter for 60102
the entire fiscal year on the basis of that adjusted formula ADM. 60103
This requirement applies regardless of whether the student was 60104
enrolled, as defined in division (E) of this section, in the 60105
chartered nonpublic school, the school district, or a community 60106
school during the ~~week~~ weeks for which the formula ADM is being 60107
certified. 60108

~~(5)~~(3) If a student awarded a scholarship under the Jon 60109
Peterson special needs scholarship program is not included in the 60110
formula ADM of the school district from which the department 60111
deducts funds for the scholarship under section 3310.55 of the 60112
Revised Code, the department shall adjust the formula ADM of that 60113
school district to include the student to the extent necessary to 60114
account for the deduction, and shall recalculate the school 60115
district's payments under this chapter for the entire fiscal year 60116
on the basis of that adjusted formula ADM. This requirement 60117
applies regardless of whether the student was enrolled, as defined 60118

in division (E) of this section, in an alternative public 60119
provider, a registered private provider, or the school district 60120
during the ~~week~~ weeks for which the formula ADM is being 60121
certified. 60122

(G)(1)(a) The superintendent of an institution operating a 60123
special education program pursuant to section 3323.091 of the 60124
Revised Code shall, for the programs under such superintendent's 60125
supervision, certify to the state board of education, in the 60126
manner prescribed by the superintendent of public instruction, 60127
both of the following: 60128

(i) The average daily membership of all children with 60129
disabilities other than preschool children with disabilities 60130
receiving services at the institution for each category of 60131
disability described in divisions (A) to (F) of section 3317.013 60132
of the Revised Code; 60133

(ii) The average daily membership of all preschool children 60134
with disabilities in classes or programs ~~approved annually by the~~ 60135
~~department of education for unit~~ for whom the district is eligible 60136
to receive funding under section 3317.05 3317.0213 of the Revised 60137
Code, reported according to the categories prescribed in section 60138
3317.013 of the Revised Code. 60139

(b) The superintendent of an institution with ~~vocational~~ 60140
career-technical education units approved under ~~division (A) of~~ 60141
section 3317.05 of the Revised Code shall, for the units under the 60142
superintendent's supervision, certify to the state board of 60143
education the average daily membership in those units, in the 60144
manner prescribed by the superintendent of public instruction. 60145

(2) The superintendent of each county DD board that maintains 60146
special education classes under section 3317.20 of the Revised 60147
Code or ~~units approved~~ provides services to preschool children 60148
with disabilities pursuant to ~~section 3317.05 of the Revised Code~~ 60149

an agreement between the DD board and the appropriate school district shall do both of the following: 60150
60151

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes; 60152
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(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes for which the DD board is eligible for approval to receive funding under division (B) of section 3317.05 3317.0213 of the Revised Code, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes. 60156
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~~(3)(a) If on the first school day of April the number of classes or units maintained for preschool children with disabilities by the county DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.~~ 60163
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~~(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (C)(3)(a) of this section, the department shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in sections 3317.052 and 3317.053 of the Revised Code.~~ 60170
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(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides 60179
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instruction for a nonresident pupil whose attendance is 60181
unauthorized attendance as defined in section 3327.06 of the 60182
Revised Code, that pupil's membership shall not be included in 60183
that district's membership figure used in the calculation of that 60184
district's formula ADM or included in the determination of any 60185
~~unit funding~~ approved for the district under section ~~3317.05~~ 60186
3317.0213 of the Revised Code. The reporting official shall report 60187
separately the average daily membership of all pupils whose 60188
attendance in the district is unauthorized attendance, and the 60189
membership of each such pupil shall be credited to the school 60190
district in which the pupil is entitled to attend school under 60191
division (B) of section 3313.64 or section 3313.65 of the Revised 60192
Code as determined by the department of education. 60193

(I)(1) A city, local, exempted village, or joint vocational 60194
school district admitting a scholarship student of a pilot project 60195
district pursuant to division (C) of section 3313.976 of the 60196
Revised Code may count such student in its average daily 60197
membership. 60198

(2) In any year for which funds are appropriated for pilot 60199
project scholarship programs, a school district implementing a 60200
state-sponsored pilot project scholarship program that year 60201
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 60202
count in average daily membership: 60203

(a) All children residing in the district and utilizing a 60204
scholarship to attend kindergarten in any alternative school, as 60205
defined in section 3313.974 of the Revised Code; 60206

(b) All children who were enrolled in the district in the 60207
preceding year who are utilizing a scholarship to attend an 60208
alternative school. 60209

(J) The superintendent of each cooperative education school 60210
district shall certify to the superintendent of public 60211

instruction, in a manner prescribed by the state board of 60212
education, the applicable average daily memberships for all 60213
students in the cooperative education district, also indicating 60214
the city, local, or exempted village district where each pupil is 60215
entitled to attend school under section 3313.64 or 3313.65 of the 60216
Revised Code. 60217

(K) If the superintendent of public instruction determines 60218
that a component of the average daily membership certified or 60219
reported by a district superintendent, or other reporting entity, 60220
is not correct, the superintendent of public instruction may order 60221
that the formula ADM used for the purposes of payments under any 60222
section of Title XXXVIII of the Revised Code be adjusted in the 60223
amount of the error. 60224

Sec. 3317.032. ~~(A)~~ Each city, local, exempted village, and 60225
cooperative education school district, each educational service 60226
center, each county DD board, and each institution operating a 60227
special education program pursuant to section 3323.091 of the 60228
Revised Code shall, in accordance with procedures adopted by the 60229
state board of education, maintain a record of district membership 60230
of ~~both of the following:~~ 60231

~~(1) All preschool children with disabilities in units 60232
approved under division (B) of section 3317.05 of the Revised 60233
Code;~~ 60234

~~(2) All all preschool children with disabilities who are not 60235
in units approved under division (B) of section 3317.05 of the 60236
Revised Code but who are otherwise served by a special education 60237
program. 60238~~

~~(B) The superintendent of each district, board, or 60239
institution subject to division (A) of this section shall certify 60240
to the state board of education, in accordance with procedures 60241
adopted by that board, membership figures of all preschool 60242~~

~~children with disabilities whose membership is maintained under 60243
division (A)(2) of this section. The figures certified under this 60244
division shall be used in the determination of the ADM used to 60245
compute funds for educational service center governing boards 60246
under section 3317.11 of the Revised Code. 60247~~

Sec. 3317.05. (A) ~~For the purpose of calculating payments 60248
under sections 3317.052 and 3317.053 of the Revised Code, the The 60249
department of education shall determine for each institution, by 60250
the last day of January of each year and based on information 60251
certified under section 3317.03 of the Revised Code, the number of 60252
~~vocational~~ career-technical education units or fractions of units 60253
approved by the department on the basis of standards and rules 60254
adopted by the state board of education. As used in this ~~division~~ 60255
section, "institution" means an institution operated by a 60256
department specified in section 3323.091 of the Revised Code and 60257
that provides ~~vocational~~ career-technical education programs under 60258
the supervision of the division of ~~vocational~~ career-technical 60259
education of the department that meet the standards and rules for 60260
these programs, including licensure of professional staff involved 60261
in the programs, as established by the state board. 60262~~

(B) ~~For the purpose of calculating payments under sections 60263
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 60264
department shall determine, based on information certified under 60265
section 3317.03 of the Revised Code, the following by the last day 60266
of January of each year for each educational service center, for 60267
each school district, including each cooperative education school 60268
district, for each institution eligible for payment under section 60269
3323.091 of the Revised Code, and for each county DD board: the 60270
number of classes operated by the school district, service center, 60271
institution, or county DD board for preschool children with 60272
disabilities, or fraction thereof, including in the case of a 60273
district or service center that is a funding agent, classes taught 60274~~

~~by a licensed teacher employed by that district or service center 60275
under section 3313.841 of the Revised Code, approved annually by 60276
the department on the basis of standards and rules adopted by the 60277
state board. 60278~~

~~(C) For the purpose of calculating payments under sections 60279
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 60280
department shall determine, based on information certified under 60281
section 3317.03 of the Revised Code, the following by the last day 60282
of January of each year for each school district, including each 60283
cooperative education school district, for each institution 60284
eligible for payment under section 3323.091 of the Revised Code, 60285
and for each county DD board: the number of units for related 60286
services, as defined in section 3323.01 of the Revised Code, for 60287
preschool children with disabilities approved annually by the 60288
department on the basis of standards and rules adopted by the 60289
state board. 60290~~

~~(D) All of the arithmetical calculations made under this 60291
section shall be carried to the second decimal place. The total 60292
number of units for school districts, service centers, and 60293
institutions approved annually under this section shall not exceed 60294
the number of units included in the estimate of cost for these 60295
units and appropriations made for them by the general assembly. 60296~~

~~In the case of units for preschool children with disabilities 60297
described in division (B) of this section, the department shall 60298
approve only preschool units for children who are under age six on 60299
the thirtieth day of September of the academic year, or on the 60300
first day of August of the academic year if the school district in 60301
which the child is enrolled has adopted a resolution under 60302
division (A)(3) of section 3321.01 of the Revised Code, but not 60303
less than age three on the first day of December of the academic 60304
year, except that such a unit may include one or more children who 60305
are under age three or are age six or over on the applicable date, 60306~~

~~as reported under division (B)(2) or (C)(2)(b) of section 3317.03 60307
of the Revised Code, if such children have been admitted to the 60308
unit pursuant to rules of the state board. The number of units for 60309
county DD boards and institutions eligible for payment under 60310
section 3323.091 of the Revised Code approved under this section 60311
shall not exceed the number that can be funded with appropriations 60312
made for such purposes by the general assembly. 60313~~

~~No unit shall be approved under divisions (B) and (C) of this 60314
section unless a plan has been submitted and approved under 60315
Chapter 3323. of the Revised Code. 60316~~

(C) The department shall pay each institution approved for 60317
career-technical education units under division (A) of this 60318
section an amount for the total of all the units approved under 60319
that division. The amount for each unit shall be the sum of the 60320
minimum salary for the teacher of the unit, calculated on the 60321
basis of the teacher's training level and years of experience 60322
pursuant to the salary schedule prescribed in the version of 60323
section 3317.13 of the Revised Code in effect prior to July 1, 60324
2001, plus fifteen per cent of that minimum salary amount, and 60325
nine thousand five hundred ten dollars. Each institution that 60326
receives unit funds under this division annually shall report to 60327
the department on the delivery of services and the performance of 60328
students and any other information required by the department to 60329
evaluate the institution's career-technical education program. 60330

(D) For each unit allocated to an institution pursuant to 60331
division (A) of this section, the department, in addition to the 60332
amount specified in division (B) of this section, shall pay a 60333
supplemental unit allowance of \$7,227. 60334

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 60335
means a school district's formula ADM minus the number of students 60336
reported by a district under divisions (A)(2)(a) and (i) of 60337

section 3317.03 of the Revised Code. 60338

(B) The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section. 60339
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(C) The department shall allocate gifted units for a school district as follows: 60343
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(1) One gifted coordinator unit shall be allocated for every 3,300 students in a district's gifted unit ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district. 60345
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(2) One gifted intervention specialist unit shall be allocated for every 1,100 students in a district's gifted unit ADM, with a minimum of 0.3 units allocated for the district. 60348
60349
60350

(D) The department shall pay the following amount to a school district for gifted units: 60351
60352

(1) In fiscal year 2014, \$37,000 multiplied by the number of units allocated to a school district under division (C) of this section; 60353
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(2) In fiscal year 2015, \$37,370 multiplied by the number of units allocated to a school district under division (C) of this section. 60356
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A school district shall use the funds it receives for units allocated under division (C)(1) of this section only for gifted coordinator services as prescribed by the department. Qualified personnel shall be employed by the district for this purpose on a full-time equivalency basis that corresponds to the number of units allocated to the district under division (C)(1) of this section. 60359
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A school district shall use the funds it receives for units allocated under division (C)(2) of this section only for gifted 60366
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intervention specialist services as prescribed by the department. 60368
Qualified personnel shall be employed by the district for this 60369
purpose on a full-time equivalency basis that corresponds to the 60370
number of units allocated to the district under division (C)(2) of 60371
this section. 60372

(E) A school district may assign gifted unit funding that it 60373
receives under division (D) of this section to another school 60374
district, an educational service center, a community school, or a 60375
STEM school as part of an arrangement to provide services to the 60376
district as follows: 60377

(1) Funds received for units allocated under division (C)(1) 60378
of this section may be assigned to a district, service center, or 60379
school that employs qualified gifted coordinators; 60380

(2) Funds received for units allocated under division (C)(2) 60381
of this section may be assigned to a district, service center, or 60382
school that employs qualified gifted intervention specialists. 60383

Sec. 3317.06. Moneys paid to school districts under division 60384
(E) of section 3317.024 of the Revised Code shall be used for the 60385
following independent and fully severable purposes: 60386

(A) To purchase such secular textbooks or ~~electronic~~ 60387
~~textbooks~~ digital texts as have been approved by the 60388
superintendent of public instruction for use in public schools in 60389
the state and to loan such textbooks or ~~electronic textbooks~~ 60390
digital texts to pupils attending nonpublic schools within the 60391
district or to their parents and to hire clerical personnel to 60392
administer such lending program. Such loans shall be based upon 60393
individual requests submitted by such nonpublic school pupils or 60394
parents. Such requests shall be submitted to the school district 60395
in which the nonpublic school is located. Such individual requests 60396
for the loan of textbooks or ~~electronic textbooks~~ digital texts 60397
shall, for administrative convenience, be submitted by the 60398

nonpublic school pupil or the pupil's parent to the nonpublic 60399
school, which shall prepare and submit collective summaries of the 60400
individual requests to the school district. As used in this 60401
section: 60402

(1) "Textbook" means any book or book substitute that a pupil 60403
uses as a consumable or nonconsumable text, text substitute, or 60404
text supplement in a particular class or program in the school the 60405
pupil regularly attends. 60406

(2) ~~"Electronic textbook"~~ "Digital text" means ~~any a~~ 60407
consumable book or book substitute that a student accesses through 60408
the use of a computer or other electronic medium or that is 60409
available through an internet-based provider of course content, or 60410
any other material that contributes to the learning process 60411
through electronic means. 60412

(B) To provide speech and hearing diagnostic services to 60413
pupils attending nonpublic schools within the district. Such 60414
service shall be provided in the nonpublic school attended by the 60415
pupil receiving the service. 60416

(C) To provide physician, nursing, dental, and optometric 60417
services to pupils attending nonpublic schools within the 60418
district. Such services shall be provided in the school attended 60419
by the nonpublic school pupil receiving the service. 60420

(D) To provide diagnostic psychological services to pupils 60421
attending nonpublic schools within the district. Such services 60422
shall be provided in the school attended by the pupil receiving 60423
the service. 60424

(E) To provide therapeutic psychological and speech and 60425
hearing services to pupils attending nonpublic schools within the 60426
district. Such services shall be provided in the public school, in 60427
nonpublic schools, in public centers, or in mobile units located 60428
on or off of the nonpublic premises. If such services are provided 60429

in the public school or in public centers, transportation to and 60430
from such facilities shall be provided by the school district in 60431
which the nonpublic school is located. 60432

(F) To provide guidance, counseling, and social work services 60433
to pupils attending nonpublic schools within the district. Such 60434
services shall be provided in the public school, in nonpublic 60435
schools, in public centers, or in mobile units located on or off 60436
of the nonpublic premises. If such services are provided in the 60437
public school or in public centers, transportation to and from 60438
such facilities shall be provided by the school district in which 60439
the nonpublic school is located. 60440

(G) To provide remedial services to pupils attending 60441
nonpublic schools within the district. Such services shall be 60442
provided in the public school, in nonpublic schools, in public 60443
centers, or in mobile units located on or off of the nonpublic 60444
premises. If such services are provided in the public school or in 60445
public centers, transportation to and from such facilities shall 60446
be provided by the school district in which the nonpublic school 60447
is located. 60448

(H) To supply for use by pupils attending nonpublic schools 60449
within the district such standardized tests and scoring services 60450
as are in use in the public schools of the state; 60451

(I) To provide programs for children who attend nonpublic 60452
schools within the district and are children with disabilities as 60453
defined in section 3323.01 of the Revised Code or gifted children. 60454
Such programs shall be provided in the public school, in nonpublic 60455
schools, in public centers, or in mobile units located on or off 60456
of the nonpublic premises. If such programs are provided in the 60457
public school or in public centers, transportation to and from 60458
such facilities shall be provided by the school district in which 60459
the nonpublic school is located. 60460

(J) To hire clerical personnel to assist in the 60461
administration of programs pursuant to divisions (B), (C), (D), 60462
(E), (F), (G), and (I) of this section and to hire supervisory 60463
personnel to supervise the providing of services and textbooks 60464
pursuant to this section. 60465

(K) To purchase or lease any secular, neutral, and 60466
nonideological computer application software designed to assist 60467
students in performing a single task or multiple related tasks, 60468
device management software, learning management software, 60469
site-licensing, digital video on demand (DVD), wide area 60470
connectivity and related technology as it relates to internet 60471
access, mathematics or science equipment and materials, 60472
instructional materials, and school library materials that are in 60473
general use in the public schools of the state and loan such items 60474
to pupils attending nonpublic schools within the district or to 60475
their parents, and to hire clerical personnel to administer the 60476
lending program. Only such items that are incapable of diversion 60477
to religious use and that are susceptible of loan to individual 60478
pupils and are furnished for the use of individual pupils shall be 60479
purchased and loaned under this division. As used in this section, 60480
"instructional materials" means prepared learning materials that 60481
are secular, neutral, and nonideological in character and are of 60482
benefit to the instruction of school children, ~~and may include~~ 60483
~~educational resources and services developed by the eTech Ohio~~ 60484
~~commission.~~ 60485

Mobile applications that are secular, neutral, and 60486
nonideological in character and that are purchased for less than 60487
ten dollars for instructional use shall be considered to be 60488
consumable and shall be distributed to students without the 60489
expectation that the applications must be returned. 60490

(L) To purchase or lease instructional equipment, including 60491
computer hardware and related equipment in general use in the 60492

public schools of the state, for use by pupils attending nonpublic 60493
schools within the district and to loan such items to pupils 60494
attending nonpublic schools within the district or to their 60495
parents, and to hire clerical personnel to administer the lending 60496
program. "Computer hardware and related equipment" includes 60497
desktop computers and workstations; laptop computers, computer 60498
tablets, and other mobile handheld devices; and their operating 60499
systems and accessories. 60500

(M) To purchase mobile units to be used for the provision of 60501
services pursuant to divisions (E), (F), (G), and (I) of this 60502
section and to pay for necessary repairs and operating costs 60503
associated with these units. 60504

(N) To reimburse costs the district incurred to store the 60505
records of a chartered nonpublic school that closes. 60506
Reimbursements under this division shall be made one time only for 60507
each chartered nonpublic school that closes. 60508

(O) To purchase life-saving medical or other emergency 60509
equipment for placement in nonpublic schools within the district 60510
or to maintain such equipment. 60511

Clerical and supervisory personnel hired pursuant to division 60512
(J) of this section shall perform their services in the public 60513
schools, in nonpublic schools, public centers, or mobile units 60514
where the services are provided to the nonpublic school pupil, 60515
except that such personnel may accompany pupils to and from the 60516
service sites when necessary to ensure the safety of the children 60517
receiving the services. 60518

All services provided pursuant to this section may be 60519
provided under contract with educational service centers, the 60520
department of health, city or general health districts, or private 60521
agencies whose personnel are properly licensed by an appropriate 60522
state board or agency. 60523

Transportation of pupils provided pursuant to divisions (E), 60524
(F), (G), and (I) of this section shall be provided by the school 60525
district from its general funds and not from moneys paid to it 60526
under division (E) of section 3317.024 of the Revised Code unless 60527
a special transportation request is submitted by the parent of the 60528
child receiving service pursuant to such divisions. If such an 60529
application is presented to the school district, it may pay for 60530
the transportation from moneys paid to it under division (E) of 60531
section 3317.024 of the Revised Code. 60532

No school district shall provide health or remedial services 60533
to nonpublic school pupils as authorized by this section unless 60534
such services are available to pupils attending the public schools 60535
within the district. 60536

Materials, equipment, computer hardware or software, 60537
textbooks, ~~electronic textbooks~~ digital texts, and health and 60538
remedial services provided for the benefit of nonpublic school 60539
pupils pursuant to this section and the admission of pupils to 60540
such nonpublic schools shall be provided without distinction as to 60541
race, creed, color, or national origin of such pupils or of their 60542
teachers. 60543

No school district shall provide services, materials, or 60544
equipment that contain religious content for use in religious 60545
courses, devotional exercises, religious training, or any other 60546
religious activity. 60547

As used in this section, "parent" includes a person standing 60548
in loco parentis to a child. 60549

Notwithstanding section 3317.01 of the Revised Code, payments 60550
shall be made under this section to any city, local, or exempted 60551
village school district within which is located one or more 60552
nonpublic elementary or high schools and any payments made to 60553
school districts under division (E) of section 3317.024 of the 60554

Revised Code for purposes of this section may be disbursed without 60555
submission to and approval of the controlling board. 60556

The allocation of payments for materials, equipment, 60557
textbooks, ~~electronic textbooks~~ digital texts, health services, 60558
and remedial services to city, local, and exempted village school 60559
districts shall be on the basis of the state board of education's 60560
estimated annual average daily membership in nonpublic elementary 60561
and high schools located in the district. 60562

Payments made to city, local, and exempted village school 60563
districts under this section shall be equal to specific 60564
appropriations made for the purpose. All interest earned by a 60565
school district on such payments shall be used by the district for 60566
the same purposes and in the same manner as the payments may be 60567
used. 60568

The department of education shall adopt guidelines and 60569
procedures under which such programs and services shall be 60570
provided, under which districts shall be reimbursed for 60571
administrative costs incurred in providing such programs and 60572
services, and under which any unexpended balance of the amounts 60573
appropriated by the general assembly to implement this section may 60574
be transferred to the auxiliary services personnel unemployment 60575
compensation fund established pursuant to section 4141.47 of the 60576
Revised Code. The department shall also adopt guidelines and 60577
procedures limiting the purchase and loan of the items described 60578
in division (K) of this section to items that are in general use 60579
in the public schools of the state, that are incapable of 60580
diversion to religious use, and that are susceptible to individual 60581
use rather than classroom use. Within thirty days after the end of 60582
each biennium, each board of education shall remit to the 60583
department all moneys paid to it under division (E) of section 60584
3317.024 of the Revised Code and any interest earned on those 60585
moneys that are not required to pay expenses incurred under this 60586

section during the biennium for which the money was appropriated 60587
and during which the interest was earned. If a board of education 60588
subsequently determines that the remittal of moneys leaves the 60589
board with insufficient money to pay all valid expenses incurred 60590
under this section during the biennium for which the remitted 60591
money was appropriated, the board may apply to the department of 60592
education for a refund of money, not to exceed the amount of the 60593
insufficiency. If the department determines the expenses were 60594
lawfully incurred and would have been lawful expenditures of the 60595
refunded money, it shall certify its determination and the amount 60596
of the refund to be made to the director of job and family 60597
services who shall make a refund as provided in section 4141.47 of 60598
the Revised Code. 60599

Each school district shall label materials, equipment, 60600
computer hardware or software, textbooks, and ~~electronic textbooks~~ 60601
digital texts purchased or leased for loan to a nonpublic school 60602
under this section, acknowledging that they were purchased or 60603
leased with state funds under this section. However, a district 60604
need not label materials, equipment, computer hardware or 60605
software, textbooks, or ~~electronic textbooks~~ digital texts that 60606
the district determines are consumable in nature or have a value 60607
of less than two hundred dollars. 60608

Sec. 3317.063. The superintendent of public instruction, in 60609
accordance with rules adopted by the department of education, 60610
shall annually reimburse each chartered nonpublic school for the 60611
actual mandated service administrative and clerical costs incurred 60612
by such school during the preceding school year in preparing, 60613
maintaining, and filing reports, forms, and records, and in 60614
providing such other administrative and clerical services that are 60615
not an integral part of the teaching process as may be required by 60616
state law or rule or by requirements duly promulgated by city, 60617
exempted village, or local school districts. The mandated service 60618

costs reimbursed pursuant to this section shall include, but are 60619
not limited to, the preparation, filing and maintenance of forms, 60620
reports, or records and other clerical and administrative services 60621
relating to state chartering or approval of the nonpublic school, 60622
pupil attendance, pupil health and health testing, transportation 60623
of pupils, federally funded education programs, pupil appraisal, 60624
pupil progress, educator licensure, unemployment and workers' 60625
compensation, transfer of pupils, and such other education related 60626
data which are now or hereafter shall be required of such 60627
nonpublic school by state law or rule, or by requirements of the 60628
state department of education, other state agencies, or city, 60629
exempted village, or local school districts. 60630

The reimbursement required by this section shall be for 60631
school years beginning on or after July 1, 1981. 60632

Each nonpublic school which seeks reimbursement pursuant to 60633
this section shall submit to the superintendent of public 60634
instruction an application together with such additional reports 60635
and documents as the department of education may require. Such 60636
application, reports, and documents shall contain such information 60637
as the department of education may prescribe in order to carry out 60638
the purposes of this section. No payment shall be made until the 60639
superintendent of public instruction has approved such 60640
application. 60641

Each nonpublic school which applies for reimbursement 60642
pursuant to this section shall maintain a separate account or 60643
system of accounts for the expenses incurred in rendering the 60644
required services for which reimbursement is sought. Such accounts 60645
shall contain such information as is required by the department of 60646
education and shall be maintained in accordance with rules adopted 60647
by the department of education. 60648

Reimbursement payments to a nonpublic school pursuant to this 60649
section shall not exceed an amount for each school year equal to 60650

three hundred ~~twenty-five~~ sixty dollars per pupil enrolled in that nonpublic school.

The superintendent of public instruction may, from time to time, examine any and all accounts and records of a nonpublic school which have been maintained pursuant to this section in support of an application for reimbursement, for the purpose of determining the costs to such school of rendering the services for which reimbursement is sought. If after such audit it is determined that any school has received funds in excess of the actual cost of providing such services, said school shall immediately reimburse the state in such excess amount.

Any payments made to chartered nonpublic schools under this section may be disbursed without submission to and approval of the controlling board.

Sec. 3317.08. A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child.

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a preschool child with a disability described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the district's formula ADM.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section

5748.03, 5748.08, or 5748.09 of the Revised Code that are 60681
disbursed to the district during the fiscal year, excluding any 60682
income tax receipts allocated for the project cost, debt service, 60683
or maintenance set-aside associated with a state-assisted 60684
classroom facilities project as authorized by section 3318.052 of 60685
the Revised Code. On or before the first day of June of each year, 60686
the tax commissioner shall certify the amount to be used in the 60687
calculation under this division for the next fiscal year to the 60688
department of education and the office of budget and management 60689
for each city, local, and exempted village school district that 60690
levies a school district income tax. 60691

(B) For any preschool child with a disability ~~not included in~~ 60692
~~a unit approved under division (B) of section 3317.05 of the~~ 60693
~~Revised Code~~, an amount computed for the school year as follows: 60694

(1) For each type of special education service provided to 60695
the child for whom tuition is being calculated, determine the 60696
amount of the district's operating expenses in providing that type 60697
of service to all preschool children with disabilities ~~not~~ 60698
~~included in units approved under division (B) of section 3317.05~~ 60699
~~of the Revised Code;~~ 60700

(2) For each type of special education service for which 60701
operating expenses are determined under division (B)(1) of this 60702
section, determine the amount of such operating expenses that was 60703
paid from any state funds received under this chapter; 60704

(3) For each type of special education service for which 60705
operating expenses are determined under division (B)(1) of this 60706
section, divide the difference between the amount determined under 60707
division (B)(1) of this section and the amount determined under 60708
division (B)(2) of this section by the total number of preschool 60709
children with disabilities ~~not included in units approved under~~ 60710
~~division (B) of section 3317.05 of the Revised Code~~ who received 60711
that type of service; 60712

(4) Determine the sum of the quotients obtained under 60713
division (B)(3) of this section for all types of special education 60714
services provided to the child for whom tuition is being 60715
calculated. 60716

The state board of education shall adopt rules defining the 60717
types of special education services and specifying the operating 60718
expenses to be used in the computation under this section. 60719

If any child for whom a tuition charge is computed under this 60720
section for any school year is enrolled in a district for only 60721
part of that school year, the amount of the district's tuition 60722
charge for the child for the school year shall be computed in 60723
proportion to the number of school days the child is enrolled in 60724
the district during the school year. 60725

Except as otherwise provided in division (J) of section 60726
3313.64 of the Revised Code, whenever a district admits a child to 60727
its schools for whom tuition computed in accordance with this 60728
section is an obligation of another school district, the amount of 60729
the tuition shall be certified by the treasurer of the board of 60730
education of the district of attendance, to the board of education 60731
of the district required to pay tuition for its approval and 60732
payment. If agreement as to the amount payable or the district 60733
required to pay the tuition cannot be reached, or the board of 60734
education of the district required to pay the tuition refuses to 60735
pay that amount, the board of education of the district of 60736
attendance shall notify the superintendent of public instruction. 60737
The superintendent shall determine the correct amount and the 60738
district required to pay the tuition and shall deduct that amount, 60739
if any, under division (D) of section 3317.023 of the Revised 60740
Code, from the district required to pay the tuition and add that 60741
amount to the amount allocated to the district attended under such 60742
division. The superintendent of public instruction shall send to 60743
the district required to pay the tuition an itemized statement 60744

showing such deductions at the time of such deduction. 60745

When a political subdivision owns and operates an airport, 60746
welfare, or correctional institution or other project or facility 60747
outside its corporate limits, the territory within which the 60748
facility is located is exempt from taxation by the school district 60749
within which such territory is located, and there are school age 60750
children residing within such territory, the political subdivision 60751
owning such tax exempt territory shall pay tuition to the district 60752
in which such children attend school. The tuition for these 60753
children shall be computed as provided for in this section. 60754

Sec. 3317.10. (A) On or before the first day of March of each 60755
year, the department of job and family services shall certify to 60756
the state board of education the unduplicated number of children 60757
ages five through seventeen residing in each school district and 60758
living in a family that, during the preceding October, 60759
participated in Ohio works first. 60760

The department of job and family services shall certify this 60761
information according to the school district of residence for each 60762
child. ~~Except as provided under division (B) of this section, the~~ 60763
~~number of children so certified in any year shall be used by the~~ 60764
~~department of education in calculating the distribution of moneys~~ 60765
~~for the ensuing fiscal year as provided in section 3317.029 of the~~ 60766
~~Revised Code.~~ 60767

(B) Upon the transfer of part of the territory of one school 60768
district to the territory of one or more other school districts, 60769
the department of education may adjust the number of children 60770
certified under division (A) of this section for any district 60771
gaining or losing territory in such a transfer in order to take 60772
into account the effect of the transfer on the number of such 60773
children who reside in the district. Within sixty days of receipt 60774
of a request for information from the department of education, the 60775

department of job and family services shall provide any 60776
information the department of education determines is necessary to 60777
make such adjustments. ~~The department of education may use the~~ 60778
~~adjusted number for any district for the applicable fiscal year,~~ 60779
~~in lieu of the number certified for the district for that fiscal~~ 60780
~~year under division (A) of this section, in the calculation of the~~ 60781
~~distribution of moneys provided in section 3317.029 of the Revised~~ 60782
~~Code.~~ 60783

Sec. 3317.14. Any school district board of education or 60784
educational service center governing board participating in funds 60785
distributed under Chapter 3317. of the Revised Code shall annually 60786
adopt a teachers' salary schedule with provision for increments 60787
based upon training and years of service. Notwithstanding sections 60788
3317.13 and 3319.088 of the Revised Code, the board may establish 60789
its own service requirements and may grant service credit for such 60790
activities as teaching in public or nonpublic schools in this 60791
state or in another state, for service as an educational assistant 60792
other than as a classroom aide employed in accordance with section 60793
5107.541 of the Revised Code, and for service in the military or 60794
in an appropriate state or federal governmental agency, provided 60795
no teacher receives less than the amount required to be paid 60796
pursuant to section 3317.13 of the Revised Code and provided full 60797
credit for a minimum of five years of actual teaching and military 60798
experience as defined in division (A) of section 3317.13 of the 60799
Revised Code is given to each teacher. 60800

~~On the fifteenth day of October of each year, a copy of the~~ 60801
~~salary schedule in effect on that date shall be filed by the board~~ 60802
~~of education of each local school district with the educational~~ 60803
~~service center superintendent, who thereupon shall certify to the~~ 60804
~~treasurer of such local district the correct salary to be paid to~~ 60805
~~each teacher in accordance with the adopted schedule.~~ 60806

Each teacher who has completed training which would qualify 60807
such teacher for a higher salary bracket pursuant to this section 60808
shall file by the fifteenth day of September with the treasurer of 60809
the board of education or educational service center satisfactory 60810
evidence of the completion of such additional training. The 60811
treasurer shall then immediately place the teacher, pursuant to 60812
this section and section 3317.13 of the Revised Code, in the 60813
proper salary bracket in accordance with training and years of 60814
service before certifying such salary, training, and years of 60815
service to the superintendent of public instruction. No teacher 60816
shall be paid less than the salary to which such teacher is 60817
entitled pursuant to section 3317.13 of the Revised Code. 60818

Sec. 3317.16. (A) The department of education shall compute 60819
and distribute state core foundation funding to each joint 60820
vocational school district for the fiscal year as prescribed in 60821
the following divisions: 60822

(1) An opportunity grant calculated according to the 60823
following formula: 60824

(The formula amount X formula ADM) - (0.0005 X the 60825
district's three-year average valuation) 60826

If the result of the calculation for a joint vocational 60827
school district under division (A)(1) of this section is less than 60828
zero, the joint vocational school district's opportunity grant 60829
shall be zero. 60830

(2) Additional state aid for special education and related 60831
services provided under Chapter 3323. of the Revised Code 60832
calculated as the sum of the following: 60833

(a) The district's category one special education ADM X the 60834
amount specified in division (A) of section 3317.013 of the 60835
Revised Code X the district's state share percentage; 60836

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage; 60837
60838
60839

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage; 60840
60841
60842

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage; 60843
60844
60845

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage; 60846
60847
60848

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. 60849
60850
60851

(3) Economically disadvantaged funds calculated according to the following formula: 60852
60853

(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as reported under division (D)(2)(p) of section 3317.03 of the Revised Code 60854
60855
60856
60857

(4) Limited English proficiency funds calculated as the sum of the following: 60858
60859

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 60860
60861
60862

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 60863
60864
60865

(c) The district's category three limited English proficient 60866

ADM X the amount specified in division (C) of section 3317.016 of 60867
the Revised Code X the district's state share percentage; 60868

(5) Career-technical education funds calculated as the sum of 60869
the following: 60870

(a) The district's category one career-technical education 60871
ADM X the amount specified in division (A) of section 3317.014 of 60872
the Revised Code X the district's state share percentage; 60873

(b) The district's category two career-technical education 60874
ADM X the amount specified in division (B) of section 3317.014 of 60875
the Revised Code X the district's state share percentage; 60876

(c) The district's category three career-technical education 60877
ADM X the amount specified in division (C) of section 3317.014 of 60878
the Revised Code X the district's state share percentage; 60879

(d) The district's category four career-technical education 60880
ADM X the amount specified in division (D) of section 3317.014 of 60881
the Revised Code X the district's state share percentage; 60882

(e) The district's category five career-technical education 60883
ADM X the amount specified in division (E) of section 3317.014 of 60884
the Revised Code X the district's state share percentage. 60885

Payment of funds under division (A)(5) of this section is 60886
subject to approval under section 3317.161 of the Revised Code. 60887

(6) Career-technical education associated services funds 60888
calculated under the following formula: 60889

The district's state share percentage X the 60890
amount for career-technical education associated services 60891
specified in section 3317.014 of the Revised Code X the sum of 60892
categories one through five career-technical 60893
education ADM 60894

(B)(1) If a joint vocational school district's costs for a 60895
fiscal year for a student in its categories two through six 60896

special education ADM exceed the threshold catastrophic cost for 60897
serving the student, as specified in division (B) of section 60898
3317.0214 of the Revised Code, the district may submit to the 60899
superintendent of public instruction documentation, as prescribed 60900
by the superintendent, of all of its costs for that student. Upon 60901
submission of documentation for a student of the type and in the 60902
manner prescribed, the department shall pay to the district an 60903
amount equal to the sum of the following: 60904

(a) One-half of the district's costs for the student in 60905
excess of the threshold catastrophic cost; 60906

(b) The product of one-half of the district's costs for the 60907
student in excess of the threshold catastrophic cost multiplied by 60908
the district's state share percentage. 60909

(2) The district shall report under division (B)(1) of this 60910
section, and the department shall pay for, only the costs of 60911
educational expenses and the related services provided to the 60912
student in accordance with the student's individualized education 60913
program. Any legal fees, court costs, or other costs associated 60914
with any cause of action relating to the student may not be 60915
included in the amount. 60916

(C)(1) For each student with a disability receiving special 60917
education and related services under an individualized education 60918
program, as defined in section 3323.01 of the Revised Code, at a 60919
joint vocational district, the resident district or, if the 60920
student is enrolled in a community school, the community school 60921
shall be responsible for the amount of any costs of providing 60922
those special education and related services to that student that 60923
exceed the sum of the amount calculated for those services 60924
attributable to that student under division (A) of this section. 60925

Those excess costs shall be calculated by subtracting the sum 60926
of the following from the actual cost to provide special education 60927

<u>and related services to the student:</u>	60928
<u>(a) The formula amount;</u>	60929
<u>(b) The amount specified in section 3317.013 of the Revised Code that is applicable to the student;</u>	60930 60931
<u>(c) Any funds paid under section 3317.0214 for the student.</u>	60932
<u>(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.</u>	60933 60934 60935
<u>(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:</u>	60936 60937 60938 60939 60940 60941 60942
<u>(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.</u>	60943 60944 60945 60946
<u>(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.</u>	60947 60948 60949
<u>(D)(1) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may</u>	60950 60951 60952 60953 60954 60955 60956 60957

monitor the district's compliance with the requirements regarding 60958
the manner in which funding received under division (A)(5) of this 60959
section may be spent. 60960

(2) All funds received under division (A)(5) of this section 60961
shall be spent in the following manner: 60962

(a) At least seventy-five per cent of the funds shall be 60963
spent on curriculum development, purchase, and implementation; 60964
instructional resources and supplies; industry-based program 60965
certification; student assessment, credentialing, and placement; 60966
curriculum specific equipment purchases and leases; 60967
career-technical student organization fees and expenses; home and 60968
agency linkages; work-based learning experiences; professional 60969
development; and other costs directly associated with 60970
career-technical education programs including development of new 60971
programs. 60972

(b) Not more than twenty-five per cent of the funds shall be 60973
used for personnel expenditures. 60974

(E) In any fiscal year, a school district receiving funds 60975
under division (A)(6) of this section, or through a transfer of 60976
funds pursuant to division (I) of section 3317.023 of the Revised 60977
Code, shall spend those funds only for the purposes that the 60978
department designates as approved for career-technical education 60979
associated services expenses, which may include such purposes as 60980
apprenticeship coordinators, coordinators for other 60981
career-technical education services, career-technical evaluation, 60982
and other purposes designated by the department. The department 60983
may deny payment under division (A)(6) of this section to any 60984
district that the department determines is not operating those 60985
services or is using funds paid under division (A)(6) of this 60986
section, or through a transfer of funds pursuant to division (I) 60987
of section 3317.023 of the Revised Code, for other purposes. 60988

(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code. 60989
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(G) As used in this section: 60992

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 60993
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(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 60995
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(3) "State share percentage" is equal to the following: 60998
The amount computed under division (A)(1) of this section / 60999
(the formula amount X formula ADM) 61000

Sec. 3317.161. (A) As used in this section, "lead district" has the same meaning as in section 3317.023 of the Revised Code. 61001
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(B) The lead district of a career-technical planning district shall review the career-technical education program of each city, local, and exempted village school district, each community school, and each STEM school that is assigned to the career-technical planning district and determine whether to approve or disapprove the program. The lead district shall notify the department of its determination. 61003
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(C) Upon receiving notification of a lead district's approval, the department shall pay to the member city, local, or exempted village school district or deduct from the state education aid of a district and pay to a community school or STEM school the funds attributed to the career-technical students enrolled in the district or school, according to a payment schedule prescribed by the department. 61010
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(D) Upon receiving notification from a lead district of disapproval of a city, local, or exempted village school 61017
61018

district's, a community school's, or STEM school's 61019
career-technical education program, the department shall 61020
automatically review the lead district's decision. In reviewing 61021
the lead district's decision, the department shall consider the 61022
demand for the career-technical education program and the 61023
availability of the program within the career-technical planning 61024
district. If, as a result of the review, the department decides to 61025
approve the city, local, or exempted village school district's, 61026
the community school's, or the STEM school's career-technical 61027
education program, the department shall pay the funds to the 61028
district or deduct and pay the funds to the community school or 61029
STEM school in the manner described in division (C) of this 61030
section. The department's decision shall be final. 61031

Sec. 3317.18. (A) As used in this section, the terms "Chapter 61032
133. securities," "credit enhancement facilities," "debt charges," 61033
"general obligation," "legislation," "public obligations," and 61034
"securities" have the same meanings as in section 133.01 of the 61035
Revised Code. 61036

(B) The board of education of any school district authorizing 61037
the issuance of securities under section 133.10, ~~133.301~~, or 61038
3313.372 of the Revised Code or general obligation Chapter 133. 61039
securities may adopt legislation requesting the state department 61040
of education to approve, and enter into an agreement with the 61041
school district and the primary paying agent or fiscal agent for 61042
such securities providing for, the withholding and deposit of 61043
funds, otherwise due the district under Chapter 3317. of the 61044
Revised Code, for the payment of debt service charges on such 61045
securities. 61046

The board of education shall deliver to the state department 61047
a copy of such resolution and any additional pertinent information 61048
the state department may require. 61049

The department of education and the office of budget and management shall evaluate each request received from a school district under this section and the department, with the advice and consent of the director of budget and management, shall approve or deny each request based on all of the following:

(1) Whether approval of the request will enhance the marketability of the securities for which the request is made;

(2) Any other pertinent factors or limitations established in rules made under division (I) of this section, including:

(a) Current and projected obligations of funds due to the requesting school district under Chapter 3317. of the Revised Code including obligations of those funds to public obligations or relevant credit enhancement facilities under this section, Chapter 133. and section 3313.483 of the Revised Code, and under any other similar provisions of law;

(b) Whether the department of education or the office of budget and management has any reason to believe the requesting school district will be unable to pay when due the debt charges on the securities for which the request is made.

The department may require a school district to establish schedules for the payment of all debt charges that take into account the amount and timing of anticipated distributions of funds to the district under Chapter 3317. of the Revised Code.

(C) If the department approves the request of a school district to withhold and deposit funds pursuant to this section, the department shall enter into a written agreement with the district and the primary paying agent or fiscal agent for the securities which shall provide for the withholding of funds pursuant to this section for the payment of debt charges on those securities, and may include both of the following:

(1) Provisions for certification by the district to the

department, at a time prior to any date for the payment of 61081
applicable debt charges, whether the district is able to pay those 61082
debt charges when due; 61083

(2) Requirements that the district deposit amounts for the 61084
payment of debt charges on the securities with the primary paying 61085
agent or fiscal agent for the securities prior to the date on 61086
which those debt charge payments are due to the owners or holders 61087
of the securities. 61088

(D) Whenever a district notifies the department of education 61089
that it will be unable to pay debt charges when they are due, 61090
subject to the withholding provisions of this section, or whenever 61091
the applicable paying agent or fiscal agent notifies the 61092
department that it has not timely received from a school district 61093
the full amount needed for the payment when due of those debt 61094
charges to the holders or owners of such securities, the 61095
department shall immediately contact the school district and the 61096
paying agent or fiscal agent to confirm or determine whether the 61097
district is unable to make the required payment by the date on 61098
which it is due. 61099

Upon demand of the treasurer of state while holding a school 61100
district obligation purchased under division (G)(1) of section 61101
135.143 of the Revised Code, the state department of education, 61102
without a request of the school district, shall withhold and 61103
deposit funds pursuant to this section for payment of debt service 61104
charges on that obligation. 61105

If the department confirms or determines that the district 61106
will be unable to make such payment and payment will not be made 61107
pursuant to a credit enhancement facility, the department shall 61108
promptly pay to the applicable primary paying agent or fiscal 61109
agent the lesser of the amount due for debt charges or the amount 61110
due the district for the remainder of the fiscal year under 61111
Chapter 3317. of the Revised Code. If this amount is insufficient 61112

to pay the total amount then due the agent for the payment of debt 61113
charges, the department shall pay to the agent each fiscal year 61114
thereafter, and until the full amount due the agent for unpaid 61115
debt charges is paid in full, the lesser of the remaining amount 61116
due the agent for debt charges or the amount due the district for 61117
the fiscal year under Chapter 3317. of the Revised Code. 61118

(E) The state department may make any payments under this 61119
division by direct deposit of funds by electronic transfer. 61120

Any amount received by a paying agent or fiscal agent under 61121
this section shall be applied only to the payment of debt charges 61122
on the securities of the school district subject to this section 61123
or to the reimbursement to the provider of a credit enhancement 61124
facility that has paid such debt charges. 61125

(F) To the extent a school district whose securities are 61126
subject to this section is unable to pay applicable debt charges 61127
because of the failure to collect property taxes levied for the 61128
payment of those debt charges, the district may transfer to or 61129
deposit into any fund that would have received payments under 61130
Chapter 3317. of the Revised Code that were withheld under this 61131
section any such delinquent property taxes when later collected, 61132
provided that transfer or deposit shall be limited to the amounts 61133
withheld from that fund under this section. 61134

(G) The department may make payments under this section to 61135
paying agents or fiscal agents only from and to the extent that 61136
money is appropriated by the general assembly for Chapter 3317. of 61137
the Revised Code or for the purposes of this section. No 61138
securities of a school district to which this section is made 61139
applicable constitute an obligation or a debt or a pledge of the 61140
faith, credit, or taxing power of the state, and the holders or 61141
owners of such securities have no right to have taxes levied or 61142
appropriations made by the general assembly for the payment of 61143
debt charges on those securities, and those securities, if the 61144

department requires, shall contain a statement to that effect. The 61145
agreement for or the actual withholding and payment of moneys 61146
under this section does not constitute the assumption by the state 61147
of any debt of a school district. 61148

(H) In the case of securities subject to the withholding 61149
provisions of this section, the issuing board of education shall 61150
appoint a paying agent or fiscal agent who is not an officer or 61151
employee of the school district. 61152

(I) The department of education, with the advice of the 61153
office of budget and management, may adopt reasonable rules not 61154
inconsistent with this section for the implementation of this 61155
section and division (B) of section 133.25 of the Revised Code as 61156
it relates to the withholding and depositing of payments under 61157
Chapter 3317. of the Revised Code to secure payment of debt 61158
charges on school district securities. Those rules shall include 61159
criteria for the evaluation and approval or denial of school 61160
district requests for withholding under this section and limits on 61161
the obligation for the purpose of paying debt charges or 61162
reimbursing credit enhancement facilities of funds otherwise to be 61163
paid to school districts under Chapter 3317. of the Revised Code. 61164

(J) The authority granted by this section is in addition to 61165
and not a limitation on any other authorizations granted by or 61166
pursuant to law for the same or similar purposes. 61167

Sec. 3317.19. ~~(A) As used in this section, "total unit 61168
allowance" means an amount equal to the sum of the following: 61169~~

~~(1) The total of the salary allowances for the teachers 61170
employed in the cooperative education school district for all 61171
units approved under division (B) or (C) of section 3317.05 of the 61172
Revised Code. The salary allowance for each unit shall equal the 61173
minimum salary for the teacher of the unit calculated on the basis 61174
of the teacher's training level and years of experience pursuant 61175~~

~~to the salary schedule prescribed in the version of section 61176
3317.13 of the Revised Code in effect prior to July 1, 2001. 61177~~

~~(2) Fifteen per cent of the total computed under division 61178
(A)(1) of this section; 61179~~

~~(3) The total of the unit operating allowances for all 61180
approved units. The amount of each allowance shall equal one of 61181
the following: 61182~~

~~(a) Eight thousand twenty three dollars times the number of 61183
units for preschool children with disabilities or fraction thereof 61184
approved for the year under division (B) of section 3317.05 of the 61185
Revised Code; 61186~~

~~(b) Two thousand one hundred thirty two dollars times the 61187
number of units or fraction thereof approved for the year under 61188
division (C) of section 3317.05 of the Revised Code. 61189~~

~~(B) The state board of education shall compute and distribute 61190
to each cooperative education school district for each fiscal year 61191
an amount equal to the sum of the following: 61192~~

~~(1)(A) An amount equal to the total of the amounts credited 61193
to the cooperative education school district pursuant to division 61194
(H) of section 3317.023 of the Revised Code; 61195~~

~~(2) The total unit allowance; 61196~~

~~(3)(B) An amount for assisting in providing free lunches to 61197
needy children pursuant to division (D) of section 3317.024 of the 61198
Revised Code. 61199~~

~~(C) If a cooperative education school district has had 61200
additional special education units approved for the year under 61201
division (F)(2) of section 3317.03 of the Revised Code, the 61202
district shall receive an additional amount during the last half 61203
of the fiscal year. For each unit, the additional amount shall 61204
equal fifty per cent of the amount computed under division (A) of 61205~~

~~this section for a unit approved under division (B) of section 61206
3317.05 of the Revised Code. 61207~~

Sec. 3317.20. This section does not apply to preschool 61208
children with disabilities. 61209

(A) As used in this section: 61210

(1) "Applicable ~~weight~~ special education amount" means the 61211
~~multiple amount~~ specified in section 3317.013 of the Revised Code 61212
for a disability described in that section. 61213

(2) "Child's school district" means the school district in 61214
which a child is entitled to attend school pursuant to section 61215
3313.64 or 3313.65 of the Revised Code. 61216

(3) "State share ~~percentage~~ index" means the state share 61217
~~percentage~~ index of the child's school district. 61218

(B) ~~Except as provided in division (C) of this section, the~~ 61219
The department shall annually pay each county DD board for each 61220
child with a disability, other than a preschool child with a 61221
disability, for whom the county DD board provides special 61222
education and related services an amount equal to the formula 61223
amount + (state share ~~percentage~~ X formula amount index X the 61224
applicable ~~weight~~ special education amount). 61225

~~(C) If any school district places with a county DD board more 61226
children with disabilities than it had placed with a county DD 61227
board in fiscal year 1998, the department shall not make a payment 61228
under division (B) of this section for the number of children 61229
exceeding the number placed in fiscal year 1998. The department 61230
instead shall deduct from the district's payments under this 61231
chapter, and pay to the county DD board, an amount calculated in 61232
accordance with the formula prescribed in division (B) of this 61233
section for each child over the number of children placed in 61234
fiscal year 1998. 61235~~

~~(D) The department shall calculate for each county DD board receiving payments under divisions (B) and (C) of this section the following amounts:~~

~~(1) The amount received by the county DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year;~~

~~(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section.~~

~~If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.~~

~~(E)(C)~~ Each county DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county DD board provides special education and related services and the child's school district.

~~(F)(D)~~(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county DD board:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division ~~(F)(D)~~(1) of this section for the data verification code of a child, the

child's school district shall submit that code to the department 61266
in the manner specified by the department. If the child has not 61267
been assigned a code, the district shall assign a code to that 61268
child and submit the code to the department by a date specified by 61269
the department. If the district does not assign a code to the 61270
child by the specified date, the department shall assign a code to 61271
the child. 61272

The department annually shall submit to each school district 61273
the name and data verification code of each child residing in the 61274
district for whom the department has assigned a code under this 61275
division. 61276

(3) The department shall not release any data verification 61277
code that it receives under division ~~(F)~~(D) of this section to any 61278
person except as provided by law. 61279

~~(G)~~(E) Any document relative to special education and related 61280
services provided by a county DD board that the department holds 61281
in its files that contains both a student's name or other 61282
personally identifiable information and the student's data 61283
verification code shall not be a public record under section 61284
149.43 of the Revised Code. 61285

Sec. 3317.201. This section does not apply to preschool 61286
children with disabilities. 61287

(A) As used in this section, the "total special education 61288
~~weight~~ amount" for an institution means the sum of the following 61289
amounts: 61290

(1) The number of children reported by the institution under 61291
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61292
receiving services for a disability described in division (A) of 61293
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61294
amount specified in that division; 61295

(2) The number of children reported by the institution under 61296
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61297
receiving services for a disability described in division (B) of 61298
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61299
amount specified in that division; 61300

(3) The number of children reported by the institution under 61301
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61302
receiving services for a disability described in division (C) of 61303
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61304
amount specified in that division; 61305

(4) The number of children reported by the institution under 61306
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61307
receiving services for a disability described in division (D) of 61308
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61309
amount specified in that division; 61310

(5) The number of children reported by the institution under 61311
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61312
receiving services for a disability described in division (E) of 61313
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61314
amount specified in that division; 61315

(6) The number of children reported by the institution under 61316
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61317
receiving services for a disability described in division (F) of 61318
section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 61319
amount specified in that division. 61320

(B) For each fiscal year, the department of education shall 61321
pay each state institution required to provide special education 61322
services under division (A) of section 3323.091 of the Revised 61323
Code an amount equal to the ~~greater of:~~ 61324

~~(1) The formula amount times the institution's total special 61325
education weight;~~ 61326

~~(2) The aggregate amount of special education and related services unit funding the institution received for all children with disabilities other than preschool children with disabilities in fiscal year 2005 under sections 3317.052 and 3317.053 of the Revised Code, as those sections existed prior to June 30, 2005 amount.~~

Sec. 3317.25. (A) As used in this section, "economically disadvantaged funds" means the following:

(1) For a city, local, or exempted village school district, the funds received under division (A)(5) of section 3317.022 of the Revised Code;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (C)(1)(e) of section 3314.08 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (E) of section 3326.33 of the Revised Code.

(B) In any fiscal year, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the economically disadvantaged funds it receives for any of the following initiatives or a combination of any of the following initiatives:

(1) Extended school day and school year;

(2) Reading improvement and intervention;

(3) Instructional technology or blended learning;

(4) Professional development in reading instruction for

teachers of students in kindergarten through third grade; 61356

(5) Dropout prevention; 61357

(6) School safety and security measures. 61358

(C) At the end of each fiscal year, each city, local, 61359
exempted village, or joint vocational school district, community 61360
school, and STEM school shall submit a report to the department of 61361
education describing the initiative or initiatives on which the 61362
district's or school's economically disadvantaged funds were spent 61363
during that fiscal year. 61364

(D) Starting in 2015, the department shall submit a report of 61365
the information it receives under division (C) of this section to 61366
the General Assembly not later than the first day of December of 61367
each odd-numbered year in accordance with section 101.68 of the 61368
Revised Code. 61369

Sec. ~~3313.847~~ 3317.30. (A) In the case of a child placed in 61370
the custody of a juvenile facility established under section 61371
2151.65 or a detention facility established under section 2152.41 61372
of the Revised Code, if payment for the child's education services 61373
shall be administered by one of the following methods: 61374

(1) If the facility educates the child, the facility, or the 61375
chartered nonpublic school it operates, may submit its request for 61376
payment directly to the school district that is to bear the cost 61377
of educating the child, as determined under section 2151.362 of 61378
the Revised Code. That district shall pay the facility or the 61379
chartered nonpublic school directly for those services. 61380

(2) If the facility contracts directly with a school district 61381
in which the facility is located for services for that child, the 61382
school district may submit its request for payment directly to the 61383
school district that is to bear the cost of educating the child, 61384
as determined under section 2151.362 of the Revised Code. That 61385

district shall pay the school district where the facility is 61386
located directly for those services. 61387

(3) If that facility contracts directly with an educational 61388
service center for services for that child, the service center may 61389
submit its request for payment for services for the child directly 61390
to the school district that is responsible to bear the cost of 61391
educating the child, as determined under section 2151.362 of the 61392
Revised Code. That district shall pay the service center directly 61393
for those services. ~~Notwithstanding~~ 61394

(B) Notwithstanding anything to the contrary in section 61395
3317.03 of the Revised Code, the district that pays a service 61396
center, facility or chartered nonpublic school the facility 61397
operates, or other school district for services for a particular 61398
child under this section shall include that child in the 61399
district's average daily membership as reported under division (A) 61400
of section 3317.03 of the Revised Code. No other district shall 61401
include the child in its average daily membership. 61402

Payments made for a child under this section shall be 61403
determined in accordance with division (C)(4) of section 3313.64 61404
of the Revised Code. 61405

Sec. 3317.40. (A) As used in this section, "subgroup" means 61406
one of the following subsets of the entire student population of a 61407
school district or a school building: 61408

(1) Students with disabilities; 61409

(2) Economically disadvantaged students; 61410

(3) Limited English proficient students; 61411

(4) Students identified as gifted in superior cognitive 61412
ability and specific academic ability fields under Chapter 3324. 61413
of the Revised Code. 61414

(B) When funds are provided under this chapter specifically 61415

for services for a subgroup of students, the general assembly has 61416
determined that these students experience unique challenges 61417
requiring additional resources and intends that the funds so 61418
provided be used for services that will allow students in those 61419
subgroups to master the knowledge base required for high school 61420
graduation. 61421

(C) If a district or school fails to show satisfactory 61422
achievement and progress, as determined by the state board of 61423
education, for any subgroup of students based on performance 61424
measures reported or graded under section 3302.03 of the Revised 61425
Code, the district or school shall submit an improvement plan to 61426
the department for approval. The plan may be included in any other 61427
improvement plan required of the district or school under state or 61428
federal law. The department may require that a plan required under 61429
division (C) of this section include an agreement to partner with 61430
another organization that has demonstrated the ability to improve 61431
the educational outcome for that subgroup of students to provide 61432
services to those students. The partner organization may be 61433
another school, district, or other education provider. 61434

Not later than December 31, 2014, the state board of 61435
education shall establish measures of satisfactory achievement and 61436
progress, which include, but are not limited to, performance 61437
measures under section 3302.03 of the Revised Code. The department 61438
shall make the initial determination of satisfactory achievement 61439
and progress under this section using those measures not later 61440
than September 1, 2015, and then make determinations under this 61441
section annually thereafter. 61442

The department shall publish a list of schools, school 61443
districts, and other educational providers that have demonstrated 61444
an ability to serve each subgroup of students. 61445

Sec. 3317.50. The eTech-Ohio telecommunity education fund is 61446

hereby created in the state treasury. The fund shall consist of 61447
certain excess local exchange telephone company contributions 61448
transferred from the reserve fund of the Ohio telecommunications 61449
advisory board pursuant to an agreement between the public 61450
utilities commission of Ohio and the Ohio department of education. 61451
The fund shall be used by the chancellor of the Ohio board of 61452
regents, in the amounts appropriated, to finance technology grants 61453
to state-chartered elementary and secondary schools. Investment 61454
earnings of the fund shall be credited to the fund. 61455

Sec. 3317.51. (A) The distance learning fund is hereby 61456
created in the state treasury. The fund shall consist of moneys 61457
paid ~~to the eTech Ohio commission~~ by any telephone company as a 61458
part of a settlement agreement between such company and the public 61459
utilities commission in fiscal year 1995 in part to establish 61460
distance learning throughout the state. The ~~commission~~ chancellor 61461
of the Ohio board of regents shall administer the fund and expend 61462
moneys from it to finance technology grants to eligible schools 61463
chartered by the state board of education to establish distance 61464
learning in those schools. Chartered schools are eligible for 61465
funds if they are within the service area of the telephone 61466
company. Investment earnings of the fund shall be credited to the 61467
fund. 61468

(B) For purposes of this section, "distance learning" means 61469
the creation of a learning environment involving a school setting 61470
and at least one other location outside of the school which allows 61471
for information available at one site to be accessed at the other 61472
through the use of such educational applications as one-way or 61473
two-way transmission of data, voice, and video, singularly or in 61474
appropriate combinations. 61475

Sec. 3318.011. For purposes of providing assistance under 61476
sections 3318.01 to 3318.20 of the Revised Code, the department of 61477

education shall annually do all of the following: 61478

(A) Calculate the adjusted valuation per pupil of each city, 61479
local, and exempted village school district according to the 61480
following formula: 61481

The district's valuation per pupil - 61482
[\$30,000 X (1 - the district's income factor)]. 61483

For purposes of this calculation: 61484

(1) Except for a district with an open enrollment net gain 61485
that is ten per cent or more of its formula ADM, "valuation per 61486
pupil" for a district means its average taxable value, divided by 61487
its formula ADM for the previous fiscal year. "Valuation per 61488
pupil," for a district with an open enrollment net gain that is 61489
ten per cent or more of its formula ADM, means its average taxable 61490
value, divided by the sum of its formula ADM for the previous 61491
fiscal year plus its open enrollment net gain for the previous 61492
fiscal year. 61493

(2) "Average taxable value" means the average of the sum of 61494
the amounts certified for a district under divisions (A)(1) and 61495
(2) of section 3317.021 of the Revised Code in the second, third, 61496
and fourth preceding fiscal years. 61497

(3) "Entitled to attend school" means entitled to attend 61498
school in a city, local, or exempted village school district under 61499
section 3313.64 or 3313.65 of the Revised Code. 61500

(4) "Formula ADM" ~~and "income factor"~~ have has the same 61501
~~meanings~~ meaning as in section 3317.02 of the Revised Code. 61502

(5) "Native student" has the same meaning as in section 61503
3313.98 of the Revised Code. 61504

(6) "Open enrollment net gain" for a district means (a) the 61505
number of the students entitled to attend school in another 61506
district but who are enrolled in the schools of the district under 61507

its open enrollment policy minus (b) the number of the district's
native students who are enrolled in the schools of another
district under the other district's open enrollment policy, both
numbers as certified to the department under section 3313.981 of
the Revised Code. If the difference is a negative number, the
district's "open enrollment net gain" is zero.

(7) "Open enrollment policy" means an interdistrict open
enrollment policy adopted under section 3313.98 of the Revised
Code.

(8) "District median income" means the median Ohio adjusted
gross income certified for a school district under section
3317.021 of the Revised Code.

(9) "Statewide median income" means the median district
median income of all city, exempted village, and local school
districts in the state.

(10) "Income factor" for a city, exempted village, or local
school district means the quotient obtained by dividing that
district's median income by the statewide median income.

(B) Calculate for each district the three-year average of the
adjusted valuations per pupil calculated for the district for the
current and two preceding fiscal years;

(C) Rank all such districts in order of adjusted valuation
per pupil from the district with the lowest three-year average
adjusted valuation per pupil to the district with the highest
three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first
percentile containing the one per cent of school districts having
the lowest three-year average adjusted valuations per pupil and
the one-hundredth percentile containing the one per cent of school
districts having the highest three-year average adjusted
valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio school facilities commission.

Sec. 3318.031. (A) The Ohio school facilities commission shall consider student and staff safety and health when reviewing design plans for classroom facility construction projects proposed under this chapter. After consulting with appropriate education, health, and law enforcement personnel, the commission may require as a condition of project approval under either section 3318.03 or division (B)(1) of section 3318.41 of the Revised Code such changes in the design plans as the commission believes will advance or improve student and staff safety and health in the proposed classroom facility.

To carry out its duties under this division, the commission shall review and, if necessary, amend any construction and design standards used in its project approval process, including standards for location and number of exits, standards for lead safety in classroom facilities constructed before 1978 in which services are provided to children under six years of age, and location of restrooms, with a focus on advancing student and staff safety and health.

(B) When reviewing design standards for classroom facility construction projects proposed under this chapter, the commission shall also consider the extent to which the design standards support the following:

(1) ~~Support and facilitation of smaller classes and the trend toward smaller schools~~ Trends in educational delivery methods,

<u>including digital access and blended learning;</u>	61570
(2) Provision of sufficient space for training new teachers and promotion of collaboration among teaching candidates, experienced teachers, and teacher educators;	61571 61572 61573
(3) Provision of adequate space for teacher planning and collaboration;	61574 61575
(4) Provision of adequate space for parent involvement activities;	61576 61577
(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.	61578 61579
Sec. 3318.08. Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project. In the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the school district board of education and the school district electors have satisfied the conditions prescribed in division (D)(1) of section 3318.41 of the Revised Code, the commission shall enter into an agreement with the school district board for the construction and sale of the project. In either case, the agreement shall include, but need not be limited to, the following provisions:	61580 61581 61582 61583 61584 61585 61586 61587 61588 61589 61590 61591 61592 61593 61594 61595 61596 61597 61598 61599

(A) The sale and issuance of bonds or notes in anticipation 61600
thereof, as soon as practicable after the execution of the 61601
agreement, in an amount equal to the school district's portion of 61602
the basic project cost, including any securities authorized under 61603
division (J) of section 133.06 of the Revised Code and dedicated 61604
by the school district board to payment of the district's portion 61605
of the basic project cost of the project; provided, that if at 61606
that time the county treasurer of each county in which the school 61607
district is located has not commenced the collection of taxes on 61608
the general duplicate of real and public utility property for the 61609
year in which the controlling board approved the project, the 61610
school district board shall authorize the issuance of a first 61611
installment of bond anticipation notes in an amount specified by 61612
the agreement, which amount shall not exceed an amount necessary 61613
to raise the net bonded indebtedness of the school district as of 61614
the date of the controlling board's approval to within five 61615
thousand dollars of the required level of indebtedness for the 61616
preceding year. In the event that a first installment of bond 61617
anticipation notes is issued, the school district board shall, as 61618
soon as practicable after the county treasurer of each county in 61619
which the school district is located has commenced the collection 61620
of taxes on the general duplicate of real and public utility 61621
property for the year in which the controlling board approved the 61622
project, authorize the issuance of a second and final installment 61623
of bond anticipation notes or a first and final issue of bonds. 61624

The combined value of the first and second installment of 61625
bond anticipation notes or the value of the first and final issue 61626
of bonds shall be equal to the school district's portion of the 61627
basic project cost. The proceeds of any such bonds shall be used 61628
first to retire any bond anticipation notes. Otherwise, the 61629
proceeds of such bonds and of any bond anticipation notes, except 61630
the premium and accrued interest thereon, shall be deposited in 61631
the school district's project construction fund. In determining 61632

the amount of net bonded indebtedness for the purpose of fixing 61633
the amount of an issue of either bonds or bond anticipation notes, 61634
gross indebtedness shall be reduced by moneys in the bond 61635
retirement fund only to the extent of the moneys therein on the 61636
first day of the year preceding the year in which the controlling 61637
board approved the project. Should there be a decrease in the tax 61638
valuation of the school district so that the amount of 61639
indebtedness that can be incurred on the tax duplicates for the 61640
year in which the controlling board approved the project is less 61641
than the amount of the first installment of bond anticipation 61642
notes, there shall be paid from the school district's project 61643
construction fund to the school district's bond retirement fund to 61644
be applied against such notes an amount sufficient to cause the 61645
net bonded indebtedness of the school district, as of the first 61646
day of the year following the year in which the controlling board 61647
approved the project, to be within five thousand dollars of the 61648
required level of indebtedness for the year in which the 61649
controlling board approved the project. The maximum amount of 61650
indebtedness to be incurred by any school district board as its 61651
share of the cost of the project is either an amount that will 61652
cause its net bonded indebtedness, as of the first day of the year 61653
following the year in which the controlling board approved the 61654
project, to be within five thousand dollars of the required level 61655
of indebtedness, or an amount equal to the required percentage of 61656
the basic project costs, whichever is greater. All bonds and bond 61657
anticipation notes shall be issued in accordance with Chapter 133. 61658
of the Revised Code, and notes may be renewed as provided in 61659
section 133.22 of the Revised Code. 61660

(B) The transfer of such funds of the school district board 61661
available for the project, together with the proceeds of the sale 61662
of the bonds or notes, except premium, accrued interest, and 61663
interest included in the amount of the issue, to the school 61664
district's project construction fund; 61665

(C) For all school districts except joint vocational school 61666
districts that receive assistance under sections 3318.40 to 61667
3318.45 of the Revised Code, the following provisions as 61668
applicable: 61669

(1) If section 3318.052 of the Revised Code applies, the 61670
earmarking of the proceeds of a tax levied under section 5705.21 61671
of the Revised Code for general permanent improvements or under 61672
section 5705.218 of the Revised Code for the purpose of permanent 61673
improvements, or the proceeds of a school district income tax 61674
levied under Chapter 5748. of the Revised Code, or the proceeds 61675
from a combination of those two taxes, in an amount to pay all or 61676
part of the service charges on bonds issued to pay the school 61677
district portion of the project and an amount equivalent to all or 61678
part of the tax required under division (B) of section 3318.05 of 61679
the Revised Code; 61680

(2) If section 3318.052 of the Revised Code does not apply, 61681
one of the following: 61682

(a) The levy of the tax authorized at the election for the 61683
payment of maintenance costs, as specified in division (B) of 61684
section 3318.05 of the Revised Code; 61685

(b) If the school district electors have approved a 61686
continuing tax for general permanent improvements under section 61687
5705.21 of the Revised Code and that tax can be used for 61688
maintenance, the earmarking of an amount of the proceeds from such 61689
tax for maintenance of classroom facilities as specified in 61690
division (B) of section 3318.05 of the Revised Code; 61691

(c) If, in lieu of the tax otherwise required under division 61692
(B) of section 3318.05 of the Revised Code, the commission has 61693
approved the transfer of money to the maintenance fund in 61694
accordance with section 3318.051 of the Revised Code, a 61695
requirement that the district board comply with the provisions of 61696

that section. The district board may rescind the provision 61697
prescribed under division (C)(2)(c) of this section only so long 61698
as the electors of the district have approved, in accordance with 61699
section 3318.063 of the Revised Code, the levy of a tax for the 61700
maintenance of the classroom facilities acquired under the 61701
district's project and that levy continues to be collected as 61702
approved by the electors. 61703

(D) For joint vocational school districts that receive 61704
assistance under sections 3318.40 to 3318.45 of the Revised Code, 61705
provision for deposit of school district moneys dedicated to 61706
maintenance of the classroom facilities acquired under those 61707
sections as prescribed in section 3318.43 of the Revised Code; 61708

(E) Dedication of any local donated contribution as provided 61709
for under section 3318.084 of the Revised Code, including a 61710
schedule for depositing such moneys applied as an offset of the 61711
district's obligation to levy the tax described in division (B) of 61712
section 3318.05 of the Revised Code as required under division 61713
(D)(2) of section 3318.084 of the Revised Code; 61714

(F) Ownership of or interest in the project during the period 61715
of construction, which shall be divided between the commission and 61716
the school district board in proportion to their respective 61717
contributions to the school district's project construction fund; 61718

(G) Maintenance of the state's interest in the project until 61719
any obligations issued for the project under section 3318.26 of 61720
the Revised Code are no longer outstanding; 61721

(H) The insurance of the project by the school district from 61722
the time there is an insurable interest therein and so long as the 61723
state retains any ownership or interest in the project pursuant to 61724
division (F) of this section, in such amounts and against such 61725
risks as the commission shall require; provided, that the cost of 61726
any required insurance until the project is completed shall be a 61727

part of the basic project cost; 61728

(I) The certification by the director of budget and 61729
management that funds are available and have been set aside to 61730
meet the state's share of the basic project cost as approved by 61731
the controlling board pursuant to either section 3318.04 or 61732
division (B)(1) of section 3318.41 of the Revised Code; 61733

(J) Authorization of the school district board to advertise 61734
for and receive construction bids for the project, for and on 61735
behalf of the commission, and to award contracts in the name of 61736
the state subject to approval by the commission; 61737

(K) Provisions for the disbursement of moneys from the school 61738
district's project account upon issuance by the commission or the 61739
commission's designated representative of vouchers for work done 61740
to be certified to the commission by the treasurer of the school 61741
district board; 61742

(L) Disposal of any balance left in the school district's 61743
project construction fund upon completion of the project; 61744

(M) Limitations upon use of the project or any part of it so 61745
long as any obligations issued to finance the project under 61746
section 3318.26 of the Revised Code are outstanding; 61747

(N) Provision for vesting the state's interest in the project 61748
to the school district board when the obligations issued to 61749
finance the project under section 3318.26 of the Revised Code are 61750
outstanding; 61751

(O) Provision for deposit of an executed copy of the 61752
agreement in the office of the commission; 61753

(P) Provision for termination of the contract and release of 61754
the funds encumbered at the time of the conditional approval, if 61755
the proceeds of the sale of the bonds of the school district board 61756
are not paid into the school district's project construction fund 61757

and if bids for the construction of the project have not been 61758
taken within such period after the execution of the agreement as 61759
may be fixed by the commission; 61760

(Q) Provision for the school district to maintain the project 61761
in accordance with a plan approved by the commission; 61762

(R) Provision that all state funds reserved and encumbered to 61763
pay the state share of the cost of the project and the funds 61764
provided by the school district to pay for its share of the 61765
project cost, including the respective shares of the cost of a 61766
segment if the project is divided into segments, be spent on the 61767
construction and acquisition of the project or segment 61768
simultaneously in proportion to the state's and the school 61769
district's respective shares of that basic project cost as 61770
determined under section 3318.032 of the Revised Code or, if the 61771
district is a joint vocational school district, under section 61772
3318.42 of the Revised Code. However, if the school district 61773
certifies to the commission that expenditure by the school 61774
district is necessary to maintain the federal tax status or 61775
tax-exempt status of notes or bonds issued by the school district 61776
to pay for its share of the project cost or to comply with 61777
applicable temporary investment periods or spending exceptions to 61778
rebate as provided for under federal law in regard to those notes 61779
or bonds, the school district may commit to spend, or spend, a 61780
greater portion of the funds it provides during any specific 61781
period than would otherwise be required under this division. 61782

(S) A provision stipulating that the commission may prohibit 61783
the district from proceeding with any project if the commission 61784
determines that the site is not suitable for construction 61785
purposes. The commission may perform soil tests in its 61786
determination of whether a site is appropriate for construction 61787
purposes. 61788

(T) A provision stipulating that, unless otherwise authorized 61789

by the commission, any contingency reserve portion of the 61790
construction budget prescribed by the commission shall be used 61791
only to pay costs resulting from unforeseen job conditions, to 61792
comply with rulings regarding building and other codes, to pay 61793
costs related to design clarifications or corrections to contract 61794
documents, and to pay the costs of settlements or judgments 61795
related to the project as provided under section 3318.086 of the 61796
Revised Code; 61797

(U) ~~Provision~~ A provision stipulating that for continued 61798
release of project funds the school district board shall comply 61799
with ~~section~~ sections 3313.41 and 3313.411 of the Revised Code 61800
throughout the project and shall notify the department of 61801
education and the Ohio community school association when the board 61802
plans to dispose of facilities by sale under that section; 61803

(V) ~~Provision~~ A provision stipulating that the commission 61804
shall not approve a contract for demolition of a facility until 61805
the school district board has complied with ~~section~~ sections 61806
3313.41 and 3313.411 of the Revised Code relative to that 61807
facility, unless demolition of that facility is to clear a site 61808
for construction of a replacement facility included in the 61809
district's project; 61810

(W) A requirement for the school district to adhere to a 61811
facilities maintenance plan approved by the commission. 61812

Sec. 3318.31. (A) The Ohio school facilities commission may 61813
perform any act and ensure the performance of any function 61814
necessary or appropriate to carry out the purposes of, and 61815
exercise the powers granted under, Chapter 3318. of the Revised 61816
Code, including any of the following: 61817

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 61818
the Revised Code, rules for the administration of programs 61819
authorized under Chapter 3318. of the Revised Code. 61820

(2) Contract with, retain the services of, or designate, and 61821
fix the compensation of, such agents, accountants, consultants, 61822
advisers, and other independent contractors as may be necessary or 61823
desirable to carry out the programs authorized under Chapter 3318. 61824
of the Revised Code, or authorize the executive director to 61825
perform such powers and duties. 61826

(3) Receive and accept any gifts, grants, donations, and 61827
pledges, and receipts therefrom, to be used for the programs 61828
authorized under Chapter 3318. of the Revised Code. 61829

(4) Make and enter into all contracts, commitments, and 61830
agreements, and execute all instruments, necessary or incidental 61831
to the performance of its duties and the execution of its rights 61832
and powers under Chapter 3318. of the Revised Code, or authorize 61833
the executive director or the Ohio facilities construction 61834
commission to perform such powers and duties. 61835

(5) Request the Ohio facilities construction commission to 61836
debar a contractor as provided in section 153.02 of the Revised 61837
Code. 61838

(B) ~~The Ohio school facilities commission shall appoint and~~ 61839
~~fix the compensation of an~~ executive director who of the Ohio 61840
facilities construction commission, as appointed under division 61841
(B) of section 123.21 of the Revised Code, shall also serve at the 61842
~~pleasure of~~ as the executive director for the Ohio school 61843
facilities commission. The executive director shall exercise all 61844
powers that the Ohio school facilities commission possesses, 61845
supervise the operations of the Ohio school facilities commission 61846
and perform such other duties as delegated by the Ohio school 61847
facilities commission. The executive director also shall employ 61848
and fix the compensation of such employees as will facilitate the 61849
activities and purposes of the Ohio school facilities commission, 61850
who shall serve at the pleasure of the executive director. The 61851
employees of the Ohio school facilities commission shall be exempt 61852

from Chapter 4117. of the Revised Code and shall not be public 61853
employees as defined in section 4117.01 of the Revised Code. Any 61854
agreement entered into prior to July 1, 2012, between the office 61855
of collective bargaining and the exclusive representative for 61856
employees of the commission is binding and shall continue to have 61857
effect. 61858

(C) The attorney general shall serve as the legal 61859
representative for the Ohio school facilities commission and may 61860
appoint other counsel as necessary for that purpose in accordance 61861
with section 109.07 of the Revised Code. 61862

Sec. 3318.36. (A)(1) As used in this section: 61863

(a) "Ohio school facilities commission," "classroom 61864
facilities," "school district," "school district board," "net 61865
bonded indebtedness," "required percentage of the basic project 61866
costs," "basic project cost," "valuation," and "percentile" have 61867
the same meanings as in section 3318.01 of the Revised Code. 61868

(b) "Required level of indebtedness" means five per cent of 61869
the school district's valuation for the year preceding the year in 61870
which the commission and school district enter into an agreement 61871
under division (B) of this section, plus [two one-hundredths of 61872
one per cent multiplied by (the percentile in which the district 61873
ranks minus one)]. 61874

(c) "Local resources" means any moneys generated in any 61875
manner permitted for a school district board to raise the school 61876
district portion of a project undertaken with assistance under 61877
sections 3318.01 to 3318.20 of the Revised Code. 61878

(d) "Tangible personal property phase-out impacted district" 61879
means a school district for which the taxable value of its 61880
tangible personal property certified under division (A)(2) of 61881
section 3317.021 of the Revised Code for tax year 2005, excluding 61882

the taxable value of public utility personal property, made up 61883
eighteen per cent or more of its total taxable value for tax year 61884
2005 as certified under that section. 61885

(2) For purposes of determining the required level of 61886
indebtedness, the required percentage of the basic project costs 61887
under division (C)(1) of this section, and priority for assistance 61888
under sections 3318.01 to 3318.20 of the Revised Code, the 61889
percentile ranking of a school district with which the commission 61890
has entered into an agreement under this section between the first 61891
day of July and the thirty-first day of August in each fiscal year 61892
is the percentile ranking calculated for that district for the 61893
immediately preceding fiscal year, and the percentile ranking of a 61894
school district with which the commission has entered into such 61895
agreement between the first day of September and the thirtieth day 61896
of June in each fiscal year is the percentile ranking calculated 61897
for that district for the current fiscal year. However, in the 61898
case of a tangible personal property phase-out impacted district, 61899
the district's priority for assistance under sections 3318.01 to 61900
3318.20 of the Revised Code and its portion of the basic project 61901
cost under those sections shall be determined in the manner 61902
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 61903
this section. 61904

(B)(1) There is hereby established the school building 61905
assistance expedited local partnership program. Under the program, 61906
the Ohio school facilities commission may enter into an agreement 61907
with the board of any school district under which the board may 61908
proceed with the new construction or major repairs of a part of 61909
the district's classroom facilities needs, as determined under 61910
sections 3318.01 to 3318.20 of the Revised Code, through the 61911
expenditure of local resources prior to the school district's 61912
eligibility for state assistance under those sections, and may 61913
apply that expenditure toward meeting the school district's 61914

portion of the basic project cost of the total of the district's classroom facilities needs, as recalculated under division (E) of this section, when the district becomes eligible for state assistance under sections 3318.01 to 3318.20 or section 3318.364 of the Revised Code. Any school district that is reasonably expected to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program established under this section.

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

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

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

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code

or priority for assistance under section 3318.364 of the Revised Code, the commission shall use one of the following as applicable:

(a) Except for a tangible personal property phase-out impacted district, the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section;

(b) For a tangible personal property phase-out impacted district, the lesser of (i) the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section, or (ii) the district's current percentile ranking under section 3318.011 of the Revised Code.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(6) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of on-site visits and assessment, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project

cost, which shall be the greater of: 61978

(1) The required percentage of the basic project costs, 61979
determined based on the school district's percentile ranking; 61980

(2) An amount necessary to raise the school district's net 61981
bonded indebtedness, as of the fiscal year the commission and the 61982
school district enter into the agreement under division (B) of 61983
this section, to within five thousand dollars of the required 61984
level of indebtedness. 61985

(D)(1) When the commission determines the basic project cost 61986
of the classroom facilities needs of a school district and the 61987
school district's portion of that basic project cost under 61988
division (C) of this section, the project shall be conditionally 61989
approved. Such conditional approval shall be submitted to the 61990
controlling board for approval thereof. The controlling board 61991
shall forthwith approve or reject the commission's determination, 61992
conditional approval, and the amount of the state's portion of the 61993
basic project cost; however, no state funds shall be encumbered 61994
under this section. Upon approval by the controlling board, the 61995
school district board may identify a discrete part of its 61996
classroom facilities needs, which shall include only new 61997
construction of or additions or major repairs to a particular 61998
building, to address with local resources. Upon identifying a part 61999
of the school district's basic project cost to address with local 62000
resources, the school district board may allocate any available 62001
school district moneys to pay the cost of that identified part, 62002
including the proceeds of an issuance of bonds if approved by the 62003
electors of the school district. 62004

All local resources utilized under this division shall first 62005
be deposited in the project construction account required under 62006
section 3318.08 of the Revised Code. 62007

(2) Unless the school district board exercises its option 62008

under division (D)(3) of this section, for a school district to 62009
qualify for participation in the program authorized under this 62010
section, one of the following conditions shall be satisfied: 62011

(a) The electors of the school district by a majority vote 62012
shall approve the levy of taxes outside the ten-mill limitation 62013
for a period of twenty-three years at the rate of not less than 62014
one-half mill for each dollar of valuation to be used to pay the 62015
cost of maintaining the classroom facilities included in the basic 62016
project cost as determined by the commission. The form of the 62017
ballot to be used to submit the question whether to approve the 62018
tax required under this division to the electors of the school 62019
district shall be the form for an additional levy of taxes 62020
prescribed in section 3318.361 of the Revised Code, which may be 62021
combined in a single ballot question with the questions prescribed 62022
under section 5705.218 of the Revised Code. 62023

(b) As authorized under division (C) of section 3318.05 of 62024
the Revised Code, the school district board shall earmark from the 62025
proceeds of a permanent improvement tax levied under section 62026
5705.21 of the Revised Code, an amount equivalent to the 62027
additional tax otherwise required under division (D)(2)(a) of this 62028
section for the maintenance of the classroom facilities included 62029
in the basic project cost as determined by the commission. 62030

(c) As authorized under section 3318.051 of the Revised Code, 62031
the school district board shall, if approved by the commission, 62032
annually transfer into the maintenance fund required under section 62033
3318.05 of the Revised Code the amount prescribed in section 62034
3318.051 of the Revised Code in lieu of the tax otherwise required 62035
under division (D)(2)(a) of this section for the maintenance of 62036
the classroom facilities included in the basic project cost as 62037
determined by the commission. 62038

(d) If the school district board has rescinded the agreement 62039
to make transfers under section 3318.051 of the Revised Code, as 62040

provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of

the Revised Code shall be released until a school district board 62072
that adopts and certifies a resolution under division (D) of this 62073
section also demonstrates to the satisfaction of the commission 62074
compliance with the provisions of division (D)(2) of this section. 62075

Any amount required for maintenance under division (D)(2) of 62076
this section shall be deposited into a separate fund as specified 62077
in division (B) of section 3318.05 of the Revised Code. 62078

(E)(1) If the school district becomes eligible for state 62079
assistance under sections 3318.01 to 3318.20 of the Revised Code 62080
based on its percentile ranking under division (B)(3) of this 62081
section or is offered assistance under section 3318.364 of the 62082
Revised Code, the commission shall conduct a new assessment of the 62083
school district's classroom facilities needs and shall recalculate 62084
the basic project cost based on this new assessment. The basic 62085
project cost recalculated under this division shall include the 62086
amount of expenditures made by the school district board under 62087
division (D)(1) of this section. The commission shall then 62088
recalculate the school district's portion of the new basic project 62089
cost, which shall be one of the following as applicable: 62090

(a) Except for a tangible personal property phase-out 62091
impacted district, the percentage of the original basic project 62092
cost assigned to the school district as its portion under division 62093
(C) of this section; 62094

(b) For a tangible personal property phase-out impacted 62095
district, the lesser of (i) the percentage of the original basic 62096
project cost assigned to the school district as its portion under 62097
division (C) of this section, or (ii) the percentage of the new 62098
basic project cost determined under section 3318.032 of the 62099
Revised Code using the district's current percentile ranking under 62100
section 3318.011 of the Revised Code. The 62101

The commission shall deduct the expenditure of school 62102

district moneys made under division (D)(1) of this section from 62103
the school district's portion of the basic project cost as 62104
recalculated under this division. If the amount of school district 62105
resources applied by the school district board to the school 62106
district's portion of the basic project cost under this section is 62107
less than the total amount of such portion as recalculated under 62108
this division, the school district board by a majority vote of all 62109
of its members shall, if it desires to seek state assistance under 62110
sections 3318.01 to 3318.20 of the Revised Code, adopt a 62111
resolution as specified in section 3318.06 of the Revised Code to 62112
submit to the electors of the school district the question of 62113
approval of a bond issue in order to pay any additional amount of 62114
school district portion required for state assistance. Any tax 62115
levy approved under division (D) of this section satisfies the 62116
requirements to levy the additional tax under section 3318.06 of 62117
the Revised Code. 62118

(2) If the amount of school district resources applied by the 62119
school district board to the school district's portion of the 62120
basic project cost under this section is more than the total 62121
amount of such portion as recalculated under ~~this~~ division (E)(1) 62122
of this section, within one year after the school district's 62123
portion is so recalculated ~~under division (E)(1) of this section~~ 62124
the commission may grant to the school district the difference 62125
between the two calculated portions, but at no time shall the 62126
commission expend any state funds on a project in an amount 62127
greater than the state's portion of the basic project cost as 62128
recalculated under ~~this~~ division (E)(1) of this section. 62129

Any reimbursement under this division shall be only for local 62130
resources the school district has applied toward construction cost 62131
expenditures for the classroom facilities approved by the 62132
commission, which shall not include any financing costs associated 62133
with that construction. 62134

The school district board shall use any moneys reimbursed to the district under this division to pay off any debt service the district owes for classroom facilities constructed under its project under this section before such moneys are applied to any other purpose. However, the district board first may deposit moneys reimbursed under this division into the district's general fund or a permanent improvement fund to replace local resources the district withdrew from those funds, as long as, and to the extent that, those local resources were used by the district for constructing classroom facilities included in the district's basic project cost.

(3) A tangible personal property phase-out impacted district shall receive credit under division (E) of this section for the expenditure of local resources pursuant to any prior agreement authorized by this section, notwithstanding any recalculation of its average taxable value.

Sec. 3318.363. (A) This section applies beginning in fiscal year 2003 and only to a school district participating in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

(B) If there is a decrease in the tax valuation of a school district to which this section applies by ten per cent or greater from one tax year to the next due to a decrease in the assessment rate of the taxable property of an electric company that owns property in the district, as provided for in section 5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd General Assembly, the Ohio school facilities commission shall calculate or recalculate the state and school district portions of the basic project cost of the school district's project by determining the percentile rank in which the district would be located if such ranking were made using the adjusted valuation per

pupil calculated under division (C) of this section rather than 62166
the three-year average adjusted valuation per pupil, calculated 62167
under division (B) of section 3318.011 of the Revised Code. For 62168
such district, the required percentage of the basic project cost 62169
used to determine the state and school district shares of that 62170
cost under division (C) of section 3318.36 of the Revised Code 62171
shall be based on the percentile rank as calculated under this 62172
section rather than as otherwise provided in division (C)(1) of 62173
section 3318.36 of the Revised Code. If the commission has 62174
determined the state and school district portion of the basic 62175
project cost of such a district's project under section 3318.36 of 62176
the Revised Code prior to that decrease in tax valuation, the 62177
commission shall adjust the state and school district shares of 62178
the basic project cost of such project in accordance with this 62179
section. 62180

(C)(1) As used in divisions (C) and (D) of this section, 62181
"total taxable value," and "formula ADM," ~~and "income factor"~~ have 62182
the same meanings as in section 3317.02 of the Revised Code, and 62183
"income factor" has the same meaning as in section 3318.011 of the 62184
Revised Code. 62185

(2) The adjusted valuation per pupil for a school district to 62186
which this section applies shall be calculated using the following 62187
formula: 62188

(The district's total taxable value for the tax year 62189
preceding the calendar year in which the current fiscal year 62190
begins / the district's formula ADM for the previous fiscal year) 62191
- [\$30,000 x (1 - the district's income factor)]. 62192

(D) At the request of the Ohio school facilities commission, 62193
the department of education shall report a district's total 62194
taxable value for the tax year preceding the calendar year in 62195
which the current fiscal year begins for any district to which 62196
this section applies as that information has been certified to the 62197

department by the tax commissioner pursuant to section 3317.021 of 62198
the Revised Code. 62199

Sec. 3319.031. Notwithstanding any provision of the Revised 62200
Code to the contrary, if the board of education of a city, local, 62201
or exempted village school district does not appoint a business 62202
manager under section 3319.03 of the Revised Code, the board may 62203
assign powers and duties specified in section 3319.04 of the 62204
Revised Code to one or more employees or officers of the board, 62205
including the treasurer, and may give the employees or officers 62206
any title recognizing the assignment of the powers and duties. The 62207
prohibition, in section 3319.04 of the Revised Code, against a 62208
business manager having possession of moneys does not prevent a 62209
board from assigning powers and duties specified in that section 62210
to the treasurer and does not prevent a treasurer who is assigned 62211
those powers and duties from exercising the powers and duties of 62212
treasurer. If the board assigns the duties of a business manager 62213
under section 3319.04 of the Revised Code to the treasurer, the 62214
treasurer shall not have the authority to make recommendations to 62215
appoint or discharge noneducational employees, except as provided 62216
under section 3313.31 of the Revised Code. Instead, the district 62217
superintendent shall be responsible for making recommendations, 62218
subject to confirmation by the board, for the appointment or 62219
discharge of noneducational employees. 62220

Sec. 3319.07. (A) The board of education of each city, 62221
exempted village, local, and joint vocational school district 62222
shall employ the teachers of the public schools of their 62223
respective districts. 62224

The governing board of each educational service center may 62225
employ special instruction teachers, special education teachers, 62226
and teachers of academic courses in which there are too few 62227
students in each of the school districts entering into agreements 62228

pursuant to section 3313.843 of the Revised Code to warrant each 62229
district's employing teachers for those courses. 62230

When any board makes appointments of teachers, the teachers 62231
in the employ of the board shall be considered before new teachers 62232
are chosen in their stead. In all school districts and in service 62233
centers, no teacher shall be employed unless such person is 62234
nominated by the superintendent of such district or center, or by 62235
another individual designated by the board in the event that the 62236
superintendent's nomination would be a violation of section 62237
2921.42 of the Revised Code. Such board, by a three-fourths vote 62238
of its full membership, may re-employ any teacher whom the 62239
superintendent refuses to appoint. 62240

(B) The board of education of any school district may 62241
contract with the governing board of the educational service 62242
center from which it otherwise receives services to conduct 62243
searches and recruitment of candidates for teacher positions. 62244

Sec. 3319.073. (A) The board of education of each city and 62245
exempted village school district and the governing board of each 62246
educational service center shall adopt or adapt the curriculum 62247
developed by the department of education for, or shall develop in 62248
consultation with public or private agencies or persons involved 62249
in child abuse prevention or intervention programs, a program of 62250
in-service training in the prevention of child abuse, violence, 62251
and substance abuse and the promotion of positive youth 62252
development. Each person employed by any school district or 62253
service center to work in a school as a nurse, teacher, counselor, 62254
school psychologist, or administrator shall complete at least four 62255
hours of the in-service training within two years of commencing 62256
employment with the district or center, and every five years 62257
thereafter. A person who is employed by any school district or 62258
service center to work in an elementary school as a nurse, 62259

teacher, counselor, school psychologist, or administrator on March 62260
30, 2007, shall complete at least four hours of the in-service 62261
training not later than March 30, 2009, and every five years 62262
thereafter. A person who is employed by any school district or 62263
service center to work in a middle or high school as a nurse, 62264
teacher, counselor, school psychologist, or administrator on 62265
October 16, 2009, shall complete at least four hours of the 62266
in-service training not later than October 16, 2011, and every 62267
five years thereafter. 62268

(B) Each board shall incorporate training in school safety 62269
and violence prevention, including human trafficking content, into 62270
the in-service training required by division (A) of this section. 62271
For this purpose, the board shall adopt or adapt the curriculum 62272
developed by the department or shall develop its own curriculum in 62273
consultation with public or private agencies or persons involved 62274
in school safety and violence prevention programs. 62275

(C) Each board shall incorporate training on the board's 62276
harassment, intimidation, or bullying policy adopted under section 62277
3313.666 of the Revised Code into the in-service training required 62278
by division (A) of this section. Each board also shall incorporate 62279
training in the prevention of dating violence into the in-service 62280
training required by that division for middle and high school 62281
employees. The board shall develop its own curricula for these 62282
purposes. 62283

(D) Each board shall incorporate training in youth suicide 62284
awareness and prevention into the in-service training required by 62285
division (A) of this section for each person employed by a school 62286
district or service center to work in a school as a nurse, 62287
teacher, counselor, school psychologist, or administrator, and any 62288
other personnel that the board determines appropriate. For this 62289
purpose, the board shall adopt or adapt the curriculum developed 62290
by the department or shall develop its own curriculum in 62291

consultation with public or private agencies or persons involved 62292
in youth suicide awareness and prevention programs. 62293

The training completed under this division shall count toward 62294
the satisfaction of requirements for professional development 62295
required by the school district or service center board, and the 62296
training may be accomplished through self-review of suitable 62297
suicide prevention materials approved by the board. 62298

Sec. 3319.0811. ~~¶~~ Except as provided in section 3319.0812 of 62299
the Revised Code, if the board of education of a school district 62300
offers to students of compulsory school age courses for high 62301
school credit that are taught at times outside the district's 62302
normal school day, the board shall enter into supplemental 62303
contracts under section 3319.08 of the Revised Code with the 62304
teachers assigned to teach those courses and shall not include 62305
such assignment of duties within the teachers' regular employment 62306
contracts under that section. 62307

Sec. 3319.0812. (A) As used in this section, "extended 62308
programming" means extended programming as described in section 62309
3301.0725 of the Revised Code. 62310

(B) The board of education of a school district shall pay a 62311
licensed educator who is providing extended programming on an 62312
hourly basis at the regular per diem rate determined under the 62313
licensed educator's employment contract or collective bargaining 62314
agreement. 62315

(C) A licensed educator shall not provide more than eight 62316
hours of extended programming in a twenty-four-hour day. 62317

Sec. 3319.112. (A) Not later than December 31, 2011, the 62318
state board of education shall develop a standards-based state 62319
framework for the evaluation of teachers. The state board may 62320

update the framework periodically by adoption of a resolution. The 62321
framework shall establish an evaluation system that does the 62322
following: 62323

(1) Provides for multiple evaluation factors. One factor 62324
shall be student academic growth which shall account for ~~fifty~~ 62325
thirty-five per cent of each evaluation. A school district may 62326
attribute an additional percentage to the academic growth factor, 62327
not to exceed fifteen per cent of each evaluation. When applicable 62328
to the grade level or subject area taught by a teacher, the 62329
value-added progress dimension established under section 3302.021 62330
of the Revised Code or an alternative student academic progress 62331
measure if adopted under division (C)(1)(e) of section 3302.03 of 62332
the Revised Code shall be used in the student academic growth 62333
portion of an evaluation in proportion to the part of a teacher's 62334
schedule of courses or subjects for which the value-added progress 62335
dimension is applicable. 62336

If a teacher's schedule is comprised only of courses or 62337
subjects for which the value-added progress dimension is 62338
applicable, one of the following applies: 62339

(a) Beginning with ~~the effective date of this amendment~~ March 62340
22, 2013, until June 30, 2014, the majority of the student 62341
academic growth factor of the evaluation shall be based on the 62342
value-added progress dimension. 62343

(b) On or after July 1, 2014, the entire student academic 62344
growth factor of the evaluation shall be based on the value-added 62345
progress dimension. In calculating student academic growth for an 62346
evaluation, a student shall not be included if the student has 62347
~~sixty~~ thirty or more excused or unexcused absences for the school 62348
year. 62349

(2) Is aligned with the standards for teachers adopted under 62350
section 3319.61 of the Revised Code; 62351

(3) Requires observation of the teacher being evaluated,	62352
including at least two formal observations by the evaluator of at	62353
least thirty minutes each and classroom walkthroughs;	62354
(4) Assigns a rating on each evaluation in accordance with	62355
division (B) of this section;	62356
(5) Requires each teacher to be provided with a written	62357
report of the results of the teacher's evaluation;	62358
(6) Identifies measures of student academic growth for grade	62359
levels and subjects for which the value-added progress dimension	62360
prescribed by section 3302.021 of the Revised Code or an	62361
alternative student academic progress measure if adopted under	62362
division (C)(1)(e) of section 3302.03 of the Revised Code does not	62363
apply;	62364
(7) Implements a classroom-level, value-added program	62365
developed by a nonprofit organization described in division (B) of	62366
section 3302.021 of the Revised Code or an alternative student	62367
academic progress measure if adopted under division (C)(1)(e) of	62368
section 3302.03 of the Revised Code;	62369
(8) Provides for professional development to accelerate and	62370
continue teacher growth and provide support to poorly performing	62371
teachers;	62372
(9) Provides for the allocation of financial resources to	62373
support professional development.	62374
(B) For purposes of the framework developed under this	62375
section, the state board also shall do the following:	62376
(1) Develop specific standards and criteria that distinguish	62377
between the following levels of performance for teachers and	62378
principals for the purpose of assigning ratings on the evaluations	62379
conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111	62380
of the Revised Code:	62381

(a) Accomplished;	62382
(b) Proficient;	62383
(c) Developing;	62384
(d) Ineffective.	62385
(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code, or alternative student academic progress measure, do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.	62386 62387 62388 62389 62390 62391 62392 62393 62394
(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.	62395 62396 62397 62398
(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department shall do both of the following:	62399 62400 62401
(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;	62402 62403
(2) Provide technical assistance to districts in creating evaluation policies.	62404 62405
(E) Not later than June 30, 2013, the state board, in consultation with state agencies that employ teachers, shall develop a standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy that conforms with the framework developed under this division.	62406 62407 62408 62409 62410 62411

The policy shall become operative at the expiration of any 62412
collective bargaining agreement covering teachers employed by the 62413
agency that is in effect on September 24, 2012, and shall be 62414
included in any renewal or extension of such an agreement. 62415
However, this division does not apply to any person who is 62416
employed as a substitute teacher or as an instructor of adult 62417
education. 62418

Sec. 3319.17. (A) As used in this section, "interdistrict 62419
contract" means any contract or agreement entered into by an 62420
educational service center governing board and another board or 62421
other public entity pursuant to section 3313.17, 3313.841, 62422
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 62423
Revised Code, including any such contract or agreement for the 62424
provision of services funded under division (E) of section 62425
3317.024 of the Revised Code ~~or provided in any unit approved~~ 62426
~~under section 3317.05 of the Revised Code.~~ 62427

(B) When, for any of the following reasons that apply to any 62428
city, exempted village, local, or joint vocational school district 62429
or any educational service center, the board decides that it will 62430
be necessary to reduce the number of teachers it employs, it may 62431
make a reasonable reduction: 62432

(1) In the case of any district or service center, return to 62433
duty of regular teachers after leaves of absence including 62434
suspension of schools, territorial changes affecting the district 62435
or center, or financial reasons; 62436

(2) In the case of any city, exempted village, local, or 62437
joint vocational school district, decreased enrollment of pupils 62438
in the district; 62439

(3) In the case of any governing board of a service center 62440
providing any particular service directly to pupils pursuant to 62441
one or more interdistrict contracts requiring such service, 62442

reduction in the total number of pupils the governing board is 62443
required to provide with the service under all interdistrict 62444
contracts as a result of the termination or nonrenewal of one or 62445
more of these interdistrict contracts; 62446

(4) In the case of any governing board providing any 62447
particular service that it does not provide directly to pupils 62448
pursuant to one or more interdistrict contracts requiring such 62449
service, reduction in the total level of the service the governing 62450
board is required to provide under all interdistrict contracts as 62451
a result of the termination or nonrenewal of one or more of these 62452
interdistrict contracts. 62453

(C) In making any such reduction, any city, exempted village, 62454
local, or joint vocational school board shall proceed to suspend 62455
contracts in accordance with the recommendation of the 62456
superintendent of schools who shall, within each teaching field 62457
affected, give preference to teachers on continuing contracts. The 62458
board shall not give preference to any teacher based on seniority, 62459
except when making a decision between teachers who have comparable 62460
evaluations. 62461

On a case-by-case basis, in lieu of suspending a contract in 62462
whole, a board may suspend a contract in part, so that an 62463
individual is required to work a percentage of the time the 62464
employee otherwise is required to work under the contract and 62465
receives a commensurate percentage of the full compensation the 62466
employee otherwise would receive under the contract. 62467

The teachers whose continuing contracts are suspended by any 62468
board pursuant to this section shall have the right of restoration 62469
to continuing service status by that board if and when teaching 62470
positions become vacant or are created for which any of such 62471
teachers are or become qualified. No teacher whose continuing 62472
contract has been suspended pursuant to this section shall lose 62473
that right of restoration to continuing service status by reason 62474

of having declined recall to a position that is less than 62475
full-time or, if the teacher was not employed full-time just prior 62476
to suspension of the teacher's continuing contract, to a position 62477
requiring a lesser percentage of full-time employment than the 62478
position the teacher last held while employed in the district or 62479
service center. Seniority shall not be the basis for rehiring a 62480
teacher, except when making a decision between teachers who have 62481
comparable evaluations. 62482

(D) Notwithstanding any provision to the contrary in Chapter 62483
4117. of the Revised Code: 62484

(1) The requirements of this section, as it existed prior to 62485
~~the effective date of this amendment~~ September 29, 2011, prevail 62486
over any conflicting provisions of agreements between employee 62487
organizations and public employers entered into between September 62488
29, 2005, and ~~that effective date~~ September 29, 2011; 62489

(2) The requirements of this section, as it exists on and 62490
after ~~the effective date of this amendment~~ September 29, 2011, 62491
prevail over any conflicting provisions of agreements between 62492
employee organizations and public employers entered into on or 62493
after ~~that effective date~~ September 29, 2011. 62494

Sec. 3319.22. (A)(1) The state board of education shall issue 62495
the following educator licenses: 62496

(a) A resident educator license, which shall be valid for 62497
four years, except that the state board, on a case-by-case basis, 62498
may extend the license's duration as necessary to enable the 62499
license holder to complete the Ohio teacher residency program 62500
established under section 3319.223 of the Revised Code; 62501

(b) A professional educator license, which shall be valid for 62502
five years and shall be renewable; 62503

(c) A senior professional educator license, which shall be 62504

valid for five years and shall be renewable; 62505

(d) A lead professional educator license, which shall be 62506
valid for five years and shall be renewable. 62507

(2) The state board may issue any additional educator 62508
licenses of categories, types, and levels the board elects to 62509
provide. 62510

(3) The state board shall adopt rules establishing the 62511
standards and requirements for obtaining each educator license 62512
issued under this section. 62513

(B) The rules adopted under this section shall require at 62514
least the following standards and qualifications for the educator 62515
licenses described in division (A)(1) of this section: 62516

(1) An applicant for a resident educator license shall hold 62517
at least a bachelor's degree from an accredited teacher 62518
preparation program or be a participant in the teach for America 62519
program and meet the qualifications required under section 62520
3319.227 of the Revised Code. 62521

(2) An applicant for a professional educator license shall: 62522

(a) Hold at least a bachelor's degree from an institution of 62523
higher education accredited by a regional accrediting 62524
organization; 62525

(b) Have successfully completed the Ohio teacher residency 62526
program established under section 3319.223 of the Revised Code, if 62527
the applicant's current or most recently issued license is a 62528
resident educator license issued under this section or an 62529
alternative resident educator license issued under section 3319.26 62530
of the Revised Code. 62531

(3) An applicant for a senior professional educator license 62532
shall: 62533

(a) Hold at least a master's degree from an institution of 62534

higher education accredited by a regional accrediting organization; 62535
62536

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code; 62537
62538
62539

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code. 62540
62541
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62543

(4) An applicant for a lead professional educator license shall: 62544
62545

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 62546
62547
62548

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 62549
62550
62551
62552

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 62553
62554
62555

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 62556
62557
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 62561
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of the Ohio board of regents under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (F) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to

such officer. The committees established under this division shall 62597
determine whether coursework that a district or chartered 62598
nonpublic school teacher proposes to complete meets the 62599
requirement of the rules. The department of education shall 62600
provide technical assistance and support to committees as the 62601
committees incorporate the professional development standards 62602
adopted by the state board of education pursuant to section 62603
3319.61 of the Revised Code into their review of coursework that 62604
is appropriate for license renewal. The rules shall establish a 62605
procedure by which a teacher may appeal the decision of a local 62606
professional development committee. 62607

(2) In any school district in which there is no exclusive 62608
representative established under Chapter 4117. of the Revised 62609
Code, the professional development committees shall be established 62610
as described in division (F)(2) of this section. 62611

Not later than the effective date of the rules adopted under 62612
this section, the board of education of each school district shall 62613
establish the structure for one or more local professional 62614
development committees to be operated by such school district. The 62615
committee structure so established by a district board shall 62616
remain in effect unless within thirty days prior to an anniversary 62617
of the date upon which the current committee structure was 62618
established, the board provides notice to all affected district 62619
employees that the committee structure is to be modified. 62620
Professional development committees may have a district-level or 62621
building-level scope of operations, and may be established with 62622
regard to particular grade or age levels for which an educator 62623
license is designated. 62624

Each professional development committee shall consist of at 62625
least three classroom teachers employed by the district, one 62626
principal employed by the district, and one other employee of the 62627
district appointed by the district superintendent. For committees 62628

with a building-level scope, the teacher and principal members 62629
shall be assigned to that building, and the teacher members shall 62630
be elected by majority vote of the classroom teachers assigned to 62631
that building. For committees with a district-level scope, the 62632
teacher members shall be elected by majority vote of the classroom 62633
teachers of the district, and the principal member shall be 62634
elected by a majority vote of the principals of the district, 62635
unless there are two or fewer principals employed by the district, 62636
in which case the one or two principals employed shall serve on 62637
the committee. If a committee has a particular grade or age level 62638
scope, the teacher members shall be licensed to teach such grade 62639
or age levels, and shall be elected by majority vote of the 62640
classroom teachers holding such a license and the principal shall 62641
be elected by all principals serving in buildings where any such 62642
teachers serve. The district superintendent shall appoint a 62643
replacement to fill any vacancy that occurs on a professional 62644
development committee, except in the case of vacancies among the 62645
elected classroom teacher members, which shall be filled by vote 62646
of the remaining members of the committee so selected. 62647

Terms of office on professional development committees shall 62648
be prescribed by the district board establishing the committees. 62649
The conduct of elections for members of professional development 62650
committees shall be prescribed by the district board establishing 62651
the committees. A professional development committee may include 62652
additional members, except that the majority of members on each 62653
such committee shall be classroom teachers employed by the 62654
district. Any member appointed to fill a vacancy occurring prior 62655
to the expiration date of the term for which a predecessor was 62656
appointed shall hold office as a member for the remainder of that 62657
term. 62658

The initial meeting of any professional development 62659
committee, upon election and appointment of all committee members, 62660

shall be called by a member designated by the district 62661
superintendent. At this initial meeting, the committee shall 62662
select a chairperson and such other officers the committee deems 62663
necessary, and shall adopt rules for the conduct of its meetings. 62664
Thereafter, the committee shall meet at the call of the 62665
chairperson or upon the filing of a petition with the district 62666
superintendent signed by a majority of the committee members 62667
calling for the committee to meet. 62668

(3) In the case of a school district in which an exclusive 62669
representative has been established pursuant to Chapter 4117. of 62670
the Revised Code, professional development committees shall be 62671
established in accordance with any collective bargaining agreement 62672
in effect in the district that includes provisions for such 62673
committees. 62674

If the collective bargaining agreement does not specify a 62675
different method for the selection of teacher members of the 62676
committees, the exclusive representative of the district's 62677
teachers shall select the teacher members. 62678

If the collective bargaining agreement does not specify a 62679
different structure for the committees, the board of education of 62680
the school district shall establish the structure, including the 62681
number of committees and the number of teacher and administrative 62682
members on each committee; the specific administrative members to 62683
be part of each committee; whether the scope of the committees 62684
will be district levels, building levels, or by type of grade or 62685
age levels for which educator licenses are designated; the lengths 62686
of terms for members; the manner of filling vacancies on the 62687
committees; and the frequency and time and place of meetings. 62688
However, in all cases, except as provided in division (F)(4) of 62689
this section, there shall be a majority of teacher members of any 62690
professional development committee, there shall be at least five 62691
total members of any professional development committee, and the 62692

exclusive representative shall designate replacement members in 62693
the case of vacancies among teacher members, unless the collective 62694
bargaining agreement specifies a different method of selecting 62695
such replacements. 62696

(4) Whenever an administrator's coursework plan is being 62697
discussed or voted upon, the local professional development 62698
committee shall, at the request of one of its administrative 62699
members, cause a majority of the committee to consist of 62700
administrative members by reducing the number of teacher members 62701
voting on the plan. 62702

(G)(1) The department of education, educational service 62703
centers, county boards of developmental disabilities, regional 62704
professional development centers, special education regional 62705
resource centers, college and university departments of education, 62706
head start programs, ~~the eTech Ohio commission~~, and the Ohio 62707
education computer network may establish local professional 62708
development committees to determine whether the coursework 62709
proposed by their employees who are licensed or certificated under 62710
this section or section 3319.222 of the Revised Code, or under the 62711
former version of either section as it existed prior to October 62712
16, 2009, meet the requirements of the rules adopted under this 62713
section. They may establish local professional development 62714
committees on their own or in collaboration with a school district 62715
or other agency having authority to establish them. 62716

Local professional development committees established by 62717
county boards of developmental disabilities shall be structured in 62718
a manner comparable to the structures prescribed for school 62719
districts in divisions (F)(2) and (3) of this section, as shall 62720
the committees established by any other entity specified in 62721
division (G)(1) of this section that provides educational services 62722
by employing or contracting for services of classroom teachers 62723
licensed or certificated under this section or section 3319.222 of 62724

the Revised Code, or under the former version of either section as 62725
it existed prior to October 16, 2009. All other entities specified 62726
in division (G)(1) of this section shall structure their 62727
committees in accordance with guidelines which shall be issued by 62728
the state board. 62729

(2) Any public agency that is not specified in division 62730
(G)(1) of this section but provides educational services and 62731
employs or contracts for services of classroom teachers licensed 62732
or certificated under this section or section 3319.222 of the 62733
Revised Code, or under the former version of either section as it 62734
existed prior to October 16, 2009, may establish a local 62735
professional development committee, subject to the approval of the 62736
department of education. The committee shall be structured in 62737
accordance with guidelines issued by the state board. 62738

Sec. 3319.235. (A) The standards for the preparation of 62739
teachers adopted under section 3333.048 of the Revised Code shall 62740
require any institution that provides a course of study for the 62741
training of teachers to ensure that graduates of such course of 62742
study are skilled at integrating educational technology in the 62743
instruction of children, as evidenced by the graduate having 62744
either demonstrated proficiency in such skills in a manner 62745
prescribed by the department of education or completed a course 62746
that includes training in such skills. 62747

(B) The ~~eTech Ohio commission~~ chancellor of the Ohio board of 62748
regents, in consultation with the department of education, shall 62749
establish model professional development programs to assist 62750
teachers who completed their teacher preparation prior to the 62751
effective date of division (A) of this section to become skilled 62752
at integrating educational technology in the instruction of 62753
children. The ~~commission~~ chancellor shall provide technical 62754
assistance to school districts wishing to establish such programs. 62755

Sec. 3319.57. (A) A grant program is hereby established under 62756
which the department of education shall award grants to assist 62757
certain schools in a city, exempted village, local, or joint 62758
vocational school district in implementing one of the following 62759
innovations: 62760

(1) The use of instructional specialists to mentor and 62761
support classroom teachers; 62762

(2) The use of building managers to supervise the 62763
administrative functions of school operation so that a school 62764
principal can focus on supporting instruction, providing 62765
instructional leadership, and engaging teachers as part of the 62766
instructional leadership team; 62767

(3) The reconfiguration of school leadership structure in a 62768
manner that allows teachers to serve in leadership roles so that 62769
teachers may share the responsibility for making and implementing 62770
school decisions; 62771

(4) The adoption of new models for restructuring the school 62772
day or school year, such as including teacher planning and 62773
collaboration time as part of the school day; 62774

(5) The creation of smaller schools or smaller units within 62775
larger schools for the purpose of facilitating teacher 62776
collaboration to improve and advance the professional practice of 62777
teaching; 62778

(6) The implementation of "grow your own" recruitment 62779
strategies that are designed to assist individuals who show a 62780
commitment to education become licensed teachers, to assist 62781
experienced teachers obtain licensure in subject areas for which 62782
there is need, and to assist teachers in becoming principals; 62783

(7) The provision of better conditions for new teachers, such 62784
as reduced teaching load and reduced class size; 62785

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;	62786 62787
(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;	62788 62789 62790
(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;	62791 62792
(11) The implementation of a program to increase the subject matter competency of veteran teachers.	62793 62794
(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:	62795 62796 62797
(1) Be hard to staff, as defined by the department.	62798
(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share <u>percentage index</u> for the fiscal year in which the grant is awarded).	62799 62800 62801 62802
For purposes of division (B)(2) of this section, "state share <u>percentage index</u> " has the same meaning as in section 3317.02 of the Revised Code.	62803 62804 62805
(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.	62806 62807 62808 62809
(D) The state board of education shall adopt rules for the administration of this grant program.	62810 62811
Sec. 3319.58. (A) As used in this section, "core subject area" has the same meaning as in section 3319.074 of the Revised Code.	62812 62813 62814

(B) Each year, beginning with the 2015-2016 school year, the board of education of each city, exempted village, local, and joint vocational school district shall require each classroom teacher who is currently teaching in a core subject area and has received a rating of ineffective on the evaluations conducted under section 3319.111 of the Revised Code for two of the three most recent school years to register for and take all written examinations of content knowledge selected by the department of education as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned.

(C) Each year, beginning with the 2015-2016 school year, the governing authority of each community school established under Chapter 3314. of the Revised Code, except a community school to which section 3314.017 of the Revised Code applies or a community school described in division (A)(4)(b) of section 3314.35 of the Revised Code, and governing body of each STEM school established under Chapter 3326. of the Revised Code with a building ranked in the lowest ten per cent of all public school buildings according to performance index score, under section 3302.21 of the Revised Code, shall require each classroom teacher currently teaching in a core subject area in such a building to register for and take all written examinations of content knowledge selected by the department as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned.

(D) If a teacher who takes an examination under division (B) of this section passes that examination and provides proof of that passage to the teacher's employer, the employer shall require the teacher, at the teacher's expense, to complete professional development that is targeted to the deficiencies identified in the teacher's evaluations conducted under section 3319.111 of the Revised Code. The receipt by the teacher of a rating of

ineffective on the teacher's next evaluation after completion of 62847
the professional development, or the failure of the teacher to 62848
complete the professional development, shall be grounds for 62849
termination of the teacher under section 3319.16 of the Revised 62850
Code. 62851

(E) If a teacher who takes an examination under this section 62852
passes that examination and provides proof of that passage to the 62853
teacher's employer, the teacher shall not be required to take the 62854
examination again for three years, regardless of the teacher's 62855
evaluation ratings or the performance index score ranking of the 62856
building in which the teacher teaches. No teacher shall be 62857
responsible for the cost of taking an examination under this 62858
section. 62859

(F) Each district board of education, each community school 62860
governing authority, and each STEM school governing body may use 62861
the results of a teacher's examinations required under division 62862
(B) or (C) of this section in developing and revising professional 62863
development plans and in deciding whether or not to continue 62864
employing the teacher in accordance with the provisions of this 62865
chapter or Chapter 3314. or 3326. of the Revised Code. However, no 62866
decision to terminate or not to renew a teacher's employment 62867
contract shall be made solely on the basis of the results of a 62868
teacher's examination under this section until and unless the 62869
teacher has not attained a passing score on the same required 62870
examination for at least three consecutive administrations of that 62871
examination. 62872

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 62873
"guardian," or "other person having charge or care of a child" 62874
means either parent unless the parents are separated or divorced 62875
or their marriage has been dissolved or annulled, in which case 62876
"parent" means the parent who is the residential parent and legal 62877

custodian of the child. If the child is in the legal or permanent 62878
custody of a person or government agency, "parent" means that 62879
person or government agency. When a child is a resident of a home, 62880
as defined in section 3313.64 of the Revised Code, and the child's 62881
parent is not a resident of this state, "parent," "guardian," or 62882
"other person having charge or care of a child" means the head of 62883
the home. 62884

A child between six and eighteen years of age is "of 62885
compulsory school age" for the purpose of sections 3321.01 to 62886
3321.13 of the Revised Code. A child under six years of age who 62887
has been enrolled in kindergarten also shall be considered "of 62888
compulsory school age" for the purpose of sections 3321.01 to 62889
3321.13 of the Revised Code unless at any time the child's parent 62890
or guardian, at the parent's or guardian's discretion and in 62891
consultation with the child's teacher and principal, formally 62892
withdraws the child from kindergarten. The compulsory school age 62893
of a child shall not commence until the beginning of the term of 62894
such schools, or other time in the school year fixed by the rules 62895
of the board of the district in which the child resides. 62896

(2) No child shall be admitted to a kindergarten or a first 62897
grade of a public school in a district in which all children are 62898
admitted to kindergarten and the first grade in August or 62899
September unless the child is five or six years of age, 62900
respectively, by the thirtieth day of September of the year of 62901
admittance, or by the first day of a term or semester other than 62902
one beginning in August or September in school districts granting 62903
admittance at the beginning of such term or semester, unless the 62904
child has been recommended for early admittance in accordance with 62905
the district's acceleration policy adopted under section 3324.10 62906
of the Revised Code. A child who does not meet the age requirement 62907
for admittance to kindergarten or first grade shall be evaluated 62908
for early admittance upon referral by the child's parent or 62909

guardian, an educator employed by the district, a preschool 62910
educator who knows the child, or a pediatrician or psychologist 62911
who knows the child. 62912

(3) Notwithstanding division (A)(2) of this section, 62913
beginning with the school year that starts in 2001 and continuing 62914
thereafter the board of education of any district may adopt a 62915
resolution establishing the first day of August in lieu of the 62916
thirtieth day of September as the required date by which students 62917
must have attained the age specified in that division. 62918

(4) After a student has been admitted to kindergarten in a 62919
school district or chartered nonpublic school, no board of 62920
education of a school district to which the student transfers 62921
shall deny that student admission based on the student's age. 62922

(B) As used in division (C) of this section, "successfully 62923
completed kindergarten" means that the child has completed the 62924
kindergarten requirements at one of the following: 62925

(1) A public or chartered nonpublic school; 62926

(2) A kindergarten class that is both of the following: 62927

(a) Offered by a day-care provider licensed under Chapter 62928
5104. of the Revised Code; 62929

(b) If offered after July 1, 1991, is directly taught by a 62930
teacher who holds one of the following: 62931

(i) A valid educator license issued under section 3319.22 of 62932
the Revised Code; 62933

(ii) A Montessori preprimary credential or age-appropriate 62934
diploma granted by the American Montessori society or the 62935
association Montessori internationale; 62936

(iii) Certification determined under division (F) of this 62937
section to be equivalent to that described in division 62938
(B)(2)(b)(ii) of this section; 62939

(iv) Certification for teachers in nontax-supported schools 62940
pursuant to section 3301.071 of the Revised Code. 62941

(C) Except as provided in division (A)(2) of this section, no 62942
school district shall admit to the first grade any child who has 62943
not successfully completed kindergarten. 62944

(D) The scheduling of times for kindergarten classes and 62945
length of the school day for kindergarten shall be determined by 62946
the board of education of a city, exempted village, or local 62947
school district. 62948

(E) Any kindergarten class offered by a day-care provider or 62949
school described by division (B)(1) or (B)(2)(a) of this section 62950
shall be developmentally appropriate. 62951

(F) Upon written request of a day-care provider described by 62952
division (B)(2)(a) of this section, the department of education 62953
shall determine whether certification held by a teacher employed 62954
by the provider meets the requirement of division (B)(2)(b)(iii) 62955
of this section and, if so, shall furnish the provider a statement 62956
to that effect. 62957

(G) As used in this division, "all-day kindergarten" has the 62958
same meaning as in section 3321.05 of the Revised Code. 62959

(1) ~~Any A~~ school district that ~~did not receive for fiscal~~ 62960
~~year 2009 poverty based assistance for~~ is offering all-day 62961
kindergarten ~~under division (D) of section 3317.029 of the Revised~~ 62962
~~Code for the first time or that charged fees or tuition for~~ 62963
all-day kindergarten in the 2012-2013 school year may charge fees 62964
or tuition for ~~students~~ a student enrolled in all-day kindergarten 62965
in any school year following the 2012-2013 school year. The 62966
department shall adjust the district's average daily membership 62967
certification under section 3317.03 of the Revised Code by 62968
one-half of the full-time equivalency for each student charged 62969
fees or tuition for all-day kindergarten under this division. If a 62970

district charges fees or tuition for all-day kindergarten under 62971
this division, the district shall develop a sliding fee scale 62972
based on family incomes. 62973

(2) The department of education shall conduct an annual 62974
survey of each school district described in division (G)(1) of 62975
this section to determine the following: 62976

(a) Whether the district charges fees or tuition for students 62977
enrolled in all-day kindergarten; 62978

(b) The amount of the fees or tuition charged; 62979

(c) How many of the students for whom tuition is charged are 62980
eligible for free lunches under the "National School Lunch Act," 62981
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 62982
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 62983
and how many of the students for whom tuition is charged are 62984
eligible for reduced price lunches under those acts; 62985

(d) How many students are enrolled in traditional half-day 62986
kindergarten rather than all-day kindergarten. 62987

Each district shall report to the department, in the manner 62988
prescribed by the department, the information described in 62989
divisions (G)(2)(a) to (d) of this section. 62990

The department shall issue an annual report on the results of 62991
the survey and shall post the report on its web site. The 62992
department shall issue the first report not later than April 30, 62993
2008, and shall issue a report not later than the thirtieth day of 62994
April each year thereafter. 62995

Sec. 3321.04. Notwithstanding division (D) of section 3311.19 62996
and division (D) of section 3311.52 of the Revised Code, this 62997
section does not apply to any joint vocational or cooperative 62998
education school district or its superintendent. 62999

Every parent of any child of compulsory school age who is not 63000

employed under an age and schooling certificate must send such 63001
child to a school or a special education program that conforms to 63002
the minimum standards prescribed by the state board of education, 63003
for the full time the school or program attended is in session, 63004
which shall not be for less than thirty-two weeks per school year. 63005
Such attendance must begin within the first week of the school 63006
term or program or within one week of the date on which the child 63007
begins to reside in the district or within one week after ~~his~~ the 63008
child's withdrawal from employment. 63009

For the purpose of operating a school or program on a 63010
trimester plan, "full time the school attended is in session," as 63011
used in this section means the two trimesters to which the child 63012
is assigned by the board of education. For the purpose of 63013
operating a school or program on a quarterly plan, "full time the 63014
school attended is in session," as used in this section, means the 63015
three quarters to which the child is assigned by the board of 63016
education. For the purpose of operating a school or program on a 63017
pentamester plan, "full time the school is in session," as used in 63018
this section, means the four pentamesters to which the child is 63019
assigned by the board of education. 63020

Excuses from future attendance at or past absence from school 63021
or a special education program may be granted for the causes, by 63022
the authorities, and under the following conditions: 63023

(A) The superintendent of the ~~city or exempted village~~ school 63024
~~district or the educational service center~~ in which the child 63025
resides may excuse the child from attendance for any part of the 63026
remainder of the current school year upon satisfactory showing of 63027
either of the following facts: 63028

(1) That the child's bodily or mental condition does not 63029
permit attendance at school or a special education program during 63030
such period; this fact is certified in writing by a licensed 63031
physician or, in the case of a mental condition, by a licensed 63032

physician, a licensed psychologist, licensed school psychologist 63033
or a certificated school psychologist; and provision is made for 63034
appropriate instruction of the child, in accordance with Chapter 63035
3323. of the Revised Code; 63036

(2) That the child is being instructed at home by a person 63037
qualified to teach the branches in which instruction is required, 63038
and such additional branches, as the advancement and needs of the 63039
child may, in the opinion of such superintendent, require. In each 63040
such case the issuing superintendent shall file in ~~his~~ the 63041
superintendent's office, with a copy of the excuse, papers showing 63042
how the inability of the child to attend school or a special 63043
education program or the qualifications of the person instructing 63044
the child at home were determined. All such excuses shall become 63045
void and subject to recall upon the removal of the disability of 63046
the child or the cessation of proper home instruction; and 63047
thereupon the child or the child's parents may be proceeded 63048
against after due notice whether such excuse be recalled or not. 63049

(B) The state board of education may adopt rules authorizing 63050
the superintendent of schools of the district in which the child 63051
resides to excuse a child over fourteen years of age from 63052
attendance for a future limited period for the purpose of 63053
performing necessary work directly and exclusively for the child's 63054
parents or legal guardians. 63055

All excuses provided for in divisions (A) and (B) of this 63056
section shall be in writing and shall show the reason for excusing 63057
the child. A copy thereof shall be sent to the person in charge of 63058
the child. 63059

(C) The board of education of the ~~city or exempted village~~ 63060
~~school district or the governing board of the educational service~~ 63061
~~center in which a public school is located~~ or the governing 63062
authorities of a private or parochial school may in the rules 63063
governing the discipline in such schools, prescribe the authority 63064

by which and the manner in which any child may be excused for 63065
absence from such school for good and sufficient reasons. 63066

The state board of education may by rule prescribe conditions 63067
governing the issuance of excuses, which shall be binding upon the 63068
authorities empowered to issue them. 63069

Sec. 3321.05. (A) As used in this section, "all-day 63070
kindergarten" means a kindergarten class that is in session ~~five~~ 63071
~~days per week~~ for not less than the same number of clock hours 63072
each ~~day~~ week as for students in grades one through six. 63073

(B) Any school district may operate all-day kindergarten or 63074
extended kindergarten, but no district shall require any student 63075
to attend kindergarten for more than the number of clock hours 63076
required each day for traditional kindergarten by the minimum 63077
standards adopted under division (D) of section 3301.07 of the 63078
Revised Code. Each school district that operates all-day or 63079
extended kindergarten shall accommodate kindergarten students 63080
whose parents or guardians elect to enroll them for the minimum 63081
number of hours. 63082

(C) A school district may use space in child day-care centers 63083
licensed under Chapter 5104. of the Revised Code to provide 63084
all-day kindergarten under this section. 63085

Sec. 3321.13. (A) Whenever any child of compulsory school age 63086
withdraws from school the teacher of that child shall ascertain 63087
the reason for withdrawal. The fact of the withdrawal and the 63088
reason for it shall be immediately transmitted by the teacher to 63089
the superintendent ~~of schools~~ of the city, local, or exempted 63090
village school district ~~or the educational service center as the~~ 63091
~~case may be~~. If the child who has withdrawn from school has done 63092
so because of change of residence, the next residence shall be 63093
ascertained and shall be included in the notice thus transmitted. 63094

The superintendent shall thereupon forward a card showing the 63095
essential facts regarding the child and stating the place of the 63096
child's new residence to the superintendent of schools of the 63097
district to which the child has moved. 63098

The superintendent of public instruction may prescribe the 63099
forms to be used in the operation of this division. 63100

(B)(1) Upon receipt of information that a child of compulsory 63101
school age has withdrawn from school for a reason other than 63102
because of change of residence and is not enrolled in and 63103
attending in accordance with school policy an approved program to 63104
obtain a diploma or its equivalent, the superintendent shall 63105
notify the registrar of motor vehicles and the juvenile judge of 63106
the county in which the district is located of the withdrawal and 63107
failure to enroll in and attend an approved program to obtain a 63108
diploma or its equivalent. A notification to the registrar 63109
required by this division shall be given in the manner the 63110
registrar by rule requires and a notification to the juvenile 63111
judge required by this division shall be given in writing. Each 63112
notification shall be given within two weeks after the withdrawal 63113
and failure to enroll in and attend an approved program or its 63114
equivalent. 63115

(2) The board of education of a school district may adopt a 63116
resolution providing that the provisions of division (B)(2) of 63117
this section apply within the district. The provisions of division 63118
(B)(2) of this section do not apply within any school district, 63119
and no superintendent of a school district shall send a 63120
notification of the type described in division (B)(2) of this 63121
section to the registrar of motor vehicles or the juvenile judge 63122
of the county in which the district is located, unless the board 63123
of education of the district has adopted such a resolution. If the 63124
board of education of a school district adopts a resolution 63125
providing that the provisions of division (B)(2) of this section 63126

apply within the district, and if the superintendent of schools of 63127
that district receives information that, during any semester or 63128
term, a child of compulsory school age has been absent without 63129
legitimate excuse from the school the child is supposed to attend 63130
for more than ten consecutive school days or for at least fifteen 63131
total school days, the superintendent shall notify the child and 63132
the child's parent, guardian, or custodian, in writing, that the 63133
information has been provided to the superintendent, that as a 63134
result of that information the child's temporary instruction 63135
permit or driver's license will be suspended or the opportunity to 63136
obtain such a permit or license will be denied, and that the child 63137
and the child's parent, guardian, or custodian may appear in 63138
person at a scheduled date, time, and place before the 63139
superintendent or a designee to challenge the information provided 63140
to the superintendent. 63141

The notification to the child and the child's parent, 63142
guardian, or custodian required by division (B)(2) of this section 63143
shall set forth the information received by the superintendent and 63144
shall inform the child and the child's parent, guardian, or 63145
custodian of the scheduled date, time, and place of the appearance 63146
that they may have before the superintendent or a designee. The 63147
date scheduled for the appearance shall be no earlier than three 63148
and no later than five days after the notification is given, 63149
provided that an extension may be granted upon request of the 63150
child or the child's parent, guardian, or custodian. If an 63151
extension is granted, the superintendent shall schedule a new 63152
date, time, and place for the appearance and shall inform the 63153
child and the child's parent, guardian, or custodian of the new 63154
date, time, and place. 63155

If the child and the child's parent, guardian, or custodian 63156
do not appear before the superintendent or a designee on the 63157
scheduled date and at the scheduled time and place, or if the 63158

child and the child's parent, guardian, or custodian appear before 63159
the superintendent or a designee on the scheduled date and at the 63160
scheduled time and place but the superintendent or a designee 63161
determines that the information the superintendent received 63162
indicating that, during the semester or term, the child had been 63163
absent without legitimate excuse from the school the child was 63164
supposed to attend for more than ten consecutive school days or 63165
for at least fifteen total school days, the superintendent shall 63166
notify the registrar of motor vehicles and the juvenile judge of 63167
the county in which the district is located that the child has 63168
been absent for that period of time and that the child does not 63169
have any legitimate excuse for the habitual absence. A 63170
notification to the registrar required by this division shall be 63171
given in the manner the registrar by rule requires and a 63172
notification to the juvenile judge required by this division shall 63173
be given in writing. Each notification shall be given within two 63174
weeks after the receipt of the information of the habitual absence 63175
from school without legitimate excuse, or, if the child and the 63176
child's parent, guardian, or custodian appear before the 63177
superintendent or a designee to challenge the information, within 63178
two weeks after the appearance. 63179

For purposes of division (B)(2) of this section, a legitimate 63180
excuse for absence from school includes, but is not limited to, 63181
the fact that the child in question has enrolled in another school 63182
or school district in this or another state, the fact that the 63183
child in question was excused from attendance for any of the 63184
reasons specified in section 3321.04 of the Revised Code, or the 63185
fact that the child in question has received an age and schooling 63186
certificate in accordance with section 3331.01 of the Revised 63187
Code. 63188

(3) Whenever a pupil is suspended or expelled from school 63189
pursuant to section 3313.66 of the Revised Code and the reason for 63190

the suspension or expulsion is the use or possession of alcohol, a drug of abuse, or alcohol and a drug of abuse, the superintendent of schools of that district may notify the registrar and the juvenile judge of the county in which the district is located of such suspension or expulsion. Any such notification of suspension or expulsion shall be given to the registrar, in the manner the registrar by rule requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension or expulsion.

(4) Whenever a pupil is suspended, expelled, removed, or permanently excluded from a school for misconduct included in a policy that the board of education of a city, exempted village, or local school district has adopted under division (A) of section 3313.661 of the Revised Code, and the misconduct involves a firearm or a knife or other weapon as defined in that policy, the superintendent of schools of that district shall notify the registrar and the juvenile judge of the county in which the district is located of the suspension, expulsion, removal, or permanent exclusion. The notification shall be given to the registrar in the manner the registrar, by rule, requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension, expulsion, removal, or permanent exclusion.

(C) A notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion given to the registrar or a juvenile judge under division (B)(1), (2), (3), or (4) of this section shall contain the name, address, date of birth, school, and school district of the child. If the superintendent finds, after giving a notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion to the registrar and the juvenile judge under division (B)(1), (2), (3), or (4) of this section, that the notification was given in error,

the superintendent immediately shall notify the registrar and the 63223
juvenile judge of that fact. 63224

Sec. 3321.14. Notwithstanding division (D) of section 3311.19 63225
and division (D) of section 3311.52 of the Revised Code, the 63226
provisions of this section and sections 3321.15 to 3321.21 of the 63227
Revised Code that apply to a city school district or its 63228
superintendent do not apply to any joint vocational or cooperative 63229
education school district or its superintendent unless otherwise 63230
specified. 63231

The board of education of every city ~~school district and of~~ 63232
~~every~~, exempted village, or local school district shall either 63233
employ an attendance officer, and may employ or appoint any 63234
assistants that the board deems advisable, or shall obtain such 63235
services from the educational service center with which the 63236
district has entered into an agreement under section 3313.843 or 63237
3313.845 of the Revised Code, in accordance with the terms 63238
prescribed in that agreement. ~~It~~ 63239

In cities of one hundred thousand population or over, the 63240
board may appoint, subject to the nomination of the district 63241
superintendent ~~of schools~~, one or more pupil-personnel workers and 63242
make provision for the traveling expenses within the school 63243
district of those employees. 63244

Sec. 3321.15. Every governing board of an educational service 63245
center ~~shall~~ may employ an educational service center attendance 63246
officer, and may employ or appoint such assistants as the board 63247
deems advisable. The decision to employ an attendance officer 63248
shall be based on consultation with the districts that have 63249
entered into agreements with the educational service center under 63250
section 3313.843 or 3313.845 of the Revised Code and the services 63251
outlined in the agreements. The compensation and necessary 63252

traveling expenses of such attendance officer and assistants shall 63253
be paid out of the educational service center governing board 63254
fund. With the consent and approval of the judge of the juvenile 63255
court, a probation officer of the court may be designated as the 63256
service center attendance officer or as an assistant. The 63257
compensation of the probation officers of the juvenile court so 63258
designated shall be fixed and paid in the same manner as salaries 63259
of other probation officers of the juvenile court; their traveling 63260
expenses as attendance officers which would not be incurred as 63261
probation officers shall be paid out of the educational service 63262
center governing board fund. In addition to the compensation 63263
provided in this section the board may pay such additional 63264
compensation as it deems advisable, to any probation officer 63265
designated as attendance officer and such additional amount shall 63266
be paid from the educational service center governing board fund. 63267
The attendance officer and assistants shall work under the 63268
direction of the educational service center superintendent. The 63269
authority of such attendance officer and assistants ~~shall~~ may 63270
extend to all the ~~local~~ school districts served by the service 63271
center pursuant to any agreements entered into under section 63272
3313.843 or 3313.845 of the Revised Code. This section does not 63273
confine their authority to investigate ~~employment~~ attendance to 63274
that within the territory of the service center. 63275

Sec. 3323.021. As used in this section, "participating county 63276
DD board" means a county board of developmental disabilities 63277
electing to participate in the provision of or contracting for 63278
educational services for children under division (D) of section 63279
5126.05 of the Revised Code. 63280

(A) When a school district, educational service center, or 63281
participating county DD board enters into an agreement or contract 63282
with another school district, educational service center, or 63283
participating county DD board to provide educational services to a 63284

disabled child during a school year, both of the following shall 63285
apply: 63286

(1) Beginning with fiscal year 1999, if the provider of the 63287
services intends to increase the amount it charges for some or all 63288
of those services during the next school year or if the provider 63289
intends to cease offering all or part of those services during the 63290
next school year, the provider shall notify the entity for which 63291
the services are provided of these intended changes no later than 63292
the first day of March of the current fiscal year. 63293

(2) Beginning with fiscal year 1999, if the entity for which 63294
services are provided intends to cease obtaining those services 63295
from the provider for the next school year or intends to change 63296
the type or amount of services it obtains from the provider for 63297
the next school year, the entity shall notify the service provider 63298
of these intended changes no later than the first day of March of 63299
the current fiscal year. 63300

(B) School districts, educational service centers, 63301
participating county DD boards, and other applicable governmental 63302
entities shall collaborate where possible to maximize federal 63303
sources of revenue to provide additional funds for special 63304
education related services for disabled children. Annually, each 63305
school district shall report to the department of education any 63306
amounts of ~~money~~ such federal revenue the district received 63307
~~through such medical assistance program.~~ 63308

(C) The state board of education, the department of 63309
developmental disabilities, and the department of ~~job and family~~ 63310
~~services~~ medicaid shall develop working agreements for pursuing 63311
additional funds for services for disabled children. 63312

Sec. 3323.03. The state board of education shall, in 63313
consultation with the department of health, the department of 63314
~~mental health~~ mental health and addiction services, and the 63315

department of developmental disabilities, establish standards and 63316
procedures for the identification, location, and evaluation of all 63317
children with disabilities residing in the state, including 63318
children with disabilities who are homeless children or are wards 63319
of the state and children with disabilities attending nonpublic 63320
schools, regardless of the severity of their disabilities, and who 63321
are in need of special education and related services. The state 63322
board shall develop and implement a practical method to determine 63323
which children with disabilities are currently receiving needed 63324
special education and related services. 63325

In conducting the evaluation, the board of education of each 63326
school district shall use a variety of assessment tools and 63327
strategies to gather relevant functional, developmental, and 63328
academic information about the child, including information 63329
provided by the child's parent. The board of education of each 63330
school district, in consultation with the county DD board, the 63331
county family and children first council, and the board of 63332
alcohol, drug addiction, and mental health services of each county 63333
in which the school district has territory, shall identify, 63334
locate, and evaluate all children with disabilities residing 63335
within the district to determine which children with disabilities 63336
are not receiving appropriate special education and related 63337
services. In addition, the board of education of each school 63338
district, in consultation with such county boards or council, 63339
shall identify, locate, and evaluate all children with 63340
disabilities who are enrolled by their parents in nonpublic 63341
elementary and secondary schools located within the public school 63342
district, without regard to where those children reside in 63343
accordance with rules of the state board of education or 63344
guidelines of the superintendent of public instruction. 63345

Each county DD board, county family and children first 63346
council, and board of alcohol, drug addiction, and mental health 63347

services and the board's or council's contract agencies may 63348
transmit to boards of education the names and addresses of 63349
children with disabilities who are not receiving appropriate 63350
special education and related services. 63351

Sec. 3323.04. The state board of education, in consultation 63352
with the department of ~~mental health~~ mental health and addiction 63353
services and the department of developmental disabilities, shall 63354
establish procedures and standards for the development of 63355
individualized education programs for children with disabilities. 63356

The state board shall require the board of education of each 63357
school district to develop an individualized education program for 63358
each child with a disability who is at least three years of age 63359
and less than twenty-two years of age residing in the district in 63360
a manner that is in accordance with rules of the state board. 63361

Prior to the placement of a child with a disability in a 63362
program operated under section 3323.09 of the Revised Code, the 63363
district board of education shall consult the county DD board of 63364
the county in which the child resides regarding the proposed 63365
placement. 63366

A child with a disability enrolled in a nonpublic school or 63367
facility shall be provided special education and related services, 63368
in accordance with an individualized education program, at no cost 63369
for those services, if the child is placed in, or referred to, 63370
that nonpublic school or facility by the department of education 63371
or a school district. 63372

The IEP team shall review the individualized education 63373
program of each child with a disability periodically, but at least 63374
annually, to determine whether the annual goals for the child are 63375
being achieved, and shall revise the individualized education 63376
program as appropriate. 63377

The state board shall establish procedures and standards to assure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schools, or other removal of children with disabilities from the regular educational environment shall be used only when the nature or severity of a child's disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

If an agency directly affected by a placement decision objects to such decision, an impartial hearing officer, appointed by the department of education from a list prepared by the department, shall conduct a hearing to review the placement decision. The agencies that are parties to a hearing shall divide the costs of such hearing equally. The decision of the hearing officer shall be final, except that any party to the hearing who is aggrieved by the findings or the decision of the hearing officer may appeal the findings or decision in accordance with division (H) of section 3323.05 of the Revised Code or the parent of any child affected by such decision may present a complaint in accordance with that section.

Sec. 3323.07. The state board of education shall authorize the establishment and maintenance of special education and related services for all children with disabilities who are at least three years of age and less than twenty-two years of age, including children with disabilities who have been suspended or expelled from school, and may authorize special education and related services for children with disabilities who are less than three years of age in accordance with rules adopted by the state board. The state board shall require the boards of education of school districts, shall authorize the department of ~~mental health~~ mental health and addiction services and the department of developmental

disabilities, and may authorize any other educational agency, to 63410
establish and maintain such special education and related services 63411
in accordance with standards adopted by the state board. 63412

Sec. 3323.08. (A) Each school district shall submit a plan to 63413
the superintendent of public instruction that provides assurances 63414
that the school district will provide for the education of 63415
children with disabilities within its jurisdiction and has in 63416
effect policies, procedures, and programs that are consistent with 63417
the policies and procedures adopted by the state board of 63418
education in accordance with section 612 of the "Individuals with 63419
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 63420
and that meet the conditions applicable to school districts under 63421
section 613 of that act, 20 U.S.C. 1413. 63422

Each district's plan shall do all of the following: 63423

(1) Provide, as specified in section 3323.11 of the Revised 63424
Code and in accordance with standards established by the state 63425
board, for an organizational structure and necessary and qualified 63426
staffing and supervision for the identification of and provision 63427
of special education and related services for children with 63428
disabilities; 63429

(2) Provide, as specified by section 3323.03 of the Revised 63430
Code and in accordance with standards established by the state 63431
board, for the identification, location, and evaluation of all 63432
children with disabilities residing in the district, including 63433
children with disabilities who are homeless children or are wards 63434
of the state and children with disabilities attending private 63435
schools and who are in need of special education and related 63436
services. A practical method shall be developed and implemented to 63437
determine which children with disabilities are currently receiving 63438
needed special education and related services. 63439

(3) Provide, as specified by section 3323.07 of the Revised 63440

Code and standards established by the state board, for the 63441
establishment and maintenance of special education and related 63442
services for children with disabilities who are at least three 63443
years of age and less than twenty-two years of age, including 63444
children with disabilities who have been suspended or expelled 63445
from school. 63446

(4) Provide, as specified by section 3323.04 of the Revised 63447
Code and in accordance with standards adopted by the state board, 63448
for an individualized education program for each child with a 63449
disability who is at least three years of age and less than 63450
twenty-two years of age residing within the district; 63451

(5) Provide, as specified by section 3323.02 of the Revised 63452
Code and in accordance with standards established by the state 63453
board, for special education and related services and a free 63454
appropriate public education for every child with a disability who 63455
is at least three years of age and less than twenty-two years of 63456
age, including children with disabilities who have been suspended 63457
or expelled from school; 63458

(6) Provide procedural safeguards and prior written notice as 63459
required under section 3323.05 of the Revised Code and the 63460
standards established by the state board; 63461

(7) Outline the steps that have been or are being taken to 63462
comply with standards established by the state board. 63463

(B)(1) A school district may arrange, by a cooperative 63464
agreement or contract with one or more school districts or with a 63465
cooperative education or joint vocational school district or an 63466
educational service center, to provide for the identification, 63467
location, and evaluation of children with disabilities, and to 63468
provide special education and related services for such children 63469
that meet the standards established by the state board. A school 63470
district may arrange, by a cooperative agreement or contract, for 63471

the provision of related services for children with disabilities 63472
that meet the standards established by the state board. 63473

(2) A school district shall arrange by interagency agreement 63474
with one or more school districts or with a cooperative education 63475
or joint vocational school district or an educational service 63476
center or other providers of early learning services to provide 63477
for the identification, location, evaluation of children with 63478
disabilities of ages birth through five years of age and for the 63479
transition of children with disabilities at age three in 63480
accordance with the standards established by the state board. A 63481
school district may arrange by interagency agreement with 63482
providers of early learning services to provide special education 63483
and related services for such children that meet the standards 63484
established by the state board. 63485

(3) If at the time an individualized education program is 63486
developed for a child a school district is not providing special 63487
education and related services required by that individualized 63488
education program, the school district may arrange by contract 63489
with a nonpublic entity for the provision of the special education 63490
and related services, provided the special education and related 63491
services meet the standards for special education and related 63492
services established by the state board and is provided within the 63493
state. 63494

(4) Any cooperative agreement or contract under division 63495
(B)(1) or (2) of this section involving a local school district 63496
shall be approved by the governing board of the educational 63497
service center which serves that district. 63498

(C) No plan of a local school district shall be submitted to 63499
the superintendent of public instruction until it has been 63500
approved by the superintendent of the educational service center 63501
which serves that district. 63502

(D) Upon approval of a school district's plan by the 63503
superintendent of public instruction, the district shall 63504
immediately certify students for state funds under section 3317.03 63505
of the Revised Code to implement and maintain such plan. ~~The~~ 63506
~~district also shall request approval of classroom units under~~ 63507
~~division (B) of section 3317.05 of the Revised Code for which the~~ 63508
~~district has adequately identified preschool children with~~ 63509
~~disabilities and shall, in accordance with procedures adopted by~~ 63510
~~the state board, request approval of units under division (C) of~~ 63511
~~section 3317.05 of the Revised Code.~~ The district shall, in 63512
accordance with guidelines adopted by the state board, identify 63513
problems relating to the provision of qualified personnel and 63514
adequate facilities, and indicate the extent to which the cost of 63515
programs required under the plan will exceed anticipated state 63516
reimbursement. Each school district shall immediately implement 63517
the identification, location, and evaluation of children with 63518
disabilities in accordance with this chapter, and shall implement 63519
those parts of the plan involving placement and provision of 63520
special education and related services. 63521

Sec. 3323.09. (A) As used in this section: 63522

(1) "Home" has the meaning given in section 3313.64 of the 63523
Revised Code. 63524

(2) "Preschool child" means a child who is at least age three 63525
but under age six on the thirtieth day of September of an academic 63526
year. 63527

(B) Each county DD board shall establish special education 63528
programs for all children with disabilities who in accordance with 63529
section 3323.04 of the Revised Code have been placed in special 63530
education programs operated by the county board and for preschool 63531
children who are developmentally delayed or at risk of being 63532
developmentally delayed. The board annually shall submit to the 63533

department of education a plan for the provision of these programs 63534
and, if applicable, a request for approval of units under section 63535
~~3317.05 of the Revised Code.~~ The superintendent of public 63536
instruction shall review the plan and approve or modify it in 63537
accordance with rules adopted by the state board of education 63538
under section 3301.07 of the Revised Code. The superintendent of 63539
public instruction shall compile the plans submitted by county 63540
boards and shall submit a comprehensive plan to the state board. 63541

A county DD board may combine transportation for children 63542
enrolled in classes funded under ~~section~~ sections 3317.0213 or 63543
3317.20 ~~or units approved under section 3317.05~~ with 63544
transportation for children and adults enrolled in programs and 63545
services offered by the board under Chapter 5126. of the Revised 63546
Code. 63547

(C) A county DD board that during the school year provided 63548
special education pursuant to this section for any child with 63549
mental disabilities under twenty-two years of age shall prepare 63550
and submit the following reports and statements: 63551

(1) The board shall prepare a statement for each child who at 63552
the time of receiving such special education was a resident of a 63553
home and was not in the legal or permanent custody of an Ohio 63554
resident or a government agency in this state, and whose natural 63555
or adoptive parents are not known to have been residents of this 63556
state subsequent to the child's birth. The statement shall contain 63557
the child's name, the name of the child's school district of 63558
residence, the name of the county board providing the special 63559
education, and the number of months, including any fraction of a 63560
month, it was provided. Not later than the thirtieth day of June, 63561
the board shall forward a certified copy of such statement to both 63562
the director of developmental disabilities and to the home. 63563

Within thirty days after its receipt of a statement, the home 63564
shall pay tuition to the county board computed in the manner 63565

prescribed by section 3323.141 of the Revised Code. 63566

(2) The board shall prepare a report for each school district 63567
that is the school district of residence of one or more of such 63568
children for whom statements are not required by division (C)(1) 63569
of this section. The report shall contain the name of the county 63570
board providing special education, the name of each child 63571
receiving special education, the number of months, including 63572
fractions of a month, that the child received it, and the name of 63573
the child's school district of residence. Not later than the 63574
thirtieth day of June, the board shall forward certified copies of 63575
each report to the school district named in the report, the 63576
superintendent of public instruction, and the director of 63577
developmental disabilities. 63578

Sec. 3323.091. (A) The department of ~~mental health~~ mental 63579
health and addiction services, the department of developmental 63580
disabilities, the department of youth services, and the department 63581
of rehabilitation and correction shall establish and maintain 63582
special education programs for children with disabilities in 63583
institutions under their jurisdiction according to standards 63584
adopted by the state board of education. 63585

(B) ~~The superintendent of each state institution required to~~ 63586
~~provide services under division (A) of this section, and each~~ 63587
~~county DD board, providing special education for preschool~~ 63588
~~children with disabilities under this chapter may apply to the~~ 63589
~~state department of education for unit funding, which shall be~~ 63590
~~paid in accordance with sections 3317.052 and 3317.053 of the~~ 63591
~~Revised Code.~~ 63592

The superintendent of each state institution required to 63593
provide services under division (A) of this section may apply to 63594
the department of education for special education and related 63595
services ~~weighted~~ funding for children with disabilities other 63596

than preschool children with disabilities, calculated in 63597
accordance with section 3317.201 of the Revised Code. 63598

Each county DD board providing special education for children 63599
with disabilities other than preschool children with disabilities 63600
may apply to the department of education for ~~base cost and~~ 63601
opportunity funds and special education and related services 63602
~~weighted~~ funding calculated in accordance with section 3317.20 of 63603
the Revised Code. 63604

(C) In addition to the authorization to apply for state 63605
funding described in division (B) of this section, each state 63606
institution required to provide services under division (A) of 63607
this section is entitled to tuition payments calculated in the 63608
manner described in division (C) of this section. 63609

On or before the thirtieth day of June of each year, the 63610
superintendent of each institution that during the school year 63611
provided special education pursuant to this section shall prepare 63612
a statement for each child with a disability under twenty-two 63613
years of age who has received special education. The statement 63614
shall contain the child's data verification code assigned pursuant 63615
to division (D)(2) of section 3301.0714 of the Revised Code and 63616
the name of the child's school district of residence. Within sixty 63617
days after receipt of such statement, the department of education 63618
shall perform one of the following: 63619

(1) For any child except a preschool child with a disability 63620
described in division (C)(2) of this section, pay to the 63621
institution submitting the statement an amount equal to the 63622
tuition calculated under division (A) of section 3317.08 of the 63623
Revised Code for the period covered by the statement, and deduct 63624
the same from the amount of state funds, if any, payable under 63625
Chapter 3317. of the Revised Code, to the child's school district 63626
of residence or, if the amount of such state funds is 63627
insufficient, require the child's school district of residence to 63628

pay the institution submitting the statement an amount equal to 63629
the amount determined under this division. 63630

(2) For any preschool child with a disability ~~not included in~~ 63631
~~a unit approved under division (B) of section 3317.05 of the~~ 63632
~~Revised Code~~, perform the following: 63633

(a) Pay to the institution submitting the statement an amount 63634
equal to the tuition calculated under division (B) of section 63635
3317.08 of the Revised Code for the period covered by the 63636
statement, except that in calculating the tuition under that 63637
section the operating expenses of the institution submitting the 63638
statement under this section shall be used instead of the 63639
operating expenses of the school district of residence; 63640

(b) Deduct from the amount of state funds, if any, payable 63641
under Chapter 3317. of the Revised Code to the child's school 63642
district of residence an amount equal to the amount paid under 63643
division (C)(2)(a) of this section. 63644

Sec. 3323.13. (A) If a child who is a school resident of one 63645
school district receives special education from another district, 63646
the board of education of the district providing the education, 63647
subject to division (C) of this section, may require the payment 63648
by the board of education of the district of residence of a sum 63649
not to exceed one of the following, as applicable: 63650

(1) For any child except a preschool child with a disability 63651
described in division (A)(2) of this section, the tuition of the 63652
district providing the education for a child of normal needs of 63653
the same school grade. The determination of the amount of such 63654
tuition shall be in the manner provided for by division (A) of 63655
section 3317.08 of the Revised Code. 63656

(2) For any preschool child with a disability ~~not included in~~ 63657
~~a unit approved under division (B) of section 3317.05 of the~~ 63658

~~Revised Code~~, the tuition of the district providing the education 63659
for the child as calculated under division (B) of section 3317.08 63660
of the Revised Code, multiplied by 0.50. 63661

(B) The board of the district of residence may contract with 63662
the board of another district for the transportation of such child 63663
into any school in such other district, on terms agreed upon by 63664
such boards. Upon direction of the state board of education, the 63665
board of the district of residence shall pay for the child's 63666
transportation and the tuition. 63667

(C) The board of education of a district providing the 63668
education for a child shall be entitled to require payment from 63669
the district of residence under this section or section 3323.14 of 63670
the Revised Code only if the district providing the education has 63671
done at least one of the following: 63672

(1) Invited the district of residence to send representatives 63673
to attend the meetings of the team developing the child's 63674
individualized education program; 63675

(2) Received from the district of residence a copy of the 63676
individualized education program or a multifactored evaluation 63677
developed for the child by the district of residence; 63678

(3) Informed the district of residence in writing that the 63679
district is providing the education for the child. 63680

As used in division (C)(2) of this section, "multifactored 63681
evaluation" means an evaluation, conducted by a multidisciplinary 63682
team, of more than one area of the child's functioning so that no 63683
single procedure shall be the sole criterion for determining an 63684
appropriate educational program placement for the child. 63685

~~Sec. 3323.14. This section does not apply to any preschool 63686
child with a disability except if included in a unit approved 63687
under division (B) of section 3317.05 of the Revised Code. 63688~~

(A) Where a child who is a school resident of one school district receives special education from another district and the per capita cost to the educating district for that child exceeds the sum of the amount received by the educating district for that child under division (A) of section 3317.08 of the Revised Code and the amount received by the district from the state board of education for that child, then the board of education of the district of residence shall pay to the board of the school district that is providing the special education such excess cost as is determined by using a formula approved by the department of education and agreed upon in contracts entered into by the boards of the districts concerned at the time the district providing such special education accepts the child for enrollment. The department shall certify the amount of the payments under Chapter 3317. of the Revised Code for such pupils with disabilities for each school year ending on the thirtieth day of July.

(B) In the case of a child described in division (A) of this section who has been placed in a home, as defined in section 3313.64 of the Revised Code, pursuant to the order of a court and who is not subject to section 3323.141 of the Revised Code, the district providing the child with special education and related services may charge to the child's district of residence the excess cost determined by formula approved by the department, regardless of whether the district of residence has entered into a contract with the district providing the services. If the district providing the services chooses to charge excess costs, the district may report the amount calculated under this division to the department.

(C) If a district providing special education for a child reports an amount for the excess cost of those services, as authorized and calculated under division (A) or (B) of this section, the department shall pay that amount of excess cost to

the district providing the services and shall deduct that amount 63721
from the child's district of residence in accordance with division 63722
(K) of section 3317.023 of the Revised Code. 63723

Sec. 3323.141. (A) When a child who is not in the legal or 63724
permanent custody of an Ohio resident or a government agency in 63725
this state and whose natural or adoptive parents are not known to 63726
have been residents of this state subsequent to the child's birth 63727
is a resident of a home as defined in section 3313.64 of the 63728
Revised Code and receives special education and related services 63729
from a school district or county ~~MR/DD~~ DD board, the home shall 63730
pay tuition to the board providing the special education. 63731

(B) In the case of a child described in division (A) of this 63732
section who receives special education and related services from a 63733
school district, tuition shall be the amount determined under 63734
division (B)(1) or (2) of this section. 63735

(1) For a child other than a child described in division 63736
(B)(2) of this section the tuition shall be an amount equal to the 63737
sum of the following: 63738

(a) Tuition as determined in the manner provided for by 63739
division (B) of section 3317.081 of the Revised Code for the 63740
district that provides the special education; 63741

(b) Such excess cost as is determined by using a formula 63742
established by rule of the department of education. The excess 63743
cost computed in this section shall not be used as excess cost 63744
computed under section 3323.14 of the Revised Code. 63745

(2) For a child who is a preschool child with a disability 63746
~~not included in a unit approved under division (B) of section~~ 63747
~~3317.05 of the Revised Code~~, the tuition shall be computed as 63748
follows: 63749

(a) Determine the amount of the tuition of the district 63750

providing the education for the child as calculated under division 63751
(B) of section 3317.08 of the Revised Code; 63752

(b) For each type of special education service included in 63753
the computation of the amount of tuition under division (B)(2)(a) 63754
of this section, divide the amount determined for that computation 63755
under division (B)(2) of section 3317.08 of the Revised Code by 63756
the total number of preschool children with disabilities used for 63757
that computation under division (B)(3) of section 3317.08 of the 63758
Revised Code; 63759

(c) Determine the sum of the quotients obtained under 63760
division (B)(2)(b) of this section; 63761

(d) Determine the sum of the amounts determined under 63762
divisions (B)(2)(a) and (c) of this section. 63763

(C) In the case of a child described in division (A) of this 63764
section who receives special education and related services from a 63765
county ~~MR/DD~~ DD board, tuition shall be the amount determined 63766
under division (C)(1) or (2) of this section. 63767

(1) For a child other than a child described in division 63768
(C)(2) of this section, the tuition shall be an amount equal to 63769
such board's per capita cost of providing special education and 63770
related services for children at least three but less than 63771
twenty-two years of age as determined by using a formula 63772
established by rule of the department of developmental 63773
disabilities. 63774

(2) For a child who is a preschool child with a disability 63775
~~not included in a unit approved under division (B) of section~~ 63776
~~3317.05 of the Revised Code~~, the tuition shall equal the sum of 63777
the amounts of each such board's per capita cost of providing each 63778
of the special education or related service that the child 63779
receives. The calculation of tuition shall be made by using a 63780
formula established by rule of the department of developmental 63781

disabilities. The formula for the calculation of per capita costs 63782
under division (C)(2) of this section shall be based only on each 63783
such ~~MR/DD~~ DD board's cost of providing each type of special 63784
education or related service to preschool children with 63785
~~disabilities not included in a unit approved under division (B) of~~ 63786
~~section 3317.05 of the Revised Code.~~ 63787

(D) If a home fails to pay the tuition required under this 63788
section, the board of education or county ~~MR/DD~~ DD board providing 63789
the education may recover in a civil action the tuition and the 63790
expenses incurred in prosecuting the action, including court costs 63791
and reasonable attorney's fees. If the prosecuting attorney or 63792
city director of law represents the board in such action, costs 63793
and reasonable attorney's fees awarded by the court, based upon 63794
the time spent preparing and presenting the case by the 63795
prosecuting attorney, director, or a designee of either, shall be 63796
deposited in the county or city general fund. 63797

~~Sec. 3323.142. This section does not apply to any preschool 63798
child with a disability except if included in a unit approved 63799
under division (B) of section 3317.05 of the Revised Code.~~ 63800

As used in this section, "per pupil amount" for a preschool 63801
child with a disability included in such an approved unit means 63802
the amount determined by dividing the amount received for the 63803
classroom unit in which the child has been placed by the number of 63804
children in the unit. For any other child, "per pupil amount" 63805
means the amount paid for the child under section 3317.20 of the 63806
Revised Code. 63807

When a school district places or has placed a child with a 63808
county DD board for special education, but another district is 63809
responsible for tuition under section 3313.64 or 3313.65 of the 63810
Revised Code and the child is not a resident of the territory 63811
served by the county DD board, the board may charge the district 63812

responsible for tuition with the educational costs in excess of 63813
the per pupil amount received by the board under Chapter 3317. of 63814
the Revised Code. The amount of the excess cost shall be 63815
determined by the formula established by rule of the department of 63816
education under section 3323.14 of the Revised Code, and the 63817
payment for such excess cost shall be made by the school district 63818
directly to the county DD board. 63819

A school district board of education and the county DD board 63820
that serves the school district may negotiate and contract, at or 63821
after the time of placement, for payments by the board of 63822
education to the county DD board for additional services provided 63823
to a child placed with the county DD board and whose 63824
individualized education program established pursuant to section 63825
3323.08 of the Revised Code requires additional services that are 63826
not routinely provided children in the county DD board's program 63827
but are necessary to maintain the child's enrollment and 63828
participation in the program. Additional services may include, but 63829
are not limited to, specialized supplies and equipment for the 63830
benefit of the child and instruction, training, or assistance 63831
provided by staff members other than staff members for which 63832
funding is received under Chapter 3317. of the Revised Code. 63833

Sec. 3325.13. The state school for the blind employees food 63834
service fund is hereby created in the state treasury. The fund 63835
shall consist of payments received from employees who make 63836
purchases from the school's food service program. Notwithstanding 63837
section 3325.01 of the Revised Code, the approval of the state 63838
board of education is not required to designate money for deposit 63839
into the fund. The school for the blind shall use money in the 63840
fund to pay costs associated with the school's food service 63841
program. 63842

Sec. 3325.14. The state school for the deaf employees food 63843

service fund is hereby created in the state treasury. The fund 63844
shall consist of payments received from employees who make 63845
purchases from the school's food service program. Notwithstanding 63846
section 3325.01 of the Revised Code, the approval of the state 63847
board of education is not required to designate money for deposit 63848
into the fund. The school for the deaf shall use money in the fund 63849
to pay costs associated with the school's food service program. 63850

Sec. 3326.07. Each science, technology, engineering, and 63851
mathematics school established under this chapter is a public 63852
school, is part of the state's program of education, may contract 63853
for any services necessary for the operation of the school, and 63854
may continue in operation for as long as the school is in 63855
compliance with the provisions of this chapter and with the 63856
proposal for its establishment as approved by the STEM committee. 63857
If the school closes for any reason, its assets shall be 63858
distributed in the manner provided in the proposal for its 63859
establishment as required by division (C)(9) of section 3326.03 of 63860
the Revised Code. 63861

Sec. 3326.08. (A) The governing body of each science, 63862
technology, engineering, and mathematics school shall ~~employ and~~ 63863
~~fix the compensation for the~~ engage the services of administrative 63864
officers, teachers, and nonteaching employees of the STEM school 63865
necessary for the school to carry out its mission and shall 63866
oversee the operations of the school. The governing body of each 63867
STEM school shall ~~employ~~ engage the services of a chief 63868
administrative officer to serve as the school's instructional and 63869
administrative leader. The chief administrative officer shall be 63870
granted the authority to oversee the recruitment, retention, and 63871
employment of teachers and nonteaching employees. 63872

(B) The department of education shall monitor the oversight 63873

of each STEM school exercised by the school's governing body and 63874
shall monitor the school's compliance with this chapter and with 63875
the proposal for the establishment of the school as it was 63876
approved by the STEM committee under section 3326.04 of the 63877
Revised Code. If the department finds that the school is not in 63878
compliance with this chapter or with the proposal, the department 63879
shall consult with the STEM committee, and the committee may order 63880
the school to close on the last day of the school year in which 63881
the committee issues its order. 63882

(C) The governing body of each STEM school shall comply with 63883
sections 121.22 and 149.43 of the Revised Code. 63884

Sec. 3326.11. Each science, technology, engineering, and 63885
mathematics school established under this chapter and its 63886
governing body shall comply with sections 9.90, 9.91, 109.65, 63887
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 63888
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 63889
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 63890
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 63891
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 63892
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 63893
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 63894
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 63895
3313.816, 3313.817, 3313.86, ~~3313.88~~, 3313.96, 3319.073, 3319.21, 63896
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 63897
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 63898
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 63899
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 63900
4123., 4141., and 4167. of the Revised Code as if it were a school 63901
district. 63902

Sec. 3326.112. The governing body of each STEM school shall 63903
comply with the standards for financial reporting adopted under 63904

division (B)(2) of section 3301.07 of the Revised Code. 63905

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code: 63906
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(A) ~~"Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.~~ 63908
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~~(B) "Applicable vocational education weight" means the multiple specified in section 3317.014 of the Revised Code for vocational education programs or classes described in that section~~ 63911
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(1) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code. 63914
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(2) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code. 63917
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(3) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code. 63920
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(4) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code. 63923
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(5) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code. 63926
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(B)(1) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code. 63929
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(2) "Category two limited English proficient student" means a limited English proficient student described in division (B) of 63932
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<u>section 3317.016 of the Revised Code.</u>	63934
<u>(3) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code.</u>	63935 63936 63937
<u>(C)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.</u>	63938 63939 63940 63941
<u>(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.</u>	63942 63943 63944
<u>(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.</u>	63945 63946 63947 63948
<u>(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.</u>	63949 63950 63951
<u>(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.</u>	63952 63953 63954
<u>(6) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.</u>	63955 63956 63957
(C)(D) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	63958 63959
(D)(E) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.	63960 63961
(E) A student is "included in the poverty student count of the student's resident district" if the student's family receives	63962 63963

~~assistance under the Ohio works first program.~~ 63964

(F) "Resident district" means the school district in which a 63965
student is entitled to attend school under section 3313.64 or 63966
3313.65 of the Revised Code. 63967

(G) "State education aid" has the same meaning as in section 63968
5751.20 of the Revised Code. 63969

Sec. 3326.32. Each science, technology, engineering, and 63970
mathematics school shall report to the department of education, in 63971
the form and manner required by the department, all of the 63972
following information: 63973

(A) The total number of students enrolled in the school; 63974

(B) The number of students who are receiving special 63975
education and related services pursuant to an IEP; 63976

(C) For each student reported under division (B) of this 63977
section, which category specified in divisions (A) to (F) of 63978
section 3317.013 of the Revised Code applies to the student; 63979

(D) The full-time equivalent number of students who are 63980
enrolled in ~~vocational~~ career-technical education programs or 63981
classes described in each of divisions (A) ~~and~~, (B), (C), (D), and 63982
(E) of section 3317.014 of the Revised Code that are provided by 63983
the STEM school; 63984

(E) The number of students who are limited English proficient 63985
students and which category specified in divisions (A) to (C) of 63986
section 3317.016 of the Revised Code applies to each student; 63987

(F) The number of students reported under division (A) of 63988
this section who are economically disadvantaged, as defined by the 63989
department. A student shall not be categorically excluded from the 63990
number reported under division (F) of this section based on 63991
anything other than family income. 63992

<u>(G)</u> The resident district of each student;	63993
(F) <u>(H)</u> Any additional information the department determines necessary to make payments under this chapter.	63994 63995
Sec. 3326.33. Payments and deductions under this section for fiscal years 2012 and 2013 shall be made in accordance with section 3326.39 of the Revised Code.	63996 63997 63998
For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, <u>on a full-time equivalency basis</u> , the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following:	63999 64000 64001 64002 64003 64004 64005
(A) The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.	64006 64007 64008
(B) If the student is receiving special education and related services pursuant to an IEP, the product of the applicable special education weight times the formula amount;	64009 64010 64011
(C) If the student is enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, the product of the applicable vocational education weight times the formula amount times the percentage of time the student spends in the vocational education programs or classes;	64012 64013 64014 64015 64016 64017 64018 64019 64020
(D) If the student is included in the poverty student count of the student's resident district, the per pupil amount of the	64021 64022

~~district's payment under division (C) of section 3317.029 of the Revised Code;~~ 64023
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~~(E) If the student is identified as limited English proficient and the student's resident district receives a payment for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code, the per pupil amount of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;~~ 64025
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~~(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of the Revised Code;~~ 64032
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~~(G) If the student's resident district receives a parity aid payment under section 3317.0217 of the Revised Code, the per pupil amount calculated for the district under division (C) or (D) of that section An opportunity grant in an amount equal to the formula amount;~~ 64038
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(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25; 64043
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(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows: 64047
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(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code; 64050
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(2) If the student is a category two special education 64053

<u>student, the amount specified in division (B) of section 3317.013</u>	64054
<u>of the Revised Code;</u>	64055
<u>(3) If the student is a category three special education</u>	64056
<u>student, the amount specified in division (C) of section 3317.013</u>	64057
<u>of the Revised Code;</u>	64058
<u>(4) If the student is a category four special education</u>	64059
<u>student, the amount specified in division (D) of section 3317.013</u>	64060
<u>of the Revised Code;</u>	64061
<u>(5) If the student is a category five special education</u>	64062
<u>student, the amount specified in division (E) of section 3317.013</u>	64063
<u>of the Revised Code;</u>	64064
<u>(6) If the student is a category six special education</u>	64065
<u>student, the amount specified in division (F) of section 3317.013</u>	64066
<u>of the Revised Code.</u>	64067
<u>(D) If the student is in kindergarten through third grade,</u>	64068
<u>\$225, in fiscal year 2014, or \$335, in fiscal year 2015;</u>	64069
<u>(E) If the student is economically disadvantaged, an amount</u>	64070
<u>equal to the following:</u>	64071
<u>(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) X (the</u>	64072
<u>resident district's economically disadvantaged index)</u>	64073
<u>(F) Limited English proficiency funds, as follows:</u>	64074
<u>(1) If the student is a category one limited English</u>	64075
<u>proficient student, the amount specified in division (A) of</u>	64076
<u>section 3317.016 of the Revised Code;</u>	64077
<u>(2) If the student is a category two limited English</u>	64078
<u>proficient student, the amount specified in division (B) of</u>	64079
<u>section 3317.016 of the Revised Code;</u>	64080
<u>(3) If the student is a category three limited English</u>	64081
<u>proficient student, the amount specified in division (C) of</u>	64082
<u>section 3317.016 of the Revised Code.</u>	64083

<u>(G) Career-technical education funds as follows:</u>	64084
<u>(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;</u>	64085 64086 64087
<u>(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;</u>	64088 64089 64090
<u>(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;</u>	64091 64092 64093
<u>(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;</u>	64094 64095 64096
<u>(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.</u>	64097 64098 64099
<u>Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.</u>	64100 64101 64102
Sec. 3326.34. If a science, technology, engineering, and mathematics school established under this chapter incurs costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code that exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) (B) of section 3317.022 <u>3317.0214</u> of the Revised Code, the STEM school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the	64103 64104 64105 64106 64107 64108 64109 64110 64111 64112 64113

manner prescribed, the department of education shall pay to the 64114
school an amount equal to the school's costs for the student in 64115
excess of the threshold catastrophic costs. 64116

The school shall only report under this section, and the 64117
department shall only pay for, the costs of educational expenses 64118
and the related services provided to the student in accordance 64119
with the student's IEP. Any legal fees, court costs, or other 64120
costs associated with any cause of action relating to the student 64121
may not be included in the amount. 64122

Sec. 3326.38. A science, technology, engineering, and 64123
mathematics school may do ~~all~~ both of the following: 64124

(A) ~~Apply to the department of education for gifted unit~~ 64125
~~funding;~~ 64126

~~(B)~~ Apply to any state or federal agency for grants that a 64127
school district or public school may receive under federal or 64128
state law or any appropriations act of the general assembly; 64129

~~(C)~~(B) Apply to any private entity or foundation for 64130
additional funds. 64131

Sec. 3326.39. (A) In any fiscal year, a STEM school receiving 64132
funds under division (G) of section 3326.33 of the Revised Code 64133
shall spend those funds only for the purposes that the department 64134
designates as approved for career-technical education expenses. 64135
Career-technical educational expenses approved by the department 64136
shall include only expenses connected to the delivery of 64137
career-technical programming to career-technical students. The 64138
department shall require the school to report data annually so 64139
that the department may monitor the school's compliance with the 64140
requirements regarding the manner in which funding received under 64141
division (G) of section 3326.33 of the Revised Code may be spent. 64142
64143

(B) All funds received under division (G) of section 3326.33 64144
of the Revised Code shall be spent in the following manner: 64145

(1) At least seventy-five per cent of the funds shall be 64146
spent on curriculum development, purchase, and implementation; 64147
instructional resources and supplies; industry-based program 64148
certification; student assessment, credentialing, and placement; 64149
curriculum specific equipment purchases and leases; 64150
career-technical student organization fees and expenses; home and 64151
agency linkages; work-based learning experiences; professional 64152
development; and other costs directly associated with 64153
career-technical education programs including development of new 64154
programs. 64155

(2) Not more than twenty-five per cent of the funds shall be 64156
used for personnel expenditures. 64157

Sec. 3326.40. A STEM school shall spend the funds it receives 64158
under division (E) of section 3326.33 of the Revised Code in 64159
accordance with section 3317.25 of the Revised Code. 64160

Sec. 3326.45. (A) The governing body of a science, 64161
technology, engineering, and mathematics school may contract with 64162
the governing board of an educational service center or the board 64163
of education of a joint vocational school district for the 64164
provision of services to the STEM school or to any student 64165
enrolled in the school. Services provided under the contract and 64166
the amount to be paid for those services shall be mutually agreed 64167
to by the parties to the contract, and shall be specified in the 64168
contract. 64169

(B) A contract entered into under this section may require an 64170
educational service center to provide any one or a combination of 64171
the following services to a STEM school: 64172

(1) Supervisory teachers; 64173

(2) In-service and continuing education programs for personnel of the STEM school;	64174 64175
(3) Curriculum services as provided to the client school districts of the service center;	64176 64177
(4) Research and development programs;	64178
(5) Academic instruction for which the service center governing board employs teachers;	64179 64180
(6) Assistance in the provision of special accommodations and classes for students with disabilities.	64181 64182
Services described in division (B) of this section shall be provided to the STEM school in the same manner they are provided to client school districts of the service center, unless otherwise specified in the contract. The contract shall specify whether the service center will receive a per-pupil payment from the department of education for the provision of these services and, if so, the amount of the per-pupil payment, which shall not exceed the per pupil amount paid to the service center under division (F) of section 3317.11 of the Revised Code for each student in the service center ADM.	64183 64184 64185 64186 64187 64188 64189 64190 64191 64192
(C) For each contract entered into under this section, the department shall deduct the amount owed by the STEM school from the state funds due to the STEM school under this chapter and shall pay that amount to the educational service center or joint vocational school district that is party to the contract. In the case of a contract with an educational service center that specifies per pupil payments for the provision of services described in division (B) of this section, the department also shall pay the service center the amount calculated under division (H) of section 3317.11 of the Revised Code.	64193 64194 64195 64196 64197 64198 64199 64200 64201 64202
(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day	64203 64204

of the school year for which the contract is in effect. 64205

(E) As used in this section, "client school district" ~~has the~~ 64206
~~same meaning as in section 3317.11 of the Revised Code~~ means a 64207
city, exempted village, or local school district that has entered 64208
into an agreement under section 3313.843 or 3313.845 of the 64209
Revised Code to receive any services from an educational service 64210
center. 64211

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 64212
and division (D) of section 3311.52 of the Revised Code, this 64213
section and sections 3327.011, 3327.012, and 3327.02 of the 64214
Revised Code do not apply to any joint vocational or cooperative 64215
education school district. 64216

In all city, local, and exempted village school districts 64217
where resident school pupils in grades kindergarten through eight 64218
live more than two miles from the school for which the state board 64219
of education prescribes minimum standards pursuant to division (D) 64220
of section 3301.07 of the Revised Code and to which they are 64221
assigned by the board of education of the district of residence or 64222
to and from the nonpublic or community school which they attend, 64223
the board of education shall provide transportation for such 64224
pupils to and from ~~such~~ that school except as provided in section 64225
3327.02 of the Revised Code. 64226

In all city, local, and exempted village school districts 64227
where pupil transportation is required under a career-technical 64228
plan approved by the state board of education under section 64229
3313.90 of the Revised Code, for any student attending a 64230
career-technical program operated by another school district, 64231
including a joint vocational school district, as prescribed under 64232
that section, the board of education of the student's district of 64233
residence shall provide transportation from the public high school 64234
operated by that district to which the student is assigned to the 64235

career-technical program. 64236

In all city, local, and exempted village school districts, 64237
the board may provide transportation for resident school pupils in 64238
grades nine through twelve to and from the high school to which 64239
they are assigned by the board of education of the district of 64240
residence or to and from the nonpublic or community high school 64241
which they attend for which the state board of education 64242
prescribes minimum standards pursuant to division (D) of section 64243
3301.07 of the Revised Code. 64244

A board of education shall not be required to transport 64245
elementary or high school pupils to and from a nonpublic or 64246
community school where such transportation would require more than 64247
thirty minutes of direct travel time as measured by school bus 64248
from the public school building to which the pupils would be 64249
assigned if attending the public school designated by the district 64250
of residence. 64251

Where it is impractical to transport a pupil by school 64252
conveyance, a board of education may offer payment, in lieu of 64253
providing such transportation in accordance with section 3327.02 64254
of the Revised Code. 64255

A board of education shall not be required to transport 64256
elementary or high school pupils to and from a nonpublic or 64257
community school on Saturday or Sunday, unless a board of 64258
education and a nonpublic or community school have an agreement in 64259
place to do so before July 1, 2014. 64260

In all city, local, and exempted village school districts, 64261
the board shall provide transportation for all children who are so 64262
disabled that they are unable to walk to and from the school for 64263
which the state board of education prescribes minimum standards 64264
pursuant to division (D) of section 3301.07 of the Revised Code 64265
and which they attend. In case of dispute whether the child is 64266

able to walk to and from the school, the health commissioner shall 64267
be the judge of such ability. In all city, exempted village, and 64268
local school districts, the board shall provide transportation to 64269
and from school or special education classes for ~~educable~~ mentally 64270
~~retarded~~ disabled children in accordance with standards adopted by 64271
the state board of education. 64272

When transportation of pupils is provided the conveyance 64273
shall be run on a time schedule that shall be adopted and put in 64274
force by the board not later than ten days after the beginning of 64275
the school term. 64276

The cost of any transportation service authorized by this 64277
section shall be paid first out of federal funds, if any, 64278
available for the purpose of pupil transportation, and secondly 64279
out of state appropriations, in accordance with regulations 64280
adopted by the state board of education. 64281

No transportation of any pupils shall be provided by any 64282
board of education to or from any school which in the selection of 64283
pupils, faculty members, or employees, practices discrimination 64284
against any person on the grounds of race, color, religion, or 64285
national origin. 64286

Sec. 3327.02. (A) After considering each of the following 64287
factors, the board of education of a city, exempted village, or 64288
local school district may determine that it is impractical to 64289
transport a pupil who is eligible for transportation to and from a 64290
school under section 3327.01 of the Revised Code: 64291

(1) The time and distance required to provide the 64292
transportation; 64293

(2) The number of pupils to be transported; 64294

(3) The cost of providing transportation in terms of 64295
equipment, maintenance, personnel, and administration; 64296

(4) Whether similar or equivalent service is provided to other pupils eligible for transportation;	64297 64298
(5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;	64299 64300
(6) Whether other reimbursable types of transportation are available.	64301 64302
(B)(1) Based on its consideration of the factors established in division (A) of this section, the board may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality.	64303 64304 64305 64306
(2) The board shall report its determination to the state board of education in a manner determined by the state board.	64307 64308
(3) The board of education of a local school district additionally shall submit the resolution for concurrence to the educational service center that contains the local district's territory. If the educational service center governing board considers transportation by school conveyance practicable, it shall so inform the local board and transportation shall be provided by such local board. If the educational service center board agrees with the view of the local board, the local board may offer payment in lieu of transportation as provided in this section.	64309 64310 64311 64312 64313 64314 64315 64316 64317 64318
(C) After passing the resolution declaring the impracticality of transportation, the district board shall offer to provide payment in lieu of transportation by doing the following:	64319 64320 64321
(1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:	64322 64323 64324
(a) The board's resolution;	64325
(b) The right of the pupil's parent, guardian, or other	64326

person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than ~~the amount determined by the department of education as the minimum for payment in lieu of transportation,~~ two hundred twenty-five dollars and not more than the amount determined by the department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures.

(b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the board of education to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district shall provide transportation for the pupil from the time the parent, guardian, or other person in

charge of the pupil requests mediation until the matter is 64358
resolved under division (E)(1)(a) or (b) of this section. 64359

(F)(1) If the department determines that a school district 64360
board has failed or is failing to provide transportation as 64361
required by division (E)(2) of this section or as ordered by the 64362
state board under division (E)(1)(b) of this section, the 64363
department shall order the school district board to pay to the 64364
pupil's parent, guardian, or other person in charge of the pupil, 64365
an amount equal to the state average daily cost of transportation 64366
as determined by the state board of education for the previous 64367
year. The school district board shall make payments on a schedule 64368
ordered by the department. 64369

(2) If the department subsequently finds that a school 64370
district board is not in compliance with an order issued under 64371
division (F)(1) of this section and the affected pupils are 64372
enrolled in a nonpublic or community school, the department shall 64373
deduct the amount that the board is required to pay under that 64374
order from any pupil transportation payments the department makes 64375
to the school district board under section 3317.0212 of the 64376
Revised Code or other provisions of law. The department shall use 64377
the moneys so deducted to make payments to the nonpublic or 64378
community school attended by the pupil. The department shall 64379
continue to make the deductions and payments required under this 64380
division until the school district board either complies with the 64381
department's order issued under division (F)(1) of this section or 64382
begins providing transportation. 64383

(G) A nonpublic or community school that receives payments 64384
from the department under division (F)(2) of this section shall do 64385
either of the following: 64386

(1) Disburse the entire amount of the payments to the parent, 64387
guardian, or other person in charge of the pupil affected by the 64388
failure of the school district of residence to provide 64389

transportation; 64390

(2) Use the entire amount of the payments to provide 64391

acceptable transportation for the affected pupil. 64392

Sec. 3327.07. (A) The governing authority of a chartered 64393
nonpublic school that transports a student enrolled in the school 64394
to and from school may charge the parent or guardian of the 64395
student a fee for the transportation, if the governing authority 64396
purchased the vehicle that transports the student using no state 64397
or federal funds. The fee shall not exceed the per student cost of 64398
the transportation, as determined by the governing authority. 64399

(B) The parent or guardian of a student who is enrolled in a 64400
chartered nonpublic school and is eligible for transportation by a 64401
school district under section 3327.01 of the Revised Code may 64402
decline that transportation and accept transportation from the 64403
chartered nonpublic school. The governing authority of a chartered 64404
nonpublic school may charge a fee under division (A) of this 64405
section regardless of whether a student is eligible for 64406
transportation under section 3327.01 of the Revised Code. 64407

(C) The offering by the governing authority of a chartered 64408
nonpublic school of transportation to and from the school does not 64409
relieve any school district board of education from any duty 64410
imposed by sections 3327.01 and 3327.02 of the Revised Code with 64411
respect to the chartered nonpublic school's students. 64412

Sec. 3327.10. (A) No person shall be employed as driver of a 64413
school bus or motor van, owned and operated by any school district 64414
or educational service center or privately owned and operated 64415
under contract with any school district or service center in this 64416
state, who has not received a certificate from either the 64417
educational service center governing board ~~in case such person is~~ 64418
~~employed by a service center or by a local school district under~~ 64419

~~the supervision of the service center governing board, that has~~ 64420
~~entered into an agreement with the school district under section~~ 64421
~~3313.843 or 3313.845 of the Revised Code or by the superintendent~~ 64422
~~of schools, in case such person is employed by the board of a city~~ 64423
~~or exempted village the~~ school district, certifying that such 64424
person is at least eighteen years of age and is of good moral 64425
character and is qualified physically and otherwise for such 64426
position. The service center governing board or the 64427
superintendent, as the case may be, shall provide for an annual 64428
physical examination that conforms with rules adopted by the state 64429
board of education of each driver to ascertain the driver's 64430
physical fitness for such employment. Any certificate may be 64431
revoked by the authority granting the same on proof that the 64432
holder has been guilty of failing to comply with division (D)(1) 64433
of this section, or upon a conviction or a guilty plea for a 64434
violation, or any other action, that results in a loss or 64435
suspension of driving rights. Failure to comply with such division 64436
may be cause for disciplinary action or termination of employment 64437
under division (C) of section 3319.081, or section 124.34 of the 64438
Revised Code. 64439

(B) No person shall be employed as driver of a school bus or 64440
motor van not subject to the rules of the department of education 64441
pursuant to division (A) of this section who has not received a 64442
certificate from the school administrator or contractor certifying 64443
that such person is at least eighteen years of age, is of good 64444
moral character, and is qualified physically and otherwise for 64445
such position. Each driver shall have an annual physical 64446
examination which conforms to the state highway patrol rules, 64447
ascertaining the driver's physical fitness for such employment. 64448
The examination shall be performed by one of the following: 64449

(1) A person licensed under Chapter 4731. of the Revised Code 64450
or by another state to practice medicine and surgery or 64451

osteopathic medicine and surgery;	64452
(2) A physician assistant;	64453
(3) A certified nurse practitioner;	64454
(4) A clinical nurse specialist;	64455
(5) A certified nurse-midwife.	64456
Any written documentation of the physical examination shall	64457
be completed by the individual who performed the examination.	64458
Any certificate may be revoked by the authority granting the	64459
same on proof that the holder has been guilty of failing to comply	64460
with division (D)(2) of this section.	64461
(C) Any person who drives a school bus or motor van must give	64462
satisfactory and sufficient bond except a driver who is an	64463
employee of a school district and who drives a bus or motor van	64464
owned by the school district.	64465
(D) No person employed as driver of a school bus or motor van	64466
under this section who is convicted of a traffic violation or who	64467
has had the person's commercial driver's license suspended shall	64468
drive a school bus or motor van until the person has filed a	64469
written notice of the conviction or suspension, as follows:	64470
(1) If the person is employed under division (A) of this	64471
section, the person shall file the notice with the superintendent,	64472
or a person designated by the superintendent, of the school	64473
district for which the person drives a school bus or motor van as	64474
an employee or drives a privately owned and operated school bus or	64475
motor van under contract.	64476
(2) If employed under division (B) of this section, the	64477
person shall file the notice with the employing school	64478
administrator or contractor, or a person designated by the	64479
administrator or contractor.	64480
(E) In addition to resulting in possible revocation of a	64481

certificate as authorized by divisions (A) and (B) of this 64482
section, violation of division (D) of this section is a minor 64483
misdemeanor. 64484

(F)(1) Not later than thirty days after June 30, 2007, each 64485
owner of a school bus or motor van shall obtain the complete 64486
driving record for each person who is currently employed or 64487
otherwise authorized to drive the school bus or motor van. An 64488
owner of a school bus or motor van shall not permit a person to 64489
operate the school bus or motor van for the first time before the 64490
owner has obtained the person's complete driving record. 64491
Thereafter, the owner of a school bus or motor van shall obtain 64492
the person's driving record not less frequently than semiannually 64493
if the person remains employed or otherwise authorized to drive 64494
the school bus or motor van. An owner of a school bus or motor van 64495
shall not permit a person to resume operating a school bus or 64496
motor van, after an interruption of one year or longer, before the 64497
owner has obtained the person's complete driving record. 64498

(2) The owner of a school bus or motor van shall not permit a 64499
person to operate the school bus or motor van for six years after 64500
the date on which the person pleads guilty to or is convicted of a 64501
violation of section 4511.19 of the Revised Code or a 64502
substantially equivalent municipal ordinance. 64503

(3) An owner of a school bus or motor van shall not permit 64504
any person to operate such a vehicle unless the person meets all 64505
other requirements contained in rules adopted by the state board 64506
of education prescribing qualifications of drivers of school buses 64507
and other student transportation. 64508

(G) No superintendent of a school district, educational 64509
service center, community school, or public or private employer 64510
shall permit the operation of a vehicle used for pupil 64511
transportation within this state by an individual unless both of 64512
the following apply: 64513

(1) Information pertaining to that driver has been submitted 64514
to the department of education, pursuant to procedures adopted by 64515
that department. Information to be reported shall include the name 64516
of the employer or school district, name of the driver, driver 64517
license number, date of birth, date of hire, status of physical 64518
evaluation, and status of training. 64519

(2) The most recent criminal records check required by 64520
division (J) of this section has been completed and received by 64521
the superintendent or public or private employer. 64522

(H) A person, school district, educational service center, 64523
community school, nonpublic school, or other public or nonpublic 64524
entity that owns a school bus or motor van, or that contracts with 64525
another entity to operate a school bus or motor van, may impose 64526
more stringent restrictions on drivers than those prescribed in 64527
this section, in any other section of the Revised Code, and in 64528
rules adopted by the state board. 64529

(I) For qualified drivers who, on July 1, 2007, are employed 64530
by the owner of a school bus or motor van to drive the school bus 64531
or motor van, any instance in which the driver was convicted of or 64532
pleaded guilty to a violation of section 4511.19 of the Revised 64533
Code or a substantially equivalent municipal ordinance prior to 64534
two years prior to July 1, 2007, shall not be considered a 64535
disqualifying event with respect to division (F) of this section. 64536

(J)(1) This division applies to persons hired by a school 64537
district, educational service center, community school, chartered 64538
nonpublic school, or science, technology, engineering, and 64539
mathematics school established under Chapter 3326. of the Revised 64540
Code to operate a vehicle used for pupil transportation. 64541

For each person to whom this division applies who is hired on 64542
or after November 14, 2007, the employer shall request a criminal 64543
records check in accordance with section 3319.39 of the Revised 64544

Code and every six years thereafter. For each person to whom this 64545
division applies who is hired prior to that date, the employer 64546
shall request a criminal records check by a date prescribed by the 64547
department of education and every six years thereafter. 64548

(2) This division applies to persons hired by a public or 64549
private employer not described in division (J)(1) of this section 64550
to operate a vehicle used for pupil transportation. 64551

For each person to whom this division applies who is hired on 64552
or after November 14, 2007, the employer shall request a criminal 64553
records check prior to the person's hiring and every six years 64554
thereafter. For each person to whom this division applies who is 64555
hired prior to that date, the employer shall request a criminal 64556
records check by a date prescribed by the department and every six 64557
years thereafter. 64558

(3) Each request for a criminal records check under division 64559
(J) of this section shall be made to the superintendent of the 64560
bureau of criminal identification and investigation in the manner 64561
prescribed in section 3319.39 of the Revised Code, except that if 64562
both of the following conditions apply to the person subject to 64563
the records check, the employer shall request the superintendent 64564
only to obtain any criminal records that the federal bureau of 64565
investigation has on the person: 64566

(a) The employer previously requested the superintendent to 64567
determine whether the bureau of criminal identification and 64568
investigation has any information, gathered pursuant to division 64569
(A) of section 109.57 of the Revised Code, on the person in 64570
conjunction with a criminal records check requested under section 64571
3319.39 of the Revised Code or under division (J) of this section. 64572

(b) The person presents proof that the person has been a 64573
resident of this state for the five-year period immediately prior 64574
to the date upon which the person becomes subject to a criminal 64575

records check under this section. 64576

Upon receipt of a request, the superintendent shall conduct 64577
the criminal records check in accordance with section 109.572 of 64578
the Revised Code as if the request had been made under section 64579
3319.39 of the Revised Code. However, as specified in division 64580
(B)(2) of section 109.572 of the Revised Code, if the employer 64581
requests the superintendent only to obtain any criminal records 64582
that the federal bureau of investigation has on the person for 64583
whom the request is made, the superintendent shall not conduct the 64584
review prescribed by division (B)(1) of that section. 64585

(K)(1) Until the effective date of the amendments to rule 64586
3301-83-23 of the Ohio Administrative Code required by the second 64587
paragraph of division (E) of section 3319.39 of the Revised Code, 64588
any person who is the subject of a criminal records check under 64589
division (J) of this section and has been convicted of or pleaded 64590
guilty to any offense described in division (B)(1) of section 64591
3319.39 of the Revised Code shall not be hired or shall be 64592
released from employment, as applicable, unless the person meets 64593
the rehabilitation standards prescribed for nonlicensed school 64594
personnel by rule 3301-20-03 of the Ohio Administrative Code. 64595

(2) Beginning on the effective date of the amendments to rule 64596
3301-83-23 of the Ohio Administrative Code required by the second 64597
paragraph of division (E) of section 3319.39 of the Revised Code, 64598
any person who is the subject of a criminal records check under 64599
division (J) of this section and has been convicted of or pleaded 64600
guilty to any offense that, under the rule, disqualifies a person 64601
for employment to operate a vehicle used for pupil transportation 64602
shall not be hired or shall be released from employment, as 64603
applicable, unless the person meets the rehabilitation standards 64604
prescribed by the rule. 64605

Sec. 3328.27. The board of trustees of each 64606

college-preparatory boarding school shall comply with the 64607
standards for financial reporting adopted under division (B)(2) of 64608
section 3301.07 of the Revised Code. 64609

Sec. 3333.041. (A) On or before the last day of December of 64610
each year, the chancellor of the Ohio board of regents shall 64611
submit to the governor and, in accordance with section 101.68 of 64612
the Revised Code, the general assembly a report or reports 64613
concerning all of the following: 64614

(1) The status of graduates of Ohio school districts at state 64615
institutions of higher education during the twelve-month period 64616
ending on the thirtieth day of September of the current calendar 64617
year. The report shall list, by school district, the number of 64618
graduates of each school district who attended a state institution 64619
of higher education and the percentage of each district's 64620
graduates enrolled in a state institution of higher education 64621
during the reporting period who were required during such period 64622
by the college or university, as a prerequisite to enrolling in 64623
those courses generally required for first-year students, to 64624
enroll in a remedial course in English, including composition or 64625
reading, mathematics, and any other area designated by the 64626
chancellor. The chancellor also shall make the information 64627
described in division (A)(1) of this section available to the 64628
board of education of each city, exempted village, and local 64629
school district. 64630

Each state institution of higher education shall, by the 64631
first day of November of each year, submit to the chancellor in 64632
the form specified by the chancellor the information the 64633
chancellor requires to compile the report. 64634

(2) Aggregate academic growth data for students assigned to 64635
graduates of teacher preparation programs approved under section 64636

3333.048 of the Revised Code who teach English language arts or 64637
mathematics in any of grades four to eight in a public school in 64638
Ohio. For this purpose, the chancellor shall use the value-added 64639
progress dimension prescribed by section 3302.021 of the Revised 64640
Code or the alternative student academic progress measure if 64641
adopted under division (C)(1)(e) of section 3302.03 of the Revised 64642
Code. The chancellor shall aggregate the data by graduating class 64643
for each approved teacher preparation program, except that if a 64644
particular class has ten or fewer graduates to which this section 64645
applies, the chancellor shall report the data for a group of 64646
classes over a three-year period. In no case shall the report 64647
identify any individual graduate. The department of education 64648
shall share any data necessary for the report with the chancellor. 64649

(3) The following information with respect to the Ohio 64650
tuition trust authority: 64651

(a) The name of each investment manager that is a minority 64652
business enterprise or a women's business enterprise with which 64653
the chancellor contracts; 64654

(b) The amount of assets managed by investment managers that 64655
are minority business enterprises or women's business enterprises, 64656
expressed as a percentage of assets managed by investment managers 64657
with which the chancellor has contracted; 64658

(c) Efforts by the chancellor to increase utilization of 64659
investment managers that are minority business enterprises or 64660
women's business enterprises. 64661

~~(4) The status of implementation of faculty improvement 64662
programs under section 3345.28 of the Revised Code. The report 64663
shall include, but need not be limited to, the following: the 64664
number of professional leave grants made by each institution; the 64665
purpose of each professional leave; and a statement of the cost to 64666
the institution of each professional leave, to the extent that the 64667~~

~~cost exceeds the salary of the faculty member on professional leave.~~ 64668
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~~(5) The number and types of biobased products purchased under section 125.092 of the Revised Code and the amount of money spent by state institutions of higher education for those biobased products as that information is provided to the chancellor under division (A) of section 3345.692 of the Revised Code.~~ 64670
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~~(6) A description of dual enrollment programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college-preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site.~~ 64675
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~~(7) The academic and economic impact of the Ohio innovation partnership established under section 3333.61 of the Revised Code. At a minimum, the report shall include the following:~~ 64683
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~~(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;~~ 64686
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~~(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;~~ 64688
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~~(e)(5) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy.~~ 64691
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~~(8)(6) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:~~ 64695
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(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year; 64699
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(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy; 64701
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(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy. 64704
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(B) As used in this section: 64707

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 64708
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(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 64710
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(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 64713
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(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 64715
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Sec. 3333.049. No nonprofit institution that holds a certificate of authorization issued under Chapter 1713. of the Revised Code shall be liable for a breach of confidentiality arising from the institution's submission of student data or records to the board of regents or any other state agency in compliance with any law, rule, or regulation, provided that the breach occurs as a result of one of the following: 64719
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(A) An action by a third party during and after the transmission of the data or records by the institution but prior to receipt of the data or records by the board of regents or other 64726
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state agency; 64729

(B) An action by the board of regents or the state agency. 64730

This provision shall apply to the submission of any student 64731
data or records that are subject to any laws of this state or, to 64732
the extent permitted, any federal law, including the "Family 64733
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 64734
U.S.C. 1232g. 64735

Sec. 3333.124. There is hereby created in the state treasury 64736
the Ohio college opportunity grant program reserve fund. Not later 64737
than the first day of July of each fiscal year, the chancellor of 64738
the Ohio board of regents shall certify to the director of budget 64739
and management the unencumbered balance of the general revenue 64740
fund appropriations made in the immediately preceding fiscal year 64741
for purposes of the Ohio college opportunity grant program created 64742
in section 3333.122 of the Revised Code. Upon receipt of the 64743
certification, the director may transfer an amount not exceeding 64744
the certified amount from the general revenue fund to the Ohio 64745
college opportunity grant program reserve fund. Moneys in the Ohio 64746
college opportunity grant program reserve fund shall be used to 64747
pay grant obligations in excess of the general revenue fund 64748
appropriations made for that purpose. 64749

The director may transfer any unencumbered balance from the 64750
Ohio college opportunity grant program reserve fund to the general 64751
revenue fund. 64752

Sec. 3333.342. (A) The chancellor of the Ohio board of 64753
regents may designate a "certificate of value" for a certificate 64754
program at any adult career-technical education institution or 64755
state institution of higher education, as defined under section 64756
3345.011 of the Revised Code, based on the standards adopted under 64757
division (B) of this section. 64758

(B) The chancellor shall develop standards for designation of the certificates of value for certificate programs at adult career-technical education institutions and state institutions of higher education. The standards shall include at least the following considerations: 64759
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(1) The quality of the certificate program; 64764

(2) The ability to transfer agreed-upon technical courses completed through an adult career-technical education institution to a state institution of higher education without unnecessary duplication or institutional barriers; 64765
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(3) The extent to which the certificate program encourages a student to obtain an associate's or bachelor's degree; 64769
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(4) The extent to which the certificate program increases a student's likelihood to complete other certificate programs or an associate's or bachelor's degree; 64771
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(5) The ability of the certificate program to meet the expectations of the workplace and higher education; 64774
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(6) The extent to which the certificate program is aligned with the strengths of the regional economy; 64776
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(7) The extent to which the certificate program increases the amount of individuals who remain in or enter the state's workforce; 64778
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(8) The extent of a certificate program's relationship with private companies in the state to fill potential job growth. 64781
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(C) The designation of a certificate of value under this section shall expire six years after its designation date. 64783
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(D) The chancellor may revoke a designation prior to its expiration date if the chancellor determines that the program no longer complies with the standards developed under division (B) of this section. 64785
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64787
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(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the chancellor. 64789
64790
64791

(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to receive a designation of certificate of value for one or more of its certificate programs shall comply with all records and data requests required by the chancellor. 64792
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Sec. ~~3333.90~~ 3333.59. (A) As used in this section: 64797

(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year. 64798
64799
64800
64801
64802

(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code. 64803
64804

(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code. 64805
64806

(4) "Chancellor" means the chancellor of the Ohio board of regents. 64807
64808

(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education: 64809
64810
64811

(a) A community college as defined in section 3354.01 of the Revised Code; 64812
64813

(b) A technical college as defined in section 3357.01 of the Revised Code; 64814
64815

(c) A state community college as defined in section 3358.01 of the Revised Code. 64816
64817

(6) "Community or technical college district" or "district"	64818
means any of the following institutions of higher education that	64819
are state-supported or state-assisted:	64820
(a) A community college district as defined in section	64821
3354.01 of the Revised Code;	64822
(b) A technical college district as defined in section	64823
3357.01 of the Revised Code;	64824
(c) A state community college district as defined in section	64825
3358.01 of the Revised Code.	64826
(7) "Credit enhancement facilities" has the same meaning as	64827
in section 133.01 of the Revised Code.	64828
(8) "Obligations" has the meaning as in section 154.01 or	64829
3345.12 of the Revised Code, as the context requires.	64830
(B) The board of trustees of any community or technical	64831
college district authorizing the issuance of obligations under	64832
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the	64833
Revised Code, or for whose benefit and on whose behalf the issuing	64834
authority proposes to issue obligations under section 154.25 of	64835
the Revised Code, may adopt a resolution requesting the chancellor	64836
to enter into an agreement with the community or technical college	64837
district and the primary paying agent or fiscal agent for such	64838
obligations, providing for the withholding and deposit of funds	64839
otherwise due the district or the community or technical college	64840
it operates in respect of its allocated state share of	64841
instruction, for the payment of bond service charges on such	64842
obligations.	64843
The board of trustees shall deliver to the chancellor a copy	64844
of the resolution and any additional pertinent information the	64845
chancellor may require.	64846
The chancellor and the office of budget and management, and	64847

the issuing authority in the case of obligations to be issued by 64848
the issuing authority, shall evaluate each request received from a 64849
community or technical college district under this section. The 64850
chancellor, with the advice and consent of the director of budget 64851
and management and the issuing authority in the case of 64852
obligations to be issued by the issuing authority, shall approve 64853
each request if all of the following conditions are met: 64854

(1) Approval of the request will enhance the marketability of 64855
the obligations for which the request is made; 64856

(2) The chancellor and the office of budget and management, 64857
and the issuing authority in the case of obligations to be issued 64858
by the issuing authority, have no reason to believe the requesting 64859
community or technical college district or the community or 64860
technical college it operates will be unable to pay when due the 64861
bond service charges on the obligations for which the request is 64862
made, and bond service charges on those obligations are therefore 64863
not anticipated to be paid pursuant to this section from the 64864
allocated state share of instruction for purposes of Section 17 of 64865
Article VIII, Ohio Constitution. 64866

(3) Any other pertinent conditions established in rules 64867
adopted under division (H) of this section. 64868

(C) If the chancellor approves the request of a community or 64869
technical college district to withhold and deposit funds pursuant 64870
to this section, the chancellor shall enter into a written 64871
agreement with the district and the primary paying agent or fiscal 64872
agent for the obligations, which agreement shall provide for the 64873
withholding of funds pursuant to this section for the payment of 64874
bond service charges on those obligations. The agreement may also 64875
include both of the following: 64876

(1) Provisions for certification by the district to the 64877
chancellor, prior to the deadline for payment of the applicable 64878

bond service charges, whether the district and the community or 64879
technical college it operates are able to pay those bond service 64880
charges when due; 64881

(2) Requirements that the district or the community or 64882
technical college it operates deposits amounts for the payment of 64883
those bond service charges with the primary paying agent or fiscal 64884
agent for the obligations prior to the date on which the bond 64885
service charges are due to the owners or holders of the 64886
obligations. 64887

(D) Whenever a district or the community or technical college 64888
it operates notifies the chancellor that it will not be able to 64889
pay the bond service charges when they are due, subject to the 64890
withholding provisions of this section, or whenever the applicable 64891
paying agent or fiscal agent notifies the chancellor that it has 64892
not timely received from a district or from the college it 64893
operates the full amount needed for payment of the bond service 64894
charges when due to the holders or owners of such obligations, the 64895
chancellor shall immediately contact the district or college and 64896
the paying agent or fiscal agent to confirm that the district and 64897
the college are not able to make the required payment by the date 64898
on which it is due. 64899

If the chancellor confirms that the district and the college 64900
are not able to make the payment and the payment will not be made 64901
pursuant to a credit enhancement facility, the chancellor shall 64902
promptly pay to the applicable primary paying agent or fiscal 64903
agent the lesser of the amount due for bond service charges or the 64904
amount of the next periodic distribution scheduled to be made to 64905
the district or to the college in respect of its allocated state 64906
share of instruction. If this amount is insufficient to pay the 64907
total amount then due the agent for the payment of bond service 64908
charges, the chancellor shall continue to pay to the agent from 64909
each periodic distribution thereafter, and until the full amount 64910

due the agent for unpaid bond service charges is paid in full, the 64911
lesser of the remaining amount due the agent for bond service 64912
charges or the amount of the next periodic distribution scheduled 64913
to be made to the district or college in respect of its allocated 64914
state share of instruction. 64915

(E) The chancellor may make any payments under this section 64916
by direct deposit of funds by electronic transfer. 64917

Any amount received by a paying agent or fiscal agent under 64918
this section shall be applied only to the payment of bond service 64919
charges on the obligations of the community or technical college 64920
district or community or technical college subject to this section 64921
or to the reimbursement of the provider of a credit enhancement 64922
facility that has paid the bond service charges. 64923

(F) The chancellor may make payments under this section to 64924
paying agents or fiscal agents during any fiscal biennium of the 64925
state only from and to the extent that money is appropriated to 64926
the board of regents by the general assembly for distribution 64927
during such biennium for the state share of instruction and only 64928
to the extent that a portion of the state share of instruction has 64929
been allocated to the community or technical college district or 64930
community or technical college. Obligations of the issuing 64931
authority or of a community or technical college district to which 64932
this section is made applicable do not constitute an obligation or 64933
a debt or a pledge of the faith, credit, or taxing power of the 64934
state, and the holders or owners of those obligations have no 64935
right to have excises or taxes levied or appropriations made by 64936
the general assembly for the payment of bond service charges on 64937
the obligations, and the obligations shall contain a statement to 64938
that effect. The agreement for or the actual withholding and 64939
payment of money under this section does not constitute the 64940
assumption by the state of any debt of a community or technical 64941
college district or a community or technical college, and bond 64942

service charges on the related obligations are not anticipated to 64943
be paid from the state general revenue fund for purposes of 64944
Section 17 of Article VIII, Ohio Constitution. 64945

(G) In the case of obligations subject to the withholding 64946
provisions of this section, the issuing community or technical 64947
college district, or the issuing authority in the case of 64948
obligations issued by the issuing authority, shall appoint a 64949
paying agent or fiscal agent who is not an officer or employee of 64950
the district or college. 64951

(H) The chancellor, with the advice and consent of the office 64952
of budget and management, may adopt reasonable rules not 64953
inconsistent with this section for the implementation of this 64954
section to secure payment of bond service charges on obligations 64955
issued by a community or technical college district or by the 64956
issuing authority for the benefit of a community or technical 64957
college district or the community or technical college it 64958
operates. Those rules shall include criteria for the evaluation 64959
and approval or denial of community or technical college district 64960
requests for withholding under this section. 64961

(I) The authority granted by this section is in addition to 64962
and not a limitation on any other authorizations granted by or 64963
pursuant to law for the same or similar purposes. 64964

Sec. 3333.613. There is hereby created in the state treasury 64965
the choose Ohio first scholarship reserve fund. Not later than the 64966
first day of July of each fiscal year, the chancellor of the Ohio 64967
board of regents shall certify to the director of budget and 64968
management the unencumbered balance of the general revenue fund 64969
appropriations made in the immediately preceding fiscal year for 64970
purposes of the choose Ohio first scholarship program created in 64971
section 3333.61 of the Revised Code. Upon receipt of the 64972
certification, the director may transfer an amount not exceeding 64973

the certified amount from the general revenue fund to the choose 64974
Ohio first scholarship reserve fund. Moneys in the choose Ohio 64975
first scholarship reserve fund shall be used to pay scholarship 64976
obligations in excess of the general revenue fund appropriations 64977
made for that purpose. 64978

The director may transfer any unencumbered balance from the 64979
choose Ohio first scholarship reserve fund to the general revenue 64980
fund. 64981

Sec. 3333.73. The chancellor of the Ohio board of regents 64982
shall establish a competitive process for making awards under the 64983
Ohio co-op/internship program. The chancellor, on completion of 64984
that process, shall make a recommendation to the controlling board 64985
asking for approval of each award selected by the chancellor. 64986

The state institution of higher education shall submit a 64987
proposal and other documentation required by the chancellor, in 64988
the form and manner prescribed by the chancellor, for each award 64989
it seeks. A proposal may propose an initiative to be implemented 64990
solely by the state institution of higher education or in 64991
collaboration with other state institutions of higher education or 64992
nonpublic Ohio universities or colleges. 64993

The chancellor shall determine which proposals will receive 64994
awards each fiscal year, and the amount of each award, on the 64995
basis of the merit of each proposal, which the chancellor, subject 64996
to approval by the controlling board, shall determine based on one 64997
or more of the following criteria: 64998

(A) The extent to which the proposal will keep Ohio students 64999
in Ohio institutions of higher education; 65000

(B) The extent to which the proposal will attract Ohio 65001
residents who left Ohio to attend out-of-state institutions of 65002
higher education to return to Ohio institutions of higher 65003

education; 65004

(C) The extent to which the proposal will increase the number 65005
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 65006

(D) The quality of the program that is the subject of the 65007
proposal and the extent to which additional resources will enhance 65008
its quality; 65009

(E) The extent to which the proposal is integrated with the 65010
strengths of the regional economy; 65011

(F) The extent to which the proposal ~~is aligned with the~~ 65012
~~report submitted by the chancellor pursuant to Section 4 of Sub-~~ 65013
~~H.B. 2 of the 127th general assembly, as amended~~ supports the 65014
workforce policies of the governor's office of workforce 65015
transformation to meet the workforce needs of the state and to 65016
provide a student participating in the program with the skills 65017
needed for workplace success; 65018

(G) The extent to which the proposal facilitates the 65019
development of high quality academic programs with a cooperative 65020
education program or a significant internship program at state 65021
institutions of higher education; 65022

(H) The extent to which the proposal is integrated with 65023
supporting private companies to fill potential job growth, is 65024
responsive to the needs of employers, aligns with the skills 65025
identified by employers as necessary to fill high-demand job 65026
openings, particularly job openings in targeted industry sectors 65027
as identified by the governor's office of workforce 65028
transformation; 65029

(I) The amount of other institutional, public, or private 65030
resources, whether monetary or nonmonetary, the proposal pledges 65031
to leverage that are in addition to the monetary cost-sharing 65032
requirement prescribed in section 3333.74 of the Revised Code; 65033

(J) The extent to which the proposal is collaborative with other Ohio institutions of higher education;	65034 65035
(K) The extent to which the proposal is integrated with the institution's mission;	65036 65037
(L) The extent to which the proposal meets a statewide educational need at the undergraduate or graduate level;	65038 65039
(M) The demonstrated productivity or future capacity of the students to be recruited;	65040 65041
(N) The extent to which the proposal will create additional capacity in a high quality academic program with a cooperative education program or significant internship program;	65042 65043 65044
(O) The extent to which the proposal will encourage students who received degrees from two-year institutions to pursue baccalaureate degrees;	65045 65046 65047
(P) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner;	65048 65049
(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;	65050 65051 65052 65053 65054
(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or certificate programs;	65055 65056 65057
(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's growing companies and industries.	65058 65059 65060 65061 65062

Sec. 3333.82. (A) The chancellor of the Ohio board of regents 65063
shall establish a clearinghouse of interactive distance learning 65064
courses and other distance learning courses delivered via a 65065
computer-based method offered by school districts, community 65066
schools, STEM schools, state institutions of higher education, 65067
private colleges and universities, and other nonprofit and 65068
for-profit course providers for sharing with other school 65069
districts, community schools, STEM schools, state institutions of 65070
higher education, private colleges and universities, and 65071
individuals for the fee set pursuant to section 3333.84 of the 65072
Revised Code. The chancellor shall not be responsible for the 65073
content of courses offered through the clearinghouse; however, all 65074
such courses shall be delivered only in accordance with technical 65075
specifications approved by the chancellor and on a common 65076
statewide platform administered by the chancellor. 65077

The clearinghouse's distance learning program for students in 65078
grades kindergarten to twelve shall be based on the following 65079
principles: 65080

(1) All Ohio students shall have access to high quality 65081
distance learning courses at any point in their educational 65082
careers. 65083

(2) All students shall be able to customize their education 65084
using distance learning courses offered through the clearinghouse 65085
and no student shall be denied access to any course in the 65086
clearinghouse in which the student is eligible to enroll. 65087

(3) Students may take distance learning courses for all or 65088
any portion of their curriculum requirements and may utilize a 65089
combination of distance learning courses and courses taught in a 65090
traditional classroom setting. 65091

(4) Students may earn an unlimited number of academic credits 65092
through distance learning courses. 65093

(5) Students may take distance learning courses at any time 65094
of the calendar year. 65095

(6) Student advancement to higher coursework shall be based 65096
on a demonstration of subject area competency instead of 65097
completion of any particular number of hours of instruction. 65098

(B) To offer a course through the clearinghouse, a course 65099
provider shall apply to the chancellor in a form and manner 65100
prescribed by the chancellor. The application for each course 65101
shall describe the course of study in as much detail as required 65102
by the chancellor, whether an instructor is provided, the 65103
qualification and credentials of the instructor, the number of 65104
hours of instruction, and any other information required by the 65105
chancellor. The chancellor may require course providers to include 65106
in their applications information recommended by the state board 65107
of education under former section 3353.30 of the Revised Code. 65108

(C) The chancellor shall review the technical specifications 65109
of each application submitted under division (B) of this section. 65110
In reviewing applications, the chancellor may consult with the 65111
department of education; however, the responsibility to either 65112
approve or not approve a course for the clearinghouse belongs to 65113
the chancellor. The chancellor may request additional information 65114
from a course provider that submits an application under division 65115
(B) of this section, if the chancellor determines that such 65116
information is necessary. The chancellor may negotiate changes in 65117
the proposal to offer a course, if the chancellor determines that 65118
changes are necessary in order to approve the course. 65119

(D) The chancellor shall catalog each course approved for the 65120
clearinghouse, through a print or electronic medium, displaying 65121
the following: 65122

(1) Information necessary for a student and the student's 65123
parent, guardian, or custodian and the student's school district, 65124

community school, STEM school, college, or university to decide 65125
whether to enroll in or subscribe to the course; 65126

(2) Instructions for enrolling in that course, including 65127
deadlines for enrollment. 65128

(E) Any expenses related to the installation of a course into 65129
the common statewide platform shall be borne by the course 65130
provider. 65131

~~(F) The eTech Ohio commission, in consultation with the 65132
chancellor and the state board, shall distribute information to 65133
students and parents describing the clearinghouse. The information 65134
shall be provided in an easily understandable format The 65135
chancellor may contract with an entity to perform any or all of 65136
the chancellor's duties under sections 3333.81 to 3333.88 of the 65137
Revised Code. 65138~~

Sec. 3334.08. (A) Subject to division (B) of this section, in 65139
addition to any other powers conferred by this chapter, the Ohio 65140
tuition trust authority may do any of the following: 65141

(1) Impose reasonable residency requirements for 65142
beneficiaries of tuition units; 65143

(2) Impose reasonable limits on the number of tuition unit 65144
participants; 65145

(3) Impose and collect administrative fees and charges in 65146
connection with any transaction under this chapter; 65147

(4) Purchase insurance from insurers licensed to do business 65148
in this state providing for coverage against any loss in 65149
connection with the authority's property, assets, or activities or 65150
to further ensure the value of tuition units; 65151

(5) Indemnify or purchase policies of insurance on behalf of 65152
members, officers, and employees of the authority from insurers 65153
licensed to do business in this state providing for coverage for 65154

any liability incurred in connection with any civil action, 65155
demand, or claim against a director, officer, or employee by 65156
reason of an act or omission by the director, officer, or employee 65157
that was not manifestly outside the scope of the employment or 65158
official duties of the director, officer, or employee or with 65159
malicious purpose, in bad faith, or in a wanton or reckless 65160
manner; 65161

(6) Make, execute, and deliver contracts, conveyances, and 65162
other instruments necessary to the exercise and discharge of the 65163
powers and duties of the authority; 65164

(7) Promote, advertise, and publicize the Ohio college 65165
savings program and the variable college savings program; 65166

(8) Adopt rules under section 111.15 of the Revised Code for 65167
the implementation of the Ohio college savings program; 65168

(9) Contract, for the provision of all or part of the 65169
services necessary for the management and operation of the Ohio 65170
college savings program and the variable college savings program, 65171
with a bank, trust company, savings and loan association, 65172
insurance company, or licensed dealer in securities if the bank, 65173
company, association, or dealer is authorized to do business in 65174
this state and ~~information about~~ the contract is ~~filed with~~ 65175
approved by the controlling board ~~pursuant to division (D)(6) of~~ 65176
~~section 127.16 of the Revised Code~~; provided, however, that any 65177
funds of the Ohio college savings program and the variable college 65178
savings program ~~that are not needed for immediate use~~ shall be 65179
deposited by the treasurer of state in the same manner provided 65180
under Chapter 135. of the Revised Code for public moneys of the 65181
state. All interest earned on those deposits shall be credited to 65182
the Ohio college savings program or the variable college savings 65183
program, as applicable. 65184

(10) Contract for other services, or for goods, needed by the 65185

authority in the conduct of its business, including but not 65186
limited to credit card services; 65187

(11) Employ an executive director and other personnel as 65188
necessary to carry out its responsibilities under this chapter, 65189
and fix the compensation of these persons. All employees of the 65190
authority shall be in the unclassified civil service and shall be 65191
eligible for membership in the public employees retirement system. 65192
In the hiring of the executive director, the Ohio tuition trust 65193
authority shall obtain the advice and consent of the Ohio tuition 65194
trust board created in section 3334.03 of the Revised Code, 65195
provided that the executive director shall not be hired unless a 65196
majority of the board votes in favor of the hiring. In addition, 65197
the board may remove the executive director at any time subject to 65198
the advice and consent of the chancellor of the Ohio board of 65199
regents. 65200

(12) Contract with financial consultants, actuaries, 65201
auditors, and other consultants as necessary to carry out its 65202
responsibilities under this chapter; 65203

(13) Enter into agreements with any agency of the state or 65204
its political subdivisions or with private employers under which 65205
an employee may agree to have a designated amount deducted in each 65206
payroll period from the wages or salary due the employee for the 65207
purpose of purchasing tuition units pursuant to a tuition payment 65208
contract or making contributions pursuant to a variable college 65209
savings program contract; 65210

(14) Enter into an agreement with the treasurer of state 65211
under which the treasurer of state will receive, and credit to the 65212
Ohio tuition trust fund or variable college savings program fund, 65213
from any bank or savings and loan association authorized to do 65214
business in this state, amounts that a depositor of the bank or 65215
association authorizes the bank or association to withdraw 65216
periodically from the depositor's account for the purpose of 65217

purchasing tuition units pursuant to a tuition payment contract or	65218
making contributions pursuant to a variable college savings	65219
program contract;	65220
(15) Solicit and accept gifts, grants, and loans from any	65221
person or governmental agency and participate in any governmental	65222
program;	65223
(16) Impose limits on the number of units which may be	65224
purchased on behalf of or assigned or awarded to any beneficiary	65225
and on the total amount of contributions that may be made on	65226
behalf of a beneficiary;	65227
(17) Impose restrictions on the substitution of another	65228
individual for the original beneficiary under the Ohio college	65229
savings program;	65230
(18) Impose a limit on the age of a beneficiary, above which	65231
tuition units may not be purchased on behalf of that beneficiary;	65232
(19) Enter into a cooperative agreement with the treasurer of	65233
state to provide for the direct disbursement of payments under	65234
tuition payment or variable college savings program contracts;	65235
(20) Determine the other higher education expenses for which	65236
tuition units or contributions may be used;	65237
(21) Terminate any tuition payment or variable college	65238
savings program contract if no purchases or contributions are made	65239
for a period of three years or more and there are fewer than a	65240
total of five tuition units or less than a dollar amount set by	65241
rule on account, provided that notice of a possible termination	65242
shall be provided in advance, explaining any options to prevent	65243
termination, and a reasonable amount of time shall be provided	65244
within which to act to prevent a termination;	65245
(22) Maintain a separate account for each tuition payment or	65246
variable college savings program contract;	65247

(23) Perform all acts necessary and proper to carry out the 65248
duties and responsibilities of the authority pursuant to this 65249
chapter. 65250

(B) The authority shall adopt rules under section 111.15 of 65251
the Revised Code for the implementation and administration of the 65252
variable college savings program. The rules shall provide 65253
taxpayers with the maximum tax advantages and flexibility 65254
consistent with section 529 of the Internal Revenue Code and 65255
regulations adopted thereunder with regard to disposition of 65256
contributions and earnings, designation of beneficiaries, and 65257
rollover of account assets to other programs. 65258

(C) Except as otherwise specified in this chapter, the 65259
provisions of Chapters 123., 125., and 4117. of the Revised Code 65260
shall not apply to the authority. The department of administrative 65261
services shall, upon the request of the authority, act as the 65262
authority's agent for the purchase of equipment, supplies, 65263
insurance, or services, or the performance of administrative 65264
services pursuant to Chapter 125. of the Revised Code. 65265

Sec. 3335.35. There is hereby created the "~~Ohio cooperative~~ 65266
OSU extension service fund," which shall be under the custody and 65267
control of the board of trustees of the Ohio state university and 65268
shall consist of all moneys appropriated, given, granted, or 65269
bequeathed to the university for the use of ~~the Ohio cooperative~~ 65270
OSU extension service by the United States, this state, any 65271
political subdivision of this state, or any person. The board 65272
shall have responsibility for expenditure of all moneys in the 65273
fund in accordance with state and federal law and memoranda of 65274
agreement between the university and the United States department 65275
of agriculture. 65276

Sec. 3335.36. The board of trustees of the Ohio state 65277

university may employ such employees as it considers appropriate 65278
for the conduct of educational programs of ~~the Ohio cooperative~~ 65279
OSU extension service and may provide for the payment from the 65280
~~Ohio cooperative OSU extension service~~ fund created by section 65281
3335.35 of the Revised Code of reasonable compensation to such 65282
employees and of reasonable expenses incurred by them in the 65283
discharge of their duties, including expenses of travel and of 65284
maintaining, equipping, and supplying their offices. 65285

The employees shall cooperate with the department of 65286
agriculture, the Ohio agricultural research and development 65287
center, the department of education, and the United States 65288
department of agriculture, for the purpose of making available the 65289
educational materials of ~~the OSU extension service~~. ~~Such~~ The 65290
employees shall represent the university and shall conduct 65291
educational activities related to agriculture, natural resources, 65292
~~home economics community development~~, family ~~living~~ and consumer 65293
sciences, and 4-H programs for the citizens of this state through 65294
personal instruction, bulletins, practical demonstrations, mass 65295
media, and otherwise, subject to such rules as may be prescribed 65296
by the board of trustees of the university. ~~Such~~ The employees 65297
shall have offices provided by the county or other political 65298
subdivision in which they serve in which bulletins and other 65299
educational materials of value to the people may be consulted and 65300
through which the employees may be reached. 65301

The board of trustees of the Ohio state university may hire 65302
or use employees of ~~the Ohio cooperative OSU extension service~~ to 65303
carry out the functions and duties of a director of economic 65304
development under division (B) of section 307.07 of the Revised 65305
Code pursuant to any agreement with a county under division (A)(2) 65306
of section 307.07 of the Revised Code. 65307

Sec. 3335.37. The board of county commissioners of any county 65308

may levy a tax, within the limitations prescribed by law, and 65309
appropriate money from the proceeds thereof or from the general 65310
fund of the county to be paid to the Ohio state university to the 65311
credit of the ~~Ohio cooperative~~ OSU extension ~~service~~ fund created 65312
by section 3335.35 of the Revised Code and expended for the 65313
purposes prescribed in section 3335.36 of the Revised Code for the 65314
benefit of the citizens of ~~such~~ that county. Any money paid into 65315
the fund under this section that aggregates more than ten per cent 65316
of the county appropriation in the preceding year and that remains 65317
unexpended for two years from the time of ~~such~~ the payment shall 65318
be returned to the county from which it came unless the board of 65319
county commissioners determines by resolution to contribute it to 65320
~~the Ohio cooperative~~ OSU extension ~~service~~ for general purposes. 65321
65322

Sec. 3335.38. The board of trustees of the Ohio state 65323
university shall establish a farm financial management institute 65324
in ~~the Ohio cooperative~~ OSU extension ~~service~~ to train interested 65325
and qualified persons to assist farmers needing help with farm 65326
financial management problems. 65327

Participation shall be open to all interested persons, but 65328
the following persons shall be given priority as to enrollment: 65329
employees or representatives of banks and other farm credit 65330
agencies, agricultural teachers, and faculty and employees of the 65331
Ohio state university and ~~the Ohio cooperative~~ OSU extension 65332
~~service~~ who agree to assist Ohio farmers in completing and 65333
understanding the coordinated financial statement and other 65334
subjects. A fee may be charged participants, as determined by ~~the~~ 65335
OSU extension ~~service~~, but may be waived for those participants 65336
granted priority status at enrollment. 65337

Sec. ~~3304.23~~ 3335.60. (A) There is hereby created in the 65338
~~rehabilitation services commission~~ Ohio state university college 65339

<u>of medicine</u> a brain injury program consisting of a program	65340
director and at least one support staff person.	65341
(B) To the extent that funds are available, the brain injury	65342
program may do the following:	65343
(1) Identify existing services in this state to assist	65344
survivors and families of survivors of brain injury;	65345
(2) Promote the coordination of services for survivors and	65346
families of survivors of brain injury;	65347
(3) Explore options for delivery of services to survivors and	65348
families of survivors of brain injury;	65349
(4) Explore the establishment of a traumatic brain injury	65350
incidence reporting system to collect information on the incidence	65351
and character of traumatic brain injury in this state;	65352
(5) Promote practices that will reduce the incidence of brain	65353
injury;	65354
(6) Develop training programs on dealing with brain injury	65355
and the special needs of survivors of brain injury;	65356
(7) Identify sources of available funds for services for	65357
survivors and families of survivors of brain injury;	65358
(8) Explore options for the delivery of case management	65359
services to residents of this state who are survivors of brain	65360
injury;	65361
(9) Provide assistance to assure that services for survivors	65362
and families of survivors of brain injury are all of the	65363
following:	65364
(a) Designed to enhance the survivor's ability to lead an	65365
independent and productive life;	65366
(b) Available within close proximity of the survivor's home;	65367
(c) Provided in the least restrictive environment;	65368

(d) Appropriate to the unique needs of the survivor. 65369

(C) The staff of the brain injury program shall prepare a 65370
biennial report on the incidence of brain injury in this state 65371
~~that. The report shall be submitted to the administrator of the~~ 65372
~~rehabilitation services commission on or before December 15, 1992,~~ 65373
~~completed not later than two years after the effective date of~~ 65374
~~this amendment~~ and every two years thereafter. A copy of the 65375
report shall be and submitted to the brain injury advisory 65376
committee created under section ~~3304.231~~ 3335.61 of the Revised 65377
Code. 65378

Sec. ~~3304.231~~ 3335.61. There is hereby created a brain injury 65379
advisory committee, which shall advise the ~~administrator of the~~ 65380
~~rehabilitation services commission and the~~ brain injury program 65381
with regard to unmet needs of survivors of brain injury, 65382
development of programs for survivors and their families, 65383
establishment of training programs for health care professionals, 65384
and any other matter within the province of the brain injury 65385
program. The committee shall consist of not fewer than ~~twenty~~ 65386
nineteen and not more than ~~twenty-two~~ twenty-one members as 65387
follows: 65388

(A) Not fewer than ten and not more than twelve members 65389
appointed by the ~~administrator of the rehabilitation services~~ 65390
~~commission~~ dean of the college of medicine of the Ohio state 65391
university, including all of the following: a survivor of brain 65392
injury, a relative of a survivor of brain injury, a licensed 65393
physician recommended by the Ohio chapter of the American college 65394
of emergency physicians, a licensed physician recommended by the 65395
Ohio state medical association, one other health care 65396
professional, a rehabilitation professional, an individual who 65397
represents the brain injury association of Ohio, and not fewer 65398
than three nor more than five individuals who shall represent the 65399

public; 65400

(B) The directors of the departments of health, ~~alcohol and~~ 65401
~~drug addiction services~~ mental health and drug addiction services, 65402
developmental disabilities, ~~mental health, job and family~~ 65403
~~services~~, aging, and public safety; the medicaid director; the 65404
administrator of workers' compensation; the superintendent of 65405
public instruction; and the ~~administrator~~ executive director of 65406
the ~~rehabilitation services commission~~ opportunities for Ohioans 65407
with disabilities agency. Any of the officials specified in this 65408
division may designate an individual to serve in the official's 65409
place as a member of the committee. 65410

Terms of office of the appointed members shall be two years. 65411
Members may be reappointed. Vacancies shall be filled in the 65412
manner provided for original appointments. Any member appointed to 65413
fill a vacancy occurring prior to the expiration date of the term 65414
for which the member's predecessor was appointed shall hold office 65415
as a member for the remainder of that term. 65416

Members of the committee shall serve without compensation, 65417
but shall be reimbursed for actual and necessary expenses incurred 65418
in the performance of their duties. 65419

Sec. 3337.16. (A) The president of Ohio university may create 65420
an advisory committee to do both of the following: 65421

(1) Review the comprehensive land use plans and any updates 65422
of those land use plans prepared by Ohio university for the 65423
property conveyed to the university in Sub. H.B. 576 of the 117th 65424
general assembly; 65425

(2) Comment on and periodically review the progress on the 65426
implementation of the comprehensive land use plans described in 65427
division (A)(1) of this section. 65428

(B) The advisory committee created under division (A) of this 65429

section shall consist of the following members: 65430

(1) The president of Ohio university or the president's 65431
designee, who shall serve as chairperson of the advisory 65432
committee; 65433

(2) The mayor of the city of Athens or the mayor's designee; 65434

(3) The following members appointed by the president of Ohio 65435
university: 65436

(a) One Athens county commissioner; 65437

(b) One to three individuals who reside in Athens county and 65438
have special knowledge and experience in land use planning, 65439
preservation, or economic development. 65440

Vacancies on the committee shall be filled in the same manner 65441
as the original appointments. 65442

Sec. 3345.05. (A) All registration fees, nonresident tuition 65443
fees, academic fees for the support of off-campus instruction, 65444
laboratory and course fees when so assessed and collected, student 65445
health fees for the support of a student health service, all other 65446
fees, deposits, charges, receipts, and income from all or part of 65447
the students, all subsidy or other payments from state 65448
appropriations, and all other fees, deposits, charges, receipts, 65449
income, and revenue received by each state institution of higher 65450
education, the Ohio state university hospitals and their ancillary 65451
facilities, the Ohio agricultural research and development center, 65452
and ~~the Ohio state university cooperative~~ OSU extension ~~service~~ 65453
shall be held and administered by the respective boards of 65454
trustees of the state institution of higher education; provided, 65455
that such fees, deposits, charges, receipts, income and revenue, 65456
to the extent required by resolutions, trust agreements, 65457
indentures, leases, and agreements adopted, made, or entered into 65458
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 65459

Revised Code, shall be held, administered, transferred, and 65460
applied in accordance therewith. 65461

(B) The Ohio board of regents shall require annual reporting 65462
by the Ohio agricultural research and development center and by 65463
each university and college receiving state aid in such form and 65464
detail as determined by the board in consultation with such 65465
center, universities and colleges, and the director of budget and 65466
management. 65467

(C) Notwithstanding any provision of the Revised Code to the 65468
contrary, the title to investments made by the board of trustees 65469
of a state institution of higher education with funds derived from 65470
any of the sources described in division (A) of this section shall 65471
not be vested in the state or the political subdivision but shall 65472
be held in trust by the board. Such investments shall be made 65473
pursuant to an investment policy adopted by the board in public 65474
session that requires all fiduciaries to discharge their duties 65475
with the care, skill, prudence, and diligence under the 65476
circumstances then prevailing that a prudent person acting in like 65477
capacity and familiar with such matters would use in the conduct 65478
of an enterprise of a like character and with like aims. The 65479
policy also shall require at least the following: 65480

(1) A stipulation that investment of at least twenty-five per 65481
cent of the average amount of the investment portfolio over the 65482
course of the previous fiscal year be invested in securities of 65483
the United States government or of its agencies or 65484
instrumentalities, the treasurer of state's pooled investment 65485
program, obligations of this state or any political subdivision of 65486
this state, certificates of deposit of any national bank located 65487
in this state, written repurchase agreements with any eligible 65488
Ohio financial institution that is a member of the federal reserve 65489
system or federal home loan bank, money market funds, or bankers 65490
acceptances maturing in two hundred seventy days or less which are 65491

eligible for purchase by the federal reserve system, as a reserve;	65492
(2) Eligible funds above those that meet the conditions of	65493
division (C)(1) of this section may be pooled with other	65494
institutional funds and invested in accordance with section	65495
1715.52 of the Revised Code.	65496
(3) The establishment of an investment committee.	65497
(D) The investment committee established under division	65498
(C)(3) of this section shall meet at least quarterly. The	65499
committee shall review and recommend revisions to the board's	65500
investment policy and shall advise the board on its investments	65501
made under division (C) of this section in an effort to assist it	65502
in meeting its obligations as a fiduciary as described in division	65503
(C) of this section. The committee shall be authorized to retain	65504
the services of an investment advisor who meets both of the	65505
following qualifications:	65506
(1) The advisor is either:	65507
(a) Licensed by the division of securities under section	65508
1707.141 of the Revised Code;	65509
(b) Registered with the securities and exchange commission.	65510
(2) The advisor either:	65511
(a) Has experience in the management of investments of public	65512
funds, especially in the investment of state-government investment	65513
portfolios;	65514
(b) Is an eligible institution referenced in section 135.03	65515
of the Revised Code.	65516
(E) As used in this section, "state institution of higher	65517
education" means a state institution of higher education as	65518
defined in section 3345.011 of the Revised Code.	65519
Sec. 3345.06. (A) Subject to divisions (B) and (C) of this	65520

section, a graduate of the twelfth grade shall be entitled to 65521
admission without examination to any college or university which 65522
is supported wholly or in part by the state, but for unconditional 65523
admission may be required to complete such units not included in 65524
the graduate's high school course as may be prescribed, not less 65525
than two years prior to the graduate's entrance, by the faculty of 65526
the institution. 65527

(B) Beginning with the 2014-2015 academic year, each state 65528
university listed in section 3345.011 of the Revised Code, except 65529
for Central state university, Shawnee state university, and 65530
Youngstown state university, shall permit a resident of this state 65531
who entered ninth grade for the first time on or after July 1, 65532
2010, to begin undergraduate coursework at the university only if 65533
the person has successfully completed the Ohio core curriculum for 65534
high school graduation prescribed in division (C) of section 65535
3313.603 of the Revised Code, unless one of the following applies: 65536

(1) The person has earned at least ten semester hours, or the 65537
equivalent, at a community college, state community college, 65538
university branch, technical college, or another post-secondary 65539
institution except a state university to which division (B) of 65540
this section applies, in courses that are college-credit-bearing 65541
and may be applied toward the requirements for a degree. The 65542
university shall grant credit for successful completion of those 65543
courses pursuant to any applicable articulation and transfer 65544
policy of the Ohio board of regents or any agreements the 65545
university has entered into in accordance with policies and 65546
procedures adopted under section 3333.16, 3313.161, or 3333.162 of 65547
the Revised Code. The university may count college credit that the 65548
student earned while in high school through the post-secondary 65549
enrollment options program under Chapter 3365. of the Revised 65550
Code, or through other dual enrollment programs, toward the 65551
requirements of division (B)(1) of this section if the credit may 65552

be applied toward a degree. 65553

(2) The person qualified to graduate from high school under 65554
division (D) or (F) of section 3313.603 of the Revised Code and 65555
has successfully completed the topics or courses that the person 65556
lacked to graduate under division (C) of that section at any 65557
post-secondary institution or at a summer program at the state 65558
university. A state university may admit a person for enrollment 65559
contingent upon completion of such topics or courses or summer 65560
program. 65561

(3) The person met the high school graduation requirements by 65562
successfully completing the person's individualized education 65563
program developed under section 3323.08 of the Revised Code. 65564

~~(3)~~(4) The person is receiving or has completed the final 65565
year of instruction at home as authorized under section 3321.04 of 65566
the Revised Code, or has graduated from a nonchartered, nonpublic 65567
school in Ohio, and demonstrates mastery of the academic content 65568
and skills in reading, writing, and mathematics needed to 65569
successfully complete introductory level coursework at an 65570
institution of higher education and to avoid remedial coursework. 65571

~~(4)~~(5) The person is a high school student participating in 65572
the post-secondary enrollment options program under Chapter 3365. 65573
of the Revised Code or another dual enrollment program. 65574

(C) A state university subject to division (B) of this 65575
section may delay admission for or admit conditionally an 65576
undergraduate student who has successfully completed the Ohio core 65577
curriculum if the university determines the student requires 65578
academic remedial or developmental coursework. The university may 65579
delay admission pending, or make admission conditional upon, the 65580
student's successful completion of the academic remedial or 65581
developmental coursework at a university branch, community 65582
college, state community college, or technical college. 65583

(D) This section does not deny the right of a college of law, 65584
medicine, or other specialized education to require college 65585
training for admission, or the right of a department of music or 65586
other art to require particular preliminary training or talent. 65587

Sec. 3345.12. (A) As used in this section and sections 65588
3345.07 and 3345.11 of the Revised Code, in other sections of the 65589
Revised Code that make reference to this section unless the 65590
context does not permit, and in related bond proceedings unless 65591
otherwise expressly provided: 65592

(1) "State university or college" means each of the state 65593
universities identified in section 3345.011 of the Revised Code 65594
and the northeast Ohio medical university, and includes its board 65595
of trustees. 65596

(2) "Institution of higher education" or "institution" means 65597
a state university or college, or a community college district, 65598
technical college district, university branch district, or state 65599
community college, and includes the applicable board of trustees 65600
or, in the case of a university branch district, any other 65601
managing authority. 65602

(3) "Housing and dining facilities" means buildings, 65603
structures, and other improvements, and equipment, real estate, 65604
and interests in real estate therefor, to be used for or in 65605
connection with dormitories or other living quarters and 65606
accommodations, or related dining halls or other food service and 65607
preparation facilities, for students, members of the faculty, 65608
officers, or employees of the institution of higher education, and 65609
their spouses and families. 65610

(4) "Auxiliary facilities" means buildings, structures, and 65611
other improvements, and equipment, real estate, and interests in 65612
real estate therefor, to be used for or in connection with student 65613
activity or student service facilities, housing and dining 65614

facilities, dining halls, and other food service and preparation 65615
facilities, vehicular parking facilities, bookstores, athletic and 65616
recreational facilities, faculty centers, auditoriums, assembly 65617
and exhibition halls, hospitals, infirmaries and other medical and 65618
health facilities, research, and continuing education facilities. 65619

(5) "Education facilities" means buildings, structures, and 65620
other improvements, and equipment, real estate, and interests in 65621
real estate therefor, to be used for or in connection with, 65622
classrooms or other instructional facilities, libraries, 65623
administrative and office facilities, and other facilities, other 65624
than auxiliary facilities, to be used directly or indirectly for 65625
or in connection with the conduct of the institution of higher 65626
education. 65627

(6) "Facilities" means housing and dining facilities, 65628
auxiliary facilities, or education facilities, and includes any 65629
one, part of, or any combination of such facilities, and further 65630
includes site improvements, utilities, machinery, furnishings, and 65631
any separate or connected buildings, structures, improvements, 65632
sites, open space and green space areas, utilities or equipment to 65633
be used in, or in connection with the operation or maintenance of, 65634
or supplementing or otherwise related to the services or 65635
facilities to be provided by, such facilities. 65636

(7) "Obligations" means bonds or notes or other evidences of 65637
obligation, including interest coupons pertaining thereto, 65638
authorized to be issued under this section or section 3345.07, 65639
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 65640
Code. 65641

(8) "Bond service charges" means principal, including any 65642
mandatory sinking fund or redemption requirements for the 65643
retirement of obligations or assurances, interest, or interest 65644
equivalent and other accreted amounts, and any call premium 65645
required to be paid on obligations or assurances. 65646

(9) "Bond proceedings" means the resolutions, trust 65647
agreement, indenture, and other agreements and credit enhancement 65648
facilities, and amendments and supplements to the foregoing, or 65649
any one or more or combination thereof, authorizing, awarding, or 65650
providing for the terms and conditions applicable to, or providing 65651
for the security or liquidity of, obligations or assurances, and 65652
the provisions contained in those obligations or assurances. 65653

(10) "Costs of facilities" means the costs of acquiring, 65654
constructing, reconstructing, rehabilitating, remodeling, 65655
renovating, enlarging, improving, equipping, or furnishing 65656
facilities, and the financing thereof, including the cost of 65657
clearance and preparation of the site and of any land to be used 65658
in connection with facilities, the cost of any indemnity and 65659
surety bonds and premiums on insurance, all related direct 65660
administrative expenses and allocable portions of direct costs of 65661
the institution of higher education or state agency, cost of 65662
engineering, architectural services, design, plans, specifications 65663
and surveys, estimates of cost, legal fees, fees and expenses of 65664
trustees, depositories, bond registrars, and paying agents for the 65665
obligations, cost of issuance of the obligations and financing 65666
costs and fees and expenses of financial advisers and consultants 65667
in connection therewith, interest on the obligations from the date 65668
thereof to the time when interest is to be covered by available 65669
receipts or other sources other than proceeds of the obligations, 65670
amounts necessary to establish reserves as required by the bond 65671
proceedings, costs of audits, the reimbursements of all moneys 65672
advanced or applied by or borrowed from the institution or others, 65673
from whatever source provided, including any temporary advances 65674
from state appropriations, for the payment of any item or items of 65675
cost of facilities, and all other expenses necessary or incident 65676
to planning or determining feasibility or practicability with 65677
respect to facilities, and such other expenses as may be necessary 65678
or incident to the acquisition, construction, reconstruction, 65679

rehabilitation, remodeling, renovation, enlargement, improvement, 65680
equipment, and furnishing of facilities, the financing thereof and 65681
the placing of them in use and operation, including any one, part 65682
of, or combination of such classes of costs and expenses. 65683

(11) "Available receipts" means all moneys received by the 65684
institution of higher education, including income, revenues, and 65685
receipts from the operation, ownership, or control of facilities 65686
or entrepreneurial projects, grants, gifts, donations, and pledges 65687
and receipts therefrom, receipts from fees and charges, and the 65688
proceeds of the sale of obligations or assurances, including 65689
proceeds of obligations or assurances issued to refund obligations 65690
or assurances previously issued, but excluding any special fee, 65691
and receipts therefrom, charged pursuant to division (D) of 65692
section 154.21 of the Revised Code. 65693

(12) "Credit enhancement facilities" has the meaning given in 65694
division (H) of section 133.01 of the Revised Code. 65695

(13) "Financing costs" has the meaning given in division (K) 65696
of section 133.01 of the Revised Code. 65697

(14) "Interest" or "interest equivalent" has the meaning 65698
given in division (R) of section 133.01 of the Revised Code. 65699

(15) "Assurances" means bonds, notes, or other evidence of 65700
indebtedness, including interest coupons pertaining thereto, 65701
authorized to be issued under section 3345.36 of the Revised Code. 65702

(16) "Entrepreneurial project" has the same meaning as in 65703
section 3345.36 of the Revised Code. 65704

(17) "Costs of entrepreneurial projects" means any costs 65705
related to the establishment or development of entrepreneurial 65706
projects pursuant to a resolution adopted under section 3345.36 of 65707
the Revised Code. 65708

(B) Obligations issued under section 3345.07 or 3345.11 of 65709

the Revised Code by a state university or college shall be 65710
authorized by resolution of its board of trustees. Obligations 65711
issued by any other institution of higher education shall be 65712
authorized by resolution of its board of trustees, or managing 65713
directors in the case of certain university branch districts, as 65714
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 65715
apply to obligations and assurances. Obligations and assurances 65716
may be issued to pay costs of facilities or entrepreneurial 65717
projects even if the institution anticipates the possibility of a 65718
future state appropriation to pay all or a portion of such costs. 65719

(C) Obligations and assurances shall be secured by a pledge 65720
of and lien on all or such part of the available receipts of the 65721
institution of higher education as it provides for in the bond 65722
proceedings, excluding moneys raised by taxation and state 65723
appropriations except as permitted by section ~~3333.90~~ 3333.59 of 65724
the Revised Code. Such pledge and lien may be made prior to all 65725
other expenses, claims, or payments, excepting any pledge of such 65726
available receipts previously made to the contrary and except as 65727
provided by any existing restrictions on the use thereof, or such 65728
pledge and lien may be made subordinate to such other expenses, 65729
claims, or payments, as provided in the bond proceedings. 65730
Obligations or assurances may be additionally secured by covenants 65731
of the institution to make, fix, adjust, collect, and apply such 65732
charges, rates, fees, rentals, and other items of available 65733
receipts as will produce pledged available receipts sufficient to 65734
meet bond service charges, reserve, and other requirements 65735
provided for in the bond proceedings. Notwithstanding this and any 65736
other sections of the Revised Code, the holders or owners of the 65737
obligations or assurances shall not be given the right and shall 65738
have no right to have excises or taxes levied by the general 65739
assembly for the payment of bond service charges thereon, and each 65740
such obligation or assurance shall bear on its face a statement to 65741
that effect and to the effect that the right to such payment is 65742

limited to the available receipts and special funds pledged to 65743
such purpose under the bond proceedings. 65744

All pledged available receipts and funds and the proceeds of 65745
obligations or assurances are trust funds and, subject to the 65746
provisions of this section and the applicable bond proceedings, 65747
shall be held, deposited, invested, reinvested, disbursed, 65748
applied, and used to such extent, in such manner, at such times, 65749
and for such purposes, as are provided in the bond proceedings. 65750

(D) The bond proceedings for obligations or assurances shall 65751
provide for the purpose thereof and the principal amount or 65752
maximum principal amount, and provide for or authorize the manner 65753
of determining the principal maturity or maturities, the sale 65754
price including any permitted discount, the interest rate or 65755
rates, which may be a variable rate or rates, or the maximum 65756
interest rate, the date of the obligations or assurances and the 65757
date or dates of payment of interest thereon, their denominations, 65758
the manner of sale thereof, and the establishment within or 65759
without the state of a place or places of payment of bond service 65760
charges. The bond proceedings also shall provide for a pledge of 65761
and lien on available receipts of the institution of higher 65762
education as provided in division (C) of this section, and a 65763
pledge of and lien on such fund or funds provided in the bond 65764
proceedings arising from available receipts, which pledges and 65765
liens may provide for parity with obligations or assurances 65766
theretofore or thereafter issued by the institution. The available 65767
receipts so pledged and thereafter received by the institution and 65768
the funds so pledged are immediately subject to the lien of such 65769
pledge without any physical delivery thereof or further act, and 65770
the lien of any such pledge is valid and binding against all 65771
parties having claims of any kind against the institution, 65772
irrespective of whether such parties have notice thereof, and 65773
shall create a perfected security interest for all purposes of 65774

Chapter 1309. of the Revised Code, without the necessity for 65775
separation or delivery of funds or for the filing or recording of 65776
the bond proceedings by which such pledge is created or any 65777
certificate, statement, or other document with respect thereto; 65778
and the pledge of such available receipts and funds shall be 65779
effective and the money therefrom and thereof may be applied to 65780
the purposes for which pledged without necessity for any act of 65781
appropriation. 65782

(E) The bond proceedings may contain additional provisions 65783
customary or appropriate to the financing or to the obligations or 65784
assurances or to particular obligations and assurances, including: 65785

(1) The acquisition, construction, reconstruction, equipment, 65786
furnishing, improvement, operation, alteration, enlargement, 65787
maintenance, insurance, and repair of facilities or 65788
entrepreneurial projects, and the duties of the institution of 65789
higher education with reference thereto; 65790

(2) The terms of the obligations or assurances, including 65791
provisions for their redemption prior to maturity at the option of 65792
the institution of higher education at such price or prices and 65793
under such terms and conditions as are provided in the bond 65794
proceedings; 65795

(3) Limitations on the purposes to which the proceeds of the 65796
obligations or assurances may be applied; 65797

(4) The rates or rentals or other charges for the use of or 65798
right to use the facilities or entrepreneurial projects financed 65799
by the obligations or assurances, or other properties the revenues 65800
or receipts from which are pledged to the obligations or 65801
assurances, and rules for assuring any applicable use and 65802
occupancy thereof, including limitations upon the right to modify 65803
such rates, rentals, other charges, or regulations; 65804

(5) The use and expenditure of the pledged available receipts 65805

in such manner and to such extent as shall be determined, which 65806
may include provision for the payment of the expenses of 65807
operation, maintenance, and repair of facilities or 65808
entrepreneurial projects so that such expenses, or part thereof, 65809
shall be paid or provided as a charge prior or subsequent to the 65810
payment of bond service charges and any other payments required to 65811
be made by the bond proceedings; 65812

(6) Limitations on the issuance of additional obligations or 65813
assurances; 65814

(7) The terms of any trust agreement or indenture securing 65815
the obligations or assurances or under which the same may be 65816
issued; 65817

(8) The deposit, investment, and application of funds, and 65818
the safeguarding of funds on hand or on deposit without regard to 65819
Chapter 131. or 135. of the Revised Code, and any bank or trust 65820
company or other financial institution that acts as depository of 65821
any moneys under the bond proceedings shall furnish such 65822
indemnifying bonds or pledge such securities as required by the 65823
bond proceedings or otherwise by the institution of higher 65824
education; 65825

(9) The binding effect of any or every provision of the bond 65826
proceedings upon such officer, board, commission, authority, 65827
agency, department, or other person or body as may from time to 65828
time have the authority under law to take such actions as may be 65829
necessary to perform all or any part of the duty required by such 65830
provision; 65831

(10) Any provision that may be made in a trust agreement or 65832
indenture; 65833

(11) Any other or additional agreements with respect to the 65834
facilities of the institution of higher education or its 65835
entrepreneurial projects, their operation, the available receipts 65836

and funds pledged, and insurance of facilities or entrepreneurial projects and of the institution, its officers and employees. 65837
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(F) Such obligations or assurances may have the seal of the institution of higher education or a facsimile thereof affixed thereto or printed thereon and shall be executed by such officers as are designated in the bond proceedings, which execution may be by facsimile signatures. Any obligations or assurances may be executed by an officer who, on the date of execution, is the proper officer although on the date of such obligations or assurances such person was not the proper officer. In case any officer whose signature or a facsimile of whose signature appears on any such obligation or assurance ceases to be such officer before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the person had remained such officer until such delivery; and in case the seal of the institution has been changed after a facsimile of the seal has been imprinted on such obligations or assurances, such facsimile seal continues to be sufficient as to such obligations or assurances and obligations or assurances issued in substitution or exchange therefor. 65839
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(G) All such obligations or assurances are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations or assurances may be issued in coupon or in registered form, or both. Provision may be made for the registration of any obligations or assurances with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations or assurances so registered, and for the conversion or reconversion into obligations or assurances with coupons attached thereto of any obligations or assurances registered as to both principal and interest, and for reasonable charges for such registration, 65857
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exchange, conversion, and reconversion. 65869

(H) Pending preparation of definitive obligations or 65870
assurances, the institution of higher education may issue interim 65871
receipts or certificates which shall be exchanged for such 65872
definitive obligations or assurances. 65873

(I) Such obligations or assurances may be secured 65874
additionally by a trust agreement or indenture between the 65875
institution of higher education and a corporate trustee, which may 65876
be any trust company or bank having the powers of a trust company 65877
within or without this state but authorized to exercise trust 65878
powers within this state. Any such agreement or indenture may 65879
contain the resolution authorizing the issuance of the obligations 65880
or assurances, any provisions that may be contained in the bond 65881
proceedings as authorized by this section, and other provisions 65882
which are customary or appropriate in an agreement or indenture of 65883
such type, including: 65884

(1) Maintenance of each pledge, trust agreement, and 65885
indenture, or other instrument comprising part of the bond 65886
proceedings until the institution of higher education has fully 65887
paid the bond service charges on the obligations or assurances 65888
secured thereby, or provision therefor has been made; 65889

(2) In the event of default in any payments required to be 65890
made by the bond proceedings, or any other agreement of the 65891
institution of higher education made as a part of the contract 65892
under which the obligations or assurances were issued, enforcement 65893
of such payments or agreement by mandamus, the appointment of a 65894
receiver, suit in equity, action at law, or any combination of the 65895
foregoing; 65896

(3) The rights and remedies of the holders of obligations or 65897
assurances and of the trustee, and provisions for protecting and 65898
enforcing them, including limitations on rights of individual 65899

holders of obligations or assurances; 65900

(4) The replacement of any obligations or assurances that 65901
become mutilated or are destroyed, lost, or stolen; 65902

(5) Such other provisions as the trustee and the institution 65903
of higher education agree upon, including limitations, conditions, 65904
or qualifications relating to any of the foregoing. 65905

(J) Each duty of the institution of higher education and its 65906
officers or employees, undertaken pursuant to the bond proceedings 65907
or any related agreement or lease made under authority of law, is 65908
hereby established as a duty of such institution, and of each such 65909
officer or employee having authority to perform such duty, 65910
specially enjoined by law resulting from an office, trust, or 65911
station within the meaning of section 2731.01 of the Revised Code. 65912
The persons who are at the time the members of the board of 65913
trustees or the managing directors of the institution or its 65914
officers or employees are not liable in their personal capacities 65915
on such obligations or assurances, or lease, or other agreement of 65916
the institution. 65917

(K) The authority to issue obligations or assurances includes 65918
authority to: 65919

(1) Issue obligations or assurances in the form of bond 65920
anticipation notes and to renew them from time to time by the 65921
issuance of new notes. Such notes are payable solely from the 65922
available receipts and funds that may be pledged to the payment of 65923
such bonds, or from the proceeds of such bonds or renewal notes, 65924
or both, as the institution of higher education provides in its 65925
resolution authorizing such notes. Such notes may be additionally 65926
secured by covenants of the institution to the effect that it will 65927
do such or all things necessary for the issuance of such bonds or 65928
renewal notes in appropriate amount, and either exchange such 65929
bonds or renewal notes therefor or apply the proceeds thereof to 65930

the extent necessary, to make full payment of the bond service charges on such notes at the time or times contemplated, as provided in such resolution. Subject to the provisions of this division, all references to obligations or assurances in this section apply to such anticipation notes.

(2) Issue obligations or assurances to refund, including funding and retirement of, obligations or assurances previously issued to pay costs of facilities or entrepreneurial projects. Such obligations or assurances may be issued in amounts sufficient for payment of the principal amount of the obligations or assurances to be so refunded, any redemption premiums thereon, principal maturities of any obligations or assurances maturing prior to the redemption of any other obligations or assurances on a parity therewith to be so refunded, interest accrued or to accrue to the maturity date or dates of redemption of such obligations or assurances, and any expenses incurred or to be incurred in connection with such refunding or the issuance of the obligations or assurances.

(L) Obligations and assurances are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund, the administrator of workers' compensation in accordance with the investment policy approved by the bureau of workers' compensation board of directors pursuant to section 4121.12 of the Revised Code, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules

adopted pursuant thereto by any state agency with respect to 65963
investments by them, and are also acceptable as security for the 65964
deposit of public moneys. 65965

(M) All facilities or entrepreneurial projects purchased, 65966
acquired, constructed, or owned by an institution of higher 65967
education, or financed in whole or in part by obligations or 65968
assurances issued by an institution, and used for the purposes of 65969
the institution or other publicly owned and controlled college or 65970
university, is public property used exclusively for a public 65971
purpose, and such property and the income therefrom is exempt from 65972
all taxation and assessment within this state, including ad 65973
valorem and excise taxes. The obligations or assurances, the 65974
transfer thereof, and the income therefrom, including any profit 65975
made on the sale thereof, are at all times free from taxation 65976
within the state. The transfer of tangible personal property by 65977
lease under authority of this section or section 3345.07, 3345.11, 65978
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 65979
Code is not a sale as used in Chapter 5739. of the Revised Code. 65980

(N) The authority granted by this section is cumulative with 65981
the authority granted to institutions of higher education under 65982
Chapter 154. of the Revised Code, and nothing in this section 65983
impairs or limits the authority granted by Chapter 154. of the 65984
Revised Code. In any lease, agreement, or commitment made by an 65985
institution of higher education under Chapter 154. of the Revised 65986
Code, it may agree to restrict or subordinate any pledge it may 65987
thereafter make under authority of this section. 65988

(O) Title to lands acquired under this section and sections 65989
3345.07 and 3345.11 of the Revised Code by a state university or 65990
college shall be taken in the name of the state. 65991

(P) Except where costs of facilities or entrepreneurial 65992
projects are to be paid in whole or in part from funds 65993
appropriated by the general assembly, section 125.81 of the 65994

Revised Code and the requirement for certification with respect 65995
thereto under section 153.04 of the Revised Code do not apply to 65996
such facilities or entrepreneurial projects. 65997

(Q) A state university or college may sell or lease lands or 65998
interests in land owned by it or by the state for its use, or 65999
facilities authorized to be acquired or constructed by it under 66000
section 3345.07 or 3345.11 of the Revised Code, to permit the 66001
purchasers or lessees thereof to acquire, construct, equip, 66002
furnish, reconstruct, alter, enlarge, remodel, renovate, 66003
rehabilitate, improve, maintain, repair, or maintain and operate 66004
thereon and to provide by lease or otherwise to such institution, 66005
facilities authorized in section 3345.07 or 3345.11 of the Revised 66006
Code or entrepreneurial projects authorized under section 3345.36 66007
of the Revised Code. Such land or interests therein shall be sold 66008
for such appraised value, or leased, and on such terms as the 66009
board of trustees determines. All deeds or other instruments 66010
relating to such sales or leases shall be executed by such officer 66011
of the state university or college as the board of trustees 66012
designates. The state university or college shall hold, invest, or 66013
use the proceeds of such sales or leases for the same purposes for 66014
which proceeds of borrowings may be used under sections 3345.07 66015
and 3345.11 of the Revised Code or, if the proceeds relate to the 66016
sale or lease of entrepreneurial projects, for purposes of section 66017
3345.36 of the Revised Code. 66018

(R) An institution of higher education may pledge available 66019
receipts, to the extent permitted by division (C) of this section 66020
with respect to obligations, to secure the payments to be made by 66021
it under any lease, lease with option to purchase, or 66022
lease-purchase agreement authorized under this section or section 66023
3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 66024
3358.10 of the Revised Code. 66025

Sec. 3345.48. (A) As used in this section: 66026

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university. 66027
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(2) "Eligible student" means an undergraduate student who: 66033

(a) Is enrolled full-time in a bachelor's degree program at a state university; 66034
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(b) Is a resident of this state, as defined by the chancellor of the Ohio board of regents under section 3333.31 of the Revised Code. 66036
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(3) "State university" has the same meaning as in section 3345.011 of the Revised Code. 66039
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(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program. 66041
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If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are not limited to, all of the following: 66046
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(1) The number of credit hours required to earn an undergraduate degree in each major; 66049
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(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above 66051
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what has been charged in the previous academic year one time for 66056
the first cohort enrolled under the tuition guarantee program. If 66057
the board of trustees determines that economic conditions or other 66058
circumstances require an increase for the first cohort of above 66059
six per cent, the board shall submit a request to increase the 66060
amount by a specified percentage to the chancellor. The 66061
chancellor, based on information the chancellor requires from the 66062
board of trustees, shall approve or disapprove such a request. 66063
Thereafter, the board of trustees may increase the guaranteed 66064
amount by up to the sum of the following above what has been 66065
charged in the previous academic year one time per subsequent 66066
cohort: 66067

(a) The average rate of inflation, as measured by the 66068
consumer price index prepared by the bureau of labor statistics of 66069
the United States department of labor (all urban consumers, all 66070
items), for the previous sixty-month period; and 66071

(b) The percentage amount the general assembly restrains 66072
increases on in-state undergraduate instructional and general fees 66073
for the applicable fiscal year. If the general assembly does not 66074
enact a limit on the increase of in-state undergraduate 66075
instructional and general fees, then no limit shall apply under 66076
this division for the cohort that first enrolls in any academic 66077
year for which the general assembly does not prescribe a limit. 66078

If, beginning with the academic year that starts four years 66079
after the effective date of this section, the board of trustees 66080
determines that the general and instructional fees charged under 66081
the tuition guarantee have fallen significantly lower than those 66082
of other state universities, the board of trustees may submit a 66083
request to increase the amount charged to a cohort by a specified 66084
percentage to the chancellor, who shall approve or disapprove such 66085
a request. 66086

(3) A benchmark by which the board sets annual increases in 66087

general and instructional fees. This benchmark and any subsequent 66088
change to the benchmark shall be subject to approval of the 66089
chancellor. 66090

(4) Eligibility requirements for students to participate in 66091
the program; 66092

(5) Student rights and privileges under the program; 66093

(6) Consequences to the university for students unable to 66094
complete a degree program within four years, as follows: 66095

(a) For a student who could not complete the program in four 66096
years due to a lack of available classes or space in classes 66097
provided by the university, the university shall provide the 66098
necessary course or courses for completion to the student free of 66099
charge. 66100

(b) For a student who could not complete the program in four 66101
years due to military service or other circumstances beyond a 66102
student's control, as determined by the board of trustees, the 66103
university shall provide the necessary course or courses for 66104
completion to the student at the student's initial cohort rate. 66105

(c) For a student who did not complete the program in four 66106
years for any other reason, as determined by the board of 66107
trustees, the university shall provide the necessary course or 66108
courses for completion to the student at a rate determined through 66109
a method established by the board under division (B)(7) of this 66110
section. 66111

(7) Guidelines for adjusting a student's annual charges if 66112
the student, due to circumstances under the student's control, is 66113
unable to complete a degree program within four years; 66114

(8) A requirement that the rules adopted under division (B) 66115
of this section be published or posted in the university handbook, 66116
course catalog, and web site. 66117

(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program. 66118
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The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section. 66122
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(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students. 66125
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(E) Within five years after the effective date of this section, the chancellor shall publish on the board of regents web site a report that includes all of the following: 66128
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(1) The state universities that have adopted an undergraduate tuition guarantee program under this section; 66131
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(2) The details of each undergraduate tuition guarantee program established under this section; 66133
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(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities. 66135
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Sec. 3345.81. Not later than June 30, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to increase the number of degrees and certificates awarded to students. The plan shall be consistent with the mission and strategic priorities of the institution, include measureable student completion goals, and align with the state's workforce development priorities. Upon adoption by the board of trustees, each institution of higher education shall provide a copy of its 66138
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plan to the chancellor of the Ohio board of regents. 66148

The board of trustees of each institution of higher education 66149
shall update its plan at least once every two years and provide a 66150
copy of their updated plan to the chancellor upon adoption. 66151

Sec. 3350.15. The northeast Ohio medical university may enter 66152
into a partnership with Cleveland state university to establish 66153
the northeast Ohio medical university academic campus at Cleveland 66154
state university, to enable fifty per cent or more of the medical 66155
curriculum taught to students enrolled under this partnership to 66156
be based in Cleveland at Cleveland state university, local 66157
hospitals, and community- and neighborhood-based primary care 66158
clinics. Cleveland state university shall not receive state 66159
capital appropriations to pay for facilities for the academic 66160
campus. 66161

Sec. 3353.01. As used in this chapter: 66162

(A) "Educational television or radio" means television or 66163
radio programs which serve the educational needs of the community 66164
and which meet the requirements of the federal communications 66165
commission for noncommercial educational television or radio. 66166

(B) "Educational telecommunications network" means a system 66167
of connected educational television, radio, or radio reading 66168
service facilities and coordinated programs established and 66169
operated or controlled by the ~~eTech Ohio~~ broadcast educational 66170
media commission, pursuant to this chapter. 66171

(C) "Transmission" means the sending out of television, 66172
radio, or radio reading service programs, either directly to the 66173
public, or to broadcasting stations or services for simultaneous 66174
broadcast or rebroadcast. 66175

(D) "Transmission facilities" means structures, equipment, 66176

material, and services used in the transmission of educational 66177
television, radio, or radio reading service programs. 66178

(E) "Interconnection facilities" means the equipment, 66179
material, and services used to link one location to another 66180
location or to several locations by means of telephone line, 66181
coaxial cable, microwave relays, or other available technologies. 66182

(F) "Broadcasting station" means a properly licensed 66183
noncommercial educational television or radio station, 66184
appropriately staffed and equipped to produce programs or lessons 66185
and to broadcast programs. 66186

(G) "Radio reading service" means a nonprofit organization 66187
that disseminates news and other information to blind and 66188
physically handicapped persons. 66189

(H) "Affiliate" means an educational telecommunication 66190
entity, including a television or radio broadcasting station or 66191
radio reading service. 66192

Sec. 3353.02. (A) There is hereby created the ~~eTech-Ohio~~ 66193
broadcast educational media commission as an independent agency to 66194
advance education and accelerate the learning of the citizens of 66195
this state through ~~technology~~ public educational broadcasting 66196
services. The commission shall provide leadership and support in 66197
extending the knowledge of the citizens of this state by promoting 66198
access to and use of ~~all forms of educational technology~~ 66199
broadcasting services, including educational television and radio, 66200
and radio reading services, ~~broadband networks, videotapes,~~ 66201
~~compact discs, digital video on demand (DVD), and the internet.~~ 66202
The commission also shall administer programs to provide financial 66203
and other assistance to ~~school districts and other educational~~ 66204
~~institutions for the acquisition and utilization of educational~~ 66205
~~technology~~ television and radio and radio reading services. 66206

The commission is a body corporate and politic, an agency of the state performing essential governmental functions of the state.

(B) The commission shall consist of ~~thirteen~~ fifteen members, ~~nine~~ eleven of whom shall be voting members. ~~Six~~ Nine of the voting members shall be representatives of the public selected from among leading citizens in the state who have demonstrated interest in educational broadcast media through service on boards or advisory councils of educational television stations, educational radio stations, educational technology agencies, or radio reading services. Of the representatives of the public, ~~four~~ three shall be appointed by the governor with the advice and consent of the senate, ~~one~~ three shall be appointed by the speaker of the house of representatives, and ~~one~~ three shall be appointed by the president of the senate. Not more than two members appointed by the speaker of the house of representatives and not more than two members appointed by the president of the senate shall be of the same political party. The superintendent of public instruction or a designee of the superintendent, ~~and~~ the chancellor of the Ohio board of regents or a designee of the chancellor, ~~and the state chief information officer or a designee of the officer~~ shall be ex officio voting members. Of the nonvoting members, two shall be members of the house of representatives appointed by the speaker of the house of representatives and two shall be members of the senate appointed by the president of the senate. The members appointed from each chamber shall not be members of the same political party.

(C) Initial terms of office for appointed voting members ~~appointed by the governor~~ shall be ~~one year for~~ as follows:

(1) For one member, two years for one member, three years for one member, and four years for one member appointed by each of the governor, speaker of the house of representatives, and president

of the senate, one year; 66239

(2) For one member appointed by each of the governor, speaker 66240
of the house of representatives, and president of the senate, two 66241
years; 66242

(3) For one member appointed by each of the governor, speaker 66243
of the house of representatives, and president of the senate, 66244
three years. At the first meeting of the commission, such members 66245
~~appointed by the governor~~ shall draw lots to determine the length 66246
of the term each member will serve. Thereafter, terms of office 66247
for such members ~~appointed by the governor~~ shall be for four 66248
years. ~~Terms of office for voting members appointed by the speaker~~ 66249
~~of the house of representatives and the president of the senate~~ 66250
~~shall be for four years.~~ Any member who is a representative of the 66251
public may be reappointed by the member's respective appointing 66252
authority, but no such member may serve more than two consecutive 66253
four-year terms. Such a member may be removed by the member's 66254
respective appointing authority for cause. 66255

Any legislative member appointed by the speaker of the house 66256
of representatives or the president of the senate who ceases to be 66257
a member of the legislative chamber from which the member was 66258
appointed shall cease to be a member of the commission. The 66259
speaker of the house of representatives and the president of the 66260
senate may remove their respective appointments to the commission 66261
at any time. 66262

(D) Vacancies among appointed members shall be filled in the 66263
manner provided for original appointments. Any member appointed to 66264
fill a vacancy occurring prior to the expiration of the term for 66265
which the member's predecessor was appointed shall hold office for 66266
the remainder of that term. Any appointed member shall continue in 66267
office subsequent to the expiration of that member's term until 66268
the member's successor takes office or until a period of sixty 66269
days has elapsed, whichever occurs first. 66270

(E) Members of the commission shall serve without 66271
compensation. The members who are representatives of the public 66272
shall be reimbursed, pursuant to office of budget and management 66273
guidelines, for actual and necessary expenses incurred in the 66274
performance of official duties. 66275

(F) The governor shall appoint the chairperson of the 66276
commission from among the commission's public voting members. The 66277
chairperson shall serve a term of two years and may be 66278
reappointed. The commission shall elect other officers as 66279
necessary from among its voting members and shall prescribe its 66280
rules of procedure. 66281

~~(G) The commission shall establish advisory groups as needed 66282
to address topics of interest and to provide guidance to the 66283
commission regarding educational technology issues and the 66284
technology needs of educators, learners, and the public. Members 66285
of each advisory group shall be appointed by the commission and 66286
shall include representatives of individuals or organizations with 66287
an interest in the topic addressed by the advisory group. 66288~~

Sec. 3353.03. (A) The ~~eTech Ohio~~ broadcast educational media 66289
commission shall appoint an executive director, who shall serve at 66290
the pleasure of the commission. The executive director shall have 66291
no authority other than that provided by law or delegated to the 66292
executive director by the commission. The executive director shall 66293
do all of the following: 66294

(1) Direct ~~commission employees in~~ the administration of all 66295
programs of the commission; 66296

(2) Provide leadership and support in extending the knowledge 66297
of the citizens of this state by promoting equal access to and use 66298
of ~~all forms of educational technology~~ broadcast media, as 66299
directed by the commission; 66300

(3) Provide financial and other assistance to ~~school~~ 66301
~~districts,~~ educational television and radio stations, radio 66302
reading services, ~~educational technology organizations, and other~~ 66303
~~educational institutions for the acquisition and utilization of~~ 66304
~~educational technology~~ and related organizations and activities; 66305

(4) Implement policies and directives issued by the 66306
commission; 66307

(5) Perform other duties authorized by the commission. 66308

(B) The commission shall fix the compensation of the 66309
executive director. The executive director shall employ and fix 66310
the compensation for such employees as necessary to facilitate the 66311
activities and purposes of the commission. The employees shall 66312
serve at the pleasure of the executive director. 66313

(C) The employees of the commission shall be placed in the 66314
unclassified service. 66315

(D)(1) Except as provided in division (D)(2) of this section, 66316
the employees of the commission shall be exempt from Chapter 4117. 66317
of the Revised Code and shall not be public employees as defined 66318
in section 4117.01 of the Revised Code. 66319

(2) All employees of the commission who transferred to the 66320
commission from one of the commission's predecessor agencies upon 66321
the commission's creation and, when employed by the predecessor 66322
agency were included in a bargaining unit established under 66323
Chapter 4117. of the Revised Code, shall continue to be included 66324
in that bargaining unit, are public employees as defined in 66325
section 4117.01 of the Revised Code, and may collectively bargain 66326
with the commission in accordance with that chapter. Otherwise, 66327
any employee hired by the commission after July 1, 2005, either to 66328
fill vacancies or to fill new positions, shall be exempt from 66329
Chapter 4117. of the Revised Code and shall not be public 66330
employees as defined in section 4117.10 of the Revised Code. 66331

~~Sec. 3353.04. (A) The eTech Ohio broadcast educational media commission may perform any act necessary to carry out the functions of this chapter, including any of the following:~~

~~(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, other educational institutions, and affiliates to utilize educational technology;~~

~~(2) Establish a reporting system for school districts, community schools, other educational institutions, affiliates, and educational technology organizations that receive financial assistance from the commission. The system may require the reporting of information regarding the manner in which the assistance was expended, the manner in which the equipment or services purchased with the assistance is being utilized, the results or outcome of the utilization, the manner in which the utilization is compatible with the statewide academic standards adopted by the state board of education pursuant to section 3301.079 of the Revised Code, and any other information determined by the commission.~~

~~(3) Ensure that, where appropriate, products produced by any entity to which the commission provides financial assistance for use in elementary and secondary education are aligned with the statewide academic standards adopted by the state board pursuant to section 3301.079 of the Revised Code;~~

~~(4) Promote accessibility ~~to~~ through broadcasting services of educational products aligned with the statewide academic standards, adopted by the state board pursuant to section 3301.079 of the Revised Code, for school districts, community schools, and other entities serving grades kindergarten through twelve;~~

~~(5)~~(2) Own or operate transmission facilities and 66363
interconnection facilities, or contract for transmission 66364
facilities and interconnection facilities, for an educational 66365
television, radio, or radio reading service network; 66366

~~(6)~~(3) Establish standards for interconnection facilities 66367
used by the commission in the transmission of educational 66368
television, radio, or radio reading service programming; 66369

~~(7)~~(4) Enter into agreements with noncommercial educational 66370
television or radio broadcasting stations or radio reading 66371
services for the operation of the interconnection; 66372

~~(8)~~(5) Enter into agreements with noncommercial educational 66373
television or radio broadcasting stations or radio reading 66374
services for the production and use of educational television, 66375
radio, or radio reading service programs to be transmitted by the 66376
educational telecommunications network; 66377

~~(9)~~(6) Execute contracts and other agreements necessary and 66378
desirable to carry out the purposes of this chapter and other 66379
duties prescribed to the commission by law or authorize the 66380
executive director of the commission to execute such contracts and 66381
agreements on the commission's behalf; 66382

~~(10)~~(7) Act as consultant with educational television and 66383
educational radio stations and radio reading services toward 66384
coordination within the state of the distribution of federal funds 66385
that may become available for equipment for educational 66386
broadcasting or radio reading services; 66387

~~(11)~~(8) Make payments to noncommercial Ohio educational 66388
television or radio broadcasting stations or radio reading 66389
services to sustain the operation of such stations or services; 66390

~~(12)~~(9) In consultation with participants in programs 66391
administered by the commission, establish guidelines governing 66392
purchasing and procurement that facilitate the timely and 66393

effective implementation of such programs; 66394

~~(13)~~(10) In consultation with participants in programs 66395
administered by the commission, consider the efficiency and cost 66396
savings of statewide procurement prior to allocating and releasing 66397
funds for such programs; 66398

~~(14)~~(11) In consultation with participants in programs 66399
administered by the commission, establish a systems support 66400
network to facilitate the timely implementation of the programs 66401
and other projects and activities for which the commission 66402
provides assistance. 66403

(B) Chapters 123., 124., 125., and 153. of the Revised Code 66404
and sections 9.331 to 9.335 of the Revised Code do not apply to 66405
contracts, programs, projects, or activities of the commission. 66406

Sec. 3353.06. (A) The affiliates services fund is hereby 66407
created in the state treasury. The ~~eTech Ohio~~ broadcast 66408
educational media commission shall deposit any money it receives 66409
for services provided to affiliates to the credit of the fund, 66410
including: 66411

(1) Reimbursements for services provided to stations; 66412

(2) Charges levied for maintenance of telecommunications, 66413
broadcasting, or transmission equipment; 66414

(3) Contract or grant payments from affiliates. 66415

(B) The commission shall use money credited to the affiliates 66416
services fund for any commission operating purposes, including: 66417

(1) The purchase, repair, or maintenance of 66418
telecommunications, broadcasting, or transmission equipment; 66419

(2) The purchase or lease of educational programming; 66420

(3) The purchase of tape and digital media storage and 66421
maintenance of a media library; 66422

- (4) ~~Professional development programs and services;~~ 66423
(5) Administrative expenses. 66424

Sec. 3353.07. (A) There is hereby created the Ohio government 66425
telecommunications service. The Ohio government telecommunications 66426
service shall provide the state government and affiliated 66427
organizations with multimedia support including audio, visual, and 66428
internet services, multimedia streaming, and hosting multimedia 66429
programs. 66430

Services relating to the official activities of the general 66431
assembly and the executive offices provided by the Ohio government 66432
telecommunications service shall be funded through grants to a 66433
~~public~~ an educational television broadcasting station that will 66434
manage the staff and provide the services of the Ohio government 66435
telecommunications service. The Ohio educational television 66436
stations shall select a member station to manage the Ohio 66437
government telecommunications service. The Ohio government 66438
telecommunications service shall receive grants from, or contract 66439
with, any of the three branches of Ohio government, and their 66440
affiliates, to provide additional services. Services provided by 66441
the Ohio government telecommunications service shall not be used 66442
for political purposes included in campaign materials, or 66443
otherwise used to influence an election, legislation, issue, 66444
judicial decision, or other policy of state government. 66445

(B)(1) There is hereby created the legislative programming 66446
committee of the Ohio government telecommunications service that 66447
shall consist of the president of the senate, speaker of the house 66448
of representatives, minority leader of the senate, and minority 66449
leader of the house of representatives, or their designees, and 66450
the clerks of the senate and house of representatives as 66451
nonvoting, ex officio members. By a vote of a majority of its 66452
members, the program committee may add additional members to the 66453

committee. 66454

(2) The legislative programming committee shall adopt rules 66455
that govern the operation of the Ohio government 66456
telecommunications service relating to the general assembly and 66457
any affiliated organizations. 66458

Sec. 3365.01. As used in this chapter: 66459

(A) "College" means any state-assisted college or university 66460
described in section 3333.041 of the Revised Code, any nonprofit 66461
institution holding a certificate of authorization pursuant to 66462
Chapter 1713. of the Revised Code, any private institution exempt 66463
from regulation under Chapter 3332. of the Revised Code as 66464
prescribed in section 3333.046 of the Revised Code, and any 66465
institution holding a certificate of registration from the state 66466
board of career colleges and schools and program authorization for 66467
an associate or bachelor's degree program issued under section 66468
3332.05 of the Revised Code. 66469

(B) "School district," except as specified in division (G) of 66470
this section, means any school district to which a student is 66471
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 66472
the Revised Code and does not include a joint vocational or 66473
cooperative education school district. 66474

(C) "Parent" has the same meaning as in section 3313.64 of 66475
the Revised Code. 66476

(D) "Participant" means a student enrolled in a college under 66477
the post-secondary enrollment options program established by this 66478
chapter, including a student who has been excused from the 66479
compulsory attendance law for the purpose of home instruction 66480
under section 3321.04 of the Revised Code. 66481

(E) "Secondary grade" means the ninth through twelfth grades. 66482

(F) "School foundation payments" means the amount required to 66483

be paid to a school district for a fiscal year under Chapter 3317. 66484
of the Revised Code. 66485

(G) "Tuition base" means, ~~with respect to a participant's~~ 66486
~~school district, the sum of the formula amount plus the per pupil~~ 66487
~~amount of the base funding supplements specified in divisions~~ 66488
~~(C)(1) to (4) of section 3317.012 3317.02 of the Revised Code for~~ 66489
~~the applicable fiscal year 2009.~~ 66490

~~The participant's "school district" in the case of a~~ 66491
~~participant enrolled in a community school shall be the school~~ 66492
~~district in which the student is entitled to attend school under~~ 66493
~~section 3313.64 or 3313.65 of the Revised Code.~~ 66494

(H) "Educational program" means enrollment in one or more 66495
school districts, in a nonpublic school, or in a college under 66496
division (B) of section 3365.04 of the Revised Code. 66497

(I) "Nonpublic school" means a chartered or nonchartered 66498
school for which minimum standards are prescribed by the state 66499
board of education pursuant to division (D) of section 3301.07 of 66500
the Revised Code. 66501

(J) "School year" means the year beginning on the first day 66502
of July and ending on the thirtieth day of June. 66503

(K) "Community school" means any school established pursuant 66504
to Chapter 3314. of the Revised Code that includes secondary 66505
grades. 66506

(L) "STEM school" means a science, technology, engineering, 66507
and mathematics school established under Chapter 3326. of the 66508
Revised Code. 66509

Sec. 3365.02. There is hereby established the post-secondary 66510
enrollment options program under which a secondary grade student 66511
who is a resident of this state may enroll at a college, on a 66512
full- or part-time basis, and complete nonsectarian courses for 66513

high school and college credit. 66514

Secondary grade students in a nonpublic school may 66515
participate in the post-secondary enrollment options program if 66516
the chief administrator of such school notifies the department of 66517
education by the first day of April prior to the school year in 66518
which the school's students will participate. 66519

The state board of education, after consulting with the board 66520
of regents, shall adopt rules governing the program. The rules 66521
shall include: 66522

(A) Requirements for school districts, community schools, or 66523
participating nonpublic schools to provide information about the 66524
program prior to the first day of March of each year to all 66525
students enrolled in grades eight through eleven; 66526

(B) A requirement that a student or the student's parent 66527
inform the district board of education, the governing authority of 66528
a community school, the STEM school chief administrative officer, 66529
or the nonpublic school administrator by the thirtieth day of 66530
March of the student's intent to participate in the program during 66531
the following school year. The rule shall provide that any student 66532
who fails to provide the notification by the required date may not 66533
participate in the program during the following school year 66534
without the written consent of the district superintendent, the 66535
governing authority of a community school, the STEM school chief 66536
administrative officer, or the nonpublic school administrator. 66537

(C) Requirements that school districts, community schools, 66538
and STEM schools provide counseling services to students in grades 66539
eight through eleven and to their parents before the students 66540
participate in the program under this chapter to ensure that 66541
students and parents are fully aware of the possible risks and 66542
consequences of participation. Counseling information shall 66543
include without limitation: 66544

(1) Program eligibility;	66545
(2) The process for granting academic credits;	66546
(3) Financial arrangements for tuition, books, materials, and fees;	66547 66548
(4) Criteria for any transportation aid;	66549
(5) Available support services;	66550
(6) Scheduling;	66551
(7) The consequences of failing or not completing a course in which the student enrolls and the effect of the grade attained in the course being included in the student's grade point average, if applicable;	66552 66553 66554 66555
(8) The effect of program participation on the student's ability to complete the district's or school's graduation requirements;	66556 66557 66558
(9) The academic and social responsibilities of students and parents under the program;	66559 66560
(10) Information about and encouragement to use the counseling services of the college in which the student intends to enroll.	66561 66562 66563
<u>(11) A list of all institutions of higher education that currently participate in the program or in another dual enrollment program, as defined in section 3313.6013 of the Revised Code, compiled and distributed by the department of education pursuant to division (G) of this section.</u>	66564 66565 66566 66567 66568
(D) A requirement that the student and the student's parent sign a form, provided by the school district or school, stating that they have received the counseling required by division (C) of this section and that they understand the responsibilities they must assume in the program;	66569 66570 66571 66572 66573

(E) The options required by section 3365.04 of the Revised Code; 66574
66575

(F) ~~A requirement that a student may not enroll in any specific college course through the program if the student has taken high school courses in the same subject area as that college course and has failed to attain a cumulative grade point average of at least 3.0 on a 4.0 scale, or the equivalent, in such completed high school courses~~ A requirement that student participation in the program be based solely on a participating college's established placement standards for college-level courses for which credit is awarded. 66576
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(G) A requirement that the department of education annually compile a list of all institutions of higher education that currently participate in the program or in another dual enrollment program as defined in section 3313.6013 of the Revised Code and, not later than the thirty-first day of December of each school year, distribute this list to all school districts, community schools, STEM schools, and chartered nonpublic schools in the state. 66585
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Sec. 3365.021. The chief administrator of any nonpublic school notifying the department of education that students of the school will participate in the post-secondary enrollment options program shall provide counseling to students in grades eight through eleven and to their parents before the students participate in the program to ensure that students and parents are fully aware of the possible risks and consequences of participation. Such counseling shall include explaining the fact that funding may be limited and that not all students who wish to participate may be able to do so. 66593
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The chief administrator also shall provide students and parents with a list of all institutions of higher education that 66603
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currently participate in the program or in another dual enrollment program as defined in section 3313.6013 of the Revised Code, compiled and distributed by the department of education pursuant to division (G) of section 3365.02 of the Revised Code. 66605
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Sec. 3365.022. (A) Beginning July 1, 2013, a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is the equivalent of a ninth, tenth, eleventh, or twelfth grader may participate in the post-secondary enrollment options program established under this chapter. 66609
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(B)(1) If a student meets the criteria established in division (A) of this section and wishes to participate in the post-secondary enrollment options program, the parent or guardian of that student shall notify the department of education by the first day of April prior to the school year in which the student wishes to participate. 66615
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(2) For the 2013-2014 school year, the department may accept applications at a later date if that student wishes to participate in the program during the 2013-2014 school year. 66621
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(C) Pursuant to rules adopted by the state board of education under section 3365.02 of the Revised Code, payments to a participating college, in which home-instructed students enrolled pursuant to this section, shall be made in the same manner as payments made for participating students from nonpublic secondary schools, pursuant to section 3365.07 of the Revised Code. 66624
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Sec. 3365.07. (A) The rules adopted under section 3365.02 of the Revised Code shall specify a method for each of the following: 66630
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(1) Determining, with respect to any participant, the percentage of a full-time educational program constituted by the participant's total educational program. That percentage shall be 66632
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the participant's full-time equivalency percentage for purposes of 66635
the computation required by division (B)(1) of this section. 66636

(2) In the case of a participant who is not enrolled in a 66637
participating nonpublic school, determining the percentage of a 66638
participant's school day during which the participant is 66639
participating in each of the following: 66640

(a) Programs provided by the city, local, or exempted village 66641
school district, a community school, or a STEM school; 66642

(b) Programs provided by a joint vocational school district; 66643

(c) Programs provided by a college under division (B) of 66644
section 3365.04 of the Revised Code. 66645

The sum of divisions (A)(2)(a) to (c) of this section shall equal 66646
one hundred per cent. 66647

(3) In the case of a participant who is not enrolled in a 66648
participating nonpublic school, determining the percentage of a 66649
participant's enrollment that shall be deemed to be enrollment in 66650
a joint vocational school district and the percentage that shall 66651
be deemed to be enrollment in a city, local, or exempted village 66652
school district. The sum of such percentages shall equal one 66653
hundred per cent. 66654

(4) In the case of a participant who is enrolled in a 66655
participating nonpublic school, determining the percentage of a 66656
participant's school day during which the participant is 66657
participating in programs provided by a college under division (B) 66658
of section 3365.04 of the Revised Code. 66659

(B) Each July, unless provided otherwise in an alternative 66660
funding agreement entered into under rules adopted under section 66661
3365.12 of the Revised Code, the department of education shall pay 66662
each college for any participant enrolled in the college in the 66663
prior school year under division (B) of section 3365.04 of the 66664

Revised Code an amount computed as follows: 66665

(1) Multiply the tuition base by the participant's full-time 66666
equivalency percentage and multiply the resulting amount by a 66667
percentage equal to the percentage of the participant's school day 66668
apportioned to the college under division (A)(2)(c) or (4) of this 66669
section, as applicable. 66670

(2) Pay the college the lesser of: 66671

(a) The amount computed under division (B)(1) of this 66672
section; 66673

(b) The actual costs that would have been the responsibility 66674
of the participant had the participant elected to enroll under 66675
division (A) of section 3365.04 of the Revised Code, as verified 66676
by the department, of tuition, textbooks, materials, and fees 66677
directly related to any courses elected by the participant during 66678
the prior school year under division (B) of section 3365.04 of the 66679
Revised Code. 66680

(C) The department shall not reimburse ~~any~~ a college for any 66681
of the following: 66682

(1) A college course taken by a participant under division 66683
(A) of section 3365.04 of the Revised Code; 66684

(2) A remedial college course taken by a participant. 66685

(D) If the participant was not enrolled in a participating 66686
nonpublic school, the amount paid under division (B) of this 66687
section for each participant shall be subtracted from the school 66688
foundation payments made to the participant's school district or, 66689
if the participant was enrolled in a community school or a STEM 66690
school, from the payments made to the participant's school under 66691
section 3314.08 or 3326.33 of the Revised Code. If the participant 66692
was enrolled in a joint vocational school district, a portion of 66693
the amount shall be subtracted from the payments to the joint 66694

vocational school district and a portion shall be subtracted from 66695
the payments to the participant's city, local, or exempted village 66696
school district. The amount of the payment subtracted from the 66697
city, local, or exempted village school district shall be computed 66698
as follows: 66699

(1) Add the following: 66700

(a) The percentage of the participant's enrollment in the 66701
school district, determined under division (A)(3) of this section; 66702
and 66703

(b) Twenty-five per cent times the percentage of the 66704
participant's enrollment in the joint vocational school district, 66705
determined under division (A)(3) of this section. 66706

(2) Multiply the sum obtained under division (D)(1) of this 66707
section by the amount computed under division (B)(2) of this 66708
section. 66709

The balance of the payment shall be subtracted from the joint 66710
vocational district's school foundation payments. 66711

(E) If the participant was enrolled in a participating 66712
nonpublic school, the amount paid under division (B) of this 66713
section shall be subtracted from moneys set aside by the general 66714
assembly for such purpose from funds appropriated for the purposes 66715
of section 3317.06 of the Revised Code. 66716

Sec. 3365.12. The superintendent of public instruction and 66717
the chancellor of the Ohio board of regents jointly may adopt 66718
rules in accordance with Chapter 119. of the Revised Code 66719
permitting a board of education of a school district or joint 66720
vocational school district, governing authority of a community 66721
school, governing body of a STEM school, or governing authority of 66722
a participating nonpublic school to enter into an agreement with a 66723
college or university to use an alternate funding formula to 66724

calculate, or an alternate method to transmit, the amount the 66725
college or university would be paid for a student participating in 66726
a program under this chapter, including the program known as 66727
seniors to sophomores. 66728

Rules adopted under this section may include, but need not be 66729
limited to, any of the following alternative funding options: 66730

(A) Direct payment of funds necessary to support students 66731
participating in a program under this chapter, including the 66732
seniors to sophomores program, by the school district, joint 66733
vocational school district, community school, STEM school, or any 66734
combination thereof, to the college or university in which the 66735
student enrolled; 66736

(B) Alternate funding formulas to calculate the amount of 66737
money to be paid to colleges for participants; 66738

(C) A negotiated amount to be paid, as agreed by the school 66739
district, joint vocational school district, community school, or 66740
STEM school and the college or university. 66741

Rules adopted under this section shall prohibit any 66742
alternative funding option to include charging a student 66743
participating in the program under this chapter any tuition or 66744
fees. 66745

Sec. 3501.01. As used in the sections of the Revised Code 66746
relating to elections and political communications: 66747

(A) "General election" means the election held on the first 66748
Tuesday after the first Monday in each November. 66749

(B) "Regular municipal election" means the election held on 66750
the first Tuesday after the first Monday in November in each 66751
odd-numbered year. 66752

(C) "Regular state election" means the election held on the 66753

first Tuesday after the first Monday in November in each 66754
even-numbered year. 66755

(D) "Special election" means any election other than those 66756
elections defined in other divisions of this section. A special 66757
election may be held only on the first Tuesday after the first 66758
Monday in February, May, August, or November, or on the day 66759
authorized by a particular municipal or county charter for the 66760
holding of a primary election, except that in any year in which a 66761
presidential primary election is held, no special election shall 66762
be held in February or May, except as authorized by a municipal or 66763
county charter, but may be held on the first Tuesday after the 66764
first Monday in March. 66765

(E)(1) "Primary" or "primary election" means an election held 66766
for the purpose of nominating persons as candidates of political 66767
parties for election to offices, and for the purpose of electing 66768
persons as members of the controlling committees of political 66769
parties and as delegates and alternates to the conventions of 66770
political parties. Primary elections shall be held on the first 66771
Tuesday after the first Monday in May of each year except in years 66772
in which a presidential primary election is held. 66773

(2) "Presidential primary election" means a primary election 66774
as defined by division (E)(1) of this section at which an election 66775
is held for the purpose of choosing delegates and alternates to 66776
the national conventions of the major political parties pursuant 66777
to section 3513.12 of the Revised Code. Unless otherwise 66778
specified, presidential primary elections are included in 66779
references to primary elections. In years in which a presidential 66780
primary election is held, all primary elections shall be held on 66781
the first Tuesday after the first Monday in March except as 66782
otherwise authorized by a municipal or county charter. 66783

(F) "Political party" means any group of voters meeting the 66784
requirements set forth in section 3517.01 of the Revised Code for 66785

the formation and existence of a political party. 66786

(1) "Major political party" means any political party 66787
organized under the laws of this state whose candidate for 66788
governor or nominees for presidential electors received no less 66789
than twenty per cent of the total vote cast for such office at the 66790
most recent regular state election. 66791

(2) "Intermediate political party" means any political party 66792
organized under the laws of this state whose candidate for 66793
governor or nominees for presidential electors received less than 66794
twenty per cent but not less than ten per cent of the total vote 66795
cast for such office at the most recent regular state election. 66796

(3) "Minor political party" means any political party 66797
organized under the laws of this state whose candidate for 66798
governor or nominees for presidential electors received less than 66799
ten per cent but not less than five per cent of the total vote 66800
cast for such office at the most recent regular state election or 66801
which has filed with the secretary of state, subsequent to any 66802
election in which it received less than five per cent of such 66803
vote, a petition signed by qualified electors equal in number to 66804
at least one per cent of the total vote cast for such office in 66805
the last preceding regular state election, except that a newly 66806
formed political party shall be known as a minor political party 66807
until the time of the first election for governor or president 66808
which occurs not less than twelve months subsequent to the 66809
formation of such party, after which election the status of such 66810
party shall be determined by the vote for the office of governor 66811
or president. 66812

(G) "Dominant party in a precinct" or "dominant political 66813
party in a precinct" means that political party whose candidate 66814
for election to the office of governor at the most recent regular 66815
state election at which a governor was elected received more votes 66816
than any other person received for election to that office in such 66817

precinct at such election. 66818

(H) "Candidate" means any qualified person certified in 66819
accordance with the provisions of the Revised Code for placement 66820
on the official ballot of a primary, general, or special election 66821
to be held in this state, or any qualified person who claims to be 66822
a write-in candidate, or who knowingly assents to being 66823
represented as a write-in candidate by another at either a 66824
primary, general, or special election to be held in this state. 66825

(I) "Independent candidate" means any candidate who claims 66826
not to be affiliated with a political party, and whose name has 66827
been certified on the office-type ballot at a general or special 66828
election through the filing of a statement of candidacy and 66829
nominating petition, as prescribed in section 3513.257 of the 66830
Revised Code. 66831

(J) "Nonpartisan candidate" means any candidate whose name is 66832
required, pursuant to section 3505.04 of the Revised Code, to be 66833
listed on the nonpartisan ballot, including all candidates for 66834
judicial office, for member of any board of education, for 66835
municipal or township offices in which primary elections are not 66836
held for nominating candidates by political parties, and for 66837
offices of municipal corporations having charters that provide for 66838
separate ballots for elections for these offices. 66839

(K) "Party candidate" means any candidate who claims to be a 66840
member of a political party, whose name has been certified on the 66841
office-type ballot at a general or special election through the 66842
filing of a declaration of candidacy and petition of candidate, 66843
and who has won the primary election of the candidate's party for 66844
the public office the candidate seeks or is selected by party 66845
committee in accordance with section 3513.31 of the Revised Code. 66846

(L) "Officer of a political party" includes, but is not 66847
limited to, any member, elected or appointed, of a controlling 66848

committee, whether representing the territory of the state, a 66849
district therein, a county, township, a city, a ward, a precinct, 66850
or other territory, of a major, intermediate, or minor political 66851
party. 66852

(M) "Question or issue" means any question or issue certified 66853
in accordance with the Revised Code for placement on an official 66854
ballot at a general or special election to be held in this state. 66855

(N) "Elector" or "qualified elector" means a person having 66856
the qualifications provided by law to be entitled to vote. 66857

(O) "Voter" means an elector who votes at an election. 66858

(P) "Voting residence" means that place of residence of an 66859
elector which shall determine the precinct in which the elector 66860
may vote. 66861

(Q) "Precinct" means a district within a county established 66862
by the board of elections of such county within which all 66863
qualified electors having a voting residence therein may vote at 66864
the same polling place. 66865

(R) "Polling place" means that place provided for each 66866
precinct at which the electors having a voting residence in such 66867
precinct may vote. 66868

(S) "Board" or "board of elections" means the board of 66869
elections appointed in a county pursuant to section 3501.06 of the 66870
Revised Code. 66871

(T) "Political subdivision" means a county, township, city, 66872
village, or school district. 66873

(U) "Election officer" or "election official" means any of 66874
the following: 66875

(1) Secretary of state; 66876

(2) Employees of the secretary of state serving the division 66877
of elections in the capacity of attorney, administrative officer, 66878

administrative assistant, elections administrator, office manager, or clerical supervisor;	66879 66880
(3) Director of a board of elections;	66881
(4) Deputy director of a board of elections;	66882
(5) Member of a board of elections;	66883
(6) Employees of a board of elections;	66884
(7) Precinct polling place judges;	66885
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	66886 66887
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	66888 66889 66890 66891 66892 66893 66894
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	66895 66896 66897 66898
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the	66899 66900 66901 66902 66903 66904 66905 66906 66907 66908

Revised Code by the department of health, the department of ~~mental~~ 66909
~~health~~ mental health and addiction services, the department of 66910
developmental disabilities, the ~~rehabilitation services commission~~ 66911
opportunities for Ohioans with disabilities agency, and any other 66912
agency the secretary of state designates. "Designated agency" does 66913
not include public high schools and vocational schools, public 66914
libraries, or the office of a county treasurer. 66915

(Y) "National Voter Registration Act of 1993" means the 66916
"National Voter Registration Act of 1993," 107 Stat. 77, 42 66917
U.S.C.A. 1973gg. 66918

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 66919
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 66920

(AA) "Photo identification" means a document that meets each 66921
of the following requirements: 66922

(1) It shows the name of the individual to whom it was 66923
issued, which shall conform to the name in the poll list or 66924
signature pollbook. 66925

(2) It shows the current address of the individual to whom it 66926
was issued, which shall conform to the address in the poll list or 66927
signature pollbook, except for a driver's license or a state 66928
identification card issued under section 4507.50 of the Revised 66929
Code, which may show either the current or former address of the 66930
individual to whom it was issued, regardless of whether that 66931
address conforms to the address in the poll list or signature 66932
pollbook. 66933

(3) It shows a photograph of the individual to whom it was 66934
issued. 66935

(4) It includes an expiration date that has not passed. 66936

(5) It was issued by the government of the United States or 66937
this state. 66938

Sec. 3517.01. (A)(1) A political party within the meaning of 66939
Title XXXV of the Revised Code is any group of voters that, at the 66940
most recent regular state election, polled for its candidate for 66941
governor in the state or nominees for presidential electors at 66942
least five per cent of the entire vote cast for that office or 66943
that filed with the secretary of state, subsequent to any election 66944
in which it received less than five per cent of that vote, a 66945
petition signed by qualified electors equal in number to at least 66946
one per cent of the total vote for governor or nominees for 66947
presidential electors at the most recent election, declaring their 66948
intention of organizing a political party, the name of which shall 66949
be stated in the declaration, and of participating in the 66950
succeeding primary election, held in even-numbered years, that 66951
occurs more than one hundred twenty days after the date of filing. 66952
No such group of electors shall assume a name or designation that 66953
is similar, in the opinion of the secretary of state, to that of 66954
an existing political party as to confuse or mislead the voters at 66955
an election. If any political party fails to cast five per cent of 66956
the total vote cast at an election for the office of governor or 66957
president, it shall cease to be a political party. 66958

(2) A campaign committee shall be legally liable for any 66959
debts, contracts, or expenditures incurred or executed in its 66960
name. 66961

(B) Notwithstanding the definitions found in section 3501.01 66962
of the Revised Code, as used in this section and sections 3517.08 66963
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 66964

(1) "Campaign committee" means a candidate or a combination 66965
of two or more persons authorized by a candidate under section 66966
3517.081 of the Revised Code to receive contributions and make 66967
expenditures. 66968

(2) "Campaign treasurer" means an individual appointed by a 66969

candidate under section 3517.081 of the Revised Code. 66970

(3) "Candidate" has the same meaning as in division (H) of 66971
section 3501.01 of the Revised Code and also includes any person 66972
who, at any time before or after an election, receives 66973
contributions or makes expenditures or other use of contributions, 66974
has given consent for another to receive contributions or make 66975
expenditures or other use of contributions, or appoints a campaign 66976
treasurer, for the purpose of bringing about the person's 66977
nomination or election to public office. When two persons jointly 66978
seek the offices of governor and lieutenant governor, "candidate" 66979
means the pair of candidates jointly. "Candidate" does not include 66980
candidates for election to the offices of member of a county or 66981
state central committee, presidential elector, and delegate to a 66982
national convention or conference of a political party. 66983

(4) "Continuing association" means an association, other than 66984
a campaign committee, political party, legislative campaign fund, 66985
political contributing entity, or labor organization, that is 66986
intended to be a permanent organization that has a primary purpose 66987
other than supporting or opposing specific candidates, political 66988
parties, or ballot issues, and that functions on a regular basis 66989
throughout the year. "Continuing association" includes 66990
organizations that are determined to be not organized for profit 66991
under subsection 501 and that are described in subsection 66992
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 66993

(5) "Contribution" means a loan, gift, deposit, forgiveness 66994
of indebtedness, donation, advance, payment, or transfer of funds 66995
or anything of value, including a transfer of funds from an inter 66996
vivos or testamentary trust or decedent's estate, and the payment 66997
by any person other than the person to whom the services are 66998
rendered for the personal services of another person, which 66999
contribution is made, received, or used for the purpose of 67000
influencing the results of an election. Any loan, gift, deposit, 67001

forgiveness of indebtedness, donation, advance, payment, or 67002
transfer of funds or of anything of value, including a transfer of 67003
funds from an inter vivos or testamentary trust or decedent's 67004
estate, and the payment by any campaign committee, political 67005
action committee, legislative campaign fund, political party, 67006
political contributing entity, or person other than the person to 67007
whom the services are rendered for the personal services of 67008
another person, that is made, received, or used by a state or 67009
county political party, other than moneys a state or county 67010
political party receives from the Ohio political party fund 67011
pursuant to section 3517.17 of the Revised Code and the moneys a 67012
~~state or county political party~~ an entity may receive under 67013
sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, 67014
shall be considered to be a "contribution" for the purpose of 67015
section 3517.10 of the Revised Code and shall be included on a 67016
statement of contributions filed under that section. 67017

"Contribution" does not include any of the following: 67018

(a) Services provided without compensation by individuals 67019
volunteering a portion or all of their time on behalf of a person; 67020

(b) Ordinary home hospitality; 67021

(c) The personal expenses of a volunteer paid for by that 67022
volunteer campaign worker; 67023

(d) Any gift given to a ~~state or county political party~~ an 67024
entity pursuant to section 3517.101 of the Revised Code. ~~As used~~ 67025
~~in division (B)(5)(d) of this section, "political party" means~~ 67026
~~only a major political party;~~ 67027

(e) Any contribution as defined in section 3517.1011 of the 67028
Revised Code that is made, received, or used to pay the direct 67029
costs of producing or airing an electioneering communication; 67030

(f) Any gift given to a state or county political party for 67031
the party's restricted fund under division (A)(2) of section 67032

3517.1012 of the Revised Code; 67033

(g) Any gift given to a state political party for deposit in 67034
a Levin account pursuant to section 3517.1013 of the Revised Code. 67035
As used in this division, "Levin account" has the same meaning as 67036
in that section. 67037

(h) Any donation given to a transition fund under section 67038
3517.1014 of the Revised Code. 67039

(6) "Expenditure" means the disbursement or use of a 67040
contribution for the purpose of influencing the results of an 67041
election or of making a charitable donation under division (G) of 67042
section 3517.08 of the Revised Code. Any disbursement or use of a 67043
contribution by a state or county political party is an 67044
expenditure and shall be considered either to be made for the 67045
purpose of influencing the results of an election or to be made as 67046
a charitable donation under division (G) of section 3517.08 of the 67047
Revised Code and shall be reported on a statement of expenditures 67048
filed under section 3517.10 of the Revised Code. During the thirty 67049
days preceding a primary or general election, any disbursement to 67050
pay the direct costs of producing or airing a broadcast, cable, or 67051
satellite communication that refers to a clearly identified 67052
candidate shall be considered to be made for the purpose of 67053
influencing the results of that election and shall be reported as 67054
an expenditure or as an independent expenditure under section 67055
3517.10 or 3517.105 of the Revised Code, as applicable, except 67056
that the information required to be reported regarding 67057
contributors for those expenditures or independent expenditures 67058
shall be the same as the information required to be reported under 67059
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 67060

As used in this division, "broadcast, cable, or satellite 67061
communication" and "refers to a clearly identified candidate" have 67062
the same meanings as in section 3517.1011 of the Revised Code. 67063

(7) "Personal expenses" includes, but is not limited to, 67064
ordinary expenses for accommodations, clothing, food, personal 67065
motor vehicle or airplane, and home telephone. 67066

(8) "Political action committee" means a combination of two 67067
or more persons, the primary or major purpose of which is to 67068
support or oppose any candidate, political party, or issue, or to 67069
influence the result of any election through express advocacy, and 67070
that is not a political party, a campaign committee, a political 67071
contributing entity, or a legislative campaign fund. "Political 67072
action committee" does not include either of the following: 67073

(a) A continuing association that makes disbursements for the 67074
direct costs of producing or airing electioneering communications 67075
and that does not engage in express advocacy; 67076

(b) A political club that is formed primarily for social 67077
purposes and that consists of one hundred members or less, has 67078
officers and periodic meetings, has less than two thousand five 67079
hundred dollars in its treasury at all times, and makes an 67080
aggregate total contribution of one thousand dollars or less per 67081
calendar year. 67082

(9) "Public office" means any state, county, municipal, 67083
township, or district office, except an office of a political 67084
party, that is filled by an election and the offices of United 67085
States senator and representative. 67086

(10) "Anything of value" has the same meaning as in section 67087
1.03 of the Revised Code. 67088

(11) "Beneficiary of a campaign fund" means a candidate, a 67089
public official or employee for whose benefit a campaign fund 67090
exists, and any other person who has ever been a candidate or 67091
public official or employee and for whose benefit a campaign fund 67092
exists. 67093

(12) "Campaign fund" means money or other property, including 67094

contributions. 67095

(13) "Public official or employee" has the same meaning as in 67096
section 102.01 of the Revised Code. 67097

(14) "Caucus" means all of the members of the house of 67098
representatives or all of the members of the senate of the general 67099
assembly who are members of the same political party. 67100

(15) "Legislative campaign fund" means a fund that is 67101
established as an auxiliary of a state political party and 67102
associated with one of the houses of the general assembly. 67103

(16) "In-kind contribution" means anything of value other 67104
than money that is used to influence the results of an election or 67105
is transferred to or used in support of or in opposition to a 67106
candidate, campaign committee, legislative campaign fund, 67107
political party, political action committee, or political 67108
contributing entity and that is made with the consent of, in 67109
coordination, cooperation, or consultation with, or at the request 67110
or suggestion of the benefited candidate, committee, fund, party, 67111
or entity. The financing of the dissemination, distribution, or 67112
republication, in whole or part, of any broadcast or of any 67113
written, graphic, or other form of campaign materials prepared by 67114
the candidate, the candidate's campaign committee, or their 67115
authorized agents is an in-kind contribution to the candidate and 67116
an expenditure by the candidate. 67117

(17) "Independent expenditure" means an expenditure by a 67118
person advocating the election or defeat of an identified 67119
candidate or candidates, that is not made with the consent of, in 67120
coordination, cooperation, or consultation with, or at the request 67121
or suggestion of any candidate or candidates or of the campaign 67122
committee or agent of the candidate or candidates. As used in 67123
division (B)(17) of this section: 67124

(a) "Person" means an individual, partnership, unincorporated 67125

business organization or association, political action committee, 67126
political contributing entity, separate segregated fund, 67127
association, or other organization or group of persons, but not a 67128
labor organization or a corporation unless the labor organization 67129
or corporation is a political contributing entity. 67130

(b) "Advocating" means any communication containing a message 67131
advocating election or defeat. 67132

(c) "Identified candidate" means that the name of the 67133
candidate appears, a photograph or drawing of the candidate 67134
appears, or the identity of the candidate is otherwise apparent by 67135
unambiguous reference. 67136

(d) "Made in coordination, cooperation, or consultation with, 67137
or at the request or suggestion of, any candidate or the campaign 67138
committee or agent of the candidate" means made pursuant to any 67139
arrangement, coordination, or direction by the candidate, the 67140
candidate's campaign committee, or the candidate's agent prior to 67141
the publication, distribution, display, or broadcast of the 67142
communication. An expenditure is presumed to be so made when it is 67143
any of the following: 67144

(i) Based on information about the candidate's plans, 67145
projects, or needs provided to the person making the expenditure 67146
by the candidate, or by the candidate's campaign committee or 67147
agent, with a view toward having an expenditure made; 67148

(ii) Made by or through any person who is, or has been, 67149
authorized to raise or expend funds, who is, or has been, an 67150
officer of the candidate's campaign committee, or who is, or has 67151
been, receiving any form of compensation or reimbursement from the 67152
candidate or the candidate's campaign committee or agent; 67153

(iii) Except as otherwise provided in division (D) of section 67154
3517.105 of the Revised Code, made by a political party in support 67155
of a candidate, unless the expenditure is made by a political 67156

party to conduct voter registration or voter education efforts. 67157

(e) "Agent" means any person who has actual oral or written 67158
authority, either express or implied, to make or to authorize the 67159
making of expenditures on behalf of a candidate, or means any 67160
person who has been placed in a position with the candidate's 67161
campaign committee or organization such that it would reasonably 67162
appear that in the ordinary course of campaign-related activities 67163
the person may authorize expenditures. 67164

(18) "Labor organization" means a labor union; an employee 67165
organization; a federation of labor unions, groups, locals, or 67166
other employee organizations; an auxiliary of a labor union, 67167
employee organization, or federation of labor unions, groups, 67168
locals, or other employee organizations; or any other bona fide 67169
organization in which employees participate and that exists for 67170
the purpose, in whole or in part, of dealing with employers 67171
concerning grievances, labor disputes, wages, hours, and other 67172
terms and conditions of employment. 67173

(19) "Separate segregated fund" means a separate segregated 67174
fund established pursuant to the Federal Election Campaign Act. 67175

(20) "Federal Election Campaign Act" means the "Federal 67176
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 67177
seq., as amended. 67178

(21) "Restricted fund" means the fund a state or county 67179
political party must establish under division (A)(1) of section 67180
3517.1012 of the Revised Code. 67181

(22) "Electioneering communication" has the same meaning as 67182
in section 3517.1011 of the Revised Code. 67183

(23) "Express advocacy" means a communication that contains 67184
express words advocating the nomination, election, or defeat of a 67185
candidate or that contains express words advocating the adoption 67186
or defeat of a question or issue, as determined by a final 67187

judgment of a court of competent jurisdiction. 67188

(24) "Political committee" has the same meaning as in section 67189
3517.1011 of the Revised Code. 67190

(25) "Political contributing entity" means any entity, 67191
including a corporation or labor organization, that may lawfully 67192
make contributions and expenditures and that is not an individual 67193
or a political action committee, continuing association, campaign 67194
committee, political party, legislative campaign fund, designated 67195
state campaign committee, or state candidate fund. For purposes of 67196
this division, "lawfully" means not prohibited by any section of 67197
the Revised Code, or authorized by a final judgment of a court of 67198
competent jurisdiction. 67199

Sec. 3517.10. (A) Except as otherwise provided in this 67200
division, every campaign committee, political action committee, 67201
legislative campaign fund, political party, and political 67202
contributing entity that made or received a contribution or made 67203
an expenditure in connection with the nomination or election of 67204
any candidate or in connection with any ballot issue or question 67205
at any election held or to be held in this state shall file, on a 67206
form prescribed under this section or by electronic means of 67207
transmission as provided in this section and section 3517.106 of 67208
the Revised Code, a full, true, and itemized statement, made under 67209
penalty of election falsification, setting forth in detail the 67210
contributions and expenditures, not later than four p.m. of the 67211
following dates: 67212

(1) The twelfth day before the election to reflect 67213
contributions received and expenditures made from the close of 67214
business on the last day reflected in the last previously filed 67215
statement, if any, to the close of business on the twentieth day 67216
before the election; 67217

(2) The thirty-eighth day after the election to reflect the 67218

contributions received and expenditures made from the close of 67219
business on the last day reflected in the last previously filed 67220
statement, if any, to the close of business on the seventh day 67221
before the filing of the statement; 67222

(3) The last business day of January of every year to reflect 67223
the contributions received and expenditures made from the close of 67224
business on the last day reflected in the last previously filed 67225
statement, if any, to the close of business on the last day of 67226
December of the previous year; 67227

(4) The last business day of July of every year to reflect 67228
the contributions received and expenditures made from the close of 67229
business on the last day reflected in the last previously filed 67230
statement, if any, to the close of business on the last day of 67231
June of that year. 67232

A campaign committee shall only be required to file the 67233
statements prescribed under divisions (A)(1) and (2) of this 67234
section in connection with the nomination or election of the 67235
committee's candidate. 67236

The statement required under division (A)(1) of this section 67237
shall not be required of any campaign committee, political action 67238
committee, legislative campaign fund, political party, or 67239
political contributing entity that has received contributions of 67240
less than one thousand dollars and has made expenditures of less 67241
than one thousand dollars at the close of business on the 67242
twentieth day before the election. Those contributions and 67243
expenditures shall be reported in the statement required under 67244
division (A)(2) of this section. 67245

If an election to select candidates to appear on the general 67246
election ballot is held within sixty days before a general 67247
election, the campaign committee of a successful candidate in the 67248
earlier election may file the statement required by division 67249

(A)(1) of this section for the general election instead of the 67250
statement required by division (A)(2) of this section for the 67251
earlier election if the pregeneral election statement reflects the 67252
status of contributions and expenditures for the period twenty 67253
days before the earlier election to twenty days before the general 67254
election. 67255

If a person becomes a candidate less than twenty days before 67256
an election, the candidate's campaign committee is not required to 67257
file the statement required by division (A)(1) of this section. 67258

No statement under division (A)(3) of this section shall be 67259
required for any year in which a campaign committee, political 67260
action committee, legislative campaign fund, political party, or 67261
political contributing entity is required to file a postgeneral 67262
election statement under division (A)(2) of this section. However, 67263
a statement under division (A)(3) of this section may be filed, at 67264
the option of the campaign committee, political action committee, 67265
legislative campaign fund, political party, or political 67266
contributing entity. 67267

No campaign committee of a candidate for the office of chief 67268
justice or justice of the supreme court, and no campaign committee 67269
of a candidate for the office of judge of any court in this state, 67270
shall be required to file a statement under division (A)(4) of 67271
this section. 67272

Except as otherwise provided in this paragraph and in the 67273
next paragraph of this section, the only campaign committees 67274
required to file a statement under division (A)(4) of this section 67275
are the campaign committee of a statewide candidate and the 67276
campaign committee of a candidate for county office. The campaign 67277
committee of a candidate for any other nonjudicial office is 67278
required to file a statement under division (A)(4) of this section 67279
if that campaign committee receives, during that period, 67280
contributions exceeding ten thousand dollars. 67281

No statement under division (A)(4) of this section shall be required of a campaign committee, a political action committee, a legislative campaign fund, a political party, or a political contributing entity for any year in which the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file a postprimary election statement under division (A)(2) of this section. However, a statement under division (A)(4) of this section may be filed at the option of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity.

No statement under division (A)(3) or (4) of this section shall be required if the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity has no contributions that it has received and no expenditures that it has made since the last date reflected in its last previously filed statement. However, the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(3) or (4) of this section, as applicable.

The campaign committee of a statewide candidate shall file a monthly statement of contributions received during each of the months of July, August, and September in the year of the general election in which the candidate seeks office. The campaign committee of a statewide candidate shall file the monthly statement not later than three business days after the last day of the month covered by the statement. During the period beginning on the nineteenth day before the general election in which a statewide candidate seeks election to office and extending through

the day of that general election, each time the campaign committee 67314
of the joint candidates for the offices of governor and lieutenant 67315
governor or of a candidate for the office of secretary of state, 67316
auditor of state, treasurer of state, or attorney general receives 67317
a contribution from a contributor that causes the aggregate amount 67318
of contributions received from that contributor during that period 67319
to equal or exceed ten thousand dollars and each time the campaign 67320
committee of a candidate for the office of chief justice or 67321
justice of the supreme court receives a contribution from a 67322
contributor that causes the aggregate amount of contributions 67323
received from that contributor during that period to exceed ten 67324
thousand dollars, the campaign committee shall file a 67325
two-business-day statement reflecting that contribution. ~~During~~ 67326
~~the period beginning on the nineteenth day before a primary~~ 67327
~~election in which a candidate for statewide office seeks~~ 67328
~~nomination to office and extending through the day of that primary~~ 67329
~~election, each time either the campaign committee of a statewide~~ 67330
~~candidate in that primary election that files a notice under~~ 67331
~~division (C)(1) of section 3517.103 of the Revised Code or the~~ 67332
~~campaign committee of a statewide candidate in that primary~~ 67333
~~election to which, in accordance with division (D) of section~~ 67334
~~3517.103 of the Revised Code, the contribution limitations~~ 67335
~~prescribed in section 3517.102 of the Revised Code no longer apply~~ 67336
~~receives a contribution from a contributor that causes the~~ 67337
~~aggregate amount of contributions received from that contributor~~ 67338
~~during that period to exceed ten thousand dollars, the campaign~~ 67339
~~committee shall file a two business day statement reflecting that~~ 67340
~~contribution.~~ Contributions reported on a two-business-day 67341
statement required to be filed by a campaign committee of a 67342
statewide candidate in a primary election shall also be included 67343
in the postprimary election statement required to be filed by that 67344
campaign committee under division (A)(2) of this section. A 67345
two-business-day statement required by this paragraph shall be 67346

filed not later than two business days after receipt of the 67347
contribution. The statements required by this paragraph shall be 67348
filed in addition to any other statements required by this 67349
section. 67350

Subject to the secretary of state having implemented, tested, 67351
and verified the successful operation of any system the secretary 67352
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 67353
this section and division (H)(1) of section 3517.106 of the 67354
Revised Code for the filing of campaign finance statements by 67355
electronic means of transmission, a campaign committee of a 67356
statewide candidate shall file a two-business-day statement under 67357
the preceding paragraph by electronic means of transmission if the 67358
campaign committee is required to file a pre-election, 67359
postelection, or monthly statement of contributions and 67360
expenditures by electronic means of transmission under this 67361
section or section 3517.106 of the Revised Code. 67362

If a campaign committee or political action committee has no 67363
balance on hand and no outstanding obligations and desires to 67364
terminate itself, it shall file a statement to that effect, on a 67365
form prescribed under this section and made under penalty of 67366
election falsification, with the official with whom it files a 67367
statement under division (A) of this section after filing a final 67368
statement of contributions and a final statement of expenditures, 67369
if contributions have been received or expenditures made since the 67370
period reflected in its last previously filed statement. 67371

(B) Except as otherwise provided in division (C)(7) of this 67372
section, each statement required by division (A) of this section 67373
shall contain the following information: 67374

(1) The full name and address of each campaign committee, 67375
political action committee, legislative campaign fund, political 67376
party, or political contributing entity, including any treasurer 67377
of the committee, fund, party, or entity, filing a contribution 67378

and expenditure statement; 67379

(2)(a) In the case of a campaign committee, the candidate's 67380
full name and address; 67381

(b) In the case of a political action committee, the 67382
registration number assigned to the committee under division 67383
(D)(1) of this section. 67384

(3) The date of the election and whether it was or will be a 67385
general, primary, or special election; 67386

(4) A statement of contributions received, which shall 67387
include the following information: 67388

(a) The month, day, and year of the contribution; 67389

(b)(i) The full name and address of each person, political 67390
party, campaign committee, legislative campaign fund, political 67391
action committee, or political contributing entity from whom 67392
contributions are received and the registration number assigned to 67393
the political action committee under division (D)(1) of this 67394
section. The requirement of filing the full address does not apply 67395
to any statement filed by a state or local committee of a 67396
political party, to a finance committee of such committee, or to a 67397
committee recognized by a state or local committee as its 67398
fund-raising auxiliary. Notwithstanding division (F) of this 67399
section, the requirement of filing the full address shall be 67400
considered as being met if the address filed is the same address 67401
the contributor provided under division (E)(1) of this section. 67402

(ii) If a political action committee, political contributing 67403
entity, legislative campaign fund, or political party that is 67404
required to file campaign finance statements by electronic means 67405
of transmission under section 3517.106 of the Revised Code or a 67406
campaign committee of a statewide candidate or candidate for the 67407
office of member of the general assembly receives a contribution 67408
from an individual that exceeds one hundred dollars, the name of 67409

the individual's current employer, if any, or, if the individual 67410
is self-employed, the individual's occupation and the name of the 67411
individual's business, if any; 67412

(iii) If a campaign committee of a statewide candidate or 67413
candidate for the office of member of the general assembly 67414
receives a contribution transmitted pursuant to section 3599.031 67415
of the Revised Code from amounts deducted from the wages and 67416
salaries of two or more employees that exceeds in the aggregate 67417
one hundred dollars during any one filing period under division 67418
(A)(1), (2), (3), or (4) of this section, the full name of the 67419
employees' employer and the full name of the labor organization of 67420
which the employees are members, if any. 67421

(c) A description of the contribution received, if other than 67422
money; 67423

(d) The value in dollars and cents of the contribution; 67424

(e) A separately itemized account of all contributions and 67425
expenditures regardless of the amount, except a receipt of a 67426
contribution from a person in the sum of twenty-five dollars or 67427
less at one social or fund-raising activity and a receipt of a 67428
contribution transmitted pursuant to section 3599.031 of the 67429
Revised Code from amounts deducted from the wages and salaries of 67430
employees if the contribution from the amount deducted from the 67431
wages and salary of any one employee is twenty-five dollars or 67432
less aggregated in a calendar year. An account of the total 67433
contributions from each social or fund-raising activity shall 67434
include a description of and the value of each in-kind 67435
contribution received at that activity from any person who made 67436
one or more such contributions whose aggregate value exceeded two 67437
hundred fifty dollars and shall be listed separately, together 67438
with the expenses incurred and paid in connection with that 67439
activity. A campaign committee, political action committee, 67440
legislative campaign fund, political party, or political 67441

contributing entity shall keep records of contributions from each 67442
person in the amount of twenty-five dollars or less at one social 67443
or fund-raising activity and contributions from amounts deducted 67444
under section 3599.031 of the Revised Code from the wages and 67445
salary of each employee in the amount of twenty-five dollars or 67446
less aggregated in a calendar year. No continuing association that 67447
is recognized by a state or local committee of a political party 67448
as an auxiliary of the party and that makes a contribution from 67449
funds derived solely from regular dues paid by members of the 67450
auxiliary shall be required to list the name or address of any 67451
members who paid those dues. 67452

Contributions that are other income shall be itemized 67453
separately from all other contributions. The information required 67454
under division (B)(4) of this section shall be provided for all 67455
other income itemized. As used in this paragraph, "other income" 67456
means a loan, investment income, or interest income. 67457

(f) In the case of a campaign committee of a state elected 67458
officer, if a person doing business with the state elected officer 67459
in the officer's official capacity makes a contribution to the 67460
campaign committee of that officer, the information required under 67461
division (B)(4) of this section in regard to that contribution, 67462
which shall be filed together with and considered a part of the 67463
committee's statement of contributions as required under division 67464
(A) of this section but shall be filed on a separate form provided 67465
by the secretary of state. As used in this division: 67466

(i) "State elected officer" has the same meaning as in 67467
section 3517.092 of the Revised Code. 67468

(ii) "Person doing business" means a person or an officer of 67469
an entity who enters into one or more contracts with a state 67470
elected officer or anyone authorized to enter into contracts on 67471
behalf of that officer to receive payments for goods or services, 67472
if the payments total, in the aggregate, more than five thousand 67473

dollars during a calendar year. 67474

(5) A statement of expenditures which shall include the 67475
following information: 67476

(a) The month, day, and year of the expenditure; 67477

(b) The full name and address of each person, political 67478
party, campaign committee, legislative campaign fund, political 67479
action committee, or political contributing entity to whom the 67480
expenditure was made and the registration number assigned to the 67481
political action committee under division (D)(1) of this section; 67482

(c) The object or purpose for which the expenditure was made; 67483

(d) The amount of each expenditure. 67484

(C)(1) The statement of contributions and expenditures shall 67485
be signed by the person completing the form. If a statement of 67486
contributions and expenditures is filed by electronic means of 67487
transmission pursuant to this section or section 3517.106 of the 67488
Revised Code, the electronic signature of the person who executes 67489
the statement and transmits the statement by electronic means of 67490
transmission, as provided in division (H) of section 3517.106 of 67491
the Revised Code, shall be attached to or associated with the 67492
statement and shall be binding on all persons and for all purposes 67493
under the campaign finance reporting law as if the signature had 67494
been handwritten in ink on a printed form. 67495

(2) The person filing the statement, under penalty of 67496
election falsification, shall include with it a list of each 67497
anonymous contribution, the circumstances under which it was 67498
received, and the reason it cannot be attributed to a specific 67499
donor. 67500

(3) Each statement of a campaign committee of a candidate who 67501
holds public office shall contain a designation of each 67502
contributor who is an employee in any unit or department under the 67503

candidate's direct supervision and control. In a space provided in 67504
the statement, the person filing the statement shall affirm that 67505
each such contribution was voluntarily made. 67506

(4) A campaign committee that did not receive contributions 67507
or make expenditures in connection with the nomination or election 67508
of its candidate shall file a statement to that effect, on a form 67509
prescribed under this section and made under penalty of election 67510
falsification, on the date required in division (A)(2) of this 67511
section. 67512

(5) The campaign committee of any person who attempts to 67513
become a candidate and who, for any reason, does not become 67514
certified in accordance with Title XXXV of the Revised Code for 67515
placement on the official ballot of a primary, general, or special 67516
election to be held in this state, and who, at any time prior to 67517
or after an election, receives contributions or makes 67518
expenditures, or has given consent for another to receive 67519
contributions or make expenditures, for the purpose of bringing 67520
about the person's nomination or election to public office, shall 67521
file the statement or statements prescribed by this section and a 67522
termination statement, if applicable. Division (C)(5) of this 67523
section does not apply to any person with respect to an election 67524
to the offices of member of a county or state central committee, 67525
presidential elector, or delegate to a national convention or 67526
conference of a political party. 67527

(6)(a) The statements required to be filed under this section 67528
shall specify the balance in the hands of the campaign committee, 67529
political action committee, legislative campaign fund, political 67530
party, or political contributing entity and the disposition 67531
intended to be made of that balance. 67532

(b) The secretary of state shall prescribe the form for all 67533
statements required to be filed under this section and shall 67534
furnish the forms to the boards of elections in the several 67535

counties. The boards of elections shall supply printed copies of 67536
those forms without charge. The secretary of state shall prescribe 67537
the appropriate methodology, protocol, and data file structure for 67538
statements required or permitted to be filed by electronic means 67539
of transmission under division (A) of this section, divisions (E), 67540
(F), and (G) of section 3517.106, division (D) of section 67541
3517.1011, division (B) of section 3517.1012, division (C) of 67542
section 3517.1013, and divisions (D) and (I) of section 3517.1014 67543
of the Revised Code. Subject to division (A) of this section, 67544
divisions (E), (F), and (G) of section 3517.106, division (D) of 67545
section 3517.1011, division (B) of section 3517.1012, division (C) 67546
of section 3517.1013, and divisions (D) and (I) of section 67547
3517.1014 of the Revised Code, the statements required to be 67548
stored on computer by the secretary of state under division (B) of 67549
section 3517.106 of the Revised Code shall be filed in whatever 67550
format the secretary of state considers necessary to enable the 67551
secretary of state to store the information contained in the 67552
statements on computer. Any such format shall be of a type and 67553
nature that is readily available to whoever is required to file 67554
the statements in that format. 67555

(c) The secretary of state shall assess the need for training 67556
regarding the filing of campaign finance statements by electronic 67557
means of transmission and regarding associated technologies for 67558
candidates, campaign committees, political action committees, 67559
legislative campaign funds, political parties, or political 67560
contributing entities, for individuals, partnerships, or other 67561
entities, for persons making disbursements to pay the direct costs 67562
of producing or airing electioneering communications, or for 67563
treasurers of transition funds, required or permitted to file 67564
statements by electronic means of transmission under this section 67565
or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 67566
3517.1014 of the Revised Code. If, in the opinion of the secretary 67567
of state, training in these areas is necessary, the secretary of 67568

state shall arrange for the provision of voluntary training 67569
programs for candidates, campaign committees, political action 67570
committees, legislative campaign funds, political parties, or 67571
political contributing entities, for individuals, partnerships, 67572
and other entities, for persons making disbursements to pay the 67573
direct costs of producing or airing electioneering communications, 67574
or for treasurers of transition funds, as appropriate. 67575

(7) Each monthly statement and each two-business-day 67576
statement required by division (A) of this section shall contain 67577
the information required by divisions (B)(1) to (4), (C)(2), and, 67578
if appropriate, (C)(3) of this section. Each statement shall be 67579
signed as required by division (C)(1) of this section. 67580

(D)(1) Prior to receiving a contribution or making an 67581
expenditure, every campaign committee, political action committee, 67582
legislative campaign fund, political party, or political 67583
contributing entity shall appoint a treasurer and shall file, on a 67584
form prescribed by the secretary of state, a designation of that 67585
appointment, including the full name and address of the treasurer 67586
and of the campaign committee, political action committee, 67587
legislative campaign fund, political party, or political 67588
contributing entity. That designation shall be filed with the 67589
official with whom the campaign committee, political action 67590
committee, legislative campaign fund, political party, or 67591
political contributing entity is required to file statements under 67592
section 3517.11 of the Revised Code. The name of a campaign 67593
committee shall include at least the last name of the campaign 67594
committee's candidate. If two or more candidates are the 67595
beneficiaries of a single campaign committee under division (B) of 67596
section 3517.081 of the Revised Code, the name of the campaign 67597
committee shall include at least the last name of each candidate 67598
who is a beneficiary of that campaign committee. The secretary of 67599
state shall assign a registration number to each political action 67600

committee that files a designation of the appointment of a 67601
treasurer under this division if the political action committee is 67602
required by division (A)(1) of section 3517.11 of the Revised Code 67603
to file the statements prescribed by this section with the 67604
secretary of state. 67605

(2) The treasurer appointed under division (D)(1) of this 67606
section shall keep a strict account of all contributions, from 67607
whom received and the purpose for which they were disbursed. 67608

(3)(a) Except as otherwise provided in section 3517.108 of 67609
the Revised Code, a campaign committee shall deposit all monetary 67610
contributions received by the committee into an account separate 67611
from a personal or business account of the candidate or campaign 67612
committee. 67613

(b) A political action committee shall deposit all monetary 67614
contributions received by the committee into an account separate 67615
from all other funds. 67616

(c) A state or county political party may establish a state 67617
candidate fund that is separate from an account that contains the 67618
public moneys received from the Ohio political party fund under 67619
section 3517.17 of the Revised Code and from all other funds. A 67620
state or county political party may deposit into its state 67621
candidate fund any amounts of monetary contributions that are made 67622
to or accepted by the political party subject to the applicable 67623
limitations, if any, prescribed in section 3517.102 of the Revised 67624
Code. A state or county political party shall deposit all other 67625
monetary contributions received by the party into one or more 67626
accounts that are separate from its state candidate fund and from 67627
its account that contains the public moneys received from the Ohio 67628
political party fund under section 3517.17 of the Revised Code. 67629

(d) Each state political party shall have only one 67630
legislative campaign fund for each house of the general assembly. 67631

Each such fund shall be separate from any other funds or accounts 67632
of that state party. A legislative campaign fund is authorized to 67633
receive contributions and make expenditures for the primary 67634
purpose of furthering the election of candidates who are members 67635
of that political party to the house of the general assembly with 67636
which that legislative campaign fund is associated. Each 67637
legislative campaign fund shall be administered and controlled in 67638
a manner designated by the caucus. As used in this division, 67639
"caucus" has the same meaning as in section 3517.01 of the Revised 67640
Code and includes, as an ex officio member, the chairperson of the 67641
state political party with which the caucus is associated or that 67642
chairperson's designee. 67643

(4) Every expenditure in excess of twenty-five dollars shall 67644
be vouched for by a receipted bill, stating the purpose of the 67645
expenditure, that shall be filed with the statement of 67646
expenditures. A canceled check with a notation of the purpose of 67647
the expenditure is a receipted bill for purposes of division 67648
(D)(4) of this section. 67649

(5) The secretary of state or the board of elections, as the 67650
case may be, shall issue a receipt for each statement filed under 67651
this section and shall preserve a copy of the receipt for a period 67652
of at least six years. All statements filed under this section 67653
shall be open to public inspection in the office where they are 67654
filed and shall be carefully preserved for a period of at least 67655
six years after the year in which they are filed. 67656

(6) The secretary of state, by rule adopted pursuant to 67657
section 3517.23 of the Revised Code, shall prescribe both of the 67658
following: 67659

(a) The manner of immediately acknowledging, with date and 67660
time received, and preserving the receipt of statements that are 67661
transmitted by electronic means of transmission to the secretary 67662
of state pursuant to this section or section 3517.106, 3517.1011, 67663

3517.1012, 3517.1013, or 3517.1014 of the Revised Code; 67664

(b) The manner of preserving the contribution and 67665
expenditure, contribution and disbursement, deposit and 67666
disbursement, gift and disbursement, or donation and disbursement 67667
information in the statements described in division (D)(6)(a) of 67668
this section. The secretary of state shall preserve the 67669
contribution and expenditure, contribution and disbursement, 67670
deposit and disbursement, gift and disbursement, or donation and 67671
disbursement information in those statements for at least ten 67672
years after the year in which they are filed by electronic means 67673
of transmission. 67674

(7) The secretary of state, pursuant to division (I) of 67675
section 3517.106 of the Revised Code, shall make available online 67676
to the public through the internet the contribution and 67677
expenditure, contribution and disbursement, deposit and 67678
disbursement, gift and disbursement, or donation and disbursement 67679
information in all statements, all addenda, amendments, or other 67680
corrections to statements, and all amended statements filed with 67681
the secretary of state by electronic or other means of 67682
transmission under this section, division (B)(2)(b) or (C)(2)(b) 67683
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 67684
3517.1013, 3517.1014, or 3517.11 of the Revised Code. The 67685
secretary of state may remove the information from the internet 67686
after a reasonable period of time. 67687

(E)(1) Any person, political party, campaign committee, 67688
legislative campaign fund, political action committee, or 67689
political contributing entity that makes a contribution in 67690
connection with the nomination or election of any candidate or in 67691
connection with any ballot issue or question at any election held 67692
or to be held in this state shall provide its full name and 67693
address to the recipient of the contribution at the time the 67694
contribution is made. The political action committee also shall 67695

provide the registration number assigned to the committee under 67696
division (D)(1) of this section to the recipient of the 67697
contribution at the time the contribution is made. 67698

(2) Any individual who makes a contribution that exceeds one 67699
hundred dollars to a political action committee, political 67700
contributing entity, legislative campaign fund, or political party 67701
or to a campaign committee of a statewide candidate or candidate 67702
for the office of member of the general assembly shall provide the 67703
name of the individual's current employer, if any, or, if the 67704
individual is self-employed, the individual's occupation and the 67705
name of the individual's business, if any, to the recipient of the 67706
contribution at the time the contribution is made. Sections 67707
3599.39 and 3599.40 of the Revised Code do not apply to division 67708
(E)(2) of this section. 67709

(3) If a campaign committee shows that it has exercised its 67710
best efforts to obtain, maintain, and submit the information 67711
required under divisions (B)(4)(b)(ii) and (iii) of this section, 67712
that committee is considered to have met the requirements of those 67713
divisions. A campaign committee shall not be considered to have 67714
exercised its best efforts unless, in connection with written 67715
solicitations, it regularly includes a written request for the 67716
information required under division (B)(4)(b)(ii) of this section 67717
from the contributor or the information required under division 67718
(B)(4)(b)(iii) of this section from whoever transmits the 67719
contribution. 67720

(4) Any check that a political action committee uses to make 67721
a contribution or an expenditure shall contain the full name and 67722
address of the committee and the registration number assigned to 67723
the committee under division (D)(1) of this section. 67724

(F) As used in this section: 67725

(1)(a) Except as otherwise provided in division (F)(1) of 67726

this section, "address" means all of the following if they exist: 67727
apartment number, street, road, or highway name and number, rural 67728
delivery route number, city or village, state, and zip code as 67729
used in a person's post-office address, but not post-office box. 67730

(b) Except as otherwise provided in division (F)(1) of this 67731
section, if an address is required in this section, a post-office 67732
box and office, room, or suite number may be included in addition 67733
to, but not in lieu of, an apartment, street, road, or highway 67734
name and number. 67735

(c) If an address is required in this section, a campaign 67736
committee, political action committee, legislative campaign fund, 67737
political party, or political contributing entity may use the 67738
business or residence address of its treasurer or deputy 67739
treasurer. The post-office box number of the campaign committee, 67740
political action committee, legislative campaign fund, political 67741
party, or political contributing entity may be used in addition to 67742
that address. 67743

(d) For the sole purpose of a campaign committee's reporting 67744
of contributions on a statement of contributions received under 67745
division (B)(4) of this section, "address" has one of the 67746
following meanings at the option of the campaign committee: 67747

(i) The same meaning as in division (F)(1)(a) of this 67748
section; 67749

(ii) All of the following, if they exist: the contributor's 67750
post-office box number and city or village, state, and zip code as 67751
used in the contributor's post-office address. 67752

(e) As used with regard to the reporting under this section 67753
of any expenditure, "address" means all of the following if they 67754
exist: apartment number, street, road, or highway name and number, 67755
rural delivery route number, city or village, state, and zip code 67756
as used in a person's post-office address, or post-office box. If 67757

an address concerning any expenditure is required in this section, 67758
a campaign committee, political action committee, legislative 67759
campaign fund, political party, or political contributing entity 67760
may use the business or residence address of its treasurer or 67761
deputy treasurer or its post-office box number. 67762

(2) "Statewide candidate" means the joint candidates for the 67763
offices of governor and lieutenant governor or a candidate for the 67764
office of secretary of state, auditor of state, treasurer of 67765
state, attorney general, member of the state board of education, 67766
chief justice of the supreme court, or justice of the supreme 67767
court. 67768

(3) "Candidate for county office" means a candidate for the 67769
office of county auditor, county treasurer, clerk of the court of 67770
common pleas, judge of the court of common pleas, sheriff, county 67771
recorder, county engineer, county commissioner, prosecuting 67772
attorney, or coroner. 67773

(G) An independent expenditure shall be reported whenever and 67774
in the same manner that an expenditure is required to be reported 67775
under this section and shall be reported pursuant to division 67776
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 67777

(H)(1) Except as otherwise provided in division (H)(2) of 67778
this section, if, during the combined pre-election and 67779
postelection reporting periods for an election, a campaign 67780
committee has received contributions of five hundred dollars or 67781
less and has made expenditures in the total amount of five hundred 67782
dollars or less, it may file a statement to that effect, under 67783
penalty of election falsification, in lieu of the statement 67784
required by division (A)(2) of this section. The statement shall 67785
indicate the total amount of contributions received and the total 67786
amount of expenditures made during those combined reporting 67787
periods. 67788

(2) In the case of a successful candidate at a primary election, if either the total contributions received by or the total expenditures made by the candidate's campaign committee during the preprimary, postprimary, pregeneral, and postgeneral election periods combined equal more than five hundred dollars, the campaign committee may file the statement under division (H)(1) of this section only for the primary election. The first statement that the campaign committee files in regard to the general election shall reflect all contributions received and all expenditures made during the preprimary and postprimary election periods.

(3) Divisions (H)(1) and (2) of this section do not apply if a campaign committee receives contributions or makes expenditures prior to the first day of January of the year of the election at which the candidate seeks nomination or election to office or if the campaign committee does not file a termination statement with its postprimary election statement in the case of an unsuccessful primary election candidate or with its postgeneral election statement in the case of other candidates.

(I) In the case of a contribution made by a partner of a partnership or an owner or a member of another unincorporated business from any funds of the partnership or other unincorporated business, all of the following apply:

(1) The recipient of the contribution shall report the contribution by listing both the partnership or other unincorporated business and the name of the partner, owner, or member making the contribution.

(2) In reporting the contribution, the recipient of the contribution shall be entitled to conclusively rely upon the information provided by the partnership or other unincorporated business, provided that the information includes one of the following:

(a) The name of each partner, owner, or member as of the date 67821
of the contribution or contributions, and a statement that the 67822
total contributions are to be allocated equally among all of the 67823
partners, owners, or members; or 67824

(b) The name of each partner, owner, or member as of the date 67825
of the contribution or contributions who is participating in the 67826
contribution or contributions, and a statement that the 67827
contribution or contributions are to be allocated to those 67828
individuals in accordance with the information provided by the 67829
partnership or other unincorporated business to the recipient of 67830
the contribution. 67831

(3) For purposes of section 3517.102 of the Revised Code, the 67832
contribution shall be considered to have been made by the partner, 67833
owner, or member reported under division (I)(1) of this section. 67834

(4) No contribution from a partner of a partnership or an 67835
owner or a member of another unincorporated business shall be 67836
accepted from any funds of the partnership or other unincorporated 67837
business unless the recipient reports the contribution under 67838
division (I)(1) of this section together with the information 67839
provided under division (I)(2) of this section. 67840

(5) No partnership or other unincorporated business shall 67841
make a contribution or contributions solely in the name of the 67842
partnership or other unincorporated business. 67843

(6) As used in division (I) of this section, "partnership or 67844
other unincorporated business" includes, but is not limited to, a 67845
cooperative, a sole proprietorship, a general partnership, a 67846
limited partnership, a limited partnership association, a limited 67847
liability partnership, and a limited liability company. 67848

(J) A candidate shall have only one campaign committee at any 67849
given time for all of the offices for which the person is a 67850
candidate or holds office. 67851

(K)(1) In addition to filing a designation of appointment of a treasurer under division (D)(1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education except member of the state board of education, or the campaign committee of any candidate for township trustee or township fiscal officer may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the aggregate two thousand dollars from all contributors and one hundred dollars from any one individual, and that the campaign committee will not make expenditures during an election period that exceed in the aggregate two thousand dollars.

The certificate shall be on a form prescribed by the secretary of state and shall be filed not later than ten days after the candidate files a declaration of candidacy and petition, a nominating petition, or a declaration of intent to be a write-in candidate.

(2) Except as otherwise provided in division (K)(3) of this section, a campaign committee that files a certificate under division (K)(1) of this section is not required to file the statements required by division (A) of this section.

(3) If, after filing a certificate under division (K)(1) of this section, a campaign committee exceeds any of the limitations described in that division during an election period, the certificate is void and thereafter the campaign committee shall file the statements required by division (A) of this section. If the campaign committee has not previously filed a statement, then on the first statement the campaign committee is required to file under division (A) of this section after the committee's certificate is void, the committee shall report all contributions

received and expenditures made from the time the candidate filed 67884
the candidate's declaration of candidacy and petition, nominating 67885
petition, or declaration of intent to be a write-in candidate. 67886

(4) As used in division (K) of this section, "election 67887
period" means the period of time beginning on the day a person 67888
files a declaration of candidacy and petition, nominating 67889
petition, or declaration of intent to be a write-in candidate 67890
through the day of the election at which the person seeks 67891
nomination to office if the person is not elected to office, or, 67892
if the candidate was nominated in a primary election, the day of 67893
the election at which the candidate seeks office. 67894

(L) A political contributing entity that receives 67895
contributions from the dues, membership fees, or other assessments 67896
of its members or from its officers, shareholders, and employees 67897
may report the aggregate amount of contributions received from 67898
those contributors and the number of individuals making those 67899
contributions, for each filing period under divisions (A)(1), (2), 67900
(3), and (4) of this section, rather than reporting information as 67901
required under division (B)(4) of this section, including, when 67902
applicable, the name of the current employer, if any, of a 67903
contributor whose contribution exceeds one hundred dollars or, if 67904
such a contributor is self-employed, the contributor's occupation 67905
and the name of the contributor's business, if any. Division 67906
(B)(4) of this section applies to a political contributing entity 67907
with regard to contributions it receives from all other 67908
contributors. 67909

Sec. 3517.101. (A) As used in this section: 67910

(1) "Gift" means a gift, subscription, loan, advance, or 67911
deposit of money or anything of value, given to a ~~state or county~~ 67912
~~political party~~ an entity described in division (C) of this 67913
section, that is specifically designated and used to defray any 67914

cost incurred on or after the effective date of this ~~section~~ 67915
~~amendment~~ for any of the ~~construction, renovation, or purchase of~~ 67916
~~any office facility that is not used solely for the purpose of~~ 67917
~~directly influencing the election of any individual candidate in~~ 67918
~~any particular election for any office following purposes:~~ 67919

(a) The construction, renovation, purchase, or lease of an 67920
office facility; 67921

(b) Furniture and fixtures to be installed in an office 67922
facility; 67923

(c) Equipment and supplies to be used in an office facility; 67924

(d) The operating costs, maintenance, and repair of an office 67925
facility. 67926

(2) "Address" has the meaning given in division (F) of 67927
section 3517.10 of the Revised Code. 67928

(3) "Political party" means only a major political party. 67929

(B) Any person, including a corporation engaged in business 67930
in this state but not including a public utility, may make a gift 67931
to a ~~state or county political party~~ an entity described in 67932
division (C) of this section if the gift is specifically 67933
designated and used to defray any cost incurred on or after the 67934
effective date of this ~~section~~ amendment for the ~~construction,~~ 67935
~~renovation, or purchase of any office facility that is not used~~ 67936
~~solely for the purpose of directly influencing the election of any~~ 67937
~~individual candidate in any particular election for any office~~ 67938
~~and, if it~~ purposes described in division (A)(1) of this section. 67939
If the gift is a gift of money from a corporation engaged in 67940
business in this state, ~~if~~ the gift ~~does~~ shall not exceed ten per 67941
cent of the ~~cost of the construction, renovation, or purchase~~ 67942
costs incurred for those purposes. Such gift shall not be 67943
considered a contribution or expenditure prohibited by any section 67944
of the Revised Code. 67945

(C) <u>Any of the following entities may receive a gift under this section:</u>	67946
	67947
<u>(1) A state political party;</u>	67948
<u>(2) A county political party;</u>	67949
<u>(3) A legislative campaign fund.</u>	67950
<u>(D)(1) Each state or county political party entity that</u>	67951
receives a gift pursuant to this section shall file on a form	67952
prescribed by the secretary of state, a full, true, and itemized	67953
statement describing the gift received and how it was disbursed.	67954
The statement shall be made under penalty of election	67955
falsification and shall be filed not later than four p.m. of the	67956
last day of January of every year to reflect gifts received and	67957
disbursed during the immediately preceding calendar year.	67958
(2) Each statement required under division (C) <u>(D)</u> (1) of this	67959
section shall contain all of the following information:	67960
(a) The full name and address of the state or county	67961
political party <u>entity</u> filing the statement, including its	67962
treasurer;	67963
(b) A description of each gift received, which shall include:	67964
(i) The month, day, and year on which the gift was received;	67965
(ii) The full name and address of each person from whom or	67966
from which the gift was received;	67967
(iii) The nature of the gift, if other than money;	67968
(iv) The value of the gift in dollars and cents.	67969
Each gift received shall be itemized separately regardless of	67970
its amount or value.	67971
(c) An itemization of how each gift was disbursed;	67972
(d) The total value of gifts received and gifts disbursed	67973
during each reporting period;	67974

(e) The total ~~cost of~~ costs incurred for the construction, 67975
~~renovation, or purchase of any office facility~~ purposes for which 67976
a gift is used. 67977

~~(D)(E)~~(1) All monetary gifts and all income from the lease or 67978
rental of an office facility for which a gift is used shall be 67979
deposited in an account separate from other funds and maintained 67980
in that separate account. ~~Except as provided in division (D)(2) of~~ 67981
~~this section, moneys~~ Moneys in the account shall be used only for 67982
the ~~construction, renovation, or purchase of an office facility as~~ 67983
purposes described in division ~~(B)(A)(1)~~ of this section. 67984

(2) ~~Any moneys remaining in an account under division (D)(1)~~ 67985
~~of this section after the construction, renovation, or purchase of~~ 67986
~~an office facility shall be used only for the maintenance and~~ 67987
~~repair of the facility or for the construction, renovation, or~~ 67988
~~purchase of another office facility as described in division (B)~~ 67989
~~of this section and shall not be used for operating costs of the~~ 67990
~~facility or for any other purpose.~~ 67991

~~(3)~~ When a ~~state or county political party~~ an entity 67992
described in division (C) of this section sells an office facility 67993
that was constructed, renovated, or purchased in whole or in part 67994
from monetary gifts or sells furniture, fixtures, equipment, or 67995
supplies that were purchased in whole or in part from monetary 67996
gifts, the ~~party~~ entity shall deposit in the account under 67997
division ~~(D)(E)~~(1) of this section an amount that is the same 67998
percentage of the total proceeds of the sale as the monetary gifts 67999
~~used in the construction, renovation, or purchase of the facility~~ 68000
were of the total cost of ~~that construction, renovation, or~~ 68001
~~purchase~~ those goods or services. Proceeds deposited in the 68002
account shall be used only for the ~~construction, renovation, or~~ 68003
~~purchase of another office facility as~~ purposes described in 68004
division ~~(B)(A)(1)~~ of this section. 68005

~~(E)(F)~~ A state political party or a legislative campaign fund 68006

shall file a statement required under this section with the 68007
secretary of state and a county political party shall file a 68008
statement required under this section with the board of elections 68009
of the county in which the party is located. 68010

~~(F)(G)~~(1) No ~~state or county political party~~ entity shall 68011
fail to file a statement required to be filed under this section. 68012

(2) No ~~state or county political party~~ entity shall knowingly 68013
fail to report, or shall knowingly misrepresent, a gift required 68014
to be reported on a statement required to be filed under this 68015
section. 68016

~~(G)(H)~~ No ~~state or county political party~~ entity shall expend 68017
or use a gift for a purpose other than ~~to defray any cost incurred~~ 68018
~~on or after the effective date of this section for the~~ 68019
~~construction, renovation, or purchase of an office facility as the~~ 68020
purposes described in division ~~(B)(A)~~(1) of this section ~~or for~~ 68021
~~the maintenance and repair of such a facility as provided in~~ 68022
~~division (D)(2) of this section.~~ 68023

~~(H)(I)~~ Prior to receiving any gift under this section, every 68024
~~political party~~ entity shall appoint a treasurer and file, on a 68025
form prescribed by the secretary of state, a designation of the 68026
appointment, including the full name and address of the ~~political~~ 68027
~~party~~ entity. The designation shall be filed with the official 68028
with whom the ~~political party~~ entity is required to file 68029
statements under division (E) of this section. The treasurer shall 68030
keep a strict account of all gifts required to be reported under 68031
this section. The secretary of state or board of elections, as the 68032
case may be, shall, if requested, issue a receipt for each 68033
statement filed under this section and preserve a record of the 68034
filing for at least six years. All such statements shall be open 68035
to public inspection in the office where they are filed, and shall 68036
be carefully preserved for a period of at least six years after 68037
the year in which they are filed. 68038

Sec. 3517.102. (A) Except as otherwise provided in section 68039
3517.103 of the Revised Code, as used in this section and sections 68040
3517.103 and 3517.104 of the Revised Code: 68041

(1) "Candidate" has the same meaning as in section 3517.01 of 68042
the Revised Code but includes only candidates for the offices of 68043
governor, lieutenant governor, secretary of state, auditor of 68044
state, treasurer of state, attorney general, member of the state 68045
board of education, member of the general assembly, chief justice 68046
of the supreme court, and justice of the supreme court. 68047

(2) "Statewide candidate" or "any one statewide candidate" 68048
means the joint candidates for the offices of governor and 68049
lieutenant governor or a candidate for the office of secretary of 68050
state, auditor of state, treasurer of state, attorney general, 68051
member of the state board of education, chief justice of the 68052
supreme court, or justice of the supreme court. 68053

(3) "Senate candidate" means a candidate for the office of 68054
state senator. 68055

(4) "House candidate" means a candidate for the office of 68056
state representative. 68057

(5)(a) "Primary election period" for a candidate begins on 68058
the beginning date of the candidate's pre-filing period specified 68059
in division (A)(9) of section 3517.109 of the Revised Code and 68060
ends on the day of the primary election. 68061

(b) In regard to any candidate, the "general election period" 68062
begins on the day after the primary election immediately preceding 68063
the general election at which the candidate seeks an office 68064
specified in division (A)(1) of this section and ends on the 68065
thirty-first day of December following that general election. 68066

(6) "State candidate fund" means the state candidate fund 68067
established by a state or county political party under division 68068

(D)(3)(c) of section 3517.10 of the Revised Code. 68069

(7) "Postgeneral election statement" means the statement 68070
filed under division (A)(2) of section 3517.10 of the Revised Code 68071
by the campaign committee of a candidate after the general 68072
election in which the candidate ran for office or filed by 68073
legislative campaign fund after the general election in an 68074
even-numbered year. 68075

(8) "Contribution" means any contribution that is required to 68076
be reported in the statement of contributions under section 68077
3517.10 of the Revised Code. 68078

(9)(a) Except as otherwise provided in division (A)(9)(b) of 68079
this section ~~and in division (F) of section 3517.103 and division~~ 68080
~~(B)(3)(b) of section 3517.1010 of the Revised Code~~, "designated 68081
state campaign committee" means: 68082

(i) In the case of contributions to or from a state political 68083
party, a campaign committee of a statewide candidate, statewide 68084
officeholder, senate candidate, house candidate, or member of the 68085
general assembly. 68086

(ii) In the case of contributions to or from a county 68087
political party, a campaign committee of a senate candidate or 68088
house candidate whose candidacy is to be submitted to some or all 68089
of the electors in that county, or member of the general assembly 68090
whose district contains all or part of that county. 68091

(iii) In the case of contributions to or from a legislative 68092
campaign fund, a campaign committee of any of the following: 68093

(I) A senate or house candidate who, if elected, will be a 68094
member of the same party that established the legislative campaign 68095
fund and the same house with which the legislative campaign fund 68096
is associated; 68097

(II) A state senator or state representative who is a member 68098

of the same party that established the legislative campaign fund 68099
and the same house with which the legislative campaign fund is 68100
associated. 68101

(b) A campaign committee is no longer a "designated state 68102
campaign committee" after the campaign committee's candidate 68103
changes the designation of treasurer required to be filed under 68104
division (D)(1) of section 3517.10 of the Revised Code to indicate 68105
that the person intends to be a candidate for, or becomes a 68106
candidate for nomination or election to, any office that, if 68107
elected, would not qualify that candidate's campaign committee as 68108
a "designated state campaign committee" under division (A)(9)(a) 68109
of this section. 68110

(B)(1)(a) No individual who is seven years of age or older 68111
shall make a contribution or contributions aggregating more than: 68112

(i) Ten thousand dollars to the campaign committee of any one 68113
statewide candidate in a primary election period or in a general 68114
election period; 68115

(ii) Ten thousand dollars to the campaign committee of any 68116
one senate candidate in a primary election period or in a general 68117
election period; 68118

(iii) Ten thousand dollars to the campaign committee of any 68119
one house candidate in a primary election period or in a general 68120
election period; 68121

(iv) Ten thousand dollars to a county political party of the 68122
county in which the individual's designated Ohio residence is 68123
located for the party's state candidate fund in a calendar year; 68124

(v) Fifteen thousand dollars to any one legislative campaign 68125
fund in a calendar year; 68126

(vi) Thirty thousand dollars to any one state political party 68127
for the party's state candidate fund in a calendar year; 68128

(vii) Ten thousand dollars to any one political action committee in a calendar year;	68129 68130
(viii) Ten thousand dollars to any one political contributing entity in a calendar year.	68131 68132
(b) No individual shall make a contribution or contributions to the state candidate fund of a county political party of any county other than the county in which the individual's designated Ohio residence is located.	68133 68134 68135 68136
(c) No individual who is under seven years of age shall make any contribution.	68137 68138
(2)(a) Subject to division (D)(1) of this section, no political action committee shall make a contribution or contributions aggregating more than:	68139 68140 68141
(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	68142 68143 68144
(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;	68145 68146 68147
(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;	68148 68149 68150
(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	68151 68152
(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	68153 68154
(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a	68155 68156 68157 68158

political contributing entity affiliated with it. For purposes of 68159
this division, a political action committee is affiliated with 68160
another political action committee or with a political 68161
contributing entity if they are both established, financed, 68162
maintained, or controlled by, or if they are, the same 68163
corporation, organization, labor organization, continuing 68164
association, or other person, including any parent, subsidiary, 68165
division, or department of that corporation, organization, labor 68166
organization, continuing association, or other person. 68167

(b) No political action committee shall make a contribution 68168
or contributions to a county political party for the party's state 68169
candidate fund. 68170

(3) No campaign committee shall make a contribution or 68171
contributions aggregating more than: 68172

(a) Ten thousand dollars to the campaign committee of any one 68173
statewide candidate in a primary election period or in a general 68174
election period; 68175

(b) Ten thousand dollars to the campaign committee of any one 68176
senate candidate in a primary election period or in a general 68177
election period; 68178

(c) Ten thousand dollars to the campaign committee of any one 68179
house candidate in a primary election period or in a general 68180
election period; 68181

(d) Ten thousand dollars to any one political action 68182
committee in a calendar year; 68183

(e) Ten thousand dollars to any one political contributing 68184
entity in a calendar year. 68185

(4)(a) Subject to division (D)(3) of this section, no 68186
political party shall make a contribution or contributions 68187
aggregating more than ten thousand dollars to any one political 68188

action committee or to any one political contributing entity in a 68189
calendar year. 68190

(b) No county political party shall make a contribution or 68191
contributions to another county political party. 68192

(5)(a) Subject to division (B)(5)(b) of this section, no 68193
campaign committee, other than a designated state campaign 68194
committee, shall make a contribution or contributions aggregating 68195
in a calendar year more than: 68196

(i) Thirty thousand dollars to any one state political party 68197
for the party's state candidate fund; 68198

(ii) Fifteen thousand dollars to any one legislative campaign 68199
fund; 68200

(iii) Ten thousand dollars to any one county political party 68201
for the party's state candidate fund. 68202

(b) No campaign committee shall make a contribution or 68203
contributions to a county political party for the party's state 68204
candidate fund unless one of the following applies: 68205

(i) The campaign committee's candidate will appear on a 68206
ballot in that county. 68207

(ii) The campaign committee's candidate is the holder of an 68208
elected public office that represents all or part of the 68209
population of that county at the time the contribution is made. 68210

(6)(a) No state candidate fund of a county political party 68211
shall make a contribution or contributions, except a contribution 68212
or contributions to a designated state campaign committee, in a 68213
primary election period or a general election period, aggregating 68214
more than: 68215

(i) Two hundred fifty thousand dollars to the campaign 68216
committee of any one statewide candidate; 68217

(ii) Ten thousand dollars to the campaign committee of any 68218

one senate candidate;	68219
(iii) Ten thousand dollars to the campaign committee of any one house candidate.	68220 68221
(b)(i) No state candidate fund of a state or county political party shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee in a primary election period or in a general election period aggregating more than:	68222 68223 68224 68225 68226
(I) Five hundred thousand dollars to the campaign committee of any one statewide candidate;	68227 68228
(II) One hundred thousand dollars to the campaign committee of any one senate candidate;	68229 68230
(III) Fifty thousand dollars to the campaign committee of any one house candidate.	68231 68232
(ii) No legislative campaign fund shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee aggregating more than:	68233 68234 68235 68236
(I) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period to the campaign committee of any one senate candidate;	68237 68238 68239
(II) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period to the campaign committee of any one house candidate.	68240 68241 68242
(iii) As used in divisions (B)(6)(b) and (C)(6) of this section, "transfer or contribution of cash or cash equivalents" does not include any in-kind contributions.	68243 68244 68245
(c) A county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand may make one or more contributions from	68246 68247 68248

other accounts to any one statewide candidate or to any one 68249
designated state campaign committee that do not exceed, in the 68250
aggregate, two thousand five hundred dollars in any primary 68251
election period or general election period. As used in this 68252
division, "other accounts" does not include an account that 68253
contains the public moneys received from the Ohio political party 68254
fund under section 3517.17 of the Revised Code. 68255

(d) No legislative campaign fund shall make a contribution, 68256
other than to a designated state campaign committee or to the 68257
state candidate fund of a political party. 68258

(7)(a) Subject to division (D)(1) of this section, no 68259
political contributing entity shall make a contribution or 68260
contributions aggregating more than: 68261

(i) Ten thousand dollars to the campaign committee of any one 68262
statewide candidate in a primary election period or in a general 68263
election period; 68264

(ii) Ten thousand dollars to the campaign committee of any 68265
one senate candidate in a primary election period or in a general 68266
election period; 68267

(iii) Ten thousand dollars to the campaign committee of any 68268
one house candidate in a primary election period or in a general 68269
election period; 68270

(iv) Fifteen thousand dollars to any one legislative campaign 68271
fund in a calendar year; 68272

(v) Thirty thousand dollars to any one state political party 68273
for the party's state candidate fund in a calendar year; 68274

(vi) Ten thousand dollars to another political contributing 68275
entity or to a political action committee in a calendar year. This 68276
division does not apply to a political contributing entity that 68277
makes a contribution to a political contributing entity or a 68278

political action committee affiliated with it. For purposes of 68279
this division, a political contributing entity is affiliated with 68280
another political contributing entity or with a political action 68281
committee if they are both established, financed, maintained, or 68282
controlled by, or if they are, the same corporation, organization, 68283
labor organization, continuing association, or other person, 68284
including any parent, subsidiary, division, or department of that 68285
corporation, organization, labor organization, continuing 68286
association, or other person. 68287

(b) No political contributing entity shall make a 68288
contribution or contributions to a county political party for the 68289
party's state candidate fund. 68290

(C)(1)(a) Subject to division (D)(1) of this section, no 68291
campaign committee of a statewide candidate shall do any of the 68292
following: 68293

(i) Knowingly accept a contribution or contributions from any 68294
individual who is under seven years of age; 68295

(ii) Accept a contribution or contributions aggregating more 68296
than ten thousand dollars from any one individual who is seven 68297
years of age or older, from any one political action committee, 68298
from any one political contributing entity, or from any one other 68299
campaign committee in a primary election period or in a general 68300
election period; 68301

(iii) Accept a contribution or contributions aggregating more 68302
than two hundred fifty thousand dollars from any one or 68303
combination of state candidate funds of county political parties 68304
in a primary election period or in a general election period. 68305

(b) No campaign committee of a statewide candidate shall 68306
accept a contribution or contributions aggregating more than two 68307
thousand five hundred dollars in a primary election period or in a 68308
general election period from a county political party that has no 68309

state candidate fund and that is located in a county having a 68310
population of less than one hundred fifty thousand. 68311

(2)(a) Subject to division (D)(1) of this section and except 68312
for a designated state campaign committee, no campaign committee 68313
of a senate candidate shall do either of the following: 68314

(i) Knowingly accept a contribution or contributions from any 68315
individual who is under seven years of age; 68316

(ii) Accept a contribution or contributions aggregating more 68317
than ten thousand dollars from any one individual who is seven 68318
years of age or older, from any one political action committee, 68319
from any one political contributing entity, from any one state 68320
candidate fund of a county political party, or from any one other 68321
campaign committee in a primary election period or in a general 68322
election period. 68323

(b) No campaign committee of a senate candidate shall accept 68324
a contribution or contributions aggregating more than two thousand 68325
five hundred dollars in a primary election period or in a general 68326
election period from a county political party that has no state 68327
candidate fund and that is located in a county having a population 68328
of less than one hundred fifty thousand. 68329

(3)(a) Subject to division (D)(1) of this section and except 68330
for a designated state campaign committee, no campaign committee 68331
of a house candidate shall do either of the following: 68332

(i) Knowingly accept a contribution or contributions from any 68333
individual who is under seven years of age; 68334

(ii) Accept a contribution or contributions aggregating more 68335
than ten thousand dollars from any one individual who is seven 68336
years of age or older, from any one political action committee, 68337
from any one political contributing entity, from any one state 68338
candidate fund of a county political party, or from any one other 68339
campaign committee in a primary election period or in a general 68340

election period. 68341

(b) No campaign committee of a house candidate shall accept a 68342
contribution or contributions aggregating more than two thousand 68343
five hundred dollars in a primary election period or in a general 68344
election period from a county political party that has no state 68345
candidate fund and that is located in a county having a population 68346
of less than one hundred fifty thousand. 68347

(4)(a)(i) Subject to division (C)(4)(a)(ii) of this section 68348
and except for a designated state campaign committee, no county 68349
political party shall knowingly accept a contribution or 68350
contributions from any individual who is under seven years of age, 68351
or accept a contribution or contributions for the party's state 68352
candidate fund aggregating more than ten thousand dollars from any 68353
one individual whose designated Ohio residence is located within 68354
that county and who is seven years of age or older or from any one 68355
campaign committee in a calendar year. 68356

(ii) Subject to division (D)(1) of this section, no county 68357
political party shall accept a contribution or contributions for 68358
the party's state candidate fund from any individual whose 68359
designated Ohio residence is located outside of that county and 68360
who is seven years of age or older, from any campaign committee 68361
unless the campaign committee's candidate will appear on a ballot 68362
in that county or unless the campaign committee's candidate is the 68363
holder of an elected public office that represents all or part of 68364
the population of that county at the time the contribution is 68365
accepted, or from any political action committee or any political 68366
contributing entity. 68367

(iii) No county political party shall accept a contribution 68368
or contributions from any other county political party. 68369

(b) Subject to division (D)(1) of this section, no state 68370
political party shall do either of the following: 68371

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 68372
68373

(ii) Accept a contribution or contributions for the party's state candidate fund aggregating more than thirty thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year. 68374
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(5) Subject to division (D)(1) of this section, no legislative campaign fund shall do either of the following: 68380
68381

(a) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 68382
68383

(b) Accept a contribution or contributions aggregating more than fifteen thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year. 68384
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(6)(a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than: 68390
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68393

(i) Five hundred thousand dollars, in the case of a campaign committee of a statewide candidate; 68394
68395

(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate; 68396
68397

(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate. 68398
68399

(b) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a 68400
68401

legislative campaign fund aggregating more than: 68402

(i) Fifty thousand dollars in a primary election period or 68403
one hundred thousand dollars in a general election period, in the 68404
case of a campaign committee of a senate candidate; 68405

(ii) Twenty-five thousand dollars in a primary election 68406
period or fifty thousand dollars in a general election period, in 68407
the case of a campaign committee of a house candidate. 68408

(c) No campaign committee of a candidate for the office of 68409
member of the general assembly, including a designated state 68410
campaign committee, shall accept a transfer or contribution of 68411
cash or cash equivalents from any one or combination of state 68412
candidate funds of county political parties aggregating in a 68413
primary election period or a general election period more than: 68414

(i) One hundred thousand dollars, in the case of a campaign 68415
committee of a senate candidate; 68416

(ii) Fifty thousand dollars, in the case of a campaign 68417
committee of a house candidate. 68418

(7)(a) Subject to division (D)(3) of this section, no 68419
political action committee and no political contributing entity 68420
shall do either of the following: 68421

(i) Knowingly accept a contribution or contributions from any 68422
individual who is under seven years of age; 68423

(ii) Accept a contribution or contributions aggregating more 68424
than ten thousand dollars from any one individual who is seven 68425
years of age or older, from any one campaign committee, or from 68426
any one political party in a calendar year. 68427

(b) Subject to division (D)(1) of this section, no political 68428
action committee shall accept a contribution or contributions 68429
aggregating more than ten thousand dollars from another political 68430
action committee or from a political contributing entity in a 68431

calendar year. Subject to division (D)(1) of this section, no political contributing entity shall accept a contribution or contributions aggregating more than ten thousand dollars from another political contributing entity or from a political action committee in a calendar year. This division does not apply to a political action committee or political contributing entity that accepts a contribution from a political action committee or political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person.

(D)(1)(a) For purposes of the limitations prescribed in division (B)(2) of this section and the limitations prescribed in divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever is applicable, all contributions made by and all contributions accepted from political action committees that are established, financed, maintained, or controlled by, or that are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person, are considered to have been made by or accepted from a single political action committee.

(b) For purposes of the limitations prescribed in division (B)(7) of this section and the limitations prescribed in divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever is applicable, all contributions made by and all contributions

accepted from political contributing entities that are 68464
established, financed, maintained, or controlled by, or that are, 68465
the same corporation, organization, labor organization, continuing 68466
association, or other person, including any parent, subsidiary, 68467
division, or department of that corporation, organization, labor 68468
organization, continuing association, or other person, are 68469
considered to have been made by or accepted from a single 68470
political contributing entity. 68471

(2) As used in divisions (B)(1)(a)(vii), (B)(3)(d), 68472
(B)(4)(a), and (C)(7) of this section, "political action 68473
committee" does not include a political action committee that is 68474
organized to support or oppose a ballot issue or question and that 68475
makes no contributions to or expenditures on behalf of a political 68476
party, campaign committee, legislative campaign fund, political 68477
action committee, or political contributing entity. As used in 68478
divisions (B)(1)(a)(viii), (B)(3)(e), (B)(4)(a), and (C)(7) of 68479
this section, "political contributing entity" does not include a 68480
political contributing entity that is organized to support or 68481
oppose a ballot issue or question and that makes no contributions 68482
to or expenditures on behalf of a political party, campaign 68483
committee, legislative campaign fund, political action committee, 68484
or political contributing entity. 68485

(3) For purposes of the limitations prescribed in divisions 68486
(B)(4) and (C)(7)(a) of this section, all contributions made by 68487
and all contributions accepted from a national political party, a 68488
state political party, and a county political party are considered 68489
to have been made by or accepted from a single political party and 68490
shall be combined with each other to determine whether the 68491
limitations have been exceeded. 68492

(E)(1) If a legislative campaign fund has kept a total amount 68493
of contributions exceeding one hundred fifty thousand dollars at 68494
the close of business on the seventh day before the postgeneral 68495

election statement is required to be filed under section 3517.10 68496
of the Revised Code, the legislative campaign fund shall comply 68497
with division (E)(2) of this section. 68498

(2)(a) Any legislative campaign fund that has kept a total 68499
amount of contributions in excess of the amount specified in 68500
division (E)(1) of this section at the close of business on the 68501
seventh day before the postgeneral election statement is required 68502
to be filed under section 3517.10 of the Revised Code shall 68503
dispose of the excess amount in the manner prescribed in division 68504
(E)(2)(b)(i), (ii), or (iii) of this section not later than ninety 68505
days after the day the postgeneral election statement is required 68506
to be filed under section 3517.10 of the Revised Code. Any 68507
legislative campaign fund that is required to dispose of an excess 68508
amount of contributions under this division shall file a statement 68509
on the ninetieth day after the postgeneral election statement is 68510
required to be filed under section 3517.10 of the Revised Code 68511
indicating the total amount of contributions the fund has at the 68512
close of business on the seventh day before the postgeneral 68513
election statement is required to be filed under section 3517.10 68514
of the Revised Code and that the excess contributions were 68515
disposed of pursuant to this division and division (E)(2)(b) of 68516
this section. The statement shall be on a form prescribed by the 68517
secretary of state and shall contain any additional information 68518
the secretary of state considers necessary. 68519

(b) Any legislative campaign fund that is required to dispose 68520
of an excess amount of contributions under division (E)(2) of this 68521
section shall dispose of that excess amount by doing any of the 68522
following: 68523

(i) Giving the amount to the treasurer of state for deposit 68524
into the state treasury to the credit of the Ohio elections 68525
commission fund created by division (I) of section 3517.152 of the 68526
Revised Code; 68527

(ii) Giving the amount to individuals who made contributions to that legislative campaign fund as a refund of all or part of their contributions;

(iii) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

(F)(1) No legislative campaign fund shall fail to file a statement required by division (E) of this section.

(2) No legislative campaign fund shall fail to dispose of excess contributions as required by division (E) of this section.

(G) Nothing in this section shall affect, be used in determining, or supersede a limitation on campaign contributions as provided for in the Federal Election Campaign Act.

Sec. 3517.103. (A)~~(1)~~ For purposes of this section:

~~(a)~~(1) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, or member of the state board of education.

~~(b)~~(i)~~(2)~~(a) "Personal funds" means contributions to the campaign committee of a candidate by the candidate ~~or by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage.~~

~~(ii)~~(b) A loan obtained by, guaranteed by, or for the benefit of a statewide candidate, senate candidate, or house candidate shall be considered "personal funds" subject to the provisions of this section ~~and section 3517.1010 of the Revised Code~~ to the extent that the loan is obtained or guaranteed by the candidate ~~or~~

~~is for the benefit of the candidate and is obtained or guaranteed 68558
by the candidate's spouse, parents, children, sons in law, 68559
daughters in law, brothers, sisters, grandparents, mother in law, 68560
father in law, brothers in law, sisters in law, or grandparents by 68561
marriage. A loan that is obtained or guaranteed and that is for 68562
the benefit of a statewide candidate, senate candidate, or house 68563
candidate shall not be considered "personal funds" for the 68564
purposes of this section and section 3517.1010 of the Revised Code 68565
but shall be considered to be a "contribution" for the purposes of 68566
this chapter if the loan is obtained or guaranteed by anyone other 68567
than the candidate or the candidate's spouse, parents, children, 68568
sons in law, daughters in law, brothers, sisters, grandparents, 68569
mother in law, father in law, brothers in law, sisters in law, or 68570
grandparents by marriage. 68571~~

~~(iii)(c) When a debt or other obligation incurred by a 68572
committee or by a candidate on behalf of the candidate's committee 68573
described in division (C)(1) or (2) of this section is to be paid 68574
from "personal funds," those funds are considered to be expended 68575
when the debt or other obligation is incurred, regardless of when 68576
it is paid. 68577~~

~~(2) For purposes of this chapter, a candidate is an 68578
"opponent" when the candidate has indicated on the candidate's 68579
most recently filed designation of treasurer that the candidate 68580
seeks the same office at the same primary or general election as 68581
another candidate whose campaign committee has filed a personal 68582
funds notice required by division (C)(1) or (2) of this section. 68583~~

(B)(1) Except as otherwise provided in division (B)(2) of 68584
this section, no statewide candidate or candidate for the office 68585
of member of the general assembly shall make an expenditure of 68586
personal funds to influence the results of an election for that 68587
candidate's nomination or election to office unless the personal 68588
funds are first deposited into the campaign fund of that 68589

candidate's campaign committee. 68590

(2) A statewide candidate or candidate for the office of 68591
member of the general assembly may make an expenditure of personal 68592
funds without first depositing those funds into the campaign 68593
committee's funds as long as the aggregate total of those 68594
expenditures does not exceed five hundred dollars at any time 68595
during an election period. After the candidate's campaign 68596
committee reimburses the candidate for any direct expenditure of 68597
personal funds, the amount that was reimbursed is no longer 68598
included in the aggregate total of expenditures of personal funds 68599
subject to the five-hundred-dollar limit. 68600

~~(C)(1) If the campaign committee of any statewide candidate 68601
has received or expended or expects to expend more than one 68602
hundred thousand dollars of personal funds during a primary 68603
election period or one hundred fifty thousand dollars of personal 68604
funds during a general election period, the campaign committee 68605
shall file a personal funds notice in the manner provided in 68606
division (C)(3) of this section indicating that the committee has 68607
received or expended or expects to expend more than that amount. 68608
For the purpose of this division, a joint team of candidates for 68609
governor and lieutenant governor shall be considered a single 68610
candidate and their personal funds shall be combined. 68611~~

~~(2) If the campaign committee of any senate candidate or 68612
house candidate has received or expended or expects to expend more 68613
than twenty five thousand dollars of personal funds during a 68614
primary election period or twenty five thousand dollars of 68615
personal funds during a general election period, the campaign 68616
committee shall file a personal funds notice in the manner 68617
provided in division (C)(3) of this section indicating that the 68618
committee has received or expended or expects to expend more than 68619
that amount. 68620~~

~~(3) The personal funds notice required in divisions (C)(1) 68621~~

~~and (2) of this section and the declaration of no limits required 68622
under division (D)(2) of this section shall be on a form 68623
prescribed by the secretary of state. The personal funds notice 68624
required in divisions (C)(1) and (2) of this section shall be 68625
filed not later than the earlier of the following times: 68626~~

~~(a) One hundred twenty days before a primary election, in the 68627
case of personal funds received, expended, or expected to be 68628
expended during a primary election period, or not later than one 68629
hundred twenty days before a general election, in the case of 68630
personal funds received, expended, or expected to be expended 68631
during a general election period; 68632~~

~~(b) Two business days after the candidate's campaign 68633
committee receives or makes an expenditure of personal funds or 68634
the candidate makes an expenditure of personal funds on behalf of 68635
the candidate's campaign committee during that election period 68636
that exceed, in the aggregate, the amount specified in division 68637
(C)(1) or (2) of this section. 68638~~

~~The personal funds notice required under divisions (C)(1) and 68639
(2) of this section and the declaration of no limits required 68640
under division (D)(2) of this section shall be filed wherever the 68641
campaign committee files statements of contributions and 68642
expenditures under section 3517.11 of the Revised Code. The board 68643
of elections shall send to the secretary of state a copy of any 68644
personal funds notice or declaration of no limits filed by the 68645
campaign committee of a senate candidate or house candidate under 68646
division (C)(3) or (D)(2) of this section. 68647~~

~~(D)(1) Whenever a campaign committee files a notice under 68648
division (C)(1) or (2) of this section, and the campaign committee 68649
of an opponent files a declaration of no limits pursuant to 68650
division (D)(2) of this section within thirty days of the filing 68651
of the personal funds notice under division (C)(1) or (2) of this 68652
section, the contribution limitations prescribed in section 68653~~

~~3517.102 of the Revised Code no longer apply to the campaign
committee of the candidate's opponent.~~ 68654
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~~(2) No campaign committee of a candidate described in
division (D)(1) of this section shall accept any contribution or
contributions from a contributor that exceed the limitations
prescribed in section 3517.102 of the Revised Code until the
committee files a declaration that the committee will accept
contributions that exceed those limitations. This declaration
shall be filed not later than thirty days after a candidate's
opponent has filed a personal funds notice pursuant to division
(C)(1) or (2) of section 3517.103 of the Revised Code, shall be
referred to as the "declaration of no limits," and shall list all
of the following:~~ 68656
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~~(a) The amount of cash on hand in the candidate's campaign
fund at the end of the day immediately preceding the day on which
the candidate's campaign committee files the declaration of no
limits;~~ 68667
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~~(b) The value and description of all campaign assets worth
five hundred dollars or more available to the candidate at the end
of the day immediately preceding the day on which the candidate's
campaign committee files the declaration of no limits.~~ 68671
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~~(3) A candidate who was not an opponent of a candidate who
filed the personal funds notice required under division (C)(3) of
this section on the date the personal funds notice was filed may
file the declaration of no limits pursuant to division (D)(2) of
this section within thirty days after becoming an opponent of the
candidate who filed the personal funds notice.~~ 68675
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~~(4) If the candidate whose campaign committee filed a
personal funds notice under division (C)(1) or (2) of this section
fails to file a declaration of candidacy for the office listed on
the designation of treasurer filed under division (D) of section~~ 68681
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~~3517.10 of the Revised Code or files a declaration of candidacy or 68685
nominating petition for that office and dies or withdraws, both of 68686
the following apply to the campaign committee of that candidate's 68687
opponent if the opponent has filed a declaration of no limits 68688
pursuant to division (D) of this section: 68689~~

~~(a) No contribution from a contributor may thereafter be 68690
accepted that, when added to the aggregate total of all 68691
contributions received by that committee from that contributor 68692
during the primary election period or general election period, 68693
whichever is applicable, would cause that committee to exceed the 68694
contribution limitations prescribed in section 3517.102 of the 68695
Revised Code for the applicable election period. 68696~~

~~(b) The statement of primary day finances or the year end 68697
statement required to be filed under division (E) of section 68698
3517.1010 of the Revised Code shall be filed not later than 68699
fourteen days after the date the candidate's opponent fails to 68700
file a declaration of candidacy or nominating petition by the 68701
appropriate filing deadline, or dies or withdraws. For purposes of 68702
calculating permitted funds under division (A)(4) of section 68703
3517.1010 of the Revised Code, the primary or general election 68704
period, whichever is applicable, shall be considered to have ended 68705
on the filing deadline, in the case of an opponent who fails to 68706
file a declaration of candidacy or nominating petition, or on the 68707
date of the opponent's death or withdrawal. In such an event, the 68708
filing of a statement of primary day finances or year end finances 68709
and the disposing of any excess funds as required under division 68710
(B) of section 3517.1010 of the Revised Code satisfies the 68711
candidate's obligation to file such a statement for that election 68712
period. 68713~~

~~(E)(1) No campaign committee shall fail to file a personal 68714
funds notice as required under division (C)(1) or (2) of this 68715
section. 68716~~

~~(2) No campaign committee shall accept any contribution in excess of the contribution limitations prescribed in section 3517.102 of the Revised Code:~~ 68717
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~~(a) Unless a declaration of no limits has been filed under division (D)(2) of this section:~~ 68720
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~~(b) In violation of division (D)(4) of this section once the candidate who filed a personal funds notice under division (C)(3) of this section fails to file a declaration of candidacy or nominating petition or that candidate dies or withdraws.~~ 68722
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~~(3) No campaign committee that violates division (E)(1) of this section shall expend any personal funds in excess of the amount specified in division (C)(1) or (2) of this section, whichever is appropriate to the committee.~~ 68726
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~~(4) The candidate of any campaign committee that violates division (E) of this section shall forfeit the candidate's nomination, if the candidate was nominated, or the office to which the candidate was elected, if the candidate was elected to office.~~ 68730
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~~(F)(1) Whenever a campaign committee files a notice under division (C)(1) or (2) of this section or whenever the contribution limitations prescribed in section 3517.102 of the Revised Code do not apply to a campaign committee under division (D)(1) of this section, that committee is not a designated state campaign committee for the purpose of the limitations prescribed in section 3517.102 of the Revised Code with regard to contributions made by that campaign committee to a legislative campaign fund or to a state candidate fund of a state or county political party.~~ 68734
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~~(2) Division (F)(1) of this section no longer applies to a campaign committee after both of the following occur:~~ 68744
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~~(a) The primary or general election period during which the contribution limitations prescribed in section 3517.102 of the~~ 68746
68747

~~Revised Code did not apply after being removed pursuant to 68748
division (D) of this section has expired; 68749~~

~~(b) When the campaign committee has disposed of all excess 68750
funds and excess aggregate contributions as required under section 68751
3517.1010 of the Revised Code. 68752~~

Sec. 3517.153. (A) Upon the filing of a complaint with the 68753
Ohio elections commission, which shall be made by affidavit of any 68754
person, on personal knowledge, and subject to the penalties for 68755
perjury, or upon the filing of a complaint made by the secretary 68756
of state or an official at the board of elections, setting forth a 68757
failure to comply with or a violation of any provision in sections 68758
3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, 68759
or 3599.031 of the Revised Code, the commission shall proceed in 68760
accordance with sections 3517.154 to 3517.157 of the Revised Code. 68761

(B) The commission shall prescribe the form for complaints 68762
made under division (A) of this section. The secretary of state 68763
and boards of elections shall furnish the information that the 68764
commission requests. The commission or a member of the commission 68765
may administer oaths, and the commission may issue subpoenas to 68766
any person in the state compelling the attendance of witnesses and 68767
the production of relevant papers, books, accounts, and reports. 68768
Section 101.42 of the Revised Code governs the issuance of 68769
subpoenas insofar as applicable. Upon the refusal of any person to 68770
obey a subpoena or to be sworn or to answer as a witness, the 68771
commission may apply to the court of common pleas of Franklin 68772
county under section 2705.03 of the Revised Code. The court shall 68773
hold proceedings in accordance with Chapter 2705. of the Revised 68774
Code. 68775

(C) No prosecution shall commence for a violation of a 68776
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 68777
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 68778

unless a complaint has been filed with the commission under this 68779
section and all proceedings of the commission or a panel of the 68780
commission, as appropriate, under sections 3517.154 to 3517.157 of 68781
the Revised Code are completed. 68782

(D) The commission may recommend legislation and render 68783
advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 68784
3517.102, ~~3517.103~~, 3517.105, 3517.1014, 3517.13, 3517.18, 3517.20 68785
to 3517.22, 3599.03, and 3599.031 of the Revised Code for persons 68786
over whose acts it has or may have jurisdiction. When the 68787
commission renders an advisory opinion relating to a specific set 68788
of circumstances involving any of those sections stating that 68789
there is no violation of a provision in those sections, the person 68790
to whom the opinion is directed or a person who is similarly 68791
situated may reasonably rely on the opinion and is immune from 68792
criminal prosecution and a civil action, including, without 68793
limitation, a civil action for removal from public office or 68794
employment, based on facts and circumstances covered by the 68795
opinion. 68796

(E) The commission shall establish a web site on which it 68797
shall post, at a minimum, all decisions and advisory opinions 68798
issued by the commission and copies of each election law as it is 68799
amended by the general assembly. The commission shall update the 68800
web site regularly to reflect any changes to those decisions and 68801
advisory opinions and any new decisions and advisory opinions. 68802

Sec. 3517.154. (A)(1) The full-time attorney for the Ohio 68803
elections commission shall review each complaint filed with the 68804
commission under section 3517.153 of the Revised Code, shall 68805
determine the nature of the complaint, and, unless division 68806
(A)(2)(a) of this section requires that the complaint receive an 68807
automatic expedited hearing, shall make a recommendation to the 68808
commission for its disposition, in accordance with this section. 68809

The attorney shall make the determination and the recommendation, 68810
if required, not later than one business day after the complaint 68811
is filed. 68812

(2)(a) If the attorney determines that the complaint sets 68813
forth a violation of division (B) of section 3517.21 or division 68814
(B) of section 3517.22 of the Revised Code and that the complaint 68815
is filed during one of the periods of time specified in division 68816
(B)(1) of section 3517.156 of the Revised Code, ~~or that the~~ 68817
~~complaint sets forth a violation of section 3517.103 of the~~ 68818
~~Revised Code or a violation described in division (D) of section~~ 68819
~~3517.1010 of the Revised Code,~~ the complaint shall receive an 68820
automatic expedited hearing under section 3517.156 of the Revised 68821
Code. 68822

(b) If the attorney determines that the complaint sets forth 68823
a failure to comply with or a violation of division (G), (I), (J), 68824
(O), (P), or (Q) of section 3517.13, division (A) of section 68825
3517.21, or division (A) of section 3517.22 of the Revised Code 68826
and that the complaint is filed during one of the periods of time 68827
specified in division (B)(1) of section 3517.156 of the Revised 68828
Code, the attorney shall recommend to the commission that the 68829
complaint receive an expedited hearing under section 3517.156 of 68830
the Revised Code, and the complaint shall receive such a hearing. 68831

(c) If the attorney determines that the complaint sets forth 68832
a failure to comply with or a violation of a section of the 68833
Revised Code over which the commission has jurisdiction to hear 68834
complaints other than the sections described in divisions 68835
(A)(2)(a) and (b) of this section, and unless the attorney makes a 68836
determination as provided for in division (A)(3) of this section, 68837
the attorney shall recommend to the commission that the complaint 68838
be submitted to the commission under section 3517.155 of the 68839
Revised Code. After the attorney makes that recommendation, the 68840
attorney shall notify all parties to the complaint of the 68841

attorney's recommendation. 68842

(3)(a) If a complaint sets forth a failure to comply with or 68843
a violation of a section of the Revised Code over which the 68844
commission has jurisdiction to hear complaints other than the 68845
sections described in divisions (A)(2)(a) and (b) of this section 68846
and if the complaint is filed during one of the periods of time 68847
specified in division (B)(1) of section 3517.156 of the Revised 68848
Code, the attorney may determine that the complaint should receive 68849
an expedited hearing under that section. The attorney shall make 68850
that determination by considering one or more of the following: 68851

(i) The number of prior failures to comply with or violations 68852
of Title XXXV of the Revised Code that the person or entity 68853
against whom the complaint has been brought has committed and any 68854
prior penalties the commission has imposed on the person or 68855
entity; 68856

(ii) If the complaint involves a statement required to be 68857
filed under section 3517.10, division (E) of section 3517.102, or 68858
section ~~3517.103~~, 3517.105, 3517.107, 3517.108, 3517.109, 68859
3517.1011, 3517.1012, or 3517.1014 of the Revised Code or an 68860
addendum required to be filed under section 3517.11 of the Revised 68861
Code that is filed late, how late the filing is and how much time 68862
has elapsed between the deadline for filing the statement or 68863
addendum and the filing of the complaint; 68864

(iii) If the complaint involves contributions and 68865
expenditures, contributions and disbursements, deposits and 68866
disbursements, gifts and disbursements, or donations and 68867
disbursements required to be reported under section 3517.10, 68868
division (E) of section 3517.102, or section 3517.105, 3517.107, 68869
3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 68870
of the Revised Code that are either not reported or reported late, 68871
the number of contributions and expenditures, contributions and 68872
disbursements, deposits and disbursements, gifts and 68873

disbursements, or donations and disbursements not reported or how late they were reported;

(iv) If the complaint involves contributions required to be reported by a campaign committee under section 3517.10, division (E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, or 3517.109 of the Revised Code that are not reported, whether any of the contributors of the contributions not reported have a personal or professional relationship with the campaign committee's candidate;

(v) If the complaint involves a statement required to be filed under section 3517.10, division (E) of section 3517.102, or section ~~3517.103~~, 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is incomplete, the degree to which it is incomplete;

(vi) If the complaint involves the receipt of contributions in violation of section 3599.03 of the Revised Code, the dollar amount and number of contributions received in violation of that section;

(vii) If the complaint involves a failure to make the identification or a misstatement of the identification required under section 3517.105 or 3517.20 of the Revised Code, whether the failure or misstatement was purposely made;

(viii) If the complaint sets forth a failure to comply with or a violation of a section of the Revised Code described in division (A)(2)(c) of this section, whether the person or entity against whom the complaint has been made has committed more than one such failure or violation within a reasonable amount of time, or whether the cumulative nature of the failures or violations indicates a systematic disregard for the law.

(b) Prior to making a determination under division (A)(3)(a) of this section that the complaint should receive an expedited

hearing under section 3517.156 of the Revised Code, the attorney 68905
shall take into consideration the number of panels of the 68906
commission that have cases pending before them and the number of 68907
cases pending before the panels and shall not make a determination 68908
that will place an undue burden on a panel of the commission. 68909

(c) If the attorney determines that the complaint should 68910
receive an expedited hearing under section 3517.156 of the Revised 68911
Code, the attorney shall recommend to the commission that the 68912
complaint receive an expedited hearing, and, if a majority of the 68913
members of the commission agrees with the recommendation, the 68914
complaint shall receive an expedited hearing under that section. 68915

(4) The attorney may join two or more complaints if the 68916
attorney determines that the allegations in each complaint are of 68917
the same or similar character, are based on the same act or 68918
failure to act, or are based on two or more acts or failures to 68919
act constituting parts of a common scheme or plan. If one 68920
complaint contains two or more allegations, the attorney may 68921
separate the allegations if they are not of the same or similar 68922
character, if they are not based on the same act or failure to 68923
act, or if they are not based on two or more acts or failures to 68924
act constituting parts of a common scheme or plan. If the attorney 68925
separates the allegations in a complaint, the attorney may make 68926
separate recommendations under division (A)(2) or (3) of this 68927
section for each allegation. 68928

(B) Whenever a person or other entity files a complaint with 68929
the commission setting forth a failure to comply with or a 68930
violation of a section of the Revised Code as described in 68931
division (A)(2)(c) of this section and the complaint is filed 68932
during one of the periods of time specified in division (B)(1) of 68933
section 3517.156 of the Revised Code, the person or entity may 68934
request an expedited hearing under that section at the time the 68935
complaint is filed. The attorney for the commission shall inform 68936

the members of the commission of that request at the time the attorney makes a recommendation under division (A) of this section. The commission may grant the request for an expedited hearing under this division if it determines that an expedited hearing is practicable.

Sec. 3517.155. (A)(1) Except as otherwise provided in division (B) of this section, the Ohio elections commission shall hold its first hearing on a complaint filed with it, other than a complaint that receives an expedited hearing under section 3517.156 of the Revised Code, not later than ninety business days after the complaint is filed unless the commission has good cause to hold the hearing after that time, in which case it shall hold the hearing not later than one hundred eighty business days after the complaint is filed. At the hearing, the commission shall determine whether or not the failure to act or the violation alleged in the complaint has occurred and shall do only one of the following, except as otherwise provided in division (B) of this section or in division (B) of section 3517.151 of the Revised Code:

(a) Enter a finding that good cause has been shown not to impose a fine or not to refer the matter to the appropriate prosecutor;

(b) Impose a fine under section 3517.993 of the Revised Code;

(c) Refer the matter to the appropriate prosecutor;

~~(d) Direct the secretary of state or appropriate board of elections with the authority to certify a candidate to the ballot to remove a candidate's name from the ballot if the candidate is barred from the ballot under division (D) of section 3517.1010 of the Revised Code.~~

(2) As used in division (A) of this section, "appropriate

prosecutor" means a prosecutor as defined in section 2935.01 of the Revised Code and either of the following:

(a) In the case of a failure to comply with or a violation of law involving a campaign committee or the committee's candidate, a political party, a legislative campaign fund, a political action committee, or a political contributing entity, that is required to file a statement of contributions and expenditures with the secretary of state under division (A) of section 3517.11 of the Revised Code, the prosecutor of Franklin county;

(b) In the case of a failure to comply with or a violation of law involving any other campaign committee or committee's candidate, or any other political party, political action committee, or political contributing entity either of the following as determined by the commission:

(i) The prosecutor of Franklin county;

(ii) The prosecutor of the county in which the candidacy or ballot question or issue is submitted to the electors or, if it is submitted in more than one county, the most populous of those counties.

(B) If the commission decides that the evidence is insufficient for it to determine whether or not the failure to act or the violation alleged in the complaint has occurred, the commission, by the affirmative vote of five members, may request that an investigatory attorney investigate the complaint. Upon that request, an investigatory attorney shall make an investigation in order to produce sufficient evidence for the commission to decide the matter. If the commission requests an investigation under this division, for good cause shown by the investigatory attorney, the commission may extend by sixty days the deadline for holding its first hearing on the complaint as required in division (A) of this section.

(C) The commission shall take one of the actions required 68998
under division (A) of this section not later than thirty days 68999
after the close of all the evidence presented. 69000

(D)(1) The commission shall make any finding of a failure to 69001
comply with or a violation of law in regard to a complaint that 69002
alleges a violation of ~~division (D) of section 3517.1010~~, division 69003
(A) or (B) of section 3517.21, or division (A) or (B) of section 69004
3517.22 of the Revised Code by clear and convincing evidence. The 69005
commission shall make any finding of a failure to comply with or a 69006
violation of law in regard to any other complaint by a 69007
preponderance of the evidence. 69008

(2) If the commission finds a violation of division (B) of 69009
section 3517.21 or division (B) of section 3517.22 of the Revised 69010
Code, it shall refer the matter to the appropriate prosecutor 69011
under division (A)(1)(c) of this section and shall not impose a 69012
fine under division (A)(1)(b) of this section or section 3517.993 69013
of the Revised Code. 69014

(E) In an action before the commission or a panel of the 69015
commission, if the allegations of the complainant are not proved, 69016
and the commission takes the action described in division 69017
(A)(1)(a) of this section or a panel of the commission takes the 69018
action described in division (C)(1) of section 3517.156 of the 69019
Revised Code, the commission or a panel of the commission may find 69020
that the complaint is frivolous, and, if the commission or panel 69021
so finds, the commission shall order the complainant to pay 69022
reasonable attorney's fees and to pay the costs of the commission 69023
or panel as determined by a majority of the members of the 69024
commission. The costs paid to the commission or panel under this 69025
division shall be deposited into the Ohio elections commission 69026
fund. 69027

Sec. 3517.20. (A)(1) As used in this section: 69028

(a) "Political publication for or against a candidate" means 69029
a notice, placard, advertisement, sample ballot, brochure, flyer, 69030
direct mailer, or other form of general publication that is 69031
designed to promote the nomination, election, or defeat of a 69032
candidate. 69033

(b) "Political publication for or against an issue" means a 69034
notice, placard, advertisement, sample ballot, brochure, flyer, 69035
direct mailer, or other form of general publication that is 69036
designed to promote the adoption or defeat of a ballot issue or 69037
question or to influence the voters in an election. 69038

(c) "Public political advertising" means newspapers, 69039
magazines, outdoor advertising facilities, direct mailings, or 69040
other similar types of general public political advertising, or 69041
flyers, handbills, or other nonperiodical printed matter. 69042

(d) "Statewide candidate" has the same meaning as in section 69043
3517.102 of the Revised Code. 69044

(e) "Legislative candidate" means a candidate for the office 69045
of member of the general assembly. 69046

(f) "Local candidate" means a candidate for an elective 69047
office of a political subdivision of this state. 69048

(g) "Legislative campaign fund" has the same meaning as in 69049
section 3517.01 of the Revised Code. 69050

(h) "Limited political action committee" means a political 69051
action committee of fewer than ten members. 69052

(i) "Limited political contributing entity" means a political 69053
contributing entity of fewer than ten members. 69054

(j) "Designated amount" means one hundred dollars in the case 69055
of a local candidate or a local ballot issue, two hundred fifty 69056
dollars in the case of a legislative candidate, or five hundred 69057
dollars in the case of a statewide candidate or a statewide ballot 69058

issue. 69059

(k) "To issue" includes to print, post, distribute, reproduce 69060
for distribution, or cause to be issued, printed, posted, 69061
distributed, or reproduced for distribution. 69062

(1) "Telephone bank" means more than five hundred telephone 69063
calls of an identical or substantially similar nature within any 69064
thirty-day period, whether those telephone calls are made by 69065
individual callers or by recording. 69066

(2)(a) No ~~candidate, legislative campaign fund,~~ political 69067
party, or other entity, except a political action committee, a 69068
political contributing entity, a candidate, a legislative campaign 69069
fund, or a campaign committee, shall issue a form of political 69070
publication for or against a candidate, or shall make an 69071
expenditure for the purpose of financing political communications 69072
in support of or opposition to a candidate through public 69073
political advertising, unless the name and residence or business 69074
address of the candidate or the chairperson, treasurer, or 69075
secretary of the legislative campaign fund, political party, or 69076
other entity that issues or otherwise is responsible for that 69077
political publication or that makes an expenditure for that 69078
political communication appears in a conspicuous place on that 69079
political publication or is contained within that political 69080
communication. 69081

(b) No candidate, legislative campaign fund, or campaign 69082
committee shall issue a form of political publication for or 69083
against a candidate, or shall make an expenditure for the purpose 69084
of financing political communications in support of or opposition 69085
to a candidate through public political advertising, unless the 69086
name of the ~~campaign committee~~ entity appears in a conspicuous 69087
place on that political publication or is contained within that 69088
political communication. 69089

(3) No limited political action committee or limited political contributing entity shall do either of the following unless the name and residence or business address of the chairperson, treasurer, or secretary of the limited political action committee or limited political contributing entity involved appears in a conspicuous place in the political publication for or against a candidate described in division (A)(3)(a) of this section or is contained within the political communication described in division (A)(3)(b) of this section:

(a) Issue a form of political publication for or against a candidate that costs in excess of the designated amount or that is issued in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a campaign committee, a legislative campaign fund, a political party, a political action committee with ten or more members, a political contributing entity with ten or more members, or a limited political action committee or limited political contributing entity that spends in excess of the designated amount on a related or the same or similar political publication for or against a candidate;

(b) Make an expenditure in excess of the designated amount in support of or opposition to a candidate or make an expenditure in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a campaign committee, a legislative campaign fund, a political party, a political action committee with ten or more members, a political contributing entity with ten or more members, or a limited political action committee or limited political contributing entity that spends in excess of the designated amount in support of or opposition to the same candidate, for the purpose of financing political communications in support of or opposition to that candidate through public political advertising.

(4) No political action committee with ten or more members

and no political contributing entity with ten or more members 69122
shall issue a form of political publication for or against a 69123
candidate, or shall make an expenditure for the purpose of 69124
financing political communications in support of or opposition to 69125
a candidate through public political advertising, unless the name 69126
and residence or business address of the chairperson, treasurer, 69127
or secretary of the political action committee or political 69128
contributing entity that issues or otherwise is responsible for 69129
that political publication or that makes an expenditure for that 69130
political communication through public political advertising 69131
appears in a conspicuous place in that political publication or is 69132
contained within that political communication. 69133

(5)(a) No corporation, labor organization, ~~legislative~~ 69134
~~campaign fund~~, political party, or other entity, except a 69135
political action committee, a legislative campaign fund, or a 69136
campaign committee, shall issue a form of political publication 69137
for or against an issue, or shall make an expenditure for the 69138
purpose of financing political communications in support of or 69139
opposition to a ballot issue or question through public political 69140
advertising, unless the name and residence or business address of 69141
the chairperson, treasurer, or secretary of the corporation, labor 69142
organization, ~~legislative campaign fund~~, political party, or other 69143
entity that issues or otherwise is responsible for that political 69144
publication or that makes an expenditure for that political 69145
communication through public political advertising appears in a 69146
conspicuous place in that political publication or is contained 69147
within that political communication. 69148

(b) No campaign committee or legislative campaign fund shall 69149
issue a form of political publication for or against an issue, or 69150
shall make an expenditure for the purpose of financing political 69151
communications in support of or opposition to a ballot issue or 69152
question through public political advertising, unless the name of 69153

the campaign committee or legislative campaign fund appears in a 69154
conspicuous place in that political publication or is contained 69155
within that political communication. 69156

(6) No limited political action committee shall do either of 69157
the following unless the name and residence or business address of 69158
the chairperson, treasurer, or secretary of the limited political 69159
action committee involved appears in a conspicuous place in the 69160
political publication for or against a ballot issue described in 69161
division (A)(6)(a) of this section or is contained within the 69162
political communication described in division (A)(6)(b) of this 69163
section: 69164

(a) Issue a form of political publication for or against a 69165
ballot issue that costs in excess of the designated amount or that 69166
is issued in cooperation, consultation, or concert with, or at the 69167
request or suggestion of, a candidate, a campaign committee, a 69168
legislative campaign fund, a political party, a political action 69169
committee with ten or more members, or a limited political action 69170
committee that spends in excess of the designated amount for a 69171
related or the same or similar political publication for or 69172
against an issue; 69173

(b) Make an expenditure in excess of the designated amount in 69174
support of or opposition to a ballot issue or make an expenditure 69175
in cooperation, consultation, or concert with, or at the request 69176
or suggestion of, a candidate, a campaign committee, a legislative 69177
campaign fund, a political party, a political action committee 69178
with ten or more members, or a limited political action committee 69179
that spends in excess of the designated amount in support of or 69180
opposition to the same ballot issue, for the purpose of financing 69181
political communications in support of or opposition to that 69182
ballot issue through public political advertising. 69183

(7) No political action committee with ten or more members 69184
shall issue a form of political publication for or against an 69185

issue, or shall make an expenditure for the purpose of financing 69186
political communications in support of or opposition to a ballot 69187
issue or question through public political advertising, unless the 69188
name and residence or business address of the chairperson, 69189
treasurer, or secretary of the political action committee that 69190
issues or otherwise is responsible for that political publication 69191
or that makes an expenditure for that political communication 69192
appears in a conspicuous place in that political publication or is 69193
contained within that political communication. 69194

(8) The disclaimer "paid political advertisement" is not 69195
sufficient to meet the requirements of this section. 69196

(9) If the political publication described in division (A) of 69197
this section is issued by the regularly constituted central or 69198
executive committee of a political party that is organized as 69199
provided in this chapter, it shall be sufficiently identified if 69200
it bears the name of the committee and its chairperson or 69201
treasurer. 69202

(10) If more than one piece of printed matter or printed 69203
political communications are mailed as a single packet, the 69204
requirements of division (A) of this section are met if one of the 69205
pieces of printed matter or printed political communications in 69206
the packet contains the name and residence or business address of 69207
the chairperson, treasurer, or secretary of the organization or 69208
entity that issues or is responsible for the printed matter or 69209
other printed political communications, except that if a campaign 69210
committee or legislative campaign fund mails more than one piece 69211
of printed matter or printed political communications as a single 69212
packet, the requirements of division (A) of this section are met 69213
if one of the pieces of printed matter or printed political 69214
communications in the packet contains the name of the campaign 69215
committee or legislative campaign fund. 69216

(11) This section does not apply to the transmittal of 69217

personal correspondence that is not reproduced by machine for 69218
general distribution. 69219

(12) The secretary of state, by rule, may exempt from the 69220
requirements of this section, printed matter and certain other 69221
kinds of printed communications such as campaign buttons, 69222
balloons, pencils, or similar items, the size or nature of which 69223
makes it unreasonable to add an identification or disclaimer. 69224

(13) The disclaimer or identification described in division 69225
(A) of this section, when paid for by a candidate, legislative 69226
campaign fund, or campaign committee, shall be identified by the 69227
words "paid for by" followed by the name of the ~~campaign committee~~ 69228
~~and the appropriate officer of the committee, identified by name~~ 69229
~~and title~~ entity. The identification or disclaimer may use 69230
reasonable abbreviations for common terms such as "~~treasurer~~" or 69231
"committee". 69232

(B)(1) No candidate, campaign committee, legislative campaign 69233
fund, political party, political action committee, limited 69234
political action committee, political contributing entity, limited 69235
political contributing entity, or other entity shall utter or 69236
cause to be uttered, over the broadcasting facilities of any radio 69237
or television station within this state, any communication that is 69238
designed to promote the nomination, election, or defeat of a 69239
candidate, or the adoption or defeat of an issue or to influence 69240
the voters in an election, unless the speaker identifies the 69241
speaker with the speaker's name and residence address or unless 69242
the communication identifies the chairperson, treasurer, or 69243
secretary of the organization responsible for the communication 69244
with the name and residence or business address of that officer, 69245
except that communications by radio need not broadcast the 69246
residence or business address of the officer. However, a radio 69247
station, for a period of at least six months, shall keep the 69248
residence or business address on file and divulge it to any person 69249

upon request. 69250

No person operating a broadcast station or an organ of 69251
printed media shall broadcast or print a paid political 69252
communication that does not contain the identification required by 69253
this section. 69254

(2) Division (B) of this section does not apply to any 69255
communications made on behalf of a radio or television station or 69256
network by any employee of such radio or television station or 69257
network while acting in the course of the employee's employment. 69258

(3) No candidate or entity described in division (B)(1) of 69259
this section shall use or cause to be used a false, fictitious, or 69260
fraudulent name or address in the making or issuing of a 69261
publication or communication included within the provisions of 69262
this section. 69263

(C) No candidate, campaign committee, legislative campaign 69264
fund, political party, political action committee, limited 69265
political action committee, political contributing entity, limited 69266
political contributing entity, or other person or entity shall 69267
conduct a telephone bank for the purpose of promoting the 69268
nomination, election, or defeat of a candidate or the adoption or 69269
defeat of an issue or to influence the voters in an election, 69270
unless the call includes a disclaimer that identifies the name of 69271
the candidate, campaign committee, legislative campaign fund, 69272
political party, political action committee, limited political 69273
action committee, political contributing entity, limited political 69274
contributing entity, or other person or entity paying for the 69275
telephone bank. 69276

(D) Before a prosecution may commence under this section, a 69277
complaint shall be filed with the Ohio elections commission under 69278
section 3517.153 of the Revised Code. After the complaint is 69279
filed, the commission shall proceed in accordance with sections 69280

3517.154 to 3517.157 of the Revised Code. 69281

Sec. 3517.992. This section establishes penalties only with 69282
respect to acts or failures to act that occur on and after August 69283
24, 1995. 69284

(A)(1) A candidate whose campaign committee violates division 69285
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 69286
or a treasurer of a campaign committee who violates any of those 69287
divisions, shall be fined not more than one hundred dollars for 69288
each day of violation. 69289

(2) Whoever violates division (E) or (X)(5) of section 69290
3517.13 or division (E)(1) of section 3517.1014 of the Revised 69291
Code shall be fined not more than one hundred dollars for each day 69292
of violation. 69293

(B) ~~A political party~~ An entity that violates division 69294
~~(F)~~(G)(1) of section 3517.101 of the Revised Code shall be fined 69295
not more than one hundred dollars for each day of violation. 69296

(C) Whoever violates division ~~(F)~~(G)(2) of section 3517.101, 69297
division (G) of section 3517.13, or division (E)(2) or (3) of 69298
section 3517.1014 of the Revised Code shall be fined not more than 69299
ten thousand dollars or, if the offender is a person who was 69300
nominated or elected to public office, shall forfeit the 69301
nomination or the office to which the offender was elected, or 69302
both. 69303

(D) Whoever violates division (F) of section 3517.13 of the 69304
Revised Code shall be fined not more than three times the amount 69305
contributed. 69306

(E) Whoever violates division (H) of section 3517.13 of the 69307
Revised Code shall be fined not more than one hundred dollars. 69308

(F) Whoever violates division (O), (P), or (Q) of section 69309
3517.13 of the Revised Code is guilty of a misdemeanor of the 69310

first degree. 69311

(G) A state or county committee of a political party that 69312
violates division (B)(1) of section 3517.18 of the Revised Code 69313
shall be fined not more than twice the amount of the improper 69314
expenditure. 69315

(H) ~~A state or county political party~~ An entity that violates 69316
division ~~(G)~~(H) of section 3517.101 of the Revised Code shall be 69317
fined not more than twice the amount of the improper expenditure 69318
or use. 69319

(I)(1) Any individual who violates division (B)(1) of section 69320
3517.102 of the Revised Code and knows that the contribution the 69321
individual makes violates that division shall be fined an amount 69322
equal to three times the amount contributed in excess of the 69323
amount permitted by that division. 69324

(2) Any political action committee that violates division 69325
(B)(2) of section 3517.102 of the Revised Code shall be fined an 69326
amount equal to three times the amount contributed in excess of 69327
the amount permitted by that division. 69328

(3) Any campaign committee that violates division (B)(3) or 69329
(5) of section 3517.102 of the Revised Code shall be fined an 69330
amount equal to three times the amount contributed in excess of 69331
the amount permitted by that division. 69332

(4)(a) Any legislative campaign fund that violates division 69333
(B)(6) of section 3517.102 of the Revised Code shall be fined an 69334
amount equal to three times the amount transferred or contributed 69335
in excess of the amount permitted by that division, as applicable. 69336

(b) Any state political party, county political party, or 69337
state candidate fund of a state political party or county 69338
political party that violates division (B)(6) of section 3517.102 69339
of the Revised Code shall be fined an amount equal to three times 69340
the amount transferred or contributed in excess of the amount 69341

permitted by that division, as applicable. 69342

(c) Any political contributing entity that violates division 69343
(B)(7) of section 3517.102 of the Revised Code shall be fined an 69344
amount equal to three times the amount contributed in excess of 69345
the amount permitted by that division. 69346

(5) Any political party that violates division (B)(4) of 69347
section 3517.102 of the Revised Code shall be fined an amount 69348
equal to three times the amount contributed in excess of the 69349
amount permitted by that division. 69350

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 69351
of this section, no violation of division (B) of section 3517.102 69352
of the Revised Code occurs, and the secretary of state shall not 69353
refer parties to the Ohio elections commission, if the amount 69354
transferred or contributed in excess of the amount permitted by 69355
that division meets either of the following conditions: 69356

(a) It is completely refunded within five business days after 69357
it is accepted. 69358

(b) It is completely refunded on or before the tenth business 69359
day after notification to the recipient of the excess transfer or 69360
contribution by the board of elections or the secretary of state 69361
that a transfer or contribution in excess of the permitted amount 69362
has been received. 69363

(J)(1) Any campaign committee that violates division (C)(1), 69364
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 69365
fined an amount equal to three times the amount accepted in excess 69366
of the amount permitted by that division. 69367

(2)(a) Any county political party that violates division 69368
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 69369
shall be fined an amount equal to three times the amount accepted. 69370

(b) Any county political party that violates division 69371

(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 69372
fined an amount from its state candidate fund equal to three times 69373
the amount accepted in excess of the amount permitted by that 69374
division. 69375

(c) Any state political party that violates division 69376
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 69377
an amount from its state candidate fund equal to three times the 69378
amount accepted in excess of the amount permitted by that 69379
division. 69380

(3) Any legislative campaign fund that violates division 69381
(C)(5) of section 3517.102 of the Revised Code shall be fined an 69382
amount equal to three times the amount accepted in excess of the 69383
amount permitted by that division. 69384

(4) Any political action committee or political contributing 69385
entity that violates division (C)(7) of section 3517.102 of the 69386
Revised Code shall be fined an amount equal to three times the 69387
amount accepted in excess of the amount permitted by that 69388
division. 69389

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 69390
this section, no violation of division (C) of section 3517.102 of 69391
the Revised Code occurs, and the secretary of state shall not 69392
refer parties to the Ohio elections commission, if the amount 69393
transferred or contributed in excess of the amount permitted to be 69394
accepted by that division meets either of the following 69395
conditions: 69396

(a) It is completely refunded within five business days after 69397
its acceptance. 69398

(b) It is completely refunded on or before the tenth business 69399
day after notification to the recipient of the excess transfer or 69400
contribution by the board of elections or the secretary of state 69401
that a transfer or contribution in excess of the permitted amount 69402

has been received. 69403

(K)(1) Any legislative campaign fund that violates division 69404
(F)(1) of section 3517.102 of the Revised Code shall be fined 69405
twenty-five dollars for each day of violation. 69406

(2) Any legislative campaign fund that violates division 69407
(F)(2) of section 3517.102 of the Revised Code shall give to the 69408
treasurer of state for deposit into the state treasury to the 69409
credit of the Ohio elections commission fund all excess 69410
contributions not disposed of as required by division (E) of 69411
section 3517.102 of the Revised Code. 69412

(L) Whoever violates section 3517.105 of the Revised Code 69413
shall be fined one thousand dollars. 69414

(M)(1) Whoever solicits a contribution in violation of 69415
section 3517.092 or violates division (B) of section 3517.09 of 69416
the Revised Code is guilty of a misdemeanor of the first degree. 69417

(2) Whoever knowingly accepts a contribution in violation of 69418
division (B) or (C) of section 3517.092 of the Revised Code shall 69419
be fined an amount equal to three times the amount accepted in 69420
violation of either of those divisions and shall return to the 69421
contributor any amount so accepted. Whoever unknowingly accepts a 69422
contribution in violation of division (B) or (C) of section 69423
3517.092 of the Revised Code shall return to the contributor any 69424
amount so accepted. 69425

(N) Whoever violates division (S) of section 3517.13 of the 69426
Revised Code shall be fined an amount equal to three times the 69427
amount of funds transferred or three times the value of the assets 69428
transferred in violation of that division. 69429

(O) Any campaign committee that accepts a contribution or 69430
contributions in violation of section 3517.108 of the Revised 69431
Code, uses a contribution in violation of that section, or fails 69432
to dispose of excess contributions in violation of that section 69433

shall be fined an amount equal to three times the amount accepted, 69434
used, or kept in violation of that section. 69435

(P) Any political party, state candidate fund, legislative 69436
candidate fund, or campaign committee that violates division (T) 69437
of section 3517.13 of the Revised Code shall be fined an amount 69438
equal to three times the amount contributed or accepted in 69439
violation of that section. 69440

(Q) A treasurer of a committee or another person who violates 69441
division (U) of section 3517.13 of the Revised Code shall be fined 69442
not more than two hundred fifty dollars. 69443

(R) Whoever violates division (I) or (J) of section 3517.13 69444
of the Revised Code shall be fined not more than one thousand 69445
dollars. Whenever a person is found guilty of violating division 69446
(I) or (J) of section 3517.13 of the Revised Code, the contract 69447
awarded in violation of either of those divisions shall be 69448
rescinded if its terms have not yet been performed. 69449

(S) A candidate whose campaign committee violates or a 69450
treasurer of a campaign committee who violates section 3517.081 of 69451
the Revised Code, and a candidate whose campaign committee 69452
violates or a treasurer of a campaign committee or another person 69453
who violates division (C) of section 3517.10 of the Revised Code, 69454
shall be fined not more than five hundred dollars. 69455

(T) A candidate whose campaign committee violates or a 69456
treasurer of a committee who violates division (B) of section 69457
3517.09 of the Revised Code, or a candidate whose campaign 69458
committee violates or a treasurer of a campaign committee or 69459
another person who violates division (C) of section 3517.09 of the 69460
Revised Code shall be fined not more than one thousand dollars. 69461

(U) Whoever violates section 3517.20 of the Revised Code 69462
shall be fined not more than five hundred dollars. 69463

(V) Whoever violates section 3517.21 or 3517.22 of the 69464

Revised Code shall be imprisoned for not more than six months or 69465
fined not more than five thousand dollars, or both. 69466

(W) A campaign committee that is required to file a 69467
declaration of no limits under division (D)(2) of section 3517.103 69468
of the Revised Code that, before filing that declaration, accepts 69469
a contribution or contributions that exceed the limitations 69470
prescribed in section 3517.102 of the Revised Code, shall return 69471
that contribution or those contributions to the contributor. 69472

(X) Any campaign committee that fails to file the declaration 69473
of filing-day finances required by division (F) of section 69474
3517.109 ~~or the declaration of primary day finances or declaration~~ 69475
~~of year end finances required by division (E) of section 3517.1010~~ 69476
of the Revised Code shall be fined twenty-five dollars for each 69477
day of violation. 69478

(Y)(1) Any campaign committee that fails to dispose of excess 69479
funds or excess aggregate contributions under division (B) of 69480
section 3517.109 of the Revised Code in the manner required by 69481
division (C) of that section ~~or under division (B) of section~~ 69482
~~3517.1010 of the Revised Code in the manner required by division~~ 69483
~~(C) of that section~~ shall give to the treasurer of state for 69484
deposit into the Ohio elections commission fund created under 69485
division (I) of section 3517.152 of the Revised Code all funds not 69486
disposed of pursuant to ~~those divisions~~ that division. 69487

(2) Any treasurer of a transition fund that fails to dispose 69488
of assets remaining in the transition fund as required under 69489
division (H)(1) or (2) of section 3517.1014 of the Revised Code 69490
shall give to the treasurer of state for deposit into the Ohio 69491
elections commission fund all assets not disposed of pursuant to 69492
that division. 69493

(Z) Any individual, campaign committee, political action 69494
committee, political contributing entity, legislative campaign 69495

fund, political party, treasurer of a transition fund, or other 69496
entity that violates any provision of sections 3517.09 to 3517.12 69497
of the Revised Code for which no penalty is provided for under any 69498
other division of this section shall be fined not more than one 69499
thousand dollars. 69500

(AA)(1) Whoever knowingly violates division (W)(1) of section 69501
3517.13 of the Revised Code shall be fined an amount equal to 69502
three times the amount contributed, expended, or promised in 69503
violation of that division or ten thousand dollars, whichever 69504
amount is greater. 69505

(2) Whoever knowingly violates division (W)(2) of section 69506
3517.13 of the Revised Code shall be fined an amount equal to 69507
three times the amount solicited or accepted in violation of that 69508
division or ten thousand dollars, whichever amount is greater. 69509

(BB) Whoever knowingly violates division (C) or (D) of 69510
section 3517.1011 of the Revised Code shall be fined not more than 69511
ten thousand dollars plus not more than one thousand dollars for 69512
each day of violation. 69513

(CC)(1) Subject to division (CC)(2) of this section, whoever 69514
violates division (H) of section 3517.1011 of the Revised Code 69515
shall be fined an amount up to three times the amount disbursed 69516
for the direct costs of airing the communication made in violation 69517
of that division. 69518

(2) Whoever has been ordered by the Ohio elections commission 69519
or by a court of competent jurisdiction to cease making 69520
communications in violation of division (H) of section 3517.1011 69521
of the Revised Code who again violates that division shall be 69522
fined an amount equal to three times the amount disbursed for the 69523
direct costs of airing the communication made in violation of that 69524
division. 69525

(DD)(1) Any corporation or labor organization that violates 69526

division (X)(3)(a) of section 3517.13 of the Revised Code shall be 69527
fined an amount equal to three times the amount given in excess of 69528
the amount permitted by that division. 69529

(2) Any state or county political party that violates 69530
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 69531
fined an amount equal to three times the amount accepted in excess 69532
of the amount permitted by that division. 69533

(EE)(1) Any campaign committee or person who violates 69534
division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code 69535
shall be fined an amount equal to three times the amount donated 69536
in excess of the amount permitted by that division. 69537

(2) Any officeholder or treasurer of a transition fund who 69538
violates division (C)(3)(a) or (b) of section 3517.1014 of the 69539
Revised Code shall be fined an amount equal to three times the 69540
amount accepted in excess of the amount permitted by that 69541
division. 69542

Sec. 3599.03. (A)(1) Except to carry on activities specified 69543
in sections 3517.082, 3517.101, and 3517.1011, division (A)(2) of 69544
section 3517.1012, division (B) of section 3517.1013, division 69545
(C)(1) of section 3517.1014, and section 3599.031 of the Revised 69546
Code and except as provided in divisions (D), (E), and (F) of this 69547
section, no corporation, no nonprofit corporation, and no labor 69548
organization, directly or indirectly, shall pay or use, or offer, 69549
advise, consent, or agree to pay or use, the corporation's money 69550
or property, or the labor organization's money, including dues, 69551
initiation fees, or other assessments paid by members, or 69552
property, for or in aid of or opposition to a political party, a 69553
candidate for election or nomination to public office, a political 69554
action committee including a political action committee of the 69555
corporation or labor organization, a legislative campaign fund, or 69556
any organization that supports or opposes any such candidate, or 69557

for any partisan political purpose, shall violate any law 69558
requiring the filing of an affidavit or statement respecting such 69559
use of those funds, or shall pay or use the corporation's or labor 69560
organization's money for the expenses of a social fund-raising 69561
event for its political action committee if an employee's or labor 69562
organization member's right to attend such an event is predicated 69563
on the employee's or member's contribution to the corporation's or 69564
labor organization's political action committee. 69565

(2) Whoever violates division (A)(1) of this section shall be 69566
fined not less than five hundred nor more than five thousand 69567
dollars. 69568

(B)(1) No officer, stockholder, attorney, or agent of a 69569
corporation or nonprofit corporation, no member, including an 69570
officer, attorney, or agent, of a labor organization, and no 69571
candidate, political party official, or other individual shall 69572
knowingly aid, advise, solicit, or receive money or other property 69573
in violation of division (A)(1) of this section. 69574

(2) Whoever violates division (B)(1) of this section shall be 69575
fined not more than one thousand dollars, or imprisoned not more 69576
than one year, or both. 69577

(C) A corporation, a nonprofit corporation, or a labor 69578
organization may use its funds or property for or in aid of or 69579
opposition to a proposed or certified ballot issue. Such use of 69580
funds or property shall be reported on a form prescribed by the 69581
secretary of state. Reports of contributions in connection with 69582
statewide ballot issues shall be filed with the secretary of 69583
state. Reports of contributions in connection with local issues 69584
shall be filed with the board of elections of the most populous 69585
county of the district in which the issue is submitted or to be 69586
submitted to the electors. Reports made pursuant to this division 69587
shall be filed by the times specified in divisions (A)(1) and (2) 69588
of section 3517.10 of the Revised Code. 69589

(D)(1) Any gift made pursuant to section 3517.101 of the Revised Code does not constitute a violation of this section or of any other section of the Revised Code.

(2) Any gift made pursuant to division (A)(2) of section 3517.1012 of the Revised Code does not constitute a violation of this section.

(3) Any gift made pursuant to division (B) of section 3517.1013 of the Revised Code does not constitute a violation of this section.

(4) Any donation made pursuant to division (C)(1) of section 3517.1014 of the Revised Code does not constitute a violation of this section.

(E) Any compensation or fees paid by a financial institution to a state political party for services rendered pursuant to division (B) of section 3517.19 of the Revised Code do not constitute a violation of this section or of any other section of the Revised Code.

(F)(1) The use by a nonprofit corporation of its money or property for communicating information for a purpose specified in division (A) of this section is not a violation of that division if the stockholders, members, donors, trustees, or officers of the nonprofit corporation are the predominant recipients of the communication.

(2) The placement of a campaign sign on the property of a corporation, nonprofit corporation, or labor organization is not a use of property in violation of division (A) of this section by that corporation, nonprofit corporation, or labor organization.

(3) The use by a corporation or labor organization of its money or property for communicating information for a purpose specified in division (A) of this section is not a violation of that division if it is not a communication made by mass broadcast

such as radio or television or made by advertising in a newspaper 69621
of general circulation but is a communication sent exclusively to 69622
members, employees, officers, or trustees of that labor 69623
organization or shareholders, employees, officers, or directors of 69624
that corporation or to members of the immediate families of any 69625
such individuals or if the communication intended to be so sent 69626
exclusively is unintentionally sent as well to a de minimis number 69627
of other individuals. 69628

(G) In addition to the laws listed in division (A) of section 69629
4117.10 of the Revised Code that prevail over conflicting 69630
agreements between employee organizations and public employers, 69631
this section prevails over any conflicting provisions of 69632
agreements between labor organizations and public employers that 69633
are entered into on or after March 31, 2005, pursuant to Chapter 69634
4117. of the Revised Code. 69635

(H) As used in this section, "labor organization" has the 69636
same meaning as in section 3517.01 of the Revised Code. 69637

Sec. 3599.45. (A) As used in this section: 69638

"Candidate," "campaign committee," and "contribution" have 69639
the same meanings as in section 3517.01 of the Revised Code. 69640

"Medicaid provider" has the same meaning as in section 69641
5164.01 of the Revised Code. 69642

(B) No candidate for the office of attorney general or county 69643
prosecutor or such a candidate's campaign committee shall 69644
knowingly accept any contribution from a medicaid provider ~~of~~ 69645
~~services or goods under contract with the department of job and~~ 69646
~~family services pursuant to the medicaid program of Title XIX of~~ 69647
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as~~ 69648
~~amended,~~ or from any person having an ownership interest in the 69649
medicaid provider. 69650

~~As used in this section "candidate," "campaign committee,"~~ 69651
~~and "contribution" have the same meaning as in section 3517.01 of~~ 69652
~~the Revised Code.~~ 69653

~~(B)~~(C) Whoever violates this section is guilty of a 69654
misdemeanor of the first degree. 69655

Sec. 3701.023. (A) The department of health shall review 69656
applications for eligibility for the program for medically 69657
handicapped children that are submitted to the department by city 69658
and general health districts and physician providers approved in 69659
accordance with division (C) of this section. The department shall 69660
determine whether the applicants meet the medical and financial 69661
eligibility requirements established by the director of health 69662
pursuant to division (A)(1) of section 3701.021 of the Revised 69663
Code, and by the department in the manual of operational 69664
procedures and guidelines for the program for medically 69665
handicapped children developed pursuant to division (B) of that 69666
section. Referrals of potentially eligible children for the 69667
program may be submitted to the department on behalf of the child 69668
by parents, guardians, public health nurses, or any other 69669
interested person. The department of health may designate other 69670
agencies to refer applicants to the department of health. 69671

(B) In accordance with the procedures established in rules 69672
adopted under division (A)(4) of section 3701.021 of the Revised 69673
Code, the department of health shall authorize a provider or 69674
providers to provide to any Ohio resident under twenty-one years 69675
of age, without charge to the resident or the resident's family 69676
and without restriction as to the economic status of the resident 69677
or the resident's family, diagnostic services necessary to 69678
determine whether the resident has a medically handicapping or 69679
potentially medically handicapping condition. 69680

(C) The department of health shall review the applications of 69681

health professionals, hospitals, medical equipment suppliers, and 69682
other individuals, groups, or agencies that apply to become 69683
providers. The department shall enter into a written agreement 69684
with each applicant who is determined, pursuant to the 69685
requirements set forth in rules adopted under division (A)(2) of 69686
section 3701.021 of the Revised Code, to be eligible to be a 69687
provider in accordance with the provider agreement required by the 69688
~~medical assistance~~ medicaid ~~program established under section~~ 69689
~~5111.01 of the Revised Code.~~ No provider shall charge a medically 69690
handicapped child or the child's parent or guardian for services 69691
authorized by the department under division (B) or (D) of this 69692
section. 69693

The department, in accordance with rules adopted under 69694
division (A)(3) of section 3701.021 of the Revised Code, may 69695
disqualify any provider from further participation in the program 69696
for violating any requirement set forth in rules adopted under 69697
division (A)(2) of that section. The disqualification shall not 69698
take effect until a written notice, specifying the requirement 69699
violated and describing the nature of the violation, has been 69700
delivered to the provider and the department has afforded the 69701
provider an opportunity to appeal the disqualification under 69702
division (H) of this section. 69703

(D) The department of health shall evaluate applications from 69704
city and general health districts and approved physician providers 69705
for authorization to provide treatment services, service 69706
coordination, and related goods to children determined to be 69707
eligible for the program for medically handicapped children 69708
pursuant to division (A) of this section. The department shall 69709
authorize necessary treatment services, service coordination, and 69710
related goods for each eligible child in accordance with an 69711
individual plan of treatment for the child. As an alternative, the 69712
department may authorize payment of health insurance premiums on 69713

behalf of eligible children when the department determines, in 69714
accordance with criteria set forth in rules adopted under division 69715
(A)(9) of section 3701.021 of the Revised Code, that payment of 69716
the premiums is cost-effective. 69717

(E) The department of health shall pay, from appropriations 69718
to the department, any necessary expenses, including but not 69719
limited to, expenses for diagnosis, treatment, service 69720
coordination, supportive services, transportation, and accessories 69721
and their upkeep, provided to medically handicapped children, 69722
provided that the provision of the goods or services is authorized 69723
by the department under division (B) or (D) of this section. Money 69724
appropriated to the department of health may also be expended for 69725
reasonable administrative costs incurred by the program. The 69726
department of health also may purchase liability insurance 69727
covering the provision of services under the program for medically 69728
handicapped children by physicians and other health care 69729
professionals. 69730

Payments made to providers by the department of health 69731
pursuant to this division for inpatient hospital care, outpatient 69732
care, and all other medical assistance furnished to eligible 69733
recipients shall be made in accordance with rules adopted by the 69734
director of health pursuant to division (A) of section 3701.021 of 69735
the Revised Code. 69736

The departments of health and ~~job and family services~~ 69737
medicaid shall jointly implement procedures to ensure that 69738
duplicate payments are not made under the program for medically 69739
handicapped children and the ~~medical assistance~~ medicaid program 69740
~~established under section 5111.01 of the Revised Code~~ and to 69741
identify and recover duplicate payments. 69742

(F) At the time of applying for participation in the program 69743
for medically handicapped children, a medically handicapped child 69744
or the child's parent or guardian shall disclose the identity of 69745

any third party against whom the child or the child's parent or guardian has or may have a right of recovery for goods and services provided under division (B) or (D) of this section. The department of health shall require a medically handicapped child who receives services from the program or the child's parent or guardian to apply for all third-party benefits for which the child may be eligible and require the child, parent, or guardian to apply all third-party benefits received to the amount determined under division (E) of this section as the amount payable for goods and services authorized under division (B) or (D) of this section. The department is the payer of last resort and shall pay for authorized goods or services, up to the amount determined under division (E) of this section for the authorized goods or services, only to the extent that payment for the authorized goods or services is not made through third-party benefits. When a third party fails to act on an application or claim for benefits by a medically handicapped child or the child's parent or guardian, the department shall pay for the goods or services only after ninety days have elapsed since the date the child, parents, or guardians made an application or claim for all third-party benefits. Third-party benefits received shall be applied to the amount determined under division (E) of this section. Third-party payments for goods and services not authorized under division (B) or (D) of this section shall not be applied to payment amounts determined under division (E) of this section. Payment made by the department shall be considered payment in full of the amount determined under division (E) of this section. Medicaid payments for persons eligible for the ~~medical assistance~~ medicaid program ~~established under section 5111.01 of the Revised Code~~ shall be considered payment in full of the amount determined under division (E) of this section.

(G) The department of health shall administer a program to provide services to Ohio residents who are twenty-one or more

years of age who have cystic fibrosis and who meet the eligibility requirements established in rules adopted by the director of health pursuant to division (A)(7) of section 3701.021 of the Revised Code, subject to all provisions of this section, but not subject to section 3701.024 of the Revised Code.

(H) The department of health shall provide for appeals, in accordance with rules adopted under section 3701.021 of the Revised Code, of denials of applications for the program for medically handicapped children under division (A) or (D) of this section, disqualification of providers, or amounts paid under division (E) of this section. Appeals under this division are not subject to Chapter 119. of the Revised Code.

The department may designate ombudspersons to assist medically handicapped children or their parents or guardians, upon the request of the children, parents, or guardians, in filing appeals under this division and to serve as children's, parents', or guardians' advocates in matters pertaining to the administration of the program for medically handicapped children and eligibility for program services. The ombudspersons shall receive no compensation but shall be reimbursed by the department, in accordance with rules of the office of budget and management, for their actual and necessary travel expenses incurred in the performance of their duties.

(I) The department of health, and city and general health districts providing service coordination pursuant to division (A)(2) of section 3701.024 of the Revised Code, shall provide service coordination in accordance with the standards set forth in the rules adopted under section 3701.021 of the Revised Code, without charge, and without restriction as to economic status.

(J)(1) The department of health may establish a manufacturer discount program under which a manufacturer of a drug or nutritional formula is permitted to enter into an agreement with

the department to provide a discount on the price of the drug or 69811
nutritional formula distributed to medically handicapped children 69812
participating in the program for medically handicapped children. 69813
The program shall be administered in accordance with rules adopted 69814
under section 3701.021 of the Revised Code. 69815

(2) If a manufacturer enters into an agreement with the 69816
department as described in division (J)(1) of this section, the 69817
manufacturer and the department may negotiate the amount and terms 69818
of the discount. 69819

(3) In lieu of establishing a discount program as described 69820
in division (J)(1) of this section, the department and a 69821
manufacturer of a drug or nutritional formula may discuss a 69822
donation of drugs, nutritional formulas, or money by the 69823
manufacturer to the department. 69824

Sec. 3701.024. (A)(1) Under a procedure established in rules 69825
adopted under section 3701.021 of the Revised Code, the department 69826
of health shall determine the amount each county shall provide 69827
annually for the program for medically handicapped children, based 69828
on a proportion of the county's total general property tax 69829
duplicate, not to exceed one-tenth of a mill, and charge the 69830
county for any part of expenses incurred under the program for 69831
treatment services on behalf of medically handicapped children 69832
having legal settlement in the county that is not paid from 69833
federal funds or through the ~~medical assistance~~ medicaid program 69834
~~established under section 5111.01 of the Revised Code.~~ The 69835
department shall not charge the county for expenses exceeding the 69836
difference between the amount determined under division (A)(1) of 69837
this section and any amounts retained under divisions (A)(2) and 69838
(3) of this section. 69839

All amounts collected by the department under division (A)(1) 69840
of this section shall be deposited into the state treasury to the 69841

credit of the medically handicapped children-county assessment fund, which is hereby created. The fund shall be used by the department to comply with sections 3701.021 to 3701.028 of the Revised Code.

(2) The department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow each county to retain up to ten per cent of the amount determined under division (A)(1) of this section to provide funds to city or general health districts of the county with which the districts shall provide service coordination, public health nursing, or transportation services for medically handicapped children.

(3) In addition to any amount retained under division (A)(2) of this section, the department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow counties that it determines have significant numbers of potentially eligible medically handicapped children to retain an amount equal to the difference between:

(a) Twenty-five per cent of the amount determined under division (A)(1) of this section;

(b) Any amount retained under division (A)(2) of this section.

Counties shall use amounts retained under division (A)(3) of this section to provide funds to city or general health districts of the county with which the districts shall conduct outreach activities to increase participation in the program for medically handicapped children.

(4) Prior to any increase in the millage charged to a county, the director of health shall hold a public hearing on the proposed increase and shall give notice of the hearing to each board of county commissioners that would be affected by the increase at least thirty days prior to the date set for the hearing. Any

county commissioner may appear and give testimony at the hearing. 69873
Any increase in the millage any county is required to provide for 69874
the program for medically handicapped children shall be 69875
determined, and notice of the amount of the increase shall be 69876
provided to each affected board of county commissioners, no later 69877
than the first day of June of the fiscal year next preceding the 69878
fiscal year in which the increase will take effect. 69879

(B) Each board of county commissioners shall establish a 69880
medically handicapped children's fund and shall appropriate 69881
thereto an amount, determined in accordance with division (A)(1) 69882
of this section, for the county's share in providing medical, 69883
surgical, and other aid to medically handicapped children residing 69884
in such county and for the purposes specified in divisions (A)(2) 69885
and (3) of this section. Each county shall use money retained 69886
under divisions (A)(2) and (3) of this section only for the 69887
purposes specified in those divisions. 69888

Sec. 3701.027. The department of health shall administer 69889
funds received from the "Maternal and Child Health Block Grant," 69890
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 69891
U.S.C.A. 701, as amended, for programs including the program for 69892
medically handicapped children, and to provide technical 69893
assistance and consultation to city and general health districts 69894
and local health planning organizations in implementing local, 69895
community-based, family-centered, coordinated systems of care for 69896
medically handicapped children. The department may make grants to 69897
persons and other entities for the provision of services with the 69898
funds. In addition, the department may use the funds to purchase 69899
liability insurance covering the provision of services under the 69900
programs by physicians and other health care professionals, and to 69901
pay health insurance premiums on behalf of medically handicapped 69902
children participating in the program for medically handicapped 69903
children when the department determines, in accordance with 69904

criteria set forth in rules adopted under division (A)(9) of 69905
section 3701.021 of the Revised Code, that payment of the premiums 69906
is cost effective. 69907

In determining eligibility for services provided with funds 69908
received from the "Maternal and Child Health Block Grant," the 69909
department may use the application form established under section 69910
~~5111.013~~ 5163.40 of the Revised Code. The department may require 69911
applicants to furnish their social security numbers. Funds from 69912
the "Maternal and Child Health Block Grant" that are administered 69913
for the purpose of providing family planning services shall be 69914
distributed in accordance with section 3701.033 of the Revised 69915
Code. 69916

Sec. 3701.033. (A) This section establishes the order of 69917
priority to be followed by the department of health when 69918
distributing funds for the purpose of providing family planning 69919
services, including funds the department receives through the 69920
"Maternal and Child Health Block Grant," Title V of the "Social 69921
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, and 69922
funds the department receives through Title X of the "Public 69923
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 69924
amended. This section does not apply to grants awarded by the 69925
department under section 3701.046 of the Revised Code. 69926

(B) With respect to each period during which funds from a 69927
particular source are distributed for the purpose of providing 69928
family planning services, the department is subject to both of the 69929
following when distributing the funds to applicants seeking those 69930
funds: 69931

(1) Foremost priority shall be given to public entities that 69932
are operated by state or local government entities and that 69933
provide or are able to provide family planning services. 69934

(2) If any funds remain after the department distributes 69935

funds to public entities under division (B)(1) of this section, 69936
the department may distribute funds to nonpublic entities. If 69937
funds are distributed to nonpublic entities, the department shall 69938
distribute the funds in the following order of descending 69939
priority: 69940

(a) Nonpublic entities that are federally qualified health 69941
centers or federally qualified health center look-alikes, both as 69942
defined in section 3701.047 of the Revised Code, or community 69943
action agencies, as defined in section 122.66 of the Revised Code; 69944

(b) Nonpublic entities that provide comprehensive primary and 69945
preventive care services in addition to family planning services; 69946

(c) Nonpublic entities that provide family planning services, 69947
but do not provide comprehensive primary and preventive care 69948
services. 69949

Sec. 3701.13. The department of health shall have supervision 69950
of all matters relating to the preservation of the life and health 69951
of the people and have ultimate authority in matters of quarantine 69952
and isolation, which it may declare and enforce, when neither 69953
exists, and modify, relax, or abolish, when either has been 69954
established. The department may approve methods of immunization 69955
against the diseases specified in section 3313.671 of the Revised 69956
Code for the purpose of carrying out the provisions of that 69957
section and take such actions as are necessary to encourage 69958
vaccination against those diseases. 69959

The department may make special or standing orders or rules 69960
for preventing the use of fluoroscopes for nonmedical purposes 69961
~~which~~ that emit doses of radiation likely to be harmful to any 69962
person, for preventing the spread of contagious or infectious 69963
diseases, for governing the receipt and conveyance of remains of 69964
deceased persons, and for such other sanitary matters as are best 69965
controlled by a general rule. Whenever possible, the department 69966

shall work in cooperation with the health commissioner of a 69967
general or city health district. ~~The department~~ may make and 69968
enforce orders in local matters or reassign substantive authority 69969
for mandatory programs from a general or city health district to 69970
another general or city health district when an emergency exists, 69971
or when the board of health of a general or city health district 69972
has neglected or refused to act with sufficient promptness or 69973
efficiency, or when such board has not been established as 69974
provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 69975
3709.12, and 3709.14 of the Revised Code. In such cases, the 69976
necessary expense incurred shall be paid by the general health 69977
district or city for which the services are rendered. 69978

The department of health may require general or city health 69979
districts to enter into agreements for shared services under 69980
section 9.482 of the Revised Code. The department shall prepare 69981
and offer to boards of health a model contract and memorandum of 69982
understanding that are easily adaptable for use by boards of 69983
health when entering into shared services agreements. The 69984
department also may offer financial and other technical assistance 69985
to boards of health to encourage the sharing of services. 69986

As a condition precedent to receiving funding from the 69987
department of health, the director of health may require general 69988
or city health districts to apply for accreditation by July 1, 69989
2018, and be accredited by July 1, 2020, by an accreditation body 69990
approved by the director. The director of health, by July 1, 2016, 69991
shall conduct an evaluation of general and city health district 69992
preparation for accreditation, including an evaluation of each 69993
district's reported public health quality indicators as provided 69994
for in section 3701.98 of the Revised Code. 69995

The department may make evaluative studies of the nutritional 69996
status of Ohio residents, and of the food and nutrition-related 69997
programs operating within the state. Every agency of the state, at 69998

the request of the department, shall provide information and 69999
otherwise assist in the execution of such studies. 70000

Sec. 3701.132. The department of health is hereby designated 70001
as the state agency to administer the "special supplemental 70002
nutrition program for women, infants, and children" established 70003
under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 70004
1786, as amended. The director of health may adopt rules pursuant 70005
to Chapter 119. of the Revised Code as necessary for administering 70006
the program. The rules may include civil money penalties for 70007
violations of the rules. 70008

In determining eligibility for services provided under the 70009
program, the department may use the application form established 70010
under section ~~5111.013~~ 5163.40 of the Revised Code for the healthy 70011
start program. The department may require applicants to furnish 70012
their social security numbers. 70013

The department shall review and process an application for a 70014
new contract to act as a vendor under the program not later than 70015
forty-five days after the date it is received if on that date the 70016
applicant has a contract with the department to act as a vendor 70017
under the program. 70018

If the department determines that a vendor has committed an 70019
act with respect to the program that federal statutes or 70020
regulations or state statutes or rules prohibit, the department 70021
shall take action against the vendor in the manner required by 7 70022
C.F.R. part 246, including imposition of a civil money penalty in 70023
accordance with 7 C.F.R. 246.12, or rules adopted under this 70024
section. 70025

Sec. 3701.138. (A) The director of health may determine that 70026
a dental assistant certified by the dental assisting national 70027
board or the Ohio commission on dental assistant certification may 70028

do either or both of the following without a dentist being 70029
physically present or a dentist examining a patient prior to the 70030
service: 70031

(1) Apply pit and fissure sealants through a program operated 70032
by a school district board of education or the governing board of 70033
an educational service center; 70034

(2) If the director establishes a school-based fluoride mouth 70035
rinse program under section 3701.136 of the Revised Code, 70036
administer fluoride mouth rinse to a student who receives services 70037
from the program. 70038

(B) The director may determine that an expanded function 70039
dental auxiliary registered under Chapter 4715. of the Revised 70040
Code may do either or both of the following without a dentist 70041
being physically present or a dentist examining a patient prior to 70042
the service: 70043

(1) Apply pit and fissure sealants through a program operated 70044
by a school district board of education or the governing board of 70045
an educational service center; 70046

(2) If the director establishes a school-based fluoride mouth 70047
rinse program under section 3701.136 of the Revised Code, 70048
administer fluoride mouth rinse to a student who receives services 70049
from the program. 70050

Sec. 3701.243. (A) Except as provided in this section or 70051
section 3701.248 of the Revised Code, no person or agency of state 70052
or local government that acquires the information while providing 70053
any health care service or while in the employ of a health care 70054
facility or health care provider shall disclose or compel another 70055
to disclose any of the following: 70056

(1) The identity of any individual on whom an HIV test is 70057
performed; 70058

(2) The results of an HIV test in a form that identifies the individual tested; 70059
70060

(3) The identity of any individual diagnosed as having AIDS or an AIDS-related condition. 70061
70062

(B)(1) Except as provided in divisions (B)(2), (C), (D), and (F) of this section, the results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed only to the following: 70063
70064
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70066
70067

(a) The individual who was tested or the individual's legal guardian, and the individual's spouse or any sexual partner; 70068
70069

(b) A person to whom disclosure is authorized by a written release, executed by the individual tested or by the individual's legal guardian and specifying to whom disclosure of the test results or diagnosis is authorized and the time period during which the release is to be effective; 70070
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70072
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(c) The individual's physician; 70075

(d) The department of health or a health commissioner to which reports are made under section 3701.24 of the Revised Code; 70076
70077

(e) A health care facility or provider that procures, processes, distributes, or uses a human body part from a deceased individual, donated for a purpose specified in Chapter 2108. of the Revised Code, and that needs medical information about the deceased individual to ensure that the body part is medically acceptable for its intended purpose; 70078
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(f) Health care facility staff committees or accreditation or oversight review organizations conducting program monitoring, program evaluation, or service reviews; 70084
70085
70086

(g) A health care provider, emergency medical services worker, or peace officer who sustained a significant exposure to 70087
70088

the body fluids of another individual, if that individual was 70089
tested pursuant to division (E)(6) of section 3701.242 of the 70090
Revised Code, except that the identity of the individual tested 70091
shall not be revealed; 70092

(h) To law enforcement authorities pursuant to a search 70093
warrant or a subpoena issued by or at the request of a grand jury, 70094
a prosecuting attorney, a city director of law or similar chief 70095
legal officer of a municipal corporation, or a village solicitor, 70096
in connection with a criminal investigation or prosecution. 70097

(2) The results of an HIV test or a diagnosis of AIDS or an 70098
AIDS-related condition may be disclosed to a health care provider, 70099
or an authorized agent or employee of a health care facility or a 70100
health care provider, if the provider, agent, or employee has a 70101
medical need to know the information and is participating in the 70102
diagnosis, care, or treatment of the individual on whom the test 70103
was performed or who has been diagnosed as having AIDS or an 70104
AIDS-related condition. 70105

This division does not impose a standard of disclosure 70106
different from the standard for disclosure of all other specific 70107
information about a patient to health care providers and 70108
facilities. Disclosure may not be requested or made solely for the 70109
purpose of identifying an individual who has a positive HIV test 70110
result or has been diagnosed as having AIDS or an AIDS-related 70111
condition in order to refuse to treat the individual. Referral of 70112
an individual to another health care provider or facility based on 70113
reasonable professional judgment does not constitute refusal to 70114
treat the individual. 70115

(3) Not later than ninety days after November 1, 1989, each 70116
health care facility in this state shall establish a protocol to 70117
be followed by employees and individuals affiliated with the 70118
facility in making disclosures authorized by division (B)(2) of 70119
this section. A person employed by or affiliated with a health 70120

care facility who determines in accordance with the protocol 70121
established by the facility that a disclosure is authorized by 70122
division (B)(2) of this section is immune from liability to any 70123
person in a civil action for damages for injury, death, or loss to 70124
person or property resulting from the disclosure. 70125

(C)(1) Any person or government agency may seek access to or 70126
authority to disclose the HIV test records of an individual in 70127
accordance with the following provisions: 70128

(a) The person or government agency shall bring an action in 70129
a court of common pleas requesting disclosure of or authority to 70130
disclose the results of an HIV test of a specific individual, who 70131
shall be identified in the complaint by a pseudonym but whose name 70132
shall be communicated to the court confidentially, pursuant to a 70133
court order restricting the use of the name. The court shall 70134
provide the individual with notice and an opportunity to 70135
participate in the proceedings if the individual is not named as a 70136
party. Proceedings shall be conducted in chambers unless the 70137
individual agrees to a hearing in open court. 70138

(b) The court may issue an order granting the plaintiff 70139
access to or authority to disclose the test results only if the 70140
court finds by clear and convincing evidence that the plaintiff 70141
has demonstrated a compelling need for disclosure of the 70142
information that cannot be accommodated by other means. In 70143
assessing compelling need, the court shall weigh the need for 70144
disclosure against the privacy right of the individual tested and 70145
against any disservice to the public interest that might result 70146
from the disclosure, such as discrimination against the individual 70147
or the deterrence of others from being tested. 70148

(c) If the court issues an order, it shall guard against 70149
unauthorized disclosure by specifying the persons who may have 70150
access to the information, the purposes for which the information 70151
shall be used, and prohibitions against future disclosure. 70152

(2) A person or government agency that considers it necessary to disclose the results of an HIV test of a specific individual in an action in which it is a party may seek authority for the disclosure by filing an in camera motion with the court in which the action is being heard. In hearing the motion, the court shall employ procedures for confidentiality similar to those specified in division (C)(1) of this section. The court shall grant the motion only if it finds by clear and convincing evidence that a compelling need for the disclosure has been demonstrated.

(3) Except for an order issued in a criminal prosecution or an order under division (C)(1) or (2) of this section granting disclosure of the result of an HIV test of a specific individual, a court shall not compel a blood bank, hospital blood center, or blood collection facility to disclose the result of HIV tests performed on the blood of voluntary donors in a way that reveals the identity of any donor.

(4) In a civil action in which the plaintiff seeks to recover damages from an individual defendant based on an allegation that the plaintiff contracted the HIV virus as a result of actions of the defendant, the prohibitions against disclosure in this section do not bar discovery of the results of any HIV test given to the defendant or any diagnosis that the defendant suffers from AIDS or an AIDS-related condition.

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the ~~medical assistance~~ medicaid program established under section 5111.01 of the Revised Code, the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935) 42 U.S.C.A. 301, as amended, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. You shall make no further disclosure of this information without the specific, written, and informed release of the individual to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for the purpose of the release of HIV test results or diagnoses."

(F) An individual who knows that the individual has received a positive result on an HIV test or has been diagnosed as having AIDS or an AIDS-related condition shall disclose this information to any other person with whom the individual intends to make common use of a hypodermic needle or engage in sexual conduct as defined in section 2907.01 of the Revised Code. An individual's compliance with this division does not prohibit a prosecution of the individual for a violation of division (B) of section 2903.11 of the Revised Code.

(G) Nothing in this section prohibits the introduction of evidence concerning an HIV test of a specific individual in a criminal proceeding.

Sec. 3701.261. (A) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The director of health shall:

(1) Establish a population-based cancer registry, which shall be known as the Ohio cancer incidence surveillance system, to monitor the incidence of various types of malignant diseases in Ohio, make appropriate epidemiologic studies to determine any causal relations of such diseases with occupational, nutritional,

environmental, or infectious conditions, and alleviate or 70216
eliminate any such conditions; 70217

(2) Advise, consult, cooperate with, and assist, by contract 70218
or otherwise, agencies of the state and federal government, 70219
agencies of the governments of other states, agencies of political 70220
subdivisions of this state, universities, private organizations, 70221
corporations, and associations for the purposes of division 70222
~~(A)~~(B)(1) of this section; 70223

(3) Accept and administer grants from the federal government 70224
or other sources, public or private, for carrying out any of the 70225
functions enumerated in divisions ~~(A)~~(B)(1) and (2) of this 70226
section. 70227

~~(B)~~(C) The Ohio cancer incidence surveillance system shall 70228
follow a model of cancer data collection as set forth by the 70229
survey epidemiology and end results system (SEERS). 70230

(D) The department may, by contract, designate a state 70231
university as an agent to implement some or all of this section 70232
and section 3701.262 of the Revised Code and the rules adopted 70233
under those sections. 70234

Sec. 3701.262. (A) As used in this section ~~and section 70235
3701.263 of the Revised Code:~~ 70236

(1) "Physician" means a person who holds a valid certificate 70237
issued under Chapter 4731. of the Revised Code authorizing the 70238
person to practice medicine ~~or~~ and surgery or osteopathic medicine 70239
and surgery. 70240

(2) "Dentist" means a person who is licensed under Chapter 70241
4715. of the Revised Code to practice dentistry. 70242

(3) "Hospital" has the same meaning as in section 3727.01 of 70243
the Revised Code. 70244

(4) "Cancer" includes those diseases specified by rule of the 70245

director of health under division (B)(2) of this section. 70246

(B) The director of health shall adopt rules in accordance 70247
with Chapter 119. of the Revised Code to do all of the following: 70248

(1) Establish the Ohio cancer incidence surveillance system 70249
required by section 3701.261 of the Revised Code; 70250

(2) Specify the types of cancer and other tumorous and 70251
precancerous diseases to be reported to the department of health 70252
under division (D) of this section; 70253

(3) Establish reporting requirements for information 70254
concerning diagnosed cancer cases as the director considers 70255
necessary to conduct epidemiologic surveys of cancer in this 70256
state; 70257

(4) Establish standards that must be met by research projects 70258
to be eligible to receive information concerning individual cancer 70259
patients from the department of health ~~under division (B) of~~ 70260
~~section 3701.263 of the Revised Code.~~ 70261

(C) The department of health shall record in the registry all 70262
reports of cancer received by it. In the development and 70263
administration of the cancer registry the department may use 70264
information compiled by public or private cancer registries and 70265
may contract for the collection and analysis of, and research 70266
related to, the information recorded under this section. 70267

(D)(1) Each physician, dentist, hospital, or person providing 70268
diagnostic or treatment services to patients with cancer shall 70269
report each case of cancer to the department. Any person required 70270
to report pursuant to this section may elect to report to the 70271
department through an existing cancer registry if the registry 70272
meets the reporting standards established by the director and 70273
reports to the department. 70274

(2) No person shall fail to make the cancer reports required 70275

by division (D)(1) of this section. 70276

(E) All physicians, dentists, hospitals, or persons providing 70277
diagnostic or treatment services to patients with cancer shall 70278
grant to the department or its authorized representative access to 70279
all records that identify cases of cancer or establish 70280
characteristics of cancer, the treatment of cancer, or the medical 70281
status of any identified cancer patient. 70282

(F) The Arthur G. James cancer hospital and Richard J. Solove 70283
research institute of the Ohio state university, shall analyze and 70284
evaluate the cancer reports collected pursuant to this section. 70285
The department shall publish and make available to the public 70286
reports summarizing the information collected. Reports shall be 70287
made on a calendar year basis and published not later than ninety 70288
days after the end of each calendar year. 70289

(G) Furnishing information, including records, reports, 70290
statements, notes, memoranda, or other information, to the 70291
department of health, either voluntarily or as required by this 70292
section, or to a person or governmental entity designated as a 70293
medical research project by the department, does not subject a 70294
physician, dentist, hospital, or person providing diagnostic or 70295
treatment services to patients with cancer to liability in an 70296
action for damages or other relief for furnishing the information. 70297

(H) This section does not affect the authority of any person 70298
or facility providing diagnostic or treatment services to patients 70299
with cancer to maintain facility-based tumor registries, in 70300
addition to complying with the reporting requirements of this 70301
section. 70302

~~(I) No person shall fail to make the cancer reports required 70303
by division (D) of this section. 70304~~

Sec. 3701.264. There is hereby created the Ohio cancer 70305

incidence surveillance system advisory board. The board shall 70306
consist of the director of health, who shall serve as chair of the 70307
board, and one representative, appointed by the governor, from 70308
each medical school accredited by the liaison committee on medical 70309
education and each osteopathic medical school accredited by the 70310
American osteopathic association in Ohio. In addition, the 70311
director of health shall appoint up to three additional members of 70312
the board. Vacancies on the board shall be filled in the same 70313
manner as the initial appointments. Members shall serve without 70314
compensation. 70315

The board shall provide oversight of the collection and 70316
analysis of data by the Ohio cancer incidence surveillance system 70317
to the director of health and the Arthur G. James cancer hospital 70318
and Richard J. Solove research institute of the Ohio state 70319
university and advise in the implementation of sections 3701.261 70320
~~to 3701.263~~ and 3701.262 of the Revised Code. The board shall meet 70321
and conduct its business as directed by the chair. 70322

~~The board shall report to the finance committees of both 70323
houses of the general assembly, not later than March 1, 2001, on 70324
the progress made in implementing sections 3701.261 to 3701.263 of 70325
the Revised Code. 70326~~

The board is not subject to sections 101.82 to 101.87 of the 70327
Revised Code. 70328

Sec. 3701.342. ~~After consultation with the public health 70329
standards task force established under section 3701.343 of the 70330
Revised Code, the~~ The director of health shall adopt rules 70331
establishing minimum standards and optimum achievable standards 70332
for boards of health and local health departments. The minimum 70333
standards shall assure that boards of health and local health 70334
departments provide for: 70335

(A) Analysis and prevention of communicable disease;	70336
(B) Analysis of the causes of, and appropriate treatment for, the leading causes of morbidity and mortality;	70337 70338
(C) The administration and management of the local health department;	70339 70340
(D) Access to primary health care by medically underserved individuals;	70341 70342
(E) Environmental health management programs;	70343
(F) Health promotion services designed to encourage individual and community wellness;	70344 70345
<u>(G) Annual completion of two hours of continuing education by each member of a board of health. The minimum standards shall provide that continuing education credits shall pertain to ethics, public health principles, and a member's responsibilities. Credits may be earned in these topics at pertinent presentations that may occur during regularly scheduled board meetings throughout the calendar year or at other programs available for continuing education credit. The director of health may assist local boards of health of general and city health districts in coordinating approved continuing education programs sponsored by health care licensing boards, commissions, or associations. The minimum standards also shall provide that continuing education credits earned for the purpose of license renewal or certification by licensed health professionals serving on boards of health may be counted to fulfill the two-hour continuing education requirement.</u>	70346 70347 70348 70349 70350 70351 70352 70353 70354 70355 70356 70357 70358 70359 70360
The director shall adopt rules establishing a formula for distribution of state health district subsidy funds to boards of health and local health departments. The formula shall provide no subsidy funds to a board or department unless it meets minimum standards and shall provide higher funding levels for boards and districts that meet optimum achievable standards.	70361 70362 70363 70364 70365 70366

Notwithstanding section 119.03 of the Revised Code, rules 70367
adopted under this section shall not take effect unless approved 70368
by concurrent resolution of the general assembly. 70369

Sec. 3701.344. As used in this section and sections 3701.345, 70370
3701.346, and 3701.347 of the Revised Code: 70371

(A) "Private water system" means any water system for the 70372
provision of water for human consumption, if such system has fewer 70373
than fifteen service connections and does not regularly serve an 70374
average of at least twenty-five individuals daily at least sixty 70375
days out of the year. A private water system includes any well, 70376
spring, cistern, pond, or hauled water and any equipment for the 70377
collection, transportation, filtration, disinfection, treatment, 70378
or storage of such water extending from and including the source 70379
of the water to the point of discharge from any pressure tank or 70380
other storage vessel; to the point of discharge from the water 70381
pump where no pressure tank or other storage vessel is present; 70382
or, in the case of multiple service connections serving more than 70383
one dwelling, to the point of discharge from each service 70384
connection. "Private water system" does not include the water 70385
service line extending from the point of discharge to a structure. 70386

(B) Notwithstanding section 3701.347 of the Revised Code and 70387
subject to division (C) of this section, rules adopted by the 70388
director of health regarding private water systems shall provide 70389
for the following: 70390

(1) Except as otherwise provided in this division, boards of 70391
health of city or general health districts shall be given the 70392
exclusive power to establish fees in accordance with section 70393
3709.09 of the Revised Code for administering and enforcing such 70394
rules. Such fees shall establish a different rate for 70395
administering and enforcing the rules relative to private water 70396
systems serving single-family dwelling houses and nonsingle-family 70397

dwelling houses. Except for an amount established by the director, 70398
pursuant to division (B)(5) of this section, for each new private 70399
water system installation, no portion of any fee for administering 70400
and enforcing such rules shall be returned to the department of 70401
health. If the director of health determines that a board of 70402
health of a city or general health district is unable to 70403
administer and enforce a private water system program in the 70404
district, the director shall administer and enforce such a program 70405
in the district and establish fees for such administration and 70406
enforcement. 70407

(2) Boards of health of city or general health districts 70408
shall be given the exclusive power to determine the number of 70409
inspections necessary for determining the safe drinking 70410
characteristics of a private water system. 70411

(3) Private water systems contractors, as a condition of 70412
doing business in this state, shall annually register with, and 70413
comply with surety bonding requirements of, the department of 70414
health. No such contractor shall be permitted to register if the 70415
contractor fails to comply with all applicable rules adopted by 70416
the director and the board of health of the city or general health 70417
district. The annual registration fee for private water systems 70418
contractors shall be sixty-five dollars. The director, by rule 70419
adopted in accordance with Chapter 119. of the Revised Code, may 70420
increase the annual registration fee. 70421

(4) Subject to rules adopted by the director, boards of 70422
health of city or general health districts shall have the option 70423
of determining whether bacteriological examinations shall be 70424
performed at approved laboratories of the state or at approved 70425
private laboratories. 70426

(5) The director may establish fees for each new private 70427
water system installation, which shall be collected by the 70428
appropriate board of health and transmitted to the director 70429

pursuant to section 3709.092 of the Revised Code. 70430

(6) All fees received by the director of health under 70431
divisions (B)(1), (3), and (5) of this section shall be deposited 70432
in the state treasury to the credit of the general operations fund 70433
created in section 3701.83 of the Revised Code for use in the 70434
administration and enforcement of sections 3701.344 to 3701.347 of 70435
the Revised Code and the rules pertaining to private water systems 70436
adopted under those sections. 70437

(C) To the extent that rules adopted under division (B) of 70438
this section require health districts to follow specific 70439
procedures or use prescribed forms, no such procedure or form 70440
shall be implemented until it is approved by majority vote of an 70441
approval board of health commissioners, hereby created. Members of 70442
the board shall be the officers of the association of Ohio health 70443
commissioners, or any successor organization, and membership on 70444
the board shall be coterminous with holding an office of the 70445
association. No health district is required to follow a procedure 70446
or use a form required by a rule adopted under division (B) of 70447
this section without the approval of the board. 70448

(D) A board of health shall collect well log filing fees on 70449
behalf of the division of soil and water resources in the 70450
department of natural resources in accordance with section 1521.05 70451
of the Revised Code and rules adopted under it. The fees shall be 70452
submitted to the division quarterly as provided in those rules. 70453

(E) A water system that does not provide water for human 70454
consumption shall not be required to obtain a permit or license 70455
issued under, pay any fees assessed or levied under, or comply 70456
with any rule adopted under sections 3701.34 to 3701.347 of the 70457
Revised Code. 70458

Sec. 3701.507. (A) To assist in implementing sections 70459
3701.503 to 3701.509 of the Revised Code, the medically 70460

handicapped children's medical advisory council created in section 70461
3701.025 of the Revised Code shall appoint a permanent infant 70462
hearing screening subcommittee. The subcommittee shall consist of 70463
the following members: 70464

- (1) One otolaryngologist; 70465
- (2) One neonatologist; 70466
- (3) One pediatrician; 70467
- (4) One neurologist; 70468
- (5) One hospital administrator; 70469
- (6) Two or more audiologists who are experienced in infant 70470
hearing screening and evaluation; 70471
- (7) One speech-language pathologist licensed under section 70472
4753.07 of the Revised Code; 70473
- (8) Two persons who are each a parent of a hearing-impaired 70474
child; 70475
- (9) One geneticist; 70476
- (10) One epidemiologist; 70477
- (11) One adult who is deaf or hearing impaired; 70478
- (12) One representative from an organization for the deaf or 70479
hearing impaired; 70480
- (13) One family advocate; 70481
- (14) One nurse from a well-baby neonatal nursery; 70482
- (15) One nurse from a special care neonatal nursery; 70483
- (16) One teacher of the deaf who works with infants and 70484
toddlers; 70485
- (17) One representative of the health insurance industry; 70486
- (18) One representative of the bureau for children with 70487

medical handicaps;	70488
(19) One representative of the department of education;	70489
(20) One representative of the Ohio department of job and family services who has responsibilities regarding medicaid;	70490 70491
(21) Any other person the advisory council appoints.	70492
(B) The infant hearing subcommittee shall:	70493
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	70494 70495 70496
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	70497 70498 70499
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	70500 70501 70502 70503
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	70504 70505 70506 70507
(b) Identification of locations where hearing evaluations may be conducted;	70508 70509
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	70510 70511
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	70512 70513
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	70514 70515
(f) Preparation of the information required by section	70516

3701.506 of the Revised Code. 70517

Sec. 3701.74. (A) As used in this section and section 70518
3701.741 of the Revised Code: 70519

(1) "Ambulatory care facility" means a facility that provides 70520
medical, diagnostic, or surgical treatment to patients who do not 70521
require hospitalization, including a dialysis center, ambulatory 70522
surgical facility, cardiac catheterization facility, diagnostic 70523
imaging center, extracorporeal shock wave lithotripsy center, home 70524
health agency, inpatient hospice, birthing center, radiation 70525
therapy center, emergency facility, and an urgent care center. 70526
"Ambulatory care facility" does not include the private office of 70527
a physician or dentist, whether the office is for an individual or 70528
group practice. 70529

(2) "Chiropractor" means an individual licensed under Chapter 70530
4734. of the Revised Code to practice chiropractic. 70531

(3) "Emergency facility" means a hospital emergency 70532
department or any other facility that provides emergency medical 70533
services. 70534

(4) "Health care practitioner" means all of the following: 70535

(a) A dentist or dental hygienist licensed under Chapter 70536
4715. of the Revised Code; 70537

(b) A registered or licensed practical nurse licensed under 70538
Chapter 4723. of the Revised Code; 70539

(c) An optometrist licensed under Chapter 4725. of the 70540
Revised Code; 70541

(d) A dispensing optician, spectacle dispensing optician, 70542
contact lens dispensing optician, or spectacle-contact lens 70543
dispensing optician licensed under Chapter 4725. of the Revised 70544
Code; 70545

(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	70546 70547
(f) A physician;	70548
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	70549 70550
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	70551 70552
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	70553 70554
(j) A chiropractor;	70555
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	70556 70557
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	70558 70559
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	70560 70561
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	70562 70563
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	70564 70565 70566 70567
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	70568 70569
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	70570 70571
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	70572 70573 70574

(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. 70575
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(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 70578
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(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility ~~or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20~~ 5165.01 of the Revised Code; ~~a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section~~ 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code. 70580
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(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment. 70594
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(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative. 70598
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(10) "Patient" means either of the following: 70603

(a) An individual who received health care treatment from a health care provider; 70604
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(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section. 70606
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(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. 70609
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(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 70621
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(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 70623
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(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record. 70627
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(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, 70630
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physician or chiropractor, or held for the requestor at the office 70637
of the health care provider. Within a reasonable time after 70638
receiving a request that meets the requirements of this division 70639
and includes sufficient information to identify the record 70640
requested, a health care provider that has the patient's medical 70641
records shall permit the patient to examine the record during 70642
regular business hours without charge or, on request, shall 70643
provide a copy of the record in accordance with section 3701.741 70644
of the Revised Code, except that if a physician or chiropractor 70645
who has treated the patient determines for clearly stated 70646
treatment reasons that disclosure of the requested record is 70647
likely to have an adverse effect on the patient, the health care 70648
provider shall provide the record to a physician or chiropractor 70649
designated by the patient. The health care provider shall take 70650
reasonable steps to establish the identity of the person making 70651
the request to examine or obtain a copy of the patient's record. 70652

(C) If a health care provider fails to furnish a medical 70653
record as required by division (B) of this section, the patient, 70654
personal representative, or authorized person who requested the 70655
record may bring a civil action to enforce the patient's right of 70656
access to the record. 70657

(D)(1) This section does not apply to medical records whose 70658
release is covered by section 173.20 or 3721.13 of the Revised 70659
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 70660
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 70661
Records," or by 42 C.F.R. 483.10. 70662

(2) Nothing in this section is intended to supersede the 70663
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 70664
and 2305.252 of the Revised Code. 70665

Sec. 3701.741. (A) Each health care provider and medical 70666
records company shall provide copies of medical records in 70667

accordance with this section. 70668

(B) Except as provided in divisions (C) and (E) of this 70669
section, a health care provider or medical records company that 70670
receives a request for a copy of a patient's medical record shall 70671
charge not more than the amounts set forth in this section. 70672

(1) If the request is made by the patient or the patient's 70673
personal representative, total costs for copies and all services 70674
related to those copies shall not exceed the sum of the following: 70675

(a) Except as provided in division (B)(1)(b) of this section, 70676
with respect to data recorded on paper or electronically, the 70677
following amounts adjusted in accordance with section 3701.742 of 70678
the Revised Code: 70679

(i) Two dollars and seventy-four cents per page for the first 70680
ten pages; 70681

(ii) Fifty-seven cents per page for pages eleven through 70682
fifty; 70683

(iii) Twenty-three cents per page for pages fifty-one and 70684
higher; 70685

(b) With respect to data resulting from an x-ray, magnetic 70686
resonance imaging (MRI), or computed axial tomography (CAT) scan 70687
and recorded on paper or film, one dollar and eighty-seven cents 70688
per page; 70689

(c) The actual cost of any related postage incurred by the 70690
health care provider or medical records company. 70691

(2) If the request is made other than by the patient or the 70692
patient's personal representative, total costs for copies and all 70693
services related to those copies shall not exceed the sum of the 70694
following: 70695

(a) An initial fee of sixteen dollars and eighty-four cents 70696
adjusted in accordance with section 3701.742 of the Revised Code, 70697

which shall compensate for the records search; 70698

(b) Except as provided in division (B)(2)(c) of this section, 70699
with respect to data recorded on paper or electronically, the 70700
following amounts adjusted in accordance with section 3701.742 of 70701
the Revised Code: 70702

(i) One dollar and eleven cents per page for the first ten 70703
pages; 70704

(ii) Fifty-seven cents per page for pages eleven through 70705
fifty; 70706

(iii) Twenty-three cents per page for pages fifty-one and 70707
higher. 70708

(c) With respect to data resulting from an x-ray, magnetic 70709
resonance imaging (MRI), or computed axial tomography (CAT) scan 70710
and recorded on paper or film, one dollar and eighty-seven cents 70711
per page; 70712

(d) The actual cost of any related postage incurred by the 70713
health care provider or medical records company. 70714

(C)(1) On request, a health care provider or medical records 70715
company shall provide one copy of the patient's medical record and 70716
one copy of any records regarding treatment performed subsequent 70717
to the original request, not including copies of records already 70718
provided, without charge to the following: 70719

(a) The bureau of workers' compensation, in accordance with 70720
Chapters 4121. and 4123. of the Revised Code and the rules adopted 70721
under those chapters; 70722

(b) The industrial commission, in accordance with Chapters 70723
4121. and 4123. of the Revised Code and the rules adopted under 70724
those chapters; 70725

(c) The department of ~~job and family services~~ medicaid or a 70726
county department of job and family services, in accordance with 70727

Chapters ~~5101.~~ 5160., 5161., 5162., 5163., 5164., 5165., 5166., 70728
and ~~5111.~~ 5167. of the Revised Code and the rules adopted under 70729
those chapters; 70730

(d) The attorney general, in accordance with sections 2743.51 70731
to 2743.72 of the Revised Code and any rules that may be adopted 70732
under those sections; 70733

(e) A patient, patient's personal representative, or 70734
authorized person if the medical record is necessary to support a 70735
claim under Title II or Title XVI of the "Social Security Act," 49 70736
Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the 70737
request is accompanied by documentation that a claim has been 70738
filed. 70739

(2) Nothing in division (C)(1) of this section requires a 70740
health care provider or medical records company to provide a copy 70741
without charge to any person or entity not listed in division 70742
(C)(1) of this section. 70743

(D) Division (C) of this section shall not be construed to 70744
supersede any rule of the bureau of workers' compensation, the 70745
industrial commission, or the department of ~~job and family~~ 70746
~~services~~ medicaid. 70747

(E) A health care provider or medical records company may 70748
enter into a contract with either of the following for the copying 70749
of medical records at a fee other than as provided in division (B) 70750
of this section: 70751

(1) A patient, a patient's personal representative, or an 70752
authorized person; 70753

(2) An insurer authorized under Title XXXIX of the Revised 70754
Code to do the business of sickness and accident insurance in this 70755
state or health insuring corporations holding a certificate of 70756
authority under Chapter 1751. of the Revised Code. 70757

(F) This section does not apply to medical records the 70758
copying of which is covered by section 173.20 of the Revised Code 70759
or by 42 C.F.R. 483.10. 70760

Sec. 3701.742. ~~Not later than January 31, 2006, the~~ The 70761
amounts specified in division (B) of section 3701.741 of the 70762
Revised Code ~~and, not later than the first day of January of each~~ 70763
~~year thereafter,~~ shall be adjusted annually in accordance with 70764
this section. These amounts plus any amounts previously computed 70765
by annual adjustments made under this section, shall be increased 70766
or decreased by the average percentage of increase or decrease in 70767
the consumer price index for all urban consumers (United States 70768
city average, all items), prepared by the United States department 70769
of labor, bureau of labor statistics, for the 70770
~~twelve calendar month period prior to the~~ immediately preceding 70771
~~first day of January~~ calendar year over the calendar year 70772
immediately preceding ~~twelve calendar month period~~ that year, as 70773
reported by the bureau. The director of health shall make this 70774
determination and adjust the amounts accordingly. The director 70775
shall ~~provide a list of the adjusted amounts to any party upon~~ 70776
~~request and the department of health shall make the~~ a list of the 70777
adjusted amounts available to the public on ~~its~~ the internet web 70778
site maintained by the department of health. 70779

Sec. 3701.78. (A) There is hereby created the commission on 70780
minority health, consisting of twenty-one members. The governor 70781
shall appoint to the commission nine members from among health 70782
researchers, health planners, and health professionals. The 70783
governor also shall appoint two members who are representatives of 70784
the lupus awareness and education program. The speaker of the 70785
house of representatives shall appoint to the commission two 70786
members of the house of representatives, not more than one of whom 70787
is a member of the same political party, and the president of the 70788

senate shall appoint to the commission two members of the senate, 70789
not more than one of whom is a member of the same political party. 70790
The following shall be members of the commission: the directors of 70791
health, ~~mental health~~ mental health and addiction services, 70792
developmental disabilities, ~~alcohol and drug addiction services,~~ 70793
and job and family services, or their designees; the medicaid 70794
director, or the director's designee; and the superintendent of 70795
public instruction, or the superintendent's designee, ~~shall be~~ 70796
~~members of the commission.~~ The 70797

The commission shall elect a chairperson from among its 70798
members. ~~Of~~ 70799

Of the members appointed by the governor, five shall be 70800
appointed to initial terms of one year, and four shall be 70801
appointed to initial terms of two years. Thereafter, all members 70802
appointed by the governor shall be appointed to terms of two 70803
years. All members of the commission appointed by the speaker of 70804
the house of representatives or the president of the senate shall 70805
be nonvoting members of the commission and be appointed within 70806
thirty days after the commencement of the first regular session of 70807
each general assembly, and shall serve until the expiration of the 70808
session of the general assembly during which they were appointed. 70809
~~Members~~ 70810

Members of the commission shall serve without compensation, 70811
but shall be reimbursed for the actual and necessary expenses they 70812
incur in the performance of their official duties. 70813

(B) The commission shall promote health and the prevention of 70814
disease among members of minority groups. Each year the commission 70815
shall distribute grants from available funds to community-based 70816
health groups to be used to promote health and the prevention of 70817
disease among members of minority groups. As used in this 70818
division, "minority group" means any of the following economically 70819
disadvantaged groups: Blacks, American Indians, Hispanics, and 70820

Oriental. The commission shall adopt and maintain rules pursuant to Chapter 119. of the Revised Code to provide for the distribution of these grants. No group shall qualify to receive a grant from the commission unless it receives at least twenty per cent of its funds from sources other than grants distributed under this section.

(C) The commission may appoint such employees as it considers necessary to carry out its duties under this section. The department of health shall provide office space for the commission.

(D) The commission shall meet at the call of its chairperson to conduct its official business. A majority of the voting members of the commission constitute a quorum. The votes of at least eight voting members of the commission are necessary for the commission to take any official action or to approve the distribution of grants under this section.

Sec. 3701.881. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.

(2) "Community-based long-term care ~~agency provider~~ means a provider as defined in section 173.39 of the Revised Code.

(3) "Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

~~(4)~~(5) "Direct care" means any of the following:

(a) Any service identified in divisions (A)~~(7)~~(8)(a) to (f) 70851
of this section that is provided in a patient's place of residence 70852
used as the patient's home; 70853

(b) Any activity that requires the person performing the 70854
activity to be routinely alone with a patient or to routinely have 70855
access to a patient's personal property or financial documents 70856
regarding a patient; 70857

(c) For each home health agency individually, any other 70858
routine service or activity that the chief administrator of the 70859
home health agency designates as direct care. 70860

~~(5)~~(6) "Disqualifying offense" means any of the offenses 70861
listed or described in divisions (A)(3)(a) to (e) of section 70862
109.572 of the Revised Code. 70863

~~(6)~~(7) "Employee" means a person employed by a home health 70864
agency in a full-time, part-time, or temporary position that 70865
involves providing direct care to an individual and a person who 70866
works in such a position due to being referred to a home health 70867
agency by an employment service. 70868

~~(7)~~(8) "Home health agency" means a person or government 70869
entity, other than a nursing home, residential care facility, 70870
hospice care program, or pediatric respite care program, that has 70871
the primary function of providing any of the following services to 70872
a patient at a place of residence used as the patient's home: 70873

(a) Skilled nursing care; 70874

(b) Physical therapy; 70875

(c) Speech-language pathology; 70876

(d) Occupational therapy; 70877

(e) Medical social services; 70878

(f) Home health aide services. 70879

(8) (9) "Home health aide services" means any of the following services provided by an employee of a home health agency:	70880 70881
(a) Hands-on bathing or assistance with a tub bath or shower;	70882
(b) Assistance with dressing, ambulation, and toileting;	70883
(c) Catheter care but not insertion;	70884
(d) Meal preparation and feeding.	70885
(9) (10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	70886 70887 70888
(10) (11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	70889 70890 70891
(11) (12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	70892 70893
(12) (13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	70894 70895 70896
(13) (14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	70897 70898
(14) (15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	70899 70900
(15) (16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	70901 70902 70903
(16) (17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	70904 70905
(17) (18) "Waiver agency" has the same meaning as in section 5111.033 <u>5164.342</u> of the Revised Code.	70906 70907
(B) No home health agency shall employ an applicant or	70908

continue to employ an employee in a position that involves 70909
providing direct care to an individual if any of the following 70910
apply: 70911

(1) A review of the databases listed in division (D) of this 70912
section reveals any of the following: 70913

(a) That the applicant or employee is included in one or more 70914
of the databases listed in divisions (D)(1) to (5) of this 70915
section; 70916

(b) That there is in the state nurse aide registry 70917
established under section 3721.32 of the Revised Code a statement 70918
detailing findings by the director of health that the applicant or 70919
employee neglected or abused a long-term care facility or 70920
residential care facility resident or misappropriated property of 70921
such a resident; 70922

(c) That the applicant or employee is included in one or more 70923
of the databases, if any, specified in rules adopted under this 70924
section and the rules prohibit the home health agency from 70925
employing an applicant or continuing to employ an employee 70926
included in such a database in a position that involves providing 70927
direct care to an individual. 70928

(2) After the applicant or employee is provided, pursuant to 70929
division (E)(2)(a) of this section, a copy of the form prescribed 70930
pursuant to division (C)(1) of section 109.572 of the Revised Code 70931
and the standard impression sheet prescribed pursuant to division 70932
(C)(2) of that section, the applicant or employee fails to 70933
complete the form or provide the applicant's or employee's 70934
fingerprint impressions on the standard impression sheet. 70935

(3) Except as provided in rules adopted under this section, 70936
the applicant or employee is found by a criminal records check 70937
required by this section to have been convicted of, pleaded guilty 70938
to, or been found eligible for intervention in lieu of conviction 70939

for a disqualifying offense. 70940

(C) Except as provided by division (F) of this section, the 70941
chief administrator of a home health agency shall inform each 70942
applicant of both of the following at the time of the applicant's 70943
initial application for employment or referral to the home health 70944
agency by an employment service for a position that involves 70945
providing direct care to an individual: 70946

(1) That a review of the databases listed in division (D) of 70947
this section will be conducted to determine whether the home 70948
health agency is prohibited by division (B)(1) of this section 70949
from employing the applicant in the position; 70950

(2) That, unless the database review reveals that the 70951
applicant may not be employed in the position, a criminal records 70952
check of the applicant will be conducted and the applicant is 70953
required to provide a set of the applicant's fingerprint 70954
impressions as part of the criminal records check. 70955

(D) As a condition of employing any applicant in a position 70956
that involves providing direct care to an individual, the chief 70957
administrator of a home health agency shall conduct a database 70958
review of the applicant in accordance with rules adopted under 70959
this section. If rules adopted under this section so require, the 70960
chief administrator of a home health agency shall conduct a 70961
database review of an employee in accordance with the rules as a 70962
condition of continuing to employ the employee in a position that 70963
involves providing direct care to an individual. However, the 70964
chief administrator is not required to conduct a database review 70965
of an applicant or employee if division (F) of this section 70966
applies. A database review shall determine whether the applicant 70967
or employee is included in any of the following: 70968

(1) The excluded parties list system that is maintained by 70969
the United States general services administration pursuant to 70970

subpart 9.4 of the federal acquisition regulation and available at 70971
the federal web site known as the system for award management; 70972

(2) The list of excluded individuals and entities maintained 70973
by the office of inspector general in the United States department 70974
of health and human services pursuant to ~~section 1128~~ of the 70975
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 70976
1156, 42 U.S.C. 1320a-7, ~~as amended, and section 1156~~ of the 70977
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. and 1320c-5,~~ 70978
~~as amended;~~ 70979

(3) The registry of MR/DD employees established under section 70980
5123.52 of the Revised Code; 70981

(4) The internet-based sex offender and child-victim offender 70982
database established under division (A)(11) of section 2950.13 of 70983
the Revised Code; 70984

(5) The internet-based database of inmates established under 70985
section 5120.66 of the Revised Code; 70986

(6) The state nurse aide registry established under section 70987
3721.32 of the Revised Code; 70988

(7) Any other database, if any, specified in rules adopted 70989
under this section. 70990

(E)(1) As a condition of employing any applicant in a 70991
position that involves providing direct care to an individual, the 70992
chief administrator of a home health agency shall request the 70993
superintendent of the bureau of criminal identification and 70994
investigation to conduct a criminal records check of the 70995
applicant. If rules adopted under this section so require, the 70996
chief administrator of a home health agency shall request the 70997
superintendent to conduct a criminal records check of an employee 70998
at times specified in the rules as a condition of continuing to 70999
employ the employee in a position that involves providing direct 71000
care to an individual. However, the chief administrator is not 71001

required to request the criminal records check of the applicant or 71002
the employee if division (F) of this section applies or the home 71003
health agency is prohibited by division (B)(1) of this section 71004
from employing the applicant or continuing to employ the employee 71005
in a position that involves providing direct care to an 71006
individual. If an applicant or employee for whom a criminal 71007
records check request is required by this section does not present 71008
proof of having been a resident of this state for the five-year 71009
period immediately prior to the date upon which the criminal 71010
records check is requested or does not provide evidence that 71011
within that five-year period the superintendent has requested 71012
information about the applicant from the federal bureau of 71013
investigation in a criminal records check, the chief administrator 71014
shall request that the superintendent obtain information from the 71015
federal bureau of investigation as a part of the criminal records 71016
check. Even if an applicant or employee for whom a criminal 71017
records check request is required by this section presents proof 71018
that the applicant or employee has been a resident of this state 71019
for that five-year period, the chief administrator may request 71020
that the superintendent include information from the federal 71021
bureau of investigation in the criminal records check. 71022

(2) The chief administrator shall do all of the following: 71023

(a) Provide to each applicant and employee for whom a 71024
criminal records check request is required by this section a copy 71025
of the form prescribed pursuant to division (C)(1) of section 71026
109.572 of the Revised Code and a standard impression sheet 71027
prescribed pursuant to division (C)(2) of that section; 71028

(b) Obtain the completed form and standard impression sheet 71029
from each applicant and employee; 71030

(c) Forward the completed form and standard impression sheet 71031
to the superintendent at the time the chief administrator requests 71032
the criminal records check. 71033

(3) A home health agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the agency requests under this section. A home health agency may charge an applicant a fee not exceeding the amount the agency pays to the bureau under this section if both of the following apply:

(a) The home health agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program ~~established under Chapter 5111. of the Revised Code~~ does not reimburse the home health agency for the fee it pays to the bureau under this section.

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee.

(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency;

(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section.

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies:

(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of

the results of the criminal records check to the chief 71096
administrator of the home health agency when the employment 71097
service receives the results. 71098

(2) If a home health agency employs an applicant 71099
conditionally pursuant to division (G)(1)(b) of this section, the 71100
employment service, on its receipt of the results of the criminal 71101
records check, promptly shall send a copy of the results to the 71102
chief administrator of the agency. 71103

(3) A home health agency that employs an applicant 71104
conditionally pursuant to division (G)(1)(a) or (b) of this 71105
section shall terminate the applicant's employment if the results 71106
of the criminal records check, other than the results of any 71107
request for information from the federal bureau of investigation, 71108
are not obtained within the period ending sixty days after the 71109
date the request for the criminal records check is made. 71110
Regardless of when the results of the criminal records check are 71111
obtained, if the results indicate that the applicant has been 71112
convicted of, pleaded guilty to, or been found eligible for 71113
intervention in lieu of conviction for a disqualifying offense, 71114
the home health agency shall terminate the applicant's employment 71115
unless circumstances specified in rules adopted under this section 71116
that permit the agency to employ the applicant exist and the 71117
agency chooses to employ the applicant. Termination of employment 71118
under this division shall be considered just cause for discharge 71119
for purposes of division (D)(2) of section 4141.29 of the Revised 71120
Code if the applicant makes any attempt to deceive the home health 71121
agency about the applicant's criminal record. 71122

(H) The report of any criminal records check conducted by the 71123
bureau of criminal identification and investigation in accordance 71124
with section 109.572 of the Revised Code and pursuant to a request 71125
made under this section is not a public record for the purposes of 71126
section 149.43 of the Revised Code and shall not be made available 71127

to any person other than the following: 71128

(1) The applicant or employee who is the subject of the 71129
criminal records check or the applicant's or employee's 71130
representative; 71131

(2) The home health agency requesting the criminal records 71132
check or its representative; 71133

(3) The administrator of any other facility, agency, or 71134
program that provides direct care to individuals that is owned or 71135
operated by the same entity that owns or operates the home health 71136
agency that requested the criminal records check; 71137

(4) The employment service that requested the criminal 71138
records check; 71139

(5) The director of health and the staff of the department of 71140
health who monitor a home health agency's compliance with this 71141
section; 71142

(6) The director of aging or the director's designee if 71143
either of the following apply: 71144

(a) In the case of a criminal records check requested by a 71145
home health agency, the home health agency also is a 71146
community-based long-term care ~~agency~~ provider or community-based 71147
long-term care subcontractor; 71148

(b) In the case of a criminal records check requested by an 71149
employment service, the employment service makes the request for 71150
an applicant or employee the employment service refers to a home 71151
health agency that also is a community-based long-term care ~~agency~~ 71152
provider or community-based long-term care subcontractor. 71153

(7) The medicaid director ~~of job and family services~~ and the 71154
staff of the department of ~~job and family services~~ medicaid who 71155
are involved in the administration of the medicaid program if 71156
either of the following apply: 71157

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency; 71158
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(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency. 71161
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(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 71165
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(a) A denial of employment of the applicant or employee; 71167

(b) Employment or unemployment benefits of the applicant or employee; 71168
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(c) A civil or criminal action regarding the medicaid program. 71170
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(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply: 71172
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(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 71177
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(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 71183
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(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a home health agency may employ 71218
an applicant or employee who is found by a criminal records check 71219
required by this section to have been convicted of, pleaded guilty 71220
to, or been found eligible for intervention in lieu of conviction 71221
for a disqualifying offense but meets personal character 71222
standards. 71223

Sec. 3701.921. There is hereby established the patient 71224
centered medical home education program in the department of 71225
health. For the purpose of advancing education in the patient 71226
centered medical home model of care, the director of health may 71227
implement and administer the program pursuant to sections 3701.922 71228
to 3701.929 of the Revised Code. The patient centered medical home 71229
model of care is an enhanced model of primary care in which care 71230
teams attend to the multifaceted needs of patients, providing 71231
whole person comprehensive and coordinate patient centered care. 71232

To the extent that funds are available, the program shall 71233
include the patient centered medical home education pilot project 71234
and may include any other ~~pilot~~ projects the director establishes 71235
pursuant to division (A)(3) of section 3701.922 of the Revised 71236
Code. 71237

Sec. 3701.922. (A) The director of health may do any of the 71238
following to implement and administer the patient centered medical 71239
home education program: 71240

(1) Develop and implement programs of education or training 71241
on the patient centered medical home model of care or other 71242
similar enhanced models of coordinated patient centered care that 71243
are intended to address the multifaceted needs of patients and 71244
provide whole person comprehensive and coordinated patient 71245
centered care; 71246

(2) Advise, consult, cooperate with, and assist, by contract 71247

or other arrangement, government agencies or institutions or 71248
private organizations, corporations, or associations in the 71249
development and promotion of programs pertaining to the evaluation 71250
and implementation of the patient centered medical home model of 71251
care or other similar enhanced models of coordinated patient 71252
centered care; 71253

(3) Establish ~~pilot~~ projects that ~~do any of the following:~~ 71254

~~(a) Evaluate or implement the patient centered medical home 71255
model of care or other similar enhanced models of coordinated 71256
patient centered care;~~ 71257

~~(b) Provide~~ provide education or training on the patient 71258
centered medical home model of care or other similar enhanced 71259
models of coordinated patient centered care. 71260

(4) Seek and administer state funds or grants from other 71261
sources to carry out any functions of the patient centered medical 71262
home education program. 71263

Any funds or grants received by the director for purposes of 71264
the program shall be used for the program. 71265

(B) The director may adopt rules as necessary to implement 71266
and administer the patient centered medical home education 71267
program, including rules that define what constitutes a "patient 71268
centered medical home" for purposes of an entity authorized to 71269
provide care coordination services. The rules shall be adopted in 71270
accordance with Chapter 119. of the Revised Code. 71271

Sec. 3701.94. There is hereby established the patient 71272
centered medical home program in the department of health. The 71273
patient centered medical home model of care is an advanced model 71274
of primary care in which care teams attend to the multifaceted 71275
needs of patients, providing whole person comprehensive and 71276
coordinated patient centered care. 71277

Sec. 3701.941. (A) As part of the patient centered medical home program established under section 3701.94 of the Revised Code, the department of health shall establish a voluntary patient centered medical home certification program. 71278
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(B) Each primary care practice, that seeks a patient centered medical home certificate shall submit an application on a form prepared by the department. The department may require an application fee and annual renewal fee as determined by the department. If the department establishes a fee under this section, the fee shall be in an amount that is sufficient to cover the cost of any on-site evaluations conducted by the department or an entity under contract with the department pursuant to section 3701.942 of the Revised Code. 71282
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(C) A practice certified under this section shall do all of the following: 71291
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(1) Meet any standards developed by national independent accrediting and medical home organizations, as determined by the department; 71293
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(2) Develop a systematic follow-up procedure for patients, including the use of health information technology and patient registries; 71296
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(3) Implement and maintain health information technology that meets the requirements of 42 U.S.C. 300jj; 71299
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(4) Comply with the reporting requirements of section 3701.942 of the Revised Code; 71301
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(5) Meet any process, outcome, and quality standards specified by the department of health; 71303
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(6) Meet any other requirements established by the department. 71305
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(D) The department shall seek to do all of the following 71307

<u>through the certification of patient centered medical homes:</u>	71308
<u>(1) Expand, enhance, and encourage the use of primary care providers, including primary care physicians, advanced practice registered nurses, and physician assistants, as personal clinicians;</u>	71309 71310 71311 71312
<u>(2) Develop a focus on delivering high-quality, efficient, and effective health care services;</u>	71313 71314
<u>(3) Encourage patient centered care and the provision of care that is appropriate for a patient's race, ethnicity, and language;</u>	71315 71316
<u>(4) Encourage the education and active participation of patients and patients' families or legal guardians, as appropriate, in decision making and care plan development;</u>	71317 71318 71319
<u>(5) Provide patients with consistent, ongoing contact with a personal clinician or team of clinical professionals to ensure continuous and appropriate care;</u>	71320 71321 71322
<u>(6) Ensure that patient centered medical homes develop and maintain appropriate comprehensive care plans for patients with complex or chronic conditions, including an assessment of health risks and chronic conditions;</u>	71323 71324 71325 71326
<u>(7) Ensure that patient centered medical homes plan for transition of care from youth to adult to senior;</u>	71327 71328
<u>(8) Enable and encourage use of a range of qualified health care professionals, including dedicated care coordinators, in a manner that enables those professionals to practice to the fullest extent of their professional licenses.</u>	71329 71330 71331 71332
<u>Sec. 3701.942. (A) Each certified patient centered medical home shall report health care quality and performance information to the department of health, including any data necessary for monitoring compliance with certification standards and for evaluating the impact of patient centered medical homes on health</u>	71333 71334 71335 71336 71337

care quality, cost, and outcomes. 71338

(B) The department may contract with a private entity to 71339
evaluate the effectiveness of certified patient centered medical 71340
homes. The department may provide the entity with data collected 71341
under division (A) of this section. 71342

(C) The department may contract with national independent 71343
accrediting and medical home organizations to provide on-site 71344
evaluation of primary care practices and verification of data 71345
collected under division (A) of this section. 71346

(D) Data collected under this section is not a public record 71347
under section 149.43 of the Revised Code. 71348

Sec. 3701.943. (A) The department of health shall submit a 71349
report to the governor and, in accordance with section 101.68 of 71350
the Revised Code, the general assembly, evaluating the patient 71351
centered medical home program not later than three years after 71352
rules adopted pursuant to section 3701.944 of the Revised Code 71353
first become effective. The department shall submit a second 71354
report not later than five years after those rules first become 71355
effective. 71356

(B) The reports submitted under division (A) of this section 71357
shall include all of the following: 71358

(1) The number of patients receiving primary care services 71359
from certified patient centered medical homes and the number and 71360
characteristics of those patients with complex or chronic 71361
conditions. To the extent available, information regarding the 71362
income, race, ethnicity, and language of patients shall be 71363
included in the reports; 71364

(2) The number and geographic distribution of certified 71365
patient centered medical homes; 71366

<u>(3) Performance of and quality of care measures implemented</u>	71367
<u>by certified patient centered medical homes;</u>	71368
<u>(4) Preventive care measures implemented by certified patient</u>	71369
<u>centered medical homes;</u>	71370
<u>(5) Payment arrangements of certified patient centered</u>	71371
<u>medical homes;</u>	71372
<u>(6) Costs related to implementation of the patient centered</u>	71373
<u>medical home program and payment of care coordination fees;</u>	71374
<u>(7) The estimated effect of certified patient centered</u>	71375
<u>medical homes on health disparities;</u>	71376
<u>(8) The estimated savings from establishing the patient</u>	71377
<u>centered medical home program, as those savings apply to the fee</u>	71378
<u>for service, managed care, and state-based purchasing sectors.</u>	71379
<u>Sec. 3701.944. The department of health shall adopt rules in</u>	71380
<u>accordance with Chapter 119. of the Revised Code to do all of the</u>	71381
<u>following:</u>	71382
<u>(A) Considering the goals set forth in section 3701.941 of</u>	71383
<u>the Revised Code, establish standards and procedures for</u>	71384
<u>certifying a primary care practice as a patient centered medical</u>	71385
<u>home;</u>	71386
<u>(B) Specify the types of medical practices that constitute</u>	71387
<u>primary care practices for the purpose of certifying patient</u>	71388
<u>centered medical homes;</u>	71389
<u>(C) Specify the health care quality and performance</u>	71390
<u>information that certified patient centered medical homes must</u>	71391
<u>report to the department pursuant to section 3701.942 of the</u>	71392
<u>Revised Code.</u>	71393
<u>Sec. 3701.96. As used in this section, "board of health"</u>	71394
<u>means a board of health of a city or general health district or an</u>	71395

authority having the duties of a board of health under section 3709.05 of the Revised Code. 71396
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If a zoonotic disease program is administered by the department of health, the director of health may charge a board of health a fee for each service the program provides to the board. The fee amount shall be determined by the director and be commensurate with the department's cost to provide the service. The board shall pay the fee associated with a service at the time the service is provided. 71398
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Sec. 3701.98. Not later than July 1, 2014, the director of health shall establish both of the following by rule adopted under Chapter 119. of the Revised Code: 71405
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(A) A standardized process by which all general and city health districts shall collect and report to the director information regarding public health quality indicators. 71408
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(B) A policy and procedures for the sharing of health data reported under this section with payers, providers, general and city health districts, and public health professionals. 71411
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The rules shall identify the public health quality indicators that are to be a priority for general and city health districts and the information to be collected and reported regarding those indicators. The director of health shall work in conjunction with the association of county health commissioners in identifying the public health quality indicators. 71414
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Sec. 3701.99. (A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, division (B) of section 3701.25, division ~~(I)~~(D)(2) of section 3701.262, ~~division (D) of section 3701.263,~~ or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor 71420
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misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.

Sec. 3702.30. (A) As used in this section:

(1) "Ambulatory surgical facility" means a facility, whether or not part of the same organization as a hospital, that is located in a building distinct from another in which inpatient care is provided, and to which any of the following apply:

(a) Outpatient surgery is routinely performed in the facility, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists.

(b) Anesthesia is administered in the facility by an anesthesiologist or certified registered nurse anesthetist, and the facility functions separately from a hospital's inpatient surgical service and from the offices of private physicians, podiatrists, and dentists.

(c) The facility applies to be certified by the United States centers for medicare and medicaid services as an ambulatory surgical center for purposes of reimbursement under Part B of the medicare program, Part B of Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

(d) The facility applies to be certified by a national accrediting body approved by the centers for medicare and medicaid services for purposes of deemed compliance with the conditions for participating in the medicare program as an ambulatory surgical center.

(e) The facility bills or receives from any third-party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services.

(f) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.

"Ambulatory surgical facility" does not include a hospital emergency department.

(2) "Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following:

(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;

(b) Administrative functions, record keeping, housekeeping, utilities, and rent;

(c) Services provided by nurses, orderlies, technical personnel, and others involved in patient care related to providing surgery.

"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.

(4) "Health care facility" means any of the following:	71485
(a) An ambulatory surgical facility;	71486
(b) A freestanding dialysis center;	71487
(c) A freestanding inpatient rehabilitation facility;	71488
(d) A freestanding birthing center;	71489
(e) A freestanding radiation therapy center;	71490
(f) A freestanding or mobile diagnostic imaging center.	71491
(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	71492 71493
(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.	71494 71495 71496 71497 71498
<u>In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and administer a plan designed to prevent, identify, and manage infections and communicable diseases; ensure that the program is directed by a qualified professional trained in infection control; ensure that the program is an integral part of the ambulatory surgical facility's quality assessment and performance improvement program; and implement in an expeditious manner corrective and preventive measures that result in improvement.</u>	71499 71500 71501 71502 71503 71504 71505 71506 71507 71508 71509 71510 71511 71512
(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all	71513 71514

relevant provisions in the Revised Code that relate to the 71515
obtaining of informed consent from a patient. 71516

(D) The director shall issue a license to each health care 71517
facility that makes application for a license and demonstrates to 71518
the director that it meets the quality standards established by 71519
the rules adopted under division (B) of this section and satisfies 71520
the informed consent compliance requirements specified in division 71521
(C) of this section. 71522

(E)(1) Except as provided in division (H) of this section and 71523
in section 3702.301 of the Revised Code, no health care facility 71524
shall operate without a license issued under this section. 71525

(2) If the department of health finds that a physician who 71526
practices at a health care facility is not complying with any 71527
provision of the Revised Code related to the obtaining of informed 71528
consent from a patient, the department shall report its finding to 71529
the state medical board, the physician, and the health care 71530
facility. 71531

(3) This division does not create, and shall not be construed 71532
as creating, a new cause of action or substantive legal right 71533
against a health care facility and in favor of a patient who 71534
allegedly sustains harm as a result of the failure of the 71535
patient's physician to obtain informed consent from the patient 71536
prior to performing a procedure on or otherwise caring for the 71537
patient in the health care facility. 71538

(F) The rules adopted under division (B) of this section 71539
shall include all of the following: 71540

(1) Provisions governing application for, renewal, 71541
suspension, and revocation of a license under this section; 71542

(2) Provisions governing orders issued pursuant to section 71543
3702.32 of the Revised Code for a health care facility to cease 71544
its operations or to prohibit certain types of services provided 71545

by a health care facility; 71546

(3) Provisions governing the imposition under section 3702.32 71547
of the Revised Code of civil penalties for violations of this 71548
section or the rules adopted under this section, including a scale 71549
for determining the amount of the penalties; 71550

(4) Provisions specifying the form inspectors must use when 71551
conducting inspections of ambulatory surgical facilities. 71552

(G)(1) As used in this division: 71553

(a) "Political subdivision" means any body corporate and 71554
politic that is responsible for governmental activities in a 71555
geographic area smaller than the state. 71556

(b) "Public hospital" means a hospital registered with the 71557
department of health under section 3701.07 of the Revised Code 71558
that is owned, leased, or controlled by this state or any agency, 71559
institution, instrumentality, or political subdivision of this 71560
state. "Public hospital" includes any state university, state 71561
medical college, health district, joint hospital, or public 71562
hospital agency. 71563

(2) An ambulatory surgical facility that performs or induces 71564
abortions shall comply with section 3701.791 of the Revised Code. 71565
For purposes of complying with the written transfer agreement 71566
requirement described in section 3702.303 of the Revised Code, 71567
such an ambulatory surgical facility shall not have a written 71568
transfer agreement with a public hospital or enter into a contract 71569
or similar agreement with a physician who has been granted staff 71570
membership or professional privileges by the governing body of a 71571
public hospital. 71572

(H) The following entities are not required to obtain a 71573
license as a freestanding diagnostic imaging center issued under 71574
this section: 71575

(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging; 71576
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(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging; 71578
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(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure. 71581
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Sec. 3702.302. In the case of an ambulatory surgical facility not certified by the centers for medicare and medicaid services as an ambulatory surgical center, the director of health shall conduct an inspection of the facility each time the facility submits an application for license renewal. The director shall not renew the license unless all of the following conditions are met: 71584
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(A) The inspector conducting the inspection completes each item on the following, as applicable: 71590
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(1) Until the director adopts rules under division (F) of section 3702.30 of the Revised Code, the form approved by the director on the effective date of this section; 71592
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(2) The form specified by the director pursuant to rules adopted under division (F) of section 3702.30 of the Revised Code. 71595
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(B) The inspection demonstrates that the ambulatory surgical facility complies with all quality standards established by the director in rules adopted under division (B) of section 3702.30 of the Revised Code. 71597
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(C) The director determines that the most recent version of the updated written transfer agreement filed in accordance with division (B) of section 3702.303 of the Revised Code is satisfactory, unless the director has granted a variance from the written transfer agreement requirement as permitted by section 71601
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3702.304 of the Revised Code. 71606

Sec. 3702.303. (A) Except as provided in division (C) of this section, an ambulatory surgical facility shall have a written transfer agreement with a local hospital that specifies an effective procedure for the safe and immediate transfer of patients from the facility to the hospital when medical care beyond the care that can be provided at the ambulatory surgical facility is necessary, including when emergency situations occur or medical complications arise. A copy of the agreement shall be filed with the director of health. 71607
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(B) An ambulatory surgical facility shall update a written transfer agreement every two years and file a copy of the updated agreement with the director. 71616
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(C) The requirement for a written transfer agreement between an ambulatory surgical facility and a hospital does not apply if either of the following is the case: 71619
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(1) The facility is a provider-based entity, as defined in 42 C.F.R. 413.65(a)(2), of a hospital and the facility's policies and procedures to address situations when care beyond the care that can be provided at the ambulatory surgical facility are approved by the governing body of the facility's parent hospital and implemented; 71622
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(2) The director of health has, pursuant to the procedure specified in section 3702.304 of the Revised Code, granted the facility a variance from the requirement. 71628
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Sec. 3702.304. (A) The director of health may grant a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code if the ambulatory surgical facility submits to the director a complete variance application, prescribed by the director, and the director determines after 71631
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reviewing the application that the facility is capable of 71636
achieving the purpose of a written transfer agreement in the 71637
absence of one. The director's determination is final. 71638

(B) A variance application is complete for purposes of 71639
division (A) of this section if it contains or includes as 71640
attachments all of the following: 71641

(1) A statement explaining why application of the requirement 71642
would cause the facility undue hardship and why the variance will 71643
not jeopardize the health and safety of any patient; 71644

(2) A letter, contract, or memorandum of understanding signed 71645
by the facility and one or more consulting physicians who have 71646
admitting privileges at a minimum of one local hospital, 71647
memorializing the physician or physicians' agreement to provide 71648
back-up coverage when medical care beyond the level the facility 71649
can provide is necessary; 71650

(3) For each consulting physician described in division 71651
(B)(2) of this section: 71652

(a) A signed statement in which the physician attests that 71653
the physician is familiar with the facility and its operations, 71654
and agrees to provide notice to the facility of any changes in the 71655
physician's ability to provide back-up coverage; 71656

(b) The estimated travel time from the physician's main 71657
residence or office to each local hospital where the physician has 71658
admitting privileges; 71659

(c) Written verification that the facility has a record of 71660
the name, telephone numbers, and practice specialties of the 71661
physician; 71662

(d) Written verification from the state medical board that 71663
the physician possesses a valid certificate to practice medicine 71664
and surgery or osteopathic medicine and surgery issued under 71665

Chapter 4731. of the Revised Code; 71666

(e) Documented verification that each hospital at which the physician has admitting privileges has been informed in writing by the physician that the physician is a consulting physician for the ambulatory surgical facility and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary. 71667
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(4) A copy of the facility's operating procedures or protocols that, at a minimum, do all of the following: 71673
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(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable; 71675
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(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care; 71678
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(c) Specify that a patient's medical record maintained by the facility must be transferred contemporaneously with the patient when the patient is transferred from the facility to a hospital. 71682
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(5) Any other information the director considers necessary. 71685

(C) The director's decision to grant, refuse, or rescind a variance is final. 71686
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(D) The director shall consider each application for a variance independently without regard to any decision the director may have made on a prior occasion to grant or deny a variance to that ambulatory surgical facility or any other facility. 71688
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Sec. 3702.305. The director of health may impose conditions on any variance the director has granted under section 3702.304 of the Revised Code. The director may, at any time, rescind the variance for any reason, including a determination by the director 71692
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that the facility is failing to meet one or more of the conditions 71696
or no longer adequately protects public health and safety. The 71697
director's decision to rescind a variance is final. 71698

Sec. 3702.306. A variance the director of health grants under 71699
section 3702.304 of the Revised Code is effective for the period 71700
of time specified by the director, except that it shall not be 71701
effective beyond the date the ambulatory surgical facility's 71702
license expires. If a variance is to expire on the date the 71703
facility's license expires, the facility may submit to the 71704
director an application for a new variance with its next license 71705
renewal application. 71706

Sec. 3702.307. An ambulatory surgical facility shall notify 71707
the director of health when any of the following occurs: 71708

(A) The facility modifies any provision of its most recent 71709
written transfer agreement filed with the director under section 71710
3702.303 of the Revised Code. Notification under these 71711
circumstances shall occur not later than the business day after 71712
the modification is finalized. As used in this division, "business 71713
day" means a day of the week excluding Saturday, Sunday, and a 71714
legal holiday as defined in section 1.14 of the Revised Code. 71715

(B) The facility modifies its operating procedures or 71716
protocols described in division (B)(4) of section 3702.304 of the 71717
Revised Code. Notification under these circumstances shall occur 71718
not later than forty-eight hours after the modification is made. 71719

(C) The ambulatory surgical facility becomes aware of an 71720
event, including disciplinary action by the state medical board 71721
pursuant to section 4731.22 of the Revised Code, that may affect a 71722
consulting physician's certificate to practice medicine and 71723
surgery or osteopathic medicine and surgery or the physician's 71724
ability to admit patients to a hospital identified in a variance 71725

application, as described in division (B)(3)(e) of section 3702.304 of the Revised Code. Notification under these circumstances shall occur not later than one week after the facility becomes aware of the event's occurrence.

Sec. 3702.308. If any provision in sections 3702.302 to 3702.307 of the Revised Code is enjoined, the injunction does not affect any remaining provision of those sections, any provision of section 3702.30 of the Revised Code, or any provision of the rules adopted under that section.

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the Revised Code:

(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant.

(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity.

(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity.

(D) "Service area" means the current and projected primary and secondary service areas to which the long-term care facility is, or will be, providing long-term care services.

(E) "Primary service area" means the geographic region, usually comprised of the Ohio zip code in which the long-term care facility is located and contiguous zip codes, from which approximately seventy-five to eighty per cent of the facility's residents currently originate or are expected to originate.

(F) "Secondary service area" means the geographic region,

usually comprised of Ohio zip codes not included in the primary 71755
service area, excluding isolated exceptions, from which the 71756
facility's remaining residents currently originate or are expected 71757
to originate. 71758

(G) "Third-party payer" means a health insuring corporation 71759
licensed under Chapter 1751. of the Revised Code, a health 71760
maintenance organization as defined in division (I) of this 71761
section, an insurance company that issues sickness and accident 71762
insurance in conformity with Chapter 3923. of the Revised Code, a 71763
state-financed health insurance program under Chapter 3701. ~~or~~ 71764
4123. ~~or 5111.~~ of the Revised Code, the medicaid program, or any 71765
self-insurance plan. 71766

(H) "Government unit" means the state and any county, 71767
municipal corporation, township, or other political subdivision of 71768
the state, or any department, division, board, or other agency of 71769
the state or a political subdivision. 71770

(I) "Health maintenance organization" means a public or 71771
private organization organized under the law of any state that is 71772
qualified under section 1310(d) of Title XIII of the "Public 71773
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 71774

(J) "Existing long-term care facility" means either of the 71775
following: 71776

(1) A long-term care facility that is licensed or otherwise 71777
authorized to operate in this state in accordance with applicable 71778
law, including a county home or a county nursing home that is 71779
certified under Title XVIII or Title XIX of the "Social Security 71780
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 71781
and equipped to provide long-term care services, and is actively 71782
providing long-term care services; 71783

(2) A long-term care facility that is licensed or otherwise 71784
authorized to operate in this state in accordance with applicable 71785

law, including a county home or a county nursing home that is 71786
certified under Title XVIII or Title XIX of the "Social Security 71787
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 71788
beds registered under section 3701.07 of the Revised Code as 71789
skilled nursing beds or long-term care beds and has provided 71790
long-term care services for at least three hundred sixty-five 71791
consecutive days within the twenty-four months immediately 71792
preceding the date a certificate of need application is filed with 71793
the director of health. 71794

(K) "State" means the state of Ohio, including, but not 71795
limited to, the general assembly, the supreme court, the offices 71796
of all elected state officers, and all departments, boards, 71797
offices, commissions, agencies, institutions, and other 71798
instrumentalities of the state of Ohio. "State" does not include 71799
political subdivisions. 71800

(L) "Political subdivision" means a municipal corporation, 71801
township, county, school district, and all other bodies corporate 71802
and politic responsible for governmental activities only in 71803
geographic areas smaller than that of the state to which the 71804
sovereign immunity of the state attaches. 71805

(M) "Affected person" means: 71806

(1) An applicant for a certificate of need, including an 71807
applicant whose application was reviewed comparatively with the 71808
application in question; 71809

(2) The person that requested the reviewability ruling in 71810
question; 71811

(3) Any person that resides or regularly uses long-term care 71812
facilities within the service area served or to be served by the 71813
long-term care services that would be provided under the 71814
certificate of need or reviewability ruling in question; 71815

(4) Any long-term care facility that is located in the 71816

service area where the long-term care services would be provided 71817
under the certificate of need or reviewability ruling in question; 71818

(5) Third-party payers that reimburse long-term care 71819
facilities for services in the service area where the long-term 71820
care services would be provided under the certificate of need or 71821
reviewability ruling in question. 71822

(N) "Long-term care facility" means any of the following: 71823

(1) A nursing home licensed under section 3721.02 of the 71824
Revised Code or by a political subdivision certified under section 71825
3721.09 of the Revised Code; 71826

(2) The portion of any facility, including a county home or 71827
county nursing home, that is certified as a skilled nursing 71828
facility or a nursing facility under Title XVIII or XIX of the 71829
"Social Security Act"; 71830

(3) The portion of any hospital that contains beds registered 71831
under section 3701.07 of the Revised Code as skilled nursing beds 71832
or long-term care beds. 71833

(O) "Long-term care bed" or "bed" means a bed that is 71834
categorized as one of the following: 71835

(1) A bed that is located in a facility that is a nursing 71836
home licensed under section 3721.02 of the Revised Code or a 71837
facility licensed by a political subdivision certified under 71838
section 3721.09 of the Revised Code and is included in the 71839
authorized maximum licensed capacity of the facility; 71840

(2) A bed that is located in the portion of any facility, 71841
including a county home or county nursing home, that is certified 71842
as a skilled nursing facility under the medicare program or a 71843
nursing facility under the medicaid program and is included in the 71844
authorized maximum certified capacity of that portion of the 71845
facility; 71846

(3) A bed that is registered under section 3701.07 of the Revised Code as a skilled nursing bed, a long-term care bed, or a special skilled nursing bed;

(4) A bed in a county home or county nursing home that has been certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and is eligible for licensure as a nursing home bed;

(5) A bed held as an approved bed under a certificate of need approved by the director.

A bed cannot simultaneously be both a bed described in division (O)(1), (2), (3), or (4) of this section and a bed described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the director of health under division (A) of section 3702.52 of the Revised Code as to whether a particular proposed project is or is not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of at least five per cent in an applicant, in a long-term care facility that is the subject of an application for a certificate of need, or in the owner or operator of the applicant or such a facility;

(2) An officer, director, trustee, or general partner of an applicant, of a long-term care facility that is the subject of an application for a certificate of need, or of the owner or operator of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a

pattern of deficiencies resulting in actual harm that is not 71877
immediate jeopardy or represents widespread deficiencies resulting 71878
in actual harm that is not immediate jeopardy. 71879

(T) "Immediate jeopardy deficiency" means a deficiency that, 71880
under 42 C.F.R. 488.404, either constitutes a pattern of 71881
deficiencies resulting in immediate jeopardy to resident health or 71882
safety or represents widespread deficiencies resulting in 71883
immediate jeopardy to resident health or safety. 71884

(U) "Existing bed" or "existing long-term care bed" means a 71885
bed from an existing long-term care facility, a bed described in 71886
division (O)(5) of this section, or a bed correctly reported as a 71887
long-term care bed pursuant to section 5155.38 of the Revised 71888
Code. 71889

Sec. 3702.521. (A) Reviews of applications for certificates 71890
of need to recategorize hospital beds to skilled nursing beds 71891
shall be conducted in accordance with this division and rules 71892
adopted by the director of health. 71893

(1) No hospital recategorizing beds shall apply for a 71894
certificate of need for more than twenty skilled nursing beds. 71895

(2) No beds for which a certificate of need is requested 71896
under this division shall be reviewed under or counted in any 71897
formula developed under rules adopted by the director for the 71898
purpose of determining the number of long-term care beds that may 71899
be needed within the state. 71900

(3) No beds shall be approved under this division unless the 71901
hospital certifies and demonstrates in the application that the 71902
beds will be dedicated to patients with a length of stay of no 71903
more than thirty days. 71904

(4) No beds shall be approved under this division unless the 71905
hospital can satisfactorily demonstrate in the application that it 71906

is routinely unable to place the patients planned for the beds in accessible skilled nursing facilities. 71907
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(5) In developing rules to implement this division, the director shall give special attention to the required documentation of the need for such beds, including the efforts made by the hospital to place patients in suitable skilled nursing facilities, and special attention to the appropriate size of units with such beds given the historical pattern of the applicant hospital's documented difficulty in placing skilled nursing patients. 71909
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(B) For assistance in monitoring the use of hospital beds recategorized as skilled nursing beds after August 5, 1989, the director shall adopt rules specifying appropriate quarterly procedures for reporting to the department of health. 71917
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(C) A patient may stay in a hospital bed that, after August 5, 1989, has been recategorized as a skilled nursing bed for more than thirty days if the hospital is able to demonstrate that it made a good faith effort to place the patient in an accessible skilled nursing facility acceptable to the patient within the thirty-day period, but was unable to do so. 71921
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(D) No hospital bed recategorized after August 5, 1989, as a skilled nursing bed shall be covered by a provider agreement under the ~~medical assistance~~ medicaid program established under Chapter 5111. of the Revised Code. 71927
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(E) Nothing in this section requires a hospital to place a patient in any nursing home if the patient does not wish to be placed in the nursing home. Nothing in this section limits the ability of a hospital to file a certificate of need application for the addition of long-term care beds that meet the definition of "home" in section 3721.01 of the Revised Code. Nothing in this section limits the ability of the director to grant certificates 71931
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of need necessary for hospitals to engage in demonstration 71938
projects authorized by the federal government for the purpose of 71939
enhancing long-term quality of care and cost containment. Nothing 71940
in this section limits the ability of hospitals to develop swing 71941
bed programs in accordance with federal regulations. 71942

No hospital that is granted a certificate of need after 71943
August 5, 1989, to recategorize hospital beds as skilled nursing 71944
beds is subject to sections 3721.01 to 3721.09 of the Revised 71945
Code. If the portion of the hospital in which the recategorized 71946
beds are located is certified as a skilled nursing facility under 71947
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 71948
U.S.C.A. 301, as amended, that portion of the hospital is subject 71949
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 71950
the Revised Code. If the beds are registered pursuant to section 71951
3701.07 of the Revised Code as long-term care beds, the beds are 71952
subject to sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the 71953
Revised Code. 71954

Sec. 3702.55. A person that the director of health determines 71955
has violated section 3702.53 of the Revised Code shall cease 71956
conducting the activity that constitutes the violation or 71957
utilizing the facility resulting from the violation not later than 71958
thirty days after the person receives the notice mailed under 71959
section 3702.532 of the Revised Code or, if the person appeals the 71960
director's determination under section 3702.60 of the Revised 71961
Code, thirty days after the person receives an order upholding the 71962
director's determination that is not subject to further appeal. 71963

If any person determined to have violated section 3702.53 of 71964
the Revised Code fails to cease conducting an activity or using a 71965
facility as required by this section or if the person continues to 71966
seek payment or reimbursement for services rendered or costs 71967
incurred in conducting the activity as prohibited by section 71968

3702.56 of the Revised Code, in addition to the penalties imposed 71969
under section 3702.54 or 3702.541 of the Revised Code: 71970

(A) The director of health may refuse to include any beds 71971
involved in the activity in the bed capacity of a hospital for 71972
purposes of registration under section 3701.07 of the Revised 71973
Code; 71974

(B) The director of health may refuse to license, or may 71975
revoke a license or reduce bed capacity previously granted to, a 71976
hospice care program under section 3712.04 of the Revised Code; a 71977
nursing home, residential care facility, or home for the aging 71978
under section 3721.02 of the Revised Code; or any beds within any 71979
of those facilities that are involved in the activity; 71980

(C) A political subdivision certified under section 3721.09 71981
of the Revised Code may refuse to license, or may revoke a license 71982
or reduce bed capacity previously granted to, a nursing home, 71983
residential care facility, or home for the aging, or any beds 71984
within any of those facilities that are involved in the activity; 71985

(D) The director of ~~mental health~~ mental health and addiction 71986
services may refuse to license under section ~~5119.20~~ 5119.33 of 71987
the Revised Code, or may revoke a license or reduce bed capacity 71988
previously granted to, a hospital receiving mentally ill persons 71989
or beds within such a hospital that are involved in the activity; 71990

(E) The department of ~~job and family services~~ medicaid may 71991
refuse to enter into a provider agreement that includes a 71992
facility, beds, or services that result from the activity. 71993

Sec. 3702.62. Sections 3702.51 to 3702.61 of the Revised Code 71994
do not apply to any part of a long-term care facility's campus 71995
that is certified as an intermediate care facility for ~~the~~ 71996
~~mentally retarded under Title XIX of the "Social Security Act," 79~~ 71997
~~Stat. 343 (1965), 42 U.S.C. 1396 et seq., as amended~~individuals 71998

with intellectual disabilities, as defined in section 5124.01 of 71999
the Revised Code. 72000

Sec. 3702.74. (A) A primary care physician who has signed a 72001
letter of intent under section 3702.73 of the Revised Code and the 72002
director of health may enter into a contract for the physician's 72003
participation in the physician loan repayment program. The 72004
physician's employer or other funding source may also be a party 72005
to the contract. 72006

(B) The contract shall include all of the following 72007
obligations: 72008

(1) The primary care physician agrees to provide primary care 72009
services in the health resource shortage area identified in the 72010
letter of intent for at least two years; 72011

(2) When providing primary care services in the health 72012
resource shortage area, the primary care physician agrees to do 72013
all of the following: 72014

(a) Provide primary care services for a minimum of forty 72015
hours per week, of which at least twenty-one hours will be spent 72016
providing patient care in an outpatient or ambulatory setting; 72017

(b) Provide primary care services without regard to a 72018
patient's ability to pay; 72019

(c) Meet the ~~conditions prescribed by the "Social Security~~ 72020
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the~~ 72021
~~department of job and family services requirements for~~ 72022
~~participation in the a~~ medicaid program established under Chapter 72023
5111. of the Revised Code provider agreement and enter into a 72024
~~contract~~ the agreement with the department of medicaid to provide 72025
primary care services to medicaid recipients ~~of the medical~~ 72026
~~assistance program.~~ 72027

(3) The department of health agrees, as provided in section 72028

3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;

(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section.

(C) The contract may include any other terms agreed upon by the parties.

Sec. 3702.91. (A) An individual who has signed a letter of intent under section 3702.90 of the Revised Code may enter into a contract with the director of health for participation in the dentist loan repayment program. The dentist's employer or other funding source may also be a party to the contract.

(B) The contract shall include all of the following obligations:

(1) The individual agrees to provide dental services in the dental health resource shortage area identified in the letter of intent for at least two years.

(2) When providing dental services in the dental health resource shortage area, the individual agrees to do all of the following:

(a) Provide dental services for a minimum of forty hours per week;

(b) Provide dental services without regard to a patient's ability to pay;

(c) Meet the ~~conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the department of job and family services requirements for participation in the a~~ medicaid program established under Chapter 5111. of the Revised Code provider agreement and enter into a ~~contract~~ the agreement with the department of medicaid to provide dental services to medicaid recipients.

(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code.

(4) The individual agrees to pay the department of health an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (B)(1) of this section.

(C) The contract may include any other terms agreed upon by the parties.

(D) Not later than the thirty-first day of January of each year, the department of health shall mail to each individual to whom or on whose behalf repayment is made under the dentist loan repayment program a statement showing the amount of principal and interest repaid by the department pursuant to the contract in the preceding year. The statement shall be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States postal service.

Sec. 3704.144. (A) Gifts, grants, and contributions for the purpose of adding pollution control equipment to diesel-powered school buses and converting diesel-powered school buses to alternative fuels, including contributions that are made pursuant

to the settlement of an administrative action or civil action that 72090
is brought at the request of the director of environmental 72091
protection pursuant to Chapter 3704., 3714., 3734., 6109., or 72092
6111. of the Revised Code, shall be credited to the clean diesel 72093
school bus fund, which is hereby created in the state treasury. 72094
The director shall use money credited to the fund to make grants 72095
to school districts in the state and to county boards of 72096
developmental disabilities for the purpose of adding pollution 72097
control equipment to diesel-powered school buses and converting 72098
diesel-powered school buses to alternative fuels by means of 72099
certified engine configurations and verified technologies that are 72100
consistent with the requirements of section 793 and any 72101
regulations adopted under that section and to pay the 72102
environmental protection agency's costs incurred in administering 72103
this section. In addition, the director may use money credited to 72104
the fund to make grants to school districts and to county boards 72105
of developmental disabilities for the purpose of maintaining 72106
pollution control equipment that is installed on diesel-powered 72107
school buses ~~and to pay the additional cost incurred by a school~~ 72108
~~district or a county board for using ultra low sulfur diesel fuel~~ 72109
~~instead of diesel fuel for the operation of diesel powered school~~ 72110
~~buses.~~ 72111

(B) In making grants under this section, the director shall 72112
give priority to school districts and to county boards of 72113
developmental disabilities that are located in a county that is 72114
designated as nonattainment by the United States environmental 72115
protection agency for the fine particulate national ambient air 72116
quality standard under the federal Clean Air Act. In addition, the 72117
director may give a higher priority to a school district or a 72118
county board of developmental disabilities that employs additional 72119
measures that reduce air pollution from the district's or the 72120
county board's school bus fleet. 72121

(C) The director shall adopt rules establishing procedures and requirements that are necessary to implement this section, including procedures and requirements governing applications for grants.

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(D) As used in this section:

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(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code.

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(2) "Certified engine configuration" and "section 793" have the same meanings as in section 122.861 of the Revised Code.

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

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Sec. 3706.01. As used in this chapter:

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(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

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(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.

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(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.

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(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare,

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plant or animal life, or property, or that unreasonably interferes 72152
with the comfortable enjoyment of life or property. 72153

(E) "Ambient air" means that portion of the atmosphere 72154
outside of buildings and other enclosures, stacks, or ducts that 72155
surrounds human, plant, or animal life, or property. 72156

(F) "Emission" means the release into the outdoor atmosphere 72157
of an air contaminant. 72158

(G) "Air quality facility" means any of the following: 72159

(1) Any method, modification or replacement of property, 72160
process, device, structure, or equipment that removes, reduces, 72161
prevents, contains, alters, conveys, stores, disperses, or 72162
disposes of air contaminants or substances containing air 72163
contaminants, or that renders less noxious or reduces the 72164
concentration of air contaminants in the ambient air, including, 72165
without limitation, facilities and expenditures that qualify as 72166
air pollution control facilities under section 103 (C)(4)(F) of 72167
the Internal Revenue Code of 1954, as amended, and regulations 72168
adopted thereunder; 72169

(2) Motor vehicle inspection stations operated in accordance 72170
with, and any equipment used for motor vehicle inspections 72171
conducted under, section 3704.14 of the Revised Code and rules 72172
adopted under it; 72173

(3) Ethanol or other biofuel facilities, including any 72174
equipment used at the ethanol or other biofuel facility for the 72175
production of ethanol or other biofuels; 72176

(4) Any property or portion thereof used for the collection, 72177
storage, treatment, utilization, processing, or final disposal of 72178
a by-product or solid waste resulting from any method, process, 72179
device, structure, or equipment that removes, reduces, prevents, 72180
contains, alters, conveys, stores, disperses, or disposes of air 72181
contaminants, or that renders less noxious or reduces the 72182

concentration of air contaminants in the ambient air;	72183
(5) Any property, device, or equipment that promotes the	72184
reduction of emissions of air contaminants into the ambient air	72185
through improvements in the efficiency of energy utilization or	72186
energy conservation;	72187
(6) Any coal research and development project conducted under	72188
Chapter 1555. of the Revised Code;	72189
(7) As determined by the director of the Ohio coal	72190
development office, any property or portion thereof that is used	72191
for the collection, storage, treatment, utilization, processing,	72192
or final disposal of a by-product resulting from a coal research	72193
and development project as defined in section 1555.01 of the	72194
Revised Code or from the use of clean coal technology, excluding	72195
any property or portion thereof that is used primarily for other	72196
subsequent commercial purposes;	72197
(8) Any property or portion thereof that is part of the	72198
FutureGen project of the United States department of energy or	72199
related to the siting of the FutureGen project-;i	72200
(9) Any property, device, or equipment that promotes the	72201
reduction of emissions of air contaminants into the ambient air	72202
through the generation of clean, renewable energy with renewable	72203
energy resources or advanced energy resources as defined in	72204
section 3706.25 of the Revised Code-;i	72205
(10) Any property, device, structure or equipment necessary	72206
for the manufacture and production of equipment described as an	72207
air quality facility under this chapter;i	72208
<u>(11) Any property, device, or equipment related to the</u>	72209
<u>recharging or refueling of vehicles that promotes the reduction of</u>	72210
<u>emissions of air contaminants into the ambient air through the use</u>	72211
<u>of an alternative fuel as defined in section 125.831 of the</u>	72212
<u>Revised Code or the use of a renewable energy resource as defined</u>	72213

in section 3706.25 of the Revised Code. 72214

"Air quality facility" further includes any property or 72215
system to be used in whole or in part for any of the purposes in 72216
divisions (G)(1) to ~~(10)~~(11) of this section, whether another 72217
purpose is also served, and any property or system incidental to 72218
or that has to do with, or the end purpose of which is, any of the 72219
foregoing. Air quality facilities that are defined in this 72220
division for industry, commerce, distribution, or research, 72221
including public utility companies, are hereby determined to be 72222
those that qualify as facilities for the control of air pollution 72223
and thermal pollution related to air under Section 13 of Article 72224
VIII, Ohio Constitution. 72225

(H) "Project" or "air quality project" means any air quality 72226
facility, including undivided or other interests therein, acquired 72227
or to be acquired or constructed or to be constructed by the Ohio 72228
air quality development authority under this chapter, or acquired 72229
or to be acquired or constructed or to be constructed by a 72230
governmental agency or person with all or a part of the cost 72231
thereof being paid from a loan or grant from the authority under 72232
this chapter or otherwise paid from the proceeds of air quality 72233
revenue bonds, including all buildings and facilities that the 72234
authority determines necessary for the operation of the project, 72235
together with all property, rights, easements, and interests that 72236
may be required for the operation of the project. 72237

(I) "Cost" as applied to an air quality project means the 72238
cost of acquisition and construction, the cost of acquisition of 72239
all land, rights-of-way, property rights, easements, franchise 72240
rights, and interests required for such acquisition and 72241
construction, the cost of demolishing or removing any buildings or 72242
structures on land so acquired, including the cost of acquiring 72243
any lands to which such buildings or structures may be moved, the 72244
cost of acquiring or constructing and equipping a principal office 72245

and sub-offices of the authority, the cost of diverting highways, 72246
interchange of highways, and access roads to private property, 72247
including the cost of land or easements for such access roads, the 72248
cost of public utility and common carrier relocation or 72249
duplication, the cost of all machinery, furnishings, and 72250
equipment, financing charges, interest prior to and during 72251
construction and for no more than eighteen months after completion 72252
of construction, engineering, expenses of research and development 72253
with respect to air quality facilities, the cost of any commodity 72254
contract, including fees and expenses related thereto, legal 72255
expenses, plans, specifications, surveys, studies, estimates of 72256
cost and revenues, working capital, other expenses necessary or 72257
incident to determining the feasibility or practicability of 72258
acquiring or constructing such project, administrative expense, 72259
and such other expense as may be necessary or incident to the 72260
acquisition or construction of the project, the financing of such 72261
acquisition or construction, including the amount authorized in 72262
the resolution of the authority providing for the issuance of air 72263
quality revenue bonds to be paid into any special funds from the 72264
proceeds of such bonds, and the financing of the placing of such 72265
project in operation. Any obligation, cost, or expense incurred by 72266
any governmental agency or person for surveys, borings, 72267
preparation of plans and specifications, and other engineering 72268
services, or any other cost described above, in connection with 72269
the acquisition or construction of a project may be regarded as a 72270
part of the cost of that project and may be reimbursed out of the 72271
proceeds of air quality revenue bonds as authorized by this 72272
chapter. 72273

(J) "Owner" includes an individual, copartnership, 72274
association, or corporation having any title or interest in any 72275
property, rights, easements, or interests authorized to be 72276
acquired by this chapter. 72277

(K) "Revenues" means all rentals and other charges received 72278
by the authority for the use or services of any air quality 72279
project, any gift or grant received with respect to any air 72280
quality project, any moneys received with respect to the lease, 72281
sublease, sale, including installment sale or conditional sale, or 72282
other disposition of an air quality project, moneys received in 72283
repayment of and for interest on any loans made by the authority 72284
to a person or governmental agency, whether from the United States 72285
or any department, administration, or agency thereof, or 72286
otherwise, proceeds of such bonds to the extent that use thereof 72287
for payment of principal of, premium, if any, or interest on the 72288
bonds is authorized by the authority, amounts received or 72289
otherwise derived from a commodity contract or from the sale of 72290
the related commodity under such a contract, proceeds from any 72291
insurance, condemnation, or guaranty pertaining to a project or 72292
property mortgaged to secure bonds or pertaining to the financing 72293
of the project, and income and profit from the investment of the 72294
proceeds of air quality revenue bonds or of any revenues. 72295

(L) "Public roads" includes all public highways, roads, and 72296
streets in the state, whether maintained by the state, county, 72297
city, township, or other political subdivision. 72298

(M) "Public utility facilities" includes tracks, pipes, 72299
mains, conduits, cables, wires, towers, poles, and other equipment 72300
and appliances of any public utility. 72301

(N) "Construction," unless the context indicates a different 72302
meaning or intent, includes reconstruction, enlargement, 72303
improvement, or providing furnishings or equipment. 72304

(O) "Air quality revenue bonds," unless the context indicates 72305
a different meaning or intent, includes air quality revenue notes, 72306
air quality revenue renewal notes, and air quality revenue 72307
refunding bonds, except that notes issued in anticipation of the 72308
issuance of bonds shall have a maximum maturity of five years as 72309

provided in section 3706.05 of the Revised Code and notes or 72310
renewal notes issued as the definitive obligation may be issued 72311
maturing at such time or times with a maximum maturity of forty 72312
years from the date of issuance of the original note. 72313

(P) "Solid waste" means any garbage; refuse; sludge from a 72314
waste water treatment plant, water supply treatment plant, or air 72315
pollution control facility; and other discarded material, 72316
including solid, liquid, semisolid, or contained gaseous material 72317
resulting from industrial, commercial, mining, and agricultural 72318
operations, and from community activities, but not including solid 72319
or dissolved material in domestic sewage, or solid or dissolved 72320
material in irrigation return flows or industrial discharges that 72321
are point sources subject to permits under section 402 of the 72322
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 72323
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 72324
byproduct material as defined by the "Atomic Energy Act of 1954," 72325
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 72326

(Q) "Sludge" means any solid, semisolid, or liquid waste, 72327
other than a recyclable by-product, generated from a municipal, 72328
commercial, or industrial waste water treatment plant, water 72329
supply plant, or air pollution control facility or any other such 72330
wastes having similar characteristics and effects. 72331

(R) "Ethanol or other biofuel facility" means a plant at 72332
which ethanol or other biofuel is produced. 72333

(S) "Ethanol" means fermentation ethyl alcohol derived from 72334
agricultural products, including potatoes, cereal, grains, cheese 72335
whey, and sugar beets; forest products; or other renewable or 72336
biomass resources, including residue and waste generated from the 72337
production, processing, and marketing of agricultural products, 72338
forest products, and other renewable or biomass resources, that 72339
meets all of the specifications in the American society for 72340
testing and materials (ASTM) specification D 4806-88 and is 72341

denatured as specified in Parts 20 and 21 of Title 27 of the Code of Federal Regulations. 72342
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(T) "Biofuel" means any fuel that is made from cellulosic biomass resources, including renewable organic matter, crop waste residue, wood, aquatic plants and other crops, animal waste, solid waste, or sludge, and that is used for the production of energy for transportation or other purposes. 72344
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(U) "FutureGen project" means the buildings, equipment, and real property and functionally related buildings, equipment, and real property, including related research projects that support the development and operation of the buildings, equipment, and real property, designated by the United States department of energy and the FutureGen industrial alliance, inc., as the coal-fueled, zero-emissions power plant designed to prove the technical and economic feasibility of producing electricity and hydrogen from coal and nearly eliminating carbon dioxide emissions through capture and permanent storage. 72349
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(V) "Commodity contract" means a contract or series of contracts entered into in connection with the acquisition or construction of air quality facilities for the purchase or sale of a commodity that is eligible for prepayment with the proceeds of federally tax exempt bonds under sections 103, 141, and 148 of the Internal Revenue Code of 1986, as amended, and regulations adopted under it. 72359
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Sec. 3707.511. (A) As used in this section, ~~"physician":~~ 72366

"Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 72367
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"Chiropractor" means a person licensed under Chapter 4734. of the Revised Code to practice chiropractic. 72370
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(B) A youth sports organization shall provide to the parent, guardian, or other person having care or charge of an individual who wishes to practice for or compete in an athletic activity organized by a youth sports organization the concussion and head injury information sheet required by section 3707.52 of the Revised Code. The organization shall provide the information sheet annually for each sport or other category of athletic activity for or in which the individual practices or competes.

(C)(1) No individual shall act as a coach or referee for a youth sports organization unless the individual holds a pupil-activity program permit issued under section 3319.303 of the Revised Code for coaching interscholastic athletics or presents evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code.

(2) The youth sports organization for which the individual intends to act as a coach or referee shall inform the individual of the requirement described in division (C)(1) of this section.

(D) If an individual practicing for or competing in an athletic event organized by a youth sports organization exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the individual shall be removed from the practice or competition by one of the following:

(1) The individual who is serving as the individual's coach during that practice or competition;

(2) An individual who is serving as a referee during that practice or competition;

(3) An official of the youth sports organization who is

supervising that practice or competition. 72403

(E)(1) If an individual is removed from practice or 72404
competition under division (D) of this section, the coach, 72405
referee, or official who removed the individual shall not allow 72406
the individual, on the same day the individual is removed, to 72407
return to that practice or competition or to participate in any 72408
other practice or competition for which the coach, referee, or 72409
official is responsible. Thereafter, the coach, referee, or 72410
official shall not allow the student to return to that practice or 72411
competition or to participate in any other practice or competition 72412
for which the coach, referee, or official is responsible until 72413
both of the following conditions are satisfied: 72414

(a) The individual's condition is assessed by ~~either~~ any of 72415
the following: 72416

(i) A physician; 72417

(ii) A chiropractor; 72418

(iii) Any other licensed health care provider the youth 72419
sports organization, pursuant to division (E)(2) of this section, 72420
authorizes to assess an individual who has been removed from 72421
practice or competition under division (D) of this section. 72422

(b) The individual receives written clearance that it is safe 72423
for the individual to return to practice or competition from a 72424
physician, chiropractor, or ~~from~~ another licensed health care 72425
provider authorized pursuant to division (E)(2) of this section to 72426
grant the clearance. 72427

(2) A youth sports organization may authorize a licensed 72428
health care provider who is not a physician or a chiropractor to 72429
make an assessment or grant a clearance for purposes of division 72430
(E)(1) of this section only if the provider is acting in 72431
accordance with one of the following, as applicable to the 72432
provider's authority to practice in this state: 72433

(a) In consultation with a physician;	72434
(b) Pursuant to the referral of a physician;	72435
(c) In collaboration with a physician;	72436
(d) Under the supervision of a physician.	72437
(3) A physician, <u>chiropractor</u> , or other licensed health care provider who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer.	72438 72439 72440
(F)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.	72441 72442 72443 72444 72445 72446
(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	72447 72448 72449 72450 72451
Sec. 3709.01. The state shall be divided into health districts. Each city constitutes a health district and shall be known as a "city health district."	72452 72453 72454
The townships and villages in each county shall be combined into a health district and shall be known as a "general health district."	72455 72456 72457
As provided for in sections <u>3709.051</u> , 3709.07, 3709.071 , and 3709.10 of the Revised Code, there may be a union of two or more contiguous general health districts, not to exceed five , a union of two or more contiguous city health districts to form a <u>single</u> city health district, or a union of a general health district and one or more city health districts located within or partially	72458 72459 72460 72461 72462 72463

within such general health district. 72464

Sec. 3709.051. Two or more ~~contiguous~~ city health districts 72465
may be united to form a single city health district by a majority 72466
affirmative vote of the legislative authority of each city 72467
affected by the union. 72468

If at least three per cent of the qualified electors residing 72469
within each of two or more ~~contiguous~~ city health districts sign a 72470
petition proposing a union into a single city health district, an 72471
election shall be held as provided in this section to determine 72472
whether a single city health district shall be formed. The 72473
petition for union may specify regarding the board of health of 72474
the new district: 72475

(A) The qualifications for membership; 72476

(B) The term of office; 72477

(C) The number of members or a method by which the number may 72478
be determined from time to time; 72479

(D) The method of appointment. 72480

Such petition shall be filed with the boards of county 72481
commissioners of the respective counties affected, subject to 72482
approval of the director of health, and such boards shall promptly 72483
certify the text of the proposal to the boards of election for the 72484
purpose of having the proposal placed on the ballot at the next 72485
general election occurring more than ninety days after such 72486
certification. The election procedures provided in Chapter 3505. 72487
of the Revised Code for questions and issues shall apply to the 72488
election. If a majority of the electors voting on the proposal in 72489
each of the health districts affected vote in favor thereof, the 72490
union of such districts into a single city health district shall 72491
be established on the second succeeding first day of January. 72492

Sec. 3709.10. When it is proposed that two or more ~~contiguous~~ 72493
general health districts, ~~not to exceed five,~~ unite in the 72494
formation of one general health district, the district advisory 72495
council of each general health district shall meet and vote on the 72496
question of union. An affirmative majority vote of the district 72497
advisory council shall be required for approval. When the district 72498
advisory councils have voted affirmatively on the question, they 72499
shall meet in joint session and shall elect a board of health for 72500
the combined districts. Each original general health district 72501
shall be entitled to at least one member on the board of health of 72502
the combined districts. 72503

When such union is completed, ~~such~~ the district shall 72504
constitute a general health district and shall be governed in the 72505
manner provided for general health districts. When two or more 72506
general health districts unite to form one district, the office of 72507
the board of health shall be located at the county seat of the 72508
county selected by the joint board of district advisory councils. 72509

When two or more general health districts have been combined 72510
into a single district, the county auditor of the county selected 72511
by the joint board of district advisory councils as the location 72512
of the central office of the board of health shall be the auditor 72513
of such district and the county treasurer of such county shall be 72514
the custodian of the health funds of such district. When the 72515
budget of such combined general health district is a matter for 72516
consideration, the members of the budget commissions of the 72517
counties constituting the district shall sit as a joint board for 72518
considering and acting on such budget. 72519

Sec. 3712.051. (A) As used in this division, "person" does 72520
not include a member of an interdisciplinary team, as defined in 72521
section 3712.01 of the Revised Code, or any individual who is 72522
employed by a person or public agency licensed under section 72523

3712.041 of the Revised Code. 72524

Except as provided in division (B) of this section, no person 72525
or public agency, other than a person or public agency licensed 72526
pursuant to section 3712.041 of the Revised Code, shall hold 72527
itself out as providing a pediatric respite care program, or 72528
provide a pediatric respite care program, or use the term 72529
"pediatric respite care program" or any term containing "pediatric 72530
respite care" to describe or refer to a health program, facility, 72531
or agency. 72532

(B) Division (A) of this section does not apply to any of the 72533
following: 72534

(1) A hospital; 72535

(2) A nursing home or residential care facility, as those 72536
terms are defined in section 3721.01 of the Revised Code; 72537

(3) A home health agency, if it provides services under 72538
contract with a person or public agency providing a pediatric 72539
respite care program licensed under section 3712.041 of the 72540
Revised Code; 72541

(4) A regional, state, or national nonprofit organization 72542
whose members are providers of pediatric respite care programs, 72543
individuals interested in pediatric respite care programs, or 72544
both, as long as the organization does not provide or represent 72545
that it provides pediatric respite care programs; 72546

(5) A person or government entity certified under section 72547
5123.161 of the Revised Code as a supported living provider; 72548

(6) A residential facility licensed under section 5123.19 of 72549
the Revised Code; 72550

(7) A respite care home certified under section 5126.05 of 72551
the Revised Code; 72552

(8) A person providing respite care under a family support 72553

services program established under section 5126.11 of the Revised Code; 72554
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(9) A person or government entity providing respite care 72556
under a medicaid waiver component that the department of 72557
developmental disabilities administers pursuant to section 72558
~~5111.871~~ 5166.21 of the Revised Code. 72559

(C) The department of health shall petition the court of 72560
common pleas of any county in which a person or public agency, 72561
without a license granted under section 3712.041 of the Revised 72562
Code, is holding itself out as providing a pediatric respite care 72563
program, is providing a pediatric respite care program, or is 72564
representing a health program, facility, or agency as a pediatric 72565
respite care program, for an order enjoining that person or public 72566
agency from conducting those activities without a license. The 72567
court has jurisdiction to grant injunctive relief upon a showing 72568
that the respondent named in the petition is conducting those 72569
activities without a license. 72570

Any person or public agency may request the department to 72571
petition the court for injunctive relief under this division, and 72572
the department shall do so if it determines that the person or 72573
public agency named in the request is violating division (A) of 72574
this section. 72575

Sec. 3712.07. (A) As used in this section, "terminal care 72576
facility for the homeless" means a facility that provides 72577
accommodations to homeless individuals who are terminally ill. 72578

(B) A person or public agency licensed under this chapter to 72579
provide a hospice care program may enter into an agreement with a 72580
terminal care facility for the homeless under which hospice care 72581
program services may be provided to individuals residing at the 72582
facility, if all of the following apply: 72583

(1) Each resident of the facility has been diagnosed by a physician as having a terminal condition and an anticipated life expectancy of six months or less; 72584
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(2) No resident of the facility has a relative or other person willing or capable of providing the care necessary to cope with ~~his~~ the resident's terminal illness or is financially capable of hiring a person to provide such care; 72587
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(3) Each resident of the facility is under the direct care of a physician; 72591
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(4) No resident of the facility requires the staff of the facility to administer medication by injection; 72593
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(5) The facility does not receive any remuneration, directly or indirectly, from the residents; 72595
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(6) The facility does not receive any remuneration, directly or indirectly, from the ~~medical assistance~~ medicaid program established under section 5111.01 of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 72597
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(7) The facility meets all applicable state and federal health and safety standards, including standards for fire prevention, maintenance of safe and sanitary conditions, and proper preparation and storage of foods. 72602
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(C) Hospice care program services may be provided at a terminal care facility for the homeless only by the personnel of the person or public agency that has entered into an agreement with the facility under this section. 72606
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(D) A terminal care facility for the homeless that has entered into an agreement under this section may assist its residents with the self-administration of medication if the medication has been prescribed by a physician and is not 72610
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administered by injection. In the event that a resident has 72614
entered the final stages of dying and is no longer mentally alert, 72615
the facility may administer medication to that resident if the 72616
medication has been prescribed by a physician and is not 72617
administered by injection. Determinations of whether an individual 72618
has entered the final stages of dying and is no longer mentally 72619
alert shall be based on directions from the personnel who provide 72620
hospice care program services at the facility. 72621

Sec. 3712.09. (A) As used in this section: 72622

(1) "Applicant" means a person who is under final 72623
consideration for employment with a hospice care program or 72624
pediatric respite care program in a full-time, part-time, or 72625
temporary position that involves providing direct care to an older 72626
adult or pediatric respite care patient. "Applicant" does not 72627
include a person who provides direct care as a volunteer without 72628
receiving or expecting to receive any form of remuneration other 72629
than reimbursement for actual expenses. 72630

(2) "Criminal records check" has the same meaning as in 72631
section 109.572 of the Revised Code. 72632

(3) "Older adult" means a person age sixty or older. 72633

(B)(1) Except as provided in division (I) of this section, 72634
the chief administrator of a hospice care program or pediatric 72635
respite care program shall request that the superintendent of the 72636
bureau of criminal identification and investigation conduct a 72637
criminal records check of each applicant. If an applicant for whom 72638
a criminal records check request is required under this division 72639
does not present proof of having been a resident of this state for 72640
the five-year period immediately prior to the date the criminal 72641
records check is requested or provide evidence that within that 72642
five-year period the superintendent has requested information 72643
about the applicant from the federal bureau of investigation in a 72644

criminal records check, the chief administrator shall request that 72645
the superintendent obtain information from the federal bureau of 72646
investigation as part of the criminal records check of the 72647
applicant. Even if an applicant for whom a criminal records check 72648
request is required under this division presents proof of having 72649
been a resident of this state for the five-year period, the chief 72650
administrator may request that the superintendent include 72651
information from the federal bureau of investigation in the 72652
criminal records check. 72653

(2) A person required by division (B)(1) of this section to 72654
request a criminal records check shall do both of the following: 72655

(a) Provide to each applicant for whom a criminal records 72656
check request is required under that division a copy of the form 72657
prescribed pursuant to division (C)(1) of section 109.572 of the 72658
Revised Code and a standard fingerprint impression sheet 72659
prescribed pursuant to division (C)(2) of that section, and obtain 72660
the completed form and impression sheet from the applicant; 72661

(b) Forward the completed form and impression sheet to the 72662
superintendent of the bureau of criminal identification and 72663
investigation. 72664

(3) An applicant provided the form and fingerprint impression 72665
sheet under division (B)(2)(a) of this section who fails to 72666
complete the form or provide fingerprint impressions shall not be 72667
employed in any position for which a criminal records check is 72668
required by this section. 72669

(C)(1) Except as provided in rules adopted by the director of 72670
health in accordance with division (F) of this section and subject 72671
to division (C)(2) of this section, no hospice care program or 72672
pediatric respite care program shall employ a person in a position 72673
that involves providing direct care to an older adult or pediatric 72674
respite care patient if the person has been convicted of or 72675

pleaded guilty to any of the following: 72676

(a) A violation of section 2903.01, 2903.02, 2903.03, 72677
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 72678
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 72679
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 72680
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 72681
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 72682
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 72683
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 72684
2925.22, 2925.23, or 3716.11 of the Revised Code. 72685

(b) A violation of an existing or former law of this state, 72686
any other state, or the United States that is substantially 72687
equivalent to any of the offenses listed in division (C)(1)(a) of 72688
this section. 72689

(2)(a) A hospice care program or pediatric respite care 72690
program may employ conditionally an applicant for whom a criminal 72691
records check request is required under division (B) of this 72692
section prior to obtaining the results of a criminal records check 72693
regarding the individual, provided that the program shall request 72694
a criminal records check regarding the individual in accordance 72695
with division (B)(1) of this section not later than five business 72696
days after the individual begins conditional employment. In the 72697
circumstances described in division (I)(2) of this section, a 72698
hospice care program or pediatric respite care program may employ 72699
conditionally an applicant who has been referred to the hospice 72700
care program or pediatric respite care program by an employment 72701
service that supplies full-time, part-time, or temporary staff for 72702
positions involving the direct care of older adults or pediatric 72703
respite care patients and for whom, pursuant to that division, a 72704
criminal records check is not required under division (B) of this 72705
section. 72706

(b) A hospice care program or pediatric respite care program 72707

that employs an individual conditionally under authority of 72708
division (C)(2)(a) of this section shall terminate the 72709
individual's employment if the results of the criminal records 72710
check requested under division (B) of this section or described in 72711
division (I)(2) of this section, other than the results of any 72712
request for information from the federal bureau of investigation, 72713
are not obtained within the period ending thirty days after the 72714
date the request is made. Regardless of when the results of the 72715
criminal records check are obtained, if the results indicate that 72716
the individual has been convicted of or pleaded guilty to any of 72717
the offenses listed or described in division (C)(1) of this 72718
section, the program shall terminate the individual's employment 72719
unless the program chooses to employ the individual pursuant to 72720
division (F) of this section. Termination of employment under this 72721
division shall be considered just cause for discharge for purposes 72722
of division (D)(2) of section 4141.29 of the Revised Code if the 72723
individual makes any attempt to deceive the program about the 72724
individual's criminal record. 72725

(D)(1) Each hospice care program or pediatric respite care 72726
program shall pay to the bureau of criminal identification and 72727
investigation the fee prescribed pursuant to division (C)(3) of 72728
section 109.572 of the Revised Code for each criminal records 72729
check conducted pursuant to a request made under division (B) of 72730
this section. 72731

(2) A hospice care program or pediatric respite care program 72732
may charge an applicant a fee not exceeding the amount the program 72733
pays under division (D)(1) of this section. A program may collect 72734
a fee only if both of the following apply: 72735

(a) The program notifies the person at the time of initial 72736
application for employment of the amount of the fee and that, 72737
unless the fee is paid, the person will not be considered for 72738
employment; 72739

(b) The ~~medical assistance~~ medicaid program established under Chapter 5111. of the Revised Code does not reimburse the program the fee it pays under division (D)(1) of this section.

(E) The report of a criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The individual who is the subject of the criminal records check or the individual's representative;

(2) The chief administrator of the program requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides direct care to older adults or pediatric respite care patients that is owned or operated by the same entity that owns or operates the hospice care program or pediatric respite care program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section.

(F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a hospice care program or

pediatric respite care program shall inform each individual, at 72770
the time of initial application for a position that involves 72771
providing direct care to an older adult or pediatric respite care 72772
patient, that the individual is required to provide a set of 72773
fingerprint impressions and that a criminal records check is 72774
required to be conducted if the individual comes under final 72775
consideration for employment. 72776

(H) In a tort or other civil action for damages that is 72777
brought as the result of an injury, death, or loss to person or 72778
property caused by an individual who a hospice care program or 72779
pediatric respite care program employs in a position that involves 72780
providing direct care to older adults or pediatric respite care 72781
patients, all of the following shall apply: 72782

(1) If the program employed the individual in good faith and 72783
reasonable reliance on the report of a criminal records check 72784
requested under this section, the program shall not be found 72785
negligent solely because of its reliance on the report, even if 72786
the information in the report is determined later to have been 72787
incomplete or inaccurate; 72788

(2) If the program employed the individual in good faith on a 72789
conditional basis pursuant to division (C)(2) of this section, the 72790
program shall not be found negligent solely because it employed 72791
the individual prior to receiving the report of a criminal records 72792
check requested under this section; 72793

(3) If the program in good faith employed the individual 72794
according to the personal character standards established in rules 72795
adopted under division (F) of this section, the program shall not 72796
be found negligent solely because the individual prior to being 72797
employed had been convicted of or pleaded guilty to an offense 72798
listed or described in division (C)(1) of this section. 72799

(I)(1) The chief administrator of a hospice care program or 72800

pediatric respite care program is not required to request that the 72801
superintendent of the bureau of criminal identification and 72802
investigation conduct a criminal records check of an applicant if 72803
the applicant has been referred to the program by an employment 72804
service that supplies full-time, part-time, or temporary staff for 72805
positions involving the direct care of older adults or pediatric 72806
respite care patients and both of the following apply: 72807

(a) The chief administrator receives from the employment 72808
service or the applicant a report of the results of a criminal 72809
records check regarding the applicant that has been conducted by 72810
the superintendent within the one-year period immediately 72811
preceding the applicant's referral; 72812

(b) The report of the criminal records check demonstrates 72813
that the person has not been convicted of or pleaded guilty to an 72814
offense listed or described in division (C)(1) of this section, or 72815
the report demonstrates that the person has been convicted of or 72816
pleaded guilty to one or more of those offenses, but the hospice 72817
care program or pediatric respite care program chooses to employ 72818
the individual pursuant to division (F) of this section. 72819

(2) The chief administrator of a hospice care program or 72820
pediatric respite care program is not required to request that the 72821
superintendent of the bureau of criminal identification and 72822
investigation conduct a criminal records check of an applicant and 72823
may employ the applicant conditionally as described in this 72824
division, if the applicant has been referred to the program by an 72825
employment service that supplies full-time, part-time, or 72826
temporary staff for positions involving the direct care of older 72827
adults or pediatric respite care patients and if the chief 72828
administrator receives from the employment service or the 72829
applicant a letter from the employment service that is on the 72830
letterhead of the employment service, dated, and signed by a 72831
supervisor or another designated official of the employment 72832

service and that states that the employment service has requested 72833
the superintendent to conduct a criminal records check regarding 72834
the applicant, that the requested criminal records check will 72835
include a determination of whether the applicant has been 72836
convicted of or pleaded guilty to any offense listed or described 72837
in division (C)(1) of this section, that, as of the date set forth 72838
on the letter, the employment service had not received the results 72839
of the criminal records check, and that, when the employment 72840
service receives the results of the criminal records check, it 72841
promptly will send a copy of the results to the hospice care 72842
program or pediatric respite care program. If a hospice care 72843
program or pediatric respite care program employs an applicant 72844
conditionally in accordance with this division, the employment 72845
service, upon its receipt of the results of the criminal records 72846
check, promptly shall send a copy of the results to the hospice 72847
care program or pediatric respite care program, and division 72848
(C)(2)(b) of this section applies regarding the conditional 72849
employment. 72850

Sec. 3713.06. (A) Any person required to register under 72851
division (A) of section 3713.02 of the Revised Code who imports 72852
bedding or stuffed toys into this state for retail sale or use in 72853
this state and any person required to register under division (A) 72854
of section 3713.02 of the Revised Code who manufactures bedding or 72855
stuffed toys in this state for retail sale or use in this state 72856
shall submit a report to the superintendent of industrial 72857
compliance, in a form and manner prescribed by the superintendent. 72858
The form shall be submitted once ~~every six months~~ per year and 72859
shall show the total number of items of bedding or stuffed toys 72860
imported into this state or manufactured in this state. Each 72861
report shall be accompanied by a fee of four cents for each item 72862
of bedding or stuffed toy imported into this state or manufactured 72863
in this state. 72864

(B) Every importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, and every mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, and auction house shall retain records, designated by the superintendent in rule, for the time period established in rule.

(C) Every importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, and every mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, and auction house shall make sufficient investigation of its records to ensure that the information reported to the superintendent under division (A) of this section is accurate.

Sec. 3714.03. (A) As used in this section:

(1) "Aquifer system" means one or more geologic units or formations that are wholly or partially saturated with water and are capable of storing, transmitting, and yielding significant amounts of water to wells or springs.

(2) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.

(3) "Natural area" means either of the following:

(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under section 1547.81 of

the Revised Code; 72895

(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river. 72896
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(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child day-care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied. 72898
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(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence. 72908
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(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations: 72913
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(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with section 3714.04 of the Revised Code. If no such maps have been prepared, the boundaries of a one-hundred-year flood plain shall be determined by the applicant for a permit 72918
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based upon standard methodologies set forth in "urban hydrology 72926
for small watersheds" (soil conservation service technical release 72927
number 55) and section 4 of the "national engineering hydrology 72928
handbook" of the soil conservation service of the United States 72929
department of agriculture. 72930

(2) Within the boundaries of a sole source aquifer designated 72931
by the administrator of the United States environmental protection 72932
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 72933
42 U.S.C.A. 300f, as amended. 72934

(C) Neither the director nor any board shall issue a permit 72935
to install under section 3714.051 of the Revised Code to establish 72936
a new construction and demolition debris facility when the 72937
horizontal limits of construction and demolition debris placement 72938
at the new facility are proposed to be located in any of the 72939
following locations: 72940

(1) Within one hundred feet of a perennial stream as defined 72941
by the United States geological survey seven and one-half minute 72942
quadrangle map or a category 3 wetland; 72943

(2) Within one hundred feet of the facility's property line; 72944

(3)(a) Except as provided in division (C)(3)(b) of this 72945
section, within five hundred feet of a residential or public water 72946
supply well. 72947

(b) Division (C)(3)(a) of this section does not apply to a 72948
residential well under any of the circumstances specified in 72949
divisions (C)(3)(b)(i) to (iii) of this section as follows: 72950

(i) The well is controlled by the owner or operator of the 72951
construction and demolition debris facility. 72952

(ii) The well is hydrologically separated from the horizontal 72953
limits of construction and demolition debris placement. 72954

(iii) The well is at least three hundred feet upgradient from 72955

the horizontal limits of construction and demolition debris 72956
placement and division (D) of this section does not prohibit the 72957
issuance of the permit to install. 72958

(4) Within five hundred feet of a park created or operated 72959
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 72960
of the Revised Code, a state park established or dedicated under 72961
Chapter 1541. of the Revised Code, a state park purchase area 72962
established under section 1541.02 of the Revised Code, a national 72963
recreation area, any unit of the national park system, or any 72964
property that lies within the boundaries of a national park or 72965
recreation area, but that has not been acquired or is not 72966
administered by the secretary of the United States department of 72967
the interior, located in this state, or any area located in this 72968
state that is recommended by the secretary for study for potential 72969
inclusion in the national park system in accordance with "The Act 72970
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 72971

(5) Within five hundred feet of a natural area, any area 72972
established by the department of natural resources as a state 72973
wildlife area under Chapter 1531. of the Revised Code and rules 72974
adopted under it, any area that is formally dedicated as a nature 72975
preserve under section 1517.05 of the Revised Code, or any area 72976
designated by the United States department of the interior as a 72977
national wildlife refuge; 72978

(6) Within five hundred feet of a lake or reservoir of one 72979
acre or more that is hydrogeologically connected to ground water. 72980
For purposes of division (C)(6) of this section, a lake or 72981
reservoir does not include a body of water constructed and used 72982
for purposes of surface water drainage or sediment control. 72983

(7) Within five hundred feet of a state forest purchased or 72984
otherwise acquired under Chapter 1503. of the Revised Code; 72985

~~(8) Within five hundred feet of land that is placed on the 72986~~

~~state registry of historic landmarks under section 149.55 of the Revised Code;~~ 72987
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~~(9) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.~~ 72989
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(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec. 72991
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(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling. 73001
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(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following: 73009
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(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust; 73013
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(2) Surface water drainage and sediment controls that are 73017

required by the director; 73018

(3) If the facility is proposed to be located in an area in 73019
which an applicable zoning resolution allows residential 73020
construction, vegetated earthen berms or an equivalent barrier 73021
with a minimum height of six feet separating the facility from 73022
adjoining property. 73023

(G)(1) The siting criteria established in this section shall 73024
be applied to an application for a permit to install at the time 73025
that the application is submitted to the director or a board of 73026
health, as applicable. Circumstances related to the siting 73027
criteria that change after the application is submitted shall not 73028
be considered in approving or disapproving the application. 73029

(2) The siting criteria established in this section by this 73030
amendment do not apply to an expansion of a construction and 73031
demolition debris facility that was in operation prior to December 73032
22, 2005, onto property within the property boundaries identified 73033
in the application for the initial license for that facility or 73034
any subsequent license issued for that facility up to and 73035
including the license issued for that facility for calendar year 73036
2005. The siting criteria established in this section prior to 73037
December 22, 2005, apply to such an expansion. 73038

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 73039
health and the environmental protection agency in administering 73040
and enforcing this chapter and rules adopted under it, there is 73041
hereby levied a fee of thirty cents per cubic yard or sixty cents 73042
per ton, as applicable, on both of the following: 73043

(a) The disposal of construction and demolition debris at a 73044
construction and demolition debris facility that is licensed under 73045
this chapter or at a solid waste facility that is licensed under 73046
Chapter 3734. of the Revised Code; 73047

(b) The disposal of asbestos or asbestos-containing materials 73048
or products at a construction and demolition debris facility that 73049
is licensed under this chapter or at a solid waste facility that 73050
is licensed under Chapter 3734. of the Revised Code. 73051

(2) The owner or operator of a construction and demolition 73052
debris facility or a solid waste facility shall determine if cubic 73053
yards or tons will be used as the unit of measurement. If basing 73054
the fee on cubic yards, the owner or operator shall utilize either 73055
the maximum cubic yard capacity of the container, or the hauling 73056
volume of the vehicle, that transports the construction and 73057
demolition debris to the facility or the cubic yards actually 73058
logged for disposal by the owner or operator in accordance with 73059
rules adopted under section 3714.02 of the Revised Code. If basing 73060
the fee on tonnage, the owner or operator shall use certified 73061
scales to determine the tonnage of construction and demolition 73062
debris that is disposed of. 73063

(3) The owner or operator of a construction and demolition 73064
debris facility or a solid waste facility shall calculate the 73065
amount of money generated from the fee levied under division 73066
(A)(1) of this section and shall hold that amount as a trustee for 73067
the health district having jurisdiction over the facility, if that 73068
district is on the approved list under section 3714.09 of the 73069
Revised Code, or for the state. The owner or operator shall 73070
prepare and file with the appropriate board of health or the 73071
director of environmental protection monthly returns indicating 73072
the total volume or weight, as applicable, of construction and 73073
demolition debris and asbestos or asbestos-containing materials or 73074
products disposed of at the facility and the total amount of money 73075
generated during that month from the fee levied under division 73076
(A)(1) of this section on the disposal of construction and 73077
demolition debris and asbestos or asbestos-containing materials or 73078
products. Not later than thirty days after the last day of the 73079

month to which the return applies, the owner or operator shall 73080
mail to the board of health or the director the return for that 73081
month together with the amount of money calculated under division 73082
(A)(3) of this section on the disposal of construction and 73083
demolition debris and asbestos or asbestos-containing materials or 73084
products during that month or may submit the return and money 73085
electronically in a manner approved by the director. The owner or 73086
operator may request, in writing, an extension of not more than 73087
thirty days after the last day of the month to which the return 73088
applies. A request for extension may be denied. If the owner or 73089
operator submits the money late, the owner or operator shall pay a 73090
penalty of ten per cent of the amount of the money due for each 73091
month that it is late. 73092

(4) Of the money that is submitted by a construction and 73093
demolition debris facility or a solid waste facility on a per 73094
cubic yard or per ton basis under this section, a board of health 73095
shall transmit three cents per cubic yard or six cents per ton, as 73096
applicable, to the director not later than forty-five days after 73097
the receipt of the money. The money retained by a board of health 73098
under this section shall be paid into a special fund, which is 73099
hereby created in each health district, and used solely ~~to~~ for the 73100
following purposes: 73101

(a) To administer and enforce this chapter and rules adopted 73102
under it; 73103

(b) To abate abandoned accumulations of construction and 73104
demolition debris as provided in section 3714.074 of the Revised 73105
Code. 73106

The director shall transmit all money received under this 73107
section to the treasurer of state to be credited to the 73108
construction and demolition debris facility oversight fund, which 73109
is hereby created in the state treasury. The fund shall be 73110
administered by the director, and money credited to the fund shall 73111

be used exclusively for the administration and enforcement of this 73112
chapter and rules adopted under it. 73113

(B) The board of health of a health district or the director 73114
may enter into an agreement with the owner or operator of a 73115
construction and demolition debris facility or a solid waste 73116
facility for the quarterly payment of money generated from the 73117
disposal fee as calculated in division (A)(3) of this section. The 73118
board of health shall notify the director of any such agreement. 73119
Not later than forty-five days after receipt of the quarterly 73120
payment, the board of health shall transmit the amount established 73121
in division (A)(4) of this section to the director. The money 73122
retained by the board of health shall be deposited in the special 73123
fund of the district as required under that division. Upon receipt 73124
of the money from a board of health, the director shall transmit 73125
the money to the treasurer of state to be credited to the 73126
construction and demolition debris facility oversight fund. 73127

(C) If a construction and demolition debris facility or a 73128
solid waste facility is located within the territorial boundaries 73129
of a municipal corporation or the unincorporated area of a 73130
township, the municipal corporation or township may appropriate up 73131
to four cents per cubic yard or up to eight cents per ton of the 73132
disposal fee required to be paid by the facility under division 73133
(A)(1) of this section for the same purposes that a municipal 73134
corporation or township may levy a fee under division (C) of 73135
section 3734.57 of the Revised Code. 73136

The legislative authority of the municipal corporation or 73137
township may appropriate the money from the fee by enacting an 73138
ordinance or adopting a resolution establishing the amount of the 73139
fee to be appropriated. Upon doing so, the legislative authority 73140
shall mail a certified copy of the ordinance or resolution to the 73141
board of health of the health district in which the construction 73142
and demolition debris facility or the solid waste facility is 73143

located or, if the facility is located in a health district that 73144
is not on the approved list under section 3714.09 of the Revised 73145
Code, to the director. Upon receipt of the copy of the ordinance 73146
or resolution and not later than forty-five days after receipt of 73147
money generated from the fee, the board or the director, as 73148
applicable, shall transmit to the treasurer or other appropriate 73149
officer of the municipal corporation or clerk of the township that 73150
portion of the money generated from the disposal fee by the owner 73151
or operator of the facility that is required by the ordinance or 73152
resolution to be paid to that municipal corporation or township. 73153

Money received by the treasurer or other appropriate officer 73154
of a municipal corporation under this division shall be paid into 73155
the general fund of the municipal corporation. Money received by 73156
the clerk of a township under this division shall be paid into the 73157
general fund of the township. The treasurer or other officer of 73158
the municipal corporation or the clerk of the township, as 73159
appropriate, shall maintain separate records of the money received 73160
under this division. 73161

The legislative authority of a municipal corporation or 73162
township may cease appropriating money under this division by 73163
repealing the ordinance or resolution that was enacted or adopted 73164
under this division. 73165

The director shall adopt rules in accordance with Chapter 73166
119. of the Revised Code establishing requirements for prorating 73167
the amount of the fee that may be appropriated under this division 73168
by a municipal corporation or township in which only a portion of 73169
a construction and demolition debris facility is located within 73170
the territorial boundaries of the municipal corporation or 73171
township. 73172

(D) The board of county commissioners of a county in which a 73173
construction and demolition debris facility or a solid waste 73174
facility is located may appropriate up to three cents per cubic 73175

yard or up to six cents per ton of the disposal fee required to be 73176
paid by the facility under division (A)(1) of this section for the 73177
same purposes that a solid waste management district may levy a 73178
fee under division (B) of section 3734.57 of the Revised Code. 73179

The board of county commissioners may appropriate the money 73180
from the fee by adopting a resolution establishing the amount of 73181
the fee to be appropriated. Upon doing so, the board of county 73182
commissioners shall mail a certified copy of the resolution to the 73183
board of health of the health district in which the construction 73184
and demolition debris facility or the solid waste facility is 73185
located or, if the facility is located in a health district that 73186
is not on the approved list under section 3714.09 of the Revised 73187
Code, to the director. Upon receipt of the copy of the resolution 73188
and not later than forty-five days after receipt of money 73189
generated from the fee, the board of health or the director, as 73190
applicable, shall transmit to the treasurer of the county that 73191
portion of the money generated from the disposal fee by the owner 73192
or operator of the facility that is required by the resolution to 73193
be paid to that county. 73194

Money received by a county treasurer under this division 73195
shall be paid into the general fund of the county. The county 73196
treasurer shall maintain separate records of the money received 73197
under this division. 73198

A board of county commissioners may cease appropriating money 73199
under this division by repealing the resolution that was adopted 73200
under this division. 73201

(E)(1) This section does not apply to the disposal of 73202
construction and demolition debris at a solid waste facility that 73203
is licensed under Chapter 3734. of the Revised Code if there is no 73204
construction and demolition debris facility licensed under this 73205
chapter within thirty-five miles of the solid waste facility as 73206
determined by a facility's property boundaries. 73207

(2) This section does not apply to the disposal of 73208
construction and demolition debris at a solid waste facility that 73209
is licensed under Chapter 3734. of the Revised Code if the owner 73210
or operator of the facility chooses to collect fees on the 73211
disposal of the construction and demolition debris and asbestos or 73212
asbestos-containing materials or products that are identical to 73213
the fees that are collected under Chapters 343. and 3734. of the 73214
Revised Code on the disposal of solid wastes at that facility. 73215

(3) This section does not apply to the disposal of source 73216
separated materials that are exclusively composed of reinforced or 73217
nonreinforced concrete, asphalt, clay tile, building or paving 73218
brick, or building or paving stone at a construction and 73219
demolition debris facility that is licensed under this chapter 73220
when either of the following applies: 73221

(a) The materials are placed within the limits of 73222
construction and demolition debris placement at the facility as 73223
specified in the license issued to the facility under section 73224
3714.06 of the Revised Code, are not placed within the unloading 73225
zone of the facility, and are used as a fire prevention measure in 73226
accordance with rules adopted by the director under section 73227
3714.02 of the Revised Code. 73228

(b) The materials are not placed within the unloading zone of 73229
the facility or within the limits of construction and demolition 73230
debris placement at the facility as specified in the license 73231
issued to the facility under section 3714.06 of the Revised Code, 73232
but are used as fill material, either alone or in conjunction with 73233
clean soil, sand, gravel, or other clean aggregates, in legitimate 73234
fill operations for construction purposes at the facility or to 73235
bring the facility up to a consistent grade. 73236

Sec. 3714.074. (A) A board of health may use money in the 73237
board's special fund created in section 3714.07 of the Revised 73238

Code for the purpose specified in division (B) of this section if 73239
both of the following apply: 73240

(1) It is the end of the fiscal year. 73241

(2) The board determines that it has more money in the fund 73242
than is necessary for the board to administer and enforce this 73243
chapter and rules adopted under it for the following fiscal year. 73244

(B) A board of health may use excess money as described in 73245
division (A) of this section to abate abandoned accumulations of 73246
construction and demolition debris at a location for which a 73247
license has not been issued pursuant to section 3714.05 of the 73248
Revised Code if the board has reason to believe that there is a 73249
substantial threat to public health or safety or the environment 73250
and all of the following apply to the property on which the 73251
accumulations are located: 73252

(1) The construction and demolition debris was placed on the 73253
property under either of the following circumstances: 73254

(a) After the owner of the property acquired title to it; 73255

(b) Before the owner of the property acquired title to it if 73256
the owner acquired title to the property by bequest or devise. 73257

(2) The owner of the property did not have knowledge that the 73258
construction and demolition debris was being placed on the 73259
property, or the owner posted on the property signs prohibiting 73260
dumping or took other action to prevent the placing of 73261
construction and demolition debris on the property. 73262

(3) The owner of the property did not participate in or 73263
consent to the placement of the construction and demolition debris 73264
on the property. 73265

(4) The owner of the property did not receive any financial 73266
benefit from the placement of the construction and demolition 73267
debris on the property or from having the construction and 73268

demolition debris on the property. 73269

(5) Title to the property was not transferred to the owner of that property for the purpose of avoiding liability for violations of this chapter or rules adopted under it. 73270
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(6) The person responsible for the placement of the construction and demolition debris on the property, in placing the construction and demolition debris on the property, was not acting as an agent for the owner of the property. 73273
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Sec. 3717.08. (A) The director of agriculture and director of health shall strive to increase consumer confidence in the state's food supply by promoting food safety awareness and education. The efforts of the director of agriculture and director of health shall be made, when appropriate and available, through partnerships with representatives of retail food establishments, representatives of food service operations, and representatives of the academic community, including ~~the Ohio state university~~ OSU extension ~~service~~. 73277
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(B) As part of their promotion of food safety awareness, the director of agriculture and the director of health shall do the following: 73286
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(1) Develop training programs regarding the Ohio uniform food safety code. The directors may offer the training programs separately but shall coordinate the content of the programs to the greatest extent practicable. The training programs shall be made available to the employees of the department of agriculture, employees of the department of health, representatives of boards of health and the health officials employed by the boards, representatives of retail food establishments, and representatives of food service operations. 73289
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(2) Co-sponsor a biennial statewide food safety conference. 73298

Additional statewide food safety conferences may be held as 73299
considered appropriate by the director of agriculture and director 73300
of health. 73301

Sec. 3718.06. (A) A board of health shall establish fees in 73302
accordance with section 3709.09 of the Revised Code for the 73303
purpose of carrying out its duties under this chapter and rules 73304
adopted under it, including fees for installation permits, 73305
operation permits, and alteration permits issued by the board. All 73306
fees so established and collected by the board shall be deposited 73307
in a special fund of the district to be used exclusively by the 73308
board in carrying out those duties. 73309

(B) In accordance with Chapter 119. of the Revised Code, the 73310
director of health may establish by rule a fee to be collected 73311
from applicants for installation permits and alteration permits 73312
issued under rules adopted under this chapter. The director of 73313
health shall use not more than ~~seventy-five~~ ninety per cent of the 73314
proceeds from that fee for administering and enforcing this 73315
chapter and the rules adopted under it by the director. The 73316
director shall use not less than ~~twenty-five~~ ten per cent of the 73317
proceeds from that fee to establish a program in cooperation with 73318
boards of health to fund installation and evaluation of sewage 73319
treatment system new technology pilot projects through grants or 73320
other agreements. In the selection of pilot projects, the director 73321
shall consult with the sewage treatment system technical advisory 73322
committee. A board of health shall collect and transmit the fee to 73323
the director pursuant to section 3709.092 of the Revised Code. 73324

Sec. 3719.61. Nothing in the laws dealing with drugs of abuse 73325
shall be construed to prohibit treatment of narcotic drug 73326
dependent persons by the continuing maintenance of their 73327
dependence through the administration of methadone in accordance 73328
with the rules adopted by the department of ~~alcohol and drug~~ 73329

~~addiction services~~ mental health and addiction services under 73330
section ~~3793.11~~ 5119.39 of the Revised Code, when all of the 73331
following apply: 73332

(A) The likelihood that any person undergoing maintenance 73333
treatment will be cured of dependence on narcotic drugs is remote, 73334
the treatment is prescribed for the purpose of alleviating or 73335
controlling the patient's drug dependence, and the patient's 73336
prognosis while undergoing treatment is at least a partial 73337
improvement in the patient's asocial or antisocial behavior 73338
patterns; 73339

(B) In the case of an inpatient in a hospital or clinic, the 73340
amount of the maintenance drug dispensed at any one time does not 73341
exceed the quantity necessary for a single dose, and the dose is 73342
administered to the patient immediately; 73343

(C) In the case of an outpatient, the amount of the 73344
maintenance drug dispensed at any one time shall be determined by 73345
the patient's treatment provider taking into account the patient's 73346
progress in the treatment program and the patient's needs for 73347
gainful employment, education, and responsible homemaking, except 73348
that in no event shall the dosage be greater than the amount 73349
permitted by federal law and rules adopted by the department 73350
pursuant to section ~~3793.11~~ 5119.39 of the Revised Code; 73351

(D) The drug is not dispensed in any case to replace or 73352
supplement any part of a supply of the drug previously dispensed, 73353
or when there is reasonable cause to believe it will be used or 73354
disposed of unlawfully; 73355

(E) The drug is dispensed through a program licensed and 73356
operated in accordance with section ~~3793.11~~ 5119.39 of the Revised 73357
Code. 73358

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 73359

3721.99 of the Revised Code: 73360

(1)(a) "Home" means an institution, residence, or facility 73361
that provides, for a period of more than twenty-four hours, 73362
whether for a consideration or not, accommodations to three or 73363
more unrelated individuals who are dependent upon the services of 73364
others, including a nursing home, residential care facility, home 73365
for the aging, and a veterans' home operated under Chapter 5907. 73366
of the Revised Code. 73367

(b) "Home" also means both of the following: 73368

(i) Any facility that a person, as defined in section 3702.51 73369
of the Revised Code, proposes for certification as a skilled 73370
nursing facility or nursing facility under Title XVIII or XIX of 73371
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 73372
as amended, and for which a certificate of need, other than a 73373
certificate to recategorize hospital beds as described in section 73374
3702.521 of the Revised Code or division (R)(7)(d) of the version 73375
of section 3702.51 of the Revised Code in effect immediately prior 73376
to April 20, 1995, has been granted to the person under sections 73377
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 73378

(ii) A county home or district home that is or has been 73379
licensed as a residential care facility. 73380

(c) "Home" does not mean any of the following: 73381

(i) Except as provided in division (A)(1)(b) of this section, 73382
a public hospital or hospital as defined in section 3701.01 or 73383
5122.01 of the Revised Code; 73384

(ii) A residential facility as defined in section ~~5119.22~~ 73385
5119.34 of the Revised Code; 73386

(iii) A residential facility as defined in section 5123.19 of 73387
the Revised Code; 73388

(iv) ~~An alcohol or drug~~ A community addiction program 73389

<u>services provider</u> as defined in section 3793.01 <u>5119.01</u> of the Revised Code;	73390 73391
(v) A facility licensed to provide methadone treatment under section 3793.11 <u>5119.39</u> of the Revised Code;	73392 73393
(vi) A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	73394 73395 73396
(vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	73397 73398 73399
(viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for care of pediatric respite care patients;	73400 73401 73402
(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII of the "Social Security Act" or the <u>medical assistance medicaid</u> program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;	73403 73404 73405 73406 73407 73408 73409 73410 73411 73412
(x) A county home or district home that has never been licensed as a residential care facility.	73413 73414
(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt or uncle.	73415 73416 73417 73418 73419

(3) "Mental impairment" does not mean mental illness as 73420
defined in section 5122.01 of the Revised Code or mental 73421
retardation as defined in section 5123.01 of the Revised Code. 73422

(4) "Skilled nursing care" means procedures that require 73423
technical skills and knowledge beyond those the untrained person 73424
possesses and that are commonly employed in providing for the 73425
physical, mental, and emotional needs of the ill or otherwise 73426
incapacitated. "Skilled nursing care" includes, but is not limited 73427
to, the following: 73428

(a) Irrigations, catheterizations, application of dressings, 73429
and supervision of special diets; 73430

(b) Objective observation of changes in the patient's 73431
condition as a means of analyzing and determining the nursing care 73432
required and the need for further medical diagnosis and treatment; 73433

(c) Special procedures contributing to rehabilitation; 73434

(d) Administration of medication by any method ordered by a 73435
physician, such as hypodermically, rectally, or orally, including 73436
observation of the patient after receipt of the medication; 73437

(e) Carrying out other treatments prescribed by the physician 73438
that involve a similar level of complexity and skill in 73439
administration. 73440

(5)(a) "Personal care services" means services including, but 73441
not limited to, the following: 73442

(i) Assisting residents with activities of daily living; 73443

(ii) Assisting residents with self-administration of 73444
medication, in accordance with rules adopted under section 3721.04 73445
of the Revised Code; 73446

(iii) Preparing special diets, other than complex therapeutic 73447
diets, for residents pursuant to the instructions of a physician 73448
or a licensed dietitian, in accordance with rules adopted under 73449

section 3721.04 of the Revised Code. 73450

(b) "Personal care services" does not include "skilled 73451
nursing care" as defined in division (A)(4) of this section. A 73452
facility need not provide more than one of the services listed in 73453
division (A)(5)(a) of this section to be considered to be 73454
providing personal care services. 73455

(6) "Nursing home" means a home used for the reception and 73456
care of individuals who by reason of illness or physical or mental 73457
impairment require skilled nursing care and of individuals who 73458
require personal care services but not skilled nursing care. A 73459
nursing home is licensed to provide personal care services and 73460
skilled nursing care. 73461

(7) "Residential care facility" means a home that provides 73462
either of the following: 73463

(a) Accommodations for seventeen or more unrelated 73464
individuals and supervision and personal care services for three 73465
or more of those individuals who are dependent on the services of 73466
others by reason of age or physical or mental impairment; 73467

(b) Accommodations for three or more unrelated individuals, 73468
supervision and personal care services for at least three of those 73469
individuals who are dependent on the services of others by reason 73470
of age or physical or mental impairment, and, to at least one of 73471
those individuals, any of the skilled nursing care authorized by 73472
section 3721.011 of the Revised Code. 73473

(8) "Home for the aging" means a home that provides services 73474
as a residential care facility and a nursing home, except that the 73475
home provides its services only to individuals who are dependent 73476
on the services of others by reason of both age and physical or 73477
mental impairment. 73478

The part or unit of a home for the aging that provides 73479
services only as a residential care facility is licensed as a 73480

residential care facility. The part or unit that may provide 73481
skilled nursing care beyond the extent authorized by section 73482
3721.011 of the Revised Code is licensed as a nursing home. 73483

(9) "County home" and "district home" mean a county home or 73484
district home operated under Chapter 5155. of the Revised Code. 73485

(B) The director of health may further classify homes. For 73486
the purposes of this chapter, any residence, institution, hotel, 73487
congregate housing project, or similar facility that meets the 73488
definition of a home under this section is such a home regardless 73489
of how the facility holds itself out to the public. 73490

(C) For purposes of this chapter, personal care services or 73491
skilled nursing care shall be considered to be provided by a 73492
facility if they are provided by a person employed by or 73493
associated with the facility or by another person pursuant to an 73494
agreement to which neither the resident who receives the services 73495
nor the resident's sponsor is a party. 73496

(D) Nothing in division (A)(4) of this section shall be 73497
construed to permit skilled nursing care to be imposed on an 73498
individual who does not require skilled nursing care. 73499

Nothing in division (A)(5) of this section shall be construed 73500
to permit personal care services to be imposed on an individual 73501
who is capable of performing the activity in question without 73502
assistance. 73503

(E) Division (A)(1)(c)(ix) of this section does not prohibit 73504
a facility, infirmary, or other entity described in that division 73505
from seeking licensure under sections 3721.01 to 3721.09 of the 73506
Revised Code or certification under Title XVIII or XIX of the 73507
"Social Security Act." However, such a facility, infirmary, or 73508
entity that applies for licensure or certification must meet the 73509
requirements of those sections or titles and the rules adopted 73510
under them and obtain a certificate of need from the director of 73511

health under section 3702.52 of the Revised Code. 73512

(F) Nothing in this chapter, or rules adopted pursuant to it, 73513
shall be construed as authorizing the supervision, regulation, or 73514
control of the spiritual care or treatment of residents or 73515
patients in any home who rely upon treatment by prayer or 73516
spiritual means in accordance with the creed or tenets of any 73517
recognized church or religious denomination. 73518

Sec. 3721.011. (A) In addition to providing accommodations, 73519
supervision, and personal care services to its residents, a 73520
residential care facility may do the following: 73521

(1) Provide the following skilled nursing care to its 73522
residents: 73523

(a) Supervision of special diets; 73524

(b) Application of dressings, in accordance with rules 73525
adopted under section 3721.04 of the Revised Code; 73526

(c) Subject to division (B)(1) of this section, 73527
administration of medication. 73528

(2) Subject to division (C) of this section, provide other 73529
skilled nursing care on a part-time, intermittent basis for not 73530
more than a total of one hundred twenty days in a twelve-month 73531
period; 73532

(3) Provide skilled nursing care for more than one hundred 73533
twenty days in a twelve-month period to a resident when the 73534
requirements of division (D) of this section are met. 73535

A residential care facility may not admit or retain an 73536
individual requiring skilled nursing care that is not authorized 73537
by this section. A residential care facility may not provide 73538
skilled nursing care beyond the limits established by this 73539
section. 73540

(B)(1) A residential care facility may admit or retain an individual requiring medication, including biologicals, only if the individual's personal physician has determined in writing that the individual is capable of self-administering the medication or the facility provides for the medication to be administered to the individual by a home health agency certified under Title XVIII of the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as amended; a hospice care program licensed under Chapter 3712. of the Revised Code; or a member of the staff of the residential care facility who is qualified to perform medication administration. Medication may be administered in a residential care facility only by the following persons authorized by law to administer medication:

(a) A registered nurse licensed under Chapter 4723. of the Revised Code;

(b) A licensed practical nurse licensed under Chapter 4723. of the Revised Code who holds proof of successful completion of a course in medication administration approved by the board of nursing and who administers the medication only at the direction of a registered nurse or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A medication aide certified under Chapter 4723. of the Revised Code;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) In assisting a resident with self-administration of medication, any member of the staff of a residential care facility may do the following:

(a) Remind a resident when to take medication and watch to

ensure that the resident follows the directions on the container; 73572

(b) Assist a resident by taking the medication from the 73573
locked area where it is stored, in accordance with rules adopted 73574
pursuant to section 3721.04 of the Revised Code, and handing it to 73575
the resident. If the resident is physically unable to open the 73576
container, a staff member may open the container for the resident. 73577

(c) Assist a physically impaired but mentally alert resident, 73578
such as a resident with arthritis, cerebral palsy, or Parkinson's 73579
disease, in removing oral or topical medication from containers 73580
and in consuming or applying the medication, upon request by or 73581
with the consent of the resident. If a resident is physically 73582
unable to place a dose of medicine to the resident's mouth without 73583
spilling it, a staff member may place the dose in a container and 73584
place the container to the mouth of the resident. 73585

(C) Except as provided in division (D) of this section, a 73586
residential care facility may admit or retain individuals who 73587
require skilled nursing care beyond the supervision of special 73588
diets, application of dressings, or administration of medication, 73589
only if the care will be provided on a part-time, intermittent 73590
basis for not more than a total of one hundred twenty days in any 73591
twelve-month period. In accordance with Chapter 119. of the 73592
Revised Code, the director of health shall adopt rules specifying 73593
what constitutes the need for skilled nursing care on a part-time, 73594
intermittent basis. The director shall adopt rules that are 73595
consistent with rules pertaining to home health care adopted by 73596
the medicaid director ~~of job and family services~~ for the medicaid 73597
program ~~established under Chapter 5111. of the Revised Code.~~ 73598
Skilled nursing care provided pursuant to this division may be 73599
provided by a home health agency certified ~~under Title XVIII of~~ 73600
~~the "Social Security Act for participation in the medicare~~ 73601
program, a hospice care program licensed under Chapter 3712. of 73602
the Revised Code, or a member of the staff of a residential care 73603

facility who is qualified to perform skilled nursing care. 73604

A residential care facility that provides skilled nursing 73605
care pursuant to this division shall do both of the following: 73606

(1) Evaluate each resident receiving the skilled nursing care 73607
at least once every seven days to determine whether the resident 73608
should be transferred to a nursing home; 73609

(2) Meet the skilled nursing care needs of each resident 73610
receiving the care. 73611

(D)(1) A residential care facility may admit or retain an 73612
individual who requires skilled nursing care for more than one 73613
hundred twenty days in any twelve-month period only if the 73614
facility has entered into a written agreement with each of the 73615
following: 73616

(a) The individual or individual's sponsor; 73617

(b) The individual's personal physician; 73618

(c) Unless the individual's personal physician oversees the 73619
skilled nursing care, the provider of the skilled nursing care; 73620

(d) If the individual is a hospice patient as defined in 73621
section 3712.01 of the Revised Code, a hospice care program 73622
licensed under Chapter 3712. of the Revised Code. 73623

(2) The agreement required by division (D)(1) of this section 73624
shall include all of the following provisions: 73625

(a) That the individual will be provided skilled nursing care 73626
in the facility only if a determination has been made that the 73627
individual's needs can be met at the facility; 73628

(b) That the individual will be retained in the facility only 73629
if periodic redeterminations are made that the individual's needs 73630
are being met at the facility; 73631

(c) That the redeterminations will be made according to a 73632

schedule specified in the agreement; 73633

(d) If the individual is a hospice patient, that the 73634
individual has been given an opportunity to choose the hospice 73635
care program that best meets the individual's needs; 73636

(e) Unless the individual is a hospice patient, that the 73637
individual's personal physician has determined that the skilled 73638
nursing care the individual needs is routine. 73639

(E) Notwithstanding any other provision of this chapter, a 73640
residential care facility in which residents receive skilled 73641
nursing care pursuant to this section is not a nursing home. 73642

Sec. 3721.02. (A) As used in this section, "residential 73643
facility" means a residential facility licensed under section 73644
~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, 73645
supervision, and personal care services for three to sixteen 73646
unrelated adults. 73647

(B) The director of health shall license homes and establish 73648
procedures to be followed in inspecting and licensing homes. The 73649
director may inspect a home at any time. Each home shall be 73650
inspected by the director at least once prior to the issuance of a 73651
license and at least once every fifteen months thereafter. The 73652
state fire marshal or a township, municipal, or other legally 73653
constituted fire department approved by the marshal shall also 73654
inspect a home prior to issuance of a license, at least once every 73655
fifteen months thereafter, and at any other time requested by the 73656
director. A home does not have to be inspected prior to issuance 73657
of a license by the director, state fire marshal, or a fire 73658
department if ownership of the home is assigned or transferred to 73659
a different person and the home was licensed under this chapter 73660
immediately prior to the assignment or transfer. The director may 73661
enter at any time, for the purposes of investigation, any 73662
institution, residence, facility, or other structure that has been 73663

reported to the director or that the director has reasonable cause 73664
to believe is operating as a nursing home, residential care 73665
facility, or home for the aging without a valid license required 73666
by section 3721.05 of the Revised Code or, in the case of a county 73667
home or district home, is operating despite the revocation of its 73668
residential care facility license. The director may delegate the 73669
director's authority and duties under this chapter to any 73670
division, bureau, agency, or official of the department of health. 73671

(C) A single facility may be licensed both as a nursing home 73672
pursuant to this chapter and as a residential facility pursuant to 73673
section ~~5119.22~~ 5119.34 of the Revised Code if the director 73674
determines that the part or unit to be licensed as a nursing home 73675
can be maintained separate and discrete from the part or unit to 73676
be licensed as a residential facility. 73677

(D) In determining the number of residents in a home for the 73678
purpose of licensing, the director shall consider all the 73679
individuals for whom the home provides accommodations as one group 73680
unless one of the following is the case: 73681

(1) The home is a home for the aging, in which case all the 73682
individuals in the part or unit licensed as a nursing home shall 73683
be considered as one group, and all the individuals in the part or 73684
unit licensed as a rest home shall be considered as another group. 73685

(2) The home is both a nursing home and a residential 73686
facility. In that case, all the individuals in the part or unit 73687
licensed as a nursing home shall be considered as one group, and 73688
all the individuals in the part or unit licensed as an adult care 73689
facility shall be considered as another group. 73690

(3) The home maintains, in addition to a nursing home or 73691
residential care facility, a separate and discrete part or unit 73692
that provides accommodations to individuals who do not require or 73693
receive skilled nursing care and do not receive personal care 73694

services from the home, in which case the individuals in the 73695
separate and discrete part or unit shall not be considered in 73696
determining the number of residents in the home if the separate 73697
and discrete part or unit is in compliance with the Ohio basic 73698
building code established by the board of building standards under 73699
Chapters 3781. and 3791. of the Revised Code and the home permits 73700
the director, on request, to inspect the separate and discrete 73701
part or unit and speak with the individuals residing there, if 73702
they consent, to determine whether the separate and discrete part 73703
or unit meets the requirements of this division. 73704

(E)(1) The director of health shall charge the following 73705
application fee and annual renewal licensing and inspection fee 73706
for each fifty persons or part thereof of a home's licensed 73707
capacity: 73708

(a) For state fiscal year 2010, two hundred twenty dollars; 73709

(b) For state fiscal year 2011, two hundred seventy dollars; 73710

(c) For each state fiscal year thereafter, three hundred 73711
twenty dollars. 73712

(2) All fees collected by the director for the issuance or 73713
renewal of licenses shall be deposited into the state treasury to 73714
the credit of the general operations fund created in section 73715
3701.83 of the Revised Code for use only in administering and 73716
enforcing this chapter and rules adopted under it. 73717

(F)(1) Except as otherwise provided in this section, the 73718
results of an inspection or investigation of a home that is 73719
conducted under this section, including any statement of 73720
deficiencies and all findings and deficiencies cited in the 73721
statement on the basis of the inspection or investigation, shall 73722
be used solely to determine the home's compliance with this 73723
chapter or another chapter of the Revised Code in any action or 73724
proceeding other than an action commenced under division (I) of 73725

section 3721.17 of the Revised Code. Those results of an 73726
inspection or investigation, that statement of deficiencies, and 73727
the findings and deficiencies cited in that statement shall not be 73728
used in any court or in any action or proceeding that is pending 73729
in any court and are not admissible in evidence in any action or 73730
proceeding unless that action or proceeding is an appeal of an 73731
action by the department of health under this chapter or is an 73732
action by any department or agency of the state to enforce this 73733
chapter or another chapter of the Revised Code. 73734

(2) Nothing in division (E)(1) of this section prohibits the 73735
results of an inspection or investigation conducted under this 73736
section from being used in a criminal investigation or 73737
prosecution. 73738

Sec. 3721.022. (A) As used in this section: 73739

(1) "Nursing facility" has the same meaning as in section 73740
~~5111.20~~ 5165.01 of the Revised Code. 73741

(2) "Deficiency" and "survey" have the same meanings as in 73742
section ~~5111.35~~ 5165.60 of the Revised Code. 73743

(3) "Title XIX" and "Title XVIII" have the same meanings as 73744
in section 5165.01 of the Revised Code. 73745

(B) The department of health is hereby designated the state 73746
agency responsible for establishing and maintaining health 73747
standards and serving as the state survey agency for the purposes 73748
of ~~Titles~~ Title XVIII and Title XIX ~~of the "Social Security Act,"~~ 73749
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~ The department 73750
shall carry out these functions in accordance with the 73751
regulations, guidelines, and procedures issued under ~~Titles~~ Title 73752
XVIII and Title XIX by the United States secretary of health and 73753
human services and with sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 73754
5165.89 of the Revised Code. The director of health shall enter 73755

into agreements with regard to these functions with the department 73756
of ~~job and family services~~ medicaid and the United States 73757
department of health and human services. The director may also 73758
enter into agreements with the department of ~~job and family~~ 73759
~~services~~ medicaid under which the department of health is 73760
designated to perform functions under sections ~~5111.35~~ 5165.60 to 73761
~~5111.62~~ 5165.89 of the Revised Code. 73762

The director, in accordance with Chapter 119. of the Revised 73763
Code, shall adopt rules necessary to implement the survey and 73764
certification requirements for skilled nursing facilities and 73765
nursing facilities established by the United States secretary of 73766
health and human services under ~~Titles~~ Title XVIII and Title XIX 73767
~~of the "Social Security Act,"~~ and the survey requirements 73768
established under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of 73769
the Revised Code. The rules shall include an informal process by 73770
which a facility may obtain up to two reviews of any deficiencies 73771
that have been cited on a statement of deficiencies made by the 73772
department of health under 42 C.F.R. Part 488 and cause the 73773
facility to be in noncompliance as defined in 42 C.F.R. 488.301. 73774
The first review shall be conducted by an employee of the 73775
department who did not participate in and was not otherwise 73776
involved in any way with the survey. A facility that is not 73777
satisfied with the results of a first review may receive a second 73778
review on payment of a fee to the department. The amount of the 73779
fee shall be specified in rules adopted under this section. The 73780
fee shall be deposited into the state treasury to the credit of 73781
the general operations fund created in section 3701.83 of the 73782
Revised Code for use in the implementation of this section. The 73783
second review shall be conducted by either of the following as 73784
selected by the facility: a hearing officer employed by the 73785
department or a hearing officer included on a list the department 73786
shall provide the facility. A final determination that any 73787
deficiency citation is unjustified shall be reflected clearly in 73788

all records relating to the survey. 73789

The director need not adopt as rules any of the regulations, 73790
guidelines, or procedures issued under ~~Titles~~ Title XVIII and 73791
Title XIX ~~of the "Social Security Act"~~ by the United States 73792
secretary of health and human services. 73793

Sec. 3721.024. As used in this section, "nursing facility" 73794
has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised 73795
Code. 73796

The department of health may establish a program of 73797
recognition of nursing facilities that provide the highest quality 73798
care to residents who are medicaid recipients ~~of medical~~ 73799
~~assistance under Chapter 5111. of the Revised Code.~~ The program 73800
may be funded with public funds appropriated by the general 73801
assembly for the purpose of the program or any funds appropriated 73802
for nursing home licensure. 73803

Sec. 3721.027. (A) As used in this section, "survey" has the 73804
same meaning as in section 5165.60 of the Revised Code. 73805

(B) The department of health shall investigate within ten 73806
working days after referral, in accordance with procedures and 73807
criteria to be established by the department of health and the 73808
department of aging, any unresolved complaint that the office of 73809
the state long-term care ~~ombuds person~~ ombudsman has investigated 73810
and found to be valid and refers to the department of health. This 73811
requirement does not supersede federal requirements for survey 73812
agency complaint investigations. 73813

Sec. 3721.042. The director of health may not deny a nursing 73814
home license to a facility seeking a license under this chapter as 73815
a nursing home on the grounds that the facility does not satisfy a 73816
requirement established in rules adopted under section 3721.04 of 73817

the Revised Code regarding the toilet rooms and dining and recreational areas of nursing homes if all of the following requirements are met:

(A) The facility seeks a license under this chapter because it is a county home or district home being sold under section 5155.31 of the Revised Code to a person who may not operate the facility without a nursing home license under this chapter.

(B) The requirement would not have applied to the facility had the facility been a nursing home first licensed under this chapter before October 20, 2001.

(C) The facility was a nursing facility, as defined in section ~~5111.20~~ 5165.01 of the Revised Code, on the date immediately preceding the date the facility is sold to the person seeking the license.

Sec. 3721.071. The buildings in which a home is housed shall be equipped with both an automatic fire extinguishing system and fire alarm system. Such systems shall conform to standards set forth in the regulations of the board of building standards and the state fire marshal.

The time for compliance with the requirements imposed by this section shall be January 1, 1975, except that the date for compliance with the automatic fire extinguishing requirements is extended to January 1, 1976, provided the buildings of the home are otherwise in compliance with fire safety laws and regulations and:

(A) The home within thirty days after August 4, 1975, files a written plan with the state fire marshal's office that:

(1) Outlines the interim safety procedures which shall be carried out to reduce the possibility of a fire;

(2) Provides evidence that the home has entered into an

agreement for a fire safety inspection to be conducted not less 73848
than monthly by a qualified independent safety engineer consultant 73849
or a township, municipal, or other legally constituted fire 73850
department, or by a township or municipal fire prevention officer; 73851

(3) Provides verification that the home has entered into a 73852
valid contract for the installation of an automatic fire 73853
extinguishing system or fire alarm system, or both, as required to 73854
comply with this section; 73855

(4) Includes a statement regarding the expected date for the 73856
completion of the fire extinguishing system or fire alarm system, 73857
or both. 73858

(B) Inspections by a qualified independent safety engineer 73859
consultant or a township, municipal, or other legally constituted 73860
fire department, or by a township or municipal fire prevention 73861
officer are initiated no later than sixty days after August 4, 73862
1975, and are conducted no less than monthly thereafter, and 73863
reports of the consultant, fire department, or fire prevention 73864
officer identifying existing hazards and recommended corrective 73865
actions are submitted to the state fire marshal, the division of 73866
industrial compliance in the department of commerce, and the 73867
department of health. 73868

It is the express intent of the general assembly that the 73869
department of ~~job and family services~~ medicaid shall terminate 73870
~~payments under Title XIX of the "Social Security Act," 49 Stat.~~ 73871
~~620 (1935), 42 U.S.C. 301, as amended, to~~ the medicaid provider 73872
agreements of those homes ~~which~~ that do not comply with the 73873
requirements of this section for the submission of a written fire 73874
safety plan and the deadline for entering into contracts for the 73875
installation of systems. 73876

Sec. 3721.08. (A) As used in this section, "real and present 73877
danger" means imminent danger of serious physical or 73878

life-threatening harm to one or more occupants of a home. 73879

(B) The director of health may petition the court of common 73880
pleas of the county in which the home is located for an order 73881
enjoining any person from operating a home without a license or 73882
enjoining a county home or district home that has had its license 73883
revoked from continuing to operate. The court shall have 73884
jurisdiction to grant such injunctive relief upon a showing that 73885
the respondent named in the petition is operating a home without a 73886
license or that the county home or district home named in the 73887
petition is operating despite the revocation of its license. The 73888
court shall have jurisdiction to grant such injunctive relief 73889
against the operation of a home without a valid license regardless 73890
of whether the home meets essential licensing requirements. 73891

(C) Unless the department of ~~job and family services~~ medicaid 73892
or contracting agency has taken action under section ~~5111.51~~ 73893
5165.77 of the Revised Code to appoint a temporary manager or seek 73894
injunctive relief, if, in the judgment of the director of health, 73895
real and present danger exists at any home, the director may 73896
petition the court of common pleas of the county in which the home 73897
is located for such injunctive relief as is necessary to close the 73898
home, transfer one or more occupants to other homes or other 73899
appropriate care settings, or otherwise eliminate the real and 73900
present danger. The court shall have the jurisdiction to grant 73901
such injunctive relief upon a showing that there is real and 73902
present danger. 73903

(D)(1) If the director determines that real and present 73904
danger exists at a home and elects not to immediately seek 73905
injunctive relief under division (C) of this section, the director 73906
may give written notice of proposed action to the home. The notice 73907
shall specify all of the following: 73908

(a) The nature of the conditions giving rise to the real and 73909
present danger; 73910

(b) The measures that the director determines the home must take to respond to the conditions; 73911
73912

(c) The date on which the director intends to seek injunctive relief under division (C) of this section if the director determines that real and present danger exists at the home. 73913
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(2) If the home notifies the director, within the time specified pursuant to division (D)(1)(c) of this section, that it believes the conditions giving rise to the real and present danger have been substantially corrected, the director shall conduct an inspection to determine whether real and present danger exists. If the director determines on the basis of the inspection that real and present danger exists, the director may petition under division (C) of this section for injunctive relief. 73916
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(E)(1) If in the judgment of the director of health conditions exist at a home that will give rise to real and present danger if not corrected, the director shall give written notice of proposed action to the home. The notice shall specify all of the following: 73924
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(a) The nature of the conditions giving rise to the director's judgment; 73929
73930

(b) The measures that the director determines the home must take to respond to the conditions; 73931
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(c) The date, which shall be no less than ten days after the notice is delivered, on which the director intends to seek injunctive relief under division (C) of this section if the conditions are not substantially corrected and the director determines that a real and present danger exists. 73933
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(2) If the home notifies the director, within the period of time specified pursuant to division (E)(1)(c) of this section, that the conditions giving rise to the director's determination have been substantially corrected, the director shall conduct an 73938
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inspection. If the director determines on the basis of the 73942
inspection that the conditions have not been corrected and a real 73943
and present danger exists, the director may petition under 73944
division (C) of this section for injunctive relief. 73945

(F)(1) A court that grants injunctive relief under division 73946
(C) of this section may also appoint a special master who, subject 73947
to division (F)(2) of this section, shall have such powers and 73948
authority over the home and length of appointment as the court 73949
considers necessary. Subject to division (F)(2) of this section, 73950
the salary of a special master and any costs incurred by a special 73951
master shall be the obligation of the home. 73952

(2) No special master shall enter into any employment 73953
contract on behalf of a home, or purchase with the home's funds 73954
any capital goods totaling more than ten thousand dollars, unless 73955
the special master has obtained approval for the contract or 73956
purchase from the home's operator or the court. 73957

(G) If the director takes action under division (C), (D), or 73958
(E) of this section, the director may also appoint employees of 73959
the department of health to conduct on-site monitoring of the 73960
home. Appointment of monitors is not subject to appeal under 73961
Chapter 119. or any other section of the Revised Code. No employee 73962
of a home for which monitors are appointed, no person employed by 73963
the home within the previous two years, and no person who 73964
currently has a consulting contract with the department or a home, 73965
shall be appointed under this division. Every monitor shall have 73966
the professional qualifications necessary to monitor correction of 73967
the conditions that give rise to or, in the director's judgment, 73968
will give rise to real and present danger. The number of monitors 73969
present at a home at any given time shall not exceed one for every 73970
fifty residents, or fraction thereof. 73971

(H) On finding that the real and present danger for which 73972
injunctive relief was granted under division (C) of this section 73973

has been eliminated and that the home's operator has demonstrated 73974
the capacity to prevent the real and present danger from 73975
recurring, the court shall terminate its jurisdiction over the 73976
home and return control and management of the home to the 73977
operator. If the real and present danger cannot be eliminated 73978
practicably within a reasonable time following appointment of a 73979
special master, the court may order the special master to close 73980
the home and transfer all residents to other homes or other 73981
appropriate care settings. 73982

(I) The director of health shall give notice of proposed 73983
action under divisions (D) and (E) of this section to both of the 73984
following: 73985

(1) The home's administrator; 73986

(2) If the home is operated by an organization described in 73987
subsection 501(c)(3) and tax exempt under subsection 501(a) of the 73988
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 73989
amended, the board of trustees of the organization; or, if the 73990
home is not operated by such an organization, the owner of the 73991
home. 73992

Notices shall be delivered by certified mail or hand 73993
delivery. If notices are mailed, they shall be addressed to the 73994
persons specified in divisions (I)(1) and (2) of this section, as 73995
indicated in the department of health's records. If they are hand 73996
delivered, they shall be delivered to persons who would reasonably 73997
appear to the average prudent person to have authority to accept 73998
them. 73999

(J) If ownership of a home is assigned or transferred to a 74000
different person, the new owner is responsible and liable for 74001
compliance with any notice of proposed action or order issued 74002
under this section prior to the effective date of the assignment 74003
or transfer. 74004

Sec. 3721.10. As used in sections 3721.10 to 3721.18 of the Revised Code:

(A) "Home" means all of the following:

(1) A home as defined in section 3721.01 of the Revised Code;

(2) Any facility or part of a facility not defined as a home under section 3721.01 of the Revised Code that is ~~certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395 and 1396, as amended,~~ or as a or nursing facility, both as defined in section 5111.20 5165.01 of the Revised Code;

(3) A county home or district home operated pursuant to Chapter 5155. of the Revised Code.

(B) "Resident" means a resident or a patient of a home.

(C) "Administrator" means all of the following:

(1) With respect to a home as defined in section 3721.01 of the Revised Code, a nursing home administrator as defined in section 4751.01 of the Revised Code;

(2) With respect to a facility or part of a facility not defined as a home in section 3721.01 of the Revised Code that is authorized to provide skilled nursing facility or nursing facility services, the administrator of the facility or part of a facility;

(3) With respect to a county home or district home, the superintendent appointed under Chapter 5155. of the Revised Code.

(D) "Sponsor" means an adult relative, friend, or guardian of a resident who has an interest or responsibility in the resident's welfare.

(E) "Residents' rights advocate" means:

(1) An employee or representative of any state or local government entity that has a responsibility regarding residents

and that has registered with the department of health under 74034
division (B) of section 3701.07 of the Revised Code; 74035

(2) An employee or representative of any private nonprofit 74036
corporation or association that qualifies for tax-exempt status 74037
under section 501(a) of the "Internal Revenue Code of 1986," 100 74038
Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered 74039
with the department of health under division (B) of section 74040
3701.07 of the Revised Code and whose purposes include educating 74041
and counseling residents, assisting residents in resolving 74042
problems and complaints concerning their care and treatment, and 74043
assisting them in securing adequate services to meet their needs; 74044

(3) A member of the general assembly. 74045

(F) "Physical restraint" means, but is not limited to, any 74046
article, device, or garment that interferes with the free movement 74047
of the resident and that the resident is unable to remove easily, 74048
a geriatric chair, or a locked room door. 74049

(G) "Chemical restraint" means any medication bearing the 74050
American hospital formulary service therapeutic class ~~4-00~~ 4:00, 74051
28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the 74052
central nervous system in a manner that limits physical and 74053
cognitive functioning to the degree that the resident cannot 74054
attain the resident's highest practicable physical, mental, and 74055
psychosocial well-being. 74056

(H) "Ancillary service" means, but is not limited to, 74057
podiatry, dental, hearing, vision, physical therapy, occupational 74058
therapy, speech therapy, and psychological and social services. 74059

(I) "Facility" means a facility, or part of a facility, 74060
certified as a nursing facility or skilled nursing facility ~~under~~ 74061
~~Title XVIII or Title XIX of the "Social Security Act, both as~~ 74062
defined in section 5165.01 of the Revised Code." "Facility" does 74063
not include an intermediate care facility for ~~the mentally~~ 74064

~~retarded individuals with intellectual disabilities~~, as defined in 74065
section ~~5111.20~~ 5124.01 of the Revised Code. 74066

~~(J) "Medicare" means the program established by Title XVIII~~ 74067
~~of the "Social Security Act."~~ 74068

~~(K) "Medicaid" means the program established by Title XIX of~~ 74069
~~the "Social Security Act" and Chapter 5111. of the Revised Code.~~ 74070

Sec. 3721.12. (A) The administrator of a home shall: 74071

(1) With the advice of residents, their sponsors, or both, 74072
establish and review at least annually, written policies regarding 74073
the applicability and implementation of residents' rights under 74074
sections 3721.10 to 3721.17 of the Revised Code, the 74075
responsibilities of residents regarding the rights, and the home's 74076
grievance procedure established under division (A)(2) of this 74077
section. The administrator is responsible for the development of, 74078
and adherence to, procedures implementing the policies. 74079

(2) Establish a grievance committee for review of complaints 74080
by residents. The grievance committee shall be comprised of the 74081
home's staff and residents, sponsors, or outside representatives 74082
in a ratio of not more than one staff member to every two 74083
residents, sponsors, or outside representatives. 74084

(3) Furnish to each resident and sponsor prior to or at the 74085
time of admission, and to each member of the home's staff, at 74086
least one of each of the following: 74087

(a) A copy of the rights established under sections 3721.10 74088
to 3721.17 of the Revised Code; 74089

(b) A written explanation of the provisions of sections 74090
3721.16 to 3721.162 of the Revised Code; 74091

(c) A copy of the home's policies and procedures established 74092
under this section; 74093

(d) A copy of the home's rules;	74094
(e) A copy of the addresses and telephone numbers of the board of health of the health district of the county in which the home is located, the county department of job and family services of the county in which the home is located, the state departments of health and job and family services <u>medicaid</u> , the state and local offices of the department of aging, and any Ohio nursing home ombuds <u>ombudsman</u> program.	74095 74096 74097 74098 74099 74100 74101
(B) Written acknowledgment of the receipt of copies of the materials listed in this section shall be made part of the resident's record and the staff member's personnel record.	74102 74103 74104
(C) The administrator shall post all of the following prominently within the home:	74105 74106
(1) A copy of the rights of residents as listed in division (A) of section 3721.13 of the Revised Code;	74107 74108
(2) A copy of the home's rules and its policies and procedures regarding the rights and responsibilities of residents;	74109 74110
(3) A notice that a copy of this chapter, rules of the department of health applicable to the home, and federal regulations adopted under the medicare and medicaid programs, and the materials required to be available in the home under section 3721.021 of the Revised Code, are available for inspection in the home at reasonable hours;	74111 74112 74113 74114 74115 74116
(4) A list of residents' rights advocates;	74117
(5) A notice that the following are available in a place readily accessible to residents:	74118 74119
(a) If the home is licensed under section 3721.02 of the Revised Code, a copy of the most recent licensure inspection report prepared for the home under that section;	74120 74121 74122
(b) If the home is a facility, a copy of the most recent	74123

statement of deficiencies issued to the home under section ~~5111.42~~ 74124
5165.68 of the Revised Code. 74125

(D) The administrator of a home may, with the advice of 74126
residents, their sponsors, or both, establish written policies 74127
regarding the applicability and administration of any additional 74128
residents' rights beyond those set forth in sections 3721.10 to 74129
3721.17 of the Revised Code, and the responsibilities of residents 74130
regarding the rights. Policies established under this division 74131
shall be reviewed, and procedures developed and adhered to as in 74132
division (A)(1) of this section. 74133

Sec. 3721.121. (A) As used in this section: 74134

(1) "Adult day-care program" means a program operated 74135
pursuant to rules adopted by the director of health under section 74136
3721.04 of the Revised Code and provided by and on the same site 74137
as homes licensed under this chapter. 74138

(2) "Applicant" means a person who is under final 74139
consideration for employment with a home or adult day-care program 74140
in a full-time, part-time, or temporary position that involves 74141
providing direct care to an older adult. "Applicant" does not 74142
include a person who provides direct care as a volunteer without 74143
receiving or expecting to receive any form of remuneration other 74144
than reimbursement for actual expenses. 74145

(3) "Community-based long-term care services provider" means 74146
a provider as defined in section 173.39 of the Revised Code. 74147

(4) "Criminal records check" has the same meaning as in 74148
section 109.572 of the Revised Code. 74149

~~(4)~~(5) "Home" means a home as defined in section 3721.10 of 74150
the Revised Code. 74151

~~(5)~~(6) "Older adult" means a person age sixty or older. 74152

(B)(1) Except as provided in division (I) of this section, 74153

the chief administrator of a home or adult day-care program shall 74154
request that the superintendent of the bureau of criminal 74155
identification and investigation conduct a criminal records check 74156
of each applicant. If an applicant for whom a criminal records 74157
check request is required under this division does not present 74158
proof of having been a resident of this state for the five-year 74159
period immediately prior to the date the criminal records check is 74160
requested or provide evidence that within that five-year period 74161
the superintendent has requested information about the applicant 74162
from the federal bureau of investigation in a criminal records 74163
check, the chief administrator shall request that the 74164
superintendent obtain information from the federal bureau of 74165
investigation as part of the criminal records check of the 74166
applicant. Even if an applicant for whom a criminal records check 74167
request is required under this division presents proof of having 74168
been a resident of this state for the five-year period, the chief 74169
administrator may request that the superintendent include 74170
information from the federal bureau of investigation in the 74171
criminal records check. 74172

(2) A person required by division (B)(1) of this section to 74173
request a criminal records check shall do both of the following: 74174

(a) Provide to each applicant for whom a criminal records 74175
check request is required under that division a copy of the form 74176
prescribed pursuant to division (C)(1) of section 109.572 of the 74177
Revised Code and a standard fingerprint impression sheet 74178
prescribed pursuant to division (C)(2) of that section, and obtain 74179
the completed form and impression sheet from the applicant; 74180

(b) Forward the completed form and impression sheet to the 74181
superintendent of the bureau of criminal identification and 74182
investigation. 74183

(3) An applicant provided the form and fingerprint impression 74184
sheet under division (B)(2)(a) of this section who fails to 74185

complete the form or provide fingerprint impressions shall not be 74186
employed in any position for which a criminal records check is 74187
required by this section. 74188

(C)(1) Except as provided in rules adopted by the director of 74189
health in accordance with division (F) of this section and subject 74190
to division (C)(2) of this section, no home or adult day-care 74191
program shall employ a person in a position that involves 74192
providing direct care to an older adult if the person has been 74193
convicted of or pleaded guilty to any of the following: 74194

(a) A violation of section 2903.01, 2903.02, 2903.03, 74195
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 74196
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 74197
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 74198
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 74199
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 74200
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 74201
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 74202
2925.22, 2925.23, or 3716.11 of the Revised Code. 74203

(b) A violation of an existing or former law of this state, 74204
any other state, or the United States that is substantially 74205
equivalent to any of the offenses listed in division (C)(1)(a) of 74206
this section. 74207

(2)(a) A home or an adult day-care program may employ 74208
conditionally an applicant for whom a criminal records check 74209
request is required under division (B) of this section prior to 74210
obtaining the results of a criminal records check regarding the 74211
individual, provided that the home or program shall request a 74212
criminal records check regarding the individual in accordance with 74213
division (B)(1) of this section not later than five business days 74214
after the individual begins conditional employment. In the 74215
circumstances described in division (I)(2) of this section, a home 74216
or adult day-care program may employ conditionally an applicant 74217

who has been referred to the home or adult day-care program by an 74218
employment service that supplies full-time, part-time, or 74219
temporary staff for positions involving the direct care of older 74220
adults and for whom, pursuant to that division, a criminal records 74221
check is not required under division (B) of this section. 74222

(b) A home or adult day-care program that employs an 74223
individual conditionally under authority of division (C)(2)(a) of 74224
this section shall terminate the individual's employment if the 74225
results of the criminal records check requested under division (B) 74226
of this section or described in division (I)(2) of this section, 74227
other than the results of any request for information from the 74228
federal bureau of investigation, are not obtained within the 74229
period ending thirty days after the date the request is made. 74230
Regardless of when the results of the criminal records check are 74231
obtained, if the results indicate that the individual has been 74232
convicted of or pleaded guilty to any of the offenses listed or 74233
described in division (C)(1) of this section, the home or program 74234
shall terminate the individual's employment unless the home or 74235
program chooses to employ the individual pursuant to division (F) 74236
of this section. Termination of employment under this division 74237
shall be considered just cause for discharge for purposes of 74238
division (D)(2) of section 4141.29 of the Revised Code if the 74239
individual makes any attempt to deceive the home or program about 74240
the individual's criminal record. 74241

(D)(1) Each home or adult day-care program shall pay to the 74242
bureau of criminal identification and investigation the fee 74243
prescribed pursuant to division (C)(3) of section 109.572 of the 74244
Revised Code for each criminal records check conducted pursuant to 74245
a request made under division (B) of this section. 74246

(2) A home or adult day-care program may charge an applicant 74247
a fee not exceeding the amount the home or program pays under 74248
division (D)(1) of this section. A home or program may collect a 74249

fee only if both of the following apply: 74250

(a) The home or program notifies the person at the time of 74251
initial application for employment of the amount of the fee and 74252
that, unless the fee is paid, the person will not be considered 74253
for employment; 74254

(b) The ~~medical assistance~~ medicaid program established under 74255
~~Chapter 5111. of the Revised Code~~ does not reimburse the home or 74256
program the fee it pays under division (D)(1) of this section. 74257

(E) The report of any criminal records check conducted 74258
pursuant to a request made under this section is not a public 74259
record for the purposes of section 149.43 of the Revised Code and 74260
shall not be made available to any person other than the 74261
following: 74262

(1) The individual who is the subject of the criminal records 74263
check or the individual's representative; 74264

(2) The chief administrator of the home or program requesting 74265
the criminal records check or the administrator's representative; 74266

(3) The administrator of any other facility, agency, or 74267
program that provides direct care to older adults that is owned or 74268
operated by the same entity that owns or operates the home or 74269
program; 74270

(4) A court, hearing officer, or other necessary individual 74271
involved in a case dealing with a denial of employment of the 74272
applicant or dealing with employment or unemployment benefits of 74273
the applicant; 74274

(5) Any person to whom the report is provided pursuant to, 74275
and in accordance with, division (I)(1) or (2) of this section; 74276

(6) The board of nursing for purposes of accepting and 74277
processing an application for a medication aide certificate issued 74278
under Chapter 4723. of the Revised Code; 74279

(7) The director of aging or the director's designee if the criminal records check is requested by the chief administrator of a home that is also a community-based long-term care services provider.

(F) In accordance with section 3721.11 of the Revised Code, the director of health shall adopt rules to implement this section. The rules shall specify circumstances under which a home or adult day-care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a home or adult day-care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home or adult day-care program employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the home or program employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the home or program shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the home or program employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this

section, the home or program shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the home or program in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the home or program shall not be found negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section.

(I)(1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care

program is not required to request that the superintendent of the 74342
bureau of criminal identification and investigation conduct a 74343
criminal records check of an applicant and may employ the 74344
applicant conditionally as described in this division, if the 74345
applicant has been referred to the home or program by an 74346
employment service that supplies full-time, part-time, or 74347
temporary staff for positions involving the direct care of older 74348
adults and if the chief administrator receives from the employment 74349
service or the applicant a letter from the employment service that 74350
is on the letterhead of the employment service, dated, and signed 74351
by a supervisor or another designated official of the employment 74352
service and that states that the employment service has requested 74353
the superintendent to conduct a criminal records check regarding 74354
the applicant, that the requested criminal records check will 74355
include a determination of whether the applicant has been 74356
convicted of or pleaded guilty to any offense listed or described 74357
in division (C)(1) of this section, that, as of the date set forth 74358
on the letter, the employment service had not received the results 74359
of the criminal records check, and that, when the employment 74360
service receives the results of the criminal records check, it 74361
promptly will send a copy of the results to the home or adult 74362
day-care program. If a home or adult day-care program employs an 74363
applicant conditionally in accordance with this division, the 74364
employment service, upon its receipt of the results of the 74365
criminal records check, promptly shall send a copy of the results 74366
to the home or adult day-care program, and division (C)(2)(b) of 74367
this section applies regarding the conditional employment. 74368

Sec. 3721.13. (A) The rights of residents of a home shall 74369
include, but are not limited to, the following: 74370

(1) The right to a safe and clean living environment pursuant 74371
to the medicare and medicaid programs and applicable state laws 74372
and rules adopted by the director of health; 74373

(2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

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(3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. This care shall be provided without regard to considerations such as race, color, religion, national origin, age, or source of payment for care.

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(4) The right to have all reasonable requests and inquiries responded to promptly;

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(5) The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

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(6) The right to obtain from the home, upon request, the name and any specialty of any physician or other person responsible for the resident's care or for the coordination of care;

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(7) The right, upon request, to be assigned, within the capacity of the home to make the assignment, to the staff physician of the resident's choice, and the right, in accordance with the rules and written policies and procedures of the home, to select as the attending physician a physician who is not on the staff of the home. If the cost of a physician's services is to be met under a federally supported program, the physician shall meet the federal laws and regulations governing such services.

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(8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can

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reasonably be expected to understand; the right of access to all 74405
information in the resident's medical record; and the right to 74406
give or withhold informed consent for treatment after the 74407
consequences of that choice have been carefully explained. When 74408
the attending physician finds that it is not medically advisable 74409
to give the information to the resident, the information shall be 74410
made available to the resident's sponsor on the resident's behalf, 74411
if the sponsor has a legal interest or is authorized by the 74412
resident to receive the information. The home is not liable for a 74413
violation of this division if the violation is found to be the 74414
result of an act or omission on the part of a physician selected 74415
by the resident who is not otherwise affiliated with the home. 74416

(9) The right to withhold payment for physician visitation if 74417
the physician did not visit the resident; 74418

(10) The right to confidential treatment of personal and 74419
medical records, and the right to approve or refuse the release of 74420
these records to any individual outside the home, except in case 74421
of transfer to another home, hospital, or health care system, as 74422
required by law or rule, or as required by a third-party payment 74423
contract; 74424

(11) The right to privacy during medical examination or 74425
treatment and in the care of personal or bodily needs; 74426

(12) The right to refuse, without jeopardizing access to 74427
appropriate medical care, to serve as a medical research subject; 74428

(13) The right to be free from physical or chemical 74429
restraints or prolonged isolation except to the minimum extent 74430
necessary to protect the resident from injury to self, others, or 74431
to property and except as authorized in writing by the attending 74432
physician for a specified and limited period of time and 74433
documented in the resident's medical record. Prior to authorizing 74434
the use of a physical or chemical restraint on any resident, the 74435

attending physician shall make a personal examination of the 74436
resident and an individualized determination of the need to use 74437
the restraint on that resident. 74438

Physical or chemical restraints or isolation may be used in 74439
an emergency situation without authorization of the attending 74440
physician only to protect the resident from injury to self or 74441
others. Use of the physical or chemical restraints or isolation 74442
shall not be continued for more than twelve hours after the onset 74443
of the emergency without personal examination and authorization by 74444
the attending physician. The attending physician or a staff 74445
physician may authorize continued use of physical or chemical 74446
restraints for a period not to exceed thirty days, and at the end 74447
of this period and any subsequent period may extend the 74448
authorization for an additional period of not more than thirty 74449
days. The use of physical or chemical restraints shall not be 74450
continued without a personal examination of the resident and the 74451
written authorization of the attending physician stating the 74452
reasons for continuing the restraint. 74453

If physical or chemical restraints are used under this 74454
division, the home shall ensure that the restrained resident 74455
receives a proper diet. In no event shall physical or chemical 74456
restraints or isolation be used for punishment, incentive, or 74457
convenience. 74458

(14) The right to the pharmacist of the resident's choice and 74459
the right to receive pharmaceutical supplies and services at 74460
reasonable prices not exceeding applicable and normally accepted 74461
prices for comparably packaged pharmaceutical supplies and 74462
services within the community; 74463

(15) The right to exercise all civil rights, unless the 74464
resident has been adjudicated incompetent pursuant to Chapter 74465
2111. of the Revised Code and has not been restored to legal 74466
capacity, as well as the right to the cooperation of the home's 74467

administrator in making arrangements for the exercise of the right to vote; 74468
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(16) The right of access to opportunities that enable the resident, at the resident's own expense or at the expense of a third-party payer, to achieve the resident's fullest potential, including educational, vocational, social, recreational, and habilitation programs; 74470
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(17) The right to consume a reasonable amount of alcoholic beverages at the resident's own expense, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies; 74475
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(18) The right to use tobacco at the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies; 74480
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(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician; 74485
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(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative; 74490
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(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending 74495
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physician, except that communications with public officials or 74499
with the resident's attorney or physician shall not be restricted. 74500
Private and unrestricted communications shall include, but are not 74501
limited to, the right to: 74502

- (a) Receive, send, and mail sealed, unopened correspondence; 74503
- (b) Reasonable access to a telephone for private 74504
communications; 74505
- (c) Private visits at any reasonable hour. 74506

(22) The right to assured privacy for visits by the spouse, 74507
or if both are residents of the same home, the right to share a 74508
room within the capacity of the home, unless not medically 74509
advisable as documented in the resident's medical record by the 74510
attending physician; 74511

(23) The right upon reasonable request to have room doors 74512
closed and to have them not opened without knocking, except in the 74513
case of an emergency or unless not medically advisable as 74514
documented in the resident's medical record by the attending 74515
physician; 74516

(24) The right to retain and use personal clothing and a 74517
reasonable amount of possessions, in a reasonably secure manner, 74518
unless to do so would infringe on the rights of other residents or 74519
would not be medically advisable as documented in the resident's 74520
medical record by the attending physician; 74521

(25) The right to be fully informed, prior to or at the time 74522
of admission and during the resident's stay, in writing, of the 74523
basic rate charged by the home, of services available in the home, 74524
and of any additional charges related to such services, including 74525
charges for services not covered under the medicare or medicaid 74526
program. The basic rate shall not be changed unless thirty days' 74527
notice is given to the resident or, if the resident is unable to 74528
understand this information, to the resident's sponsor. 74529

(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's care from the home that itemizes charges not included in the basic rates;	74530 74531 74532 74533
(27)(a) The right to be free from financial exploitation;	74534
(b) The right to manage the resident's own personal financial affairs, or, if the resident has delegated this responsibility in writing to the home, to receive upon written request at least a quarterly accounting statement of financial transactions made on the resident's behalf. The statement shall include:	74535 74536 74537 74538 74539
(i) A complete record of all funds, personal property, or possessions of a resident from any source whatsoever, that have been deposited for safekeeping with the home for use by the resident or the resident's sponsor;	74540 74541 74542 74543
(ii) A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts which shall be available for inspection and copying by the resident or sponsor.	74544 74545 74546
(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;	74547 74548 74549 74550 74551
(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.	74552 74553 74554
(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:	74555 74556 74557
(a) The welfare and needs of the resident cannot be met in the home.	74558 74559

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home. 74560
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(c) The safety of individuals in the home is endangered. 74562

(d) The health of individuals in the home would otherwise be endangered. 74563
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(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case: 74565
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(i) The resident's application, or a substantially similar previous application, has been denied ~~by the county department of job and family services.~~ 74571
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(ii) If the resident appealed the denial ~~pursuant to division (C) of section 5101.35 of the Revised Code, the director of job and family services has upheld~~ the denial was upheld. 74574
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(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate. 74577
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(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied. 74581
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(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied. 74584
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(31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the 74587
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operation of the home, of the resident's choice, free from 74590
restraint, interference, coercion, discrimination, or reprisal. 74591
This right includes access to a residents' rights advocate, and 74592
the right to be a member of, to be active in, and to associate 74593
with persons who are active in organizations of relatives and 74594
friends of nursing home residents and other organizations engaged 74595
in assisting residents. 74596

(32) The right to have any significant change in the 74597
resident's health status reported to the resident's sponsor. As 74598
soon as such a change is known to the home's staff, the home shall 74599
make a reasonable effort to notify the sponsor within twelve 74600
hours. 74601

(B) A sponsor may act on a resident's behalf to assure that 74602
the home does not deny the residents' rights under sections 74603
3721.10 to 3721.17 of the Revised Code. 74604

(C) Any attempted waiver of the rights listed in division (A) 74605
of this section is void. 74606

Sec. 3721.14. To assist in the implementation of the rights 74607
granted in division (A) of section 3721.13 of the Revised Code, 74608
each home shall provide: 74609

(A) Appropriate staff training to implement each resident's 74610
rights under division (A) of section 3721.13 of the Revised Code, 74611
including, but not limited to, explaining: 74612

(1) The resident's rights and the staff's responsibility in 74613
the implementation of the rights; 74614

(2) The staff's obligation to provide all residents who have 74615
similar needs with comparable service. 74616

(B) Arrangements for a resident's needed ancillary services; 74617

(C) Protected areas outside the home for residents to enjoy 74618
outdoor activity, within the capacity of the facility, consistent 74619

with applicable laws and rules;	74620
(D) Adequate indoor space, which need not be dedicated to that purpose, for families of residents to meet privately with families of other residents;	74621 74622 74623
(E) Access to the following persons to enter the home during reasonable hours, except where such access would interfere with resident care or the privacy of residents:	74624 74625 74626
(1) Employees of the department of health, department of mental health <u>mental health and addiction services</u> , department of developmental disabilities, department of aging, department of job and family services, and county departments of job and family services;	74627 74628 74629 74630 74631
(2) Prospective residents and their sponsors;	74632
(3) A resident's sponsors;	74633
(4) Residents' rights advocates;	74634
(5) A resident's attorney;	74635
(6) A minister, priest, rabbi, or other person ministering to a resident's religious needs.	74636 74637
(F) In writing, a description of the home's grievance procedures.	74638 74639
Sec. 3721.15. (A) Authorization from a resident or a sponsor with a power of attorney for a home to manage the resident's financial affairs shall be in writing and shall be attested to by a witness who is not connected in any manner whatsoever with the home or its administrator. The home shall maintain accounts pursuant to division (A)(27) of section 3721.13 of the Revised Code. Upon the resident's transfer, discharge, or death, the account shall be closed and a final accounting made. All remaining funds shall be returned to the resident or resident's sponsor,	74640 74641 74642 74643 74644 74645 74646 74647 74648

except in the case of death, when all remaining funds shall be 74649
transferred or used in accordance with section ~~5111.113~~ 5162.22 of 74650
the Revised Code. 74651

(B) A home that manages a resident's financial affairs shall 74652
deposit the resident's funds in excess of one ~~hundred~~ thousand 74653
dollars, and may deposit the resident's funds that are one ~~hundred~~ 74654
thousand dollars or less, in an interest-bearing account separate 74655
from any of the home's operating accounts. Interest earned on the 74656
resident's funds shall be credited to the resident's account. A 74657
resident's funds that are one ~~hundred~~ thousand dollars or less and 74658
have not been deposited in an interest-bearing account may be 74659
deposited in a noninterest-bearing account or petty cash fund. 74660

(C) Each resident whose financial affairs are managed by a 74661
home shall be promptly notified by the home when the total of the 74662
amount of funds in the resident's accounts and the petty cash fund 74663
plus other nonexempt resources reaches two hundred dollars less 74664
than the maximum amount permitted a recipient of medicaid. The 74665
notice shall include an explanation of the potential effect on the 74666
resident's eligibility for medicaid if the amount in the 74667
resident's accounts and the petty cash fund, plus the value of 74668
other nonexempt resources, exceeds the maximum assets a medicaid 74669
recipient may retain. 74670

(D) Each home that manages the financial affairs of residents 74671
shall purchase a surety bond or otherwise provide assurance 74672
satisfactory to the director of health, or, in the case of a home 74673
that participates in the medicaid program, to the medicaid 74674
director ~~of job and family services~~, to assure the security of all 74675
residents' funds managed by the home. 74676

Sec. 3721.16. For each resident of a home, notice of a 74677
proposed transfer or discharge shall be in accordance with this 74678
section. 74679

(A)(1) The administrator of a home shall notify a resident in writing, and the resident's sponsor in writing by certified mail, return receipt requested, in advance of any proposed transfer or discharge from the home. The administrator shall send a copy of the notice to the state department of health. The notice shall be provided at least thirty days in advance of the proposed transfer or discharge, unless any of the following applies:

(a) The resident's health has improved sufficiently to allow a more immediate discharge or transfer to a less skilled level of care;

(b) The resident has resided in the home less than thirty days;

(c) An emergency arises in which the safety of individuals in the home is endangered;

(d) An emergency arises in which the health of individuals in the home would otherwise be endangered;

(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.

In any of the circumstances described in divisions (A)(1)(a) to (e) of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.

(2) The notice required under division (A)(1) of this section shall include all of the following:

(a) The reasons for the proposed transfer or discharge;

(b) The proposed date the resident is to be transferred or discharged;

(c) Subject to division (A)(3) of this section, a proposed location to which the resident may relocate and a notice that the resident and resident's sponsor may choose another location to

which the resident will relocate; 74710

(d) Notice of the right of the resident and the resident's 74711
sponsor to an impartial hearing at the home on the proposed 74712
transfer or discharge, and of the manner in which and the time 74713
within which the resident or sponsor may request a hearing 74714
pursuant to section 3721.161 of the Revised Code; 74715

(e) A statement that the resident will not be transferred or 74716
discharged before the date specified in the notice unless the home 74717
and the resident or, if the resident is not competent to make a 74718
decision, the home and the resident's sponsor, agree to an earlier 74719
date; 74720

(f) The address of the legal services office of the 74721
department of health; 74722

(g) The name, address, and telephone number of a 74723
representative of the state long-term care ~~ombudsperson~~ ombudsman 74724
program and, if the resident or patient has a developmental 74725
disability or mental illness, the name, address, and telephone 74726
number of the Ohio protection and advocacy system. 74727

(3) The proposed location to which a resident may relocate as 74728
specified pursuant to division (A)(2)(c) of this section in the 74729
proposed transfer or discharge notice shall be capable of meeting 74730
the resident's health-care and safety needs. The proposed location 74731
for relocation need not have accepted the resident at the time the 74732
notice is issued to the resident and resident's sponsor. 74733

(B) No home shall transfer or discharge a resident before the 74734
date specified in the notice required by division (A) of this 74735
section unless the home and the resident or, if the resident is 74736
not competent to make a decision, the home and the resident's 74737
sponsor, agree to an earlier date. 74738

(C) Transfer or discharge actions shall be documented in the 74739
resident's medical record by the home if there is a medical basis 74740

for the action. 74741

(D) A resident or resident's sponsor may challenge a transfer 74742
or discharge by requesting an impartial hearing pursuant to 74743
section 3721.161 of the Revised Code, unless the transfer or 74744
discharge is required because of one of the following reasons: 74745

(1) The home's license has been revoked under this chapter; 74746

(2) The home is being closed pursuant to section 3721.08, 74747
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89, or section 5155.31 of 74748
the Revised Code; 74749

(3) The resident is a recipient of medicaid and the home's 74750
participation in the medicaid program has been involuntarily 74751
terminated or denied by the federal government; 74752

(4) The resident is a beneficiary under the medicare program 74753
and the home's certification under the medicare program has been 74754
involuntarily terminated or denied by the federal government. 74755

(E) If a resident is transferred or discharged pursuant to 74756
this section, the home from which the resident is being 74757
transferred or discharged shall provide the resident with adequate 74758
preparation prior to the transfer or discharge to ensure a safe 74759
and orderly transfer or discharge from the home, and the home or 74760
alternative setting to which the resident is to be transferred or 74761
discharged shall have accepted the resident for transfer or 74762
discharge. 74763

(F) At the time of a transfer or discharge of a resident who 74764
is a recipient of medicaid from a home to a hospital or for 74765
therapeutic leave, the home shall provide notice in writing to the 74766
resident and in writing by certified mail, return receipt 74767
requested, to the resident's sponsor, specifying the number of 74768
days, if any, during which the resident will be permitted under 74769
the medicaid program to return and resume residence in the home 74770
and specifying the medicaid program's coverage of the days during 74771

which the resident is absent from the home. An individual who is 74772
absent from a home for more than the number of days specified in 74773
the notice and continues to require the services provided by the 74774
facility shall be given priority for the first available bed in a 74775
semi-private room. 74776

Sec. 3721.17. (A) Any resident who believes that the 74777
resident's rights under sections 3721.10 to 3721.17 of the Revised 74778
Code have been violated may file a grievance under procedures 74779
adopted pursuant to division (A)(2) of section 3721.12 of the 74780
Revised Code. 74781

When the grievance committee determines a violation of 74782
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 74783
shall notify the administrator of the home. If the violation 74784
cannot be corrected within ten days, or if ten days have elapsed 74785
without correction of the violation, the grievance committee shall 74786
refer the matter to the department of health. 74787

(B) Any person who believes that a resident's rights under 74788
sections 3721.10 to 3721.17 of the Revised Code have been violated 74789
may report or cause reports to be made of the information directly 74790
to the department of health. No person who files a report is 74791
liable for civil damages resulting from the report. 74792

(C)(1) Within thirty days of receiving a complaint under this 74793
section, the department of health shall investigate any complaint 74794
referred to it by a home's grievance committee and any complaint 74795
from any source that alleges that the home provided substantially 74796
less than adequate care or treatment, or substantially unsafe 74797
conditions, or, within seven days of receiving a complaint, refer 74798
it to the attorney general, if the attorney general agrees to 74799
investigate within thirty days. 74800

(2) Within thirty days of receiving a complaint under this 74801
section, the department of health may investigate any alleged 74802

violation of sections 3721.10 to 3721.17 of the Revised Code, or 74803
of rules, policies, or procedures adopted pursuant to those 74804
sections, not covered by division (C)(1) of this section, or it 74805
may, within seven days of receiving a complaint, refer the 74806
complaint to the grievance committee at the home where the alleged 74807
violation occurred, or to the attorney general if the attorney 74808
general agrees to investigate within thirty days. 74809

(D) If, after an investigation, the department of health 74810
finds probable cause to believe that a violation of sections 74811
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 74812
procedures adopted pursuant to those sections, has occurred at a 74813
home that is certified under the medicare or medicaid program, it 74814
shall cite one or more findings or deficiencies under sections 74815
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. If the 74816
home is not so certified, the department shall hold an 74817
adjudicative hearing within thirty days under Chapter 119. of the 74818
Revised Code. 74819

(E) Upon a finding at an adjudicative hearing under division 74820
(D) of this section that a violation of sections 3721.10 to 74821
3721.17 of the Revised Code, or of rules, policies, or procedures 74822
adopted pursuant thereto, has occurred, the department of health 74823
shall make an order for compliance, set a reasonable time for 74824
compliance, and assess a fine pursuant to division (F) of this 74825
section. The fine shall be paid to the general revenue fund only 74826
if compliance with the order is not shown to have been made within 74827
the reasonable time set in the order. The department of health may 74828
issue an order prohibiting the continuation of any violation of 74829
sections 3721.10 to 3721.17 of the Revised Code. 74830

Findings at the hearings conducted under this section may be 74831
appealed pursuant to Chapter 119. of the Revised Code, except that 74832
an appeal may be made to the court of common pleas of the county 74833
in which the home is located. 74834

The department of health shall initiate proceedings in court 74835
to collect any fine assessed under this section that is unpaid 74836
thirty days after the violator's final appeal is exhausted. 74837

(F) Any home found, pursuant to an adjudication hearing under 74838
division (D) of this section, to have violated sections 3721.10 to 74839
3721.17 of the Revised Code, or rules, policies, or procedures 74840
adopted pursuant to those sections may be fined not less than one 74841
hundred nor more than five hundred dollars for a first offense. 74842
For each subsequent offense, the home may be fined not less than 74843
two hundred nor more than one thousand dollars. 74844

A violation of sections 3721.10 to 3721.17 of the Revised 74845
Code is a separate offense for each day of the violation and for 74846
each resident who claims the violation. 74847

(G) No home or employee of a home shall retaliate against any 74848
person who: 74849

(1) Exercises any right set forth in sections 3721.10 to 74850
3721.17 of the Revised Code, including, but not limited to, filing 74851
a complaint with the home's grievance committee or reporting an 74852
alleged violation to the department of health; 74853

(2) Appears as a witness in any hearing conducted under this 74854
section or section 3721.162 of the Revised Code; 74855

(3) Files a civil action alleging a violation of sections 74856
3721.10 to 3721.17 of the Revised Code, or notifies a county 74857
prosecuting attorney or the attorney general of a possible 74858
violation of sections 3721.10 to 3721.17 of the Revised Code. 74859

If, under the procedures outlined in this section, a home or 74860
its employee is found to have retaliated, the violator may be 74861
fined up to one thousand dollars. 74862

(H) When legal action is indicated, any evidence of criminal 74863
activity found in an investigation under division (C) of this 74864

section shall be given to the prosecuting attorney in the county 74865
in which the home is located for investigation. 74866

(I)(1)(a) Any resident whose rights under sections 3721.10 to 74867
3721.17 of the Revised Code are violated has a cause of action 74868
against any person or home committing the violation. 74869

(b) An action under division (I)(1)(a) of this section may be 74870
commenced by the resident or by the resident's legal guardian or 74871
other legally authorized representative on behalf of the resident 74872
or the resident's estate. If the resident or the resident's legal 74873
guardian or other legally authorized representative is unable to 74874
commence an action under that division on behalf of the resident, 74875
the following persons in the following order of priority have the 74876
right to and may commence an action under that division on behalf 74877
of the resident or the resident's estate: 74878

(i) The resident's spouse; 74879

(ii) The resident's parent or adult child; 74880

(iii) The resident's guardian if the resident is a minor 74881
child; 74882

(iv) The resident's brother or sister; 74883

(v) The resident's niece, nephew, aunt, or uncle. 74884

(c) Notwithstanding any law as to priority of persons 74885
entitled to commence an action, if more than one eligible person 74886
within the same level of priority seeks to commence an action on 74887
behalf of a resident or the resident's estate, the court shall 74888
determine, in the best interest of the resident or the resident's 74889
estate, the individual to commence the action. A court's 74890
determination under this division as to the person to commence an 74891
action on behalf of a resident or the resident's estate shall bar 74892
another person from commencing the action on behalf of the 74893
resident or the resident's estate. 74894

(d) The result of an action commenced pursuant to division 74895
(I)(1)(a) of this section by a person authorized under division 74896
(I)(1)(b) of this section shall bind the resident or the 74897
resident's estate that is the subject of the action. 74898

(e) A cause of action under division (I)(1)(a) of this 74899
section shall accrue, and the statute of limitations applicable to 74900
that cause of action shall begin to run, based upon the violation 74901
of a resident's rights under sections 3721.10 to 3721.17 of the 74902
Revised Code, regardless of the party commencing the action on 74903
behalf of the resident or the resident's estate as authorized 74904
under divisions (I)(1)(b) and (c) of this section. 74905

(2)(a) The plaintiff in an action filed under division (I)(1) 74906
of this section may obtain injunctive relief against the violation 74907
of the resident's rights. The plaintiff also may recover 74908
compensatory damages based upon a showing, by a preponderance of 74909
the evidence, that the violation of the resident's rights resulted 74910
from a negligent act or omission of the person or home and that 74911
the violation was the proximate cause of the resident's injury, 74912
death, or loss to person or property. 74913

(b) If compensatory damages are awarded for a violation of 74914
the resident's rights, section 2315.21 of the Revised Code shall 74915
apply to an award of punitive or exemplary damages for the 74916
violation. 74917

(c) The court, in a case in which only injunctive relief is 74918
granted, may award to the prevailing party reasonable attorney's 74919
fees limited to the work reasonably performed. 74920

(3) Division (I)(2) (b) of this section shall be considered 74921
to be purely remedial in operation and shall be applied in a 74922
remedial manner in any civil action in which this section is 74923
relevant, whether the action is pending in court or commenced on 74924
or after July 9, 1998. 74925

(4) Within thirty days after the filing of a complaint in an action for damages brought against a home under division (I)(1)(a) of this section by or on behalf of a resident or former resident of the home, the plaintiff or plaintiff's counsel shall send written notice of the filing of the complaint to the department of ~~job and family services~~ medicaid if the department has a right of recovery under section ~~5101.58~~ 5160.37 of the Revised Code against the liability of the home for the cost of ~~medical~~ medicaid services ~~and care~~ arising out of injury, disease, or disability of the resident or former resident.

Sec. 3721.19. (A) As used in this section:

(1) "Home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code;

(2) "Provider agreement" has the same meaning as in section 5165.01 of the Revised Code.

(3) "Sponsor" and "residents' rights advocate" have the same meanings as in section 3721.10 of the Revised Code.

A home licensed under this chapter that is not a party to a provider agreement, ~~as defined in section 5111.20 of the Revised Code,~~ shall provide each prospective resident, before admission, with the following information, orally and in a separate written notice on which is printed in a conspicuous manner: "This home is not a participant in the ~~medical assistance~~ medicaid program administered by the Ohio department of ~~job and family services~~ medicaid. Consequently, you may be discharged from this home if you are unable to pay for the services provided by this home."

If the prospective resident has a sponsor whose identity is made known to the home, the home shall also inform the sponsor, before admission of the resident, of the home's status relative to the ~~medical assistance~~ medicaid program. Written acknowledgement

of the receipt of the information shall be provided by the 74956
resident and, if the prospective resident has a sponsor who has 74957
been identified to the home, by the sponsor. The written 74958
acknowledgement shall be made part of the resident's record by the 74959
home. 74960

No home shall terminate its ~~status as a provider under the~~ 74961
~~medicaid program agreement~~ unless it has complied with section 74962
~~5111.66~~ 5165.50 of the Revised Code and, at least ninety days 74963
prior to such termination, provided written notice to the 74964
residents of the home and their sponsors of such action. This 74965
requirement shall not apply in cases where the department of ~~job~~ 74966
~~and family services~~ medicaid terminates a home's provider 74967
agreement or provider status. 74968

(B) A home licensed under this chapter as a residential care 74969
facility shall provide notice to each prospective resident or the 74970
individual's sponsor of the services offered by the facility and 74971
the types of skilled nursing care that the facility may provide. A 74972
residential care facility that, pursuant to section 3721.012 of 74973
the Revised Code, has a policy of entering into risk agreements 74974
with residents or their sponsors shall provide each prospective 74975
resident or the individual's sponsor a written explanation of the 74976
policy and the provisions that may be contained in a risk 74977
agreement. At the time the information is provided, the facility 74978
shall obtain a statement signed by the individual receiving the 74979
information acknowledging that the individual received the 74980
information. The facility shall maintain on file the individual's 74981
signed statement. 74982

(C) A resident has a cause of action against a home for 74983
breach of any duty imposed by this section. The action may be 74984
commenced by the resident, or on the resident's behalf by the 74985
resident's sponsor or a residents' rights advocate, by the filing 74986
of a civil action in the court of common pleas of the county in 74987

which the home is located, or in the court of common pleas of Franklin county.

If the court finds that a breach of any duty imposed by this section has occurred, the court shall enjoin the home from discharging the resident from the home until arrangements satisfactory to the court are made for the orderly transfer of the resident to another mode of health care including, but not limited to, another home, and may award the resident and a person or public agency that brings an action on behalf of a resident reasonable attorney's fees. If a home discharges a resident to whom or to whose sponsor information concerning its status relative to the ~~medical assistance~~ medicaid program was not provided as required under this section, the court shall grant any appropriate relief including, but not limited to, actual damages, reasonable attorney's fees, and costs.

Sec. 3727.01. (A) As used in this section, "health maintenance organization" means a public or private organization organized under the law of any state that is qualified under section 1310(d) of Title XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the following:

(1) Provides or otherwise makes available to enrolled participants health care services including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive service, and out-of-area coverage;

(2) Is compensated, except for copayments, for the provision of basic health care services to enrolled participants by a payment that is paid on a periodic basis without regard to the date the health care services are provided and that is fixed without regard to the frequency, extent, or kind of health service

actually provided; 75019

(3) Provides physician services primarily in either of the 75020
following ways: 75021

(a) Directly through physicians who are either employees or 75022
partners of the organization; 75023

(b) Through arrangements with individual physicians or one or 75024
more groups of physicians organized on a group-practice or 75025
individual-practice basis. 75026

(B) As used in this chapter: 75027

(1) "Children's hospital" means any of the following: 75028

(a) A hospital registered under section 3701.07 of the 75029
Revised Code that provides general pediatric medical and surgical 75030
care, and in which at least seventy-five per cent of annual 75031
inpatient discharges for the preceding two calendar years were 75032
individuals less than eighteen years of age; 75033

(b) A distinct portion of a hospital registered under section 75034
3701.07 of the Revised Code that provides general pediatric 75035
medical and surgical care, has a total of at least one hundred 75036
fifty registered pediatric special care and pediatric acute care 75037
beds, and in which at least seventy-five per cent of annual 75038
inpatient discharges for the preceding two calendar years were 75039
individuals less than eighteen years of age; 75040

(c) A distinct portion of a hospital, if the hospital is 75041
registered under section 3701.07 of the Revised Code as a 75042
children's hospital and the children's hospital meets all the 75043
requirements of division (B)(1)(a) of this section. 75044

(2) "Hospital" means an institution classified as a hospital 75045
under section 3701.07 of the Revised Code in which are provided to 75046
inpatients diagnostic, medical, surgical, obstetrical, 75047
psychiatric, or rehabilitation care for a continuous period longer 75048

than twenty-four hours or a hospital operated by a health 75049
maintenance organization. "Hospital" does not include a facility 75050
licensed under Chapter 3721. of the Revised Code, a health care 75051
facility operated by the department of ~~mental health~~ mental health 75052
and addiction services or the department of developmental 75053
disabilities, a health maintenance organization that does not 75054
operate a hospital, the office of any private licensed health care 75055
professional, whether organized for individual or group practice, 75056
or a clinic that provides ambulatory patient services and where 75057
patients are not regularly admitted as inpatients. "Hospital" also 75058
does not include an institution for the sick that is operated 75059
exclusively for patients who use spiritual means for healing and 75060
for whom the acceptance of medical care is inconsistent with their 75061
religious beliefs, accredited by a national accrediting 75062
organization, exempt from federal income taxation under section 75063
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 75064
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 75065
care pursuant to the exemption in division (E) of section 4723.32 75066
of the Revised Code from the licensing requirements of Chapter 75067
4723. of the Revised Code. 75068

(3) "Joint commission" means the commission formerly known as 75069
the joint commission on accreditation of healthcare organizations 75070
or the joint commission on accreditation of hospitals. 75071

Sec. 3734.01. As used in this chapter: 75072

(A) "Board of health" means the board of health of a city or 75073
general health district or the authority having the duties of a 75074
board of health in any city as authorized by section 3709.05 of 75075
the Revised Code. 75076

(B) "Director" means the director of environmental 75077
protection. 75078

(C) "Health district" means a city or general health district 75079

as created by or under authority of Chapter 3709. of the Revised Code. 75080
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(D) "Agency" means the environmental protection agency. 75082

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste. 75083
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(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code. 75098
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(G) "Person" includes the state, any political subdivision and other state or local body, the United States and any agency or instrumentality thereof, and any legal entity defined as a person under section 1.59 of the Revised Code. 75106
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(H) "Open burning" means the burning of solid wastes in an 75110

open area or burning of solid wastes in a type of chamber or 75111
vessel that is not approved or authorized in rules adopted by the 75112
director under section 3734.02 of the Revised Code or, if the 75113
solid wastes consist of scrap tires, in rules adopted under 75114
division (V) of this section or section 3734.73 of the Revised 75115
Code, or the burning of treated or untreated infectious wastes in 75116
an open area or in a type of chamber or vessel that is not 75117
approved in rules adopted by the director under section 3734.021 75118
of the Revised Code. 75119

(I) "Open dumping" means the depositing of solid wastes into 75120
a body or stream of water or onto the surface of the ground at a 75121
site that is not licensed as a solid waste facility under section 75122
3734.05 of the Revised Code or, if the solid wastes consist of 75123
scrap tires, as a scrap tire collection, storage, monocell, 75124
monofill, or recovery facility under section 3734.81 of the 75125
Revised Code; the depositing of solid wastes that consist of scrap 75126
tires onto the surface of the ground at a site or in a manner not 75127
specifically identified in divisions (C)(2) to (5), (7), or (10) 75128
of section 3734.85 of the Revised Code; the depositing of 75129
untreated infectious wastes into a body or stream of water or onto 75130
the surface of the ground; or the depositing of treated infectious 75131
wastes into a body or stream of water or onto the surface of the 75132
ground at a site that is not licensed as a solid waste facility 75133
under section 3734.05 of the Revised Code. 75134

(J) "Hazardous waste" means any waste or combination of 75135
wastes in solid, liquid, semisolid, or contained gaseous form that 75136
in the determination of the director, because of its quantity, 75137
concentration, or physical or chemical characteristics, may do 75138
either of the following: 75139

(1) Cause or significantly contribute to an increase in 75140
mortality or an increase in serious irreversible or incapacitating 75141
reversible illness; 75142

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any hazardous waste; to neutralize the waste; to recover energy or material resources from the waste; to render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, storage, further treatment, or disposal; or to reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M) "Storage," when used in connection with hazardous waste, means the holding of hazardous waste for a temporary period in

such a manner that it remains retrievable and substantially 75175
unchanged physically and chemically and, at the end of the period, 75176
is treated; disposed of; stored elsewhere; or reused, recycled, or 75177
reclaimed in a beneficial manner. When used in connection with 75178
solid wastes that consist of scrap tires, "storage" means the 75179
holding of scrap tires for a temporary period in such a manner 75180
that they remain retrievable and, at the end of that period, are 75181
beneficially used; stored elsewhere; placed in a scrap tire 75182
monocell or monofill facility licensed under section 3734.81 of 75183
the Revised Code; processed at a scrap tire recovery facility 75184
licensed under that section or a solid waste incineration or 75185
energy recovery facility subject to regulation under this chapter; 75186
or transported to a scrap tire monocell, monofill, or recovery 75187
facility, any other solid waste facility authorized to dispose of 75188
scrap tires, or a facility that will beneficially use the scrap 75189
tires, that is located in another state and is operating in 75190
compliance with the laws of the state in which the facility is 75191
located. 75192

(N) "Facility" means any site, location, tract of land, 75193
installation, or building used for incineration, composting, 75194
sanitary landfilling, or other methods of disposal of solid wastes 75195
or, if the solid wastes consist of scrap tires, for the 75196
collection, storage, or processing of the solid wastes; for the 75197
transfer of solid wastes; for the treatment of infectious wastes; 75198
or for the storage, treatment, or disposal of hazardous waste. 75199

(O) "Closure" means the time at which a hazardous waste 75200
facility will no longer accept hazardous waste for treatment, 75201
storage, or disposal, the time at which a solid waste facility 75202
will no longer accept solid wastes for transfer or disposal or, if 75203
the solid wastes consist of scrap tires, for storage or 75204
processing, or the effective date of an order revoking the permit 75205
for a hazardous waste facility or the registration certificate, 75206

permit, or license for a solid waste facility, as applicable. 75207

"Closure" includes measures performed to protect public health or 75208
safety, to prevent air or water pollution, or to make the facility 75209
suitable for other uses, if any, including, but not limited to, 75210
the removal of processing residues resulting from solid wastes 75211
that consist of scrap tires; the establishment and maintenance of 75212
a suitable cover of soil and vegetation over cells in which 75213
hazardous waste or solid wastes are buried; minimization of 75214
erosion, the infiltration of surface water into such cells, the 75215
production of leachate, and the accumulation and runoff of 75216
contaminated surface water; the final construction of facilities 75217
for the collection and treatment of leachate and contaminated 75218
surface water runoff, except as otherwise provided in this 75219
division; the final construction of air and water quality 75220
monitoring facilities, except as otherwise provided in this 75221
division; the final construction of methane gas extraction and 75222
treatment systems; or the removal and proper disposal of hazardous 75223
waste or solid wastes from a facility when necessary to protect 75224
public health or safety or to abate or prevent air or water 75225
pollution. With regard to a solid waste facility that is a scrap 75226
tire facility, "closure" includes the final construction of 75227
facilities for the collection and treatment of leachate and 75228
contaminated surface water runoff and the final construction of 75229
air and water quality monitoring facilities only if those actions 75230
are determined to be necessary. 75231

(P) "Premises" means either of the following: 75232

(1) Geographically contiguous property owned by a generator; 75233

(2) Noncontiguous property that is owned by a generator and 75234
connected by a right-of-way that the generator controls and to 75235
which the public does not have access. Two or more pieces of 75236
property that are geographically contiguous and divided by public 75237
or private right-of-way or rights-of-way are a single premises. 75238

(Q) "Post-closure" means that period of time following 75239
closure during which a hazardous waste facility is required to be 75240
monitored and maintained under this chapter and rules adopted 75241
under it, including, without limitation, operation and maintenance 75242
of methane gas extraction and treatment systems, or the period of 75243
time after closure during which a scrap tire monocell or monofill 75244
facility licensed under section 3734.81 of the Revised Code is 75245
required to be monitored and maintained under this chapter and 75246
rules adopted under it. 75247

(R) "Infectious wastes" means any wastes or combination of 75248
wastes that include cultures and stocks of infectious agents and 75249
associated biologicals, human blood and blood products, and 75250
substances that were or are likely to have been exposed to or 75251
contaminated with or are likely to transmit an infectious agent or 75252
zoonotic agent, including all of the following: 75253

(1) Laboratory wastes; 75254

(2) Pathological wastes; 75255

(3) Animal blood and blood products; 75256

(4) Animal carcasses and parts; 75257

(5) Waste materials from the rooms of humans, or the 75258
enclosures of animals, that have been isolated because of 75259
diagnosed communicable disease that are likely to transmit 75260
infectious agents. Such waste materials from the rooms of humans 75261
do not include any wastes of patients who have been placed on 75262
blood and body fluid precautions under the universal precaution 75263
system established by the centers for disease control in the 75264
public health service of the United States department of health 75265
and human services, except to the extent specific wastes generated 75266
under the universal precautions system have been identified as 75267
infectious wastes by rules adopted under division (R)(7) of this 75268
section. 75269

(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals; 75270
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(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents. 75272
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As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes. 75281
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(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings. 75286
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(T) "Zoonotic agent" means a type of microorganism, pathogen, or virus that causes disease in vertebrate animals, is transmissible to human beings, and can cause or significantly contribute to disease in or death of human beings. 75290
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(U) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid waste disposal facility. "Solid waste transfer facility" does not include any facility that consists solely of portable containers 75294
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that have an aggregate volume of fifty cubic yards or less nor any 75301
facility where legitimate recycling activities are conducted. 75302

(V) "Beneficially use" means: 75303

(1) With regard to scrap tires, to use a scrap tire in a 75304
manner that results in a commodity for sale or exchange or in any 75305
other manner authorized as a beneficial use in rules adopted by 75306
the director in accordance with Chapter 119. of the Revised Code; 75307

(2) With regard to material from a horizontal well that has 75308
come in contact with a refined oil-based substance and that is not 75309
technologically enhanced naturally occurring radioactive material, 75310
to use the material in any manner authorized as a beneficial use 75311
in rules adopted by the director under section 3734.125 of the 75312
Revised Code. 75313

(W) "Commercial car," "commercial tractor," "farm machinery," 75314
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 75315
the same meanings as in section 4501.01 of the Revised Code. 75316

(X) "Construction equipment" means road rollers, traction 75317
engines, power shovels, power cranes, and other equipment used in 75318
construction work, or in mining or producing or processing 75319
aggregates, and not designed for or used in general highway 75320
transportation. 75321

(Y) "Motor vehicle salvage dealer" has the same meaning as in 75322
section 4738.01 of the Revised Code. 75323

(Z) "Scrap tire" means an unwanted or discarded tire. 75324

(AA) "Scrap tire collection facility" means any facility that 75325
meets all of the following qualifications: 75326

(1) The facility is used for the receipt and storage of whole 75327
scrap tires from the public prior to their transportation to a 75328
scrap tire storage, monocell, monofill, or recovery facility 75329
licensed under section 3734.81 of the Revised Code; a solid waste 75330

incineration or energy recovery facility subject to regulation 75331
under this chapter; a premises within the state where the scrap 75332
tires will be beneficially used; or a scrap tire storage, 75333
monocell, monofill, or recovery facility, any other solid waste 75334
disposal facility authorized to dispose of scrap tires, or a 75335
facility that will beneficially use the scrap tires, that is 75336
located in another state, and that is operating in compliance with 75337
the laws of the state in which the facility is located. 75338

(2) The facility exclusively stores scrap tires in portable 75339
containers. 75340

(3) The aggregate storage of the portable containers in which 75341
the scrap tires are stored does not exceed five thousand cubic 75342
feet. 75343

(BB) "Scrap tire monocell facility" means an individual site 75344
within a solid waste landfill that is used exclusively for the 75345
environmentally sound storage or disposal of whole scrap tires or 75346
scrap tires that have been shredded, chipped, or otherwise 75347
mechanically processed. 75348

(CC) "Scrap tire monofill facility" means an engineered 75349
facility used or intended to be used exclusively for the storage 75350
or disposal of scrap tires, including at least facilities for the 75351
submergence of whole scrap tires in a body of water. 75352

(DD) "Scrap tire recovery facility" means any facility, or 75353
portion thereof, for the processing of scrap tires for the purpose 75354
of extracting or producing usable products, materials, or energy 75355
from the scrap tires through a controlled combustion process, 75356
mechanical process, or chemical process. "Scrap tire recovery 75357
facility" includes any facility that uses the controlled 75358
combustion of scrap tires in a manufacturing process to produce 75359
process heat or steam or any facility that produces usable heat or 75360
electric power through the controlled combustion of scrap tires in 75361

combination with another fuel, but does not include any solid waste incineration or energy recovery facility that is designed, constructed, and used for the primary purpose of incinerating mixed municipal solid wastes and that burns scrap tires in conjunction with mixed municipal solid wastes, or any tire retreading business, tire manufacturing finishing center, or tire adjustment center having on the premises of the business a single, covered scrap tire storage area at which not more than four thousand scrap tires are stored.

(EE) "Scrap tire storage facility" means any facility where whole scrap tires are stored prior to their transportation to a scrap tire monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located.

(FF) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities. "Used oil" includes only those substances identified as used oil by the United States environmental protection agency under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 U.S.C.A. 6901a, as amended.

(GG) "Accumulated speculatively" has the same meaning as in rules adopted by the director under section 3734.12 of the Revised Code.

(HH) "Horizontal well" has the same meaning as in section

1509.01 of the Revised Code. 75394

(II) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code. 75395
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Sec. 3734.02. (A) The director of environmental protection, 75398
in accordance with Chapter 119. of the Revised Code, shall adopt 75399
and may amend, suspend, or rescind rules having uniform 75400
application throughout the state governing solid waste facilities 75401
and the inspections of and issuance of permits and licenses for 75402
all solid waste facilities in order to ensure that the facilities 75403
will be located, maintained, and operated, and will undergo 75404
closure and post-closure care, in a sanitary manner so as not to 75405
create a nuisance, cause or contribute to water pollution, create 75406
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 75407
257.3-8, as amended. The rules may include, without limitation, 75408
financial assurance requirements for closure and post-closure care 75409
and corrective action and requirements for taking corrective 75410
action in the event of the surface or subsurface discharge or 75411
migration of explosive gases or leachate from a solid waste 75412
facility, or of ground water contamination resulting from the 75413
transfer or disposal of solid wastes at a facility, beyond the 75414
boundaries of any area within a facility that is operating or is 75415
undergoing closure or post-closure care where solid wastes were 75416
disposed of or are being disposed of. The rules shall not concern 75417
or relate to personnel policies, salaries, wages, fringe benefits, 75418
or other conditions of employment of employees of persons owning 75419
or operating solid waste facilities. The director, in accordance 75420
with Chapter 119. of the Revised Code, shall adopt and may amend, 75421
suspend, or rescind rules governing the issuance, modification, 75422
revocation, suspension, or denial of variances from the director's 75423
solid waste rules, including, without limitation, rules adopted 75424
under this chapter governing the management of scrap tires. 75425

Variances shall be issued, modified, revoked, suspended, or 75426
rescinded in accordance with this division, rules adopted under 75427
it, and Chapter 3745. of the Revised Code. The director may order 75428
the person to whom a variance is issued to take such action within 75429
such time as the director may determine to be appropriate and 75430
reasonable to prevent the creation of a nuisance or a hazard to 75431
the public health or safety or the environment. Applications for 75432
variances shall contain such detail plans, specifications, and 75433
information regarding objectives, procedures, controls, and other 75434
pertinent data as the director may require. The director shall 75435
grant a variance only if the applicant demonstrates to the 75436
director's satisfaction that construction and operation of the 75437
solid waste facility in the manner allowed by the variance and any 75438
terms or conditions imposed as part of the variance will not 75439
create a nuisance or a hazard to the public health or safety or 75440
the environment. In granting any variance, the director shall 75441
state the specific provision or provisions whose terms are to be 75442
varied and also shall state specific terms or conditions imposed 75443
upon the applicant in place of the provision or provisions. The 75444
director may hold a public hearing on an application for a 75445
variance or renewal of a variance at a location in the county 75446
where the operations that are the subject of the application for 75447
the variance are conducted. The director shall give not less than 75448
twenty days' notice of the hearing to the applicant by certified 75449
mail or by another type of mail accompanied by a receipt and shall 75450
publish at least one notice of the hearing in a newspaper with 75451
general circulation in the county where the hearing is to be held. 75452
The director shall make available for public inspection at the 75453
principal office of the environmental protection agency a current 75454
list of pending applications for variances and a current schedule 75455
of pending variance hearings. The director shall make a complete 75456
stenographic record of testimony and other evidence submitted at 75457
the hearing. Within ten days after the hearing, the director shall 75458

make a written determination to issue, renew, or deny the variance 75459
and shall enter the determination and the basis for it into the 75460
record of the hearing. The director shall issue, renew, or deny an 75461
application for a variance or renewal of a variance within six 75462
months of the date upon which the director receives a complete 75463
application with all pertinent information and data required. No 75464
variance shall be issued, revoked, modified, or denied until the 75465
director has considered the relative interests of the applicant, 75466
other persons and property affected by the variance, and the 75467
general public. Any variance granted under this division shall be 75468
for a period specified by the director and may be renewed from 75469
time to time on such terms and for such periods as the director 75470
determines to be appropriate. No application shall be denied and 75471
no variance shall be revoked or modified without a written order 75472
stating the findings upon which the denial, revocation, or 75473
modification is based. A copy of the order shall be sent to the 75474
applicant or variance holder by certified mail or by another type 75475
of mail accompanied by a receipt. 75476

(B) The director shall prescribe and furnish the forms 75477
necessary to administer and enforce this chapter. The director may 75478
cooperate with and enter into agreements with other state, local, 75479
or federal agencies to carry out the purposes of this chapter. The 75480
director may exercise all incidental powers necessary to carry out 75481
the purposes of this chapter. 75482

The director may use moneys in the infectious waste 75483
management fund created in section 3734.021 of the Revised Code 75484
exclusively for administering and enforcing the provisions of this 75485
chapter governing the management of infectious wastes. 75486

(C) Except as provided in this division and divisions (N)(2) 75487
and (3) of this section, no person shall establish a new solid 75488
waste facility or infectious waste treatment facility, or modify 75489
an existing solid waste facility or infectious waste treatment 75490

facility, without submitting an application for a permit with 75491
accompanying detail plans, specifications, and information 75492
regarding the facility and method of operation and receiving a 75493
permit issued by the director, except that no permit shall be 75494
required under this division to install or operate a solid waste 75495
facility for sewage sludge treatment or disposal when the 75496
treatment or disposal is authorized by a current permit issued 75497
under Chapter 3704. or 6111. of the Revised Code. 75498

No person shall continue to operate a solid waste facility 75499
for which the director has denied a permit for which an 75500
application was required under division (A)(3) of section 3734.05 75501
of the Revised Code, or for which the director has disapproved 75502
plans and specifications required to be filed by an order issued 75503
under division (A)(5) of that section, after the date prescribed 75504
for commencement of closure of the facility in the order issued 75505
under division (A)(6) of section 3734.05 of the Revised Code 75506
denying the permit application or approval. 75507

On and after the effective date of the rules adopted under 75508
division (A) of this section and division (D) of section 3734.12 75509
of the Revised Code governing solid waste transfer facilities, no 75510
person shall establish a new, or modify an existing, solid waste 75511
transfer facility without first submitting an application for a 75512
permit with accompanying engineering detail plans, specifications, 75513
and information regarding the facility and its method of operation 75514
to the director and receiving a permit issued by the director. 75515

No person shall establish a new compost facility or continue 75516
to operate an existing compost facility that accepts exclusively 75517
source separated yard wastes without submitting a completed 75518
registration for the facility to the director in accordance with 75519
rules adopted under divisions (A) and (N)(3) of this section. 75520

This division does not apply to a generator of infectious 75521
wastes that does any of the following: 75522

(1) Treats, by methods, techniques, and practices established 75523
by rules adopted under division (B)(2)(a) of section 3734.021 of 75524
the Revised Code, any of the following: 75525

(a) Infectious wastes that are generated on any premises that 75526
are owned or operated by the generator; 75527

(b) Infectious wastes that are generated by a generator who 75528
has staff privileges at a hospital as defined in section 3727.01 75529
of the Revised Code; 75530

(c) Infectious wastes that are generated in providing care to 75531
a patient by an emergency medical services organization as defined 75532
in section 4765.01 of the Revised Code. 75533

(2) Holds a license or renewal of a license to operate a 75534
crematory facility issued under Chapter 4717. and a permit issued 75535
under Chapter 3704. of the Revised Code; 75536

(3) Treats or disposes of dead animals or parts thereof, or 75537
the blood of animals, and is subject to any of the following: 75538

(a) Inspection under the "Federal Meat Inspection Act," 81 75539
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 75540

(b) Chapter 918. of the Revised Code; 75541

(c) Chapter 953. of the Revised Code. 75542

(D) Neither this chapter nor any rules adopted under it apply 75543
to single-family residential premises; to infectious wastes 75544
generated by individuals for purposes of their own care or 75545
treatment; to the temporary storage of solid wastes, other than 75546
scrap tires, prior to their collection for disposal; to the 75547
storage of one hundred or fewer scrap tires unless they are stored 75548
in such a manner that, in the judgment of the director or the 75549
board of health of the health district in which the scrap tires 75550
are stored, the storage causes a nuisance, a hazard to public 75551
health or safety, or a fire hazard; or to the collection of solid 75552

wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility

installation and operation permit issued in accordance with 75583
 section 3734.05 of the Revised Code and subject to the payment of 75584
 an application fee not to exceed one thousand five hundred 75585
 dollars, payable upon application for a hazardous waste facility 75586
 installation and operation permit and upon application for a 75587
 renewal permit issued under division (H) of section 3734.05 of the 75588
 Revised Code, to be credited to the hazardous waste facility 75589
 management fund created in section 3734.18 of the Revised Code. 75590
 The term of a hazardous waste facility installation and operation 75591
 permit shall not exceed ten years. 75592

In addition to the application fee, there is hereby levied an 75593
 annual permit fee to be paid by the permit holder upon the 75594
 anniversaries of the date of issuance of the hazardous waste 75595
 facility installation and operation permit and of any subsequent 75596
 renewal permits and to be credited to the hazardous waste facility 75597
 management fund. Annual permit fees totaling forty thousand 75598
 dollars or more for any one facility may be paid on a quarterly 75599
 basis with the first quarterly payment each year being due on the 75600
 anniversary of the date of issuance of the hazardous waste 75601
 facility installation and operation permit and of any subsequent 75602
 renewal permits. The annual permit fee shall be determined for 75603
 each permit holder by the director in accordance with the 75604
 following schedule: 75605

TYPE OF BASIC				75606
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	75607
Storage facility using:				75608
Containers	On-site, off-site, and			75609
	satellite		\$ 500	75610
Tanks	On-site, off-site, and			75611
	satellite		500	75612
Waste pile	On-site, off-site, and			75613
	satellite		3,000	75614

Surface impoundment	On-site and satellite	8,000	75615
	Off-site	10,000	75616
Disposal facility using:			75617
Deep well injection	On-site and satellite	15,000	75618
	Off-site	25,000	75619
Landfill	On-site and satellite	25,000	75620
	Off-site	40,000	75621
Land application	On-site and satellite	2,500	75622
	Off-site	5,000	75623
Surface impoundment	On-site and satellite	10,000	75624
	Off-site	20,000	75625
Treatment facility using:			75626
Tanks	On-site, off-site, and		75627
	satellite	700	75628
Surface impoundment	On-site and satellite	8,000	75629
	Off-site	10,000	75630
Incinerator	On-site and satellite	5,000	75631
	Off-site	10,000	75632
Other forms			75633
of treatment	On-site, off-site, and		75634
	satellite	1,000	75635

A hazardous waste disposal facility that disposes of 75636
hazardous waste by deep well injection and that pays the annual 75637
permit fee established in section 6111.046 of the Revised Code is 75638
not subject to the permit fee established in this division for 75639
disposal facilities using deep well injection unless the director 75640
determines that the facility is not in compliance with applicable 75641
requirements established under this chapter and rules adopted 75642
under it. 75643

In determining the annual permit fee required by this 75644
section, the director shall not require additional payments for 75645
multiple units of the same method of storage, treatment, or 75646
disposal or for individual units that are used for both storage 75647

and treatment. A facility using more than one method of storage, 75648
treatment, or disposal shall pay the permit fee indicated by the 75649
schedule for each such method. 75650

The director shall not require the payment of that portion of 75651
an annual permit fee of any permit holder that would apply to a 75652
hazardous waste management unit for which a permit has been 75653
issued, but for which construction has not yet commenced. Once 75654
construction has commenced, the director shall require the payment 75655
of a part of the appropriate fee indicated by the schedule that 75656
bears the same relationship to the total fee that the number of 75657
days remaining until the next anniversary date at which payment of 75658
the annual permit fee is due bears to three hundred sixty-five. 75659

The director, by rules adopted in accordance with Chapters 75660
119. and 3745. of the Revised Code, shall prescribe procedures for 75661
collecting the annual permit fee established by this division and 75662
may prescribe other requirements necessary to carry out this 75663
division. 75664

(3) The prohibition against establishing or operating a 75665
hazardous waste facility without a hazardous waste facility 75666
installation and operation permit does not apply to either of the 75667
following: 75668

(a) A facility that is operating in accordance with a permit 75669
renewal issued under division (H) of section 3734.05 of the 75670
Revised Code, a revision issued under division (I) of that section 75671
as it existed prior to August 20, 1996, or a modification issued 75672
by the director under division (I) of that section on and after 75673
August 20, 1996; 75674

(b) Except as provided in division (J) of section 3734.05 of 75675
the Revised Code, a facility that will operate or is operating in 75676
accordance with a permit by rule, or that is not subject to permit 75677
requirements, under rules adopted by the director. In accordance 75678

with Chapter 119. of the Revised Code, the director shall adopt, 75679
and subsequently may amend, suspend, or rescind, rules for the 75680
purposes of division (E)(3)(b) of this section. Any rules so 75681
adopted shall be consistent with and equivalent to regulations 75682
pertaining to interim status adopted under the "Resource 75683
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 75684
6921, as amended, except as otherwise provided in this chapter. 75685

If a modification is requested or proposed for a facility 75686
described in division (E)(3)(a) or (b) of this section, division 75687
(I)(7) of section 3734.05 of the Revised Code applies. 75688

(F) No person shall store, treat, or dispose of hazardous 75689
waste identified or listed under this chapter and rules adopted 75690
under it, regardless of whether generated on or off the premises 75691
where the waste is stored, treated, or disposed of, or transport 75692
or cause to be transported any hazardous waste identified or 75693
listed under this chapter and rules adopted under it to any other 75694
premises, except at or to any of the following: 75695

(1) A hazardous waste facility operating under a permit 75696
issued in accordance with this chapter; 75697

(2) A facility in another state operating under a license or 75698
permit issued in accordance with the "Resource Conservation and 75699
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 75700
amended; 75701

(3) A facility in another nation operating in accordance with 75702
the laws of that nation; 75703

(4) A facility holding a permit issued pursuant to Title I of 75704
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 75705
Stat. 1052, 33 U.S.C.A. 1401, as amended; 75706

(5) A hazardous waste facility as described in division 75707
(E)(3)(a) or (b) of this section. 75708

(G) The director, by order, may exempt any person generating, 75709
collecting, storing, treating, disposing of, or transporting solid 75710
wastes, infectious wastes, or hazardous waste, or processing solid 75711
wastes that consist of scrap tires, in such quantities or under 75712
such circumstances that, in the determination of the director, are 75713
unlikely to adversely affect the public health or safety or the 75714
environment from any requirement to obtain a registration 75715
certificate, permit, or license or comply with the manifest system 75716
or other requirements of this chapter. Such an exemption shall be 75717
consistent with and equivalent to any regulations adopted by the 75718
administrator of the United States environmental protection agency 75719
under the "Resource Conservation and Recovery Act of 1976," 90 75720
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 75721
provided in this chapter. 75722

(H) No person shall engage in filling, grading, excavating, 75723
building, drilling, or mining on land where a hazardous waste 75724
facility, or a solid waste facility, was operated without prior 75725
authorization from the director, who shall establish the procedure 75726
for granting such authorization by rules adopted in accordance 75727
with Chapter 119. of the Revised Code. 75728

A public utility that has main or distribution lines above or 75729
below the land surface located on an easement or right-of-way 75730
across land where a solid waste facility was operated may engage 75731
in any such activity within the easement or right-of-way without 75732
prior authorization from the director for purposes of performing 75733
emergency repair or emergency replacement of its lines; of the 75734
poles, towers, foundations, or other structures supporting or 75735
sustaining any such lines; or of the appurtenances to those 75736
structures, necessary to restore or maintain existing public 75737
utility service. A public utility may enter upon any such easement 75738
or right-of-way without prior authorization from the director for 75739
purposes of performing necessary or routine maintenance of those 75740

portions of its existing lines; of the existing poles, towers, 75741
foundations, or other structures sustaining or supporting its 75742
lines; or of the appurtenances to any such supporting or 75743
sustaining structure, located on or above the land surface on any 75744
such easement or right-of-way. Within twenty-four hours after 75745
commencing any such emergency repair, replacement, or maintenance 75746
work, the public utility shall notify the director or the 75747
director's authorized representative of those activities and shall 75748
provide such information regarding those activities as the 75749
director or the director's representative may request. Upon 75750
completion of the emergency repair, replacement, or maintenance 75751
activities, the public utility shall restore any land of the solid 75752
waste facility disturbed by those activities to the condition 75753
existing prior to the commencement of those activities. 75754

(I) No owner or operator of a hazardous waste facility, in 75755
the operation of the facility, shall cause, permit, or allow the 75756
emission therefrom of any particulate matter, dust, fumes, gas, 75757
mist, smoke, vapor, or odorous substance that, in the opinion of 75758
the director, unreasonably interferes with the comfortable 75759
enjoyment of life or property by persons living or working in the 75760
vicinity of the facility, or that is injurious to public health. 75761
Any such action is hereby declared to be a public nuisance. 75762

(J) Notwithstanding any other provision of this chapter, in 75763
the event the director finds an imminent and substantial danger to 75764
public health or safety or the environment that creates an 75765
emergency situation requiring the immediate treatment, storage, or 75766
disposal of hazardous waste, the director may issue a temporary 75767
emergency permit to allow the treatment, storage, or disposal of 75768
the hazardous waste at a facility that is not otherwise authorized 75769
by a hazardous waste facility installation and operation permit to 75770
treat, store, or dispose of the waste. The emergency permit shall 75771
not exceed ninety days in duration and shall not be renewed. The 75772

director shall adopt, and may amend, suspend, or rescind, rules in 75773
accordance with Chapter 119. of the Revised Code governing the 75774
issuance, modification, revocation, and denial of emergency 75775
permits. 75776

(K) Except for infectious wastes generated by a person who 75777
produces fewer than fifty pounds of infectious wastes at a 75778
premises during any one month, no owner or operator of a sanitary 75779
landfill shall knowingly accept for disposal, or dispose of, any 75780
infectious wastes that have not been treated to render them 75781
noninfectious. 75782

(L) The director, in accordance with Chapter 119. of the 75783
Revised Code, shall adopt, and may amend, suspend, or rescind, 75784
rules having uniform application throughout the state establishing 75785
a training and certification program that shall be required for 75786
employees of boards of health who are responsible for enforcing 75787
the solid waste and infectious waste provisions of this chapter 75788
and rules adopted under them and for persons who are responsible 75789
for the operation of solid waste facilities or infectious waste 75790
treatment facilities. The rules shall provide all of the 75791
following, without limitation: 75792

(1) The program shall be administered by the director and 75793
shall consist of a course on new solid waste and infectious waste 75794
technologies, enforcement procedures, and rules; 75795

(2) The course shall be offered on an annual basis; 75796

(3) Those persons who are required to take the course under 75797
division (L) of this section shall do so triennially; 75798

(4) Persons who successfully complete the course shall be 75799
certified by the director; 75800

(5) Certification shall be required for all employees of 75801
boards of health who are responsible for enforcing the solid waste 75802
or infectious waste provisions of this chapter and rules adopted 75803

under them and for all persons who are responsible for the 75804
operation of solid waste facilities or infectious waste treatment 75805
facilities; 75806

(6)(a) All employees of a board of health who, on the 75807
effective date of the rules adopted under this division, are 75808
responsible for enforcing the solid waste or infectious waste 75809
provisions of this chapter and the rules adopted under them shall 75810
complete the course and be certified by the director not later 75811
than January 1, 1995; 75812

(b) All employees of a board of health who, after the 75813
effective date of the rules adopted under division (L) of this 75814
section, become responsible for enforcing the solid waste or 75815
infectious waste provisions of this chapter and rules adopted 75816
under them and who do not hold a current and valid certification 75817
from the director at that time shall complete the course and be 75818
certified by the director within two years after becoming 75819
responsible for performing those activities. 75820

No person shall fail to obtain the certification required 75821
under this division. 75822

(M) The director shall not issue a permit under section 75823
3734.05 of the Revised Code to establish a solid waste facility, 75824
or to modify a solid waste facility operating on December 21, 75825
1988, in a manner that expands the disposal capacity or geographic 75826
area covered by the facility, that is or is to be located within 75827
the boundaries of a state park established or dedicated under 75828
Chapter 1541. of the Revised Code, a state park purchase area 75829
established under section 1541.02 of the Revised Code, any unit of 75830
the national park system, or any property that lies within the 75831
boundaries of a national park or recreation area, but that has not 75832
been acquired or is not administered by the secretary of the 75833
United States department of the interior, located in this state, 75834
or any candidate area located in this state and identified for 75835

potential inclusion in the national park system in the edition of 75836
the "national park system plan" submitted under paragraph (b) of 75837
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 75838
U.S.C.A. 1a-5, as amended, current at the time of filing of the 75839
application for the permit, unless the facility or proposed 75840
facility is or is to be used exclusively for the disposal of solid 75841
wastes generated within the park or recreation area and the 75842
director determines that the facility or proposed facility will 75843
not degrade any of the natural or cultural resources of the park 75844
or recreation area. The director shall not issue a variance under 75845
division (A) of this section and rules adopted under it, or issue 75846
an exemption order under division (G) of this section, that would 75847
authorize any such establishment or expansion of a solid waste 75848
facility within the boundaries of any such park or recreation 75849
area, state park purchase area, or candidate area, other than a 75850
solid waste facility exclusively for the disposal of solid wastes 75851
generated within the park or recreation area when the director 75852
determines that the facility will not degrade any of the natural 75853
or cultural resources of the park or recreation area. 75854

(N)(1) The rules adopted under division (A) of this section, 75855
other than those governing variances, do not apply to scrap tire 75856
collection, storage, monocell, monofill, and recovery facilities. 75857
Those facilities are subject to and governed by rules adopted 75858
under sections 3734.70 to 3734.73 of the Revised Code, as 75859
applicable. 75860

(2) Division (C) of this section does not apply to scrap tire 75861
collection, storage, monocell, monofill, and recovery facilities. 75862
The establishment and modification of those facilities are subject 75863
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 75864
Code, as applicable. 75865

(3) The director may adopt, amend, suspend, or rescind rules 75866
under division (A) of this section creating an alternative system 75867

for authorizing the establishment, operation, or modification of a solid waste compost facility in lieu of the requirement that a person seeking to establish, operate, or modify a solid waste compost facility apply for and receive a permit under division (C) of this section and section 3734.05 of the Revised Code and a license under division (A)(1) of that section. The rules may include requirements governing, without limitation, the classification of solid waste compost facilities, the submittal of operating records for solid waste compost facilities, and the creation of a registration or notification system in lieu of the issuance of permits and licenses for solid waste compost facilities. The rules shall specify the applicability of divisions (A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised Code to a solid waste compost facility.

(O)(1) As used in this division, "secondary aluminum waste" means waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.

(2) The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.

(3) The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.

(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code. 75899
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(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally occurring radioactive material if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background. 75901
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(3) The owner or operator of a solid waste facility may receive and process for purposes other than transfer or disposal technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the director of health under section 3748.04 of the Revised Code. 75907
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(4) The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code governing the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is contaminated with radioactive material, including, without limitation, technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations less than five picocuries per gram above natural background. Rules adopted by the director may include at a minimum both of the following: 75917
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(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides; 75928
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(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(O) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

Sec. 3734.125. The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements governing the beneficial use of material from a horizontal well that has come in contact with a refined oil-based substance and that is not technologically enhanced naturally occurring radioactive material.

Sec. 3734.28. Except as otherwise provided in sections 3734.281 and 3734.282 of the Revised Code, moneys collected under sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised Code and under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, et seq., as amended, including moneys recovered under division (B)(1) of this section, shall be paid into the state treasury to the credit of the hazardous waste clean-up fund, which is hereby created. In addition, both of the following shall be credited to the fund:

(A) Moneys recovered for costs paid from the fund for activities described in divisions (A)(1) and (2) of section 3745.12 of the Revised Code; 75961
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(B) Natural resource damage assessment costs recovered under any of the following: 75964
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(1) The "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, et seq., as amended; 75966
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(2) The "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 2701, et seq., as amended; 75969
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(3) ~~The Federal Water Pollution Control Act as defined in section 6111.01 of the Revised Code~~ "Clean Water Act of 1977," 91 Stat. 1566, 33 U.S.C. 1321, et seq., as amended; 75971
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(4) Any other applicable federal or state law. 75974

The environmental protection agency shall use the moneys in the fund for the purposes set forth in division (D) of section 3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, divisions (A)(1) and (2) of section 3745.12, and Chapter 3746. of the Revised Code, including any related enforcement expenses and administrative expenses of any related closure or corrective action program. In addition, the agency shall use the moneys in the fund to pay the state's long-term operation and maintenance costs or matching share for actions taken under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended. If those moneys are reimbursed by grants or other moneys from the United States or any other person, the moneys shall be placed in the fund and not in the general revenue fund. 75975
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The director of environmental protection may enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, and colleges and 75989
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universities for the purpose of carrying out the responsibilities 75992
of the environmental protection agency for which money may be 75993
expended from the fund. 75994

Sec. 3734.57. (A) The following fees are hereby levied on the 75995
transfer or disposal of solid wastes in this state: 75996

(1) One dollar per ton through June 30, ~~2014~~ 2016, ~~one-half~~ 75997
thirty per cent of the proceeds of which shall be deposited in the 75998
state treasury to the credit of the hazardous waste facility 75999
management fund created in section 3734.18 of the Revised Code and 76000
~~one-half~~ seventy per cent of the proceeds of which shall be 76001
deposited in the state treasury to the credit of the hazardous 76002
waste clean-up fund created in section 3734.28 of the Revised 76003
Code; 76004

(2) An additional one dollar per ton through June 30, ~~2014~~ 76005
2016, the proceeds of which shall be deposited in the state 76006
treasury to the credit of the solid waste fund, which is hereby 76007
created. The environmental protection agency shall use money in 76008
the solid waste fund to pay the costs of administering and 76009
enforcing the laws pertaining to solid wastes, infectious wastes, 76010
and construction and demolition debris, including, without 76011
limitation, ground water evaluations related to solid wastes, 76012
infectious wastes, and construction and demolition debris, under 76013
this chapter and Chapter 3714. of the Revised Code and any rules 76014
adopted under them, providing compliance assistance to small 76015
businesses, and paying a share of the administrative costs of the 76016
environmental protection agency pursuant to section 3745.014 of 76017
the Revised Code. 76018

(3) An additional two dollars and fifty cents per ton through 76019
June 30, ~~2014~~ 2016, the proceeds of which shall be deposited in 76020
the state treasury to the credit of the environmental protection 76021
fund created in section 3745.015 of the Revised Code; 76022

(4) An additional twenty-five cents per ton through June 30, 76023
~~2013~~ 2016, the proceeds of which shall be deposited in the state 76024
treasury to the credit of the soil and water conservation district 76025
assistance fund created in section 1515.14 of the Revised Code. 76026

In the case of solid wastes that are taken to a solid waste 76027
transfer facility located in this state prior to being transported 76028
for disposal at a solid waste disposal facility located in this 76029
state or outside of this state, the fees levied under this 76030
division shall be collected by the owner or operator of the 76031
transfer facility as a trustee for the state. The amount of fees 76032
required to be collected under this division at such a transfer 76033
facility shall equal the total tonnage of solid wastes received at 76034
the facility multiplied by the fees levied under this division. In 76035
the case of solid wastes that are not taken to a solid waste 76036
transfer facility located in this state prior to being transported 76037
to a solid waste disposal facility, the fees shall be collected by 76038
the owner or operator of the solid waste disposal facility as a 76039
trustee for the state. The amount of fees required to be collected 76040
under this division at such a disposal facility shall equal the 76041
total tonnage of solid wastes received at the facility that was 76042
not previously taken to a solid waste transfer facility located in 76043
this state multiplied by the fees levied under this division. Fees 76044
levied under this division do not apply to materials separated 76045
from a mixed waste stream for recycling by a generator or 76046
materials removed from the solid waste stream through recycling, 76047
as "recycling" is defined in rules adopted under section 3734.02 76048
of the Revised Code. 76049

The owner or operator of a solid waste transfer facility or 76050
disposal facility, as applicable, shall prepare and file with the 76051
director of environmental protection each month a return 76052
indicating the total tonnage of solid wastes received at the 76053
facility during that month and the total amount of the fees 76054

required to be collected under this division during that month. In 76055
addition, the owner or operator of a solid waste disposal facility 76056
shall indicate on the return the total tonnage of solid wastes 76057
received from transfer facilities located in this state during 76058
that month for which the fees were required to be collected by the 76059
transfer facilities. The monthly returns shall be filed on a form 76060
prescribed by the director. Not later than thirty days after the 76061
last day of the month to which a return applies, the owner or 76062
operator shall mail to the director the return for that month 76063
together with the fees required to be collected under this 76064
division during that month as indicated on the return or may 76065
submit the return and fees electronically in a manner approved by 76066
the director. If the return is filed and the amount of the fees 76067
due is paid in a timely manner as required in this division, the 76068
owner or operator may retain a discount of three-fourths of one 76069
per cent of the total amount of the fees that are required to be 76070
paid as indicated on the return. 76071

The owner or operator may request an extension of not more 76072
than thirty days for filing the return and remitting the fees, 76073
provided that the owner or operator has submitted such a request 76074
in writing to the director together with a detailed description of 76075
why the extension is requested, the director has received the 76076
request not later than the day on which the return is required to 76077
be filed, and the director has approved the request. If the fees 76078
are not remitted within thirty days after the last day of the 76079
month to which the return applies or are not remitted by the last 76080
day of an extension approved by the director, the owner or 76081
operator shall not retain the three-fourths of one per cent 76082
discount and shall pay an additional ten per cent of the amount of 76083
the fees for each month that they are late. For purposes of 76084
calculating the late fee, the first month in which fees are late 76085
begins on the first day after the deadline has passed for timely 76086
submitting the return and fees, and one additional month shall be 76087

counted every thirty days thereafter. 76088

The owner or operator of a solid waste facility may request a 76089
refund or credit of fees levied under this division and remitted 76090
to the director that have not been paid to the owner or operator. 76091
Such a request shall be made only if the fees have not been 76092
collected by the owner or operator, have become a debt that has 76093
become worthless or uncollectable for a period of six months or 76094
more, and may be claimed as a deduction, including a deduction 76095
claimed if the owner or operator keeps accounts on an accrual 76096
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 76097
U.S.C. 166, as amended, and regulations adopted under it. Prior to 76098
making a request for a refund or credit, an owner or operator 76099
shall make reasonable efforts to collect the applicable fees. A 76100
request for a refund or credit shall not include any costs 76101
resulting from those efforts to collect unpaid fees. 76102

A request for a refund or credit of fees shall be made in 76103
writing, on a form prescribed by the director, and shall be 76104
supported by evidence that may be required in rules adopted by the 76105
director under this chapter. After reviewing the request, and if 76106
the request and evidence submitted with the request indicate that 76107
a refund or credit is warranted, the director shall grant a refund 76108
to the owner or operator or shall permit a credit to be taken by 76109
the owner or operator on a subsequent monthly return submitted by 76110
the owner or operator. The amount of a refund or credit shall not 76111
exceed an amount that is equal to ninety days' worth of fees owed 76112
to an owner or operator by a particular debtor of the owner or 76113
operator. A refund or credit shall not be granted by the director 76114
to an owner or operator more than once in any twelve-month period 76115
for fees owed to the owner or operator by a particular debtor. 76116

If, after receiving a refund or credit from the director, an 76117
owner or operator receives payment of all or part of the fees, the 76118
owner or operator shall remit the fees with the next monthly 76119

return submitted to the director together with a written 76120
explanation of the reason for the submittal. 76121

For purposes of computing the fees levied under this division 76122
or division (B) of this section, any solid waste transfer or 76123
disposal facility that does not use scales as a means of 76124
determining gate receipts shall use a conversion factor of three 76125
cubic yards per ton of solid waste or one cubic yard per ton for 76126
baled waste, as applicable. 76127

The fees levied under this division and divisions (B) and (C) 76128
of this section are in addition to all other applicable fees and 76129
taxes and shall be paid by the customer or a political subdivision 76130
to the owner or operator of a solid waste transfer or disposal 76131
facility. In the alternative, the fees shall be paid by a customer 76132
or political subdivision to a transporter of waste who 76133
subsequently transfers the fees to the owner or operator of such a 76134
facility. The fees shall be paid notwithstanding the existence of 76135
any provision in a contract that the customer or a political 76136
subdivision may have with the owner or operator or with a 76137
transporter of waste to the facility that would not require or 76138
allow such payment regardless of whether the contract was entered 76139
prior to or after October 16, 2009. For those purposes, "customer" 76140
means a person who contracts with, or utilizes the solid waste 76141
services of, the owner or operator of a solid waste transfer or 76142
disposal facility or a transporter of solid waste to such a 76143
facility. 76144

(B) For the purposes specified in division (G) of this 76145
section, the solid waste management policy committee of a county 76146
or joint solid waste management district may levy fees upon the 76147
following activities: 76148

(1) The disposal at a solid waste disposal facility located 76149
in the district of solid wastes generated within the district; 76150

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare

and publish the resolution and a notice of the time and location 76183
where a public hearing on the fees will be held. Upon adopting the 76184
resolution, the committee shall deliver written notice of the 76185
adoption of the resolution; of the amount of the proposed fees; 76186
and of the date, time, and location of the public hearing to the 76187
director and to the fifty industrial, commercial, or institutional 76188
generators of solid wastes within the district that generate the 76189
largest quantities of solid wastes, as determined by the 76190
committee, and to their local trade associations. The committee 76191
shall make good faith efforts to identify those generators within 76192
the district and their local trade associations, but the 76193
nonprovision of notice under this division to a particular 76194
generator or local trade association does not invalidate the 76195
proceedings under this division. The publication shall occur at 76196
least thirty days before the hearing. After the hearing, the 76197
committee may make such revisions to the proposed fees as it 76198
considers appropriate and thereafter, by resolution, shall adopt 76199
the revised fee schedule. Upon adopting the revised fee schedule, 76200
the committee shall deliver a copy of the resolution doing so to 76201
the board of county commissioners of each county forming the 76202
district and to the legislative authority of each municipal 76203
corporation and township under the jurisdiction of the district. 76204
Within sixty days after the delivery of a copy of the resolution 76205
adopting the proposed revised fees by the policy committee, each 76206
such board and legislative authority, by ordinance or resolution, 76207
shall approve or disapprove the revised fees and deliver a copy of 76208
the ordinance or resolution to the committee. If any such board or 76209
legislative authority fails to adopt and deliver to the policy 76210
committee an ordinance or resolution approving or disapproving the 76211
revised fees within sixty days after the policy committee 76212
delivered its resolution adopting the proposed revised fees, it 76213
shall be conclusively presumed that the board or legislative 76214
authority has approved the proposed revised fees. The committee 76215

shall determine if the resolution has been ratified in the same 76216
manner in which it determines if a draft solid waste management 76217
plan has been ratified under division (B) of section 3734.55 of 76218
the Revised Code. 76219

The committee may amend the schedule of fees levied pursuant 76220
to a resolution adopted and ratified under this division by 76221
adopting a resolution establishing the proposed amount of the 76222
amended fees. The committee may repeal the fees levied pursuant to 76223
such a resolution by adopting a resolution proposing to repeal 76224
them. Upon adopting such a resolution, the committee shall proceed 76225
to obtain ratification of the resolution in accordance with this 76226
division. 76227

Not later than fourteen days after declaring the new fees to 76228
be ratified or the fees to be repealed under this division, the 76229
committee shall notify by certified mail the owner or operator of 76230
each solid waste disposal facility that is required to collect the 76231
fees of the ratification and the amount of the fees or of the 76232
repeal of the fees. Collection of any fees shall commence or 76233
collection of repealed fees shall cease on the first day of the 76234
second month following the month in which notification is sent to 76235
the owner or operator. 76236

Fees levied under this division also may be established, 76237
amended, or repealed by a solid waste management policy committee 76238
through the adoption of a new district solid waste management 76239
plan, the adoption of an amended plan, or the amendment of the 76240
plan or amended plan in accordance with sections 3734.55 and 76241
3734.56 of the Revised Code or the adoption or amendment of a 76242
district plan in connection with a change in district composition 76243
under section 3734.521 of the Revised Code. 76244

Not later than fourteen days after the director issues an 76245
order approving a district's solid waste management plan, amended 76246
plan, or amendment to a plan or amended plan that establishes, 76247

amends, or repeals a schedule of fees levied by the district, the 76248
committee shall notify by certified mail the owner or operator of 76249
each solid waste disposal facility that is required to collect the 76250
fees of the approval of the plan or amended plan, or the amendment 76251
to the plan, as appropriate, and the amount of the fees, if any. 76252
In the case of an initial or amended plan approved under section 76253
3734.521 of the Revised Code in connection with a change in 76254
district composition, other than one involving the withdrawal of a 76255
county from a joint district, the committee, within fourteen days 76256
after the change takes effect pursuant to division (G) of that 76257
section, shall notify by certified mail the owner or operator of 76258
each solid waste disposal facility that is required to collect the 76259
fees that the change has taken effect and of the amount of the 76260
fees, if any. Collection of any fees shall commence or collection 76261
of repealed fees shall cease on the first day of the second month 76262
following the month in which notification is sent to the owner or 76263
operator. 76264

If, in the case of a change in district composition involving 76265
the withdrawal of a county from a joint district, the director 76266
completes the actions required under division (G)(1) or (3) of 76267
section 3734.521 of the Revised Code, as appropriate, forty-five 76268
days or more before the beginning of a calendar year, the policy 76269
committee of each of the districts resulting from the change that 76270
obtained the director's approval of an initial or amended plan in 76271
connection with the change, within fourteen days after the 76272
director's completion of the required actions, shall notify by 76273
certified mail the owner or operator of each solid waste disposal 76274
facility that is required to collect the district's fees that the 76275
change is to take effect on the first day of January immediately 76276
following the issuance of the notice and of the amount of the fees 76277
or amended fees levied under divisions (B)(1) to (3) of this 76278
section pursuant to the district's initial or amended plan as so 76279
approved or, if appropriate, the repeal of the district's fees by 76280

that initial or amended plan. Collection of any fees set forth in 76281
such a plan or amended plan shall commence on the first day of 76282
January immediately following the issuance of the notice. If such 76283
an initial or amended plan repeals a schedule of fees, collection 76284
of the fees shall cease on that first day of January. 76285

If, in the case of a change in district composition involving 76286
the withdrawal of a county from a joint district, the director 76287
completes the actions required under division (G)(1) or (3) of 76288
section 3734.521 of the Revised Code, as appropriate, less than 76289
forty-five days before the beginning of a calendar year, the 76290
director, on behalf of each of the districts resulting from the 76291
change that obtained the director's approval of an initial or 76292
amended plan in connection with the change proceedings, shall 76293
notify by certified mail the owner or operator of each solid waste 76294
disposal facility that is required to collect the district's fees 76295
that the change is to take effect on the first day of January 76296
immediately following the mailing of the notice and of the amount 76297
of the fees or amended fees levied under divisions (B)(1) to (3) 76298
of this section pursuant to the district's initial or amended plan 76299
as so approved or, if appropriate, the repeal of the district's 76300
fees by that initial or amended plan. Collection of any fees set 76301
forth in such a plan or amended plan shall commence on the first 76302
day of the second month following the month in which notification 76303
is sent to the owner or operator. If such an initial or amended 76304
plan repeals a schedule of fees, collection of the fees shall 76305
cease on the first day of the second month following the month in 76306
which notification is sent to the owner or operator. 76307

If the schedule of fees that a solid waste management 76308
district is levying under divisions (B)(1) to (3) of this section 76309
is amended or repealed, the fees in effect immediately prior to 76310
the amendment or repeal shall continue to be collected until 76311
collection of the amended fees commences or collection of the 76312

repealed fees ceases, as applicable, as specified in this 76313
division. In the case of a change in district composition, money 76314
so received from the collection of the fees of the former 76315
districts shall be divided among the resulting districts in 76316
accordance with division (B) of section 343.012 of the Revised 76317
Code and the agreements entered into under division (B) of section 76318
343.01 of the Revised Code to establish the former and resulting 76319
districts and any amendments to those agreements. 76320

For the purposes of the provisions of division (B) of this 76321
section establishing the times when newly established or amended 76322
fees levied by a district are required to commence and the 76323
collection of fees that have been amended or repealed is required 76324
to cease, "fees" or "schedule of fees" includes, in addition to 76325
fees levied under divisions (B)(1) to (3) of this section, those 76326
levied under section 3734.573 or 3734.574 of the Revised Code. 76327

(C) For the purposes of defraying the added costs to a 76328
municipal corporation or township of maintaining roads and other 76329
public facilities and of providing emergency and other public 76330
services, and compensating a municipal corporation or township for 76331
reductions in real property tax revenues due to reductions in real 76332
property valuations resulting from the location and operation of a 76333
solid waste disposal facility within the municipal corporation or 76334
township, a municipal corporation or township in which such a 76335
solid waste disposal facility is located may levy a fee of not 76336
more than twenty-five cents per ton on the disposal of solid 76337
wastes at a solid waste disposal facility located within the 76338
boundaries of the municipal corporation or township regardless of 76339
where the wastes were generated. 76340

The legislative authority of a municipal corporation or 76341
township may levy fees under this division by enacting an 76342
ordinance or adopting a resolution establishing the amount of the 76343
fees. Upon so doing the legislative authority shall mail a 76344

certified copy of the ordinance or resolution to the board of 76345
county commissioners or directors of the county or joint solid 76346
waste management district in which the municipal corporation or 76347
township is located or, if a regional solid waste management 76348
authority has been formed under section 343.011 of the Revised 76349
Code, to the board of trustees of that regional authority, the 76350
owner or operator of each solid waste disposal facility in the 76351
municipal corporation or township that is required to collect the 76352
fee by the ordinance or resolution, and the director of 76353
environmental protection. Although the fees levied under this 76354
division are levied on the basis of tons as the unit of 76355
measurement, the legislative authority, in its ordinance or 76356
resolution levying the fees under this division, may direct that 76357
the fees be levied on the basis of cubic yards as the unit of 76358
measurement based upon a conversion factor of three cubic yards 76359
per ton generally or one cubic yard per ton for baled wastes. 76360

Not later than five days after enacting an ordinance or 76361
adopting a resolution under this division, the legislative 76362
authority shall so notify by certified mail the owner or operator 76363
of each solid waste disposal facility that is required to collect 76364
the fee. Collection of any fee levied on or after March 24, 1992, 76365
shall commence on the first day of the second month following the 76366
month in which notification is sent to the owner or operator. 76367

(D)(1) The fees levied under divisions (A), (B), and (C) of 76368
this section do not apply to the disposal of solid wastes that: 76369

(a) Are disposed of at a facility owned by the generator of 76370
the wastes when the solid waste facility exclusively disposes of 76371
solid wastes generated at one or more premises owned by the 76372
generator regardless of whether the facility is located on a 76373
premises where the wastes are generated; 76374

(b) Are generated from the combustion of coal, or from the 76375
combustion of primarily coal, regardless of whether the disposal 76376

facility is located on the premises where the wastes are 76377
generated; 76378

(c) Are asbestos or asbestos-containing materials or products 76379
disposed of at a construction and demolition debris facility that 76380
is licensed under Chapter 3714. of the Revised Code or at a solid 76381
waste facility that is licensed under this chapter. 76382

(2) Except as provided in section 3734.571 of the Revised 76383
Code, any fees levied under division (B)(1) of this section apply 76384
to solid wastes originating outside the boundaries of a county or 76385
joint district that are covered by an agreement for the joint use 76386
of solid waste facilities entered into under section 343.02 of the 76387
Revised Code by the board of county commissioners or board of 76388
directors of the county or joint district where the wastes are 76389
generated and disposed of. 76390

(3) When solid wastes, other than solid wastes that consist 76391
of scrap tires, are burned in a disposal facility that is an 76392
incinerator or energy recovery facility, the fees levied under 76393
divisions (A), (B), and (C) of this section shall be levied upon 76394
the disposal of the fly ash and bottom ash remaining after burning 76395
of the solid wastes and shall be collected by the owner or 76396
operator of the sanitary landfill where the ash is disposed of. 76397

(4) When solid wastes are delivered to a solid waste transfer 76398
facility, the fees levied under divisions (B) and (C) of this 76399
section shall be levied upon the disposal of solid wastes 76400
transported off the premises of the transfer facility for disposal 76401
and shall be collected by the owner or operator of the solid waste 76402
disposal facility where the wastes are disposed of. 76403

(5) The fees levied under divisions (A), (B), and (C) of this 76404
section do not apply to sewage sludge that is generated by a waste 76405
water treatment facility holding a national pollutant discharge 76406
elimination system permit and that is disposed of through 76407

incineration, land application, or composting or at another 76408
resource recovery or disposal facility that is not a landfill. 76409

(6) The fees levied under divisions (A), (B), and (C) of this 76410
section do not apply to solid wastes delivered to a solid waste 76411
composting facility for processing. When any unprocessed solid 76412
waste or compost product is transported off the premises of a 76413
composting facility and disposed of at a landfill, the fees levied 76414
under divisions (A), (B), and (C) of this section shall be 76415
collected by the owner or operator of the landfill where the 76416
unprocessed waste or compost product is disposed of. 76417

(7) When solid wastes that consist of scrap tires are 76418
processed at a scrap tire recovery facility, the fees levied under 76419
divisions (A), (B), and (C) of this section shall be levied upon 76420
the disposal of the fly ash and bottom ash or other solid wastes 76421
remaining after the processing of the scrap tires and shall be 76422
collected by the owner or operator of the solid waste disposal 76423
facility where the ash or other solid wastes are disposed of. 76424

(8) The director of environmental protection may issue an 76425
order exempting from the fees levied under this section solid 76426
wastes, including, but not limited to, scrap tires, that are 76427
generated, transferred, or disposed of as a result of a contract 76428
providing for the expenditure of public funds entered into by the 76429
administrator or regional administrator of the United States 76430
environmental protection agency, the director of environmental 76431
protection, or the director of administrative services on behalf 76432
of the director of environmental protection for the purpose of 76433
remediating conditions at a hazardous waste facility, solid waste 76434
facility, or other location at which the administrator or regional 76435
administrator or the director of environmental protection has 76436
reason to believe that there is a substantial threat to public 76437
health or safety or the environment or that the conditions are 76438
causing or contributing to air or water pollution or soil 76439

contamination. An order issued by the director of environmental 76440
protection under division (D)(8) of this section shall include a 76441
determination that the amount of the fees not received by a solid 76442
waste management district as a result of the order will not 76443
adversely impact the implementation and financing of the 76444
district's approved solid waste management plan and any approved 76445
amendments to the plan. Such an order is a final action of the 76446
director of environmental protection. 76447

(E) The fees levied under divisions (B) and (C) of this 76448
section shall be collected by the owner or operator of the solid 76449
waste disposal facility where the wastes are disposed of as a 76450
trustee for the county or joint district and municipal corporation 76451
or township where the wastes are disposed of. Moneys from the fees 76452
levied under division (B) of this section shall be forwarded to 76453
the board of county commissioners or board of directors of the 76454
district in accordance with rules adopted under division (H) of 76455
this section. Moneys from the fees levied under division (C) of 76456
this section shall be forwarded to the treasurer or such other 76457
officer of the municipal corporation as, by virtue of the charter, 76458
has the duties of the treasurer or to the fiscal officer of the 76459
township, as appropriate, in accordance with those rules. 76460

(F) Moneys received by the treasurer or other officer of the 76461
municipal corporation under division (E) of this section shall be 76462
paid into the general fund of the municipal corporation. Moneys 76463
received by the fiscal officer of the township under that division 76464
shall be paid into the general fund of the township. The treasurer 76465
or other officer of the municipal corporation or the township 76466
fiscal officer, as appropriate, shall maintain separate records of 76467
the moneys received from the fees levied under division (C) of 76468
this section. 76469

(G) Moneys received by the board of county commissioners or 76470
board of directors under division (E) of this section or section 76471

3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 76472
shall be paid to the county treasurer, or other official acting in 76473
a similar capacity under a county charter, in a county district or 76474
to the county treasurer or other official designated by the board 76475
of directors in a joint district and kept in a separate and 76476
distinct fund to the credit of the district. If a regional solid 76477
waste management authority has been formed under section 343.011 76478
of the Revised Code, moneys received by the board of trustees of 76479
that regional authority under division (E) of this section shall 76480
be kept by the board in a separate and distinct fund to the credit 76481
of the district. Moneys in the special fund of the county or joint 76482
district arising from the fees levied under division (B) of this 76483
section and the fee levied under division (A) of section 3734.573 76484
of the Revised Code shall be expended by the board of county 76485
commissioners or directors of the district in accordance with the 76486
district's solid waste management plan or amended plan approved 76487
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 76488
exclusively for the following purposes: 76489

(1) Preparation of the solid waste management plan of the 76490
district under section 3734.54 of the Revised Code, monitoring 76491
implementation of the plan, and conducting the periodic review and 76492
amendment of the plan required by section 3734.56 of the Revised 76493
Code by the solid waste management policy committee; 76494

(2) Implementation of the approved solid waste management 76495
plan or amended plan of the district, including, without 76496
limitation, the development and implementation of solid waste 76497
recycling or reduction programs; 76498

(3) Providing financial assistance to boards of health within 76499
the district, if solid waste facilities are located within the 76500
district, for enforcement of this chapter and rules, orders, and 76501
terms and conditions of permits, licenses, and variances adopted 76502
or issued under it, other than the hazardous waste provisions of 76503

this chapter and rules adopted and orders and terms and conditions 76504
of permits issued under those provisions; 76505

(4) Providing financial assistance to each county within the 76506
district to defray the added costs of maintaining roads and other 76507
public facilities and of providing emergency and other public 76508
services resulting from the location and operation of a solid 76509
waste facility within the county under the district's approved 76510
solid waste management plan or amended plan; 76511

(5) Pursuant to contracts entered into with boards of health 76512
within the district, if solid waste facilities contained in the 76513
district's approved plan or amended plan are located within the 76514
district, for paying the costs incurred by those boards of health 76515
for collecting and analyzing samples from public or private water 76516
wells on lands adjacent to those facilities; 76517

(6) Developing and implementing a program for the inspection 76518
of solid wastes generated outside the boundaries of this state 76519
that are disposed of at solid waste facilities included in the 76520
district's approved solid waste management plan or amended plan; 76521

(7) Providing financial assistance to boards of health within 76522
the district for the enforcement of section 3734.03 of the Revised 76523
Code or to local law enforcement agencies having jurisdiction 76524
within the district for enforcing anti-littering laws and 76525
ordinances; 76526

(8) Providing financial assistance to boards of health of 76527
health districts within the district that are on the approved list 76528
under section 3734.08 of the Revised Code to defray the costs to 76529
the health districts for the participation of their employees 76530
responsible for enforcement of the solid waste provisions of this 76531
chapter and rules adopted and orders and terms and conditions of 76532
permits, licenses, and variances issued under those provisions in 76533
the training and certification program as required by rules 76534

adopted under division (L) of section 3734.02 of the Revised Code; 76535

(9) Providing financial assistance to individual municipal 76536
corporations and townships within the district to defray their 76537
added costs of maintaining roads and other public facilities and 76538
of providing emergency and other public services resulting from 76539
the location and operation within their boundaries of a 76540
composting, energy or resource recovery, incineration, or 76541
recycling facility that either is owned by the district or is 76542
furnishing solid waste management facility or recycling services 76543
to the district pursuant to a contract or agreement with the board 76544
of county commissioners or directors of the district; 76545

(10) Payment of any expenses that are agreed to, awarded, or 76546
ordered to be paid under section 3734.35 of the Revised Code and 76547
of any administrative costs incurred pursuant to that section. In 76548
the case of a joint solid waste management district, if the board 76549
of county commissioners of one of the counties in the district is 76550
negotiating on behalf of affected communities, as defined in that 76551
section, in that county, the board shall obtain the approval of 76552
the board of directors of the district in order to expend moneys 76553
for administrative costs incurred. 76554

Prior to the approval of the district's solid waste 76555
management plan under section 3734.55 of the Revised Code, moneys 76556
in the special fund of the district arising from the fees shall be 76557
expended for those purposes in the manner prescribed by the solid 76558
waste management policy committee by resolution. 76559

Notwithstanding division (G)(6) of this section as it existed 76560
prior to October 29, 1993, or any provision in a district's solid 76561
waste management plan prepared in accordance with division 76562
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 76563
prior to that date, any moneys arising from the fees levied under 76564
division (B)(3) of this section prior to January 1, 1994, may be 76565
expended for any of the purposes authorized in divisions (G)(1) to 76566

(10) of this section. 76567

(H) The director shall adopt rules in accordance with Chapter 76568
119. of the Revised Code prescribing procedures for collecting and 76569
forwarding the fees levied under divisions (B) and (C) of this 76570
section to the boards of county commissioners or directors of 76571
county or joint solid waste management districts and to the 76572
treasurers or other officers of municipal corporations and the 76573
fiscal officers of townships. The rules also shall prescribe the 76574
dates for forwarding the fees to the boards and officials and may 76575
prescribe any other requirements the director considers necessary 76576
or appropriate to implement and administer divisions (A), (B), and 76577
(C) of this section. 76578

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 76579
defray the cost of administering and enforcing the scrap tire 76580
provisions of this chapter, rules adopted under those provisions, 76581
and terms and conditions of orders, variances, and licenses issued 76582
under those provisions; to abate accumulations of scrap tires; to 76583
make grants supporting market development activities for scrap 76584
tires and synthetic rubber from tire manufacturing processes and 76585
tire recycling processes and to support scrap tire amnesty and 76586
cleanup events; to make loans to promote the recycling or recovery 76587
of energy from scrap tires; and to defray the costs of 76588
administering and enforcing sections 3734.90 to 3734.9014 of the 76589
Revised Code, a fee of fifty cents per tire is hereby levied on 76590
the sale of tires. The proceeds of the fee shall be deposited in 76591
the state treasury to the credit of the scrap tire management fund 76592
created in section 3734.82 of the Revised Code. The fee is levied 76593
from the first day of the calendar month that begins next after 76594
thirty days from October 29, 1993, through June 30, ~~2013~~ 2016. 76595

(2) Beginning on July 1, 2011, and ending on June 30, ~~2013~~ 76596
2016, there is hereby levied an additional fee of fifty cents per 76597

tire on the sale of tires the proceeds of which shall be deposited 76598
in the state treasury to the credit of the soil and water 76599
conservation district assistance fund created in section 1515.14 76600
of the Revised Code. 76601

(B) Only one sale of the same article shall be used in 76602
computing the amount of the fee due. 76603

Sec. 3734.907. (A) Any person required to pay the fee imposed 76604
by section 3734.901 of the Revised Code is personally liable for 76605
the fee. The tax commissioner may make an assessment, based upon 76606
any information in the commissioner's possession, against any 76607
person who fails to file a return or pay any fee, interest, or 76608
additional charge as required by sections 3734.90 to 3734.9014 of 76609
the Revised Code. The commissioner shall give the person assessed 76610
written notice of the assessment in the manner provided in section 76611
5703.37 of the Revised Code. With the notice, the commissioner 76612
shall provide instructions on how to petition for reassessment and 76613
request a hearing on the petition. 76614

(B) When the information in the possession of the tax 76615
commissioner indicates that a person liable for the fee imposed by 76616
section 3734.901 of the Revised Code has not paid the full amount 76617
of fee due, the commissioner may audit a representative sample of 76618
the person's business and may issue an assessment based on the 76619
audit. 76620

(C) A penalty of up to fifteen per cent may be added to all 76621
amounts assessed under this section. The commissioner may adopt 76622
rules providing for the imposition and remission of the penalties. 76623

(D) Unless the person assessed files with the tax 76624
commissioner within sixty days after service of the notice of 76625
assessment, either personally or by certified mail, a written 76626
petition for reassessment signed by the person assessed or that 76627
person's authorized agent having knowledge of the facts, the 76628

assessment becomes final and the amount of the assessment is due 76629
and payable from the person assessed to the treasurer of state. 76630
The petition shall indicate the objections of the person assessed, 76631
but additional objections may be raised in writing if received by 76632
the commissioner prior to the date shown on the final 76633
determination. If the petition has been properly filed, the 76634
commissioner shall proceed under section 5703.60 of the Revised 76635
Code. 76636

(E) After an assessment becomes final, if any portion of the 76637
assessment, including accrued interest, remains unpaid, a 76638
certified copy of the tax commissioner's entry making the 76639
assessment final may be filed in the office of the clerk of the 76640
court of common pleas in the county in which the person assessed 76641
resides or in which the person's business is conducted. If the 76642
person assessed maintains no place of business in this state and 76643
is not a resident of this state, the certified copy of the entry 76644
may be filed in the office of the clerk of the court of common 76645
pleas of Franklin county. 76646

Immediately upon the filing of the entry, the clerk shall 76647
enter a judgment for the state against the person assessed in the 76648
amount shown on the entry. The judgment may be filed by the clerk 76649
in a loose-leaf book entitled "special judgments for state tire 76650
fee," and shall have the same effect as other judgments. Execution 76651
shall issue upon the judgment upon the request of the tax 76652
commissioner, and all laws applicable to sales on execution shall 76653
apply to sales made under the judgment. 76654

~~The portion of~~ If the assessment is not paid in its entirety 76655
within sixty days after the day the assessment was issued, the 76656
portion of the assessment consisting of the fee due shall bear 76657
interest at the rate per annum prescribed by section 5703.47 of 76658
the Revised Code from the day the commissioner issues the 76659
assessment until the day the assessment is paid or until it is 76660

certified to the attorney general for collection under section 76661
131.02 of the Revised Code, whichever comes first. If the unpaid 76662
portion of the assessment is certified to the attorney general for 76663
collection, the entire unpaid portion of the assessment shall bear 76664
interest at the rate per annum prescribed by section 5703.47 of 76665
the Revised Code from the date of certification until the date it 76666
is paid in its entirety. Interest shall be paid in the same manner 76667
as the fee and may be collected by the issuance of an assessment 76668
under this section. 76669

(F) If the tax commissioner believes that collection of the 76670
fee will be jeopardized unless proceedings to collect or secure 76671
collection of the fee are instituted without delay, the 76672
commissioner may issue a jeopardy assessment against the person 76673
liable for the fee. Immediately upon the issuance of the jeopardy 76674
assessment, the commissioner shall file an entry with the clerk of 76675
the court of common pleas in the manner prescribed by division (E) 76676
of this section. Notice of the jeopardy assessment shall be served 76677
on the person assessed or the person's legal representative, as 76678
provided in section 5703.37 of the Revised Code, within five days 76679
of the filing of the entry with the clerk. The total amount 76680
assessed is immediately due and payable, unless the person 76681
assessed files a petition for reassessment in accordance with 76682
division (D) of this section and provides security in a form 76683
satisfactory to the commissioner and in an amount sufficient to 76684
satisfy the unpaid balance of the assessment. Full or partial 76685
payment of the assessment does not prejudice the commissioner's 76686
consideration of the petition for reassessment. 76687

(G) All money collected by the tax commissioner under this 76688
section shall be paid to the treasurer of state as revenue arising 76689
from the fee imposed by section 3734.901 of the Revised Code. 76690

Sec. 3735.58. (A) The director of ~~mental health~~ mental health 76691

and addiction services, the director of developmental 76692
disabilities, or the director of rehabilitation and correction may 76693
enter into contracts for the sale of land not needed by their 76694
departments and under their jurisdiction or supervision to 76695
metropolitan housing authorities for use by such an authority for 76696
a housing project or projects. Such contract may contain such 76697
conditions and terms as are, in the discretion of the directors, 76698
in the best interests of the state and the welfare of the 76699
residents of the state. 76700

(B) The director may, upon receipt of a request from a 76701
metropolitan housing authority, request the approval of the 76702
governor to sell and convey land not needed by the director's 76703
department and under the director's jurisdiction or supervision to 76704
an authority, subject to such terms and conditions consistent with 76705
the public interest and welfare of the residents of the state as 76706
the director considers necessary. The governor, with the approval 76707
of the controlling board, may approve the request. Such property 76708
shall be appraised at its fair market value before it is conveyed. 76709
The director of administrative services shall cause it to be 76710
appraised by three disinterested persons and shall determine the 76711
fee which each appraiser shall receive, not to exceed fifty 76712
dollars. All appraisal fees shall be paid by the authority which 76713
shall deposit with the director one hundred fifty dollars before 76714
the appraisal is made. If the deposit exceeds the appraisal fee, 76715
the balance shall be returned to the authority. The appraisal 76716
value, when approved by the director, is the purchase price. If 76717
the purchase price is not paid within ninety days after notice to 76718
the authority of the approved appraisal value, the director shall 76719
withdraw approval of the appraisal value and no deed shall be 76720
delivered to the authority without the written approval of the 76721
director of the purchase price. If the purchase price is paid 76722
within ninety days, a deed shall be prepared and recorded pursuant 76723
to section 5301.13 of the Revised Code. 76724

(C) Moneys received from sales of land to a metropolitan housing authority shall be placed in the state treasury in special funds, to be used for such purposes of the department of ~~mental health~~ mental health and addiction services, the department of developmental disabilities, or the department of rehabilitation and correction as is appropriate.

Sec. 3735.661. (A) For the purpose of determining the "first two amendments" referenced in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment means any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following:

(1) Expands the geographic size of a community reinvestment area;

(2) Increases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (A)(2) of this section does not authorize a municipal corporation or county to increase a property's or category of property's exempted percentage of assessed valuation pursuant to that section.

(3) Increases the term of any tax exemption or category of tax exemptions;

(4) Extends the duration of a community reinvestment area;

(5) Changes eligibility requirements for receiving tax exemptions.

(B) For the purpose of determining the "first two amendments" in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment does not include any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following:

<u>(1) Restricts the availability of tax exemptions, including any of the following:</u>	76755
	76756
<u>(a) Removes area from or decreases the geographic size of a community reinvestment area;</u>	76757
	76758
<u>(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a property's or category of property's exempted percentage of assessed valuation pursuant to that section.</u>	76759
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<u>(c) Decreases the term of any tax exemption or category of exemption;</u>	76766
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<u>(d) Shortens the period of time after which the granting of tax exemptions may be terminated.</u>	76768
	76769
<u>(2) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;</u>	76770
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	76772
<u>(3) Recognizes or confirms a previously granted tax exemption;</u>	76773
	76774
<u>(4) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;</u>	76775
	76776
<u>(5) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code.</u>	76777
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Sec. 3737.02. (A) The fire marshal may collect fees to cover	76784

the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as provided in division (B) of this section, all fees collected by the fire marshal shall be deposited to the credit of the fire marshal's fund.

(B) All of the following shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury:

(1) Fees collected under sections 3737.88 and 3737.881 of the Revised Code for operation of the underground storage tank and underground storage tank installer certification programs, ~~moneys;~~

(2) Moneys recovered under section 3737.89 of the Revised Code for the state's costs of undertaking corrective or enforcement actions under that section or section 3737.882 of the Revised Code, ~~and fines;~~

(3) Fines and penalties collected under section 3737.882 of the Revised Code ~~shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury. All;~~

(4) Amounts repaid for underground storage tank revolving loans under section 3737.883 of the Revised Code.

(C) All interest earned on moneys credited to the underground storage tank administration fund shall be credited to the fund. Moneys credited to the underground storage tank administration fund shall be used by the fire marshal for implementation and enforcement of underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code. Only moneys described in divisions (B)(3) and (4) of this section may be used by the fire marshal to make underground storage tank revolving loans under section 3737.883 of the Revised Code, and no other moneys may be used to make those

loans. 76816

~~(C)~~(D) The fire marshal shall take all actions necessary to 76817
obtain any federal funding available to carry out the fire 76818
marshal's responsibilities under sections 3737.88 to 3737.89 of 76819
the Revised Code and federal laws regarding the cleaning up of 76820
releases of petroleum, as "release" is defined in section 3737.87 76821
of the Revised Code, including, without limitation, any federal 76822
funds that are available to reimburse the state for the costs of 76823
undertaking corrective actions for such releases of petroleum. The 76824
state may, when appropriate, return to the United States any 76825
federal funds recovered under sections 3737.882 and 3737.89 of the 76826
Revised Code. 76827

Sec. 3737.83. The fire marshal shall, as part of the state 76828
fire code, adopt rules to: 76829

(A) Establish minimum standards of performance for fire 76830
protection equipment and fire fighting equipment; 76831

(B) Establish minimum standards of training, fix minimum 76832
qualifications, and require certificates for all persons who 76833
engage in the business for profit of installing, testing, 76834
repairing, or maintaining fire protection equipment; 76835

(C) Provide for the issuance of certificates required under 76836
division (B) of this section and establish the fees to be charged 76837
for such certificates. A certificate shall be granted, renewed, or 76838
revoked according to rules the fire marshal shall adopt. 76839

(D) Establish minimum standards of flammability for consumer 76840
goods in any case where the federal government or any department 76841
or agency thereof has established, or may from time to time 76842
establish standards of flammability for consumer goods. The 76843
standards established by the fire marshal shall be identical to 76844
the minimum federal standards. 76845

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this division in consultation with the director of ~~mental health~~ mental health and addiction services and interested parties designated by the director of ~~mental health~~ mental health and addiction services.

Sec. 3737.841. As used in this section and section 3737.842 of the Revised Code:

(A) "Public occupancy" means all of the following:

(1) Any state correctional institution as defined in section 2967.01 of the Revised Code and any county, multicounty, municipal, or municipal-county jail or workhouse;

(2) Any hospital as defined in section 3727.01 of the Revised Code, any hospital licensed by the department of ~~mental health~~

mental health and addiction services under section ~~5119.20~~ 5119.33 76876
of the Revised Code, and any institution, hospital, or other place 76877
established, controlled, or supervised by the department of ~~mental~~ 76878
~~health~~ mental health and addiction services under Chapter 5119. of 76879
the Revised Code; 76880

(3) Any nursing home, residential care facility, or home for 76881
the aging as defined in section 3721.01 of the Revised Code and 76882
any residential facility licensed under section ~~5119.22~~ 5119.34 of 76883
the Revised Code that provides accommodations, supervision, and 76884
personal care services for three to sixteen unrelated adults; 76885

(4) Any child day-care center and any type A family day-care 76886
home as defined in section 5104.01 of the Revised Code; 76887

(5) Any public auditorium or stadium; 76888

(6) Public assembly areas of hotels and motels containing 76889
more than ten articles of seating furniture. 76890

(B) "Sell" includes sell, offer or expose for sale, barter, 76891
trade, deliver, give away, rent, consign, lease, possess for sale, 76892
or dispose of in any other commercial manner. 76893

(C) Except as provided in division (D) of this section, 76894
"seating furniture" means any article of furniture, including 76895
children's furniture, that can be used as a support for an 76896
individual, or an individual's limbs or feet, when sitting or 76897
resting in an upright or reclining position and that either: 76898

(1) Is made with loose or attached cushions or pillows; 76899

(2) Is stuffed or filled in whole or in part with any filling 76900
material; 76901

(3) Is or can be stuffed or filled in whole or in part with 76902
any substance or material, concealed by fabric or any other 76903
covering. 76904

"Seating furniture" includes the cushions or pillows 76905

belonging to or forming a part of the furniture, the structural 76906
unit, and the filling material and its container or covering. 76907

(D) "Seating furniture" does not include, except if intended 76908
for use by children or in facilities designed for the care or 76909
treatment of humans, any of the following: 76910

(1) Cushions or pads intended solely for outdoor use; 76911

(2) Any article with a smooth surface that contains no more 76912
than one-half inch of filling material, if that article does not 76913
have an upholstered horizontal surface meeting an upholstered 76914
vertical surface; 76915

(3) Any article manufactured solely for recreational use or 76916
physical fitness purposes, including weight-lifting benches, 76917
gymnasium mats or pads, and sidehorses. 76918

(E) "Filling material" means cotton, wool, kapok, feathers, 76919
down, hair, liquid, or any other natural or artificial material or 76920
substance that is used or can be used as stuffing in seating 76921
furniture. 76922

Sec. 3737.88. (A)(1) The fire marshal shall have 76923
responsibility for implementation of the underground storage tank 76924
program and corrective action program for releases of petroleum 76925
from underground storage tanks established by the "Resource 76926
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 76927
6901, as amended. To implement the programs, the fire marshal may 76928
adopt, amend, and rescind such rules, conduct such inspections, 76929
require annual registration of underground storage tanks, issue 76930
such citations and orders to enforce those rules, enter into 76931
environmental covenants in accordance with sections 5301.80 to 76932
5301.92 of the Revised Code, and perform such other duties, as are 76933
consistent with those programs. The fire marshal, by rule, may 76934
delegate the authority to conduct inspections of underground 76935

storage tanks to certified fire safety inspectors. 76936

(2) In the place of any rules regarding release containment 76937
and release detection for underground storage tanks adopted under 76938
division (A)(1) of this section, the fire marshal, by rule, shall 76939
designate areas as being sensitive for the protection of human 76940
health and the environment and adopt alternative rules regarding 76941
release containment and release detection methods for new and 76942
upgraded underground storage tank systems located in those areas. 76943
In designating such areas, the fire marshal shall take into 76944
consideration such factors as soil conditions, hydrogeology, water 76945
use, and the location of public and private water supplies. Not 76946
later than July 11, 1990, the fire marshal shall file the rules 76947
required under this division with the secretary of state, director 76948
of the legislative service commission, and joint committee on 76949
agency rule review in accordance with divisions (B) and (H) of 76950
section 119.03 of the Revised Code. 76951

(3) Notwithstanding sections 3737.87 to 3737.89 of the 76952
Revised Code, a person who is not a responsible person, as 76953
determined by the fire marshal pursuant to this chapter, may 76954
conduct a voluntary action in accordance with Chapter 3746. of the 76955
Revised Code and rules adopted under it for either of the 76956
following: 76957

(a) A class C release; 76958

(b) A release, other than a class C release, that is subject 76959
to the rules adopted by the fire marshal under division (B) of 76960
section 3737.882 of the Revised Code pertaining to a corrective 76961
action, provided that both of the following apply: 76962

(i) The voluntary action also addresses hazardous substances 76963
or petroleum that is not subject to the rules adopted under 76964
division (B) of section 3737.882 of the Revised Code pertaining to 76965
a corrective action. 76966

(ii) The fire marshal has not issued an administrative order 76967
concerning the release or referred the release to the attorney 76968
general for enforcement. 76969

The director of environmental protection, pursuant to section 76970
3746.12 of the Revised Code, may issue a covenant not to sue to 76971
any person who properly completes a voluntary action with respect 76972
to any such release in accordance with Chapter 3746. of the 76973
Revised Code and rules adopted under it. 76974

(B) Before adopting any rule under this section or section 76975
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 76976
file written notice of the proposed rule with the chairperson of 76977
the state fire council, and, within sixty days after notice is 76978
filed, the council may file responses to or comments on and may 76979
recommend alternative or supplementary rules to the fire marshal. 76980
At the end of the sixty-day period or upon the filing of 76981
responses, comments, or recommendations by the council, the fire 76982
marshal may adopt the rule filed with the council or any 76983
alternative or supplementary rule recommended by the council. 76984

(C) The state fire council may recommend courses of action to 76985
be taken by the fire marshal in carrying out the fire marshal's 76986
duties under this section. The council shall file its 76987
recommendations in the office of the fire marshal, and, within 76988
sixty days after the recommendations are filed, the fire marshal 76989
shall file with the chairperson of the council comments on, and 76990
proposed action in response to, the recommendations. 76991

(D) For the purpose of sections 3737.87 to 3737.89 of the 76992
Revised Code, the fire marshal shall adopt, and may amend and 76993
rescind, rules identifying or listing hazardous substances. The 76994
rules shall be consistent with and equivalent in scope, coverage, 76995
and content to regulations identifying or listing hazardous 76996
substances adopted under the "Comprehensive Environmental 76997
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 76998

42 U.S.C.A. 9602, as amended, except that the fire marshal shall not identify or list as a hazardous substance any hazardous waste identified or listed in rules adopted under division (A) of section 3734.12 of the Revised Code.

(E) Except as provided in division (A)(3) of this section, the fire marshal shall have exclusive jurisdiction to regulate the storage, treatment, and disposal of petroleum contaminated soil generated from corrective actions undertaken in response to releases of petroleum from underground storage tank systems. The fire marshal may adopt, amend, or rescind such rules as the fire marshal considers to be necessary or appropriate to regulate the storage, treatment, or disposal of petroleum contaminated soil so generated.

(F) The fire marshal shall adopt, amend, and rescind rules under sections 3737.88 to ~~3737.882~~ 3737.883 of the Revised Code in accordance with Chapter 119. of the Revised Code.

Sec. 3737.882. (A) If, after an examination or inspection, the fire marshal or an assistant fire marshal finds that a release of petroleum is suspected, the fire marshal shall take such action as the fire marshal considers necessary to ensure that a suspected release is confirmed or disproved and, if the occurrence of a release is confirmed, to correct the release. These actions may include one or more of the following:

(1) Issuance of a citation and order requiring the responsible person to undertake, in a manner consistent with the requirements of section 9003 of the "Resource Conservation and Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as amended, applicable regulations adopted thereunder, and rules adopted under division (B) of this section, such actions as are necessary to protect human health and the environment, including, without limitation, the investigation of a suspected release;

(2) Requesting the attorney general to bring a civil action 77030
for appropriate relief, including a temporary restraining order or 77031
preliminary or permanent injunction, in the court of common pleas 77032
of the county in which a suspected release is located or in which 77033
the release occurred, to obtain the corrective action necessary to 77034
protect human health and the environment. In granting any such 77035
relief, the court shall ensure that the terms of the temporary 77036
restraining order or injunction are sufficient to provide 77037
comprehensive corrective action to protect human health and the 77038
environment. 77039

(3) Entry onto premises and undertaking corrective action 77040
with respect to a release of petroleum if, in the fire marshal's 77041
judgment, such action is necessary to protect human health and the 77042
environment. Any corrective action undertaken by the fire marshal 77043
or assistant fire marshal under division (A)(3) of this section 77044
shall be consistent with the requirements of sections 9003 and 77045
9005 of the "Resource Conservation and Recovery Act of 1976," 98 77046
Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 77047
6991e, respectively, as amended, applicable regulations adopted 77048
thereunder, and rules adopted under division (B) of this section. 77049

(B) The fire marshal shall adopt, and may amend and rescind, 77050
such rules as the fire marshal considers necessary to establish 77051
standards for corrective actions for suspected and confirmed 77052
releases of petroleum and standards for the recovery of costs 77053
incurred for undertaking corrective or enforcement actions with 77054
respect to such releases. The rules also shall include 77055
requirements for financial responsibility for the cost of 77056
corrective actions for and compensation of bodily injury and 77057
property damage incurred by third parties that are caused by 77058
releases of petroleum. Rules regarding financial responsibility 77059
shall, without limitation, require responsible persons to provide 77060
evidence that the parties guaranteeing payment of the deductible 77061

amount established under division (E) or (F) of section 3737.91 of 77062
the Revised Code are, at a minimum, secondarily liable for all 77063
corrective action and third-party liability costs incurred within 77064
the scope of the deductible amount. The rules shall be consistent 77065
with sections 9003 and 9005 of the "Resource Conservation and 77066
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 77067
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 77068
applicable regulations adopted thereunder. 77069

(C)(1) No person shall violate or fail to comply with a rule 77070
adopted under division (A) of section 3737.88 of the Revised Code 77071
or division (B) of this section, and no person shall violate or 77072
fail to comply with the terms of any order issued under division 77073
(A) of section 3737.88 of the Revised Code or division (A)(1) of 77074
this section. 77075

(2) Whoever violates division (C)(1) of this section or 77076
division (F) of section 3737.881 of the Revised Code shall pay a 77077
civil penalty of not more than ten thousand dollars for each day 77078
that the violation continues. The fire marshal may, by order, 77079
assess a civil penalty under this division, or the fire marshal 77080
may request the attorney general to bring a civil action for 77081
imposition of the civil penalty in the court of common pleas of 77082
the county in which the violation occurred. If the fire marshal 77083
determines that a responsible person is in violation of division 77084
(C)(1) of this section or division (F) of section 3737.881 of the 77085
Revised Code, the fire marshal may request the attorney general to 77086
bring a civil action for appropriate relief, including a temporary 77087
restraining order or preliminary or permanent injunction, in the 77088
court of common pleas of the county in which the underground 77089
storage tank or, in the case of a violation of division (F)(3) of 77090
section 3737.881 of the Revised Code, the training program that is 77091
the subject of the violation is located. The court shall issue a 77092
temporary restraining order or an injunction upon a demonstration 77093

that a violation of division (C)(1) of this section or division 77094
(F) of section 3737.881 of the Revised Code has occurred or is 77095
occurring. 77096

Any action brought by the attorney general under this 77097
division is a civil action, governed by the Rules of Civil 77098
Procedure and other rules of practice and procedure applicable to 77099
civil actions. 77100

Nothing in section 3737.883 of the Revised Code limits the 77101
powers of the fire marshal or the attorney general under this 77102
division. 77103

(D) Orders issued under division (A) of section 3737.88 of 77104
the Revised Code and divisions (A)(1) and (C) of this section, and 77105
appeals thereof, are subject to and governed by Chapter 3745. of 77106
the Revised Code. Such orders shall be issued without the 77107
necessity for issuance of a proposed action under that chapter. 77108
For purposes of appeals of any such orders, the term "director" as 77109
used in Chapter 3745. of the Revised Code includes the fire 77110
marshal and an assistant fire marshal. 77111

(E) Any restrictions on the use of real property for the 77112
purpose of the achievement by an owner or operator of applicable 77113
standards pursuant to rules adopted under division (B) of this 77114
section shall be contained in a deed or in another instrument that 77115
is signed and acknowledged by the property owner in the same 77116
manner as a deed or an environmental covenant that is entered into 77117
in accordance with sections 5301.80 to 5301.92 of the Revised 77118
Code. The deed, other instrument containing the restrictions, or 77119
environmental covenant shall be filed and recorded in the office 77120
of the county recorder of the county in which the property is 77121
located. Pursuant to Chapter 5309. of the Revised Code, if the use 77122
restrictions or environmental covenant are connected with 77123
registered land, as defined in section 5309.01 of the Revised 77124
Code, the restrictions or environmental covenant shall be entered 77125

as a memorial on the page of the register where the title of the owner is registered. 77126
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(F) Any restrictions on the use of real property for the purpose of the achievement by a person that is not a responsible person, or by a person undertaking a voluntary action of applicable standards pursuant to rules adopted under division (B) of this section shall be contained in an environmental covenant that is entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code. The environmental covenant shall be filed and recorded in the office of the county recorder of the county in which the property is located. Pursuant to Chapter 5309. of the Revised Code, if the environmental covenant is connected with registered land, as defined in section 5309.01 of the Revised Code, the environmental covenant shall be entered as a memorial on the page of the register where the title of the owner is registered. 77128
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Sec. 3737.883. (A) As used in this section, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code, but includes a community improvement corporation as that term is defined in section 1724.01 of the Revised Code. 77142
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(B)(1) A political subdivision may do any of the following for an underground storage tank located within its territorial boundaries if the political subdivision is the tank owner but not the operator: 77146
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(a) Initiate, continue, or properly complete the closure in place or removal of an underground storage tank system; 77150
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(b) Initiate, continue, or properly complete an assessment of the site of an underground storage tank or the site of an underground storage tank system; 77152
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(c) Initiate, continue, or properly complete a corrective 77155

action. 77156

(2) A political subdivision may take any of the actions described in divisions (B)(1)(a) to (c) of this section for the site of a previously existing release to which all of the following apply: 77157
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(a) The political subdivision is not the responsible person. 77161

(b) The release has not received a no-further-action determination from the state fire marshal. 77162
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(c) The site of the release is located within the political subdivision's territorial boundaries. 77164
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(d) The responsible person is not identifiable or the state fire marshal determines that an identified responsible person is unable to pay the costs of the action to be taken by the political subdivision. 77166
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(C) The state fire marshal or the state fire marshal's designee shall administer an underground storage tank revolving loan program under which the state fire marshal issues loans to assist with the costs of actions taken under divisions (B)(1) and (2) of this section. The state fire marshal shall issue a loan under the program to a political subdivision that meets the application requirements of division (D) of this section and agrees to written terms and conditions of the loan with the state fire marshal. 77170
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(D) A political subdivision shall apply to the state fire marshal for a loan under this section on a form prescribed by the state fire marshal. In the application, the political subdivision shall do all of the following: 77179
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(1) Describe the action for which it is requesting a loan; 77183

(2) State the requested loan amount; 77184

(3) Explain how the political subdivision plans to spend, of 77185

its own funds, in undertaking the action for which the loan is requested, an amount equal to at least five per cent of the requested loan amount; 77186
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(4) Provide any other information requested by the state fire marshal. 77189
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(E) The state fire marshal shall consult with the director of development services before issuing any loan under this section. 77191
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(F) A loan issued under this section shall not carry interest. No loan issued under this section shall have a term of more than ten years. The political subdivision shall repay a loan issued under this section to the state fire marshal. 77193
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(G) If, at any time after the expenditure of loan funds by a political subdivision under division (B)(2) of this section, the state fire marshal or any law enforcement agency identifies the responsible person or determines, for any reason, that the previously identified responsible person was or is able to pay the costs of the action for which the loan was issued, the political subdivision may bring any appropriate proceedings against the responsible person to recover the costs incurred by the political subdivision. The proceedings may be brought in either the court of common pleas having jurisdiction where the underground storage tank is located or the court of common pleas of Franklin county. 77197
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(H)(1) The state fire marshal shall adopt and may amend and rescind rules as necessary for the administration and operation of the underground storage tank revolving loan program. The rules may do any of the following: 77208
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(a) Further define the entities considered "political subdivisions" eligible to receive loans; 77212
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(b) Establish qualifying criteria for loan recipients; 77214

(c) Establish criteria for awarding loans, loan amounts, loan 77215

payment terms, and permissible expenditures of loan funds, 77216
including methods that the state fire marshal may use to verify 77217
the proper use of loan funds or to obtain reimbursement for or the 77218
return of improperly used loan funds. 77219

(2) The state fire marshal may adopt and may amend and 77220
rescind rules for the issuance of emergency underground storage 77221
tank revolving loans to qualifying entities during a natural 77222
disaster or another similar event as defined in the rules. 77223

Sec. ~~3737.883~~ 3737.884. On receipt of a notice pursuant to 77224
section 3123.43 of the Revised Code, the state fire marshal shall 77225
comply with sections 3123.41 to 3123.50 of the Revised Code and 77226
any applicable rules adopted under section 3123.63 of the Revised 77227
Code with respect to a certificate issued pursuant to section 77228
3737.34, 3737.65, 3737.83, or 3737.881 of the Revised Code. 77229

Sec. 3742.30. Each child at risk of lead poisoning shall 77230
undergo a blood lead screening test to determine whether the child 77231
has lead poisoning. The at-risk children shall undergo the test at 77232
times determined by rules the director of health shall adopt in 77233
accordance with Chapter 119. of the Revised Code that are 77234
consistent with the guidelines established by the centers for 77235
disease control and prevention in the public health service of the 77236
United States department of health and human services. The rules 77237
shall specify which children are at risk of lead poisoning. 77238

Neither this section nor the rules adopted under it affect 77239
the coverage of blood lead screening tests by any publicly funded 77240
health program, including the medicaid program ~~established by~~ 77241
~~Chapter 5111. of the Revised Code.~~ Neither this section nor the 77242
rules adopted under it apply to a child if a parent of the child 77243
objects to the test on the grounds that the test conflicts with 77244
the parent's religious tenets and practices. 77245

Sec. 3742.31. (A) The director of health shall establish, 77246
promote, and maintain a child lead poisoning prevention program. 77247
The program shall provide statewide coordination of screening, 77248
diagnosis, and treatment services for children under age six, 77249
including both of the following: 77250

(1) Collecting the social security numbers of all children 77251
screened, diagnosed, or treated as part of the program's case 77252
management system; 77253

(2) Disclosing to the ~~office of medical assistance in the~~ 77254
department of ~~job and family services~~ medicaid on at least an 77255
annual basis the identity and lead screening test results of each 77256
child screened pursuant to section 3742.30 of the Revised Code. 77257
The director shall collect and disseminate information relating to 77258
child lead poisoning and controlling lead hazards. 77259

(B) The director of health shall operate the child lead 77260
poisoning prevention program in accordance with rules adopted 77261
under section 3742.50 of the Revised Code. The director may enter 77262
into an interagency agreement with one or more other state 77263
agencies to perform one or more of the program's duties. The 77264
director shall supervise and direct an agency's performance of 77265
such a duty. 77266

Sec. 3742.32. (A) The director of health shall appoint an 77267
advisory council to assist in the ongoing development and 77268
implementation of the child lead poisoning prevention program 77269
created under section 3742.31 of the Revised Code. The advisory 77270
council shall consist of the following members: 77271

(1) A representative of the ~~office of medical assistance in~~ 77272
~~the~~ department of ~~job and family services~~ medicaid; 77273

(2) A representative of the bureau of child care in the 77274
department of job and family services; 77275

(3) A representative of the department of environmental protection;	77276 77277
(4) A representative of the department of education;	77278
(5) A representative of the department of development <u>services agency</u> ;	77279 77280
(6) A representative of the Ohio apartment owner's association;	77281 77282
(7) A representative of the Ohio help end lead poisoning coalition;	77283 77284
(8) A representative of the Ohio environmental health association;	77285 77286
(9) An Ohio representative of the national paint and coatings association.	77287 77288
(B) The advisory council shall do both of the following:	77289
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	77290 77291 77292 77293
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	77294 77295 77296
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	77297 77298
Sec. 3742.51. (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to 3742.50 of the Revised Code and the rules adopted under those sections. Any grants, contributions, or other moneys collected by the	77299 77300 77301 77302 77303 77304

department for purposes of preventing lead poisoning shall be 77305
deposited in the state treasury to the credit of the fund. 77306

(B) Moneys in the fund shall be used solely for the purposes 77307
of the child lead poisoning prevention program established under 77308
section 3742.31 of the Revised Code, including providing financial 77309
assistance to individuals who are unable to pay for the following: 77310

(1) Costs associated with obtaining lead tests and lead 77311
poisoning treatment for children under six years of age who are 77312
not covered by private medical insurance or are underinsured, are 77313
not eligible for the medicaid program ~~established under Chapter~~ 77314
~~5111. of the Revised Code~~ or any other government health program, 77315
and do not have access to another source of funds to cover the 77316
cost of lead tests and any indicated treatments; 77317

(2) Costs associated with having lead abatement performed or 77318
having the preventive treatments specified in section 3742.41 of 77319
the Revised Code performed. 77320

Sec. 3745.11. (A) Applicants for and holders of permits, 77321
licenses, variances, plan approvals, and certifications issued by 77322
the director of environmental protection pursuant to Chapters 77323
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 77324
to the environmental protection agency for each such issuance and 77325
each application for an issuance as provided by this section. No 77326
fee shall be charged for any issuance for which no application has 77327
been submitted to the director. 77328

(B) Except as otherwise provided in division (C)(2) of this 77329
section, beginning July 1, 1994, each person who owns or operates 77330
an air contaminant source and who is required to apply for and 77331
obtain a Title V permit under section 3704.036 of the Revised Code 77332
shall pay the fees set forth in this division. For the purposes of 77333
this division, total emissions of air contaminants may be 77334
calculated using engineering calculations, emissions factors, 77335

material balance calculations, or performance testing procedures, 77336
as authorized by the director. 77337

The following fees shall be assessed on the total actual 77338
emissions from a source in tons per year of the regulated 77339
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 77340
organic compounds, and lead: 77341

(1) Fifteen dollars per ton on the total actual emissions of 77342
each such regulated pollutant during the period July through 77343
December 1993, to be collected no sooner than July 1, 1994; 77344

(2) Twenty dollars per ton on the total actual emissions of 77345
each such regulated pollutant during calendar year 1994, to be 77346
collected no sooner than April 15, 1995; 77347

(3) Twenty-five dollars per ton on the total actual emissions 77348
of each such regulated pollutant in calendar year 1995, and each 77349
subsequent calendar year, to be collected no sooner than the 77350
fifteenth day of April of the year next succeeding the calendar 77351
year in which the emissions occurred. 77352

The fees levied under this division do not apply to that 77353
portion of the emissions of a regulated pollutant at a facility 77354
that exceed four thousand tons during a calendar year. 77355

(C)(1) The fees assessed under division (B) of this section 77356
are for the purpose of providing funding for the Title V permit 77357
program. 77358

(2) The fees assessed under division (B) of this section do 77359
not apply to emissions from any electric generating unit 77360
designated as a Phase I unit under Title IV of the federal Clean 77361
Air Act prior to calendar year 2000. Those fees shall be assessed 77362
on the emissions from such a generating unit commencing in 77363
calendar year 2001 based upon the total actual emissions from the 77364
generating unit during calendar year 2000 and shall continue to be 77365
assessed each subsequent calendar year based on the total actual 77366

emissions from the generating unit during the preceding calendar year. 77367
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(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 77369
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(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule: 77377
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Total tons per year of regulated pollutants emitted	Annual fee per facility	77388 77389 77390
More than 0, but less than 50	\$ 75	77391
50 or more, but less than 100	300	77392
100 or more	700	77393

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the 77394
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Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	77408
10 or more, but less than 50	200	77409
50 or more, but less than 100	300	77410
100 or more	700	77411

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2014~~ 2016, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	77428
10 or more, but less than 20	340	77429
20 or more, but less than 30	670	77430

30 or more, but less than 40	1,010	77431
40 or more, but less than 50	1,340	77432
50 or more, but less than 60	1,680	77433
60 or more, but less than 70	2,010	77434
70 or more, but less than 80	2,350	77435
80 or more, but less than 90	2,680	77436
90 or more, but less than 100	3,020	77437
100 or more	3,350	77438

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for

the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum (million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	77485
10 or more, but less than 100	400	77486
100 or more, but less than 300	1000	77487
300 or more, but less than 500	2250	77488
500 or more, but less than 1000	3750	77489
1000 or more, but less than 5000	6000	77490
5000 or more	9000	77491

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		77495
Generating capacity (mega watts)	Permit to install	77497
0 or more, but less than 10	\$ 25	77498
10 or more, but less than 25	150	77499
25 or more, but less than 50	300	77500
50 or more, but less than 100	500	77501
100 or more, but less than 250	1000	77502
250 or more	2000	77503
(3) Incinerators		77504
Input capacity (pounds per hour)	Permit to install	77505
0 to 100	\$ 100	77506
101 to 500	500	77507
501 to 2000	1000	77508
2001 to 20,000	1500	77509
more than 20,000	3750	77510
(4)(a) Process		77511
Process weight rate (pounds per hour)	Permit to install	77512
0 to 1000	\$ 200	77513
1001 to 5000	500	77514
5001 to 10,000	750	77515
10,001 to 50,000	1000	77516
more than 50,000	1250	77517
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		77518 77519 77520 77521 77522 77523 77524 77525 77526

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining; 77537
- Major group 12, coal mining; 77538
- Major group 14, mining and quarrying of nonmetallic minerals; 77539
- Industry group 204, grain mill products; 77540
- 2873 Nitrogen fertilizers; 77541
- 2874 Phosphatic fertilizers; 77542
- 3281 Cut stone and stone products; 77543
- 3295 Minerals and earth, ground or otherwise treated; 77544
- 4221 Grain elevators (storage only); 77545
- 5159 Farm related raw materials; 77546
- 5261 Retail nurseries and lawn and garden supply stores. 77547

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	77553
10,001 to 50,000	400	77554

50,001 to 100,000	500	77555
100,001 to 200,000	600	77556
200,001 to 400,000	750	77557
400,001 or more	900	77558
(5) Storage tanks		77559
Gallons (maximum useful capacity)	Permit to install	77560
0 to 20,000	\$ 100	77561
20,001 to 40,000	150	77562
40,001 to 100,000	250	77563
100,001 to 500,000	400	77564
500,001 or greater	750	77565
(6) Gasoline/fuel dispensing facilities		77566
For each gasoline/fuel		77567
dispensing facility (includes all	Permit to install	77568
units at the facility)	\$ 100	77569
(7) Dry cleaning facilities		77570
For each dry cleaning		77571
facility (includes all units	Permit to install	77572
at the facility)	\$ 100	77573
(8) Registration status		77574
For each source covered	Permit to install	77575
by registration status	\$ 75	77576
(G) An owner or operator who is responsible for an asbestos		77577
demolition or renovation project pursuant to rules adopted under		77578
section 3704.03 of the Revised Code shall pay the fees set forth		77579
in the following schedule:		77580
Action	Fee	77581
Each notification	\$75	77582
Asbestos removal	\$3/unit	77583
Asbestos cleanup	\$4/cubic yard	77584
For purposes of this division, "unit" means any combination of		77585

linear feet or square feet equal to fifty. 77586

(H) A person who is issued an extension of time for a permit 77587
to install an air contaminant source pursuant to rules adopted 77588
under division (F) of section 3704.03 of the Revised Code shall 77589
pay a fee equal to one-half the fee originally assessed for the 77590
permit to install under this section, except that the fee for such 77591
an extension shall not exceed two hundred dollars. 77592

(I) A person who is issued a modification to a permit to 77593
install an air contaminant source pursuant to rules adopted under 77594
section 3704.03 of the Revised Code shall pay a fee equal to 77595
one-half of the fee that would be assessed under this section to 77596
obtain a permit to install the source. The fee assessed by this 77597
division only applies to modifications that are initiated by the 77598
owner or operator of the source and shall not exceed two thousand 77599
dollars. 77600

(J) Notwithstanding division (F) of this section, a person 77601
who applies for or obtains a permit to install pursuant to rules 77602
adopted under division (F) of section 3704.03 of the Revised Code 77603
after the date actual construction of the source began shall pay a 77604
fee for the permit to install that is equal to twice the fee that 77605
otherwise would be assessed under the applicable division unless 77606
the applicant received authorization to begin construction under 77607
division (W) of section 3704.03 of the Revised Code. This division 77608
only applies to sources for which actual construction of the 77609
source begins on or after July 1, 1993. The imposition or payment 77610
of the fee established in this division does not preclude the 77611
director from taking any administrative or judicial enforcement 77612
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 77613
of the Revised Code, or a rule adopted under any of them, in 77614
connection with a violation of rules adopted under division (F) of 77615
section 3704.03 of the Revised Code. 77616

As used in this division, "actual construction of the source" 77617

means the initiation of physical on-site construction activities 77618
in connection with improvements to the source that are permanent 77619
in nature, including, without limitation, the installation of 77620
building supports and foundations and the laying of underground 77621
pipework. 77622

(K)(1) Money received under division (B) of this section 77623
shall be deposited in the state treasury to the credit of the 77624
Title V clean air fund created in section 3704.035 of the Revised 77625
Code. Annually, fifty cents per ton of each fee assessed under 77626
division (B) of this section on actual emissions from a source and 77627
received by the environmental protection agency pursuant to that 77628
division shall be transferred using an interstate transfer voucher 77629
to the state treasury to the credit of the small business 77630
assistance fund created in section 3706.19 of the Revised Code. In 77631
addition, annually, the amount of money necessary for the 77632
operation of the office of ombudsperson as determined under 77633
division (B) of that section shall be transferred to the state 77634
treasury to the credit of the small business ombudsperson fund 77635
created by that section. 77636

(2) Money received by the agency pursuant to divisions (D), 77637
(F), (G), (H), (I), and (J) of this section shall be deposited in 77638
the state treasury to the credit of the non-Title V clean air fund 77639
created in section 3704.035 of the Revised Code. 77640

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 77641
or (c) of this section, a person issued a water discharge permit 77642
or renewal of a water discharge permit pursuant to Chapter 6111. 77643
of the Revised Code shall pay a fee based on each point source to 77644
which the issuance is applicable in accordance with the following 77645
schedule: 77646

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	77647
1,001 to 5000	100	77648
		77649

5,001 to 50,000	200	77650
50,001 to 100,000	300	77651
100,001 to 300,000	525	77652
over 300,000	750	77653

(b) Notwithstanding the fee schedule specified in division 77654
(L)(1)(a) of this section, the fee for a water discharge permit 77655
that is applicable to coal mining operations regulated under 77656
Chapter 1513. of the Revised Code shall be two hundred fifty 77657
dollars per mine. 77658

(c) Notwithstanding the fee schedule specified in division 77659
(L)(1)(a) of this section, the fee for a water discharge permit 77660
for a public discharger identified by I in the third character of 77661
the permittee's NPDES permit number shall not exceed seven hundred 77662
fifty dollars. 77663

(2) A person applying for a plan approval for a wastewater 77664
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 77665
of the Revised Code shall pay a fee of one hundred dollars plus 77666
sixty-five one-hundredths of one per cent of the estimated project 77667
cost through June 30, ~~2014~~ 2016, and one hundred dollars plus 77668
two-tenths of one per cent of the estimated project cost on and 77669
after July 1, ~~2014~~ 2016, except that the total fee shall not 77670
exceed fifteen thousand dollars through June 30, ~~2014~~ 2016, and 77671
five thousand dollars on and after July 1, ~~2014~~ 2016. The fee 77672
shall be paid at the time the application is submitted. 77673

(3) A person issued a modification of a water discharge 77674
permit shall pay a fee equal to one-half the fee that otherwise 77675
would be charged for a water discharge permit, except that the fee 77676
for the modification shall not exceed four hundred dollars. 77677

(4) A person who has entered into an agreement with the 77678
director under section 6111.14 of the Revised Code shall pay an 77679
administrative service fee for each plan submitted under that 77680
section for approval that shall not exceed the minimum amount 77681

necessary to pay administrative costs directly attributable to 77682
processing plan approvals. The director annually shall calculate 77683
the fee and shall notify all persons who have entered into 77684
agreements under that section, or who have applied for agreements, 77685
of the amount of the fee. 77686

(5)(a)(i) Not later than January 30, ~~2012~~ 2014, and January 77687
30, ~~2013~~ 2015, a person holding an NPDES discharge permit issued 77688
pursuant to Chapter 6111. of the Revised Code with an average 77689
daily discharge flow of five thousand gallons or more shall pay a 77690
nonrefundable annual discharge fee. Any person who fails to pay 77691
the fee at that time shall pay an additional amount that equals 77692
ten per cent of the required annual discharge fee. 77693

(ii) The billing year for the annual discharge fee 77694
established in division (L)(5)(a)(i) of this section shall consist 77695
of a twelve-month period beginning on the first day of January of 77696
the year preceding the date when the annual discharge fee is due. 77697
In the case of an existing source that permanently ceases to 77698
discharge during a billing year, the director shall reduce the 77699
annual discharge fee, including the surcharge applicable to 77700
certain industrial facilities pursuant to division (L)(5)(c) of 77701
this section, by one-twelfth for each full month during the 77702
billing year that the source was not discharging, but only if the 77703
person holding the NPDES discharge permit for the source notifies 77704
the director in writing, not later than the first day of October 77705
of the billing year, of the circumstances causing the cessation of 77706
discharge. 77707

(iii) The annual discharge fee established in division 77708
(L)(5)(a)(i) of this section, except for the surcharge applicable 77709
to certain industrial facilities pursuant to division (L)(5)(c) of 77710
this section, shall be based upon the average daily discharge flow 77711
in gallons per day calculated using first day of May through 77712
thirty-first day of October flow data for the period two years 77713

prior to the date on which the fee is due. In the case of NPDES 77714
discharge permits for new sources, the fee shall be calculated 77715
using the average daily design flow of the facility until actual 77716
average daily discharge flow values are available for the time 77717
period specified in division (L)(5)(a)(iii) of this section. The 77718
annual discharge fee may be prorated for a new source as described 77719
in division (L)(5)(a)(ii) of this section. 77720

(b) An NPDES permit holder that is a public discharger shall 77721
pay the fee specified in the following schedule: 77722

Average daily	Fee due by	
discharge flow	January 30,	
	2012 <u>2014</u> , and	
	January 30, 2013	
	<u>2015</u>	
5,000 to 49,999	\$ 200	77727
50,000 to 100,000	500	77728
100,001 to 250,000	1,050	77729
250,001 to 1,000,000	2,600	77730
1,000,001 to 5,000,000	5,200	77731
5,000,001 to 10,000,000	10,350	77732
10,000,001 to 20,000,000	15,550	77733
20,000,001 to 50,000,000	25,900	77734
50,000,001 to 100,000,000	41,400	77735
100,000,001 or more	62,100	77736

Public dischargers owning or operating two or more publicly 77737
owned treatment works serving the same political subdivision, as 77738
"treatment works" is defined in section 6111.01 of the Revised 77739
Code, and that serve exclusively political subdivisions having a 77740
population of fewer than one hundred thousand shall pay an annual 77741
discharge fee under division (L)(5)(b) of this section that is 77742
based on the combined average daily discharge flow of the 77743
treatment works. 77744

(c) An NPDES permit holder that is an industrial discharger, 77745
other than a coal mining operator identified by P in the third 77746
character of the permittee's NPDES permit number, shall pay the 77747
fee specified in the following schedule: 77748

Average daily	Fee due by	
discharge flow	January 30,	
	2012 <u>2014</u> , and	
	January 30, 2013	
	<u>2015</u>	
5,000 to 49,999	\$ 250	77753
50,000 to 250,000	1,200	77754
250,001 to 1,000,000	2,950	77755
1,000,001 to 5,000,000	5,850	77756
5,000,001 to 10,000,000	8,800	77757
10,000,001 to 20,000,000	11,700	77758
20,000,001 to 100,000,000	14,050	77759
100,000,001 to 250,000,000	16,400	77760
250,000,001 or more	18,700	77761

In addition to the fee specified in the above schedule, an 77762
NPDES permit holder that is an industrial discharger classified as 77763
a major discharger during all or part of the annual discharge fee 77764
billing year specified in division (L)(5)(a)(ii) of this section 77765
shall pay a nonrefundable annual surcharge of seven thousand five 77766
hundred dollars not later than January 30, ~~2012~~ 2014, and not 77767
later than January 30, ~~2013~~ 2015. Any person who fails to pay the 77768
surcharge at that time shall pay an additional amount that equals 77769
ten per cent of the amount of the surcharge. 77770

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 77771
section, a public discharger identified by I in the third 77772
character of the permittee's NPDES permit number and an industrial 77773
discharger identified by I, J, L, V, W, X, Y, or Z in the third 77774
character of the permittee's NPDES permit number shall pay a 77775

nonrefundable annual discharge fee of one hundred eighty dollars 77776
not later than January 30, ~~2012~~ 2014, and not later than January 77777
30, ~~2013~~ 2015. Any person who fails to pay the fee at that time 77778
shall pay an additional amount that equals ten per cent of the 77779
required fee. 77780

(6) Each person obtaining a national pollutant discharge 77781
elimination system general or individual permit for municipal 77782
storm water discharge shall pay a nonrefundable storm water 77783
discharge fee of one hundred dollars per square mile of area 77784
permitted. The fee shall not exceed ten thousand dollars and shall 77785
be payable on or before January 30, 2004, and the thirtieth day of 77786
January of each year thereafter. Any person who fails to pay the 77787
fee on the date specified in division (L)(6) of this section shall 77788
pay an additional amount per year equal to ten per cent of the 77789
annual fee that is unpaid. 77790

(7) The director shall transmit all moneys collected under 77791
division (L) of this section to the treasurer of state for deposit 77792
into the state treasury to the credit of the surface water 77793
protection fund created in section 6111.038 of the Revised Code. 77794

(8) As used in division (L) of this section: 77795

(a) "NPDES" means the federally approved national pollutant 77796
discharge elimination system program for issuing, modifying, 77797
revoking, reissuing, terminating, monitoring, and enforcing 77798
permits and imposing and enforcing pretreatment requirements under 77799
Chapter 6111. of the Revised Code and rules adopted under it. 77800

(b) "Public discharger" means any holder of an NPDES permit 77801
identified by P in the second character of the NPDES permit number 77802
assigned by the director. 77803

(c) "Industrial discharger" means any holder of an NPDES 77804
permit identified by I in the second character of the NPDES permit 77805
number assigned by the director. 77806

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 77807
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(M) Through June 30, ~~2014~~ 2016, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 77811
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Except as provided in ~~division~~ divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 77821
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(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2014~~ 2016, the fee is: 77824
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Number of service connections	Fee amount	
Not more than 49	\$ 112	77830
50 to 99	176	77831
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	77833
2,500 to 4,999	1.48	77834
5,000 to 7,499	1.42	77835
7,500 to 9,999	1.34	77836
10,000 to 14,999	1.16	77837
15,000 to 24,999	1.10	77838

25,000 to 49,999	1.04	77839
50,000 to 99,999	.92	77840
100,000 to 149,999	.86	77841
150,000 to 199,999	.80	77842
200,000 or more	.76	77843

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2014~~ 2016, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	77858
150 to 299	176	77859
300 to 749	384	77860
750 to 1,499	628	77861
1,500 to 2,999	1,268	77862
3,000 to 7,499	2,816	77863
7,500 to 14,999	5,510	77864
15,000 to 22,499	9,048	77865
22,500 to 29,999	12,430	77866
30,000 or more	16,820	77867

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty

days during any calendar year. In the absence of a specific 77871
population count, that number shall be calculated at the rate of 77872
three individuals per service connection. 77873

(3) For the initial license required under section 6109.21 of 77874
the Revised Code for any public water system that is not a 77875
community water system and serves a transient population, and for 77876
each license renewal required for such a system prior to January 77877
31, ~~2014~~ 2016, the fee is: 77878

Number of wells or sources, other 77879 than surface water, supplying system	Fee amount	
1	\$112	77880
2	112	77881
3	176	77882
4	278	77883
5	568	77884
System designated as using a 77885 surface water source	792	77886

As used in division (M)(3) of this section, "number of wells 77887
or sources, other than surface water, supplying system" means 77888
those wells or sources that are physically connected to the 77889
plumbing system serving the public water system. 77890

(4) A public water system designated as using a surface water 77891
source shall pay a fee of seven hundred ninety-two dollars or the 77892
amount calculated under division (M)(1) or (2) of this section, 77893
whichever is greater. 77894

(5) An applicant for an initial license who is proposing to 77895
operate a new public water supply system shall submit a fee that 77896
equals a prorated amount of the appropriate fee for the remainder 77897
of the licensing year. 77898

(N)(1) A person applying for a plan approval for a public 77899
water supply system under section 6109.07 of the Revised Code 77900

shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2014~~ 2016, and fifteen thousand dollars on and after July 1, ~~2014~~ 2016. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2014~~ 2016, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological			77922
MMO-MUG	\$2,000		77923
MF	2,100		77924
MMO-MUG and MF	2,550		77925
organic chemical	5,400		77926
trace metals	5,400		77927
standard chemistry	2,800		77928
limited chemistry	1,550		77929

On and after July 1, ~~2014~~ 2016, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650		77932
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organic chemicals	3,500	77933
trace metals	3,500	77934
standard chemistry	1,800	77935
limited chemistry	1,000	77936

The fee for those services shall be paid at the time the request 77937
for the survey is made. Through June 30, ~~2014~~ 2016, an individual 77938
laboratory shall not be assessed a fee under this division more 77939
than once in any three-year period unless the person requests the 77940
addition of analytical methods or analysts, in which case the 77941
person shall pay eighteen hundred dollars for each additional 77942
survey requested. 77943

As used in division (N)(3) of this section: 77944

(a) "MF" means microfiltration. 77945

(b) "MMO" means minimal medium ONPG. 77946

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 77947

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 77948

The director shall transmit all moneys collected under this 77949
division to the treasurer of state for deposit into the drinking 77950
water protection fund created in section 6109.30 of the Revised 77951
Code. 77952

(O) Any person applying to the director to take an 77953
examination for certification as an operator of a water supply 77954
system or wastewater system under Chapter 6109. or 6111. of the 77955
Revised Code that is administered by the director, at the time the 77956
application is submitted, shall pay a fee in accordance with the 77957
following schedule through November 30, ~~2014~~ 2016: 77958

Class A operator	\$ 80	77959
Class I operator	105	77960
Class II operator	120	77961
Class III operator	130	77962

Class IV operator 145 77963

On and after December 1, ~~2014~~ 2016, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	77966
Class I operator	70	77967
Class II operator	80	77968
Class III operator	90	77969
Class IV operator	100	77970

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	77979
Class I operator	35	77980
Class II operator	45	77981
Class III operator	55	77982
Class IV operator	65	77983

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	77989
Class I operator	55	77990
Class II operator	65	77991
Class III operator	75	77992
Class IV operator	85	77993

A person who requests a replacement certificate shall pay a

fee of twenty-five dollars at the time the request is made. 77995

Any person applying to be a water supply system or wastewater 77996
treatment system examination provider shall pay an application fee 77997
of five hundred dollars. Any person approved by the director as a 77998
water supply system or wastewater treatment system examination 77999
provider shall pay an annual fee that is equal to ten per cent of 78000
the fees that the provider assesses and collects for administering 78001
water supply system or wastewater treatment system certification 78002
examinations in this state for the calendar year. The fee shall be 78003
paid not later than forty-five days after the end of a calendar 78004
year. 78005

The director shall transmit all moneys collected under this 78006
division to the treasurer of state for deposit into the drinking 78007
water protection fund created in section 6109.30 of the Revised 78008
Code. 78009

(P) Any person submitting an application for an industrial 78010
water pollution control certificate under section 6111.31 of the 78011
Revised Code, as that section existed before its repeal by H.B. 95 78012
of the 125th general assembly, shall pay a nonrefundable fee of 78013
five hundred dollars at the time the application is submitted. The 78014
director shall transmit all moneys collected under this division 78015
to the treasurer of state for deposit into the surface water 78016
protection fund created in section 6111.038 of the Revised Code. A 78017
person paying a certificate fee under this division shall not pay 78018
an application fee under division (S)(1) of this section. On and 78019
after June 26, 2003, persons shall file such applications and pay 78020
the fee as required under sections 5709.20 to 5709.27 of the 78021
Revised Code, and proceeds from the fee shall be credited as 78022
provided in section 5709.212 of the Revised Code. 78023

(Q) Except as otherwise provided in division (R) of this 78024
section, a person issued a permit by the director for a new solid 78025
waste disposal facility other than an incineration or composting 78026

facility, a new infectious waste treatment facility other than an 78027
incineration facility, or a modification of such an existing 78028
facility that includes an increase in the total disposal or 78029
treatment capacity of the facility pursuant to Chapter 3734. of 78030
the Revised Code shall pay a fee of ten dollars per thousand cubic 78031
yards of disposal or treatment capacity, or one thousand dollars, 78032
whichever is greater, except that the total fee for any such 78033
permit shall not exceed eighty thousand dollars. A person issued a 78034
modification of a permit for a solid waste disposal facility or an 78035
infectious waste treatment facility that does not involve an 78036
increase in the total disposal or treatment capacity of the 78037
facility shall pay a fee of one thousand dollars. A person issued 78038
a permit to install a new, or modify an existing, solid waste 78039
transfer facility under that chapter shall pay a fee of two 78040
thousand five hundred dollars. A person issued a permit to install 78041
a new or to modify an existing solid waste incineration or 78042
composting facility, or an existing infectious waste treatment 78043
facility using incineration as its principal method of treatment, 78044
under that chapter shall pay a fee of one thousand dollars. The 78045
increases in the permit fees under this division resulting from 78046
the amendments made by Amended Substitute House Bill 592 of the 78047
117th general assembly do not apply to any person who submitted an 78048
application for a permit to install a new, or modify an existing, 78049
solid waste disposal facility under that chapter prior to 78050
September 1, 1987; any such person shall pay the permit fee 78051
established in this division as it existed prior to June 24, 1988. 78052
In addition to the applicable permit fee under this division, a 78053
person issued a permit to install or modify a solid waste facility 78054
or an infectious waste treatment facility under that chapter who 78055
fails to pay the permit fee to the director in compliance with 78056
division (V) of this section shall pay an additional ten per cent 78057
of the amount of the fee for each week that the permit fee is 78058
late. 78059

Permit and late payment fees paid to the director under this 78060
division shall be credited to the general revenue fund. 78061

(R)(1) A person issued a registration certificate for a scrap 78062
tire collection facility under section 3734.75 of the Revised Code 78063
shall pay a fee of two hundred dollars, except that if the 78064
facility is owned or operated by a motor vehicle salvage dealer 78065
licensed under Chapter 4738. of the Revised Code, the person shall 78066
pay a fee of twenty-five dollars. 78067

(2) A person issued a registration certificate for a new 78068
scrap tire storage facility under section 3734.76 of the Revised 78069
Code shall pay a fee of three hundred dollars, except that if the 78070
facility is owned or operated by a motor vehicle salvage dealer 78071
licensed under Chapter 4738. of the Revised Code, the person shall 78072
pay a fee of twenty-five dollars. 78073

(3) A person issued a permit for a scrap tire storage 78074
facility under section 3734.76 of the Revised Code shall pay a fee 78075
of one thousand dollars, except that if the facility is owned or 78076
operated by a motor vehicle salvage dealer licensed under Chapter 78077
4738. of the Revised Code, the person shall pay a fee of fifty 78078
dollars. 78079

(4) A person issued a permit for a scrap tire monocell or 78080
monofill facility under section 3734.77 of the Revised Code shall 78081
pay a fee of ten dollars per thousand cubic yards of disposal 78082
capacity or one thousand dollars, whichever is greater, except 78083
that the total fee for any such permit shall not exceed eighty 78084
thousand dollars. 78085

(5) A person issued a registration certificate for a scrap 78086
tire recovery facility under section 3734.78 of the Revised Code 78087
shall pay a fee of one hundred dollars. 78088

(6) A person issued a permit for a scrap tire recovery 78089
facility under section 3734.78 of the Revised Code shall pay a fee 78090

of one thousand dollars. 78091

(7) In addition to the applicable registration certificate or 78092
permit fee under divisions (R)(1) to (6) of this section, a person 78093
issued a registration certificate or permit for any such scrap 78094
tire facility who fails to pay the registration certificate or 78095
permit fee to the director in compliance with division (V) of this 78096
section shall pay an additional ten per cent of the amount of the 78097
fee for each week that the fee is late. 78098

(8) The registration certificate, permit, and late payment 78099
fees paid to the director under divisions (R)(1) to (7) of this 78100
section shall be credited to the scrap tire management fund 78101
created in section 3734.82 of the Revised Code. 78102

(S)(1) Except as provided by divisions (L), (M), (N), (O), 78103
(P), and (S)(2) of this section, division (A)(2) of section 78104
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 78105
and rules adopted under division (T)(1) of this section, any 78106
person applying for a registration certificate under section 78107
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 78108
variance, or plan approval under Chapter 3734. of the Revised Code 78109
shall pay a nonrefundable fee of fifteen dollars at the time the 78110
application is submitted. 78111

Except as otherwise provided, any person applying for a 78112
permit, variance, or plan approval under Chapter 6109. or 6111. of 78113
the Revised Code shall pay a nonrefundable fee of one hundred 78114
dollars at the time the application is submitted through June 30, 78115
~~2014~~ 2016, and a nonrefundable fee of fifteen dollars at the time 78116
the application is submitted on and after July 1, ~~2014~~ 2016. 78117
Except as provided in division (S)(3) of this section, through 78118
June 30, ~~2014~~ 2016, any person applying for a national pollutant 78119
discharge elimination system permit under Chapter 6111. of the 78120
Revised Code shall pay a nonrefundable fee of two hundred dollars 78121
at the time of application for the permit. On and after July 1, 78122

~~2014~~ 2016, such a person shall pay a nonrefundable fee of fifteen 78123
dollars at the time of application. 78124

In addition to the application fee established under division 78125
(S)(1) of this section, any person applying for a national 78126
pollutant discharge elimination system general storm water 78127
construction permit shall pay a nonrefundable fee of twenty 78128
dollars per acre for each acre that is permitted above five acres 78129
at the time the application is submitted. However, the per acreage 78130
fee shall not exceed three hundred dollars. In addition, any 78131
person applying for a national pollutant discharge elimination 78132
system general storm water industrial permit shall pay a 78133
nonrefundable fee of one hundred fifty dollars at the time the 78134
application is submitted. 78135

The director shall transmit all moneys collected under 78136
division (S)(1) of this section pursuant to Chapter 6109. of the 78137
Revised Code to the treasurer of state for deposit into the 78138
drinking water protection fund created in section 6109.30 of the 78139
Revised Code. 78140

The director shall transmit all moneys collected under 78141
division (S)(1) of this section pursuant to Chapter 6111. of the 78142
Revised Code and under division (S)(3) of this section to the 78143
treasurer of state for deposit into the surface water protection 78144
fund created in section 6111.038 of the Revised Code. 78145

If a registration certificate is issued under section 78146
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 78147
the application fee paid shall be deducted from the amount of the 78148
registration certificate fee due under division (R)(1), (2), or 78149
(5) of this section, as applicable. 78150

If a person submits an electronic application for a 78151
registration certificate, permit, variance, or plan approval for 78152
which an application fee is established under division (S)(1) of 78153

this section, the person shall pay the applicable application fee 78154
as expeditiously as possible after the submission of the 78155
electronic application. An application for a registration 78156
certificate, permit, variance, or plan approval for which an 78157
application fee is established under division (S)(1) of this 78158
section shall not be reviewed or processed until the applicable 78159
application fee, and any other fees established under this 78160
division, are paid. 78161

(2) Division (S)(1) of this section does not apply to an 78162
application for a registration certificate for a scrap tire 78163
collection or storage facility submitted under section 3734.75 or 78164
3734.76 of the Revised Code, as applicable, if the owner or 78165
operator of the facility or proposed facility is a motor vehicle 78166
salvage dealer licensed under Chapter 4738. of the Revised Code. 78167

(3) A person applying for coverage under a national pollutant 78168
discharge elimination system general discharge permit for 78169
household sewage treatment systems shall pay the following fees: 78170

(a) A nonrefundable fee of two hundred dollars at the time of 78171
application for initial permit coverage; 78172

(b) A nonrefundable fee of one hundred dollars at the time of 78173
application for a renewal of permit coverage. 78174

(T) The director may adopt, amend, and rescind rules in 78175
accordance with Chapter 119. of the Revised Code that do all of 78176
the following: 78177

(1) Prescribe fees to be paid by applicants for and holders 78178
of any license, permit, variance, plan approval, or certification 78179
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 78180
the Revised Code that are not specifically established in this 78181
section. The fees shall be designed to defray the cost of 78182
processing, issuing, revoking, modifying, denying, and enforcing 78183
the licenses, permits, variances, plan approvals, and 78184

certifications. 78185

The director shall transmit all moneys collected under rules 78186
adopted under division (T)(1) of this section pursuant to Chapter 78187
6109. of the Revised Code to the treasurer of state for deposit 78188
into the drinking water protection fund created in section 6109.30 78189
of the Revised Code. 78190

The director shall transmit all moneys collected under rules 78191
adopted under division (T)(1) of this section pursuant to Chapter 78192
6111. of the Revised Code to the treasurer of state for deposit 78193
into the surface water protection fund created in section 6111.038 78194
of the Revised Code. 78195

(2) Exempt the state and political subdivisions thereof, 78196
including education facilities or medical facilities owned by the 78197
state or a political subdivision, or any person exempted from 78198
taxation by section 5709.07 or 5709.12 of the Revised Code, from 78199
any fee required by this section; 78200

(3) Provide for the waiver of any fee, or any part thereof, 78201
otherwise required by this section whenever the director 78202
determines that the imposition of the fee would constitute an 78203
unreasonable cost of doing business for any applicant, class of 78204
applicants, or other person subject to the fee; 78205

(4) Prescribe measures that the director considers necessary 78206
to carry out this section. 78207

(U) When the director reasonably demonstrates that the direct 78208
cost to the state associated with the issuance of a permit to 78209
install, license, variance, plan approval, or certification 78210
exceeds the fee for the issuance or review specified by this 78211
section, the director may condition the issuance or review on the 78212
payment by the person receiving the issuance or review of, in 78213
addition to the fee specified by this section, the amount, or any 78214
portion thereof, in excess of the fee specified under this 78215

section. The director shall not so condition issuances for which a fee is prescribed in division (L)(1)(b) of this section.

(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its

implementation or enforcement;	78247
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	78248 78249 78250 78251
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	78252 78253 78254
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	78255 78256 78257
(e) Emission and ambient monitoring;	78258
(f) Modeling, analyses, or demonstrations;	78259
(g) Preparing inventories and tracking emissions;	78260
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	78261 78262 78263 78264 78265 78266 78267
<u>(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.</u>	78268 78269 78270
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The	78271 78272 78273 78274 78275 78276

annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:

(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that

disposes of the sewage sludge shall pay the annual sludge fee. 78308
However, the facility transferring the sewage sludge shall pay the 78309
one-hundred-dollar minimum fee required under division (Y)(2)(a) 78310
of this section. 78311

In the case of a sewage sludge facility that treats sewage 78312
sludge in this state and transfers it out of this state to another 78313
entity for disposal, the sewage sludge facility in this state 78314
shall be required to pay the annual sludge fee for the tons of 78315
sewage sludge that have been transferred. 78316

(d) A sewage sludge facility that generates sewage sludge 78317
resulting from an average daily discharge flow of less than five 78318
thousand gallons per day is not subject to the fees assessed under 78319
division (Y) of this section. 78320

(3) No sewage sludge facility required to pay the annual 78321
sludge fee shall be required to pay more than the maximum annual 78322
fee for each disposal method that the sewage sludge facility uses. 78323
The maximum annual fee does not include the additional amount that 78324
may be charged under division (Y)(5) of this section for late 78325
payment of the annual sludge fee. The maximum annual fee for the 78326
following methods of disposal of sewage sludge is as follows: 78327

(a) Incineration: five thousand dollars; 78328

(b) Preexisting land reclamation project or disposal in a 78329
landfill: five thousand dollars; 78330

(c) Land application, land reclamation, surface disposal, or 78331
any other disposal method not specified in division (Y)(3)(a) or 78332
(b) of this section: twenty thousand dollars. 78333

(4)(a) In the case of an entity that generates sewage sludge 78334
or a sewage sludge facility that treats sewage sludge and 78335
transfers the sewage sludge to an incineration facility for 78336
disposal, the incineration facility, and not the entity generating 78337
the sewage sludge or the sewage sludge facility treating the 78338

sewage sludge, shall pay the annual sludge fee for the tons of 78339
sewage sludge that are transferred. However, the entity or 78340
facility generating or treating the sewage sludge shall pay the 78341
one-hundred-dollar minimum fee required under division (Y)(2)(a) 78342
of this section. 78343

(b) In the case of an entity that generates sewage sludge and 78344
transfers the sewage sludge to a landfill for disposal or to a 78345
sewage sludge facility for land reclamation or surface disposal, 78346
the entity generating the sewage sludge, and not the landfill or 78347
sewage sludge facility, shall pay the annual sludge fee for the 78348
tons of sewage sludge that are transferred. 78349

(5) Not later than the first day of April of the calendar 78350
year following March 17, 2000, and each first day of April 78351
thereafter, the director shall issue invoices to persons who are 78352
required to pay the annual sludge fee. The invoice shall identify 78353
the nature and amount of the annual sludge fee assessed and state 78354
the first day of May as the deadline for receipt by the director 78355
of objections regarding the amount of the fee and the first day of 78356
July as the deadline for payment of the fee. 78357

Not later than the first day of May following receipt of an 78358
invoice, a person required to pay the annual sludge fee may submit 78359
objections to the director concerning the accuracy of information 78360
regarding the number of dry tons of sewage sludge used to 78361
calculate the amount of the annual sludge fee or regarding whether 78362
the sewage sludge qualifies for the exceptional quality sludge 78363
discount established in division (Y)(2)(b) of this section. The 78364
director may consider the objections and adjust the amount of the 78365
fee to ensure that it is accurate. 78366

If the director does not adjust the amount of the annual 78367
sludge fee in response to a person's objections, the person may 78368
appeal the director's determination in accordance with Chapter 78369
119. of the Revised Code. 78370

Not later than the first day of June, the director shall 78371
notify the objecting person regarding whether the director has 78372
found the objections to be valid and the reasons for the finding. 78373
If the director finds the objections to be valid and adjusts the 78374
amount of the annual sludge fee accordingly, the director shall 78375
issue with the notification a new invoice to the person 78376
identifying the amount of the annual sludge fee assessed and 78377
stating the first day of July as the deadline for payment. 78378

Not later than the first day of July, any person who is 78379
required to do so shall pay the annual sludge fee. Any person who 78380
is required to pay the fee, but who fails to do so on or before 78381
that date shall pay an additional amount that equals ten per cent 78382
of the required annual sludge fee. 78383

(6) The director shall transmit all moneys collected under 78384
division (Y) of this section to the treasurer of state for deposit 78385
into the surface water protection fund created in section 6111.038 78386
of the Revised Code. The moneys shall be used to defray the costs 78387
of administering and enforcing provisions in Chapter 6111. of the 78388
Revised Code and rules adopted under it that govern the use, 78389
storage, treatment, or disposal of sewage sludge. 78390

(7) Beginning in fiscal year 2001, and every two years 78391
thereafter, the director shall review the total amount of moneys 78392
generated by the annual sludge fees to determine if that amount 78393
exceeded six hundred thousand dollars in either of the two 78394
preceding fiscal years. If the total amount of moneys in the fund 78395
exceeded six hundred thousand dollars in either fiscal year, the 78396
director, after review of the fee structure and consultation with 78397
affected persons, shall issue an order reducing the amount of the 78398
fees levied under division (Y) of this section so that the 78399
estimated amount of moneys resulting from the fees will not exceed 78400
six hundred thousand dollars in any fiscal year. 78401

If, upon review of the fees under division (Y)(7) of this 78402

section and after the fees have been reduced, the director 78403
determines that the total amount of moneys collected and 78404
accumulated is less than six hundred thousand dollars, the 78405
director, after review of the fee structure and consultation with 78406
affected persons, may issue an order increasing the amount of the 78407
fees levied under division (Y) of this section so that the 78408
estimated amount of moneys resulting from the fees will be 78409
approximately six hundred thousand dollars. Fees shall never be 78410
increased to an amount exceeding the amount specified in division 78411
(Y)(7) of this section. 78412

Notwithstanding section 119.06 of the Revised Code, the 78413
director may issue an order under division (Y)(7) of this section 78414
without the necessity to hold an adjudicatory hearing in 78415
connection with the order. The issuance of an order under this 78416
division is not an act or action for purposes of section 3745.04 78417
of the Revised Code. 78418

(8) As used in division (Y) of this section: 78419

(a) "Sewage sludge facility" means an entity that performs 78420
treatment on or is responsible for the disposal of sewage sludge. 78421

(b) "Sewage sludge" means a solid, semi-solid, or liquid 78422
residue generated during the treatment of domestic sewage in a 78423
treatment works as defined in section 6111.01 of the Revised Code. 78424
"Sewage sludge" includes, but is not limited to, scum or solids 78425
removed in primary, secondary, or advanced wastewater treatment 78426
processes. "Sewage sludge" does not include ash generated during 78427
the firing of sewage sludge in a sewage sludge incinerator, grit 78428
and screenings generated during preliminary treatment of domestic 78429
sewage in a treatment works, animal manure, residue generated 78430
during treatment of animal manure, or domestic septage. 78431

(c) "Exceptional quality sludge" means sewage sludge that 78432
meets all of the following qualifications: 78433

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	78434 78435
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	78436 78437
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	78438 78439
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	78440 78441
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	78442 78443 78444
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	78445 78446 78447
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	78448 78449 78450 78451 78452
(g) "Land reclamation" means the returning of disturbed land to productive use.	78453 78454
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	78455 78456 78457 78458
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	78459 78460 78461 78462
(j) "Incineration facility" includes all incinerators owned	78463

or operated by the same entity and located on a contiguous tract 78464
of land. Areas of land are considered to be contiguous even if 78465
they are separated by a public road or highway. 78466

(k) "Annual sludge fee" means the fee assessed under division 78467
(Y)(1) of this section. 78468

(l) "Landfill" means a sanitary landfill facility, as defined 78469
in rules adopted under section 3734.02 of the Revised Code, that 78470
is licensed under section 3734.05 of the Revised Code. 78471

(m) "Preexisting land reclamation project" means a 78472
property-specific land reclamation project that has been in 78473
continuous operation for not less than five years pursuant to 78474
approval of the activity by the director and includes the 78475
implementation of a community outreach program concerning the 78476
activity. 78477

Sec. 3745.113. (A) A person that applies for a state isolated 78478
wetland permit under Chapter 6111. of the Revised Code and rules 78479
adopted under it shall pay an application fee of two hundred 78480
dollars at the time of application. 78481

In addition, that person shall pay, at the time of 78482
application, a review fee of five hundred dollars per acre of the 78483
wetlands to be impacted. 78484

However, the review fee shall not exceed five thousand 78485
dollars per application. In addition, if an application is denied, 78486
the director of environmental protection shall refund to the 78487
applicant one-half of the amount of the review fee paid by the 78488
applicant under division (A) of this section. 78489

(B) If a person conducts any activities for which an 78490
individual state isolated wetland permit is required under Chapter 78491
6111. of the Revised Code and rules adopted under it without first 78492
obtaining such a permit, the person shall pay twice the amount of 78493

the application and review fees that the person otherwise would 78494
have been required to pay under division (A) of this section, not 78495
to exceed ten thousand dollars. 78496

(C) All moneys collected under this section shall be 78497
deposited in the state treasury to the credit of the ~~dredge and~~ 78498
~~fill~~ surface water protection fund created in section ~~6111.029~~ 78499
6111.038 of the Revised Code. 78500

(D) Fees established under this section shall not apply to 78501
any agency or department of the state or to any county, township, 78502
or municipal corporation in this state. 78503

Sec. 3745.72. (A) The owner or operator of a facility or 78504
property who conducts an environmental audit of the facility or 78505
property and promptly and voluntarily discloses information 78506
contained in or derived from an audit report that is based on the 78507
audit and concerns an alleged violation of environmental laws to 78508
the director of the state agency that has jurisdiction over the 78509
alleged violation is immune from any administrative and civil 78510
penalties for the specific violation disclosed, except that where 78511
the disclosed violation has resulted in significant economic 78512
benefit to the owner or operator of the facility or property, 78513
there is no immunity for the economic benefit component of the 78514
administrative and civil penalties for that violation. An owner or 78515
operator asserting entitlement to such immunity has the burden of 78516
proving that entitlement by a preponderance of the evidence. 78517

(B) For the purposes of this section, a disclosure of 78518
information is voluntary with respect to an alleged violation of 78519
environmental laws only if all of the following apply: 78520

(1) The disclosure is made promptly after the information is 78521
obtained through the environmental audit by the owner or operator 78522
who conducts the environmental audit. 78523

(2) A reasonable, good faith effort is made to achieve 78524
compliance as quickly as practicable with environmental laws 78525
applicable to the information disclosed. 78526

(3) Compliance with environmental laws applicable to the 78527
information disclosed is achieved as quickly as practicable or 78528
within such period as is reasonably ordered by the director of the 78529
state agency that has jurisdiction over the alleged violation. 78530

(4) The owner or operator cooperates with the director of the 78531
state agency that has jurisdiction over the alleged violation in 78532
investigating the cause, nature, extent, and effects of the 78533
noncompliance. 78534

(5) The disclosure is not required by law, prior litigation, 78535
or an order by a court or a government agency. 78536

(6) The owner or operator who makes the disclosure does not 78537
know or have reason to know that a government agency charged with 78538
enforcing environmental laws has commenced an investigation or 78539
enforcement action that concerns a violation of such laws 78540
involving the activity. 78541

(C) For the purposes of this section, a disclosure shall be 78542
in writing, dated, and hand delivered or sent by certified mail to 78543
the director of the state agency that has jurisdiction over the 78544
alleged violation, and shall contain all of the following in a 78545
printed letter attached to the front of the disclosure: 78546

(1) The name, address, and telephone number of the owner or 78547
operator making the disclosure; 78548

(2) The name, title, address, and telephone number of one or 78549
more persons associated with the owner or operator who may be 78550
contacted regarding the disclosure; 78551

(3) A brief summary of the alleged violation of environmental 78552
laws, including, without limitation, the nature, date, and 78553

location of the alleged violation to the extent that the 78554
information is known by the owner or operator; 78555

(4) A statement that the information is part of an 78556
environmental audit report and is being disclosed under section 78557
3745.72 of the Revised Code in order to obtain the immunity 78558
provided by that section. 78559

(D) This section does not provide immunity from the payment 78560
of damages for harm to persons, property, or the environment; the 78561
payment of reasonable costs incurred by a government agency in 78562
responding to a disclosure; or responsibility for the remediation 78563
or cleanup of environmental harm under environmental laws. 78564

(E) The immunity provided by this section does not apply 78565
under any of the following circumstances: 78566

(1) Within the three-year period prior to disclosure, the 78567
owner or operator of a facility or property has committed 78568
significant violations that constitute a pattern of continuous or 78569
repeated violations of environmental laws, environmental related 78570
settlement agreements, or environmental related judicial orders 78571
and that arose from separate and distinct events. For the purposes 78572
of division (E)(1) of this section, a pattern of continuous or 78573
repeated violations also may be demonstrated by multiple 78574
settlement agreements related to substantially the same alleged 78575
significant violations that occurred within the three-year period 78576
immediately prior to the voluntary disclosure. Determination of 78577
whether a person has a pattern of continuous or repeated 78578
violations under division (E)(1) of this section shall be based on 78579
the compliance history of the property or specific facility at 78580
issue. 78581

(2) With respect to a specific violation, the violation 78582
resulted in serious harm or in imminent and substantial 78583
endangerment to human health or the environment. 78584

(3) With respect to a specific violation, the violation is of a specific requirement of an administrative or judicial order. 78585
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(F) The immunity provided by this section applies only to disclosures made concerning environmental audits initiated after March 13, 1997, ~~and completed before January 1, 2014,~~ in accordance with the time frames specified in division (A) of section 3745.70 of the Revised Code. 78587
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(G) The immunity provided by this section applies to a person who makes a good faith disclosure to a state agency under this section even though another state agency is determined to have jurisdiction over an alleged violation of environmental laws indicated in the disclosure. 78592
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(H) Each state agency that receives a disclosure under this section promptly shall record receipt of the disclosure, determine whether it has jurisdiction over the alleged violation of environmental laws indicated in the disclosure, and, if it does not have such jurisdiction, deliver the disclosure documents to the director of a state agency that has jurisdiction over the alleged violation. If a disclosure indicates alleged violations of environmental laws that are under the jurisdiction of more than one state agency, the state agency that first receives the disclosure and has jurisdiction over any of the alleged violations promptly shall notify the director of each state agency that has jurisdiction over any of such alleged violations. The director of each state agency that receives a disclosure under this section, or is notified by another state agency that the director's agency has jurisdiction over an alleged violation of environmental laws indicated in the disclosure, promptly shall deliver written notice of that fact by certified mail to the owner or operator who made the disclosure. The notice shall identify the state agency that sends the notice; state the name, title, address, and telephone number of a person in the agency whom the owner or operator may 78597
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contact regarding the disclosure; and state the name, address, and 78617
telephone number of the director of any other state agency 78618
notified about the disclosure because that agency has jurisdiction 78619
over an alleged violation of environmental laws indicated in the 78620
disclosure. 78621

Sec. 3748.01. As used in this chapter: 78622

(A) "Byproduct material" means either of the following: 78623

(1) Any radioactive material, except special nuclear 78624
material, yielded in or made radioactive by exposure to radiation 78625
incident to the process of producing or utilizing special nuclear 78626
material; 78627

(2) The tailings or wastes produced by the extraction or 78628
concentration of uranium or thorium from any ore processed 78629
primarily for its source material content. 78630

(B) "Certified radiation expert" means an individual who has 78631
complied with all of the following: 78632

(1) Applied to the director of health for certification as a 78633
radiation expert under section 3748.12 of the Revised Code; 78634

(2) Met minimum education and experience requirements 78635
established in rules adopted under division (C) of section 3748.04 78636
of the Revised Code; 78637

(3) Been granted a certificate as a radiation expert by the 78638
director under section 3748.12 of the Revised Code. 78639

(C) "Closure" or "site closure" refers to a facility for the 78640
disposal of low-level radioactive waste or a byproduct material 78641
site, as "byproduct material" is defined in division (A)(2) of 78642
this section, and means all activities performed at a licensed 78643
operation, such as stabilization and contouring, to ensure that 78644
the site where the operation occurred is in a stable condition so 78645
that only minor custodial care, surveillance, and monitoring are 78646

necessary at the site following the termination of the licensed operation. 78647
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(D) "Decommissioning" means to safely remove any licensed operation from service and reduce residual radioactivity to a level that permits release of the licensee's property for unrestricted use. With regard to a facility for the disposal of low-level radioactive waste or a byproduct material site, as "byproduct material" is defined in division (A)(2) of this section, "decommissioning" does not include the reduction of residual radioactivity to a level that permits release of the facility for unrestricted use. 78649
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(E) "Director of health" includes a designee or authorized representative of the director. 78658
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(F) "Disposal," with regard to low-level radioactive waste, means the permanent isolation of that waste in accordance with requirements established by the United States nuclear regulatory commission or the licensing agreement state. 78660
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(G) "Disposal site" means that portion of a facility that is used for the disposal of low-level radioactive waste and that consists of disposal units and a buffer zone. "Disposal unit" means a discrete portion of such a facility into which low-level radioactive waste is placed for disposal. 78664
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(H)(1) Except as provided in division (H)(2) of this section, "facility" means the state, any political subdivision, person, public or private institution, or group, or any unit of one of those entities, but does not include the federal government or any of its agencies. 78669
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(2) For the purposes of the disposal of low-level radioactive waste, "facility" has the same meaning as in section 3747.01 of the Revised Code. 78674
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(I) "Handle" means receive, possess, use, store, transfer, 78677

install, service, or dispose of sources of radiation unless 78678
possession is solely for the purpose of transportation. 78679

(J) "Handler" means a facility that handles sources of 78680
radiation unless possession is solely for the purpose of 78681
transportation. 78682

(K) "Inspection" means an official review, examination, or 78683
observation, including, without limitation, tests, surveys, and 78684
monitoring, that is used to determine compliance with rules, 78685
orders, requirements, and conditions of the department of health 78686
and that is conducted by the director of health. 78687

(L) "Low-level radioactive waste" has the same meaning as in 78688
section 3747.01 of the Revised Code with regard to the disposal of 78689
low-level radioactive waste. In regard to regulatory control at 78690
locations other than a disposal facility, "low-level radioactive 78691
waste" has the same meaning as in 42 U.S.C.A. 2021b. 78692

(M) "Quality assurance program" means a program providing for 78693
verification by written procedures such as testing, auditing, and 78694
inspection to ensure that deficiencies, deviations, defective 78695
equipment, or unsafe practices, or a combination thereof, relating 78696
to the use, disposal, management, or manufacture of radiation 78697
sources are identified, promptly corrected, and reported to the 78698
appropriate regulatory authorities. 78699

(N) "Radiation" means ionizing and nonionizing radiation. 78700

(1) "Ionizing radiation" means gamma rays and X-rays, alpha 78701
and beta particles, high-speed electrons, neutrons, protons, and 78702
other nuclear particles, but does not include sound or radio waves 78703
or visible, infrared, or ultraviolet light. 78704

(2) "Nonionizing radiation" means any electromagnetic 78705
radiation, other than ionizing electromagnetic radiation, or any 78706
sonic, ultrasonic, or infrasonic wave. 78707

(O) "Radioactive material" means any solid, liquid, or 78708
gaseous material that emits ionizing radiation spontaneously. 78709
"Radioactive material" includes accelerator-produced and naturally 78710
occurring materials and byproduct, source, and special nuclear 78711
material. 78712

(P) "Radiation-generating equipment" means any manufactured 78713
product or device, or component of such a product or device, or 78714
any machine or system that during operation can generate or emit 78715
radiation, except those that emit radiation only from radioactive 78716
material. "Radiation-generating equipment" does not include either 78717
of the following: 78718

(1) Diathermy machines; 78719

(2) Microwave ovens, including food service microwave ovens 78720
used for commercial and industrial uses, television receivers, 78721
electric lamps, and other household appliances and products that 78722
generate very low levels of radiation. 78723

(Q) "Source material" means uranium, thorium, or any 78724
combination thereof in any physical or chemical form, or any ores 78725
that contain by weight at least one-twentieth of one per cent of 78726
uranium, thorium, or any combination thereof. "Source material" 78727
does not include special nuclear material. 78728

(R) "Source of radiation" means radioactive material or 78729
radiation-generating equipment. 78730

(S) "Special nuclear material" means either of the following: 78731

(1) Plutonium, uranium 233, uranium enriched in the isotope 78732
233 or in the isotope 235, and any other material that the United 78733
States nuclear regulatory commission determines to be special 78734
nuclear material, but does not include source material pursuant to 78735
section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42 78736
U.S.C.A. 2071. 78737

(2) Except for any source material, any material artificially enriched by any of the materials identified in division (S)(1) of this section. 78738
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(T) "Storage" means the retention of radioactive materials, including low-level radioactive waste, prior to disposal in a manner that allows for surveillance, control, and subsequent retrieval. 78741
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(U) "Medical practitioner" means a person who is authorized pursuant to Chapter 4715. of the Revised Code to practice dentistry; pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; or pursuant to Chapter 4734. of the Revised Code to practice chiropractic. 78745
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(V) "Medical-practitioner group" means a corporation, partnership, or other business entity, other than a hospital as defined in section 3727.01 of the Revised Code, consisting of medical practitioners. 78751
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(W) "Naturally occurring radioactive material" means material that contains any nuclide that is radioactive in its natural physical state. "Naturally occurring radioactive material" does not include source material, byproduct material, or special nuclear material. 78755
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(X) "Technologically enhanced naturally occurring radioactive material" means naturally occurring radioactive material with radionuclide concentrations that are increased by or as a result of past or present human activities. "Technologically enhanced naturally occurring radioactive material" does not include drill cuttings, natural background radiation, byproduct material, or source material. 78760
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(Y) "Drill cuttings" means the soil, rock fragments, and pulverized material that are removed from a borehole and that may 78767
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include a de minimus amount of fluid that results from a drilling process. 78769
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Sec. 3748.04. The director of health, in accordance with 78771
Chapter 119. of the Revised Code, shall adopt and may amend or 78772
rescind rules doing all of the following: 78773

(A) Listing types of radioactive material for which licensure 78774
by its handler is required and types of radiation-generating 78775
equipment for which registration by its handler is required, and 78776
establishing requirements governing them. Rules adopted under 78777
division (A) of this section shall be compatible with applicable 78778
federal regulations and shall establish all of the following, 78779
without limitation: 78780

(1) Requirements governing both of the following: 78781

(a) The licensing and inspection of handlers of radioactive 78782
material. Standards established in rules adopted under division 78783
(A)(1)(a) of this section regarding byproduct material or any 78784
activity that results in the production of that material, to the 78785
extent practicable, shall be equivalent to or more stringent than 78786
applicable standards established by the United States nuclear 78787
regulatory commission. 78788

(b) The registration and inspection of handlers of 78789
radiation-generating equipment. Standards established in rules 78790
adopted under division (A)(1)(b) of this section, to the extent 78791
practicable, shall be equivalent to applicable standards 78792
established by the food and drug administration in the United 78793
States department of health and human services. 78794

(2) Identification of and requirements governing possession 78795
and use of specifically licensed and generally licensed quantities 78796
of radioactive material as either sealed sources or unsealed 78797
sources; 78798

(3) A procedure for the issuance of and the frequency of renewal of the licenses of handlers of radioactive material, other than a license for a facility for the disposal of low-level radioactive waste, and of the certificates of registration of handlers of radiation-generating equipment;	78799 78800 78801 78802 78803
(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment;	78804 78805 78806
(5) Criteria to be used by the director of health in amending the license of a handler of radioactive material or the certificate of registration of a handler of radiation-generating equipment subsequent to its issuance;	78807 78808 78809 78810
(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and registrants;	78811 78812 78813
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	78814 78815 78816
(8) Fees for both of the following:	78817
(a) The licensing of handlers, other than facilities for the disposal of low-level radioactive waste, of radioactive material;	78818 78819
(b) The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	78820 78821 78822
(9) A fee schedule for both of the following that includes fees for reviews, conducted during an inspection, of shielding plans or the adequacy of shielding:	78823 78824 78825
(a) The inspection of handlers of radioactive material;	78826
(b) The inspection of handlers, other than facilities that are, or are operated by, medical practitioners or	78827 78828

medical-practitioner groups, of radiation-generating equipment. 78829

(B)(1) Identifying sources of radiation, circumstances of 78830
possession, use, or disposal of sources of radiation, and levels 78831
of radiation that constitute an unreasonable or unnecessary risk 78832
to human health or the environment; 78833

(2) Establishing requirements for the achievement and 78834
maintenance of compliance with standards for the receipt, 78835
possession, use, storage, installation, transfer, servicing, and 78836
disposal of sources of radiation to prevent levels of radiation 78837
that constitute an unreasonable or unnecessary risk to human 78838
health or the environment; 78839

(3) Requiring the maintenance of records on the receipt, use, 78840
storage, transfer, and disposal of radioactive material, including 78841
technologically enhanced naturally occurring radioactive material, 78842
and on the radiological safety aspects of the use and maintenance 78843
of radiation-generating equipment. The rules adopted under 78844
division (B)(3) of this section shall not require maintenance of 78845
records regarding naturally occurring radioactive material. 78846

In adopting rules under divisions (A) and (B) of this 78847
section, the director shall use standards no less stringent than 78848
the "suggested state regulations for control of radiation" 78849
prepared by the conference of radiation control program directors, 78850
inc., and regulations adopted by the United States nuclear 78851
regulatory commission, the United States environmental protection 78852
agency, and the United States department of health and human 78853
services and shall consider reports of the national council on 78854
radiation protection and measurement and the relevant standards of 78855
the American national standards institute. 78856

(C) Establishing fees, procedures, and requirements for 78857
certification as a radiation expert, including all of the 78858
following, without limitation: 78859

(1) Minimum training and experience requirements;	78860
(2) Procedures for applying for certification;	78861
(3) Procedures for review of applications and issuance of certificates;	78862 78863
(4) Procedures for suspending and revoking certification.	78864
(D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings;	78865 78866
(E) Establishing the responsibilities of a radiation expert;	78867
(F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment;	78868 78869 78870
(G) Establishing fees to be paid by any facility that, on September 8, 1995, holds a license from the United States nuclear regulatory commission in order to provide moneys necessary for the transfer of licensing and other regulatory authority from the commission to the state pursuant to section 3748.03 of the Revised Code. Rules adopted under this division shall stipulate that fees so established do not apply to any functions dealing specifically with a facility for the disposal of low-level radioactive waste. Fees collected under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.	78871 78872 78873 78874 78875 78876 78877 78878 78879 78880 78881 78882 78883
(H) Establishing fees to be collected annually from generators of low-level radioactive waste, which shall be based upon the volume and radioactivity of the waste generated and the costs of administering low-level radioactive waste management activities under this chapter and rules adopted under it. All fees collected under this division shall be deposited into the state	78884 78885 78886 78887 78888 78889

treasury to the credit of the general operations fund created in 78890
section 3701.83 of the Revised Code. The fees shall be used solely 78891
to administer and enforce this chapter and rules adopted under it. 78892
Any fee required under this division that remains unpaid on the 78893
ninety-first day after the original invoice date shall be assessed 78894
an additional amount equal to ten per cent of the original fee. 78895

(I) Establishing requirements governing closure, 78896
decontamination, decommissioning, reclamation, and long-term 78897
surveillance and care of a facility licensed under this chapter 78898
and rules adopted under it. Rules adopted under division (I) of 78899
this section shall include, without limitation, all of the 78900
following: 78901

(1) Standards and procedures to ensure that a licensee 78902
prepares a decommissioning funding plan that provides an adequate 78903
financial guaranty to permit the completion of all requirements 78904
governing the closure, decontamination, decommissioning, and 78905
reclamation of sites, structures, and equipment used in 78906
conjunction with a licensed activity; 78907

(2) For licensed activities where radioactive material that 78908
will require surveillance or care is likely to remain at the site 78909
after the licensed activities cease, as indicated in the 78910
application for the license submitted under section 3748.07 of the 78911
Revised Code, standards and procedures to ensure that the licensee 78912
prepares an additional decommissioning funding plan for long-term 78913
surveillance and care, before termination of the license, that 78914
provides an additional adequate financial guaranty as necessary to 78915
provide for that surveillance and care; 78916

(3) For the purposes of the decommissioning funding plans 78917
required in rules adopted under divisions (I)(1) and (2) of this 78918
section, the types of acceptable financial guaranties, which shall 78919
include bonds issued by fidelity or surety companies authorized to 78920
do business in the state, certificates of deposit, deposits of 78921

government securities, irrevocable letters or lines of credit, 78922
trust funds, escrow accounts, or other similar types of 78923
arrangements, but shall not include any arrangement that 78924
constitutes self-insurance; 78925

(4) A requirement that the decommissioning funding plans 78926
required in rules adopted under divisions (I)(1) and (2) of this 78927
section contain financial guaranties in amounts sufficient to 78928
ensure compliance with any standards established by the United 78929
States nuclear regulatory commission, or by the state if it has 78930
become an agreement state pursuant to section 3748.03 of the 78931
Revised Code, pertaining to closure, decontamination, 78932
decommissioning, reclamation, and long-term surveillance and care 78933
of licensed activities and sites of licensees. 78934

Standards established in rules adopted under division (I) of 78935
this section regarding any activity that resulted in the 78936
production of byproduct material, as defined in division (A)(2) of 78937
section 3748.01 of the Revised Code, to the extent practicable, 78938
shall be equivalent to or more stringent than standards 78939
established by the United States nuclear regulatory commission for 78940
sites at which ores were processed primarily for their source 78941
material content and at which byproduct material, as defined in 78942
division (A)(2) of section 3748.01 of the Revised Code, is 78943
deposited. 78944

(J) Establishing criteria governing inspections of a facility 78945
for the disposal of low-level radioactive waste, including, 78946
without limitation, the establishment of a resident inspector 78947
program at such a facility; 78948

(K) Establishing requirements and procedures governing the 78949
filing of complaints under section 3748.16 of the Revised Code, 78950
including, without limitation, those governing intervention in a 78951
hearing held under division (B)(3) of that section; 78952

(L) Establishing requirements governing technologically enhanced naturally occurring radioactive material. Rules adopted under this division shall not apply to naturally occurring radioactive material.

Sec. 3769.08. (A) Any person holding a permit to conduct a horse-racing meeting may provide a place in the race meeting grounds or enclosure at which the permit holder may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by the permit holder.

The pari-mutuel method of wagering upon the live racing programs and simulcast racing programs held at or conducted within such race track, and at the time of such horse-racing meeting, or at other times authorized by the state racing commission, shall not be unlawful. No other place, except that provided and designated by the permit holder and except as provided in section 3769.26 of the Revised Code, nor any other method or system of betting or wagering on live racing programs and simulcast racing programs, except the pari-mutuel system, shall be used or permitted by the permit holder; nor, except as provided in section 3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel system of wagering be conducted by the permit holder on any races except the races at the race track, grounds, or enclosure for which the person holds a permit. Each permit holder may retain as a commission an amount not to exceed eighteen per cent of the total of all moneys wagered on live racing programs and simulcast racing programs.

The pari-mutuel wagering authorized by this section is subject to sections 3769.25 to 3769.28 of the Revised Code.

(B) At the close of each racing day, each permit holder authorized to conduct thoroughbred racing, out of the amount

retained on that day by the permit holder, shall pay by check, 78984
draft, or money order to the tax commissioner, as a tax, a sum 78985
equal to the following percentages of the total of all moneys 78986
wagered on live racing programs on that day and shall separately 78987
compute and pay by check, draft, or money order to the tax 78988
commissioner, as a tax, a sum equal to the following percentages 78989
of the total of all money wagered on simulcast racing programs on 78990
that day: 78991

(1) One per cent of the first two hundred thousand dollars 78992
wagered, or any part of that amount; 78993

(2) Two per cent of the next one hundred thousand dollars 78994
wagered, or any part of that amount; 78995

(3) Three per cent of the next one hundred thousand dollars 78996
wagered, or any part of that amount; 78997

(4) Four per cent of all sums over four hundred thousand 78998
dollars wagered. 78999

Except as otherwise provided in section 3769.089 of the 79000
Revised Code, each permit holder authorized to conduct 79001
thoroughbred racing shall use for purse money a sum equal to fifty 79002
per cent of the pari-mutuel revenues retained by the permit holder 79003
as a commission after payment of the state tax. This fifty per 79004
cent payment shall be in addition to the purse distribution from 79005
breakage specified in this section. 79006

Subject to division (M) of this section, from the moneys paid 79007
to the tax commissioner by thoroughbred racing permit holders, 79008
one-half of one per cent of the total of all moneys so wagered on 79009
a racing day shall be paid into the Ohio fairs fund created by 79010
section 3769.082 of the Revised Code, one and one-eighth per cent 79011
of the total of all moneys so wagered on a racing day shall be 79012
paid into the Ohio thoroughbred race fund created by section 79013
3769.083 of the Revised Code, and one-quarter of one per cent of 79014

the total of all moneys wagered on a racing day by each permit holder shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. The required payment to the state racing commission operating fund does not apply to county and independent fairs and agricultural societies. The remaining moneys may be retained by the permit holder, except as provided in this section with respect to the odd cents redistribution. Amounts paid into the nursing home franchise permit fee fund pursuant to this section and section 3769.26 of the Revised Code shall be used solely for the support of the PASSPORT program as determined in appropriations made by the general assembly. If the PASSPORT program is abolished, the amount that would have been paid to the nursing home franchise permit fee fund under this chapter shall be paid to the general revenue fund of the state. As used in this chapter, "PASSPORT program" ~~means~~ the PASSPORT program created under has the same meaning as in section ~~173.40~~ 173.51 of the Revised Code.

The total amount paid to the Ohio thoroughbred race fund under this section and division (A) of section 3769.087 of the Revised Code shall not exceed by more than six per cent the total amount paid to this fund under this section and division (A) of that section during the immediately preceding calendar year.

Each year, the total amount calculated for payment into the Ohio fairs fund under this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code shall be an amount calculated using the percentages specified in this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code.

A permit holder may contract with a thoroughbred horsemen's organization for the organization to act as a representative of all thoroughbred owners and trainers participating in a horse-racing meeting conducted by the permit holder. A

"thoroughbred horsemen's organization" is any corporation or 79047
association that represents, through membership or otherwise, more 79048
than one-half of the aggregate of all thoroughbred owners and 79049
trainers who were licensed and actively participated in racing 79050
within this state during the preceding calendar year. Except as 79051
otherwise provided in this paragraph, any moneys received by a 79052
thoroughbred horsemen's organization shall be used exclusively for 79053
the benefit of thoroughbred owners and trainers racing in this 79054
state through the administrative purposes of the organization, 79055
benevolent activities on behalf of the horsemen, promotion of the 79056
horsemen's rights and interests, and promotion of equine research. 79057
A thoroughbred horsemen's organization may expend not more than an 79058
aggregate of five per cent of its annual gross receipts, or a 79059
larger amount as approved by the organization, for dues, 79060
assessments, and other payments to all other local, national, or 79061
international organizations having as their primary purposes the 79062
promotion of thoroughbred horse racing, thoroughbred horsemen's 79063
rights, and equine research. 79064

(C) Except as otherwise provided in division (B) of this 79065
section, at the close of each racing day, each permit holder 79066
authorized to conduct harness or quarter horse racing, out of the 79067
amount retained that day by the permit holder, shall pay by check, 79068
draft, or money order to the tax commissioner, as a tax, a sum 79069
equal to the following percentages of the total of all moneys 79070
wagered on live racing programs and shall separately compute and 79071
pay by check, draft, or money order to the tax commissioner, as a 79072
tax, a sum equal to the following percentages of the total of all 79073
money wagered on simulcast racing programs on that day: 79074

(1) One per cent of the first two hundred thousand dollars 79075
wagered, or any part of that amount; 79076

(2) Two per cent of the next one hundred thousand dollars 79077
wagered, or any part of that amount; 79078

(3) Three per cent of the next one hundred thousand dollars 79079
wagered, or any part of that amount; 79080

(4) Four per cent of all sums over four hundred thousand 79081
dollars wagered. 79082

Except as otherwise provided in division (B) and subject to 79083
division (M) of this section, from the moneys paid to the tax 79084
commissioner by permit holders authorized to conduct harness or 79085
quarter horse racing, one-half of one per cent of all moneys 79086
wagered on that racing day shall be paid into the Ohio fairs fund; 79087
from the moneys paid to the tax commissioner by permit holders 79088
authorized to conduct harness racing, five-eighths of one per cent 79089
of all moneys wagered on that racing day shall be paid into the 79090
Ohio standardbred development fund; and from the moneys paid to 79091
the tax commissioner by permit holders authorized to conduct 79092
quarter horse racing, five-eighths of one per cent of all moneys 79093
wagered on that racing day shall be paid into the Ohio quarter 79094
horse development fund. 79095

(D) In addition, subject to division (M) of this section, 79096
beginning on January 1, 1996, from the money paid to the tax 79097
commissioner as a tax under this section and division (A) of 79098
section 3769.087 of the Revised Code by harness horse permit 79099
holders, one-half of one per cent of the amount wagered on a 79100
racing day shall be paid into the Ohio standardbred development 79101
fund. Beginning January 1, 1998, the payment to the Ohio 79102
standardbred development fund required under this division does 79103
not apply to county agricultural societies or independent 79104
agricultural societies. 79105

The total amount paid to the Ohio standardbred development 79106
fund under this division, division (C) of this section, and 79107
division (A) of section 3769.087 of the Revised Code and the total 79108
amount paid to the Ohio quarter horse development fund under this 79109
division and division (A) of that section shall not exceed by more 79110

than six per cent the total amount paid into the fund under this 79111
division, division (C) of this section, and division (A) of 79112
section 3769.087 of the Revised Code in the immediately preceding 79113
calendar year. 79114

(E) Subject to division (M) of this section, from the money 79115
paid as a tax under this chapter by harness and quarter horse 79116
permit holders, one-quarter of one per cent of the total of all 79117
moneys wagered on a racing day by each permit holder shall be paid 79118
into the state racing commission operating fund created by section 79119
3769.03 of the Revised Code. This division does not apply to 79120
county and independent fairs and agricultural societies. 79121

(F) Except as otherwise provided in section 3769.089 of the 79122
Revised Code, each permit holder authorized to conduct harness 79123
racing shall pay to the harness horsemen's purse pool a sum equal 79124
to fifty per cent of the pari-mutuel revenues retained by the 79125
permit holder as a commission after payment of the state tax. This 79126
fifty per cent payment is to be in addition to the purse 79127
distribution from breakage specified in this section. 79128

(G) In addition, each permit holder authorized to conduct 79129
harness racing shall be allowed to retain the odd cents of all 79130
redistribution to be made on all mutual contributions exceeding a 79131
sum equal to the next lowest multiple of ten. 79132

Forty per cent of that portion of that total sum of such odd 79133
cents shall be used by the permit holder for purse money for Ohio 79134
sired, bred, and owned colts, for purse money for Ohio bred 79135
horses, and for increased purse money for horse races. Upon the 79136
formation of the corporation described in section 3769.21 of the 79137
Revised Code to establish a harness horsemen's health and 79138
retirement fund, twenty-five per cent of that portion of that 79139
total sum of odd cents shall be paid at the close of each racing 79140
day by the permit holder to that corporation to establish and fund 79141
the health and retirement fund. Until that corporation is formed, 79142

that twenty-five per cent shall be paid at the close of each 79143
racing day by the permit holder to the tax commissioner or the tax 79144
commissioner's agent in the county seat of the county in which the 79145
permit holder operates race meetings. The remaining thirty-five 79146
per cent of that portion of that total sum of odd cents shall be 79147
retained by the permit holder. 79148

(H) In addition, each permit holder authorized to conduct 79149
thoroughbred racing shall be allowed to retain the odd cents of 79150
all redistribution to be made on all mutuel contributions 79151
exceeding a sum equal to the next lowest multiple of ten. Twenty 79152
per cent of that portion of that total sum of such odd cents shall 79153
be used by the permit holder for increased purse money for horse 79154
races. Upon the formation of the corporation described in section 79155
3769.21 of the Revised Code to establish a thoroughbred horsemen's 79156
health and retirement fund, forty-five per cent of that portion of 79157
that total sum of odd cents shall be paid at the close of each 79158
racing day by the permit holder to that corporation to establish 79159
and fund the health and retirement fund. Until that corporation is 79160
formed, that forty-five per cent shall be paid by the permit 79161
holder to the tax commissioner or the tax commissioner's agent in 79162
the county seat of the county in which the permit holder operates 79163
race meetings, at the close of each racing day. The remaining 79164
thirty-five per cent of that portion of that total sum of odd 79165
cents shall be retained by the permit holder. 79166

(I) In addition, each permit holder authorized to conduct 79167
quarter horse racing shall be allowed to retain the odd cents of 79168
all redistribution to be made on all mutuel contributions 79169
exceeding a sum equal to the next lowest multiple of ten, subject 79170
to a tax of twenty-five per cent on that portion of the total sum 79171
of such odd cents that is in excess of two thousand dollars during 79172
a calendar year, which tax shall be paid at the close of each 79173
racing day by the permit holder to the tax commissioner or the tax 79174

commissioner's agent in the county seat of the county within which 79175
the permit holder operates race meetings. Forty per cent of that 79176
portion of that total sum of such odd cents shall be used by the 79177
permit holder for increased purse money for horse races. The 79178
remaining thirty-five per cent of that portion of that total sum 79179
of odd cents shall be retained by the permit holder. 79180

(J)(1) To encourage the improvement of racing facilities for 79181
the benefit of the public, breeders, and horse owners, and to 79182
increase the revenue to the state from the increase in pari-mutuel 79183
wagering resulting from those improvements, the taxes paid by a 79184
permit holder to the state as provided for in this chapter shall 79185
be reduced by three-fourths of one per cent of the total amount 79186
wagered for those permit holders who make capital improvements to 79187
existing race tracks or construct new race tracks. The percentage 79188
of the reduction that may be taken each racing day shall equal 79189
seventy-five per cent of the taxes levied under divisions (B) and 79190
(C) of this section and section 3769.087 of the Revised Code, and 79191
division (F)(2) of section 3769.26 of the Revised Code, as 79192
applicable, divided by the calculated amount each fund should 79193
receive under divisions (B) and (C) of this section and section 79194
3769.087 of the Revised Code, and division (F)(2) of section 79195
3769.26 of the Revised Code and the reduction provided for in this 79196
division. If the resulting percentage is less than one, that 79197
percentage shall be multiplied by the amount of the reduction 79198
provided for in this division. Otherwise, the permit holder shall 79199
receive the full reduction provided for in this division. The 79200
amount of the allowable reduction not received shall be carried 79201
forward and applied against future tax liability. After any 79202
reductions expire, any reduction carried forward shall be treated 79203
as a reduction as provided for in this division. 79204

If more than one permit holder is authorized to conduct 79205
racing at the facility that is being built or improved, the cost 79206

of the new race track or capital improvement shall be allocated 79207
between or among all the permit holders in the ratio that the 79208
permit holders' number of racing days bears to the total number of 79209
racing days conducted at the facility. 79210

A reduction for a new race track or a capital improvement 79211
shall start from the day racing is first conducted following the 79212
date actual construction of the new race track or each capital 79213
improvement is completed and the construction cost has been 79214
approved by the racing commission, unless otherwise provided in 79215
this section. A reduction for a new race track or a capital 79216
improvement shall continue for a period of twenty-five years for 79217
new race tracks and for fifteen years for capital improvements if 79218
the construction of the capital improvement or new race track 79219
commenced prior to March 29, 1988, and for a period of ten years 79220
for new race tracks or capital improvements if the construction of 79221
the capital improvement or new race track commenced on or after 79222
March 29, 1988, but before June 6, 2001, or until the total tax 79223
reduction reaches seventy per cent of the approved cost of the new 79224
race track or capital improvement, as allocated to each permit 79225
holder, whichever occurs first. A reduction for a new race track 79226
or a capital improvement approved after June 6, 2001, shall 79227
continue until the total tax reduction reaches one hundred per 79228
cent of the approved cost of the new race track or capital 79229
improvement, as allocated to each permit holder. 79230

A reduction granted for a new race track or a capital 79231
improvement, the application for which was approved by the racing 79232
commission after March 29, 1988, but before June 6, 2001, shall 79233
not commence nor shall the ten-year period begin to run until all 79234
prior tax reductions with respect to the same race track have 79235
ended. The total tax reduction because of capital improvements 79236
shall not during any one year exceed for all permit holders using 79237
any one track three-fourths of one per cent of the total amount 79238

wagered, regardless of the number of capital improvements made. 79239
Several capital improvements to a race track may be consolidated 79240
in an application if the racing commission approved the 79241
application prior to March 29, 1988. No permit holder may receive 79242
a tax reduction for a capital improvement approved by the racing 79243
commission on or after March 29, 1988, at a race track until all 79244
tax reductions have ended for all prior capital improvements 79245
approved by the racing commission under this section or section 79246
3769.20 of the Revised Code at that race track. If there are two 79247
or more permit holders operating meetings at the same track, they 79248
may consolidate their applications. The racing commission shall 79249
notify the tax commissioner when the reduction of tax begins and 79250
when it ends. 79251

Each fiscal year the racing commission shall submit a report 79252
to the tax commissioner, the office of budget and management, and 79253
the legislative service commission. The report shall identify each 79254
capital improvement project undertaken under this division and in 79255
progress at each race track, indicate the total cost of each 79256
project, state the tax reduction that resulted from each project 79257
during the immediately preceding fiscal year, estimate the tax 79258
reduction that will result from each project during the current 79259
fiscal year, state the total tax reduction that resulted from all 79260
such projects at all race tracks during the immediately preceding 79261
fiscal year, and estimate the total tax reduction that will result 79262
from all such projects at all race tracks during the current 79263
fiscal year. 79264

(2) In order to qualify for the reduction in tax, a permit 79265
holder shall apply to the racing commission in such form as the 79266
commission may require and shall provide full details of the new 79267
race track or capital improvement, including a schedule for its 79268
construction and completion, and set forth the costs and expenses 79269
incurred in connection with it. The racing commission shall not 79270

approve an application unless the permit holder shows that a 79271
contract for the new race track or capital improvement has been 79272
let under an unrestricted competitive bidding procedure, unless 79273
the contract is exempted by the controlling board because of its 79274
unusual nature. In determining whether to approve an application, 79275
the racing commission shall consider whether the new race track or 79276
capital improvement will promote the safety, convenience, and 79277
comfort of the racing public and horse owners and generally tend 79278
towards the improvement of racing in this state. 79279

(3) If a new race track or capital improvement is approved by 79280
the racing commission and construction has started, the tax 79281
reduction may be authorized by the commission upon presentation of 79282
copies of paid bills in excess of one hundred thousand dollars or 79283
ten per cent of the approved cost, whichever is greater. After the 79284
initial authorization, the permit holder shall present copies of 79285
paid bills. If the permit holder is in substantial compliance with 79286
the schedule for construction and completion of the new race track 79287
or capital improvement, the racing commission may authorize the 79288
continuation of the tax reduction upon the presentation of the 79289
additional paid bills. The total amount of the tax reduction 79290
authorized shall not exceed the percentage of the approved cost of 79291
the new race track or capital improvement specified in division 79292
(J)(1) of this section. The racing commission may terminate any 79293
tax reduction immediately if a permit holder fails to complete the 79294
new race track or capital improvement, or to substantially comply 79295
with the schedule for construction and completion of the new race 79296
track or capital improvement. If a permit holder fails to complete 79297
a new race track or capital improvement, the racing commission 79298
shall order the permit holder to repay to the state the total 79299
amount of tax reduced. The normal tax paid by the permit holder 79300
shall be increased by three-fourths of one per cent of the total 79301
amount wagered until the total amount of the additional tax 79302
collected equals the total amount of tax reduced. 79303

(4) As used in this section: 79304

(a) "Capital improvement" means an addition, replacement, or 79305
remodeling of a structural unit of a race track facility costing 79306
at least one hundred thousand dollars, including, but not limited 79307
to, the construction of barns used exclusively for the race track 79308
facility, backstretch facilities for horsemen, paddock facilities, 79309
new pari-mutuel and totalizator equipment and appurtenances to 79310
that equipment purchased by the track, new access roads, new 79311
parking areas, the complete reconstruction, reshaping, and 79312
leveling of the racing surface and appurtenances, the installation 79313
of permanent new heating or air conditioning, roof replacement or 79314
restoration, installations of a permanent nature forming a part of 79315
the track structure, and construction of buildings that are 79316
located on a permit holder's premises. "Capital improvement" does 79317
not include the cost of replacement of equipment that is not 79318
permanently installed, ordinary repairs, painting, and maintenance 79319
required to keep a race track facility in ordinary operating 79320
condition. 79321

(b) "New race track" includes the reconstruction of a race 79322
track damaged by fire or other cause that has been declared by the 79323
racing commission, as a result of the damage, to be an inadequate 79324
facility for the safe operation of horse racing. 79325

(c) "Approved cost" includes all debt service and interest 79326
costs that are associated with a capital improvement or new race 79327
track and that the racing commission approves for a tax reduction 79328
under division (J) of this section. 79329

(5) The racing commission shall not approve an application 79330
for a tax reduction under this section if it has reasonable cause 79331
to believe that the actions or negligence of the permit holder 79332
substantially contributed to the damage suffered by the track due 79333
to fire or other cause. The racing commission shall obtain any 79334
data or information available from a fire marshal, law enforcement 79335

official, or insurance company concerning any fire or other damage 79336
suffered by a track, prior to approving an application for a tax 79337
reduction. 79338

(6) The approved cost to which a tax reduction applies shall 79339
be determined by generally accepted accounting principles and 79340
verified by an audit of the permit holder's records upon 79341
completion of the project by the racing commission, or by an 79342
independent certified public accountant selected by the permit 79343
holder and approved by the commission. 79344

(K) No other license or excise tax or fee, except as provided 79345
in sections 3769.01 to 3769.14 of the Revised Code, shall be 79346
assessed or collected from such licensee by any county, township, 79347
district, municipal corporation, or other body having power to 79348
assess or collect a tax or fee. That portion of the tax paid under 79349
this section by permit holders for racing conducted at and during 79350
the course of an agricultural exposition or fair, and that portion 79351
of the tax that would have been paid by eligible permit holders 79352
into the nursing home franchise permit fee fund as a result of 79353
racing conducted at and during the course of an agricultural 79354
exposition or fair, shall be deposited into the state treasury to 79355
the credit of the horse racing tax fund, which is hereby created 79356
for the use of the agricultural societies of the several counties 79357
in which the taxes originate. The state racing commission shall 79358
determine eligible permit holders for purposes of the preceding 79359
sentence, taking into account the breed of horse, the racing 79360
dates, the geographic proximity to the fair, and the best 79361
interests of Ohio racing. On the first day of any month on which 79362
there is money in the fund, the tax commissioner shall provide for 79363
payment to the treasurer of each agricultural society the amount 79364
of the taxes collected under this section upon racing conducted at 79365
and during the course of any exposition or fair conducted by the 79366
society. 79367

(L) From the tax paid under this section by harness track permit holders, the tax commissioner shall pay into the Ohio thoroughbred race fund a sum equal to a percentage of the amount wagered upon which the tax is paid. The percentage shall be determined by the tax commissioner and shall be rounded to the nearest one-hundredth. The percentage shall be such that, when multiplied by the amount wagered upon which tax was paid by the harness track permit holders in the most recent year for which final figures are available, it results in a sum that substantially equals the same amount of tax paid by the tax commissioner during that year into the Ohio fairs fund from taxes paid by thoroughbred permit holders. This division does not apply to county and independent fairs and agricultural societies.

(M) Twenty-five per cent of the taxes levied on thoroughbred racing permit holders, harness racing permit holders, and quarter horse racing permit holders under this section, division (A) of section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code shall be paid into the nursing home franchise permit fee fund. The tax commissioner shall pay any money remaining, after the payment into the nursing home franchise permit fee fund and the reductions provided for in division (J) of this section and in section 3769.20 of the Revised Code, into the Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred development fund, Ohio quarter horse fund, and state racing commission operating fund as prescribed in this section and division (A) of section 3769.087 of the Revised Code. The tax commissioner shall thereafter use and apply the balance of the money paid as a tax by any permit holder to cover any shortage in the accounts of such funds resulting from an insufficient payment as a tax by any other permit holder. The moneys received by the tax commissioner shall be deposited weekly and paid by the tax commissioner into the funds to cover the total aggregate amount due from all permit holders to the funds, as calculated under this

section and division (A) of section 3769.087 of the Revised Code, 79401
as applicable. If, after the payment into the nursing home 79402
franchise permit fee fund, sufficient funds are not available from 79403
the tax deposited by the tax commissioner to pay the required 79404
amounts into the Ohio fairs fund, Ohio standardbred development 79405
fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and 79406
the state racing commission operating fund, the tax commissioner 79407
shall prorate on a proportional basis the amount paid to each of 79408
the funds. Any shortage to the funds as a result of a proration 79409
shall be applied against future deposits for the same calendar 79410
year when funds are available. After this application, the tax 79411
commissioner shall pay any remaining money paid as a tax by all 79412
permit holders into the nursing home franchise permit fee fund. 79413
This division does not apply to permit holders conducting racing 79414
at the course of an agricultural exposition or fair as described 79415
in division (K) of this section. 79416

Sec. 3769.087. (A) In addition to the commission of eighteen 79417
per cent retained by each permit holder as provided in section 79418
3769.08 of the Revised Code, each permit holder shall retain an 79419
additional amount equal to four per cent of the total of all 79420
moneys wagered on each racing day on all wagering pools other than 79421
win, place, and show, of which amount retained an amount equal to 79422
three per cent of the total of all moneys wagered on each racing 79423
day on those pools shall be paid by check, draft, or money order 79424
to the tax commissioner, as a tax. Subject to the restrictions 79425
contained in divisions (B), (C), and (M) of section 3769.08 of the 79426
Revised Code, from such additional moneys paid to the tax 79427
commissioner: 79428

(1) Four-sixths shall be allocated to fund distribution as 79429
provided in division (M) of section 3769.08 of the Revised Code. 79430

(2) One-twelfth shall be paid into the Ohio fairs fund 79431

created by section 3769.082 of the Revised Code. 79432

(3) One-twelfth of the additional moneys paid to the tax 79433
commissioner by thoroughbred racing permit holders shall be paid 79434
into the Ohio thoroughbred race fund created by section 3769.083 79435
of the Revised Code. 79436

(4) One-twelfth of the additional moneys paid to the tax 79437
commissioner by harness horse racing permit holders shall be paid 79438
to the Ohio standardbred development fund created by section 79439
3769.085 of the Revised Code. 79440

(5) One-twelfth of the additional moneys paid to the tax 79441
commissioner by quarter horse racing permit holders shall be paid 79442
to the Ohio quarter horse development fund created by section 79443
3769.086 of the Revised Code. 79444

(6) One-sixth shall be paid into the state racing commission 79445
operating fund created by section 3769.03 of the Revised Code. 79446

The remaining one per cent that is retained of the total of 79447
all moneys wagered on each racing day on all pools other than win, 79448
place, and show, shall be retained by racing permit holders, and, 79449
except as otherwise provided in section 3769.089 of the Revised 79450
Code, racing permit holders shall use one-half for purse money and 79451
retain one-half. 79452

(B) In addition to the commission of eighteen per cent 79453
retained by each permit holder as provided in section 3769.08 of 79454
the Revised Code and the additional amount retained by each permit 79455
holder as provided in division (A) of this section, each permit 79456
holder shall retain an additional amount equal to one-half of one 79457
per cent of the total of all moneys wagered on each racing day on 79458
all wagering pools other than win, place, and show. The additional 79459
amount retained under this division shall be paid by check, draft, 79460
or money order to the tax commissioner, as a tax. The tax 79461
commissioner shall pay the amount of the tax received under this 79462

division to the state racing commission operating fund created by 79463
section 3769.03 of the Revised Code. 79464

(C) Unless otherwise agreed to by the video lottery sales 79465
agent and the applicable horsemen's association recognized by the 79466
state racing commission to represent such persons, the state 79467
racing commission ~~may~~ shall direct through rule that a percentage 79468
of the lottery sales agent's commission as determined by the state 79469
lottery commission for conducting video lottery terminal gaming on 79470
behalf of the state be paid to the state racing commission for the 79471
benefit of breeding and racing in this state. The percentage so 79472
determined shall not be less than nine per cent or more than 79473
eleven per cent of the video lottery terminal income, and shall be 79474
a sliding scale based upon capital expenditures necessary to build 79475
the video lottery sales agent's facility. The aggregate of one 79476
hundred per cent of video lottery terminal income minus the 79477
lottery sales agent's commission percentage as determined by the 79478
state lottery commission plus the percentage of the lottery sale 79479
agent's commission, as determined by the state racing commission 79480
or otherwise agreed to by the video lottery sales agent and the 79481
applicable horsemen's association recognized by the state racing 79482
commission to represent such persons, for the benefit of breeding 79483
and racing in this state shall not exceed forty-five per cent of 79484
the video lottery terminal income. In addition, beginning July 1, 79485
2013, the state lottery commission shall adopt a rule to require 79486
the lottery sales agent conducting video lottery terminal gaming 79487
on behalf of the state to disperse to the state lottery commission 79488
one-half of one per cent of such a lottery sales agent's 79489
commission for the purpose of providing funding support to 79490
appropriate state agencies for programs that provide for gambling 79491
addiction and other related addiction services. The state lottery 79492
commission's rule also may require the lottery sales agent 79493
conducting video lottery terminal gaming on behalf of the state to 79494
disperse to the state lottery commission an additional amount up 79495

to one-half of one per cent of such a lottery sales agent's 79496
commission for that purpose. 79497

Sec. 3769.088. (A) If any permit holder required by this 79498
chapter to pay the taxes levied by sections 3769.08, 3769.087, 79499
3769.26, and 3769.28 of the Revised Code fails to pay the taxes, 79500
the tax commissioner may make an assessment against the permit 79501
holder based upon any information in the commissioner's 79502
possession. 79503

A penalty of up to fifteen per cent may be added to the 79504
amount of every assessment made under this section. The 79505
commissioner may adopt rules providing for the imposition and 79506
remission of penalties added to assessments made under this 79507
section. 79508

The commissioner shall give the party assessed written notice 79509
of the assessment in the manner provided in section 5703.37 of the 79510
Revised Code. With the notice, the commissioner shall provide 79511
instructions on how to petition for reassessment and request a 79512
hearing on the petition. 79513

(B) Unless the party assessed files with the tax commissioner 79514
within sixty days after service of the notice of assessment, 79515
either personally or by certified mail, a written petition for 79516
reassessment signed by the party assessed or that party's 79517
authorized agent having knowledge of the facts, the assessment 79518
becomes final and the amount of the assessment is due and payable 79519
from the party assessed to the commissioner. The petition shall 79520
indicate the objections of the party assessed, but additional 79521
objections may be raised in writing if received by the 79522
commissioner prior to the date shown on the final determination. 79523
If the petition has been properly filed, the commissioner shall 79524
proceed under section 5703.60 of the Revised Code. 79525

(C) After an assessment becomes final, if any portion of the 79526

assessment remains unpaid, including accrued interest, a certified 79527
copy of the tax commissioner's entry making the assessment final 79528
may be filed in the office of the clerk of the court of common 79529
pleas in the county in which the place, track, or enclosure for 79530
which the permit was issued is located or the county in which the 79531
party assessed resides or has its principal place of business. If 79532
the party assessed maintains no place of business in this state 79533
and is not a resident of this state, the certified copy of the 79534
entry may be filed in the office of the clerk of the court of 79535
common pleas of Franklin county. 79536

Immediately upon the filing of the entry, the clerk shall 79537
enter a judgment for the state against the party assessed in the 79538
amount shown on the entry. The judgment may be filed by the clerk 79539
in a loose-leaf book entitled "special judgments for state horse 79540
racing tax," and shall have the same effect as other judgments. 79541
Execution shall issue upon the judgment upon the request of the 79542
tax commissioner, and all laws applicable to sales on execution 79543
shall apply to sales made under the judgment. 79544

~~The portion of~~ If the assessment is not paid in its entirety 79545
within sixty days after the day the assessment was issued, the 79546
portion of the assessment consisting of tax due shall bear 79547
interest at the rate per annum prescribed by section 5703.47 of 79548
the Revised Code from the day the tax commissioner issues the 79549
assessment until the day the assessment is paid or until it is 79550
certified to the attorney general for collection under section 79551
131.02 of the Revised Code, whichever comes first. If the unpaid 79552
portion of the assessment is certified to the attorney general for 79553
collection, the entire unpaid portion of the assessment shall bear 79554
interest at the rate per annum prescribed by section 5703.47 of 79555
the Revised Code from the date of certification until the date it 79556
is paid in its entirety. Interest shall be paid in the same manner 79557
as the tax and may be collected by the issuance of an assessment 79558

under this section. 79559

(D) All money collected by the tax commissioner under this 79560
section shall be treated as revenue arising from the taxes imposed 79561
by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised 79562
Code. 79563

Sec. 3770.02. (A) Subject to the advice and consent of the 79564
senate, the governor shall appoint a director of the state lottery 79565
commission who shall serve at the pleasure of the governor. The 79566
director shall devote full time to the duties of the office and 79567
shall hold no other office or employment. The director shall meet 79568
all requirements for appointment as a member of the commission and 79569
shall, by experience and training, possess management skills that 79570
equip the director to administer an enterprise of the nature of a 79571
state lottery. The director shall receive an annual salary in 79572
accordance with pay range 48 of section 124.152 of the Revised 79573
Code. 79574

(B)(1) The director shall attend all meetings of the 79575
commission and shall act as its secretary. The director shall keep 79576
a record of all commission proceedings and shall keep the 79577
commission's records, files, and documents at the commission's 79578
principal office. All records of the commission's meetings shall 79579
be available for inspection by any member of the public, upon a 79580
showing of good cause and prior notification to the director. 79581

(2) The director shall be the commission's executive officer 79582
and shall be responsible for keeping all commission records and 79583
supervising and administering the state lottery in accordance with 79584
this chapter, and carrying out all commission rules adopted under 79585
section 3770.03 of the Revised Code. 79586

(C)(1) The director shall appoint an assistant director, 79587
deputy directors of marketing, operations, sales, finance, public 79588
relations, security, and administration, and as many regional 79589

managers as are required. The director may also appoint necessary 79590
professional, technical, and clerical assistants. All such 79591
officers and employees shall be appointed and compensated pursuant 79592
to Chapter 124. of the Revised Code. Regional and assistant 79593
regional managers, sales representatives, and any lottery 79594
executive account representatives shall remain in the unclassified 79595
service. 79596

(2) The director, in consultation with the director of 79597
administrative services, may establish standards of proficiency 79598
and productivity for commission field representatives. 79599

(D) The director shall request the bureau of criminal 79600
identification and investigation, the department of public safety, 79601
or any other state, local, or federal agency to supply the 79602
director with the criminal records of any job applicant and may 79603
periodically request the criminal records of commission employees. 79604
At or prior to the time of making such a request, the director 79605
shall require a job applicant or commission employee to obtain 79606
fingerprint cards prescribed by the superintendent of the bureau 79607
of criminal identification and investigation at a qualified law 79608
enforcement agency, and the director shall cause these fingerprint 79609
cards to be forwarded to the bureau of criminal identification and 79610
investigation and the federal bureau of investigation. The 79611
commission shall assume the cost of obtaining the fingerprint 79612
cards and shall pay to each agency supplying criminal records for 79613
each investigation under this division a reasonable fee, as 79614
determined by the agency. 79615

(E) The director shall license lottery sales agents pursuant 79616
to section 3770.05 of the Revised Code and, when it is considered 79617
necessary, may revoke or suspend the license of any lottery sales 79618
agent. The director may license video lottery technology 79619
providers, independent testing laboratories, and gaming employees, 79620
and promulgate rules relating thereto. When the director considers 79621

it necessary, the director may suspend or revoke the license of a 79622
video lottery technology provider, independent testing laboratory, 79623
or gaming employee, including suspension or revocation without 79624
affording an opportunity for a prior hearing under section 119.07 79625
of the Revised Code when the public safety, convenience, or trust 79626
requires immediate action. 79627

(F) The director shall confer at least once each month with 79628
the commission, at which time the director shall advise it 79629
regarding the operation and administration of the lottery. The 79630
director shall make available at the request of the commission all 79631
documents, files, and other records pertaining to the operation 79632
and administration of the lottery. The director shall prepare and 79633
make available to the commission each month a complete and 79634
accurate accounting of lottery revenues, prize money disbursements 79635
and the cost of goods and services awarded as prizes, operating 79636
expenses, and all other relevant financial information, including 79637
an accounting of all transfers made from any lottery funds in the 79638
custody of the treasurer of state to benefit education. 79639

(G) The director may enter into contracts for the operation 79640
or promotion of the lottery pursuant to Chapter 125. of the 79641
Revised Code. 79642

(H)(1) Pursuant to rules adopted by the commission under 79643
section 3770.03 of the Revised Code, the director shall require 79644
any lottery sales agents to ~~either mail directly to the commission~~ 79645
~~or~~ deposit to the credit of the state lottery fund, in banking 79646
institutions designated by the treasurer of state, net proceeds 79647
due the commission as determined by the director, ~~and to file with~~ 79648
~~the director or the director's designee reports of their receipts~~ 79649
~~and transactions in the sale of lottery tickets in the form~~ 79650
~~required by the director.~~ 79651

(2) Pursuant to rules adopted by the commission under Chapter 79652
119. of the Revised Code, the director may impose penalties for 79653

the failure of a sales agent to transfer funds to the commission 79654
in a timely manner. Penalties may include monetary penalties, 79655
immediate suspension or revocation of a license, or any other 79656
penalty the commission adopts by rule. 79657

(I) The director may arrange for any person, or any banking 79658
institution, to perform functions and services in connection with 79659
the operation of the lottery as the director may consider 79660
necessary to carry out this chapter. 79661

(J)(1) As used in this chapter, "statewide joint lottery 79662
game" means a lottery game that the commission sells solely within 79663
this state under an agreement with other lottery jurisdictions to 79664
sell the same lottery game solely within their statewide or other 79665
jurisdictional boundaries. 79666

(2) If the governor directs the director to do so, the 79667
director shall enter into an agreement with other lottery 79668
jurisdictions to conduct statewide joint lottery games. If the 79669
governor signs the agreement personally or by means of an 79670
authenticating officer pursuant to section 107.15 of the Revised 79671
Code, the director then may conduct statewide joint lottery games 79672
under the agreement. 79673

(3) The entire net proceeds from any statewide joint lottery 79674
games shall be used to fund elementary, secondary, vocational, and 79675
special education programs in this state. 79676

(4) The commission shall conduct any statewide joint lottery 79677
games in accordance with rules it adopts under division (B)(5) of 79678
section 3770.03 of the Revised Code. 79679

(K)(1) The director shall enter into an agreement with the 79680
department of ~~alcohol and drug addiction services~~ mental health 79681
and addiction services under which the department shall provide a 79682
program of gambling addiction services on behalf of the 79683
commission. The commission shall pay the costs of the program 79684

provided pursuant to the agreement. 79685

(2) As used in this section, "gambling addiction services" 79686
has the same meaning as in section ~~3793.01~~ 5119.01 of the Revised 79687
Code. 79688

Sec. 3770.06. (A) There is hereby created the state lottery 79689
gross revenue fund, which shall be in the custody of the treasurer 79690
of state but shall not be part of the state treasury. All gross 79691
revenues received from sales of lottery tickets, fines, fees, and 79692
related proceeds in connection with the statewide lottery and all 79693
gross proceeds from statewide joint lottery games shall be 79694
deposited into the fund. The treasurer of state shall invest any 79695
portion of the fund not needed for immediate use in the same 79696
manner as, and subject to all provisions of law with respect to 79697
the investment of, state funds. The treasurer of state shall 79698
disburse money from the fund on order of the director of the state 79699
lottery commission or the director's designee. 79700

Except for gross proceeds from statewide joint lottery games, 79701
all revenues of the state lottery gross revenue fund that are not 79702
paid to holders of winning lottery tickets, that are not required 79703
to meet short-term prize liabilities, that are not credited to 79704
lottery sales agents in the form of bonuses, commissions, or 79705
reimbursements, that are not paid to financial institutions to 79706
reimburse those institutions for sales agent nonsufficient funds, 79707
and that are collected from sales agents for remittance to 79708
insurers under contract to provide sales agent bonding services 79709
shall be transferred to the state lottery fund, which is hereby 79710
created in the state treasury. In addition, all revenues of the 79711
state lottery gross revenue fund that represent the gross proceeds 79712
from the statewide joint lottery games and that are not paid to 79713
holders of winning lottery tickets, that are not required to meet 79714
short-term prize liabilities, that are not credited to lottery 79715

sales agents in the form of bonuses, commissions, or 79716
reimbursements, and that are not necessary to cover operating 79717
expenses associated with those games or to otherwise comply with 79718
the agreements signed by the governor that the director enters 79719
into under division (J) of section 3770.02 of the Revised Code or 79720
the rules the commission adopts under division (B)(5) of section 79721
3770.03 of the Revised Code shall be transferred to the state 79722
lottery fund. All investment earnings of the fund shall be 79723
credited to the fund. Moneys shall be disbursed from the fund 79724
pursuant to vouchers approved by the director. Total disbursements 79725
for monetary prize awards to holders of winning lottery tickets in 79726
connection with the statewide lottery and purchases of goods and 79727
services awarded as prizes to holders of winning lottery tickets 79728
shall be of an amount equal to at least fifty per cent of the 79729
total revenue accruing from the sale of lottery tickets. 79730

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 79731
there is hereby established in the state treasury the lottery 79732
profits education fund. Whenever, in the judgment of the director 79733
of the state lottery commission, the amount to the credit of the 79734
state lottery fund that does not represent proceeds from statewide 79735
joint lottery games is in excess of that needed to meet the 79736
maturing obligations of the commission and as working capital for 79737
its further operations, the director of the state lottery 79738
commission shall recommend the amount of the excess to be 79739
transferred to the lottery profits education fund, and the 79740
director of budget and management may transfer the excess to the 79741
lottery profits education fund in connection with the statewide 79742
lottery. In addition, whenever, in the judgment of the director of 79743
the state lottery commission, the amount to the credit of the 79744
state lottery fund that represents proceeds from statewide joint 79745
lottery games equals the entire net proceeds of those games as 79746
described in division (B)(5) of section 3770.03 of the Revised 79747
Code and the rules adopted under that division, the director of 79748

the state lottery commission shall recommend the amount of the 79749
proceeds to be transferred to the lottery profits education fund, 79750
and the director of budget and management may transfer those 79751
proceeds to the lottery profits education fund. Investment 79752
earnings of the lottery profits education fund shall be credited 79753
to the fund. 79754

The lottery profits education fund shall be used solely for 79755
the support of elementary, secondary, vocational, and special 79756
education programs as determined in appropriations made by the 79757
general assembly, or as provided in applicable bond proceedings 79758
for the payment of debt service on obligations issued to pay costs 79759
of capital facilities, including those for a system of common 79760
schools throughout the state pursuant to section 2n of Article 79761
VIII, Ohio Constitution. When determining the availability of 79762
money in the lottery profits education fund, the director of 79763
budget and management may consider all balances and estimated 79764
revenues of the fund. 79765

(C) There is hereby established in the state treasury the 79766
deferred prizes trust fund. With the approval of the director of 79767
budget and management, an amount sufficient to fund annuity prizes 79768
shall be transferred from the state lottery fund and credited to 79769
the trust fund. The treasurer of state shall credit all earnings 79770
arising from investments purchased under this division to the 79771
trust fund. Within sixty days after the end of each fiscal year, 79772
the treasurer of state shall certify to the director of budget and 79773
management whether the actuarial amount of the trust fund is 79774
sufficient over the fund's life for continued funding of all 79775
remaining deferred prize liabilities as of the last day of the 79776
fiscal year just ended. Also, within that sixty days, the director 79777
of budget and management shall certify the amount of investment 79778
earnings necessary to have been credited to the trust fund during 79779
the fiscal year just ending to provide for such continued funding 79780

of deferred prizes. Any earnings credited in excess of the latter 79781
certified amount shall be transferred to the lottery profits 79782
education fund. 79783

To provide all or a part of the amounts necessary to fund 79784
deferred prizes awarded by the commission in connection with the 79785
statewide lottery, the treasurer of state, in consultation with 79786
the commission, may invest moneys contained in the deferred prizes 79787
trust fund which represents proceeds from the statewide lottery in 79788
obligations of the type permitted for the investment of state 79789
funds but whose maturities are thirty years or less. 79790
Notwithstanding the requirements of any other section of the 79791
Revised Code, to provide all or part of the amounts necessary to 79792
fund deferred prizes awarded by the commission in connection with 79793
statewide joint lottery games, the treasurer of state, in 79794
consultation with the commission, may invest moneys in the trust 79795
fund which represent proceeds derived from the statewide joint 79796
lottery games in accordance with the rules the commission adopts 79797
under division (B)(5) of section 3770.03 of the Revised Code. 79798
Investments of the trust fund are not subject to the provisions of 79799
division (A)(10) of section 135.143 of the Revised Code limiting 79800
to twenty-five per cent the amount of the state's total average 79801
portfolio that may be invested in debt interests and limiting to 79802
one-half of one per cent the amount that may be invested in debt 79803
interests of a single issuer. 79804

All purchases made under this division shall be effected on a 79805
delivery versus payment method and shall be in the custody of the 79806
treasurer of state. 79807

The treasurer of state may retain an investment advisor, if 79808
necessary. The commission shall pay any costs incurred by the 79809
treasurer of state in retaining an investment advisor. 79810

(D) The auditor of state shall conduct annual audits of all 79811
funds and any other audits as the auditor of state or the general 79812

assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

~~(E)~~ The state lottery commission shall establish an internal audit ~~program~~ plan before the beginning of each fiscal year, subject to the approval of the ~~auditor office~~ of ~~state internal audit in the office of budget and management~~. At the end of each fiscal year, the commission shall prepare and submit an annual report to the ~~auditor office~~ of ~~state internal audit~~ for the ~~auditor of state's office's~~ review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit ~~program~~. ~~The form and content of the report shall be prescribed by the auditor of state under division (C) of section 117.20 of the Revised Code~~ plan.

~~(E)~~~~(F)~~ Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 3770.21. (A) As used in this section:

(1) "Video lottery terminal" means any electronic device approved by the state lottery commission that provides immediate prize determinations for participants on an electronic display

that is located at a facility owned by a holder of a permit as 79844
defined in rule 3769-1-05 of the Administrative Code. 79845

(2) "Video lottery terminal promotional gaming credit" means 79846
a video lottery terminal game credit, discount, or other similar 79847
item issued to a patron to enable the placement of, or increase 79848
in, a wager at a video lottery terminal. 79849

(3) "Video lottery terminal income" means credits played, 79850
minus approved video lottery terminal promotional gaming credits, 79851
minus video lottery prize awards. 79852

(B)(1) The state lottery commission shall include, in 79853
conjunction with the state racing commission, in any rules adopted 79854
concerning video lottery terminals, the level of minimum 79855
investments that must be made by video lottery terminal sales 79856
agents in the buildings, fixtures, equipment, facilities-related 79857
preparation, and grounds at the facilities, including temporary 79858
facilities, in which the terminals will be located, along with any 79859
standards and timetables for such investments. 79860

(2) The state lottery commission may include, in consultation 79861
with the Ohio casino control commission, in rules adopted 79862
concerning video lottery terminals, standards and requirements for 79863
security and surveillance equipment that shall require a licensed 79864
video lottery sales agent to install security and surveillance 79865
equipment where any chips, tokens, tickets, electronic cards, or 79866
similar objects may be redeemed for cash, whether by an employee 79867
or by electronic means, that shall capture, for law enforcement 79868
purposes, facial feature pattern characteristics, including a 79869
computerized facial image, and that shall require such records to 79870
be retained for at least five years. The commission may secure, by 79871
agreement, information and services as the commission considers 79872
necessary from any state agency or other unit of state government. 79873
All costs related to the installation of security and surveillance 79874
equipment shall be the responsibility of the licensed video 79875

lottery sales agent. 79876

(C) A licensed video lottery sales agent may provide video 79877
lottery terminal promotional gaming credits to patrons for video 79878
lottery terminal gaming. Video lottery terminal promotional gaming 79879
credits shall be subject to approval by the director of the state 79880
lottery commission. 79881

(D) Video lottery terminal sales agents shall develop 79882
internal guidelines and controls for the purpose of giving 79883
minority business enterprises the ability to compete for the 79884
awarding of contracts to provide goods and services to those sales 79885
agents. As used in this division, "minority business enterprise" 79886
has the meaning defined in section 122.71 of the Revised Code. 79887

(E) No license or excise tax or fee not in effect on the 79888
effective date of this section shall be assessed upon or collected 79889
from a video lottery terminal sales agent by any county, township, 79890
municipal corporation, school district, or other political 79891
subdivision of the state that has authority to assess or collect a 79892
tax or fee by reason of the video lottery terminal related conduct 79893
authorized by section 3770.03 of the Revised Code. This division 79894
does not prohibit the imposition of taxes under Chapter 718. or 79895
3769. of the Revised Code. 79896

(F)(1) Any action asserting that this section or section 79897
3770.03 of the Revised Code or any portion of those sections or 79898
any rule adopted under those sections violates any provision of 79899
the Ohio Constitution shall be brought in the court of common 79900
pleas of Franklin county within ninety days after the effective 79901
date of the amendment of this section by Am. Sub. H.B. 386 of the 79902
129th general assembly, June 11, 2012, or within ninety days after 79903
the effective day of any rule, as applicable. 79904

(2) Any claim asserting that any action taken by the governor 79905
or the lottery commission pursuant to those sections violates any 79906

provision of the Ohio Constitution or any provision of the Revised Code shall be brought in the court of common pleas of Franklin county within sixty days after the action is taken.

(3) Divisions (F)(1) and (2) of this section do not apply to any claim within the original jurisdiction of the supreme court or a court of appeals under Article IV of the Ohio Constitution.

(G) The court of common pleas of Franklin county shall give any claim filed under division (F)(1) or (2) of this section priority over all other civil cases before the court, irrespective of position on the court's calendar, and shall make a determination on the claim expeditiously. A court of appeals shall give any appeal from a final order issued in a case brought pursuant to division (F) of this section priority over all other civil cases before the court, irrespective of position on the court's calendar, and shall make a determination on the appeal expeditiously.

Sec. 3772.03. (A) To ensure the integrity of casino gaming, the commission shall have authority to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors. The commission also shall have jurisdiction over all persons participating in casino gaming authorized by Section 6(C) of Article XV, Ohio Constitution, and this chapter.

(B) All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code. The commission may contract for the services of experts and consultants to assist the commission in carrying out its duties under this section.

(C) Within six months of September 10, 2010, the commission shall adopt initial rules as are necessary for completing the

functions stated in division (A) of this section and for 79938
addressing the subjects enumerated in division (D) of this 79939
section. 79940

(D) The commission shall adopt, and as advisable and 79941
necessary shall amend or repeal, rules that include all of the 79942
following: 79943

(1) The prevention of practices detrimental to the public 79944
interest; 79945

(2) Prescribing the method of applying, and the form of 79946
application, that an applicant for a license under this chapter 79947
must follow as otherwise described in this chapter; 79948

(3) Prescribing the information to be furnished by an 79949
applicant or licensee as described in section 3772.11 of the 79950
Revised Code; 79951

(4) Describing the certification standards and duties of an 79952
independent testing laboratory certified under section 3772.31 of 79953
the Revised Code and the relationship between the commission, the 79954
laboratory, the gaming-related vendor, and the casino operator; 79955

(5) The minimum amount of insurance that must be maintained 79956
by a casino operator, management company, holding company, or 79957
gaming-related vendor; 79958

(6) The approval process for a significant change in 79959
ownership or transfer of control of a licensee as provided in 79960
section 3772.091 of the Revised Code; 79961

(7) The design of gaming supplies, devices, and equipment to 79962
be distributed by gaming-related vendors; 79963

(8) Identifying the casino gaming that is permitted, 79964
identifying the gaming supplies, devices, and equipment, that are 79965
permitted, defining the area in which the permitted casino gaming 79966
may be conducted, and specifying the method of operation according 79967

to which the permitted casino gaming is to be conducted as 79968
provided in section 3772.20 of the Revised Code, and requiring 79969
gaming devices and equipment to meet the standards of this state; 79970

(9) Tournament play in any casino facility; 79971

(10) Establishing and implementing a voluntary exclusion 79972
program that provides all of the following: 79973

(a) Except as provided by commission rule, a person who 79974
participates in the program shall agree to refrain from entering a 79975
casino facility. 79976

(b) The name of a person participating in the program shall 79977
be included on a list of persons excluded from all casino 79978
facilities. 79979

(c) Except as provided by commission rule, no person who 79980
participates in the program shall petition the commission for 79981
admittance into a casino facility. 79982

(d) The list of persons participating in the program and the 79983
personal information of those persons shall be confidential and 79984
shall only be disseminated by the commission to a casino operator 79985
and the agents and employees of the casino operator for purposes 79986
of enforcement and to other entities, upon request of the 79987
participant and agreement by the commission. 79988

(e) A casino operator shall make all reasonable attempts as 79989
determined by the commission to cease all direct marketing efforts 79990
to a person participating in the program. 79991

(f) A casino operator shall not cash the check of a person 79992
participating in the program or extend credit to the person in any 79993
manner. However, the program shall not exclude a casino operator 79994
from seeking the payment of a debt accrued by a person before 79995
participating in the program. 79996

(g) Any and all locations at which a person may register as a 79997

participant in the program shall be published.	79998
(11) Requiring the commission to adopt standards regarding the marketing materials of a licensed casino operator, including allowing the commission to prohibit marketing materials that are contrary to the adopted standards;	79999 80000 80001 80002
(12) Requiring that the records, including financial statements, of any casino operator, management company, holding company, and gaming-related vendor be maintained in the manner prescribed by the commission and made available for inspection upon demand by the commission, but shall be subject to section 3772.16 of the Revised Code;	80003 80004 80005 80006 80007 80008
(13) Permitting a licensed casino operator, management company, key employee, or casino gaming employee to question a person suspected of violating this chapter;	80009 80010 80011
(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;	80012 80013 80014
(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using electronic fingerprint reading devices.	80015 80016 80017 80018 80019 80020 80021 80022 80023 80024 80025 80026
(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09	80027 80028

of the Revised Code; 80029

(17) Prescribing the manner in which winnings, compensation 80030
from casino gaming, and gross revenue must be computed and 80031
reported by a licensee as described in Chapter 5753. of the 80032
Revised Code; 80033

(18) Prescribing conditions under which a licensee's license 80034
may be suspended or revoked as described in section 3772.04 of the 80035
Revised Code; 80036

(19) Prescribing the manner and procedure of all hearings to 80037
be conducted by the commission or by any hearing examiner; 80038

(20) Prescribing technical standards and requirements that 80039
are to be met by security and surveillance equipment that is used 80040
at and standards and requirements to be met by personnel who are 80041
employed at casino facilities, and standards and requirements for 80042
the provision of security at and surveillance of casino 80043
facilities+. Such standards and requirements may require the 80044
casino operator, holding company, or management company to install 80045
security and surveillance equipment where any chips, tokens, 80046
tickets, electronic cards, or similar objects may be redeemed for 80047
cash, whether by a casino gaming employee or by electronic means, 80048
that shall capture, for law enforcement purposes, facial feature 80049
pattern characteristics, including a computerized facial image, 80050
and that shall require such records to be retained for at least 80051
five years. The commission may secure, by agreement, information 80052
and services as the commission considers necessary from any state 80053
agency or other unit of state government. All costs related to the 80054
installation of security and surveillance equipment shall be the 80055
responsibility of the casino operator, holding company, or 80056
management company. 80057

(21) Prescribing requirements for a casino operator to 80058
provide unarmed security services at a casino facility by licensed 80059

casino employees, and the training that shall be completed by 80060
these employees; 80061

(22) Prescribing standards according to which casino 80062
operators shall keep accounts and standards according to which 80063
casino accounts shall be audited, and establish means of assisting 80064
the tax commissioner in levying and collecting the gross casino 80065
revenue tax levied under section 5753.02 of the Revised Code; 80066

(23) Defining penalties for violation of commission rules and 80067
a process for imposing such penalties subject to the review of the 80068
joint committee on gaming and wagering; 80069

(24) Establishing standards for decertifying contractors that 80070
violate statutes or rules of this state or the federal government; 80071

(25) Establishing standards for the repair of casino gaming 80072
equipment; 80073

(26) Establishing procedures to ensure that casino operators, 80074
management companies, and holding companies are compliant with the 80075
compulsive and problem gambling plan submitted under section 80076
3772.18 of the Revised Code; 80077

(27) Prescribing, for institutional investors in or holding 80078
companies of a casino operator, management company, holding 80079
company, or gaming-related vendor that fall below the threshold 80080
needed to be considered an institutional investor or a holding 80081
company, standards regarding what any employees, members, or 80082
owners of those investors or holding companies may do and shall 80083
not do in relation to casino facilities and casino gaming in this 80084
state, which standards shall rationally relate to the need to 80085
proscribe conduct that is inconsistent with passive institutional 80086
investment status; 80087

(28) Providing for any other thing necessary and proper for 80088
successful and efficient regulation of casino gaming under this 80089
chapter. 80090

(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter. In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in section 3772.07 of the Revised Code.

(F) The commission, as a law enforcement agency, and its gaming agents, as law enforcement officers as defined in section 2901.01 of the Revised Code, shall have authority with regard to the detection and investigation of, the seizure of evidence allegedly relating to, and the apprehension and arrest of persons allegedly committing gaming offenses, and shall have access to casino facilities to carry out the requirements of this chapter.

(G) The commission may eject or exclude or authorize the ejection or exclusion of and a gaming agent may eject a person from a casino facility for any of the following reasons:

(1) The person's name is on the list of persons voluntarily excluding themselves from all casinos in a program established according to rules adopted by the commission;

(2) The person violates or conspires to violate this chapter or a rule adopted thereunder; or

(3) The commission determines that the person's conduct or reputation is such that the person's presence within a casino facility may call into question the honesty and integrity of the casino gaming operations or interfere with the orderly conduct of the casino gaming operations.

(H) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a public hearing on the person's ejection or exclusion under this

chapter. 80122

(I) A casino operator or management company shall have the 80123
same authority to eject or exclude a person from the management 80124
company's casino facilities as authorized in division (G) of this 80125
section. The licensee shall immediately notify the commission of 80126
an ejection or exclusion. 80127

(J) The commission shall submit a written annual report with 80128
the governor, president and minority leader of the senate, speaker 80129
and minority leader of the house of representatives, and joint 80130
committee on gaming and wagering before the first day of September 80131
each year. The annual report shall include a statement describing 80132
the receipts and disbursements of the commission, relevant 80133
financial data regarding casino gaming, including gross revenues 80134
and disbursements made under this chapter, actions taken by the 80135
commission, an update on casino operators', management companies', 80136
and holding companies' compulsive and problem gambling plans and 80137
the voluntary exclusion program and list, and any additional 80138
information that the commission considers useful or that the 80139
governor, president or minority leader of the senate, speaker or 80140
minority leader of the house of representatives, or joint 80141
committee on gaming and wagering requests. 80142

(K) Notwithstanding any law to the contrary, beginning on 80143
July 1, 2011, the commission shall assume jurisdiction over and 80144
oversee the regulation of skill-based amusement machines as is 80145
provided in the law of this state. 80146

Sec. 3772.062. (A) The executive director of the commission 80147
shall enter into an agreement with the department of ~~alcohol and~~ 80148
~~drug addiction services~~ mental health and addiction services under 80149
which the department provides a program of gambling and addiction 80150
services on behalf of the commission. 80151

(B) The executive director of the commission, in conjunction 80152

with the department of ~~alcohol and drug addiction services~~ mental 80153
health and addiction services and the state lottery commission, 80154
shall establish, operate, and publicize an in-state, toll-free 80155
telephone number Ohio residents may call to obtain basic 80156
information about problem gambling, the gambling addiction 80157
services available to problem gamblers, and how a problem gambler 80158
may obtain help. The telephone number shall be staffed twenty-four 80159
hours per day, seven days a week, to respond to inquiries and 80160
provide that information. The costs of establishing, operating, 80161
and publicizing the telephone number shall be paid for with money 80162
in the problem casino gambling and addictions fund. 80163

Sec. 3772.24. (A) An employee of a casino facility who is 80164
between eighteen and twenty-one years of age may be present in the 80165
area of a casino facility where casino gaming is being conducted, 80166
as long as the employee's duties are related solely to nongaming 80167
activities. An individual who is less than twenty-one years of age 80168
may enter a designated area of a casino facility where casino 80169
gaming is being conducted, as established by the commission, to 80170
pass to another area where casino gaming is not being conducted, 80171
but only if the individual is personally escorted by licensed 80172
casino personnel, as approved by the commission, who at all times 80173
remain in close proximity to the individual. An individual who is 80174
less than twenty-one years of age shall not make a wager under 80175
this chapter. 80176

(B) Casino operators shall notify the commission of the days 80177
and hours during which casino gaming will be conducted. 80178

Sec. 3772.36. (A) There is hereby created in the state 80179
treasury the casino control commission enforcement fund. All 80180
moneys that are derived from any fines, mandatory fines, or 80181
forfeited bail to which the commission may be entitled under this 80182
chapter and all moneys that are derived from forfeitures of 80183

property to which the commission may be entitled under this 80184
chapter or Chapter 2981. of the Revised Code, any other provision 80185
of the Revised Code, or federal law shall be deposited into the 80186
fund. Subject to division (B) of this section and divisions (B), 80187
(C), and (D) of section 2981.13 of the Revised Code, the moneys in 80188
the fund shall be used solely to subsidize the commission's 80189
division of enforcement and its efforts to ensure the integrity of 80190
casino gaming. 80191

(B) Notwithstanding any contrary provision in the Revised 80192
Code, moneys that are derived from forfeitures of property under 80193
federal law and that are deposited into the casino control 80194
commission enforcement fund in accordance with division (A) of 80195
this section shall be used and accounted for in accordance with 80196
the applicable federal law, and the commission otherwise shall 80197
comply with federal law in connection with that money. 80198

Sec. 3781.112. (A) As used in this section, "secured 80199
facility" means any of the following: 80200

(1) A maternity unit, newborn care nursery, or maternity home 80201
licensed under Chapter 3711. of the Revised Code; 80202

(2) A pediatric intensive care unit subject to rules adopted 80203
by the director of health pursuant to section 3702.11 of the 80204
Revised Code; 80205

(3) A children's hospital, as defined in section 3727.01 of 80206
the Revised Code; 80207

(4) A hospital that is licensed under section ~~5119.20~~ 5119.33 80208
of the Revised Code to receive mentally ill persons; 80209

(5) The portion of a nursing home licensed under section 80210
3721.02 of the Revised Code or in accordance with section 3721.09 80211
of the Revised Code in which specialized care is provided to 80212
residents of the nursing home who have physical or mental 80213

conditions that require a resident to be restricted in the 80214
resident's freedom of movement for the health and safety of the 80215
resident, the staff attending the resident, or the general public. 80216

(B) A secured facility may take reasonable steps in 80217
accordance with rules the board of building standards adopts under 80218
division (A) of section 3781.10 of the Revised Code and in 80219
accordance with the state fire code the fire marshal adopts under 80220
section 3737.82 of the Revised Code, to deny egress to confine and 80221
protect patients or residents of the secured facility who are not 80222
capable of self-preservation. A secured facility that wishes to 80223
deny egress to those patients or residents may use delayed-egress 80224
doors and electronically coded doors to deny egress, on the 80225
condition that those doors are installed and used in accordance 80226
with rules the board of building standards adopts under division 80227
(A) of section 3781.10 of the Revised Code and in accordance with 80228
the state fire code the fire marshal adopts under section 3737.82 80229
of the Revised Code. A secured facility also may install 80230
controlled-egress locks, in compliance with rules the board of 80231
building standards adopts under division (A) of section 3781.10 of 80232
the Revised Code and in compliance with the state fire code the 80233
fire marshal adopts under section 3737.82 of the Revised Code, in 80234
areas of the secured facility where patients or residents who have 80235
physical or mental conditions that would endanger the patients or 80236
residents, the staff attending the patients or residents, or the 80237
general public if those patients or residents are not restricted 80238
in their freedom of movement. A secured facility that uses 80239
delayed-egress doors and electronically coded doors, 80240
controlled-egress locks, or both, shall do both of the following: 80241

(1) Provide continuous, twenty-four-hour custodial care to 80242
the patients or residents of the facility; 80243

(2) Establish a system to evacuate patients or residents in 80244
the event of fire or other emergency. 80245

Sec. 3795.01. As used in sections 3795.01, 3795.02, and	80246
3795.03 of the Revised Code:	80247
(A) "Assist suicide" or "assisting suicide" means knowingly	80248
doing either of the following, with the purpose of helping another	80249
person to commit or attempt suicide:	80250
(1) Providing the physical means by which the person commits	80251
or attempts to commit suicide;	80252
(2) Participating in a physical act by which the person	80253
commits or attempts to commit suicide.	80254
(B) "Certified nurse practitioner," "certified	80255
nurse-midwife," and "clinical nurse specialist" have the same	80256
meanings as in section 4723.01 of the Revised Code.	80257
(C) "CPR" has the same meaning as in section 2133.21 of the	80258
Revised Code.	80259
(D) "Health care" means any care, treatment, service, or	80260
procedure to maintain, diagnose, or treat a person's physical or	80261
mental condition.	80262
(E) "Health care decision" means informed consent, refusal to	80263
give informed consent, or withdrawal of informed consent to health	80264
care.	80265
(F) "Health care facility" means any of the following:	80266
(1) A hospital;	80267
(2) A hospice care program or pediatric respite care program	80268
as defined in section 3712.01 of the Revised Code;	80269
(3) A nursing home;	80270
(4) A home health agency;	80271
(5) An intermediate care facility for the mentally retarded	80272
<u>individuals with intellectual disabilities.</u>	80273

(G) "Health care personnel" means physicians, nurses, 80274
physician assistants, emergency medical technicians-basic, 80275
emergency medical technicians-intermediate, emergency medical 80276
technicians-paramedic, medical technicians, dietitians, other 80277
authorized persons acting under the direction of an attending 80278
physician, and administrators of health care facilities. 80279

(H) "Physician" means a person who is authorized under 80280
Chapter 4731. of the Revised Code to practice medicine and surgery 80281
or osteopathic medicine and surgery. 80282

Sec. 3798.01. As used in this chapter: 80283

(A) "Administrative safeguards," "physical safeguards," and 80284
"technical safeguards" have the same meanings as in 45 C.F.R. 80285
164.304. 80286

(B) "Approved health information exchange" means a health 80287
information exchange that has been approved or reapproved by the 80288
medicaid director ~~of job and family services~~ pursuant to the 80289
approval or reapproval process, as applicable, the director 80290
establishes in rules adopted under division (A) of section 3798.15 80291
of the Revised Code or that has been certified by the office of 80292
the national coordinator for health information technology in the 80293
United States department of health and human services. 80294

(C) "Covered entity," "disclosure," "health care provider," 80295
"health information," "individually identifiable health 80296
information," "protected health information," and "use" have the 80297
same meanings as in 45 C.F.R. 160.103. 80298

(D) "Designated record set" has the same meaning as in 45 80299
C.F.R. 164.501. 80300

(E) "Direct exchange" means the activity of electronic 80301
transmission of health information through a direct connection 80302
between the electronic record systems of health care providers 80303

without the use of a health information exchange. 80304

(F) "Health care component" and "hybrid entity" have the same 80305
meanings as in 45 C.F.R. 164.103. 80306

(G) "Health information exchange" means any person or 80307
governmental entity that provides in this state a technical 80308
infrastructure to connect computer systems or other electronic 80309
devices used by covered entities to facilitate the secure 80310
transmission of health information. "Health information exchange" 80311
excludes health care providers engaged in direct exchange, 80312
including direct exchange through the use of a health information 80313
service provider. 80314

(H) "HIPAA privacy rule" means the standards for privacy of 80315
individually identifiable health information in 45 C.F.R. part 160 80316
and in 45 C.F.R. part 164, subparts A and E. 80317

(I) "Interoperability" means the capacity of two or more 80318
information systems to exchange information in an accurate, 80319
effective, secure, and consistent manner. 80320

(J) "Minor" means an unemancipated person under eighteen 80321
years of age or a mentally or physically disabled person under 80322
twenty-one years of age who meets criteria specified in rules 80323
adopted by the medicaid director ~~of job and family services~~ under 80324
section 3798.13 of the Revised Code. 80325

(K) "More stringent" has the same meaning as in 45 C.F.R. 80326
160.202. 80327

(L) "Office of health transformation" means the office of 80328
health transformation created by executive order 2011-02K or a 80329
successor governmental entity responsible for health system 80330
oversight in this state. 80331

(M) "Personal representative" means a person who has 80332
authority under applicable law to make decisions related to health 80333

care on behalf of an adult or emancipated minor, or the parent, 80334
legal guardian, or other person acting in loco parentis who is 80335
authorized under law to make health care decisions on behalf of an 80336
unemancipated minor. "Personal representative" does not include 80337
the parent or legal guardian of, or another person acting in loco 80338
parentis to, a minor who consents to the minor's own receipt of 80339
health care or a minor who makes medical decisions on the minor's 80340
own behalf pursuant to law, court approval, or because the minor's 80341
parent, legal guardian, or other person acting in loco parentis 80342
has assented to an agreement of confidentiality between the 80343
provider and the minor. 80344

(N) "Political subdivision" means a municipal corporation, 80345
township, county, school district, or other body corporate and 80346
politic responsible for governmental activities in a geographic 80347
area smaller than that of the state. 80348

(O) "State agency" means any one or more of the following: 80349

(1) The department of administrative services; 80350

~~(2)~~ The department of aging; 80351

~~(2)~~~~(3)~~ The department of alcohol and drug addiction services 80352
mental health and addiction services; 80353

~~(3)~~~~(4)~~ The department of developmental disabilities; 80354

~~(4)~~~~(5)~~ The department of education; 80355

~~(5)~~~~(6)~~ The department of health; 80356

~~(6)~~~~(7)~~ The department of insurance; 80357

~~(7)~~~~(8)~~ The department of job and family services; 80358

~~(8)~~~~(9)~~ The department of ~~mental health~~ medicaid; 80359

~~(9)~~~~(10)~~ The department of rehabilitation and correction; 80360

~~(10)~~~~(11)~~ The department of youth services; 80361

~~(11)~~~~(12)~~ The bureau of workers' compensation; 80362

~~(12)~~(13) The ~~rehabilitation services commission~~ opportunities 80363
for Ohioans with disabilities agency; 80364

~~(13)~~(14) The office of the attorney general; 80365

~~(14)~~(15) A health care licensing board created under Title 80366
XLVII of the Revised Code that possesses individually identifiable 80367
health information. 80368

Sec. 3798.10. (A) Not later than six months after ~~the~~ 80369
~~effective date of this section~~ September 10, 2012, the medicaid 80370
~~director of job and family services~~, in consultation with the 80371
office of health transformation, shall prescribe by rules adopted 80372
in accordance with Chapter 119. of the Revised Code a standard 80373
authorization form for the use and disclosure of protected health 80374
information by covered entities in this state. The form shall meet 80375
all requirements specified in 45 C.F.R. 164.508 and, where 80376
applicable, 42 C.F.R. part 2. 80377

(B) If a form the medicaid director prescribes under division 80378
(A) of this section is properly executed by an individual or the 80379
individual's personal representative, it shall be accepted by any 80380
person or governmental entity in this state as valid authorization 80381
for the use or disclosure of the individual's protected health 80382
information to the persons or governmental entities specified in 80383
the form. 80384

(C) This section does not preclude a person or governmental 80385
entity from accepting as valid authorization for the use or 80386
disclosure of protected health information a form other than the 80387
form prescribed under division (A) of this section if the other 80388
form meets all requirements specified in 45 C.F.R. 164.508 and, if 80389
applicable, 42 C.F.R. part 2. 80390

Sec. 3798.13. The medicaid director ~~of job and family~~ 80391
~~services~~ shall adopt rules for purposes of specifying the criteria 80392

a person who is mentally or physically disabled and who is under 80393
twenty-one years of age must meet to be considered a minor for 80394
purposes of sections 3798.07 and 3798.12 of the Revised Code. 80395

Sec. 3798.14. (A) The medicaid director ~~of job and family~~ 80396
~~services~~, in consultation with the office of health 80397
transformation, shall adopt rules in accordance with Chapter 119. 80398
of the Revised Code for the purpose of establishing standards the 80399
director must use to approve health information exchanges 80400
operating in this state. The rules shall not be adopted until the 80401
earlier of sixty days following the adoption of a federal 80402
certification process for health information exchanges by the 80403
office of the national coordinator for health information 80404
technology in the United States department of health and human 80405
services or January 1, 2013. Subject to division (B) of this 80406
section, the rules may include standards and procedures to be 80407
followed by a health information exchange regarding the following: 80408

(1) Access to and use and disclosure of protected health 80409
information maintained by or on an approved health information 80410
exchange; 80411

(2) Demonstration of adequate financial resources to sustain 80412
continued operations in compliance with the rules adopted under 80413
this section; 80414

(3) Participation in outreach activities for individuals and 80415
covered entities; 80416

(4) Conduct of operations in a transparent manner to promote 80417
consumer confidence; 80418

(5) Implementation of security breach notification 80419
procedures. 80420

(B) The rules the medicaid director adopts pursuant to 80421
division (A) of this section shall be consistent with 80422

certification standards for health information exchanges 80423
established in federal statutes and regulations, including 80424
nationally recognized standards for interoperability. 80425

Sec. 3798.15. (A) The medicaid director ~~of job and family~~ 80426
~~services~~, in consultation with the office of health 80427
transformation, shall adopt rules in accordance with Chapter 119. 80428
of the Revised Code for the purpose of establishing processes for 80429
all of the following: 80430

(1) A health information exchange to obtain approval to 80431
operate as an approved health information exchange in this state 80432
and, at times specified by the director, obtain reapproval of such 80433
status; 80434

(2) The director to investigate and resolve concerns and 80435
complaints submitted to the director regarding an approved health 80436
information exchange; 80437

(3) A health information exchange to apply for 80438
reconsideration of a decision the director makes under a process 80439
established under division (A)(1) or (2) of this section; 80440

(4) Covered entities and approved health information 80441
exchanges to enter into participation agreements and enforce the 80442
terms of such agreements. 80443

(B) Any decision the medicaid director makes in relation to a 80444
request for reconsideration made in accordance with rules adopted 80445
under division (A)(3) of this section is not subject to appeal 80446
under Chapter 119. of the Revised Code. 80447

Sec. 3798.16. (A) The medicaid director of job and family 80448
services, in consultation with the office of health 80449
transformation, shall adopt rules in accordance with Chapter 119. 80450
of the Revised Code for the purpose of specifying the content of 80451
agreements governing covered entities' participation in approved 80452

health information exchanges. At a minimum, the rules shall 80453
require the content of such participation agreements to include 80454
all of the following: 80455

(1) Procedures for a covered entity to disclose an 80456
individual's protected health information to an approved health 80457
information exchange; 80458

(2) Procedures for a covered entity to access an individual's 80459
protected health information from an approved health information 80460
exchange; 80461

(3) Subject to division (B) of this section, a written notice 80462
to be provided by a covered entity to an individual or the 80463
individual's personal representative prior to the covered entity's 80464
disclosure of the individual's protected health information to an 80465
approved health information exchange; 80466

(4) Documentation the covered entity must use to verify that 80467
a notice described in division (A)(3) of this section has been 80468
provided by the covered entity to an individual or the 80469
individual's personal representative prior to the disclosure of 80470
the individual's protected health information to an approved 80471
health information exchange; 80472

(5) Procedures for an individual or the individual's personal 80473
representative to submit to the covered entity a written request 80474
to place restrictions on the covered entity's disclosure of 80475
protected health information to the approved health information 80476
exchange; 80477

(6) The standards a covered entity must use to determine 80478
whether, and to what extent, to comply with a written request 80479
described in division (A)(5) of this section; 80480

(7) The purposes for which a covered entity may access and 80481
use protected health information from the approved health 80482

information exchange. 80483

(B) With respect to the written notice described in division 80484
(A)(3) of this section, the rules may specify that the notice can 80485
be incorporated into the covered entity's notice of privacy 80486
practices required by 45 C.F.R. 164.520 and shall specify that the 80487
notice include the following statements: 80488

(1) The individual's protected health information will be 80489
disclosed to the approved health information exchange to 80490
facilitate the provision of health care to the individual. 80491

(2) The approved health information exchange maintains 80492
appropriate administrative, physical, and technical safeguards to 80493
protect the privacy and security of protected health information. 80494

(3) Only authorized individuals may access and use protected 80495
health information from the approved health information exchange. 80496

(4) The individual or the individual's personal 80497
representative has the right to request in writing that the 80498
covered entity do either or both of the following: 80499

(a) Not disclose any of the individual's protected health 80500
information to the approved health information exchange; 80501

(b) Not disclose specific categories of the individual's 80502
protected health information to the approved health information 80503
exchange. 80504

(5) Any restrictions on the disclosure of protected health 80505
information an individual requests as described in either division 80506
(B)(4)(a) or (b) of this section may result in a health care 80507
provider not having access to information that is necessary for 80508
the provider to render appropriate care to the individual. 80509

(6) Any restrictions on the disclosure of protected health 80510
information an individual requests as described in division 80511
(B)(4)(a) of this section must be honored by the covered entity. 80512

(7) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(b) of this section must be honored if the restriction is consistent with rules adopted under this chapter.

(C) In adopting standards under division (A)(6) of this section, the medicaid director shall take into consideration the technical capabilities of software available to health information exchanges."

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:

(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;

(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the ~~medicaid program operated under Title XIX of the "Social Security Act,"~~ except that if a federal waiver applied for under section ~~5111.178~~ 5167.25 of the Revised Code is granted or the medicaid director ~~of job and family services~~ determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations

licensed under Chapter 1751. of the Revised Code, instead of the 80543
prompt payment requirements of 42 C.F.R. 447.46; 80544

(E) A third-party payer for coverage provided under the 80545
tricare program offered by the United States department of 80546
defense. 80547

Sec. 3903.14. (A) The superintendent of insurance as 80548
rehabilitator may appoint one or more special deputies, who shall 80549
have all the powers and responsibilities of the rehabilitator 80550
granted under this section, and the superintendent may employ such 80551
clerks and assistants as considered necessary. The compensation of 80552
the special deputies, clerks, and assistants and all expenses of 80553
taking possession of the insurer and of conducting the proceedings 80554
shall be fixed by the superintendent, with the approval of the 80555
court and shall be paid out of the funds or assets of the insurer. 80556
The persons appointed under this section shall serve at the 80557
pleasure of the superintendent. In the event that the property of 80558
the insurer does not contain sufficient cash or liquid assets to 80559
defray the costs incurred, the superintendent may advance the 80560
costs so incurred out of any appropriation for the maintenance of 80561
the department of insurance. Any amounts so advanced for expenses 80562
of administration shall be repaid to the superintendent for the 80563
use of the department out of the first available money of the 80564
insurer. 80565

(B) The rehabilitator may take such action as the 80566
rehabilitator considers necessary or appropriate to reform and 80567
revitalize the insurer. The rehabilitator shall have all the 80568
powers of the directors, officers, and managers, whose authority 80569
shall be suspended, except as they are redelegated by the 80570
rehabilitator. The rehabilitator shall have full power to direct 80571
and manage, to hire and discharge employees subject to any 80572
contract rights they may have, and to deal with the property and 80573

business of the insurer. 80574

(C) If it appears to the rehabilitator that there has been 80575
criminal or tortious conduct, or breach of any contractual or 80576
fiduciary obligation detrimental to the insurer by any officer, 80577
manager, agent, director, trustee, broker, employee, or other 80578
person, the rehabilitator may pursue all appropriate legal 80579
remedies on behalf of the insurer. 80580

(D) If the rehabilitator determines that reorganization, 80581
consolidation, conversion, reinsurance, merger, or other 80582
transformation of the insurer is appropriate, the rehabilitator 80583
shall prepare a plan to effect such changes. Upon application of 80584
the rehabilitator for approval of the plan, and after such notice 80585
and hearings as the court may prescribe, the court may either 80586
approve or disapprove the plan proposed, or may modify it and 80587
approve it as modified. Any plan approved under this section shall 80588
be, in the judgment of the court, fair and equitable to all 80589
parties concerned. If the plan is approved, the rehabilitator 80590
shall carry out the plan. In the case of a life insurer, the plan 80591
proposed may include the imposition of liens upon the policies of 80592
the company, if all rights of shareholders are first relinquished. 80593
A plan for a life insurer may also propose imposition of a 80594
moratorium upon loan and cash surrender rights under policies, for 80595
such period and to such an extent as may be necessary. 80596

(E) In the case of a medicaid health insuring corporation 80597
that has posted a bond or deposited securities in accordance with 80598
section 1751.271 of the Revised Code, the plan proposed under 80599
division (D) of this section may include the use of the proceeds 80600
of the bond or securities to first pay the claims of contracted 80601
providers for covered health care services provided to medicaid 80602
recipients, then next to pay other claimants with any remaining 80603
funds, consistent with the priorities set forth in sections 80604
3903.421 and 3903.42 of the Revised Code. 80605

(F) The rehabilitator shall have the power under sections 3903.26 and 3903.27 of the Revised Code to avoid fraudulent transfers. 80606
80607
80608

(G) As used in this section: 80609

(1) "Contracted provider" means a provider with a contract with a medicaid health insuring corporation to provide covered health care services to medicaid recipients. 80610
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(2) "Medicaid recipient" means a person ~~eligible for assistance under enrolled in~~ the medicaid program ~~operated pursuant to Chapter 5111. of the Revised Code.~~ 80613
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Sec. 3905.40. There shall be paid to the superintendent of insurance the following fees: 80616
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(A) Each insurance company doing business in this state shall pay: 80618
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(1) For filing a copy of its charter or deed of settlement, two hundred fifty dollars; 80620
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(2) For filing each statement, one hundred seventy-five dollars; 80622
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(3) For each certificate of authority or license, one hundred seventy-five, and for each certified copy thereof, five dollars; 80624
80625

(4) For each copy of a paper filed in the superintendent's office, twenty cents per page; 80626
80627

(5) For issuing certificates of deposits or certified copies thereof, five dollars for the first certificate or copy and one dollar for each additional certificate or copy; 80628
80629
80630

(6) For issuing certificates of compliance or certified copies thereof, sixty dollars; 80631
80632

(7) For affixing the seal of office and certifying documents, other than those enumerated herein, two dollars; 80633
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(8) For each agent appointment and each annual renewal of an agent appointment, <u>not more than</u> twenty dollars+	80635 80636
(9) For each termination of an agent appointment, five dollars.	80637 80638
(B) Each domestic life insurance company doing business in this state shall pay for annual valuation of its policies, one cent on every one thousand dollars of insurance.	80639 80640 80641
(C) Each applicant for licensure as an insurance agent except applicants for licensure as surety bail bond agents, surplus line brokers, and portable electronics insurance vendors shall pay ten dollars for each line of authority requested. Fees collected under this division shall be credited to the department of insurance operating fund created in section 3901.021 of the Revised Code.	80642 80643 80644 80645 80646 80647
(D) Each domestic mutual life insurance company shall pay for verifying that any amendment to its articles of incorporation was regularly adopted, two hundred fifty dollars with each application for verification. Any such amendment shall be considered to have been regularly adopted when approved by the affirmative vote of two-thirds of the policyholders present in person or by proxy at any annual meeting of policyholders or at a special meeting of policyholders called for that purpose.	80648 80649 80650 80651 80652 80653 80654 80655
(E) Each insurance agent doing business in this state shall pay a biennial license renewal fee of twenty-five dollars, except the following insurance agents are not required to pay that license renewal fee:	80656 80657 80658 80659
(1) Individual resident agents who have met their continuing education requirements under section 3905.481 of the Revised Code;	80660 80661
(2) Surety bail bond agents;	80662
(3) Surplus line brokers;	80663
(4) Portable electronics insurance vendors.	80664

(F) Each applicant for licensure as a portable electronics insurance vendor with a portable electronics insurance limited lines license and each licensed vendor doing business in this state shall pay the following fees prescribed by the superintendent:

(1) For vendors engaged in portable electronic transactions at more than ten locations in this state, an application fee not to exceed five thousand dollars for an initial license and a biennial license renewal fee not to exceed two thousand five hundred dollars for each renewal thereafter;

(2) For vendors engaged in portable electronic transactions at ten or fewer locations in this state, an application fee not to exceed three thousand dollars for an initial license and a biennial license renewal fee not to exceed one thousand dollars for each renewal thereafter.

(G) All fees collected by the superintendent under this section except any fees collected under divisions (A)(2), (3), and (6) of this section shall be credited to the department of insurance operating fund created under section 3901.021 of the Revised Code.

Sec. 3905.483. (A) There is hereby created the insurance agent education advisory council to advise the superintendent of insurance in carrying out the duties imposed under sections 3905.04 and 3905.481 to 3905.486 of the Revised Code.

(B) The council shall be composed of the superintendent, or the superintendent's designee, and twelve members appointed by the superintendent, as follows:

(1) One representative of the association of Ohio life insurance companies;

(2) One representative of the independent insurance agents of

Ohio;	80695
(3) One representative of the Ohio association of health underwriters;	80696 80697
(4) One representative of the national association of insurance and financial advisors-Ohio;	80698 80699
(5) One representative of the Ohio insurance institute;	80700
(6) One representative of the professional insurance agents association of Ohio;	80701 80702
(7) One representative of the Ohio land title association;	80703
(8) Two insurance agents each of whom has been licensed continuously during the five-year period immediately preceding the agent's appointment;	80704 80705 80706
(9) One representative of an insurance company admitted to transact business in this state;	80707 80708
(10) Two representatives of consumers, one of whom shall be at least sixty <u>fifty</u> years of age.	80709 80710
(C)(1) Of the initial eleven appointments made by the superintendent, three shall be for terms ending December 31, 1994, four shall be for terms ending December 31, 1995, and four shall be for terms ending December 31, 1996. Thereafter, terms of office shall be for three years, each term ending on the thirty-first day of December of the third year.	80711 80712 80713 80714 80715 80716
(2) The initial appointment of the twelfth member made by the superintendent under division (B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th general assembly, shall be for a term ending December 31, 2003. Thereafter, the term of office shall be for three years, ending on the thirty-first day of December of the third year.	80717 80718 80719 80720 80721 80722
(D) Each member shall hold office from the date of appointment until the end of the term for which the member was	80723 80724

appointed. Any member appointed to fill a vacancy occurring prior 80725
to the expiration of the term for which the member's predecessor 80726
was appointed shall hold office for the remainder of such term. 80727
Any member shall continue in office subsequent to the expiration 80728
date of the member's term until the member's successor takes 80729
office, or until a period of sixty days has elapsed, whichever 80730
occurs first. A vacancy shall be filled in the same manner as the 80731
original appointment. 80732

(E) Initial appointments to the council shall be made no 80733
later than thirty days after April 16, 1993. The initial 80734
appointment of the twelfth member to the council under division 80735
(B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th 80736
general assembly, shall be made no later than December 31, 2002. 80737

(F) Any member is eligible for reappointment. The 80738
superintendent, after notice and opportunity for a hearing, may 80739
remove for cause any member the superintendent appoints. 80740

(G) The superintendent or the superintendent's designee shall 80741
serve as chairperson of the council. Meetings shall be held upon 80742
the call of the chairperson and as may be provided by procedures 80743
adopted by the superintendent. Seven members of the council 80744
constitute a quorum. 80745

(H) Each member shall receive mileage and necessary and 80746
actual expenses while engaged in the business of the council. 80747

Sec. 3905.862. Upon the expiration or cancellation of a 80748
surety bail bond agent's appointment, the agent shall not engage 80749
or attempt to engage in any activity requiring such an 80750
appointment. However, an insurer that cancels the appointment of a 80751
surety bail bond agent may authorize the agent to continue to 80752
attempt the arrest and surrender of a defendant for whom a bail 80753
bond had been written prior to the cancellation and to seek 80754
discharge of forfeitures and judgments. 80755

~~An insurer that cancels the appointment of a surety bail bond agent or allows that appointment to expire shall pay to the superintendent of insurance a fee pursuant to division (A)(9) of section 3905.40 of the Revised Code.~~

Sec. 3916.06. (A)(1) With each application for a viatical settlement, a viatical settlement provider or viatical settlement broker shall disclose at least the following to a viator no later than the time all parties sign the application for the viatical settlement contract:

(a) That there are possible alternatives to viatical settlement contracts, including any accelerated death benefits offered under the viator's policy;

(b) That some or all of the proceeds of the viatical settlement may be subject to federal income taxation and state franchise and income taxation, and that assistance should be sought from a professional tax advisor;

(c) That the proceeds of the viatical settlement could be subject to the claims of creditors;

(d) That receipt of the proceeds of the viatical settlement may adversely affect the viator's eligibility for ~~medical assistance under Chapter 5111. of the Revised Code~~ the medicaid program or other government benefits or entitlements, and that advice should be obtained from the appropriate government agencies;

(e) That the viator has a right to rescind the viatical settlement contract for at least fifteen calendar days after the viator receives the viatical settlement proceeds, as provided in section 3916.08 of the Revised Code. If the insured dies during the rescission period, the viatical settlement contract shall be deemed to have been rescinded, subject to repayment of all

viatical settlement proceeds to the viatical settlement company. 80786

(f) That funds will be sent to the viator within three 80787
business days after the viatical settlement provider has received 80788
written acknowledgment from the insurer or group administrator 80789
that ownership of the policy or interest in the certificate has 80790
been transferred and that the beneficiary has been designated 80791
pursuant to the viatical settlement contract; 80792

(g) That entering into a viatical settlement contract may 80793
cause other rights or benefits, including conversion rights and 80794
waiver of premium benefits that may exist under the policy, to be 80795
forfeited by the viator and that assistance should be sought from 80796
a financial advisor. 80797

(h) That following execution of the viatical settlement 80798
contract, the viatical settlement provider or the authorized 80799
representative of the viatical settlement provider may contact the 80800
insured for the purpose of determining the insured's health status 80801
and to confirm the insured's residential or business address and 80802
telephone number or for other purposes permitted by law. Any such 80803
contact shall be limited to once in any three-month period if the 80804
insured has a life expectancy of more than one year or to once per 80805
month if the insured has a life expectancy of one year or less. 80806

(2) The viatical settlement provider or viatical settlement 80807
broker shall provide the disclosures under division (A)(1) of this 80808
section in a separate document that is signed by the viator and 80809
the viatical settlement provider or viatical settlement broker. 80810

(3) Disclosure to a viator under division (A)(1) of this 80811
section shall include distribution of a brochure describing the 80812
process of viatical settlements. The viatical settlement provider 80813
or viatical settlement broker shall use the NAIC's form for the 80814
brochure unless another form is developed or approved by the 80815
superintendent. 80816

(4) The disclosure document under division (A)(1) of this section shall contain the following language:

"All medical, financial, or personal information solicited or obtained by a viatical settlement provider or viatical settlement broker about an insured, including the insured's identity or the identity of family members, a spouse, or a significant other may be disclosed as necessary to effect the viatical settlement between the viator and the viatical settlement provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years."

(B)(1) A viatical settlement provider shall disclose at least the following to a viator prior to the date the viatical settlement contract is signed by all the necessary parties:

(a) The affiliation, if any, between the viatical settlement provider and the issuer of the policy to be viaticated;

(b) The name, business address, and telephone number of the viatical settlement provider;

(c) Regarding a viatical settlement broker, the amount and method of calculating the broker's compensation. As used in this division, "compensation" includes anything of value paid or given to a viatical settlement broker for the placement of a policy or certificate.

(d) Any affiliations or contractual arrangements between the viatical settlement provider and the viatical settlement broker;

(e) If a policy to be viaticated has been issued as a joint policy or involves family riders or any coverage of a life other than the insured under the policy to be viaticated, the possible loss of coverage on the other lives under the policy and that

advice should be sought from the viator's insurance agent or the 80848
company issuing the policy; 80849

(f) The dollar amount of the current death benefit payable to 80850
the viatical settlement provider under the policy, and, if known, 80851
the availability of any additional guaranteed insurance benefits, 80852
the dollar amount of any accidental death and dismemberment 80853
benefits under the policy, and the extent to which the viator's 80854
interest in those benefits will be transferred as a result of the 80855
viatical settlement contract. 80856

(g) That an escrow agent shall provide escrow services to the 80857
parties pursuant to a written agreement, signed by the viatical 80858
settlement provider, the viatical settlement broker, and the 80859
viator. At the close of escrow, the escrow agent will distribute 80860
the proceeds of the sale to the viator, minus any compensation to 80861
be paid to any other persons who provided services and to whom the 80862
viator has agreed to compensate out of the gross amount offered by 80863
the viatical settlement purchaser. All persons receiving any form 80864
of compensation under the escrow agreement shall be clearly 80865
identified, including name, business address, telephone number, 80866
and tax identification number. 80867

(2) The viatical settlement broker shall disclose at least 80868
the following to a viator prior to the execution of the viatical 80869
settlement contract: 80870

(a) The name, business address, and telephone number of the 80871
viatical settlement broker; 80872

(b) A full, complete, and accurate description of all offers, 80873
counteroffers, acceptances, and rejections relating to the 80874
proposed viatical settlement contract; 80875

(c) Any affiliations or contractual agreements between the 80876
viatical settlement broker and any person making an offer in 80877
connection with the proposed viatical settlement contract; 80878

(d) The amount and method of calculating the viatical settlement broker's compensation and, if any portion of the viatical settlement broker's compensation is taken from the viatical settlement offer, the total amount of the viatical settlement offer and the viatical settlement broker's compensation as a percentage of that total. As used in this division, "compensation" includes anything of value paid or given to a viatical settlement broker related to the settlement of a policy.

(3) The viatical settlement provider or viatical settlement broker shall conspicuously display the disclosures required under divisions (B)(1) and (2) of this section in the viatical settlement contract or in a separate document signed by the viator and the viatical settlement provider or viatical settlement broker, as appropriate.

(C) If the viatical settlement provider transfers ownership or changes the beneficiary of the policy, the viatical settlement provider shall communicate in writing the change in ownership or beneficiary to the insured within twenty days after the change.

Sec. 3923.24. (A) Notwithstanding section 3901.71 of the Revised Code, every certificate furnished by an insurer in connection with, or pursuant to any provision of, any group sickness and accident insurance policy delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, every policy of sickness and accident insurance delivered, issued for delivery, renewed, or used in this state on or after January 1, 1972, and every multiple employer welfare arrangement offering an insurance program, which provides that coverage of an unmarried dependent child of a parent or legal guardian will terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the policy, upon the request of the insured, the insurer shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the insured.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) The child is not eligible for ~~coverage under~~ the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or the medicare program ~~established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.~~

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance.

(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the

two-year period following the child's attainment of the limiting 80940
age, the insurer may require proof satisfactory to it of the 80941
continuance of such incapacity and dependency. 80942

(C) Nothing in this section shall require an insurer to cover 80943
a dependent child who is mentally retarded or physically 80944
handicapped if the contract is underwritten on evidence of 80945
insurability based on health factors set forth in the application, 80946
or if such dependent child does not satisfy the conditions of the 80947
contract as to any requirement for evidence of insurability or 80948
other provision of the contract, satisfaction of which is required 80949
for coverage thereunder to take effect. In any such case, the 80950
terms of the contract shall apply with regard to the coverage or 80951
exclusion of the dependent from such coverage. Nothing in this 80952
section shall apply to accidental death or dismemberment benefits 80953
provided by any such policy of sickness and accident insurance. 80954

(D) Nothing in this section shall do any of the following: 80955

(1) Require that any policy offer coverage for dependent 80956
children or provide coverage for an unmarried dependent child's 80957
children as dependents on the policy; 80958

(2) Require an employer to pay for any part of the premium 80959
for an unmarried dependent child that has attained the limiting 80960
age for dependents, as provided in the policy; 80961

(3) Require an employer to offer health insurance coverage to 80962
the dependents of any employee. 80963

(E) This section does not apply to any policies or 80964
certificates covering only accident, credit, dental, disability 80965
income, long-term care, hospital indemnity, medicare supplement, 80966
specified disease, or vision care; coverage under a 80967
one-time-limited-duration policy of not longer than six months; 80968
coverage issued as a supplement to liability insurance; insurance 80969
arising out of a workers' compensation or similar law; automobile 80970

medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(F) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:

(1) A public employee benefit plan;

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the Revised Code, any public employee benefit plan that provides that coverage of an unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the plan shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the plan, upon the request of the employee, the public employee benefit plan shall offer to cover the unmarried child until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the employee.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) The child is not eligible for ~~coverage under~~ the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or the

medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395. 81001
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(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following: 81003
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(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap; 81007
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(b) Primarily dependent upon the plan member for support and maintenance. 81009
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(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency. 81011
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(C) Nothing in this section shall do any of the following: 81018

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan; 81019
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(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan; 81023
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(3) Require an employer to offer health insurance coverage to the dependents of any employee. 81026
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(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, 81028
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specified disease, or vision care; coverage under a 81031
one-time-limited-duration policy of not longer than six months; 81032
coverage issued as a supplement to liability insurance; insurance 81033
arising out of a workers' compensation or similar law; automobile 81034
medical-payment insurance; or insurance under which benefits are 81035
payable with or without regard to fault and which is statutorily 81036
required to be contained in any liability insurance policy or 81037
equivalent self-insurance. 81038

(E) As used in this section, "health benefit plan" has the 81039
same meaning as in section 3924.01 of the Revised Code and also 81040
includes both of the following: 81041

(1) A public employee benefit plan; 81042

(2) A health benefit plan as regulated under the "Employee 81043
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 81044

Sec. 3923.281. (A) As used in this section: 81045

(1) "Biologically based mental illness" means schizophrenia, 81046
schizoaffective disorder, major depressive disorder, bipolar 81047
disorder, paranoia and other psychotic disorders, 81048
obsessive-compulsive disorder, and panic disorder, as these terms 81049
are defined in the most recent edition of the diagnostic and 81050
statistical manual of mental disorders published by the American 81051
psychiatric association. 81052

(2) "Policy of sickness and accident insurance" has the same 81053
meaning as in section 3923.01 of the Revised Code, but excludes 81054
any hospital indemnity, medicare supplement, long-term care, 81055
disability income, one-time-limited-duration policy of not longer 81056
than six months, supplemental benefit, or other policy that 81057
provides coverage for specific diseases or accidents only; any 81058
policy that provides coverage for workers' compensation claims 81059
compensable pursuant to Chapters 4121. and 4123. of the Revised 81060

Code; and any policy that provides coverage to beneficiaries 81061
~~enrolled in Title XIX of the "Social Security Act," 49 Stat. 620~~ 81062
~~(1935), 42 U.S.C.A. 301, as amended, known as the medical~~ 81063
~~assistance program or medicaid, as provided by the Ohio department~~ 81064
~~of job and family services under Chapter 5111. of the Revised Code~~ 81065
recipients. 81066

(B) Notwithstanding section 3901.71 of the Revised Code, and 81067
subject to division (E) of this section, every policy of sickness 81068
and accident insurance shall provide benefits for the diagnosis 81069
and treatment of biologically based mental illnesses on the same 81070
terms and conditions as, and shall provide benefits no less 81071
extensive than, those provided under the policy of sickness and 81072
accident insurance for the treatment and diagnosis of all other 81073
physical diseases and disorders, if both of the following apply: 81074

(1) The biologically based mental illness is clinically 81075
diagnosed by a physician authorized under Chapter 4731. of the 81076
Revised Code to practice medicine and surgery or osteopathic 81077
medicine and surgery; a psychologist licensed under Chapter 4732. 81078
of the Revised Code; a professional clinical counselor, 81079
professional counselor, or independent social worker licensed 81080
under Chapter 4757. of the Revised Code; or a clinical nurse 81081
specialist licensed under Chapter 4723. of the Revised Code whose 81082
nursing specialty is mental health. 81083

(2) The prescribed treatment is not experimental or 81084
investigational, having proven its clinical effectiveness in 81085
accordance with generally accepted medical standards. 81086

(C) Division (B) of this section applies to all coverages and 81087
terms and conditions of the policy of sickness and accident 81088
insurance, including, but not limited to, coverage of inpatient 81089
hospital services, outpatient services, and medication; maximum 81090
lifetime benefits; copayments; and individual and family 81091
deductibles. 81092

(D) Nothing in this section shall be construed as prohibiting a sickness and accident insurance company from taking any of the following actions:

(1) Negotiating separately with mental health care providers with regard to reimbursement rates and the delivery of health care services;

(2) Offering policies that provide benefits solely for the diagnosis and treatment of biologically based mental illnesses;

(3) Managing the provision of benefits for the diagnosis or treatment of biologically based mental illnesses through the use of pre-admission screening, by requiring beneficiaries to obtain authorization prior to treatment, or through the use of any other mechanism designed to limit coverage to that treatment determined to be necessary;

(4) Enforcing the terms and conditions of a policy of sickness and accident insurance.

(E) An insurer that offers any policy of sickness and accident insurance is not required to provide benefits for the diagnosis and treatment of biologically based mental illnesses pursuant to division (B) of this section if all of the following apply:

(1) The insurer submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the insurer's costs for claims and administrative expenses for the coverage of all other physical diseases and disorders to increase by more than one per cent per year.

(2) The insurer submits a signed letter from an independent member of the American academy of actuaries to the superintendent

of insurance opining that the increase described in division 81124
(E)(1) of this section could reasonably justify an increase of 81125
more than one per cent in the annual premiums or rates charged by 81126
the insurer for the coverage of all other physical diseases and 81127
disorders. 81128

(3) The superintendent of insurance makes the following 81129
determinations from the documentation and opinion submitted 81130
pursuant to divisions (E)(1) and (2) of this section: 81131

(a) Incurred claims for diagnostic and treatment services for 81132
biologically based mental illnesses for a period of at least six 81133
months independently caused the insurer's costs for claims and 81134
administrative expenses for the coverage of all other physical 81135
diseases and disorders to increase by more than one per cent per 81136
year. 81137

(b) The increase in costs reasonably justifies an increase of 81138
more than one per cent in the annual premiums or rates charged by 81139
the insurer for the coverage of all other physical diseases and 81140
disorders. 81141

Any determination made by the superintendent under this 81142
division is subject to Chapter 119. of the Revised Code. 81143

Sec. 3923.443. (A)(1) No agent shall sell, solicit, or 81144
negotiate long-term care insurance on or after September 1, 2008, 81145
without completing an initial eight-hour partnership program 81146
training course as described in division (B) of this section. 81147

(2)(a) Any agent that sells, solicits, or negotiates any 81148
long-term care insurance shall complete at least four hours of 81149
continuing education in every twenty-four-month period commencing 81150
on the first day of January of the year immediately following the 81151
year of the issuance of the agent's license. 81152

(b) No agent shall fail to complete the continuing education 81153

requirements in division (A)(2)(a) of this section in the 81154
twenty-four-month period described in that division. 81155

(B) The initial training course and continuing education 81156
required under division (A) of this section may be approved by the 81157
superintendent of insurance as continuing education courses under 81158
sections 3905.481 to 3905.486 of the Revised Code and shall 81159
consist of combined topics related to long-term care insurance, 81160
long-term care services, and state long-term care insurance 81161
partnership programs, including all of the following: 81162

(1) State and federal regulations and requirements and the 81163
relationship between state long-term care insurance partnership 81164
programs and other public and private coverage of long-term care 81165
services, including medicaid; 81166

(2) Available long-term care services and providers; 81167

(3) Changes or improvements in long-term care services or 81168
providers; 81169

(4) Alternatives to the purchase of private long-term care 81170
insurance; 81171

(5) The effect of inflation on benefits and the importance of 81172
inflation protection; 81173

(6) Consumer suitability standards and guidelines; 81174

(7) Any other topics required by the superintendent. 81175

(C) The initial training and continuing education required by 81176
division (A) of this section shall not include training that is 81177
specific to a particular insurer or company product or that 81178
includes any sales or marketing information, materials, or 81179
training other than those required by state or federal law. 81180

(D) A resident agent shall satisfy the training and 81181
continuing education required by division (A) of this section by 81182
completing long-term care courses that are approved by the 81183

superintendent. A nonresident agent may satisfy the training and 81184
continuing education required by division (A) of this section by 81185
completing the training requirements in any other state, provided 81186
that the course is approved for credit by the insurance department 81187
of that state prior to the agent taking the course. 81188

(E) Each insurer shall obtain records of the initial training 81189
and continuing education completed by agents of that insurer 81190
pursuant to division (A) of this section as well as the training 81191
completed by the insurer's agents concerning the distribution of 81192
the insurer's partnership program policies and shall make those 81193
records available to the superintendent upon request. 81194

(F) Each insurer shall maintain records with respect to the 81195
training of its agents concerning the distribution of the 81196
insurer's partnership program policies. Each insurer shall provide 81197
documentation to the superintendent that will allow the 81198
superintendent to provide assurance to the medicaid director ~~of~~ 81199
~~job and family services~~ that agents have received the training 81200
required by this section and that agents have demonstrated an 81201
understanding of the partnership program policies and their 81202
relationship to public and private coverage of long-term care in 81203
this state, including medicaid. The superintendent may audit each 81204
insurer's records annually to verify that the insurer is 81205
maintaining the records required by this division. The 81206
superintendent shall make the records provided to the 81207
superintendent pursuant to division (E) of this section available 81208
to the director. 81209

Sec. 3923.49. The department of insurance shall establish an 81210
outreach program to educate consumers about the following: 81211

(A) The need for long-term care insurance; 81212

(B) Mechanisms for financing long-term care; 81213

(C) The availability of long-term care insurance;	81214
(D) The resource protection provided by the Ohio long-term care insurance program under section 5111.18 <u>5164.86</u> of the Revised Code;	81215 81216 81217
(E) That a consumer who purchased a long-term care insurance policy that does not meet the requirements of section 3923.50 of the Revised Code may purchase a policy that meets those requirements.	81218 81219 81220 81221
The department shall develop and make available to consumers information to assist them in choosing long-term care insurance coverage.	81222 81223 81224
Sec. 3923.50. For the purposes of the Ohio long-term care insurance program established under section 5111.18 <u>5164.86</u> of the Revised Code, the department of insurance shall notify the department of job and family services <u>medicaid</u> of all long-term care insurance policies that meet all of the following requirements:	81225 81226 81227 81228 81229 81230
(A) Comply with sections 3923.41 to 3923.48 of the Revised Code and the rules adopted under section 3923.47 of the Revised Code;	81231 81232 81233
(B) Provide benefits for home and community-based services in addition to nursing home care;	81234 81235
(C) Include case management services in its coverage of home and community-based services;	81236 81237
(D) Provide five per cent inflation protection compounded annually;	81238 81239
(E) Provide for the keeping of records and explanation-of-benefit reports on insurance payments that count toward resource exclusion for the medical assistance <u>medicaid</u> program;	81240 81241 81242 81243

(F) Provide the information the medicaid director ~~of job and family services~~ determines is necessary to document the extent of resource exclusion and to evaluate the Ohio long-term care insurance program; 81244
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(G) Comply with other requirements established in rules adopted under this section. 81248
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The superintendent of insurance shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements under division (G) of this section that policies must meet to qualify under the Ohio long-term care insurance program. The superintendent shall consult with the departments of aging and ~~job and family services~~ medicaid in adopting those rules. 81250
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Sec. 3923.601. (A)(1) This section applies to both of the following: 81256
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(a) A sickness and accident insurer that issues or requires the use of a standardized identification card or an electronic technology for submission and routing of prescription drug claims pursuant to a policy, contract, or agreement for health care services; 81258
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(b) A person that a sickness and accident insurer contracts with to issue a standardized identification card or an electronic technology described in division (A)(1)(a) of this section. 81263
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(2) Notwithstanding division (A)(1) of this section, this section does not apply to the issuance or required use of a standardized identification card or an electronic technology for the submission and routing of prescription drug claims in connection with any of the following: 81266
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(a) Any individual or group policy of sickness and accident insurance covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, 81271
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medicare, tricare, specified disease, or vision care; coverage 81274
under a one-time-limited-duration policy of not longer than six 81275
months; coverage issued as a supplement to liability insurance; 81276
insurance arising out of workers' compensation or similar law; 81277
automobile medical payment insurance; or insurance under which 81278
benefits are payable with or without regard to fault and which is 81279
statutorily required to be contained in any liability insurance 81280
policy or equivalent self-insurance. 81281

(b) Coverage provided under the medicaid, ~~as defined in~~ 81282
~~section 5111.01 of the Revised Code~~ program. 81283

(c) Coverage provided under an employer's self-insurance plan 81284
or by any of its administrators, as defined in section 3959.01 of 81285
the Revised Code, to the extent that federal law supersedes, 81286
preempts, prohibits, or otherwise precludes the application of 81287
this section to the plan and its administrators. 81288

(B) A standardized identification card or an electronic 81289
technology issued or required to be used as provided in division 81290
(A)(1) of this section shall contain uniform prescription drug 81291
information in accordance with either division (B)(1) or (2) of 81292
this section. 81293

(1) The standardized identification card or the electronic 81294
technology shall be in a format and contain information fields 81295
approved by the national council for prescription drug programs or 81296
a successor organization, as specified in the council's or 81297
successor organization's pharmacy identification card 81298
implementation guide in effect on the first day of October most 81299
immediately preceding the issuance or required use of the 81300
standardized identification card or the electronic technology. 81301

(2) If the insurer or person under contract with the insurer 81302
to issue a standardized identification card or an electronic 81303
technology requires the information for the submission and routing 81304

of a claim, the standardized identification card or the electronic 81305
technology shall contain any of the following information: 81306

(a) The insurer's name; 81307

(b) The insured's name, group number, and identification 81308
number; 81309

(c) A telephone number to inquire about pharmacy-related 81310
issues; 81311

(d) The issuer's international identification number, labeled 81312
as "ANSI BIN" or "RxBIN"; 81313

(e) The processor's control number, labeled as "RxPCN"; 81314

(f) The insured's pharmacy benefits group number if different 81315
from the insured's medical group number, labeled as "RxGrp." 81316

(C) If the standardized identification card or the electronic 81317
technology issued or required to be used as provided in division 81318
(A)(1) of this section is also used for submission and routing of 81319
nonpharmacy claims, the designation "Rx" is required to be 81320
included as part of the labels identified in divisions (B)(2)(d) 81321
and (e) of this section if the issuer's international 81322
identification number or the processor's control number is 81323
different for medical and pharmacy claims. 81324

(D) Each sickness and accident insurer described in division 81325
(A) of this section shall annually file a certificate with the 81326
superintendent of insurance certifying that it or any person it 81327
contracts with to issue a standardized identification card or 81328
electronic technology for submission and routing of prescription 81329
drug claims complies with this section. 81330

(E)(1) Except as provided in division (E)(2) of this section, 81331
if there is a change in the information contained in the 81332
standardized identification card or the electronic technology 81333
issued to an insured, the insurer or person under contract with 81334

the insurer to issue a standardized identification card or an 81335
electronic technology shall issue a new card or electronic 81336
technology to the insured. 81337

(2) An insurer or person under contract with the insurer is 81338
not required under division (E)(1) of this section to issue a new 81339
card or electronic technology to an insured more than once during 81340
a twelve-month period. 81341

(F) Nothing in this section shall be construed as requiring 81342
an insurer to produce more than one standardized identification 81343
card or one electronic technology for use by insureds accessing 81344
health care benefits provided under a policy of sickness and 81345
accident insurance. 81346

Sec. 3923.83. (A)(1) This section applies to both of the 81347
following: 81348

(a) A public employee benefit plan that issues or requires 81349
the use of a standardized identification card or an electronic 81350
technology for submission and routing of prescription drug claims 81351
pursuant to a policy, contract, or agreement for health care 81352
services; 81353

(b) A person or entity that a public employee benefit plan 81354
contracts with to issue a standardized identification card or an 81355
electronic technology described in division (A)(1)(a) of this 81356
section. 81357

(2) Notwithstanding division (A)(1) of this section, this 81358
section does not apply to the issuance or required use of a 81359
standardized identification card or an electronic technology for 81360
the submission and routing of prescription drug claims in 81361
connection with either of the following: 81362

(a) Any individual or group policy of insurance covering only 81363
accident, credit, dental, disability income, long-term care, 81364

hospital indemnity, medicare supplement, medicare, tricare, 81365
specified disease, or vision care; coverage under a 81366
one-time-limited-duration policy of not longer than six months; 81367
coverage issued as a supplement to liability insurance; insurance 81368
arising out of workers' compensation or similar law; automobile 81369
medical payment insurance; or insurance under which benefits are 81370
payable with or without regard to fault and which is statutorily 81371
required to be contained in any liability insurance policy or 81372
equivalent self-insurance. 81373

(b) Coverage provided under the medicaid,~~as defined in~~ 81374
~~section 5111.01 of the Revised Code~~ program. 81375

(B) A standardized identification card or an electronic 81376
technology issued or required to be used as provided in division 81377
(A)(1) of this section shall contain uniform prescription drug 81378
information in accordance with either division (B)(1) or (2) of 81379
this section. 81380

(1) The standardized identification card or the electronic 81381
technology shall be in a format and contain information fields 81382
approved by the national council for prescription drug programs or 81383
a successor organization, as specified in the council's or 81384
successor organization's pharmacy identification card 81385
implementation guide in effect on the first day of October most 81386
immediately preceding the issuance or required use of the 81387
standardized identification card or the electronic technology. 81388

(2) If the public employee benefit plan or person under 81389
contract with the plan to issue a standardized identification card 81390
or an electronic technology requires the information for the 81391
submission and routing of a claim, the standardized identification 81392
card or the electronic technology shall contain any of the 81393
following information: 81394

(a) The plan's name; 81395

(b) The insured's name, group number, and identification number;	81396 81397
(c) A telephone number to inquire about pharmacy-related issues;	81398 81399
(d) The issuer's international identification number, labeled as "ANSI BIN" or "RxBIN";	81400 81401
(e) The processor's control number, labeled as "RxPCN";	81402
(f) The insured's pharmacy benefits group number if different from the insured's medical group number, labeled as "RxGrp."	81403 81404
(C) If the standardized identification card or the electronic technology issued or required to be used as provided in division (A)(1) of this section is also used for submission and routing of nonpharmacy claims, the designation "Rx" is required to be included as part of the labels identified in divisions (B)(2)(d) and (e) of this section if the issuer's international identification number or the processor's control number is different for medical and pharmacy claims.	81405 81406 81407 81408 81409 81410 81411 81412
(D)(1) Except as provided in division (D)(2) of this section, if there is a change in the information contained in the standardized identification card or the electronic technology issued to an insured, the public employee benefit plan or person under contract with the plan to issue a standardized identification card or electronic technology shall issue a new card or electronic technology to the insured.	81413 81414 81415 81416 81417 81418 81419
(2) A public employee benefit plan or person under contract with the plan is not required under division (D)(1) of this section to issue a new card or electronic technology to an insured more than once during a twelve-month period.	81420 81421 81422 81423
(F) (E) Nothing in this section shall be construed as requiring a public employee benefit plan to produce more than one	81424 81425

standardized identification card or one electronic technology for 81426
use by insureds accessing health care benefits provided under a 81427
health benefit plan. 81428

Sec. 3924.41. (A) As used in sections 3924.41 and 3924.42 of 81429
the Revised Code, "health insurer" means any sickness and accident 81430
insurer or health insuring corporation. "Health insurer" also 81431
includes any group health plan as defined in section 607 of the 81432
federal "Employee Retirement Income Security Act of 1974," 88 81433
Stat. 832, 29 U.S.C.A. 1167. 81434

(B) Notwithstanding any other provision of the Revised Code, 81435
no health insurer shall take into consideration the availability 81436
of, or eligibility for, ~~medical assistance~~ the medicaid program in 81437
this state ~~under Chapter 5111. of the Revised Code~~ or in any other 81438
state ~~pursuant to Title XIX of the "Social Security Act," 49 Stat.~~ 81439
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ when determining an 81440
individual's eligibility for coverage or when making payments to 81441
or on behalf of an enrollee, subscriber, policyholder, or 81442
certificate holder. 81443

Sec. 3924.42. No health insurer shall impose requirements on 81444
the department of ~~job and family services~~ medicaid, when it has 81445
been assigned the rights of an individual who is eligible for 81446
~~medical assistance under Chapter 5111. of the Revised Code~~ 81447
medicaid and who is covered under a health care policy, contract, 81448
or plan issued by the health insurer, that are different from the 81449
requirements applicable to an agent or assignee of any other 81450
individual so covered. 81451

Sec. 3963.01. As used in this chapter: 81452

(A) "Affiliate" means any person or entity that has ownership 81453
or control of a contracting entity, is owned or controlled by a 81454
contracting entity, or is under common ownership or control with a 81455

contracting entity. 81456

(B) "Basic health care services" has the same meaning as in 81457
division (A) of section 1751.01 of the Revised Code, except that 81458
it does not include any services listed in that division that are 81459
provided by a pharmacist or nursing home. 81460

(C) "Contracting entity" means any person that has a primary 81461
business purpose of contracting with participating providers for 81462
the delivery of health care services. 81463

(D) "Credentialing" means the process of assessing and 81464
validating the qualifications of a provider applying to be 81465
approved by a contracting entity to provide basic health care 81466
services, specialty health care services, or supplemental health 81467
care services to enrollees. 81468

(E) "Edit" means adjusting one or more procedure codes billed 81469
by a participating provider on a claim for payment or a practice 81470
that results in any of the following: 81471

(1) Payment for some, but not all of the procedure codes 81472
originally billed by a participating provider; 81473

(2) Payment for a different procedure code than the procedure 81474
code originally billed by a participating provider; 81475

(3) A reduced payment as a result of services provided to an 81476
enrollee that are claimed under more than one procedure code on 81477
the same service date. 81478

(F) "Electronic claims transport" means to accept and 81479
digitize claims or to accept claims already digitized, to place 81480
those claims into a format that complies with the electronic 81481
transaction standards issued by the United States department of 81482
health and human services pursuant to the "Health Insurance 81483
Portability and Accountability Act of 1996," 110 Stat. 1955, 42 81484
U.S.C. 1320d, et seq., as those electronic standards are 81485

applicable to the parties and as those electronic standards are 81486
updated from time to time, and to electronically transmit those 81487
claims to the appropriate contracting entity, payer, or 81488
third-party administrator. 81489

(G) "Enrollee" means any person eligible for health care 81490
benefits under a health benefit plan, including an eligible 81491
recipient of medicaid ~~under Chapter 5111. of the Revised Code~~, and 81492
includes all of the following terms: 81493

(1) "Enrollee" and "subscriber" as defined by section 1751.01 81494
of the Revised Code; 81495

(2) "Member" as defined by section 1739.01 of the Revised 81496
Code; 81497

(3) "Insured" and "plan member" pursuant to Chapter 3923. of 81498
the Revised Code; 81499

(4) "Beneficiary" as defined by section 3901.38 of the 81500
Revised Code. 81501

(H) "Health care contract" means a contract entered into, 81502
materially amended, or renewed between a contracting entity and a 81503
participating provider for the delivery of basic health care 81504
services, specialty health care services, or supplemental health 81505
care services to enrollees. 81506

(I) "Health care services" means basic health care services, 81507
specialty health care services, and supplemental health care 81508
services. 81509

(J) "Material amendment" means an amendment to a health care 81510
contract that decreases the participating provider's payment or 81511
compensation, changes the administrative procedures in a way that 81512
may reasonably be expected to significantly increase the 81513
provider's administrative expenses, or adds a new product. A 81514
material amendment does not include any of the following: 81515

(1) A decrease in payment or compensation resulting solely 81516
from a change in a published fee schedule upon which the payment 81517
or compensation is based and the date of applicability is clearly 81518
identified in the contract; 81519

(2) A decrease in payment or compensation that was 81520
anticipated under the terms of the contract, if the amount and 81521
date of applicability of the decrease is clearly identified in the 81522
contract; 81523

(3) An administrative change that may significantly increase 81524
the provider's administrative expense, the specific applicability 81525
of which is clearly identified in the contract; 81526

(4) Changes to an existing prior authorization, 81527
precertification, notification, or referral program that do not 81528
substantially increase the provider's administrative expense; 81529

(5) Changes to an edit program or to specific edits if the 81530
participating provider is provided notice of the changes pursuant 81531
to division (A)(1) of section 3963.04 of the Revised Code and the 81532
notice includes information sufficient for the provider to 81533
determine the effect of the change; 81534

(6) Changes to a health care contract described in division 81535
(B) of section 3963.04 of the Revised Code. 81536

(K) "Participating provider" means a provider that has a 81537
health care contract with a contracting entity and is entitled to 81538
reimbursement for health care services rendered to an enrollee 81539
under the health care contract. 81540

(L) "Payer" means any person that assumes the financial risk 81541
for the payment of claims under a health care contract or the 81542
reimbursement for health care services provided to enrollees by 81543
participating providers pursuant to a health care contract. 81544

(M) "Primary enrollee" means a person who is responsible for 81545

making payments for participation in a health care plan or an 81546
enrollee whose employment or other status is the basis of 81547
eligibility for enrollment in a health care plan. 81548

(N) "Procedure codes" includes the American medical 81549
association's current procedural terminology code, the American 81550
dental association's current dental terminology, and the centers 81551
for medicare and medicaid services health care common procedure 81552
coding system. 81553

(O) "Product" means one of the following types of categories 81554
of coverage for which a participating provider may be obligated to 81555
provide health care services pursuant to a health care contract: 81556

(1) A health maintenance organization or other product 81557
provided by a health insuring corporation; 81558

(2) A preferred provider organization; 81559

(3) Medicare; 81560

(4) Medicaid; 81561

(5) Workers' compensation. 81562

(P) "Provider" means a physician, podiatrist, dentist, 81563
chiropractor, optometrist, psychologist, physician assistant, 81564
advanced practice registered nurse, occupational therapist, 81565
massage therapist, physical therapist, professional counselor, 81566
professional clinical counselor, hearing aid dealer, orthotist, 81567
prosthetist, home health agency, hospice care program, pediatric 81568
respite care program, or hospital, or a provider organization or 81569
physician-hospital organization that is acting exclusively as an 81570
administrator on behalf of a provider to facilitate the provider's 81571
participation in health care contracts. "Provider" does not mean a 81572
pharmacist, pharmacy, nursing home, or a provider organization or 81573
physician-hospital organization that leases the provider 81574
organization's or physician-hospital organization's network to a 81575

third party or contracts directly with employers or health and 81576
welfare funds. 81577

(Q) "Specialty health care services" has the same meaning as 81578
in section 1751.01 of the Revised Code, except that it does not 81579
include any services listed in division (B) of section 1751.01 of 81580
the Revised Code that are provided by a pharmacist or a nursing 81581
home. 81582

(R) "Supplemental health care services" has the same meaning 81583
as in division (B) of section 1751.01 of the Revised Code, except 81584
that it does not include any services listed in that division that 81585
are provided by a pharmacist or nursing home. 81586

Sec. 3963.04. (A)(1) If an amendment to a health care 81587
contract is not a material amendment, the contracting entity shall 81588
provide the participating provider notice of the amendment at 81589
least fifteen days prior to the effective date of the amendment. 81590
The contracting entity shall provide all other notices to the 81591
participating provider pursuant to the health care contract. 81592

(2) A material amendment to a health care contract shall 81593
occur only if the contracting entity provides to the participating 81594
provider the material amendment in writing and notice of the 81595
material amendment not later than ninety days prior to the 81596
effective date of the material amendment. The notice shall be 81597
conspicuously entitled "Notice of Material Amendment to Contract." 81598

(3) If within fifteen days after receiving the material 81599
amendment and notice described in division (A)(2) of this section, 81600
the participating provider objects in writing to the material 81601
amendment, and there is no resolution of the objection, either 81602
party may terminate the health care contract upon written notice 81603
of termination provided to the other party not later than sixty 81604
days prior to the effective date of the material amendment. 81605

(4) If the participating provider does not object to the material amendment in the manner described in division (A)(3) of this section, the material amendment shall be effective as specified in the notice described in division (A)(2) of this section.

(B)(1) Division (A) of this section does not apply if the delay caused by compliance with that division could result in imminent harm to an enrollee, if the material amendment of a health care contract is required by state or federal law, rule, or regulation, or if the provider affirmatively accepts the material amendment in writing and agrees to an earlier effective date than otherwise required by division (A)(2) of this section.

(2) This section does not apply under any of the following circumstances:

(a) The participating provider's payment or compensation is based on the current medicaid or medicare physician fee schedule, and the change in payment or compensation results solely from a change in that physician fee schedule.

(b) A routine change or update of the health care contract is made in response to any addition, deletion, or revision of any service code, procedure code, or reporting code, or a pricing change is made by any third party source.

For purposes of division (B)(2)(b) of this section:

(i) "Service code, procedure code, or reporting code" means the current procedural terminology (CPT), current dental terminology (CDT), the healthcare common procedure coding system (HCPCS), the international classification of diseases (ICD), or the drug topics redbook average wholesale price (AWP).

(ii) "Third party source" means the American medical association, American dental association, the centers for medicare and medicaid services, the national center for health statistics,

the department of health and human services office of the 81637
inspector general, the Ohio department of insurance, or the Ohio 81638
department of ~~job and family services~~ medicaid. 81639

(C) Notwithstanding divisions (A) and (B) of this section, a 81640
health care contract may be amended by operation of law as 81641
required by any applicable state or federal law, rule, or 81642
regulation. Nothing in this section shall be construed to require 81643
the renegotiation of a health care contract that is in existence 81644
before ~~the effective date of this section~~ June 25, 2008, until the 81645
time that the contract is renewed or materially amended. 81646

Sec. 4104.33. There is hereby created the historical boilers 81647
licensing board consisting of seven members, three of whom shall 81648
be appointed by the governor with the advice and consent of the 81649
senate. The governor shall make initial appointments to the board 81650
within ninety days after October 24, 2002. Of the initial members 81651
appointed by the governor, one shall be for a term ending three 81652
years after October 24, 2002, one shall be for a term ending four 81653
years after October 24, 2002, and one shall be for a term ending 81654
five years after October 24, 2002. Thereafter, terms of office 81655
shall be for five years, each term ending on the same day of the 81656
same month of the year as did the term that it succeeds. Of the 81657
three members the governor appoints, one member shall be an 81658
employee of the division of boiler inspection in the department of 81659
commerce; one member shall be an independent mechanical engineer 81660
who is not involved in selling or inspecting historical boilers; 81661
and one shall be an active member of an association that 81662
represents managers of fairs or festivals. 81663

Two members of the board shall be appointed by the president 81664
of the senate and two members of the board shall be appointed by 81665
the speaker of the house of representatives. The president and 81666
speaker shall make initial appointments to the board within ninety 81667

days after October 24, 2002. Of the initial members appointed by the president, one shall be for a term ending four years after October 24, 2002 and one shall be for a term ending five years after October 24, 2002. Of the initial members appointed by the speaker, one shall be for a term ending three years after October 24, 2002 and one shall be for a term ending five years after October 24, 2002. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. Of the four members appointed by the president and speaker, each shall own a historical boiler and also have at least ten years of experience in the operation of historical boilers, and each of these four members shall reside in a different region of the state.

Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for initial appointments by the director of commerce, and shall not require the advice and consent of the senate. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the successor takes office or until a period of sixty days has elapsed, whichever occurs first.

The members of the board, annually, shall elect, by majority vote, a chairperson from among their members. The board shall meet at least once annually and at other times at the call of the chairperson. Board members shall receive their actual and necessary expenses incurred in the discharge of their duties as board members.

The superintendent of industrial compliance shall furnish

office space, staff, and supplies to the board as the 81700
superintendent determines are necessary for the board to carry out 81701
its official duties under sections 4104.33 to 4104.37 of the 81702
Revised Code. 81703

Sec. 4112.02. It shall be an unlawful discriminatory 81704
practice: 81705

(A) For any employer, because of the race, color, religion, 81706
sex, military status, national origin, disability, age, or 81707
ancestry of any person, to discharge without just cause, to refuse 81708
to hire, or otherwise to discriminate against that person with 81709
respect to hire, tenure, terms, conditions, or privileges of 81710
employment, or any matter directly or indirectly related to 81711
employment. 81712

(B) For an employment agency or personnel placement service, 81713
because of race, color, religion, sex, military status, national 81714
origin, disability, age, or ancestry, to do any of the following: 81715

(1) Refuse or fail to accept, register, classify properly, or 81716
refer for employment, or otherwise discriminate against any 81717
person; 81718

(2) Comply with a request from an employer for referral of 81719
applicants for employment if the request directly or indirectly 81720
indicates that the employer fails to comply with the provisions of 81721
sections 4112.01 to 4112.07 of the Revised Code. 81722

(C) For any labor organization to do any of the following: 81723

(1) Limit or classify its membership on the basis of race, 81724
color, religion, sex, military status, national origin, 81725
disability, age, or ancestry; 81726

(2) Discriminate against, limit the employment opportunities 81727
of, or otherwise adversely affect the employment status, wages, 81728
hours, or employment conditions of any person as an employee 81729

because of race, color, religion, sex, military status, national origin, disability, age, or ancestry. 81730
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(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, military status, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training. 81732
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(E) Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following: 81738
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(1) Elicit or attempt to elicit any information concerning the race, color, religion, sex, military status, national origin, disability, age, or ancestry of an applicant for employment or membership; 81743
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(2) Make or keep a record of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any applicant for employment or membership; 81747
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(3) Use any form of application for employment, or personnel or membership blank, seeking to elicit information regarding race, color, religion, sex, military status, national origin, disability, age, or ancestry; but an employer holding a contract containing a nondiscrimination clause with the government of the United States, or any department or agency of that government, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain that proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes; 81750
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(4) Print or publish or cause to be printed or published any 81760

notice or advertisement relating to employment or membership 81761
indicating any preference, limitation, specification, or 81762
discrimination, based upon race, color, religion, sex, military 81763
status, national origin, disability, age, or ancestry; 81764

(5) Announce or follow a policy of denying or limiting, 81765
through a quota system or otherwise, employment or membership 81766
opportunities of any group because of the race, color, religion, 81767
sex, military status, national origin, disability, age, or 81768
ancestry of that group; 81769

(6) Utilize in the recruitment or hiring of persons any 81770
employment agency, personnel placement service, training school or 81771
center, labor organization, or any other employee-referring source 81772
known to discriminate against persons because of their race, 81773
color, religion, sex, military status, national origin, 81774
disability, age, or ancestry. 81775

(F) For any person seeking employment to publish or cause to 81776
be published any advertisement that specifies or in any manner 81777
indicates that person's race, color, religion, sex, military 81778
status, national origin, disability, age, or ancestry, or 81779
expresses a limitation or preference as to the race, color, 81780
religion, sex, military status, national origin, disability, age, 81781
or ancestry of any prospective employer. 81782

(G) For any proprietor or any employee, keeper, or manager of 81783
a place of public accommodation to deny to any person, except for 81784
reasons applicable alike to all persons regardless of race, color, 81785
religion, sex, military status, national origin, disability, age, 81786
or ancestry, the full enjoyment of the accommodations, advantages, 81787
facilities, or privileges of the place of public accommodation. 81788

(H) For any person to do any of the following: 81789

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 81790
or finance housing accommodations, refuse to negotiate for the 81791

sale or rental of housing accommodations, or otherwise deny or 81792
make unavailable housing accommodations because of race, color, 81793
religion, sex, military status, familial status, ancestry, 81794
disability, or national origin; 81795

(2) Represent to any person that housing accommodations are 81796
not available for inspection, sale, or rental, when in fact they 81797
are available, because of race, color, religion, sex, military 81798
status, familial status, ancestry, disability, or national origin; 81799

(3) Discriminate against any person in the making or 81800
purchasing of loans or the provision of other financial assistance 81801
for the acquisition, construction, rehabilitation, repair, or 81802
maintenance of housing accommodations, or any person in the making 81803
or purchasing of loans or the provision of other financial 81804
assistance that is secured by residential real estate, because of 81805
race, color, religion, sex, military status, familial status, 81806
ancestry, disability, or national origin or because of the racial 81807
composition of the neighborhood in which the housing 81808
accommodations are located, provided that the person, whether an 81809
individual, corporation, or association of any type, lends money 81810
as one of the principal aspects or incident to the person's 81811
principal business and not only as a part of the purchase price of 81812
an owner-occupied residence the person is selling nor merely 81813
casually or occasionally to a relative or friend; 81814

(4) Discriminate against any person in the terms or 81815
conditions of selling, transferring, assigning, renting, leasing, 81816
or subleasing any housing accommodations or in furnishing 81817
facilities, services, or privileges in connection with the 81818
ownership, occupancy, or use of any housing accommodations, 81819
including the sale of fire, extended coverage, or homeowners 81820
insurance, because of race, color, religion, sex, military status, 81821
familial status, ancestry, disability, or national origin or 81822
because of the racial composition of the neighborhood in which the 81823

housing accommodations are located; 81824

(5) Discriminate against any person in the terms or 81825
conditions of any loan of money, whether or not secured by 81826
mortgage or otherwise, for the acquisition, construction, 81827
rehabilitation, repair, or maintenance of housing accommodations 81828
because of race, color, religion, sex, military status, familial 81829
status, ancestry, disability, or national origin or because of the 81830
racial composition of the neighborhood in which the housing 81831
accommodations are located; 81832

(6) Refuse to consider without prejudice the combined income 81833
of both husband and wife for the purpose of extending mortgage 81834
credit to a married couple or either member of a married couple; 81835

(7) Print, publish, or circulate any statement or 81836
advertisement, or make or cause to be made any statement or 81837
advertisement, relating to the sale, transfer, assignment, rental, 81838
lease, sublease, or acquisition of any housing accommodations, or 81839
relating to the loan of money, whether or not secured by mortgage 81840
or otherwise, for the acquisition, construction, rehabilitation, 81841
repair, or maintenance of housing accommodations, that indicates 81842
any preference, limitation, specification, or discrimination based 81843
upon race, color, religion, sex, military status, familial status, 81844
ancestry, disability, or national origin, or an intention to make 81845
any such preference, limitation, specification, or discrimination; 81846

(8) Except as otherwise provided in division (H)(8) or (17) 81847
of this section, make any inquiry, elicit any information, make or 81848
keep any record, or use any form of application containing 81849
questions or entries concerning race, color, religion, sex, 81850
military status, familial status, ancestry, disability, or 81851
national origin in connection with the sale or lease of any 81852
housing accommodations or the loan of any money, whether or not 81853
secured by mortgage or otherwise, for the acquisition, 81854
construction, rehabilitation, repair, or maintenance of housing 81855

accommodations. Any person may make inquiries, and make and keep 81856
records, concerning race, color, religion, sex, military status, 81857
familial status, ancestry, disability, or national origin for the 81858
purpose of monitoring compliance with this chapter. 81859

(9) Include in any transfer, rental, or lease of housing 81860
accommodations any restrictive covenant, or honor or exercise, or 81861
attempt to honor or exercise, any restrictive covenant; 81862

(10) Induce or solicit, or attempt to induce or solicit, a 81863
housing accommodations listing, sale, or transaction by 81864
representing that a change has occurred or may occur with respect 81865
to the racial, religious, sexual, military status, familial 81866
status, or ethnic composition of the block, neighborhood, or other 81867
area in which the housing accommodations are located, or induce or 81868
solicit, or attempt to induce or solicit, a housing accommodations 81869
listing, sale, or transaction by representing that the presence or 81870
anticipated presence of persons of any race, color, religion, sex, 81871
military status, familial status, ancestry, disability, or 81872
national origin, in the block, neighborhood, or other area will or 81873
may have results including, but not limited to, the following: 81874

(a) The lowering of property values; 81875

(b) A change in the racial, religious, sexual, military 81876
status, familial status, or ethnic composition of the block, 81877
neighborhood, or other area; 81878

(c) An increase in criminal or antisocial behavior in the 81879
block, neighborhood, or other area; 81880

(d) A decline in the quality of the schools serving the 81881
block, neighborhood, or other area. 81882

(11) Deny any person access to or membership or participation 81883
in any multiple-listing service, real estate brokers' 81884
organization, or other service, organization, or facility relating 81885
to the business of selling or renting housing accommodations, or 81886

discriminate against any person in the terms or conditions of that 81887
access, membership, or participation, on account of race, color, 81888
religion, sex, military status, familial status, national origin, 81889
disability, or ancestry; 81890

(12) Coerce, intimidate, threaten, or interfere with any 81891
person in the exercise or enjoyment of, or on account of that 81892
person's having exercised or enjoyed or having aided or encouraged 81893
any other person in the exercise or enjoyment of, any right 81894
granted or protected by division (H) of this section; 81895

(13) Discourage or attempt to discourage the purchase by a 81896
prospective purchaser of housing accommodations, by representing 81897
that any block, neighborhood, or other area has undergone or might 81898
undergo a change with respect to its religious, racial, sexual, 81899
military status, familial status, or ethnic composition; 81900

(14) Refuse to sell, transfer, assign, rent, lease, sublease, 81901
or finance, or otherwise deny or withhold, a burial lot from any 81902
person because of the race, color, sex, military status, familial 81903
status, age, ancestry, disability, or national origin of any 81904
prospective owner or user of the lot; 81905

(15) Discriminate in the sale or rental of, or otherwise make 81906
unavailable or deny, housing accommodations to any buyer or renter 81907
because of a disability of any of the following: 81908

(a) The buyer or renter; 81909

(b) A person residing in or intending to reside in the 81910
housing accommodations after they are sold, rented, or made 81911
available; 81912

(c) Any individual associated with the person described in 81913
division (H)(15)(b) of this section. 81914

(16) Discriminate in the terms, conditions, or privileges of 81915
the sale or rental of housing accommodations to any person or in 81916

the provision of services or facilities to any person in	81917
connection with the housing accommodations because of a disability	81918
of any of the following:	81919
(a) That person;	81920
(b) A person residing in or intending to reside in the	81921
housing accommodations after they are sold, rented, or made	81922
available;	81923
(c) Any individual associated with the person described in	81924
division (H)(16)(b) of this section.	81925
(17) Except as otherwise provided in division (H)(17) of this	81926
section, make an inquiry to determine whether an applicant for the	81927
sale or rental of housing accommodations, a person residing in or	81928
intending to reside in the housing accommodations after they are	81929
sold, rented, or made available, or any individual associated with	81930
that person has a disability, or make an inquiry to determine the	81931
nature or severity of a disability of the applicant or such a	81932
person or individual. The following inquiries may be made of all	81933
applicants for the sale or rental of housing accommodations,	81934
regardless of whether they have disabilities:	81935
(a) An inquiry into an applicant's ability to meet the	81936
requirements of ownership or tenancy;	81937
(b) An inquiry to determine whether an applicant is qualified	81938
for housing accommodations available only to persons with	81939
disabilities or persons with a particular type of disability;	81940
(c) An inquiry to determine whether an applicant is qualified	81941
for a priority available to persons with disabilities or persons	81942
with a particular type of disability;	81943
(d) An inquiry to determine whether an applicant currently	81944
uses a controlled substance in violation of section 2925.11 of the	81945
Revised Code or a substantively comparable municipal ordinance;	81946

(e) An inquiry to determine whether an applicant at any time 81947
has been convicted of or pleaded guilty to any offense, an element 81948
of which is the illegal sale, offer to sell, cultivation, 81949
manufacture, other production, shipment, transportation, delivery, 81950
or other distribution of a controlled substance. 81951

(18)(a) Refuse to permit, at the expense of a person with a 81952
disability, reasonable modifications of existing housing 81953
accommodations that are occupied or to be occupied by the person 81954
with a disability, if the modifications may be necessary to afford 81955
the person with a disability full enjoyment of the housing 81956
accommodations. This division does not preclude a landlord of 81957
housing accommodations that are rented or to be rented to a 81958
disabled tenant from conditioning permission for a proposed 81959
modification upon the disabled tenant's doing one or more of the 81960
following: 81961

(i) Providing a reasonable description of the proposed 81962
modification and reasonable assurances that the proposed 81963
modification will be made in a workerlike manner and that any 81964
required building permits will be obtained prior to the 81965
commencement of the proposed modification; 81966

(ii) Agreeing to restore at the end of the tenancy the 81967
interior of the housing accommodations to the condition they were 81968
in prior to the proposed modification, but subject to reasonable 81969
wear and tear during the period of occupancy, if it is reasonable 81970
for the landlord to condition permission for the proposed 81971
modification upon the agreement; 81972

(iii) Paying into an interest-bearing escrow account that is 81973
in the landlord's name, over a reasonable period of time, a 81974
reasonable amount of money not to exceed the projected costs at 81975
the end of the tenancy of the restoration of the interior of the 81976
housing accommodations to the condition they were in prior to the 81977
proposed modification, but subject to reasonable wear and tear 81978

during the period of occupancy, if the landlord finds the account 81979
reasonably necessary to ensure the availability of funds for the 81980
restoration work. The interest earned in connection with an escrow 81981
account described in this division shall accrue to the benefit of 81982
the disabled tenant who makes payments into the account. 81983

(b) A landlord shall not condition permission for a proposed 81984
modification upon a disabled tenant's payment of a security 81985
deposit that exceeds the customarily required security deposit of 81986
all tenants of the particular housing accommodations. 81987

(19) Refuse to make reasonable accommodations in rules, 81988
policies, practices, or services when necessary to afford a person 81989
with a disability equal opportunity to use and enjoy a dwelling 81990
unit, including associated public and common use areas; 81991

(20) Fail to comply with the standards and rules adopted 81992
under division (A) of section 3781.111 of the Revised Code; 81993

(21) Discriminate against any person in the selling, 81994
brokering, or appraising of real property because of race, color, 81995
religion, sex, military status, familial status, ancestry, 81996
disability, or national origin; 81997

(22) Fail to design and construct covered multifamily 81998
dwellings for first occupancy on or after June 30, 1992, in 81999
accordance with the following conditions: 82000

(a) The dwellings shall have at least one building entrance 82001
on an accessible route, unless it is impractical to do so because 82002
of the terrain or unusual characteristics of the site. 82003

(b) With respect to dwellings that have a building entrance 82004
on an accessible route, all of the following apply: 82005

(i) The public use areas and common use areas of the 82006
dwellings shall be readily accessible to and usable by persons 82007
with a disability. 82008

(ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.

(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.

For purposes of division (H)(22) of this section, "covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from complying with this chapter or any order issued under it, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

(K)(1) Nothing in division (H) of this section shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated,

supervised, or controlled by or in connection with a religious 82040
organization, from limiting the sale, rental, or occupancy of 82041
housing accommodations that it owns or operates for other than a 82042
commercial purpose to persons of the same religion, or from giving 82043
preference in the sale, rental, or occupancy of such housing 82044
accommodations to persons of the same religion, unless membership 82045
in the religion is restricted on account of race, color, or 82046
national origin. 82047

(2) Nothing in division (H) of this section shall bar any 82048
bona fide private or fraternal organization that, incidental to 82049
its primary purpose, owns or operates lodgings for other than a 82050
commercial purpose, from limiting the rental or occupancy of the 82051
lodgings to its members or from giving preference to its members. 82052

(3) Nothing in division (H) of this section limits the 82053
applicability of any reasonable local, state, or federal 82054
restrictions regarding the maximum number of occupants permitted 82055
to occupy housing accommodations. Nothing in that division 82056
prohibits the owners or managers of housing accommodations from 82057
implementing reasonable occupancy standards based on the number 82058
and size of sleeping areas or bedrooms and the overall size of a 82059
dwelling unit, provided that the standards are not implemented to 82060
circumvent the purposes of this chapter and are formulated, 82061
implemented, and interpreted in a manner consistent with this 82062
chapter and any applicable local, state, or federal restrictions 82063
regarding the maximum number of occupants permitted to occupy 82064
housing accommodations. 82065

(4) Nothing in division (H) of this section requires that 82066
housing accommodations be made available to an individual whose 82067
tenancy would constitute a direct threat to the health or safety 82068
of other individuals or whose tenancy would result in substantial 82069
physical damage to the property of others. 82070

(5) Nothing in division (H) of this section pertaining to 82071

discrimination on the basis of familial status shall be construed 82072
to apply to any of the following: 82073

(a) Housing accommodations provided under any state or 82074
federal program that have been determined under the "Fair Housing 82075
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 82076
amended, to be specifically designed and operated to assist 82077
elderly persons; 82078

(b) Housing accommodations intended for and solely occupied 82079
by persons who are sixty-two years of age or older; 82080

(c) Housing accommodations intended and operated for 82081
occupancy by at least one person who is fifty-five years of age or 82082
older per unit, as determined under the "Fair Housing Amendments 82083
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 82084

(L) Nothing in divisions (A) to (E) of this section shall be 82085
construed to require a person with a disability to be employed or 82086
trained under circumstances that would significantly increase the 82087
occupational hazards affecting either the person with a 82088
disability, other employees, the general public, or the facilities 82089
in which the work is to be performed, or to require the employment 82090
or training of a person with a disability in a job that requires 82091
the person with a disability routinely to undertake any task, the 82092
performance of which is substantially and inherently impaired by 82093
the person's disability. 82094

(M) Nothing in divisions (H)(1) to (18) of this section shall 82095
be construed to require any person selling or renting property to 82096
modify the property in any way or to exercise a higher degree of 82097
care for a person with a disability, to relieve any person with a 82098
disability of any obligation generally imposed on all persons 82099
regardless of disability in a written lease, rental agreement, or 82100
contract of purchase or sale, or to forbid distinctions based on 82101
the inability to fulfill the terms and conditions, including 82102

financial obligations, of the lease, agreement, or contract. 82103

(N) An aggrieved individual may enforce the individual's 82104
rights relative to discrimination on the basis of age as provided 82105
for in this section by instituting a civil action, within one 82106
hundred eighty days after the alleged unlawful discriminatory 82107
practice occurred, in any court with jurisdiction for any legal or 82108
equitable relief that will effectuate the individual's rights. 82109

A person who files a civil action under this division is 82110
barred, with respect to the practices complained of, from 82111
instituting a civil action under section 4112.14 of the Revised 82112
Code and from filing a charge with the commission under section 82113
4112.05 of the Revised Code. 82114

(O) With regard to age, it shall not be an unlawful 82115
discriminatory practice and it shall not constitute a violation of 82116
division (A) of section 4112.14 of the Revised Code for any 82117
employer, employment agency, joint labor-management committee 82118
controlling apprenticeship training programs, or labor 82119
organization to do any of the following: 82120

(1) Establish bona fide employment qualifications reasonably 82121
related to the particular business or occupation that may include 82122
standards for skill, aptitude, physical capability, intelligence, 82123
education, maturation, and experience; 82124

(2) Observe the terms of a bona fide seniority system or any 82125
bona fide employee benefit plan, including, but not limited to, a 82126
retirement, pension, or insurance plan, that is not a subterfuge 82127
to evade the purposes of this section. However, no such employee 82128
benefit plan shall excuse the failure to hire any individual, and 82129
no such seniority system or employee benefit plan shall require or 82130
permit the involuntary retirement of any individual, because of 82131
the individual's age except as provided for in the "Age 82132
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 82133

29 U.S.C.A. 623, as amended by the "Age Discrimination in
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A.
623, as amended.

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(3) Retire an employee who has attained sixty-five years of
age who, for the two-year period immediately before retirement, is
employed in a bona fide executive or a high policymaking position,
if the employee is entitled to an immediate nonforfeitable annual
retirement benefit from a pension, profit-sharing, savings, or
deferred compensation plan, or any combination of those plans, of
the employer of the employee, which equals, in the aggregate, at
least forty-four thousand dollars, in accordance with the
conditions of the "Age Discrimination in Employment Act Amendment
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age
Discrimination in Employment Act Amendments of 1986," 100 Stat.
3342, 29 U.S.C.A. 631, as amended;

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(4) Observe the terms of any bona fide apprenticeship program
if the program is registered with the Ohio apprenticeship council
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is
approved by the federal committee on apprenticeship of the United
States department of labor.

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(P) Nothing in this chapter prohibiting age discrimination
and nothing in division (A) of section 4112.14 of the Revised Code
shall be construed to prohibit the following:

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(1) The designation of uniform age the attainment of which is
necessary for public employees to receive pension or other
retirement benefits pursuant to Chapter 145., 742., 3307., 3309.,
or 5505. of the Revised Code;

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(2) The mandatory retirement of uniformed patrol officers of
the state highway patrol as provided in section 5505.16 of the
Revised Code;

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(3) The maximum age requirements for appointment as a patrol

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officer in the state highway patrol established by section 5503.01 82165
of the Revised Code; 82166

(4) The maximum age requirements established for original 82167
appointment to a police department or fire department in sections 82168
124.41 and 124.42 of the Revised Code; 82169

(5) Any maximum age not in conflict with federal law that may 82170
be established by a municipal charter, municipal ordinance, or 82171
resolution of a board of township trustees for original 82172
appointment as a police officer or firefighter; 82173

(6) Any mandatory retirement provision not in conflict with 82174
federal law of a municipal charter, municipal ordinance, or 82175
resolution of a board of township trustees pertaining to police 82176
officers and firefighters; 82177

(7) Until January 1, 1994, the mandatory retirement of any 82178
employee who has attained seventy years of age and who is serving 82179
under a contract of unlimited tenure, or similar arrangement 82180
providing for unlimited tenure, at an institution of higher 82181
education as defined in the "Education Amendments of 1980," 94 82182
Stat. 1503, 20 U.S.C.A. 1141(a). 82183

(Q)(1)(a) Except as provided in division (Q)(1)(b) of this 82184
section, for purposes of divisions (A) to (E) of this section, a 82185
disability does not include any physiological disorder or 82186
condition, mental or psychological disorder, or disease or 82187
condition caused by an illegal use of any controlled substance by 82188
an employee, applicant, or other person, if an employer, 82189
employment agency, personnel placement service, labor 82190
organization, or joint labor-management committee acts on the 82191
basis of that illegal use. 82192

(b) Division (Q)(1)(a) of this section does not apply to an 82193
employee, applicant, or other person who satisfies any of the 82194
following: 82195

(i) The employee, applicant, or other person has successfully completed a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance, or the employee, applicant, or other person otherwise successfully has been rehabilitated and no longer is engaging in that illegal use.

(ii) The employee, applicant, or other person is participating in a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance.

(iii) The employee, applicant, or other person is erroneously regarded as engaging in the illegal use of any controlled substance, but the employee, applicant, or other person is not engaging in that illegal use.

(2) Divisions (A) to (E) of this section do not prohibit an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee from doing any of the following:

(a) Adopting or administering reasonable policies or procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual described in division (Q)(1)(b)(i) or (ii) of this section no longer is engaging in the illegal use of any controlled substance;

(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees;

(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;

(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism;

(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards.

(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination.

(4) Division (Q) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing.

(R) This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.

The unlawful discriminatory practices defined in this section do not make it unlawful for a person or an appointing authority administering an examination under section 124.23 of the Revised Code to obtain information about an applicant's military status

for the purpose of determining if the applicant is eligible for 82257
the additional credit that is available under that section. 82258

Sec. 4112.12. (A) There is hereby created the commission on 82259
African-American males, which shall consist of not more than 82260
twenty-five members as follows: the directors or their designees 82261
of the departments of health, development, ~~alcohol and drug~~ 82262
~~addiction services~~ mental health and addiction services, and job 82263
and family services; the equal employment opportunity officer of 82264
the department of administrative services or the equal employment 82265
opportunity officer's designee; the executive director or the 82266
executive director's designee of the Ohio civil rights commission; 82267
the executive director or the executive director's designee of the 82268
division of criminal justice services in the department of public 82269
safety; the superintendent of public instruction; the chancellor 82270
or the chancellor's designee of the Ohio board of regents; two 82271
members of the house of representatives appointed by the speaker 82272
of the house of representatives each of whom shall be members of 82273
different political parties; and two members of the senate 82274
appointed by the president of the senate each of whom shall be 82275
members of different political parties. The members who are 82276
members of the general assembly shall be nonvoting members. The 82277
Ohio state university African American and African studies 82278
community extension center, in consultation with the governor, 82279
shall appoint four members from the private corporate sector, at 82280
least four members from the public sector, and two members from 82281
the nonprofit sector. 82282

(B) Terms of office shall be for three years, except that 82283
members of the general assembly appointed to the commission shall 82284
be members only so long as they are members of the general 82285
assembly. Each term ends on the same day of the same month as did 82286
the term that it succeeds. Each member shall hold office from the 82287
date of appointment until the end of the term for which the member 82288

was appointed. Members may be reappointed. Vacancies shall be 82289
filled in the manner provided for original appointments. Any 82290
member appointed to fill a vacancy occurring prior to the 82291
expiration date of the term for which the member's predecessor was 82292
appointed shall hold office as a member for the remainder of that 82293
term. A member shall continue in office subsequent to the 82294
expiration date of the member's term until the member's successor 82295
takes office or until a period of sixty days has elapsed, 82296
whichever occurs first. 82297

The commission annually shall elect a chairperson from among 82298
its members. 82299

(C) Members of the commission and members of subcommittees 82300
appointed under division (B) of section 4112.13 of the Revised 82301
Code shall not be compensated, but shall be reimbursed for their 82302
necessary and actual expenses incurred in the performance of their 82303
official duties. 82304

(D) The Ohio state university African American and African 82305
studies community extension center, in consultation with the 82306
governor, shall appoint an executive director of the commission on 82307
African-American males, who shall be in the unclassified civil 82308
service. The executive director shall supervise the commission's 82309
activities and report to the commission and to the Ohio state 82310
university African American and African studies community 82311
extension center on the progress of those activities. The 82312
executive director shall do all things necessary for the efficient 82313
and effective implementation of the duties of the commission. 82314

The responsibilities assigned to the executive director do 82315
not relieve the members of the commission from final 82316
responsibility for the proper performance of the requirements of 82317
this division. 82318

(E) The commission on African-American males shall do all of 82319

the following:	82320
(1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section;	82321 82322 82323
(2) Maintain its office in Columbus;	82324
(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.	82325 82326 82327 82328 82329
(4) Establish the overall policy and management of the commission in accordance with this chapter;	82330 82331
(5) Follow all state procurement requirements;	82332
(6) Implement the policies and plans of the Ohio state university African American and African studies community extension center as those policies and plans are formulated and adopted by the Ohio state university African American and African studies community extension center;	82333 82334 82335 82336 82337
(7) Report to the Ohio state university African American and African studies community extension center on the progress of the commission on African-American males in implementing the policies and plans of the Ohio state university African American and African studies community extension center.	82338 82339 82340 82341 82342
(F) The commission on African-American males may:	82343
(1) Hold sessions at any place within the state, except that the commission on African-American males shall meet at least quarterly;	82344 82345 82346
(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission on African-American males as necessary to achieve the	82347 82348 82349

most efficient performance of its functions. 82350

(G) The Ohio state university African American and African 82351
studies community extension center shall establish the overall 82352
policy and management of the commission on African-American males 82353
and shall direct, manage, and oversee the commission. The Ohio 82354
state university African American and African studies community 82355
extension center shall develop overall policies and plans, and the 82356
commission on African-American males shall implement those 82357
policies and plans. The commission on African-American males, 82358
through its executive director, shall keep the Ohio state 82359
university African American and African studies community 82360
extension center informed as to the activities of the commission 82361
on African-American males in such manner and at such times as the 82362
Ohio state university African American and African studies 82363
community extension center shall determine. 82364

The Ohio state university African American and African 82365
studies community extension center may prescribe duties and 82366
responsibilities of the commission on African-American males in 82367
addition to those prescribed in section 4112.13 of the Revised 82368
Code. 82369

(H) The Ohio state university African American and African 82370
studies community extension center annually shall contract for a 82371
report on the status of African Americans in this state. Issues to 82372
be evaluated in the report shall include the criminal justice 82373
system, education, employment, health care, and housing, and such 82374
other issues as the Ohio state university African American and 82375
African studies community extension center may specify. The report 82376
shall include policy recommendations relating to the issues 82377
covered in the report. 82378

Sec. 4112.31. The new African immigrants commission shall do 82379
all of the following: 82380

(A) Gather and disseminate information and conduct hearings, conferences, investigations, and special studies on problems and programs concerning sub-Saharan African people;	82381 82382 82383
(B) Secure appropriate recognition of the accomplishments and contributions of sub-Saharan African people to this state;	82384 82385
(C) Stimulate public awareness of the problems of sub-Saharan African people by conducting a program of public education;	82386 82387
(D) Develop, coordinate, and assist other public and private organizations that serve sub-Saharan African people, including the conducting of training programs for community leadership and service project staff;	82388 82389 82390 82391
(E) Advise the governor, general assembly, and state departments and agencies of the nature, magnitude, and priorities of the problems of sub-Saharan African people;	82392 82393 82394
(F) Advise the governor, general assembly, and state departments and agencies on, and assist in the development and implementation of, comprehensive and coordinated policies, programs, and procedures focusing on the special problems and needs of sub-Saharan African people, especially in the fields of education, employment, energy, health, housing, welfare, and recreation;	82395 82396 82397 82398 82399 82400 82401
(G) Propose new programs concerning sub-Saharan African people to public and private agencies and evaluate for such agencies existing programs or prospective legislation concerning sub-Saharan African people;	82402 82403 82404 82405
(H) Review and approve grants to be made from federal, state, or private funds that are administered or subcontracted by the commission;	82406 82407 82408
(I) Prepare, review, and approve an annual report;	82409
(J) Serve as a clearinghouse to review and comment on all	82410

proposals to meet the needs of sub-Saharan African people that are 82411
submitted to it by public and private agencies; 82412

(K) Apply for and accept grants and gifts from governmental 82413
and private sources to be administered by the commission or 82414
subcontracted to local agencies; 82415

(L) Monitor and evaluate all programs subcontracted to local 82416
agencies by the commission; 82417

(M) Endeavor to assure that sub-Saharan African people have 82418
access to decision-making bodies in all state and local 82419
governmental departments and agencies; 82420

(N) Establish advisory committees on special subjects as 82421
needed to facilitate and maximize community participation in the 82422
operation of the commission; 82423

(O) Establish with state and local governments and private 82424
business and industry relationships that promote and assure equal 82425
opportunity for sub-Saharan African people in government, 82426
education, and employment. 82427

(P) Create an interagency council consisting of the following 82428
persons or their authorized representatives: one member of the 82429
senate appointed by the president of the senate; one member of the 82430
house of representatives appointed by the speaker of the house of 82431
representatives; the directors of administrative services, 82432
agriculture, education, development services, health, highway 82433
safety, job and family services, liquor control, ~~mental health~~ 82434
mental health and addiction services, ~~mental retardation~~ and 82435
developmental disabilities, natural resources, rehabilitation and 82436
correction, youth services, transportation, environmental 82437
protection, and budget and management; the chairperson of the Ohio 82438
civil rights commission, the ~~administrators~~ administrator of the 82439
bureau of workers' compensation ~~and~~, the ~~rehabilitation services~~ 82440
~~commission~~ executive director of the opportunities for Ohioans 82441

with disabilities agency, and an additional member of the 82442
governor's cabinet appointed by the governor. The new African 82443
immigrants commission, by rule, may designate other state officers 82444
or their representatives to be members of the council. The 82445
director of the commission shall be the chairperson of the 82446
council. 82447

The interagency council shall provide and coordinate the 82448
exchange of information relative to the needs of sub-Saharan 82449
African people and promote the delivery of state services to such 82450
people. The council shall meet at the call of the chairperson. 82451

Advisory committees shall be composed of persons representing 82452
community organizations and charitable institutions, public 82453
officials, and such other persons as the commission determines. 82454

Sec. 4115.034. On January 1, 1996, and the first day of 82455
January of every even-numbered year thereafter, the director of 82456
commerce shall adjust the threshold levels for which public 82457
improvement projects are subject to sections 4115.03 to 4115.16 of 82458
the Revised Code as set forth in divisions (B)(3) and (4) of 82459
section 4115.03 of the Revised Code. The director shall adjust 82460
those amounts according to the average increase or decrease for 82461
each of the two years immediately preceding the adjustment as set 82462
forth in ~~the United States department of commerce, bureau of the~~ 82463
~~census implicit price deflator for the~~ construction cost index 82464
published by the engineering news-record or, should that index 82465
cease to be published, a similar recognized industry index chosen 82466
by the director, provided that no increase or decrease for any 82467
year shall exceed three per cent of the threshold level in 82468
existence at the time of the adjustment. 82469

Sec. 4115.32. (A) Subject to section 4115.36 of the Revised 82470
Code, there is hereby created the state committee for the purchase 82471

of products and services provided by persons with severe 82472
disabilities. The committee shall be composed ex officio of the 82473
following persons, or their designees: 82474

(1) The directors of administrative services, ~~mental health~~ 82475
mental health and addiction services, developmental disabilities, 82476
transportation, natural resources, and commerce; 82477

(2) The ~~administrators~~ administrator of the ~~rehabilitation~~ 82478
~~services commission and the bureau of workers' compensation and~~ 82479
the executive director of the opportunities for Ohioans with 82480
disabilities agency; 82481

(3) The secretary of state; 82482

(4) One representative of a purchasing department of a 82483
political subdivision who is designated by the governor. 82484

The governor shall appoint two representatives of a qualified 82485
nonprofit agency for persons with severe disabilities, and a 82486
person with a severe disability to the committee. 82487

(B) Within thirty days after September 29, 1995, the governor 82488
shall appoint the representatives of a qualified nonprofit agency 82489
for persons with severe disabilities to the committee for a term 82490
ending August 31, 1996. Thereafter, terms for such representatives 82491
are for three years, each term ending on the same day of the same 82492
month of the year as did the term that it succeeds. Each committee 82493
member shall serve from the date of the member's appointment until 82494
the end of the term for which the member was appointed. Vacancies 82495
shall be filled in the same manner provided for original 82496
appointments. Any member appointed to fill a vacancy occurring 82497
prior to the expiration date of the term for which the member's 82498
predecessor was appointed shall serve as a member for the 82499
remainder of that term. A member shall serve subsequent to the 82500
expiration of the member's term and shall continue to serve until 82501
the member's successor takes office. 82502

(C) Members of the committee shall serve without 82503
compensation. Except as otherwise provided in divisions (C)(1) and 82504
(2) of this section, members shall be reimbursed for actual and 82505
necessary expenses, including travel expenses, incurred while away 82506
from their homes or regular places of business and incurred while 82507
performing services for the committee. 82508

(1) The members listed in divisions (A)(1) to (3) of this 82509
section, or their designees, shall not be reimbursed for any 82510
expenses. 82511

(2) No member of the committee who is entitled to receive 82512
reimbursement for the performance of services for the committee 82513
from another agency or entity shall receive reimbursement from the 82514
committee. 82515

(D) The committee shall elect from among its members a 82516
chairperson. The committee may request from any agency of the 82517
state, political subdivision, or instrumentality of the state any 82518
information necessary to enable it to carry out the intent of 82519
sections 4115.31 to 4115.35 of the Revised Code. Upon request of 82520
the committee, the agency, subdivision, or instrumentality shall 82521
furnish the information to the chairperson of the committee. 82522

(E) The committee shall not later than one hundred eighty 82523
days following the close of each fiscal year transmit to the 82524
governor, the general assembly, and each qualified nonprofit 82525
agency for persons with severe disabilities a report that includes 82526
the names of the committee members serving during the preceding 82527
fiscal year, the dates of committee meetings in that year, and any 82528
recommendations for changes in sections 4115.31 to 4115.35 of the 82529
Revised Code that the committee determines are necessary. 82530

(F) The director of administrative services shall designate a 82531
subordinate to act as executive director of the committee and 82532
shall furnish other staff and clerical assistance, office space, 82533

and supplies required by the committee. 82534

Sec. 4117.06. (A) The state employment relations board shall 82535
decide in each case the unit appropriate for the purposes of 82536
collective bargaining. The determination is final and conclusive 82537
and not appealable to the court. 82538

(B) The board shall determine the appropriateness of each 82539
bargaining unit and shall consider among other relevant factors: 82540
the desires of the employees; the community of interest; wages, 82541
hours, and other working conditions of the public employees; the 82542
effect of over-fragmentation; the efficiency of operations of the 82543
public employer; the administrative structure of the public 82544
employer; and the history of collective bargaining. 82545

(C) The board may determine a unit to be the appropriate unit 82546
in a particular case, even though some other unit might also be 82547
appropriate. 82548

(D) In addition, in determining the appropriate unit, the 82549
board shall not: 82550

(1) Decide that any unit is appropriate if the unit includes 82551
both professional and nonprofessional employees, unless a majority 82552
of the professional employees and a majority of the 82553
nonprofessional employees first vote for inclusion in the unit; 82554

(2) Include guards or correction officers at correctional or 82555
mental institutions, special police officers appointed in 82556
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 82557
Revised Code, psychiatric attendants employed at mental health 82558
forensic facilities, youth leaders employed at juvenile correction 82559
facilities, or any public employee employed as a guard to enforce 82560
against other employees rules to protect property of the employer 82561
or to protect the safety of persons on the employer's premises in 82562
a unit with other employees; 82563

(3) Include members of a police or fire department or members of the state highway patrol in a unit with other classifications of public employees of the department;

(4) Designate as appropriate a bargaining unit that contains more than one institution of higher education; nor shall it within any such institution of higher education designate as appropriate a unit where such designation would be inconsistent with the accreditation standards or interpretations of such standards, governing such institution of higher education or any department, school, or college thereof. For the purposes of this division, any branch or regional campus of a public institution of higher education is part of that institution of higher education.

(5) Designate as appropriate a bargaining unit that contains employees within the jurisdiction of more than one elected county office holder, unless the county-elected office holder and the board of county commissioners agree to such other designation;

(6) With respect to members of a police department, designate as appropriate a unit that includes rank and file members of the department with members who are of the rank of sergeant or above;

(7) Except as otherwise provided by division (A)(3) of section 3314.10 or division (B) of section 3326.18 of the Revised Code, designate as appropriate a bargaining unit that contains employees from multiple community schools established under Chapter 3314. or multiple science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. For purposes of this division, more than one unit may be designated within a single community school or science, technology, engineering, and mathematics school.

This section shall not be deemed to prohibit multiunit bargaining.

Sec. 4117.14. (A) The procedures contained in this section 82594
govern the settlement of disputes between an exclusive 82595
representative and a public employer concerning the termination or 82596
modification of an existing collective bargaining agreement or 82597
negotiation of a successor agreement, or the negotiation of an 82598
initial collective bargaining agreement. 82599

(B)(1) In those cases where there exists a collective 82600
bargaining agreement, any public employer or exclusive 82601
representative desiring to terminate, modify, or negotiate a 82602
successor collective bargaining agreement shall: 82603

(a) Serve written notice upon the other party of the proposed 82604
termination, modification, or successor agreement. The party must 82605
serve the notice not less than sixty days prior to the expiration 82606
date of the existing agreement or, in the event the existing 82607
collective bargaining agreement does not contain an expiration 82608
date, not less than sixty days prior to the time it is proposed to 82609
make the termination or modifications or to make effective a 82610
successor agreement. 82611

(b) Offer to bargain collectively with the other party for 82612
the purpose of modifying or terminating any existing agreement or 82613
negotiating a successor agreement; 82614

(c) Notify the state employment relations board of the offer 82615
by serving upon the board a copy of the written notice to the 82616
other party and a copy of the existing collective bargaining 82617
agreement. 82618

(2) In the case of initial negotiations between a public 82619
employer and an exclusive representative, where a collective 82620
bargaining agreement has not been in effect between the parties, 82621
any party may serve notice upon the board and the other party 82622
setting forth the names and addresses of the parties and offering 82623
to meet, for a period of ninety days, with the other party for the 82624

purpose of negotiating a collective bargaining agreement. 82625

If the settlement procedures specified in divisions (B), (C), 82626
and (D) of this section govern the parties, where those procedures 82627
refer to the expiration of a collective bargaining agreement, it 82628
means the expiration of the sixty-day period to negotiate a 82629
collective bargaining agreement referred to in this subdivision, 82630
or in the case of initial negotiations, it means the ninety-day 82631
period referred to in this subdivision. 82632

(3) The parties shall continue in full force and effect all 82633
the terms and conditions of any existing collective bargaining 82634
agreement, without resort to strike or lock-out, for a period of 82635
sixty days after the party gives notice or until the expiration 82636
date of the collective bargaining agreement, whichever occurs 82637
later, or for a period of ninety days where applicable. 82638

(4) Upon receipt of the notice, the parties shall enter into 82639
collective bargaining. 82640

(C) In the event the parties are unable to reach an 82641
agreement, they may submit, at any time prior to forty-five days 82642
before the expiration date of the collective bargaining agreement, 82643
the issues in dispute to any mutually agreed upon dispute 82644
settlement procedure which supersedes the procedures contained in 82645
this section. 82646

(1) The procedures may include: 82647

(a) Conventional arbitration of all unsettled issues; 82648

(b) Arbitration confined to a choice between the last offer 82649
of each party to the agreement as a single package; 82650

(c) Arbitration confined to a choice of the last offer of 82651
each party to the agreement on each issue submitted; 82652

(d) The procedures described in division (C)(1)(a), (b), or 82653
(c) of this section and including among the choices for the 82654

arbitrator, the recommendations of the fact finder, if there are 82655
recommendations, either as a single package or on each issue 82656
submitted; 82657

(e) Settlement by a citizens' conciliation council composed 82658
of three residents within the jurisdiction of the public employer. 82659
The public employer shall select one member and the exclusive 82660
representative shall select one member. The two members selected 82661
shall select the third member who shall chair the council. If the 82662
two members cannot agree upon a third member within five days 82663
after their appointments, the board shall appoint the third 82664
member. Once appointed, the council shall make a final settlement 82665
of the issues submitted to it pursuant to division (G) of this 82666
section. 82667

(f) Any other dispute settlement procedure mutually agreed to 82668
by the parties. 82669

(2) If, fifty days before the expiration date of the 82670
collective bargaining agreement, the parties are unable to reach 82671
an agreement, any party may request the state employment relations 82672
board to intervene. The request shall set forth the names and 82673
addresses of the parties, the issues involved, and, if applicable, 82674
the expiration date of any agreement. 82675

The board shall intervene and investigate the dispute to 82676
determine whether the parties have engaged in collective 82677
bargaining. 82678

If an impasse exists or forty-five days before the expiration 82679
date of the collective bargaining agreement if one exists, the 82680
board shall appoint a mediator to assist the parties in the 82681
collective bargaining process. 82682

(3) Any time after the appointment of a mediator, either 82683
party may request the appointment of a fact-finding panel. Within 82684
fifteen days after receipt of a request for a fact-finding panel, 82685

the board shall appoint a fact-finding panel of not more than 82686
three members who have been selected by the parties in accordance 82687
with rules established by the board, from a list of qualified 82688
persons maintained by the board. 82689

(a) The fact-finding panel shall, in accordance with rules 82690
and procedures established by the board that include the 82691
regulation of costs and expenses of fact-finding, gather facts and 82692
make recommendations for the resolution of the matter. The board 82693
shall by its rules require each party to specify in writing the 82694
unresolved issues and its position on each issue to the 82695
fact-finding panel. The fact-finding panel shall make final 82696
recommendations as to all the unresolved issues. 82697

(b) The board may continue mediation, order the parties to 82698
engage in collective bargaining until the expiration date of the 82699
agreement, or both. 82700

(4) The following guidelines apply to fact-finding: 82701

(a) The fact-finding panel may establish times and place of 82702
hearings which shall be, where feasible, in the jurisdiction of 82703
the state. 82704

(b) The fact-finding panel shall conduct the hearing pursuant 82705
to rules established by the board. 82706

(c) Upon request of the fact-finding panel, the board shall 82707
issue subpoenas for hearings conducted by the panel. 82708

(d) The fact-finding panel may administer oaths. 82709

(e) The board shall prescribe guidelines for the fact-finding 82710
panel to follow in making findings. In making its recommendations, 82711
the fact-finding panel shall take into consideration the factors 82712
listed in divisions (G)(7)(a) to (f) of this section. 82713

(f) The fact-finding panel may attempt mediation at any time 82714
during the fact-finding process. From the time of appointment 82715

until the fact-finding panel makes a final recommendation, it 82716
shall not discuss the recommendations for settlement of the 82717
dispute with parties other than the direct parties to the dispute. 82718

(5) The fact-finding panel, acting by a majority of its 82719
members, shall transmit its findings of fact and recommendations 82720
on the unresolved issues to the public employer and employee 82721
organization involved and to the board no later than fourteen days 82722
after the appointment of the fact-finding panel, unless the 82723
parties mutually agree to an extension. The parties shall share 82724
the cost of the fact-finding panel in a manner agreed to by the 82725
parties. 82726

(6)(a) Not later than seven days after the findings and 82727
recommendations are sent, the legislative body, by a three-fifths 82728
vote of its total membership, and in the case of the public 82729
employee organization, the membership, by a three-fifths vote of 82730
the total membership, may reject the recommendations; if neither 82731
rejects the recommendations, the recommendations shall be deemed 82732
agreed upon as the final resolution of the issues submitted and a 82733
collective bargaining agreement shall be executed between the 82734
parties, including the fact-finding panel's recommendations, 82735
except as otherwise modified by the parties by mutual agreement. 82736
If either the legislative body or the public employee organization 82737
rejects the recommendations, the board shall publicize the 82738
findings of fact and recommendations of the fact-finding panel. 82739
The board shall adopt rules governing the procedures and methods 82740
for public employees to vote on the recommendations of the 82741
fact-finding panel. 82742

(b) As used in division (C)(6)(a) of this section, 82743
"legislative body" means the controlling board when the state or 82744
any of its agencies, authorities, commissions, boards, or other 82745
branch of public employment is party to the fact-finding process. 82746

(D) If the parties are unable to reach agreement within seven 82747

days after the publication of findings and recommendations from 82748
the fact-finding panel or the collective bargaining agreement, if 82749
one exists, has expired, then the: 82750

(1) Public employees, who are members of a police or fire 82751
department, members of the state highway patrol, deputy sheriffs, 82752
dispatchers employed by a police, fire, or sheriff's department or 82753
the state highway patrol or civilian dispatchers employed by a 82754
public employer other than a police, fire, or sheriff's department 82755
to dispatch police, fire, sheriff's department, or emergency 82756
medical or rescue personnel and units, an exclusive nurse's unit, 82757
employees of the state school for the deaf or the state school for 82758
the blind, employees of any public employee retirement system, 82759
corrections officers, guards at penal or mental institutions, 82760
special police officers appointed in accordance with sections 82761
~~5119.14~~ 5119.08 and 5123.13 of the Revised Code, psychiatric 82762
attendants employed at mental health forensic facilities, youth 82763
leaders employed at juvenile correctional facilities, or members 82764
of a law enforcement security force that is established and 82765
maintained exclusively by a board of county commissioners and 82766
whose members are employed by that board, shall submit the matter 82767
to a final offer settlement procedure pursuant to a board order 82768
issued forthwith to the parties to settle by a conciliator 82769
selected by the parties. The parties shall request from the board 82770
a list of five qualified conciliators and the parties shall select 82771
a single conciliator from the list by alternate striking of names. 82772
If the parties cannot agree upon a conciliator within five days 82773
after the board order, the board shall on the sixth day after its 82774
order appoint a conciliator from a list of qualified persons 82775
maintained by the board or shall request a list of qualified 82776
conciliators from the American arbitration association and appoint 82777
therefrom. 82778

(2) Public employees other than those listed in division 82779

(D)(1) of this section have the right to strike under Chapter 82780
4117. of the Revised Code provided that the employee organization 82781
representing the employees has given a ten-day prior written 82782
notice of an intent to strike to the public employer and to the 82783
board, and further provided that the strike is for full, 82784
consecutive work days and the beginning date of the strike is at 82785
least ten work days after the ending date of the most recent prior 82786
strike involving the same bargaining unit; however, the board, at 82787
its discretion, may attempt mediation at any time. 82788

(E) Nothing in this section shall be construed to prohibit 82789
the parties, at any time, from voluntarily agreeing to submit any 82790
or all of the issues in dispute to any other alternative dispute 82791
settlement procedure. An agreement or statutory requirement to 82792
arbitrate or to settle a dispute pursuant to a final offer 82793
settlement procedure and the award issued in accordance with the 82794
agreement or statutory requirement is enforceable in the same 82795
manner as specified in division (B) of section 4117.09 of the 82796
Revised Code. 82797

(F) Nothing in this section shall be construed to prohibit a 82798
party from seeking enforcement of a collective bargaining 82799
agreement or a conciliator's award as specified in division (B) of 82800
section 4117.09 of the Revised Code. 82801

(G) The following guidelines apply to final offer settlement 82802
proceedings under division (D)(1) of this section: 82803

(1) The parties shall submit to final offer settlement those 82804
issues that are subject to collective bargaining as provided by 82805
section 4117.08 of the Revised Code and upon which the parties 82806
have not reached agreement and other matters mutually agreed to by 82807
the public employer and the exclusive representative; except that 82808
the conciliator may attempt mediation at any time. 82809

(2) The conciliator shall hold a hearing within thirty days 82810

of the board's order to submit to a final offer settlement 82811
procedure, or as soon thereafter as is practicable. 82812

(3) The conciliator shall conduct the hearing pursuant to 82813
rules developed by the board. The conciliator shall establish the 82814
hearing time and place, but it shall be, where feasible, within 82815
the jurisdiction of the state. Not later than five calendar days 82816
before the hearing, each of the parties shall submit to the 82817
conciliator, to the opposing party, and to the board, a written 82818
report summarizing the unresolved issues, the party's final offer 82819
as to the issues, and the rationale for that position. 82820

(4) Upon the request by the conciliator, the board shall 82821
issue subpoenas for the hearing. 82822

(5) The conciliator may administer oaths. 82823

(6) The conciliator shall hear testimony from the parties and 82824
provide for a written record to be made of all statements at the 82825
hearing. The board shall submit for inclusion in the record and 82826
for consideration by the conciliator the written report and 82827
recommendation of the fact-finders. 82828

(7) After hearing, the conciliator shall resolve the dispute 82829
between the parties by selecting, on an issue-by-issue basis, from 82830
between each of the party's final settlement offers, taking into 82831
consideration the following: 82832

(a) Past collectively bargained agreements, if any, between 82833
the parties; 82834

(b) Comparison of the issues submitted to final offer 82835
settlement relative to the employees in the bargaining unit 82836
involved with those issues related to other public and private 82837
employees doing comparable work, giving consideration to factors 82838
peculiar to the area and classification involved; 82839

(c) The interests and welfare of the public, the ability of 82840

the public employer to finance and administer the issues proposed, 82841
and the effect of the adjustments on the normal standard of public 82842
service; 82843

(d) The lawful authority of the public employer; 82844

(e) The stipulations of the parties; 82845

(f) Such other factors, not confined to those listed in this 82846
section, which are normally or traditionally taken into 82847
consideration in the determination of the issues submitted to 82848
final offer settlement through voluntary collective bargaining, 82849
mediation, fact-finding, or other impasse resolution procedures in 82850
the public service or in private employment. 82851

(8) Final offer settlement awards made under Chapter 4117. of 82852
the Revised Code are subject to Chapter 2711. of the Revised Code. 82853

(9) If more than one conciliator is used, the determination 82854
must be by majority vote. 82855

(10) The conciliator shall make written findings of fact and 82856
promulgate a written opinion and order upon the issues presented 82857
to the conciliator, and upon the record made before the 82858
conciliator and shall mail or otherwise deliver a true copy 82859
thereof to the parties and the board. 82860

(11) Increases in rates of compensation and other matters 82861
with cost implications awarded by the conciliator may be effective 82862
only at the start of the fiscal year next commencing after the 82863
date of the final offer settlement award; provided that if a new 82864
fiscal year has commenced since the issuance of the board order to 82865
submit to a final offer settlement procedure, the awarded 82866
increases may be retroactive to the commencement of the new fiscal 82867
year. The parties may, at any time, amend or modify a 82868
conciliator's award or order by mutual agreement. 82869

(12) The parties shall bear equally the cost of the final 82870

offer settlement procedure. 82871

(13) Conciliators appointed pursuant to this section shall be 82872
residents of the state. 82873

(H) All final offer settlement awards and orders of the 82874
conciliator made pursuant to Chapter 4117. of the Revised Code are 82875
subject to review by the court of common pleas having jurisdiction 82876
over the public employer as provided in Chapter 2711. of the 82877
Revised Code. If the public employer is located in more than one 82878
court of common pleas district, the court of common pleas in which 82879
the principal office of the chief executive is located has 82880
jurisdiction. 82881

(I) The issuance of a final offer settlement award 82882
constitutes a binding mandate to the public employer and the 82883
exclusive representative to take whatever actions are necessary to 82884
implement the award. 82885

Sec. 4117.15. (A) Whenever a strike by members of a police or 82886
fire department, members of the state highway patrol, deputy 82887
sheriffs, dispatchers employed by a police, fire, or sheriff's 82888
department or the state highway patrol or civilian dispatchers 82889
employed by a public employer other than a police, fire, or 82890
sheriff's department to dispatch police, fire, sheriff's 82891
department, or emergency medical or rescue personnel and units, an 82892
exclusive nurse's unit, employees of the state school for the deaf 82893
or the state school for the blind, employees of any public 82894
employee retirement system, correction officers, guards at penal 82895
or mental institutions, or special police officers appointed in 82896
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 82897
Revised Code, psychiatric attendants employed at mental health 82898
forensic facilities, youth leaders employed at juvenile 82899
correctional facilities, or members of a law enforcement security 82900
force that is established and maintained exclusively by a board of 82901

county commissioners and whose members are employed by that board, 82902
a strike by other public employees during the pendency of the 82903
settlement procedures set forth in section 4117.14 of the Revised 82904
Code, or a strike during the term or extended term of a collective 82905
bargaining agreement occurs, the public employer may seek an 82906
injunction against the strike in the court of common pleas of the 82907
county in which the strike is located. 82908

(B) An unfair labor practice by a public employer is not a 82909
defense to the injunction proceeding noted in division (A) of this 82910
section. Allegations of unfair labor practices during the 82911
settlement procedures set forth in section 4117.14 of the Revised 82912
Code shall receive priority by the state employment relations 82913
board. 82914

(C) No public employee is entitled to pay or compensation 82915
from the public employer for the period engaged in any strike. 82916

Sec. 4121.44. (A) The administrator of workers' compensation 82917
shall oversee the implementation of the Ohio workers' compensation 82918
qualified health plan system as established under section 4121.442 82919
of the Revised Code. 82920

(B) The administrator shall direct the implementation of the 82921
health partnership program administered by the bureau as set forth 82922
in section 4121.441 of the Revised Code. To implement the health 82923
partnership program and to ensure the efficiency and effectiveness 82924
of the public services provided through the program, the bureau: 82925

(1) Shall certify one or more external vendors, which shall 82926
be known as "managed care organizations," to provide medical 82927
management and cost containment services in the health partnership 82928
program for a period of two years beginning on the date of 82929
certification, consistent with the standards established under 82930
this section; 82931

(2) May recertify external vendors <u>managed care organizations</u>	82932
for additional periods of two years; and	82933
(3) May integrate the certified vendors <u>managed care</u>	82934
<u>organizations</u> with bureau staff and existing bureau services for	82935
purposes of operation and training to allow the bureau to assume	82936
operation of the health partnership program at the conclusion of	82937
the certification periods set forth in division (B)(1) or (2) of	82938
this section;	82939
(4) <u>May enter into a contract with any managed care</u>	82940
<u>organization that is certified by the bureau, pursuant to division</u>	82941
<u>(B)(1) or (2) of this section, to provide medical management and</u>	82942
<u>cost containment services in the health partnership program.</u>	82943
(C) <u>A contract entered into pursuant to division (B)(4) of</u>	82944
<u>this section shall include both of the following:</u>	82945
(1) <u>Incentives that may be awarded by the administrator, at</u>	82946
<u>the administrator's discretion, based on compliance and</u>	82947
<u>performance of the managed care organization;</u>	82948
(2) <u>Penalties that may be imposed by the administrator, at</u>	82949
<u>the administrator's discretion, based on the failure of the</u>	82950
<u>managed care organization to reasonably comply with or perform</u>	82951
<u>terms of the contract, which may include termination of the</u>	82952
<u>contract.</u>	82953
(D) <u>Notwithstanding section 119.061 of the Revised Code, a</u>	82954
<u>contract entered into pursuant to division (B)(4) of this section</u>	82955
<u>may include provisions limiting, restricting, or regulating any</u>	82956
<u>marketing or advertising by the managed care organization, or by</u>	82957
<u>any individual or entity that is affiliated with or acting on</u>	82958
<u>behalf of the managed care organization, under the health</u>	82959
<u>partnership program.</u>	82960
(E) <u>No managed care organization shall receive compensation</u>	82961
<u>under the health partnership program unless the managed care</u>	82962

organization has entered into a contract with the bureau pursuant to division (B)(4) of this section. 82963
82964

(F) Any ~~vendor~~ managed care organization selected shall 82965
demonstrate all of the following: 82966

(1) Arrangements and reimbursement agreements with a 82967
substantial number of the medical, professional and pharmacy 82968
providers currently being utilized by claimants. 82969

(2) Ability to accept a common format of medical bill data in 82970
an electronic fashion from any provider who wishes to submit 82971
medical bill data in that form. 82972

(3) A computer system able to handle the volume of medical 82973
bills and willingness to customize that system to the bureau's 82974
needs and to be operated by the ~~vendor's~~ managed care 82975
organization's staff, bureau staff, or some combination of both 82976
staffs. 82977

(4) A prescription drug system where pharmacies on a 82978
statewide basis have access to the eligibility and pricing, at a 82979
discounted rate, of all prescription drugs. 82980

(5) A tracking system to record all telephone calls from 82981
claimants and providers regarding the status of submitted medical 82982
bills so as to be able to track each inquiry. 82983

(6) Data processing capacity to absorb all of the bureau's 82984
medical bill processing or at least that part of the processing 82985
which the bureau arranges to delegate. 82986

(7) Capacity to store, retrieve, array, simulate, and model 82987
in a relational mode all of the detailed medical bill data so that 82988
analysis can be performed in a variety of ways and so that the 82989
bureau and its governing authority can make informed decisions. 82990

(8) Wide variety of software programs which translate medical 82991
terminology into standard codes, and which reveal if a provider is 82992

manipulating the procedures codes, commonly called "unbundling." 82993

(9) Necessary professional staff to conduct, at a minimum, 82994
authorizations for treatment, medical necessity, utilization 82995
review, concurrent review, post-utilization review, and have the 82996
attendant computer system which supports such activity and 82997
measures the outcomes and the savings. 82998

(10) Management experience and flexibility to be able to 82999
react quickly to the needs of the bureau in the case of required 83000
change in federal or state requirements. 83001

~~(D)~~(G)(1) The administrator may decertify a managed care 83002
organization if the managed care organization does any of the 83003
following: 83004

(a) Fails to maintain any of the requirements set forth in 83005
division (F) of this section; 83006

(b) Fails to reasonably comply with or to perform in 83007
accordance with the terms of a contract entered into under 83008
division (B)(4) of this section; 83009

(c) Violates a rule adopted under section 4121.441 of the 83010
Revised Code. 83011

(2) The administrator shall provide each managed care 83012
organization that is being decertified pursuant to division (G)(1) 83013
of this section with written notice of the pending decertification 83014
and an opportunity for a hearing pursuant to rules adopted by the 83015
administrator. 83016

(H)(1) Information contained in a ~~vendor's~~ managed care 83017
organization's application for certification in the health 83018
partnership program, and other information furnished to the bureau 83019
by a ~~vendor~~ managed care organization for purposes of obtaining 83020
certification or to comply with performance and financial auditing 83021
requirements established by the administrator, is for the 83022

exclusive use and information of the bureau in the discharge of 83023
its official duties, and shall not be open to the public or be 83024
used in any court in any proceeding pending therein, unless the 83025
bureau is a party to the action or proceeding, but the information 83026
may be tabulated and published by the bureau in statistical form 83027
for the use and information of other state departments and the 83028
public. No employee of the bureau, except as otherwise authorized 83029
by the administrator, shall divulge any information secured by the 83030
employee while in the employ of the bureau in respect to a 83031
~~vendor's~~ managed care organization's application for certification 83032
or in respect to the business or other trade processes of any 83033
~~vendor~~ managed care organization to any person other than the 83034
administrator or to the employee's superior. 83035

(2) Notwithstanding the restrictions imposed by division 83036
~~(D)~~(H)(1) of this section, the governor, members of select or 83037
standing committees of the senate or house of representatives, the 83038
auditor of state, the attorney general, or their designees, 83039
pursuant to the authority granted in this chapter and Chapter 83040
4123. of the Revised Code, may examine any ~~vendor~~ managed care 83041
organization application or other information furnished to the 83042
bureau by the ~~vendor~~ managed care organization. None of those 83043
individuals shall divulge any information secured in the exercise 83044
of that authority in respect to a ~~vendor's~~ managed care 83045
organization's application for certification or in respect to the 83046
business or other trade processes of any ~~vendor~~ managed care 83047
organization to any person. 83048

~~(E)~~(I) On and after January 1, 2001, a ~~vendor~~ managed care 83049
organization shall not be ~~any~~ an insurance company holding a 83050
certificate of authority issued pursuant to Title XXXIX of the 83051
Revised Code or ~~any~~ a health insuring corporation holding a 83052
certificate of authority under Chapter 1751. of the Revised Code. 83053

~~(F)~~(J) The administrator may limit freedom of choice of 83054

health care provider or supplier by requiring, beginning with the 83055
period set forth in division (B)(1) or (2) of this section, that 83056
claimants shall pay an appropriate out-of-plan copayment for 83057
selecting a medical provider not within the health partnership 83058
program as provided for in this section. 83059

~~(G)~~(K) The administrator, six months prior to the expiration 83060
of the bureau's certification or recertification of the ~~vendor or~~ 83061
~~vendors~~ managed care organizations as set forth in division (B)(1) 83062
or (2) of this section, may certify and provide evidence to the 83063
governor, the speaker of the house of representatives, and the 83064
president of the senate that the existing bureau staff is able to 83065
match or exceed the performance and outcomes of the ~~external~~ 83066
~~vendor or vendors~~ managed care organizations and that the bureau 83067
should be permitted to internally administer the health 83068
partnership program upon the expiration of the certification or 83069
recertification as set forth in division (B)(1) or (2) of this 83070
section. 83071

~~(H)~~(L) The administrator shall establish and operate a bureau 83072
of workers' compensation health care data program. The 83073
administrator shall develop reporting requirements from all 83074
employees, employers ~~and~~, medical providers, ~~medical vendors~~ 83075
managed care organizations, and plans that participate in the 83076
workers' compensation system. The administrator shall do all of 83077
the following: 83078

(1) Utilize the collected data to measure and perform 83079
comparison analyses of costs, quality, appropriateness of medical 83080
care, and effectiveness of medical care delivered by all 83081
components of the workers' compensation system. 83082

(2) Compile data to support activities of the selected ~~vendor~~ 83083
~~or vendors~~ managed care organizations and to measure the outcomes 83084
and savings of the health partnership program. 83085

(3) Publish and report compiled data on the measures of 83086
outcomes and savings of the health partnership program and submit 83087
the report to the president of the senate, the speaker of the 83088
house of representatives, and the governor with the annual report 83089
prepared under division (F)(3) of section 4121.12 of the Revised 83090
Code. The administrator shall protect the confidentiality of all 83091
proprietary pricing data. 83092

~~(I)~~(M) Any rehabilitation facility the bureau operates is 83093
eligible for inclusion in the Ohio workers' compensation qualified 83094
health plan system or the health partnership program under the 83095
same terms as other providers within health care plans or the 83096
program. 83097

~~(J)~~(N) In areas outside the state or within the state where 83098
no qualified health plan or an inadequate number of providers 83099
within the health partnership program exist, the administrator 83100
shall permit employees to use a nonplan or nonprogram health care 83101
provider and shall pay the provider for the services or supplies 83102
provided to or on behalf of an employee for an injury or 83103
occupational disease that is compensable under this chapter or 83104
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 83105
schedule the administrator adopts. 83106

~~(K)~~(O) No health care provider, whether certified or not, 83107
shall charge, assess, or otherwise attempt to collect from an 83108
employee, employer, a managed care organization, or the bureau any 83109
amount for covered services or supplies that is in excess of the 83110
allowed amount paid by a managed care organization, the bureau, or 83111
a qualified health plan. 83112

~~(L)~~(P) The administrator shall permit any employer or group 83113
of employers who agree to abide by the rules adopted under this 83114
section and sections 4121.441 and 4121.442 of the Revised Code to 83115
provide services or supplies to or on behalf of an employee for an 83116
injury or occupational disease that is compensable under this 83117

chapter or Chapter 4123., 4127., or 4131. of the Revised Code 83118
through qualified health plans of the Ohio workers' compensation 83119
qualified health plan system pursuant to section 4121.442 of the 83120
Revised Code or through the health partnership program pursuant to 83121
section 4121.441 of the Revised Code. No amount paid under the 83122
qualified health plan system pursuant to section 4121.442 of the 83123
Revised Code by an employer who is a state fund employer shall be 83124
charged to the employer's experience or otherwise be used in 83125
merit-rating or determining the risk of that employer for the 83126
purpose of the payment of premiums under this chapter, and if the 83127
employer is a self-insuring employer, the employer shall not 83128
include that amount in the paid compensation the employer reports 83129
under section 4123.35 of the Revised Code. 83130

Sec. 4121.441. (A) The administrator of workers' 83131
compensation, with the advice and consent of the bureau of 83132
workers' compensation board of directors, shall adopt rules under 83133
Chapter 119. of the Revised Code for the health care partnership 83134
program administered by the bureau of workers' compensation to 83135
provide medical, surgical, nursing, drug, hospital, and 83136
rehabilitation services and supplies to an employee for an injury 83137
or occupational disease that is compensable under this chapter or 83138
Chapter 4123., 4127., or 4131. of the Revised Code, and to 83139
regulate contracts with managed care organizations pursuant to 83140
this chapter. 83141

(1) The rules shall include, but are not limited to, the 83142
following: 83143

~~(1)~~(a) Procedures for the resolution of medical disputes 83144
between an employer and an employee, an employee and a provider, 83145
or an employer and a provider, prior to an appeal under section 83146
4123.511 of the Revised Code. Rules the administrator adopts 83147
pursuant to division (A)(1)(a) of this section may specify that 83148

the resolution procedures shall not be used to resolve disputes	83149
concerning medical services rendered that have been approved	83150
through standard treatment guidelines, pathways, or presumptive	83151
authorization guidelines.	83152
(2) (b) Prohibitions against discrimination against any	83153
category of health care providers;	83154
(3) (c) Procedures for reporting injuries to employers and the	83155
bureau by providers;	83156
(4) (d) Appropriate financial incentives to reduce service	83157
cost and insure proper system utilization without sacrificing the	83158
quality of service;	83159
(5) (e) Adequate methods of peer review, utilization review,	83160
quality assurance, and dispute resolution to prevent, and provide	83161
sanctions for, inappropriate, excessive or not medically necessary	83162
treatment;	83163
(6) (f) A timely and accurate method of collection of	83164
necessary information regarding medical and health care service	83165
and supply costs, quality, and utilization to enable the	83166
administrator to determine the effectiveness of the program;	83167
(7) (g) Provisions for necessary emergency medical treatment	83168
for an injury or occupational disease provided by a health care	83169
provider who is not part of the program;	83170
(8) (h) Discounted pricing for all in-patient and out-patient	83171
medical services, all professional services, and all	83172
pharmaceutical services;	83173
(9) (i) Provisions for provider referrals, pre-admission and	83174
post-admission approvals, second surgical opinions, and other cost	83175
management techniques;	83176
(10) (j) Antifraud mechanisms;	83177
(11) (k) Standards and criteria for the bureau to utilize in	83178

certifying or recertifying a health care provider or a ~~vendor~~ 83179
managed care organization for participation in the health 83180
partnership program; 83181

~~(12)(1)~~ Standards ~~and criteria~~ for the bureau to utilize in 83182
penalizing or decertifying a health care provider ~~or a vendor~~ from 83183
participation in the health partnership program. 83184

(2) Notwithstanding section 119.061 of the Revised Code, the 83185
rules may include provisions limiting, restricting, or regulating 83186
any marketing or advertising by a managed care organization, or by 83187
any individual or entity that is affiliated with or acting on 83188
behalf of the managed care organization, under the health 83189
partnership program. 83190

(B) The administrator shall implement the health partnership 83191
program according to the rules the administrator adopts under this 83192
section for the provision and payment of medical, surgical, 83193
nursing, drug, hospital, and rehabilitation services and supplies 83194
to an employee for an injury or occupational disease that is 83195
compensable under this chapter or Chapter 4123., 4127., or 4131. 83196
of the Revised Code." 83197

Sec. 4121.50. Not later than July 1, 2012, the administrator 83198
of workers' compensation shall adopt rules in accordance with 83199
Chapter 119. of the Revised Code to implement a coordinated 83200
services program for claimants under this chapter or Chapter 83201
4123., 4127., or 4131. of the Revised Code who are found to have 83202
obtained prescription drugs that were reimbursed pursuant to an 83203
order of the administrator or of the industrial commission or by a 83204
self-insuring employer but were obtained at a frequency or in an 83205
amount that is not medically necessary. The program shall be 83206
implemented in a manner that is substantially similar to the 83207
coordinated services programs established for the medicaid program 83208
under ~~section 5111.085~~ sections 5164.758 and ~~5111.179~~ 5167.13 of 83209

the Revised Code. 83210

Sec. 4121.69. (A) The administrator of workers' compensation 83211
may establish compensation plans, including schedules of hourly 83212
rates, for the compensation of professional, administrative, and 83213
managerial employees who are employed to fulfill the duties placed 83214
upon the bureau of workers' compensation pursuant to sections 83215
4121.61 to 4121.69 of the Revised Code. The administrator may 83216
establish rules or policies for the administration of the 83217
respective compensation plans. 83218

This division does not apply to employees for whom the state 83219
employment relations board establishes appropriate bargaining 83220
units pursuant to section 4117.06 of the Revised Code. 83221

(B) The administrator may employ the services and resources 83222
of any public entity or private person, business, or association 83223
in fulfilling the duties placed upon the bureau of workers' 83224
compensation by sections 4121.61 to 4121.69 of the Revised Code. 83225
The ~~rehabilitation services commission~~ opportunities for Ohioans 83226
with disabilities agency, the director of job and family services, 83227
and any other public officer, employee, or agency shall give to 83228
the bureau of workers' compensation full cooperation and, at the 83229
request of the administrator, enter into a written agreement 83230
stating the procedures and criteria for referring, accepting, and 83231
providing services to claimants in the job placement and 83232
rehabilitation efforts of the bureau of workers' compensation on 83233
behalf of a claimant when referred by the bureau of workers' 83234
compensation. 83235

(C) In appropriate cases, the bureau may refer a candidate to 83236
the ~~rehabilitation services commission~~ opportunities for Ohioans 83237
with disabilities agency for participation in a program of the 83238
~~commission~~ agency. For that purpose, the bureau of workers' 83239
compensation shall compensate the ~~commission~~ agency for the 83240

nonfederal portion of its services. 83241

Sec. 4123.32. The administrator of workers' compensation, 83242
with the advice and consent of the bureau of workers' compensation 83243
board of directors, shall adopt rules with respect to the 83244
collection, maintenance, and disbursements of the state insurance 83245
fund including all of the following: 83246

(A) A rule providing that the premium security deposit 83247
collected from any employer entitles the employer to the benefits 83248
of this chapter for the remainder of the six months and also for 83249
an additional adjustment period of two months, and, thereafter, if 83250
the employer pays the premium due at the close of any six-month 83251
period, coverage shall be extended for an additional eight-month 83252
period beginning from the end of the six-month period for which 83253
the employer pays the premium due; 83254

(B) A rule providing for ascertaining the correctness of any 83255
employer's report of estimated or actual expenditure of wages and 83256
the determination and adjustment of proper premiums and the 83257
payment of those premiums by the employer for or during any period 83258
less than eight months and notwithstanding any payment or 83259
determination of premium made when exceptional conditions or 83260
circumstances in the judgment of the administrator justify the 83261
action; 83262

(C) Such special rules as the administrator considers 83263
necessary to safeguard the fund and that are just in the 83264
circumstances, covering the rates to be applied where one employer 83265
takes over the occupation or industry of another or where an 83266
employer first makes application for state insurance, and the 83267
administrator may require that if any employer transfers a 83268
business in whole or in part or otherwise reorganizes the 83269
business, the successor in interest shall assume, in proportion to 83270
the extent of the transfer, as determined by the administrator, 83271

the employer's account and shall continue the payment of all 83272
contributions due under this chapter; 83273

(D) A rule providing that an employer who employs an employee 83274
covered under the federal "Longshore and Harbor Workers'
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 83275
chapter and Chapter 4121. of the Revised Code shall be assessed a 83276
premium in accordance with the expenditure of wages, payroll, or 83277
both attributable to only labor performed and services provided by 83278
such an employee when the employee performs labor and provides 83279
services for which the employee is not eligible to receive 83280
compensation and benefits under that federal act. 83281
83282

(E) A rule providing for all of the following: 83283

(1) If, within two months immediately after the expiration of 83284
the six-month period, an employer fails to file a report of the 83285
employer's actual payroll expenditures for the period, the premium 83286
found to be due from the employer for the period shall be 83287
increased in an amount equal to one per cent of the premium, but 83288
the increase shall not be less than three nor more than fifteen 83289
dollars; 83290

(2) The premium determined by the administrator to be due 83291
from an employer shall be payable on or before the end of the 83292
coverage period established by the premium security deposit, or 83293
within the time specified by the administrator if the period for 83294
which the advance premium has been paid is less than eight months. 83295
If an employer fails to pay the premium when due, the 83296
administrator may add a late fee penalty of not more than thirty 83297
dollars to the premium plus an additional penalty amount as 83298
follows: 83299

(a) For a premium from sixty-one to ninety days past due, the 83300
prime interest rate, multiplied by the premium due; 83301

(b) For a premium from ninety-one to one hundred twenty days 83302

past due, the prime interest rate plus two per cent, multiplied by 83303
the premium due; 83304

(c) For a premium from one hundred twenty-one to one hundred 83305
fifty days past due, the prime interest rate plus four per cent, 83306
multiplied by the premium due; 83307

(d) For a premium from one hundred fifty-one to one hundred 83308
eighty days past due, the prime interest rate plus six per cent, 83309
multiplied by the premium due; 83310

(e) For a premium from one hundred eighty-one to two hundred 83311
ten days past due, the prime interest rate plus eight per cent, 83312
multiplied by the premium due; 83313

(f) For each additional thirty-day period or portion thereof 83314
that a premium remains past due after it has remained past due for 83315
more than two hundred ten days, the prime interest rate plus eight 83316
per cent, multiplied by the premium due. 83317

(3) Notwithstanding the interest rates specified in division 83318
(E)(2) of this section, at no time shall the additional penalty 83319
amount assessed under division (E)(2) of this section exceed 83320
fifteen per cent of the premium due. 83321

(4) An employer may appeal a late fee penalty or additional 83322
penalty to an adjudicating committee pursuant to section 4123.291 83323
of the Revised Code. 83324

For purposes of division (E) of this section, "prime interest 83325
rate" means the average bank prime rate, and the administrator 83326
shall determine the prime interest rate in the same manner as a 83327
county auditor determines the average bank prime rate under 83328
section 929.02 of the Revised Code. 83329

(5) If the employer files an appropriate payroll report, 83330
within the time provided by law or within the time specified by 83331
the administrator if the period for which the employer paid an 83332

estimated premium is less than eight months, the employer shall 83333
not be in default and division (E)(2) of this section shall not 83334
apply if the employer pays the premiums within fifteen days after 83335
being first notified by the administrator of the amount due. 83336

(6) Any deficiencies in the amounts of the premium security 83337
deposit paid by an employer for any period shall be subject to an 83338
interest charge of six per cent per annum from the date the 83339
premium obligation is incurred. In determining the interest due on 83340
deficiencies in premium security deposit payments, a charge in 83341
each case shall be made against the employer in an amount equal to 83342
interest at the rate of six per cent per annum on the premium 83343
security deposit due but remaining unpaid sixty days after notice 83344
by the administrator. 83345

(7) Any interest charges or penalties provided for in 83346
divisions (E)(2) and (6) of this section shall be credited to the 83347
employer's account for rating purposes in the same manner as 83348
premiums. 83349

(F) A rule providing that each employer, on the occasion of 83350
instituting coverage under this chapter, shall submit a premium 83351
security deposit. The deposit shall be calculated equivalent to 83352
thirty per cent of the semiannual premium obligation of the 83353
employer based upon the employer's estimated expenditure for wages 83354
for the ensuing six-month period plus thirty per cent of an 83355
additional adjustment period of two months but only up to a 83356
maximum of one thousand dollars and not less than ten dollars. The 83357
administrator shall review the security deposit of every employer 83358
who has submitted a deposit which is less than the 83359
one-thousand-dollar maximum. The administrator may require any 83360
such employer to submit additional money up to the maximum of one 83361
thousand dollars that, in the administrator's opinion, reflects 83362
the employer's current payroll expenditure for an eight-month 83363
period. 83364

(G) A rule providing that each employer, on the occasion of instituting coverage under this chapter, shall submit an application for coverage that completely provides all of the information required for the administrator to establish coverage for that employer, and that the employer's failure to provide all of the information completely may be grounds for the administrator to deny coverage for that employer.

(H) A rule providing that, in addition to any other remedies permitted in this chapter, the administrator may discontinue an employer's coverage if the employer fails to pay the premium due on or before the premium's due date.

(I) A rule providing that if after a final adjudication it is determined that an employer has failed to pay an obligation, billing, account, or assessment that is greater than one thousand dollars on or before its due date, the administrator may discontinue the employer's coverage in addition to any other remedies permitted in this chapter, and that the administrator shall not discontinue an employer's coverage pursuant to this division prior to a final adjudication regarding the employer's failure to pay such obligation, billing, account, or assessment on or before its due date.

(J) As used in divisions (H) and (I) of this section:

(1) "Employer" has the same meaning as in division (B) of section 4123.01 of the Revised Code except that "employer" does not include the state, a state hospital, or a state university or college.

(2) "State university or college" has the same meaning as in section 3345.12 of the Revised Code and also includes the Ohio agricultural research and development center and ~~the Ohio state university cooperative~~ OSU extension service.

(3) "State hospital" means the Ohio state university hospital

and its ancillary facilities and the medical university of Ohio at 83396
Toledo hospital. 83397

Sec. 4123.322. (A) Notwithstanding any provision to the 83398
contrary in section 4123.32 or 4123.41 of the Revised Code, the 83399
administrator of workers' compensation, with the advice and 83400
consent of the bureau of workers' compensation board of directors, 83401
may adopt rules with respect to the collection, maintenance, and 83402
disbursements of the state insurance fund to provide for a system 83403
of prospective payment of workers' compensation premiums. If the 83404
administrator elects to adopt rules establishing a prospective 83405
payment system, those rules shall include all of the following: 83406

(1) A requirement that, notwithstanding section 4123.26 of 83407
the Revised Code, on or before the thirtieth day of June of each 83408
year, or such other date as the administrator establishes, every 83409
employer mentioned in division (B)(2) of section 4123.01 of the 83410
Revised Code shall file with the bureau of workers' compensation 83411
an estimate of the employer's payroll for the immediately 83412
following twelve-month period or other period as the administrator 83413
establishes; 83414

(2) A requirement that upon an initial application for 83415
coverage, an employer mentioned in division (B)(2) of section 83416
4123.01 of the Revised Code shall file with the application an 83417
estimate of the employer's payroll for the unexpired period from 83418
the date of application to the period ending on the following 83419
thirtieth day of June or other date as established by the 83420
administrator pursuant to division (A)(1) of this section, and 83421
shall pay the amount the administrator determines by rule in order 83422
to establish coverage for the employer as described in division 83423
(B)(12) of section 4121.121 of the Revised Code; 83424

(3) A requirement that, notwithstanding section 4123.26 or 83425
4123.41 of the Revised Code, on or before the first day of January 83426

of each year, or such other date as the administrator establishes, 83427
every employer mentioned in division (B)(1) of section 4123.01 of 83428
the Revised Code, except for a state agency or a state university 83429
or college, shall file with the bureau an estimate of the 83430
employer's payroll for the immediately following twelve-month 83431
period or other period as the administrator establishes; 83432

(4) A requirement that upon an initial application for 83433
coverage, an employer mentioned in division (B)(1) of section 83434
4123.01 of the Revised Code, except for a state agency or state 83435
university or college, shall file with the application an estimate 83436
of the employer's payroll for the unexpired period from the date 83437
of application to the period ending on the following thirty-first 83438
day of December or other date as established by the administrator 83439
pursuant to division (A)(3) of this section, and shall pay the 83440
amount the administrator determines by rule in order to establish 83441
coverage for the employer as described in division (B)(12) of 83442
section 4121.121 of the Revised Code; 83443

(5) The assessment of a penalty if an employer fails to 83444
timely file the estimates of payroll required by the rules adopted 83445
pursuant to this section; 83446

(6) A requirement that an employer complete periodic payroll 83447
reports of actual expenditures for previous coverage periods for 83448
reconciliation with estimated payroll reports; 83449

(7) The assessment of a penalty for late payroll 83450
reconciliation reports and for late payment of any reconciliation 83451
premium; 83452

(8) The establishment of a transition period during which 83453
time the bureau shall determine the adequacy of existing premium 83454
security deposits of employers, the establishment of provisions 83455
for additional premium payments during that transition, the 83456
provision of a credit of those deposits toward the first premium 83457

due from an employer under the rules adopted under divisions 83458
(A)(1) to (7) of this section, and the establishment of penalties 83459
for late payment or failure to comply with the rules. 83460

(B) For purposes of division (A)(6) of this section, an 83461
employer shall make timely payment of any premium owed when actual 83462
payroll expenditures exceeded estimated payroll, and the employer 83463
shall receive premium credit when the estimated payroll exceeded 83464
the actual payroll. 83465

(C) For purposes of division (A)(7) of this section, if the 83466
employer's actual payroll substantially exceeds the estimated 83467
payroll, the administrator may assess additional penalties 83468
specified in rules the administrator adopts on the reconciliation 83469
premium. 83470

(D) As used in this section, "state university or college" 83471
has the same meaning as in section 4123.32 of the Revised Code. 83472

Sec. 4123.35. (A) Except as provided in this section, every 83473
employer mentioned in division (B)(2) of section 4123.01 of the 83474
Revised Code, and every publicly owned utility shall pay 83475
semiannually in the months of January and July into the state 83476
insurance fund the amount of annual premium the administrator of 83477
workers' compensation fixes for the employment or occupation of 83478
the employer, the amount of which premium to be paid by each 83479
employer to be determined by the classifications, rules, and rates 83480
made and published by the administrator. The employer shall pay 83481
semiannually a further sum of money into the state insurance fund 83482
as may be ascertained to be due from the employer by applying the 83483
rules of the administrator, and a receipt or certificate 83484
certifying that payment has been made, along with a written notice 83485
as is required in section 4123.54 of the Revised Code, shall be 83486
mailed immediately to the employer by the bureau of workers' 83487
compensation. The receipt or certificate is prima-facie evidence 83488

of the payment of the premium, and the proper posting of the 83489
notice constitutes the employer's compliance with the notice 83490
requirement mandated in section 4123.54 of the Revised Code. 83491

If the administrator adopts rules to establish a prospective 83492
payment of premium under section 4123.322 of the Revised Code, 83493
every employer mentioned in division (B)(2) of section 4123.01 of 83494
the Revised Code and every publicly owned utility shall pay into 83495
the state insurance fund the amount of premium the administrator 83496
fixes for the employment or occupation of the employer, the amount 83497
of which premium to be paid by each employer to be determined by 83498
the classifications, rules, and rates made and published by the 83499
administrator and based upon the estimates and reconciliations 83500
required by the rules the administrator adopts under section 83501
4123.322 of the Revised Code. 83502

The bureau of workers' compensation shall verify with the 83503
secretary of state the existence of all corporations and 83504
organizations making application for workers' compensation 83505
coverage and shall require every such application to include the 83506
employer's federal identification number. 83507

An employer as defined in division (B)(2) of section 4123.01 83508
of the Revised Code who has contracted with a subcontractor is 83509
liable for the unpaid premium due from any subcontractor with 83510
respect to that part of the payroll of the subcontractor that is 83511
for work performed pursuant to the contract with the employer. 83512

Division (A) of this section providing for the payment of 83513
premiums semiannually does not apply to any employer who was a 83514
subscriber to the state insurance fund prior to January 1, 1914, 83515
or who may first become a subscriber to the fund in any month 83516
other than January or July. Instead, the semiannual premiums shall 83517
be paid by those employers from time to time upon the expiration 83518
of the respective periods for which payments into the fund have 83519
been made by them. 83520

The administrator shall adopt rules to permit employers to 83521
make periodic payments of the semiannual premium due under this 83522
division. The rules shall include provisions for the assessment of 83523
interest charges, where appropriate, and for the assessment of 83524
penalties when an employer fails to make timely premium payments. 83525
An employer who timely pays the amounts due under this division is 83526
entitled to all of the benefits and protections of this chapter. 83527
Upon receipt of payment, the bureau immediately shall mail a 83528
receipt or certificate to the employer certifying that payment has 83529
been made, which receipt is prima-facie evidence of payment. 83530
Workers' compensation coverage under this chapter continues 83531
uninterrupted upon timely receipt of payment under this division. 83532

Every public employer, except public employers that are 83533
self-insuring employers under this section, shall comply with 83534
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 83535
regard to the contribution of moneys to the public insurance fund. 83536

(B) Employers who will abide by the rules of the 83537
administrator and who may be of sufficient financial ability to 83538
render certain the payment of compensation to injured employees or 83539
the dependents of killed employees, and the furnishing of medical, 83540
surgical, nursing, and hospital attention and services and 83541
medicines, and funeral expenses, equal to or greater than is 83542
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 83543
to 4123.67 of the Revised Code, and who do not desire to insure 83544
the payment thereof or indemnify themselves against loss sustained 83545
by the direct payment thereof, upon a finding of such facts by the 83546
administrator, may be granted the privilege to pay individually 83547
compensation, and furnish medical, surgical, nursing, and hospital 83548
services and attention and funeral expenses directly to injured 83549
employees or the dependents of killed employees, thereby being 83550
granted status as a self-insuring employer. The administrator may 83551
charge employers who apply for the status as a self-insuring 83552

employer a reasonable application fee to cover the bureau's costs 83553
in connection with processing and making a determination with 83554
respect to an application. 83555

All employers granted status as self-insuring employers shall 83556
demonstrate sufficient financial and administrative ability to 83557
assure that all obligations under this section are promptly met. 83558
The administrator shall deny the privilege where the employer is 83559
unable to demonstrate the employer's ability to promptly meet all 83560
the obligations imposed on the employer by this section. 83561

(1) The administrator shall consider, but is not limited to, 83562
the following factors, where applicable, in determining the 83563
employer's ability to meet all of the obligations imposed on the 83564
employer by this section: 83565

(a) The employer employs a minimum of five hundred employees 83566
in this state; 83567

(b) The employer has operated in this state for a minimum of 83568
two years, provided that an employer who has purchased, acquired, 83569
or otherwise succeeded to the operation of a business, or any part 83570
thereof, situated in this state that has operated for at least two 83571
years in this state, also shall qualify; 83572

(c) Where the employer previously contributed to the state 83573
insurance fund or is a successor employer as defined by bureau 83574
rules, the amount of the buyout, as defined by bureau rules; 83575

(d) The sufficiency of the employer's assets located in this 83576
state to insure the employer's solvency in paying compensation 83577
directly; 83578

(e) The financial records, documents, and data, certified by 83579
a certified public accountant, necessary to provide the employer's 83580
full financial disclosure. The records, documents, and data 83581
include, but are not limited to, balance sheets and profit and 83582
loss history for the current year and previous four years. 83583

(f) The employer's organizational plan for the administration of the workers' compensation law; 83584
83585

(g) The employer's proposed plan to inform employees of the change from a state fund insurer to a self-insuring employer, the procedures the employer will follow as a self-insuring employer, and the employees' rights to compensation and benefits; and 83586
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(h) The employer has either an account in a financial institution in this state, or if the employer maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the employer clearly indicates that payment will be honored by a financial institution in this state. 83590
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The administrator may waive the requirements of divisions (B)(1)(a) and (b) of this section and the requirement of division (B)(1)(e) of this section that the financial records, documents, and data be certified by a certified public accountant. The administrator shall adopt rules establishing the criteria that an employer shall meet in order for the administrator to waive the ~~requirement~~ requirements of division divisions (B)(1)(a), (b), and (e) of this section. Such rules may require additional security of that employer pursuant to division (E) of section 4123.351 of the Revised Code. 83596
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The administrator shall not grant the status of self-insuring employer to the state, except that the administrator may grant the status of self-insuring employer to a state institution of higher education, including its hospitals, that meets the requirements of division (B)(2) of this section. 83606
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(2) When considering the application of a public employer, except for a board of county commissioners described in division (G) of section 4123.01 of the Revised Code, a board of a county hospital, or a publicly owned utility, the administrator shall 83611
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verify that the public employer satisfies all of the following 83615
requirements as the requirements apply to that public employer: 83616

(a) For the two-year period preceding application under this 83617
section, the public employer has maintained an unvoted debt 83618
capacity equal to at least two times the amount of the current 83619
annual premium established by the administrator under this chapter 83620
for that public employer for the year immediately preceding the 83621
year in which the public employer makes application under this 83622
section. 83623

(b) For each of the two fiscal years preceding application 83624
under this section, the unreserved and undesignated year-end fund 83625
balance in the public employer's general fund is equal to at least 83626
five per cent of the public employer's general fund revenues for 83627
the fiscal year computed in accordance with generally accepted 83628
accounting principles. 83629

(c) For the five-year period preceding application under this 83630
section, the public employer, to the extent applicable, has 83631
complied fully with the continuing disclosure requirements 83632
established in rules adopted by the United States securities and 83633
exchange commission under 17 C.F.R. 240.15c 2-12. 83634

(d) For the five-year period preceding application under this 83635
section, the public employer has not had its local government fund 83636
distribution withheld on account of the public employer being 83637
indebted or otherwise obligated to the state. 83638

(e) For the five-year period preceding application under this 83639
section, the public employer has not been under a fiscal watch or 83640
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 83641
of the Revised Code. 83642

(f) For the public employer's fiscal year preceding 83643
application under this section, the public employer has obtained 83644
an annual financial audit as required under section 117.10 of the 83645

Revised Code, which has been released by the auditor of state 83646
within seven months after the end of the public employer's fiscal 83647
year. 83648

(g) On the date of application, the public employer holds a 83649
debt rating of Aa3 or higher according to Moody's investors 83650
service, inc., or a comparable rating by an independent rating 83651
agency similar to Moody's investors service, inc. 83652

(h) The public employer agrees to generate an annual 83653
accumulating book reserve in its financial statements reflecting 83654
an actuarially generated reserve adequate to pay projected claims 83655
under this chapter for the applicable period of time, as 83656
determined by the administrator. 83657

(i) For a public employer that is a hospital, the public 83658
employer shall submit audited financial statements showing the 83659
hospital's overall liquidity characteristics, and the 83660
administrator shall determine, on an individual basis, whether the 83661
public employer satisfies liquidity standards equivalent to the 83662
liquidity standards of other public employers. 83663

(j) Any additional criteria that the administrator adopts by 83664
rule pursuant to division (E) of this section. 83665

The administrator may adopt rules establishing the criteria 83666
that a public employer shall satisfy in order for the 83667
administrator to waive any of the requirements listed in divisions 83668
(B)(2)(a) to (j) of this section. The rules may require additional 83669
security from that employer pursuant to division (E) of section 83670
4123.351 of the Revised Code. The administrator shall not waive 83671
any of the requirements listed in divisions (B)(2)(a) to (j) of 83672
this section for a public employer who does not satisfy the 83673
criteria established in the rules the administrator adopts. 83674

(C) A board of county commissioners described in division (G) 83675
of section 4123.01 of the Revised Code, as an employer, that will 83676

abide by the rules of the administrator and that may be of 83677
sufficient financial ability to render certain the payment of 83678
compensation to injured employees or the dependents of killed 83679
employees, and the furnishing of medical, surgical, nursing, and 83680
hospital attention and services and medicines, and funeral 83681
expenses, equal to or greater than is provided for in sections 83682
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 83683
Code, and that does not desire to insure the payment thereof or 83684
indemnify itself against loss sustained by the direct payment 83685
thereof, upon a finding of such facts by the administrator, may be 83686
granted the privilege to pay individually compensation, and 83687
furnish medical, surgical, nursing, and hospital services and 83688
attention and funeral expenses directly to injured employees or 83689
the dependents of killed employees, thereby being granted status 83690
as a self-insuring employer. The administrator may charge a board 83691
of county commissioners described in division (G) of section 83692
4123.01 of the Revised Code that applies for the status as a 83693
self-insuring employer a reasonable application fee to cover the 83694
bureau's costs in connection with processing and making a 83695
determination with respect to an application. All employers 83696
granted such status shall demonstrate sufficient financial and 83697
administrative ability to assure that all obligations under this 83698
section are promptly met. The administrator shall deny the 83699
privilege where the employer is unable to demonstrate the 83700
employer's ability to promptly meet all the obligations imposed on 83701
the employer by this section. The administrator shall consider, 83702
but is not limited to, the following factors, where applicable, in 83703
determining the employer's ability to meet all of the obligations 83704
imposed on the board as an employer by this section: 83705

(1) The board as an employer employs a minimum of five 83706
hundred employees in this state; 83707

(2) The board has operated in this state for a minimum of two 83708

years;	83709
(3) Where the board previously contributed to the state insurance fund or is a successor employer as defined by bureau rules, the amount of the buyout, as defined by bureau rules;	83710 83711 83712
(4) The sufficiency of the board's assets located in this state to insure the board's solvency in paying compensation directly;	83713 83714 83715
(5) The financial records, documents, and data, certified by a certified public accountant, necessary to provide the board's full financial disclosure. The records, documents, and data include, but are not limited to, balance sheets and profit and loss history for the current year and previous four years.	83716 83717 83718 83719 83720
(6) The board's organizational plan for the administration of the workers' compensation law;	83721 83722
(7) The board's proposed plan to inform employees of the proposed self-insurance, the procedures the board will follow as a self-insuring employer, and the employees' rights to compensation and benefits;	83723 83724 83725 83726
(8) The board has either an account in a financial institution in this state, or if the board maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the board clearly indicates that payment will be honored by a financial institution in this state;	83727 83728 83729 83730 83731 83732
(9) The board shall provide the administrator a surety bond in an amount equal to one hundred twenty-five per cent of the projected losses as determined by the administrator.	83733 83734 83735
(D) The administrator shall require a surety bond from all self-insuring employers, issued pursuant to section 4123.351 of the Revised Code, that is sufficient to compel, or secure to	83736 83737 83738

injured employees, or to the dependents of employees killed, the 83739
payment of compensation and expenses, which shall in no event be 83740
less than that paid or furnished out of the state insurance fund 83741
in similar cases to injured employees or to dependents of killed 83742
employees whose employers contribute to the fund, except when an 83743
employee of the employer, who has suffered the loss of a hand, 83744
arm, foot, leg, or eye prior to the injury for which compensation 83745
is to be paid, and thereafter suffers the loss of any other of the 83746
members as the result of any injury sustained in the course of and 83747
arising out of the employee's employment, the compensation to be 83748
paid by the self-insuring employer is limited to the disability 83749
suffered in the subsequent injury, additional compensation, if 83750
any, to be paid by the bureau out of the surplus created by 83751
section 4123.34 of the Revised Code. 83752

(E) In addition to the requirements of this section, the 83753
administrator shall make and publish rules governing the manner of 83754
making application and the nature and extent of the proof required 83755
to justify a finding of fact by the administrator as to granting 83756
the status of a self-insuring employer, which rules shall be 83757
general in their application, one of which rules shall provide 83758
that all self-insuring employers shall pay into the state 83759
insurance fund such amounts as are required to be credited to the 83760
surplus fund in division (B) of section 4123.34 of the Revised 83761
Code. The administrator may adopt rules establishing requirements 83762
in addition to the requirements described in division (B)(2) of 83763
this section that a public employer shall meet in order to qualify 83764
for self-insuring status. 83765

Employers shall secure directly from the bureau central 83766
offices application forms upon which the bureau shall stamp a 83767
designating number. Prior to submission of an application, an 83768
employer shall make available to the bureau, and the bureau shall 83769
review, the information described in division (B)(1) of this 83770

section, and public employers shall make available, and the bureau 83771
shall review, the information necessary to verify whether the 83772
public employer meets the requirements listed in division (B)(2) 83773
of this section. An employer shall file the completed application 83774
forms with an application fee, which shall cover the costs of 83775
processing the application, as established by the administrator, 83776
by rule, with the bureau at least ninety days prior to the 83777
effective date of the employer's new status as a self-insuring 83778
employer. The application form is not deemed complete until all 83779
the required information is attached thereto. The bureau shall 83780
only accept applications that contain the required information. 83781

(F) The bureau shall review completed applications within a 83782
reasonable time. If the bureau determines to grant an employer the 83783
status as a self-insuring employer, the bureau shall issue a 83784
statement, containing its findings of fact, that is prepared by 83785
the bureau and signed by the administrator. If the bureau 83786
determines not to grant the status as a self-insuring employer, 83787
the bureau shall notify the employer of the determination and 83788
require the employer to continue to pay its full premium into the 83789
state insurance fund. The administrator also shall adopt rules 83790
establishing a minimum level of performance as a criterion for 83791
granting and maintaining the status as a self-insuring employer 83792
and fixing time limits beyond which failure of the self-insuring 83793
employer to provide for the necessary medical examinations and 83794
evaluations may not delay a decision on a claim. 83795

(G) The administrator shall adopt rules setting forth 83796
procedures for auditing the program of self-insuring employers. 83797
The bureau shall conduct the audit upon a random basis or whenever 83798
the bureau has grounds for believing that a self-insuring employer 83799
is not in full compliance with bureau rules or this chapter. 83800

The administrator shall monitor the programs conducted by 83801
self-insuring employers, to ensure compliance with bureau 83802

requirements and for that purpose, shall develop and issue to 83803
self-insuring employers standardized forms for use by the 83804
self-insuring employer in all aspects of the self-insuring 83805
employers' direct compensation program and for reporting of 83806
information to the bureau. 83807

The bureau shall receive and transmit to the self-insuring 83808
employer all complaints concerning any self-insuring employer. In 83809
the case of a complaint against a self-insuring employer, the 83810
administrator shall handle the complaint through the 83811
self-insurance division of the bureau. The bureau shall maintain a 83812
file by employer of all complaints received that relate to the 83813
employer. The bureau shall evaluate each complaint and take 83814
appropriate action. 83815

The administrator shall adopt as a rule a prohibition against 83816
any self-insuring employer from harassing, dismissing, or 83817
otherwise disciplining any employee making a complaint, which rule 83818
shall provide for a financial penalty to be levied by the 83819
administrator payable by the offending self-insuring employer. 83820

(H) For the purpose of making determinations as to whether to 83821
grant status as a self-insuring employer, the administrator may 83822
subscribe to and pay for a credit reporting service that offers 83823
financial and other business information about individual 83824
employers. The costs in connection with the bureau's subscription 83825
or individual reports from the service about an applicant may be 83826
included in the application fee charged employers under this 83827
section. 83828

(I) The administrator, notwithstanding other provisions of 83829
this chapter, may permit a self-insuring employer to resume 83830
payment of premiums to the state insurance fund with appropriate 83831
credit modifications to the employer's basic premium rate as such 83832
rate is determined pursuant to section 4123.29 of the Revised 83833
Code. 83834

(J) On the first day of July of each year, the administrator shall calculate separately each self-insuring employer's assessments for the safety and hygiene fund, administrative costs pursuant to section 4123.342 of the Revised Code, and for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is not used for handicapped reimbursement, on the basis of the paid compensation attributable to the individual self-insuring employer according to the following calculation:

(1) The total assessment against all self-insuring employers as a class for each fund and for the administrative costs for the year that the assessment is being made, as determined by the administrator, divided by the total amount of paid compensation for the previous calendar year attributable to all amenable self-insuring employers;

(2) Multiply the quotient in division (J)(1) of this section by the total amount of paid compensation for the previous calendar year that is attributable to the individual self-insuring employer for whom the assessment is being determined. Each self-insuring employer shall pay the assessment that results from this calculation, unless the assessment resulting from this calculation falls below a minimum assessment, which minimum assessment the administrator shall determine on the first day of July of each year with the advice and consent of the bureau of workers' compensation board of directors, in which event, the self-insuring employer shall pay the minimum assessment.

In determining the total amount due for the total assessment against all self-insuring employers as a class for each fund and the administrative assessment, the administrator shall reduce proportionately the total for each fund and assessment by the amount of money in the self-insurance assessment fund as of the date of the computation of the assessment.

The administrator shall calculate the assessment for the 83867
portion of the surplus fund under division (B) of section 4123.34 83868
of the Revised Code that is used for handicapped reimbursement in 83869
the same manner as set forth in divisions (J)(1) and (2) of this 83870
section except that the administrator shall calculate the total 83871
assessment for this portion of the surplus fund only on the basis 83872
of those self-insuring employers that retain participation in the 83873
handicapped reimbursement program and the individual self-insuring 83874
employer's proportion of paid compensation shall be calculated 83875
only for those self-insuring employers who retain participation in 83876
the handicapped reimbursement program. The administrator, as the 83877
administrator determines appropriate, may determine the total 83878
assessment for the handicapped portion of the surplus fund in 83879
accordance with sound actuarial principles. 83880

The administrator shall calculate the assessment for the 83881
portion of the surplus fund under division (B) of section 4123.34 83882
of the Revised Code that under division (D) of section 4121.66 of 83883
the Revised Code is used for rehabilitation costs in the same 83884
manner as set forth in divisions (J)(1) and (2) of this section, 83885
except that the administrator shall calculate the total assessment 83886
for this portion of the surplus fund only on the basis of those 83887
self-insuring employers who have not made the election to make 83888
payments directly under division (D) of section 4121.66 of the 83889
Revised Code and an individual self-insuring employer's proportion 83890
of paid compensation only for those self-insuring employers who 83891
have not made that election. 83892

The administrator shall calculate the assessment for the 83893
portion of the surplus fund under division (B) of section 4123.34 83894
of the Revised Code that is used for reimbursement to a 83895
self-insuring employer under division (H) of section 4123.512 of 83896
the Revised Code in the same manner as set forth in divisions 83897
(J)(1) and (2) of this section except that the administrator shall 83898

calculate the total assessment for this portion of the surplus 83899
fund only on the basis of those self-insuring employers that 83900
retain participation in reimbursement to the self-insuring 83901
employer under division (H) of section 4123.512 of the Revised 83902
Code and the individual self-insuring employer's proportion of 83903
paid compensation shall be calculated only for those self-insuring 83904
employers who retain participation in reimbursement to the 83905
self-insuring employer under division (H) of section 4123.512 of 83906
the Revised Code. 83907

An employer who no longer is a self-insuring employer in this 83908
state or who no longer is operating in this state, shall continue 83909
to pay assessments for administrative costs and for the portion of 83910
the surplus fund under division (B) of section 4123.34 of the 83911
Revised Code that is not used for handicapped reimbursement, based 83912
upon paid compensation attributable to claims that occurred while 83913
the employer was a self-insuring employer within this state. 83914

(K) There is hereby created in the state treasury the 83915
self-insurance assessment fund. All investment earnings of the 83916
fund shall be deposited in the fund. The administrator shall use 83917
the money in the self-insurance assessment fund only for 83918
administrative costs as specified in section 4123.341 of the 83919
Revised Code. 83920

(L) Every self-insuring employer shall certify, in affidavit 83921
form subject to the penalty for perjury, to the bureau the amount 83922
of the self-insuring employer's paid compensation for the previous 83923
calendar year. In reporting paid compensation paid for the 83924
previous year, a self-insuring employer shall exclude from the 83925
total amount of paid compensation any reimbursement the 83926
self-insuring employer receives in the previous calendar year from 83927
the surplus fund pursuant to section 4123.512 of the Revised Code 83928
for any paid compensation. The self-insuring employer also shall 83929
exclude from the paid compensation reported any amount recovered 83930

under section 4123.931 of the Revised Code and any amount that is 83931
determined not to have been payable to or on behalf of a claimant 83932
in any final administrative or judicial proceeding. The 83933
self-insuring employer shall exclude such amounts from the paid 83934
compensation reported in the reporting period subsequent to the 83935
date the determination is made. The administrator shall adopt 83936
rules, in accordance with Chapter 119. of the Revised Code, that 83937
provide for all of the following: 83938

(1) Establishing the date by which self-insuring employers 83939
must submit such information and the amount of the assessments 83940
provided for in division (J) of this section for employers who 83941
have been granted self-insuring status within the last calendar 83942
year; 83943

(2) If an employer fails to pay the assessment when due, the 83944
administrator may add a late fee penalty of not more than five 83945
hundred dollars to the assessment plus an additional penalty 83946
amount as follows: 83947

(a) For an assessment from sixty-one to ninety days past due, 83948
the prime interest rate, multiplied by the assessment due; 83949

(b) For an assessment from ninety-one to one hundred twenty 83950
days past due, the prime interest rate plus two per cent, 83951
multiplied by the assessment due; 83952

(c) For an assessment from one hundred twenty-one to one 83953
hundred fifty days past due, the prime interest rate plus four per 83954
cent, multiplied by the assessment due; 83955

(d) For an assessment from one hundred fifty-one to one 83956
hundred eighty days past due, the prime interest rate plus six per 83957
cent, multiplied by the assessment due; 83958

(e) For an assessment from one hundred eighty-one to two 83959
hundred ten days past due, the prime interest rate plus eight per 83960
cent, multiplied by the assessment due; 83961

(f) For each additional thirty-day period or portion thereof 83962
that an assessment remains past due after it has remained past due 83963
for more than two hundred ten days, the prime interest rate plus 83964
eight per cent, multiplied by the assessment due. 83965

(3) An employer may appeal a late fee penalty and penalty 83966
assessment to the administrator. 83967

For purposes of division (L)(2) of this section, "prime 83968
interest rate" means the average bank prime rate, and the 83969
administrator shall determine the prime interest rate in the same 83970
manner as a county auditor determines the average bank prime rate 83971
under section 929.02 of the Revised Code. 83972

The administrator shall include any assessment and penalties 83973
that remain unpaid for previous assessment periods in the 83974
calculation and collection of any assessments due under this 83975
division or division (J) of this section. 83976

(M) As used in this section, "paid compensation" means all 83977
amounts paid by a self-insuring employer for living maintenance 83978
benefits, all amounts for compensation paid pursuant to sections 83979
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 83980
4123.64 of the Revised Code, all amounts paid as wages in lieu of 83981
such compensation, all amounts paid in lieu of such compensation 83982
under a nonoccupational accident and sickness program fully funded 83983
by the self-insuring employer, and all amounts paid by a 83984
self-insuring employer for a violation of a specific safety 83985
standard pursuant to Section 35 of Article II, Ohio Constitution 83986
and section 4121.47 of the Revised Code. 83987

(N) Should any section of this chapter or Chapter 4121. of 83988
the Revised Code providing for self-insuring employers' 83989
assessments based upon compensation paid be declared 83990
unconstitutional by a final decision of any court, then that 83991
section of the Revised Code declared unconstitutional shall revert 83992

back to the section in existence prior to November 3, 1989, 83993
providing for assessments based upon payroll. 83994

(O) The administrator may grant a self-insuring employer the 83995
privilege to self-insure a construction project entered into by 83996
the self-insuring employer that is scheduled for completion within 83997
six years after the date the project begins, and the total cost of 83998
which is estimated to exceed one hundred million dollars or, for 83999
employers described in division (R) of this section, if the 84000
construction project is estimated to exceed twenty-five million 84001
dollars. The administrator may waive such cost and time criteria 84002
and grant a self-insuring employer the privilege to self-insure a 84003
construction project regardless of the time needed to complete the 84004
construction project and provided that the cost of the 84005
construction project is estimated to exceed fifty million dollars. 84006
A self-insuring employer who desires to self-insure a construction 84007
project shall submit to the administrator an application listing 84008
the dates the construction project is scheduled to begin and end, 84009
the estimated cost of the construction project, the contractors 84010
and subcontractors whose employees are to be self-insured by the 84011
self-insuring employer, the provisions of a safety program that is 84012
specifically designed for the construction project, and a 84013
statement as to whether a collective bargaining agreement 84014
governing the rights, duties, and obligations of each of the 84015
parties to the agreement with respect to the construction project 84016
exists between the self-insuring employer and a labor 84017
organization. 84018

A self-insuring employer may apply to self-insure the 84019
employees of either of the following: 84020

(1) All contractors and subcontractors who perform labor or 84021
work or provide materials for the construction project; 84022

(2) All contractors and, at the administrator's discretion, a 84023
substantial number of all the subcontractors who perform labor or 84024

work or provide materials for the construction project. 84025

Upon approval of the application, the administrator shall 84026
mail a certificate granting the privilege to self-insure the 84027
construction project to the self-insuring employer. The 84028
certificate shall contain the name of the self-insuring employer 84029
and the name, address, and telephone number of the self-insuring 84030
employer's representatives who are responsible for administering 84031
workers' compensation claims for the construction project. The 84032
self-insuring employer shall post the certificate in a conspicuous 84033
place at the site of the construction project. 84034

The administrator shall maintain a record of the contractors 84035
and subcontractors whose employees are covered under the 84036
certificate issued to the self-insured employer. A self-insuring 84037
employer immediately shall notify the administrator when any 84038
contractor or subcontractor is added or eliminated from inclusion 84039
under the certificate. 84040

Upon approval of the application, the self-insuring employer 84041
is responsible for the administration and payment of all claims 84042
under this chapter and Chapter 4121. of the Revised Code for the 84043
employees of the contractor and subcontractors covered under the 84044
certificate who receive injuries or are killed in the course of 84045
and arising out of employment on the construction project, or who 84046
contract an occupational disease in the course of employment on 84047
the construction project. For purposes of this chapter and Chapter 84048
4121. of the Revised Code, a claim that is administered and paid 84049
in accordance with this division is considered a claim against the 84050
self-insuring employer listed in the certificate. A contractor or 84051
subcontractor included under the certificate shall report to the 84052
self-insuring employer listed in the certificate, all claims that 84053
arise under this chapter and Chapter 4121. of the Revised Code in 84054
connection with the construction project for which the certificate 84055
is issued. 84056

A self-insuring employer who complies with this division is 84057
entitled to the protections provided under this chapter and 84058
Chapter 4121. of the Revised Code with respect to the employees of 84059
the contractors and subcontractors covered under a certificate 84060
issued under this division for death or injuries that arise out 84061
of, or death, injuries, or occupational diseases that arise in the 84062
course of, those employees' employment on that construction 84063
project, as if the employees were employees of the self-insuring 84064
employer, provided that the self-insuring employer also complies 84065
with this section. No employee of the contractors and 84066
subcontractors covered under a certificate issued under this 84067
division shall be considered the employee of the self-insuring 84068
employer listed in that certificate for any purposes other than 84069
this chapter and Chapter 4121. of the Revised Code. Nothing in 84070
this division gives a self-insuring employer authority to control 84071
the means, manner, or method of employment of the employees of the 84072
contractors and subcontractors covered under a certificate issued 84073
under this division. 84074

The contractors and subcontractors included under a 84075
certificate issued under this division are entitled to the 84076
protections provided under this chapter and Chapter 4121. of the 84077
Revised Code with respect to the contractor's or subcontractor's 84078
employees who are employed on the construction project which is 84079
the subject of the certificate, for death or injuries that arise 84080
out of, or death, injuries, or occupational diseases that arise in 84081
the course of, those employees' employment on that construction 84082
project. 84083

The contractors and subcontractors included under a 84084
certificate issued under this division shall identify in their 84085
payroll records the employees who are considered the employees of 84086
the self-insuring employer listed in that certificate for purposes 84087
of this chapter and Chapter 4121. of the Revised Code, and the 84088

amount that those employees earned for employment on the 84089
construction project that is the subject of that certificate. 84090
Notwithstanding any provision to the contrary under this chapter 84091
and Chapter 4121. of the Revised Code, the administrator shall 84092
exclude the payroll that is reported for employees who are 84093
considered the employees of the self-insuring employer listed in 84094
that certificate, and that the employees earned for employment on 84095
the construction project that is the subject of that certificate, 84096
when determining those contractors' or subcontractors' premiums or 84097
assessments required under this chapter and Chapter 4121. of the 84098
Revised Code. A self-insuring employer issued a certificate under 84099
this division shall include in the amount of paid compensation it 84100
reports pursuant to division (L) of this section, the amount of 84101
paid compensation the self-insuring employer paid pursuant to this 84102
division for the previous calendar year. 84103

Nothing in this division shall be construed as altering the 84104
rights of employees under this chapter and Chapter 4121. of the 84105
Revised Code as those rights existed prior to September 17, 1996. 84106
Nothing in this division shall be construed as altering the rights 84107
devolved under sections 2305.31 and 4123.82 of the Revised Code as 84108
those rights existed prior to September 17, 1996. 84109

As used in this division, "privilege to self-insure a 84110
construction project" means privilege to pay individually 84111
compensation, and to furnish medical, surgical, nursing, and 84112
hospital services and attention and funeral expenses directly to 84113
injured employees or the dependents of killed employees. 84114

(P) A self-insuring employer whose application is granted 84115
under division (O) of this section shall designate a safety 84116
professional to be responsible for the administration and 84117
enforcement of the safety program that is specifically designed 84118
for the construction project that is the subject of the 84119
application. 84120

A self-insuring employer whose application is granted under 84121
division (O) of this section shall employ an ombudsperson for the 84122
construction project that is the subject of the application. The 84123
ombudsperson shall have experience in workers' compensation or the 84124
construction industry, or both. The ombudsperson shall perform all 84125
of the following duties: 84126

(1) Communicate with and provide information to employees who 84127
are injured in the course of, or whose injury arises out of 84128
employment on the construction project, or who contract an 84129
occupational disease in the course of employment on the 84130
construction project; 84131

(2) Investigate the status of a claim upon the request of an 84132
employee to do so; 84133

(3) Provide information to claimants, third party 84134
administrators, employers, and other persons to assist those 84135
persons in protecting their rights under this chapter and Chapter 84136
4121. of the Revised Code. 84137

A self-insuring employer whose application is granted under 84138
division (O) of this section shall post the name of the safety 84139
professional and the ombudsperson and instructions for contacting 84140
the safety professional and the ombudsperson in a conspicuous 84141
place at the site of the construction project. 84142

(Q) The administrator may consider all of the following when 84143
deciding whether to grant a self-insuring employer the privilege 84144
to self-insure a construction project as provided under division 84145
(O) of this section: 84146

(1) Whether the self-insuring employer has an organizational 84147
plan for the administration of the workers' compensation law; 84148

(2) Whether the safety program that is specifically designed 84149
for the construction project provides for the safety of employees 84150
employed on the construction project, is applicable to all 84151

contractors and subcontractors who perform labor or work or 84152
provide materials for the construction project, and has as a 84153
component, a safety training program that complies with standards 84154
adopted pursuant to the "Occupational Safety and Health Act of 84155
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 84156
management and employee involvement; 84157

(3) Whether granting the privilege to self-insure the 84158
construction project will reduce the costs of the construction 84159
project; 84160

(4) Whether the self-insuring employer has employed an 84161
ombudsperson as required under division (P) of this section; 84162

(5) Whether the self-insuring employer has sufficient surety 84163
to secure the payment of claims for which the self-insuring 84164
employer would be responsible pursuant to the granting of the 84165
privilege to self-insure a construction project under division (O) 84166
of this section. 84167

(R) As used in divisions (O), (P), and (Q), "self-insuring 84168
employer" includes the following employers, whether or not they 84169
have been granted the status of being a self-insuring employer 84170
under division (B) of this section: 84171

(1) A state institution of higher education; 84172

(2) A school district; 84173

(3) A county school financing district; 84174

(4) An educational service center; 84175

(5) A community school established under Chapter 3314. of the 84176
Revised Code; 84177

(6) A municipal power agency as defined in section 3734.058 84178
of the Revised Code. 84179

(S) As used in this section: 84180

(1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy;

(2) "State institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.

Sec. 4123.41. (A) By the first day of January of each year, the bureau of workers' compensation shall furnish to the county auditor of each county and the chief fiscal officer of each taxing district in a county and of each district activity and institution mentioned in section 4123.39 of the Revised Code forms containing the premium rates applicable to the county, district, district activity, or institution as an employer, on which to report the amount of money expended by the county, district, district activity, or institution during the previous twelve calendar months for the services of employees under this chapter.

(B) Each county auditor and each fiscal officer of a district, district activity, and institution shall calculate on the form it receives from the bureau under division (A) of this section the premium due as its proper contribution to the public insurance fund and issue a warrant in favor of the bureau for the amount due from the county, district, district activity, or institution to the public insurance fund according to the following schedule:

(1) On or before the fifteenth day of May of each year, no less than forty-five per cent of the amount due;

(2) On or before the first day of September of each year, no less than the total amount due.

(C) The legislative body of any county, district, district activity, or institution may reimburse the fund from which the workers' compensation payments are made by transferring to the fund from any other fund of the county, district, district activity, or institution, the proportionate amount of the payments that should be chargeable to the fund, whether the fund is derived from taxation or otherwise. The proportionate amount of the payments chargeable to the fund may be based on payroll, relative exposure, relative loss experience, or any combination of these factors, as determined by the legislative body.

(1) The workers' compensation program payments of any county, district, district activity, or institution may include all payments required by any bureau of workers' compensation rating plan.

(2) The workers' compensation program payments of any county, district, district activity, or institution, except for a county board of developmental disabilities, a board of alcohol, drug addiction, and mental health services, a board of mental health services, and a board of alcohol and drug addiction services, also may include any of the following:

(a) Direct administrative costs incurred in the management of the county, district, district activity, or institution's workers' compensation program;

(b) Indirect costs that are necessary and reasonable for the proper and efficient administration of the workers' compensation program as documented in a cost allocation plan. The indirect cost plan shall conform to the United States office of management and budget circular A-87 "cost principles for state and local governments," 2 C.F.R. 225, as most recently amended on May 10, 2004. The plan shall not authorize payment from the fund of any general government expense required to carry out the overall governmental responsibilities.

(3) Within sixty days before a legislative body changes the method used for calculating the proportionate amount of the payments chargeable to the fund, it shall notify, consult with, and give information supporting the change to any elected official affected by the change. A transfer made pursuant to division (B)(2) of this section is not subject to section 5705.16 of the Revised Code.

(D) Any county board of developmental disabilities, board of alcohol, drug addiction, and mental health services, board of mental health services, or board of alcohol and drug addiction services whose workers' compensation payments, on or before ~~the effective date of this section~~ September 28, 2012, includes costs referred to in division (C)(2) of this section may continue to do so on and after ~~the effective date of this amendment~~ September 28, 2012.

(E) The bureau may investigate the correctness of the information provided by the county auditor and chief fiscal officer under division (B) of this section, and if the bureau determines at any time that the county, district, district activity, or institution has not reported the correct information, the administrator of workers' compensation may make deductions or additions as the facts warrant and take those facts into consideration in determining the current or future contributions to be made by the county, district, district activity, or institution. If the county, district, district activity, or institution does not furnish the report in the time required by this section, the administrator may fix the amount of contribution the county, district, district activity, or institution must make and certify that amount for payment.

(F) The administrator shall provide a discount to any county, district, district activity, or institution that pays its total amount due to the public insurance fund on or before the fifteenth

day of May of each year as its proper contribution for premiums. 84276
The administrator shall base the discount provided under this 84277
division on the savings generated by the early payment to the 84278
public insurance fund. The administrator may provide the discount 84279
through a refund to the county, district, district activity, or 84280
institution or an offset against the future contributions due to 84281
the public insurance fund from the county, district, district 84282
activity, or institution. 84283

(G) The administrator may impose an interest penalty for late 84284
payment of any amount due from a county, district, district 84285
activity, and institution at the interest rate established by the 84286
state tax commissioner pursuant to section 5703.47 of the Revised 84287
Code. 84288

(H) If the administrator adopts rules for the prospective 84289
payment of premium as permitted under section 4123.322 of the 84290
Revised Code, every employer mentioned in division (B)(1) of 84291
section 4123.01 of the Revised Code, except for a state agency or 84292
a state university or college as defined in section 4123.32 of the 84293
Revised Code, shall pay into the state insurance fund the amount 84294
of premium the administrator fixes for the employment or 84295
occupation of the employer, the amount of which premium to be paid 84296
by each employer to be determined by the classifications, rules, 84297
and rates made and published by the administrator and based upon 84298
the estimates and reconciliations required by the rules the 84299
administrator adopts under section 4123.322 of the Revised Code. 84300

Sec. 4123.57. Partial disability compensation shall be paid 84301
as follows. 84302

Except as provided in this section, not earlier than 84303
twenty-six weeks after the date of termination of the latest 84304
period of payments under section 4123.56 of the Revised Code, or 84305
not earlier than twenty-six weeks after the date of the injury or 84306

contraction of an occupational disease in the absence of payments 84307
under section 4123.56 of the Revised Code, the employee may file 84308
an application with the bureau of workers' compensation for the 84309
determination of the percentage of the employee's permanent 84310
partial disability resulting from an injury or occupational 84311
disease. 84312

Whenever the application is filed, the bureau shall send a 84313
copy of the application to the employee's employer or the 84314
employer's representative and shall schedule the employee for a 84315
medical examination by the bureau medical section. The bureau 84316
shall send a copy of the report of the medical examination to the 84317
employee, the employer, and their representatives. Thereafter, the 84318
administrator of workers' compensation shall review the employee's 84319
claim file and make a tentative order as the evidence before the 84320
administrator at the time of the making of the order warrants. If 84321
the administrator determines that there is a conflict of evidence, 84322
the administrator shall send the application, along with the 84323
claimant's file, to the district hearing officer who shall set the 84324
application for a hearing. 84325

The administrator shall notify the employee, the employer, 84326
and their representatives, in writing, of the tentative order and 84327
of the parties' right to request a hearing. Unless the employee, 84328
the employer, or their representative notifies the administrator, 84329
in writing, of an objection to the tentative order within twenty 84330
days after receipt of the notice thereof, the tentative order 84331
shall go into effect and the employee shall receive the 84332
compensation provided in the order. In no event shall there be a 84333
reconsideration of a tentative order issued under this division. 84334

If the employee, the employer, or their representatives 84335
timely notify the administrator of an objection to the tentative 84336
order, the matter shall be referred to a district hearing officer 84337
who shall set the application for hearing with written notices to 84338

all interested persons. Upon referral to a district hearing officer, the employer may obtain a medical examination of the employee, pursuant to rules of the industrial commission.

(A) The district hearing officer, upon the application, shall determine the percentage of the employee's permanent disability, except as is subject to division (B) of this section, based upon that condition of the employee resulting from the injury or occupational disease and causing permanent impairment evidenced by medical or clinical findings reasonably demonstrable. The employee shall receive sixty-six and two-thirds per cent of the employee's average weekly wage, but not more than a maximum of thirty-three and one-third per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, per week regardless of the average weekly wage, for the number of weeks which equals the percentage of two hundred weeks. Except on application for reconsideration, review, or modification, which is filed within ten days after the date of receipt of the decision of the district hearing officer, in no instance shall the former award be modified unless it is found from medical or clinical findings that the condition of the claimant resulting from the injury has so progressed as to have increased the percentage of permanent partial disability. A staff hearing officer shall hear an application for reconsideration filed and the staff hearing officer's decision is final. An employee may file an application for a subsequent determination of the percentage of the employee's permanent disability. If such an application is filed, the bureau shall send a copy of the application to the employer or the employer's representative. No sooner than sixty days from the date of the mailing of the application to the employer or the employer's representative, the administrator shall review the application. The administrator may require a medical examination or medical review of the employee. The administrator shall issue a tentative order based upon the evidence before the administrator,

provided that if the administrator requires a medical examination 84372
or medical review, the administrator shall not issue the tentative 84373
order until the completion of the examination or review. 84374

The employer may obtain a medical examination of the employee 84375
and may submit medical evidence at any stage of the process up to 84376
a hearing before the district hearing officer, pursuant to rules 84377
of the commission. The administrator shall notify the employee, 84378
the employer, and their representatives, in writing, of the nature 84379
and amount of any tentative order issued on an application 84380
requesting a subsequent determination of the percentage of an 84381
employee's permanent disability. An employee, employer, or their 84382
representatives may object to the tentative order within twenty 84383
days after the receipt of the notice thereof. If no timely 84384
objection is made, the tentative order shall go into effect. In no 84385
event shall there be a reconsideration of a tentative order issued 84386
under this division. If an objection is timely made, the 84387
application for a subsequent determination shall be referred to a 84388
district hearing officer who shall set the application for a 84389
hearing with written notice to all interested persons. No 84390
application for subsequent percentage determinations on the same 84391
claim for injury or occupational disease shall be accepted for 84392
review by the district hearing officer unless supported by 84393
substantial evidence of new and changed circumstances developing 84394
since the time of the hearing on the original or last 84395
determination. 84396

No award shall be made under this division based upon a 84397
percentage of disability which, when taken with all other 84398
percentages of permanent disability, exceeds one hundred per cent. 84399
If the percentage of the permanent disability of the employee 84400
equals or exceeds ninety per cent, compensation for permanent 84401
partial disability shall be paid for two hundred weeks. 84402

Compensation payable under this division accrues and is 84403

payable to the employee from the date of last payment of 84404
compensation, or, in cases where no previous compensation has been 84405
paid, from the date of the injury or the date of the diagnosis of 84406
the occupational disease. 84407

When an award under this division has been made prior to the 84408
death of an employee, all unpaid installments accrued or to accrue 84409
under the provisions of the award are payable to the surviving 84410
spouse, or if there is no surviving spouse, to the dependent 84411
children of the employee, and if there are no children surviving, 84412
then to other dependents as the administrator determines. 84413

(B) For purposes of this division, "payable per week" means 84414
the seven-consecutive-day period in which compensation is paid in 84415
installments according to the schedule associated with the 84416
applicable injury as set forth in this division. 84417

Compensation paid in weekly installments according to the 84418
schedule described in this division may only be commuted to one or 84419
more ~~lump sum~~ lump sum payments pursuant to the procedure set 84420
forth in section 4123.64 of the Revised Code. 84421

In cases included in the following schedule the compensation 84422
payable per week to the employee is the statewide average weekly 84423
wage as defined in division (C) of section 4123.62 of the Revised 84424
Code per week and shall be paid in installments according to the 84425
following schedule: 84426

For the loss of a first finger, commonly known as a thumb, 84427
sixty weeks. 84428

For the loss of a second finger, commonly called index 84429
finger, thirty-five weeks. 84430

For the loss of a third finger, thirty weeks. 84431

For the loss of a fourth finger, twenty weeks. 84432

For the loss of a fifth finger, commonly known as the little 84433

finger, fifteen weeks. 84434

The loss of a second, or distal, phalange of the thumb is 84435
considered equal to the loss of one half of such thumb; the loss 84436
of more than one half of such thumb is considered equal to the 84437
loss of the whole thumb. 84438

The loss of the third, or distal, phalange of any finger is 84439
considered equal to the loss of one-third of the finger. 84440

The loss of the middle, or second, phalange of any finger is 84441
considered equal to the loss of two-thirds of the finger. 84442

The loss of more than the middle and distal phalanges of any 84443
finger is considered equal to the loss of the whole finger. In no 84444
case shall the amount received for more than one finger exceed the 84445
amount provided in this schedule for the loss of a hand. 84446

For the loss of the metacarpal bone (bones of the palm) for 84447
the corresponding thumb, or fingers, add ten weeks to the number 84448
of weeks under this division. 84449

For ankylosis (total stiffness of) or contractures (due to 84450
scars or injuries) which makes any of the fingers, thumbs, or 84451
parts of either useless, the same number of weeks apply to the 84452
members or parts thereof as given for the loss thereof. 84453

If the claimant has suffered the loss of two or more fingers 84454
by amputation or ankylosis and the nature of the claimant's 84455
employment in the course of which the claimant was working at the 84456
time of the injury or occupational disease is such that the 84457
handicap or disability resulting from the loss of fingers, or loss 84458
of use of fingers, exceeds the normal handicap or disability 84459
resulting from the loss of fingers, or loss of use of fingers, the 84460
administrator may take that fact into consideration and increase 84461
the award of compensation accordingly, but the award made shall 84462
not exceed the amount of compensation for loss of a hand. 84463

For the loss of a hand, one hundred seventy-five weeks.	84464
For the loss of an arm, two hundred twenty-five weeks.	84465
For the loss of a great toe, thirty weeks.	84466
For the loss of one of the toes other than the great toe, ten weeks.	84467 84468
The loss of more than two-thirds of any toe is considered equal to the loss of the whole toe.	84469 84470
The loss of less than two-thirds of any toe is considered no loss, except as to the great toe; the loss of the great toe up to the interphalangeal joint is co-equal to the loss of one-half of the great toe; the loss of the great toe beyond the interphalangeal joint is considered equal to the loss of the whole great toe.	84471 84472 84473 84474 84475 84476
For the loss of a foot, one hundred fifty weeks.	84477
For the loss of a leg, two hundred weeks.	84478
For the loss of the sight of an eye, one hundred twenty-five weeks.	84479 84480
For the permanent partial loss of sight of an eye, the portion of one hundred twenty-five weeks as the administrator in each case determines, based upon the percentage of vision actually lost as a result of the injury or occupational disease, but, in no case shall an award of compensation be made for less than twenty-five per cent loss of uncorrected vision. "Loss of uncorrected vision" means the percentage of vision actually lost as the result of the injury or occupational disease.	84481 84482 84483 84484 84485 84486 84487 84488
For the permanent and total loss of hearing of one ear, twenty-five weeks; but in no case shall an award of compensation be made for less than permanent and total loss of hearing of one ear.	84489 84490 84491 84492
For the permanent and total loss of hearing, one hundred	84493

twenty-five weeks; but, except pursuant to the next preceding 84494
paragraph, in no case shall an award of compensation be made for 84495
less than permanent and total loss of hearing. 84496

In case an injury or occupational disease results in serious 84497
facial or head disfigurement which either impairs or may in the 84498
future impair the opportunities to secure or retain employment, 84499
the administrator shall make an award of compensation as it deems 84500
proper and equitable, in view of the nature of the disfigurement, 84501
and not to exceed the sum of ten thousand dollars. For the purpose 84502
of making the award, it is not material whether the employee is 84503
gainfully employed in any occupation or trade at the time of the 84504
administrator's determination. 84505

When an award under this division has been made prior to the 84506
death of an employee all unpaid installments accrued or to accrue 84507
under the provisions of the award shall be payable to the 84508
surviving spouse, or if there is no surviving spouse, to the 84509
dependent children of the employee and if there are no such 84510
children, then to such dependents as the administrator determines. 84511

When an employee has sustained the loss of a member by 84512
severance, but no award has been made on account thereof prior to 84513
the employee's death, the administrator shall make an award in 84514
accordance with this division for the loss which shall be payable 84515
to the surviving spouse, or if there is no surviving spouse, to 84516
the dependent children of the employee and if there are no such 84517
children, then to such dependents as the administrator determines. 84518

(C) Compensation for partial impairment under divisions (A) 84519
and (B) of this section is in addition to the compensation paid 84520
the employee pursuant to section 4123.56 of the Revised Code. A 84521
claimant may receive compensation under divisions (A) and (B) of 84522
this section. 84523

In all cases arising under division (B) of this section, if 84524

it is determined by any one of the following: (1) the amputee 84525
clinic at University hospital, Ohio state university; (2) the 84526
~~rehabilitation services commission~~ opportunities for Ohioans with 84527
disabilities agency; (3) an amputee clinic or prescribing 84528
physician approved by the administrator or the administrator's 84529
designee, that an injured or disabled employee is in need of an 84530
artificial appliance, or in need of a repair thereof, regardless 84531
of whether the appliance or its repair will be serviceable in the 84532
vocational rehabilitation of the injured employee, and regardless 84533
of whether the employee has returned to or can ever again return 84534
to any gainful employment, the bureau shall pay the cost of the 84535
artificial appliance or its repair out of the surplus created by 84536
division (B) of section 4123.34 of the Revised Code. 84537

In those cases where a ~~rehabilitation services commission~~ an 84538
opportunities for Ohioans with disabilities agency recommendation 84539
that an injured or disabled employee is in need of an artificial 84540
appliance would conflict with their state plan, adopted pursuant 84541
to the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 84542
701, the administrator or the administrator's designee or the 84543
bureau may obtain a recommendation from an amputee clinic or 84544
prescribing physician that they determine appropriate. 84545

(D) If an employee of a state fund employer makes application 84546
for a finding and the administrator finds that the employee has 84547
contracted silicosis as defined in division (X), or coal miners' 84548
pneumoconiosis as defined in division (Y), or asbestosis as 84549
defined in division (AA) of section 4123.68 of the Revised Code, 84550
and that a change of such employee's occupation is medically 84551
advisable in order to decrease substantially further exposure to 84552
silica dust, asbestos, or coal dust and if the employee, after the 84553
finding, has changed or shall change the employee's occupation to 84554
an occupation in which the exposure to silica dust, asbestos, or 84555
coal dust is substantially decreased, the administrator shall 84556

allow to the employee an amount equal to fifty per cent of the 84557
statewide average weekly wage per week for a period of thirty 84558
weeks, commencing as of the date of the discontinuance or change, 84559
and for a period of one hundred weeks immediately following the 84560
expiration of the period of thirty weeks, the employee shall 84561
receive sixty-six and two-thirds per cent of the loss of wages 84562
resulting directly and solely from the change of occupation but 84563
not to exceed a maximum of an amount equal to fifty per cent of 84564
the statewide average weekly wage per week. No such employee is 84565
entitled to receive more than one allowance on account of 84566
discontinuance of employment or change of occupation and benefits 84567
shall cease for any period during which the employee is employed 84568
in an occupation in which the exposure to silica dust, asbestos, 84569
or coal dust is not substantially less than the exposure in the 84570
occupation in which the employee was formerly employed or for any 84571
period during which the employee may be entitled to receive 84572
compensation or benefits under section 4123.68 of the Revised Code 84573
on account of disability from silicosis, asbestosis, or coal 84574
miners' pneumoconiosis. An award for change of occupation for a 84575
coal miner who has contracted coal miners' pneumoconiosis may be 84576
granted under this division even though the coal miner continues 84577
employment with the same employer, so long as the coal miner's 84578
employment subsequent to the change is such that the coal miner's 84579
exposure to coal dust is substantially decreased and a change of 84580
occupation is certified by the claimant as permanent. The 84581
administrator may accord to the employee medical and other 84582
benefits in accordance with section 4123.66 of the Revised Code. 84583

(E) If a firefighter or police officer makes application for 84584
a finding and the administrator finds that the firefighter or 84585
police officer has contracted a cardiovascular and pulmonary 84586
disease as defined in division (W) of section 4123.68 of the 84587
Revised Code, and that a change of the firefighter's or police 84588
officer's occupation is medically advisable in order to decrease 84589

substantially further exposure to smoke, toxic gases, chemical 84590
fumes, and other toxic vapors, and if the firefighter, or police 84591
officer, after the finding, has changed or changes occupation to 84592
an occupation in which the exposure to smoke, toxic gases, 84593
chemical fumes, and other toxic vapors is substantially decreased, 84594
the administrator shall allow to the firefighter or police officer 84595
an amount equal to fifty per cent of the statewide average weekly 84596
wage per week for a period of thirty weeks, commencing as of the 84597
date of the discontinuance or change, and for a period of 84598
seventy-five weeks immediately following the expiration of the 84599
period of thirty weeks the administrator shall allow the 84600
firefighter or police officer sixty-six and two-thirds per cent of 84601
the loss of wages resulting directly and solely from the change of 84602
occupation but not to exceed a maximum of an amount equal to fifty 84603
per cent of the statewide average weekly wage per week. No such 84604
firefighter or police officer is entitled to receive more than one 84605
allowance on account of discontinuance of employment or change of 84606
occupation and benefits shall cease for any period during which 84607
the firefighter or police officer is employed in an occupation in 84608
which the exposure to smoke, toxic gases, chemical fumes, and 84609
other toxic vapors is not substantially less than the exposure in 84610
the occupation in which the firefighter or police officer was 84611
formerly employed or for any period during which the firefighter 84612
or police officer may be entitled to receive compensation or 84613
benefits under section 4123.68 of the Revised Code on account of 84614
disability from a cardiovascular and pulmonary disease. The 84615
administrator may accord to the firefighter or police officer 84616
medical and other benefits in accordance with section 4123.66 of 84617
the Revised Code. 84618

(F) An order issued under this section is appealable pursuant 84619
to section 4123.511 of the Revised Code but is not appealable to 84620
court under section 4123.512 of the Revised Code. 84621

Sec. 4123.93. As used in sections 4123.93 and 4123.931 of the Revised Code:

(A) "Claimant" means a person who is eligible to receive compensation, medical benefits, or death benefits under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(B) "Statutory subrogee" means the administrator of workers' compensation, a self-insuring employer, or an employer that contracts for the direct payment of medical services pursuant to division ~~(L)~~(P) of section 4121.44 of the Revised Code.

(C) "Third party" means an individual, private insurer, public or private entity, or public or private program that is or may be liable to make payments to a person without regard to any statutory duty contained in this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(D) "Subrogation interest" includes past, present, and estimated future payments of compensation, medical benefits, rehabilitation costs, or death benefits, and any other costs or expenses paid to or on behalf of the claimant by the statutory subrogee pursuant to this chapter or Chapter 4121., 4127., or 4131. of the Revised Code.

(E) "Net amount recovered" means the amount of any award, settlement, compromise, or recovery by a claimant against a third party, minus the attorney's fees, costs, or other expenses incurred by the claimant in securing the award, settlement, compromise, or recovery. "Net amount recovered" does not include any punitive damages that may be awarded by a judge or jury.

(F) "Uncompensated damages" means the claimant's demonstrated or proven damages minus the statutory subrogee's subrogation interest.

Sec. 4131.03. (A) For the relief of persons who are entitled

to receive benefits by virtue of the federal act, there is hereby 84652
established a coal-workers pneumoconiosis fund, which shall be 84653
separate from the funds established and administered pursuant to 84654
Chapter 4123. of the Revised Code. The fund shall consist of 84655
premiums and other payments thereto by subscribers who elect to 84656
subscribe to the fund to insure the payment of benefits required 84657
by the federal act. 84658

(B)~~(1)~~ The coal-workers pneumoconiosis fund shall be in the 84659
custody of the treasurer of state. The bureau of workers' 84660
compensation shall make disbursements from the fund to those 84661
persons entitled to payment therefrom and in the amounts required 84662
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 84663
investment earnings of the fund shall be credited to the fund. 84664

~~(2) Beginning July 1, 2011, and ending June 30, 2013, the 84665
director of natural resources annually may request the 84666
administrator of workers' compensation to transfer a portion of 84667
the investment earnings credited to the coal workers 84668
pneumoconiosis fund as provided in this division. If the 84669
administrator receives a request from the director, the 84670
administrator, on the first day of July, or as soon as possible 84671
after that date, shall transfer from the investment earnings 84672
credited to the coal workers pneumoconiosis fund an amount not to 84673
exceed three million dollars to the mine safety fund created in 84674
section 1561.24 of the Revised Code for the purposes specified in 84675
that section and an amount not to exceed one million five hundred 84676
thousand dollars to the coal mining administration and reclamation 84677
reserve fund created in section 1513.181 of the Revised Code for 84678
the purposes specified in that section. The administrator, with 84679
the advice and consent of the bureau of workers' compensation 84680
board of directors, shall adopt rules governing the transfer in 84681
order to ensure the solvency of the coal workers pneumoconiosis 84682
fund. For that purpose, the rules may establish tests based on 84683~~

~~measures of net assets, liabilities, expenses, interest, dividend
income, or other factors that the administrator determines
appropriate that may be applied prior to a transfer.~~

(C) The administrator shall have the same powers to invest
any of the surplus or reserve belonging to the coal-workers
pneumoconiosis fund as are delegated to the administrator under
section 4123.44 of the Revised Code with respect to the state
insurance fund.

(D) If the administrator determines that reinsurance of the
risks of the coal-workers pneumoconiosis fund is necessary to
assure solvency of the fund, the administrator may:

(1) Enter into contracts for the purchase of reinsurance
coverage of the risks of the fund with any company or agency
authorized by law to issue contracts of reinsurance;

(2) Pay the cost of reinsurance from the fund;

(3) Include the costs of reinsurance as a liability and
estimated liability of the fund.

Sec. 4141.162. (A) The director of job and family services
shall establish an income and eligibility verification system that
complies with section 1137 of the "Social Security Act." The
programs included in the system are all of the following:

(1) Unemployment compensation pursuant to section 3304 of the
"Internal Revenue Code of 1954";

(2) The state programs funded in part under part A of Title
IV of the "Social Security Act" and administered under Chapters
5107. and 5108. of the Revised Code;

~~(3) Medicaid pursuant to Title XIX of the "Social Security
Act" The medicaid program;~~

(4) The supplemental nutrition assistance program pursuant to

the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.;

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(5) Any Ohio program under a plan approved under Title I, X,

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XIV, or XVI of the "Social Security Act."

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Wage information provided by employers to the director shall

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be furnished to the income and eligibility verification system.

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Such information shall be used by the director to determine

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eligibility of individuals for unemployment compensation benefits

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and the amount of those benefits and used by the agencies that

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administer the programs identified in divisions (A)(2) to (5) of

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this section to determine or verify eligibility for or the amount

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of benefits under those programs.

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The director shall fully implement the use of wage

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information to determine eligibility for and the amount of

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unemployment compensation benefits by September 30, 1988.

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Information furnished under the system shall also be made

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available to the appropriate state or local child support

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enforcement agency for the purposes of an approved plan under

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Title IV-D of the "Social Security Act" and to the appropriate

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federal agency for the purposes of Titles II and XVI of the

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"Social Security Act."

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(B) The director shall adopt rules as necessary under which

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the department of job and family services and other state agencies

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that the director determines must participate in order to ensure

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compliance with section 1137 of the "Social Security Act" exchange

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information with each other or authorized federal agencies about

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individuals who are applicants for or recipients of benefits under

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any of the programs enumerated in division (A) of this section.

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The rules shall extend to all of the following:

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(1) A requirement for standardized formats and procedures for

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a participating agency to request and receive information about an

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individual, which information shall include the individual's

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social security number; 84744

(2) A requirement that all applicants for and recipients of 84745
benefits under any program enumerated in division (A) of this 84746
section be notified at the time of application, and periodically 84747
thereafter, that information available through the system may be 84748
shared with agencies that administer other benefit programs and 84749
utilized in establishing or verifying eligibility or benefit 84750
amounts under the other programs enumerated in division (A) of 84751
this section; 84752

(3) A requirement that information is made available only to 84753
the extent necessary to assist in the valid administrative needs 84754
of the program receiving the information and is targeted for use 84755
in ways which are most likely to be productive in identifying and 84756
preventing ineligibility and incorrect payments; 84757

(4) A requirement that information is adequately protected 84758
against unauthorized disclosures for purposes other than to 84759
establish or verify eligibility or benefit amounts under the 84760
programs enumerated in division (A) of this section; 84761

(5) A requirement that a program providing information is 84762
reimbursed by the program using the information for the actual 84763
costs of furnishing the information and that the director be 84764
reimbursed by the participating programs for any actual costs 84765
incurred in operating the system; 84766

(6) Requirements for any other matters necessary to ensure 84767
the effective, efficient, and timely exchange of necessary 84768
information or that the director determines must be addressed in 84769
order to ensure compliance with the requirements of section 1137 84770
of the "Social Security Act." 84771

(C) Each participating agency shall furnish to the income and 84772
eligibility verification system established in division (A) of 84773
this section that information, which the director, by rule, 84774

determines is necessary in order to comply with section 1137 of the "Social Security Act." 84775
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(D) Notwithstanding the information disclosure requirements of this section and section 4141.21 and division (A) of section 4141.284 of the Revised Code, the director shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act." 84777
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(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section. 84782
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(F) The director of job and family services shall consult with the medicaid director and the director of administrative services regarding the implementation of this section. 84788
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Sec. 4141.29. Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total or partial unemployment in the amounts and subject to the conditions stipulated in this chapter. 84791
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(A) No individual is entitled to a waiting period or benefits for any week unless the individual: 84795
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(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code; 84797
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(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code; 84800
84801

(3) Has registered at an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with 84802
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the time limits, frequency, and manner prescribed by the director. 84805

(4)(a)(i) Is able to work and available for suitable work 84806
and, except as provided in division (A)(4)(a)(ii) of this section, 84807
is actively seeking suitable work either in a locality in which 84808
the individual has earned wages subject to this chapter during the 84809
individual's base period, or if the individual leaves that 84810
locality, then in a locality where suitable work normally is 84811
performed. 84812

(ii) The director may waive the requirement that a claimant 84813
be actively seeking work when the director finds that the 84814
individual has been laid off and the employer who laid the 84815
individual off has notified the director within ten days after the 84816
layoff, that work is expected to be available for the individual 84817
within a specified number of days not to exceed forty-five 84818
calendar days following the last day the individual worked. In the 84819
event the individual is not recalled within the specified period, 84820
this waiver shall cease to be operative with respect to that 84821
layoff. 84822

(b) The individual shall be instructed as to the efforts that 84823
the individual must make in the search for suitable work, except 84824
where the active search for work requirement has been waived under 84825
division (A)(4)(a) of this section, and shall keep a record of 84826
where and when the individual has sought work in complying with 84827
those instructions and, upon request, shall produce that record 84828
for examination by the director. 84829

(c) An individual who is attending a training course approved 84830
by the director meets the requirement of this division, if 84831
attendance was recommended by the director and the individual is 84832
regularly attending the course and is making satisfactory 84833
progress. An individual also meets the requirements of this 84834
division if the individual is participating and advancing in a 84835
training program, as defined in division (P) of section 5709.61 of 84836

the Revised Code, and if an enterprise, defined in division (B) of 84837
section 5709.61 of the Revised Code, is paying all or part of the 84838
cost of the individual's participation in the training program 84839
with the intention of hiring the individual for employment as a 84840
new employee, as defined in division (L) of section 5709.61 of the 84841
Revised Code, for at least ninety days after the individual's 84842
completion of the training program. 84843

(d) An individual who becomes unemployed while attending a 84844
regularly established school and whose base period qualifying 84845
weeks were earned in whole or in part while attending that school, 84846
meets the availability and active search for work requirements of 84847
division (A)(4)(a) of this section if the individual regularly 84848
attends the school during weeks with respect to which the 84849
individual claims unemployment benefits and makes self available 84850
on any shift of hours for suitable employment with the 84851
individual's most recent employer or any other employer in the 84852
individual's base period, or for any other suitable employment to 84853
which the individual is directed, under this chapter. 84854

(e) The director shall adopt any rules that the director 84855
deems necessary for the administration of division (A)(4) of this 84856
section. 84857

(f) Notwithstanding any other provisions of this section, no 84858
otherwise eligible individual shall be denied benefits for any 84859
week because the individual is in training approved under section 84860
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 84861
2296, nor shall that individual be denied benefits by reason of 84862
leaving work to enter such training, provided the work left is not 84863
suitable employment, or because of the application to any week in 84864
training of provisions in this chapter, or any applicable federal 84865
unemployment compensation law, relating to availability for work, 84866
active search for work, or refusal to accept work. 84867

For the purposes of division (A)(4)(f) of this section, 84868

"suitable employment" means with respect to an individual, work of 84869
a substantially equal or higher skill level than the individual's 84870
past adversely affected employment, as defined for the purposes of 84871
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 84872
wages for such work at not less than eighty per cent of the 84873
individual's average weekly wage as determined for the purposes of 84874
that federal act. 84875

(5) Is unable to obtain suitable work. An individual who is 84876
provided temporary work assignments by the individual's employer 84877
under agreed terms and conditions of employment, and who is 84878
required pursuant to those terms and conditions to inquire with 84879
the individual's employer for available work assignments upon the 84880
conclusion of each work assignment, is not considered unable to 84881
obtain suitable employment if suitable work assignments are 84882
available with the employer but the individual fails to contact 84883
the employer to inquire about work assignments. 84884

(6) Participates in reemployment services, such as job search 84885
assistance services, if the individual has been determined to be 84886
likely to exhaust benefits under this chapter, including 84887
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 84888
extended compensation, and needs reemployment services pursuant to 84889
the profiling system established by the director under division 84890
(K) of this section, unless the director determines that: 84891

(a) The individual has completed such services; or 84892

(b) There is justifiable cause for the claimant's failure to 84893
participate in such services. 84894

(B) An individual suffering total or partial unemployment is 84895
eligible for benefits for unemployment occurring subsequent to a 84896
waiting period of one week and no benefits shall be payable during 84897
this required waiting period. Not more than one week of waiting 84898
period shall be required of any individual in any benefit year in 84899

order to establish the individual's eligibility for total or 84900
partial unemployment benefits. 84901

(C) The waiting period for total or partial unemployment 84902
shall commence on the first day of the first week with respect to 84903
which the individual first files a claim for benefits at an 84904
employment office or other place of registration maintained or 84905
designated by the director or on the first day of the first week 84906
with respect to which the individual has otherwise filed a claim 84907
for benefits in accordance with the rules of the department of job 84908
and family services, provided such claim is allowed by the 84909
director. 84910

(D) Notwithstanding division (A) of this section, no 84911
individual may serve a waiting period or be paid benefits under 84912
the following conditions: 84913

(1) For any week with respect to which the director finds 84914
that: 84915

(a) The individual's unemployment was due to a labor dispute 84916
other than a lockout at any factory, establishment, or other 84917
premises located in this or any other state and owned or operated 84918
by the employer by which the individual is or was last employed; 84919
and for so long as the individual's unemployment is due to such 84920
labor dispute. No individual shall be disqualified under this 84921
provision if either of the following applies: 84922

(i) The individual's employment was with such employer at any 84923
factory, establishment, or premises located in this state, owned 84924
or operated by such employer, other than the factory, 84925
establishment, or premises at which the labor dispute exists, if 84926
it is shown that the individual is not financing, participating 84927
in, or directly interested in such labor dispute; 84928

(ii) The individual's employment was with an employer not 84929
involved in the labor dispute but whose place of business was 84930

located within the same premises as the employer engaged in the 84931
dispute, unless the individual's employer is a wholly owned 84932
subsidiary of the employer engaged in the dispute, or unless the 84933
individual actively participates in or voluntarily stops work 84934
because of such dispute. If it is established that the claimant 84935
was laid off for an indefinite period and not recalled to work 84936
prior to the dispute, or was separated by the employer prior to 84937
the dispute for reasons other than the labor dispute, or that the 84938
individual obtained a bona fide job with another employer while 84939
the dispute was still in progress, such labor dispute shall not 84940
render the employee ineligible for benefits. 84941

(b) The individual has been given a disciplinary layoff for 84942
misconduct in connection with the individual's work. 84943

(2) For the duration of the individual's unemployment if the 84944
director finds that: 84945

(a) The individual quit work without just cause or has been 84946
discharged for just cause in connection with the individual's 84947
work, provided division (D)(2) of this section does not apply to 84948
the separation of a person under any of the following 84949
circumstances: 84950

(i) Separation from employment for the purpose of entering 84951
the armed forces of the United States if the individual is 84952
inducted into the armed forces within one of the following 84953
periods: 84954

(I) Thirty days after separation; 84955

(II) One hundred eighty days after separation if the 84956
individual's date of induction is delayed solely at the discretion 84957
of the armed forces. 84958

(ii) Separation from employment pursuant to a 84959
labor-management contract or agreement, or pursuant to an 84960
established employer plan, program, or policy, which permits the 84961

employee, because of lack of work, to accept a separation from 84962
employment; 84963

(iii) The individual has left employment to accept a recall 84964
from a prior employer or, except as provided in division 84965
(D)(2)(a)(iv) of this section, to accept other employment as 84966
provided under section 4141.291 of the Revised Code, or left or 84967
was separated from employment that was concurrent employment at 84968
the time of the most recent separation or within six weeks prior 84969
to the most recent separation where the remuneration, hours, or 84970
other conditions of such concurrent employment were substantially 84971
less favorable than the individual's most recent employment and 84972
where such employment, if offered as new work, would be considered 84973
not suitable under the provisions of divisions (E) and (F) of this 84974
section. Any benefits that would otherwise be chargeable to the 84975
account of the employer from whom an individual has left 84976
employment or was separated from employment that was concurrent 84977
employment under conditions described in division (D)(2)(a)(iii) 84978
of this section, shall instead be charged to the mutualized 84979
account created by division (B) of section 4141.25 of the Revised 84980
Code, except that any benefits chargeable to the account of a 84981
reimbursing employer under division (D)(2)(a)(iii) of this section 84982
shall be charged to the account of the reimbursing employer and 84983
not to the mutualized account, except as provided in division 84984
(D)(2) of section 4141.24 of the Revised Code. 84985

(iv) When an individual has been issued a definite layoff 84986
date by the individual's employer and before the layoff date, the 84987
individual quits to accept other employment, the provisions of 84988
division (D)(2)(a)(iii) of this section apply and no 84989
disqualification shall be imposed under division (D) of this 84990
section. However, if the individual fails to meet the employment 84991
and earnings requirements of division (A)(2) of section 4141.291 84992
of the Revised Code, then the individual, pursuant to division 84993

(A)(5) of this section, shall be ineligible for benefits for any 84994
week of unemployment that occurs prior to the layoff date. 84995

(v) The individual's spouse is a member of the armed forces 84996
of the United States who is on active duty as defined in 10 U.S.C. 84997
101(d)(1), the spouse is the subject of a military transfer, the 84998
individual left employment to accompany the individual's spouse to 84999
a location from which it is impractical to commute to the 85000
individual's place of employment, and upon arrival at the new 85001
place of residence, the individual is in all respects able and 85002
available for suitable work. 85003

(b) The individual has refused without good cause to accept 85004
an offer of suitable work when made by an employer either in 85005
person or to the individual's last known address, or has refused 85006
or failed to investigate a referral to suitable work when directed 85007
to do so by a local employment office of this state or another 85008
state, provided that this division shall not cause a 85009
disqualification for a waiting week or benefits under the 85010
following circumstances: 85011

(i) When work is offered by the individual's employer and the 85012
individual is not required to accept the offer pursuant to the 85013
terms of the labor-management contract or agreement; or 85014

(ii) When the individual is attending a training course 85015
pursuant to division (A)(4) of this section except, in the event 85016
of a refusal to accept an offer of suitable work or a refusal or 85017
failure to investigate a referral, benefits thereafter paid to 85018
such individual shall not be charged to the account of any 85019
employer and, except as provided in division (B)(1)(b) of section 85020
4141.241 of the Revised Code, shall be charged to the mutualized 85021
account as provided in division (B) of section 4141.25 of the 85022
Revised Code. 85023

(c) Such individual quit work to marry or because of marital, 85024

parental, filial, or other domestic obligations. 85025

(d) The individual became unemployed by reason of commitment 85026
to any correctional institution. 85027

(e) The individual became unemployed because of dishonesty in 85028
connection with the individual's most recent or any base period 85029
work. Remuneration earned in such work shall be excluded from the 85030
individual's total base period remuneration and qualifying weeks 85031
that otherwise would be credited to the individual for such work 85032
in the individual's base period shall not be credited for the 85033
purpose of determining the total benefits to which the individual 85034
is eligible and the weekly benefit amount to be paid under section 85035
4141.30 of the Revised Code. Such excluded remuneration and 85036
noncredited qualifying weeks shall be excluded from the 85037
calculation of the maximum amount to be charged, under division 85038
(D) of section 4141.24 and section 4141.33 of the Revised Code, 85039
against the accounts of the individual's base period employers. In 85040
addition, no benefits shall thereafter be paid to the individual 85041
based upon such excluded remuneration or noncredited qualifying 85042
weeks. 85043

For purposes of division (D)(2)(e) of this section, 85044
"dishonesty" means the commission of substantive theft, fraud, or 85045
deceitful acts. 85046

(E) No individual otherwise qualified to receive benefits 85047
shall lose the right to benefits by reason of a refusal to accept 85048
new work if: 85049

(1) As a condition of being so employed the individual would 85050
be required to join a company union, or to resign from or refrain 85051
from joining any bona fide labor organization, or would be denied 85052
the right to retain membership in and observe the lawful rules of 85053
any such organization. 85054

(2) The position offered is vacant due directly to a strike, 85055

lockout, or other labor dispute. 85056

(3) The work is at an unreasonable distance from the 85057
individual's residence, having regard to the character of the work 85058
the individual has been accustomed to do, and travel to the place 85059
of work involves expenses substantially greater than that required 85060
for the individual's former work, unless the expense is provided 85061
for. 85062

(4) The remuneration, hours, or other conditions of the work 85063
offered are substantially less favorable to the individual than 85064
those prevailing for similar work in the locality. 85065

(F) Subject to the special exceptions contained in division 85066
(A)(4)(f) of this section and section 4141.301 of the Revised 85067
Code, in determining whether any work is suitable for a claimant 85068
in the administration of this chapter, the director, in addition 85069
to the determination required under division (E) of this section, 85070
shall consider the degree of risk to the claimant's health, 85071
safety, and morals, the individual's physical fitness for the 85072
work, the individual's prior training and experience, the length 85073
of the individual's unemployment, the distance of the available 85074
work from the individual's residence, and the individual's 85075
prospects for obtaining local work. 85076

(G) The "duration of unemployment" as used in this section 85077
means the full period of unemployment next ensuing after a 85078
separation from any base period or subsequent work and until an 85079
individual has become reemployed in employment subject to this 85080
chapter, or the unemployment compensation act of another state, or 85081
of the United States, and until such individual has worked six 85082
weeks and for those weeks has earned or been paid remuneration 85083
equal to six times an average weekly wage of not less than: 85084
eighty-five dollars and ten cents per week beginning on June 26, 85085
1990; and beginning on and after January 1, 1992, twenty-seven and 85086
one-half per cent of the statewide average weekly wage as computed 85087

each first day of January under division (B)(3) of section 4141.30 85088
of the Revised Code, rounded down to the nearest dollar, except 85089
for purposes of division (D)(2)(c) of this section, such term 85090
means the full period of unemployment next ensuing after a 85091
separation from such work and until such individual has become 85092
reemployed subject to the terms set forth above, and has earned 85093
wages equal to one-half of the individual's average weekly wage or 85094
sixty dollars, whichever is less. 85095

(H) If a claimant is disqualified under division (D)(2)(a), 85096
(c), or (d) of this section or found to be qualified under the 85097
exceptions provided in division (D)(2)(a)(i), (iii), ~~or~~ (iv), or 85098
(v) of this section or division (A)(2) of section 4141.291 of the 85099
Revised Code, then benefits that may become payable to such 85100
claimant, which are chargeable to the account of the employer from 85101
whom the individual was separated under such conditions, shall be 85102
charged to the mutualized account provided in section 4141.25 of 85103
the Revised Code, provided that no charge shall be made to the 85104
mutualized account for benefits chargeable to a reimbursing 85105
employer, except as provided in division (D)(2) of section 4141.24 85106
of the Revised Code. In the case of a reimbursing employer, the 85107
director shall refund or credit to the account of the reimbursing 85108
employer any over-paid benefits that are recovered under division 85109
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 85110
other states, the United States, or Canada that are subject to 85111
agreements and arrangements that are established pursuant to 85112
section 4141.43 of the Revised Code shall be credited or 85113
reimbursed according to the agreements and arrangements to which 85114
the chargeable amounts are subject. 85115

(I)(1) Benefits based on service in employment as provided in 85116
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 85117
shall be payable in the same amount, on the same terms, and 85118
subject to the same conditions as benefits payable on the basis of 85119

other service subject to this chapter; except that after December 31, 1977: 85120
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(a) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education, as defined in division (Y) of section 4141.01 of the Revised Code; or for an educational institution as defined in division (CC) of section 4141.01 of the Revised Code, shall not be paid to any individual for any week of unemployment that begins during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of those academic years or terms and has a contract or a reasonable assurance that the individual will perform services in any such capacity for any such institution in the second of those academic years or terms. 85122
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(b) Benefits based on service for an educational institution or an institution of higher education in other than an instructional, research, or principal administrative capacity, shall not be paid to any individual for any week of unemployment which begins during the period between two successive academic years or terms of the employing educational institution or institution of higher education, provided the individual performed those services for the educational institution or institution of higher education during the first such academic year or term and, there is a reasonable assurance that such individual will perform those services for any educational institution or institution of higher education in the second of such academic years or terms. 85136
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If compensation is denied to any individual for any week under division (I)(1)(b) of this section and the individual was not offered an opportunity to perform those services for an institution of higher education or for an educational institution 85148
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for the second of such academic years or terms, the individual is 85152
entitled to a retroactive payment of compensation for each week 85153
for which the individual timely filed a claim for compensation and 85154
for which compensation was denied solely by reason of division 85155
(I)(1)(b) of this section. An application for retroactive benefits 85156
shall be timely filed if received by the director or the 85157
director's deputy within or prior to the end of the fourth full 85158
calendar week after the end of the period for which benefits were 85159
denied because of reasonable assurance of employment. The 85160
provision for the payment of retroactive benefits under division 85161
(I)(1)(b) of this section is applicable to weeks of unemployment 85162
beginning on and after November 18, 1983. The provisions under 85163
division (I)(1)(b) of this section shall be retroactive to 85164
September 5, 1982, only if, as a condition for full tax credit 85165
against the tax imposed by the "Federal Unemployment Tax Act," 53 85166
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 85167
secretary of labor determines that retroactivity is required by 85168
federal law. 85169

(c) With respect to weeks of unemployment beginning after 85170
December 31, 1977, benefits shall be denied to any individual for 85171
any week which commences during an established and customary 85172
vacation period or holiday recess, if the individual performs any 85173
services described in divisions (I)(1)(a) and (b) of this section 85174
in the period immediately before the vacation period or holiday 85175
recess, and there is a reasonable assurance that the individual 85176
will perform any such services in the period immediately following 85177
the vacation period or holiday recess. 85178

(d) With respect to any services described in division 85179
(I)(1)(a), (b), or (c) of this section, benefits payable on the 85180
basis of services in any such capacity shall be denied as 85181
specified in division (I)(1)(a), (b), or (c) of this section to 85182
any individual who performs such services in an educational 85183

institution or institution of higher education while in the employ 85184
of an educational service agency. For this purpose, the term 85185
"educational service agency" means a governmental agency or 85186
governmental entity that is established and operated exclusively 85187
for the purpose of providing services to one or more educational 85188
institutions or one or more institutions of higher education. 85189

(e) Any individual employed by a county board of 85190
developmental disabilities shall be notified by the thirtieth day 85191
of April each year if the individual is not to be reemployed the 85192
following academic year. 85193

(f) Any individual employed by a school district, other than 85194
a municipal school district as defined in section 3311.71 of the 85195
Revised Code, shall be notified by the first day of June each year 85196
if the individual is not to be reemployed the following academic 85197
year. 85198

(2) No disqualification will be imposed, between academic 85199
years or terms or during a vacation period or holiday recess under 85200
this division, unless the director or the director's deputy has 85201
received a statement in writing from the educational institution 85202
or institution of higher education that the claimant has a 85203
contract for, or a reasonable assurance of, reemployment for the 85204
ensuing academic year or term. 85205

(3) If an individual has employment with an educational 85206
institution or an institution of higher education and employment 85207
with a noneducational employer, during the base period of the 85208
individual's benefit year, then the individual may become eligible 85209
for benefits during the between-term, or vacation or holiday 85210
recess, disqualification period, based on employment performed for 85211
the noneducational employer, provided that the employment is 85212
sufficient to qualify the individual for benefit rights separately 85213
from the benefit rights based on school employment. The weekly 85214
benefit amount and maximum benefits payable during a 85215

disqualification period shall be computed based solely on the 85216
nonschool employment. 85217

(J) Benefits shall not be paid on the basis of employment 85218
performed by an alien, unless the alien had been lawfully admitted 85219
to the United States for permanent residence at the time the 85220
services were performed, was lawfully present for purposes of 85221
performing the services, or was otherwise permanently residing in 85222
the United States under color of law at the time the services were 85223
performed, under section 212(d)(5) of the "Immigration and 85224
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 85225

(1) Any data or information required of individuals applying 85226
for benefits to determine whether benefits are not payable to them 85227
because of their alien status shall be uniformly required from all 85228
applicants for benefits. 85229

(2) In the case of an individual whose application for 85230
benefits would otherwise be approved, no determination that 85231
benefits to the individual are not payable because of the 85232
individual's alien status shall be made except upon a 85233
preponderance of the evidence that the individual had not, in 85234
fact, been lawfully admitted to the United States. 85235

(K) The director shall establish and utilize a system of 85236
profiling all new claimants under this chapter that: 85237

(1) Identifies which claimants will be likely to exhaust 85238
regular compensation and will need job search assistance services 85239
to make a successful transition to new employment; 85240

(2) Refers claimants identified pursuant to division (K)(1) 85241
of this section to reemployment services, such as job search 85242
assistance services, available under any state or federal law; 85243

(3) Collects follow-up information relating to the services 85244
received by such claimants and the employment outcomes for such 85245
claimant's subsequent to receiving such services and utilizes such 85246

information in making identifications pursuant to division (K)(1) 85247
of this section; and 85248

(4) Meets such other requirements as the United States 85249
secretary of labor determines are appropriate. 85250

Sec. 4301.01. (A) As used in the Revised Code: 85251

(1) "Intoxicating liquor" and "liquor" include all liquids 85252
and compounds, other than beer, containing one-half of one per 85253
cent or more of alcohol by volume which are fit to use for 85254
beverage purposes, from whatever source and by whatever process 85255
produced, by whatever name called, and whether they are medicated, 85256
proprietary, or patented. "Intoxicating liquor" and "liquor" 85257
include ~~wine even if it contains less than four per cent of~~ 85258
~~alcohol by volume, mixed beverages even if they contain less than~~ 85259
~~four per cent of alcohol by volume,~~ cider, and alcohol, and all 85260
solids and confections which contain ~~any alcohol~~ one-half of one 85261
per cent or more of alcohol by volume. 85262

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 85263
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 85264
Revised Code, "sale" and "sell" include exchange, barter, gift, 85265
offer for sale, sale, distribution and delivery of any kind, and 85266
the transfer of title or possession of beer and intoxicating 85267
liquor either by constructive or actual delivery by any means or 85268
devices whatever, including the sale of beer or intoxicating 85269
liquor by means of a controlled access alcohol and beverage 85270
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 85271
and "sell" do not include the mere solicitation of orders for beer 85272
or intoxicating liquor from the holders of permits issued by the 85273
division of liquor control authorizing the sale of the beer or 85274
intoxicating liquor, but no solicitor shall solicit any such 85275
orders until the solicitor has been registered with the division 85276
pursuant to section 4303.25 of the Revised Code. 85277

(3) "Vehicle" includes all means of transportation by land,	85278
by water, or by air, and everything made use of in any way for	85279
such transportation.	85280
(B) As used in this chapter:	85281
(1) "Alcohol" means ethyl alcohol, whether rectified or	85282
diluted with water or not, whatever its origin may be, and	85283
includes synthetic ethyl alcohol. "Alcohol" does not include	85284
denatured alcohol and wood alcohol.	85285
(2) "Beer" includes all beverages brewed or fermented wholly	85286
or in part from malt products and containing one-half of one per	85287
cent or more, but not more than twelve per cent, of alcohol by	85288
volume.	85289
(3) "Wine" includes all liquids fit to use for beverage	85290
purposes containing not less than one-half of one per cent of	85291
alcohol by volume and not more than twenty-one per cent of alcohol	85292
by volume, which is made from the fermented juices of grapes,	85293
fruits, or other agricultural products, except that as used in	85294
sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the	85295
Revised Code, and, for purposes of determining the rate of the tax	85296
that applies, division (B) of section 4301.43 of the Revised Code,	85297
"wine" does not include cider.	85298
(4) "Mixed beverages," such as <u>include</u> bottled and prepared	85299
cordials, cocktails, and highballs, <u>and solids and confections</u>	85300
<u>that</u> are products obtained by mixing any type of whiskey, neutral	85301
spirits, brandy, gin, or other distilled spirits with, or over,	85302
carbonated or plain water, pure juices from flowers and plants,	85303
and other flavoring materials. The completed product shall contain	85304
not less than one-half of one per cent of alcohol by volume and	85305
not more than twenty-one per cent of alcohol by volume.	85306
(5) "Spirituous liquor" includes all intoxicating liquors	85307
containing more than twenty-one per cent of alcohol by volume.	85308

- (6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to prevent the entrance of air. 85309
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- (7) "Person" includes firms and corporations. 85312
- (8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner. 85313
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- (9) "Manufacturer" means any person engaged in the business of manufacturing beer or intoxicating liquor. 85317
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- (10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale. 85319
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- (11) "Hotel" has the same meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code. 85322
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- (12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations. 85325
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- (13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the prepayment of regular dues, and includes the place so operated. 85332
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(14) "Night club" means a place operated for profit, where 85339
food is served for consumption on the premises and one or more 85340
forms of amusement are provided or permitted for a consideration 85341
that may be in the form of a cover charge or may be included in 85342
the price of the food and beverages, or both, purchased by 85343
patrons. 85344

(15) "At retail" means for use or consumption by the 85345
purchaser and not for resale. 85346

(16) "Pharmacy" means an establishment, as defined in section 85347
4729.01 of the Revised Code, that is under the management or 85348
control of a licensed pharmacist in accordance with section 85349
4729.27 of the Revised Code. 85350

(17) "Enclosed shopping center" means a group of retail sales 85351
and service business establishments that face into an enclosed 85352
mall, share common ingress, egress, and parking facilities, and 85353
are situated on a tract of land that contains an area of not less 85354
than five hundred thousand square feet. "Enclosed shopping center" 85355
also includes not more than one business establishment that is 85356
located within a free-standing building on such a tract of land, 85357
so long as the sale of beer and intoxicating liquor on the tract 85358
of land was approved in an election held under former section 85359
4301.353 of the Revised Code. 85360

(18) "Controlled access alcohol and beverage cabinet" means a 85361
closed container, either refrigerated, in whole or in part, or 85362
nonrefrigerated, access to the interior of which is restricted by 85363
means of a device that requires the use of a key, magnetic card, 85364
or similar device and from which beer, intoxicating liquor, other 85365
beverages, or food may be sold. 85366

(19) "Community facility" means either of the following: 85367

(a) Any convention, sports, or entertainment facility or 85368
complex, or any combination of these, that is used by or 85369

accessible to the general public and that is owned or operated in 85370
whole or in part by the state, a state agency, or a political 85371
subdivision of the state or that is leased from, or located on 85372
property owned by or leased from, the state, a state agency, a 85373
political subdivision of the state, or a convention facilities 85374
authority created pursuant to section 351.02 of the Revised Code; 85375

(b) An area designated as a community entertainment district 85376
pursuant to section 4301.80 of the Revised Code. 85377

(20) "Low-alcohol beverage" means any brewed or fermented 85378
malt product, or any product made from the fermented juices of 85379
grapes, fruits, or other agricultural products, that contains 85380
either no alcohol or less than one-half of one per cent of alcohol 85381
by volume. The beverages described in division (B)(20) of this 85382
section do not include a soft drink such as root beer, birch beer, 85383
or ginger beer. 85384

(21) "Cider" means all liquids fit to use for beverage 85385
purposes that contain one-half of one per cent of alcohol by 85386
volume, but not more than six per cent of alcohol by weight, and 85387
that are made through the normal alcoholic fermentation of the 85388
juice of sound, ripe apples, including, without limitation, 85389
flavored, sparkling, or carbonated cider and cider made from pure 85390
condensed apple must. 85391

(22) "Sales area or territory" means an exclusive geographic 85392
area or territory that is assigned to a particular A or B permit 85393
holder and that either has one or more political subdivisions as 85394
its boundaries or consists of an area of land with readily 85395
identifiable geographic boundaries. "Sales area or territory" does 85396
not include, however, any particular retail location in an 85397
exclusive geographic area or territory that had been assigned to 85398
another A or B permit holder before April 9, 2001. 85399

Sec. 4301.10. (A) The division of liquor control shall do all 85400

of the following: 85401

(1) Control the traffic in beer and intoxicating liquor in 85402
this state, including the manufacture, importation, and sale of 85403
beer and intoxicating liquor; 85404

(2) Grant or refuse permits for the manufacture, 85405
distribution, transportation, and sale of beer and intoxicating 85406
liquor and the sale of alcohol, as authorized or required by this 85407
chapter and Chapter 4303. of the Revised Code. A certificate, 85408
signed by the superintendent of liquor control and to which is 85409
affixed the official seal of the division, stating that it appears 85410
from the records of the division that no permit has been issued to 85411
the person specified in the certificate, or that a permit, if 85412
issued, has been revoked, canceled, or suspended, shall be 85413
received as prima-facie evidence of the facts recited in the 85414
certificate in any court or before any officer of this state. 85415

(3) Put into operation, manage, and control a system of state 85416
liquor stores for the sale of spirituous liquor at retail and to 85417
holders of permits authorizing the sale of spirituous liquor; 85418
however, the division shall not establish any drive-in state 85419
liquor stores; and by means of those types of stores, and any 85420
manufacturing plants, distributing and bottling plants, 85421
warehouses, and other facilities that it considers expedient, 85422
establish and maintain a state monopoly of the distribution of 85423
spirituous liquor and its sale in packages or containers; and for 85424
that purpose, manufacture, buy, import, possess, and sell 85425
spirituous liquors as provided in this chapter and Chapter 4303. 85426
of the Revised Code, and in the rules promulgated by the 85427
superintendent of liquor control pursuant to those chapters; lease 85428
or in any manner acquire the use of any land or building required 85429
for any of those purposes; purchase any equipment that is 85430
required; and borrow money to carry on its business, and issue, 85431
sign, endorse, and accept notes, checks, and bills of exchange; 85432

but all obligations of the division created under authority of 85433
this division shall be a charge only upon the moneys received by 85434
the division from the sale of spirituous liquor and its other 85435
business transactions in connection with the sale of spirituous 85436
liquor, and shall not be general obligations of the state; 85437

(4) Enforce the administrative provisions of this chapter and 85438
Chapter 4303. of the Revised Code, and the rules and orders of the 85439
liquor control commission and the superintendent relating to the 85440
manufacture, importation, transportation, distribution, and sale 85441
of beer or intoxicating liquor. The attorney general, any 85442
prosecuting attorney, and any prosecuting officer of a municipal 85443
corporation or a municipal court shall, at the request of the 85444
division of liquor control or the department of public safety, 85445
prosecute any person charged with the violation of any provision 85446
in those chapters or of any section of the Revised Code relating 85447
to the manufacture, importation, transportation, distribution, and 85448
sale of beer or intoxicating liquor. 85449

(5) Determine the locations of all state liquor stores and 85450
manufacturing, distributing, and bottling plants required in 85451
connection with those stores, subject to this chapter and Chapter 85452
4303. of the Revised Code; 85453

(6) Conduct inspections of liquor permit premises to 85454
determine compliance with the administrative provisions of this 85455
chapter and Chapter 4303. of the Revised Code and the rules 85456
adopted under those provisions by the liquor control commission. 85457

Except as otherwise provided in division (A)(6) of this 85458
section, those inspections may be conducted only during those 85459
hours in which the permit holder is open for business and only by 85460
authorized agents or employees of the division or by any peace 85461
officer, as defined in section 2935.01 of the Revised Code. 85462
Inspections may be conducted at other hours only to determine 85463
compliance with laws or commission rules that regulate the hours 85464

of sale of beer or intoxicating liquor and only if the 85465
investigator has reasonable cause to believe that those laws or 85466
rules are being violated. Any inspection conducted pursuant to 85467
division (A)(6) of this section is subject to all of the following 85468
requirements: 85469

(a) The only property that may be confiscated is contraband, 85470
as defined in section 2901.01 of the Revised Code, or property 85471
that is otherwise necessary for evidentiary purposes. 85472

(b) A complete inventory of all property confiscated from the 85473
premises shall be given to the permit holder or the permit 85474
holder's agent or employee by the confiscating agent or officer at 85475
the conclusion of the inspection. At that time, the inventory 85476
shall be signed by the confiscating agent or officer, and the 85477
agent or officer shall give the permit holder or the permit 85478
holder's agent or employee the opportunity to sign the inventory. 85479

(c) Inspections conducted pursuant to division (A)(6) of this 85480
section shall be conducted in a reasonable manner. A finding by 85481
any court of competent jurisdiction that an inspection was not 85482
conducted in a reasonable manner in accordance with this section 85483
or any rules adopted by the commission may be considered grounds 85484
for suppression of evidence. A finding by the commission that an 85485
inspection was not conducted in a reasonable manner in accordance 85486
with this section or any rules adopted by it may be considered 85487
grounds for dismissal of the commission case. 85488

If any court of competent jurisdiction finds that property 85489
confiscated as the result of an administrative inspection is not 85490
necessary for evidentiary purposes and is not contraband, as 85491
defined in section 2901.01 of the Revised Code, the court shall 85492
order the immediate return of the confiscated property, provided 85493
that property is not otherwise subject to forfeiture, to the 85494
permit holder. However, the return of this property is not grounds 85495
for dismissal of the case. The commission likewise may order the 85496

return of confiscated property if no criminal prosecution is 85497
pending or anticipated. 85498

(7) Delegate to any of its agents or employees any power of 85499
investigation that the division possesses with respect to the 85500
enforcement of any of the administrative laws relating to beer or 85501
intoxicating liquor, provided that this division does not 85502
authorize the division to designate any agent or employee to serve 85503
as an enforcement agent. The employment and designation of 85504
enforcement agents shall be within the exclusive authority of the 85505
director of public safety pursuant to sections 5502.13 to 5502.19 85506
of the Revised Code. 85507

(8) Collect the following fees: 85508

(a) A biennial fifty-dollar registration fee for each agent, 85509
solicitor, trade marketing professional, or salesperson, 85510
registered pursuant to section 4303.25 of the Revised Code, of a 85511
beer or intoxicating liquor manufacturer, supplier, broker, trade 85512
marketing company, or wholesale distributor doing business in this 85513
state; 85514

(b) A fifty-dollar product registration fee for each new beer 85515
or intoxicating liquor product sold in this state. The product 85516
registration fee also applies to products sold in this state by 85517
B-2a and S permit holders. The product registration fee shall be 85518
accompanied by a copy of the federal label and product approval 85519
for the new product. 85520

(c) An annual three-hundred-dollar supplier registration fee 85521
from each manufacturer or supplier that produces and ships into 85522
this state, or ships into this state, intoxicating liquor or beer, 85523
in addition to an initial application fee of one hundred dollars. 85524
A manufacturer that produces and ships beer or wine into this 85525
state and that holds only an S permit is exempt from the supplier 85526
registration fee. A manufacturer that produces and ships wine into 85527

this state and that holds a B-2a permit shall pay an annual 85528
seventy-six-dollar supplier registration fee. A manufacturer that 85529
produces and ships wine into this state and that does not hold 85530
either an S or a B-2a permit, but that produces less than two 85531
hundred fifty thousand gallons of wine per year and that is 85532
entitled to a tax credit under 27 C.F.R. 24.278 shall pay an 85533
annual seventy-six-dollar supplier registration fee. A B-2a or S 85534
permit holder that does not sell its wine to wholesale 85535
distributors of wine in this state and an S permit holder that 85536
does not sell its beer to wholesale distributors of beer in this 85537
state shall not be required to submit to the division territory 85538
designation forms. 85539

Each supplier, agent, solicitor, trade marketing 85540
professional, or salesperson registration issued under this 85541
division shall authorize the person named to carry on the activity 85542
specified in the registration. Each agent, solicitor, trade 85543
marketing professional, or salesperson registration is valid for 85544
two years or for the unexpired portion of a two-year registration 85545
period. Each supplier registration is valid for one year or for 85546
the unexpired portion of a one-year registration period. 85547
Registrations shall end on their respective uniform expiration 85548
date, which shall be designated by the division, and are subject 85549
to suspension, revocation, cancellation, or fine as authorized by 85550
this chapter and Chapter 4303. of the Revised Code. 85551

As used in this division, "trade marketing company" and 85552
"trade marketing professional" have the same meanings as in 85553
section 4301.171 of the Revised Code. 85554

(9) Establish a system of electronic data interchange within 85555
the division and regulate the electronic transfer of information 85556
and funds among persons and governmental entities engaged in the 85557
manufacture, distribution, and retail sale of alcoholic beverages; 85558

(10) Notify all holders of retail permits of the forms of 85559

permissible identification for purposes of division (A) of section 85560
4301.639 of the Revised Code; 85561

(11) Exercise all other powers expressly or by necessary 85562
implication conferred upon the division by this chapter and 85563
Chapter 4303. of the Revised Code, and all powers necessary for 85564
the exercise or discharge of any power, duty, or function 85565
expressly conferred or imposed upon the division by those 85566
chapters. 85567

(B) The division may do all of the following: 85568

(1) Sue, but may be sued only in connection with the 85569
execution of leases of real estate and the purchases and contracts 85570
necessary for the operation of the state liquor stores that are 85571
made under this chapter and Chapter 4303. of the Revised Code; 85572

(2) Enter into leases and contracts of all descriptions and 85573
acquire and transfer title to personal property with regard to the 85574
sale, distribution, and storage of spirituous liquor within the 85575
state; 85576

(3) Terminate at will any lease entered into pursuant to 85577
division (B)(2) of this section upon first giving ninety days' 85578
notice in writing to the lessor of its intention to do so; 85579

(4) Fix the wholesale and retail prices at which the various 85580
classes, varieties, and brands of spirituous liquor shall be sold 85581
by the division. Those retail prices shall be the same at all 85582
state liquor stores, except to the extent that a price 85583
differential is required to collect a county sales tax levied 85584
pursuant to section 5739.021 of the Revised Code and for which tax 85585
the tax commissioner has authorized prepayment pursuant to section 85586
5739.05 of the Revised Code. In fixing selling prices, the 85587
division shall compute an anticipated gross profit at least 85588
sufficient to provide in each calendar year all costs and expenses 85589
of the division and also an adequate working capital reserve for 85590

the division. The gross profit shall not exceed forty per cent of 85591
the retail selling price based on costs of the division, and in 85592
addition the sum required by section 4301.12 of the Revised Code 85593
to be paid into the state treasury. An amount equal to one and 85594
one-half per cent of that gross profit shall be paid into the 85595
statewide treatment and prevention fund created by section 4301.30 85596
of the Revised Code and be appropriated by the general assembly 85597
from the fund to the department of ~~alcohol and drug addiction~~ 85598
~~services~~ mental health and addiction services as provided in 85599
section 4301.30 of the Revised Code. 85600

On spirituous liquor manufactured in this state from the 85601
juice of grapes or fruits grown in this state, the division shall 85602
compute an anticipated gross profit of not to exceed ten per cent. 85603

The wholesale prices fixed under this division shall be at a 85604
discount of not less than six per cent of the retail selling 85605
prices as determined by the division in accordance with this 85606
section. 85607

(C) The division may approve the expansion or diminution of a 85608
premises to which a liquor permit has been issued and may adopt 85609
standards governing such an expansion or diminution. 85610

Sec. 4301.171. (A) As used in this section: 85611

(1) "Agency store" includes an area that is immediately 85612
adjacent to an agency store if beer and other intoxicating liquor 85613
are sold in the area and if the area and the agency store are 85614
located on the same premises. 85615

(2) "Broker" and "solicitor" have the same meanings as in 85616
rules adopted by the superintendent of liquor control under 85617
section 4303.25 of the Revised Code. 85618

~~(2)~~(3) "Tasting sample" means a small amount of spirituous 85619
liquor that is provided in a serving of not more than a quarter 85620

ounce of spirituous liquor and, if provided, not more than one 85621
ounce of nonalcoholic mixer to an authorized purchaser and that 85622
allows the purchaser to determine, by tasting only, the quality 85623
and character of the beverage. 85624

~~(3)~~(4) "Trade marketing company" means a company that 85625
solicits the purchase of beer and intoxicating liquor and educates 85626
the public about beer and intoxicating liquor. 85627

~~(4)~~(5) "Trade marketing professional" means an individual who 85628
is an employee of, or is under contract with, a trade marketing 85629
company and who has successfully completed a training program 85630
described in section 4301.253 of the Revised Code. 85631

(B) Notwithstanding section 4301.24 of the Revised Code, an 85632
agency store to which a D-8 permit has been issued may allow a 85633
trade marketing professional, broker, or solicitor to offer for 85634
sale tasting samples of spirituous liquor when conducted in 85635
accordance with this section. A tasting sample shall not be sold 85636
for the purpose of general consumption. 85637

(C) Tasting samples of spirituous liquor may be offered for 85638
sale at an agency store by a trade marketing professional, broker, 85639
or solicitor if all of the following apply: 85640

(1) The tasting samples are sold ~~only~~ in the area of the 85641
agency store ~~in which spirituous liquor is sold and that area~~ that 85642
is open to the public. 85643

(2) The tasting samples are sold only by the trade marketing 85644
professional, broker, or solicitor. 85645

(3) The spirituous liquor is registered under division (A)(8) 85646
of section 4301.10 of the Revised Code. 85647

(4) Not less than ~~five~~ ten business days prior to the sale, 85648
the trade marketing professional, broker, or solicitor has 85649
provided written notice to the division of liquor control of the 85650

date and time of the sampling, and of the type and brand of 85651
spirituous liquor to be sampled at the agency store. 85652

(D) A sale of tasting samples of spirituous liquor is subject 85653
to rules adopted by the superintendent of liquor control or the 85654
liquor control commission. 85655

(E) An offering for sale of tasting samples of spirituous 85656
liquor shall be limited to a period of not more than two hours. 85657

(F) For purposes of offering for sale tasting samples of 85658
spirituous liquor, ~~an a trade marketing professional, broker, or~~ 85659
~~solicitor shall purchase the spirituous liquor from the~~ agency 85660
store ~~shall purchase the spirituous liquor~~ at the current retail 85661
price. An authorized purchaser shall be charged not less than 85662
fifty cents for each tasting sample of spirituous liquor. ~~However,~~ 85663
~~the aggregate amount charged for the sale of tasting samples shall~~ 85664
~~be sufficient to cover the wholesale price of the spirituous~~ 85665
~~liquor being tasted as that price is fixed under division (B)(4)~~ 85666
~~of section 4301.10 of the Revised Code. Of the amount collected~~ 85667
~~from the sale of tasting samples of spirituous liquor, the trade~~ 85668
~~marketing professional, broker, or solicitor shall reimburse the~~ 85669
~~agency store for the amount of the retail price of the spirituous~~ 85670
~~liquor.~~ When the sale of tasting samples of spirituous liquor at 85671
an agency store is completed, any bottles of spirituous liquor 85672
used to provide tasting samples that are not empty shall be marked 85673
as "sample" and removed from the agency store by the trade 85674
marketing professional, broker, or solicitor, as applicable. 85675

(G) No trade marketing professional, broker, or solicitor 85676
shall do any of the following: 85677

(1) Advertise the offering for sale of tasting samples of 85678
spirituous liquor other than at the agency store where the tasting 85679
samples will be offered; 85680

(2) Solicit orders or make sales of tasting samples of 85681

spirituous liquor for quantities greater than those specified in 85682
division (G)(3) of this section; 85683

(3) Allow any authorized purchaser to consume more than four 85684
tasting samples of spirituous liquor per day. 85685

(H) The purchase of a tasting sample of spirituous liquor 85686
shall not be contingent upon the purchase of any other product 85687
from an agency store. 85688

(I) No employee of an agency store that allows the sale of 85689
tasting samples of spirituous liquor shall purchase or consume a 85690
tasting sample while on duty. 85691

(J) If an employee of an agency store that allows the sale of 85692
tasting samples of spirituous liquor consumes a tasting sample of 85693
spirituous liquor, the employee shall not perform the employee's 85694
duties and responsibilities at the agency store on the day the 85695
tasting sample is consumed. 85696

(K) No person under twenty-one years of age shall consume a 85697
tasting sample of spirituous liquor. 85698

(L) Not more than ~~five~~ three events at which the sale of 85699
tasting samples of spirituous liquor are offered shall occur at an 85700
agency store in a calendar ~~month~~ week provided that: 85701

(1) Not more than two events shall occur in the same day; and 85702

(2) There is not less than one hour between the end of one 85703
event and the beginning of the next event. 85704

(M) No trade marketing professional, trade marketing company, 85705
broker, solicitor, owner or operator of an agency store, or an 85706
agent or employee of the owner or operator shall violate this 85707
section or any rules adopted by the superintendent or the 85708
commission for the purposes of this section. 85709

Sec. 4301.30. (A) All fees collected by the division of 85710

liquor control shall be deposited in the state treasury to the 85711
credit of the undivided liquor permit fund, which is hereby 85712
created, at the time prescribed under section 4301.12 of the 85713
Revised Code. Each payment shall be accompanied by a statement 85714
showing separately the amount collected for each class of permits 85715
in each municipal corporation and in each township outside the 85716
limits of any municipal corporation in such township. 85717

(B)(1) An amount equal to forty-five per cent of the fund 85718
shall be paid from the fund into the state liquor regulatory fund, 85719
which is hereby created in the state treasury. The state liquor 85720
regulatory fund shall be used to pay the operating expenses of the 85721
division of liquor control in administering and enforcing Title 85722
XLIII of the Revised Code and the operating expenses of the liquor 85723
control commission. Investment earnings of the fund shall be 85724
credited to the fund. 85725

(2) Whenever, in the judgment of the director of budget and 85726
management, the amount of money that is in the state liquor 85727
regulatory fund is in excess of the amount that is needed to pay 85728
the operating expenses of the division in administering and 85729
enforcing Title XLIII of the Revised Code and the operating 85730
expenses of the commission, the director shall credit the excess 85731
amount to the general revenue fund. 85732

(C) Twenty per cent of the undivided liquor permit fund shall 85733
be paid into the statewide treatment and prevention fund, which is 85734
hereby created in the state treasury. This amount shall be 85735
appropriated by the general assembly, together with an amount 85736
equal to one and one-half per cent of the gross profit of the 85737
division of liquor control derived under division (B)(4) of 85738
section 4301.10 of the Revised Code, to the department of ~~alcohol~~ 85739
~~and drug addiction services~~ mental health and addiction services. 85740
In planning for the allocation of and in allocating these amounts 85741
for the purposes of Chapter ~~3793~~ 5119. of the Revised Code, the 85742

~~department of alcohol and drug addiction services~~ shall comply 85743
with the nondiscrimination provisions of Title VI of the Civil 85744
Rights Act of 1964, and any rules adopted under that act. 85745

(D) Thirty-five per cent of the undivided liquor permit fund 85746
shall be distributed by the superintendent of liquor control at 85747
quarterly calendar periods as follows: 85748

(1) To each municipal corporation, the aggregate amount shown 85749
by the statements to have been collected from permits in the 85750
municipal corporation, for the use of the general fund of the 85751
municipal corporation; 85752

(2) To each township, the aggregate amount shown by the 85753
statements to have been collected from permits in its territory, 85754
outside the limits of any municipal corporation located in the 85755
township, for the use of the general fund of the township, or for 85756
fire protection purposes, including buildings and equipment in the 85757
township or in an established fire district within the township, 85758
to the extent that the funds are derived from liquor permits 85759
within the territory comprising such fire district. 85760

(E) For the purpose of the distribution required by this 85761
section, E, H, and D permits covering boats or vessels are deemed 85762
to have been issued in the municipal corporation or township 85763
wherein the owner or operator of the vehicle, boat, vessel, or 85764
dining car equipment to which the permit relates has the owner's 85765
or operator's principal office or place of business within the 85766
state. 85767

(F) If the liquor control commission determines that the 85768
police or other officers of any municipal corporation or township 85769
entitled to share in distributions under this section are refusing 85770
or culpably neglecting to enforce this chapter and Chapter 4303. 85771
of the Revised Code, or the penal laws of this state relating to 85772
the manufacture, importation, transportation, distribution, and 85773

sale of beer and intoxicating liquors, or if the prosecuting 85774
officer of a municipal corporation or a municipal court fails to 85775
comply with the request of the commission authorized by division 85776
(A)(4) of section 4301.10 of the Revised Code, the commission, by 85777
certified mail, may notify the chief executive officer of the 85778
municipal corporation or the board of township trustees of the 85779
township of the failure and require the immediate cooperation of 85780
the responsible officers of the municipal corporation or township 85781
with the division of liquor control in the enforcement of those 85782
chapters and penal laws. Within thirty days after the notice is 85783
served, the commission shall determine whether the requirement has 85784
been complied with. If the commission determines that the 85785
requirement has not been complied with, it may issue an order to 85786
the superintendent to withhold the distributive share of the 85787
municipal corporation or township until further order of the 85788
commission. This action of the commission is reviewable within 85789
thirty days thereafter in the court of common pleas of Franklin 85790
county. 85791

(G) All fees collected by the division of liquor control from 85792
the issuance or renewal of B-2a and S permits, and paid by B-2a 85793
and S permit holders who do not also hold A-2 permits, shall be 85794
deposited in the state treasury to the credit of the state liquor 85795
regulatory fund. Once during each fiscal year, an amount equal to 85796
fifty per cent of the fees collected shall be paid from the state 85797
liquor regulatory fund into the general revenue fund. 85798

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 85799
the Revised Code: 85800

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 85801
fluid ounces. 85802

(2) "Sale" or "sell" includes exchange, barter, gift, 85803
distribution, and, except with respect to A-4 permit holders, 85804

offer for sale. 85805

(B) For the purposes of providing revenues for the support of 85806
the state and encouraging the grape industries in the state, a tax 85807
is hereby levied on the sale or distribution of wine in Ohio, 85808
except for known sacramental purposes, at the rate of thirty cents 85809
per wine gallon for wine containing not less than four per cent of 85810
alcohol by volume and not more than fourteen per cent of alcohol 85811
by volume, ninety-eight cents per wine gallon for wine containing 85812
more than fourteen per cent but not more than twenty-one per cent 85813
of alcohol by volume, one dollar and eight cents per wine gallon 85814
for vermouth, and one dollar and forty-eight cents per wine gallon 85815
for sparkling and carbonated wine and champagne, the tax to be 85816
paid by the holders of A-2 and B-5 permits or by any other person 85817
selling or distributing wine upon which no tax has been paid. From 85818
the tax paid under this section on wine, vermouth, and sparkling 85819
and carbonated wine and champagne, the treasurer of state shall 85820
credit to the Ohio grape industries fund created under section 85821
924.54 of the Revised Code a sum equal to one cent per gallon for 85822
each gallon upon which the tax is paid. 85823

(C) For the purpose of providing revenues for the support of 85824
the state, there is hereby levied a tax on prepared and bottled 85825
highballs, cocktails, cordials, and other mixed beverages at the 85826
rate of one dollar and twenty cents per wine gallon to be paid by 85827
holders of A-4 permits or by any other person selling or 85828
distributing those products upon which no tax has been paid. Only 85829
one sale of the same article shall be used in computing the amount 85830
of tax due. The tax on mixed beverages to be paid by holders of 85831
A-4 permits under this section shall not attach until the 85832
ownership of the mixed beverage is transferred for valuable 85833
consideration to a wholesaler or retailer, and no payment of the 85834
tax shall be required prior to that time. 85835

(D) During the period of July 1, ~~2011~~ 2013, through June 30, 85836

~~2013~~ 2015, from the tax paid under this section on wine, vermouth, 85837
and sparkling and carbonated wine and champagne, the treasurer of 85838
state shall credit to the Ohio grape industries fund created under 85839
section 924.54 of the Revised Code a sum equal to two cents per 85840
gallon upon which the tax is paid. The amount credited under this 85841
division is in addition to the amount credited to the Ohio grape 85842
industries fund under division (B) of this section. 85843

(E) For the purpose of providing revenues for the support of 85844
the state, there is hereby levied a tax on cider at the rate of 85845
twenty-four cents per wine gallon to be paid by the holders of A-2 85846
and B-5 permits or by any other person selling or distributing 85847
cider upon which no tax has been paid. Only one sale of the same 85848
article shall be used in computing the amount of the tax due. 85849

Sec. 4301.62. (A) As used in this section: 85850

(1) "Chauffeured limousine" means a vehicle registered under 85851
section 4503.24 of the Revised Code. 85852

(2) "Street," "highway," and "motor vehicle" have the same 85853
meanings as in section 4511.01 of the Revised Code. 85854

(B) No person shall have in the person's possession an opened 85855
container of beer or intoxicating liquor in any of the following 85856
circumstances: 85857

(1) Except as provided in division (C)(1)(e) of this section, 85858
in an agency store; 85859

(2) Except as provided in division (C) of this section, on 85860
the premises of the holder of any permit issued by the division of 85861
liquor control; 85862

(3) In any other public place; 85863

(4) Except as provided in division (D) or (E) of this 85864
section, while operating or being a passenger in or on a motor 85865
vehicle on any street, highway, or other public or private 85866

property open to the public for purposes of vehicular travel or 85867
parking; 85868

(5) Except as provided in division (D) or (E) of this 85869
section, while being in or on a stationary motor vehicle on any 85870
street, highway, or other public or private property open to the 85871
public for purposes of vehicular travel or parking. 85872

(C)(1) A person may have in the person's possession an opened 85873
container of any of the following: 85874

(a) Beer or intoxicating liquor that has been lawfully 85875
purchased for consumption on the premises where bought from the 85876
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 85877
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 85878
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 85879
F-8 permit; 85880

(b) Beer, wine, or mixed beverages served for consumption on 85881
the premises by the holder of an F-3 permit or wine served for 85882
consumption on the premises by the holder of an F-4 or F-6 permit; 85883

(c) Beer or intoxicating liquor consumed on the premises of a 85884
convention facility as provided in section 4303.201 of the Revised 85885
Code; 85886

(d) Beer or intoxicating liquor to be consumed during 85887
tastings and samplings approved by rule of the liquor control 85888
commission; 85889

(e) Spirituous liquor to be consumed for purposes of a 85890
tasting sample, as defined in section 4301.171 of the Revised 85891
Code. 85892

(2) A person may have in the person's possession on an F 85893
liquor permit premises an opened container of beer or intoxicating 85894
liquor that was not purchased from the holder of the F permit if 85895
the premises for which the F permit is issued is a music festival 85896

and the holder of the F permit grants permission for that 85897
possession on the premises during the period for which the F 85898
permit is issued. As used in this division, "music festival" means 85899
a series of outdoor live musical performances, extending for a 85900
period of at least three consecutive days and located on an area 85901
of land of at least forty acres. 85902

(3)(a) A person may have in the person's possession on a D-2 85903
liquor permit premises an opened or unopened container of wine 85904
that was not purchased from the holder of the D-2 permit if the 85905
premises for which the D-2 permit is issued is an outdoor 85906
performing arts center, the person is attending an orchestral 85907
performance, and the holder of the D-2 permit grants permission 85908
for the possession and consumption of wine in certain 85909
predesignated areas of the premises during the period for which 85910
the D-2 permit is issued. 85911

(b) As used in division (C)(3)(a) of this section: 85912

(i) "Orchestral performance" means a concert comprised of a 85913
group of not fewer than forty musicians playing various musical 85914
instruments. 85915

(ii) "Outdoor performing arts center" means an outdoor 85916
performing arts center that is located on not less than one 85917
hundred fifty acres of land and that is open for performances from 85918
the first day of April to the last day of October of each year. 85919

(4) A person may have in the person's possession an opened or 85920
unopened container of beer or intoxicating liquor at an outdoor 85921
location at which the person is attending an orchestral 85922
performance as defined in division (C)(3)(b)(i) of this section if 85923
the person with supervision and control over the performance 85924
grants permission for the possession and consumption of beer or 85925
intoxicating liquor in certain predesignated areas of that outdoor 85926
location. 85927

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending an orchestral performance and the holder of the F-9 permit grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued.

As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

(i) The person is attending a racing event at the facility;
and

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:

(I) It is two and four-tenths miles or more in length.

(II) It is located on two hundred acres or more of land.

(III) The primary business of the owner of the facility is the hosting and promoting of racing events.

(IV) The holder of a D-1, D-2, or D-3 permit is located on

the property of the facility. 85958

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine. 85963

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located. 85964 85965 85966

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 85967 85968 85969

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with. 85974 85975 85976 85977 85978

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. 85979 85980 85981 85982 85983 85984

Sec. 4303.181. (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains 85985 85986 85987

at least fifty rooms for registered transient guests or is owned 85988
by a state institution of higher education as defined in section 85989
3345.011 of the Revised Code or a private college or university, 85990
and that qualifies under the other requirements of this section, 85991
or to the owner or operator of a restaurant specified under this 85992
section, to sell beer and any intoxicating liquor at retail, only 85993
by the individual drink in glass and from the container, for 85994
consumption on the premises where sold, and to registered guests 85995
in their rooms, which may be sold by means of a controlled access 85996
alcohol and beverage cabinet in accordance with division (B) of 85997
section 4301.21 of the Revised Code; and to sell the same products 85998
in the same manner and amounts not for consumption on the premises 85999
as may be sold by holders of D-1 and D-2 permits. The premises of 86000
the hotel or motel shall include a retail food establishment or a 86001
food service operation licensed pursuant to Chapter 3717. of the 86002
Revised Code that operates as a restaurant for purposes of this 86003
chapter and that is affiliated with the hotel or motel and within 86004
or contiguous to the hotel or motel, and that serves food within 86005
the hotel or motel, but the principal business of the owner or 86006
operator of the hotel or motel shall be the accommodation of 86007
transient guests. In addition to the privileges authorized in this 86008
division, the holder of a D-5a permit may exercise the same 86009
privileges as the holder of a D-5 permit. 86010

The owner or operator of a hotel, motel, or restaurant who 86011
qualified for and held a D-5a permit on August 4, 1976, may, if 86012
the owner or operator held another permit before holding a D-5a 86013
permit, either retain a D-5a permit or apply for the permit 86014
formerly held, and the division of liquor control shall issue the 86015
permit for which the owner or operator applies and formerly held, 86016
notwithstanding any quota. 86017

A D-5a permit shall not be transferred to another location. 86018
No quota restriction shall be placed on the number of D-5a permits 86019

that may be issued. 86020

The fee for this permit is two thousand three hundred 86021
forty-four dollars. 86022

(B) Permit D-5b may be issued to the owner, operator, tenant, 86023
lessee, or occupant of an enclosed shopping center to sell beer 86024
and intoxicating liquor at retail, only by the individual drink in 86025
glass and from the container, for consumption on the premises 86026
where sold; and to sell the same products in the same manner and 86027
amount not for consumption on the premises as may be sold by 86028
holders of D-1 and D-2 permits. In addition to the privileges 86029
authorized in this division, the holder of a D-5b permit may 86030
exercise the same privileges as a holder of a D-5 permit. 86031

A D-5b permit shall not be transferred to another location. 86032

One D-5b permit may be issued at an enclosed shopping center 86033
containing at least two hundred twenty-five thousand, but less 86034
than four hundred thousand, square feet of floor area. 86035

Two D-5b permits may be issued at an enclosed shopping center 86036
containing at least four hundred thousand square feet of floor 86037
area. No more than one D-5b permit may be issued at an enclosed 86038
shopping center for each additional two hundred thousand square 86039
feet of floor area or fraction of that floor area, up to a maximum 86040
of five D-5b permits for each enclosed shopping center. The number 86041
of D-5b permits that may be issued at an enclosed shopping center 86042
shall be determined by subtracting the number of D-3 and D-5 86043
permits issued in the enclosed shopping center from the number of 86044
D-5b permits that otherwise may be issued at the enclosed shopping 86045
center under the formulas provided in this division. Except as 86046
provided in this section, no quota shall be placed on the number 86047
of D-5b permits that may be issued. Notwithstanding any quota 86048
provided in this section, the holder of any D-5b permit first 86049
issued in accordance with this section is entitled to its renewal 86050

in accordance with section 4303.271 of the Revised Code. 86051

The holder of a D-5b permit issued before April 4, 1984, 86052
whose tenancy is terminated for a cause other than nonpayment of 86053
rent, may return the D-5b permit to the division of liquor 86054
control, and the division shall cancel that permit. Upon 86055
cancellation of that permit and upon the permit holder's payment 86056
of taxes, contributions, premiums, assessments, and other debts 86057
owing or accrued upon the date of cancellation to this state and 86058
its political subdivisions and a filing with the division of a 86059
certification of that payment, the division shall issue to that 86060
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 86061
that person requests. The division shall issue the D-5 permit, or 86062
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 86063
D-3, or D-5 permits currently issued in the municipal corporation 86064
or in the unincorporated area of the township where that person's 86065
proposed premises is located equals or exceeds the maximum number 86066
of such permits that can be issued in that municipal corporation 86067
or in the unincorporated area of that township under the 86068
population quota restrictions contained in section 4303.29 of the 86069
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 86070
be transferred to another location. If a D-5b permit is canceled 86071
under the provisions of this paragraph, the number of D-5b permits 86072
that may be issued at the enclosed shopping center for which the 86073
D-5b permit was issued, under the formula provided in this 86074
division, shall be reduced by one if the enclosed shopping center 86075
was entitled to more than one D-5b permit under the formula. 86076

The fee for this permit is two thousand three hundred 86077
forty-four dollars. 86078

(C) Permit D-5c may be issued to the owner or operator of a 86079
retail food establishment or a food service operation licensed 86080
pursuant to Chapter 3717. of the Revised Code that operates as a 86081
restaurant for purposes of this chapter and that qualifies under 86082

the other requirements of this section to sell beer and any 86083
intoxicating liquor at retail, only by the individual drink in 86084
glass and from the container, for consumption on the premises 86085
where sold, and to sell the same products in the same manner and 86086
amounts not for consumption on the premises as may be sold by 86087
holders of D-1 and D-2 permits. In addition to the privileges 86088
authorized in this division, the holder of a D-5c permit may 86089
exercise the same privileges as the holder of a D-5 permit. 86090

To qualify for a D-5c permit, the owner or operator of a 86091
retail food establishment or a food service operation licensed 86092
pursuant to Chapter 3717. of the Revised Code that operates as a 86093
restaurant for purposes of this chapter, shall have operated the 86094
restaurant at the proposed premises for not less than twenty-four 86095
consecutive months immediately preceding the filing of the 86096
application for the permit, have applied for a D-5 permit no later 86097
than December 31, 1988, and appear on the division's quota waiting 86098
list for not less than six months immediately preceding the filing 86099
of the application for the permit. In addition to these 86100
requirements, the proposed D-5c permit premises shall be located 86101
within a municipal corporation and further within an election 86102
precinct that, at the time of the application, has no more than 86103
twenty-five per cent of its total land area zoned for residential 86104
use. 86105

A D-5c permit shall not be transferred to another location. 86106
No quota restriction shall be placed on the number of such permits 86107
that may be issued. 86108

Any person who has held a D-5c permit for at least two years 86109
may apply for a D-5 permit, and the division of liquor control 86110
shall issue the D-5 permit notwithstanding the quota restrictions 86111
contained in section 4303.29 of the Revised Code or in any rule of 86112
the liquor control commission. 86113

The fee for this permit is one thousand five hundred 86114

sixty-three dollars. 86115

(D) Permit D-5d may be issued to the owner or operator of a 86116
retail food establishment or a food service operation licensed 86117
pursuant to Chapter 3717. of the Revised Code that operates as a 86118
restaurant for purposes of this chapter and that is located at an 86119
airport operated by a board of county commissioners pursuant to 86120
section 307.20 of the Revised Code, at an airport operated by a 86121
port authority pursuant to Chapter 4582. of the Revised Code, or 86122
at an airport operated by a regional airport authority pursuant to 86123
Chapter 308. of the Revised Code. The holder of a D-5d permit may 86124
sell beer and any intoxicating liquor at retail, only by the 86125
individual drink in glass and from the container, for consumption 86126
on the premises where sold, and may sell the same products in the 86127
same manner and amounts not for consumption on the premises where 86128
sold as may be sold by the holders of D-1 and D-2 permits. In 86129
addition to the privileges authorized in this division, the holder 86130
of a D-5d permit may exercise the same privileges as the holder of 86131
a D-5 permit. 86132

A D-5d permit shall not be transferred to another location. 86133
No quota restrictions shall be placed on the number of such 86134
permits that may be issued. 86135

The fee for this permit is two thousand three hundred 86136
forty-four dollars. 86137

(E) Permit D-5e may be issued to any nonprofit organization 86138
that is exempt from federal income taxation under the "Internal 86139
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 86140
amended, or that is a charitable organization under any chapter of 86141
the Revised Code, and that owns or operates a riverboat that meets 86142
all of the following: 86143

(1) Is permanently docked at one location; 86144

(2) Is designated as an historical riverboat by the Ohio 86145

historical society;	86146
(3) Contains not less than fifteen hundred square feet of floor area;	86147 86148
(4) Has a seating capacity of fifty or more persons.	86149
The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.	86150 86151 86152
A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.	86153 86154 86155 86156 86157 86158 86159 86160 86161 86162
The fee for this permit is one thousand two hundred nineteen dollars.	86163 86164
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:	86165 86166 86167 86168 86169
(1) It contains not less than twenty-five hundred square feet of floor area.	86170 86171
(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.	86172 86173
(3) It provides docking space for twenty-five boats.	86174
(4) It provides entertainment and recreation, provided that	86175

not less than fifty per cent of the business on the permit 86176
premises shall be preparing and serving meals for a consideration. 86177

In addition, each application for a D-5f permit shall be 86178
accompanied by a certification from the local legislative 86179
authority that the issuance of the D-5f permit is not inconsistent 86180
with that political subdivision's comprehensive development plan 86181
or other economic development goal as officially established by 86182
the local legislative authority. 86183

The holder of a D-5f permit may sell beer and intoxicating 86184
liquor at retail, only by the individual drink in glass and from 86185
the container, for consumption on the premises where sold. 86186

A D-5f permit shall not be transferred to another location. 86187

The division of liquor control shall not issue a D-5f permit 86188
if the permit premises or proposed permit premises are located 86189
within an area in which the sale of spirituous liquor by the glass 86190
is prohibited. 86191

A fee for this permit is two thousand three hundred 86192
forty-four dollars. 86193

As used in this division, "navigable river" means a river 86194
that is also a "navigable water" as defined in the "Federal Power 86195
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 86196

(G) Permit D-5g may be issued to a nonprofit corporation that 86197
is either the owner or the operator of a national professional 86198
sports museum. The holder of a D-5g permit may sell beer and any 86199
intoxicating liquor at retail, only by the individual drink in 86200
glass and from the container, for consumption on the premises 86201
where sold. The holder of a D-5g permit shall sell no beer or 86202
intoxicating liquor for consumption on the premises where sold 86203
after two-thirty a.m. A D-5g permit shall not be transferred to 86204
another location. No quota restrictions shall be placed on the 86205
number of D-5g permits that may be issued. The fee for this permit 86206

is one thousand eight hundred seventy-five dollars. 86207

(H)(1) Permit D-5h may be issued to any nonprofit 86208
organization that is exempt from federal income taxation under the 86209
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86210
501(c)(3), as amended, that owns or operates any of the following: 86211

(a) A fine arts museum, provided that the nonprofit 86212
organization has no less than one thousand five hundred bona fide 86213
members possessing full membership privileges; 86214

(b) A community arts center. As used in division (H)(1)(b) of 86215
this section, "community arts center" means a facility that 86216
provides arts programming to the community in more than one arts 86217
discipline, including, but not limited to, exhibits of works of 86218
art and performances by both professional and amateur artists. 86219

(c) A community theater, provided that the nonprofit 86220
organization is a member of the Ohio arts council and the American 86221
community theatre association and has been in existence for not 86222
less than ten years. As used in division (H)(1)(c) of this 86223
section, "community theater" means a facility that contains at 86224
least one hundred fifty seats and has a primary function of 86225
presenting live theatrical performances and providing recreational 86226
opportunities to the community. 86227

(2) The holder of a D-5h permit may sell beer and any 86228
intoxicating liquor at retail, only by the individual drink in 86229
glass and from the container, for consumption on the premises 86230
where sold. The holder of a D-5h permit shall sell no beer or 86231
intoxicating liquor for consumption on the premises where sold 86232
after one a.m. A D-5h permit shall not be transferred to another 86233
location. No quota restrictions shall be placed on the number of 86234
D-5h permits that may be issued. 86235

(3) The fee for a D-5h permit is one thousand eight hundred 86236
seventy-five dollars. 86237

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

(4) It offers full-course meals, appetizers, and sandwiches.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i

permit may exercise the same privileges as the holder of a D-5 86268
permit. 86269

A D-5i permit shall not be transferred to another location. 86270
The division of liquor control shall not renew a D-5i permit 86271
unless the retail food establishment or food service operation for 86272
which it is issued continues to meet the requirements described in 86273
divisions (I)(1) to (6) of this section. No quota restrictions 86274
shall be placed on the number of D-5i permits that may be issued. 86275
The fee for the D-5i permit is two thousand three hundred 86276
forty-four dollars. 86277

(J) Permit D-5j may be issued to the owner or the operator of 86278
a retail food establishment or a food service operation licensed 86279
under Chapter 3717. of the Revised Code to sell beer and 86280
intoxicating liquor at retail, only by the individual drink in 86281
glass and from the container, for consumption on the premises 86282
where sold and to sell beer and intoxicating liquor in the same 86283
manner and amounts not for consumption on the premises where sold 86284
as may be sold by the holders of D-1 and D-2 permits. The holder 86285
of a D-5j permit may exercise the same privileges, and shall 86286
observe the same hours of operation, as the holder of a D-5 86287
permit. 86288

The D-5j permit shall be issued only within a community 86289
entertainment district that is designated under section 4301.80 of 86290
the Revised Code and that meets one of the following 86291
qualifications: 86292

(1) It is located in a municipal corporation with a 86293
population of at least one hundred thousand. 86294

(2) It is located in a municipal corporation with a 86295
population of at least twenty thousand, and either of the 86296
following applies: 86297

(a) It contains an amusement park the rides of which have 86298

been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code. 86299
86300

(b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 86301
86302
86303

(3) It is located in a township with a population of at least forty thousand. 86304
86305

(4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township. 86306
86307
86308
86309

(5) It is located in a municipal corporation with a population between ten thousand and twenty thousand, and both of the following apply: 86310
86311
86312

(a) The municipal corporation was incorporated as a village prior to calendar year ~~1840~~ 1860 and currently has a historic downtown business district. 86313
86314
86315

(b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district. 86316
86317
86318

(6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 86319
86320
86321
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86323

(7) It is located in a municipal corporation with a population of at least five thousand, and not less than one hundred million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 86324
86325
86326
86327
86328

The location of a D-5j permit may be transferred only within 86329
the geographic boundaries of the community entertainment district 86330
in which it was issued and shall not be transferred outside the 86331
geographic boundaries of that district. 86332

Not more than one D-5j permit shall be issued within each 86333
community entertainment district for each five acres of land 86334
located within the district. Not more than fifteen D-5j permits 86335
may be issued within a single community entertainment district. 86336
Except as otherwise provided in division (J)(4) of this section, 86337
no quota restrictions shall be placed upon the number of D-5j 86338
permits that may be issued. 86339

The fee for a D-5j permit is two thousand three hundred 86340
forty-four dollars. 86341

(K)(1) Permit D-5k may be issued to any nonprofit 86342
organization that is exempt from federal income taxation under the 86343
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86344
501(c)(3), as amended, that is the owner or operator of a 86345
botanical garden recognized by the American association of 86346
botanical gardens and arboreta, and that has not less than 86347
twenty-five hundred bona fide members. 86348

(2) The holder of a D-5k permit may sell beer and any 86349
intoxicating liquor at retail, only by the individual drink in 86350
glass and from the container, on the premises where sold. 86351

(3) The holder of a D-5k permit shall sell no beer or 86352
intoxicating liquor for consumption on the premises where sold 86353
after one a.m. 86354

(4) A D-5k permit shall not be transferred to another 86355
location. 86356

(5) No quota restrictions shall be placed on the number of 86357
D-5k permits that may be issued. 86358

(6) The fee for the D-5k permit is one thousand eight hundred 86359
seventy-five dollars. 86360

(L)(1) Permit D-5l may be issued to the owner or the operator 86361
of a retail food establishment or a food service operation 86362
licensed under Chapter 3717. of the Revised Code to sell beer and 86363
intoxicating liquor at retail, only by the individual drink in 86364
glass and from the container, for consumption on the premises 86365
where sold and to sell beer and intoxicating liquor in the same 86366
manner and amounts not for consumption on the premises where sold 86367
as may be sold by the holders of D-1 and D-2 permits. The holder 86368
of a D-5l permit may exercise the same privileges, and shall 86369
observe the same hours of operation, as the holder of a D-5 86370
permit. 86371

(2) The D-5l permit shall be issued only to a premises to 86372
which all of the following apply: 86373

(a) The premises has gross annual receipts from the sale of 86374
food and meals that constitute not less than seventy-five per cent 86375
of its total gross annual receipts. 86376

(b) The premises is located within a revitalization district 86377
that is designated under section 4301.81 of the Revised Code. 86378

(c) The premises is located in a municipal corporation or 86379
township in which the number of D-5 permits issued equals or 86380
exceeds the number of those permits that may be issued in that 86381
municipal corporation or township under section 4303.29 of the 86382
Revised Code. 86383

(d) The premises meets any of the following qualifications: 86384

(i) It is located in a county with a population of one 86385
hundred twenty-five thousand or less according to the population 86386
estimates certified by the development services agency for 86387
calendar year 2006. 86388

(ii) It is located in the municipal corporation that has the largest population in a county when the county has a population between two hundred fifteen thousand and two hundred twenty-five thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(ii) of this section applies only to a municipal corporation that is wholly located in a county.

(iii) It is located in the municipal corporation that has the largest population in a county when the county has a population between one hundred forty thousand and one hundred forty-one thousand according to the population estimates certified by the development services agency for calendar year 2006. Division (L)(2)(d)(iii) of this section applies only to a municipal corporation that is wholly located in a county.

(3) The location of a D-51 permit may be transferred only within the geographic boundaries of the revitalization district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

(4) Not more than one D-51 permit shall be issued within each revitalization district for each five acres of land located within the district. Not more than fifteen D-51 permits may be issued within a single revitalization district. Except as otherwise provided in division (L)(4) of this section, no quota restrictions shall be placed upon the number of D-51 permits that may be issued.

(5) No D-51 permit shall be issued to an adult entertainment establishment as defined in section 2907.39 of the Revised Code.

(6) The fee for a D-51 permit is two thousand three hundred forty-four dollars.

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation

licensed under Chapter 3717. of the Revised Code that operates as 86420
a restaurant for purposes of this chapter and that is located in, 86421
or affiliated with, a center for the preservation of wild animals 86422
as defined in section 4301.404 of the Revised Code, to sell beer 86423
and any intoxicating liquor at retail, only by the glass and from 86424
the container, for consumption on the premises where sold, and to 86425
sell the same products in the same manner and amounts not for 86426
consumption on the premises as may be sold by the holders of D-1 86427
and D-2 permits. In addition to the privileges authorized by this 86428
division, the holder of a D-5m permit may exercise the same 86429
privileges as the holder of a D-5 permit. 86430

A D-5m permit shall not be transferred to another location. 86431
No quota restrictions shall be placed on the number of D-5m 86432
permits that may be issued. The fee for a permit D-5m is two 86433
thousand three hundred forty-four dollars. 86434

(N) Permit D-5n shall be issued to either a casino operator 86435
or a casino management company licensed under Chapter 3772. of the 86436
Revised Code that operates a casino facility under that chapter, 86437
to sell beer and any intoxicating liquor at retail, only by the 86438
individual drink in glass and from the container, for consumption 86439
on the premises where sold, and to sell the same products in the 86440
same manner and amounts not for consumption on the premises as may 86441
be sold by the holders of D-1 and D-2 permits. In addition to the 86442
privileges authorized by this division, the holder of a D-5n 86443
permit may exercise the same privileges as the holder of a D-5 86444
permit. A D-5n permit shall not be transferred to another 86445
location. Only one D-5n permit may be issued per casino facility 86446
and not more than four D-5n permits shall be issued in this state. 86447
The fee for a permit D-5n shall be twenty thousand dollars. The 86448
holder of a D-5n permit may conduct casino gaming on the permit 86449
premises notwithstanding any provision of the Revised Code or 86450
Administrative Code. 86451

(O) Permit D-5o may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges as the holder of a D-5 permit. A D-5o permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for this permit is two thousand three hundred forty-four dollars.

(P) Permit D-5p may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a park district. The holder of a D-5p permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5p permit may exercise the same privileges as the holder of a D-5 permit. A D-5p permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for a D-5p permit is two thousand three hundred forty-four dollars.

As used in this division, "park district" means a park district that is created under Chapter 1545. of the Revised Code consisting of not less than twenty-two thousand acres of land, a portion of which is adjacent to Lake Erie.

Sec. 4305.131. (A) If any permit holder fails to pay the taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of the Revised Code in the manner prescribed by section 4303.33 of the Revised Code, or by section 4301.421 or 4301.424 of the Revised Code in the manner prescribed in section 4301.422 of the Revised Code, and by the rules of the tax commissioner, the commissioner may make an assessment against the permit holder based upon any information in the commissioner's possession.

No assessment shall be made against any permit holder for any taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.43, 4301.432, or 4305.01 of the Revised Code more than three years after the last day of the calendar month in which the sale was made or more than three years after the return for that period is filed, whichever is later. This section does not bar an assessment against any permit holder or registrant as provided in section 4303.331 of the Revised Code who fails to file a return as required by section 4301.422 or 4303.33 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner 86516
within sixty days after service of the notice of assessment, 86517
either personally or by certified mail, a written petition for 86518
reassessment, signed by the party assessed or that party's 86519
authorized agent having knowledge of the facts, the assessment 86520
becomes final and the amount of the assessment is due and payable 86521
from the party assessed to the treasurer of state. The petition 86522
shall indicate the objections of the party assessed, but 86523
additional objections may be raised in writing if received by the 86524
commissioner prior to the date shown on the final determination. 86525
If the petition has been properly filed, the commissioner shall 86526
proceed under section 5703.60 of the Revised Code. 86527

(C) After an assessment becomes final, if any portion of the 86528
assessment remains unpaid, including accrued interest, a certified 86529
copy of the tax commissioner's entry making the assessment final 86530
may be filed in the office of the clerk of the court of common 86531
pleas in the county in which the permit holder's place of business 86532
is located or the county in which the party assessed resides. If 86533
the party assessed maintains no place of business in this state 86534
and is not a resident of this state, the certified copy of the 86535
entry may be filed in the office of the clerk of the court of 86536
common pleas of Franklin county. 86537

Immediately upon the filing of the entry, the clerk shall 86538
enter a judgment for the state against the party assessed in the 86539
amount shown on the entry. The judgment may be filed by the clerk 86540
in a loose-leaf book entitled "special judgments for state beer 86541
and liquor sales taxes," and shall have the same effect as other 86542
judgments. Execution shall issue upon the judgment upon the 86543
request of the commissioner, and all laws applicable to sales on 86544
execution shall apply to sales made under the judgment, except as 86545
otherwise provided in this chapter and Chapters 4301. and 4307. of 86546
the Revised Code. 86547

~~The portion of~~ If the assessment is not paid in its entirety 86548
within sixty days after the day the assessment was issued, the 86549
portion of the assessment consisting of tax due shall bear 86550
interest at the rate per annum prescribed by section 5703.47 of 86551
the Revised Code from the day the commissioner issues the 86552
assessment until it is paid or until it is certified to the 86553
attorney general for collection under section 131.02 of the 86554
Revised Code, whichever comes first. If the unpaid portion of the 86555
assessment is certified to the attorney general for collection, 86556
the entire unpaid portion of the assessment shall bear interest at 86557
the rate per annum prescribed by section 5703.47 of the Revised 86558
Code from the date of certification until the date it is paid in 86559
its entirety. Interest shall be paid in the same manner as the tax 86560
and may be collected by the issuance of an assessment under this 86561
section. 86562

(D) All money collected under this section shall be 86563
considered as revenue arising from the taxes imposed by sections 86564
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the 86565
Revised Code. 86566

Sec. 4501.01. As used in this chapter and Chapters 4503., 86567
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 86568
Revised Code, and in the penal laws, except as otherwise provided: 86569

(A) "Vehicles" means everything on wheels or runners, 86570
including motorized bicycles, but does not mean electric personal 86571
assistive mobility devices, vehicles that are operated exclusively 86572
on rails or tracks or from overhead electric trolley wires, and 86573
vehicles that belong to any police department, municipal fire 86574
department, or volunteer fire department, or that are used by such 86575
a department in the discharge of its functions. 86576

(B) "Motor vehicle" means any vehicle, including mobile homes 86577
and recreational vehicles, that is propelled or drawn by power 86578

other than muscular power or power collected from overhead 86579
electric trolley wires. "Motor vehicle" does not include utility 86580
vehicles as defined in division (VV) of this section, motorized 86581
bicycles, road rollers, traction engines, power shovels, power 86582
cranes, and other equipment used in construction work and not 86583
designed for or employed in general highway transportation, 86584
well-drilling machinery, ditch-digging machinery, farm machinery, 86585
and trailers that are designed and used exclusively to transport a 86586
boat between a place of storage and a marina, or in and around a 86587
marina, when drawn or towed on a public road or highway for a 86588
distance of no more than ten miles and at a speed of twenty-five 86589
miles per hour or less. 86590

(C) "Agricultural tractor" and "traction engine" mean any 86591
self-propelling vehicle that is designed or used for drawing other 86592
vehicles or wheeled machinery, but has no provisions for carrying 86593
loads independently of such other vehicles, and that is used 86594
principally for agricultural purposes. 86595

(D) "Commercial tractor," except as defined in division (C) 86596
of this section, means any motor vehicle that has motive power and 86597
either is designed or used for drawing other motor vehicles, or is 86598
designed or used for drawing another motor vehicle while carrying 86599
a portion of the other motor vehicle or its load, or both. 86600

(E) "Passenger car" means any motor vehicle that is designed 86601
and used for carrying not more than nine persons and includes any 86602
motor vehicle that is designed and used for carrying not more than 86603
fifteen persons in a ridesharing arrangement. 86604

(F) "Collector's vehicle" means any motor vehicle or 86605
agricultural tractor or traction engine that is of special 86606
interest, that has a fair market value of one hundred dollars or 86607
more, whether operable or not, and that is owned, operated, 86608
collected, preserved, restored, maintained, or used essentially as 86609
a collector's item, leisure pursuit, or investment, but not as the 86610

owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

(G) "Historical motor vehicle" means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

(H) "Noncommercial motor vehicle" means any motor vehicle, including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the

rear, that is capable of being pedaled, and that is equipped with 86642
a helper motor of not more than fifty cubic centimeters piston 86643
displacement that produces no more than one brake horsepower and 86644
is capable of propelling the vehicle at a speed of no greater than 86645
twenty miles per hour on a level surface. 86646

(M) "Trailer" means any vehicle without motive power that is 86647
designed or used for carrying property or persons wholly on its 86648
own structure and for being drawn by a motor vehicle, and includes 86649
any such vehicle that is formed by or operated as a combination of 86650
a semitrailer and a vehicle of the dolly type such as that 86651
commonly known as a trailer dolly, a vehicle used to transport 86652
agricultural produce or agricultural production materials between 86653
a local place of storage or supply and the farm when drawn or 86654
towed on a public road or highway at a speed greater than 86655
twenty-five miles per hour, and a vehicle that is designed and 86656
used exclusively to transport a boat between a place of storage 86657
and a marina, or in and around a marina, when drawn or towed on a 86658
public road or highway for a distance of more than ten miles or at 86659
a speed of more than twenty-five miles per hour. "Trailer" does 86660
not include a manufactured home or travel trailer. 86661

(N) "Noncommercial trailer" means any trailer, except a 86662
travel trailer or trailer that is used to transport a boat as 86663
described in division (B) of this section, but, where applicable, 86664
includes a vehicle that is used to transport a boat as described 86665
in division (M) of this section, that has a gross weight of no 86666
more than ten thousand pounds, and that is used exclusively for 86667
purposes other than engaging in business for a profit, such as the 86668
transportation of personal items for personal or recreational 86669
purposes. 86670

(O) "Mobile home" means a building unit or assembly of closed 86671
construction that is fabricated in an off-site facility, is more 86672
than thirty-five body feet in length or, when erected on site, is 86673

three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

(P) "Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

(Q) "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions:

(1) It is designed for the sole purpose of recreational travel.

(2) It is not used for the purpose of engaging in business for profit.

(3) It is not used for the purpose of engaging in intrastate commerce.

(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.

(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.

(6) It is classed as one of the following:

(a) "Travel trailer" means a nonself-propelled recreational

vehicle that does not exceed an overall length of thirty-five 86704
feet, exclusive of bumper and tongue or coupling, and contains 86705
less than three hundred twenty square feet of space when erected 86706
on site. "Travel trailer" includes a tent-type fold-out camping 86707
trailer as defined in section 4517.01 of the Revised Code. 86708

(b) "Motor home" means a self-propelled recreational vehicle 86709
that has no fifth wheel and is constructed with permanently 86710
installed facilities for cold storage, cooking and consuming of 86711
food, and for sleeping. 86712

(c) "Truck camper" means a nonself-propelled recreational 86713
vehicle that does not have wheels for road use and is designed to 86714
be placed upon and attached to a motor vehicle. "Truck camper" 86715
does not include truck covers that consist of walls and a roof, 86716
but do not have floors and facilities enabling them to be used as 86717
a dwelling. 86718

(d) "Fifth wheel trailer" means a vehicle that is of such 86719
size and weight as to be movable without a special highway permit, 86720
that has a gross trailer area of four hundred square feet or less, 86721
that is constructed with a raised forward section that allows a 86722
bi-level floor plan, and that is designed to be towed by a vehicle 86723
equipped with a fifth-wheel hitch ordinarily installed in the bed 86724
of a truck. 86725

(e) "Park trailer" means a vehicle that is commonly known as 86726
a park model recreational vehicle, meets the American national 86727
standard institute standard A119.5 (1988) for park trailers, is 86728
built on a single chassis, has a gross trailer area of four 86729
hundred square feet or less when set up, is designed for seasonal 86730
or temporary living quarters, and may be connected to utilities 86731
necessary for the operation of installed features and appliances. 86732

(R) "Pneumatic tires" means tires of rubber and fabric or 86733
tires of similar material, that are inflated with air. 86734

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 86735
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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires. 86738
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(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products. 86740
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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers. 86748
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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of 86752
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business is used to dismantle, salvage, or rebuild motor vehicles 86767
by means of used parts, if such departments are operated for the 86768
purpose of furthering and assisting in the business of 86769
manufacturing, selling, displaying, offering for sale, or dealing 86770
in motor vehicles. Places of business or departments in a place of 86771
business used to dismantle, salvage, or rebuild motor vehicles by 86772
means of using used parts are not considered as being maintained 86773
for the purpose of assisting or furthering the manufacturing, 86774
selling, displaying, and offering for sale or dealing in motor 86775
vehicles. 86776

(X) "Operator" includes any person who drives or operates a 86777
motor vehicle upon the public highways. 86778

(Y) "Chauffeur" means any operator who operates a motor 86779
vehicle, other than a taxicab, as an employee for hire; or any 86780
operator whether or not the owner of a motor vehicle, other than a 86781
taxicab, who operates such vehicle for transporting, for gain, 86782
compensation, or profit, either persons or property owned by 86783
another. Any operator of a motor vehicle who is voluntarily 86784
involved in a ridesharing arrangement is not considered an 86785
employee for hire or operating such vehicle for gain, 86786
compensation, or profit. 86787

(Z) "State" includes the territories and federal districts of 86788
the United States, and the provinces of Canada. 86789

(AA) "Public roads and highways" for vehicles includes all 86790
public thoroughfares, bridges, and culverts. 86791

(BB) "Manufacturer's number" means the manufacturer's 86792
original serial number that is affixed to or imprinted upon the 86793
chassis or other part of the motor vehicle. 86794

(CC) "Motor number" means the manufacturer's original number 86795
that is affixed to or imprinted upon the engine or motor of the 86796
vehicle. 86797

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying

motor vehicle at a fixed charge for the vehicle in accordance with 86829
the carrier's tariff, lawfully on file with the United States 86830
department of transportation, for the purpose of group travel to a 86831
specified destination or for a particular itinerary, either agreed 86832
upon in advance or modified by the chartered group after having 86833
left the place of origin. 86834

(HH) "International registration plan" means a reciprocal 86835
agreement of member jurisdictions that is endorsed by the American 86836
association of motor vehicle administrators, and that promotes and 86837
encourages the fullest possible use of the highway system by 86838
authorizing apportioned registration of fleets of vehicles and 86839
recognizing registration of vehicles apportioned in member 86840
jurisdictions. 86841

(II) "Restricted plate" means a license plate that has a 86842
restriction of time, geographic area, mileage, or commodity, and 86843
includes license plates issued to farm trucks under division (J) 86844
of section 4503.04 of the Revised Code. 86845

(JJ) "Gross vehicle weight," with regard to any commercial 86846
car, trailer, semitrailer, or bus that is taxed at the rates 86847
established under section 4503.042 or 4503.65 of the Revised Code, 86848
means the unladen weight of the vehicle fully equipped plus the 86849
maximum weight of the load to be carried on the vehicle. 86850

(KK) "Combined gross vehicle weight" with regard to any 86851
combination of a commercial car, trailer, and semitrailer, that is 86852
taxed at the rates established under section 4503.042 or 4503.65 86853
of the Revised Code, means the total unladen weight of the 86854
combination of vehicles fully equipped plus the maximum weight of 86855
the load to be carried on that combination of vehicles. 86856

(LL) "Chauffeured limousine" means a motor vehicle that is 86857
designed to carry nine or fewer passengers and is operated for 86858
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 86859

transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine ~~at a fixed rate per hour or trip~~. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

(MM) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(NN) "Acquired situs," with respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

(OO) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(PP) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria

designated in section 4503.035 of the Revised Code for electronic 86891
motor vehicle dealers and designates as an electronic motor 86892
vehicle dealer under that section. 86893

(TT) "Electric personal assistive mobility device" means a 86894
self-balancing two non-tandem wheeled device that is designed to 86895
transport only one person, has an electric propulsion system of an 86896
average of seven hundred fifty watts, and when ridden on a paved 86897
level surface by an operator who weighs one hundred seventy pounds 86898
has a maximum speed of less than twenty miles per hour. 86899

(UU) "Limited driving privileges" means the privilege to 86900
operate a motor vehicle that a court grants under section 4510.021 86901
of the Revised Code to a person whose driver's or commercial 86902
driver's license or permit or nonresident operating privilege has 86903
been suspended. 86904

(VV) "Utility vehicle" means a self-propelled vehicle 86905
designed with a bed, principally for the purpose of transporting 86906
material or cargo in connection with construction, agricultural, 86907
forestry, grounds maintenance, lawn and garden, materials 86908
handling, or similar activities. "Utility vehicle" includes a 86909
vehicle with a maximum attainable speed of twenty miles per hour 86910
or less that is used exclusively within the boundaries of state 86911
parks by state park employees or volunteers for the operation or 86912
maintenance of state park facilities. 86913

Sec. 4501.21. (A) There is hereby created in the state 86914
treasury the license plate contribution fund. The fund shall 86915
consist of all contributions paid by motor vehicle registrants and 86916
collected by the registrar of motor vehicles pursuant to sections 86917
4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 86918
4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 86919
4503.523, 4503.524, 4503.526, 4503.531, 4503.545, 4503.55, 86920
4503.551, 4503.552, 4503.553, 4503.561, 4503.562, 4503.564, 86921

4503.591, 4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 86922
4503.712, 4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 86923
4503.751, 4503.85, 4503.89, 4503.92, and 4503.94 of the Revised 86924
Code. 86925

(B) The registrar shall pay the contributions the registrar 86926
collects in the fund as follows: 86927

The registrar shall pay the contributions received pursuant 86928
to section 4503.491 of the Revised Code to the breast cancer fund 86929
of Ohio, which shall use that money only to pay for programs that 86930
provide assistance and education to Ohio breast cancer patients 86931
and that improve access for such patients to quality health care 86932
and clinical trials and shall not use any of the money for 86933
abortion information, counseling, services, or other 86934
abortion-related activities. 86935

The registrar shall pay the contributions received pursuant 86936
to section 4503.493 of the Revised Code to the autism society of 86937
Ohio, which shall use the contributions for programs and autism 86938
awareness efforts throughout the state. 86939

The registrar shall pay the contributions the registrar 86940
receives pursuant to section 4503.494 of the Revised Code to the 86941
national multiple sclerosis society for distribution in equal 86942
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 86943
chapters of the national multiple sclerosis society. These 86944
chapters shall use the money they receive under this section to 86945
assist in paying the expenses they incur in providing services 86946
directly to their clients. 86947

The registrar shall pay the contributions the registrar 86948
receives pursuant to section 4503.496 of the Revised Code to the 86949
Ohio sickle cell and health association, which shall use the 86950
contributions to help support educational, clinical, and social 86951
support services for adults who have sickle cell disease. 86952

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational and scholarship purposes of the future farmers of America foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development program of the Ohio state university extension program, which shall use those contributions to pay the expenses it incurs in conducting its educational activities.

The registrar shall pay the contributions received pursuant to section 4503.502 of the Revised Code to the Ohio cattlemen's foundation, which shall use those contributions for scholarships and other educational activities.

The registrar shall pay the contributions received pursuant to section 4503.505 of the Revised Code to the organization Ohio region phi theta kappa, which shall use those contributions for scholarships for students who are members of that organization.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.51 of the Revised Code to the university or college whose name or marking or design appears on collegiate license plates that are issued to a person under that

section. A university or college that receives contributions from 86984
the fund shall deposit the contributions into its general 86985
scholarship fund. 86986

The registrar shall pay the contributions the registrar 86987
receives pursuant to section 4503.522 of the Revised Code to the 86988
"friends of Perry's victory and international peace memorial, 86989
incorporated," a nonprofit corporation organized under the laws of 86990
this state, to assist that organization in paying the expenses it 86991
incurs in sponsoring or holding charitable, educational, and 86992
cultural events at the monument. 86993

The registrar shall pay the contributions the registrar 86994
receives pursuant to section 4503.523 of the Revised Code to the 86995
fairport lights foundation, which shall use the money to pay for 86996
the restoration, maintenance, and preservation of the lighthouses 86997
of fairport harbor. 86998

The registrar shall pay the contributions the registrar 86999
receives pursuant to section 4503.524 of the Revised Code to the 87000
Massillon tiger football booster club, which shall use the 87001
contributions only to promote and support the football team of 87002
Washington high school of the Massillon city school district. 87003

The registrar shall pay the contributions the registrar 87004
receives pursuant to section 4503.526 of the Revised Code to the 87005
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 87006
international, which shall use the money it receives under this 87007
section to pay the costs of its educational and humanitarian 87008
activities. 87009

The registrar shall pay the contributions the registrar 87010
receives pursuant to section 4503.531 of the Revised Code to the 87011
thank you foundation, incorporated, a nonprofit corporation 87012
organized under the laws of this state, to assist that 87013
organization in paying for the charitable activities and programs 87014

it sponsors in support of United States military personnel, 87015
veterans, and their families. 87016

The registrar shall pay the contributions the registrar 87017
receives pursuant to section 4503.55 of the Revised Code to the 87018
pro football hall of fame, which shall deposit the contributions 87019
into a special bank account that it establishes and which shall be 87020
separate and distinct from any other account the pro football hall 87021
of fame maintains, to be used exclusively for the purpose of 87022
promoting the pro football hall of fame as a travel destination. 87023

The registrar shall pay the contributions that are paid to 87024
the registrar pursuant to section 4503.545 of the Revised Code to 87025
the national rifle association foundation, which shall use the 87026
money to pay the costs of the educational activities and programs 87027
the foundation holds or sponsors in this state. 87028

The registrar shall pay to the Ohio pet fund the 87029
contributions the registrar receives pursuant to section 4503.551 87030
of the Revised Code and any other money from any other source, 87031
including donations, gifts, and grants, that is designated by the 87032
source to be paid to the Ohio pet fund. The Ohio pet fund shall 87033
use the moneys it receives under this section to support programs 87034
for the sterilization of dogs and cats and for educational 87035
programs concerning the proper veterinary care of those animals, 87036
and for expenses of the Ohio pet fund that are reasonably 87037
necessary for it to obtain and maintain its tax-exempt status and 87038
to perform its duties. 87039

The registrar shall pay the contributions the registrar 87040
receives pursuant to section 4503.552 of the Revised Code to the 87041
rock and roll hall of fame and museum, incorporated. 87042

The registrar shall pay the contributions the registrar 87043
receives pursuant to section 4503.553 of the Revised Code to the 87044
Ohio coalition for animals, incorporated, a nonprofit corporation. 87045

Except as provided in division (B) of this section, the coalition 87046
shall distribute the money to its members, and the members shall 87047
use the money only to pay for educational, charitable, and other 87048
programs of each coalition member that provide care for unwanted, 87049
abused, and neglected horses. The Ohio coalition for animals may 87050
use a portion of the money to pay for reasonable marketing costs 87051
incurred in the design and promotion of the license plate and for 87052
administrative costs incurred in the disbursement and management 87053
of funds received under this section. 87054

The registrar shall pay the contributions the registrar 87055
receives pursuant to section 4503.561 of the Revised Code to the 87056
state of Ohio chapter of ducks unlimited, inc., which shall 87057
deposit the contributions into a special bank account that it 87058
establishes. The special bank account shall be separate and 87059
distinct from any other account the state of Ohio chapter of ducks 87060
unlimited, inc., maintains and shall be used exclusively for the 87061
purpose of protecting, enhancing, restoring, and managing wetlands 87062
and conserving wildlife habitat. The state of Ohio chapter of 87063
ducks unlimited, inc., annually shall notify the registrar in 87064
writing of the name, address, and account to which such payments 87065
are to be made. 87066

The registrar shall pay the contributions the registrar 87067
receives pursuant to section 4503.562 of the Revised Code to the 87068
Mahoning river consortium, which shall use the money to pay the 87069
expenses it incurs in restoring and maintaining the Mahoning river 87070
watershed. 87071

The registrar shall pay the contributions the registrar 87072
receives pursuant to section 4503.564 of the Revised Code to 87073
Antioch college for the use of the Glen Helen ecology institute to 87074
pay expenses related to the Glen Helen nature preserve. 87075

The registrar shall pay to a sports commission created 87076
pursuant to section 4503.591 of the Revised Code each contribution 87077

the registrar receives under that section that an applicant pays 87078
to obtain license plates that bear the logo of a professional 87079
sports team located in the county of that sports commission and 87080
that is participating in the license plate program pursuant to 87081
division (E) of that section, irrespective of the county of 87082
residence of an applicant. 87083

The registrar shall pay to a community charity each 87084
contribution the registrar receives under section 4503.591 of the 87085
Revised Code that an applicant pays to obtain license plates that 87086
bear the logo of a professional sports team that is participating 87087
in the license plate program pursuant to division (G) of that 87088
section. 87089

The registrar shall pay the contributions the registrar 87090
receives pursuant to section 4503.67 of the Revised Code to the 87091
Dan Beard council of the boy scouts of America. The council shall 87092
distribute all contributions in an equitable manner throughout the 87093
state to regional councils of the boy scouts. 87094

The registrar shall pay the contributions the registrar 87095
receives pursuant to section 4503.68 of the Revised Code to the 87096
great river council of the girl scouts of the United States of 87097
America. The council shall distribute all contributions in an 87098
equitable manner throughout the state to regional councils of the 87099
girl scouts. 87100

The registrar shall pay the contributions the registrar 87101
receives pursuant to section 4503.69 of the Revised Code to the 87102
Dan Beard council of the boy scouts of America. The council shall 87103
distribute all contributions in an equitable manner throughout the 87104
state to regional councils of the boy scouts. 87105

The registrar shall pay the contributions the registrar 87106
receives pursuant to section 4503.701 of the Revised Code to the 87107
Prince Hall grand lodge of free and accepted masons of Ohio, which 87108

shall use the contributions for scholarship purposes. 87109

The registrar shall pay the contributions the registrar 87110
receives pursuant to section 4503.71 of the Revised Code to the 87111
fraternal order of police of Ohio, incorporated, which shall 87112
deposit the fees into its general account to be used for purposes 87113
of the fraternal order of police of Ohio, incorporated. 87114

The registrar shall pay the contributions the registrar 87115
receives pursuant to section 4503.711 of the Revised Code to the 87116
fraternal order of police of Ohio, incorporated, which shall 87117
deposit the contributions into an account that it creates to be 87118
used for the purpose of advancing and protecting the law 87119
enforcement profession, promoting improved law enforcement 87120
methods, and teaching respect for law and order. 87121

The registrar shall pay the contributions received pursuant 87122
to section 4503.712 of the Revised Code to Ohio concerns of police 87123
survivors, which shall use those contributions to provide whatever 87124
assistance may be appropriate to the families of Ohio law 87125
enforcement officers who are killed in the line of duty. 87126

The registrar shall pay the contributions received pursuant 87127
to section 4503.713 of the Revised Code to the greater Cleveland 87128
peace officers memorial society, which shall use those 87129
contributions to honor law enforcement officers who have died in 87130
the line of duty and support its charitable purposes. 87131

The registrar shall pay the contributions the registrar 87132
receives pursuant to section 4503.72 of the Revised Code to the 87133
organization known on March 31, 2003, as the Ohio CASA/GAL 87134
association, a private, nonprofit corporation organized under 87135
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 87136
shall use these contributions to pay the expenses it incurs in 87137
administering a program to secure the proper representation in the 87138
courts of this state of abused, neglected, and dependent children, 87139

and for the training and supervision of persons participating in 87140
that program. 87141

The registrar shall pay the contributions the registrar 87142
receives pursuant to section 4503.73 of the Revised Code to Wright 87143
B. Flyer, incorporated, which shall deposit the contributions into 87144
its general account to be used for purposes of Wright B. Flyer, 87145
incorporated. 87146

The registrar shall pay the contributions the registrar 87147
receives pursuant to section 4503.732 of the Revised Code to the 87148
Siegel & Shuster society, a nonprofit organization dedicated to 87149
commemorating and celebrating the creation of Superman in 87150
Cleveland, Ohio. 87151

The registrar shall pay the contributions the registrar 87152
receives pursuant to section 4503.74 of the Revised Code to the 87153
Columbus zoological park association, which shall disburse the 87154
moneys to Ohio's major metropolitan zoos, as defined in section 87155
4503.74 of the Revised Code, in accordance with a written 87156
agreement entered into by the major metropolitan zoos. 87157

The registrar shall pay the contributions the registrar 87158
receives pursuant to section 4503.75 of the Revised Code to the 87159
rotary foundation, located on March 31, 2003, in Evanston, 87160
Illinois, to be placed in a fund known as the permanent fund and 87161
used to endow educational and humanitarian programs of the rotary 87162
foundation. 87163

The registrar shall pay the contributions the registrar 87164
receives pursuant to section 4503.751 of the Revised Code to the 87165
Ohio association of realtors, which shall deposit the 87166
contributions into a property disaster relief fund maintained 87167
under the Ohio realtors charitable and education foundation. 87168

The registrar shall pay the contributions the registrar 87169
receives pursuant to section 4503.85 of the Revised Code to the 87170

Ohio sea grant college program to be used for Lake Erie area 87171
research projects. 87172

The registrar shall pay the contributions the registrar 87173
receives pursuant to section 4503.89 of the Revised Code to the 87174
American red cross of greater Columbus on behalf of the Ohio 87175
chapters of the American red cross, which shall use the 87176
contributions for disaster readiness, preparedness, and response 87177
programs on a statewide basis. 87178

The registrar shall pay the contributions received pursuant 87179
to section 4503.92 of the Revised Code to support our troops, 87180
incorporated, a national nonprofit corporation, which shall use 87181
those contributions in accordance with its articles of 87182
incorporation and for the benefit of servicemembers of the armed 87183
forces of the United States and their families when they are in 87184
financial need. 87185

The registrar shall pay the contributions the registrar 87186
receives pursuant to section 4503.94 of the Revised Code to the 87187
Michelle's leading star foundation, which shall use the money 87188
solely to fund the rental, lease, or purchase of the simulated 87189
driving curriculum of the Michelle's leading star foundation by 87190
boards of education of city, exempted village, local, and joint 87191
vocational school districts. 87192

(C) All investment earnings of the license plate contribution 87193
fund shall be credited to the fund. Not later than the first day 87194
of May of every year, the registrar shall distribute to each 87195
entity described in division (B) of this section the investment 87196
income the fund earned the previous calendar year. The amount of 87197
such a distribution paid to an entity shall be proportionate to 87198
the amount of money the entity received from the fund during the 87199
previous calendar year. 87200

Sec. 4503.03. (A)(1)(a) The Except as provided in division 87201

~~(B) of this section, the registrar of motor vehicles may designate the county auditor in each county any of the following persons as a deputy registrar. If the population of a county is forty thousand or less according to the last federal census and if the county auditor is designated by the registrar as a deputy registrar, no other person need be designated in the county to act as a deputy registrar:~~

~~(i) The county auditor in any county;~~

~~(ii) The clerk of a court of common pleas in any county subject to division (A)(1)(b) of this section;~~

~~(iii) An individual;~~

~~(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.~~

(b) The registrar may designate a clerk of a court of common pleas as a deputy registrar if the population of ~~the~~ a county is forty thousand or less according to the last federal census. In a county with a population greater than forty thousand but not more than fifty thousand according to the last federal census, the clerk of a court of common pleas is eligible to act as a deputy registrar and may participate in the competitive selection process for the award of a deputy registrar contract by applying in the same manner as any other person. All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.

~~(c) In all other instances, the registrar shall contract with one or more other persons in each county to act as deputy registrars. As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a~~

~~deputy registrar contract.~~ 87233

Notwithstanding the county population restrictions in 87234
division (A)(1)(b) of this section, if no person applies to act 87235
under contract as a deputy registrar in a county and the county 87236
auditor is not designated as a deputy registrar, the registrar may 87237
ask the clerk of a court of common pleas to serve as the deputy 87238
registrar for that county. 87239

(c) The registrar shall determine the need for a deputy 87240
registrar in each county. If the registrar determines that deputy 87241
registrar services are adequately provided either by a deputy 87242
registrar in that county or a deputy registrar in an adjoining 87243
county, no additional person shall be designated pursuant to 87244
division (A)(1) of this section to act as deputy registrar. If the 87245
registrar determines that deputy registrar services are not 87246
adequately provided in that county, the registrar may appoint one 87247
or more deputy registrars as are necessary to provide adequate 87248
services. 87249

As part of the selection process in awarding a deputy 87250
registrar contract, the registrar shall consider the customer 87251
service performance record of any person previously awarded a 87252
deputy registrar contract pursuant to division (A)(1) of this 87253
section. 87254

(2) Deputy registrars shall accept applications for the 87255
annual license tax for any vehicle not taxed under section 4503.63 87256
of the Revised Code and shall assign distinctive numbers in the 87257
same manner as the registrar. ~~Such deputies shall be located in 87258
such locations in the county as the registrar sees fit. There 87259
shall be at least one deputy registrar in each county.~~ 87260

Deputy registrar contracts are subject to the provisions of 87261
division (B) of section 125.081 of the Revised Code. 87262

(B)(1) The registrar shall not ~~contract with~~ designate any 87263

person to act as a deputy registrar under division (A)(1) of this 87264
section if the person or, where applicable, the person's spouse or 87265
a member of the person's immediate family has made, within the 87266
current calendar year or any one of the previous three calendar 87267
years, one or more contributions totaling in excess of one hundred 87268
dollars to any person or entity included in division (A)(2) of 87269
section 4503.033 of the Revised Code. As used in this division, 87270
"immediate family" has the same meaning as in division (D) of 87271
section 102.01 of the Revised Code, and "entity" includes any 87272
political party and any "continuing association" as defined in 87273
division (B)(4) of section 3517.01 of the Revised Code or 87274
"political action committee" as defined in division (B)(8) of that 87275
section that is primarily associated with that political party. 87276
For purposes of this division, contributions to any continuing 87277
association or any political action committee that is primarily 87278
associated with a political party shall be aggregated with 87279
contributions to that political party. 87280

The contribution limitations contained in this division do 87281
not apply to any county auditor or clerk of a court of common 87282
pleas. A county auditor or clerk of a court of common pleas is not 87283
required to file the disclosure statement or pay the filing fee 87284
required under section 4503.033 of the Revised Code. The 87285
limitations of this division also do not apply to a deputy 87286
registrar who, subsequent to being awarded a deputy registrar 87287
contract, is elected to an office of a political subdivision. 87288

(2) The registrar shall not ~~contract with~~ designate either of 87289
the following to act as a deputy registrar: 87290

~~(1)~~(a) Any elected public official other than a county 87291
auditor or, as authorized by division (A)(1)(b) of this section, a 87292
clerk of a court of common pleas, acting in an official capacity, 87293
except that, the registrar shall continue and may renew a contract 87294
with any deputy registrar who, subsequent to being awarded a 87295

deputy registrar contract, is elected to an office of a political subdivision; 87296
87297

~~(2)~~(b) Any person holding a current, valid contract to 87298
conduct motor vehicle inspections under section 3704.14 of the 87299
Revised Code. 87300

(3) As used in division (B) of this section, "political 87301
subdivision" has the same meaning as in section 3501.01 of the 87302
Revised Code. 87303

(C)(1) Except as provided in division (C)(2) of this section, 87304
deputy registrars are independent contractors and neither they nor 87305
their employees are employees of this state, except that nothing 87306
in this section shall affect the status of county auditors or 87307
clerks of courts of common pleas as public officials, nor the 87308
status of their employees as employees of any of the counties of 87309
this state, which are political subdivisions of this state. Each 87310
deputy registrar shall be responsible for the payment of all 87311
unemployment compensation premiums, all workers' compensation 87312
premiums, social security contributions, and any and all taxes for 87313
which the deputy registrar is legally responsible. Each deputy 87314
registrar shall comply with all applicable federal, state, and 87315
local laws requiring the withholding of income taxes or other 87316
taxes from the compensation of the deputy registrar's employees. 87317
Each deputy registrar shall maintain during the entire term of the 87318
deputy registrar's contract a policy of business liability 87319
insurance satisfactory to the registrar and shall hold the 87320
department of public safety, the director of public safety, the 87321
bureau of motor vehicles, and the registrar harmless upon any and 87322
all claims for damages arising out of the operation of the deputy 87323
registrar agency. 87324

(2) For purposes of Chapter 4141. of the Revised Code, 87325
determinations concerning the employment of deputy registrars and 87326
their employees shall be made under Chapter 4141. of the Revised 87327

Code. 87328

(D)(1) With the approval of the director, the registrar shall 87329
adopt rules governing ~~the deputy registrars. The rules shall do~~ 87330
all of the following: 87331

(a) Establish requirements governing the terms of the 87332
contract between the registrar and each deputy registrar and 87333
~~specifications for the services to be performed. The rules shall~~ 87334
~~include specifications relating to the;~~ 87335

(b) Establish requirements governing the amount of bond to be 87336
given as provided in this section; ~~the~~ 87337

(c) Establish requirements governing the size and location of 87338
the deputy's office; ~~and~~ 87339

(d) Establish requirements governing the leasing of equipment 87340
necessary to conduct the vision screenings required under section 87341
4507.12 of the Revised Code and training in the use of the 87342
equipment. ~~The specifications shall permit and encourage;~~ 87343

(e) Encourage every deputy registrar to inform the public of 87344
the location of the deputy registrar's office and hours of 87345
operation by means of public service announcements ~~and allow;~~ 87346

(f) Allow any deputy registrar to advertise in regard to the 87347
operation of the deputy registrar's office. ~~The rules also shall~~ 87348
~~include specifications for;~~ 87349

(g) Specify the hours the deputy's office is to be open to 87350
the public and ~~shall~~ require as a minimum that one deputy's office 87351
in each county containing a deputy registrar's office be open to 87352
the public for at least four hours each weekend, provided that if 87353
only one deputy's office is located within the boundary of the 87354
county seat, that office is the office that shall be open for the 87355
four-hour period each weekend. ~~The rules also shall include~~ 87356
~~specifications providing;~~ 87357

(h) Specify that every deputy ~~in each county registrar~~, upon 87358
request, provide any person with information about the location 87359
and office hours of all deputy registrars in the county ~~and that~~ 87360
~~every deputy prominently display within the deputy's office, the~~ 87361
~~toll free telephone number of the bureau. The rules shall not~~ 87362
~~prohibit the award of;~~ 87363

(i) Allow a deputy registrar contract to be awarded to a 87364
nonprofit corporation formed under the laws of this state. ~~The~~ 87365
~~rules shall;~~ 87366

(j) Except as provided in division (D)(2) of this section, 87367
prohibit any deputy registrar from operating more than one ~~such~~ 87368
deputy registrar's office at any time, ~~except that the rules may~~ 87369
~~permit a nonprofit corporation formed for the purposes of~~ 87370
~~providing automobile related services to its members or the public~~ 87371
~~and that provides such services from more than one location in~~ 87372
~~this state to operate a deputy registrar office at any such~~ 87373
~~location, provided that the nonprofit corporation operates no more~~ 87374
~~than one deputy registrar office in any one county. The rules may~~ 87375
~~include such other specifications as the registrar and director~~ 87376
~~consider necessary to provide a high level of service.~~ 87377

~~The rules shall establish;~~ 87378

(k) For the duration of any deputy registrar contract, 87379
require that the deputy registrar occupy a primary residence in a 87380
location that is within a one-hour commute time from the deputy 87381
registrar's office or offices. The rules shall require the 87382
registrar to determine commute time by using multiple established 87383
internet-based mapping services. 87384

(l) Establish procedures for a deputy registrar ~~who requests~~ 87385
~~such~~ to request the authority to collect reinstatement fees under 87386
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 87387
4510.72, and 4511.191 of the Revised Code and to transmit the 87388

reinstatement fees and two dollars of the service fee collected 87389
under those sections. The registrar shall ensure that, not later 87390
than January 1, 2012, at least one deputy registrar in each county 87391
containing a deputy registrar's office has the necessary equipment 87392
and is able to accept reinstatement fees. The registrar shall 87393
deposit the service fees received from a deputy registrar under 87394
those sections into the state bureau of motor vehicles fund 87395
created in section 4501.25 of the Revised Code and shall use the 87396
money for deputy registrar equipment necessary in connection with 87397
accepting reinstatement fees. 87398

(m) Establish such other requirements as the registrar and 87399
director consider necessary to provide a high level of service. 87400

(2) Notwithstanding division (D)(1)(j) of this section, the 87401
rules may allow both of the following: 87402

(a) The registrar to award a contract to a deputy registrar 87403
to operate more than one deputy registrar's office if determined 87404
by the registrar to be practical; 87405

(b) A nonprofit corporation formed for the purposes of 87406
providing automobile-related services to its members or the public 87407
and that provides such services from more than one location in 87408
this state to operate a deputy registrar office at any location. 87409

(3) As a daily adjustment, the bureau of motor vehicles shall 87410
credit to a deputy registrar three dollars and fifty cents for 87411
each damaged license plate or validation sticker the deputy 87412
registrar replaces as a service to a member of the public. 87413

~~(3)~~(4)(a) With the prior approval of the registrar, each 87414
deputy registrar may conduct at the location of the deputy 87415
registrar's office any business that is consistent with the 87416
functions of a deputy registrar and that is not specifically 87417
mandated or authorized by this or another chapter of the Revised 87418
Code or by implementing rules of the registrar. 87419

(b) In accordance with guidelines the director of public safety shall establish, a deputy registrar may operate or contract for the operation of a vending machine at a deputy registrar location if products of the vending machine are consistent with the functions of a deputy registrar.

(c) A deputy registrar may enter into an agreement with the Ohio turnpike and infrastructure commission pursuant to division (A)(11) of section 5537.04 of the Revised Code for the purpose of allowing the general public to acquire from the deputy registrar the electronic toll collection devices that are used under the multi-jurisdiction electronic toll collection agreement between the Ohio turnpike and infrastructure commission and any other entities or agencies that participate in such an agreement. The approval of the registrar is not necessary if a deputy registrar engages in this activity.

~~(4)~~(5) As used in this section and in section 4507.01 of the Revised Code, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code.

(E)(1) Unless otherwise terminated and except for interim contracts ~~of less~~ lasting not longer than one year, contracts with deputy registrars shall be ~~for a term of at least two years, but no more than three years, and all contracts effective on or after entered into through a competitive selection process and shall be limited in duration as follows:~~

(a) For contracts entered into between July 1, 1996, shall be for a term of more and June 29, 2014, for a period of not less than two years, but not more than three years. ~~All;~~

(b) For contracts entered into on or after June 29, 2014, for a period of five years, unless the registrar determines that a shorter contract term is appropriate for a particular deputy registrar.

(2) All contracts with deputy registrars shall expire on the last Saturday of June in the year of their expiration. The Prior to the expiration of any deputy registrar contract, the registrar, with the approval of the director, may award a one-year contract extension to any deputy registrar who has provided exemplary service based upon objective performance evaluations.

(3)(a) The auditor of state may examine the accounts, reports, systems, and other data of each deputy registrar at least every two years. The registrar, with the approval of the director, shall immediately remove a deputy who violates any provision of the Revised Code related to the duties as a deputy, any rule adopted by the registrar, or a term of the deputy's contract with the registrar. The registrar also may remove a deputy who, in the opinion of the registrar, has engaged in any conduct that is either unbecoming to one representing this state or is inconsistent with the efficient operation of the deputy's office.

(b) If the registrar, with the approval of the director, determines that there is good cause to believe that a deputy registrar or a person proposing for a deputy registrar contract has engaged in any conduct that would require the denial or termination of the deputy registrar contract, the registrar may require the production of books, records, and papers as the registrar determines are necessary, and may take the depositions of witnesses residing within or outside the state in the same manner as is prescribed by law for the taking of depositions in civil actions in the court of common pleas, and for that purpose the registrar may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where the witness resides or is found. Such a subpoena shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees of the sheriff shall be the same as that

allowed in the court of common pleas in criminal cases. Witnesses 87483
shall be paid the fees and mileage provided for under section 87484
119.094 of the Revised Code. The fees and mileage shall be paid 87485
from the fund in the state treasury for the use of the agency in 87486
the same manner as other expenses of the agency are paid. 87487

In any case of disobedience or neglect of any subpoena served 87488
on any person or the refusal of any witness to testify to any 87489
matter regarding which the witness lawfully may be interrogated, 87490
the court of common pleas of any county where the disobedience, 87491
neglect, or refusal occurs or any judge of that court, on 87492
application by the registrar, shall compel obedience by attachment 87493
proceedings for contempt, as in the case of disobedience of the 87494
requirements of a subpoena issued from that court, or a refusal to 87495
testify in that court. 87496

(4) Nothing in ~~this~~ division (E) of this section shall be 87497
construed to require a hearing of any nature prior to the 87498
termination of any deputy registrar contract by the registrar, 87499
with the approval of the director, for cause. 87500

(F) Except as provided in section 2743.03 of the Revised 87501
Code, no court, other than the court of common pleas of Franklin 87502
county, has jurisdiction of any action against the department of 87503
public safety, the director, the bureau, or the registrar to 87504
restrain the exercise of any power or authority, or to entertain 87505
any action for declaratory judgment, in the selection and 87506
appointment of, or contracting with, deputy registrars. Neither 87507
the department, the director, the bureau, nor the registrar is 87508
liable in any action at law for damages sustained by any person 87509
because of any acts of the department, the director, the bureau, 87510
or the registrar, or of any employee of the department or bureau, 87511
in the performance of official duties in the selection and 87512
appointment of, and contracting with, deputy registrars. 87513

(G) The registrar shall assign to each deputy registrar a 87514

series of numbers sufficient to supply the demand at all times in 87515
the area the deputy registrar serves, and the registrar shall keep 87516
a record in the registrar's office of the numbers within the 87517
series assigned. Each deputy shall be required to give bond in the 87518
amount of at least twenty-five thousand dollars, or in such higher 87519
amount as the registrar determines necessary, based on a uniform 87520
schedule of bond amounts established by the registrar and 87521
determined by the volume of registrations handled by the deputy. 87522
The form of the bond shall be prescribed by the registrar. The 87523
bonds required of deputy registrars, in the discretion of the 87524
registrar, may be individual or schedule bonds or may be included 87525
in any blanket bond coverage carried by the department. 87526

(H) Each deputy registrar shall keep a file of each 87527
application received by the deputy and shall register that motor 87528
vehicle with the name and address of its owner. 87529

(I) Upon request, a deputy registrar shall make the physical 87530
inspection of a motor vehicle and issue the physical inspection 87531
certificate required in section 4505.061 of the Revised Code. 87532

(J) Each deputy registrar shall file a report semiannually 87533
with the registrar of motor vehicles listing the number of 87534
applicants for licenses the deputy has served, the number of voter 87535
registration applications the deputy has completed and transmitted 87536
to the board of elections, and the number of voter registration 87537
applications declined. 87538

Sec. 4503.0610. (A) As used in this section: 87539

(1) "Eligible manufactured home" means a manufactured home or 87540
mobile home that is not an ineligible manufactured home. 87541

(2) "Ineligible manufactured home" means either of the 87542
following: 87543

(a) A manufactured home or mobile home against which 87544

foreclosure or other proceedings to take possession of the 87545
manufactured home or mobile home have been initiated based on a 87546
mortgage, lien, or security interest on or in the manufactured 87547
home or mobile home. A manufactured home or mobile home is an 87548
"ineligible manufactured home" for any tax year during which such 87549
proceedings against the manufactured home or mobile home remain 87550
pending. 87551

(b) A manufactured home that is listed on the delinquent 87552
manufactured home tax list. A manufactured home is an "ineligible 87553
manufactured home" for any tax year during which the manufactured 87554
home is listed on the delinquent manufactured home tax list. 87555

(B) If a board of county commissioners adopts a resolution 87556
granting a partial real property tax exemption under section 87557
323.158 of the Revised Code, it also shall adopt a resolution 87558
under this section granting a partial manufactured home tax 87559
exemption. The partial exemption shall take the form of a 87560
reduction each year in the manufactured home tax charged against 87561
each eligible manufactured home in the county under section 87562
4503.06 of the Revised Code, by the same percentage by which real 87563
property taxes were reduced for the preceding year in the 87564
resolution adopted under section 323.158 of the Revised Code. Upon 87565
adopting the resolution under this section, the board shall 87566
certify copies of it to the county auditor and the tax 87567
commissioner. 87568

~~(B)~~(C) After complying with sections 4503.06 and 4503.065 of 87569
the Revised Code, the county auditor shall reduce the remaining 87570
sum to be levied against a an eligible manufactured home by the 87571
percentage called for in the resolution adopted under division (A) 87572
of this section. The auditor shall certify the amount of tax 87573
remaining after the reduction to the county treasurer for 87574
collection as the manufactured home tax charged and payable on the 87575
eligible manufactured home. 87576

~~(C)~~(D) For each tax year, the county auditor shall certify to the board of county commissioners the total amount by which manufactured home taxes are reduced under this section. At the time of each semi-annual distribution of manufactured home taxes in the county, the board shall pay to the auditor one-half of that total amount. Upon receipt of the payment, the auditor shall distribute it among the various taxing districts in the county as though it had been levied and collected as manufactured home taxes. The board shall make the payment from the county general fund or from any other county revenue that may be used for that purpose.

~~(D)~~(E) If a board of county commissioners repeals a resolution adopted under section 323.158 of the Revised Code, it also shall repeal the resolution adopted under this section.

Sec. 4503.44. (A) As used in this section and in section 4511.69 of the Revised Code:

(1) "Person with a disability that limits or impairs the ability to walk" means any person who, as determined by a health care provider, meets any of the following criteria:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(c) Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest;

(d) Uses portable oxygen;

(e) Has a cardiac condition to the extent that the person's

functional limitations are classified in severity as class III or 87607
class IV according to standards set by the American heart 87608
association; 87609

(f) Is severely limited in the ability to walk due to an 87610
arthritic, neurological, or orthopedic condition; 87611

(g) Is blind. 87612

(2) "Organization" means any private organization or 87613
corporation, or any governmental board, agency, department, 87614
division, or office, that, as part of its business or program, 87615
transports persons with disabilities that limit or impair the 87616
ability to walk on a regular basis in a motor vehicle that has not 87617
been altered for the purpose of providing it with special 87618
equipment for use by ~~handicapped~~ persons with disabilities. This 87619
definition does not apply to division (J) of this section. 87620

(3) "Health care provider" means a physician, physician 87621
assistant, advanced practice registered nurse, or chiropractor as 87622
defined in this section. 87623

(4) "Physician" means a person licensed to practice medicine 87624
or surgery or osteopathic medicine and surgery under Chapter 4731. 87625
of the Revised Code. 87626

(5) "Chiropractor" means a person licensed to practice 87627
chiropractic under Chapter 4734. of the Revised Code. 87628

(6) "Advanced practice registered nurse" means a certified 87629
nurse practitioner, clinical nurse specialist, certified 87630
registered nurse anesthetist, or certified nurse-midwife who holds 87631
a certificate of authority issued by the board of nursing under 87632
Chapter 4723. of the Revised Code. 87633

(7) "Physician assistant" means a person who holds a 87634
certificate to practice as a physician assistant issued under 87635
Chapter 4730. of the Revised Code. 87636

(B) Any organization or person with a disability that limits 87637
or impairs the ability to walk may apply to the registrar of motor 87638
vehicles for a removable windshield placard or, if the person owns 87639
or leases a motor vehicle, the person may apply for the 87640
registration of any motor vehicle the person owns or leases. In 87641
addition to one or more sets of license plates or one placard, a 87642
person with a disability that limits or impairs the ability to 87643
walk is entitled to one additional placard, but only if the person 87644
applies separately for the additional placard, states the reasons 87645
why the additional placard is needed, and the registrar, in the 87646
registrar's discretion, determines that good and justifiable cause 87647
exists to approve the request for the additional placard. When a 87648
motor vehicle has been altered for the purpose of providing it 87649
with special equipment for a person with a disability that limits 87650
or impairs the ability to walk, but is owned or leased by someone 87651
other than such a person, the owner or lessee may apply to the 87652
registrar or a deputy registrar for registration under this 87653
section. The application for registration of a motor vehicle owned 87654
or leased by a person with a disability that limits or impairs the 87655
ability to walk shall be accompanied by a signed statement from 87656
the applicant's health care provider certifying that the applicant 87657
meets at least one of the criteria contained in division (A)(1) of 87658
this section and that the disability is expected to continue for 87659
more than six consecutive months. The application for a removable 87660
windshield placard made by a person with a disability that limits 87661
or impairs the ability to walk shall be accompanied by a 87662
prescription from the applicant's health care provider prescribing 87663
such a placard for the applicant, provided that the applicant 87664
meets at least one of the criteria contained in division (A)(1) of 87665
this section. The health care provider shall state on the 87666
prescription the length of time the health care provider expects 87667
the applicant to have the disability that limits or impairs the 87668
applicant's ability to walk. The application for a removable 87669

windshield placard made by an organization shall be accompanied by 87670
such documentary evidence of regular transport of persons with 87671
disabilities that limit or impair the ability to walk by the 87672
organization as the registrar may require by rule and shall be 87673
completed in accordance with procedures that the registrar may 87674
require by rule. The application for registration of a motor 87675
vehicle that has been altered for the purpose of providing it with 87676
special equipment for a person with a disability that limits or 87677
impairs the ability to walk but is owned by someone other than 87678
such a person shall be accompanied by such documentary evidence of 87679
vehicle alterations as the registrar may require by rule. 87680

(C) When an organization, a person with a disability that 87681
limits or impairs the ability to walk, or a person who does not 87682
have a disability that limits or impairs the ability to walk but 87683
owns a motor vehicle that has been altered for the purpose of 87684
providing it with special equipment for a person with a disability 87685
that limits or impairs the ability to walk first submits an 87686
application for registration of a motor vehicle under this section 87687
and every fifth year thereafter, the organization or person shall 87688
submit a signed statement from the applicant's health care 87689
provider, a completed application, and any required documentary 87690
evidence of vehicle alterations as provided in division (B) of 87691
this section, and also a power of attorney from the owner of the 87692
motor vehicle if the applicant leases the vehicle. Upon submission 87693
of these items, the registrar or deputy registrar shall issue to 87694
the applicant appropriate vehicle registration and a set of 87695
license plates and validation stickers, or validation stickers 87696
alone when required by section 4503.191 of the Revised Code. In 87697
addition to the letters and numbers ordinarily inscribed thereon, 87698
the license plates shall be imprinted with the international 87699
symbol of access. The license plates and validation stickers shall 87700
be issued upon payment of the regular license fee as prescribed 87701
under section 4503.04 of the Revised Code and any motor vehicle 87702

tax levied under Chapter 4504. of the Revised Code, and the 87703
payment of a service fee equal to the amount specified in division 87704
(D) or (G) of section 4503.10 of the Revised Code. 87705

(D)(1) Upon receipt of a completed and signed application for 87706
a removable windshield placard, a prescription as described in 87707
division (B) of this section, documentary evidence of regular 87708
transport of persons with disabilities that limit or impair the 87709
ability to walk, if required, and payment of a service fee equal 87710
to the amount specified in division (D) or (G) of section 4503.10 87711
of the Revised Code, the registrar or deputy registrar shall issue 87712
to the applicant a removable windshield placard, which shall bear 87713
the date of expiration on both sides of the placard and shall be 87714
valid until expired, revoked, or surrendered. Every removable 87715
windshield placard expires as described in division (D)(2) of this 87716
section, but in no case shall a removable windshield placard be 87717
valid for a period of less than sixty days. Removable windshield 87718
placards shall be renewable upon application as provided in 87719
division (B) of this section, and a service fee equal to the 87720
amount specified in division (D) or (G) of section 4503.10 of the 87721
Revised Code shall be charged for the renewal of a removable 87722
windshield placard. The registrar shall provide the application 87723
form and shall determine the information to be included thereon. 87724
The registrar also shall determine the form and size of the 87725
removable windshield placard, the material of which it is to be 87726
made, and any other information to be included thereon, and shall 87727
adopt rules relating to the issuance, expiration, revocation, 87728
surrender, and proper display of such placards. Any placard issued 87729
after October 14, 1999, shall be manufactured in a manner that 87730
allows the expiration date of the placard to be indicated on it 87731
through the punching, drilling, boring, or creation by any other 87732
means of holes in the placard. 87733

(2) At the time a removable windshield placard is issued to a 87734

person with a disability that limits or impairs the ability to 87735
walk, the registrar or deputy registrar shall enter into the 87736
records of the bureau of motor vehicles the last date on which the 87737
person will have that disability, as indicated on the accompanying 87738
prescription. Not less than thirty days prior to that date and all 87739
removable windshield placard renewal dates, the bureau shall send 87740
a renewal notice to that person at the person's last known address 87741
as shown in the records of the bureau, informing the person that 87742
the person's removable windshield placard will expire on the 87743
indicated date not to exceed five years from the date of issuance, 87744
and that the person is required to renew the placard by submitting 87745
to the registrar or a deputy registrar another prescription, as 87746
described in division (B) of this section, and by complying with 87747
the renewal provisions prescribed in division (D)(1) of this 87748
section. If such a prescription is not received by the registrar 87749
or a deputy registrar by that date, the placard issued to that 87750
person expires and no longer is valid, and this fact shall be 87751
recorded in the records of the bureau. 87752

(3) At least once every year, on a date determined by the 87753
registrar, the bureau shall examine the records of the office of 87754
vital statistics, located within the department of health, that 87755
pertain to deceased persons, and also the bureau's records of all 87756
persons who have been issued removable windshield placards and 87757
temporary removable windshield placards. If the records of the 87758
office of vital statistics indicate that a person to whom a 87759
removable windshield placard or temporary removable windshield 87760
placard has been issued is deceased, the bureau shall cancel that 87761
placard, and note the cancellation in its records. 87762

The office of vital statistics shall make available to the 87763
bureau all information necessary to enable the bureau to comply 87764
with division (D)(3) of this section. 87765

(4) Nothing in this section shall be construed to require a 87766

person or organization to apply for a removable windshield placard 87767
or special license plates if the parking card or special license 87768
plates issued to the person or organization under prior law have 87769
not expired or been surrendered or revoked. 87770

(E)(1)(a) Any person with a disability that limits or impairs 87771
the ability to walk may apply to the registrar or a deputy 87772
registrar for a temporary removable windshield placard. The 87773
application for a temporary removable windshield placard shall be 87774
accompanied by a prescription from the applicant's health care 87775
provider prescribing such a placard for the applicant, provided 87776
that the applicant meets at least one of the criteria contained in 87777
division (A)(1) of this section and that the disability is 87778
expected to continue for six consecutive months or less. The 87779
health care provider shall state on the prescription the length of 87780
time the health care provider expects the applicant to have the 87781
disability that limits or impairs the applicant's ability to walk, 87782
which cannot exceed six months from the date of the prescription. 87783
Upon receipt of an application for a temporary removable 87784
windshield placard, presentation of the prescription from the 87785
applicant's health care provider, and payment of a service fee 87786
equal to the amount specified in division (D) or (G) of section 87787
4503.10 of the Revised Code, the registrar or deputy registrar 87788
shall issue to the applicant a temporary removable windshield 87789
placard. 87790

(b) Any active-duty member of the armed forces of the United 87791
States, including the reserve components of the armed forces and 87792
the national guard, who has an illness or injury that limits or 87793
impairs the ability to walk may apply to the registrar or a deputy 87794
registrar for a temporary removable windshield placard. With the 87795
application, the person shall present evidence of the person's 87796
active-duty status and the illness or injury. Evidence of the 87797
illness or injury may include a current department of defense 87798

convalescent leave statement, any department of defense document 87799
indicating that the person currently has an ill or injured 87800
casualty status or has limited duties, or a prescription from any 87801
health care provider prescribing the placard for the applicant. 87802
Upon receipt of the application and the necessary evidence, the 87803
registrar or deputy registrar shall issue the applicant the 87804
temporary removable windshield placard without the payment of any 87805
service fee. 87806

(2) The temporary removable windshield placard shall be of 87807
the same size and form as the removable windshield placard, shall 87808
be printed in white on a red-colored background, and shall bear 87809
the word "temporary" in letters of such size as the registrar 87810
shall prescribe. A temporary removable windshield placard also 87811
shall bear the date of expiration on the front and back of the 87812
placard, and shall be valid until expired, surrendered, or 87813
revoked, but in no case shall such a placard be valid for a period 87814
of less than sixty days. The registrar shall provide the 87815
application form and shall determine the information to be 87816
included on it, provided that the registrar shall not require a 87817
health care provider's prescription or certification for a person 87818
applying under division (E)(1)(b) of this section. The registrar 87819
also shall determine the material of which the temporary removable 87820
windshield placard is to be made and any other information to be 87821
included on the placard and shall adopt rules relating to the 87822
issuance, expiration, surrender, revocation, and proper display of 87823
those placards. Any temporary removable windshield placard issued 87824
after October 14, 1999, shall be manufactured in a manner that 87825
allows for the expiration date of the placard to be indicated on 87826
it through the punching, drilling, boring, or creation by any 87827
other means of holes in the placard. 87828

(F) If an applicant for a removable windshield placard is a 87829
veteran of the armed forces of the United States whose disability, 87830

as defined in division (A)(1) of this section, is 87831
service-connected, the registrar or deputy registrar, upon receipt 87832
of the application, presentation of a signed statement from the 87833
applicant's health care provider certifying the applicant's 87834
disability, and presentation of such documentary evidence from the 87835
department of veterans affairs that the disability of the 87836
applicant meets at least one of the criteria identified in 87837
division (A)(1) of this section and is service-connected as the 87838
registrar may require by rule, but without the payment of any 87839
service fee, shall issue the applicant a removable windshield 87840
placard that is valid until expired, surrendered, or revoked. 87841

(G) Upon a conviction of a violation of division (I), (J), or 87842
(K) of this section, the court shall report the conviction, and 87843
send the placard or parking card, if available, to the registrar, 87844
who thereupon shall revoke the privilege of using the placard or 87845
parking card and send notice in writing to the placardholder or 87846
cardholder at that holder's last known address as shown in the 87847
records of the bureau, and the placardholder or cardholder shall 87848
return the placard or card if not previously surrendered to the 87849
court, to the registrar within ten days following mailing of the 87850
notice. 87851

Whenever a person to whom a removable windshield placard or 87852
parking card has been issued moves to another state, the person 87853
shall surrender the placard or card to the registrar; and whenever 87854
an organization to which a placard or card has been issued changes 87855
its place of operation to another state, the organization shall 87856
surrender the placard or card to the registrar. 87857

(H) Subject to division (F) of section 4511.69 of the Revised 87858
Code, the operator of a motor vehicle displaying a removable 87859
windshield placard, temporary removable windshield placard, 87860
parking card, or the special license plates authorized by this 87861
section is entitled to park the motor vehicle in any special 87862

parking location reserved for persons with disabilities that limit 87863
or impair the ability to walk, also known as handicapped parking 87864
spaces or disability parking spaces. 87865

(I) No person or organization that is not eligible under 87866
division (B) or (E) of this section shall willfully and falsely 87867
represent that the person or organization is so eligible. 87868

No person or organization shall display license plates issued 87869
under this section unless the license plates have been issued for 87870
the vehicle on which they are displayed and are valid. 87871

(J) No person or organization to which a removable windshield 87872
placard or temporary removable windshield placard is issued shall 87873
do either of the following: 87874

(1) Display or permit the display of the placard on any motor 87875
vehicle when having reasonable cause to believe the motor vehicle 87876
is being used in connection with an activity that does not include 87877
providing transportation for persons with disabilities that limit 87878
or impair the ability to walk; 87879

(2) Refuse to return or surrender the placard, when required. 87880

(K)(1) No person or organization to which a parking card is 87881
issued shall do either of the following: 87882

(a) Display or permit the display of the parking card on any 87883
motor vehicle when having reasonable cause to believe the motor 87884
vehicle is being used in connection with an activity that does not 87885
include providing transportation for a ~~handicapped~~ person with a 87886
disability; 87887

(b) Refuse to return or surrender the parking card, when 87888
required. 87889

(2) As used in division (K) of this section: 87890

(a) "~~Handicapped person~~ Person with a disability" means any 87891
person who has lost the use of one or both legs or one or both 87892

arms, who is blind, deaf, or so severely ~~handicapped~~ disabled as 87893
to be unable to move about without the aid of crutches or a 87894
wheelchair, or whose mobility is restricted by a permanent 87895
cardiovascular, pulmonary, or other ~~handicapping~~ disabling 87896
condition. 87897

(b) "Organization" means any private organization or 87898
corporation, or any governmental board, agency, department, 87899
division, or office, that, as part of its business or program, 87900
transports ~~handicapped~~ persons with disabilities on a regular 87901
basis in a motor vehicle that has not been altered for the 87902
purposes of providing it with special equipment for use by 87903
~~handicapped~~ persons with disabilities. 87904

(L) If a removable windshield placard, temporary removable 87905
windshield placard, or parking card is lost, destroyed, or 87906
mutilated, the placardholder or cardholder may obtain a duplicate 87907
by doing both of the following: 87908

(1) Furnishing suitable proof of the loss, destruction, or 87909
mutilation to the registrar; 87910

(2) Paying a service fee equal to the amount specified in 87911
division (D) or (G) of section 4503.10 of the Revised Code. 87912

Any placardholder or cardholder who loses a placard or card 87913
and, after obtaining a duplicate, finds the original, immediately 87914
shall surrender the original placard or card to the registrar. 87915

(M) The registrar shall pay all fees received under this 87916
section for the issuance of removable windshield placards or 87917
temporary removable windshield placards or duplicate removable 87918
windshield placards or cards into the state treasury to the credit 87919
of the state bureau of motor vehicles fund created in section 87920
4501.25 of the Revised Code. 87921

(N) In addition to the fees collected under this section, the 87922
registrar or deputy registrar shall ask each person applying for a 87923

removable windshield placard or temporary removable windshield 87924
placard or duplicate removable windshield placard or license plate 87925
issued under this section, whether the person wishes to make a 87926
two-dollar voluntary contribution to support rehabilitation 87927
employment services. The registrar shall transmit the 87928
contributions received under this division to the treasurer of 87929
state for deposit into the rehabilitation employment fund, which 87930
is hereby created in the state treasury. A deputy registrar shall 87931
transmit the contributions received under this division to the 87932
registrar in the time and manner prescribed by the registrar. The 87933
contributions in the fund shall be used by the ~~rehabilitation~~ 87934
~~services commission~~ opportunities for Ohioans with disabilities 87935
agency to purchase services related to vocational evaluation, work 87936
adjustment, personal adjustment, job placement, job coaching, and 87937
community-based assessment from accredited community 87938
rehabilitation program facilities. 87939

(O) For purposes of enforcing this section, every peace 87940
officer is deemed to be an agent of the registrar. Any peace 87941
officer or any authorized employee of the bureau of motor vehicles 87942
who, in the performance of duties authorized by law, becomes aware 87943
of a person whose placard or parking card has been revoked 87944
pursuant to this section, may confiscate that placard or parking 87945
card and return it to the registrar. The registrar shall prescribe 87946
any forms used by law enforcement agencies in administering this 87947
section. 87948

No peace officer, law enforcement agency employing a peace 87949
officer, or political subdivision or governmental agency employing 87950
a peace officer, and no employee of the bureau is liable in a 87951
civil action for damages or loss to persons arising out of the 87952
performance of any duty required or authorized by this section. As 87953
used in this division, "peace officer" has the same meaning as in 87954
division (B) of section 2935.01 of the Revised Code. 87955

(P) All applications for registration of motor vehicles, 87956
removable windshield placards, and temporary removable windshield 87957
placards issued under this section, all renewal notices for such 87958
items, and all other publications issued by the bureau that relate 87959
to this section shall set forth the criminal penalties that may be 87960
imposed upon a person who violates any provision relating to 87961
special license plates issued under this section, the parking of 87962
vehicles displaying such license plates, and the issuance, 87963
procurement, use, and display of removable windshield placards and 87964
temporary removable windshield placards issued under this section. 87965

(Q) Whoever violates this section is guilty of a misdemeanor 87966
of the fourth degree. 87967

Sec. 4503.524. (A) The owner or lessee of any passenger car, 87968
noncommercial motor vehicle, recreational vehicle, or other 87969
vehicle of a class approved by the registrar of motor vehicles may 87970
apply to the registrar for the registration of the vehicle and 87971
issuance of "Massillon tiger football booster club" license 87972
plates. The application for "Massillon tiger football booster 87973
club" license plates may be combined with a request for a special 87974
reserved license plate under section 4503.40 or 4503.42 of the 87975
Revised Code. Upon receipt of the completed application and 87976
compliance with division (B) of this section, the registrar shall 87977
issue to the applicant the appropriate vehicle registration and a 87978
set of "Massillon tiger football booster club" license plates with 87979
a validation sticker or a validation sticker alone when required 87980
by section 4503.191 of the Revised Code. In addition to the 87981
letters and numbers ordinarily inscribed thereon, "Massillon tiger 87982
football booster club" license plates shall be inscribed with 87983
words and markings selected and designed by the Massillon tiger 87984
football booster club and approved by the registrar. "Massillon 87985
tiger football booster club" license plates shall bear county 87986
identification stickers that identify the county of registration 87987

by name or number. 87988

(B) "Massillon tiger football booster club" license plates 87989
and validation stickers shall be issued upon payment of the 87990
regular license tax as prescribed under section 4503.04 of the 87991
Revised Code, any applicable motor vehicle tax levied under 87992
Chapter 4504. of the Revised Code, a bureau of motor vehicles 87993
administrative fee of ten dollars, the contribution specified in 87994
division (C) of this section, and compliance with all other 87995
applicable laws relating to the registration of motor vehicles. If 87996
the application for "Massillon tiger football booster club" 87997
license plates is combined with a request for a special reserved 87998
license plate under section 4503.40 or 4503.42 of the Revised 87999
Code, the license plates and validation sticker shall be issued 88000
upon payment of the contribution, fees, and taxes contained in 88001
this division and the additional fee prescribed under section 88002
4503.40 or 4503.42 of the Revised Code. 88003

(C) For each application for registration and registration 88004
renewal submitted under this section, the registrar shall collect 88005
a contribution of twenty-five dollars. The registrar shall 88006
transmit this contribution to the treasurer of state for deposit 88007
into the license plate contribution fund created in section 88008
4501.21 of the Revised Code. 88009

The registrar shall deposit the ten-dollar bureau 88010
administrative fee, the purpose of which is to compensate the 88011
bureau for additional services required in issuing "Massillon 88012
tiger football booster club" license plates, into the state bureau 88013
of motor vehicles fund created in section 4501.25 of the Revised 88014
Code. 88015

Sec. 4503.526. (A) The owner or lessee of any passenger car, 88016
noncommercial motor vehicle, recreational vehicle, or other 88017

vehicle of a class approved by the registrar of motor vehicles may 88018
apply to the registrar for the registration of the vehicle and 88019
issuance of Kiwanis club license plates. The application for 88020
Kiwanis club license plates may be combined with a request for a 88021
special reserved license plate under section 4503.40 or 4503.42 of 88022
the Revised Code. Upon receipt of the completed application and 88023
compliance with division (B) of this section, the registrar shall 88024
issue to the applicant the appropriate vehicle registration and a 88025
set of Kiwanis club license plates with a validation sticker or a 88026
validation sticker alone when required by section 4503.191 of the 88027
Revised Code. 88028

In addition to the letters and numbers ordinarily inscribed 88029
thereon, Kiwanis club license plates shall be inscribed with words 88030
and markings selected and designed by the Ohio district of Kiwanis 88031
international. The registrar shall approve the final design. 88032
Kiwanis club license plates shall bear county identification 88033
stickers that identify the county of registration by name or 88034
number. 88035

(B) Kiwanis club license plates and validation stickers shall 88036
be issued upon payment of the regular license tax as prescribed 88037
under section 4503.04 of the Revised Code, any applicable motor 88038
vehicle tax levied under Chapter 4504. of the Revised Code, a 88039
bureau of motor vehicles administrative fee of ten dollars, the 88040
contribution specified under division (C) of this section, and 88041
compliance with all other applicable laws relating to the 88042
registration of motor vehicles. If the application for Kiwanis 88043
club license plates is combined with a request for a special 88044
reserved license plate under section 4503.40 or 4503.42 of the 88045
Revised Code, the license plates and validation sticker shall be 88046
issued upon payment of the fees and taxes contained in this 88047
division and the additional fee prescribed by section 4503.40 or 88048
4503.42 of the Revised Code. 88049

(C) For each application for registration and registration renewal received under this section, the registrar shall collect a contribution of twenty-five dollars. The registrar shall pay this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code. 88050
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The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for the additional services required in issuing Kiwanis club license plates, into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 88056
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Sec. 4503.62. (A) Application for the registration of an apportionable vehicle shall be made to the registrar of motor vehicles in accordance with division (J) of section 4503.10 of the Revised Code. 88062
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(B) Any person applying to register a vehicle or combination vehicle that has a gross vehicle weight of twenty-six thousand pounds or less or two axles, or that is a bus used in charter party service, also may register the vehicle in accordance with division (J) of section 4503.10 of the Revised Code if the vehicle is used or intended for use in two or more international registration plan member jurisdictions. 88066
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(C) No later than December 31, 2011, the registrar shall adopt rules under Chapter 119. of the Revised Code to establish a program to accept applications for vehicle registration transactions of apportionable vehicles electronically over the internet. The program also may provide for vehicle registration transactions of nonapportionable commercial motor vehicles over the internet. 88073
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(D) The internet registration program shall provide an option 88080

for the payment of all registration taxes and fees by use of a 88081
financial transaction device. In providing for payment by the use 88082
of a financial transaction device, the registrar ~~may, but is not~~ 88083
~~required to,~~ shall comply with section 113.40 of the Revised Code. 88084
~~The registrar, with the approval of the director of public safety,~~ 88085
~~may contract with a third party to accept and process payments~~ 88086
~~made by use of a financial transaction device on behalf of the~~ 88087
~~bureau of motor vehicles.~~ All fees associated with payment by use 88088
of a financial transaction device shall be borne by the applicants 88089
seeking the registration of apportionable or other vehicles under 88090
the program established pursuant to division (C) of this section. 88091
The bureau shall not pay any costs, and shall not retain any 88092
additional fees, associated with the use of a financial 88093
transaction device. 88094

(E) As used in this section, "financial transaction device" 88095
has the same meaning as in section 113.40 of the Revised Code. 88096

Sec. 4503.732. (A) The owner or lessee of any passenger car, 88097
noncommercial motor vehicle, recreational vehicle, or other 88098
vehicle of a class approved by the registrar of motor vehicles may 88099
apply to the registrar for the registration of the vehicle and 88100
issuance of "Truth, Justice, and the American Way" license plates. 88101
The application may be combined with a request for a special 88102
reserved license plate under section 4503.40 or 4503.42 of the 88103
Revised Code. Upon receipt of an application for registration of a 88104
motor vehicle under this section, the registrar shall issue to the 88105
applicant the appropriate motor vehicle registration and a set of 88106
"Truth, Justice, and the American Way" license plates and a 88107
validation sticker, or a validation sticker alone when required by 88108
section 4503.191 of the Revised Code. 88109

In addition to the letters and numbers ordinarily inscribed 88110
on the license plates, "Truth, Justice, and the American Way" 88111

license plates shall be inscribed with the words "Truth, Justice, and the American Way" and a design, logo, or marking selected by the entity that owns the Superman name. The registrar shall approve the final design after entering into a license agreement with that entity for appropriate use of the Superman name and associated logo or marking, as applicable. The license plates shall bear county identification stickers that identify the county of registration by name or number. 88112
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(B) "Truth, Justice, and the American Way" license plates and validation stickers shall be issued upon receipt of a contribution as provided in division (C)(1) of this section and upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, and a bureau of motor vehicles administrative fee of ten dollars. The applicant shall comply with all other applicable laws relating to the registration of motor vehicles. If the application for "Truth, Justice, and the American Way" license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the fees and taxes specified in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code. 88120
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(C)(1) For each application for registration and registration renewal notice the registrar receives under this section, the registrar shall collect a contribution of ten dollars. The registrar shall pay this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code. 88135
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(2) The registrar shall pay into the state treasury the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing 88141
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"Truth, Justice, and the American Way" license plates, to the 88144
credit of the state bureau of motor vehicles fund created in 88145
section 4501.25 of Revised Code. 88146

Sec. 4503.95. (A) The owner or lessee of any passenger car, 88147
noncommercial motor vehicle, recreational vehicle, or other 88148
vehicle of a class approved by the registrar of motor vehicles may 88149
apply to the registrar for the registration of the vehicle and 88150
issuance of "Ohio history" license plates. The application for 88151
"Ohio history" license plates may be combined with a request for a 88152
special reserved license plate under section 4503.40 or 4503.42 of 88153
the Revised Code. Upon receipt of the completed application and 88154
compliance with division (B) of this section, the registrar shall 88155
issue to the applicant the appropriate vehicle registration and a 88156
set of "Ohio history" license plates with a validation sticker or 88157
a validation sticker alone when required by section 4503.191 of 88158
the Revised Code. In addition to the letters and numbers 88159
ordinarily inscribed thereon, "Ohio history" license plates shall 88160
be inscribed with words and markings selected and designed by the 88161
Ohio historical society and approved by the registrar. "Ohio 88162
history" license plates shall bear county identification stickers 88163
that identify the county of registration by name or number. 88164

(B) "Ohio history" license plates and validation stickers 88165
shall be issued upon payment of the regular license tax as 88166
prescribed under section 4503.04 of the Revised Code, any 88167
applicable motor vehicle tax levied under Chapter 4504. of the 88168
Revised Code, a bureau of motor vehicles administrative fee of ten 88169
dollars, the contribution specified in division (C) of this 88170
section, and compliance with all other applicable laws relating to 88171
the registration of motor vehicles. If the application for "Ohio 88172
history" license plates is combined with a request for a special 88173
reserved license plate under section 4503.40 or 4503.42 of the 88174
Revised Code, the license plates and validation sticker shall be 88175

issued upon payment of the contribution, fees, and taxes contained 88176
in this division and the additional fee prescribed under section 88177
4503.40 or 4503.42 of the Revised Code. 88178

(C) For each application for registration and registration 88179
renewal submitted under this section, the registrar shall collect 88180
a contribution of twenty dollars. The registrar shall transmit 88181
this contribution to the treasurer of state for deposit in the 88182
Ohio history license plate contribution fund created in section 88183
149.307 of the Revised Code. 88184

The registrar shall deposit the ten-dollar bureau 88185
administrative fee, the purpose of which is to compensate the 88186
bureau for additional services required in issuing "Ohio history" 88187
license plates, in the state bureau of motor vehicles fund created 88188
in section 4501.25 of the Revised Code. 88189

Sec. 4503.96. (A) The owner or lessee of any passenger car, 88190
noncommercial motor vehicle, recreational vehicle, or other 88191
vehicle of a class approved by the registrar of motor vehicles may 88192
apply to the registrar for the registration of the vehicle and 88193
issuance of Ohio coal license plates. An application made under 88194
this section may be combined with a request for a special reserved 88195
license plate under section 4503.40 or 4503.42 of the Revised 88196
Code. Upon receipt of the completed application and compliance by 88197
the applicant with divisions (B) and (C) of this section, the 88198
registrar shall issue to the applicant the appropriate vehicle 88199
registration and a set of Ohio coal license plates and a 88200
validation sticker, or a validation sticker alone when required by 88201
section 4503.191 of the Revised Code. 88202

In addition to the letters and numbers ordinarily inscribed 88203
on the license plates, Ohio coal license plates shall be inscribed 88204
with identifying words or markings that are designed by the Ohio 88205
coal association and approved by the registrar. Ohio coal license 88206

plates shall display county identification stickers that identify the county of registration by name or number. 88207
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(B) Ohio coal license plates and validation stickers shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, and a bureau of motor vehicles administrative fee of ten dollars. The applicant shall comply with all other applicable laws relating to the registration of motor vehicles. If the application for Ohio coal license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the fees and taxes specified in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code. 88209
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(C) The registrar shall deposit into the state treasury the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing Ohio coal license plates, to the credit of the state bureau of motor vehicles fund created in section 4501.25 of Revised Code. 88222
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Sec. 4505.02. The registrar of motor vehicles shall issue rules as the registrar determines necessary to ensure uniform and orderly operation of this chapter and to ensure that the identification of each applicant for a certificate of title is reasonably accurate. The clerks of the courts of common pleas shall conform thereto. The clerks shall provide the forms as prescribed by the registrar, except the manufacturers' or importers' certificates. The clerks shall provide, from moneys in the automated title processing fund, certificates of title and ribbons, cartridges, or other devices necessary for the operation of the certificate of title processing equipment as determined by 88227
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the automated title processing board pursuant to division (C) of 88238
section 4505.09 of the Revised Code. All other automated title 88239
processing system supplies shall be provided by the clerks. 88240

If it appears that any certificate of title has been 88241
improperly issued, the registrar shall cancel the certificate. 88242
Upon the cancellation of any certificate of title, the registrar 88243
shall notify the clerk who issued it, and the clerk thereupon 88244
shall enter the cancellation upon the clerk's records. The 88245
registrar also shall notify the person to whom such certificate of 88246
title was issued, as well as any lienholders appearing thereon, of 88247
the cancellation and shall demand the surrender of the certificate 88248
of title immediately, but the cancellation shall not affect the 88249
validity of any lien noted thereon. The holder of such certificate 88250
of title immediately shall return it to the registrar. If a 88251
certificate of registration has been issued to the holder of a 88252
certificate of title so canceled the registrar immediately shall 88253
cancel it and demand the return of such certificate of 88254
registration and license plates, and the holder of such 88255
certificate of registration and license plates shall return the 88256
same to the registrar forthwith. The clerks shall keep on hand a 88257
sufficient supply of blank forms, which, except for certificate of 88258
title and memorandum certificate forms, shall be furnished and 88259
distributed without charge to registered manufacturers or dealers, 88260
or other persons residing within the county. 88261

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 88262
shall charge and retain fees as follows: 88263

(a) Five dollars for each certificate of title that is not 88264
applied for within thirty days after the later of the assignment 88265
or delivery of the motor vehicle described in it. The entire fee 88266
shall be retained by the clerk. 88267

(b) Fifteen dollars for each certificate of title or 88268

duplicate certificate of title including the issuance of a 88269
memorandum certificate of title, or authorization to print a 88270
non-negotiable evidence of ownership described in division (G) of 88271
section 4505.08 of the Revised Code, non-negotiable evidence of 88272
ownership printed by the clerk under division (H) of that section, 88273
and notation of any lien on a certificate of title that is applied 88274
for at the same time as the certificate of title. The clerk shall 88275
retain eleven dollars and fifty cents of that fee for each 88276
certificate of title when there is a notation of a lien or 88277
security interest on the certificate of title, twelve dollars and 88278
twenty-five cents when there is no lien or security interest noted 88279
on the certificate of title, and eleven dollars and fifty cents 88280
for each duplicate certificate of title. 88281

(c) Four dollars and fifty cents for each certificate of 88282
title with no security interest noted that is issued to a licensed 88283
motor vehicle dealer for resale purposes and, in addition, a 88284
separate fee of fifty cents. The clerk shall retain two dollars 88285
and twenty-five cents of that fee. 88286

(d) Five dollars for each memorandum certificate of title or 88287
non-negotiable evidence of ownership that is applied for 88288
separately. The clerk shall retain that entire fee. 88289

(2) The fees that are not retained by the clerk shall be paid 88290
to the registrar of motor vehicles by monthly returns, which shall 88291
be forwarded to the registrar not later than the fifth day of the 88292
month next succeeding that in which the certificate is issued or 88293
that in which the registrar is notified of a lien or cancellation 88294
of a lien. 88295

(B)(1) The registrar shall pay twenty-five cents of the 88296
amount received for each certificate of title issued to a motor 88297
vehicle dealer for resale, one dollar for certificates of title 88298
issued with a lien or security interest noted on the certificate 88299
of title, and twenty-five cents for each certificate of title with 88300

no lien or security interest noted on the certificate of title 88301
into the state bureau of motor vehicles fund established in 88302
section 4501.25 of the Revised Code. 88303

(2) Fifty cents of the amount received for each certificate 88304
of title shall be paid by the registrar as follows: 88305

(a) Four cents shall be paid into the state treasury to the 88306
credit of the motor vehicle dealers board fund, which is hereby 88307
created. All investment earnings of the fund shall be credited to 88308
the fund. The moneys in the motor vehicle dealers board fund shall 88309
be used by the motor vehicle dealers board created under section 88310
4517.30 of the Revised Code, together with other moneys 88311
appropriated to it, in the exercise of its powers and the 88312
performance of its duties under Chapter 4517. of the Revised Code, 88313
except that the director of budget and management may transfer 88314
excess money from the motor vehicle dealers board fund to the 88315
bureau of motor vehicles fund if the registrar determines that the 88316
amount of money in the motor vehicle dealers board fund, together 88317
with other moneys appropriated to the board, exceeds the amount 88318
required for the exercise of its powers and the performance of its 88319
duties under Chapter 4517. of the Revised Code and requests the 88320
director to make the transfer. 88321

(b) Twenty-one cents shall be paid into the highway operating 88322
fund. 88323

(c) Twenty-five cents shall be paid into the state treasury 88324
to the credit of the motor vehicle sales audit fund, which is 88325
hereby created. The moneys in the fund shall be used by the tax 88326
commissioner together with other funds available to the 88327
commissioner to conduct a continuing investigation of sales and 88328
use tax returns filed for motor vehicles in order to determine if 88329
sales and use tax liability has been satisfied. The commissioner 88330
shall refer cases of apparent violations of section 2921.13 of the 88331
Revised Code made in connection with the titling or sale of a 88332

motor vehicle and cases of any other apparent violations of the 88333
sales or use tax law to the appropriate county prosecutor whenever 88334
the commissioner considers it advisable. 88335

(3) Two dollars of the amount received by the registrar under 88336
divisions (A)(1)(a), (b), and (d) of this section and one dollar 88337
and fifty cents of the amount received by the registrar under 88338
division (A)(1)(c) of this section for each certificate of title 88339
shall be paid into the state treasury to the credit of the 88340
automated title processing fund, which is hereby created and which 88341
shall consist of moneys collected under division (B)(3) of this 88342
section and under sections 1548.10 and 4519.59 of the Revised 88343
Code. All investment earnings of the fund shall be credited to the 88344
fund. The moneys in the fund shall be used as follows: 88345

(a) Except for moneys collected under section 1548.10 of the 88346
Revised Code and as provided in division (B)(3)(c) of this 88347
section, moneys collected under division (B)(3) of this section 88348
shall be used to implement and maintain an automated title 88349
processing system for the issuance of motor vehicle, off-highway 88350
motorcycle, and all-purpose vehicle certificates of title in the 88351
offices of the clerks of the courts of common pleas. 88352

(b) Moneys collected under section 1548.10 of the Revised 88353
Code shall be used to issue marine certificates of title in the 88354
offices of the clerks of the courts of common pleas as provided in 88355
Chapter 1548. of the Revised Code. 88356

(c) Moneys collected under division (B)(3) of this section 88357
shall be used in accordance with section 4505.25 of the Revised 88358
Code to implement Sub. S.B. 59 of the 124th general assembly. 88359

(4) The registrar shall pay the fifty-cent separate fee 88360
collected from a licensed motor vehicle dealer under division 88361
(A)(1)(c) of this section into the title defect recision fund 88362
created by section 1345.52 of the Revised Code. 88363

(C)(1) The automated title processing board is hereby created 88364
consisting of the registrar or the registrar's representative, a 88365
person selected by the registrar, the president of the Ohio clerks 88366
of court association or the president's representative, and two 88367
clerks of courts of common pleas appointed by the governor. The 88368
director of budget and management or the director's designee, the 88369
chief of the division of watercraft in the department of natural 88370
resources or the chief's designee, and the tax commissioner or the 88371
commissioner's designee shall be nonvoting members of the board. 88372
The purpose of the board is to facilitate the operation and 88373
maintenance of an automated title processing system and approve 88374
the procurement of automated title processing system equipment and 88375
ribbons, cartridges, or other devices necessary for the operation 88376
of that equipment. Voting members of the board, excluding the 88377
registrar or the registrar's representative, shall serve without 88378
compensation, but shall be reimbursed for travel and other 88379
necessary expenses incurred in the conduct of their official 88380
duties. The registrar or the registrar's representative shall 88381
receive neither compensation nor reimbursement as a board member. 88382

(2) The automated title processing board shall determine each 88383
of the following: 88384

(a) The automated title processing equipment and certificates 88385
of title requirements for each county; 88386

(b) The payment of expenses that may be incurred by the 88387
counties in implementing an automated title processing system; 88388

(c) The repayment to the counties for existing title 88389
processing equipment. 88390

(3) The registrar shall purchase, lease, or otherwise acquire 88391
any automated title processing equipment and certificates of title 88392
that the board determines are necessary from moneys in the 88393
automated title processing fund established by division (B)(3) of 88394

this section. 88395

(D) All counties shall conform to the requirements of the 88396
registrar regarding the operation of their automated title 88397
processing system for motor vehicle titles, certificates of title 88398
for off-highway motorcycles and all-purpose vehicles, and 88399
certificates of title for watercraft and outboard motors. 88400

Sec. 4506.07. (A) Every application for a commercial driver's 88401
license, restricted commercial driver's license, or a commercial 88402
driver's temporary instruction permit, or a duplicate of such a 88403
license, shall be made upon a form approved and furnished by the 88404
registrar of motor vehicles. Except as provided in section 4506.24 88405
of the Revised Code in regard to a restricted commercial driver's 88406
license, the application shall be signed by the applicant and 88407
shall contain the following information: 88408

(1) The applicant's name, date of birth, social security 88409
account number, sex, general description including height, weight, 88410
and color of hair and eyes, current residence, duration of 88411
residence in this state, country of citizenship, and occupation; 88412

(2) Whether the applicant previously has been licensed to 88413
operate a commercial motor vehicle or any other type of motor 88414
vehicle in another state or a foreign jurisdiction and, if so, 88415
when, by what state, and whether the license or driving privileges 88416
currently are suspended or revoked in any jurisdiction, or the 88417
applicant otherwise has been disqualified from operating a 88418
commercial motor vehicle, or is subject to an out-of-service order 88419
issued under this chapter or any similar law of another state or a 88420
foreign jurisdiction and, if so, the date of, locations involved, 88421
and reason for the suspension, revocation, disqualification, or 88422
out-of-service order; 88423

(3) Whether the applicant is afflicted with or suffering from 88424
any physical or mental disability or disease that prevents the 88425

applicant from exercising reasonable and ordinary control over a 88426
motor vehicle while operating it upon a highway or is or has been 88427
subject to any condition resulting in episodic impairment of 88428
consciousness or loss of muscular control and, if so, the nature 88429
and extent of the disability, disease, or condition, and the names 88430
and addresses of the physicians attending the applicant; 88431

(4) Whether the applicant has obtained a medical examiner's 88432
certificate as required by this chapter and, beginning January 30, 88433
2012, the applicant, prior to or at the time of applying, has 88434
self-certified to the registrar the applicable status of the 88435
applicant under division (A)(2) of section 4506.10 of the Revised 88436
Code; 88437

(5) Whether the applicant has pending a citation for 88438
violation of any motor vehicle law or ordinance except a parking 88439
violation and, if so, a description of the citation, the court 88440
having jurisdiction of the offense, and the date when the offense 88441
occurred; 88442

(6) ~~Whether~~ If an applicant has not certified the applicant's 88443
willingness to make an anatomical gift under section 2108.05 of 88444
the Revised Code, whether the applicant wishes to certify 88445
willingness to make such an anatomical gift ~~under section 2108.05~~ 88446
~~of the Revised Code~~, which shall be given no consideration in the 88447
issuance of a license; 88448

(7) On and after May 1, 1993, whether the applicant has 88449
executed a valid durable power of attorney for health care 88450
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 88451
executed a declaration governing the use or continuation, or the 88452
withholding or withdrawal, of life-sustaining treatment pursuant 88453
to sections 2133.01 to 2133.15 of the Revised Code and, if the 88454
applicant has executed either type of instrument, whether the 88455
applicant wishes the license issued to indicate that the applicant 88456
has executed the instrument; 88457

(8) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the license issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:

(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;

(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license to the applicant is in compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to the release by the registrar of information from the applicant's driving record.

(D) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any applicant for a commercial driver's license or for a renewal or duplicate of such a license under this chapter, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to

issue the applicant a license or a renewal or duplicate. 88489

(E) The registrar or a deputy registrar, in accordance with 88490
section 3503.11 of the Revised Code, shall offer the opportunity 88491
of completing a notice of change of residence or change of name to 88492
any applicant for a commercial driver's license or for a renewal 88493
or duplicate of such a license who is a resident of this state, if 88494
the applicant is a registered elector who has changed the 88495
applicant's residence or name and has not filed such a notice. 88496

(F) In considering any application submitted pursuant to this 88497
section, the bureau of motor vehicles may conduct any inquiries 88498
necessary to ensure that issuance or renewal of a commercial 88499
driver's license would not violate any provision of the Revised 88500
Code or federal law. 88501

(G) In addition to any other information it contains, on and 88502
after October 7, 2009, the form approved and furnished by the 88503
registrar of motor vehicles for an application for a commercial 88504
driver's license, restricted commercial driver's license, or a 88505
commercial driver's temporary instruction permit or an application 88506
for a duplicate of such a license shall inform applicants that the 88507
applicant must present a copy of the applicant's DD-214 or an 88508
equivalent document in order to qualify to have the license or 88509
duplicate indicate that the applicant is a veteran, active duty, 88510
or reservist of the armed forces of the United States based on a 88511
request made pursuant to division (A)(8) of this section. 88512

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 88513
"motorized bicycle," "state," "owner," "operator," "chauffeur," 88514
and "highways" have the same meanings as in section 4501.01 of the 88515
Revised Code. 88516

"Driver's license" means a class D license issued to any 88517
person to operate a motor vehicle or motor-driven cycle, other 88518
than a commercial motor vehicle, and includes "probationary 88519

license," "restricted license," and any operator's or chauffeur's 88520
license issued before January 1, 1990. 88521

"Probationary license" means the license issued to any person 88522
between sixteen and eighteen years of age to operate a motor 88523
vehicle. 88524

"Restricted license" means the license issued to any person 88525
to operate a motor vehicle subject to conditions or restrictions 88526
imposed by the registrar of motor vehicles. 88527

"Commercial driver's license" means the license issued to a 88528
person under Chapter 4506. of the Revised Code to operate a 88529
commercial motor vehicle. 88530

"Commercial motor vehicle" has the same meaning as in section 88531
4506.01 of the Revised Code. 88532

"Motorized bicycle license" means the license issued under 88533
section 4511.521 of the Revised Code to any person to operate a 88534
motorized bicycle including a "probationary motorized bicycle 88535
license." 88536

"Probationary motorized bicycle license" means the license 88537
issued under section 4511.521 of the Revised Code to any person 88538
between fourteen and sixteen years of age to operate a motorized 88539
bicycle. 88540

"Identification card" means a card issued under sections 88541
4507.50 and 4507.51 of the Revised Code. 88542

"Resident" means a person who, in accordance with standards 88543
prescribed in rules adopted by the registrar, resides in this 88544
state on a permanent basis. 88545

"Temporary resident" means a person who, in accordance with 88546
standards prescribed in rules adopted by the registrar, resides in 88547
this state on a temporary basis. 88548

(B) In the administration of this chapter and Chapter 4506. 88549

of the Revised Code, the registrar has the same authority as is 88550
conferred on the registrar by section 4501.02 of the Revised Code. 88551
Any act of an authorized deputy registrar of motor vehicles under 88552
direction of the registrar is deemed the act of the registrar. 88553

To carry out this chapter, the registrar shall appoint such 88554
deputy registrars ~~in each county~~ as are necessary. 88555

The registrar also shall provide at each place where an 88556
application for a driver's or commercial driver's license or 88557
identification card may be made the necessary equipment to take a 88558
color photograph of the applicant for such license or card as 88559
required under section 4506.11 or 4507.06 of the Revised Code, and 88560
to conduct the vision screenings required by section 4507.12 of 88561
the Revised Code, and equipment to laminate licenses, motorized 88562
bicycle licenses, and identification cards as required by sections 88563
4507.13, 4507.52, and 4511.521 of the Revised Code. 88564

The registrar shall assign one or more deputy registrars to 88565
any driver's license examining station operated under the 88566
supervision of the director of public safety, whenever the 88567
registrar considers such assignment possible. Space shall be 88568
provided in the driver's license examining station for any such 88569
deputy registrar so assigned. The deputy registrars shall not 88570
exercise the powers conferred by such sections upon the registrar, 88571
unless they are specifically authorized to exercise such powers by 88572
such sections. 88573

(C) No agent for any insurance company, writing automobile 88574
insurance, shall be appointed deputy registrar, and any such 88575
appointment is void. No deputy registrar shall in any manner 88576
solicit any form of automobile insurance, nor in any manner 88577
advise, suggest, or influence any licensee or applicant for 88578
license for or against any kind or type of automobile insurance, 88579
insurance company, or agent, nor have the deputy registrar's 88580
office directly connected with the office of any automobile 88581

insurance agent, nor impart any information furnished by any 88582
applicant for a license or identification card to any person, 88583
except the registrar. This division shall not apply to any 88584
nonprofit corporation appointed deputy registrar. 88585

(D) The registrar shall immediately remove a deputy registrar 88586
who violates the requirements of this chapter. 88587

(E) The registrar shall periodically solicit bids and enter 88588
into a contract for the provision of laminating equipment and 88589
laminating materials to the registrar and all deputy registrars. 88590
The registrar shall not consider any bid that does not provide for 88591
the supplying of both laminating equipment and laminating 88592
materials. The laminating materials selected shall contain a 88593
security feature so that any tampering with the laminating 88594
material covering a license or identification card is readily 88595
apparent. In soliciting bids and entering into a contract for the 88596
provision of laminating equipment and laminating materials, the 88597
registrar shall observe all procedures required by law. 88598

Sec. 4507.06. (A)(1) Every application for a driver's license 88599
or motorcycle operator's license or endorsement, or duplicate of 88600
any such license or endorsement, shall be made upon the approved 88601
form furnished by the registrar of motor vehicles and shall be 88602
signed by the applicant. 88603

Every application shall state the following: 88604

(a) The applicant's name, date of birth, social security 88605
number if such has been assigned, sex, general description, 88606
including height, weight, color of hair, and eyes, residence 88607
address, including county of residence, duration of residence in 88608
this state, and country of citizenship; 88609

(b) Whether the applicant previously has been licensed as an 88610
operator, chauffeur, driver, commercial driver, or motorcycle 88611

operator and, if so, when, by what state, and whether such license 88612
is suspended or canceled at the present time and, if so, the date 88613
of and reason for the suspension or cancellation; 88614

(c) Whether the applicant is now or ever has been afflicted 88615
with epilepsy, or whether the applicant now is suffering from any 88616
physical or mental disability or disease and, if so, the nature 88617
and extent of the disability or disease, giving the names and 88618
addresses of physicians then or previously in attendance upon the 88619
applicant; 88620

(d) Whether an applicant for a duplicate driver's license, or 88621
duplicate license containing a motorcycle operator endorsement has 88622
pending a citation for violation of any motor vehicle law or 88623
ordinance, a description of any such citation pending, and the 88624
date of the citation; 88625

(e) ~~Whether~~ If an applicant has not certified the applicant's 88626
willingness to make an anatomical gift under section 2108.05 of 88627
the Revised Code, whether the applicant wishes to certify 88628
willingness to make such an anatomical gift ~~under section 2108.05~~ 88629
~~of the Revised Code~~, which shall be given no consideration in the 88630
issuance of a license or endorsement; 88631

(f) Whether the applicant has executed a valid durable power 88632
of attorney for health care pursuant to sections 1337.11 to 88633
1337.17 of the Revised Code or has executed a declaration 88634
governing the use or continuation, or the withholding or 88635
withdrawal, of life-sustaining treatment pursuant to sections 88636
2133.01 to 2133.15 of the Revised Code and, if the applicant has 88637
executed either type of instrument, whether the applicant wishes 88638
the applicant's license to indicate that the applicant has 88639
executed the instrument; 88640

(g) On and after October 7, 2009, whether the applicant is a 88641
veteran, active duty, or reservist of the armed forces of the 88642

United States and, if the applicant is such, whether the applicant 88643
wishes the applicant's license to indicate that the applicant is a 88644
veteran, active duty, or reservist of the armed forces of the 88645
United States by a military designation on the license. 88646

(2) Every applicant for a driver's license shall be 88647
photographed in color at the time the application for the license 88648
is made. The application shall state any additional information 88649
that the registrar requires. 88650

(B) The registrar or a deputy registrar, in accordance with 88651
section 3503.11 of the Revised Code, shall register as an elector 88652
any person who applies for a driver's license or motorcycle 88653
operator's license or endorsement under division (A) of this 88654
section, or for a renewal or duplicate of the license or 88655
endorsement, if the applicant is eligible and wishes to be 88656
registered as an elector. The decision of an applicant whether to 88657
register as an elector shall be given no consideration in the 88658
decision of whether to issue the applicant a license or 88659
endorsement, or a renewal or duplicate. 88660

(C) The registrar or a deputy registrar, in accordance with 88661
section 3503.11 of the Revised Code, shall offer the opportunity 88662
of completing a notice of change of residence or change of name to 88663
any applicant for a driver's license or endorsement under division 88664
(A) of this section, or for a renewal or duplicate of the license 88665
or endorsement, if the applicant is a registered elector who has 88666
changed the applicant's residence or name and has not filed such a 88667
notice. 88668

(D) In addition to any other information it contains, on and 88669
after October 7, 2009, the approved form furnished by the 88670
registrar of motor vehicles for an application for a driver's 88671
license or motorcycle operator's license or endorsement or an 88672
application for a duplicate of any such license or endorsement 88673
shall inform applicants that the applicant must present a copy of 88674

the applicant's DD-214 or an equivalent document in order to 88675
qualify to have the license or duplicate indicate that the 88676
applicant is a veteran, active duty, or reservist of the armed 88677
forces of the United States based on a request made pursuant to 88678
division (A)(1)(g) of this section. 88679

Sec. 4507.51. (A)(1) Every application for an identification 88680
card or duplicate shall be made on a form furnished by the 88681
registrar of motor vehicles, shall be signed by the applicant, and 88682
by the applicant's parent or guardian if the applicant is under 88683
eighteen years of age, and shall contain the following information 88684
pertaining to the applicant: name, date of birth, sex, general 88685
description including the applicant's height, weight, hair color, 88686
and eye color, address, and social security number. The 88687
application also shall ~~state~~ include, for an applicant who has not 88688
already certified the applicant's willingness to make an 88689
anatomical gift under section 2108.05 of the Revised Code, whether 88690
~~an~~ the applicant wishes to certify willingness to make such an 88691
anatomical gift ~~under section 2108.05 of the Revised Code~~ and 88692
shall include information about the requirements of sections 88693
2108.01 to 2108.29 of the Revised Code that apply to persons who 88694
are less than eighteen years of age. The statement regarding 88695
willingness to make such a donation shall be given no 88696
consideration in the decision of whether to issue an 88697
identification card. Each applicant shall be photographed in color 88698
at the time of making application. 88699

(2)(a) The application also shall state whether the applicant 88700
has executed a valid durable power of attorney for health care 88701
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 88702
executed a declaration governing the use or continuation, or the 88703
withholding or withdrawal, of life-sustaining treatment pursuant 88704
to sections 2133.01 to 2133.15 of the Revised Code and, if the 88705
applicant has executed either type of instrument, whether the 88706

applicant wishes the identification card issued to indicate that 88707
the applicant has executed the instrument. 88708

(b) On and after October 7, 2009, the application also shall 88709
state whether the applicant is a veteran, active duty, or 88710
reservist of the armed forces of the United States and, if the 88711
applicant is such, whether the applicant wishes the identification 88712
card issued to indicate that the applicant is a veteran, active 88713
duty, or reservist of the armed forces of the United States by a 88714
military designation on the identification card. 88715

(3) The registrar or deputy registrar, in accordance with 88716
section 3503.11 of the Revised Code, shall register as an elector 88717
any person who applies for an identification card or duplicate if 88718
the applicant is eligible and wishes to be registered as an 88719
elector. The decision of an applicant whether to register as an 88720
elector shall be given no consideration in the decision of whether 88721
to issue the applicant an identification card or duplicate. 88722

(B) The application for an identification card or duplicate 88723
shall be filed in the office of the registrar or deputy registrar. 88724
Each applicant shall present documentary evidence as required by 88725
the registrar of the applicant's age and identity, and the 88726
applicant shall swear that all information given is true. An 88727
identification card issued by the department of rehabilitation and 88728
correction under section 5120.59 of the Revised Code or an 88729
identification card issued by the department of youth services 88730
under section 5139.511 of the Revised Code shall be sufficient 88731
documentary evidence under this division upon verification of the 88732
applicant's social security number by the registrar or a deputy 88733
registrar. Upon issuing an identification card under this section 88734
for a person who has been issued an identification card under 88735
section 5120.59 or section 5139.511 of the Revised Code, the 88736
registrar or deputy registrar shall destroy the identification 88737
card issued under section 5120.59 or section 5139.511 of the 88738

Revised Code. 88739

All applications for an identification card or duplicate 88740
shall be filed in duplicate, and if submitted to a deputy 88741
registrar, a copy shall be forwarded to the registrar. The 88742
registrar shall prescribe rules for the manner in which a deputy 88743
registrar is to file and maintain applications and other records. 88744
The registrar shall maintain a suitable, indexed record of all 88745
applications denied and cards issued or canceled. 88746

(C) In addition to any other information it contains, on and 88747
after the date that is fifteen months after April 7, 2009, the 88748
form furnished by the registrar of motor vehicles for an 88749
application for an identification card or duplicate shall inform 88750
applicants that the applicant must present a copy of the 88751
applicant's DD-214 or an equivalent document in order to qualify 88752
to have the card or duplicate indicate that the applicant is an 88753
honorably discharged veteran of the armed forces of the United 88754
States based on a request made pursuant to division (A)(2)(b) of 88755
this section. 88756

Sec. 4510.038. (A) Any person whose driver's or commercial 88757
driver's license or permit is suspended or who is granted limited 88758
driving privileges under section 4510.037, under division (H) of 88759
section 4511.19, or under section 4510.07 of the Revised Code for 88760
a violation of a municipal ordinance that is substantially 88761
equivalent to division (B) of section 4511.19 of the Revised Code 88762
is not eligible to retain the license, or to have the driving 88763
privileges reinstated, until each of the following has occurred: 88764

(1) The person successfully completes a course of remedial 88765
driving instruction approved by the director of public safety. A 88766
minimum of twenty-five per cent of the number of hours of 88767
instruction included in the course shall be devoted to instruction 88768
on driver attitude. 88769

The course also shall devote a number of hours to instruction 88770
in the area of alcohol and drugs and the operation of vehicles. 88771
The instruction shall include, but not be limited to, a review of 88772
the laws governing the operation of a vehicle while under the 88773
influence of alcohol, drugs, or a combination of them, the dangers 88774
of operating a vehicle while under the influence of alcohol, 88775
drugs, or a combination of them, and other information relating to 88776
the operation of vehicles and the consumption of alcoholic 88777
beverages and use of drugs. The director, in consultation with the 88778
director of ~~alcohol and drug addiction services~~ mental health and 88779
addiction services, shall prescribe the content of the 88780
instruction. The number of hours devoted to the area of alcohol 88781
and drugs and the operation of vehicles shall comprise a minimum 88782
of twenty-five per cent of the number of hours of instruction 88783
included in the course. 88784

(2) The person is examined in the manner provided for in 88785
section 4507.20 of the Revised Code, and found by the registrar of 88786
motor vehicles to be qualified to operate a motor vehicle; 88787

(3) The person gives and maintains proof of financial 88788
responsibility, in accordance with section 4509.45 of the Revised 88789
Code. 88790

(B)(1) Except as provided in division (B)(2) of this section, 88791
any course of remedial driving instruction the director of public 88792
safety approves under this section shall require its students to 88793
attend at least fifty per cent of the course in person and the 88794
director shall not approve any course of remedial driving 88795
instruction that permits its students to take more than fifty per 88796
cent of the course in any other manner, including via video 88797
teleconferencing or the internet. 88798

(2) The director may approve a course of remedial instruction 88799
that permits students to take the entire course via video 88800
teleconferencing or the internet. 88801

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock devices that desires for its devices to be certified under section 4510.43 of the Revised Code and then to be included on the list of certified devices that the department of public safety compiles and makes available to courts pursuant to that section first shall obtain a license from the department under this section. The department, in accordance with Chapter 119. of the Revised Code, shall adopt any rules that are necessary to implement this licensing requirement.

(2) A manufacturer shall apply to the department for the license and shall include all information the department may require by rule. Each application, including an application for license renewal, shall be accompanied by an application fee of one hundred dollars, which the department shall deposit into the state treasury to the credit of the indigent drivers alcohol treatment fund created by section 4511.191 of the Revised Code.

(3) Upon receipt of a completed application, if the department finds that a manufacturer has complied with all application requirements, the department shall issue a license to the manufacturer. A manufacturer that has been issued a license under this section is eligible immediately to have the models of ignition interlock devices it produces certified under section 4510.43 of the Revised Code and then included on the list of certified devices that the department compiles and makes available to courts pursuant to that section.

(4)(a) A license issued under this section shall expire annually on a date selected by the department. The department shall reject the license application of a manufacturer if any of the following apply:

(i) The application is not accompanied by the application fee.

(ii) The department finds that the manufacturer has not 88833
complied with all application requirements. 88834

(iii) The license application is a renewal application and 88835
the manufacturer failed to file the annual report or failed to pay 88836
the fee as required by division (B) of this section. 88837

(b) A manufacturer whose license application is rejected by 88838
the department may appeal the decision to the director of public 88839
safety. The director or the director's designee shall hold a 88840
hearing on the matter not more than thirty days from the date of 88841
the manufacturer's appeal. If the director or the director's 88842
designee upholds the denial of the manufacturer's application for 88843
a license, the manufacturer may appeal the decision to the 88844
Franklin county court of common pleas. If the director or the 88845
director's designee reverses the denial of the manufacturer's 88846
application for a license, the director or the director's designee 88847
shall issue a written order directing that the department issue a 88848
license to the manufacturer. 88849

(B) Every manufacturer of ignition interlock devices that is 88850
issued a license under this section shall file an annual report 88851
with the department on a form the department prescribes on or 88852
before a date the department prescribes. The annual report shall 88853
state the amount of net profit the manufacturer earned during a 88854
twelve-month period specified by the department that is 88855
attributable to the sales of that manufacturer's certified 88856
ignition interlock devices to purchasers in this state. Each 88857
manufacturer shall pay a fee equal to five per cent of the amount 88858
of the net profit described in this division. 88859

The department may permit annual reports to be filed via 88860
electronic means. 88861

(C) The department shall deposit all fees it receives from 88862
manufacturers under this section into the state treasury to the 88863

credit of the indigent drivers alcohol treatment fund created by 88864
section 4511.191 of the Revised Code. All money so deposited into 88865
that fund that is paid by the department of ~~alcohol and drug~~ 88866
~~addiction services~~ mental health and addiction services to county 88867
indigent drivers alcohol treatment funds, county juvenile indigent 88868
drivers alcohol treatment funds, and municipal indigent drivers 88869
alcohol treatment funds shall be used only as described in 88870
division (H)(3) of section 4511.191 of the Revised Code. 88871

(D)(1) The director may make an assessment, based on any 88872
information in the director's possession, against any manufacturer 88873
that fails to file an annual report or pay the fee required by 88874
division (B) of this section. The director, in accordance with 88875
Chapter 119. of the Revised Code, shall adopt rules governing 88876
assessments and assessment procedures and related provisions. In 88877
adopting these rules, the director shall incorporate the 88878
provisions of section 5751.09 of the Revised Code to the greatest 88879
extent possible, except that the director is not required to 88880
incorporate any provisions of that section that by their nature 88881
are not applicable, appropriate, or necessary to assessments made 88882
by the director under this section. 88883

(2) A manufacturer may appeal the final determination of the 88884
director regarding an assessment made by the director under this 88885
section. The director, in accordance with Chapter 119. of the 88886
Revised Code, shall adopt rules governing such appeals. In 88887
adopting these rules, the director shall incorporate the 88888
provisions of section 5717.02 of the Revised Code to the greatest 88889
extent possible, except that the director is not required to 88890
incorporate any provisions of that section that by their nature 88891
are not applicable, appropriate, or necessary to appeals of 88892
assessments made by the director under this section. 88893

(E) The director, in accordance with Chapter 119. of the 88894
Revised Code, shall adopt a penalty schedule setting forth the 88895

monetary penalties to be imposed upon a manufacturer that is 88896
issued a license under this section and fails to file an annual 88897
report or pay the fee required by division (B) of this section in 88898
a timely manner. The penalty amounts shall not exceed the maximum 88899
penalty amounts established in section 5751.06 of the Revised Code 88900
for similar or equivalent facts or circumstances. 88901

(F)(1) No manufacturer of ignition interlock devices that is 88902
required by division (B) of this section to file an annual report 88903
with the department or to pay a fee shall fail to do so as 88904
required by that division. 88905

(2) No manufacturer of ignition interlock devices that is 88906
required by division (B) of this section to file an annual report 88907
with the department shall file a report that contains incorrect or 88908
erroneous information. 88909

(G) Whoever violates division (F)(2) of this section is 88910
guilty of a misdemeanor of the first degree. The department shall 88911
remove from the list of certified devices described in division 88912
(A)(1) of this section the ignition interlock devices manufactured 88913
by a manufacturer that violates division (F)(1) or (2) of this 88914
section. 88915

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 88916
streetcar, or trackless trolley within this state, if, at the time 88917
of the operation, any of the following apply: 88918

(a) The person is under the influence of alcohol, a drug of 88919
abuse, or a combination of them. 88920

(b) The person has a concentration of eight-hundredths of one 88921
per cent or more but less than seventeen-hundredths of one per 88922
cent by weight per unit volume of alcohol in the person's whole 88923
blood. 88924

(c) The person has a concentration of ninety-six-thousandths 88925

of one per cent or more but less than two hundred four-thousandths 88926
of one per cent by weight per unit volume of alcohol in the 88927
person's blood serum or plasma. 88928

(d) The person has a concentration of eight-hundredths of one 88929
gram or more but less than seventeen-hundredths of one gram by 88930
weight of alcohol per two hundred ten liters of the person's 88931
breath. 88932

(e) The person has a concentration of eleven-hundredths of 88933
one gram or more but less than two hundred 88934
thirty-eight-thousandths of one gram by weight of alcohol per one 88935
hundred milliliters of the person's urine. 88936

(f) The person has a concentration of seventeen-hundredths of 88937
one per cent or more by weight per unit volume of alcohol in the 88938
person's whole blood. 88939

(g) The person has a concentration of two hundred 88940
four-thousandths of one per cent or more by weight per unit volume 88941
of alcohol in the person's blood serum or plasma. 88942

(h) The person has a concentration of seventeen-hundredths of 88943
one gram or more by weight of alcohol per two hundred ten liters 88944
of the person's breath. 88945

(i) The person has a concentration of two hundred 88946
thirty-eight-thousandths of one gram or more by weight of alcohol 88947
per one hundred milliliters of the person's urine. 88948

(j) Except as provided in division (K) of this section, the 88949
person has a concentration of any of the following controlled 88950
substances or metabolites of a controlled substance in the 88951
person's whole blood, blood serum or plasma, or urine that equals 88952
or exceeds any of the following: 88953

(i) The person has a concentration of amphetamine in the 88954
person's urine of at least five hundred nanograms of amphetamine 88955

per milliliter of the person's urine or has a concentration of 88956
amphetamine in the person's whole blood or blood serum or plasma 88957
of at least one hundred nanograms of amphetamine per milliliter of 88958
the person's whole blood or blood serum or plasma. 88959

(ii) The person has a concentration of cocaine in the 88960
person's urine of at least one hundred fifty nanograms of cocaine 88961
per milliliter of the person's urine or has a concentration of 88962
cocaine in the person's whole blood or blood serum or plasma of at 88963
least fifty nanograms of cocaine per milliliter of the person's 88964
whole blood or blood serum or plasma. 88965

(iii) The person has a concentration of cocaine metabolite in 88966
the person's urine of at least one hundred fifty nanograms of 88967
cocaine metabolite per milliliter of the person's urine or has a 88968
concentration of cocaine metabolite in the person's whole blood or 88969
blood serum or plasma of at least fifty nanograms of cocaine 88970
metabolite per milliliter of the person's whole blood or blood 88971
serum or plasma. 88972

(iv) The person has a concentration of heroin in the person's 88973
urine of at least two thousand nanograms of heroin per milliliter 88974
of the person's urine or has a concentration of heroin in the 88975
person's whole blood or blood serum or plasma of at least fifty 88976
nanograms of heroin per milliliter of the person's whole blood or 88977
blood serum or plasma. 88978

(v) The person has a concentration of heroin metabolite 88979
(6-monoacetyl morphine) in the person's urine of at least ten 88980
nanograms of heroin metabolite (6-monoacetyl morphine) per 88981
milliliter of the person's urine or has a concentration of heroin 88982
metabolite (6-monoacetyl morphine) in the person's whole blood or 88983
blood serum or plasma of at least ten nanograms of heroin 88984
metabolite (6-monoacetyl morphine) per milliliter of the person's 88985
whole blood or blood serum or plasma. 88986

(vi) The person has a concentration of L.S.D. in the person's 88987
urine of at least twenty-five nanograms of L.S.D. per milliliter 88988
of the person's urine or a concentration of L.S.D. in the person's 88989
whole blood or blood serum or plasma of at least ten nanograms of 88990
L.S.D. per milliliter of the person's whole blood or blood serum 88991
or plasma. 88992

(vii) The person has a concentration of marihuana in the 88993
person's urine of at least ten nanograms of marihuana per 88994
milliliter of the person's urine or has a concentration of 88995
marihuana in the person's whole blood or blood serum or plasma of 88996
at least two nanograms of marihuana per milliliter of the person's 88997
whole blood or blood serum or plasma. 88998

(viii) Either of the following applies: 88999

(I) The person is under the influence of alcohol, a drug of 89000
abuse, or a combination of them, and, as measured by gas 89001
chromatography mass spectrometry, the person has a concentration 89002
of marihuana metabolite in the person's urine of at least fifteen 89003
nanograms of marihuana metabolite per milliliter of the person's 89004
urine or has a concentration of marihuana metabolite in the 89005
person's whole blood or blood serum or plasma of at least five 89006
nanograms of marihuana metabolite per milliliter of the person's 89007
whole blood or blood serum or plasma. 89008

(II) As measured by gas chromatography mass spectrometry, the 89009
person has a concentration of marihuana metabolite in the person's 89010
urine of at least thirty-five nanograms of marihuana metabolite 89011
per milliliter of the person's urine or has a concentration of 89012
marihuana metabolite in the person's whole blood or blood serum or 89013
plasma of at least fifty nanograms of marihuana metabolite per 89014
milliliter of the person's whole blood or blood serum or plasma. 89015

(ix) The person has a concentration of methamphetamine in the 89016
person's urine of at least five hundred nanograms of 89017

methamphetamine per milliliter of the person's urine or has a 89018
concentration of methamphetamine in the person's whole blood or 89019
blood serum or plasma of at least one hundred nanograms of 89020
methamphetamine per milliliter of the person's whole blood or 89021
blood serum or plasma. 89022

(x) The person has a concentration of phencyclidine in the 89023
person's urine of at least twenty-five nanograms of phencyclidine 89024
per milliliter of the person's urine or has a concentration of 89025
phencyclidine in the person's whole blood or blood serum or plasma 89026
of at least ten nanograms of phencyclidine per milliliter of the 89027
person's whole blood or blood serum or plasma. 89028

(xi) The state board of pharmacy has adopted a rule pursuant 89029
to section 4729.041 of the Revised Code that specifies the amount 89030
of salvia divinorum and the amount of salvinorin A that constitute 89031
concentrations of salvia divinorum and salvinorin A in a person's 89032
urine, in a person's whole blood, or in a person's blood serum or 89033
plasma at or above which the person is impaired for purposes of 89034
operating any vehicle, streetcar, or trackless trolley within this 89035
state, the rule is in effect, and the person has a concentration 89036
of salvia divinorum or salvinorin A of at least that amount so 89037
specified by rule in the person's urine, in the person's whole 89038
blood, or in the person's blood serum or plasma. 89039

(2) No person who, within twenty years of the conduct 89040
described in division (A)(2)(a) of this section, previously has 89041
been convicted of or pleaded guilty to a violation of this 89042
division, a violation of division (A)(1) or (B) of this section, 89043
or any other equivalent offense shall do both of the following: 89044

(a) Operate any vehicle, streetcar, or trackless trolley 89045
within this state while under the influence of alcohol, a drug of 89046
abuse, or a combination of them; 89047

(b) Subsequent to being arrested for operating the vehicle, 89048

streetcar, or trackless trolley as described in division (A)(2)(a) 89049
of this section, being asked by a law enforcement officer to 89050
submit to a chemical test or tests under section 4511.191 of the 89051
Revised Code, and being advised by the officer in accordance with 89052
section 4511.192 of the Revised Code of the consequences of the 89053
person's refusal or submission to the test or tests, refuse to 89054
submit to the test or tests. 89055

(B) No person under twenty-one years of age shall operate any 89056
vehicle, streetcar, or trackless trolley within this state, if, at 89057
the time of the operation, any of the following apply: 89058

(1) The person has a concentration of at least two-hundredths 89059
of one per cent but less than eight-hundredths of one per cent by 89060
weight per unit volume of alcohol in the person's whole blood. 89061

(2) The person has a concentration of at least 89062
three-hundredths of one per cent but less than 89063
ninety-six-thousandths of one per cent by weight per unit volume 89064
of alcohol in the person's blood serum or plasma. 89065

(3) The person has a concentration of at least two-hundredths 89066
of one gram but less than eight-hundredths of one gram by weight 89067
of alcohol per two hundred ten liters of the person's breath. 89068

(4) The person has a concentration of at least twenty-eight 89069
one-thousandths of one gram but less than eleven-hundredths of one 89070
gram by weight of alcohol per one hundred milliliters of the 89071
person's urine. 89072

(C) In any proceeding arising out of one incident, a person 89073
may be charged with a violation of division (A)(1)(a) or (A)(2) 89074
and a violation of division (B)(1), (2), or (3) of this section, 89075
but the person may not be convicted of more than one violation of 89076
these divisions. 89077

(D)(1)(a) In any criminal prosecution or juvenile court 89078
proceeding for a violation of division (A)(1)(a) of this section 89079

or for an equivalent offense that is vehicle-related, the result 89080
of any test of any blood or urine withdrawn and analyzed at any 89081
health care provider, as defined in section 2317.02 of the Revised 89082
Code, may be admitted with expert testimony to be considered with 89083
any other relevant and competent evidence in determining the guilt 89084
or innocence of the defendant. 89085

(b) In any criminal prosecution or juvenile court proceeding 89086
for a violation of division (A) or (B) of this section or for an 89087
equivalent offense that is vehicle-related, the court may admit 89088
evidence on the concentration of alcohol, drugs of abuse, 89089
controlled substances, metabolites of a controlled substance, or a 89090
combination of them in the defendant's whole blood, blood serum or 89091
plasma, breath, urine, or other bodily substance at the time of 89092
the alleged violation as shown by chemical analysis of the 89093
substance withdrawn within three hours of the time of the alleged 89094
violation. The three-hour time limit specified in this division 89095
regarding the admission of evidence does not extend or affect the 89096
two-hour time limit specified in division (A) of section 4511.192 89097
of the Revised Code as the maximum period of time during which a 89098
person may consent to a chemical test or tests as described in 89099
that section. The court may admit evidence on the concentration of 89100
alcohol, drugs of abuse, or a combination of them as described in 89101
this division when a person submits to a blood, breath, urine, or 89102
other bodily substance test at the request of a law enforcement 89103
officer under section 4511.191 of the Revised Code or a blood or 89104
urine sample is obtained pursuant to a search warrant. Only a 89105
physician, a registered nurse, an emergency medical 89106
technician-intermediate, an emergency medical 89107
technician-paramedic, or a qualified technician, chemist, or 89108
phlebotomist shall withdraw a blood sample for the purpose of 89109
determining the alcohol, drug, controlled substance, metabolite of 89110
a controlled substance, or combination content of the whole blood, 89111
blood serum, or blood plasma. This limitation does not apply to 89112

the taking of breath or urine specimens. A person authorized to 89113
withdraw blood under this division may refuse to withdraw blood 89114
under this division, if in that person's opinion, the physical 89115
welfare of the person would be endangered by the withdrawing of 89116
blood. 89117

The bodily substance withdrawn under division (D)(1)(b) of 89118
this section shall be analyzed in accordance with methods approved 89119
by the director of health by an individual possessing a valid 89120
permit issued by the director pursuant to section 3701.143 of the 89121
Revised Code. 89122

(c) As used in division (D)(1)(b) of this section, "emergency 89123
medical technician-intermediate" and "emergency medical 89124
technician-paramedic" have the same meanings as in section 4765.01 89125
of the Revised Code. 89126

(2) In a criminal prosecution or juvenile court proceeding 89127
for a violation of division (A) of this section or for an 89128
equivalent offense that is vehicle-related, if there was at the 89129
time the bodily substance was withdrawn a concentration of less 89130
than the applicable concentration of alcohol specified in 89131
divisions (A)(1)(b), (c), (d), and (e) of this section or less 89132
than the applicable concentration of a listed controlled substance 89133
or a listed metabolite of a controlled substance specified for a 89134
violation of division (A)(1)(j) of this section, that fact may be 89135
considered with other competent evidence in determining the guilt 89136
or innocence of the defendant. This division does not limit or 89137
affect a criminal prosecution or juvenile court proceeding for a 89138
violation of division (B) of this section or for an equivalent 89139
offense that is substantially equivalent to that division. 89140

(3) Upon the request of the person who was tested, the 89141
results of the chemical test shall be made available to the person 89142
or the person's attorney, immediately upon the completion of the 89143
chemical test analysis. 89144

If the chemical test was obtained pursuant to division 89145
(D)(1)(b) of this section, the person tested may have a physician, 89146
a registered nurse, or a qualified technician, chemist, or 89147
phlebotomist of the person's own choosing administer a chemical 89148
test or tests, at the person's expense, in addition to any 89149
administered at the request of a law enforcement officer. If the 89150
person was under arrest as described in division (A)(5) of section 89151
4511.191 of the Revised Code, the arresting officer shall advise 89152
the person at the time of the arrest that the person may have an 89153
independent chemical test taken at the person's own expense. If 89154
the person was under arrest other than described in division 89155
(A)(5) of section 4511.191 of the Revised Code, the form to be 89156
read to the person to be tested, as required under section 89157
4511.192 of the Revised Code, shall state that the person may have 89158
an independent test performed at the person's expense. The failure 89159
or inability to obtain an additional chemical test by a person 89160
shall not preclude the admission of evidence relating to the 89161
chemical test or tests taken at the request of a law enforcement 89162
officer. 89163

(4)(a) As used in divisions (D)(4)(b) and (c) of this 89164
section, "national highway traffic safety administration" means 89165
the national highway traffic safety administration established as 89166
an administration of the United States department of 89167
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 89168

(b) In any criminal prosecution or juvenile court proceeding 89169
for a violation of division (A) or (B) of this section, of a 89170
municipal ordinance relating to operating a vehicle while under 89171
the influence of alcohol, a drug of abuse, or alcohol and a drug 89172
of abuse, or of a municipal ordinance relating to operating a 89173
vehicle with a prohibited concentration of alcohol, a controlled 89174
substance, or a metabolite of a controlled substance in the whole 89175
blood, blood serum or plasma, breath, or urine, if a law 89176

enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B)(1), (2), (3), or (4) of this section or for an equivalent

offense that is substantially equivalent to any of those 89208
divisions, a laboratory report from any laboratory personnel 89209
issued a permit by the department of health authorizing an 89210
analysis as described in this division that contains an analysis 89211
of the whole blood, blood serum or plasma, breath, urine, or other 89212
bodily substance tested and that contains all of the information 89213
specified in this division shall be admitted as prima-facie 89214
evidence of the information and statements that the report 89215
contains. The laboratory report shall contain all of the 89216
following: 89217

(a) The signature, under oath, of any person who performed 89218
the analysis; 89219

(b) Any findings as to the identity and quantity of alcohol, 89220
a drug of abuse, a controlled substance, a metabolite of a 89221
controlled substance, or a combination of them that was found; 89222

(c) A copy of a notarized statement by the laboratory 89223
director or a designee of the director that contains the name of 89224
each certified analyst or test performer involved with the report, 89225
the analyst's or test performer's employment relationship with the 89226
laboratory that issued the report, and a notation that performing 89227
an analysis of the type involved is part of the analyst's or test 89228
performer's regular duties; 89229

(d) An outline of the analyst's or test performer's 89230
education, training, and experience in performing the type of 89231
analysis involved and a certification that the laboratory 89232
satisfies appropriate quality control standards in general and, in 89233
this particular analysis, under rules of the department of health. 89234

(2) Notwithstanding any other provision of law regarding the 89235
admission of evidence, a report of the type described in division 89236
(E)(1) of this section is not admissible against the defendant to 89237
whom it pertains in any proceeding, other than a preliminary 89238

hearing or a grand jury proceeding, unless the prosecutor has 89239
served a copy of the report on the defendant's attorney or, if the 89240
defendant has no attorney, on the defendant. 89241

(3) A report of the type described in division (E)(1) of this 89242
section shall not be prima-facie evidence of the contents, 89243
identity, or amount of any substance if, within seven days after 89244
the defendant to whom the report pertains or the defendant's 89245
attorney receives a copy of the report, the defendant or the 89246
defendant's attorney demands the testimony of the person who 89247
signed the report. The judge in the case may extend the seven-day 89248
time limit in the interest of justice. 89249

(F) Except as otherwise provided in this division, any 89250
physician, registered nurse, emergency medical 89251
technician-intermediate, emergency medical technician-paramedic, 89252
or qualified technician, chemist, or phlebotomist who withdraws 89253
blood from a person pursuant to this section or section 4511.191 89254
or 4511.192 of the Revised Code, and any hospital, first-aid 89255
station, or clinic at which blood is withdrawn from a person 89256
pursuant to this section or section 4511.191 or 4511.192 of the 89257
Revised Code, is immune from criminal liability and civil 89258
liability based upon a claim of assault and battery or any other 89259
claim that is not a claim of malpractice, for any act performed in 89260
withdrawing blood from the person. The immunity provided in this 89261
division also extends to an emergency medical service organization 89262
that employs an emergency medical technician-intermediate or 89263
emergency medical technician-paramedic who withdraws blood under 89264
this section. The immunity provided in this division is not 89265
available to a person who withdraws blood if the person engages in 89266
willful or wanton misconduct. 89267

As used in this division, "emergency medical 89268
technician-intermediate" and "emergency medical 89269
technician-paramedic" have the same meanings as in section 4765.01 89270

of the Revised Code. 89271

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 89272
to (i) or (A)(2) of this section is guilty of operating a vehicle 89273
under the influence of alcohol, a drug of abuse, or a combination 89274
of them. Whoever violates division (A)(1)(j) of this section is 89275
guilty of operating a vehicle while under the influence of a 89276
listed controlled substance or a listed metabolite of a controlled 89277
substance. The court shall sentence the offender for either 89278
offense under Chapter 2929. of the Revised Code, except as 89279
otherwise authorized or required by divisions (G)(1)(a) to (e) of 89280
this section: 89281

(a) Except as otherwise provided in division (G)(1)(b), (c), 89282
(d), or (e) of this section, the offender is guilty of a 89283
misdemeanor of the first degree, and the court shall sentence the 89284
offender to all of the following: 89285

(i) If the sentence is being imposed for a violation of 89286
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89287
mandatory jail term of three consecutive days. As used in this 89288
division, three consecutive days means seventy-two consecutive 89289
hours. The court may sentence an offender to both an intervention 89290
program and a jail term. The court may impose a jail term in 89291
addition to the three-day mandatory jail term or intervention 89292
program. However, in no case shall the cumulative jail term 89293
imposed for the offense exceed six months. 89294

The court may suspend the execution of the three-day jail 89295
term under this division if the court, in lieu of that suspended 89296
term, places the offender under a community control sanction 89297
pursuant to section 2929.25 of the Revised Code and requires the 89298
offender to attend, for three consecutive days, a drivers' 89299
intervention program certified under section ~~3793.10~~ 5119.38 of 89300
the Revised Code. The court also may suspend the execution of any 89301
part of the three-day jail term under this division if it places 89302

the offender under a community control sanction pursuant to 89303
section 2929.25 of the Revised Code for part of the three days, 89304
requires the offender to attend for the suspended part of the term 89305
a drivers' intervention program so certified, and sentences the 89306
offender to a jail term equal to the remainder of the three 89307
consecutive days that the offender does not spend attending the 89308
program. The court may require the offender, as a condition of 89309
community control and in addition to the required attendance at a 89310
drivers' intervention program, to attend and satisfactorily 89311
complete any treatment or education programs that comply with the 89312
minimum standards adopted pursuant to Chapter ~~3793.~~ 5119. of the 89313
Revised Code by the director of ~~alcohol and drug addiction~~ 89314
~~services~~ mental health and addiction services that the operators 89315
of the drivers' intervention program determine that the offender 89316
should attend and to report periodically to the court on the 89317
offender's progress in the programs. The court also may impose on 89318
the offender any other conditions of community control that it 89319
considers necessary. 89320

(ii) If the sentence is being imposed for a violation of 89321
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89322
section, except as otherwise provided in this division, a 89323
mandatory jail term of at least three consecutive days and a 89324
requirement that the offender attend, for three consecutive days, 89325
a drivers' intervention program that is certified pursuant to 89326
section ~~3793.10~~ 5119.38 of the Revised Code. As used in this 89327
division, three consecutive days means seventy-two consecutive 89328
hours. If the court determines that the offender is not conducive 89329
to treatment in a drivers' intervention program, if the offender 89330
refuses to attend a drivers' intervention program, or if the jail 89331
at which the offender is to serve the jail term imposed can 89332
provide a driver's intervention program, the court shall sentence 89333
the offender to a mandatory jail term of at least six consecutive 89334
days. 89335

The court may require the offender, under a community control 89336
sanction imposed under section 2929.25 of the Revised Code, to 89337
attend and satisfactorily complete any treatment or education 89338
programs that comply with the minimum standards adopted pursuant 89339
to Chapter ~~3793~~. 5119. of the Revised Code by the director of 89340
~~alcohol and drug addiction services~~ mental health and addiction
services, in addition to the required attendance at drivers' 89341
intervention program, that the operators of the drivers' 89342
intervention program determine that the offender should attend and 89343
to report periodically to the court on the offender's progress in 89344
the programs. The court also may impose any other conditions of 89345
community control on the offender that it considers necessary. 89346
89347

(iii) In all cases, a fine of not less than three hundred 89348
seventy-five and not more than one thousand seventy-five dollars; 89349

(iv) In all cases, a class five license suspension of the 89350
offender's driver's or commercial driver's license or permit or 89351
nonresident operating privilege from the range specified in 89352
division (A)(5) of section 4510.02 of the Revised Code. The court 89353
may grant limited driving privileges relative to the suspension 89354
under sections 4510.021 and 4510.13 of the Revised Code. 89355

(b) Except as otherwise provided in division (G)(1)(e) of 89356
this section, an offender who, within six years of the offense, 89357
previously has been convicted of or pleaded guilty to one 89358
violation of division (A) or (B) of this section or one other 89359
equivalent offense is guilty of a misdemeanor of the first degree. 89360
The court shall sentence the offender to all of the following: 89361

(i) If the sentence is being imposed for a violation of 89362
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89363
mandatory jail term of ten consecutive days. The court shall 89364
impose the ten-day mandatory jail term under this division unless, 89365
subject to division (G)(3) of this section, it instead imposes a 89366
sentence under that division consisting of both a jail term and a 89367

term of house arrest with electronic monitoring, with continuous 89368
alcohol monitoring, or with both electronic monitoring and 89369
continuous alcohol monitoring. The court may impose a jail term in 89370
addition to the ten-day mandatory jail term. The cumulative jail 89371
term imposed for the offense shall not exceed six months. 89372

In addition to the jail term or the term of house arrest with 89373
electronic monitoring or continuous alcohol monitoring or both 89374
types of monitoring and jail term, the court shall require the 89375
offender to be assessed by ~~an alcohol and drug treatment program a~~ 89376
community addiction services provider that is authorized by 89377
section ~~3793.02~~ 5119.21 of the Revised Code, subject to division 89378
(I) of this section, and shall order the offender to follow the 89379
treatment recommendations of the ~~program~~ services provider. The 89380
purpose of the assessment is to determine the degree of the 89381
offender's alcohol usage and to determine whether or not treatment 89382
is warranted. Upon the request of the court, the ~~program~~ services 89383
provider shall submit the results of the assessment to the court, 89384
including all treatment recommendations and clinical diagnoses 89385
related to alcohol use. 89386

(ii) If the sentence is being imposed for a violation of 89387
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89388
section, except as otherwise provided in this division, a 89389
mandatory jail term of twenty consecutive days. The court shall 89390
impose the twenty-day mandatory jail term under this division 89391
unless, subject to division (G)(3) of this section, it instead 89392
imposes a sentence under that division consisting of both a jail 89393
term and a term of house arrest with electronic monitoring, with 89394
continuous alcohol monitoring, or with both electronic monitoring 89395
and continuous alcohol monitoring. The court may impose a jail 89396
term in addition to the twenty-day mandatory jail term. The 89397
cumulative jail term imposed for the offense shall not exceed six 89398
months. 89399

In addition to the jail term or the term of house arrest with 89400
electronic monitoring or continuous alcohol monitoring or both 89401
types of monitoring and jail term, the court shall require the 89402
offender to be assessed by ~~an alcohol and drug treatment program~~ a 89403
community addiction service provider that is authorized by section 89404
~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of 89405
this section, and shall order the offender to follow the treatment 89406
recommendations of the ~~program~~ services provider. The purpose of 89407
the assessment is to determine the degree of the offender's 89408
alcohol usage and to determine whether or not treatment is 89409
warranted. Upon the request of the court, the ~~program~~ services 89410
provider shall submit the results of the assessment to the court, 89411
including all treatment recommendations and clinical diagnoses 89412
related to alcohol use. 89413

(iii) In all cases, notwithstanding the fines set forth in 89414
Chapter 2929. of the Revised Code, a fine of not less than five 89415
hundred twenty-five and not more than one thousand six hundred 89416
twenty-five dollars; 89417

(iv) In all cases, a class four license suspension of the 89418
offender's driver's license, commercial driver's license, 89419
temporary instruction permit, probationary license, or nonresident 89420
operating privilege from the range specified in division (A)(4) of 89421
section 4510.02 of the Revised Code. The court may grant limited 89422
driving privileges relative to the suspension under sections 89423
4510.021 and 4510.13 of the Revised Code. 89424

(v) In all cases, if the vehicle is registered in the 89425
offender's name, immobilization of the vehicle involved in the 89426
offense for ninety days in accordance with section 4503.233 of the 89427
Revised Code and impoundment of the license plates of that vehicle 89428
for ninety days. 89429

(c) Except as otherwise provided in division (G)(1)(e) of 89430
this section, an offender who, within six years of the offense, 89431

previously has been convicted of or pleaded guilty to two 89432
violations of division (A) or (B) of this section or other 89433
equivalent offenses is guilty of a misdemeanor. The court shall 89434
sentence the offender to all of the following: 89435

(i) If the sentence is being imposed for a violation of 89436
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89437
mandatory jail term of thirty consecutive days. The court shall 89438
impose the thirty-day mandatory jail term under this division 89439
unless, subject to division (G)(3) of this section, it instead 89440
imposes a sentence under that division consisting of both a jail 89441
term and a term of house arrest with electronic monitoring, with 89442
continuous alcohol monitoring, or with both electronic monitoring 89443
and continuous alcohol monitoring. The court may impose a jail 89444
term in addition to the thirty-day mandatory jail term. 89445
Notwithstanding the jail terms set forth in sections 2929.21 to 89446
2929.28 of the Revised Code, the additional jail term shall not 89447
exceed one year, and the cumulative jail term imposed for the 89448
offense shall not exceed one year. 89449

(ii) If the sentence is being imposed for a violation of 89450
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89451
section, a mandatory jail term of sixty consecutive days. The 89452
court shall impose the sixty-day mandatory jail term under this 89453
division unless, subject to division (G)(3) of this section, it 89454
instead imposes a sentence under that division consisting of both 89455
a jail term and a term of house arrest with electronic monitoring, 89456
with continuous alcohol monitoring, or with both electronic 89457
monitoring and continuous alcohol monitoring. The court may impose 89458
a jail term in addition to the sixty-day mandatory jail term. 89459
Notwithstanding the jail terms set forth in sections 2929.21 to 89460
2929.28 of the Revised Code, the additional jail term shall not 89461
exceed one year, and the cumulative jail term imposed for the 89462
offense shall not exceed one year. 89463

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than eight hundred fifty and not more than two thousand seven hundred fifty dollars;

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate ~~in an alcohol and drug~~ with a community addiction program services provider authorized by section ~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the ~~program services provider~~. The operator of the ~~program services provider~~ shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the ~~program services provider~~ shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or

four violations of division (A) or (B) of this section or other 89496
equivalent offenses or an offender who, within twenty years of the 89497
offense, previously has been convicted of or pleaded guilty to 89498
five or more violations of that nature is guilty of a felony of 89499
the fourth degree. The court shall sentence the offender to all of 89500
the following: 89501

(i) If the sentence is being imposed for a violation of 89502
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 89503
mandatory prison term of one, two, three, four, or five years as 89504
required by and in accordance with division (G)(2) of section 89505
2929.13 of the Revised Code if the offender also is convicted of 89506
or also pleads guilty to a specification of the type described in 89507
section 2941.1413 of the Revised Code or, in the discretion of the 89508
court, either a mandatory term of local incarceration of sixty 89509
consecutive days in accordance with division (G)(1) of section 89510
2929.13 of the Revised Code or a mandatory prison term of sixty 89511
consecutive days in accordance with division (G)(2) of that 89512
section if the offender is not convicted of and does not plead 89513
guilty to a specification of that type. If the court imposes a 89514
mandatory term of local incarceration, it may impose a jail term 89515
in addition to the sixty-day mandatory term, the cumulative total 89516
of the mandatory term and the jail term for the offense shall not 89517
exceed one year, and, except as provided in division (A)(1) of 89518
section 2929.13 of the Revised Code, no prison term is authorized 89519
for the offense. If the court imposes a mandatory prison term, 89520
notwithstanding division (A)(4) of section 2929.14 of the Revised 89521
Code, it also may sentence the offender to a definite prison term 89522
that shall be not less than six months and not more than thirty 89523
months and the prison terms shall be imposed as described in 89524
division (G)(2) of section 2929.13 of the Revised Code. If the 89525
court imposes a mandatory prison term or mandatory prison term and 89526
additional prison term, in addition to the term or terms so 89527
imposed, the court also may sentence the offender to a community 89528

control sanction for the offense, but the offender shall serve all 89529
of the prison terms so imposed prior to serving the community 89530
control sanction. 89531

(ii) If the sentence is being imposed for a violation of 89532
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 89533
section, a mandatory prison term of one, two, three, four, or five 89534
years as required by and in accordance with division (G)(2) of 89535
section 2929.13 of the Revised Code if the offender also is 89536
convicted of or also pleads guilty to a specification of the type 89537
described in section 2941.1413 of the Revised Code or, in the 89538
discretion of the court, either a mandatory term of local 89539
incarceration of one hundred twenty consecutive days in accordance 89540
with division (G)(1) of section 2929.13 of the Revised Code or a 89541
mandatory prison term of one hundred twenty consecutive days in 89542
accordance with division (G)(2) of that section if the offender is 89543
not convicted of and does not plead guilty to a specification of 89544
that type. If the court imposes a mandatory term of local 89545
incarceration, it may impose a jail term in addition to the one 89546
hundred twenty-day mandatory term, the cumulative total of the 89547
mandatory term and the jail term for the offense shall not exceed 89548
one year, and, except as provided in division (A)(1) of section 89549
2929.13 of the Revised Code, no prison term is authorized for the 89550
offense. If the court imposes a mandatory prison term, 89551
notwithstanding division (A)(4) of section 2929.14 of the Revised 89552
Code, it also may sentence the offender to a definite prison term 89553
that shall be not less than six months and not more than thirty 89554
months and the prison terms shall be imposed as described in 89555
division (G)(2) of section 2929.13 of the Revised Code. If the 89556
court imposes a mandatory prison term or mandatory prison term and 89557
additional prison term, in addition to the term or terms so 89558
imposed, the court also may sentence the offender to a community 89559
control sanction for the offense, but the offender shall serve all 89560
of the prison terms so imposed prior to serving the community 89561

control sanction. 89562

(iii) In all cases, notwithstanding section 2929.18 of the 89563
Revised Code, a fine of not less than one thousand three hundred 89564
fifty nor more than ten thousand five hundred dollars; 89565

(iv) In all cases, a class two license suspension of the 89566
offender's driver's license, commercial driver's license, 89567
temporary instruction permit, probationary license, or nonresident 89568
operating privilege from the range specified in division (A)(2) of 89569
section 4510.02 of the Revised Code. The court may grant limited 89570
driving privileges relative to the suspension under sections 89571
4510.021 and 4510.13 of the Revised Code. 89572

(v) In all cases, if the vehicle is registered in the 89573
offender's name, criminal forfeiture of the vehicle involved in 89574
the offense in accordance with section 4503.234 of the Revised 89575
Code. Division (G)(6) of this section applies regarding any 89576
vehicle that is subject to an order of criminal forfeiture under 89577
this division. 89578

(vi) In all cases, the court shall order the offender to 89579
participate ~~in an alcohol and drug~~ with a community addiction 89580
~~program~~ services provider authorized by section ~~3793.02~~ 5119.21 of 89581
the Revised Code, subject to division (I) of this section, and 89582
shall order the offender to follow the treatment recommendations 89583
of the ~~program~~ services provider. The operator of the ~~program~~ 89584
services provider shall determine and assess the degree of the 89585
offender's alcohol dependency and shall make recommendations for 89586
treatment. Upon the request of the court, the ~~program~~ services 89587
provider shall submit the results of the assessment to the court, 89588
including all treatment recommendations and clinical diagnoses 89589
related to alcohol use. 89590

(vii) In all cases, if the court sentences the offender to a 89591
mandatory term of local incarceration, in addition to the 89592

mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five

years as required by and in accordance with division (G)(2) of 89625
section 2929.13 of the Revised Code if the offender also is 89626
convicted of or also pleads guilty to a specification of the type 89627
described in section 2941.1413 of the Revised Code or a mandatory 89628
prison term of one hundred twenty consecutive days in accordance 89629
with division (G)(2) of section 2929.13 of the Revised Code if the 89630
offender is not convicted of and does not plead guilty to a 89631
specification of that type. The court may impose a prison term in 89632
addition to the mandatory prison term. The cumulative total of a 89633
one hundred twenty-day mandatory prison term and the additional 89634
prison term for the offense shall not exceed five years. In 89635
addition to the mandatory prison term or mandatory prison term and 89636
additional prison term the court imposes, the court also may 89637
sentence the offender to a community control sanction for the 89638
offense, but the offender shall serve all of the prison terms so 89639
imposed prior to serving the community control sanction. 89640

(iii) In all cases, notwithstanding section 2929.18 of the 89641
Revised Code, a fine of not less than one thousand three hundred 89642
fifty nor more than ten thousand five hundred dollars; 89643

(iv) In all cases, a class two license suspension of the 89644
offender's driver's license, commercial driver's license, 89645
temporary instruction permit, probationary license, or nonresident 89646
operating privilege from the range specified in division (A)(2) of 89647
section 4510.02 of the Revised Code. The court may grant limited 89648
driving privileges relative to the suspension under sections 89649
4510.021 and 4510.13 of the Revised Code. 89650

(v) In all cases, if the vehicle is registered in the 89651
offender's name, criminal forfeiture of the vehicle involved in 89652
the offense in accordance with section 4503.234 of the Revised 89653
Code. Division (G)(6) of this section applies regarding any 89654
vehicle that is subject to an order of criminal forfeiture under 89655
this division. 89656

(vi) In all cases, the court shall order the offender to participate in ~~an alcohol and drug~~ with a community addiction program services provider authorized by section ~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the ~~program services provider~~. The operator of the ~~program services provider~~ shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the ~~program services provider~~ shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court,

under this division, may sentence the offender to five consecutive 89689
days in jail and not less than eighteen consecutive days of house 89690
arrest with electronic monitoring, with continuous alcohol 89691
monitoring, or with both electronic monitoring and continuous 89692
alcohol monitoring. The cumulative total of the five consecutive 89693
days in jail and the period of house arrest with electronic 89694
monitoring, continuous alcohol monitoring, or both types of 89695
monitoring shall not exceed six months. The five consecutive days 89696
in jail do not have to be served prior to or consecutively to the 89697
period of house arrest. 89698

As an alternative to the mandatory jail term of twenty 89699
consecutive days required by division (G)(1)(b)(ii) of this 89700
section, the court, under this division, may sentence the offender 89701
to ten consecutive days in jail and not less than thirty-six 89702
consecutive days of house arrest with electronic monitoring, with 89703
continuous alcohol monitoring, or with both electronic monitoring 89704
and continuous alcohol monitoring. The cumulative total of the ten 89705
consecutive days in jail and the period of house arrest with 89706
electronic monitoring, continuous alcohol monitoring, or both 89707
types of monitoring shall not exceed six months. The ten 89708
consecutive days in jail do not have to be served prior to or 89709
consecutively to the period of house arrest. 89710

As an alternative to a mandatory jail term of thirty 89711
consecutive days required by division (G)(1)(c)(i) of this 89712
section, the court, under this division, may sentence the offender 89713
to fifteen consecutive days in jail and not less than fifty-five 89714
consecutive days of house arrest with electronic monitoring, with 89715
continuous alcohol monitoring, or with both electronic monitoring 89716
and continuous alcohol monitoring. The cumulative total of the 89717
fifteen consecutive days in jail and the period of house arrest 89718
with electronic monitoring, continuous alcohol monitoring, or both 89719
types of monitoring shall not exceed one year. The fifteen 89720

consecutive days in jail do not have to be served prior to or 89721
consecutively to the period of house arrest. 89722

As an alternative to the mandatory jail term of sixty 89723
consecutive days required by division (G)(1)(c)(ii) of this 89724
section, the court, under this division, may sentence the offender 89725
to thirty consecutive days in jail and not less than one hundred 89726
ten consecutive days of house arrest with electronic monitoring, 89727
with continuous alcohol monitoring, or with both electronic 89728
monitoring and continuous alcohol monitoring. The cumulative total 89729
of the thirty consecutive days in jail and the period of house 89730
arrest with electronic monitoring, continuous alcohol monitoring, 89731
or both types of monitoring shall not exceed one year. The thirty 89732
consecutive days in jail do not have to be served prior to or 89733
consecutively to the period of house arrest. 89734

(4) If an offender's driver's or occupational driver's 89735
license or permit or nonresident operating privilege is suspended 89736
under division (G) of this section and if section 4510.13 of the 89737
Revised Code permits the court to grant limited driving 89738
privileges, the court may grant the limited driving privileges in 89739
accordance with that section. If division (A)(7) of that section 89740
requires that the court impose as a condition of the privileges 89741
that the offender must display on the vehicle that is driven 89742
subject to the privileges restricted license plates that are 89743
issued under section 4503.231 of the Revised Code, except as 89744
provided in division (B) of that section, the court shall impose 89745
that condition as one of the conditions of the limited driving 89746
privileges granted to the offender, except as provided in division 89747
(B) of section 4503.231 of the Revised Code. 89748

(5) Fines imposed under this section for a violation of 89749
division (A) of this section shall be distributed as follows: 89750

(a) Twenty-five dollars of the fine imposed under division 89751
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 89752

division (G)(1)(b)(iii), one hundred twenty-three dollars of the 89753
fine imposed under division (G)(1)(c)(iii), and two hundred ten 89754
dollars of the fine imposed under division (G)(1)(d)(iii) or 89755
(e)(iii) of this section shall be paid to an enforcement and 89756
education fund established by the legislative authority of the law 89757
enforcement agency in this state that primarily was responsible 89758
for the arrest of the offender, as determined by the court that 89759
imposes the fine. The agency shall use this share to pay only 89760
those costs it incurs in enforcing this section or a municipal OVI 89761
ordinance and in informing the public of the laws governing the 89762
operation of a vehicle while under the influence of alcohol, the 89763
dangers of the operation of a vehicle under the influence of 89764
alcohol, and other information relating to the operation of a 89765
vehicle under the influence of alcohol and the consumption of 89766
alcoholic beverages. 89767

(b) Fifty dollars of the fine imposed under division 89768
(G)(1)(a)(iii) of this section shall be paid to the political 89769
subdivision that pays the cost of housing the offender during the 89770
offender's term of incarceration. If the offender is being 89771
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 89772
(e), or (j) of this section and was confined as a result of the 89773
offense prior to being sentenced for the offense but is not 89774
sentenced to a term of incarceration, the fifty dollars shall be 89775
paid to the political subdivision that paid the cost of housing 89776
the offender during that period of confinement. The political 89777
subdivision shall use the share under this division to pay or 89778
reimburse incarceration or treatment costs it incurs in housing or 89779
providing drug and alcohol treatment to persons who violate this 89780
section or a municipal OVI ordinance, costs of any immobilizing or 89781
disabling device used on the offender's vehicle, and costs of 89782
electronic house arrest equipment needed for persons who violate 89783
this section. 89784

(c) Twenty-five dollars of the fine imposed under division 89785
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 89786
division (G)(1)(b)(iii) of this section shall be deposited into 89787
the county or municipal indigent drivers' alcohol treatment fund 89788
under the control of that court, as created by the county or 89789
municipal corporation under division (F) of section 4511.191 of 89790
the Revised Code. 89791

(d) One hundred fifteen dollars of the fine imposed under 89792
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 89793
fine imposed under division (G)(1)(c)(iii), and four hundred forty 89794
dollars of the fine imposed under division (G)(1)(d)(iii) or 89795
(e)(iii) of this section shall be paid to the political 89796
subdivision that pays the cost of housing the offender during the 89797
offender's term of incarceration. The political subdivision shall 89798
use this share to pay or reimburse incarceration or treatment 89799
costs it incurs in housing or providing drug and alcohol treatment 89800
to persons who violate this section or a municipal OVI ordinance, 89801
costs for any immobilizing or disabling device used on the 89802
offender's vehicle, and costs of electronic house arrest equipment 89803
needed for persons who violate this section. 89804

(e) Fifty dollars of the fine imposed under divisions 89805
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 89806
and (G)(1)(e)(iii) of this section shall be deposited into the 89807
special projects fund of the court in which the offender was 89808
convicted and that is established under division (E)(1) of section 89809
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 89810
of section 1907.24 of the Revised Code, to be used exclusively to 89811
cover the cost of immobilizing or disabling devices, including 89812
certified ignition interlock devices, and remote alcohol 89813
monitoring devices for indigent offenders who are required by a 89814
judge to use either of these devices. If the court in which the 89815
offender was convicted does not have a special projects fund that 89816

is established under division (E)(1) of section 2303.201, division 89817
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 89818
of the Revised Code, the fifty dollars shall be deposited into the 89819
indigent drivers interlock and alcohol monitoring fund under 89820
division (I) of section 4511.191 of the Revised Code. 89821

(f) Seventy-five dollars of the fine imposed under division 89822
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 89823
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 89824
of the fine imposed under division (G)(1)(c)(iii), and five 89825
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 89826
or (e)(iii) of this section shall be transmitted to the treasurer 89827
of state for deposit into the indigent defense support fund 89828
established under section 120.08 of the Revised Code. 89829

(g) The balance of the fine imposed under division 89830
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 89831
section shall be disbursed as otherwise provided by law. 89832

(6) If title to a motor vehicle that is subject to an order 89833
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 89834
this section is assigned or transferred and division (B)(2) or (3) 89835
of section 4503.234 of the Revised Code applies, in addition to or 89836
independent of any other penalty established by law, the court may 89837
fine the offender the value of the vehicle as determined by 89838
publications of the national automobile dealers association. The 89839
proceeds of any fine so imposed shall be distributed in accordance 89840
with division (C)(2) of that section. 89841

(7) In all cases in which an offender is sentenced under 89842
division (G) of this section, the offender shall provide the court 89843
with proof of financial responsibility as defined in section 89844
4509.01 of the Revised Code. If the offender fails to provide that 89845
proof of financial responsibility, the court, in addition to any 89846
other penalties provided by law, may order restitution pursuant to 89847
section 2929.18 or 2929.28 of the Revised Code in an amount not 89848

exceeding five thousand dollars for any economic loss arising from 89849
an accident or collision that was the direct and proximate result 89850
of the offender's operation of the vehicle before, during, or 89851
after committing the offense for which the offender is sentenced 89852
under division (G) of this section. 89853

(8) As used in division (G) of this section, "electronic 89854
monitoring," "mandatory prison term," and "mandatory term of local 89855
incarceration" have the same meanings as in section 2929.01 of the 89856
Revised Code. 89857

(H) Whoever violates division (B) of this section is guilty 89858
of operating a vehicle after underage alcohol consumption and 89859
shall be punished as follows: 89860

(1) Except as otherwise provided in division (H)(2) of this 89861
section, the offender is guilty of a misdemeanor of the fourth 89862
degree. In addition to any other sanction imposed for the offense, 89863
the court shall impose a class six suspension of the offender's 89864
driver's license, commercial driver's license, temporary 89865
instruction permit, probationary license, or nonresident operating 89866
privilege from the range specified in division (A)(6) of section 89867
4510.02 of the Revised Code. 89868

(2) If, within one year of the offense, the offender 89869
previously has been convicted of or pleaded guilty to one or more 89870
violations of division (A) or (B) of this section or other 89871
equivalent offenses, the offender is guilty of a misdemeanor of 89872
the third degree. In addition to any other sanction imposed for 89873
the offense, the court shall impose a class four suspension of the 89874
offender's driver's license, commercial driver's license, 89875
temporary instruction permit, probationary license, or nonresident 89876
operating privilege from the range specified in division (A)(4) of 89877
section 4510.02 of the Revised Code. 89878

(3) If the offender also is convicted of or also pleads 89879

guilty to a specification of the type described in section 89880
2941.1416 of the Revised Code and if the court imposes a jail term 89881
for the violation of division (B) of this section, the court shall 89882
impose upon the offender an additional definite jail term pursuant 89883
to division (E) of section 2929.24 of the Revised Code. 89884

(4) The offender shall provide the court with proof of 89885
financial responsibility as defined in section 4509.01 of the 89886
Revised Code. If the offender fails to provide that proof of 89887
financial responsibility, then, in addition to any other penalties 89888
provided by law, the court may order restitution pursuant to 89889
section 2929.28 of the Revised Code in an amount not exceeding 89890
five thousand dollars for any economic loss arising from an 89891
accident or collision that was the direct and proximate result of 89892
the offender's operation of the vehicle before, during, or after 89893
committing the violation of division (B) of this section. 89894

(I)(1) No court shall sentence an offender to an alcohol 89895
treatment program under this section unless the treatment program 89896
complies with the minimum standards for alcohol treatment programs 89897
adopted under Chapter ~~3793~~, 5119, of the Revised Code by the 89898
director of ~~alcohol and drug addiction services~~ mental health and 89899
addiction services. 89900

(2) An offender who stays in a drivers' intervention program 89901
or in an alcohol treatment program under an order issued under 89902
this section shall pay the cost of the stay in the program. 89903
However, if the court determines that an offender who stays in an 89904
alcohol treatment program under an order issued under this section 89905
is unable to pay the cost of the stay in the program, the court 89906
may order that the cost be paid from the court's indigent drivers' 89907
alcohol treatment fund. 89908

(J) If a person whose driver's or commercial driver's license 89909
or permit or nonresident operating privilege is suspended under 89910
this section files an appeal regarding any aspect of the person's 89911

trial or sentence, the appeal itself does not stay the operation of the suspension. 89912
89913

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply: 89914
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(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs. 89921
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(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 89924
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(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol. 89926
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(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 89932
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(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section. 89938
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(2) If, on or after January 1, 2004, the supreme court 89943
modifies the Ohio Traffic Rules to provide procedures to govern 89944
felony violations of this section, the modified rules shall apply 89945
to felony violations of this section. 89946

Sec. 4511.191. (A)(1) As used in this section: 89947

(a) "Physical control" has the same meaning as in section 89948
4511.194 of the Revised Code. 89949

(b) "Alcohol monitoring device" means any device that 89950
provides for continuous alcohol monitoring, any ignition interlock 89951
device, any immobilizing or disabling device other than an 89952
ignition interlock device that is constantly available to monitor 89953
the concentration of alcohol in a person's system, or any other 89954
device that provides for the automatic testing and periodic 89955
reporting of alcohol consumption by a person and that a court 89956
orders a person to use as a sanction imposed as a result of the 89957
person's conviction of or plea of guilty to an offense. 89958

(2) Any person who operates a vehicle, streetcar, or 89959
trackless trolley upon a highway or any public or private property 89960
used by the public for vehicular travel or parking within this 89961
state or who is in physical control of a vehicle, streetcar, or 89962
trackless trolley shall be deemed to have given consent to a 89963
chemical test or tests of the person's whole blood, blood serum or 89964
plasma, breath, or urine to determine the alcohol, drug of abuse, 89965
controlled substance, metabolite of a controlled substance, or 89966
combination content of the person's whole blood, blood serum or 89967
plasma, breath, or urine if arrested for a violation of division 89968
(A) or (B) of section 4511.19 of the Revised Code, section 89969
4511.194 of the Revised Code or a substantially equivalent 89970
municipal ordinance, or a municipal OVI ordinance. 89971

(3) The chemical test or tests under division (A)(2) of this 89972
section shall be administered at the request of a law enforcement 89973

officer having reasonable grounds to believe the person was 89974
operating or in physical control of a vehicle, streetcar, or 89975
trackless trolley in violation of a division, section, or 89976
ordinance identified in division (A)(2) of this section. The law 89977
enforcement agency by which the officer is employed shall 89978
designate which of the tests shall be administered. 89979

(4) Any person who is dead or unconscious, or who otherwise 89980
is in a condition rendering the person incapable of refusal, shall 89981
be deemed to have consented as provided in division (A)(2) of this 89982
section, and the test or tests may be administered, subject to 89983
sections 313.12 to 313.16 of the Revised Code. 89984

(5)(a) If a law enforcement officer arrests a person for a 89985
violation of division (A) or (B) of section 4511.19 of the Revised 89986
Code, section 4511.194 of the Revised Code or a substantially 89987
equivalent municipal ordinance, or a municipal OVI ordinance and 89988
if the person if convicted would be required to be sentenced under 89989
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 89990
Code, the law enforcement officer shall request the person to 89991
submit, and the person shall submit, to a chemical test or tests 89992
of the person's whole blood, blood serum or plasma, breath, or 89993
urine for the purpose of determining the alcohol, drug of abuse, 89994
controlled substance, metabolite of a controlled substance, or 89995
combination content of the person's whole blood, blood serum or 89996
plasma, breath, or urine. A law enforcement officer who makes a 89997
request pursuant to this division that a person submit to a 89998
chemical test or tests is not required to advise the person of the 89999
consequences of submitting to, or refusing to submit to, the test 90000
or tests and is not required to give the person the form described 90001
in division (B) of section 4511.192 of the Revised Code, but the 90002
officer shall advise the person at the time of the arrest that if 90003
the person refuses to take a chemical test the officer may employ 90004
whatever reasonable means are necessary to ensure that the person 90005

submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The

suspension shall be for whichever of the following periods 90038
applies: 90039

(a) Except when division (B)(1)(b), (c), or (d) of this 90040
section applies and specifies a different class or length of 90041
suspension, the suspension shall be a class C suspension for the 90042
period of time specified in division (B)(3) of section 4510.02 of 90043
the Revised Code. 90044

(b) If the arrested person, within six years of the date on 90045
which the person refused the request to consent to the chemical 90046
test, had refused one previous request to consent to a chemical 90047
test or had been convicted of or pleaded guilty to one violation 90048
of division (A) or (B) of section 4511.19 of the Revised Code or 90049
one other equivalent offense, the suspension shall be a class B 90050
suspension imposed for the period of time specified in division 90051
(B)(2) of section 4510.02 of the Revised Code. 90052

(c) If the arrested person, within six years of the date on 90053
which the person refused the request to consent to the chemical 90054
test, had refused two previous requests to consent to a chemical 90055
test, had been convicted of or pleaded guilty to two violations of 90056
division (A) or (B) of section 4511.19 of the Revised Code or 90057
other equivalent offenses, or had refused one previous request to 90058
consent to a chemical test and also had been convicted of or 90059
pleaded guilty to one violation of division (A) or (B) of section 90060
4511.19 of the Revised Code or other equivalent offenses, which 90061
violation or offense arose from an incident other than the 90062
incident that led to the refusal, the suspension shall be a class 90063
A suspension imposed for the period of time specified in division 90064
(B)(1) of section 4510.02 of the Revised Code. 90065

(d) If the arrested person, within six years of the date on 90066
which the person refused the request to consent to the chemical 90067
test, had refused three or more previous requests to consent to a 90068
chemical test, had been convicted of or pleaded guilty to three or 90069

more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

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

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the

person's whole blood, blood serum or plasma, breath, or urine 90102
contained at least the concentration of alcohol specified in 90103
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 90104
Revised Code or at least the concentration of a listed controlled 90105
substance or a listed metabolite of a controlled substance 90106
specified in division (A)(1)(j) of section 4511.19 of the Revised 90107
Code, the registrar shall enter into the registrar's records the 90108
fact that the person's driver's or commercial driver's license or 90109
permit or nonresident operating privilege was suspended by the 90110
arresting officer under this division and section 4511.192 of the 90111
Revised Code and the period of the suspension, as determined under 90112
divisions (C)(1)(a) to (d) of this section. The suspension shall 90113
be subject to appeal as provided in section 4511.197 of the 90114
Revised Code. The suspension described in this division does not 90115
apply to, and shall not be imposed upon, a person arrested for a 90116
violation of section 4511.194 of the Revised Code or a 90117
substantially equivalent municipal ordinance who submits to a 90118
designated chemical test. The suspension shall be for whichever of 90119
the following periods applies: 90120

(a) Except when division (C)(1)(b), (c), or (d) of this 90121
section applies and specifies a different period, the suspension 90122
shall be a class E suspension imposed for the period of time 90123
specified in division (B)(5) of section 4510.02 of the Revised 90124
Code. 90125

(b) The suspension shall be a class C suspension for the 90126
period of time specified in division (B)(3) of section 4510.02 of 90127
the Revised Code if the person has been convicted of or pleaded 90128
guilty to, within six years of the date the test was conducted, 90129
one violation of division (A) or (B) of section 4511.19 of the 90130
Revised Code or one other equivalent offense. 90131

(c) If, within six years of the date the test was conducted, 90132
the person has been convicted of or pleaded guilty to two 90133

violations of a statute or ordinance described in division 90134
(C)(1)(b) of this section, the suspension shall be a class B 90135
suspension imposed for the period of time specified in division 90136
(B)(2) of section 4510.02 of the Revised Code. 90137

(d) If, within six years of the date the test was conducted, 90138
the person has been convicted of or pleaded guilty to more than 90139
two violations of a statute or ordinance described in division 90140
(C)(1)(b) of this section, the suspension shall be a class A 90141
suspension imposed for the period of time specified in division 90142
(B)(1) of section 4510.02 of the Revised Code. 90143

(2) The registrar shall terminate a suspension of the 90144
driver's or commercial driver's license or permit of a resident or 90145
of the operating privilege of a nonresident, or a denial of a 90146
driver's or commercial driver's license or permit, imposed 90147
pursuant to division (C)(1) of this section upon receipt of notice 90148
that the person has entered a plea of guilty to, or that the 90149
person has been convicted after entering a plea of no contest to, 90150
operating a vehicle in violation of section 4511.19 of the Revised 90151
Code or in violation of a municipal OVI ordinance, if the offense 90152
for which the conviction is had or the plea is entered arose from 90153
the same incident that led to the suspension or denial. 90154

The registrar shall credit against any judicial suspension of 90155
a person's driver's or commercial driver's license or permit or 90156
nonresident operating privilege imposed pursuant to section 90157
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 90158
Revised Code for a violation of a municipal OVI ordinance, any 90159
time during which the person serves a related suspension imposed 90160
pursuant to division (C)(1) of this section. 90161

(D)(1) A suspension of a person's driver's or commercial 90162
driver's license or permit or nonresident operating privilege 90163
under this section for the time described in division (B) or (C) 90164
of this section is effective immediately from the time at which 90165

the arresting officer serves the notice of suspension upon the 90166
arrested person. Any subsequent finding that the person is not 90167
guilty of the charge that resulted in the person being requested 90168
to take the chemical test or tests under division (A) of this 90169
section does not affect the suspension. 90170

(2) If a person is arrested for operating a vehicle, 90171
streetcar, or trackless trolley in violation of division (A) or 90172
(B) of section 4511.19 of the Revised Code or a municipal OVI 90173
ordinance, or for being in physical control of a vehicle, 90174
streetcar, or trackless trolley in violation of section 4511.194 90175
of the Revised Code or a substantially equivalent municipal 90176
ordinance, regardless of whether the person's driver's or 90177
commercial driver's license or permit or nonresident operating 90178
privilege is or is not suspended under division (B) or (C) of this 90179
section or Chapter 4510. of the Revised Code, the person's initial 90180
appearance on the charge resulting from the arrest shall be held 90181
within five days of the person's arrest or the issuance of the 90182
citation to the person, subject to any continuance granted by the 90183
court pursuant to section 4511.197 of the Revised Code regarding 90184
the issues specified in that division. 90185

(E) When it finally has been determined under the procedures 90186
of this section and sections 4511.192 to 4511.197 of the Revised 90187
Code that a nonresident's privilege to operate a vehicle within 90188
this state has been suspended, the registrar shall give 90189
information in writing of the action taken to the motor vehicle 90190
administrator of the state of the person's residence and of any 90191
state in which the person has a license. 90192

(F) At the end of a suspension period under this section, 90193
under section 4511.194, section 4511.196, or division (G) of 90194
section 4511.19 of the Revised Code, or under section 4510.07 of 90195
the Revised Code for a violation of a municipal OVI ordinance and 90196
upon the request of the person whose driver's or commercial 90197

driver's license or permit was suspended and who is not otherwise 90198
subject to suspension, cancellation, or disqualification, the 90199
registrar shall return the driver's or commercial driver's license 90200
or permit to the person upon the occurrence of all of the 90201
conditions specified in divisions (F)(1) and (2) of this section: 90202

(1) A showing that the person has proof of financial 90203
responsibility, a policy of liability insurance in effect that 90204
meets the minimum standards set forth in section 4509.51 of the 90205
Revised Code, or proof, to the satisfaction of the registrar, that 90206
the person is able to respond in damages in an amount at least 90207
equal to the minimum amounts specified in section 4509.51 of the 90208
Revised Code. 90209

(2) Subject to the limitation contained in division (F)(3) of 90210
this section, payment by the person to the registrar or an 90211
eligible deputy registrar of a license reinstatement fee of four 90212
hundred seventy-five dollars, which fee shall be deposited in the 90213
state treasury and credited as follows: 90214

(a) One hundred twelve dollars and fifty cents shall be 90215
credited to the statewide treatment and prevention fund created by 90216
section 4301.30 of the Revised Code. Money credited to the fund 90217
under this section shall be used for purposes identified ~~in the~~ 90218
~~comprehensive statewide alcohol and drug addiction services plan~~ 90219
~~developed~~ under section ~~3793.04~~ 5119.22 of the Revised Code. 90220

(b) Seventy-five dollars shall be credited to the reparations 90221
fund created by section 2743.191 of the Revised Code. 90222

(c) Thirty-seven dollars and fifty cents shall be credited to 90223
the indigent drivers alcohol treatment fund, which is hereby 90224
established in the state treasury. Except as otherwise provided in 90225
division (F)(2)(c) of this section, moneys in the fund shall be 90226
distributed by the department of ~~alcohol and drug addiction~~ 90227
~~services~~ mental health and addiction services to the county 90228

indigent drivers alcohol treatment funds, the county juvenile 90229
indigent drivers alcohol treatment funds, and the municipal 90230
indigent drivers alcohol treatment funds that are required to be 90231
established by counties and municipal corporations pursuant to 90232
division (H) of this section, and shall be used only to pay the 90233
cost of an alcohol and drug addiction treatment program attended 90234
by an offender or juvenile traffic offender who is ordered to 90235
attend an alcohol and drug addiction treatment program by a 90236
county, juvenile, or municipal court judge and who is determined 90237
by the county, juvenile, or municipal court judge not to have the 90238
means to pay for the person's attendance at the program or to pay 90239
the costs specified in division (H)(4) of this section in 90240
accordance with that division. In addition, a county, juvenile, or 90241
municipal court judge may use moneys in the county indigent 90242
drivers alcohol treatment fund, county juvenile indigent drivers 90243
alcohol treatment fund, or municipal indigent drivers alcohol 90244
treatment fund to pay for the cost of the continued use of an 90245
alcohol monitoring device as described in divisions (H)(3) and (4) 90246
of this section. Moneys in the fund that are not distributed to a 90247
county indigent drivers alcohol treatment fund, a county juvenile 90248
indigent drivers alcohol treatment fund, or a municipal indigent 90249
drivers alcohol treatment fund under division (H) of this section 90250
because the director of ~~alcohol and drug addiction services~~ mental 90251
health and addiction services does not have the information 90252
necessary to identify the county or municipal corporation where 90253
the offender or juvenile offender was arrested may be transferred 90254
by the director of budget and management to the statewide 90255
treatment and prevention fund created by section 4301.30 of the 90256
Revised Code, upon certification of the amount by the director of 90257
~~alcohol and drug addiction services~~ mental health and addiction 90258
services. 90259

(d) Seventy-five dollars shall be credited to the ~~Ohio~~ 90260
~~rehabilitation services commission~~ opportunities for Ohioans with 90261

disabilities agency established by section ~~3304.12~~ 3304.15 of the Revised Code, to the services for rehabilitation fund, which is hereby established. The fund shall be used to match available federal matching funds where appropriate, and for any other purpose or program of the ~~commission~~ agency to rehabilitate ~~people~~ persons with disabilities to help them become employed and independent.

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

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

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

(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court

judge not to have the means to pay for the person's use of the 90294
device. 90295

(3) If a person's driver's or commercial driver's license or 90296
permit is suspended under this section, under section 4511.196 or 90297
division (G) of section 4511.19 of the Revised Code, under section 90298
4510.07 of the Revised Code for a violation of a municipal OVI 90299
ordinance or under any combination of the suspensions described in 90300
division (F)(3) of this section, and if the suspensions arise from 90301
a single incident or a single set of facts and circumstances, the 90302
person is liable for payment of, and shall be required to pay to 90303
the registrar or an eligible deputy registrar, only one 90304
reinstatement fee of four hundred seventy-five dollars. The 90305
reinstatement fee shall be distributed by the bureau in accordance 90306
with division (F)(2) of this section. 90307

(4) The attorney general shall use amounts in the drug abuse 90308
resistance education programs fund to award grants to law 90309
enforcement agencies to establish and implement drug abuse 90310
resistance education programs in public schools. Grants awarded to 90311
a law enforcement agency under this section shall be used by the 90312
agency to pay for not more than fifty per cent of the amount of 90313
the salaries of law enforcement officers who conduct drug abuse 90314
resistance education programs in public schools. The attorney 90315
general shall not use more than six per cent of the amounts the 90316
attorney general's office receives under division (F)(2)(e) of 90317
this section to pay the costs it incurs in administering the grant 90318
program established by division (F)(2)(e) of this section and in 90319
providing training and materials relating to drug abuse resistance 90320
education programs. 90321

The attorney general shall report to the governor and the 90322
general assembly each fiscal year on the progress made in 90323
establishing and implementing drug abuse resistance education 90324
programs. These reports shall include an evaluation of the 90325

effectiveness of these programs. 90326

(5) In addition to the reinstatement fee under this section, 90327
if the person pays the reinstatement fee to a deputy registrar, 90328
the deputy registrar shall collect a service fee of ten dollars to 90329
compensate the deputy registrar for services performed under this 90330
section. The deputy registrar shall retain eight dollars of the 90331
service fee and shall transmit the reinstatement fee, plus two 90332
dollars of the service fee, to the registrar in the manner the 90333
registrar shall determine. 90334

(G) Suspension of a commercial driver's license under 90335
division (B) or (C) of this section shall be concurrent with any 90336
period of disqualification under section 3123.611 or 4506.16 of 90337
the Revised Code or any period of suspension under section 3123.58 90338
of the Revised Code. No person who is disqualified for life from 90339
holding a commercial driver's license under section 4506.16 of the 90340
Revised Code shall be issued a driver's license under Chapter 90341
4507. of the Revised Code during the period for which the 90342
commercial driver's license was suspended under division (B) or 90343
(C) of this section. No person whose commercial driver's license 90344
is suspended under division (B) or (C) of this section shall be 90345
issued a driver's license under Chapter 4507. of the Revised Code 90346
during the period of the suspension. 90347

(H)(1) Each county shall establish an indigent drivers 90348
alcohol treatment fund, each county shall establish a juvenile 90349
indigent drivers alcohol treatment fund, and each municipal 90350
corporation in which there is a municipal court shall establish an 90351
indigent drivers alcohol treatment fund. All revenue that the 90352
general assembly appropriates to the indigent drivers alcohol 90353
treatment fund for transfer to a county indigent drivers alcohol 90354
treatment fund, a county juvenile indigent drivers alcohol 90355
treatment fund, or a municipal indigent drivers alcohol treatment 90356
fund, all portions of fees that are paid under division (F) of 90357

this section and that are credited under that division to the 90358
indigent drivers alcohol treatment fund in the state treasury for 90359
a county indigent drivers alcohol treatment fund, a county 90360
juvenile indigent drivers alcohol treatment fund, or a municipal 90361
indigent drivers alcohol treatment fund, all portions of 90362
additional costs imposed under section 2949.094 of the Revised 90363
Code that are specified for deposit into a county, county 90364
juvenile, or municipal indigent drivers alcohol treatment fund by 90365
that section, and all portions of fines that are specified for 90366
deposit into a county or municipal indigent drivers alcohol 90367
treatment fund by section 4511.193 of the Revised Code shall be 90368
deposited into that county indigent drivers alcohol treatment 90369
fund, county juvenile indigent drivers alcohol treatment fund, or 90370
municipal indigent drivers alcohol treatment fund. The portions of 90371
the fees paid under division (F) of this section that are to be so 90372
deposited shall be determined in accordance with division (H)(2) 90373
of this section. Additionally, all portions of fines that are paid 90374
for a violation of section 4511.19 of the Revised Code or of any 90375
prohibition contained in Chapter 4510. of the Revised Code, and 90376
that are required under section 4511.19 or any provision of 90377
Chapter 4510. of the Revised Code to be deposited into a county 90378
indigent drivers alcohol treatment fund or municipal indigent 90379
drivers alcohol treatment fund shall be deposited into the 90380
appropriate fund in accordance with the applicable division of the 90381
section or provision. 90382

(2) That portion of the license reinstatement fee that is 90383
paid under division (F) of this section and that is credited under 90384
that division to the indigent drivers alcohol treatment fund shall 90385
be deposited into a county indigent drivers alcohol treatment 90386
fund, a county juvenile indigent drivers alcohol treatment fund, 90387
or a municipal indigent drivers alcohol treatment fund as follows: 90388

(a) Regarding a suspension imposed under this section, that 90389

portion of the fee shall be deposited as follows: 90390

(i) If the fee is paid by a person who was charged in a 90391
county court with the violation that resulted in the suspension or 90392
in the imposition of the court costs, the portion shall be 90393
deposited into the county indigent drivers alcohol treatment fund 90394
under the control of that court; 90395

(ii) If the fee is paid by a person who was charged in a 90396
juvenile court with the violation that resulted in the suspension 90397
or in the imposition of the court costs, the portion shall be 90398
deposited into the county juvenile indigent drivers alcohol 90399
treatment fund established in the county served by the court; 90400

(iii) If the fee is paid by a person who was charged in a 90401
municipal court with the violation that resulted in the suspension 90402
or in the imposition of the court costs, the portion shall be 90403
deposited into the municipal indigent drivers alcohol treatment 90404
fund under the control of that court. 90405

(b) Regarding a suspension imposed under section 4511.19 of 90406
the Revised Code or under section 4510.07 of the Revised Code for 90407
a violation of a municipal OVI ordinance, that portion of the fee 90408
shall be deposited as follows: 90409

(i) If the fee is paid by a person whose license or permit 90410
was suspended by a county court, the portion shall be deposited 90411
into the county indigent drivers alcohol treatment fund under the 90412
control of that court; 90413

(ii) If the fee is paid by a person whose license or permit 90414
was suspended by a municipal court, the portion shall be deposited 90415
into the municipal indigent drivers alcohol treatment fund under 90416
the control of that court. 90417

(3) Expenditures from a county indigent drivers alcohol 90418
treatment fund, a county juvenile indigent drivers alcohol 90419
treatment fund, or a municipal indigent drivers alcohol treatment 90420

fund shall be made only upon the order of a county, juvenile, or 90421
municipal court judge and only for payment of the cost of an 90422
assessment or the cost of the attendance at an alcohol and drug 90423
addiction treatment program of a person who is convicted of, or 90424
found to be a juvenile traffic offender by reason of, a violation 90425
of division (A) of section 4511.19 of the Revised Code or a 90426
substantially similar municipal ordinance, who is ordered by the 90427
court to attend the alcohol and drug addiction treatment program, 90428
and who is determined by the court to be unable to pay the cost of 90429
the assessment or the cost of attendance at the treatment program 90430
or for payment of the costs specified in division (H)(4) of this 90431
section in accordance with that division. The alcohol and drug 90432
addiction services board or the board of alcohol, drug addiction, 90433
and mental health services established pursuant to section 340.02 90434
or 340.021 of the Revised Code and serving the alcohol, drug 90435
addiction, and mental health service district in which the court 90436
is located shall administer the indigent drivers alcohol treatment 90437
program of the court. When a court orders an offender or juvenile 90438
traffic offender to obtain an assessment or attend an alcohol and 90439
drug addiction treatment program, the board shall determine which 90440
program is suitable to meet the needs of the offender or juvenile 90441
traffic offender, and when a suitable program is located and space 90442
is available at the program, the offender or juvenile traffic 90443
offender shall attend the program designated by the board. A 90444
reasonable amount not to exceed five per cent of the amounts 90445
credited to and deposited into the county indigent drivers alcohol 90446
treatment fund, the county juvenile indigent drivers alcohol 90447
treatment fund, or the municipal indigent drivers alcohol 90448
treatment fund serving every court whose program is administered 90449
by that board shall be paid to the board to cover the costs it 90450
incurs in administering those indigent drivers alcohol treatment 90451
programs. 90452

In addition, upon exhaustion of moneys in the indigent 90453

drivers interlock and alcohol monitoring fund for the use of an 90454
alcohol monitoring device, a county, juvenile, or municipal court 90455
judge may use moneys in the county indigent drivers alcohol 90456
treatment fund, county juvenile indigent drivers alcohol treatment 90457
fund, or municipal indigent drivers alcohol treatment fund in the 90458
following manners: 90459

(a) If the source of the moneys was an appropriation of the 90460
general assembly, a portion of a fee that was paid under division 90461
(F) of this section, a portion of a fine that was specified for 90462
deposit into the fund by section 4511.193 of the Revised Code, or 90463
a portion of a fine that was paid for a violation of section 90464
4511.19 of the Revised Code or of a provision contained in Chapter 90465
4510. of the Revised Code that was required to be deposited into 90466
the fund, to pay for the continued use of an alcohol monitoring 90467
device by an offender or juvenile traffic offender, in conjunction 90468
with a treatment program approved by the department of ~~alcohol and~~ 90469
~~drug addiction services~~ mental health and addiction services, when 90470
such use is determined clinically necessary by the treatment 90471
program and when the court determines that the offender or 90472
juvenile traffic offender is unable to pay all or part of the 90473
daily monitoring or cost of the device; 90474

(b) If the source of the moneys was a portion of an 90475
additional court cost imposed under section 2949.094 of the 90476
Revised Code, to pay for the continued use of an alcohol 90477
monitoring device by an offender or juvenile traffic offender when 90478
the court determines that the offender or juvenile traffic 90479
offender is unable to pay all or part of the daily monitoring or 90480
cost of the device. The moneys may be used for a device as 90481
described in this division if the use of the device is in 90482
conjunction with a treatment program approved by the department of 90483
~~alcohol and drug addiction services~~ mental health and addiction 90484
services, when the use of the device is determined clinically 90485

necessary by the treatment program, but the use of a device is not 90486
required to be in conjunction with a treatment program approved by 90487
the department in order for the moneys to be used for the device 90488
as described in this division. 90489

(4) If a county, juvenile, or municipal court determines, in 90490
consultation with the alcohol and drug addiction services board or 90491
the board of alcohol, drug addiction, and mental health services 90492
established pursuant to section 340.02 or 340.021 of the Revised 90493
Code and serving the alcohol, drug addiction, and mental health 90494
district in which the court is located, that the funds in the 90495
county indigent drivers alcohol treatment fund, the county 90496
juvenile indigent drivers alcohol treatment fund, or the municipal 90497
indigent drivers alcohol treatment fund under the control of the 90498
court are more than sufficient to satisfy the purpose for which 90499
the fund was established, as specified in divisions (H)(1) to (3) 90500
of this section, the court may declare a surplus in the fund. If 90501
the court declares a surplus in the fund, the court may expend the 90502
amount of the surplus in the fund for: 90503

(a) Alcohol and drug abuse assessment and treatment of 90504
persons who are charged in the court with committing a criminal 90505
offense or with being a delinquent child or juvenile traffic 90506
offender and in relation to whom both of the following apply: 90507

(i) The court determines that substance abuse was a 90508
contributing factor leading to the criminal or delinquent activity 90509
or the juvenile traffic offense with which the person is charged. 90510

(ii) The court determines that the person is unable to pay 90511
the cost of the alcohol and drug abuse assessment and treatment 90512
for which the surplus money will be used. 90513

(b) All or part of the cost of purchasing alcohol monitoring 90514
devices to be used in conjunction with division (H)(3) of this 90515
section, upon exhaustion of moneys in the indigent drivers 90516

interlock and alcohol monitoring fund for the use of an alcohol 90517
monitoring device. 90518

(5) For the purpose of determining as described in division 90519
(F)(2)(c) of this section whether an offender does not have the 90520
means to pay for the offender's attendance at an alcohol and drug 90521
addiction treatment program or whether an alleged offender or 90522
delinquent child is unable to pay the costs specified in division 90523
(H)(4) of this section, the court shall use the indigent client 90524
eligibility guidelines and the standards of indigency established 90525
by the state public defender to make the determination. 90526

(6) The court shall identify and refer any ~~alcohol and drug~~ 90527
community addiction program services provider that is not 90528
certified under section ~~3793.06~~ 5119.36 of the Revised Code and 90529
that is interested in receiving amounts from the surplus in the 90530
fund declared under division (H)(4) of this section to the 90531
department of ~~alcohol and drug addiction services~~ mental health 90532
and addiction services in order for the ~~program services provider~~ 90533
to become a certified ~~alcohol and drug~~ community addiction program 90534
services provider. The department shall keep a record of applicant 90535
referrals received pursuant to this division and shall submit a 90536
report on the referrals each year to the general assembly. If a 90537
~~program services provider~~ interested in becoming certified makes 90538
an application to become certified pursuant to section ~~3793.06~~ 90539
5119.36 of the Revised Code, the ~~program services provider~~ is 90540
eligible to receive surplus funds as long as the application is 90541
pending with the department. The department of ~~alcohol and drug~~ 90542
~~addiction services~~ mental health and addiction services must offer 90543
technical assistance to the applicant. If the interested ~~program~~ 90544
services provider withdraws the certification application, the 90545
department must notify the court, and the court shall not provide 90546
the interested ~~program services provider~~ with any further surplus 90547
funds. 90548

(7)(a) Each alcohol and drug addiction services board and 90549
board of alcohol, drug addiction, and mental health services 90550
established pursuant to section 340.02 or 340.021 of the Revised 90551
Code shall submit to the department of ~~alcohol and drug addiction~~ 90552
~~services~~ mental health and addiction services an annual report for 90553
each indigent drivers alcohol treatment fund in that board's area. 90554

(b) The report, which shall be submitted not later than sixty 90555
days after the end of the state fiscal year, shall provide the 90556
total payment that was made from the fund, including the number of 90557
indigent consumers that received treatment services and the number 90558
of indigent consumers that received an alcohol monitoring device. 90559
The report shall identify the treatment program and expenditure 90560
for an alcohol monitoring device for which that payment was made. 90561
The report shall include the fiscal year balance of each indigent 90562
drivers alcohol treatment fund located in that board's area. In 90563
the event that a surplus is declared in the fund pursuant to 90564
division (H)(4) of this section, the report also shall provide the 90565
total payment that was made from the surplus moneys and identify 90566
the treatment program and expenditure for an alcohol monitoring 90567
device for which that payment was made. ~~The department may require~~ 90568
~~additional information necessary to complete the comprehensive~~ 90569
~~statewide alcohol and drug addiction services plan as required by~~ 90570
~~section 3793.04 of the Revised Code.~~ 90571

(c) If a board is unable to obtain adequate information to 90572
develop the report to submit to the department for a particular 90573
indigent drivers alcohol treatment fund, the board shall submit a 90574
report detailing the effort made in obtaining the information. 90575

(I)(1) Each county shall establish an indigent drivers 90576
interlock and alcohol monitoring fund and a juvenile indigent 90577
drivers interlock and alcohol treatment fund, and each municipal 90578
corporation in which there is a municipal court shall establish an 90579
indigent drivers interlock and alcohol monitoring fund. All 90580

revenue that the general assembly appropriates to the indigent 90581
drivers interlock and alcohol monitoring fund for transfer to a 90582
county indigent drivers interlock and alcohol monitoring fund, a 90583
county juvenile indigent drivers interlock and alcohol monitoring 90584
fund, or a municipal indigent drivers interlock and alcohol 90585
monitoring fund, all portions of license reinstatement fees that 90586
are paid under division (F)(2) of this section and that are 90587
credited under that division to the indigent drivers interlock and 90588
alcohol monitoring fund in the state treasury, and all portions of 90589
fines that are paid under division (G) of section 4511.19 of the 90590
Revised Code and that are credited by division (G)(5)(e) of that 90591
section to the indigent drivers interlock and alcohol monitoring 90592
fund in the state treasury shall be deposited in the appropriate 90593
fund in accordance with division (I)(2) of this section. 90594

(2) That portion of the license reinstatement fee that is 90595
paid under division (F) of this section and that portion of the 90596
fine paid under division (G) of section 4511.19 of the Revised 90597
Code and that is credited under either division to the indigent 90598
drivers interlock and alcohol monitoring fund shall be deposited 90599
into a county indigent drivers interlock and alcohol monitoring 90600
fund, a county juvenile indigent drivers interlock and alcohol 90601
monitoring fund, or a municipal indigent drivers interlock and 90602
alcohol monitoring fund as follows: 90603

(a) If the fee or fine is paid by a person who was charged in 90604
a county court with the violation that resulted in the suspension 90605
or fine, the portion shall be deposited into the county indigent 90606
drivers interlock and alcohol monitoring fund under the control of 90607
that court. 90608

(b) If the fee or fine is paid by a person who was charged in 90609
a juvenile court with the violation that resulted in the 90610
suspension or fine, the portion shall be deposited into the county 90611
juvenile indigent drivers interlock and alcohol monitoring fund 90612

established in the county served by the court. 90613

(c) If the fee or fine is paid by a person who was charged in 90614
a municipal court with the violation that resulted in the 90615
suspension, the portion shall be deposited into the municipal 90616
indigent drivers interlock and alcohol monitoring fund under the 90617
control of that court. 90618

Sec. 4511.21. (A) No person shall operate a motor vehicle, 90619
trackless trolley, or streetcar at a speed greater or less than is 90620
reasonable or proper, having due regard to the traffic, surface, 90621
and width of the street or highway and any other conditions, and 90622
no person shall drive any motor vehicle, trackless trolley, or 90623
streetcar in and upon any street or highway at a greater speed 90624
than will permit the person to bring it to a stop within the 90625
assured clear distance ahead. 90626

(B) It is prima-facie lawful, in the absence of a lower limit 90627
declared or established pursuant to this section by the director 90628
of transportation or local authorities, for the operator of a 90629
motor vehicle, trackless trolley, or streetcar to operate the same 90630
at a speed not exceeding the following: 90631

(1)(a) Twenty miles per hour in school zones during school 90632
recess and while children are going to or leaving school during 90633
the opening or closing hours, and when twenty miles per hour 90634
school speed limit signs are erected; except that, on 90635
controlled-access highways and expressways, if the right-of-way 90636
line fence has been erected without pedestrian opening, the speed 90637
shall be governed by division (B)(4) of this section and on 90638
freeways, if the right-of-way line fence has been erected without 90639
pedestrian opening, the speed shall be governed by divisions 90640
(B)(9) and (10) of this section. The end of every school zone may 90641
be marked by a sign indicating the end of the zone. Nothing in 90642
this section or in the manual and specifications for a uniform 90643

system of traffic control devices shall be construed to require 90644
school zones to be indicated by signs equipped with flashing or 90645
other lights, or giving other special notice of the hours in which 90646
the school zone speed limit is in effect. 90647

(b) As used in this section and in section 4511.212 of the 90648
Revised Code, "school" means any school chartered under section 90649
3301.16 of the Revised Code and any nonchartered school that 90650
during the preceding year filed with the department of education 90651
in compliance with rule 3301-35-08 of the Ohio Administrative 90652
Code, a copy of the school's report for the parents of the 90653
school's pupils certifying that the school meets Ohio minimum 90654
standards for nonchartered, nontax-supported schools and presents 90655
evidence of this filing to the jurisdiction from which it is 90656
requesting the establishment of a school zone. "School" also 90657
includes a special elementary school that in writing requests the 90658
county engineer of the county in which the special elementary 90659
school is located to create a school zone at the location of that 90660
school. Upon receipt of such a written request, the county 90661
engineer shall create a school zone at that location by erecting 90662
the appropriate signs. 90663

(c) As used in this section, "school zone" means that portion 90664
of a street or highway passing a school fronting upon the street 90665
or highway that is encompassed by projecting the school property 90666
lines to the fronting street or highway, and also includes that 90667
portion of a state highway. Upon request from local authorities 90668
for streets and highways under their jurisdiction and that portion 90669
of a state highway under the jurisdiction of the director of 90670
transportation or a request from a county engineer in the case of 90671
a school zone for a special elementary school, the director may 90672
extend the traditional school zone boundaries. The distances in 90673
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 90674
exceed three hundred feet per approach per direction and are 90675

bounded by whichever of the following distances or combinations 90676
thereof the director approves as most appropriate: 90677

(i) The distance encompassed by projecting the school 90678
building lines normal to the fronting highway and extending a 90679
distance of three hundred feet on each approach direction; 90680

(ii) The distance encompassed by projecting the school 90681
property lines intersecting the fronting highway and extending a 90682
distance of three hundred feet on each approach direction; 90683

(iii) The distance encompassed by the special marking of the 90684
pavement for a principal school pupil crosswalk plus a distance of 90685
three hundred feet on each approach direction of the highway. 90686

Nothing in this section shall be construed to invalidate the 90687
director's initial action on August 9, 1976, establishing all 90688
school zones at the traditional school zone boundaries defined by 90689
projecting school property lines, except when those boundaries are 90690
extended as provided in divisions (B)(1)(a) and (c) of this 90691
section. 90692

(d) As used in this division, "crosswalk" has the meaning 90693
given that term in division (LL)(2) of section 4511.01 of the 90694
Revised Code. 90695

The director may, upon request by resolution of the 90696
legislative authority of a municipal corporation, the board of 90697
trustees of a township, or a county board of developmental 90698
disabilities created pursuant to Chapter 5126. of the Revised 90699
Code, and upon submission by the municipal corporation, township, 90700
or county board of such engineering, traffic, and other 90701
information as the director considers necessary, designate a 90702
school zone on any portion of a state route lying within the 90703
municipal corporation, lying within the unincorporated territory 90704
of the township, or lying adjacent to the property of a school 90705
that is operated by such county board, that includes a crosswalk 90706

customarily used by children going to or leaving a school during 90707
recess and opening and closing hours, whenever the distance, as 90708
measured in a straight line, from the school property line nearest 90709
the crosswalk to the nearest point of the crosswalk is no more 90710
than one thousand three hundred twenty feet. Such a school zone 90711
shall include the distance encompassed by the crosswalk and 90712
extending three hundred feet on each approach direction of the 90713
state route. 90714

(e) As used in this section, "special elementary school" 90715
means a school that meets all of the following criteria: 90716

(i) It is not chartered and does not receive tax revenue from 90717
any source. 90718

(ii) It does not educate children beyond the eighth grade. 90719

(iii) It is located outside the limits of a municipal 90720
corporation. 90721

(iv) A majority of the total number of students enrolled at 90722
the school are not related by blood. 90723

(v) The principal or other person in charge of the special 90724
elementary school annually sends a report to the superintendent of 90725
the school district in which the special elementary school is 90726
located indicating the total number of students enrolled at the 90727
school, but otherwise the principal or other person in charge does 90728
not report any other information or data to the superintendent. 90729

(2) Twenty-five miles per hour in all other portions of a 90730
municipal corporation, except on state routes outside business 90731
districts, through highways outside business districts, and 90732
alleys; 90733

(3) Thirty-five miles per hour on all state routes or through 90734
highways within municipal corporations outside business districts, 90735
except as provided in divisions (B)(4) and (6) of this section; 90736

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;	90737 90738
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in division (B)(9) of this section, and freeways as provided in divisions (B) (12) , (13), (14) , (16), and (17) of this section;	90739 90740 90741 90742 90743
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	90744 90745 90746
(7) Fifteen miles per hour on all alleys within the municipal corporation;	90747 90748
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	90749 90750
(9) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section.	90751 90752 90753
(10) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B) (12) , (13), (14) , (16), and (17) of this section;	90754 90755 90756 90757
(11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B) (12) , (13), (14) , (16), and (17) of this section;	90758 90759 90760
(12) Fifty-five <u>Sixty</u> miles per hour at all times on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system <u>and that had a speed limit of fifty-five miles per hour immediately prior to the effective date of this amendment</u> , for operators of	90761 90762 90763 90764 90765 90766

any motor vehicle weighing in excess of eight thousand pounds 90767
empty weight and any noncommercial bus; 90768

(13) ~~Fifty-five~~ Sixty miles per hour for operators of any 90769
motor vehicle weighing eight thousand pounds or less empty weight 90770
and any commercial bus at all times on all portions of freeways 90771
that are not part of the interstate system, but are built to the 90772
standards and specifications that are applicable to freeways that 90773
are part of the interstate system and that had ~~such~~ a speed limit 90774
established of fifty-five miles per hour immediately prior to 90775
~~October 1, 1995, unless a higher speed limit is established under~~ 90776
~~division (L) the effective date of this section amendment;~~ 90777

(14) ~~Sixty-five~~ Seventy miles per hour for operators of any 90778
motor vehicle weighing ~~eight thousand pounds or less empty weight~~ 90779
~~and any commercial bus~~ at all times on all portions of both of the 90780
following: 90781

(a) Freeways that are not part of the interstate system, but 90782
are built to the standards and specifications that are applicable 90783
to freeways that are part of the interstate system and that had 90784
~~such~~ a speed limit established of sixty-five miles per hour 90785
immediately prior to October 1, 1995 the effective date of this 90786
amendment; 90787

(b) ~~Freeways that are not part of the interstate system but~~ 90788
~~are built to the standards and specifications that are applicable~~ 90789
~~to freeways that are part of the interstate system, and that had~~ 90790
~~such a speed limit established under division (L) of this section;~~ 90791

~~(c)~~ Rural, divided, multi-lane highways that are designated 90792
as part of the national highway system under the "National Highway 90793
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 90794
and that had ~~such~~ a speed limit established under division (M) of 90795
sixty-five miles per hour immediately prior to the effective date 90796
of this ~~section~~ amendment. 90797

(15) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;

(16) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the director and that are part of the interstate system and are part of an interstate freeway outerbelt;

(17) Seventy miles per hour at all times on all portions of freeways that are part of the interstate system and are outside urbanized areas, as designated in accordance with 23 U.S.C. 101, for operators of all motor vehicles.

(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), and (8) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a two-lane state route as provided in division (B)(9) of this section and upon a freeway as provided in divisions (B)~~(12)~~, (13), ~~(14)~~, (16), and (17) of this section;

(2) At a speed exceeding sixty miles per hour upon a two-lane state route as provided in division (B)(9) of this section ~~and upon a freeway as provided in divisions (B)(12) and (13) of this~~

section; 90829

(3) At a speed exceeding sixty-five miles per hour upon a 90830
freeway as provided in division (B)(16) of this section, except 90831
upon a freeway as provided in ~~division~~ divisions (B)(14) and (17) 90832
of this section; 90833

(4) At a speed exceeding seventy miles per hour upon a 90834
freeway as provided in ~~division~~ divisions (B)(14) and (17) of this 90835
section; 90836

(5) If a motor vehicle weighing in excess of eight thousand 90837
pounds empty weight or a noncommercial bus as prescribed in 90838
division (B)(~~11~~)(12) of this section, at a speed exceeding 90839
~~fifty-five~~ sixty miles per hour, except upon a freeway as provided 90840
in divisions (B)(14), (16), and (17) of this section; 90841

(6) At a speed exceeding the posted speed limit upon a 90842
freeway for which the director has determined and declared a speed 90843
limit of not more than sixty-five miles per hour pursuant to 90844
division (L)(2) or (M) of this section; 90845

(7) At a speed exceeding sixty-five miles per hour upon a 90846
freeway for which such a speed limit has been established through 90847
the operation of division (L)(3) of this section; 90848

(8) At a speed exceeding the posted speed limit upon a 90849
freeway for which the director has determined and declared a speed 90850
limit pursuant to division (I)(2) of this section. 90851

(E) In every charge of violation of this section the 90852
affidavit and warrant shall specify the time, place, and speed at 90853
which the defendant is alleged to have driven, and in charges made 90854
in reliance upon division (C) of this section also the speed which 90855
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 90856
declared or established pursuant to, this section declares is 90857
prima-facie lawful at the time and place of such alleged 90858
violation, except that in affidavits where a person is alleged to 90859

have driven at a greater speed than will permit the person to 90860
bring the vehicle to a stop within the assured clear distance 90861
ahead the affidavit and warrant need not specify the speed at 90862
which the defendant is alleged to have driven. 90863

(F) When a speed in excess of both a prima-facie limitation 90864
and a limitation in division (D) of this section is alleged, the 90865
defendant shall be charged in a single affidavit, alleging a 90866
single act, with a violation indicated of both division (B)(1)(a), 90867
(2), (3), (4), (6), (7), or (8) of this section, or of a limit 90868
declared or established pursuant to this section by the director 90869
or local authorities, and of the limitation in division (D) of 90870
this section. If the court finds a violation of division 90871
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 90872
or established pursuant to, this section has occurred, it shall 90873
enter a judgment of conviction under such division and dismiss the 90874
charge under division (D) of this section. If it finds no 90875
violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) 90876
of, or a limit declared or established pursuant to, this section, 90877
it shall then consider whether the evidence supports a conviction 90878
under division (D) of this section. 90879

(G) Points shall be assessed for violation of a limitation 90880
under division (D) of this section in accordance with section 90881
4510.036 of the Revised Code. 90882

(H)(1) Whenever the director determines upon the basis of a 90883
geometric and traffic characteristic study that any speed limit 90884
set forth in divisions (B)(1)(a) to (D) of this section is greater 90885
or less than is reasonable or safe under the conditions found to 90886
exist at any portion of a street or highway under the jurisdiction 90887
of the director, the director shall determine and declare a 90888
reasonable and safe prima-facie speed limit, which shall be 90889
effective when appropriate signs giving notice of it are erected 90890
at the location. 90891

(2) Whenever the director determines upon the basis of a geometric and traffic characteristic study that the speed limit of fifty-five miles per hour on a two-lane state route outside a municipal corporation is less than is reasonable or safe under the conditions found to exist at that portion of the state route, the director may determine and declare a speed limit of sixty miles per hour for that portion of the state route, which shall be effective when appropriate signs giving notice of it are erected at the location.

(I)(1) Except as provided in divisions (I)(2) and (K) of this section, whenever local authorities determine upon the basis of an engineering and traffic investigation that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the local authorities may by resolution request the director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the local authorities. The director may withdraw the declaration of a prima-facie speed limit whenever in the director's opinion the altered prima-facie speed becomes unreasonable. Upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(2) A local authority may determine on the basis of a geometric and traffic characteristic study that the speed limit of sixty-five miles per hour on a portion of a freeway under its jurisdiction that was established through the operation of

division (L)(3) of this section is greater than is reasonable or 90924
safe under the conditions found to exist at that portion of the 90925
freeway. If the local authority makes such a determination, the 90926
local authority by resolution may request the director to 90927
determine and declare a reasonable and safe speed limit of not 90928
less than fifty-five miles per hour for that portion of the 90929
freeway. If the director takes such action, the declared speed 90930
limit becomes effective only when appropriate signs giving notice 90931
of it are erected at such location by the local authority. 90932

(J) Local authorities in their respective jurisdictions may 90933
authorize by ordinance higher prima-facie speeds than those stated 90934
in this section upon through highways, or upon highways or 90935
portions thereof where there are no intersections, or between 90936
widely spaced intersections, provided signs are erected giving 90937
notice of the authorized speed, but local authorities shall not 90938
modify or alter the basic rule set forth in division (A) of this 90939
section or in any event authorize by ordinance a speed in excess 90940
of fifty miles per hour. 90941

Alteration of prima-facie limits on state routes by local 90942
authorities shall not be effective until the alteration has been 90943
approved by the director. The director may withdraw approval of 90944
any altered prima-facie speed limits whenever in the director's 90945
opinion any altered prima-facie speed becomes unreasonable, and 90946
upon such withdrawal, the altered prima-facie speed shall become 90947
ineffective and the signs relating thereto shall be immediately 90948
removed by the local authorities. 90949

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 90950
section, "unimproved highway" means a highway consisting of any of 90951
the following: 90952

(a) Unimproved earth; 90953

(b) Unimproved graded and drained earth; 90954

(c) Gravel. 90955

(2) Except as otherwise provided in divisions (K)(4) and (5) 90956
of this section, whenever a board of township trustees determines 90957
upon the basis of an engineering and traffic investigation that 90958
the speed permitted by division (B)(5) of this section on any part 90959
of an unimproved highway under its jurisdiction and in the 90960
unincorporated territory of the township is greater than is 90961
reasonable or safe under the conditions found to exist at the 90962
location, the board may by resolution declare a reasonable and 90963
safe prima-facie speed limit of fifty-five but not less than 90964
twenty-five miles per hour. An altered speed limit adopted by a 90965
board of township trustees under this division becomes effective 90966
when appropriate traffic control devices, as prescribed in section 90967
4511.11 of the Revised Code, giving notice thereof are erected at 90968
the location, which shall be no sooner than sixty days after 90969
adoption of the resolution. 90970

(3)(a) Whenever, in the opinion of a board of township 90971
trustees, any altered prima-facie speed limit established by the 90972
board under this division becomes unreasonable, the board may 90973
adopt a resolution withdrawing the altered prima-facie speed 90974
limit. Upon the adoption of such a resolution, the altered 90975
prima-facie speed limit becomes ineffective and the traffic 90976
control devices relating thereto shall be immediately removed. 90977

(b) Whenever a highway ceases to be an unimproved highway and 90978
the board has adopted an altered prima-facie speed limit pursuant 90979
to division (K)(2) of this section, the board shall, by 90980
resolution, withdraw the altered prima-facie speed limit as soon 90981
as the highway ceases to be unimproved. Upon the adoption of such 90982
a resolution, the altered prima-facie speed limit becomes 90983
ineffective and the traffic control devices relating thereto shall 90984
be immediately removed. 90985

(4)(a) If the boundary of two townships rests on the 90986

centerline of an unimproved highway in unincorporated territory 90987
and both townships have jurisdiction over the highway, neither of 90988
the boards of township trustees of such townships may declare an 90989
altered prima-facie speed limit pursuant to division (K)(2) of 90990
this section on the part of the highway under their joint 90991
jurisdiction unless the boards of township trustees of both of the 90992
townships determine, upon the basis of an engineering and traffic 90993
investigation, that the speed permitted by division (B)(5) of this 90994
section is greater than is reasonable or safe under the conditions 90995
found to exist at the location and both boards agree upon a 90996
reasonable and safe prima-facie speed limit of less than 90997
fifty-five but not less than twenty-five miles per hour for that 90998
location. If both boards so agree, each shall follow the procedure 90999
specified in division (K)(2) of this section for altering the 91000
prima-facie speed limit on the highway. Except as otherwise 91001
provided in division (K)(4)(b) of this section, no speed limit 91002
altered pursuant to division (K)(4)(a) of this section may be 91003
withdrawn unless the boards of township trustees of both townships 91004
determine that the altered prima-facie speed limit previously 91005
adopted becomes unreasonable and each board adopts a resolution 91006
withdrawing the altered prima-facie speed limit pursuant to the 91007
procedure specified in division (K)(3)(a) of this section. 91008

(b) Whenever a highway described in division (K)(4)(a) of 91009
this section ceases to be an unimproved highway and two boards of 91010
township trustees have adopted an altered prima-facie speed limit 91011
pursuant to division (K)(4)(a) of this section, both boards shall, 91012
by resolution, withdraw the altered prima-facie speed limit as 91013
soon as the highway ceases to be unimproved. Upon the adoption of 91014
the resolution, the altered prima-facie speed limit becomes 91015
ineffective and the traffic control devices relating thereto shall 91016
be immediately removed. 91017

(5) As used in division (K)(5) of this section: 91018

(a) "Commercial subdivision" means any platted territory 91019
outside the limits of a municipal corporation and fronting a 91020
highway where, for a distance of three hundred feet or more, the 91021
frontage is improved with buildings in use for commercial 91022
purposes, or where the entire length of the highway is less than 91023
three hundred feet long and the frontage is improved with 91024
buildings in use for commercial purposes. 91025

(b) "Residential subdivision" means any platted territory 91026
outside the limits of a municipal corporation and fronting a 91027
highway, where, for a distance of three hundred feet or more, the 91028
frontage is improved with residences or residences and buildings 91029
in use for business, or where the entire length of the highway is 91030
less than three hundred feet long and the frontage is improved 91031
with residences or residences and buildings in use for business. 91032

Whenever a board of township trustees finds upon the basis of 91033
an engineering and traffic investigation that the prima-facie 91034
speed permitted by division (B)(5) of this section on any part of 91035
a highway under its jurisdiction that is located in a commercial 91036
or residential subdivision, except on highways or portions thereof 91037
at the entrances to which vehicular traffic from the majority of 91038
intersecting highways is required to yield the right-of-way to 91039
vehicles on such highways in obedience to stop or yield signs or 91040
traffic control signals, is greater than is reasonable and safe 91041
under the conditions found to exist at the location, the board may 91042
by resolution declare a reasonable and safe prima-facie speed 91043
limit of less than fifty-five but not less than twenty-five miles 91044
per hour at the location. An altered speed limit adopted by a 91045
board of township trustees under this division shall become 91046
effective when appropriate signs giving notice thereof are erected 91047
at the location by the township. Whenever, in the opinion of a 91048
board of township trustees, any altered prima-facie speed limit 91049
established by it under this division becomes unreasonable, it may 91050

adopt a resolution withdrawing the altered prima-facie speed, and 91051
upon such withdrawal, the altered prima-facie speed shall become 91052
ineffective, and the signs relating thereto shall be immediately 91053
removed by the township. 91054

(L)(1) Within one hundred twenty days of February 29, 1996, 91055
the director of transportation, based upon a geometric and traffic 91056
characteristic study of a freeway that is part of the interstate 91057
system or that is not part of the interstate system, but is built 91058
to the standards and specifications that are applicable to 91059
freeways that are part of the interstate system, in consultation 91060
with the director of public safety and, if applicable, the local 91061
authority having jurisdiction over a portion of such freeway, may 91062
determine and declare that the speed limit of less than sixty-five 91063
miles per hour established on such freeway or portion of freeway 91064
either is reasonable and safe or is less than that which is 91065
reasonable and safe. 91066

(2) If the established speed limit for such a freeway or 91067
portion of freeway is determined to be less than that which is 91068
reasonable and safe, the director of transportation, in 91069
consultation with the director of public safety and, if 91070
applicable, the local authority having jurisdiction over the 91071
portion of freeway, shall determine and declare a reasonable and 91072
safe speed limit of not more than sixty-five miles per hour for 91073
that freeway or portion of freeway. 91074

The director of transportation or local authority having 91075
jurisdiction over the freeway or portion of freeway shall erect 91076
appropriate signs giving notice of the speed limit at such 91077
location within one hundred fifty days of February 29, 1996. Such 91078
speed limit becomes effective only when such signs are erected at 91079
the location. 91080

(3) If, within one hundred twenty days of February 29, 1996, 91081
the director of transportation does not make a determination and 91082

declaration of a reasonable and safe speed limit for a freeway or 91083
portion of freeway that is part of the interstate system or that 91084
is not part of the interstate system, but is built to the 91085
standards and specifications that are applicable to freeways that 91086
are part of the interstate system and that has a speed limit of 91087
less than sixty-five miles per hour, the speed limit on that 91088
freeway or portion of a freeway shall be sixty-five miles per 91089
hour. The director of transportation or local authority having 91090
jurisdiction over the freeway or portion of the freeway shall 91091
erect appropriate signs giving notice of the speed limit of 91092
sixty-five miles per hour at such location within one hundred 91093
fifty days of February 29, 1996. Such speed limit becomes 91094
effective only when such signs are erected at the location. A 91095
speed limit established through the operation of division (L)(3) 91096
of this section is subject to reduction under division (I)(2) of 91097
this section. 91098

(M) Within three hundred sixty days after February 29, 1996, 91099
the director of transportation, based upon a geometric and traffic 91100
characteristic study of a rural, divided, multi-lane highway that 91101
has been designated as part of the national highway system under 91102
the "National Highway System Designation Act of 1995," 109 Stat. 91103
568, 23 U.S.C.A. 103, in consultation with the director of public 91104
safety and, if applicable, the local authority having jurisdiction 91105
over a portion of the highway, may determine and declare that the 91106
speed limit of less than sixty-five miles per hour established on 91107
the highway or portion of highway either is reasonable and safe or 91108
is less than that which is reasonable and safe. 91109

If the established speed limit for the highway or portion of 91110
highway is determined to be less than that which is reasonable and 91111
safe, the director of transportation, in consultation with the 91112
director of public safety and, if applicable, the local authority 91113
having jurisdiction over the portion of highway, shall determine 91114

and declare a reasonable and safe speed limit of not more than 91115
sixty-five miles per hour for that highway or portion of highway. 91116
The director of transportation or local authority having 91117
jurisdiction over the highway or portion of highway shall erect 91118
appropriate signs giving notice of the speed limit at such 91119
location within three hundred ninety days after February 29, 1996. 91120
The speed limit becomes effective only when such signs are erected 91121
at the location. 91122

(N)(1)(a) If the boundary of two local authorities rests on 91123
the centerline of a highway and both authorities have jurisdiction 91124
over the highway, the speed limit for the part of the highway 91125
within their joint jurisdiction shall be either one of the 91126
following as agreed to by both authorities: 91127

(i) Either prima-facie speed limit permitted by division (B) 91128
of this section; 91129

(ii) An altered speed limit determined and posted in 91130
accordance with this section. 91131

(b) If the local authorities are unable to reach an 91132
agreement, the speed limit shall remain as established and posted 91133
under this section. 91134

(2) Neither local authority may declare an altered 91135
prima-facie speed limit pursuant to this section on the part of 91136
the highway under their joint jurisdiction unless both of the 91137
local authorities determine, upon the basis of an engineering and 91138
traffic investigation, that the speed permitted by this section is 91139
greater than is reasonable or safe under the conditions found to 91140
exist at the location and both authorities agree upon a uniform 91141
reasonable and safe prima-facie speed limit of less than 91142
fifty-five but not less than twenty-five miles per hour for that 91143
location. If both authorities so agree, each shall follow the 91144
procedure specified in this section for altering the prima-facie 91145

speed limit on the highway, and the speed limit for the part of 91146
the highway within their joint jurisdiction shall be uniformly 91147
altered. No altered speed limit may be withdrawn unless both local 91148
authorities determine that the altered prima-facie speed limit 91149
previously adopted becomes unreasonable and each adopts a 91150
resolution withdrawing the altered prima-facie speed limit 91151
pursuant to the procedure specified in this section. 91152

(0) As used in this section: 91153

(1) "Interstate system" has the same meaning as in 23 91154
U.S.C.A. 101. 91155

(2) "Commercial bus" means a motor vehicle designed for 91156
carrying more than nine passengers and used for the transportation 91157
of persons for compensation. 91158

(3) "Noncommercial bus" includes but is not limited to a 91159
school bus or a motor vehicle operated solely for the 91160
transportation of persons associated with a charitable or 91161
nonprofit organization. 91162

(4) "Outerbelt" means a portion of a freeway that is part of 91163
the interstate system and is located in the outer vicinity of a 91164
major municipal corporation or group of municipal corporations, as 91165
designated by the director. 91166

(P)(1) A violation of any provision of this section is one of 91167
the following: 91168

(a) Except as otherwise provided in divisions (P)(1)(b), 91169
(1)(c), (2), and (3) of this section, a minor misdemeanor; 91170

(b) If, within one year of the offense, the offender 91171
previously has been convicted of or pleaded guilty to two 91172
violations of any provision of this section or of any provision of 91173
a municipal ordinance that is substantially similar to any 91174
provision of this section, a misdemeanor of the fourth degree; 91175

(c) If, within one year of the offense, the offender 91176
previously has been convicted of or pleaded guilty to three or 91177
more violations of any provision of this section or of any 91178
provision of a municipal ordinance that is substantially similar 91179
to any provision of this section, a misdemeanor of the third 91180
degree. 91181

(2) If the offender has not previously been convicted of or 91182
pleaded guilty to a violation of any provision of this section or 91183
of any provision of a municipal ordinance that is substantially 91184
similar to this section and operated a motor vehicle faster than 91185
thirty-five miles an hour in a business district of a municipal 91186
corporation, faster than fifty miles an hour in other portions of 91187
a municipal corporation, or faster than thirty-five miles an hour 91188
in a school zone during recess or while children are going to or 91189
leaving school during the school's opening or closing hours, a 91190
misdemeanor of the fourth degree. 91191

(3) Notwithstanding division (P)(1) of this section, if the 91192
offender operated a motor vehicle in a construction zone where a 91193
sign was then posted in accordance with section 4511.98 of the 91194
Revised Code, the court, in addition to all other penalties 91195
provided by law, shall impose upon the offender a fine of two 91196
times the usual amount imposed for the violation. No court shall 91197
impose a fine of two times the usual amount imposed for the 91198
violation upon an offender if the offender alleges, in an 91199
affidavit filed with the court prior to the offender's sentencing, 91200
that the offender is indigent and is unable to pay the fine 91201
imposed pursuant to this division and if the court determines that 91202
the offender is an indigent person and unable to pay the fine. 91203

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 91204
roadway where there is an adjacent curb shall be stopped or parked 91205
with the right-hand wheels of the vehicle parallel with and not 91206

more than twelve inches from the right-hand curb, unless it is 91207
impossible to approach so close to the curb; in such case the stop 91208
shall be made as close to the curb as possible and only for the 91209
time necessary to discharge and receive passengers or to load or 91210
unload merchandise. Local authorities by ordinance may permit 91211
angle parking on any roadway under their jurisdiction, except that 91212
angle parking shall not be permitted on a state route within a 91213
municipal corporation unless an unoccupied roadway width of not 91214
less than twenty-five feet is available for free-moving traffic. 91215

(B) Local authorities by ordinance may permit parking of 91216
vehicles with the left-hand wheels adjacent to and within twelve 91217
inches of the left-hand curb of a one-way roadway. 91218

(C)(1)~~(a)~~ Except as provided in division (C)~~(2)~~~~(1)~~(b) of this 91219
section, no vehicle or trackless trolley shall be stopped or 91220
parked on a road or highway with the vehicle or trackless trolley 91221
facing in a direction other than the direction of travel on that 91222
side of the road or highway. 91223

~~(2)~~(b) The operator of a motorcycle may back the motorcycle 91224
into an angled parking space so that when the motorcycle is parked 91225
it is facing in a direction other than the direction of travel on 91226
the side of the road or highway. 91227

(2) The operator of a motorcycle may back the motorcycle into 91228
a parking space that is located on the side of, and parallel to, a 91229
road or highway. The motorcycle may face any direction when so 91230
parked. Not more than two motorcycles at a time shall be parked in 91231
a parking space as described in division (C)(2) of this section 91232
irrespective of whether or not the space is metered. 91233

(D) Notwithstanding any statute or any rule, resolution, or 91234
ordinance adopted by any local authority, air compressors, 91235
tractors, trucks, and other equipment, while being used in the 91236
construction, reconstruction, installation, repair, or removal of 91237

facilities near, on, over, or under a street or highway, may stop, 91238
stand, or park where necessary in order to perform such work, 91239
provided a flagperson is on duty or warning signs or lights are 91240
displayed as may be prescribed by the director of transportation. 91241

(E) Special parking locations and privileges for persons with 91242
disabilities that limit or impair the ability to walk, also known 91243
as handicapped parking spaces or disability parking spaces, shall 91244
be provided and designated by all political subdivisions and by 91245
the state and all agencies and instrumentalities thereof at all 91246
offices and facilities, where parking is provided, whether owned, 91247
rented, or leased, and at all publicly owned parking garages. The 91248
locations shall be designated through the posting of an elevated 91249
sign, whether permanently affixed or movable, imprinted with the 91250
international symbol of access and shall be reasonably close to 91251
exits, entrances, elevators, and ramps. All elevated signs posted 91252
in accordance with this division and division (C) of section 91253
3781.111 of the Revised Code shall be mounted on a fixed or 91254
movable post, and the distance from the ground to the bottom edge 91255
of the sign shall measure not less than five feet. If a new sign 91256
or a replacement sign designating a special parking location is 91257
posted on or after October 14, 1999, there also shall be affixed 91258
upon the surface of that sign or affixed next to the designating 91259
sign a notice that states the fine applicable for the offense of 91260
parking a motor vehicle in the special designated parking location 91261
if the motor vehicle is not legally entitled to be parked in that 91262
location. 91263

(F)(1) No person shall stop, stand, or park any motor vehicle 91264
at special parking locations provided under division (E) of this 91265
section or at special clearly marked parking locations provided in 91266
or on privately owned parking lots, parking garages, or other 91267
parking areas and designated in accordance with that division, 91268
unless one of the following applies: 91269

(a) The motor vehicle is being operated by or for the 91270
transport of a person with a disability that limits or impairs the 91271
ability to walk and is displaying a valid removable windshield 91272
placard or special license plates; 91273

(b) The motor vehicle is being operated by or for the 91274
transport of a handicapped person and is displaying a parking card 91275
or special handicapped license plates. 91276

(2) Any motor vehicle that is parked in a special marked 91277
parking location in violation of division (F)(1)(a) or (b) of this 91278
section may be towed or otherwise removed from the parking 91279
location by the law enforcement agency of the political 91280
subdivision in which the parking location is located. A motor 91281
vehicle that is so towed or removed shall not be released to its 91282
owner until the owner presents proof of ownership of the motor 91283
vehicle and pays all towing and storage fees normally imposed by 91284
that political subdivision for towing and storing motor vehicles. 91285
If the motor vehicle is a leased vehicle, it shall not be released 91286
to the lessee until the lessee presents proof that that person is 91287
the lessee of the motor vehicle and pays all towing and storage 91288
fees normally imposed by that political subdivision for towing and 91289
storing motor vehicles. 91290

(3) If a person is charged with a violation of division 91291
(F)(1)(a) or (b) of this section, it is an affirmative defense to 91292
the charge that the person suffered an injury not more than 91293
seventy-two hours prior to the time the person was issued the 91294
ticket or citation and that, because of the injury, the person 91295
meets at least one of the criteria contained in division (A)(1) of 91296
section 4503.44 of the Revised Code. 91297

(G) When a motor vehicle is being operated by or for the 91298
transport of a person with a disability that limits or impairs the 91299
ability to walk and is displaying a removable windshield placard 91300
or a temporary removable windshield placard or special license 91301

plates, or when a motor vehicle is being operated by or for the 91302
transport of a handicapped person and is displaying a parking card 91303
or special handicapped license plates, the motor vehicle is 91304
permitted to park for a period of two hours in excess of the legal 91305
parking period permitted by local authorities, except where local 91306
ordinances or police rules provide otherwise or where the vehicle 91307
is parked in such a manner as to be clearly a traffic hazard. 91308

(H) No owner of an office, facility, or parking garage where 91309
special parking locations are required to be designated in 91310
accordance with division (E) of this section shall fail to 91311
properly mark the special parking locations in accordance with 91312
that division or fail to maintain the markings of the special 91313
locations, including the erection and maintenance of the fixed or 91314
movable signs. 91315

(I) Nothing in this section shall be construed to require a 91316
person or organization to apply for a removable windshield placard 91317
or special license plates if the parking card or special license 91318
plates issued to the person or organization under prior law have 91319
not expired or been surrendered or revoked. 91320

(J)(1) Whoever violates division (A) or (C) of this section 91321
is guilty of a minor misdemeanor. 91322

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 91323
section is guilty of a misdemeanor and shall be punished as 91324
provided in division (J)(2)(a) and (b) of this section. Except as 91325
otherwise provided in division (J)(2)(a) of this section, an 91326
offender who violates division (F)(1)(a) or (b) of this section 91327
shall be fined not less than two hundred fifty nor more than five 91328
hundred dollars. An offender who violates division (F)(1)(a) or 91329
(b) of this section shall be fined not more than one hundred 91330
dollars if the offender, prior to sentencing, proves either of the 91331
following to the satisfaction of the court: 91332

(i) At the time of the violation of division (F)(1)(a) of 91333
this section, the offender or the person for whose transport the 91334
motor vehicle was being operated had been issued a removable 91335
windshield placard that then was valid or special license plates 91336
that then were valid but the offender or the person neglected to 91337
display the placard or license plates as described in division 91338
(F)(1)(a) of this section. 91339

(ii) At the time of the violation of division (F)(1)(b) of 91340
this section, the offender or the person for whose transport the 91341
motor vehicle was being operated had been issued a parking card 91342
that then was valid or special handicapped license plates that 91343
then were valid but the offender or the person neglected to 91344
display the card or license plates as described in division 91345
(F)(1)(b) of this section. 91346

(b) In no case shall an offender who violates division 91347
(F)(1)(a) or (b) of this section be sentenced to any term of 91348
imprisonment. 91349

An arrest or conviction for a violation of division (F)(1)(a) 91350
or (b) of this section does not constitute a criminal record and 91351
need not be reported by the person so arrested or convicted in 91352
response to any inquiries contained in any application for 91353
employment, license, or other right or privilege, or made in 91354
connection with the person's appearance as a witness. 91355

The clerk of the court shall pay every fine collected under 91356
division (J)(2) of this section to the political subdivision in 91357
which the violation occurred. Except as provided in division 91358
(J)(2) of this section, the political subdivision shall use the 91359
fine moneys it receives under division (J)(2) of this section to 91360
pay the expenses it incurs in complying with the signage and 91361
notice requirements contained in division (E) of this section. The 91362
political subdivision may use up to fifty per cent of each fine it 91363
receives under division (J)(2) of this section to pay the costs of 91364

educational, advocacy, support, and assistive technology programs 91365
for persons with disabilities, and for public improvements within 91366
the political subdivision that benefit or assist persons with 91367
disabilities, if governmental agencies or nonprofit organizations 91368
offer the programs. 91369

(3) Whoever violates division (H) of this section shall be 91370
punished as follows: 91371

(a) Except as otherwise provided in division (J)(3) of this 91372
section, the offender shall be issued a warning. 91373

(b) If the offender previously has been convicted of or 91374
pleaded guilty to a violation of division (H) of this section or 91375
of a municipal ordinance that is substantially similar to that 91376
division, the offender shall not be issued a warning but shall be 91377
fined not more than twenty-five dollars for each parking location 91378
that is not properly marked or whose markings are not properly 91379
maintained. 91380

(K) As used in this section: 91381

(1) "Handicapped person" means any person who has lost the 91382
use of one or both legs or one or both arms, who is blind, deaf, 91383
or so severely handicapped as to be unable to move without the aid 91384
of crutches or a wheelchair, or whose mobility is restricted by a 91385
permanent cardiovascular, pulmonary, or other handicapping 91386
condition. 91387

(2) "Person with a disability that limits or impairs the 91388
ability to walk" has the same meaning as in section 4503.44 of the 91389
Revised Code. 91390

(3) "Special license plates" and "removable windshield 91391
placard" mean any license plates or removable windshield placard 91392
or temporary removable windshield placard issued under section 91393
4503.41 or 4503.44 of the Revised Code, and also mean any 91394
substantially similar license plates or removable windshield 91395

placard or temporary removable windshield placard issued by a 91396
state, district, country, or sovereignty. 91397

Sec. 4511.85. (A) The operator of a chauffeured limousine 91398
shall accept passengers only on the basis of prearranged 91399
contracts, as defined in division (LL) of section 4501.01 of the 91400
Revised Code, and shall not cruise in search of patronage unless 91401
the limousine is in compliance with any statute or ordinance 91402
governing the operation of taxicabs or other similar vehicles for 91403
hire. 91404

(B) The operator of a chauffeured limousine may provide 91405
transportation to passengers who arrange for the transportation 91406
through an intermediary, including a digital dispatching service. 91407
Notwithstanding any law to the contrary, when providing 91408
transportation arranged through an intermediary, the operator of a 91409
chauffeured limousine may establish the fare and method of fare 91410
calculation, so long as the method of fare calculation is provided 91411
to the passenger upon request. 91412

(C) No person shall advertise or hold self out as doing 91413
business as a limousine service or livery service or other similar 91414
designation unless each vehicle used by the person to provide the 91415
service is registered in accordance with section 4503.24 of the 91416
Revised Code and is in compliance with section 4509.80 of the 91417
Revised Code. 91418

~~(C)~~(D) Whoever violates this section is guilty of a 91419
misdemeanor of the first degree. 91420

Sec. 4513.34. (A)(1) The director of transportation with 91421
respect to all highways that are a part of the state highway 91422
system and local authorities with respect to highways under their 91423
jurisdiction, upon application in writing, shall issue a special 91424
regional heavy hauling permit authorizing the applicant to operate 91425

or move a vehicle or combination of vehicles as follows: 91426

(a) At a size or weight of vehicle or load exceeding the 91427
maximum specified in sections 5577.01 to 5577.09 of the Revised 91428
Code, or otherwise not in conformity with sections 4513.01 to 91429
4513.37 of the Revised Code; 91430

(b) Upon any highway under the jurisdiction of the authority 91431
granting the permit except those highways with a condition 91432
insufficient to bear the weight of the vehicle or combination of 91433
vehicles as stated in the application; 91434

(c) For regional trips at distances of one hundred fifty 91435
miles or less from a facility stated on the application as the 91436
applicant's point of origin. 91437

Issuance of a special regional heavy hauling permit is 91438
subject to the payment of a fee established by the director or 91439
local authority in accordance with this section. 91440

(2) In circumstances where a person is not eligible to 91441
receive a permit under division (A)(1) of this section, the 91442
director of transportation with respect to all highways that are a 91443
part of the state highway system and local authorities with 91444
respect to highways under their jurisdiction, upon application in 91445
writing and for good cause shown, may issue a special permit in 91446
writing authorizing the applicant to operate or move a vehicle or 91447
combination of vehicles of a size or weight of vehicle or load 91448
exceeding the maximum specified in sections 5577.01 to 5577.09 of 91449
the Revised Code, or otherwise not in conformity with sections 91450
4513.01 to 4513.37 of the Revised Code, upon any highway under the 91451
jurisdiction of the authority granting the permit. 91452

(3) For purposes of this section, the director may designate 91453
certain state highways or portions of state highways as special 91454
economic development highways. If an application submitted to the 91455

director under this section involves travel of a nonconforming 91456
vehicle or combination of vehicles upon a special economic 91457
development highway, the director, in determining whether good 91458
cause has been shown that issuance of a permit is justified, shall 91459
consider the effect the travel of the vehicle or combination of 91460
vehicles will have on the economic development in the area in 91461
which the designated highway or portion of highway is located. 91462

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 91463
Code, the holder of a permit issued by the director under this 91464
section may move the vehicle or combination of vehicles described 91465
in the permit on any highway that is a part of the state highway 91466
system when the movement is partly within and partly without the 91467
corporate limits of a municipal corporation. No local authority 91468
shall require any other permit or license or charge any license 91469
fee or other charge against the holder of a permit for the 91470
movement of a vehicle or combination of vehicles on any highway 91471
that is a part of the state highway system. The director shall not 91472
require the holder of a permit issued by a local authority to 91473
obtain a special permit for the movement of vehicles or 91474
combination of vehicles on highways within the jurisdiction of the 91475
local authority. Permits may be issued for any period of time not 91476
to exceed one year, as the director in the director's discretion 91477
or a local authority in its discretion determines advisable, or 91478
for the duration of any public construction project. 91479

(C)(1) The application for a permit issued under this section 91480
shall be in the form that the director or local authority 91481
prescribes. The director or local authority may prescribe a permit 91482
fee to be imposed and collected when any permit described in this 91483
section is issued. The permit fee may be in an amount sufficient 91484
to reimburse the director or local authority for the 91485
administrative costs incurred in issuing the permit, and also to 91486
cover the cost of the normal and expected damage caused to the 91487

roadway or a street or highway structure as the result of the 91488
operation of the nonconforming vehicle or combination of vehicles. 91489
The director, in accordance with Chapter 119. of the Revised Code, 91490
shall establish a schedule of fees for permits issued by the 91491
director under this section; however, the fee to operate a triple 91492
trailer unit, at locations authorized under federal law, shall be 91493
one hundred dollars. 91494

(2) For the purposes of this section and of rules adopted by 91495
the director under this section, milk transported in bulk by 91496
vehicle is deemed a nondivisible load. 91497

(3) For purposes of this section and of rules adopted by the 91498
director under this section, three or fewer aluminum coils, 91499
transported by a vehicle, are deemed a nondivisible load. The 91500
director shall adopt rules establishing requirements for an 91501
aluminum coil permit that are substantially similar to the 91502
requirements for a steel coil permit under Chapter 5501:2-1 of the 91503
Administrative Code. 91504

(D) The director or a local authority shall issue a special 91505
regional heavy hauling permit under division (A)(1) of this 91506
section upon application and payment of the applicable fee. 91507
However, the director or local authority may issue or withhold a 91508
special permit specified in division (A)(2) of this section. If a 91509
permit is to be issued, the director or local authority may limit 91510
or prescribe conditions of operation for the vehicle and may 91511
require the posting of a bond or other security conditioned upon 91512
the sufficiency of the permit fee to compensate for damage caused 91513
to the roadway or a street or highway structure. In addition, a 91514
local authority, as a condition of issuance of an overweight 91515
permit, may require the applicant to develop and enter into a 91516
mutual agreement with the local authority to compensate for or to 91517
repair excess damage caused to the roadway by travel under the 91518
permit. 91519

For a permit that will allow travel of a nonconforming vehicle or combination of vehicles on a special economic development highway, the director, as a condition of issuance, may require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(E) Every permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(F) The director may debar an applicant from applying for a permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following:

(1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;

(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;

(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;

(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;

(5) Attempted to influence a public employee to breach

ethical conduct standards; 91551

(6) Been convicted of a criminal offense related to the 91552
application for, or performance under, a permit, including, but 91553
not limited to, bribery, falsification, fraud or destruction of 91554
records, receiving stolen property, and any other offense that 91555
directly reflects on the applicant's integrity or commercial 91556
driver's license; 91557

(7) Accumulated repeated convictions under a state or federal 91558
safety law governing commercial motor vehicles or a rule or 91559
regulation adopted under such a law; 91560

(8) Accumulated repeated convictions under a law, rule, or 91561
regulation governing the movement of traffic over the public 91562
streets and highways; 91563

(9) Failed to pay any fees associated with any permitted 91564
operation or move; 91565

(10) Deliberately or willfully submitted false or misleading 91566
information in connection with the application for, or performance 91567
under, a permit issued under this section. 91568

If the applicant is a partnership, association, or 91569
corporation, the director also may debar from consideration for 91570
permits any partner of the partnership, or the officers, 91571
directors, or employees of the association or corporation being 91572
debarred. 91573

The director may adopt rules in accordance with Chapter 119. 91574
of the Revised Code governing the debarment of an applicant. 91575

(G) When the director reasonably believes that grounds for 91576
debarment exist, the director shall send the person that is 91577
subject to debarment a notice of the proposed debarment. A notice 91578
of proposed debarment shall indicate the grounds for the debarment 91579
of the person and the procedure for requesting a hearing. The 91580

notice and hearing shall be in accordance with Chapter 119. of the 91581
Revised Code. If the person does not respond with a request for a 91582
hearing in the manner specified in that chapter, the director 91583
shall issue the debarment decision without a hearing and shall 91584
notify the person of the decision by certified mail, return 91585
receipt requested. The debarment period may be of any length 91586
determined by the director, and the director may modify or rescind 91587
the debarment at any time. During the period of debarment, the 91588
director shall not issue, or consider issuing, a permit under this 91589
section to any partnership, association, or corporation that is 91590
affiliated with a debarred person. After the debarment period 91591
expires, the person, and any partnership, association, or 91592
corporation affiliated with the person, may reapply for a permit. 91593

(H)(1) No person shall violate the terms of a permit issued 91594
under this section that relate to gross load limits. 91595

(2) No person shall violate the terms of a permit issued 91596
under this section that relate to axle load by more than two 91597
thousand pounds per axle or group of axles. 91598

(3) No person shall violate the terms of a permit issued 91599
under this section that relate to an approved route except upon 91600
order of a law enforcement officer or authorized agent of the 91601
issuing authority. 91602

(I) Whoever violates division (H) of this section shall be 91603
punished as provided in section 4513.99 of the Revised Code. 91604

(J) A permit issued by the department of transportation or a 91605
local authority under this section for the operation of a vehicle 91606
or combination of vehicles is valid for the purposes of the 91607
vehicle operation in accordance with the conditions and 91608
limitations specified on the permit. Such a permit is voidable by 91609
law enforcement only for operation of a vehicle or combination of 91610
vehicles in violation of the weight, dimension, or route 91611

provisions of the permit. However, a permit is not voidable for 91612
operation in violation of a route provision of a permit if the 91613
operation is upon the order of a law enforcement officer. 91614

Sec. 4519.11. One dollar and twenty-five cents of each fee 91615
collected under sections 4519.04 and 4519.09 of the Revised Code 91616
shall be paid into the state bureau of motor vehicles fund created 91617
by section 4501.25 of the Revised Code. All other fees, and all 91618
taxes and fines levied, charged, or referred to in this chapter, 91619
unless otherwise designated by law, shall be deposited into the 91620
state treasury to the credit of the state recreational vehicle 91621
fund, which is hereby created. The state recreational vehicle fund 91622
shall be used for the purpose of enforcing and administering the 91623
law relative to the registration and operation of snowmobiles, 91624
off-highway motorcycles, and all-purpose vehicles within the 91625
state. In addition, subject to controlling board approval, the 91626
fund shall be used for the purpose of expanding the activities of 91627
the department of natural resources to provide trails and other 91628
areas for the operation of such vehicles on state-controlled land 91629
and waters, for the purchase of additional land to be used for 91630
such purposes, and for the development and implementation by the 91631
department of programs relating to the safe use and enjoyment of 91632
snowmobiles, off-highway motorcycles, and all-purpose vehicles. 91633

All investment earnings of the state recreational vehicle 91634
fund shall be credited to the fund. 91635

Notwithstanding section 1501.01 of the Revised Code, nothing 91636
in this section authorizes the appropriation of property to 91637
provide trails and other areas for the operation of snowmobiles, 91638
off-highway motorcycles, and all-purpose vehicles. 91639

Sec. 4701.03. (A) The accountancy board annually shall elect 91640
a president, secretary, and treasurer from its members. The board 91641

may adopt and amend rules for the orderly conduct of its affairs 91642
and for the administration of this chapter. The board may adopt 91643
and amend rules defining the practice of public accounting, rules 91644
of professional conduct appropriate to establish and maintain a 91645
high standard of integrity and dignity in registrants and 91646
certificate holders under this chapter, and rules regulating the 91647
sole proprietorship, partnership, limited liability company, 91648
professional association, corporation-for-profit, or other legal 91649
entity practice of public accounting. A majority of the board 91650
shall constitute a quorum for the transaction of business. 91651

(B) The board shall keep and hold open for public inspection 91652
all records of its proceedings. 91653

(C) The board may employ any clerks that are necessary to 91654
assist it in the performance of its duties and the keeping of its 91655
records. If the board employs an executive director, the board 91656
shall pay the executive director ~~shall be paid~~ in accordance with 91657
~~pay range 18 of schedule E-1 of section 124.152 of the Revised~~ 91658
~~Code, or, if the director was employed and being paid on June 28,~~ 91659
~~2003, in accordance with step 7 in pay range 18 of schedule E-1 of~~ 91660
~~former section 124.152 of the Revised Code and continued to be so~~ 91661
~~paid on June 29, 2003, the executive director shall be paid in~~ 91662
~~accordance with pay range 18 of salary schedule E-1 for step seven~~ 91663
~~only of section 124.152 of the Revised Code.~~ 91664

Sec. 4707.02. (A) No person shall act as an auction firm, 91665
auctioneer, apprentice auctioneer, or special auctioneer within 91666
this state without a license issued by the department of 91667
agriculture. No auction shall be conducted in this state except by 91668
an auctioneer licensed by the department. 91669

The department shall not issue or renew a license if the 91670
applicant or licensee has been convicted of a felony or crime 91671
involving fraud or theft in this or another state at any time 91672

during the ten years immediately preceding application or renewal. 91673

(B) Division (A) of this section does not apply to any of the 91674
following: 91675

(1) Sales at auction that either are required by law to be at 91676
auction, other than sales pursuant to a judicial order or decree, 91677
or are conducted by or under the direction of a public authority; 91678

(2) The owner of any real or personal property desiring to 91679
sell the property at auction, provided that the property was not 91680
acquired for the purpose of resale; 91681

(3) An auction mediation company; 91682

(4) An auction that is conducted in a course of study for 91683
auctioneers that is approved by the state auctioneers commission 91684
created under section 4707.03 of the Revised Code for purposes of 91685
student training and is supervised by a licensed auctioneer; 91686

(5)(a) An auction that is sponsored by a nonprofit or 91687
charitable organization that is registered in this state under 91688
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 91689
if the auction only involves the property of the members of the 91690
organization and the auction is part of a fair that is organized 91691
by an agricultural society under Chapter 1711. of the Revised Code 91692
or by the Ohio expositions commission under Chapter 991. of the 91693
Revised Code at which an auctioneer who is licensed under this 91694
chapter physically conducts the auction; or 91695

(b) Sales at an auction sponsored by a charitable, religious, 91696
or civic organization that is tax exempt under subsection 91697
501(c)(3) of the Internal Revenue Code, or by a public school, 91698
chartered nonpublic school, or community school, if no person in 91699
the business of organizing, arranging, or conducting an auction 91700
for compensation and no consignor of consigned items sold at the 91701
auction, except such organization or school, receives compensation 91702
from the proceeds of the auction. As used in division (B)(5)(b) of 91703

this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) A person who sells real or personal property by means of the internet;

(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state, provided that no compensation is paid to the sponsor of or participants in the contest other than a prize or award for winning the contest;

(10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.

(C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.

(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.

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Sec. 4707.073. (A) No corporation, limited liability company, general or limited partnership, or unincorporated association shall act or hold itself out as an auctioneer without a valid auctioneer's license issued under this section. This section does not apply to a person who is issued a license under section 4707.071 of the Revised Code.

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(B) The department of agriculture may grant an auctioneer's license to a corporation, limited liability company, general or limited partnership, or unincorporated association that is determined to be qualified by the department. Every applicant for a license under this section shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

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(1) Is in good standing with the secretary of state if the applicant is a corporation;

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(2) Is of trustworthy character;

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(3) Has provided proof of financial responsibility as required in section 4707.11 of the Revised Code;

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(4) Is registered with the secretary of state or a local authority, as applicable, to do business in this state;

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(5) Has complied with any other requirement that the director establishes in rules adopted under section 4707.19 of the Revised Code.

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(C) An application submitted under this section shall list the names of all of the owners, directors, partners, or members of the applicant, as applicable, and shall indicate those that have an auctioneer's license issued under section 4707.07 of the

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Revised Code. 91764

(D)~~(1)~~ The department shall not issue a license under this 91765
section unless one of the following applies, as applicable: 91766

~~(a)~~(1) If the applicant is a limited liability company or a 91767
general or limited partnership, not less than fifty per cent of 91768
the members or general partners have a current license issued 91769
under section 4707.07 of the Revised Code. 91770

~~(b)~~(2) If the applicant is a corporation, not less than fifty 91771
per cent of the directors and the president or chief executive 91772
have a current license issued under section 4707.07 of the Revised 91773
Code. 91774

~~(c)~~(3) If the applicant is an unincorporated association, not 91775
less than fifty per cent of the members have a current license 91776
issued under section 4707.07 of the Revised Code. 91777

Failure of a corporation, limited liability company, 91778
partnership, or unincorporated association to maintain the 91779
applicable requirements of this division after the issuance of a 91780
license under this section may be sufficient cause for the 91781
revocation of the license under section 4707.15 of the Revised 91782
Code. 91783

~~(2) Not later than two years after the effective date of this~~ 91784
~~section, a corporation, partnership, or unincorporated association~~ 91785
~~that was issued a license under section 4707.07 of the Revised~~ 91786
~~Code on or before the effective date of this section shall comply~~ 91787
~~with the requirements established in division (D)(1) of this~~ 91788
~~section. If such a corporation, partnership, or unincorporated~~ 91789
~~association fails to comply with those requirements, the license~~ 91790
~~of the corporation, partnership, or unincorporated association~~ 91791
~~immediately shall terminate.~~ 91792

(E) Upon the issuance of a license under this section, a 91793
corporation, limited liability company, partnership, or 91794

unincorporated association shall designate an individual from 91795
among its directors, partners, or members who is licensed under 91796
section 4707.07 of the Revised Code as its agent for purposes of 91797
communication with the department. If that individual ceases to be 91798
the agent, the corporation, limited liability company, 91799
partnership, or unincorporated association shall notify the 91800
department not later than ten days after the day on which the 91801
individual ceases to be the agent. Upon notification to the 91802
department, the license of the corporation, limited liability 91803
company, partnership, or unincorporated association, as 91804
applicable, immediately shall terminate. If the corporation, 91805
limited liability company, partnership, or unincorporated 91806
association notifies the department of the designation of a new 91807
agent in accordance with the requirements of this division and 91808
pays a fee in the amount of ten dollars, the department shall 91809
issue the corporation, limited liability company, partnership, or 91810
unincorporated association a new license. 91811

(F) This section does not preclude a corporation, limited 91812
liability company, partnership, or unincorporated association from 91813
selling real property at auction, provided that the requirements 91814
of this section and section 4707.021 and Chapter 4735. of the 91815
Revised Code are satisfied. 91816

(G) A person licensed as a real estate broker under Chapter 91817
4735. of the Revised Code shall not be required to obtain a 91818
license under this section if the person complies with sections 91819
4707.021 and 4707.22 of the Revised Code. 91820

Sec. 4707.10. (A) The fee for each apprentice auctioneer's or 91821
auction firm license issued by the department of agriculture is 91822
one hundred dollars, and the annual renewal fee for any such 91823
license is one hundred dollars. All licenses expire annually on 91824
the last day of June of each year and shall be renewed according 91825

to the standard renewal procedures of Chapter 4745. of the Revised Code, or the procedures of this section. Any licensee under this chapter who wishes to renew the licensee's license, but fails to do so before the first day of July shall reapply for licensure in the same manner and pursuant to the same requirements as for initial licensure, unless before the first day of September of the year of expiration, the former licensee pays to the department, in addition to the regular renewal fee, a late renewal penalty of one hundred dollars.

(B)(1) Each person to whom the department issues an auctioneer's license or special auctioneer's license shall pay a licensure fee. Those licenses are biennial and expire in accordance with the schedule established in division (B)(2) of this section. If such a license is issued during the first year of a biennium, the licensee shall pay a fee in the amount of two hundred dollars. If the license is issued during the second year of a biennium, the licensee shall pay a fee in the amount of one hundred dollars. With respect to an auctioneer's license, the fees apply regardless of whether the license is issued to an individual under section 4707.07 of the Revised Code or to a corporation, limited liability company, partnership, or association under section 4707.073 of the Revised Code.

All auctioneer's licenses and special auctioneer's licenses expire on the last day of June of the biennium. The licenses shall be renewed in accordance with the standard renewal procedures of Chapter 4745. of the Revised Code or the procedures in this section and upon the licensee's payment to the department of a renewal fee of two hundred dollars. A licensee who wishes to renew the licensee's license, but who fails to do so before the first day of July following the license's expiration, shall reapply for licensure in the same manner and pursuant to the same requirements as for the initial licensure unless before the first day of

September following the expiration, the former licensee pays to 91858
the department, in addition to the regular renewal fee, a late 91859
renewal penalty of one hundred dollars. 91860

(2) The biennial expiration of an auctioneer's license or 91861
special auctioneer's license shall occur in accordance with the 91862
following schedule: 91863

(a) The license shall expire in odd-numbered years if the 91864
business name or last name, as applicable, of the licensee begins 91865
with the letters "A" through "J" or with the letters "X" through 91866
"Z." 91867

(b) The license shall expire in even-numbered years if the 91868
business name or last name, as applicable, of the licensee begins 91869
with the letters "K" through "W." 91870

(C) Any person who fails to renew the person's license before 91871
the first day of July is prohibited from engaging in any activity 91872
specified or comprehended in section 4707.01 of the Revised Code 91873
until such time as the person's license is renewed or a new 91874
license is issued. Renewal of a license between the first day of 91875
July and the first day of September does not relieve any person 91876
from complying with this division. The department may refuse to 91877
renew the license of or issue a new license to any person who 91878
violates this division. 91879

(D) The department shall prepare and deliver to each licensee 91880
a permanent license certificate and an identification card, the 91881
appropriate portion of which shall be carried on the person of the 91882
licensee at all times when engaged in any type of auction 91883
activity, and part of which shall be posted with the permanent 91884
certificate in a conspicuous location at the licensee's place of 91885
business. 91886

(E) Notice in writing shall be given to the department by 91887
each auctioneer or apprentice auctioneer licensee of any change of 91888

principal business location or any change or addition to the name 91889
or names under which business is conducted, whereupon the 91890
department shall issue a new license for the unexpired period. Any 91891
change of business location or change or addition of names without 91892
notification to the department shall automatically cancel any 91893
license previously issued. For each new ~~auctioneer~~ auctioneer's or 91894
apprentice ~~auctioneer~~ auctioneer's license issued upon the 91895
occasion of a change in business location or a change in or an 91896
addition of names under which business is conducted, the 91897
department may collect a fee of ten dollars for each change in 91898
location, or name or each added name unless the notification of 91899
the change occurs concurrently with the renewal application or 91900
unless otherwise provided in section 4707.07 of the Revised Code. 91901

Sec. 4709.11. Every license issued pursuant to this chapter 91902
expires on the thirty-first day of August of each even-numbered 91903
year. Each licensee desiring to do so shall, on or before the 91904
first day of September of each even-numbered year, renew ~~his~~ the 91905
licensee's license pursuant to the standard renewal procedure of 91906
Chapter 4745. of the Revised Code. Any holder of an expired 91907
license shall restore ~~his~~ the holder's license before continuing 91908
the practice of barbering or the activity for which ~~he~~ the holder 91909
is licensed under this chapter and pay the appropriate restoration 91910
fee. If the person fails to restore ~~his~~ the person's license 91911
within ~~three~~ six years, ~~he~~ the person shall pay any required 91912
restoration fee and take any examination required for the license 91913
under this chapter. 91914

Sec. 4713.08. (A) The state board of cosmetology shall adopt 91915
rules in accordance with Chapter 119. of the Revised Code as 91916
necessary to implement this chapter. The rules shall do all of the 91917
following: 91918

(1) Govern the practice of the branches of cosmetology and 91919

management of salons;	91920
(2) Specify conditions a person must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	91921 91922 91923 91924
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	91925 91926
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	91927 91928 91929 91930 91931
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	91932 91933
(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;	91934 91935 91936 91937
(7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;	91938 91939
(8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid;	91940 91941 91942
(9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;	91943 91944 91945 91946
(10) Establish conditions under which food may be sold at a salon;	91947 91948
(11) Specify which professions regulated by a professional	91949

regulatory board of this state may be practiced in a salon under	91950
section 4713.42 of the Revised Code;	91951
(12) Establish standards for the provision of cosmetic	91952
therapy, massage therapy, or other professional service in a salon	91953
pursuant to section 4713.42 of the Revised Code;	91954
(13) Establish standards for board approval of, and the	91955
granting of credits for, training in branches of cosmetology at	91956
schools of cosmetology licensed in this state;	91957
(14) <u>Establish the manner in which a school of cosmetology</u>	91958
<u>licensed under section 4713.44 of the Revised Code may offer</u>	91959
<u>post-secondary and advanced practice programs;</u>	91960
(15) Establish sanitary standards for the practice of the	91961
branches of cosmetology, salons, and schools of cosmetology;	91962
(15) (16) Establish the application process for obtaining a	91963
tanning facility permit under section 4713.48 of the Revised Code,	91964
including the amount of the fee for an initial or renewed permit;	91965
(16) (17) Establish standards for installing and operating a	91966
tanning facility in a manner that ensures the health and safety of	91967
consumers, including standards that do all of the following:	91968
(a) Establish a maximum safe time of exposure to radiation	91969
and a maximum safe temperature at which sun lamps may be operated;	91970
(b) Require consumers to wear protective eyeglasses and be	91971
supervised as to the length of time consumers use the facility;	91972
(c) Require the operator to prohibit consumers from standing	91973
too close to sun lamps and to post signs warning consumers of the	91974
potential effects of radiation on persons taking certain	91975
medications and of the possible relationship of the radiation to	91976
skin cancer;	91977
(d) Require the installation of protective shielding for sun	91978
lamps and handrails for consumers;	91979

(e) Require floors to be dry during operation of lamps;	91980
(f) Require a consumer who is under the age of eighteen to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services.	91981 91982 91983
(17) (18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	91984 91985 91986
(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service;	91987 91988 91989
(ii) Specify the continuing education that a person whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the person would have been required to complete had the person retained an active license.	91990 91991 91992 91993 91994 91995 91996 91997 91998
(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to a person whose license has been classified inactive.	91999 92000 92001 92002
(18) (19) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;	92003 92004 92005 92006
(19) (20) Anything else necessary to implement this chapter.	92007
(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary	92008 92009

pre-examination work permit under section 4713.22 of the Revised Code that are applicable to persons who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)~~(17)~~(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to persons who practice a branch of cosmetology in another state.

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession.

(E) The sanitary standards established under division (A)~~(14)~~(15) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. The board shall consult with the Ohio department of health when establishing the sanitary standards.

(F) The fee established by rules adopted under division (A)~~(15)~~(16) of this section shall cover the cost the board incurs in inspecting tanning facilities and enforcing the board's rules but may not exceed one hundred dollars per location of such facilities.

Sec. 4713.44. (A) The state board of cosmetology shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements:

~~(A)~~(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that a person must pass to obtain a license to practice that branch or those branches of cosmetology;

~~(B)~~(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum;

~~(C)~~(3) Maintains persons licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology;

~~(D)~~(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion;

~~(E)~~(5) In the case of a school of cosmetology that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student;

~~(F)~~(6) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certifies the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began;

~~(G)~~(7) Instructs not more than six apprentice cosmetology instructors at any one time;

~~(H)~~(8) Files with the board a good and sufficient surety bond executed by the person, firm, or corporation operating the school of cosmetology as principal and by a surety company as surety in

the amount of ten thousand dollars; provided, that this 92071
requirement does not apply to a vocational program conducted by a 92072
city, exempted village, local, or joint vocational school 92073
district. The bond shall be in the form prescribed by the board 92074
and be conditioned upon the school's continued instruction in the 92075
theory and practice of the branches of cosmetology. Every bond 92076
shall continue in effect until notice of its termination is given 92077
to the board by registered mail and every bond shall so provide. 92078

(9) Establishes and maintains an internal procedure for 92079
processing complaints filed against the school and for providing 92080
students with instructions on how to file a complaint directly 92081
with the board pursuant to section 4713.641 of the Revised Code. 92082

(B) A school of cosmetology holding a license issued under 92083
division (A) of this section is an educational institution and is 92084
authorized to offer educational programs beyond secondary 92085
education, advanced practice programs, or both in accordance with 92086
rules adopted by the board pursuant to section 4713.08 of the 92087
Revised Code. 92088

(C) A school of cosmetology holding a license to operate a 92089
school of cosmetology on the effective date of this amendment 92090
shall establish and maintain an internal procedure for processing 92091
complaints filed against the school and shall provide each of the 92092
school's students with instructions on how to file a complaint 92093
directly with the board pursuant to section 4713.641 of the 92094
Revised Code. 92095

Sec. 4713.641. Any student or former student of a school of 92096
cosmetology licensed under division (A) of section 4713.44 of the 92097
Revised Code may file a complaint with the state board of 92098
cosmetology alleging that the school has violated division (A) of 92099
section 4713.64 of the Revised Code. The complaint shall be in 92100
writing and signed by the person bringing the complaint. Upon 92101

receiving a complaint, the board shall initiate a preliminary 92102
investigation to determine whether it is probable that a violation 92103
was committed. If the board determines after preliminary 92104
investigation that it is not probable that a violation was 92105
committed, the board shall notify the person who filed the 92106
complaint of the board's findings and that the board will not 92107
issue a formal complaint in the matter. If the board determines 92108
after a preliminary investigation that it is probable that a 92109
violation was committed, the board shall proceed against the 92110
school pursuant to the board's authority under section 4713.64 of 92111
the Revised Code and in accordance with the hearing and notice 92112
requirements prescribed in Chapter 119. of the Revised Code. 92113

Sec. 4715.22. (A)(1) This section applies only when a 92114
licensed dental hygienist is not practicing under a permit issued 92115
pursuant to section 4715.363 of the Revised Code authorizing 92116
practice under the oral health access supervision of a dentist. 92117

(2) As used in this section, "health care facility" means 92118
either of the following: 92119

(a) A hospital registered under section 3701.07 of the 92120
Revised Code; 92121

(b) A "home" as defined in section 3721.01 of the Revised 92122
Code. 92123

(B) A licensed dental hygienist shall practice under the 92124
supervision, order, control, and full responsibility of a dentist 92125
licensed under this chapter. A dental hygienist may practice in a 92126
dental office, public or private school, health care facility, 92127
dispensary, or public institution. Except as provided in division 92128
(C) or (D) of this section, a dental hygienist may not provide 92129
dental hygiene services to a patient when the supervising dentist 92130
is not physically present at the location where the dental 92131

hygienist is practicing. 92132

(C) A dental hygienist may provide, for not more than fifteen 92133
consecutive business days, dental hygiene services to a patient 92134
when the supervising dentist is not physically present at the 92135
location at which the services are provided if all of the 92136
following requirements are met: 92137

(1) The dental hygienist has at least two years and a minimum 92138
of three thousand hours of experience in the practice of dental 92139
hygiene. 92140

(2) The dental hygienist has successfully completed a course 92141
approved by the state dental board in the identification and 92142
prevention of potential medical emergencies. 92143

(3) The dental hygienist complies with written protocols for 92144
emergencies the supervising dentist establishes. 92145

(4) The dental hygienist does not perform, while the 92146
supervising dentist is absent from the location, procedures while 92147
the patient is anesthetized, definitive root planing, definitive 92148
subgingival curettage, or other procedures identified in rules the 92149
state dental board adopts. 92150

(5) The supervising dentist has evaluated the dental 92151
hygienist's skills. 92152

(6) The supervising dentist examined the patient not more 92153
than seven months prior to the date the dental hygienist provides 92154
the dental hygiene services to the patient. 92155

(7) The dental hygienist complies with written protocols or 92156
written standing orders that the supervising dentist establishes. 92157

(8) The supervising dentist completed and evaluated a medical 92158
and dental history of the patient not more than one year prior to 92159
the date the dental hygienist provides dental hygiene services to 92160
the patient and, except when the dental hygiene services are 92161

provided in a health care facility, the supervising dentist 92162
determines that the patient is in a medically stable condition. 92163

(9) If the dental hygiene services are provided in a health 92164
care facility, a doctor of medicine and surgery or osteopathic 92165
medicine and surgery who holds a current certificate issued under 92166
Chapter 4731. of the Revised Code or a registered nurse licensed 92167
under Chapter 4723. of the Revised Code is present in the health 92168
care facility when the services are provided. 92169

(10) In advance of the appointment for dental hygiene 92170
services, the patient is notified that the supervising dentist 92171
will be absent from the location and that the dental hygienist 92172
cannot diagnose the patient's dental health care status. 92173

(11) The dental hygienist is employed by, or under contract 92174
with, one of the following: 92175

(a) The supervising dentist; 92176

(b) A dentist licensed under this chapter who is one of the 92177
following: 92178

(i) The employer of the supervising dentist; 92179

(ii) A shareholder in a professional association formed under 92180
Chapter 1785. of the Revised Code of which the supervising dentist 92181
is a shareholder; 92182

(iii) A member or manager of a limited liability company 92183
formed under Chapter 1705. of the Revised Code of which the 92184
supervising dentist is a member or manager; 92185

(iv) A shareholder in a corporation formed under division (B) 92186
of section 1701.03 of the Revised Code of which the supervising 92187
dentist is a shareholder; 92188

(v) A partner or employee of a partnership or a limited 92189
liability partnership formed under Chapter 1775. or 1776. of the 92190
Revised Code of which the supervising dentist is a partner or 92191

employee. 92192

(c) A government entity that employs the dental hygienist to 92193
provide dental hygiene services in a public school or in 92194
connection with other programs the government entity administers. 92195

(D) A dental hygienist may provide dental hygiene services to 92196
a patient when the supervising dentist is not physically present 92197
at the location at which the services are provided if the services 92198
are provided as part of a dental hygiene program that is approved 92199
by the state dental board and all of the following requirements 92200
are met: 92201

(1) The program is operated through a school district board 92202
of education or the governing board of an educational service 92203
center; the board of health of a city or general health district 92204
or the authority having the duties of a board of health under 92205
section 3709.05 of the Revised Code; a national, state, district, 92206
or local dental association; or any other public or private entity 92207
recognized by the state dental board. 92208

(2) The supervising dentist is employed by or a volunteer 92209
for, and the patients are referred by, the entity through which 92210
the program is operated. 92211

(3) The (a) Except as provided in division (D)(3)(b) of this 92212
section, the services are performed after examination and 92213
diagnosis by the dentist and in accordance with the dentist's 92214
written treatment plan. 92215

(b) The requirement in division (D)(3)(a) of this section 92216
does not apply when the only service to be provided by the dental 92217
hygienist is the placement of pit and fissure sealants, the 92218
administration of fluoride mouth rinse through a school-based 92219
fluoride mouth rinse program authorized by section 3701.136 of the 92220
Revised Code, or both. 92221

(E) No person shall do either of the following: 92222

(1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist; 92223
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(2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services. 92226
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(F) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence of the supervising dentist pursuant to division (C) or (D) of this section. 92228
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Sec. 4715.36. As used in this section and sections 4715.361 to 4715.374 of the Revised Code: 92233
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(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board. 92235
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(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code. 92241
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(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist. 92244
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(D) "Dentist" means an individual licensed under this chapter to practice dentistry. 92246
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(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist. 92248
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(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to 92250
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dental hygienists, except for procedures while a patient is 92253
anesthetized, definitive root planing, definitive subgingival 92254
curettage, the administration of local anesthesia, and the 92255
procedures specified in rules adopted by the board as described in 92256
division (C)(4) of section 4715.22 of the Revised Code. 92257

(G) "Facility" means any of the following: 92258

(1) A health care facility, as defined in section 4715.22 of 92259
the Revised Code; 92260

(2) A state correctional institution, as defined in section 92261
2967.01 of the Revised Code; 92262

(3) A comprehensive child development program that receives 92263
funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 92264
42 U.S.C. 9831, as amended, and is licensed as a child day-care 92265
center; 92266

(4) A residential facility licensed under section 5123.19 of 92267
the Revised Code; 92268

(5) A public school, as defined in section 3701.93 of the 92269
Revised Code, located in an area designated as a dental health 92270
resource shortage area pursuant to section 3702.87 of the Revised 92271
Code; 92272

(6) A nonpublic school, as defined in section 3701.93 of the 92273
Revised Code, located in an area designated as a dental health 92274
resource shortage area pursuant to section 3702.87 of the Revised 92275
Code; 92276

(7) A federally qualified health center or federally 92277
qualified health center look-alike, as defined in section 3701.047 92278
of the Revised Code; 92279

(8) A shelter for victims of domestic violence, as defined in 92280
section 3113.33 of the Revised Code; 92281

(9) A facility operated by the department of youth services 92282

under Chapter 5139. of the Revised Code;	92283
(10) A shelter for runaways, as defined in section 5119.64 of	92284
the Revised Code;	92285
(11) A foster home, as defined in section 5103.02 of the	92286
Revised Code;	92287
(12) <u>(11)</u> A nonprofit clinic, as defined in section 3715.87 of	92288
the Revised Code;	92289
(13) <u>(12)</u> The residence of one or more individuals receiving	92290
services provided by a home health agency, as defined in section	92291
5101.61 of the Revised Code;	92292
(14) <u>(13)</u> A dispensary;	92293
(15) <u>(14)</u> A health care facility, such as a clinic or	92294
hospital, of the United States department of veterans affairs;	92295
(16) <u>(15)</u> The residence of one or more individuals enrolled in	92296
a home and community-based services medicaid waiver component, as	92297
defined in section 5111.851 <u>5166.01</u> of the Revised Code;	92298
(17) <u>(16)</u> A facility operated by the board of health of a city	92299
or general health district or the authority having the duties of a	92300
board of health under section 3709.05 of the Revised Code;	92301
(18) <u>(17)</u> A women, infants, and children clinic;	92302
(19) <u>(18)</u> A mobile dental unit located at any location listed	92303
in divisions (G)(1) to (18) <u>(17)</u> of this section;	92304
(20) <u>(19)</u> Any other location, as specified by the state dental	92305
board in rules adopted under section 4715.372 of the Revised Code,	92306
that is in an area designated as a dental health resource shortage	92307
area pursuant to section 3702.87 of the Revised Code and provides	92308
health care services to individuals who are <u>medicaid</u> recipients of	92309
medical assistance under the medicaid program established pursuant	92310
to Chapter 5111. of the Revised Code and to indigent and uninsured	92311
persons, as defined in section 2305.234 of the Revised Code.	92312

Sec. 4715.372. (A) The state dental board shall adopt rules 92313
in accordance with Chapter 119. of the Revised Code as necessary 92314
to implement the oral health access supervision program, including 92315
rules that do all of the following: 92316

(1) For the purpose of division (G)~~(20)~~(19) of section 92317
4715.36 of the Revised Code, designate additional facilities at 92318
which a dental hygienist may be authorized to perform dental 92319
hygiene services under the oral health access supervision program; 92320

(2) For the purpose of section 4715.362 of the Revised Code, 92321
prescribe the application form and requirements for obtaining an 92322
oral health access supervision permit; 92323

(3) For the purpose of section 4715.363 of the Revised Code, 92324
prescribe the application form for a permit to practice as a 92325
dental hygienist under the oral health access supervision of a 92326
dentist; 92327

(4) For the purpose of division (B)(3) of section 4715.363 of 92328
the Revised Code and subject to division (B) of this section, 92329
establish standards for the course in the practice of dental 92330
hygiene under oral health access supervision; 92331

(5) For the purpose of section 4715.369 of the Revised Code, 92332
prescribe the form for renewal of an oral health access 92333
supervision permit; 92334

(6) For the purpose of section 4715.37 of the Revised Code, 92335
prescribe the form for renewal of a permit to practice as a dental 92336
hygienist under the oral health access supervision of a dentist. 92337

(B) The course in the practice of dental hygiene under oral 92338
health access supervision for which the board establishes 92339
standards under division (A)(4) of this section shall meet all of 92340
the following requirements: 92341

(1) Be eight hours in length; 92342

(2) Include, at a minimum, instruction in both of the following: 92343
92344

(a) The treatment of geriatric patients, medically compromised patients, developmentally disabled patients, and pediatric patients; 92345
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92347

(b) Recordkeeping practices. 92348

(3) Be developed and offered by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board; 92349
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(4) Include content that is separate and independent from the course content required for the completion of dental hygiene education from an accredited dental hygiene school. 92353
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Sec. 4715.39. (A) The state dental board may define the duties that may be performed by dental assistants and other individuals designated by the board as qualified personnel. If defined, the duties shall be defined in rules adopted in accordance with Chapter 119. of the Revised Code. The rules may include training and practice standards for dental assistants and other qualified personnel. The standards may include examination and issuance of a certificate. If the board issues a certificate, the recipient shall display the certificate in a conspicuous location in any office in which the recipient is employed to perform the duties authorized by the certificate. 92356
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(B) A dental assistant may polish the clinical crowns of teeth if all of the following requirements are met: 92367
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(1) The dental assistant's polishing activities are limited to the use of a rubber cup attached to a slow-speed rotary dental hand piece to remove soft deposits that build up over time on the crowns of teeth. 92369
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(2) The polishing is performed only after a dentist has 92373
evaluated the patient and any calculus detected on the teeth to be 92374
polished has been removed by a dentist or dental hygienist. 92375

(3) The dentist supervising the assistant supervises not more 92376
than two dental assistants engaging in polishing activities at any 92377
given time. 92378

(4) The dental assistant is certified by the dental assisting 92379
national board or the Ohio commission on dental assistant 92380
certification. 92381

(5) The dental assistant receives a certificate from the 92382
board authorizing the assistant to engage in the polishing 92383
activities. The board shall issue the certificate if the 92384
individual has successfully completed training in the polishing of 92385
clinical crowns through a program accredited by the American 92386
dental association commission on dental accreditation or 92387
equivalent training approved by the board. The training shall 92388
include courses in basic dental anatomy and infection control, 92389
followed by a course in coronal polishing that includes didactic, 92390
preclinical, and clinical training; any other training required by 92391
the board; and a skills assessment that includes successful 92392
completion of standardized testing. The board shall adopt rules 92393
pursuant to division (A) of this section establishing standards 92394
for approval of this training. 92395

(C) A dental assistant may apply pit and fissure sealants if 92396
all of the following requirements are met: 92397

(1) A (a) Except as provided in division (C)(1)(b) of this 92398
section, a dentist evaluates the patient and designates the teeth 92399
and surfaces that will benefit from the application of sealant on 92400
the day the application is to be performed; 92401

(b) The requirement in division (C)(1)(a) of this section 92402
does not apply if the director of health makes a determination 92403

authorized by division (A)(1) of section 3701.138 of the Revised Code. 92404
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(2) The dental assistant is certified by the dental assisting national board or the Ohio commission on dental assistant certification. 92406
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(3) The dental assistant has successfully completed a course in the application of sealants consisting of at least two hours of didactic instruction and six hours of clinical instruction through a program provided by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board. 92409
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(4) The dentist supervising the assistant has observed the assistant successfully apply at least six sealants. 92416
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(5) The dentist supervising the assistant checks and approves the application of all sealants placed by the assistant before the patient leaves the location where the sealant application procedure is performed. 92418
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(D) If the director of health establishes a school-based fluoride mouth rinse program under section 3701.136 of the Revised Code and makes a determination authorized by division (A)(2) of section 3701.138 of the Revised Code, a dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification may administer fluoride mouth rinse to a student under the program when a dentist is not present and without a dentist first examining the student. 92422
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(E) Subject to this section and the applicable rules of the board, licensed dentists may assign to dental assistants and other qualified personnel dental procedures that do not require the professional competence or skill of the licensed dentist, a dental hygienist, or an expanded function dental auxiliary as this 92430
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section or the board by rule authorizes dental assistants and 92435
other qualified personnel to perform. The performance of dental 92436
procedures by dental assistants and other qualified personnel 92437
shall be under direct supervision and full responsibility of the 92438
licensed dentist. 92439

~~(E)~~(F) Nothing in this section shall be construed by rule of 92440
the state dental board or otherwise to do the following: 92441

(1) Authorize dental assistants or other qualified personnel 92442
to engage in the practice of dental hygiene as defined by sections 92443
4715.22 and 4715.23 of the Revised Code or to perform the duties 92444
of a dental hygienist, including the removal of calcarious 92445
deposits, dental cement, or accretions on the crowns and roots of 92446
teeth other than as authorized pursuant to this section; 92447

(2) Authorize dental assistants or other qualified personnel 92448
to engage in the practice of an expanded function dental auxiliary 92449
as specified in section 4715.64 of the Revised Code or to perform 92450
the duties of an expanded function dental auxiliary other than as 92451
authorized pursuant to this section. 92452

(3) Authorize the assignment of any of the following: 92453

(a) Diagnosis; 92454

(b) Treatment planning and prescription, including 92455
prescription for drugs and medicaments or authorization for 92456
restorative, prosthodontic, or orthodontic appliances; 92457

(c) Surgical procedures on hard or soft tissue of the oral 92458
cavity, or any other intraoral procedure that contributes to or 92459
results in an irremediable alteration of the oral anatomy; 92460

(d) The making of final impressions from which casts are made 92461
to construct any dental restoration. 92462

~~(F)~~(G) No dentist shall assign any dental assistant or other 92463
individual acting in the capacity of qualified personnel to 92464

perform any dental procedure that the assistant or other 92465
individual is not authorized by this section or by board rule to 92466
perform. No dental assistant or other individual acting in the 92467
capacity of qualified personnel shall perform any dental procedure 92468
other than in accordance with this section and any applicable 92469
board rule or any dental procedure that the assistant or other 92470
individual is not authorized by this section or by board rule to 92471
perform. 92472

Sec. 4715.64. (A) The practice of an expanded function dental 92473
auxiliary shall consist of the following: 92474

(1) The procedures involved in the placement of restorative 92475
materials limited to amalgam restorative materials and 92476
~~non-metallic~~ nonmetallic restorative materials, including 92477
direct-bonded restorative materials; 92478

(2) The procedures involved in the placement of sealants; 92479

(3) Any additional procedures authorized by the state dental 92480
board in rules adopted under section 4715.66 of the Revised Code. 92481

(B)(1) An expanded function dental auxiliary shall practice 92482
under the direct supervision, order, control, and full 92483
responsibility of a dentist licensed under this chapter. At no 92484
time shall more than two expanded function dental auxiliaries be 92485
practicing as expanded function dental auxiliaries under the 92486
direct supervision of the same dentist. ~~An~~ Except as provided in 92487
division (B)(2) of this section, an expanded function dental 92488
auxiliary shall not practice as an expanded function dental 92489
auxiliary when the supervising dentist is not physically present 92490
at the location where the expanded function dental auxiliary is 92491
practicing. 92492

(2)(a) If the director of health makes a determination 92493
authorized by division (B)(1) of section 3701.138 of the Revised 92494

Code, an expanded function dental auxiliary may perform the 92495
procedures described in division (A)(2) of this section through a 92496
program operated by a school district board of education or the 92497
governing board of an educational service center if the 92498
supervising dentist is not physically present at the location 92499
where the expanded function dental auxiliary is practicing or a 92500
dentist has not first examined the patient. 92501

(b) If the director of health establishes a school-based 92502
fluoride mouth rinse program under section 3701.136 of the Revised 92503
Code and makes a determination authorized by division (B)(2) of 92504
section 3701.138 of the Revised Code, an expanded function dental 92505
auxiliary may administer fluoride mouth rinse to a student under 92506
the program when the supervising dentist is not physically present 92507
at the location where the expanded function dental auxiliary is 92508
practicing or a dentist has not first examined the patient. 92509

(C) Nothing in this section shall be construed by rule of the 92510
board or otherwise to authorize an expanded function dental 92511
auxiliary to engage in the practice of dental hygiene as defined 92512
by sections 4715.22 and 4715.23 of the Revised Code. 92513

Sec. 4717.03. (A) Members of the board of embalmers and 92514
funeral directors shall annually in July, or within thirty days 92515
after the senate's confirmation of the new members appointed in 92516
that year, meet and organize by selecting from among its members a 92517
president, vice-president, and secretary-treasurer. The board may 92518
hold other meetings as it determines necessary. A quorum of the 92519
board consists of four members, of whom at least three shall be 92520
members who are embalmers and funeral directors. The concurrence 92521
of at least four members is necessary for the board to take any 92522
action. The president and secretary-treasurer shall sign all 92523
licenses issued under this chapter and affix the board's seal to 92524
each license. 92525

(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The board shall fix the compensation of the executive director. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders;

(4) Employ staff who are not members of the board and who serve at the pleasure of the executive director to provide any assistance that the board considers necessary;

(5) Fix the compensation of staff employed pursuant to division (B)(4) of this section.

(C) In executing the board's orders as required by division (B)(3) of this section, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory facility in this state. The executive director may serve and execute any process issued by any court under this chapter.

~~(C) The board may employ clerical or technical staff who are not members of the board and who serve at the pleasure of the board to provide any clerical or technical assistance the board considers necessary.~~ (D) The board executive director may employ necessary inspectors, who shall be licensed embalmers and funeral directors. ~~Any~~ An inspector employed by the ~~board~~ executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory facility in this state, for the purposes of inspecting the facility and premises; the license and registration of embalmers and funeral directors operating in the facility; and the license of the funeral home, embalming facility, or crematory. ~~The~~

~~inspector shall serve and execute any process issued by any court~~ 92557
~~under this chapter, serve and execute any papers or process issued~~ 92558
~~by the board or any officer or member of the board, facility and~~ 92559
perform any other duties delegated to the inspector by the board 92560
or assigned to the inspector by the executive director. The 92561
executive director may enter the facility or premises of a funeral 92562
home, embalming facility, or crematory for the purpose of an 92563
inspection if accompanied by an inspector or, if an inspector is 92564
not available, when a situation presents a danger of immediate and 92565
serious harm to the public. 92566

~~(D)~~(E) The president of the board shall designate three of 92567
~~its~~ the board's members to serve on the crematory review board, 92568
which is hereby created, for such time as the president finds 92569
appropriate to carry out the provisions of this chapter. Those 92570
members of the crematory review board designated by the president 92571
to serve and three members designated by the cemetery dispute 92572
resolution commission shall designate, by a majority vote, one 92573
person who is experienced in the operation of a crematory facility 92574
and who is not affiliated with a cemetery or a funeral home to 92575
serve on the crematory review board for such time as the crematory 92576
review board finds appropriate. Members serving on the crematory 92577
review board shall not receive any additional compensation for 92578
serving on the board, but may be reimbursed for their actual and 92579
necessary expenses incurred in the performance of official duties 92580
as members of the board. Members of the crematory review board 92581
shall designate one from among its members to serve as a 92582
chairperson for such time as the board finds appropriate. Costs 92583
associated with conducting an adjudicatory hearing in accordance 92584
with division ~~(E)~~(F) of this section shall be paid from funds 92585
available to the board of embalmers and funeral directors. 92586

~~(E)~~(F) Upon receiving written notice from the board of 92587
embalmers and funeral directors of any of the following, the 92588

crematory review board shall conduct an adjudicatory hearing on 92589
the matter in accordance with Chapter 119. of the Revised Code, 92590
except as otherwise provided in this section or division (C) of 92591
section 4717.14 of the Revised Code: 92592

(1) Notice provided under division ~~(H)~~(I) of this section of 92593
an alleged violation of any provision of this chapter or any rules 92594
adopted under this chapter governing or in connection with 92595
crematory facilities or cremation; 92596

(2) Notice provided under division (B) of section 4717.14 of 92597
the Revised Code that the board of embalmers and funeral directors 92598
proposes to refuse to grant or renew, or to suspend or revoke, a 92599
license to operate a crematory facility; 92600

(3) Notice provided under division (C) of section 4717.14 of 92601
the Revised Code that the board of embalmers and funeral directors 92602
has issued an order summarily suspending a license to operate a 92603
crematory facility; 92604

(4) Notice provided under division (B) of section 4717.15 of 92605
the Revised Code that the board of embalmers and funeral directors 92606
proposes to issue a notice of violation and order requiring 92607
payment of a forfeiture for any violation described in divisions 92608
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 92609
connection with a crematory facility or cremation. 92610

Nothing in division ~~(E)~~(F) of this section precludes the 92611
crematory review board from appointing an independent examiner in 92612
accordance with section 119.09 of the Revised Code to conduct any 92613
adjudication hearing required under division ~~(E)~~(F) of this 92614
section. 92615

The crematory review board shall submit a written report of 92616
findings and advisory recommendations, and a written transcript of 92617
its proceedings, to the board of embalmers and funeral directors. 92618
The board of embalmers and funeral directors shall serve a copy of 92619

the written report of the crematory review board's findings and 92620
advisory recommendations on the party to the adjudication or the 92621
party's attorney, by certified mail, within five days after 92622
receiving the report and advisory recommendations. A party may 92623
file objections to the written report with the board of embalmers 92624
and funeral directors within ten days after receiving the report. 92625
No written report is final or appealable until it is issued as a 92626
final order by the board of embalmers and funeral directors and 92627
entered on the record of the proceedings. The board of embalmers 92628
and funeral directors shall consider objections filed by the party 92629
prior to issuing a final order. After reviewing the findings and 92630
advisory recommendations of the crematory review board, the 92631
written transcript of the crematory review board's proceedings, 92632
and any objections filed by a party, the board of embalmers and 92633
funeral directors shall issue a final order in the matter. Any 92634
party may appeal the final order issued by the board of embalmers 92635
and funeral directors in a matter described in divisions ~~(E)~~(F)(1) 92636
to (4) of this section in accordance with section 119.12 of the 92637
Revised Code, except that the appeal may be made to the court of 92638
common pleas in the county in which is located the crematory 92639
facility to which the final order pertains, or in the county in 92640
which the party resides. 92641

~~(F)~~(G) On its own initiative or on receiving a written 92642
complaint from any person whose identity is made known to the 92643
board of embalmers and funeral directors, the board shall 92644
investigate the acts or practices of any person holding or 92645
claiming to hold a license or registration under this chapter 92646
that, if proven to have occurred, would violate this chapter or 92647
any rules adopted under it. The board may compel witnesses by 92648
subpoena to appear and testify in relation to investigations 92649
conducted under this chapter and may require by subpoena duces 92650
tecum the production of any book, paper, or document pertaining to 92651
an investigation. If a person does not comply with a subpoena or 92652

subpoena duces tecum, the board may apply to the court of common 92653
pleas of any county in this state for an order compelling the 92654
person to comply with the subpoena or subpoena duces tecum, or for 92655
failure to do so, to be held in contempt of court. 92656

~~(G)~~(H) If, as a result of its investigation conducted under 92657
division ~~(F)~~(G) of this section, the board of embalmers and 92658
funeral directors has reasonable cause to believe that the person 92659
investigated is violating any provision of this chapter or any 92660
rules adopted under this chapter governing or in connection with 92661
embalming, funeral directing, funeral homes, embalming facilities, 92662
or the operation of funeral homes or embalming facilities, it may, 92663
after providing the opportunity for an adjudicatory hearing, issue 92664
an order directing the person to cease the acts or practices that 92665
constitute the violation. The board shall conduct the adjudicatory 92666
hearing in accordance with Chapter 119. of the Revised Code except 92667
that, notwithstanding the provisions of that chapter, the 92668
following shall apply: 92669

(1) The board shall send the notice informing the person of 92670
the person's right to a hearing by certified mail. 92671

(2) The person is entitled to a hearing only if the person 92672
requests a hearing and if the board receives the request within 92673
thirty days after the mailing of the notice described in division 92674
~~(G)~~(H)(1) of this section. 92675

(3) A stenographic record shall be taken, in the manner 92676
prescribed in section 119.09 of the Revised Code, at every 92677
adjudicatory hearing held under this section, regardless of 92678
whether the record may be the basis of an appeal to a court. 92679

~~(H)~~(I) If, as a result of its investigation conducted under 92680
division ~~(F)~~(G) of this section, the board of embalmers and 92681
funeral directors has reasonable cause to believe that the person 92682
investigated is violating any provision of this chapter or any 92683

rules adopted under this chapter governing or in connection with 92684
crematory facilities or cremation, the board shall send written 92685
notice of the alleged violation to the crematory review board. If, 92686
after the conclusion of the adjudicatory hearing in the matter 92687
conducted under division ~~(E)~~(F) of this section, the board of 92688
embalmers and funeral directors finds that a person is in 92689
violation of any provision of this chapter or any rules adopted 92690
under this chapter governing or in connection with crematory 92691
facilities or cremation, the board may issue a final order under 92692
that division directing the person to cease the acts or practices 92693
that constitute the violation. 92694

~~(I)~~(J) The board of embalmers and funeral directors may bring 92695
a civil action to enjoin any violation or threatened violation of 92696
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 92697
under any of those sections; division (A) or (B) of section 92698
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 92699
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 92700
division (D)(1) of section 4717.27; divisions (A) to (C) of 92701
section 4717.28, or division (D) or (E) of section 4717.31 of the 92702
Revised Code. The action shall be brought in the county where the 92703
violation occurred or the threatened violation is expected to 92704
occur. At the request of the board, the attorney general shall 92705
represent the board in any matter arising under this chapter. 92706

~~(J)~~(K) The board of embalmers and funeral directors and the 92707
crematory review board may issue subpoenas for funeral directors 92708
and embalmers or persons holding themselves out as such, for 92709
operators of crematory facilities or persons holding themselves 92710
out as such, or for any other person whose testimony, in the 92711
opinion of either board, is necessary. The subpoena shall require 92712
the person to appear before the appropriate board or any 92713
designated member of either board, upon any hearing conducted 92714
under this chapter. The penalty for disobedience to the command of 92715

such a subpoena is the same as for refusal to answer such a 92716
process issued under authority of the court of common pleas. 92717

~~(K)~~(L) All moneys received by the board of embalmers and 92718
funeral directors from any source shall be deposited in the state 92719
treasury to the credit of the occupational licensing and 92720
regulatory fund created in section 4743.05 of the Revised Code. 92721

~~(L)~~(M) The board of embalmers and funeral directors shall 92722
submit a written report to the governor on or before the first 92723
Monday of July of each year. This report shall contain a detailed 92724
statement of the nature and amount of the board's receipts and the 92725
amount and manner of its expenditures. 92726

Sec. 4717.06. (A)(1) Any person who desires to obtain a 92727
license to operate a funeral home, embalming facility, or 92728
crematory facility shall apply to the board of embalmers and 92729
funeral directors on a form provided by the board. The application 92730
shall include the initial license fee set forth in section 4717.07 92731
of the Revised Code and proof satisfactory to the board that the 92732
funeral home, embalming facility, or crematory facility is in 92733
compliance with rules adopted by the board under section 4717.04 92734
of the Revised Code, rules adopted by the board of building 92735
standards under Chapter 3781. of the Revised Code, and all other 92736
federal, state, and local requirements relating to the safety of 92737
the premises. 92738

(2) If the funeral home, embalming facility, or crematory 92739
facility to which the license application pertains is owned by a 92740
corporation or limited liability company, the application shall 92741
include the name and address of the corporation's or limited 92742
liability company's statutory agent appointed under section 92743
1701.07 or 1705.06 of the Revised Code or, in the case of a 92744
foreign corporation, the corporation's designated agent appointed 92745
under section 1703.041 of the Revised Code. If the funeral home, 92746

embalming facility, or crematory facility to which the application 92747
pertains is owned by a partnership, the application shall include 92748
the name and address of each of the partners. If, at any time 92749
after the submission of a license application or issuance of a 92750
license, the statutory or designated agent of a corporation or 92751
limited liability company owning a funeral home, embalming 92752
facility, or crematory facility or the address of the statutory or 92753
designated agent changes or, in the case of a partnership, any of 92754
the partners of the funeral home, embalming facility, or crematory 92755
facility or the address of any of the partners changes, the 92756
applicant for or holder of the license to operate the funeral 92757
home, embalming facility, or crematory facility shall submit 92758
written notice to the board, within thirty days after the change, 92759
informing the board of the change and of any name or address of a 92760
statutory or designated agent or partner that has changed from 92761
that contained in the application for the license or the most 92762
recent notice submitted under division (A)(2) of this section. 92763

(B)(1) The board shall issue a license to operate a funeral 92764
home only for the address at which the funeral home is operated. 92765
The funeral home license and licenses of the embalmers and funeral 92766
directors employed by the funeral home shall be displayed in a 92767
conspicuous place within the funeral home. 92768

(2) The funeral home shall have on the premises one of the 92769
following: 92770

(a) If embalming will take place at the funeral home, an 92771
embalming room that is adequately equipped and maintained. The 92772
embalming room shall be kept in a clean and sanitary manner and 92773
used only for the embalming, preparation, or holding of dead human 92774
bodies. The embalming room shall contain only the articles, 92775
facilities, and instruments necessary for those purposes. 92776

(b) If embalming will not take place at the funeral home, a 92777
holding room that is adequately equipped and maintained. The 92778

holding room shall be kept in a clean and sanitary manner and used 92779
only for the preparation, other than embalming, and holding of 92780
dead human bodies. The holding room shall contain only the 92781
articles and facilities necessary for those purposes. 92782

(3) Except as provided in division (B) of section 4717.11 of 92783
the Revised Code, a funeral home shall be established and operated 92784
only under the name of a holder of a funeral director's license 92785
issued by the board who is actually in charge of and ultimately 92786
responsible for the funeral home, and a funeral home license shall 92787
not include directional or geographical references in the name of 92788
the funeral home. The holder of the funeral home license shall be 92789
a funeral director licensed under this chapter who is actually in 92790
charge of and ultimately responsible for the funeral home. Nothing 92791
in division (B)(3) of this section prohibits the holder of a 92792
funeral home license from including directional or geographical 92793
references in promotional or advertising materials identifying the 92794
location of the funeral home. 92795

(4) Each funeral home shall be directly supervised by a 92796
funeral director licensed under this chapter, who ~~shall~~ may 92797
supervise ~~only~~ more than one funeral home. 92798

(C)(1) The board shall issue a license to operate an 92799
embalming facility only for the address at which the embalming 92800
facility is operated. The license shall be displayed in a 92801
conspicuous place within the facility. 92802

(2) The embalming facility shall be adequately equipped and 92803
maintained in a sanitary manner. The embalming room at such a 92804
facility shall contain only the articles, facilities, and 92805
instruments necessary for its stated purpose. The embalming room 92806
shall be kept in a clean and sanitary condition and used only for 92807
the care and preparation of dead human bodies. 92808

(3) An embalming facility license shall be issued only to an 92809

embalmer licensed under division (B) of section 4717.05 of the Revised Code, who is actually in charge of the facility.

(D)(1) The board shall issue a license to operate a crematory facility only for the address at which the crematory facility is located and operated. The license shall be displayed in a conspicuous place within the crematory facility.

(2) The crematory facility shall be adequately equipped and maintained in a clean and sanitary manner. The crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a crematory facility engages in the cremation of animals, the crematory facility shall cremate animals in a cremation chamber that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and cremation chambers used for the cremation of animals may be located in the same area.

(3) A license to operate a crematory facility shall be issued to the person actually in charge of the crematory facility. This section does not require the individual who is actually in charge of the crematory facility to be an embalmer or funeral director licensed under this chapter.

(4) Nothing in this section or rules adopted under section 4717.04 of the Revised Code precludes the establishment and operation of a crematory facility on or adjacent to the property on which a cemetery, funeral home, or embalming facility is located.

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For the initial issuance or biennial renewal of an embalmer's or funeral director's license, one hundred forty <u>fifty</u> dollars;	92841
	92842
	92843
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	92844
	92845
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	92846
	92847
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	92848
	92849
	92850
(5) For the initial issuance of a license to operate a funeral home, two <u>three</u> hundred fifty dollars and biennial renewal of a license to operate a funeral home, two <u>three</u> hundred fifty dollars;	92851
	92852
	92853
	92854
(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than <u>one thousand dollars</u> ;	92855
	92856
	92857
	92858
	92859
(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	92860
	92861
	92862
	92863
(8) For the initial issuance of a license to operate an embalming facility, two <u>three</u> hundred <u>fifty</u> dollars and biennial renewal of a license to operate an embalming facility, two <u>three</u> hundred <u>fifty</u> dollars;	92864
	92865
	92866
	92867
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(8) of this section plus fifty dollars for each month or portion of a	92868
	92869
	92870

month the license is lapsed until reinstatement; 92871

(10) For the initial issuance of a license to operate a 92872
crematory facility, ~~two~~ three hundred fifty dollars and biennial 92873
renewal of a license to operate a crematory facility, ~~two~~ three 92874
hundred fifty dollars; 92875

(11) For the reinstatement of a lapsed license to operate a 92876
crematory facility, the renewal fee prescribed in division (A)(10) 92877
of this section plus fifty dollars for each month or portion of a 92878
month the license is lapsed until reinstatement; 92879

(12) For the issuance of a duplicate of a license issued 92880
under this chapter, ~~four~~ ten dollars. 92881

(B) In addition to the fees set forth in division (A) of this 92882
section, an applicant shall pay the examination fee assessed by 92883
any examining agency the board uses for any section of an 92884
examination required under this chapter. 92885

(C) Subject to the approval of the controlling board, the 92886
board of embalmers and funeral directors may establish fees in 92887
excess of the amounts set forth in this section, provided that 92888
these fees do not exceed the amounts set forth in this section by 92889
more than fifty per cent. 92890

Sec. 4717.10. (A) The board of embalmers and funeral 92891
directors may recognize licenses issued to embalmers and funeral 92892
directors by other states, and upon presentation of such licenses, 92893
may issue to the holder an embalmer's or funeral director's 92894
license under this chapter. The board shall charge the same fee as 92895
prescribed in section 4717.07 of the Revised Code to issue or 92896
renew such an embalmer's or funeral director's license. Such 92897
licenses shall be renewed ~~annually~~ biennially as provided in 92898
section 4717.08 of the Revised Code. The board shall not issue a 92899
license to any person under this section unless the applicant 92900

proves that the applicant, in the state in which the applicant is licensed, has complied with requirements substantially equal to those established in section 4717.05 of the Revised Code.

(B) The board of embalmers and funeral directors may issue courtesy cards. A courtesy cardholder shall be authorized to undertake both the following acts in this state:

(1) Prepare and complete those sections of a death certificate and other permits needed for disposition of deceased human remains in this state and sign and file such death certificates and permits;

(2) Supervise and conduct funeral ceremonies and interments in this state.

(C) The board of embalmers and funeral directors may determine under what conditions a courtesy card may be issued to funeral directors in bordering states after taking into account whether and under what conditions and fees such border states issue similar courtesy cards to funeral directors licensed in this state. Applicants for courtesy cards shall apply on forms prescribed by the board, pay ~~an annual~~ a biennial fee set by the board for initial applications and renewals, and adhere to such other requirements imposed by the board on courtesy cardholders.

(D) No courtesy cardholder shall be authorized to undertake any of the following activities in this state:

(1) Arranging funerals or disposition services with members of the public in this state;

(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;

(3) Advertise funeral or disposition services in this state;

(4) Enter into or execute funeral or disposition contracts in this state;

(5) Prepare or embalm deceased human remains in this state;	92931
(6) Arrange for or carry out the disinterment of human remains in this state.	92932 92933
(E) As used in this section, "courtesy card" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.	92934 92935 92936 92937
Sec. 4717.14. (A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:	92938 92939 92940 92941 92942
(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.	92943 92944
(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.	92945 92946 92947
(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.	92948 92949 92950 92951 92952 92953 92954 92955 92956 92957
(4) The applicant or licensee has committed immoral or unprofessional conduct.	92958 92959
(5) The applicant or licensee knowingly permitted an	92960

unlicensed person, other than a person serving an apprenticeship, 92961
to engage in the profession or business of embalming or funeral 92962
directing under the applicant's or licensee's supervision. 92963

(6) The applicant or licensee has been habitually 92964
intoxicated, or is addicted to the use of morphine, cocaine, or 92965
other habit-forming or illegal drugs. 92966

(7) The applicant or licensee has refused to promptly submit 92967
the custody of a dead human body upon the express order of the 92968
person legally entitled to the body. 92969

(8) The licensee loaned the licensee's own license, or the 92970
applicant or licensee borrowed or used the license of another 92971
person, or knowingly aided or abetted the granting of an improper 92972
license. 92973

(9) The applicant or licensee transferred a license to 92974
operate a funeral home, embalming facility, or crematory from one 92975
owner or operator to another, or from one location to another, 92976
without notifying the board. 92977

(10) The applicant or licensee misled the public by using 92978
false or deceptive advertising. 92979

(B)(1) The board of embalmers and funeral directors shall 92980
refuse to grant or renew, or shall suspend or revoke, an 92981
embalmer's, funeral director's, funeral home, or embalming 92982
facility license only in accordance with Chapter 119. of the 92983
Revised Code. 92984

(2) The board shall send to the crematory review board 92985
written notice that it proposes to refuse to issue or renew, or 92986
proposes to suspend or revoke, a license to operate a crematory 92987
facility. If, after the conclusion of the adjudicatory hearing on 92988
the matter conducted under division ~~(E)~~(F) of section 4717.03 of 92989
the Revised Code, the board of embalmers and funeral directors 92990
finds that any of the circumstances described in divisions (A)(1) 92991

to (10) of this section apply to the person named in its proposed 92992
action, the board may issue a final order under division ~~(E)~~(F) of 92993
section 4717.03 of the Revised Code refusing to issue or renew, or 92994
suspending or revoking, the person's license to operate a 92995
crematory facility. 92996

(C) If the board of embalmers and funeral directors 92997
determines that there is clear and convincing evidence that any of 92998
the circumstances described in divisions (A)(1) to (10) of this 92999
section apply to the holder of a license issued under this chapter 93000
and that the licensee's continued practice presents a danger of 93001
immediate and serious harm to the public, the board may suspend 93002
the licensee's license without a prior adjudicatory hearing. The 93003
executive director of the board shall prepare written allegations 93004
for consideration by the board. 93005

The board, after reviewing the written allegations, may 93006
suspend a license without a prior hearing. 93007

The board shall issue a written order of suspension by a 93008
delivery system or in person in accordance with section 119.07 of 93009
the Revised Code. Such an order is not subject to suspension by 93010
the court during the pendency of any appeal filed under section 93011
119.12 of the Revised Code. If the holder of an embalmer's, 93012
funeral director's, funeral home, or embalming facility license 93013
requests an adjudicatory hearing by the board, the date set for 93014
the hearing shall be within fifteen days, but not earlier than 93015
seven days, after the licensee has requested a hearing, unless the 93016
board and the licensee agree to a different time for holding the 93017
hearing. 93018

Upon issuing a written order of suspension to the holder of a 93019
license to operate a crematory facility, the board of embalmers 93020
and funeral directors shall send written notice of the issuance of 93021
the order to the crematory review board. The crematory review 93022
board shall hold an adjudicatory hearing on the order under 93023

division ~~(E)~~(F) of section 4717.03 of the Revised Code within 93024
fifteen days, but not earlier than seven days, after the issuance 93025
of the order, unless the crematory review board and the licensee 93026
agree to a different time for holding the adjudicatory hearing. 93027

Any summary suspension imposed under this division shall 93028
remain in effect, unless reversed on appeal, until a final 93029
adjudicatory order issued by the board of embalmers and funeral 93030
directors pursuant to this division and Chapter 119. of the 93031
Revised Code, or division ~~(E)~~(F) of section 4717.03 of the Revised 93032
Code, as applicable, becomes effective. The board of embalmers and 93033
funeral directors shall issue its final adjudicatory order within 93034
sixty days after the completion of its hearing or, in the case of 93035
the summary suspension of a license to operate a crematory 93036
facility, within sixty days after completion of the adjudicatory 93037
hearing by the crematory review board. A failure to issue the 93038
order within that time results in the dissolution of the summary 93039
suspension order, but does not invalidate any subsequent final 93040
adjudicatory order. 93041

(D) If the board of embalmers and funeral directors suspends 93042
or revokes a license held by a funeral director or a funeral home 93043
for any reason identified in division (A) of this section, the 93044
board may file a complaint with the court of common pleas in the 93045
county where the violation occurred requesting appointment of a 93046
receiver and the sequestration of the assets of the funeral home 93047
that held the suspended or revoked license or the licensed funeral 93048
home that employs the funeral director that held the suspended or 93049
revoked license. If the court of common pleas is satisfied with 93050
the application for a receivership, the court may appoint a 93051
receiver. 93052

The board or a receiver may employ and procure whatever 93053
assistance or advice is necessary in the receivership or 93054
liquidation and distribution of the assets of the funeral home, 93055

and, for that purpose, may retain officers or employees of the funeral home as needed. All expenses of the receivership or liquidation shall be paid from the assets of the funeral home and shall be a lien on those assets, and that lien shall be a priority to any other lien.

(E) Any holder of a license issued under this chapter who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in another jurisdiction for any substantially equivalent criminal offense, is hereby suspended from practice under this chapter by operation of law, and any license issued to the individual under this chapter is hereby suspended by operation of law as of the date of the guilty plea, verdict or finding of guilt, or judicial finding of eligibility for treatment in lieu of conviction, regardless of whether the proceedings are brought in this state or another jurisdiction. The board shall notify the suspended individual of the suspension of the individual's license by the operation of this division by a delivery system or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the license.

(F) No person whose license has been suspended or revoked under or by the operation of this section shall practice embalming or funeral directing or operate a funeral home, embalming

facility, or crematory facility until the board has reinstated the 93088
person's license. 93089

Sec. 4717.15. (A) The board of embalmers and funeral 93090
directors, without the necessity for conducting a prior 93091
adjudication hearing, may issue a notice of violation to the 93092
holder of an embalmer's, funeral director's, funeral home, or 93093
embalming facility license issued under this chapter who the board 93094
finds has committed any of the violations described in divisions 93095
(A)(9)(a) to (g) of section 4717.04 of the Revised Code. The 93096
notice shall set forth the specific violation committed by the 93097
licensee and shall be sent by certified mail. The notice shall be 93098
accompanied by an order requiring the payment of the appropriate 93099
forfeiture prescribed in rules adopted under division (A)(9) of 93100
section 4717.04 of the Revised Code and by a notice informing the 93101
licensee that the licensee is entitled to an adjudicatory hearing 93102
on the notice of violation and order if the licensee requests a 93103
hearing and if the board receives the request within thirty days 93104
after the mailing of the notice of violation and order. The board 93105
shall conduct any such adjudicatory hearing in accordance with 93106
Chapter 119. of the Revised Code, except as otherwise provided in 93107
this division. 93108

A licensee who receives a notice of violation and order under 93109
this division shall pay to the executive director of the board the 93110
full amount of the forfeiture by certified check within thirty 93111
days after the notice of violation and order were mailed to the 93112
licensee unless, within that time, the licensee submits a request 93113
for an adjudicatory hearing on the notice of violation and order. 93114
If such a request for an adjudicatory hearing is timely filed, the 93115
licensee need not pay the forfeiture to the executive director 93116
until after a final, nonappealable administrative or judicial 93117
decision is rendered on the order requiring payment of the 93118
forfeiture. If a final nonappealable administrative or judicial 93119

decision is rendered affirming the board's order, the licensee 93120
shall pay to the executive director of the board the full amount 93121
of the forfeiture by certified check within thirty days after 93122
notice of the decision was sent to the licensee. A forfeiture is 93123
considered to be paid when the licensee's certified check is 93124
received by the executive director in Columbus. If the licensee 93125
fails to so pay the full amount of the forfeiture to the executive 93126
director within that time, the board shall issue an order 93127
suspending or revoking the individual's license, as the board 93128
considers appropriate. 93129

(B) The board shall send to the crematory review board 93130
written notice that it proposes to issue to the holder of a 93131
license to operate a crematory facility issued under this chapter 93132
a notice of violation and order requiring payment of a forfeiture 93133
specified in rules adopted under division (A)(9) of section 93134
4717.04 of the Revised Code. If, after the conclusion of the 93135
adjudicatory hearing on the matter conducted under division ~~(E)~~(F) 93136
of section 4717.03 of the Revised Code, the board of embalmers and 93137
funeral directors finds that the licensee has committed any of the 93138
violations described in divisions (A)(9)(a) to (g) of section 93139
4717.04 of the Revised Code in connection with the operation of a 93140
crematory facility or cremation, the board of embalmers and 93141
funeral directors may issue a final order under division ~~(E)~~(F) of 93142
section 4717.03 of the Revised Code requiring payment of the 93143
appropriate forfeiture specified in rules adopted under division 93144
(A)(9) of section 4717.04 of the Revised Code. A licensee who 93145
receives such an order shall pay the full amount of the forfeiture 93146
to the executive director by certified check within thirty days 93147
after the order was sent to the licensee unless, within that time, 93148
the licensee files a notice of appeal in accordance with division 93149
~~(E)~~(F) of section 4717.03 and section 119.12 of the Revised Code. 93150
If such a notice of appeal is timely filed, the licensee need not 93151
pay the forfeiture to the executive director until after a final, 93152

nonappealable judicial decision is rendered in the appeal. If a 93153
final, nonappealable judicial decision is rendered affirming the 93154
board's order, the licensee shall pay to the executive director 93155
the full amount of the forfeiture by certified check within thirty 93156
days after notice of the decision was sent to the licensee. A 93157
forfeiture is considered paid when the licensee's certified check 93158
is received by the executive director in Columbus. If the licensee 93159
fails to so pay the full amount of the forfeiture to the executive 93160
director within that time, the board shall issue an order 93161
suspending or revoking the individual's license, as the board 93162
considers appropriate. 93163

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 93164
the Revised Code: 93165

(1) "Affiliate" means a business entity that is owned by, 93166
operated by, controlled by, or under common control with another 93167
business entity. 93168

(2) "Communication" means a written or oral notification or 93169
advertisement that meets both of the following criteria, as 93170
applicable: 93171

(a) The notification or advertisement is transmitted by or on 93172
behalf of the seller of goods or services and by or through any 93173
printed, audio, video, cinematic, telephonic, or electronic means. 93174

(b) In the case of a notification or advertisement other than 93175
by telephone, either of the following conditions is met: 93176

(i) The notification or advertisement is followed by a 93177
telephone call from a telephone solicitor or salesperson. 93178

(ii) The notification or advertisement invites a response by 93179
telephone, and, during the course of that response, a telephone 93180
solicitor or salesperson attempts to make or makes a sale of goods 93181
or services. As used in division (A)(2)(b)(ii) of this section, 93182

"invites a response by telephone" excludes the mere listing or 93183
inclusion of a telephone number in a notification or 93184
advertisement. 93185

(3) "Gift, award, or prize" means anything of value that is 93186
offered or purportedly offered, or given or purportedly given by 93187
chance, at no cost to the receiver and with no obligation to 93188
purchase goods or services. As used in this division, "chance" 93189
includes a situation in which a person is guaranteed to receive an 93190
item and, at the time of the offer or purported offer, the 93191
telephone solicitor does not identify the specific item that the 93192
person will receive. 93193

(4) "Goods or services" means any real property or any 93194
tangible or intangible personal property, or services of any kind 93195
provided or offered to a person. "Goods or services" includes, but 93196
is not limited to, advertising; labor performed for the benefit of 93197
a person; personal property intended to be attached to or 93198
installed in any real property, regardless of whether it is so 93199
attached or installed; timeshare estates or licenses; and extended 93200
service contracts. 93201

(5) "Purchaser" means a person that is solicited to become or 93202
does become financially obligated as a result of a telephone 93203
solicitation. 93204

(6) "Salesperson" means an individual who is employed, 93205
appointed, or authorized by a telephone solicitor to make 93206
telephone solicitations but does not mean any of the following: 93207

(a) An individual who comes within one of the exemptions in 93208
division (B) of this section; 93209

(b) An individual employed, appointed, or authorized by a 93210
person who comes within one of the exemptions in division (B) of 93211
this section; 93212

(c) An individual under a written contract with a person who 93213

comes within one of the exemptions in division (B) of this 93214
section, if liability for all transactions with purchasers is 93215
assumed by the person so exempted. 93216

(7) "Telephone solicitation" means a communication to a 93217
person that meets both of the following criteria: 93218

(a) The communication is initiated by or on behalf of a 93219
telephone solicitor or by a salesperson. 93220

(b) The communication either represents a price or the 93221
quality or availability of goods or services or is used to induce 93222
the person to purchase goods or services, including, but not 93223
limited to, inducement through the offering of a gift, award, or 93224
prize. 93225

(8) "Telephone solicitor" means a person that engages in 93226
telephone solicitation directly or through one or more 93227
salespersons either from a location in this state, or from a 93228
location outside this state to persons in this state. "Telephone 93229
solicitor" includes, but is not limited to, any such person that 93230
is an owner, operator, officer, or director of, partner in, or 93231
other individual engaged in the management activities of, a 93232
business. 93233

(B) A telephone solicitor is exempt from the provisions of 93234
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 93235
Code if the telephone solicitor is any one of the following: 93236

(1) A person engaging in a telephone solicitation that is a 93237
one-time or infrequent transaction not done in the course of a 93238
pattern of repeated transactions of a like nature; 93239

(2) A person engaged in telephone solicitation solely for 93240
religious or political purposes; a charitable organization, 93241
fund-raising counsel, or professional solicitor in compliance with 93242
the registration and reporting requirements of Chapter 1716. of 93243
the Revised Code; or any person or other entity exempt under 93244

section 1716.03 of the Revised Code from filing a registration statement under section 1716.02 of the Revised Code; 93245
93246

(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply. 93247
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(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States. 93255
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(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation; 93267
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(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following: 93269
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(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code; 93272
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(ii) A newspaper or publication that has at least twenty-five 93275

per cent editorial, non-advertising content, exclusive of inserts, 93276
measured relative to total publication space, and an audited 93277
circulation to at least fifty per cent of the households in the 93278
newspaper's retail trade zone as defined by the audit. 93279

(6)(a) An issuer, or its subsidiary, that has a class of 93280
securities to which all of the following apply: 93281

(i) The class of securities is subject to section 12 of the 93282
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 93283
registered or is exempt from registration under 15 U.S.C.A. 93284
781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 93285

(ii) The class of securities is listed on the New York stock 93286
exchange, the American stock exchange, or the NASDAQ national 93287
market system; 93288

(iii) The class of securities is a reported security as 93289
defined in 17 C.F.R. 240.11Aa3-1(a)(4). 93290

(b) An issuer, or its subsidiary, that formerly had a class 93291
of securities that met the criteria set forth in division 93292
(B)(6)(a) of this section if the issuer, or its subsidiary, has a 93293
net worth in excess of one hundred million dollars, files or its 93294
parent files with the securities and exchange commission an S.E.C. 93295
form 10-K, and has continued in substantially the same business 93296
since it had a class of securities that met the criteria in 93297
division (B)(6)(a) of this section. As used in division (B)(6)(b) 93298
of this section, "issuer" and "subsidiary" include the successor 93299
to an issuer or subsidiary. 93300

(7) A person soliciting a transaction regulated by the 93301
commodity futures trading commission, if the person is registered 93302
or temporarily registered for that activity with the commission 93303
under 7 U.S.C.A. 1 et. seq. and the registration or temporary 93304
registration has not expired or been suspended or revoked; 93305

(8) A person soliciting the sale of any book, record, audio 93306

tape, compact disc, or video, if the person allows the purchaser 93307
to review the merchandise for at least seven days and provides a 93308
full refund within thirty days to a purchaser who returns the 93309
merchandise or if the person solicits the sale on behalf of a 93310
membership club operating in compliance with regulations adopted 93311
by the federal trade commission in 16 C.F.R. 425; 93312

(9) A supervised financial institution or its subsidiary. As 93313
used in division (B)(9) of this section, "supervised financial 93314
institution" means a bank, trust company, savings and loan 93315
association, savings bank, credit union, industrial loan company, 93316
consumer finance lender, commercial finance lender, or institution 93317
described in section 2(c)(2)(F) of the "Bank Holding Company Act 93318
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 93319
official or agency of the United States, this state, or any other 93320
state of the United States; or a licensee or registrant under 93321
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 93322
1321.83 of the Revised Code. 93323

(10)(a) An insurance company, association, or other 93324
organization that is licensed or authorized to conduct business in 93325
this state by the superintendent of insurance pursuant to Title 93326
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 93327
when soliciting within the scope of its license or authorization. 93328

(b) A licensed insurance broker, agent, or solicitor when 93329
soliciting within the scope of the person's license. As used in 93330
division (B)(10)(b) of this section, "licensed insurance broker, 93331
agent, or solicitor" means any person licensed as an insurance 93332
broker, agent, or solicitor by the superintendent of insurance 93333
pursuant to Title XXXIX of the Revised Code. 93334

(11) A person soliciting the sale of services provided by a 93335
cable television system operating under authority of a 93336
governmental franchise or permit; 93337

- (12) A person soliciting a business-to-business sale under which any of the following conditions are met: 93338
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- (a) The telephone solicitor has been operating continuously for at least three years under the same business name under which it solicits purchasers, and at least fifty-one per cent of its gross dollar volume of sales consists of repeat sales to existing customers to whom it has made sales under the same business name. 93340
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- (b) The purchaser business intends to resell the goods purchased. 93345
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- (c) The purchaser business intends to use the goods or services purchased in a recycling, reuse, manufacturing, or remanufacturing process. 93347
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- (d) The telephone solicitor is a publisher of a periodical or of magazines distributed as controlled circulation publications as defined in division (CC) of section 5739.01 of the Revised Code and is soliciting sales of advertising, subscriptions, reprints, lists, information databases, conference participation or sponsorships, trade shows or media products related to the periodical or magazine, or other publishing services provided by the controlled circulation publication. 93350
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- (13) A person that, not less often than once each year, publishes and delivers to potential purchasers a catalog that complies with both of the following: 93358
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- (a) It includes all of the following: 93361
- (i) The business address of the seller; 93362
- (ii) A written description or illustration of each good or service offered for sale; 93363
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- (iii) A clear and conspicuous disclosure of the sale price of each good or service; shipping, handling, and other charges; and return policy. 93365
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- (b) One of the following applies: 93368
- (i) The catalog includes at least twenty-four pages of 93369
written material and illustrations, is distributed in more than 93370
one state, and has an annual postage-paid mail circulation of not 93371
less than two hundred fifty thousand households; 93372
- (ii) The catalog includes at least ten pages of written 93373
material or an equivalent amount of material in electronic form on 93374
the internet or an on-line computer service, the person does not 93375
solicit customers by telephone but solely receives telephone calls 93376
made in response to the catalog, and during the calls the person 93377
takes orders but does not engage in further solicitation of the 93378
purchaser. As used in division (B)(13)(b)(ii) of this section, 93379
"further solicitation" does not include providing the purchaser 93380
with information about, or attempting to sell, any other item in 93381
the catalog that prompted the purchaser's call or in a 93382
substantially similar catalog issued by the seller. 93383
- (14) A political subdivision or instrumentality of the United 93384
States, this state, or any state of the United States; 93385
- (15) A college or university or any other public or private 93386
institution of higher education in this state; 93387
- (16) A public utility as defined in section 4905.02 of the 93388
Revised Code or a retail natural gas supplier as defined in 93389
section 4929.01 of the Revised Code, if the utility or supplier is 93390
subject to regulation by the public utilities commission, or the 93391
affiliate of the utility or supplier; 93392
- (17) A person that solicits sales through a television 93393
program or advertisement that is presented in the same market area 93394
no fewer than twenty days per month or offers for sale no fewer 93395
than ten distinct items of goods or services; and offers to the 93396
purchaser an unconditional right to return any good or service 93397
purchased within a period of at least seven days and to receive a 93398

full refund within thirty days after the purchaser returns the 93399
good or cancels the service; 93400

(18)(a) A person that, for at least one year, has been 93401
operating a retail business under the same name as that used in 93402
connection with telephone solicitation and both of the following 93403
occur on a continuing basis: 93404

(i) The person either displays goods and offers them for 93405
retail sale at the person's business premises or offers services 93406
for sale and provides them at the person's business premises. 93407

(ii) At least fifty-one per cent of the person's gross dollar 93408
volume of retail sales involves purchases of goods or services at 93409
the person's business premises. 93410

(b) An affiliate of a person that meets the requirements in 93411
division (B)(18)(a) of this section if the affiliate meets all of 93412
the following requirements: 93413

(i) The affiliate has operated a retail business for a period 93414
of less than one year; 93415

(ii) The affiliate either displays goods and offers them for 93416
retail sale at the affiliate's business premises or offers 93417
services for sale and provides them at the affiliate's business 93418
premises; 93419

(iii) At least fifty-one per cent of the affiliate's gross 93420
dollar volume of retail sales involves purchases of goods or 93421
services at the affiliate's business premises. 93422

(c) A person that, for a period of less than one year, has 93423
been operating a retail business in this state under the same name 93424
as that used in connection with telephone solicitation, as long as 93425
all of the following requirements are met: 93426

(i) The person either displays goods and offers them for 93427
retail sale at the person's business premises or offers services 93428

for sale and provides them at the person's business premises; 93429

(ii) The goods or services that are the subject of telephone 93430
solicitation are sold at the person's business premises, and at 93431
least sixty-five per cent of the person's gross dollar volume of 93432
retail sales involves purchases of goods or services at the 93433
person's business premises; 93434

(iii) The person conducts all telephone solicitation 93435
activities according to sections 310.3, 310.4, and 310.5 of the 93436
telemarketing sales rule adopted by the federal trade commission 93437
in 16 C.F.R. part 310. 93438

(19) A person who performs telephone solicitation sales 93439
services on behalf of other persons and to whom one of the 93440
following applies: 93441

(a) The person has operated under the same ownership, 93442
control, and business name for at least five years, and the person 93443
receives at least seventy-five per cent of its gross revenues from 93444
written telephone solicitation contracts with persons who come 93445
within one of the exemptions in division (B) of this section. 93446

(b) The person is an affiliate of one or more exempt persons 93447
and makes telephone solicitations on behalf of only the exempt 93448
persons of which it is an affiliate. 93449

(c) The person makes telephone solicitations on behalf of 93450
only exempt persons, the person and each exempt person on whose 93451
behalf telephone solicitations are made have entered into a 93452
written contract that specifies the manner in which the telephone 93453
solicitations are to be conducted and that at a minimum requires 93454
compliance with the telemarketing sales rule adopted by the 93455
federal trade commission in 16 C.F.R. part 310, and the person 93456
conducts the telephone solicitations in the manner specified in 93457
the written contract. 93458

(d) The person performs telephone solicitation for religious 93459

or political purposes, a charitable organization, a fund-raising 93460
council, or a professional solicitor in compliance with the 93461
registration and reporting requirements of Chapter 1716. of the 93462
Revised Code; and meets all of the following requirements: 93463

(i) The person has operated under the same ownership, 93464
control, and business name for at least five years, and the person 93465
receives at least fifty-one per cent of its gross revenues from 93466
written telephone solicitation contracts with persons who come 93467
within the exemption in division (B)(2) of this section; 93468

(ii) The person does not conduct a prize promotion or offer 93469
the sale of an investment opportunity; 93470

(iii) The person conducts all telephone solicitation 93471
activities according to sections 310.3, 310.4, and 310.5 of the 93472
telemarketing sales rules adopted by the federal trade commission 93473
in 16 C.F.R. part 310. 93474

(20) A person that is a licensed real estate salesperson or 93475
broker under Chapter 4735. of the Revised Code when soliciting 93476
within the scope of the person's license; 93477

(21)(a) Either of the following: 93478

(i) A publisher that solicits the sale of the publisher's 93479
periodical or magazine of general, paid circulation, or a person 93480
that solicits a sale of that nature on behalf of a publisher under 93481
a written agreement directly between the publisher and the person. 93482

(ii) A publisher that solicits the sale of the publisher's 93483
periodical or magazine of general, paid circulation, or a person 93484
that solicits a sale of that nature as authorized by a publisher 93485
under a written agreement directly with a publisher's 93486
clearinghouse provided the person is a resident of Ohio for more 93487
than three years and initiates all telephone solicitations from 93488
Ohio and the person conducts the solicitation and sale in 93489
compliance with 16 C.F.R. part 310, as adopted by the federal 93490

trade commission. 93491

(b) As used in division (B)(21) of this section, "periodical 93492
or magazine of general, paid circulation" excludes a periodical or 93493
magazine circulated only as part of a membership package or given 93494
as a free gift or prize from the publisher or person. 93495

(22) A person that solicits the sale of food, as defined in 93496
section 3715.01 of the Revised Code, or the sale of products of 93497
horticulture, as defined in section 5739.01 of the Revised Code, 93498
if the person does not intend the solicitation to result in, or 93499
the solicitation actually does not result in, a sale that costs 93500
the purchaser an amount greater than five hundred dollars. 93501

(23) A funeral director licensed pursuant to Chapter 4717. of 93502
the Revised Code when soliciting within the scope of that license, 93503
if both of the following apply: 93504

(a) The solicitation and sale are conducted in compliance 93505
with 16 C.F.R. part 453, as adopted by the federal trade 93506
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 93507
the Revised Code; 93508

(b) The person provides to the purchaser of any preneed 93509
funeral contract a notice that clearly and conspicuously sets 93510
forth the cancellation rights specified in division (G) of section 93511
1107.33 of the Revised Code, and retains a copy of the notice 93512
signed by the purchaser. 93513

(24) A person, or affiliate thereof, licensed to sell or 93514
issue Ohio instruments designated as travelers checks pursuant to 93515
sections 1315.01 to 1315.18 of the Revised Code. 93516

(25) A person that solicits sales from its previous 93517
purchasers and meets all of the following requirements: 93518

(a) The solicitation is made under the same business name 93519
that was previously used to sell goods or services to the 93520

purchaser; 93521

(b) The person has, for a period of not less than three 93522
years, operated a business under the same business name as that 93523
used in connection with telephone solicitation; 93524

(c) The person does not conduct a prize promotion or offer 93525
the sale of an investment opportunity; 93526

(d) The person conducts all telephone solicitation activities 93527
according to sections 310.3, 310.4, and 310.5 of the telemarketing 93528
sales rules adopted by the federal trade commission in 16 C.F.R. 93529
part 310; 93530

(e) Neither the person nor any of its principals has been 93531
convicted of, pleaded guilty to, or has entered a plea of no 93532
contest for a felony or a theft offense as defined in sections 93533
2901.02 and 2913.01 of the Revised Code or similar law of another 93534
state or of the United States; 93535

(f) Neither the person nor any of its principals has had 93536
entered against them an injunction or a final judgment or order, 93537
including an agreed judgment or order, an assurance of voluntary 93538
compliance, or any similar instrument, in any civil or 93539
administrative action involving engaging in a pattern of corrupt 93540
practices, fraud, theft, embezzlement, fraudulent conversion, or 93541
misappropriation of property; the use of any untrue, deceptive, or 93542
misleading representation; or the use of any unfair, unlawful, 93543
deceptive, or unconscionable trade act or practice. 93544

(26) An institution defined as a home health agency in 93545
section 3701.881 of the Revised Code, that conducts all telephone 93546
solicitation activities according to sections 310.3, 310.4, and 93547
310.5 of the telemarketing sales rules adopted by the federal 93548
trade commission in 16 C.F.R. part 310, and engages in telephone 93549
solicitation only within the scope of the institution's 93550
certification, accreditation, contract with the department of 93551

aging, or status as a home health agency; and that meets one of 93552
the following requirements: 93553

(a) The institution is certified as a provider of home health 93554
services under Title XVIII of the Social Security Act, 49 Stat. 93555
620, 42 U.S.C. 301, as amended; 93556

(b) The institution is accredited by either the joint 93557
commission on accreditation of health care organizations or the 93558
community health accreditation program; 93559

(c) The institution is providing ~~passport~~ PASSPORT services 93560
under the direction of the ~~Ohio~~ department of aging under ~~section~~ 93561
~~173.40~~ sections 173.52 to 173.523 of the Revised Code; 93562

(d) An affiliate of an institution that meets the 93563
requirements of division (B)(26)(a), (b), or (c) of this section 93564
when offering for sale substantially the same goods and services 93565
as those that are offered by the institution that meets the 93566
requirements of division (B)(26)(a), (b), or (c) of this section. 93567

(27) A person licensed by the department of health pursuant 93568
to section 3712.04 or 3712.041 of the Revised Code to provide a 93569
hospice care program or pediatric respite care program when 93570
conducting telephone solicitations within the scope of the 93571
person's license and according to sections 310.3, 310.4, and 310.5 93572
of the telemarketing sales rules adopted by the federal trade 93573
commission in 16 C.F.R. part 310. 93574

Sec. 4723.18. (A) The board of nursing shall authorize a 93575
licensed practical nurse to administer to an adult intravenous 93576
therapy if the nurse supplies evidence satisfactory to the board 93577
that all of the following are the case: 93578

(1) The nurse holds a current, valid license issued under 93579
this chapter to practice nursing as a licensed practical nurse. 93580

(2) The nurse has been authorized under section 4723.18 of 93581

the Revised Code to administer medications. 93582

(3) The nurse successfully completed a course of study in the 93583
safe performance of intravenous therapy approved by the board 93584
pursuant to section 4723.19 of the Revised Code or by an agency in 93585
another jurisdiction that regulates the practice of nursing and 93586
has requirements for intravenous therapy course approval that are 93587
substantially similar to the requirements in division (B) of 93588
section 4723.19 of the Revised Code, as determined by the board. 93589

(4) The nurse has successfully completed a minimum of forty 93590
hours of training that includes all of the following: 93591

(a) The curriculum established by rules adopted by the board; 93592

(b) Training in the anatomy and physiology of the 93593
cardiovascular system, signs and symptoms of local and systemic 93594
complications in the administration of fluids and antibiotic 93595
additives, and guidelines for management of these complications; 93596

(c) Any other training or instruction the board considers 93597
appropriate; 93598

(d) A testing component that requires the nurse to perform a 93599
successful demonstration of the intravenous procedures, including 93600
all skills needed to perform them safely. 93601

(B) Except as provided in section 4723.181 of the Revised 93602
Code and subject to the restrictions in division (D) of this 93603
section, a licensed practical nurse may perform intravenous 93604
therapy on an adult patient only if authorized by the board 93605
pursuant to division (A) of this section and only at the direction 93606
of one of the following: 93607

(1) A licensed physician, dentist, optometrist, or podiatrist 93608
who, except as provided in division (C)(2) of this section, is 93609
present and readily available at the facility where the 93610
intravenous therapy procedure is performed; 93611

(2) A registered nurse in accordance with division (C) of this section. 93612
93613

(C)(1) Except as provided in division (C)(2) of this section and section 4723.181 of the Revised Code, when a licensed practical nurse authorized by the board to perform intravenous therapy performs an intravenous therapy procedure at the direction of a registered nurse, the registered nurse or another registered nurse shall be readily available at the site where the intravenous therapy is performed, and before the licensed practical nurse initiates the intravenous therapy, the registered nurse shall personally perform an on-site assessment of the adult patient who is to receive the intravenous therapy. 93614
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(2) When a licensed practical nurse authorized by the board to perform intravenous therapy performs an intravenous therapy procedure in a home as defined in section 3721.10 of the Revised Code, or in an intermediate care facility for ~~the mentally retarded~~ individuals with intellectual disabilities as defined in section ~~5111.20~~ 5124.01 of the Revised Code, at the direction of a registered nurse or licensed physician, dentist, optometrist, or podiatrist, a registered nurse shall be on the premises of the home or facility or accessible by some form of telecommunication. 93624
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(D) No licensed practical nurse shall perform any of the following intravenous therapy procedures: 93633
93634

(1) Initiating or maintaining any of the following: 93635

(a) Blood or blood components; 93636

(b) Solutions for total parenteral nutrition; 93637

(c) Any cancer therapeutic medication including, but not limited to, cancer chemotherapy or an anti-neoplastic agent; 93638
93639

(d) Solutions administered through any central venous line or arterial line or any other line that does not terminate in a 93640
93641

peripheral vein, except that a licensed practical nurse authorized 93642
by the board to perform intravenous therapy may maintain the 93643
solutions specified in division (D)(6)(a) of this section that are 93644
being administered through a central venous line or peripherally 93645
inserted central catheter; 93646

(e) Any investigational or experimental medication. 93647

(2) Initiating intravenous therapy in any vein, except that a 93648
licensed practical nurse authorized by the board to perform 93649
intravenous therapy may initiate intravenous therapy in accordance 93650
with this section in a vein of the hand, forearm, or antecubital 93651
fossa; 93652

(3) Discontinuing a central venous, arterial, or any other 93653
line that does not terminate in a peripheral vein; 93654

(4) Initiating or discontinuing a peripherally inserted 93655
central catheter; 93656

(5) Mixing, preparing, or reconstituting any medication for 93657
intravenous therapy, except that a licensed practical nurse 93658
authorized by the board to perform intravenous therapy may prepare 93659
or reconstitute an antibiotic additive; 93660

(6) Administering medication via the intravenous route, 93661
including all of the following activities: 93662

(a) Adding medication to an intravenous solution or to an 93663
existing infusion, except that a licensed practical nurse 93664
authorized by the board to perform intravenous therapy may do any 93665
of the following: 93666

(i) Initiate an intravenous infusion containing one or more 93667
of the following elements: dextrose 5%, normal saline, lactated 93668
ringers, sodium chloride .45%, sodium chloride 0.2%, sterile 93669
water; 93670

(ii) Hang subsequent containers of the intravenous solutions 93671

specified in division (D)(6)(a)(i) of this section that contain 93672
vitamins or electrolytes, if a registered nurse initiated the 93673
infusion of that same intravenous solution; 93674

(iii) Initiate or maintain an intravenous infusion containing 93675
an antibiotic additive. 93676

(b) Injecting medication via a direct intravenous route, 93677
except that a licensed practical nurse authorized by the board to 93678
perform intravenous therapy may inject heparin or normal saline to 93679
flush an intermittent infusion device or heparin lock including, 93680
but not limited to, bolus or push. 93681

(7) Changing tubing on any line including, but not limited 93682
to, an arterial line or a central venous line, except that a 93683
licensed practical nurse authorized by the board to perform 93684
intravenous therapy may change tubing on an intravenous line that 93685
terminates in a peripheral vein; 93686

(8) Programming or setting any function of a patient 93687
controlled infusion pump. 93688

(E) Notwithstanding divisions (A) and (D) of this section, at 93689
the direction of a physician or a registered nurse, a licensed 93690
practical nurse authorized by the board to perform intravenous 93691
therapy may perform the following activities for the purpose of 93692
performing dialysis: 93693

(1) The routine administration and regulation of saline 93694
solution for the purpose of maintaining an established fluid plan; 93695

(2) The administration of a heparin dose intravenously; 93696

(3) The administration of a heparin dose peripherally via a 93697
fistula needle; 93698

(4) The loading and activation of a constant infusion pump; 93699

(5) The intermittent injection of a dose of medication that 93700
is administered via the hemodialysis blood circuit and through the 93701

patient's venous access. 93702

(F) No person shall employ or direct a licensed practical 93703
nurse to perform an intravenous therapy procedure without first 93704
verifying that the licensed practical nurse is authorized by the 93705
board to perform intravenous therapy. 93706

Sec. 4723.35. (A) As used in this section, "chemical 93707
dependency" means either of the following: 93708

(1) The chronic and habitual use of alcoholic beverages to 93709
the extent that the user no longer can control the use of alcohol 93710
or endangers the user's health, safety, or welfare or that of 93711
others; 93712

(2) The use of a controlled substance as defined in section 93713
3719.01 of the Revised Code, a harmful intoxicant as defined in 93714
section 2925.01 of the Revised Code, or a dangerous drug as 93715
defined in section 4729.01 of the Revised Code, to the extent that 93716
the user becomes physically or psychologically dependent on the 93717
substance, intoxicant, or drug or endangers the user's health, 93718
safety, or welfare or that of others. 93719

(B) The board of nursing may abstain from taking disciplinary 93720
action under section 4723.28 or 4723.86 of the Revised Code 93721
against an individual with a chemical dependency if it finds that 93722
the individual can be treated effectively and there is no 93723
impairment of the individual's ability to practice according to 93724
acceptable and prevailing standards of safe care. The board shall 93725
establish a chemical dependency monitoring program to monitor the 93726
registered nurses, licensed practical nurses, dialysis 93727
technicians, and certified community health workers against whom 93728
the board has abstained from taking action. The board shall 93729
develop the program, select the program's name, and designate a 93730
coordinator to administer the program. 93731

(C) Determinations regarding an individual's eligibility for admission to, continued participation in, and successful completion of the monitoring program shall be made by the board's supervising member for disciplinary matters in accordance with rules adopted under division (D) of this section.

(D) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the following:

(1) Eligibility requirements for admission to and continued participation in the monitoring program;

(2) Terms and conditions that must be met to participate in and successfully complete the program;

(3) Procedures for keeping confidential records regarding participants;

(4) Any other requirements or procedures necessary to establish and administer the program.

(E)(1) As a condition of being admitted to the monitoring program, an individual shall surrender to the program coordinator the license or certificate that the individual holds. While the surrender is in effect, the individual is prohibited from engaging in the practice of nursing, engaging in the provision of dialysis care, or engaging in the provision of services that were being provided as a certified community health worker.

If the board's supervising member for disciplinary matters determines that a participant is capable of resuming practice according to acceptable and prevailing standards of safe care, the program coordinator shall return the participant's license or certificate. If the participant violates the terms and conditions of resumed practice, the coordinator shall require the participant to surrender the license or certificate as a condition of continued participation in the program. The coordinator may require the surrender only on the approval of the board's

supervising member for disciplinary matters. 93763

The surrender of a license or certificate on admission to the 93764
monitoring program or while participating in the program does not 93765
constitute an action by the board under section 4723.28 or 4723.86 93766
of the Revised Code. The participant may rescind the surrender at 93767
any time and the board may proceed by taking action under section 93768
4723.28 or 4723.86 of the Revised Code. 93769

(2) If the program coordinator determines that a participant 93770
is significantly out of compliance with the terms and conditions 93771
for participation, the coordinator shall notify the board's 93772
supervising member for disciplinary matters and the supervising 93773
member shall determine whether to temporarily suspend the 93774
participant's license or certificate. The board shall notify the 93775
participant of the suspension by certified mail sent to the 93776
participant's last known address and shall refer the matter to the 93777
board for formal action under section 4723.28 or 4723.86 of the 93778
Revised Code. 93779

(F) All of the following apply with respect to the receipt, 93780
release, and maintenance of records and information by the 93781
monitoring program: 93782

(1) The program coordinator shall maintain all program 93783
records in the board's office, and for each participant, shall 93784
retain the records for a period of two years following the 93785
participant's date of successful completion of the program. 93786

(2) When applying to participate in the monitoring program, 93787
the applicant shall sign a waiver permitting the board to receive 93788
and release information necessary to determine whether the 93789
individual is eligible for admission. After being admitted, the 93790
participant shall sign a waiver permitting the board to receive 93791
and release information necessary to determine whether the 93792
individual is eligible for continued participation in the program. 93793

Information that may be necessary for the board's supervising member for disciplinary matters to determine eligibility for admission or continued participation in the monitoring program includes, but is not limited to, information provided to and by employers, probation officers, law enforcement agencies, peer assistance programs, health professionals, and treatment providers. No entity with knowledge that the information has been provided to the monitoring program shall divulge that knowledge to any other person.

(3) Except as provided in division (F)(4) of this section, all records pertaining to an individual's application for or participation in the monitoring program, including medical records, treatment records, and mental health records, shall be confidential. The records are not public records for the purposes of section 149.43 of the Revised Code and are not subject to discovery by subpoena or admissible as evidence in any judicial proceeding.

(4) The board may disclose information regarding a participant's progress in the program to any person or government entity that the participant authorizes in writing to be given the information. In disclosing information under this division, the board shall not include any information that is protected under section ~~3793.13~~ 5119.27 of the Revised Code or any federal statute or regulation that provides for the confidentiality of medical, mental health, or substance abuse records.

(G) In the absence of fraud or bad faith, the board as a whole, its individual members, and its employees and representatives are not liable for damages in any civil action as a result of disclosing information in accordance with division (F)(4) of this section. In the absence of fraud or bad faith, any person reporting to the program with regard to an individual's chemical dependence, or the progress or lack of progress of that

individual with regard to treatment, is not liable for damages in 93826
any civil action as a result of the report. 93827

Sec. 4723.481. This section establishes standards and 93828
conditions regarding the authority of a clinical nurse specialist, 93829
certified nurse-midwife, or certified nurse practitioner to 93830
prescribe drugs and therapeutic devices under a certificate to 93831
prescribe issued under section ~~4723.481~~ 4723.48 of the Revised 93832
Code. 93833

(A) A clinical nurse specialist, certified nurse-midwife, or 93834
certified nurse practitioner shall not prescribe any drug or 93835
therapeutic device that is not included in the types of drugs and 93836
devices listed on the formulary established in rules adopted under 93837
section 4723.50 of the Revised Code. 93838

(B) The prescriptive authority of a clinical nurse 93839
specialist, certified nurse-midwife, or certified nurse 93840
practitioner shall not exceed the prescriptive authority of the 93841
collaborating physician or podiatrist, including the collaborating 93842
physician's authority to treat chronic pain with controlled 93843
substances and products containing tramadol as described in 93844
section 4731.052 of the Revised Code. 93845

(C)(1) Except as provided in division (C)(2) or (3) of this 93846
section, a clinical nurse specialist, certified nurse-midwife, or 93847
certified nurse practitioner may prescribe to a patient a schedule 93848
II controlled substance only if all of the following are the case: 93849

(a) The patient has a terminal condition, as defined in 93850
section 2133.01 of the Revised Code. 93851

(b) The collaborating physician of the clinical nurse 93852
specialist, certified nurse-midwife, or certified nurse 93853
practitioner initially prescribed the substance for the patient. 93854

(c) The prescription is for an amount that does not exceed 93855

the amount necessary for the patient's use in a single, 93856
twenty-four-hour period. 93857

(2) The restrictions on prescriptive authority in division 93858
(C)(1) of this section do not apply if a clinical nurse 93859
specialist, certified nurse-midwife, or certified nurse 93860
practitioner issues the prescription to the patient from any of 93861
the following locations: 93862

(a) A hospital registered under section 3701.07 of the 93863
Revised Code; 93864

(b) An entity owned or controlled, in whole or in part, by a 93865
hospital or by an entity that owns or controls, in whole or in 93866
part, one or more hospitals; 93867

(c) A health care facility operated by the department of 93868
~~mental health~~ mental health and addiction services or the 93869
department of developmental disabilities; 93870

(d) A nursing home licensed under section 3721.02 of the 93871
Revised Code or by a political subdivision certified under section 93872
3721.09 of the Revised Code; 93873

(e) A county home or district home operated under Chapter 93874
5155. of the Revised Code that is certified under the medicare or 93875
medicaid program; 93876

(f) A hospice care program, as defined in section 3712.01 of 93877
the Revised Code; 93878

(g) A community mental health ~~agency~~ services provider, as 93879
defined in section 5122.01 of the Revised Code; 93880

(h) An ambulatory surgical facility, as defined in section 93881
3702.30 of the Revised Code; 93882

(i) A freestanding birthing center, as defined in section 93883
~~3702.51~~ 3702.141 of the Revised Code; 93884

(j) A federally qualified health center, as defined in 93885

section 3701.047 of the Revised Code; 93886

(k) A federally qualified health center look-alike, as 93887
defined in section 3701.047 of the Revised Code; 93888

(l) A health care office or facility operated by the board of 93889
health of a city or general health district or the authority 93890
having the duties of a board of health under section 3709.05 of 93891
the Revised Code; 93892

(m) A site where a medical practice is operated, but only if 93893
the practice is comprised of one or more physicians who also are 93894
owners of the practice; the practice is organized to provide 93895
direct patient care; and the clinical nurse specialist, certified 93896
nurse-midwife, or certified nurse practitioner providing services 93897
at the site has a standard care arrangement and collaborates with 93898
at least one of the physician owners who practices primarily at 93899
that site. 93900

(3) A clinical nurse specialist, certified nurse-midwife, or 93901
certified nurse practitioner shall not issue to a patient a 93902
prescription for a schedule II controlled substance from a 93903
convenience care clinic even if the clinic is owned or operated by 93904
an entity specified in division (C)(2) of this section. 93905

(D) A pharmacist who acts in good faith reliance on a 93906
prescription issued by a clinical nurse specialist, certified 93907
nurse-midwife, or certified nurse practitioner under division 93908
(C)(2) of this section is not liable for or subject to any of the 93909
following for relying on the prescription: damages in any civil 93910
action, prosecution in any criminal proceeding, or professional 93911
disciplinary action by the state board of pharmacy under Chapter 93912
4729. of the Revised Code. 93913

(E) A clinical nurse specialist, certified nurse-midwife, or 93914
certified nurse practitioner may personally furnish to a patient a 93915
sample of any drug or therapeutic device included in the types of 93916

drugs and devices listed on the formulary, except that all of the 93917
following conditions apply: 93918

(1) The amount of the sample furnished shall not exceed a 93919
seventy-two-hour supply, except when the minimum available 93920
quantity of the sample is packaged in an amount that is greater 93921
than a seventy-two-hour supply, in which case the packaged amount 93922
may be furnished. 93923

(2) No charge may be imposed for the sample or for furnishing 93924
it. 93925

(3) Samples of controlled substances may not be personally 93926
furnished. 93927

(F) A clinical nurse specialist, certified nurse-midwife, or 93928
certified nurse practitioner may personally furnish to a patient a 93929
complete or partial supply of a drug or therapeutic device 93930
included in the types of drugs and devices listed on the 93931
formulary, except that all of the following conditions apply: 93932

(1) The clinical nurse specialist, certified nurse-midwife, 93933
or certified nurse practitioner shall personally furnish only 93934
antibiotics, antifungals, scabicides, contraceptives, prenatal 93935
vitamins, antihypertensives, drugs and devices used in the 93936
treatment of diabetes, drugs and devices used in the treatment of 93937
asthma, and drugs used in the treatment of dyslipidemia. 93938

(2) The clinical nurse specialist, certified nurse-midwife, 93939
or certified nurse practitioner shall not furnish the drugs and 93940
devices in locations other than a health department operated by 93941
the board of health of a city or general health district or the 93942
authority having the duties of a board of health under section 93943
3709.05 of the Revised Code, a federally funded comprehensive 93944
primary care clinic, or a nonprofit health care clinic or program. 93945

(3) The clinical nurse specialist, certified nurse-midwife, 93946
or certified nurse practitioner shall comply with all safety 93947

standards for personally furnishing supplies of drugs and devices, 93948
as established in rules adopted under section 4723.50 of the 93949
Revised Code. 93950

Sec. 4725.03. The governor, with the advice and consent of 93951
the senate, shall appoint a state board of optometry consisting of 93952
six nonmedical residents of this state, five of whom shall be 93953
persons actually engaged in the practice of optometry for five 93954
years preceding appointment and one of whom shall be a member of 93955
the public at least ~~sixty~~ fifty years of age. Terms of office 93956
shall be five years, commencing on the twenty-sixth day of 93957
September and ending on the twenty-fifth day of September. Each 93958
member shall hold office from the date of appointment until the 93959
end of the term for which appointed. Any member appointed to fill 93960
a vacancy occurring prior to the expiration of the term for which 93961
the member's predecessor was appointed shall hold office for the 93962
remainder of the term. A member shall continue in office 93963
subsequent to the expiration date of the member's term until the 93964
member's successor takes office, or until a period of sixty days 93965
has elapsed, whichever occurs first. No person shall serve as a 93966
member for more than two terms. 93967

Sec. 4725.16. (A) Each certificate of licensure, topical 93968
ocular pharmaceutical agents certificate, and therapeutic 93969
pharmaceutical agents certificate issued by the state board of 93970
optometry shall expire annually on the last day of December, and 93971
may be renewed in accordance with this section and the standard 93972
renewal procedure established under Chapter 4745. of the Revised 93973
Code. 93974

An optometrist seeking to continue to practice optometry 93975
shall file with the board an application for license renewal. The 93976
application shall be in such form and require such pertinent 93977
professional biographical data as the board may require. 93978

(B) All licensed optometrists shall annually complete 93979
continuing education in subjects relating to the practice of 93980
optometry, to the end that the utilization and application of new 93981
techniques, scientific and clinical advances, and the achievements 93982
of research will assure comprehensive care to the public. The 93983
board shall prescribe by rule the continuing optometric education 93984
that licensed optometrists must complete. The length of study 93985
shall be twenty-five clock hours each year, including ten clock 93986
hours of instruction in pharmacology to be completed by all 93987
licensed optometrists. 93988

Unless the continuing education required under this division 93989
is waived or deferred under division (D) of this section, the 93990
continuing education must be completed during the twelve-month 93991
period beginning on the first day of October and ending on the 93992
last day of September. If the board receives notice from a 93993
continuing education program indicating that an optometrist 93994
completed the program after the last day of September, and the 93995
optometrist wants to use the continuing education completed after 93996
that day to renew the license that expires on the last day of 93997
December of that year, the optometrist shall pay the penalty 93998
specified under section 4725.34 of the Revised Code for late 93999
completion of continuing education. 94000

At least once annually, the board shall post on its web site 94001
and shall mail, or send by electronic mail, to each licensed 94002
optometrist a list of courses approved in accordance with 94003
standards prescribed by board rule. Upon the request of a licensed 94004
optometrist, the executive director of the board shall supply a 94005
list of additional courses that the board has approved subsequent 94006
to the most recent web site posting, electronic mail transmission, 94007
or mailing of the list of approved courses. 94008

(C)(1) Annually, not later than the first day of November, 94009
the board shall mail or send by electronic mail a notice regarding 94010

license renewal to each licensed optometrist who may be eligible 94011
for renewal. The notice shall be sent to the optometrist's ~~last~~ 94012
most recent electronic mail or mailing address shown in the 94013
board's records. If the board knows that the optometrist has 94014
completed the required continuing optometric education for the 94015
year, the board may include with the notice an application for 94016
license renewal. 94017

(2) Filing a license renewal application with the board shall 94018
serve as notice by the optometrist that the continuing optometric 94019
education requirement has been successfully completed. If the 94020
board finds that an optometrist has not completed the required 94021
continuing optometric education, the board shall disapprove the 94022
optometrist's application. The board's disapproval of renewal is 94023
effective without a hearing, unless a hearing is requested 94024
pursuant to Chapter 119. of the Revised Code. 94025

(3) The board shall refuse to accept an application for 94026
renewal from any applicant whose license is not in good standing 94027
or who is under disciplinary review pursuant to section 4725.19 of 94028
the Revised Code. 94029

(4) Notice of an applicant's failure to qualify for renewal 94030
shall be served upon the applicant by mail. The notice shall be 94031
sent not later than the fifteenth day of November to the 94032
applicant's last address shown in the board's records. 94033

(D) In cases of certified illness or undue hardship, the 94034
board may waive or defer for up to twelve months the requirement 94035
of continuing optometric education, except that in such cases the 94036
board may not waive or defer the continuing education in 94037
pharmacology required to be completed by optometrists who hold 94038
topical ocular pharmaceutical agents certificates or therapeutic 94039
pharmaceutical agents certificates. The board shall waive the 94040
requirement of continuing optometric education for any optometrist 94041
who is serving in the armed forces of the United States or who has 94042

received an initial certificate of licensure during the nine-month 94043
period which ended on the last day of September. 94044

(E) An optometrist whose renewal application has been 94045
approved may renew each certificate held by paying to the 94046
treasurer of state the fees for renewal specified under section 94047
4725.34 of the Revised Code. On payment of all applicable fees, 94048
the board shall issue a renewal of the optometrist's certificate 94049
of licensure, topical ocular pharmaceutical agents certificate, 94050
and therapeutic pharmaceutical agents certificate, as appropriate. 94051

(F) Not later than the fifteenth day of December, the board 94052
shall mail or send by electronic mail a second notice regarding 94053
license renewal to each licensed optometrist who may be eligible 94054
for renewal but did not respond to the notice sent under division 94055
(C)(1) of this section. The notice shall be sent to the 94056
optometrist's ~~last~~ most recent electronic mail or mailing address 94057
shown in the board's records. If an optometrist fails to file a 94058
renewal application after the second notice is sent, the board 94059
shall send a third notice regarding license renewal prior to any 94060
action under division (I) of this section to classify the 94061
optometrist's certificates as delinquent. 94062

(G) The failure of an optometrist to apply for license 94063
renewal or the failure to pay the applicable annual renewal fees 94064
on or before the date of expiration, shall automatically work a 94065
forfeiture of the optometrist's authority to practice optometry in 94066
this state. 94067

(H) The board shall accept renewal applications and renewal 94068
fees that are submitted from the first day of January to the last 94069
day of April of the year next succeeding the date of expiration. 94070
An individual who submits such a late renewal application or fee 94071
shall pay the late renewal fee specified in section 4725.34 of the 94072
Revised Code. 94073

(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the individual's certificates shall be classified in the board's records as delinquent.

(2) Any optometrist subject to delinquent classification may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;

(b) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code;

(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.

(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs.

Sec. 4729.01. As used in this chapter:

(A) "Pharmacy," except when used in a context that refers to

the practice of pharmacy, means any area, room, rooms, place of 94104
business, department, or portion of any of the foregoing where the 94105
practice of pharmacy is conducted. 94106

(B) "Practice of pharmacy" means providing pharmacist care 94107
requiring specialized knowledge, judgment, and skill derived from 94108
the principles of biological, chemical, behavioral, social, 94109
pharmaceutical, and clinical sciences. As used in this division, 94110
"pharmacist care" includes the following: 94111

(1) Interpreting prescriptions; 94112

(2) Dispensing drugs and drug therapy related devices; 94113

(3) Compounding drugs; 94114

(4) Counseling individuals with regard to their drug therapy, 94115
recommending drug therapy related devices, and assisting in the 94116
selection of drugs and appliances for treatment of common diseases 94117
and injuries and providing instruction in the proper use of the 94118
drugs and appliances; 94119

(5) Performing drug regimen reviews with individuals by 94120
discussing all of the drugs that the individual is taking and 94121
explaining the interactions of the drugs; 94122

(6) Performing drug utilization reviews with licensed health 94123
professionals authorized to prescribe drugs when the pharmacist 94124
determines that an individual with a prescription has a drug 94125
regimen that warrants additional discussion with the prescriber; 94126

(7) Advising an individual and the health care professionals 94127
treating an individual with regard to the individual's drug 94128
therapy; 94129

(8) Acting pursuant to a consult agreement with a physician 94130
authorized under Chapter 4731. of the Revised Code to practice 94131
medicine and surgery or osteopathic medicine and surgery, if an 94132
agreement has been established with the physician; 94133

(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	94134 94135
<u>(10) Electronic supervision and control of and communication with a remote dispensing system operated under section 4729.542 of the Revised Code.</u>	94136 94137 94138
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	94139 94140 94141
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	94142 94143
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	94144 94145
(3) As an incident to research, teaching activities, or chemical analysis;	94146 94147
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	94148 94149 94150
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	94151 94152 94153 94154 94155
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	94156 94157 94158 94159 94160
(b) A limited quantity of the drug is compounded and provided to the professional.	94161 94162
(c) The drug is compounded and provided to the professional	94163

as an occasional exception to the normal practice of dispensing 94164
drugs pursuant to patient-specific prescriptions. 94165

(D) "Consult agreement" means an agreement to manage an 94166
individual's drug therapy that has been entered into by a 94167
pharmacist and a physician authorized under Chapter 4731. of the 94168
Revised Code to practice medicine and surgery or osteopathic 94169
medicine and surgery. 94170

(E) "Drug" means: 94171

(1) Any article recognized in the United States pharmacopoeia 94172
and national formulary, or any supplement to them, intended for 94173
use in the diagnosis, cure, mitigation, treatment, or prevention 94174
of disease in humans or animals; 94175

(2) Any other article intended for use in the diagnosis, 94176
cure, mitigation, treatment, or prevention of disease in humans or 94177
animals; 94178

(3) Any article, other than food, intended to affect the 94179
structure or any function of the body of humans or animals; 94180

(4) Any article intended for use as a component of any 94181
article specified in division (E)(1), (2), or (3) of this section; 94182
but does not include devices or their components, parts, or 94183
accessories. 94184

(F) "Dangerous drug" means any of the following: 94185

(1) Any drug to which either of the following applies: 94186

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 94187
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 94188
required to bear a label containing the legend "Caution: Federal 94189
law prohibits dispensing without prescription" or "Caution: 94190
Federal law restricts this drug to use by or on the order of a 94191
licensed veterinarian" or any similar restrictive statement, or 94192
the drug may be dispensed only upon a prescription; 94193

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	94194 94195
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	94196 94197 94198
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	94199 94200 94201
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	94202 94203
(H) "Prescription" means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.	94204 94205 94206 94207
(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:	94208 94209 94210 94211 94212
(1) A dentist licensed under Chapter 4715. of the Revised Code;	94213 94214
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;	94215 94216 94217
(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	94218 94219 94220
(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	94221 94222 94223

(5) A physician assistant who holds a certificate to prescribe issued under Chapter 4730. of the Revised Code;	94224 94225
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	94226 94227
(J) "Sale" and "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, or employee.	94228 94229 94230 94231
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	94232 94233 94234
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	94235 94236
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	94237 94238 94239 94240 94241
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	94242 94243 94244
(1) The proprietary name of the drug product;	94245
(2) The established (generic) name of the drug product;	94246
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one	94247 94248 94249 94250 94251 94252 94253

ingredient.	94254
(4) The dosage form;	94255
(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.	94256 94257 94258 94259 94260 94261 94262 94263
(O) "Wholesale distributor of dangerous drugs" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale.	94264 94265 94266 94267
(P) "Manufacturer of dangerous drugs" means a person, other than a pharmacist, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs within this state.	94268 94269 94270
(Q) "Terminal distributor of dangerous drugs" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a wholesale distributor or a pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption, and includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist or licensed health professional authorized to prescribe drugs.	94271 94272 94273 94274 94275 94276 94277 94278 94279
(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.	94280 94281 94282 94283 94284

(S) "Person" includes any individual, partnership, 94285
association, limited liability company, or corporation, the state, 94286
any political subdivision of the state, and any district, 94287
department, or agency of the state or its political subdivisions. 94288

(T) "Finished dosage form" has the same meaning as in section 94289
3715.01 of the Revised Code. 94290

(U) "Generically equivalent drug" has the same meaning as in 94291
section 3715.01 of the Revised Code. 94292

(V) "Animal shelter" means a facility operated by a humane 94293
society or any society organized under Chapter 1717. of the 94294
Revised Code or a dog pound operated pursuant to Chapter 955. of 94295
the Revised Code. 94296

(W) "Food" has the same meaning as in section 3715.01 of the 94297
Revised Code. 94298

(X) "Pain management clinic" has the same meaning as in 94299
section 4731.054 of the Revised Code. 94300

(Y) "Institutional facility" means any of the following at 94301
which medical care is provided and a medical record documenting 94302
episodes of care, including dangerous drugs prescribed, dispensed, 94303
or administered, is maintained: 94304

(1) A hospital classified by the department of health under 94305
section 3701.07 of Revised Code or licensed by the department of 94306
mental health under section 5119.20 of the Revised Code; 94307

(2) A facility licensed by the department of health, 94308
including a health care facility as defined in section 3702.30 of 94309
the Revised Code, a home as defined in section 3721.01 of the 94310
Revised Code, or any other facility licensed by the department at 94311
which medical care is provided; 94312

(3) A facility maintained or operated by the department of 94313
rehabilitation and correction or the department of developmental 94314

disabilities at which medical care is provided. 94315

Sec. 4729.51. (A) No person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows: 94316
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(1) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale; 94320
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94323

(2) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery. 94324
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(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following: 94331
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94333

(a) Except as provided in division (B)(2)(a) of this section, a licensed health professional authorized to prescribe drugs; 94334
94335

(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents certificate; 94336
94337
94338

(c) A registered wholesale distributor of dangerous drugs; 94339

(d) A manufacturer of dangerous drugs; 94340

(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs; 94341
94342

(f) Carriers or warehouses for the purpose of carriage or 94343

storage; 94344

(g) Terminal or wholesale distributors of dangerous drugs who 94345
are not engaged in the sale of dangerous drugs within this state; 94346

(h) An individual who holds a current license, certificate, 94347
or registration issued under Title 47 XLVII of the Revised Code 94348
and has been certified to conduct diabetes education by a national 94349
certifying body specified in rules adopted by the state board of 94350
pharmacy under section 4729.68 of the Revised Code, but only with 94351
respect to insulin that will be used for the purpose of diabetes 94352
education and only if diabetes education is within the 94353
individual's scope of practice under statutes and rules regulating 94354
the individual's profession; 94355

(i) An individual who holds a valid certificate issued by a 94356
nationally recognized S.C.U.B.A. diving certifying organization 94357
approved by the state board of pharmacy in rule, but only with 94358
respect to medical oxygen that will be used for the purpose of 94359
emergency care or treatment at the scene of a diving emergency; 94360

(j) Except as provided in division (B)(2)(b) of this section, 94361
a business entity that is a corporation formed under division (B) 94362
of section 1701.03 of the Revised Code, a limited liability 94363
company formed under Chapter 1705. of the Revised Code, or a 94364
professional association formed under Chapter 1785. of the Revised 94365
Code if the entity has a sole shareholder who is a licensed health 94366
professional authorized to prescribe drugs and is authorized to 94367
provide the professional services being offered by the entity; 94368

(k) Except as provided in division (B)(2)(c) of this section, 94369
a business entity that is a corporation formed under division (B) 94370
of section 1701.03 of the Revised Code, a limited liability 94371
company formed under Chapter 1705. of the Revised Code, a 94372
partnership or a limited liability partnership formed under 94373
Chapter 1775. of the Revised Code, or a professional association 94374

formed under Chapter 1785. of the Revised Code, if, to be a 94375
shareholder, member, or partner, an individual is required to be 94376
licensed, certified, or otherwise legally authorized under Title 94377
XLVII of the Revised Code to perform the professional service 94378
provided by the entity and each such individual is a licensed 94379
health professional authorized to prescribe drugs. 94380

(2) No registered wholesale distributor of dangerous drugs 94381
shall possess for sale, or sell, at wholesale, dangerous drugs to 94382
any of the following: 94383

(a) A prescriber who is employed by a pain management clinic 94384
that is not licensed as a terminal distributor of dangerous drugs 94385
with a pain management clinic classification issued under section 94386
4729.552 of the Revised Code; 94387

(b) A business entity described in division (B)(1)(j) of this 94388
section that is, or is operating, a pain management clinic without 94389
a license as a terminal distributor of dangerous drugs with a pain 94390
management clinic classification issued under section 4729.552 of 94391
the Revised Code; 94392

(c) A business entity described in division (B)(1)(k) of this 94393
section that is, or is operating, a pain management clinic without 94394
a license as a terminal distributor of dangerous drugs with a pain 94395
management clinic classification issued under section 4729.552 of 94396
the Revised Code. 94397

(3) No registered wholesale distributor of dangerous drugs 94398
shall possess dangerous drugs for sale at wholesale, or sell such 94399
drugs at wholesale, to a licensed terminal distributor of 94400
dangerous drugs, except as follows: 94401

(a) In the case of a terminal distributor with a category I 94402
license, only dangerous drugs described in category I, as defined 94403
in division (A)(1) of section 4729.54 of the Revised Code; 94404

(b) In the case of a terminal distributor with a category II 94405

license, only dangerous drugs described in category I and category 94406
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 94407
the Revised Code; 94408

(c) In the case of a terminal distributor with a category III 94409
license, dangerous drugs described in category I, category II, and 94410
category III, as defined in divisions (A)(1), (2), and (3) of 94411
section 4729.54 of the Revised Code; 94412

(d) In the case of a terminal distributor with a limited 94413
category I, II, or III license, only the dangerous drugs specified 94414
in the certificate furnished by the terminal distributor in 94415
accordance with section 4729.60 of the Revised Code. 94416

(C)(1) Except as provided in division (C)(4) of this section, 94417
no person shall sell, at retail, dangerous drugs. 94418

(2) Except as provided in division (C)(4) of this section, no 94419
person shall possess for sale, at retail, dangerous drugs. 94420

(3) Except as provided in division (C)(4) of this section, no 94421
person shall possess dangerous drugs. 94422

(4) Divisions (C)(1), (2), and (3) of this section do not 94423
apply to a registered wholesale distributor of dangerous drugs, a 94424
licensed terminal distributor of dangerous drugs, or a person who 94425
possesses, or possesses for sale or sells, at retail, a dangerous 94426
drug in accordance with Chapters 3719., 4715., 4723., 4725., 94427
4729., 4730., 4731., and 4741. of the Revised Code. 94428

Divisions (C)(1), (2), and (3) of this section do not apply 94429
to an individual who holds a current license, certificate, or 94430
registration issued under Title XLVII of the Revised Code and has 94431
been certified to conduct diabetes education by a national 94432
certifying body specified in rules adopted by the state board of 94433
pharmacy under section 4729.68 of the Revised Code, but only to 94434
the extent that the individual possesses insulin or personally 94435
supplies insulin solely for the purpose of diabetes education and 94436

only if diabetes education is within the individual's scope of 94437
practice under statutes and rules regulating the individual's 94438
profession. 94439

Divisions (C)(1), (2), and (3) of this section do not apply 94440
to an individual who holds a valid certificate issued by a 94441
nationally recognized S.C.U.B.A. diving certifying organization 94442
approved by the state board of pharmacy in rule, but only to the 94443
extent that the individual possesses medical oxygen or personally 94444
supplies medical oxygen for the purpose of emergency care or 94445
treatment at the scene of a diving emergency. 94446

(D) No licensed terminal distributor of dangerous drugs shall 94447
purchase for the purpose of resale dangerous drugs from any person 94448
other than a registered wholesale distributor of dangerous drugs, 94449
except as follows: 94450

(1) A licensed terminal distributor of dangerous drugs may 94451
make occasional purchases of dangerous drugs for resale from a 94452
pharmacist who is a licensed terminal distributor of dangerous 94453
drugs or who is employed by a licensed terminal distributor of 94454
dangerous drugs; 94455

(2) A licensed terminal distributor of dangerous drugs having 94456
more than one establishment or place may transfer or receive 94457
dangerous drugs from one establishment or place for which a 94458
license has been issued to the terminal distributor to another 94459
establishment or place for which a license has been issued to the 94460
terminal distributor if the license issued for each establishment 94461
or place is in effect at the time of the transfer or receipt. 94462

(E) A pharmacy that is a licensed terminal distributor of 94463
dangerous drugs may operate a remote dispensing system in an 94464
institutional facility in accordance with section 4729.542 of the 94465
Revised Code. 94466

(F) No licensed terminal distributor of dangerous drugs shall 94467

engage in the sale or other distribution of dangerous drugs at 94468
retail or maintain possession, custody, or control of dangerous 94469
drugs for any purpose other than the distributor's personal use or 94470
consumption, at any establishment or place other than that or 94471
those described in the license issued by the state board of 94472
pharmacy to such terminal distributor. 94473

~~(F)~~(G) Nothing in this section shall be construed to 94474
interfere with the performance of official duties by any law 94475
enforcement official authorized by municipal, county, state, or 94476
federal law to collect samples of any drug, regardless of its 94477
nature or in whose possession it may be. 94478

Sec. 4729.54. (A) As used in this section and section 94479
4729.541 of the Revised Code: 94480

(1) "Category I" means single-dose injections of intravenous 94481
fluids, including saline, Ringer's lactate, five per cent dextrose 94482
and distilled water, and other intravenous fluids or parenteral 94483
solutions included in this category by rule of the state board of 94484
pharmacy, that have a volume of one hundred milliliters or more 94485
and that contain no added substances, or single-dose injections of 94486
epinephrine to be administered pursuant to sections 4765.38 and 94487
4765.39 of the Revised Code. 94488

(2) "Category II" means any dangerous drug that is not 94489
included in category I or III. 94490

(3) "Category III" means any controlled substance that is 94491
contained in schedule I, II, III, IV, or V. 94492

(4) "Emergency medical service organization" has the same 94493
meaning as in section 4765.01 of the Revised Code. 94494

(5) "Person" includes an emergency medical service 94495
organization. 94496

(6) "Schedule I, schedule II, schedule III, schedule IV, and 94497

schedule V" mean controlled substance schedules I, II, III, IV, 94498
and V, respectively, as established pursuant to section 3719.41 of 94499
the Revised Code and as amended. 94500

(B)(1) A person who desires to be licensed as a terminal 94501
distributor of dangerous drugs shall file with the executive 94502
director of the state board of pharmacy a verified application. 94503
After it is filed, the application may not be withdrawn without 94504
approval of the board. 94505

(2) An application shall contain all the following that apply 94506
in the applicant's case: 94507

(a) Information that the board requires relative to the 94508
qualifications of a terminal distributor of dangerous drugs set 94509
forth in section 4729.55 of the Revised Code; 94510

(b) A statement that the person wishes to be licensed as a 94511
category I, category II, category III, limited category I, limited 94512
category II, or limited category III terminal distributor of 94513
dangerous drugs; 94514

(c) If the person wishes to be licensed as a limited category 94515
I, limited category II, or limited category III terminal 94516
distributor of dangerous drugs, a notarized list of the dangerous 94517
drugs that the person wishes to possess, have custody or control 94518
of, and distribute, which list shall also specify the purpose for 94519
which those drugs will be used and their source; 94520

(d) If the person is an emergency medical service 94521
organization, the information that is specified in division (C)(1) 94522
of this section; 94523

(e) Except for an emergency medical service organization, the 94524
identity of the one establishment or place at which the person 94525
intends to engage in the sale or other distribution of dangerous 94526
drugs at retail, and maintain possession, custody, or control of 94527
dangerous drugs for purposes other than the person's own use or 94528

consumption and any institutional facility at which the person 94529
intends to operate a remote dispensing system in accordance with 94530
section 4729.542 of the Revised Code; 94531

(f) If the application pertains to a pain management clinic, 94532
information that demonstrates, to the satisfaction of the board, 94533
compliance with division (A) of section 4729.552 of the Revised 94534
Code. 94535

(C)(1) An emergency medical service organization that wishes 94536
to be licensed as a terminal distributor of dangerous drugs shall 94537
list in its application for licensure the following additional 94538
information: 94539

(a) The units under its control that the organization 94540
determines will possess dangerous drugs for the purpose of 94541
administering emergency medical services in accordance with 94542
Chapter 4765. of the Revised Code; 94543

(b) With respect to each such unit, whether the dangerous 94544
drugs that the organization determines the unit will possess are 94545
in category I, II, or III. 94546

(2) An emergency medical service organization that is 94547
licensed as a terminal distributor of dangerous drugs shall file a 94548
new application for such licensure if there is any change in the 94549
number, or location of, any of its units or any change in the 94550
category of the dangerous drugs that any unit will possess. 94551

(3) A unit listed in an application for licensure pursuant to 94552
division (C)(1) of this section may obtain the dangerous drugs it 94553
is authorized to possess from its emergency medical service 94554
organization or, on a replacement basis, from a hospital pharmacy. 94555
If units will obtain dangerous drugs from a hospital pharmacy, the 94556
organization shall file, and maintain in current form, the 94557
following items with the pharmacist who is responsible for the 94558
hospital's terminal distributor of dangerous drugs license: 94559

(a) A copy of its standing orders or protocol;	94560
(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.	94561 94562 94563 94564 94565
(D) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license shall submit with its application the following:	94566 94567 94568
(1) A notarized copy of its standing orders or protocol, which orders or protocol shall be signed by a physician and specify the dangerous drugs that its units may carry, expressed in standard dose units;	94569 94570 94571 94572
(2) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.	94573 94574 94575
An emergency medical service organization that is licensed as a terminal distributor shall notify the board immediately of any changes in its standing orders or protocol.	94576 94577 94578
(E) There shall be six categories of terminal distributor of dangerous drugs licenses, which categories shall be as follows:	94579 94580
(1) Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.	94581 94582 94583
(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I that were listed in the application for licensure.	94584 94585 94586 94587
(3) Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the	94588 94589

dangerous drugs described in category I and category II. 94590

(4) Limited category II license. A person who obtains this 94591
license may possess, have custody or control of, and distribute 94592
only the dangerous drugs described in category I or category II 94593
that were listed in the application for licensure. 94594

(5) Category III license, which may include a pain management 94595
clinic classification issued under section 4729.552 of the Revised 94596
Code. A person who obtains this license may possess, have custody 94597
or control of, and distribute the dangerous drugs described in 94598
category I, category II, and category III. If the license includes 94599
a pain management clinic classification, the person may operate a 94600
pain management clinic. 94601

(6) Limited category III license. A person who obtains this 94602
license may possess, have custody or control of, and distribute 94603
only the dangerous drugs described in category I, category II, or 94604
category III that were listed in the application for licensure. 94605

(F) Except for an application made on behalf of an animal 94606
shelter, if an applicant for licensure as a limited category I, 94607
II, or III terminal distributor of dangerous drugs intends to 94608
administer dangerous drugs to a person or animal, the applicant 94609
shall submit, with the application, a notarized copy of its 94610
protocol or standing orders, which protocol or orders shall be 94611
signed by a licensed health professional authorized to prescribe 94612
drugs, specify the dangerous drugs to be administered, and list 94613
personnel who are authorized to administer the dangerous drugs in 94614
accordance with federal law or the law of this state. An 94615
application made on behalf of an animal shelter shall include a 94616
notarized list of the dangerous drugs to be administered to 94617
animals and the personnel who are authorized to administer the 94618
drugs to animals in accordance with section 4729.532 of the 94619
Revised Code. After obtaining a terminal distributor license, a 94620
licensee shall notify the board immediately of any changes in its 94621

protocol or standing orders, or in such personnel. 94622

(G)(1) Except as provided in division (G)(2) of this section, 94623
each applicant for licensure as a terminal distributor of 94624
dangerous drugs shall submit, with the application, a license fee 94625
determined as follows: 94626

(a) For a category I or limited category I license, 94627
forty-five dollars; 94628

(b) For a category II or limited category II license, one 94629
hundred twelve dollars and fifty cents; 94630

(c) For a category III license, including a license with a 94631
pain management clinic classification issued under section 94632
4729.552 of the Revised Code, or a limited category III license, 94633
one hundred fifty dollars. 94634

(2) For a professional association, corporation, partnership, 94635
or limited liability company organized for the purpose of 94636
practicing veterinary medicine, the fee shall be forty dollars. 94637

(3) Fees assessed under divisions (G)(1) and (2) of this 94638
section shall not be returned if the applicant fails to qualify 94639
for registration. 94640

(H)(1) The board shall issue a terminal distributor of 94641
dangerous drugs license to each person who submits an application 94642
for such licensure in accordance with this section, pays the 94643
required license fee, is determined by the board to meet the 94644
requirements set forth in section 4729.55 of the Revised Code, and 94645
satisfies any other applicable requirements of this section. 94646

(2) The license of a person other than an emergency medical 94647
service organization shall describe the one establishment or place 94648
at which the licensee may engage in the sale or other distribution 94649
of dangerous drugs at retail and maintain possession, custody, or 94650
control of dangerous drugs for purposes other than the licensee's 94651

own use or consumption and any institutional facility at which the 94652
person intends to operate a remote dispensing system in accordance 94653
with section 4729.542 of the Revised Code. The one establishment 94654
or place and any institutional facility at which the person 94655
intends to operate a remote dispensing system shall be ~~that which~~ 94656
~~is~~ those described in the application for licensure. 94657

No such license shall authorize or permit the terminal 94658
distributor of dangerous drugs named in it to engage in the sale 94659
or other distribution of dangerous drugs at retail or to maintain 94660
possession, custody, or control of dangerous drugs for any purpose 94661
other than the distributor's own use or consumption, at any 94662
establishment or place other than ~~that~~ those described in the 94663
license, except that an agent or employee of an animal shelter may 94664
possess and use dangerous drugs in the course of business as 94665
provided in division (D) of section 4729.532 of the Revised Code. 94666

(3) The license of an emergency medical service organization 94667
shall cover and describe all the units of the organization listed 94668
in its application for licensure. 94669

(4) The license of every terminal distributor of dangerous 94670
drugs shall indicate, on its face, the category of licensure. If 94671
the license is a limited category I, II, or III license, it shall 94672
specify, and shall authorize the licensee to possess, have custody 94673
or control of, and distribute only, the dangerous drugs that were 94674
listed in the application for licensure. 94675

(I) All licenses issued pursuant to this section shall be 94676
effective for a period of twelve months from the first day of 94677
January of each year. A license shall be renewed by the board for 94678
a like period, annually, according to the provisions of this 94679
section, and the standard renewal procedure of Chapter 4745. of 94680
the Revised Code. A person who desires to renew a license shall 94681
submit an application for renewal and pay the required fee on or 94682
before the thirty-first day of December each year. The fee 94683

required for the renewal of a license shall be the same as the fee 94684
paid for the license being renewed, and shall accompany the 94685
application for renewal. 94686

A license that has not been renewed during December in any 94687
year and by the first day of February of the following year may be 94688
reinstated only upon payment of the required renewal fee and a 94689
penalty fee of fifty-five dollars. 94690

(J)(1) No emergency medical service organization that is 94691
licensed as a terminal distributor of dangerous drugs shall fail 94692
to comply with division (C)(2) or (3) of this section. 94693

(2) No emergency medical service organization that is 94694
licensed as a terminal distributor of dangerous drugs shall fail 94695
to comply with division (D) of this section. 94696

(3) No licensed terminal distributor of dangerous drugs shall 94697
possess, have custody or control of, or distribute dangerous drugs 94698
that the terminal distributor is not entitled to possess, have 94699
custody or control of, or distribute by virtue of its category of 94700
licensure. 94701

(4) No licensee that is required by division (F) of this 94702
section to notify the board of changes in its protocol or standing 94703
orders, or in personnel, shall fail to comply with that division. 94704

Sec. 4729.542. (A) As used in this section, "remote 94705
dispensing system" means a mechanical system for dispensing drugs 94706
that is installed in an institutional facility and communicates 94707
electronically with a pharmacy. 94708

(B) A pharmacy licensed under this chapter as a terminal 94709
distributor of dangerous drugs may use a remote dispensing system 94710
to assist in the distribution of dangerous drugs at an 94711
institutional facility if all of the following requirements are 94712
met: 94713

(1) The system has a documented and ongoing quality assurance program that monitors total system performance and requires one hundred per cent accuracy in drugs dispensed and their strength. 94714
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(2) The system has security adequate to prevent unauthorized access to dangerous drugs. 94717
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(3) Records kept by the system comply with requirements of the state board of pharmacy. 94719
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(C) A pharmacist licensed under this chapter shall maintain supervision and control of a remote dispensing system but is not required to be physically present at the facility where the system is used to dispense drugs. 94721
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(D) As part of the quality assurance program required by division (B)(1) of this section, the facility where the remote dispensing system is located shall complete periodic audits of controlled substances dispensed through the system. 94725
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Sec. 4729.69. (A) The state board of pharmacy, in 94729
collaboration with the director of ~~alcohol and drug addiction~~ 94730
~~services~~ mental health and addiction services and attorney 94731
general, shall establish and administer a drug take-back program 94732
under which drugs are collected from the community for the purpose 94733
of destruction or disposal of the drugs. 94734

(B) The program shall be established and administered in such 94735
a manner that it does both of the following: 94736

(1) Complies with any state or federal laws regarding the 94737
collection, destruction, or disposal of drugs; 94738

(2) Maintains the confidentiality of individuals who submit 94739
or otherwise provide drugs under the program. 94740

(C) In consultation with the director of ~~alcohol and drug~~ 94741
~~addiction services~~ mental health and addiction services and 94742
attorney general, the board shall adopt rules governing the 94743

program. The rules shall be adopted in accordance with Chapter 94744
119. of the Revised Code. In adopting the rules, the board shall 94745
specify all of the following: 94746

(1) The entities that may participate; 94747

(2) Guidelines and responsibilities for accepting drugs by 94748
participating entities; 94749

(3) Drugs that may be collected; 94750

(4) Record-keeping requirements; 94751

(5) Proper methods to destroy unused drugs; 94752

(6) Privacy protocols and security standards; 94753

(7) Drug transportation procedures; 94754

(8) The schedule, duration, and frequency of the collections 94755
of drugs, except that the first collection shall occur not later 94756
than one year after ~~the effective date of this section~~ May 20, 94757
2011; 94758

(9) Any other standards and procedures the board considers 94759
necessary for purposes of governing the program. 94760

(D) In accordance with state and federal law, the board may 94761
adopt rules to allow an entity participating in the program to 94762
return any unused drugs to the pharmacy that originally dispensed 94763
the drug. The rules shall include procedures to be followed to 94764
maintain the confidentiality of the person for whom the drug was 94765
dispensed. 94766

(E) Rules adopted under this section may not do any of the 94767
following: 94768

(1) Require any entity to establish, fund, or operate a drug 94769
take-back program; 94770

(2) Establish any new licensing requirement or fee to 94771
participate in the program; 94772

(3) Require any entity to compile data on drugs collected.	94773
(F) The board may compile data on the amount and type of drugs collected under the program. For purposes of this division, the board may cooperate with a public or private entity in obtaining assistance in the compilation of data. An entity providing the assistance shall not be reimbursed under the program for any costs incurred in providing the assistance.	94774 94775 94776 94777 94778 94779
(G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:	94780 94781 94782 94783 94784
(1) Total weight of drugs collected, both with and without packaging;	94785 94786
(2) The weight of controlled substances;	94787
(3) The amount of all of the following as a per cent of total drugs collected:	94788 94789
(a) Controlled substances;	94790
(b) Brand name drugs;	94791
(c) Generic drugs;	94792
(d) Prescription drugs;	94793
(e) Non-prescription drugs.	94794
(4) The amount of vitamins, herbal supplements, and personal care products collected;	94795 94796
(5) If provided by the person who submitted or otherwise donated drugs to the program, the reasons why the drugs were returned or unused.	94797 94798 94799
(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be	94800 94801

subject to civil liability or professional disciplinary action for 94802
declining to participate. 94803

(I) The board may accept grants, gifts, or donations for 94804
purposes of the program. Money received under this division shall 94805
be deposited into the drug take-back program fund established 94806
under section 109.90 of the Revised Code. 94807

Sec. 4729.77. (A) If the state board of pharmacy establishes 94808
and maintains a drug database pursuant to section 4729.75 of the 94809
Revised Code, each pharmacy licensed as a terminal distributor of 94810
dangerous drugs that dispenses drugs to patients in this state and 94811
is included in the types of pharmacies specified in rules adopted 94812
under section 4729.84 of the Revised Code shall submit to the 94813
board the following prescription information: 94814

(1) Terminal distributor identification; 94815

(2) Patient identification; 94816

(3) Prescriber identification; 94817

(4) Date prescription was issued by prescriber; 94818

(5) Date drug was dispensed; 94819

(6) Indication of whether the drug dispensed is new or a 94820
refill; 94821

(7) Name, strength, and national drug code of the drug 94822
dispensed; 94823

(8) Quantity of drug dispensed; 94824

(9) Number of days' supply of drug dispensed; 94825

(10) Serial or prescription number assigned by the terminal 94826
distributor; 94827

(11) Source of payment for the drug dispensed. 94828

(B)(1) The information shall be transmitted as specified by 94829

the board in rules adopted under section 4729.84 of the Revised Code. 94830
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(2) The information shall be submitted electronically in the 94832
format specified by the board, except that the board may grant a 94833
waiver allowing the distributor to submit the information in 94834
another format. 94835

(3) The information shall be submitted ~~in accordance with any~~ 94836
~~time limits specified by the board~~ not less than once each day 94837
that the distributor conducts business, except that the board may 94838
grant an extension if either of the following occurs: 94839

(a) The distributor suffers a mechanical or electronic 94840
failure, or cannot meet the deadline for other reasons beyond the 94841
distributor's control. 94842

(b) The board is unable to receive electronic submissions. 94843

(C) This section does not apply to a prescriber personally 94844
furnishing or administering dangerous drugs to the prescriber's 94845
patient. 94846

Sec. 4729.78. (A) If the state board of pharmacy establishes 94847
and maintains a drug database pursuant to section 4729.75 of the 94848
Revised Code, each wholesale distributor of dangerous drugs that 94849
delivers drugs in this state to prescribers or terminal 94850
distributors of dangerous drugs shall submit to the board the 94851
following purchase information: 94852

(1) Purchaser identification; 94853

(2) Identification of the drug sold; 94854

(3) Quantity of the drug sold; 94855

(4) Date of sale; 94856

(5) The wholesale distributor's license number issued by the 94857
board. 94858

(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.

(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the distributor to submit the information in another format.

(3) The information shall be submitted ~~in accordance with any time limits specified by the board~~ not less than once each day that the distributor conducts business, except that the board may grant an extension if either of the following occurs:

(a) The distributor suffers a mechanical or electronic failure, or cannot meet the deadline for other reasons beyond the distributor's control.

(b) The board is unable to receive electronic submissions.

Sec. 4729.79. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, each licensed health professional authorized to prescribe drugs, except as provided in division (C) of this section, who personally furnishes to a patient a controlled substance or other dangerous drug the board includes in the database pursuant to rules adopted under section 4729.84 of the Revised Code shall submit to the board the following information:

(1) Prescriber identification;

(2) Patient identification;

(3) Date drug was furnished by the prescriber;

(4) Indication of whether the drug furnished is new or a refill;

(5) Name, strength, and national drug code of drug furnished;

(6) Quantity of drug furnished;	94888
(7) Number of days' supply of drug furnished;	94889
(8) Source of payment for the drug furnished;	94890
(9) Identification of the owner of the drug furnished.	94891
(B)(1) The information shall be transmitted as specified by	94892
the board in rules adopted under section 4729.84 of the Revised	94893
Code.	94894
(2) The information shall be submitted electronically in the	94895
format specified by the board, except that the board may grant a	94896
waiver allowing the prescriber to submit the information in	94897
another format.	94898
(3) The information shall be submitted in accordance with any	94899
time limits specified by the board <u>not less than once each day</u>	94900
<u>that the prescriber conducts business</u> , except that the board may	94901
grant an extension if either of the following occurs:	94902
(a) The prescriber's transmission system suffers a mechanical	94903
or electronic failure, or the prescriber cannot meet the deadline	94904
for other reasons beyond the prescriber's control.	94905
(b) The board is unable to receive electronic submissions.	94906
(C)(1) The information required to be submitted under	94907
division (A) of this section may be submitted on behalf of the	94908
prescriber by the owner of the drug being personally furnished or	94909
by a delegate approved by that owner.	94910
(2) The requirements of this section to submit information to	94911
the board do not apply to a prescriber who is a veterinarian.	94912
(D) If the board becomes aware of a prescriber's failure to	94913
comply with this section, the board shall notify the government	94914
entity responsible for licensing the prescriber.	94915
Sec. 4729.80. (A) If the state board of pharmacy establishes	94916

and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database in accordance with the following:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity.

(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board may provide to the prescriber information from the database relating to a patient who is either of the following, if the prescriber certifies in a form specified by the board that it is for the

purpose of providing medical treatment to the patient who is the subject of the request; 94948
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(a) A current patient of the prescriber; 94950

(b) A potential patient of the prescriber based on a referral of the patient to the prescriber. 94951
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(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board may provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request. 94953
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(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own database information. 94960
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(8) On receipt of a request from the medical director of a managed care organization that has entered into a data security agreement with the board required by section ~~5111.1710~~ 5167.14 of the Revised Code, the board ~~may~~ shall provide to the medical director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid. 94965
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(9) On receipt of a request from the medicaid director ~~of job and family services~~, the board ~~may~~ shall provide to the director information from the database relating to a recipient of a program administered by the department of ~~job and family services~~ medicaid, including information in the database related to 94974
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prescriptions for the recipient that were not covered or paid by a 94979
program administered by the department. 94980

(10) On receipt of a request from the administrator of 94981
workers' compensation, the board may provide to the administrator 94982
information from the database relating to a claimant under Chapter 94983
4121., 4123., 4127., or 4131. of the Revised Code. 94984

(11) On receipt of a request from a requestor described in 94985
division (A)(1), (2), (5), or (6) of this section who is from or 94986
participating with another state's prescription monitoring 94987
program, the board may provide to the requestor information from 94988
the database, but only if there is a written agreement under which 94989
the information is to be used and disseminated according to the 94990
laws of this state. 94991

(B) The state board of pharmacy shall maintain a record of 94992
each individual or entity that requests information from the 94993
database pursuant to this section. In accordance with rules 94994
adopted under section 4729.84 of the Revised Code, the board may 94995
use the records to document and report statistics and law 94996
enforcement outcomes. 94997

The board may provide records of an individual's requests for 94998
database information to the following: 94999

(1) A designated representative of a government entity that 95000
is responsible for the licensure, regulation, or discipline of 95001
health care professionals with authority to prescribe, administer, 95002
or dispense drugs who is involved in an active investigation being 95003
conducted by the government entity of the individual who submitted 95004
the requests for database information; 95005

(2) A federal officer, or a state or local officer of this or 95006
any other state, whose duties include enforcing laws relating to 95007
drugs and who is involved in an active investigation being 95008
conducted by the officer's employing government entity of the 95009

individual who submitted the requests for database information. 95010

(C) Information contained in the database and any information 95011
obtained from it is not a public record. Information contained in 95012
the records of requests for information from the database is not a 95013
public record. Information that does not identify a person may be 95014
released in summary, statistical, or aggregate form. 95015

(D) A pharmacist or prescriber shall not be held liable in 95016
damages to any person in any civil action for injury, death, or 95017
loss to person or property on the basis that the pharmacist or 95018
prescriber did or did not seek or obtain information from the 95019
database. 95020

Sec. 4729.81. If the state board of pharmacy establishes and 95021
maintains a drug database pursuant to section 4729.75 of the 95022
Revised Code, the board shall review the information in the drug 95023
database. If the board determines from the review that a violation 95024
of law may have occurred, it shall notify the appropriate law 95025
enforcement agency or a government entity responsible for the 95026
licensure, regulation, or discipline of licensed health 95027
professionals authorized to prescribe drugs and supply information 95028
required by the agency or entity for an investigation of the 95029
violation of law that may have occurred. The board also shall 95030
notify the medicaid director if the board determines that the 95031
violation may have been committed by a provider of services under 95032
a program administered by the department of medicaid. 95033

Sec. 4729.99. (A) Whoever violates section 4729.16, division 95034
(A) or (B) of section 4729.38, or section 4729.57 of the Revised 95035
Code is guilty of a minor misdemeanor. Each day's violation 95036
constitutes a separate offense. 95037

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 95038
the Revised Code is guilty of a misdemeanor of the third degree. 95039

Each day's violation constitutes a separate offense. If the
offender previously has been convicted of or pleaded guilty to a
violation of this chapter, that person is guilty of a misdemeanor
of the second degree.

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of
the Revised Code is guilty of a misdemeanor.

(D) Whoever violates division (A), (B), (D), or ~~(E)~~(F) of
section 4729.51 of the Revised Code is guilty of a misdemeanor of
the first degree.

(E)(1) Whoever violates section 4729.37, division (C)(2) of
section 4729.51, division (J) of section 4729.54, or section
4729.61 of the Revised Code is guilty of a felony of the fifth
degree. If the offender previously has been convicted of or
pleaded guilty to a violation of this chapter or a violation of
Chapter 2925. or 3719. of the Revised Code, that person is guilty
of a felony of the fourth degree.

(2) If an offender is convicted of or pleads guilty to a
violation of section 4729.37, division (C) of section 4729.51,
division (J) of section 4729.54, or section 4729.61 of the Revised
Code, if the violation involves the sale, offer to sell, or
possession of a schedule I or II controlled substance, with the
exception of marihuana, and if the court imposing sentence upon
the offender finds that the offender as a result of the violation
is a major drug offender, as defined in section 2929.01 of the
Revised Code, and is guilty of a specification of the type
described in section 2941.1410 of the Revised Code, the court, in
lieu of the prison term authorized or required by division (E)(1)
of this section and sections 2929.13 and 2929.14 of the Revised
Code and in addition to any other sanction imposed for the offense
under sections 2929.11 to 2929.18 of the Revised Code, shall
impose upon the offender, in accordance with division (B)(3) of
section 2929.14 of the Revised Code, the mandatory prison term

specified in that division. 95072

(3) Notwithstanding any contrary provision of section 3719.21 95073
of the Revised Code, the clerk of court shall pay any fine imposed 95074
for a violation of section 4729.37, division (C) of section 95075
4729.51, division (J) of section 4729.54, or section 4729.61 of 95076
the Revised Code pursuant to division (A) of section 2929.18 of 95077
the Revised Code in accordance with and subject to the 95078
requirements of division (F) of section 2925.03 of the Revised 95079
Code. The agency that receives the fine shall use the fine as 95080
specified in division (F) of section 2925.03 of the Revised Code. 95081

(F) Whoever violates section 4729.531 of the Revised Code or 95082
any rule adopted thereunder or section 4729.532 of the Revised 95083
Code is guilty of a misdemeanor of the first degree. 95084

(G) Whoever violates division (C)(1) of section 4729.51 of 95085
the Revised Code is guilty of a felony of the fourth degree. If 95086
the offender has previously been convicted of or pleaded guilty to 95087
a violation of this chapter, or of a violation of Chapter 2925. or 95088
3719. of the Revised Code, that person is guilty of a felony of 95089
the third degree. 95090

(H) Whoever violates division (C)(3) of section 4729.51 of 95091
the Revised Code is guilty of a misdemeanor of the first degree. 95092
If the offender has previously been convicted of or pleaded guilty 95093
to a violation of this chapter, or of a violation of Chapter 2925. 95094
or 3719. of the Revised Code, that person is guilty of a felony of 95095
the fifth degree. 95096

(I)(1) Whoever violates division (B) of section 4729.42 of 95097
the Revised Code is guilty of unauthorized pharmacy-related drug 95098
conduct. Except as otherwise provided in this section, 95099
unauthorized pharmacy-related drug conduct is a misdemeanor of the 95100
second degree. If the offender previously has been convicted of or 95101
pleaded guilty to a violation of division (B), (C), (D), or (E) of 95102

that section, unauthorized pharmacy-related drug conduct is a 95103
misdemeanor of the first degree on a second offense and a felony 95104
of the fifth degree on a third or subsequent offense. 95105

(2) Whoever violates division (C) or (D) of section 4729.42 95106
of the Revised Code is guilty of permitting unauthorized 95107
pharmacy-related drug conduct. Except as otherwise provided in 95108
this section, permitting unauthorized pharmacy-related drug 95109
conduct is a misdemeanor of the second degree. If the offender 95110
previously has been convicted of or pleaded guilty to a violation 95111
of division (B), (C), (D), or (E) of that section, permitting 95112
unauthorized pharmacy-related drug conduct is a misdemeanor of the 95113
first degree on a second offense and a felony of the fifth degree 95114
on a third or subsequent offense. 95115

(3) Whoever violates division (E) of section 4729.42 of the 95116
Revised Code is guilty of the offense of falsification under 95117
section 2921.13 of the Revised Code. In addition to any other 95118
sanction imposed for the violation, the offender is forever 95119
disqualified from engaging in any activity specified in division 95120
(B)(1), (2), or (3) of section 4729.42 of the Revised Code and 95121
from performing any function as a health care professional or 95122
health care worker. As used in this division, "health care 95123
professional" and "health care worker" have the same meanings as 95124
in section 2305.234 of the Revised Code. 95125

(4) Notwithstanding any contrary provision of section 3719.21 95126
of the Revised Code or any other provision of law that governs the 95127
distribution of fines, the clerk of the court shall pay any fine 95128
imposed pursuant to division (I)(1), (2), or (3) of this section 95129
to the state board of pharmacy if the board has adopted a written 95130
internal control policy under division (F)(2) of section 2925.03 95131
of the Revised Code that addresses fine moneys that it receives 95132
under Chapter 2925. of the Revised Code and if the policy also 95133
addresses fine moneys paid under this division. The state board of 95134

pharmacy shall use the fines so paid in accordance with the 95135
written internal control policy to subsidize the board's law 95136
enforcement efforts that pertain to drug offenses. 95137

(J)(1) Whoever violates division (A)(1) of section 4729.86 of 95138
the Revised Code is guilty of a misdemeanor of the third degree. 95139
If the offender has previously been convicted of or pleaded guilty 95140
to a violation of division (A)(1), (2), or (3) of section 4729.86 95141
of the Revised Code, that person is guilty of a misdemeanor of the 95142
first degree. 95143

(2) Whoever violates division (A)(2) of section 4729.86 of 95144
the Revised Code is guilty of a misdemeanor of the first degree. 95145
If the offender has previously been convicted of or pleaded guilty 95146
to a violation of division (A)(1), (2), or (3) of section 4729.86 95147
of the Revised Code, that person is guilty of a felony of the 95148
fifth degree. 95149

(3) Whoever violates division (A)(3) of section 4729.86 of 95150
the Revised Code is guilty of a felony of the fifth degree. If the 95151
offender has previously been convicted of or pleaded guilty to a 95152
violation of division (A)(1), (2), or (3) of section 4729.86 of 95153
the Revised Code, that person is guilty of a felony of the fourth 95154
degree. 95155

(K) A person who violates division (C) of section 4729.552 of 95156
the Revised Code is guilty of a misdemeanor of the first degree. 95157
If the person previously has been convicted of or pleaded guilty 95158
to a violation of division (C) of section 4729.552 of the Revised 95159
Code, that person is guilty of a felony of the fifth degree. 95160

Sec. 4730.411. (A) Except as provided in division (B) or (C) 95161
of this section, a physician assistant may prescribe to a patient 95162
a schedule II controlled substance only if all of the following 95163
are the case: 95164

(1) The patient is in a terminal condition, as defined in section 2133.01 of the Revised Code.	95165 95166
(2) The physician assistant's supervising physician initially prescribed the substance for the patient.	95167 95168
(3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period.	95169 95170 95171
(B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations:	95172 95173 95174 95175
(1) A hospital registered under section 3701.07 of the Revised Code;	95176 95177
(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	95178 95179 95180
(3) A health care facility operated by the department of mental health <u>mental health and addiction services</u> or the department of developmental disabilities;	95181 95182 95183
(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	95184 95185 95186
(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	95187 95188 95189
(6) A hospice care program, as defined in section 3712.01 of the Revised Code;	95190 95191
(7) A community mental health agency <u>services provider</u> , as defined in section 5122.01 of the Revised Code;	95192 95193
(8) An ambulatory surgical facility, as defined in section	95194

3702.30 of the Revised Code;	95195
(9) A freestanding birthing center, as defined in section	95196
3702.51 <u>3702.141</u> of the Revised Code;	95197
(10) A federally qualified health center, as defined in	95198
section 3701.047 of the Revised Code;	95199
(11) A federally qualified health center look-alike, as	95200
defined in section 3701.047 of the Revised Code;	95201
(12) A health care office or facility operated by the board	95202
of health of a city or general health district or the authority	95203
having the duties of a board of health under section 3709.05 of	95204
the Revised Code;	95205
(13) A site where a medical practice is operated, but only if	95206
the practice is comprised of one or more physicians who also are	95207
owners of the practice; the practice is organized to provide	95208
direct patient care; and the physician assistant has entered into	95209
a supervisory agreement with at least one of the physician owners	95210
who practices primarily at that site.	95211
(C) A physician assistant shall not issue to a patient a	95212
prescription for a schedule II controlled substance from a	95213
convenience care clinic even if the convenience care clinic is	95214
owned or operated by an entity specified in division (B) of this	95215
section.	95216
(D) A pharmacist who acts in good faith reliance on a	95217
prescription issued by a physician assistant under division (B) of	95218
this section is not liable for or subject to any of the following	95219
for relying on the prescription: damages in any civil action,	95220
prosecution in any criminal proceeding, or professional	95221
disciplinary action by the state board of pharmacy under Chapter	95222
4729. of the Revised Code.	95223
Sec. 4731.05. (A) The state medical board shall adopt rules	95224

in accordance with Chapter 119. of the Revised Code to carry out 95225
the purposes of this chapter. All adjudicative proceedings of the 95226
state medical board shall be conducted in accordance with Chapter 95227
119. of the Revised Code. 95228

(B) The state medical board shall appoint an executive 95229
director who shall be in the unclassified service of the state. 95230
The board may appoint other employees of the board as are 95231
necessary and shall prescribe their titles and duties. 95232

(C) The state medical board shall develop requirements for 95233
and provide appropriate initial and continuing training for 95234
investigators employed by the board to carry out its duties under 95235
Chapter 4731. of the Revised Code. The training and continuing 95236
education may include enrollment in courses operated or approved 95237
by the Ohio peace officer training commission that the board 95238
considers appropriate under conditions set forth in section 109.79 95239
of the Revised Code. 95240

(D)(1) The state medical board shall adopt internal 95241
management rules pursuant to section 111.15 of the Revised Code. 95242
The rules shall set forth criteria for assessing the board's 95243
accomplishments, activities, and performance data, including 95244
metrics detailing the board's revenues and reimbursements; budget 95245
distribution; investigation and licensing activity, including 95246
processing time frames; and enforcement data, including processing 95247
time frames. The board shall include the assessment in the annual 95248
report required by section 149.01 of the Revised Code. 95249

(2) The state medical board shall cause the internal 95250
management rules and annual report described in division (D)(1) of 95251
this section to be publicly accessible on the state medical 95252
board's web site. 95253

Sec. 4731.151. (A) Naprapaths who received a certificate to 95254
practice from the board prior to March 2, 1992, may continue to 95255

practice naprapathy, as defined in rules adopted by the board.	95256
Such naprapaths shall practice in accordance with rules adopted by	95257
the board.	95258
(B)(1) As used in this division:	95259
(a) "Mechanotherapy" means all of the following:	95260
(i) Examining patients by verbal inquiry;	95261
(ii) Examination of the musculoskeletal system by hand;	95262
(iii) Visual inspection and observation;	95263
(iv) Diagnosing a patient's condition only as to whether the	95264
patient has a disorder of the musculoskeletal system;	95265
(v) In the treatment of patients, employing the techniques of	95266
advised or supervised exercise; electrical neuromuscular	95267
stimulation; massage or manipulation; or air, water, heat, cold,	95268
sound, or infrared ray therapy only to those disorders of the	95269
musculoskeletal system that are amenable to treatment by such	95270
techniques and that are identifiable by examination performed in	95271
accordance with division (B)(1)(a)(i) of this section and	95272
diagnosable in accordance with division (B)(1)(a)(ii) of this	95273
section.	95274
(b) "Educational requirements" means the completion of a	95275
course of study appropriate for certification to practice	95276
mechanotherapy on or before November 3, 1985, as determined by	95277
rules adopted under this chapter.	95278
(2) Mechanotherapists who received a certificate to practice	95279
from the board prior to March 2, 1992, may continue to practice	95280
mechanotherapy, as defined in rules adopted by the board. Such	95281
mechanotherapists shall practice in accordance with rules adopted	95282
by the board.	95283
A person authorized by this division to practice as a	95284
mechanotherapist may examine, diagnose, and assume responsibility	95285

for the care of patients with due regard for first aid and the 95286
hygienic and nutritional care of the patients. Roentgen rays shall 95287
be used by a mechanotherapist only for diagnostic purposes. 95288

(3) A person who holds a certificate to practice 95289
mechanotherapy and completed educational requirements in 95290
mechanotherapy on or before November 3, 1985, is entitled to use 95291
the title "doctor of mechanotherapy" and is a "physician" who 95292
performs "medical services" for the purposes of Chapters 4121. and 95293
4123. of the Revised Code and the medicaid program established 95294
~~under section 5111.01 of the Revised Code~~, and shall receive 95295
payment or reimbursement as provided under those chapters and that 95296
~~section~~ program. 95297

Sec. 4731.23. (A)(1)(a) The state medical board shall 95298
designate one or more attorneys at law who have been admitted to 95299
the practice of law, and who are classified as either 95300
administrative law attorney examiners or as administrative law 95301
attorney examiner administrators under the state job 95302
classification plan adopted under section 124.14 of the Revised 95303
Code, as hearing examiners, subject to Chapter 119. of the Revised 95304
Code, to conduct any hearing which the medical board is empowered 95305
to hold or undertake pursuant to Chapter 119. of the Revised Code. 95306

(b) Notwithstanding the requirement of division (A)(1)(a) of 95307
this section that the board designate as a hearing examiner an 95308
attorney who is classified as either an administrative law 95309
attorney examiner or an administrative law attorney examiner 95310
administrator, the board may, subject to ~~controlling board~~ 95311
~~approval~~ section 127.16 of the Revised Code, enter into a personal 95312
service contract with an attorney admitted to the practice of law 95313
in this state to serve on a temporary basis as a hearing examiner. 95314

(2) The hearing examiner shall hear and consider the oral and 95315
documented evidence introduced by the parties and issue in writing 95316

proposed findings of fact and conclusions of law to the board for 95317
their consideration within thirty days following the close of the 95318
hearing. 95319

(B) The board shall be given copies of the transcript of the 95320
record hearing and all exhibits and documents presented by the 95321
parties at the hearing. 95322

(C) The board shall, upon the favorable vote of three 95323
members, allow the parties or their counsel the opportunity to 95324
present oral arguments on the proposed findings of fact and 95325
conclusions of law of the hearing examiner prior to the board's 95326
final action. 95327

(D) The board shall render a decision and take action within 95328
sixty days following the receipt of the hearing examiner's 95329
proposed findings of fact and conclusions of law or within any 95330
longer period mutually agreed upon by the board and the 95331
certificate holder. 95332

(E) The final decision of the board in any hearing which the 95333
board is empowered to undertake shall be in writing and contain 95334
findings of fact and conclusions of law. Copies of the decision 95335
shall be delivered to the parties personally or by certified mail. 95336
The decision shall be final upon delivery or mailing, except that 95337
the certificate holder may appeal in the manner provided by 95338
Chapter 119. of the Revised Code. 95339

Sec. 4731.299. (A) The state medical board may issue, without 95340
examination, to an applicant who meets all of the requirements of 95341
this section an expedited certificate to practice medicine and 95342
surgery or osteopathic medicine and surgery by endorsement. 95343

(B) An individual who seeks an expedited certificate to 95345
practice medicine and surgery or osteopathic medicine and surgery 95346

by endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it. 95347
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(C) To be eligible to receive an expedited certificate by endorsement, an applicant shall do both of the following: 95351
95352

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements: 95353
95354

(a) Has passed one of the following: 95355

(i) Steps one, two, and three of the United States medical licensing examination; 95356
95357

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States; 95358
95359

(iii) Any other medical licensing examination recognized by the board. 95360
95361

(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province; 95362
95363
95364
95365

(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting. 95366
95367
95368

(2) Certify to the board that all of the following are the case: 95369
95370

(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars. 95371
95372
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(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the 95375
95376

Revised Code. 95377

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care. 95378
95379
95380

(d) No adverse action has been taken against the applicant by a health care institution. 95381
95382

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. 95383
95384
95385

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application. 95386
95387
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(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 95390
95391
95392

(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 95393
95394

(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 95395
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(F) The board shall review all applications received under this section. If the board determines that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by its seal. 95399
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Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the Revised Code:

(A)(1) "Clinical laboratory services" means either of the following:

(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;

(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.

(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.

(B) "Designated health services" means any of the following:

(1) Clinical laboratory services;

(2) Home health care services;

(3) Outpatient prescription drugs.

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;

(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.

(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state,

including the medicare program ~~established under Title XVIII of~~ 95436
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,~~ 95437
~~as amended,~~ health care coverage for public employees, health care 95438
benefits administered by the bureau of workers' compensation, and 95439
the medicaid program ~~established under Chapter 5111. of the~~ 95440
~~Revised Code.~~ 95441

(E)(1) "Group practice" means a group of two or more holders 95442
of certificates under this chapter legally organized as a 95443
partnership, professional corporation or association, limited 95444
liability company, foundation, nonprofit corporation, faculty 95445
practice plan, or similar group practice entity, including an 95446
organization comprised of a nonprofit medical clinic that 95447
contracts with a professional corporation or association of 95448
physicians to provide medical services exclusively to patients of 95449
the clinic in order to comply with section 1701.03 of the Revised 95450
Code and including a corporation, limited liability company, 95451
partnership, or professional association described in division (B) 95452
of section 4731.226 of the Revised Code formed for the purpose of 95453
providing a combination of the professional services of 95454
optometrists who are licensed, certificated, or otherwise legally 95455
authorized to practice optometry under Chapter 4725. of the 95456
Revised Code, chiropractors who are licensed, certificated, or 95457
otherwise legally authorized to practice chiropractic or 95458
acupuncture under Chapter 4734. of the Revised Code, psychologists 95459
who are licensed, certificated, or otherwise legally authorized to 95460
practice psychology under Chapter 4732. of the Revised Code, 95461
registered or licensed practical nurses who are licensed, 95462
certificated, or otherwise legally authorized to practice nursing 95463
under Chapter 4723. of the Revised Code, pharmacists who are 95464
licensed, certificated, or otherwise legally authorized to 95465
practice pharmacy under Chapter 4729. of the Revised Code, 95466
physical therapists who are licensed, certificated, or otherwise 95467
legally authorized to practice physical therapy under sections 95468

4755.40 to 4755.56 of the Revised Code, occupational therapists 95469
who are licensed, certificated, or otherwise legally authorized to 95470
practice occupational therapy under sections 4755.04 to 4755.13 of 95471
the Revised Code, mechanotherapists who are licensed, 95472
certificated, or otherwise legally authorized to practice 95473
mechanotherapy under section 4731.151 of the Revised Code, and 95474
doctors of medicine and surgery, osteopathic medicine and surgery, 95475
or podiatric medicine and surgery who are licensed, certificated, 95476
or otherwise legally authorized for their respective practices 95477
under this chapter, to which all of the following apply: 95478

(a) Each physician who is a member of the group practice 95479
provides substantially the full range of services that the 95480
physician routinely provides, including medical care, 95481
consultation, diagnosis, or treatment, through the joint use of 95482
shared office space, facilities, equipment, and personnel. 95483

(b) Substantially all of the services of the members of the 95484
group are provided through the group and are billed in the name of 95485
the group and amounts so received are treated as receipts of the 95486
group. 95487

(c) The overhead expenses of and the income from the practice 95488
are distributed in accordance with methods previously determined 95489
by members of the group. 95490

(d) The group practice meets any other requirements that the 95491
state medical board applies in rules adopted under section 4731.70 95492
of the Revised Code. 95493

(2) In the case of a faculty practice plan associated with a 95494
hospital with a medical residency training program in which 95495
physician members may provide a variety of specialty services and 95496
provide professional services both within and outside the group, 95497
as well as perform other tasks such as research, the criteria in 95498
division (E)(1) of this section apply only with respect to 95499

services rendered within the faculty practice plan. 95500

(F) "Home health care services" and "immediate family" have 95501
the same meanings as in the rules adopted under section 4731.70 of 95502
the Revised Code. 95503

(G) "Hospital" has the same meaning as in section 3727.01 of 95504
the Revised Code. 95505

(H) A "referral" includes both of the following: 95506

(1) A request by a holder of a certificate under this chapter 95507
for an item or service, including a request for a consultation 95508
with another physician and any test or procedure ordered by or to 95509
be performed by or under the supervision of the other physician; 95510

(2) A request for or establishment of a plan of care by a 95511
certificate holder that includes the provision of designated 95512
health services. 95513

(I) "Third-party payer" has the same meaning as in section 95514
3901.38 of the Revised Code. 95515

Sec. 4731.71. The auditor of state may implement procedures 95516
to detect violations of section 4731.66 or 4731.69 of the Revised 95517
Code within governmental health care programs administered by the 95518
state. The auditor of state shall report any violation of either 95519
section to the state medical board and shall certify to the 95520
attorney general in accordance with section 131.02 of the Revised 95521
Code the amount of any refund owed to a state-administered 95522
governmental health care program under section 4731.69 of the 95523
Revised Code as a result of a violation. If a refund is owed to 95524
the medicaid program ~~established under Chapter 5111. of the~~ 95525
~~Revised Code~~, the auditor of state also shall report the amount to 95526
the department of ~~job and family services~~ medicaid. 95527

The state medical board also may implement procedures to 95528
detect violations of section 4731.66 or 4731.69 of the Revised 95529

Code. 95530

Sec. 4732.06. The principal office of the state board of 95531
psychology shall be in Columbus, but it may meet or conduct 95532
business at any place in this state. The board may empower any one 95533
or more of its members to conduct any proceeding, hearing, or 95534
investigation necessary to its purposes, including the 95535
administration and enforcement of Chapter 4783. of the Revised 95536
Code. The board shall meet at least twice annually and at such 95537
other times as it determines. Special meetings may be called by 95538
the president and shall be called by the secretary upon the 95539
written request of two members. 95540

The board shall make such rules as are necessary to conduct 95541
its business. 95542

The board may employ such assistants and clerical help as are 95543
necessary to administer and enforce this chapter and Chapter 4783. 95544
of the Revised Code. 95545

Sec. 4732.07. The state board of psychology shall keep a 95546
record of its proceedings and a register of applicants for 95547
licenses under this chapter and applicants for certificates under 95548
Chapter 4783. of the Revised Code. The books and records of the 95549
board shall be prima-facie evidence of the matters therein 95550
contained. ~~Such records~~ The records regarding licensure 95551
applications shall include applicants' written examination papers. 95552

Sec. 4732.08. All receipts of the state board of psychology 95553
from any source, including moneys collected under Chapter 4783. of 95554
the Revised Code, shall be deposited in the state treasury to the 95555
credit of the occupational licensing and regulatory fund." 95556

Sec. 4734.41. (A) As used in this section: 95557

(1) "Chemical dependency" means either of the following: 95558

(a) The chronic and habitual use of alcoholic beverages to 95559
the extent that the user no longer can control the use of alcohol 95560
or endangers the user's health, safety, or welfare or that of 95561
others; 95562

(b) The use of a controlled substance as defined in section 95563
3719.01 of the Revised Code, a harmful intoxicant as defined in 95564
section 2925.01 of the Revised Code, or a dangerous drug as 95565
defined in section 4729.01 of the Revised Code, to the extent that 95566
the user becomes physically or psychologically dependent on the 95567
substance, intoxicant, or drug or endangers the user's health, 95568
safety, or welfare or that of others. 95569

(2) "Mental illness" means a recognized psychiatric or 95570
psychological condition, disorder, or syndrome that has been 95571
diagnosed by a psychiatrist, psychologist, professional clinical 95572
counselor, or independent social worker as a condition, disorder, 95573
or syndrome that may pose a danger to the person diagnosed or 95574
others or may prevent the person from practicing the person's 95575
profession according to acceptable and prevailing standards of 95576
care. 95577

(B) The state chiropractic board shall establish a chemical 95578
dependency and mental illness monitoring program. The program 95579
shall be made available to any individual under the board's 95580
jurisdiction who has a chemical dependency or mental illness and 95581
meets the board's eligibility requirements for admission to and 95582
continued participation in the program. The board shall develop 95583
the program and may designate a coordinator to administer it or 95584
enter into a contract for the program to be administered by 95585
another entity through a coordinator. The board shall adopt rules 95586
in accordance with Chapter 119. of the Revised Code that establish 95587
standards and procedure for operating the program. 95588

(C) Except as provided in division (D) of this section, all records of an individual's participation in the monitoring program, including medical records, chemical dependency records, and mental health records, shall be confidential, are not public records for the purposes of section 149.43 of the Revised Code, and are not subject to discovery by subpoena or ~~admissible~~ admissible as evidence in any judicial proceeding. The program coordinator shall maintain all records as directed by the board.

(D) The monitoring program's coordinator may disclose records or information regarding an individual's progress and status of participation in the program to the disciplinary section of the board and to any person or government entity that the program participant authorizes in writing to be given the records or information.

In disclosing records or information under this division, the coordinator shall not include any record or information that is protected under section ~~3793.13~~ 5119.27 of the Revised Code or any federal statute or regulation that provides for the confidentiality of mental health or substance abuse records.

(E) In the absence of fraud or bad faith, the monitoring program's coordinator, the board and the board's employees and representatives are not liable for damages in any civil action as a result of disclosing records or information in accordance with division (D) of this section. In the absence of fraud or bad faith, any person reporting to the program an individual's chemical dependency or mental illness, or the progress or lack of progress of that individual with regard to treatment, is not liable for damages in any civil action as a result of the report.

(F) The board may abstain from taking formal disciplinary action under section 4734.31 of the Revised Code against an individual because of the individual's chemical dependency or mental illness, if the individual meets the eligibility

requirements for admission into the monitoring program and all of 95621
the following occur: 95622

(1) The individual enters into a monitoring agreement with 95623
the coordinator of the program; 95624

(2) The individual complies with the terms and conditions for 95625
continued participation in the program, as specified in the 95626
monitoring agreement; 95627

(3) The individual successfully completes the terms and 95628
conditions of the monitoring agreement, including the condition 95629
that the individual attain the ability to practice in accordance 95630
with acceptable and prevailing standards of care applicable to the 95631
practice of chiropractic. 95632

Sec. 4735.07. (A) The superintendent of real estate, with the 95633
consent of the Ohio real estate commission, may enter into 95634
agreements with recognized national testing services to administer 95635
the real estate broker's examination under the superintendent's 95636
supervision and control, consistent with the requirements of this 95637
chapter as to the contents of such examination. 95638

(B) No applicant for a real estate broker's license shall 95639
take the broker's examination who has not established to the 95640
satisfaction of the superintendent that the applicant: 95641

(1) Is honest, truthful, and of good reputation; 95642

(2)(a) Has not been convicted of a felony or crime of moral 95643
turpitude, or if the applicant has been so convicted, the 95644
superintendent has disregarded the conviction because the 95645
applicant has proven to the superintendent, by a preponderance of 95646
the evidence, that the applicant's activities and employment 95647
record since the conviction show that the applicant is honest, 95648
truthful, and of good reputation, and there is no basis in fact 95649
for believing that the applicant again will violate the laws 95650

involved; 95651

(b) Has not been finally adjudged by a court to have violated 95652
any municipal, state, or federal civil rights laws relevant to the 95653
protection of purchasers or sellers of real estate or, if the 95654
applicant has been so adjudged, at least two years have passed 95655
since the court decision and the superintendent has disregarded 95656
the adjudication because the applicant has proven, by a 95657
preponderance of the evidence, that the applicant's activities and 95658
employment record since the adjudication show that the applicant 95659
is honest, truthful, and of good reputation, and there is no basis 95660
in fact for believing that the applicant will again violate the 95661
laws involved. 95662

(3) Has not, during any period in which the applicant was 95663
licensed under this chapter, violated any provision of, or any 95664
rule adopted pursuant to, this chapter, or, if the applicant has 95665
violated any such provision or rule, has established to the 95666
satisfaction of the superintendent that the applicant will not 95667
again violate such provision or rule; 95668

(4) Is at least eighteen years of age; 95669

(5) Has been a licensed real estate broker or salesperson for 95670
at least two years; during at least two of the five years 95671
preceding the person's application, has worked as a licensed real 95672
estate broker or salesperson for an average of at least thirty 95673
hours per week; and has completed one of the following: 95674

(a) At least twenty real estate transactions, in which 95675
property was sold for another by the applicant while acting in the 95676
capacity of a real estate broker or salesperson; 95677

(b) Such equivalent experience as is defined by rules adopted 95678
by the commission. 95679

(6)(a) If licensed as a real estate salesperson prior to 95680
August 1, 2001, successfully has completed at an institution of 95681

higher education all of the following:	95682
(i) Thirty hours of classroom instruction in real estate practice;	95683 95684
(ii) Thirty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	95685 95686 95687 95688 95689 95690 95691 95692 95693 95694 95695 95696 95697 95698
(iii) Thirty hours of classroom instruction in real estate appraisal;	95699 95700
(iv) Thirty hours of classroom instruction in real estate finance;	95701 95702
(v) Three quarter hours, or its equivalent in semester hours, in financial management;	95703 95704
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	95705 95706
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	95707 95708
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	95709 95710
(b) If licensed as a real estate salesperson on or after	95711

August 1, 2001, successfully has completed at an institution of 95712
higher education all of the following: 95713

(i) Forty hours of classroom instruction in real estate 95714
practice; 95715

(ii) Forty hours of classroom instruction that includes the 95716
subjects of Ohio real estate law, municipal, state, and federal 95717
civil rights law, new case law on housing discrimination, 95718
desegregation issues, and methods of eliminating the effects of 95719
prior discrimination. If feasible, the classroom instruction in 95720
Ohio real estate law shall be taught by a member of the faculty of 95721
an accredited law school. If feasible, the classroom instruction 95722
in municipal, state, and federal civil rights law, new case law on 95723
housing discrimination, desegregation issues, and methods of 95724
eliminating the effects of prior discrimination shall be taught by 95725
a staff member of the Ohio civil rights commission who is 95726
knowledgeable with respect to those subjects. The requirements of 95727
this division do not apply to an applicant who is admitted to 95728
practice before the supreme court. 95729

(iii) Twenty hours of classroom instruction in real estate 95730
appraisal; 95731

(iv) Twenty hours of classroom instruction in real estate 95732
finance; 95733

(v) The training in the amount of hours specified under 95734
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 95735

(c) Division (B)(6)(a) or (b) of this section does not apply 95736
to any applicant who holds a valid real estate salesperson's 95737
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 95738
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 95739
do not apply to any applicant who holds a valid real estate 95740
salesperson's license issued prior to January 3, 1984. 95741

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 95742

section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.

(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B)(6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a

nonresident real estate broker pursuant to a reciprocity agreement 95775
with the licensing authority of the state from which the 95776
nonresident applicant holds a valid real estate broker license. 95777

(F) There shall be no limit placed on the number of times an 95778
applicant may retake the examination. 95779

(G)(1) Not earlier than the date of issue of a real estate 95780
broker's license to a licensee, but not later than twelve months 95781
after the date of issue of a real estate broker's license to a 95782
licensee, the licensee shall submit proof satisfactory to the 95783
superintendent, on forms made available by the superintendent, of 95784
the completion of ten hours of classroom instruction that shall be 95785
completed in schools, seminars, and educational institutions that 95786
are approved by the commission. Approval of the curriculum and 95787
providers shall be granted according to rules adopted pursuant to 95788
section 4735.10 of the Revised Code. 95789

If the required proof of completion is not submitted to the 95790
superintendent within twelve months of the date a license is 95791
issued under this section, the license of the real estate broker 95792
is suspended automatically without the taking of any action by the 95793
superintendent. The broker's license shall not be reactivated by 95794
the superintendent until it is established, to the satisfaction of 95795
the superintendent, that the requirements of this division have 95796
been met and that the licensee is in compliance with this chapter. 95797
A licensee's license is revoked automatically without the taking 95798
of any action by the superintendent if the licensee fails to 95799
submit proof of completion of the education requirements specified 95800
under division (G)(1) of this section within twelve months of the 95801
date the license is suspended. 95802

(2) If the license of a real estate broker is suspended 95803
pursuant to division (G)(1) of this section, the license of a real 95804
estate salesperson associated with that broker correspondingly is 95805
suspended pursuant to division (H) of section 4735.20 of the 95806

Revised Code. However, the suspended license of the associated 95807
real estate salesperson shall be reactivated and no fee shall be 95808
charged or collected for that reactivation if all of the following 95809
occur: 95810

(a) That broker subsequently submits satisfactory proof to 95811
the superintendent that the broker has complied with the 95812
requirements of division (G)(1) of this section and requests that 95813
the broker's license as a real estate broker be reactivated; 95814

(b) The superintendent then reactivates the broker's license 95815
as a real estate broker; 95816

(c) The associated real estate salesperson intends to 95817
continue to be associated with that broker and otherwise is in 95818
compliance with this chapter. 95819

Sec. 4735.09. (A) Application for a license as a real estate 95820
salesperson shall be made to the superintendent of real estate on 95821
forms furnished by the superintendent and signed by the applicant. 95822
The application shall be in the form prescribed by the 95823
superintendent and shall contain such information as is required 95824
by this chapter and the rules of the Ohio real estate commission. 95825
The application shall be accompanied by the recommendation of the 95826
real estate broker with whom the applicant is associated or with 95827
whom the applicant intends to be associated, certifying that the 95828
applicant is honest, truthful, and of good reputation, has not 95829
been convicted of a felony or a crime involving moral turpitude, 95830
and has not been finally adjudged by a court to have violated any 95831
municipal, state, or federal civil rights laws relevant to the 95832
protection of purchasers or sellers of real estate, which 95833
conviction or adjudication the applicant has not disclosed to the 95834
superintendent, and recommending that the applicant be admitted to 95835
the real estate salesperson examination. 95836

(B) A fee of sixty dollars shall accompany the application, 95837

which fee includes the fee for the initial year of the licensing 95838
period, if a license is issued. The initial year of the licensing 95839
period commences at the time the license is issued and ends on the 95840
applicant's first birthday thereafter. The application fee shall 95841
be nonrefundable. A fee of sixty dollars shall be charged by the 95842
superintendent for each successive application made by the 95843
applicant. One dollar of each application fee shall be credited to 95844
the real estate education and research fund. 95845

(C) There shall be no limit placed on the number of times an 95846
applicant may retake the examination. 95847

(D) The superintendent, with the consent of the commission, 95848
may enter into an agreement with a recognized national testing 95849
service to administer the real estate salesperson's examination 95850
under the superintendent's supervision and control, consistent 95851
with the requirements of this chapter as to the contents of the 95852
examination. 95853

If the superintendent, with the consent of the commission, 95854
enters into an agreement with a national testing service to 95855
administer the real estate salesperson's examination, the 95856
superintendent may require an applicant to pay the testing 95857
service's examination fee directly to the testing service. If the 95858
superintendent requires the payment of the examination fee 95859
directly to the testing service, each applicant shall submit to 95860
the superintendent a processing fee in an amount determined by the 95861
Ohio real estate commission pursuant to division (A)(1) of section 95862
4735.10 of the Revised Code. 95863

(E) The superintendent shall issue a real estate 95864
salesperson's license when satisfied that the applicant has 95865
received a passing score on each portion of the salesperson's 95866
examination as determined by rule by the real estate commission, 95867
except that the superintendent may waive one or more of the 95868
requirements of this section in the case of an applicant who is a 95869

licensed real estate salesperson in another state pursuant to a 95870
reciprocity agreement with the licensing authority of the state 95871
from which the applicant holds a valid real estate salesperson's 95872
license. 95873

(F) No applicant for a salesperson's license shall take the 95874
salesperson's examination who has not established to the 95875
satisfaction of the superintendent that the applicant: 95876

(1) Is honest, truthful, and of good reputation; 95877

(2)(a) Has not been convicted of a felony or crime of moral 95878
turpitude or, if the applicant has been so convicted, the 95879
superintendent has disregarded the conviction because the 95880
applicant has proven to the superintendent, by a preponderance of 95881
the evidence, that the applicant's activities and employment 95882
record since the conviction show that the applicant is honest, 95883
truthful, and of good reputation, and there is no basis in fact 95884
for believing that the applicant again will violate the laws 95885
involved; 95886

(b) Has not been finally adjudged by a court to have violated 95887
any municipal, state, or federal civil rights laws relevant to the 95888
protection of purchasers or sellers of real estate or, if the 95889
applicant has been so adjudged, at least two years have passed 95890
since the court decision and the superintendent has disregarded 95891
the adjudication because the applicant has proven, by a 95892
preponderance of the evidence, that the applicant is honest, 95893
truthful, and of good reputation, and there is no basis in fact 95894
for believing that the applicant again will violate the laws 95895
involved. 95896

(3) Has not, during any period in which the applicant was 95897
licensed under this chapter, violated any provision of, or any 95898
rule adopted pursuant to this chapter, or, if the applicant has 95899
violated such provision or rule, has established to the 95900

satisfaction of the superintendent that the applicant will not
again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or
its equivalent as recognized by the state department of education;

(6) Has successfully completed at an institution of higher
education all of the following:

(a) Forty hours of classroom instruction in real estate
practice;

(b) Forty hours of classroom instruction that includes the
subjects of Ohio real estate law, municipal, state, and federal
civil rights law, new case law on housing discrimination,
desegregation issues, and methods of eliminating the effects of
prior discrimination. If feasible, the classroom instruction in
Ohio real estate law shall be taught by a member of the faculty of
an accredited law school. If feasible, the classroom instruction
in municipal, state, and federal civil rights law, new case law on
housing discrimination, desegregation issues, and methods of
eliminating the effects of prior discrimination shall be taught by
a staff member of the Ohio civil rights commission who is
knowledgeable with respect to those subjects. The requirements of
this division do not apply to an applicant who is admitted to
practice before the supreme court.

(c) Twenty hours of classroom instruction in real estate
appraisal;

(d) Twenty hours of classroom instruction in real estate
finance.

(G) Division (F)(6)(c) of this section does not apply to any
new applicant who holds a valid Ohio real estate appraiser license
or certificate issued prior to the date of application for a real

estate salesperson's license. 95931

(H) Any person who has not been licensed as a real estate 95932
salesperson or broker within a four-year period immediately 95933
preceding the person's current application for the salesperson's 95934
examination shall have successfully completed the prelicensure 95935
classroom instruction required by division (F)(6) of this section 95936
within a ten-year period immediately preceding the person's 95937
current application for the salesperson's examination. 95938

~~(H)~~(I) Not earlier than the date of issue of a real estate 95939
salesperson's license to a licensee, but not later than twelve 95940
months after the date of issue of a real estate salesperson 95941
license to a licensee, the licensee shall submit proof 95942
satisfactory to the superintendent, on forms made available by the 95943
superintendent, of the completion of ten hours of classroom 95944
instruction that shall be completed in schools, seminars, and 95945
educational institutions approved by the commission. Approval of 95946
the curriculum and providers shall be granted according to rules 95947
adopted pursuant to section 4735.10 of the Revised Code. 95948

If proof of completion of the required instruction is not 95949
submitted within twelve months of the date a license is issued 95950
under this section, the licensee's license is suspended 95951
automatically without the taking of any action by the 95952
superintendent. The superintendent immediately shall notify the 95953
broker with whom such salesperson is associated of the suspension 95954
of the salesperson's license. A salesperson whose license has been 95955
suspended under this division shall have twelve months after the 95956
date of the suspension of the salesperson's license to submit 95957
proof of successful completion of the instruction required under 95958
this division. No such license shall be reactivated by the 95959
superintendent until it is established, to the satisfaction of the 95960
superintendent, that the requirements of this division have been 95961
met and that the licensee is in compliance with this chapter. A 95962

licensee's license is revoked automatically without the taking of 95963
any action by the superintendent when the licensee fails to submit 95964
the required proof of completion of the education requirements 95965
under division ~~(H)~~(I) of this section within twelve months of the 95966
date the license is suspended. 95967

~~(I)~~(J) Examinations shall be administered with reasonable 95968
accommodations in accordance with the requirements of the 95969
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 95970
U.S.C. 12189. The contents of an examination shall be consistent 95971
with the classroom instructional requirements of division (F)(6) 95972
of this section. An applicant who has completed the classroom 95973
instructional requirements of division (F)(6) of this section at 95974
the time of application shall be examined no later than twelve 95975
months after the applicant is notified of the applicant's 95976
admission to the examination. 95977

Sec. 4735.10. (A)(1) The Ohio real estate commission may 95978
adopt reasonable rules in accordance with Chapter 119. of the 95979
Revised Code, necessary for implementing the provisions of this 95980
chapter relating, but not limited to, the following: 95981

(a) The form and manner of filing applications for licensure; 95982

(b) Times and form of examination for license; 95983

(c) Placing an existing broker's license on deposit or a 95984
salesperson's license on an inactive status for an indefinite 95985
period; 95986

(d) Specifying the process by which a licensee may resign the 95987
licensee's license; 95988

(e) Defining any additional license status that the 95989
commission determines is necessary and that is not otherwise 95990
defined in this chapter and establishing the process by which a 95991
licensee places the licensee's license in a status defined by the 95992

commission in the rules the commission adopts;	95993
(f) Clarification of the activities that require a license under this chapter.	95994 95995
(2) The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code, for implementing the provisions of this chapter relating to the following:	95996 95997 95998
(a) The issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license;	95999 96000 96001 96002
(b) A three-year license and a three-year license renewal system;	96003 96004
(c) Standards for the approval of the ten-hour postlicensure courses as required by division (G) of section 4735.07 and division (H) <u>(I)</u> of section 4735.09 of the Revised Code, courses of study required for licenses, courses offered in preparation for license examinations, or courses required as continuing education for licenses.	96005 96006 96007 96008 96009 96010
(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.	96011 96012 96013 96014 96015
(e) Requirements for trust accounts and property management accounts. The rules shall specify that:	96016 96017
(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner. The exercise of authority for withdrawals does not constitute a	96018 96019 96020 96021 96022

violation of any provision of division (A) of section 4735.18 of the Revised Code.	96023 96024
(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract.	96025 96026 96027 96028
(f) Notice of renewal forms and filing deadlines;	96029
(g) Special assessments under division (A) of section 4735.12 of the Revised Code.	96030 96031
(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:	96032 96033 96034 96035
(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;	96036 96037
(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (A) of section 4735.06 of the Revised Code;	96038 96039 96040 96041
(3) Acceptance and rejection of applications to take the broker and salesperson examinations and licensure, with appropriate waivers pursuant to division (E) of section 4735.07 and section 4735.09 of the Revised Code;	96042 96043 96044 96045
(4) Approval of applications of brokers to place their licenses in an inactive status and to become salespersons under section 4735.13 of the Revised Code;	96046 96047 96048
(5) Appointment of hearing examiners under section 119.09 of the Revised Code;	96049 96050
(6) Acceptance and rejection of applications to take the foreign real estate dealer and salesperson examinations and	96051 96052

licensure, with waiver of examination, under sections 4735.27 and 96053
4735.28 of the Revised Code; 96054

(7) Qualification of foreign real estate under section 96055
4735.25 of the Revised Code. 96056

If at any time there is no rule in effect establishing a 96057
guideline or standard required by this division, the 96058
superintendent may adopt a rule in accordance with Chapter 119. of 96059
the Revised Code for such purpose. 96060

(C) The commission or superintendent may hear testimony in 96061
matters relating to the duties imposed upon them, and the 96062
president of the commission and superintendent may administer 96063
oaths. The commission or superintendent may require other proof of 96064
the honesty, truthfulness, and good reputation of any person named 96065
in an application for a real estate broker's or real estate 96066
salesperson's license before admitting the applicant to the 96067
examination or issuing a license. 96068

Sec. 4735.142. (A) Any person licensed under section 4735.07 96069
or 4735.09 of the Revised Code, at any time prior to the date the 96070
licensee is required to file a notice of renewal pursuant to 96071
division (B) of section 4735.14 of the Revised Code may apply to 96072
the superintendent of real estate and professional licensing to 96073
place the licensee's license in a permanently resigned status. 96074

(B) A licensee, at any time during which a license has been 96075
suspended pursuant to division (G) of section 4735.07, division 96076
~~(H)~~(I) of section 4735.09, division (E) of section 4735.12, 96077
division (C) of section 4735.14, division (C) of section 4735.141, 96078
or section 4735.182 of the Revised Code, may apply to the 96079
superintendent on a form prescribed by the superintendent to 96080
permanently resign the licensee's license voluntarily. The 96081
resignation of a license is considered to be final without the 96082
taking of any action by the superintendent. 96083

(C) If a person whose license is in a permanently resigned status pursuant to a request made under this section wishes to obtain an active or inactive license, the person shall apply for such a license in accordance with the requirements specified in section 4735.07 or 4735.09 of the Revised Code, as applicable, or in the rules adopted by the commission pursuant to division (A) of section 4735.10 of the Revised Code.

(D) If placing a broker's license in a permanently resigned status will result in the closure of the broker's brokerage, the broker, within three days after applying to the superintendent to place the license in a permanently resigned status, shall provide to each salesperson associated with that broker a written notice stating that fact.

(E) This section does not apply to any licensee whose license has been suspended pursuant to division (F) of section 4735.181 of the Revised Code or due to disciplinary action ordered by the commission pursuant to section 4735.051 of the Revised Code.

Sec. 4735.56. (A) Each brokerage shall develop a written brokerage policy on agency to be given to prospective sellers and purchasers in accordance with divisions (C) and (D) of this section.

(B) The brokerage policy on agency described in division (A) of this section shall include all of the following information:

(1) An explanation of the permissible agency relationships available under section 4735.53 of the Revised Code and the duties that the agent owes the agent's client;

(2) The brokerage's policy on representation of purchasers or sellers;

(3) Whether at some time during the agency relationship the brokerage and its licensee may act as a dual agent, and the

options and consequences for the client if a dual agency situation 96114
arises including the right of the client to terminate the agency 96115
relationship and seek representation from another source; 96116

(4) Whether at some time during the agency relationship, 96117
another licensee affiliated with the same brokerage as the 96118
licensee may become the exclusive agent for the other party in the 96119
transaction and whether each licensee will represent only the 96120
interests of that licensee's client; 96121

(5) The brokerage's policy on cooperation with other 96122
brokerages, including whether the brokerage offers compensation to 96123
other brokerages or will seek compensation from other brokerages; 96124

(6) That a brokerage that has a purchaser as a client 96125
represents the purchaser's interests even though the seller's 96126
agent or the seller may compensate that purchaser's brokerage; 96127

(7) That the signature of the purchaser or the seller 96128
indicates acknowledgement of receipt of the brokerage policy on 96129
agency. 96130

(C) A licensee acting as a seller's agent shall provide the 96131
seller with the brokerage policy on agency described in this 96132
section prior to marketing or showing the seller's real estate and 96133
shall obtain a signature from the seller acknowledging receipt 96134
unless the seller refuses to provide a signature. If the seller 96135
refuses to provide a signature, the licensee shall note this on 96136
the policy. 96137

(D) A licensee working directly with a purchaser in a real 96138
estate transaction, whether as the purchaser's agent, the seller's 96139
agent, or the seller's subagent, shall provide the purchaser with 96140
the brokerage policy on agency described in this section and 96141
obtain a signature from the purchaser acknowledging receipt of the 96142
policy unless the purchaser refuses to provide a signature. If the 96143
purchaser refuses to provide a signature, the licensee shall note 96144

this on the policy. Except as provided in division (E) of this section, the licensee shall provide the brokerage policy on agency to a purchaser prior to the earliest of the following actions of the licensee:

(1) Initiating a prequalification evaluation to determine whether the purchaser has the financial ability to purchase or lease a particular real estate property;

(2) Requesting specific financial information from the purchaser to determine the purchaser's ability to purchase or finance real estate in a particular price range;

(3) Showing the real estate to the purchaser other than at an open house;

(4) Discussing, with the purchaser, the making of an offer to purchase or lease real estate;

(5) Submitting an offer to purchase or lease real estate on behalf of the purchaser.

(E) If the earliest event described in division (D) of this section is by telephone or electronic mail, the licensee shall disclose by that same medium the nature of the agency relationship that the licensee has with both the seller and the purchaser. The licensee shall provide the purchaser with the brokerage policy on agency described in this section at the first meeting with the purchaser following this disclosure of the agency relationship.

(F) A licensee acting as a seller's agent is not required to provide a purchaser with the brokerage policy on agency described in this section except in the case of an event described in division (D) of this section.

(G) The requirements of this section regarding provision of a brokerage policy on agency ~~do not~~ apply only in ~~any~~ of the following situations:

(1) <u>The sale or lease of vacant land;</u>	96175
(2) <u>The sale of a parcel of real estate containing one to four residential units;</u>	96176 96177
(3) The rental or leasing of residential premises as defined in section 5321.01 of the Revised Code, if the rental or lease agreement can be performed in <u>is for a term of more than</u> eighteen months or less;	96178 96179 96180 96181
(2) The referral of a prospective purchaser or seller to another licensee;	96182 96183
(3) Transactions involving the sale, lease, or exchange of foreign real estate as defined in division (E) of section 4735.01 of the Revised Code;	96184 96185 96186
(4) Transactions involving the sale of a cemetery lot or a cemetery interment right.	96187 96188
Sec. 4742.01. As used in this chapter:	96189
(A) "Emergency service provider" has the same meaning as in section 5507.01 <u>128.01</u> of the Revised Code.	96190 96191
(B) "Emergency service telecommunicator" means an individual employed by an emergency service provider, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.	96192 96193 96194 96195 96196
Sec. 4751.01. As used in sections 4751.01 to 4751.11 <u>4751.13</u> of the Revised Code:	96197 96198
(A) <u>"Long-term services and supports settings" means any institutional or community-based setting in which medical, health, psycho-social, habilitative, rehabilitative, or personal care services are provided to individuals on a post-acute care basis.</u>	96199 96200 96201 96202

(B) "Nursing home administrator" means any individual responsible for planning, organizing, directing, and managing the operation of a nursing home, or who in fact performs such function, whether or not such functions and duties are shared by one or more other persons.

~~(B)~~(C) "Nursing home" means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.

~~(C)~~(D) "Temporary license" means a license for a period not to exceed one hundred eighty days issued pursuant to division (B) of section 4751.06 of the Revised Code.

~~(D)~~(E) "Valid license" means a license which is current and in good standing.

Sec. 4751.02. (A) No person shall operate a nursing home unless it is under the supervision of an administrator whose principal occupation is nursing home administration or hospital administration and who holds a valid nursing home administrator's license and registration, or a temporary license, issued pursuant to Chapter 4751. of the Revised Code.

(B) No person other than a licensed and registered nursing home administrator or person holding a temporary license as required by Chapter 4751. of the Revised Code shall practice or offer to practice nursing home administration in this state. All nursing home administrators and temporary licensees shall comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder.

(C) Every operator of a nursing home shall report to the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports the name and license number of each nursing home administrator for said home within ten days

after the operator engages a nursing home administrator, and 96233
within ten days after a nursing home administrator is no longer 96234
engaged as such by such operator for said home. 96235

(D) Each individual who holds a nursing home administrator 96236
license or temporary license shall report ~~his~~ the individual's 96237
residence mailing address and the name and address of each place 96238
of employment to the board within ten days after any change. 96239

Sec. 4751.03. (A) There is hereby established in the 96240
department of health a board of ~~examiners~~ executives of ~~nursing~~ 96241
~~home administrators~~ long-term services and supports, which board 96242
shall be composed of ~~nine~~ the following eleven members, ~~eight~~ of 96243
whom shall be representative of the professions and institutions 96244
concerned with care and treatment of chronically ill or infirm 96245
aged patients, and one of whom shall be a public member at least 96246
sixty years of age, provided that less than a majority of the 96247
board members shall be representative of a single profession or 96248
institutional category, and provided further that a person 96249
appointed as a noninstitutional member shall neither have nor 96250
acquire any direct financial interest in a nursing home. For 96251
purposes of this section, nursing home administrators are 96252
~~considered representatives of institutions.~~ 96253

~~Four members shall be nursing home administrators, owners of~~ 96254
~~nursing homes or an officer of a corporation owning a nursing~~ 96255
~~home. The director of health or his designated representative~~ 96256
~~shall be a member. All:~~ 96257

(1) Four members who are nursing home administrators, owners 96258
of nursing homes, or officers of corporations owning nursing 96259
homes, and who shall have an understanding of person-centered 96260
care, and experience with a range of long-term services and 96261
supports settings; 96262

(2) Three members who work in long-term services and supports 96263

settings that are not nursing homes, and who shall have an 96264
understanding of person-centered care, and experience with a range 96265
of long-term services and supports settings; 96266

(3) One member who is a member of the academic community; 96267

(4) One member who is a consumer of services offered in a 96268
long-term services and supports setting; 96269

(5) One member who is a representative of the department of 96270
health, designated by the director of health, who is involved in 96271
the nursing home survey and certification process; 96272

(6) One member who is a representative of the office of the 96273
state long-term care, designated by the state long-term care 96274
ombudsman. 96275

All members of the board shall be citizens of the United 96276
States and residents of this state. No member of the board who is 96277
appointed under divisions (A)(3) to (6) of this section may have 96278
or acquire any direct financial interest in a nursing home or 96279
long-term services and supports settings. 96280

(B) The term of office for each appointed member of the board 96281
shall be for three years, commencing on the twenty-eighth day of 96282
May and ending on the twenty-seventh day of May. Each member shall 96283
serve from the date of ~~his~~ appointment until the end of the term 96284
for which ~~he was~~ appointed. No member shall serve more than two 96285
consecutive full terms. 96286

(C) Appointments to the board shall be made by the governor. 96287
Any member appointed to fill a vacancy occurring prior to the 96288
expiration of the term for which ~~his~~ the member's predecessor was 96289
appointed shall hold office for the remainder of such term. Any 96290
appointed member shall continue in office subsequent to the 96291
expiration date of ~~his~~ the member's term until ~~his~~ the member's 96292
successor takes office, or until a period of sixty days has 96293
elapsed, whichever occurs first. 96294

(D) The governor may remove any member of the board for 96295
misconduct, incapacity, incompetence, or neglect of duty after the 96296
member so charged has been served with a written statement of 96297
charges and has been given an opportunity to be heard. 96298

(E) Each member of the board, except the member designated by 96299
the director of health ~~or his~~ and the member designated 96300
~~representative by the ombudsman~~, shall be paid in accordance with 96301
section 124.15 of the Revised Code and each member shall be 96302
reimbursed for ~~his~~ the member's actual and necessary expenses 96303
incurred in the discharge of such duties. 96304

(F) The board shall elect annually from its membership a 96305
~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson. 96306

(G) The board shall hold and conduct meetings quarterly and 96307
at such other times as its business requires. A majority of the 96308
board shall constitute a quorum. The affirmative vote of a 96309
majority of the members of the board is necessary for the board to 96310
act. 96311

(H) The board shall appoint a secretary who has no financial 96312
interest in a ~~nursing home~~ long-term services and supports 96313
setting, and may employ and prescribe the powers and duties of 96314
such employees and consultants as are necessary to carry out this 96315
chapter and the rules adopted under it. ~~Administrative, technical,~~ 96316
~~or other services shall be performed, insofar as practicable, by~~ 96317
~~personnel of the department of health.~~ 96318

Sec. 4751.04. (A) The board of ~~examiners~~ executives of 96319
~~nursing home administrators~~ long-term services and supports shall: 96320

(1) Develop, adopt, impose, and enforce regulations 96321
prescribing standards which must be met by individuals in order to 96322
receive a license as a nursing home administrator, which standards 96323
shall be designed to ensure that nursing home administrators are 96324

of good character and are otherwise suitable, and who, by training and experience, are qualified to serve as nursing home administrators; 96325
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(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards; 96328
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(3) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses or registrations previously issued by the board in any case where the individual holding such license or registration is determined to have failed substantially to conform to the requirements of such standards; 96331
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(4) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during any period that they serve as such, comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder; 96337
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(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder; 96342
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(6) Take such other actions as may be necessary to enable the state to meet the requirements set forth in the "Social Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g; 96347
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(7) Pay all license and registration fees collected under Chapter 4751. of the Revised Code into the general operations fund created by section 3701.83 of the Revised Code to be used in administering and enforcing this chapter and the rules adopted under it; 96350
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(8) Administer, or contract with a government or private 96355

entity to administer, examinations for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury;

(9) Enter into a contract with the department of health as required under section 4751.042 of the Revised Code;

(10) Create opportunities for the education, training, and credentialing of nursing home administrators and others in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings. In carrying out this function, the board shall do the following:

(a) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators and others working within the long-term services and supports settings system, with an emphasis on all of the following:

(i) Leadership;

(ii) Person-centered care;

(iii) Principles of management within both the business and regulatory environments;

(iv) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.

(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration.

(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the

board is subject to Chapter 119. of the Revised Code and sections 96386
4743.01 and 4743.02 of the Revised Code except that a notice of 96387
appeal of an order of the board adopting, amending, or rescinding 96388
a rule or regulation does not operate as a stay of the effective 96389
date of such order as provided in section 119.11 of the Revised 96390
Code. The court, at its discretion, may grant a stay of any 96391
regulation in its application against the person filing the notice 96392
of appeal. 96393

Sec. 4751.041. Except when the board of ~~examiners~~ executives 96394
of ~~nursing home administrators~~ long-term services and supports 96395
considers it necessary, the board shall not disclose test 96396
materials, examinations, or evaluation tools used in an 96397
examination for licensure as a nursing home administrator that the 96398
board administers under section 4751.04 of the Revised Code or 96399
contracts under that section with a private or government entity 96400
to administer. 96401

Sec. 4751.042. (A) The board of executives of long-term 96402
services and supports shall enter into a written agreement with 96403
the department of health for the department to serve as the 96404
board's fiscal agent. The fiscal agent shall be responsible for 96405
all the board's fiscal matters and financial transactions, as 96406
specified in the agreement. The written agreement shall specify 96407
the fees that the board shall pay to the fiscal agent for services 96408
performed under the agreement, and such fees shall be in 96409
proportion to the services performed for the board. 96410

(1) The agreement shall require the fiscal agent to provide 96411
the following services: 96412

(a) Preparation and processing of payroll and other personnel 96413
documents that the board approves; 96414

(b) Maintenance of ledgers of accounts and reports of account 96415

balances, and monitoring of budgets and allotment plans in 96416
consultation with the board; 96417

(c) Performance of other routine support services, specified 96418
in the agreement, that the fiscal agent considers appropriate to 96419
achieve efficiency. 96420

(2) The agreement may require the fiscal agent to provide the 96421
following services: 96422

(a) Any shared services between the board and the fiscal 96423
agent; 96424

(b) Any other services agreed to by the board and the 96425
department, including administrative or technical services. 96426

(B) The board has sole authority to expend funds from the 96427
board's accounts for programs and any other necessary expenses the 96428
board may incur. The board shall inform the fiscal agent fully of 96429
any financial transactions to ensure compliance with fiscal 96430
regulations. 96431

(C) The board shall follow all state procurement, fiscal, 96432
human resources, information technology, statutory, and 96433
administrative rule requirements. 96434

(D) In its role as fiscal agent for the board, the department 96435
shall serve as a contractor of the board, and does not assume 96436
responsibility for the debts or fiscal obligations of the board. 96437

Sec. 4751.05. (A) The board of ~~examiners~~ executives of 96438
~~nursing home administrators~~ long-term services and supports, or a 96439
government or private entity under contract with the board to 96440
administer examinations for licensure as a nursing home 96441
administrator, shall admit to an examination any candidate who: 96442

(1) Pays the application fee of fifty dollars; 96443

(2) Submits evidence of good moral character and suitability; 96444

(3) Is at least eighteen years of age;	96445
(4) Has completed educational requirements and work experience satisfactory to the board;	96446 96447
(5) Submits an application on forms prescribed by the board;	96448
(6) Pays the examination fee charged by the board or government or private entity.	96449 96450
(B) Nothing in Chapter 4751. of the Revised Code or the rules adopted thereunder shall be construed to require an applicant for licensure or a temporary license, who is employed by an institution for the care and treatment of the sick to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided by the institution if the institution is all of the following:	96451 96452 96453 96454 96455 96456 96457 96458
(1) Operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs;	96459 96460 96461
(2) Accredited by a national accrediting organization;	96462
(3) Exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended;	96463 96464 96465
(4) Providing twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.	96466 96467 96468 96469
(C) If a person fails three times to attain a passing grade on the examination, said person, before the person may again be admitted to examination, shall meet such additional education or experience requirements, or both, as may be prescribed by the board.	96470 96471 96472 96473 96474

Sec. 4751.06. (A) An applicant for licensure as a nursing 96475
home administrator who has successfully completed the requirements 96476
of section 4751.05 of the Revised Code, passed the examination 96477
administered by the board of ~~examiners~~ executives of ~~nursing home~~ 96478
~~administrators~~ long-term services and supports or a government or 96479
private entity under contract with the board, and paid to the 96480
board an original license fee of two hundred fifty dollars shall 96481
be issued a license on a form provided by the board. Such license 96482
shall certify that the applicant has met the licensure 96483
requirements of Chapter 4751. of the Revised Code and is entitled 96484
to practice as a licensed nursing home administrator. 96485

(B) A temporary license for a period not to exceed one 96486
hundred eighty days may be issued to an individual temporarily 96487
filling the position of a nursing home administrator vacated by 96488
reason of death, illness, or other unexpected cause, pursuant to 96489
regulations adopted by the board. 96490

(C) The fee for a temporary license is one hundred dollars. 96491
Said fee must accompany the application for the temporary license. 96492

(D) Any license or temporary license issued by the board 96493
pursuant to this section shall be under the hand of the 96494
chairperson and the secretary of the board. 96495

(E) A duplicate of the original certificate of registration 96496
or license may be secured to replace one that has been lost or 96497
destroyed by submitting to the board a notarized statement 96498
explaining the conditions of the loss, mutilation, or destruction 96499
of the certificate or license and by paying a fee of twenty-five 96500
dollars. 96501

(F) A duplicate certificate of registration and license may 96502
be issued in the event of a legal change of name by submitting to 96503
the board a certified copy of the court order or marriage license 96504
establishing the change of name, by returning at the same time the 96505

original license and certificate of registration, and by paying a fee of twenty-five dollars.

Sec. 4751.07. (A) Every individual who holds a valid license as a nursing home administrator issued under division (A) of section 4751.06 of the Revised Code, shall immediately upon issuance thereof be registered with the board of ~~examiners~~ executives of nursing home administrators long-term services and supports and be issued a certificate of registration. Such individual shall annually apply to the board for a new certificate of registration on forms provided for such purpose prior to the expiration of the certificate of registration and shall at the same time submit satisfactory evidence to the board of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board.

(B) Upon making an application for a new certificate of registration such individual shall pay the annual registration fee of three hundred dollars.

(C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator.

(D) The license of a nursing home administrator who fails to comply with this section shall automatically lapse.

(E) A nursing home administrator who has been licensed and registered in this state who determines to temporarily abandon the practice of nursing home administration shall notify the board in writing immediately; provided, that such individual may thereafter register to resume the practice of nursing home administration within the state upon complying with the requirements of this section regarding annual registration.

(F) Only an individual who has qualified as a licensed and registered nursing home administrator under Chapter 4751. of the Revised Code and the rules adopted thereunder, and who holds a valid current registration certificate pursuant to this section, may use the title "nursing home administrator," or the abbreviation "N.H.A." after the individual's name. No other person shall use such title or such abbreviation or any other words, letters, sign, card, or device tending to indicate or to imply that the person is a licensed and registered nursing home administrator.

(G) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current registration certificate.

(H) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.

Sec. 4751.08. The board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports, in its discretion, and otherwise subject to Chapter 4751. of the Revised Code and the rules adopted by the board thereunder prescribing the qualifications for a nursing home administrator license, may license a nursing home administrator without examination if ~~he~~ the nursing home administrator has a valid license issued by the proper authorities of any other state, upon payment of a fee of one hundred fifty dollars, and upon submission of evidence satisfactory to the board both:

(A) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator

license which were substantially equivalent to those required in 96567
this state at the time such other license was issued by such other 96568
state; 96569

(B) That such other state gives similar recognition to 96570
nursing home administrators licensed in this state. 96571

Sec. 4751.10. The license or registration, or both, or the 96572
temporary license of any person practicing or offering to practice 96573
nursing home administration, shall be revoked or suspended by the 96574
board of ~~examiners~~ executives of ~~nursing home administrators~~ 96575
long-term services and supports if such licensee or temporary 96576
licensee: 96577

(A) Is unfit or incompetent by reason of negligence, habits, 96578
or other causes; 96579

(B) Has willfully or repeatedly violated any of the 96580
provisions of Chapter 4751. of the Revised Code or the regulations 96581
adopted thereunder; or willfully or repeatedly acted in a manner 96582
inconsistent with the health and safety of the patients of the 96583
nursing home in which ~~he~~ the licensee or temporary licensee is the 96584
administrator; 96585

(C) Is guilty of fraud or deceit in the practice of nursing 96586
home administration or in ~~his~~ the licensee's or temporary 96587
licensee's admission to such practice; 96588

(D) Has been convicted in a court of competent jurisdiction, 96589
either within or without this state, of a felony. 96590

Proceedings under this section shall be instituted by the 96591
board or shall be begun by filing with the board charges in 96592
writing and under oath. 96593

Sec. 4751.11. (A) The board of ~~examiners~~ executives of 96594
~~nursing home administrators~~ long-term services and supports may, 96595

in its discretion, reissue a license or registration, or both, to any person whose license or registration, or both, has been revoked. 96596
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(B) Application for the reissuance of a license or registration, or both, shall not be made prior to one year after revocation and shall be made in such manner as the board may direct. 96599
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(C) If a person convicted of a felony is subsequently pardoned by the governor of the state where such conviction was had or by the president of the United States, or receives a final release granted by the adult parole authority of this state or its equivalent agency of another state, the board may, in its discretion, on application of such person and on the submission of evidence satisfactory to the board restore to such person the nursing home administrator's license or registration, or both. 96603
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Sec. 4751.12. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter. 96611
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Sec. 4751.13. The board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports shall comply with section 4776.20 of the Revised Code. 96617
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Sec. 4753.071. A person who is required to meet the supervised professional experience requirement of division (F) of section 4753.06 of the Revised Code shall submit to the board of speech-language pathology and audiology an application for a conditional license. The application shall include a plan for the content of the supervised professional experience on a form the 96620
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board shall prescribe. The board shall issue the conditional 96626
license to the applicant if the applicant meets the requirements 96627
of section 4753.06 of the Revised Code, other than the requirement 96628
to have obtained the supervised professional experience, and pays 96629
to the board the appropriate fee for a conditional license. An 96630
applicant may not begin employment until the conditional license 96631
has been issued. 96632

A conditional license authorizes an individual to practice 96633
speech-language pathology or audiology while completing the 96634
supervised professional experience as required by division (F) of 96635
section 4753.06 of the Revised Code. A person holding a 96636
conditional license may practice speech-language pathology or 96637
audiology while working under the supervision of a person fully 96638
licensed in accordance with this chapter. A conditional license is 96639
valid for eighteen months unless suspended or revoked pursuant to 96640
section 3123.47 or 4753.10 of the Revised Code. 96641

A person holding a conditional license may perform services 96642
for which ~~reimbursement~~ payment will be sought under the medicare 96643
program ~~established under Title XVIII of the "Social Security~~ 96644
~~Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended,~~ or the 96645
medicaid program ~~established under Chapter 5111. of the Revised~~ 96646
~~Code~~ but all requests for ~~reimbursement~~ payment for such services 96647
shall be made by the person who supervises the person performing 96648
the services. 96649

Sec. 4755.11. (A) In accordance with Chapter 119. of the 96650
Revised Code, the occupational therapy section of the Ohio 96651
occupational therapy, physical therapy, and athletic trainers 96652
board may suspend, revoke, or refuse to issue or renew an 96653
occupational therapist license, occupational therapy assistant 96654
license, occupational therapist limited permit, occupational 96655
therapy assistant limited permit, or reprimand, fine, place a 96656

license or limited permit holder on probation, or require the	96657
license or limited permit holder to take corrective action	96658
courses, for any of the following:	96659
(1) Conviction of an offense involving moral turpitude or a	96660
felony, regardless of the state or country in which the conviction	96661
occurred;	96662
(2) Violation of any provision of sections 4755.04 to 4755.13	96663
of the Revised Code;	96664
(3) Violation of any lawful order or rule of the occupational	96665
therapy section;	96666
(4) Obtaining or attempting to obtain a license or limited	96667
permit issued by the occupational therapy section by fraud or	96668
deception, including the making of a false, fraudulent, deceptive,	96669
or misleading statements in relation to these activities;	96670
(5) Negligence, unprofessional conduct, or gross misconduct	96671
in the practice of the profession of occupational therapy;	96672
(6) Accepting commissions or rebates or other forms of	96673
remuneration for referring persons to other professionals;	96674
(7) Communicating, without authorization, information	96675
received in professional confidence;	96676
(8) Using controlled substances, habit forming drugs, or	96677
alcohol to an extent that it impairs the ability to perform the	96678
work of an occupational therapist, occupational therapy assistant,	96679
occupational therapist limited permit holder, or occupational	96680
therapy assistant limited permit holder;	96681
(9) Practicing in an area of occupational therapy for which	96682
the individual is untrained or incompetent;	96683
(10) Failing the licensing or Ohio jurisprudence examination;	96684
(11) Aiding, abetting, directing, or supervising the	96685
unlicensed practice of occupational therapy;	96686

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	96687 96688 96689 96690
(13) Except as provided in division (B) of this section:	96691
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	96692 96693 96694 96695 96696 96697
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.	96698 96699 96700 96701 96702
(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section;	96703 96704 96705 96706 96707
(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;	96708 96709
(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;	96710 96711 96712
(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;	96713 96714 96715
(18) An adjudication by a court that the applicant, licensee,	96716

or limited permit holder is incompetent for the purpose of holding 96717
a license or limited permit and has not thereafter been restored 96718
to legal capacity for that purpose; 96719

(19)(a) Except as provided in division (A)(19)(b) of this 96720
section, failure to cooperate with an investigation conducted by 96721
the occupational therapy section, including failure to comply with 96722
a subpoena or orders issued by the section or failure to answer 96723
truthfully a question presented by the section at a deposition or 96724
in written interrogatories. 96725

(b) Failure to cooperate with an investigation does not 96726
constitute grounds for discipline under this section if a court of 96727
competent jurisdiction issues an order that either quashes a 96728
subpoena or permits the individual to withhold the testimony or 96729
evidence at issue. 96730

(20) Conviction of a misdemeanor reasonably related to the 96731
practice of occupational therapy, regardless of the state or 96732
country in which the conviction occurred; 96733

(21) Inability to practice according to acceptable and 96734
prevailing standards of care because of mental or physical 96735
illness, including physical deterioration that adversely affects 96736
cognitive, motor, or perception skills; 96737

(22) Violation of conditions, limitations, or agreements 96738
placed by the occupational therapy section on a license or limited 96739
permit to practice; 96740

(23) Making a false, fraudulent, deceptive, or misleading 96741
statement in the solicitation of or advertising for patients in 96742
relation to the practice of occupational therapy; 96743

(24) Failure to complete continuing education requirements as 96744
prescribed in rules adopted by the occupational therapy section 96745
under section 4755.06 of the Revised Code. 96746

(B) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows: 96747
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request. 96750
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section. 96755
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(C) Except as provided in division (D) of this section, the suspension or revocation of a license or limited permit under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed. 96759
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When a license or limited permit is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The occupational therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition of reinstatement. 96764
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When a license or limited permit holder is placed on probation under this section, the occupational therapy section's probation order shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice. 96770
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(D) On receipt of a complaint that a person who holds a license or limited permit issued by the occupational therapy section has committed any of the prohibited actions listed in 96775
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division (A) of this section, the section may immediately suspend 96778
the license or limited permit prior to holding a hearing in 96779
accordance with Chapter 119. of the Revised Code if it determines, 96780
based on the complaint, that the licensee or limited permit holder 96781
poses an immediate threat to the public. The section may review 96782
the allegations and vote on the suspension by telephone conference 96783
call. If the section votes to suspend a license or limited permit 96784
under this division, the section shall ~~notify~~ issue a written 96785
order of summary suspension to the licensee or limited permit 96786
holder ~~of the suspension~~ in accordance with section 119.07 of the 96787
Revised Code. If the individual whose license or limited permit is 96788
suspended fails to make a timely request for an adjudication under 96789
Chapter 119. of the Revised Code, the section shall enter a final 96790
order permanently revoking the individual's license or limited 96791
permit. Notwithstanding section 119.12 of the Revised Code, a 96792
court of common pleas shall not grant a suspension of the 96793
section's order of summary suspension pending the determination of 96794
an appeal filed under that section. Any order of summary 96795
suspension issued under this division shall remain in effect, 96796
unless reversed on appeal, until a final adjudication order issued 96797
by the section pursuant to division (A) of this section becomes 96798
effective. The section shall issue its final adjudication order 96799
regarding an order of summary suspension issued under this 96800
division not later than ninety days after completion of its 96801
hearing. Failure to issue the order within ninety days shall 96802
result in immediate dissolution of the suspension order, but shall 96803
not invalidate any subsequent, final adjudication order. 96804

(E) If any person other than a person who holds a license or 96805
limited permit issued under section 4755.08 of the Revised Code 96806
has engaged in any practice that is prohibited under sections 96807
4755.04 to 4755.13 of the Revised Code or the rules of the 96808
occupational therapy section, the section may apply to the court 96809
of common pleas of the county in which the violation occurred, for 96810

an injunction or other appropriate order restraining this conduct, 96811
and the court shall issue this order. 96812

Sec. 4755.47. (A) In accordance with Chapter 119. of the 96813
Revised Code, the physical therapy section of the Ohio 96814
occupational therapy, physical therapy, and athletic trainers 96815
board may refuse to grant a license to an applicant for an initial 96816
or renewed license as a physical therapist or physical therapist 96817
assistant or, by an affirmative vote of not less than five 96818
members, may limit, suspend, or revoke the license of a physical 96819
therapist or physical therapist assistant or reprimand, fine, 96820
place a license holder on probation, or require the license holder 96821
to take corrective action courses, on any of the following 96822
grounds: 96823

(1) Habitual indulgence in the use of controlled substances, 96824
other habit-forming drugs, or alcohol to an extent that affects 96825
the individual's professional competency; 96826

(2) Conviction of a felony or a crime involving moral 96827
turpitude, regardless of the state or country in which the 96828
conviction occurred; 96829

(3) Obtaining or attempting to obtain a license issued by the 96830
physical therapy section by fraud or deception, including the 96831
making of a false, fraudulent, deceptive, or misleading statement; 96832

(4) An adjudication by a court, as provided in section 96833
5122.301 of the Revised Code, that the applicant or licensee is 96834
incompetent for the purpose of holding the license and has not 96835
thereafter been restored to legal capacity for that purpose; 96836

(5) Subject to section 4755.471 of the Revised Code, 96837
violation of the code of ethics adopted by the physical therapy 96838
section; 96839

(6) Violating or attempting to violate, directly or 96840

indirectly, or assisting in or abetting the violation of or 96841
conspiring to violate sections 4755.40 to 4755.56 of the Revised 96842
Code or any order issued or rule adopted under those sections; 96843

(7) Failure of one or both of the examinations required under 96844
section 4755.43 or 4755.431 of the Revised Code; 96845

(8) Permitting the use of one's name or license by a person, 96846
group, or corporation when the one permitting the use is not 96847
directing the treatment given; 96848

(9) Denial, revocation, suspension, or restriction of 96849
authority to practice a health care occupation, including physical 96850
therapy, for any reason other than a failure to renew, in Ohio or 96851
another state or jurisdiction; 96852

(10) Failure to maintain minimal standards of practice in the 96853
administration or handling of drugs, as defined in section 4729.01 96854
of the Revised Code, or failure to employ acceptable scientific 96855
methods in the selection of drugs, as defined in section 4729.01 96856
of the Revised Code, or other modalities for treatment; 96857

(11) Willful betrayal of a professional confidence; 96858

(12) Making a false, fraudulent, deceptive, or misleading 96859
statement in the solicitation of or advertising for patients in 96860
relation to the practice of physical therapy; 96861

(13) A departure from, or the failure to conform to, minimal 96862
standards of care required of licensees when under the same or 96863
similar circumstances, whether or not actual injury to a patient 96864
is established; 96865

(14) Obtaining, or attempting to obtain, money or anything of 96866
value by fraudulent misrepresentations in the course of practice; 96867

(15) Violation of the conditions of limitation or agreements 96868
placed by the physical therapy section on a license to practice; 96869

(16) Failure to renew a license in accordance with section 96870

4755.46 of the Revised Code;	96871
(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;	96872 96873 96874 96875
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	96876 96877 96878 96879
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	96880 96881 96882
(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;	96883 96884 96885 96886 96887 96888
(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;	96889 96890 96891 96892 96893
(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;	96894 96895 96896 96897
(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;	96898 96899 96900

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories. 96901
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(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue. 96907
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(25) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the physical therapist or physical therapist assistant, in any of the following: 96912
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(a) Sexual contact, as defined in section 2907.01 of the Revised Code; 96916
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(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning. 96918
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(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change; 96921
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(27) Except as provided in division (B) of this section: 96924

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 96925
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(b) Advertising that the individual will waive the payment of 96931
all or any part of a deductible or copayment that a patient, 96932
pursuant to a health insurance or health care policy, contract, or 96933
plan that covers physical therapy, would otherwise be required to 96934
pay; 96935

(28) Violation of any section of this chapter or rule adopted 96936
under it. 96937

(B) Sanctions shall not be imposed under division (A)(27) of 96938
this section against any individual who waives deductibles and 96939
copayments as follows: 96940

(1) In compliance with the health benefit plan that expressly 96941
allows such a practice. Waiver of the deductibles or copayments 96942
shall be made only with the full knowledge and consent of the plan 96943
purchaser, payer, and third-party administrator. Documentation of 96944
the consent shall be made available to the physical therapy 96945
section upon request. 96946

(2) For professional services rendered to any other person 96947
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 96948
Code to the extent allowed by those sections and the rules of the 96949
physical therapy section. 96950

(C) When a license is revoked under this section, application 96951
for reinstatement may not be made sooner than one year after the 96952
date of revocation. The physical therapy section may accept or 96953
refuse an application for reinstatement and may require that the 96954
applicant pass an examination as a condition for reinstatement. 96955

When a license holder is placed on probation under this 96956
section, the physical therapy section's order for placement on 96957
probation shall be accompanied by a statement of the conditions 96958
under which the individual may be removed from probation and 96959
restored to unrestricted practice. 96960

(D) When an application for an initial or renewed license is 96961

refused under this section, the physical therapy section shall 96962
notify the applicant in writing of the section's decision to 96963
refuse issuance of a license and the reason for its decision. 96964

(E) On receipt of a complaint that a person licensed by the 96965
physical therapy section has committed any of the actions listed 96966
in division (A) of this section, the physical therapy section may 96967
immediately suspend the license of the physical therapist or 96968
physical therapist assistant prior to holding a hearing in 96969
accordance with Chapter 119. of the Revised Code if it determines, 96970
based on the complaint, that the person poses an immediate threat 96971
to the public. The physical therapy section may review the 96972
allegations and vote on the suspension by telephone conference 96973
call. If the physical therapy section votes to suspend a license 96974
under this division, the physical therapy section shall ~~notify~~ 96975
issue a written order of summary suspension to the person ~~of the~~ 96976
suspension in accordance with section 119.07 of the Revised Code. 96977
If the person fails to make a timely request for an adjudication 96978
under Chapter 119. of the Revised Code, the physical therapy 96979
section shall enter a final order permanently revoking the 96980
person's license. Notwithstanding section 119.12 of the Revised 96981
Code, a court of common pleas shall not grant a suspension of the 96982
physical therapy section's order of summary suspension pending the 96983
determination of an appeal filed under that section. Any order of 96984
summary suspension issued under this division shall remain in 96985
effect, unless reversed on appeal, until a final adjudication 96986
order issued by the physical therapy section pursuant to division 96987
(A) of this section becomes effective. The physical therapy 96988
section shall issue its final adjudication order regarding an 96989
order of summary suspension issued under this division not later 96990
than ninety days after completion of its hearing. Failure to issue 96991
the order within ninety days shall result in immediate dissolution 96992
of the suspension order, but shall not invalidate any subsequent, 96993
final adjudication order. 96994

Sec. 4755.481. (A) If a physical therapist evaluates and 96995
treats a patient without the prescription of, or the referral of 96996
the patient by, a person described in division (G)(1) of section 96997
4755.48 of the Revised Code, all of the following apply: 96998

(1) The physical therapist shall, upon consent of the 96999
patient, inform the relevant person described in division (G)(1) 97000
of section 4755.48 of the Revised Code of the evaluation not later 97001
than five business days after the evaluation is made. 97002

(2) If the physical therapist determines, based on reasonable 97003
evidence, that no substantial progress has been made with respect 97004
to that patient during the thirty-day period immediately following 97005
the date of the patient's initial visit with the physical 97006
therapist, the physical therapist shall consult with or refer the 97007
patient to a person described in division (G)(1) of section 97008
4755.48 of the Revised Code, unless either of the following 97009
applies: 97010

(a) The evaluation, treatment, or services are being provided 97011
for fitness, wellness, or prevention purposes. 97012

(b) The patient previously was diagnosed with chronic, 97013
neuromuscular, or developmental conditions and the evaluation, 97014
treatment, or services are being provided for problems or symptoms 97015
associated with one or more of those previously diagnosed 97016
conditions. 97017

(3) If the physical therapist determines that orthotic 97018
devices are necessary to treat the patient, the physical therapist 97019
shall be limited to the application of the following orthotic 97020
devices: 97021

(a) Upper extremity adaptive equipment used to facilitate the 97022
activities of daily living; 97023

(b) Finger splints; 97024

(c) Wrist splints;	97025
(d) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting;	97026 97027 97028
(e) Nontherapeutic accommodative inlays;	97029
(f) Shoes that are not manufactured or modified for a particular individual;	97030 97031
(g) Prefabricated foot care products;	97032
(h) Custom foot orthotics;	97033
(i) Durable medical equipment.	97034
(4) If, at any time, the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a licensed health care practitioner acting within the practitioner's scope of practice.	97035 97036 97037 97038 97039 97040
(B) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall be construed to require reimbursement under any health insuring corporation policy, contract, or agreement, any sickness and accident insurance policy, the medical assistance <u>medicaid</u> program as defined in section 5111.01 of the Revised Code , or the health partnership program or qualified health plans established pursuant to sections 4121.44 to 4121.442 of the Revised Code, for any physical therapy service rendered without the prescription of, or the referral of the patient by, a person described in division (G)(1) of section 4755.48 of the Revised Code.	97041 97042 97043 97044 97045 97046 97047 97048 97049 97050
(C) For purposes of this section, "business day" means any calendar day that is not a Saturday, Sunday, or legal holiday. "Legal holiday" has the same meaning as in section 1.14 of the Revised Code.	97051 97052 97053 97054

Sec. 4755.64. (A) In accordance with Chapter 119. of the 97055
Revised Code, the athletic trainers section of the Ohio 97056
occupational therapy, physical therapy, and athletic trainers 97057
board may suspend, revoke, or refuse to issue or renew an athletic 97058
trainers license, or reprimand, fine, or place a licensee on 97059
probation, for any of the following: 97060

(1) Conviction of a felony or offense involving moral 97061
turpitude, regardless of the state or country in which the 97062
conviction occurred; 97063

(2) Violation of sections 4755.61 to 4755.65 of the Revised 97064
Code or any order issued or rule adopted thereunder; 97065

(3) Obtaining a license through fraud, false or misleading 97066
representation, or concealment of material facts; 97067

(4) Negligence or gross misconduct in the practice of 97068
athletic training; 97069

(5) Violating the standards of ethical conduct in the 97070
practice of athletic training as adopted by the athletic trainers 97071
section under section 4755.61 of the Revised Code; 97072

(6) Using any controlled substance or alcohol to the extent 97073
that the ability to practice athletic training at a level of 97074
competency is impaired; 97075

(7) Practicing in an area of athletic training for which the 97076
individual is untrained, incompetent, or practicing without the 97077
referral of a practitioner licensed under Chapter 4731. of the 97078
Revised Code, a dentist licensed under Chapter 4715. of the 97079
Revised Code, a chiropractor licensed under Chapter 4734. of the 97080
Revised Code, or a physical therapist licensed under this chapter; 97081

(8) Employing, directing, or supervising a person in the 97082
performance of athletic training procedures who is not authorized 97083
to practice as a licensed athletic trainer under this chapter; 97084

(9) Misrepresenting educational attainments or the functions	97085
the individual is authorized to perform for the purpose of	97086
obtaining some benefit related to the individual's athletic	97087
training practice;	97088
(10) Failing the licensing examination;	97089
(11) Aiding or abetting the unlicensed practice of athletic	97090
training;	97091
(12) Denial, revocation, suspension, or restriction of	97092
authority to practice a health care occupation, including athletic	97093
training, for any reason other than a failure to renew, in Ohio or	97094
another state or jurisdiction.	97095
(B) If the athletic trainers section places a licensee on	97096
probation under division (A) of this section, the section's order	97097
for placement on probation shall be accompanied by a written	97098
statement of the conditions under which the person may be removed	97099
from probation and restored to unrestricted practice.	97100
(C) A licensee whose license has been revoked under division	97101
(A) of this section may apply to the athletic trainers section for	97102
reinstatement of the license one year following the date of	97103
revocation. The athletic trainers section may accept or deny the	97104
application for reinstatement and may require that the applicant	97105
pass an examination as a condition for reinstatement.	97106
(D) On receipt of a complaint that a person licensed by the	97107
athletic trainers section has committed any of the prohibited	97108
actions listed in division (A) of this section, the section may	97109
immediately suspend the license of a licensed athletic trainer	97110
prior to holding a hearing in accordance with Chapter 119. of the	97111
Revised Code if it determines, based on the complaint, that the	97112
licensee poses an immediate threat to the public. The <u>section may</u>	97113
<u>review the allegations and vote on the suspension by telephone</u>	97114
<u>conference call. If the section votes to suspend a license under</u>	97115

this division, the section shall ~~notify~~ issue a written order of 97116
summary suspension to the licensed athletic trainer ~~of the~~ 97117
~~suspension~~ in accordance with section 119.07 of the Revised Code. 97118
If the individual whose license is suspended fails to make a 97119
timely request for an adjudication under Chapter 119. of the 97120
Revised Code, the section shall enter a final order permanently 97121
revoking the individual's license. Notwithstanding section 119.12 97122
of the Revised Code, a court of common pleas shall not grant a 97123
suspension of the section's order of summary suspension pending 97124
the determination of an appeal filed under that section. Any order 97125
of summary suspension issued under this division shall remain in 97126
effect, unless reversed on appeal, until a final adjudication 97127
order issued by the section pursuant to division (A) of this 97128
section becomes effective. The section shall issue its final 97129
adjudication order regarding an order of summary suspension issued 97130
under this division not later than ninety days after completion of 97131
its hearing. Failure to issue the order within ninety days shall 97132
result in immediate dissolution of the suspension order, but shall 97133
not invalidate any subsequent, final adjudication order. 97134

Sec. 4758.10. (A) There is hereby created the chemical 97135
dependency professionals board. 97136

(B) The governor shall appoint all of the following voting 97137
members of the board with the advice and consent of the senate: 97138

(1) Four individuals who hold a valid independent chemical 97139
dependency counselor-clinical supervisor license or independent 97140
chemical dependency counselor license issued under this chapter, 97141
including at least two of whom have received at least a master's 97142
degree in a field related to chemical dependency counseling from 97143
an accredited educational institution; 97144

(2) Two individuals who hold a valid chemical dependency 97145
counselor III license issued under this chapter; 97146

(3) One individual who holds a valid chemical dependency counselor II license issued under this chapter;	97147 97148
(4) Two individuals who hold a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter;	97149 97150 97151
(5) One individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling;	97152 97153 97154 97155
(6) Two individuals who represent the public and have not practiced chemical dependency counseling or alcohol and other drug prevention services and have not been involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services. At least one of these individuals shall be at least sixty <u>fifty</u> years of age. During their terms, the public members shall not practice chemical dependency counseling or alcohol and other drug prevention services or be involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services.	97156 97157 97158 97159 97160 97161 97162 97163 97164 97165
(C) Not later than ninety days after December 23, 2002, the director of alcohol and drug addiction services <u>mental health and addiction services</u> shall appoint an individual who represents the department of alcohol and drug addiction services <u>mental health and addiction services</u> to serve as an ex officio member of the chemical dependency professionals board.	97166 97167 97168 97169 97170 97171
(D) Not more than one-half of the voting members of the board may be of the same gender or members of the same political party. At least two voting members of the board shall be of African, Native American, Hispanic, or Asian descent.	97172 97173 97174 97175
Sec. 4758.11. Of the initial appointees to the chemical	97176

dependency professionals board appointed by the governor under 97177
division (B) of section 4758.10 of the Revised Code, four shall be 97178
appointed for terms ending one year after ~~the effective date of~~ 97179
~~this section~~ December 23, 2002, four shall be appointed for terms 97180
ending two years after ~~the effective date of this section~~ December 97181
23, 2002, and four shall be appointed for terms ending three years 97182
after ~~the effective date of this section~~ December 23, 2002. After 97183
the initial appointments, terms of office shall be three years, 97184
each term ending on the same day of the same month of the year as 97185
the term it succeeds. 97186

A voting member of the board shall hold office from the date 97187
of appointment until the end of the term for which the member was 97188
appointed. A voting member appointed to fill a vacancy occurring 97189
prior to the expiration of the term for which the member's 97190
predecessor was appointed shall hold office for the remainder of 97191
that term. A voting member shall continue in office after the 97192
expiration date of the member's term until the member's successor 97193
takes office or until a period of sixty days has elapsed, 97194
whichever occurs first. Voting members may be reappointed, except 97195
that an individual who has held office for two consecutive full 97196
terms shall not be reappointed sooner than one year after the 97197
expiration of the second full term. 97198

The ex officio member of the board appointed by the director 97199
of ~~alcohol and drug addiction services~~ mental health and addiction 97200
services under division (C) of section 4758.10 of the Revised Code 97201
shall serve at the pleasure of the director. 97202

Sec. 4761.01. As used in this chapter: 97203

(A) "Respiratory care" means rendering or offering to render 97204
to individuals, groups, organizations, or the public any service 97205
involving the evaluation of cardiopulmonary function, the 97206
treatment of cardiopulmonary impairment, the assessment of 97207

treatment effectiveness, and the care of patients with 97208
deficiencies and abnormalities associated with the cardiopulmonary 97209
system. The practice of respiratory care includes: 97210

(1) Obtaining, analyzing, testing, measuring, and monitoring 97211
blood and gas samples in the determination of cardiopulmonary 97212
parameters and related physiologic data, including flows, 97213
pressures, and volumes, and the use of equipment employed for this 97214
purpose; 97215

(2) Administering, monitoring, recording the results of, and 97216
instructing in the use of medical gases, aerosols, and 97217
bronchopulmonary hygiene techniques, including drainage, 97218
aspiration, and sampling, and applying, maintaining, and 97219
instructing in the use of artificial airways, ventilators, and 97220
other life support equipment employed in the treatment of 97221
cardiopulmonary impairment and provided in collaboration with 97222
other licensed health care professionals responsible for providing 97223
care; 97224

(3) Performing cardiopulmonary resuscitation and respiratory 97225
rehabilitation techniques; 97226

(4) Administering medications for the testing or treatment of 97227
cardiopulmonary impairment. 97228

(B) "Respiratory care professional" means a person who is 97229
licensed under this chapter to practice the full range of 97230
respiratory care services as defined in division (A) of this 97231
section. 97232

(C) "Physician" means an individual authorized under Chapter 97233
4731. of the Revised Code to practice medicine and surgery or 97234
osteopathic medicine and surgery. 97235

(D) "Registered nurse" means an individual licensed under 97236
Chapter 4723. of the Revised Code to engage in the practice of 97237
nursing as a registered nurse. 97238

(E) "Hospital" means a facility that meets the operating standards of section 3727.02 of the Revised Code. 97239
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(F) "Nursing facility" has the same meaning as in section 5111.20 5165.01 of the Revised Code. 97241
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Sec. 4776.01. As used in this chapter: 97243

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction. 97244
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(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency. 97253
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(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following: 97256
97257

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., ~~and 4779.~~ and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises. 97258
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(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code. 97264
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(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license 97267
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by reciprocity, endorsement, or similar manner of a license issued 97269
in another state. 97270

(E) "Applicant for a restored license" includes persons 97271
seeking restoration of a certificate under section 4730.14, 97272
4731.281, 4760.06, or 4762.06 of the Revised Code. 97273

(F) "Criminal records check" has the same meaning as in 97274
section 109.572 of the Revised Code. 97275

Sec. 4778.02. (A)(1) Except as provided in division (B) of 97276
this section, no person shall practice as a genetic counselor 97277
unless the person holds a current, valid license to practice as a 97278
genetic counselor issued under this chapter. 97279

(2) No person shall use the title "genetic counselor," or 97280
otherwise hold the person out as a genetic counselor, unless the 97281
person holds a current, valid license to practice as a genetic 97282
counselor issued under this chapter. 97283

(B) Division (A)(1) of this section does not apply to either 97284
of the following: 97285

(1) A student performing an activity as part of a genetic 97286
counseling graduate program described in division (B)~~(2)~~(1)(b) of 97287
section 4778.03 of the Revised Code; 97288

(2) A person who is authorized pursuant to another provision 97289
of the Revised Code to perform any of the activities that a 97290
genetic counselor is authorized to perform. 97291

Sec. 4778.03. (A) An individual seeking a license to practice 97292
as a genetic counselor shall file with the state medical board an 97293
application in a manner prescribed by the board. The application 97294
shall include all the information the board considers necessary to 97295
process the application, including evidence satisfactory to the 97296
board that the applicant meets the requirements specified in 97297

division (B) of this section. 97298

At the time an application is submitted, the applicant shall 97299
pay the board an application fee of two hundred dollars. No part 97300
of the fee shall be returned to the applicant or transferred for 97301
purposes of another application. 97302

(B)(1) To be eligible to receive a license to practice as a 97303
genetic counselor, an applicant shall demonstrate to the board 97304
that the applicant meets all of the following requirements: 97305

~~(1)~~(a) Is at least eighteen years of age and of good moral 97306
character; 97307

~~(2)~~ ~~Has~~ (b) Except as provided in division (B)(2) of this 97308
section, has attained a master's degree or higher degree from a 97309
genetic counseling graduate program accredited by the American 97310
board of genetic counseling, inc.; 97311

~~(3)~~(c) Is a certified genetic counselor; 97312

~~(4)~~(d) Has satisfied any other requirements established by 97313
the board in rules adopted under section 4778.12 of the Revised 97314
Code. 97315

(2) In the case of an applicant who files an application not 97316
later than December 31, 2013, and meets all eligibility 97317
requirements other than the requirement specified in division 97318
(B)(1)(b) of this section, the applicant is eligible for a license 97319
to practice as a genetic counselor if the applicant has attained a 97320
master's or higher degree in education or in a field that the 97321
state medical board considers to be closely related to genetic 97322
counseling. 97323

(C) The board shall review all applications received under 97324
this section. Not later than sixty days after receiving an 97325
application it considers complete, the board shall determine 97326
whether the applicant meets the requirements for a license to 97327

practice as a genetic counselor. The affirmative vote of not fewer 97328
than six members of the board is required to determine that the 97329
applicant meets the requirements for the license. 97330

Sec. 4781.121. (A) The manufactured homes commission, 97331
pursuant to section 4781.04 of the Revised Code, may investigate 97332
any person who allegedly has committed a violation. If, after an 97333
investigation the commission determines that reasonable evidence 97334
exists that a person has committed a violation, within seven days 97335
after that determination, the commission shall send a written 97336
notice to that person in the same manner as prescribed in section 97337
119.07 of the Revised Code for licensees, except that the notice 97338
shall specify that a hearing will be held and specify the date, 97339
time, and place of the hearing. 97340

(B) The commission shall hold a hearing regarding the alleged 97341
violation in the same manner prescribed for an adjudication 97342
hearing under section 119.09 of the Revised Code. If the 97343
commission, after the hearing, determines that a violation has 97344
occurred, the commission, upon an affirmative vote of five of its 97345
members, may impose a fine not exceeding one thousand dollars per 97346
violation per day. The commission's determination is an order that 97347
the person may appeal in accordance with section 119.12 of the 97348
Revised Code. 97349

(C) If the person who allegedly committed a violation fails 97350
to appear for a hearing, the commission may request the court of 97351
common pleas of the county where the alleged violation occurred to 97352
compel the person to appear before the commission for a hearing. 97353

(D) If the commission assesses a person a civil penalty for a 97354
violation and the person fails to pay that civil penalty within 97355
the time period prescribed by the commission pursuant to section 97356
131.02 of the Revised Code, the commission shall forward to the 97357
attorney general the name of the person and the amount of the 97358

civil penalty for the purpose of collecting that civil penalty. In 97359
addition to the civil penalty assessed pursuant to this section, 97360
the person also shall pay any fee assessed by the attorney general 97361
for collection of the civil penalty. 97362

(E) The authority provided to the commission pursuant to this 97363
section, and any fine imposed under this section, shall be in 97364
addition to, and not in lieu of, all penalties and other remedies 97365
provided in this chapter. Any fines collected pursuant to this 97366
section shall be used solely to administer and enforce this 97367
chapter and rules adopted under it. Any fees collected pursuant to 97368
this section shall be transmitted to the treasurer of state and 97369
shall be credited to the manufactured homes commission regulatory 97370
fund created in section 4781.54 of the Revised Code and the rules 97371
adopted thereunder. The fees shall be used only for the purpose of 97372
administering and enforcing sections 4781.26 to 4781.35 of the 97373
Revised Code and the rules adopted thereunder. 97374

(F) As used in this section, "violation" means a violation of 97375
section 4781.11, 4781.16, or 4781.27 of the Revised Code, or any 97376
rule adopted pursuant to ~~section 4781.04, of the Revised Code~~ this 97377
chapter. 97378

Sec. 4781.28. The manufactured homes commission may charge a 97379
fee for an annual license to operate a manufactured home park. The 97380
fee for a license shall be determined in accordance with section 97381
~~4781.26~~ 4781.27 of the Revised Code and shall include the cost of 97382
licensing and all inspections. 97383

Any fees collected shall be transmitted to the treasurer of 97384
state and shall be credited to the manufactured homes commission 97385
regulatory fund created in section 4781.54 of the Revised Code and 97386
used only for the purpose of administering and enforcing sections 97387
4781.26 to 4781.35 of the Revised Code and the rules adopted 97388
thereunder. 97389

Sec. 4781.29. The manufactured homes commission may refuse to grant, may suspend, or may revoke any license granted to any person for failure to comply with ~~sections 4781.26 to 4781.35 of the Revised Code~~ this chapter or with any rule adopted under ~~section 4781.26 of the Revised Code~~ this chapter.

Sec. 4783.01. As used in this chapter:

(A) "Certified Ohio behavior analyst" means an individual holding a current, valid certificate issued under section 4783.04 of the Revised Code.

(B)(1) "Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the following:

(a) The empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis;

(b) Interventions based on scientific research and the direct observation and measurement of behavior and the environment;

(c) Utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

(2) "Practice of applied behavior analysis" does not include psychological testing, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

Sec. 4783.02. (A) Except as otherwise provided in division

<u>(B) of this section, no person shall do either of the following:</u>	97419
<u>(1) Engage in the practice of applied behavior analysis in</u>	97420
<u>this state without holding a certificate issued under section</u>	97421
<u>4783.04 of the Revised Code;</u>	97422
<u>(2) Hold the person's self out to be a certified Ohio</u>	97423
<u>behavior analyst unless the person holds a certificate issued</u>	97424
<u>under section 4783.04 of the Revised Code.</u>	97425
<u>(B) This chapter does not apply to any of the following:</u>	97426
<u>(1) An individual licensed under Chapter 4732. of the Revised</u>	97427
<u>Code to practice psychology, if the practice of applied behavior</u>	97428
<u>analysis engaged in by the licensed psychologist is within the</u>	97429
<u>licensed psychologist's education, training, and experience;</u>	97430
<u>(2) An individual acting under the authority and direction of</u>	97431
<u>an individual described in division (B)(1) of this section;</u>	97432
<u>(3) An individual practicing applied behavior analysis who is</u>	97433
<u>supervised by a certified Ohio behavior analyst and acting under</u>	97434
<u>the authority and direction of that certified Ohio behavior</u>	97435
<u>analyst;</u>	97436
<u>(4) The delivery of interventions by a direct care provider</u>	97437
<u>or family member to implement components of an applied behavior</u>	97438
<u>analysis treatment plan.</u>	97439
<u>(5) A behavior analyst who practices with nonhuman or</u>	97440
<u>nonpatient clients or consumers, including applied animal</u>	97441
<u>behaviorists and practitioners of organizational behavior</u>	97442
<u>management;</u>	97443
<u>(6) A licensed professional authorized to practice in this</u>	97444
<u>state who, in the offering or rendering of services, does not</u>	97445
<u>represent oneself in any printed materials or verbally by</u>	97446
<u>incorporating the term "applied behavior analyst," if the services</u>	97447
<u>of the licensed professional are within the scope of practice of</u>	97448

the licensing law governing the licensed professional and the 97449
services performed are commensurate with the licensed 97450
professional's education, training, and experience; 97451

(7) A matriculated graduate student or postdoctoral trainee 97452
whose activities are part of a defined program of study or 97453
professional training; 97454

(8) An individual employed by an agency that falls under the 97455
jurisdiction of the department of developmental disabilities when 97456
the individual is acting in the scope of that employment; 97457

(9) A professional employed in a school or other setting that 97458
falls under the regulation of the state board of education when 97459
the professional is acting within the scope of that employment. 97460

(C) For purposes of division (B)(2) or (3) of this section, 97461
an individual is not subject to this chapter only if the licensed 97462
psychologist or the certified Ohio behavior analyst under whose 97463
authority and direction the individual is acting pursuant to 97464
division (B)(2) or (3) of this section signs an attestation 97465
stating that the licensed psychologist or certified Ohio behavior 97466
analyst is responsible for the care provided by the individual. 97467

Sec. 4783.03. (A) The state board of psychology shall 97468
administer and enforce this chapter. The board shall adopt rules 97469
under Chapter 119. of the Revised Code establishing all of the 97470
following: 97471

(1) Procedures and requirements for applying for a 97472
certificate issued under section 4783.04 of the Revised Code; 97473

(2) Fees for issuance of a certificate; 97474

(3) Reductions of the hours of continuing education required 97475
by section 4783.05 of the Revised Code for persons in their first 97476
certificate period. 97477

(B) The board may adopt additional rules in accordance with 97478

Chapter 119. of the Revised Code as the board determines are 97479
necessary to implement and enforce this chapter. 97480

Sec. 4783.04. (A) An individual seeking a certificate to 97481
practice as a certified Ohio behavior analyst shall file with the 97482
state board of psychology a written application on a form 97483
prescribed and supplied by the board. To be eligible for a 97484
certificate, the individual shall do all of the following: 97485

(1) Demonstrate that the applicant is of good moral character 97486
and conducts the applicant's professional activities in accordance 97487
with accepted professional and ethical standards; 97488

(2) Comply with sections 4776.01 to 4776.04 of the Revised 97489
Code; 97490

(3) Demonstrate an understanding of the law regarding 97491
behavioral health practice; 97492

(4) Demonstrate current certification as a board certified 97493
behavior analyst by the behavior analyst certification board or 97494
its successor organization or demonstrate completion of equivalent 97495
requirements and passage of a psychometrically valid examination 97496
administered by a nationally accredited credentialing 97497
organization; 97498

(5) Pay the fee established by the state board of psychology. 97499

(B) The state board of psychology shall review all 97500
applications received under this section. The state board of 97501
psychology shall not grant a certificate to an applicant for an 97502
initial certificate unless the applicant complies with sections 97503
4776.01 to 4776.04 of the Revised Code and the state board of 97504
psychology, in its discretion, decides that the results of the 97505
criminal records check do not make the applicant ineligible for a 97506
certificate issued pursuant to section 4783.09 of the Revised 97507
Code. If the state board of psychology determines that an 97508

applicant satisfies the requirements for a certificate to practice 97509
as a certified Ohio behavior analyst, the state board of 97510
psychology shall issue the applicant a certificate. 97511

Sec. 4783.05. (A)(1) Except as otherwise provided in this 97512
division, a certificate issued under this chapter is valid for a 97513
period of two years. On or before the thirty-first day of August 97514
of each even-numbered year, each certified Ohio behavior analyst 97515
shall do both of the following: 97516

(a) Register with the state board of psychology on a form 97517
prescribed by the board, giving the certified Ohio behavior 97518
analyst's name, address, certificate number, the continuing 97519
education information required under division (B) of this section, 97520
and any other reasonable information as the board requires; 97521

(b) Pay to the board secretary a biennial registration fee in 97522
an amount of one hundred fifty dollars. 97523

(2) An individual who is issued a certificate under section 97524
4783.04 of the Revised Code for the first time on or before the 97525
thirty-first day of August of an even-numbered year shall next be 97526
required to register on or before the thirty-first day of August 97527
of the next even-numbered year. 97528

(B) Every two years a certified Ohio behavior analyst who 97529
wishes to renew the certified Ohio behavior analyst's certificate 97530
issued under this chapter shall produce proof of not less than 97531
twenty-three hours of continuing education, including not less 97532
than four hours in ethics, professional conduct, or cultural 97533
competency. Continuing education hours may be earned through 97534
providers of continuing education approved by the behavior analyst 97535
certification board or its successor organization or other 97536
organizations approved by the state board of psychology as 97537
providers of continuing education. 97538

Sec. 4783.09. (A) The state board of psychology may refuse to 97539
issue a certificate to any applicant, may issue a reprimand, or 97540
suspend or revoke the certificate of any certified Ohio behavior 97541
analyst, on any of the following grounds: 97542

(1) Conviction of a felony, or of any offense involving moral 97543
turpitude, in a court of this or any other state or in a federal 97544
court; 97545

(2) Using fraud or deceit in the procurement of the 97546
certificate to practice applied behavior analysis or knowingly 97547
assisting another in the procurement of such a certificate through 97548
fraud or deceit; 97549

(3) Accepting commissions or rebates or other forms of 97550
remuneration for referring persons to other professionals; 97551

(4) Willful, unauthorized communication of information 97552
received in professional confidence; 97553

(5) Being negligent in the practice of applied behavior 97554
analysis; 97555

(6) Using any controlled substance or alcoholic beverage to 97556
an extent that such use impairs the person's ability to perform 97557
the work of a certified Ohio behavior analyst with safety to the 97558
public; 97559

(7) Violating any rule of professional conduct promulgated by 97560
the board; 97561

(8) Practicing in an area of applied behavior analysis for 97562
which the person is clearly untrained or incompetent; 97563

(9) An adjudication by a court, as provided in section 97564
5122.301 of the Revised Code, that the person is incompetent for 97565
the purpose of holding the certificate; 97566

(10) Waiving the payment of all or any part of a deductible 97567

or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 97568
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(11) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay. 97573
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(B) For purposes of division (A)(9) of this section, a person may have the person's certificate issued or restored only upon determination by a court that the person is competent for the purpose of holding the certificate and upon the decision by the board that the certificate be issued or restored. The board may require an examination prior to such issuance or restoration. 97578
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(C) Notwithstanding divisions (A)(10) and (11) of this section, sanctions shall not be imposed against any certificate holder who waives deductibles and copayments: 97584
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request. 97587
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(2) For professional services rendered to any other person holding a certificate issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board. 97592
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(D) Except as provided in section 4783.10 of the Revised Code, before the board may deny, suspend, or revoke a certificate under this section, or otherwise discipline the holder of a certificate, written charges shall be filed with the board by the 97595
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secretary and a hearing shall be had thereon in accordance with 97599
Chapter 119. of the Revised Code. 97600

Sec. 4783.10. On receipt of a complaint that any of the 97601
grounds listed in division (A) of section 4783.09 of the Revised 97602
Code exist, the state board of psychology may suspend the 97603
certificate of the certified Ohio behavior analyst prior to 97604
holding a hearing in accordance with Chapter 119. of the Revised 97605
Code if it determines, based on the complaint, that an immediate 97606
threat to the public exists. 97607

After suspending a certificate pursuant to this section, the 97608
board shall notify the certified Ohio behavior analyst of the 97609
suspension in accordance with section 119.07 of the Revised Code. 97610
If the individual whose certificate is suspended fails to make a 97611
timely request for an adjudication under Chapter 119. of the 97612
Revised Code, the board shall enter a final order permanently 97613
revoking the individual's certificate. 97614

Sec. 4783.11. (A) Except as provided in division (B) of this 97615
section, if, at the conclusion of a hearing required by section 97616
4783.09 of the Revised Code, the state board of psychology 97617
determines that a certified Ohio behavior analyst has engaged in 97618
sexual conduct or had sexual contact with the certified Ohio 97619
behavior analyst's patient or client in violation of any 97620
prohibition contained in Chapter 2907. of the Revised Code, the 97621
board shall do one of the following: 97622

(1) Suspend the certified Ohio behavior analyst's 97623
certificate; 97624

(2) Permanently revoke the certified Ohio behavior analyst's 97625
certificate. 97626

(B) If the board determines at the conclusion of the hearing 97627
that neither of the sanctions described in division (A) of this 97628

section is appropriate, the board shall impose another sanction it 97629
considers appropriate and issue a written finding setting forth 97630
the reasons for the sanction imposed and the reason that neither 97631
of the sanctions described in division (A) of this section is 97632
appropriate. 97633

Sec. 4783.12. On receipt of a notice pursuant to section 97634
3123.43 of the Revised Code, the state board of psychology shall 97635
comply with sections 3123.41 to 3123.50 of the Revised Code and 97636
any applicable rules adopted under section 3123.63 of the Revised 97637
Code with respect to a certificate issued pursuant to this 97638
chapter. 97639

Sec. 4783.13. The state board of psychology shall comply with 97640
section 4776.20 of the Revised Code. 97641

Sec. 4783.99. Whoever violates division (A) of section 97642
4783.02 of the Revised Code shall be fined not less than one 97643
hundred dollars nor more than five hundred dollars or imprisoned 97644
for not less than six months nor more than one year, or both. Each 97645
violation shall be a separate offense. 97646

Sec. 4906.20. (A) No person shall commence to construct an 97647
economically significant wind farm in this state without first 97648
having obtained a certificate from the power siting board. An 97649
economically significant wind farm with respect to which such a 97650
certificate is required shall be constructed, operated, and 97651
maintained in conformity with that certificate and any terms, 97652
conditions, and modifications it contains. A certificate shall be 97653
issued only pursuant to this section. The certificate may be 97654
transferred, subject to the approval of the board, to a person 97655
that agrees to comply with those terms, conditions, and 97656
modifications. 97657

(B) The board shall adopt rules governing the certificating 97658
of economically significant wind farms under this section. Initial 97659
rules shall be adopted within one hundred twenty days after June 97660
24, 2008. 97661

(1) The rules shall provide for an application process for 97662
certificating economically significant wind farms that is 97663
identical to the extent practicable to the process applicable to 97664
certificating major utility facilities under sections 4906.06, 97665
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 97666
Revised Code and shall prescribe a reasonable schedule of 97667
application filing fees structured in the manner of the schedule 97668
of filing fees required for major utility facilities. 97669

(2) Additionally, the rules shall prescribe reasonable 97670
regulations regarding any wind turbines and associated facilities 97671
of an economically significant wind farm, including, but not 97672
limited to, their location, erection, construction, 97673
reconstruction, change, alteration, maintenance, removal, use, or 97674
enlargement and including erosion control, aesthetics, 97675
recreational land use, wildlife protection, interconnection with 97676
power lines and with regional transmission organizations, 97677
independent transmission system operators, or similar 97678
organizations, ice throw, sound and noise levels, blade shear, 97679
shadow flicker, decommissioning, and necessary cooperation for 97680
site visits and enforcement investigations. The rules also shall 97681
prescribe a minimum setback for a wind turbine of an economically 97682
significant wind farm. That minimum shall be equal to a horizontal 97683
distance, from the turbine's base to the property line of the wind 97684
farm property, equal to one and one-tenth times the total height 97685
of the turbine structure as measured from its base to the tip of 97686
its highest blade and be at least ~~seven~~ one thousand one hundred 97687
fifty twenty-five feet in horizontal distance from the tip of the 97688
turbine's nearest blade at ninety degrees to the exterior of the 97689

nearest, habitable, residential structure, if any, located on 97690
adjacent property at the time of the certification application. 97691
For any existing certificates and amendments thereto, and existing 97692
certification applications that have been found by the chairperson 97693
to be in compliance with division (A) of section 4906.06 of the 97694
Revised Code before the effective date of the amendment of this 97695
section by H.B. 59 of the 130th general assembly, the distance 97696
shall be seven hundred fifty feet instead of one thousand one 97697
hundred twenty-five feet. The setback shall apply in all cases 97698
except those in which all owners of property adjacent to the wind 97699
farm property waive application of the setback to that property 97700
pursuant to a procedure the board shall establish by rule and 97701
except in which, in a particular case, the board determines that a 97702
setback greater than the minimum is necessary. 97703

Sec. 4906.201. An electric generating plant that consists of 97704
wind turbines and associated facilities with a single 97705
interconnection to the electrical grid that is designed for, or 97706
capable of, operation at an aggregate capacity of fifty megawatts 97707
or more is subject to the minimum setback requirements established 97708
in rules adopted by the power siting board under division (B)(2) 97709
of section 4906.20 of the Revised Code. For any existing 97710
certificates and amendments thereto, and existing certification 97711
applications that have been found by the chairperson to be in 97712
compliance with division (A) of section 4906.06 of the Revised 97713
Code before the effective date of the amendment of this section by 97714
H.B. 59 of the 130th general assembly, the distance shall be seven 97715
hundred fifty feet instead of one thousand one hundred twenty-five 97716
feet. 97717

Sec. 4909.157. (A) The public utilities commission may 97718
authorize a natural gas company or gas company to recover 97719
environmental remediation costs to which both of the following 97720

apply: 97721

(1) They are prudently incurred before January 1, 2025. 97722

(2) They are related to real property that, at the time 97723
recovery is authorized, is or was used for the provision of public 97724
utility service. 97725

(B) Recovery under division (A) of this section may be 97726
provided for through the establishment of a mechanism by the 97727
commission. Any such mechanism shall set forth the specific terms 97728
of the recovery. The mechanism shall cause recovery to occur 97729
through a uniform percentage applied to base distribution revenue. 97730

(C) If the commission authorizes recovery under this section, 97731
the company, upon the sale of the property described in division 97732
(A)(2) of this section, shall return to the company's customers 97733
the difference between the sale price of the property, minus any 97734
reasonable expenses related to the sale, and the fair market value 97735
of the property prior to remediation. 97736

(D) Divisions (A)(1) and (4) of section 4909.15 of the 97737
Revised Code do not preclude the recovery of environmental 97738
remediation costs as described in this section. 97739

Sec. 4955.32. (A) ~~Every company shall attach to each~~ 97740
~~locomotive engine passing upon its railroad a bell of the ordinary~~ 97741
~~size in use on such engines and a steam or compressed air whistle~~ 97742
As used in this section, "lite locomotive consist" means a consist 97743
of locomotives not attached to any piece of equipment or attached 97744
only to a caboose. 97745

(B) ~~When an engine~~ the locomotive in motion and the lead of a 97746
~~train, when a lite locomotive consist, or when an individual~~ 97747
locomotive is approaching a ~~turnpike,~~ public highway, ~~or street~~ 97748
~~crossing or private a grade crossing where the view of such~~ 97749
~~crossing is obstructed by embankment, trees, curve, or other~~ 97750

~~obstruction to view, upon the same line with the crossing, and in
like manner where the railroad crosses any other traveled place,
by bridge or otherwise, either of the following shall occur:~~ 97751
97752
97753

(1) The engineer or person in charge of ~~such engine the~~ 97754
locomotive shall sound ~~such whistle at a distance of at least~~ 97755
~~eighty and not further than one hundred rods from such crossing~~ 97756
~~and ring such bell continuously until the engine passes the~~ 97757
~~crossing~~ the locomotive horn in accordance with 49 C.F.R. part 97758
222; 97759

(2) An alternative audible warning system approved by the 97760
public utilities commission under section 4955.321 of the Revised 97761
Code shall be activated in accordance with guidelines established 97762
by the ~~public utilities~~ commission. 97763

~~(C) This section shall not interfere with the proper~~ 97764
~~observance of an ordinance passed by the legislative authority of~~ 97765
~~a municipal corporation regulating the management of railroads,~~ 97766
~~locomotives, and steam whistles on locomotives, within the limits~~ 97767
~~of such municipal corporation.~~ 97768

~~(D)~~ The establishment of an alternative audible warning 97769
system does not preclude the sounding of a ~~whistle~~ locomotive horn 97770
by an engineer or other person in charge of ~~an engine~~ a locomotive 97771
in an emergency situation, as determined by the sole judgment of 97772
the engineer or other person. 97773

Sec. 4955.321. The public utilities commission may evaluate 97774
alternative systems for providing an audible warning of an 97775
approaching locomotive ~~engine~~. The commission may approve the use 97776
of an audible warning system as an alternative to the ~~whistle and~~ 97777
~~bell~~ horn sounding required under division (B)(1) of section 97778
4955.32 of the Revised Code only if it determines that the 97779
alternative audible warning system complies with applicable 97780
federal requirements for an audible warning of an approaching 97781

train and only if train-activated warning devices also are present 97782
at any public highway or grade crossing at which the alternative 97783
audible warning system is installed. The commission shall 97784
establish guidelines for the use and operation of any alternative 97785
audible warning system it approves. 97786

Sec. 4955.322. The sounding of a locomotive horn at a private 97787
crossing or the failure to sound a locomotive horn at a private 97788
crossing is not a basis for a civil action against the railroad 97789
company that operated the locomotive, a board of county 97790
commissioners, or any local authority, or against the employees or 97791
agents of the company, board, or authority. 97792

Sec. 4955.34. Every engineer or person in charge of an engine 97793
a locomotive who fails to comply with section 4955.32 of the 97794
Revised Code is personally liable to a penalty of not less than 97795
fifty nor more than one hundred dollars, to be recovered by civil 97796
action at the suit of the state in the court of common pleas of a 97797
county in which the public highway or grade crossing is located. 97798
97799

The company in whose employ such engineer or person in charge 97800
of ~~an engine~~ a locomotive is, as well as the engineer or person 97801
~~himself~~ in charge, is liable in damages to a person or company 97802
injured in person or property by such neglect or act of such 97803
engineer or person in charge. 97804

Sec. 4955.44. (A) On and after the date of first operation of 97805
a railroad quiet zone established pursuant to section 4955.42 of 97806
the Revised Code, divisions (B)(1) and (2) of section 4955.32 ~~and 97807~~
~~division (A)(2) of section 4999.04~~ of the Revised Code do not 97808
apply with respect to a ~~public or private grade crossing included 97809~~
~~in~~ the zone. 97810

(B) The establishment of a railroad quiet zone pursuant to 97811

sections 4955.41 to 4955.47 of the Revised Code does not preclude 97812
the sounding of a locomotive whistle, horn, bell, or other audible 97813
device by an engineer or other person in charge of the locomotive 97814
to address a perceived potential for injury, death, or loss to 97815
person or property, as determined by the sole judgment of the 97816
engineer or other person. 97817

(C) The commission may suspend summarily the operation of a 97818
quiet zone established pursuant to section 4955.42 of the Revised 97819
Code if the commission, through any source, obtains sufficient, 97820
credible evidence showing that a condition at a public grade 97821
crossing located within a quiet zone has changed to such an extent 97822
that, even with the continuing existence of the supplemental 97823
safety measures at the crossing, the quiet zone no longer 97824
qualifies as such under federal law or the commission determines 97825
that public safety is otherwise compromised at the crossing. 97826
Within fifteen days following the quiet zone suspension date 97827
described in this division, the commission shall hold a hearing in 97828
the general vicinity of the quiet zone in question to determine 97829
whether the quiet zone suspension should be lifted or continued, 97830
or whether commission approval of the quiet zone should be 97831
rescinded and the quiet zone eliminated. 97832

Sec. 4955.47. No railroad company and no employee or agent of 97833
the company shall be charged, or is liable in damages to person or 97834
property, for any failure to sound an audible warning by whistle, 97835
horn, bell, or other audible warning device at a ~~public or private~~ 97836
railroad grade crossing to which any of the following apply: 97837

(A) The crossing is equipped in accordance with division 97838
(B)(2) of section 4955.32 of the Revised Code ~~or.~~ 97839

(B) The crossing is located in a railroad quiet zone 97840
established pursuant to section 4955.42 of the Revised Code ~~or.~~ 97841

(C) The crossing is located in a jurisdiction in which such 97842

sounding is restricted or prohibited by law. 97843

Sec. 4999.04. (A) No person in charge of a locomotive shall 97844
~~do the following:~~ 97845

~~(1) Fail~~ fail to bring the locomotive to a full stop at least 97846
two hundred feet before arriving at a crossing with another track, 97847
or proceed through the crossing before signaled to do so or before 97848
the way is clear: 97849

~~(2) When approaching a grade crossing, fail to sound the 97850
locomotive whistle at frequent intervals, beginning not less than 97851
thirteen hundred twenty feet from such crossing and continuing 97852
until the locomotive has passed the crossing. 97853~~

(B) (1) Whoever violates this section or fails to comply with 97854
division (B)(1) of section 4955.32 of the Revised Code is guilty 97855
of a misdemeanor of the fourth degree. If the violation of this 97856
section or failure to comply causes physical harm to any person, 97857
whoever violates this section or fails to comply with division 97858
(B)(1) of section 4955.32 of the Revised Code is guilty of a 97859
misdemeanor of the third degree. 97860

(2) With respect to a charge of violating division (B)(1) of 97861
this section for a failure to comply with division (B)(1) of 97862
section 4955.32 of the Revised Code, it is an affirmative defense 97863
that an alternative audible warning system described in division 97864
(B)(2) of that section was activated. 97865

Sec. 5101.01. (A) As used in the Revised Code, the 97866
"department of public welfare" and the "department of human 97867
services" mean the department of job and family services and the 97868
"director of public welfare" and the "director of human services" 97869
mean the director of job and family services. ~~Whenever~~ Except as 97870
provided in section 5160.011 of the Revised Code, whenever the 97871
department or director of public welfare or the department or 97872

director of human services is referred to or designated in any 97873
statute, rule, contract, grant, or other document, the reference 97874
or designation shall be deemed to refer to the department or 97875
director of job and family services, as the case may be. 97876

(B) As used in this chapter: 97877

(1) References to a county department of job and family 97878
services include a joint county department of job and family 97879
services established under section 329.40 of the Revised Code. 97880

(2) References to a board of county commissioners include the 97881
board of directors of a joint county department of job and family 97882
services established under section 329.40 of the Revised Code. 97883

Sec. 5101.101. (A) This section establishes the order of 97884
priority to be followed by the department of job and family 97885
services when distributing funds for the purpose of providing 97886
family planning services, including funds the department receives 97887
through Title XX of the "Social Security Act," 88 Stat. 2337 97888
(1974), 42 U.S.C. 1397, as amended, and funds the department 97889
receives through Title IV-A of the "Social Security Act," 110 97890
Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for 97891
purposes of providing Title XX social services. This section does 97892
not apply to payments made under the medicaid program. 97893

(B) With respect to each period during which funds from a 97894
particular source are distributed for the purpose of providing 97895
family planning services, the department is subject to both of the 97896
following when distributing the funds to applicants seeking those 97897
funds: 97898

(1) Foremost priority shall be given to public entities that 97899
are operated by state or local government entities and that 97900
provide or are able to provide family planning services. 97901

(2) If any funds remain after the department distributes 97902

funds to public entities under division (B)(1) of this section, 97903
the department may distribute funds to nonpublic entities. If 97904
funds are distributed to nonpublic entities, the department shall 97905
distribute the funds in the following order of descending 97906
priority: 97907

(a) Nonpublic entities that are federally qualified health 97908
centers or federally qualified health center look-alikes, both as 97909
defined in section 3701.047 of the Revised Code, or community 97910
action agencies, as defined in section 122.66 of the Revised Code; 97911

(b) Nonpublic entities that provide comprehensive primary and 97912
preventive care services in addition to family planning services; 97913

(c) Nonpublic entities that provide family planning services, 97914
but do not provide comprehensive primary and preventive care 97915
services. 97916

~~Sec. 5101.11. This section does not apply to contracts~~ 97917
~~entered into under section 5111.90 or 5111.91 of the Revised Code.~~ 97918

(A) As used in this section: 97919

(1) "Entity" includes an agency, board, commission, or 97920
department of the state or a political subdivision of the state; a 97921
private, nonprofit entity; a school district; a private school; or 97922
a public or private institution of higher education. 97923

(2) "Federal financial participation" means the federal 97924
government's share of expenditures made by an entity in 97925
implementing a program administered by the department of job and 97926
family services. 97927

(B) At the request of any public entity having authority to 97928
implement a program administered by the department of job and 97929
family services or any private entity under contract with a public 97930
entity to implement a program administered by the department, the 97931
department may seek to obtain federal financial participation for 97932

costs incurred by the entity. Federal financial participation may 97933
be sought from programs operated pursuant to Title IV-A, of the 97934
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E, ~~and~~ 97935
~~Title XIX~~ of the "Social Security Act," ~~49 Stat. 620 (1935),~~ 42 97936
U.S.C. 301, ~~as amended~~ 670 et seq.; the Food and Nutrition Act of 97937
2008 (7 U.S.C. 2011 et seq.); and any other statute or regulation 97938
under which federal financial participation may be available, 97939
except that federal financial participation may be sought only for 97940
expenditures made with funds for which federal financial 97941
participation is available under federal law. 97942

(C) All funds collected by the department ~~of job and family~~ 97943
~~services~~ pursuant to division (B) of this section shall be 97944
distributed to the entities that incurred the costs, except for 97945
any amounts retained by the department pursuant to division (D)(3) 97946
of this section. 97947

(D) In distributing federal financial participation pursuant 97948
to this section, the department may either enter into an agreement 97949
with the entity that is to receive the funds or distribute the 97950
funds in accordance with rules adopted under division (F) of this 97951
section. If the department decides to enter into an agreement to 97952
distribute the funds, the agreement may include terms that do any 97953
of the following: 97954

(1) Provide for the whole or partial reimbursement of any 97955
cost incurred by the entity in implementing the program; 97956

(2) In the event that federal financial participation is 97957
disallowed or otherwise unavailable for any expenditure, require 97958
the department ~~of job and family services~~ or the entity, whichever 97959
party caused the disallowance or unavailability of federal 97960
financial participation, to assume responsibility for the 97961
expenditures; 97962

(3) Permit the department to retain not more than five per 97963

cent of the amount of the federal financial participation to be 97964
distributed to the entity; 97965

(4) Require the public entity to certify the availability of 97966
sufficient unencumbered funds to match the federal financial 97967
participation it receives under this section; 97968

(5) Establish the length of the agreement, which may be for a 97969
fixed or a continuing period of time; 97970

(6) Establish any other requirements determined by the 97971
department to be necessary for the efficient administration of the 97972
agreement. 97973

(E) An entity that receives federal financial participation 97974
pursuant to this section for a program aiding children and their 97975
families shall establish a process for collaborative planning with 97976
the department ~~of job and family services~~ for the use of the funds 97977
to improve and expand the program. 97978

(F) The director of job and family services shall adopt rules 97979
as necessary to implement this section, including rules for the 97980
distribution of federal financial participation pursuant to this 97981
section. The rules shall be adopted in accordance with Chapter 97982
119. of the Revised Code. The director may adopt or amend any 97983
statewide plan required by the federal government for a program 97984
administered by the department, as necessary to implement this 97985
section. 97986

(G) Federal financial participation received pursuant to this 97987
section shall not be included in any calculation made under 97988
section 5101.16 or 5101.161 of the Revised Code. 97989

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 97990
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 97991
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 97992

(B) The department of job and family services shall act as 97993

the single state agency to administer federal payments for foster 97994
care and adoption assistance made pursuant to Title IV-E. The 97995
director of job and family services shall adopt rules to implement 97996
this authority. Rules governing financial and administrative 97997
requirements applicable to public children services agencies and 97998
government entities that provide Title IV-E reimbursable placement 97999
services to children shall be adopted in accordance with section 98000
111.15 of the Revised Code, as if they were internal management 98001
rules. Rules governing requirements applicable to private child 98002
placing agencies and private noncustodial agencies and rules 98003
establishing eligibility, program participation, and other 98004
requirements concerning Title IV-E shall be adopted in accordance 98005
with Chapter 119. of the Revised Code. A public children services 98006
agency to which the department distributes Title IV-E funds shall 98007
administer the funds in accordance with those rules. 98008

(C)(1) The county, on behalf of each child eligible for 98009
foster care maintenance payments under Title IV-E, shall make 98010
payments to cover the cost of providing all of the following: 98011

(a) The child's food, clothing, shelter, daily supervision, 98012
and school supplies; 98013

(b) The child's personal incidentals; 98014

(c) Reasonable travel to the child's home for visitation. 98015

(2) In addition to payments made under division (C)(1) of 98016
this section, the county may, on behalf of each child eligible for 98017
foster care maintenance payments under Title IV-E, make payments 98018
to cover the cost of providing the following: 98019

(a) Liability insurance with respect to the child; 98020

(b) If the county is participating in the demonstration 98021
project established under division (A) of section 5101.142 of the 98022
Revised Code, services provided under the project. 98023

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.

(G) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of ~~medical assistance and other~~ social services to children in relation to whom all of the following apply:

(1) They have special needs.

(2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.

(3) They move into this state from another state or move out of this state to another state.

Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:

(1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code.

(2) "Supplemental nutrition assistance program" means the program administered by the department of job and family services

pursuant to section 5101.54 of the Revised Code. 98085

~~(3) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.~~ 98086
98087
98088

~~(4)~~ "Ohio works first" means the program established by Chapter 5107. of the Revised Code. 98089
98090

~~(5)~~(4) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code. 98091
98092

~~(6)~~(5) "Public assistance expenditures" means expenditures for all of the following: 98093
98094

(a) Ohio works first; 98095

(b) County administration of Ohio works first; 98096

(c) Prevention, retention, and contingency; 98097

(d) County administration of prevention, retention, and contingency; 98098
98099

(e) Disability financial assistance; 98100

(f) County administration of disability financial assistance; 98101

(g) County administration of the supplemental nutrition assistance program; 98102
98103

(h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program. 98104
98105
98106

(7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code. 98107
98108

(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal 98109
98110
98111
98112
98113

year 1998 and each state fiscal year thereafter: 98114

(1) The amount that is twenty-five per cent of the county's 98115
total expenditures for disability financial assistance and county 98116
administration of that program during the state fiscal year ending 98117
in the previous calendar year that the department of job and 98118
family services determines are allowable. 98119

(2) The amount that is ten per cent, or other percentage 98120
determined under division (D) of this section, of the county's 98121
total expenditures for county administration of the supplemental 98122
nutrition assistance program and medicaid (excluding 98123
administrative expenditures for transportation services covered by 98124
the medicaid program) during the state fiscal year ending in the 98125
previous calendar year that the department determines are 98126
allowable, less the amount of federal reimbursement credited to 98127
the county under division (E) of this section for the state fiscal 98128
year ending in the previous calendar year; 98129

(3) A percentage of the actual amount of the county share of 98130
program and administrative expenditures during federal fiscal year 98131
1994 for assistance and services, other than child care, provided 98132
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 98133
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 98134
enactment of the "Personal Responsibility and Work Opportunity 98135
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 98136
and family services shall determine the actual amount of the 98137
county share from expenditure reports submitted to the United 98138
States department of health and human services. The percentage 98139
shall be the percentage established in rules adopted under 98140
division (F) of this section. 98141

(C)(1) If a county's share of public assistance expenditures 98142
determined under division (B) of this section for a state fiscal 98143
year exceeds one hundred five per cent of the county's share for 98144
those expenditures for the immediately preceding state fiscal 98145

year, the department of job and family services shall reduce the 98146
county's share for expenditures under divisions (B)(1) and (2) of 98147
this section so that the total of the county's share for 98148
expenditures under division (B) of this section equals one hundred 98149
five per cent of the county's share of those expenditures for the 98150
immediately preceding state fiscal year. 98151

(2) A county's share of public assistance expenditures 98152
determined under division (B) of this section may be increased 98153
pursuant to section 5101.163 of the Revised Code and a sanction 98154
under section 5101.24 of the Revised Code. An increase made 98155
pursuant to section 5101.163 of the Revised Code may cause the 98156
county's share to exceed the limit established by division (C)(1) 98157
of this section. 98158

(D)(1) If the per capita tax duplicate of a county is less 98159
than the per capita tax duplicate of the state as a whole and 98160
division (D)(2) of this section does not apply to the county, the 98161
percentage to be used for the purpose of division (B)(2) of this 98162
section is the product of ten multiplied by a fraction of which 98163
the numerator is the per capita tax duplicate of the county and 98164
the denominator is the per capita tax duplicate of the state as a 98165
whole. The department of job and family services shall compute the 98166
per capita tax duplicate for the state and for each county by 98167
dividing the tax duplicate for the most recent available year by 98168
the current estimate of population prepared by the ~~department of~~ 98169
development services agency. 98170

(2) If the percentage of families in a county with an annual 98171
income of less than three thousand dollars is greater than the 98172
percentage of such families in the state and division (D)(1) of 98173
this section does not apply to the county, the percentage to be 98174
used for the purpose of division (B)(2) of this section is the 98175
product of ten multiplied by a fraction of which the numerator is 98176
the percentage of families in the state with an annual income of 98177

less than three thousand dollars a year and the denominator is the percentage of such families in the county. The department of job and family services shall compute the percentage of families with an annual income of less than three thousand dollars for the state and for each county by multiplying the most recent estimate of such families published by the ~~department of~~ development services agency, by a fraction, the numerator of which is the estimate of average annual personal income published by the bureau of economic analysis of the United States department of commerce for the year on which the census estimate is based and the denominator of which is the most recent such estimate published by the bureau.

(3) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and the percentage of families in the county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state, the percentage to be used for the purpose of division (B)(2) of this section shall be determined as follows:

(a) Multiply ten by the fraction determined under division (D)(1) of this section;

(b) Multiply the product determined under division (D)(3)(a) of this section by the fraction determined under division (D)(2) of this section.

(4) The department of job and family services shall determine, for each county, the percentage to be used for the purpose of division (B)(2) of this section not later than the first day of July of the year preceding the state fiscal year for which the percentage is used.

(E) The department of job and family services shall credit to a county the amount of federal reimbursement the department receives from the United States departments of agriculture and health and human services for the county's expenditures for

administration of the supplemental nutrition assistance program 98209
and medicaid (excluding administrative expenditures for 98210
transportation services covered by the medicaid program) that the 98211
department determines are allowable administrative expenditures. 98212

(F)(1) The director of job and family services shall adopt 98213
rules in accordance with section 111.15 of the Revised Code to 98214
establish all of the following: 98215

(a) The method the department is to use to change a county's 98216
share of public assistance expenditures determined under division 98217
(B) of this section as provided in division (C) of this section; 98218

(b) The allocation methodology and formula the department 98219
will use to determine the amount of funds to credit to a county 98220
under this section; 98221

(c) The method the department will use to change the payment 98222
of the county share of public assistance expenditures from a 98223
calendar-year basis to a state fiscal year basis; 98224

(d) The percentage to be used for the purpose of division 98225
(B)(3) of this section, which shall, except as provided in section 98226
5101.163 of the Revised Code, meet both of the following 98227
requirements: 98228

(i) The percentage shall not be less than seventy-five per 98229
cent nor more than eighty-two per cent; 98230

(ii) The percentage shall not exceed the percentage that the 98231
state's qualified state expenditures is of the state's historic 98232
state expenditures as those terms are defined in 42 U.S.C. 98233
609(a)(7). 98234

(e) Other procedures and requirements necessary to implement 98235
this section. 98236

(2) The director of job and family services may amend the 98237
rule adopted under division (F)(1)(d) of this section to modify 98238

the percentage on determination that the amount the general 98239
assembly appropriates for Title IV-A programs makes the 98240
modification necessary. The rule shall be adopted and amended as 98241
if an internal management rule and in consultation with the 98242
director of budget and management. 98243

Sec. 5101.162. Subject to available federal funds and 98244
appropriations made by the general assembly, the department of job 98245
and family services may, at its sole discretion, use available 98246
federal funds to reimburse county expenditures for county 98247
administration of the supplemental nutrition assistance program or 98248
medicaid (excluding administrative expenditures for transportation 98249
services covered by the medicaid program) even though the county 98250
expenditures meet or exceed the maximum allowable reimbursement 98251
amount established by rules adopted under section 5101.161 of the 98252
Revised Code. The director of job and family services may adopt 98253
internal management rules in accordance with section 111.15 of the 98254
Revised Code to implement this section. 98255

Sec. 5101.18. ~~(A)~~ When the director of job and family 98256
services adopts rules under section 5107.05 regarding income 98257
requirements for the Ohio works first program and under section 98258
5115.03 of the Revised Code regarding income and resource 98259
requirements for the disability financial assistance program, the 98260
director shall determine what payments shall be regarded or 98261
disregarded. In making this determination, the director shall 98262
consider: 98263

~~(1)~~(A) The source of the payment; 98264

~~(2)~~(B) The amount of the payment; 98265

~~(3)~~(C) The purpose for which the payment was made; 98266

~~(4)~~(D) Whether regarding the payment as income would be in 98267
the public interest; 98268

~~(5)(E)~~ Whether treating the payment as income would be 98269
detrimental to any of the programs administered in whole or in 98270
part by the department of job and family services and whether such 98271
determination would jeopardize the receipt of any federal grant or 98272
payment by the state or any receipt of aid under Chapter 5107. of 98273
the Revised Code. 98274

~~(B) Any recipient of aid under Title XVI of the "Social 98275
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, 98276
whose money payment is discontinued as the result of a general 98277
increase in old age, survivors, and disability insurance benefits 98278
under such act, shall remain a recipient for the purpose of 98279
receiving medical assistance through the medical assistance 98280
program established under section 5111.01 of the Revised Code. 98281~~

Sec. 5101.181. (A) As used in this section and section 98282
5101.182 of the Revised Code: 98283

~~(1) "Public, "public assistance" means any or all of the 98284
following: 98285~~

~~(a)(1) Ohio works first; 98286~~

~~(b)(2) Prevention, retention, and contingency; 98287~~

~~(c)(3) Disability financial assistance; 98288~~

~~(d)(4) General assistance provided prior to July 17, 1995, 98289
under former Chapter 5113. of the Revised Code. 98290~~

~~(2) "Medical assistance" means medical assistance provided 98291
pursuant to, or under programs established by, section 5101.49, 98292
sections 5101.50 to 5101.529, Chapter 5111., or any other 98293
provision of the Revised Code. 98294~~

(B) As part of the procedure for the determination of 98295
overpayment to a recipient of public assistance under Chapter 98296
5107., 5108., or 5115. of the Revised Code, the director of job 98297
and family services may furnish quarterly the name and social 98298

security number of each individual who receives public assistance 98299
to the director of administrative services, the administrator of 98300
the bureau of workers' compensation, and each of the state's 98301
retirement boards. Within fourteen days after receiving the name 98302
and social security number of an individual who receives public 98303
assistance, the director of administrative services, 98304
administrator, or board shall inform the auditor of state as to 98305
whether such individual is receiving wages or benefits, the amount 98306
of any wages or benefits being received, the social security 98307
number, and the address of the individual. The director of 98308
administrative services, administrator, boards, and any agent or 98309
employee of those officials and boards shall comply with the rules 98310
of the director of job and family services restricting the 98311
disclosure of information regarding recipients of public 98312
assistance. Any person who violates this provision shall 98313
thereafter be disqualified from acting as an agent or employee or 98314
in any other capacity under appointment or employment of any state 98315
board, commission, or agency. 98316

(C) The auditor of state may enter into a reciprocal 98317
agreement with the director of job and family services or 98318
comparable officer of any other state for the exchange of names, 98319
current or most recent addresses, or social security numbers of 98320
persons receiving public assistance under Title IV-A of the 98321
"Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C. 301, ~~as~~ 98322
~~amended 601 et seq.~~ 98323

(D) The auditor of state shall retain, for not less than two 98324
years, at least one copy of all information received under this 98325
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 98326
5101.182, and 5505.04 of the Revised Code. 98327

~~(E) On the request of the director of job and family 98328
services, the auditor of state may conduct an audit of an 98329
individual who receives medical assistance. If the auditor decides 98330~~

~~to conduct an audit, the auditor shall enter into an interagency agreement with the department of job and family services that specifies that the auditor agrees to comply with section 5101.271 of the Revised Code with respect to any information the auditor receives pursuant to the audit.~~

(F) The auditor shall review the information described in division (D) of this section to determine whether overpayments were made to recipients of public assistance under Chapters 5107., 5108., and 5115. of the Revised Code. The auditor of state shall initiate action leading to prosecution, where warranted, of recipients who received overpayments by forwarding the name of each recipient who received overpayment, together with other pertinent information, to the director of job and family services, the attorney general, and the county director of job and family services and county prosecutor of the county through which public assistance was received.

~~(G)~~(F) The auditor of state and the attorney general or their designees may examine any records, whether in computer or printed format, in the possession of the director of job and family services or any county director of job and family services. They shall provide safeguards which restrict access to such records to purposes directly connected with an audit or investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs and shall comply with ~~sections~~ section 5101.27 ~~and 5101.271~~ of the Revised Code and ~~adopts~~ rules of adopted by the director of job and family services restricting the disclosure of information regarding recipients of public assistance ~~or medical assistance~~. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency.

~~(H)~~(G) Costs incurred by the auditor of state in carrying out 98363
the auditor of state's duties under this section shall be borne by 98364
the auditor of state. 98365

Sec. 5101.183. (A) ~~Except as provided in section 5111.12 of~~ 98366
~~the Revised Code, the~~ The director of job and family services, in 98367
accordance with section 111.15 of the Revised Code, may adopt 98368
rules under which county family services agencies shall take 98369
action to recover the cost of the following benefits and services 98370
available under programs administered by the department of job and 98371
family services: 98372

(1) Benefits or services provided to any of the following: 98373

(a) Persons who were not eligible for the benefits or 98374
services but who secured the benefits or services through fraud or 98375
misrepresentation; 98376

(b) Persons who were eligible for the benefits or services 98377
but who intentionally diverted the benefits or services to other 98378
persons who were not eligible for the benefits or services. 98379

(2) Any benefits or services provided by a county family 98380
services agency for which recovery is required or permitted by 98381
federal law for the federal programs administered by the agency. 98382

(B) A county family services agency may bring a civil action 98383
against a recipient of benefits or services to recover any costs 98384
described in division (A) of this section. 98385

(C) A county family services agency shall retain any money it 98386
recovers under division (A) of this section and shall use the 98387
money to meet a family services duty, except that, if federal law 98388
requires the department of job and family services to return any 98389
portion of the money so recovered to the federal government, the 98390
county family services agency shall pay that portion to the 98391
department of job and family services. 98392

Sec. 5101.184. (A) The director of job and family services 98393
shall work with the tax commissioner to collect overpayments of 98394
assistance under Chapter 5107.~~7-5111.7~~ or 5115., former Chapter 98395
5113., or section 5101.54 of the Revised Code from refunds of 98396
state income taxes for taxable year 1992 and thereafter that are 98397
payable to the recipients of such overpayments. 98398

Any overpayment of assistance, whether obtained by fraud or 98399
misrepresentation, as the result of an error by the recipient or 98400
by the agency making the payment, or in any other manner, may be 98401
collected under this section. Any reduction under section 5747.12 98402
or 5747.121 of the Revised Code to an income tax refund shall be 98403
made before a reduction under this section. No reduction shall be 98404
made under this section if the amount of the refund is less than 98405
twenty-five dollars after any reduction under section 5747.12 of 98406
the Revised Code. A reduction under this section shall be made 98407
before any part of the refund is contributed under section 98408
5747.113 of the Revised Code, or is credited under section 5747.12 98409
of the Revised Code against tax due in any subsequent year. 98410

The director and the tax commissioner, by rules adopted in 98411
accordance with Chapter 119. of the Revised Code, shall establish 98412
procedures to implement this division. The procedures shall 98413
provide for notice to a recipient of assistance and an opportunity 98414
for the recipient to be heard before the recipient's income tax 98415
refund is reduced. 98416

(B) The director of job and family services may enter into 98417
agreements with the federal government to collect overpayments of 98418
assistance from refunds of federal income taxes that are payable 98419
to recipients of the overpayments. 98420

Sec. 5101.26. As used in this section and in sections 5101.27 98421
to 5101.30 of the Revised Code: 98422

(A) "County agency" means a county department of job and family services or a public children services agency. 98423
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(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence. 98425
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(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency. 98433
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(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency. 98439
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~~(E) "Medical assistance" means medical assistance provided pursuant to, or under programs established by, section 5101.49, sections 5101.50 to 5101.529, Chapter 5111., or any other provision of the Revised Code.~~ 98447
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~~(F) "Medical assistance recipient" means an applicant for or recipient or former recipient of medical assistance.~~ 98451
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~~(G) "Public assistance" means financial assistance or social~~ 98453

services that are ~~not medical assistance~~ provided under a program 98454
administered by the department of job and family services or a 98455
county agency pursuant to Chapter 329., 5101., 5104., 5107., 98456
5108., or 5115. of the Revised Code or an executive order issued 98457
under section 107.17 of the Revised Code. "Public assistance" does 98458
not mean medical assistance provided under a medical assistance 98459
program, as defined in section 5160.01 of the Revised Code. 98460

~~(H)~~(F) "Public assistance recipient" means an applicant for 98461
or recipient or former recipient of public assistance. 98462

Sec. 5101.272. (A) For the purposes of ~~sections~~ section 98463
5101.27 ~~and 5101.271~~ of the Revised Code, an authorization shall 98464
be made on a form that uses language understandable to the average 98465
person and contains all of the following: 98466

(1) A description of the information to be used or disclosed 98467
that identifies the information in a specific and meaningful 98468
fashion; 98469

(2) The name or other specific identification of the person 98470
or class of persons authorized to make the requested use or 98471
disclosure; 98472

(3) The name or other specific identification of the person 98473
or governmental entity to which the information may be released; 98474

(4) A description of each purpose of the requested use or 98475
disclosure of the information; 98476

(5) The date on which the authorization expires or an event 98477
related either to the individual who is the subject of the request 98478
or to the purposes of the requested use or disclosure, the 98479
occurrence of which will cause the authorization to expire; 98480

(6) A statement that the information used or disclosed 98481
pursuant to the authorization may be disclosed by the recipient of 98482
the information and may no longer be protected from disclosure; 98483

(7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed; 98484
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(8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 98487
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(9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following: 98489
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(a) A description of how the individual or authorized representative may revoke the authorization; 98492
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(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice. 98494
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(10) A statement that treatment, payment, enrollment, or eligibility for public assistance ~~or medical assistance~~ cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance ~~or medical assistance~~ program. 98498
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~~(B) An authorization for the release of information regarding a medical assistance recipient to the recipient's attorney under division (C)(3) of section 5101.271 of the Revised Code may include a provision specifically authorizing the release of the recipient's electronic health records, if any, in accordance with rules the director of job and family services adopts under section 5101.30 of the Revised Code.~~ 98503
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~~(C)~~ When an individual requests information pursuant to section 5101.27 ~~or 5101.271~~ of the Revised Code regarding the individual's receipt of public assistance ~~or medical assistance~~ and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for 98510
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purposes of division (A)(4) of this section. 98515

Sec. 5101.273. The department of job and family services 98516
shall enter into any necessary agreements with the United States 98517
department of health and human services and neighboring states to 98518
join and participate as an active member in the public assistance 98519
reporting information system. The department may disclose 98520
information regarding a public assistance recipient ~~or medical~~ 98521
~~assistance recipient~~ to the extent necessary to participate as an 98522
active member in the public assistance reporting information 98523
system. 98524

Sec. 5101.30. (A) The director of job and family services 98525
shall adopt rules in accordance with Chapter 119. of the Revised 98526
Code implementing sections 5101.26 to 5101.30 of the Revised Code 98527
and governing the custody, use, disclosure, and preservation of 98528
the information generated or received by the department of job and 98529
family services, county agencies, other state and county entities, 98530
contractors, grantees, private entities, or officials 98531
participating in the administration of public assistance ~~or~~ 98532
~~medical assistance~~ programs. The rules shall comply with 98533
applicable federal statutes and regulations. 98534

(1) The rules shall specify conditions and procedures for the 98535
release of information which may include, among other conditions 98536
and procedures, both of the following: 98537

(a) Permitting providers of services or assistance under 98538
public assistance programs limited access to information that is 98539
essential for the providers to render services or assistance or to 98540
bill for services or assistance rendered. The department of aging, 98541
when investigating a complaint under section 173.20 of the Revised 98542
Code, shall be granted any limited access permitted in the rules 98543
pursuant to division (A)(1) of this section. 98544

(b) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or county agency. A contractor, grantee, or entity given access to information pursuant to division (A)(2) of this section is bound by the director's rules, and disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a violation of section 5101.27 of the Revised Code.

(2) The rules may define who is an "authorized representative" for purposes of sections 5101.27, ~~5101.271~~, and 5101.272 of the Revised Code.

(B) Whenever names, addresses, or other information relating to public assistance recipients is held by any agency other than the department or a county agency, that other agency shall adopt rules consistent with sections 5101.26 to 5101.30 of the Revised Code to prevent the publication or disclosure of names, lists, or other information concerning those recipients.

Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in

this state with the highest number per capita of households headed by females. 98576
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(2) The governor, or the governor's designee; 98578

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court; 98579
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(4) The directors of health, job and family services, rehabilitation and correction, ~~alcohol and drug addiction services~~ mental health and addiction services, and youth services and the superintendent of public instruction, or their designees; 98581
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(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council; 98585
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(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood. 98588
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(B) The appointing authorities of the Ohio commission on fatherhood shall make initial appointments to the commission within thirty days after September 29, 1999. Of the initial appointments to the commission made pursuant to divisions (A)(3), (5), and (6) of this section, three of the members shall serve a term of one year and four shall serve a term of two years. Members so appointed subsequently shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors and superintendent or their designees shall serve on the commission until they cease, or the director or superintendent a designee represents ceases, to 98591
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be director or superintendent. Each member shall serve on the 98607
commission from the date of appointment until the end of the term 98608
for which the member was appointed. Members may be reappointed. 98609

Vacancies shall be filled in the manner provided for original 98610
appointments. Any member appointed to fill a vacancy occurring 98611
prior to the expiration date of the term for which the member's 98612
predecessor was appointed shall serve on the commission for the 98613
remainder of that term. A member shall continue to serve on the 98614
commission subsequent to the expiration date of the member's term 98615
until the member's successor is appointed or until a period of 98616
sixty days has elapsed, whichever occurs first. Members shall 98617
serve without compensation but shall be reimbursed for necessary 98618
expenses. 98619

Sec. 5101.35. (A) As used in this section: 98620

(1)(a) "Agency" means the following entities that administer 98621
a family services program: 98622

~~(a)(i)~~ The department of job and family services; 98623

~~(b)(ii)~~ A county department of job and family services; 98624

~~(c)(iii)~~ A public children services agency; 98625

~~(d)(iv)~~ A private or government entity administering, in 98626
whole or in part, a family services program for or on behalf of 98627
the department of job and family services or a county department 98628
of job and family services or public children services agency. 98629

(b) If the department of medicaid contracts with the 98630
department of job and family services to hear appeals authorized 98631
by section 5160.31 of the Revised Code regarding medical 98632
assistance programs, "agency" includes the department of medicaid. 98633

(2) "Appellant" means an applicant, participant, former 98634
participant, recipient, or former recipient of a family services 98635
program who is entitled by federal or state law to a hearing 98636

regarding a decision or order of the agency that administers the program. 98637
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(3)(a) "Family services program" means ~~assistance provided~~ 98639
~~under a~~ all of the following: 98640

(i) A Title IV-A program as defined in section 5101.80 of the 98641
Revised Code ~~or~~; 98642

(ii) Programs that provide assistance under Chapter 5104. 98643
~~5111.~~ or 5115. ~~or~~ of the Revised Code; 98644

(iii) Programs that provide assistance under section ~~5119.69,~~ 98645
5101.141, ~~5101.46,~~ 5101.461, 5101.54, ~~5119.41,~~ 5153.163, or 98646
5153.165 of the Revised Code; ~~i~~ 98647

(iv) Title XX social services provided under section 5101.46 98648
of the Revised Code, other than ~~assistance~~ such services provided 98649
~~under section 5101.46 of the Revised Code~~ by the department of 98650
~~mental health~~ mental health and addiction services, the department 98651
of developmental disabilities, a board of alcohol, drug addiction, 98652
and mental health services, or a county board of developmental 98653
disabilities. 98654

(b) If the department of medicaid contracts with the 98655
department of job and family services to hear appeals authorized 98656
by section 5160.31 of the Revised Code regarding medical 98657
assistance programs, "family services program" includes medical 98658
assistance programs. 98659

(4) "Medical assistance program" has the same meaning as in 98660
section 5160.01 of the Revised Code. 98661

(B) Except as provided by divisions (G) and (H) of this 98662
section, an appellant who appeals under federal or state law a 98663
decision or order of an agency administering a family services 98664
program shall, at the appellant's request, be granted a state 98665
hearing by the department of job and family services. This state 98666

hearing shall be conducted in accordance with rules adopted under 98667
this section. The state hearing shall be recorded, but neither the 98668
recording nor a transcript of the recording shall be part of the 98669
official record of the proceeding. A Except as provided in section 98670
5160.31 of the Revised Code, a state hearing decision is binding 98671
upon the agency and department, unless it is reversed or modified 98672
on appeal to the director of job and family services or a court of 98673
common pleas. 98674

(C) Except as provided by division (G) of this section, an 98675
appellant who disagrees with a state hearing decision may make an 98676
administrative appeal to the director of job and family services 98677
in accordance with rules adopted under this section. This 98678
administrative appeal does not require a hearing, but the director 98679
or the director's designee shall review the state hearing decision 98680
and previous administrative action and may affirm, modify, remand, 98681
or reverse the state hearing decision. An administrative appeal 98682
decision is the final decision of the department and, except as 98683
provided in section 5160.31 of the Revised Code, is binding upon 98684
the department and agency, unless it is reversed or modified on 98685
appeal to the court of common pleas. 98686

(D) An agency shall comply with a decision issued pursuant to 98687
division (B) or (C) of this section within the time limits 98688
established by rules adopted under this section. If a county 98689
department of job and family services or a public children 98690
services agency fails to comply within these time limits, the 98691
department may take action pursuant to section 5101.24 of the 98692
Revised Code. If another agency, other than the department of 98693
medicaid, fails to comply within the time limits, the department 98694
may force compliance by withholding funds due the agency or 98695
imposing another sanction established by rules adopted under this 98696
section. 98697

(E) An appellant who disagrees with an administrative appeal 98698

decision of the director of job and family services or the 98699
director's designee issued under division (C) of this section may 98700
appeal from the decision to the court of common pleas pursuant to 98701
section 119.12 of the Revised Code. The appeal shall be governed 98702
by section 119.12 of the Revised Code except that: 98703

(1) The person may appeal to the court of common pleas of the 98704
county in which the person resides, or to the court of common 98705
pleas of Franklin county if the person does not reside in this 98706
state. 98707

(2) The person may apply to the court for designation as an 98708
indigent and, if the court grants this application, the appellant 98709
shall not be required to furnish the costs of the appeal. 98710

(3) The appellant shall mail the notice of appeal to the 98711
department of job and family services and file notice of appeal 98712
with the court within thirty days after the department mails the 98713
administrative appeal decision to the appellant. For good cause 98714
shown, the court may extend the time for mailing and filing notice 98715
of appeal, but such time shall not exceed six months from the date 98716
the department mails the administrative appeal decision. Filing 98717
notice of appeal with the court shall be the only act necessary to 98718
vest jurisdiction in the court. 98719

(4) The department shall be required to file a transcript of 98720
the testimony of the state hearing with the court only if the 98721
court orders the department to file the transcript. The court 98722
shall make such an order only if it finds that the department and 98723
the appellant are unable to stipulate to the facts of the case and 98724
that the transcript is essential to a determination of the appeal. 98725
The department shall file the transcript not later than thirty 98726
days after the day such an order is issued. 98727

(F) The department of job and family services shall adopt 98728
rules in accordance with Chapter 119. of the Revised Code to 98729

implement this section, including rules governing the following: 98730

(1) State hearings under division (B) of this section. The 98731
rules shall include provisions regarding notice of eligibility 98732
termination and the opportunity of an appellant appealing a 98733
decision or order of a county department of job and family 98734
services to request a county conference with the county department 98735
before the state hearing is held. 98736

(2) Administrative appeals under division (C) of this 98737
section; 98738

(3) Time limits for complying with a decision issued under 98739
division (B) or (C) of this section; 98740

(4) Sanctions that may be applied against an agency under 98741
division (D) of this section. 98742

(G) The department of job and family services may adopt rules 98743
in accordance with Chapter 119. of the Revised Code establishing 98744
an appeals process for an appellant who appeals a decision or 98745
order regarding a Title IV-A program identified under division 98746
(A)(4)(c), (d), (e), ~~or~~ (f), or (g) of section 5101.80 of the 98747
Revised Code that is different from the appeals process 98748
established by this section. The different appeals process may 98749
include having a state agency that administers the Title IV-A 98750
program pursuant to an interagency agreement entered into under 98751
section 5101.801 of the Revised Code administer the appeals 98752
process. 98753

(H) If an appellant receiving medicaid through a health 98754
insuring corporation that holds a certificate of authority under 98755
Chapter 1751. of the Revised Code is appealing a denial of 98756
medicaid services based on lack of medical necessity or other 98757
clinical issues regarding coverage by the health insuring 98758
corporation, the person hearing the appeal may order an 98759
independent medical review if that person determines that a review 98760

is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.36. Any application for public assistance gives a right of subrogation to the department of job and family services for any workers' compensation benefits payable to a person who is subject to a support order, as defined in section 3119.01 of the Revised Code, on behalf of the applicant, to the extent of any public assistance payments made on the applicant's behalf. If the director of job and family services, in consultation with a child support enforcement agency and the administrator of the bureau of workers' compensation, determines that a person responsible for support payments to a recipient of public assistance is receiving workers' compensation, the director shall notify the administrator of the amount of the benefit to be paid to the department of job and family services.

For purposes of this section, "public assistance" means ~~medical assistance provided through the medical assistance program established under section 5111.01 of the Revised Code;~~ Ohio works first provided under Chapter 5107. of the Revised Code; prevention, retention, and contingency benefits and services provided under Chapter 5108. of the Revised Code; or disability financial assistance provided under Chapter 5115. of the Revised

Code.	98792
Sec. 5101.46. (A) As used in this section:	98793
(1) "Title XX" means Title XX of the "Social Security Act,"	98794
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended.	98795
(2) "Respective local agency" means, with respect to the	98796
department of job and family services, a county department of job	98797
and family services; with respect to the department of mental	98798
health <u>mental health and addiction services</u> , a board of alcohol,	98799
drug addiction, and mental health services; and with respect to	98800
the department of developmental disabilities, a county board of	98801
developmental disabilities.	98802
(3) "Federal poverty guidelines" means the poverty guidelines	98803
as revised annually by the United States department of health and	98804
human services in accordance with section 673(2) of the "Omnibus	98805
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A.	98806
9902, as amended, for a family size equal to the size of the	98807
family of the person whose income is being determined.	98808
(B) The departments of job and family services, mental	98809
health, and developmental disabilities, with their respective	98810
local agencies, shall administer the provision of social services	98811
funded through grants made under Title XX. The social services	98812
furnished with Title XX funds shall be directed at the following	98813
goals:	98814
(1) Achieving or maintaining economic self-support to	98815
prevent, reduce, or eliminate dependency;	98816
(2) Achieving or maintaining self-sufficiency, including	98817
reduction or prevention of dependency;	98818
(3) Preventing or remedying neglect, abuse, or exploitation	98819
of children and adults unable to protect their own interests, or	98820
preserving, rehabilitating, or reuniting families;	98821

(4) Preventing or reducing inappropriate institutional care	98822
by providing for community-based care, home-based care, or other	98823
forms of less intensive care;	98824
(5) Securing referral or admission for institutional care	98825
when other forms of care are not appropriate, or providing	98826
services to individuals in institutions.	98827
(C)(1) All federal funds received under Title XX shall be	98828
appropriated as follows:	98829
(a) Seventy-two and one-half per cent to the department of	98830
job and family services;	98831
(b) Twelve and ninety-three one-hundredths per cent to the	98832
department of mental health <u>mental health and addiction services</u> ;	98833
(c) Fourteen and fifty-seven one-hundredths per cent to the	98834
department of developmental disabilities.	98835
(2) Each of the state departments shall, subject to the	98836
approval of the controlling board, develop a formula for the	98837
distribution of the Title XX funds appropriated to the department	98838
to its respective local agencies. The formula developed by each	98839
state department shall take into account all of the following for	98840
each of its respective local agencies:	98841
(a) The total population of the area that is served by the	98842
respective local agency;	98843
(b) The percentage of the population in the area served that	98844
falls below the federal poverty guidelines;	98845
(c) The respective local agency's history of and ability to	98846
utilize Title XX funds.	98847
(3) Each of the state departments shall expend for state	98848
administrative costs not more than three per cent of the Title XX	98849
funds appropriated to the department.	98850
Each state department shall establish for each of its	98851

respective local agencies the maximum percentage of the Title XX 98852
funds distributed to the respective local agency that the 98853
respective local agency may expend for local administrative costs. 98854
The percentage shall be established by rule and shall comply with 98855
federal law governing the use of Title XX funds. The rules shall 98856
be adopted in accordance with section 111.15 of the Revised Code 98857
as if they were internal management rules. 98858

(4) The department of job and family services shall expend 98859
for the training of the following not more than two per cent of 98860
the Title XX funds appropriated to the department: 98861

(a) Employees of county departments of job and family 98862
services; 98863

(b) Providers of services under contract with the state 98864
departments' respective local agencies; 98865

(c) Employees of a public children services agency directly 98866
engaged in providing Title XX services. 98867

(5) Title XX funds distributed for the purpose of providing 98868
family planning services shall be distributed by the respective 98869
local agencies according to the same order of priority that 98870
applies to the department of job and family services under section 98871
5101.101 of the Revised Code. 98872

(D) The department of job and family services shall prepare 98873
an annual comprehensive Title XX social services plan on the 98874
intended use of Title XX funds. The department shall develop a 98875
method for obtaining public comment during the development of the 98876
plan and following its completion. 98877

For each federal fiscal year, the department of job and 98878
family services shall prepare a report on the actual use of Title 98879
XX funds. The department shall make the annual report available 98880
for public inspection. 98881

The departments of ~~mental health~~ mental health and addiction 98882
services and developmental disabilities shall prepare and submit 98883
to the department of job and family services the portions of each 98884
annual plan and report that apply to services for mental health 98885
and mental retardation and developmental disabilities. Each 98886
respective local agency of the three state departments shall 98887
submit information as necessary for the preparation of annual 98888
plans and reports. 98889

(E) Each county department of job and family services shall 98890
adopt a county profile for the administration and provision of 98891
Title XX social services in the county. In developing its county 98892
profile, the county department shall take into consideration the 98893
comments and recommendations received from the public by the 98894
county family services planning committee pursuant to section 98895
329.06 of the Revised Code. As part of its preparation of the 98896
county profile, the county department may prepare a local needs 98897
report analyzing the need for Title XX social services. 98898

The county department shall submit the county profile to the 98899
board of county commissioners for its review. Once the county 98900
profile has been approved by the board, the county department 98901
shall file a copy of the county profile with the department of job 98902
and family services. The department shall approve the county 98903
profile if the department determines the profile provides for the 98904
Title XX social services to meet the goals specified in division 98905
(B) of this section. 98906

(F) Any of the three state departments and their respective 98907
local agencies may require that an entity under contract to 98908
provide social services with Title XX funds submit to an audit on 98909
the basis of alleged misuse or improper accounting of funds. If an 98910
audit is required, the social services provider shall reimburse 98911
the state department or respective local agency for the cost it 98912
incurred in conducting the audit or having the audit conducted. 98913

If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the appropriate state department or its respective local agency the amount of the adverse findings. The amount shall not be reimbursed with Title XX funds received under this section. The three state departments and their respective local agencies may terminate or refuse to enter into a Title XX contract with a social services provider if there are adverse findings in an audit that are the responsibility of the provider.

(G) Except with respect to the matters for which each of the state departments must adopt rules under division (C)(3) of this section, the department of job and family services may adopt any rules it considers necessary to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5101.461. (A) As used in this section:

(1) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(2) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.

(B) To the extent authorized by federal law, the department of job and family services may use funds received through the Title IV-A temporary assistance for needy families block grant for purposes of providing Title XX social services. The amount used under this section shall not exceed the maximum amount permitted

by federal law. The funds and provision of Title XX social 98945
services with the funds are not subject to section 5101.46 of the 98946
Revised Code. 98947

Funds distributed under this section for the purpose of 98948
providing family planning services shall be distributed by a 98949
county department of job and family services according to the same 98950
order of priority that applies to the department of job and family 98951
services under section 5101.101 of the Revised Code. 98952

(C) The department and any county department of job and 98953
family services may require an entity under contract to provide 98954
Title XX social services with funds used under this section to 98955
submit to an audit on the basis of alleged misuse or improper 98956
accounting of funds. If an audit is required, the social services 98957
provider shall reimburse the state department or county department 98958
for the cost it incurred in conducting the audit or having the 98959
audit conducted. 98960

If an audit demonstrates that a social services provider is 98961
responsible for one or more adverse findings, the provider shall 98962
reimburse the state department or county department the amount of 98963
the adverse findings. The amount shall not be reimbursed with 98964
funds received under this section. The state department and county 98965
departments may terminate or refuse to enter into a contract with 98966
a social services provider to provide services with funds 98967
available pursuant to this section if there are adverse findings 98968
in an audit that are the responsibility of the provider. 98969

(D) The state department of job and family services may adopt 98970
rules to implement and carry out the purposes of this section. 98971
Rules governing financial and operational matters of the 98972
department or matters between the department and county 98973
departments of job and family services shall be adopted as 98974
internal management rules in accordance with section 111.15 of the 98975
Revised Code. Rules governing eligibility for services, program 98976

participation, and other matters pertaining to applicants and 98977
participants shall be adopted in accordance with Chapter 119. of 98978
the Revised Code. 98979

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 98980
of this section, the department of job and family services may 98981
accept applications, determine eligibility, redetermine 98982
eligibility, and perform related administrative activities for one 98983
or more of the following: 98984

~~(1) The medicaid program established by Chapter 5111. of the 98985
Revised Code;~~ 98986

~~(2) The children's health insurance program parts I, II, and 98987
III provided for under sections 5101.50 to 5101.529 of the Revised 98988
Code;~~ 98989

~~(3) Publicly funded child care provided under Chapter 5104. 98990
of the Revised Code;~~ 98991

~~(4)(2) The supplemental nutrition assistance program 98992
administered by the department pursuant to section 5101.54 of the 98993
Revised Code;~~ 98994

~~(5)(3) Other programs administered by the department that the 98995
director of job and family services determines are supportive of 98996
children, adults, or families;~~ 98997

~~(6)(4) Other programs administered by the department 98998
regarding which the director determines administrative cost 98999
savings and efficiency may be achieved through the department 99000
accepting applications, determining eligibility, redetermining 99001
eligibility, or performing related administrative activities. 99002~~

~~(B) To the extent permitted by federal law, the department 99003
may enter into agreements with one or more other state agencies, 99004
local government entities, or political subdivisions to accept 99005
applications, determine eligibility, redetermine eligibility, and 99006~~

~~perform related administrative activities on behalf of the~~ 99007
~~department with respect to the medicaid program and the children's~~ 99008
~~health insurance program.~~ 99009

~~(C)~~ If federal law requires a face-to-face interview to 99010
complete an eligibility determination for a program specified in 99011
or pursuant to division (A) of this section, the face-to-face 99012
interview shall not be conducted by the department of job and 99013
family services. 99014

~~(D)~~(C) Subject to division ~~(C)~~(B) of this section, if the 99015
department elects to accept applications, determine eligibility, 99016
redetermine eligibility, and perform related administrative 99017
activities for a program specified in or pursuant to division (A) 99018
of this section, both of the following apply: 99019

(1) An individual seeking services under the program may 99020
apply for the program to the department or to the entity that 99021
state law governing the program authorizes to accept applications 99022
for the program. 99023

(2) The department is subject to federal statutes and 99024
regulations and state statutes and rules that require, permit, or 99025
prohibit an action regarding accepting applications, determining 99026
or redetermining eligibility, and performing related 99027
administrative activities for the program. 99028

~~(E)~~(D) The director may adopt rules as necessary to implement 99029
this section. 99030

Sec. 5101.49. The department of job and family services shall 99031
administer funds received under the "Refugee Act of 1980," 94 99032
Stat. 102, 8 U.S.C.A. 1521, as amended. In administering the 99033
funds, the department may establish a refugee cash assistance 99034
program and a state legalization impact assistance program. The 99035
director of job and family services may adopt rules in accordance 99036

with section 111.15 of the Revised Code and issue appropriate 99037
orders as necessary for administration of these funds and 99038
programs. 99039

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 99040
Revised Code: 99041

(A) "Abuse" means the infliction upon an adult by self or 99042
others of injury, unreasonable confinement, intimidation, or cruel 99043
punishment with resulting physical harm, pain, or mental anguish. 99044

(B) "Adult" means any person sixty years of age or older 99045
within this state who is handicapped by the infirmities of aging 99046
or who has a physical or mental impairment which prevents the 99047
person from providing for the person's own care or protection, and 99048
who resides in an independent living arrangement. An "independent 99049
living arrangement" is a domicile of a person's own choosing, 99050
including, but not limited to, a private home, apartment, trailer, 99051
or rooming house. An "independent living arrangement" includes a 99052
residential facility licensed under section ~~5119.22~~ 5119.34 of the 99053
Revised Code that provides accommodations, supervision, and 99054
personal care services for three to sixteen unrelated adults, but 99055
does not include other institutions or facilities licensed by the 99056
state or facilities in which a person resides as a result of 99057
voluntary, civil, or criminal commitment. 99058

(C) "Caretaker" means the person assuming the responsibility 99059
for the care of an adult on a voluntary basis, by contract, 99060
through receipt of payment for care, as a result of a family 99061
relationship, or by order of a court of competent jurisdiction. 99062

(D) "Court" means the probate court in the county where an 99063
adult resides. 99064

(E) "Emergency" means that the adult is living in conditions 99065
which present a substantial risk of immediate and irreparable 99066

physical harm or death to self or any other person. 99067

(F) "Emergency services" means protective services furnished 99068
to an adult in an emergency. 99069

(G) "Exploitation" means the unlawful or improper act of a 99070
caretaker using an adult or an adult's resources for monetary or 99071
personal benefit, profit, or gain. 99072

(H) "In need of protective services" means an adult known or 99073
suspected to be suffering from abuse, neglect, or exploitation to 99074
an extent that either life is endangered or physical harm, mental 99075
anguish, or mental illness results or is likely to result. 99076

(I) "Incapacitated person" means a person who is impaired for 99077
any reason to the extent that the person lacks sufficient 99078
understanding or capacity to make and carry out reasonable 99079
decisions concerning the person's self or resources, with or 99080
without the assistance of a caretaker. Refusal to consent to the 99081
provision of services shall not be the sole determinative that the 99082
person is incapacitated. "Reasonable decisions" are decisions made 99083
in daily living which facilitate the provision of food, shelter, 99084
clothing, and health care necessary for life support. 99085

(J) "Mental illness" means a substantial disorder of thought, 99086
mood, perception, orientation, or memory that grossly impairs 99087
judgment, behavior, capacity to recognize reality, or ability to 99088
meet the ordinary demands of life. 99089

(K) "Neglect" means the failure of an adult to provide for 99090
self the goods or services necessary to avoid physical harm, 99091
mental anguish, or mental illness or the failure of a caretaker to 99092
provide such goods or services. 99093

(L) "Peace officer" means a peace officer as defined in 99094
section 2935.01 of the Revised Code. 99095

(M) "Physical harm" means bodily pain, injury, impairment, or 99096

disease suffered by an adult. 99097

(N) "Protective services" means services provided by the 99098
county department of job and family services or its designated 99099
agency to an adult who has been determined by evaluation to 99100
require such services for the prevention, correction, or 99101
discontinuance of an act of as well as conditions resulting from 99102
abuse, neglect, or exploitation. Protective services may include, 99103
but are not limited to, case work services, medical care, mental 99104
health services, legal services, fiscal management, home health 99105
care, homemaker services, housing-related services, guardianship 99106
services, and placement services as well as the provision of such 99107
commodities as food, clothing, and shelter. 99108

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 99109
and Friday, except when such day is a holiday as defined in 99110
section 1.14 of the Revised Code. 99111

Sec. 5101.61. (A) As used in this section: 99112

(1) "Senior service provider" means any person who provides 99113
care or services to a person who is an adult as defined in 99114
division (B) of section 5101.60 of the Revised Code. 99115

(2) "Ambulatory health facility" means a nonprofit, public or 99116
proprietary freestanding organization or a unit of such an agency 99117
or organization that: 99118

(a) Provides preventive, diagnostic, therapeutic, 99119
rehabilitative, or palliative items or services furnished to an 99120
outpatient or ambulatory patient, by or under the direction of a 99121
physician or dentist in a facility which is not a part of a 99122
hospital, but which is organized and operated to provide medical 99123
care to outpatients; 99124

(b) Has health and medical care policies which are developed 99125
with the advice of, and with the provision of review of such 99126

policies, an advisory committee of professional personnel, 99127
including one or more physicians, one or more dentists, if dental 99128
care is provided, and one or more registered nurses; 99129

(c) Has a medical director, a dental director, if dental care 99130
is provided, and a nursing director responsible for the execution 99131
of such policies, and has physicians, dentists, nursing, and 99132
ancillary staff appropriate to the scope of services provided; 99133

(d) Requires that the health care and medical care of every 99134
patient be under the supervision of a physician, provides for 99135
medical care in a case of emergency, has in effect a written 99136
agreement with one or more hospitals and other centers or clinics, 99137
and has an established patient referral system to other resources, 99138
and a utilization review plan and program; 99139

(e) Maintains clinical records on all patients; 99140

(f) Provides nursing services and other therapeutic services 99141
in accordance with programs and policies, with such services 99142
supervised by a registered professional nurse, and has a 99143
registered professional nurse on duty at all times of clinical 99144
operations; 99145

(g) Provides approved methods and procedures for the 99146
dispensing and administration of drugs and biologicals; 99147

(h) Has established an accounting and record keeping system 99148
to determine reasonable and allowable costs; 99149

(i) "Ambulatory health facilities" also includes an 99150
alcoholism treatment facility approved by the joint commission on 99151
accreditation of healthcare organizations as an alcoholism 99152
treatment facility or certified by the department of ~~alcohol and~~ 99153
~~drug addiction services~~ mental health and addiction services, and 99154
such facility shall comply with other provisions of this division 99155
not inconsistent with such accreditation or certification. 99156

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:

(a) Is primarily engaged in providing home health services;

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;

(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;

(d) Maintains comprehensive records on all patients;

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:	99188
	99189
	99190
	99191
(a) Nursing care provided by or under the supervision of a registered professional nurse;	99192
	99193
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	99194
	99195
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	99196
	99197
	99198
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	99199
	99200
	99201
(e) Medical supplies and the use of medical appliances;	99202
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	99203
	99204
	99205
	99206
(g) Any of the foregoing items and services which:	99207
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	99208
	99209
	99210
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	99211
	99212
	99213
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	99215
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in	99216
	99217

section 3701.01 of the Revised Code, any nurse licensed under 99218
Chapter 4723. of the Revised Code, any employee of an ambulatory 99219
health facility, any employee of a home health agency, any 99220
employee of a residential facility licensed under section ~~5119.22~~ 99221
5119.34 of the Revised Code that provides accommodations, 99222
supervision, and personal care services for three to sixteen 99223
unrelated adults, any employee of a nursing home, residential care 99224
facility, or home for the aging, as defined in section 3721.01 of 99225
the Revised Code, any senior service provider, any peace officer, 99226
coroner, member of the clergy, any employee of a community mental 99227
health facility, and any person engaged in social work or 99228
counseling having reasonable cause to believe that an adult is 99229
being abused, neglected, or exploited, or is in a condition which 99230
is the result of abuse, neglect, or exploitation shall immediately 99231
report such belief to the county department of job and family 99232
services. This section does not apply to employees of any hospital 99233
or public hospital as defined in section 5122.01 of the Revised 99234
Code. 99235

(B) Any person having reasonable cause to believe that an 99236
adult has suffered abuse, neglect, or exploitation may report, or 99237
cause reports to be made of such belief to the department. 99238

(C) The reports made under this section shall be made orally 99239
or in writing except that oral reports shall be followed by a 99240
written report if a written report is requested by the department. 99241
Written reports shall include: 99242

(1) The name, address, and approximate age of the adult who 99243
is the subject of the report; 99244

(2) The name and address of the individual responsible for 99245
the adult's care, if any individual is, and if the individual is 99246
known; 99247

(3) The nature and extent of the alleged abuse, neglect, or 99248

exploitation of the adult; 99249

(4) The basis of the reporter's belief that the adult has 99250
been abused, neglected, or exploited. 99251

(D) Any person with reasonable cause to believe that an adult 99252
is suffering abuse, neglect, or exploitation who makes a report 99253
pursuant to this section or who testifies in any administrative or 99254
judicial proceeding arising from such a report, or any employee of 99255
the state or any of its subdivisions who is discharging 99256
responsibilities under section 5101.62 of the Revised Code shall 99257
be immune from civil or criminal liability on account of such 99258
investigation, report, or testimony, except liability for perjury, 99259
unless the person has acted in bad faith or with malicious 99260
purpose. 99261

(E) No employer or any other person with the authority to do 99262
so shall discharge, demote, transfer, prepare a negative work 99263
performance evaluation, or reduce benefits, pay, or work 99264
privileges, or take any other action detrimental to an employee or 99265
in any way retaliate against an employee as a result of the 99266
employee's having filed a report under this section. 99267

(F) Neither the written or oral report provided for in this 99268
section nor the investigatory report provided for in section 99269
5101.62 of the Revised Code shall be considered a public record as 99270
defined in section 149.43 of the Revised Code. Information 99271
contained in the report shall upon request be made available to 99272
the adult who is the subject of the report, to agencies authorized 99273
by the department to receive information contained in the report, 99274
and to legal counsel for the adult. 99275

Sec. 5101.80. (A) As used in this section and in section 99276
5101.801 of the Revised Code: 99277

(1) "County family services agency" has the same meaning as 99278

in section 307.981 of the Revised Code.	99279
(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.	99280 99281
(3) "Title IV-A administrative agency" means both of the following:	99282 99283
(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services;	99284 99285 99286
(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.	99287 99288 99289 99290
(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:	99291 99292 99293 99294 99295
(a) The Ohio works first program established under Chapter 5107. of the Revised Code;	99296 99297
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	99298 99299
(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;	99300 99301 99302 99303
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	99304 99305
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	99306 99307
(f) <u>The Ohio parenting and pregnancy program created under</u>	99308

section 5101.804 of the Revised Code; 99309

(g) A component of a Title IV-A program identified under 99310
divisions (A)(4)(a) to ~~(e)~~(f) of this section that the Title IV-A 99311
state plan prepared under division (C)(1) of this section 99312
identifies as a component. 99313

(B) The department of job and family services shall act as 99314
the single state agency to administer and supervise the 99315
administration of Title IV-A programs. The Title IV-A state plan 99316
and amendments to the plan prepared under division (C) of this 99317
section are binding on Title IV-A administrative agencies. No 99318
Title IV-A administrative agency may establish, by rule or 99319
otherwise, a policy governing a Title IV-A program that is 99320
inconsistent with a Title IV-A program policy established, in rule 99321
or otherwise, by the director of job and family services. 99322

(C) The department of job and family services shall do all of 99323
the following: 99324

(1) Prepare and submit to the United States secretary of 99325
health and human services a Title IV-A state plan for Title IV-A 99326
programs; 99327

(2) Prepare and submit to the United States secretary of 99328
health and human services amendments to the Title IV-A state plan 99329
that the department determines necessary, including amendments 99330
necessary to implement Title IV-A programs identified in divisions 99331
(A)(4)(c) to ~~(f)~~(g) of this section; 99332

(3) Prescribe forms for applications, certificates, reports, 99333
records, and accounts of Title IV-A administrative agencies, and 99334
other matters related to Title IV-A programs; 99335

(4) Make such reports, in such form and containing such 99336
information as the department may find necessary to assure the 99337
correctness and verification of such reports, regarding Title IV-A 99338
programs; 99339

(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program;

(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program;

(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, ~~and~~ 5101.803, and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;

(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;

(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance,

whether and how often they have received benefits or services 99371
under the prevention, retention, and contingency program, and 99372
whether they are successfully self sufficient; 99373

(c) Provide the department with reports at times the 99374
department specifies. 99375

(11) Not later than the last day of each January and July, 99376
prepare a report containing information on the following: 99377

(a) Individuals exhausting the time limits for participation 99378
in Ohio works first set forth in section 5107.18 of the Revised 99379
Code. 99380

(b) Individuals who have been exempted from the time limits 99381
set forth in section 5107.18 of the Revised Code and the reasons 99382
for the exemption. 99383

(D) The department shall provide copies of the reports it 99384
receives under division (C)(10) of this section and prepares under 99385
division (C)(11) of this section to the governor, the president 99386
and minority leader of the senate, and the speaker and minority 99387
leader of the house of representatives. The department shall 99388
provide copies of the reports to any private or government entity 99389
on request. 99390

(E) An authorized representative of the department or a 99391
county family services agency or state agency administering a 99392
Title IV-A program shall have access to all records and 99393
information bearing thereon for the purposes of investigations 99394
conducted pursuant to this section. An authorized representative 99395
of a government entity or private, not-for-profit entity 99396
administering a project funded in whole or in part with funds 99397
provided under the Title IV-A demonstration program shall have 99398
access to all records and information bearing on the project for 99399
the purpose of investigations conducted pursuant to this section. 99400

Sec. 5101.801. (A) Except as otherwise provided by the law 99401
enacted by the general assembly or executive order issued by the 99402
governor establishing the Title IV-A program, a Title IV-A program 99403
identified under division (A)(4)(c), (d), (e), ~~or (f)~~, or (g) of 99404
section 5101.80 of the Revised Code shall provide benefits and 99405
services that are not "assistance" as defined in 45 C.F.R. 99406
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 99407
excludes from the definition of assistance. 99408

(B)(1) Except as otherwise provided by the law enacted by the 99409
general assembly or executive order issued by the governor 99410
establishing the Title IV-A program, the department of job and 99411
family services shall do either of the following regarding a Title 99412
IV-A program identified under division (A)(4)(c), (d), (e), ~~or~~ 99413
(f), or (g) of section 5101.80 of the Revised Code: 99414

(a) Administer the program or supervise a county family 99415
services agency's administration of the program; 99416

(b) Enter into an interagency agreement with a state agency 99417
for the state agency to administer the program under the 99418
department's supervision. 99419

(2) The department may enter into an agreement with a 99420
government entity and, to the extent permitted by federal law, a 99421
private, not-for-profit entity for the entity to receive funding 99422
for a project under the Title IV-A demonstration program created 99423
under section 5101.803 of the Revised Code. 99424

(3) To the extent permitted by federal law, the department 99425
may enter into an agreement with a private, not-for-profit entity 99426
for the entity to receive funds under the Ohio parenting and 99427
pregnancy program created under section 5101.804 of the Revised 99428
Code. 99429

(C) The department may adopt rules governing Title IV-A 99430

programs identified under divisions (A)(4)(c), (d), (e), ~~and (f)~~,
and (g) of section 5101.80 of the Revised Code. Rules governing
financial and operational matters of the department or between the
department and county family services agencies shall be adopted as
internal management rules adopted in accordance with section
111.15 of the Revised Code. All other rules shall be adopted in
accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an agreement regarding a
Title IV-A program identified under division (A)(4)(c), (e), ~~or~~
(f), or (g) of section 5101.80 of the Revised Code pursuant to
division (B)(1)(b) or (2) of this section, the agreement shall
include at least all of the following:

(1) A requirement that the state agency or entity comply with
the requirements for the program or project, including all of the
following requirements established by federal statutes and
regulations, state statutes and rules, the United States office of
management and budget, and the Title IV-A state plan prepared
under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former
recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is
to provide;

(b) The methods of program or project administration;

(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services; 99460
99461
99462

(d) Other requirements that the department requires be included. 99463
99464

(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established; 99465
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(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following: 99469
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99472

(a) Limitations on administrative costs; 99473

(b) The department, at its discretion, doing either of the following: 99474
99475

(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project; 99476
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99478

(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project. 99479
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(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following: 99483
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99487

(a) Ensuring that the other entity complies with the agreement between the state agency or entity and department and 99488
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federal statutes and regulations and state statutes and rules	99490
governing the use of funds for the program or project;	99491
(b) Auditing the other entity in accordance with requirements	99492
established by the United States office of management and budget.	99493
(6) The state agency or entity's responsibilities regarding	99494
the prompt payment, including any interest assessed, of any	99495
adverse audit finding, final disallowance of federal funds, or	99496
other sanction or penalty imposed by the federal government,	99497
auditor of state, department, a court, or other entity regarding	99498
funds for the program or project;	99499
(7) Provisions for the department to terminate the agreement	99500
or withhold reimbursement from the state agency or entity if	99501
either of the following occur:	99502
(a) The federal government disapproves the program or project	99503
or reduces federal funds for the program or project;	99504
(b) The state agency or entity fails to comply with the terms	99505
of the agreement.	99506
(8) Provisions for both of the following:	99507
(a) The department and state agency or entity determining the	99508
performance outcomes expected for the program or project;	99509
(b) An evaluation of the program or project to determine its	99510
success in achieving the performance outcomes determined under	99511
division (D)(8)(a) of this section.	99512
(E) To the extent consistent with the law enacted by the	99513
general assembly or executive order issued by the governor	99514
establishing the Title IV-A program and subject to the approval of	99515
the director of budget and management, the director of job and	99516
family services may terminate a Title IV-A program identified	99517
under division (A)(4)(c), (d), (e), or (f), <u>or</u> (g) of section	99518
5101.80 of the Revised Code or reduce funding for the program if	99519

the director of job and family services determines that federal or 99520
state funds are insufficient to fund the program. If the director 99521
of budget and management approves the termination or reduction in 99522
funding for such a program, the director of job and family 99523
services shall issue instructions for the termination or funding 99524
reduction. If a Title IV-A administrative agency is administering 99525
the program, the agency is bound by the termination or funding 99526
reduction and shall comply with the director's instructions. 99527

(F) The director of job and family services may adopt 99528
internal management rules in accordance with section 111.15 of the 99529
Revised Code as necessary to implement this section. The rules are 99530
binding on each Title IV-A administrative agency. 99531

Sec. 5101.803. (A) Subject to division (E) of section 99532
5101.801 of the Revised Code, there is hereby created the Title 99533
IV-A demonstration program to provide funding for innovative and 99534
promising prevention and intervention projects that meet one or 99535
more of the four purposes of the temporary assistance for needy 99536
families block grant as specified in 42 U.S.C. 601 and are for 99537
individuals with specific and multiple barriers to achieving or 99538
maintaining self-sufficiency and personal responsibility. The 99539
department of job and family services may provide funding for such 99540
projects to government entities and, to the extent permitted by 99541
federal law, private, not-for-profit entities with which the 99542
department enters into agreements under division (B)(2) of section 99543
5101.801 of the Revised Code. 99544

In accordance with criteria the department develops, the 99545
department may solicit proposals ~~for~~ from entities seeking to 99546
enter into an agreement with the department under division (B)(2) 99547
of section 5101.801 of the Revised Code. The department may enter 99548
into such agreements with entities that do both of the following: 99549

(1) Meet the proposals' criteria; 99550

(2) If the entity's proposed project does not potentially affect persons in each county of the state, provides the department evidence that the entity has notified, in writing, the county department of job and family services of each county where persons may be affected by the implementation of the project.

(B) In developing the criteria, soliciting the proposals, and entering in the agreements, the department shall comply with all applicable federal and state laws, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the Title IV-A state plan submitted to the United States secretary under that section, and federal waivers the United States secretary grants.

(C) The department shall begin implementation of the Title IV-A demonstration program no later than January 1, 2006.

Sec. 5101.804. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of job and family services may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department

may solicit proposals from entities seeking to provide services 99581
under the program. The department may enter into an agreement with 99582
an entity only if it meets all of the following conditions: 99583

(1) Is a private, not-for-profit entity; 99584

(2) Is an entity whose primary purpose is to promote 99585
childbirth, rather than abortion, through counseling and other 99586
services, including parenting and adoption support; 99587

(3) Provides services to pregnant women and parents or other 99588
relatives caring for children twelve months of age or younger, 99589
including clothing, counseling, diapers, food, furniture, health 99590
care, parenting classes, postpartum recovery, shelter, and any 99591
other supportive services, programs, or related outreach; 99592

(4) Does not charge pregnant women and parents or other 99593
relatives caring for children twelve months of age or younger a 99594
fee for any services received; 99595

(5) Is not involved in or associated with any abortion 99596
activities, including providing abortion counseling or referrals 99597
to abortion clinics, performing abortion-related medical 99598
procedures, or engaging in pro-abortion advertising; 99599

(6) Does not discriminate in its provision of services on the 99600
basis of race, religion, color, age, marital status, national 99601
origin, disability, or gender. 99602

(C) An entity that has entered into an agreement with the 99603
department under division (B)(3) of section 5101.801 of the 99604
Revised Code may enter into a subcontract with another entity 99605
under which the other entity provides all or part of the services 99606
described in division (B)(3) of this section. A subcontract may be 99607
entered into with another entity only if that entity meets all of 99608
the following conditions: 99609

(1) Is a private, not-for-profit entity; 99610

(2) Is physically and financially separate from any entity, 99611
or component of an entity, that engages in abortion activities; 99612

(3) Is not involved in or associated with any abortion 99613
activities, including providing abortion counseling or referrals 99614
to abortion clinics, performing abortion-related medical 99615
procedures, or engaging in pro-abortion advertising. 99616

(D) The director of job and family services shall adopt rules 99617
under division (C) of section 5101.801 of the Revised Code as 99618
necessary to implement the Ohio parenting and pregnancy program. 99619

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the 99620
Revised Code: 99621

(A)(1) "Association" or "institution" includes ~~any~~ all of the 99622
following: 99623

(a) Any incorporated or unincorporated organization, society, 99624
association, or agency, public or private, that receives or cares 99625
for children for two or more consecutive weeks, including a 99626
therapeutic wilderness camp; ~~any~~ 99627

(b) Any individual, including the operator of a foster home, 99628
who, for hire, gain, or reward, receives or cares for children for 99629
two or more consecutive weeks, unless the individual is related to 99630
them by blood or marriage; ~~and any~~ 99631

(c) Any individual not in the regular employ of a court, or 99632
of an institution or association certified in accordance with 99633
section 5103.03 of the Revised Code, who in any manner becomes a 99634
party to the placing of children in foster homes, unless the 99635
individual is related to such children by blood or marriage, or is 99636
the appointed guardian of such children; ~~provided, that any.~~ 99637

(2) "Association" or "institution" does not include any of 99638
the following: 99639

(a) Any organization, society, association, school, agency, 99640

child guidance center, detention or rehabilitation facility, or 99641
children's clinic licensed, regulated, approved, operated under 99642
the direction of, or otherwise certified by the department of 99643
education, a local board of education, the department of youth 99644
services, the department of ~~mental health~~ mental health and 99645
addiction services, or the department of developmental 99646
disabilities, ~~or any;~~ 99647

(b) Any individual who provides care for only a single-family 99648
group, placed there by their parents or other relative having 99649
custody, ~~shall not be considered as being within the purview of~~ 99650
~~these sections.~~ 99651

(B) "Family foster home" means a foster home that is not a 99652
specialized foster home. 99653

(C) "Foster caregiver" means a person holding a valid foster 99654
home certificate issued under section 5103.03 of the Revised Code. 99655

(D) "Foster home" means a private residence in which children 99656
are received apart from their parents, guardian, or legal 99657
custodian, by an individual reimbursed for providing the children 99658
nonsecure care, supervision, or training twenty-four hours a day. 99659
"Foster home" does not include care provided for a child in the 99660
home of a person other than the child's parent, guardian, or legal 99661
custodian while the parent, guardian, or legal custodian is 99662
temporarily away. Family foster homes and specialized foster homes 99663
are types of foster homes. 99664

(E) "Medically fragile foster home" means a foster home that 99665
provides specialized medical services designed to meet the needs 99666
of children with intensive health care needs who meet all of the 99667
following criteria: 99668

(1) Under rules adopted by the ~~department of job and family~~ 99669
~~services~~ medicaid director governing ~~payment under Chapter 5111.~~ 99670
~~of the Revised Code~~ medicaid payments for long-term care services, 99671

the children require a skilled level of care.	99672
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.	99673 99674 99675
(3) The children require the services of a registered nurse on a daily basis.	99676 99677
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded <u>individuals with intellectual disabilities</u> .	99678 99679 99680 99681
(F) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:	99682 99683 99684 99685 99686
(1) Issue a certificate;	99687
(2) Deny a certificate;	99688
(3) Renew a certificate;	99689
(4) Deny renewal of a certificate;	99690
(5) Revoke a certificate.	99691
(G) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	99692 99693
(H) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs.	99694 99695 99696 99697 99698 99699
<u>(I) "Therapeutic wilderness camp" means a structured,</u>	99700

alternative residential setting for children who are experiencing 99701
emotional, behavioral, moral, social, or learning difficulties at 99702
home or school in which both of the following are the case: 99703

(1) The children spend the majority of their time, including 99704
overnight, either outdoors or in a primitive structure; 99705

(2) The children have been placed there by their parents or 99706
another relative having custody. 99707

Sec. 5103.0323. (A) As used in this section, ~~"government~~ 99708
~~auditing standards"~~ means the government auditing standards 99709
~~published by the comptroller general of the United States general~~ 99710
~~accounting office~~ "American institute of certified public 99711
accountants auditing standards" and "AICPA auditing standards" 99712
mean the auditing standards published by the American institute of 99713
certified public accountants. 99714

(B) The first time that a private child placing agency or 99715
private noncustodial agency seeks renewal of a certificate issued 99716
under section 5103.03 of the Revised Code, it shall provide the 99717
department of job and family services, as a condition of renewal, 99718
evidence of an independent financial statement audit ~~of its first~~ 99719
~~year of certification, unless the auditor of state has audited the~~ 99720
~~agency during that year and the audit sets forth that no money has~~ 99721
~~been illegally expended, converted, misappropriated, or is~~ 99722
~~unaccounted for or sets forth findings that are inconsequential,~~ 99723
~~as defined by government~~ performed by a licensed public accounting 99724
firm following applicable AICPA auditing standards for the most 99725
recent fiscal year. Thereafter, when an agency seeks renewal of 99726
its certificate, it shall provide the department evidence of an 99727
independent financial statement audit performed by a licensed 99728
public accounting firm following applicable AICPA auditing 99729
standards for the two most recent previous fiscal years it is 99730
possible for an independent audit to have been conducted, ~~unless~~ 99731

~~the auditor of state has audited the agency during those years and 99732
the audit sets forth that no money has been illegally expended, 99733
converted, misappropriated, or is unaccounted for or sets forth 99734
findings that are inconsequential, as defined by government 99735
auditing standards. 99736~~

(C) For an agency to be eligible for renewal, the independent 99737
audits must demonstrate that the agency operated in a fiscally 99738
accountable manner ~~in accordance with state laws and rules and any 99739
agreement between the agency and a public children services 99740
agency. 99741~~

~~All audits required by this section shall be conducted in 99742
accordance with generally accepted government auditing standards 99743
as determined by the department of job and family services. 99744~~

(D) The director of job and family services may adopt rules 99745
as necessary to implement this section. The director shall adopt 99746
the rules in accordance with section 111.15 of the Revised Code. 99747

Sec. 5103.13. (A) As used in this section and section 99748
5103.131 of the Revised Code: 99749

(1)(a) "Children's crisis care facility" means a facility 99750
that has as its primary purpose the provision of residential and 99751
other care to either or both of the following: 99752

(i) One or more preteens voluntarily placed in the facility 99753
by the preteen's parent or other caretaker who is facing a crisis 99754
that causes the parent or other caretaker to seek temporary care 99755
for the preteen and referral for support services; 99756

(ii) One or more preteens placed in the facility by a public 99757
children services agency or private child placing agency that has 99758
legal custody or permanent custody of the preteen and determines 99759
that an emergency situation exists necessitating the preteen's 99760
placement in the facility rather than an institution certified 99761

under section 5103.03 of the Revised Code or elsewhere. 99762

(b) "Children's crisis care facility" does not include either 99763
of the following: 99764

(i) Any organization, society, association, school, agency, 99765
child guidance center, detention or rehabilitation facility, or 99766
children's clinic licensed, regulated, approved, operated under 99767
the direction of, or otherwise certified by the department of 99768
education, a local board of education, the department of youth 99769
services, the department of ~~mental health~~ mental health and 99770
addiction services, or the department of developmental 99771
disabilities; 99772

(ii) Any individual who provides care for only a 99773
single-family group, placed there by their parents or other 99774
relative having custody. 99775

(2) "Legal custody" and "permanent custody" have the same 99776
meanings as in section 2151.011 of the Revised Code. 99777

(3) "Preteen" means an individual under thirteen years of 99778
age. 99779

(B) No person shall operate a children's crisis care facility 99780
or hold a children's crisis care facility out as a certified 99781
children's crisis care facility unless there is a valid children's 99782
crisis care facility certificate issued under this section for the 99783
facility. 99784

(C) A person seeking to operate a children's crisis care 99785
facility shall apply to the director of job and family services to 99786
obtain a certificate for the facility. The director shall certify 99787
the person's children's crisis care facility if the facility meets 99788
all of the certification standards established in rules adopted 99789
under division (F) of this section and the person complies with 99790
all of the rules governing the certification of children's crisis 99791
care facilities adopted under that division. The issuance of a 99792

children's crisis care facility certificate does not exempt the 99793
facility from a requirement to obtain another certificate or 99794
license mandated by law. 99795

(D)(1) No certified children's crisis care facility shall do 99796
any of the following: 99797

(a) Provide residential care to a preteen for more than one 99798
hundred twenty days in a calendar year; 99799

(b) Subject to division (D)(1)(c) of this section and except 99800
as provided in division (D)(2) of this section, provide 99801
residential care to a preteen for more than sixty consecutive 99802
days; 99803

(c) Except as provided in division (D)(3) of this section, 99804
provide residential care to a preteen for more than seventy-two 99805
consecutive hours if a public children services agency or private 99806
child placing agency placed the preteen in the facility; 99807

(d) Fail to comply with section 2151.86 of the Revised Code. 99808

(2) A certified children's crisis care facility may provide 99809
residential care to a preteen for up to ninety consecutive days, 99810
other than a preteen placed in the facility by a public children 99811
services agency or private child placing agency, if any of the 99812
following are the case: 99813

(a) The preteen's parent or other caretaker is enrolled in an 99814
alcohol and drug addiction ~~program certified under section 3793.06~~ 99815
~~of the Revised Code~~ service or a community mental health service 99816
certified under section ~~5119.611~~ 5119.36 of the Revised Code; 99817

(b) The preteen's parent or other caretaker is an inpatient 99818
in a hospital; 99819

(c) The preteen's parent or other caretaker is incarcerated; 99820

(d) A physician has diagnosed the preteen's parent or other 99821
caretaker as medically incapacitated. 99822

(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy-two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.

(E) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates division (D) of this section or ceases to meet any of the certification standards established in rules adopted under division (F) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division.

(F) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility.

Sec. 5103.42. Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the public children services agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, ~~Hamilton~~, Lucas, and Summit counties shall each establish and maintain a regional training center. Prior to the beginning of the fiscal biennium that first follows the effective date of this amendment, the public children services agency of Butler county

shall establish and maintain a regional training center. At any 99854
time after the beginning of ~~that~~ the specified biennium, the 99855
department of job and family services, on the recommendation of 99856
the Ohio child welfare training program steering committee, may 99857
direct a public children services agency to establish and maintain 99858
a training center to replace the center established by an agency 99859
under this section. There may be no more and no less than eight 99860
centers in existence at any time. The department may make a grant 99861
to a public children services agency that establishes and 99862
maintains a regional training center under this section for the 99863
purpose of wholly or partially subsidizing the operation of the 99864
center. The department shall specify in the grant all of the 99865
center's duties, including the duties specified in section 99866
5103.422 of the Revised Code. 99867

The regional training center established by the public 99868
children services agency of Butler county under this section 99869
replaces the regional training center previously established by 99870
the public children services agency of Hamilton county under this 99871
section. 99872

Sec. 5104.012. (A)(1) At the times specified in this 99873
division, the administrator of a child day-care center or a type A 99874
family day-care home shall request the superintendent of the 99875
bureau of criminal identification and investigation to conduct a 99876
criminal records check with respect to any applicant who has 99877
applied to the center or type A home for employment as a person 99878
responsible for the care, custody, or control of a child. 99879

The administrator shall request a criminal records check 99880
pursuant to this division at the time of the applicant's initial 99881
application for employment and every ~~four~~ five years thereafter. 99882
When the administrator requests pursuant to this division a 99883
criminal records check for an applicant at the time of the 99884

applicant's initial application for employment, the administrator 99885
shall request that the superintendent obtain information from the 99886
federal bureau of investigation as a part of the criminal records 99887
check for the applicant, including fingerprint-based checks of 99888
national crime information databases as described in 42 U.S.C. 99889
671, for the person subject to the criminal records check. In all 99890
other cases in which the administrator requests a criminal records 99891
check for an applicant pursuant to this division, the 99892
administrator may request that the superintendent include 99893
information from the federal bureau of investigation in the 99894
criminal records check, including fingerprint-based checks of 99895
national crime information databases as described in 42 U.S.C. 99896
671. 99897

(2) A person required by division (A)(1) of this section to 99898
request a criminal records check shall provide to each applicant a 99899
copy of the form prescribed pursuant to division (C)(1) of section 99900
109.572 of the Revised Code, provide to each applicant a standard 99901
impression sheet to obtain fingerprint impressions prescribed 99902
pursuant to division (C)(2) of section 109.572 of the Revised 99903
Code, obtain the completed form and impression sheet from each 99904
applicant, and forward the completed form and impression sheet to 99905
the superintendent of the bureau of criminal identification and 99906
investigation at the time the person requests a criminal records 99907
check pursuant to division (A)(1) of this section. On and after 99908
August 14, 2008, the administrator of a child day-care center or a 99909
type A family day-care home shall review the results of the 99910
criminal records check before the applicant has sole 99911
responsibility for the care, custody, or control of any child. 99912

(3) An applicant who receives pursuant to division (A)(2) of 99913
this section a copy of the form prescribed pursuant to division 99914
(C)(1) of section 109.572 of the Revised Code and a copy of an 99915
impression sheet prescribed pursuant to division (C)(2) of that 99916

section and who is requested to complete the form and provide a 99917
set of fingerprint impressions shall complete the form or provide 99918
all the information necessary to complete the form and shall 99919
provide the impression sheet with the impressions of the 99920
applicant's fingerprints. If an applicant, upon request, fails to 99921
provide the information necessary to complete the form or fails to 99922
provide impressions of the applicant's fingerprints, the center or 99923
type A home shall not employ that applicant for any position for 99924
which a criminal records check is required by division (A)(1) of 99925
this section. 99926

(B)(1) Except as provided in rules adopted under division (E) 99927
of this section, no child day-care center or type A family 99928
day-care home shall employ or contract with another entity for the 99929
services of a person as a person responsible for the care, 99930
custody, or control of a child if the person previously has been 99931
convicted of or pleaded guilty to any of the violations described 99932
in division (A)(5) of section 109.572 of the Revised Code. 99933

(2) A child day-care center or type A family day-care home 99934
may employ an applicant conditionally until the criminal records 99935
check required by this section is completed and the center or home 99936
receives the results of the criminal records check. If the results 99937
of the criminal records check indicate that, pursuant to division 99938
(B)(1) of this section, the applicant does not qualify for 99939
employment, the center or home shall release the applicant from 99940
employment. 99941

(C)(1) Each child day-care center and type A family day-care 99942
home shall pay to the bureau of criminal identification and 99943
investigation the fee prescribed pursuant to division (C)(3) of 99944
section 109.572 of the Revised Code for each criminal records 99945
check conducted in accordance with that section upon the request 99946
pursuant to division (A)(1) of this section of the administrator 99947
or provider of the center or home. 99948

(2) A child day-care center and type A family day-care home 99949
may charge an applicant a fee for the costs it incurs in obtaining 99950
a criminal records check under this section. A fee charged under 99951
this division shall not exceed the amount of fees the center or 99952
home pays under division (C)(1) of this section. If a fee is 99953
charged under this division, the center or home shall notify the 99954
applicant at the time of the applicant's initial application for 99955
employment of the amount of the fee and that, unless the fee is 99956
paid, the center or type A home will not consider the applicant 99957
for employment. 99958

(D) The report of any criminal records check conducted by the 99959
bureau of criminal identification and investigation in accordance 99960
with section 109.572 of the Revised Code and pursuant to a request 99961
under division (A)(1) of this section is not a public record for 99962
the purposes of section 149.43 of the Revised Code and shall not 99963
be made available to any person other than the applicant who is 99964
the subject of the criminal records check or the applicant's 99965
representative; the center or type A home requesting the criminal 99966
records check or its representative; the department of job and 99967
family services or a county department of job and family services; 99968
and any court, hearing officer, or other necessary individual 99969
involved in a case dealing with the denial of employment to the 99970
applicant. 99971

(E) The director of job and family services shall adopt rules 99972
pursuant to Chapter 119. of the Revised Code to implement this 99973
section, including rules specifying circumstances under which a 99974
center or home may hire a person who has been convicted of an 99975
offense listed in division (B)(1) of this section but who meets 99976
standards in regard to rehabilitation set by the department. 99977

(F) Any person required by division (A)(1) of this section to 99978
request a criminal records check shall inform each person, at the 99979
time of the person's initial application for employment, that the 99980

person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child; an in-home aide certified pursuant to section 5104.12 of the Revised Code; or any person who would serve in any position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child pursuant to a contract with another entity.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

Sec. 5104.013. (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers and type A family day-care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

(a) Any owner, licensee, or administrator of a child day-care center;

(b) Any owner, licensee, or administrator of a type A family day-care home and any person eighteen years of age or older who resides in a type A family day-care home.

(2) At the times specified in division (A)(3) of this

section, the director of a county department of job and family 100011
services, as part of the process of certification of type B family 100012
day-care homes, shall request the superintendent of the bureau of 100013
criminal identification and investigation to conduct a criminal 100014
records check with respect to any authorized provider of a 100015
certified type B family day-care home and any person eighteen 100016
years of age or older who resides in a certified type B family 100017
day-care home. 100018

(3) The director of job and family services shall request a 100019
criminal records check pursuant to division (A)(1) of this section 100020
at the time of the initial application for licensure and every 100021
~~four~~ five years thereafter. The director of a county department of 100022
job and family services shall request a criminal records check 100023
pursuant to division (A)(2) of this section at the time of the 100024
initial application for certification and every ~~four~~ five years 100025
thereafter at the time of a certification renewal. When the 100026
director of job and family services or the director of a county 100027
department of job and family services requests pursuant to 100028
division (A)(1) or (2) of this section a criminal records check 100029
for a person at the time of the person's initial application for 100030
licensure or certification, the director shall request that the 100031
superintendent of the bureau of criminal identification and 100032
investigation obtain information from the federal bureau of 100033
investigation as a part of the criminal records check for the 100034
person, including fingerprint-based checks of national crime 100035
information databases as described in 42 U.S.C. 671 for the person 100036
subject to the criminal records check. In all other cases in which 100037
the director of job and family services or the director of a 100038
county department of job and family services requests a criminal 100039
records check for an applicant pursuant to division (A)(1) or (2) 100040
of this section, the director may request that the superintendent 100041
include information from the federal bureau of investigation in 100042
the criminal records check, including fingerprint-based checks of 100043

national crime information databases as described in 42 U.S.C. 100044
671. 100045

(4) The director of job and family services shall review the 100046
results of a criminal records check subsequent to a request made 100047
pursuant to divisions (A)(1) and (3) of this section prior to 100048
approval of a license. The director of a county department of job 100049
and family services shall review the results of a criminal records 100050
check subsequent to a request made pursuant to divisions (A)(2) 100051
and (3) of this section prior to approval of certification. 100052

(B) The director of job and family services or the director 100053
of a county department of job and family services shall provide to 100054
each person for whom a criminal records check is required under 100055
this section a copy of the form prescribed pursuant to division 100056
(C)(1) of section 109.572 of the Revised Code and a standard 100057
impression sheet to obtain fingerprint impressions prescribed 100058
pursuant to division (C)(2) of that section, obtain the completed 100059
form and impression sheet from that person, and forward the 100060
completed form and impression sheet to the superintendent of the 100061
bureau of criminal identification and investigation. 100062

(C) A person who receives pursuant to division (B) of this 100063
section a copy of the form and standard impression sheet described 100064
in that division and who is requested to complete the form and 100065
provide a set of fingerprint impressions shall complete the form 100066
or provide all the information necessary to complete the form and 100067
shall provide the impression sheet with the impressions of the 100068
person's fingerprints. If the person, upon request, fails to 100069
provide the information necessary to complete the form or fails to 100070
provide impressions of the person's fingerprints, the director may 100071
consider the failure as a reason to deny licensure or 100072
certification. 100073

(D) Except as provided in rules adopted under division (G) of 100074
this section, the director of job and family services shall not 100075

grant a license to a child day-care center or type A family day-care home and a county director of job and family services shall not certify a type B family day-care home if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(E) Each child day-care center, type A family day-care home, and type B family day-care home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.

(F) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the criminal records check.

(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (D) of this section for persons who have been convicted of an offense listed in that division but who meet

standards in regard to rehabilitation set by the director. 100108

(H) As used in this section, "criminal records check" has the 100109
same meaning as in section 109.572 of the Revised Code. 100110

Sec. 5104.02. (A) The director of job and family services is 100111
responsible for the licensing of child day-care centers and type A 100112
family day-care homes. Each entity operating a head start program 100113
shall meet the criteria for, and be licensed as, a child day-care 100114
center. The director is responsible for the enforcement of this 100115
chapter and of rules promulgated pursuant to this chapter. 100116

No person, firm, organization, institution, or agency shall 100117
operate, establish, manage, conduct, or maintain a child day-care 100118
center or type A family day-care home without a license issued 100119
under section 5104.03 of the Revised Code. The current license 100120
shall be posted in a conspicuous place in the center or type A 100121
home that is accessible to parents, custodians, or guardians and 100122
employees of the center or type A home at all times when the 100123
center or type A home is in operation. 100124

(B) A person, firm, institution, organization, or agency 100125
operating any of the following programs is exempt from the 100126
requirements of this chapter: 100127

(1) A program of child care that operates for two or less 100128
consecutive weeks; 100129

(2) Child care in places of worship during religious 100130
activities during which children are cared for while at least one 100131
parent, guardian, or custodian of each child is participating in 100132
such activities and is readily available; 100133

(3) Religious activities which do not provide child care; 100134

(4) Supervised training, instruction, or activities of 100135
children in specific areas, including, but not limited to: art; 100136
drama; dance; music; gymnastics, swimming, or another athletic 100137

skill or sport; computers; or an educational subject conducted on 100138
an organized or periodic basis no more than one day a week and for 100139
no more than six hours duration; 100140

(5) Programs in which the director determines that at least 100141
one parent, custodian, or guardian of each child is on the 100142
premises of the facility offering child care and is readily 100143
accessible at all times, except that child care provided on the 100144
premises at which a parent, custodian, or guardian is employed 100145
more than two and one-half hours a day shall be licensed in 100146
accordance with division (A) of this section; 100147

(6)(a) Programs that provide child care funded and regulated 100148
or operated and regulated by state departments other than the 100149
department of job and family services or the state board of 100150
education when the director of job and family services has 100151
determined that the rules governing the program are equivalent to 100152
or exceed the rules promulgated pursuant to this chapter. 100153

Notwithstanding any exemption from regulation under this 100154
chapter, each state department shall submit to the director of job 100155
and family services a copy of the rules that govern programs that 100156
provide child care and are regulated or operated and regulated by 100157
the department. Annually, each state department shall submit to 100158
the director a report for each such program it regulates or 100159
operates and regulates that includes the following information: 100160

(i) The site location of the program; 100161

(ii) The maximum number of infants, toddlers, preschool-age 100162
children, or school-age children served by the program at one 100163
time; 100164

(iii) The number of adults providing child care for the 100165
number of infants, toddlers, preschool-age children, or school-age 100166
children; 100167

(iv) Any changes in the rules made subsequent to the time 100168

when the rules were initially submitted to the director. 100169

The director shall maintain a record of the child care 100170
information submitted by other state departments and shall provide 100171
this information upon request to the general assembly or the 100172
public. 100173

(b) Child care programs conducted by boards of education or 100174
by chartered nonpublic schools that are conducted in school 100175
buildings and that provide child care to school-age children only 100176
shall be exempt from meeting or exceeding rules promulgated 100177
pursuant to this chapter. 100178

(7) Any preschool program or school child program, except a 100179
head start program, that is subject to licensure by the department 100180
of education under sections 3301.52 to 3301.59 of the Revised 100181
Code. 100182

(8) Any program providing child care that meets all of the 100183
following requirements and, on October 20, 1987, was being 100184
operated by a nonpublic school that holds a charter issued by the 100185
state board of education for kindergarten only: 100186

(a) The nonpublic school has given the notice to the state 100187
board and the director of job and family services required by 100188
Section 4 of Substitute House Bill No. 253 of the 117th general 100189
assembly; 100190

(b) The nonpublic school continues to be chartered by the 100191
state board for kindergarten, or receives and continues to hold a 100192
charter from the state board for kindergarten through grade five; 100193

(c) The program is conducted in a school building; 100194

(d) The program is operated in accordance with rules 100195
promulgated by the state board under sections 3301.52 to 3301.57 100196
of the Revised Code. 100197

(9) A youth development program operated outside of school 100198

hours by a community-based center to which all of the following 100199
apply: 100200

(a) The children enrolled in the program are under nineteen 100201
years of age and enrolled in or eligible to be enrolled in a grade 100202
of kindergarten or above. 100203

(b) The program provides informal child care ~~and at least~~ 100204
two, which is child care that does not require parental signature, 100205
permission, or notice for the child receiving the care to enter or 100206
leave the program; 100207

(c) The program provides any of the following supervised 100208
activities: educational, recreational, culturally enriching, 100209
social, and personal development activities. 100210

~~(e)~~(d) The program is eligible for participation in the child 100211
and adult care food program as an outside-school-hours care center 100212
pursuant to standards established under section 3313.813 of the 100213
Revised Code. 100214

~~(d)~~(e) The community-based center operating the program is 100215
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 100216
and (c)(3). 100217

(10) A preschool program operated by a nonchartered, 100218
nontax-supported school if the preschool program meets all of the 100219
following conditions: 100220

(a) The program complies with state and local health, fire, 100221
and safety laws. 100222

(b) The program annually certifies in a report to the parents 100223
of its pupils that the school is in compliance with division 100224
(B)(10)(a) of this section and files a copy of the report with the 100225
department of job and family services on or before the thirtieth 100226
day of September of each year. 100227

(c) The program complies with all applicable reporting 100228

requirements in the same manner as required by the state board of 100229
education for nonchartered, nonpublic primary and secondary 100230
schools. 100231

(d) The program is associated with a nonchartered, 100232
nontax-supported primary or secondary school. 100233

Sec. 5104.021. The director of job and family services may 100234
~~not~~ issue a child day-care center or type A family day-care home 100235
license to a youth development program that is exempted by 100236
division (B)(9) of section 5104.02 of the Revised Code from the 100237
requirements of this chapter if the youth development program 100238
applies for and meets all of the requirements for the license. 100239

Sec. 5104.03. (A) Any person, firm, organization, 100240
institution, or agency desiring to establish a child day-care 100241
center or type A family day-care home shall apply for a license to 100242
the director of job and family services on such form as the 100243
director prescribes. The director shall provide at no charge to 100244
each applicant for licensure a copy of the child care license 100245
requirements in this chapter and a copy of the rules adopted 100246
pursuant to this chapter. The copies may be provided in paper or 100247
electronic form. 100248

Fees shall be set by the director pursuant to section 100249
5104.011 of the Revised Code and shall be paid at the time of 100250
application for a license to operate a center or type A home. Fees 100251
collected under this section shall be paid into the state treasury 100252
to the credit of the general revenue fund. 100253

(B) Upon filing of the application for a license, the 100254
director shall investigate and inspect the center or type A home 100255
to determine the license capacity for each age category of 100256
children of the center or type A home and to determine whether the 100257
center or type A home complies with this chapter and rules adopted 100258

pursuant to this chapter. When, after investigation and 100259
inspection, the director is satisfied that this chapter and rules 100260
adopted pursuant to it are complied with, subject to division (G) 100261
of this section, a provisional license shall be issued as soon as 100262
practicable in such form and manner as prescribed by the director. 100263
The provisional license shall be valid for twelve months from the 100264
date of issuance unless revoked. 100265

(C) The director shall investigate and inspect the center or 100266
type A home at least once during operation under the provisional 100267
license. If after the investigation and inspection the director 100268
determines that the requirements of this chapter and rules adopted 100269
pursuant to this chapter are met, subject to division (G) of this 100270
section, the director shall issue a license to the center or home. 100271

(D) The license or provisional license shall state the name 100272
of the licensee, the name of the administrator, the address of the 100273
center or type A home, and the license capacity for each age 100274
category of children. The license or provisional license shall 100275
include thereon, in accordance with section 5104.011 of the 100276
Revised Code, the toll-free telephone number to be used by persons 100277
suspecting that the center or type A home has violated a provision 100278
of this chapter or rules adopted pursuant to this chapter. A 100279
license or provisional license is valid only for the licensee, 100280
administrator, address, and license capacity for each age category 100281
of children designated on the license. The license capacity 100282
specified on the license or provisional license is the maximum 100283
number of children in each age category that may be cared for in 100284
the center or type A home at one time. 100285

The center or type A home licensee shall notify the director 100286
when the administrator of the center or home changes. The director 100287
shall amend the current license or provisional license to reflect 100288
a change in an administrator, if the administrator meets the 100289
requirements of Chapter 5104. of the Revised Code and rules 100290

adopted pursuant to Chapter 5104. of the Revised Code, or a change 100291
in license capacity for any age category of children as determined 100292
by the director of job and family services. 100293

(E) If the director revokes the license of a center or a type 100294
A home, the director shall not issue another license to the owner 100295
of the center or type A home until five years have elapsed from 100296
the date the license is revoked. 100297

If the director denies an application for a license, the 100298
director shall not accept another application from the applicant 100299
until five years have elapsed from the date the application is 100300
denied. 100301

(F) If during the application for licensure process the 100302
director determines that the license of the owner has been 100303
revoked, the investigation of the center or type A home shall 100304
cease. This action does not constitute denial of the application 100305
and may not be appealed under division (G) of this section. 100306

(G) All actions of the director with respect to licensing 100307
centers or type A homes, refusal to license, and revocation of a 100308
license shall be in accordance with Chapter 119. of the Revised 100309
Code. Any applicant who is denied a license or any owner whose 100310
license is revoked may appeal in accordance with section 119.12 of 100311
the Revised Code. 100312

(H) In no case shall the director issue a license or 100313
provisional license under this section for a type A home or center 100314
if the director, based on documentation provided by the 100315
appropriate county department of job and family services, 100316
determines that the applicant previously had been certified as a 100317
type B family day-care home, that the county department revoked 100318
that certification within the immediately preceding five years, 100319
that the revocation was based on the applicant's refusal or 100320
inability to comply with the criteria for certification, and that 100321

the refusal or inability resulted in a risk to the health or 100322
safety of children. 100323

Sec. 5104.08. (A) There is hereby created in the department 100324
of job and family services a child care advisory council to advise 100325
and assist the department in the administration of this chapter 100326
and in the development of child care. The council shall consist of 100327
twenty-two voting members appointed by the director of job and 100328
family services with the approval of the governor. The director of 100329
job and family services, the director of developmental 100330
disabilities, the director of ~~mental health~~ mental health and 100331
addiction services, the superintendent of public instruction, the 100332
director of health, the director of commerce, and the state fire 100333
marshal shall serve as nonvoting members of the council. 100334

Six members shall be representatives of child care centers 100335
subject to licensing, the members to represent a variety of 100336
centers, including nonprofit and proprietary, from different 100337
geographical areas of the state. At least three members shall be 100338
parents, guardians, or custodians of children receiving child care 100339
or publicly funded child care in the child's own home, a center, a 100340
type A home, a head start program, a certified type B home, or a 100341
type B home at the time of appointment. Three members shall be 100342
representatives of in-home aides, type A homes, certified type B 100343
homes, or type B homes or head start programs. At least six 100344
members shall represent county departments of job and family 100345
services. The remaining members shall be representatives of the 100346
teaching, child development, and health professions, and other 100347
individuals interested in the welfare of children. At least six 100348
members of the council shall not be employees or licensees of a 100349
child day-care center, head start program, or type A home, or 100350
providers operating a certified type B home or type B home, or 100351
in-home aides. 100352

Appointments shall be for three-year terms. Vacancies shall 100353
be filled for the unexpired terms. A member of the council is 100354
subject to removal by the director of job and family services for 100355
a willful and flagrant exercise of authority or power that is not 100356
authorized by law, for a refusal or willful neglect to perform any 100357
official duty as a member of the council imposed by law, or for 100358
being guilty of misfeasance, malfeasance, nonfeasance, or gross 100359
neglect of duty as a member of the council. 100360

There shall be two co-chairpersons of the council. One 100361
co-chairperson shall be the director of job and family services or 100362
the director's designee, and one co-chairperson shall be elected 100363
by the members of the council. The council shall meet as often as 100364
is necessary to perform its duties, provided that it shall meet at 100365
least once in each quarter of each calendar year and at the call 100366
of the co-chairpersons. The co-chairpersons or their designee 100367
shall send to each member a written notice of the date, time, and 100368
place of each meeting. 100369

Members of the council shall serve without compensation, but 100370
shall be reimbursed for necessary expenses. 100371

(B) The child care advisory council shall advise the director 100372
on matters affecting the licensing of centers and type A homes and 100373
the certification of type B homes and in-home aides. The council 100374
shall make an annual report to the director of job and family 100375
services that addresses the availability, affordability, 100376
accessibility, and quality of child care and that summarizes the 100377
recommendations and plans of action that the council has proposed 100378
to the director during the preceding fiscal year. The director of 100379
job and family services shall provide copies of the report to the 100380
governor, speaker and minority leader of the house of 100381
representatives, and the president and minority leader of the 100382
senate and, on request, shall make copies available to the public. 100383

(C) The director of job and family services shall adopt rules 100384

pursuant to Chapter 119. of the Revised Code to implement this 100385
section. 100386

Sec. 5104.11. (A)(1) Every person desiring to receive 100387
certification for a type B family day-care home to provide 100388
publicly funded child care shall apply for certification to the 100389
county director of job and family services on such forms as the 100390
director of job and family services prescribes. The county 100391
director shall provide at no charge to each applicant a copy of 100392
rules for certifying type B family day-care homes adopted pursuant 100393
to this chapter. 100394

(2) Except as provided in division (G)(1) of section 5104.011 100395
of the Revised Code, after receipt of an application for 100396
certification from a type B family day-care home, the county 100397
director of job and family services shall inspect the home. If it 100398
complies with this chapter and any applicable rules adopted under 100399
this chapter, the county department shall certify the type B 100400
family day-care home to provide publicly funded child care 100401
pursuant to this chapter and any rules adopted under it. The 100402
director of job and family services or a county director of job 100403
and family services may contract with a government entity or a 100404
private nonprofit entity for that entity to inspect and certify 100405
type B family day-care homes pursuant to this section. The county 100406
department of job and family services, government entity, or 100407
nonprofit entity shall conduct the inspection prior to the 100408
issuance of a certificate for the type B home and, as part of that 100409
inspection, ensure that the type B home is safe and sanitary. 100410

(3)(a) On receipt of an application for certification for a 100411
type B family day-care home to provide publicly funded child care 100412
or for renewal of such certification, the county department shall 100413
request from ~~both of the following~~ the public children services 100414
agency information concerning any abuse or neglect report made 100415

pursuant to section 2151.421 of the Revised Code of which the 100416
applicant, any other adult residing in the applicant's home, or a 100417
person designated by the applicant to be an emergency or 100418
substitute caregiver for the applicant is the subject. 100419

~~(i) The public children services agency, until the county 100420
department is notified by the department of job and family 100421
services that the uniform statewide automated child welfare 100422
information system has been finalized statewide. 100423~~

~~(ii) Upon receipt of notification under division (D) of 100424
section 5101.13 of the Revised Code that the uniform statewide 100425
automated child welfare information system has been implemented 100426
statewide, the uniform statewide automated child welfare 100427
information system via the department. 100428~~

(b) The county department shall consider any information 100429
provided by the agency ~~or the department~~ pursuant to section 100430
5153.175 of the Revised Code. If the county department determines 100431
that the information, when viewed within the totality of the 100432
circumstances, reasonably leads to the conclusion that the 100433
applicant may directly or indirectly endanger the health, safety, 100434
or welfare of children, the county department shall deny the 100435
application for certification or renewal of certification, or 100436
revoke the certification of an authorized provider. 100437

(c) As used in division (A)(3) of this section, "public 100438
children services agency" means either an entity separate from the 100439
county department or the part of the county department that serves 100440
as the county's public children services agency, as appropriate. 100441

(4) Except as provided in division (A)(5) of this section, an 100442
authorized provider of a type B family day-care home that receives 100443
a certificate pursuant to this section to provide publicly funded 100444
child care is an independent contractor and is not an employee of 100445
the county department of job and family services that issues the 100446

certificate. 100447

(5) For purposes of Chapter 4141. of the Revised Code, 100448
determinations concerning the employment of an authorized provider 100449
of a type B family day-care home that receives a certificate 100450
pursuant to this section shall be determined under Chapter 4141. 100451
of the Revised Code. 100452

(B)(1) If the county director of job and family services 100453
determines that the type B family day-care home complies with this 100454
chapter and any rules adopted under it, the county director shall 100455
issue to the provider a certificate to provide publicly funded 100456
child care, ~~which. The~~ certificate is valid for twelve months, 100457
unless revoked earlier. ~~The county director may revoke the~~ 100458
~~certificate after determining that revocation is necessary.~~ The 100459
authorized provider shall post the certificate in a conspicuous 100460
place in the certified type B home that is accessible to parents, 100461
custodians, or guardians at all times. The certificate shall state 100462
the name and address of the authorized provider, the maximum 100463
number of children who may be cared for at any one time in the 100464
certified type B home, the expiration date of the certification, 100465
and the name and telephone number of the county director who 100466
issued the certificate. 100467

(2) The county director may revoke a certificate to provide 100468
publicly funded child care in either of the following 100469
circumstances: 100470

(a) The county director determines, pursuant to rules adopted 100471
under Chapter 119. of the Revised Code, that revocation is 100472
necessary; 100473

(b) The authorized provider does not comply with division 100474
(D)(2) of section 5104.32 of the Revised Code. 100475

(C)(1) The county director shall inspect every certified type 100476
B family day-care home at least twice within each twelve-month 100477

period of the operation of the certified type B home. A minimum of 100478
one inspection shall be unannounced and all inspections may be 100479
unannounced. Upon receipt of a complaint, the county director 100480
shall investigate the certified type B home, and division (C)(2) 100481
of this section applies regarding the complaint. The authorized 100482
provider shall permit the county director to inspect any part of 100483
the certified type B home. The county director shall prepare a 100484
written inspection report and furnish one copy to the authorized 100485
provider within a reasonable time after the inspection. 100486

(2) Upon receipt of a complaint as described in division 100487
(C)(1) of this section, in addition to the investigation that is 100488
required under that division, both of the following apply: 100489

(a) If the complaint alleges that a child suffered physical 100490
harm while receiving child care at the certified type B family 100491
day-care home or that the noncompliance with law or act alleged in 100492
the complaint involved, resulted in, or poses a substantial risk 100493
of physical harm to a child receiving child care at the home, the 100494
county director shall inspect the home. 100495

(b) If division (C)(2)(a) of this section does not apply 100496
regarding the complaint, the county director may inspect the 100497
certified type B family day-care home. 100498

(3) Division (C)(2) of this section does not limit, restrict, 100499
or negate any duty of the county director to inspect a certified 100500
type B family day-care home that otherwise is imposed under this 100501
section, or any authority of the county director to inspect a home 100502
that otherwise is granted under this section when the county 100503
director believes the inspection is necessary and it is permitted 100504
under the grant. 100505

(D) The county director of job and family services, in 100506
accordance with rules adopted pursuant to section 5104.052 of the 100507
Revised Code regarding fire safety and fire prevention, shall 100508

inspect each type B home that applies to be certified that is providing or is to provide publicly funded child care.

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(E) All materials that are supplied by the department of job and family services to type A family day-care home providers, type B family day-care home providers, in-home aides, persons who desire to be type A family day-care home providers, type B family day-care home providers, or in-home aides, and caretaker parents shall be written at no higher than the sixth grade reading level. The department may employ a readability expert to verify its compliance with this division.

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Sec. 5104.12. (A) The county director of job and family services may certify in-home aides to provide publicly funded child care pursuant to this chapter and any rules adopted under it. Any in-home aide who receives a certificate pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate.

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(B) Every person desiring to receive certification as an in-home aide shall apply for certification to the county director of job and family services on such forms as the director of job and family services prescribes. The county director shall provide at no charge to each applicant a copy of rules for certifying in-home aides adopted pursuant to this chapter.

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(C)(1) If the county director of job and family services determines that public funds are available and that the person complies with this chapter and any rules adopted under it, the county director shall certify the person as an in-home aide and issue the person a certificate to provide publicly funded child care for twelve months. ~~The county director may revoke the certificate after determining that revocation is necessary.~~ The county director shall furnish a copy of the certificate to the

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parent, custodian, or guardian. The certificate shall state the 100540
name and address of the in-home aide, the expiration date of the 100541
certification, and the name and telephone number of the county 100542
director who issued the certificate. 100543

(2) The county director may revoke the certificate in either 100544
of the following circumstances: 100545

(a) The county director determines, pursuant to rules adopted 100546
under Chapter 119. of the Revised Code, that revocation is 100547
necessary; 100548

(b) The in-home aide does not comply with division (D)(2) of 100549
section 5104.32 of the Revised Code. 100550

(D)(1) The county director of job and family services shall 100551
inspect every home of a child who is receiving publicly funded 100552
child care in the child's own home while the in-home aide is 100553
providing the services. Inspections may be unannounced. Upon 100554
receipt of a complaint, the county director shall investigate the 100555
in-home aide, shall investigate the home of a child who is 100556
receiving publicly funded child care in the child's own home, and 100557
division (D)(2) of this section applies regarding the complaint. 100558
The caretaker parent shall permit the county director to inspect 100559
any part of the child's home. The county director shall prepare a 100560
written inspection report and furnish one copy each to the in-home 100561
aide and the caretaker parent within a reasonable time after the 100562
inspection. 100563

(2) Upon receipt of a complaint as described in division 100564
(D)(1) of this section, in addition to the investigations that are 100565
required under that division, both of the following apply: 100566

(a) If the complaint alleges that a child suffered physical 100567
harm while receiving publicly funded child care in the child's own 100568
home from an in-home aide or that the noncompliance with law or 100569
act alleged in the complaint involved, resulted in, or poses a 100570

substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child.

(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child.

(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of

this chapter and are exempt from any other provision of the 100602
Revised Code that regulates state contracts or contracts involving 100603
the expenditure of state or federal funds. 100604

(B) Each contract for publicly funded child care shall 100605
specify at least the following: 100606

(1) That the provider of publicly funded child care agrees to 100607
be paid for rendering services at the lower of the rate 100608
customarily charged by the provider for children enrolled for 100609
child care or the reimbursement ceiling or rate of payment 100610
established pursuant to section 5104.30 of the Revised Code; 100611

(2) That, if a provider provides child care to an individual 100612
potentially eligible for publicly funded child care who is 100613
subsequently determined to be eligible, the department agrees to 100614
pay for all child care provided between the date the county 100615
department of job and family services receives the individual's 100616
completed application and the date the individual's eligibility is 100617
determined; 100618

(3) Whether the county department of job and family services, 100619
the provider, or a child care resource and referral service 100620
organization will make eligibility determinations, whether the 100621
provider or a child care resource and referral service 100622
organization will be required to collect information to be used by 100623
the county department to make eligibility determinations, and the 100624
time period within which the provider or child care resource and 100625
referral service organization is required to complete required 100626
eligibility determinations or to transmit to the county department 100627
any information collected for the purpose of making eligibility 100628
determinations; 100629

(4) That the provider, other than a border state child care 100630
provider, shall continue to be licensed, approved, or certified 100631
pursuant to this chapter and shall comply with all standards and 100632

other requirements in this chapter and in rules adopted pursuant 100633
to this chapter for maintaining the provider's license, approval, 100634
or certification; 100635

(5) That, in the case of a border state child care provider, 100636
the provider shall continue to be licensed, certified, or 100637
otherwise approved by the state in which the provider is located 100638
and shall comply with all standards and other requirements 100639
established by that state for maintaining the provider's license, 100640
certificate, or other approval; 100641

(6) Whether the provider will be paid by the state department 100642
of job and family services or in some other manner as prescribed 100643
by rules adopted under section 5104.42 of the Revised Code; 100644

(7) That the contract is subject to the availability of state 100645
and federal funds. 100646

(C) Unless specifically prohibited by federal law or by rules 100647
adopted under section 5104.42 of the Revised Code, the county 100648
department of job and family services shall give individuals 100649
eligible for publicly funded child care the option of obtaining 100650
certificates that the individual may use to purchase services from 100651
any provider qualified to provide publicly funded child care under 100652
section 5104.31 of the Revised Code. Providers of publicly funded 100653
child care may present these certificates for payment in 100654
accordance with rules that the director of job and family services 100655
shall adopt. Only providers may receive payment for certificates. 100656
The value of the certificate shall be based on the lower of the 100657
rate customarily charged by the provider or the rate of payment 100658
established pursuant to section 5104.30 of the Revised Code. The 100659
county department may provide the certificates to the individuals 100660
or may contract with child care providers or child care resource 100661
and referral service organizations that make determinations of 100662
eligibility for publicly funded child care pursuant to contracts 100663
entered into under section 5104.34 of the Revised Code for the 100664

providers or resource and referral service organizations to 100665
provide the certificates to individuals whom they determine are 100666
eligible for publicly funded child care. 100667

For each six-month period a provider of publicly funded child 100668
care provides publicly funded child care to the child of an 100669
individual given certificates, the individual shall provide the 100670
provider certificates for days the provider would have provided 100671
publicly funded child care to the child had the child been 100672
present. The maximum number of days providers shall be provided 100673
certificates shall not exceed ten days in a six-month period 100674
during which publicly funded child care is provided to the child 100675
regardless of the number of providers that provide publicly funded 100676
child care to the child during that period. 100677

(D)(1) The department shall establish the Ohio electronic 100678
child care system to track attendance and calculate payments for 100679
publicly funded child care. The system shall include issuing an 100680
electronic child care card to each caretaker parent to swipe 100681
through a point-of-service device issued to an eligible provider, 100682
as described in section 5104.31 of the Revised Code. 100683

(2) Each eligible provider that provides publicly funded 100684
child care shall participate in the Ohio electronic child care 100685
system. A provider participating in the system shall not do any of 100686
the following: 100687

(a) Use or have possession of an electronic child care card 100688
issued to a caretaker parent; 100689

(b) Falsify attendance records; 100690

(c) Knowingly seek payment for publicly funded child care 100691
that was not provided; 100692

(d) Knowingly accept reimbursement for publicly funded child 100693
care that was not provided. 100694

Sec. 5107.10. (A) As used in this section:	100695
(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.	100696 100697 100698
(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.	100699 100700 100701 100702
(3) "Gross income" means gross earned income and gross unearned income.	100703 100704
(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.	100705 100706 100707 100708 100709 100710 100711 100712 100713
(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.	100714 100715 100716 100717 100718 100719
(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:	100720 100721
(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:	100722 100723
(a) A minor child who, except as provided in section 5107.24	100724

of the Revised Code, resides with a parent, or specified relative 100725
caring for the child, or, to the extent permitted by Title IV-A 100726
and federal regulations adopted until Title IV-A, resides with a 100727
guardian or custodian caring for the child; 100728

(b) A parent residing with and caring for the parent's minor 100729
child who receives supplemental security income under Title XVI of 100730
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 100731
as amended, or federal, state, or local adoption assistance; 100732

(c) A specified relative residing with and caring for a minor 100733
child who is related to the specified relative in a manner that 100734
makes the specified relative a specified relative and receives 100735
supplemental security income or federal, state, or local foster 100736
care or adoption assistance; 100737

(d) A woman at least six months pregnant. 100738

(2) The assistance group must meet the income requirements 100739
established by division (D) of this section. 100740

(3) No member of the assistance group may be involved in a 100741
strike. 100742

(4) The assistance group must satisfy the requirements for 100743
Ohio works first established by this chapter and ~~sections 5101.58,~~ 100744
~~5101.59, and section~~ 5101.83 of the Revised Code. 100745

(5) The assistance group must meet requirements for Ohio 100746
works first established by rules adopted under section 5107.05 of 100747
the Revised Code. 100748

(D)(1) Except as provided in division (D)(4) of this section, 100749
to determine whether an assistance group is initially eligible to 100750
participate in Ohio works first, a county department of job and 100751
family services shall do the following: 100752

(a) Determine whether the assistance group's gross income 100753
exceeds fifty per cent of the federal poverty guidelines. In 100754

making this determination, the county department shall disregard 100755
amounts that federal statutes or regulations and sections 5101.17 100756
and 5117.10 of the Revised Code require be disregarded. The 100757
assistance group is ineligible to participate in Ohio works first 100758
if the assistance group's gross income, less the amounts 100759
disregarded, exceeds fifty per cent of the federal poverty 100760
guidelines. 100761

(b) If the assistance group's gross income, less the amounts 100762
disregarded pursuant to division (D)(1)(a) of this section, does 100763
not exceed fifty per cent of the federal poverty guidelines, 100764
determine whether the assistance group's countable income is less 100765
than the payment standard. The assistance group is ineligible to 100766
participate in Ohio works first if the assistance group's 100767
countable income equals or exceeds the payment standard. 100768

(2) For the purpose of determining whether an assistance 100769
group meets the income requirement established by division 100770
(D)(1)(a) of this section, the annual revision that the United 100771
States department of health and human services makes to the 100772
federal poverty guidelines shall go into effect on the first day 100773
of July of the year for which the revision is made. 100774

(3) To determine whether an assistance group participating in 100775
Ohio works first continues to be eligible to participate, a county 100776
department of job and family services shall determine whether the 100777
assistance group's countable income continues to be less than the 100778
payment standard. In making this determination, the county 100779
department shall disregard the first two hundred fifty dollars and 100780
fifty per cent of the remainder of the assistance group's gross 100781
earned income. No amounts shall be disregarded from the assistance 100782
group's gross unearned income. The assistance group ceases to be 100783
eligible to participate in Ohio works first if its countable 100784
income, less the amounts disregarded, equals or exceeds the 100785
payment standard. 100786

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

Sec. 5107.14. (A) An assistance group is ineligible to participate in Ohio works first unless the following enter into a written self-sufficiency contract with the county department of job and family services:

(1) Each adult member of the assistance group;	100818
(2) The assistance group's minor head of household.	100819
(B) A self-sufficiency contract shall set forth the rights	100820
and responsibilities of the assistance group as applicants for and	100821
participants of Ohio works first. Each self-sufficiency contract	100822
shall include, based on appraisals conducted under section 5107.41	100823
of the Revised Code and assessments conducted under section	100824
5107.70 of the Revised Code, the following:	100825
(1) The assistance group's plan, developed under section	100826
5107.41 of the Revised Code, to achieve the goal of self	100827
sufficiency and personal responsibility through unsubsidized	100828
employment within the time limit for participating in Ohio works	100829
first established by section 5107.18 of the Revised Code;	100830
(2) Work activities, developmental activities, and	100831
alternative work activities to which members of the assistance	100832
group are assigned under sections 5107.40 to 5107.69 of the	100833
Revised Code;	100834
(3) The responsibility of a caretaker member of the	100835
assistance group to cooperate in establishing a minor child's	100836
paternity and establishing, modifying, and enforcing a support	100837
order for the child in accordance with section 5107.22 of the	100838
Revised Code;	100839
(4) Other responsibilities that members of the assistance	100840
group must satisfy to participate in Ohio works first and the	100841
consequences for failure or refusal to satisfy the	100842
responsibilities;	100843
(5) An agreement that, except as otherwise provided in a	100844
waiver issued under section 5107.714 of the Revised Code, the	100845
assistance group will comply with the conditions of participating	100846
in Ohio works first established by this chapter and sections	100847
5101.58, 5101.59, and section 5101.83 of the Revised Code;	100848

(6) Assistance and services the county department will provide to the assistance group;	100849 100850
(7) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code;	100851 100852 100853 100854
(8) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility;	100855 100856
(9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;	100857 100858
(10) Procedures for amending the contract.	100859
(C) No self-sufficiency contract shall include provisions regarding the LEAP program.	100860 100861
(D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it.	100862 100863 100864
Sec. 5107.16. (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department of job and family services shall sanction the assistance group as follows:	100865 100866 100867 100868 100869
(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month or until the failure or refusal ceases, whichever is longer;	100870 100871 100872 100873
(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months or until the failure or refusal ceases, whichever is longer;	100874 100875 100876 100877

(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months or until the failure or refusal ceases, whichever is longer.

(B) The director of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract in rules adopted under section 5107.05 of the Revised Code.

(C) An assistance group member who fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract must complete all compliance activities specified in rules adopted under section 5107.05 of the Revised Code in order for the failure or refusal to be considered to have ceased.

(D) After sanctioning an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the assistance group.

(E) An adult eligible for medicaid ~~pursuant to division (C)(1)(a) of section 5111.01 of the Revised Code~~ who is sanctioned under division (A)(3) of this section for a failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for medicaid unless the adult is otherwise eligible for medicaid pursuant to ~~another division of section 5111.01 of the Revised Code~~ an eligibility category other than the category associated with Title IV-A.

An assistance group that would be participating in Ohio works first if not for a sanction under this section shall continue to

be eligible for all of the following: 100909

(1) Publicly funded child care in accordance with division 100910
(A)(3) of section 5104.30 of the Revised Code; 100911

(2) Support services in accordance with section 5107.66 of 100912
the Revised Code; 100913

(3) To the extent permitted by the "Fair Labor Standards Act 100914
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 100915
in work activities, developmental activities, and alternative work 100916
activities in accordance with sections 5107.40 to 5107.69 of the 100917
Revised Code. 100918

Sec. 5107.20. As used in this section, "support" means child 100919
support, spousal support, and support for a spouse or a former 100920
spouse. 100921

Participation in Ohio works first constitutes an assignment 100922
to the department of job and family services of any rights members 100923
of an assistance group have to support from any other person, 100924
~~excluding medical support assigned pursuant to section 5101.59 of~~ 100925
~~the Revised Code.~~ The rights to support assigned to the department 100926
pursuant to this section constitute an obligation of the person 100927
who is responsible for providing the support to the state for the 100928
amount of cash assistance provided to the assistance group. 100929

The office of child support in the department of job and 100930
family services shall collect and distribute support payments owed 100931
to Ohio works first participants, whether assigned to the 100932
department or unassigned, in accordance with 42 U.S.C. 654 B and 100933
657 and regulations adopted under those statutes, state statutes, 100934
and rules adopted under section 5107.05 of the Revised Code. 100935

Upon implementation of centralized collection and 100936
disbursement under Chapter 3121. of the Revised Code, in 100937
accordance with 42 U.S.C. 654 B and 657 and regulations adopted 100938

under those statutes, the department shall deposit support 100939
payments it receives pursuant to this section into the state 100940
treasury to the credit of the child support collections fund or 100941
the child support administrative fund, both of which are hereby 100942
created. Money credited to the funds shall be used to make cash 100943
assistance payments under Ohio works first. 100944

Sec. 5107.24. (A) As used in this section: 100945

(1) "Adult-supervised living arrangement" means a family 100946
setting approved, licensed, or certified by the department of job 100947
and family services, the department of ~~mental health~~ mental health 100948
and addiction services, the department of developmental 100949
disabilities, the department of youth services, a public children 100950
services agency, a private child placing agency, or a private 100951
noncustodial agency that is maintained by a person age eighteen or 100952
older who assumes responsibility for the care and control of a 100953
minor parent, pregnant minor, or child of a minor parent or 100954
provides the minor parent, pregnant minor, or child of a minor 100955
parent supportive services, including counseling, guidance, and 100956
supervision. "Adult-supervised living arrangement" does not mean a 100957
public institution. 100958

(2) "Child of a minor parent" means a child born to a minor 100959
parent, except that the child ceases to be considered a child of 100960
minor parent when the minor parent attains age eighteen. 100961

(3) "Minor parent" means a parent who is under age eighteen 100962
and is not married. 100963

(4) "Pregnant minor" means a pregnant person who is under age 100964
eighteen and not married. 100965

(B)(1) Except as provided in division (B)(2) of this section 100966
and to the extent permitted by Title IV-A and federal regulations 100967
adopted under Title IV-A, a pregnant minor, minor parent, or child 100968

of a minor parent must reside in a place of residence maintained 100969
by a parent, guardian, custodian, or specified relative of the 100970
pregnant minor or minor parent as the parent's, guardian's, 100971
custodian's, or specified relative's own home to be eligible to 100972
participate in Ohio works first. 100973

(2) To the extent permitted by Title IV-A and federal 100974
regulations adopted under it, a pregnant minor, minor parent, or 100975
child of a minor parent is exempt from the requirement of division 100976
(B)(1) of this section if any of the following apply: 100977

(a) The minor parent or pregnant minor does not have a 100978
parent, guardian, custodian, or specified relative living or whose 100979
whereabouts are known. 100980

(b) No parent, guardian, custodian, or specified relative of 100981
the minor parent or pregnant minor will allow the pregnant minor, 100982
minor parent, or minor parent's child to live in the parent's, 100983
guardian's, custodian's, or specified relative's home. 100984

(c) The department of job and family services, a county 100985
department of job and family services, or a public children 100986
services agency determines that the physical or emotional health 100987
or safety of the pregnant minor, minor parent, or minor parent's 100988
child would be in jeopardy if the pregnant minor, minor parent, or 100989
minor parent's child lived in the same home as the parent, 100990
guardian, custodian, or specified relative. 100991

(d) The department of job and family services, a county 100992
department of job and family services, or a public children 100993
services agency otherwise determines that it is in the best 100994
interest of the pregnant minor, minor parent, or minor parent's 100995
child to waive the requirement of division (B)(1) of this section. 100996

(C) A pregnant minor, minor parent, or child of a minor 100997
parent exempt from the requirement of division (B)(1) of this 100998
section must reside in an adult-supervised living arrangement to 100999

be eligible to participate in Ohio works first. 101000

(D) The department of job and family services, whenever 101001
possible and to the extent permitted by Title IV-A and federal 101002
regulations adopted under it, shall provide cash assistance under 101003
Ohio works first to the parent, guardian, custodian, or specified 101004
relative of a pregnant minor or minor parent on behalf of the 101005
pregnant minor, minor parent, or minor parent's child. 101006

Sec. 5107.26. (A) As used in this section+ 101007

~~(1) "Transitional, "transitional~~ child care" means publicly 101008
funded child care provided under division (A)(3) of section 101009
5104.34 of the Revised Code. 101010

~~(2) "Transitional medicaid" means the medical assistance 101011
provided under section 5111.0115 of the Revised Code. 101012~~

(B) Except as provided in division (C) of this section, ~~each:~~ 101013

(1) Each member of an assistance group participating in Ohio 101014
works first is ineligible to participate in the program for six 101015
payment months if a county department of job and family services 101016
determines that a member of the assistance group terminated the 101017
member's employment ~~and each.~~ 101018

(2) Each person who, on the day prior to the day a recipient 101019
begins to receive transitional child care ~~or transitional~~ 101020
~~medicaid~~, was a member of the recipient's assistance group is 101021
ineligible to participate in Ohio works first for six payment 101022
months if a county department determines that the recipient 101023
terminated the recipient's employment. 101024

(C) No assistance group member shall lose or be denied 101025
eligibility to participate in Ohio works first pursuant to 101026
division (B) of this section if the termination of employment was 101027
because an assistance group member or recipient of transitional 101028
child care ~~or transitional medicaid~~ secured comparable or better 101029

employment or the county department of job and family services 101030
certifies that the member or recipient terminated the employment 101031
with just cause. 101032

Just cause includes the following: 101033

(1) Discrimination by an employer based on age, race, sex, 101034
color, handicap, religious beliefs, or national origin; 101035

(2) Work demands or conditions that render continued 101036
employment unreasonable, such as working without being paid on 101037
schedule; 101038

(3) Employment that has become unsuitable due to any of the 101039
following: 101040

(a) The wage is less than the federal minimum wage; 101041

(b) The work is at a site subject to a strike or lockout, 101042
unless the strike has been enjoined under section 208 of the 101043
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 101044
178, as amended, an injunction has been issued under section 10 of 101045
the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as 101046
amended, or an injunction has been issued under section 4117.16 of 101047
the Revised Code; 101048

(c) The documented degree of risk to the member or 101049
recipient's health and safety is unreasonable; 101050

(d) The member or recipient is physically or mentally unfit 101051
to perform the employment, as documented by medical evidence or by 101052
reliable information from other sources. 101053

(4) Documented illness of the member or recipient or of 101054
another assistance group member of the member or recipient 101055
requiring the presence of the member or recipient; 101056

(5) A documented household emergency; 101057

(6) Lack of adequate child care for children of the member or 101058
recipient who are under six years of age. 101059

Sec. 5107.42. (A) Except as provided in divisions (B) and (C) 101060
of this section, county departments of job and family services 101061
shall assign each minor head of household and adult participating 101062
in Ohio works first, other than a minor head of household 101063
participating in the LEAP program, to one or more work activities 101064
and developmental activities. 101065

If a county department assigns a minor head of household or 101066
adult to the work activity established under division (H) of 101067
section 5107.60 of the Revised Code, the county department shall 101068
make reasonable efforts to assign the minor head of household or 101069
adult to at least one other work activity at the same time. If a 101070
county department assigns a minor head of household or adult to 101071
the work activity established under section 5107.58 of the Revised 101072
Code, the county department shall assign the minor head of 101073
household or adult to at least one other work activity at the same 101074
time. 101075

A county department may not assign a minor head of household 101076
or adult to a work activity established under division (D) of 101077
section 5107.60 of the Revised Code for more than twelve months. 101078

(B) If a county department determines that a minor head of 101079
household or adult has a temporary or permanent barrier to 101080
participation in a work activity, it may assign the minor head of 101081
household or adult to one or more alternative work activities 101082
instead of assigning the minor head of household or adult to one 101083
or more work activities or developmental activities. A county 101084
department may not assign more than twenty per cent of minor heads 101085
of household and adults participating in Ohio works first to an 101086
alternative work activity. 101087

County departments shall establish standards for determining 101088
whether a minor head of household or adult has a temporary or 101089
permanent barrier to participating in a work activity. The 101090

following are examples of circumstances that a county department
may consider when it develops its standards:

(1) A minor head of household or adult provides the county
department documented evidence that one or more members of the
assistance group have been the victim of domestic violence and are
in imminent danger of suffering continued domestic violence;

(2) A minor head of household or adult is actively
participating in ~~an alcohol or drug~~ a community addiction ~~program~~
services provider certified by the department of ~~alcohol and drug~~
~~addiction services~~ mental health and addiction services under
section ~~3793.06~~ 5119.36 of the Revised Code;

(3) An assistance group is homeless.

(C) A county department may exempt a minor head of household
or adult who is unmarried and caring for a minor child under
twelve months of age from the work requirements of sections
5107.40 to 5107.69 of the Revised Code for not more than twelve
months. While exempt, the minor head of household or adult shall
be disregarded in determining whether the county department is
meeting the requirement of section 5107.44 of the Revised Code.
The county department shall assign the exempt minor head of
household or adult to at least one developmental activity for a
number of hours a week the county department determines. The
county department may assign the exempt minor head of household or
adult to one or more work activities, in addition to developmental
activities, for a number of hours the county department
determines. Division (B) of section 5107.43 of the Revised Code
does not apply to the exempt minor head of household or adult.

(D) A county department may reassign a minor head of
household or adult when the county department determines
reassignment will aid the assistance group in achieving self
sufficiency and personal responsibility and shall make

reassignments when circumstances requiring reassignment occur, 101122
including when a temporary barrier to participating in a work 101123
activity is eliminated. 101124

A county department shall include assignments in the 101125
self-sufficiency contract entered into under section 5107.14 of 101126
the Revised Code and shall amend the contract when a reassignment 101127
is made to include the reassignment in the contract. 101128

Sec. 5107.64. County departments of job and family services 101129
shall establish and administer alternative work activities for 101130
minor heads of households and adults participating in Ohio works 101131
first. In establishing alternative work activities, county 101132
departments are not limited by the restrictions Title IV-A imposes 101133
on work activities. The following are examples of alternative work 101134
activities that a county department may establish: 101135

(A) Parenting classes and life-skills training; 101136

(B) Participation in ~~an alcohol or drug~~ a community addiction 101137
~~program~~ services provider certified by the department of ~~alcohol~~ 101138
~~and drug addiction services~~ mental health and addiction services 101139
under section ~~3793.06~~ 5119.36 of the Revised Code; 101140

(C) In the case of a homeless assistance group, finding a 101141
home; 101142

(D) In the case of a minor head of household or adult with a 101143
disability, active work in an individual written rehabilitation 101144
plan with the ~~rehabilitation services commission~~ opportunities for 101145
Ohioans with disabilities agency; 101146

(E) In the case of a minor head of household or adult who has 101147
been the victim of domestic violence, residing in a domestic 101148
violence shelter, receiving counseling or treatment related to the 101149
domestic violence, or participating in criminal justice activities 101150
against the domestic violence offender; 101151

(F) An education program under which a participant who does not speak English attends English as a second language course.

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Sec. 5115.20. (A) The department of job and family services shall establish a disability advocacy program and each county department of job and family services shall establish a disability advocacy program unit or join with other county departments of job and family services to establish a joint county disability advocacy program unit. Through the program the department and county departments shall cooperate in efforts to assist applicants for and recipients of assistance under the disability financial assistance program, who might be eligible for supplemental security income benefits under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, in applying for those benefits.

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As part of their disability advocacy programs, the state department and county departments may enter into contracts for the services of persons and government entities that in the judgment of the department or county department have demonstrated expertise in representing persons seeking supplemental security income benefits. Each contract shall require the person or entity with which a department contracts to assess each person referred to it by the department to determine whether the person appears to be eligible for supplemental security income benefits, and, if the person appears to be eligible, assist the person in applying and represent the person in any proceeding of the social security administration, including any appeal or reconsideration of a denial of benefits. The department or county department shall provide to the person or entity with which it contracts all records in its possession relevant to the application for supplemental security income benefits. The department shall require a county department with relevant records to submit them to the person or entity.

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(B) Each applicant for or recipient of disability financial assistance who, in the judgment of the department of job and family services or a county department of job and family services might be eligible for supplemental security benefits, shall, as a condition of eligibility for assistance, apply for such benefits if directed to do so by the department or county department.

(C) With regard to applicants for and recipients of disability financial assistance, each county department of job and family services shall do all of the following:

(1) Identify applicants and recipients who might be eligible for supplemental security income benefits;

(2) Assist applicants and recipients in securing documentation of disabling conditions or refer them for such assistance to a person or government entity with which the department of job and family services or county department has contracted under division (A) of this section;

(3) Inform applicants and recipients of available sources of representation, which may include a person or government entity with which the department or county department has contracted under division (A) of this section, and of their right to represent themselves in reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits. The county department may require the applicants and recipients, as a condition of eligibility for assistance, to pursue reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits, and shall assist applicants and recipients as necessary to obtain such benefits or refer them to a person or government entity with which the department or county department has contracted under division (A) of this section.

(4) Require applicants and recipients who, in the judgment of

the county department, are or may be aged, blind, or disabled, to 101215
apply for ~~medical assistance under Chapter 5111. of the Revised~~ 101216
~~Code~~ the medicaid program, make determinations when appropriate as 101217
to eligibility for ~~medical assistance~~ medicaid, and refer their 101218
applications when necessary to the disability determination unit 101219
established in accordance with division (F) of this section for 101220
expedited review; 101221

(5) Require each applicant and recipient who in the judgment 101222
of the department or the county department might be eligible for 101223
supplemental security income benefits, as a condition of 101224
eligibility for disability financial assistance, to execute a 101225
written authorization for the secretary of health and human 101226
services to withhold benefits due that individual and pay to the 101227
director of job and family services or the director's designee an 101228
amount sufficient to reimburse the state and county shares of 101229
interim assistance furnished to the individual. For the purposes 101230
of division (C)(5) of this section, "benefits" and "interim 101231
assistance" have the meanings given in Title XVI of the "Social 101232
Security Act." 101233

(D) The director of job and family services shall adopt rules 101234
in accordance with section 111.15 of the Revised Code for the 101235
effective administration of the disability advocacy program. The 101236
rules shall include all of the following: 101237

(1) Methods to be used in collecting information from and 101238
disseminating it to county departments, including the following: 101239

(a) The number of individuals in the county who are disabled 101240
recipients of disability financial assistance; 101241

(b) The final decision made either by the social security 101242
administration or by a court for each application or 101243
reconsideration in which an individual was assisted pursuant to 101244
this section. 101245

(2) The type and process of training to be provided by the department of job and family services to the employees of the county department of job and family services who perform duties under this section;

(3) Requirements for the written authorization required by division (C)(5) of this section.

(E) The department of job and family services shall provide basic and continuing training to employees of the county department of job and family services who perform duties under this section. Training shall include but not be limited to all processes necessary to obtain federal disability benefits, and methods of advocacy.

(F) The department of medicaid shall establish a disability determination unit and develop guidelines for expediting reviews of applications for ~~medical assistance under Chapter 5111. of the Revised Code~~ the medicaid program for persons who have been referred to the unit under division (C)(4) of this section. The department of medicaid shall make determinations of eligibility for ~~medical assistance~~ medicaid for any such person within the time prescribed by federal regulations.

(G) The department of job and family services may, under rules the director of job and family services adopts in accordance with section 111.15 of the Revised Code, pay a portion of the federal reimbursement described in division (C)(5) of this section to persons or government entities that assist or represent assistance recipients in reconsiderations and appeals of social security administration decisions denying them supplemental security income benefits.

(H) The director of job and family services shall conduct investigations to determine whether disability advocacy programs are being administered in compliance with the Revised Code and the

rules adopted by the director pursuant to this section. 101277

Sec. 5117.10. (A) On or before the fifteenth day of January, 101278
the director of development shall pay each applicant determined 101279
eligible for a payment under divisions (A) and (B) of section 101280
5117.07 of the Revised Code one hundred twenty-five dollars. 101281

(B) The director may withhold from any payment to which a 101282
person would otherwise be entitled under division (A) of this 101283
section any amount that the director determines was erroneously 101284
received by such person in a preceding year under this or the 101285
program established under Am. Sub. H.B. 230, as amended by Am. 101286
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 101287
523 of the 112th general assembly, provided the director has 101288
employed all other legal methods reasonably available to obtain 101289
reimbursement for the erroneous payment or credit prior to the 101290
commencement of the current program year. 101291

(C) Payments made under this section and credits granted 101292
under section 5117.09 of the Revised Code shall not be considered 101293
income for the purpose of determining eligibility or the level of 101294
benefits or assistance under section 329.042 or Chapters 5107.7 101295
~~5111.7~~ and 5115. of the Revised Code; the medicaid program; 101296
supplemental security income payments under Title XVI of the 101297
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 101298
amended; or any other program under which eligibility or the level 101299
of benefits or assistance is based upon need measured by income. 101300

Sec. ~~3793.01~~ 5119.01. (A) As used in this chapter: 101301

(1) "Addiction" means the chronic and habitual use of 101302
alcoholic beverages, the use of a drug of abuse as defined in 101303
section 3719.011 of the Revised Code, or the use of gambling by an 101304
individual to the extent that the individual no longer can control 101305
the individual's use of alcohol, the individual becomes physically 101306

or psychologically dependent on the drug, the individual's use of 101307
alcohol or drugs endangers the health, safety, or welfare of the 101308
individual or others, or the individual's gambling causes 101309
psychological, financial, emotional, marital, legal, or other 101310
difficulties endangering the health, safety, or welfare of the 101311
individual or others. 101312

(2) "Addiction services" means services, including 101313
intervention, for the treatment of persons with alcohol, drug, or 101314
gambling addictions, and for the prevention of such addictions. 101315

(3) "Alcohol and drug addiction services" means services, 101316
including intervention, for the treatment of alcoholics or persons 101317
who abuse drugs of abuse and for the prevention of alcoholism and 101318
drug addiction. 101319

(4) "Alcoholic" means a person suffering from alcoholism. 101320

(5) "Alcoholism" means the chronic and habitual use of 101321
alcoholic beverages by an individual to the extent that the 101322
individual no longer can control the individual's use of alcohol 101323
or endangers the health, safety, or welfare of the individual or 101324
others. 101325

~~(2) "Alcoholic" means a person suffering from alcoholism.~~ 101326

~~(3)~~(6) "Community addiction services provider" means an 101327
agency, association, corporation, individual, or program that 101328
provides community alcohol, drug addiction, or gambling addiction 101329
services that are certified by the department of mental health and 101330
addiction services under section 5119.36 of the Revised Code. 101331

(7) "Community mental health services provider" means an 101332
agency, association, corporation, individual, or program that 101333
provides community mental health services that are certified by 101334
the department of mental health and addiction services under 101335
section 5119.36 of the Revised Code. 101336

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

~~(4) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.~~

~~(5) "Alcohol and drug addiction program" means a program that provides alcohol or drug addiction services and includes a facility or entity that operates such a program.~~

~~(6)~~(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

~~(7)~~(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(12) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(13) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness as defined in this section.

(14)(a) "Residence" means a person's physical presence in a 101368
county with intent to remain there, except in either of the 101369
following circumstances: 101370

(i) If a person is receiving a mental health service at a 101371
facility that includes nighttime sleeping accommodations, 101372
"residence" means that county in which the person maintained the 101373
person's primary place of residence at the time the person entered 101374
the facility; 101375

(ii) If a person is committed pursuant to section 2945.38, 101376
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 101377
"residence" means the county where the criminal charges were 101378
filed. 101379

(b) When the residence of a person is disputed, the matter of 101380
residence shall be referred to the department of mental health and 101381
addiction services for investigation and determination. Residence 101382
shall not be a basis for a board of alcohol, drug addiction, and 101383
mental health services to deny services to any person present in 101384
the board's service district, and the board shall provide services 101385
for a person whose residence is in dispute while residence is 101386
being determined and for a person in an emergency situation. 101387

(B) Any reference in this chapter to a board of alcohol, drug 101388
addiction, and mental health services also refers to an alcohol 101389
and drug addiction services board or a community mental health 101390
board in a service district in which an alcohol and drug addiction 101391
services board or a community mental health board has been 101392
established under section 340.021 or former section 340.02 of the 101393
Revised Code. 101394

Sec. 5119.04. The department of ~~mental health~~ mental health 101395
and addiction services and any institutions under its supervision 101396
or jurisdiction shall, where applicable, be in substantial 101397
compliance with standards set forth for psychiatric facilities by 101398

the joint commission ~~on accreditation of healthcare organizations~~ 101399
or medical assistance standards under Title XIX of the "Social 101400
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or 101401
other applicable standards, ~~except that the department and any~~ 101402
~~institution under its supervision or jurisdiction shall be in~~ 101403
~~substantial compliance with standards for physical facilities and~~ 101404
~~equipment by July 1, 1989. The requirements of this section do not~~ 101405
~~apply to any facility designated by the director of mental health~~ 101406
~~for use as a psychiatric rehabilitation center.~~ 101407

The requirements of this section are in addition to any other 101408
requirements established by the Revised Code and nothing in this 101409
section shall be construed to limit any rights, privileges, 101410
protections, or immunities which may exist under the constitution 101411
and laws of the United States or this state. 101412

Sec. ~~5119.27~~ 5119.05. Subject to the rules of the director of 101413
~~mental health~~ mental health and addiction services, each 101414
institution under the jurisdiction of the department shall be 101415
under the management and control of a managing officer to be known 101416
as a ~~superintendent~~ chief executive officer or by another 101417
appropriate title. Such managing officer shall be appointed by the 101418
director of ~~mental health~~ mental health and addiction services, 101419
and shall be in the unclassified service and serve at the pleasure 101420
of the director. Each managing officer shall be of good moral 101421
character and have skill, ability, and experience in ~~his~~ the 101422
managing officer's profession. ~~Appointment to this position may be~~ 101423
~~made from persons holding positions in the classified service in~~ 101424
~~the department.~~ 101425

The managing officer, under the director, shall ~~have entire~~ 101426
~~executive charge~~ serve as the appointing authority of the 101427
institution ~~for~~ to which such managing officer is appointed. 101428
Subject to civil service rules, the managing officer shall have 101429

the power to appoint the necessary and remove employees and he or 101430
the director may remove such employees for cause of the 101431
institution. On behalf of the institution, the managing officer 101432
has the authority and responsibility for entering into contracts 101433
and other agreements for the efficient operations of the 101434
institution. 101435

Sec. ~~5119.44~~ 5119.051. The department of ~~mental health~~ mental 101436
health and addiction services shall keep in its office a proper 101437
and complete set of books and accounts with each institution, 101438
which shall clearly show the nature and amount of every 101439
expenditure authorized and made at such institution, and which 101440
shall contain an account of all appropriations made by the general 101441
assembly and of all other funds, together with the disposition of 101442
such funds. 101443

The department shall prescribe the form of vouchers, records, 101444
and methods of keeping accounts at each of the institutions, which 101445
shall be as nearly uniform as possible. The department may examine 101446
the records of each institution at any time. 101447

The department may authorize any of its ~~bookkeepers~~ 101448
bookkeepers, accountants, or employees to examine and check the 101449
records, accounts, and vouchers or take an inventory of the 101450
property of any institution, or do whatever is necessary, and pay 101451
the actual and reasonable expenses incurred in such service when 101452
an itemized account is filed and approved. 101453

Sec. ~~5119.43~~ 5119.06. The department of ~~mental health~~ mental 101454
health and addiction services shall keep in its office, accessible 101455
only to its employees, except by the consent of the department or 101456
the order of the judge of a court of record, a record showing the 101457
name, residence, sex, age, nativity, occupation, condition, and 101458
date of entrance or commitment of every patient in the 101459

institutions governed by it, the date, cause, and terms of 101460
discharge and the condition of such person at the time of leaving, 101461
and also a record of all transfers from one institution to 101462
another, and, if such person dies while in the care or custody of 101463
the department, the date and cause of death. These and such other 101464
facts as the department requires shall be furnished by the 101465
managing officer of each institution within twenty-four hours 101466
after the commitment, entrance, death, or discharge of a patient. 101467

In case of an accident or injury or peculiar death of a 101468
patient the managing officer shall make a special report to the 101469
department within twenty-four hours thereafter, giving the 101470
circumstances as fully as possible. 101471

Sec. ~~5119.42~~ 5119.07. A person, firm, or corporation may file 101472
a petition in the court of common pleas of the county in which a 101473
benevolent institution of the department of mental health and 101474
addiction services is located, in which petition the desire to 101475
erect or carry on at a less distance than that prescribed in 101476
section 3767.19 of the Revised Code shall be set forth, the 101477
business prohibited, the precise point of its establishment, and 101478
the reasons and circumstances, in its opinion, why the erection or 101479
carrying on ~~thereof~~ of the business would not annoy or endanger 101480
the health, convenience, or recovery of the patients of such 101481
institution. The petitioner shall give notice in a newspaper of 101482
general circulation in the county of the pendency and prayer of 101483
the petition for at least six consecutive weeks before the day set 101484
for hearing the petition and serve a written notice upon the 101485
~~superintendent~~ managing officer of the institution at least thirty 101486
days before the day set for hearing the petition. 101487

If, upon the hearing of the petition, it appears that the 101488
notice has been given as required and the court is of the opinion 101489
that no good reason exists why such establishment may not be 101490

erected or such business carried on and that by the erection or 101491
carrying on ~~thereof~~ of the business at the point named, the 101492
institution will sustain no detriment, the court may issue an 101493
order granting the prayer of the petitioner. Thereafter the 101494
petitioner may locate such establishment or carry on such business 101495
at the point named in the petition. 101496

Sec. ~~5119.14~~ 5119.08. (A) As used in this section, "felony" 101497
has the same meaning as in section 109.511 of the Revised Code. 101498

(B)(1) Subject to division (C) of this section, upon the 101499
recommendation of the director of ~~mental health~~ mental health and 101500
addiction services, the managing officer of an institution under 101501
the jurisdiction of the department of ~~mental health~~ mental health 101502
and addiction services may designate one or more employees to be 101503
special police officers of the department. The special police 101504
officers shall take an oath of office, wear the badge of office, 101505
and give bond for the proper and faithful discharge of their 101506
duties in an amount that the director requires. 101507

(2) In accordance with section 109.77 of the Revised Code, 101508
the special police officers shall be required to complete 101509
successfully a peace officer basic training program approved by 101510
the Ohio peace officer training commission and to be certified by 101511
the commission. The cost of the training shall be paid by the 101512
department of ~~mental health~~ mental health and addiction services. 101513

(3) Special police officers, on the premises of institutions 101514
under the jurisdiction of the department of ~~mental health~~ mental 101515
health and addiction services and subject to the rules of the 101516
department, shall protect the property of the institutions and the 101517
persons and property of patients in the institutions, suppress 101518
riots, disturbances, and breaches of the peace, and enforce the 101519
laws of the state and the rules of the department for the 101520
preservation of good order. They may arrest any person without a 101521

warrant and detain the person until a warrant can be obtained 101522
under the circumstances described in division (F) of section 101523
2935.03 of the Revised Code. 101524

(C)(1) The managing officer of an institution under the 101525
jurisdiction of the department of ~~mental health~~ mental health and 101526
addiction services shall not designate an employee as a special 101527
police officer of the department pursuant to division (B)(1) of 101528
this section on a permanent basis, on a temporary basis, for a 101529
probationary term, or on other than a permanent basis if the 101530
employee previously has been convicted of or has pleaded guilty to 101531
a felony. 101532

(2)(a) The managing officer of an institution under the 101533
jurisdiction of the department of ~~mental health~~ mental health and 101534
addiction services shall terminate the employment as a special 101535
police officer of the department of an employee designated as a 101536
special police officer under division (B)(1) of this section if 101537
that employee does either of the following: 101538

(i) Pleads guilty to a felony; 101539

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 101540
plea agreement as provided in division (D) of section 2929.43 of 101541
the Revised Code in which the employee agrees to surrender the 101542
certificate awarded to that employee under section 109.77 of the 101543
Revised Code. 101544

(b) The managing officer shall suspend from employment as a 101545
special police officer of the department an employee designated as 101546
a special police officer under division (B)(1) of this section if 101547
that employee is convicted, after trial, of a felony. If the 101548
special police officer files an appeal from that conviction and 101549
the conviction is upheld by the highest court to which the appeal 101550
is taken or if the special police officer does not file a timely 101551
appeal, the managing officer shall terminate the employment of 101552

that special police officer. If the special police officer files 101553
an appeal that results in that special police officer's acquittal 101554
of the felony or conviction of a misdemeanor, or in the dismissal 101555
of the felony charge against that special police officer, the 101556
managing officer shall reinstate that special police officer. A 101557
special police officer of the department who is reinstated under 101558
division (C)(2)(b) of this section shall not receive any back pay 101559
unless that special police officer's conviction of the felony was 101560
reversed on appeal, or the felony charge was dismissed, because 101561
the court found insufficient evidence to convict the special 101562
police officer of the felony. 101563

(3) Division (C) of this section does not apply regarding an 101564
offense that was committed prior to January 1, 1997. 101565

(4) The suspension from employment, or the termination of the 101566
employment, of a special police officer under division (C)(2) of 101567
this section shall be in accordance with ~~Chapter 119. of the~~ 101568
~~Revised Code~~ applicable collective bargaining agreements. 101569

Sec. ~~5119.30~~ 5119.09. The attorney general shall attend to 101570
all ~~suits~~ claims instituted on behalf of or against the department 101571
of mental health and addiction services or any institution under 101572
the jurisdiction of the department ~~of mental health~~ and the 101573
managing officer thereof, except such institutions as are 101574
privately owned or operated under a license from the department of 101575
~~mental health~~ mental health and addiction services, and shall 101576
represent the public hospital in proceedings under section 5122.15 101577
of the Revised Code. The department of ~~mental health~~ mental health 101578
and addiction services shall reimburse the attorney general for 101579
the compensation of assistant attorneys general required to 101580
represent the public hospital in proceedings under section 5122.15 101581
of the Revised code and shall also pay the costs of litigation 101582
incurred by the attorney general under that section. 101583

If a writ of habeas corpus is applied for, the clerk of the court shall give notice of the time and place of hearing to the attorney general.

Sec. ~~5119.01~~ 5119.10. (A) The director of ~~mental health~~ mental health and addiction services is the chief executive and ~~administrative officer~~ appointing authority of the department of ~~mental health~~ mental health and addiction services. The director may organize the department for its efficient operation, including creating divisions or offices as necessary. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director or the director's designee shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section ~~5119.07~~ 5119.11 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community addiction and mental health services plans, and certification and delivery of mental health and addiction services.

(B) The director shall:

~~(A)~~(1) Adopt rules for the proper execution of the powers and duties of the department with respect to the institutions under its control, and require the performance of additional duties by the officers of the institutions as necessary to fully meet the requirements, intents, and purposes of this chapter. In case of an apparent conflict between the powers conferred upon any managing officer and those conferred by such sections upon the department,

the presumption shall be conclusive in favor of the department. 101615

~~(B)~~(2) Adopt rules for the nonpartisan management of the 101616
institutions under the department's control. An officer or 101617
employee of the department or any officer or employee of any 101618
institution under its control who, by solicitation or otherwise, 101619
exerts influence directly or indirectly to induce any other 101620
officer or employee of the department or any of its institutions 101621
to adopt the exerting officer's or employee's political views or 101622
to favor any particular person, issue, or candidate for office 101623
shall be removed from the exerting officer's or employee's office 101624
or position, by the department in case of an officer or employee, 101625
and by the governor in case of the director. 101626

~~(C)~~(3) Appoint such employees, including the medical 101627
director, as are necessary for the efficient conduct of the 101628
department, and prescribe their titles and duties; 101629

~~(D)~~(4) Prescribe the forms of affidavits, applications, 101630
medical certificates, orders of hospitalization and release, and 101631
all other forms, reports, and records that are required in the 101632
hospitalization or admission and release of all persons to the 101633
institutions under the control of the department, or are otherwise 101634
required under this chapter or Chapter 5122. of the Revised Code; 101635

~~(E) Contract with hospitals licensed by the department under 101636
section 5119.20 of the Revised Code for the care and treatment of 101637
mentally ill patients, or with persons, organizations, or agencies 101638
for the custody, evaluation, supervision, care, or treatment of 101639
mentally ill persons receiving services elsewhere than within the 101640
enclosure of a hospital operated under section 5119.02 of the 101641
Revised Code; 101642~~

~~(F)~~(5) Exercise the powers and perform the duties relating to 101643
community addiction and mental health facilities and services that 101644
are assigned to the director under this chapter and Chapter 340. 101645

of the Revised Code; 101646

~~(G)~~(6) Develop and implement clinical evaluation and 101647
monitoring of services that are operated by the department; 101648

~~(H)~~(7) Adopt rules establishing standards for the performance 101649
of evaluations by a forensic center or other psychiatric program 101650
or facility of the mental condition of defendants ordered by the 101651
court under section 2919.271, or 2945.371 of the Revised Code, and 101652
for the treatment of defendants who have been found incompetent to 101653
stand trial and ordered by the court under section 2945.38, 101654
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 101655
treatment in facilities; 101656

~~(I)~~(8) On behalf of the department, have the authority and 101657
responsibility for entering into contracts and other agreements+ 101658
with providers, agencies, institutions, and other entities, both 101659
public and private, as necessary for the department to carry out 101660
its duties under this chapter and Chapters 340., 2919., 2945., and 101661
5122. of the Revised Code. Chapter 125. of the Revised Code does 101662
not apply to contracts the director enters into under this section 101663
for services provided to individuals with mental illness by 101664
providers, agencies, institutions, and other entities not owned or 101665
operated by the department. 101666

~~(J)~~ Prepare and publish regularly a state mental health plan 101667
that describes the department's philosophy, current activities, 101668
and long term and short term goals and activities; 101669

~~(K)~~(9) Adopt rules in accordance with Chapter 119. of the 101670
Revised Code specifying the supplemental services that may be 101671
provided through a trust authorized by section 5815.28 of the 101672
Revised Code; 101673

~~(L)~~(10) Adopt rules in accordance with Chapter 119. of the 101674
Revised Code establishing standards for the maintenance and 101675
distribution to a beneficiary of assets of a trust authorized by 101676

section 5815.28 of the Revised Code. 101677

(C) The director may contract with hospitals licensed by the 101678
department under section 5119.33 of the Revised Code for the care 101679
and treatment of mentally ill patients, or with persons, 101680
organizations, or agencies for the custody, evaluation, 101681
supervision, care, or treatment of mentally ill persons receiving 101682
services elsewhere than within the enclosure of a hospital 101683
operated under section 5119.14 of the Revised Code. 101684

Sec. 5119.07 5119.11. (A) The director of mental health 101685
mental health and addiction services shall appoint a medical 101686
director who ~~is a psychiatrist as defined in division (E) of~~ 101687
~~section 5122.01 of the Revised Code,~~ is eligible or certified by 101688
the American board of psychiatry and neurology or the American 101689
osteopathic board of neurology and psychiatry, and has at least 101690
five years of clinical and two years of administrative experience. 101691
The medical director shall also have certification or substantial 101692
training and experience in the field of addiction medicine or 101693
addiction psychiatry. The medical director shall be responsible 101694
for decisions relating to medical diagnosis, treatment, 101695
prevention, rehabilitation, quality assurance, and the clinical 101696
aspects of mental health and addiction services involving all of 101697
the following: ~~licensure~~ 101698

(1) Licensure of hospitals ~~and,~~ residential facilities, 101699
~~research, community mental health and outpatient facilities;~~ 101700

(2) Research; 101701

(3) Community addiction and mental health services plans; 101702

(4) Certification and delivery of mental health and addiction 101703
services. ~~The~~ 101704

(B) The medical director shall also exercise clinical 101705
supervision of the chief clinical officers of hospitals and 101706

institutions under the jurisdiction of the department and shall 101707
review and approve decisions relating to the employment of the 101708
chief clinical officers. The medical director or ~~his~~ the medical 101709
director's designee shall advise the director on matters relating 101710
to licensure, research, ~~community mental health plans,~~ and the 101711
certification and delivery of mental health and addiction services 101712
and community plans. The medical director shall participate in the 101713
development of guidelines for community addiction and mental 101714
health services plans. The director of ~~mental health~~ mental health 101715
and addiction services may establish other duties of the medical 101716
director. ~~The medical director shall participate in the~~ 101717
~~development of guidelines for community mental health plans.~~ 101718

Sec. 5119.02 5119.14. (A) The department of ~~mental health~~ 101719
mental health and addiction services shall maintain, operate, 101720
manage, and govern state institutions and other services for the 101721
care and treatment of mentally ill persons. 101722

(B)(1) The department of ~~mental health~~ mental health and 101723
addiction services may, with the approval of the governor, 101724
designate ~~all~~ the name and purpose of any institutions under its 101725
jurisdiction ~~by appropriate respective names, regardless of~~ 101726
~~present statutory designation~~ and may change, with the approval of 101727
the governor, the designation and name when necessary. 101728

~~(C)~~(2) The department shall divide the state into districts 101729
for the purpose of designating the institution in which mentally 101730
ill persons are hospitalized and may change the districts. 101731

(3) Subject to section 5139.08 and pursuant to Chapter 5122. 101732
of the Revised Code and on the agreement of the departments of 101733
~~mental health~~ mental health and addiction services and youth 101734
services, the department of ~~mental health~~ mental health and 101735
addiction services may receive from the department of youth 101736
services for psychiatric observation, diagnosis, or treatment any 101737

person eighteen years of age or older in the custody of the 101738
department of youth services. The departments ~~shall~~ may enter into 101739
a written agreement specifying the procedures necessary to 101740
implement this division. 101741

~~(D)~~(C) The department of ~~mental health~~ mental health and 101742
addiction services shall designate hospitals, facilities, and 101743
community mental health ~~agencies~~ services providers for the 101744
custody, care, and special treatment of, and authorize payment for 101745
such custody, care, and special treatment provided to, persons who 101746
are charged with a crime and who are found incompetent to stand 101747
trial or not guilty by reason of insanity. 101748

~~(E)~~(D) The department of ~~mental health~~ mental health and 101749
addiction services may do ~~all~~ any of the following: 101750

(1) Require reports from the managing officer of any 101751
institution under the department's jurisdiction, relating to the 101752
admission, examination, comprehensive evaluation, diagnosis, 101753
release, or discharge of any patient; 101754

(2) Visit each institution regularly to review its operations 101755
and to investigate complaints made by any patient or by any person 101756
on behalf of a patient, provided these duties may be performed by 101757
a person designated by the director. 101758

~~(F) The department of mental health shall divide the state~~ 101759
~~into districts for the purpose of designating the institution in~~ 101760
~~which mentally ill persons are hospitalized, and may change the~~ 101761
~~districts.~~ 101762

~~(G)~~(E) The department of mental health and addiction services 101763
may provide or contract to provide addiction services for 101764
offenders incarcerated in the state prison system. 101765

(F) In addition to the powers expressly conferred, the 101766
department of ~~mental health~~ mental health and addiction services 101767
shall have all powers and authority necessary for the full and 101768

efficient exercise of the executive, administrative, and fiscal supervision over the state institutions described in this section.

~~(H) The department of mental health may provide for the custody, supervision, control, treatment, and training of mentally ill persons hospitalized elsewhere than within the enclosure of a hospital, if the department so determines with respect to any individual or group of individuals. In all such cases, the department shall ensure adequate and proper supervision for the protection of such persons and of the public.~~

Sec. ~~5119.012~~ 5119.141. The department of ~~mental health~~ mental health and addiction services has all the authority necessary to carry out its powers and duties under this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code, including the authority to adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code.

Sec. ~~5119.24~~ 5119.15. The department of ~~mental health~~ mental health and addiction services may make such investigations as are necessary in the performance of its duties and to that end the director of ~~mental health~~ mental health and addiction services shall have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers.

The department shall keep a record of such investigations stating the time, place, charges or subject, witnesses summoned and examined, and its conclusions.

In matters involving the conduct of an officer, a stenographic report of the evidence shall be taken and a copy of such report, with all documents introduced, kept on file at the

office of the department. 101799

The fees of witnesses for attendance and travel shall be the 101800
same as in the court of common pleas, but no officer or employee 101801
of the institution under investigation is entitled to such fees. 101802

Any judge of the probate court or of the court of common 101803
pleas, upon application of the department, may compel the 101804
attendance of witnesses, the production of books or papers, and 101805
the giving of testimony before the department, by a judgment for 101806
contempt or otherwise, in the same manner as in cases before such 101807
courts. 101808

The department of ~~mental health~~ mental health and addiction 101809
services may appoint and commission any competent agency or 101810
person, to serve without compensation, as a special agent, 101811
investigator, or representative to perform a designated duty for 101812
the department. Specific credentials shall be given by the 101813
department to each person so designated. Each credential shall 101814
state the: 101815

- (A) Name of the agent, investigator, or representative; 101816
- (B) Agency with which such person is connected; 101817
- (C) Purpose of appointment; 101818
- (D) Date of expiration of appointment; 101819
- (E) Such information as the department considers proper. 101820

Sec. ~~3793.051~~ 5119.161. The department of ~~alcohol and drug~~ 101821
~~addiction services~~ mental health and addiction services, in 101822
conjunction with the department of job and family services, shall 101823
develop a joint state plan to improve the accessibility and 101824
timeliness of alcohol and drug addiction services for individuals 101825
identified by a public children services agency as in need of 101826
those services. The plan shall address the fact that Ohio works 101827
first participants may be among the persons receiving services 101828

under section 340.15 of the Revised Code and shall require the 101829
department of job and family services to seek federal funds 101830
available under Title IV-A of the "Social Security Act," 49 Stat. 101831
620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the 101832
services to Ohio works first participants who are receiving 101833
services under section 340.15 of the Revised Code. 101834

The plan shall address the need and manner for sharing 101835
information and include a request for the general assembly to 101836
appropriate an amount of funds specified in the report to be used 101837
by the departments to pay for services under section 340.15 of the 101838
Revised Code. The departments shall review and amend the plan as 101839
necessary. 101840

Not later than the first day of July of each even-numbered 101841
year, the departments shall submit a report on the progress made 101842
under the joint state plan to the governor, president of the 101843
senate, and speaker of the house of representatives. The report 101844
shall include information on treatment capacity, needs 101845
assessments, and number of individuals who received services 101846
pursuant to section 340.15 of the Revised Code. 101847

Sec. ~~3793.15~~ 5119.17. (A) The department of ~~alcohol and drug~~ 101848
~~addiction services~~ mental health and addiction services, in 101849
accordance with division (B) of this section, shall give priority 101850
to developing, and promptly shall develop, with available public 101851
and private resources a program that does all of the following: 101852

(1) Provides a manner of identifying the aggregate number of 101853
pregnant women in this state who are addicted to a drug of abuse; 101854

(2) Provides for an effective means of intervention to 101855
eliminate the addiction of pregnant women to drugs of abuse prior 101856
to the birth of their children; 101857

(3) Provides for the continued monitoring of women who were 101858

addicted to a drug of abuse during their pregnancies, after the 101859
birth of their children, and for the availability of treatment and 101860
rehabilitation for those women; 101861

(4) Provides a manner of determining the aggregate number of 101862
children who are born in this state to women who are addicted, at 101863
the time of birth, to a drug of abuse, and of children who are 101864
born in this state with an addiction to or a dependency on a drug 101865
of abuse; 101866

(5) Provides for the continued monitoring of children who are 101867
born in this state to women who are addicted, at the time of 101868
birth, to a drug of abuse, or who are born in this state with an 101869
addiction to or dependency on a drug of abuse, after their birth; 101870

(6) Provides for the treatment and rehabilitation of any 101871
child who is born to a woman who is addicted, at the time of 101872
birth, to a drug of abuse, and of any child who is born with an 101873
addiction to or dependency on a drug of abuse. 101874

(B) In developing the program described in division (A) of 101875
this section, the department may obtain information from the 101876
department of health and the department of job and family 101877
services, and those departments shall cooperate with the 101878
department of ~~alcohol and drug addiction services~~ mental health 101879
and addiction services in its development and implementation of 101880
the program. 101881

(C) Immediately upon its development of the program described 101882
in division (A) of this section, the department shall implement 101883
the program. 101884

(D) Any record or information that is obtained or maintained 101885
by the department in connection with the program described in 101886
division (A) of this section and could enable the identification 101887
of any woman or child described in division (A)(1) or (4) of this 101888
section is not a public record subject to inspection or copying 101889

under section 149.43 of the Revised Code. 101890

Sec. ~~5119.071~~ 5119.18. An appointing authority may appoint a 101891
person who holds a certified or permanent position in the 101892
classified service within the department of ~~mental health~~ mental 101893
health and addiction services to a position in the unclassified 101894
service within the department. A person appointed pursuant to this 101895
section to a position in the unclassified service shall retain the 101896
right to resume the position and status held by the person in the 101897
classified service immediately prior to the person's appointment 101898
to the position in the unclassified service, ~~regardless of the~~ 101899
~~number of positions the person held in the unclassified service.~~ 101900
~~An employee's right to resume a position in the classified service~~ 101901
~~may only be exercised when an appointing authority demotes the~~ 101902
~~employee to a pay range lower than the employee's current pay~~ 101903
~~range or revokes the employee's appointment to the unclassified~~ 101904
~~service. An employee forfeits the right to resume a position in~~ 101905
~~the classified service when the employee is removed from the~~ 101906
~~position in the unclassified service due to incompetence,~~ 101907
~~inefficiency, dishonesty, drunkenness, immoral conduct,~~ 101908
~~insubordination, discourteous treatment of the public, neglect of~~ 101909
~~duty, violation of this chapter or Chapter 124. of the Revised~~ 101910
~~Code, violation of the rules of the director of administrative~~ 101911
~~services or the director of mental health, any other failure of~~ 101912
~~good behavior, any other acts of misfeasance, malfeasance, or~~ 101913
~~nonfeasance in office, or conviction of a felony. An employee also~~ 101914
~~forfeits the right to resume a position in the classified service~~ 101915
~~upon transfer to a different agency.~~ 101916

~~Reinstatement to a position in the classified service shall~~ 101917
~~be to a position substantially equal to that position in the~~ 101918
~~classified service held previously, as certified by the director~~ 101919
~~of administrative services. If the position the person previously~~ 101920
~~held in the classified service has been placed in the unclassified~~ 101921

~~service or is otherwise unavailable, the person shall be appointed 101922
to a position in the classified service within the department that 101923
the director of administrative services certifies is comparable in 101924
compensation to the position the person previously held in the 101925
classified service. Service in the position in the unclassified 101926
service shall be counted as service in the position in the 101927
classified service held by the person immediately prior to the 101928
person's appointment to the position in the unclassified service. 101929
When a person is reinstated to a position in the classified 101930
service as provided in this section, the person is entitled to all 101931
rights, status, and benefits accruing to the position in the 101932
classified service during the person's time of service in the 101933
position in the unclassified service pursuant to division (D) of 101934
section 124.11 of the Revised Code. 101935~~

Sec. ~~5119.072~~ 5119.181. (A) No appointing officer shall 101936
appoint a person to fill a position in either the classified or 101937
unclassified service of the department of ~~mental health~~ mental 101938
health and addiction services if the person has been convicted of 101939
or pleaded guilty to a violation of the following: 101940

(1) Any felony contained in the Revised Code, if the felony 101941
bears a direct and substantial relationship to the position being 101942
filled; 101943

(2) Any crime contained in the Revised Code constituting a 101944
misdemeanor of the first degree on the first offense and a felony 101945
on subsequent offenses, if the crime bears a direct and 101946
substantial relationship to the position being filled; 101947

(3) An existing or former law of this state, any other state, 101948
or the United States, if the law violated is substantially 101949
equivalent to any of the offenses described in division (A)(1) or 101950
(2) of this section. 101951

(B) The director of ~~mental health~~ mental health and addiction 101952

services shall adopt rules, in accordance with Chapter 119. of the Revised Code, to implement this section.

(C) The director or an appointing officer shall request the bureau of criminal identification and investigation created by section 109.51 of the Revised Code or, at ~~his~~ the director's or appointing officer's discretion, any other state or federal agency, to supply ~~him~~ the director or appointing officer with a written report regarding the criminal records of any applicant. For each investigation undertaken at the department's request under this section, the department shall pay a reasonable fee to the bureau or other state or federal agency conducting the investigation. The amount of the fee shall be determined by the bureau or other state or federal agency conducting the investigation and shall be sufficient to cover the costs of conducting the investigation. The report made by the bureau or other state or federal agency is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, except the applicant, the director, the appointing officer or ~~his designee~~ the appointing officer's designees, or any hearing officer involved in a case denying employment.

(D) As used in this section, "applicant" means a person who is under final consideration for appointment to a position in the classified or unclassified service of the department of ~~mental health~~ mental health and addiction services.

Sec. ~~5119.08~~ 5119.182. The department of ~~mental health~~ shall mental health and addiction services may require any of its employees and each officer and employee of every institution under its control who may be charged with custody or control of any money or property belonging to the state or who is required to give bond, to give a surety company bond, properly conditioned, in

a sum to be fixed by the department which when approved by the 101984
department, shall be filed in the office of the secretary of 101985
state. The cost of such bonds, when approved by the department, 101986
shall be paid from funds available for the department. The bonds 101987
required or authorized by this section may, in the discretion of 101988
the director of ~~mental health~~ mental health and addiction 101989
services, be individual, schedule, or blanket bonds. 101990

Sec. ~~5119.10~~ 5119.184. The department of ~~mental health~~ mental 101991
health and addiction services may provide educational grants or 101992
tuition reimbursements to upgrade the education, training, and 101993
professional achievement of its employees, whenever it determines 101994
that provision of such grants or reimbursements is essential to 101995
the achievement of its goals. The department may enter into 101996
agreements with its employees for the purposes of this section. 101997
The agreements may require, as a condition of each grant or 101998
reimbursement, that the employee continue employment with the 101999
department or with another federal, state, or local public agency 102000
designated by the department for a period of time stated in the 102001
agreement. If an employee does not fulfill the employment 102002
requirement stated in the agreement, the department may take 102003
action to recover the amount of all educational grants or tuition 102004
reimbursements paid to the employee under this section, plus 102005
interest at the rate of ten per cent per year calculated from the 102006
date of payment of each grant or reimbursement. 102007

Sec. ~~5119.101~~ 5119.185. (A) As used in this section, 102008
"physician" means an individual authorized under Chapter 4731. of 102009
the Revised Code to practice medicine and surgery or osteopathic 102010
medicine and surgery. 102011

(B) The department of ~~mental health~~ mental health and 102012
addiction services may establish a physician recruitment program 102013
under which the department agrees to repay all or part of the 102014

principal and interest of a government or other educational loan 102015
incurred by a physician who agrees to provide services to 102016
inpatients and outpatients of institutions under the department's 102017
administration. To be eligible to participate in the program, a 102018
physician must have attended a school that was, at the time of 102019
attendance, a medical school or osteopathic medical school in this 102020
country accredited by the liason committee on medical education or 102021
the American osteopathic association, or a medical school or 102022
osteopathic medical school located outside this country that was 102023
acknowledged by the world health organization and verified by a 102024
member state of that organization as operating within that state's 102025
jurisdiction. 102026

(C) The department shall enter into a contract with each 102027
physician it recruits under this section. Each contract shall 102028
include at least the following terms: 102029

(1) The physician agrees to provide a specified scope of 102030
medical or osteopathic medical services for a specified number of 102031
hours per week and a specified number of years to patients of one 102032
or more specified institutions administered by the department. 102033

(2) The department agrees to repay all or a specified portion 102034
of the principal and interest of a government or other educational 102035
loan taken by the physician for the following expenses if the 102036
physician meets the service obligation agreed to and the expenses 102037
were incurred while the physician was enrolled in, for up to a 102038
maximum of four years, a school that qualifies the physician to 102039
participate in the program: 102040

(a) Tuition; 102041

(b) Other educational expenses for specific purposes, 102042
including fees, books, and laboratory expenses, in amounts 102043
determined to be reasonable in accordance with rules adopted under 102044
division (D) of this section; 102045

(c) Room and board, in an amount determined to be reasonable 102046
in accordance with rules adopted under division (D) of this 102047
section. 102048

(3) The physician agrees to pay the department a specified 102049
amount, which shall be not less than the amount already paid by 102050
the department pursuant to its agreement, as damages if ~~he~~ the 102051
physician fails to complete the service obligation agreed to or 102052
fails to comply with other specified terms of the contract. The 102053
contract may vary the amount of damages based on the portion of 102054
the physician's service obligation that remains uncompleted as 102055
determined by the department. 102056

(4) Other terms agreed upon by the parties. 102057

(D) If the department elects to implement the physician 102058
recruitment program, it shall adopt rules in accordance with 102059
Chapter 119. of the Revised Code that establish all of the 102060
following: 102061

(1) Criteria for designating institutions for which 102062
physicians will be recruited; 102063

(2) Criteria for selecting physicians for participation in 102064
the program; 102065

(3) Criteria for determining the portion of a physician's 102066
loan that the department will agree to repay; 102067

(4) Criteria for determining reasonable amounts of the 102068
expenses described in divisions (C)(2)(b) and (c) of this section; 102069

(5) Procedures for monitoring compliance by physicians with 102070
the terms of their contracts; 102071

(6) Any other criteria or procedures necessary to implement 102072
the program. 102073

Sec. ~~5119.11~~ 5119.186. (A) The director of ~~mental health~~ 102074

mental health and addiction services or the managing officer of an 102075
institution of the department may enter into an agreement with 102076
boards of trustees or boards of directors of one or more 102077
institutions of higher education or hospitals licensed pursuant to 102078
section ~~5119.20~~ 5119.33 of the Revised Code to establish, manage, 102079
and conduct collaborative training efforts for students enrolled 102080
in courses of studies for occupations or professions ~~which may be~~ 102081
~~determined by the director upon the approval of the medical~~ 102082
~~director to be in occupations or professions needed to provide~~ 102083
~~adequate~~ that involve the care and treatment for persons receiving 102084
mental health or addiction services. 102085

(B) Such collaborative training efforts may include but are 102086
not limited to programs in psychiatry, psychology, nursing, social 102087
work, counseling professions, and others considered appropriate by 102088
the director of ~~mental health~~ mental health and addiction 102089
services. Any such program shall be approved or accredited by its 102090
respective professional organization or state board having 102091
jurisdiction over the profession. 102092

(1) The department shall require that the following be 102093
provided for in agreements between the department and institutions 102094
of higher education or hospitals licensed pursuant to section 102095
~~5119.20~~ 5119.33 of the Revised Code: 102096

(a) Establishment of inter-disciplinary committees to advise 102097
persons responsible for training programs. Each committee shall 102098
have representation drawn from the geographical community the 102099
institution of higher education or hospital serves and shall 102100
include representatives of agencies, boards, targeted populations 102101
as determined by the department, racial and ethnic minority 102102
groups, and publicly funded programs; 102103

(b) Funding procedures; 102104

(c) Specific outcomes and accomplishments that are expected 102105

or required of a program under such agreement; 102106

(d) The types of services to be provided under such 102107
agreement. 102108

(2) The department may require that the following be provided 102109
for in agreements between the department and institutions of 102110
higher education or hospitals licensed pursuant to section ~~5119.20~~ 102111
5119.33 of the Revised Code: 102112

(a) Special arrangements for individual residents or trainees 102113
to encourage their employment in publicly funded settings upon 102114
completion of their training; 102115

(b) Procedures for the selection of residents or trainees to 102116
promote the admission, retention, and graduation of women, 102117
minorities, and ~~handicapped~~ disabled persons; 102118

(c) Cross-cultural training and other subjects considered 102119
necessary to enhance training efforts and the care and treatment 102120
of patients and clients; 102121

(d) Funding of faculty positions oriented toward meeting the 102122
needs of publicly funded programs. 102123

Subject to appropriations by the general assembly, the 102124
director of ~~mental health~~ mental health and addiction services has 102125
final approval of the funding of these collaborative training 102126
efforts. 102127

Sec. ~~5119.12~~ 5119.187. The courses of study for the 102128
instruction and training of all persons in institutions under the 102129
control of the department of ~~mental health~~ mental health and 102130
addiction services shall be subject to the approval of the 102131
superintendent of public instruction. 102132

All teachers employed in institutions under the control of 102133
the department of ~~mental health~~ mental health and addiction 102134
services shall possess such educator licenses or have such 102135

qualifications and approval as the superintendent of public 102136
instruction, after consulting with the officers in charge of the 102137
institutions, prescribes for the various types of service in the 102138
institutions. 102139

Sec. ~~3793.16~~ 5119.188. (A) As used in this section, "state 102140
correctional institution" has the same meaning as in section 102141
2967.01 of the Revised Code. 102142

(B) The department of ~~alcohol and drug addiction services~~ 102143
mental health and addiction services shall develop a program that 102144
is designed to educate and train the employees of each state 102145
correctional institution, the employees of each department of 102146
youth services institution, and other persons associated by 102147
contract or otherwise with each state correctional institution or 102148
each department of youth services institution, who will be 102149
responsible for the conduct of, or otherwise providing treatment 102150
or rehabilitation services pursuant to, a substance abuse 102151
treatment or rehabilitation program offered in the institution to 102152
adult prisoners or juvenile offenders. Upon the development of the 102153
educational and training program, the department of ~~alcohol and~~ 102154
~~drug addiction services~~ mental health and addiction services 102155
promptly shall commence its implementation. The department of 102156
~~alcohol and drug addiction services~~ mental health and addiction 102157
services may charge to the department of rehabilitation and 102158
correction and to the department of youth services a reasonable 102159
annual fee that reflects the expenses incurred by it during the 102160
immediately preceding calendar year in preparing and offering the 102161
educational and training program during that year to the 102162
respective employees and other associated persons described in 102163
this division. 102164

The director of rehabilitation and correction and the 102165
director of youth services shall require the respective employees 102166

and other associated persons described in this division to attend 102167
and successfully complete the educational and training program 102168
developed pursuant to this division as a condition of their 102169
continuing to have responsibility for the conduct of, or their 102170
continuing to provide treatment or rehabilitation services 102171
pursuant to, any treatment or rehabilitation program that is 102172
offered in a state correctional institution or in a department of 102173
youth services institution to adult prisoners or juvenile 102174
offenders. If the department of ~~alcohol and drug addiction~~ 102175
~~services~~ mental health and addiction services charges a reasonable 102176
annual fee as described in this division, the director involved 102177
shall cause that fee to be paid from any available funds of the 102178
department of rehabilitation and correction or any available funds 102179
of the department of youth services. 102180

(C) The department of rehabilitation and correction and the 102181
department of ~~alcohol and drug addiction services~~ mental health 102182
and addiction services jointly shall develop program 102183
specifications for the alcohol and drug addiction treatment 102184
programs offered in state correctional institutions. 102185

Sec. ~~3793.031~~ 5119.201. (A) The director of ~~alcohol and drug~~ 102186
~~addiction services~~ mental health and addiction services may 102187
acquire by purchase, lease, or otherwise such real and personal 102188
property rights in the name of the state as are necessary for the 102189
purposes of the department. ~~The~~ 102190

(B) When it is necessary for a state institution under the 102191
jurisdiction of the department to acquire any real estate, 102192
right-of-way, or easement in real estate in order to accomplish 102193
the purposes for which it was organized or is being conducted, and 102194
the department is unable to agree with the owner of such property 102195
upon the price to be paid for the property, such property may be 102196
appropriated in the manner provided for the appropriation of 102197

property for other state purposes. 102198

~~(C) The director, with the approval of the governor and the attorney general,~~ may work with the department of administrative services to sell, lease, or exchange portions of real and personal property of the department when the sale, lease, or exchange is advantageous to the state. Money received from such sales, leases, or exchanges shall be credited to the ~~general revenue~~ the department of mental health and addiction services trust fund, created in section 5119.46 of the Revised Code. 102199
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(D) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code. 102207
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Sec. ~~5119.06~~ 5119.21. (A) The department of ~~mental health~~ mental health and addiction services shall: 102211
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~~(A)(1)~~ To the extent the department has available resources and in consultation with boards of alcohol, drug addiction, and mental health services, support a ~~community support system~~ continuum of care in accordance with ~~section 340.03~~ Chapter 340. of the Revised Code on a district or multi-district basis. The department shall define the essential elements of a ~~community support system~~ continuum of care, shall assist in identifying resources, and may prioritize support for one or more of the elements. 102213
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~~(B) Operate inpatient and other mental health services;~~ 102222

~~(C)(2)~~ Provide training, consultation, and technical assistance regarding mental health ~~programs~~ and addiction services and appropriate prevention, recovery, and mental health promotion activities, including those that are culturally ~~sensitive~~ competent, to employees of the department, community mental health 102223
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~~agencies and addiction services providers, boards of alcohol, drug~~ 102228
~~addiction, and mental health services,~~ and other agencies 102229
providing mental health and addiction services; 102230

~~(D)~~(3) To the extent the department has available resources, 102231
promote and support a full range of mental health and addiction 102232
services that are available and accessible to all residents of 102233
this state, especially for severely mentally disabled children, 102234
adolescents, ~~and~~ adults, pregnant women, parents, guardians or 102235
custodians of children at risk of abuse or neglect, and other 102236
special target populations, including racial and ethnic 102237
minorities, as determined by the department; 102238

~~(E)~~(4) Develop standards and measures for evaluating the 102239
effectiveness of mental health and addiction services, including 102240
services that use methadone treatment, of gambling addiction 102241
services, and for increasing the accountability of mental health 102242
and alcohol and addiction services providers and of gambling 102243
addiction services providers; 102244

(5) Design and set criteria for the determination of ~~severe~~ 102245
~~mental disability~~ priority populations; 102246

~~(F) Establish standards for evaluation of mental health~~ 102247
~~programs;~~ 102248

~~(G)~~(6) Promote, direct, conduct, and coordinate scientific 102249
research, taking ethnic and racial differences into consideration, 102250
concerning the causes and prevention of mental illness and 102251
addiction, methods of providing effective services and treatment, 102252
and means of enhancing the mental health of and recovery from 102253
addiction of all residents of this state; 102254

~~(H)~~(7) Foster the establishment and availability of 102255
vocational rehabilitation services and the creation of employment 102256
opportunities for consumers of mental health and addiction 102257
services, including members of racial and ethnic minorities; 102258

~~(I)~~(8) Establish a program to protect and promote the rights of persons receiving mental health and addiction services, including the issuance of guidelines on informed consent and other rights;

~~(J)~~ Establish, in consultation with board of alcohol, drug addiction, and mental health services representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code;

~~(K)~~(9) Promote the involvement of persons who are receiving or have received mental health or addiction services, including families and other persons having a close relationship to a person receiving ~~mental health~~ those services, in the planning, evaluation, delivery, and operation of mental health and addiction services;

~~(L)~~(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of ~~mental health~~ mental health and addiction services. These constituencies shall include consumers of mental health and addiction services and their families, and may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under Chapter 119. of the Revised Code that establish procedures for the notification and consultation required by this division.

~~(M)~~ In cooperation with board of alcohol, drug addiction, and mental health services representatives, provide training regarding the provision of community based mental health services to those

~~department employees who are utilized in state operated,~~ 102291
~~community based mental health services;~~ 102292

~~(N)(11)~~ Provide consultation to the department of 102293
rehabilitation and correction concerning the delivery of mental 102294
health and addiction services in state correctional institutions. 102295

(12) Promote and coordinate efforts in the provision of 102296
alcohol and drug addiction services and of gambling addiction 102297
services by other state agencies, as defined in section 1.60 of 102298
the Revised Code; courts; hospitals; clinics; physicians in 102299
private practice; public health authorities; boards of alcohol, 102300
drug addiction, and mental health services; alcohol and drug 102301
addiction services providers; law enforcement agencies; gambling 102302
addiction services providers; and related groups; 102303

(13) Provide to each court of record, and biennially update, 102304
a list of the treatment and education programs within that court's 102305
jurisdiction that the court may require an offender, sentenced 102306
pursuant to section 4511.19 of the Revised Code, to attend; 102307

(14) Make the warning sign described in sections 3313.752, 102308
3345.41, and 3707.50 of the Revised Code available on the 102309
department's internet web site; 102310

(15) Provide a program of gambling addiction services on 102311
behalf of the state lottery commission, pursuant to an agreement 102312
entered into with the director of the commission under division 102313
(K) of section 3770.02 of the Revised Code, and provide a program 102314
of gambling addiction services on behalf of the Ohio casino 102315
control commission, under an agreement entered into with the 102316
executive director of the commission under section 3772.062 of the 102317
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 102318
Constitution, the department may enter into agreements with boards 102319
of alcohol, drug addiction, and mental health services, including 102320
boards with districts in which a casino facility is not located, 102321

and nonprofit organizations to provide gambling addiction services 102322
and substance abuse services, and with state institutions of 102323
higher education or private nonprofit institutions that possess a 102324
certificate of authorization issued under Chapter 1713. of the 102325
Revised Code to perform related research. 102326

(B) The department may accept and administer grants from 102327
public or private sources for carrying out any of the duties 102328
enumerated in this section. 102329

(C) Pursuant to Chapter 119. of the Revised Code, the 102330
department shall adopt a rule defining the term "intervention" as 102331
it is used in this chapter in connection with alcohol and drug 102332
addiction services and in connection with gambling addiction 102333
services. The department may adopt other rules as necessary to 102334
implement the requirements of this chapter. 102335

~~Sec. 5119.61 5119.22. Any provision in this chapter that~~ 102336
~~refers to a board of alcohol, drug addiction, and mental health~~ 102337
~~services also refers to the community mental health board in an~~ 102338
~~alcohol, drug addiction, and mental health service district that~~ 102339
~~has a community mental health board.~~ 102340

The director of ~~mental health~~ mental health and addiction 102341
services with respect to all mental health and addiction 102342
facilities and ~~programs~~ services established and operated or 102343
provided under Chapter 340. of the Revised Code ~~for mentally ill~~ 102344
~~and emotionally disturbed persons,~~ shall do all of the following: 102345

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 102346
that may be necessary to carry out the purposes of ~~Chapter this~~ 102347
chapter and Chapters 340. and ~~sections 5119.61 to 5119.63 5122.~~ of 102348
the Revised Code. 102349

~~(1) The rules shall include the following:~~ 102350

~~(a) Rules governing a community mental health agency's~~ 102351

~~services under section 340.091 of the Revised Code to an individual referred to the agency under division (D)(2) of section 5119.69 of the Revised Code;~~

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~~(b) For the purpose of division (A)(16) of section 340.03 of the Revised Code, rules governing the duties of mental health agencies and boards of alcohol, drug addiction, and mental health services regarding referrals of individuals with mental illness or severe mental disability to residential facilities as defined in division (A)(9)(b) of section 5119.22 of the Revised Code and effective arrangements for ongoing mental health services for the individuals.~~

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~~(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.~~

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~~(B) Review and evaluate, and the continuum of care in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program submitted under division (A)(4) of section 340.03 of the Revised Code and the requirements and priorities and plans of the state mental health plan department, including the needs of residents of the district now residing in state mental institutions currently receiving services in state-operated hospitals, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;~~

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~~(C) Provide consultative services to community mental health agencies with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;~~

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~~(D)~~ At the director's discretion, provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section ~~5119.62~~ 5119.23 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

(D) Establish, in consultation with board of alcohol, drug addiction, and mental health service representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health and addiction services plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code.

(E) Establish criteria by which a board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of its contracted services ~~provided through its community mental health plan~~. The criteria shall include requirements ensuring appropriate service utilization. The department shall assess a board's evaluation of services and the compliance of each board with this section, Chapter 340. ~~or section 5119.62~~ of the Revised Code, and other state or federal law and regulations. The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of services provided through each board. The department shall collect information that is necessary to perform these functions.

(F) To the extent the director determines necessary and after consulting with boards of alcohol, drug addiction, and mental health services, develop and operate, or contract for the operation of, a community ~~mental~~ behavioral health information system or systems. The department shall specify the information that must be provided by boards of alcohol, drug addiction, and

mental health services and by community addiction and mental 102416
health services providers for inclusion in the system or systems. 102417

Boards of alcohol, drug addiction, and mental health services 102418
and community addiction and mental health services providers shall 102419
submit information requested by the department in the form and 102420
manner and in accordance with time frames prescribed by the 102421
department. Information collected by the department ~~shall~~ may 102422
include, ~~but not be limited to,~~ all of the following: 102423

(1) Information ~~regarding units of~~ on services provided in 102424
~~whole or in part under contract with a board, including diagnosis~~ 102425
~~and special needs, demographic information, the number of units of~~ 102426
~~service provided, past treatment, financial status, and service~~ 102427
~~dates in accordance with rules adopted by the department in~~ 102428
~~accordance with Chapter 119. of the Revised Code;~~ 102429

(2) Financial information ~~other than price or price related~~ 102430
~~data regarding expenditures of boards and community mental health~~ 102431
~~agencies, including units of service provided, budgeted and actual~~ 102432
~~expenses by type, and sources of~~ federal, state, or local funds; 102433

(3) Information about persons served. 102434

~~Boards shall submit the information specified in division~~ 102435
~~(F)(1) of this section no less frequently than annually for each~~ 102436
~~client, and each time the client's case is opened or closed. The~~ 102437
department shall not collect any personal information from the 102438
boards except as required or permitted by state or federal law for 102439
purposes related to payment, health care operations, program and 102440
service evaluation, reporting activities, research, system 102441
administration, and oversight. 102442

(G)(1) Review each board's community mental health and 102443
addiction services plan, budget, and statement of services to be 102444
made available submitted pursuant to ~~section~~ sections 340.03 and 102445
340.08 of the Revised Code and approve or disapprove ~~it~~ the plan, 102446

~~the budget, and the statement of services in whole or in part. 102447~~
~~Periodically, in consultation with representatives of boards and 102448~~
~~after considering the recommendations of the medical director, the 102449~~
~~director shall issue criteria for determining when a plan is 102450~~
~~complete, criteria for plan approval or disapproval, and 102451~~
~~provisions for conditional approval. The factors that the director 102452~~
~~considers may include, but are not limited to, the following: 102453~~

~~(1) The mental health needs of all persons residing within 102454~~
~~the board's service district, especially severely mentally 102455~~
~~disabled children, adolescents, and adults; 102456~~

~~(2) The demonstrated quality, effectiveness, efficiency, and 102457~~
~~cultural relevance of the services provided in each service 102458~~
~~district, the extent to which any services are duplicative of 102459~~
~~other available services, and whether the services meet the needs 102460~~
~~identified above; 102461~~

~~(3) The adequacy of the board's accounting for the 102462~~
~~expenditure of funds. 102463~~

~~If the director disapproves all or part of any plan, the 102464~~
~~director shall provide the board an opportunity to present its 102465~~
~~position. The director shall inform the board of the reasons for 102466~~
~~the disapproval and of the criteria that must be met before the 102467~~
~~plan may be approved. The director shall give the board a 102468~~
~~reasonable time within which to meet the criteria, and shall offer 102469~~
~~technical assistance to the board to help it meet the criteria. 102470~~

~~If the approval of a plan remains in dispute, the board or 102471~~
~~the director may request that the dispute be submitted to a 102472~~
~~mutually agreed upon third party mediator with the cost to be 102473~~
~~shared by the board and the department. The mediator shall issue 102474~~
~~to the board and the department recommendations for resolution of 102475~~
~~the dispute. The director, taking into consideration the 102476~~
~~recommendations of the mediator, shall make a final determination 102477~~

and approve or disapprove the plan, in whole or in part 102478
The department may withhold all or part of the funds allocated to a 102479
board if it disapproves all or part of a plan, budget, or 102480
statement of services. Prior to a final decision to disapprove a 102481
plan, budget, or statement of services, or to withhold funds from 102482
a board, a representative of the director of mental health and 102483
addiction services shall meet with the board and discuss the 102484
reason for the action the department proposes to take and any 102485
corrective action that should be taken to make the plan, budget, 102486
or statement of services acceptable to the department. In 102487
addition, the department shall offer technical assistance to the 102488
board to assist it to make the plan, budget, or statement of 102489
services acceptable. The department shall give the board a 102490
reasonable time in which to revise the plan, budget, or statement 102491
of services. The board thereafter shall submit a revised plan, 102492
budget, or statement of services, or a new plan, budget, or 102493
statement of services. 102494

(2) If a board determines that it is necessary to amend the 102495
plan, budget, or statement of services that has been approved 102496
under this section, the board shall submit the proposed amendment 102497
to the department. The department may approve or disapprove all or 102498
part of the amendment. 102499

(3) If the director disapproves of all or part of any 102500
proposed amendment, the director shall provide the board an 102501
opportunity to present its position. The director shall inform the 102502
board of the reasons for the disapproval and of the criteria that 102503
must be met before the proposed amendment may be approved. The 102504
director shall give the board a reasonable time within which to 102505
meet the criteria and shall offer technical assistance to the 102506
board to help it meet the criteria. 102507

(4) The department shall establish procedures for the review 102508
of plans, budgets, and statements of services, and a timetable for 102509

submission and review of plans, budgets, and statements of 102510
services and for corrective action and submission of new or 102511
revised plans, budgets, and statements of services. 102512

Sec. ~~5119.62~~ 5119.23. (A) The department of ~~mental health~~ 102513
mental health and addiction services shall establish a methodology 102514
for allocating to boards of alcohol, drug addiction, and mental 102515
health services the funds appropriated by the general assembly to 102516
the department for the purpose of local mental health ~~systems and~~ 102517
addiction services continuums of care. The department shall 102518
establish the methodology after notifying and consulting with 102519
relevant constituencies as required by division ~~(L)~~(A)(10) of 102520
section ~~5119.06~~ 5119.21 of the Revised Code. The methodology may 102521
provide for the funds to be allocated to boards on a district or 102522
multi-district basis. ~~Subject~~ 102523

(B) ~~Subject to sections 5119.622 and 5119.623~~ section 5119.25 102524
of the Revised Code, and to required submissions and approvals 102525
under section 340.08 of the Revised Code, the department shall 102526
allocate the funds to the boards in a manner consistent with the 102527
methodology, this section, other state and federal laws, rules, 102528
and regulations. 102529

~~(B) The department may allocate to boards a portion of the~~ 102530
~~funds appropriated by the general assembly to the department for~~ 102531
~~the operation of state hospital services. If the department~~ 102532
~~allocates the funds, the department shall do all of the following:~~ 102533

~~(1) In consultation with the boards:~~ 102534

~~(a) Annually determine the unit costs of providing state~~ 102535
~~hospital services; and~~ 102536

~~(b) Establish the methodology for allocating the funds to the~~ 102537
~~boards.~~ 102538

~~(2) Determine the type of unit costs of providing state~~ 102539

~~hospital services to be included as a factor in the methodology 102540
and include that unit cost as a factor in the methodology; 102541~~

~~(3) Subject to sections 5119.622 and 5119.623 of the Revised 102542
Code, allocate the funds to the boards in a manner consistent with 102543
the methodology, this section, other state and federal laws, 102544
rules, and regulations. 102545~~

~~(c) Not later than the first day of April of each year, the 102546
department shall notify each board of the department's estimate of 102547
the amount of funds to be allocated to the board under this 102548
section during the fiscal year beginning on the next July first. 102549
If the department makes an allocation under division (B) of this 102550
section, the department shall also notify each board of the unit 102551
costs of providing state hospital services for the upcoming fiscal 102552
year as determined under that division. Not later than the first 102553
day of May of each year, each board shall notify the department as 102554
to which of the following options it has elected for the upcoming 102555
fiscal year: 102556~~

~~(1) The board elects to accept distribution of the amount 102557
allocated to it under this section. Funds distributed to each 102558
board shall be used to supplement and not to supplant other state, 102559
local, or federal funds that are being used to support 102560
community based programs for severely mentally disabled children, 102561
adolescents, and adults, unless the funds have been specifically 102562
designated for the initiation of programs in accordance with the 102563
community mental health plan developed and submitted under section 102564
340.03 and approved under section 5119.61 of the Revised Code. 102565
Notwithstanding section 131.33 of the Revised Code, any board may 102566
expend unexpended funds distributed to the board from 102567
appropriations for the purpose of local management of mental 102568
health services in the fiscal year following the fiscal year for 102569
which the appropriations are made, in accordance with the approved 102570
community mental health plan. 102571~~

~~(2) Subject to division (D) of this section, the board elects not to accept the amount allocated to it under this section, authorizes the department to determine the use of its allocation, and agrees to provide the department with a statement of projected utilization of state hospitals and other state operated services by residents of its service district during the fiscal year.~~

~~(D) No board shall elect the option in division (C)(2) of this section unless all of the following apply:~~

~~(1) Either the total funds estimated by the department to be allocated to the board under this section for the next fiscal year are reduced by a substantial amount, as defined in guidelines adopted by the director of mental health under division (E) of this section, in comparison to the amount allocated for the current fiscal year, for reasons not related to performance or the board has experienced other circumstances specified in the guidelines.~~

~~(2) The board provides the department written confirmation that the board has received input about the impact that the board's election will have on the mental health system in the board's district from all of the following:~~

~~(a) Individuals who receive mental health services and such individuals' families;~~

~~(b) Boards of county commissioners;~~

~~(c) Judges of juvenile and probate courts;~~

~~(d) County sheriffs, jail administrators, and other local law enforcement officials.~~

~~(3) Not later than seven days before notifying the department of its election and after providing the department the written confirmation required by division (D)(2) of this section, the board conducts a public hearing on the issue.~~

~~(E) For the purpose of division (D)(1) of this section, the director of mental health shall consult with the boards and other relevant constituencies to develop guidelines for determining what constitutes a substantial reduction of funds and what other circumstances qualify a board to elect the option in division (C)(2) of this section.~~

~~(F) No board shall use state funds for the purpose of discouraging employees from seeking collective bargaining representation or encouraging employees to decertify a recognized collective bargaining agent.~~

~~(G) The department shall charge against the allocation made to a board under division (B) of this section, if any, any unreimbursed costs for services provided by the department.~~

~~(H) A board's use of funds allocated under this section is subject to audit by county, state, and federal authorities.~~

(C) In consultation with boards, community mental health and addiction services providers, and persons receiving services, the department shall establish guidelines for the use of funds allocated and distributed under this section.

Sec. 5119.621 5119.24. (A) As used in this section, "administrative function" means a function related to one or more of the following:

(1) Continuous quality improvement;

(2) Utilization review;

(3) Resource development;

(4) Fiscal administration;

(5) General administration;

(6) Any other function related to administration that is required by Chapter 340. of the Revised Code.

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental health~~ mental health and addiction services specifying how the board used funds allocated to the board under section ~~5119.62~~ 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental health~~ mental health and addiction services shall establish the date by which the report must be submitted each year.

Sec. ~~5119.622~~ 5119.25. (A) The director of ~~mental health~~ mental health and addiction services, in whole or in part, may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section ~~5119.62~~ 5119.23 of the Revised Code if the board fails to comply with Chapter 340. or section ~~5119.61, 5119.611, 5119.612, or 5119.621~~ 5119.22, 5119.24, 5119.36, or 5119.37 of the Revised Code or rules of the department of ~~mental health regarding a community mental health service~~ mental health and addiction services. The

(B) The director of mental health and addiction services may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if the board denies available service on the basis of race, color, religion, creed, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(C) The director shall identify issue a notice identifying the areas of noncompliance and the action necessary to achieve compliance. The director shall may offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or shall have ten days from receipt of the notice of noncompliance to present its position that it is in compliance. Before withholding funds, the

director or the director's designee shall hold a hearing shall be 102662
conducted within ten days of receipt of the board's position to 102663
determine if there are continuing violations and that either 102664
assistance is rejected or the board is unable to achieve 102665
compliance. Subsequent to the hearing process, if it is determined 102666
that compliance has not been achieved, the director may allocate 102667
all or part of the withheld funds to a public or private agency to 102668
provide the community mental health or community addiction service 102669
for which the board is not in compliance until the time that there 102670
is compliance. The director ~~shall~~ may adopt rules in accordance 102671
with Chapter 119. of the Revised Code to implement this section. 102672

Sec. ~~3793.14~~ 5119.26. Any person treated under this chapter 102673
or rules adopted under it shall retain ~~his~~ the person's civil 102674
rights and liberties, including the right not to be experimented 102675
upon with treatment not accepted as good medical practice without 102676
~~his~~ the person's fully informed consent, the right as a ~~patient~~ 102677
person receiving services to maintain the confidentiality of 102678
health and medical records, the right as a person detained for 102679
medical purposes to receive adequate and appropriate treatment, 102680
and the right to vote. 102681

Sec. ~~3793.13~~ 5119.27. (A) Records or information, other than 102682
court journal entries or court docket entries, pertaining to the 102683
identity, diagnosis, or treatment of any ~~patient~~ person seeking or 102684
receiving services that are maintained in connection with the 102685
performance of any drug treatment program or services licensed by, 102686
or certified by, the director of ~~alcohol and drug addiction~~ 102687
~~services,~~ mental health and addiction services under ~~section~~ 102688
~~3793.11 of the Revised Code,~~ this chapter shall be kept 102689
confidential, may be disclosed only for the purposes and under the 102690
circumstances expressly authorized under this section, and may not 102691
otherwise be divulged in any civil, criminal, administrative, or 102692

legislative proceeding. 102693

(B) When the ~~patient~~ person, with respect to whom any record 102694
or information referred to in division (A) of this section is 102695
maintained, gives consent in the form of a written release signed 102696
by the ~~patient~~ person, the content of the record or information 102697
may be disclosed if the written release conforms to all of the 102698
following: 102699

(1) Specifically identifies the person, official, or entity 102700
to whom the information is to be provided; 102701

(2) Describes with reasonable specificity the record, 102702
records, or information to be disclosed; and 102703

(3) Describes with reasonable specificity the purposes of the 102704
disclosure and the intended use of the disclosed information. 102705

(C) A ~~patient~~ person who is subject to a community control 102706
sanction, parole, or a post-release control sanction or who is 102707
ordered to rehabilitation in lieu of conviction, and who has 102708
agreed to participate in a drug treatment or rehabilitation 102709
program as a condition of the community control sanction, 102710
post-release control sanction, parole, or order to rehabilitation, 102711
shall be considered to have consented to the release of records 102712
and information relating to the progress of treatment, frequency 102713
of treatment, adherence to treatment requirements, and probable 102714
outcome of treatment. Release of information and records under 102715
this division shall be limited to the court or governmental 102716
personnel having the responsibility for supervising the ~~patient's~~ 102717
person's community control sanction, post-release control 102718
sanction, parole, or order to rehabilitation. A ~~patient~~ person, 102719
described in this division, who refuses to allow disclosure may be 102720
considered in violation of the conditions of the ~~patient's~~ 102721
person's community control sanction, post-release control 102722
sanction, parole, or order to rehabilitation. 102723

(D) Disclosure of a ~~patient's~~ person's record may be made 102724
without the ~~patient's~~ person's consent to qualified personnel for 102725
the purpose of conducting scientific research, management, 102726
financial audits, or program evaluation, but these personnel may 102727
not identify, directly or indirectly, any individual ~~patient~~ 102728
person in any report of the research, audit, or evaluation, or 102729
otherwise disclose a ~~patient's~~ person's identity in any manner. 102730

(E) Upon the request of a prosecuting attorney or the 102731
director of ~~alcohol and drug addiction services~~ mental health and 102732
addiction services, a court of competent jurisdiction may order 102733
the disclosure of records or information referred to in division 102734
(A) of this section if the court has reason to believe that a 102735
treatment program or facility is being operated or used in a 102736
manner contrary to law. The use of any information or record so 102737
disclosed shall be limited to the prosecution of persons who are 102738
or may be charged with any offense related to the illegal 102739
operation or use of the drug treatment program or facility, or to 102740
the decision to withdraw the authority of a drug treatment program 102741
or facility to continue operation. For purposes of this division 102742
the court shall: 102743

(1) Limit disclosure to those parts of the ~~patient's~~ person's 102744
record considered essential to fulfill the objective for which the 102745
order was granted; 102746

(2) Require, where appropriate, that all information be 102747
disclosed in chambers; 102748

(3) Include any other appropriate measures to keep disclosure 102749
to a minimum, consistent with the protection of the ~~patients~~ 102750
persons seeking or receiving services, the physician-patient 102751
relationship, and the administration of the drug treatment and 102752
rehabilitation program. 102753

(F) As used in this section: 102754

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 102755
102756

(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 102757
102758

Sec. 5119.28. (A) All records, and reports, other than court journal entries or court docket entries, identifying a person and pertaining to the person's mental health condition, assessment, provision of care or treatment, or payment for assessment, care or treatment that are maintained in connection with any services certified by the department of mental health and addiction services, or any hospitals or facilities licensed or operated by the department, shall be kept confidential and shall not be disclosed by any person except: 102759
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(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents; 102768
102769
102770

(2) When disclosure is provided for in this chapter or Chapter 340. or 5122., or Title XLVII of the Revised Code; 102771
102772

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, licensed facilities, and community mental health services providers may release necessary information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the person; 102773
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(4) Pursuant to a court order signed by a judge; 102779

(5) That a person shall be granted access to the person's own psychiatric and medical records, unless access specifically is restricted in a person's treatment plan for clear treatment reasons; 102780
102781
102782
102783

(6) That the department of mental health and addiction 102784

services may exchange psychiatric records and other pertinent 102785
information with community mental health services providers and 102786
boards of alcohol, drug addiction, and mental health services 102787
relating to the person's care or services. Records and information 102788
that may be exchanged pursuant to this division shall be limited 102789
to medication history, physical health status and history, 102790
financial status, summary of course of treatment, summary of 102791
treatment needs, and a discharge summary, if any. 102792

(7) That the department of mental health and addiction 102793
services, hospitals and community providers operated by the 102794
department, hospitals licensed by the department under section 102795
5119.33 of the Revised Code, and community mental health services 102796
providers may exchange psychiatric records and other pertinent 102797
information with payers and other providers of treatment and 102798
health services if the purpose of the exchange is to facilitate 102799
continuity of care for the person or for the emergency treatment 102800
of the person; 102801

(8) That the department of mental health and addiction 102802
services and community mental health services providers may 102803
exchange psychiatric records and other pertinent information with 102804
boards of alcohol, drug addiction, and mental health services for 102805
purposes of any board function set forth in Chapter 340. of the 102806
Revised Code. Boards of alcohol, drug addiction, and mental health 102807
services shall not access any personal information from the 102808
department or providers except as required or permitted by this 102809
section, or Chapter 340. or 5122. of the Revised Code for purposes 102810
related to payment, care coordination, health care operations, 102811
program and service evaluation, reporting activities, research, 102812
system administration, oversight, or other authorized purposes. 102813

(9) That a person's family member who is involved in the 102814
provision, planning, and monitoring of services to the person may 102815
receive medication information, a summary of the person's 102816

diagnosis and prognosis, and a list of the services and personnel 102817
available to assist the person and the person's family, if the 102818
person's treatment provider determines that the disclosure would 102819
be in the best interests of the person. No such disclosure shall 102820
be made unless the person is notified first and receives the 102821
information and does not object to the disclosure. 102822

(10) That community mental health services providers may 102823
exchange psychiatric records and certain other information with 102824
the board of alcohol, drug addiction, and mental health services 102825
and other providers in order to provide services to a person 102826
involuntarily committed to a board. Release of records under this 102827
division shall be limited to medication history, physical health 102828
status and history, financial status, summary of course of 102829
treatment, summary of treatment needs, and discharge summary, if 102830
any. 102831

(11) That information may be disclosed to the executor or the 102832
administrator of an estate of a deceased person when the 102833
information is necessary to administer the estate; 102834

(12) That information may be disclosed to staff members of 102835
the appropriate board or to staff members designated by the 102836
director of mental health and addiction services for the purpose 102837
of evaluating the quality, effectiveness, and efficiency of 102838
services and determining if the services meet minimum standards. 102839
Information obtained during such evaluations shall not be retained 102840
with the name of any person. 102841

(13) That records pertaining to the person's diagnosis, 102842
course of treatment, treatment needs, and prognosis shall be 102843
disclosed and released to the appropriate prosecuting attorney if 102844
the person was committed pursuant to section 2945.38, 2945.39, 102845
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 102846
attorney designated by the board for proceedings pursuant to 102847
involuntary commitment under Chapter 5122. of the Revised Code. 102848

(14) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates and offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(15) That a community mental health services provider that ceases to operate may transfer to either a community mental health services provider that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the person resided at the time services were most recently provided any treatment records that have not been transferred elsewhere at the person's request.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (10) of this section, the custodian of the records shall attempt to obtain the person's consent for the disclosure.

(C) No person shall reveal the content of a medical record of a person that is confidential pursuant to this section, except as authorized by law.

Sec. ~~5119.57~~ 5119.29. ~~No later than January 1, 1998, the~~ The 102881
department of ~~mental health~~ mental health and addiction services, 102882
in conjunction with boards of alcohol, drug addiction, and mental 102883
health services and community mental health boards, shall develop 102884
a coordinated system for tracking and monitoring persons found not 102885
guilty by reason of insanity and committed pursuant to section 102886
2945.40 of the Revised Code who have been granted a conditional 102887
release and persons found incompetent to stand trial and committed 102888
pursuant to section 2945.39 of the Revised Code who have been 102889
granted a conditional release. The system shall do all of the 102890
following: 102891

(A) Centralize responsibility for the tracking of those 102892
persons; 102893

(B) Develop uniformity in monitoring those persons; 102894

(C) Develop a mechanism to allow prompt rehospitalization, 102895
reinstitutionalization, or detention when a violation of the 102896
conditional release or decompensation occurs. 102897

Sec. ~~3793.18~~ 5119.30. The department of ~~alcohol and drug~~ 102898
~~addiction services~~ mental health and addiction services promptly 102899
shall develop and maintain a program that continually provides the 102900
courts of this state with relevant information pertaining to 102901
~~alcohol and drug~~ addiction services and programs available both 102902
within their jurisdictions and statewide in order to facilitate 102903
the ability of the courts to utilize treatment and rehabilitation 102904
alternatives in addition to or in lieu of imposing sentences of 102905
imprisonment upon appropriate offenders. 102906

Sec. ~~5119.23~~ 5119.31. The department of ~~mental health~~ mental 102907
health and addiction services may examine into, with or without 102908
expert assistance, the question of the mental and physical 102909
condition of any person committed to or involuntarily confined in 102910

any hospital for the mentally ill, or restrained of ~~his~~ liberty at 102911
any place within this state by reason of alleged mental illness 102912
and may order and compel the discharge of any such person who is 102913
not a mentally ill person subject to hospitalization by court 102914
order as defined in division (B) of section 5122.01 of the Revised 102915
Code and direct what disposition shall be made of ~~him~~ the person. 102916
The order of discharge shall be signed by the director of ~~mental~~ 102917
~~health~~ mental health and addiction services. Upon receipt of such 102918
order by the superintendent or other person in charge of the 102919
building in which the person named in such order is confined, such 102920
person shall forthwith be discharged or otherwise disposed of 102921
according to the terms of said order, and any further or other 102922
detention of such person is unlawful. No such order shall be made 102923
in favor of any person committed and held for trial on a criminal 102924
charge, in confinement by an order of a judge or court made in a 102925
criminal proceeding, or in any case unless notice is given to the 102926
superintendent or other person having charge of the building in 102927
which the alleged mentally ill person is detained, and a 102928
reasonable opportunity is allowed the person in charge to justify 102929
further detention of the person confined. 102930

Sec. ~~5119.60~~ 5119.32. The department of ~~mental health~~ mental 102931
health and addiction services is hereby designated as the state 102932
administrative agency for the ~~alcohol, drug abuse and mental~~ 102933
~~health services~~ substance abuse prevention treatment block grant 102934
and the community mental health services block grant authorized by 102935
the "Public Health Services Act," 95 Stat. 357, 543, 42 U.S.C. 102936
300x, as amended, and similar alcohol, drug abuse, or mental 102937
health programs that are specified in an appropriations act. ~~The~~ 102938
~~department shall establish and administer an annual plan to~~ 102939
~~utilize federal block grant funds. The department shall consult~~ 102940
~~with the department of alcohol and drug addiction services on the~~ 102941
~~allocation of funds for alcohol and drug addiction services~~ 102942

~~pursuant to Chapter 3793. of the Revised Code and shall notify the~~ 102943
~~controlling board, which shall authorize the transfer of funds~~ 102944
~~allocated to the department of alcohol and drug addiction~~ 102945
~~services.~~ 102946

Sec. ~~5119.20~~ 5119.33. The department of ~~mental health~~ mental 102947
health and addiction services shall inspect and license all 102948
hospitals that receive mentally ill persons, except those 102949
hospitals managed by the department. No hospital may receive for 102950
care or treatment, either at public or private expense, any person 102951
who is or appears to be mentally ill, whether or not so 102952
adjudicated, unless the hospital has received a license from the 102953
department authorizing it to receive for care or treatment persons 102954
who are mentally ill or the hospital is managed by the department. 102955

No such license shall be granted to a hospital for the 102956
treatment of mentally ill persons unless the department is 102957
satisfied, after investigation, that the hospital is managed and 102958
operated by qualified persons and has on its staff one or more 102959
qualified physicians responsible for the medical care of the 102960
patients confined there. At least one such physician shall be a 102961
psychiatrist. 102962

The department shall adopt rules under Chapter 119. of the 102963
Revised Code prescribing minimum standards for the operation of 102964
hospitals for the care and treatment of mentally ill persons and 102965
establishing standards and procedures for the issuance, renewal, 102966
or revocation of full, probationary, and interim licenses. No 102967
license shall be granted to any hospital established or used for 102968
the care of mentally ill persons unless such hospital is operating 102969
in accordance with this section and rules adopted pursuant to this 102970
section. A full license shall expire one year after the date of 102971
issuance, a probationary license shall expire at the time 102972
prescribed by rule adopted pursuant to Chapter 119. of the Revised 102973

Code by the director of ~~mental health~~ mental health and addiction 102974
services, and an interim license shall expire ninety days after 102975
the date of issuance. A full, probationary, or interim license may 102976
be renewed, except that an interim license may be renewed only 102977
twice. The department may fix reasonable fees for licenses and for 102978
license renewals. Such hospitals are subject to inspection and 102979
~~visitation~~ on-site review by the department. 102980

Except as otherwise provided in Chapter 5122. of the Revised 102981
Code, neither the director of ~~the department of mental health~~ 102982
mental health and addiction services; an employee of the 102983
department; a board of alcohol, drug addiction, and mental health 102984
services or ~~agency~~ employee of a community mental health services 102985
provider; nor any other public official shall hospitalize any 102986
mentally ill person for care or treatment in any hospital that is 102987
not licensed in accordance with this section. 102988

Any license issued by the department under this section may 102989
be revoked by the department for any of the following reasons: 102990

(A) The hospital is no longer a suitable place for the care 102991
or treatment of mentally ill persons. 102992

(B) The hospital refuses to be subject to inspection or 102993
~~visitation~~ on-site review by the department. 102994

(C) The hospital has failed to furnish humane, kind, and 102995
adequate treatment and care. 102996

(D) The hospital fails to comply with the licensure rules of 102997
the department. 102998

The department may inspect, ~~visit~~ conduct an on-site review, 102999
and review the records of any hospital that the department has 103000
reason to believe is operating without a license. 103001

Sec. ~~5119.201~~ 5119.331. If the department of ~~mental health~~ 103002
mental health and addiction services determines that a hospital 103003

not licensed by the department is receiving for care or treatment 103004
any person who is or appears to be mentally ill, the department 103005
may request in writing that the attorney general petition the 103006
court of common pleas in the county where the hospital is located 103007
to enjoin the hospital from continued operation in violation of 103008
section ~~5119.20~~ 5119.33 of the Revised Code. 103009

Sec. ~~5119.202~~ 5119.332. No third-party payer shall directly 103010
or indirectly reimburse, nor shall any person be obligated to pay 103011
any hospital for psychiatric services for which a license is 103012
required under section ~~5119.20~~ 5119.33 of the Revised Code unless 103013
the hospital is licensed by the department of ~~mental health~~ mental 103014
health and addiction services. 103015

As used in this section, "third-party payer" means a health 103016
insuring corporation licensed under Chapter 1751. of the Revised 103017
Code, an insurance company that issues sickness and accident 103018
insurance in conformity with Chapter 3923. of the Revised Code, a 103019
state-financed health insurance program under Chapter 3701., 103020
4123., or 5101. of the Revised Code, or any self-insurance plan. 103021

Sec. ~~5119.21~~ 5119.333. No person shall keep or maintain a 103022
hospital for the care or treatment of mentally ill persons unless 103023
it is licensed by the department of ~~mental health~~ mental health 103024
and addiction services, as provided by section ~~5119.20~~ 5119.33 of 103025
the Revised Code. 103026

Sec. ~~5119.22~~ 5119.34. (A) As used in this section and ~~section~~ 103027
~~5119.221~~ sections 5119.341 and 5119.342 of the Revised Code: 103028
103029

(1) "Accommodations" means housing, daily meal preparation, 103030
laundry, housekeeping, arranging for transportation, social and 103031
recreational activities, maintenance, security, and other services 103032
that do not constitute personal care services or skilled nursing 103033

care. 103034

(2) "ADAMHS board" means a board of alcohol, drug addiction, 103035
and mental health services. 103036

(3) "Adult" means a person who is eighteen years of age or 103037
older, other than a person described in division (A)(4) of this 103038
section who is between eighteen and twenty-one years of age. 103039

(4) "Child" means a person who is under eighteen years of age 103040
or a person with a mental disability who is under twenty-one years 103041
of age. 103042

(5) "Community mental health ~~agency~~ services provider" means 103043
a community mental health ~~agency~~ services provider as defined in 103044
~~division (H) of section 5122.01~~ 5119.01 of the Revised Code. 103045

(6) "Community mental health services" means any ~~of the~~ 103046
mental health services listed in certified by the department 103047
pursuant to section 340.09 5119.36 of the Revised Code. 103048

(7) "Operator" means the person or persons, firm, 103049
partnership, agency, governing body, association, corporation, or 103050
other entity that is responsible for the administration and 103051
management of a residential facility and that is the applicant for 103052
a residential facility license. 103053

(8) "Personal care services" means services including, but 103054
not limited to, the following: 103055

(a) Assisting residents with activities of daily living; 103056

(b) Assisting residents with self-administration of 103057
medication in accordance with rules adopted under this section; 103058

(c) Preparing special diets, other than complex therapeutic 103059
diets, for residents pursuant to the instructions of a physician 103060
or a licensed dietitian, in accordance with rules adopted under 103061
this section. 103062

"Personal care services" does not include "skilled nursing 103063

care" as defined in section 3721.01 of the Revised Code. A 103064
facility need not provide more than one of the services listed in 103065
division (A)(8) of this section to be considered to be providing 103066
personal care services. 103067

(9) "Residential facility" means a publicly or privately 103068
operated home or facility that provides one of the following: 103069

(a) Accommodations, supervision, personal care services, and 103070
community mental health services for one or more of ~~the following~~ 103071
~~unrelated persons~~ adults with mental illness or severe mental 103072
disabilities or to one or more unrelated children and adolescents 103073
with a serious emotional disturbance or who are in need of mental 103074
health services who are referred by or are receiving community 103075
mental health services from a community mental health ~~agency,~~ 103076
services provider, hospital, or practitioner; 103077

~~(i) Adults with mental illness;~~ 103078

~~(ii) Persons of any age with severe mental disabilities;~~ 103079

~~(iii) Children with serious emotional disturbances or in need~~ 103080
~~of mental health services.~~ 103081

(b) Accommodations, supervision, and personal care services 103082
~~for only one or two unrelated adults; accommodations, supervision,~~ 103083
~~and personal care services for three to sixteen unrelated adults;~~ 103084
~~or accommodations, supervision, and personal care services for one~~ 103085
~~or two of the following unrelated persons:~~ 103086

~~(i) Persons of any age with mental illness who are referred~~ 103087
~~by or are receiving community mental health services from a~~ 103088
~~community mental health agency, hospital, or practitioner;~~ 103089

~~(ii) Persons of any age with severe mental disabilities who~~ 103090
~~are referred by or are receiving community mental health services~~ 103091
~~from a community mental health agency, hospital, or practitioner~~ 103092
to any of the following: 103093

<u>(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;</u>	103094
	103095
	103096
	103097
<u>(ii) One or two unrelated adults who are receiving residential state supplement payments;</u>	103098
	103099
<u>(iii) Three to sixteen unrelated adults.</u>	103100
(c) Room and board for five or more of the following unrelated persons:	103101
	103102
(i) Adults <u>adults</u> with mental illness <u>or severe mental disability</u> who are referred by or are receiving community mental health services from a community mental health agency, services provider, hospital, or practitioner:	103103
	103104
	103105
	103106
(ii) Adults with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.	103107
	103108
	103109
(10) "Residential facility" does not include any of the following:	103110
	103111
(a) A hospital subject to licensure under section 5119.20 <u>5119.33</u> of the Revised Code;	103112
	103113
(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;	103114
	103115
	103116
(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	103117
	103118
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	103119
	103120
	103121
(e) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used	103122
	103123

exclusively for care of pediatric respite care patients;	103124
(f) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;	103125
(g) <u>(f)</u> Alcohol or drug addiction program as defined in <u>services certified pursuant to section 3793.01 5119.36</u> of the Revised Code;	103126
(g) <u>(f)</u> Alcohol or drug addiction program as defined in <u>services certified pursuant to section 3793.01 5119.36</u> of the Revised Code;	103127
(g) <u>(f)</u> Alcohol or drug addiction program as defined in <u>services certified pursuant to section 3793.01 5119.36</u> of the Revised Code;	103128
(g) <u>(f)</u> Alcohol or drug addiction program as defined in <u>services certified pursuant to section 3793.01 5119.36</u> of the Revised Code;	103129
(h) <u>(g)</u> A facility licensed to provide methadone treatment under section 3793.11 <u>5119.39</u> of the Revised Code;	103130
(h) <u>(g)</u> A facility licensed to provide methadone treatment under section 3793.11 <u>5119.39</u> of the Revised Code;	103131
(i) <u>(h)</u> Any facility that receives funding for operating costs from the department of development <u>services agency</u> under any program established to provide emergency shelter housing or transitional housing for the homeless;	103132
(i) <u>(h)</u> Any facility that receives funding for operating costs from the department of development <u>services agency</u> under any program established to provide emergency shelter housing or transitional housing for the homeless;	103133
(i) <u>(h)</u> Any facility that receives funding for operating costs from the department of development <u>services agency</u> under any program established to provide emergency shelter housing or transitional housing for the homeless;	103134
(i) <u>(h)</u> Any facility that receives funding for operating costs from the department of development <u>services agency</u> under any program established to provide emergency shelter housing or transitional housing for the homeless;	103135
(j) <u>(i)</u> A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	103136
(j) <u>(i)</u> A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	103137
(j) <u>(i)</u> A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	103138
(k) <u>(j)</u> A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.	103139
(k) <u>(j)</u> A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.	103140
(k) <u>(j)</u> A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.	103141
(k) <u>(j)</u> A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.	103142
(11) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.	103143
(11) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.	103144
(11) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.	103145
(12) <u>"Residential state supplement" means the program administered under section 5119.41 of the Revised Code and related provisions of the Administrative Code under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the Social Security Act. Residential state supplement payments are used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients the department</u>	103146
(12) <u>"Residential state supplement" means the program administered under section 5119.41 of the Revised Code and related provisions of the Administrative Code under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the Social Security Act. Residential state supplement payments are used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients the department</u>	103147
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(12) <u>"Residential state supplement" means the program administered under section 5119.41 of the Revised Code and related provisions of the Administrative Code under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the Social Security Act. Residential state supplement payments are used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients the department</u>	103153

of mental health and addition services determines are at risk of 103154
needing institutional care. 103155

(13) "Supervision" means any of the following: 103156

(a) Observing a resident to ensure the resident's health, 103157
safety, and welfare while the resident engages in activities of 103158
daily living or other activities; 103159

(b) Reminding a resident to perform or complete an activity, 103160
such as reminding a resident to engage in personal hygiene or 103161
other self-care activities; 103162

(c) Assisting a resident in making or keeping an appointment. 103163

~~(13)~~(14) "Unrelated" means that a resident is not related to 103164
the owner or operator of a residential facility or to the owner's 103165
or operator's spouse as a parent, grandparent, child, stepchild, 103166
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 103167
the child of an aunt or uncle. 103168

(B) Nothing in division (A)(9) of this section shall be 103169
construed to permit personal care services to be imposed on a 103170
resident who is capable of performing the activity in question 103171
without assistance. 103172

(C) Except in the case of a residential facility described in 103173
division (A)(9)(a) of this section, members of the staff of a 103174
residential facility shall not administer medication to the 103175
facility's residents, but may do any of the following: 103176

(1) Remind a resident when to take medication and watch to 103177
ensure that the resident follows the directions on the container; 103178

(2) Assist a resident in the self-administration of 103179
medication by taking the medication from the locked area where it 103180
is stored, in accordance with rules adopted pursuant to this 103181
section, and handing it to the resident. If the resident is 103182
physically unable to open the container, a staff member may open 103183

the container for the resident. 103184

(3) Assist a physically impaired but mentally alert resident, 103185
such as a resident with arthritis, cerebral palsy, or Parkinson's 103186
disease, in removing oral or topical medication from containers 103187
and in consuming or applying the medication, upon request by or 103188
with the consent of the resident. If a resident is physically 103189
unable to place a dose of medicine to the resident's mouth without 103190
spilling it, a staff member may place the dose in a container and 103191
place the container to the mouth of the resident. 103192

(D)(1) Except as provided in division (D)(2) of this section, 103193
a person operating or seeking to operate a residential facility 103194
shall apply for licensure of the facility to the department of 103195
~~mental health~~ mental health and addiction services. The 103196
application shall be submitted by the operator. When applying for 103197
the license, the applicant shall pay to the department the 103198
application fee specified in rules adopted under division ~~(L)~~(K) 103199
of this section. The fee is nonrefundable. 103200

The department shall send a copy of an application to the 103201
ADAMHS board serving the county in which the person operates or 103202
seeks to operate the facility. The ADAMHS board shall review the 103203
application and provide to the department any information about 103204
the applicant or the facility that the board would like the 103205
department to consider in reviewing the application. 103206

(2) A person may not apply for a license to operate a 103207
residential facility if the person is or has been the owner, 103208
operator, or manager of a residential facility for which a license 103209
to operate was revoked or for which renewal of a license was 103210
refused for any reason other than nonpayment of the license 103211
renewal fee, unless both of the following conditions are met: 103212

(a) A period of not less than two years has elapsed since the 103213
date the director of ~~mental health~~ mental health and addiction 103214

services issued the order revoking or refusing to renew the 103215
facility's license. 103216

(b) The director's revocation or refusal to renew the license 103217
was not based on an act or omission at the facility that violated 103218
a resident's right to be free from abuse, neglect, or 103219
exploitation. 103220

~~(E)(1) Any person may operate a residential facility 103221
providing accommodations and personal care services for one to 103222
five unrelated persons and licensed as a residential facility that 103223
meets the criteria specified in division (A)(9)(b) of this section 103224
as a permitted use in any residential district or zone, including 103225
any single family residential district or zone of any political 103226
subdivision. Such facilities may be required to comply with area, 103227
height, yard, and architectural compatibility requirements that 103228
are uniformly imposed upon all single family residences within the 103229
district or zone. 103230~~

~~(2) Any person may operate a residential facility providing 103231
accommodations and personal care services for six to sixteen 103232
persons and licensed as a residential facility that meets the 103233
criteria specified in division (A)(9)(b) of this section as a 103234
permitted use in any multiple family residential district or zone 103235
of any political subdivision, except that a political subdivision 103236
that has enacted a zoning ordinance or resolution establishing 103237
planned unit development districts as defined in section 519.021 103238
of the Revised Code may exclude such facilities from such 103239
districts, and a political subdivision that has enacted a zoning 103240
ordinance or resolution may regulate such facilities in 103241
multiple family residential districts or zones as a conditionally 103242
permitted use or special exception, in either case, under 103243
reasonable and specific standards and conditions set out in the 103244
zoning ordinance or resolution to: 103245~~

~~(a) Require the architectural design and site layout of the 103246~~

~~home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;~~

~~(b) Require compliance with yard, parking, and sign regulation.~~

~~(3) Divisions (E)(1) and (2) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under this section in a single family residential district or zone under conditions established by the political subdivision.~~

~~(4)(a) Notwithstanding divisions (E)(1) and (2) of this section and except as provided in division (E)(4)(b) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division (A)(9)(b) of this section.~~

~~(b) Division (E)(4)(a) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division (A)(9)(b) of this section. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division (A)(9)(b) of this section that are not existing and operating on September 10, 2012.~~

~~(F)(1) The department of ~~mental health~~ mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision.~~

The department may issue full, probationary, and interim

licenses. A full license shall expire ~~two~~ up to three years after 103278
the date of issuance, a probationary license shall expire in a 103279
shorter period of time as specified in rules adopted by the 103280
director of mental health under division ~~(L)~~(K) of this section, 103281
and an interim license shall expire ninety days after the date of 103282
issuance. A license may be renewed in accordance with rules 103283
adopted by the director under division ~~(L)~~(K) of this section. The 103284
renewal application shall be submitted by the operator. When 103285
applying for renewal of a license, the applicant shall pay to the 103286
department the renewal fee specified in rules adopted under 103287
division ~~(L)~~(K) of this section. The fee is nonrefundable. 103288

(2) The department may issue an order suspending the 103289
admission of residents to the facility or refuse to issue or renew 103290
and may revoke a license if it finds the facility is not in 103291
compliance with rules adopted by the director pursuant to division 103292
~~(L)~~(K) of this section or if any facility operated by the 103293
applicant or licensee has been cited for repeated violations of 103294
statutes or rules during the period of previous licenses. 103295
Proceedings initiated to deny applications for full or 103296
probationary licenses or to revoke such licenses are governed by 103297
Chapter 119. of the Revised Code. 103298

~~(G)~~(F) The department may issue an interim license to operate 103299
a residential facility if both of the following conditions are 103300
met: 103301

(1) The department determines that the closing of or the need 103302
to remove residents from another residential facility has created 103303
an emergency situation requiring immediate removal of residents 103304
and an insufficient number of licensed beds are available. 103305

(2) The residential facility applying for an interim license 103306
meets standards established for interim licenses in rules adopted 103307
by the director under division ~~(L)~~(K) of this section. 103308

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

~~(H)~~(G)(1) The department of ~~mental health~~ mental health and addiction services may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;

(b) Prior to renewal of the license;

(c) To determine whether the facility has completed a plan of correction required pursuant to division ~~(H)~~(G)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(d) Upon complaint by any individual or agency;

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how

the deficiencies will be corrected.	103340
(I) (H) No person shall do any of the following:	103341
(1) Operate a residential facility unless the facility holds a valid license;	103342 103343
(2) Violate any of the conditions of licensure after having been granted a license;	103344 103345
(3) Interfere with a state or local official's inspection or investigation of a residential facility;	103346 103347
(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.	103348 103349
(J) (I) The following may enter a residential facility at any time:	103350 103351
(1) Employees designated by the director of mental health <u>mental health and addiction services</u> ;	103352 103353
(2) Employees of an ADAMHS board under either of the following circumstances:	103354 103355
(a) When a resident of the facility is receiving services from a community mental health agency <u>services provider</u> under contract with that ADAMHS board or another ADAMHS board;	103356 103357 103358
(b) When authorized by section 340.05 of the Revised Code.	103359
(3) Employees of a community mental health agency <u>services</u> <u>provider</u> under either of the following circumstances:	103360 103361
(a) When the agency <u>services provider</u> has a client <u>person</u> <u>receiving services</u> residing in the facility;	103362 103363
(b) When the agency <u>services provider</u> is acting as an agent of an ADAMHS board other than the board with which it is under contract.	103364 103365 103366
(4) Representatives of the state long-term care ombuds <u>ombudsman</u> program when the facility provides accommodations,	103367 103368

supervision, and personal care services for three to sixteen 103369
unrelated adults or to one or two unrelated adults who are 103370
recipients under the residential state supplement program. 103371

The persons specified in division ~~(J)~~(I) of this section 103372
shall be afforded access to examine and copy all records, 103373
accounts, and any other documents relating to the operation of the 103374
residential facility, including records pertaining to residents. 103375

~~(K)~~(J) Employees of the department of ~~mental health~~ mental 103376
health and addiction services may enter, for the purpose of 103377
investigation, any institution, residence, facility, or other 103378
structure which has been reported to the department as, or that 103379
the department has reasonable cause to believe is, operating as a 103380
residential facility without a valid license. 103381

~~(L)~~(K) The director shall adopt and may amend and rescind 103382
rules pursuant to Chapter 119. of the Revised Code governing the 103383
licensing and operation of residential facilities. The rules shall 103384
establish all of the following: 103385

(1) Minimum standards for the health, safety, adequacy, and 103386
cultural competency of treatment of and services for persons in 103387
residential facilities; 103388

(2) Procedures for the issuance, renewal, or revocation of 103389
the licenses of residential facilities; 103390

(3) Procedures for conducting criminal records checks for 103391
prospective or current operators, ~~staff employees~~, and ~~other~~ 103392
~~individuals~~ volunteers who, ~~if employed by a residential facility,~~ 103393
~~would~~ may have ~~unsupervised~~ direct access to facility residents; 103394
103395

(4) The fee to be paid when applying for a new residential 103396
facility license or renewing the license; 103397

(5) Procedures for the operator of a residential facility to 103398

follow when notifying the ADAMHS board serving the county in which 103399
the facility is located when the facility is serving residents 103400
with mental illness or severe mental disability, including the 103401
circumstances under which the operator is required to make such a 103402
notification; 103403

(6) Procedures for the issuance and termination of orders of 103404
suspension of admission of residents to a residential facility; 103405

(7) Measures to be taken by residential facilities relative 103406
to residents' medication; 103407

(8) Requirements relating to preparation of special diets; 103408

(9) The maximum number of residents who may be served in a 103409
residential facility; 103410

(10) The rights of residents of residential facilities and 103411
procedures to protect such rights; 103412

(11) Procedures for obtaining an affiliation agreement 103413
approved by the board between a residential facility and a 103414
community mental health ~~agency~~ services provider; 103415

(12) Standards and procedures under which the director may 103416
waive the requirements of any of the rules adopted. 103417

~~(M)~~(L)(1) The department may withhold the source of any 103418
complaint reported as a violation of this section when the 103419
department determines that disclosure could be detrimental to the 103420
department's purposes or could jeopardize the investigation. The 103421
department may disclose the source of any complaint if the 103422
complainant agrees in writing to such disclosure and shall 103423
disclose the source upon order by a court of competent 103424
jurisdiction. 103425

(2) Any person who makes a complaint under division ~~(M)~~(L)(1) 103426
of this section, or any person who participates in an 103427
administrative or judicial proceeding resulting from such a 103428

complaint, is immune from civil liability and is not subject to 103429
criminal prosecution, other than for perjury, unless the person 103430
has acted in bad faith or with malicious purpose. 103431

~~(N)~~(M)(1) The director of ~~mental health~~ mental health and 103432
addiction services may petition the court of common pleas of the 103433
county in which a residential facility is located for an order 103434
enjoining any person from operating a residential facility without 103435
a license or from operating a licensed facility when, in the 103436
director's judgment, there is a present danger to the health or 103437
safety of any of the occupants of the facility. The court shall 103438
have jurisdiction to grant such injunctive relief upon a showing 103439
that the respondent named in the petition is operating a facility 103440
without a license or there is a present danger to the health or 103441
safety of any residents of the facility. 103442

(2) When the court grants injunctive relief in the case of a 103443
facility operating without a license, the court shall issue, at a 103444
minimum, an order enjoining the facility from admitting new 103445
residents to the facility and an order requiring the facility to 103446
assist with the safe and orderly relocation of the facility's 103447
residents. 103448

(3) If injunctive relief is granted against a facility for 103449
operating without a license and the facility continues to operate 103450
without a license, the director shall refer the case to the 103451
attorney general for further action. 103452

~~(O)~~(N) The director may fine a person for violating division 103453
~~(F)~~(H) of this section. The fine shall be five hundred dollars for 103454
a first offense; for each subsequent offense, the fine shall be 103455
one thousand dollars. The director's actions in imposing a fine 103456
shall be taken in accordance with Chapter 119. of the Revised 103457
Code. 103458

Sec. 5119.341. (A) Any person may operate a residential 103459

facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

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(B) Any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit developments as defined in section 519.021 of the Revised Code may exclude such facilities from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate such facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

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(1) Require the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

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(2) Require compliance with yard, parking, and sign regulation.

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(C) Divisions (A) and (B) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under section 5119.34 of the Revised Code in a single-family residential district or zone under conditions established by the political subdivision. 103491
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(D)(1) Notwithstanding divisions (A) and (B) of this section and except as provided in division (D)(2) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code. 103496
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(2) Division (D)(1) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code that are not existing and operating on September 10, 2012. 103502
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Sec. ~~5119.221~~ 5119.342. (A) Upon petition by the director of ~~mental health~~ mental health and addiction services, the court of common pleas or the probate court may appoint a receiver to take possession of and operate a residential facility licensed pursuant to section ~~5119.22~~ 5119.34 of the Revised Code, when conditions existing at the residential facility present a substantial risk of physical or mental harm to residents and no other remedies at law are adequate to protect the health, safety, and welfare of the residents. 103512
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Petitions filed pursuant to this section shall include: 103521

(1) A description of the specific conditions existing at the residential facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the residential facility as a pattern or practice; and

(5) The name and address of the person holding the license for the residential facility.

(B) A court in which a petition is filed pursuant to this section shall notify the person holding the license for the facility of the filing. The department shall send notice of the filing to the following, as appropriate: the Ohio protection and advocacy system as defined in section 5123.60 of the Revised Code; facility owner; facility operator; board of alcohol, drug addiction, and mental health services; board of health; department of developmental disabilities; department of job and family services; facility residents; and residents' families and guardians. The court shall provide a hearing on the petition within five court days of the time it was filed, except that the court may appoint a receiver prior to that time if it determines that the circumstances necessitate such action.

Following a hearing on the petition, and upon a determination that the appointment of a receiver is warranted, the court shall appoint a receiver and notify the department of ~~mental health~~ mental health and addiction services and appropriate persons of this action.

In setting forth the powers of the receiver, the court may generally authorize the receiver to do all that is prudent and necessary to safely and efficiently operate the residential facility within the requirements of state and federal law, but shall require the receiver to obtain court approval prior to making any single expenditure of more than five thousand dollars to correct deficiencies in the structure or furnishings of a facility. The court shall closely review the conduct of the receiver and shall require regular and detailed reports.

(C) A receivership established pursuant to this section shall be terminated, following notification of the appropriate parties and a hearing, if the court determines either of the following:

(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility;

(2) Circumstances no longer exist at the residential facility which present a substantial risk of physical or mental harm to residents, and there is no deficiency in the residential facility that is likely to create a future risk of harm.

Notwithstanding division (C)(2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of ~~mental health~~ mental health and addiction services.

(D) Except for the department of ~~mental health~~ mental health and addiction services or appropriate board of alcohol, drug addiction, and mental health services, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be named as receivers, the director of ~~the department of mental~~

~~health~~ mental health and addiction services shall maintain a list 103584
of the names of such persons. The department of ~~mental health~~ 103585
mental health and addiction services, the department of job and 103586
family services, and the department of health shall provide 103587
technical assistance to any receiver appointed pursuant to this 103588
section. 103589

Before entering upon the duties of receiver, the receiver 103590
must be sworn to perform the duties faithfully, and, with surety 103591
approved by the court, judge, or clerk, execute a bond to such 103592
person, and in such sum as the court or judge directs, to the 103593
effect that such receiver will faithfully discharge the duties of 103594
receiver in the action, and obey the orders of the court therein. 103595

(1) Under the control of the appointing court, a receiver may 103596
do the following: 103597

(a) Bring and defend actions in the appointee's name as 103598
receiver; 103599

(b) Take and keep possession of property. 103600

(2) The court shall authorize the receiver to do the 103601
following: 103602

(a) Collect payment for all goods and services provided to 103603
the residents or others during the period of the receivership at 103604
the same rate as was charged by the licensee at the time the 103605
petition for receivership was filed, unless a different rate is 103606
set by the court; 103607

(b) Honor all leases, mortgages, and secured transactions 103608
governing all buildings, goods, and fixtures of which the receiver 103609
has taken possession, but, in the case of a rental agreement only 103610
to the extent of payments that are for the use of the property 103611
during the period of the receivership, or, in the case of a 103612
purchase agreement, only to the extent that payments come due 103613
during the period of the receivership; 103614

(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:

(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;

(ii) Providing for the transportation of residents' belongings and records;

(iii) Helping to locate alternative placements and develop plans for transfer;

(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.

(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the board of alcohol, drug addiction, and mental health services. Each report shall be made available to residents, their guardians, and families.

(e) Compromise demands or claims; and

(f) Generally do such acts respecting the residential facility as the court authorizes.

Notwithstanding any other provision of law, contracts which are necessary to carry out the powers and duties of the receiver need not be competitively bid.

Sec. ~~5119.611~~ 5119.36. (A) A community mental health ~~agency~~ services provider applicant or community addiction services provider applicant that seeks certification of its community mental health services or community addiction services shall submit an application to the director of ~~mental health~~ mental health and addiction services. On receipt of the application, the director may ~~visit~~ conduct an on-site review and shall evaluate

the ~~agency provider~~ to determine whether its services satisfy the 103645
standards established by rules adopted under division ~~(C)~~(E) of 103646
this section. The director shall make the evaluation, and, if the 103647
director ~~visits~~ conducts an on-site review of the agency provider, 103648
~~shall~~ may make the ~~visit~~ review, in cooperation with the board of 103649
alcohol, drug addiction, and mental health services with which the 103650
~~agency provider~~ seeks to contract under division (A)(8)(a) of 103651
section 340.03 of the Revised Code. 103652

(B) Subject to section ~~5119.612~~ 5119.37 of the Revised Code, 103653
the director shall determine whether the services of an 103654
~~applicant's community mental health agency~~ applicant satisfy the 103655
standards for certification of the services. If the director 103656
determines that a community mental health ~~agency's~~ services 103657
provider's or a community addiction services provider's services 103658
satisfy the standards for certification and the ~~agency provider~~ 103659
has paid the fee required under division (D) of this section, the 103660
director shall certify the services. No community mental health 103661
services provider or community addiction services provider shall 103662
be eligible to receive state or federal funds, or funds 103663
administered by a board of alcohol, drug addiction, and mental 103664
health services unless its services have been certified by the 103665
department. 103666

(C) If the director determines that a community mental health 103667
~~agency's~~ services provider's or a community addiction services 103668
provider's services do not satisfy the standards for 103669
certification, the director shall identify the areas of 103670
noncompliance, specify what action is necessary to satisfy the 103671
standards, and may offer technical assistance to the provider and 103672
to the board of alcohol, drug addiction, and mental health 103673
services so that the board may assist the ~~agency provider~~ in 103674
satisfying the standards. The director shall give the ~~agency~~ 103675
provider a reasonable time within which to demonstrate that its 103676

services satisfy the standards or to bring the services into 103677
compliance with the standards. If the director concludes that the 103678
services continue to fail to satisfy the standards, the director 103679
may request that the board reallocate ~~the~~ any funds for the 103680
~~community~~ mental health or addiction services the ~~agency~~ provider 103681
was to provide to another community mental health ~~agency~~ or 103682
addiction services provider whose community mental health or 103683
community addiction services satisfy the standards. If the board 103684
does not reallocate ~~those~~ such funds in a reasonable period of 103685
time, the director may withhold state and federal funds for the 103686
~~community mental health~~ services and allocate those funds directly 103687
to a community mental health ~~agency~~ or community addiction 103688
services provider whose ~~community mental health~~ services satisfy 103689
the standards. 103690

(D) Each community mental health ~~agency~~ services provider or 103691
community addiction services provider seeking certification of its 103692
~~community~~ mental health or addiction services under this section 103693
shall pay a fee for the certification required by this section, 103694
unless the provider is exempt under rules adopted under division 103695
(E) of this section. Fees shall be paid into the state treasury to 103696
the credit of the sale of goods and services fund created pursuant 103697
to section ~~5119.161~~ 5119.45 of the Revised Code. 103698

(E) The director shall adopt rules in accordance with Chapter 103699
119. of the Revised Code to implement this section. The rules 103700
shall do all of the following: 103701

(1) Establish certification standards for ~~community~~ mental 103702
health services, ~~including assertive community treatment and~~ 103703
~~intensive home based mental health services,~~ and addiction 103704
services that are consistent with nationally recognized applicable 103705
standards and facilitate participation in federal assistance 103706
programs. The rules shall include as certification standards only 103707
requirements that improve the quality of services or the health 103708

and safety of clients of <u>persons receiving</u> community mental health	103709
<u>and addiction</u> services. The standards shall address at a minimum	103710
all of the following:	103711
(a) Reporting major unusual incidents to the director;	103712
(b) Procedures for applicants for and clients of <u>persons</u>	103713
<u>receiving</u> community mental health <u>and addiction</u> services to file	103714
grievances and complaints;	103715
(c) Seclusion;	103716
(d) Restraint;	103717
(e) <u>Requirements regarding physical facilities of service</u>	103718
<u>delivery sites;</u>	103719
(f) <u>Requirements with regard to health, safety, adequacy, and</u>	103720
<u>cultural specificity and sensitivity;</u>	103721
(g) <u>Standards for evaluating services;</u>	103722
(h) <u>Standards and procedures for granting full or conditional</u>	103723
<u>certification to a service provider;</u>	103724
(i) <u>Standards and procedures for revoking the certification</u>	103725
<u>of a provider's services that do not continue to meet the minimum</u>	103726
<u>standards established pursuant to this section;</u>	103727
(j) <u>The limitations to be placed on a provider that is</u>	103728
<u>granted conditional certification;</u>	103729
(k) Development of written policies addressing the rights of	103730
clients <u>persons receiving services</u> , including all of the	103731
following:	103732
(i) The right to a copy of the written policies addressing	103733
client <u>the rights of persons receiving services;</u>	103734
(ii) The right at all times to be treated with consideration	103735
and respect for the client's <u>person's</u> privacy and dignity;	103736
(iii) The right to have access to the client's <u>person's</u> own	103737

psychiatric, medical, or other treatment records unless access is 103738
specifically restricted in the ~~client's~~ person's treatment plan 103739
for clear treatment reasons; 103740

(iv) The right to have a client rights officer provided by 103741
the ~~agency~~ services provider or board of alcohol, drug addiction, 103742
and mental health services advise the ~~client~~ person of the 103743
~~client's~~ person's rights, including the ~~client's~~ person's rights 103744
under Chapter 5122. of the Revised Code if the ~~client~~ person is 103745
committed to the ~~agency~~ provider or board. 103746

~~(2) Establish standards for qualifications of mental health 103747
professionals as defined in section 340.02 of the Revised Code and 103748
personnel who provide the community mental health services;~~ 103749

~~(3) Establish the process for certification of community 103750
mental health and addiction services;~~ 103751

~~(4)(3) Set the amount of certification review fees based on a 103752
portion of the cost of performing the review;~~ 103753

~~(5)(4) Specify the type of notice and hearing to be provided 103754
prior to a decision on whether to reallocate funds.~~ 103755

(F) The department shall maintain a current list of providers 103756
whose addiction services are certified by the department under 103757
division (B) of this section and shall provide a copy of the list 103758
to a judge of a court of common pleas who requests a copy for the 103759
use of the judge under division (H) of section 2925.03 of the 103760
Revised Code. The list of certified addiction services shall 103761
identify each provider by its name, its address, and the county in 103762
which it is located. 103763

(G) No person shall represent in any manner that a provider 103764
is certified by the department if the provider is not certified at 103765
the time the representation is made. 103766

Sec. ~~5119.613~~ 5119.361. The director of ~~mental health~~ mental 103767

health and addiction services shall require that each board of 103768
alcohol, drug addiction, and mental health services ensure that 103769
each community mental health ~~agency~~ services provider and 103770
community addiction services provider with which it contracts 103771
under division (A)(8)(a) of section 340.03 of the Revised Code to 103772
provide community mental health or addiction services establish 103773
grievance procedures consistent with rules adopted under section 103774
~~5119.611~~ 5119.36 of the Revised Code that are available to all 103775
~~applicants for and clients of the~~ persons seeking or receiving 103776
services from a community mental health or addiction services 103777
provider. 103778

Sec. ~~5119.612~~ 5119.37. (A) In lieu of a determination by the 103779
director of ~~mental health~~ mental health and addiction services of 103780
whether the services of a community mental health ~~agency~~ services 103781
provider or a community addiction services provider satisfy the 103782
standards for certification under section ~~5119.611~~ 5119.36 of the 103783
Revised Code, the director shall accept appropriate accreditation 103784
of an applicant's mental health services, alcohol and drug 103785
addiction services, integrated mental health and alcohol and other 103786
drug addiction services, ~~or~~ integrated mental health and physical 103787
health services, or integrated alcohol and other drug addiction 103788
and physical health services being provided in this state from any 103789
of the following national accrediting organizations as evidence 103790
that the applicant satisfies the standards for certification: 103791

(1) The joint commission; 103792

(2) The commission on accreditation of rehabilitation 103793
facilities; 103794

(3) The council on accreditation; 103795

(4) Other behavioral health accreditation as determined by 103796
the director. 103797

(B) If the director determines that an applicant's accreditation is current, is appropriate for the services for which the applicant is seeking certification, and the applicant meets any other requirements established under this section or in rules adopted under this section, the director shall certify the applicant's services that are accredited. Except as provided in division (C)(2) of this section, the director shall issue the certification without further evaluation of the services.

(C) For purposes of this section, all of the following apply:

(1) The director may review the accrediting organizations listed in division (A) of this section to evaluate whether the accreditation standards and processes used by the organizations are consistent with service delivery models the director considers appropriate for mental health services, alcohol or other drug addiction services, physical health services, or both. The director may communicate to an accrediting organization any identified concerns, trends, needs, and recommendations.

(2) The director may ~~visit~~ conduct an on-site review or otherwise evaluate a community mental health ~~agency~~ services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of ~~consumers~~ persons receiving services and confirmed or alleged deficiencies brought to the attention of the director.

(3) The director shall require a community mental health ~~agency~~ services provider and a community addiction services provider to notify the director not later than ten days after any change in the ~~agency's~~ provider's accreditation status. The ~~agency~~ provider may notify the director by providing a copy of the relevant document the ~~agency~~ provider received from the accrediting organization.

(4) The director shall require a community mental health

agency services provider and a community addiction services provider to submit to the director reports of major unusual incidents. 103829
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(5) The director may require a community mental health agency services provider or a community addiction services provider to submit to the director cost reports pertaining to the agency provider. 103832
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(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. In adopting the rules, the director shall do all of the following: 103836
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(1) Specify the documentation that must be submitted as evidence of holding appropriate accreditation; 103839
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(2) Establish a process by which the director may review the accreditation standards and processes used by the national accrediting organizations listed in division (A) of this section; 103841
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(3) Specify the circumstances under which reports of major unusual incidents and agency provider cost reports must be submitted to the director; 103844
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(4) Specify the circumstances under which the director may ~~visit~~ conduct an on-site review or otherwise evaluate a community mental health agency services provider and a community addiction services provider for cause; 103847
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(5) Establish a process by which the director, based on deficiencies identified as a result of ~~visiting~~ conducting an on-site review or evaluating a community mental health agency services provider or a community addiction services provider under division (C)(2) of this section, may take any of a range of corrective actions, with the most stringent being revocation of the certification of the ~~agency's~~ provider's services. 103851
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Sec. ~~3793.10~~ 5119.38. A drivers' intervention program may be 103858

used as an alternative to a term of imprisonment for an offender 103859
sentenced pursuant to division (G)(1)(a) of section 4511.19 of the 103860
Revised Code, if it is certified by the director of ~~alcohol and~~ 103861
~~drug addiction services~~ mental health and addiction services 103862
pursuant to this section. No drivers' intervention program shall 103863
be used as an alternative to a term of imprisonment that is 103864
imposed pursuant to division (G)(1)(b), (c), (d), or (e) of 103865
section 4511.19 of the Revised Code. 103866

To qualify for certification by the director and to receive 103867
funds from the statewide treatment and prevention fund created by 103868
section 4301.30 of the Revised Code in any amounts and at any 103869
times that the director determines are appropriate, a drivers' 103870
intervention program shall meet state minimum standards that the 103871
director shall establish by rule. The rules shall include, but are 103872
not limited to, standards governing program course hours and 103873
content, qualifications of program personnel, methods of 103874
identifying and testing participants to isolate participants with 103875
alcohol and drug abuse problems, referral of such persons to 103876
~~alcohol and drug~~ community addiction programs services providers, 103877
the prompt notification of courts by program operators of the 103878
completion of the programs by persons required by courts to attend 103879
them, and record keeping, including methods of tracking 103880
participants for a reasonable time after they have left the 103881
program. 103882

The director shall issue a certificate to any qualified 103883
drivers' intervention program. The certificate is valid for three 103884
years. 103885

Sec. ~~3793.11~~ 5119.39. (A) No ~~alcohol and drug~~ community 103886
addiction ~~program~~ services provider shall employ methadone 103887
treatment or prescribe, dispense, or administer methadone unless 103888
the program is licensed under this section. No ~~alcohol and drug~~ 103889

community addiction program services provider licensed under this 103890
section shall maintain methadone treatment in a manner 103891
inconsistent with this section and the rules adopted under it. 103892

(B) ~~An alcohol and drug~~ A community addiction program 103893
services provider may apply to the department of ~~alcohol and drug~~ 103894
~~addiction services~~ mental health and addiction services for a 103895
license to maintain methadone treatment. The department shall 103896
review all applications received. 103897

(C) The department may issue a license to maintain methadone 103898
treatment to ~~an alcohol and drug~~ community addiction program 103899
services provider only if all of the following apply: 103900

(1) The ~~program~~ provider is operated by a private, nonprofit 103901
organization or by a government entity; 103902

(2) For at least two years immediately preceding the date of 103903
application, the ~~program~~ provider has been fully certified under 103904
section ~~3793.06~~ 5119.36 of the Revised Code; 103905

(3) The ~~program~~ provider has not been denied a license to 103906
maintain methadone treatment or had its license withdrawn or 103907
revoked within the five-year period immediately preceding the date 103908
of application; 103909

(4) It affirmatively appears to the department that the 103910
~~program~~ provider is adequately staffed and equipped to maintain 103911
methadone treatment; 103912

(5) It affirmatively appears to the department that the 103913
~~program~~ provider will maintain methadone treatment in strict 103914
compliance with section 3719.61 of the Revised Code, all other 103915
laws relating to drug abuse, and the rules adopted by the 103916
department; 103917

(6) Except as provided in division (D) of this section, there 103918
is no public or private school, licensed child day-care center, or 103919

other child-serving agency within a radius of five hundred feet of 103920
the location where the program is to maintain methadone treatment. 103921

(D) The department may waive the requirement of division 103922
(C)(6) of this section if it receives, from each public or private 103923
school, licensed child day-care center, or other child-serving 103924
agency that is within the applicable radius of the location where 103925
the program is to maintain methadone treatment, a letter of 103926
support for the location. The department shall determine whether a 103927
letter of support is satisfactory for purposes of waiving the 103928
requirement. 103929

(E) A license to maintain methadone treatment shall expire 103930
one year from the date of issuance. Licenses may be renewed. 103931

(F) The department shall establish procedures and adopt rules 103932
for licensing, inspection, and supervision of ~~alcohol and drug~~ 103933
community addiction programs services providers that maintain 103934
methadone treatment. The rules shall establish standards for the 103935
control, storage, furnishing, use, and dispensing of methadone, 103936
prescribe minimum standards for the operation of the methadone 103937
treatment component of the ~~program~~, provider's operations and 103938
comply with federal laws and regulations. 103939

All rules adopted under this division shall be adopted in 103940
accordance with Chapter 119. of the Revised Code. All actions 103941
taken by the department regarding the licensing of ~~programs~~ 103942
providers to maintain methadone treatment shall be conducted in 103943
accordance with Chapter 119. of the Revised Code, except as 103944
provided in division (L) of this section. 103945

(G) The department of ~~alcohol and drug addiction services~~ 103946
mental health and addiction services shall inspect all ~~alcohol and~~ 103947
~~drug~~ community addiction programs services providers licensed to 103948
maintain methadone treatment. Inspections shall be conducted at 103949
least annually and may be conducted more frequently. No person or 103950

government entity shall interfere with a state or local government 103951
official acting on behalf of the department while conducting an 103952
inspection. 103953

(H) An ~~alcohol and drug~~ community addiction program services 103954
provider shall not administer or dispense methadone in a tablet, 103955
powder, or intravenous form. Methadone shall be administered or 103956
dispensed only in a liquid form intended for ingestion. A ~~program~~ 103957
services provider shall not administer or dispense methadone to an 103958
individual for pain or other medical reasons. 103959

(I) As used in this division, "program sponsor" means a 103960
person who assumes responsibility for the operation and employees 103961
of the methadone treatment component of ~~an alcohol and drug a~~ 103962
community addiction program services provider. 103963

~~An alcohol and drug~~ A community addiction program services 103964
provider shall not employ an individual who receives methadone 103965
treatment from that ~~program services provider~~. A program shall not 103966
permit an individual to act as a ~~program provider~~ sponsor, medical 103967
director, or director of the ~~program provider~~ if the individual is 103968
receiving methadone treatment from any ~~alcohol and drug~~ community 103969
addiction ~~program services provider~~. 103970

(J) The department may issue orders to assure compliance with 103971
section 3719.61 of the Revised Code, all other laws relating to 103972
drug abuse, and the rules adopted under this section. Subject to 103973
section ~~3793.13~~ 5119.27 of the Revised Code, the department may 103974
hold hearings, require the production of relevant matter, compel 103975
testimony, issue subpoenas, and make adjudications. Upon failure 103976
of a person without lawful excuse to obey a subpoena or to produce 103977
relevant matter, the department may apply to a court of common 103978
pleas for an order compelling compliance. 103979

(K) The department may refuse to issue, or may withdraw or 103980
revoke, a license to maintain methadone treatment. A license may 103981

be refused if ~~an alcohol and drug~~ a community addiction ~~program~~ 103982
services provider does not meet the requirements of division (C) 103983
of this section. A license may be withdrawn at any time the 103984
department determines that the program no longer meets the 103985
requirements for receiving the license. A license may be revoked 103986
in accordance with division (L) of this section. 103987

In the case of a license issued prior to ~~the effective date~~ 103988
~~of this amendment~~ December 20, 2012, the department shall not 103989
consider the requirement of division (C)(6) of this section in 103990
determining whether to renew, withdraw, or revoke the license. 103991

(L) If the department of ~~alcohol and drug addiction services~~ 103992
mental health and addiction services finds reasonable cause to 103993
believe that ~~an alcohol and drug~~ a community addiction ~~program~~ 103994
services provider licensed under this section is in violation of 103995
any provision of section 3719.61 of the Revised Code, or of any 103996
other state or federal law or rule relating to drug abuse, the 103997
department may issue an order immediately revoking the license, 103998
subject to division (M) of this section. The department shall set 103999
a date not more than fifteen days later than the date of the order 104000
of revocation for a hearing on the continuation or cancellation of 104001
the revocation. For good cause, the department may continue the 104002
hearing on application of any interested party. In conducting 104003
hearings, the department has all the authority and power set forth 104004
in division (J) of this section. Following the hearing, the 104005
department shall either confirm or cancel the revocation. The 104006
hearing shall be conducted in accordance with Chapter 119. of the 104007
Revised Code, except that the ~~program~~ provider shall not be 104008
permitted to maintain methadone treatment pending the hearing or 104009
pending any appeal from an adjudication made as a result of the 104010
hearing. Notwithstanding any provision of Chapter 119. of the 104011
Revised Code to the contrary, a court shall not stay or suspend 104012
any order of revocation issued by the director under this division 104013

pending judicial appeal. 104014

(M) The department shall not revoke a license to maintain 104015
methadone treatment unless all ~~clients~~ services recipients 104016
receiving methadone treatment from the ~~alcohol and drug~~ community 104017
addiction ~~program~~ services provider are provided adequate 104018
substitute treatment. For purposes of this division, the 104019
department may transfer the ~~clients~~ services recipients to other 104020
programs licensed to maintain methadone treatment or replace any 104021
or all of the administrators and staff of the ~~program~~ provider 104022
with representatives of the department who shall continue on a 104023
provisional basis the methadone treatment component of the 104024
program. 104025

(N) Each time the department receives an application from ~~an~~ 104026
~~alcohol and drug~~ a community addiction ~~program~~ services provider 104027
for a license to maintain methadone treatment, issues or refuses 104028
to issue a license, or withdraws or revokes a license, the 104029
department shall notify the board of alcohol, drug addiction, and 104030
mental health services of each alcohol, drug addiction, and mental 104031
health service district in which the ~~program is operated~~ provider 104032
operates. 104033

(O) Whenever it appears to the department from files, upon 104034
complaint, or otherwise, that ~~an alcohol and drug~~ a community 104035
addiction ~~program~~ services provider has engaged in any practice 104036
declared to be illegal or prohibited by section 3719.61 of the 104037
Revised Code, or any other state or federal laws or regulations 104038
relating to drug abuse, or when the department believes it to be 104039
in the best interest of the public and necessary for the 104040
protection of the citizens of the state, the department may 104041
request criminal proceedings by laying before the prosecuting 104042
attorney of the proper county any evidence of criminality which 104043
may come to its knowledge. 104044

(P) The department shall maintain a current list of ~~alcohol~~ 104045

~~and drug~~ community addiction programs services providers licensed 104046
by the department under this section and shall provide a copy of 104047
the current list to a judge of a court of common pleas who 104048
requests a copy for the use of the judge under division (H) of 104049
section 2925.03 of the Revised Code. The list of licensed ~~alcohol~~ 104050
~~and drug~~ community addiction programs services providers shall 104051
identify each licensed ~~program~~ provider by its name, its address, 104052
and the county in which it is located. 104053

Sec. ~~5119.061~~ 5119.40. (A) As used in this section, "mentally 104054
ill individual" and "specialized services" have the same meanings 104055
as in section ~~5111.202~~ 5165.03 of the Revised Code. 104056

(B)(1) Except as provided in division (B)(2) of this section 104057
and rules adopted under division (E)(3) of this section, for 104058
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 104059
department of ~~mental health~~ mental health and addiction services 104060
shall determine in accordance with ~~section 1919(e)(7)~~ of the 104061
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1919(e)(7), 42 104062
U.S.C.A. ~~301~~ 1396r(e)(7), ~~as amended~~, and regulations adopted 104063
under section 1919(f)(8)(A) of that act, 42 U.S.C. 1396r(f)(8)(A), 104064
whether, because of the individual's physical and mental 104065
condition, a mentally ill individual seeking admission to a 104066
nursing facility requires the level of services provided by a 104067
nursing facility and, if the individual requires that level of 104068
services, whether the individual requires specialized services for 104069
mental illness. The determination required by this division shall 104070
be based on an independent physical and mental evaluation 104071
performed by a person or entity other than the department. 104072

(2) ~~A~~ Except as provided in division (B)(3) of this section, 104073
a determination under this division (B)(1) of this section is not 104074
required for any of the following: 104075

(a) An individual seeking readmission to a nursing facility 104076

after having been transferred from a nursing facility to a hospital for care; 104077
104078

(b) An individual who meets all of the following conditions: 104079

(i) The individual is admitted to the nursing facility directly from a hospital after receiving inpatient care at the hospital; 104080
104081
104082

(ii) The individual requires nursing facility services for the condition for which care in the hospital was received; 104083
104084

(iii) The individual's attending physician has certified, before admission to the nursing facility, that the individual is likely to require less than thirty days of nursing facility services. 104085
104086
104087
104088

(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay. 104089
104090
104091

(3) A determination under division (B)(1) of this section is required for an individual described in division (B)(2)(a) or (b) of this section if the hospital from which the individual is transferred or directly admitted to a nursing facility is either of the following: 104092
104093
104094
104095
104096

(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of mentally ill persons; 104097
104098
104099

(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code. 104100
104101

(C) Except as provided in rules adopted under division ~~(F)~~(E)(3) of this section, the department of ~~mental health~~ mental health and addiction services shall review and determine for each resident of a nursing facility who is mentally ill, whether the resident, because of the resident's physical and mental condition, 104102
104103
104104
104105
104106

requires the level of services provided by a nursing facility and 104107
whether the resident requires specialized services for mental 104108
illness. The review and determination shall be conducted in 104109
accordance with section 1919(e)(7) of the "Social Security Act" 104110
and the regulations adopted under section 1919(f)(8)(A) of the act 104111
and based on an independent physical and mental evaluation 104112
performed by a person or entity other than the department. The 104113
review and determination shall be completed promptly after a 104114
nursing facility has notified the department that there has been a 104115
significant change in the resident's mental or physical condition. 104116

(D)(1) In the case of a nursing facility resident who has 104117
continuously resided in a nursing facility for at least thirty 104118
months before the date of a review and determination under 104119
division (C) of this section, if the resident is determined not to 104120
require the level of services provided by a nursing facility, but 104121
is determined to require specialized services for mental illness, 104122
the department, in consultation with the resident's family or 104123
legal representative and care givers, shall do all of the 104124
following: 104125

(a) Inform the resident of the institutional and 104126
noninstitutional alternatives covered under the state plan for 104127
medical assistance; 104128

(b) Offer the resident the choice of remaining in the nursing 104129
facility or receiving covered services in an alternative 104130
institutional or noninstitutional setting; 104131

(c) Clarify the effect on eligibility for services under the 104132
state plan for medical assistance if the resident chooses to leave 104133
the facility, including its effect on readmission to the facility; 104134

(d) Provide for or arrange for the provision of specialized 104135
services for the resident's mental illness in the setting chosen 104136
by the resident. 104137

(2) In the case of a nursing facility resident who has 104138
continuously resided in a nursing facility for less than thirty 104139
months before the date of the review and determination under 104140
division (C) of this section, if the resident is determined not to 104141
require the level of services provided by a nursing facility, but 104142
is determined to require specialized services for mental illness, 104143
or if the resident is determined to require neither the level of 104144
services provided by a nursing facility nor specialized services 104145
for mental illness, the department shall act in accordance with 104146
its alternative disposition plan approved by the United States 104147
department of health and human services under section 104148
1919(e)(7)(E) of the "Social Security Act." 104149

(3) In the case of an individual who is determined under 104150
division (B) or (C) of this section to require both the level of 104151
services provided by a nursing facility and specialized services 104152
for mental illness, the department of ~~mental health~~ mental health 104153
and addiction services shall provide or arrange for the provision 104154
of the specialized services needed by the individual or resident 104155
while residing in a nursing facility. 104156

(E) The department of ~~mental health~~ mental health and 104157
addiction services shall adopt rules in accordance with Chapter 104158
119. of the Revised Code that do all of the following: 104159

(1) Establish criteria to be used in making the 104160
determinations required by divisions (B) and (C) of this section. 104161
The criteria shall not exceed the criteria established by 104162
regulations adopted by the United States department of health and 104163
human services under section 1919(f)(8)(A) of the "Social Security 104164
Act." 104165

(2) Specify information to be provided by the individual or 104166
nursing facility resident being assessed; 104167

(3) Specify any circumstances, in addition to circumstances 104168

listed in division (B) of this section, under which determinations 104169
under divisions (B) and (C) of this section are not required to be 104170
made. 104171

Sec. ~~5119.69~~ 5119.41. (A) As used in this section and section 104172
~~5119.691~~ 5119.411 of the Revised Code: 104173

(1) "~~Long term care consultation program~~" means the program 104174
the department of aging is required to develop under section 104175
~~173.42~~ of the Revised Code. 104176

(2) "~~Long term care consultation program administrator~~" or 104177
"~~administrator~~" means the department of aging or, if the 104178
department contracts with an area agency on aging or other entity 104179
to administer the long term care consultation program for a 104180
particular area, that agency or entity. 104181

(3) "Nursing facility" has the same meaning as in section 104182
~~5111.20~~ 5165.01 of the Revised Code. 104183

(4)(2) "Residential state supplement administrative agency" 104184
means the department of ~~mental health~~ mental health and addiction 104185
services or, if the department designates an entity under division 104186
(C) of this section for a particular area, the designated entity. 104187

(5)(3) "Residential state supplement program" means the 104188
program administered pursuant to this section. 104189

(B) The department of ~~mental health~~ mental health and 104190
addiction services shall implement the residential state 104191
supplement program under which the state supplements the 104192
supplemental security income payments received by aged, blind, or 104193
disabled adults under Title XVI of the "Social Security Act," ~~49~~ 104194
~~Stat. 620 (1935)~~, 42 U.S.C.A., as amended 1381 et seq. Residential 104195
state supplement payments shall be used for the provision of 104196
accommodations, supervision, and personal care services to social 104197
security, supplemental security income, and social security 104198

disability insurance recipients who the department determines are 104199
at risk of needing institutional care. 104200

(C) In implementing the program, the department may designate 104201
one or more entities to be responsible for providing 104202
administrative services regarding the program. The department may 104203
designate an entity to be a residential state supplement 104204
administrative agency under this division either by entering into 104205
a contract with the entity to serve in that capacity or by 104206
otherwise delegating to the entity the responsibility to serve in 104207
that capacity. 104208

(D) For an individual to be eligible for residential state 104209
supplement payments, all of the following must be the case: 104210

(1) Except as provided by division (H) of this section, the 104211
individual must reside in one of the following: 104212

(a) A ~~home or residential care facility, other than a nursing~~ 104213
~~home or nursing home unit of a home for the aging,~~ licensed by the 104214
department of health under Chapter 3721. of the Revised Code or an 104215
assisted living program as defined in section 5111.89 of the 104216
Revised Code; 104217

(b) A residential facility as defined in division (A)(9)(b) 104218
of section ~~5119.22~~ 5119.34 of the Revised Code licensed by the 104219
department of ~~mental health~~ mental health and addiction services; 104220

(c) An apartment or room used to provide community mental 104221
health housing services certified by the department of ~~mental~~ 104222
~~health~~ mental health and addiction services under section ~~5119.611~~ 104223
5119.36 of the Revised Code and approved by a board of alcohol, 104224
drug addiction, and mental health services under division (A)(14) 104225
of section 340.03 of the Revised Code. 104226

(2) A residential state supplement administrative agency must 104227
have determined that the environment in which the individual will 104228
be living while receiving the payments is appropriate for the 104229

individual's needs. If the individual is eligible for social 104230
security payments, supplemental security income payments, or 104231
social security disability insurance benefits because of a mental 104232
disability, the residential state supplement administrative agency 104233
shall refer the individual to a community mental health ~~agency~~ 104234
services provider for an assessment under division (A) of section 104235
340.091 of the Revised Code. 104236

(3) The individual satisfies all eligibility requirements 104237
established by rules adopted under division (E) of this section. 104238

(E) The ~~directors~~ director of ~~mental health~~ mental health and 104239
addiction services and ~~job and family services~~ medicaid director 104240
shall adopt rules in accordance with section 111.15 of the Revised 104241
Code as necessary to implement the residential state supplement 104242
program. 104243

To the extent permitted by Title XVI of the "Social Security 104244
Act," and any other provision of federal law, the medicaid 104245
~~director of job and family services~~ may adopt rules establishing 104246
standards for adjusting the eligibility requirements concerning 104247
the level of impairment a person must have so that the amount 104248
appropriated for the program by the general assembly is adequate 104249
for the number of eligible individuals. The rules shall not limit 104250
the eligibility of disabled persons solely on a basis classifying 104251
disabilities as physical or mental. The medicaid ~~director of job~~ 104252
~~and family services~~ also may adopt rules that establish 104253
eligibility standards for aged, blind, or disabled individuals who 104254
reside in one of the homes or facilities specified in division 104255
(D)(1) of this section but who, because of their income, do not 104256
receive supplemental security income payments. The rules may 104257
provide that these individuals may include individuals who receive 104258
other types of benefits, including, social security payments or 104259
social security disability insurance benefits provided under Title 104260
II of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 104261

401, ~~as amended~~ et seq. Notwithstanding division (B) of this 104262
section, such payments may be made if funds are available for 104263
them. 104264

The director of ~~mental health~~ mental health and addiction 104265
services may adopt rules establishing the method to be used to 104266
determine the amount an eligible individual will receive under the 104267
program. The amount the general assembly appropriates for the 104268
program may be a factor included in the method that director 104269
establishes. 104270

(F) The county department of job and family services of the 104271
county in which an applicant for the residential state supplement 104272
program resides shall determine whether the applicant meets income 104273
and resource requirements for the program. 104274

(G) The department of ~~mental health~~ mental health and 104275
addiction services shall maintain a waiting list of any 104276
individuals eligible for payments under this section but not 104277
receiving them because moneys appropriated to the department for 104278
the purposes of this section are insufficient to make payments to 104279
all eligible individuals. An individual may apply to be placed on 104280
the waiting list even though the individual does not reside in one 104281
of the homes or facilities specified in division (D)(1) of this 104282
section at the time of application. The director of ~~mental health~~ 104283
mental health and addiction services, by rules adopted in 104284
accordance with Chapter 119. of the Revised Code, may specify 104285
procedures and requirements for placing an individual on the 104286
waiting list and priorities for the order in which individuals 104287
placed on the waiting list are to begin to receive residential 104288
state supplement payments. The rules specifying priorities may 104289
give priority to individuals placed on the waiting list on or 104290
after July 1, 2006, who receive social security payments, social 104291
security disability insurance, or supplemental security income 104292
benefits under Title XVI of the "Social Security Act," ~~86 Stat.~~ 104293

~~1475 (1972)~~, 42 U.S.C. 1381, as ~~amended~~ et seq. The rules shall 104294
not affect the place on the waiting list of any person who was on 104295
the list on July 1, 2006. The rules specifying priorities may also 104296
set additional priorities based on living arrangement, such as 104297
whether an individual resides in a facility listed in division 104298
(D)(1) of this section or has been admitted to a nursing facility. 104299

(H) An individual in a licensed or certified living 104300
arrangement receiving state supplementation on November 15, 1990, 104301
under former section 5101.531 of the Revised Code shall not become 104302
ineligible for payments under this section solely by reason of the 104303
individual's living arrangement as long as the individual remains 104304
in the living arrangement in which the individual resided on 104305
November 15, 1990. 104306

(I) The ~~department of mental health~~ county department of job 104307
and family services from which the person is receiving benefits 104308
shall notify each person denied approval for payments under this 104309
section of the person's right to a hearing. On request, the 104310
hearing shall be provided in accordance with Chapter 119. of the 104311
Revised Code. 104312

Sec. ~~5119.691~~ 5119.411. On a periodic schedule determined by 104313
the department of ~~mental health~~ mental health and addiction 104314
services, each residential state supplement administrative agency 104315
shall determine whether individuals who reside in the area that 104316
the agency serves and are on a waiting list for the residential 104317
state supplement program have been admitted to a nursing facility. 104318
~~¶~~ The department shall have a process in place to ensure that if 104319
a residential state supplement administrative agency determines 104320
that such an individual has been admitted to a nursing facility, 104321
~~the agency shall notify the long term care consultation program~~ 104322
~~administrator serving the area in which the individual resides~~ 104323
~~about the determination. The administrator shall determine there~~ 104324

shall be a determination whether the residential state supplement 104325
program is appropriate for the individual and whether the 104326
individual would rather participate in the program than continue 104327
residing in the nursing facility. If ~~the administrator determines~~ 104328
it is determined that the residential state supplement program is 104329
appropriate for the individual and the individual would rather 104330
participate in the program than continue residing in the nursing 104331
facility, the ~~administrator shall so notify the department of~~ 104332
~~mental health. On receipt of the notice from the administrator,~~ 104333
the department of ~~mental health~~ mental health and addiction 104334
services shall approve the individual's enrollment in the 104335
residential state supplement program in accordance with the 104336
priorities specified in rules adopted under division (G) of 104337
section ~~5119.69~~ 5119.41 of the Revised Code. Each quarter in which 104338
a waiting list is in place, the department of ~~mental health~~ mental 104339
health and addiction services shall certify to the director of 104340
budget and management the estimated increase in costs of the 104341
residential state supplement program resulting from enrollment of 104342
individuals in the program pursuant to this section. 104343

Sec. ~~5119.63~~ 5119.42. (A) As used in this section, "private, 104344
nonprofit organization" means a private association, organization, 104345
corporation, or other entity that is tax exempt under section 104346
501(a) and described in section 501(c) of the "Internal Revenue 104347
Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 104348

(B) To the extent funds are available and on application by 104349
boards of alcohol, drug addiction, and mental health services, the 104350
director of ~~mental health~~ mental health and addiction services may 104351
approve state reimbursement of, or state grants for, community 104352
~~mental health~~ construction programs including residential housing 104353
for severely mentally disabled persons and persons with substance 104354
use disorders. The director may also approve an application for 104355
reimbursement or a grant for such programs submitted by other 104356

governmental entities or by private, nonprofit organizations, 104357
after the application has been reviewed and recommended for 104358
approval or disapproval by the board of alcohol, drug addiction, 104359
and mental health services for the district from which the 104360
application came, and the application is consistent with the plan 104361
submitted by the board under division (A) of section 340.03 of the 104362
Revised Code and the budget and statement of services submitted by 104363
the board under divisions (A) and (B) of section 340.08 of the 104364
Revised Code. 104365

(C)(1) The director of ~~mental health~~ mental health and 104366
addiction services shall adopt rules in accordance with Chapter 104367
119. of the Revised Code that specify procedures for applying for 104368
state reimbursement of and state grants for community construction 104369
programs, including residential housing for severely mentally 104370
disabled persons and persons with substance use disorders and 104371
procedures and criteria for approval of such reimbursement and 104372
grants. 104373

(2) The director of ~~mental health~~ mental health and addiction 104374
services shall not approve state reimbursement or a state grant 104375
unless all of the following conditions are met: 104376

(a) The applicant includes with the application a plan 104377
specifying the services, in addition to housing, that will be 104378
provided to persons who will reside in the residential housing. 104379
Services specified may include any of the services ~~listed~~ 104380
described in section 340.09 of the Revised Code. 104381

(b) The director is satisfied that the residential housing 104382
for severely mentally disabled persons will be developed to 104383
promote the maximum practical integration of severely mentally 104384
disabled persons with persons at the same site who are not 104385
severely mentally disabled. 104386

(c) The use of any funds distributed pursuant to the 104387

reimbursement or grant will not subject any obligation from which 104388
the funds are derived to federal income taxation. 104389

(3) The director may enter into an agreement establishing 104390
terms for any reimbursement or grant approved under this division 104391
with the organization, board, or other government entity that is 104392
the recipient of the reimbursement or grant. Any such agreement is 104393
subject to any covenant or agreement pertaining to any obligation 104394
issued to provide funds for the reimbursement or grant. 104395

Sec. ~~5119.631~~ 5119.421. (A) This section applies to a board 104396
of alcohol, drug addiction, and mental health services, another 104397
governmental entity, or a private, nonprofit organization that 104398
received a grant or reimbursement under section ~~5119.63~~ 5119.42 of 104399
the Revised Code for a facility on which the department of ~~mental~~ 104400
~~health~~ mental health and addiction services holds a security 104401
interest. 104402

(B) A board of alcohol, drug addiction, and mental health 104403
services, another governmental entity, or a private, nonprofit 104404
organization to which this section applies may apply to the 104405
director of ~~mental health~~ mental health and addiction services for 104406
approval to sell its facility and acquire, construct, or renovate 104407
a replacement facility pursuant to this section. The director 104408
shall prescribe the form of the application. Before submitting an 104409
application to the director, a governmental entity or private, 104410
nonprofit organization must obtain approval of the application 104411
from the board of alcohol, drug addiction, and mental health 104412
services with jurisdiction over the service district in which the 104413
existing facility is located. The director shall approve an 104414
application for a replacement project upon determining that the 104415
project provides for the continuation of appropriate mental health 104416
and addiction services to the population served by the board, 104417
entity, or organization. 104418

(C) A board, entity, or organization that obtains approval 104419
for a project under division (B) of this section shall pay the 104420
proceeds of the sale of its facility to the director of ~~mental~~ 104421
~~health~~ mental health and addiction services. The director shall 104422
deposit the proceeds to the credit of the community capital 104423
replacement facilities fund. 104424

(D) When a board, entity, or organization that has sold its 104425
facility notifies the director of ~~mental health~~ mental health and 104426
addiction services that it is ready to acquire, construct, or 104427
renovate a replacement facility, the director shall do one of the 104428
following: 104429

(1) If the replacement facility is located in the same 104430
alcohol, drug addiction, and mental health service district as the 104431
original facility, and if the purposes for which the replacement 104432
facility will be used are the same as or similar to those for the 104433
original facility, the director shall pay to the board, entity, or 104434
organization from the community capital replacement facilities 104435
fund an amount equal to the lesser of an amount equal to the 104436
proceeds of the sale of the original facility or the amount of the 104437
state's agreed-upon participation (as a per cent of the total 104438
cost) in the cost of the replacement facility. If the amount of 104439
the state's agreed-upon participation in the cost of the 104440
replacement facility is less than the value of the state's 104441
security interest in the original facility, the difference between 104442
the state's agreed-upon participation in the cost of the 104443
replacement facility and the value of the state's security 104444
interest in the original facility shall be retained in the 104445
community capital replacement facilities fund, and any excess 104446
proceeds shall be paid to the board, entity, or organization. 104447

(2) If the replacement facility is located in a different 104448
alcohol, drug addiction, and mental health service district than 104449
the original facility, or if the purposes for which the 104450

replacement facility will be used are not the same as or similar 104451
to those for the original facility, the director shall request 104452
controlling board approval for release of funds for the project. 104453
If the controlling board so approves, the director shall pay to 104454
the board, entity, or organization from the community capital 104455
replacement facilities fund the lesser of an amount equal to the 104456
proceeds of the sale of the original facility or the amount of the 104457
state's agreed-upon participation (as a per cent of the total 104458
cost) in the cost of the replacement facility. ~~if~~ If the amount of 104459
the state's agreed-upon participation in the cost of the 104460
replacement facility is less than the value of the state's 104461
security interest in the original facility, the difference between 104462
the state's agreed-upon participation in the cost of the 104463
replacement facility and the value of the state's security 104464
interest in the original facility shall be retained in the 104465
community capital replacement facilities fund, and any excess 104466
proceeds shall be paid to the board, entity, or organization. 104467

(E) The director of ~~mental health~~ mental health and addiction 104468
services and a board, entity, or organization shall enter into an 104469
agreement specifying the terms of any payment made to the board, 104470
entity, or organization under division (D) of this section. The 104471
terms may include provision for the department of ~~mental health~~ 104472
mental health and addiction services to hold a security interest 104473
in the facility. 104474

(F)(1) When approving an application under division (B) of 104475
this section, the director of ~~mental health~~ mental health and 104476
addiction services shall establish a deadline by which the board, 104477
entity, or organization must notify the director that it is ready 104478
to acquire, construct, or renovate a replacement facility. If the 104479
board, entity, or organization does not notify the director on or 104480
before the deadline, the director may cancel the project. Upon 104481
canceling the project, the director shall pay to the board, 104482

entity, or organization from the community capital replacement 104483
facilities fund an amount equal to the portion of the proceeds of 104484
the sale of the original facility that exceeds the value of the 104485
state's security interest in the facility. 104486

(2) Notwithstanding the deadline established under division 104487
(F)(1) of this section, if at any time a board, entity, or 104488
organization notifies the director that it does not intend to 104489
acquire, construct, or renovate a replacement facility under this 104490
section, the director shall cancel the replacement project and pay 104491
to the board, entity, or organization from the community capital 104492
replacement facilities fund an amount equal to the portion of the 104493
proceeds of the sale of the original facility that exceeds the 104494
value of the state's security interest in the facility. 104495

(G) If a replacement project is canceled after the sale of 104496
the original facility, the director of ~~mental health~~ mental health 104497
and addiction services shall use funds equal to the value of the 104498
state's security interest in the original facility for additional 104499
grants or reimbursements under section ~~5119.63~~ 5119.42 of the 104500
Revised Code. The director shall obtain the approval of the 104501
controlling board before releasing the additional grants or 104502
reimbursements. 104503

(H) The community capital replacement facilities fund is 104504
hereby created in the state treasury. The director of ~~mental~~ 104505
~~health~~ mental health and addiction services shall use the fund for 104506
the purposes of this section. 104507

Sec. ~~5119.16~~ 5119.44. As used in this section, "free clinic" 104508
has the same meaning as in section 2305.2341 of the Revised Code. 104509

(A) The department of ~~mental health~~ mental health and 104510
addiction services may provide certain goods and services for the 104511
department of ~~mental health~~ mental health and addiction services, 104512
the department of developmental disabilities, the department of 104513

rehabilitation and correction, the department of youth services, 104514
and other state, county, or municipal agencies requesting such 104515
goods and services when the department of ~~mental health~~ mental 104516
health and addiction services determines that it is in the public 104517
interest, and considers it advisable, to provide these goods and 104518
services. The department of ~~mental health~~ mental health and 104519
addiction services also may provide goods and services to agencies 104520
operated by the United States government and to public or private 104521
nonprofit agencies, other than free clinics, that are funded in 104522
whole or in part by the state if the public or private nonprofit 104523
agencies are designated for participation in this program by the 104524
director of ~~mental health~~ mental health and addiction services for 104525
community addiction services providers and community mental health 104526
~~agencies~~ services providers, the director of developmental 104527
disabilities for community mental retardation and developmental 104528
disabilities agencies, the director of rehabilitation and 104529
correction for community rehabilitation and correction agencies, 104530
or the director of youth services for community youth services 104531
agencies. 104532

Designated community agencies or services providers shall 104533
receive goods and services through the department of ~~mental health~~ 104534
mental health and addiction services only in those cases where the 104535
designating state agency certifies that providing such goods and 104536
services to the agency or services provider will conserve public 104537
resources to the benefit of the public and where the provision of 104538
such goods and services is considered feasible by the department 104539
of ~~mental health~~ mental health and addiction services. 104540

(B) The department of ~~mental health~~ mental health and 104541
addiction services may permit free clinics to purchase certain 104542
goods and services to the extent the purchases fall within the 104543
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 104544
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 104545

amended. 104546

(C) The goods and services that may be provided by the 104547
department of ~~mental health~~ mental health and addiction services 104548
under divisions (A) and (B) of this section may include: 104549

(1) Procurement, storage, processing, and distribution of 104550
food and professional consultation on food operations; 104551

(2) Procurement, storage, and distribution of medical and 104552
laboratory supplies, dental supplies, medical records, forms, 104553
optical supplies, and sundries, subject to section 5120.135 of the 104554
Revised Code; 104555

(3) Procurement, storage, repackaging, distribution, and 104556
dispensing of drugs, the provision of professional pharmacy 104557
consultation, and drug information services; 104558

(4) Other goods and services. 104559

(D) The department of ~~mental health~~ mental health and 104560
addiction services may provide the goods and services designated 104561
in division (C) of this section to its institutions and to 104562
state-operated community-based mental health or addiction services 104563
providers. 104564

(E) After consultation with and advice from the director of 104565
developmental disabilities, the director of rehabilitation and 104566
correction, and the director of youth services, the department of 104567
~~mental health~~ mental health and addiction services may provide the 104568
goods and services designated in division (C) of this section to 104569
the department of developmental disabilities, the department of 104570
rehabilitation and correction, and the department of youth 104571
services. 104572

(F) The cost of administration of this section shall be 104573
determined by the department of ~~mental health~~ mental health and 104574
addiction services and paid by the agencies, services providers, 104575

or free clinics receiving the goods and services to the department 104576
for deposit in the state treasury to the credit of the ~~mental~~ 104577
~~health office of support services~~ fund, which is hereby created. 104578
The fund shall be used to pay the cost of administration of this 104579
section to the department. 104580

(G) Whenever a state agency fails to make a payment for goods 104581
and services provided under this section within thirty-one days 104582
after the date the payment was due, the office of budget and 104583
management may transfer moneys from the state agency to the 104584
department of ~~mental health~~ mental health and addiction services. 104585
The amount transferred shall not exceed the amount of overdue 104586
payments. Prior to making a transfer under this division, the 104587
office of budget and management shall apply any credits the state 104588
agency has accumulated in payments for goods and services provided 104589
under this section. 104590

(H) Purchases of goods and services under this section are 104591
not subject to section 307.86 of the Revised Code. 104592

Sec. ~~5119.161~~ 5119.45. Unless otherwise specifically provided 104593
by law, all moneys received by the department of ~~mental health~~ 104594
mental health and addiction services from the sale of goods and 104595
services, including, but not limited to, shared service agreements 104596
with other governmental entities and nongovernmental entities, 104597
employee housing and cafeteria receipts, fees for copying 104598
services, and sales of other tangible personal property under the 104599
department's control, shall be paid into the state treasury to the 104600
credit of the sale of goods and services fund, which is hereby 104601
created. Moneys received by the department pursuant to section 104602
~~5119.16~~ 5119.44 of the Revised Code shall not be paid into the 104603
fund. The department shall use the moneys in the fund for paying 104604
operating expenses of the department. 104605

Sec. ~~5119.18~~ 5119.46. There is hereby created in the state 104606
treasury the department of ~~mental health~~ mental health and 104607
addiction services trust fund. Not later than the first day of 104608
September of each year, the director of ~~mental health~~ mental 104609
health and addiction services shall certify to the director of 104610
budget and management the amount of all of the unexpended, 104611
unencumbered balances of general revenue fund appropriations made 104612
to the department of ~~mental health~~ mental health and addiction 104613
services for the previous fiscal year, excluding funds 104614
appropriated for rental payments to the Ohio public facilities 104615
commission. On receipt of the certification, the director of 104616
budget and management shall transfer cash to the trust fund in an 104617
amount up to, but not exceeding, the total of the amounts 104618
certified by the director of ~~mental health~~ mental health and 104619
addiction services. 104620

In addition, the trust fund shall receive all amounts, 104621
subject to any provisions in bond documents, received from the 104622
sale or lease of lands and facilities by the department. 104623

All moneys in the trust fund shall be used by the department 104624
of ~~mental health~~ mental health and addiction services to pay for 104625
expenditures the department incurs in performing any of its duties 104626
under this chapter. The use of moneys in the trust fund pursuant 104627
to this section does not represent an ongoing commitment to the 104628
continuation of the trust fund or to the use of moneys in the 104629
trust fund. 104630

Sec. ~~3793.032~~ 5119.47. The director of ~~alcohol and drug~~ 104631
~~addiction services~~ mental health and addiction services shall 104632
administer the problem casino gambling and addictions fund. The 104633
director shall use the money in the fund to support ~~programs that~~ 104634
~~provide~~ gambling addiction services, alcohol and drug addiction 104635
~~programs that provide alcohol and drug addiction services~~, other 104636

~~programs~~ services that relate to gambling addiction and substance 104637
abuse, and research that relates to gambling addiction and 104638
substance abuse. Treatment and prevention services ~~provided under~~ 104639
~~programs~~ supported by money in the fund under this section shall 104640
be services that are ~~provided by alcohol and drug addiction~~ 104641
~~treatment programs~~ certified by the department of alcohol and drug 104642
~~addiction services or provided by counselors who are certified by~~ 104643
~~the department~~ mental health and addiction services. Prevention 104644
~~services provided under programs supported by money in the fund~~ 104645
~~under this section shall be services that are provided by alcohol~~ 104646
~~and drug addiction prevention programs certified by the department~~ 104647
~~of alcohol and drug addiction services.~~ 104648

The director shall prepare an annual report describing the 104649
use of the fund for these purposes. The director shall submit the 104650
report to the Ohio casino control commission, the speaker and 104651
minority leader of the house of representatives, the president and 104652
minority leader of the senate, the governor, and the joint 104653
committee on gaming and wagering. 104654

Sec. ~~3793.22~~ 5119.49. (A) The director of ~~alcohol and drug~~ 104655
~~addiction services~~ mental health and addiction services shall 104656
collaborate with the state board of pharmacy and attorney general 104657
in the establishment and administration of a drug take-back 104658
program, as provided under section 4729.69 of the Revised Code. 104659

(B) The department may accept grants, gifts, or donations for 104660
purposes of the program. Money received under this division shall 104661
be deposited into the drug take-back program fund established 104662
under section 109.90 of the Revised Code. 104663

Sec. ~~5119.34~~ 5119.50. The director of ~~mental health~~ mental 104664
health and addiction services may accept, hold, and administer in 104665
trust on behalf of the state, if it is for the public interest, 104666

any grant, gift, devise, or bequest of money or property made to 104667
the state for the use or benefit of any institution described in 104668
section ~~5119.02~~ 5119.14 of the Revised Code or for the use and 104669
benefit of mentally ill persons under its control. If the trust so 104670
provides, the money or property may be used for any work which the 104671
department of ~~mental health~~ mental health and addiction services 104672
is authorized to undertake. 104673

The department shall keep such gift, grant, devise, or 104674
bequest as a distinct property or fund and, if it is in money, 104675
shall invest it in the manner provided by law. The department may 104676
deposit in a proper trust company or savings bank any money left 104677
in trust during a specified life or lives and shall adopt rules 104678
governing the deposit, transfer, withdrawal, or investment of such 104679
money and the income thereof. 104680

The department shall, in the manner prescribed by the 104681
director of budget and management pursuant to section 126.21 of 104682
the Revised Code, account for all money or property received or 104683
expended under this section. The records, together with a 104684
statement certified by the depository showing the funds deposited 104685
there to the credit of the trust, shall be open to public 104686
inspection. The director of budget and management may require the 104687
department to file a report with ~~him~~ the director on any 104688
particular portion, or the whole, of any trust property received 104689
or expended by it. 104690

The department shall, upon the expiration of any trust 104691
according to its terms, dispose of the funds or property held 104692
thereunder in the manner provided in the instrument creating the 104693
trust. If the instrument creating the trust failed to make any 104694
terms of disposition, or if no trust was in evidence, then the 104695
decendent patient's money, saving or commercial deposits, dividends 104696
or distributions, bonds, or any other interest-bearing debt 104697
certificate or stamp issued by the United States government shall 104698

escheat to the state. All such unclaimed intangible personal 104699
property of a former patient shall be retained by the managing 104700
officer in such institution for the period of one year, during 104701
which time every possible effort shall be made to find such former 104702
patient or ~~his~~ the former patient's legal representative. 104703

If, after a period of one year from the time the patient has 104704
left the institution or has died, the managing officer has been 104705
unable to locate such person or ~~his~~ the person's legal 104706
representative, then upon proper notice of such fact the director 104707
shall at that time formulate in writing a method of disposition on 104708
the minutes of the department authorizing the managing officer to 104709
convert such intangible personal property to cash to be paid into 104710
the state treasury to the credit of the general revenue fund. 104711

The department shall include in its annual report a statement 104712
of all money and property and the terms and conditions relating 104713
thereto. 104714

Sec. ~~5119.17~~ 5119.51. (A) As used in this section, 104715
"supplemental services" has the same meaning as in section 5815.28 104716
of the Revised Code. 104717

(B) There is hereby created in the state treasury the 104718
services fund for individuals with mental illness. On the death of 104719
the beneficiary of a trust created pursuant to section 5815.28 of 104720
the Revised Code, the portion of the remaining assets of the trust 104721
specified in the trust instrument shall be deposited to the credit 104722
of the fund. Money credited to the fund shall be used for 104723
individuals with mental illness. 104724

Supplemental services may be provided through the department 104725
or boards of alcohol, drug addiction, and mental health services. 104726
In accordance with Chapter 119. of the Revised Code, the 104727
department of ~~mental health~~ mental health and addiction services 104728
may adopt any rules necessary to implement this section. 104729

Sec. ~~5119.36~~ 5119.52. Each managing officer of an institution 104730
under the jurisdiction of the department of ~~mental health~~ mental 104731
health and addiction services as described in section ~~5119.02~~ 104732
5119.14 of the Revised Code, with the approval of the director of 104733
~~mental health~~ mental health and addiction services, may establish 104734
local institution funds designated as follows: 104735

104736

(A) Industrial and entertainment fund created and maintained 104737
for the entertainment and welfare of the patients of the 104738
institution. The director shall establish rules for the operation 104739
of the industrial and entertainment fund. 104740

(B) Commissary fund created and maintained for the benefit of 104741
patients in the institution. Commissary revenue over and above 104742
operating costs and reserve shall be considered profits. All 104743
profits from the commissary fund operations shall be paid into the 104744
industrial and entertainment fund and used only for the 104745
entertainment and ~~welfare~~ welfare of patients. The director shall 104746
establish rules for the operation of the commissary fund. 104747

Sec. ~~5119.33~~ 5119.54. The treasurer of state shall have 104748
charge of all funds under the jurisdiction of the department of 104749
~~mental health~~ mental health and addiction services and shall pay 104750
out the same only in accordance with this chapter. 104751

The department shall cause to be furnished a contract of 104752
indemnity to cover all funds received by it or by its managing 104753
officers, employees, or agents while the funds are in the 104754
possession of such managing officers, employees or agents. Such 104755
funds are designated as follows: 104756

(A) Funds which are due and payable to the treasurer of state 104757
as provided by Chapter 131. of the Revised Code; 104758

(B) Those funds which are held in trust by the managing 104759

officers, employees, or agents of the institution as local funds 104760
or accounts under the jurisdiction of the department. 104761

Such contract of indemnity shall be made payable to the state 104762
and the premium for such contract of indemnity may be paid from 104763
any of the moneys received for the use of the department under 104764
this chapter and Chapters 5121. and 5122. of the Revised Code. 104765

Funds collected from various sources, such as the sale of 104766
goods, and all miscellaneous articles, shall be transmitted on or 104767
before Monday of each week to the treasurer of state and a 104768
detailed statement of such collections shall be made to the 104769
department. 104770

Sec. ~~5119.351~~ 5119.55. The department of ~~mental health~~ mental 104771
health and addiction services may pay an amount for personal use 104772
to each individual residing in a state institution as described in 104773
section ~~5119.02~~ 5119.14 of the Revised Code who would be eligible 104774
for supplemental security income benefits at the reduced rate 104775
established by Title XVI of the "Social Security Act," ~~49 Stat.~~ 104776
~~620 (1935), 42 U.S.C.A. 1382, as amended~~ 1381 et seq., if the 104777
~~state plan for providing medical assistance under section 5111.01~~ 104778
~~of the Revised Code included reimbursement of~~ medicaid program 104779
covers services provided in such institutions. The amount paid by 104780
the department shall not exceed the reduced supplemental security 104781
income benefit rate established by Title XVI of the "Social 104782
Security Act." 104783

Sec. ~~5119.35~~ 5119.56. Money or property deposited with 104784
managing officers of institutions under the jurisdiction of the 104785
department of ~~mental health~~ mental health and addiction services 104786
by any patient under the department's control or by relatives, 104787
guardians, conservators, and others for the special benefit of 104788
such patient, as well as all other funds and all other income paid 104789

to the patient, ~~his~~ the patient's estate, or on ~~his~~ the patient's 104790
behalf, or paid to the managing officer or to the institution as 104791
representative payee or otherwise paid on the patient's behalf, 104792
shall remain in the hands of such officers in appropriate accounts 104793
for use accordingly. The managing officer shall keep itemized book 104794
accounts of the receipt and disposition of such money and 104795
property, which book shall be open at all times to the inspection 104796
of the department. The director of ~~mental health~~ mental health and 104797
addiction services shall adopt rules governing the deposit, 104798
transfer, withdrawal, or investment of the funds and the income 104799
thereof, as well as rules under which such funds and income shall 104800
be paid by managing officers for the support of the patients 104801
pursuant to Chapter 5121. of the Revised Code, or for their other 104802
needs. 104803

Whenever any patient confined in any state institution 104804
subject to the jurisdiction of the department dies, escapes, or is 104805
discharged from such institution, and any personal funds of such 104806
person remain in the hands of the managing officer thereof and no 104807
demand for such funds is made upon such managing officer by the 104808
owner of the funds or ~~his~~ the owner's legally appointed 104809
representative, the managing officer shall hold the funds in the 104810
personal deposit fund for a period of at least one year during 104811
which time the managing officer shall make every effort possible 104812
to locate the owner or ~~his~~ the owner's legally appointed 104813
representative. 104814

If at the end of this period no demand has been made for the 104815
funds, the managing officer shall dispose of the funds as follows: 104816

(A) All money in a personal deposit fund in excess of ten 104817
dollars due for the support of a patient shall be paid in 104818
accordance with the provisions of Chapter 5121. of the Revised 104819
Code. 104820

(B) All money in a personal deposit fund in excess of ten 104821

dollars not due for the support of a patient shall be placed to 104822
the credit of the institution's local account designated as the 104823
"industrial and entertainment" fund. 104824

(C) The first ten dollars to the credit of a patient shall be 104825
placed to the credit of the institution's local account designated 104826
as the "industrial and entertainment" fund. 104827

Whenever any patient in any state institution subject to the 104828
jurisdiction of the department dies, escapes, or is discharged 104829
from such institution, and any personal effects of such person 104830
remain in the hands of the managing officer thereof, and no demand 104831
is made upon such managing officer by the owner of the property or 104832
~~his~~ the owner's legally appointed representative, the managing 104833
officer shall hold and dispose of such property in the following 104834
manner. 104835

All the miscellaneous personal effects shall be held for a 104836
period of at least one year, during which time the managing 104837
officer shall make every effort possible to locate the owner or 104838
~~his~~ the owner's legal representative. If at the end of this 104839
period, no demand has been made by the owner of the property or 104840
~~his~~ the owner's legal representative, the managing officer shall 104841
file with the county recorder of the county of commitment of such 104842
owner, all deeds, wills, contract mortgages, or assignments. The 104843
balance of the personal effects shall be sold at public auction 104844
after being duly advertised, and the funds turned over to the 104845
treasurer of state for credit to the general revenue fund. If any 104846
of the property is not of a type to be filed with the county 104847
recorder and is not salable at public auction, then the managing 104848
officer of the institution shall destroy such property. 104849

Sec. ~~5119.46~~ 5119.60. ~~In its annual report, the~~ The 104850
department of ~~mental health~~ mental health and addiction services 104851
shall submit an annual report to the governor that shall describe 104852

the services the department offers and how appropriated funds have 104853
been spent. The report shall include ~~the~~ all of the following: 104854

(A) The utilization of state hospitals by each alcohol, drug 104855
addiction, and mental health service district, ~~the;~~ 104856

(B) The number of persons served by community addiction 104857
services providers that receive funds distributed by the 104858
department, with a breakdown into categories including age, sex, 104859
race, the type of drug to which the person is addicted, and any 104860
other categories the director of mental health and addiction 104861
services considers significant; 104862

(C) The number of severely mentally disabled persons served 104863
in each district, ~~and the;~~ 104864

(D) The number and types of services provided to severely 104865
mentally disabled persons through state-operated services and 104866
community mental health agencies services providers; 104867

(E) A report measuring the success of community addiction 104868
services providers, based on the measures for accountability 104869
developed by the department, including the percentage of persons 104870
served by such community addiction services providers who have not 104871
relapsed; 104872

(F) Any other information that the director considers 104873
significant or is requested by the governor. 104874

Sec. 3793.12 5119.61. ~~(A) The department of alcohol and drug 104875
addiction services~~ mental health and addiction services shall 104876
collect and compile statistics and other information on the care 104877
and treatment of mentally disabled persons, and the care, 104878
treatment, and rehabilitation of alcoholics, drug dependent 104879
persons, and persons in danger of drug dependence in this state, 104880
including, without limitation, information on the number of such 104881
persons, the type of drug involved, the type of care, treatment, 104882

or rehabilitation prescribed or undertaken, and the success or 104883
failure of the care, treatment, or rehabilitation. The department 104884
shall collect information about services delivered and persons 104885
served as required for reporting and evaluation relating to state 104886
and federal funds expended for such purposes. 104887

(B) No alcohol ~~or~~, drug addiction program, or mental health 104888
services provider shall fail to supply statistics and other 104889
information within its knowledge and with respect to its ~~programs~~ 104890
services, upon request of the department. 104891

(C) Communications by a person seeking aid in good faith for 104892
alcoholism or drug dependence are confidential, and this section 104893
does not require the collection or permit the disclosure of 104894
information which reveals or comprises the identity of any person 104895
seeking aid. 104896

(D) Based on the information collected and compiled under 104897
division (A) of this section, the department shall develop a 104898
project to assess the outcomes of persons served by alcohol and 104899
drug addiction ~~programs~~ services providers and mental health 104900
services providers that receive funds distributed by the 104901
department. 104902

Sec. ~~5119.50~~ 5119.70. The "interstate compact on mental 104903
health" is hereby ratified, enacted into law, and entered into by 104904
the state of Ohio as a party thereto with any other state which 104905
has legally joined in the compact as follows: 104906

INTERSTATE COMPACT ON MENTAL HEALTH 104907

The contracting states solemnly agree that: 104908

Article I 104909

The party states find that the proper and expeditious 104910
treatment of the mentally ill and mentally retarded can be 104911
facilitated by cooperative action, to the benefit of the patients, 104912

their families, and society as a whole. Further, the party states 104913
find that the necessity of and desirability for furnishing such 104914
care and treatment bears no primary relation to the residence or 104915
citizenship of the patient but that, on the contrary, the 104916
controlling factors of community safety and humanitarianism 104917
require that facilities and services be made available for all who 104918
are in need of them. Consequently, it is the purpose of this 104919
compact and of the party states to provide the necessary legal 104920
basis for the institutionalization or other appropriate care and 104921
treatment of the mentally ill and mentally retarded under a system 104922
that recognizes the paramount importance of patient welfare and to 104923
establish the responsibilities of the party states in terms of 104924
such welfare. 104925

Article II 104926

As used in this compact: 104927

(a) "Sending state" shall mean a party state from which a 104928
patient is transported pursuant to the provisions of the compact 104929
or from which it is contemplated that a patient may be so sent. 104930

(b) "Receiving state" shall mean a party state to which a 104931
patient is transported pursuant to the provisions of the compact 104932
or to which it is contemplated that a patient may be so sent. 104933

(c) "Institution" shall mean any hospital or other facility 104934
maintained by a party state or political subdivision thereof for 104935
the care and treatment of mental illness or mental retardation. 104936

(d) "Patient" shall mean any person subject to or eligible as 104937
determined by the laws of the sending state, for 104938
institutionalization or other care, treatment, or supervision 104939
pursuant to the provisions of this compact. 104940

(e) "After-care" shall mean care, treatment and services 104941
provided a patient, as defined herein, or convalescent status or 104942
conditional release. 104943

(f) "Mental illness" shall mean mental disease to such extent 104944
that a person so afflicted requires care and treatment for his own 104945
welfare, or the welfare of others, or of the community. 104946

(g) "Mental retardation" shall mean mental retardation as 104947
defined by appropriate clinical authorities to such extent that a 104948
person so afflicted is incapable of managing himself and his 104949
affairs, but shall not include mental illness as defined herein. 104950

(h) "State" shall mean any state, territory or possession of 104951
the United States, the District of Columbia, and the Commonwealth 104952
of Puerto Rico. 104953

Article III 104954

(a) Whenever a person physically present in any party state 104955
shall be in need of institutionalization by reason of mental 104956
illness or mental retardation, he shall be eligible for care and 104957
treatment in an institution in that state irrespective of his 104958
residence, settlement or citizenship qualifications. 104959

(b) The provisions of paragraph (a) of this article to the 104960
contrary notwithstanding, any patient may be transferred to an 104961
institution in another state whenever there are factors based upon 104962
clinical determinations indicating that the care and treatment of 104963
said patient would be facilitated or improved thereby. Any such 104964
institutionalization may be for the entire period of care and 104965
treatment or for any portion or portions thereof. The factors 104966
referred to in this paragraph shall include the patient's full 104967
record with due regard for the location of the patient's family, 104968
character of the illness and probable duration thereof, and such 104969
other factors as shall be considered appropriate. 104970

(c) No state shall be obliged to receive any patient pursuant 104971
to the provisions of paragraph (b) of this article unless the 104972
sending state has given advance notice of its intention to send 104973
the patient; furnished all available medical and other pertinent 104974

records concerning the patient; given the qualified medical or 104975
other appropriate clinical authorities of the receiving state an 104976
opportunity to examine the patient if said authorities so wish; 104977
and unless the receiving state shall agree to accept the patient. 104978

(d) In the event that the laws of the receiving state 104979
establish a system of priorities for the admission of patients, an 104980
interstate patient under this compact shall receive the same 104981
priority as a local patient and shall be taken in the same order 104982
and at the same time that he would be taken if he were a local 104983
patient. 104984

(e) Pursuant to this compact, the determination as to the 104985
suitable place of institutionalization for a patient may be 104986
reviewed at any time and such further transfer of the patient may 104987
be made as seems likely to be in the best interest of the patient. 104988

Article IV 104989

(a) Whenever, pursuant to the laws of the state in which a 104990
patient is physically present, it shall be determined that the 104991
patient should receive after-care or supervision, such care or 104992
supervision may be provided in a receiving state. If the medical 104993
or other appropriate clinical authorities having responsibility 104994
for the care and treatment of the patient in the sending state 104995
shall have reason to believe that after-care in another state 104996
would be in the best interest of the patient and would not 104997
jeopardize the public safety, they shall request the appropriate 104998
authorities in the receiving state to investigate the desirability 104999
of affording the patient such after-care in said receiving state, 105000
and such investigation shall be made with all reasonable speed. 105001
The request for investigation shall be accompanied by complete 105002
information concerning the patient's intended place of residence 105003
and the identity of the person in whose charge it is proposed to 105004
place the patient, the complete medical history of the patient, 105005
and such other documents as may be pertinent. 105006

(b) If the medical or other appropriate clinical authorities 105007
having responsibility for the care and treatment of the patient in 105008
the sending state and the appropriate authorities in the receiving 105009
state find that the best interest of the patient would be served 105010
thereby, and if the public safety would not be jeopardized 105011
thereby, the patient may receive after-care or supervision in the 105012
receiving state. 105013

(c) In supervising, treating, or caring for a patient on 105014
after-care pursuant to the terms of this article, a receiving 105015
state shall employ the same standards of visitation, examination, 105016
care, and treatment that it employs for similar local patients. 105017

Article V 105018

Whenever a dangerous or potentially dangerous patient escapes 105019
from an institution in any party state, that state shall promptly 105020
notify all appropriate authorities within and without the 105021
jurisdiction of the escape in a manner reasonably calculated to 105022
facilitate the speedy apprehension of the escapee. Immediately 105023
upon the apprehension and identification of any such dangerous or 105024
potentially dangerous patient, he shall be detained in the state 105025
where found pending disposition in accordance with law. 105026

Article VI 105027

The duly accredited officers of any state party to this 105028
compact, upon the establishment of their authority and the 105029
identity of the patient, shall be permitted to transport any 105030
patient being moved pursuant to this compact through any and all 105031
states party to this compact, without interference. 105032

Article VII 105033

(a) No person shall be deemed a patient of more than one 105034
institution at any given time. Completion of transfer of any 105035
patient to an institution in a receiving state shall have the 105036
effect of making the person a patient of the institution in the 105037
receiving state. 105038

(b) The sending state shall pay all costs of and incidental 105039
to the transportation of any patient pursuant to this compact, but 105040
any two or more party states may, by making a specific agreement 105041
for that purpose, arrange for a different allocation of costs as 105042
among themselves. 105043

(c) No provision of this compact shall be construed to alter 105044
or affect any internal relationships among the departments, 105045
agencies and officers of and in the government of a party state, 105046
or between a party state and its subdivisions, as to the payment 105047
of costs, or responsibilities therefor. 105048

(d) Nothing in this compact shall be construed to prevent any 105049
party state or subdivision thereof from asserting any right 105050
against any person, agency or other entity in regard to costs for 105051
which such party state or subdivision thereof may be responsible 105052
pursuant to any provision of this compact. 105053

(e) Nothing in this compact shall be construed to invalidate 105054
any reciprocal agreement between a party state and a nonparty 105055
state relating to institutionalization, care or treatment of the 105056
mentally ill or mentally retarded, or any statutory authority 105057
pursuant to which such agreements may be made. 105058

Article VIII 105059

(a) Nothing in this compact shall be construed to abridge, 105060
diminish, or in any way impair the rights, duties, and 105061
responsibilities of any patient's guardian on his own behalf or in 105062
respect of any patient for whom he may serve, except that where 105063
the transfer of any patient to another jurisdiction makes 105064
advisable the appointment of a supplemental or substitute 105065
guardian, any court of competent jurisdiction in the receiving 105066
state may make such supplemental or substitute appointment and the 105067
court which appointed the previous guardian shall upon being duly 105068
advised of the new appointment, and upon the satisfactory 105069
completion of such accounting and other acts as such court may by 105070

law require, relieve the previous guardian of power and 105071
responsibility to whatever extent shall be appropriate in the 105072
circumstances; provided, however, that in the case of any patient 105073
having settlement in the sending state, the court of competent 105074
jurisdiction in the sending state shall have the sole discretion 105075
to relieve a guardian appointed by it or continue his power and 105076
responsibility, whichever it shall deem advisable. The court in 105077
the receiving state may, in its discretion, confirm or reappoint 105078
the person or persons previously serving as guardian in the 105079
sending state in lieu of making a supplemental or substitute 105080
appointment. 105081

(b) The term "guardian" as used in paragraph (a) of this 105082
article shall include any guardian, trustee, legal committee, 105083
conservator, or other person or agency however denominated who is 105084
charged by law with power to act for or responsibility for the 105085
person or property of a patient. 105086

Article IX 105087

(a) No provision of this compact except Article V shall apply 105088
to any person institutionalized while under sentence in a penal or 105089
correctional institution or while subject to trial on a criminal 105090
charge, or whose institutionalization is due to the commission of 105091
an offense for which, in the absence of mental illness or mental 105092
retardation, said person would be subject to incarceration in a 105093
penal or correctional institution. 105094

(b) To every extent possible, it shall be the policy of 105095
states party to this compact that no patient shall be placed or 105096
detained in any prison, jail or lockup, but such patient shall, 105097
with all expedition, be taken to a suitable institutional facility 105098
for mental illness or mental retardation. 105099

Article X 105100

(a) Each party state shall appoint a "compact administrator" 105101
who, on behalf of his state, shall act as general coordinator of 105102

activities under the compact in his state and who shall receive 105103
copies of all reports, correspondence, and other documents 105104
relating to any patient processed under the compact by his state 105105
either in the capacity of sending or receiving state. The compact 105106
administrator or his duly designated representative shall be the 105107
official with whom other party states shall deal in any matter 105108
relating to the compact or any patient processed thereunder. 105109

(b) The compact administrators of the respective party states 105110
shall have power to promulgate reasonable rules and regulations to 105111
carry out more effectively the terms and provisions of this 105112
compact. 105113

Article XI 105114

The duly constituted administrative authorities of any two or 105115
more party states may enter into supplementary agreements for the 105116
provision of any service or facility or for the maintenance of any 105117
institution on a joint or cooperative basis whenever the states 105118
concerned shall find that such agreements will improve services, 105119
facilities, or institutional care and treatment in the fields of 105120
mental illness or mental retardation. No such supplementary 105121
agreement shall be construed so as to relieve any party state of 105122
any obligation which it otherwise would have under other 105123
provisions of this compact. 105124

Article XII 105125

This compact shall enter into full force and effect as to any 105126
state when enacted by it into law and such states shall thereafter 105127
be a party thereto with any and all states legally joining 105128
therein. 105129

Article XIII 105130

(a) A state party to this compact may withdraw therefrom by 105131
enacting a statute repealing the same. Such withdrawal shall take 105132
effect one year after notice thereof has been communicated 105133
officially and in writing to the governors and compact 105134

administrators of all other party states. However, the withdrawal 105135
of any state shall not change the status of any patient who has 105136
been sent to said state or sent out of said state pursuant to the 105137
provisions of the compact. 105138

(b) Withdrawal from any agreement permitted by Article VII 105139
(b) as to costs or from any supplementary agreement made pursuant 105140
to Article XI shall be in accordance with the terms of such 105141
agreement. 105142

Article XIV 105143

This compact shall be liberally construed so as to effectuate 105144
the purposes thereof. The provisions of this compact shall be 105145
severable and if any phrase, clause, sentence or provision of this 105146
compact is declared to be contrary to the constitution of any 105147
party state or of the United States or the applicability thereof 105148
to any government, agency, person or circumstance is held invalid, 105149
the validity of the remainder of this compact and the 105150
applicability thereof to any government, agency, person or 105151
circumstance shall not be affected thereby. If this compact shall 105152
be held contrary to the constitution of any state party thereto, 105153
the compact shall remain in full force and effect as to the 105154
remaining states and in full force and effect as to the state 105155
affected as to all severable matters. 105156

Sec. ~~5119.51~~ 5119.71. Pursuant to Article X of the compact 105157
set forth in section ~~5119.50~~ 5119.70 of the Revised Code, the 105158
director of ~~mental health~~ mental health and addiction services and 105159
the director of developmental disabilities each shall designate an 105160
officer who shall be the compact administrator for the department 105161
and who, acting jointly with like officers of other party states, 105162
shall adopt rules to carry out more effectively the terms of the 105163
compact. The compact administrators of each department shall serve 105164
subject to the pleasure of the governor and shall cooperate with 105165

all departments, agencies, and officers of and in the government 105166
of this state and its subdivisions in facilitating the proper 105167
administration of the compact or of any supplementary agreements 105168
entered into by this state thereunder. 105169

Sec. ~~5119.52~~ 5119.72. The compact administrator may enter 105170
into supplementary agreements with appropriate officials of other 105171
states pursuant to articles VII and XI of the compact set forth in 105172
section ~~5119.50~~ 5119.70 of the Revised Code. In the event that 105173
such supplementary agreements require or contemplate the use of 105174
any institution or facility of this state or require or 105175
contemplate the provision of any service by this state, no such 105176
agreement shall have force or effect until approved by the head of 105177
the department or agency under whose jurisdiction the institution 105178
or facility is operated or whose department or agency will be 105179
charged with the rendering of such service. 105180

Sec. ~~5119.53~~ 5119.73. Any payments necessary to discharge any 105181
financial obligations imposed upon the state of Ohio by the 105182
compact or by any supplementary agreement entered into thereunder, 105183
as provided in sections ~~5119.50~~ 5119.70 to ~~5119.52~~ 5119.72 of the 105184
Revised Code, shall be made from appropriated funds upon 105185
presentation to the director of budget and management of itemized 105186
vouchers approved by the compact administrator. 105187

Sec. ~~3793.31~~ 5119.90. As used in sections ~~3793.31~~ 5119.90 to 105188
~~3793.39~~ 5119.98 of the Revised Code: 105189

(A) "Alcohol and other drug abuse" means alcoholism or drug 105190
addiction. 105191

(B) "Another drug" means a controlled substance as defined in 105192
section 3719.01 of the Revised Code or a harmful intoxicant as 105193
defined in section 2925.01 of the Revised Code. 105194

(C) "Board of alcohol, drug addiction, and mental health services" means a board of alcohol, drug addiction, and mental health services established under section 340.02 or 340.021 of the Revised Code.

(D) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others.

(E) "Hospital" has the same meaning as in section 3701.01 or 3727.01 of the Revised Code but does not include either a hospital operated by the department of ~~mental health~~ mental health and addiction services or an inpatient unit licensed by the department.

(F) "Intoxicated" means being under the influence of alcohol, another drug, or both alcohol and another drug and, as a result, having a significantly impaired ability to function.

(G) "Petitioner" means a person who institutes a proceeding under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised Code.

(H) "Probate court" means the probate division of the court of common pleas.

(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law.

(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law.

(K) "Respondent" means a person alleged in a petition filed or hearing under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised Code to be a person who is suffering from alcohol and other drug abuse and who may be ordered under those sections to undergo treatment.

(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons suffering from alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care.

Sec. ~~3793.32~~ 5119.91. A probate court may order involuntary treatment for a person suffering from alcohol and other drug abuse pursuant to the procedures set forth in sections ~~3793.31~~ 5119.90 to ~~3793.39~~ 5119.98 of the Revised Code.

Sec. ~~3793.33~~ 5119.92. No person shall be ordered to undergo treatment under sections ~~3793.31~~ 5119.90 to ~~3793.39~~ 5119.98 of the Revised Code unless all of the following apply to that person:

(A) The person suffers from alcohol and other drug abuse.

(B) The person presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such a threat in the near future.

(C) The person can reasonably benefit from treatment.

Sec. ~~3793.34~~ 5119.93. (A) A person may initiate proceedings for treatment for an individual suffering from alcohol and other drug abuse by filing a verified petition in the probate court and paying a filing fee in the same amount, if any, that is charged for the filing under section 5122.11 of the Revised Code of an affidavit seeking the hospitalization of a person. The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)." A spouse, relative, or guardian of the individual concerning whom the petition is filed shall file the petition.

(B) A petition filed under division (A) of this section shall

set forth all of the following:	105254
(1) The petitioner's relationship to the respondent;	105255
(2) The respondent's name, residence address, and current location, if known;	105256 105257
(3) The name and residence of the respondent's parents, if living and if known, or of the respondent's legal guardian, if any and if known;	105258 105259 105260
(4) The name and residence of the respondent's spouse, if any and if known;	105261 105262
(5) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or a statement that the person is unknown;	105263 105264 105265 105266
(6) The petitioner's belief, including the factual basis for the belief, that the respondent is suffering from alcohol and other drug abuse and presents an imminent danger or imminent threat of danger to self, family, or others if not treated for alcohol or other drug abuse.	105267 105268 105269 105270 105271
(C)(1) Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by a certificate of a physician who has examined the respondent within two days prior to the day that the petition is filed in the probate court. The physician shall be authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code. The physician's certificate shall set forth the physician's findings in support of the need to treat the respondent for alcohol or other drug abuse. The certificate shall indicate if the respondent presents an imminent danger or imminent threat of danger to self, family, or others if not treated. Further, the certificate shall indicate the type and length of treatment required and if the respondent can reasonably benefit	105272 105273 105274 105275 105276 105277 105278 105279 105280 105281 105282 105283 105284

from treatment. If the physician's certificate indicates that 105285
inpatient treatment is required, the certificate shall identify 105286
any inpatient facilities known to the physician that are able and 105287
willing to provide the recommended inpatient treatment. 105288

If the respondent refuses to undergo an examination with a 105289
physician concerning the respondent's possible need for treatment 105290
for alcohol or other drug abuse, the petition shall state that the 105291
respondent has refused all requests made by the petitioner to 105292
undergo a physician's examination. In that case, the petitioner 105293
shall not be required to provide a physician's certificate with 105294
the petition. 105295

(2) Any petition filed pursuant to divisions (A) and (B) of 105296
this section shall contain a statement that the petitioner has 105297
arranged for treatment of the respondent. Further, the petition 105298
shall be accompanied by a statement from the person or facility 105299
who has agreed to provide the treatment that verifies that the 105300
person or facility has agreed to provide the treatment and the 105301
estimated cost of the treatment. 105302

(D) Any petition filed pursuant to divisions (A) and (B) of 105303
this section shall be accompanied by both of the following: 105304

(1) A security deposit to be deposited with the clerk of the 105305
probate court that will cover half of the estimated cost of 105306
treatment of the respondent; 105307

(2) A guarantee, signed by the petitioner or another person 105308
authorized to file the petition obligating the guarantor to pay 105309
the costs of the examinations of the respondent conducted by the 105310
physician and qualified health professional under division (B)(5) 105311
of section ~~3793.35~~ 5119.94 of the Revised Code, the costs of the 105312
respondent that are associated with a hearing conducted in 105313
accordance with section ~~3793.35~~ 5119.94 of the Revised Code and 105314
that the court determines to be appropriate, and the costs of any 105315

treatment ordered by the court. 105316

Sec. ~~3793.35~~ 5119.94. (A) Upon receipt of a petition filed 105317
under section ~~3793.34~~ 5119.93 of the Revised Code and the payment 105318
of the appropriate filing fee, if any, the probate court shall 105319
examine the petitioner under oath as to the contents of the 105320
petition. 105321

(B) If, after reviewing the allegations contained in the 105322
petition and examining the petitioner under oath, it appears to 105323
the probate court that there is probable cause to believe the 105324
respondent may reasonably benefit from treatment, the court shall 105325
do all of the following: 105326

(1) Schedule a hearing to be held within seven days to 105327
determine if there is clear and convincing evidence that the 105328
respondent may reasonably benefit from treatment for alcohol and 105329
other drug abuse; 105330

(2) Notify the respondent, the legal guardian, if any and if 105331
known, and the spouse, parents, or nearest relative or friend of 105332
the respondent concerning the allegations and contents of the 105333
petition and of the date and purpose of the hearing; 105334

(3) Notify the respondent that the respondent may retain 105335
counsel and, if the person is unable to obtain an attorney, that 105336
the respondent may be represented by court-appointed counsel at 105337
public expense if the person is indigent. Upon the appointment of 105338
an attorney to represent an indigent respondent, the court shall 105339
notify the respondent of the name, address, and telephone number 105340
of the attorney appointed to represent the respondent. 105341

(4) Notify the respondent that the court shall cause the 105342
respondent to be examined not later than twenty-four hours before 105343
the hearing date by a physician for the purpose of a physical 105344
examination and by a qualified health professional for the purpose 105345

of a drug and alcohol addiction assessment and diagnosis. In 105346
addition, the court shall notify the respondent that the 105347
respondent may have an independent expert evaluation of the 105348
person's physical and mental condition conducted at the 105349
respondent's own expense. 105350

(5) Cause the respondent to be examined not later than 105351
twenty-four hours before the hearing date by a physician for the 105352
purpose of a physical examination and by a qualified health 105353
professional for the purpose of a drug and alcohol addiction 105354
assessment and diagnosis; 105355

(6) Conduct the hearing. 105356

(C) The physician and qualified health professional who 105357
examine the respondent pursuant to division (B)(5) of this section 105358
or who are obtained by the respondent at the respondent's own 105359
expense shall certify their findings to the court within 105360
twenty-four hours of the examinations. The findings of each 105361
qualified health professional shall include a recommendation for 105362
treatment if the qualified health professional determines that 105363
treatment is necessary. 105364

(D)(1) If upon completion of the hearing held under this 105365
section the probate court finds by clear and convincing evidence 105366
that the respondent may reasonably benefit from treatment, the 105367
court may order the treatment after considering the qualified 105368
health professionals' recommendations for treatment that have been 105369
submitted to the court under division (C) of this section. If the 105370
court orders the treatment under this division, the court shall 105371
order the treatment to be provided through ~~an alcohol and drug a~~ 105372
community addiction ~~program~~ services provider certified under 105373
section ~~3793.06~~ 5119.36 of the Revised Code or by an individual 105374
licensed or certified by the state medical board under Chapter 105375
4731. of the Revised Code, the chemical dependency professionals 105376
board under Chapter 4758. of the Revised Code, the counselor, 105377

social worker, and marriage and family therapist board under 105378
Chapter 4757. of the Revised Code, or a similar board of another 105379
state authorized to provide substance abuse treatment. 105380

(2) Failure of a respondent to undergo and complete any 105381
treatment ordered pursuant to this division is contempt of court. 105382
Any alcohol and drug addiction program or person providing 105383
treatment under this division shall notify the probate court of a 105384
respondent's failure to undergo or complete the ordered treatment. 105385

(E) If, at any time after a petition is filed under section 105386
~~3793.34~~ 5119.93 of the Revised Code, the probate court finds that 105387
there is not probable cause to continue treatment or if the 105388
petitioner withdraws the petition, then the court shall dismiss 105389
the proceedings against the respondent. 105390

Sec. ~~3793.36~~ 5119.95. (A) Following an examination by a 105391
qualified health professional and a certification by that 105392
professional that the person meets the criteria specified in 105393
section ~~3793.33~~ 5119.92 of the Revised Code, a probate court may 105394
order the person hospitalized for a period not to exceed 105395
seventy-two hours if the court finds by clear and convincing 105396
evidence that the person presents an imminent threat of danger to 105397
self, family, or others as a result of alcohol and other drug 105398
abuse. However, if the hearing to be held under section ~~3793.35~~ 105399
5119.94 of the Revised Code will not be held within seventy-two 105400
hours, the court may order the person hospitalized until the 105401
hearing. In making its order, the court shall inform the person 105402
that the person may immediately make a reasonable number of 105403
telephone calls or use other reasonable means to contact an 105404
attorney, a licensed physician, or a qualified health 105405
professional, to contact any other person or persons to secure 105406
representation by counsel, or to obtain medical or psychological 105407
assistance and that the person will be provided assistance in 105408

making calls if the assistance is needed and requested. 105409

(B) Any person who has been admitted to a hospital under 105410
division (A) of this section shall be released from the hospital 105411
immediately upon the expiration of the time period established by 105412
the court for the hospitalization. 105413

(C) No person ordered hospitalized under this section shall 105414
be held in jail pending transportation to the hospital or 105415
evaluation unless the probate court previously has found the 105416
person to be in contempt of court for either failure to undergo 105417
treatment or failure to appear at the evaluation ordered pursuant 105418
to section ~~3793.35~~ 5119.94 of the Revised Code. 105419

Sec. ~~3793.37~~ 5119.96. When a probate court is authorized to 105420
issue an order that the respondent be transported to a hospital, 105421
the court may issue a summons. If the respondent fails to attend 105422
an examination scheduled before the hearing under section ~~3793.35~~ 105423
5119.94 of the Revised Code, the court shall issue a summons. A 105424
summons so issued shall be directed to the respondent and shall 105425
command the respondent to appear at a time and place specified in 105426
the summons. If a respondent who has been summoned fails to appear 105427
at the hospital or the examination, the probate court may order 105428
the sheriff or any other peace officer to transport the respondent 105429
to a hospital on the list provided under section ~~3793.38~~ 5119.97 105430
of the Revised Code for treatment. The sheriff or any other peace 105431
officer, upon agreement of a person authorized by the peace 105432
officer, may authorize a board of alcohol, drug addiction, and 105433
mental health services, a private ~~agency~~ services provider under 105434
contract with a board of alcohol, drug addiction, and mental 105435
health services, or an ambulance service designated by a board of 105436
alcohol, drug addiction, and mental health services to transport 105437
the respondent to the hospital. The transportation costs of the 105438
sheriff, other peace officer, ambulance service, or other private 105439

~~agency services provider~~ under contract with the board of alcohol, 105440
drug addiction, and mental health services shall be included in 105441
the costs of treatment for alcohol and other drug abuse to be paid 105442
by the petitioner. 105443

Sec. ~~3793.38~~ 5119.97. Each board of alcohol, drug addiction, 105444
and mental health services on at least an annual basis shall 105445
submit each of the following lists to the clerk of the probate 105446
court in each county served by the board: 105447

(A) A list of all hospitals in the counties served by the 105448
board that are able and willing to take respondents ordered to 105449
undergo seventy-two hours of treatment and observation pursuant to 105450
section ~~3793.36~~ 5119.95 of the Revised Code; 105451

(B) A list of hospitals and treatment providers in the 105452
counties served by the board that are able and willing to provide 105453
treatment for alcohol and other drug abuse ordered pursuant to 105454
section ~~3793.35~~ 5119.94 of the Revised Code. 105455

Sec. ~~3793.39~~ 5119.98. Sections ~~3793.12, 3793.13~~ 5119.26, 105456
5119.27, and ~~3793.14~~ 5119.61 of the Revised Code apply to a person 105457
who is ordered to undergo treatment under sections ~~3793.31 to~~ 105458
~~3793.39~~ 5119.90 to 5119.98 of the Revised Code. 105459

Sec. 5119.99. (A) Whoever violates section ~~5119.21~~ 5119.333 105460
of the Revised Code is guilty of a misdemeanor of the first 105461
degree. 105462

(B) Whoever violates division (B) of section 5119.61 of the 105463
Revised Code is guilty of a misdemeanor of the fourth degree. 105464

(C) Whoever violates section 5119.27 or 5119.28 or division 105465
(G) of section 5119.36 of the Revised Code is guilty of a felony 105466
of the fifth degree. 105467

Sec. 5120.07. (A) There is hereby created the ex-offender	105468
reentry coalition consisting of the following eighteen <u>seventeen</u>	105469
members or their designees:	105470
(1) The director of rehabilitation and correction;	105471
(2) The director of aging;	105472
(3) The director of alcohol and drug addiction services	105473
<u>mental health and addiction services</u> ;	105474
(4) The director of development <u>services</u> ;	105475
(5) The superintendent of public instruction;	105476
(6) The director of health;	105477
(7) The director of job and family services;	105478
(8) The director of mental health;	105479
(9) The director of developmental disabilities;	105480
(10) <u>(9)</u> The director of public safety;	105481
(11) <u>(10)</u> The director of youth services;	105482
(12) <u>(11)</u> The chancellor of the Ohio board of regents;	105483
(13) <u>(12)</u> A representative or member of the governor's staff;	105484
(14) <u>(13)</u> The <u>executive</u> director of the rehabilitation	105485
services commission <u>opportunities for Ohioans with disabilities</u>	105486
<u>agency</u> ;	105487
(15) <u>(14)</u> The director of the department of commerce;	105488
(16) <u>(15)</u> The executive director of a health care licensing	105489
board created under Title XLVII of the Revised Code, as appointed	105490
by the chairperson of the coalition;	105491
(17) <u>(16)</u> The director of veterans services;	105492
(18) <u>(17)</u> An ex-offender appointed by the director of	105493
rehabilitation and correction.	105494

(B) The members of the coalition shall serve without 105495
compensation. The director of rehabilitation and correction or the 105496
director's designee shall be the chairperson of the coalition. 105497

(C) In consultation with persons interested and involved in 105498
the reentry of ex-offenders into the community, including but not 105499
limited to, services providers, community-based organizations, and 105500
local governments, the coalition shall identify and examine social 105501
service barriers and other obstacles to the reentry of 105502
ex-offenders into the community. Not later than one year after 105503
April 7, 2009, and on or before the same date of each year 105504
thereafter, the coalition shall submit to the speaker of the house 105505
of representatives and the president of the senate a report, 105506
including recommendations for legislative action, the activities 105507
of the coalition, and the barriers affecting the successful 105508
reentry of ex-offenders into the community. The report shall 105509
analyze the effects of those barriers on ex-offenders and on their 105510
children and other family members in various areas, including but 105511
not limited to, the following: 105512

(1) Admission to public and other housing; 105513

(2) Child support obligations and procedures; 105514

(3) Parental incarceration and family reunification; 105515

(4) Social security benefits, veterans' benefits, food 105516
stamps, and other forms of public assistance; 105517

(5) Employment; 105518

(6) Education programs and financial assistance; 105519

(7) Substance abuse, ~~mental health~~, and sex offender 105520
treatment programs and financial assistance and mental health 105521
services and financial assistance; 105522

(8) Civic and political participation; 105523

(9) Other collateral consequences under the Revised Code or 105524

the Ohio administrative code law that may result from a criminal conviction. 105525
105526

(D)(1) The report shall also include the following information: 105527
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(a) Identification of state appropriations for reentry programs; 105529
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(b) Identification of other funding sources for reentry programs that are not funded by the state; 105531
105532

(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following: 105533
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(a) The amount of funding received; 105537

(b) The number of program participants; 105538

(c) The composition of the program, including program goals, methods for measuring success, and program success rate; 105539
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(d) The type of post-program tracking that is utilized; 105541

(e) Information about employment rates and recidivism rates of ex-offenders. 105542
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(E) The coalition shall cease to exist on December 31, 2014. 105544

Sec. 5120.09. Under the supervision and control of the director of rehabilitation and correction, the division of business administration shall do all of the following: 105545
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(A) Submit the budgets for the several divisions of the department of rehabilitation and correction, as prepared by the respective chiefs of those divisions, to the director. The director, with the assistance of the chief of the division of business administration, shall compile a departmental budget that contains all proposals submitted by the chiefs of the divisions 105548
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and shall forward the departmental budget to the governor with 105554
comments and recommendations that the director considers 105555
necessary. 105556

(B) Maintain accounts and records and compile statistics that 105557
the director prescribes; 105558

(C) Under the control of the director, coordinate and make 105559
the necessary purchases and requisitions for the department and 105560
its divisions, except when goods and services are provided to the 105561
department as described in section ~~5119.16~~ 5119.44 of the Revised 105562
Code; 105563

(D) Administer within this state federal criminal justice 105564
acts that the governor requires the department to administer. In 105565
order to improve the criminal justice system of this state, the 105566
division of business administration shall apply for, allocate, 105567
disburse, and account for grants that are made available pursuant 105568
to those federal criminal justice acts and grants that are made 105569
available from other federal government sources, state government 105570
sources, or private sources. As used in this division, "criminal 105571
justice system" and "federal criminal justice acts" have the same 105572
meanings as in section 5502.61 of the Revised Code. 105573

(E) Audit the activities of governmental entities, persons as 105574
defined in section 1.59 of the Revised Code, and other types of 105575
nongovernmental entities that are financed in whole or in part by 105576
funds that the department allocates or disburses and that are 105577
derived from grants described in division (D) of this section; 105578

(F) Enter into contracts, including contracts with federal, 105579
state, or local governmental entities, persons as defined in 105580
section 1.59 of the Revised Code, foundations, and other types of 105581
nongovernmental entities, that are necessary for the department to 105582
carry out its duties and that neither the director nor another 105583
section of the Revised Code authorizes another division of the 105584

department to enter; 105585

(G) Exercise other powers and perform other duties that the 105586
director may assign to the division of business administration. 105587

Sec. 5120.135. (A) As used in this section, "laboratory 105588
services" includes the performance of medical laboratory analysis; 105589
professional laboratory and pathologist consultation; the 105590
procurement, storage, and distribution of laboratory supplies; and 105591
the performance of phlebotomy services. 105592

(B) The department of rehabilitation and correction may 105593
provide laboratory services to the departments of ~~mental health~~ 105594
mental health and addiction services, developmental disabilities, 105595
youth services, and rehabilitation and correction. The department 105596
of rehabilitation and correction may also provide laboratory 105597
services to other state, county, or municipal agencies and to 105598
private persons that request laboratory services if the department 105599
of rehabilitation and correction determines that the provision of 105600
laboratory services is in the public interest and considers it 105601
advisable to provide such services. The department of 105602
rehabilitation and correction may also provide laboratory services 105603
to agencies operated by the United States government and to public 105604
and private entities funded in whole or in part by the state if 105605
the director of rehabilitation and correction designates them as 105606
eligible to receive such services. 105607

The department of rehabilitation and correction shall provide 105608
laboratory services from a laboratory that complies with the 105609
standards for certification set by the United States department of 105610
health and human services under the "Clinical Laboratory 105611
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 105612
In addition, the laboratory shall maintain accreditation or 105613
certification with an appropriate accrediting or certifying 105614
organization as considered necessary by the recipients of its 105615

laboratory services and as authorized by the director of 105616
rehabilitation and correction. 105617

(C) The cost of administering this section shall be 105618
determined by the department of rehabilitation and correction and 105619
shall be paid by entities that receive laboratory services to the 105620
department for deposit in the state treasury to the credit of the 105621
laboratory services fund, which is hereby created. The fund shall 105622
be used to pay the costs the department incurs in administering 105623
this section. 105624

(D) Whenever a state agency fails to make a payment for 105625
laboratory services provided to it by the department of 105626
rehabilitation and correction under this section within thirty-one 105627
days after the date the payment was due, the office of budget and 105628
management may transfer moneys from that state agency to the 105629
department of rehabilitation and correction for deposit to the 105630
credit of the laboratory services fund. The amount transferred 105631
shall not exceed the amount of the overdue payments. Prior to 105632
making a transfer under this division, the office shall apply any 105633
credits the state agency has accumulated in payment for laboratory 105634
services provided under this section. 105635

Sec. 5120.17. (A) As used in this section: 105636

(1) "Mental illness" means a substantial disorder of thought, 105637
mood, perception, orientation, or memory that grossly impairs 105638
judgment, behavior, capacity to recognize reality, or ability to 105639
meet the ordinary demands of life. 105640

(2) "Mentally ill person subject to hospitalization" means a 105641
mentally ill person to whom any of the following applies because 105642
of the person's mental illness: 105643

(a) The person represents a substantial risk of physical harm 105644
to the person as manifested by evidence of threats of, or attempts 105645

at, suicide or serious self-inflicted bodily harm. 105646

(b) The person represents a substantial risk of physical harm 105647
to others as manifested by evidence of recent homicidal or other 105648
violent behavior, evidence of recent threats that place another in 105649
reasonable fear of violent behavior and serious physical harm, or 105650
other evidence of present dangerousness. 105651

(c) The person represents a substantial and immediate risk of 105652
serious physical impairment or injury to the person as manifested 105653
by evidence that the person is unable to provide for and is not 105654
providing for the person's basic physical needs because of the 105655
person's mental illness and that appropriate provision for those 105656
needs cannot be made immediately available in the correctional 105657
institution in which the inmate is currently housed. 105658

(d) The person would benefit from treatment in a hospital for 105659
the person's mental illness and is in need of treatment in a 105660
hospital as manifested by evidence of behavior that creates a 105661
grave and imminent risk to substantial rights of others or the 105662
person. 105663

(3) "Psychiatric hospital" means all or part of a facility 105664
that is operated and managed by the department of ~~mental health~~ 105665
mental health and addiction services to provide psychiatric 105666
hospitalization services in accordance with the requirements of 105667
this section pursuant to an agreement between the directors of 105668
rehabilitation and correction and ~~mental health~~ mental health and 105669
addiction services or, is licensed by the department of ~~mental~~ 105670
~~health~~ mental health and addiction services pursuant to section 105671
~~5119.20~~ 5119.33 of the Revised Code as a psychiatric hospital and 105672
is accredited by a ~~healthcare~~ health care accrediting organization 105673
approved by the department of ~~mental health~~ mental health and 105674
addiction services and the psychiatric hospital is any of the 105675
following: 105676

- (a) Operated and managed by the department of rehabilitation and correction within a facility that is operated by the department of rehabilitation and correction; 105677
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- (b) Operated and managed by a contractor for the department of rehabilitation and correction within a facility that is operated by the department of rehabilitation and correction; 105680
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- (c) Operated and managed in the community by an entity that has contracted with the department of rehabilitation and correction to provide psychiatric hospitalization services in accordance with the requirements of this section. 105683
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- (4) "Inmate patient" means an inmate who is admitted to a psychiatric hospital. 105687
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- (5) "Admitted" to a psychiatric hospital means being accepted for and staying at least one night at the psychiatric hospital. 105689
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- (6) "Treatment plan" means a written statement of reasonable objectives and goals for an inmate patient that is based on the needs of the inmate patient and that is established by the treatment team, with the active participation of the inmate patient and with documentation of that participation. "Treatment plan" includes all of the following: 105691
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- (a) The specific criteria to be used in evaluating progress toward achieving the objectives and goals; 105697
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- (b) The services to be provided to the inmate patient during the inmate patient's hospitalization; 105699
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- (c) The services to be provided to the inmate patient after discharge from the hospital, including, but not limited to, housing and mental health services provided at the state correctional institution to which the inmate patient returns after discharge or community mental health services. 105701
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- (7) "Mentally retarded person subject to institutionalization 105706

by court order" has the same meaning as in section 5123.01 of the Revised Code.

(8) "Emergency transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate presents an immediate danger to self or others and requires hospital-level care.

(9) "Uncontested transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate has the mental capacity to, and has waived, the hearing required by division (B) of this section.

(10)(a) "Independent decision-maker" means a person who is employed or retained by the department of rehabilitation and correction and is appointed by the chief or chief clinical officer of mental health services as a hospitalization hearing officer to conduct due process hearings.

(b) An independent decision-maker who presides over any hearing or issues any order pursuant to this section shall be a psychiatrist, psychologist, or attorney, shall not be specifically associated with the institution in which the inmate who is the subject of the hearing or order resides at the time of the hearing or order, and previously shall not have had any treatment relationship with nor have represented in any legal proceeding the inmate who is the subject of the order.

(B)(1) Except as provided in division (C) of this section, if the warden of a state correctional institution or the warden's designee believes that an inmate should be transferred from the institution to a psychiatric hospital, the department shall hold a hearing to determine whether the inmate is a mentally ill person subject to hospitalization. The department shall conduct the hearing at the state correctional institution in which the inmate is confined, and the department shall provide qualified

independent assistance to the inmate for the hearing. An 105738
independent decision-maker provided by the department shall 105739
preside at the hearing and determine whether the inmate is a 105740
mentally ill person subject to hospitalization. 105741

(2) Except as provided in division (C) of this section, prior 105742
to the hearing held pursuant to division (B)(1) of this section, 105743
the warden or the warden's designee shall give written notice to 105744
the inmate that the department is considering transferring the 105745
inmate to a psychiatric hospital, that it will hold a hearing on 105746
the proposed transfer at which the inmate may be present, that at 105747
the hearing the inmate has the rights described in division (B)(3) 105748
of this section, and that the department will provide qualified 105749
independent assistance to the inmate with respect to the hearing. 105750
The department shall not hold the hearing until the inmate has 105751
received written notice of the proposed transfer and has had 105752
sufficient time to consult with the person appointed by the 105753
department to provide assistance to the inmate and to prepare for 105754
a presentation at the hearing. 105755

(3) At the hearing held pursuant to division (B)(1) of this 105756
section, the department shall disclose to the inmate the evidence 105757
that it relies upon for the transfer and shall give the inmate an 105758
opportunity to be heard. Unless the independent decision-maker 105759
finds good cause for not permitting it, the inmate may present 105760
documentary evidence and the testimony of witnesses at the hearing 105761
and may confront and cross-examine witnesses called by the 105762
department. 105763

(4) If the independent decision-maker does not find clear and 105764
convincing evidence that the inmate is a mentally ill person 105765
subject to hospitalization, the department shall not transfer the 105766
inmate to a psychiatric hospital but shall continue to confine the 105767
inmate in the same state correctional institution or in another 105768
state correctional institution that the department considers 105769

appropriate. If the independent decision-maker finds clear and convincing evidence that the inmate is a mentally ill person subject to hospitalization, the decision-maker shall order that the inmate be transported to a psychiatric hospital for observation and treatment for a period of not longer than thirty days. After the hearing, the independent decision-maker shall submit to the department a written decision that states one of the findings described in division (B)(4) of this section, the evidence that the decision-maker relied on in reaching that conclusion, and, if the decision is that the inmate should be transferred, the reasons for the transfer.

(C)(1) The department may transfer an inmate to a psychiatric hospital under an emergency transfer order if the chief clinical officer of mental health services of the department or that officer's designee and either a psychiatrist employed or retained by the department or, in the absence of a psychiatrist, a psychologist employed or retained by the department determines that the inmate is mentally ill, presents an immediate danger to self or others, and requires hospital-level care.

(2) The department may transfer an inmate to a psychiatric hospital under an uncontested transfer order if both of the following apply:

(a) A psychiatrist employed or retained by the department determines all of the following apply:

(i) The inmate has a mental illness or is a mentally ill person subject to hospitalization.

(ii) The inmate requires hospital care to address the mental illness.

(iii) The inmate has the mental capacity to make a reasoned choice regarding the inmate's transfer to a hospital.

(b) The inmate agrees to a transfer to a hospital.

(3) The written notice and the hearing required under 105801
divisions (B)(1) and (2) of this section are not required for an 105802
emergency transfer or uncontested transfer under division (C)(1) 105803
or (2) of this section. 105804

(4) After an emergency transfer under division (C)(1) of this 105805
section, the department shall hold a hearing for continued 105806
hospitalization within five working days after admission of the 105807
transferred inmate to the psychiatric hospital. The department 105808
shall hold subsequent hearings pursuant to division (F) of this 105809
section at the same intervals as required for inmate patients who 105810
are transported to a psychiatric hospital under division (B)(4) of 105811
this section. 105812

(5) After an uncontested transfer under division (C)(2) of 105813
this section, the inmate may withdraw consent to the transfer in 105814
writing at any time. Upon the inmate's withdrawal of consent, the 105815
hospital shall discharge the inmate, or, within five working days, 105816
the department shall hold a hearing for continued hospitalization. 105817
The department shall hold subsequent hearings pursuant to division 105818
(F) of this section at the same time intervals as required for 105819
inmate patients who are transported to a psychiatric hospital 105820
under division (B)(4) of this section. 105821

(D)(1) If an independent decision-maker, pursuant to division 105822
(B)(4) of this section, orders an inmate transported to a 105823
psychiatric hospital or if an inmate is transferred pursuant to 105824
division (C)(1) or (2) of this section, the staff of the 105825
psychiatric hospital shall examine the inmate patient when 105826
admitted to the psychiatric hospital as soon as practicable after 105827
the inmate patient arrives at the hospital and no later than 105828
twenty-four hours after the time of arrival. The attending 105829
physician responsible for the inmate patient's care shall give the 105830
inmate patient all information necessary to enable the patient to 105831
give a fully informed, intelligent, and knowing consent to the 105832

treatment the inmate patient will receive in the hospital. The 105833
attending physician shall tell the inmate patient the expected 105834
physical and medical consequences of any proposed treatment and 105835
shall give the inmate patient the opportunity to consult with 105836
another psychiatrist at the hospital and with the inmate advisor. 105837

(2) No inmate patient who is transported or transferred 105838
pursuant to division (B)(4) or (C)(1) or (2) of this section to a 105839
psychiatric hospital within a facility that is operated by the 105840
department of rehabilitation and correction shall be subjected to 105841
any of the following procedures: 105842

(a) Convulsive therapy; 105843

(b) Major aversive interventions; 105844

(c) Any unusually hazardous treatment procedures; 105845

(d) Psychosurgery. 105846

(E) The department of rehabilitation and correction shall 105847
ensure that an inmate patient hospitalized pursuant to this 105848
section receives or has all of the following: 105849

(1) Receives sufficient professional care within twenty days 105850
of admission to ensure that an evaluation of the inmate patient's 105851
current status, differential diagnosis, probable prognosis, and 105852
description of the current treatment plan have been formulated and 105853
are stated on the inmate patient's official chart; 105854

(2) Has a written treatment plan consistent with the 105855
evaluation, diagnosis, prognosis, and goals of treatment; 105856

(3) Receives treatment consistent with the treatment plan; 105857

(4) Receives periodic reevaluations of the treatment plan by 105858
the professional staff at intervals not to exceed thirty days; 105859

(5) Is provided with adequate medical treatment for physical 105860
disease or injury; 105861

(6) Receives humane care and treatment, including, without being limited to, the following: 105862
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(a) Access to the facilities and personnel required by the treatment plan; 105864
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(b) A humane psychological and physical environment; 105866

(c) The right to obtain current information concerning the treatment program, the expected outcomes of treatment, and the expectations for the inmate patient's participation in the treatment program in terms that the inmate patient reasonably can understand; 105867
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(d) Opportunity for participation in programs designed to help the inmate patient acquire the skills needed to work toward discharge from the psychiatric hospital; 105872
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(e) The right to be free from unnecessary or excessive medication and from unnecessary restraints or isolation; 105875
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(f) All other rights afforded inmates in the custody of the department consistent with rules, policy, and procedure of the department. 105877
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(F) The department shall hold a hearing for the continued hospitalization of an inmate patient who is transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section prior to the expiration of the initial thirty-day period of hospitalization. The department shall hold any subsequent hearings, if necessary, not later than ninety days after the first thirty-day hearing and then not later than each one hundred and eighty days after the immediately prior hearing. An independent decision-maker shall conduct the hearings at the psychiatric hospital in which the inmate patient is confined. The inmate patient shall be afforded all of the rights set forth in this section for the hearing prior to transfer to the psychiatric hospital. The department may not waive a hearing for continued 105880
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commitment. A hearing for continued commitment is mandatory for an inmate patient transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section unless the inmate patient has the capacity to make a reasoned choice to execute a waiver and waives the hearing in writing. An inmate patient who is transferred to a psychiatric hospital pursuant to an uncontested transfer under division (C)(2) of this section and who has scheduled hearings after withdrawal of consent for hospitalization may waive any of the scheduled hearings if the inmate has the capacity to make a reasoned choice and executes a written waiver of the hearing.

If upon completion of the hearing the independent decision-maker does not find by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order the inmate patient's discharge from the psychiatric hospital. If the independent decision-maker finds by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order that the inmate patient remain at the psychiatric hospital for continued hospitalization until the next required hearing.

If at any time prior to the next required hearing for continued hospitalization, the medical director of the hospital or the attending physician determines that the treatment needs of the inmate patient could be met equally well in an available and appropriate less restrictive state correctional institution or unit, the medical director or attending physician may discharge the inmate to that facility.

(G) An inmate patient is entitled to the credits toward the reduction of the inmate patient's stated prison term pursuant to Chapters 2967. and 5120. of the Revised Code under the same terms and conditions as if the inmate patient were in any other

institution of the department of rehabilitation and correction. 105925

(H) The adult parole authority may place an inmate patient on 105926
parole or under post-release control directly from a psychiatric 105927
hospital. 105928

(I) If an inmate patient who is a mentally ill person subject 105929
to hospitalization is to be released from a psychiatric hospital 105930
because of the expiration of the inmate patient's stated prison 105931
term, the director of rehabilitation and correction or the 105932
director's designee, at least fourteen days before the expiration 105933
date, may file an affidavit under section 5122.11 or 5123.71 of 105934
the Revised Code with the probate court in the county where the 105935
psychiatric hospital is located or the probate court in the county 105936
where the inmate will reside, alleging that the inmate patient is 105937
a mentally ill person subject to hospitalization by court order or 105938
a mentally retarded person subject to institutionalization by 105939
court order, whichever is applicable. The proceedings in the 105940
probate court shall be conducted pursuant to Chapter 5122. or 105941
5123. of the Revised Code except as modified by this division. 105942

Upon the request of the inmate patient, the probate court 105943
shall grant the inmate patient an initial hearing under section 105944
5122.141 of the Revised Code or a probable cause hearing under 105945
section 5123.75 of the Revised Code before the expiration of the 105946
stated prison term. After holding a full hearing, the probate 105947
court shall make a disposition authorized by section 5122.15 or 105948
5123.76 of the Revised Code before the date of the expiration of 105949
the stated prison term. No inmate patient shall be held in the 105950
custody of the department of rehabilitation and correction past 105951
the date of the expiration of the inmate patient's stated prison 105952
term. 105953

(J) The department of rehabilitation and correction shall set 105954
standards for treatment provided to inmate patients. 105955

(K) A certificate, application, record, or report that is made in compliance with this section and that directly or indirectly identifies an inmate or former inmate whose hospitalization has been sought under this section is confidential. No person shall disclose the contents of any certificate, application, record, or report of that nature or any other psychiatric or medical record or report regarding a mentally ill inmate unless one of the following applies:

(1) The person identified, or the person's legal guardian, if any, consents to disclosure, and the chief clinical officer or designee of mental health services of the department of rehabilitation and correction determines that disclosure is in the best interests of the person.

(2) Disclosure is required by a court order signed by a judge.

(3) An inmate patient seeks access to the inmate patient's own psychiatric and medical records, unless access is specifically restricted in the treatment plan for clear treatment reasons.

(4) Hospitals and other institutions and facilities within the department of rehabilitation and correction may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, but the information that may be released about an inmate patient is limited to medication history, physical health status and history, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(5) An inmate patient's family member who is involved in planning, providing, and monitoring services to the inmate patient may receive medication information, a summary of the inmate patient's diagnosis and prognosis, and a list of the services and personnel available to assist the inmate patient and family if the

attending physician determines that disclosure would be in the 105987
best interest of the inmate patient. No disclosure shall be made 105988
under this division unless the inmate patient is notified of the 105989
possible disclosure, receives the information to be disclosed, and 105990
does not object to the disclosure. 105991

(6) The department of rehabilitation and correction may 105992
exchange psychiatric hospitalization records, other mental health 105993
treatment records, and other pertinent information with county 105994
sheriffs' offices, hospitals, institutions, and facilities of the 105995
department of ~~mental health~~ mental health and addiction services 105996
and with community mental health ~~agencies~~ services providers and 105997
boards of alcohol, drug addiction, and mental health services with 105998
which the department of ~~mental health~~ mental health and addiction 105999
services has a current agreement for patient care or services to 106000
ensure continuity of care. Disclosure under this division is 106001
limited to records regarding a mentally ill inmate's medication 106002
history, physical health status and history, summary of course of 106003
treatment, summary of treatment needs, and a discharge summary, if 106004
any. No office, department, agency, provider, or board shall 106005
disclose the records and other information unless one of the 106006
following applies: 106007

(a) The mentally ill inmate is notified of the possible 106008
disclosure and consents to the disclosure. 106009

(b) The mentally ill inmate is notified of the possible 106010
disclosure, an attempt to gain the consent of the inmate is made, 106011
and the office, department, agency, or board documents the attempt 106012
to gain consent, the inmate's objections, if any, and the reasons 106013
for disclosure in spite of the inmate's objections. 106014

(7) Information may be disclosed to staff members designated 106015
by the director of rehabilitation and correction for the purpose 106016
of evaluating the quality, effectiveness, and efficiency of 106017
services and determining if the services meet minimum standards. 106018

The name of an inmate patient shall not be retained with the 106019
information obtained during the evaluations. 106020

(L) The director of rehabilitation and correction may adopt 106021
rules setting forth guidelines for the procedures required under 106022
divisions (B), (C)(1), and (C)(2) of this section. 106023

Sec. 5120.171. (A) The department of rehabilitation and 106024
correction shall have exclusive direction and control of the care 106025
and treatment of seriously mentally ill inmates who are in the 106026
department's custody. The department shall enter into any 106027
arrangements it considers desirable on such matters, including but 106028
not limited to both of the following: 106029

(1) The monitoring of such services by another state agency 106030
or agencies; 106031

(2) Adopting joint standards for the provision and monitoring 106032
of mental health services with the department of ~~mental health~~ 106033
mental health and addiction services and other state agencies. 106034

(B) In order to implement its duties imposed by division (A) 106035
of this section, the department of rehabilitation and correction 106036
may enter into a contract for the provision of the mental health 106037
services described in that division. 106038

Sec. 5120.652. To participate in the prison nursery program, 106039
each eligible inmate selected by the department shall do all the 106040
following: 106041

(A) Agree in writing to do all the following: 106042

(1) Comply with any program, educational, counseling, and 106043
other requirements established for the program by the department 106044
of rehabilitation and correction; 106045

(2) If eligible, have the child participate in the medicaid 106046
program or a health insurance program; 106047

(3) Accept the normal risks of childrearing; 106048

(4) Abide by any court decisions regarding the allocation of 106049
parental rights and responsibilities with respect to the child. 106050

(B) Assign to the department any rights to support from any 106051
other person, excluding support assigned pursuant to section 106052
5107.20 of the Revised Code and medical support assigned pursuant 106053
to section ~~5101.59~~ 5160.38 of the Revised Code; 106054

(C) Specify with whom the child is to be placed in the event 106055
the inmate's participation in the program is terminated for a 106056
reason other than release from imprisonment. 106057

Sec. 5120.654. (A) The rights to support assigned by an 106058
inmate pursuant to section 5120.652 of the Revised Code constitute 106059
an obligation of the person who is responsible for providing the 106060
support to the department of rehabilitation and correction for the 106061
support provided the inmate and child pursuant to the prison 106062
nursery program. The division of child support in the department 106063
of job and family services shall collect support payments made 106064
pursuant to the assignment and forward them to the department of 106065
rehabilitation and correction. 106066

(B) The department of rehabilitation and correction may 106067
receive the following: 106068

(1) Money that is assigned or donated on behalf of, and 106069
~~public~~ assistance provided under Ohio works first to, a specific 106070
inmate or child participating in the prison nursery program; 106071

(2) Money assigned or donated to establish and maintain the 106072
prison nursery program. 106073

(C) The amounts described in division (B)(1) of this section 106074
shall be placed in the individual nursery account created and 106075
maintained under section 5120.655 of the Revised Code for the 106076
inmate and child for whom the money was received. The money 106077

described in division (B)(2) of this section shall be deposited in 106078
the appropriate prison nursery program fund. 106079

Sec. 5121.051. All outstanding liability of relatives for the 106080
support of any patient or resident in a benevolent institution 106081
under the control of the department of ~~mental health~~ mental health 106082
and addiction services or the department of developmental 106083
disabilities accrued prior to January 1, 1956, including the 106084
liability of the patient personally, is hereby canceled, provided 106085
that this section does not abrogate any written agreements or 106086
security arrangement for the payment of support charges entered 106087
into between the state and any patient or liable relative prior to 106088
such date. 106089

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of the 106090
Revised Code: 106091

(A) ~~"Community mental health services client" or "client"~~ 106092
~~means a person receiving state operated community mental health~~ 106093
~~services.~~ 106094

~~(B)~~ "Countable assets" means all of the following: 106095

(1) Cash; 106096

(2) Bank deposits; 106097

(3) Securities; 106098

(4) Individual retirement accounts; 106099

(5) Qualified employer plans, including 401(k) and Keogh 106100
plans; 106101

(6) Annuities; 106102

(7) Funds in a trust created under section 5815.28 of the 106103
Revised Code; 106104

(8) Investment property and income; 106105

(9) The cash surrender values of life insurance policies;	106106
(10) Assets acquired by gift, bequest, devise, or inheritance;	106107 106108
(11) Any other asset determined by the department of mental health <u>mental health and addiction services</u> to be equivalent to the assets enumerated in this division.	106109 106110 106111
(C) <u>(B)</u> "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	106112 106113 106114 106115 106116 106117 106118
(D) <u>(C)</u> "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	106119 106120 106121 106122 106123 106124
(E) <u>(D)</u> "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health <u>mental health and addiction services</u> under Chapter 5119. of the Revised Code.	106125 106126 106127 106128
(F) <u>(E)</u> "Liable relative" means all of the following:	106129
(1) A patient's spouse;	106130
(2) A patient's mother or father, or both, if the patient is under eighteen years of age;	106131 106132
(3) A patient's guardian.	106133
(G) <u>(F)</u> "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a	106134 106135

hospital from a state correctional institution or a person under 106136
indictment or conviction who has been transferred to a hospital. 106137

Sec. 5121.32. On an annual basis, the department of ~~mental~~ 106138
~~health~~ mental health and addiction services shall determine both 106139
of the following using generally accepted governmental accounting 106140
principles: 106141

(A) The applicable per diem charge for each hospital operated 106142
by the department; 106143

(B) The ancillary per diem rate for each hospital operated by 106144
the department. 106145

In determining a hospital's applicable per diem charge and 106146
ancillary per diem rate, the department shall consider the average 106147
actual per diem cost of maintaining and treating a patient at the 106148
hospital or, at the department's discretion, the average actual 106149
per diem cost of maintaining and treating a patient in a unit of 106150
the hospital. 106151

Sec. 5121.33. Except as provided in sections 5121.35, 106152
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 106153
Code, the department of ~~mental health~~ mental health and addiction 106154
services shall, for each billing cycle, charge a patient, 106155
patient's estate, or liable relative an amount equal to the sum of 106156
the following: 106157

(A) The applicable per diem charge multiplied by the number 106158
of days the patient was admitted to the hospital; 106159

(B) An amount that was previously billed but not paid. 106160

Sec. 5121.34. (A) A patient, patient's estate, and patient's 106161
liable relatives shall be jointly and severally liable for amounts 106162
charged by the department of ~~mental health~~ mental health and 106163
addiction services in accordance with section 5121.33 or 5121.35 106164

of the Revised Code. In no case shall any of the foregoing persons 106165
be liable for more than one hundred per cent of the full sum 106166
charged under section 5121.33 of the Revised Code. 106167

(B) Collections of support payments shall be made by the 106168
department and, subject to meeting prior requirements for payment 106169
and crediting of such collections and other available receipts, in 106170
accordance with the bond proceedings applicable to obligations 106171
issued pursuant to section 154.20 of the Revised Code. The 106172
collections and other available receipts designated by the 106173
director of ~~mental health~~ mental health and addiction services for 106174
deposit in the special accounts, together with insurance contract 106175
payments provided for in section 5121.43 of the Revised Code, 106176
shall be remitted to the treasurer of state for deposit in the 106177
state treasury to the credit of the mental health operating fund, 106178
which is hereby created, to be used for the general purposes of 106179
the department. The department shall make refunds of overpayment 106180
of support charges from the mental health operating fund. 106181

Sec. 5121.35. The department of ~~mental health~~ mental health 106182
and addiction services shall charge a patient, patient's estate, 106183
or liable relative an amount discounted from the amount the 106184
department charges under section 5121.33 of the Revised Code if 106185
the department determines through the application process 106186
described in section 5121.36 of the Revised Code or through the 106187
financial assessment process described in section 5121.37 of the 106188
Revised Code that the patient, estate, or relative is eligible for 106189
a discount. 106190

Sec. 5121.36. (A) A patient, patient's estate, or liable 106191
relative may apply for a discount by completing an application 106192
form prescribed by the director of ~~mental health~~ mental health and 106193
addiction services. The department of ~~mental health~~ mental health 106194

and addiction services may require a patient, estate, or relative 106195
to furnish any of the following with an application form: 106196

(1) A copy of the patient's, estate's, or liable relative's 106197
federal income tax return for the year preceding the date of 106198
application or, if that is not yet available, the preceding year; 106199

(2) A copy of the patient's, estate's, or liable relative's 106200
employee tax withholding return (form W-2) for the year preceding 106201
the date of application; 106202

(3) Any other relevant documents prescribed by the director 106203
of ~~mental health~~ mental health and addiction services. 106204

(B) To be considered, an application must be submitted to the 106205
department not later than ninety days after the date the patient 106206
is admitted to a hospital. 106207

(C) From the information provided by a patient, estate, or 106208
relative, the department shall determine whether the department 106209
will charge the person a discounted amount in accordance with 106210
sections 5121.40 and 5121.41 of the Revised Code. In making this 106211
determination, the department shall consider whether the patient 106212
is covered by an insurance policy or other contract that provides 106213
for payment of expenses and treatment for mental illness. If the 106214
department determines that the patient has coverage, the 106215
department shall require payment in accordance with section 106216
5121.43 of the Revised Code. 106217

(D) The department shall notify the patient, executor or 106218
administrator of the patient's estate, or liable relative who 106219
submitted the application form in writing regarding whether that 106220
person will be charged a discounted amount and the per diem rate 106221
to be charged. 106222

(E) In accordance with section 5121.42 of the Revised Code, 106223
the department may, at any time, modify an amount charged or 106224

change the per diem rate to be charged if the department learns of 106225
countable assets or income that was not previously disclosed or 106226
was acquired after the application form was submitted. Within a 106227
reasonable time, the department shall notify in writing any person 106228
affected by a modification or change. 106229

Sec. 5121.37. After a patient's admittance to a hospital, the 106230
department of ~~mental health~~ mental health and addiction services 106231
shall conduct a financial assessment to determine whether the 106232
patient, patient's estate, or liable relative will be charged an 106233
amount discounted from the amount the department charges under 106234
section 5121.33 of the Revised Code. The department shall make the 106235
determination in accordance with sections 5121.40 and 5121.41 of 106236
the Revised Code. 106237

If a discounted rate is to be charged, the department shall 106238
notify the person whose financial condition was assessed. The 106239
notice shall specify the per diem rate to be charged. 106240

In accordance with section 5121.42 of the Revised Code, the 106241
department may, at any time, modify an amount charged or change 106242
the per diem rate to be charged if the department learns of 106243
countable assets or income that was not previously disclosed or 106244
was acquired after the assessment was conducted. Within a 106245
reasonable time, the department shall notify in writing any person 106246
affected by a modification or change. 106247

Sec. 5121.38. The department of ~~mental health~~ mental health 106248
and addiction services may subpoena witnesses, take testimony 106249
under oath, and examine any public records relating to the income 106250
and other assets of a patient or of a relative liable for such 106251
patient's support. All information, conclusions, and 106252
recommendations shall be submitted to the department by the 106253
investigating agent of the department. 106254

Sec. 5121.40. (A) A patient, patient's estate, or liable relative may be eligible to be charged an amount discounted from the amount the department of ~~mental health~~ mental health and addiction services charges under section 5121.33 of the Revised Code if the patient, estate, or relative has countable assets with a total value that is not greater than an amount equal to fifty per cent of the difference between the following:

(1) The gross annual income that corresponds with a family size of two persons at one hundred per cent of the federal poverty level for the state;

(2) The gross annual income that corresponds with a family size of one person at one hundred per cent of the federal poverty level for the state. For purposes of determining family size, the patient is one dependent. One additional dependent shall be included for each of the following circumstances and persons:

(a) The patient or liable relative is legally blind or deaf.

(b) The patient or liable relative is ~~of~~ sixty-five years of age or older.

(c) Each child under eighteen years of age for which the patient or liable relative has legal custody;

(d) The patient's or liable relative's spouse.

(B) A patient, estate, or relative may, not later than ninety days after the patient's admission to a hospital, surrender the value of countable assets sufficient to reduce countable assets to not more than the limit described in division (A) of this section.

Sec. 5121.42. (A) Except as provided in division (B) of this section, a patient, patient's estate, or liable relative shall cease to be eligible for a discount under ~~sections~~ section 5121.36 or 5121.37 of the Revised Code on accumulation of countable assets

in excess of an amount equal to fifty per cent of the difference 106284
between the following: 106285

(1) The gross annual income that corresponds with a family 106286
size of two persons at one hundred per cent of the federal poverty 106287
level for the state; 106288

(2) The gross annual income that corresponds with a family 106289
size of one person at one hundred per cent of the federal poverty 106290
level for the state. 106291

(B) Money needed to meet the patient's needs and burial fund 106292
as determined by a needs assessment conducted by the department of 106293
~~mental health~~ mental health and addiction services pursuant to 106294
rules adopted under section ~~5119.01~~ 5119.10 of the Revised Code 106295
shall be excluded from any determination the department makes 106296
under division (A) of this section. 106297

Sec. 5121.43. If a patient is covered by an insurance policy 106298
or other contract that provides for payment of expenses for care 106299
and treatment for mental illness at or from a hospital under the 106300
jurisdiction of the department of ~~mental health~~ mental health and 106301
addiction services, sections 5121.33 to 5121.55 of the Revised 106302
Code are inapplicable to the extent that the policy or contract is 106303
in force. Any insurance carrier or other third party payor 106304
providing coverage for such care and treatment shall pay for the 106305
patient's support obligation in amounts equal to the lesser of 106306
amounts charged by the department under section 5121.33 of the 106307
Revised Code or the benefits provided under the policy or other 106308
contract. Whether or not an insured, owner of, or other person 106309
having an interest in such policy or other contract is liable for 106310
support payments, the insured, policy owner, or other person shall 106311
assign payment directly to the department of all assignable 106312
benefits under the policy or other contract and shall pay to the 106313

department, within ten days of receipt, all insurance or other 106314
benefits received as reimbursement or payment for expenses 106315
incurred by the patient or for any other reason. If the insured, 106316
policy owner, or other person refuses to assign payment to the 106317
department or refuses to pay received reimbursements or payments 106318
to the department within ten days of receipt, the total liability 106319
of the insured, policy owner, or other person for the services is 106320
an amount equal to the per diem charge for the hospital where the 106321
patient was admitted multiplied by the number of days the patient 106322
was admitted. 106323

In no event shall this total liability exceed the 106324
department's actual cost of providing care and treatment to a 106325
patient. The department may disqualify patients and liable 106326
relatives who have retained third party funds from future 106327
discounts. The department may request that the attorney general 106328
petition a court of competent jurisdiction to compel the insured, 106329
owner of, or other person having an interest in the policy or 106330
contract to comply with the assignment requirements in this 106331
section. 106332

Sec. 5121.44. The department of ~~mental health~~ mental health 106333
and addiction services may enter into an extended payment 106334
agreement with a patient, patient's estate, or liable relative who 106335
has notified the department that the patient, estate, or relative 106336
cannot reasonably pay an amount the department has charged. In no 106337
case shall the department take a security interest, mortgage, or 106338
lien against the principal family residence of a patient or liable 106339
relative. 106340

Sec. 5121.45. (A) For purposes of this section, "delinquent 106341
payment" means an amount owed by a patient, patient's estate, or 106342
liable relative to the department of ~~mental health~~ mental health 106343

and addiction services for which the person has failed to do 106344
either of the following not later than ninety days after the 106345
service associated with the charge was incurred: 106346

(1) Make payment in full; 106347

(2) Make a payment in accordance with the terms of an 106348
agreement entered into under section 5121.44 of the Revised Code. 106349

(B) An action to enforce the collection of a delinquent 106350
payment shall be commenced not later than six years after the 106351
later of the following: 106352

(1) The last date the department received money to satisfy 106353
the delinquent payment; 106354

(2) The date the charge was due. 106355

(C) In all actions to enforce the collection of delinquent 106356
payments, a court of record shall receive into evidence the proof 106357
of claim document made by the state together with all debts and 106358
credits. The proof of claim document shall be prima-facie evidence 106359
of the facts stated in the document. 106360

Sec. 5121.46. The department of ~~mental health~~ mental health 106361
and addiction services shall not charge a liable relative under 106362
sections 5121.33 and 5121.35 of the Revised Code who has done 106363
either of the following: 106364

(A) Paid all amounts charged by the department for the care 106365
and treatment of a particular patient for fifteen consecutive 106366
years; 106367

(B) Paid amounts charged by the department for the care and 106368
treatment of more than one patient for a total of fifteen 106369
consecutive years. 106370

Sec. 5121.47. Irrespective of the number of patients for 106371

which the department of ~~mental health~~ mental health and addiction 106372
services may charge a liable relative under sections 5121.33 ~~or~~ 106373
and 5121.35 of the Revised Code, the department shall not charge a 106374
liable relative or group of liable relatives who are members of 106375
the same family unit for the support of more than one patient 106376
during the same period of time. 106377

Sec. 5121.49. (A) Any person who has been charged under 106378
section 5121.33 or 5121.35 of the Revised Code may petition the 106379
department of ~~mental health~~ mental health and addiction services 106380
to do the following: 106381

(1) Release the person from a charge; 106382

(2) Modify or cancel a charge. 106383

(B) The department shall respond to a petition in writing and 106384
inform the petitioner of whether a release, modification, or 106385
cancellation has been approved. 106386

Sec. 5121.50. When a patient is committed to a hospital 106387
pursuant to judicial proceedings, the judge ordering the 106388
commitment shall: 106389

(A) Make a reliable report on the financial condition of the 106390
patient and of each liable relative, as provided in rules adopted 106391
by the director of ~~mental health~~ mental health and addiction 106392
services; 106393

(B) Certify the report required under division (A) of this 106394
section to the managing officer of the hospital. The managing 106395
officer shall thereupon enter in the managing officer's records 106396
the name and address of any guardian appointed and of any relative 106397
liable for the patient's support. 106398

Sec. 5121.51. In case the estate of any patient in a hospital 106399

is sufficient for the patient's support and no guardian has been 106400
appointed for such estate, the agent of the department of ~~mental~~ 106401
~~health~~ mental health and addiction services shall petition the 106402
probate court of the proper county to appoint a guardian. 106403

Sec. 5121.52. On the death of a person who is a patient, or 106404
has been a patient in a hospital, or on the death of a person 106405
responsible under section 5121.34 of the Revised Code for the 106406
support of a patient, the department of ~~mental health~~ mental 106407
health and addiction services may waive the presentation of any 106408
claim for support against the estate of such decedent, when in its 106409
judgment an otherwise dependent person will be directly benefited 106410
by the estate. Claims against an estate for support of a patient 106411
are subject to section 5815.28 and Chapter 2117. of the Revised 106412
Code, and shall be treated, and may be barred, the same as the 106413
claims of other creditors of the estate, pursuant to that section 106414
or chapter. 106415

The department of ~~mental health~~ mental health and addiction 106416
services may accept from a guardian or trustee of a patient a 106417
contract agreeing to pay to the state from the property of the 106418
guardian's or trustee's ward before or at the death of the ward a 106419
fixed annual amount for the support of the ward while the ward is 106420
a patient, with interest at four per cent per annum. A copy of the 106421
contract shall be filed in the probate court of the proper county 106422
and duly entered as a part of the records concerning the ward. 106423

Sec. 5121.55. The cost for support of a client of 106424
state-operated community mental health services is an amount 106425
determined using guidelines the department of ~~mental health~~ mental 106426
health and addiction services shall issue. The guidelines shall be 106427
based on cost findings and rate-settings applicable to such 106428
services. 106429

Sec. 5122.01. As used in this chapter and Chapter 5119. of 106430
the Revised Code: 106431

(A) "Mental illness" means a substantial disorder of thought, 106432
mood, perception, orientation, or memory that grossly impairs 106433
judgment, behavior, capacity to recognize reality, or ability to 106434
meet the ordinary demands of life. 106435

(B) "Mentally ill person subject to hospitalization by court 106436
order" means a mentally ill person who, because of the person's 106437
illness: 106438

(1) Represents a substantial risk of physical harm to self as 106439
manifested by evidence of threats of, or attempts at, suicide or 106440
serious self-inflicted bodily harm; 106441

(2) Represents a substantial risk of physical harm to others 106442
as manifested by evidence of recent homicidal or other violent 106443
behavior, evidence of recent threats that place another in 106444
reasonable fear of violent behavior and serious physical harm, or 106445
other evidence of present dangerousness; 106446

(3) Represents a substantial and immediate risk of serious 106447
physical impairment or injury to self as manifested by evidence 106448
that the person is unable to provide for and is not providing for 106449
the person's basic physical needs because of the person's mental 106450
illness and that appropriate provision for those needs cannot be 106451
made immediately available in the community; or 106452

(4) Would benefit from treatment in a hospital for the 106453
person's mental illness and is in need of such treatment as 106454
manifested by evidence of behavior that creates a grave and 106455
imminent risk to substantial rights of others or the person. 106456

(C)(1) "Patient" means, subject to division (C)(2) of this 106457
section, a person who is admitted either voluntarily or 106458
involuntarily to a hospital or other place under section 2945.39, 106459

2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to patient, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.20~~ 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported

and under the jurisdiction of the department of ~~mental health~~ 106491
mental health and addiction services. 106492

(H) "Community mental health ~~agency~~ services provider" means 106493
an agency, association, corporation, individual, or program that 106494
provides community mental health services that are certified by 106495
the director of ~~mental health~~ mental health and addiction services 106496
under section ~~5119.611~~ 5119.36 of the Revised Code. 106497

(I) "Licensed clinical psychologist" means a person who holds 106498
a current valid psychologist license issued under section 4732.12 106499
or 4732.15 of the Revised Code, and in addition, meets either of 106500
the following criteria: 106501

(1) Meets the educational requirements set forth in division 106502
(B) of section 4732.10 of the Revised Code and has a minimum of 106503
two years' full-time professional experience, or the equivalent as 106504
determined by rule of the state board of psychology, at least one 106505
year of which shall be a predoctoral internship, in clinical 106506
psychological work in a public or private hospital or clinic or in 106507
private practice, diagnosing and treating problems of mental 106508
illness or mental retardation under the supervision of a 106509
psychologist who is licensed or who holds a diploma issued by the 106510
American board of professional psychology, or whose qualifications 106511
are substantially similar to those required for licensure by the 106512
state board of psychology when the supervision has occurred prior 106513
to enactment of laws governing the practice of psychology; 106514

(2) Meets the educational requirements set forth in division 106515
(B) of section 4732.15 of the Revised Code and has a minimum of 106516
four years' full-time professional experience, or the equivalent 106517
as determined by rule of the state board of psychology, in 106518
clinical psychological work in a public or private hospital or 106519
clinic or in private practice, diagnosing and treating problems of 106520
mental illness or mental retardation under supervision, as set 106521
forth in division (I)(1) of this section. 106522

(J) "Health officer" means any public health physician; 106523
public health nurse; or other person authorized by or designated 106524
by a city health district; a general health district; or a board 106525
of alcohol, drug addiction, and mental health services to perform 106526
the duties of a health officer under this chapter. 106527

(K) "Chief clinical officer" means the medical director of a 106528
hospital, or a community mental health ~~agency~~ services provider, 106529
or a board of alcohol, drug addiction, and mental health services, 106530
or, if there is no medical director, the licensed physician 106531
responsible for the treatment a hospital or community mental 106532
health ~~agency~~ services provider provides. The chief clinical 106533
officer may delegate to the attending physician responsible for a 106534
patient's care the duties imposed on the chief clinical officer by 106535
this chapter. Within a community mental health ~~agency~~ services 106536
provider, the chief clinical officer shall be designated by the 106537
governing body of the ~~agency~~ services provider and shall be a 106538
licensed physician or licensed clinical psychologist who 106539
supervises diagnostic and treatment services. A licensed physician 106540
or licensed clinical psychologist designated by the chief clinical 106541
officer may perform the duties and accept the responsibilities of 106542
the chief clinical officer in the chief clinical officer's 106543
absence. 106544

(L) "Working day" or "court day" means Monday, Tuesday, 106545
Wednesday, Thursday, and Friday, except when such day is a 106546
holiday. 106547

(M) "Indigent" means unable without deprivation of 106548
satisfaction of basic needs to provide for the payment of an 106549
attorney and other necessary expenses of legal representation, 106550
including expert testimony. 106551

(N) "Respondent" means the person whose detention, 106552
commitment, hospitalization, continued hospitalization or 106553
commitment, or discharge is being sought in any proceeding under 106554

this chapter.	106555
(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.	106556 106557
(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.	106558 106559 106560 106561 106562
(Q) "Court" means the probate division of the court of common pleas.	106563 106564
(R) "Expunge" means:	106565
(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;	106566 106567
(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;	106568 106569 106570
(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;	106571 106572 106573
(4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.	106574 106575 106576
(S) "Residence" means a person's physical presence in a county with intent to remain there, except that:	106577 106578
(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;	106579 106580 106581 106582 106583
(2) If a person is committed pursuant to section 2945.38,	106584

2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 106585
residence means the county where the criminal charges were filed. 106586

When the residence of a person is disputed, the matter of 106587
residence shall be referred to the department of ~~mental health~~ 106588
mental health and addiction services for investigation and 106589
determination. Residence shall not be a basis for a board's 106590
denying services to any person present in the board's service 106591
district, and the board shall provide services for a person whose 106592
residence is in dispute while residence is being determined and 106593
for a person in an emergency situation. 106594

(T) "Admission" to a hospital or other place means that a 106595
patient is accepted for and stays at least one night at the 106596
hospital or other place. 106597

(U) "Prosecutor" means the prosecuting attorney, village 106598
solicitor, city director of law, or similar chief legal officer 106599
who prosecuted a criminal case in which a person was found not 106600
guilty by reason of insanity, who would have had the authority to 106601
prosecute a criminal case against a person if the person had not 106602
been found incompetent to stand trial, or who prosecuted a case in 106603
which a person was found guilty. 106604

(V) "Treatment plan" means a written statement of reasonable 106605
objectives and goals for an individual established by the 106606
treatment team, with specific criteria to evaluate progress 106607
towards achieving those objectives. The active participation of 106608
the patient in establishing the objectives and goals shall be 106609
documented. The treatment plan shall be based on patient needs and 106610
include services to be provided to the patient while the patient 106611
is hospitalized and after the patient is discharged. The treatment 106612
plan shall address services to be provided upon discharge, 106613
including but not limited to housing, financial, and vocational 106614
services. 106615

(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 106616
106617

(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 106618
106619

Sec. 5122.03. A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except that when: 106620
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(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient; or 106625
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(B) The chief clinical officer of the hospital, within three court days from the receipt of the request for release, files or causes to be filed with the court of the county where the patient is hospitalized or of the county where the patient is a resident, an affidavit under section 5122.11 of the Revised Code. Release may be postponed until the hearing held under section 5122.141 of the Revised Code. A telephone communication within three court days from the receipt of the request for release from the chief clinical officer to the court, indicating that the required affidavit has been mailed, is sufficient compliance with the time limit for filing such affidavit. 106629
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Unless the patient is released within three days from the receipt of the request by the chief clinical officer, the request shall serve as a request for an initial hearing under section 5122.141 of the Revised Code. If the court finds that the patient is a mentally ill person subject to hospitalization by court order, all provisions of this chapter with respect to involuntary hospitalization apply to such person. 106640
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Judicial proceedings for hospitalization shall not be 106647
commenced with respect to a voluntary patient except pursuant to 106648
this section. 106649

Sections 5121.30 to 5121.56 of the Revised Code apply to 106650
persons received in a hospital operated by the department of 106651
~~mental health~~ mental health and addiction services on a voluntary 106652
application. 106653

The chief clinical officer of the hospital shall provide 106654
reasonable means and arrangements for informing patients of their 106655
rights to release as provided in this section and for assisting 106656
them in making and presenting requests for release or for a 106657
hearing under section 5122.141 of the Revised Code. 106658

Before a patient is released from a public hospital, the 106659
chief clinical officer shall, when possible, notify the board of 106660
the patient's county of residence of the patient's pending release 106661
after the chief clinical officer has informed the patient that the 106662
board will be so notified. 106663

Sec. 5122.10. Any psychiatrist, licensed clinical 106664
psychologist, licensed physician, health officer, parole officer, 106665
police officer, or sheriff may take a person into custody, or the 106666
chief of the adult parole authority or a parole or probation 106667
officer with the approval of the chief of the authority may take a 106668
parolee, an offender under a community control sanction or a 106669
post-release control sanction, or an offender under transitional 106670
control into custody and may immediately transport the parolee, 106671
offender on community control or post-release control, or offender 106672
under transitional control to a hospital or, notwithstanding 106673
section ~~5119.20~~ 5119.33 of the Revised Code, to a general hospital 106674
not licensed by the department of ~~mental health~~ mental health and 106675
addiction services where the parolee, offender on community 106676
control or post-release control, or offender under transitional 106677

control may be held for the period prescribed in this section, if 106678
the psychiatrist, licensed clinical psychologist, licensed 106679
physician, health officer, parole officer, police officer, or 106680
sheriff has reason to believe that the person is a mentally ill 106681
person subject to hospitalization by court order under division 106682
(B) of section 5122.01 of the Revised Code, and represents a 106683
substantial risk of physical harm to self or others if allowed to 106684
remain at liberty pending examination. 106685

A written statement shall be given to such hospital by the 106686
transporting psychiatrist, licensed clinical psychologist, 106687
licensed physician, health officer, parole officer, police 106688
officer, chief of the adult parole authority, parole or probation 106689
officer, or sheriff stating the circumstances under which such 106690
person was taken into custody and the reasons for the 106691
psychiatrist's, licensed clinical psychologist's, licensed 106692
physician's, health officer's, parole officer's, police officer's, 106693
chief of the adult parole authority's, parole or probation 106694
officer's, or sheriff's belief. This statement shall be made 106695
available to the respondent or the respondent's attorney upon 106696
request of either. 106697

Every reasonable and appropriate effort shall be made to take 106698
persons into custody in the least conspicuous manner possible. A 106699
person taking the respondent into custody pursuant to this section 106700
shall explain to the respondent: the name, and professional 106701
designation, and ~~agency~~ affiliation of the person taking the 106702
respondent into custody; that the custody-taking is not a criminal 106703
arrest; and that the person is being taken for examination by 106704
mental health professionals at a specified mental health facility 106705
identified by name. 106706

If a person taken into custody under this section is 106707
transported to a general hospital, the general hospital may admit 106708

the person, or provide care and treatment for the person, or both, 106709
notwithstanding section ~~5119.20~~ 5119.33 of the Revised Code, but 106710
by the end of twenty-four hours after arrival at the general 106711
hospital, the person shall be transferred to a hospital as defined 106712
in section 5122.01 of the Revised Code. 106713

A person transported or transferred to a hospital or 106714
community mental health ~~agency~~ services provider under this 106715
section shall be examined by the staff of the hospital or ~~agency~~ 106716
services provider within twenty-four hours after arrival at the 106717
hospital or ~~agency~~ services provider. If to conduct the 106718
examination requires that the person remain overnight, the 106719
hospital or ~~agency~~ services provider shall admit the person in an 106720
unclassified status until making a disposition under this section. 106721
After the examination, if the chief clinical officer of the 106722
hospital or ~~agency~~ services provider believes that the person is 106723
not a mentally ill person subject to hospitalization by court 106724
order, the chief clinical officer shall release or discharge the 106725
person immediately unless a court has issued a temporary order of 106726
detention applicable to the person under section 5122.11 of the 106727
Revised Code. After the examination, if the chief clinical officer 106728
believes that the person is a mentally ill person subject to 106729
hospitalization by court order, the chief clinical officer may 106730
detain the person for not more than three court days following the 106731
day of the examination and during such period admit the person as 106732
a voluntary patient under section 5122.02 of the Revised Code or 106733
file an affidavit under section 5122.11 of the Revised Code. If 106734
neither action is taken and a court has not otherwise issued a 106735
temporary order of detention applicable to the person under 106736
section 5122.11 of the Revised Code, the chief clinical officer 106737
shall discharge the person at the end of the three-day period 106738
unless the person has been sentenced to the department of 106739
rehabilitation and correction and has not been released from the 106740
person's sentence, in which case the person shall be returned to 106741

that department. 106742

Sec. 5122.11. Proceedings for the hospitalization of a person 106743
pursuant to sections 5122.11 to 5122.15 of the Revised Code shall 106744
be commenced by the filing of an affidavit in the manner and form 106745
prescribed by the department of ~~mental health~~ mental health and 106746
addiction services, by any person or persons with the court, 106747
either on reliable information or actual knowledge, whichever is 106748
determined to be proper by the court. This section does not apply 106749
to the hospitalization of a person pursuant to section 2945.39, 106750
2945.40, 2945.401, or 2945.402 of the Revised Code. 106751

The affidavit shall contain an allegation setting forth the 106752
specific category or categories under division (B) of section 106753
5122.01 of the Revised Code upon which the jurisdiction of the 106754
court is based and a statement of alleged facts sufficient to 106755
indicate probable cause to believe that the person is a mentally 106756
ill person subject to hospitalization by court order. The 106757
affidavit may be accompanied, or the court may require that the 106758
affidavit be accompanied, by a certificate of a psychiatrist, or a 106759
certificate signed by a licensed clinical psychologist and a 106760
certificate signed by a licensed physician stating that the person 106761
who issued the certificate has examined the person and is of the 106762
opinion that the person is a mentally ill person subject to 106763
hospitalization by court order, or shall be accompanied by a 106764
written statement by the applicant, under oath, that the person 106765
has refused to submit to an examination by a psychiatrist, or by a 106766
licensed clinical psychologist and licensed physician. 106767

Upon receipt of the affidavit, if a judge of the court or a 106768
referee who is an attorney at law appointed by the court has 106769
probable cause to believe that the person named in the affidavit 106770
is a mentally ill person subject to hospitalization by court 106771
order, the judge or referee may issue a temporary order of 106772

detention ordering any health or police officer or sheriff to take 106773
into custody and transport the person to a hospital or other place 106774
designated in section 5122.17 of the Revised Code, or may set the 106775
matter for further hearing. 106776

The person may be observed and treated until the hearing 106777
provided for in section 5122.141 of the Revised Code. If no such 106778
hearing is held, the person may be observed and treated until the 106779
hearing provided for in section 5122.15 of the Revised Code. 106780

Sec. 5122.12. After receipt of the affidavit required by 106781
section 5122.11 of the Revised Code, the court shall cause written 106782
notice by mail or otherwise of any hearing as the court directs to 106783
be given to the following persons: 106784

(A) The respondent; 106785

(B) The respondent's legal guardian, if any, the respondent's 106786
spouse, if any, and the respondent's parents, if the respondent is 106787
a minor, if these persons' addresses are known to the court or can 106788
be obtained through exercise of reasonable diligence; 106789

(C) The person who filed the affidavit; 106790

(D) Any one person designated by the respondent; but if the 106791
respondent does not make a selection, the notice shall be sent to 106792
the adult next of kin other than the person who filed the 106793
affidavit if that person's address is known to the court or can be 106794
obtained through exercise of reasonable diligence; 106795

(E) The respondent's counsel; 106796

(F) The director, chief clinical officer, or the respective 106797
designee of the hospital, board, ~~agency~~ community mental health 106798
services provider, or facility to which the person has been 106799
committed; 106800

(G) The board of alcohol, drug addiction, and mental health 106801
services serving the respondent's county of residence or ~~an agency~~ 106802

a services provider the board designates. 106803

Any person entitled to notice under this section, with the 106804
exception of the respondent, may waive the notice. 106805

A copy of the affidavit and temporary order of detention 106806
shall be served with the notice to the parties and to respondent's 106807
counsel, if counsel has been appointed or retained. 106808

Sec. 5122.13. Upon receipt of the affidavit required by 106809
section 5122.11 of the Revised Code, the court shall refer the 106810
affidavit to the board of alcohol, drug addiction, and mental 106811
health services or ~~an agency~~ community mental health services 106812
provider the board designates to assist the court in determining 106813
whether the respondent is subject to hospitalization and whether 106814
alternative services are available, unless the ~~agency~~ services 106815
provider or board has already performed such screening. The board 106816
or ~~agency~~ services provider shall review the allegations of the 106817
affidavit and other information relating to whether or not the 106818
person named in the affidavit or statement is a mentally ill 106819
person subject to hospitalization by court order, and the 106820
availability of appropriate treatment alternatives. 106821

The person who conducts the investigation shall promptly make 106822
a report to the court, in writing, in open court or in chambers, 106823
as directed by the court and a full record of the report shall be 106824
made by the court. The report is not admissible as evidence for 106825
the purpose of establishing whether or not the respondent is a 106826
mentally ill person subject to hospitalization by court order, but 106827
shall be considered by the court in its determination of an 106828
appropriate placement for any person after that person is found to 106829
be a mentally ill person subject to hospitalization. 106830

The court, prior to the hearing under section 5122.141 of the 106831
Revised Code, shall release a copy of the investigative report to 106832
the respondent's counsel. 106833

Nothing in this section precludes a judge or referee from 106834
issuing a temporary order of detention pursuant to section 5122.11 106835
of the Revised Code. 106836

Sec. 5122.15. (A) Full hearings shall be conducted in a 106837
manner consistent with this chapter and with due process of law. 106838
The hearings shall be conducted by a judge of the probate court or 106839
a referee designated by a judge of the probate court and may be 106840
conducted in or out of the county in which the respondent is held. 106841
Any referee designated under this division shall be an attorney. 106842

(1) With the consent of the respondent, the following shall 106843
be made available to counsel for the respondent: 106844

(a) All relevant documents, information, and evidence in the 106845
custody or control of the state or prosecutor; 106846

(b) All relevant documents, information, and evidence in the 106847
custody or control of the hospital in which the respondent 106848
currently is held, or in which the respondent has been held 106849
pursuant to this chapter; 106850

(c) All relevant documents, information, and evidence in the 106851
custody or control of any hospital, facility, or person not 106852
included in division (A)(1)(a) or (b) of this section. 106853

(2) The respondent has the right to attend the hearing and to 106854
be represented by counsel of the respondent's choice. The right to 106855
attend the hearing may be waived only by the respondent or counsel 106856
for the respondent after consultation with the respondent. 106857

(3) If the respondent is not represented by counsel, is 106858
absent from the hearing, and has not validly waived the right to 106859
counsel, the court shall appoint counsel immediately to represent 106860
the respondent at the hearing, reserving the right to tax costs of 106861
appointed counsel to the respondent, unless it is shown that the 106862
respondent is indigent. If the court appoints counsel, or if the 106863

court determines that the evidence relevant to the respondent's
absence does not justify the absence, the court shall continue the
case.

(4) The respondent shall be informed that the respondent may
retain counsel and have independent expert evaluation. If the
respondent is unable to obtain an attorney, the respondent shall
be represented by court-appointed counsel. If the respondent is
indigent, court-appointed counsel and independent expert
evaluation shall be provided as an expense under section 5122.43
of the Revised Code.

(5) The hearing shall be closed to the public, unless counsel
for the respondent, with the permission of the respondent,
requests that the hearing be open to the public.

(6) If the hearing is closed to the public, the court, for
good cause shown, may admit persons who have a legitimate interest
in the proceedings. If the respondent, the respondent's counsel,
or the designee of the director or of the chief clinical officer
objects to the admission of any person, the court shall hear the
objection and any opposing argument and shall rule upon the
admission of the person to the hearing.

(7) The affiant under section 5122.11 of the Revised Code
shall be subject to subpoena by either party.

(8) The court shall examine the sufficiency of all documents
filed and shall inform the respondent, if present, and the
respondent's counsel of the nature and content of the documents
and the reason for which the respondent is being detained, or for
which the respondent's placement is being sought.

(9) The court shall receive only reliable, competent, and
material evidence.

(10) Unless proceedings are initiated pursuant to section
5120.17 or 5139.08 of the Revised Code ~~or proceedings are~~

~~initiated regarding a resident of the service district of a board of alcohol, drug addiction, and mental health services that elects under division (C)(2) of section 5119.62 of the Revised Code not to accept the amount allocated to it under that section, an attorney that the board designates shall present the case demonstrating that the respondent is a mentally ill person subject to hospitalization by court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. In proceedings pursuant to section 5120.17 or 5139.08 of the Revised Code and in proceedings in which the respondent is a resident of a service district of a board that elects under division (C)(2) of section 5119.62 of the Revised Code not to accept the amount allocated to it under that section, the attorney general shall designate an attorney who shall present the case demonstrating that the respondent is a mentally ill person subject to hospitalization by court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any.~~

(11) The respondent or the respondent's counsel has the right to subpoena witnesses and documents and to examine and cross-examine witnesses.

(12) The respondent has the right, but shall not be compelled, to testify, and shall be so advised by the court.

(13) On motion of the respondent or the respondent's counsel for good cause shown, or on the court's own motion, the court may order a continuance of the hearing.

(14) If the respondent is represented by counsel and the respondent's counsel requests a transcript and record, or if the respondent is not represented by counsel, the court shall make and maintain a full transcript and record of the proceeding. If the respondent is indigent and the transcript and record is made, a

copy shall be provided to the respondent upon request and be 106927
treated as an expense under section 5122.43 of the Revised Code. 106928

(15) To the extent not inconsistent with this chapter, the 106929
Rules of Civil Procedure are applicable. 106930

(B) Unless, upon completion of the hearing the court finds by 106931
clear and convincing evidence that the respondent is a mentally 106932
ill person subject to hospitalization by court order, it shall 106933
order the respondent's discharge immediately. 106934

(C) If, upon completion of the hearing, the court finds by 106935
clear and convincing evidence that the respondent is a mentally 106936
ill person subject to hospitalization by court order, the court 106937
shall order the respondent for a period not to exceed ninety days 106938
to any of the following: 106939

(1) A hospital operated by the department of ~~mental health~~ 106940
mental health and addiction services if the respondent is 106941
committed pursuant to section 5139.08 of the Revised Code; 106942

(2) A nonpublic hospital; 106943

(3) The veterans' administration or other agency of the 106944
United States government; 106945

(4) A board of alcohol, drug addiction, and mental health 106946
services or ~~agency~~ services provider the board designates; 106947

(5) Receive private psychiatric or psychological care and 106948
treatment; 106949

(6) Any other suitable facility or person consistent with the 106950
diagnosis, prognosis, and treatment needs of the respondent. 106951

(D) Any order made pursuant to division (C)(2), (3), (5), or 106952
(6) of this section shall be conditioned upon the receipt by the 106953
court of consent by the hospital, facility, agency, or person to 106954
accept the respondent. 106955

(E) In determining the place to which, or the person with 106956

whom, the respondent is to be committed, the court shall consider 106957
the diagnosis, prognosis, preferences of the respondent and the 106958
projected treatment plan for the respondent and shall order the 106959
implementation of the least restrictive alternative available and 106960
consistent with treatment goals. If the court determines that the 106961
least restrictive alternative available that is consistent with 106962
treatment goals is inpatient hospitalization, the court's order 106963
shall so state. 106964

(F) During such ninety-day period the hospital; facility; 106965
board of alcohol, drug addiction, and mental health services; 106966
~~agency~~ services provider the board designates; or person shall 106967
examine and treat the individual. If, at any time prior to the 106968
expiration of the ninety-day period, it is determined by the 106969
hospital, facility, board, ~~agency~~ services provider, or person 106970
that the respondent's treatment needs could be equally well met in 106971
an available and appropriate less restrictive environment, both of 106972
the following apply: 106973

(1) The respondent shall be released from the care of the 106974
hospital, ~~agency~~ services provider, facility, or person 106975
immediately and shall be referred to the court together with a 106976
report of the findings and recommendations of the hospital, ~~agency~~ 106977
services provider, facility, or person; and 106978

(2) The hospital, ~~agency~~ services provider, facility, or 106979
person shall notify the respondent's counsel or the attorney 106980
designated by a board of alcohol, drug addiction, and mental 106981
health services or, if the respondent was committed to a board or 106982
~~an agency~~ a services provider designated by the board, it shall 106983
place the respondent in the least restrictive environment 106984
available consistent with treatment goals and notify the court and 106985
the respondent's counsel of the placement. 106986

The court shall dismiss the case or order placement in the 106987
least restrictive environment. 106988

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section, or for whom proceedings for hospitalization have been commenced pursuant to section 5122.11 of the Revised Code, may apply at any time for voluntary admission to the hospital, facility, ~~agency~~ or services provider that the board designates, or person to which the person was committed. Upon admission as a voluntary patient the chief clinical officer of the hospital, ~~agency~~ services provider, or other facility, or the person immediately shall notify the court, the patient's counsel, and the attorney designated by the board, if the attorney has entered the proceedings, in writing of that fact, and, upon receipt of the notice, the court shall dismiss the case.

(2) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not voluntarily commit the person pursuant to this section until after the final termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

(H) If, at the end of the first ninety-day period or any subsequent period of continued commitment, there has been no disposition of the case, either by discharge or voluntary admission, the hospital, facility, board, ~~agency~~ services provider, or person shall discharge the patient immediately, unless at least ten days before the expiration of the period the attorney the board designates or the prosecutor files with the court an application for continued commitment. The application of the attorney or the prosecutor shall include a written report containing the diagnosis, prognosis, past treatment, a list of alternative treatment settings and plans, and identification of the treatment setting that is the least restrictive consistent with treatment needs. The attorney the board designates or the

prosecutor shall file the written report at least three days prior 107021
to the full hearing. A copy of the application and written report 107022
shall be provided to the respondent's counsel immediately. 107023

The court shall hold a full hearing on applications for 107024
continued commitment at the expiration of the first ninety-day 107025
period and at least every two years after the expiration of the 107026
first ninety-day period. 107027

Hearings following any application for continued commitment 107028
are mandatory and may not be waived. 107029

Upon request of a person who is involuntarily committed under 107030
this section, or the person's counsel, that is made more than one 107031
hundred eighty days after the person's last full hearing, 107032
mandatory or requested, the court shall hold a full hearing on the 107033
person's continued commitment. Upon the application of a person 107034
involuntarily committed under this section, supported by an 107035
affidavit of a psychiatrist or licensed clinical psychologist, 107036
alleging that the person no longer is a mentally ill person 107037
subject to hospitalization by court order, the court for good 107038
cause shown may hold a full hearing on the person's continued 107039
commitment prior to the expiration of one hundred eighty days 107040
after the person's last full hearing. Section 5122.12 of the 107041
Revised Code applies to all hearings on continued commitment. 107042

If the court, after a hearing for continued commitment finds 107043
by clear and convincing evidence that the respondent is a mentally 107044
ill person subject to hospitalization by court order, the court 107045
may order continued commitment at places specified in division (C) 107046
of this section. 107047

(I) Unless the admission is pursuant to section 5120.17 or 107048
5139.08 of the Revised Code, the chief clinical officer of the 107049
hospital or ~~agency~~ services provider admitting a respondent 107050
pursuant to a judicial proceeding, within ten working days of the 107051

admission, shall make a report of the admission to the board of 107052
alcohol, drug addiction, and mental health services serving the 107053
respondent's county of residence. 107054

(J) A referee appointed by the court may make all orders that 107055
a judge may make under this section and sections 5122.11 and 107056
5122.141 of the Revised Code, except an order of contempt of 107057
court. The orders of a referee take effect immediately. Within 107058
fourteen days of the making of an order by a referee, a party may 107059
file written objections to the order with the court. The filed 107060
objections shall be considered a motion, shall be specific, and 107061
shall state their grounds with particularity. Within ten days of 107062
the filing of the objections, a judge of the court shall hold a 107063
hearing on the objections and may hear and consider any testimony 107064
or other evidence relating to the respondent's mental condition. 107065
At the conclusion of the hearing, the judge may ratify, rescind, 107066
or modify the referee's order. 107067

(K) An order of the court under division (C), (H), or (J) of 107068
this section is a final order. 107069

(L) Before a board, or ~~an agency~~ a services provider the 107070
board designates, may place an unconsenting respondent in an 107071
inpatient setting from a less restrictive placement, the board or 107072
~~agency~~ services provider shall do all of the following: 107073

(1) Determine that the respondent is in immediate need of 107074
treatment in an inpatient setting because the respondent 107075
represents a substantial risk of physical harm to the respondent 107076
or others if allowed to remain in a less restrictive setting; 107077

(2) On the day of placement in the inpatient setting or on 107078
the next court day, file with the court a motion for transfer to 107079
an inpatient setting or communicate to the court by telephone that 107080
the required motion has been mailed; 107081

(3) Ensure that every reasonable and appropriate effort is 107082

made to take the respondent to the inpatient setting in the least 107083
conspicuous manner possible; 107084

(4) Immediately notify the board's designated attorney and 107085
the respondent's attorney. 107086

At the respondent's request, the court shall hold a hearing 107087
on the motion and make a determination pursuant to division (E) of 107088
this section within five days of the placement. 107089

(M) Before a board, or ~~an agency~~ a services provider the 107090
board designates, may move a respondent from one residential 107091
placement to another, the board or ~~agency~~ services provider shall 107092
consult with the respondent about the placement. If the respondent 107093
objects to the placement, the proposed placement and the need for 107094
it shall be reviewed by a qualified mental health professional who 107095
otherwise is not involved in the treatment of the respondent. 107096

Sec. 5122.17. Pending ~~his~~ removal to a hospital, a person 107097
taken into custody or ordered to be hospitalized pursuant to this 107098
chapter may be detained for not more than forty-eight hours in a 107099
licensed rest or nursing home, a licensed or unlicensed hospital, 107100
a community mental health ~~agency~~ services provider, or a county 107101
home, but ~~he~~ the person shall not be detained in a nonmedical 107102
facility used for detention of persons charged with or convicted 107103
of penal offenses unless the court finds that a less restrictive 107104
alternative cannot be made available. 107105

Sec. 5122.18. Whenever a person has been involuntarily 107106
detained at or admitted to a hospital, community mental health 107107
~~agency~~ services provider, or other facility at the request of 107108
anyone other than the person's legal guardian, spouse, or next of 107109
kin under this chapter, the chief clinical officer of the 107110
hospital, ~~agency~~ services provider, or other facility in which the 107111
person is temporarily detained under section 5122.17 of the 107112

Revised Code shall immediately notify the person's legal guardian, 107113
spouse or next of kin, and counsel, if these persons can be 107114
ascertained through exercise of reasonable diligence. If a person 107115
voluntarily remains at or is admitted to a hospital, ~~agency~~ 107116
services provider, or other facility, such notification shall not 107117
be given without ~~his~~ the person's consent. The chief clinical 107118
officer of the hospital, ~~agency~~ services provider, or other 107119
facility shall inform a person voluntarily remaining at or 107120
admitted to a hospital, ~~agency~~ services provider, or other 107121
facility that ~~he~~ the person may authorize such notification. 107122

Sec. 5122.19. Every person transported to a hospital or 107123
community mental health ~~agency~~ services provider pursuant to 107124
sections 5122.11 to 5122.16 of the Revised Code, shall be examined 107125
by the staff of the hospital or ~~agency~~ services provider as soon 107126
as practicable after ~~his~~ arrival at the hospital or ~~agency~~ 107127
services provider. Such an examination shall be held within 107128
twenty-four hours after the time of arrival, and if the chief 107129
clinical officer fails after such an examination to certify that 107130
in ~~his~~ the chief clinical officer's opinion the person is a 107131
mentally ill person subject to hospitalization by court order, the 107132
person shall be immediately released. 107133

Sec. 5122.20. The director of ~~mental health~~ mental health and 107134
addiction services or the director's designee may transfer, or 107135
authorize the transfer of, an involuntary patient, or a consenting 107136
voluntary patient hospitalized pursuant to section 5122.02 or 107137
sections 5122.11 to 5122.15 of the Revised Code, from one public 107138
hospital to another, or to a hospital, community mental health 107139
~~agency~~ services provider, or other facility offering treatment or 107140
other services for mental illness, if the medical director of the 107141
department of ~~mental health~~ mental health and addiction services 107142
determines that it would be consistent with the medical needs of 107143

the patient to do so. If such a transfer is made to a private 107144
facility, the transfer shall be conditioned upon the consent of 107145
the facility. 107146

Before an involuntary patient may be transferred to a more 107147
restrictive setting, the chief clinical officer shall file a 107148
motion with the court requesting the court to amend its order of 107149
placement issued under section 5122.15 of the Revised Code. At the 107150
patient's request, the court shall hold a hearing on the motion at 107151
which the patient has the same rights as at a full hearing under 107152
section 5122.15 of the Revised Code. The hearing shall be held 107153
within ten days after the date on which the respondent was 107154
transferred to the more restrictive setting or on which the motion 107155
was filed, whichever is earlier. On the motion of the respondent, 107156
the respondent's counsel, or the chief clinical officer, or on its 107157
own motion, and for good cause shown, the court may order a 107158
continuance of the hearing for up to ten days. 107159

Whenever an involuntary patient is transferred, written 107160
notice of the transfer shall be given to the patient's legal 107161
guardian, parents, spouse, and counsel, or, if none is known, to 107162
the patient's nearest known relative or friend. If the patient is 107163
a minor, the department, before making such a transfer, shall make 107164
a minute of the order for the transfer and the reason for it upon 107165
its record and shall send a certified copy at least seven days 107166
prior to the transfer to the person shown by its record to have 107167
had the care or custody of the minor immediately prior to the 107168
minor's commitment. Whenever a consenting voluntary patient is 107169
transferred, the notification shall be given only at the patient's 107170
request. The chief clinical officer shall advise a voluntary 107171
patient who is being transferred that the patient may decide if 107172
the notification shall be given. In all such transfers, due 107173
consideration shall be given to the wishes of the patient, and the 107174
relationship of the patient to the patient's family, legal 107175

guardian, or friends, so as to maintain the relationship and 107176
encourage visits beneficial to the patient. 107177

When a voluntary patient whose medical or psychological needs 107178
are found by the chief clinical officer to warrant a transfer 107179
refuses to be transferred to an alternate facility, the chief 107180
clinical officer may file an affidavit for a hearing under section 107181
5122.11 of the Revised Code. 107182

Sec. 5122.21. (A) The chief clinical officer shall as 107183
frequently as practicable, and at least once every thirty days, 107184
examine or cause to be examined every patient, and, whenever the 107185
chief clinical officer determines that the conditions justifying 107186
involuntary hospitalization or commitment no longer obtain, shall 107187
discharge the patient not under indictment or conviction for crime 107188
and immediately make a report of the discharge to the department 107189
of ~~mental health~~ mental health and addiction services. The chief 107190
clinical officer may discharge a patient who is under an 107191
indictment, a sentence of imprisonment, a community control 107192
sanction, or a post-release control sanction or on parole ten days 107193
after written notice of intent to discharge the patient has been 107194
given by personal service or certified mail, return receipt 107195
requested, to the court having criminal jurisdiction over the 107196
patient. Except when the patient was found not guilty by reason of 107197
insanity and the defendant's commitment is pursuant to section 107198
2945.40 of the Revised Code, the chief clinical officer has final 107199
authority to discharge a patient who is under an indictment, a 107200
sentence of imprisonment, a community control sanction, or a 107201
post-release control sanction or on parole. 107202

(B) After a finding pursuant to section 5122.15 of the 107203
Revised Code that a person is a mentally ill person subject to 107204
hospitalization by court order, the chief clinical officer of the 107205
hospital or ~~agency~~ community mental health services provider to 107206

which the person is ordered or to which the person is transferred 107207
under section 5122.20 of the Revised Code, may grant a discharge 107208
without the consent or authorization of any court. 107209

Upon discharge, the chief clinical officer shall notify the 107210
court that caused the judicial hospitalization of the discharge 107211
from the hospital. 107212

Sec. 5122.23. The chief clinical officer of a public hospital 107213
shall immediately report to the department of ~~mental health~~ mental 107214
health and addiction services and the board of alcohol, drug 107215
addiction, and mental health services serving the patient's county 107216
of residence the removal, death, escape, discharge, or trial visit 107217
of any patient hospitalized under section 5122.15 of the Revised 107218
Code, or the return of such an escaped or visiting patient to the 107219
department, the probate judge of the county from which such 107220
patient was hospitalized, and the probate judge of the county of 107221
residence of such patient. In case of death, the chief clinical 107222
officer also shall notify one or more of the nearest relatives of 107223
the deceased patient, if known to ~~him~~ the chief clinical officer, 107224
by letter, telegram, or telephone. If the place of residence of 107225
such relative is unknown to the chief clinical officer, 107226
immediately upon receiving notification the probate judge shall in 107227
the speediest manner possible notify such relatives, if known to 107228
~~him~~ the probate judge. 107229

The chief clinical officer of a public hospital, upon the 107230
request of the probate judge of the county from which a patient 107231
was hospitalized or the probate judge of the county of residence 107232
of such a patient, shall make a report to the judge of the 107233
condition of any patient under the care, treatment, custody, or 107234
control of the chief clinical officer. 107235

Sec. 5122.25. Upon the request of a hospital, person, board, 107236

~~agency~~ community mental health services provider, or facility who 107237
has custody of a patient hospitalized pursuant to section 5122.15 107238
of the Revised Code, or on the order of the court, such patient 107239
may be called for a rehearing at such place within the county of 107240
~~his~~ the patient's residence or the county where such patient is 107241
hospitalized as the court designates. The hearing shall be 107242
conducted pursuant to section 5122.15 of the Revised Code. 107243

Sec. 5122.26. (A) If a patient is absent without leave, on a 107244
verbal or written order issued within five days of the time of the 107245
unauthorized absence by the department of ~~mental health~~ mental 107246
health and addiction services, the chief clinical officer of the 107247
hospital from which the patient is absent without leave, or the 107248
court of either the county from which the patient was committed or 107249
in which the patient is found, any health or police officer or 107250
sheriff may take the patient into custody and transport the 107251
patient to the hospital in which the patient was hospitalized or 107252
to a place that is designated in the order. The officer 107253
immediately shall report such fact to the ~~agency~~ entity that 107254
issued the order. 107255

The chief clinical officer of a hospital may discharge a 107256
patient who is under an indictment, a sentence of imprisonment, a 107257
community control sanction, or a post-release control sanction or 107258
on parole and who has been absent without leave for more than 107259
thirty days but shall give written notice of the discharge to the 107260
court with criminal jurisdiction over the patient. The chief 107261
clinical officer of a hospital may discharge any other patient who 107262
has been absent without leave for more than fourteen days. 107263

The chief clinical officer shall take all proper measures for 107264
the apprehension of an escaped patient. The expense of the return 107265
of an escaped patient shall be borne by the hospital where the 107266
patient is hospitalized. 107267

(B)(1) Subject to division (B)(2) of this section, no patient hospitalized under Chapter 5122. of the Revised Code whose absence without leave was caused or contributed to by the patient's mental illness shall be subject to a charge of escape.

(2) Division (B)(1) of this section does not apply to any person who was hospitalized, institutionalized, or confined in a facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who escapes from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside the facility, in violation of section 2921.34 of the Revised Code.

Sec. 5122.27. The chief clinical officer of the hospital or the chief clinical officer's designee shall assure that all patients hospitalized or committed pursuant to this chapter shall:

(A) Receive, within twenty days of their admission sufficient professional care to assure that an evaluation of current status, differential diagnosis, probable prognosis, and description of the current treatment plan is stated on the official chart;

(B) Have a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals which shall be provided, upon request of the patient or patient's counsel, to the patient's counsel and to any private physician or licensed clinical psychologist designated by the patient or the patient's counsel or to the Ohio protection and advocacy system;

(C) Receive treatment consistent with the treatment plan. The department of ~~mental health~~ mental health and addiction services shall set standards for treatment provided to such patients, consistent wherever possible with standards set by the joint

commission on accreditation of healthcare organizations.	107299
(D) Receive periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed ninety days;	107300 107301
(E) Be provided with adequate medical treatment for physical disease or injury;	107302 107303
(F) Receive humane care and treatment, including without limitation, the following:	107304 107305
(1) The least restrictive environment consistent with the treatment plan;	107306 107307
(2) The necessary facilities and personnel required by the treatment plan;	107308 107309
(3) A humane psychological and physical environment;	107310
(4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand;	107311 107312 107313
(5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment;	107314 107315 107316
(6) The right to be free from unnecessary or excessive medication;	107317 107318
(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital.	107319 107320 107321 107322
If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of mental health <u>mental health and</u>	107323 107324 107325 107326 107327 107328

addiction services, and the patient's counsel and legal guardian, 107329
if known. If within ten days after receipt of such notification by 107330
the director, the director is unable to effect a transfer of the 107331
patient, pursuant to section 5122.20 of the Revised Code, to a 107332
hospital, community mental health ~~agency~~ services provider, or 107333
other medical facility where treatment is available, or has not 107334
received an order of the court to the contrary, the involuntary 107335
commitment of any patient hospitalized pursuant to Chapter 5122. 107336
of the Revised Code and defined as a mentally ill person subject 107337
to hospitalization by court order under division (B)(4) of section 107338
5122.01 of the Revised Code shall automatically be terminated. 107339

Sec. 5122.271. (A) Except as provided in divisions (C), (D), 107340
and (E) of this section, the chief clinical officer or, in a 107341
nonpublic hospital, the attending physician responsible for a 107342
patient's care shall provide all information, including expected 107343
physical and medical consequences, necessary to enable any patient 107344
of a hospital for the mentally ill to give a fully informed, 107345
intelligent, and knowing consent, the opportunity to consult with 107346
independent specialists and counsel, and the right to refuse 107347
consent for any of the following: 107348

- (1) Surgery; 107349
- (2) Convulsive therapy; 107350
- (3) Major aversive interventions; 107351
- (4) Sterilizations; 107352
- (5) Any unusually hazardous treatment procedures; 107353
- (6) Psycho-surgery. 107354

(B) No patient shall be subjected to any of the procedures 107355
listed in divisions (A)(4) to (6) of this section until both the 107356
patient's informed, intelligent, and knowing consent and the 107357
approval of the court have been obtained, except that court 107358

approval is not required for a legally competent and voluntary patient in a nonpublic hospital. 107359
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(C) If, after providing the information required under division (A) of this section to the patient, the chief clinical officer or attending physician concludes that a patient is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section, or has been adjudicated incompetent, the information may be provided to the patient's natural or court-appointed guardian, who may give an informed, intelligent, and knowing written consent. 107361
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If a patient is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section and has no guardian, the information, the recommendation of the chief clinical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the hospital is located, which may approve the surgery. Before approving the surgery, the court shall notify the Ohio protection and advocacy system created by section 5123.60 of the Revised Code, and shall notify the patient of the rights to consult with counsel, to have counsel appointed by the court if the patient is indigent, and to contest the recommendation of the chief clinical officer. 107369
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(D) If, in a medical emergency, and after providing the information required under division (A) of this section to the patient, it is the judgment of one licensed physician that delay in obtaining surgery would create a grave danger to the health of the patient, it may be administered without the consent of the patient or the patient's guardian if the necessary information is provided to the patient's spouse or next of kin to enable that person to give informed, intelligent, and knowing written consent. If no spouse or next of kin can reasonably be contacted, or if the spouse or next of kin is contacted, but refuses to consent, the 107381
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surgery may be performed upon the written authorization of the chief clinical officer or, in a nonpublic hospital, upon the written authorization of the attending physician responsible for the patient's care, and after the approval of the court has been obtained. However, if delay in obtaining court approval would create a grave danger to the life of the patient, the chief clinical officer or, in a nonpublic hospital, the attending physician responsible for the patient's care may authorize surgery, in writing, without court approval. If the surgery is authorized without court approval, the chief clinical officer or the attending physician who made the authorization and the physician who performed the surgery shall each execute an affidavit describing the circumstances constituting the emergency and warranting the surgery and the circumstances warranting their not obtaining prior court approval. The affidavit shall be filed with the court with which the request for prior approval would have been filed within five court days after the surgery, and a copy of the affidavit shall be placed in the patient's file and be given to the guardian, spouse, or next of kin of the patient, to the hospital at which the surgery was performed, and to the Ohio protection and advocacy system as defined in section 5123.60 of the Revised Code.

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(E) Major aversive interventions shall not be used unless a patient continues to engage in behavior destructive to self or others after other forms of therapy have been attempted. Major aversive interventions may be applied if approved by the director of ~~mental health~~ mental health and addiction services. Major aversive interventions shall not be applied to a voluntary patient without the informed, intelligent, and knowing written consent of the patient or the patient's guardian.

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(F) Unless there is substantial risk of physical harm to self or others, or other than under division (D) of this section, this

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chapter does not authorize any form of compulsory medical, 107423
psychological, or psychiatric treatment of any patient who is 107424
being treated by spiritual means through prayer alone in 107425
accordance with a recognized religious method of healing without 107426
specific court authorization. 107427

(G) For purposes of this section, "convulsive therapy" does 107428
not include defibrillation. 107429

Sec. 5122.31. (A) All certificates, applications, records, 107430
and reports made for the purpose of this chapter and sections 107431
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 107432
Code, other than court journal entries or court docket entries, 107433
and directly or indirectly identifying a patient or former patient 107434
or person whose hospitalization has been sought under this 107435
chapter, shall be kept confidential and shall not be disclosed by 107436
any person except: 107437

(1) If the person identified, or the person's legal guardian, 107438
if any, or if the person is a minor, the person's parent or legal 107439
guardian, consents, and if the disclosure is in the best interests 107440
of the person, as may be determined by the court for judicial 107441
records and by the chief clinical officer for medical records; 107442

(2) When disclosure is provided for in this chapter, Chapters 107443
340. or 5119., Title XLVII, or section 5123.601 of the Revised 107444
Code; 107445

(3) That hospitals, boards of alcohol, drug addiction, and 107446
mental health services, and community mental health ~~agencies~~ 107447
services providers may release necessary medical information to 107448
insurers and other third-party payers, including government 107449
entities responsible for processing and authorizing payment, to 107450
obtain payment for goods and services furnished to the patient; 107451

(4) Pursuant to a court order signed by a judge; 107452

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons;

(6) That hospitals and other institutions and facilities within the department of ~~mental health~~ mental health and addiction services may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health ~~agencies~~ services providers and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be released pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(7) That hospitals within the department, and other institutions and facilities within the department, ~~hospitals licensed by the department under section 5119.20 of the Revised Code, and community mental health agencies~~ may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for a patient or for the emergency treatment of an individual;

(8) That a patient's family member who is involved in the provision, planning, and monitoring of services to the patient may receive medication information, a summary of the patient's diagnosis and prognosis, and a list of the services and personnel available to assist the patient and the patient's family, if the patient's treating physician determines that the disclosure would be in the best interests of the patient. No such disclosure shall be made unless the patient is notified first and receives the

information and does not object to the disclosure. 107485

(9) That community mental health ~~agencies~~ services providers 107486
may exchange psychiatric records and certain other information 107487
with the board of alcohol, drug addiction, and mental health 107488
services and other ~~agencies~~ services providers in order to provide 107489
services to a person involuntarily committed to a board. Release 107490
of records under this division shall be limited to medication 107491
history, physical health status and history, financial status, 107492
summary of course of treatment, summary of treatment needs, and 107493
discharge summary, if any. 107494

(10) That information may be disclosed to the executor or the 107495
administrator of an estate of a deceased patient when the 107496
information is necessary to administer the estate; 107497

(11) That records in the possession of the Ohio historical 107498
society may be released to the closest living relative of a 107499
deceased patient upon request of that relative; 107500

~~(12) That information may be disclosed to staff members of 107501
the appropriate board or to staff members designated by the 107502
director of mental health for the purpose of evaluating the 107503
quality, effectiveness, and efficiency of services and determining 107504
if the services meet minimum standards. Information obtained 107505
during such evaluations shall not be retained with the name of any 107506
patient. 107507~~

~~(13)~~ That records pertaining to the patient's diagnosis, 107508
course of treatment, treatment needs, and prognosis shall be 107509
disclosed and released to the appropriate prosecuting attorney if 107510
the patient was committed pursuant to section 2945.38, 2945.39, 107511
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 107512
attorney designated by the board for proceedings pursuant to 107513
involuntary commitment under this chapter. 107514

~~(14)~~(13) That the department of ~~mental health~~ mental health 107515

and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The department shall not disclose those records unless the inmate or offender is notified, receives the information, and does not object to the disclosure. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

~~(15) That a community mental health agency that ceases to operate may transfer to either a community mental health agency that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the patient resided at the time services were most recently provided any treatment records that have not been transferred elsewhere at the patient's request.~~

(B) Before records are disclosed pursuant to divisions (A)(3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A)(3) of this section to allow an insurance carrier or other third party payor to comply with section 5121.43 of the Revised Code shall neither be subject to criminal nor civil liability.

Sec. 5122.311. (A) Notwithstanding any provision of the Revised Code to the contrary, if, on or after ~~the effective date of this section~~ April 8, 2004, an individual is found by a court to be a mentally ill person subject to hospitalization by court order or becomes an involuntary patient other than one who is a patient only for purposes of observation, the probate judge who made the adjudication or the chief clinical officer of the hospital, ~~agency~~ community mental health services provider, or facility in which the person is an involuntary patient shall notify the bureau of criminal identification and investigation, on the form described in division (C) of this section, of the identity of the individual. The notification shall be transmitted by the judge or the chief clinical officer not later than seven days after the adjudication or commitment.

(B) The bureau of criminal identification and investigation shall compile and maintain the notices it receives under division (A) of this section and shall use them for the purpose of conducting incompetency records checks pursuant to section 311.41 of the Revised Code. The notices and the information they contain are confidential, except as provided in this division, and are not public records.

(C) The attorney general, by rule adopted under Chapter 119. of the Revised Code, shall prescribe and make available to all probate judges and all chief clinical officers a form to be used by them for the purpose of making the notifications required by division (A) of this section.

Sec. 5122.32. (A) As used in this section: 107579

(1) "Quality assurance committee" means a committee that is 107580
appointed in the central office of the department of ~~mental health~~ 107581
mental health and addiction services by the director of ~~mental~~ 107582
~~health~~ mental health and addiction services, a committee of a 107583
hospital or community setting program, ~~a committee established~~ 107584
~~pursuant to section 5119.47 of the Revised Code of the department~~ 107585
~~of mental health appointed by the managing officer of the hospital~~ 107586
~~or program~~, or a duly authorized subcommittee of a committee of 107587
that nature and that is designated to carry out quality assurance 107588
program activities. 107589

(2) "Quality assurance program" means a comprehensive program 107590
within the department of ~~mental health~~ mental health and addiction 107591
services to systematically review and improve the quality of 107592
medical and mental health services within the department and its 107593
hospitals and community setting programs, the safety and security 107594
of persons receiving medical and mental health services within the 107595
department and its hospitals and community setting programs, and 107596
the efficiency and effectiveness of the utilization of staff and 107597
resources in the delivery of medical and mental health services 107598
within the department and its hospitals and community setting 107599
programs. "Quality assurance program" includes the central office 107600
quality assurance committees, morbidity and mortality review 107601
committees, quality assurance programs of community setting 107602
programs, quality assurance committees of hospitals operated by 107603
the department of ~~mental health~~ mental health and addiction 107604
services, and the office of licensure and certification of the 107605
department. 107606

(3) "Quality assurance program activities" include collecting 107607
or compiling information and reports required by a quality 107608
assurance committee, receiving, reviewing, or implementing the 107609

recommendations made by a quality assurance committee, and 107610
credentialing, privileging, infection control, tissue review, peer 107611
review, utilization review including access to patient care 107612
records, patient care assessment records, and medical and mental 107613
health records, medical and mental health resource management, 107614
mortality and morbidity review, and identification and prevention 107615
of medical or mental health incidents and risks, whether performed 107616
by a quality assurance committee or by persons who are directed by 107617
a quality assurance committee. 107618

(4) "Quality assurance records" means the proceedings, 107619
discussion, records, findings, recommendations, evaluations, 107620
opinions, minutes, reports, and other documents or actions that 107621
emanate from quality assurance committees, quality assurance 107622
programs, or quality assurance program activities. "Quality 107623
assurance records" does not include aggregate statistical 107624
information that does not disclose the identity of persons 107625
receiving or providing medical or mental health services in 107626
department of ~~mental health institutions~~ mental health and 107627
addiction services hospitals or community setting programs . 107628

(B)(1) Except as provided in division (E) of this section, 107629
quality assurance records are confidential and are not public 107630
records under section 149.43 of the Revised Code, and shall be 107631
used only in the course of the proper functions of a quality 107632
assurance program. 107633

(2) Except as provided in division (E) of this section, no 107634
person who possesses or has access to quality assurance records 107635
and who knows that the records are quality assurance records shall 107636
willfully disclose the contents of the records to any person or 107637
entity. 107638

(C)(1) Except as provided in division (E) of this section, no 107639
quality assurance record shall be subject to discovery ~~in~~, and is 107640
not admissible in evidence, in any judicial or administrative 107641

proceeding. 107642

(2) Except as provided in division (E) of this section, no 107643
member of a quality assurance committee or a person who is 107644
performing a function that is part of a quality assurance program 107645
shall be permitted or required to testify in a judicial or 107646
administrative proceeding with respect to quality assurance 107647
records or with respect to any finding, recommendation, 107648
evaluation, opinion, or other action taken by the committee, 107649
member, or person. 107650

(3) Information, documents, or records otherwise available 107651
from original sources are not to be construed as being unavailable 107652
for discovery or admission in evidence in a judicial or 107653
administrative proceeding merely because they were presented to a 107654
quality assurance committee. No person testifying before a quality 107655
assurance committee or person who is a member of a quality 107656
assurance committee shall be prevented from testifying as to 107657
matters within the person's knowledge, but the witness cannot be 107658
asked about the witness' testimony before the quality assurance 107659
committee or about an opinion formed by the person as a result of 107660
the quality assurance committee proceedings. 107661

(D)(1) A person who, without malice and in the reasonable 107662
belief that the information is warranted by the facts known to the 107663
person, provides information to a person engaged in quality 107664
assurance program activities is not liable for damages in a civil 107665
action for injury, death, or loss to person or property to any 107666
person as a result of providing the information. 107667

(2) A member of a quality assurance committee, a person 107668
engaged in quality assurance program activities, and an employee 107669
of the department of ~~mental health~~ mental health and addiction 107670
services shall not be liable in damages in a civil action for 107671
injury, death, or loss to person or property to any person for any 107672
acts, omissions, decisions, or other conduct within the scope of 107673

the functions of the quality assurance program. 107674

(3) Nothing in this section shall relieve any institution or 107675
individual from liability arising from the treatment of a patient. 107676

(E) Quality assurance records may be disclosed, and testimony 107677
may be provided concerning quality assurance records, only to the 107678
following persons or entities: 107679

(1) Persons who are employed or retained by the department of 107680
~~mental health~~ mental health and addiction services and who have 107681
authority to evaluate or implement the recommendations of a 107682
state-operated hospital, community setting program, or central 107683
office quality assurance committee; 107684

(2) Public or private agencies or organizations if needed to 107685
perform a licensing or accreditation function related to 107686
department of ~~mental health~~ mental health and addiction services 107687
hospitals or community setting programs, or to perform monitoring 107688
of a hospital or program of that nature as required by law. 107689

(F) A disclosure of quality assurance records pursuant to 107690
division (E) of this section does not otherwise waive the 107691
confidential and privileged status of the disclosed quality 107692
assurance records. 107693

(G) Nothing in this section shall limit the access of the 107694
Ohio protection and advocacy system to records or personnel as 107695
required under section 5123.601 of the Revised Code. Nothing in 107696
this section shall limit the admissibility of documentary or 107697
testimonial evidence in an action brought by the Ohio protection 107698
and advocacy system in its own name or on behalf of a client. 107699

Sec. 5122.33. The department of ~~mental health~~ mental health 107700
and addiction services may prescribe the form of applications, 107701
reports, records, and medical certificates provided for under this 107702
chapter, and the information required to be contained therein; 107703

require reports from the chief clinical officer of any public hospital relating to the admission, examination, diagnosis, release, or discharge of any patient; visit each such hospital regularly to review the admission procedures of all new patients admitted between visits; investigate by personal visit complaints made by any patient or by any person on behalf of a patient; and adopt such rules as are reasonably necessary to effectuate the provisions of this chapter.

Sec. 5122.34. (A) Persons, including, but not limited to, boards of alcohol, drug addiction, and mental health services and community mental health ~~agencies~~ services providers, acting in good faith, either upon actual knowledge or information thought by them to be reliable, who procedurally or physically assist in the hospitalization or discharge, determination of appropriate placement, or in judicial proceedings of a person under this chapter, do not come within any criminal provisions, and are free from any liability to the person hospitalized or to any other person.

(B) Regardless of whether any affirmative action has been taken under this chapter with respect to a mental health client or patient and except as otherwise provided in section 2305.51 of the Revised Code, no person shall be liable for any harm that results to any other person as a result of failing to disclose any confidential information about the mental health client or patient, or failing to otherwise attempt to protect such other person from harm by such client or patient.

(C) This section applies to expert witnesses who testify at hearings under this chapter.

(D) The immunity from liability conferred by this section is in addition to and not in limitation of any immunity conferred by any other section of the Revised Code or by judicial precedent.

Sec. 5122.341. (A) As used in this section: 107735

(1) "Facility or ~~agency provider~~" means, in the context of a 107736
person committed to the department of ~~mental health~~ mental health 107737
and addiction services under sections 2945.37 to 2945.402 of the 107738
Revised Code, any entity in which the department of ~~mental health~~ 107739
mental health and addiction services places such a person. 107740

(2) "Person committed to the department" means a person 107741
committed to the department of ~~mental health~~ mental health and 107742
addiction services under sections 2945.37 to 2945.402 of the 107743
Revised Code. 107744

(B) No member of a board of directors, or employee, of a 107745
facility or ~~agency provider~~ in which the department of ~~mental~~ 107746
~~health~~ mental health and addiction services places a person 107747
committed to the department is liable for injury or damages caused 107748
by any action or inaction taken within the scope of the board 107749
member's official duties or employee's employment relating to the 107750
commitment of, and services provided to, the person committed to 107751
the department, unless the action or inaction constitutes willful 107752
or wanton misconduct. A board member's or employee's action or 107753
inaction does not constitute willful or wanton misconduct if the 107754
board member or employee acted in good faith and reasonably under 107755
the circumstances and with the knowledge reasonably attributable 107756
to the board member or employee. 107757

The immunity from liability conferred by this section is in 107758
addition to and not in limitation of any immunity conferred by any 107759
other section of the Revised Code or by judicial precedent. 107760

Sec. 5122.39. (A) Mentally ill minors shall remain under the 107761
natural guardianship of their parents, notwithstanding 107762
hospitalization pursuant to this chapter, unless parental rights 107763
have been terminated pursuant to a court finding that the minor is 107764

neglected or dependent. Where a mentally ill minor is found to be 107765
dependent or neglected, the public children's services agency in 107766
the county of residence has final guardianship authority and 107767
responsibility. 107768

(B) In no case shall the guardianship of a mentally ill 107769
person be assigned to the chief medical officer or any staff 107770
member of a hospital, board, or ~~agency~~ provider from which the 107771
person is receiving mental health services. 107772

Sec. 5122.43. (A) Costs, fees, and expenses of all 107773
proceedings held under this chapter shall be paid as follows: 107774

(1) To police and health officers, other than sheriffs or 107775
their deputies, the same fees allowed to constables, to be paid 107776
upon the approval of the probate judge; 107777

(2) To sheriffs or their deputies, the same fees allowed for 107778
similar services in the court of common pleas; 107779

(3) To physicians or licensed clinical psychologists acting 107780
as expert witnesses and to other expert witnesses designated by 107781
the court, an amount determined by the court; 107782

(4) To other witnesses, the same fees and mileage as for 107783
attendance at the court of common pleas, to be paid upon the 107784
approval of the probate judge; 107785

(5) To a person, other than the sheriff or the sheriff's 107786
deputies, for taking a mentally ill person to a hospital or 107787
removing a mentally ill person from a hospital, the actual 107788
necessary expenses incurred, specifically itemized, and approved 107789
by the probate judge; 107790

(6) To assistants who convey mentally ill persons to the 107791
hospital when authorized by the probate judge, a fee set by the 107792
probate court, provided the assistants are not drawing a salary 107793
from the state or any political subdivision of the state, and 107794

their actual necessary expenses incurred, provided that the 107795
expenses are specifically itemized and approved by the probate 107796
judge; 107797

(7) To an attorney appointed by the probate division for an 107798
indigent who allegedly is a mentally ill person pursuant to any 107799
section of this chapter, the fees that are determined by the 107800
probate division. When those indigent persons are before the 107801
court, all filing and recording fees shall be waived. 107802

(8) To a referee who is appointed to conduct proceedings 107803
under this chapter that involve a respondent whose domicile is or, 107804
before the respondent's hospitalization, was not the county in 107805
which the proceedings are held, compensation as fixed by the 107806
probate division, but not more than the compensation paid for 107807
similar proceedings for respondents whose domicile is in the 107808
county in which the proceedings are held; 107809

(9) To a court reporter appointed to make a transcript of 107810
proceedings under this chapter, the compensation and fees allowed 107811
in other cases under section 2101.08 of the Revised Code. 107812

(B) A county shall pay for the costs, fees, and expenses 107813
described in division (A) of this section with money appropriated 107814
pursuant to section 2101.11 of the Revised Code. A county may seek 107815
reimbursement from the department of ~~mental health~~ mental health
and addiction services by submitting a request and certification 107816
by the county auditor of the costs, fees, and expenses to the 107817
department within two months of the date the costs, fees, and 107818
expenses are incurred by the county. 107819
107820

Each fiscal year, based on past allocations, historical 107821
utilization, and other factors the department considers 107822
appropriate, the department shall allocate for each county an 107823
amount for reimbursements under this section. The total of all the 107824
allocations shall equal the amount appropriated for the fiscal 107825

year to the department specifically for the purposes of this 107826
section. 107827

On receipt, the department shall review each request for 107828
reimbursement and prepare a voucher for the amount of the costs, 107829
fees, and expenses incurred by the county, provided that the total 107830
amount of money paid to all counties in each fiscal year shall not 107831
exceed the total amount of moneys specifically appropriated to the 107832
department for these purposes. 107833

The department's total reimbursement to each county shall be 107834
the lesser of the full amount requested or the amount allocated 107835
for the county under this division. In addition, the department 107836
shall distribute any surplus remaining from the money appropriated 107837
for the fiscal year to the department for the purposes of this 107838
section as follows to counties whose full requests exceed their 107839
allocations: 107840

(1) If the surplus is sufficient to reimburse such counties 107841
the full amount of their requests, each such county shall receive 107842
the full amount of its request; 107843

(2) If the surplus is insufficient, each such county shall 107844
receive a percentage of the surplus determined by dividing the 107845
difference between the county's full request and its allocation by 107846
the difference between the total of the full requests of all such 107847
counties and the total of the amounts allocated for all such 107848
counties. 107849

The department may adopt rules in accordance with Chapter 107850
119. of the Revised Code to implement the payment of costs, fees, 107851
and expenses under this section. 107852

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of the 107853
Revised Code: 107854

(A) "Compilation" means a written list of the following 107855

information, as the department of ~~mental health~~ mental health and 107856
addiction services is able to reasonably ascertain, for every 107857
patient who was buried, entombed, or inurned prior to ~~the~~ 107858
~~effective date of this section~~ March 31, 2005, in a cemetery 107859
located on the grounds of or adjacent to the grounds of a public 107860
hospital: 107861

(1) Name; 107862

(2) Date of birth; 107863

(3) Date of death or burial; 107864

(4) Specific physical location of the burial, entombment, or 107865
inurnment, including the plot or grave site number if available. 107866

(B) "Patient" means an individual who died while admitted to 107867
a public hospital that was under the control of the department of 107868
~~mental health~~ mental health and addiction services. 107869

(C) "Record" has the same meaning as in section 149.011 of 107870
the Revised Code. 107871

(D) "State agency" means every organized body, office, or 107872
agency established by the laws of the state for the exercise of 107873
any function of state government. 107874

Sec. 5122.45. The department of ~~mental health~~ mental health 107875
and addiction services shall create a separate compilation for 107876
each cemetery located on the grounds of or adjacent to the grounds 107877
of a public hospital that is under the control of the department 107878
on ~~the effective date of this section~~ March 31, 2005. The 107879
compilation shall be created within a reasonable time not 107880
exceeding three years after ~~the effective date of this section~~ 107881
March 31, 2005. The department shall use its best efforts to 107882
create the most complete compilations possible using records in 107883
the department's possession and records obtained in accordance 107884
with section 5122.46 of the Revised Code. 107885

Sec. 5122.46. The Ohio historical society and each state agency shall, at the request of the department of ~~mental health~~ mental health and addiction services, provide the department access to records and information in the possession of the historical society or state agency for purposes of creating compilations.

Sec. 5122.47. The department of ~~mental health~~ mental health and addiction services shall deposit a copy of each compilation with the Ohio historical society and the state library as soon as a compilation is completed. The department shall not disclose any record or information used to create a compilation except as provided in sections 149.43 and 5122.31 of the Revised Code.

Sec. 5123.01. As used in this chapter:

(A) "Chief medical officer" means the licensed physician appointed by the managing officer of an institution for the mentally retarded with the approval of the director of developmental disabilities to provide medical treatment for residents of the institution.

(B) "Chief program director" means a person with special training and experience in the diagnosis and management of the mentally retarded, certified according to division (C) of this section in at least one of the designated fields, and appointed by the managing officer of an institution for the mentally retarded with the approval of the director to provide habilitation and care for residents of the institution.

(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special training and experience in the diagnosis and management of persons

with mental retardation or a developmental disability, which group 107916
shall include individuals who are professionally qualified in the 107917
fields of medicine, psychology, and social work, together with 107918
such other specialists as the individual case may require. 107919

(D) "Education" means the process of formal training and 107920
instruction to facilitate the intellectual and emotional 107921
development of residents. 107922

(E) "Habilitation" means the process by which the staff of 107923
the institution assists the resident in acquiring and maintaining 107924
those life skills that enable the resident to cope more 107925
effectively with the demands of the resident's own person and of 107926
the resident's environment and in raising the level of the 107927
resident's physical, mental, social, and vocational efficiency. 107928
Habilitation includes but is not limited to programs of formal, 107929
structured education and training. 107930

(F) "Health officer" means any public health physician, 107931
public health nurse, or other person authorized or designated by a 107932
city or general health district. 107933

(G) "Home and community-based services" means medicaid-funded 107934
home and community-based services specified in division ~~(B)~~(A)(1) 107935
of section ~~5111.87~~ 5166.20 of the Revised Code provided under the 107936
medicaid waiver components the department of developmental 107937
disabilities administers pursuant to section ~~5111.871~~ 5166.21 of 107938
the Revised Code. Except as provided in section 5123.0412 of the 107939
Revised Code, home and community-based services provided under the 107940
medicaid waiver component known as the transitions developmental 107941
disabilities waiver are to be considered to be home and 107942
community-based services for the purposes of this chapter, and 107943
Chapters 5124. and 5126. of the Revised Code, only to the extent, 107944
if any, provided by the contract required by section ~~5111.871~~ 107945
5166.21 of the Revised Code regarding the waiver. 107946

(H) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 107947
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(I) "Indigent person" means a person who is unable, without substantial financial hardship, to provide for the payment of an attorney and for other necessary expenses of legal representation, including expert testimony. 107949
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~~(I)~~(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for the mentally retarded. 107953
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~~(J)~~(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties. 107958
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~~(K)~~(L) "Managing officer" means a person who is appointed by the director of developmental disabilities to be in executive control of an institution for the mentally retarded under the jurisdiction of the department. 107964
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~~(L)~~ "~~Medicaid~~" ~~has the same meaning as in section 5111.01 of the Revised Code.~~ 107968
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(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires. 107970
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(N) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period. 107974
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(O) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

(2) The person needs and is susceptible to significant habilitation in an institution.

(P) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification in mental retardation published by the American association on mental retardation.

(Q) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code.

(2) It is manifested before age twenty-two.

(3) It is likely to continue indefinitely.	108009
(4) It results in one of the following:	108010
(a) In the case of a person under three years of age, at least one developmental delay or an established risk;	108011 108012
(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays or an established risk;	108013 108014 108015
(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.	108016 108017 108018 108019 108020 108021 108022
(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.	108023 108024 108025 108026
(R) "Developmentally disabled person" means a person with a developmental disability.	108027 108028
(S) "State institution" means an institution that is tax-supported and under the jurisdiction of the department.	108029 108030
(T) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, financial assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the state shall be considered as having legal settlement in the assistance	108031 108032 108033 108034 108035 108036 108037 108038

area in which the person resides. No adult person coming into this 108039
state and having a spouse or minor children residing in another 108040
state shall obtain a legal settlement in this state as long as the 108041
spouse or minor children are receiving public assistance, care, or 108042
support at the expense of the other state or its subdivisions. For 108043
the purpose of determining the legal settlement of a person who is 108044
living in a public or private institution or in a home subject to 108045
licensing by the department of job and family services, the 108046
department of ~~mental health~~ mental health and addiction services, 108047
or the department of developmental disabilities, the residence of 108048
the person shall be considered as though the person were residing 108049
in the county in which the person was living prior to the person's 108050
entrance into the institution or home. Settlement once acquired 108051
shall continue until a person has been continuously absent from 108052
Ohio for a period of one year or has acquired a legal residence in 108053
another state. A woman who marries a man with legal settlement in 108054
any county immediately acquires the settlement of her husband. The 108055
legal settlement of a minor is that of the parents, surviving 108056
parent, sole parent, parent who is designated the residential 108057
parent and legal custodian by a court, other adult having 108058
permanent custody awarded by a court, or guardian of the person of 108059
the minor, provided that: 108060

(1) A minor female who marries shall be considered to have 108061
the legal settlement of her husband and, in the case of death of 108062
her husband or divorce, she shall not thereby lose her legal 108063
settlement obtained by the marriage. 108064

(2) A minor male who marries, establishes a home, and who has 108065
resided in this state for one year without receiving general 108066
assistance prior to July 17, 1995, under former Chapter 5113. of 108067
the Revised Code, financial assistance under Chapter 5115. of the 108068
Revised Code, or assistance from a private agency that maintains 108069
records of assistance given shall be considered to have obtained a 108070

legal settlement in this state. 108071

(3) The legal settlement of a child under eighteen years of 108072
age who is in the care or custody of a public or private child 108073
caring agency shall not change if the legal settlement of the 108074
parent changes until after the child has been in the home of the 108075
parent for a period of one year. 108076

No person, adult or minor, may establish a legal settlement 108077
in this state for the purpose of gaining admission to any state 108078
institution. 108079

(U)(1) "Resident" means, subject to division ~~(R)~~(U)(2) of 108080
this section, a person who is admitted either voluntarily or 108081
involuntarily to an institution or other facility pursuant to 108082
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 108083
Code subsequent to a finding of not guilty by reason of insanity 108084
or incompetence to stand trial or under this chapter who is under 108085
observation or receiving habilitation and care in an institution. 108086

(2) "Resident" does not include a person admitted to an 108087
institution or other facility under section 2945.39, 2945.40, 108088
2945.401, or 2945.402 of the Revised Code to the extent that the 108089
reference in this chapter to resident, or the context in which the 108090
reference occurs, is in conflict with any provision of sections 108091
2945.37 to 2945.402 of the Revised Code. 108092

(V) "Respondent" means the person whose detention, 108093
commitment, or continued commitment is being sought in any 108094
proceeding under this chapter. 108095

(W) "Working day" and "court day" mean Monday, Tuesday, 108096
Wednesday, Thursday, and Friday, except when such day is a legal 108097
holiday. 108098

(X) "Prosecutor" means the prosecuting attorney, village 108099
solicitor, city director of law, or similar chief legal officer 108100
who prosecuted a criminal case in which a person was found not 108101

guilty by reason of insanity, who would have had the authority to 108102
prosecute a criminal case against a person if the person had not 108103
been found incompetent to stand trial, or who prosecuted a case in 108104
which a person was found guilty. 108105

(Y) "Court" means the probate division of the court of common 108106
pleas. 108107

(Z) "Supported living" and "residential services" have the 108108
same meanings as in section 5126.01 of the Revised Code. 108109

Sec. 5123.021. (A) As used in this section, "mentally 108110
retarded individual" and "specialized services" have the same 108111
meanings as in section ~~5111.202~~ 5165.03 of the Revised Code. 108112

(B)(1) Except as provided in division (B)(2) of this section 108113
and rules adopted under division (E)(3) of this section, for 108114
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 108115
department of developmental disabilities shall determine in 108116
accordance with section 1919(e)(7) of the "Social Security Act," 108117
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and regulations 108118
adopted under section 1919(f)(8)(A) of that act whether, because 108119
of the individual's physical and mental condition, a mentally 108120
retarded individual seeking admission to a nursing facility 108121
requires the level of services provided by a nursing facility and, 108122
if the individual requires that level of services, whether the 108123
individual requires specialized services for mental retardation. 108124

(2) A determination under this division is not required for 108125
any of the following: 108126

(a) An individual seeking readmission to a nursing facility 108127
after having been transferred from a nursing facility to a 108128
hospital for care; 108129

(b) An individual who meets all of the following conditions: 108130

(i) The individual is admitted to the nursing facility 108131

directly from a hospital after receiving inpatient care at the hospital; 108132
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(ii) The individual requires nursing facility services for the condition for which the individual received care in the hospital; 108134
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(iii) The individual's attending physician has certified, before admission to the nursing facility, that the individual is likely to require less than thirty days of nursing facility services. 108137
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(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay. 108141
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(C) Except as provided in rules adopted under division (F)(3) of this section, the department of developmental disabilities shall review and determine, for each resident of a nursing facility who is mentally retarded, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental retardation. The review and determination shall be conducted in accordance with section 1919(e)(7) of the "Social Security Act" and the regulations adopted under section 1919(f)(8)(A) of the act. The review and determination shall be completed promptly after a nursing facility has notified the department that there has been a significant change in the resident's mental or physical condition. 108144
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(D)(1) In the case of a nursing facility resident who has continuously resided in a nursing facility for at least thirty months before the date of a review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental 108157
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retardation, the department, in consultation with the resident's family or legal representative and care givers, shall do all of the following:

(a) Inform the resident of the institutional and noninstitutional alternatives covered under the state plan for medical assistance;

(b) Offer the resident the choice of remaining in the nursing facility or receiving covered services in an alternative institutional or noninstitutional setting;

(c) Clarify the effect on eligibility for services under the state plan for medical assistance if the resident chooses to leave the facility, including its effect on readmission to the facility;

(d) Provide for or arrange for the provision of specialized services for the resident's mental retardation in the setting chosen by the resident.

(2) In the case of a nursing facility resident who has continuously resided in a nursing facility for less than thirty months before the date of the review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental retardation, or if the resident is determined to require neither the level of services provided by a nursing facility nor specialized services for mental retardation, the department shall act in accordance with its alternative disposition plan approved by the United States department of health and human services under section 1919(e)(7)(E) of the "Social Security Act."

(3) In the case of an individual who is determined under division (B) or (C) of this section to require both the level of services provided by a nursing facility and specialized services for mental retardation, the department of developmental

disabilities shall provide or arrange for the provision of the 108194
specialized services needed by the individual or resident while 108195
residing in a nursing facility. 108196

(E) The department of developmental disabilities shall adopt 108197
rules in accordance with Chapter 119. of the Revised Code that do 108198
all of the following: 108199

(1) Establish criteria to be used in making the 108200
determinations required by divisions (B) and (C) of this section. 108201
The criteria shall not exceed the criteria established by 108202
regulations adopted by the United States department of health and 108203
human services under section 1919(f)(8)(A) of the "Social Security 108204
Act." 108205

(2) Specify information to be provided by the individual or 108206
nursing facility resident being assessed; 108207

(3) Specify any circumstances, in addition to circumstances 108208
listed in division (B) of this section, under which determinations 108209
under divisions (B) and (C) of this section are not required to be 108210
made. 108211

Sec. 5123.022. ~~It~~ (A) As used in this section: 108212

(1) "Community employment" means competitive employment that 108213
takes place in an integrated setting. 108214

(2) "Competitive employment" means full-time or part-time 108215
work in the competitive labor market in which payment is at or 108216
above the minimum wage but not less than the customary wage and 108217
level of benefits paid by the employer for the same or similar 108218
work performed by persons who are not disabled. 108219

(3) "Integrated setting" means a setting typically found in 108220
the community where individuals with developmental disabilities 108221
interact with individuals who do not have disabilities to the same 108222
extent that individuals in comparable positions who are not 108223

disabled interact with other individuals, including in employment 108224
settings in which employees interact with the community through 108225
technology. 108226

(B) It is hereby declared to be the policy of this state that 108227
employment services for individuals with developmental 108228
disabilities be directed at ~~placement whenever possible of each~~ 108229
~~individual in a position in the community in which the individual~~ 108230
~~is integrated with the employer's other workers who are not~~ 108231
~~developmentally disabled~~ employment. The Every individual with a 108232
developmental disability is presumed capable of community 108233
employment. 108234

The departments of developmental disabilities, education, 108235
medicaid, job and family services, and mental health ~~mental health~~ 108236
and addiction services; the ~~rehabilitation services commission~~ 108237
opportunities for Ohioans with disabilities agency; and each other 108238
state agency that provides employment services to individuals with 108239
developmental disabilities shall implement ~~this~~ the policy of this 108240
state and ensure that it is followed whenever employment services 108241
are provided to individuals with developmental disabilities. 108242
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The department of developmental disabilities shall coordinate 108244
the actions taken by state agencies to comply with the state's 108245
policy. Agencies shall collaborate within their divisions and with 108246
each other to ensure that state programs, policies, procedures, 108247
and funding support competitive and integrated employment of 108248
individuals with developmental disabilities. State agencies shall 108249
share information with the department, and the department shall 108250
track progress toward full implementation of the policy. The 108251
department, in coordination with any task force established by the 108252
governor, shall compile data and annually submit to the governor a 108253
report on implementation of the policy. 108254

The department and state agencies may adopt rules to 108255

implement the state's policy. 108256

(C) The state's policy articulated in this section is 108257
intended to promote the right of each individual with a 108258
developmental disability to informed choice; however, nothing in 108259
this section requires any employer to give preference in hiring to 108260
an individual because the individual has a disability. 108261

Sec. 5123.023. (A) The director of developmental disabilities 108262
may establish an employment first task force consisting of the 108263
departments of developmental disabilities, education, medicaid, 108264
job and family services, and mental health and addiction services; 108265
and the opportunities for Ohioans with disabilities agency. The 108266
purpose of the task force shall be to improve the coordination of 108267
the state's efforts to address the needs of individuals with 108268
developmental disabilities who seek community employment as 108269
defined in section 5123.022 of the Revised Code. 108270

(B) The department of developmental disabilities may enter 108272
into interagency agreements with any of the government entities on 108273
the task force. The interagency agreements may specify either or 108274
both of the following: 108275

(1) The roles and responsibilities of the government entities 108276
that are members of the task force, including any money to be 108277
contributed by those entities; 108278

(2) The projects and activities of the task force. 108279

(C) There is hereby created in the state treasury the 108280
employment first taskforce fund. Any money received by the task 108281
force from its members shall be credited to the fund. The 108282
department of developmental disabilities shall use the fund to 108283
support the work of the task force. 108284

(D) The task force shall cease to exist on January 1, 2020. 108285

Any money, assets, or employees of the department of developmental disabilities that on that date are dedicated to the work of the task force shall be reallocated by the department for employment services for individuals with developmental disabilities.

Sec. 5123.03. (A) The department of developmental disabilities shall do all of the following:

(1) Maintain, operate, manage, and govern all state institutions for the care, treatment, and training of the mentally retarded;

(2) Designate all such institutions by appropriate names;

(3) Provide and designate facilities for the custody, care, and special treatment of persons of the following classes:

(a) Dangerous persons in state institutions for the mentally retarded who represent a serious threat to the safety of the other patients of the institution;

(b) Persons charged with crimes who are found incompetent to stand trial or not guilty by reason of insanity and who are also mentally retarded persons subject to institutionalization by court order.

(4) Have control of all institutions maintained in part by the state for the care, treatment, and training of the mentally retarded;

(5) Administer the laws relative to persons in such institutions in an efficient, economical, and humane manner;

(6) Ascertain by actual examinations and inquiry whether institutionalizations are made according to law.

(B) The department may do any of the following:

(1) Subject to section 5139.08 of the Revised Code, receive from the department of youth services for observation, diagnosis,

care, habilitation, or placement any children in the custody of 108315
the department of youth services; 108316

(2) Receive for observation any minor from a public 108317
institution other than an institution under the jurisdiction of 108318
the department of developmental disabilities, from a private 108319
charitable institution, or from a person having legal custody of 108320
such a minor, upon such terms as are proper; 108321

(3) Receive from the department of ~~mental health~~ mental 108322
health and addiction services any patient in the custody of the 108323
department who is transferred to the department of developmental 108324
disabilities upon such terms and conditions as may be agreed upon 108325
by the two departments. 108326

(C) In addition to the powers and duties expressly conferred 108327
by this section, the department may take any other action 108328
necessary for the full and efficient executive, administrative, 108329
and fiscal supervision of the state institutions described in this 108330
section. 108331

Sec. 5123.0412. (A) The department of developmental 108332
disabilities shall charge each county board of developmental 108333
disabilities an annual fee equal to one and one-quarter per cent 108334
of the total value of all medicaid paid claims for home and 108335
community-based services provided during the year to an individual 108336
eligible for services from the county board. However, the 108337
department shall not charge the fee for home and community-based 108338
services provided under the medicaid waiver component known as the 108339
transitions developmental disabilities waiver. No county board 108340
shall pass the cost of a fee charged to the county board under 108341
this section on to another provider of these services. 108342

(B) The fees collected under this section shall be deposited 108343
into the ODDD administration and oversight fund ~~and the ODJFS~~ 108344
~~administration and oversight fund, both of~~ , which are is hereby 108345

created in the state treasury. ~~The portion of the fees to be~~ 108346
~~deposited into the ODDD administration and oversight fund and the~~ 108347
~~portion of the fees to be deposited into the ODJFS administration~~ 108348
~~and oversight fund shall be the portion specified in an~~ 108349
~~interagency agreement entered into under division (C) of this~~ 108350
~~section.~~ The department of developmental disabilities shall use 108351
the money in the ODDD administration and oversight fund ~~and the~~ 108352
~~department of job and family services shall use the money in the~~ 108353
~~ODJFS administration and oversight fund~~ for both of the following 108354
purposes: 108355

(1) Medicaid administrative costs, including administrative 108356
and oversight costs of medicaid case management services and home 108357
and community-based services. The administrative and oversight 108358
costs of medicaid case management services and home and 108359
community-based services shall include costs for staff, systems, 108360
and other resources the ~~departments need~~ department needs and 108361
~~dedicate~~ dedicates solely to the following duties associated with 108362
the services: 108363

- (a) Eligibility determinations; 108364
- (b) Training; 108365
- (c) Fiscal management; 108366
- (d) Claims processing; 108367
- (e) Quality assurance oversight; 108368
- (f) Other duties the ~~departments identify~~ department 108369
identifies. 108370

(2) Providing technical support to county boards' local 108371
administrative authority under section 5126.055 of the Revised 108372
Code for the services. 108373

~~(C) The departments of developmental disabilities and job and~~ 108374
~~family services shall enter into an interagency agreement to do~~ 108375

~~both of the following:~~ 108376

~~(1) Specify which portion of the fees collected under this section is to be deposited into the ODDD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;~~ 108377
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~~(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODDD administration and oversight fund and the ODJFS administration and oversight fund.~~ 108381
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~~(D) The departments department shall submit an annual report to the director of budget and management certifying how the department spent the money in the ODDD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section.~~ 108384
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Sec. 5123.0417. (A) The director of developmental disabilities shall establish one or more programs for individuals under twenty-two years of age who have intensive behavioral needs, including such individuals with a primary diagnosis of autism spectrum disorder. The programs may include one or more medicaid waiver components that the director administers pursuant to section ~~5111.871~~ 5166.21 of the Revised Code. The programs may do one or more of the following: 108389
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(1) Establish models that incorporate elements common to effective intervention programs and evidence-based practices in services for children with intensive behavioral needs; 108397
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(2) Design a template for individualized education plans and individual service plans that provide consistent intervention programs and evidence-based practices for the care and treatment of children with intensive behavioral needs; 108400
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(3) Disseminate best practice guidelines for use by families of children with intensive behavioral needs and professionals 108404
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working with such families; 108406

(4) Develop a transition planning model for effectively 108407
mainstreaming school-age children with intensive behavioral needs 108408
to their public school district; 108409

(5) Contribute to the field of early and effective 108410
identification and intervention programs for children with 108411
intensive behavioral needs by providing financial support for 108412
scholarly research and publication of clinical findings. 108413

(B) The director of developmental disabilities shall 108414
collaborate with the medicaid director ~~of job and family services~~ 108415
and consult with the executive director of the Ohio center for 108416
autism and low incidence and university-based programs that 108417
specialize in services for individuals with developmental 108418
disabilities when establishing programs under this section. 108419

Sec. 5123.09. Subject to the rules of the department of 108420
developmental disabilities, each institution under the 108421
jurisdiction of the department shall be under the control of a 108422
managing officer to be known as a superintendent or by other 108423
appropriate title. The managing officer shall be appointed by the 108424
director of developmental disabilities and shall be in the 108425
unclassified service and serve at the pleasure of the director. 108426
Each managing officer shall be of good moral character and have 108427
skill, ability, and experience in the managing officer's 108428
profession. Appointment to the position of managing officer of an 108429
institution may be made from persons holding positions in the 108430
classified service in the department. 108431

The managing officer, under the director, shall have entire 108432
executive charge of the institution for which the managing officer 108433
is appointed, except as provided in section ~~5119.16~~ 5119.44 of the 108434
Revised Code. Subject to civil service rules and rules adopted by 108435
the department, the managing officer shall appoint the necessary 108436

employees, and the managing officer or the director may remove 108437
those employees for cause. A report of all appointments, 108438
resignations, and discharges shall be filed with the appropriate 108439
division at the close of each month. 108440

After conference with the managing officer of each 108441
institution, the director shall determine the number of employees 108442
to be appointed to the various institutions and clinics. 108443

Sec. 5123.171. As used in this section, "respite care" means 108444
appropriate, short-term, temporary care provided to a mentally 108445
retarded or developmentally disabled person to sustain the family 108446
structure or to meet planned or emergency needs of the family. 108447

The department of developmental disabilities shall provide 108448
respite care services to persons with mental retardation or a 108449
developmental disability for the purpose of promoting 108450
self-sufficiency and normalization, preventing or reducing 108451
inappropriate institutional care, and furthering the unity of the 108452
family by enabling the family to meet the special needs of a 108453
mentally retarded or developmentally disabled person. 108454

In order to be eligible for respite care services under this 108455
section, the mentally retarded or developmentally disabled person 108456
must be in need of habilitation services as defined in section 108457
5126.01 of the Revised Code. 108458

Respite care may be provided in a residential facility 108459
licensed under section 5123.19 of the Revised Code ~~(, including a~~ 108460
~~residential facility certified as an intermediate care facility~~ 108461
~~for the mentally retarded under Title XIX of the "Social Security~~ 108462
~~Act," 79 Stat. 344 (1965), 42 U.S.C. 1396, et seq., as amended)~~ 108463
ICF/IID, and a respite care home certified under section 5126.05 108464
of the Revised Code. 108465

The department shall develop a system for locating vacant 108466

beds that are available for respite care and for making 108467
information on vacant beds available to users of respite care 108468
services. ~~Facilities certified as intermediate care facilities for~~ 108469
~~the mentally retarded~~ ICFs/IID shall report vacant beds to the 108470
department but shall not be required to accept respite care 108471
clients. 108472

The director of developmental disabilities shall adopt, and 108473
may amend or rescind, rules in accordance with Chapter 119. of the 108474
Revised Code for both of the following: 108475

(A) Certification by county boards of developmental 108476
disabilities of respite care homes; 108477

(B) Provision of respite care services authorized by this 108478
section. Rules adopted under this division shall establish all of 108479
the following: 108480

(1) A formula for distributing funds appropriated for respite 108481
care services; 108482

(2) Standards for supervision, training and quality control 108483
in the provision of respite care services; 108484

(3) Eligibility criteria for emergency respite care services. 108485

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 108486
the Revised Code: 108487

(1) "Independent living arrangement" means an arrangement in 108488
which a mentally retarded or developmentally disabled person 108489
resides in an individualized setting chosen by the person or the 108490
person's guardian, which is not dedicated principally to the 108491
provision of residential services for mentally retarded or 108492
developmentally disabled persons, and for which no financial 108493
support is received for rendering such service from any 108494
governmental agency by a provider of residential services. 108495

(2) ~~"Intermediate care facility for the mentally retarded"~~ 108496

~~has the same meaning as in section 1905(d) of the "Social Security Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended.~~ 108497
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~~(3)~~ "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section. 108499
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~~(4)~~(3) "Political subdivision" means a municipal corporation, county, or township. 108502
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~~(5)~~(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living. 108504
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~~(6)~~(5)(a) Except as provided in division (A)~~(6)~~(5)(b) of this section, "residential facility" means a home or facility, including ~~a facility certified as an intermediate care facility for the mentally retarded~~ an ICF/IID, in which an individual with mental retardation or a developmental disability resides. 108510
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(b) "Residential facility" does not mean any of the following: 108515
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(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides; 108517
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(ii) A respite care home certified under section 5126.05 of the Revised Code; 108520
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(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; 108522
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(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living. 108524
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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, ~~5119.20~~ 5119.33, or division (A)(9)(b) of section ~~5119.22~~ 5119.34 of the Revised Code.

(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee

has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (K) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (H)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (H)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned

or operated by that person or government entity. The director may 108591
take any action authorized by this section with respect to any 108592
facility found to be operating in violation of a provision of this 108593
chapter that applies to residential facilities or the rules 108594
adopted under such a provision. 108595

(6) When the director initiates license revocation 108596
proceedings, no opportunity for submitting a plan of correction 108597
shall be given. The director shall notify the licensee by letter 108598
of the initiation of the proceedings. The letter shall list the 108599
deficiencies of the residential facility and inform the licensee 108600
that no plan of correction will be accepted. The director shall 108601
also send a copy of the letter to the county board of 108602
developmental disabilities. The county board shall send a copy of 108603
the letter to each of the following: 108604

(a) Each resident who receives services from the licensee; 108605

(b) The guardian of each resident who receives services from 108606
the licensee if the resident has a guardian; 108607

(c) The parent or guardian of each resident who receives 108608
services from the licensee if the resident is a minor. 108609

(7) Pursuant to rules which shall be adopted in accordance 108610
with Chapter 119. of the Revised Code, the director may order the 108611
immediate removal of residents from a residential facility 108612
whenever conditions at the facility present an immediate danger of 108613
physical or psychological harm to the residents. 108614

(8) In determining whether a residential facility is being 108615
operated in compliance with a provision of this chapter that 108616
applies to residential facilities or the rules adopted under such 108617
a provision, or whether conditions at a residential facility 108618
present an immediate danger of physical or psychological harm to 108619
the residents, the director may rely on information obtained by a 108620
county board of developmental disabilities or other governmental 108621

agencies. 108622

(9) In proceedings initiated to deny, refuse to renew, or 108623
revoke licenses, the director may deny, refuse to renew, or revoke 108624
a license regardless of whether some or all of the deficiencies 108625
that prompted the proceedings have been corrected at the time of 108626
the hearing. 108627

(E) The director shall establish a program under which public 108628
notification may be made when the director has initiated license 108629
revocation proceedings or has issued an order for the suspension 108630
of admissions, placement of a monitor, or removal of residents. 108631
The director shall adopt rules in accordance with Chapter 119. of 108632
the Revised Code to implement this division. The rules shall 108633
establish the procedures by which the public notification will be 108634
made and specify the circumstances for which the notification must 108635
be made. The rules shall require that public notification be made 108636
if the director has taken action against the facility in the 108637
eighteen-month period immediately preceding the director's latest 108638
action against the facility and the latest action is being taken 108639
for the same or a substantially similar violation of a provision 108640
of this chapter that applies to residential facilities or the 108641
rules adopted under such a provision. The rules shall specify a 108642
method for removing or amending the public notification if the 108643
director's action is found to have been unjustified or the 108644
violation at the residential facility has been corrected. 108645

(F)(1) Except as provided in division (F)(2) of this section, 108646
appeals from proceedings initiated to impose a sanction under 108647
division (D) of this section shall be conducted in accordance with 108648
Chapter 119. of the Revised Code. 108649

(2) Appeals from proceedings initiated to order the 108650
suspension of admissions to a facility shall be conducted in 108651
accordance with Chapter 119. of the Revised Code, unless the order 108652
was issued before providing an opportunity for an adjudication, in 108653

which case all of the following apply: 108654

(a) The licensee may request a hearing not later than ten 108655
days after receiving the notice specified in section 119.07 of the 108656
Revised Code. 108657

(b) If a timely request for a hearing that includes the 108658
licensee's current address is made, the hearing shall commence not 108659
later than thirty days after the department receives the request. 108660

(c) After commencing, the hearing shall continue 108661
uninterrupted, except for Saturdays, Sundays, and legal holidays, 108662
unless other interruptions are agreed to by the licensee and the 108663
director. 108664

(d) If the hearing is conducted by a hearing examiner, the 108665
hearing examiner shall file a report and recommendations not later 108666
than ten days after the last of the following: 108667

(i) The close of the hearing; 108668

(ii) If a transcript of the proceedings is ordered, the 108669
hearing examiner receives the transcript; 108670

(iii) If post-hearing briefs are timely filed, the hearing 108671
examiner receives the briefs. 108672

(e) A copy of the written report and recommendation of the 108673
hearing examiner shall be sent, by certified mail, to the licensee 108674
and the licensee's attorney, if applicable, not later than five 108675
days after the report is filed. 108676

(f) Not later than five days after the hearing examiner files 108677
the report and recommendations, the licensee may file objections 108678
to the report and recommendations. 108679

(g) Not later than fifteen days after the hearing examiner 108680
files the report and recommendations, the director shall issue an 108681
order approving, modifying, or disapproving the report and 108682
recommendations. 108683

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ~~intermediate care facilities for the mentally retarded~~ ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;	108715 108716
(6) Classifications for the various types of residential facilities;	108717 108718
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	108719 108720 108721 108722
(8) The maximum number of persons who may be served in a particular type of residential facility;	108723 108724
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	108725 108726
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	108727 108728
(11) Procedures for waiving any provision of any rule adopted under this section.	108729 108730
(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.	108731 108732 108733 108734 108735 108736 108737 108738 108739
In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control	108740 108741 108742 108743 108744

of, or in connection with the licensee. The licensee and all 108745
persons on behalf of, under the control of, or in connection with 108746
the licensee shall cooperate with the director or the director's 108747
designee in conducting the survey. 108748

Following each survey, unless the director initiates a 108749
license revocation proceeding, the director or the director's 108750
designee shall provide the licensee with a report listing any 108751
deficiencies, specifying a timetable within which the licensee 108752
shall submit a plan of correction describing how the deficiencies 108753
will be corrected, and, when appropriate, specifying a timetable 108754
within which the licensee must correct the deficiencies. After a 108755
plan of correction is submitted, the director or the director's 108756
designee shall approve or disapprove the plan. A copy of the 108757
report and any approved plan of correction shall be provided to 108758
any person who requests it. 108759

The director shall initiate disciplinary action against any 108760
department employee who notifies or causes the notification to any 108761
unauthorized person of an unannounced survey of a residential 108762
facility by an authorized representative of the department. 108763

(J) In addition to any other information which may be 108764
required of applicants for a license pursuant to this section, the 108765
director shall require each applicant to provide a copy of an 108766
approved plan for a proposed residential facility pursuant to 108767
section 5123.042 of the Revised Code. This division does not apply 108768
to renewal of a license or to an applicant for an initial or 108769
modified license who meets the requirements of section 5123.197 of 108770
the Revised Code. 108771

(K) A licensee shall notify the owner of the building in 108772
which the licensee's residential facility is located of any 108773
significant change in the identity of the licensee or management 108774
contractor before the effective date of the change if the licensee 108775
is not the owner of the building. 108776

Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the ownership of a residential facility or in the identity of the licensee or management contractor. If the director determines that a significant change of ownership is proposed, the director shall consider the proposed change to be an application for development by a new operator pursuant to section 5123.042 of the Revised Code and shall advise the applicant within sixty days of the notification that the current license shall continue in effect or a new license will be required pursuant to this section. If the director requires a new license, the director shall permit the facility to continue to operate under the current license until the new license is issued, unless the current license is revoked, refused to be renewed, or terminated in accordance with Chapter 119. of the Revised Code.

(L) A county board of developmental disabilities and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall be in writing and shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

(M) The department shall establish procedures for the notification of interested parties of the transfer or interim care of residents from residential facilities that are closing or are

losing their license. 108809

(N) Before issuing a license under this section to a 108810
residential facility that will accommodate at any time more than 108811
one mentally retarded or developmentally disabled individual, the 108812
director shall, by first class mail, notify the following: 108813

(1) If the facility will be located in a municipal 108814
corporation, the clerk of the legislative authority of the 108815
municipal corporation; 108816

(2) If the facility will be located in unincorporated 108817
territory, the clerk of the appropriate board of county 108818
commissioners and the fiscal officer of the appropriate board of 108819
township trustees. 108820

The director shall not issue the license for ten days after 108821
mailing the notice, excluding Saturdays, Sundays, and legal 108822
holidays, in order to give the notified local officials time in 108823
which to comment on the proposed issuance. 108824

Any legislative authority of a municipal corporation, board 108825
of county commissioners, or board of township trustees that 108826
receives notice under this division of the proposed issuance of a 108827
license for a residential facility may comment on it in writing to 108828
the director within ten days after the director mailed the notice, 108829
excluding Saturdays, Sundays, and legal holidays. If the director 108830
receives written comments from any notified officials within the 108831
specified time, the director shall make written findings 108832
concerning the comments and the director's decision on the 108833
issuance of the license. If the director does not receive written 108834
comments from any notified local officials within the specified 108835
time, the director shall continue the process for issuance of the 108836
license. 108837

(O) Any person may operate a licensed residential facility 108838
that provides room and board, personal care, habilitation 108839

services, and supervision in a family setting for at least six but 108840
not more than eight persons with mental retardation or a 108841
developmental disability as a permitted use in any residential 108842
district or zone, including any single-family residential district 108843
or zone, of any political subdivision. These residential 108844
facilities may be required to comply with area, height, yard, and 108845
architectural compatibility requirements that are uniformly 108846
imposed upon all single-family residences within the district or 108847
zone. 108848

(P) Any person may operate a licensed residential facility 108849
that provides room and board, personal care, habilitation 108850
services, and supervision in a family setting for at least nine 108851
but not more than sixteen persons with mental retardation or a 108852
developmental disability as a permitted use in any multiple-family 108853
residential district or zone of any political subdivision, except 108854
that a political subdivision that has enacted a zoning ordinance 108855
or resolution establishing planned unit development districts may 108856
exclude these residential facilities from those districts, and a 108857
political subdivision that has enacted a zoning ordinance or 108858
resolution may regulate these residential facilities in 108859
multiple-family residential districts or zones as a conditionally 108860
permitted use or special exception, in either case, under 108861
reasonable and specific standards and conditions set out in the 108862
zoning ordinance or resolution to: 108863

(1) Require the architectural design and site layout of the 108864
residential facility and the location, nature, and height of any 108865
walls, screens, and fences to be compatible with adjoining land 108866
uses and the residential character of the neighborhood; 108867

(2) Require compliance with yard, parking, and sign 108868
regulation; 108869

(3) Limit excessive concentration of these residential 108870
facilities. 108871

(Q) This section does not prohibit a political subdivision 108872
from applying to residential facilities nondiscriminatory 108873
regulations requiring compliance with health, fire, and safety 108874
regulations and building standards and regulations. 108875

(R) Divisions (O) and (P) of this section are not applicable 108876
to municipal corporations that had in effect on June 15, 1977, an 108877
ordinance specifically permitting in residential zones licensed 108878
residential facilities by means of permitted uses, conditional 108879
uses, or special exception, so long as such ordinance remains in 108880
effect without any substantive modification. 108881

(S)(1) The director may issue an interim license to operate a 108882
residential facility to an applicant for a license under this 108883
section if either of the following is the case: 108884

(a) The director determines that an emergency exists 108885
requiring immediate placement of persons in a residential 108886
facility, that insufficient licensed beds are available, and that 108887
the residential facility is likely to receive a permanent license 108888
under this section within thirty days after issuance of the 108889
interim license. 108890

(b) The director determines that the issuance of an interim 108891
license is necessary to meet a temporary need for a residential 108892
facility. 108893

(2) To be eligible to receive an interim license, an 108894
applicant must meet the same criteria that must be met to receive 108895
a permanent license under this section, except for any differing 108896
procedures and time frames that may apply to issuance of a 108897
permanent license. 108898

(3) An interim license shall be valid for thirty days and may 108899
be renewed by the director for a period not to exceed one hundred 108900
fifty days. 108901

(4) The director shall adopt rules in accordance with Chapter 108902

119. of the Revised Code as the director considers necessary to 108903
administer the issuance of interim licenses. 108904

(T) Notwithstanding rules adopted pursuant to this section 108905
establishing the maximum number of persons who may be served in a 108906
particular type of residential facility, a residential facility 108907
shall be permitted to serve the same number of persons being 108908
served by the facility on the effective date of the rules or the 108909
number of persons for which the facility is authorized pursuant to 108910
a current application for a certificate of need with a letter of 108911
support from the department of developmental disabilities and 108912
which is in the review process prior to April 4, 1986. 108913

(U) The director or the director's designee may enter at any 108914
time, for purposes of investigation, any home, facility, or other 108915
structure that has been reported to the director or that the 108916
director has reasonable cause to believe is being operated as a 108917
residential facility without a license issued under this section. 108918

The director may petition the court of common pleas of the 108919
county in which an unlicensed residential facility is located for 108920
an order enjoining the person or governmental agency operating the 108921
facility from continuing to operate without a license. The court 108922
may grant the injunction on a showing that the person or 108923
governmental agency named in the petition is operating a 108924
residential facility without a license. The court may grant the 108925
injunction, regardless of whether the residential facility meets 108926
the requirements for receiving a license under this section. 108927

Sec. 5123.192. (A) A person or government agency operating, 108928
~~on the effective date of this section September 10, 2012, an~~ 108929
~~intermediate care facility for the mentally retarded~~ ICF/IID 108930
pursuant to a nursing home license issued under Chapter 3721. of 108931
the Revised Code shall do both of the following as a condition of 108932
continuing to operate the ~~facility~~ ICF/IID on and after July 1, 108933

2013:	108934
(1) Not later than February 1, 2013, apply to the director of developmental disabilities for a residential facility license under section 5123.19 of the Revised Code for the facility <u>ICF/IID</u> ;	108935 108936 108937 108938
(2) Not later than July 1, 2013, obtain the residential facility license for the facility <u>ICF/IID</u> .	108939 108940
(B) The nursing home license of an intermediate care facility for the mentally retarded <u>ICF/IID</u> shall cease to be valid at the earliest of the following:	108941 108942 108943
(1) The date that the facility's <u>ICF/IID's</u> nursing home license is revoked or voided under section 3721.07 of the Revised Code;	108944 108945 108946
(2) The date that a residential facility license is obtained for the facility <u>ICF/IID</u> under section 5123.19 of the Revised Code;	108947 108948 108949
(3) July 1, 2013.	108950
(C) Except for existing nursing home beds not certified as intermediate care facility for the mentally retarded <u>ICF/IID</u> beds and relocated in accordance with a move authorized by a certificate of need under Chapter 3702. of the Revised Code, no bed that is part of an intermediate care facility for the mentally retarded <u>ICF/IID</u> that is licensed as a nursing home on the effective date of this section <u>September 10, 2012</u> , may be used as part of a nursing home on and after the earlier of the following:	108951 108952 108953 108954 108955 108956 108957 108958
(1) The date that a residential facility license is obtained for the facility <u>ICF/IID</u> under section 5123.19 of the Revised Code;	108959 108960 108961
(2) July 1, 2013.	108962

Sec. 5123.197. Neither an applicant for an initial residential facility license under section 5123.19 of the Revised Code nor an applicant for a modification of an existing residential facility license under that section is required to obtain approval of a plan for the proposed new residential facility or modification to the existing residential facility pursuant to section 5123.042 of the Revised Code if all of the following apply:

(A) The new residential facility or modification to the existing residential facility is to serve individuals who have diagnoses or special care needs for which a ~~medicaid reimbursement~~ payment rate is set pursuant to section ~~5111.258~~ 5124.152 of the Revised Code;

(B) The ~~directors of job and family services~~ medicaid director and director of developmental disabilities determine that there is a need under the medicaid program for the proposed new residential facility or modification to the existing residential facility and that approving the application for the initial residential facility license or modification to the existing residential facility license is fiscally prudent for the medicaid program;

(C) The director of budget and management notifies the ~~directors of job and family services~~ medicaid director and director of developmental disabilities that the director of budget and management agrees with the directors' determination under division (B) of this section.

Sec. 5123.198. (A) As used in this section, "date of the commitment" means the date that an individual specified in division (B) of this section begins to reside in a state-operated ~~intermediate care facility for the mentally retarded~~ ICF/IID after

being committed to the ~~facility~~ ICF/IID pursuant to sections 108993
5123.71 to 5123.76 of the Revised Code. 108994

(B) Except as provided in division (C) of this section, 108995
whenever a resident of a residential facility is committed to a 108996
state-operated ~~intermediate care facility for the mentally~~ 108997
~~retarded~~ ICF/IID pursuant to sections 5123.71 to 5123.76 of the 108998
Revised Code, the department of developmental disabilities, 108999
pursuant to an adjudication order issued in accordance with 109000
Chapter 119. of the Revised Code, shall reduce by one the number 109001
of residents for which the residential facility in which the 109002
resident resided is licensed. 109003

(C) The department shall not reduce under division (B) of 109004
this section the number of residents for which a residential 109005
facility is licensed if any of the following are the case: 109006

(1) The resident of the residential facility who is committed 109007
to a state-operated ~~intermediate care facility for the mentally~~ 109008
~~retarded~~ ICF/IID resided in the residential facility because of 109009
the closure, on or after June 26, 2003, of another state-operated 109010
~~intermediate care facility for the mentally retarded~~ ICF/IID; 109011

(2) The residential facility admits within ninety days of the 109012
date of the commitment an individual who resides on the date of 109013
the commitment in a state-operated ~~intermediate care facility for~~ 109014
~~the mentally retarded~~ ICF/IID or another residential facility; 109015

(3) The department fails to do either of the following within 109016
ninety days of the date of the commitment: 109017

(a) Identify an individual to whom all of the following 109018
applies: 109019

(i) Resides on the date of the commitment in a state-operated 109020
~~intermediate care facility for the mentally retarded~~ ICF/IID or 109021
another residential facility; 109022

(ii) Has indicated to the department an interest in 109023
relocating to the residential facility or has a parent or guardian 109024
who has indicated to the department an interest for the individual 109025
to relocate to the residential facility; 109026

(iii) The department determines the individual has needs that 109027
the residential facility can meet. 109028

(b) Provide the residential facility with information about 109029
the individual identified under division (C)(2)(a) of this section 109030
that the residential facility needs in order to determine whether 109031
the facility can meet the individual's needs. 109032

(4) If the department completes the actions specified in 109033
divisions (C)(3)(a) and (b) of this section not later than ninety 109034
days after the date of the commitment and except as provided in 109035
division (D) of this section, the residential facility does all of 109036
the following not later than ninety days after the date of the 109037
commitment: 109038

(a) Evaluates the information provided by the department; 109039

(b) Assesses the identified individual's needs; 109040

(c) Determines that the residential facility cannot meet the 109041
identified individual's needs. 109042

(5) If the department completes the actions specified in 109043
divisions (C)(3)(a) and (b) of this section not later than ninety 109044
days after the date of the commitment and the residential facility 109045
determines that the residential facility can meet the identified 109046
individual's needs, the individual, or a parent or guardian of the 109047
individual, refuses placement in the residential facility. 109048

(D) The department may reduce under division (B) of this 109049
section the number of residents for which a residential facility 109050
is licensed even though the residential facility completes the 109051
actions specified in division (C)(4) of this section not later 109052

than ninety days after the date of the commitment if all of the 109053
following are the case: 109054

(1) The department disagrees with the residential facility's 109055
determination that the residential facility cannot meet the 109056
identified individual's needs. 109057

(2) The department issues a written decision pursuant to the 109058
uniform procedures for admissions, transfers, and discharges 109059
established by rules adopted under division (H)(9) of section 109060
5123.19 of the Revised Code that the residential facility should 109061
admit the identified individual. 109062

(3) After the department issues the written decision 109063
specified in division (D)(2) of this section, the residential 109064
facility refuses to admit the identified individual. 109065

(E) A residential facility that admits, refuses to admit, 109066
transfers, or discharges a resident under this section shall 109067
comply with the uniform procedures for admissions, transfers, and 109068
discharges established by rules adopted under division (H)(9) of 109069
section 5123.19 of the Revised Code. 109070

~~(F) The department of developmental disabilities may notify 109071
the department of job and family services of any reduction under 109072
this section in the number of residents for which a residential 109073
facility that is an intermediate care facility for the mentally 109074
retarded is licensed. On receiving the notice, the department of 109075
job and family services may transfer to the department of 109076
developmental disabilities the savings in the nonfederal share of 109077
medicaid expenditures for each fiscal year after the year of the 109078
commitment to be used for costs of the resident's care in the 109079
state-operated intermediate care facility for the mentally 109080
retarded. In determining the amount saved, the department of job 109081
and family services shall consider medicaid payments for the 109082
remaining residents of the facility in which the resident resided. 109083~~

Sec. 5123.38. (A) Except as provided in division (B) of this section, if an individual receiving supported living or home and community-based services funded by a county board of developmental disabilities is committed to a state-operated ~~intermediate care facility for the mentally retarded~~ ICF/IID pursuant to sections 5123.71 to 5123.76 of the Revised Code, the county board is responsible for the nonfederal share of medicaid expenditures for the individual's care in the state-operated ~~facility~~ ICF/IID. The department of developmental disabilities shall collect the amount of the nonfederal share from the county board by either withholding that amount from funds the department has otherwise allocated to the county board or submitting an invoice for payment of that amount to the county board.

(B) Division (A) of this section does not apply under any of the following circumstances:

(1) The county board, not later than ninety days after the date of the commitment of a person receiving supported living, commences funding of supported living for an individual who resides in a state-operated ~~intermediate care facility for the mentally retarded~~ ICF/IID on the date of the commitment or another eligible individual designated by the department.

(2) The county board, not later than ninety days after the date of the commitment of a person receiving home and community-based services, commences funding of home and community-based services for an individual who resides in a state-operated ~~intermediate care facility for the mentally retarded~~ ICF/IID on the date of the commitment or another eligible individual designated by the department.

(3) The director of developmental disabilities, after determining that circumstances warrant granting a waiver in an individual's case, grants the county board a waiver that exempts

the county board from responsibility for the nonfederal share for 109115
that case. 109116

Sec. 5123.61. (A) As used in this section: 109117

(1) "Law enforcement agency" means the state highway patrol, 109118
the police department of a municipal corporation, or a county 109119
sheriff. 109120

(2) "Abuse" has the same meaning as in section 5123.50 of the 109121
Revised Code, except that it includes a misappropriation, as 109122
defined in that section. 109123

(3) "Neglect" has the same meaning as in section 5123.50 of 109124
the Revised Code. 109125

(B) The department of developmental disabilities shall 109126
establish a registry office for the purpose of maintaining reports 109127
of abuse, neglect, and other major unusual incidents made to the 109128
department under this section and reports received from county 109129
boards of developmental disabilities under section 5126.31 of the 109130
Revised Code. The department shall establish committees to review 109131
reports of abuse, neglect, and other major unusual incidents. 109132

(C)(1) Any person listed in division (C)(2) of this section, 109133
having reason to believe that a person with mental retardation or 109134
a developmental disability has suffered or faces a substantial 109135
risk of suffering any wound, injury, disability, or condition of 109136
such a nature as to reasonably indicate abuse or neglect of that 109137
person, shall immediately report or cause reports to be made of 109138
such information to the entity specified in this division. Except 109139
as provided in section 5120.173 of the Revised Code or as 109140
otherwise provided in this division, the person making the report 109141
shall make it to a law enforcement agency or to the county board 109142
of developmental disabilities. If the report concerns a resident 109143
of a facility operated by the department of developmental 109144

disabilities the report shall be made either to a law enforcement 109145
agency or to the department. If the report concerns any act or 109146
omission of an employee of a county board of developmental 109147
disabilities, the report immediately shall be made to the 109148
department and to the county board. 109149

(2) All of the following persons are required to make a 109150
report under division (C)(1) of this section: 109151

(a) Any physician, including a hospital intern or resident, 109152
any dentist, podiatrist, chiropractor, practitioner of a limited 109153
branch of medicine as specified in section 4731.15 of the Revised 109154
Code, hospital administrator or employee of a hospital, nurse 109155
licensed under Chapter 4723. of the Revised Code, employee of an 109156
ambulatory health facility as defined in section 5101.61 of the 109157
Revised Code, employee of a home health agency, employee of a 109158
residential facility licensed under section ~~5119.22~~ 5119.34 of the 109159
Revised Code that provides accommodations, supervision, and person 109160
care services for three to sixteen unrelated adults, or employee 109161
of a community mental health facility; 109162

(b) Any school teacher or school authority, social worker, 109163
psychologist, attorney, peace officer, coroner, or residents' 109164
rights advocate as defined in section 3721.10 of the Revised Code; 109165

(c) A superintendent, board member, or employee of a county 109166
board of developmental disabilities; an administrator, board 109167
member, or employee of a residential facility licensed under 109168
section 5123.19 of the Revised Code; an administrator, board 109169
member, or employee of any other public or private provider of 109170
services to a person with mental retardation or a developmental 109171
disability, or any MR/DD employee, as defined in section 5123.50 109172
of the Revised Code; 109173

(d) A member of a citizen's advisory council established at 109174
an institution or branch institution of the department of 109175

developmental disabilities under section 5123.092 of the Revised Code; 109176
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(e) A member of the clergy who is employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability, while acting in an official or professional capacity in that position, or a person who is employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability and who, while acting in an official or professional capacity, renders spiritual treatment through prayer in accordance with the tenets of an organized religion. 109178
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(3)(a) The reporting requirements of this division do not apply to employees of the Ohio protection and advocacy system. 109188
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(b) An attorney or physician is not required to make a report pursuant to division (C)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding, except that the client or patient is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to that communication and the attorney or physician shall make a report pursuant to division (C)(1) of this section, if both of the following apply: 109190
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(i) The client or patient, at the time of the communication, is a person with mental retardation or a developmental disability. 109202
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(ii) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a 109204
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substantial risk of suffering any wound, injury, disability, or 109207
condition of a nature that reasonably indicates abuse or neglect 109208
of the client or patient. 109209

(4) Any person who fails to make a report required under 109210
division (C) of this section and who is an MR/DD employee, as 109211
defined in section 5123.50 of the Revised Code, shall be eligible 109212
to be included in the registry regarding misappropriation, abuse, 109213
neglect, or other specified misconduct by MR/DD employees 109214
established under section 5123.52 of the Revised Code. 109215

(D) The reports required under division (C) of this section 109216
shall be made forthwith by telephone or in person and shall be 109217
followed by a written report. The reports shall contain the 109218
following: 109219

(1) The names and addresses of the person with mental 109220
retardation or a developmental disability and the person's 109221
custodian, if known; 109222

(2) The age of the person with mental retardation or a 109223
developmental disability; 109224

(3) Any other information that would assist in the 109225
investigation of the report. 109226

(E) When a physician performing services as a member of the 109227
staff of a hospital or similar institution has reason to believe 109228
that a person with mental retardation or a developmental 109229
disability has suffered injury, abuse, or physical neglect, the 109230
physician shall notify the person in charge of the institution or 109231
that person's designated delegate, who shall make the necessary 109232
reports. 109233

(F) Any person having reasonable cause to believe that a 109234
person with mental retardation or a developmental disability has 109235
suffered or faces a substantial risk of suffering abuse or neglect 109236
may report or cause a report to be made of that belief to the 109237

entity specified in this division. Except as provided in section 109238
5120.173 of the Revised Code or as otherwise provided in this 109239
division, the person making the report shall make it to a law 109240
enforcement agency or the county board of developmental 109241
disabilities. If the person is a resident of a facility operated 109242
by the department of developmental disabilities, the report shall 109243
be made to a law enforcement agency or to the department. If the 109244
report concerns any act or omission of an employee of a county 109245
board of developmental disabilities, the report immediately shall 109246
be made to the department and to the county board. 109247

(G)(1) Upon the receipt of a report concerning the possible 109248
abuse or neglect of a person with mental retardation or a 109249
developmental disability, the law enforcement agency shall inform 109250
the county board of developmental disabilities or, if the person 109251
is a resident of a facility operated by the department of 109252
developmental disabilities, the director of the department or the 109253
director's designee. 109254

(2) On receipt of a report under this section that includes 109255
an allegation of action or inaction that may constitute a crime 109256
under federal law or the law of this state, the department of 109257
developmental disabilities shall notify the law enforcement 109258
agency. 109259

(3) When a county board of developmental disabilities 109260
receives a report under this section that includes an allegation 109261
of action or inaction that may constitute a crime under federal 109262
law or the law of this state, the superintendent of the board or 109263
an individual the superintendent designates under division (H) of 109264
this section shall notify the law enforcement agency. The 109265
superintendent or individual shall notify the department of 109266
developmental disabilities when it receives any report under this 109267
section. 109268

(4) When a county board of developmental disabilities 109269

receives a report under this section and believes that the degree 109270
of risk to the person is such that the report is an emergency, the 109271
superintendent of the board or an employee of the board the 109272
superintendent designates shall attempt a face-to-face contact 109273
with the person with mental retardation or a developmental 109274
disability who allegedly is the victim within one hour of the 109275
board's receipt of the report. 109276

(H) The superintendent of the board may designate an 109277
individual to be responsible for notifying the law enforcement 109278
agency and the department when the county board receives a report 109279
under this section. 109280

(I) An adult with mental retardation or a developmental 109281
disability about whom a report is made may be removed from the 109282
adult's place of residence only by law enforcement officers who 109283
consider that the adult's immediate removal is essential to 109284
protect the adult from further injury or abuse or in accordance 109285
with the order of a court made pursuant to section 5126.33 of the 109286
Revised Code. 109287

(J) A law enforcement agency shall investigate each report of 109288
abuse or neglect it receives under this section. In addition, the 109289
department, in cooperation with law enforcement officials, shall 109290
investigate each report regarding a resident of a facility 109291
operated by the department to determine the circumstances 109292
surrounding the injury, the cause of the injury, and the person 109293
responsible. The investigation shall be in accordance with the 109294
memorandum of understanding prepared under section 5126.058 of the 109295
Revised Code. The department shall determine, with the registry 109296
office which shall be maintained by the department, whether prior 109297
reports have been made concerning an adult with mental retardation 109298
or a developmental disability or other principals in the case. If 109299
the department finds that the report involves action or inaction 109300
that may constitute a crime under federal law or the law of this 109301

state, it shall submit a report of its investigation, in writing, 109302
to the law enforcement agency. If the person with mental 109303
retardation or a developmental disability is an adult, with the 109304
consent of the adult, the department shall provide such protective 109305
services as are necessary to protect the adult. The law 109306
enforcement agency shall make a written report of its findings to 109307
the department. 109308

If the person is an adult and is not a resident of a facility 109309
operated by the department, the county board of developmental 109310
disabilities shall review the report of abuse or neglect in 109311
accordance with sections 5126.30 to 5126.33 of the Revised Code 109312
and the law enforcement agency shall make the written report of 109313
its findings to the county board. 109314

(K) Any person or any hospital, institution, school, health 109315
department, or agency participating in the making of reports 109316
pursuant to this section, any person participating as a witness in 109317
an administrative or judicial proceeding resulting from the 109318
reports, or any person or governmental entity that discharges 109319
responsibilities under sections 5126.31 to 5126.33 of the Revised 109320
Code shall be immune from any civil or criminal liability that 109321
might otherwise be incurred or imposed as a result of such actions 109322
except liability for perjury, unless the person or governmental 109323
entity has acted in bad faith or with malicious purpose. 109324

(L) No employer or any person with the authority to do so 109325
shall discharge, demote, transfer, prepare a negative work 109326
performance evaluation, reduce pay or benefits, terminate work 109327
privileges, or take any other action detrimental to an employee or 109328
retaliate against an employee as a result of the employee's having 109329
made a report under this section. This division does not preclude 109330
an employer or person with authority from taking action with 109331
regard to an employee who has made a report under this section if 109332
there is another reasonable basis for the action. 109333

(M) Reports made under this section are not public records as defined in section 149.43 of the Revised Code. Information contained in the reports on request shall be made available to the person who is the subject of the report, to the person's legal counsel, and to agencies authorized to receive information in the report by the department or by a county board of developmental disabilities.

(N) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding the injuries or physical neglect of a person with mental retardation or a developmental disability or the cause thereof in any judicial proceeding resulting from a report submitted pursuant to this section.

Sec. 5123.86. (A) Except as provided in divisions (C), (D), (E), and (F) of this section, the chief medical officer shall provide all information, including expected physical and medical consequences, necessary to enable any resident of an institution for the mentally retarded to give a fully informed, intelligent, and knowing consent if any of the following procedures are proposed:

- (1) Surgery;
- (2) Convulsive therapy;
- (3) Major aversive interventions;
- (4) Sterilization;
- (5) Experimental procedures;
- (6) Any unusual or hazardous treatment procedures.

(B) No resident shall be subjected to any of the procedures listed in division (A)(4), (5), or (6) of this section without the resident's informed consent.

(C) If a resident is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section, or has been adjudicated incompetent, the information may be provided to the resident's natural or court-appointed guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code, who may give the informed, intelligent, and knowing written consent for surgery. Consent for surgery shall not be provided by a guardian who is an officer or employee of the department of ~~mental health~~ mental health and addiction services or the department of developmental disabilities.

If a resident is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section and has no guardian, then the information, the recommendation of the chief medical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the institution is located, which may approve the surgery. Before approving the surgery, the court shall notify the Ohio protection and advocacy system created by section 5123.60 of the Revised Code, and shall notify the resident of the resident's rights to consult with counsel, to have counsel appointed by the court if the resident is indigent, and to contest the recommendation of the chief medical officer.

(D) If, in the judgment of two licensed physicians, delay in obtaining consent for surgery would create a grave danger to the health of a resident, emergency surgery may be performed without the consent of the resident if the necessary information is provided to the resident's guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of

the Revised Code, or to the resident's spouse or next of kin to 109395
enable that person or agency to give an informed, intelligent, and 109396
knowing written consent. 109397

If the guardian, spouse, or next of kin cannot be contacted 109398
through exercise of reasonable diligence, or if the guardian, 109399
spouse, or next of kin is contacted, but refuses to consent, then 109400
the emergency surgery may be performed upon the written 109401
authorization of the chief medical officer and after court 109402
approval has been obtained. However, if delay in obtaining court 109403
approval would create a grave danger to the life of the resident, 109404
the chief medical officer may authorize surgery, in writing, 109405
without court approval. If the surgery is authorized without court 109406
approval, the chief medical officer who made the authorization and 109407
the physician who performed the surgery shall each execute an 109408
affidavit describing the circumstances constituting the emergency 109409
and warranting the surgery and the circumstances warranting their 109410
not obtaining prior court approval. The affidavit shall be filed 109411
with the court with which the request for prior approval would 109412
have been filed within five court days after the surgery, and a 109413
copy of the affidavit shall be placed in the resident's file and 109414
shall be given to the guardian, spouse, or next of kin of the 109415
resident, to the hospital at which the surgery was performed, and 109416
to the Ohio protection and advocacy system created by section 109417
5123.60 of the Revised Code. 109418

(E)(1) If it is the judgment of two licensed physicians, as 109419
described in division (E)(2) of this section, that a medical 109420
emergency exists and delay in obtaining convulsive therapy creates 109421
a grave danger to the life of a resident who is both mentally 109422
retarded and mentally ill, convulsive therapy may be administered 109423
without the consent of the resident if the resident is physically 109424
or mentally unable to receive the information required for 109425
convulsive therapy and if the necessary information is provided to 109426

the resident's natural or court-appointed guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code, or to the resident's spouse or next of kin to enable that person or agency to give an informed, intelligent, and knowing written consent. If neither the resident's guardian, spouse, nor next of kin can be contacted through exercise of reasonable diligence, or if the guardian, spouse, or next of kin is contacted, but refuses to consent, then convulsive therapy may be performed upon the written authorization of the chief medical officer and after court approval has been obtained.

(2) The two licensed physicians referred to in division (E)(1) of this section shall not be associated with each other in the practice of medicine or surgery by means of a partnership or corporate arrangement, other business arrangement, or employment. At least one of the physicians shall be a psychiatrist as defined in division (E) of section 5122.01 of the Revised Code.

(F) Major aversive interventions shall not be used unless a resident continues to engage in behavior destructive to self or others after other forms of therapy have been attempted. Major aversive interventions shall not be applied to a voluntary resident without the informed, intelligent, and knowing written consent of the resident or the resident's guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code.

(G)(1) This chapter does not authorize any form of compulsory medical or psychiatric treatment of any resident who is being treated by spiritual means through prayer alone in accordance with a recognized religious method of healing.

(2) For purposes of this section, "convulsive therapy" does

not include defibrillation. 109459

Sec. 5124.01. As used in this chapter: 109460

(A) "Affiliated operator" means an operator affiliated with 109461
either of the following: 109462

(1) The exiting operator for whom the affiliated operator is 109463
to assume liability for the entire amount of the exiting 109464
operator's debt under the medicaid program or the portion of the 109465
debt that represents the franchise permit fee the exiting operator 109466
owes; 109467

(2) The entering operator involved in the change of operator 109468
with the exiting operator specified in division (A)(1) of this 109469
section. 109470

(B) "Allowable costs" means an ICF/IID's costs that the 109471
department of developmental disabilities determines are 109472
reasonable. Fines paid under section 5124.99 of the Revised Code 109473
are not allowable costs. 109474

(C) "Capital costs" means an ICF/IID's costs of ownership and 109475
costs of nonextensive renovation. 109476

(D) "Case-mix score" means the measure determined under 109477
section 5124.192 of the Revised Code of the relative direct-care 109478
resources needed to provide care and habilitation to an ICF/IID 109479
resident. 109480

(E) "Change of operator" means an entering operator becoming 109481
the operator of an ICF/IID in the place of the exiting operator. 109482

(1) Actions that constitute a change of operator include the 109483
following: 109484

(a) A change in an exiting operator's form of legal 109485
organization, including the formation of a partnership or 109486
corporation from a sole proprietorship; 109487

<u>(b) A transfer of all the exiting operator's ownership</u>	109488
<u>interest in the operation of the ICF/IID to the entering operator,</u>	109489
<u>regardless of whether ownership of any or all of the real property</u>	109490
<u>or personal property associated with the ICF/IID is also</u>	109491
<u>transferred;</u>	109492
<u>(c) A lease of the ICF/IID to the entering operator or the</u>	109493
<u>exiting operator's termination of the exiting operator's lease;</u>	109494
<u>(d) If the exiting operator is a partnership, dissolution of</u>	109495
<u>the partnership;</u>	109496
<u>(e) If the exiting operator is a partnership, a change in</u>	109497
<u>composition of the partnership unless both of the following apply:</u>	109498
<u>(i) The change in composition does not cause the</u>	109499
<u>partnership's dissolution under state law.</u>	109500
<u>(ii) The partners agree that the change in composition does</u>	109501
<u>not constitute a change in operator.</u>	109502
<u>(f) If the operator is a corporation, dissolution of the</u>	109503
<u>corporation, a merger of the corporation into another corporation</u>	109504
<u>that is the survivor of the merger, or a consolidation of one or</u>	109505
<u>more other corporations to form a new corporation.</u>	109506
<u>(2) The following, alone, do not constitute a change of</u>	109507
<u>operator:</u>	109508
<u>(a) A contract for an entity to manage an ICF/IID as the</u>	109509
<u>operator's agent, subject to the operator's approval of daily</u>	109510
<u>operating and management decisions;</u>	109511
<u>(b) A change of ownership, lease, or termination of a lease</u>	109512
<u>of real property or personal property associated with an ICF/IID</u>	109513
<u>if an entering operator does not become the operator in place of</u>	109514
<u>an exiting operator;</u>	109515
<u>(c) If the operator is a corporation, a change of one or more</u>	109516
<u>members of the corporation's governing body or transfer of</u>	109517

<u>ownership of one or more shares of the corporation's stock, if the</u>	109518
<u>same corporation continues to be the operator.</u>	109519
<u>(F) "Cost center" means the following:</u>	109520
<u>(1) Capital costs;</u>	109521
<u>(2) Direct care costs;</u>	109522
<u>(3) Indirect care costs;</u>	109523
<u>(4) Other protected costs.</u>	109524
<u>(G) "Costs of nonextensive renovations" means the actual</u>	109525
<u>expense incurred by an ICF/IID for depreciation or amortization</u>	109526
<u>and interest on renovations that are not extensive renovations.</u>	109527
<u>(H)(1) "Costs of ownership" means the actual expenses</u>	109528
<u>incurred by an ICF/IID for all of the following:</u>	109529
<u>(a) Subject to division (H)(2) of this section, depreciation</u>	109530
<u>and interest on any capital assets that cost five hundred dollars</u>	109531
<u>or more per item, including the following:</u>	109532
<u>(i) Buildings;</u>	109533
<u>(ii) Building improvements that are not approved as</u>	109534
<u>nonextensive renovations under section 5124.17 of the Revised</u>	109535
<u>Code;</u>	109536
<u>(iii) Equipment;</u>	109537
<u>(iv) Extensive renovations;</u>	109538
<u>(v) Transportation equipment.</u>	109539
<u>(b) Amortization and interest on land improvements and</u>	109540
<u>leasehold improvements;</u>	109541
<u>(c) Amortization of financing costs;</u>	109542
<u>(d) Except as provided in division (Z) of this section, lease</u>	109543
<u>and rent of land, building, and equipment.</u>	109544
<u>(2) The costs of capital assets of less than five hundred</u>	109545

dollars per item may be considered costs of ownership in 109546
accordance with an ICF/IID provider's practice. 109547

(I)(1) "Date of licensure" means the following: 109548

(a) In the case of an ICF/IID that was originally licensed as 109549
a nursing home under Chapter 3721. of the Revised Code, the date 109550
that it was originally so licensed, regardless that it was 109551
subsequently licensed as a residential facility under section 109552
5123.19 of the Revised Code; 109553

(b) In the case of an ICF/IID that was originally licensed as 109554
a residential facility under section 5123.19 of the Revised Code, 109555
the date it was originally so licensed; 109556

(c) In the case of an ICF/IID that was not required by law to 109557
be licensed as a nursing home or residential facility when it was 109558
originally operated as a residential facility, the date it first 109559
was operated as a residential facility, regardless of the date the 109560
ICF/IID was first licensed as a nursing home or residential 109561
facility. 109562

(2) If, after an ICF/IID's original date of licensure, more 109563
residential facility beds are added to the ICF/IID or all or part 109564
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 109565
a different date of licensure for the additional beds or 109566
extensively renovated portion of the ICF/IID. This does not apply, 109567
however, to additional beds when both of the following apply: 109568

(a) The additional beds are located in a part of the ICF/IID 109569
that was constructed at the same time as the continuing beds 109570
already located in that part of the ICF/IID; 109571

(b) The part of the ICF/IID in which the additional beds are 109572
located was constructed as part of the ICF/IID at a time when the 109573
ICF/IID was not required by law to be licensed as a nursing home 109574
or residential facility. 109575

(3) The definition of "date of licensure" in this section applies in determinations of ICFs/IID's medicaid payment rates but does not apply in determinations of ICFs/IID's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code.

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(J) "Desk-reviewed" means that an ICF/IID's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs.

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(K) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities.

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(L) "Direct care costs" means all of the following costs incurred by an ICF/IID:

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(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;

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(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, off-site day programming, psychologists, psychology assistants, social workers, counselors, and other persons holding degrees qualifying them to provide therapy;

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(3) Costs of purchased nursing services;

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(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for

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<u>personnel listed in divisions (L)(1), (2), and (3) of this</u>	109607
<u>section;</u>	109608
<u>(5) Costs of quality assurance;</u>	109609
<u>(6) Costs of consulting and management fees related to direct</u>	109610
<u>care;</u>	109611
<u>(7) Allocated direct care home office costs;</u>	109612
<u>(8) Costs of other direct-care resources that are specified</u>	109613
<u>as direct care costs in rules adopted under section 5124.03 of the</u>	109614
<u>Revised Code.</u>	109615
<u>(M) "Downsized ICF/IID" means an ICF/IID that permanently</u>	109616
<u>reduced its medicaid-certified capacity pursuant to a plan</u>	109617
<u>approved by the department of developmental disabilities under</u>	109618
<u>section 5123.042 of the Revised Code.</u>	109619
<u>(N) "Effective date of a change of operator" means the day</u>	109620
<u>the entering operator becomes the operator of the ICF/IID.</u>	109621
<u>(O) "Effective date of a facility closure" means the last day</u>	109622
<u>that the last of the residents of the ICF/IID resides in the</u>	109623
<u>ICF/IID.</u>	109624
<u>(P) "Effective date of an involuntary termination" means the</u>	109625
<u>date the department of medicaid terminates the operator's provider</u>	109626
<u>agreement for the ICF/IID or the last day that such a provider</u>	109627
<u>agreement is in effect when the department cancels or refuses to</u>	109628
<u>revalidate it.</u>	109629
<u>(O) "Effective date of a voluntary termination" means the day</u>	109630
<u>the ICF/IID ceases to accept medicaid recipients.</u>	109631
<u>(R) "Entering operator" means the person or government entity</u>	109632
<u>that will become the operator of an ICF/IID when a change of</u>	109633
<u>operator occurs or following an involuntary termination.</u>	109634
<u>(S) "Exiting operator" means any of the following:</u>	109635

<u>(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;</u>	109636
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<u>(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;</u>	109638
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<u>(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;</u>	109640
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<u>(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.</u>	109642
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<u>(T)(1) "Extensive renovation" means the following:</u>	109644
<u>(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:</u>	109645
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<u>(i) It was started before July 1, 1993;</u>	109647
<u>(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.</u>	109648
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<u>(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:</u>	109651
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<u>(i) It was started on or after July 1, 1993;</u>	109653
<u>(ii) Except as provided in division (T)(2) of this section, it costs more than sixty-five per cent and not more than eighty-five per cent of the cost of constructing a new bed;</u>	109654
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<u>(iii) It extends the useful life of the assets for at least ten years.</u>	109657
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<u>(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.</u>	109659
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<u>(3) For the purpose of division (T)(1)(b)(ii) of this</u>	109664

section, the cost of constructing a new bed shall be considered to 109665
be forty thousand dollars, adjusted for the estimated rate of 109666
inflation from January 1, 1993, to the end of the calendar year 109667
during which the extensive renovation is completed, using the 109668
consumer price index for shelter costs for all urban consumers for 109669
the north central region, as published by the United States bureau 109670
of labor statistics. 109671

(U)(1) Subject to divisions (U)(2) and (3) of this section, 109672
"facility closure" means either of the following: 109673

(a) Discontinuance of the use of the building, or part of the 109674
building, that houses the facility as an ICF/IID that results in 109675
the relocation of all of the facility's residents; 109676

(b) Conversion of the building, or part of the building, that 109677
houses an ICF/IID to a different use with any necessary license or 109678
other approval needed for that use being obtained and one or more 109679
of the facility's residents remaining in the facility to receive 109680
services under the new use. 109681

(2) A facility closure occurs regardless of any of the 109682
following: 109683

(a) The operator completely or partially replacing the 109684
ICF/IID by constructing a new ICF/IID or transferring the 109685
ICF/IID's license to another ICF/IID; 109686

(b) The ICF/IID's residents relocating to another of the 109687
operator's ICFs/IID; 109688

(c) Any action the department of health takes regarding the 109689
ICF/IID's medicaid certification that may result in the transfer 109690
of part of the ICF/IID's survey findings to another of the 109691
operator's ICFs/IID; 109692

(d) Any action the department of developmental disabilities 109693
takes regarding the ICF/IID's license under section 5123.19 of the 109694

<u>Revised Code.</u>	109695
<u>(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.</u>	109696 109697 109698 109699
<u>(V) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.</u>	109700 109701
<u>(W) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.</u>	109702 109703
<u>(X) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.</u>	109704 109705
<u>(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150.</u>	109706 109707
<u>(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs, as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in this division. Notwithstanding division (H) of</u>	109708 109709 109710 109711 109712 109713 109714 109715 109716 109717 109718 109719 109720 109721 109722 109723 109724 109725

this section, "indirect care costs" also means the cost of 109726
equipment, including vehicles, acquired by operating lease 109727
executed before December 1, 1992, if the costs are reported as 109728
administrative and general costs on the ICF/IID's cost report for 109729
the cost reporting period ending December 31, 1992. 109730

(2) For the purpose of division (Z)(1) of this section, an 109731
operating lease shall be construed in accordance with generally 109732
accepted accounting principles. 109733

(AA) "Inpatient days" means both of the following: 109734

(1) All days during which a resident, regardless of payment 109735
source, occupies a bed in an ICF/IID that is included in the 109736
ICF/IID's medicaid-certified capacity; 109737

(2) All days for which payment is made under section 5124.34 109738
of the Revised Code. 109739

(BB) "Intermediate care facility for individuals with 109740
disabilities" and "ICF/IID" mean an intermediate care facility for 109741
the mentally retarded as defined in the "Social Security Act," 109742
section 1905(d), 42 U.S.C. 1396d(d). 109743

(CC) "Involuntary termination" means the department of 109744
medicaid's termination of, cancellation of, or refusal to 109745
revalidate the operator's provider agreement for the ICF/IID when 109746
such action is not taken at the operator's request. 109747

(DD) "Maintenance and repair expenses" means, except as 109748
provided in division (TT)(2)(b) of this section, expenditures that 109749
are necessary and proper to maintain an asset in a normally 109750
efficient working condition and that do not extend the useful life 109751
of the asset two years or more. "Maintenance and repair expenses" 109752
includes the costs of ordinary repairs such as painting and 109753
wallpapering. 109754

(EE) "Medicaid-certified capacity" means the number of an 109755

ICF/IID's beds that are certified for participation in medicaid as 109756
ICF/IID beds. 109757

(FF) "Medicaid days" means both of the following: 109758

(1) All days during which a resident who is a medicaid 109759
recipient eligible for ICF/IID services occupies a bed in an 109760
ICF/IID that is included in the ICF/IID's medicaid-certified 109761
capacity; 109762

(2) All days for which payment is made under section 5124.34 109763
of the Revised Code. 109764

(GG)(1) "New ICF/IID" means an ICF/IID for which the provider 109765
obtains an initial provider agreement following the director of 109766
health's medicaid certification of the ICF/IID, including such an 109767
ICF/IID that replaces one or more ICFs/IID for which a provider 109768
previously held a provider agreement. 109769

(2) "New ICF/IID" does not mean either of the following: 109770

(a) An ICF/IID for which the entering operator seeks a 109771
provider agreement pursuant to section 5124.511 or 5124.512 or 109772
(pursuant to section 5124.515) section 5124.07 of the Revised 109773
Code; 109774

(b) A downsized ICF/IID or partially converted ICF/IID. 109775

(HH) "Nursing home" has the same meaning as in section 109776
3721.01 of the Revised Code. 109777

(II) "Operator" means the person or government entity 109778
responsible for the daily operating and management decisions for 109779
an ICF/IID. 109780

(JJ) "Other protected costs" means costs incurred by an 109781
ICF/MR for medical supplies; real estate, franchise, and property 109782
taxes; natural gas, fuel oil, water, electricity, sewage, and 109783
refuse and hazardous medical waste collection; allocated other 109784
protected home office costs; and any additional costs defined as 109785

other protected costs in rules adopted under section 5124.03 of 109786
the Revised Code. 109787

(KK)(1) "Owner" means any person or government entity that 109788
has at least five per cent ownership or interest, either directly, 109789
indirectly, or in any combination, in any of the following 109790
regarding an ICF/IID: 109791

(a) The land on which the ICF/IID is located; 109792

(b) The structure in which the ICF/IID is located; 109793

(c) Any mortgage, contract for deed, or other obligation 109794
secured in whole or in part by the land or structure on or in 109795
which the ICF/IID is located; 109796

(d) Any lease or sublease of the land or structure on or in 109797
which the ICF/IID is located. 109798

(2) "Owner" does not mean a holder of a debenture or bond 109799
related to an ICF/IID and purchased at public issue or a regulated 109800
lender that has made a loan related to the ICF/IID unless the 109801
holder or lender operates the ICF/IID directly or through a 109802
subsidiary. 109803

(LL) "Partially converted ICF/IID" means an ICF/IID that 109804
converted some, but not all, of its beds to providing home and 109805
community-based services under the individual options waiver 109806
pursuant to section 5124.60 or 5124.61 of the Revised Code. 109807

(MM)(1) Except as provided in divisions (MM)(2) and (3) of 109808
this section, "per diem" means an ICF/IID's desk-reviewed, actual, 109809
allowable costs in a given cost center in a cost reporting period, 109810
divided by the facility's inpatient days for that cost reporting 109811
period. 109812

(2) When determining capital costs for the purpose of section 109813
5124.17 of the Revised Code, "per diem" means an ICF/IID's actual, 109814
allowable capital costs in a cost-reporting period divided by the 109815

greater of the facility's inpatient days for that period or the 109816
number of inpatient days the ICF/IID would have had during that 109817
period if its occupancy rate had been ninety-five per cent. 109818

(3) When determining indirect care costs for the purpose of 109819
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 109820
actual, allowable indirect care costs in a cost-reporting period 109821
divided by the greater of the ICF/IID's inpatient days for that 109822
period or the number of inpatient days the ICF/IID would have had 109823
during that period if its occupancy rate had been eighty-five per 109824
cent. 109825

(NN) "Provider" means an operator with a valid provider 109826
agreement. 109827

(OO) "Provider agreement" means a provider agreement, as 109828
defined in section 5164.01 of the Revised Code, that is between 109829
the department of medicaid and the operator of an ICF/IID for the 109830
provision of ICF/IID services under the medicaid program. 109831

(PP) "Purchased nursing services" means services that are 109832
provided in an ICF/IID by registered nurses, licensed practical 109833
nurses, or nurse aides who are not employees of the ICF/IID. 109834

(OO) "Reasonable" means that a cost is an actual cost that is 109835
appropriate and helpful to develop and maintain the operation of 109836
resident care facilities and activities, including normal standby 109837
costs, and that does not exceed what a prudent buyer pays for a 109838
given item or services. Reasonable costs may vary from provider to 109839
provider and from time to time for the same provider. 109840

(RR) "Related party" means an individual or organization 109841
that, to a significant extent, has common ownership with, is 109842
associated or affiliated with, has control of, or is controlled 109843
by, a provider. 109844

(1) An individual who is a relative of an owner is a related 109845
party. 109846

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 109847
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(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization. 109856
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(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met: 109859
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(a) The supplier is a separate bona fide organization. 109862

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes. 109863
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(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID. 109867
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(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier. 109871
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(SS) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships: 109875
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<u>(1) Spouse;</u>	109877
<u>(2) Natural parent, child, or sibling;</u>	109878
<u>(3) Adopted parent, child, or sibling;</u>	109879
<u>(4) Stepparent, stepchild, stepbrother, or stepsister;</u>	109880
<u>(5) Father-in-law, mother-in-law, son-in-law,</u>	109881
<u>daughter-in-law, brother-in-law, or sister-in-law;</u>	109882
<u>(6) Grandparent or grandchild;</u>	109883
<u>(7) Foster caregiver, foster child, foster brother, or foster</u>	109884
<u>sister.</u>	109885
<u>(TT)(1) "Renovation" means the following:</u>	109886
<u>(a) An ICF/IID's betterment, improvement, or restoration to</u>	109887
<u>which both of the following apply:</u>	109888
<u>(i) It was started before July 1, 1993;</u>	109889
<u>(ii) It meets the definition of "renovation" established in</u>	109890
<u>rules that were adopted by the director of job and family services</u>	109891
<u>and in effect on December 22, 1992.</u>	109892
<u>(b) An ICF/IID's betterment, improvement, or restoration to</u>	109893
<u>which both of the following apply:</u>	109894
<u>(i) It was started on or after July 1, 1993;</u>	109895
<u>(ii) It betters, improves, or restores the ICF/IID beyond its</u>	109896
<u>current functional capacity through a structural change that costs</u>	109897
<u>at least five hundred dollars per bed.</u>	109898
<u>(2) A renovation started on or after July 1, 1993, may</u>	109899
<u>include both of the following:</u>	109900
<u>(a) A betterment, improvement, restoration, or replacement of</u>	109901
<u>assets that are affixed to a building and have a useful life of at</u>	109902
<u>least five years;</u>	109903
<u>(b) Costs that otherwise would be considered maintenance and</u>	109904

repair expenses if they are an integral part of the structural 109905
change that makes up the renovation project. 109906

(3) "Renovation" does not mean construction of additional 109907
space for beds that will be added to an ICF/IID's licensed 109908
capacity or medicaid-certified capacity. 109909

(UU) "Residential facility" has the same meaning as in 109910
section 5123.19 of the Revised Code. 109911

(VV) "Sponsor" means an adult relative, friend, or guardian 109912
of an ICF/IID resident who has an interest or responsibility in 109913
the resident's welfare. 109914

(WW) "Title XIX" means Title XIX of the "Social Security 109915
Act," 42 U.S.C. 1396, et seq. 109916

(XX) "Title XVIII" means Title XVIII of the "Social Security 109917
Act," 42 U.S.C. 1395, et seq. 109918

(YY) "Voluntary termination" means an operator's voluntary 109919
election to terminate the participation of an ICF/IID in the 109920
medicaid program but to continue to provide service of the type 109921
provided by a residential facility as defined in section 5123.19 109922
of the Revised Code. 109923

Sec. 5111.226 5124.02. ~~Subject, if needed, to the approval of~~ 109924
~~the United States secretary of health and human services, the~~ 109925
~~The~~ department of ~~job and family services~~ medicaid shall enter into a 109926
contract with the department of developmental disabilities under 109927
section ~~5111.91~~ 5162.35 of the Revised Code that provides for the 109928
department of developmental disabilities to assume the powers and 109929
duties of the department of ~~job and family services~~ medicaid with 109930
regard to the medicaid program's coverage of ICF/IID services 109931
~~provided by intermediate care facilities for the mentally~~ 109932
~~retarded.~~ The contract shall include a schedule for the assumption 109933
of the powers and duties. The contract may provide for the 109934

department of medicaid to perform one or more duties of the 109935
department of developmental disabilities under sections 5124.50 to 109936
5124.53 of the Revised Code. Except as otherwise authorized by the 109937
United States secretary of health and human services, no provision 109938
of the contract may violate a federal law or regulation governing 109939
the medicaid program. ~~Once the contract goes into effect, all~~ 109940
~~references to the department of job and family services, and all~~ 109941
~~references to the director of job and family services, with regard~~ 109942
~~to intermediate care facilities for the mentally retarded that are~~ 109943
~~in law enacted by the general assembly shall be deemed to be~~ 109944
~~references to the department of developmental disabilities and~~ 109945
~~director of developmental disabilities, respectively, to the~~ 109946
~~extent necessary to implement the terms of the contract.~~ 109947

Sec. 5124.03. To the extent authorized by rules authorized by 109948
section 5162.021 of the Revised Code, the director of 109949
developmental disabilities shall adopt rules in accordance with 109950
Chapter 119. of the Revised Code as necessary to implement this 109951
chapter. 109952

Sec. 5124.05. The medicaid program shall cover ICF/IID 109953
services when all of the following apply: 109954

(A) The ICF/IID services are provided to a medicaid recipient 109955
eligible for the services. 109956

(B) The ICF/IID services are provided by an ICF/IID for which 109957
the provider has a valid provider agreement. 109958

(C) Federal financial participation is available for the 109959
ICF/IID services. 109960

Sec. 5124.06. (A) Subject to section 5124.072 of the Revised 109961
Code, an ICF/IID operator is eligible to enter into a provider 109962
agreement for an ICF/IID if all of the following apply: 109963

(1) The ICF/IID is certified by the director of health for participation in medicaid; 109964
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(2) The ICF/IID is licensed by the director of developmental disabilities as a residential facility; 109966
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(3) Subject to division (B) of this section, the operator and ICF/IID comply with all applicable state and federal statutes and rules. 109968
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(B) A state rule that requires an ICF/IID operator to have received approval of a plan for the proposed ICF/IID pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible to receive medicaid payments for ICF/IID services the ICF/IID provides does not apply if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the ICF/IID without obtaining approval of such a plan. 109971
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Sec. 5124.07. (A) Except as provided in section 5124.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with an ICF/IID operator who applies, and is eligible, for the provider agreement. 109980
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(B) A provider agreement shall require the department of developmental disabilities, pursuant to its agreement with the department of medicaid under section 5124.02 of the Revised Code, to make medicaid payments to the provider in accordance with this chapter for ICF/IID services the ICF/IID provides to its residents who are medicaid recipients eligible for ICF/IID services. 109984
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(C) A provider agreement shall require the provider to do all of the following: 109990
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(1) Maintain eligibility for the provider agreement as provided in section 5124.06 of the Revised Code; 109992
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<u>(2) Keep records relating to a cost reporting period for the</u>	109994
<u>greater of seven years after the cost report is filed or, if the</u>	109995
<u>department of developmental disabilities issues an audit report in</u>	109996
<u>accordance with section 5124.109 of the Revised Code, six years</u>	109997
<u>after all appeal rights relating to the audit report are</u>	109998
<u>exhausted;</u>	109999
<u>(3) File reports as the department of developmental</u>	110000
<u>disabilities requires;</u>	110001
<u>(4) Open all records relating to the costs of the ICF/IID's</u>	110002
<u>services for inspection and audit by the department of</u>	110003
<u>developmental disabilities;</u>	110004
<u>(5) Open its premises for inspection by the department of</u>	110005
<u>developmental disabilities, department of health, and any other</u>	110006
<u>state or local authority having authority to inspect;</u>	110007
<u>(6) Supply to the department of developmental disabilities</u>	110008
<u>such information as it requires concerning the ICF/IID's services</u>	110009
<u>to residents who are, or are eligible to be, medicaid recipients;</u>	110010
<u>(7) Comply with section 5124.08 of the Revised Code.</u>	110011
<u>(D) A provider agreement may contain other provisions that</u>	110012
<u>are consistent with law and considered necessary by the department</u>	110013
<u>of medicaid or the department of developmental disabilities.</u>	110014
<u>Sec. 5124.071. An ICF/IID operator may enter into provider</u>	110015
<u>agreements for more than one ICF/IID.</u>	110016
<u>Sec. 5124.072. The department of medicaid shall not</u>	110017
<u>revalidate an ICF/IID provider agreement if the provider fails to</u>	110018
<u>maintain eligibility for the provider agreement as provided in</u>	110019
<u>section 5124.06 of the Revised Code.</u>	110020
<u>Sec. 5124.08. (A) Every provider agreement with an ICF/IID</u>	110021

<u>provider shall do both of the following:</u>	110022
<u>(1) Except as provided by division (B) of this section,</u>	110023
<u>include any part of the ICF/IID that meets federal and state</u>	110024
<u>standards for medicaid certification;</u>	110025
<u>(2) Prohibit the provider from doing either of the following:</u>	110026
<u>(a) Discriminating against a resident on the basis of race,</u>	110027
<u>color, sex, creed, or national origin;</u>	110028
<u>(b) Subject to division (D) of this section, failing or</u>	110029
<u>refusing to do either of the following:</u>	110030
<u>(i) Admit as a resident of the ICF/IID an individual because</u>	110031
<u>the individual is, or may (as a resident of the ICF/IID) become, a</u>	110032
<u>medicaid recipient if less than eighty per cent of the ICF/IID's</u>	110033
<u>residents are medicaid recipients;</u>	110034
<u>(ii) Retain as a resident of the ICF/IID an individual</u>	110035
<u>because the individual is, or may (as a resident of the ICF/IID)</u>	110036
<u>become, a medicaid recipient.</u>	110037
<u>(B) Unless otherwise required by federal law, an ICF/IID bed</u>	110038
<u>is not required to be included in a provider agreement if the bed</u>	110039
<u>is designated for respite care under a medicaid waiver component</u>	110040
<u>operated pursuant to a waiver sought under section 5166.20 of the</u>	110041
<u>Revised Code.</u>	110042
<u>(C) For the purpose of division (A)(2)(b)(ii) of this</u>	110043
<u>section, a medicaid recipient who is a resident of an ICF/IID</u>	110044
<u>shall be considered a resident of the ICF/IID during any hospital</u>	110045
<u>stays totaling less than twenty-five days during any twelve-month</u>	110046
<u>period. A medicaid recipient identified by the department of</u>	110047
<u>developmental disabilities or its designee as requiring the level</u>	110048
<u>of care of an ICF/IID shall not be subject to a maximum period of</u>	110049
<u>absences during which the recipient is considered to be an ICF/IID</u>	110050
<u>resident if prior authorization of the department for visits with</u>	110051

relatives and friends and participation in therapeutic programs is 110052
obtained in accordance with rules adopted under section 5124.03 of 110053
the Revised Code. 110054

(D) Nothing in this section shall bar a provider from doing 110055
any of the following: 110056

(1) If the provider is a religious organization operating a 110057
religious or denominational ICF/IID, giving preference to persons 110058
of the same religion or denomination; 110059

(2) Giving preference to persons with whom the provider has 110060
contracted to provide continuing care; 110061

(3) Retaining residents who have resided in the provider's 110062
ICF/IID for not less than one year as private pay residents and 110063
who subsequently become medicaid recipients but refusing to admit 110064
as a resident an individual who is, or may (as a resident of the 110065
ICF/IID) become, a medicaid recipient, if all of the following 110066
apply: 110067

(a) The provider does not refuse to retain a resident who has 110068
resided in the provider's ICF/IID for not less than one year as a 110069
private pay resident because the resident becomes a medicaid 110070
recipient, except as necessary to comply with division (D)(3)(b) 110071
of this section. 110072

(b) The number of medicaid recipients retained under division 110073
(D)(3) of this section does not at any time exceed ten per cent of 110074
all the ICF/IID's residents. 110075

(c) On July 1, 1980, all the ICF/IID's residents were private 110076
pay residents. 110077

(E) No provider shall violate the provider agreement 110078
obligations imposed by this section. 110079

Sec. 5124.081. An ICF/IID resident has a cause of action 110080
against the provider of the ICF/IID for breach of the provider 110081

agreement obligations or other duties imposed by section 5124.08 110082
of the Revised Code. The action may be commenced by the resident, 110083
or on the resident's behalf by the resident's sponsor, by the 110084
filing of a civil action in the court of common pleas of the 110085
county in which the ICF/IID is located or in the court of common 110086
pleas of Franklin county. 110087

If a court of common pleas finds that a provider has breached 110088
a provider agreement obligation or other duty imposed by section 110089
5124.08 of the Revised Code, the court may do one or more of the 110090
following: 110091

(A) Enjoin the provider from engaging in the practice; 110092

(B) Order such affirmative relief as may be necessary; 110093

(C) Award to a resident and a sponsor that brings the action 110094
on behalf of a resident actual damages, costs, and reasonable 110095
attorney's fees. 110096

Sec. 5124.10. (A) Except as provided in division (D) of this 110097
section and division (E)(2) of section 5124.101 of the Revised 110098
Code, each ICF/IID provider shall file with the department of 110099
developmental disabilities an annual cost report for each of the 110100
provider's ICFs/IID for which the provider has a valid provider 110101
agreement. The cost report for a year shall cover the calendar 110102
year or portion of the calendar year during which the ICF/IID 110103
participated in the medicaid program. Except as provided in 110104
division (E) of this section, the cost report is due not later 110105
than ninety days after the end of the calendar year, or portion of 110106
the calendar year, that the cost report covers. 110107

(B)(1) If an ICF/IID undergoes a change of provider that the 110108
department determines, in accordance with rules adopted under 110109
section 5124.03 of the Revised Code, is not an arms length 110110
transaction, the new provider shall file the ICF/IID's cost report 110111

in accordance with division (A) of this section and the cost 110112
report shall cover the portion of the calendar year during which 110113
the new provider operated the ICF/IID and the portion of the 110114
calendar year during which the previous provider operated the 110115
ICF/IID. 110116

(2) If an ICF/IID undergoes a change of provider that the 110117
department determines, in accordance with rules adopted under 110118
section 5124.03 of the Revised Code, is an arms length 110119
transaction, the new provider shall file with the department a 110120
cost report for the ICF/IID not later than, except as provided in 110121
division (E) of this section, ninety days after the end of the 110122
ICF/IID's first three full calendar months of operation under the 110123
new provider. The cost report shall cover the period that begins 110124
with the ICF/IID's first day of operation under the new provider 110125
and ends on the first day of the month immediately following the 110126
first three full months of operation under the new provider. 110127

(C) If the medicaid payment rate for a new ICF/IID was most 110128
recently determined in accordance with section 5124.151 of the 110129
Revised Code, the provider shall file with the department a cost 110130
report for the new ICF/IID not later than, except as provided in 110131
division (E) of this section, ninety days after the end of the new 110132
ICF/IID's first three full calendar months of operation. The cost 110133
report shall cover the period that begins with the ICF/IID's first 110134
day of operation and ends on the first day of the month 110135
immediately following the first three full months of operation. 110136

(D) An ICF/IID provider is not required to file a cost report 110137
for an ICF/IID for a calendar year in accordance with division (A) 110138
of this section if the provider files a cost report for the 110139
ICF/IID under division (B)(2) or (C) of this section and that cost 110140
report covers a period that begins after the first day of October 110141
of that calendar year. The provider shall file a cost report for 110142
the ICF/IID in accordance with division (A) of this section for 110143

the immediately following calendar year. 110144

(E) The department may grant to a provider a fourteen-day extension to file a cost report under this section or section 5124.101 of the Revised Code if the provider provides the department a written request for the extension and the department determines that there is good cause for the extension. 110145
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Sec. 5124.101. (A) The provider of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID or is a new ICF/IID on or after July 1, 2013, may file with the department of developmental disabilities a cost report covering the period specified in division (B) of this section if the following applies to the ICF/IID: 110150
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(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID, the ICF/IID has either of the following on the day it becomes a downsized ICF/IID or partially converted ICF/IID: 110156
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(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID; 110160
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(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID. 110164
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(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID: 110167
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(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID; 110170
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(b) At least five fewer beds certified as ICF/IID beds than 110173

<u>it has on the day immediately preceding the day it becomes a</u>	110174
<u>downsized ICF/IID.</u>	110175
<u>(B) A cost report filed under division (A) of this section</u>	110176
<u>shall cover the period that begins and ends as follows:</u>	110177
<u>(1) In the case of an ICF/IID that becomes a downsized</u>	110178
<u>ICF/IID or partially converted ICF/IID:</u>	110179
<u>(a) The period begins with the day that the ICF/IID becomes a</u>	110180
<u>downsized ICF/IID or partially converted ICF/IID.</u>	110181
<u>(b) The period ends on the last day of the last month of the</u>	110182
<u>first three full months of operation as a downsized ICF/IID or</u>	110183
<u>partially converted ICF/IID.</u>	110184
<u>(2) In the case of a new ICF/IID:</u>	110185
<u>(a) The period begins with the day that the provider</u>	110186
<u>agreement for the ICF/IID takes effect.</u>	110187
<u>(b) The period ends on the last day of the last month of the</u>	110188
<u>first three full months that the provider agreement is in effect.</u>	110189
<u>(C) The department shall refuse to accept a cost report filed</u>	110190
<u>under division (A) of this section if either of the following</u>	110191
<u>apply:</u>	110192
<u>(1) Except as provided in division (E) of section 5124.10 of</u>	110193
<u>the Revised Code, the provider fails to file the cost report with</u>	110194
<u>the department not later than ninety days after the last day of</u>	110195
<u>the period the cost report covers;</u>	110196
<u>(2) The cost report is incomplete or inadequate.</u>	110197
<u>(D) If the department accepts a cost report filed under</u>	110198
<u>division (A) of this section, the department shall use that cost</u>	110199
<u>report, rather than the cost report that otherwise would be used</u>	110200
<u>pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the</u>	110201
<u>Revised Code, to determine the ICF/IID's medicaid payment rate in</u>	110202
<u>accordance with this chapter for ICF/IID services the ICF/IID</u>	110203

<u>provides during the period that begins and ends as follows:</u>	110204
<u>(1) The period begins on the following:</u>	110205
<u>(a) In the case of an ICF/IID that becomes a downsized</u>	110206
<u>ICF/IID or partially converted ICF/IID:</u>	110207
<u>(i) The day that the ICF/IID becomes a downsized ICF/IID or</u>	110208
<u>partially converted ICF/IID if that day is the first day of a</u>	110209
<u>month;</u>	110210
<u>(ii) The first day of the month immediately following the</u>	110211
<u>month that the ICF/IID becomes a downsized ICF/IID or partially</u>	110212
<u>converted ICF/IID if division (D)(1)(a)(i) of this section does</u>	110213
<u>not apply.</u>	110214
<u>(b) In the case of a new ICF/IID, the day that the ICF/IID's</u>	110215
<u>provider agreement takes effect.</u>	110216
<u>(2) The period ends on the last day of the fiscal year that</u>	110217
<u>immediately precedes the fiscal year for which the ICF/IID begins</u>	110218
<u>to be paid a rate determined using a cost report that division (E)</u>	110219
<u>of this section requires be filed in accordance with division (A)</u>	110220
<u>of section 5124.10 of the Revised Code.</u>	110221
<u>(E)(1) If the department accepts a cost report filed under</u>	110222
<u>division (A) of this section for an ICF/IID that becomes a</u>	110223
<u>downsized ICF/IID or partially converted ICF/IID on or before the</u>	110224
<u>first day of October of a calendar year, or for a new ICF/IID that</u>	110225
<u>has a provider agreement that takes effect on or before that date,</u>	110226
<u>the provider also shall file a cost report for the ICF/IID in</u>	110227
<u>accordance with division (A) of section 5124.10 of the Revised</u>	110228
<u>Code for the portion of that calendar year that the ICF/IID</u>	110229
<u>operated as a downsized ICF/IID or partially converted ICF/IID or,</u>	110230
<u>in the case of a new ICF/IID, for the portion that the provider</u>	110231
<u>agreement was in effect.</u>	110232
<u>(2) If the department accepts a cost report filed under</u>	110233

division (A) of this section for an ICF/IID that becomes a 110234
downsized ICF/IID or partially converted ICF/IID after the first 110235
day of October of a calendar year, or for a new ICF/IID that has a 110236
provider agreement that takes effect on or after that date, the 110237
provider is not required to file a cost report for that calendar 110238
year in accordance with division (A) of section 5124.10 of the 110239
Revised Code. The provider shall file a cost report for the 110240
ICF/IID in accordance with division (A) of section 5124.10 of the 110241
Revised Code for the immediately following calendar year. 110242

Sec. 5124.102. No ICF/IID provider shall report fines paid 110243
under section 5124.99 of the Revised Code in a cost report filed 110244
under section 5124.10, 5124.101, or 5124.522 of the Revised Code. 110245

Sec. 5124.103. Cost reports shall be completed using the form 110246
prescribed under section 5124.104 of the Revised Code and in 110247
accordance with the guidelines established under that section. 110248

Sec. 5124.104. The department of developmental disabilities 110249
shall do all of the following: 110250

(A) Prescribe the form to be used for completing a cost 110251
report and a uniform chart of accounts for the purpose of 110252
reporting costs on the form; 110253

(B) Distribute a paper copy of the form, or computer software 110254
for electronic submission of the form, to each provider at least 110255
sixty days before the date the cost report is due; 110256

(C) Establish guidelines for completing the form. 110257

Sec. 5124.105. The department of developmental disabilities 110258
shall develop an addendum to the cost report form that an ICF/IID 110259
provider may use to set forth costs that the provider believes the 110260
department may dispute. The department may consider such costs in 110261

determining an ICF/IID's medicaid payment rate. If the department 110262
does not consider such costs in determining an ICF/IID's medicaid 110263
payment rate, the provider may seek reconsideration of the 110264
determination in accordance with section 5124.38 of the Revised 110265
Code. If the department subsequently includes such costs in an 110266
ICF/IID's medicaid payment rate, the department shall pay the 110267
provider interest at a reasonable rate established in rules 110268
adopted under section 5124.03 of the Revised Code for the period 110269
that the rate excluded the costs. 110270

Sec. 5124.106. If an ICF/IID provider required by section 110271
5124.10 of the Revised Code to file a cost report for the ICF/IID 110272
fails to file the cost report by the date it is due or the date, 110273
if any, to which the due date is extended pursuant to division (E) 110274
of that section, or files an incomplete or inadequate report for 110275
the ICF/IID under that section, the department of developmental 110276
disabilities shall provide immediate written notice to the 110277
provider that the provider agreement for the ICF/IID will be 110278
terminated in thirty days unless the provider submits a complete 110279
and adequate cost report for the ICF/IID within thirty days. 110280
During the thirty-day termination period or any additional time 110281
allowed for an appeal of the proposed termination of a provider 110282
agreement, the provider shall be paid the ICF/IID's then current 110283
per medicaid day payment rate, minus the dollar amount by which 110284
ICFs/IID's per medicaid day payment rates are reduced during 110285
fiscal year 2013 in accordance with division (A)(2) of section 110286
5111.26 of the Revised Code (renumbered as section 5165.10 of the 110287
Revised Code by H.B. 59 of the 130th general assembly) as that 110288
section existed on the day immediately preceding the effective 110289
date of this section. On the first day of each July, the 110290
department shall adjust the amount of the reduction in effect 110291
during the previous twelve months to reflect the rate of inflation 110292

during the preceding twelve months, as shown in the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics. 110293
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Sec. 5124.107. (A) Except as provided in division (B) of this section and not later than three years after an ICF/IID provider files a cost report with the department of developmental disabilities under section 5124.10 or 5124.101 of the Revised Code, the provider may amend the cost report if the provider discovers a material error in the cost report or additional information to be included in the cost report. The department shall review the amended cost report for accuracy and notify the provider of its determination. 110296
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(B) An ICF/IID provider may not amend a cost report if the department has notified the provider that an audit of the cost report or a cost report of the provider for a subsequent cost reporting period is to be conducted under section 5124.109 of the Revised Code. The provider may, however, provide the department information that affects the costs included in the cost report. Such information may not be provided after the adjudication of the final settlement of the cost report. 110305
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Sec. 5124.108. The department of developmental disabilities shall conduct a desk review of all cost reports it receives under sections 5124.10, 5124.101, and 5124.522 of the Revised Code. Based on the desk review, the department shall make a preliminary determination of whether the reported costs are allowable costs. The department shall notify each ICF/IID provider of whether any of the reported costs are preliminarily determined not to be allowable costs, the medicaid payment rate determined under this chapter as a result of the determination regarding allowable costs, and the reasons for the determination and resulting rate. 110313
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The department shall allow the provider to verify the calculation 110323
and submit additional information. 110324

Sec. 5124.109. (A) The department of developmental 110325
disabilities may conduct an audit, as defined in rules adopted 110326
under section 5124.03 of the Revised Code, of any cost report 110327
filed under section 5124.10, 5124.101, or 5124.522 of the Revised 110328
Code. The decision whether to conduct an audit and the scope of 110329
the audit, which may be a desk or field audit, may be determined 110330
based on prior performance of the provider, a risk analysis, or 110331
other evidence that gives the department reason to believe that 110332
the provider has reported costs improperly. A desk or field audit 110333
may be performed annually, but is required whenever a provider 110334
does not pass the risk analysis tolerance factors. 110335

(B) Audits shall be conducted by auditors under contract with 110336
the department, auditors working for firms under contract with the 110337
department, or auditors employed by the department. 110338

The department may establish a contract for the auditing of 110339
ICFs/IID by outside firms. Each contract entered into by bidding 110340
shall be effective for one to two years. 110341

(C) The department shall notify a provider of the findings of 110342
an audit of a cost report by issuing an audit report. The 110343
department shall issue the audit report not later than three years 110344
after the earlier of the following: 110345

(1) The date the cost report is filed; 110346

(2) The date a desk or field audit of the cost report or a 110347
cost report for a subsequent cost reporting period is completed. 110348

(D) The department shall prepare a written summary of any 110349
audit disallowance that is made after the effective date of the 110350
rate that is based on the cost. Where the provider is pursuing 110351
judicial or administrative remedies in good faith regarding the 110352

disallowance, the department shall not withhold from the 110353
provider's current payments any amounts the department claims to 110354
be due from the provider pursuant to section 5124.41 of the 110355
Revised Code. 110356

(E)(1) The department shall establish an audit manual and 110357
program for field audits conducted under this section. Each 110358
auditor conducting a field audit under this section shall follow 110359
the audit manual and program, regardless of whether the auditor is 110360
under contract with the department, works for a firm under 110361
contract with the department, or is employed by the department. 110362
The manual and program shall do both of the following: 110363

(a) Require each field audit to be conducted by an auditor to 110364
whom all of the following apply: 110365

(i) During the period of the auditor's contract, firm's 110366
contract, or auditor's employment with the department, the auditor 110367
or firm does not have and is not committed to acquire any direct 110368
or indirect financial interest in the ownership, financing, or 110369
operation of ICFs/IID in this state. 110370

(ii) The auditor does not audit any provider that has been a 110371
client of the auditor or the auditor's firm. 110372

(iii) The auditor is otherwise independent as determined by 110373
the standards of independence included in the government auditing 110374
standards produced by the United States government accountability 110375
office. 110376

(b) Require each auditor conducting a field audit to do all 110377
of the following: 110378

(i) Comply with applicable rules prescribed pursuant to Title 110379
XIX; 110380

(ii) Consider generally accepted auditing standards 110381
prescribed by the American institute of certified public 110382

accountants; 110383

(iii) Include a written summary as to whether the costs 110384
included in the cost report examined during the audit are 110385
allowable and are presented in accordance with state and federal 110386
laws and regulations, and whether, in all material respects, 110387
allowable costs are documented, reasonable, and related to patient 110388
care; 110389

(iv) Complete the audit within the time period specified by 110390
the department; 110391

(v) Provide to the provider complete written interpretations 110392
that explain in detail the application of all relevant contract 110393
provisions, regulations, auditing standards, rate formulae, and 110394
departmental policies, with explanations and examples, that are 110395
sufficient to permit the provider to calculate with reasonable 110396
certainty those costs that are allowable and the rate to which the 110397
provider's ICF/IID is entitled. 110398

(2) For the purpose of division (E)(1)(a)(i) of this section, 110399
employment of a member of an auditor's family by an ICF/IID that 110400
the auditor does not audit does not constitute a direct or 110401
indirect financial interest in the ownership, financing, or 110402
operation of the ICF/IID. 110403

Sec. ~~5111.224~~ 5124.15. (A) Except as otherwise provided by 110404
sections ~~5111.20~~ 5124.151 to ~~5111.331~~ 5124.154 of the Revised Code 110405
and ~~by~~ division (B) of this section, the ~~payments~~ total per 110406
medicaid day payment rate that the department of ~~job and family~~ 110407
~~services~~ developmental disabilities shall ~~agree to make pay to the~~ 110408
~~an ICF/IID provider of an intermediate care facility for the~~ 110409
~~mentally retarded pursuant to a provider agreement for ICF/IID~~ 110410
services the provider's ICF/IID provides during a fiscal year 110411
shall equal the sum of all of the following: 110412

(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code; 110413
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(2) The per medicaid day payment rate for direct care costs determined for the facility ICF/IID under section ~~5111.23~~ 5124.19 of the Revised Code; 110416
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~~(2)(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised Code;~~ 110419
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(4) The per medicaid day payment rate for other protected costs determined for the facility ICF/IID under section ~~5111.235~~ 5124.23 of the Revised Code; 110422
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~~(3) The rate for indirect care costs determined for the facility under section 5111.241 of the Revised Code;~~ 110425
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~~(4) The rate for capital costs determined for the facility under section 5111.251 of the Revised Code.~~ 110427
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(B) The department shall adjust the total rate otherwise determined under division (A) of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers ~~of intermediate care facilities for the mentally retarded.~~ 110429
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(C) In addition to paying an ICF/IID provider the total rate determined for the provider's ICF/IID under divisions (A) and (B) of this section for a fiscal year, the department, in accordance with section 5124.25 of the Revised Code, may pay the provider a rate add-on for pediatric ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on. The rate add-on is not to be part of the ICF/IID's total rate. 110434
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~~Sec. 5111.255 5124.151.~~ (A) ~~The department of job and family services shall establish initial rates for an intermediate care facility for the mentally retarded with a first date of licensure that is on or after January 1, 1993, including a facility that replaces one or more existing facilities, or for an intermediate care facility for the mentally retarded with a first date of licensure before that date that was initially certified for the medicaid program on or after that date, total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be the initial rate for ICF/IID services provided by a new ICF/IID. Instead, the initial total per medicaid day payment rate for ICF/IID services provided by a new ICF/IID shall be determined~~ in the following manner:

(1) The initial rate for capital costs shall be determined under section 5124.17 of the Revised Code using the greater of the new ICF/IID's actual inpatient days or an imputed occupancy rate of eighty per cent.

(2) The initial rate for direct care costs shall be determined as follows:

(a) If there are no cost or resident assessment data for the new ICF/IID as necessary to ~~calculate~~ determine a rate under section ~~5111.23 5124.19~~ of the Revised Code, the rate shall be determined as follows:

(i) Determine the median cost per case-mix unit ~~calculated~~ under division (B)~~(1)~~ of ~~that~~ section 5124.19 of the Revised Code for the ~~relevant~~ new ICF/IID's peer group for the calendar year immediately preceding the fiscal year in which the rate will be paid, ~~multiplied;~~

(ii) Multiply the amount determined under division (A)(2)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for that period ~~and;~~

(iii) Adjust the product determined under division 110474
(A)(2)(a)(ii) of this section by the rate of inflation estimated 110475
under division ~~(B)(3)(D)~~ of ~~that~~ section 5124.19 of the Revised 110476
Code. This rate shall be recalculated to reflect the facility's 110477
actual quarterly average case mix score, in accordance with that 110478
section, after it submits its first quarterly assessment data that 110479
qualifies for use in calculating a case mix score in accordance 110480
with rules authorized by division (E) of section 5111.232 of the 110481
Revised Code. If the facility's first two quarterly submissions do 110482
not contain assessment data that qualifies for use in calculating 110483
a case mix score, the department shall continue to calculate the 110484
rate using the median annual case mix score for the peer group in 110485
lieu of an assigned quarterly case mix score. The department shall 110486
assign a case mix score or, if necessary, a cost per case mix unit 110487
under division (D) of section 5111.232 of the Revised Code for any 110488
subsequent submissions that do not contain assessment data that 110489
qualifies for use in calculating a case mix score. 110490

(b) If the ~~facility~~ new ICF/IID is a replacement ~~facility~~ 110491
ICF/IID and the ~~facility~~ ICF/IID or ~~facilities~~ ICFs/IID that are 110492
being replaced are in operation immediately before the ~~replacement~~ 110493
~~facility~~ new ICF/IID opens, the rate shall be the same as the rate 110494
for the replaced ~~facility~~ ICF/IID or ~~facilities~~ ICFs/IID, 110495
proportionate to the number of ICF/IID beds in each replaced 110496
~~facility~~ ICF/IID. ~~If one or more of the replaced facilities is~~ 110497

(c) If the new ICF/IID is a replacement ICF/IID and the 110498
ICF/IID or ICFs/IID that are being replaced are not in operation 110499
immediately before the ~~replacement facility~~ new ICF/IID opens, ~~its~~ 110500
~~proportion~~ the rate shall be determined under division 110501
~~(A)(1)(2)(a)~~ of this section. 110502

~~(2)(3)~~ The initial rate for indirect care costs shall be the 110503
maximum rate for the new ICF/IID's peer group as determined for 110504
the fiscal year in accordance with division (C) of section 5124.21 110505

of the Revised Code. 110506

(4) The initial rate for other protected costs shall be one 110507
hundred fifteen per cent of the median rate for ~~intermediate care~~ 110508
~~facilities for the mentally retarded~~ calculated ICFs/IID 110509
determined for the fiscal year under section ~~5111.235~~ 5124.23 of 110510
the Revised Code. 110511

~~(3) The rate for indirect care costs shall be the applicable~~ 110512
~~maximum rate for the facility's peer group as specified in~~ 110513
~~division (B) of section 5111.241 of the Revised Code.~~ 110514

~~(4) The rate for capital costs shall be determined under~~ 110515
~~section 5111.251 of the Revised Code using the greater of actual~~ 110516
~~inpatient days or an imputed occupancy rate of eighty per cent.~~ 110517

(B) The (1) Except as provided in division (B)(2) of this 110518
section, the department shall adjust ~~the rates established a new~~ 110519
ICF/IID's initial total per medicaid day payment rate determined 110520
under division (A) of this section at both of the following times: 110521
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~~(1) Effective effective the first day of July, to reflect new~~ 110523
~~rate calculations determinations for all facilities ICFs/IID under~~ 110524
~~sections 5111.20 to 5111.331 of the Revised Code;~~ 110525

~~(2) Following the provider's submission of the facility's~~ 110526
~~cost report under division (A)(1)(b) of section 5111.26 of the~~ 110527
~~Revised Code this chapter.~~ 110528

~~The department shall pay the rate adjusted based on the cost~~ 110529
~~report beginning the first day of the calendar quarter that begins~~ 110530
~~more than ninety days after the department receives the cost~~ 110531
~~report.~~ 110532

(2) If the department accepts, under division (A) of section 110533
5124.101 of the Revised Code, a cost report filed by the provider 110534
of a new ICF/IID, the department shall adjust the ICF/IID's 110535

initial total per medicaid day payment rate in accordance with 110536
divisions (D) and (E) of that section rather than division (B)(1) 110537
of this section. 110538

Sec. 5124.152. (A) The total per medicaid day payment rate 110539
determined under section 5124.15 of the Revised Code shall not be 110540
paid for ICF/IID services provided by an ICF/IID, or discrete unit 110541
of an ICF/IID, designated by the department of developmental 110542
disabilities as an outlier ICF/IID or unit. Instead, the provider 110543
of a designated outlier ICF/IID or unit shall be paid each fiscal 110544
year a total per medicaid day payment rate that the department 110545
shall prospectively determine in accordance with a methodology 110546
established in rules authorized by this section. 110547

(B) The department may designate an ICF/IID, or discrete unit 110548
of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or 110549
unit serves residents who have either of the following: 110550

(1) Diagnoses or special care needs that require direct care 110551
resources that are not measured adequately by the resident 110552
assessment instrument specified in rules authorized by section 110553
5124.191 of the Revised Code; 110554

(2) Diagnoses or special care needs that are specified in 110555
rules authorized by this section as otherwise qualifying for 110556
consideration under this section. 110557

(C) Notwithstanding any other provision of this chapter, the 110558
costs incurred by a designated outlier ICF/IID or unit shall not 110559
be considered in establishing medicaid payment rates for other 110560
ICFs/IID or units. 110561

(D) The director of developmental disabilities shall adopt 110562
rules under section 5124.03 of the Revised Code as necessary to 110563
implement this section. 110564

(1)(a) The rules shall do both of the following: 110565

(i) Specify the criteria and procedures the department will apply when designating an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit; 110566
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(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for ICF/IID services provided by a designated outlier ICF/IID or unit. 110569
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(b) The rules adopted under division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall do both of the following: 110573
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(i) Provide for consideration of whether all of the allowable costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid by the rate determined under section 5124.15 of the Revised Code; 110576
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(ii) Specify the minimum number of ICF/IID beds that an ICF/IID, or discrete unit of an ICF/IID, must have to be designated an outlier ICF/IID or unit. 110579
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(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall not limit the designation to ICFs/IID, or discrete units of ICFs/IID, located in large cities. 110582
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(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier ICFs/IID and units shall provide for the methodology to consider the historical costs of providing ICF/IID services to the residents of designated outlier ICFs/IID and units. 110586
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(2)(a) The rules may do both of the following: 110592

(i) Include for designation as an outlier ICF/IID or unit, an ICF/IID, or discrete unit of an ICF/IID, that serves residents who have complex medical conditions or severe behavioral problems; 110593
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(ii) Require that a designated outlier ICF/IID or unit receive authorization from the department before admitting or retaining a resident. 110596
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(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier ICF/IID or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting the authorization. 110599
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Sec. 5124.153. (A) To the extent, if any, provided for in rules authorized by this section, the total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be paid for ICF/IID services that an ICF/IID not designated as an outlier ICF/IID or unit provides to a resident who meets the criteria for admission to a designated outlier ICF/IID or unit, as specified in rules authorized by section 5124.152 of the Revised Code. Instead, the provider of an ICF/IID providing ICF/IID services to such a resident shall be paid each fiscal year a total per medicaid day payment rate that the department shall prospectively determine in accordance with a methodology established in rules authorized by this section. 110604
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(B) The director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code to implement this section. The rules may require that an ICF/IID receive authorization from the department before admitting or retaining a resident who meets the criteria for admission to a designated outlier ICF/IID or unit. If the director adopts such rules, the rules shall specify the criteria and procedures the department will apply when granting the authorization. 110616
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Sec. ~~5111.291~~ 5124.154. Notwithstanding sections ~~5111.20 to 5111.331~~ of the Revised Code The department of developmental 110624
110625

disabilities is not required to pay the total per medicaid day 110626
payment rates determined under section 5124.15 of the Revised Code 110627
for ICF/IID services provided by developmental centers. Instead, 110628
the department of ~~job and family services~~ may ~~compute~~ determine 110629
the ~~rate~~ medicaid payment rates for ~~intermediate care facilities~~ 110630
~~for the mentally retarded operated by the department of~~ 110631
~~developmental disabilities or the department of mental health~~ 110632
centers according to the reasonable cost principles of Title 110633
XVIII. 110634

Sec. ~~5111.251~~ 5124.17. (A) The ~~For each fiscal year, the~~ 110635
department of ~~job and family services~~ developmental disabilities 110636
shall ~~pay a provider for~~ determine each of the provider's eligible 110637
~~intermediate care facilities for the mentally retarded for its~~ 110638
~~reasonable capital costs, a ICF/IID's per resident per medicaid~~ 110639
~~day payment rate established prospectively each fiscal year for~~ 110640
~~each intermediate care facility for the mentally retarded for~~ 110641
reasonable capital costs. Except as otherwise provided in ~~sections~~ 110642
~~5111.20 to 5111.331 of the Revised Code~~ this chapter, the an 110643
ICF/IID's rate shall be determined prospectively and based on the 110644
facility's ICF/IID's capital costs for the calendar year preceding 110645
the fiscal year in which the rate will be paid. ~~The~~ Subject to 110646
section 5124.28, an ICF/IID's rate shall equal the sum of the 110647
following: 110648

(1) ~~The facility's~~ ICF/IID's desk-reviewed, actual, 110649
allowable, per diem ~~cost~~ costs of ownership for the immediately 110650
preceding cost reporting period, limited as provided in divisions 110651
(B) and (C) and ~~(F)~~ of this section; 110652

(2) ~~Any efficiency incentive determined under division (B) of~~ 110653
~~this section;~~ 110654

~~(3) Any amounts for~~ The ICF/IID's per medicaid day payment 110655
for the ICF/IID's per diem capitalized costs of nonextensive 110656

renovations determined under division (D)(1) of this section if 110657
the ICF/IID qualifies for a payment for such costs as specified in 110658
division (D)(2) of this section; 110659

~~(4) Any amounts for (3) The ICF/IID's per medicaid day~~ 110660
~~efficiency incentive determined under division (E) of this~~ 110661
~~section;~~ 110662

~~(4) Until fiscal year 2015, the ICF/IID's return on net~~ 110663
~~equity determined under division (H)(F) of this section.~~ 110664

~~Buildings shall be depreciated using the straight line method~~ 110665
~~over forty years or over a different period approved by the~~ 110666
~~department. Components and equipment shall be depreciated using~~ 110667
~~the straight line method over a period designated by the director~~ 110668
~~of job and family services in rules adopted under section 5111.02~~ 110669
~~of the Revised Code, consistent with the guidelines of the~~ 110670
~~American hospital association, or over a different period approved~~ 110671
~~by the department of job and family services. Any rules authorized~~ 110672
~~by this division that specify useful lives of buildings,~~ 110673
~~components, or equipment apply only to assets acquired on or after~~ 110674
~~July 1, 1993. Depreciation for costs paid or reimbursed by any~~ 110675
~~government agency shall not be included in costs of ownership or~~ 110676
~~renovation unless that part of the payment under sections 5111.20~~ 110677
~~to 5111.331 of the Revised Code is used to reimburse the~~ 110678
~~government agency.~~ 110679

~~(B) The department of job and family services shall pay to a~~ 110680
~~provider for each of the provider's eligible intermediate care~~ 110681
~~facilities for the mentally retarded an efficiency incentive equal~~ 110682
~~to fifty per cent of the difference between any desk reviewed,~~ 110683
~~actual, allowable cost of ownership and the applicable limit on~~ 110684
~~cost of ownership payments under division (C) of this section. For~~ 110685
~~purposes of computing the efficiency incentive, depreciation for~~ 110686
~~costs paid or reimbursed by any government agency shall be~~ 110687
~~considered as a cost of ownership, and the applicable limit under~~ 110688

~~division (C) of this section shall apply both to facilities with more than eight beds and facilities with eight or fewer beds. The efficiency incentive paid to a provider for a facility with eight or fewer beds shall not exceed three dollars per patient day, adjusted annually for the inflation rate for the twelve month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which the efficiency incentive is determined and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~

~~(C) Cost The costs of ownership payments per diem payment rates for intermediate care facilities for the mentally retarded ICFs/IID with more than eight beds shall not exceed the following limits:~~

~~(1) For facilities ICFs/IID with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents per patient day;~~

~~(2) For facilities ICFs/IID with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding:~~

~~(a) Three dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;~~

~~(b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.~~

~~(3) For facilities ICFs/IID with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:~~

~~(a) Four dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or~~

more per bed; 110720

(b) Three dollars and fifty cents ~~per patient day~~ if the cost 110721
of construction was less than five thousand one hundred fifty 110722
dollars per bed, but exceeds three thousand five hundred dollars 110723
per bed; 110724

(c) Two dollars and fifty cents ~~per patient day~~ if the cost 110725
of construction was three thousand five hundred dollars or less 110726
per bed. 110727

(4) For ~~facilities~~ ICFs/IID with dates of licensure after 110728
December 31, 1975, but prior to January 1, 1979, not exceeding: 110729

(a) Five dollars and fifty cents ~~per patient day~~ if the cost 110730
of construction was six thousand eight hundred dollars or more per 110731
bed; 110732

(b) Four dollars and fifty cents ~~per patient day~~ if the cost 110733
of construction was less than six thousand eight hundred dollars 110734
per bed but exceeds five thousand one hundred fifty dollars per 110735
bed; 110736

(c) Three dollars and fifty cents ~~per patient day~~ if the cost 110737
of construction was five thousand one hundred fifty dollars or 110738
less per bed, but exceeds three thousand five hundred dollars per 110739
bed; 110740

(d) Two dollars and fifty cents ~~per patient day~~ if the cost 110741
of construction was three thousand five hundred dollars or less 110742
per bed. 110743

(5) For ~~facilities~~ ICFs/IID with dates of licensure after 110744
December 31, 1978, but prior to January 1, 1980, not exceeding: 110745

(a) Six dollars ~~per patient day~~ if the cost of construction 110746
was seven thousand six hundred twenty-five dollars or more per 110747
bed; 110748

(b) Five dollars and fifty cents ~~per patient day~~ if the cost 110749

of construction was less than seven thousand six hundred 110750
twenty-five dollars per bed but exceeds six thousand eight hundred 110751
dollars per bed; 110752

(c) Four dollars and fifty cents ~~per patient day~~ if the cost 110753
of construction was six thousand eight hundred dollars or less per 110754
bed but exceeds five thousand one hundred fifty dollars per bed; 110755

(d) Three dollars and fifty cents ~~per patient day~~ if the cost 110756
of construction was five thousand one hundred fifty dollars or 110757
less but exceeds three thousand five hundred dollars per bed; 110758

(e) Two dollars and fifty cents ~~per patient day~~ if the cost 110759
of construction was three thousand five hundred dollars or less 110760
per bed. 110761

(6) For ~~facilities~~ ICFs/IID with dates of licensure after 110762
December 31, 1979, but prior to January 1, 1981, not exceeding: 110763

(a) Twelve dollars ~~per patient day~~ if the beds were 110764
originally licensed as residential facility beds by the department 110765
of developmental disabilities; 110766

(b) Six dollars ~~per patient day~~ if the beds were originally 110767
licensed as nursing home beds by the department of health. 110768

(7) For ~~facilities~~ ICFs/IID with dates of licensure after 110769
December 31, 1980, but prior to January 1, 1982, not exceeding: 110770

(a) Twelve dollars ~~per patient day~~ if the beds were 110771
originally licensed as residential facility beds by the department 110772
of developmental disabilities; 110773

(b) Six dollars and forty-five cents ~~per patient day~~ if the 110774
beds were originally licensed as nursing home beds by the 110775
department of health. 110776

(8) For ~~facilities~~ ICFs/IID with dates of licensure after 110777
December 31, 1981, but prior to January 1, 1983, not exceeding: 110778

(a) Twelve dollars ~~per patient day~~ if the beds were 110779

originally licensed as residential facility beds by the department 110780
of developmental disabilities; 110781

(b) Six dollars and seventy-nine cents ~~per patient day~~ if the 110782
beds were originally licensed as nursing home beds by the 110783
department of health. 110784

(9) For ~~facilities~~ ICFs/IID with dates of licensure after 110785
December 31, 1982, but prior to January 1, 1984, not exceeding: 110786

(a) Twelve dollars ~~per patient day~~ if the beds were 110787
originally licensed as residential facility beds by the department 110788
of developmental disabilities; 110789

(b) Seven dollars and nine cents ~~per patient day~~ if the beds 110790
were originally licensed as nursing home beds by the department of 110791
health. 110792

(10) For ~~facilities~~ ICFs/IID with dates of licensure after 110793
December 31, 1983, but prior to January 1, 1985, not exceeding: 110794

(a) Twelve dollars and twenty-four cents ~~per patient day~~ if 110795
the beds were originally licensed as residential facility beds by 110796
the department of developmental disabilities; 110797

(b) Seven dollars and twenty-three cents ~~per patient day~~ if 110798
the beds were originally licensed as nursing home beds by the 110799
department of health. 110800

(11) For ~~facilities~~ ICFs/IID with dates of licensure after 110801
December 31, 1984, but prior to January 1, 1986, not exceeding: 110802

(a) Twelve dollars and fifty-three cents ~~per patient day~~ if 110803
the beds were originally licensed as residential facility beds by 110804
the department of developmental disabilities; 110805

(b) Seven dollars and forty cents ~~per patient day~~ if the beds 110806
were originally licensed as nursing home beds by the department of 110807
health. 110808

(12) For ~~facilities~~ ICFs/IID with dates of licensure after 110809

December 31, 1985, but prior to January 1, 1987, not exceeding:	110810
(a) Twelve dollars and seventy cents per patient day if the	110811
beds were originally licensed as residential facility beds by the	110812
department of developmental disabilities;	110813
(b) Seven dollars and fifty cents per patient day if the beds	110814
were originally licensed as nursing home beds by the department of	110815
health.	110816
(13) For facilities <u>ICFs/IID</u> with dates of licensure after	110817
December 31, 1986, but prior to January 1, 1988, not exceeding:	110818
(a) Twelve dollars and ninety-nine cents per patient day if	110819
the beds were originally licensed as residential facility beds by	110820
the department of developmental disabilities;	110821
(b) Seven dollars and sixty-seven cents per patient day if	110822
the beds were originally licensed as nursing home beds by the	110823
department of health.	110824
(14) For facilities <u>ICFs/IID</u> with dates of licensure after	110825
December 31, 1987, but prior to January 1, 1989, not exceeding	110826
thirteen dollars and twenty-six cents per patient day ;	110827
(15) For facilities <u>ICFs/IID</u> with dates of licensure after	110828
December 31, 1988, but prior to January 1, 1990, not exceeding	110829
thirteen dollars and forty-six cents per patient day ;	110830
(16) For facilities <u>ICFs/IID</u> with dates of licensure after	110831
December 31, 1989, but prior to January 1, 1991, not exceeding	110832
thirteen dollars and sixty cents per patient day ;	110833
(17) For facilities <u>ICFs/IID</u> with dates of licensure after	110834
December 31, 1990, but prior to January 1, 1992, not exceeding	110835
thirteen dollars and forty-nine cents per patient day ;	110836
(18) For facilities <u>ICFs/IID</u> with dates of licensure after	110837
December 31, 1991, but prior to January 1, 1993, not exceeding	110838
thirteen dollars and sixty-seven cents per patient day ;	110839

(19) For ~~facilities~~ ICFs/IID with dates of licensure after 110840
December 31, 1992, not exceeding fourteen dollars and twenty-eight 110841
cents ~~per patient day~~. 110842

(C)(1) The costs of ownership per diem payment rate for an 110843
ICF/IID with eight or fewer beds shall not exceed the following 110844
limits: 110845

(a) Eighteen dollars and thirty cents as adjusted for 110846
inflation pursuant to division (C)(2) of this section if any of 110847
the following apply to the ICF/IID: 110848

(i) The ICF/IID has a date of licensure, or was granted 110849
project authorization by the department of developmental 110850
disabilities, before July 1, 1993. 110851

(ii) The ICF/IID has a date of licensure, or was granted 110852
project authorization by the department, on or after July 1, 1993, 110853
and the provider demonstrates that the provider made substantial 110854
commitments of funds for the ICF/IID before that date. 110855

(iii) The ICF/IID has a date of licensure, or was granted 110856
project authorization by the department, on or after July 1, 1993, 110857
the provider made no substantial commitment of funds for the 110858
ICF/IID before that date, and the department of job and family 110859
services or department of developmental disabilities gave prior 110860
approval for the ICF/IID's construction. 110861

(b) If division (C)(1)(a) of this section does not apply to 110862
the ICF/IID, the amount that would apply to the ICF/IID under 110863
division (B) of this section if it had more than eight beds. 110864

(2) The eighteen-dollar and thirty-cent payment rate 110865
specified in division (C)(1)(a) of this section shall be increased 110866
as follows: 110867

(a) For the period beginning June 30, 1990, and ending July 110868
1, 1993, by the change in the "Dodge building cost indexes, 110869

northeastern and north central states," published by Marshall and 110870
Swift; 110871

(b) For each fiscal year thereafter, in accordance with 110872
division (G) of this section. 110873

(D)(1) Beginning January 1, 1981, regardless of the original 110874
date of licensure, the ~~department of job and family services shall~~ 110875
~~pay a payment~~ rate for the per diem capitalized costs of 110876
~~nonextensive~~ renovations to ~~intermediate care facilities for the~~ 110877
~~mentally retarded~~ made after January 1, 1981, to a qualifying 110878
ICF/IID, shall not exceeding exceed six dollars per ~~patient~~ 110879
medicaid day using 1980 as the base year and adjusting the amount 110880
annually until June 30, 1993, for fluctuations in construction 110881
costs calculated by the department using the "Dodge building cost 110882
indexes, northeastern and north central states," published by 110883
Marshall and Swift. The payment rate shall be further adjusted in 110884
accordance with division (G) of this section. The payment provided 110885
for in this division is the only payment that shall be made for 110886
~~the an ICF/IID's~~ capitalized costs of a nonextensive ~~renovation of~~ 110887
~~an intermediate care facility for the mentally retarded~~ 110888
~~renovations. Nonextensive renovation costs~~ Costs of nonextensive 110889
renovations shall not be included in ~~cost~~ costs of ownership, and 110890
a ~~nonextensive renovation~~ shall not affect the date of licensure 110891
for purposes of division (B) or (C) of this section. This division 110892
applies to nonextensive renovations regardless of whether they are 110893
made by an owner or a lessee. If the tenancy of a lessee that has 110894
made nonextensive renovations ends before the depreciation expense 110895
for the ~~renovation~~ costs of nonextensive renovations has been 110896
fully reported, the former lessee shall not report the 110897
undepreciated balance as an expense. 110898

~~For a nonextensive renovation to qualify~~ (2) An ICF/IID 110899
qualifies for a payment under this division, both for costs of 110900
nonextensive renovations if all of the following conditions must 110901

~~be met~~ apply: 110902

~~(1)~~(a) Either of the following applies: 110903

(i) The ICF/IID has more than eight beds and either the 110904
department approved the nonextensive renovation before July 1, 110905
2013, or the nonextensive renovation is part of a project that 110906
results in the ICF/IID becoming a downsized ICF/IID or partially 110907
converted ICF/IID. 110908

(ii) The ICF/IID has eight or fewer beds. 110909

(b) At least five years have elapsed since the ICF/IID's date 110910
of licensure or date of an extensive renovation of the portion of 110911
the ~~facility~~ ICF/IID that is proposed to be nonextensively 110912
renovated, ~~except that this condition does not apply if~~ unless the 110913
nonextensive renovation is necessary to meet the requirements of 110914
federal, state, or local statutes, ordinances, rules, or policies. 110915

~~(2)~~(c) The provider has obtained prior approval from the 110916
department of job and family services. The provider shall submit 110917
of the ICF/IID does both of the following: 110918

(i) Submits to the department a plan that describes in detail 110919
the changes in capital assets to be accomplished by means of the 110920
nonextensive renovation and the timetable for completing the 110921
project. ~~The time for completion of the project, which~~ shall be ~~no~~ 110922
not more than eighteen months after the nonextensive renovation 110923
begins; 110924

(ii) Obtains prior approval from the department for the 110925
nonextensive renovation. The 110926

(3) The director of ~~job and family services~~ developmental 110927
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 110928
the Revised Code that specify criteria and procedures for prior 110929
approval of nonextensive renovation and extensive renovation 110930
projects. No provider shall separate a project with the intent to 110931

evade the characterization of the project as a nonextensive 110932
renovation or as an extensive renovation. No provider shall 110933
increase the scope of a project after it is approved by the 110934
department ~~of job and family services~~ unless the increase in scope 110935
is approved by the department. 110936

(E)(1) Subject to division (E)(2) of this section, an 110937
ICF/IID's per medicaid day efficiency incentive payment rate shall 110938
equal the following percentage of the difference between the 110939
ICF/IID's desk-reviewed, actual, allowable per diem costs of 110940
ownership and the applicable limit on costs of ownership payment 110941
rates established by division (B) of this section: 110942

(a) In the case of an ICF/IID with more than eight beds, the 110943
following percentage: 110944

(i) Fifty per cent for fiscal year 2014; 110945

(ii) Fifty per cent for fiscal year 2015 and each fiscal year 110946
thereafter if the provider of the ICF/IID obtains the department's 110947
approval to become a downsized ICF/IID and the approval is 110948
conditioned on the downsizing being completed not later than July 110949
1, 2018; 110950

(iii) Twenty-five per cent; 110951

(b) In the case of an ICF/IID with eight or fewer beds, fifty 110952
per cent. 110953

(2) The efficiency incentive payment rate for an ICF/IID with 110954
eight or fewer beds shall not exceed three dollars per medicaid 110955
day, adjusted annually in accordance with division (G) of this 110956
section. For the purpose of determining an ICF/IID's efficiency 110957
incentive payment rate, both of the following apply: 110958

(a) Depreciation for costs paid or reimbursed by any 110959
government agency shall be considered as a cost of ownership; 110960

(b) The applicable limit under division (B) of this section 110961

shall apply both to ICFs/IID with more than eight beds and 110962
ICFs/IID with eight or fewer beds. 110963

(F) An ICF/IID's return on net equity shall be determined at 110964
the rate of one and one-half times the average of interest rates 110965
on special issues of public debt obligations issued to the federal 110966
hospital insurance trust fund for the cost reporting period. In 110967
determining an ICF/IID's rate for return on net equity, the 110968
department shall use the greater of the ICF/IID's inpatient days 110969
during the applicable cost reporting period or the number of 110970
inpatient days the ICF/IID would have had during that period if 110971
the ICF/IID's occupancy rate had been ninety-five per cent. No 110972
ICF/IID's rate for return on net equity shall exceed one dollar 110973
per medicaid day. No ICF/IID's rate for capital costs shall 110974
include a rate for return on net equity beginning July 1, 2014. 110975

(G) The amounts specified in divisions (B), (C) and (D), and 110976
(E) of this section shall be adjusted beginning July 1, 1993, for 110977
the estimated inflation rate for the twelve-month period beginning 110978
on the first day of July of the calendar year immediately 110979
preceding the calendar year that immediately precedes the fiscal 110980
year for which rate will be paid and ending on the thirtieth day 110981
of the following June, using the consumer price index for shelter 110982
costs for all urban consumers for the north-central midwest 110983
region, as published by the United States bureau of labor 110984
statistics. 110985

~~(F)(1) For facilities of eight or fewer beds that have dates~~ 110986
~~of licensure or have been granted project authorization by the~~ 110987
~~department of developmental disabilities before July 1, 1993, and~~ 110988
~~for facilities of eight or fewer beds that have dates of licensure~~ 110989
~~or have been granted project authorization after that date if the~~ 110990
~~providers of the facilities demonstrate that they made substantial~~ 110991
~~commitments of funds on or before that date, cost of ownership~~ 110992
~~shall not exceed eighteen dollars and thirty cents per resident~~ 110993

~~per day. The eighteen dollar and thirty cent amount shall be 110994
increased by the change in the "Dodge building cost indexes, 110995
northeastern and north central states," published by Marshall and 110996
Swift, during the period beginning June 30, 1990, and ending July 110997
1, 1993, and by the change in the consumer price index for shelter 110998
costs for all urban consumers for the north central region, as 110999
published by the United States bureau of labor statistics, 111000
annually thereafter. 111001~~

~~(2) For facilities with eight or fewer beds that have dates 111002
of licensure or have been granted project authorization by the 111003
department of developmental disabilities on or after July 1, 1993, 111004
for which substantial commitments of funds were not made before 111005
that date, cost of ownership payments shall not exceed the 111006
applicable amount calculated under division (F)(1) of this 111007
section, if the department of job and family services gives prior 111008
approval for construction of the facility. If the department does 111009
not give prior approval, cost of ownership payments shall not 111010
exceed the amount specified in division (C) of this section. 111011~~

~~(3)(H) Notwithstanding divisions (C) and (D) and (F)(1) and 111012
(2) of this section, the total payment rate for cost costs of 111013
ownership, cost of ownership efficiency incentive, and capitalized 111014
costs of nonextensive renovations, and the efficiency incentive 111015
for an intermediate care facility for the mentally retarded 111016
ICF/IID with eight or fewer beds shall not exceed the sum of the 111017
limitations specified in divisions (C) and (D) of this section. 111018~~

~~(G) Notwithstanding any provision of this section or section 111019
5111.241 of the Revised Code, the director of job and family 111020
services may adopt rules under section 5111.02 of the Revised Code 111021
that provide for a calculation of a combined maximum payment limit 111022
for indirect care costs and cost of ownership for intermediate 111023
care facilities for the mentally retarded with eight or fewer 111024
beds. 111025~~

~~(H) The department of job and family services shall pay a provider for each of the provider's eligible proprietary intermediate care facilities for the mentally retarded a return on the facility's net equity computed at the rate of one and one half times the average of interest rates on special issues of public debt obligations issued to the federal hospital insurance trust fund for the cost reporting period. No facility's return on net equity paid under this division shall exceed one dollar per patient day.~~

~~In calculating the rate for return on net equity, the department shall use the greater of the facility's inpatient days during the applicable cost reporting period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety five per cent.~~

(I)(1) For the purpose of determining ICFs/IID's medicaid payment rates for capital costs:

(a) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department.

(b) Components and equipment shall be depreciated using the straight line method over a period designated by the director of developmental disabilities in rules adopted under section 5124.03 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department.

(2) Any rules authorized by division (I)(1) of this section that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in costs of ownership or costs of nonextensive renovations unless that part of the payment under

this chapter is used to reimburse the government agency. 111057

(J)(1) Except as provided in division ~~(I)~~(J)(2) of this 111058
section, if a provider leases or transfers an interest in a 111059
~~facility~~ an ICF/IID to another provider who is a related party, 111060
the related party's allowable ~~cost~~ costs of ownership shall 111061
include the lesser of the following: 111062

(a) The annual lease expense or actual cost of ownership, 111063
whichever is applicable; 111064

(b) The reasonable cost to the lessor or provider making the 111065
transfer. 111066

(2) If a provider leases or transfers an interest in a 111067
~~facility~~ an ICF/IID to another provider who is a related party, 111068
regardless of the date of the lease or transfer, the related 111069
party's allowable cost of ownership shall include the annual lease 111070
expense or actual cost of ownership, whichever is applicable, 111071
subject to the limitations specified in divisions (B) to ~~(H)~~(I) of 111072
this section, if all of the following conditions are met: 111073

(a) The related party is a relative of owner; 111074

(b) In the case of a lease, if the lessor retains any 111075
ownership interest, it is, except as provided in division 111076
~~(I)~~(J)(2)(d)(ii) of this section, in only the real property and 111077
any improvements on the real property; 111078

(c) In the case of a transfer, the provider making the 111079
transfer retains, except as provided in division ~~(I)~~(J)(2)(d)(iv) 111080
of this section, no ownership interest in the ~~facility~~ ICF/IID; 111081

(d) The department ~~of job and family services~~ determines that 111082
the lease or transfer is an arm's length transaction pursuant to 111083
rules adopted under section ~~5111.02~~ 5124.03 of the Revised Code. 111084
The rules shall provide that a lease or transfer is an arm's 111085
length transaction if all of the following, as applicable, apply: 111086

(i) In the case of a lease, once the lease goes into effect, 111087
the lessor has no direct or indirect interest in the lessee or, 111088
except as provided in division ~~(I)~~(J)(2)(b) of this section, the 111089
~~facility~~ ICF/IID itself, including interest as an owner, officer, 111090
director, employee, independent contractor, or consultant, but 111091
excluding interest as a lessor. 111092

(ii) In the case of a lease, the lessor does not reacquire an 111093
interest in the ~~facility~~ ICF/IID except through the exercise of a 111094
lessor's rights in the event of a default. If the lessor 111095
reacquires an interest in the ~~facility~~ ICF/IID in this manner, the 111096
department shall treat the ~~facility~~ ICF/IID as if the lease never 111097
occurred when the department ~~calculates~~ determines its 111098
~~reimbursement rates~~ payment rate for capital costs. 111099

(iii) In the case of a transfer, once the transfer goes into 111100
effect, the provider that made the transfer has no direct or 111101
indirect interest in the provider that acquires the ~~facility~~ 111102
ICF/IID or the ~~facility~~ ICF/IID itself, including interest as an 111103
owner, officer, director, employee, independent contractor, or 111104
consultant, but excluding interest as a creditor. 111105

(iv) In the case of a transfer, the provider that made the 111106
transfer does not reacquire an interest in the ~~facility~~ ICF/IID 111107
except through the exercise of a creditor's rights in the event of 111108
a default. If the provider reacquires an interest in the ~~facility~~ 111109
ICF/IID in this manner, the department shall treat the ~~facility~~ 111110
ICF/IID as if the transfer never occurred when the department 111111
~~calculates~~ determines its ~~reimbursement rates~~ payment rate for 111112
capital costs. 111113

(v) The lease or transfer satisfies any other criteria 111114
specified in the rules. 111115

(e) Except in the case of hardship caused by a catastrophic 111116
event, as determined by the department, or in the case of a lessor 111117

or provider making the transfer who is at least sixty-five years 111118
of age, not less than twenty years have elapsed since, for the 111119
same ~~facility~~ ICF/IID, allowable cost of ownership was determined 111120
most recently under this division. 111121

Sec. ~~5111.23~~ 5124.19. (A) ~~The~~ (1) For each fiscal year, the 111122
~~department of job and family services~~ developmental disabilities 111123
~~shall pay a provider for~~ determine each of the provider's eligible 111124
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 111125
~~per resident per medicaid day payment~~ rate for direct care costs 111126
~~established prospectively for each facility. The department shall~~ 111127
~~establish each facility's rate for direct care costs quarterly as~~ 111128
follows: 111129

(a) Multiply the lesser of the following by the ICF/IID's 111130
annual average case-mix score determined or assigned under section 111131
5124.192 of the Revised Code for the calendar year immediately 111132
preceding the fiscal year for which the rate will be paid: 111133

(i) The ICF/IID's cost per case-mix unit for the calendar 111134
year immediately preceding the fiscal year for which the rate will 111135
be paid, as determined under division (B) of this section; 111136

(ii) The maximum cost per case-mix unit for the ICF/IID's 111137
peer group for the fiscal year for which the rate will be paid, as 111138
set under division (C) of this section; 111139

(b) Adjust the product determined under division (A)(1)(a) of 111140
this section by the inflation rate estimated under division (D)(1) 111141
of this section and modified under division (D)(2) of this 111142
section. 111143

(2) Except as otherwise directed by law enacted by the 111144
general assembly, the department shall determine each ICF/IID's 111145
rate for direct care costs prospectively. 111146

~~(B) Each facility's rate for direct care costs shall be based~~ 111147

~~on the facility's cost per case mix unit, subject to the maximum 111148
costs per case mix unit established under division (B)(2) of this 111149
section, from the calendar year preceding the fiscal year in which 111150
the rate is paid. To determine the rate, the department shall do 111151
all of the following: 111152~~

~~(1) Determine each facility's an ICF/IID's cost per case-mix 111153
unit for the calendar year immediately preceding the fiscal year 111154
in which the rate will be paid by dividing, the facility's 111155
department shall divide the ICF/IID's desk-reviewed, actual, 111156
allowable, per diem direct care costs for that calendar year by 111157
its annual average case-mix score determined under section 111158
5111.232 5124.192 of the Revised Code for the same calendar year. 111159~~

~~(2)(a) Set (C)(1) For each fiscal year for which a rate will 111160
be paid, the department shall set the maximum cost per case-mix 111161
unit for each peer group of intermediate care facilities for the 111162
mentally retarded ICFs/IID with more than eight beds specified in 111163
rules adopted under division (F) of this section at a percentage 111164
above the cost per case-mix unit of determined under division (B) 111165
of this section for the facility ICF/IID in the peer group that 111166
has the peer group's median number of medicaid day days for the 111167
calendar year immediately preceding the fiscal year in which the 111168
rate will be paid, as calculated under division (B)(1) of this 111169
section, that is. The percentage shall be no less than the 111170
percentage calculated under division (E)(2) of this section above 111171
the cost per case-mix unit determined under division (B) of this 111172
section for the ICF/IID that has the median number of medicaid 111173
days for calendar year 1992 for all ICFs/IID with more than eight 111174
beds that would result in payment of all desk-reviewed, actual, 111175
allowable direct care costs for eighty and one-half per cent of 111176
the medicaid days for such ICFs/IID for calendar year 1992. 111177~~

~~(b) Set (2) For each fiscal year for which a rate will be 111178
paid, the department shall set the maximum cost per case-mix unit 111179~~

for each peer group of ~~intermediate care facilities for the~~ 111180
~~mentally retarded ICFs/IID~~ with eight or fewer beds ~~specified in~~ 111181
~~rules adopted under division (F) of this section~~ at a percentage 111182
above the cost per case-mix unit ~~of~~ determined under division (B) 111183
of this section for the facility ICF/IID in the peer group that 111184
has the peer group's median number of medicaid ~~day~~ days for the 111185
calendar year immediately preceding the fiscal year in which the 111186
rate will be paid, ~~as calculated under division (B)(1) of this~~ 111187
~~section, that is. The percentage shall be~~ no less than the 111188
percentage ~~calculated under division (E)(3) of this section~~ above 111189
the cost per case-mix unit determined under division (B) of this 111190
section for the ICF/IID that has the median number of medicaid 111191
days for calendar year 1992 for all ICFs/IID with eight or fewer 111192
beds that would result in payment of all desk-reviewed, actual, 111193
allowable direct care costs for eighty and one-half per cent of 111194
the medicaid days for such ICFs/IID for calendar year 1992. 111195

~~(e)(3)~~ In calculating determining the maximum cost per 111196
case-mix unit under divisions ~~(B)(2)(a)(C)(1)~~ and ~~(b)(2)~~ of this 111197
section for each peer group, the department shall exclude from its 111198
~~calculations~~ determinations the cost per case-mix unit of any 111199
~~facility ICF/IID~~ in the peer group that participated in the 111200
medicaid program under the same ~~operator~~ provider for less than 111201
twelve months during the calendar year immediately preceding the 111202
fiscal year in which the rate will be paid. 111203

~~(3) Estimate~~ (4) The department shall not reset a peer 111204
group's maximum cost per case-mix unit for a fiscal year under 111205
division (C)(1) or (2) of this section based on additional 111206
information that it receives after it sets the maximum for that 111207
fiscal year. The department shall reset a peer group's maximum 111208
cost per case-mix unit for a fiscal year only if it made an error 111209
in setting the maximum for that fiscal year based on information 111210
available to the department at the time it originally sets the 111211

maximum for that fiscal year. 111212

~~(D)(1) The department shall estimate the rate of inflation 111213
for the eighteen-month period beginning on the first day of July 111214
of the calendar year preceding the fiscal year in which ~~the a~~ a rate 111215
will be paid and ending on the thirty-first day of December of the 111216
fiscal year in which the rate will be paid, using the ~~index~~ 111217
~~specified in division (C) of this section. If the estimated~~ 111218
~~inflation rate for the eighteen month period is different from the~~ 111219
~~actual inflation rate for that period, as measured using the same~~ 111220
~~index, the difference shall be added to or subtracted from the~~ 111221
~~inflation rate estimated under division (B)(3) of this section for~~ 111222
~~the following fiscal year.~~ 111223~~

~~(4) The department shall not recalculate a maximum cost per 111224
case mix unit under division (B)(2) of this section or a 111225
percentage under division (E) of this section based on additional 111226
information that it receives after the maximum costs per case mix 111227
unit or percentages are set. The department shall recalculate a 111228
maximum cost per case mix units or percentage only if it made an 111229
error in computing the maximum cost per case mix unit or 111230
percentage based on information available at the time of the 111231
original calculation.~~ 111232

~~(C) The department shall use the following index for the 111233
purpose of division (B)(3) of this section:~~ 111234

~~(1) The (a) Subject to division (D)(1)(b) of this section, 111235
the employment cost index for total compensation, health ~~services~~ 111236
care and social assistance component, published by the United 111237
States bureau of labor statistics; 111238~~

~~(2)(b) If the United States bureau of labor statistics ceases 111239
to publish the index specified in division ~~(C)~~(D)(1)(a) of this 111240
section, the index that is subsequently published by the bureau 111241
and covers ~~nursing facilities~~ the staff costs of ICFs/IID. 111242~~

~~(D) Each facility's rate for direct care costs shall be determined as follows for each calendar quarter within a fiscal year:~~ 111243
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~~(1) Multiply the lesser of the following by the facility's average case mix score determined under section 5111.232 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter:~~ 111246
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~~(a) The facility's cost per case mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section;~~ 111250
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111252

~~(b) The maximum cost per case mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section;~~ 111253
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~~(2) Adjust the product determined under division (D)(1) of this section by the inflation rate estimated under division (B)(3) of this section.~~ 111256
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~~(E)(1) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for the mentally retarded with more than eight beds that would result in payment of all desk reviewed, actual, allowable direct care costs for eighty and one half per cent of the medicaid days for such facilities for calendar year 1992.~~ 111259
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~~(2) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for the mentally retarded with eight or fewer beds that would result in payment of all desk reviewed, actual, allowable direct care costs for eighty and one half per cent of the medicaid days for such~~ 111267
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~~facilities for calendar year 1992.~~ 111274

~~(F)(2) If the estimated inflation rate for the eighteen-month period specified in division (D)(1) of this section is different from the actual inflation rate for that period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated under division (D)(1) of this section for the following fiscal year.~~ 111275
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~~(E) The director of job and family services developmental disabilities shall adopt rules under section 5111.02 5124.03 of the Revised Code that specify peer groups of intermediate care facilities for the mentally retarded ICFs/IID with more than eight beds and intermediate care facilities for the mentally retarded peer groups of ICFs/IID with eight or fewer beds, based on findings of significant per diem direct care cost differences due to geography and facility bed-size. The rules also may specify peer groups based on findings of significant per diem direct care cost differences due to other factors which may include case-mix.~~ 111281
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~~(G) The department, in accordance with division (D) of section 5111.232 of the Revised Code and rules adopted under division (F) of that section, may assign case mix scores or costs per case mix unit if a provider fails to submit assessment data necessary to calculate an intermediate care facility for the mentally retarded's case mix score in accordance with that section.~~ 111291
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Sec. 5124.191. Each calendar quarter, each ICF/IID provider shall compile complete assessment data for each resident of each of the provider's ICFs/IID, regardless of payment source, who is in the ICF/IID, or on hospital or therapeutic leave from the ICF/IID, on the last day of the quarter. A resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code shall be used to compile the resident assessment 111298
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data. Each provider shall submit the resident assessment data to 111305
the department of developmental disabilities not later than 111306
fifteen days after the end of the calendar quarter for which the 111307
data is compiled. The resident assessment data shall be submitted 111308
to the department through the medium or media specified in rules 111309
adopted under section 5124.03 of the Revised Code. 111310

Sec. 5124.192. (A) Except as provided in division (B) of this 111311
section, the department of developmental disabilities shall do 111312
both of the following: 111313

(1) For each calendar quarter, determine a case-mix score for 111314
each ICF/IID using the resident assessment data submitted to the 111315
department under section 5124.191 of the Revised Code and the 111316
grouper methodology prescribed in rules authorized by this 111317
section; 111318

(2) After the end of each calendar year and in accordance 111319
with rules authorized by this section, determine an annual average 111320
case-mix score for each ICF/IID using the ICF/IID's quarterly 111321
case-mix scores for that calendar year. 111322

(B)(1) Subject to division (B)(2) of this section, the 111323
department, for one or more months of a calendar quarter, may 111324
assign to an ICF/IID a case-mix score that is five per cent less 111325
than the ICF/IID's case-mix score for the immediately preceding 111326
calendar quarter if any of the following apply: 111327

(a) The provider does not timely submit complete and accurate 111328
resident assessment data necessary to determine the ICF/IID's 111329
case-mix score for the calendar quarter; 111330

(b) The ICF/IID was subject to an exception review under 111331
section 5124.193 of the Revised Code for the immediately preceding 111332
calendar quarter; 111333

(c) The ICF/IID was assigned a case-mix score for the 111334

immediately preceding calendar quarter. 111335

(2) Before assigning a case-mix score to an ICF/IID due to 111336
the submission of incorrect resident assessment data, the 111337
department shall permit the provider to correct the data. The 111338
department may assign the case-mix score if the provider fails to 111339
submit the corrected resident assessment data not later than 111340
forty-five days after the end of the calendar quarter to which the 111341
data pertains or later due date specified in rules authorized by 111342
this section. 111343

(3) If, for more than six months during a calendar year, a 111344
provider is paid a rate determined for an ICF/IID using a case-mix 111345
score assigned to the ICF/IID under division (B)(1) of this 111346
section, the department may assign the ICF/IID a cost per case-mix 111347
unit that is five per cent less than the ICF/IID's actual or 111348
assigned cost per case-mix unit for the immediately preceding 111349
calendar year. The department may use the assigned cost per 111350
case-mix unit, instead of determining the ICF/IID's actual cost 111351
per case-mix unit in accordance with section 5124.19 of the 111352
Revised Code, to establish the ICF/IID's rate for direct care 111353
costs for the fiscal year immediately following the calendar year 111354
for which the cost per case-mix unit is assigned. 111355

(4) The department shall take action under division (B)(1), 111356
(2), or (3) of this section only in accordance with rules 111357
authorized by this section. The department shall not take an 111358
action that affects medicaid payment rates for prior payment 111359
periods except in accordance with sections 5124.41 and 5124.42 of 111360
the Revised Code. 111361

(C) The director of developmental disabilities shall adopt 111362
rules under section 5124.03 of the Revised Code as necessary to 111363
implement this section. 111364

(1) The rules shall do all of the following: 111365

<u>(a) Prescribe a grouper methodology to be used when determining the case-mix scores for ICFs/IID;</u>	111366
<u>(b) Specify the process for determining the annual average case-mix scores for ICFs/IID;</u>	111368
<u>(c) Establish procedures under which resident assessment data is to be reviewed for accuracy and providers are to be notified of any data that requires correction;</u>	111370
<u>(d) Establish procedures for providers to correct resident assessment data and, if necessary, specify a due date for corrections that is later than the due date specified in division (B)(2) of this section.</u>	111373
<u>(e) Specify when and how the department will assign a case-mix score or cost per case-mix unit to an ICF/IID under division (B) of this section if information necessary to calculate the ICF/IID's case-mix score is not provided or corrected in accordance with the procedures established by the rules.</u>	111377
<u>(2) Notwithstanding any other provision of this chapter, the rules may provide for excluding case-mix scores assigned to an ICF/IID under division (B) of this section from the determination of the ICF/IID's annual average case-mix score and the maximum cost per case-mix unit for the ICF/IID's peer group.</u>	111382
<u>Sec. 5124.193. (A) The department of developmental disabilities may, pursuant to rules authorized by this section, conduct an exception review of resident assessment data submitted by an ICF/IID provider under section 5124.191 of the Revised Code. The department may conduct an exception review based on the findings of a medicaid certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.</u>	111387
<u>Exception reviews shall be conducted at the ICF/IID by</u>	111395

appropriate health professionals under contract with or employed 111396
by the department. The professionals may review resident 111397
assessment forms and supporting documentation, conduct interviews, 111398
and observe residents to identify any patterns or trends of 111399
inaccurate resident assessments and resulting inaccurate case-mix 111400
scores. 111401

(B) If an exception review is conducted before the effective 111402
date of an ICF/IID's rate for direct care costs that is based on 111403
the resident assessment data being reviewed and the review results 111404
in findings that exceed tolerance levels specified in the rules 111405
authorized by this section, the department, in accordance with the 111406
rules authorized by this section, may use the findings to 111407
redetermine individual resident case-mix scores, the ICF/IID's 111408
case-mix score for the quarter, and the ICF/IID's annual average 111409
case-mix score. The department may use the ICF/IID's redetermined 111410
quarterly and annual average case-mix scores to determine the 111411
ICF/IID's rate for direct care costs for the appropriate calendar 111412
quarter or quarters. 111413

(C) The department shall prepare a written summary of any 111414
exception review finding that is made after the effective date of 111415
an ICF/IID's rate for direct care costs that is based on the 111416
resident assessment data that was reviewed. Where the provider is 111417
pursuing judicial or administrative remedies in good faith 111418
regarding the finding, the department shall not withhold from the 111419
provider's current payments any amounts the department claims to 111420
be due from the provider pursuant to section 5124.41 of the 111421
Revised Code. 111422

(D)(1) The director of developmental disabilities shall adopt 111423
rules under section 5124.03 of the Revised Code as necessary to 111424
implement this section. The rules shall establish an exception 111425
review program that does all of the following: 111426

(a) Requires each exception review to comply with Title XIX; 111427

(b) Requires a written summary for each exception review that states whether resident assessment forms have been completed accurately; 111428
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(c) Prohibits each health professional who conducts an exception review from doing either of the following: 111431
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(i) During the period of the professional's contract or employment with the department, having or being committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of ICFs/IID in this state; 111433
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(ii) Reviewing any provider that has been a client of the professional. 111437
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(2) For the purposes of division (D)(1)(c)(i) of this section, employment of a member of a health professional's family by an ICF/IID that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the ICF/IID. 111439
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Sec. ~~5111.233~~ 5124.194. The costs of day programming shall be 111444
part of the direct care costs of an ~~intermediate care facility for~~ 111445
~~the mentally retarded~~ ICF/IID as off-site day programming if the 111446
area in which the day programming is provided is not certified by 111447
the director of health as an ~~intermediate care facility for the~~ 111448
~~mentally retarded~~ ICF/IID under Title XIX and regardless of either 111449
of the following: 111450

(A) Whether or not the area in which the day programming is 111451
provided is less than two hundred feet away from the ~~intermediate~~ 111452
~~care facility for the mentally retarded~~ ICF/IID; 111453

(B) Whether or not the day programming is provided by an 111454
individual who, or organization that, is a related party to the 111455
provider of the ~~intermediate care facility for the mentally~~ 111456
~~retarded~~ ICF/IID. 111457

~~Sec. 5111.241~~ 5124.21. (A) ~~The~~ For each fiscal year, the 111458
~~department of job and family services developmental disabilities~~ 111459
~~shall pay a provider for~~ determine each of the provider's eligible 111460
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 111461
~~per resident per medicaid day payment~~ rate for indirect care costs 111462
~~established prospectively each fiscal year for each facility. The~~ 111463
Except as otherwise provided in this chapter, an ICF/IID's rate 111464
shall be determined prospectively. Subject to section 5124.28 of 111465
the Revised Code, an ICF/IID's rate for each intermediate care 111466
facility for the mentally retarded shall be the sum of the 111467
following, but shall not exceed lesser of the individual rate 111468
determined under division (B) of this section and the maximum rate 111469
established determined for the facility's ICF/IID's peer group 111470
under division (B)(C) of this section. 111471

(B) An ICF/IID's individual rate is the sum of the following: 111472

(1) ~~The facility's~~ ICF/IID's desk-reviewed, actual, 111473
allowable, per diem indirect care costs from the calendar year 111474
immediately preceding the fiscal year in which the rate will be 111475
paid, adjusted for the inflation rate estimated under division 111476
~~(C)(D)~~(1) of this section; 111477

(2) ~~An~~ If the ICF/IID has more than eight beds, an efficiency 111478
incentive in the following amount: 111479

(a) ~~For fiscal years ending in even numbered calendar years:~~ 111480

~~(i) In the case of intermediate care facilities for the~~ 111481
~~mentally retarded with more than eight beds, year 2014,~~ seven and 111482
one-tenth per cent of the maximum rate established for the 111483
~~facility's~~ ICF/IID's peer group under division ~~(B)(C)~~ of this 111484
section; 111485

~~(ii) In the case of intermediate care facilities for the~~ 111486
~~mentally retarded with~~ (b) For fiscal year 2015, the following 111487

<u>amount:</u>	111488
<u>(i) The amount calculated for fiscal year 2014 under division</u>	111489
<u>(B)(2)(a) of this section if the provider of the ICF/IID obtains</u>	111490
<u>the department's approval to become a downsized ICF/IID and the</u>	111491
<u>approval is conditioned on the downsizing being completed not</u>	111492
<u>later than July 1, 2018;</u>	111493
<u>(ii) One-half of the amount calculated for fiscal year 2014</u>	111494
<u>under division (B)(2)(a) of this section if division (B)(2)(b)(i)</u>	111495
<u>of this section does not apply to the ICF/IID.</u>	111496
<u>(c) For fiscal year 2016 and each fiscal year thereafter</u>	111497
<u>ending in an even-numbered calendar year, the following</u>	111498
<u>percentages of the maximum rate established for the ICF/IID's peer</u>	111499
<u>group under division (C) of this section:</u>	111500
<u>(i) Seven and one-tenth per cent if the provider of the</u>	111501
<u>ICF/IID obtains the department's approval to become a downsized</u>	111502
<u>ICF/IID and the approval is conditioned on the downsizing being</u>	111503
<u>completed not later than July 1, 2018;</u>	111504
<u>(ii) Three and fifty-five hundredths per cent if division</u>	111505
<u>(B)(2)(c)(i) of this section does not apply to the ICF/IID.</u>	111506
<u>(d) For fiscal year 2017 and each fiscal year thereafter</u>	111507
<u>ending in an odd-numbered calendar year, the amount calculated for</u>	111508
<u>the immediately preceding fiscal year under division (B)(2)(c) of</u>	111509
<u>this section.</u>	111510
<u>(3) If the ICF/IID has eight or fewer beds, an efficiency</u>	111511
<u>incentive in the following amount:</u>	111512
<u>(a) For each fiscal year ending in an even-numbered calendar</u>	111513
<u>year, seven per cent of the maximum rate established for the</u>	111514
<u>facility's ICF/IID's peer group under division (B)(C) of this</u>	111515
<u>section;</u>	111516
<u>(b) For each fiscal years year ending in an odd-numbered</u>	111517

calendar ~~years~~ year, the amount calculated for the immediately 111518
preceding fiscal year under division ~~(A)(2)(B)(3)~~(a) of this 111519
section. 111520

~~(B)(C)~~(1) The maximum rate for indirect care costs for each 111521
peer group of ~~intermediate care facilities for the mentally~~ 111522
~~retarded ICFs/IID~~ with more than eight beds ~~specified in rules~~ 111523
~~adopted under division (D) of this section~~ shall be determined as 111524
follows: 111525

(a) For each fiscal ~~years~~ year ending in an even-numbered 111526
calendar ~~years~~ year, the maximum rate for each such peer group 111527
shall be the rate that is no less than twelve and four-tenths per 111528
cent above the median desk-reviewed, actual, allowable, per diem 111529
indirect care cost for all ~~intermediate care facilities for the~~ 111530
~~mentally retarded with more than eight beds~~ ICFs/IID in the peer 111531
group, ~~(excluding facilities ICFs/IID in the peer group whose~~ 111532
indirect care costs for that period are more than three standard 111533
deviations from the mean desk-reviewed, actual, allowable, per 111534
diem indirect care cost for all ~~intermediate care facilities for~~ 111535
~~the mentally retarded ICFs/IID~~ with more than eight beds, ~~)~~ for the 111536
calendar year immediately preceding the fiscal year in which the 111537
rate will be paid, adjusted by the inflation rate estimated under 111538
division ~~(C)(D)~~(1) of this section. 111539

(b) For each fiscal ~~years~~ year ending in an odd-numbered 111540
calendar ~~years~~ year, the maximum rate for each such peer group is 111541
the peer group's maximum rate for the previous fiscal year, 111542
adjusted for the inflation rate estimated under division ~~(C)(D)~~(2) 111543
of this section. 111544

(2) The maximum rate for indirect care costs for each peer 111545
group of ~~intermediate care facilities for the mentally retarded~~ 111546
ICFs/IID with eight or fewer beds ~~specified in rules adopted under~~ 111547
~~division (D) of this section~~ shall be determined as follows: 111548

(a) For ~~each~~ fiscal ~~years~~ year ending in an even-numbered 111549
calendar ~~years~~ year, the maximum rate for each such peer group 111550
shall be the rate that is no less than ten and three-tenths per 111551
cent above the median desk-reviewed, actual, allowable, per diem 111552
indirect care cost for all ~~intermediate care facilities for the~~ 111553
~~mentally retarded with eight or fewer beds~~ ICFs/IID in the peer 111554
group, ~~(excluding facilities ICFs/IID in the peer group whose~~ 111555
indirect care costs are more than three standard deviations from 111556
the mean desk-reviewed, actual, allowable, per diem indirect care 111557
cost for all ~~intermediate care facilities for the mentally~~ 111558
~~retarded ICFs/IID~~ with eight or fewer beds, ~~)~~ for the calendar year 111559
immediately preceding the fiscal year in which the rate will be 111560
paid, adjusted by the inflation rate estimated under division 111561
~~(C)~~(D)(1) of this section. 111562

(b) For ~~each~~ fiscal ~~years that end~~ year ending in an 111563
odd-numbered calendar ~~years~~ year, the maximum rate for each such 111564
peer group is the peer group's maximum rate for the previous 111565
fiscal year, adjusted for the inflation rate estimated under 111566
division ~~(C)~~(D)(2) of this section. 111567

(3) The department shall not ~~recalculate~~ redetermine a 111568
maximum rate for indirect care costs under division ~~(B)~~(C)(1) or 111569
(2) of this section based on additional information that it 111570
receives after the maximum rate is set. The department shall 111571
~~recalculate~~ redetermine the maximum rate for indirect care costs 111572
only if it made an error in computing the maximum rate based on 111573
the information available to the department at the time of the 111574
original calculation. 111575

~~(C)~~(D)(1) When adjusting rates for inflation under divisions 111576
~~(A)~~(B)(1), ~~(B)~~(C)(1)(a), and ~~(B)~~(C)(2)(a) of this section, the 111577
department shall estimate the rate of inflation for the 111578
eighteen-month period beginning on the first day of July of the 111579
calendar year immediately preceding the fiscal year in which the 111580

rate will be paid and ending on the thirty-first day of December 111581
of the fiscal year in which the rate will be paid. To estimate the 111582
rate of inflation, the department shall use the following: 111583

(a) ~~The~~ Subject to division (D)(1)(b) of this section, the 111584
consumer price index for all items for all urban consumers for the 111585
~~north-central~~ midwest region, published by the United States 111586
bureau of labor statistics; 111587

(b) If the United States bureau of labor statistics ceases to 111588
publish the index specified in division ~~(C)~~(D)(1)(a) of this 111589
section, a comparable index that the bureau publishes and the 111590
department determines is appropriate. 111591

(2) When adjusting rates for inflation under divisions 111592
~~(B)~~(C)(1)(b) and ~~(B)~~(C)(2)(b) of this section, the department 111593
shall estimate the rate of inflation for the twelve-month period 111594
beginning on the first day of January of the fiscal year 111595
immediately preceding the fiscal year in which the rate will be 111596
paid and ending on the thirty-first day of December of the fiscal 111597
year in which the rate will be paid. To estimate the rate of 111598
inflation, the department shall use the following: 111599

(a) ~~The~~ Subject to division (D)(2)(b) of this section, the 111600
consumer price index for all items for all urban consumers for the 111601
~~north-central~~ midwest region, published by the United States 111602
bureau of labor statistics; 111603

(b) If the United States bureau of labor statistics ceases to 111604
publish the index specified in division ~~(C)~~(D)(2)(a) of this 111605
section, a comparable index that the bureau publishes and the 111606
department determines is appropriate. 111607

(3) If an inflation rate estimated under division ~~(C)~~(D)(1) 111608
or (2) of this section is different from the actual inflation rate 111609
for the relevant time period, as measured using the same index, 111610
the difference shall be added to or subtracted from the inflation 111611

rate estimated pursuant to this division for the following fiscal 111612
year. 111613

~~(D)(E)~~ The director of ~~job and family services~~ developmental 111614
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 111615
the Revised Code that specify peer groups of ~~intermediate care~~ 111616
~~facilities for the mentally retarded~~ ICFs/IID with more than eight 111617
beds, and peer groups of ~~intermediate care facilities for the~~ 111618
~~mentally retarded~~ ICFs/IID with eight or fewer beds, based on 111619
findings of significant per diem indirect care cost differences 111620
due to geography and ~~facility~~ bed-size. The rules also may specify 111621
peer groups based on findings of significant per diem indirect 111622
care cost differences due to other factors, including case-mix. 111623

Sec. ~~5111.235~~ 5124.23. (A) ~~The~~ For each fiscal year, the 111624
department of ~~job and family services~~ developmental disabilities 111625
shall ~~pay a provider for~~ determine each of the provider's eligible 111626
~~intermediate care facilities for the mentally retarded a~~ ICF/IID's 111627
per ~~resident per~~ medicaid day payment rate for other protected 111628
costs ~~established prospectively each fiscal year for each~~ 111629
~~facility. The~~ Except as otherwise provided in this chapter, an 111630
ICF/IID's rate shall be determined prospectively. An ICF/IID's 111631
rate ~~for each facility~~ shall be the ~~facility's~~ ICF/IID's 111632
desk-reviewed, actual, allowable, per diem other protected costs 111633
from the calendar year immediately preceding the fiscal year in 111634
which the rate will be paid, all adjusted for the estimated 111635
inflation rate for the eighteen-month period beginning on the 111636
first day of July of the calendar year immediately preceding the 111637
fiscal year in which the rate will be paid and ending on the 111638
thirty-first day of December of that fiscal year. The department 111639
shall estimate inflation using the index specified in division (B) 111640
of this section. If the estimated inflation rate for the 111641
eighteen-month period is different from the actual inflation rate 111642
for that period, the difference shall be added to or subtracted 111643

from the inflation rate estimated for the following year. 111644

(B) The department shall use the following index for the 111645
purpose of division (A) of this section: 111646

(1) The Subject to division (B)(2) of this section, the 111647
consumer price index for all urban consumers for nonprescription 111648
drugs and medical supplies, as published by the United States 111649
bureau of labor statistics; 111650

(2) If the United States bureau of labor statistics ceases to 111651
publish the index specified in division (B)(1) of this section, 111652
the index that is subsequently published by the bureau and covers 111653
nonprescription drugs and medical supplies. 111654

Sec. 5124.25. (A) Subject to division (D) of this section, 111655
the department of developmental disabilities may pay a medicaid 111656
rate add-on to an ICF/IID provider for outlier ICF/IID services 111657
the ICF/IID provides to qualifying ventilator-dependent residents 111658
on or after the effective date of this section, if the provider 111659
applies to the department of developmental disabilities to receive 111660
the rate add-on and the department approves the application. The 111661
department of developmental disabilities may approve a provider's 111662
application if all of the following apply: 111663

(1) The provider submits to the department of developmental 111664
disabilities a best practices protocol for providing outlier 111665
ICF/IID services under this section and the department of 111666
developmental disabilities determines that the protocol is 111667
acceptable; 111668

(2) The provider executes with the department of medicaid an 111669
addendum to its provider agreement for the ICF/IID regarding the 111670
outlier ICF/IID services; 111671

(3) The provider and ICF/IID meet all other eligibility 111672
requirements for the rate add-on established in rules authorized 111673

by this section. 111674

(B) An ICF/IID that has been approved by the department of developmental disabilities to provider outlier ICF/IID services under this section shall provide the services in accordance with both of the following: 111675
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(1) The best practices protocol the department of developmental disabilities determined is acceptable; 111679
111680

(2) Requirements regarding the services established in rules authorized by this section. 111681
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(C) To qualify to receive outlier ICF/IID services from an ICF/IID under this section, a resident of the ICF/IID must be a medicaid recipient, be under twenty-two years of age, be dependent on a ventilator, and meet all other eligibility requirements established in rules authorized by this section. 111683
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(D) The department of developmental disabilities shall negotiate the amount of the medicaid payment rate add-on, if any, to be paid under this section, or the method by which that amount is to be determined, with the department of medicaid. The department of developmental disabilities shall not pay the rate add-on unless the department has approved the amount of the rate add-on or method by which the amount is to be determined. 111688
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Sec. 5124.28. Notwithstanding any provision of section 5124.17 or 5124.21 of the Revised Code, the director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code that provide for the determination of a combined maximum payment limit for indirect care costs and costs of ownership for ICFs/IID with eight or fewer beds. 111695
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Sec. ~~5111.263~~ 5124.29. Except as otherwise provided in section ~~5111.264~~ 5124.30 of the Revised Code, the department of job and family services developmental disabilities, in determining 111701
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whether an ~~intermediate care facility for the mentally retarded's~~ 111704
ICF/IID's direct care costs and indirect care costs are allowable, 111705
shall place no limit on specific categories of reasonable costs 111706
other than compensation of owners, compensation of relatives of 111707
owners, and compensation of administrators. 111708

Compensation cost limits for owners and relatives of owners 111709
shall be based on compensation costs for individuals who hold 111710
comparable positions but who are not owners or relatives of 111711
owners, as reported on ~~facility~~ ICFs/IID's cost reports. As used 111712
in this section, "comparable position" means the position that is 111713
held by the owner or the owner's relative, if that position is 111714
listed separately on the cost report form, or if the position is 111715
not listed separately, the group of positions that is listed on 111716
the cost report form and that includes the position held by the 111717
owner or the owner's relative. In the case of an owner or owner's 111718
relative who serves the ~~facility~~ ICFs/IID in a capacity such as 111719
corporate officer, proprietor, or partner for which no comparable 111720
position or group of positions is listed on the cost report form, 111721
the compensation cost limit shall be based on civil service 111722
equivalents and shall be specified in rules adopted under section 111723
~~5111.02~~ 5124.03 of the Revised Code. 111724

Compensation cost limits for administrators shall be based on 111725
compensation costs for administrators who are not owners or 111726
relatives of owners, as reported on ~~facility~~ ICFs/IID's cost 111727
reports. Compensation cost limits for administrators of four or 111728
more ~~intermediate care facilities for the mentally retarded~~ 111729
ICFs/IID shall be the same as the limits for administrators of 111730
~~intermediate care facilities for the mentally retarded~~ ICFs/IID 111731
with one hundred fifty or more beds. 111732

Sec. 5124.30. Except as provided in section 5124.17 of the 111733
Revised Code, the costs of goods, services, and facilities, 111734

furnished to an ICF/IID provider by a related party are includable 111735
in the allowable costs of the provider at the reasonable cost to 111736
the related party. 111737

Sec. 5124.31. The department of developmental disabilities 111738
shall adjust medicaid payment rates determined under this chapter 111739
to account for reasonable additional costs that must be incurred 111740
by ICFs/IID to comply with requirements of federal or state 111741
statutes, rules, or policies enacted or amended after January 1, 111742
1992, or with orders issued by state or local fire authorities. 111743

Sec. 5124.32. The department of developmental disabilities 111744
shall not reduce an ICF/IID's medicaid payment rate determined 111745
under this chapter on the basis that the provider charges a lower 111746
rate to any resident who is not eligible for medicaid. 111747

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 111748
provider for the day a medicaid recipient is discharged from the 111749
ICF/IID. 111750

Sec. ~~5111.33~~ 5124.34. Reimbursement to a (A) The department 111751
of developmental disabilities shall pay an ICF/IID provider of an 111752
intermediate care facility for the mentally retarded under 111753
sections 5111.20 to 5111.331 of the Revised Code shall include 111754
payments to the provider, at a rate equal to the percentage one 111755
hundred per cent of the per resident total per medicaid day rates 111756
that the department of job and family services has established 111757
payment rate determined for the provider's facility ICF/IID under 111758
sections 5111.20 to 5111.331 of the Revised Code for the fiscal 111759
year for which the cost of services is reimbursed, this chapter to 111760
reserve a bed for a resident who is a medicaid recipient during a 111761
temporary absence under conditions prescribed by the department, 111762
to include hospitalization for an acute condition, visits with 111763

~~relatives and friends, and participation in therapeutic programs~~ 111764
~~outside the facility, when the~~ if all of the following apply: 111765

(1) The recipient is temporarily absent from the ICF/IID for 111766
a reason that makes the absence qualified for payments under this 111767
section as specified in rules authorized by this section; 111768

(2) The resident's plan of care provides for such the absence 111769
and federal; 111770

(3) Federal financial participation in the payments is 111771
available for the payments. The 111772

(B) The maximum period during which medicaid payments may be 111773
made to reserve a bed shall not exceed the maximum period 111774
specified under in federal regulations, and shall not be more than 111775
thirty days during any calendar year for hospital stays, visits 111776
with relatives and friends, and participation in therapeutic 111777
programs. 111778

Recipients programs. However, a resident shall not be subject 111779
to a maximum period during which payments may be made to reserve a 111780
bed in an intermediate care facility for the mentally retarded if 111781
prior authorization of the department is obtained for hospital 111782
stays, visits with relatives and friends, and participation in 111783
therapeutic programs. The 111784

(C)(1) The director of job and family services developmental 111785
disabilities shall adopt rules under section 5111.02 5124.03 of 111786
the Revised Code establishing as necessary to implement this 111787
section, including rules that do the following: 111788

(a) Specify the reasons for which a temporary absence from an 111789
ICF/IID makes the absence qualify for payments under this section; 111790

(b) Establish conditions under which prior authorization may 111791
be obtained for the purpose of division (B) of this section. 111792

(2) The rules authorized by division (C)(1)(a) of this 111793

section shall include the following as reasons for which a 111794
temporary absence from an ICF/IID qualifies for payments under 111795
this section: 111796

(a) Hospitalization for acute conditions; 111797

(b) Visits with relatives and friends; 111798

(c) Participation in therapeutic programs outside the 111799
ICF/IID. 111800

Sec. 5124.35. Medicaid payments may be made for ICF/IID 111801
services provided not later than thirty days after the effective 111802
date of an involuntary termination of the ICF/IID that provides 111803
the services if the services are provided to a medicaid recipient 111804
who is eligible for the services and resided in the ICF/IID before 111805
the effective date of the involuntary termination. 111806

Sec. 5124.37. The department of developmental disabilities 111807
shall make its best efforts each year to determine ICFs/IID's 111808
medicaid payment rates under this chapter in time to pay the rates 111809
by August fifteenth of each fiscal year. If the department is 111810
unable to calculate the rates so that they can be paid by that 111811
date, the department shall pay each provider the rate calculated 111812
for the provider's ICFs/IID under those sections at the end of the 111813
previous fiscal year. If the department also is unable to 111814
calculate the rates to make the payments due by the fifteenth day 111815
of September and the fifteenth day of October, the department 111816
shall pay the previous fiscal year's rate to make those payments. 111817
The department may increase by five per cent the previous fiscal 111818
year's rate paid for any ICF/IID pursuant to this section at the 111819
request of the provider. The department shall use rates calculated 111820
for the current fiscal year to make the payments due by the 111821
fifteenth day of November. 111822

If an ICF/IID's medicaid payment rate paid under this section 111823

is lower than the rate calculated for it for the current fiscal 111824
year, the department shall pay the provider the difference between 111825
the two rates for the number of days for which the provider is 111826
paid the lower rate. If an ICF/IID's medicaid payment rate paid 111827
under this section is higher than the rate calculated for it for 111828
the current fiscal year, the provider shall refund to the 111829
department the difference between the two rates for the number of 111830
days for which the provider is paid the higher rate. 111831

Sec. 5124.38. (A) The director of developmental disabilities 111832
shall establish a process under which an ICF/IID provider, or a 111833
group or association of ICF/IID providers, may seek 111834
reconsideration of medicaid payment rates established under this 111835
chapter, including a rate for direct care costs redetermined 111836
before the effective date of the rate as a result of an exception 111837
review conducted under section 5124.193 of the Revised Code. 111838
Except as provided in divisions (B) to (D) of this section, the 111839
only issue that a provider, group, or association may raise in the 111840
rate reconsideration is whether the rate was calculated in 111841
accordance with this chapter and the rules adopted under section 111842
5124.03 of the Revised Code. The provider, group, or association 111843
may submit written arguments or other materials that support its 111844
position. The provider, group, or association and department shall 111845
take actions regarding the rate reconsideration within time frames 111846
specified in rules authorized by this section. 111847

If the department determines, as a result of the rate 111848
reconsideration, that the rate established for one or more 111849
ICFs/IID is less than the rate to which the ICF/IID is entitled, 111850
the department shall increase the rate. If the department has paid 111851
the incorrect rate for a period of time, the department shall pay 111852
the provider of the ICF/IID the difference between the amount the 111853
provider was paid for that period for the ICF/IID and the amount 111854
the provider should have been paid for the ICF/IID. 111855

(B)(1) The department, through the rate reconsideration process, may increase during a fiscal year the medicaid payment rate determined for an ICF/IID under this chapter if the provider demonstrates that the ICF/IID's actual, allowable costs have increased because of any of the following extreme circumstances: 111856
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(a) A natural disaster; 111861

(b) A nonextensive renovation approved under division (D) of section 5124.17 of the Revised Code; 111862
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(c) If the ICF/IID has an appropriate claims management program, an increase in the ICF/IID's workers' compensation experience rating of greater than five per cent; 111864
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(d) If the ICF/IID is an inner-city ICF/IID, increased security costs; 111867
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(e) A change of ownership that results from bankruptcy, foreclosure, or findings by the department of health of violations of medicaid certification requirements; 111869
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(f) Other extreme circumstances specified in rules authorized by this section. 111872
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(2) An ICF/IID may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request. 111874
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(C) The department, through the rate reconsideration process, may increase an ICF/IID's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme 111882
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hardship on the ICF/IID. 111886

(D) When beds certified for the medicaid program are added to 111887
an existing ICF/IID or replaced at the same site, the department, 111888
through the rate reconsideration process, may increase the 111889
ICF/IID's rate for capital costs proportionately, as limited by 111890
any applicable limitation under section 5124.17 of the Revised 111891
Code, to account for the costs of the beds that are added or 111892
replaced. If the department makes this increase, it shall make the 111893
increase one month after the first day of the month after the 111894
department receives sufficient documentation of the costs. Any 111895
rate increase granted under this division after June 30, 1993, 111896
shall remain in effect until the effective date of a rate for 111897
capital costs determined under section 5124.17 of the Revised Code 111898
that includes costs incurred for a full calendar year for the bed 111899
addition or bed replacement. The ICF/IID shall report double 111900
accumulated depreciation in an amount equal to the depreciation 111901
included in the rate adjustment on its cost report for the first 111902
year of operation. During the term of any loan used to finance a 111903
project for which a rate adjustment is granted under this 111904
division, if the ICF/IID is operated by the same provider, the 111905
provider shall subtract from the interest costs it reports on its 111906
cost report an amount equal to the difference between the 111907
following: 111908

(1) The actual, allowable interest costs for the loan during 111909
the calendar year for which the costs are being reported; 111910

(2) The actual, allowable interest costs attributable to the 111911
loan that were used to calculate the rates paid to the provider 111912
for the ICF/IID during the same calendar year. 111913

(E) The department's decision at the conclusion of the 111914
reconsideration process is not subject to any administrative 111915
proceedings under Chapter 119. or any other provision of the 111916
Revised Code. 111917

(F) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section. 111918
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Sec. 5124.40. If an ICF/IID provider properly amends a cost report for an ICF/IID under section 5124.107 of the Revised Code and the amended report shows that the provider received a lower medicaid payment rate under the original cost report than the provider was entitled to receive, the department of developmental disabilities shall adjust the provider's rate for the ICF/IID prospectively to reflect the corrected information. The department shall pay the adjusted rate beginning two months after the first day of the month after the provider files the amended cost report. 111921
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If the department finds, from an exception review of resident assessment data conducted pursuant to section 5124.193 of the Revised Code after the effective date of an ICF/IID's rate for direct care costs that is based on the resident assessment data, that inaccurate resident assessment data resulted in the provider receiving a lower rate for the ICF/IID than the provider was entitled to receive, the department prospectively shall adjust the provider's rate for the ICF/IID accordingly. The department shall make payments to the provider using the adjusted rate for the remainder of the calendar quarter for which the resident assessment data is used to determine the rate, beginning one month after the first day of the month after the exception review is completed. 111930
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Sec. 5124.41. (A) The department of developmental disabilities shall redetermine a provider's medicaid payment rate for an ICF/IID using revised information if any of the following results in a determination that the provider received a higher medicaid payment rate for the ICF/IID than the provider was entitled to receive: 111943
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(1) The provider properly amends a cost report for the ICF/IID under section 5124.107 of the Revised Code; 111949
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(2) The department makes a finding based on an audit under section 5124.109 of the Revised Code; 111951
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(3) The department makes a finding based on an exception review of resident assessment data conducted under section 5124.193 of the Revised Code after the effective date of the ICF/IID's rate for direct care costs that is based on the resident assessment data. 111953
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(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made: 111958
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(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be not greater than one and one-half times the current average bank prime rate. 111964
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(2) If the overpayment resulted from costs reported for a subsequent calendar year: 111967
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(a) The interest shall be not greater than two times the current average bank prime rate if the overpayment was not more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 111969
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(b) The interest shall be not greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 111974
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Sec. 5124.42. In addition to the other penalties authorized 111979
by this chapter, the department of developmental disabilities may 111980
impose the following penalties on an ICF/IID provider: 111981

(A) If the provider does not furnish invoices or other 111982
documentation that the department requests during an audit within 111983
sixty days after the request, a fine of not more than the greater 111984
of the following: 111985

(1) One thousand dollars per audit; 111986

(2) Twenty-five per cent of the cumulative amount by which 111987
the costs for which documentation was not furnished increased the 111988
total medicaid payments to the provider during the fiscal year for 111989
which the costs were used to determine a rate. 111990

(B) If an exiting operator or owner fails to provide notice 111991
of a facility closure or voluntary termination as required by 111992
section 5124.50 of the Revised Code, or an exiting operator or 111993
owner and entering operator fail to provide notice of a change of 111994
operator as required by section 5124.51 of the Revised Code, a 111995
fine of not more than the current average bank prime rate plus 111996
four per cent of the last two monthly payments. 111997

Sec. 5124.43. For the purposes of sections 5124.41 and 111998
5124.42 of the Revised Code, the department of developmental 111999
disabilities shall determine the current average bank prime rate 112000
using statistical release H.15, "selected interest rates," a 112001
weekly publication of the federal reserve board, or any successor 112002
publication. If statistical release H.15, or its successor, ceases 112003
to contain the bank prime rate information or ceases to be 112004
published, the department shall request a written statement of the 112005
average bank prime rate from the federal reserve bank of Cleveland 112006
or the federal reserve board. 112007

Sec. 5124.44. (A) Except as provided in division (B) of this section, the department of developmental disabilities shall deduct the following from the next available medicaid payment the department makes to an ICF/IID provider who continues to participate in medicaid: 112008
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(1) Any amount the provider is required to refund, and any interest charged, under section 5124.41 of the Revised Code; 112013
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(2) The amount of any penalty imposed on the provider under section 5124.42 of the Revised Code. 112015
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(B) The department and an ICF/IID provider may enter into an agreement under which a deduction required by division (A) of this section is taken in installments from payments the department makes to the provider. 112017
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Sec. 5124.45. The department of developmental disabilities shall transmit to the treasurer of state for deposit in the general revenue fund amounts collected from the following: 112021
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(A) Refunds required by, and interest charged under, section 5124.41 of the Revised Code; 112024
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(B) Amounts collected from penalties imposed under section 5124.42 of the Revised Code. 112026
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Sec. 5124.46. All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 112028
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(A) Any audit disallowance that the department of developmental disabilities makes as the result of an audit under section 5124.109 of the Revised Code; 112031
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(B) Any adverse finding that results from an exception review of resident assessment data conducted for an ICF/IID under section 112034
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5124.193 of the Revised Code after the effective date of the 112036
ICF/IID's medicaid payment rate for direct care costs that is 112037
based on the resident assessment data; 112038

(C) Any medicaid payment deemed an overpayment under section 112039
5124.523 of the Revised Code; 112040

(D) Any penalty the department imposes under section 5124.42 112041
of the Revised Code or section 5124.523 of the Revised Code. 112042

Sec. 5124.50. An exiting operator or owner of an ICF/IID 112043
participating in the medicaid program shall provide the department 112044
of developmental disabilities and department of medicaid written 112045
notice of a facility closure or voluntary termination not less 112046
than ninety days before the effective date of the facility closure 112047
or voluntary termination. The written notice shall be provided to 112048
the department of developmental disabilities and department of 112049
medicaid in accordance with the method specified in rules 112050
authorized by section 5124.53 of the Revised Code. 112051

The written notice shall include all of the following: 112052

(A) The name of the exiting operator and, if any, the exiting 112053
operator's authorized agent; 112054

(B) The name of the ICF/IID that is the subject of the 112055
written notice; 112056

(C) The exiting operator's medicaid provider agreement number 112057
for the ICF/IID that is the subject of the written notice; 112058

(D) The effective date of the facility closure or voluntary 112059
termination; 112060

(E) The signature of the exiting operator's or owner's 112061
representative. 112062

Sec. 5124.51. (A) An exiting operator or owner and entering 112063
operator shall provide the department of developmental 112064

disabilities and department of medicaid written notice of a change 112065
of operator if the ICF/IID participates in the medicaid program 112066
and the entering operator seeks to continue the ICF/IID's 112067
participation. The written notice shall be provided to the 112068
department of developmental disabilities and department of 112069
medicaid in accordance with the method specified in rules 112070
authorized by section 5124.53 of the Revised Code. The written 112071
notice shall be provided to the department of developmental 112072
disabilities and department of medicaid not later than forty-five 112073
days before the effective date of the change of operator if the 112074
change of operator does not entail the relocation of residents. 112075
The written notice shall be provided to the department of 112076
developmental disabilities and department of medicaid not later 112077
than ninety days before the effective date of the change of 112078
operator if the change of operator entails the relocation of 112079
residents. 112080

The written notice shall include all of the following: 112081

(1) The name of the exiting operator and, if any, the exiting 112082
operator's authorized agent; 112083

(2) The name of the ICF/IID that is the subject of the change 112084
of operator; 112085

(3) The exiting operator's seven-digit medicaid legacy number 112086
and ten-digit national provider identifier number for the ICF/IID 112087
that is the subject of the change of operator; 112088

(4) The name of the entering operator; 112089

(5) The effective date of the change of operator; 112090

(6) The manner in which the entering operator becomes the 112091
ICF/IID's operator, including through sale, lease, merger, or 112092
other action; 112093

(7) If the manner in which the entering operator becomes the 112094

ICF/IID's operator involves more than one step, a description of 112095
each step; 112096

(8) Written authorization from the exiting operator or owner 112097
and entering operator for the department of medicaid to process a 112098
provider agreement for the entering operator; 112099

(9) The names and addresses of the persons to whom the 112100
department of developmental disabilities and department of 112101
medicaid should send initial correspondence regarding the change 112102
of operator; 112103

(10) The signature of the exiting operator's or owner's 112104
representative. 112105

(B) An exiting operator or owner and entering operator 112106
immediately shall provide the department of developmental 112107
disabilities and department of medicaid notice of any changes to 112108
information included in a written notice of a change of operator 112109
that occur after that notice is provided to the department of 112110
developmental disabilities and department of medicaid. The notice 112111
of the changes shall be provided to the department of 112112
developmental disabilities and department of medicaid in 112113
accordance with the method specified in rules authorized by 112114
section 5124.53 of the Revised Code. 112115

Sec. 5124.511. The department of medicaid may enter into a 112116
provider agreement with an entering operator that goes into effect 112117
at 12:01 a.m. on the effective date of the change of operator if 112118
all of the following requirements are met: 112119

(A) The department receives a properly completed written 112120
notice required by section 5124.51 of the Revised Code on or 112121
before the date required by that section. 112122

(B) The department receives both of the following in 112123
accordance with the method specified in rules authorized by 112124

<u>section 5124.53 of the Revised Code and not later than ten days</u>	112125
<u>after the effective date of the change of operator:</u>	112126
<u>(1) From the entering operator, a completed application for a</u>	112127
<u>provider agreement and all other forms and documents specified in</u>	112128
<u>rules authorized by section 5124.53 of the Revised Code;</u>	112129
<u>(2) From the exiting operator or owner, all forms and</u>	112130
<u>documents specified in rules authorized by section 5124.53 of the</u>	112131
<u>Revised Code.</u>	112132
<u>(C) The entering operator is eligible to enter into a</u>	112133
<u>provider agreement for the ICF/IID as provided in section 5124.06</u>	112134
<u>of the Revised Code.</u>	112135
<u>Sec. 5124.512.</u> (A) <u>The department of medicaid may enter into</u>	112136
<u>a provider agreement with an entering operator that goes into</u>	112137
<u>effect at 12:01 a.m. on the date determined under division (B) of</u>	112138
<u>this section if all of the following are the case:</u>	112139
<u>(1) The department receives a properly completed written</u>	112140
<u>notice required by section 5124.51 of the Revised Code.</u>	112141
<u>(2) The department receives, from the entering operator and</u>	112142
<u>in accordance with the method specified in rules authorized by</u>	112143
<u>section 5124.53 of the Revised Code, a completed application for a</u>	112144
<u>provider agreement and all other forms and documents specified in</u>	112145
<u>rules adopted under that section.</u>	112146
<u>(3) The department receives, from the exiting operator or</u>	112147
<u>owner and in accordance with the method specified in rules</u>	112148
<u>authorized by section 5124.53 of the Revised Code, all forms and</u>	112149
<u>documents specified in rules adopted under that section.</u>	112150
<u>(4) One or more of the following apply:</u>	112151
<u>(a) The requirement of division (A)(1) of this section is met</u>	112152
<u>after the time required by section 5124.51 of the Revised Code;</u>	112153

(b) The requirement of division (A)(2) of this section is met more than ten days after the effective date of the change of operator; 112154
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(c) The requirement of division (A)(3) of this section is met more than ten days after the effective date of the change of operator. 112157
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(5) The entering operator is eligible to enter into a provider agreement for the ICF/IID as provided in section 5124.06 of the Revised Code. 112160
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(B) The department shall determine the date a provider agreement entered into under this section is to go into effect as follows: 112163
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(1) The effective date shall give the department sufficient time to process the change of operator and give the department sufficient time to assure no duplicate payments are made and make the withholding required by section 5124.521 of the Revised Code. 112166
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(2) The effective date shall be not earlier than the latest of the following: 112170
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(a) The effective date of the change of operator; 112172

(b) The date that the entering operator complies with section 5124.51 of the Revised Code and division (A)(2) of this section; 112173
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(c) The date that the exiting operator or owner complies with section 5124.51 of the Revised Code and division (A)(3) of this section. 112175
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(3) The effective date shall be not later than the following after the later of the dates specified in division (B)(2) of this section: 112178
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(a) Forty-five days if the change of operator does not entail the relocation of residents; 112181
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(b) Ninety days if the change of operator entails the 112183

relocation of residents. 112184

Sec. 5124.513. A provider that enters into a provider agreement with the department of medicaid under section 5124.511 or 5124.512 of the Revised Code shall do all of the following: 112185
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(A) Comply with all applicable federal statutes and regulations; 112188
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(B) Comply with section 5124.07 of the Revised Code and all other applicable state statutes and rules; 112190
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(C) Comply with all the terms and conditions of the exiting operator's provider agreement, including all of the following: 112192
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(1) Any plan of correction; 112194

(2) Compliance with health and safety standards; 112195

(3) Compliance with the ownership and financial interest disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3; 112196
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(4) Compliance with the civil rights requirements of 45 C.F.R. parts 80, 84, and 90; 112198
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(5) Compliance with additional requirements imposed by the department; 112200
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(6) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies. 112202
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Sec. 5124.514. In the case of a change of operator, the exiting operator shall be considered to be the operator of the ICF/IID for purposes of the medicaid program, including medicaid payments, until the effective date of the entering operator's provider agreement if the provider agreement is entered into under section 5124.511 or 5124.512 of the Revised Code. 112206
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Sec. 5124.515. The department of medicaid may enter into a provider agreement as provided in section 5124.07 of the Revised Code, rather than section 5124.511 or 5124.512 of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division (C) of section 5124.513 of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the ICF/IID under Title XIX. The effective date of the provider agreement shall not precede any of the following:

(A) The date that the department of health certifies the ICF/IID;

(B) The effective date of the change of operator;

(C) The date the requirement of section 5124.51 of the Revised Code is satisfied.

Sec. 5124.516. The director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code governing adjustments to the medicaid reimbursement rate for an ICF/IID that undergoes a change of operator. No rate adjustment resulting from a change of operator shall be effective before the effective date of the entering operator's provider agreement. This is the case regardless of whether the provider agreement is entered into under section 5124.511, section 5124.512, or, pursuant to section 5124.515, section 5124.07 of the Revised Code.

Sec. 5124.517. The department of developmental disabilities' determination that a change of operator has or has not occurred for purposes of licensure under section 5123.19 of the Revised Code shall not affect either of the following:

(A) A determination by the department of developmental

disabilities or department of medicaid of whether or when a change 112241
of operator occurs; 112242

(B) The department of medicaid's determination of the 112243
effective date of an entering operator's provider agreement under 112244
section 5124.511, section 5124.512, or, pursuant to section 112245
5124.515, section 5124.07 of the Revised Code. 112246

Sec. 5124.52. (A) On receipt of a written notice under 112247
section 5124.50 of the Revised Code of a facility closure or 112248
voluntary termination, on receipt of a written notice under 112249
section 5124.51 of the Revised Code of a change of operator, or on 112250
the effective date of an involuntary termination, the department 112251
of developmental disabilities shall estimate the amount of any 112252
overpayments made under the medicaid program to the exiting 112253
operator, including overpayments the exiting operator disputes, 112254
and other actual and potential debts the exiting operator owes or 112255
may owe to the department and United States centers for medicare 112256
and medicaid services under the medicaid program, including a 112257
franchise permit fee. 112258

(B) In estimating the exiting operator's other actual and 112259
potential debts to the department and the United States centers 112260
for medicare and medicaid services under the medicaid program, the 112261
department shall use a debt estimation methodology the director of 112262
developmental disabilities shall establish in rules authorized by 112263
section 5124.53 of the Revised Code. The methodology shall provide 112264
for estimating all of the following that the department determines 112265
are applicable: 112266

(1) Refunds due the department under section 5124.41 of the 112267
Revised Code; 112268

(2) Interest owed to the department and United States centers 112269
for medicare and medicaid services; 112270

<u>(3) Final civil monetary and other penalties for which all</u>	112271
<u>right of appeal has been exhausted;</u>	112272
<u>(4) Money owed the department and United States centers for</u>	112273
<u>medicare and medicaid services from any outstanding final fiscal</u>	112274
<u>audit, including a final fiscal audit for the last fiscal year or</u>	112275
<u>portion thereof in which the exiting operator participated in the</u>	112276
<u>medicaid program;</u>	112277
<u>(5) Other amounts the department determines are applicable.</u>	112278
<u>(C) The department shall provide the exiting operator written</u>	112279
<u>notice of the department's estimate under division (A) of this</u>	112280
<u>section not later than thirty days after the department receives</u>	112281
<u>the notice under section 5124.50 of the Revised Code of the</u>	112282
<u>facility closure or voluntary termination; the department receives</u>	112283
<u>the notice under section 5124.51 of the Revised Code of the change</u>	112284
<u>of operator; or the effective date of the involuntary termination.</u>	112285
<u>The department's written notice shall include the basis for the</u>	112286
<u>estimate.</u>	112287
<u>Sec. 5124.521. (A) Except as provided in divisions (B), (C),</u>	112288
<u>and (D) of this section, the department of developmental</u>	112289
<u>disabilities may withhold from payment due an exiting operator</u>	112290
<u>under the medicaid program the total amount specified in the</u>	112291
<u>notice provided under division (C) of section 5124.52 of the</u>	112292
<u>Revised Code that the exiting operator owes or may owe to the</u>	112293
<u>department and United States centers for medicare and medicaid</u>	112294
<u>services under the medicaid program.</u>	112295
<u>(B) In the case of a change of operator and subject to</u>	112296
<u>division (E) of this section, the following shall apply regarding</u>	112297
<u>a withholding under division (A) of this section if the exiting</u>	112298
<u>operator or entering operator or an affiliated operator executes a</u>	112299
<u>successor liability agreement meeting the requirements of division</u>	112300
<u>(F) of this section:</u>	112301

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 112302
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (B)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 112308
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(C) In the case of a voluntary termination or facility closure and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section: 112317
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(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 112323
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(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the 112329
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notice provided under division (C) of section 5124.52 of the 112334
Revised Code and the amount for which the exiting operator or 112335
affiliated operator assumes liability. 112336

(D) In the case of an involuntary termination and subject to 112337
division (E) of this section, the following shall apply regarding 112338
a withholding under division (A) of this section if the exiting 112339
operator, the entering operator, or an affiliated operator 112340
executes a successor liability agreement meeting the requirements 112341
of division (F) of this section and the department approves the 112342
successor liability agreement: 112343

(1) If the exiting operator, entering operator, or affiliated 112344
operator assumes liability for the total, actual amount of debt 112345
the exiting operator owes the department and the United States 112346
centers for medicare and medicaid services under the medicaid 112347
program as determined under section 5124.525 of the Revised Code, 112348
the department shall not make the withholding. 112349

(2) If the exiting operator, entering operator, or affiliated 112350
operator assumes liability for only the portion of the amount 112351
specified in division (D)(1) of this section that represents the 112352
franchise permit fee the exiting operator owes, the department 112353
shall withhold not more than the difference between the total 112354
amount specified in the notice provided under division (C) of 112355
section 5124.52 of the Revised Code and the amount for which the 112356
exiting operator, entering operator, or affiliated operator 112357
assumes liability. 112358

(E) For an exiting operator or affiliated operator to be 112359
eligible to enter into a successor liability agreement under 112360
division (B), (C), or (D) of this section, both of the following 112361
must apply: 112362

(1) The exiting operator or affiliated operator must have one 112363
or more valid provider agreements, other than the provider 112364

agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator; 112365
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(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the voluntary termination or facility closure under section 5124.50 of the Revised Code or the notice of the change of operator under section 5124.51 of the Revised Code, the average monthly medicaid payment made to the exiting operator or affiliated operator pursuant to the exiting operator's or affiliated operator's one or more provider agreements, other than the provider agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator, must equal at least ninety per cent of the sum of the following: 112368
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(a) The average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement for the ICF/IID that is the subject of the involuntary termination, voluntary termination, facility closure, or change of operator; 112380
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(b) Whichever of the following apply: 112384

(i) If the exiting operator or affiliated operator has assumed liability under one or more other successor liability agreements, the total amount for which the exiting operator or affiliated operator has assumed liability under the other successor liability agreements; 112385
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(ii) If the exiting operator or affiliated operator has not assumed liability under any other successor liability agreements, zero. 112390
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(F) A successor liability agreement executed under this section must comply with all of the following: 112393
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(1) It must provide for the operator who executes the 112395

successor liability agreement to assume liability for either of 112396
the following as specified in the agreement: 112397

(a) The total, actual amount of debt the exiting operator 112398
owes the department and the United States centers for medicare and 112399
medicaid services under the medicaid program as determined under 112400
section 5124.525 of the Revised Code; 112401

(b) The portion of the amount specified in division (F)(1)(a) 112402
of this section that represents the franchise permit fee the 112403
exiting operator owes. 112404

(2) It may not require the operator who executes the 112405
successor liability agreement to furnish a surety bond. 112406

(3) It must provide that the department, after determining 112407
under section 5124.525 of the Revised Code the actual amount of 112408
debt the exiting operator owes the department and United States 112409
centers for medicare and medicaid services under the medicaid 112410
program, may deduct the lesser of the following from medicaid 112411
payments made to the operator who executes the successor liability 112412
agreement: 112413

(a) The total, actual amount of debt the exiting operator 112414
owes the department and the United States centers for medicare and 112415
medicaid services under the medicaid program as determined under 112416
section 5124.525 of the Revised Code; 112417

(b) The amount for which the operator who executes the 112418
successor liability agreement assumes liability under the 112419
agreement. 112420

(4) It must provide that the deductions authorized by 112421
division (F)(3) of this section are to be made for a number of 112422
months, not to exceed six, agreed to by the operator who executes 112423
the successor liability agreement and the department or, if the 112424
operator who executes the successor liability agreement and 112425
department cannot agree on a number of months that is less than 112426

six, a greater number of months determined by the attorney general 112427
pursuant to a claims collection process authorized by statute of 112428
this state. 112429

(5) It must provide that, if the attorney general determines 112430
the number of months for which the deductions authorized by 112431
division (F)(3) of this section are to be made, the operator who 112432
executes the successor liability agreement shall pay, in addition 112433
to the amount collected pursuant to the attorney general's claims 112434
collection process, the part of the amount so collected that, if 112435
not for division (H) of this section, would be required by section 112436
109.081 of the Revised Code to be paid into the attorney general 112437
claims fund. 112438

(G) Execution of a successor liability agreement does not 112439
waive an exiting operator's right to contest the amount specified 112440
in the notice the department provides the exiting operator under 112441
division (C) of section 5124.52 of the Revised Code. 112442

(H) Notwithstanding section 109.081 of the Revised Code, the 112443
entire amount that the attorney general, whether by employees or 112444
agents of the attorney general or by special counsel appointed 112445
pursuant to section 109.08 of the Revised Code, collects under a 112446
successor liability agreement, other than the additional amount 112447
the operator who executes the agreement is required by division 112448
(F)(5) of this section to pay, shall be paid to the department of 112449
developmental disabilities for deposit into the appropriate fund. 112450
The additional amount that the operator is required to pay shall 112451
be paid into the state treasury to the credit of the attorney 112452
general claims fund created under section 109.081 of the Revised 112453
Code. 112454

Sec. 5124.522. (A) Except as provided in division (B) of this 112455
section, an exiting operator shall file with the department of 112456
developmental disabilities a cost report not later than ninety 112457

days after the last day the exiting operator's provider agreement 112458
is in effect. The cost report shall cover the period that begins 112459
with the day after the last day covered by the operator's most 112460
recent previous cost report filed under section 5124.10 or 112461
5124.101 of the Revised Code and ends on the last day the exiting 112462
operator's provider agreement is in effect. The cost report shall 112463
include, as applicable, all of the following: 112464

(1) The sale price of the ICF/IID; 112465

(2) A final depreciation schedule that shows which assets are 112466
transferred to the buyer and which assets are not transferred to 112467
the buyer; 112468

(3) Any other information the department requires. 112469

(B) The department, at its sole discretion, may waive the 112470
requirement that an exiting operator file a cost report in 112471
accordance with division (A) of this section. 112472

Sec. 5124.523. If an exiting operator required by section 112473
5124.522 of the Revised Code to file a cost report with the 112474
department of developmental disabilities fails to file the cost 112475
report in accordance with that section, all payments under the 112476
medicaid program for the period the cost report is required to 112477
cover are deemed overpayments until the date the department 112478
receives the properly completed cost report. The department may 112479
impose on the exiting operator a penalty of one hundred dollars 112480
for each calendar day the properly completed cost report is late. 112481

Sec. 5124.524. The department of developmental disabilities 112482
may not provide an exiting operator final payment under the 112483
medicaid program until the department receives all properly 112484
completed cost reports the exiting operator is required to file 112485
under sections 5124.10 and 5124.522 of the Revised Code. 112486

Sec. 5124.525. The department of developmental disabilities shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue an initial debt summary report on this matter not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5124.522 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, sixty days after the date the department waives the cost report requirement. The initial debt summary report becomes the final debt summary report thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests a review before that date.

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The exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, may request a review to contest any of the department's findings included in the initial debt summary report. The request for the review must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. The department shall conduct the review on receipt of a timely request and issue a revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5124.521 of the Revised Code, the department shall issue the revised debt summary report not later than ninety days after the date the department receives the timely request for the review unless the department and exiting operator or affiliated operator agree to a

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later date. The exiting operator or affiliated operator may submit 112519
information to the department explaining what the operator 112520
contests before and during the review, including documentation of 112521
the amount of any debt the department owes the operator. The 112522
exiting operator or affiliated operator may submit additional 112523
information to the department not later than thirty days after the 112524
department issues the revised debt summary report. The revised 112525
debt summary report becomes the final debt summary report 112526
thirty-one days after the department issues the revised debt 112527
summary report unless the exiting operator or affiliated operator 112528
timely submits additional information to the department. If the 112529
exiting operator or affiliated operator timely submits additional 112530
information to the department, the department shall consider the 112531
additional information and issue a final debt summary report not 112532
later than sixty days after the department issues the revised debt 112533
summary report unless the department and exiting operator or 112534
affiliated operator agree to a later date. 112535

Each debt summary report the department issues under this 112536
section shall include the department's findings and the amount of 112537
debt the department determines the exiting operator owes the 112538
department and United States centers for medicare and medicaid 112539
services under the medicaid program. The department shall explain 112540
its findings and determination in each debt summary report. 112541

The exiting operator, and an affiliated operator who executes 112542
a successor liability agreement under section 5124.521 of the 112543
Revised Code, may request, in accordance with Chapter 119. of the 112544
Revised Code, an adjudication regarding a finding in a final debt 112545
summary report that pertains to an audit or alleged overpayment 112546
made under the medicaid program to the exiting operator. The 112547
adjudication shall be consolidated with any other uncompleted 112548
adjudication that concerns a matter addressed in the final debt 112549
summary report. 112550

Sec. 5124.526. The department of developmental disabilities shall release the actual amount withheld under division (A) of section 5124.521 of the Revised Code, less any amount the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, as follows: 112551
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(A) Unless the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5124.522 of the Revised Code, sixty-one days after the date the exiting operator files the properly completed cost report; 112557
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(B) If the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later than sixty days after the date the exiting operator files a properly completed cost report required by section 5124.522 of the Revised Code, not later than the following: 112563
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(1) Thirty days after the deadline for requesting an adjudication under section 5124.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, fail to request the adjudication on or before the deadline; 112568
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(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication. 112574
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(C) Unless the department issues the initial debt summary report required by section 5124.525 of the Revised Code not later 112580
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than sixty days after the date the department waives the cost 112582
report requirement of section 5124.522 of the Revised Code, 112583
sixty-one days after the date the department waives the cost 112584
report requirement; 112585

(D) If the department issues the initial debt summary report 112586
required by section 5124.525 of the Revised Code not later than 112587
sixty days after the date the department waives the cost report 112588
requirement of section 5124.522 of the Revised Code, not later 112589
than the following: 112590

(1) Thirty days after the deadline for requesting an 112591
adjudication under section 5124.525 of the Revised Code regarding 112592
the final debt summary report if the exiting operator, and an 112593
affiliated operator who executes a successor liability agreement 112594
under section 5124.521 of the Revised Code, fail to request the 112595
adjudication on or before the deadline; 112596

(2) Thirty days after the completion of an adjudication of 112597
the final debt summary report if the exiting operator, or an 112598
affiliated operator who executes a successor liability agreement 112599
under section 5124.521 of the Revised Code, requests the 112600
adjudication on or before the deadline for requesting the 112601
adjudication. 112602

Sec. 5124.527. The department of developmental disabilities, 112603
at its sole discretion, may release the amount withheld under 112604
division (A) of section 5124.521 of the Revised Code if the 112605
exiting operator submits to the department written notice of a 112606
postponement of a change of operator, facility closure, or 112607
voluntary termination and the transactions leading to the change 112608
of operator, facility closure, or voluntary termination are 112609
postponed for at least thirty days but less than ninety days after 112610
the date originally proposed for the change of operator, facility 112611
closure, or voluntary termination as reported in the written 112612

notice required by section 5124.50 or 5124.51 of the Revised Code. 112613
The department shall release the amount withheld if the exiting 112614
operator submits to the department written notice of a 112615
cancellation or postponement of a change of operator, facility 112616
closure, or voluntary termination and the transactions leading to 112617
the change of operator, facility closure, or voluntary termination 112618
are canceled or postponed for more than ninety days after the date 112619
originally proposed for the change of operator, facility closure, 112620
or voluntary termination as reported in the written notice 112621
required by section 5124.50 or 5124.51 of the Revised Code. A 112622
written notice shall be provided to the department in accordance 112623
with the method specified in rules authorized by section 5124.53 112624
of the Revised Code. 112625

After the department receives a written notice regarding a 112626
cancellation or postponement of a facility closure or voluntary 112627
termination, the exiting operator or owner shall provide new 112628
written notice to the department under section 5124.50 of the 112629
Revised Code regarding any transactions leading to a facility 112630
closure or voluntary termination at a future time. After the 112631
department receives a written notice regarding a cancellation or 112632
postponement of a change of operator, the exiting operator or 112633
owner and entering operator shall provide new written notice to 112634
the department under section 5124.51 of the Revised Code regarding 112635
any transactions leading to a change of operator at a future time. 112636

Sec. 5124.528. (A) All amounts withheld under section 112637
5124.521 of the Revised Code from payment due an exiting operator 112638
under the medicaid program shall be deposited into the medicaid 112639
payment withholding fund created by the controlling board pursuant 112640
to section 131.35 of the Revised Code. Money in the fund shall be 112641
used as follows: 112642

(1) To pay an exiting operator when a withholding is released 112643

to the exiting operator under section 5124.526 or 5124.527 of the Revised Code; 112644
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(2) To pay the department of medicaid or department of developmental disabilities, and United States centers for medicare and medicaid services, the amount an exiting operator owes the department of medicaid or department of developmental disabilities and United States centers under the medicaid program. 112646
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(B) Amounts paid from the medicaid payment withholding fund pursuant to division (A)(2) of this section shall be deposited into the appropriate fund. 112651
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Sec. 5124.53. The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code to implement sections 5124.50 to 5124.53 of the Revised Code. The rules shall specify all of the following: 112654
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(A) The method by which written notices to the department required by sections 5124.50 to 5124.53 of the Revised Code are to be provided; 112658
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(B) The forms and documents that are to be provided to the department under sections 5124.511 and 5124.512 of the Revised Code, which shall include, in the case of such forms and documents provided by entering operators, all the fully executed leases, management agreements, merger agreements and supporting documents, and fully executed sales contracts and any other supporting documents culminating in the change of operator; 112661
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(C) The method by which the forms and documents identified in division (B) of this section are to be provided to the department. 112668
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~~Sec. 5111.874 5124.60. (A) As used in sections 5111.874 to 5111.8710 of the Revised Code:~~ 112670
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~~"Home and community based services" has the same meaning as~~ 112672

~~in section 5123.01 of the Revised Code.~~ 112673

~~"ICF/MR services" means intermediate care facility for the 112674
mentally retarded services covered by the medicaid program that an 112675
intermediate care facility for the mentally retarded provides to a 112676
resident of the facility who is a medicaid recipient eligible for 112677
medicaid covered intermediate care facility for the mentally 112678
retarded services.~~ 112679

~~"Intermediate care facility for the mentally retarded" means 112680
an intermediate care facility for the mentally retarded that is 112681
certified as in compliance with applicable standards for the 112682
medicaid program by the director of health in accordance with 112683
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 112684
U.S.C. 1396, as amended, and licensed as a residential facility 112685
under section 5123.19 of the Revised Code.~~ 112686

~~"Residential facility" has the same meaning as in section 112687
5123.19 of the Revised Code.~~ 112688

~~(B) For the purpose of increasing the number of slots 112689
available for home and community-based services and subject to 112690
sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of the Revised 112691
Code, the operator of an ~~intermediate care facility for the~~ 112692
~~mentally retarded~~ ICF/IID may convert some or all of the beds in 112693
the ~~facility~~ ICF/IID from providing ~~ICF/MR~~ ICF/IID services to 112694
providing home and community-based services if all of the 112695
following requirements are met:~~ 112696

(1) The operator provides the directors of health and 112697
developmental disabilities at least ninety days' notice of the 112698
operator's intent to make the conversion. 112699

(2) The operator complies with the requirements of sections 112700
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 112701
a voluntary termination as defined in ~~section 5111.65 of the~~ 112702
~~Revised Code~~ if those requirements are applicable. 112703

(3) If the operator intends to convert all of the ~~facility's~~ 112704
ICF/IID's beds, the operator notifies each of the ~~facility's~~ 112705
ICF/IID's residents that the ~~facility~~ ICF/IID is to cease 112706
providing ~~ICF/MR~~ ICF/IID services and inform each resident that 112707
the resident may do either of the following: 112708

(a) Continue to receive ~~ICF/MR~~ ICF/IID services by 112709
transferring to another ~~facility~~ ICF/IID that is ~~an intermediate~~ 112710
~~care facility for the mentally retarded~~ willing and able to accept 112711
the resident if the resident continues to qualify for ~~ICF/MR~~ 112712
ICF/IID services; 112713

(b) Begin to receive home and community-based services 112714
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112715
community-based services that is willing and able to provide the 112716
services to the resident if the resident is eligible for the 112717
services and a slot for the services is available to the resident. 112718

(4) If the operator intends to convert some but not all of 112719
the ~~facility's~~ ICF/IID's beds, the operator notifies each of the 112720
~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to 112721
convert some of its beds from providing ~~ICF/MR~~ ICF/IID services to 112722
providing home and community-based services and inform each 112723
resident that the resident may do either of the following: 112724

(a) Continue to receive ~~ICF/MR~~ ICF/IID services from any 112725
~~provider of services~~ ~~ICF/MR~~ ICF/IID that is willing and able to 112726
provide the services to the resident if the resident continues to 112727
qualify for ~~ICF/MR~~ ICF/IID services; 112728

(b) Begin to receive home and community-based services 112729
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112730
community-based services that is willing and able to provide the 112731
services to the resident if the resident is eligible for the 112732
services and a slot for the services is available to the resident. 112733

(5) The operator meets the requirements for providing home 112734

and community-based services, including the following: 112735

(a) Such requirements applicable to a residential facility if 112736
the operator maintains the facility's license as a residential 112737
facility; 112738

(b) Such requirements applicable to a facility that is not 112739
licensed as a residential facility if the operator surrenders the 112740
facility's license as a residential facility under section 5123.19 112741
of the Revised Code. 112742

(6) The director of developmental disabilities approves the 112743
conversion. 112744

~~(C)~~(B) A decision by the director of developmental 112745
disabilities to approve or refuse to approve a proposed conversion 112746
of beds is final. In making a decision, the director shall 112747
consider all of the following: 112748

(1) The fiscal impact on the ~~facility~~ ICF/IID if some but not 112749
all of the beds are converted; 112750

(2) The fiscal impact on the ~~medical assistance~~ medicaid 112751
program; 112752

(3) The availability of home and community-based services. 112753

~~(D)~~(C) The notice provided to the directors under division 112754
~~(B)~~(A)(1) of this section shall specify whether some or all of the 112755
~~facility's~~ ICF/IID's beds are to be converted. If some but not all 112756
of the beds are to be converted, the notice shall specify how many 112757
of the ~~facility's~~ ICF/IID's beds are to be converted and how many 112758
of the beds are to continue to provide ~~ICF/MR~~ ICF/IID services. 112759
The notice to the director of developmental disabilities shall 112760
specify whether the operator wishes to surrender the ~~facility's~~ 112761
ICF/IID's license as a residential facility under section 5123.19 112762
of the Revised Code. 112763

~~(E)~~(D)(1) If the director of developmental disabilities 112764

approves a conversion under division ~~(C)~~(B) of this section, the 112765
director of health shall do the following: 112766

(a) Terminate the ICF/IID's medicaid certification ~~of the~~ 112767
~~intermediate care facility for the mentally retarded~~ if the notice 112768
specifies that all of the ~~facility's~~ ICF/IID's beds are to be 112769
converted; 112770

(b) Reduce the ~~facility's certified~~ ICF/IID's 112771
medicaid-certified capacity by the number of beds being converted 112772
if the notice specifies that some but not all of the beds are to 112773
be converted. 112774

(2) The director of health shall notify the medicaid director 112775
~~of job and family services~~ of the termination or reduction. On 112776
receipt of the ~~director of health's~~ notice, the medicaid director 112777
~~of job and family services~~ shall do the following: 112778

(a) Terminate the operator's medicaid provider agreement that 112779
authorizes the operator to provide ~~ICF/MR~~ ICF/IID services at the 112780
~~facility~~ ICF/IID if the ~~facility's~~ ICF/IID's certification was 112781
terminated; 112782

(b) Amend the operator's medicaid provider agreement to 112783
reflect the ~~facility's~~ ICF/IID's reduced ~~certified~~ 112784
medicaid-certified capacity if the ~~facility's certified~~ ICF/IID's 112785
medicaid-certified capacity is reduced. 112786

(3) In the case of action taken under division ~~(E)~~(D)(2)(a) 112787
of this section, the operator is not entitled to notice or a 112788
hearing under Chapter 119. of the Revised Code before the medicaid 112789
~~director of job and family services~~ terminates the medicaid 112790
provider agreement. 112791

Sec. ~~5111.875~~ 5124.61. (A) For the purpose of increasing the 112792
number of slots available for home and community-based services 112793
and subject to sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of 112794

the Revised Code, a person who acquires, through a request for 112795
proposals issued by the director of developmental disabilities, a 112796
~~residential facility that is an intermediate care facility for the~~ 112797
~~mentally retarded and an ICF/IID~~ for which ~~the~~ a residential 112798
facility license ~~as a residential facility~~ was previously 112799
surrendered or revoked may convert some or all of the ~~facility's~~ 112800
ICF/IID's beds from providing ~~ICF/MR~~ ICF/IID services to providing 112801
home and community-based services if all of the following 112802
requirements are met: 112803

(1) The person provides the directors of health, ~~job and~~ 112804
~~family services,~~ and developmental disabilities and medicaid 112805
director at least ninety days' notice of the person's intent to 112806
make the conversion. 112807

(2) The person complies with the requirements of sections 112808
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 112809
a voluntary termination ~~as defined in section 5111.65 of the~~ 112810
~~Revised Code~~ if those requirements are applicable. 112811

(3) If the person intends to convert all of the ~~facility's~~ 112812
ICF/IID's beds, the person notifies each of the ~~facility's~~ 112813
ICF/IID's residents that the ~~facility~~ ICF/IID is to cease 112814
providing ~~ICF/MR~~ ICF/IID services and informs each resident that 112815
the resident may do either of the following: 112816

(a) Continue to receive ~~ICF/MR~~ ICF/IID services by 112817
transferring to another ~~facility that is an intermediate care~~ 112818
~~facility for the mentally retarded~~ ICF/IID willing and able to 112819
accept the resident if the resident continues to qualify for 112820
~~ICF/MR~~ ICF/IID services; 112821

(b) Begin to receive home and community-based services 112822
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112823
community-based services that is willing and able to provide the 112824
services to the resident if the resident is eligible for the 112825

services and a slot for the services is available to the resident. 112826

(4) If the person intends to convert some but not all of the 112827
~~facility's~~ ICF/IID's beds, the person notifies each of the 112828
~~facility's~~ ICF/IID's residents that the ~~facility~~ ICF/IID is to 112829
convert some of its beds from providing ~~ICF/MR~~ ICF/IID services to 112830
providing home and community-based services and inform each 112831
resident that the resident may do either of the following: 112832

(a) Continue to receive ~~ICF/MR~~ ICF/IID services from any 112833
~~provider of ICF/MR services~~ that is willing and able to provide 112834
the services to the resident if the resident continues to qualify 112835
for ~~ICF/MR~~ ICF/IID services; 112836

(b) Begin to receive home and community-based services 112837
instead of ~~ICF/MR~~ ICF/IID services from any provider of home and 112838
community-based services that is willing and able to provide the 112839
services to the resident if the resident is eligible for the 112840
services and a slot for the services is available to the resident. 112841

(5) The person meets the requirements for providing home and 112842
community-based services at a residential facility. 112843

(B) The notice provided to the directors under division 112844
(A)(1) of this section shall specify whether some or all of the 112845
~~facility's~~ ICF/IID's beds are to be converted. If some but not all 112846
of the beds are to be converted, the notice shall specify how many 112847
of the ~~facility's~~ ICF/IID's beds are to be converted and how many 112848
of the beds are to continue to provide ~~ICF/MR~~ ICF/IID services. 112849

(C) On receipt of a notice under division (A)(1) of this 112850
section, the director of health shall do the following: 112851

(1) Terminate the ICF/IID's medicaid certification ~~of the~~ 112852
~~intermediate care facility for the mentally retarded~~ if the notice 112853
specifies that all of the facility's beds are to be converted; 112854

(2) Reduce the ~~facility's~~ certified ICF/IID's 112855

medicaid-certified capacity by the number of beds being converted 112856
if the notice specifies that some but not all of the beds are to 112857
be converted. 112858

(D) The director of health shall notify the medicaid director 112859
~~of job and family services~~ of the termination or reduction under 112860
division (C) of this section. On receipt of the director of 112861
health's notice, the medicaid director ~~of job and family services~~ 112862
shall do the following: 112863

(1) Terminate the person's medicaid provider agreement that 112864
authorizes the person to provide ~~ICF/MR~~ ICF/IID services at the 112865
~~facility~~ ICF/IID if the ~~facility's~~ ICF/IID's medicaid 112866
certification was terminated; 112867

(2) Amend the person's medicaid provider agreement to reflect 112868
the ~~facility's~~ ICF/IID's reduced certified medicaid-certified 112869
capacity if the ~~facility's certified~~ ICF/IID's medicaid-certified 112870
capacity is reduced. 112871

The person is not entitled to notice or a hearing under 112872
Chapter 119. of the Revised Code before the medicaid director ~~of~~ 112873
~~job and family services~~ terminates or amends the medicaid provider 112874
agreement. 112875

Sec. ~~5111.876~~ 5124.62. Subject to section ~~5111.877~~ 5124.63 of 112876
the Revised Code, the director of developmental disabilities may 112877
request that the medicaid director ~~of job and family services~~ seek 112878
the approval of the United States secretary of health and human 112879
services to increase the number of slots available for home and 112880
community-based services by a number not exceeding the number of 112881
beds that were part of the licensed capacity of a residential 112882
facility that had its license revoked or surrendered under section 112883
5123.19 of the Revised Code if the residential facility was an 112884
~~intermediate care facility for the mentally retarded~~ ICF/IID at 112885
the time of the license revocation or surrender. The revocation or 112886

surrender may have occurred before, or may occur on or after, June 24, 2008. The request may include beds the director of developmental disabilities removed from such a residential facility's licensed capacity before transferring ownership or operation of the residential facility pursuant to a request for proposals.

Sec. ~~5111.877~~ 5124.63. The medicaid director ~~of job and family services~~ may seek approval from the United States secretary of health and human services for not more than a total of ~~five~~ six hundred slots for home and community-based services for the purposes of sections ~~5111.874~~ 5124.60, ~~5111.875~~ 5124.61, and ~~5111.876~~ 5124.62 of the Revised Code.

Sec. ~~5111.878~~ 5124.64. Not more than a total of ~~five~~ six hundred beds may be converted from providing ~~ICF/MR~~ ICF/IID services to providing home and community-based services under sections ~~5111.874~~ 5124.60 and ~~5111.875~~ 5124.61 of the Revised Code.

Sec. ~~5111.879~~ 5124.65. No person or government entity may reconvert a bed to be used for ~~ICF/MR~~ ICF/IID services if the bed was converted to use for home and community-based services under section ~~5111.874~~ 5124.60 or ~~5111.875~~ 5124.61 of the Revised Code. This prohibition applies regardless of either of the following:

(A) The bed is part of the licensed capacity of a residential facility.

(B) The bed has been sold, leased, or otherwise transferred to another person or government entity.

Sec. 5124.67. (A) The department of developmental disabilities shall strive to achieve, not later than July 1, 2018,

<u>the following statewide reductions in ICF/IID beds:</u>	112915
<u>(1) At least five hundred and not more than six hundred beds</u>	112916
<u>in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen</u>	112917
<u>or more beds;</u>	112918
<u>(2) At least five hundred and not more than six hundred beds</u>	112919
<u>in ICFs/IID with any number of beds that convert some or all of</u>	112920
<u>their beds from providing ICF/IID services to providing home and</u>	112921
<u>community-based services pursuant to section 5124.60 or 5124.61 of</u>	112922
<u>the Revised Code.</u>	112923
<u>(B) In its efforts to achieve the reductions under division</u>	112924
<u>(A) of this section, the department shall collaborate with the</u>	112925
<u>Ohio association of county boards serving people with</u>	112926
<u>developmental disabilities, the Ohio provider resource</u>	112927
<u>association, the Ohio centers for intellectual disabilities formed</u>	112928
<u>by the Ohio health care association, and the values and faith</u>	112929
<u>alliance. The collaboration efforts may include the following:</u>	112930
<u>(1) Identifying ICFs/IID that may reduce the number of their</u>	112931
<u>beds to help achieve the reductions under division (A) of this</u>	112932
<u>section;</u>	112933
<u>(2) Encouraging ICF/IID providers to reduce the number of</u>	112934
<u>their ICFs/IID's beds;</u>	112935
<u>(3) Establishing interim time frames for making progress in</u>	112936
<u>achieving the reductions;</u>	112937
<u>(4) Creating incentives for, and removing impediments to, the</u>	112938
<u>reductions;</u>	112939
<u>(5) In the case of ICF/IID beds that are converted to</u>	112940
<u>providing home and community-based services, developing a</u>	112941
<u>mechanism to compensate providers for beds that permanently cease</u>	112942
<u>to provide ICF/IID services.</u>	112943
<u>(C) The department shall meet not less than twice each year</u>	112944

with the organizations specified in division (B) of this section 112945
to do all of the following: 112946

(1) Review the progress being made in achieving the 112947
reductions under division (A) of this section; 112948

(2) Prepare written reports on the progress; 112949

(3) Identify additional measures needed to achieve the 112950
reductions. 112951

Sec. 5124.99. Whoever violates section 5124.102 or division 112952
(E) of section 5124.08 of the Revised Code shall be fined not less 112953
than five hundred dollars nor more than one thousand dollars for 112954
the first offense and not less than one thousand dollars nor more 112955
than five thousand dollars for each subsequent offense. 112956

Fines paid under this section shall be deposited in the state 112957
treasury to the credit of the general revenue fund. 112958

Sec. 5126.01. As used in this chapter: 112959

(A) As used in this division, "adult" means an individual who 112960
is eighteen years of age or over and not enrolled in a program or 112961
service under Chapter 3323. of the Revised Code and an individual 112962
sixteen or seventeen years of age who is eligible for adult 112963
services under rules adopted by the director of developmental 112964
disabilities pursuant to Chapter 119. of the Revised Code. 112965

(1) "Adult services" means services provided to an adult 112966
outside the home, except when they are provided within the home 112967
according to an individual's assessed needs and identified in an 112968
individual service plan, that support learning and assistance in 112969
the area of self-care, sensory and motor development, 112970
socialization, daily living skills, communication, community 112971
living, social skills, or vocational skills. 112972

(2) "Adult services" includes all of the following: 112973

(a) Adult day habilitation services;	112974
(b) Adult day care;	112975
(c) Prevocational services;	112976
(d) Sheltered employment;	112977
(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;	112978 112979 112980 112981 112982 112983 112984
(f) Community employment services and supported employment services.	112985 112986
(B)(1) "Adult day habilitation services" means adult services that do the following:	112987 112988
(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;	112989 112990 112991 112992 112993 112994 112995 112996
(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.	112997 112998 112999 113000
(2) "Adult day habilitation services" includes all of the following:	113001 113002
(a) Personal care services needed to ensure an individual's	113003

ability to experience and participate in vocational services, 113004
educational services, community activities, and any other adult 113005
day habilitation services; 113006

(b) Skilled services provided while receiving adult day 113007
habilitation services, including such skilled services as behavior 113008
management intervention, occupational therapy, speech and language 113009
therapy, physical therapy, and nursing services; 113010

(c) Training and education in self-determination designed to 113011
help the individual do one or more of the following: develop 113012
self-advocacy skills, exercise the individual's civil rights, 113013
acquire skills that enable the individual to exercise control and 113014
responsibility over the services received, and acquire skills that 113015
enable the individual to become more independent, integrated, or 113016
productive in the community; 113017

(d) Recreational and leisure activities identified in the 113018
individual's service plan as therapeutic in nature or assistive in 113019
developing or maintaining social supports; 113020

(e) Counseling and assistance provided to obtain housing, 113021
including such counseling as identifying options for either rental 113022
or purchase, identifying financial resources, assessing needs for 113023
environmental modifications, locating housing, and planning for 113024
ongoing management and maintenance of the housing selected; 113025

(f) Transportation necessary to access adult day habilitation 113026
services; 113027

(g) Habilitation management, as described in section 5126.14 113028
of the Revised Code. 113029

(3) "Adult day habilitation services" does not include 113030
activities that are components of the provision of residential 113031
services, family support services, or supported living services. 113032

(C) "Appointing authority" means the following: 113033

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

(D) "Community employment," "competitive employment," and "integrated setting" have the same meanings as in section 5123.022 of the Revised Code.

~~(E) "Community employment services" or "supported~~ Supported employment services" means vocational assessment, job training and coaching, job development and placement, worksite accessibility, and other services related to employment outside a sheltered workshop. ~~"Community employment services" or "supported~~ Supported employment services" ~~include all~~ includes both of the following:

(1) Job training resulting in the attainment of ~~competitive work~~ community employment, supported work in a typical work environment, or self-employment;

(2) ~~Supervised work experience through an employer paid to provide the supervised work experience;~~

~~(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;~~

~~(4) Ongoing supervision by an employer paid to provide the supervision~~ Support for ongoing community employment, supported work at community-based sites, or self-employment.

~~(E)~~(F) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability

that is characterized by all of the following: 113064

(1) It is attributable to a mental or physical impairment or 113065
a combination of mental and physical impairments, other than a 113066
mental or physical impairment solely caused by mental illness as 113067
defined in division (A) of section 5122.01 of the Revised Code; 113068

(2) It is manifested before age twenty-two; 113069

(3) It is likely to continue indefinitely; 113070

(4) It results in one of the following: 113071

(a) In the case of a person under age three, at least one 113072
developmental delay or an established risk; 113073

(b) In the case of a person at least age three but under age 113074
six, at least two developmental delays or an established risk; 113075

(c) In the case of a person age six or older, a substantial 113076
functional limitation in at least three of the following areas of 113077
major life activity, as appropriate for the person's age: 113078
self-care, receptive and expressive language, learning, mobility, 113079
self-direction, capacity for independent living, and, if the 113080
person is at least age sixteen, capacity for economic 113081
self-sufficiency. 113082

(5) It causes the person to need a combination and sequence 113083
of special, interdisciplinary, or other type of care, treatment, 113084
or provision of services for an extended period of time that is 113085
individually planned and coordinated for the person. 113086

~~(F)~~(G) "Early childhood services" means a planned program of 113087
habilitation designed to meet the needs of individuals with mental 113088
retardation or other developmental disabilities who have not 113089
attained compulsory school age. 113090

~~(G)~~(H) "Employment services" means prevocational services or 113091
supported employment services. 113092

(I)(1) "Environmental modifications" means the physical 113093

adaptations to an individual's home, specified in the individual's 113094
service plan, that are necessary to ensure the individual's 113095
health, safety, and welfare or that enable the individual to 113096
function with greater independence in the home, and without which 113097
the individual would require institutionalization. 113098

(2) "Environmental modifications" includes such adaptations 113099
as installation of ramps and grab-bars, widening of doorways, 113100
modification of bathroom facilities, and installation of 113101
specialized electric and plumbing systems necessary to accommodate 113102
the individual's medical equipment and supplies. 113103

(3) "Environmental modifications" does not include physical 113104
adaptations or improvements to the home that are of general 113105
utility or not of direct medical or remedial benefit to the 113106
individual, including such adaptations or improvements as 113107
carpeting, roof repair, and central air conditioning. 113108

~~(H)~~(J) "Family support services" means the services provided 113109
under a family support services program operated under section 113110
5126.11 of the Revised Code. 113111

~~(I)~~(K) "Habilitation" means the process by which the staff of 113112
the facility or agency assists an individual with mental 113113
retardation or other developmental disability in acquiring and 113114
maintaining those life skills that enable the individual to cope 113115
more effectively with the demands of the individual's own person 113116
and environment, and in raising the level of the individual's 113117
personal, physical, mental, social, and vocational efficiency. 113118
Habilitation includes, but is not limited to, programs of formal, 113119
structured education and training. 113120

~~(J)~~(L) "Home and community-based services" ~~means~~ 113121
~~medicaid funded home and community based services specified in~~ 113122
~~division (B)(1) of section 5111.87 of the Revised Code and~~ 113123
~~provided under the medicaid waiver components the department of~~ 113124

~~developmental disabilities administrators pursuant to~~ has the same 113125
~~meaning as in section 5111.871~~ 5123.01 of the Revised Code. 113126

~~However, home and community based services provided under the~~ 113127
~~medicaid waiver component known as the transitions developmental~~ 113128
~~disabilities waiver are to be considered to be home and~~ 113129
~~community based services for the purposes of this chapter only to~~ 113130
~~the extent, if any, provided by the contract required by section~~ 113131
~~5111.871 of the Revised Code regarding the waiver.~~ 113132

~~(K)~~(M) "ICF/IID" has the same meaning as in section 5124.01 113133
of the Revised Code. 113134

(N) "Immediate family" means parents, grandparents, brothers, 113135
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 113136
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 113137
daughters-in-law. 113138

~~(L)~~ "Medicaid" ~~has the same meaning as in section 5111.01 of~~ 113139
~~the Revised Code.~~ 113140

~~(M)~~(O) "Medicaid case management services" means case 113141
management services provided to an individual with mental 113142
retardation or other developmental disability that the state 113143
medicaid plan requires. 113144

~~(N)~~(P) "Mental retardation" means a mental impairment 113145
manifested during the developmental period characterized by 113146
significantly subaverage general intellectual functioning existing 113147
concurrently with deficiencies in the effectiveness or degree with 113148
which an individual meets the standards of personal independence 113149
and social responsibility expected of the individual's age and 113150
cultural group. 113151

~~(O)~~(Q) "Prevocational services" means services, including 113152
services as a volunteer, that provide learning and work 113153
experiences from which an individual can develop general strengths 113154
and skills that are not specific to a particular task or job but 113155

contribute to employability in community employment, supported 113156
work at community-based sites, or self-employment. 113157

(R) "Residential services" means services to individuals with 113158
mental retardation or other developmental disabilities to provide 113159
housing, food, clothing, habilitation, staff support, and related 113160
support services necessary for the health, safety, and welfare of 113161
the individuals and the advancement of their quality of life. 113162
"Residential services" includes program management, as described 113163
in section 5126.14 of the Revised Code. 113164

~~(P)~~(S) "Resources" means available capital and other assets, 113165
including moneys received from the federal, state, and local 113166
governments, private grants, and donations; appropriately 113167
qualified personnel; and appropriate capital facilities and 113168
equipment. 113169

~~(Q)~~(T) "Senior probate judge" means the current probate judge 113170
of a county who has served as probate judge of that county longer 113171
than any of the other current probate judges of that county. If a 113172
county has only one probate judge, "senior probate judge" means 113173
that probate judge. 113174

~~(R)~~(U) "Service and support administration" means the duties 113175
performed by a service and support administrator pursuant to 113176
section 5126.15 of the Revised Code. 113177

~~(S)~~(V)(1) "Specialized medical, adaptive, and assistive 113178
equipment, supplies, and supports" means equipment, supplies, and 113179
supports that enable an individual to increase the ability to 113180
perform activities of daily living or to perceive, control, or 113181
communicate within the environment. 113182

(2) "Specialized medical, adaptive, and assistive equipment, 113183
supplies, and supports" includes the following: 113184

(a) Eating utensils, adaptive feeding dishes, plate guards, 113185
mylatex straps, hand splints, reaches, feeder seats, adjustable 113186

pointer sticks, interpreter services, telecommunication devices 113187
for the deaf, computerized communications boards, other 113188
communication devices, support animals, veterinary care for 113189
support animals, adaptive beds, supine boards, prone boards, 113190
wedges, sand bags, sidelayers, bolsters, adaptive electrical 113191
switches, hand-held shower heads, air conditioners, humidifiers, 113192
emergency response systems, folding shopping carts, vehicle lifts, 113193
vehicle hand controls, other adaptations of vehicles for 113194
accessibility, and repair of the equipment received. 113195

(b) Nondisposable items not covered by medicaid that are 113196
intended to assist an individual in activities of daily living or 113197
instrumental activities of daily living. 113198

~~(T)~~(W) "Supportive home services" means a range of services 113199
to families of individuals with mental retardation or other 113200
developmental disabilities to develop and maintain increased 113201
acceptance and understanding of such persons, increased ability of 113202
family members to teach the person, better coordination between 113203
school and home, skills in performing specific therapeutic and 113204
management techniques, and ability to cope with specific 113205
situations. 113206

~~(U)~~(X)(1) "Supported living" means services provided for as 113207
long as twenty-four hours a day to an individual with mental 113208
retardation or other developmental disability through any public 113209
or private resources, including moneys from the individual, that 113210
enhance the individual's reputation in community life and advance 113211
the individual's quality of life by doing the following: 113212

(a) Providing the support necessary to enable an individual 113213
to live in a residence of the individual's choice, with any number 113214
of individuals who are not disabled, or with not more than three 113215
individuals with mental retardation and developmental disabilities 113216
unless the individuals are related by blood or marriage; 113217

(b) Encouraging the individual's participation in the community;	113218 113219
(c) Promoting the individual's rights and autonomy;	113220
(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.	113221 113222 113223
(2) "Supported living" includes the provision of all of the following:	113224 113225
(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;	113226 113227 113228 113229
(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;	113230 113231 113232 113233 113234
(c) Personal care services and homemaker services;	113235
(d) Household maintenance that does not include modifications to the physical structure of the residence;	113236 113237
(e) Respite care services;	113238
(f) Program management, as described in section 5126.14 of the Revised Code.	113239 113240
Sec. 5126.026. Except as otherwise provided in this section and section 5126.0218 of the Revised Code, a member of a county board of developmental disabilities may be reappointed to the county board. Prior to making a reappointment, the appointing authority shall ascertain, through written communication with the board, that the member being considered for reappointment meets	113241 113242 113243 113244 113245 113246

the requirements of sections 5126.022 and 5126.0218 of the Revised Code. 113247
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A member who has served during each of three consecutive terms shall not be reappointed for a subsequent term until two years after ceasing to be a member of the county board, except that a member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years. 113249
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If, however, a county board experiences extenuating circumstances that would severely restrict the board from being able to fill a pending vacancy of a board member who will become ineligible for service on the board after serving three consecutive terms, the appointing authority may request a waiver from the director of developmental disabilities to allow that member to serve an additional four-year term subsequent to serving three consecutive four-year terms. The director shall determine if the extenuating circumstances associated with the board warrant the granting of such a waiver. 113255
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Sec. 5126.043. (A) Unless a guardian has been appointed for the individual, when a decision regarding receipt of a service or participation in a program provided for or funded under this chapter or Chapter 5123. or 5124. of the Revised Code by an individual with mental retardation or other developmental disability must be made, the individual shall be permitted to make the decision. The individual may obtain support and guidance from an adult family member or other person, but doing so does not affect the right of the individual to make the decision. 113265
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(B) An individual with mental retardation or other developmental disability may authorize an adult to make a decision described in division (A) of this section on the individual's behalf, as long as the adult does not have a financial interest in 113274
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the decision. The authorization shall be made in writing. 113278

(C) If a guardian has been appointed for an individual with 113279
mental retardation or other developmental disability, the guardian 113280
shall make any decision described in division (A) of this section 113281
on behalf of the individual. This section does not require 113282
appointment of a guardian. 113283

(D) Individuals with mental retardation and other 113284
developmental disabilities, including those who have been 113285
adjudicated incompetent pursuant to Chapter 2111. of the Revised 113286
Code, have the right to participate in decisions that affect their 113287
lives and to have their needs, desires, and preferences 113288
considered. An adult or guardian who makes a decision pursuant to 113289
division (B) or (C) of this section shall make a decision that is 113290
in the best interests of the individual on whose behalf the 113291
decision is made and that is consistent with the needs, desires, 113292
and preferences of that individual. 113293

Sec. 5126.05. (A) Subject to the rules established by the 113294
director of developmental disabilities pursuant to Chapter 119. of 113295
the Revised Code for programs and services offered pursuant to 113296
this chapter, and subject to the rules established by the state 113297
board of education pursuant to Chapter 119. of the Revised Code 113298
for programs and services offered pursuant to Chapter 3323. of the 113299
Revised Code, the county board of developmental disabilities 113300
shall: 113301

(1) Administer and operate facilities, programs, and services 113302
as provided by this chapter and Chapter 3323. of the Revised Code 113303
and establish policies for their administration and operation; 113304

(2) Coordinate, monitor, and evaluate existing services and 113305
facilities available to individuals with mental retardation and 113306
developmental disabilities; 113307

(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;	113308 113309 113310
(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;	113311 113312 113313 113314 113315
(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;	113316 113317 113318 113319 113320 113321
(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;	113322 113323 113324 113325 113326
(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;	113327 113328 113329 113330 113331 113332
(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;	113333 113334
(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;	113335 113336 113337
<u>(10) Implement an employment first policy that clearly</u>	113338

identifies community employment as the desired outcome for every 113339
individual of working age who receives services from the board; 113340

(11) Set benchmarks for improving community employment 113341
outcomes. 113342

(B) To the extent that rules adopted under this section apply 113343
to the identification and placement of children with disabilities 113344
under Chapter 3323. of the Revised Code, they shall be consistent 113345
with the standards and procedures established under sections 113346
3323.03 to 3323.05 of the Revised Code. 113347

(C) Any county board may enter into contracts with other such 113348
boards and with public or private, nonprofit, or profit-making 113349
agencies or organizations of the same or another county, to 113350
provide the facilities, programs, and services authorized or 113351
required, upon such terms as may be agreeable, and in accordance 113352
with this chapter and Chapter 3323. of the Revised Code and rules 113353
adopted thereunder and in accordance with sections 307.86 and 113354
5126.071 of the Revised Code. 113355

(D) A county board may combine transportation for children 113356
and adults enrolled in programs and services offered under Chapter 113357
5126. of the Revised Code with transportation for children 113358
enrolled in classes funded under ~~section~~ sections 3317.0213 and 113359
3317.20 ~~or units approved under section 3317.05~~ of the Revised 113360
Code. 113361

(E) A county board may purchase all necessary insurance 113362
policies, may purchase equipment and supplies through the 113363
department of administrative services or from other sources, and 113364
may enter into agreements with public agencies or nonprofit 113365
organizations for cooperative purchasing arrangements. 113366

(F) A county board may receive by gift, grant, devise, or 113367
bequest any moneys, lands, or property for the benefit of the 113368
purposes for which the board is established and hold, apply, and 113369

dispose of the moneys, lands, and property according to the terms 113370
of the gift, grant, devise, or bequest. All money received by 113371
gift, grant, bequest, or disposition of lands or property received 113372
by gift, grant, devise, or bequest shall be deposited in the 113373
county treasury to the credit of such board and shall be available 113374
for use by the board for purposes determined or stated by the 113375
donor or grantor, but may not be used for personal expenses of the 113376
board members. Any interest or earnings accruing from such gift, 113377
grant, devise, or bequest shall be treated in the same manner and 113378
subject to the same provisions as such gift, grant, devise, or 113379
bequest. 113380

(G) The board of county commissioners shall levy taxes and 113381
make appropriations sufficient to enable the county board of 113382
developmental disabilities to perform its functions and duties, 113383
and may utilize any available local, state, and federal funds for 113384
such purpose. 113385

Sec. 5126.051. (A) To the extent that resources are 113386
available, a county board of developmental disabilities shall 113387
provide for or arrange residential services and supported living 113388
for individuals with mental retardation and developmental 113389
disabilities. 113390

A county board may acquire, convey, lease, or sell property 113391
for residential services and supported living and enter into loan 113392
agreements, including mortgages, for the acquisition of such 113393
property. A county board is not required to comply with provisions 113394
of Chapter 307. of the Revised Code providing for competitive 113395
bidding or sheriff sales in the acquisition, lease, conveyance, or 113396
sale of property under this division, but the acquisition, lease, 113397
conveyance, or sale must be at fair market value determined by 113398
appraisal of one or more disinterested persons appointed by the 113399
board. 113400

Any action taken by a county board under this division that 113401
will incur debt on the part of the county shall be taken in 113402
accordance with Chapter 133. of the Revised Code. A county board 113403
shall not incur any debt on the part of the county without the 113404
prior approval of the board of county commissioners. 113405

(B)(1) To the extent that resources are available, ~~in~~ 113406
~~addition to sheltered employment and work activities provided as a~~ 113407
~~county board shall provide or arrange for the provision of adult~~ 113408
~~services pursuant to division (A)(3) of section 5126.05 of the~~ 113409
~~Revised Code, a county board of developmental disabilities may~~ 113410
~~provide or arrange for job training, vocational evaluation, and~~ 113411
~~community employment services to mentally retarded and~~ 113412
~~developmentally disabled~~ individuals who are age eighteen and 113413
older and not enrolled in a program or service under Chapter 3323. 113414
of the Revised Code or age sixteen or seventeen and eligible for 113415
adult services under rules adopted by the director of 113416
developmental disabilities under Chapter 119. of the Revised Code. 113417
These services shall be provided in accordance with the 113418
individual's individual service ~~or habilitation~~ plan and shall 113419
include support services specified in the plan. 113420

(2) Any prevocational services shall be provided in 113421
accordance with the individual's individual service plan and occur 113422
over a specified period of time with specific outcomes sought to 113423
be achieved. 113424

(3) A county board may, in cooperation with the Ohio 113425
rehabilitation services commission opportunities for Ohioans with 113426
disabilities agency, seek federal funds for job training and or 113427
other services directly at helping individuals obtain community 113428
employment. 113429

~~(3)~~(4) A county board may contract with any agency, board, or 113430
other entity that is accredited by the commission on accreditation 113431
of rehabilitation facilities to provide services. A county board 113432

that is accredited by the commission on accreditation of 113433
rehabilitation facilities may provide services for which it is 113434
certified by the commission. 113435

(C) To the extent that resources are available, a county 113436
board may provide services to an individual with mental 113437
retardation or other developmental disability in addition to those 113438
provided pursuant to this section, section 5126.05 of the Revised 113439
Code, or any other section of this chapter. The services shall be 113440
provided in accordance with the individual's ~~habilitation or~~ 113441
individual service plan and may be provided in collaboration with 113442
other entities of state or local government. 113443

Sec. 5126.054. (A) Each county board of developmental 113444
disabilities shall, by resolution, develop a three-calendar year 113445
plan that includes the following three components: 113446

(1) An assessment component that includes all of the 113447
following: 113448

(a) The number of individuals with mental retardation or 113449
other developmental disability residing in the county who need the 113450
level of care provided by an ~~intermediate care facility for the~~ 113451
~~mentally retarded~~ ICF/IID, may seek home and community-based 113452
services, and are given priority on a waiting list established for 113453
the services pursuant to section 5126.042 of the Revised Code; the 113454
service needs of those individuals; and the projected annualized 113455
cost for services; 113456

(b) The source of funds available to the county board to pay 113457
the nonfederal share of medicaid expenditures that the county 113458
board is required by sections 5126.059 and 5126.0510 of the 113459
Revised Code to pay; 113460

(c) Any other applicable information or conditions that the 113461
department of developmental disabilities requires as a condition 113462

of approving the component under section 5123.046 of the Revised Code. 113463
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(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to the waiting list priority given to them under section 5126.042 of the Revised Code and the types of home and community-based services the individuals are to receive; 113465
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(3) A component that provides for the implementation of medicaid case management services and home and community-based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component: 113471
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(a) If the department of developmental disabilities or department of ~~job and family services~~ medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay; 113477
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(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals who have priority on a waiting list established under section 5126.042 of the Revised Code; 113482
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(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component; 113486
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(d) Assurances adequate to the department that the county board will comply with all of the following requirements: 113490
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(i) To provide the types of home and community-based services specified in the preliminary implementation component required by 113492
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division (A)(2) of this section to at least the number of 113494
individuals specified in that component; 113495

(ii) To use any additional funds the county board receives 113496
for the services to improve the county board's resource 113497
capabilities for supporting such services available in the county 113498
at the time the component is developed and to expand the services 113499
to accommodate the unmet need for those services in the county; 113500

(iii) To employ or contract with a business manager or enter 113501
into an agreement with another county board of developmental 113502
disabilities that employs or contracts with a business manager to 113503
have the business manager serve both county boards. No 113504
superintendent of a county board may serve as the county board's 113505
business manager. 113506

(iv) To employ or contract with a medicaid services manager 113507
or enter into an agreement with another county board of 113508
developmental disabilities that employs or contracts with a 113509
medicaid services manager to have the medicaid services manager 113510
serve both county boards. No superintendent of a county board may 113511
serve as the county board's medicaid services manager. 113512

(e) Programmatic and financial accountability measures and 113513
projected outcomes expected from the implementation of the plan; 113514

(f) Any other applicable information or conditions that the 113515
department requires as a condition of approving the component 113516
under section 5123.046 of the Revised Code. 113517

(B) A county board whose plan developed under division (A) of 113518
this section is approved by the department under section 5123.046 113519
of the Revised Code shall update and renew the plan in accordance 113520
with a schedule the department shall develop. 113521

Sec. 5126.055. (A) Except as provided in section 5126.056 of 113522
the Revised Code, a county board of developmental disabilities has 113523

medicaid local administrative authority to, and shall, do all of 113524
the following for an individual with mental retardation or other 113525
developmental disability who resides in the county that the county 113526
board serves and seeks or receives home and community-based 113527
services: 113528

(1) Perform assessments and evaluations of the individual. As 113529
part of the assessment and evaluation process, the county board 113530
shall do all of the following: 113531

(a) Make a recommendation to the department of developmental 113532
disabilities on whether the department should approve or deny the 113533
individual's application for the services, including on the basis 113534
of whether the individual needs the level of care an ~~intermediate~~ 113535
~~care facility for the mentally retarded~~ ICF/IID provides; 113536

(b) If the individual's application is denied because of the 113537
county board's recommendation and the individual ~~requests a~~ 113538
~~hearing under~~ appeals pursuant to section 5101.35 5160.31 of the 113539
Revised Code, present, with the department of developmental 113540
disabilities or department of ~~job and family services~~ medicaid, 113541
whichever denies the application, the reasons for the 113542
recommendation and denial at the hearing; 113543

(c) If the individual's application is approved, recommend to 113544
the departments of developmental disabilities and ~~job and family~~ 113545
~~services~~ medicaid the services that should be included in the 113546
individual's individualized service plan and, if either department 113547
approves, reduces, denies, or terminates a service included in the 113548
individual's individualized service plan under section ~~5111.871~~ 113549
5166.20 of the Revised Code because of the county board's 113550
recommendation, present, with the department that made the 113551
approval, reduction, denial, or termination, the reasons for the 113552
recommendation and approval, reduction, denial, or termination at 113553
a hearing held pursuant to an appeal made under section ~~5101.35~~ 113554
5160.31 of the Revised Code. 113555

(2) Perform any duties assigned to the county board in rules adopted under section 5126.046 of the Revised Code regarding the individual's right to choose a qualified and willing provider of the services and, at a hearing held pursuant to an appeal made under section ~~5101.35~~ 5160.31 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers;

(3) If the county board is certified under section 5123.161 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individualized service plan that includes coordination of services, recommend that the departments of developmental disabilities and ~~job and family services~~ medicaid approve the plan, and implement the plan unless either department disapproves it. The individualized service plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the 113587
duties under division (B)(9) of section 5126.15 of the Revised 113588
Code that concern the individual. 113589

(B) A county board shall perform its medicaid local 113590
administrative authority under this section in accordance with all 113591
of the following: 113592

(1) The county board's plan that the department of 113593
developmental disabilities approves under section 5123.046 of the 113594
Revised Code; 113595

(2) All applicable federal and state laws; 113596

(3) All applicable policies of the departments of 113597
developmental disabilities and ~~job and family services~~ medicaid 113598
and the United States department of health and human services; 113599

(4) The department of ~~job and family services'~~ medicaid's 113600
supervision under its authority ~~under section 5111.01 of the~~ 113601
~~Revised Code to act~~ as the single state medicaid agency; 113602

(5) The department of developmental disabilities' oversight. 113603

(C) The departments of developmental disabilities and ~~job and~~ 113604
~~family services~~ medicaid shall communicate with and provide 113605
training to county boards regarding medicaid local administrative 113606
authority granted by this section. The communication and training 113607
shall include issues regarding audit protocols and other standards 113608
established by the United States department of health and human 113609
services that the departments determine appropriate for 113610
communication and training. County boards shall participate in the 113611
training. The departments shall assess the county board's 113612
compliance against uniform standards that the departments shall 113613
establish. 113614

(D) A county board may not delegate its medicaid local 113615
administrative authority granted under this section but may 113616

contract with a person or government entity, including a council 113617
of governments, for assistance with its medicaid local 113618
administrative authority. A county board that enters into such a 113619
contract shall notify the director of developmental disabilities. 113620
The notice shall include the tasks and responsibilities that the 113621
contract gives to the person or government entity. The person or 113622
government entity shall comply in full with all requirements to 113623
which the county board is subject regarding the person or 113624
government entity's tasks and responsibilities under the contract. 113625
The county board remains ultimately responsible for the tasks and 113626
responsibilities. 113627

(E) A county board that has medicaid local administrative 113628
authority under this section shall, through the departments of 113629
developmental disabilities and ~~job and family services~~ medicaid, 113630
reply to, and cooperate in arranging compliance with, a program or 113631
fiscal audit or program violation exception that a state or 113632
federal audit or review discovers. The department of ~~job and~~ 113633
~~family services~~ medicaid shall timely notify the department of 113634
developmental disabilities and the county board of any adverse 113635
findings. After receiving the notice, the county board, in 113636
conjunction with the department of developmental disabilities, 113637
shall cooperate fully with the department of ~~job and family~~ 113638
~~services~~ medicaid and timely prepare and send to the department a 113639
written plan of correction or response to the adverse findings. 113640
The county board is liable for any adverse findings that result 113641
from an action it takes or fails to take in its implementation of 113642
medicaid local administrative authority. 113643

(F) If the department of developmental disabilities or 113644
department of ~~job and family services~~ medicaid determines that a 113645
county board's implementation of its medicaid local administrative 113646
authority under this section is deficient, the department that 113647
makes the determination shall require that county board do the 113648

following: 113649

(1) If the deficiency affects the health, safety, or welfare 113650
of an individual with mental retardation or other developmental 113651
disability, correct the deficiency within twenty-four hours; 113652

(2) If the deficiency does not affect the health, safety, or 113653
welfare of an individual with mental retardation or other 113654
developmental disability, receive technical assistance from the 113655
department or submit a plan of correction to the department that 113656
is acceptable to the department within sixty days and correct the 113657
deficiency within the time required by the plan of correction. 113658

Sec. 5126.131. (A)(1) Each regional council established under 113659
section 5126.13 of the Revised Code shall file with the department 113660
of developmental disabilities an annual cost report detailing the 113661
regional council's income and expenditures. 113662

(2) Each county board of developmental disabilities shall 113663
file with the department an annual cost report detailing the 113664
board's income and expenditures. 113665

(B)(1)(a) Unless the department establishes a later date for 113666
all regional council cost reports, each council shall file its 113667
cost report not later than the last day of April. At the written 113668
request of a regional council, the department may grant a 113669
fourteen-day extension for filing the cost report. 113670

(b) Unless the department establishes a later date for all 113671
county board cost reports, each board shall file its cost report 113672
not later than the last day of May. At the written request of a 113673
board, the department may grant a fourteen-day extension for 113674
filing the board's cost report. 113675

(2) The cost report shall contain information on the previous 113676
calendar year's income and expenditures. Once filed by a regional 113677
council or board, no changes may be made to the cost report, 113678

including the submission of additional documentation, except as 113679
otherwise provided in this section. 113680

(C) Each cost report filed under this section by a regional 113681
council or board shall be audited by the department or an entity 113682
designated by the department. The department or designated entity 113683
shall notify the regional council or board of the date on which 113684
the audit is to begin. The department may permit a regional 113685
council or board to submit changes to the cost report before the 113686
audit begins. 113687

If the department or designated entity determines that a 113688
filed cost report is not auditable, it shall provide written 113689
notification to the regional council or board of the cost report's 113690
deficiencies and may request additional documentation. If the 113691
department or designated entity requests additional documentation, 113692
the regional council or board shall be given sixty days after the 113693
request is made to provide the additional documentation. After 113694
sixty days, the department or designated entity shall determine 113695
whether the cost report is auditable with any additional 113696
documentation provided and shall notify the regional council or 113697
board of its determination. The determination of the department or 113698
designated entity is final. 113699

(D) The department or designated entity shall certify its 113700
audit as complete and file a copy of the certified audit in the 113701
office of the clerk of the governing body, executive officer of 113702
the governing body, and chief fiscal officer of the audited 113703
regional council or board. Changes may not be made to a cost 113704
report once the department or designated entity files the 113705
certified audit. The cost report is not a public record under 113706
section 149.43 of the Revised Code until copies of the cost report 113707
are filed pursuant to this section. 113708

(E) The department may withhold any funds that it distributes 113709
to a regional council or board as subsidy payments if either of 113710

the following is the case: 113711

(1) The cost report is not timely filed by the regional council or board with the department in accordance with division (B) of this section. 113712
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(2) The cost report is determined not auditable under division (C) of this section after the department or designated entity gives the regional council or board sixty days to provide additional documentation. 113715
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(F) Cost reports shall be retained by regional councils and boards for seven years. The department shall provide annual training to regional council and board employees regarding cost reports required by this section. 113719
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(G) The department, in accordance with Chapter 119. of the Revised Code, may adopt any rules necessary to implement this section. 113723
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Sec. 5139.03. The department of youth services shall control and manage all state institutions or facilities established or created for the training or rehabilitation of delinquent children committed to the department, except where the control and management of an institution or facility is vested by law in another agency. The department shall employ, in addition to other personnel authorized under Chapter 5139. of the Revised Code, sufficient personnel to maintain food service and buildings and grounds operations. 113726
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The department of youth services shall, insofar as practicable, purchase foods and other commodities incident to food service operations from the department of ~~mental health~~ mental health and addiction services. The department of youth services may enter into agreements with the department of ~~mental health~~ mental health and addiction services providing for assistance and 113735
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consultation in the construction of, or major modifications to, 113741
capital facilities of the department of youth services. 113742

The directors of ~~mental health~~ mental health and addiction 113743
services and of youth services shall enter into written agreements 113744
to implement this section. Such directors may, from time to time, 113745
amend any agreements entered into under this section for the 113746
purposes of making more efficient use of personnel, taking 113747
advantage of economies in quantity purchasing, or for any other 113748
purpose which is mutually advantageous to both the department of 113749
youth services and the department of ~~mental health~~ mental health
and addiction services. 113750
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The department of youth services may transfer any of its 113752
excess or surplus supplies to a community corrections facility. 113753
These supplies shall remain the property of the department for a 113754
period of five years from the date of the transfer. After the 113755
five-year period, the supplies shall become the property of the 113756
facility. 113757

Sec. 5139.04. The department of youth services shall do all 113758
of the following: 113759

(A) Support service districts through a central 113760
administrative office that shall have as its administrative head a 113761
deputy director who shall be appointed by the director of the 113762
department. When a vacancy occurs in the office of that deputy 113763
director, an assistant deputy director shall act as that deputy 113764
director until the vacancy is filled. The position of deputy 113765
director and assistant deputy director described in this division 113766
shall be in the unclassified civil service of the state. 113767

(B) Receive custody of all children committed to it under 113768
Chapter 2152. of the Revised Code, cause a study to be made of 113769
those children, and issue any orders, as it considers best suited 113770
to the needs of any of those children and the interest of the 113771

public, for the treatment of each of those children; 113772

(C) Obtain personnel necessary for the performance of its 113773
duties; 113774

(D) Adopt rules that regulate its organization and operation, 113775
that implement sections 5139.34 and 5139.41 to 5139.43 of the 113776
Revised Code, and that pertain to the administration of other 113777
sections of this chapter; 113778

(E) Submit reports of its operations to the governor and the 113779
general assembly by the thirty-first day of January of each 113780
odd-numbered year; 113781

(F) Conduct a program of research in diagnosis, training, and 113782
treatment of delinquent children to evaluate the effectiveness of 113783
the department's services and to develop more adequate methods; 113784

(G) Develop a standard form for the disposition investigation 113785
report that a juvenile court is required pursuant to section 113786
2152.18 of the Revised Code to complete and provide to the 113787
department when the court commits a child to the legal custody of 113788
the department; 113789

(H) Provide the state public defender the reasonable access 113790
authorized under division (I) of section 120.06 of the Revised 113791
Code in order to fulfill the department's constitutional 113792
obligation to provide juveniles who have been committed to the 113793
department's care access to the courts. 113794

(I) Do all other acts necessary or desirable to carry out 113795
this chapter. 113796

Sec. 5139.08. The department of youth services may enter into 113797
an agreement with the director of rehabilitation and correction 113798
pursuant to which the department of youth services, in accordance 113799
with division (C)(2) of section 5139.06 and section 5120.162 of 113800
the Revised Code, may transfer to a correctional medical center 113801

established by the department of rehabilitation and correction, 113802
children who are within its custody for diagnosis or treatment of 113803
an illness, physical condition, or other medical problem. The 113804
department of youth services may enter into any other agreements 113805
with the director of job and family services, the director of 113806
~~mental health~~ mental health and addiction services, the director 113807
of developmental disabilities, the director of rehabilitation and 113808
correction, with the courts having probation officers or other 113809
public officials, and with private agencies or institutions for 113810
separate care or special treatment of children subject to the 113811
control of the department of youth services. The department of 113812
youth services may, upon the request of a juvenile court not 113813
having a regular probation officer, provide probation services for 113814
such court. 113815

Upon request by the department of youth services, any public 113816
agency or group care facility established or administered by the 113817
state for the care and treatment of children and youth shall, 113818
consistent with its functions, accept and care for any child whose 113819
custody is vested in the department in the same manner as it would 113820
be required to do if custody had been vested by a court in such 113821
agency or group care facility. If the department has reasonable 113822
grounds to believe that any child or youth whose custody is vested 113823
in it is mentally ill or mentally retarded, the department may 113824
file an affidavit under section 5122.11 or 5123.76 of the Revised 113825
Code. The department's affidavit for admission of a child or youth 113826
to such institution shall be filed with the probate court of the 113827
county from which the child was committed to the department. Such 113828
court may request the probate court of the county in which the 113829
child is held to conduct the hearing on the application, in which 113830
case the court making such request shall bear the expenses of the 113831
proceeding. If the department files such an affidavit, the child 113832
or youth may be kept in such institution until a final decision on 113833
the affidavit is made by the appropriate court. 113834

Sec. 5139.34. (A) Funds may be appropriated to the department 113835
of youth services for the purpose of granting state subsidies to 113836
counties. A county or the juvenile court that serves a county 113837
shall use state subsidies granted to the county pursuant to this 113838
section only in accordance with divisions (B)(2)(a) and (3)(a) of 113839
section 5139.43 of the Revised Code and the rules pertaining to 113840
the state subsidy funds that the department adopts pursuant to 113841
division (D) of section 5139.04 of the Revised Code. The 113842
department shall not grant financial assistance pursuant to this 113843
section for the provision of care and services for children in a 113844
placement facility unless the facility has been certified, 113845
licensed, or approved by a state or national agency with 113846
certification, licensure, or approval authority, including, but 113847
not limited to, the department of job and family services, 113848
department of education, department of ~~mental health~~ mental health 113849
and addiction services, department of developmental disabilities, 113850
or American correctional association. For the purposes of this 113851
section, placement facilities do not include a state institution 113852
or a county or district children's home. 113853

The department also shall not grant financial assistance 113854
pursuant to this section for the provision of care and services 113855
for children, including, but not limited to, care and services in 113856
a detention facility, in another facility, or in out-of-home 113857
placement, unless the minimum standards applicable to the care and 113858
services that the department prescribes in rules adopted pursuant 113859
to division (D) of section 5139.04 of the Revised Code have been 113860
satisfied. 113861

(B) The department of youth services shall apply the 113862
following formula to determine the amount of the annual grant that 113863
each county is to receive pursuant to division (A) of this 113864
section, subject to the appropriation for this purpose to the 113865
department made by the general assembly: 113866

(1) Each county shall receive a basic annual grant of fifty thousand dollars. 113867
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(2) The sum of the basic annual grants provided under division (B)(1) of this section shall be subtracted from the total amount of funds appropriated to the department of youth services for the purpose of making grants pursuant to division (A) of this section to determine the remaining portion of the funds appropriated. The remaining portion of the funds appropriated shall be distributed on a per capita basis to each county that has a population of more than twenty-five thousand for that portion of the population of the county that exceeds twenty-five thousand. 113869
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(C)(1) Prior to a county's receipt of an annual grant pursuant to this section, the juvenile court that serves the county shall prepare, submit, and file in accordance with division (B)(3)(a) of section 5139.43 of the Revised Code an annual grant agreement and application for funding that is for the combined purposes of, and that satisfies the requirements of, this section and section 5139.43 of the Revised Code. In addition to the subject matters described in division (B)(3)(a) of section 5139.43 of the Revised Code or in the rules that the department adopts to implement that division, the annual grant agreement and application for funding shall address fiscal accountability and performance matters pertaining to the programs, care, and services that are specified in the agreement and application and for which state subsidy funds granted pursuant to this section will be used. 113878
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(2) The county treasurer of each county that receives an annual grant pursuant to this section shall deposit the state subsidy funds so received into the county's felony delinquent care and custody fund created pursuant to division (B)(1) of section 5139.43 of the Revised Code. Subject to exceptions prescribed in section 5139.43 of the Revised Code that may apply to the disbursement, the department shall disburse the state subsidy 113892
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funds to which a county is entitled in a lump sum payment that 113899
shall be made in July of each calendar year. 113900

(3) Upon an order of the juvenile court that serves a county 113901
and subject to appropriation by the board of county commissioners 113902
of that county, a county treasurer shall disburse from the 113903
county's felony delinquent care and custody fund the state subsidy 113904
funds granted to the county pursuant to this section for use only 113905
in accordance with this section, the applicable provisions of 113906
section 5139.43 of the Revised Code, and the county's approved 113907
annual grant agreement and application for funding. 113908

(4) The moneys in a county's felony delinquent care and 113909
custody fund that represent state subsidy funds granted pursuant 113910
to this section are subject to appropriation by the board of 113911
county commissioners of the county; shall be disbursed by the 113912
county treasurer as required by division (C)(3) of this section; 113913
shall be used in the manners referred to in division (C)(3) of 113914
this section; shall not revert to the county general fund at the 113915
end of any fiscal year; shall carry over in the felony delinquent 113916
care and custody fund from the end of any fiscal year to the next 113917
fiscal year; shall be in addition to, and shall not be used to 113918
reduce, any usual annual increase in county funding that the 113919
juvenile court is eligible to receive or the current level of 113920
county funding of the juvenile court and of any programs, care, or 113921
services for alleged or adjudicated delinquent children, unruly 113922
children, or juvenile traffic offenders or for children who are at 113923
risk of becoming delinquent children, unruly children, or juvenile 113924
traffic offenders; and shall not be used to pay for the care and 113925
custody of felony ~~delinquents~~ delinquents who are in the care and 113926
custody of an institution pursuant to a commitment, recommitment, 113927
or revocation of a release on parole by the juvenile court of that 113928
county or who are in the care and custody of a community 113929
corrections facility pursuant to a placement by the department 113930

with the consent of the juvenile court as described in division 113931
(E) of section 5139.36 of the Revised Code. 113932

(5) As a condition of the continued receipt of state subsidy 113933
funds pursuant to this section, each county and the juvenile court 113934
that serves each county that receives an annual grant pursuant to 113935
this section shall comply with divisions (B)(3)(b), (c), and (d) 113936
of section 5139.43 of the Revised Code. 113937

Sec. 5145.162. (A) There is hereby created the office of 113938
enterprise development advisory council of directors for prison 113939
labor consisting board to advise and assist the department of 113940
rehabilitation and correction with the creation of training 113941
programs and jobs for inmates and releasees through partnerships 113942
with private sector businesses. The board shall consist of at 113943
least five appointed members and the executive director of the 113944
office of the correctional institution inspection committee, who 113945
shall serve as an ex officio member. Each member shall have 113946
experience in labor relations, marketing, business management, or 113947
business. The members and chairperson shall be appointed by the 113948
governor director of the department of rehabilitation and 113949
correction. Within thirty days after April 9, 1981, the governor 113950
shall make the initial appointments to the council of directors. 113951
Of the initial appointments made to the council of directors, two 113952
shall be for a term ending one year after April 9, 1981, two shall 113953
be for a term ending two years after that date, and one shall be 113954
for a term ending three years after that date. After the 113955
expiration of the initial terms, the terms of office for the 113956
members shall be for three years, each term ending on the same day 113957
of the same month of the year as did the term that it succeeds. 113958
Each member shall hold office from the date of appointment until 113959
the end of the term for which the member was appointed. Any 113960
vacancy on the advisory council shall be filled by the governor. 113961
Any member appointed to fill a vacancy occurring prior to the 113962

~~expiration of the term for which the member's predecessor was 113963
appointed shall hold office for the remainder of the predecessor's 113964
term. Any member shall continue in office subsequent to the 113965
expiration date of the member's term until a successor takes 113966
office, or until a period of sixty days has elapsed, whichever 113967
occurs first. 113968~~

(B) ~~Each member of the advisory council, while engaged in the 113969
performance of the business of the advisory council, board shall 113970
receive no compensation but may be reimbursed for expenses 113971
actually and necessarily incurred in the performance of official 113972
duties of the board. Members of the board who are state employees 113973
shall be reimbursed for expenses pursuant to travel rules 113974
promulgated by the office of budget and management. 113975~~

(C) ~~The advisory council board shall adopt procedures for the 113976
conduct of the board's meetings. The board shall meet within two 113977
weeks after the initial members have been appointed at a time and 113978
place determined by the governor. At its first meeting, the 113979
advisory council shall elect a chairperson and shall adopt rules 113980
for its procedures. The advisory council shall elect a new 113981
chairperson annually at its January meeting. The advisory council 113982
shall meet at least once every January and at least once every two 113983
months thereafter quarter, and otherwise shall meet at the call of 113984
the chairperson or upon the written request of at least a quorum 113985
of the members. Three director of the department of rehabilitation 113986
and correction. Sixty per cent of the members constitutes shall 113987
constitute a quorum, and no action. No transaction of the board's 113988
business shall be taken without the concurrence of a quorum of the 113989
members. The board may have committees with persons who are not 113990
members of the board but whose experience and expertise is 113991
relevant and useful to the work of the committee. 113992~~

(D) ~~The advisory council board shall advise and assist the 113993
department of rehabilitation and correction when the department 113994~~

~~adopts rules pursuant to division (B) of section 5145.03 of the~~ 113995
~~Revised Code, establishes prices for goods, products, services, or~~ 113996
~~labor produced or supplied by prisoners, and otherwise establishes~~ 113997
~~and administers the program for employment of prisoners~~ 113998
~~established by the department pursuant to division (A) of section~~ 113999
~~5145.16 of the Revised Code. The department shall consider the~~ 114000
~~advice and assistance of the advisory council that is provided~~ 114001
~~pursuant to this section, and shall cooperate with the advisory~~ 114002
~~council. The advisory council may recommend have the following~~ 114003
~~duties:~~ 114004

(1) Solicit business proposals offering job training, 114005
apprenticeship, education programs, and employment opportunities 114006
for inmates and releasees; 114007

(2) Provide information and input to the office of enterprise 114008
development to support the job training and employment program of 114009
inmates and releasees and any additional, related duties as 114010
requested by the director of the department of rehabilitation and 114011
correction; 114012

(3) Recommend to the ~~general assembly~~ office of enterprise 114013
development any further legislation, administrative rule, or 114014
department policy change that ~~it~~ the board believes is necessary 114015
to implement the department's program of ~~employment of prisoners;~~ 114016

(4) Promote public awareness of the office of enterprise 114017
development and the office's employment program; 114018

(5) Familiarize itself and the public with avenues to access 114019
the office of enterprise development on employment program 114020
concerns; 114021

(6) Advocate for the needs and concerns of the office of 114022
enterprise development in local communities, counties, and the 114023
state; 114024

(7) Play an active role in the office of enterprise 114025

development's efforts to reduce recidivism in the state by doing 114026
all of the following: 114027

(a) Providing input and making recommendations for the 114028
office's consideration in monitoring employment program compliance 114029
and effectiveness; 114030

(b) Making suggestions on the appropriate priorities for the 114031
office's grant award criteria; 114032

(c) Being a liaison between the office and constituents of 114033
the board's members; 114034

(d) Working to develop constituent groups interested in 114035
employment program issues; 114036

(8) Aid in the employment program development process by 114037
playing a leadership role in professional associations by 114038
discussing employment program issues. 114039

(E) The department of rehabilitation and correction shall 114040
initially screen each proposal obtained under division (D)(1) of 114041
this section to ensure that the proposal is a viable venture to 114042
pursue. If the department determines that a proposal is a viable 114043
venture to pursue, the department shall submit the proposal to the 114044
board for objective review against established guidelines. The 114045
board shall determine whether to recommend the implementation of 114046
the program to the department. 114047

Sec. 5145.18. Any printing or binding performed in a state 114048
correctional institution may be performed for the use of the 114049
institution, the departments of ~~mental health~~ mental health and 114050
addiction services, developmental disabilities, and rehabilitation 114051
and correction, the department of public safety in connection with 114052
the registration of motor vehicles, and for any other purpose 114053
authorized by division (B) of section 5145.03 and by sections 114054
5145.16 and 5145.161 of the Revised Code. 114055

Sec. 5149.22. There is hereby established the Ohio council 114056
for interstate adult offender supervision pursuant to Article IV 114057
of the interstate compact for adult offender supervision. The 114058
council shall be comprised of ~~seven~~ at least twelve members. One 114059
member shall be the compact administrator for this state for the 114060
interstate compact for adult offender supervision, or the 114061
administrator's designee. The speaker of the house of 114062
representatives shall appoint one member, shall be of the house of 114063
representatives. The president of the senate shall appoint one 114064
member, who shall be a member of the senate. The chief justice of 114065
the supreme court shall appoint ~~one member~~ three members, ~~who two~~ 114066
of whom shall be ~~a member~~ members of the judiciary. The governor 114067
shall appoint ~~three~~ five members, ~~one of whom shall be~~ including a 114068
representative of a crime victim's organization, ~~and one of whom~~ 114069
~~shall be from~~ a member of the executive branch, a prosecuting 114070
attorney, a member of the state public defender's office, and a 114071
chief probation officer. The attorney general shall appoint one 114072
member, who shall be from the bureau of criminal identification 114073
and investigation. The director of rehabilitation and correction 114074
shall appoint as many additional members as the director considers 114075
necessary to fulfill the mission of the compact. The Ohio council 114076
for interstate adult offender supervision is not subject to 114077
section 101.84 of the Revised Code. 114078

Each appointee to the state council shall be appointed in 114079
consultation with the department of rehabilitation and correction 114080
and shall serve at the pleasure of the appointing authority. The 114081
members of the council shall serve without compensation, but each 114082
member shall be reimbursed for the member's actual and necessary 114083
expenses incurred in the performance of the member's official 114084
duties on the council. 114085

The compact administrator for this state for the interstate 114086
compact for adult offender supervision, or the administrator's 114087

designee, shall serve as commissioner of the state council and as 114088
this state's representative to the interstate commission 114089
established under Article III of that compact. 114090

Sec. 5153.16. (A) Except as provided in section 2151.422 of 114091
the Revised Code, in accordance with rules adopted under section 114092
5153.166 of the Revised Code, and on behalf of children in the 114093
county whom the public children services agency considers to be in 114094
need of public care or protective services, the public children 114095
services agency shall do all of the following: 114096

(1) Make an investigation concerning any child alleged to be 114097
an abused, neglected, or dependent child; 114098

(2) Enter into agreements with the parent, guardian, or other 114099
person having legal custody of any child, or with the department 114100
of job and family services, department of ~~mental health~~ mental 114101
health and addiction services, department of developmental 114102
disabilities, other department, any certified organization within 114103
or outside the county, or any agency or institution outside the 114104
state, having legal custody of any child, with respect to the 114105
custody, care, or placement of any child, or with respect to any 114106
matter, in the interests of the child, provided the permanent 114107
custody of a child shall not be transferred by a parent to the 114108
public children services agency without the consent of the 114109
juvenile court; 114110

(3) Accept custody of children committed to the public 114111
children services agency by a court exercising juvenile 114112
jurisdiction; 114113

(4) Provide such care as the public children services agency 114114
considers to be in the best interests of any child adjudicated to 114115
be an abused, neglected, or dependent child the agency finds to be 114116
in need of public care or service; 114117

- (5) Provide social services to any unmarried girl adjudicated 114118
to be an abused, neglected, or dependent child who is pregnant 114119
with or has been delivered of a child; 114120
- (6) Make available to the bureau for children with medical 114121
handicaps of the department of health at its request any 114122
information concerning a crippled child found to be in need of 114123
treatment under sections 3701.021 to 3701.028 of the Revised Code 114124
who is receiving services from the public children services 114125
agency; 114126
- (7) Provide temporary emergency care for any child considered 114127
by the public children services agency to be in need of such care, 114128
without agreement or commitment; 114129
- (8) Find certified foster homes, within or outside the 114130
county, for the care of children, including handicapped children 114131
from other counties attending special schools in the county; 114132
- (9) Subject to the approval of the board of county 114133
commissioners and the state department of job and family services, 114134
establish and operate a training school or enter into an agreement 114135
with any municipal corporation or other political subdivision of 114136
the county respecting the operation, acquisition, or maintenance 114137
of any children's home, training school, or other institution for 114138
the care of children maintained by such municipal corporation or 114139
political subdivision; 114140
- (10) Acquire and operate a county children's home, establish, 114141
maintain, and operate a receiving home for the temporary care of 114142
children, or procure certified foster homes for this purpose; 114143
- (11) Enter into an agreement with the trustees of any 114144
district children's home, respecting the operation of the district 114145
children's home in cooperation with the other county boards in the 114146
district; 114147
- (12) Cooperate with, make its services available to, and act 114148

as the agent of persons, courts, the department of job and family 114149
services, the department of health, and other organizations within 114150
and outside the state, in matters relating to the welfare of 114151
children, except that the public children services agency shall 114152
not be required to provide supervision of or other services 114153
related to the exercise of parenting time rights granted pursuant 114154
to section 3109.051 or 3109.12 of the Revised Code or 114155
companionship or visitation rights granted pursuant to section 114156
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 114157
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 114158
a common pleas court, pursuant to division (E)(6) of section 114159
3113.31 of the Revised Code, requires the provision of supervision 114160
or other services related to the exercise of the parenting time 114161
rights or companionship or visitation rights; 114162

(13) Make investigations at the request of any superintendent 114163
of schools in the county or the principal of any school concerning 114164
the application of any child adjudicated to be an abused, 114165
neglected, or dependent child for release from school, where such 114166
service is not provided through a school attendance department; 114167

(14) Administer funds provided under Title IV-E of the 114168
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 114169
amended, in accordance with rules adopted under section 5101.141 114170
of the Revised Code; 114171

(15) In addition to administering Title IV-E adoption 114172
assistance funds, enter into agreements to make adoption 114173
assistance payments under section 5153.163 of the Revised Code; 114174

(16) Implement a system of safety and risk assessment, in 114175
accordance with rules adopted by the director of job and family 114176
services, to assist the public children services agency in 114177
determining the risk of abuse or neglect to a child; 114178

(17) Enter into a plan of cooperation with the board of 114179

county commissioners under section 307.983 of the Revised Code and 114180
comply with each fiscal agreement the board enters into under 114181
section 307.98 of the Revised Code that include family services 114182
duties of public children services agencies and contracts the 114183
board enters into under sections 307.981 and 307.982 of the 114184
Revised Code that affect the public children services agency; 114185

(18) Make reasonable efforts to prevent the removal of an 114186
alleged or adjudicated abused, neglected, or dependent child from 114187
the child's home, eliminate the continued removal of the child 114188
from the child's home, or make it possible for the child to return 114189
home safely, except that reasonable efforts of that nature are not 114190
required when a court has made a determination under division 114191
(A)(2) of section 2151.419 of the Revised Code; 114192

(19) Make reasonable efforts to place the child in a timely 114193
manner in accordance with the permanency plan approved under 114194
division (E) of section 2151.417 of the Revised Code and to 114195
complete whatever steps are necessary to finalize the permanent 114196
placement of the child; 114197

(20) Administer a Title IV-A program identified under 114198
division (A)(4)(c) or ~~(f)~~(g) of section 5101.80 of the Revised 114199
Code that the department of job and family services provides for 114200
the public children services agency to administer under the 114201
department's supervision pursuant to section 5101.801 of the 114202
Revised Code; 114203

(21) Administer the kinship permanency incentive program 114204
created under section 5101.802 of the Revised Code under the 114205
supervision of the director of job and family services; 114206

(22) Provide independent living services pursuant to sections 114207
2151.81 to 2151.84 of the Revised Code; 114208

(23) File a missing child report with a local law enforcement 114209
agency upon becoming aware that a child in the custody of the 114210

public children services agency is or may be missing. 114211

(B) The public children services agency shall use the system 114212
implemented pursuant to division (A)(16) of this section in 114213
connection with an investigation undertaken pursuant to division 114214
(F)(1) of section 2151.421 of the Revised Code to assess both of 114215
the following: 114216

(1) The ongoing safety of the child; 114217

(2) The appropriateness of the intensity and duration of the 114218
services provided to meet child and family needs throughout the 114219
duration of a case. 114220

(C) Except as provided in section 2151.422 of the Revised 114221
Code, in accordance with rules of the director of job and family 114222
services, and on behalf of children in the county whom the public 114223
children services agency considers to be in need of public care or 114224
protective services, the public children services agency may do 114225
the following: 114226

(1) Provide or find, with other child serving systems, 114227
specialized foster care for the care of children in a specialized 114228
foster home, as defined in section 5103.02 of the Revised Code, 114229
certified under section 5103.03 of the Revised Code; 114230

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 114231
this section, contract with the following for the purpose of 114232
assisting the agency with its duties: 114233

(i) County departments of job and family services; 114234

(ii) Boards of alcohol, drug addiction, and mental health 114235
services; 114236

(iii) County boards of developmental disabilities; 114237

(iv) Regional councils of political subdivisions established 114238
under Chapter 167. of the Revised Code; 114239

(v) Private and government providers of services; 114240

(vi) Managed care organizations and prepaid health plans.	114241
(b) A public children services agency contract under division	114242
(C)(2)(a) of this section regarding the agency's duties under	114243
section 2151.421 of the Revised Code may not provide for the	114244
entity under contract with the agency to perform any service not	114245
authorized by the department's rules.	114246
(c) Only a county children services board appointed under	114247
section 5153.03 of the Revised Code that is a public children	114248
services agency may contract under division (C)(2)(a) of this	114249
section. If an entity specified in division (B) or (C) of section	114250
5153.02 of the Revised Code is the public children services agency	114251
for a county, the board of county commissioners may enter into	114252
contracts pursuant to section 307.982 of the Revised Code	114253
regarding the agency's duties.	114254
<u>Sec. 5160.01. As used in this chapter:</u>	114255
<u>(A) "Dual eligible individual" has the same meaning as in the</u>	114256
<u>"Social Security Act," section 1915(h)(2)(B), 42 U.S.C.</u>	114257
<u>1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid</u>	114258
<u>enrollee (MME).</u>	114259
<u>(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20.</u>	114260
<u>(C) "Federal financial participation" means the federal</u>	114261
<u>government's share of expenditures made by an entity in</u>	114262
<u>implementing a medical assistance program.</u>	114263
<u>(D) "Medical assistance program" means all of the following:</u>	114264
<u>(1) The medicaid program;</u>	114265
<u>(2) The children's health insurance program;</u>	114266
<u>(3) The refugee medical assistance program;</u>	114267
<u>(4) Any other program that provides medical assistance and</u>	114268
<u>state statutes authorize the department of medicaid to administer.</u>	114269

(E) "Medical assistance recipient" means a recipient of a medical assistance program. To the extent appropriate in the context, "medical assistance recipient" includes an individual applying for a medical assistance program, a former medical assistance recipient, or both. 114270
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(F) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 114275
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(G) "Refugee medical assistance program" means the program that the department of medicaid administers pursuant to section 5160.50 of the Revised Code. 114277
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Sec. 5160.011. References to the department or director of public welfare, department or director of human services, department or director of job and family services, office of medical assistance, or medical assistance director in any statute, rule, contract, grant, or other document is deemed to refer to the department of medicaid or medicaid director, as the case may be, to the extent the reference is about a duty or authority of the department of medicaid or medicaid director regarding a medical assistance program. 114280
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Sec. 5160.02. The medicaid director shall adopt rules as necessary to implement this chapter. 114289
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Sec. 5160.021. (A) When the medicaid director is authorized by a statute to adopt a rule, the director shall adopt the rule in accordance with the following: 114291
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(1) Chapter 119. of the Revised Code if either of the following applies: 114294
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(a) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code. 114296
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(b) Unless division (A)(2)(b) of this section applies, the 114298

statute authorizing the rule does not specify the procedure for 114299
the rule's adoption. 114300

(2) Section 111.15 of the Revised Code, excluding divisions 114301
(D) and (E) of that section, if either of the following applies: 114302

(a) The statute authorizing the rule requires that the rule 114303
be adopted in accordance with section 111.15 of the Revised Code 114304
and, by the terms of division (D) of that section, division (D) of 114305
that section does not apply to the rule. 114306

(b) The statute authorizing the rule does not specify the 114307
procedure for the rule's adoption and the rule concerns the 114308
day-to-day staff procedures and operations of the department of 114309
medicaid or financial and operational matters between the 114310
department and a person or government entity receiving a grant 114311
from the department. 114312

(3) Section 111.15 of the Revised Code, including divisions 114313
(D) and (E) of that section, if the statute authorizing the rule 114314
requires that the rule be adopted in accordance with that section 114315
and the rule is not exempt from the application of division (D) of 114316
that section. 114317

(B) Except as otherwise required by a statute, the adoption 114318
of a rule in accordance with Chapter 119. of the Revised Code does 114319
not make the department of medicaid subject to the notice, 114320
hearing, or other requirements of sections 119.06 to 119.13 of the 114321
Revised Code. 114322

Sec. 5160.03. The medicaid director is the executive head of 114323
the department of medicaid. All duties conferred on the department 114324
by law or order of the director are under the director's control 114325
and shall be performed in accordance with rules the director 114326
adopts. 114327

Sec. 5160.04. The medicaid director shall appoint one 114328

assistant director for the department of medicaid. The assistant 114329
director shall exercise powers, and perform duties, as ordered by 114330
the medicaid director. The assistant director shall act as the 114331
medicaid director in the medicaid director's absence or disability 114332
and when the position of medicaid director is vacant. 114333

Sec. 5160.05. The medicaid director may appoint such 114334
employees as are necessary for the efficient operation of the 114335
department of medicaid. The director may prescribe the title and 114336
duties of the employees. 114337

Sec. 5160.051. If the medicaid director determines that a 114338
position with the department of medicaid can best be filled in 114339
accordance with division (A)(2) of section 124.30 of the Revised 114340
Code or without regard to a residency requirement established by a 114341
rule adopted by the director of administrative services, the 114342
medicaid director shall provide the director of administrative 114343
services certification of the determination. 114344

Sec. 5160.052. The department of medicaid shall collaborate 114345
with the superintendent of the bureau of criminal identification 114346
and investigation to develop procedures and formats necessary to 114347
produce the notices described in division (C) of section 109.5721 114348
of the Revised Code in a format that is acceptable for use by the 114349
department. The medicaid director may adopt rules under section 114350
5160.02 of the Revised Code necessary for such collaboration. Any 114351
such rules shall be adopted in accordance with section 111.15 of 114352
the Revised Code as if they were internal management rules. 114353

The medicaid director may adopt rules under section 5160.02 114354
of the Revised Code necessary for utilizing the information 114355
received pursuant to section 109.5721 of the Revised Code. The 114356
rules shall be adopted in accordance with Chapter 119. of the 114357

Revised Code. 114358

Sec. 5160.06. The medicaid director may require any of the 114359
employees of the department of medicaid who may be charged with 114360
custody or control of any public money or property or who is 114361
required to give bond, to give a bond, properly conditioned, in a 114362
sum to be fixed by the director which when approved by the 114363
director, shall be filed in the office of the secretary of state. 114364
The cost of such bonds, when approved by the director, shall be 114365
paid from funds available for the department. The bonds required 114366
or authorized by this section may, in the discretion of the 114367
director, be individual, schedule, or blanket bonds. 114368

Sec. 5160.10. The medicaid director may expend funds 114369
appropriated or available to the department of medicaid from 114370
persons and government entities. For purposes of this section, the 114371
director may enter into contracts or agreements with persons and 114372
government entities and make grants to persons and government 114373
entities. To the extent permitted by federal law, the director may 114374
advance funds to a grantee when necessary for the grantee to 114375
perform duties under the grant as specified by the director. 114376

The director may adopt rules under section 5160.02 of the 114377
Revised Code as necessary to define terms and adopt procedures and 114378
other provisions necessary to implement this section. 114379

Sec. 5160.11. The state health care grants fund is hereby 114380
created in the state treasury. Money the department of medicaid 114381
receives from private foundations in support of pilot projects 114382
that promote exemplary programs that enhance programs the 114383
department administers shall be credited to the fund. The 114384
department may expend the money on such projects, may use the 114385
money, to the extent allowable, to match federal financial 114386
participation in support of such projects, and shall comply with 114387

requirements the foundations have stipulated in their agreements 114388
with the department as to the purposes for which the money may be 114389
expended. 114390

Sec. 5160.12. (A) As used in this section, "entity" includes 114391
an agency, board, commission, or department of the state or a 114392
political subdivision of the state; a private, nonprofit entity; a 114393
school district; a private school; or a public or private 114394
institution of higher education. 114395

(B) This section does not apply to contracts entered into 114396
under section 5162.32 or 5162.35 of the Revised Code. 114397

(C) At the request of any public entity having authority to 114398
implement a program administered by the department of medicaid or 114399
any private entity under contract with a public entity to 114400
implement a program administered by the department, the department 114401
may seek to obtain federal financial participation for costs 114402
incurred by the entity. Federal financial participation may be 114403
sought from programs operated pursuant to Title XIX of the "Social 114404
Security Act," 42 U.S.C. 1396, et seq., and any other statute or 114405
regulation under which federal financial participation may be 114406
available, except that federal financial participation may be 114407
sought only for expenditures made with funds for which federal 114408
financial participation is available under federal law. 114409

(D) All funds collected by the department pursuant to 114410
division (C) of this section shall be distributed to the entities 114411
that incurred the costs. 114412

(E) In distributing federal financial participation pursuant 114413
to this section, the department may either enter into an agreement 114414
with the entity that is to receive the funds or distribute the 114415
funds in accordance with rules authorized by division (H) of this 114416
section. If the department decides to enter into an agreement to 114417

distribute the funds, the agreement may include terms that do any 114418
of the following: 114419

(1) Provide for the whole or partial reimbursement of any 114420
cost incurred by the entity in implementing the program; 114421

(2) In the event that federal financial participation is 114422
disallowed or otherwise unavailable for any expenditure, require 114423
the department or the entity, whichever party caused the 114424
disallowance or unavailability of federal financial participation, 114425
to assume responsibility for the expenditures; 114426

(3) Require the entity to certify to the department the 114427
availability of sufficient unencumbered funds to match the federal 114428
financial participation the entity receives under this section; 114429

(4) Establish the length of the agreement, which may be for a 114430
fixed or a continuing period of time; 114431

(5) Establish any other requirements determined by the 114432
department to be necessary for the efficient administration of the 114433
agreement. 114434

(F) An entity that receives federal financial participation 114435
pursuant to this section for a program aiding children and their 114436
families shall establish a process for collaborative planning with 114437
the department for the use of the funds to improve and expand the 114438
program. 114439

(G) Federal financial participation received pursuant to this 114440
section shall not be included in any calculation made under 114441
section 5101.16 or 5101.161 of the Revised Code. 114442

(H) The medicaid director may adopt rules under section 114443
5160.02 of the Revised Code as necessary to implement this 114444
section, including rules for the distribution of federal financial 114445
participation pursuant to this section. The rules shall be adopted 114446
in accordance with Chapter 119. of the Revised Code. 114447

Sec. 5160.13. The department of medicaid may enter into 114448
contracts with private entities to maximize federal revenue 114449
without the expenditure of state money. In selecting private 114450
entities with which to contract, the department shall engage in a 114451
request for proposals process. The department, subject to the 114452
approval of the controlling board, may also directly enter into 114453
contracts with public entities providing revenue maximization 114454
services. 114455

Sec. 5160.16. The department of medicaid may appoint and 114456
commission any competent person to serve as a special agent, 114457
investigator, or representative to perform a designated duty for 114458
and on behalf of the department. Specific credentials shall be 114459
given by the department to each person so designated, and each 114460
credential shall state the following: 114461

(A) The person's name; 114462

(B) The agency with which the person is connected; 114463

(C) The purpose of the appointment; 114464

(D) The date the appointment expires, if appropriate; 114465

(E) Such information as the department considers proper. 114466

Sec. 5160.20. (A) The department of medicaid may conduct any 114467
audits or investigations that are necessary in the performance of 114468
the department's duties, and to that end, the department has the 114469
same power as a judge of a county court to administer oaths and to 114470
enforce the attendance and testimony of witnesses and the 114471
production of books or papers. 114472

The department shall keep a record of the department's audits 114473
and investigations stating the time, place, charges, or subject; 114474
witnesses summoned and examined; and the department's conclusions. 114475

Witnesses shall be paid the fees and mileage provided for 114476
under section 119.094 of the Revised Code. 114477

(B) Any judge of any division of the court of common pleas, 114478
on application of the department, may compel the attendance of 114479
witnesses, the production of books or papers, and the giving of 114480
testimony before the department, by a judgment for contempt or 114481
otherwise, in the same manner as in cases before those courts. 114482

(C) Until an audit report is formally released by the 114483
department, the audit report or any working paper or other 114484
document or record prepared by the department and related to the 114485
audit that is the subject of the audit report is not a public 114486
record under section 149.43 of the Revised Code. 114487

(D) The medicaid director may adopt rules under section 114488
5160.02 of the Revised Code as necessary to implement this 114489
section. The rules shall be adopted in accordance with section 114490
111.15 of the Revised Code as if they were internal management 114491
rules. 114492

Sec. 5160.21. On the request of the medicaid director, the 114493
auditor of state may conduct an audit of any medical assistance 114494
recipient. If the auditor decides to conduct an audit under this 114495
section, the auditor shall enter into an interagency agreement 114496
with the department of medicaid that specifies that the auditor 114497
agrees to comply with section 5160.45 of the Revised Code with 114498
respect to any information the auditor receives pursuant to the 114499
audit. 114500

Sec. 5160.22. (A) The auditor of state and attorney general, 114501
or their designees, may examine any records, whether in computer 114502
or printed format, in the possession of the medicaid director or 114503
any county director of job and family services, regarding medical 114504
assistance programs. The auditor of state and attorney general 114505

shall do both of the following regarding the records: 114506

(1) Provide safeguards that restrict access to the records to purposes directly connected with an audit or investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs; 114507
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(2) Comply, and ensure that their designees comply, with section 5160.45 of the Revised Code and rules of the medicaid director restricting the disclosure of information regarding medical assistance recipients. 114511
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(B) Any person who fails to comply with the restriction specified in division (A) of this section is disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency. 114515
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Sec. 5160.23. The auditor of state is responsible for the costs the auditor incurs in carrying out the auditor's duties under sections 5160.21 and 5160.22 of the Revised Code. 114520
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Sec. 5160.30. (A) Except as provided in divisions (B) and (C) of this section, the department of medicaid may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for medical assistance programs. 114523
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(B) The department may enter into agreements with one or more agencies of the federal government, the state, other states, and local governments of this or other states to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities on behalf of the department with respect to medical assistance programs. 114528
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(C) If federal law requires a face-to-face interview to 114534

complete an eligibility determination for a medical assistance 114535
program, the department shall not conduct the face-to-face 114536
interview. 114537

(D) Subject to division (C) of this section, if the 114538
department elects to accept applications, determine eligibility, 114539
redetermine eligibility, and perform related administrative 114540
activities for a medical assistance program, both of the following 114541
apply: 114542

(1) An individual may apply for the medical assistance 114543
program to the department or an agency authorized by an agreement 114544
entered into under division (B) of this section to accept the 114545
individual's application; 114546

(2) The department is subject to federal statutes and 114547
regulations and state statutes and rules that require, permit, or 114548
prohibit an action regarding accepting applications, determining 114549
or redetermining eligibility, and performing related 114550
administrative activities for the medical assistance program. 114551

Sec. 5160.31. (A) A medical assistance recipient may appeal a 114552
decision regarding the recipient's eligibility for a medical 114553
assistance program or services available to the recipient under a 114554
medical assistance program. 114555

(B) Regarding appeals authorized by this section, the 114556
department of medicaid shall do one or more of the following: 114557

(1) Administer an appeals process similar to the appeals 114558
process established under section 5101.35 of the Revised Code; 114559

(2) Contract with the department of job and family services 114560
pursuant to section 5162.35 of the Revised Code to provide for the 114561
department of job and family services to hear the appeals in 114562
accordance with section 5101.35 of the Revised Code; 114563

(3) Delegate authority to hear appeals to an exchange or 114564

exchange appeals entity. 114565

(C) If a medical assistance recipient files an appeal as 114566
authorized by this section, the department of medicaid may do 114567
either or both of the following: 114568

(1) Take corrective action regarding the matter being 114569
appealed before a hearing decision regarding the matter is issued; 114570

(2) If a hearing decision, administrative appeal decision, or 114571
court ruling is against the recipient, take action in favor of the 114572
recipient despite the contrary decision or ruling, unless, in the 114573
case of a court's ruling, the ruling prohibits the department from 114574
taking the action. 114575

Sec. ~~5101.571~~ 5160.35. As used in sections ~~5101.571~~ 5160.35 114576
to ~~5101.591~~ 5160.43 of the Revised Code: 114577

(A) "Information" means all of the following: 114578

(1) An individual's name, address, date of birth, and social 114579
security number; 114580

(2) The group or plan number, or other identifier, assigned 114581
by a third party to a policy held by an individual or a plan in 114582
which the individual participates and the nature of the coverage; 114583

(3) Any other data the medicaid director ~~of job and family~~ 114584
~~services~~ specifies in rules ~~adopted under~~ authorized by section 114585
~~5101.591~~ 5160.43 of the Revised Code. 114586

(B) "~~Medical assistance~~" means ~~medical items or services~~ 114587
~~provided under any of the following:~~ 114588

~~(1) Medicaid, as defined in section 5111.01 of the Revised~~ 114589
~~Code;~~ 114590

~~(2) The children's health insurance program part I, part II,~~ 114591
~~and part III established under sections 5101.50, 5101.51, and~~ 114592
~~5101.52 of the Revised Code.~~ 114593

~~(C)~~ "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency. 114594
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~~(D)~~ ~~"Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.~~ 114597
114598
114599

~~(E)~~(C)(1) Subject to division ~~(E)~~(C)(2) of this section, and except as provided in division ~~(E)~~(C)(3) of this section, "third party" means all of the following: 114600
114601
114602

(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code; 114603
114604

(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis; 114605
114606
114607

(c) A health insuring corporation as defined in section 1751.01 of the Revised Code; 114608
114609

(d) A group health plan as defined in 29 U.S.C. 1167; 114610

(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25); 114611
114612

(f) A managed care organization; 114613

(g) A pharmacy benefit manager; 114614

(h) A third party administrator; 114615

(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public medical assistance recipient ~~or participant~~. 114616
114617
114618
114619

(2) Except when otherwise provided by the "Social Security Act," section 1862(b), 42 U.S.C. 1395y(b), a person or governmental entity listed in division ~~(E)~~(C)(1) of this section 114620
114621
114622

is a third party even if the person or governmental entity limits 114623
or excludes payments for a medical item or service in the case of 114624
a public assistance recipient. 114625

(3) "Third party" does not include the program for medically 114626
handicapped children established under section 3701.023 of the 114627
Revised Code. 114628

Sec. ~~5101.58~~ 5160.37. (A) ~~The acceptance of public~~ A medical 114629
assistance recipient's enrollment in a medical assistance program 114630
gives an automatic right of recovery to the department of ~~job and~~ 114631
~~family services~~ medicaid and a county department of job and family 114632
services against the liability of a third party for the cost of 114633
medical assistance paid on behalf of the ~~public assistance~~ 114634
recipient ~~or participant~~. When an action or claim is brought 114635
against a third party by a ~~public~~ medical assistance recipient ~~or~~ 114636
~~participant~~, any payment, settlement or compromise of the action 114637
or claim, or any court award or judgment, is subject to the 114638
recovery right of the department of ~~job and family services~~ 114639
medicaid or county department of ~~job and family services~~. Except 114640
in the case of a medical assistance recipient ~~or participant~~ who 114641
receives medical assistance through a medicaid managed care 114642
organization, the department's or county department's claim shall 114643
not exceed the amount of medical assistance paid by ~~a~~ the 114644
department or county department on behalf of the recipient ~~or~~ 114645
~~participant~~. A payment, settlement, compromise, judgment, or award 114646
that excludes the cost of medical assistance paid for by ~~a~~ the 114647
department or county department shall not preclude a department 114648
from enforcing its rights under this section. 114649

(B) In the case of a medical assistance recipient ~~or~~ 114650
~~participant~~ who receives medical assistance through a medicaid 114651
managed care organization, the amount of the department's or 114652
county department's claim shall be the amount the medicaid managed 114653

care organization pays for medical assistance rendered to the 114654
recipient ~~or participant~~, even if that amount is more than the 114655
amount ~~a~~ the department or county department pays to the medicaid 114656
managed care organization for the recipient's ~~or participant's~~ 114657
medical assistance. 114658

(C) A medical assistance recipient ~~or participant~~, and the 114659
recipient's ~~or participant's~~ attorney, if any, shall cooperate 114660
with the departments. In furtherance of this requirement, the 114661
medical assistance recipient ~~or participant~~, or the recipient's ~~or~~ 114662
~~participant's~~ attorney, if any, shall, not later than thirty days 114663
after initiating informal recovery activity or filing a legal 114664
recovery action against a third party, provide written notice of 114665
the activity or action to the department of ~~job and family~~ 114666
~~services when~~ medicaid or county department if it has paid for 114667
medical assistance under ~~medicaid has been paid~~ a medical 114668
assistance program. 114669

(D) The written notice that must be given under division (C) 114670
of this section shall disclose the identity and address of any 114671
third party against whom the medical assistance recipient ~~or~~ 114672
~~participant~~ has or may have a right of recovery. 114673

(E) No settlement, compromise, judgment, or award or any 114674
recovery in any action or claim by a medical assistance recipient 114675
~~or participant~~ where the ~~departments have~~ department or county 114676
department has a right of recovery shall be made final without 114677
first giving the ~~appropriate departments~~ department or county 114678
department written notice as described in division (C) of this 114679
section and a reasonable opportunity to perfect ~~their~~ its rights 114680
of recovery. If the ~~departments are~~ department or county 114681
department is not given the appropriate written notice, the 114682
medical assistance recipient ~~or participant~~ and, if there is one, 114683
the recipient's ~~or participant's~~ attorney, are liable to reimburse 114684
the ~~departments~~ department or county department for the recovery 114685

received to the extent of medical assistance payments made by the 114686
~~departments~~ department or county department. 114687

(F) The ~~departments~~ department or county department shall be 114688
permitted to enforce ~~their~~ its recovery rights against the third 114689
party even though ~~they~~ it accepted prior payments in discharge of 114690
~~their~~ its rights under this section if, at the time the 114691
~~departments~~ department or county department received such 114692
payments, ~~they were~~ it was not aware that additional medical 114693
expenses had been incurred but had not yet been paid by the 114694
~~departments~~ department or county department. The third party 114695
becomes liable to the department of ~~job and family services~~ or 114696
county department of ~~job and family services~~ as soon as the third 114697
party is notified in writing of the valid claims for recovery 114698
under this section. 114699

(G)(1) Subject to division (G)(2) of this section, the right 114700
of recovery of a the department or county department does not 114701
apply to that portion of any judgment, award, settlement, or 114702
compromise of a claim, to the extent of attorneys' fees, costs, or 114703
other expenses incurred by a medical assistance recipient ~~or~~ 114704
~~participant~~ in securing the judgment, award, settlement, or 114705
compromise, or to the extent of medical, surgical, and hospital 114706
expenses paid by such recipient ~~or participant~~ from the 114707
recipient's ~~or participant's~~ own resources. 114708

(2) Reasonable attorneys' fees, not to exceed one-third of 114709
the total judgment, award, settlement, or compromise, plus costs 114710
and other expenses incurred by the medical assistance recipient ~~or~~ 114711
~~participant~~ in securing the judgment, award, settlement, or 114712
compromise, shall first be deducted from the total judgment, 114713
award, settlement, or compromise. After fees, costs, and other 114714
expenses are deducted from the total judgment, award, settlement, 114715
or compromise, the department of ~~job and family services~~ medicaid 114716
or ~~appropriate~~ county department of ~~job and family services~~ shall 114717

receive no less than one-half of the remaining amount, or the 114718
actual amount of medical assistance paid, whichever is less. 114719

(H) A right of recovery created by this section may be 114720
enforced separately or jointly by the department of ~~job and family~~ 114721
~~services~~ medicaid or the ~~appropriate~~ county department of ~~job and~~ 114722
~~family services~~. To enforce ~~their~~ its recovery rights, the 114723
~~departments~~ department or county department may do any of the 114724
following: 114725

(1) Intervene or join in any action or proceeding brought by 114726
the medical assistance recipient ~~or participant~~ or on the 114727
recipient's ~~or participant's~~ behalf against any third party who 114728
may be liable for the cost of medical assistance paid; 114729

(2) Institute and pursue legal proceedings against any third 114730
party who may be liable for the cost of medical assistance paid; 114731

(3) Initiate legal proceedings in conjunction with any 114732
injured, diseased, or disabled medical assistance recipient ~~or~~ 114733
~~participant~~ or the recipient's ~~or participant's~~ attorney or 114734
representative. 114735

(I) A medical assistance recipient ~~or participant~~ shall not 114736
assess attorney fees, costs, or other expenses against the 114737
department of ~~job and family services~~ medicaid or a county 114738
department of ~~job and family services~~ when the department or 114739
county department enforces its right of recovery created by this 114740
section. 114741

(J) The right of recovery given to the department under this 114742
section ~~does not include rights to support from any other person~~ 114743
~~assigned to the state under sections 5107.20 and 5115.07 of the~~ 114744
~~Revised Code, but~~ includes payments made by a third party under 114745
contract with a person having a duty to support. 114746

(K) The department of medicaid may assign to a medical 114747
assistance provider the right of recovery given to the department 114748

under this section with respect to any claim for which the 114749
department has notified the provider that the department intends 114750
to recoup the department's prior payment for the claim. 114751

Sec. 5160.371. In addition to the requirement of division (C) 114752
of section 5160.37 of the Revised Code to cooperate with the 114753
department of medicaid and county department of job and family 114754
services, a medical assistance recipient and the recipient's 114755
attorney, if any, shall cooperate with each medical provider of 114756
the recipient. Cooperation with a medical provider shall consist 114757
of disclosing to the provider all information the recipient and 114758
attorney, if any, possess that would assist the provider in 114759
determining each third party that is responsible for the payment 114760
or processing of a claim for medical assistance provided to the 114761
recipient. If disclosure is not made in accordance with this 114762
section, the recipient and the recipient's attorney, if any, are 114763
liable to reimburse the department or county department for the 114764
amount that would have been paid by a third party had the third 114765
party been disclosed to the provider by the recipient or the 114766
recipient's attorney. 114767

Sec. ~~5101.59~~ 5160.38. (A) The application for, or acceptance 114768
of enrollment in, public a medical assistance program constitutes 114769
an automatic assignment of ~~certain~~ rights specified in division 114770
(B) of this section to the department of ~~job and family services~~ 114771
medicaid. This assignment includes the rights of the ~~applicant,~~ 114772
medical assistance recipient, ~~or participant~~ and also the rights 114773
of any other member of the assistance group for whom the 114774
~~applicant,~~ recipient, ~~or participant~~ can legally make an 114775
assignment. 114776

(B) Pursuant to this section, ~~the applicant,~~ a medical 114777
assistance recipient, ~~or participant~~ assigns to the department any 114778
rights to medical support available to the ~~applicant,~~ recipient, 114779

~~or participant~~ or for other members of the recipient's assistance group under an order of a court or administrative agency, and any rights to payments by a liable third party for the cost of medical assistance paid on behalf of a ~~public assistance~~ the recipient ~~or participant~~ or other members of the assistance group. The recipient ~~or participant~~ shall cooperate with the department in obtaining such payments.

Medicare benefits shall not be assigned pursuant to this section. Benefits assigned to the department by operation of this section are directly reimbursable to the department by liable third parties.

(C) Refusal by ~~the applicant, a medical assistance recipient,~~ ~~or participant~~ to cooperate in obtaining medical assistance paid for self or any other member of the recipient's assistance group renders the ~~applicant, recipient, or participant~~ ineligible for ~~public~~ a medical assistance program, unless cooperation is waived by the department. Eligibility shall continue for any individual who cannot legally assign the individual's own rights and who would have been eligible for ~~public~~ a medical assistance program but for the refusal to assign the individual's rights or to cooperate as required by this section by another person legally able to assign the individual's rights.

(D) If ~~the applicant, a medical assistance recipient, or participant~~ or any member of the recipient's assistance group becomes ineligible for ~~public~~ a medical assistance program, the department shall restore to the ~~applicant, recipient, participant,~~ or ~~member of the~~ assistance group member any future rights to benefits assigned under this section.

~~(E) The rights of assignment given to the department under this section do not include rights to support assigned under section 5107.20 or 5115.07 of the Revised Code.~~

Sec. ~~5101.572~~ 5160.39. (A) A third party shall cooperate with 114811
the department of ~~job and family services~~ medicaid in identifying 114812
individuals for the purpose of establishing third party liability 114813
~~pursuant to Title XIX of the Social Security Act, as amended~~ 114814
regarding medical assistance programs. 114815

(B) In furtherance of the requirement in division (A) of this 114816
section and to allow the department to determine any period that 114817
the individual or the individual's spouse or dependent may have 114818
been covered by the third party and the nature of the coverage, a 114819
third party shall provide, as the department so chooses, 114820
information or access to information, or both, in the third 114821
party's electronic data system on the department's request and in 114822
accordance with division (C) of this section. 114823

(C)(1) If the department chooses to receive information 114824
directly, the third party shall provide the information under all 114825
of the following circumstances: 114826

(a) In a medium, format, and manner prescribed ~~by the~~ 114827
~~director of job and family services~~ in rules ~~adopted under~~ 114828
authorized by section ~~5101.591~~ 5160.43 of the Revised Code; 114829

(b) Free of charge; 114830

(c) Not later than the end of the thirtieth day after the 114831
department makes its request, unless a different time is agreed to 114832
by the director in writing. 114833

(2) If the department chooses to receive access to 114834
information, the third party shall provide access by a method 114835
prescribed ~~by the director of job and family services~~ in rules 114836
~~adopted under~~ authorized by section ~~5101.591~~ 5160.43 of the 114837
Revised Code. In facilitating access, the department may enter 114838
into a trading partner agreement with the third party to permit 114839
the exchange of information via "ASC X 12N 270/271 Health Care 114840

Eligibility Benefit Inquiry and Response" transactions. 114841

(D) All of the following apply with respect to information 114842
provided by a third party to the department under this section: 114843

(1) The information is confidential and not a public record 114844
under section 149.43 of the Revised Code. 114845

(2) The release of information to the department is not to be 114846
considered a violation of any right of confidentiality or contract 114847
that the third party may have with covered persons including, but 114848
not limited to, contractees, beneficiaries, heirs, assignees, and 114849
subscribers. 114850

(3) The third party is immune from any liability that it may 114851
otherwise incur through its release of information to the 114852
department. 114853

The department ~~of job and family services~~ shall limit its use 114854
of information gained from third parties to purposes directly 114855
connected with the administration of the medicaid program and the 114856
child support program authorized by Title IV-D of the "Social 114857
Security Act," 42 U.S.C. 651 et seq. 114858

(E) No third party shall disclose to other parties or make 114859
use of any information regarding medical assistance recipients ~~of~~ 114860
~~aid under Chapter 5107. or 5111. of the Revised Code~~ that it 114861
obtains from the department, except in the manner provided ~~for by~~ 114862
~~the director of job and family services~~ in administrative rules 114863
authorized by section 5160.43 of the Revised Code. 114864

Sec. ~~5101.573~~ 5160.40. (A) Subject to divisions (B) and (C) 114865
of this section, a third party shall do all of the following: 114866

(1) Accept the department of ~~job and family services'~~ 114867
medicaid's right of recovery under section ~~5101.58~~ 5160.37 of the 114868
Revised Code and the assignment of rights to the department that 114869
are described in section ~~5101.59~~ 5160.38 of the Revised Code; 114870

(2) Respond to an inquiry by the department regarding a claim 114871
for payment of a medical item or service that was submitted to the 114872
third party not later than six years after the date of the 114873
provision of such medical item or service; 114874

(3) Not charge a fee to do either of the following for a 114875
claim described in division (A)(2) of this section: 114876

(a) Determine whether the claim should be paid; 114877

(b) Process the claim. 114878

(4) Pay a claim described in division (A)(2) of this section; 114879

(5) Not deny a claim submitted by the department solely on 114880
the basis of the date of submission of the claim, type or format 114881
of the claim form, or a failure by the medical assistance 114882
recipient who is the subject of the claim to present proper 114883
documentation of coverage at the time of service, if both of the 114884
following ~~are true~~ have occurred: 114885

(a) The claim was submitted by the department not later than 114886
six years after the date of the provision of the medical item or 114887
service. 114888

(b) An action by the department to enforce its right of 114889
recovery under section ~~5101.58~~ 5160.37 of the Revised Code on the 114890
claim was commenced not later than six years after the 114891
department's submission of the claim. 114892

(6) Consider the department's payment of a claim for a 114893
medical item or service to be the equivalent of the medical 114894
assistance recipient having obtained prior authorization for the 114895
item or service from the third party; 114896

(7) Not deny a claim described in division (A)(6) of this 114897
section that is submitted by the department solely on the basis of 114898
the medical assistance recipient's failure to obtain prior 114899
authorization for the medical item or service. 114900

(B) For purposes of the requirements in division (A) of this section, a third party shall treat a medicaid managed care organization as the department for a claim ~~in which both of the following are true:~~

~~(1) The if the individual who is the subject of the claim received a medical item or service through a medicaid managed care organization that has entered into a contract with the department of job and family services under section 5111.17 of the Revised Code:~~

~~(2) The and the department has assigned its right of recovery for the claim to the medicaid managed care organization.~~

(C) If the department of medicaid, as permitted by division (K) of section 5160.37 of the Revised Code, assigns to a medical assistance provider the department's right of recovery for a claim for which it has notified the provider that it intends to recoup its prior payment for a claim, a third party shall treat the provider as the department and shall pay the provider the greater of the following:

(1) The amount the department intends to recoup from the provider for the claim.

(2) If the third party and the provider have an agreement that requires the third party to pay the provider at the time the provider presents the claim to the third party, the amount that is to be paid under that agreement.

(D) The time limitations associated with the requirements in divisions (A)(2) and (5) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies.

Sec. ~~5101.574~~ 5160.41. No third party shall consider whether

an individual is eligible for or ~~receives~~ enrolled in a medical 114931
assistance program when either of the following applies: 114932

(A) The individual seeks to obtain a policy or enroll in a 114933
plan or program operated or administered by the third party; 114934

(B) The individual, or a person or governmental entity on the 114935
individual's behalf, seeks payment for a medical item or service 114936
provided to the individual. 114937

Sec. ~~5101.575~~ 5160.42. (A) If a third party violates section 114938
~~5101.572~~ 5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the 114939
Revised Code, a governmental entity that is responsible for 114940
issuing a license, certificate of authority, registration, or 114941
approval that authorizes the third party to do business in this 114942
state may impose a fine against the third party or deny, revoke, 114943
or terminate the third party's license, certificate, registration, 114944
or approval to do business in this state. The governmental entity 114945
shall determine which sanction is to be imposed. All actions to 114946
impose the sanction shall be taken in accordance with Chapter 119. 114947
of the Revised Code. 114948

(B) In addition to the sanctions that may be imposed under 114949
division (A) of this section for a violation of section ~~5101.572~~ 114950
~~5160.39~~, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the Revised 114951
Code, the attorney general may petition a court of common pleas to 114952
enjoin the violation. 114953

Sec. ~~5101.591~~ 5160.43. (A) ~~Except as provided in division (B)~~ 114954
~~of this section, the~~ The medicaid ~~director of job and family~~ 114955
~~services~~ may adopt rules ~~in accordance with Chapter 119. under~~ 114956
section 5160.02 of the Revised Code to implement sections ~~5101.571~~ 114957
~~5160.35~~ to ~~5101.59~~ 5160.43 of the Revised Code, including rules 114958
that specify what constitutes cooperating with efforts to obtain 114959
support or payments, or medical assistance payments, and when 114960

cooperation may be waived. 114961

(B) The department shall adopt rules ~~in accordance with~~ 114962
~~Chapter 119. under section 5160.02~~ of the Revised Code to do all 114963
of the following: 114964

(1) For purposes of the definition of "information" in 114965
division (A) of section ~~5101.571~~ 5160.35 of the Revised Code, any 114966
data other than the data specified in that division that should be 114967
included in the definition. 114968

(2) For purposes of division (C)(1)(a) of section ~~5101.572~~ 114969
5160.39 of the Revised Code, the medium, format, and manner in 114970
which a third party must provide information to the department. 114971

(3) For purposes of division (C)(2) of section ~~5101.572~~ 114972
5160.39 of the Revised Code, the method by which a third party 114973
must provide the department with access to information. 114974

(C) Rules authorized by division (A) of this section may be 114975
adopted in accordance with section 111.15 of the Revised Code. 114976
Rules authorized by division (B) of this section shall be adopted 114977
in accordance with Chapter 119. of the Revised Code. 114978

Sec. ~~5101.271~~ 5160.45. (A) As used in sections 5160.45 to 114979
5160.481 of the Revised Code, "information" means all of the 114980
following: 114981

(1) Records, as defined in section 149.011 of the Revised 114982
Code; 114983

(2) Any other documents in any format; 114984

(3) Data derived from records and documents that are 114985
generated, acquired, or maintained by the department of medicaid, 114986
a county department of job and family services, or an entity 114987
performing duties on behalf of the department or a county 114988
department. 114989

~~(B)~~ Except as permitted by this section, section ~~5101.273~~ 114990
~~5160.47~~, or rules ~~adopted under~~ authorized by section ~~5101.30~~ 114991
~~5160.48 or 5160.481~~ of the Revised Code, or when required by 114992
federal law, no person or government entity shall use or disclose 114993
information regarding a medical assistance recipient for any 114994
purpose not directly connected with the administration of ~~the a~~ 114995
medical assistance program. 114996

~~(B)~~(C) Both of the following shall be considered to be 114997
purposes directly connected with the administration of ~~the a~~ 114998
medical assistance program: 114999

(1) Treatment, payment, or other operations or activities 115000
authorized by 42 C.F.R. Chapter IV; 115001

(2) Any administrative function or duty the department of ~~job~~ 115002
~~and family services~~ medicaid performs alone or jointly with a 115003
federal government entity, another state government entity, or a 115004
local government entity implementing a provision of federal law. 115005

~~(C)~~(D) The department or a county ~~agency~~ department of job 115006
and family services may disclose information regarding a medical 115007
assistance recipient to any of the following: 115008

(1) The recipient or the recipient's authorized 115009
representative; 115010

(2) The recipient's legal guardian in accordance with 115011
division (C) of section 2111.13 of the Revised Code; 115012

(3) The attorney of the recipient, if the department or 115013
county ~~agency~~ department has obtained authorization from the 115014
recipient, or the recipient's authorized representative, ~~or the~~ 115015
~~recipient's~~ legal guardian that meets all requirements of the 115016
Health Insurance Portability and Accountability Act of 1996, ~~Pub.~~ 115017
~~L. 104-191, 110 Stat. 1955,~~ 42 U.S.C. 1320d et seq., ~~as amended,~~ 115018
regulations promulgated by the United States department of health 115019
and human services to implement the act, section ~~5101.272~~ 5160.46 115020

of the Revised Code, and any rules ~~the director of job and family~~ 115021
~~services adopts under~~ authorized by section ~~5101.30~~ 5160.48 of the 115022
Revised Code; 115023

(4) A health information or health records management entity 115024
that has executed with the department a business associate 115025
agreement required by 45 C.F.R 164.502(e)(2) and has been 115026
authorized by the recipient, or the recipient's authorized 115027
representative, ~~or the recipient's~~ legal guardian to receive the 115028
recipient's electronic health records in accordance with rules ~~the~~ 115029
~~director of job and family services adopts under~~ authorized by 115030
section ~~5101.30~~ 5160.48 of the Revised Code; 115031

(5) A court if pursuant to a written order of the court. 115032

~~(D)~~(E) The department may receive from county departments of 115033
job and family services information regarding any medical 115034
assistance recipient for purposes of training and verifying the 115035
accuracy of eligibility determinations for a medical assistance 115036
program. The department may assemble information received under 115037
this division into a report if the report is in a form specified 115038
by the department. Information received and assembled into a 115039
report under this division shall remain confidential and not be 115040
subject to disclosure pursuant to section 149.43 or 1347.08 of the 115041
Revised Code. 115042

~~(E)~~(F) The department shall notify courts in this state 115043
regarding its authority, under division ~~(C)~~(D)(5) of this section, 115044
to disclose information regarding a medical assistance recipient 115045
pursuant to a written court order. 115046

Sec. 5160.46. (A) For the purposes of section 5160.45 of the 115047
Revised Code, an authorization shall be made on a form that uses 115048
language understandable to the average person and contains all of 115049
the following: 115050

<u>(1) A description of the information to be used or disclosed</u>	115051
<u>that identifies the information in a specific and meaningful</u>	115052
<u>fashion;</u>	115053
<u>(2) The name or other specific identification of the person</u>	115054
<u>or class of persons authorized to make the requested use or</u>	115055
<u>disclosure;</u>	115056
<u>(3) The name or other specific identification of the person</u>	115057
<u>or government entity to which the information may be released;</u>	115058
<u>(4) A description of each purpose of the requested use or</u>	115059
<u>disclosure of the information;</u>	115060
<u>(5) The date on which the authorization expires or an event</u>	115061
<u>related either to the individual who is the subject of the request</u>	115062
<u>or to the purposes of the requested use or disclosure, the</u>	115063
<u>occurrence of which will cause the authorization to expire;</u>	115064
<u>(6) A statement that the information used or disclosed</u>	115065
<u>pursuant to the authorization may be disclosed by the recipient of</u>	115066
<u>the information and may no longer be protected from disclosure;</u>	115067
<u>(7) The signature of the individual or the individual's</u>	115068
<u>authorized representative and the date on which the authorization</u>	115069
<u>was signed;</u>	115070
<u>(8) If signed by an authorized representative, a description</u>	115071
<u>of the representative's authority to act for the individual;</u>	115072
<u>(9) A statement of the individual or authorized</u>	115073
<u>representative's right to prospectively revoke the written</u>	115074
<u>authorization in writing, along with either of the following:</u>	115075
<u>(a) A description of how the individual or authorized</u>	115076
<u>representative may revoke the authorization;</u>	115077
<u>(b) If the department of medicaid has established a privacy</u>	115078
<u>notice that contains a description of how the individual or</u>	115079
<u>authorized representative may revoke the authorization, a</u>	115080

reference to the privacy notice. 115081

(10) A statement that treatment, payment, enrollment, or 115082
eligibility for a medical assistance program cannot be conditioned 115083
on signing the authorization unless the authorization is necessary 115084
for determining eligibility for the program. 115085

(B) An authorization for the release of information regarding 115086
a medical assistance recipient to the recipient's attorney under 115087
division (D)(3) of section 5160.45 of the Revised Code may include 115088
a provision specifically authorizing the release of the 115089
recipient's electronic health records, if any, in accordance with 115090
rules authorized by section 5160.48 or 5160.481 of the Revised 115091
Code. 115092

(C) When an individual requests information pursuant to 115093
section 5160.45 of the Revised Code regarding the individual's 115094
enrollment in a medical assistance program and does not wish to 115095
provide a statement of purpose, the statement "at request of the 115096
individual" is a sufficient description for purposes of division 115097
(A)(4) of this section. 115098

Sec. 5160.47. The department of medicaid shall enter into any 115099
necessary agreements with the United States department of health 115100
and human services and neighboring states to join and participate 115101
as an active member in the public assistance reporting information 115102
system. The department may disclose information regarding a 115103
medical assistance recipient to the extent necessary to 115104
participate as an active member in the system. 115105

Sec. 5160.48. (A) The medicaid director shall adopt rules 115106
under section 5160.02 of the Revised Code implementing sections 115107
5160.45 to 5160.481 of the Revised Code and governing the custody, 115108
use, disclosure, and preservation of the information generated or 115109
received by the department of medicaid, county departments of job 115110

and family services, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of medical assistance programs. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules may define who is an "authorized representative" for purposes of sections 5160.45 and 5160.46 of the Revised Code. The rules shall specify conditions and procedures for the release of information, which may include both of the following:

(1) Permitting a provider of a service under a medical assistance program limited access to information that is essential for the provider to render the service or to bill for the service rendered;

(2) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or a county department.

(B) The department of aging, when investigating a complaint under section 173.20 of the Revised Code, shall be granted any limited access permitted in the rules authorized by division (A)(1) of this section.

A contractor, grantee, or entity given access to information pursuant to the rules authorized by division (A)(2) of this section is bound by the director's rules. Disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a violation of section 5160.45 of the Revised Code.

Sec. 5160.481. Whenever names, addresses, or other information relating to medical assistance recipients is held by any agency other than the department of medicaid or a county department of job and family services, that other agency shall

adopt rules consistent with sections 5160.45 to 5160.481 of the 115141
Revised Code to prevent the publication or disclosure of names, 115142
lists, or other information concerning those recipients. 115143

Sec. 5160.50. The department of medicaid shall administer the 115144
refugee medical assistance program authorized by the "Immigration 115145
and Nationality Act," section 412(e), 8 U.S.C. 1522(e). 115146
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Sec. 5160.52. The medicaid director may provide for the 115148
department of medicaid to develop, participate in the development 115149
of, negotiate, and enter into one or more interstate compacts on 115150
behalf of this state with agencies of any other states, for the 115151
provision of medical assistance to children in relation to whom 115152
all of the following apply: 115153

(A) They have special needs. 115154

(B) This state or another state that is a party to the 115155
interstate compact is providing adoption assistance on their 115156
behalf. 115157

(C) They move into this state from another state or move out 115158
of this state to another state. 115159

Sec. 5160.99. Whoever violates division (B) of section 115160
5160.45 of the Revised Code is guilty of a misdemeanor of the 115161
first degree. 115162

Sec. 5161.01. (A) As used in the Revised Code, "children's 115163
health insurance program" and, when used as an acronym for the 115164
children's health insurance program, "CHIP" mean the program of 115165
child health assistance authorized by Title XXI of the "Social 115166
Security Act," 42 U.S.C. 1397aa et seq. CHIP part I, CHIP part II, 115167
and CHIP part III, as authorized by this chapter, are components 115168

of CHIP. Any reference in statute enacted by the general assembly 115169
to medicaid or the medicaid program also means CHIP to the extent, 115170
if any, that CHIP is provided under the medicaid program. 115171

(B) As used in this chapter, "federal poverty line" means the 115172
official poverty line defined by the United States office of 115173
management and budget based on the most recent data available from 115174
the United States bureau of the census and revised by the United 115175
States secretary of health and human services pursuant to the 115176
"Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 115177
U.S.C. 9902(2). 115178

Sec. ~~5101.502~~ 5161.02. The medicaid director ~~of job and~~ 115179
~~family services~~ may adopt rules in accordance with Chapter 119. of 115180
the Revised Code as necessary for the efficient administration of 115181
the children's health insurance program ~~part I~~, including rules 115182
that establish all of the following: 115183

(A) The conditions under which ~~health assistance services~~ the 115184
program will ~~be reimbursed~~ pay for health benefits coverage; 115185

(B) The method of ~~reimbursement applicable to services~~ 115186
~~reimbursable under the program~~ payment; 115187

(C) The amount of ~~reimbursement~~ payment, or the method by 115188
which the amount is to be determined, for each ~~reimbursable~~ 115189
service included in the health benefits coverage. 115190

Sec. ~~5101.50~~ 5161.05. ~~(A) As used in sections 5101.50 to~~ 115191
~~5101.529 of the Revised Code:~~ 115192

~~(1) "Children's health insurance program" means the program~~ 115193
~~authorized by Title XXI of the "Social Security Act," 111 Stat.~~ 115194
~~552 (1997), 42 U.S.C.A. 1397aa.~~ 115195

~~(2) "Federal poverty guidelines" has the same meaning as in~~ 115196
~~section 5101.46 of the Revised Code.~~ 115197

(B) The medicaid director ~~of job and family services~~ may 115198
continue to operate the component of the children's health 115199
insurance program initially authorized by an executive order 115200
issued under section 107.17 of the Revised Code as long as federal 115201
financial participation is available for the program. If operated, 115202
the ~~program~~ component shall ~~provide health assistance to pay for~~ 115203
part or all of the cost of health benefits coverage for uninsured 115204
individuals under nineteen years of age with family incomes not 115205
exceeding one hundred fifty per cent of the federal poverty 115206
guidelines line. ~~In accordance with 42 U.S.C.A. 1397aa, the~~ 115207
~~director may provide for the health assistance to meet the~~ 115208
~~requirements of 42 U.S.C.A. 1397ec, to be provided under the~~ 115209
~~medicaid program established under Chapter 5111. of the Revised~~ 115210
~~Code, or to be a combination of both.~~ 115211

Sec. ~~5101.501~~ 5161.06. ~~Health assistance provided under The~~ 115212
component of the children's health insurance program authorized by 115213
section ~~5101.50~~ 5161.05 of the Revised Code shall be known as ~~the~~ 115214
~~children's health insurance program~~ CHIP part I. 115215

Sec. ~~5101.51~~ 5161.10. In accordance with federal law 115216
governing the children's health insurance program, the medicaid 115217
director ~~of job and family services~~ may submit a state child 115218
health plan to the United States secretary of health and human 115219
services to ~~provide pay~~, except as provided in section ~~5101.516~~ 115220
5161.22 of the Revised Code, ~~health assistance to for part or all~~ 115221
of the cost of health benefits coverage for uninsured individuals 115222
under nineteen years of age with family incomes above one hundred 115223
fifty per cent of the federal poverty guidelines line but not 115224
exceeding two hundred per cent of the federal poverty guidelines 115225
line. If the director submits the plan, the director shall ~~include~~ 115226
~~both of the following~~ stipulate in the plan- 115227

(A) ~~The health assistance will not begin before January 1,~~ 115228

2000. 115229

~~(B) The health assistance that the payments will be available only while federal financial participation is available for ~~it~~ them.~~ 115230
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Sec. ~~5101.511~~ 5161.11. ~~Health assistance provided under The component of the children's health insurance program authorized by section ~~5101.51~~ 5161.10 of the Revised Code shall be known as the children's health insurance program CHIP part II.~~ 115233
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Sec. ~~5101.512~~ 5161.12. If the medicaid director ~~of job and family services~~ submits a state child health plan to the United States secretary of health and human services under section ~~5101.51~~ 5161.10 of the Revised Code and the secretary approves the plan, the director shall implement ~~the children's health insurance program~~ CHIP part II in accordance with the plan. ~~The director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program, including rules that establish all of the following:~~ 115237
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~~(A) The conditions under which health assistance services will be reimbursed;~~ 115246
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~~(B) The method of reimbursement applicable to services reimbursable under the program;~~ 115248
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~~(C) The amount of reimbursement, or the method by which the amount is to be determined, for each reimbursable service.~~ 115250
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Sec. ~~5101.52~~ 5161.15. In accordance with federal law governing the children's health insurance program, the medicaid director ~~of job and family services~~ may submit a request for a federal waiver to the United States secretary of health and human services to ~~provide~~ pay, except as provided in section ~~5101.526~~ 5161.22 of the Revised Code, ~~health assistance to~~ for part or all 115252
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~~of the cost of health benefits coverage for individuals under~~ 115258
~~nineteen years of age with family incomes above two hundred per~~ 115259
~~cent of the federal poverty ~~guidelines~~ line but not exceeding~~ 115260
~~three hundred per cent of the federal poverty ~~guidelines~~ line. If~~ 115261
~~the director submits the ~~plan waiver request~~, the director shall~~ 115262
~~stipulate in the ~~plan request~~ that the ~~health assistance payments~~~~ 115263
~~will be available only while federal financial participation is~~ 115264
~~available for it and that health assistance shall not begin before~~ 115265
~~January 1, 2008 them.~~ 115266

~~Sec. 5101.521 5161.16. Health assistance provided under The~~ 115267
~~component of the children's health insurance program authorized by~~ 115268
~~section ~~5101.52~~ 5161.15 of the Revised Code shall be known as ~~the~~~~ 115269
~~children's health insurance program CHIP part III.~~ 115270

~~Sec. 5101.522 5161.17. If the medicaid director ~~of job and~~~~ 115271
~~~~family services~~ submits a waiver request to the United States~~ 115272  
~~secretary of health and human services under section ~~5101.52~~~~ 115273  
~~5161.15 of the Revised Code and the secretary grants the waiver,~~ 115274  
~~the director shall implement ~~the children's health insurance~~~~ 115275  
~~~~program~~ CHIP part III in accordance with the waiver. ~~The director~~~~ 115276  
~~may adopt rules in accordance with Chapter 119. of the Revised~~ 115277
~~Code as necessary for the efficient administration of the program,~~ 115278
~~including rules that establish all of the following:~~ 115279

~~(A) The conditions under which health assistance services~~ 115280
~~will be reimbursed;~~ 115281

~~(B) The method of reimbursement applicable to services~~ 115282
~~reimbursable under the program;~~ 115283

~~(C) The amount of reimbursement, or the method by which the~~ 115284
~~amount is to be determined, for each reimbursable service.~~ 115285

~~Sec. 5101.524 5161.20. In accordance with the "Social~~ 115286

Security Act," section 2101, 42 U.S.C. 1397aa, the director of job and family services shall provide for health assistance under the children's health insurance program ~~part III to meet~~ shall provide payments for obtaining health benefits coverage through any of the following: 115287
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(A) Obtaining coverage that meets the requirements the "Social Security Act," section 2103, of 42 U.S.C. 1397cc, to be provided; 115292
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(B) Providing benefits under the medicaid program established under Chapter 5111. of the Revised Code, or to be a; 115295
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(C) A combination of both divisions (A) and (B) of this section. 115297
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Sec. ~~5101.516~~ 5161.22. If the medicaid director ~~of job and family services~~ determines that federal financial participation for the children's health insurance program CHIP part II, part III, or both parts is insufficient to ~~provide health assistance to~~ pay for part or all of the costs of health benefits coverage for all the individuals the director anticipates are eligible for the ~~program part or parts~~, the director may refuse to accept new applications for the ~~program part or parts~~ or may make the ~~program's~~ eligibility requirements more restrictive for the part or parts. 115299
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Sec. ~~5101.517~~ 5161.24. To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C.A. 1397cc(e), the medicaid director of job and family services may require an individual ~~receiving health assistance under the children's health insurance program~~ seeking to enroll, or who is enrolled, in CHIP part II to pay a premium, deductible, coinsurance payment, or other cost-sharing expense. 115309
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Sec. ~~5101.527~~ 5161.25. To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C. 1397cc(e), the medicaid director of job and family services shall require an individual receiving health assistance under the children's health insurance program seeking to enroll, or who is enrolled, in CHIP part III to pay the following as a term of participation in the program enrollment: 115316
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(A) A premium of not less than forty dollars per month for a family with one individual ~~receiving health assistance under seeking to enroll, or who is enrolled, in the program part;~~ 115323
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(B) A premium of not less than eighty dollars per month for a family with two individuals ~~receiving health assistance under seeking to enroll, or who is enrolled, in the program part;~~ 115326
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(C) A premium of not less than one hundred twenty dollars per month for a family with three or more individuals ~~receiving health assistance under seeking to enroll, or who are enrolled, in the program part.~~ 115329
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Sec. ~~5101.519~~ 5161.27. A completed application for ~~medical assistance under Chapter 5111. of the Revised Code medicaid shall be treated as an application for health assistance under the children's health insurance program part II if the application is for an assistance group that includes a child under nineteen years of age and is denied.~~ 115333
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Sec. ~~5101.513~~ 5161.30. The medicaid director of job and family services may contract with a government entity or person to perform the director's administrative duties regarding the children's health insurance program CHIP part I, part II, part III, two of the parts, or all three parts, other than the duty to submit a state child health plan to the United States secretary of health and human services under section ~~5101.51~~ 5161.10 of the 115339
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Revised Code, the duty to submit a waiver request under section 5161.15 of the Revised Code, and the duty to adopt rules under section ~~5101.512~~ 5161.02 of the Revised Code.

Sec. ~~5101.5110~~ 5161.35. (A) The medicaid director ~~of job and family services~~ may submit a waiver request to the United States secretary of health and human services to provide health assistance to any individual who meets all of the following requirements:

(1) Is the parent of a child who is under nineteen years of age ~~who,~~ resides with the parent, and is ~~eligible for health assistance under~~ enrolled in the children's health insurance program part I or II or the medicaid program ~~established under Chapter 5111. of the Revised Code;~~

(2) Is uninsured;

(3) Has a family income that does not exceed one hundred per cent of the federal poverty ~~guidelines~~ line.

(B) A waiver request the director submits under division (A) of this section may seek federal funds allotted to the state under ~~Title XXI of the "Social Security Act," 111 Stat. 558 (1997)~~ section 2104, 42 U.S.C.A. 1397dd, as amended, that are not otherwise used to fund the children's health insurance program parts I and II.

~~(C) If a waiver request the director submits under division (A) of this section is granted, the director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program authorization by the waiver.~~

Sec. 5162.01. (A) As used in the Revised Code:

(1) "Medicaid" and "medicaid program" mean the program of

medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services. 115375
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(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. 115380
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(B) As used in this chapter: 115383

(1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 115384
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(2) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. 115386
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(3) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 115388
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(4) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 115394
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(5) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 115398
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(6) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 115400
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(7) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 115402
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(8) "Medicaid services" has the same meaning as in section 115404

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| <u>5164.01 of the Revised Code.</u> | 115405 |
| <u>(9) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u> | 115406 |
| <u>(10) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.</u> | 115408 |
| <u>(11) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.</u> | 115412 |
| <u>(12) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u> | 115414 |
| <u>(13) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:</u> | 115416 |
| <u>(a) It holds a valid provider agreement.</u> | 115421 |
| <u>(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.</u> | 115422 |
| <u>(14) "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.</u> | 115423 |
| <u>(15) "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.</u> | 115424 |
| <u>Sec. 5162.02. The medicaid director shall adopt rules as</u> | 115425 |
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necessary to implement this chapter. 115434

Sec. 5162.021. The medicaid director shall adopt rules under 115435
sections 5160.02, 5162.02, 5163.03, 5164.04, 5165.05, 5166.02, and 115436
5167.02 of the Revised Code as necessary to authorize the 115437
directors of other state agencies to adopt rules regarding 115438
medicaid components, or aspects of medicaid components, the other 115439
state agencies administer pursuant to contracts entered into under 115440
section 5162.35 of the Revised Code. 115441

Sec. 5162.022. The medicaid director's rules governing 115442
medicaid are binding on other state agencies and political 115443
subdivisions that administer one or more components of the 115444
medicaid program, or one or more aspects of a component, pursuant 115445
to contracts entered into under section 5162.35 of the Revised 115446
Code. No state agency or political subdivision may establish, by 115447
rule or otherwise, a policy governing medicaid that is 115448
inconsistent with a medicaid policy established, in rule or 115449
otherwise, by the director. 115450

Sec. ~~5111.01~~ 5162.03. (A) ~~As used in this chapter:~~ 115451

"Children's health insurance program" means ~~the children's~~ 115452
health insurance program part I, children's health insurance 115453
program part II, and children's health insurance program part III 115454
authorized by sections 5101.50 to 5101.529 of the Revised Code. 115455

"Medical assistance program" or "medicaid" means the program 115456
that is authorized by this chapter and provided by the office of 115457
medical assistance under this chapter, Title XIX of the "Social 115458
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, et seq., as 115459
amended, and the waivers of Title XIX requirements granted to the 115460
office by the centers for medicare and medicaid services of the 115461
United States department of health and human services. 115462

~~(B) There is hereby established the office of medical assistance as a work unit within the department of job and family services. The chief of the office shall hold the title of medical assistance director. Notwithstanding section 5101.06 of the Revised Code, the governor shall appoint the medical assistance director and the medical assistance director shall serve at the governor's pleasure. The medical assistance director is not an assistant director of the department of job and family services for purposes of section 121.05 or 5101.03 of the Revised Code or any other purpose.~~

~~Subject to appropriations for the medicaid program and children's health insurance program, the department of job and family services shall provide staff and support services as necessary for the operation of the office of medical assistance.~~

~~If a statute, rule, contract, or other legal authority requires the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services. If a statute, rule, contract, or other legal authority permits the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services if the action is to be taken.~~

~~The office For the purpose of the "Social Security Act," section 1902(a)(5), 42 U.S.C. 1396a(a)(5), the department of medical assistance medicaid shall act as the single state agency to supervise the administration of the medicaid program. As the~~

single state agency, the ~~office department~~ shall comply with 42 115495
C.F.R. 431.10(e) ~~and all other federal requirements applicable to~~ 115496
~~the single state agency.~~ The ~~office's rules governing medicaid are~~ 115497
~~binding on other agencies that administer components of the~~ 115498
~~medicaid program. No agency may establish, by rule or otherwise, a~~ 115499
~~policy governing medicaid that is inconsistent with a medicaid~~ 115500
~~policy established, in rule or otherwise, by the medical~~ 115501
~~assistance director.~~ 115502

~~(C) The office of medical assistance may provide medical 115503~~
~~assistance under the medicaid program as long as federal funds are 115504~~
~~provided for such assistance, to the following:~~ 115505

~~(1) Families with children that meet either of the following 115506~~
~~conditions:~~ 115507

~~(a) The family meets the income, resource, and family 115508~~
~~composition requirements in effect on July 16, 1996, for the 115509~~
~~former aid to dependent children program as those requirements 115510~~
~~were established by Chapter 5107. of the Revised Code, federal 115511~~
~~waivers granted pursuant to requests made under former section 115512~~
~~5101.09 of the Revised Code, and rules adopted by the department 115513~~
~~or any changes the department makes to those requirements in 115514~~
~~accordance with paragraph (a)(2) of section 114 of the "Personal 115515~~
~~Responsibility and Work Opportunity Reconciliation Act of 1996," 115516~~
~~110 Stat. 2177, 42 U.S.C.A. 1396u 1, for the purpose of 115517~~
~~implementing section 5111.0120 of the Revised Code. An adult loses 115518~~
~~eligibility for medicaid under division (C)(1)(a) of this section 115519~~
~~pursuant to division (E) of section 5107.16 of the Revised Code.~~ 115520

~~(b) The family does not meet the requirements specified in 115521~~
~~division (C)(1)(a) of this section but is eligible for medicaid 115522~~
~~pursuant to section 5101.18 of the Revised Code.~~ 115523

~~(2) Aged, blind, and disabled persons who meet the following 115524~~
~~conditions:~~ 115525

~~(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.~~ 115526
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~~(b) Do not receive aid under Title XVI, but meet any of the following criteria:~~ 115534
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~~(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (C)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (C)(2)(a) of this section;~~ 115536
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~~(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements;~~ 115545
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~~(iii) Are eligible for medicaid pursuant to section 5101.18 of the Revised Code.~~ 115548
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~~(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medicaid be provided;~~ 115550
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~~(4) Persons under age twenty one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The medical assistance~~ 115553
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~~director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (C)(4) of this section.~~

~~(D) If sufficient funds are appropriated for the medicaid program, the office of medical assistance may provide medical assistance under the medicaid program to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program.~~

~~(E) The office of medical assistance may expand eligibility for the medicaid program to include individuals under age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty guidelines, except that the eligibility expansion shall not occur unless the office receives the approval of the federal government. The office may implement the eligibility expansion authorized under this division on any date selected by the office, but not sooner than January 1, 1998.~~

~~(F) In addition to any other authority or requirement to adopt rules under this chapter, the medical assistance director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance under the medicaid program. The rules may establish requirements to be followed in applying for medicaid, making determinations of eligibility for medicaid, and verifying eligibility for medicaid. The rules may include special conditions as the office determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance that the office may provide under the medicaid program pursuant to division (E) of this section and section 5111.014 or 5111.0120 of the Revised Code.~~

Sec. ~~5111.98~~ 5162.031. (A) The medicaid director ~~of job and family services~~ may do all of the following as necessary for the department of ~~job and family services~~ medicaid to fulfill the duties it has, as the single state agency for the medicaid program, under the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" Pub. L. No. 108-173, ~~117 Stat. 2066~~:

(1) Adopt rules in accordance with division (B) of this section;

(2) Assign duties to county departments of job and family services;

(3) Make payments to the United States department of health and human services from appropriations made to the department of ~~job and family services~~ medicaid for this purpose.

(B) Rules ~~adopted under~~ authorized by division (A)(1) of this section shall be adopted as follows:

(1) If the rules concern the department's duties regarding service medicaid providers, ~~in accordance with Chapter 119. under sections 5164.02 and 5165.02~~ of the Revised Code, as appropriate;

(2) If the rules concern the department's duties concerning individuals' eligibility for medicaid services, ~~in accordance with under~~ section ~~111.15~~ 5163.02 of the Revised Code;

(3) If the rules concern the department's duties concerning financial and operational matters between the department and county departments of job and family services, ~~in accordance with under~~ section ~~111.15~~ 5162.02 of the Revised Code ~~as if the rules were internal management rules~~.

Sec. ~~5111.102~~ 5162.04. As used in this section, "state agency" has the same meaning as in section 9.23 of the Revised Code.

No provision of Title LI of the Revised Code or any other law 115617
of this state that incorporates any provision of federal ~~Medicaid~~ 115618
medicaid law, ~~Title XIX of the Social Security Act, 79 Stat. 286~~ 115619
~~(1965), 42 U.S.C. 1396,~~ or that may be construed as requiring the 115620
state, a state agency, or any state official or employee to comply 115621
with that federal provision, shall be construed as creating a 115622
cause of action to enforce such state law beyond the causes of 115623
action available under federal law for enforcement of the 115624
provision of federal law. 115625

Sec. 5162.05. The medicaid program shall be implemented in 115626
accordance with all of the following: 115627

(A) The medicaid state plan approved by the United States 115628
secretary of health and human services, including amendments to 115629
the plan approved by the United States secretary; 115630

(B) Federal medicaid waivers granted by the United States 115631
secretary, including amendments to waivers approved by the United 115632
States secretary; 115633

(C) Other types of federal approval, including demonstration 115634
grants, that establish requirements for components of the medicaid 115635
program; 115636

(D) Except as otherwise authorized by a federal medicaid 115637
waiver granted by the United States secretary, all applicable 115638
federal statutes, regulations, and policy guidances; 115639

(E) All applicable state statutes. 115640

Sec. 5162.06. (A) Notwithstanding any other state statute, no 115641
component, or aspect of a component, of the medicaid program shall 115642
be implemented without all of the following: 115643

(1) Subject to division (B) of this section, if the 115644
component, or aspect of the component, requires federal approval, 115645

receipt of the federal approval; 115646

(2) Sufficient federal financial participation for the 115647
component or aspect of the component; 115648

(3) Sufficient nonfederal funds for the component or aspect 115649
of the component that qualify as funds needed to obtain the 115650
federal financial participation. 115651

(B) A component, or aspect of a component, of the medicaid 115652
program that requires federal approval may begin to be implemented 115653
before receipt of the federal approval if federal law authorizes 115654
implementation to begin before receipt of the federal approval. 115655
Implementation shall cease if the federal approval is ultimately 115656
denied. 115657

Sec. 5162.07. The medicaid director shall seek federal 115658
approval for all components, and aspects of components, of the 115659
medicaid program for which federal approval is needed, except that 115660
the director is permitted rather than required to seek federal 115661
approval for components, and aspects of components, that state 115662
statutes permit rather than require be implemented. Federal 115663
approval shall be sought in the following forms as appropriate: 115664

(A) The medicaid state plan; 115665

(B) Amendments to the medicaid state plan; 115666

(C) Federal medicaid waivers; 115667

(D) Amendments to federal medicaid waivers; 115668

(E) Other types of federal approval, including demonstration 115669
grants. 115670

Sec. ~~5111.10~~ 5162.10. The medicaid director of ~~job and family~~ 115671
services may conduct reviews of the medicaid program. The reviews 115672
may include physical inspections of records and sites where 115673
medicaid-funded medicaid services are provided and interviews of 115674

~~medicaid providers and medicaid recipients of the services.~~ If the 115675
director determines pursuant to a review that a person or 115676
government entity has violated a rule governing the medicaid 115677
program, the director may establish a corrective action plan for 115678
the violator and impose fiscal, administrative, or both types of 115679
sanctions on the violator in accordance with rules ~~governing the~~ 115680
~~medicaid program~~ adopted under section 5162.02 of the Revised 115681
Code. 115682

Sec. ~~5111.915~~ 5162.11. (A) The department of ~~job and family~~ 115683
~~services~~ medicaid shall enter into an agreement with the 115684
department of administrative services for the department of 115685
administrative services to contract through competitive selection 115686
pursuant to section 125.07 of the Revised Code with a vendor to 115687
perform an assessment of the data collection and data warehouse 115688
functions of the medicaid data warehouse system, including the 115689
ability to link the data sets of all agencies serving medicaid 115690
recipients. 115691

The assessment of the data system shall include functions 115692
related to fraud and abuse detection, program management and 115693
budgeting, and performance measurement capabilities of all 115694
agencies serving medicaid recipients, including the departments of 115695
aging, ~~alcohol and drug addiction services,~~ health, job and family 115696
services, medicaid, mental health mental health and addiction 115697
services, and developmental disabilities. 115698

~~The department of administrative services shall enter into~~ 115699
~~this contract within thirty days after September 29, 2005. The~~ 115700
~~contract shall require the vendor to complete the assessment~~ 115701
~~within ninety days after September 29, 2005.~~ 115702

A qualified vendor with whom the department of administrative 115703
services contracts to assess the data system shall also assist the 115704
medicaid agencies in the definition of the requirements for an 115705

enhanced data system or a new data system and assist the 115706
department of administrative services in the preparation of a 115707
request for ~~proposal~~ proposals to enhance or develop a data 115708
system. 115709

(B) Based on the assessment performed pursuant to division 115710
(A) of this section, the department of administrative services 115711
shall seek a qualified vendor through competitive selection 115712
pursuant to section 125.07 of the Revised Code to develop or 115713
enhance a data collection and data warehouse system for the 115714
department of ~~job and family services~~ medicaid and all agencies 115715
serving medicaid recipients. 115716

~~Within ninety days after September 29, 2005, the~~ The 115717
department of ~~job and family services~~ medicaid shall seek enhanced 115718
federal ~~funding~~ financial participation for ninety per cent of the 115719
funds required to establish or enhance the data system. The 115720
department of administrative services shall not award a contract 115721
for establishing or enhancing the data system until the department 115722
of ~~job and family services~~ medicaid receives approval from the 115723
~~secretary of the~~ United States ~~department~~ secretary of health and 115724
human services for the ninety per cent federal ~~match~~ financial 115725
participation. 115726

Sec. 5162.12. (A) The medicaid director may enter into a 115727
contract with one or more persons to receive and process, on the 115728
director's behalf, requests for medicaid recipient or claims 115729
payment data, data from reports of audits conducted under section 115730
5165.109 of the Revised Code, or extracts or analyses of any of 115731
the foregoing data made by persons who intend to use the items for 115732
commercial or academic purposes. 115733

(B) At a minimum, a contract entered into under this section 115734
shall do both of the following: 115735

(1) Authorize the contracting person to engage in the 115736

activities described in division (A) of this section for 115737
compensation, which must be stated as a percentage of the fees 115738
paid by persons who are provided the items; 115739

(2) Specify the schedule of fees the contracting person is to 115740
charge for the items. 115741

(C) Except as required by federal or state law and subject to 115742
division (E) of this section, both of the following conditions 115743
apply with respect to a request for data described in division (A) 115744
of this section: 115745

(1) The request shall be made through a person who has 115746
entered into a contract with the medicaid director under this 115747
section. 115748

(2) An item prepared pursuant to the request may be provided 115749
to the department of medicaid and is confidential and not subject 115750
to disclosure under section 149.43 or 1347.08 of the Revised Code. 115751

(D) The medicaid director shall use fees the director 115752
receives pursuant to a contract entered into under this section to 115753
pay obligations specified in contracts entered under this section. 115754
Any money remaining after the obligations are paid shall be 115755
deposited in the health care services administration fund created 115756
under section 5162.54 of the Revised Code. 115757

(E) This section does not apply to requests for medicaid 115758
recipient or claims payment data, data from reports of audits 115759
conducted under section 5165.109 of the Revised Code, or extracts 115760
or analyses of any of the foregoing data that are for any of the 115761
following purposes: 115762

(1) Treatment of medicaid recipients; 115763

(2) Payment of medicaid claims; 115764

(3) Establishment or management of medicaid third party 115765
liability pursuant to sections 5160.35 to 5160.43 of the Revised 115766

Code; 115767

(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program; 115768
115769
115770

(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code. 115771
115772
115773
115774

Sec. ~~5111.09~~ 5162.13. On or before the first day of January 115775
of each year, the department of ~~job and family services~~ medicaid 115776
shall submit to the speaker and minority leader of the house of 115777
representatives and the president and minority leader of the 115778
senate, and shall make available to the public, a report on the 115779
effectiveness of the ~~Ohio works first program established under~~ 115780
~~Chapter 5107. of the Revised Code and the medical assistance~~ 115781
medicaid program established under this chapter in meeting the 115782
health care needs of low-income pregnant women, infants, and 115783
children. The report shall include: the estimated number of 115784
~~persons eligible for health care services to~~ pregnant women, 115785
infants, and children ~~under the programs~~ eligible for the program; 115786
the actual number of eligible persons ~~served~~ enrolled in the 115787
program; the number of prenatal, postpartum, and child health 115788
visits; a report on birth outcomes, including a comparison of 115789
low-birthweight births and infant mortality rates of ~~program~~ 115790
~~participants~~ medicaid recipients with the general female 115791
child-bearing and infant population in this state; and a 115792
comparison of the prenatal, delivery, and child health costs of 115793
the ~~programs~~ program with such costs of similar programs in other 115794
states, where available. 115795

Sec. ~~5111.091~~ 5162.131. Semiannually, the medicaid director 115796

~~of job and family services~~ shall submit to the president and 115797
minority leader of the senate, speaker and minority leader of the 115798
house of representatives, and the chairpersons of the standing 115799
committees of the senate and house of representatives with primary 115800
responsibility for legislation making biennial appropriations a 115801
report on the establishment and implementation of programs 115802
designed to control the increase of the cost of the medicaid 115803
program, increase the efficiency of the medicaid program, and 115804
promote better health outcomes. In each calendar year, one report 115805
shall be submitted not later than the last day of June and the 115806
subsequent report shall be submitted not later than the last day 115807
of December. 115808

Sec. ~~5111.092~~ 5162.132. ~~(A) Not later than January 1, 2010,~~ 115809
~~and each year thereafter~~ Annually, the department of ~~job and~~ 115810
~~family services~~ medicaid shall prepare a report on the 115811
department's efforts to minimize fraud, waste, and abuse in the 115812
medicaid program. 115813

~~(B)~~ Each report shall be made available on the department's 115814
web site. The department shall submit a copy of each report to the 115815
governor and, in accordance with section 101.68 of the Revised 115816
Code, the general assembly. Copies of the report also shall be 115817
made available to the public on request. 115818

Sec. ~~5111.101~~ 5162.15. (A) As used in this section; 115819

"Agent" and "contractor" include any agent, contractor, 115820
subcontractor, or other person who, on behalf of an entity, 115821
furnishes or authorizes the furnishing of ~~health care items or~~ 115822
medicaid services ~~under the medicaid program~~, performs billing or 115823
coding functions, or is involved in monitoring of health care that 115824
an entity provides. 115825

"Employee" includes any officer or employee (including 115826

management employees) of an entity. 115827

"Entity" includes a governmental entity or an organization, 115828
unit, corporation, partnership, or other business arrangement, 115829
including any medicaid managed care organization, irrespective of 115830
the form of business structure or arrangement by which it exists, 115831
whether for-profit or not-for-profit. "Entity" does not include a 115832
government entity that administers one or more components of the 115833
medicaid program, unless the government entity receives medicaid 115834
payments for providing ~~items or~~ medicaid services. 115835

"Federal health care programs" has the same meaning as in the 115836
"Social Security Act," section 1128B, 42 U.S.C. 1320a-7b(f). 115837

(B) Each entity that receives or makes in a federal fiscal 115838
year payments under the medicaid program, either through the 115839
medicaid state ~~medicaid~~ plan or a federal medicaid waiver, 115840
totaling at least five million dollars shall, as a condition of 115841
receiving such payments, do all of the following not later than 115842
the first day of the succeeding calendar year: 115843

(1) Establish written policies for all of the entity's 115844
employees, contractors, and agents that provide detailed 115845
information about the role of all of the following in preventing 115846
and detecting fraud, waste, and abuse in federal health care 115847
programs: 115848

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 115849

(b) Federal administrative remedies for false claims and 115850
statements available under 31 U.S.C. 3801 to 3812; 115851

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 115852
Revised Code and any other state laws pertaining to civil or 115853
criminal penalties for false claims and statements; 115854

(d) Whistleblower protections under the laws specified in 115855
divisions (B)(1)(a) to (c) of this section. 115856

(2) Include as part of the written policies required by 115857
division (B)(1) of this section detailed provisions regarding the 115858
entity's policies and procedures for preventing and detecting 115859
fraud, waste, and abuse. 115860

(3) Disseminate the written policies required by division 115861
(B)(1) of this section to each of the entity's employees, 115862
contractors, and agents in a paper or electronic form and make the 115863
written policies readily available to the entity's employees, 115864
contractors, and agents. 115865

(4) If the entity has an employee handbook, include in the 115866
employee handbook a specific discussion of the laws specified in 115867
division (B)(1) of this section, the rights of employees to be 115868
protected as whistleblowers, and the entity's policies and 115869
procedures for preventing and detecting fraud, waste, and abuse. 115870

(5) Require the entity's contractors and agents to adopt the 115871
entity's written policies required by division (B)(1) of this 115872
section. 115873

(C) An entity that furnishes ~~items or~~ medicaid services at 115874
multiple locations or under multiple contractual or other payment 115875
arrangements is required to comply with division (B) of this 115876
section if the entity receives in a federal fiscal year medicaid 115877
payments totaling in the aggregate at least five million dollars. 115878
This applies regardless of whether the entity submits claims for 115879
medicaid payments using multiple provider identification or tax 115880
identification numbers. 115881

Sec. ~~5111.0112~~ 5162.20. (A) The ~~director~~ department of job 115882
~~and family services~~ medicaid shall institute a cost-sharing 115883
~~program under requirements for~~ the medicaid program. ~~In~~ 115884
~~instituting the cost sharing program, the director shall comply~~ 115885
~~with federal law.~~ The cost-sharing ~~program~~ requirements shall 115886
establish include a copayment requirement for at least dental 115887

services, vision services, nonemergency emergency department 115888
services, and ~~prescription prescribed~~ drugs, ~~other than generic~~ 115889
~~drugs~~. The cost-sharing ~~program~~ requirements also shall ~~establish~~ 115890
include requirements regarding premiums, enrollment fees, 115891
deductions, and similar charges. ~~The director shall adopt rules~~ 115892
~~under section 5111.02 of the Revised Code governing the~~ 115893
~~cost-sharing program.~~ 115894

(B) ~~The cost sharing program shall, to the extent permitted~~ 115895
~~by federal law, provide for all of the following with regard to~~ 115896
~~any providers participating in the medicaid program:~~ 115897

(1) No provider shall refuse to provide a service to a 115898
medicaid recipient who is unable to pay a required copayment for 115899
the service. 115900

(2) Division (B)(1) of this section shall not be considered 115901
to do either of the following with regard to a medicaid recipient 115902
who is unable to pay a required copayment: 115903

(a) Relieve the medicaid recipient from the obligation to pay 115904
a copayment; 115905

(b) Prohibit the provider from attempting to collect an 115906
unpaid copayment. 115907

~~(3)(C)~~ Except as provided in division ~~(C)(F)~~ of this section, 115908
no provider shall waive a medicaid recipient's obligation to pay 115909
the provider a copayment. 115910

~~(4)(D)~~ No provider or drug manufacturer, including the 115911
manufacturer's representative, employee, independent contractor, 115912
or agent, shall pay any copayment on behalf of a medicaid 115913
recipient. 115914

~~(5)(E)~~ If it is the routine business practice of ~~the a~~ 115915
provider to refuse service to any individual who owes an 115916
outstanding debt to the provider, the provider may consider an 115917

unpaid copayment imposed by the cost-sharing ~~program~~ requirements 115918
as an outstanding debt and may refuse service to a medicaid 115919
recipient who owes the provider an outstanding debt. If the 115920
provider intends to refuse service to a medicaid recipient who 115921
owes the provider an outstanding debt, the provider shall notify 115922
the ~~individual~~ recipient of the provider's intent to refuse 115923
~~services~~ service. 115924

~~(C)~~(F) In the case of a provider that is a hospital, the 115925
cost-sharing program shall permit the hospital to take action to 115926
collect a copayment by providing, at the time services are 115927
rendered to a medicaid recipient, notice that a copayment may be 115928
owed. If the hospital provides the notice and chooses not to take 115929
any further action to pursue collection of the copayment, the 115930
prohibition against waiving copayments specified in division 115931
~~(B)~~~~(3)~~(C) of this section does not apply. 115932

~~(D)~~(G) The department of ~~job and family services~~ medicaid may 115933
~~work~~ collaborate with a state agency that is administering, 115934
pursuant to a contract entered into under section ~~5111.91~~ 5162.35 115935
of the Revised Code, one or more components ~~of the medicaid~~ 115936
~~program~~, or one or more aspects of a component, of the medicaid 115937
program as necessary for the state agency to apply the 115938
cost-sharing ~~program~~ requirements to the components or aspects of 115939
~~the medicaid program~~ a component that the state agency 115940
administers. 115941

Sec. ~~5111.11~~ 5162.21. (A) As used in this section and section 115942
~~5111.111~~ 5162.211 of the Revised Code: 115943

(1) "Estate" includes both of the following: 115944

(a) All real and personal property and other assets to be 115945
administered under Title XXI of the Revised Code and property that 115946
would be administered under that title if not for section 2113.03 115947
or 2113.031 of the Revised Code; 115948

(b) Any other real and personal property and other assets in 115949
which an individual had any legal title or interest at the time of 115950
death (to the extent of the interest), including assets conveyed 115951
to a survivor, heir, or assign of the individual through joint 115952
tenancy, tenancy in common, survivorship, life estate, living 115953
trust, or other arrangement. 115954

(2) "Institution" means a nursing facility, ~~intermediate care~~ 115955
~~facility for the mentally retarded~~ ICF/IID, or a medical 115956
institution. 115957

(3) ~~"Intermediate care facility for the mentally retarded"~~ 115958
~~and "nursing facility" have the same meanings as in section~~ 115959
~~5111.20 of the Revised Code.~~ 115960

~~(4)~~ "Permanently institutionalized individual" means an 115961
individual to whom all of the following apply: 115962

(a) Is an inpatient in an institution; 115963

(b) Is required, as a condition of the medicaid program 115964
paying for the individual's services in the institution, to spend 115965
for costs of medical or nursing care all of the individual's 115966
income except for an amount for personal needs specified by the 115967
department of ~~job and family services~~ medicaid; 115968

(c) Cannot reasonably be expected to be discharged from the 115969
institution and return home as determined by the department of ~~job~~ 115970
~~and family services~~ medicaid. 115971

~~(5)~~(4) "Qualified state long-term care insurance partnership 115972
program" means the program established under section ~~5111.18~~ 115973
5164.86 of the Revised Code. 115974

~~(6)~~(5) "Time of death" shall not be construed to mean a time 115975
after which a legal title or interest in real or personal property 115976
or other asset may pass by survivorship or other operation of law 115977
due to the death of the decedent or terminate by reason of the 115978

decedent's death. 115979

(B) To the extent permitted by federal law, the department of 115980
~~job and family services~~ medicaid shall institute a medicaid estate 115981
recovery program under which the department shall, except as 115982
provided in divisions (C) and (E) of this section, and subject to 115983
division (D) of this section, do all of the following: 115984

(1) For the costs of medicaid services the medicaid program 115985
correctly paid or will pay on behalf of a permanently 115986
institutionalized individual of any age, seek adjustment or 115987
recovery from the individual's estate or on the sale of property 115988
of the individual or spouse that is subject to a lien imposed 115989
under section ~~5111.111~~ 5162.211 of the Revised Code; 115990

(2) For the costs of medicaid services the medicaid program 115991
correctly paid or will pay on behalf of an individual fifty-five 115992
years of age or older who is not a permanently institutionalized 115993
individual, seek adjustment or recovery from the individual's 115994
estate; 115995

(3) Seek adjustment or recovery from the estate of other 115996
individuals as permitted by federal law. 115997

(C)(1) No adjustment or recovery may be made under division 115998
(B)(1) of this section from a permanently institutionalized 115999
individual's estate or on the sale of property of a permanently 116000
institutionalized individual that is subject to a lien imposed 116001
under section ~~5111.111~~ 5162.211 of the Revised Code or under 116002
division (B)(2) or (3) of this section from an individual's estate 116003
while either of the following are alive: 116004

(a) The spouse of the permanently institutionalized 116005
individual or individual; 116006

(b) The son or daughter of a permanently institutionalized 116007
individual or individual if the son or daughter is under age 116008
twenty-one or, under the "Social Security Act," section 1614, 42 116009

U.S.C. 1382c, is considered blind or disabled. 116010

(2) No adjustment or recovery may be made under division 116011
(B)(1) of this section from a permanently institutionalized 116012
individual's home that is subject to a lien imposed under section 116013
~~5111.111~~ 5162.211 of the Revised Code while either of the 116014
following lawfully reside in the home: 116015

(a) The permanently institutionalized individual's sibling 116016
who resided in the home for at least one year immediately before 116017
the date of the permanently institutionalized individual's 116018
admission to the institution and on a continuous basis since that 116019
time; 116020

(b) The permanently institutionalized individual's son or 116021
daughter who provided care to the permanently institutionalized 116022
individual that delayed the permanently institutionalized 116023
individual's institutionalization and resided in the home for at 116024
least two years immediately before the date of the permanently 116025
institutionalized individual's admission to the institution and on 116026
a continuous basis since that time. 116027

(D) In the case of a participant of the qualified state 116028
long-term care insurance partnership program, adjustment or 116029
recovery required by this section may be reduced in accordance 116030
with rules ~~adopted under~~ authorized by division (G) of this 116031
section. 116032

(E) The department shall, in accordance with procedures and 116033
criteria established in rules ~~adopted under~~ authorized by division 116034
(G) of this section, waive seeking an adjustment or recovery 116035
otherwise required by this section if the medicaid director ~~of job~~ 116036
~~and family services~~ determines that adjustment or recovery would 116037
work an undue hardship. The department may limit the duration of 116038
the waiver to the period during which the undue hardship exists. 116039

(F) For the purpose of determining whether an individual 116040

meets the definition of "permanently institutionalized individual" 116041
established for this section, a rebuttable presumption exists that 116042
the individual cannot reasonably be expected to be discharged from 116043
an institution and return home if either of the following is the 116044
case: 116045

(1) The individual declares that he or she does not intend to 116046
return home. 116047

(2) The individual has been an inpatient in an institution 116048
for at least six months. 116049

~~(G) The director of job and family services shall adopt rules 116050
in accordance with Chapter 119. of the Revised Code regarding the 116051
medicaid estate recovery program, including rules that Rules 116052
adopted under section 5162.02 of the Revised Code shall do both of 116053
the following: 116054~~

(1) For the purpose of division (D) of this section and 116055
consistent with the "Social Security Act," section 1917(b)(1)(C), 116056
42 U.S.C. 1396p(b)(1)(C), provide for reducing an adjustment or 116057
recovery in the case of a participant of the qualified state 116058
long-term care insurance partnership program; 116059

(2) For the purpose of division (E) of this section and 116060
consistent with the standards specified by the United States 116061
secretary of health and human services under the "Social Security 116062
Act," section 1917(b)(3), 42 U.S.C. 1396p(b)(3), establish 116063
procedures and criteria for waiving adjustment or recovery due to 116064
an undue hardship. 116065

Sec. ~~5111.111~~ 5162.211. (A) Except as provided in division 116066
(B) of this section and section ~~5111.12~~ 5162.23 of the Revised 116067
Code, no lien may be imposed against the property of an individual 116068
before the individual's death on account of medicaid services 116069
correctly paid or to be paid on the individual's behalf. 116070

(B) Except as provided in division (C) of this section, the department of ~~job and family services~~ medicaid may impose a lien against the real property of a medicaid recipient who is a permanently institutionalized individual and against the real property of the recipient's spouse, including any real property that is jointly held by the recipient and spouse. The lien may be imposed on account of medicaid paid or to be paid on the recipient's behalf.

(C) No lien may be imposed under division (B) of this section against the home of a medicaid recipient if any of the following lawfully resides in the home:

(1) The recipient's spouse;

(2) The recipient's son or daughter who is under twenty-one years of age or, under the "Social Security Act," section 1614, 42 U.S.C. 1382c, considered to be blind or disabled;

(3) The recipient's sibling who has an equity interest in the home and resided in the home for at least one year immediately before the date of the recipient's admission to the institution.

(D) The medicaid director ~~of job and family services~~ or a person designated by the director shall sign a certificate to effectuate a lien required to be imposed under this section. The county department of job and family services shall file for recording and indexing the certificate, or a certified copy, in the real estate mortgage records in the office of the county recorder in every county in which real property of the recipient or spouse is situated. From the time of filing the certificate in the office of the county recorder, the lien attaches to all real property of the recipient or spouse described in the certificate for all amounts for which adjustment or recovery may be made under ~~section 5111.11~~ 5162.21 of the Revised Code and, except as provided in division (E) of this section, shall remain a lien

until satisfied. 116102

Upon filing the certificate in the office of the recorder, 116103
all persons are charged with notice of the lien and the rights of 116104
the department of ~~job and family services~~ medicaid thereunder. 116105

The county recorder shall keep a record of every certificate 116106
filed showing its date, the time of filing, the name and residence 116107
of the recipient or spouse, and any release, waivers, or 116108
satisfaction of the lien. 116109

The priority of the lien shall be established in accordance 116110
with state and federal law. 116111

The department may waive the priority of its lien to provide 116112
for the costs of the last illness as determined by the department, 116113
administration, attorney fees, administrator fees, a sum for the 116114
payment of the costs of burial, which shall be computed by 116115
deducting from five hundred dollars whatever amount is available 116116
for the same purpose from all other sources, and a similar sum for 116117
the spouse of the decedent. 116118

(E) A lien imposed with respect to a medicaid recipient under 116119
this section shall dissolve on the recipient's discharge from the 116120
institution and return home. 116121

Sec. ~~5111.112~~ 5162.212. The department of ~~job and family~~ 116122
~~services~~ medicaid shall certify amounts due under the medicaid 116123
estate recovery program instituted under section ~~5111.11~~ 5162.21 116124
of the Revised Code to the attorney general pursuant to section 116125
131.02 of the Revised Code. The attorney general may enter into a 116126
contract with any person or government entity to collect the 116127
amounts due on behalf of the attorney general. 116128

The attorney general, in entering into a contract under this 116129
section, shall comply with all of the requirements that must be 116130
met for the state to receive federal financial participation for 116131

the costs incurred in entering into the contract and carrying out 116132
actions under the contract. The contract may provide for the 116133
person or government entity with which the attorney general 116134
contracts to be compensated from the property recovered under the 116135
medicaid estate recovery program or may provide for another manner 116136
of compensation agreed to by the parties to the contract. 116137

Regardless of whether the attorney general collects the 116138
amounts due under the medicaid estate recovery program or 116139
contracts with a person or government entity to collect the 116140
amounts due on behalf of the attorney general, the amounts due 116141
shall be collected in accordance with applicable requirements of 116142
federal statutes and regulations and state statutes and rules. 116143

Sec. ~~5111.113~~ 5162.22. (A) As used in this section: 116144

(1) "Commissioner" means a person appointed by a probate 116145
court under division (E) of section 2113.03 of the Revised Code to 116146
act as a commissioner. 116147

(2) "Home" has the same meaning as in section 3721.10 of the 116148
Revised Code. 116149

(3) "Personal needs allowance account" means an account or 116150
petty cash fund that holds the money of a resident of ~~an adult~~ 116151
~~care~~ a residential facility or home and that the facility or home 116152
manages for the resident. 116153

(4) "Residential facility" means a residential facility 116154
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 116155
provides accommodations, supervision, and personal care services 116156
for three to sixteen unrelated adults. 116157

(B) Except as provided in divisions (C) and (D) of this 116158
section, the owner or operator of a home or residential facility 116159
shall transfer to the department of ~~job and family services~~ 116160
medicaid the money in the personal needs allowance account of a 116161

resident of the home or facility who was a medicaid recipient of 116162
~~the medical assistance program~~ no earlier than sixty days but not 116163
later than ninety days after the resident dies. The home or 116164
facility shall transfer the money even though the owner or 116165
operator of the facility or home has not been issued letters 116166
testamentary or letters of administration concerning the 116167
resident's estate. 116168

(C) If funeral or burial expenses for a resident of a home or 116169
residential facility who has died have not been paid and the only 116170
resource the resident had that could be used to pay for the 116171
expenses is the money in the resident's personal needs allowance 116172
account, or all other resources of the resident are inadequate to 116173
pay the full cost of the expenses, the money in the resident's 116174
personal needs allowance account shall be used to pay for the 116175
expenses rather than being transferred to the department of ~~job~~ 116176
~~and family services~~ medicaid pursuant to division (B) of this 116177
section. 116178

(D) If, not later than sixty days after a resident of a home 116179
or residential facility dies, letters testamentary or letters of 116180
administration are issued, or an application for release from 116181
administration is filed under section 2113.03 of the Revised Code, 116182
concerning the resident's estate, the owner or operator of the 116183
home or facility shall transfer the money in the resident's 116184
personal needs allowance account to the administrator, executor, 116185
commissioner, or person who filed the application for release from 116186
administration. 116187

(E) The transfer or use of money in a resident's personal 116188
needs allowance account in accordance with division (B), (C), or 116189
(D) of this section discharges and releases the home or 116190
residential facility, and the owner or operator of the home, from 116191
any claim for the money from any source. 116192

(F) If, sixty-one or more days after a resident of a home or 116193

residential facility dies, letters testamentary or letters of 116194
administration are issued, or an application for release from 116195
administration under section 2113.03 of the Revised Code is filed, 116196
concerning the resident's estate, the department of ~~job and family~~ 116197
~~services~~ medicaid shall transfer the funds to the administrator, 116198
executor, commissioner, or person who filed the application, 116199
unless the department is entitled to recover the money under the 116200
medicaid estate recovery program instituted under section ~~5111.11~~ 116201
5162.21 of the Revised Code. 116202

Sec. ~~5111.12~~ 5162.23. (A) The medicaid director ~~of job and~~ 116203
~~family services~~ shall ~~establish~~ adopt rules under ~~which~~ section 116204
5162.02 of the Revised Code permitting county departments of job 116205
and family services ~~may~~ to take action to recover benefits 116206
incorrectly paid on behalf of medicaid recipients ~~of medical~~ 116207
~~assistance~~. The rules shall provide for recovery by the following 116208
methods: 116209

(1) Soliciting voluntary payments from recipients or from 116210
persons holding property in which a recipient has a legal or 116211
equitable interest; 116212

(2) Obtaining a lien on property pursuant to division (B) of 116213
this section. 116214

(B) A county department of job and family services may bring 116215
a civil action in a court of common pleas against a medicaid 116216
recipient ~~of medical assistance~~ for the recovery of any ~~medical~~ 116217
~~assistance benefits~~ medicaid payments determined by the court to 116218
have been paid incorrectly on behalf of the recipient. All persons 116219
holding property in which the recipient has a legal or equitable 116220
interest may be joined as parties. The court may issue 116221
pre-judgment orders, including injunctive relief or attachment 116222
under Chapter 2715. of the Revised Code, for the preservation of 116223
real or personal property in which the recipient may have a legal 116224

or equitable interest. If the court determines that ~~benefits~~ 116225
medicaid payments were ~~paid~~ made incorrectly and issues a judgment 116226
to that effect, the county department may obtain a lien upon 116227
property of the recipient in accordance with Chapter 2329. of the 116228
Revised Code. 116229

(C) The county department of job and family services shall 116230
retain fifty per cent of the balance remaining after deduction 116231
from the recovery of the amount required to be returned to the 116232
federal government and shall pay the other fifty per cent of the 116233
balance to the department of ~~job and family services~~ medicaid. 116234

(D) Recovery of ~~medical assistance benefits~~ medicaid payments 116235
incorrectly ~~paid to~~ made on behalf of a medicaid recipient may not 116236
be accomplished by reducing the amount of benefits the recipient 116237
is entitled to receive under another government assistance 116238
program. 116239

(E) The remedies provided pursuant to this section do not 116240
affect any other remedies county departments of job and family 116241
services may have to recover benefits incorrectly paid on behalf 116242
of medicaid recipients ~~of medical assistance~~. 116243

Sec. ~~5111.121~~ 5162.24. (A) As used in this section, "third 116244
party" has the same meaning as in section ~~5101.571~~ 5160.35 of the 116245
Revised Code. 116246

(B) In addition to the authority granted under section 116247
~~5101.59~~ 5160.38 of the Revised Code, the department of ~~job and~~ 116248
~~family services~~ medicaid may, to the extent necessary to reimburse 116249
its costs, garnish the wages, salary, or other employment income 116250
of, and withhold amounts from state tax refunds to, any person to 116251
whom both of the following apply: 116252

(1) The person is required by a court or administrative order 116253
to provide coverage of the cost of health care services to a child 116254

eligible for ~~medical assistance under this chapter~~ medicaid. 116255

(2) The person has received payment from a third party for 116256
the costs of such services but has not used the payment to 116257
reimburse either the other parent or guardian of the child or the 116258
provider of the services. 116259

(C) Claims for current and past due child support shall take 116260
priority over claims under division (B) of this section. 116261

Sec. ~~5111.83~~ 5162.30. (A) ~~Not later than January 1, 2012, the~~ 116262
~~The medicaid~~ director ~~of job and family services~~ shall apply to 116263
~~the United States secretary of health and human services for~~ 116264
~~approval of~~ create a medicaid administrative claiming program 116265
under which federal financial participation is received ~~as~~ 116266
~~reimbursement~~ for the administrative costs incurred by the 116267
department of health and the Arthur G. James cancer hospital and 116268
Richard J. Solove research institute of the Ohio state university 116269
in analyzing and evaluating both of the following pursuant to 116270
sections 3701.261 ~~to 3701.236~~ and 3701.262 of the Revised Code: 116271

(1) Cancer reports under the Ohio cancer incidence 116272
surveillance system; 116273

(2) The incidence, prevalence, costs, and medical 116274
consequences of cancer on medicaid recipients and other low-income 116275
populations. 116276

(B) The medicaid director ~~of job and family services~~ shall 116277
consult with the director of health in ~~seeking approval of~~ 116278
creating the medicaid administrative claiming program. ~~The~~ 116279
~~directors shall cooperate in seeking the approval to the extent~~ 116280
~~they find the approval necessary for the effective and efficient~~ 116281
~~administration of the medicaid program.~~ 116282

Sec. 5162.31. Local funds, whether from public or private 116283
sources, expended by a county department of job and family 116284

services for administration of the healthy start component shall 116285
be considered to have been expended by the state for the purpose 116286
of determining the extent to which the state has complied with any 116287
federal requirement that the state provide funds to match federal 116288
financial participation for the medicaid program. This section 116289
does not affect the amount of funds a county is entitled to 116290
receive under sections 5101.16 and 5101.161 of the Revised Code. 116291

Sec. ~~5111.90~~ 5162.32. ~~(A) As used in sections 5111.90 to~~ 116292
~~5111.93 of the Revised Code:~~ 116293

~~(1) "Political subdivision" means a municipal corporation,~~ 116294
~~township, county, school district, or other body corporate and~~ 116295
~~politic responsible for governmental activities only in a~~ 116296
~~geographical area smaller than that of the state.~~ 116297

~~(2) "State agency" means every organized body, office, or~~ 116298
~~agency, other than the department of job and family services,~~ 116299
~~established by the laws of the state for the exercise of any~~ 116300
~~function of state government.~~ 116301

~~(B) To the extent permitted by Title XIX of the "Social~~ 116302
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended,~~ 116303
~~and regulations adopted under that title, the The department of~~ 116304
~~job and family services medicaid may enter into contracts with~~ 116305
~~political subdivisions to use funds of the political subdivision~~ 116306
~~to pay the nonfederal share of expenditures under the medicaid~~ 116307
~~program. The determination and provision of federal financial~~ 116308
~~reimbursement participation to a subdivision entering into a~~ 116309
~~contract under this section shall be determined by the department,~~ 116310
~~subject to section ~~5111.92~~ 5162.40 of the Revised Code, ~~approval~~~~ 116311
~~by the United States secretary of health and human services, and~~ 116312
~~the availability of federal financial participation.~~ 116313

Sec. ~~5111.91~~ 5162.35. The department of job and family 116314

~~services~~ medicaid may enter into contracts with one or more other state agencies or political subdivisions to have the state agency or political subdivision administer one or more components of the medicaid program, or one or more aspects of a component, under the department's supervision. A state agency or political subdivision that enters into such a contract shall comply with the terms of the contract and any rules the medicaid director of ~~job and family services~~ has adopted governing the component, or aspect of the component, that the state agency or political subdivision is to administer, including any rules establishing review, audit, and corrective action plan requirements. A contract with a state agency shall be in the form of an interagency agreement.

A state agency or political subdivision that enters into a contract with the department under this section shall reimburse the department for the nonfederal share of the cost to the department of performing, or contracting for the performance of, a fiscal audit of the component of the medicaid program, or aspect of the component, that the state agency or political subdivision administers if rules governing the component, or aspect of the component, require that a fiscal audit be conducted.

~~There is hereby created in the state treasury the medicaid administrative reimbursement fund. The department shall use money in the fund to pay for the nonfederal share of the cost of a fiscal audit for which a state agency or political subdivision is required by this section to reimburse the department. The department shall deposit the reimbursements into the fund.~~

Sec. 5111.71 5162.36. (A) ~~As used in sections 5111.71 to 5111.715 of the Revised Code, "qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state~~

~~school for the deaf, and the state school for the blind to which
both of the following apply:~~ 116346
116347

~~(1) It holds a valid medicaid provider agreement.~~ 116348

~~(2) It meets all other conditions for participation in the
medicaid school component of the medicaid program established in
rules adopted under section 5111.715 of the Revised Code.~~ 116349
116350
116351

~~(B) The medicaid director of job and family services shall
submit a state medicaid plan amendment to the United States
secretary of health and human services for the purpose of creating
create, in accordance with sections 5111.71 5162.36 to 5111.715
5162.364 of the Revised Code, the medicaid school component of the
medicaid program. The director shall create the medicaid school
component on receipt of the United States secretary's approval of
the amendment.~~ 116352
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Sec. ~~5111.711~~ 5162.361. A qualified medicaid school provider 116360
participating in the medicaid school component of the medicaid 116361
program may submit a claim to the department of ~~job and family~~ 116362
~~services~~ medicaid for federal financial participation for 116363
providing, in schools, services covered by the medicaid school 116364
component to medicaid recipients who are eligible for the 116365
services. No qualified medicaid school provider may submit such a 116366
claim before the provider incurs the cost of providing the 116367
service. 116368

The claim shall include certification of the qualified 116369
medicaid school provider's expenditures for the service. The 116370
certification shall show that the money the qualified medicaid 116371
school provider used for the expenditures was nonfederal money the 116372
provider may legally use for providing the service and that the 116373
amount of the expenditures was sufficient to pay the full cost of 116374
the service. 116375

Except as otherwise provided in sections ~~5111.71~~ 5162.36 to 116376
~~5111.715~~ 5162.364 of the Revised Code and rules ~~adopted under~~ 116377
authorized by sections ~~5111.713~~ 5162.363 and ~~5111.715~~ 5162.364 of 116378
the Revised Code, a qualified medicaid school provider is subject 116379
to all conditions of participation in the medicaid program that 116380
generally apply to providers of goods and services under the 116381
medicaid program, including conditions regarding audits and 116382
recovery of overpayments. 116383

Sec. ~~5111.712~~ 5162.362. The department of ~~job and family~~ 116384
~~services~~ medicaid shall seek federal financial participation for 116385
each claim a qualified medicaid school provider properly submits 116386
to the department under section ~~5111.711~~ 5162.361 of the Revised 116387
Code. The department shall disburse the federal financial 116388
participation the department receives from the federal government 116389
for such a claim to the qualified medicaid school provider that 116390
submitted the claim. The department may not pay the qualified 116391
medicaid school provider the nonfederal share of the cost of the 116392
services for which the claim was submitted. 116393

Sec. ~~5111.713~~ 5162.363. The department of ~~job and family~~ 116394
~~services~~ medicaid shall enter into an interagency agreement with 116395
the department of education under section ~~5111.91~~ 5162.35 of the 116396
Revised Code that provides for the department of education to 116397
administer the medicaid school component of the medicaid program 116398
other than the aspects of the component that sections ~~5111.71~~ 116399
5162.36 to ~~5111.715~~ 5162.364 of the Revised Code require the 116400
department of ~~job and family services~~ medicaid to administer. The 116401
interagency agreement may include a provision that provides for 116402
the department of education to pay to the department of ~~job and~~ 116403
~~family services~~ medicaid the nonfederal share of a portion of the 116404
administrative expenses the department of ~~job and family services~~ 116405
medicaid incurs in administering the aspects of the component that 116406

the department of ~~job and family services~~ medicaid administrators. 116407

~~The~~ To the extent authorized by rules authorized by section 116408
5162.021 of the Revised Code, the department of education shall 116409
establish, in rules adopted under ~~Chapter 119.~~ section 5162.02 of 116410
the Revised Code, a process by which qualified medicaid school 116411
providers participating in the medicaid school component pay to 116412
the department of education the nonfederal share of the 116413
department's expenses incurred in administering the component. The 116414
rules shall be adopted in accordance with Chapter 119. of the 116415
Revised Code. 116416

Sec. ~~5111.715~~ 5162.364. The medicaid director of ~~job and~~ 116417
~~family services~~ shall adopt rules under ~~Chapter 119.~~ section 116418
5162.02 of the Revised Code as necessary to implement the medicaid 116419
school component of the medicaid program, including rules that 116420
establish or specify all of the following: 116421

(A) Conditions a board of education of a city, local, or 116422
exempted school district, governing authority of a community 116423
school established under Chapter 3314. of the Revised Code, the 116424
state school for the deaf, and the state school for the blind must 116425
meet to participate in the component; 116426

(B) Services the component covers; 116427

(C) ~~Reimbursement~~ Payment rates for the services the 116428
component covers. 116429

The rules shall be adopted in accordance with Chapter 119. of 116430
the Revised Code. 116431

Sec. ~~5111.911~~ 5162.37. Any contract the department of ~~job and~~ 116432
~~family services~~ medicaid enters into with the department of ~~mental~~ 116433
~~health or department of alcohol and drug addiction services~~ mental 116434
health and addiction services under section ~~5111.91~~ 5162.35 of the 116435

Revised Code is subject to the approval of the director of budget 116436
and management and shall require or specify all of the following: 116437

~~(A) In the case of a contract with the department of mental~~ 116438
~~health, that~~ That section ~~5111.912~~ 5162.371 of the Revised Code be 116439
complied with; 116440

~~(B) In the case of a contract with the department of alcohol~~ 116441
~~and drug addiction services, that section 5111.913 of the Revised~~ 116442
~~Code be complied with;~~ 116443

~~(C)~~ How providers will be paid for providing the services; 116444

~~(D)~~(C) ~~The department of mental health's or department of~~ 116445
~~alcohol and drug addiction services'~~ responsibilities of the 116446
department of mental health and addiction services with regard to 116447
providers, including program oversight and quality assurance. 116448

Sec. ~~5111.912~~ 5162.371. If the department of ~~job and family~~ 116449
~~services~~ medicaid enters into a contract with the department of 116450
~~mental health~~ mental health and addiction services under section 116451
~~5111.91~~ 5162.35 of the Revised Code, the department of ~~job and~~ 116452
~~family services~~ medicaid shall pay the nonfederal share of any 116453
medicaid payment to a provider for services under the component, 116454
or aspect of the component, the department of ~~mental health~~ mental 116455
health and addiction services administers. ~~If necessary, the~~ 116456
~~director of job and family services shall submit a medicaid state~~ 116457
~~plan amendment to the United States secretary of health and human~~ 116458
~~services regarding the department of job and family services' duty~~ 116459
~~under this section.~~ 116460

Sec. ~~5111.92~~ 5162.40. (A)(1) Except as provided in division 116461
(B) of this section, if a state agency or political subdivision 116462
administers one or more components of the medicaid program that 116463
the United States department of health and human services 116464

approved, and for which federal financial participation was 116465
initially obtained, prior to January 1, 2002, or administers one 116466
or more aspects of such a component, the department of ~~job and~~ 116467
~~family services~~ medicaid may retain or collect not more than ten 116468
per cent of the federal financial participation the state agency 116469
or political subdivision obtains through an approved, 116470
administrative claim regarding the component or aspect of the 116471
component. If the department retains or collects a percentage of 116472
such federal financial participation, the percentage the 116473
department retains or collects shall be specified in a contract 116474
the department enters into with the state agency or political 116475
subdivision under section ~~5111.91~~ 5162.35 of the Revised Code. 116476

(2) Except as provided in division (B) of this section, if a 116477
state agency or political subdivision administers one or more 116478
components of the medicaid program that the United States 116479
department of health and human services approved on or after 116480
January 1, 2002, or administers one or more aspects of such a 116481
component, the department of ~~job and family services~~ medicaid 116482
shall retain or collect not less than three and not more than ten 116483
per cent of the federal financial participation the state agency 116484
or political subdivision obtains through an approved, 116485
administrative claim regarding the component or aspect of the 116486
component. The percentage the department retains or collects shall 116487
be specified in a contract the department enters into with the 116488
state agency or political subdivision under section ~~5111.91~~ 116489
5162.35 of the Revised Code. 116490

~~(B) The department of job and family services may retain or~~ 116491
~~collect a percentage of federal financial participation under~~ 116492
~~divisions (A)(1) and (2) of this section only to the extent~~ 116493
~~permitted by federal statutes and regulations.~~ 116494

~~(C) All amounts the department retains or collects under this~~ 116495

section shall be deposited into the health care services 116496
administration fund created under section ~~5111.94~~ 5162.54 of the 116497
Revised Code. 116498

Sec. ~~5111.93~~ 5162.41. The department of ~~job and family~~ 116499
~~services~~ medicaid may retain or collect a percentage of the 116500
federal financial participation included in a supplemental 116501
medicaid payment to one or more medicaid providers owned or 116502
operated by a state agency or political subdivision that brings 116503
the payment to such provider or providers to the upper payment 116504
limit established by 42 C.F.R. 447.272. If the department retains 116505
or collects a percentage of that federal financial participation, 116506
the ~~department~~ medicaid director shall adopt a rule under ~~Chapter~~ 116507
~~119-~~ section 5162.02 of the Revised Code specifying the percentage 116508
the department is to retain or collect. All amounts the department 116509
retains or collects under this section shall be deposited into the 116510
health care services administration fund created under section 116511
~~5111.94~~ 5162.54 of the Revised Code. 116512

Sec. ~~5111.943~~ 5162.50. (A) The health care - federal fund is 116513
hereby created in the state treasury. All of the following shall 116514
be credited to the fund: 116515

(1) Funds that division (B) of section ~~5112.18~~ 5168.11 of the 116516
Revised Code requires be credited to the fund; 116517

(2) The federal share of all rebates paid by drug 116518
manufacturers to the department of ~~job and family services~~ 116519
medicaid in accordance with a rebate agreement required by the 116520
"Social Security Act," section 1927, 42 U.S.C. 1396r-8; 116521

(3) The federal share of all supplemental rebates paid by 116522
drug manufacturers to the department of ~~job and family services~~ 116523
medicaid in accordance with the supplemental drug rebate program 116524
established under section ~~5111.081~~ 5164.755 of the Revised Code; 116525

(4) Except as otherwise provided by statute or as authorized 116526
by the controlling board, the federal share of all other 116527
medicaid-related revenues, collections, and recoveries. 116528

(B) All money credited to the health care - federal fund 116529
pursuant to division (B) of section ~~5112.10~~ 5168.11 of the Revised 116530
Code shall be used solely for distributing funds to hospitals 116531
under section ~~5112.08~~ 5168.09 of the Revised Code. The department 116532
of ~~job and family services~~ medicaid shall use all other money 116533
credited to the fund to pay for other medicaid services and 116534
contracts. 116535

Sec. ~~5111.941~~ 5162.52. (A) The health care/medicaid support 116536
and recoveries fund is hereby created in the state treasury. All 116537
of the following shall be credited to the fund: 116538

(1) Except as otherwise provided by statute or as authorized 116539
by the controlling board, the nonfederal share of all 116540
medicaid-related revenues, collections, and recoveries; 116541

(2) Federal reimbursement received for payment adjustments 116542
made pursuant to ~~section 1923~~ of the "Social Security Act," ~~101~~ 116543
~~Stat. 1330-148 (1987)~~ section 1923, 42 U.S.C. 1396r-4, ~~as amended,~~ 116544
under the medicaid program to state mental health hospitals 116545
maintained and operated by the department of ~~mental health~~ mental 116546
health and addiction services under division (A) of section 116547
~~5119.02~~ 5119.14 of the Revised Code; 116548

(3) Revenues the department of ~~job and family services~~ 116549
medicaid receives from another state agency for medicaid services 116550
pursuant to an interagency agreement, other than such revenues 116551
required to be deposited into the health care services 116552
administration fund created under section ~~5111.94~~ 5162.54 of the 116553
Revised Code; 116554

(4) The first seven hundred fifty thousand dollars the 116555

department receives in a fiscal year for performing eligibility 116556
verification services necessary for compliance with the 116557
independent, certified audit requirement of 42 C.F.R. 455.304; 116558

(5) The nonfederal share of all rebates paid by drug 116559
manufacturers to the department of medicaid in accordance with a 116560
rebate agreement required by the "Social Security Act," section 116561
1927, 42 U.S.C. 1396r-8; 116562

(6) The nonfederal share of all supplemental rebates paid by 116563
drug manufacturers to the department of medicaid in accordance 116564
with the supplemental drug rebate program established under 116565
section 5164.755 of the Revised Code. 116566

(B) The department of ~~job and family services~~ medicaid shall 116567
use money credited to the health care/medicaid support and 116568
recoveries fund to pay for medicaid services and contracts. 116569

Sec. ~~5111.94~~ 5162.54. (A) ~~As used in this section, "vendor 116570
offset" means a reduction of a medicaid payment to a medicaid 116571
provider to correct a previous, incorrect medicaid payment to that 116572
provider. 116573~~

~~(B)~~ There is hereby created in the state treasury the health 116574
care services administration fund. Except as provided in division 116575
(C) of this section, all the following shall be deposited into the 116576
fund: 116577

(1) Amounts deposited into the fund pursuant to sections 116578
~~5111.92~~ 5162.12, 5162.40, and ~~5111.93~~ 5162.41 of the Revised Code; 116579

(2) The amount of the state share of all money the department 116580
of ~~job and family services, in fiscal year 2003 and each fiscal 116581
year thereafter,~~ medicaid recovers each fiscal year pursuant to a 116582
tort action under the department's right of recovery under section 116583
~~5101.58~~ 5160.37 of the Revised Code that exceeds the state share 116584
of all money the department, in fiscal year 2002, recovers 116585

pursuant to a tort action under that right of recovery; 116586

(3) Subject to division ~~(D)~~(B) of this section, the amount of 116587
the state share of all money the department of ~~job and family~~ 116588
~~services~~ medicaid, in fiscal year 2003 and each fiscal year 116589
thereafter, recovers through audits of medicaid providers that 116590
exceeds the state share of all money the department, in fiscal 116591
year 2002, recovers through such audits; 116592

(4) Amounts from assessments on hospitals under section 116593
~~5112.06~~ 5168.06 of the Revised Code and intergovernmental 116594
transfers by governmental hospitals under section ~~5112.07~~ 5168.07 116595
of the Revised Code that are deposited into the fund in accordance 116596
with the law; 116597

(5) Amounts that the department of education pays to the 116598
department of ~~job and family services~~ medicaid, if any, pursuant 116599
to an interagency agreement ~~entered into under~~ authorized by 116600
section ~~5111.713~~ 5162.363 of the Revised Code; 116601

(6) The application fees charged to providers under section 116602
~~5111.063~~ 5164.31 of the Revised Code; 116603

(7) The fines collected under section ~~5111.271~~ 5165.1010 of 116604
the Revised Code; 116605

(8) Money the department receives in a fiscal year for 116606
performing eligibility verification services necessary for 116607
compliance with the independent, certified audit requirement of 42 116608
C.F.R. 455.304, other than the amounts of such money that are to 116609
be credited to the health care/medicaid support and recoveries 116610
fund under section 5162.52 of the Revised Code. 116611

~~(C) No funds shall be deposited into the health care services~~ 116612
~~administration fund in violation of federal statutes or~~ 116613
~~regulations.~~ 116614

~~(D)~~(B) In determining under division ~~(B)~~(A)(3) of this 116615

section the amount of money the department, in a fiscal year, 116616
recovers through audits of medicaid providers, the amount 116617
recovered in the form of vendor offset shall be excluded. 116618

~~(E)(C)~~ The ~~director~~ department of ~~job and family services~~ 116619
medicaid shall use funds available in the health care services 116620
administration fund to pay for costs associated with the 116621
administration of the medicaid program. 116622

Sec. ~~5111.945~~ 5162.56. There is created in the state treasury 116623
the health care special activities fund. The department of ~~job and~~ 116624
~~family services~~ medicaid shall deposit all funds it receives 116625
pursuant to the administration of the medicaid program into the 116626
fund, other than any such funds that are required by law to be 116627
deposited into another fund. The department shall use the money in 116628
the fund to pay for expenses related to the services provided 116629
under, and the administration of, the medicaid program. 116630

Sec. ~~5111.944~~ 5162.58. ~~(A) As used in this section:~~ 116631

~~"Dual eligible individual" has the same meaning as in section~~ 116632
~~1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010),~~ 116633
~~42 U.S.C. 1396n(h)(2)(B).~~ 116634

~~"Dual eligible integrated care demonstration project" means~~ 116635
~~the demonstration project authorized by section 5111.981 of the~~ 116636
~~Revised Code.~~ 116637

~~"Medicare program" means the program created under Title~~ 116638
~~XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 116639
~~1395, as amended.~~ 116640

~~(B)~~ There is created in the state treasury the integrated 116641
care delivery systems fund. If the terms of the federal approval 116642
for the dual eligible integrated care demonstration project 116643
authorized by section 5164.91 of the Revised Code provide for the 116644
state to receive a portion of the amounts that the demonstration 116645

project saves the medicare program, such amounts shall be 116646
deposited into the fund. The department of ~~job and family services~~ 116647
medicaid shall use the money in the fund to further develop 116648
integrated delivery systems and improved care coordination for 116649
dual eligible individuals. 116650

Sec. 5162.60. (A) There is hereby created in the state 116651
treasury the managed care performance payment fund. The fund shall 116652
consist of all of the following: 116653

(1) Amounts transferred to it by the director of budget and 116654
management for the purpose of the managed care performance payment 116655
program established under section 5167.30 of the Revised Code; 116656

(2) All fines imposed on and collected from medicaid managed 116657
care organizations for failure to meet performance standards or 116658
other requirements specified in provider agreements or rules 116659
adopted under section 5167.02 of the Revised Code; 116660

(3) All investment earnings of the fund. 116661

(B) Amounts in the fund may be used for the following: 116662

(1) To make performance payments to medicaid managed care 116663
organizations in accordance with section 5167.30 of the Revised 116664
Code; 116665

(2) To meet obligations specified in the provider agreements; 116666

(3) To pay for medicaid services provided by a medicaid 116667
managed care organization; 116668

(4) To reimburse a medicaid managed care organization that 116669
has paid a fine for failure to meet performance standards or other 116670
requirements specified in provider agreements or rules adopted 116671
under section 5167.02 of the Revised Code if that organization 116672
comes into compliance with those standards or requirements. 116673

Sec. 5162.62. There is hereby created in the state treasury 116674

the medicaid administrative reimbursement fund. The department of 116675
medicaid shall use money in the fund to pay for the nonfederal 116676
share of the cost of a fiscal audit for which a state agency or 116677
political subdivision is required by section 5162.35 of the 116678
Revised Code to reimburse the department. The department shall 116679
deposit the reimbursements into the fund. 116680

Sec. ~~5111.714~~ 5162.64. (A) There is hereby created in the 116681
state treasury the medicaid school program administrative fund. 116682

(B) Both of the following shall be deposited into the 116683
medicaid school program administrative fund: 116684

(1) The federal funds the department of education receives 116685
for the expenses the department incurs in administering the 116686
medicaid school component of the medicaid program created under 116687
section 5162.36 of the Revised Code; 116688

(2) The money the department collects from qualified medicaid 116689
school providers in the process established in rules ~~adopted under~~ 116690
authorized by section ~~5111.713~~ 5162.363 of the Revised Code. 116691

(C) ~~No funds shall be deposited into the medicaid school~~ 116692
~~program administrative fund in violation of federal statutes or~~ 116693
~~regulations.~~ 116694

~~(D)~~ The department of education shall use money in the 116695
medicaid school program administrative fund for both of the 116696
following purposes: 116697

(1) Paying for the expenses the department incurs in 116698
administering the medicaid school component of the medicaid 116699
program; 116700

(2) Paying a qualified medicaid school provider a refund for 116701
any overpayment the provider makes to the department under the 116702
process established in rules ~~adopted under~~ authorized by section 116703

~~5111.713~~ 5162.363 of the Revised Code if the process results in an overpayment.

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Sec. ~~5111.62~~ 5162.66. The As used in this section, "deficiency" has the same meaning as in section 5165.60 of the Revised Code.

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The proceeds of all fines, including interest, collected under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund, which is hereby created. The proceeds of all fines, including interest, collected under section 173.42 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund.

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Money in the fund shall be used for the protection of the health or property of residents of nursing facilities in which the department of health finds deficiencies, including payment for the costs of relocation of residents to other facilities, maintenance of operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for the loss of money managed by the facility under section 3721.15 of the Revised Code. Money in the fund may also be used to make payments under section ~~5111.511~~ 5165.78 of the Revised Code.

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The fund shall be maintained and administered by the department of ~~job and family services~~ medicaid under rules developed in consultation with the departments of health and aging and adopted ~~by the director of job and family services~~ under ~~Chapter 119.~~ section 5162.02 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

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Sec. 5163.01. As used in this chapter:

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"Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.

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| <u>"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.</u> | 116734
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| <u>"Healthy start component" has the same meaning as in section 5162.01 of the Revised Code.</u> | 116736
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| <u>"Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u> | 116738
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| <u>"Intermediate care facility for individuals with intellectual disabilities" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.</u> | 116740
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| <u>"Mandatory eligibility groups" means the groups of individuals that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.</u> | 116743
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| <u>"Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5163.09 to 5163.0910 of the Revised Code.</u> | 116747
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| <u>"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.</u> | 116750
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| <u>"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u> | 116752
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| <u>"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.</u> | 116754
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| <u>"Optional eligibility groups" means the groups of individuals who may be covered by the medicaid state plan or a federal medicaid waiver and for whom the medicaid program receives federal financial participation.</u> | 116756
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| <u>"Other medicaid-funded long-term care services" has the meaning specified in rules adopted under section 5163.02 of the Revised Code.</u> | 116760
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| <u>"Supplemental security income program" means the program</u> | 116763 |

established by Title XVI of the "Social Security Act," 42 U.S.C. 116764
1381 et seq. 116765

~~Sec. 5111.011~~ **5163.02.** (A) The medicaid director ~~of job and~~ 116766
~~family services~~ shall adopt rules establishing as necessary to 116767
implement this chapter. The rules shall establish eligibility 116768
requirements for the medicaid program. The rules may establish 116769
requirements for applying for medicaid and determining and 116770
verifying eligibility for medicaid. The rules shall be adopted 116771
~~pursuant to~~ in accordance with section 111.15 of the Revised Code 116772
~~and shall be consistent with federal and state law. The rules~~ 116773
~~shall include rules that do all of the following:~~ 116774

~~(1) Establish standards consistent with federal law for~~ 116775
~~allocating income and resources as income and resources of the~~ 116776
~~spouse, children, parents, or stepparents of a recipient of or~~ 116777
~~applicant for medicaid;~~ 116778

~~(2) Define the term "resources" as used in division (A)(1) of~~ 116779
~~this section;~~ 116780

~~(3) Specify the number of months that is to be used for the~~ 116781
~~purpose of the term "look back date" used in section 5111.0116 of~~ 116782
~~the Revised Code;~~ 116783

~~(4) Establish processes to be used to determine both of the~~ 116784
~~following:~~ 116785

~~(a) The date an institutionalized individual's ineligibility~~ 116786
~~for services under section 5111.0116 of the Revised Code is to~~ 116787
~~begin;~~ 116788

~~(b) The number of months an institutionalized individual's~~ 116789
~~ineligibility for such services is to continue.~~ 116790

~~(5) For the purpose of division (C) of section 5111.0116 of~~ 116791
~~the Revised Code, establish procedures for granting waivers of all~~ 116792
~~or a portion of the period of ineligibility that an~~ 116793

~~institutionalized individual would otherwise be subject to under
that section and additional reasons for which such waivers may be
granted;~~ 116794
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~~(6) Define the term "other medicaid funded long term care
services" as used in sections 5111.0117 and 5111.0118 of the
Revised Code;~~ 116797
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~~(7) For the purpose of division (C)(2)(c) of section
5111.0117 of the Revised Code, establish the process to determine
whether the child of an aged, blind, or disabled individual is
financially dependent on the individual for housing.~~ 116800
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~~(B) Notwithstanding any provision of state law, including
statutes, administrative rules, common law, and court rules,
regarding real or personal property or domestic relations, the
standards established under rules adopted under ~~division (A)(1) of~~
this section shall be used to determine eligibility for medicaid.~~ 116804
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Sec. 5163.03. (A) Subject to sections 5163.04 and 5163.05 of
the Revised Code, the medicaid program shall cover all mandatory
eligibility groups. 116809
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(B) The medicaid program shall cover all of the optional
eligibility groups that state statutes require the medicaid
program to cover. 116812
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(C) The medicaid program may cover any of the optional
eligibility groups to which either of the following applies: 116815
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(1) State statutes expressly permit the medicaid program to
cover the optional eligibility group. 116817
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(2) State statutes do not address whether the medicaid
program may cover the optional eligibility group. 116819
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(D) The medicaid program shall not cover any eligibility
group that state statutes prohibit the medicaid program from
covering. 116821
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Sec. 5163.04. The medicaid program shall not cover the group 116824
described in the "Social Security Act," section 116825
1902(a)(10)(A)(i)(VIII), 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 116826

This section does not affect the medicaid eligibility of any 116827
individual who begins to participate in the metrohealth care plus 116828
medicaid waiver component on or after February 5, 2013. 116829

Sec. 5163.05. The medicaid program's eligibility requirements 116830
for aged, blind, and disabled individuals may be more restrictive 116831
than the eligibility requirements for the supplemental security 116832
income program. Any such more restrictive eligibility requirements 116833
shall be consistent with the 209(b) option described in the 116834
"Social Security Act," section 1902(f), 42 U.S.C. 1396a(f). 116835

Sec. 5163.06. Beginning January 1, 2014, the medicaid 116836
director may alter the eligibility requirements for, and terminate 116837
the medicaid program's coverage of, one or more optional 116838
eligibility groups or subgroups, including the following: 116839

(A) Children placed with adoptive parents who may be covered 116840
by medicaid pursuant to the "Social Security Act," section 116841
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 116842

(B) Low income women and children who may be covered by 116843
medicaid pursuant to the "Social Security Act," section 116844
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 116845

(C) Independent foster care adolescents who may be covered by 116846
medicaid pursuant to the "Social Security Act," section 116847
1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII); 116848

(D) Women in need of treatment for breast or cervical cancer 116849
who may be covered by medicaid pursuant to the "Social Security 116850
Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 116851
1396a(a)(10)(A)(ii)(XVIII); 116852

(E) Low income, nonpregnant individuals who may receive family planning services and supplies under medicaid pursuant to the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI); 116853
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(F) Pregnant women who may be determined presumptively eligible for medicaid pursuant to the "Social Security Act," section 1920, 42 U.S.C. 1396r-1; 116857
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(G) Children who may be determined presumptively eligible for medicaid pursuant to the "Social Security Act," section 1920A, 42 U.S.C. 1396r-1a; 116860
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(H) Low income parents who may be covered by medicaid pursuant to the "Social Security Act," section 1931, 42 U.S.C. 1396u-1. 116863
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Sec. 5163.061. If the medicaid director alters the eligibility requirements for, or terminates the medicaid program's coverage of, an optional eligibility group or subgroup pursuant to section 5163.06 of the Revised Code, all of the following apply: 116866
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(A) In the case of an optional eligibility group or subgroup for which the eligibility requirements are altered: 116870
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(1) No individual enrolled, before the effective date of the altered eligibility requirements, in medicaid as part of the group or subgroup shall remain enrolled in medicaid on and after that effective date unless the individual meets the altered eligibility requirements for the group or subgroup or meets the eligibility requirements for another eligibility group or subgroup. 116872
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(2) Beginning on the effective date of the altered eligibility requirements, no individual may enroll in medicaid as part of the group or subgroup unless the individual meets the altered eligibility requirements for the group or subgroup or meets the eligibility requirements for another eligibility group 116878
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or subgroup. 116883

(B) In the case of an optional eligibility group or subgroup 116884
whose medicaid coverage is terminated: 116885

(1) No individual enrolled, before the effective date of the 116886
termination, in medicaid as part of the group or subgroup shall 116887
remain enrolled in medicaid on and after that effective date 116888
unless the individual meets the eligibility requirements for 116889
another eligibility group or subgroup. 116890

(2) Beginning on the effective date of the termination, no 116891
individual may enroll in medicaid as part of the group or subgroup 116892
but may enroll in medicaid as part of another group or subgroup 116893
for which the individual meets the eligibility requirements. 116894

(C) The department of medicaid shall take actions as the 116895
department determines necessary, including requiring actions from 116896
county departments of job and family services, to do both of the 116897
following: 116898

(1) Inform medicaid recipients about the altered eligibility 116899
requirements or termination of the medicaid program's coverage of 116900
the group or subgroup; 116901

(2) In the case of medicaid recipients who will cease to be 116902
eligible for medicaid as part of the group or subgroup because of 116903
the altered eligibility requirements or termination of the group's 116904
or subgroup's coverage, offer to assist the recipients with the 116905
following: 116906

(a) To continue to be enrolled in medicaid as part of another 116907
eligibility group or subgroup for which they meet the eligibility 116908
requirements; 116909

(b) Transition to other health coverage options available to 116910
them. 116911

(D) Regarding appeals authorized by section 5160.31 of the 116912

Revised Code: 116913

(1) No individual may appeal a denial of medicaid eligibility as part of a group or subgroup whose medicaid coverage is terminated if the denial is for medicaid eligibility that would begin or continue on or after the effective date of the termination. 116914
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(2) An individual may initiate or continue, on or after the effective date of the termination, an appeal concerning the individual's eligibility for medicaid as part of the group or subgroup if the decision being appealed concerns the individual's eligibility for medicaid as part of the group or subgroup before the effective date of the termination. 116919
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(3) An appeal initiated or continued pursuant to division (D)(2) of this section may not result in the appellant being enrolled, or continuing to be enrolled, in medicaid as part of the group or subgroup on or after the effective date of the termination. 116925
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(E) The altered eligibility requirements or termination of the medicaid program's coverage of the group or subgroup has no effect on either of the following: 116930
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(1) An automatic right of recovery given under section 5160.37 of the Revised Code; 116933
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(2) An automatic assignment of rights under section 5160.38 of the Revised Code. 116935
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(F) All rules, standards, guidelines, or orders regarding the group or subgroup issued by the medicaid director before the effective date of the altered eligibility requirements or termination of the medicaid program's coverage of the group or subgroup shall be used for the purpose of determining the state's legal obligations for claims related to the group or subgroup that arise from any of the following: 116937
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| <u>(1) Eligibility determinations regarding enrollment in</u> | 116944 |
| <u>medicaid before that effective date;</u> | 116945 |
| <u>(2) Claims for payment for medicaid services provided before</u> | 116946 |
| <u>that effective date;</u> | 116947 |
| <u>(3) Recoveries of erroneous medicaid payments.</u> | 116948 |
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| <u>Sec. 5163.08. The medicaid director shall implement the</u> | 116949 |
| <u>option authorized by the "Social Security Act," section</u> | 116950 |
| <u>1925(a)(5), 42 U.S.C. 1396r-6(a)(5), regarding the single</u> | 116951 |
| <u>twelve-month eligibility period for transitional medicaid.</u> | 116952 |
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| <u>Sec. 5111.70 5163.09. (A) As used in sections 5111.70 5163.09</u> | 116953 |
| <u>to 5111.7011 5163.0910 of the Revised Code:</u> | 116954 |
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| "Applicant" means an individual who applies to participate in | 116955 |
| the medicaid buy-in for workers with disabilities program. | 116956 |
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| "Earned income" has the meaning established by rules adopted | 116957 |
| under <u>authorized by section 5111.708 5163.098</u> of the Revised Code. | 116958 |
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| "Employed individual with a medically improved disability" | 116959 |
| has the same meaning as in <u>the "Social Security Act," section</u> | 116960 |
| <u>1905(v), 42 U.S.C. 1396d(v).</u> | 116961 |
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| "Family" means an applicant or participant and the spouse and | 116962 |
| dependent children of the applicant or participant. If an | 116963 |
| applicant or participant is under eighteen years of age, "family" | 116964 |
| also means the parents of the applicant or participant. | 116965 |
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| "Federal poverty guidelines" has the same meaning as in | 116966 |
| section 5101.46 of the Revised Code. | 116967 |
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| "Health insurance" has the meaning established by rules | 116968 |
| adopted under <u>authorized by section 5111.708 5163.098</u> of the | 116969 |
| Revised Code. | 116970 |
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| "Income" means earned income and unearned income. | 116971 |

"Participant" means an individual who has been determined 116972
eligible for the medicaid buy-in for workers with disabilities 116973
program and is participating in the program. 116974

"Resources" has the meaning established by rules ~~adopted~~ 116975
~~under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code. 116976

"Spouse" has the meaning established in rules ~~adopted under~~ 116977
~~authorized by~~ section ~~5111.708~~ 5163.098 of the Revised Code. 116978

~~"Supplemental security income program" means the program~~ 116979
~~established under Title XVI of the "Social Security Act," 86 Stat.~~ 116980
~~1329 (1972), 42 U.S.C. 1381, as amended.~~ 116981

~~"Medicaid buy in for workers with disabilities program" means~~ 116982
~~the component of the medicaid program established under sections~~ 116983
~~5111.70 to 5111.7011 of the Revised Code.~~ 116984

"Unearned income" has the meaning established by rules 116985
~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the 116986
Revised Code. 116987

(B) ~~Not later than one hundred eighty days after the~~ 116988
~~effective date of this section, the director of job and family~~ 116989
~~services shall submit to the United States secretary of health and~~ 116990
~~human services an amendment to the state medicaid plan and any~~ 116991
~~federal waiver necessary to establish the medicaid buy in for~~ 116992
~~workers with disabilities program in accordance with~~ The medicaid 116993
program shall cover the optional eligibility groups specified in 116994
the "Social Security Act," section 1902(a)(10)(A)(ii)(XV) and 116995
(XVI), 42 U.S.C. 1396a(a) (10)(A)(ii)(XV) and (XVI) and in 116996
accordance with sections ~~5111.70~~ 5163.09 to ~~5111.7011~~ 5163.0910 of 116997
the Revised Code. ~~The director shall implement sections 5111.701~~ 116998
~~to 5111.7011 of the Revised Code if the amendment and, if needed,~~ 116999
~~federal waiver are approved.~~ The medicaid program's coverage of 117000
these optional eligibility groups shall be known as the medicaid 117001
buy-in for workers with disabilities program. 117002

Sec. ~~5111.701~~ 5163.091. Under the medicaid buy-in for workers with disabilities program, an individual who does all of the following in accordance with rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code qualifies for ~~medical assistance under~~ the medicaid program:

(A) Applies for the medicaid buy-in for workers with disabilities program;

(B) Provides satisfactory evidence of all of the following:

(1) That the individual is at least sixteen years of age and under sixty-five years of age;

(2) Except as provided in section ~~5111.706~~ 5163.096 of the Revised Code, that one of the following applies to the individual:

(a) The individual is considered disabled for the purpose of the supplemental security income program, regardless of whether the individual receives supplemental security income benefits, and the individual has earnings from employment.

(b) The individual is an employed individual with a medically improved disability.

(3) That the value of the individual's resources, less amounts disregarded pursuant to rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code, does not exceed the amount provided for by section ~~5111.702~~ 5163.092 of the Revised Code;

(4) That the individual's income, less amounts disregarded pursuant to section ~~5111.703~~ 5163.093 of the Revised Code, does not exceed two hundred fifty per cent of the federal poverty guidelines line;

(5) That the individual meets the additional eligibility requirements for the medicaid buy-in for workers with disabilities program ~~that the director of job and family services establishes~~

established in rules ~~adopted under~~ authorized by section ~~5111.708~~ 117033
~~5163.098~~ of the Revised Code. 117034

(C) To the extent required by section ~~5111.704~~ 5163.094 of 117035
the Revised Code, pays the premium established under that section. 117036

Sec. ~~5111.702~~ 5163.092. (A) Except as provided in division 117037
(B) of this section, the maximum value of resources, less amounts 117038
disregarded pursuant to rules ~~adopted under~~ authorized by section 117039
~~5111.708~~ 5163.098 of the Revised Code, that an individual may have 117040
without the individual exceeding the resource eligibility limit 117041
for the medicaid buy-in for workers with disabilities program 117042
shall not exceed ten thousand dollars. 117043

(B) Each calendar year, the medicaid director ~~of job and~~ 117044
~~family services~~ shall adjust the resource eligibility limit 117045
specified in division (A) of this section by the change in the 117046
consumer price index for all items for all urban consumers for the 117047
previous calendar year, as published by the United States bureau 117048
of labor statistics. The annual adjustment shall go into effect on 117049
the earliest date possible. 117050

Sec. ~~5111.703~~ 5163.093. For the purpose of determining 117051
whether an individual is within the income eligibility limit for 117052
the medicaid buy-in for workers with disabilities program, all of 117053
the following apply: 117054

(A) Twenty thousand dollars of the individual's earned income 117055
shall be disregarded. 117056

(B) No amount that the individual's employer pays to obtain 117057
health insurance for one or more members of the individual's 117058
family, including any amount of a premium established under 117059
section ~~5111.704~~ 5163.094 of the Revised Code that the employer 117060
pays, shall be treated as the individual's income. 117061

(C) Any other amounts, if any, specified in rules ~~adopted~~ 117062

~~under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code 117063
shall be disregarded from the individual's earned income, unearned 117064
income, or both. 117065

Sec. ~~5111.704~~ 5163.094. An individual whose income exceeds 117066
one hundred fifty per cent of the federal poverty ~~guidelines~~ line 117067
shall pay an annual premium as a condition of qualifying for the 117068
medicaid buy-in for workers with disabilities program. The amount 117069
of the premium shall be determined as follows: 117070

(A) Subtract one hundred fifty per cent of the federal 117071
poverty ~~guidelines~~ line, as applicable for a family size equal to 117072
the size of the individual's family, from the amount of the income 117073
of the individual's family; 117074

(B) Subtract an amount specified in rules ~~adopted under~~ 117075
authorized by section ~~5111.708~~ 5163.098 of the Revised Code from 117076
the difference determined under division (A) of this section; 117077

(C) Multiply the difference determined under division (B) of 117078
this section by one tenth. 117079

Sec. ~~5111.705~~ 5163.095. No individual shall be denied 117080
eligibility for the medicaid buy-in for workers with disabilities 117081
program on the basis that the individual receives services under a 117082
home and community-based services medicaid waiver component ~~as~~ 117083
~~defined in section 5111.85 of the Revised Code.~~ 117084

Sec. ~~5111.706~~ 5163.096. An individual participating in the 117085
medicaid buy-in for workers with disabilities program may continue 117086
to participate in the program for up to six months even though the 117087
individual ceases to have earnings from employment or to be an 117088
employed individual with a medically improved disability due to 117089
ceasing to be employed if the individual continues to meet all 117090
other eligibility requirements for the program. 117091

Sec. ~~5111.707~~ 5163.097. If the United States secretary of health and human services requires that a provision ~~in the amendment to the state medicaid plan or the federal waiver request submitted under section 5111.70 of the Revised Code of the medicaid buy-in for workers with disabilities program~~ be changed or removed in order for the secretary to approve the ~~amendment or waiver program~~ or to avoid an extended delay in the secretary's approval, the medicaid director ~~of job and family services~~ shall make the change or removal. The change or removal may cause the medicaid buy-in for workers with disabilities program to include a provision that is inconsistent with sections ~~5111.70~~ 5163.09 to ~~5111.706~~ 5163.096 of the Revised Code. Such a change or removal shall be made only to the extent necessary to obtain the United States secretary's approval or avoid an extended delay in the secretary's approval and shall be reflected in rules ~~adopted under~~ authorized by section ~~5111.708~~ 5163.098 of the Revised Code.

Sec. ~~5111.708~~ 5163.098. (A) The medicaid director ~~of job and family services~~ shall adopt rules ~~in accordance with Chapter 119. under section 5163.02~~ of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following:

(1) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program;

(2) Establish meanings for the terms "earned income," "health insurance," "resources," "spouse," and "unearned income";

(3) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program;

(4) For the purpose of division (B) of section ~~5111.704~~

5163.094 of the Revised Code, specify an amount to be subtracted 117122
from the difference determined under division (A) of that section. 117123

(B) The director may adopt rules ~~in accordance with Chapter~~ 117124
~~119.~~ under section 5163.02 of the Revised Code to specify amounts 117125
to be disregarded from an individual's earned income, unearned 117126
income, or both under division (C) of section ~~5111.703~~ 5163.093 of 117127
the Revised Code for the purpose of determining whether the 117128
individual is within the income eligibility limit for the medicaid 117129
buy-in for workers with disabilities program. 117130

Sec. ~~5111.709~~ 5163.099. (A) There is hereby created the 117131
medicaid buy-in advisory council. The council shall consist of all 117132
of the following: 117133

(1) The following voting members: 117134

(a) The executive director of assistive technology of Ohio or 117135
the executive director's designee; 117136

(b) The director of the axis center for public awareness of 117137
people with disabilities or the director's designee; 117138

(c) The executive director of the cerebral palsy association 117139
of Ohio or the executive director's designee; 117140

(d) The chief executive officer of Ohio advocates for mental 117141
health or the chief executive officer's designee; 117142

(e) The state director of the Ohio chapter of AARP or the 117143
state director's designee; 117144

(f) The director of the Ohio developmental disabilities 117145
council created under section 5123.35 of the Revised Code or the 117146
director's designee; 117147

(g) The executive director of the governor's council on 117148
people with disabilities created under section 3303.41 of the 117149
Revised Code or the executive director's designee; 117150

- (h) The chairperson of the Ohio Olmstead task force or the chairperson's designee; 117151
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- (i) The executive director of the Ohio statewide independent living council or the executive director's designee; 117153
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- (j) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee; 117155
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- (k) The executive director of the arc of Ohio or the executive director's designee; 117157
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- (l) The executive director of the commission on minority health or the executive director's designee; 117159
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- (m) The executive director of the brain injury association of Ohio or the executive director's designee; 117161
117162
- (n) The executive officer of any other advocacy organization who volunteers to serve on the council, or such an executive officer's designee, if the other voting members, at a meeting called by the chairperson elected under division (C) of this section, determine it is appropriate for the advocacy organization to be represented on the council; 117163
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- (o) One or more participants who volunteer to serve on the council and are selected by the other voting members at a meeting the chairperson calls after the medicaid buy-in for workers with disabilities program is implemented. 117169
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- (2) The following non-voting members: 117173
- (a) The medicaid director ~~of job and family services~~ or the director's designee; 117174
117175
- (b) The ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency or the ~~administrator's~~ executive director's designee; 117176
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- (c) ~~The director of alcohol and drug addiction services or~~ 117180

~~the director's designee;~~ 117181

~~(d)~~ The director of developmental disabilities or the 117182
director's designee; 117183

~~(e)~~(d) The director of mental health and addiction services 117184
or the director's designee; 117185

~~(f)~~(e) The executive officer of any other government entity, 117186
or the executive officer's designee, if the voting members, at a 117187
meeting called by the chairperson, determine it is appropriate for 117188
the government entity to be represented on the council. 117189

(B) All members of the medicaid buy-in advisory council shall 117190
serve without compensation or reimbursement, except as serving on 117191
the council is considered part of their usual job duties. 117192

(C) The voting members of the medicaid buy-in advisory 117193
council shall elect one of the members of the council to serve as 117194
the council's chairperson for a two-year term. The chairperson may 117195
be re-elected to successive terms. 117196

(D) The department of ~~job and family services~~ medicaid shall 117197
provide the Ohio medicaid buy-in advisory council with 117198
accommodations for the council to hold its meetings and shall 117199
provide the council with other administrative assistance the 117200
council needs to perform its duties. 117201

Sec. ~~5111.7011~~ 5163.0910. Not less than once each year, the 117202
medicaid director of ~~job and family services~~ shall submit a report 117203
on the medicaid buy-in for workers with disabilities program to 117204
the governor, speaker and minority leader of the house of 117205
representatives, president and minority leader of the senate, and 117206
chairpersons of the house and senate committees to which the 117207
biennial operating budget bill is referred. The report shall 117208
include all of the following information: 117209

(A) The number of individuals who participated in the 117210

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| medicaid buy-in for workers with disabilities program; | 117211 |
| (B) The cost of the program; | 117212 |
| (C) The amount of revenue generated by premiums that participants pay under section 5111.704 <u>5163.094</u> of the Revised Code; | 117213
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| (D) The average amount of earned income of participants' families; | 117216
117217 |
| (E) The average amount of time participants have participated in the program; | 117218
117219 |
| (F) The types of other health insurance participants have been able to obtain. | 117220
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| Sec. 5111.15 <u>5163.20</u>. If a <u>medicaid</u> recipient of medical assistance is the beneficiary of a trust created pursuant to section 5815.28 of the Revised Code, then, notwithstanding any contrary provision of this chapter or of a rule adopted pursuant to this chapter <u>under section 5163.02 of the Revised Code</u> , divisions (C) and (D) of that section shall apply in determining the assets or resources of the recipient, the recipient's estate, the settlor, or the settlor's estate and to claims arising under this chapter against the recipient, the recipient's estate, the settlor, or the settlor's estate. | 117222
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| Sec. 5111.151 <u>5163.21</u>. (A)(1) This section applies only to either of the following: | 117232
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| (a) Initial eligibility determinations for the medicaid program made by the department of job and family services pursuant to section 5101.47 of the Revised Code or by a county department of job and family services pursuant to section 5111.012 of the Revised Code; | 117234
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117238 |
| (b) An appeal from a <u>an initial eligibility</u> determination | 117239 |

~~described in division (A)(1)(a) of this section~~ pursuant to 117240
section ~~5101.35~~ 5160.31 of the Revised Code. 117241

(2)(a) Except as provided in division (A)(2)(b) of this 117242
section, this section shall not be used by a court to determine 117243
the effect of a trust on an individual's initial eligibility for 117244
the medicaid program. 117245

(b) The prohibition in division (A)(2)(a) of this section 117246
does not apply to an appeal described in division (A)(1)(b) of 117247
this section. 117248

(B) As used in this section: 117249

(1) "Trust" means any arrangement in which a grantor 117250
transfers real or personal property to a trust with the intention 117251
that it be held, managed, or administered by at least one trustee 117252
for the benefit of the grantor or beneficiaries. "Trust" includes 117253
any legal instrument or device similar to a trust. 117254

(2) "Legal instrument or device similar to a trust" includes, 117255
but is not limited to, escrow accounts, investment accounts, 117256
partnerships, contracts, and other similar arrangements that are 117257
not called trusts under state law but are similar to a trust and 117258
to which all of the following apply: 117259

(a) The property in the trust is held, managed, retained, or 117260
administered by a trustee. 117261

(b) The trustee has an equitable, legal, or fiduciary duty to 117262
hold, manage, retain, or administer the property for the benefit 117263
of the beneficiary. 117264

(c) The trustee holds identifiable property for the 117265
beneficiary. 117266

(3) "Grantor" is a person who creates a trust, including all 117267
of the following: 117268

(a) An individual; 117269

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| (b) An individual's spouse; | 117270 |
| (c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse; | 117271
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117273 |
| (d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse. | 117274
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117276 |
| (4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust. | 117277
117278 |
| (5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries. | 117279
117280 |
| (6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association. | 117281
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117283 |
| (7) "Applicant" is an individual who applies for medicaid or the individual's spouse. | 117284
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| (8) "Recipient" is an individual who receives medicaid or the individual's spouse. | 117286
117287 |
| (9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable: | 117288
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| (a) A trust that provides that the trust can be terminated only by a court; | 117291
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| (b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee. | 117293
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| (10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor. | 117296
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(11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property.

(12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient.

(13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust.

(C)(1) If an applicant or recipient is a beneficiary of a trust, the applicant or recipient shall submit a complete copy of the trust instrument to the county department of job and family services and the department of medicaid. A copy shall be considered complete if it contains all pages of the trust instrument and all schedules, attachments, and accounting statements referenced in or associated with the trust. The copy is confidential and is not subject to disclosure under section 149.43 of the Revised Code.

(2) On receipt of a copy of a trust instrument or otherwise determining that an applicant or recipient is a beneficiary of a trust, the county department of job and family services shall determine what type of trust it is and shall treat the trust in accordance with the appropriate provisions of this section and rules adopted ~~by the department of job and family services under section 5163.02 of the Revised Code~~ governing trusts. The county department of job and family services may determine that any of the following is the case regarding the trust or portion of the trust:

(a) ~~It is~~ It is a resource available to the applicant or recipient;

(b) ~~Contains~~ It contains income available to the applicant or

recipient; 117331

(c) ~~Constitutes both items described in divisions~~ Divisions 117332
(C)~~(1)~~(2)(a) and (b) of this section are both applicable; 117333

(d) ~~Is neither an item described in~~ Neither division 117334
(C)~~(1)~~(2)(a) nor ~~(C)~~(1)(b) of this section is applicable. 117335

~~(2)~~(3) Except as provided in division (F) of this section, a 117336
trust or portion of a trust that is a resource available to the 117337
applicant or recipient or contains income available to the 117338
applicant or recipient shall be counted for purposes of 117339
determining medicaid eligibility. 117340

(D)(1) A trust or legal instrument or device similar to a 117341
trust shall be considered a medicaid qualifying trust if all of 117342
the following apply: 117343

(a) The trust was established on or prior to August 10, 1993. 117344

(b) The trust was not established by a will. 117345

(c) The trust was established by an applicant or recipient. 117346

(d) The applicant or recipient is or may become the 117347
beneficiary of all or part of the trust. 117348

(e) Payment from the trust is determined by one or more 117349
trustees who are permitted to exercise any discretion with respect 117350
to the distribution to the applicant or recipient. 117351

(2) If a trust meets the requirement of division (D)(1) of 117352
this section, the amount of the trust that is considered by the 117353
county department of job and family services to be a resource 117354
available to the applicant or recipient shall be the maximum 117355
amount of payments permitted under the terms of the trust to be 117356
distributed to the applicant or recipient, assuming the full 117357
exercise of discretion by the trustee or trustees. The maximum 117358
amount shall include only amounts that are permitted to be 117359
distributed but are not distributed from either the income or 117360

principal of the trust. 117361

(3) Amounts that are actually distributed from a medicaid 117362
qualifying trust to a beneficiary for any purpose shall be treated 117363
in accordance with rules adopted ~~by the department of job and~~ 117364
~~family services~~ under section 5163.02 of the Revised Code 117365
governing income. 117366

(4) Availability of a medicaid qualifying trust shall be 117367
considered without regard to any of the following: 117368

(a) Whether or not the trust is irrevocable or was 117369
established for purposes other than to enable a grantor to qualify 117370
for medicaid, ~~medical assistance for covered families and~~ 117371
~~children, or as a qualified medicare beneficiary, specified~~ 117372
~~low income medicare beneficiary, qualifying individual 1, or~~ 117373
~~qualifying individual 2;~~ 117374

(b) Whether or not the trustee actually exercises discretion. 117375

(5) If any real or personal property is transferred to a 117376
medicaid qualifying trust that is not distributable to the 117377
applicant or recipient, the transfer shall be considered an 117378
improper disposition of assets and shall be subject to section 117379
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 117380
section adopted under section ~~5111.011~~ 5163.02 of the Revised 117381
Code. 117382

(6) The baseline date for the look-back period for 117383
disposition of assets involving a medicaid qualifying trust shall 117384
be the date on which the applicant or recipient is both 117385
institutionalized and first applies for medicaid. 117386

(E)(1) A trust or legal instrument or device similar to a 117387
trust shall be considered a self-settled trust if all of the 117388
following apply: 117389

(a) The trust was established on or after August 11, 1993. 117390

(b) The trust was not established by a will. 117391

(c) The trust was established by an applicant or recipient, 117392
spouse of an applicant or recipient, or a person, including a 117393
court or administrative body, with legal authority to act in place 117394
of or on behalf of an applicant, recipient, or spouse, or acting 117395
at the direction or on request of an applicant, recipient, or 117396
spouse. 117397

(2) A trust that meets the requirements of division (E)(1) of 117398
this section and is a revocable trust shall be treated by the 117399
county department of job and family services as follows: 117400

(a) The corpus of the trust shall be considered a resource 117401
available to the applicant or recipient. 117402

(b) Payments from the trust to or for the benefit of the 117403
applicant or recipient shall be considered unearned income of the 117404
applicant or recipient. 117405

(c) Any other payments from the trust shall be considered an 117406
improper disposition of assets and shall be subject to section 117407
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 117408
section adopted under section ~~5111.011~~ 5163.02 of the Revised 117409
Code. 117410

(3) A trust that meets the requirements of division (E)(1) of 117411
this section and is an irrevocable trust shall be treated by the 117412
county department of job and family services as follows: 117413

(a) If there are any circumstances under which payment from 117414
the trust could be made to or for the benefit of the applicant or 117415
recipient, including a payment that can be made only in the 117416
future, the portion from which payments could be made shall be 117417
considered a resource available to the applicant or recipient. The 117418
county department of job and family services shall not take into 117419
account when payments can be made. 117420

(b) Any payment that is actually made to or for the benefit of the applicant or recipient from either the corpus or income shall be considered unearned income.

(c) If a payment is made to someone other than to the applicant or recipient and the payment is not for the benefit of the applicant or recipient, the payment shall be considered an improper disposition of assets and shall be subject to section ~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that section adopted under section ~~5111.011~~ 5163.02 of the Revised Code.

(d) The date of the disposition shall be the later of the date of establishment of the trust or the date of the occurrence of the event.

(e) When determining the value of the disposed asset under this provision, the value of the trust shall be its value on the date payment to the applicant or recipient was foreclosed.

(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust.

(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value.

(h) Any addition of assets after the foreclosure date shall be considered a separate disposition.

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient.

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|---|--------------------------------------|
| (5) The availability of a self-settled trust shall be considered without regard to any of the following: | 117452
117453 |
| (a) The purpose for which the trust is established; | 117454 |
| (b) Whether the trustees have exercised or may exercise discretion under the trust; | 117455
117456 |
| (c) Any restrictions on when or whether distributions may be made from the trust; | 117457
117458 |
| (d) Any restrictions on the use of distributions from the trust. | 117459
117460 |
| (6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid. | 117461
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117464 |
| (F) The principal or income from any of the following shall not be a resource available to the applicant or recipient: | 117465
117466 |
| (1)(a) A special needs trust that meets all of the following requirements: | 117467
117468 |
| (i) The trust contains assets of an applicant or recipient under sixty-five years of age and may contain the assets of other individuals. | 117469
117470
117471 |
| (ii) The applicant or recipient is disabled as defined in rules adopted by the department of job and family services <u>under section 5163.02 of the Revised Code.</u> | 117472
117473
117474 |
| (iii) The trust is established for the benefit of the applicant or recipient by a parent, grandparent, legal guardian, or a court. | 117475
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117477 |
| (iv) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid paid <u>payments made</u> on behalf of the applicant or recipient. | 117478
117479
117480
117481 |

(b) If a special needs trust meets the requirements of 117482
division (F)(1)(a) of this section and has been established for a 117483
disabled applicant or recipient under sixty-five years of age, the 117484
exemption for the trust granted pursuant to division (F) of this 117485
section shall continue after the disabled applicant or recipient 117486
becomes sixty-five years of age if the applicant or recipient 117487
continues to be disabled as defined in rules adopted ~~by the~~ 117488
~~department of job and family services~~ under section 5163.02 of the 117489
Revised Code. Except for income earned by the trust, the grantor 117490
shall not add to or otherwise augment the trust after the 117491
applicant or recipient attains sixty-five years of age. An 117492
addition or augmentation of the trust by the applicant or 117493
recipient with the applicant's own assets after the applicant or 117494
recipient attains sixty-five years of age shall be treated as an 117495
improper disposition of assets. 117496

(c) Cash distributions to the applicant or recipient shall be 117497
counted as unearned income. All other distributions from the trust 117498
shall be treated as provided in rules adopted ~~by the department of~~ 117499
~~job and family services~~ under section 5163.02 of the Revised Code 117500
governing in-kind income. 117501

(d) Transfers of assets to a special needs trust shall not be 117502
treated as an improper transfer of resources. An asset held prior 117503
to the transfer to the trust shall be considered as a resource 117504
available to the applicant or recipient, income available to the 117505
applicant or recipient, or both a resource and income available to 117506
the individual. 117507

(2)(a) A qualifying income trust that meets all of the 117508
following requirements: 117509

(i) The trust is composed only of pension, social security, 117510
and other income to the applicant or recipient, including 117511
accumulated interest in the trust. 117512

(ii) The income is received by the individual and the right to receive the income is not assigned or transferred to the trust.

(iii) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid ~~paid~~ payments made on behalf of the applicant or recipient.

(b) No resources shall be used to establish or augment the trust.

(c) If an applicant or recipient has irrevocably transferred or assigned the applicant's or recipient's right to receive income to the trust, the trust shall not be considered a qualifying income trust by the county department of job and family services.

(d) Income placed in a qualifying income trust shall not be counted in determining an applicant's or recipient's eligibility for medicaid. The recipient of the funds may place any income directly into a qualifying income trust without those funds adversely affecting the applicant's or recipient's eligibility for medicaid. Income generated by the trust that remains in the trust shall not be considered as income to the applicant or recipient.

(e) All income placed in a qualifying income trust shall be combined with any income available to the individual that is not placed in the trust to arrive at a base income figure to be used for spend down calculations.

(f) The base income figure shall be used for post-eligibility deductions, including personal needs allowance, monthly income allowance, family allowance, and medical expenses not subject to third party payment. Any income remaining shall be used toward payment of patient liability. Payments made from a qualifying income trust shall not be combined with the base income figure for post-eligibility calculations.

(g) The base income figure shall be used when determining the

spend down budget for the applicant or recipient. Any income 117544
remaining after allowable deductions are permitted as provided 117545
under rules adopted ~~by the department of job and family services~~ 117546
under section 5163.02 of the Revised Code shall be considered the 117547
applicant's or recipient's spend down liability. 117548

(3)(a) A pooled trust that meets all of the following 117549
requirements: 117550

(i) The trust contains the assets of the applicant or 117551
recipient of any age who is disabled as defined in rules adopted 117552
~~by the department of job and family services~~ under section 5163.02 117553
of the Revised Code. 117554

(ii) The trust is established and managed by a nonprofit 117555
organization. 117556

(iii) A separate account is maintained for each beneficiary 117557
of the trust but, for purposes of investment and management of 117558
funds, the trust pools the funds in these accounts. 117559

(iv) Accounts in the trust are established by the applicant 117560
or recipient, the applicant's or recipient's parent, grandparent, 117561
or legal guardian, or a court solely for the benefit of 117562
individuals who are disabled. 117563

(v) The trust requires that, to the extent that any amounts 117564
remaining in the beneficiary's account on the death of the 117565
beneficiary are not retained by the trust, the trust pay to the 117566
state the amounts remaining in the trust up to an amount equal to 117567
the total amount of medicaid ~~paid~~ payments made on behalf of the 117568
beneficiary. 117569

(b) Cash distributions to the applicant or recipient shall be 117570
counted as unearned income. All other distributions from the trust 117571
shall be treated as provided in rules adopted ~~by the department of~~ 117572
~~job and family services~~ under section 5163.02 of the Revised Code 117573
governing in-kind income. 117574

(c) Transfers of assets to a pooled trust shall not be treated as an improper disposition of assets. An asset held prior to the transfer to the trust shall be considered as a resource available to the applicant or recipient, income available to the applicant or recipient, or both a resource and income available to the applicant or recipient.

(4) A supplemental services trust that meets the requirements of section 5815.28 of the Revised Code and to which all of the following apply:

(a) A person may establish a supplemental services trust pursuant to section 5815.28 of the Revised Code only for another person who is eligible to receive services through one of the following agencies:

(i) The department of developmental disabilities;

(ii) A county board of developmental disabilities;

(iii) The department of ~~mental health~~ mental health and addiction services;

(iv) A board of alcohol, drug addiction, and mental health services.

(b) A county department of job and family services shall not determine eligibility for another agency's program. An applicant or recipient shall do one of the following:

(i) Provide documentation from one of the agencies listed in division (F)(4)(a) of this section that establishes that the applicant or recipient was determined to be eligible for services from the agency at the time of the creation of the trust;

(ii) Provide an order from a court of competent jurisdiction that states that the applicant or recipient was eligible for services from one of the agencies listed in division (F)(4)(a) of this section at the time of the creation of the trust.

(c) At the time the trust is created, the trust principal 117605
does not exceed the maximum amount permitted. The maximum amount 117606
permitted in calendar year 2006 is two hundred twenty-two thousand 117607
dollars. Each year thereafter, the maximum amount permitted is the 117608
prior year's amount plus two thousand dollars. 117609

(d) A county department of job and family services shall 117610
review the trust to determine whether it complies with the 117611
provisions of section 5815.28 of the Revised Code. 117612

(e) Payments from supplemental services trusts shall be 117613
exempt as long as the payments are for supplemental services as 117614
defined in rules adopted ~~by the department of job and family~~ 117615
~~services~~ under section 5163.02 of the Revised Code. All 117616
supplemental services shall be purchased by the trustee and shall 117617
not be purchased through direct cash payments to the beneficiary. 117618

(f) If a trust is represented as a supplemental services 117619
trust and a county department of job and family services 117620
determines that the trust does not meet the requirements provided 117621
in division (F)(4) of this section and section 5815.28 of the 117622
Revised Code, the county department of job and family services 117623
shall not consider it an exempt trust. 117624

(G)(1) A trust or legal instrument or device similar to a 117625
trust shall be considered a trust established by an individual for 117626
the benefit of the applicant or recipient if all of the following 117627
apply: 117628

(a) The trust is created by a person other than the applicant 117629
or recipient. 117630

(b) The trust names the applicant or recipient as a 117631
beneficiary. 117632

(c) The trust is funded with assets or property in which the 117633
applicant or recipient has never held an ownership interest prior 117634
to the establishment of the trust. 117635

(2) Any portion of a trust that meets the requirements of 117636
division (G)(1) of this section shall be a resource available to 117637
the applicant or recipient only if the trust permits the trustee 117638
to expend principal, corpus, or assets of the trust for the 117639
applicant's or recipient's medical care, care, comfort, 117640
maintenance, health, welfare, general well being, or any 117641
combination of these purposes. 117642

(3) A trust that meets the requirements of division (G)(1) of 117643
this section shall be considered a resource available to the 117644
applicant or recipient even if the trust contains any of the 117645
following types of provisions: 117646

(a) A provision that prohibits the trustee from making 117647
payments that would supplant or replace medicaid or other public 117648
assistance; 117649

(b) A provision that prohibits the trustee from making 117650
payments that would impact or have an effect on the applicant's or 117651
recipient's right, ability, or opportunity to receive medicaid or 117652
other public assistance; 117653

(c) A provision that attempts to prevent the trust or its 117654
corpus or principal from being a resource available to the 117655
applicant or recipient. 117656

(4) A trust that meets the requirements of division (G)(1) of 117657
this section shall not be counted as a resource available to the 117658
applicant or recipient if at least one of the following 117659
circumstances applies: 117660

(a) If a trust contains a clear statement requiring the 117661
trustee to preserve a portion of the trust for another beneficiary 117662
or remainderman, that portion of the trust shall not be counted as 117663
a resource available to the applicant or recipient. Terms of a 117664
trust that grant discretion to preserve a portion of the trust 117665
shall not qualify as a clear statement requiring the trustee to 117666

preserve a portion of the trust. 117667

(b) If a trust contains a clear statement requiring the trustee to use a portion of the trust for a purpose other than medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to limit the use of a portion of the trust shall not qualify as a clear statement requiring the trustee to use a portion of the trust for a particular purpose. 117668
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(c) If a trust contains a clear statement limiting the trustee to making fixed periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income. Terms of a trust that grant discretion to limit payments shall not qualify as a clear statement requiring the trustee to make fixed periodic payments. 117677
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(d) If a trust contains a clear statement that requires the trustee to terminate the trust if it is counted as a resource available to the applicant or recipient, the trust shall not be counted as such. Terms of a trust that grant discretion to terminate the trust do not qualify as a clear statement requiring the trustee to terminate the trust. 117685
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(e) If a person obtains a judgment from a court of competent jurisdiction that expressly prevents the trustee from using part or all of the trust for the medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, the trust or that portion of the trust subject to the court order shall not be counted as a resource available to the applicant or recipient. 117691
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(f) If a trust is specifically exempt from being counted as a resource available to the applicant or recipient by a provision of the Revised Code, rules, or federal law, the trust shall not be counted as such.

(g) If an applicant or recipient presents a final judgment from a court demonstrating that the applicant or recipient was unsuccessful in a civil action against the trustee to compel payments from the trust, the trust shall not be counted as a resource available to the applicant or recipient.

(h) If an applicant or recipient presents a final judgment from a court demonstrating that in a civil action against the trustee the applicant or recipient was only able to compel limited or periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income.

(i) If an applicant or recipient provides written documentation showing that the cost of a civil action brought to compel payments from the trust would be cost prohibitive, the trust shall not be counted as a resource available to the applicant or recipient.

(5) Any actual payments to the applicant or recipient from a trust that meet the requirements of division (G)(1) of this section, including trusts that are not counted as a resource available to the applicant or recipient, shall be treated as provided in rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing income. Payments to any person other than the applicant or recipient shall not be considered income to the applicant or recipient. Payments from the trust to a person other than the applicant or recipient shall not be considered an improper

disposition of assets. 117730

Sec. ~~5111.181~~ 5163.22. (A) The general assembly hereby finds 117731
that the state has an insurable interest in ~~medical assistance~~ 117732
medicaid recipients because of the state's statutory right to 117733
recover from the estate of a recipient state funds used to provide 117734
the recipient with ~~medical care and~~ medicaid services. 117735

(B) As used in this section: 117736

(1) "Beneficiary" means the person or entity designated in a 117737
life insurance policy to receive the proceeds of the policy on the 117738
death of the insured or maturity of the policy. 117739

(2) "Owner" means the person who has the right to designate 117740
the beneficiary of a life insurance policy and to change the 117741
designation. 117742

(C) ~~Notwithstanding section 5111.011 of the Revised Code, the~~ 117743
The value of a life insurance policy that would otherwise be 117744
considered a resource in determining eligibility for the ~~medical~~ 117745
~~assistance~~ medicaid program shall be excluded from any 117746
determination of a person's eligibility for the ~~medical assistance~~ 117747
medicaid program if the owner designates the department of ~~job and~~ 117748
~~family services~~ medicaid as beneficiary of the policy. The 117749
department may pay premiums to keep the policy in force. Premiums 117750
paid by the department are ~~medical assistance~~ medicaid payments 117751
correctly paid on behalf of a ~~medical assistance~~ medicaid 117752
recipient and subject to recovery under section ~~5111.11~~ 5162.21 of 117753
the Revised Code. 117754

(D) The medicaid director ~~of job and family services~~ shall 117755
deposit the proceeds of a life insurance policy that do not exceed 117756
the amount the department may recover against the property and 117757
estate of the owner under section ~~5111.11~~ 5162.21 of the Revised 117758
Code into the general revenue fund. The director shall pay any 117759

remaining proceeds to the person designated by the owner. If the 117760
owner failed to designate a person, the director shall pay the 117761
remaining proceeds to the surviving spouse, or, if there is no 117762
surviving spouse, to the estate of the owner. 117763

(E) If the owner designates the department of ~~job and family~~ 117764
~~services~~ medicaid as the policy's beneficiary, the department 117765
shall notify the owner that the owner may designate a person to 117766
receive proceeds of the policy that exceed the amount the 117767
department may recover against the owner's property and estate 117768
under section ~~5111.11~~ 5162.21 of the Revised Code. The designation 117769
shall be made on a form provided by the department. 117770

~~(F) The department of job and family services shall not 117771
implement this section if implementation would violate any federal 117772
requirement unless the department receives a waiver of the 117773
requirement from the United States department of health and human 117774
services. 117775~~

Sec. ~~5111.0116~~ 5163.30. (A) As used in this section: 117776

(1) "Assets" include all of an individual's income and 117777
resources and those of the individual's spouse, including any 117778
income or resources the individual or spouse is entitled to but 117779
does not receive because of action by any of the following: 117780

(a) The individual or spouse; 117781

(b) A person or government entity, including a court or 117782
administrative agency, with legal authority to act in place of or 117783
on behalf of the individual or spouse; 117784

(c) A person or government entity, including a court or 117785
administrative agency, acting at the direction or on the request 117786
of the individual or spouse. 117787

(2) "Home and community-based services" means home and 117788
community-based services furnished under a medicaid waiver granted 117789

by the United States secretary of health and human services under 117790
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 117791
1396n(c) or (d). 117792

(3) "Institutionalized individual" means a resident of a 117793
nursing facility, an inpatient in a medical institution for whom a 117794
payment is made based on a level of care provided in a nursing 117795
facility, or an individual described in the "Social Security Act," 117796
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 117797

(4) "Look-back date" means the date that is a number of 117798
months specified in rules adopted under section ~~5111.011~~ 5163.02 117799
of the Revised Code immediately before either of the following: 117800

(a) The date an individual becomes an institutionalized 117801
individual if the individual is eligible for medicaid on that 117802
date; 117803

(b) The date an individual applies for medicaid while an 117804
institutionalized individual. 117805

(5) ~~"Nursing facility" has the same meaning as in section~~ 117806
~~5111.20 of the Revised Code.~~ 117807

~~(6)~~ "Nursing facility equivalent services" means services 117808
that are covered by the medicaid program, equivalent to nursing 117809
facility services, provided by an institution that provides the 117810
same level of care as a nursing facility, and provided to an 117811
inpatient of the institution who is a medicaid recipient eligible 117812
for medicaid-covered nursing facility equivalent services. 117813

~~(7) "Nursing facility services" means nursing facility~~ 117814
~~services covered by the medicaid program that a nursing facility~~ 117815
~~provides to a resident of the nursing facility who is a medicaid~~ 117816
~~recipient eligible for medicaid covered nursing facility services.~~ 117817

~~(8)~~ (6) "Undue hardship" means being deprived of either of the 117818
following: 117819

(a) Medical care such that an individual's health or life is 117820
endangered; 117821

(b) Food, clothing, shelter, or other necessities of life. 117822

(B) Except as provided in division (C) of this section and 117823
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code, 117824
an institutionalized individual is ineligible for nursing facility 117825
services, nursing facility equivalent services, and home and 117826
community-based services if the individual or individual's spouse 117827
disposes of assets for less than fair market value on or after the 117828
look-back date. The institutionalized individual's ineligibility 117829
shall begin on a date determined in accordance with rules adopted 117830
under section ~~5111.011~~ 5163.02 of the Revised Code and shall 117831
continue for a number of months determined in accordance with such 117832
rules. 117833

(C) An institutionalized individual may be granted a waiver 117834
of all or a portion of the period of ineligibility to which the 117835
individual would otherwise be subjected under division (B) of this 117836
section if the ineligibility would cause an undue hardship for the 117837
individual. An institutionalized individual shall be granted a 117838
waiver of all or a portion of the period of ineligibility if the 117839
administrator of the nursing facility in which the individual 117840
resides has notified the individual of a proposed transfer or 117841
discharge under section 3721.16 of the Revised Code due to failure 117842
to pay for the care the nursing facility has provided to the 117843
individual, the individual or the individual's sponsor requests a 117844
hearing on the proposed transfer or discharge in accordance with 117845
section 3721.161 of the Revised Code, and the transfer or 117846
discharge is upheld by a final determination that is not subject 117847
to further appeal. Waivers shall be granted in accordance with 117848
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code. 117849

(D) To secure compliance with this section, the medicaid 117850
director ~~of job and family services~~ may require an individual, as 117851

a condition of initial or continued eligibility for medicaid, to 117852
provide documentation of the individual's assets up to five years 117853
before the date the individual becomes an institutionalized 117854
individual if the individual is eligible for medicaid on that date 117855
or the date the individual applies for medicaid while an 117856
institutionalized individual. Documentation may include tax 117857
returns, records from financial institutions, and real property 117858
records. 117859

Sec. ~~5111.0117~~ 5163.31. (A) ~~As used in this section and~~ 117860
~~section 5111.0118 of the Revised Code:~~ 117861

~~(1) "ICF/MR services" means intermediate care facility for~~ 117862
~~the mentally retarded services covered by the medicaid program~~ 117863
~~that an intermediate care facility for the mentally retarded~~ 117864
~~provides to a resident of the facility who is a medicaid recipient~~ 117865
~~eligible for medicaid covered intermediate care facility for the~~ 117866
~~mentally retarded services.~~ 117867

~~(2) "Intermediate care facility for the mentally retarded"~~ 117868
~~has the same meaning as in section 5111.20 of the Revised Code.~~ 117869

~~(3) "Nursing facility" has the same meaning as in section~~ 117870
~~5111.20 of the Revised Code.~~ 117871

~~(4) "Nursing facility services" means nursing facility~~ 117872
~~services covered by the medicaid program that a nursing facility~~ 117873
~~provides to a resident of the nursing facility who is a medicaid~~ 117874
~~recipient eligible for medicaid covered nursing facility services.~~ 117875

~~(5) "Other medicaid funded long term care services" has the~~ 117876
~~meaning specified in rules adopted under section 5111.011 of the~~ 117877
~~Revised Code.~~ 117878

~~(B)~~ Except as provided by division ~~(C)~~(A) of this section and 117879
for the purpose of determining whether an aged, blind, or disabled 117880
individual is eligible for nursing facility services, ~~ICF/MR~~ 117881

ICF/IID services, or other medicaid-funded long-term care 117882
services, the medicaid director ~~of job and family services~~ may 117883
consider an aged, blind, or disabled individual's real property to 117884
not be the individual's homestead or principal place of residence 117885
once the individual has resided in a nursing facility, 117886
~~intermediate care facility for the mentally retarded~~ ICF/IID, or 117887
other medical institution for at least thirteen months. 117888

~~(C)~~(B) Division ~~(B)~~(A) of this section does not apply to an 117889
individual if any of the following reside in the individual's real 117890
property that, because of this division, continues to be 117891
considered the individual's homestead or principal place of 117892
residence: 117893

(1) The individual's spouse; 117894

(2) The individual's child if any of the following apply: 117895

(a) The child is under twenty-one years of age. 117896

(b) The child is considered blind or disabled under the 117897
"Social Security Act," section 1614, 42 U.S.C. 1382c. 117898

(c) The child is financially dependent on the individual for 117899
housing as determined in accordance with rules adopted under 117900
section ~~5111.011~~ 5163.02 of the Revised Code. 117901

(3) The individual's sibling if the sibling has a verified 117902
equity interest in the real property and resided in the real 117903
property for at least one year immediately before the date the 117904
individual was admitted to the nursing facility, ~~intermediate care~~ 117905
~~facility for the mentally retarded~~ ICF/IID, or other medical 117906
institution. 117907

Sec. ~~5111.0118~~ 5163.32. (A) Except as otherwise provided by 117908
this section, no individual shall qualify for nursing facility 117909
services or other medicaid-funded long-term care services if the 117910
individual's equity interest in the individual's home exceeds five 117911

hundred thousand dollars. The medicaid director ~~of job and family~~ 117912
~~services~~ shall increase this amount effective January 1, 2011, and 117913
the first day of each year thereafter, by the percentage increase 117914
in the consumer price index for all urban consumers (all items; 117915
United States city average), rounded to the nearest one thousand 117916
dollars. 117917

(B) This section does not apply to an individual if either of 117918
the following applies: 117919

(1) Either of the following lawfully reside in the 117920
individual's home: 117921

(a) The individual's spouse; 117922

(b) The individual's child if the child is under twenty-one 117923
years of age or, under the "Social Security Act," section 1614, 42 117924
U.S.C. 1382c, considered blind or disabled. 117925

(2) The individual qualifies, pursuant to the process 117926
established under division (C) of this section, for a waiver of 117927
this section due to a demonstrated hardship. 117928

(C) The director shall establish a process by which 117929
individuals may obtain a waiver of this section due to a 117930
demonstrated hardship. The process shall be consistent with the 117931
process for such waivers established by the United States 117932
secretary of health and human services under the "Social Security 117933
Act," section 1917(f)(4), 42 U.S.C. 1396p(f)(4). 117934

(D) Nothing in this section shall be construed as preventing 117935
an individual from using a reverse mortgage or home equity loan to 117936
reduce the individual's total equity interest in the home. 117937

Sec. ~~5111.114~~ 5163.33. ~~As used in this section, "nursing~~ 117938
~~facility" and "intermediate care facility for the mentally~~ 117939
~~retarded" have the same meanings as in section 5111.20 of the~~ 117940

~~Revised Code.~~ 117941

(A) In determining the amount of income that a medicaid 117942
~~recipient of medical assistance~~ must apply monthly toward payment 117943
of the cost of care in a nursing facility or ~~intermediate care~~ 117944
~~facility for the mentally retarded ICF/IID~~, the a county 117945
department of job and family services shall deduct from the 117946
recipient's monthly income a monthly personal needs allowance in 117947
accordance with ~~section 1902 of the "Social Security Act," 49~~ 117948
~~Stat. 620 (1935) section 1902(q), 42 U.S.C.A. 1396a, as amended~~ 117949
1396a(q). 117950

~~For~~ (B) In the case of a resident of a nursing facility, the 117951
monthly personal needs allowance shall be as follows: 117952

(1) Prior to January 1, 2014, not less than forty dollars for 117953
an individual resident and not less than eighty dollars for a 117954
married couple if both spouses are residents of a nursing facility 117955
and their incomes are considered available to each other in 117956
determining eligibility; 117957

(2) For calendar year 2014, not less than forty-five dollars 117958
for an individual resident and not less than ninety dollars for a 117959
married couple if both spouses are residents of a nursing facility 117960
and their incomes are considered available to each other in 117961
determining eligibility; 117962

(3) For calendar year 2015 and each calendar year thereafter, 117963
not less than fifty dollars for an individual resident and not 117964
less than one hundred dollars for a married couple if both spouses 117965
are residents of a nursing facility and their incomes are 117966
considered available to each other in determining eligibility. 117967

~~For~~ (C) In the case of a resident of an ~~intermediate care~~ 117968
~~facility for the mentally retarded ICF/IID~~, the monthly personal 117969
needs allowance shall be forty dollars unless the resident has 117970
earned income, in which case the monthly personal needs allowance 117971

shall be determined by the ~~state~~ department of job and family services medicaid, or the department's designee, but shall not exceed one hundred five dollars.

Sec. ~~5111.013~~ 5163.40. (A) ~~The provision of medical assistance to pregnant women and young children who are eligible for medical assistance under division (C)(3) of section 5111.01 of the Revised Code, but who are not otherwise eligible for medical assistance under that section, shall be known as the healthy start program.~~

~~(B)~~ The department of job and family services medicaid shall do all of the following with regard to the application procedures for the healthy start component of the medicaid program:

(1) Establish a short application form for the ~~program~~ component that requires the applicant to provide no more information than is necessary for making determinations of eligibility for the ~~healthy start program~~ component, except that the form may require applicants to provide their social security numbers. The form shall include a statement, which must be signed by the applicant, indicating that she does not choose at the time of making application for the ~~program~~ component to apply for assistance provided under any other program administered by the department or the department of job and family services and that she understands that she is permitted at any other time to apply at the county department of job and family services of the county in which she resides for ~~any~~ other assistance administered by the department or the department of job and family services.

(2) ~~To the extent permitted by federal law, do~~ Do one or both of the following:

(a) Distribute the application form for the ~~program~~ component to each public or private entity that serves as a women, infants, and children clinic or as a child and family health clinic and to

each administrative body for such clinics and train employees of 118003
each such ~~agency clinic~~ or ~~entity administrative body~~ to provide 118004
applicants assistance in completing the form; 118005

(b) In cooperation with the department of health, develop 118006
arrangements under which employees of county departments of job 118007
and family services are stationed at public or private ~~agencies or~~ 118008
entities selected by the department of ~~job and family services~~ 118009
medicaid that serve as women, infants, and children clinics; child 118010
and family health clinics; or administrative bodies for such 118011
clinics for the purpose both of assisting applicants for the 118012
~~program component~~ in completing the application form and of making 118013
determinations at that location of eligibility for the ~~program~~ 118014
component. 118015

(3) Establish performance standards by which a county 118016
department of job and family services' level of enrollment of 118017
persons potentially eligible for the ~~program component~~ can be 118018
measured, and establish acceptable levels of enrollment for each 118019
county department. 118020

(4) Direct any county department of job and family services 118021
whose rate of enrollment of potentially eligible enrollees in the 118022
~~program component~~ is below acceptable levels established under 118023
division ~~(B)~~(A)(3) of this section to implement corrective action. 118024
Corrective action may include but is not limited to any one or 118025
more of the following ~~to the extent permitted by federal law:~~ 118026
118027

(a) Establishing formal referral and outreach methods with 118028
local health departments and local entities receiving funding 118029
through the bureau of maternal and child health; 118030

(b) Designating a specialized intake unit within the county 118031
department for healthy start applicants; 118032

(c) Establishing abbreviated timeliness requirements to 118033

shorten the time between receipt of an application and the 118034
scheduling of an initial application interview; 118035

(d) Establishing a system for telephone scheduling of intake 118036
interviews for applicants; 118037

(e) Establishing procedures to minimize the time an applicant 118038
must spend in completing the application and eligibility 118039
determination process, including permitting applicants to complete 118040
the process at times other than the regular business hours of the 118041
county department and at locations other than the offices of the 118042
county department. 118043

~~(C) To the extent permitted by federal law, local funds, 118044
whether from public or private sources, expended by a county 118045
department for administration of the healthy start program shall 118046
be considered to have been expended by the state for the purpose 118047
of determining the extent to which the state has complied with any 118048
federal requirement that the state provide funds to match federal 118049
funds for medical assistance, except that this division shall not 118050
affect the amount of funds the county is entitled to receive under 118051
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 118052~~

~~(D)~~(B) A county department of job and family services that 118053
maintains offices at more than one location shall accept 118054
applications for the healthy start ~~program~~ component at all of 118055
those locations. 118056

~~(E) The director of job and family services shall adopt rules 118057
in accordance with section 111.15 of the Revised Code as necessary 118058
to implement this section. 118059~~

Sec. ~~5111.0119~~ 5163.45. (A)(1) As used in this section, 118060
subject to division (A)(2) of this section, "state or local 118061
correctional facility" means any of the following: 118062

(a) A "state correctional institution," as defined in section 118063

2967.01 of the Revised Code; 118064

(b) A "local correctional facility," as defined in section 118065
2903.13 of the Revised Code; 118066

(c) A correctional facility that is privately operated and 118067
managed pursuant to section 9.06 of the Revised Code. 118068

(2) "State or local correctional facility" does not include 118069
any facility operated directly by or at the direction of the 118070
department of youth services. 118071

(B) If a person who is confined in a state or local 118072
correctional facility was a medicaid recipient immediately prior 118073
to being confined in the facility, all of the following apply: 118074

(1) The person's eligibility for medicaid while so confined 118075
shall be suspended due to the confinement. 118076

(2) No medicaid payment shall be made for any care, services, 118077
or supplies provided to the person during the suspension described 118078
in division (B)(1) of this section. 118079

(3) The suspension described in division (B)(1) of this 118080
section shall end upon the release of the person from the 118081
confinement. 118082

(4) Except as provided in division (C) of this section, the 118083
person shall not be required to reapply or undergo a 118084
redetermination of eligibility for medicaid when the suspension 118085
described in division (B)(1) of this section ends. 118086

(C) A person may be disenrolled from medicaid any time after 118087
the suspension described in division (B)(1) of this section ends 118088
if the person is no longer eligible for medicaid. A person may be 118089
required to undergo a redetermination of eligibility for medicaid 118090
any time after the suspension described in division (B)(1) of this 118091
section ends if it is time or past time for the person's 118092
eligibility redetermination or the person's circumstances have 118093

changed in a manner warranting a redetermination. 118094

~~(D) The department of job and family services shall take the 118095
steps necessary to begin implementation of this section not later 118096
than September 1, 2009. 118097~~

Sec. 5164.01. As used in this chapter: 118098

(A) "Early and periodic screening, diagnostic, and treatment 118099
services" has the same meaning as in the "Social Security Act," 118100
section 1905(r), 42 U.S.C. 1396d(r). 118101

(B) "Federal financial participation" has the same meaning as 118102
in section 5160.01 of the Revised Code. 118103

(C) "Healthcheck" means the component of the medicaid program 118104
that provides early and periodic screening, diagnostic, and 118105
treatment services. 118106

(D) "Home and community-based services medicaid waiver 118107
component" has the same meaning as in section 5166.01 of the 118108
Revised Code. 118109

(E) "Hospital" has the same meaning as in section 3727.01 of 118110
the Revised Code. 118111

(F) "ICDS participant" means a dual eligible individual who 118112
participates in the integrated care delivery system. 118113

(G) "ICF/IID" has the same meaning as in section 5124.01 of 118114
the Revised Code. 118115

(H) "Integrated care delivery system" and "ICDS" mean the 118116
demonstration project authorized by section 5164.91 of the Revised 118117
Code. 118118

(I) "Mandatory services" means the health care services and 118119
items that must be covered by the medicaid state plan as a 118120
condition of the state receiving federal financial participation 118121
for the medicaid program. 118122

(J) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 118123
118124

(K) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both. 118125
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(L) "Medicaid services" means either or both of the following: 118131
118132

(1) Mandatory services; 118133

(2) Optional services that the medicaid program covers. 118134

(M) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 118135
118136

(N) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation. 118137
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118140

(O) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120. 118141
118142

(P) "Provider agreement" means an agreement to which all of the following apply: 118143
118144

(1) It is between a medicaid provider and the department of medicaid; 118145
118146

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients; 118147
118148

(3) It complies with 42 C.F.R. 431.107(b). 118149

(O) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 118150
118151

~~Sec. 5111.02 5164.02. (A) The director of job and family services shall adopt, and may amend or rescind, rules under medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code establishing the amount, duration, and scope of medicaid services. The rules shall be consistent with federal and state law. The rules may be different for different medicaid services. The~~ 118152
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~~(B) The rules shall establish all of the following:~~ 118160

~~(A) The conditions under which the medicaid program shall cover and reimburse medicaid services;~~ 118161
118162

~~(B) The method of reimbursement applicable to each medicaid service (1) The amount, duration, and scope of the medicaid services covered by the medicaid program;~~ 118163
118164
118165

~~(C)(2) The payment amount of reimbursement for each medicaid service or, in lieu of amounts the payment amount, methods the method by which amounts are the payment amount is to be determined for each medicaid service;~~ 118166
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118169

~~(D)(3) Procedures for enforcing the rules adopted under this section that provide due process protections, including procedures for corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules.~~ 118170
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~~(C) The rules may be different for different medicaid services.~~ 118175
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~~(D) The medicaid director is not required to adopt a rule establishing the payment amount for a medicaid service if the director adopts a rule establishing the method by which the payment amount is to be determined for the medicaid service and makes the payment amount available on the internet web site~~ 118177
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maintained by the department of medicaid. 118182

Sec. 5164.03. (A) The medicaid program shall cover all 118183
mandatory services. 118184

(B) The medicaid program shall cover all of the optional 118185
services that state statutes require the medicaid program to 118186
cover. 118187

(C) The medicaid program may cover any of the optional 118188
services to which either of the following applies: 118189

(1) State statutes expressly permit the medicaid program to 118190
cover the optional service; 118191

(2) State statutes do not address whether the medicaid 118192
program may cover the optional service. 118193

(D) The medicaid program shall not cover any optional 118194
services that state statutes prohibit the medicaid program from 118195
covering. 118196

Sec. ~~5111.04~~ 5164.05. (A) As used in this section: 118197

(1) "Outpatient health facility" means a facility that 118198
provides comprehensive primary health services by or under the 118199
direction of a physician at least five days per week on a 118200
forty-hour per week basis to outpatients, is operated by the board 118201
of health of a city or general health district or another public 118202
agency or by a nonprofit private agency or organization under the 118203
direction and control of a governing board that has no 118204
health-related responsibilities other than the direction and 118205
control of one or more such outpatient health facilities, and 118206
receives at least seventy-five per cent of its operating funds 118207
from public sources, except that it does not include an outpatient 118208
hospital facility or a federally qualified health center as 118209
defined in ~~Sec. 1905(1) (2)(B)~~ of the "Social Security Act," ~~103~~ 118210

Stat. 2264 (1989) section 1905(1)(2)(B), 42 U.S.C.A. 118211
1396d(1)(2)(B). 118212

(2) "Comprehensive primary health services" means preventive, 118213
diagnostic, therapeutic, rehabilitative, or palliative items or 118214
services that include all of the following: 118215

(a) Services of physicians, physician assistants, and 118216
certified nurse practitioners; 118217

(b) Diagnostic laboratory and radiological services; 118218

(c) Preventive health services, such as children's eye and 118219
ear examinations, perinatal services, well child services, and 118220
family planning services; 118221

(d) Arrangements for emergency medical services; 118222

(e) Transportation services. 118223

(3) "Certified nurse practitioner" has the same meaning as in 118224
section 4723.01 of the Revised Code. 118225

(B) ~~Outpatient~~ Subject to division (C) of this section, the 118226
medicaid program shall cover comprehensive primary health services 118227
provided by outpatient health facilities are a separate category 118228
~~of medical care provider under the rules governing the~~ 118229
~~administration of the medical assistance program established under~~ 118230
~~section 5111.01 of the Revised Code with valid provider~~ 118231
agreements. Rates of reimbursement for items and services provided 118232
~~by an outpatient health facility under this section shall be~~ 118233
~~prospectively determined by the~~ The department of job and family 118234
~~services~~ medicaid shall prospectively determine the medicaid 118235
payment rates for such comprehensive primary health services not 118236
less often than once each year~~7~~. The rates shall not be subject to 118237
retroactive adjustment based on actual costs incurred~~7~~, and. The 118238
rates shall not exceed the maximum fee schedule or rates of 118239
payment, limitations based on reasonable costs or customary 118240

charges, and limitations based on combined payments received for 118241
furnishing comparable services, as are applicable to outpatient 118242
hospital facilities under ~~Title XVIII of the "Social Security Act~~ 118243
medicare program." In determining ~~rates of reimbursement an~~ 118244
outpatient health facility's rate prospectively, the department 118245
shall take into account the historic expenses of the facility, the 118246
operating requirements and services offered by the facility, and 118247
the geographical location of the facility, shall provide 118248
incentives for the efficient and economical utilization of the 118249
facility's resources, and shall ensure that the facility does not 118250
discriminate between classes of persons for whom or by whom 118251
payment for ~~items and the~~ services is made. 118252

(C) ~~A~~ An outpatient health facility does not qualify for 118253
~~classification as an outpatient health facility~~ medicaid payments 118254
under this section unless it: 118255

(1) Has health and medical care policies developed with the 118256
advice of and subject to review by an advisory committee of 118257
professional personnel, including one or more physicians, one or 118258
more dentists if dental care is provided, and one or more 118259
registered nurses; 118260

(2) Has a medical director, a dental director, if dental care 118261
is provided, and a nursing director responsible for the execution 118262
of such policies, and has physicians, dentists, nursing, and 118263
ancillary staff appropriate to the scope of services provided; 118264

(3) Requires that the care of every patient be under the 118265
supervision of a physician, provides for medical care in case of 118266
emergency, has in effect a written agreement with one or more 118267
hospitals and one or more other outpatient facilities, and has an 118268
established system for the referral of patients to other resources 118269
and a utilization review plan and program; 118270

(4) Maintains clinical records on all patients; 118271

(5) Provides nursing services and other therapeutic services 118272
in compliance with applicable laws and rules and under the 118273
supervision of a registered nurse, and has a registered nurse on 118274
duty at all times when the facility is in operation; 118275

(6) Follows approved methods and procedures for the 118276
dispensing and administration of drugs and biologicals; 118277

(7) Maintains the accounting and record-keeping system 118278
required under federal laws and regulations for the determination 118279
of reasonable and allowable costs. 118280

Sec. ~~5111.029~~ 5164.06. The medicaid program shall cover 118281
occupational therapy services provided by an occupational 118282
therapist licensed under section 4755.08 of the Revised Code. 118283
Coverage shall not be limited to services provided in a hospital 118284
or nursing facility. Any licensed occupational therapist may enter 118285
into a ~~medicaid~~ provider agreement with the department of ~~job and~~ 118286
~~family services~~ medicaid to provide occupational therapy services 118287
under the medicaid program. 118288

Sec. ~~5111.018~~ 5164.07. (A) The ~~provision of medical~~ 118289
~~assistance under this chapter~~ medicaid program shall include 118290
coverage of inpatient care and follow-up care for a mother and her 118291
newborn as follows: 118292

(1) The ~~medical assistance~~ medicaid program shall cover a 118293
minimum of forty-eight hours of inpatient care following a normal 118294
vaginal delivery and a minimum of ninety-six hours of inpatient 118295
care following a cesarean delivery. Services covered as inpatient 118296
care shall include medical, educational, and any other services 118297
that are consistent with the inpatient care recommended in the 118298
protocols and guidelines developed by national organizations that 118299
represent pediatric, obstetric, and nursing professionals. 118300

(2) The ~~medical assistance~~ medicaid program shall cover a 118301

physician-directed source of follow-up care. Services covered as 118302
follow-up care shall include physical assessment of the mother and 118303
newborn, parent education, assistance and training in breast or 118304
bottle feeding, assessment of the home support system, performance 118305
of any medically necessary and appropriate clinical tests, and any 118306
other services that are consistent with the follow-up care 118307
recommended in the protocols and guidelines developed by national 118308
organizations that represent pediatric, obstetric, and nursing 118309
professionals. The coverage shall apply to services provided in a 118310
medical setting or through home health care visits. The coverage 118311
shall apply to a home health care visit only if the health care 118312
professional who conducts the visit is knowledgeable and 118313
experienced in maternity and newborn care. 118314

When a decision is made in accordance with division (B) of 118315
this section to discharge a mother or newborn prior to the 118316
expiration of the applicable number of hours of inpatient care 118317
required to be covered, the coverage of follow-up care shall apply 118318
to all follow-up care that is provided within forty-eight hours 118319
after discharge. When a mother or newborn receives at least the 118320
number of hours of inpatient care required to be covered, the 118321
coverage of follow-up care shall apply to follow-up care that is 118322
determined to be medically necessary by the health care 118323
professionals responsible for discharging the mother or newborn. 118324

(B) Any decision to shorten the length of inpatient stay to 118325
less than that specified under division (A)(1) of this section 118326
shall be made by the physician attending the mother or newborn, 118327
except that if a nurse-midwife is attending the mother in 118328
collaboration with a physician, the decision may be made by the 118329
nurse-midwife. Decisions regarding early discharge shall be made 118330
only after conferring with the mother or a person responsible for 118331
the mother or newborn. For purposes of this division, a person 118332
responsible for the mother or newborn may include a parent, 118333

guardian, or any other person with authority to make medical 118334
decisions for the mother or newborn. 118335

(C) The department of ~~job and family services~~ medicaid, in 118336
administering the ~~medical assistance~~ medicaid program, may not do 118337
either of the following: 118338

(1) Terminate the ~~participation~~ provider agreement of a 118339
health care professional or health care facility ~~as a provider~~ 118340
~~under the program~~ solely for making recommendations for inpatient 118341
or follow-up care for a particular mother or newborn that are 118342
consistent with the care required to be covered by this section; 118343

(2) Establish or offer monetary or other financial incentives 118344
for the purpose of encouraging a person to decline the inpatient 118345
or follow-up care required to be covered by this section. 118346

(D) This section does not do any of the following: 118347

(1) Require the ~~medical assistance~~ medicaid program to cover 118348
inpatient or follow-up care that is not received in accordance 118349
with the program's terms pertaining to the health care 118350
professionals and facilities from which ~~an individual~~ a medicaid 118351
recipient is authorized to receive health care services. 118352

(2) Require a mother or newborn to stay in a hospital or 118353
other inpatient setting for a fixed period of time following 118354
delivery; 118355

(3) Require a child to be delivered in a hospital or other 118356
inpatient setting; 118357

(4) Authorize a nurse-midwife to practice beyond the 118358
authority to practice nurse-midwifery in accordance with Chapter 118359
4723. of the Revised Code; 118360

(5) Establish minimum standards of medical diagnosis, care, 118361
or treatment for inpatient or follow-up care for a mother or 118362
newborn. A deviation from the care required to be covered under 118363

this section shall not, on the basis of this section, give rise to 118364
a medical claim or derivative medical claim, as those terms are 118365
defined in section 2305.113 of the Revised Code. 118366

Sec. ~~5111.024~~ 5164.08. (A) As used in this section, 118367
"screening mammography" means a radiologic examination utilized to 118368
detect unsuspected breast cancer at an early stage in asymptomatic 118369
women and includes the x-ray examination of the breast using 118370
equipment that is dedicated specifically for mammography, 118371
including the x-ray tube, filter, compression device, screens, 118372
film, and cassettes, and that has an average radiation exposure 118373
delivery of less than one rad mid-breast. "Screening mammography" 118374
includes two views for each breast. The term also includes the 118375
professional interpretation of the film. 118376

"Screening mammography" does not include diagnostic 118377
mammography. 118378

(B) ~~In addition to any other services required to be included~~ 118379
~~in the program or for which federal approval is received, the~~ 118380
~~medical assistance~~ The medicaid program shall ~~include~~ cover both 118381
of the following if ~~approval for use of federal funds is granted~~ 118382
~~to the department by the federal agency responsible for~~ 118383
~~distributing funds under Title XIX of the "Social Security Act,"~~ 118384
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:~~ 118385

(1) ~~Effective July 1, 1993, screening~~ Screening mammography 118386
to detect the presence of breast cancer in adult women; 118387

(2) ~~Effective January 1, 1993, cytologic~~ Cytologic screening 118388
for the presence of cervical cancer. 118389

(C) ~~The service provided under medicaid program's coverage of~~ 118390
screening mammography pursuant to division (B)(1) of this section 118391
shall be provided in accordance with all of the following: 118392

(1) If a woman is at least thirty-five years of age but under 118393

forty years of age, one screening mammography; 118394

(2) If a woman is at least forty years of age but under fifty 118395
years of age, either of the following: 118396

(a) One screening mammography every two years; 118397

(b) If a licensed physician has determined that the woman has 118398
risk factors to breast cancer, one screening mammography every 118399
year. 118400

(3) If a woman is at least fifty years of age but under 118401
sixty-five years of age, one screening mammography every year. 118402

(D) The ~~service provided under~~ medicaid program's coverage of 118403
screening mammographies pursuant to division (B)(1) of this 118404
section shall be provided only for screening mammographies that 118405
are performed in a facility or mobile mammography screening unit 118406
that is accredited under the American college of radiology 118407
mammography accreditation program or in a hospital as defined in 118408
section 3727.01 of the Revised Code. 118409

(E) The ~~service provided under~~ medicaid program's coverage of 118410
cytologic screenings pursuant to division (B)(2) of this section 118411
shall be provided only for cytologic screenings that are processed 118412
and interpreted in a laboratory certified by the college of 118413
American pathologists or in a hospital as defined in section 118414
3727.01 of the Revised Code. 118415

Sec. ~~5111.023~~ 5164.15. (A) As used in this section: 118416

(1) "Community mental health ~~agency~~ services provider or 118417
facility" means a community mental health ~~agency~~ services provider 118418
or facility that has its community mental health services 118419
certified by the department of ~~mental health~~ mental health and 118420
addiction services under section ~~5119.611~~ 5119.36 of the Revised 118421
Code or by the department of job and family services under section 118422
5103.03 of the Revised Code. 118423

(2) "Mental health professional" means a person qualified to work with mentally ill persons under the standards established by the director of ~~mental health~~ mental health and addiction services pursuant to section ~~5119.611~~ 5119.36 of the Revised Code.

(B) The ~~state~~ medicaid plan program may ~~include provision of cover~~ the following mental health services when provided by community mental health ~~agencies~~ services providers or facilities:

(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;

(4) ~~Subject to receipt of federal approval, assertive~~ Assertive community treatment and intensive home-based mental health services.

(C) The department of ~~job and family services~~ medicaid shall enter into a separate contract with the department of ~~mental health~~ mental health and addiction services under section ~~5111.91~~ 5162.35 of the Revised Code with regard to the ~~component of mental health services~~ the medicaid program provided for by covers pursuant to this section.

Sec. ~~5111.027~~ 5164.20. ~~If the medicaid program provides prescription drug services to medicaid recipients, the~~ The medicaid program shall not provide reimbursement for prescription

cover prescribed drugs for treatment of erectile dysfunction. 118454

Sec. ~~5111.042~~ 5164.25. The departments of developmental 118455
disabilities and ~~job and family services~~ medicaid may approve, 118456
reduce, deny, or terminate a medicaid service included in the 118457
individualized service plan developed for a medicaid recipient 118458
with mental retardation or other developmental disability who is 118459
eligible for medicaid case management services. If either 118460
department approves, reduces, denies, or terminates a service, 118461
that department shall timely notify the medicaid recipient that 118462
the recipient may ~~request a hearing under~~ appeal pursuant to 118463
section ~~5101.35~~ 5160.31 of the Revised Code. 118464

Sec. ~~5111.016~~ 5164.26. (A) ~~As used in this section,~~ 118465
~~"healthcheck" has the same meaning as in section 3313.714 of the~~ 118466
~~Revised Code.~~ 118467

(B) The department of ~~job and family services~~ medicaid shall 118468
~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 118469
~~establishing~~ establish a combination of written and oral methods 118470
designed to provide information about healthcheck to all persons 118471
eligible for the program or their parents or guardians. The 118472
department shall ensure that its methods of providing information 118473
are effective. ~~The methods shall comply with federal law and~~ 118474
~~regulations.~~ 118475

Each ~~county department of job and family services or other~~ 118476
entity that distributes or accepts applications for ~~medical~~ 118477
~~assistance~~ medicaid shall prominently display a notice that 118478
complies with the ~~rules adopted~~ methods of providing information 118479
about healthcheck established under this division section. 118480

Sec. 5164.30. No person or government entity may participate 118481
in the medicaid program as a medicaid provider without a valid 118482

provider agreement with the department of medicaid. 118483

Sec. ~~5111.053~~ 5164.301. (A) As used in this section, "group 118484
practice" has the same meaning as in section 4731.65 of the 118485
Revised Code. 118486

(B) The department of ~~job and family services~~ medicaid shall 118487
establish a process by which a physician assistant may enter into 118488
a ~~medicaid~~ provider agreement. 118489

(C)(1) Subject to division (C)(2) of this section, a claim 118490
for ~~reimbursement~~ medicaid payment for a medicaid service provided 118491
by a physician assistant to a medicaid recipient may be submitted 118492
by the physician assistant who provided the service or the 118493
physician, group practice, clinic, or other health care facility 118494
that employs the physician assistant. 118495

(2) A claim for ~~reimbursement~~ medicaid payment may be 118496
submitted by the physician assistant who provided the service only 118497
if the physician assistant has a valid provider agreement. When 118498
submitting the claim, the physician assistant shall use only the 118499
medicaid provider number the department has assigned to the 118500
physician assistant. 118501

~~(D) The director of job and family services may adopt rules 118502
under section 5111.02 of the Revised Code to implement this 118503
section.~~ 118504

Sec. ~~5111.063~~ 5164.31. (A) For the purpose of raising funds 118505
necessary to pay the expenses of implementing the provider 118506
screening requirements of subpart E of 42 C.F.R. Part 455 and 118507
except as provided in division (B) of this section, the department 118508
of ~~job and family services~~ medicaid shall ~~charge~~ collect an 118509
application fee ~~to~~ from a medicaid provider ~~seeking to enter into~~ 118510
~~or renew a medicaid provider agreement, unless the provider is~~ 118511

~~exempt from paying the application fee under 42 C.F.R. 455.460(a)~~ 118512
before doing any of the following: 118513

(1) Entering into a provider agreement with a medicaid 118514
provider that seeks initial enrollment as a provider; 118515

(2) Entering into a provider agreement with a former medicaid 118516
provider that seeks re-enrollment as a provider; 118517

(3) Revalidating a medicaid provider's continued enrollment 118518
as a provider. The 118519

(B) The department is not to collect an application fee from 118520
a medicaid provider that is exempt from paying the fee under 42 118521
C.F.R. 455.460(a). 118522

(C) The application fees shall be deposited into the health 118523
care services administration fund created under section 5111.94 118524
5162.54 of the Revised Code. Application fees are nonrefundable 118525
when collected in accordance with 42 C.F.R. 455.460(a). 118526

(D) The medicaid director of job and family services shall 118527
adopt rules in accordance with Chapter 119. under section 5164.02 118528
of the Revised Code as necessary to implement this section, 118529
including a rule establishing the amount of the application fee 118530
that is charged to be collected under this section. The amount of 118531
the application fee shall not be set at an amount that is more 118532
than necessary to pay for the expenses of implementing the 118533
provider screening requirements. 118534

Sec. 5111.028 5164.32. ~~(A) Pursuant to section 5111.02 of the~~ 118535
~~Revised Code, the director of job and family services shall adopt~~ 118536
~~rules establishing procedures for the use of time limited provider~~ 118537
~~agreements under the medicaid program. Except as provided in~~ 118538
~~division (E) of this section, all provider agreements shall be~~ 118539
~~time limited in accordance with the procedures established in the~~ 118540
~~rules.~~ 118541

~~The department of job and family services shall phase in the use of time limited provider agreements pursuant to this section during a period commencing not later than January 1, 2008, and ending January 1, 2015.~~

~~(B) In the use of time limited provider agreements pursuant to this section, all of the following apply:~~

~~(1) Each medicaid provider agreement shall expire not later than ~~seven~~ five years from the its effective date of the agreement.~~

~~(2) During the phase in period specified in division (A) of this section, the department may provide for the conversion of. If a provider agreement without a time limit entered into before the effective date of this amendment does not have a time limit, the department of medicaid shall convert the agreement to a provider agreement with a time limit. The department may take an action to convert the provider agreement by sending a notice by regular mail to the address of the provider on record with the department advising the provider of the conversion.~~

~~(3) The department may make the effective date of a provider agreement retroactive for a period not to exceed one year from the date of the provider's application for the agreement, as long as the provider met all medicaid program requirements during that period.~~

~~(C)(B) The medicaid director shall adopt rules under section 5164.02 of the Revised Code as necessary to implement this section. The rules ~~for use of time limited provider agreements pursuant to this section~~ shall be consistent with subpart E of 42 C.F.R. Part 455 and include a process for re-enrollment of providers revalidating medicaid providers' continued enrollments as providers. All of the following apply to the ~~re-enrollment revalidation~~ process:~~

(1) ~~The department of job and family services may terminate a time limited provider agreement or deny re-enrollment shall refuse to revalidate a provider's provider agreement when a the provider fails to file an a complete application for re-enrollment revalidation within the time and in the manner required under the re-enrollment revalidation process.~~ 118573
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(2) If a provider files ~~an a complete~~ application for ~~re-enrollment revalidation~~ within the time and in the manner required under the ~~re-enrollment revalidation~~ process, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider, subject to division (B)(3) of this section, may continue operating under the terms of the expired provider agreement until the effective date of the department's decision. 118579
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(3) ~~A decision by the department to approve an application for re-enrollment becomes effective on the date of the department's decision. A decision by the department to deny re-enrollment shall take effect not sooner than thirty days after the date the department mails written notice of the decision to the provider. The department shall specify in the notice the date on which the provider is required to cease operating under the provider agreement~~ If a provider continues operating under the terms of an expired provider agreement pursuant to division (B)(2) of this section and the department denies the provider's application for revalidation, medicaid payments shall not be made for services or items the provider provides during the period beginning on the date the provider agreement expired and ending on the effective date of a subsequent provider agreement, if any, the department enters into with the provider. 118588
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~~(D) Pursuant to section 5111.06 of the Revised Code, the department is not required to take the actions specified in~~ 118603
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~~division (C)(1) of this section by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.~~

~~(E) The use of time limited provider agreements pursuant to this section does not apply to provider agreements issued to the following, including any provider agreements issued to the following that are otherwise time limited under the medicaid program:~~

~~(1) A managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code;~~

~~(2) A nursing facility, as defined in section 5111.20 of the Revised Code;~~

~~(3) An intermediate care facility for the mentally retarded, as defined in section 5111.20 of the Revised Code;~~

~~(4) A hospital.~~

Sec. 5164.33. (A) The medicaid director may do the following for any reason permitted or required by federal law and when the director determines that the action is in the best interests of medicaid recipients or the state:

(1) Deny, refuse to revalidate, suspend, or terminate a provider agreement;

(2) Exclude an individual, provider of services or goods, or other entity from participation in the medicaid program.

(B) No individual, provider, or entity excluded from participation in the medicaid program under this section shall do any of the following:

(1) Own, or provide services to, any other medicaid provider or risk contractor;

(2) Arrange for, render, or order services for medicaid

recipients during the period of exclusion; 118634

(3) During the period of exclusion, receive direct payments 118635
under the medicaid program or indirect payments of medicaid funds 118636
in the form of salary, shared fees, contracts, kickbacks, or 118637
rebates from or through any other medicaid provider or risk 118638
contractor. 118639

(C) An individual, provider, or entity excluded from 118640
participation in the medicaid program under this section may 118641
request a reconsideration of the exclusion. The director shall 118642
adopt rules under section 5164.02 of the Revised Code governing 118643
the process for requesting a reconsideration. 118644

(D) Nothing in this section limits the applicability of 118645
section 5164.38 of the Revised Code to a medicaid provider. 118646

Sec. ~~5111.032~~ 5164.34. (A) As used in this section: 118647

(1) "Criminal records check" has the same meaning as in 118648
section 109.572 of the Revised Code. 118649

(2) "Disqualifying offense" means any of the offenses listed 118650
or described in divisions (A)(3)(a) to (e) of section 109.572 of 118651
the Revised Code. 118652

(3) "Owner" means a person who has an ownership interest in a 118653
medicaid provider or applicant to be a provider in an amount 118654
designated in rules ~~adopted under~~ authorized by this section. 118655

(4) "Person subject to the criminal records check 118656
requirement" means the following: 118657

(a) A medicaid provider or applicant to be a provider who is 118658
notified under division (E)(1) of this section that the provider 118659
~~or applicant~~ is subject to a criminal records check; 118660

(b) An owner or prospective owner, officer or prospective 118661
officer, or board member or prospective board member of a medicaid 118662

~~provider or applicant to be a provider~~ if, pursuant to division 118663
(E)(1)(a) of this section, the owner or prospective owner, officer 118664
or prospective officer, or board member or prospective board 118665
member is specified in information given to the provider ~~or~~ 118666
~~applicant~~ under division (E)(1) of this section; 118667

(c) An employee or prospective employee of a medicaid 118668
~~provider or applicant to be a provider~~ if both of the following 118669
apply: 118670

(i) The employee or prospective employee is specified, 118671
pursuant to division (E)(1)(b) of this section, in information 118672
given to the provider ~~or applicant~~ under division (E)(1) of this 118673
section. 118674

(ii) The provider ~~or applicant~~ is not prohibited by division 118675
(D)(3)(b) of this section from employing the employee or 118676
prospective employee. 118677

(5) ~~"Provider" means a person, institution, or entity that~~ 118678
~~has a medicaid provider agreement with the department of job and~~ 118679
~~family services.~~ 118680

~~(6)~~ "Responsible entity" means the following: 118681

(a) With respect to a criminal records check required under 118682
this section for a medicaid provider ~~or applicant to be a~~ 118683
~~provider~~, the department of ~~job and family services~~ medicaid or 118684
the department's designee; 118685

(b) With respect to a criminal records check required under 118686
this section for an owner or prospective owner, officer or 118687
prospective officer, board member or prospective board member, or 118688
employee or prospective employee of a medicaid provider ~~or~~ 118689
~~applicant to be a provider~~, the provider ~~or applicant~~. 118690

(B) This section does not apply to any individual who is 118691
subject to a criminal records check under section 3712.09, 118692

3721.121, ~~5111.034~~, 5123.081, ~~or 5123.169~~, or 5164.341 of the 118693
Revised Code or any individual who is subject to a database review 118694
or criminal records check under section ~~173.394~~ 173.38, 3701.881, 118695
or ~~5111.033~~ 5164.342 of the Revised Code. 118696

(C) The department of ~~job and family services~~ medicaid may do 118697
any of the following: 118698

(1) Require that any medicaid provider ~~or applicant to be a~~ 118699
~~provider~~ submit to a criminal records check as a condition of 118700
~~having~~ obtaining or maintaining a medicaid provider agreement; 118701

(2) Require that any medicaid provider ~~or applicant to be a~~ 118702
~~provider~~ require an owner or prospective owner, officer or 118703
prospective officer, or board member or prospective board member 118704
of the provider ~~or applicant~~ submit to a criminal records check as 118705
a condition of being an owner, officer, or board member of the 118706
provider ~~or applicant~~; 118707

(3) Require that any medicaid provider ~~or applicant to be a~~ 118708
~~provider~~ do the following: 118709

(a) If so required by rules ~~adopted under~~ authorized by this 118710
section, determine pursuant to a database review conducted under 118711
division (F)(1)(a) of this section whether any employee or 118712
prospective employee of the provider ~~or applicant~~ is included in a 118713
database; 118714

(b) Unless the provider ~~or applicant~~ is prohibited by 118715
division (D)(3)(b) of this section from employing the employee or 118716
prospective employee, require the employee or prospective employee 118717
to submit to a criminal records check as a condition of being an 118718
employee of the provider ~~or applicant~~. 118719

(D)(1) The department or the department's designee shall deny 118720
or terminate a medicaid provider's ~~medicaid~~ provider agreement ~~or~~ 118721
~~deny an applicant's application for a medicaid provider agreement~~ 118722
if the provider ~~or applicant~~ is a person subject to the criminal 118723

records check requirement and either of the following applies: 118724

(a) The provider ~~or applicant~~ fails to obtain the criminal 118725
records check after being given the information specified in 118726
division (G)(1) of this section. 118727

(b) Except as provided in rules ~~adopted under~~ authorized by 118728
this section, the provider ~~or applicant~~ is found by the criminal 118729
records check to have been convicted of, or have pleaded guilty 118730
to, ~~or been found eligible for intervention in lieu of conviction~~ 118731
~~for~~ a disqualifying offense, regardless of the date of the 118732
conviction, or the date of entry of the guilty plea, ~~or the date~~ 118733
~~the applicant or provider was found eligible for intervention in~~ 118734
~~lieu of conviction.~~ 118735

(2) No medicaid provider ~~or applicant to be a provider~~ shall 118736
permit a person to be an owner, officer, or board member of the 118737
provider ~~or applicant~~ if the person is a person subject to the 118738
criminal records check requirement and either of the following 118739
applies: 118740

(a) The person fails to obtain the criminal records check 118741
after being given the information specified in division (G)(1) of 118742
this section. 118743

(b) Except as provided in rules ~~adopted under~~ authorized by 118744
this section, the person is found by the criminal records check to 118745
have been convicted of, or have pleaded guilty to, ~~or been found~~ 118746
~~eligible for intervention in lieu of conviction for~~ a 118747
disqualifying offense, regardless of the date of the conviction, 118748
or the date of entry of the guilty plea, ~~or the date the person~~ 118749
~~was found eligible for intervention in lieu of conviction.~~ 118750

(3) No medicaid provider ~~or applicant to be a provider~~ shall 118751
employ a person if any of the following apply: 118752

(a) The person has been excluded from ~~providing services or~~ 118753
~~items under the~~ being a medicaid ~~program~~ provider, the a medicare 118754

~~program operated pursuant to Title XVIII of the "Social Security Act provider,"~~ or provider for any other federal health care program. 118755
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(b) If the person is subject to a database review conducted 118758
under division (F)(1)(a) of this section, the person is found by 118759
the database review to be included in a database and the rules 118760
~~adopted under~~ authorized by this section regarding the database 118761
review prohibit the provider ~~or applicant~~ from employing a person 118762
included in the database. 118763

(c) If the person is a person subject to the criminal records 118764
check requirement, either of the following applies: 118765

(i) The person fails to obtain the criminal records check 118766
after being given the information specified in division (G)(1) of 118767
this section. 118768

(ii) Except as provided in rules ~~adopted under~~ authorized by 118769
this section, the person is found by the criminal records check to 118770
have been convicted of, or have pleaded guilty to, ~~or been found~~ 118771
~~eligible for intervention in lieu of conviction for a~~ 118772
disqualifying offense, regardless of the date of the conviction, 118773
or the date of entry of the guilty plea, ~~or the date the person~~ 118774
~~was found eligible for intervention in lieu of conviction.~~ 118775

(E)(1) The department or the department's designee shall 118776
inform each medicaid provider ~~or applicant to be a provider~~ 118777
whether the provider ~~or applicant~~ is subject to a criminal records 118778
check. For providers with valid provider agreements, the 118779
information shall be given at times designated in rules ~~adopted~~ 118780
~~under~~ authorized by this section. For ~~applicants~~ providers 118781
applying to be medicaid providers, the information shall be given 118782
at the time of initial application. When the information is given, 118783
the department or the department's designee shall specify the 118784
following: 118785

(a) Which of the provider's ~~or applicant's~~ owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check; 118786
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(b) Which of the provider's ~~or applicant's~~ employees or prospective employees are subject to division (C)(3) of this section. 118790
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(2) At times designated in rules ~~adopted under~~ authorized by this section, a medicaid provider ~~or applicant to be a provider~~ that is a person subject to the criminal records check requirement shall do the following: 118793
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(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider ~~or applicant~~; 118797
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(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section. 118801
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(F)(1) If a medicaid provider ~~or applicant to be a provider~~ is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider ~~or applicant to be a provider~~ shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider ~~or applicant to be a provider~~ shall do the following: 118804
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(a) If rules ~~adopted under~~ authorized by this section require the provider ~~or applicant~~ to conduct a database review to 118815
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determine whether the employee or prospective employee is included 118817
in a database, conduct the database review in accordance with the 118818
rules; 118819

(b) Unless the provider ~~or applicant~~ is prohibited by 118820
division (D)(3)(b) of this section from employing the employee or 118821
prospective employee, require the conduct of a criminal records 118822
check of the employee or prospective employee by the 118823
superintendent. 118824

(2) If a person subject to the criminal records check 118825
requirement does not present proof of having been a resident of 118826
this state for the five-year period immediately prior to the date 118827
the criminal records check is requested or provide evidence that 118828
within that five-year period the superintendent has requested 118829
information about the person from the federal bureau of 118830
investigation in a criminal records check, the responsible entity 118831
shall require the person to request that the superintendent obtain 118832
information from the federal bureau of investigation as part of 118833
the criminal records check of the person. Even if the person 118834
presents proof of having been a resident of this state for the 118835
five-year period, the responsible entity may require that the 118836
person request that the superintendent obtain information from the 118837
federal bureau of investigation and include it in the criminal 118838
records check of the person. 118839

(G) Criminal records checks required by this section shall be 118840
obtained as follows: 118841

(1) The responsible entity shall provide each person subject 118842
to the criminal records check requirement information about 118843
accessing and completing the form prescribed pursuant to division 118844
(C)(1) of section 109.572 of the Revised Code and the standard 118845
impression sheet prescribed pursuant to division (C)(2) of that 118846
section. 118847

(2) The person subject to the criminal records check 118848
requirement shall submit the required form and one complete set of 118849
the person's fingerprint impressions directly to the 118850
superintendent for purposes of conducting the criminal records 118851
check using the applicable methods prescribed by division (C) of 118852
section 109.572 of the Revised Code. The person shall pay all fees 118853
associated with obtaining the criminal records check. 118854

(3) The superintendent shall conduct the criminal records 118855
check in accordance with section 109.572 of the Revised Code. The 118856
person subject to the criminal records check requirement shall 118857
instruct the superintendent to submit the report of the criminal 118858
records check directly to the responsible entity. If the 118859
department or the department's designee is not the responsible 118860
entity, the department or designee may require the responsible 118861
entity to submit the report to the department or designee. 118862

(H)(1) A medicaid provider ~~or applicant to be a provider~~ may 118863
employ conditionally a person for whom a criminal records check is 118864
required by this section prior to obtaining the results of the 118865
criminal records check if both of the following apply: 118866

(a) The provider ~~or applicant~~ is not prohibited by division 118867
(D)(3)(b) of this section from employing the person. 118868

(b) The person submits a request for the criminal records 118869
check not later than five business days after the person begins 118870
conditional employment. 118871

(2) A medicaid provider ~~or applicant to be a provider~~ that 118872
employs a person conditionally under division (H)(1) of this 118873
section shall terminate the person's employment if the results of 118874
the criminal records check request are not obtained within the 118875
period ending sixty days after the date the request is made. 118876
Regardless of when the results of the criminal records check are 118877
obtained, if the results indicate that the person has been 118878

convicted of, or has pleaded guilty to, ~~or has been found eligible~~ 118879
~~for intervention in lieu of conviction for~~ a disqualifying 118880
offense, the provider ~~or applicant~~ shall terminate the person's 118881
employment unless circumstances specified in rules ~~adopted under~~ 118882
authorized by this section exist that permit the provider ~~or~~ 118883
~~applicant~~ to employ the person and the provider ~~or applicant~~ 118884
chooses to employ the person. 118885

(I) The report of a criminal records check conducted pursuant 118886
to this section is not a public record for the purposes of section 118887
149.43 of the Revised Code and shall not be made available to any 118888
person other than the following: 118889

(1) The person who is the subject of the criminal records 118890
check or the person's representative; 118891

(2) The medicaid director ~~of job and family services~~ and the 118892
staff of the department who are involved in the administration of 118893
the medicaid program; 118894

(3) The department's designee; 118895

(4) The medicaid provider ~~or applicant to be a provider~~ who 118896
required the person who is the subject of the criminal records 118897
check to submit to the criminal records check; 118898

(5) An individual receiving or deciding whether to receive, 118899
from the subject of the criminal records check, home and 118900
community-based services available under the medicaid state plan; 118901

(6) A court, hearing officer, or other necessary individual 118902
involved in a case dealing with any of the following: 118903

(a) The denial or termination of a ~~medicaid~~ provider 118904
agreement; 118905

(b) A person's denial of employment, termination of 118906
employment, or employment or unemployment benefits; 118907

(c) A civil or criminal action regarding the medicaid 118908

program. 118909

(J) The medicaid director ~~of job and family services~~ may 118910
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 118911
of the Revised Code to implement this section. If the director 118912
adopts such rules, the rules shall designate the times at which a 118913
criminal records check must be conducted under this section. The 118914
rules may do any of the following: 118915

(1) Designate the categories of persons who are subject to a 118916
criminal records check under this section; 118917

(2) Specify circumstances under which the department or the 118918
department's designee may continue a medicaid provider agreement 118919
or issue a medicaid provider agreement ~~to an applicant~~ when the 118920
medicaid provider ~~or applicant~~ is found by a criminal records 118921
check to have been convicted of, pleaded guilty to, or been found 118922
eligible for intervention in lieu of conviction for a 118923
disqualifying offense; 118924

(3) Specify circumstances under which a medicaid provider ~~or~~ 118925
~~applicant to be a provider~~ may permit a person to be an employee, 118926
owner, officer, or board member of the provider ~~or applicant~~, when 118927
the person is found by a criminal records check conducted pursuant 118928
to this section to have been convicted of, or have pleaded guilty 118929
~~to, or been found eligible for intervention in lieu of conviction~~ 118930
~~for~~ a disqualifying offense; 118931

(4) Specify all of the following: 118932

(a) The circumstances under which a database review must be 118933
conducted under division (F)(1)(a) of this section to determine 118934
whether an employee or prospective employee of a medicaid provider 118935
~~or applicant to be a provider~~ is included in a database; 118936

(b) The procedures for conducting the database review; 118937

(c) The databases that are to be checked; 118938

(d) The circumstances under which a medicaid provider ~~or~~ 118939
~~applicant to be a provider~~ is prohibited from employing a person 118940
who is found by the database review to be included in a database. 118941

Sec. ~~5111.034~~ 5164.341. (A) As used in this section: 118942

"Anniversary date" means the later of the effective date of 118943
the provider agreement relating to the independent provider or 118944
sixty days after September 26, 2003. 118945

"Applicant" means a person who has applied for a ~~medicaid~~ 118946
provider agreement to provide home and community-based services as 118947
an independent provider under a home and community-based medicaid 118948
waiver component administered by the department of ~~job and family~~ 118949
~~services~~ medicaid. 118950

"Criminal records check" has the same meaning as in section 118951
109.572 of the Revised Code. 118952

"Disqualifying offense" means any of the offenses listed or 118953
described in divisions (A)(3)(a) to (e) of section 109.572 of the 118954
Revised Code. 118955

"Independent provider" means a person who has a ~~medicaid~~ 118956
provider agreement to provide home and community-based services as 118957
an independent provider in a home and community-based services 118958
medicaid waiver component administered by the department of ~~job~~ 118959
~~and family services~~ medicaid. 118960

~~"Home and community based services medicaid waiver component"~~ 118961
~~has the same meaning as in section 5111.85 of the Revised Code.~~ 118962

(B) The department of ~~job and family services~~ medicaid or the 118963
department's designee shall deny an applicant's application for a 118964
~~medicaid~~ provider agreement and shall terminate an independent 118965
provider's ~~medicaid~~ provider agreement if either of the following 118966
applies: 118967

(1) After the applicant or independent provider is given the 118968

information and notification required by divisions (D)(2)(a) and 118969
(b) of this section, the applicant or independent provider fails 118970
to do either of the following: 118971

(a) Access, complete, or forward to the superintendent of the 118972
bureau of criminal identification and investigation the form 118973
prescribed pursuant to division (C)(1) of section 109.572 of the 118974
Revised Code or the standard impression sheet prescribed pursuant 118975
to division (C)(2) of that section; 118976

(b) Instruct the superintendent to submit the completed 118977
report of the criminal records check required by this section 118978
directly to the department or the department's designee. 118979

(2) Except as provided in rules ~~adopted under~~ authorized by 118980
this section, the applicant or independent provider is found by a 118981
criminal records check required by this section to have been 118982
convicted of, or have pleaded guilty to, ~~or been found eligible~~ 118983
~~for intervention in lieu of conviction for~~ a disqualifying 118984
offense, regardless of the date of the conviction, or the date of 118985
entry of the guilty plea, ~~or the date the applicant or independent~~ 118986
~~provider was found eligible for intervention in lieu of~~ 118987
~~conviction.~~ 118988

(C)(1) The department or the department's designee shall 118989
inform each applicant, at the time of initial application for a 118990
~~medicaid~~ provider agreement, that the applicant is required to 118991
provide a set of the applicant's fingerprint impressions and that 118992
a criminal records check is required to be conducted as a 118993
condition of the department's approving the application. 118994

(2) Beginning on September 26, 2003, the department or the 118995
department's designee shall inform each independent provider on or 118996
before the time of the anniversary date of the ~~medicaid~~ provider 118997
agreement that the independent provider is required to provide a 118998
set of the independent provider's fingerprint impressions and that 118999

a criminal records check is required to be conducted. 119000

(D)(1) The department or the department's designee shall 119001
require an applicant to complete a criminal records check prior to 119002
entering into a ~~medicaid~~ provider agreement with the applicant. 119003
The department or the department's designee shall require an 119004
independent provider to complete a criminal records check at least 119005
annually. If an applicant or independent provider for whom a 119006
criminal records check is required by this section does not 119007
present proof of having been a resident of this state for the 119008
five-year period immediately prior to the date the criminal 119009
records check is requested or provide evidence that within that 119010
five-year period the superintendent of the bureau of criminal 119011
identification and investigation has requested information about 119012
the applicant or independent provider from the federal bureau of 119013
investigation in a criminal records check, the department or the 119014
department's designee shall request that the applicant or 119015
independent provider obtain through the superintendent a criminal 119016
records request from the federal bureau of investigation as part 119017
of the criminal records check of the applicant or independent 119018
provider. Even if an applicant or independent provider for whom a 119019
criminal records check request is required by this section 119020
presents proof of having been a resident of this state for the 119021
five-year period, the department or the department's designee may 119022
request that the applicant or independent provider obtain 119023
information through the superintendent from the federal bureau of 119024
investigation in the criminal records check. 119025

(2) The department or the department's designee shall provide 119026
the following to each applicant and independent provider for whom 119027
a criminal records check is required by this section: 119028

(a) Information about accessing, completing, and forwarding 119029
to the superintendent of the bureau of criminal identification and 119030
investigation the form prescribed pursuant to division (C)(1) of 119031

section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or independent provider is to instruct the superintendent to submit the completed report of the criminal records check directly to the department or the department's designee.

(3) Each applicant and independent provider for whom a criminal records check is required by this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the applicant or independent provider.

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The medicaid director ~~of job and family services~~ and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) An individual ~~who receives~~ receiving or deciding whether to receive home and community-based services from the person who is the subject of the criminal records check;

(5) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following:

(a) A denial or termination of a provider agreement related

to the criminal records check; 119062

(b) A civil or criminal action regarding the medicaid 119063
program. 119064

(F) The medicaid director ~~of job and family services~~ shall 119065
adopt rules ~~in accordance with Chapter 119. under section 5164.02~~ 119066
of the Revised Code to implement this section. The rules shall 119067
specify circumstances under which the department or the 119068
department's designee may either approve an applicant's 119069
application or allow an independent provider to maintain an 119070
existing ~~medicaid~~ provider agreement even though the applicant or 119071
independent provider is found by a criminal records check required 119072
by this section to have been convicted of, or have pleaded guilty 119073
to, ~~or been found eligible for intervention in lieu of conviction~~ 119074
~~for~~ a disqualifying offense. 119075

Sec. ~~5111.033~~ 5164.342. (A) As used in this section: 119076

"Applicant" means a person who is under final consideration 119077
for employment with a waiver agency in a full-time, part-time, or 119078
temporary position that involves providing home and 119079
community-based services. 119080

"Community-based long-term care agency provider" ~~has the same~~ 119081
~~meaning~~ means a provider as defined in section 173.39 of the 119082
Revised Code. 119083

"Community-based long-term care subcontractor" means a 119084
subcontractor as defined in section 173.38 of the Revised Code. 119085

"Criminal records check" has the same meaning as in section 119086
109.572 of the Revised Code. 119087

"Disqualifying offense" means any of the offenses listed or 119088
described in divisions (A)(3)(a) to (e) of section 109.572 of the 119089
Revised Code. 119090

"Employee" means a person employed by a waiver agency in a 119091

full-time, part-time, or temporary position that involves 119092
providing home and community-based services. 119093

~~"Home and community based services medicaid waiver component"~~ 119094
~~has the same meaning as in section 5111.85 of the Revised Code.~~ 119095

"Waiver agency" means a person or government entity that 119096
provides home and community-based services under a home and 119097
community-based services medicaid waiver component administered by 119098
the department of ~~job and family services~~ medicaid, other than 119099
such a person or government entity that is certified under the 119100
medicare program. "Waiver agency" does not mean an independent 119101
provider as defined in section ~~5111.034~~ 5164.341 of the Revised 119102
Code. 119103

(B) This section does not apply to any individual who is 119104
subject to a database review or criminal records check under 119105
section 3701.881 of the Revised Code. If a waiver agency also is a 119106
community-based long-term care ~~agency~~ provider or community-based 119107
long-term care subcontractor, the waiver agency may provide for 119108
applicants and employees to undergo database reviews and criminal 119109
records checks in accordance with section ~~173.394~~ 173.38 of the 119110
Revised Code rather than this section. 119111

(C) No waiver agency shall employ an applicant or continue to 119112
employ an employee in a position that involves providing home and 119113
community-based services if any of the following apply: 119114

(1) A review of the databases listed in division (E) of this 119115
section reveals any of the following: 119116

(a) That the applicant or employee is included in one or more 119117
of the databases listed in divisions (E)(1) to (5) of this 119118
section; 119119

(b) That there is in the state nurse aide registry 119120
established under section 3721.32 of the Revised Code a statement 119121
detailing findings by the director of health that the applicant or 119122

employee neglected or abused a long-term care facility or 119123
residential care facility resident or misappropriated property of 119124
such a resident; 119125

(c) That the applicant or employee is included in one or more 119126
of the databases, if any, specified in rules ~~adopted under~~ 119127
authorized by this section and the rules prohibit the waiver 119128
agency from employing an applicant or continuing to employ an 119129
employee included in such a database in a position that involves 119130
providing home and community-based services. 119131

(2) After the applicant or employee is given the information 119132
and notification required by divisions (F)(2)(a) and (b) of this 119133
section, the applicant or employee fails to do either of the 119134
following: 119135

(a) Access, complete, or forward to the superintendent of the 119136
bureau of criminal identification and investigation the form 119137
prescribed to division (C)(1) of section 109.572 of the Revised 119138
Code or the standard impression sheet prescribed pursuant to 119139
division (C)(2) of that section; 119140

(b) Instruct the superintendent to submit the completed 119141
report of the criminal records check required by this section 119142
directly to the chief administrator of the waiver agency. 119143

(3) Except as provided in rules ~~adopted under~~ authorized by 119144
this section, the applicant or employee is found by a criminal 119145
records check required by this section to have been convicted of, 119146
or have pleaded guilty to, ~~or been found eligible for intervention~~ 119147
~~in lieu of conviction for~~ a disqualifying offense, regardless of 119148
the date of the conviction, or date of entry of the guilty plea, 119149
~~or the date the applicant or employee was found eligible for~~ 119150
~~intervention in lieu of conviction.~~ 119151

(D) At the time of each applicant's initial application for 119152
employment in a position that involves providing home and 119153

community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules ~~adopted under~~ authorized by this section. If rules ~~adopted under~~ authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to ~~section 1128 of the~~ "Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and

~~1156~~, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156~~ of the 119185
"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, ~~as~~ 119186
~~amended~~; 119187

(3) The registry of MR/DD employees established under section 119188
5123.52 of the Revised Code; 119189

(4) The internet-based sex offender and child-victim offender 119190
database established under division (A)(11) of section 2950.13 of 119191
the Revised Code; 119192

(5) The internet-based database of inmates established under 119193
section 5120.66 of the Revised Code; 119194

(6) The state nurse aide registry established under section 119195
3721.32 of the Revised Code; 119196

(7) Any other database, if any, specified in rules ~~adopted~~ 119197
~~under~~ authorized by this section. 119198

(F)(1) As a condition of employing any applicant in a 119199
position that involves providing home and community-based 119200
services, the chief administrator of a waiver agency shall require 119201
the applicant to request that the superintendent of the bureau of 119202
criminal identification and investigation conduct a criminal 119203
records check of the applicant. If rules ~~adopted under~~ authorized 119204
by this section so require, the chief administrator of a waiver 119205
agency shall require an employee to request that the 119206
superintendent conduct a criminal records check of the employee at 119207
times specified in the rules as a condition of continuing to 119208
employ the employee in a position that involves providing home and 119209
community-based services. However, a criminal records check is not 119210
required for an applicant or employee if the waiver agency is 119211
prohibited by division (C)(1) of this section from employing the 119212
applicant or continuing to employ the employee in a position that 119213
involves providing home and community-based services. If an 119214
applicant or employee for whom a criminal records check request is 119215

required by this section does not present proof of having been a 119216
resident of this state for the five-year period immediately prior 119217
to the date the criminal records check is requested or provide 119218
evidence that within that five-year period the superintendent has 119219
requested information about the applicant or employee from the 119220
federal bureau of investigation in a criminal records check, the 119221
chief administrator shall require the applicant or employee to 119222
request that the superintendent obtain information from the 119223
federal bureau of investigation as part of the criminal records 119224
check. Even if an applicant or employee for whom a criminal 119225
records check request is required by this section presents proof 119226
of having been a resident of this state for the five-year period, 119227
the chief administrator may require the applicant or employee to 119228
request that the superintendent include information from the 119229
federal bureau of investigation in the criminal records check. 119230

(2) The chief administrator shall provide the following to 119231
each applicant and employee for whom a criminal records check is 119232
required by this section: 119233

(a) Information about accessing, completing, and forwarding 119234
to the superintendent of the bureau of criminal identification and 119235
investigation the form prescribed pursuant to division (C)(1) of 119236
section 109.572 of the Revised Code and the standard impression 119237
sheet prescribed pursuant to division (C)(2) of that section; 119238

(b) Written notification that the applicant or employee is to 119239
instruct the superintendent to submit the completed report of the 119240
criminal records check directly to the chief administrator. 119241

(3) A waiver agency shall pay to the bureau of criminal 119242
identification and investigation the fee prescribed pursuant to 119243
division (C)(3) of section 109.572 of the Revised Code for any 119244
criminal records check required by this section. However, a waiver 119245
agency may require an applicant to pay to the bureau the fee for a 119246
criminal records check of the applicant. If the waiver agency pays 119247

the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, or has pleaded guilty to, ~~or has been found eligible for intervention in lieu of conviction for~~ a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules ~~adopted under~~ authorized by this section exist that permit the waiver agency to employ the applicant and the

waiver agency chooses to employ the applicant. 119280

(H) The report of any criminal records check conducted 119281
pursuant to a request made under this section is not a public 119282
record for the purposes of section 149.43 of the Revised Code and 119283
shall not be made available to any person other than the 119284
following: 119285

(1) The applicant or employee who is the subject of the 119286
criminal records check or the representative of the applicant or 119287
employee; 119288

(2) The chief administrator of the waiver agency that 119289
requires the applicant or employee to request the criminal records 119290
check or the administrator's representative; 119291

(3) The medicaid director ~~of job and family services~~ and the 119292
staff of the department who are involved in the administration of 119293
the medicaid program; 119294

(4) The director of aging or the director's designee if the 119295
waiver agency also is a community-based long-term care ~~agency~~ 119296
provider or community-based long-term care subcontractor; 119297

(5) An individual receiving or deciding whether to receive 119298
home and community-based services from the subject of the criminal 119299
records check; 119300

(6) A court, hearing officer, or other necessary individual 119301
involved in a case dealing with any of the following: 119302

(a) A denial of employment of the applicant or employee; 119303

(b) Employment or unemployment benefits of the applicant or 119304
employee; 119305

(c) A civil or criminal action regarding the medicaid 119306
program. 119307

(I) The medicaid director ~~of job and family services~~ shall 119308
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 119309

of the Revised Code to implement this section. 119310

(1) The rules may do the following: 119311

(a) Require employees to undergo database reviews and 119312
criminal records checks under this section; 119313

(b) If the rules require employees to undergo database 119314
reviews and criminal records checks under this section, exempt one 119315
or more classes of employees from the requirements; 119316

(c) For the purpose of division (E)(7) of this section, 119317
specify other databases that are to be checked as part of a 119318
database review conducted under this section. 119319

(2) The rules shall specify all of the following: 119320

(a) The procedures for conducting a database review under 119321
this section; 119322

(b) If the rules require employees to undergo database 119323
reviews and criminal records checks under this section, the times 119324
at which the database reviews and criminal records checks are to 119325
be conducted; 119326

(c) If the rules specify other databases to be checked as 119327
part of a database review, the circumstances under which a waiver 119328
agency is prohibited from employing an applicant or continuing to 119329
employ an employee who is found by the database review to be 119330
included in one or more of those databases; 119331

(d) The circumstances under which a waiver agency may employ 119332
an applicant or employee who is found by a criminal records check 119333
required by this section to have been convicted of, or have 119334
~~pleaded guilty to, or been found eligible for intervention in lieu~~ 119335
~~of conviction for~~ a disqualifying offense. 119336

(J) The amendments made by H.B. 487 of the 129th general 119337
assembly to this section do not preclude the department of ~~job and~~ 119338
~~family services~~ medicaid from taking action against a person for 119339

failure to comply with former division (H) of this section as that 119340
division existed on the day preceding ~~the effective date of this~~ 119341
~~amendment~~ January 1, 2013. 119342

Sec. ~~5111.03~~ 5164.35. (A) As used in this section, "owner" 119343
means any person having at least five per cent ownership in a 119344
medicaid provider. 119345

(B)(1) No medicaid provider of services or goods contracting 119346
with the department of job and family services pursuant to the 119347
medicaid program shall, by do any of the following: 119348

(a) By deception, obtain or attempt to obtain payments under 119349
this chapter the medicaid program to which the provider is not 119350
entitled pursuant to the provider's provider agreement, or the 119351
rules of the federal government or the ~~department of job and~~ 119352
~~family services~~ medicaid director relating to the program. ~~No~~ 119353
~~provider shall willfully;~~ 119354

(b) Willfully receive payments to which the provider is not 119355
entitled, ~~or willfully;~~ 119356

(c) Willfully receive payments in a greater amount than that 119357
to which the provider is entitled; ~~nor shall any provider falsify~~ 119358

(d) Falsify any report or document required by state or 119359
federal law, rule, or provider agreement relating to medicaid 119360
payments. ~~As used in this section, a~~ 119361

(2) A medicaid provider engages in "deception" for the 119362
purpose of this section when the provider, acting with actual 119363
knowledge of the representation or information involved, acting in 119364
deliberate ignorance of the truth or falsity of the representation 119365
or information involved, or acting in reckless disregard of the 119366
truth or falsity of the representation or information involved, 119367
deceives another or causes another to be deceived by any false or 119368
misleading representation, by withholding information, by 119369

preventing another from acquiring information, or by any other 119370
conduct, act, or omission that creates, confirms, or perpetuates a 119371
false impression in another, including a false impression as to 119372
law, value, state of mind, or other objective or subjective fact. 119373
No proof of specific intent to defraud is required to show, for 119374
purposes of this section, that a medicaid provider has engaged in 119375
deception. 119376

~~(B)~~(C) Any medicaid provider who violates division ~~(A)~~(B) of 119377
this section shall be liable, in addition to any other penalties 119378
provided by law, for all of the following civil penalties: 119379

(1) Payment of interest on the amount of the excess payments 119380
at the maximum interest rate allowable for real estate mortgages 119381
under section 1343.01 of the Revised Code on the date the payment 119382
was made to the provider for the period from the date upon which 119383
payment was made, to the date upon which repayment is made to the 119384
state; 119385

(2) Payment of an amount equal to three times the amount of 119386
any excess payments; 119387

(3) Payment of a sum of not less than five thousand dollars 119388
and not more than ten thousand dollars for each deceptive claim or 119389
falsification; 119390

(4) All reasonable expenses which the court determines have 119391
been necessarily incurred by the state in the enforcement of this 119392
section. 119393

~~(C) As used in this division, "intermediate care facility for 119394
the mentally retarded" and "nursing facility" have the same 119395
meanings given in section 5111.20 of the Revised Code. 119396~~

(D) In addition to the civil penalties provided in division 119397
~~(B)~~(C) of this section, the medicaid director ~~of job and family 119398
services~~, upon the conviction of, or the entry of a judgment in 119399
either a criminal or civil action against, a medicaid provider or 119400

its owner, officer, authorized agent, associate, manager, or 119401
employee in an action brought pursuant to section 109.85 of the 119402
Revised Code, shall terminate the provider's provider agreement 119403
~~between the department and the provider~~ and stop ~~reimbursement~~ 119404
payment to the provider for medicaid services rendered from the 119405
date of conviction or entry of judgment. ~~As used in this division,~~ 119406
~~"owner" means any person having at least five per cent ownership~~ 119407
~~in the medicaid provider.~~ No such medicaid provider, owner, 119408
officer, authorized agent, associate, manager, or employee shall 119409
own or provide medicaid services to any other medicaid provider or 119410
risk contractor or arrange for, render, or order medicaid services 119411
for medicaid recipients, nor shall such provider, owner, officer, 119412
authorized agent, associate, manager, or employee receive 119413
~~reimbursement in the form of~~ direct payments ~~from the department~~ 119414
under the medicaid program or indirect payments of medicaid funds 119415
in the form of salary, shared fees, contracts, kickbacks, or 119416
rebates from or through any ~~participating~~ other medicaid provider 119417
or risk contractor. The provider agreement shall not be terminated 119418
~~or reimbursement, and payment shall not be~~ terminated, if the 119419
medicaid provider or owner can demonstrate that the provider or 119420
owner did not directly or indirectly sanction the action of its 119421
authorized agent, associate, manager, or employee that resulted in 119422
the conviction or entry of a judgment in a criminal or civil 119423
action brought pursuant to section 109.85 of the Revised Code. 119424
Nothing in this division prohibits any owner, officer, authorized 119425
agent, associate, manager, or employee of a medicaid provider from 119426
entering into a ~~medicaid~~ provider agreement if the person can 119427
demonstrate that the person had no knowledge of an action of the 119428
medicaid provider the person was formerly associated with that 119429
resulted in the conviction or entry of a judgment in a criminal or 119430
civil action brought pursuant to section 109.85 of the Revised 119431
Code. 119432

Nursing facility ~~or intermediate care facility for the~~ 119433

~~mentally retarded and ICF/IID providers whose provider agreements~~ 119434
~~are terminated pursuant to this section may continue to receive~~ 119435
~~reimbursement medicaid payments~~ for up to thirty days after the 119436
effective date of the termination if the provider makes reasonable 119437
efforts to transfer medicaid recipients to another facility or to 119438
alternate care and if federal ~~funds are~~ financial participation is 119439
provided for ~~such reimbursement~~ the payments. 119440

~~(D) For any reason permitted or required by federal law, the~~ 119441
~~director of job and family services may deny a provider agreement~~ 119442
~~or terminate a provider agreement.~~ 119443

~~For any reason permitted or required by federal law, the~~ 119444
~~director may exclude an individual, provider of services or goods,~~ 119445
~~or other entity from participation in the medicaid program. No~~ 119446
~~individual, provider, or entity excluded under this division shall~~ 119447
~~own or provide services to any other medicaid provider or risk~~ 119448
~~contractor or arrange for, render, or order services for medicaid~~ 119449
~~recipients during the period of exclusion, nor, during the period~~ 119450
~~of exclusion, shall such individual, provider, or entity receive~~ 119451
~~reimbursement in the form of direct payments from the department~~ 119452
~~or indirect payments of medicaid funds in the form of salary,~~ 119453
~~shared fees, contracts, kickbacks, or rebates from or through any~~ 119454
~~participating provider or risk contractor. An excluded individual,~~ 119455
~~provider, or entity may request a reconsideration of the~~ 119456
~~exclusion. The director shall adopt rules in accordance with~~ 119457
~~Chapter 119. of the Revised Code governing the process for~~ 119458
~~requesting a reconsideration.~~ 119459

~~Nothing in this division limits the applicability of section~~ 119460
~~5111.06 of the Revised Code to a medicaid provider.~~ 119461

~~(E) Any provider of services or goods contracting with the~~ 119462
~~department of job and family services pursuant to Title XIX of the~~ 119463
~~"Social Security Act," who, without intent, obtains payments under~~ 119464
~~this chapter in excess of the amount to which the provider is~~ 119465

~~entitled, thereby becomes liable for payment of interest on the amount of the excess payments at the maximum real estate mortgage rate on the date the payment was made to the provider for the period from the date upon which payment was made to the date upon which repayment is made to the state.~~

~~(F)~~(E) The attorney general on behalf of the state may commence proceedings to enforce this section in any court of competent jurisdiction; and the attorney general may settle or compromise any case brought under this section with the approval of the department of ~~job and family services~~ medicaid. Notwithstanding any other provision of law providing a shorter period of limitations, the attorney general may commence a proceeding to enforce this section at any time within six years after the conduct in violation of this section terminates.

~~(G) The authority, under state and federal law, of the department of job and family services or a county department of job and family services to recover excess payments made to a provider is not limited by the availability of remedies under sections 5111.11 and 5111.12 of the Revised Code for recovering benefits paid on behalf of recipients of medical assistance.~~

~~The penalties under this chapter apply to any overpayment, billing, or falsification occurring on and after April 24, 1978.~~

(F) All moneys collected by the state pursuant to this section shall be deposited in the state treasury to the credit of the general revenue fund.

Sec. ~~5111.035~~ 5164.36. (A) As used in this section:

(1) "~~Creditable~~ Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of ~~job and family services~~ medicaid.

(2) ~~"Provider" has the same meaning as in section 5111.032 of the Revised Code.~~ 119497
119498

~~(3) "Owner" has the same meaning as in section 5111.031~~ 119499
5164.37 of the Revised Code. 119500

(B)(1) Except as provided in division (C) of this section and 119501
in rules ~~adopted~~ authorized by the ~~department of job and family~~ 119502
~~services under division (J) of this section~~, on determining there 119503
is a ~~creditible~~ credible allegation of fraud for which an 119504
investigation is pending under the medicaid program against a 119505
medicaid provider, the department of medicaid shall suspend the 119506
provider agreement held by the provider. Subject to division (C) 119507
of this section, the department shall also terminate medicaid 119508
~~reimbursement~~ payments to the provider for services rendered. 119509

(2)(a) The suspension shall continue in effect until either 119510
of the following is the case: 119511

(i) The department or a prosecuting authority determines that 119512
there is insufficient evidence of fraud by the medicaid provider; 119513

(ii) The proceedings in any related criminal case are 119514
completed through dismissal of the indictment or through 119515
conviction, entry of a guilty plea, or finding of not guilty. 119516

(b) If the department commences a process to terminate the 119517
suspended provider agreement, the suspension shall also continue 119518
in effect until the termination process is concluded. 119519

~~(3) Pursuant to section 5111.06 of the Revised Code, the~~ 119520
~~department is not required to take action under division (B)(1) of~~ 119521
~~this section by issuing an order pursuant to an adjudication in~~ 119522
~~accordance with Chapter 119. of the Revised Code.~~ 119523

~~(4) When subject to a suspension under this section, a~~ 119524
medicaid provider, owner, officer, authorized agent, associate, 119525
manager, or employee shall not own or provide services to any 119526

other medicaid provider or risk contractor or arrange for, render, 119527
or order services to any other medicaid provider or risk 119528
contractor or arrange for, render, or order services for medicaid 119529
recipients during the period of suspension. During the period of 119530
suspension, the provider, owner, officer, authorized agent, 119531
associate, manager, or employee shall not receive ~~reimbursement in~~ 119532
~~the form of~~ direct payments ~~from the department~~ under the medicaid 119533
program or indirect payments of medicaid funds in the form of 119534
salary, shared fees, contracts, kickbacks, or rebates from or 119535
through any ~~participating~~ other medicaid provider or risk 119536
contractor. 119537

(C) The department shall not suspend a provider agreement or 119538
terminate medicaid ~~reimbursement~~ payments under division (B) of 119539
this section if the medicaid provider or owner can demonstrate 119540
through the submission of written evidence that the provider or 119541
owner did not directly or indirectly sanction the action of its 119542
authorized agent, associate, manager, or employee that resulted in 119543
the ~~credible~~ credible allegation of fraud. 119544

(D) The termination of medicaid ~~reimbursement~~ payment under 119545
division (B) of this section applies only to payments for medicaid 119546
services rendered subsequent to the date on which the notice 119547
required by division (E) of this section is sent. Claims for 119548
~~reimbursement~~ payment of medicaid services rendered by the 119549
medicaid provider prior to the issuance of the notice may be 119550
subject to prepayment review procedures whereby the department 119551
reviews claims to determine whether they are supported by 119552
sufficient documentation, are in compliance with state and federal 119553
statutes and rules, and are otherwise complete. 119554

(E) After suspending a provider agreement under division (B) 119555
of this section, the department shall, as specified in 42 C.F.R. 119556
455.23(b), send notice of the suspension to the affected medicaid 119557
provider or owner in accordance with the following timeframes: 119558

(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division (F) of this section.

(F) A written request for a temporary delay described in division (E)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs.

(G) The notice required by division (E) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either of the following is the case:

(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider;

(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded.

(4) Specify, if applicable, the type or types of medicaid

claims or business units of the medicaid provider that are 119589
affected by the suspension; 119590

(5) Inform the medicaid provider or owner of the opportunity 119591
to submit to the department, not later than thirty days after 119592
receiving the notice, a request for reconsideration of the 119593
suspension in accordance with division (H) of this section. 119594

(H)(1) Pursuant to the procedure specified in division (H)(2) 119595
of this section, a medicaid provider or owner subject to a 119596
suspension under this section may request a reconsideration of the 119597
suspension. The request shall be made not later than thirty days 119598
after receipt of a notice required by division (E) of this 119599
section. The reconsideration is not subject to an adjudication 119600
hearing pursuant to Chapter 119. of the Revised Code. 119601

(2) In requesting a reconsideration, the medicaid provider or 119602
owner shall submit written information and documents to the 119603
department. The information and documents may pertain to any of 119604
the following issues: 119605

(a) Whether the determination to suspend the provider 119606
agreement was based on a mistake of fact, other than the validity 119607
of an indictment in a related criminal case. 119608

(b) If there has been an indictment in a related criminal 119609
case, whether any offense charged in the indictment resulted from 119610
an offense specified in division (E) of section ~~5111.031~~ 5164.37 119611
of the Revised Code. 119612

(c) Whether the provider or owner can demonstrate that the 119613
provider or owner did not directly or indirectly sanction the 119614
action of its authorized agent, associate, manager, or employee 119615
that resulted in the suspension under this section or an 119616
indictment in a related criminal case. 119617

(I) The department shall review the information and documents 119618
submitted in a request made under division (H) of this section for 119619

reconsideration of a suspension. After the review, the suspension 119620
may be affirmed, reversed, or modified, in whole or in part. The 119621
department shall notify the affected provider or owner of the 119622
results of the review. The review and notification of its results 119623
shall be completed not later than forty-five days after receiving 119624
the information and documents submitted in a request for 119625
reconsideration. 119626

~~(J) The department may adopt rules in accordance with Chapter 119627
119. of the Revised Code to implement this section. The rules 119628
Rules adopted under section 5164.02 of the Revised Code may 119629
specify circumstances under which the department would not suspend 119630
a provider agreement pursuant to this section. 119631~~

Sec. ~~5111.031~~ 5164.37. (A) As used in this section: 119632

(1) "Independent provider" has the same meaning as in section 119633
~~5111.034~~ 5164.341 of the Revised Code. 119634

~~(2) "Intermediate care facility for the mentally retarded" 119635
and "nursing facility" have the same meanings as in section 119636
5111.20 of the Revised Code. 119637~~

~~(3) "Noninstitutional medicaid provider" means any person or 119638
entity with a medicaid provider agreement other than a hospital, 119639
nursing facility, or ~~intermediate care facility for the mentally 119640
retarded~~ ICF/IID. 119641~~

~~(4)(3) "Owner" means any person having at least five per cent 119642
ownership in a noninstitutional medicaid provider. 119643~~

(B) Notwithstanding any provision of this chapter to the 119644
contrary, the department of ~~job and family services~~ medicaid shall 119645
take action under this section against a noninstitutional medicaid 119646
provider or its owner, officer, authorized agent, associate, 119647
manager, or employee. 119648

(C) Except as provided in division (D) of this section and in 119649

rules ~~adopted~~ authorized by the department under ~~division (H) of~~ 119650
this section, on receiving notice and a copy of an indictment that 119651
is issued on or after September 29, 2007, and charges a 119652
noninstitutional medicaid provider or its owner, officer, 119653
authorized agent, associate, manager, or employee with committing 119654
an offense specified in division (E) of this section, the 119655
department shall suspend the provider agreement held by the 119656
noninstitutional medicaid provider. Subject to division (D) of 119657
this section, the department shall also terminate medicaid 119658
~~reimbursement~~ payments to the provider for medicaid services 119659
rendered. 119660

The suspension shall continue in effect until the proceedings 119661
in the criminal case are completed through dismissal of the 119662
indictment or through conviction, entry of a guilty plea, or 119663
finding of not guilty. If the department commences a process to 119664
terminate the suspended provider agreement, the suspension shall 119665
also continue in effect until the termination process is 119666
concluded. 119667

~~Pursuant to section 5111.06 of the Revised Code, the~~ 119668
~~department is not required to take action under this division by~~ 119669
~~issuing an order pursuant to an adjudication conducted in~~ 119670
~~accordance with Chapter 119. of the Revised Code.~~ 119671

When subject to a suspension under this division, a provider, 119672
owner, officer, authorized agent, associate, manager, or employee 119673
shall not own or provide medicaid services to any other medicaid 119674
provider or risk contractor or arrange for, render, or order 119675
medicaid services for medicaid recipients during the period of 119676
suspension. During the period of suspension, the provider, owner, 119677
officer, authorized agent, associate, manager, or employee shall 119678
not receive ~~reimbursement in the form of~~ direct payments ~~from~~ 119679
under the department medicaid program or indirect payments of 119680
medicaid funds in the form of salary, shared fees, contracts, 119681

kickbacks, or rebates from or through any ~~participating other~~ medicaid provider or risk contractor. 119682
119683

(D)(1) The department shall not suspend a provider agreement 119684
or terminate medicaid ~~reimbursement~~ payments under division (C) of 119685
this section if the provider or owner can demonstrate through the 119686
submission of written evidence that the provider or owner did not 119687
directly or indirectly sanction the action of its authorized 119688
agent, associate, manager, or employee that resulted in the 119689
indictment. 119690

(2) The termination of medicaid ~~reimbursement~~ payments 119691
applies only to payments for medicaid services rendered subsequent 119692
to the date on which the notice required under division (F) of 119693
this section is sent. Claims for ~~reimbursement~~ payment for 119694
medicaid services rendered by the provider prior to the issuance 119695
of the notice may be subject to prepayment review procedures 119696
whereby the department reviews claims to determine whether they 119697
are supported by sufficient documentation, are in compliance with 119698
state and federal statutes and rules, and are otherwise complete. 119699

(E)(1) In the case of a noninstitutional medicaid provider 119700
that is not an independent provider, the suspension of a provider 119701
agreement under division (C) of this section applies when an 119702
indictment charges a person with committing an act that would be a 119703
felony or misdemeanor under the laws of this state and the act 119704
relates to or results from either of the following: 119705

(a) Furnishing or billing for ~~medical care,~~ medicaid 119706
~~services, or supplies~~ under the medicaid program; 119707

(b) Participating in the performance of management or 119708
administrative services relating to furnishing ~~medical care,~~ 119709
medicaid services, ~~or supplies~~ under the medicaid program. 119710

(2) In the case of a noninstitutional medicaid provider that 119711
is an independent provider, the suspension of a provider agreement 119712

under division (C) of this section applies when an indictment 119713
charges a person with committing an act that would constitute a 119714
disqualifying offense as defined in section ~~5111.032~~ 5164.34 of 119715
the Revised Code. 119716

(F) Not later than five days after suspending a provider 119717
agreement under division (C) of this section, the department shall 119718
send notice of the suspension to the affected provider or owner. 119719
In providing the notice, the department shall do all of the 119720
following: 119721

(1) Describe the indictment that was the cause of the 119722
suspension, without necessarily disclosing specific information 119723
concerning any ongoing civil or criminal investigation; 119724

(2) State that the suspension will continue in effect until 119725
the proceedings in the criminal case are completed through 119726
dismissal of the indictment or through conviction, entry of a 119727
guilty plea, or finding of not guilty and, if the department 119728
commences a process to terminate the suspended provider agreement, 119729
until the termination process is concluded; 119730

(3) Inform the provider or owner of the opportunity to submit 119731
to the department, not later than thirty days after receiving the 119732
notice, a request for a reconsideration pursuant to division (G) 119733
of this section. 119734

(G)(1) Pursuant to the procedure specified in division (G)(2) 119735
of this section, a noninstitutional medicaid provider or owner 119736
subject to a suspension under this section may request a 119737
reconsideration. The request shall be made not later than thirty 119738
days after receipt of the notice provided under division (F) of 119739
this section. The reconsideration is not subject to an 119740
adjudication hearing pursuant to Chapter 119. of the Revised Code. 119741

(2) In requesting a reconsideration, the provider or owner 119742
shall submit written information and documents to the department. 119743

The information and documents may pertain to any of the following 119744
issues: 119745

(a) Whether the determination to suspend the provider 119746
agreement was based on a mistake of fact, other than the validity 119747
of the indictment; 119748

(b) Whether any offense charged in the indictment resulted 119749
from an offense specified in division (E) of this section; 119750

(c) Whether the provider or owner can demonstrate that the 119751
provider or owner did not directly or indirectly sanction the 119752
action of its authorized agent, associate, manager, or employee 119753
that resulted in the indictment. 119754

(3) The department shall review the information and documents 119755
submitted in a request for reconsideration. After the review, the 119756
suspension may be affirmed, reversed, or modified, in whole or in 119757
part. The department shall notify the affected provider or owner 119758
of the results of the review. The review and notification of its 119759
results shall be completed not later than forty-five days after 119760
receiving the information and documents submitted in a request for 119761
reconsideration. 119762

~~(H) The department may adopt rules in accordance with Chapter 119763
119. of the Revised Code to implement this section. The rules 119764
Rules adopted under section 5164.02 of the Revised Code may 119765
specify circumstances under which the department would not suspend 119766
a provider agreement pursuant to this section. 119767~~

Sec. ~~5111.06~~ 5164.38. (A)~~(1)~~ As used in this section ~~and in~~ 119768
~~sections 5111.061 and 5111.063 of the Revised Code:~~ 119769

~~(a) "Provider" means any person, institution, or entity that 119770
furnishes medicaid services under a provider agreement with the 119771
department of job and family services pursuant to Title XIX of the 119772
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 119773~~

~~amended.~~ 119774

~~(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~ 119775
119776

~~(e)(1) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.~~ 119777
119778

~~(2) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~ 119779
119780

~~(3) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.~~ 119781
119782
119783
119784

~~(B) This section does not apply to either of the following:~~ 119785

~~(a)(1) Any action taken or decision made by the department of job and family services medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section ~~5111.17~~ 5167.10 of the Revised Code;~~ 119786
119787
119788
119789

~~(b)(2) Any action taken by the department under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code.~~ 119790
119791

~~(B)(C) Except as provided in division ~~(D)~~(E) of this section and section ~~5111.914~~ 5164.58 of the Revised Code, the department shall do ~~either~~ any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:~~ 119792
119793
119794
119795
119796

~~(1) Enter into or refuse Refuse to enter into a provider agreement with a medicaid provider, ~~or suspend;~~~~ 119797
119798

~~(2) Refuse to revalidate a medicaid provider's provider agreement;~~ 119799
119800

~~(3) Suspend or terminate, renew, or refuse to renew an existing a medicaid provider's provider agreement with a provider;~~ 119801
119802

~~(2)~~(4) Take any action based upon a final fiscal audit of a medicaid provider. 119803
119804

~~(C)~~(D) Any party who is adversely affected by the issuance of 119805
an adjudication order under division ~~(B)~~(C) of this section may 119806
appeal to the court of common pleas of Franklin county in 119807
accordance with section 119.12 of the Revised Code. 119808

~~(D)~~(E) The department is not required to comply with division 119809
~~(B)~~(C)(1), (2), or (3) of this section whenever any of the 119810
following occur: 119811

(1) The terms of a provider agreement require the medicaid 119812
provider to hold a license, permit, or certificate or maintain a 119813
certification issued by an official, board, commission, 119814
department, division, bureau, or other agency of state or federal 119815
government other than the department of ~~job and family services~~ 119816
medicaid, and the license, permit, certificate, or certification 119817
has been denied, revoked, not renewed, suspended, or otherwise 119818
limited. 119819

(2) The terms of a provider agreement require the medicaid 119820
provider to hold a license, permit, or certificate or maintain 119821
certification issued by an official, board, commission, 119822
department, division, bureau, or other agency of state or federal 119823
government other than the department of ~~job and family services~~ 119824
medicaid, and the provider has not obtained the license, permit, 119825
certificate, or certification. 119826

(3) The medicaid provider's application for a provider 119827
agreement is denied, or the provider's provider agreement is 119828
terminated, or not renewed due revalidated, because of or pursuant 119829
to the any of the following: 119830

(a) The termination, refusal to renew, or denial of a 119831
license, permit, certificate, or certification by an official, 119832
board, commission, department, division, bureau, or other agency 119833

of this state other than the department of ~~job and family services~~ 119834
medicaid, notwithstanding the fact that the provider may hold a 119835
license, permit, certificate, or certification from an official, 119836
board, commission, department, division, bureau, or other agency 119837
of another state. 119838

~~(4) The provider agreement is denied, terminated, or not~~ 119839
~~renewed pursuant to division (C);~~ 119840

(b) Division (D) or (F)(E) of section 5111.03 5164.35 of the 119841
Revised Code. 119842

~~(5) The provider agreement is denied, terminated, or not~~ 119843
~~renewed due to the;~~ 119844

(c) The provider's termination, suspension, or exclusion from 119845
the medicare program established under Title XVIII of the "Social 119846
Security Act" or from another state's medicaid program and, in 119847
either case, the termination, suspension, or exclusion is binding 119848
on the provider's participation in the medicaid program in this 119849
state. 119850

~~(6) The provider agreement is denied, terminated, or not~~ 119851
~~renewed due to the;~~ 119852

(d) The provider's pleading guilty to or being convicted of a 119853
criminal activity materially related to either the medicare or 119854
medicaid program; 119855

(e) The provider or its owner, officer, authorized agent, 119856
associate, manager, or employee having been convicted of one of 119857
the offenses that caused the provider's provider agreement to be 119858
suspended pursuant to section 5164.36 of the Revised Code; 119859

(f) The provider's failure to provide the department the 119860
national provider identifier assigned the provider by the national 119861
provider system pursuant to 45 C.F.R. 162.408. 119862

~~(7)(4) The medicaid provider's application for a provider~~ 119863

agreement is denied, or the provider's provider agreement is 119864
terminated, or suspended, as a result of action by the United 119865
States department of health and human services and that action is 119866
binding on the provider's medicaid participation ~~in the medicaid~~ 119867
~~program.~~ 119868

~~(8)~~(5) Pursuant to either section ~~5111.031~~ 5164.36 or 119869
~~5111.035~~ 5164.37 of the Revised Code, the medicaid provider's 119870
provider agreement is suspended and payments to the provider are 119871
suspended pending indictment of the provider. 119872

~~(9) The provider agreement is denied, terminated, or not~~ 119873
~~renewed because the provider or its owner, officer, authorized~~ 119874
~~agent, associate, manager, or employee has been convicted of one~~ 119875
~~of the offenses that caused the provider agreement to be suspended~~ 119876
~~pursuant to section 5111.031 of the Revised Code.~~ 119877

~~(10)~~(6) The medicaid provider's application for a provider 119878
agreement is denied because the provider's application was not 119879
complete; 119880

(7) The medicaid provider's provider agreement is converted 119881
under section ~~5111.028~~ 5164.32 of the Revised Code from a provider 119882
agreement that is not time-limited to a provider agreement that is 119883
time-limited. 119884

~~(11) The provider agreement is terminated or an application~~ 119885
~~for re enrollment is denied because the provider has failed to~~ 119886
~~apply for re enrollment within the time or in the manner specified~~ 119887
~~for re enrollment~~ (8) Unless the medicaid provider is a nursing 119888
facility or ICF/IID, the provider's provider agreement is not 119889
revalidated pursuant to division (B)(1) of section 5111.028 119890
5164.32 of the Revised Code. 119891

~~(12)~~(9) The medicaid provider's provider agreement is 119892
suspended ~~or,~~ terminated, or an application for enrollment or 119893
~~re enrollment is denied, for any~~ not revalidated because of either 119894

of the following: 119895

(a) Any reason authorized or required by one or more of the 119896
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 119897
455.450- 119898

~~(13) The provider agreement is terminated or not renewed 119899
because the;~~ 119900

(b) The provider has not billed or otherwise submitted a 119901
medicaid claim ~~to the department~~ for two years or longer. 119902

~~(14) The provider agreement is denied, terminated, or not 119903
renewed because the provider fails to provide to the department 119904
the national provider identifier assigned the provider by the 119905
national provider system pursuant to 45 C.F.R. 162.408.~~ 119906

(F) In the case of a medicaid provider described in division 119907
~~(D)(13)(E)(3)(f), (6), (7), or (14)(9)(b)~~ of this section, the 119908
department may take its proposed action ~~against a provider 119909
agreement~~ by sending a notice explaining the proposed action to 119910
the provider. The notice shall be sent to the medicaid provider's 119911
address on record with the department. The notice may be sent by 119912
regular mail. 119913

~~(E)(G)~~ (G) The department may withhold payments for medicaid 119914
services rendered by a medicaid provider ~~under the medicaid 119915
program~~ during the pendency of proceedings initiated under 119916
division ~~(B)(C)(1), (2), or (3)~~ of this section. If the 119917
proceedings are initiated under division ~~(B)(2)(C)(4)~~ of this 119918
section, the department may withhold payments only to the extent 119919
that they equal amounts determined in a final fiscal audit as 119920
being due the state. This division does not apply if the 119921
department fails to comply with section 119.07 of the Revised 119922
Code, requests a continuance of the hearing, or does not issue a 119923
decision within thirty days after the hearing is completed. This 119924
division does not apply to nursing facilities and ~~intermediate~~ 119925

~~care facilities for the mentally retarded as defined in section 5111.20 of the Revised Code ICFs/IID.~~ 119926
119927

Sec. ~~5111.062~~ 5164.39. In any action taken by the department 119928
of ~~job and family services~~ medicaid under section ~~5111.06~~ 5164.38 119929
or ~~5111.061~~ 5164.57 of the Revised Code or any other ~~provision of~~ 119930
~~this chapter~~ state statute governing the medicaid program that 119931
requires the department to give notice of an opportunity for a 119932
hearing in accordance with Chapter 119. of the Revised Code, if 119933
the department gives notice of the opportunity for a hearing but 119934
the medicaid provider or other entity subject to the notice does 119935
not request a hearing or timely request a hearing in accordance 119936
with section 119.07 of the Revised Code, the department is not 119937
required to hold a hearing. The medicaid director ~~of job and~~ 119938
~~family service~~ may proceed by issuing a final adjudication order 119939
in accordance with Chapter 119. of the Revised Code. 119940

Sec. ~~5111.05~~ 5164.45. (A) The department of ~~job and family~~ 119941
~~services~~ medicaid may contract with any person or persons as a 119942
fiscal agent for the examination, processing, and determination of 119943
~~medical assistance~~ medicaid claims ~~under this chapter~~. The 119944
contracting party may provide any of the following services, as 119945
required by the contract: 119946

(1) Design and operate medicaid management information 119947
systems, including the provision of data processing services; 119948

(2) Determine the amounts of payments to be made upon claims 119949
for ~~medical assistance~~ medicaid; 119950

(3) Prepare and furnish to the department lists and computer 119951
tapes of such claims for payment; 119952

(4) In addition to audits which may be conducted by the 119953
department and by the auditor of state, make audits of providers 119954
and the claims of medicaid providers ~~of medical assistance~~ 119955

according to the standards set forth in the contract; 119956

(5) Assist medicaid providers ~~of medical assistance~~ in the 119957
development of procedures relating to utilization practices, make 119958
studies of the effectiveness of such procedures and methods for 119959
their improvement, implement and enforce standards of medical 119960
policy, and assist in the application of safeguards against 119961
unnecessary utilization; 119962

(6) Assist any institution, facility, or agency to qualify as 119963
a medicaid provider ~~of medical assistance~~; 119964

(7) Establish and maintain fiscal records for the ~~medical~~ 119965
~~assistance~~ medicaid program; 119966

(8) Perform statistical and research studies; 119967

(9) Develop and implement programs for ~~medical assistance~~ 119968
medicaid cost containment; 119969

(10) Perform such other duties as are necessary to carry out 119970
the ~~medical assistance~~ medicaid program. 119971

(B) The department ~~of job and family services~~ may contract 119972
with any person or persons as an insuring agent for the 119973
examination, processing, and determination of ~~medical assistance~~ 119974
medicaid claims, as provided in division (A) of this section, and 119975
for the payment of ~~medical assistance~~ medicaid claims through an 119976
underwritten program in which the state pays the insuring agent a 119977
monthly premium and the insuring agent pays for ~~medical~~ medicaid 119978
services ~~authorized under the state's medical assistance program~~. 119979
The person with whom the department contracts, with respect to the 119980
awarding, provisions, and performance of such contract, shall not 119981
be subject to the provisions of Title XXXIX of the Revised Code or 119982
to regulation by the department of insurance, nor to taxation as 119983
an insurance company pursuant to section 5725.18 or 5729.03 of the 119984
Revised Code. A contract with an insuring agent shall specify the 119985
qualifications, including capital and surplus requirements, and 119986

other conditions with which the insuring agent must comply. 119987

(C) In entering into a contract under this section, the 119988
department, in cooperation with the director of budget and 119989
management, shall determine that the contracting party is 119990
qualified to perform the required services and shall follow 119991
applicable procedures required of the department of administrative 119992
services in sections 125.07 to 125.11 of the Revised Code. A 119993
contract shall be awarded to the bidder who, with due 119994
consideration to the bidder's experience and financial capability, 119995
offers the lowest and best bid to the state for control of the 119996
costs of the ~~medical assistance~~ medicaid program consistent with 119997
meeting the obligations under that program for fair and equitable 119998
treatment of medicaid recipients and medicaid providers ~~of medical~~ 119999
~~services~~. Any arrangement whereby funds are paid to an insuring or 120000
fiscal agent for administrative functions under this section 120001
shall, for the purposes of section 125.081 of the Revised Code, be 120002
deemed to be a contract or purchase by the department of 120003
administrative services; however, money to be used by an insuring 120004
agent to pay for ~~medical~~ medicaid services ~~authorized under the~~ 120005
~~state's medical assistance program~~ shall not be deemed a contract 120006
or purchase within the meaning of such section. 120007

Sec. ~~5111.052~~ 5164.46. (A) As used in this section, 120008
"electronic claims submission process" means any of the following: 120009

(1) Electronic interchange of data; 120010

(2) Direct entry of data through an internet-based mechanism 120011
implemented by the department of ~~job and family services~~ medicaid; 120012

(3) Any other process for the electronic submission of claims 120013
that is specified in rules adopted under ~~this~~ section 5162.02 of 120014
the Revised Code. 120015

(B) Not later than January 1, 2013, and except as provided in 120016

division (C) of this section, each medicaid provider ~~of services~~ 120017
~~to medicaid recipients~~ shall do both of the following: 120018

(1) Use only an electronic claims submission process to 120019
submit to the department of ~~job and family services~~ medicaid 120020
claims for medicaid ~~reimbursement~~ payment for medicaid services 120021
provided to medicaid recipients; 120022

(2) Arrange to receive medicaid ~~reimbursement~~ payment from 120023
the department by means of electronic funds transfer. 120024

(C) Division (B) of this section does not apply to any of the 120025
following: 120026

(1) A nursing facility, ~~as defined in section 5111.20 of the~~ 120027
~~Revised Code;~~ 120028

(2) An ~~intermediate care facility for the mentally retarded,~~ 120029
~~as defined in section 5111.20 of the Revised Code~~ ICF/IID; 120030

(3) A medicaid managed care organization ~~under contract with~~ 120031
~~the department pursuant to section 5111.17 of the Revised Code;~~ 120032

(4) Any other medicaid provider or type of medicaid provider 120033
designated in rules adopted under ~~this~~ section 5162.02 of the 120034
Revised Code. 120035

(D) The department shall not process a medicaid claim 120036
submitted on or after January 1, 2013, unless the claim is 120037
submitted through an electronic claims submission process in 120038
accordance with this section. 120039

~~(E) The director of job and family services may adopt rules~~ 120040
~~in accordance with Chapter 119. of the Revised Code as the~~ 120041
~~director considers necessary to implement this section.~~ 120042

Sec. ~~5111.054~~ 5164.47. (A) As used in this section+ 120043

~~(1) "Federal financial participation" means the federal~~ 120044
~~government's share of expenditures made by an entity in~~ 120045

~~implementing the medicaid program.~~ 120046

(2) "OCHSPS" means the private, not-for-profit corporation 120047
known as the Ohio children's hospital solutions for patient 120048
safety, which was formed for the purpose of improving pediatric 120049
patient care in this state, which performs functions that are 120050
included within the functions of a peer review committee as 120051
defined in section 2305.25 of the Revised Code, and which consists 120052
of all of the following members: Akron children's hospital, 120053
Cincinnati children's hospital medical center, Cleveland clinic 120054
children's hospital, Dayton children's medical center, mercy 120055
children's hospital, nationwide children's hospital, rainbow 120056
babies & children's hospital, and Toledo children's hospital. 120057

(B) If, as authorized by section ~~5101.10~~ 5160.10 of the 120058
Revised Code, the ~~department of job and family services~~ medicaid
director chooses to contract with a person to perform either or 120059
both of the following services, ~~it~~ the director may contract with 120060
any qualified person, including OCHSPS, to perform the service or 120061
services on ~~the department's~~ behalf of the department of medicaid: 120062
120063

(1) Review and analyze claims for ~~medical assistance made~~ 120064
~~under this chapter~~ medicaid services provided to children in 120065
accordance with all state and federal laws governing the 120066
confidentiality of patient-identifying information; 120067

(2) Perform quality assurance and quality review functions, 120068
other than those described in division (B)(1) of this section, 120069
related to ~~medical assistance made under this chapter~~ medicaid
services provided to children. 120070
120071

The functions specified in division (B)(2) of this section 120072
may include those recommended by the best evidence for advancing 120073
child health in Ohio now (BEACON) council. 120074

(C) If the ~~department~~ director enters into a contract with 120075
OCHSPS for OCHSPS to perform either or both of the services 120076

described in division (B) of this section, OCHSPS shall, only for 120077
purposes of section ~~5101.11~~ 5160.12 of the Revised Code, be 120078
considered a public entity and the ~~department~~ director shall seek 120079
federal financial participation for costs incurred by OCHSPS in 120080
performing the service or services. 120081

Sec. ~~5111.051~~ 5164.48. The medicaid director ~~of job and~~ 120082
~~family services~~ may ~~submit a medicaid state plan amendment or~~ 120083
~~request for a federal waiver to the United States secretary of~~ 120084
~~health and human services as necessary to implement, at the~~ 120085
~~director's discretion,~~ a system under which medicaid payments for 120086
~~medical assistance provided under the~~ medicaid program services 120087
are made to an organization on behalf of ~~the~~ medicaid providers ~~of~~ 120088
~~the medical assistance.~~ The system may not provide for an 120089
organization to receive an amount that exceeds, in aggregate, the 120090
amount the ~~department~~ medicaid program would have paid directly to 120091
the medicaid providers if not for this section. 120092

Sec. 5164.55. The department of medicaid may conduct final 120093
fiscal audits of medicaid providers in accordance with the 120094
applicable requirements set forth in federal laws and regulations 120095
and determine any amounts the provider may owe the state. When 120096
conducting final fiscal audits, the department shall consider 120097
generally accepted auditing standards, which include the use of 120098
statistical sampling. 120099

Sec. ~~5111.022~~ 5164.56. Under the medicaid program, any amount 120100
determined to be owed the state by a final fiscal audit conducted 120101
pursuant to ~~division (D) of section 5111.021~~ 5164.55 of the 120102
Revised Code, upon the issuance of an adjudication order pursuant 120103
to Chapter 119. of the Revised Code that contains a finding that 120104
there is a preponderance of the evidence that ~~the~~ a medicaid 120105
provider will liquidate assets or file bankruptcy in order to 120106

prevent payment of the amount determined to be owed the state, 120107
becomes a lien upon the real and personal property of the 120108
provider. Upon failure of the provider to pay the amount to the 120109
state, the medicaid director ~~of job and family services~~ shall file 120110
notice of the lien, for which there shall be no charge, in the 120111
office of the county recorder of the county in which it is 120112
ascertained that the provider owns real or personal property. The 120113
director shall notify the provider by mail of the lien, but 120114
absence of proof that the notice was sent does not affect the 120115
validity of the lien. The lien is not valid as against the claim 120116
of any mortgagee, pledgee, purchaser, judgment creditor, or other 120117
lienholder of record at the time the notice is filed. 120118

If the provider acquires real or personal property after 120119
notice of the lien is filed, the lien shall not be valid as 120120
against the claim of any mortgagee, pledgee, subsequent bona fide 120121
purchaser for value, judgment creditor, or other lienholder of 120122
record to such after-acquired property unless the notice of lien 120123
is refiled after the property is acquired by the provider and 120124
before the competing lien attaches to the after-acquired property 120125
or before the conveyance to the subsequent bona fide purchaser for 120126
value. 120127

When the amount has been paid, the provider may record with 120128
the recorder notice of the payment. For recording such notice of 120129
payment, the recorder shall charge and receive from the provider a 120130
base fee of one dollar for services and a housing trust fund fee 120131
of one dollar pursuant to section 317.36 of the Revised Code. 120132

In the event of a distribution of a the provider's assets 120133
pursuant to an order of any court under the law of this state 120134
including any receivership, assignment for benefit of creditors, 120135
adjudicated insolvency, or similar proceedings, amounts then or 120136
thereafter due the state under ~~this chapter~~ the medicaid program 120137
have the same priority as provided by law for the payment of taxes 120138

due the state and shall be paid out of the receivership trust fund 120139
or other such trust fund in the same manner as provided for claims 120140
for unpaid taxes due the state. 120141

If the attorney general finds after investigation that any 120142
amount due the state under ~~this chapter~~ the medicaid program is 120143
uncollectable, in whole or in part, the attorney general shall 120144
recommend to the director the cancellation of all or part of the 120145
claim. The director may thereupon effect the cancellation. 120146

Sec. ~~5111.061~~ 5164.57. (A) As used in this section, 120147
"adjudication" has the same meaning as in section 119.01 of the 120148
Revised Code. 120149

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this 120150
section, the department of ~~job and family services~~ medicaid may 120151
recover a medicaid payment or portion of a payment made to a 120152
medicaid provider to which the provider is not entitled if the 120153
department notifies the provider of the overpayment during the 120154
five-year period immediately following the end of the state fiscal 120155
year in which the overpayment was made. 120156

(2) In the case of a hospital medicaid provider, if the 120157
department determines as a result of a medicare or medicaid cost 120158
report settlement that the provider received an amount under the 120159
medicaid program to which the provider is not entitled, the 120160
department may recover the overpayment if the department notifies 120161
the provider of the overpayment during the later of the following: 120162

(a) The five-year period immediately following the end of the 120163
state fiscal year in which the overpayment was made; 120164

(b) The one-year period immediately following the date the 120165
department receives from the United States centers for medicare 120166
and medicaid services a completed, audited, medicare cost report 120167
for the provider that applies to the state fiscal year in which 120168

the overpayment was made. 120169

~~(B)~~(C) Among the overpayments that may be recovered under 120170
this section are the following: 120171

(1) Payment for a medicaid service, or a day of service, not 120172
rendered; 120173

(2) Payment for a day of service at a full per diem rate that 120174
should have been paid at a percentage of the full per diem rate; 120175

(3) Payment for a medicaid service, or day of service, that 120176
was paid by, or partially paid by, a third party, as defined in 120177
section ~~5101.571~~ 5160.35 of the Revised Code, and the third 120178
party's payment or partial payment was not offset against the 120179
amount paid by the medicaid program to reduce or eliminate the 120180
amount that was paid by the medicaid program; 120181

(4) Payment when a medicaid recipient's responsibility for 120182
payment was understated and resulted in an overpayment to the 120183
provider. 120184

~~(C)~~(D) The department may recover an overpayment under this 120185
section prior to or after any of the following: 120186

(1) Adjudication of a final fiscal audit that section ~~5111.06~~ 120187
5164.38 of the Revised Code requires to be conducted in accordance 120188
with Chapter 119. of the Revised Code; 120189

(2) Adjudication of a finding under any other provision of 120190
~~this chapter~~ state statutes governing the medicaid program or the 120191
rules adopted under ~~it~~ those statutes; 120192

(3) Expiration of the time to issue a final fiscal audit that 120193
section ~~5111.06~~ 5164.38 of the Revised Code requires to be 120194
conducted in accordance with Chapter 119. of the Revised Code; 120195

(4) Expiration of the time to issue a finding under any other 120196
provision of ~~this chapter~~ state statutes governing the medicaid 120197
program or the rules adopted under ~~it~~ those statutes. 120198

~~(D)~~(E)(1) Subject to division ~~(D)~~(E)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section ~~5111.06~~ 5164.38 of the Revised Code;

(b) Issuing a finding under any other provision of ~~this chapter~~ state statutes governing the medicaid program or the rules adopted under ~~it~~ those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

~~(E)~~(F) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

Sec. ~~5111.914~~ 5164.58. (A) ~~As used in this section, "provider" has the same meaning as in section 5111.06 of the Revised Code.~~

~~(B)~~ If a state agency that enters into a contract with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code identifies that a medicaid overpayment has been made to a medicaid provider, the state agency may commence actions to recover the overpayment on behalf of the department.

~~(C)~~(B) In recovering an overpayment pursuant to this section, a state agency shall comply with the following procedures:

(1) The state agency shall attempt to recover the overpayment by notifying the medicaid provider of the overpayment and requesting voluntary repayment. Not later than five business days after notifying the medicaid provider, the state agency shall

notify the department in writing of the overpayment. The state 120229
agency may negotiate a settlement of the overpayment and notify 120230
the department of the settlement. A settlement negotiated by the 120231
state agency is not valid and shall not be implemented until the 120232
department has given its written approval of the settlement. 120233

(2) If the state agency is unable to obtain voluntary 120234
repayment of an overpayment, the agency shall give the medicaid 120235
provider notice of an opportunity for a hearing in accordance with 120236
Chapter 119. of the Revised Code. If the medicaid provider timely 120237
requests a hearing in accordance with section 119.07 of the 120238
Revised Code, the state agency shall conduct the hearing to 120239
determine the legal and factual validity of the overpayment. On 120240
completion of the hearing, the state agency shall submit its 120241
hearing officer's report and recommendation and the complete 120242
record of proceedings, including all transcripts, to the medicaid 120243
director ~~of job and family services~~ for final adjudication. The 120244
director may issue a final adjudication order in accordance with 120245
Chapter 119. of the Revised Code. The state agency shall pay any 120246
attorney's fees imposed under section 119.092 of the Revised Code. 120247
The department of ~~job and family services~~ medicaid shall pay any 120248
attorney's fees imposed under section 2335.39 of the Revised Code. 120249

~~(D)~~(C) In any action taken by a state agency under this 120250
section that requires the agency to give notice of an opportunity 120251
for a hearing in accordance with Chapter 119. of the Revised Code, 120252
if the agency gives notice of the opportunity for a hearing but 120253
the medicaid provider subject to the notice does not request a 120254
hearing or timely request a hearing in accordance with section 120255
119.07 of the Revised Code, the agency is not required to hold a 120256
hearing. The agency may request that the medicaid director ~~of job~~ 120257
~~and family services~~ issue a final adjudication order in accordance 120258
with Chapter 119. of the Revised Code. 120259

~~(E)~~(D) This section does not preclude the department of ~~job~~ 120260

and ~~family services~~ medicaid from adjudicating a final fiscal 120261
audit under section ~~5111.06~~ 5164.38 of the Revised Code, 120262
recovering overpayments under section ~~5111.061~~ 5164.57 of the 120263
Revised Code, or making findings or taking other actions 120264
authorized by ~~this chapter~~ state statutes governing the medicaid 120265
program. 120266

Sec. 5164.59. The department of medicaid may deduct from 120267
medicaid payments for medicaid services rendered by a medicaid 120268
provider any amounts the provider owes the state as the result of 120269
incorrect medicaid payments the department has made to the 120270
provider. 120271

Sec. 5164.60. (A) As used in this section, "recovery audit 120272
contractor program" means the program that must be established 120273
under the "Social Security Act," section 1902(a)(42)(B), 42 U.S.C. 120274
1396a(a)(42)(B). 120275

(B) Except as provided in division (C) of this section, any 120276
medicaid provider who, without intent, obtains payments under the 120277
medicaid program in excess of the amount to which the provider is 120278
entitled is liable for payment of interest on the amount of the 120279
excess payments at the maximum interest rate allowable for real 120280
estate mortgages under section 1343.01 of the Revised Code on the 120281
date the payment was made to the provider for the period from the 120282
date on which payment was made to the date on which repayment is 120283
made to the state. 120284

(C) Division (B) of this section does not apply to an excess 120285
payment identified under the recovery audit contractor program if 120286
the medicaid provider who obtains the excess payment repays the 120287
excess payment in full not later than thirty days after receiving 120288
notice of the excess payment. 120289

Sec. 5164.61. The authority, under state and federal law, of 120290

the department of medicaid or a county department of job and family services to recover excess medicaid payments made to a medicaid provider is not limited by the availability of remedies under sections 5162.21 and 5162.23 of the Revised Code for recovering benefits paid on behalf of medicaid recipients.

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~~Sec. 5111.021~~ 5164.70. Under the medicaid program:

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~~(A) Except as otherwise required by federal statute or regulation, the department of job and family services shall not reimburse a medical provider no medicaid payment for any medical assistance rendered under the program an amount that exceeds medicaid service shall exceed~~ the following:

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~~(1)(A) If the medicaid provider is a hospital, nursing facility, or intermediate care facility for the mentally retarded ICF/IID, the limits established under Subpart C of 42 C.F.R. Part 447;~~

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~~(2)(B) If the medicaid provider is other than a provider described in division (A)(1) of this section, the authorized reimbursement payment limits for the same service under the medicare program established under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~

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~~(B) Reimbursement for freestanding medical laboratory charges shall not exceed the customary and usual fee for laboratory profiles.~~

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~~(C) The department may deduct from payments for services rendered by a medicaid provider under the medicaid program any amounts the provider owes the state as the result of incorrect medicaid payments the department has made to the provider.~~

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~~(D) The department may conduct final fiscal audits in accordance with the applicable requirements set forth in federal laws and regulations and determine any amounts the provider may~~

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~~owe the state. When conducting final fiscal audits, the department 120321
shall consider generally accepted auditing standards, which 120322
include the use of statistical sampling. 120323~~

~~(E) The number of days of inpatient hospital care for which 120324
reimbursement is made on behalf of a medicaid recipient to a 120325
hospital that is not paid under a diagnostic related group 120326
prospective payment system shall not exceed thirty days during a 120327
period beginning on the day of the recipient's admission to the 120328
hospital and ending sixty days after the termination of that 120329
hospital stay, except that the department may make exceptions to 120330
this limitation. The limitation does not apply to children 120331
participating in the program for medically handicapped children 120332
established under section 3701.023 of the Revised Code. 120333~~

~~(F) The division of any reimbursement between a collaborating 120334
physician or podiatrist and a clinical nurse specialist, certified 120335
nurse midwife, or certified nurse practitioner for services 120336
performed by the nurse shall be determined and agreed on by the 120337
nurse and collaborating physician or podiatrist. In no case shall 120338
reimbursement exceed the payment that the physician or podiatrist 120339
would have received had the physician or podiatrist provided the 120340
entire service. 120341~~

Sec. 5164.71. Medicaid payments for freestanding medical 120342
laboratory charges shall not exceed the customary and usual fee 120343
for laboratory profiles. 120344

Sec. 5164.72. The number of days of inpatient hospital care 120345
for which a medicaid payment is made on behalf of a medicaid 120346
recipient to a hospital that is not paid under a 120347
diagnostic-related-group prospective payment system shall not 120348
exceed thirty days during a period beginning on the day of the 120349
recipient's admission to the hospital and ending sixty days after 120350

the termination of that hospital stay, except that the department 120351
of medicaid may make exceptions to this limitation. The limitation 120352
does not apply to children participating in the program for 120353
medically handicapped children established under section 3701.023 120354
of the Revised Code. 120355

Sec. 5164.73. The division of any medicaid payment between a 120356
collaborating physician or podiatrist and a clinical nurse 120357
specialist, certified nurse-midwife, or certified nurse 120358
practitioner for services performed by the nurse shall be 120359
determined and agreed on by the nurse and collaborating physician 120360
or podiatrist. In no case shall the medicaid payment exceed the 120361
medicaid payment that the physician or podiatrist would have 120362
received had the physician or podiatrist provided the entire 120363
service. 120364

Sec. ~~5111.19~~ 5164.74. The medicaid director of job and family 120365
services shall adopt rules under section 5164.02 of the Revised 120366
Code governing the calculation and payment of, and the allocation 120367
of payments for, graduate medical education costs associated with 120368
medicaid services rendered to medicaid recipients after June 30, 120369
1994. Subject to section ~~5111.19~~ 5164.741 of the Revised Code, 120370
the rules shall provide for reimbursement payment of graduate 120371
medical education costs associated with medicaid services rendered 120372
to medicaid recipients, including recipients enrolled in a 120373
medicaid managed care organization under contract with the 120374
department office under section ~~5111.17~~ of the Revised Code, that 120375
the department of medicaid determines are allowable and 120376
reasonable. 120377

If the department requires a managed care organization to pay 120378
a provider for graduate medical education costs associated with 120379
the delivery of services to medicaid recipients enrolled in the 120380

~~organization, the department shall include in its payment to the organization an amount sufficient for the organization to pay such costs. If the department does not include in its payments to the managed care organization amounts for graduate medical education costs of providers, all of the following apply:~~

~~(A) Except as provided in section 5111.191 of the Revised Code, the department shall pay the provider for graduate medical education costs associated with the delivery of services to medicaid recipients enrolled in the organization;~~

~~(B) No provider shall seek reimbursement from the organization for such costs;~~

~~(C) The organization is not required to pay providers for such costs.~~

Sec. ~~5111.191~~ 5164.741. (A) Except as provided in division (B) of this section, the department of ~~job and family services~~ medicaid may deny medicaid payment to a hospital for direct graduate medical education costs associated with the delivery of medicaid services to any medicaid recipient if the hospital refuses without good cause to contract with a medicaid managed care organization that ~~serves participants in the care management system established under section 5111.16 of the Revised Code who are required to be enrolled in a managed care organization and the managed care organization~~ serves the area in which the hospital is located.

(B) A hospital is not subject to division (A) of this section if all of the following are the case:

(1) The hospital is located in a county in which participants in the care management system are required before January 1, 2006, to be enrolled in a medicaid managed care organization that is a health insuring corporation.

(2) The hospital has entered into a contract before January 1, 2006, with at least one health insuring corporation serving the participants specified in division (B)(1) of this section.

(3) The hospital remains under contract with at least one health insuring corporation serving participants in the care management system who are required to be enrolled in a health insuring corporation.

(C) The medicaid director ~~of job and family services~~ shall specify in the rules adopted under section ~~5111.19~~ 5164.02 of the Revised Code what constitutes good cause for a hospital to refuse to contract with a medicaid managed care organization.

Sec. ~~5111.086~~ 5164.75. As used in this section, "federal upper reimbursement limit" means the limit established pursuant to ~~section 1927(e) of the "Social Security Act," 104 Stat. 1388-151 (1990)~~ section 1927(e), 42 U.S.C. 1396r-8(e), as amended.

The medicaid payment for a drug that is subject to a federal upper reimbursement limit shall not exceed, in the aggregate, the federal upper reimbursement limit for the drug. ~~The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~

Sec. ~~5111.082~~ 5164.751. (A) As used in this section:

~~(1) "State, "state~~ "state maximum allowable cost" means the per unit amount the ~~department of job and family services reimburses~~ medicaid program pays a terminal distributor of dangerous drugs for a ~~prescription~~ prescribed drug included in the state maximum allowable cost program established under division (B) of this section. "State maximum allowable cost" excludes dispensing fees and copayments, coinsurance, or other cost-sharing charges, if any.

~~(2) "Terminal distributor of dangerous drugs" has the same~~

~~meaning as in section 4729.01 of the Revised Code.~~ 120441

(B) The medicaid director ~~of job and family services~~ shall 120442
establish a state maximum allowable cost program for purposes of 120443
managing ~~reimbursement~~ medicaid payments to terminal distributors 120444
of dangerous drugs for ~~prescription~~ prescribed drugs identified by 120445
the director pursuant to this division. The director shall do all 120446
of the following with respect to the program: 120447

(1) Identify and create a list of ~~prescription~~ prescribed 120448
drugs to be included in the program. 120449

(2) Update the list of ~~prescription~~ prescribed drugs 120450
described in division (B)(1) of this section on a weekly basis. 120451

(3) Review the state maximum allowable cost for each 120452
prescribed drug included on the list described in division (B)(1) 120453
of this section on a weekly basis. 120454

~~(C) The director may adopt rules in accordance with Chapter 120455
119. of the Revised Code to implement this section.~~ 120456

Sec. 5111.07 5164.752. ~~Commencing in In July, 1986, and of~~ 120457
~~every second July thereafter~~ even-numbered year, the department of 120458
~~job and family services~~ medicaid shall initiate a ~~private~~ 120459
confidential survey of ~~retail pharmacy operations~~ the cost of 120460
dispensing drugs incurred by terminal distributors of dangerous 120461
drugs in the this state. The survey shall be used as the basis for 120462
establishing a ~~current maximum~~ the medicaid program's dispensing 120463
fee for licensed ~~pharmacists who are providers of drugs under this~~ 120464
~~chapter. The~~ terminal distributors in accordance with section 120465
5164.753 of the Revised Code. The survey shall be completed and 120466
its results published not later than the last day of October of 120467
the year in which it is conducted. 120468

Each terminal distributor that is a provider of drugs under 120469
the medicaid program shall participate in the survey. Except as 120470

necessary to publish the survey's results, a terminal 120471
distributor's responses to the survey are confidential and not a 120472
public record under section 149.43 of the Revised Code. 120473

The survey shall be conducted in conformance with the 120474
requirements set forth in 42 C.F.R. 447.331 through 447.333, as 120475
amended or superseded, and 447.500 to 447.518. The survey shall 120476
include operational data and direct prescription expenses, 120477
professional services and personnel costs, and usual and customary 120478
overhead expenses, and profit data of the retail pharmacies 120479
terminal distributors surveyed. The survey shall be completed and 120480
its results published no later than the last day of October of the 120481
year in which the survey is conducted, and the survey shall 120482
compute and report the cost of dispensing fees on a basis of the 120483
usual and customary charges by retail pharmacies terminal 120484
distributors to their customers for dispensing drugs. The director 120485
of job and family services shall take into account the results of 120486
the survey in establishing a dispensing fee. 120487

Sec. ~~5111.071~~ 5164.753. ~~Commencing in~~ In December, 1986, and 120488
~~of every second December thereafter~~ even-numbered year, the 120489
medicaid director of job and family services shall establish a 120490
dispensing fee, effective the following January July, for licensed 120491
pharmacists who terminal distributors of dangerous drugs that are 120492
providers of drugs under this chapter the medicaid program. The In 120493
establishing the dispensing fee, the director shall take into 120494
consideration the results of the survey conducted under section 120495
5111.07 5164.752 of the Revised Code. 120496

The director may reduce the amount of the dispensing fee 120497
provided to a terminal distributor that fails to fully comply with 120498
the requirement of section 5164.752 of the Revised Code that the 120499
distributor participate in the survey. In establishing the amount 120500
of the reduction, the director may take into account the extent to 120501

which the terminal distributor failed to fully participated in the 120502
survey. 120503

Sec. ~~5111.0114~~ 5164.754. (A) As used in this section, 120504
"dangerous drug" and "manufacturer of dangerous drugs" have the 120505
same meaning as in section 4729.01 of the Revised Code. 120506

(B) The medicaid director ~~of job and family services~~ may 120507
enter into or administer an agreement or cooperative arrangement 120508
with other states to create or join a multiple-state prescription 120509
drug purchasing program for the purpose of negotiating with 120510
manufacturers of dangerous drugs to receive discounts or rebates 120511
for dangerous drugs ~~dispensed under~~ covered by the medicaid 120512
program. 120513

Sec. ~~5111.081~~ 5164.755. The medicaid director ~~of job and~~ 120514
~~family services~~, in rules adopted under section ~~5111.02~~ 5164.02 of 120515
the Revised Code, may establish and implement a supplemental drug 120516
rebate program under which drug manufacturers may be required to 120517
provide the department of ~~job and family services~~ medicaid a 120518
supplemental rebate as a condition of having the drug 120519
manufacturers' drug products covered by the medicaid program 120520
without prior approval. The department may receive a supplemental 120521
rebate negotiated under the program for a drug dispensed to a 120522
medicaid recipient pursuant to a prescription or a drug purchased 120523
by a medicaid provider for administration to a medicaid recipient 120524
in the provider's primary place of business. ~~If necessary, the~~ 120525
~~director may apply to the United States secretary of health and~~ 120526
~~human services for a waiver of federal statutes and regulations to~~ 120527
~~establish the supplemental drug rebate program.~~ 120528

If the director establishes a supplemental drug rebate 120529
program, the director shall consult with drug manufacturers 120530
regarding the establishment and implementation of the program. 120531

Sec. ~~5101.31~~ 5164.756. Any record, data, pricing information, 120532
or other information regarding a drug rebate agreement or a 120533
supplemental drug rebate agreement for the medicaid program 120534
~~established under Chapter 5111. of the Revised Code~~ that the 120535
department of ~~job and family services~~ medicaid receives from a 120536
pharmaceutical manufacturer or creates pursuant to negotiation of 120537
the agreement is not a public record under section 149.43 of the 120538
Revised Code and shall be treated by the department as 120539
confidential information. 120540

Sec. ~~5111.083~~ 5164.757. (A) As used in this section, 120541
"licensed health professional authorized to prescribe drugs" has 120542
the same meaning as in section 4729.01 of the Revised Code. 120543

(B) The medicaid director ~~of job and family services~~ may 120544
~~establish an~~ acquire or specify technologies to provide 120545
information regarding medicaid recipient eligibility, claims 120546
history, and drug coverage to medicaid providers through 120547
electronic health record and e-prescribing system for the medicaid 120548
~~program under which~~ applications. 120549

If such technologies are acquired or specified, the 120550
e-prescribing applications shall enable a medicaid provider who is 120551
a licensed health professional authorized to prescribe drugs ~~shall~~ 120552
to use an electronic system to prescribe a drug for a medicaid 120553
recipient ~~when required to do so by division (C) of this section.~~ 120554
The ~~e-prescribing~~ purpose of the electronic system shall is to 120555
eliminate the need for such medicaid providers to ~~make~~ issue 120556
prescriptions for medicaid recipients by handwriting or telephone. 120557
The ~~e-prescribing system~~ technologies acquired or specified by the 120558
director also shall provide such medicaid providers with an 120559
up-to-date, clinically relevant drug information database and a 120560
system of electronically monitoring medicaid recipients' medical 120561
history, drug regimen compliance, and fraud and abuse. 120562

~~(C) If the director establishes an e-prescribing system under
division (B) of this section, the director shall do all of the
following:~~ 120563
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~~(1) Require that a medicaid provider who is a licensed health
professional authorized to prescribe drugs use the e-prescribing
system during a fiscal year if the medicaid provider was one of
the ten medicaid providers who, during the calendar year that
precedes that fiscal year, issued the most prescriptions for
medicaid recipients receiving hospital services;~~ 120566
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~~(2) Before the beginning of each fiscal year, determine the
ten medicaid providers that issued the most prescriptions for
medicaid recipients receiving hospital services during the
calendar year that precedes the upcoming fiscal year and notify
those medicaid providers that they must use the e-prescribing
system for the upcoming fiscal year;~~ 120572
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~~(3) Seek the most federal financial participation available
for the development and implementation of the e-prescribing
system.~~ 120578
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Sec. 5111.085 5164.758. ~~Not later than July 1, 2012, the
department of job and family services The medicaid director shall
adopt rules in accordance with Chapter 119. under section 5164.02
of the Revised Code to implement a coordinated services program
for medicaid recipients who are found to have obtained
prescription prescribed drugs under the medicaid program at a
frequency or in an amount that is not medically necessary. The
program shall be implemented in a manner that is consistent with
section 1915(a)(2) of the "Social Security Act," ~~95 Stat. 810~~
~~(1981)~~ section 1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended,~~ and
42 C.F.R. 431.54(e).~~ 120581
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Sec. 5111.08 5164.759. In accordance with ~~subsection (g) of~~ 120592

~~section 1927~~ of the "Social Security Act," ~~49 Stat. 320 (1935)~~ 120593
~~section 1927(g)~~, 42 U.S.C.A. 1396r-8(g), ~~as amended~~, the 120594
department of ~~job and family services~~ medicaid shall establish an 120595
outpatient drug use review program to assure that prescriptions 120596
obtained by medicaid recipients ~~of medical assistance under this~~ 120597
~~chapter~~ are appropriate, medically necessary, and unlikely to 120598
cause adverse medical results. 120599

Sec. ~~5111.084~~ 5164.7510. (A) There is hereby established the 120600
pharmacy and therapeutics committee of the department of ~~job and~~ 120601
~~family services~~ medicaid. The committee shall assist the 120602
department with developing and maintaining a preferred drug list 120603
for the medicaid program. 120604

The committee shall review and recommend to the medicaid 120605
director ~~of job and family services~~ the drugs that should be 120606
included on the preferred drug list. The recommendations shall be 120607
made based on the evaluation of competent evidence regarding the 120608
relative safety, efficacy, and effectiveness of ~~prescription~~ 120609
prescribed drugs within a class or classes of ~~prescription~~ 120610
prescribed drugs. 120611

(B) The committee shall consist of ten members and shall be 120612
appointed by the medicaid director ~~of job and family services~~. The 120613
director shall seek recommendations for membership from relevant 120614
professional organizations. A candidate for membership recommended 120615
by a professional organization shall have professional experience 120616
working with medicaid recipients. 120617

The membership of the committee shall include: 120618

(1) Three pharmacists licensed under Chapter 4729. of the 120619
Revised Code; 120620

(2) Two doctors of medicine and two doctors of osteopathy who 120621
hold certificates to practice issued under Chapter 4731. of the 120622

Revised Code, one of whom is a family practice physician; 120623

(3) A registered nurse licensed under Chapter 4723. of the 120624
Revised Code; 120625

(4) A pharmacologist who has a doctoral degree; 120626

(5) A psychiatrist who holds a certificate to practice issued 120627
under Chapter 4731. of the Revised Code and specializes in 120628
psychiatry. 120629

(C) The committee shall elect from among its members a 120630
chairperson. Five committee members constitute a quorum. 120631

The committee shall establish guidelines necessary for the 120632
committee's operation. 120633

The committee may establish one or more subcommittees to 120634
investigate and analyze issues consistent with the duties of the 120635
committee under this section. The subcommittees may submit 120636
proposals regarding the issues to the committee and the committee 120637
may adopt, reject, or modify the proposals. 120638

A vote by a majority of a quorum is necessary to make 120639
recommendations to the director. In the case of a tie, the 120640
chairperson shall decide the outcome. 120641

(D) The director shall act on the committee's recommendations 120642
not later than thirty days after the recommendation is posted on 120643
the department's web site under division (F) of this section. If 120644
the director does not accept a recommendation of the committee, 120645
the director shall present the basis for this determination not 120646
later than fourteen days after making the determination or at the 120647
next scheduled meeting of the committee, whichever is sooner. 120648

(E) An interested party may request, and shall be permitted, 120649
to make a presentation or submit written materials to the 120650
committee during a committee meeting. The presentation or other 120651
materials shall be relevant to an issue under consideration by the 120652

committee and any written material, including a transcript of 120653
testimony to be given on the day of the meeting, may be submitted 120654
to the committee in advance of the meeting. 120655

(F) The department shall post the following on the 120656
department's web site: 120657

(1) Guidelines established by the committee under division 120658
(C) of this section; 120659

(2) A detailed committee agenda not later than fourteen days 120660
prior to the date of a regularly scheduled meeting and not later 120661
than seventy-two hours prior to the date of a special meeting 120662
called by the committee; 120663

(3) Committee recommendations not later than seven days after 120664
the meeting at which the recommendation was approved; 120665

(4) The director's final determination as to the 120666
recommendations made by the committee under this section. 120667

Sec. ~~5111.025~~ 5164.76. (A) In rules adopted under section 120668
~~5111.02~~ 5164.02 of the Revised Code, the medicaid director ~~of job~~ 120669
~~and family services~~ shall modify the manner or establish a new 120670
manner in which the following are paid under medicaid: 120671

(1) Community mental health ~~agencies~~ service providers or 120672
facilities for providing community mental health services ~~included~~ 120673
~~in~~ covered by the ~~state~~ medicaid ~~plan~~ program pursuant to section 120674
~~5111.023~~ 5164.15 of the Revised Code; 120675

(2) Providers of alcohol and drug addiction services for 120676
providing alcohol and drug addiction services ~~included in~~ covered 120677
~~by~~ the medicaid program ~~pursuant to rules adopted under section~~ 120678
~~5111.02~~ ~~of the Revised Code.~~ 120679

(B) The director's authority to modify the manner, or to 120680
establish a new manner, for medicaid to pay for the services 120681
specified in division (A) of this section is not limited by any 120682

rules adopted under section ~~5111.02 or 5119.61~~ 5119.22 or 5164.02 120683
of the Revised Code that are in effect on June 26, 2003, and 120684
govern the way medicaid pays for those services. This is the case 120685
regardless of what state agency adopted the rules. 120686

Sec. ~~5111.0213~~ 5164.77. (A) As used in this section: 120687

(1) "Aide services" means all of the following: 120688

(a) Home health aide services available under the home health 120689
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 120690

(b) Home care attendant services available under a home and 120691
community-based services medicaid waiver component; 120692

(c) Personal care aide services available under a home and 120693
community-based services medicaid waiver component. 120694

(2) "~~Home and community based services medicaid waiver~~ 120695
~~component~~" has the same meaning as in section ~~5111.85~~ of the 120696
~~Revised Code.~~ 120697

~~(3)~~ "Independent provider" means an individual who personally 120698
provides aide services or nursing services and is not employed by, 120699
under contract with, or affiliated with another entity that 120700
provides those services. 120701

~~(4)~~(3) "Nursing services" means all of the following: 120702

(a) Nursing services available under the home health services 120703
benefit pursuant to 42 C.F.R. 440.70(b)(1); 120704

(b) Private duty nursing services as defined in 42 C.F.R. 120705
440.80; 120706

(c) Nursing services available under a home and 120707
community-based services medicaid waiver component. 120708

(B) The department of ~~job and family services~~ medicaid shall 120709
do ~~both~~ all of the following: 120710

(1) Effective October 1, 2011, reduce the medicaid program's first-hour-unit price for aide services to ninety-seven per cent of the price paid on June 30, 2011, and for nursing services to ninety-five per cent of the price paid on June 30, 2011;

(2) Effective October 1, 2011, pay for a service that is an aide service or a nursing service provided by an independent provider eighty per cent of the price it pays for the same service provided by a provider that is not an independent provider;

(3) Not sooner than July 1, 2012, adjust the medicaid ~~reimbursement~~ payment rates for aide services and nursing services in a manner that reflects, at a minimum, labor market data, education and licensure status, home health agency and independent provider status, and length of service visit.

(C) The department shall strive to have the adjustment made under division (B)(3) of this section go into effect on July 1, 2012. The reductions made under divisions (B)(1) and (2) of this section shall remain in effect until the adjustment made under division (B)(3) of this section goes into effect.

~~(D) The director of job and family services shall adopt rules under sections 5111.02 and 5111.85 of the Revised Code as necessary to implement this section.~~

Sec. 5164.78. (A) The medicaid payment rates for physician, pregnancy-related, evaluation, and management services provided by a physician group practice meeting the requirements of division (B) of this section shall be determined in accordance with rule 5101:3-1-60.1 of the Administrative Code as the rule is in effect on the day immediately preceding the effective date of this section.

(B) A physician group practice meets the requirements of this division if both of the following apply to the practice:

(1) The practice is physically attached to a hospital that does not provide physician clinic outpatient services and the practice and hospital have signed a letter of agreement providing for the practice to provide outpatient hospital clinic services for the hospital.

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(2) The medicaid provider utilization summary for calendar year 1990 establishes that the practice provided both of the following that year:

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(a) At least forty per cent of the total number of medicaid physician visits provided in the county in which the practice is located;

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(b) An aggregate total of at least ten per cent of medicaid physician visits provided in the contiguous counties.

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(C) Not later than four years after the effective date of this section, the department of medicaid shall submit a report regarding this section to the general assembly in accordance with section 101.68 of the Revised Code.

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Sec. ~~5111.0212~~ 5164.80. As necessary to comply with ~~section 1902(a)(13)(A) of the "Social Security Act," 44 Stat. 507 (1997)~~ section 1902(a)(13)(A), 42 U.S.C. 1396a(a)(13)(A), as amended, and any other federal law that requires public notice of proposed changes to ~~reimbursement payment rates for medical assistance provided under the medicaid program services,~~ the medicaid director of job and family services shall give public notice in the register of Ohio of any change to a method or standard used to determine the medicaid reimbursement payment rate for medical assistance a medicaid service.

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Sec. ~~5111.0214~~ 5164.82. The department of ~~job and family services~~ medicaid shall not knowingly make a medicaid payment for a provider-preventable condition for which federal financial

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participation is prohibited by regulations adopted under ~~section~~ 120771
~~2702~~ of the "Patient Protection and Affordable Care Act," ~~124~~ 120772
~~Stat. 318 (2010)~~ section 2702, 42 U.S.C. 1396b-1. ~~The director of~~ 120773
~~job and family services shall adopt rules under section 5111.02 of~~ 120774
~~the Revised Code as necessary to implement this section.~~ 120775

Sec. ~~5111.13~~ 5164.85. (A) As used in this section, 120776
"cost-effective" and "group health plan" have the same meanings as 120777
in ~~section 1906~~ of the "Social Security Act," ~~104 Stat. 1388 161~~ 120778
~~(1990)~~ section 1906, 42 U.S.C. 1396e, ~~as amended~~, and any 120779
regulations adopted under that section. 120780

(B) The department of ~~job and family services~~ medicaid may 120781
~~submit a medicaid state plan amendment to the United States~~ 120782
~~secretary of health and human services for the purpose of~~ 120783
~~implementing~~ implement a program pursuant to ~~section 1906~~ of the 120784
"Social Security Act," ~~104 Stat. 1388 161 (1990)~~ section 1906, 42 120785
U.S.C. 1396e, ~~as amended~~, for the enrollment of medicaid-eligible 120786
individuals in group health plans when the department determines 120787
that enrollment is cost-effective. 120788

~~(C) The director of job and family services may adopt rules~~ 120789
~~in accordance with Chapter 119. of the Revised Code as necessary~~ 120790
~~to implement this section.~~ 120791

Sec. ~~5111.18~~ 5164.86. ~~Not later than September 1, 2007, the~~ 120792
~~The medicaid~~ director of ~~job and family services~~ shall establish a 120793
qualified state long-term care insurance partnership program 120794
consistent with the definition of that term in the "Social 120795
Security Act," section 1917(b)(1)(C)(iii), 42 U.S.C. 120796
1396p(b)(1)(C)(iii). An individual participating in the program 120797
who is subject to the medicaid estate recovery program instituted 120798
under section ~~5111.11~~ 5162.21 of the Revised Code shall be 120799
eligible for the reduced adjustment or recovery under division (D) 120800

of that section. 120801

~~The director of job and family services may adopt rules in 120802
accordance with Chapter 119. of the Revised Code as necessary to 120803
implement this section. 120804~~

Sec. ~~5111.14~~ 5164.88. The medicaid director of job and family 120805
services may submit to the United States secretary of health and 120806
human services an amendment to the medicaid state plan in order to 120807
implement within the medicaid program a system under which 120808
medicaid recipients with chronic conditions are provided with 120809
coordinated care through health homes, as authorized by ~~section~~ 120810
~~1945~~ of the "Social Security Act," ~~124 Stat. 319 (2010)~~ section 120811
1945, 42 U.S.C. 1396w-4. 120812

~~The director may adopt rules under section 5111.02 of the 120813
Revised Code to implement this section. 120814~~

Sec. 5164.881. The medicaid director, in consultation with 120815
the director of developmental disabilities, may develop and 120816
implement within the medicaid program a system under which 120817
eligible individuals with chronic conditions, as defined in the 120818
"Social Security Act," section 1945, 42 U.S.C. 1396w-4(h)(1), who 120819
also have mental retardation or other developmental disabilities 120820
may receive health home services, as defined in the "Social 120821
Security Act," section 1945, 42 U.S.C. 1396w-4(h)(4). Any such 120822
system shall focus on the needs of individuals and have as its 120823
goal improving services and outcomes under the medicaid program by 120824
improving integration of long-term care services and supportive 120825
services with primary and acute health care services. 120826

In developing any system under this section, the directors 120827
shall consult with representatives of county boards of 120828
developmental disabilities, the Ohio provider resource 120829
association, and the arc of Ohio. The directors may consult with 120830

any other individuals or entities that have an interest in the 120831
well being of individuals with developmental disabilities. 120832

Sec. ~~5111.141~~ 5164.89. The department of ~~job and family~~ 120833
~~services~~ medicaid may require county departments of job and family 120834
services to provide case management of nonemergency transportation 120835
services provided under the ~~medical assistance~~ medicaid program. 120836
County departments shall provide the case management if required 120837
by the department in accordance with rules adopted ~~by the director~~ 120838
~~of job and family services~~ under section 5164.02 of the Revised 120839
Code. 120840

The department shall determine, for the purposes of claiming 120841
~~federal reimbursement under the medical assistance program~~ 120842
financial participation, whether it will claim expenditures for 120843
nonemergency transportation services as administrative or program 120844
expenditures. 120845

Sec. ~~5111.96~~ 5164.90. (A) As used in this section, "MFP 120846
demonstration project" means a money follows the person 120847
demonstration project that the United States secretary of health 120848
and human services is authorized to award under section 6071 of 120849
the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as 120850
amended). 120851

(B) To the extent funds are available under an MFP 120852
demonstration project awarded to the department of ~~job and family~~ 120853
~~services~~ medicaid, the director of ~~job and family services~~ 120854
medicaid may operate the helping Ohioans move, expanding (HOME) 120855
choice demonstration component of the medicaid program to 120856
transition medicaid recipients who qualify for the demonstration 120857
component to community settings. ~~The director may adopt rules in~~ 120858
~~accordance with Chapter 119. of the Revised Code for the~~ 120859
~~administration and operation of the demonstration component.~~ 120860

~~Sec. 5111.981 5164.91. (A) As used in this section and section 5111.982 of the Revised Code:~~ 120861
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~~"Dual eligible individual" has the same meaning as in the "Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 1396n(h)(2)(B).~~ 120863
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~~"Medicare" means the program created in the "Social Security Act," Title XVIII, 42 U.S.C. 1395 et seq., as amended.~~ 120866
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~~(B) Subject to division (C) of this section, the medical assistance The medicaid director may implement a demonstration project called the integrated care delivery system to test and evaluate the integration of the care that dual eligible individuals receive under medicare and medicaid. No provision of Title LI of the Revised Code applies to the integrated care delivery system if that provision implements or incorporates a provision of federal law governing medicaid and that provision of federal law does not apply to the system.~~ 120868
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~~(C) Before implementing the integrated care delivery system under division (B) of this section, the director shall obtain the approval of the United States secretary of health and human services in the form of a federal medicaid waiver, medicaid state plan amendment, or demonstration grant. The director is required to seek the federal approval only if the director seeks to implement the integrated care delivery system. The director shall implement the integrated care delivery system in accordance with the terms of the federal approval, including the terms regarding the duration of the system.~~ 120877
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Sec. 5164.911. (A) If the medicaid director implements the integrated care delivery system and except as provided in division (D) of this section, the director shall annually evaluate all of the following: 120887
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| <u>(1) The health outcomes of ICDS participants;</u> | 120891 |
| <u>(2) How changes to the administration of the ICDS affect all of the following:</u> | 120892 |
| <u>(a) Claims processing;</u> | 120893 |
| <u>(a) Claims processing;</u> | 120894 |
| <u>(b) The appeals process;</u> | 120895 |
| <u>(c) The number of reassessments requested;</u> | 120896 |
| <u>(d) Prior authorization requests for services.</u> | 120897 |
| <u>(3) The provider panel selection process used by medicaid managed care organizations participating in the ICDS.</u> | 120898 |
| <u>(3) The provider panel selection process used by medicaid managed care organizations participating in the ICDS.</u> | 120899 |
| <u>(B) When conducting an evaluation under division (A) of this section, the director shall do all of the following:</u> | 120900 |
| <u>(B) When conducting an evaluation under division (A) of this section, the director shall do all of the following:</u> | 120901 |
| <u>(1) For the purpose of division (A)(1) of this section, do both of the following:</u> | 120902 |
| <u>(1) For the purpose of division (A)(1) of this section, do both of the following:</u> | 120903 |
| <u>(a) Compare the health outcomes of ICDS participants to the health outcomes of individuals who are not ICDS participants;</u> | 120904 |
| <u>(a) Compare the health outcomes of ICDS participants to the health outcomes of individuals who are not ICDS participants;</u> | 120905 |
| <u>(b) Use both of the following:</u> | 120906 |
| <u>(i) A control group consisting of ICDS participants who receive health care services from providers not participating in ICDS;</u> | 120907 |
| <u>(i) A control group consisting of ICDS participants who receive health care services from providers not participating in ICDS;</u> | 120908 |
| <u>(i) A control group consisting of ICDS participants who receive health care services from providers not participating in ICDS;</u> | 120909 |
| <u>(ii) A control group consisting of ICDS participants who receive health care services from alternative providers that are not part of a participating medicaid managed care organization's provider panel but provide health care services in the geographic service area in which ICDS participants receive health care services.</u> | 120910 |
| <u>(ii) A control group consisting of ICDS participants who receive health care services from alternative providers that are not part of a participating medicaid managed care organization's provider panel but provide health care services in the geographic service area in which ICDS participants receive health care services.</u> | 120911 |
| <u>(ii) A control group consisting of ICDS participants who receive health care services from alternative providers that are not part of a participating medicaid managed care organization's provider panel but provide health care services in the geographic service area in which ICDS participants receive health care services.</u> | 120912 |
| <u>(ii) A control group consisting of ICDS participants who receive health care services from alternative providers that are not part of a participating medicaid managed care organization's provider panel but provide health care services in the geographic service area in which ICDS participants receive health care services.</u> | 120913 |
| <u>(ii) A control group consisting of ICDS participants who receive health care services from alternative providers that are not part of a participating medicaid managed care organization's provider panel but provide health care services in the geographic service area in which ICDS participants receive health care services.</u> | 120914 |
| <u>(ii) A control group consisting of ICDS participants who receive health care services from alternative providers that are not part of a participating medicaid managed care organization's provider panel but provide health care services in the geographic service area in which ICDS participants receive health care services.</u> | 120915 |
| <u>(2) For the purpose of division (A)(2) of this section, do all of the following:</u> | 120916 |
| <u>(2) For the purpose of division (A)(2) of this section, do all of the following:</u> | 120917 |
| <u>(a) To the extent the data is available, use data from all of the following:</u> | 120918 |
| <u>(a) To the extent the data is available, use data from all of the following:</u> | 120919 |

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| <u>(i) The fee-for-service component of the medicaid program;</u> | 120920 |
| <u>(ii) Medicaid managed care organizations;</u> | 120921 |
| <u>(iii) Managed care organizations participating in the</u> | 120922 |
| <u>medicare advantage program established under Part C of Title XVIII</u> | 120923 |
| <u>of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.</u> | 120924 |
| <u>(b) Identify all of the following:</u> | 120925 |
| <u>(i) Changes in the amount of time it takes to process claims</u> | 120926 |
| <u>and the number of claims denied and the reasons for the changes;</u> | 120927 |
| <u>(ii) The impact that changes to the administration of the</u> | 120928 |
| <u>ICDS had on the appeals process and number of reassessments</u> | 120929 |
| <u>requested;</u> | 120930 |
| <u>(iii) The number of prior authorization denials that were</u> | 120931 |
| <u>overturned and the reasons for the overturned denials.</u> | 120932 |
| <u>(3) Require medicaid managed care organizations participating</u> | 120933 |
| <u>in the ICDS to submit to the director any data the director needs</u> | 120934 |
| <u>for the evaluation.</u> | 120935 |
| <u>(C) Not later than the first day of each July, the director</u> | 120936 |
| <u>shall complete a report of the evaluation conducted under this</u> | 120937 |
| <u>section. The director shall provide a copy of the report to the</u> | 120938 |
| <u>general assembly in accordance with section 101.68 of the Revised</u> | 120939 |
| <u>Code and make the report available to the public.</u> | 120940 |
| <u>(D) The director is not required to conduct an evaluation</u> | 120941 |
| <u>under this section for a year if the same evaluation is conducted</u> | 120942 |
| <u>for that year by an organization under contract with the United</u> | 120943 |
| <u>States department of health and human services.</u> | 120944 |
| Sec. 5111.0210 5164.92. As used in this section, "advanced | 120945 |
| diagnostic imaging services" means magnetic resonance imaging | 120946 |
| services, computed tomography services, positron emission | 120947 |
| tomography services, cardiac nuclear medicine services, and | 120948 |

similar imaging services. 120949

~~Not later than January 1, 2010, the~~ The department of ~~job and~~ 120950
~~family services~~ medicaid shall implement evidence-based, best 120951
practice guidelines or protocols and decision support tools for 120952
advanced diagnostic imaging services ~~available under~~ covered by 120953
the fee-for-service component of the medicaid program. 120954

Sec. ~~5111.0215~~ 5164.93. (A) The department of ~~job and family~~ 120955
~~services~~ medicaid may establish a program under which it provides 120956
incentive payments, as authorized by the "~~Health Information~~ 120957
~~Technology for Economic and Clinical Health~~ Social Security Act," 120958
~~123 Stat. 489 (2009)~~ section 1903(a)(3)(F) and (t), 42 U.S.C. 120959
1396b(a)(3)(F) and ~~1396b(t), as amended,~~ to encourage the adoption 120960
and use of electronic health record technology by medicaid 120961
providers who are identified under that federal law as eligible 120962
professionals. 120963

(B) After the department has made a determination regarding 120964
the amount of a medicaid provider's electronic health record 120965
incentive payment or the denial of an incentive payment, the 120966
department shall notify the provider. The provider may request 120967
that the department reconsider its determination. 120968

A request for reconsideration shall be submitted in writing 120969
to the department not later than fifteen days after the provider 120970
receives notification of the determination. The request shall be 120971
accompanied by written materials setting forth the basis for, and 120972
supporting, the reconsideration request. 120973

On receipt of a timely request, the department shall 120974
reconsider the determination. On the basis of the written 120975
materials accompanying the request, the department may uphold, 120976
reverse, or modify its original determination. The department 120977
shall mail to the provider by certified mail a written notice of 120978

the reconsideration decision. 120979

In accordance with Chapter 2505. of the Revised Code, the 120980
medicaid provider may appeal the reconsideration decision by 120981
filing a notice of appeal with the court of common pleas of 120982
Franklin county. The notice shall identify the decision being 120983
appealed and the specific grounds for the appeal. The notice of 120984
appeal shall be filed not later than fifteen days after the 120985
department mails its notice of the reconsideration decision. A 120986
copy of the notice of appeal shall be filed with the department 120987
not later than three days after the notice is filed with the 120988
court. 120989

(C) The medicaid director ~~of job and family services~~ may 120990
adopt rules ~~in accordance with Chapter 119. under section 5162.02~~ 120991
of the Revised Code as necessary to implement this section. The 120992
rules, if any, shall be adopted in accordance with Chapter 119. of 120993
the Revised Code. 120994

Sec. ~~5111.20~~ 5165.01. As used in ~~sections 5111.20 to 5111.331~~ 120995
~~of the Revised Code~~ this chapter: 120996

(A) "Affiliated operator" means an operator affiliated with 120997
either of the following: 120998

(1) The exiting operator for whom the affiliated operator is 120999
to assume liability for the entire amount of the exiting 121000
operator's debt under the medicaid program or the portion of the 121001
debt that represents the franchise permit fee the exiting operator 121002
owes; 121003

(2) The entering operator involved in the change of operator 121004
with the exiting operator specified in division (A)(1) of this 121005
section. 121006

(B) "Allowable costs" are ~~those~~ a nursing facility's costs 121007
~~determined by that~~ the department of ~~job and family services to be~~ 121008

~~medicaid determines are reasonable and do not include fines.~~ Fines 121009
paid under sections ~~5111.35~~ 5165.60 to ~~5111.61~~ 5165.89 and section 121010
~~5111.99~~ 5165.99 of the Revised Code are not allowable costs. 121011

~~(B)~~(C) "Ancillary and support costs" means all reasonable 121012
costs incurred by a nursing facility other than direct care costs, 121013
tax costs, or capital costs. "Ancillary and support costs" 121014
includes, but is not limited to, costs of activities, social 121015
services, pharmacy consultants, habilitation supervisors, 121016
qualified mental retardation professionals, program directors, 121017
medical and habilitation records, program supplies, incontinence 121018
supplies, food, enterals, dietary supplies and personnel, laundry, 121019
housekeeping, security, administration, medical equipment, 121020
utilities, liability insurance, bookkeeping, purchasing 121021
department, human resources, communications, travel, dues, license 121022
fees, subscriptions, home office costs not otherwise allocated, 121023
legal services, accounting services, minor equipment, maintenance 121024
and repairs, help-wanted advertising, informational advertising, 121025
start-up costs, organizational expenses, other interest, property 121026
insurance, employee training and staff development, employee 121027
benefits, payroll taxes, and workers' compensation premiums or 121028
costs for self-insurance claims and related costs as specified in 121029
rules adopted ~~by the director of job and family services~~ under 121030
section ~~5111.02~~ 5165.02 of the Revised Code, for personnel listed 121031
in this division. "Ancillary and support costs" also means the 121032
cost of equipment, including vehicles, acquired by operating lease 121033
executed before December 1, 1992, if the costs are reported as 121034
administrative and general costs on the nursing facility's cost 121035
report for the cost reporting period ending December 31, 1992. 121036

~~(C)~~(D)(1) "Capital costs" means ~~costs of ownership and, in~~ 121037
~~the case of an intermediate care facility for the mentally~~ 121038
~~retarded, costs of nonextensive renovation~~ the actual expense 121039
incurred by a nursing facility for all of the following: 121040

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| <u>(a) Depreciation and interest on any capital assets that cost</u> | 121041 |
| <u>five hundred dollars or more per item, including the following:</u> | 121042 |
| <u>(i) Buildings;</u> | 121043 |
| <u>(ii) Building improvements;</u> | 121044 |
| <u>(iii) Except as provided in division (C) of this section,</u> | 121045 |
| <u>equipment;</u> | 121046 |
| <u>(iv) Transportation equipment.</u> | 121047 |
| <u>(b) Amortization and interest on land improvements and</u> | 121048 |
| <u>leasehold improvements;</u> | 121049 |
| <u>(c) Amortization of financing costs;</u> | 121050 |
| <u>(d) Lease and rent of land, buildings, and equipment.</u> | 121051 |
| <u>(2) The costs of capital assets of less than five hundred</u> | 121052 |
| <u>dollars per item may be considered capital costs in accordance</u> | 121053 |
| <u>with a provider's practice.</u> | 121054 |
| (1) "Cost of ownership" means the actual expense incurred for | 121055 |
| all of the following: | 121056 |
| (a) Depreciation and interest on any capital assets that cost | 121057 |
| five hundred dollars or more per item, including the following: | 121058 |
| (i) Buildings; | 121059 |
| (ii) Building improvements that are not approved as | 121060 |
| nonextensive renovations under section 5111.251 of the Revised | 121061 |
| Code; | 121062 |
| (iii) Except as provided in division (B) of this section, | 121063 |
| equipment; | 121064 |
| (iv) In the case of an intermediate care facility for the | 121065 |
| mentally retarded, extensive renovations; | 121066 |
| (v) Transportation equipment. | 121067 |
| (b) Amortization and interest on land improvements and | 121068 |

| | |
|--|--|
| leasehold improvements; | 121069 |
| (c) Amortization of financing costs; | 121070 |
| (d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment. | 121071
121072 |
| The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice. | 121073
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121075 |
| (2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations. | 121076
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| (D)(E) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles. | 121080
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| (E) "Case mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded. | 121083
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| (F) <u>"Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.</u> | 121088
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| (G) <u>"Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.</u> | 121092
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121094 |
| (1) <u>Actions that constitute a change of operator include the following:</u> | 121095
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| (a) <u>A change in an exiting operator's form of legal organization, including the formation of a partnership or</u> | 121097
121098 |

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|---|--------|
| <u>corporation from a sole proprietorship;</u> | 121099 |
| <u>(b) A transfer of all the exiting operator's ownership</u> | 121100 |
| <u>interest in the operation of the nursing facility to the entering</u> | 121101 |
| <u>operator, regardless of whether ownership of any or all of the</u> | 121102 |
| <u>real property or personal property associated with the nursing</u> | 121103 |
| <u>facility is also transferred;</u> | 121104 |
| <u>(c) A lease of the nursing facility to the entering operator</u> | 121105 |
| <u>or the exiting operator's termination of the exiting operator's</u> | 121106 |
| <u>lease;</u> | 121107 |
| <u>(d) If the exiting operator is a partnership, dissolution of</u> | 121108 |
| <u>the partnership;</u> | 121109 |
| <u>(e) If the exiting operator is a partnership, a change in</u> | 121110 |
| <u>composition of the partnership unless both of the following apply:</u> | 121111 |
| <u>(i) The change in composition does not cause the</u> | 121112 |
| <u>partnership's dissolution under state law.</u> | 121113 |
| <u>(ii) The partners agree that the change in composition does</u> | 121114 |
| <u>not constitute a change in operator.</u> | 121115 |
| <u>(f) If the operator is a corporation, dissolution of the</u> | 121116 |
| <u>corporation, a merger of the corporation into another corporation</u> | 121117 |
| <u>that is the survivor of the merger, or a consolidation of one or</u> | 121118 |
| <u>more other corporations to form a new corporation.</u> | 121119 |
| <u>(2) The following, alone, do not constitute a change of</u> | 121120 |
| <u>operator:</u> | 121121 |
| <u>(a) A contract for an entity to manage a nursing facility as</u> | 121122 |
| <u>the operator's agent, subject to the operator's approval of daily</u> | 121123 |
| <u>operating and management decisions;</u> | 121124 |
| <u>(b) A change of ownership, lease, or termination of a lease</u> | 121125 |
| <u>of real property or personal property associated with a nursing</u> | 121126 |
| <u>facility if an entering operator does not become the operator in</u> | 121127 |
| <u>place of an exiting operator;</u> | 121128 |

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 121129
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(H) "Cost center" means the following: 121133

(1) Ancillary and support costs; 121134

(2) Capital costs; 121135

(3) Direct care costs; 121136

(4) Tax costs. 121137

(I) "Custom wheelchair" means a wheelchair to which both of the following apply: 121138
121139

(1) It has been measured, fitted, or adapted in consideration of either of the following: 121140
121141

(a) The body size or disability of the individual who is to use the wheelchair; 121142
121143

(b) The individual's period of need for, or intended use of, the wheelchair. 121144
121145

(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use the wheelchair. 121146
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(J)(1) "Date of licensure," ~~for a~~ means the following: 121152

(a) In the case of a nursing facility ~~originally that was~~ required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code ~~when it originally began to be operated as a nursing home,~~ means the date ~~specific beds were~~ the nursing facility was originally ~~so~~ licensed as ~~nursing home beds~~ under 121153
121154
121155
121156
121157

~~that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section.;~~

~~If (b) In the case of a nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were facility that was not required by law to be licensed as a nursing home when they were it originally used to provide began to be operated as a nursing home or residential facility services, "date of licensure" means the date the beds it first were used to provide began to be operated as a nursing home or residential facility services, regardless of the date the present provider obtained licensure nursing facility was first licensed as a nursing home.~~

~~(2) If a facility adds, after a nursing facility's original date of licensure, more nursing home beds ~~or residential facility beds or extensively renovates all or part of the facility after its original date of licensure~~ are added to the nursing facility, it will have the nursing facility has a different date of licensure for the additional beds ~~or extensively renovated portion of the facility, unless the beds are added in a space. This does not apply, however, to additional beds when both of the following apply:~~~~

~~(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the previously licensed continuing beds but already located in that part of the nursing facility;~~

~~(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be~~

licensed under Chapter 3721. or section 5123.19 of the Revised Code at that time as a nursing home.

~~(2)~~(3) The definition of "date of licensure" in this section applies in determinations of the nursing facilities' medicaid reimbursement rate for a nursing facility or intermediate care facility for the mentally retarded payment rates but does not apply in determinations of the nursing facilities' franchise permit fee for a nursing facility or intermediate care facility for the mentally retarded fees.

~~(G)~~(K) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section ~~5111.26~~ 5165.10 of the Revised Code have been subjected to a desk review under ~~division (A) of section 5111.27~~ 5165.108 of the Revised Code and preliminarily determined to be allowable costs.

~~(H)~~(L) "Direct care costs" means all of the following costs incurred by a nursing facility:

(1)~~(a)~~ Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility;

~~(b)~~(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division ~~(H)~~~~(2)~~(L)(8) of this section, other persons holding degrees qualifying them to provide therapy;

~~(c)~~(3) Costs of purchased nursing services;

~~(d)~~(4) Costs of quality assurance;

~~(e)~~(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted ~~by the director of job and family services in accordance with Chapter 119.~~ under section 5165.02 of the Revised Code, for personnel listed in divisions ~~(H)~~(L)(1)~~(a)~~, ~~(b)~~(2), and

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| (d) <u>(4)</u> , and (8) of this section; | 121220 |
| (f) <u>(6)</u> Costs of consulting and management fees related to direct care; | 121221
121222 |
| (g) <u>(7)</u> Allocated direct care home office costs- | 121223 |
| (2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include costs; | 121224
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121226 |
| <u>(8) Costs</u> of habilitation staff (other than habilitation supervisors), medical supplies, <u>emergency</u> oxygen, over-the-counter pharmacy products, behavioral and mental health services, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, wheelchairs, resident transportation, and universal precautions supplies- <u>i</u> | 121227
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| (3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following: | 121234
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121236 |
| (a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation professionals, program directors, social services staff, activities staff, off site day programming, psychologists and psychology assistants, and social workers and counselors; | 121237
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| (b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in division (H)(3)(a) of this section. | 121244
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| (4) <u>(9)</u> <u>Until January 1, 2014, costs of oxygen, wheelchairs,</u> | 121249 |

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| <u>and resident transportation;</u> | 121250 |
| <u>(10) Beginning January 1, 2014, costs of both of the</u> | 121251 |
| <u>following:</u> | 121252 |
| <u>(a) Emergency oxygen;</u> | 121253 |
| <u>(b) Wheelchairs other than the following:</u> | 121254 |
| <u>(i) Custom wheelchairs;</u> | 121255 |
| <u>(ii) Repairs to and replacements of custom wheelchairs and</u> | 121256 |
| <u>parts that are made in accordance with the instructions of the</u> | 121257 |
| <u>physician of the individual who uses the custom wheelchair.</u> | 121258 |
| <u>(11) Costs of other direct-care resources that are specified</u> | 121259 |
| <u>as direct care costs in rules adopted under section 5111.02</u> | 121260 |
| <u>5165.02 of the Revised Code.</u> | 121261 |
| <u>(I)(M) "Dual eligible individual" has the same meaning as in</u> | 121262 |
| <u>section 5160.01 of the Revised Code.</u> | 121263 |
| <u>(N) "Effective date of a change of operator" means the day</u> | 121264 |
| <u>the entering operator becomes the operator of the nursing</u> | 121265 |
| <u>facility.</u> | 121266 |
| <u>(O) "Effective date of a facility closure" means the last day</u> | 121267 |
| <u>that the last of the residents of the nursing facility resides in</u> | 121268 |
| <u>the nursing facility.</u> | 121269 |
| <u>(P) "Effective date of an involuntary termination" means the</u> | 121270 |
| <u>date the department of medicaid terminates the operator's provider</u> | 121271 |
| <u>agreement for the nursing facility.</u> | 121272 |
| <u>(Q) "Effective date of a voluntary withdrawal of</u> | 121273 |
| <u>participation" means the day the nursing facility ceases to accept</u> | 121274 |
| <u>new medicaid residents other than the individuals who reside in</u> | 121275 |
| <u>the nursing facility on the day before the effective date of the</u> | 121276 |
| <u>voluntary withdrawal of participation.</u> | 121277 |
| <u>(R) "Entering operator" means the person or government entity</u> | 121278 |

that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination. 121279
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(S) "Exiting operator" means any of the following: 121281

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator; 121282
121283

(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure; 121284
121285

(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation; 121286
121287

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination. 121288
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(T)(1) Subject to divisions (T)(2) and (3) of this section, "facility closure" means either of the following: 121290
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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents; 121292
121293
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(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use. 121296
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(2) A facility closure occurs regardless of any of the following: 121302
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(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility; 121304
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(b) The nursing facility's residents relocating to another of 121308

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| <u>the operator's nursing facilities;</u> | 121309 |
| <u>(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities;</u> | 121310
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| <u>(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code.</u> | 121314
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121316 |
| <u>(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs.</u> | 121317
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| <u>(U) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.</u> | 121322
121323 |
| (J)(V) "Franchise permit fee" means the following: | 121324 |
| (1) In the context of nursing facilities, the fee imposed by sections 3721.50 5168.40 to 3721.58 5168.56 of the Revised Code: | 121325
121326 |
| (2) In the context of intermediate care facilities for the mentally retarded, the fee imposed by sections 5112.30 to 5112.39 of the Revised Code. | 121327
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121329 |
| (K) "Indirect care costs" means all reasonable costs incurred by an intermediate care facility for the mentally retarded other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, | 121330
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~~communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help wanted advertising, informational advertising, start up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in this division. Notwithstanding division (C)(1) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the facility's cost report for the cost reporting period ending December 31, 1992.~~

~~(L)(W) "Inpatient days" means the following:~~

~~(1) In the context of a nursing facility, both of the following:~~

~~(a)(1) All days during which a resident, regardless of payment source, occupies a bed in a nursing facility that is included in the nursing facility's ~~certified~~ medicaid-certified capacity under Title XIX;~~

~~(b)(2) Fifty per cent of the days for which payment is made under section ~~5111.331~~ 5165.34 of the Revised Code.~~

~~(2) In the context of an intermediate care facility for the mentally retarded, both of the following:~~

~~(a) All days during which a resident, regardless of payment source, occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;~~

~~(b) All days for which payment is made under section 5111.33~~

~~of the Revised Code.~~ 121370

~~(M) "Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX.~~ 121371
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~~(N)(X) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.~~ 121376
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~~(Y) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.~~ 121380
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~~(Z) "Maintenance and repair expenses" means, ~~except as provided in division (BB)(2) of this section,~~ a nursing facility's expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes but is not limited to the ~~cost~~ costs of ordinary repairs such as painting and wallpapering.~~ 121387
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~~(O)(AA) "Medicaid-certified capacity" means the number of a nursing facility's beds that are certified for participation in medicaid as nursing facility beds.~~ 121394
121395
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~~(BB) "Medicaid days" means the following:~~ 121397

~~(1) In the context of a nursing facility, both of the following:~~ 121398
121399

~~(a)(1)~~ All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's ~~certified~~ medicaid-certified capacity ~~under Title XIX;~~

~~(b)(2)~~ Fifty per cent of the days for which payment is made under section ~~5111.331~~ 5165.34 of the Revised Code.

~~(2)~~ ~~In the context of an intermediate care facility for the mentally retarded, both of the following:~~

~~(a)~~ All days during which a resident who is a medicaid recipient eligible for intermediate care facility for the mentally retarded services occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;

~~(b)~~ All days for which payment is made under section ~~5111.33~~ of the Revised Code.

~~(P)(CC)~~(1) "New nursing facility" means a nursing facility for which the provider obtains an initial provider agreement following medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement.

(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code.

~~(DD)~~ "Nursing facility" ~~means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health~~

~~in accordance with Title XIX and is certified as a skilled nursing facility by the director in accordance with Title XVIII has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).~~

~~(Q)(EE) "Nursing facility services" has the same meaning as in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f).~~

~~(FF) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.~~

~~(GG) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility or intermediate care facility for the mentally retarded.~~

~~(R) "Other protected costs" means costs incurred by an intermediate care facility for the mentally retarded for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5111.02 of the Revised Code.~~

~~(S)(HH)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility or intermediate care facility for the mentally retarded:~~

~~(a) The land on which the nursing facility is located;~~

~~(b) The structure in which the nursing facility is located;~~

~~(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing facility is located;~~

~~(d) Any lease or sublease of the land or structure on or in~~

which the nursing facility is located. 121461

(2) "Owner" does not mean a holder of a debenture or bond 121462
related to the nursing facility ~~or intermediate care facility for~~ 121463
~~the mentally retarded~~ and purchased at public issue or a regulated 121464
lender that has made a loan related to the nursing facility unless 121465
the holder or lender operates the nursing facility directly or 121466
through a subsidiary. 121467

~~(T) "Patient" includes "resident."~~ 121468

~~(U) Except as provided in divisions (U)(1) and (2) of this~~ 121469
~~section, "per (II) "Per diem" means a nursing facility's or~~ 121470
~~intermediate care facility for the mentally retarded's~~ actual, 121471
allowable costs in a given cost center in a cost reporting period, 121472
divided by the nursing facility's inpatient days for that cost 121473
reporting period. 121474

~~(1) When calculating indirect care costs for the purpose of~~ 121475
~~establishing rates under section 5111.241 of the Revised Code,~~ 121476
~~"per diem" means an intermediate care facility for the mentally~~ 121477
~~retarded's actual, allowable indirect care costs in a cost~~ 121478
~~reporting period divided by the greater of the facility's~~ 121479
~~inpatient days for that period or the number of inpatient days the~~ 121480
~~facility would have had during that period if its occupancy rate~~ 121481
~~had been eighty five per cent.~~ 121482

~~(2) When calculating capital costs for the purpose of~~ 121483
~~establishing rates under section 5111.251 of the Revised Code,~~ 121484
~~"per diem" means a facility's actual, allowable capital costs in a~~ 121485
~~cost reporting period divided by the greater of the facility's~~ 121486
~~inpatient days for that period or the number of inpatient days the~~ 121487
~~facility would have had during that period if its occupancy rate~~ 121488
~~had been ninety five per cent.~~ 121489

~~(V)(JJ)~~ "Provider" means an operator with a provider 121490
agreement. 121491

~~(W)~~(KK) "Provider agreement" means a ~~contract~~ provider 121492
agreement, as defined in section 5164.01 of the Revised Code, that 121493
is between the department of ~~job and family services~~ medicaid and 121494
the operator of a nursing facility ~~or intermediate care facility~~ 121495
~~for the mentally retarded~~ for the provision of nursing facility 121496
services ~~or intermediate care facility services for the mentally~~ 121497
~~retarded~~ under the medicaid program. 121498

~~(X)~~(LL) "Purchased nursing services" means services that are 121499
provided in a nursing facility by registered nurses, licensed 121500
practical nurses, or nurse aides who are not employees of the 121501
nursing facility. 121502

~~(Y)~~(MM) "Reasonable" means that a cost is an actual cost that 121503
is appropriate and helpful to develop and maintain the operation 121504
of patient care facilities and activities, including normal 121505
standby costs, and that does not exceed what a prudent buyer pays 121506
for a given item or services. Reasonable costs may vary from 121507
provider to provider and from time to time for the same provider. 121508

~~(Z)~~(NN) "Related party" means an individual or organization 121509
that, to a significant extent, has common ownership with, is 121510
associated or affiliated with, has control of, or is controlled 121511
by, the provider. 121512

(1) An individual who is a relative of an owner is a related 121513
party. 121514

(2) Common ownership exists when an individual or individuals 121515
possess significant ownership or equity in both the provider and 121516
the other organization. Significant ownership or equity exists 121517
when an individual or individuals possess five per cent ownership 121518
or equity in both the provider and a supplier. Significant 121519
ownership or equity is presumed to exist when an individual or 121520
individuals possess ten per cent ownership or equity in both the 121521
provider and another organization from which the provider 121522

purchases or leases real property. 121523

(3) Control exists when an individual or organization has the 121524
power, directly or indirectly, to significantly influence or 121525
direct the actions or policies of an organization. 121526

(4) An individual or organization that supplies goods or 121527
services to a provider shall not be considered a related party if 121528
all of the following conditions are met: 121529

(a) The supplier is a separate bona fide organization. 121530

(b) A substantial part of the supplier's business activity of 121531
the type carried on with the provider is transacted with others 121532
than the provider and there is an open, competitive market for the 121533
types of goods or services the supplier furnishes. 121534

(c) The types of goods or services are commonly obtained by 121535
other nursing facilities ~~or intermediate care facilities for the~~ 121536
~~mentally retarded~~ from outside organizations and are not a basic 121537
element of patient care ordinarily furnished directly to patients 121538
by ~~the~~ nursing facilities. 121539

(d) The charge to the provider is in line with the charge for 121540
the goods or services in the open market and no more than the 121541
charge made under comparable circumstances to others by the 121542
supplier. 121543

~~(AA)~~(OO) "Relative of owner" means an individual who is 121544
related to an owner of a nursing facility ~~or intermediate care~~ 121545
~~facility for the mentally retarded~~ by one of the following 121546
relationships: 121547

(1) Spouse; 121548

(2) Natural parent, child, or sibling; 121549

(3) Adopted parent, child, or sibling; 121550

(4) Stepparent, stepchild, stepbrother, or stepsister; 121551

| | |
|--|--------|
| (5) Father-in-law, mother-in-law, son-in-law, | 121552 |
| daughter-in-law, brother-in-law, or sister-in-law; | 121553 |
| (6) Grandparent or grandchild; | 121554 |
| (7) Foster caregiver, foster child, foster brother, or foster | 121555 |
| sister. | 121556 |
| (BB) "Renovation" and "extensive renovation" mean: | 121557 |
| (1) Any betterment, improvement, or restoration of an | 121558 |
| intermediate care facility for the mentally retarded started | 121559 |
| before July 1, 1993, that meets the definition of a renovation or | 121560 |
| extensive renovation established in rules adopted by the director | 121561 |
| of job and family services in effect on December 22, 1992. | 121562 |
| (2) In the case of betterments, improvements, and | 121563 |
| restorations of intermediate care facilities for the mentally | 121564 |
| retarded started on or after July 1, 1993: | 121565 |
| (a) "Renovation" means the betterment, improvement, or | 121566 |
| restoration of an intermediate care facility for the mentally | 121567 |
| retarded beyond its current functional capacity through a | 121568 |
| structural change that costs at least five hundred dollars per | 121569 |
| bed. A renovation may include betterment, improvement, | 121570 |
| restoration, or replacement of assets that are affixed to the | 121571 |
| building and have a useful life of at least five years. A | 121572 |
| renovation may include costs that otherwise would be considered | 121573 |
| maintenance and repair expenses if they are an integral part of | 121574 |
| the structural change that makes up the renovation project. | 121575 |
| "Renovation" does not mean construction of additional space for | 121576 |
| beds that will be added to a facility's licensed or certified | 121577 |
| capacity. | 121578 |
| (b) "Extensive renovation" means a renovation that costs more | 121579 |
| than sixty five per cent and no more than eighty five per cent of | 121580 |
| the cost of constructing a new bed and that extends the useful | 121581 |
| life of the assets for at least ten years. | 121582 |

~~For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~

~~The department of job and family services may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~

~~(CC)(PP) "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.~~

~~(OO) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).~~

~~(RR) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.~~

~~(SS) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.~~

~~(DD)(TT) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended et seq.~~

~~(EE)(UU) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended et seq.~~

~~(VV) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to~~

provide service of the type provided by a nursing facility. 121613

Sec. ~~5111.201~~ 5165.011. Whenever (A) Except as provided in 121614
division (B) of this section, whenever "skilled nursing facility," 121615
"intermediate care facility," or "dual skilled nursing and 121616
intermediate care facility" is referred to or designated in any 121617
statute, rule, contract, provider agreement, or other document 121618
pertaining to the ~~medical assistance~~ medicaid program, the 121619
reference or designation is deemed to refer to a nursing facility, 121620
~~except that a.~~ 121621

(B) A reference to or designation of an "intermediate care 121622
facility for the mentally retarded individuals with intellectual 121623
disabilities" or "ICF/IID" is not deemed to refer to a nursing 121624
facility. 121625

Sec. 5165.02. The medicaid director shall adopt rules as 121626
necessary to implement this chapter. The rules shall be adopted in 121627
accordance with Chapter 119. of the Revised Code. 121628

Sec. ~~5111.202~~ 5165.03. (A) As used in this section: 121629

(1) "Dementia" includes Alzheimer's disease or a related 121630
disorder. 121631

(2) "Serious mental illness" means "serious mental illness," 121632
as defined by the United States department of health and human 121633
services in regulations adopted under ~~section 1919(e)(7)(G)(i) of~~ 121634
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 121635
1919(e)(7)(G)(i), 42 U.S.C.A. 301, as amended 1396r(e)(7)(G)(i). 121636

(3) "Mentally ill individual" means an individual who has a 121637
serious mental illness other than either of the following: 121638

(a) A primary diagnosis of dementia; 121639

(b) A primary diagnosis that is not a primary diagnosis of 121640

dementia and a primary diagnosis of something other than a serious 121641
mental illness. 121642

(4) "Mentally retarded individual" means an individual who is 121643
mentally retarded or has a related condition, as described in 121644
~~section 1905(d) of the "Social Security Act-,"~~ section 1905(d), 42 121645
U.S.C. 1396d(d). 121646

(5) "Specialized services" means the services specified by 121647
the United States department of health and human services in 121648
regulations adopted under ~~section 1919(e)(7)(G)(iii) of the~~ 121649
"Social Security Act-," section 1919(e)(7)(G)(iii), 42 U.S.C. 121650
1396r(e)(7)(G)(iii). 121651

(B)(1) Except as provided in division (D) of this section, no 121652
nursing facility shall admit as a resident any mentally ill 121653
individual unless the facility has received evidence that the 121654
department of ~~mental health~~ mental health and addiction services 121655
has determined both of the following under ~~section 5119.061~~ 121656
5119.40 of the Revised Code: 121657

(a) That the individual requires the level of services 121658
provided by a nursing facility because of the individual's 121659
physical and mental condition; 121660

(b) Whether the individual requires specialized services for 121661
mental illness. 121662

(2) Except as provided in division (D) of this section, no 121663
nursing facility shall admit as a resident any mentally retarded 121664
individual unless the facility has received evidence that the 121665
department of developmental disabilities has determined both of 121666
the following under section 5123.021 of the Revised Code: 121667

(a) That the individual requires the level of services 121668
provided by a nursing facility because of the individual's 121669
physical and mental condition; 121670

(b) Whether the individual requires specialized services for 121671
mental retardation. 121672

(C) The department of ~~job and family services~~ medicaid shall 121673
not make medicaid payments ~~under the medical assistance program~~ to 121674
a nursing facility on behalf of any individual who is admitted to 121675
the facility in violation of division (B) of this section for the 121676
period beginning on the date of admission and ending on the date 121677
the requirements of division (B) of this section are met. 121678

(D) A determination under division (B) of this section is not 121679
required for any individual who is exempted from the requirement 121680
that a determination be made by division (B)(2) of section 121681
~~5119.061~~ 5119.40 of the Revised Code or rules adopted by the 121682
department of ~~mental health~~ mental health and addiction services 121683
under division (E)(3) of that section, or by division (B)(2) of 121684
section 5123.021 of the Revised Code or rules adopted by the 121685
department of developmental disabilities under division (E)(3) of 121686
that section. 121687

Sec. ~~5111.203~~ 5165.031. ~~Regardless of whether or not an~~ 121688
~~applicant~~ An individual who applies for admission to a nursing 121689
facility or ~~resident of~~ resides in a nursing facility ~~is an~~ 121690
~~applicant for or recipient of medical assistance, the department~~ 121691
~~of job and family services shall provide notice and an opportunity~~ 121692
~~for a hearing to any applicant for admission to a nursing facility~~ 121693
~~or resident of a nursing facility who is~~ may appeal if adversely 121694
affected by a determination made by the department of ~~mental~~ 121695
~~health~~ mental health and addiction services under section ~~5119.061~~ 121696
5119.40 of the Revised Code or by the department of developmental 121697
disabilities under section 5123.021 of the Revised Code. ~~The~~ 121698
~~hearing shall be conducted in the same manner as hearings~~ 121699
~~conducted under~~ If the individual is an applicant for or recipient 121700
of medicaid, the individual may appeal pursuant to section 5160.31 121701

of the Revised Code. If the individual is not an applicant for or 121702
recipient of medicaid, the individual may appeal pursuant to a 121703
process the department of medicaid shall establish, which shall be 121704
similar to the appeals process established by section 5101.35 of 121705
the Revised Code. The department of medicaid shall provide notice 121706
of the right to appeal to individuals adversely affected by 121707
determinations made under sections 5119.40 and 5123.021 of the 121708
Revised Code. Any decision made ~~by the department of job and~~ 121709
~~family services~~ on the basis of ~~the hearing~~ such an appeal is 121710
binding on the department of ~~mental health~~ mental health and 121711
addiction services and the department of developmental 121712
disabilities. 121713

Sec. ~~5111.204~~ 5165.04. (A) As used in this section, 121714
"representative" means a person acting on behalf of an applicant 121715
for or recipient of medicaid. A representative may be a family 121716
member, attorney, hospital social worker, or any other person 121717
chosen to act on behalf of an applicant or recipient. 121718

(B) The department of ~~job and family services~~ medicaid may 121719
require each applicant for or recipient of medicaid who applies or 121720
intends to apply for admission to a nursing facility or resides in 121721
a nursing facility to undergo an assessment to determine whether 121722
the applicant or recipient needs the level of care provided by a 121723
nursing facility. The assessment may be performed concurrently 121724
with a long-term care consultation provided under section 173.42 121725
of the Revised Code. 121726

To the maximum extent possible, the assessment shall be based 121727
on information from the resident assessment instrument specified 121728
in rules ~~adopted~~ authorized by ~~the director of job and family~~ 121729
~~services under division (E)~~ of section ~~5111.232~~ 5165.191 of the 121730
Revised Code. The assessment shall also be based on criteria and 121731
procedures established in rules ~~adopted~~ under authorized by 121732

division (F) of this section and information provided by the 121733
person being assessed or the person's representative. 121734

The department of ~~job and family services~~ medicaid, or if the 121735
assessment is performed by an agency under contract with the 121736
department pursuant to division (G) of this section, the agency, 121737
shall, not later than the time the level of care determination 121738
based on the assessment is required to be provided under division 121739
(C) of this section, give written notice of its conclusions and 121740
the basis for them to the person assessed and, if the department 121741
~~of job and family services~~ or agency under contract with the 121742
department has been informed that the person has a representative, 121743
to the representative. 121744

(C) The department ~~of job and family services~~ or agency under 121745
contract with the department, whichever performs the assessment, 121746
shall provide a level of care determination based on the 121747
assessment as follows: 121748

(1) In the case of a person applying or intending to apply 121749
for admission to a nursing facility while hospitalized, not later 121750
than one of the following: 121751

(a) One working day after the person or the person's 121752
representative submits the application or notifies the department 121753
of the person's intention to apply and submits all information 121754
required for providing the level of care determination, as 121755
specified in rules ~~adopted under~~ authorized by division (F)(2) of 121756
this section; 121757

(b) A later date requested by the person or the person's 121758
representative. 121759

(2) In the case of a person applying or intending to apply 121760
for admission to a nursing facility who is not hospitalized, not 121761
later than one of the following: 121762

(a) Five calendar days after the person or the person's 121763

representative submits the application or notifies the department 121764
of the person's intention to apply and submits all information 121765
required for providing the level of care determination, as 121766
specified in rules ~~adopted under~~ authorized by division (F)(2) of 121767
this section; 121768

(b) A later date requested by the person or the person's 121769
representative. 121770

(3) In the case of a person who resides in a nursing 121771
facility, not later than one of the following: 121772

(a) Five calendar days after the person or the person's 121773
representative submits an application for ~~medical assistance~~ 121774
medicaid and submits all information required for providing the 121775
level of care determination, as specified in rules ~~adopted under~~ 121776
authorized by division (F)(2) of this section; 121777

(b) A later date requested by the person or the person's 121778
representative. 121779

(4) In the case of an emergency, as specified in rules 121780
~~adopted under~~ authorized by division (F)(4) of this section, 121781
within the number of days specified in the rules. 121782

(D) A person assessed under this section or the person's 121783
representative may ~~request a state hearing to dispute~~ appeal the 121784
conclusions reached by the department ~~of job and family services~~ 121785
or agency under contract with the department on the basis of the 121786
assessment. The ~~request for a state hearing~~ appeal shall be made 121787
~~in accordance with~~ pursuant to section ~~5101.35~~ 5160.31 of the 121788
Revised Code. The department ~~of job and family services~~ or agency 121789
under contract with the department shall provide to the person or 121790
the person's representative and the nursing facility written 121791
notice of the person's right to request a state hearing. The 121792
notice shall include an explanation of the procedure for 121793
requesting a state hearing. If a state hearing is requested, the 121794

state shall be represented in the hearing by the department ~~of job~~ 121795
~~and family services~~ or the agency under contract with the 121796
department, whichever performed the assessment. 121797

(E) A nursing facility that admits or retains a person 121798
determined pursuant to an assessment required under this section 121799
not to need the level of care provided by the nursing facility 121800
shall not be ~~reimbursed~~ paid under the medicaid program for the 121801
person's care. 121802

(F) The medicaid director ~~of job and family services~~ shall 121803
adopt rules ~~in accordance with Chapter 119.~~ under section 5165.02 121804
of the Revised Code to implement and administer this section. The 121805
rules shall include all of the following: 121806

(1) Criteria and procedures to be used in determining whether 121807
admission to a nursing facility or continued stay in a nursing 121808
facility is appropriate for the person being assessed; 121809

(2) Information the person being assessed or the person's 121810
representative must provide to the department or agency under 121811
contract with the department for purposes of the assessment and 121812
providing a level of care determination based on the assessment; 121813

(3) Circumstances under which a person is not required to be 121814
assessed; 121815

(4) Circumstances that constitute an emergency for purposes 121816
of division (C)(4) of this section and the number of days within 121817
which a level of care determination must be provided in the case 121818
of an emergency. 121819

(G) Pursuant to section ~~5111.91~~ 5162.35 of the Revised Code, 121820
the department of ~~job and family services~~ medicaid may enter into 121821
contracts in the form of interagency agreements with one or more 121822
other state agencies to perform the assessments required under 121823
this section. The interagency agreements shall specify the 121824
responsibilities of each agency in the performance of the 121825

assessments. 121826

~~Sec. 5111.21 5165.06. (A) In order to be Subject to section 121827
5165.072 of the Revised Code, an operator is eligible for medicaid 121828
payments, the operator of to enter into a provider agreement for a 121829
nursing facility or intermediate care facility for the mentally 121830
retarded shall do if all of the following apply: 121831~~

~~(1) Enter into a provider agreement with the department as 121832
provided in section 5111.22, 5111.671, or 5111.672 of the Revised 121833
Code (A) The nursing facility is certified by the director of 121834
health for participation in medicaid; 121835~~

~~(2) Apply for and maintain a valid license to operate (B) The 121836
nursing facility is licensed by the director of health as a 121837
nursing home if so required by law; 121838~~

~~(3) Subject to division (B) of this section, (C) The operator 121839
and nursing facility comply with all applicable state and federal 121840
laws and rules. 121841~~

~~(B) A state rule that requires the operator of an 121842
intermediate care facility for the mentally retarded to have 121843
received approval of a plan for the proposed facility pursuant to 121844
section 5123.042 of the Revised Code as a condition of the 121845
operator being eligible for medicaid payments for the facility 121846
does not apply if, under former section 5123.193 of the Revised 121847
Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly 121848
or section 5123.197 of the Revised Code, a residential facility 121849
license was obtained or modified for the facility without 121850
obtaining approval of such a plan. 121851~~

~~(C)(1) Except as provided in division (C)(2) of this section, 121852
the operator of a nursing facility that elects to obtain and 121853
maintain eligibility for payments under the medicaid program shall 121854
qualify all of the facility's medicaid-certified beds in the 121855~~

~~medicare program established by Title XVIII. The director of job and family services may adopt rules under section 5111.02 of the Revised Code to establish the time frame in which a nursing facility must comply with this requirement.~~ 121856
121857
121858
121859

~~(2) The department of veterans services is not required to qualify all of the medicaid certified beds in a nursing facility the agency maintains and operates under section 5907.01 of the Revised Code in the medicare program.~~ 121860
121861
121862
121863

Sec. 5111.22 5165.07. (A) Except as provided in section 5165.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with a nursing facility operator who applies, and is eligible, for the provider agreement. 121864
121865
121866
121867

~~(B) A provider agreement between the department of job and family services and the provider of a nursing facility or intermediate care facility for the mentally retarded shall contain~~ 121868
require the following provisions: 121869
121870
121871

~~(A) The department agrees to make medicaid payments to the provider, as provided in sections 5111.20 to 5111.331 of the Revised Code, in accordance with this chapter for medicaid covered nursing facility services the nursing facility provides to a resident of the its residents who are medicaid recipients eligible for nursing facility who is a medicaid recipient services. No payment shall be made for the day a medicaid recipient is discharged from the facility.~~ 121872
121873
121874
121875
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121879

~~(B) The~~ (C) A provider agreement shall require the provider agrees to do all of the following: 121880
121881

(1) Maintain eligibility for the provider agreement as provided in section ~~5111.21~~ 5165.06 of the Revised Code; 121882
121883

(2) Keep records relating to a cost reporting period for the greater of seven years after the cost report is filed or, if the 121884
121885

department issues an audit report in accordance with ~~division (B)~~ 121886
~~of section 5111.27~~ 5165.109 of the Revised Code, six years after 121887
all appeal rights relating to the audit report are exhausted; 121888

(3) File reports as required by the department; 121889

(4) Open all records relating to the costs of ~~its~~ the nursing 121890
facility's services for inspection and audit by the department; 121891

(5) Open its premises for inspection by the department, the 121892
department of health, and any other state or local authority 121893
having authority to inspect; 121894

(6) Supply to the department such information as it requires 121895
concerning the nursing facility's services to residents who are, 121896
or are eligible to be, medicaid recipients; 121897

(7) Comply with section ~~5111.31~~ 5165.08 of the Revised Code. 121898

~~The (D) A~~ provider agreement may contain other provisions 121899
that are consistent with law and considered necessary by the 121900
department. 121901

~~A provider agreement shall be effective for no longer than~~ 121902
~~twelve months, except that if federal statute or regulations~~ 121903
~~authorize a longer term, it may be effective for a longer term so~~ 121904
~~authorized. A provider agreement may be renewed only if the~~ 121905
~~facility is certified by the department of health for~~ 121906
~~participation in the medicaid program.~~ 121907

~~The department of job and family services, in accordance with~~ 121908
~~rules adopted under section 5111.02 of the Revised Code, may elect~~ 121909
~~not to enter into, not to renew, or to terminate a provider~~ 121910
~~agreement when the department determines that such an agreement~~ 121911
~~would not be in the best interests of medicaid recipients or of~~ 121912
~~the state.~~ 121913

Sec. ~~5111.223~~ 5165.071. ~~The A nursing facility operator of a~~ 121914
~~nursing facility or intermediate care facility for the mentally~~ 121915

~~retarded~~ may enter into provider agreements for more than one 121916
nursing facility ~~or intermediate care facility for the mentally~~ 121917
~~retarded.~~ 121918

Sec. 5165.072. The department of medicaid shall not 121919
revalidate a nursing facility provider agreement if the provider 121920
fails to maintain eligibility for the provider agreement as 121921
provided in section 5165.06 of the Revised Code. 121922

Sec. ~~5111.30~~ 5165.073. The department of ~~job and family~~ 121923
~~services~~ medicaid shall terminate the provider agreement with a 121924
nursing facility provider that does not comply with the 121925
requirements of section 3721.071 of the Revised Code for the 121926
installation of fire extinguishing and fire alarm systems. 121927

Sec. ~~5111.31~~ 5165.08. (A) As used in this section: 121928

"Bed need" means the number of long-term care beds a county 121929
needs as determined by the director of health pursuant to division 121930
(B)(3) of section 3702.593 of the Revised Code. 121931

"Bed need excess" means that a county's bed need is such that 121932
one or more long-term care beds may be relocated from the county 121933
according to the director's determination of the county's bed 121934
need. 121935

(B) Every provider agreement with the a nursing facility 121936
provider of a nursing facility or intermediate care facility for 121937
the mentally retarded shall do both of the following: 121938

(1) Permit the provider to exclude one or more parts of the 121939
nursing facility from the provider agreement, even though those 121940
parts meet federal and state standards for medicaid certification, 121941
if all of the following apply: 121942

(a) The nursing facility initially obtained both its nursing 121943
home license under Chapter 3721. of the Revised Code and medicaid 121944

certification on or after January 1, 2008. 121945

(b) The nursing facility is located in a county that has a bed need excess at the time the provider excludes the parts from the provider agreement. 121946
121947
121948

(c) Federal law permits the provider to exclude the parts from the provider agreement. 121949
121950

(d) The provider gives the department of medicaid written notice of the exclusion not less than forty-five days before the first day of the calendar quarter in which the exclusion is to occur. 121951
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(2) Prohibit the provider from doing either of the following: 121955

(a) Discriminating against a resident on the basis of race, color, sex, creed, or national origin; 121956
121957

(b) Subject to division (D) of this section, failing or refusing to ~~retain~~ do either of the following: 121958
121959

(i) Except as otherwise prohibited under section 5165.82 of the Revised Code, admit as a resident of the nursing facility an individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient unless at least twenty-five per cent of the nursing facility's medicaid-certified beds are occupied by medicaid recipients at the time the person would otherwise be admitted; 121960
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(ii) Retain as a ~~patient~~ any person resident of the nursing facility an individual because the ~~person~~ individual is, ~~becomes,~~ or may (as a resident of the nursing facility) become, as a patient in the facility, become a medicaid recipient. For the purposes of this division, a medicaid recipient who is a patient in a facility shall be considered a patient in the facility during any hospital stays totaling less than twenty five days during any twelve month period. Recipients who have been identified by the 121967
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~~department of job and family services or its designee as requiring 121975
the level of care of an intermediate care facility for the 121976
mentally retarded shall not be subject to a maximum period of 121977
absences during which they are considered patients if prior 121978
authorization of the department for visits with relatives and 121979
friends and participation in therapeutic programs is obtained 121980
under rules adopted under section 5111.02 of the Revised Code. 121981~~

~~(2) Except as provided by division (B)(1) of this section, 121982
include any part of the facility that meets standards for 121983
certification of compliance with federal and state laws and rules 121984
for participation in the medicaid program. 121985~~

~~(3) Prohibit the provider from discriminating against any 121986
patient on the basis of race, color, sex, creed, or national 121987
origin. 121988~~

~~(4) Except as otherwise prohibited under section 5111.55 of 121989
the Revised Code, prohibit the provider from failing or refusing 121990
to accept a patient because the patient is, becomes, or may, as a 121991
patient in the facility, become a medicaid recipient if less than 121992
eighty per cent of the patients in the facility are medicaid 121993
recipients. 121994~~

~~(B)(1) Except as provided by division (B)(2) of this section, 121995
the following are not required to be included in a provider 121996
agreement unless otherwise required by federal law: 121997~~

~~(a) Beds added during the period beginning July 1, 1987, and 121998
ending July 1, 1993, to a nursing home licensed under Chapter 121999
3721. of the Revised Code; 122000~~

~~(b) Beds in an intermediate care facility for the mentally 122001
retarded that are designated for respite care under a medicaid 122002
waiver component operated pursuant to a waiver sought under 122003
section 5111.87 of the Revised Code. 122004~~

~~(2) If a provider chooses to include a bed specified in 122005~~

~~division (B)(1)(a) of this section in a provider agreement, the
bed may not be removed from the provider agreement unless the
provider withdraws the facility in which the bed is located from
the medicaid program.~~

(C) For the purpose of division (B)(2)(b)(ii) of this
section, a medicaid recipient who is a resident of a nursing
facility shall be considered a resident of the nursing facility
during any hospital stays totaling less than twenty-five days
during any twelve-month period.

(D) Nothing in this section shall bar a provider ~~that~~ from
doing any of the following:

(1) If the provider is a religious organization operating a
religious or denominational nursing facility ~~or intermediate care
facility for the mentally retarded~~ from giving preference to
persons of the same religion or denomination. ~~Nothing in this
section shall bar any provider from giving;~~

(2) Giving preference to persons with whom the provider has
contracted to provide continuing care.

~~(D) Nothing in this section shall bar the provider of;~~

(3) If the nursing facility is a county home organized under
Chapter 5155. of the Revised Code ~~from,~~ admitting residents
exclusively from the county in which the county home is located.

~~(E) No provider of a nursing facility or intermediate care
facility for the mentally retarded for which a provider agreement
is in effect shall violate the provider contract obligations
imposed under this section.~~

~~(F) Nothing in divisions (A) and (C) of this section shall
bar a provider from retaining patients;~~

(4) Retaining residents who have resided in the provider's
nursing facility for not less than one year as private pay

patients and who subsequently become medicaid recipients, but 122036
refusing to accept as a ~~patient~~ resident any person who is, or 122037
may, ~~(as a patient in resident of the nursing facility,~~) become a 122038
medicaid recipient, if all of the following apply: 122039

~~(1)~~(a) The provider does not refuse to retain any ~~patient~~ 122040
resident who has resided in the provider's nursing facility for 122041
not less than one year as a private pay ~~patient~~ resident because 122042
the ~~patient~~ resident becomes a medicaid recipient, except as 122043
necessary to comply with division ~~(F)~~(2)(D)(4)(b) of this section; 122044

~~(2)~~(b) The number of medicaid recipients retained under ~~this~~ 122045
division (D)(4) of this section does not at any time exceed ten 122046
per cent of all the ~~patients~~ residents in the nursing facility; 122047

~~(3)~~(c) On July 1, 1980, all the ~~patients~~ residents in the 122048
nursing facility were private pay ~~patients~~ residents. 122049

(E) No provider shall violate the provider agreement 122050
obligations imposed by this section. 122051

(F) A nursing facility provider who excludes one or more 122052
parts of the nursing facility from a provider agreement pursuant 122053
to division (B)(1) of this section does not violate division (C) 122054
of section 3702.53 of the Revised Code. 122055

Sec. ~~5111.32~~ 5165.081. ~~Any patient~~ A nursing facility 122056
resident has a cause of action against ~~the~~ a nursing facility 122057
~~provider of a nursing facility or intermediate care facility for~~ 122058
~~the mentally retarded~~ for breach of the provider agreement 122059
obligations or other duties imposed by section ~~5111.31~~ 5165.08 of 122060
the Revised Code. The action may be commenced by the ~~patient~~ 122061
resident, or on the ~~patient's~~ resident's behalf by the ~~patient's~~ 122062
resident's sponsor or a residents' rights advocate, ~~as either is~~ 122063
~~defined under section 3721.10 of the Revised Code,~~ by the filing 122064
of a civil action in the court of common pleas of the county in 122065

which the nursing facility is located, or in the court of common 122066
pleas of Franklin county. 122067

If ~~the~~ a court of common pleas finds that a ~~breach of the~~ 122068
provider has breached a provider agreement obligations obligation 122069
or other duty imposed by section ~~5111.31~~ 5165.08 of the Revised 122070
Code ~~has occurred~~, the court may ~~enjoin~~ do one or more of the 122071
following: 122072

(A) Enjoin the provider from engaging in the practice, ~~order;~~ 122073

(B) Order such affirmative relief as may be necessary, ~~and~~ 122074
~~award;~~ 122075

(C) Award to ~~the patient~~ a resident and a ~~person~~ sponsor or 122076
~~public agency~~ government entity that brings ~~an~~ the action on 122077
behalf of a ~~patient~~ resident actual damages, costs, and reasonable 122078
attorney's fees. 122079

Sec. 5165.082. (A) Except as provided in division (B) of this 122080
section, the operator of a nursing facility that elects to have 122081
the nursing facility participate in the medicaid program shall 122082
qualify all of the nursing facility's medicaid-certified beds in 122083
the medicare program. The medicaid director may adopt rules under 122084
section 5165.02 of the Revised Code to establish the time frame in 122085
which a nursing facility must comply with this requirement. 122086

(B) The department of veterans services is not required to 122088
qualify all of the medicaid-certified beds in a nursing facility 122089
the department maintains and operates under section 5907.01 of the 122090
Revised Code in the medicare program. 122091

Sec. ~~5111.26~~ 5165.10. (A)~~(1)(a)~~ Except as provided in 122092
division ~~(A)(1)(b)~~ (D) of this section, each nursing facility 122093
provider shall file with the department of ~~job and family services~~ 122094
medicaid an annual cost report for each of the provider's nursing 122095

facilities and intermediate care facilities for the mentally 122096
retarded that participate in the medicaid program. A provider 122097
shall prepare the reports in accordance with guidelines 122098
established by the department. A The cost report for a year shall 122099
cover a the calendar year or the portion of a the calendar year 122100
during which the nursing facility participated in the medicaid 122101
program. A provider shall file the reports within Except as 122102
provided in division (E) of this section, the cost report is due 122103
not later than ninety days after the end of the calendar year, or 122104
portion of the calendar year, that the cost report covers. The 122105
department, for good cause, may grant a fourteen day extension of 122106
the time for filing cost reports upon written request from a 122107
provider. The director of job and family services shall prescribe, 122108
in rules adopted under section 5111.02 of the Revised Code, the 122109
cost reporting form and a uniform chart of accounts for the 122110
purpose of cost reporting, and shall distribute cost reporting 122111
forms or computer software for electronic submission of the cost 122112
report to each provider at least sixty days before the reporting 122113
date. 122114

(b) ~~If rates for a provider's nursing facility or 122115
intermediate care facility for the mentally retarded were most 122116
recently established under section 5111.254 or 5111.255 of the 122117
Revised Code, the provider shall submit a cost report for that 122118
facility no later than ninety days after the end of the facility's 122119
first three full calendar months of operation. If a nursing 122120
facility or intermediate care facility for the mentally retarded 122121
undergoes a change of provider that the department determines, in 122122
accordance with rules adopted under section 5111.02 of the Revised 122123
Code, is an arm's length transaction, the new provider shall 122124
submit a cost report for that facility not later than ninety days 122125
after the end of the facility's first three full calendar months 122126
of operation under the new provider. The provider of a facility 122127
that opens or undergoes a change of provider that is an arm's 122128~~

~~length transaction after the first day of October in any calendar year is not required to file a cost report for that calendar year.~~ 122129
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~~(e)(B)~~ If a nursing facility undergoes a change of provider that the department determines, in accordance with rules adopted under section ~~5111.02~~ 5165.02 of the Revised Code, is not an ~~arms~~ arm's length transaction, the new provider shall file a the nursing facility's cost report ~~under~~ in accordance with division (A)(1)(a) of this section ~~for the facility. The~~ and the cost report shall cover the portion of the calendar year during which the new provider operated the nursing facility and the portion of the calendar year during which the previous provider operated the nursing facility. 122131
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~~(2) If a provider required to submit a cost report for a nursing facility or intermediate care facility for the mentally retarded does not file the report within the required time period or within fourteen days thereafter if an extension is granted under division (A)(1)(a) of this section, or files an incomplete or inadequate report for the facility, the department shall provide immediate written notice to the provider that the provider agreement for the facility will be terminated in thirty days unless the provider submits a complete and adequate cost report for the facility within thirty days. During the thirty day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the facility's then current per resident per day rate, minus two dollars. On July 1, 1994, the department shall adjust the two dollar reduction to reflect the rate of inflation during the preceding twelve months, as shown in the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics. On July 1, 1995, and the first day of July of each year thereafter, the department shall adjust the amount of the~~ 122141
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~~reduction in effect during the previous twelve months to reflect 122161
the rate of inflation during the preceding twelve months, as shown 122162
in the same index. 122163~~

~~(B) No provider shall report fines paid under sections 122164
5111.35 to 5111.62 or section 5111.99 of the Revised Code in any 122165
cost report filed under this section. 122166~~

~~(C) The department shall develop an addendum to the cost 122167
report form that a provider may use to set forth costs that the 122168
provider believes may be disputed by the department. Any costs 122169
reported by the provider on the addendum may be considered by the 122170
department in setting the facility's rate. If the department does 122171
not consider the costs listed on the addendum in setting the 122172
facility's rate, the provider may seek reconsideration of that 122173
determination under section 5111.29 of the Revised Code. If the 122174
department subsequently includes the costs listed in the addendum 122175
in the facility's rate, the department shall pay the provider 122176
interest at a reasonable rate established in rules adopted under 122177
section 5111.02 of the Revised Code for the time that the rate 122178
paid excluded the costs. If the medicaid payment rate for a new 122179
nursing facility was most recently determined in accordance with 122180
section 5165.151 of the Revised Code, the provider shall file with 122181
the department a cost report for the new nursing facility not 122182
later than, except as provided in division (E) of this section, 122183
ninety days after the end of the new nursing facility's first 122184
three full calendar months of operation. The cost report shall 122185
cover the period that begins with the nursing facility's first day 122186
of operation and ends on the first day of the month immediately 122187
following the first three full months of operation. 122188~~

~~(D) A nursing facility provider is not required to file a 122189
cost report for a nursing facility for a calendar year in 122190
accordance with division (A) of this section if the provider files 122191
a cost report for the nursing facility under division (C) of this 122192~~

section and that cost report covers a period that begins after the 122193
first day of October of that calendar year. The provider shall 122194
file a cost report for the nursing facility in accordance with 122195
division (A) of this section for the immediately following 122196
calendar year. 122197

(E) The department may grant to a provider a fourteen-day 122198
extension to file a cost report under this section if the provider 122199
provides the department a written request for the extension and 122200
the department determines that there is good cause for the 122201
extension. 122202

Sec. ~~5111.266~~ 5165.101. A nursing facility provider ~~of a~~ 122203
~~nursing facility~~ filing the nursing facility's cost report with 122204
the department of ~~job and family services~~ medicaid under section 122205
~~5111.26~~ 5165.10 or 5165.522 of the Revised Code shall report as a 122206
nonreimbursable expense the cost of the nursing facility's 122207
franchise permit fee. 122208

Sec. 5165.102. No nursing facility provider shall report 122209
finer paid under sections 5165.60 to 5165.89 or section 5165.99 of 122210
the Revised Code in a cost report filed under section 5165.10 or 122211
5165.522 of the Revised Code. 122212

Sec. 5165.103. Cost reports shall be completed using the form 122213
prescribed under section 5165.104 of the Revised Code and in 122214
accordance with the guidelines established under that section. 122215

Sec. 5165.104. The department of medicaid shall do all of the 122216
following: 122217

(A) Prescribe the form to be used for completing a cost 122218
report and a uniform chart of accounts for the purpose of 122219
reporting costs on the form; 122220

(B) Distribute a paper copy of the form, or computer software for electronic submission of the form, to each provider at least sixty days before the date the cost report is due; 122221
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(C) Establish guidelines for completing the form. 122224

Sec. 5165.105. The department of medicaid shall develop an addendum to the cost report form that a nursing facility provider may use to set forth costs that the provider believes the department may dispute. The department may consider such costs in determining a nursing facility's medicaid payment rate. If the department does not consider such costs in determining a nursing facility's medicaid payment rate, the provider may seek reconsideration of the determination in accordance with section 5165.38 of the Revised Code. If the department subsequently includes such costs in a nursing facility's medicaid payment rate, the department shall pay the provider interest at a reasonable rate established in rules adopted under section 5165.02 of the Revised Code for the period that the rate excluded the costs. 122225
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Sec. 5165.106. If a nursing facility provider required by section 5165.10 of the Revised Code to file a cost report for the nursing facility fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (E) of that section, or files an incomplete or inadequate report for the nursing facility under that section, the department of medicaid shall provide immediate written notice to the provider that the provider agreement for the nursing facility will be terminated in thirty days unless the provider submits a complete and adequate cost report for the nursing facility within thirty days. During the thirty-day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the nursing facility's then current per medicaid day 122238
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payment rate, minus the dollar amount by which nursing facility's 122252
per medicaid day payment rates are reduced during fiscal year 2013 122253
in accordance with division (A)(2) of section 5111.26 of the 122254
Revised Code (renumbered as section 5165.10 of the Revised Code by 122255
H.B. 59 of the 130th general assembly) as that section existed on 122256
the day immediately preceding the effective date of this section. 122257
On the first day of each July, the department shall adjust the 122258
amount of the reduction in effect during the previous twelve 122259
months to reflect the rate of inflation during the preceding 122260
twelve months, as shown in the consumer price index for all items 122261
for all urban consumers for the north central region, published by 122262
the United States bureau of labor statistics. 122263

Sec. ~~5111.261~~ 5165.107. (A) Except as provided in division 122264
(B) of this section and not later than three years after a nursing 122265
facility provider files a cost report with the department of ~~job~~ 122266
~~and family services~~ medicaid under section ~~5111.26~~ 5165.10 of the 122267
Revised Code, the provider may amend the cost report if the 122268
provider discovers a material error in the cost report or 122269
additional information to be included in the cost report. The 122270
department shall review the amended cost report for accuracy and 122271
notify the provider of its determination. 122272

(B) A provider may not amend a cost report if the department 122273
has notified the provider that an audit of the cost report or a 122274
cost report of the provider for a subsequent cost reporting period 122275
is to be conducted under section ~~5111.27~~ 5165.109 of the Revised 122276
Code. The provider may, however, provide the department 122277
information that affects the costs included in the cost report. 122278
Such information may not be provided after the adjudication of the 122279
final settlement of the cost report. 122280

Sec. ~~5111.27~~ 5165.108. (A) The department of ~~job and family~~ 122281

~~services~~ medicaid shall conduct a desk review of each cost report 122282
it receives under section ~~5111.26~~ 5165.10 or 5165.522 of the 122283
Revised Code. Based on the desk review, the department shall make 122284
a preliminary determination of whether the reported costs are 122285
allowable costs. The department shall notify each nursing facility 122286
provider of whether any of the reported costs are preliminarily 122287
determined not to be allowable, the medicaid payment rate 122288
calculation determined under ~~sections 5111.20 to 5111.331~~ of the 122289
~~Revised Code~~ this chapter that results from that determination, 122290
and the reasons for the determination and resulting rate. The 122291
department shall allow the provider to verify the calculation and 122292
submit additional information. 122293

~~(B) The department may conduct an audit, as defined by rule 122294
adopted under section 5111.02 of the Revised Code, of any cost 122295
report. The decision whether to conduct an audit and the scope of 122296
the audit, which may be a desk or field audit, may be determined 122297
based on prior performance of the provider, a risk analysis, or 122298
other evidence that gives the department reason to believe that 122299
the provider has reported costs improperly. A desk or field audit 122300
may be performed annually, but is required whenever a provider 122301
does not pass the risk analysis tolerance factors. An audit shall 122302
be conducted by auditors under contract with or employed by the 122303
department. The department shall notify a provider of the findings 122304
of an audit by issuing an audit report. An audit report regarding 122305
a nursing facility shall include notice of any fine imposed under 122306
section 5111.271 of the Revised Code. The department shall issue 122307
the audit report no later than three years after the cost report 122308
is filed, or upon the completion of a desk or field audit on the 122309
report or a report for a subsequent cost reporting period, 122310
whichever is earlier. 122311~~

~~The department may establish a contract for the auditing of 122312
facilities by outside firms. Each contract entered into by bidding 122313~~

~~shall be effective for one to two years. The department shall 122314
establish an audit manual and program which shall require that all 122315
field audits, conducted either pursuant to a contract or by 122316
department employees: 122317~~

~~(1) Comply with the applicable rules prescribed pursuant to 122318
Titles XVIII and XIX; 122319~~

~~(2) Consider generally accepted auditing standards prescribed 122320
by the American institute of certified public accountants; 122321~~

~~(3) Include a written summary as to whether the costs 122322
included in the report examined during the audit are allowable and 122323
are presented in accordance with state and federal laws and 122324
regulations, and whether, in all material respects, allowable 122325
costs are documented, reasonable, and related to patient care; 122326~~

~~(4) Are conducted by accounting firms or auditors who, during 122327
the period of the auditors' professional engagement or employment 122328
and during the period covered by the cost reports, do not have nor 122329
are committed to acquire any direct or indirect financial interest 122330
in the ownership, financing, or operation of a nursing facility or 122331
intermediate care facility for the mentally retarded in this 122332
state; 122333~~

~~(5) Are conducted by accounting firms or auditors who, as a 122334
condition of the contract or employment, shall not audit any 122335
facility that has been a client of the firm or auditor; 122336~~

~~(6) Are conducted by auditors who are otherwise independent 122337
as determined by the standards of independence included in the 122338
government auditing standards produced by the United States 122339
government accountability office; 122340~~

~~(7) Are completed within the time period specified by the 122341
department; 122342~~

~~(8) Provide to the provider complete written interpretations 122343~~

~~that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's facility is entitled.~~

~~For the purposes of division (B)(4) of this section, employment of a member of an auditor's family by a nursing facility or intermediate care facility for the mentally retarded that the auditor does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the facility.~~

~~(C) The department, pursuant to rules adopted under section 5111.02 of the Revised Code, may conduct an exception review of assessment data submitted under section 5111.232 of the Revised Code. The department may conduct an exception review based on the findings of a certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.~~

~~Exception reviews shall be conducted at the facility by appropriate health professionals under contract with or employed by the department of job and family services. The professionals may review resident assessment forms and supporting documentation, conduct interviews, and observe residents to identify any patterns or trends of inaccurate assessments and resulting inaccurate case mix scores.~~

~~The rules shall establish an exception review program that requires that exception reviews do all of the following:~~

- ~~(1) Comply with Titles XVIII and XIX;~~
- ~~(2) Provide a written summary that states whether the resident assessment forms have been completed accurately;~~
- ~~(3) Are conducted by health professionals who, during the~~

~~period of their professional engagement or employment with the 122375
department, neither have nor are committed to acquire any direct 122376
or indirect financial interest in the ownership, financing, or 122377
operation of a nursing facility or intermediate care facility for 122378
the mentally retarded in this state; 122379~~

~~(4) Are conducted by health professionals who, as a condition 122380
of their engagement or employment with the department, shall not 122381
review any provider that has been a client of the professional. 122382~~

~~For the purposes of division (C)(3) of this section, 122383
employment of a member of a health professional's family by a 122384
nursing facility or intermediate care facility for the mentally 122385
retarded that the professional does not review does not constitute 122386
a direct or indirect financial interest in the ownership, 122387
financing, or operation of the facility. 122388~~

~~If an exception review is conducted before the effective date 122389
of the rate that is based on the case mix data subject to the 122390
review and the review results in findings that exceed tolerance 122391
levels specified in the rules adopted under this division, the 122392
department, in accordance with those rules, may use the findings 122393
to recalculate individual resident case mix scores, quarterly 122394
average facility case mix scores, and annual average facility 122395
case mix scores. The department may use the recalculated quarterly 122396
and annual facility average case mix scores to calculate the 122397
facility's rate for direct care costs for the appropriate calendar 122398
quarter or quarters. 122399~~

~~(D) The department shall prepare a written summary of any 122400
audit disallowance or exception review finding that is made after 122401
the effective date of the rate that is based on the cost or 122402
case mix data. Where the provider is pursuing judicial or 122403
administrative remedies in good faith regarding the disallowance 122404
or finding, the department shall not withhold from the provider's 122405
current payments any amounts the department claims to be due from 122406~~

~~the provider pursuant to section 5111.28 of the Revised Code.~~ 122407

~~(E) The department shall not reduce rates calculated under 122408
sections 5111.20 to 5111.331 of the Revised Code on the basis that 122409
the provider charges a lower rate to any resident who is not 122410
eligible for the medicaid program. 122411~~

~~(F) The department shall adjust the rates calculated under 122412
sections 5111.20 to 5111.331 of the Revised Code to account for 122413
reasonable additional costs that must be incurred by intermediate 122414
care facilities for the mentally retarded to comply with 122415
requirements of federal or state statutes, rules, or policies 122416
enacted or amended after January 1, 1992, or with orders issued by 122417
state or local fire authorities. 122418~~

Sec. 5165.109. (A) The department of medicaid may conduct an 122419
audit, as defined in rules adopted under section 5165.02 of the 122420
Revised Code, of any cost report filed under section 5165.10 or 122421
5165.522 of the Revised Code. The decision whether to conduct an 122422
audit and the scope of the audit, which may be a desk or field 122423
audit, may be determined based on prior performance of the 122424
provider, a risk analysis, or other evidence that gives the 122425
department reason to believe that the provider has reported costs 122426
improperly. A desk or field audit may be performed annually, but 122427
is required whenever a provider does not pass the risk analysis 122428
tolerance factors. 122429

(B) Audits shall be conducted by auditors under contract with 122430
the department, auditors working for firms under contract with the 122431
department, or auditors employed by the department. 122432

The department may establish a contract for the auditing of 122433
nursing facilities by outside firms. Each contract entered into by 122434
bidding shall be effective for one to two years. 122435

(C) The department shall notify a provider of the findings of 122436

an audit of a cost report by issuing an audit report. The audit report shall include notice of any fine imposed under section 5165.1010 of the Revised Code. The department shall issue the audit report not later than three years after the earlier of the following:

(1) The date the cost report is filed;

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed.

(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the Revised Code.

(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following:

(a) Require each field audit to be conducted by an auditor to whom all of the following apply:

(i) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state.

(ii) The auditor does not audit any provider that has been a

client of the auditor or the auditor's firm. 122468

(iii) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office. 122469
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(b) Require each auditor conducting a field audit to do all of the following: 122473
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(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX; 122475
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(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants; 122477
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(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care; 122480
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(iv) Complete the audit within the time period specified by the department; 122486
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(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled. 122488
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(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a 122495
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direct or indirect financial interest in the ownership, financing, 122498
or operation of the nursing facility. 122499

Sec. ~~5111.271~~ 5165.1010. (A) Subject to division (D) of this 122500
section, the department of ~~job and family services~~ medicaid shall 122501
fine the provider of a nursing facility if the report of an audit 122502
conducted under ~~division (B) of section 5111.27~~ 5165.109 of the 122503
Revised Code regarding a cost report for the nursing facility 122504
includes either of the following: 122505

(1) Adverse findings that exceed three per cent of the total 122506
amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported 122507
in the cost report; 122508

(2) Adverse findings that exceed twenty per cent of 122509
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 122510
cost center reported in the cost report. 122511

(B) A fine issued under this section shall equal the greatest 122512
of the following: 122513

(1) If the adverse findings exceed three per cent but do not 122514
exceed ten per cent of the total amount of ~~medicaid-reimbursable~~ 122515
medicaid-allowable costs reported in the cost report, the greater 122516
of three per cent of those reported costs or ten thousand dollars; 122517

(2) If the adverse findings exceed ten per cent but do not 122518
exceed twenty per cent of the total amount of 122519
~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 122520
cost report, the greater of six per cent of those reported costs 122521
or twenty-five thousand dollars; 122522

(3) If the adverse findings exceed twenty per cent of the 122523
total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs 122524
reported in the cost report, the greater of ten per cent of those 122525
reported costs or fifty thousand dollars; 122526

(4) If the adverse findings exceed twenty per cent but do not 122527

exceed twenty-five per cent of ~~medicaid-reimbursable~~ 122528
medicaid-allowable costs for a particular cost center reported in 122529
the cost report, the greater of three per cent of the total amount 122530
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 122531
cost report or ten thousand dollars; 122532

(5) If the adverse findings exceed twenty-five per cent but 122533
do not exceed thirty per cent of ~~medicaid-reimbursable~~ 122534
medicaid-allowable costs for a particular cost center reported in 122535
the cost report, the greater of six per cent of the total amount 122536
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 122537
cost report or twenty-five thousand dollars; 122538

(6) If the adverse findings exceed thirty per cent of 122539
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 122540
cost center reported in the cost report, the greater of ten per 122541
cent of the total amount of ~~medicaid-reimbursable~~ 122542
medicaid-allowable costs reported in the cost report or fifty 122543
thousand dollars. 122544

(C) Fines paid under this section shall be deposited into the 122545
health care services administration fund created under section 122546
~~5111.94~~ 5162.54 of the Revised Code. 122547

(D) The department may not collect a fine under this section 122548
until all appeal rights relating to the audit report that is the 122549
basis for the fine are exhausted. 122550

Sec. ~~5111.222~~ 5165.15. (A) ~~As used in this section, "low~~ 122551
~~resource utilization resident" means a medicaid recipient residing~~ 122552
~~in a nursing facility who, for purposes of calculating the nursing~~ 122553
~~facility's medicaid reimbursement rate for direct care costs, is~~ 122554
~~placed in either of the two lowest resource utilization groups,~~ 122555
~~excluding any resource utilization group that is a default group~~ 122556
~~used for residents with incomplete assessment data.~~ 122557

~~(B)~~ Except as otherwise provided by sections ~~5111.20~~ 5165.151 122558
to ~~5111.331~~ 5165.156 and 5165.34 of the Revised Code ~~and by~~ 122559
~~division (C) of this section,~~ the total per medicaid day payment 122560
rate that the department of ~~job and family services~~ medicaid shall 122561
agree to pay for a fiscal year to the provider of a nursing 122562
facility ~~pursuant to a provider agreement~~ provider for nursing 122563
facility services the provider's nursing facility provides during 122564
a fiscal year shall equal the sum of all of the following: 122565

~~(1) The rate for direct care costs determined for the nursing~~ 122566
~~facility under section 5111.231 of the Revised Code;~~ 122567

~~(2) The per medicaid day payment rate for ancillary and~~ 122568
~~support costs determined for the nursing facility's ancillary and~~ 122569
~~support cost peer group facility under section 5111.24~~ 5165.16 of 122570
the Revised Code; 122571

~~(3)~~(2) The per medicaid day payment rate for capital costs 122572
determined for the nursing facility under section 5165.17 of the 122573
Revised Code; 122574

(3) The per medicaid day payment rate for direct care costs 122575
determined for the nursing facility under section 5165.19 of the 122576
Revised Code; 122577

(4) The per medicaid day payment rate for tax costs 122578
determined for the nursing facility under section ~~5111.242~~ 5165.21 122579
of the Revised Code; 122580

~~(4) The quality incentive payment paid to the nursing~~ 122581
~~facility under section 5111.244 of the Revised Code;~~ 122582

(5) If the nursing facility qualifies as a critical access 122583
nursing facility, the nursing facility's critical access incentive 122584
payment paid to the nursing facility under section ~~5111.246~~ 122585
5165.23 of the Revised Code; 122586

~~(6) The rate for capital costs determined for the nursing~~ 122587

~~facility's capital costs peer group under section 5111.25 quality~~ 122588
~~incentive payment paid to the nursing facility under section~~ 122589
~~5165.25 of the Revised Code.~~ 122590

~~(C) The total rate determined under division (B) of this~~ 122591
~~section shall not be paid for nursing facility services provided~~ 122592
~~to low resource utilization residents. Instead, the total rate for~~ 122593
~~nursing facility services that a nursing facility provides to low~~ 122594
~~resource utilization residents shall be one hundred thirty dollars~~ 122595
~~per medicaid day.~~ 122596

~~(D)(B)~~ In addition to paying a nursing facility provider the 122597
nursing facility's total rate determined under division ~~(B)~~ ~~or~~ 122598
~~(C)(A)~~ of this section for a fiscal year, the department shall pay 122599
the provider a quality bonus under section ~~5111.245~~ 5165.26 of the 122600
Revised Code for that fiscal year if the provider's nursing 122601
facility is a qualifying nursing facility, as defined in that 122602
section, for that fiscal year. The quality bonus shall not be part 122603
of the total rate. 122604

Sec. ~~5111.254~~ 5165.151. (A) ~~The department of job and family~~ 122605
~~services shall establish initial rates for a nursing facility with~~ 122606
~~a first date of licensure that is on or after July 1, 2006,~~ 122607
~~including a facility that replaces one or more existing~~ 122608
~~facilities, or for a nursing facility with a first date of~~ 122609
~~licensure before that date that was initially certified for the~~ 122610
~~medicaid program on or after that date, total per medicaid day~~ 122611
~~payment rate determined under section 5165.15 of the Revised Code~~ 122612
~~shall not be the initial rate for nursing facility services~~ 122613
~~provided by a new nursing facility. Instead, the initial total per~~ 122614
~~medicaid day payment rate for nursing facility services provided~~ 122615
~~by a new nursing facility shall be determined in the following~~ 122616
manner: 122617

(1) The initial rate for ancillary and support costs shall be 122618

the rate for the new nursing facility's peer group determined 122619
under division (D) of section 5165.16 of the Revised Code. 122620

(2) The initial rate for capital costs shall be the rate for 122621
the new nursing facility's peer group determined under division 122622
(D) of section 5165.17 of the Revised Code; 122623

(3) The initial rate for direct care costs shall be the 122624
product of the cost per case-mix unit determined under division 122625
(D) of section ~~5111.231~~ 5165.19 of the Revised Code for the new 122626
nursing facility's peer group and the new nursing facility's 122627
case-mix score determined under division (B) of this section. For 122628
the purpose of division (A)(1) of this section, the nursing 122629
facility's case mix score shall be the following: 122630

(a) Unless the nursing facility replaces an existing nursing 122631
facility that participated in the medicaid program immediately 122632
before the replacement nursing facility begins participating in 122633
the medicaid program, the median annual average case mix score for 122634
the nursing facility's peer group; 122635

(b) If the nursing facility replaces an existing nursing 122636
facility that participated in the medicaid program immediately 122637
before the replacement nursing facility begins participating in 122638
the medicaid program, the semiannual case mix score most recently 122639
determined under section 5111.232 of the Revised Code for the 122640
replaced nursing facility as adjusted, if necessary, to reflect 122641
any difference in the number of beds in the replaced and 122642
replacement nursing facilities. 122643

(2) The rate for ancillary and support costs shall be the 122644
rate for the facility's peer group determined under division (D) 122645
of section 5111.24 of the Revised Code. 122646

(3) The rate for capital costs shall be the rate for the 122647
facility's peer group determined under division (D) of section 122648
5111.25 of the Revised Code. 122649

(4) The initial rate for tax costs shall be the median rate 122650
for tax costs for the new nursing facility's peer group in which 122651
the nursing facility is placed under division (C) of section 122652
~~5111.24~~ 5165.16 of the Revised Code. 122653

(5) The quality incentive payment shall be the mean payment 122654
made to nursing facilities under section ~~5111.244~~ 5165.25 of the 122655
Revised Code. 122656

(B) For the purpose of division (A)(3) of this section, a new 122657
nursing facility's case-mix score shall be the following: 122658

(1) Unless the new nursing facility replaces an existing 122659
nursing facility that participated in the medicaid program 122660
immediately before the new nursing facility begins participating 122661
in the medicaid program, the median annual average case-mix score 122662
for the new nursing facility's peer group; 122663

(2) If the nursing facility replaces an existing nursing 122664
facility that participated in the medicaid program immediately 122665
before the new nursing facility begins participating in the 122666
medicaid program, the semiannual case-mix score most recently 122667
determined under section 5165.192 of the Revised Code for the 122668
replaced nursing facility as adjusted, if necessary, to reflect 122669
any difference in the number of beds in the replaced and new 122670
nursing facilities. 122671

(C) Subject to division ~~(C)~~(D) of this section, the 122672
department shall adjust the rates established under division (A) 122673
of this section effective the first day of July, to reflect new 122674
rate calculations for all nursing facilities under ~~sections~~ 122675
~~5111.20 to 5111.331 of the Revised Code~~ this chapter. 122676

~~(C)~~(D) If a rate for direct care costs is determined under 122677
this section for a new nursing facility using the median annual 122678
average case-mix score for the new nursing facility's peer group, 122679
the rate shall be redetermined to reflect the ~~replacement~~ new 122680

nursing facility's actual semiannual average case-mix score 122681
determined under section ~~5111.232~~ 5165.192 of the Revised Code 122682
after the new nursing facility submits its first two quarterly 122683
assessment data that qualify for use in calculating a case-mix 122684
score in accordance with rules authorized by ~~division (E) of~~ 122685
section ~~5111.232~~ 5165.192 of the Revised Code. If the new nursing 122686
facility's quarterly submissions do not qualify for use in 122687
calculating a case-mix score, the department shall continue to use 122688
the median annual average case-mix score for the new nursing 122689
facility's peer group in lieu of the new nursing facility's 122690
semiannual case-mix score until the new nursing facility submits 122691
two consecutive quarterly assessment data that qualify for use in 122692
calculating a case-mix score. 122693

Sec. 5165.152. The total per medicaid day payment rate 122694
determined under section 5165.15 of the Revised Code shall not be 122695
paid for nursing facility services provided to low resource 122696
utilization residents. Instead, the total rate for such nursing 122697
facility services shall be one hundred thirty dollars per medicaid 122698
day. 122699

Sec. ~~5111.258~~ 5165.153. (A) ~~Notwithstanding sections 5111.20~~ 122700
~~to 5111.331 of the Revised Code (except section 5111.259 of the~~ 122701
~~Revised Code), the director of job and family services shall adopt~~ 122702
~~rules under section 5111.02 of the Revised Code that establish a~~ 122703
~~methodology for calculating the prospective rates that will be~~ 122704
~~paid each fiscal year to a provider for each of the provider's~~ 122705
~~eligible nursing facilities and intermediate care facilities for~~ 122706
~~the mentally retarded, and discrete units of the provider's~~ 122707
~~nursing facilities or intermediate care facilities for the~~ 122708
~~mentally retarded, that serve residents who have diagnoses The~~ 122709
total per medicaid day payment rate determined under section 122710
5165.15 of the Revised Code shall not be paid for nursing facility 122711

services provided by a nursing facility, or discrete unit of a 122712
nursing facility, designated by the department of medicaid as an 122713
outlier nursing facility or unit. Instead, the provider of a 122714
designated outlier nursing facility or unit shall be paid each 122715
fiscal year a total per medicaid day payment rate that the 122716
department shall prospectively determine in accordance with a 122717
methodology established in rules authorized by this section. 122718

(B) The department may designate a nursing facility, or 122719
discrete unit of a nursing facility, as an outlier nursing 122720
facility or unit if the nursing facility or unit serves residents 122721
who have either of the following: 122722

(1) Diagnoses or special care needs that require direct care 122723
resources that are not measured adequately by the applicable 122724
resident assessment instrument specified in rules authorized by 122725
section ~~5111.232~~ 5165.191 of the Revised Code, ~~or who have~~ 122726
diagnoses; 122727

(2) Diagnoses or special care needs specified in ~~the~~ rules 122728
authorized by this section as otherwise qualifying for 122729
consideration under this section. ~~The facilities and units of~~ 122730
~~facilities whose rates are established under this division may~~ 122731
~~include, but shall not be limited to, any of the following:~~ 122732

~~(1) In the case of nursing facilities, facilities and units~~ 122733
~~of facilities that serve medically fragile pediatric residents,~~ 122734
~~residents who are dependent on ventilators, or residents who have~~ 122735
~~severe traumatic brain injury, end stage Alzheimer's disease, or~~ 122736
~~end stage acquired immunodeficiency syndrome;~~ 122737

~~(2) In the case of intermediate care facilities for the~~ 122738
~~mentally retarded, facilities and units of facilities that serve~~ 122739
~~residents who have complex medical conditions or severe behavioral~~ 122740
~~problems.~~ 122741

~~The department shall use the methodology established under~~ 122742

~~this division to pay for services rendered by such facilities and units after June 30, 1993.~~ 122743
122744

(C) Notwithstanding any other provision of this chapter (except section 5165.156 of the Revised Code), the costs incurred by a designated outlier nursing facility or unit shall not be considered in establishing medicaid payment rates for other nursing facilities or units. 122745
122746
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(D) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section. 122750
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122752

(1)(a) The rules authorized by this division shall specify do both of the following: 122753
122754

(i) Specify the criteria and procedures the department will apply when designating facilities and units that qualify for calculation of rates under this division a nursing facility, or discrete unit of a nursing facility, as an outlier nursing facility or unit; 122755
122756
122757
122758
122759

(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for nursing facility services provided by a designated outlier nursing facility or unit. The criteria shall include 122760
122761
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122763

(b) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall do both of the following: 122764
122765
122766

(i) Provide for consideration of whether all of the allowable costs of the a nursing facility, or discrete unit of a nursing facility, would be paid by rates established a rate determined under sections 5111.20 to 5111.331 section 5165.15 of the Revised Code, and shall establish a; 122767
122768
122769
122770
122771

(ii) Specify the minimum bed size for a number of nursing 122772

~~facility beds that a nursing facility, or discrete unit to qualify~~ 122773
~~to of a nursing facility, must have its rates established under~~ 122774
~~this division to be designated an outlier nursing facility or~~ 122775
~~unit, which may vary based on the diagnoses or special care needs~~ 122776
~~of the residents served by the nursing facility or unit. The~~ 122777
~~criteria shall not be designed to require that residents be served~~ 122778
~~only in~~ 122779

(c) The rules authorized by division (D)(1)(a)(i) of this 122780
section regarding the criteria for designating outlier nursing 122781
facilities and units shall not limit the designation to nursing 122782
facilities, or discrete units of nursing facilities, located in 122783
large cities. The 122784

(d) The rules authorized by division (D)(1)(a)(ii) of this 122785
section regarding the methodology for prospectively determining 122786
the rates of designated outlier nursing facilities and units shall 122787
provide for the methodology established by the rules shall to 122788
consider the historical costs of providing care nursing facility 122789
services to the residents of the designated outlier nursing 122790
facilities or and units. 122791

(2)(a) The rules may require do both of the following: 122792

(i) Include for designation as an outlier nursing facility or 122793
unit, a nursing facility, or discrete unit of a nursing facility, 122794
that serves medically fragile pediatric residents; residents who 122795
are dependent on ventilators; residents who have severe traumatic 122796
brain injury, end-stage Alzheimer's disease, or end-stage acquired 122797
immunodeficiency syndrome; or residents with other diagnoses or 122798
special care needs specified in the rules; 122799

(ii) Require that a designated outlier nursing facility 122800
designated under this division or containing a unit designated 122801
under this division receive authorization from the department to 122802
admit before admitting or retain retaining a resident to the 122803

~~facility or unit and.~~ 122804

(b) If the director adopts rules authorized by division 122805
(D)(2)(a)(ii) of this section regarding the authorization of a 122806
designated outlier nursing facility or unit to admit or retain a 122807
resident, the rules shall specify the criteria and procedures the 122808
department will apply when granting that authorization. 122809

~~Notwithstanding any other provision of sections 5111.20 to~~ 122810
~~5111.331 of the Revised Code (except section 5111.259 of the~~ 122811
~~Revised Code), the costs incurred by facilities or units whose~~ 122812
~~rates are established under this division shall not be considered~~ 122813
~~in establishing payment rates for other facilities or units.~~ 122814

~~(B) The director may adopt rules under section 5111.02 of the~~ 122815
~~Revised Code under which the department, notwithstanding any other~~ 122816
~~provision of sections 5111.20 to 5111.331 of the Revised Code~~ 122817
~~(except section 5111.259 of the Revised Code), may adjust the~~ 122818
~~rates determined under sections 5111.20 to 5111.331 of the Revised~~ 122819
~~Code for a facility that serves a resident who has a diagnosis or~~ 122820
~~special care need that, in the rules authorized by division (A) of~~ 122821
~~this section, would qualify a facility or unit of a facility to~~ 122822
~~have its rate determined under that division, but who is not in~~ 122823
~~such a unit. The rules may require that a facility that qualifies~~ 122824
~~for a rate adjustment under this division receive authorization~~ 122825
~~from the department to admit or retain a resident who qualifies~~ 122826
~~the facility for the rate adjustment and shall specify the~~ 122827
~~criteria and procedures the department will apply when granting~~ 122828
~~that authorization.~~ 122829

Sec. 5165.154. (A) To the extent, if any, provided for in 122830
rules authorized by this section, the total per medicaid day 122831
payment rate determined under section 5165.15 of the Revised Code 122832
shall not be paid for nursing facility services that a nursing 122833
facility not designated as an outlier nursing facility or unit 122834

provides to a resident who meets the criteria for admission to a 122835
designated outlier nursing facility or unit, as specified in rules 122836
authorized by section 5165.153 of the Revised Code. Instead, the 122837
provider of a nursing facility providing nursing facility services 122838
to such a resident shall be paid each fiscal year a total per 122839
medicaid day payment rate that the department of medicaid shall 122840
prospectively determine in accordance with a methodology 122841
established in rules authorized by this section. 122842

(B) The medicaid director may adopt rules under section 122843
5165.02 of the Revised Code to implement this section. The rules 122844
may require that a nursing facility receive authorization from the 122845
department before admitting or retaining a resident who meets the 122846
criteria for admission to a designated outlier nursing facility or 122847
unit. If the director adopts such rules, the rules shall specify 122848
the criteria and procedures the department will apply when 122849
granting the authorization. 122850

Sec. ~~5111.225~~ 5165.155. (A) As used in this section: 122851

~~"Dual eligible individual" has the same meaning as in section~~ 122852
~~1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010),~~ 122853
~~42 U.S.C. 1396n(h)(2)(B).~~ 122854

~~"Medicaid, "medicaid maximum allowable amount" means one~~ 122855
~~hundred per cent of a nursing facility's total per diem medicaid~~ 122856
~~day payment rate for a medicaid day.~~ 122857

(B) The ~~Instead of paying the total per medicaid day payment~~ 122858
rate determined under section 5165.15 of the Revised Code, the 122859
department of ~~job and family services~~ medicaid shall pay the 122860
provider of a nursing facility the lesser of the following for 122861
nursing facility services the nursing facility provides on or 122862
after January 1, 2012, to a dual eligible individual who is 122863
eligible for nursing facility services under the medicaid program 122864

and post-hospital extended care services under Part A of Title 122865
XVIII: 122866

(1) The coinsurance amount for the services as provided under 122867
Part A of Title XVIII; 122868

(2) The medicaid maximum allowable amount for the services, 122869
less the amount paid under Part A of Title XVIII for the services. 122870

Sec. ~~5111.259~~ 5165.156. The medicaid director ~~of job and~~ 122871
~~family services~~ may ~~submit a request to the United States~~ 122872
~~secretary of health and human services for approval to~~ establish a 122873
centers of excellence component of the medicaid program. The 122874
purpose of the centers of excellence component is to increase the 122875
efficiency and quality of nursing facility services provided to 122876
medicaid recipients with complex nursing facility service needs. 122877
~~If federal approval for the centers of excellence component is~~ 122878
~~granted, the~~ The director may adopt rules under section ~~5111.02~~ 122879
5165.02 of the Revised Code governing the component, including 122880
rules that establish a method of determining the medicaid 122881
~~reimbursement~~ payment rates for nursing facilities providing 122882
nursing facility services to medicaid recipients participating in 122883
the component. The rules may specify the extent to which, if any, 122884
of the provisions of ~~section 5111.258~~ sections 5165.153 and 122885
5165.154 of the Revised Code are to apply to the centers of 122886
excellence component. If such rules are adopted, the nursing 122887
facilities that provide nursing facility services to medicaid 122888
recipients participating in the centers of excellence component 122889
shall be paid for those services in accordance with the method 122890
established in the rules ~~notwithstanding anything to the contrary~~ 122891
~~in sections 5111.20 to 5111.331~~ instead of the total per medicaid 122892
day payment rate determined under section 5165.15 of the Revised 122893
Code. 122894

~~Sec. 5111.24~~ 5165.16. (A) As used in this section: 122895

(1) "Applicable calendar year" means the following: 122896

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's rate for ancillary and support costs, calendar year 2003; 122897
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122899
122900

(b) For the purpose of the department's rebasings, the calendar year the department selects. 122901
122902

(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups~~ group's rate for ancillary and support costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates. 122903
122904
122905
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(B) The department of ~~job and family services~~ medicaid shall ~~pay a provider for~~ determine each of the provider's eligible nursing facilities ~~a facility's~~ per resident per medicaid day ~~payment~~ rate for ancillary and support costs ~~determined for the.~~ A nursing facility's peer group rate shall be the rate determined under division (D) of this section for the nursing facility's peer group. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following: 122908
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(1) If the nursing facility has fewer than one hundred beds, the nursing facilities in peer group three; 122918
122919

(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four. 122920
122921

(C) For the purpose of determining nursing facilities' ~~rate~~ rates for ancillary and support costs, the department shall establish six peer groups. 122922
122923
122924

Each (1) Until the first rebasing occurs, the peer groups 122925
shall be composed as follows: 122926

(a) Each nursing facility located in any of the following 122927
counties shall be placed in peer group one or two: Brown, Butler, 122928
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 122929
located in any of those counties that has fewer than one hundred 122930
beds shall be placed in peer group one. Each nursing facility 122931
located in any of those counties that has one hundred or more beds 122932
shall be placed in peer group two. 122933

(b) Each nursing facility located in any of the following 122934
counties shall be placed in peer group three or four: Ashtabula, 122935
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 122936
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 122937
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 122938
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 122939
Union, and Wood. Each nursing facility located in any of those 122940
counties that has fewer than one hundred beds shall be placed in 122941
peer group three. Each nursing facility located in any of those 122942
counties that has one hundred or more beds shall be placed in peer 122943
group four. 122944

(c) Each nursing facility located in any of the following 122945
counties shall be placed in peer group five or six: Adams, Allen, 122946
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 122947
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 122948
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 122949
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 122950
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 122951
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 122952
Washington, Wayne, Williams, and Wyandot. Each nursing facility 122953
located in any of those counties that has fewer than one hundred 122954
beds shall be placed in peer group five. Each nursing facility 122955
located in any of those counties that has one hundred or more beds 122956

shall be placed in peer group six. 122957

(2) Beginning with the first rebasing, the peer groups shall 122958
be composed as they are under division (C)(1) of this section 122959
except as follows: 122960

(a) Each nursing facility that has fewer than one hundred 122961
beds and is located in Mahoning or Stark county shall be placed in 122962
peer group three rather than peer group five. 122963

(b) Each nursing facility that has one hundred or more beds 122964
and is located in Mahoning or Stark county shall be placed in peer 122965
group four rather than peer group six. 122966

(D)(1) The department shall determine the rate for ancillary 122967
and support costs for each peer group established under division 122968
(C) of this section. The department is not required to conduct a 122969
rebasing more than once every ten years. Except as necessary to 122970
implement the amendments made to this section by Am. Sub. H.B. 153 122971
and Sub. H.B. 303, both of the 129th general assembly, the rate 122972
for ancillary and support costs determined under this division for 122973
a peer group shall be used for subsequent years until the 122974
department conducts a rebasing. To determine a peer group's rate 122975
for ancillary and support costs, the department shall do all of 122976
the following: 122977

(a) Subject to division (D)(2) of this section, determine the 122978
rate for ancillary and support costs for each nursing facility in 122979
the peer group for the applicable calendar year by using the 122980
greater of the nursing facility's actual inpatient days for the 122981
applicable calendar year or the inpatient days the nursing 122982
facility would have had for the applicable calendar year if its 122983
occupancy rate had been ninety per cent; 122984

(b) Subject to division (D)(3) of this section, identify 122985
which nursing facility in the peer group is at the twenty-fifth 122986
percentile of the rate for ancillary and support costs for the 122987

applicable calendar year determined under division (D)(1)(a) of 122988
this section; 122989

(c) Multiply the rate for ancillary and support costs 122990
determined under division (D)(1)(a) of this section for the 122991
nursing facility identified under division (D)(1)(b) of this 122992
section by the rate of inflation for the eighteen-month period 122993
beginning on the first day of July of the applicable calendar year 122994
and ending the last day of December of the calendar year 122995
immediately following the applicable calendar year using the 122996
following: 122997

(i) Until the first rebasing occurs, the consumer price index 122998
for all items for all urban consumers for the north central 122999
region, published by the United States bureau of labor statistics, 123000
as that index existed on July 1, 2005; 123001

(ii) Effective with the first rebasing and except as provided 123002
in division (D)(1)(c)(iii) of this section, the consumer price 123003
index for all items for all urban consumers for the midwest 123004
region, published by the United States bureau of labor statistics; 123005

(iii) If the United States bureau of labor statistics ceases 123006
to publish the index specified in division (D)(1)(c)(ii) of this 123007
section, the index the bureau subsequently publishes that covers 123008
urban consumers' prices for items for the region that includes 123009
this state. 123010

(d) Until the first rebasing occurs, increase the amount 123011
calculated under division (D)(1)(c) of this section by five and 123012
eight hundredths per cent. 123013

(2) For the purpose of determining a nursing facility's 123014
occupancy rate under division (D)(1)(a) of this section, the 123015
department shall include any beds that the nursing facility 123016
removes from its medicaid-certified capacity unless the nursing 123017
facility also removes the beds from its licensed bed capacity. 123018

(3) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(4) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

Sec. ~~5111.25~~ 5165.17. (A) As used in this section:

(1) "Applicable calendar year" means the following:

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's rate for capital costs, calendar year 2003;

(b) For the purpose of the department's rebasings, the calendar year the department selects.

(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups~~ group's rate for capital costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.

(B) The department of ~~job and family services~~ medicaid shall 123049
~~pay a provider for~~ determine each of the provider's eligible 123050
~~nursing facilities~~ a facility's per ~~resident~~ per medicaid day 123051
payment rate for capital costs ~~determined for the~~. A nursing 123052
facility's ~~peer group~~ rate shall be the rate determined under 123053
division (D) of this section. However, for the period beginning 123054
October 1, 2013, and ending on the first day of the first 123055
rebasings, the rate for a nursing facility located in Mahoning or 123056
Stark county shall be the rate determined for the following: 123057

(1) If the nursing facility has fewer than one hundred beds, 123058
the nursing facilities in peer group three; 123059

(2) If the nursing facility has one hundred or more beds, the 123060
nursing facilities in peer group four. 123061

(C) For the purpose of determining nursing facilities' ~~rate~~ 123062
rates for capital costs, the department shall establish six peer 123063
groups. 123064

~~Each~~ (1) Until the first rebasing occurs, the peer groups 123065
shall be composed as follows: 123066

(a) Each nursing facility located in any of the following 123067
counties shall be placed in peer group one or two: Brown, Butler, 123068
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 123069
located in any of those counties that has fewer than one hundred 123070
beds shall be placed in peer group one. Each nursing facility 123071
located in any of those counties that has one hundred or more beds 123072
shall be placed in peer group two. 123073

(b) Each nursing facility located in any of the following 123074
counties shall be placed in peer group three or four: Ashtabula, 123075
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 123076
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 123077
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 123078
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 123079

Union, and Wood. Each nursing facility located in any of those 123080
counties that has fewer than one hundred beds shall be placed in 123081
peer group three. Each nursing facility located in any of those 123082
counties that has one hundred or more beds shall be placed in peer 123083
group four. 123084

(c) Each nursing facility located in any of the following 123085
counties shall be placed in peer group five or six: Adams, Allen, 123086
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 123087
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 123088
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 123089
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 123090
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 123091
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 123092
Washington, Wayne, Williams, and Wyandot. Each nursing facility 123093
located in any of those counties that has fewer than one hundred 123094
beds shall be placed in peer group five. Each nursing facility 123095
located in any of those counties that has one hundred or more beds 123096
shall be placed in peer group six. 123097

(2) Beginning with the first rebasing, the peer groups shall 123098
be composed as they are under division (C)(1) of this section 123099
except as follows: 123100

(a) Each nursing facility that has fewer than one hundred 123101
beds and is located in Mahoning or Stark county shall be placed in 123102
peer group three rather than peer group five. 123103

(b) Each nursing facility that has one hundred or more beds 123104
and is located in Mahoning or Stark county shall be placed in peer 123105
group four rather than peer group six. 123106

(D)(1) The department shall determine the rate for capital 123107
costs for each peer group established under division (C) of this 123108
section. The department is not required to conduct a rebasing more 123109
than once every ten years. Except as necessary to implement the 123110

amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 123111
303, both of the 129th general assembly, the rate for capital 123112
costs determined under this division for a peer group shall be 123113
used for subsequent years until the department conducts a 123114
rebasings. To determine a peer group's rate for capital costs, the 123115
department shall do both of the following: 123116

(a) Determine the rate for capital costs for the nursing 123117
facility in the peer group that is at the twenty-fifth percentile 123118
of the rate for capital costs for the applicable calendar year; 123119

(b) Until the first rebasing occurs, increase the amount 123120
calculated under division (D)(1)(a) of this section by five and 123121
eight hundredths per cent. 123122

(2) To identify the nursing facility in a peer group that is 123123
at the twenty-fifth percentile of the rate for capital costs for 123124
the applicable calendar year, the department shall do both of the 123125
following: 123126

(a) Subject to division (D)(3) of this section, use the 123127
greater of each nursing facility's actual inpatient days for the 123128
applicable calendar year or the inpatient days the nursing 123129
facility would have had for the applicable calendar year if its 123130
occupancy rate had been one hundred per cent; 123131

(b) Exclude both of the following: 123132

(i) Nursing facilities that participated in the medicaid 123133
program under the same provider for less than twelve months in the 123134
applicable calendar year; 123135

(ii) Nursing facilities whose capital costs are more than one 123136
standard deviation from the mean desk-reviewed, actual, allowable, 123137
per diem capital cost for all nursing facilities in the nursing 123138
facility's peer group for the applicable calendar year. 123139

(3) For the purpose of determining a nursing facility's 123140

occupancy rate under division (D)(2)(a) of this section, the 123141
department shall include any beds that the nursing facility 123142
removes from its medicaid-certified capacity after June 30, 2005, 123143
unless the nursing facility also removes the beds from its 123144
licensed bed capacity. 123145

(4) The department shall not redetermine a peer group's rate 123146
for capital costs under this division based on additional 123147
information that it receives after the rate is determined. The 123148
department shall redetermine a peer group's rate for capital costs 123149
only if the department made an error in determining the rate based 123150
on information available to the department at the time of the 123151
original determination. 123152

(E) Buildings shall be depreciated using the straight line 123153
method over forty years or over a different period approved by the 123154
department. Components and equipment shall be depreciated using 123155
the straight-line method over a period designated in rules adopted 123156
under section ~~5111.02~~ 5165.02 of the Revised Code, consistent with 123157
the guidelines of the American hospital association, or over a 123158
different period approved by the department. Any rules authorized 123159
by this division that specify useful lives of buildings, 123160
components, or equipment apply only to assets acquired on or after 123161
July 1, 1993. Depreciation for costs paid or reimbursed by any 123162
government agency shall not be included in capital costs unless 123163
that part of the payment under ~~sections 5111.20 to 5111.331 of the~~ 123164
~~Revised Code~~ this chapter is used to reimburse the government 123165
agency. 123166

(F) The capital cost basis of nursing facility assets shall 123167
be determined in the following manner: 123168

(1) Except as provided in division (F)(3) of this section, 123169
for purposes of calculating the rates to be paid for facilities 123170
with dates of licensure on or before June 30, 1993, the capital 123171
cost basis of each asset shall be equal to the desk-reviewed, 123172

actual, allowable, capital cost basis that is listed on the 123173
facility's cost report for the calendar year preceding the fiscal 123174
year during which the rate will be paid. 123175

(2) For facilities with dates of licensure after June 30, 123176
1993, the capital cost basis shall be determined in accordance 123177
with the principles of the medicare program ~~established under~~ 123178
~~Title XVIII~~, except as otherwise provided in ~~sections 5111.20 to~~ 123179
~~5111.331 of the Revised Code~~ this chapter. 123180

(3) Except as provided in division (F)(4) of this section, if 123181
a provider transfers an interest in a facility to another provider 123182
after June 30, 1993, there shall be no increase in the capital 123183
cost basis of the asset if the providers are related parties or 123184
the provider to which the interest is transferred authorizes the 123185
provider that transferred the interest to continue to operate the 123186
facility under a lease, management agreement, or other 123187
arrangement. If the previous sentence does not prohibit the 123188
adjustment of the capital cost basis under this division, the 123189
basis of the asset shall be adjusted by one-half of the change in 123190
the consumer price index for all items for all urban consumers, as 123191
published by the United States bureau of labor statistics, during 123192
the time that the transferor held the asset. 123193

(4) If a provider transfers an interest in a facility to 123194
another provider who is a related party, the capital cost basis of 123195
the asset shall be adjusted as specified in division (F)(3) of 123196
this section if all of the following conditions are met: 123197

(a) The related party is a relative of owner; 123198

(b) Except as provided in division (F)(4)(c)(ii) of this 123199
section, the provider making the transfer retains no ownership 123200
interest in the facility; 123201

(c) The department ~~of job and family services~~ determines that 123202
the transfer is an arm's length transaction pursuant to rules 123203

adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The 123204
rules shall provide that a transfer is an arm's length transaction 123205
if all of the following apply: 123206

(i) Once the transfer goes into effect, the provider that 123207
made the transfer has no direct or indirect interest in the 123208
provider that acquires the facility or the facility itself, 123209
including interest as an owner, officer, director, employee, 123210
independent contractor, or consultant, but excluding interest as a 123211
creditor. 123212

(ii) The provider that made the transfer does not reacquire 123213
an interest in the facility except through the exercise of a 123214
creditor's rights in the event of a default. If the provider 123215
reacquires an interest in the facility in this manner, the 123216
department shall treat the facility as if the transfer never 123217
occurred when the department calculates its reimbursement rates 123218
for capital costs. 123219

(iii) The transfer satisfies any other criteria specified in 123220
the rules. 123221

(d) Except in the case of hardship caused by a catastrophic 123222
event, as determined by the department, or in the case of a 123223
provider making the transfer who is at least sixty-five years of 123224
age, not less than twenty years have elapsed since, for the same 123225
facility, the capital cost basis was adjusted most recently under 123226
division (F)(4) of this section or actual, allowable ~~cost of~~ 123227
~~ownership~~ capital costs was determined most recently under 123228
division (G)(9) of this section. 123229

(G) As used in this division: 123230

"Imputed interest" means the lesser of the prime rate plus 123231
two per cent or ten per cent. 123232

"Lease expense" means lease payments in the case of an 123233
operating lease and depreciation expense and interest expense in 123234

the case of a capital lease. 123235

"New lease" means a lease, to a different lessee, of a 123236
nursing facility that previously was operated under a lease. 123237

(1) Subject to division (B) of this section, for a lease of a 123238
facility that was effective on May 27, 1992, the entire lease 123239
expense is an actual, allowable capital cost during the term of 123240
the existing lease. The entire lease expense also is an actual, 123241
allowable capital cost if a lease in existence on May 27, 1992, is 123242
renewed under either of the following circumstances: 123243

(a) The renewal is pursuant to a renewal option that was in 123244
existence on May 27, 1992; 123245

(b) The renewal is for the same lease payment amount and 123246
between the same parties as the lease in existence on May 27, 123247
1992. 123248

(2) Subject to division (B) of this section, for a lease of a 123249
facility that was in existence but not operated under a lease on 123250
May 27, 1992, actual, allowable capital costs shall include the 123251
lesser of the annual lease expense or the annual depreciation 123252
expense and imputed interest expense that would be calculated at 123253
the inception of the lease using the lessor's entire historical 123254
capital asset cost basis, adjusted by one-half of the change in 123255
the consumer price index for all items for all urban consumers, as 123256
published by the United States bureau of labor statistics, during 123257
the time the lessor held each asset until the beginning of the 123258
lease. 123259

(3) Subject to division (B) of this section, for a lease of a 123260
facility with a date of licensure on or after May 27, 1992, that 123261
is initially operated under a lease, actual, allowable capital 123262
costs shall include the annual lease expense if there was a 123263
substantial commitment of money for construction of the facility 123264
after December 22, 1992, and before July 1, 1993. If there was not 123265

a substantial commitment of money after December 22, 1992, and 123266
before July 1, 1993, actual, allowable capital costs shall include 123267
the lesser of the annual lease expense or the sum of the 123268
following: 123269

(a) The annual depreciation expense that would be calculated 123270
at the inception of the lease using the lessor's entire historical 123271
capital asset cost basis; 123272

(b) The greater of the lessor's actual annual amortization of 123273
financing costs and interest expense at the inception of the lease 123274
or the imputed interest expense calculated at the inception of the 123275
lease using seventy per cent of the lessor's historical capital 123276
asset cost basis. 123277

(4) Subject to division (B) of this section, for a lease of a 123278
facility with a date of licensure on or after May 27, 1992, that 123279
was not initially operated under a lease and has been in existence 123280
for ten years, actual, allowable capital costs shall include the 123281
lesser of the annual lease expense or the annual depreciation 123282
expense and imputed interest expense that would be calculated at 123283
the inception of the lease using the entire historical capital 123284
asset cost basis of one-half of the change in the consumer price 123285
index for all items for all urban consumers, as published by the 123286
United States bureau of labor statistics, during the time the 123287
lessor held each asset until the beginning of the lease. 123288

(5) Subject to division (B) of this section, for a new lease 123289
of a facility that was operated under a lease on May 27, 1992, 123290
actual, allowable capital costs shall include the lesser of the 123291
annual new lease expense or the annual old lease payment. If the 123292
old lease was in effect for ten years or longer, the old lease 123293
payment from the beginning of the old lease shall be adjusted by 123294
one-half of the change in the consumer price index for all items 123295
for all urban consumers, as published by the United States bureau 123296
of labor statistics, from the beginning of the old lease to the 123297

beginning of the new lease. 123298

(6) Subject to division (B) of this section, for a new lease 123299
of a facility that was not in existence or that was in existence 123300
but not operated under a lease on May 27, 1992, actual, allowable 123301
capital costs shall include the lesser of annual new lease expense 123302
or the annual amount calculated for the old lease under division 123303
(G)(2), (3), (4), or (6) of this section, as applicable. If the 123304
old lease was in effect for ten years or longer, the lessor's 123305
historical capital asset cost basis shall be, for purposes of 123306
calculating the annual amount under division (G)(2), (3), (4), or 123307
(6) of this section, adjusted by one-half of the change in the 123308
consumer price index for all items for all urban consumers, as 123309
published by the United States bureau of labor statistics, from 123310
the beginning of the old lease to the beginning of the new lease. 123311

In the case of a lease under division (G)(3) of this section 123312
of a facility for which a substantial commitment of money was made 123313
after December 22, 1992, and before July 1, 1993, the old lease 123314
payment shall be adjusted for the purpose of determining the 123315
annual amount. 123316

(7) For any revision of a lease described in division (G)(1), 123317
(2), (3), (4), (5), or (6) of this section, or for any subsequent 123318
lease of a facility operated under such a lease, other than 123319
execution of a new lease, the portion of actual, allowable capital 123320
costs attributable to the lease shall be the same as before the 123321
revision or subsequent lease. 123322

(8) Except as provided in division (G)(9) of this section, if 123323
a provider leases an interest in a facility to another provider 123324
who is a related party or previously operated the facility, the 123325
related party's or previous operator's actual, allowable capital 123326
costs shall include the lesser of the annual lease expense or the 123327
reasonable cost to the lessor. 123328

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (G)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (G)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department ~~of job and family services~~ determines that the lease is an arm's length transaction pursuant to rules adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (G)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty

years have elapsed since, for the same facility, the capital cost 123360
basis was adjusted most recently under division (F)(4) of this 123361
section or actual, allowable capital costs were determined most 123362
recently under division (G)(9) of this section. 123363

(10) This division does not apply to leases of specific items 123364
of equipment. 123365

Sec. ~~5111.231~~ 5165.19. (A) As used in this section: 123366

(1) "Applicable calendar year" means the following: 123367

(a) For the purpose of the department of ~~job and family~~ 123368
~~services~~ medicaid's initial determination under division (D) of 123369
this section of each peer group's cost per case-mix unit, calendar 123370
year 2003; 123371

(b) For the purpose of the department's rebasings, the 123372
calendar year the department selects. 123373

(2) "Rebasing" means a redetermination under division (D) of 123374
this section of each peer ~~groups~~ group's cost per case-mix unit 123375
using information from cost reports for an applicable calendar 123376
year that is later than the applicable calendar year used for the 123377
previous determination of such costs. 123378

(B) ~~The~~ Semiannually, the department of ~~job and family~~ 123379
~~services~~ medicaid shall ~~pay a provider for~~ determine each of the 123380
~~provider's eligible nursing facilities~~ a facility's per resident 123381
~~per~~ medicaid day payment rate for direct care costs ~~determined~~ 123382
~~semiannually~~ by multiplying the ~~cost per case-mix unit determined~~ 123383
~~under division (D) of this section for the facility's peer group~~ 123384
~~by~~ the facility's semiannual case-mix score determined under 123385
section ~~5111.232~~ 5165.192 of the Revised Code by the cost per 123386
case-mix unit determined under division (D) of this section for 123387
the facility's peer group. However, for the period beginning 123388
October 1, 2013, and ending on the first day of the first 123389

rebasng, the rate for a nursing facility located in Mahoning or Stark county shall be determined semiannually by multiplying the facility's semiannual case-mix score determined under section 5165.192 of the Revised Code by the cost per case-mix unit determined under division (D) of this section for the nursing facilities in peer group two.

(C) For the purpose of determining nursing facilities' ~~rate~~ rates for direct care costs, the department shall establish three peer groups.

~~Each~~ (1) Until the first rebasing occurs, the peer groups shall be composed as follows:

(a) Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren.

(b) Each nursing facility located in any of the following counties shall be placed in peer group two: Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, and Wood.

(c) Each nursing facility located in any of the following counties shall be placed in peer group three: Adams, Allen, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot.

(2) Beginning with the first rebasing, the peer groups shall

be composed as they are under division (C)(1) of this section 123421
except that each nursing facility located in Mahoning or Stark 123422
county shall be placed in peer group two rather than peer group 123423
three. 123424

(D)(1) The department shall determine a cost per case-mix 123425
unit for each peer group established under division (C) of this 123426
section. The department is not required to conduct a rebasing more 123427
than once every ten years. Except as necessary to implement the 123428
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 123429
303, both of the 129th general assembly, and H.B. 59 of the 130th 123430
general assembly, the cost per case-mix unit determined under this 123431
division for a peer group shall be used for subsequent years until 123432
the department conducts a rebasing. To determine a peer group's 123433
cost per case-mix unit, the department shall do all of the 123434
following: 123435

(a) Determine the cost per case-mix unit for each nursing 123436
facility in the peer group for the applicable calendar year by 123437
dividing each facility's desk-reviewed, actual, allowable, per 123438
diem direct care costs for the applicable calendar year by the 123439
facility's annual average case-mix score determined under section 123440
~~5111.232~~ 5165.192 of the Revised Code for the applicable calendar 123441
year; 123442

(b) Subject to division (D)(2) of this section, identify 123443
which nursing facility in the peer group is at the twenty-fifth 123444
percentile of the cost per case-mix units determined under 123445
division (D)(1)(a) of this section; 123446

(c) Calculate the amount that is two per cent above the cost 123447
per case-mix unit determined under division (D)(1)(a) of this 123448
section for the nursing facility identified under division 123449
(D)(1)(b) of this section; 123450

(d) Using the index specified in division (D)(3) of this 123451

section, multiply the rate of inflation for the eighteen-month 123452
period beginning on the first day of July of the applicable 123453
calendar year and ending the last day of December of the calendar 123454
year immediately following the applicable calendar year by the 123455
amount calculated under division (D)(1)(c) of this section; 123456

(e) Add the following to the amount calculated under division 123457
(D)(1)(d) of this section: 123458

(i) Until the earlier of January 1, 2014, or when the first 123459
rebasings occurs, add one dollar and eighty-eight cents to the 123460
amount calculated under division (D)(1)(d) of this section; 123461

(ii) Unless the first rebasing occurs before January 1, 2014, 123462
beginning January 1, 2014, and until the first rebasing occurs, 123463
eighty-six cents. 123464

(f) Until the first rebasing occurs, increase the amount 123465
calculated under division (D)(1)(e) of this section by five and 123466
eight hundredths per cent. 123467

(2) In making the identification under division (D)(1)(b) of 123468
this section, the department shall exclude both of the following: 123469

(a) Nursing facilities that participated in the medicaid 123470
program under the same provider for less than twelve months in the 123471
applicable calendar year; 123472

(b) Nursing facilities whose cost per case-mix unit is more 123473
than one standard deviation from the mean cost per case-mix unit 123474
for all nursing facilities in the nursing facility's peer group 123475
for the applicable calendar year. 123476

(3) The following index shall be used for the purpose of the 123477
calculation made under division (D)(1)(d) of this section: 123478

(a) Until the first rebasing occurs, the employment cost 123479
index for total compensation, health services component, published 123480
by the United States bureau of labor statistics, as the index 123481

existed on July 1, 2005; 123482

(b) Effective with the first rebasing and except as provided 123483
in division (D)(3)(c) of this section, the employment cost index 123484
for total compensation, nursing and residential care facilities 123485
occupational group, published by the United States bureau of labor 123486
statistics; 123487

(c) If the United States bureau of labor statistics ceases to 123488
publish the index specified in division (D)(3)(b) of this section, 123489
the index the bureau subsequently publishes that covers nursing 123490
facilities' staff costs. 123491

(4) The department shall not redetermine a peer group's cost 123492
per case-mix unit under this division based on additional 123493
information that it receives after the peer group's per case-mix 123494
unit is determined. The department shall redetermine a peer 123495
group's cost per case-mix unit only if it made an error in 123496
determining the peer group's cost per case-mix unit based on 123497
information available to the department at the time of the 123498
original determination. 123499

Sec. 5165.191. Each calendar quarter, each nursing facility 123500
provider shall compile complete assessment data for each resident 123501
of each of the provider's nursing facilities, regardless of 123502
payment source, who is in the nursing facility, or on hospital or 123503
therapeutic leave from the nursing facility, on the last day of 123504
the quarter. A resident assessment instrument specified in rules 123505
authorized by this section shall be used to compile the resident 123506
assessment data. Each provider shall submit the resident 123507
assessment data to the department of health and, if required by 123508
the rules, the department of medicaid. The resident assessment 123509
data shall be submitted not later than fifteen days after the end 123510
of the calendar quarter for which the data is compiled. If the 123511
resident assessment data is to be submitted to the department of 123512

medicaid, it shall be submitted to the department through the 123513
medium or media specified in the rules. 123514

Rules adopted under section 5165.02 of the Revised Code shall 123515
do all of the following: 123516

(A) In a manner consistent with the "Social Security Act," 123517
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 123518
assessment instrument to be used by nursing facility providers 123519
under this section; 123520

(B) Specify whether nursing facility providers must submit 123521
the resident assessment data to the department of medicaid; 123522

(C) If the rules specify that nursing facility providers must 123523
submit the resident assessment data to the department, specify the 123524
medium or media through which the data is to be submitted. 123525

Sec. ~~5111.232~~ 5165.192. (A)(1) The Except as provided in 123526
division (B) of this section and in accordance with the process 123527
specified in rules authorized by this section, the department of 123528
job and family services medicaid shall do all of the following: 123529

(a) Every quarter, determine the following two case-mix 123530
scores for each nursing facility: 123531

(i) A quarterly case-mix score that includes each resident 123532
who is a medicaid recipient and is not a low resource utilization 123533
resident; 123534

(ii) A quarterly case-mix score that includes each resident 123535
regardless of payment source. 123536

(b) Every six months, determine a semiannual and annual 123537
average case-mix scores score for each nursing facilities facility 123538
by using all of the following: quarterly case-mix scores 123539
determined for the nursing facility pursuant to division 123540
(A)(1)(a)(i) of this section; 123541

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section. 123542
123543
123544
123545

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following: 123546
123547

(a) Data from a resident assessment instrument specified in rules ~~adopted under~~ authorized by section ~~5111.02~~ 5165.191 of the Revised Code ~~pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents:~~ 123548
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123550
123551
123552

~~(i) When determining semiannual case mix scores for fiscal year 2012, each resident who is a medicaid recipient;~~ 123553
123554

~~(ii) When determining semiannual case mix scores for fiscal year 2013 and thereafter, each resident who is a medicaid recipient and not placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data;~~ 123555
123556
123557
123558
123559
123560

~~(iii) When determining annual average case mix scores, each resident regardless of payment source.~~ 123561
123562

(b) Except as provided in rules authorized by ~~divisions (A)(2)(a) and (b) of~~ this section, the case-mix values established by the United States department of health and human services; 123563
123564
123565

(c) Except as modified in rules authorized by ~~division (A)(2)(c) of~~ this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program ~~established by Title XVIII.~~ 123566
123567
123568
123569
123570

~~(2) The director of job and family services may adopt rules~~ 123571

~~under section 5111.02 of the Revised Code that do any of the following:~~ 123572
123573

~~(a) Adjust the case mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state;~~ 123574
123575
123576

~~(b) Express all of those case mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case mix values to one another;~~ 123577
123578
123579
123580

~~(c) Modify the grouper methodology specified in division (A)(1)(c) of this section as follows:~~ 123581
123582

~~(i) Establish a different hierarchy for assigning residents to case mix categories under the methodology;~~ 123583
123584

~~(ii) Prohibit the use of the index maximizer element of the methodology;~~ 123585
123586

~~(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;~~ 123587
123588
123589

~~(iv) Make other changes the department determines are necessary.~~ 123590
123591

~~(B) The department shall determine case mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted under section 5111.02 of the Revised Code and expressed in case mix values established by the department in those rules.~~ 123592
123593
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~~(C) Each calendar quarter, each provider shall compile complete assessment data, from the resident assessment instrument specified in rules authorized by division (A) or (B) of this section, for each resident of each of the provider's facilities,~~ 123598
123599
123600
123601

~~regardless of payment source, who was in the facility or on
hospital or therapeutic leave from the facility on the last day of
the quarter. Providers of a nursing facility shall submit the data
to the department of health and, if required by rules, the
department of job and family services. Providers of an
intermediate care facility for the mentally retarded shall submit
the data to the department of job and family services. The data
shall be submitted not later than fifteen days after the end of
the calendar quarter for which the data is compiled.~~

~~Except as provided in division (D) of this section, the
department, every six months and after the end of each calendar
year, shall calculate a semiannual and annual average case mix
score for each nursing facility using the facility's quarterly
case mix scores for that six month period or calendar year. Also
except as provided in division (D) of this section, the
department, after the end of each calendar year, shall calculate
an annual average case mix score for each intermediate care
facility for the mentally retarded using the facility's quarterly
case mix scores for that calendar year. The department shall make
the calculations pursuant to procedures specified in rules adopted
under section 5111.02 of the Revised Code.~~

~~(D)(1) If a Subject to division (B)(2) of this section, the
department, for one or more months of a calendar quarter, may
assign to a nursing facility a case-mix score that is five per
cent less than the nursing facility's case-mix score for the
immediately preceding calendar quarter if any of the following
apply:~~

~~(a) The provider does not timely submit information complete
and accurate resident assessment data necessary to determine the
nursing facility's case-mix score for a the calendar quarter
necessary to calculate a facility's case mix score, or submits
incomplete or inaccurate information for a calendar quarter, the~~

~~department may assign the facility a quarterly average case mix score that is five per cent less than the facility's quarterly average case mix score for the preceding calendar quarter. If the;~~ 123634
123635
123636

(b) The nursing facility was subject to an exception review 123637
under ~~division (C) of section 5111.27~~ 5165.193 of the Revised Code 123638
for the immediately preceding calendar quarter, ~~the department may~~ 123639
~~assign a quarterly average case mix score that is five per cent~~ 123640
~~less than the score determined by the exception review. If the;~~ 123641

(c) The nursing facility was assigned a ~~quarterly average~~ 123642
case-mix score for the immediately preceding calendar quarter, ~~the~~ 123643
~~department may assign a quarterly average case mix score that is~~ 123644
~~five per cent less than that score assigned for the preceding~~ 123645
~~quarter.~~ 123646

~~The department may use a quarterly average case mix score~~ 123647
~~assigned under division (D)(1) of this section, instead of a~~ 123648
~~quarterly average case mix score calculated based on the~~ 123649
~~provider's submitted information, to calculate the facility's rate~~ 123650
~~for direct care costs being established under section 5111.23 or~~ 123651
~~5111.231 of the Revised Code for one or more months, as specified~~ 123652
~~in rules authorized by division (E) of this section, of the~~ 123653
~~quarter for which the rate established under section 5111.23 or~~ 123654
~~5111.231 of the Revised Code will be paid.~~ 123655

(2) Before taking action under division (D)(1) of this 123656
section assigning a case-mix score to a nursing facility due to 123657
the submission of incorrect resident assessment data, the 123658
department shall permit the provider a ~~reasonable period of time,~~ 123659
~~specified in rules authorized by division (E) of this section, to~~ 123660
correct the information data. In the ~~case of an intermediate care~~ 123661
~~facility for the mentally retarded, the department shall not~~ 123662
~~assign a quarterly average case mix score due to late submission~~ 123663
~~of corrections to assessment information unless the provider fails~~ 123664
~~to submit corrected information prior to the eighty first day~~ 123665

after the end of the calendar quarter to which the information 123666
pertains. In the case of a nursing facility, the ~~The~~ department 123667
~~shall not~~ may assign a ~~quarterly average~~ the case-mix score ~~due to~~ 123668
~~late submission of corrections to assessment information unless if~~ 123669
the provider fails to submit the corrected ~~information prior to~~ 123670
resident assessment data not later than the earlier of the 123671
~~forty-sixth~~ forty-fifth day after the end of the calendar quarter 123672
to which the ~~information~~ data pertains or the deadline for 123673
submission of such corrections established by regulations adopted 123674
by the United States department of health and human services under 123675
~~Titles~~ Title XVIII and Title XIX. 123676

~~(2)~~(3) If, for more than six months in a calendar year, a 123677
provider is paid a rate determined for a nursing facility 123678
~~calculated~~ using a ~~quarterly average~~ case-mix score assigned to 123679
the nursing facility under division ~~(D)~~(B)(1) of this section ~~for~~ 123680
~~more than six months in a calendar year~~, the department may assign 123681
the nursing facility a cost per case-mix unit that is five per 123682
cent less than the nursing facility's actual or assigned cost per 123683
case-mix unit for the immediately preceding calendar year. The 123684
department may use the assigned cost per case-mix unit, instead of 123685
~~calculating~~ determining the nursing facility's actual cost per 123686
case-mix unit in accordance with section ~~5111.23 or 5111.231~~ 123687
5165.19 of the Revised Code, to establish the nursing facility's 123688
rate for direct care costs for the ~~following~~ fiscal year 123689
immediately following the calendar year for which the cost per 123690
case-mix unit is assigned. 123691

~~(3)~~(4) The department shall take action under division 123692
~~(D)~~(B)(1) ~~or~~, (2), or (3) of this section only in accordance with 123693
rules authorized by ~~division (E)~~ of this section. The department 123694
shall not take an action that affects rates for prior payment 123695
periods except in accordance with sections ~~5111.27~~ 5165.41 and 123696
~~5111.28~~ 5165.42 of the Revised Code. 123697

~~(E)(C)~~ The medicaid director shall adopt rules under section 123698
5111.02 5165.02 of the Revised Code ~~that~~ as necessary to implement 123699
this section. 123700

(1) The rules shall do all of the following: 123701

~~(1) Specify whether providers of a nursing facility must~~ 123702
~~submit the assessment data to the department of job and family~~ 123703
~~services;~~ 123704

~~(2) Specify the medium or media through which the completed~~ 123705
~~assessment data shall be submitted;~~ 123706

~~(3)(a) Specify the process for determining the semiannual and~~ 123707
~~annual average case-mix scores for nursing facilities;~~ 123708

(b) Adjust the case-mix values specified in division 123709
(A)(2)(b) of this section to reflect changes in relative wage 123710
differentials that are specific to this state; 123711

(c) Express all of those case-mix values in numeric terms 123712
that are different from the terms specified by the United States 123713
department of health and human services but that do not alter the 123714
relationship of the case-mix values to one another; 123715

(d) Modify the grouper methodology specified in division 123716
(A)(2)(c) of this section as follows: 123717

(i) Establish a different hierarchy for assigning residents 123718
to case-mix categories under the methodology; 123719

(ii) Prohibit the use of the index maximizer element of the 123720
methodology; 123721

(iii) Incorporate changes to the methodology the United 123722
States department of health and human services makes after June 123723
30, 1999; 123724

(iv) Make other changes the department determines are 123725
necessary. 123726

(e) Establish procedures under which ~~the~~ resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

~~(4)~~(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections ~~by providers of nursing facilities~~ in the manner required by regulations adopted by the United States department of health and human services under ~~Titles~~ Title XVIII and Title XIX.

~~(5)~~(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division ~~(D)~~(B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. ~~Notwithstanding~~

(2) Notwithstanding any other provision of ~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter, the rules ~~also~~ may provide for the following:

~~(a) Exclusion of case mix scores assigned under division (D) of this section from calculation of an intermediate care facility for the mentally retarded's annual average case mix score and the maximum cost per case mix unit for the facility's peer group;~~

~~(b) Exclusion~~ exclusion of case-mix scores assigned to a nursing facility under division ~~(D)~~(B) of this section from ~~ealculation~~ the determination of a the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5165.193. (A) The department of medicaid may, pursuant to rules authorized by this section, conduct an exception review

of resident assessment data submitted by a nursing facility 123757
provider under section 5165.191 of the Revised Code. The 123758
department may conduct an exception review based on the findings 123759
of a medicaid certification survey conducted by the department of 123760
health, a risk analysis, or prior performance of the provider. 123761

Exception reviews shall be conducted at the nursing facility 123762
by appropriate health professionals under contract with or 123763
employed by the department. The professionals may review resident 123764
assessment forms and supporting documentation, conduct interviews, 123765
and observe residents to identify any patterns or trends of 123766
inaccurate resident assessments and resulting inaccurate case-mix 123767
scores. 123768

(B) If an exception review is conducted before the effective 123769
date of a nursing facility's rate for direct care costs that is 123770
based on the resident assessment data being reviewed and the 123771
review results in findings that exceed tolerance levels specified 123772
in the rules authorized by this section, the department, in 123773
accordance with those rules, may use the findings to redetermine 123774
individual resident case-mix scores, the nursing facility's 123775
case-mix score for the quarter, and the nursing facility's annual 123776
average case-mix score. The department may use the nursing 123777
facility's redetermined quarterly and annual average case-mix 123778
scores to determine the nursing facility's rate for direct care 123779
costs for the appropriate calendar quarter or quarters. 123780

(C) The department shall prepare a written summary of any 123781
exception review finding that is made after the effective date of 123782
a nursing facility's rate for direct care costs that is based on 123783
the resident assessment data that was reviewed. Where the provider 123784
is pursuing judicial or administrative remedies in good faith 123785
regarding the finding, the department shall not withhold from the 123786
provider's current payments any amounts the department claims to 123787

be due from the provider pursuant to section 5165.41 of the 123788
Revised Code. 123789

(D)(1) The medicaid director shall adopt rules under section 123790
5165.02 of the Revised Code as necessary to implement this 123791
section. The rules shall establish an exception review program 123792
that does all of the following: 123793

(a) Requires each exception review to comply with Title XVIII 123794
and Title XIX; 123795

(b) Requires a written summary for each exception review that 123796
states whether resident assessment forms have been completed 123797
accurately; 123798

(c) Prohibits each health professional who conducts an 123799
exception review from doing either of the following: 123800

(i) During the period of the professional's contract or 123801
employment with the department, having or being committed to 123802
acquire any direct or indirect financial interest in the 123803
ownership, financing, or operation of nursing facilities in this 123804
state; 123805

(ii) Reviewing any provider that has been a client of the 123806
professional. 123807

(2) For the purposes of division (D)(1)(c)(i) of this 123808
section, employment of a member of a health professional's family 123809
by a nursing facility that the professional does not review does 123810
not constitute a direct or indirect financial interest in the 123811
ownership, financing, or operation of the nursing facility. 123812

Sec. ~~5111.242~~ 5165.21. (A) As used in this section: 123813

(1) "Applicable calendar year" means the following: 123814

(a) For the purpose of the department of ~~job and family~~ 123815
~~services~~ medicaid's initial determination under this section of 123816

nursing facilities' rate for tax costs, calendar year 2003; 123817

(b) For the purpose of the department's rebasings, the 123818
calendar year the department selects. 123819

(2) "Rebasing" means a redetermination under division ~~(C)~~(B) 123820
of this section of each nursing facility's rate for tax costs 123821
using information from cost reports for an applicable calendar 123822
year that is later than the applicable calendar year used for the 123823
previous determination of such rates. 123824

~~(B) The department of job and family services shall pay a 123825
provider for each of the provider's eligible nursing facilities a 123826
per resident per day rate for tax costs determined under division 123827
(C) of this section. 123828~~

~~(C)~~ The department of medicaid shall determine the each 123829
nursing facility's per medicaid day payment rate for tax costs ~~for~~ 123830
~~each nursing facility~~. The department is not required to conduct a 123831
rebasings more than once every ten years. Except as necessary to 123832
implement the amendments made to this section by Sub. H.B. 303 of 123833
the 129th general assembly, the rate for tax costs determined 123834
under this division for a nursing facility shall be used for 123835
subsequent years until the department conducts a rebasing. To 123836
determine a nursing facility's rate for tax costs and except as 123837
provided in division ~~(D)~~(C) of this section, the department shall 123838
do both of the following: 123839

(1) Divide the nursing facility's desk-reviewed, actual, 123840
allowable tax costs paid for the applicable calendar year by the 123841
number of inpatient days the nursing facility would have had if 123842
its occupancy rate had been one hundred per cent during the 123843
applicable calendar year; 123844

(2) Until the first rebasing occurs, increase the amount 123845
calculated under division ~~(C)~~(B)(1) of this section by five and 123846
eight hundredths per cent. 123847

~~(D)~~(C) If a nursing facility had a credit regarding its real estate taxes reflected on its cost report for calendar year 2003, the department shall determine, as follows, its rate for tax costs for the period beginning on July 1, 2010, and ending on the first day of the fiscal year for which the department first conducts a rebasing:

(1) Divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for calendar year 2004 by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during calendar year 2004;

(2) Until the first rebasing occurs, increase the amount calculated under division ~~(D)~~(C)(1) of this section by five and eight hundredths per cent.

Sec. ~~5111.246~~ 5165.23. (A) Each fiscal year, the department of ~~job and family services~~ medicaid shall ~~pay a~~ determine the critical access incentive payment ~~to the provider of~~ for each nursing facility that qualifies as a critical access nursing facility. To qualify as a critical access nursing facility for a fiscal year, a nursing facility must meet all of the following requirements:

(1) The nursing facility must be located in an area that, on December 31, 2011, was designated an empowerment zone under ~~section 1391~~ of the "Internal Revenue Code of 1986," ~~107 Stat. 543~~ section 1391, 26 U.S.C. 1391, ~~as amended~~.

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the

calendar year immediately preceding the fiscal year. 123878

(4) The nursing facility must have been awarded at least five 123879
points for meeting accountability measures under section 5165.25 123880
of the Revised Code for the fiscal year and at least one of the 123881
five points must have been awarded for meeting the following: 123882

(a) For fiscal year 2014, the accountability measures 123883
identified in divisions (C)(10), (11), (12), and (13) of section 123884
5165.25 of the Revised Code; 123885

(b) For fiscal year 2015 and each fiscal year thereafter, the 123886
accountability measures identified in divisions (D)(9), (10), 123887
(11), (12), and (14) of section 5165.25 of the Revised Code. 123888

(B) A critical access nursing facility's critical access 123889
incentive payment for a fiscal year shall equal five per cent of 123890
the portion of the nursing facility's total rate for the fiscal 123891
year that is the sum of the rates and payment identified in 123892
divisions ~~(B)~~(A)(1) to (4) and (6) of section ~~5111.222~~ 5165.15 of 123893
the Revised Code. 123894

Sec. ~~5111.244~~ 5165.25. (A) As used in this section: 123895

~~(1) "Applicable percentage" means, for the accountability 123896~~
~~measures identified in divisions (C)(10) to (13) of this section, 123897~~
~~the following: 123898~~

~~(a) For fiscal year 2013, whichever of the following applies: 123899~~

~~(i) The percentage that the department of job and family 123900~~
~~services specifies for an accountability measure pursuant to 123901~~
~~division (E)(1)(b) or (E)(2)(a)(ii) of this section; 123902~~

~~(ii) The percentage specified for an accountability measure 123903~~
~~in division (E)(2)(b), (ii), (iii), (iv), or (v) of this section. 123904~~

~~(b) For fiscal year 2014, whichever of the following applies: 123905~~

~~(i) The percentage used pursuant to division (F)(2) of this 123906~~

~~section:~~ 123907

~~(ii) The percentage that the department specifies for an~~ 123908
~~accountability measure pursuant to division (F)(3)(a) of this~~ 123909
~~section.~~ 123910

~~(c) For fiscal year 2015 and thereafter, whichever of the~~ 123911
~~following applies:~~ 123912

~~(i) The percentage used pursuant to division (F)(2) of this~~ 123913
~~section:~~ 123914

~~(ii) The percentage used pursuant to division (F)(3)(b) of~~ 123915
~~this section.~~ 123916

~~(2) "Complaint surveys" has the same meaning as in 42 C.F.R.~~ 123917
~~488.30.~~ 123918

~~(3)(2) "Customer satisfaction survey" means the annual survey~~ 123919
~~of long-term care facilities required by section 173.47 of the~~ 123920
~~Revised Code.~~ 123921

~~(4)(3) "Deficiency" has the same meaning as in 42 C.F.R.~~ 123922
~~488.301.~~ 123923

~~(4) "Exempted hospital discharge" has the same meaning as in~~ 123924
~~42 C.F.R. 483.106(b)(2)(i).~~ 123925

(5) "Family satisfaction survey" means a customer 123926
satisfaction survey, or part of a customer satisfaction survey, 123927
that contains the results of information obtained from the 123928
families of a nursing facility's residents. 123929

(6) "Minimum data set" means the standardized, uniform 123930
comprehensive assessment of nursing facility residents that is 123931
used to identify potential problems, strengths, and preferences of 123932
residents and is part of the resident assessment instrument 123933
required by ~~section 1919(e)(5) of the "Social Security Act," 101~~ 123934
~~Stat. 1330-197 (1987)~~ section 1919(e)(5), 42 U.S.C. 1396r(e)(5), 123935
~~as amended.~~ 123936

(7) ~~"National voluntary consensus standards for nursing homes" means measures used to determine the quality of care provided by nursing facilities as endorsed by the national quality forum.~~ 123937
123938
123939
123940

~~(8)~~ "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code. 123941
123942

~~(9)~~(8) "Resident satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents. 123943
123944
123945
123946

~~(10)~~(9) "Room mirror" means a mirror that is located in either of the following rooms: 123947
123948

(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom; 123949
123950
123951

(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room. 123952
123953

~~(11)~~(10) "Room sink" means a sink that is located in either of the following rooms: 123954
123955

(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom; 123956
123957
123958

(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room. 123959
123960

~~(12)~~(11) "Standard survey" has the same meaning as in 42 C.F.R. 488.301. 123961
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(12) "Special focus facility list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program required by the "Social Security Act," section 1919(f)(10), 42 U.S.C. 123963
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1396r(f)(10). 123967

(13) "Substantial wall" means a permanent structure that reaches from floor to ceiling and divides a semiprivate room into two distinct living spaces, each with its own window. 123968
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(14) "Table B of the special focus facility list" means the table included in the special focus facility list that identifies nursing facilities that have not improved. 123971
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(B)(1) Each fiscal year, the department of ~~job and family services~~ medicaid shall ~~pay a~~ determine each nursing facility's quality incentive payment ~~to the provider of each nursing facility that is awarded one or more points for meeting accountability measures under division (C) of this section.~~ Subject to ~~division~~ divisions (B)(2) and (3) of this section, the per medicaid day amount of a quality incentive payment paid to a nursing facility provider shall be the product of the following: 123974
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(a) The number of points the provider's nursing facility is awarded for meeting accountability measures under ~~division (C) of~~ this section; 123982
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(b) Three dollars and twenty-nine cents. 123985

(2) The maximum quality incentive payment that may be paid to ~~the provider of~~ a nursing facility provider for a fiscal year 2014 shall be sixteen dollars and forty-four cents per medicaid day. 123986
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(3) The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2015 and each fiscal year thereafter shall be the following: 123989
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(a) Sixteen dollars and forty-four cents if at least one of the points awarded to the nursing facility for meeting accountability measures is for an accountability measure identified in division (D)(9), (10), (11), (12), or (14) of this section; 123992
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| <u>(b) Thirteen dollars and sixteen cents if division (B)(3)(a)</u> | 123997 |
| <u>of this section does not apply.</u> | 123998 |
| (C) <u>Subject For fiscal year 2014 only and subject to</u> | 123999 |
| <u>divisions (D), division (E), and (F)</u> of this section, the | 124000 |
| department shall award each nursing facility participating in the | 124001 |
| medicaid program one point for each of the following | 124002 |
| accountability measures the facility meets: | 124003 |
| (1) The facility's overall score on its resident satisfaction | 124004 |
| survey is at least eighty-six. | 124005 |
| (2) The facility's overall score on its family satisfaction | 124006 |
| survey is at least eighty-eight. | 124007 |
| (3) The facility satisfies the requirements for participation | 124008 |
| in the advancing excellence in America's nursing homes campaign. | 124009 |
| (4) The facility had neither of the following on the | 124010 |
| facility's most recent standard survey conducted not later than | 124011 |
| the last day of the calendar year <u>immediately</u> preceding the fiscal | 124012 |
| year for which the point is to be awarded or any complaint surveys | 124013 |
| conducted in the calendar year <u>immediately</u> preceding the fiscal | 124014 |
| year for which the point is to be awarded: | 124015 |
| (a) A health deficiency with a scope and severity level | 124016 |
| greater than F; | 124017 |
| (b) A deficiency that constitutes a substandard quality of | 124018 |
| care. | 124019 |
| (5) The facility offers at least fifty per cent of its | 124020 |
| residents at least one of the following dining choices for at | 124021 |
| least one meal each day: | 124022 |
| (a) Restaurant-style dining in which food is brought from the | 124023 |
| food preparation area to residents per the residents' orders; | 124024 |
| (b) Buffet-style dining in which residents obtain their own | 124025 |
| food, or have the facility's staff bring food to them per the | 124026 |

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| residents' directions, from the buffet; | 124027 |
| (c) Family-style dining in which food is customarily served on a serving dish and shared by residents; | 124028 |
| (d) Open dining in which residents have at least a two-hour period to choose when to have a meal; | 124030 |
| (e) Twenty-four-hour dining in which residents may order meals from the facility any time of the day. | 124032 |
| (6) At least fifty per cent of the facility's residents are able to take a bath or shower as often as they choose. | 124034 |
| (7) The facility has at least both of the following scores on its resident satisfaction survey: | 124036 |
| (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine; | 124038 |
| (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six. | 124041 |
| (8) The facility has at least both of the following scores on its family satisfaction survey: | 124044 |
| (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight; | 124046 |
| (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five. | 124049 |
| (9) All of the following apply to the facility: | 124052 |
| (a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their | 124053 |

individual plans of care, to discuss their goals for the care they 124056
are to receive at the facility, including their preferences for 124057
advance care planning, with a member of the residents' ~~healthcare~~ 124058
health care teams that the facility, residents, and residents' 124059
sponsors consider appropriate. 124060

(b) The facility records the residents' care goals, including 124061
the residents' advance care planning preferences, in their medical 124062
records. 124063

(c) The facility uses the residents' care goals, including 124064
the residents' advance care planning preferences, in the 124065
development of the residents' individual plans of care. 124066

(10) Not more than ~~the applicable percentage~~ thirteen and 124067
thirty-five hundredths per cent of the facility's long-stay 124068
residents report severe to moderate pain during the minimum data 124069
set assessment process. 124070

(11) Not more than ~~the applicable percentage~~ five and 124071
seventy-three hundredths per cent of the facility's long-stay, 124072
high-risk residents have been assessed as having one or more stage 124073
two, three, or four pressure ulcers during the minimum data set 124074
assessment process. 124075

(12) Not more than ~~the applicable percentage~~ one and 124076
fifty-two hundredths per cent of the facility's long-stay 124077
residents were physically restrained as reported during the 124078
minimum data set assessment process. 124079

(13) Less than ~~the applicable percentage~~ seven and 124080
seventy-eight hundredths per cent of the facility's long-stay 124081
residents had a urinary tract infection as reported during the 124082
minimum data set assessment process. 124083

(14) The facility uses a tool for tracking residents' 124084
admissions to hospitals. 124085

(15) An average of at least fifty per cent of the facility's
medicaid-certified beds are in private rooms. 124086
124087

(16) The facility has accessible resident bathrooms, all of
which meet at least two of the following standards and at least
some of which meet all of the following standards: 124088
124089
124090

(a) There are room mirrors that are accessible to residents
in wheelchairs, can be adjusted so as to be visible to residents
who are seated or standing, or both. 124091
124092
124093

(b) There are room sinks that are accessible to residents in
wheelchairs and have clearance for wheelchairs. 124094
124095

(c) There are room sinks that have faucets with adaptive or
easy-to-use lever or paddle handles. 124096
124097

(17) The facility does both of the following: 124098

(a) Maintains a written policy that prohibits the use of
overhead paging systems or limits the use of overhead paging
systems to emergencies, as defined in the policy; 124099
124100
124101

(b) Communicates the policy to its staff, residents, and
families of residents. 124102
124103

(18) The facility has a score of at least ninety on its
resident satisfaction survey with regard to the question in the
survey regarding residents' ability to personalize their rooms
with personal belongings. 124104
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(19) The facility has a score of at least ninety-five on its
family satisfaction survey with regard to the question in the
survey regarding residents' ability to personalize their rooms
with personal belongings. 124108
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124110
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(20) The facility does both of the following: 124112

(a) Maintains a written policy that requires consistent
assignment of nurse aides and specifies the goal of having a
resident receive nurse aide care from not more than eight
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| | |
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| different nurse aides during a thirty-day period; | 124116 |
| (b) Communicates the policy to its staff, residents, and families of residents. | 124117
124118 |
| (21) The facility's staff retention rate is at least seventy-five per cent. | 124119
124120 |
| (22) The facility's turnover rate for nurse aides is not higher than sixty-five per cent. | 124121
124122 |
| (23) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference. | 124123
124124
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124126 |
| (D) <u>For fiscal year 2015 and each fiscal year thereafter and subject to division (E) of this section, the department shall award each nursing facility participating in the medicaid program one point for each of the following accountability measures the facility meets:</u> | 124127
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124131 |
| (1) <u>The facility's overall score on its resident satisfaction survey is at least eighty-seven and five-tenths.</u> | 124132
124133 |
| (2) <u>The facility's overall score on its family satisfaction survey is at least eighty-five and nine-tenths.</u> | 124134
124135 |
| (3) <u>The facility satisfies the requirements for participation in the advancing excellence in America's nursing homes campaign.</u> | 124136
124137 |
| (4) <u>Both of the following apply to the facility:</u> | 124138 |
| (a) <u>The facility had not been listed on table B of the special focus facility list for eighteen or more consecutive months during any time during the calendar year immediately preceding the fiscal year for which the point is to be awarded.</u> | 124139
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124141
124142 |
| (b) <u>The facility had neither of the following on the facility's most recent standard survey conducted not later than the last day of the calendar year immediately preceding the fiscal</u> | 124143
124144
124145 |

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| <u>year for which the point is to be awarded or any complaint surveys</u> | 124146 |
| <u>conducted in the calendar year immediately preceding the fiscal</u> | 124147 |
| <u>year for which the point is to be awarded:</u> | 124148 |
| <u>(i) A health deficiency with a scope and severity level</u> | 124149 |
| <u>greater than F;</u> | 124150 |
| <u>(ii) A deficiency that constitutes a substandard quality of</u> | 124151 |
| <u>care.</u> | 124152 |
| <u>(5) The facility does all of the following:</u> | 124153 |
| <u>(a) Offers at least fifty per cent of its residents at least</u> | 124154 |
| <u>one of the following dining choices for at least two meals each</u> | 124155 |
| <u>day:</u> | 124156 |
| <u>(i) Restaurant-style dining in which food is brought from the</u> | 124157 |
| <u>food preparation area to residents per the residents' orders;</u> | 124158 |
| <u>(ii) Buffet-style dining in which residents obtain their own</u> | 124159 |
| <u>food, or have the facility's staff bring food to them per the</u> | 124160 |
| <u>residents' directions, from the buffet;</u> | 124161 |
| <u>(iii) Family-style dining in which food is customarily served</u> | 124162 |
| <u>on a serving dish and shared by residents;</u> | 124163 |
| <u>(iv) Open dining in which residents have at least a two-hour</u> | 124164 |
| <u>period to choose when to have a meal;</u> | 124165 |
| <u>(v) Twenty-four-hour dining in which residents may order</u> | 124166 |
| <u>meals from the facility any time of the day.</u> | 124167 |
| <u>(b) Maintains a written policy specifying the manner or</u> | 124168 |
| <u>manners in which residents' dining choices for meals are offered;</u> | 124169 |
| <u>(c) Communicates the policy to its staff, residents, and</u> | 124170 |
| <u>families of residents.</u> | 124171 |
| <u>(6) The facility does all of the following:</u> | 124172 |
| <u>(a) Enables at least fifty per cent of the facility's</u> | 124173 |
| <u>residents to take a bath or shower when they choose;</u> | 124174 |

| | |
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| <u>(b) Maintains a written policy regarding residents' choices</u> | 124175 |
| <u>in bathing;</u> | 124176 |
| <u>(c) Communicates the policy to its staff, residents, and</u> | 124177 |
| <u>families of residents.</u> | 124178 |
| <u>(7) The facility has at least both of the following scores on</u> | 124179 |
| <u>its resident satisfaction survey:</u> | 124180 |
| <u>(a) With regard to the question in the survey regarding</u> | 124181 |
| <u>residents' ability to choose when to go to bed in the evening, at</u> | 124182 |
| <u>least eighty-nine;</u> | 124183 |
| <u>(b) With regard to the question in the survey regarding</u> | 124184 |
| <u>residents' ability to choose when to get out of bed in the</u> | 124185 |
| <u>morning, at least seventy-six.</u> | 124186 |
| <u>(8) The facility has at least both of the following scores on</u> | 124187 |
| <u>its family satisfaction survey:</u> | 124188 |
| <u>(a) With regard to the question in the survey regarding</u> | 124189 |
| <u>residents' ability to choose when to go to bed in the evening, at</u> | 124190 |
| <u>least eighty-eight;</u> | 124191 |
| <u>(b) With regard to the question in the survey regarding</u> | 124192 |
| <u>residents' ability to choose when to get out of bed in the</u> | 124193 |
| <u>morning, at least seventy-five.</u> | 124194 |
| <u>(9) Not more than thirteen and thirty-five hundredths per</u> | 124195 |
| <u>cent of the facility's long-stay residents report severe to</u> | 124196 |
| <u>moderate pain during the minimum data set assessment process.</u> | 124197 |
| <u>(10) Not more than five and sixteen hundredths per cent of</u> | 124198 |
| <u>the facility's long-stay, high-risk residents have been assessed</u> | 124199 |
| <u>as having one or more stage two, three, or four pressure ulcers</u> | 124200 |
| <u>during the minimum data set assessment process.</u> | 124201 |
| <u>(11) Not more than one and fifty-two hundredths per cent of</u> | 124202 |
| <u>the facility's long-stay residents were physically restrained as</u> | 124203 |
| <u>reported during the minimum data set assessment process.</u> | 124204 |

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| <u>(12) Less than seven per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process.</u> | 124205 |
| | 124206 |
| | 124207 |
| <u>(13) The facility does both of the following:</u> | 124208 |
| <u>(a) Uses a tool for tracking residents' admissions to hospitals;</u> | 124209 |
| | 124210 |
| <u>(b) Annually reports to the department data on hospital admissions by month for all residents.</u> | 124211 |
| | 124212 |
| <u>(14) Both of the following apply:</u> | 124213 |
| <u>(a) At least ninety-five per cent of the facility's long-stay residents are vaccinated against pneumococcal pneumonia, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated.</u> | 124214 |
| | 124215 |
| | 124216 |
| | 124217 |
| <u>(b) At least ninety-three per cent of the facility's long-stay residents are vaccinated against seasonal influenza, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated.</u> | 124218 |
| | 124219 |
| | 124220 |
| | 124221 |
| <u>(15) An average of at least fifty per cent of the facility's medicaid-certified beds are in either, or in a combination of both, of the following:</u> | 124222 |
| | 124223 |
| | 124224 |
| <u>(a) Private rooms;</u> | 124225 |
| <u>(b) Semiprivate rooms to which all of the following apply:</u> | 124226 |
| <u>(i) Each room provides a distinct territory for each resident occupying the room.</u> | 124227 |
| | 124228 |
| <u>(ii) Each distinct territory has a window and is separated by a substantial wall from the other distinct territories in the room.</u> | 124229 |
| | 124230 |
| | 124231 |
| <u>(iii) Each resident is able to enter and exit the distinct territory of the resident's room without entering or exiting</u> | 124232 |
| | 124233 |

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| <u>another resident's distinct territory.</u> | 124234 |
| <u>(iv) Complete visual privacy for each distinct territory may be obtained by drawing a curtain or other screen.</u> | 124235 |
| <u>(16) The facility obtains at least a ninety-five per cent compliance rate with requesting resident reviews required by 42 C.F.R. 483.106(b)(2)(ii) for individuals who are exempted hospital discharges.</u> | 124237 |
| | 124238 |
| | 124239 |
| | 124240 |
| <u>(17) The facility does both of the following:</u> | 124241 |
| <u>(a) Maintains a written policy that requires consistent assignment of nurse aides and specifies the goal of having a resident receive nurse aide care from not more than twelve different nurse aides during a thirty-day period;</u> | 124242 |
| | 124243 |
| | 124244 |
| | 124245 |
| <u>(b) Communicates the policy to its staff, residents, and families of residents.</u> | 124246 |
| | 124247 |
| <u>(18) The facility's staff retention rate is at least seventy-five per cent.</u> | 124248 |
| | 124249 |
| <u>(19) The facility's turnover rate for nurse aides is not higher than sixty-five per cent.</u> | 124250 |
| | 124251 |
| <u>(20) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference.</u> | 124252 |
| | 124253 |
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| | 124255 |
| <u>(21) All of the following apply to the facility:</u> | 124256 |
| <u>(a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors</u> | 124257 |
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consider appropriate. 124264

(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records. 124265
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(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care. 124268
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(22) The facility does both of the following: 124271

(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy; 124272
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(b) Communicates the policy to its staff, residents, and families of residents. 124275
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(E)(1) To be awarded a point for meeting an accountability measure under division (C) or (D) of this section other than the accountability measure identified in ~~division~~ divisions (C)(4) and (D)(4)(b) of this section, a nursing facility must meet the accountability measure in the calendar year immediately preceding the fiscal year for which the point is to be awarded. ~~However, a nursing facility must meet the accountability measures specified in divisions (C)(3), (5), (6), (9), (14) to (17), (20), (22), and (23) of this section in the period beginning January 1, 2012, and ending March 31, 2012, to be awarded points for those accountability measures for fiscal year 2013.~~

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(2) The department shall award points pursuant to ~~division~~ divisions (C)(1), (7), ~~or~~ and (18) and (D)(1) and (7) of this section to a nursing facility only if a resident satisfaction survey was initiated under section 173.47 of the Revised Code for the nursing facility in the calendar year immediately preceding the fiscal year for which the points are to be awarded.

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(3) The department shall award points pursuant to ~~division~~ 124294
~~divisions~~ (C)(2), (8), ~~or~~ and (19) and (D)(2) and (8) of this 124295
section to a nursing facility only if a family satisfaction survey 124296
was initiated under section 173.47 of the Revised Code for the 124297
nursing facility in the calendar year immediately preceding the 124298
fiscal year for which the points are to be awarded. 124299

(4) The department shall award points pursuant to divisions 124300
(D)(21) and (22) of this section only for fiscal year 2015. 124301

(5) Not later than July 1, 2013, the department shall adjust 124302
the score used for the purpose of division (C)(8)(b) of this 124303
section in a manner that causes at least fifty per cent of nursing 124304
facilities to meet division (C)(8)(b) of this section. 124305

~~(E) For the purposes of awarding points under divisions~~ 124306
~~(C)(10) to (13) of this section for fiscal year 2013, the~~ 124307
~~following apply:~~ 124308

~~(1) If, by July 1, 2012, the United States centers for~~ 124309
~~medicare and medicaid services makes calculations using the 3.0~~ 124310
~~version of the minimum data set that indicate whether nursing~~ 124311
~~facilities meet those accountability measures, the department~~ 124312
~~shall do both of the following:~~ 124313

~~(a) Rely on those calculations;~~ 124314

~~(b) Specify the percentages to be used for the purposes of~~ 124315
~~those accountability measures and, in specifying the percentages,~~ 124316
~~provide for at least fifty per cent of nursing facilities to earn~~ 124317
~~points for meeting those accountability measures.~~ 124318

~~(2) If, by July 1, 2012, the United States centers for~~ 124319
~~medicare and medicaid services does not make calculations using~~ 124320
~~the 3.0 version of the minimum data set that indicate whether~~ 124321
~~nursing facilities meet those accountability measures, the~~ 124322
~~department shall do either of the following:~~ 124323

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| (a) Do both of the following: | 124324 |
| (i) Make the calculations using the 3.0 version of the minimum data set in accordance with the national voluntary consensus standards for nursing homes; | 124325 |
| (ii) Specify the percentages to be used for the purposes of those accountability measures and, in specifying the percentages, provide for at least fifty per cent of nursing facilities to earn points for meeting those accountability measures. | 124326 |
| (b) Do all of the following: | 124327 |
| (i) Rely on the most recent calculations the United States centers for medicare and medicaid services made using the 2.0 version of the minimum data set that indicate whether nursing facilities meet those accountability measures; | 124328 |
| (ii) Use four per cent as the applicable percentage for the accountability measure identified in division (C)(10) of this section; | 124329 |
| (iii) Use nine per cent as the applicable percentage for the accountability measure identified in division (C)(11) of this section; | 124330 |
| (iv) Use two per cent as the applicable percentage for the accountability measure identified in division (C)(12) of this section; | 124331 |
| (v) Use ten per cent as the applicable percentage for the accountability measure identified in division (C)(13) of this section. | 124332 |
| (F) For the purposes of awarding points under divisions (C)(10) to (13) of this section for fiscal year 2014 and thereafter, the department shall do the following: | 124333 |
| (1) Rely on calculations the United States centers for medicare and medicaid services makes using the 3.0 version of the | 124334 |
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~~minimum data set that indicate whether nursing facilities meet those accountability measures;~~ 124354
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~~(2) If the department takes action pursuant to division (E)(1) of this section for fiscal year 2013, continue to use the percentages the department specifies pursuant to division (E)(1)(b) of this section for the purposes of those accountability measures;~~ 124356
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~~(3) If the department takes action pursuant to division (E)(2) of this section for fiscal year 2013, do the following:~~ 124361
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~~(a) For fiscal year 2014, specify the percentages to be used for the purposes of those accountability measures and, in specifying the percentages, provide for at least fifty per cent of nursing facilities to earn points for meeting those accountability measures;~~ 124363
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~~(b) For fiscal year 2015 and thereafter, continue to use the percentages the department specifies pursuant to division (F)(3)(a) of this section for the purposes of those accountability measures. Not later than July 1, 2014, the department shall submit, in accordance with section 101.68 of the Revised Code, recommendations to the general assembly for accountability measures to replace the accountability measures identified in divisions (D)(21) and (22) of this section.~~ 124368
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~~(G) The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~ 124376
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~~The rules Rules adopted under section 5165.02 of the Revised Code may specify what is meant by "some" as that word is used in division (C)(16) of this section.~~ 124379
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Sec. ~~5111.245~~ 5165.26. (A) As used in this section: 124382

(1) "Budgeted amount for quality incentive payments for a 124383

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| <u>fiscal year" means the amount determined for a fiscal year as</u> | 124384 |
| <u>follows:</u> | 124385 |
| <u>(a) Multiply the total number of medicaid days in the</u> | 124386 |
| <u>immediately preceding fiscal year by sixteen dollars and</u> | 124387 |
| <u>forty-four cents;</u> | 124388 |
| <u>(b) Determine the total amount of quality incentive payments</u> | 124389 |
| <u>that was paid under section 5165.25 of the Revised Code to all</u> | 124390 |
| <u>nursing facility providers for the immediately preceding fiscal</u> | 124391 |
| <u>year;</u> | 124392 |
| <u>(c) Subtract the amount determined under division (A)(1)(b)</u> | 124393 |
| <u>of this section from the product calculated under division</u> | 124394 |
| <u>(A)(1)(a) of this section;</u> | 124395 |
| <u>(d) Add thirty million dollars to the difference calculated</u> | 124396 |
| <u>under division (A)(1)(c) of this section.</u> | 124397 |
| <u>(2) "Point days for a fiscal year" means the product of the</u> | 124398 |
| <u>following:</u> | 124399 |
| (a) A qualifying nursing facility's quality bonus points for | 124400 |
| the fiscal year; | 124401 |
| (b) The number of the qualifying nursing facility's medicaid | 124402 |
| days in the <u>immediately preceding</u> fiscal year. | 124403 |
| (2) <u>(3) "Qualifying nursing facility" means a nursing facility</u> | 124404 |
| that qualifies for a quality bonus for a fiscal year as determined | 124405 |
| under division (B) of this section. | 124406 |
| (3) <u>(4) "Quality bonus points for a fiscal year" means the</u> | 124407 |
| amount determined by subtracting five from the number of points | 124408 |
| awarded to a qualifying nursing facility <u>for meeting</u> | 124409 |
| <u>accountability measures</u> under division (C) of section 5111.244 | 124410 |
| <u>5165.25</u> of the Revised Code for a fiscal year. | 124411 |
| (4) "Residual budgeted amount for quality incentive payments | 124412 |
| for a fiscal year" means the amount determined for a fiscal year | 124413 |

as follows: 124414

~~(a) Multiply the total number of medicaid days in the fiscal year by sixteen dollars and forty four cents; 124415~~

~~(b) Determine the total amount of quality incentive payments that was paid under section 5111.244 of the Revised Code to all nursing facility providers for the fiscal year; 124416~~

~~(c) Subtract the amount determined under division (A)(4)(b) of this section from the product calculated under division (A)(4)(a) of this section. 124417~~

~~124418~~

~~124419~~

~~(c) Subtract the amount determined under division (A)(4)(b) of this section from the product calculated under division (A)(4)(a) of this section. 124420~~

~~124421~~

~~124422~~

(B) Not later than the first day of November of each fiscal year, the department of job and family services medicaid shall pay a nursing facility provider a quality bonus for a the fiscal year if both of the following apply: 124423

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~~(1) The provider's nursing facility is awarded more than five points for meeting accountability measures under division (C) of section 5111.244 5165.25 of the Revised Code for the fiscal year and the following applies: 124427~~

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~~124430~~

(1) For fiscal year 2014, at least two of the points are awarded to the nursing facility pursuant to division (C)(10), (11), (12), (13), or (14) of section 5165.25 of the Revised Code. 124431

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(2) For fiscal year 2015 and each fiscal year thereafter, at least two of the points are awarded to the nursing facility pursuant to division (D)(9), (10), (11), (12), (13), or (14) of section 5165.25 of the Revised Code. 124434

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~~(2) The residual budgeted amount for quality incentive payments for the fiscal year is greater than zero. 124438~~

~~124439~~

(C) The total quality bonus to be paid to the provider of a qualifying nursing facility for a fiscal year shall equal the product of the following: 124440

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124442

(1) The quality bonus per medicaid day for the fiscal year 124443

| | |
|---|--------|
| determined for the provider's qualifying nursing facility under | 124444 |
| division (D) of this section; | 124445 |
| (2) The number of the qualifying nursing facility's medicaid | 124446 |
| days in the <u>immediately preceding</u> fiscal year. | 124447 |
| (D) A qualifying nursing facility's quality bonus per | 124448 |
| medicaid day for a fiscal year shall be the product of the | 124449 |
| following: | 124450 |
| (1) The nursing facility's quality bonus points for the | 124451 |
| fiscal year; | 124452 |
| (2) The quality bonus per point for the fiscal year | 124453 |
| determined under division (E) of this section. | 124454 |
| (E) The quality bonus per point for a fiscal year shall be | 124455 |
| determined as follows: | 124456 |
| (1) Determine the number of each qualifying nursing | 124457 |
| facility's point days for the fiscal year; | 124458 |
| (2) Determine the sum of all qualifying nursing facilities' | 124459 |
| point days for the fiscal year; | 124460 |
| (3) Divide the residual budgeted amount for quality incentive | 124461 |
| payments for the fiscal year by the sum determined under division | 124462 |
| (E)(2) of this section. | 124463 |
| (F) The calculation of a qualifying nursing facility's bonus | 124464 |
| payment is not subject to appeal under Chapter 119. of the Revised | 124465 |
| Code. | 124466 |
| (G) The director of job and family services may adopt rules | 124467 |
| under section 5111.02 of the Revised Code as necessary to | 124468 |
| implement this section. | 124469 |
| Sec. 5111.257 <u>5165.28</u>. If a provider of a nursing facility | 124470 |
| adds or replaces one or more medicaid certified beds to or at the | 124471 |
| nursing facility, or renovates one or more of the nursing | 124472 |

facility's beds, the medicaid payment rate for the added, 124473
replaced, or renovated beds shall be the same as the medicaid 124474
payment rate for the nursing facility's existing beds. 124475

Sec. ~~5111.265~~ 5165.29. If one or more medicaid-certified beds 124476
are relocated from one nursing facility to another nursing 124477
facility owned by a different person or government entity and the 124478
application for the certificate of need authorizing the relocation 124479
is filed with the director of health on or after ~~the effective~~ 124480
~~date of this section~~ July 1, 2005, amortization of the cost of 124481
acquiring operating rights for the relocated beds is not an 124482
allowable cost for the purpose of determining the nursing 124483
facility's medicaid ~~reimbursement~~ payment rate. 124484

Sec. ~~5111.264~~ 5165.30. Except as provided in section ~~5111.25~~ 124485
~~or 5111.251~~ 5165.17 of the Revised Code, the costs of goods, 124486
services, and facilities, furnished to a nursing facility provider 124487
by a related party are includable in the allowable costs of the 124488
provider at the reasonable cost to the related party. 124489

Sec. 5165.32. The department of medicaid shall not reduce a 124490
nursing facility's medicaid payment rate determined under this 124491
chapter on the basis that the provider charges a lower rate to any 124492
resident who is not eligible for medicaid. 124493

Sec. 5165.33. No medicaid payment shall be made to a nursing 124494
facility provider for the day a medicaid recipient is discharged 124495
from the nursing facility. 124496

Sec. ~~5111.331~~ 5165.34. (A) The department of ~~job and family~~ 124497
~~services~~ medicaid may make medicaid payments to a nursing facility 124498
provider ~~of a nursing facility~~ under ~~sections 5111.20 to 5111.331~~ 124499
~~of the Revised Code~~ this chapter to reserve a bed for a recipient 124500

during a temporary absence under conditions prescribed by the 124501
department, to include hospitalization for an acute condition, 124502
visits with relatives and friends, and participation in 124503
therapeutic programs outside the facility, when the resident's 124504
plan of care provides for such absence and federal financial 124505
participation ~~in~~ for the payments is available. 124506

(B) The maximum period for which payments may be made to 124507
reserve a bed in a nursing facility shall not exceed thirty days 124508
in a calendar year. 124509

(C) The department shall establish the per ~~diem~~ medicaid day 124510
payment rates ~~to be paid to providers of nursing facilities~~ for 124511
reserving beds under this section. In establishing the per ~~diem~~ 124512
medicaid day payment rates, the department shall ~~do the following:~~ 124513

~~(1) In the case of a payment to reserve a bed for a day 124514
during calendar year 2011, set the per diem rate at an amount not 124515
exceeding fifty per cent of the per diem rate the provider would 124516
be paid if the recipient were not absent from the nursing facility 124517
that day; 124518~~

~~(2) In the case of a payment to reserve a bed for a day 124519
during calendar year 2012 and each calendar year thereafter, set 124520
the per ~~diem~~ medicaid day payment rate at an amount equal to the 124521
following: 124522~~

~~(a)(1) In the case of a nursing facility that had an 124523
occupancy rate ~~in the preceding calendar year~~ exceeding 124524
ninety-five per cent, an amount not exceeding fifty per cent of 124525
the per ~~diem~~ medicaid day payment rate the provider would be paid 124526
if the recipient were not absent from the nursing facility that 124527
day; 124528~~

~~(b)(2) In the case of a nursing facility that had an 124529
occupancy rate ~~in the preceding calendar year~~ not exceeding 124530~~

ninety-five per cent, an amount not exceeding eighteen per cent of 124531
the per diem medicaid day payment rate the provider would be paid 124532
if the recipient were not absent from the nursing facility that 124533
day. 124534

(D) For the purpose of setting a nursing facility's per 124535
medicaid day payment rate to reserve a bed for a day during the 124536
period beginning on the effective date of this amendment and 124537
ending December 31, 2013, the department shall determine the 124538
nursing facility's occupancy rate by using information reported on 124539
the nursing facility's cost report for calendar year 2012. For the 124540
purpose of setting a nursing facility's per medicaid day payment 124541
rate to reserve a bed for January 1, 2014, or thereafter, the 124542
department shall determine the nursing facility's occupancy rate 124543
by using information reported on the nursing facility's cost 124544
report for the calendar year preceding the fiscal year in which 124545
the reservation falls. 124546

~~Sec. 5111.212 5165.35. As used in this section, "effective 124547
date of an involuntary termination" and "involuntary termination" 124548
have the same meanings as in section 5111.65 of the Revised Code. 124549~~

Medicaid payments may be made for nursing facility services 124550
~~and intermediate care facility for the mentally retarded services 124551~~
provided not later than thirty days after the effective date of an 124552
involuntary termination of the nursing facility that provides the 124553
services if the services are provided to a medicaid recipient who 124554
is eligible for the services and resided in the nursing facility 124555
before the effective date of the involuntary termination. 124556

~~Sec. 5111.221 5165.37. The department of job and family 124557
services medicaid shall make its best efforts each year to 124558
calculate nursing facilities' medicaid payment rates under 124559
sections 5111.20 to 5111.331 of the Revised Code this chapter in 124560~~

time to ~~use them to make~~ pay the ~~payments due to providers~~ rates 124561
by the fifteenth day of August of each fiscal year. If the 124562
department is unable to calculate the rates so that they can be 124563
paid by that date, the department shall pay each provider the rate 124564
calculated for the provider's nursing facilities ~~and intermediate~~ 124565
~~care facilities for the mentally retarded under those sections~~ 124566
this chapter at the end of the previous fiscal year. If the 124567
department also is unable to calculate the rates to ~~make the~~ 124568
~~payments due~~ pay the rates by the fifteenth day of September and 124569
the fifteenth day of October, the department shall pay the 124570
previous fiscal year's rate to make those payments. The department 124571
may increase by five per cent the previous fiscal year's rate paid 124572
for any nursing facility pursuant to this section at the request 124573
of the provider. The department shall use rates calculated for the 124574
current fiscal year to make the payments due by the fifteenth day 124575
of November. 124576

If the rate paid to a provider for a nursing facility 124577
pursuant to this section is lower than the rate calculated for the 124578
nursing facility for the current fiscal year, the department shall 124579
pay the provider the difference between the two rates for the 124580
number of days for which the provider was paid for the nursing 124581
facility pursuant to this section. If the rate paid for a nursing 124582
facility pursuant to this section is higher than the rate 124583
calculated for it for the current fiscal year, the provider shall 124584
refund to the department the difference between the two rates for 124585
the number of days for which the provider was paid for the nursing 124586
facility pursuant to this section. 124587

Sec. ~~5111.29~~ 5165.38. (A) The medicaid director ~~of job and~~ 124588
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 124589
the Revised Code that establish a process under which a nursing 124590
facility provider, or a group or association of nursing facility 124591
providers, may seek reconsideration of medicaid payment rates 124592

established under ~~sections 5111.20 to 5111.331 of the Revised Code~~ 124593
this chapter, including a rate for direct care costs recalculated 124594
before the effective date of the rate as a result of an exception 124595
review of resident assessment ~~information~~ data conducted under 124596
section ~~5111.27~~ 5165.193 of the Revised Code. The 124597

~~(1) Except as provided in divisions (A)(2) to (4) of this~~ 124598
~~section, the only issue that a provider, group, or association may~~ 124599
raise in the rate reconsideration shall be whether the rate was 124600
calculated in accordance with ~~sections 5111.20 to 5111.331 of the~~ 124601
~~Revised Code~~ this chapter and the rules adopted under section 124602
~~5111.02~~ 5165.02 of the Revised Code. ~~The rules shall permit a~~ 124603
provider, group, or association ~~to~~ may submit written arguments or 124604
other materials that support its position. ~~The rules shall specify~~ 124605
provider, group, or association and department of medicaid shall 124606
take actions regarding the rate reconsideration within time frames 124607
~~within which the provider, group, or association and the~~ 124608
~~department must act~~ specified in rules authorized by this section. 124609
~~if~~ 124610

If the department determines, as a result of the rate 124611
reconsideration, that the rate ~~established~~ determined for one or 124612
more nursing facilities ~~of a provider~~ is less than the rate to 124613
which the nursing facility is entitled, the department shall 124614
increase the rate. If the department has paid the incorrect rate 124615
for a period of time, the department shall pay the provider the 124616
difference between the amount the provider was paid for that 124617
period for the nursing facility and the amount the provider should 124618
have been paid for the nursing facility. 124619

~~(2) The rules shall provide that during a fiscal year, the~~ 124620
~~department, by means of the rate reconsideration process, may~~ 124621
~~increase the rate determined for an intermediate care facility for~~ 124622
~~the mentally retarded as calculated under sections 5111.20 to~~ 124623
~~5111.331 of the Revised Code if the provider of the facility~~ 124624

~~demonstrates that the facility's actual, allowable costs have 124625
increased because of extreme circumstances. A facility may qualify 124626
for a rate increase only if the facility's per diem, actual, 124627
allowable costs have increased to a level that exceeds its total 124628
rate. The rules shall specify the circumstances that would justify 124629
a rate increase under division (A)(2) of this section. The rules 124630
shall provide that the extreme circumstances include natural 124631
disasters, renovations approved under division (D) of section 124632
5111.251 of the Revised Code, an increase in workers' compensation 124633
experience rating of greater than five per cent for a facility 124634
that has an appropriate claims management program, increased 124635
security costs for an inner city facility, and a change of 124636
ownership that results from bankruptcy, foreclosure, or findings 124637
of violations of certification requirements by the department of 124638
health. An increase under division (A)(2) of this section is 124639
subject to any rate limitations or maximum rates established by 124640
sections 5111.20 to 5111.331 of the Revised Code for specific cost 124641
centers. Any rate increase granted under division (A)(2) of this 124642
section shall take effect on the first day of the first month 124643
after the department receives the request. 124644~~

~~(3) The rules shall provide that the department, through the 124645
rate reconsideration process, may increase an intermediate care 124646
facility for the mentally retarded's rate as calculated under 124647
sections 5111.20 to 5111.331 of the Revised Code if the 124648
department, in the department's sole discretion, determines that 124649
the rate as calculated under those sections works an extreme 124650
hardship on the facility. 124651~~

~~(4) The rules shall provide that when beds certified for the 124652
medicaid program are added to an existing intermediate care 124653
facility for the mentally retarded or replaced at the same site, 124654
the department, through the rate reconsideration process, shall 124655
increase the intermediate care facility for the mentally 124656~~

~~retarded's rate for capital costs proportionately, as limited by 124657
any applicable limitation under section 5111.251 of the Revised 124658
Code, to account for the costs of the beds that are added or 124659
replaced. The department shall make this increase one month after 124660
the first day of the month after the department receives 124661
sufficient documentation of the costs. Any rate increase granted 124662
under division (A)(4) of this section after June 30, 1993, shall 124663
remain in effect until the effective date of a rate calculated 124664
under section 5111.251 of the Revised Code that includes costs 124665
incurred for a full calendar year for the bed addition or bed 124666
replacement. The facility shall report double accumulated 124667
depreciation in an amount equal to the depreciation included in 124668
the rate adjustment on its cost report for the first year of 124669
operation. During the term of any loan used to finance a project 124670
for which a rate adjustment is granted under division (A)(4) of 124671
this section, if the facility is operated by the same provider, 124672
the provider shall subtract from the interest costs it reports on 124673
its cost report an amount equal to the difference between the 124674
following:~~ 124675

~~(a) The actual, allowable interest costs for the loan during 124676
the calendar year for which the costs are being reported; 124677~~

~~(b) The actual, allowable interest costs attributable to the 124678
loan that were used to calculate the rates paid to the provider 124679
for the facility during the same calendar year. 124680~~

~~(5) The department's decision at the conclusion of the 124681
reconsideration process shall not be subject to any administrative 124682
proceedings under Chapter 119. or any other provision of the 124683
Revised Code. 124684~~

~~(B) All of the following are subject to an adjudication 124685
conducted in accordance with Chapter 119. of the Revised Code: 124686~~

~~(1) Any audit disallowance that the department makes as the 124687~~

~~result of an audit under section 5111.27 of the Revised Code;~~ 124688

~~(2) Any adverse finding that results from an exception review 124689
of resident assessment information conducted under section 5111.27 124690
of the Revised Code after the effective date of the facility's 124691
rate that is based on the assessment information;~~ 124692

~~(3) Any medicaid payment deemed an overpayment under section 124693
5111.683 of the Revised Code;~~ 124694

~~(4) Any penalty the department imposes under division (C) of 124695
section 5111.28 of the Revised Code or section 5111.683 of the 124696
Revised Code.~~ 124697

Sec. ~~5111.28~~ 5165.40. (A) If a nursing facility provider 124698
properly amends ~~its~~ a cost report for the nursing facility under 124699
section ~~5111.261~~ 5165.107 of the Revised Code and the amended 124700
report shows that the provider received a lower medicaid payment 124701
rate under the original cost report than ~~it~~ the provider was 124702
entitled to receive, the department of ~~job and family services~~ 124703
medicaid shall adjust the provider's rate for the nursing facility 124704
prospectively to reflect the corrected information. The department 124705
shall pay the adjusted rate beginning two months after the first 124706
day of the month after the provider files the amended cost report. 124707
~~if~~ 124708

If the department finds, from an exception review of resident 124709
assessment ~~information~~ data conducted pursuant to section 5165.193 124710
of the Revised Code after the effective date of ~~the~~ a nursing 124711
facility's rate for direct care costs that is based on the 124712
resident assessment information data, that inaccurate resident 124713
assessment ~~information~~ data resulted in the provider receiving a 124714
lower rate for the nursing facility than it was entitled to 124715
receive, the department prospectively shall adjust the provider's 124716
rate accordingly and. The department shall make payments to the 124717
provider using the adjusted rate for the remainder of the ~~calendar~~ 124718

~~quarter six-month period~~ for which the ~~resident~~ assessment information ~~data~~ is used to determine the rate, beginning one month after the first day of the month after the exception review is completed.

~~(B) If the provider properly amends its cost report under section 5111.261 of the Revised Code, the department makes a finding based on an audit under section 5111.27 of the Revised Code, or the department makes a finding based on an exception review of resident assessment information conducted under section 5111.27 of the Revised Code after the effective date of the rate for direct care costs that is based on the assessment information, any of which results in a determination that the provider has received a higher rate than it was entitled to receive, the department shall recalculate the provider's rate using the revised information. The department shall apply the recalculated rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment.~~

~~In addition to requiring a refund under this division, the department may charge the provider interest at the applicable rate specified in this division from the time the overpayment was made.~~

~~(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be no greater than one and one-half times the average bank prime rate.~~

~~(2) If the overpayment resulted from costs reported for subsequent calendar years:~~

~~(a) The interest shall be no greater than two times the average bank prime rate if the overpayment was equal to or less than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~

~~(b) The interest shall be no greater than two and one half times the current average bank prime rate if the overpayment was greater than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~

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~~(C) The department also may impose the following penalties:~~

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~~(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to establish a rate;~~

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~~(2) If an exiting operator or owner fails to provide notice of a facility closure, voluntary termination, or voluntary withdrawal of participation in the medicaid program as required by section 5111.66 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5111.67 of the Revised Code, no more than the current average bank prime rate plus four per cent of the last two monthly payments.~~

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~~(D) If the provider continues to participate in the medicaid program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the next available payment from the department to the provider. The department and the provider may enter into an agreement under which the amount, together with interest, is deducted in installments from payments from the department to the provider.~~

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~~(E) The department shall transmit refunds and penalties to~~

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~~the treasurer of state for deposit in the general revenue fund.~~ 124781

~~(F) For the purpose of this section, the department shall 124782
determine the average bank prime rate using statistical release 124783
H.15, "selected interest rates," a weekly publication of the 124784
federal reserve board, or any successor publication. If 124785
statistical release H.15, or its successor, ceases to contain the 124786
bank prime rate information or ceases to be published, the 124787
department shall request a written statement of the average bank 124788
prime rate from the federal reserve bank of Cleveland or the 124789
federal reserve board. 124790~~

Sec. 5165.41. (A) The department of medicaid shall 124791
redetermine a provider's medicaid payment rate for a nursing 124792
facility using revised information if any of the following results 124793
in a determination that the provider received a higher medicaid 124794
payment rate for the nursing facility than the provider was 124795
entitled to receive: 124796

(1) The provider properly amends a cost report for the 124797
nursing facility under section 5165.107 of the Revised Code; 124798

(2) The department makes a finding based on an audit under 124799
section 5165.109 of the Revised Code; 124800

(3) The department makes a finding based on an exception 124801
review of resident assessment data conducted under section 124802
5165.193 of the Revised Code after the effective date of the 124803
nursing facility's rate for direct care costs that is based on the 124804
resident assessment data; 124805

(4) The department makes a finding based on a post-payment 124806
review conducted under section 5165.49 of the Revised Code. 124807

(B) The department shall apply the redetermined rate to the 124808
periods when the provider received the incorrect rate to determine 124809
the amount of the overpayment. The provider shall refund the 124810

amount of the overpayment. The department may charge the provider 124811
the following amount of interest from the time the overpayment was 124812
made: 124813

(1) If the overpayment resulted from costs reported for 124814
calendar year 1993, the interest shall be no greater than one and 124815
one-half times the current average bank prime rate. 124816

(2) If the overpayment resulted from costs reported for a 124817
subsequent calendar year: 124818

(a) The interest shall be no greater than two times the 124819
current average bank prime rate if the overpayment was no more 124820
than one per cent of the total medicaid payments to the provider 124821
for the fiscal year for which the overpayment was made. 124822

(b) The interest shall be no greater than two and one-half 124823
times the current average bank prime rate if the overpayment was 124824
more than one per cent of the total medicaid payments to the 124825
provider for the fiscal year for which the overpayment was made. 124826

Sec. 5165.42. In addition to the other penalties authorized 124827
by this chapter, the department of medicaid may impose the 124828
following penalties on a nursing facility provider: 124829

(A) If the provider does not furnish invoices or other 124830
documentation that the department requests during an audit within 124831
sixty days after the request, a fine of no more than the greater 124832
of the following: 124833

(1) One thousand dollars per audit; 124834

(2) Twenty-five per cent of the cumulative amount by which 124835
the costs for which documentation was not furnished increased the 124836
total medicaid payments to the provider during the fiscal year for 124837
which the costs were used to determine a rate. 124838

(B) If an exiting operator or owner fails to provide notice 124839
of a facility closure or voluntary withdrawal of participation in 124840

the medicaid program as required by section 5165.50 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5165.51 of the Revised Code, a fine of not more than the current average bank prime rate plus four per cent of the last two monthly payments. 124841
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Sec. 5165.43. For the purposes of sections 5165.41 and 5165.42 of the Revised Code, the department of medicaid shall determine the current average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If statistical release H.15, or its successor, ceases to contain the bank prime rate information or ceases to be published, the department shall request a written statement of the average bank prime rate from the federal reserve bank of Cleveland or the federal reserve board. 124847
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Sec. 5165.44. (A) Except as provided in division (B) of this section, the department of medicaid shall deduct the following from the next available medicaid payment the department makes to a nursing facility provider who continues to participate in medicaid: 124857
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(1) Any amount the provider is required to refund, and any interest charged, under section 5165.41 of the Revised Code; 124862
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(2) The amount of any penalty imposed on the provider under section 5165.42 of the Revised Code. 124864
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(B) The department and a nursing facility provider may enter into an agreement under which a deduction required by division (A) of this section is taken in installments from payments the department makes to the provider. 124866
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Sec. 5165.45. The department of medicaid shall transmit to 124870
the treasurer of state for deposit in the general revenue fund 124871
amounts collected from the following: 124872

(A) Refunds required by, and interest charged under, section 124873
5165.41 of the Revised Code; 124874

(B) Amounts collected from penalties imposed under section 124875
5165.42 of the Revised Code. 124876

Sec. 5165.46. All of the following are subject to an 124877
adjudication conducted in accordance with Chapter 119. of the 124878
Revised Code: 124879

(A) Any audit disallowance that the department of medicaid 124880
makes as the result of an audit under section 5165.109 of the 124881
Revised Code; 124882

(B) Any adverse finding that results from an exception review 124883
of resident assessment data conducted for a nursing facility under 124884
section 5165.193 of the Revised Code after the effective date of 124885
the nursing facility's medicaid payment rate for direct care costs 124886
that is based on the resident assessment data; 124887

(C) Any medicaid payment deemed an overpayment under section 124888
5165.523 of the Revised Code; 124889

(D) Any penalty the department imposes under section 5165.42 124890
of the Revised Code or section 5165.523 of the Revised Code. 124891

Sec. ~~5111.262~~ 5165.47. No person, other than ~~the~~ a nursing 124892
facility provider of a nursing facility, shall submit a claim for 124893
medicaid ~~reimbursement~~ payment for a service provided to a nursing 124894
facility resident if the service is included in a medicaid payment 124895
made to the nursing facility provider of a nursing facility under 124896
~~sections 5111.20 to 5111.33 of the Revised Code~~ this chapter or in 124897
the ~~reimbursable~~ allowable expenses reported on a provider's cost 124898

report for a nursing facility. No ~~nursing facility~~ provider of a 124899
~~nursing facility~~ shall submit a separate claim for medicaid 124900
~~reimbursement payment~~ for a service provided to a resident of the 124901
nursing facility if the service is included in a medicaid payment 124902
made to the provider under ~~sections 5111.20 to 5111.331 of the~~ 124903
~~Revised Code~~ this chapter or in the ~~reimbursable allowable~~ 124904
expenses on the provider's cost report for the nursing facility. 124905
124906

Sec. ~~5111.0211~~ 5165.48. As used in this section, "nursing 124907
facility" and "provider" have the same meanings as in section 124908
~~5111.20 of the Revised Code.~~ 124909

The provider of a nursing facility is not required to submit 124910
a claim to the department of ~~job and family services~~ medicaid 124911
regarding the medicare cost-sharing expenses of a resident of the 124912
nursing facility who, under federal law, is eligible to have the 124913
medicaid program pay for a part of the cost-sharing expenses if 124914
the provider determines that, under rules adopted under section 124915
~~5111.02~~ 5165.02 of the Revised Code, the nursing facility would 124916
not receive a medicaid payment for any part of the medicare 124917
cost-sharing expenses. In such a situation, a claim for the 124918
medicare cost-sharing expenses shall be considered to have been 124919
adjudicated at no payment. 124920

Sec. 5165.49. The department of medicaid may conduct a 124921
post-payment review of a claim submitted by a nursing facility 124922
provider and paid by the medicaid program to determine whether the 124923
provider was overpaid. The department shall provide the provider a 124924
written summary of the review's results. The review's results are 124925
not subject to an adjudication under Chapter 119. of the Revised 124926
Code; however, the provider may request that the medicaid director 124927
reconsider the review's results. The director shall reconsider the 124928
review's results on receipt of a request made in good faith. The 124929

department shall not deduct any amounts the department claims to 124930
be due from the provider as a result of the review from the 124931
provider's medicaid payments pursuant to section 5165.44 of the 124932
Revised Code until the conclusion of the director's 124933
reconsideration, if any, of the review. 124934

Sec. ~~5111.66~~ 5165.50. An exiting operator or owner of a 124935
nursing facility ~~or intermediate care facility for the mentally~~ 124936
~~retarded~~ participating in the medicaid program shall provide the 124937
department of ~~job and family services~~ medicaid written notice of a 124938
facility closure, ~~voluntary termination,~~ or voluntary withdrawal 124939
of participation not less than ninety days before the effective 124940
date of the facility closure, ~~voluntary termination,~~ or voluntary 124941
withdrawal of participation. The written notice shall be provided 124942
to the department in accordance with the method specified in rules 124943
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 124944
Revised Code. 124945

The written notice shall include all of the following: 124946

(A) The name of the exiting operator and, if any, the exiting 124947
operator's authorized agent; 124948

(B) The name of the nursing facility ~~or intermediate care~~ 124949
~~facility for the mentally retarded~~ that is the subject of the 124950
written notice; 124951

(C) The exiting operator's medicaid provider agreement number 124952
for the nursing facility that is the subject of the written 124953
notice; 124954

(D) The effective date of the facility closure, ~~voluntary~~ 124955
~~termination,~~ or voluntary withdrawal of participation; 124956

(E) The signature of the exiting operator's or owner's 124957
representative. 124958

Sec. ~~5111.661~~ 5165.501. An operator shall comply with ~~section~~ 124959
~~1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965)~~ 124960
section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F) if the operator's 124961
nursing facility undergoes a voluntary withdrawal of 124962
participation. 124963

Sec. ~~5111.67~~ 5165.51. (A) An exiting operator or owner and 124964
entering operator shall provide the department of ~~job and family~~ 124965
~~services~~ medicaid written notice of a change of operator if the 124966
nursing facility ~~or intermediate care facility for the mentally~~ 124967
~~retarded~~ participates in the medicaid program and the entering 124968
operator seeks to continue the nursing facility's participation. 124969
The written notice shall be provided to the department in 124970
accordance with the method specified in rules ~~adopted under~~ 124971
authorized by section ~~5111.689~~ 5165.53 of the Revised Code. The 124972
written notice shall be provided to the department not later than 124973
forty-five days before the effective date of the change of 124974
operator if the change of operator does not entail the relocation 124975
of residents. The written notice shall be provided to the 124976
department not later than ninety days before the effective date of 124977
the change of operator if the change of operator entails the 124978
relocation of residents. 124979

The written notice shall include all of the following: 124980

(1) The name of the exiting operator and, if any, the exiting 124981
operator's authorized agent; 124982

(2) The name of the nursing facility ~~or intermediate care~~ 124983
~~facility for the mentally retarded~~ that is the subject of the 124984
change of operator; 124985

(3) The exiting operator's seven-digit medicaid legacy number 124986
and ten-digit national provider identifier number for the nursing 124987
facility that is the subject of the change of operator; 124988

| | |
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| (4) The name of the entering operator; | 124989 |
| (5) The effective date of the change of operator; | 124990 |
| (6) The manner in which the entering operator becomes the <u>nursing</u> facility's operator, including through sale, lease, merger, or other action; | 124991
124992
124993 |
| (7) If the manner in which the entering operator becomes the <u>nursing</u> facility's operator involves more than one step, a description of each step; | 124994
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124996 |
| (8) Written authorization from the exiting operator or owner and entering operator for the department to process a provider agreement for the entering operator; | 124997
124998
124999 |
| (9) The names and addresses of the persons to whom the department should send initial correspondence regarding the change of operator; | 125000
125001
125002 |
| (10) If the nursing facility also participates in the medicare program, notification of whether the entering operator intends to accept assignment of the exiting operator's medicare provider agreement; | 125003
125004
125005
125006 |
| (11) The signature of the exiting operator's or owner's representative. | 125007
125008 |
| (B) An exiting operator or owner and entering operator immediately shall provide the department written notice of any changes to information included in a written notice of a change of operator that occur after that notice is provided to the department. The notice of the changes shall be provided to the department in accordance with the method specified in rules adopted under <u>authorized by</u> section 5111.689 <u>5165.53</u> of the Revised Code. | 125009
125010
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125016 |
| Sec. 5111.671 <u>5165.511</u>. The department of job and family services <u>medicaid</u> may enter into a provider agreement with an | 125017
125018 |

entering operator that goes into effect at 12:01 a.m. on the 125019
effective date of the change of operator if all of the following 125020
requirements are met: 125021

(A) The department receives a properly completed written 125022
notice required by section ~~5111.67~~ 5165.51 of the Revised Code on 125023
or before the date required by that section. 125024

(B) The department receives both of the following in 125025
accordance with the method specified in rules ~~adopted under~~ 125026
authorized by section ~~5111.689~~ 5165.53 of the Revised Code and not 125027
later than ten days after the effective date of the change of 125028
operator: 125029

(1) From the entering operator, a completed application for a 125030
provider agreement and all other forms and documents specified in 125031
rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 125032
Revised Code; 125033

(2) From the exiting operator or owner, all forms and 125034
documents specified in rules ~~adopted under~~ authorized by section 125035
~~5111.689~~ 5165.53 of the Revised Code. 125036

(C) The entering operator is eligible for medicaid payments 125037
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 125038

Sec. ~~5111.672~~ 5165.512. (A) The department of ~~job and family~~ 125039
~~services~~ medicaid may enter into a provider agreement with an 125040
entering operator that goes into effect at 12:01 a.m. on the date 125041
determined under division (B) of this section if all of the 125042
following are the case: 125043

(1) The department receives a properly completed written 125044
notice required by section ~~5111.67~~ 5165.51 of the Revised Code. 125045

(2) The department receives, from the entering operator and 125046
in accordance with the method specified in rules ~~adopted under~~ 125047

authorized by section ~~5111.689~~ 5165.53 of the Revised Code, a 125048
completed application for a provider agreement and all other forms 125049
and documents specified in rules adopted under that section. 125050

(3) The department receives, from the exiting operator or 125051
owner and in accordance with the method specified in rules ~~adopted~~ 125052
~~under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code, 125053
all forms and documents specified in rules adopted under that 125054
section. 125055

(4) One or more of the following apply: 125056

(a) The requirement of division (A)(1) of this section is met 125057
after the time required by section ~~5111.67~~ 5165.51 of the Revised 125058
Code; 125059

(b) The requirement of division (A)(2) of this section is met 125060
more than ten days after the effective date of the change of 125061
operator; 125062

(c) The requirement of division (A)(3) of this section is met 125063
more than ten days after the effective date of the change of 125064
operator. 125065

(5) The entering operator is eligible for medicaid payments 125066
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 125067

(B) The department shall determine the date a provider 125068
agreement entered into under this section is to go into effect as 125069
follows: 125070

(1) The effective date shall give the department sufficient 125071
time to process the change of operator, assure no duplicate 125072
payments are made, and make the withholding required by section 125073
~~5111.681~~ 5165.521 of the Revised Code. 125074

(2) The effective date shall be not earlier than the latest 125075
of the following: 125076

(a) The effective date of the change of operator; 125077

(b) The date that the entering operator complies with section 125078
~~5111.67~~ 5165.51 of the Revised Code and division (A)(2) of this 125079
section; 125080

(c) The date that the exiting operator or owner complies with 125081
section ~~5111.67~~ 5165.51 of the Revised Code and division (A)(3) of 125082
this section. 125083

(3) The effective date shall be not later than the following 125084
after the later of the dates specified in division (B)(2) of this 125085
section: 125086

(a) Forty-five days if the change of operator does not entail 125087
the relocation of residents; 125088

(b) Ninety days if the change of operator entails the 125089
relocation of residents. 125090

Sec. ~~5111.673~~ 5165.513. (A) A provider that enters into a 125091
provider agreement with the department of ~~job and family services~~ 125092
medicaid under section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of 125093
the Revised Code shall do all of the following: 125094

~~(A)(1)~~ (1) Comply with all applicable federal statutes and 125095
regulations; 125096

~~(B)(2)~~ (2) Comply with section ~~5111.22~~ 5165.07 of the Revised 125097
Code and all other applicable state statutes and rules; 125098

~~(C) Comply~~ (3) Subject to division (B) of this section, 125099
comply with all the terms and conditions of the exiting operator's 125100
provider agreement, including, but not limited to, all of the 125101
following: 125102

~~(1)(a)~~ (a) Any plan of correction; 125103

~~(2)(b)~~ (b) Compliance with health and safety standards; 125104

~~(3)(c)~~ (c) Compliance with the ownership and financial interest 125105
disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3; 125106

~~(4)~~(d) Compliance with the civil rights requirements of 45 125107
C.F.R. parts 80, 84, and 90; 125108

~~(5)~~(e) Compliance with additional requirements imposed by the 125109
department; 125110

~~(6)~~(f) Any sanctions relating to remedies for violation of 125111
the provider agreement, including deficiencies, compliance 125112
periods, accountability periods, monetary penalties, notification 125113
for correction of contract violations, and history of 125114
deficiencies. 125115

(B) Division (A)(3) of this section does not prohibit a 125116
nursing facility provider from excluding one or more parts of the 125117
nursing facility from the provider agreement pursuant to division 125118
(B)(1) of section 5165.08 of the Revised Code. 125119

Sec. ~~5111.674~~ 5165.514. In the case of a change of operator, 125120
the exiting operator shall be considered to be the operator of the 125121
nursing facility ~~or intermediate care facility for the mentally 125122
retarded~~ for purposes of the medicaid program, including medicaid 125123
payments, until the effective date of the entering operator's 125124
provider agreement if the provider agreement is entered into under 125125
section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of the Revised 125126
Code. 125127

Sec. ~~5111.675~~ 5165.515. The department of ~~job and family 125128
services~~ medicaid may enter into a provider agreement as provided 125129
in section ~~5111.22~~ 5165.07 of the Revised Code, rather than 125130
section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of the Revised 125131
Code, with an entering operator if the entering operator does not 125132
agree to a provider agreement that satisfies the requirements of 125133
division ~~(C)(A)(3)~~ of section ~~5111.673~~ 5165.513 of the Revised 125134
Code. The department may not enter into the provider agreement 125135
unless the department of health certifies the nursing facility ~~or~~ 125136

~~intermediate care facility for the mentally retarded under Title~~ 125137
~~XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 125138
~~1396, as amended for participation in medicaid.~~ The effective date 125139
of the provider agreement shall not precede any of the following: 125140

(A) The date that the department of health certifies the 125141
nursing facility; 125142

(B) The effective date of the change of operator; 125143

(C) The date the requirement of section ~~5111.67~~ 5165.51 of 125144
the Revised Code is satisfied. 125145

Sec. ~~5111.676~~ 5165.516. The medicaid director ~~of job and~~ 125146
~~family services~~ may adopt rules ~~in accordance with Chapter 119.~~ 125147
under section 5165.02 of the Revised Code governing adjustments to 125148
the medicaid ~~reimbursement~~ payment rate for a nursing facility ~~or~~ 125149
~~intermediate care facility for the mentally retarded~~ that 125150
undergoes a change of operator. No rate adjustment resulting from 125151
a change of operator shall be effective before the effective date 125152
of the entering operator's provider agreement. This is the case 125153
regardless of whether the provider agreement is entered into under 125154
section ~~5111.671~~ 5165.511, section ~~5111.672~~ 5165.512, or, pursuant 125155
to section ~~5111.675~~ 5165.515, section ~~5111.22~~ 5165.07 of the 125156
Revised Code. 125157

Sec. ~~5111.677~~ 5165.517. ~~Neither of the following~~ The 125158
department of health's determination that a change of operator has 125159
or has not occurred for purposes of licensure under Chapter 3721. 125160
of the Revised Code shall not affect the department of ~~job and~~ 125161
~~family services'~~ medicaid's determination of whether or when a 125162
change of operator occurs or the effective date of an entering 125163
operator's provider agreement under section ~~5111.671~~ 5165.511, 125164
section ~~5111.672~~ 5165.512, or, pursuant to section ~~5111.675~~ 125165
5165.515, section ~~5111.22~~ 5165.07 of the Revised Code. 125166

~~(A) The department of health's determination that a change of operator has or has not occurred for purposes of licensure under Chapter 3721. of the Revised Code;~~ 125167
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125169

~~(B) The department of developmental disabilities' determination that a change of operator has or has not occurred for purposes of licensure under section 5123.19 of the Revised Code.~~ 125170
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Sec. ~~5111.68~~ 5165.52. (A) On receipt of a written notice 125174
under section ~~5111.66~~ 5165.50 of the Revised Code of a facility 125175
closure, ~~voluntary termination,~~ or voluntary withdrawal of 125176
participation, on receipt of a written notice under section 125177
~~5111.67~~ 5165.51 of the Revised Code of a change of operator, or on 125178
the effective date of an involuntary termination, the department 125179
of ~~job and family services~~ medicaid shall estimate the amount of 125180
any overpayments made under the medicaid program to the exiting 125181
operator, including overpayments the exiting operator disputes, 125182
and other actual and potential debts the exiting operator owes or 125183
may owe to the department and United States centers for medicare 125184
and medicaid services under the medicaid program, including a 125185
franchise permit fee. 125186

(B) In estimating the exiting operator's other actual and 125187
potential debts to the department and the United States centers 125188
for medicare and medicaid services under the medicaid program, the 125189
department shall use a debt estimation methodology the medicaid 125190
~~director of job and family services~~ shall establish in rules 125191
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 125192
Revised Code. The methodology shall provide for estimating all of 125193
the following that the department determines are applicable: 125194

(1) Refunds due the department under section ~~5111.27~~ 5165.41 125195
of the Revised Code; 125196

(2) Interest owed to the department and United States centers 125197

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| for medicare and medicaid services; | 125198 |
| (3) Final civil monetary and other penalties for which all right of appeal has been exhausted; | 125199
125200 |
| (4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last fiscal year or portion thereof in which the exiting operator participated in the medicaid program; | 125201
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125205 |
| (5) Other amounts the department determines are applicable. | 125206 |
| (C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5111.66 <u>5165.50</u> of the Revised Code of the facility closure, voluntary termination , or voluntary withdrawal of participation; the department receives the notice under section 5111.67 <u>5165.51</u> of the Revised Code of the change of operator; or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate. | 125207
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| Sec. 5111.681 <u>5165.521</u>. (A) Except as provided in divisions (B), (C), and (D) of this section, the department of job and family services <u>medicaid</u> may withhold from payment due an exiting operator under the medicaid program the total amount specified in the notice provided under division (C) of section 5111.68 <u>5165.52</u> of the Revised Code that the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program. | 125217
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| (B) In the case of a change of operator and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting | 125225
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125227 |

operator or entering operator or an affiliated operator executes a 125228
successor liability agreement meeting the requirements of division 125229
(F) of this section: 125230

(1) If the exiting operator, entering operator, or affiliated 125231
operator assumes liability for the total, actual amount of debt 125232
the exiting operator owes the department and the United States 125233
centers for medicare and medicaid services under the medicaid 125234
program as determined under section ~~5111.685~~ 5165.525 of the 125235
Revised Code, the department shall not make the withholding. 125236

(2) If the exiting operator, entering operator, or affiliated 125237
operator assumes liability for only the portion of the amount 125238
specified in division (B)(1) of this section that represents the 125239
franchise permit fee the exiting operator owes, the department 125240
shall withhold not more than the difference between the total 125241
amount specified in the notice provided under division (C) of 125242
section ~~5111.68~~ 5165.52 of the Revised Code and the amount for 125243
which the exiting operator, entering operator, or affiliated 125244
operator assumes liability. 125245

(C) In the case of a ~~voluntary termination~~, voluntary 125246
withdrawal of participation, or facility closure and subject to 125247
division (E) of this section, the following shall apply regarding 125248
a withholding under division (A) of this section if the exiting 125249
operator or an affiliated operator executes a successor liability 125250
agreement meeting the requirements of division (F) of this 125251
section: 125252

(1) If the exiting operator or affiliated operator assumes 125253
liability for the total, actual amount of debt the exiting 125254
operator owes the department and the United States centers for 125255
medicare and medicaid services under the medicaid program as 125256
determined under section ~~5111.685~~ 5165.525 of the Revised Code, 125257
the department shall not make the withholding. 125258

(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section ~~5111.68~~ 5165.52 of the Revised Code and the amount for which the exiting operator or affiliated operator assumes liability.

(D) In the case of an involuntary termination and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator, the entering operator, or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section and the department approves the successor liability agreement:

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section ~~5111.68~~ 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability.

(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under

division (B), (C), or (D) of this section, both of the following 125291
must apply: 125292

(1) The exiting operator or affiliated operator must have one 125293
or more valid provider agreements, other than the provider 125294
agreement for the nursing facility ~~or intermediate care facility~~ 125295
~~for the mentally retarded~~ that is the subject of the involuntary 125296
termination, ~~voluntary termination~~, voluntary withdrawal of 125297
participation, facility closure, or change of operator; 125298

(2) During the twelve-month period preceding either the 125299
effective date of the involuntary termination or the month in 125300
which the department receives the notice of the ~~voluntary~~ 125301
~~termination~~, voluntary withdrawal of participation, or facility 125302
closure under section ~~5111.66~~ 5165.50 of the Revised Code or the 125303
notice of the change of operator under section ~~5111.67~~ 5165.51 of 125304
the Revised Code, the average monthly medicaid payment made to the 125305
exiting operator or affiliated operator pursuant to the exiting 125306
operator's or affiliated operator's one or more provider 125307
agreements, other than the provider agreement for the nursing 125308
facility ~~or intermediate care facility for the mentally retarded~~ 125309
that is the subject of the involuntary termination, ~~voluntary~~ 125310
~~termination~~, voluntary withdrawal of participation, facility 125311
closure, or change of operator, must equal at least ninety per 125312
cent of the sum of the following: 125313

(a) The average monthly medicaid payment made to the exiting 125314
operator pursuant to the exiting operator's provider agreement for 125315
the nursing facility ~~or intermediate care facility for the~~ 125316
~~mentally retarded~~ that is the subject of the involuntary 125317
termination, ~~voluntary termination~~, voluntary withdrawal of 125318
participation, facility closure, or change of operator; 125319

(b) Whichever of the following apply: 125320

(i) If the exiting operator or affiliated operator has 125321

assumed liability under one or more other successor liability agreements, the total amount for which the exiting operator or affiliated operator has assumed liability under the other successor liability agreements;

(ii) If the exiting operator or affiliated operator has not assumed liability under any other successor liability agreements, zero.

(F) A successor liability agreement executed under this section must comply with all of the following:

(1) It must provide for the operator who executes the successor liability agreement to assume liability for either of the following as specified in the agreement:

(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code;

(b) The portion of the amount specified in division (F)(1)(a) of this section that represents the franchise permit fee the exiting operator owes.

(2) It may not require the operator who executes the successor liability agreement to furnish a surety bond.

(3) It must provide that the department, after determining under section ~~5111.685~~ 5165.525 of the Revised Code the actual amount of debt the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, may deduct the lesser of the following from medicaid payments made to the operator who executes the successor liability agreement:

(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and

medicaid services under the medicaid program as determined under 125352
section ~~5111.685~~ 5165.525 of the Revised Code; 125353

(b) The amount for which the operator who executes the 125354
successor liability agreement assumes liability under the 125355
agreement. 125356

(4) It must provide that the deductions authorized by 125357
division (F)(3) of this section are to be made for a number of 125358
months, not to exceed six, agreed to by the operator who executes 125359
the successor liability agreement and the department or, if the 125360
operator who executes the successor liability agreement and 125361
department cannot agree on a number of months that is less than 125362
six, a greater number of months determined by the attorney general 125363
pursuant to a claims collection process authorized by statute of 125364
this state. 125365

(5) It must provide that, if the attorney general determines 125366
the number of months for which the deductions authorized by 125367
division (F)(3) of this section are to be made, the operator who 125368
executes the successor liability agreement shall pay, in addition 125369
to the amount collected pursuant to the attorney general's claims 125370
collection process, the part of the amount so collected that, if 125371
not for division (H) of this section, would be required by section 125372
109.081 of the Revised Code to be paid into the attorney general 125373
claims fund. 125374

(G) Execution of a successor liability agreement does not 125375
waive an exiting operator's right to contest the amount specified 125376
in the notice the department provides the exiting operator under 125377
division (C) of section ~~5111.68~~ 5165.52 of the Revised Code. 125378

(H) Notwithstanding section 109.081 of the Revised Code, the 125379
entire amount that the attorney general, whether by employees or 125380
agents of the attorney general or by special counsel appointed 125381
pursuant to section 109.08 of the Revised Code, collects under a 125382

successor liability agreement, other than the additional amount 125383
the operator who executes the agreement is required by division 125384
(F)(5) of this section to pay, shall be paid to the department of 125385
~~job and family services~~ medicaid for deposit into the appropriate 125386
fund. The additional amount that the operator is required to pay 125387
shall be paid into the state treasury to the credit of the 125388
attorney general claims fund created under section 109.081 of the 125389
Revised Code. 125390

Sec. ~~5111.682~~ 5165.522. (A) Except as provided in division 125391
(B) of this section, an exiting operator shall file with the 125392
department of ~~job and family services~~ medicaid a cost report not 125393
later than ninety days after the last day the exiting operator's 125394
provider agreement is in effect or, in the case of a voluntary 125395
withdrawal of participation, the effective date of the voluntary 125396
withdrawal of participation. The cost report shall cover the 125397
period that begins with the day after the last day covered by the 125398
operator's most recent previous cost report required by section 125399
~~5111.26~~ 5165.10 of the Revised Code and ends on the last day the 125400
exiting operator's provider agreement is in effect or, in the case 125401
of a voluntary withdrawal of participation, the effective date of 125402
the voluntary withdrawal of participation. The cost report shall 125403
include, as applicable, all of the following: 125404

(1) The sale price of the nursing facility ~~or intermediate~~ 125405
~~care facility for the mentally retarded;~~ 125406

(2) A final depreciation schedule that shows which assets are 125407
transferred to the buyer and which assets are not transferred to 125408
the buyer; 125409

(3) Any other information the department requires. 125410

(B) The department, at its sole discretion, may waive the 125411
requirement that an exiting operator file a cost report in 125412
accordance with division (A) of this section. 125413

Sec. ~~5111.683~~ 5165.523. If an exiting operator required by 125414
section ~~5111.682~~ 5165.522 of the Revised Code to file a cost 125415
report with the department of ~~job and family services~~ medicaid 125416
fails to file the cost report in accordance with that section, all 125417
payments under the medicaid program for the period the cost report 125418
is required to cover are deemed overpayments until the date the 125419
department receives the properly completed cost report. The 125420
department may impose on the exiting operator a penalty of one 125421
hundred dollars for each calendar day the properly completed cost 125422
report is late. 125423

Sec. ~~5111.684~~ 5165.524. The department of ~~job and family~~ 125424
~~services~~ medicaid may not provide an exiting operator final 125425
payment under the medicaid program until the department receives 125426
all properly completed cost reports the exiting operator is 125427
required to file under sections ~~5111.26~~ 5165.10 and ~~5111.682~~ 125428
5165.522 of the Revised Code. 125429

Sec. ~~5111.685~~ 5165.525. The department of ~~job and family~~ 125430
~~services~~ medicaid shall determine the actual amount of debt an 125431
exiting operator owes the department and the United States centers 125432
for medicare and medicaid services under the medicaid program by 125433
completing all final fiscal audits not already completed and 125434
performing all other appropriate actions the department determines 125435
to be necessary. The department shall issue an initial debt 125436
summary report on this matter not later than sixty days after the 125437
date the exiting operator files the properly completed cost report 125438
required by section ~~5111.682~~ 5165.522 of the Revised Code with the 125439
department or, if the department waives the cost report 125440
requirement for the exiting operator, sixty days after the date 125441
the department waives the cost report requirement. The initial 125442
debt summary report becomes the final debt summary report 125443

thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, requests a review before that date.

The exiting operator, and an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, may request a review to contest any of the department's findings included in the initial debt summary report. The request for the review must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. The department shall conduct the review on receipt of a timely request and issue a revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section ~~5111.681~~ 5165.521 of the Revised Code, the department shall issue the revised debt summary report not later than ninety days after the date the department receives the timely request for the review unless the department and exiting operator or affiliated operator agree to a later date. The exiting operator or affiliated operator may submit information to the department explaining what the operator contests before and during the review, including documentation of the amount of any debt the department owes the operator. The exiting operator or affiliated operator may submit additional information to the department not later than thirty days after the department issues the revised debt summary report. The revised debt summary report becomes the final debt summary report thirty-one days after the department issues the revised debt summary report unless the exiting operator or affiliated operator timely submits additional information to the department. If the exiting operator or affiliated operator timely submits additional information to the department, the department shall consider the additional information and issue a final debt summary

report not later than sixty days after the department issues the 125477
revised debt summary report unless the department and exiting 125478
operator or affiliated operator agree to a later date. 125479

Each debt summary report the department issues under this 125480
section shall include the department's findings and the amount of 125481
debt the department determines the exiting operator owes the 125482
department and United States centers for medicare and medicaid 125483
services under the medicaid program. The department shall explain 125484
its findings and determination in each debt summary report. 125485

The exiting operator, and an affiliated operator who executes 125486
a successor liability agreement under section ~~5111.681~~ 5165.521 of 125487
the Revised Code, may request, in accordance with Chapter 119. of 125488
the Revised Code, an adjudication regarding a finding in a final 125489
debt summary report that pertains to an audit or alleged 125490
overpayment made under the medicaid program to the exiting 125491
operator. The adjudication shall be consolidated with any other 125492
uncompleted adjudication that concerns a matter addressed in the 125493
final debt summary report. 125494

Sec. ~~5111.686~~ 5165.526. The department of ~~job and family~~ 125495
~~services~~ medicaid shall release the actual amount withheld under 125496
division (A) of section ~~5111.681~~ 5165.521 of the Revised Code, 125497
less any amount the exiting operator owes the department and 125498
United States centers for medicare and medicaid services under the 125499
medicaid program, as follows: 125500

(A) Unless the department issues the initial debt summary 125501
report required by section ~~5111.685~~ 5165.525 of the Revised Code 125502
not later than sixty days after the date the exiting operator 125503
files the properly completed cost report required by section 125504
~~5111.682~~ 5165.522 of the Revised Code, sixty-one days after the 125505
date the exiting operator files the properly completed cost 125506
report; 125507

(B) If the department issues the initial debt summary report 125508
required by section ~~5111.685~~ 5165.525 of the Revised Code not 125509
later than sixty days after the date the exiting operator files a 125510
properly completed cost report required by section ~~5111.682~~ 125511
5165.522 of the Revised Code, not later than the following: 125512

(1) Thirty days after the deadline for requesting an 125513
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 125514
regarding the final debt summary report if the exiting operator, 125515
and an affiliated operator who executes a successor liability 125516
agreement under section ~~5111.681~~ 5165.521 of the Revised Code, 125517
fail to request the adjudication on or before the deadline; 125518

(2) Thirty days after the completion of an adjudication of 125519
the final debt summary report if the exiting operator, or an 125520
affiliated operator who executes a successor liability agreement 125521
under section ~~5111.681~~ 5165.521 of the Revised Code, requests the 125522
adjudication on or before the deadline for requesting the 125523
adjudication. 125524

(C) Unless the department issues the initial debt summary 125525
report required by section ~~5111.685~~ 5165.525 of the Revised Code 125526
not later than sixty days after the date the department waives the 125527
cost report requirement of section ~~5111.682~~ 5165.522 of the 125528
Revised Code, sixty-one days after the date the department waives 125529
the cost report requirement; 125530

(D) If the department issues the initial debt summary report 125531
required by section ~~5111.685~~ 5165.525 of the Revised Code not 125532
later than sixty days after the date the department waives the 125533
cost report requirement of section ~~5111.682~~ 5165.522 of the 125534
Revised Code, not later than the following: 125535

(1) Thirty days after the deadline for requesting an 125536
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 125537
regarding the final debt summary report if the exiting operator, 125538

and an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, fail to request the adjudication on or before the deadline;

(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section ~~5111.681~~ 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication.

Sec. ~~5111.687~~ 5165.527. The department of ~~job and family services~~ medicaid, at its sole discretion, may release the amount withheld under division (A) of section ~~5111.681~~ 5165.521 of the Revised Code if the exiting operator submits to the department written notice of a postponement of a change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation and the transactions leading to the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation are postponed for at least thirty days but less than ninety days after the date originally proposed for the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation as reported in the written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 5165.51 of the Revised Code. The department shall release the amount withheld if the exiting operator submits to the department written notice of a cancellation or postponement of a change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation and the transactions leading to the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation are canceled or postponed for more than ninety days after the date originally proposed for the change of operator, facility closure, ~~voluntary termination~~, or voluntary withdrawal of participation as reported in the

written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 125571
5165.51 of the Revised Code. A written notice shall be provided to 125572
the department in accordance with the method specified in rules 125573
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 125574
Revised Code. 125575

After the department receives a written notice regarding a 125576
cancellation or postponement of a facility closure, ~~voluntary~~ 125577
~~termination,~~ or voluntary withdrawal of participation, the exiting 125578
operator or owner shall provide new written notice to the 125579
department under section ~~5111.66~~ 5165.50 of the Revised Code 125580
regarding any transactions leading to a facility closure, 125581
~~voluntary termination,~~ or voluntary withdrawal of participation at 125582
a future time. After the department receives a written notice 125583
regarding a cancellation or postponement of a change of operator, 125584
the exiting operator or owner and entering operator shall provide 125585
new written notice to the department under section ~~5111.67~~ 5165.51 125586
of the Revised Code regarding any transactions leading to a change 125587
of operator at a future time. 125588

Sec. ~~5111.688~~ 5165.528. (A) All amounts withheld under 125589
section ~~5111.681~~ 5165.521 of the Revised Code from payment due an 125590
exiting operator under the medicaid program shall be deposited 125591
into the medicaid payment withholding fund created by the 125592
controlling board pursuant to section 131.35 of the Revised Code. 125593
Money in the fund shall be used as follows: 125594

(1) To pay an exiting operator when a withholding is released 125595
to the exiting operator under section ~~5111.686~~ 5165.526 or 125596
~~5111.687~~ 5165.527 of the Revised Code; 125597

(2) To pay the department of ~~job and family services~~ medicaid 125598
and United States centers for medicare and medicaid services the 125599
amount an exiting operator owes the department and United States 125600

centers under the medicaid program. 125601

(B) Amounts paid from the medicaid payment withholding fund 125602
pursuant to division (A)(2) of this section shall be deposited 125603
into the appropriate department fund. 125604

Sec. ~~5111.689~~ 5165.53. The medicaid director ~~of job and~~ 125605
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 125606
the Revised Code to implement sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 125607
5165.53 of the Revised Code, including rules applicable to an 125608
exiting operator that provides written notification under section 125609
~~5111.66~~ 5165.50 of the Revised Code of a voluntary withdrawal of 125610
participation. Rules adopted under this section shall comply with 125611
section ~~1919(c)(2)(F)~~ of the "Social Security Act," ~~79 Stat. 286~~ 125612
~~(1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F), regarding 125613
restrictions on transfers or discharges of nursing facility 125614
residents in the case of a voluntary withdrawal of participation. 125615
The rules may prescribe a medicaid reimbursement payment 125616
methodology and other procedures that are applicable after the 125617
effective date of a voluntary withdrawal of participation that 125618
differ from the reimbursement payment methodology and other 125619
procedures that would otherwise apply. The rules shall specify all 125620
of the following: 125621

(A) The method by which written notices to the department 125622
required by sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 5165.53 of the 125623
Revised Code are to be provided; 125624

(B) The forms and documents that are to be provided to the 125625
department of medicaid under sections ~~5111.671~~ 5165.511 and 125626
~~5111.672~~ 5165.512 of the Revised Code, which shall include, in the 125627
case of such forms and documents provided by entering operators, 125628
all the fully executed leases, management agreements, merger 125629
agreements and supporting documents, and fully executed sales 125630
contracts and any other supporting documents culminating in the 125631

change of operator; 125632

(C) The method by which the forms and documents identified in 125633
division (B) of this section are to be provided to the department. 125634

Sec. ~~5111.35~~ 5165.60. As used in this section, "a resident's 125635
rights" means the rights of a nursing facility resident under 125636
sections 3721.10 to 3721.17 of the Revised Code ~~and subsection (e)~~ 125637
~~of section 1819 or 1919 of,~~ the "Social Security Act," ~~49 Stat.~~ 125638
~~620 (1935)~~ sections 1819(c) and 1919(c), 42 U.S.C.A. ~~301,~~ as 125639
~~amended~~ 1395i-3(c) and 1396r(c), and federal regulations issued 125640
under those ~~subsections~~ sections of the "Social Security Act." 125641

As used in sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 125642
Revised Code: 125643

(A) "Certification requirements" means the requirements for 125644
nursing facilities established under ~~sections 1819 and 1919 of the~~ 125645
"Social Security Act," sections 1819 and 1919, 42 U.S.C. 1395i-3 125646
and 1396r. 125647

(B) "Compliance" means substantially meeting all applicable 125648
certification requirements. 125649

(C) "Contracting agency" means a state agency that has 125650
entered into a contract with the department of ~~job and family~~ 125651
~~services~~ medicaid under section ~~5111.38~~ 5165.63 of the Revised 125652
Code. 125653

(D)(1) "Deficiency" means a finding cited by the department 125654
of health during a survey, on the basis of one or more actions, 125655
practices, situations, or incidents occurring at a nursing 125656
facility, that constitutes a severity level three finding, 125657
severity level four finding, scope level three finding, or scope 125658
level four finding. Whenever the finding is a repeat finding, 125659
"deficiency" also includes any finding that is a severity level 125660
two and scope level one finding, a severity level two and scope 125661

level two finding, or a severity level one and scope level two finding. 125662
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(2) "Cluster of deficiencies" means deficiencies that result from noncompliance with two or more certification requirements and are causing or resulting from the same action, practice, situation, or incident. 125664
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(E) "Emergency" means either of the following: 125668

(1) A deficiency or cluster of deficiencies that creates a condition of immediate jeopardy; 125669
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(2) An unexpected situation or sudden occurrence of a serious or urgent nature that creates a substantial likelihood that one or more residents of a nursing facility may be seriously harmed if allowed to remain in the facility, including the following: 125671
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(a) A flood or other natural disaster, civil disaster, or similar event; 125675
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(b) A labor strike that suddenly causes the number of staff members in a nursing facility to be below that necessary for resident care. 125677
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(F) "Finding" means a finding of noncompliance with certification requirements determined by the department of health under section ~~5111.41~~ 5165.66 of the Revised Code. 125680
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(G) "Immediate jeopardy" means that one or more residents of a nursing facility are in imminent danger of serious physical or life-threatening harm. 125683
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(H) "Medicaid eligible resident" means a person who is a resident of a nursing facility, or is applying for admission to a nursing facility, and is eligible ~~to receive financial assistance for nursing facility services under the medical assistance~~ medicaid program ~~for the care the person receives in such a facility.~~ 125686
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(I) "Noncompliance" means failure to substantially meet all applicable certification requirements. 125692
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(J) "Nursing facility" ~~has the same meaning as in section 5111.20 of the Revised Code~~ includes a skilled nursing facility to the extent the context requires. 125694
125695
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(K) ~~"Provider" means a person, institution, or entity that furnishes nursing facility services under a medical assistance program provider agreement.~~ 125697
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~~(L) "Provider agreement" means a contract between the department of job and family services and a provider for the provision of nursing facility services under the medicaid program.~~ 125700
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~~(M)~~ "Repeat finding" or "repeat deficiency" means a finding or deficiency cited pursuant to a survey, to which both of the following apply: 125703
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(1) The finding or deficiency involves noncompliance with the same certification requirement, and the same kind of actions, practices, situations, or incidents caused by or resulting from the noncompliance, as were cited in the immediately preceding standard survey or another survey conducted subsequent to the immediately preceding standard survey of the facility. For purposes of this division, actions, practices, situations, or incidents may be of the same kind even though they involve different residents, staff, or parts of the facility. 125706
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(2) The finding or deficiency is cited subsequent to a determination by the department of health that the finding or deficiency cited on the immediately preceding standard survey, or another survey conducted subsequent to the immediately preceding standard survey, had been corrected. 125715
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~~(N)~~(L)(1) "Scope level one finding" means a finding of noncompliance by a nursing facility in which the actions, situations, practices, or incidents causing or resulting from the 125720
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noncompliance affect one or a very limited number of facility 125723
residents and involve one or a very limited number of facility 125724
staff members. 125725

(2) "Scope level two finding" means a finding of 125726
noncompliance by a nursing facility in which the actions, 125727
situations, practices, or incidents causing or resulting from the 125728
noncompliance affect more than a limited number of facility 125729
residents or involve more than a limited number of facility staff 125730
members, but the number or percentage of facility residents 125731
affected or staff members involved and the number or frequency of 125732
the actions, situations, practices, or incidents in short 125733
succession does not establish any reasonable degree of 125734
predictability of similar actions, situations, practices, or 125735
incidents occurring in the future. 125736

(3) "Scope level three finding" means a finding of 125737
noncompliance by a nursing facility in which the actions, 125738
situations, practices, or incidents causing or resulting from the 125739
noncompliance affect more than a limited number of facility 125740
residents or involve more than a limited number of facility staff 125741
members, and the number or percentage of facility residents 125742
affected or staff members involved or the number or frequency of 125743
the actions, situations, practices, or incidents in short 125744
succession establishes a reasonable degree of predictability of 125745
similar actions, situations, practices, or incidents occurring in 125746
the future. 125747

(4) "Scope level four finding" means a finding of 125748
noncompliance by a nursing facility causing or resulting from 125749
actions, situations, practices, or incidents that involve a 125750
sufficient number or percentage of facility residents or staff 125751
members or occur with sufficient regularity over time that the 125752
noncompliance can be considered systemic or pervasive in the 125753
facility. 125754

~~(O)~~(M)(1) "Severity level one finding" means a finding of noncompliance by a nursing facility that has not caused and, if continued, is unlikely to cause physical harm to a facility resident, mental or emotional harm to a resident, or a violation of a resident's rights that results in physical, mental, or emotional harm to the resident.

(2) "Severity level two finding" means a finding of noncompliance by a nursing facility that, if continued over time, will cause, or is likely to cause, physical harm to a facility resident, mental or emotional harm to a resident, or a violation of a resident's rights that results in physical, mental, or emotional harm to the resident.

(3) "Severity level three finding" means a finding of noncompliance by a nursing facility that has caused physical harm to a facility resident, mental or emotional harm to a resident, or a violation of a resident's rights that results in physical, mental, or emotional harm to the resident.

(4) "Severity level four finding" means a finding of noncompliance by a nursing facility that has caused life-threatening harm to a facility resident or caused a resident's death.

~~(P)~~(N) "State agency" has the same meaning as in section 1.60 of the Revised Code.

~~(Q)~~(O) "Substandard care" means care furnished in a facility in which the department of health has cited a deficiency or deficiencies that constitute one of the following:

- (1) A severity level four finding, regardless of scope;
- (2) A severity level three and scope level four finding, in the quality of care provided to residents;
- (3) A severity level three and scope level three finding, in

the quality of care provided to residents. 125785

~~(R)~~(P)(1) "Survey" means a survey of a nursing facility 125786
conducted under section ~~5111.39~~ 5165.64 of the Revised Code. 125787

(2) "Standard survey" means a survey conducted by the 125788
department of health under division (A) of section ~~5111.39~~ 5165.64 125789
of the Revised Code and includes an extended survey. 125790

(3) "Follow-up survey" means a survey conducted by the 125791
department of health to determine whether a nursing facility has 125792
substantially corrected deficiencies cited in a previous survey. 125793

Sec. ~~5111.36~~ 5165.61. The medicaid director of ~~job and family~~ 125794
~~services~~ may adopt rules under ~~Chapter 119. section~~ 5165.02 of the 125795
Revised Code that are consistent with regulations, guidelines, and 125796
procedures issued by the United States secretary of health and 125797
human services under ~~sections 1819 and 1919~~ of the "Social 125798
Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 125799
U.S.C.A. ~~301, as amended 1395i-3 and 1396r~~, and necessary for 125800
administration and enforcement of sections ~~5111.35~~ 5165.60 to 125801
~~5111.62~~ 5165.89 of the Revised Code. If the secretary does not 125802
issue appropriate regulations for enforcement of those sections 125803
~~1819 and 1919~~ of the "Social Security Act" on or before December 125804
13, 1990, the medicaid director of ~~job and family services~~ may 125805
adopt, under ~~Chapter 119. section~~ 5165.02 of the Revised Code, 125806
rules that are consistent with those sections and with sections 125807
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. 125808

Sec. ~~5111.37~~ 5165.62. The department of ~~job and family~~ 125809
~~services~~ medicaid is hereby authorized to enforce sections ~~5111.35~~ 125810
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The department may 125811
enforce the sections directly or through contracting agencies. The 125812
department and agencies shall enforce the sections in accordance 125813
with the requirements of ~~sections 1819 and 1919~~ of the "Social 125814

Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 125815
U.S.C.A. ~~301~~, as amended 1395i-3 and 1396r, that apply to nursing 125816
facilities; with regulations, guidelines, and procedures adopted 125817
by the United States secretary of health and human services for 125818
the enforcement of those sections ~~1819 and 1919~~ of the "Social 125819
Security Act"; and with the rules ~~adopted under~~ authorized by 125820
section ~~5111.36~~ 5165.61 of the Revised Code. The department and 125821
agencies shall enforce sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 125822
of the Revised Code for purposes of the medicare program, ~~Title~~ 125823
~~XVIII of the "Social Security Act,"~~ only to the extent prescribed 125824
by the regulations, guidelines, and procedures issued by the 125825
secretary under ~~section 1819 of that act~~ the "Social Security 125826
Act," section 1819, 42 U.S.C. 1395i-3. 125827

Sec. ~~5111.38~~ 5165.63. The department of ~~job and family~~ 125828
~~services~~ medicaid may enter into contracts with other state 125829
agencies pursuant to section 5162.35 of the Revised Code that 125830
authorize the agencies to perform all or part of the duties 125831
assigned to the department of ~~job and family services~~ medicaid 125832
under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised 125833
Code. Each contract shall specify the duties the agency is 125834
authorized to perform and the sections of the Revised Code under 125835
which the agency is authorized to perform those duties. 125836

Sec. ~~5111.39~~ 5165.64. (A) The department of health shall 125837
conduct a survey, titled a standard survey, of every nursing 125838
facility in this state on a statewide average of not more than 125839
once every twelve months. Each nursing facility shall undergo a 125840
standard survey at least once every fifteen months as a condition 125841
of meeting certification requirements. The department may extend a 125842
standard survey; such a survey is titled an extended survey. 125843

(B) The department may conduct surveys in addition to 125844
standard surveys when it considers them necessary. 125845

(C) The department shall conduct surveys in accordance with 125846
the regulations, guidelines, and procedures issued by the United 125847
States secretary of health and human services under ~~Titles~~ Title 125848
XVIII and Title XIX of the "~~Social Security Act,~~" ~~49 Stat. 620~~ 125849
(~~1935~~), ~~42 U.S.C.A. 301, as amended,~~ sections ~~5111.40~~ 5165.65 to 125850
~~5111.42~~ 5165.68 of the Revised Code, and rules adopted under 125851
section 3721.022 of the Revised Code. 125852

Sec. ~~5111.40~~ 5165.65. (A) At the conclusion of each survey, 125853
the department of health survey team shall conduct an exit 125854
interview with the administrator or other person in charge of the 125855
nursing facility and any other facility staff members designated 125856
by the administrator or person in charge of the facility. During 125857
the exit interview, at the request of the administrator or other 125858
person in charge of the facility, the survey team shall provide 125859
one of the following, as selected by the survey team: 125860

(1) Copies of all survey notes and any other written 125861
materials created during the survey; 125862

(2) A written summary of the survey team's recommendations 125863
regarding findings of noncompliance with certification 125864
requirements; 125865

(3) An audio or audiovisual recording of the interview. If 125866
the survey team selects this option, at least two copies of the 125867
recording shall be made and the survey team shall select one copy 125868
to be kept by the survey team for use by the department of health. 125869

(B) All expenses of copying under division (A)(1) of this 125870
section or recording under division (A)(3) of this section, 125871
including the cost of the copy of the recording kept by the survey 125872
team, shall be paid by the facility. 125873

Sec. ~~5111.41~~ 5165.66. (A) Except as provided in section 125874
3721.17 of the Revised Code, a finding shall be cited only on the 125875

basis of a survey and a determination that one or more actions, 125876
practices, situations, or incidents at a nursing facility caused 125877
or resulted from the facility's failure to comply with one or more 125878
certification requirements. The department of health shall 125879
determine whether the actions, practices, situations, or incidents 125880
can be justified by either of the following: 125881

(1) The actions, practices, situations, or incidents resulted 125882
from a resident exercising the resident's rights guaranteed under 125883
the laws of the United States or of this state; 125884

(2) The actions, practices, situations, or incidents resulted 125885
from a facility following the orders of a person licensed under 125886
Chapter 4731. of the Revised Code to practice medicine or surgery 125887
or osteopathic medicine and surgery. 125888

(B) If the department of health determines both that the 125889
actions, practices, situations, or incidents cannot be justified 125890
by the factors identified in division (A) of this section and that 125891
one or more of the following are applicable, the department shall 125892
declare that the actions, practices, situations, or incidents 125893
constitute a finding: 125894

(1) The actions, practices, situations, or incidents could 125895
have been prevented by one or more persons involved in the 125896
facility's operation; 125897

(2) No person involved in the facility's operation identified 125898
the actions, practices, situations, or incidents prior to the 125899
survey; 125900

(3) Prior to the survey, no person involved in the facility's 125901
operation initiated action to correct the noncompliance caused by 125902
or resulting in the actions, practices, situations, or incidents; 125903

(4) The facility does not have in effect, if needed, a 125904
contingency plan that is reasonably calculated to prevent 125905
physical, mental, or emotional harm to residents while permanent 125906

corrective action is being taken. 125907

(C) The department of health shall determine the severity 125908
level and scope level of each finding. 125909

(D) A deficiency that is substantially corrected within the 125910
time limits specified in sections ~~5111.52~~ 5165.79 to 125911
~~5111.56~~5165.83 of the Revised Code and for which no remedy is 125912
imposed, shall be counted as a deficiency for the purpose of 125913
determining whether a deficiency is a repeat deficiency. 125914

(E) Whenever the department of health determines that during 125915
the period between two surveys a finding existed at the facility, 125916
but the facility substantially corrected it prior to the second 125917
survey, the department shall cite it. However, the department of 125918
~~job and family services~~ medicaid or a contracting agency shall 125919
impose a remedy only as provided in division (C) of section 125920
~~5111.46~~ 5165.72 of the Revised Code. 125921

(F) Immediately upon determining the severity and scope of a 125922
finding at a nursing facility, the department of health shall 125923
notify the department of ~~job and family services~~ medicaid and any 125924
contracting agency of the finding, the severity and scope of the 125925
finding, and whether the finding creates immediate jeopardy. 125926
Immediately upon determining that an emergency exists at a 125927
facility that does not result from a deficiency that creates 125928
immediate jeopardy, the department of health shall notify the 125929
department of ~~job and family services~~ medicaid and any contracting 125930
agency. 125931

Sec. ~~5111.411~~ 5165.67. The results of a survey of a nursing 125932
facility that is conducted under section ~~5111.39~~ 5165.64 of the 125933
Revised Code, including any statement of deficiencies and all 125934
findings and deficiencies cited in the statement on the basis of 125935
the survey, shall be used solely to determine the nursing 125936
facility's compliance with certification requirements or with this 125937

chapter or another chapter of the Revised Code. Those results of a survey, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an administrative action by the department of ~~job and family services~~ medicaid or contracting agency under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code.

Nothing in this section prohibits the results of a survey, a statement of deficiencies, or the findings and deficiencies cited in that statement on the basis of the survey under this section from being used in a criminal investigation or prosecution.

Sec. ~~5111.42~~ 5165.68. (A) Not later than ten days after an exit interview, the department of health shall deliver to the nursing facility a detailed statement, titled a statement of deficiencies, setting forth all findings and deficiencies cited on the basis of the survey, including any finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 of the Revised Code. The statement shall indicate the severity and scope level of each finding and fully describe the incidents or other facts that form the basis of the department's determination of the existence of each finding and deficiency. A failure by the survey team to completely disclose in the exit interview every finding that may result from the survey does not affect the validity of any finding or deficiency cited in the statement of deficiencies. On request of the facility, the department shall provide a copy of any written worksheet or other document produced by the survey team in making recommendations regarding scope and severity levels of findings and deficiencies.

(B) At the same time the department of health delivers a statement of deficiencies, it also shall deliver to the facility a separate written notice that states all of the following:

(1) That the department of ~~job and family services~~ medicaid or a contracting agency will issue an order under section ~~5111.57~~ 5165.84 of the Revised Code denying payment for any medicaid eligible residents admitted on and after the effective date of the order if the facility does not substantially correct, within ninety days after the exit interview, the deficiency or deficiencies cited in the statement of deficiencies in accordance with the plan of correction it submitted under section ~~5111.43~~ 5165.69 of the Revised Code;

(2) If a condition of substandard care has been cited on the basis of a standard survey and a condition of substandard care was also cited on the immediately preceding standard survey, that the department of ~~job and family services~~ medicaid or a contracting agency will issue an order under section ~~5111.57~~ 5165.84 of the Revised Code denying payment for any medicaid eligible residents admitted on and after the effective date of the order if a condition of substandard care is cited on the basis of the next standard survey;

(3) That the department of ~~job and family services~~ medicaid or a contracting agency will issue an order under section ~~5111.58~~ 5165.88 of the Revised Code terminating the facility's participation in the ~~medical assistance~~ medicaid program if either of the following applies:

(a) The facility does not substantially correct the deficiency or deficiencies in accordance with the plan of correction it submitted under section ~~5111.43~~ 5165.69 of the Revised Code within six months after the exit interview.

(b) The facility substantially corrects the deficiency or

deficiencies within the six-month period, but after correcting it, 126000
the department of health, based on a follow-up survey conducted 126001
during the remainder of the six-month period, determines that the 126002
facility has failed to maintain compliance with certification 126003
requirements. 126004

Sec. ~~5111.43~~ 5165.69. (A) Whenever a nursing facility 126005
receives a statement of deficiencies under section ~~5111.42~~ 5165.68 126006
of the Revised Code, the facility shall submit to the department 126007
of health for its approval a plan of correction for each finding 126008
cited in the statement. The plan shall ~~describe~~ include all of the 126009
following: 126010

(1) Detailed descriptions of the actions the facility will 126011
take to correct each finding and specify the date by which each 126012
finding will be corrected. ~~In;~~ 126013

(2) In the case of a finding cited pursuant to division (E) 126014
of section ~~5111.41~~ 5165.66 of the Revised Code, the plan shall 126015
~~describe a description of~~ the actions the facility took to correct 126016
the finding and the date on which it was corrected; 126017

(3) Beginning one year after the effective date of the first 126018
federal regulation promulgated under the "Social Security Act," 126019
section 11281(c), 42 U.S.C. 1320a-7j(c), regarding the quality 126020
assurance and performance improvement program and in the case of a 126021
finding assigned a severity level indicating that a resident was 126022
harmed or immediate jeopardy exists, an explanation of how the 126023
actions described in the components of the plan required by 126024
divisions (A)(1) and (2) of this section are part of the 126025
facility's actions to meet the standards and implement the best 126026
practices established under the quality assurance and performance 126027
improvement program. 126028

(B)(1) The department shall approve any plan, and any 126029
modification of an existing plan a nursing facility submits to the 126030

department, that ~~conforms~~ does both of the following: 126031

(a) Conforms to the requirements for approval of plans of 126032
corrections, and modifications, established in the regulations, 126033
guidelines, and procedures issued by the United States secretary 126034
of health and human services under ~~Titles~~ Title XVIII and Title 126035
~~XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 126036
~~301, as amended;~~ 126037

(b) Includes all the information required by division (A) of 126038
this section. ~~The department also shall approve any modification~~ 126039
~~of an existing plan submitted by a facility, if the plan as~~ 126040
~~modified conforms to those regulations, guidelines, and~~ 126041
~~procedures. The~~ 126042

(2) The department shall not reject a facility's plan of 126043
correction or modification on the ground that the facility 126044
disputes the finding, if the plan or modification is reasonably 126045
calculated to correct the finding. 126046

(C) A facility that complies with this section shall not be 126047
considered to have admitted the existence of a finding cited by 126048
the department. 126049

Sec. ~~5111.44~~ 5165.70. The department of health may appoint 126050
employees of the department to conduct on-site monitoring of a 126051
nursing facility whenever a finding is cited, including any 126052
finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 126053
of the Revised Code, or an emergency is found to exist. 126054
Appointment of monitors under this section is not subject to 126055
appeal under section ~~5111.60~~ 5165.87 or any other section of the 126056
Revised Code. No employee of a facility for which monitors are 126057
appointed, no person employed by the facility within the previous 126058
two years, and no person who currently has a consulting or other 126059
contract with the department or the facility, shall be appointed 126060
as a monitor under this section. Every monitor appointed under 126061

this section shall have the professional qualifications necessary 126062
to monitor correction of the finding or elimination of the 126063
emergency. 126064

Sec. ~~5111.45~~ 5165.71. (A) If the department of health cites a 126065
deficiency or deficiencies that was not substantially corrected 126066
before a survey and that does not constitute a severity level four 126067
finding or create immediate jeopardy, the department of ~~job and~~ 126068
~~family services~~ medicaid or a contracting agency shall permit the 126069
nursing facility to continue participating in the ~~medical~~ 126070
~~assistance~~ medicaid program for up to six months after the exit 126071
interview, if all of the following apply: 126072

(1) The facility meets the requirements, established in 126073
regulations issued by the United States secretary of health and 126074
human services under Title XIX ~~of the "Social Security Act," 49~~ 126075
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ for certification 126076
of nursing facilities that have a deficiency. 126077

(2) The department of health has approved a plan of 126078
correction submitted by the facility under section ~~5111.43~~ 5165.69 126079
of the Revised Code for each deficiency. 126080

(3) The provider agrees to repay the department of ~~job and~~ 126081
~~family services~~ medicaid, in accordance with section ~~5111.58~~ 126082
5165.85 of the Revised Code, the federal share of all payments 126083
made by the department to the facility during the six-month period 126084
following the exit interview if the facility does not within the 126085
six-month period substantially correct the deficiency or 126086
deficiencies in accordance with the plan of correction submitted 126087
under section ~~5111.43~~ 5165.69 of the Revised Code. 126088

(B) If any of the conditions in divisions (A)(1) to (3) of 126089
this section do not apply, the department of ~~job and family~~ 126090
~~services~~ medicaid or contracting agency shall issue an order 126091
terminating the facility's participation in the ~~medical assistance~~ 126092

medicaid program. An order issued under this division is subject 126093
to appeal under Chapter 119. of the Revised Code. The order shall 126094
not take effect prior to the later of the thirtieth day after it 126095
is delivered to the facility or, if the order is appealed, the 126096
date on which a final adjudication order upholding the termination 126097
becomes effective pursuant to Chapter 119. of the Revised Code. 126098

(C) At the time the department of ~~job and family services~~ 126099
medicaid or contracting agency issues an order under division (B) 126100
of this section terminating a nursing facility's participation in 126101
the ~~medical assistance~~ medicaid program, it may also impose, 126102
subject to section ~~5111.50~~ 5165.76 of the Revised Code, other 126103
remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the 126104
Revised Code. 126105

Sec. ~~5111.46~~ 5165.72. (A) If the department of health cites a 126106
deficiency, or cluster of deficiencies, that was not substantially 126107
corrected before a survey and constitutes a severity level four 126108
finding, the department of ~~job and family services~~ medicaid or 126109
contracting agency shall, subject to sections ~~5111.52~~ 5165.79 to 126110
~~5111.56~~ 5165.83 of the Revised Code, impose a remedy for the 126111
deficiency or cluster of deficiencies. The department or agency 126112
may act under either division (A)(1) or (2) of this section: 126113

(1) The department or agency may impose one or more of the 126114
following remedies: 126115
126116

(a) Issue an order terminating the nursing facility's 126117
participation in the ~~medical assistance~~ medicaid program. 126118

(b) Do either of the following: 126119

(i) Regardless of whether the provider consents, appoint a 126120
temporary manager of the facility. 126121

(ii) Apply to the common pleas court of the county in which 126122

the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary.

(c) Do either of the following:

(i) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for all medicaid eligible residents admitted after the effective date of the order;

(ii) Impose a fine.

(d) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency.

(2) The department or agency may impose one or more of the following remedies:

(a) Appoint, subject to the continuing consent of the provider, a temporary manager of the facility;

(b) Do either of the following:

(i) Regardless of whether the provider consents, appoint a temporary manager of the facility;

(ii) Apply to the common pleas court of the county in which the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary.

(c) Do either of the following:

(i) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for all medicaid eligible residents admitted after the effective date of the order;

(ii) Impose a fine. 126153

(d) Issue an order denying ~~payment~~ medicaid payments to the 126154
facility ~~under the medical assistance program~~ for medicaid 126155
eligible residents admitted after the effective date of the order 126156
who have certain diagnoses or special care needs specified by the 126157
department or agency; 126158

(e) Issue an order requiring the facility to correct the 126159
deficiency or cluster of deficiencies under the plan of correction 126160
submitted by the facility and approved by the department of health 126161
under section ~~5111.43~~ 5165.69 of the Revised Code. 126162

(B) The department of ~~job and family services~~ medicaid or 126163
contracting agency shall deliver a written order issued under 126164
division (A)(1) of this section terminating a nursing facility's 126165
participation in the ~~medical assistance~~ medicaid program to the 126166
facility within five days after the exit interview. If the 126167
facility alleges, at any time prior to the later of the twentieth 126168
day after the exit interview or the fifteenth day after it 126169
receives the order, that the deficiency or cluster of deficiencies 126170
for which the order was issued has been substantially corrected, 126171
the department of health shall conduct a follow-up survey to 126172
determine whether the deficiency or cluster of deficiencies has 126173
been substantially corrected. The order shall take effect and the 126174
facility's participation shall terminate on the twentieth day 126175
after the exit interview, unless the facility has substantially 126176
corrected the deficiency or cluster of deficiencies that 126177
constituted a severity level four finding or did not receive 126178
notice from the department of ~~job and family services~~ medicaid or 126179
contracting agency within five days after the exit interview. In 126180
the latter case, the order shall take effect and the facility's 126181
participation shall terminate on the fifteenth day after the 126182
facility received the order. 126183

(C) If the department of health cites a deficiency or cluster 126184

of deficiencies pursuant to division (E) of section ~~5111.41~~ 126185
~~5165.66~~ of the Revised Code that constituted a severity level four 126186
finding, the department of ~~job and family services~~ medicaid or a 126187
contracting agency shall, subject to section ~~5111.56~~ 5165.83 of 126188
the Revised Code, impose a fine. The fine shall be in effect for a 126189
period equal to the number of days the deficiency or cluster of 126190
deficiencies existed at the facility. 126191

Sec. ~~5111.47~~ 5165.73. If the department of health cites a 126192
deficiency, or cluster of deficiencies, that was not substantially 126193
corrected before a survey and constitutes a severity level three 126194
and scope level three or four finding, the department of ~~job and~~ 126195
~~family services~~ medicaid or a contracting agency may, subject to 126196
sections ~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, 126197
impose one or more of the following remedies: 126198

(A) Do either of the following: 126199

(1) Issue an order denying ~~payment~~ medicaid payments to the 126200
facility ~~under the medical assistance program~~ for all medicaid 126201
eligible residents admitted after the effective date of the order; 126202

(2) Impose a fine. 126203

(B) Issue an order denying ~~payment~~ medicaid payments to the 126204
facility ~~under the medical assistance program~~ for medicaid 126205
eligible residents admitted after the effective date of the order 126206
who have certain diagnoses or special care needs specified by the 126207
department or agency; 126208

(C) Issue an order requiring the facility to correct the 126209
deficiency or cluster of deficiencies under the plan of correction 126210
submitted by the facility and approved by the department of health 126211
under section ~~5111.43~~ 5165.69 of the Revised Code. 126212

Sec. ~~5111.48~~ 5165.74. (A) If the department of health cites a 126213
deficiency, or cluster of deficiencies, that was not substantially 126214

corrected before a survey and constitutes a severity level three 126215
and scope level two finding, the department of ~~job and family~~ 126216
~~services~~ medicaid or a contracting agency may, subject to sections 126217
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 126218
one or more of the following remedies: 126219

(1) Do either of the following: 126220

(a) Issue an order denying ~~payment~~ medicaid payments to the 126221
facility ~~under the medical assistance program~~ for all medicaid 126222
eligible residents admitted after the effective date of the order; 126223

(b) Impose a fine. 126224

(2) Issue an order denying ~~payment~~ medicaid payments to the 126225
facility ~~under the medical assistance program~~ for medicaid 126226
eligible residents admitted after the effective date of the order 126227
who have certain diagnoses or special care needs specified by the 126228
department or agency; 126229

(3) Issue an order requiring the facility to correct the 126230
deficiency or cluster of deficiencies under the plan of correction 126231
proposed by the facility and approved by the department of health 126232
under section ~~5111.43~~ 5165.69 of the Revised Code. 126233

(B) If the department of health cites a deficiency, or 126234
cluster of deficiencies, that was not substantially corrected 126235
before a survey and constitutes a severity level three and scope 126236
level one finding, the department of ~~job and family services~~ 126237
medicaid or a contracting agency may, subject to sections ~~5111.55~~ 126238
5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose one or 126239
more of the following remedies: 126240

(1) Impose a fine; 126241

(2) Issue an order denying ~~payment~~ medicaid payments to the 126242
facility ~~under the medical assistance program~~ for medicaid 126243
eligible residents admitted after the effective date of the order 126244

who have certain diagnoses or special care needs specified by the department or agency;

(3) Issue an order requiring the facility to correct the deficiency or cluster of deficiencies under the plan of correction proposed by the facility and approved by the department of health under section ~~5111.43~~ 5165.69 of the Revised Code.

(C) If the department of health cites a deficiency, or cluster of deficiencies, that was not substantially corrected before a survey and constitutes a severity level two and a scope level three or four finding, the department of ~~job and family services~~ medicaid or a contracting agency may, subject to sections ~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose one or more of the following remedies:

(1) Impose a fine;

(2) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency;

(3) Issue an order requiring the facility to correct the deficiency or cluster of deficiencies under the plan of correction submitted by the facility and approved by the department of health under section ~~5111.43~~ 5165.69 of the Revised Code.

(D) If the department of health cites a deficiency, or cluster of deficiencies, that was not substantially corrected before a survey, constitutes a severity level two and scope level one or two finding, and is a repeat finding, the department of ~~job and family services~~ medicaid or a contracting agency may issue an order requiring the facility to correct the deficiency or cluster of deficiencies under the plan of correction submitted by the facility and approved by the department of health under section

~~5111.43~~ 5165.69 of the Revised Code. 126276

(E) If the department of health cites a deficiency, or 126277
cluster of deficiencies, that was not substantially corrected 126278
before a survey and constitutes a severity level one and scope 126279
level three or four finding, the department of ~~job and family~~ 126280
~~services~~ medicaid or a contracting agency may issue an order 126281
requiring the facility to correct the deficiency or cluster of 126282
deficiencies under the plan of correction submitted by the 126283
facility and approved by the department of health under section 126284
~~5111.43~~ 5165.69 of the Revised Code. 126285

(F) If the department of health cites a deficiency, or 126286
cluster of deficiencies, that was not substantially corrected 126287
before a survey, constitutes a severity level one and scope level 126288
two finding, and is a repeat finding, the department of ~~job and~~ 126289
~~family services~~ medicaid or a contracting agency may issue an 126290
order requiring the facility to correct the deficiency or cluster 126291
of deficiencies under the plan of correction submitted by the 126292
facility and approved by the department of health under section 126293
~~5111.43~~ 5165.69 of the Revised Code. 126294

Sec. ~~5111.49~~ 5165.75. (A) In determining which remedies to 126295
impose under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 126296
5165.74 of the Revised Code, including whether a fine should be 126297
imposed, the department of ~~job and family services~~ medicaid or a 126298
contracting agency shall do both of the following: 126299

(1) Impose the remedies that are most likely to achieve 126300
correction of deficiencies, encourage sustained compliance with 126301
certification requirements, and protect the health, safety, and 126302
rights of facility residents, but that are not directed at 126303
punishment of the facility; 126304

(2) Consider all of the following: 126305

| | |
|--|--|
| (a) The presence or absence of immediate jeopardy; | 126306 |
| (b) The relationships of groups of deficiencies to each other; | 126307
126308 |
| (c) The facility's history of compliance with certification requirements generally and in the specific area of the deficiency or deficiencies; | 126309
126310
126311 |
| (d) Whether the deficiency or deficiencies are directly related to resident care; | 126312
126313 |
| (e) The corrective, long-term compliance, resident protective, and nonpunitive outcomes sought by the department or agency; | 126314
126315
126316 |
| (f) The nature, scope, and duration of the noncompliance with certification requirements; | 126317
126318 |
| (g) The existence of repeat deficiencies; | 126319 |
| (h) The category of certification requirements with which the facility is out of compliance; | 126320
126321 |
| (i) Any period of noncompliance with certification requirements that occurred between two certifications by the department of health that the facility was in compliance with certification requirements; | 126322
126323
126324
126325 |
| (j) The facility's degree of culpability; | 126326 |
| (k) The accuracy, extent, and availability of facility records; | 126327
126328 |
| (l) The facility's financial condition, exclusive of any moneys donated to a facility that is an organization described in subsection 501(c)(3) and is tax exempt under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1; | 126329
126330
126331
126332
126333 |
| (m) Any adverse effect that the action or fine would have on | 126334 |

the health and safety of facility residents; 126335

(n) If the noncompliance that resulted in the citation of a 126336
deficiency or cluster of deficiencies existed before a change in 126337
ownership of the facility, whether the new owner or owners have 126338
had sufficient time to correct the noncompliance. 126339

(B) Whenever the department or agency imposes remedies under 126340
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126341
the Revised Code, it shall provide a written statement to the 126342
nursing facility that specifies all of the following: 126343

(1) The effective date of each remedy; 126344

(2) The deficiency or cluster of deficiencies for which each 126345
remedy is imposed; 126346

(3) The severity and scope of the deficiency or cluster of 126347
deficiencies; 126348

(4) The rationale, including all applicable factors specified 126349
in division (A) of this section, for imposing the remedies. 126350

Sec. ~~5111.50~~ 5165.76. At the time the department of ~~job and~~ 126351
~~family services~~ medicaid or a contracting agency, under section 126352
~~5111.45~~ 5165.71, ~~5111.46~~ 5165.72, or ~~5111.51~~ 5165.77 of the 126353
Revised Code, issues an order terminating a nursing facility's 126354
participation in the ~~medical assistance~~ medicaid program, the 126355
department or agency may also impose a fine, in accordance with 126356
sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 and ~~5111.56~~ 5165.83 of 126357
the Revised Code, to be collected in the event the termination 126358
order does not take effect. The department or agency shall not 126359
collect this fine if the termination order takes effect. 126360

Sec. ~~5111.51~~ 5165.77. (A) If the department of health finds 126361
during a survey that an emergency exists at a nursing facility, as 126362
the result of a deficiency or cluster of deficiencies that creates 126363

immediate jeopardy, the department of ~~job and family services~~ 126364
medicaid or a contracting agency shall impose one or more of the 126365
remedies described in division (A)(1) of this section and, in 126366
addition, may take one or both of the actions described in 126367
division (A)(2) of this section. 126368

(1) The department or agency shall impose one or more of the 126369
following remedies: 126370

(a) Appoint, subject to the continuing consent of the 126371
provider, a temporary manager of the facility; 126372

(b) Apply to the common pleas court of the county in which 126373
the facility is located for a temporary restraining order, 126374
preliminary injunction, or such other injunctive or equitable 126375
relief as is necessary to close the facility, transfer one or more 126376
residents to other nursing facilities or other appropriate care 126377
settings, or otherwise eliminate the condition of immediate 126378
jeopardy. If the court grants such an order, injunction, or 126379
relief, it may appoint a special master empowered to implement the 126380
court's judgment under the court's direct supervision. 126381

(c) Issue an order terminating the facility's participation 126382
in the ~~medical assistance~~ medicaid program; 126383

(d) Regardless of whether the provider consents, appoint a 126384
temporary manager of the facility. 126385

(2) The department or agency may do one or both of the 126386
following: 126387

(a) Issue an order denying ~~payment~~ medicaid payments to the 126388
facility for all medicaid eligible residents admitted after the 126389
effective date of the order; 126390

(b) Impose remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 126391
5165.74 of the Revised Code appropriate to the severity and scope 126392
of the deficiency or cluster of deficiencies, except that the 126393

department or agency shall not impose a fine for the same 126394
deficiency for which the department or agency has issued an order 126395
under division (A)(2)(a) of this section. 126396

(B) If the department of health, department of ~~job and family~~ 126397
~~services~~ medicaid, or a contracting agency finds on the basis of a 126398
survey or other visit to the facility by representatives of that 126399
department or agency that an emergency exists at a facility that 126400
is not the result of a deficiency or cluster of deficiencies that 126401
constitutes immediate jeopardy, the department of ~~job and family~~ 126402
~~services~~ medicaid or contracting agency may do either of the 126403
following: 126404

(1) Appoint, subject to the continuing consent of the 126405
provider, a temporary manager of the facility; 126406

(2) Apply to the common pleas court of the county in which 126407
the facility is located for a temporary restraining order, 126408
preliminary injunction, or such other injunctive or equitable 126409
relief as is necessary to close the facility, transfer one or more 126410
residents to other nursing facilities or other appropriate care 126411
settings, or otherwise eliminate the emergency. If the court 126412
grants such an order, injunction, or relief, it may appoint a 126413
special master empowered to implement the court's judgment under 126414
the court's direct supervision. 126415

(C)(1) Prior to acting under division (A)(1)(b), (c), (d), or 126416
(2), or (B)(2) of this section, the department of ~~job and family~~ 126417
~~services~~ medicaid or contracting agency shall give written notice 126418
to the facility specifying all of the following: 126419

(a) The nature of the emergency, including the nature of any 126420
deficiency or deficiencies that caused the emergency; 126421

(b) The nature of the action the department or agency intends 126422
to take unless the department of health determines that the 126423
facility, in the absence of state intervention, possesses the 126424

capacity to eliminate the emergency; 126425

(c) The rationale for taking the action. 126426

(2) If the department of health determines that the facility 126427
does not possess the capacity to eliminate the emergency in the 126428
absence of state intervention, the department of ~~job and family~~ 126429
~~services~~ medicaid or contracting agency may immediately take 126430
action under division (A) or (B) of this section. If the 126431
department of health determines that the facility possesses the 126432
capacity to eliminate the emergency, the department of ~~job and~~ 126433
~~family services~~ medicaid or contracting agency shall direct the 126434
facility to eliminate the emergency within five days after the 126435
facility's receipt of the notice. At the end of the five-day 126436
period, the department of health shall conduct a follow-up survey 126437
that focuses on the emergency. If the department of health 126438
determines that the facility has eliminated the emergency within 126439
the time period, the department of ~~job and family services~~ 126440
medicaid or contracting agency shall not act under division 126441
(A)(1)(b), (c), (d), or (2)(a), or (B)(2) of this section. If the 126442
department of health determines that the facility has failed to 126443
eliminate the emergency within the five-day period, the department 126444
of ~~job and family services~~ medicaid or contracting agency shall 126445
take appropriate action under division (A)(1)(b), (c), (d), or 126446
(2), or (B)(2) of this section. 126447

(3) Until the written notice required by division (C)(1) of 126448
this section is actually delivered, no action taken by the 126449
department of ~~job and family services~~ medicaid or contracting 126450
agency under division (A)(1)(b), (c), (d), or (2), or (B)(2) of 126451
this section shall have any legal effect. In addition to the 126452
written notice, the department of health survey team shall give 126453
oral notice to the facility, at the time of the survey, concerning 126454
any recommendations the survey team intends to make that could 126455
form the basis of a determination that an emergency exists. 126456

(D) The department of ~~job and family services~~ medicaid or 126457
contracting agency shall deliver a written order issued under 126458
division (A)(1) of this section terminating a nursing facility's 126459
participation in the ~~medical assistance~~ medicaid program to the 126460
facility within five days after the exit interview. If the 126461
facility alleges, at any time prior to the later of the twentieth 126462
day after the exit interview or the fifteenth day after it 126463
receives the order, that the condition of immediate jeopardy for 126464
which the order was issued has been eliminated, the department of 126465
health shall conduct a follow-up survey to determine whether the 126466
immediate jeopardy has been eliminated. The order shall take 126467
effect and the facility's participation shall terminate on the 126468
twentieth day after the exit interview, unless the facility has 126469
eliminated the immediate jeopardy or did not receive notice from 126470
the department of ~~job and family services~~ medicaid or contracting 126471
agency within five days after the exit interview. In the latter 126472
case, the order shall take effect and the facility's participation 126473
shall terminate on the fifteenth day after the facility received 126474
the order. 126475

(E) Any action taken by the department of ~~job and family~~ 126476
~~services~~ medicaid or a contracting agency under division 126477
(A)(1)(c), (d), or (2)(a) of this section is subject to appeal 126478
under Chapter 119. of the Revised Code, except that the department 126479
or agency may take such action prior to and during the pendency of 126480
any proceeding under that chapter. No action taken by a facility 126481
under division (C) of this section to eliminate an emergency cited 126482
by the department of health shall be considered an admission by 126483
the facility of the existence of an emergency. 126484

Sec. 5165.771. (A) As used in this section: 126485

"SFF list" means the list of nursing facilities that the 126486
United States department of health and human services creates 126487

under the special focus facility program. 126488

"Special focus facility program" means the program conducted 126489
by the United States secretary of health and human services 126490
pursuant to the "Social Security Act," section 1919(f)(10), 42 126491
U.S.C. 1396r(f)(10). 126492

"Table A" means the table included in the SFF list that 126493
identifies nursing facilities that are newly added to the SFF 126494
list. 126495

"Table B" means the table included in the SFF list that 126496
identifies nursing facilities that have not improved. 126497

"Table C" means the table included in the SFF list that 126498
identifies nursing facilities that have shown improvement. 126499

"Table D" means the table included in the SFF list that 126500
identifies nursing facilities that have recently graduated from 126501
the special focus facility program. 126502

(B) The department of medicaid may issue an order terminating 126503
a nursing facility's participation in the medicaid program if any 126504
of the following apply: 126505

(1) The nursing facility is listed in table A or table B on 126506
the effective date of this section and fails to be placed in table 126507
C not later than eighteen months after the effective date of this 126508
section; 126509

(2) The nursing facility is listed in table A, table B, or 126510
table C on the effective date of this section and fails to be 126511
placed in table D not later than thirty months after the effective 126512
date of this section; 126513

(3) The nursing facility is placed in table A after the 126514
effective date of this section and fails to be placed in table C 126515
not later than eighteen months after the nursing facility is 126516
placed in table A; 126517

(4) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table D not later than thirty months after the nursing facility is placed in table A. 126518
126519
126520
126521

(C) An order issued under this section is subject to appeal under Chapter 119. of the Revised Code. 126522
126523

Sec. ~~5111.511~~ 5165.78. (A) If the department of ~~job and family services~~ medicaid determines that a nursing facility is experiencing or is likely to experience a serious financial loss or failure that jeopardizes or is likely to jeopardize the health, safety, and welfare of its residents, the department, subject to the provider's consent, may appoint a temporary resident safety assurance manager in the nursing facility to take actions the department determines are appropriate to ensure the health, safety, and welfare of the residents. 126524
126525
126526
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126528
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126532

(B) A temporary resident safety assurance manager appointed under this section is vested with the authority necessary to take actions the department of ~~job and family services~~ medicaid determines are appropriate to ensure the health, safety, and welfare of the residents. 126533
126534
126535
126536
126537

(C) A temporary resident safety assurance manager appointed under this section may use any of the following funds to pay for costs the manager incurs on behalf of the nursing facility: 126538
126539
126540

(1) Medicaid payments made in accordance with the provider agreement for the nursing facility; 126541
126542

(2) Funds from the residents protection fund that the department provides the manager under section ~~5111.62~~ 5162.66 of the Revised Code; 126543
126544
126545

(3) Other funds the department determines are appropriate if such use of the funds is consistent with the appropriations that 126546
126547

authorize the use of the funds and all other state and federal 126548
laws governing the use of the funds. 126549

(D) The provider is liable to the department for the amount 126550
of any payments the department makes to the temporary resident 126551
safety assurance manager, other than payments specified in 126552
division (C)(1) of this section. The department may recover the 126553
amount the provider owes the department by doing any of the 126554
following: 126555

(1) Offsetting medicaid payments made to the provider in 126556
accordance with the provider agreement; 126557

(2) Placing a lien on any of the provider's real and personal 126558
property; 126559

(3) Initiating other collection actions. 126560

(E) No action the department takes under this section is 126561
subject to appeal under Chapter 119. of the Revised Code. 126562

(F) In rules ~~adopted under~~ authorized by section ~~5111.36~~ 126563
5165.61 of the Revised Code, the medicaid director ~~of job and~~ 126564
~~family services~~ may establish all of the following: 126565

(1) Qualifications persons must meet to be appointed 126566
temporary resident safety assurance managers under this section; 126567

(2) Procedures for maintaining a list of qualified temporary 126568
resident safety assurance managers; 126569

(3) Procedures consistent with federal law for paying for the 126570
services of temporary resident safety assurance managers; 126571

(4) Accounting and reporting requirements for temporary 126572
resident safety assurance managers; 126573

(5) Other procedures and requirements the director determines 126574
are necessary to implement this section. 126575

Sec. ~~5111.52~~ 5165.79. (A) As used in this section, 126576

"terminating" includes not renewing. 126577

(B) A nursing facility's participation in the ~~medical~~ 126578
~~assistance~~ medicaid program shall be terminated under sections 126579
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code as follows: 126580
126581

(1) If the department of ~~job and family services~~ medicaid is 126582
terminating the facility's participation, it shall issue an order 126583
terminating the facility's provider agreement. 126584

(2) If the department of health, acting as a contracting 126585
agency, is terminating the facility's participation, it shall 126586
issue an order terminating certification of the facility's 126587
compliance with certification requirements. When the department of 126588
health terminates certification, the department of ~~job and family~~ 126589
~~services~~ medicaid shall terminate the facility's provider 126590
agreement. The department of ~~job and family services~~ medicaid is 126591
not required to provide an adjudication hearing when it terminates 126592
a provider agreement following termination of certification by the 126593
department of health. 126594

(3) If a state agency other than the department of health, 126595
acting as a contracting agency, is terminating the facility's 126596
participation, it shall notify the department of ~~job and family~~ 126597
~~services~~ medicaid, and the department of ~~job and family services~~ 126598
medicaid shall issue an order terminating the facility's provider 126599
agreement. The contracting agency shall conduct any administrative 126600
proceedings concerning the order. 126601

(C) If the following conditions are met, the department of 126602
~~job and family services~~ medicaid may make ~~medical assistance~~ 126603
medicaid payments to a nursing facility for a period not exceeding 126604
thirty days after the effective date of termination under sections 126605
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code of the 126606
facility's participation in the ~~medical assistance~~ medicaid 126607

program: 126608

(1) The payments are for medicaid eligible residents admitted 126609
to the facility prior to the effective date of the termination; 126610

(2) The provider is making reasonable efforts to transfer 126611
medicaid eligible residents to other care settings. 126612

The period during which payments may be made under this 126613
division begins on the later of the effective date of the 126614
termination or, if the facility has appealed a termination order, 126615
the date of issuance of the adjudication order upholding 126616
termination. 126617

Sec. ~~5111.53~~ 5165.80. (A) Whenever a nursing facility is 126618
closed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 126619
Revised Code, the department of ~~job and family services~~ medicaid 126620
or contracting agency shall arrange for the safe and orderly 126621
transfer of all residents, including residents who are not 126622
medicaid eligible residents, to other appropriate care settings. 126623
Whenever a nursing facility's participation in the ~~medical~~ 126624
~~assistance~~ medicaid program is terminated under sections ~~5111.35~~ 126625
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department or 126626
agency shall arrange for the safe and orderly transfer of all 126627
medicaid eligible residents or, if the termination results in the 126628
closure of the facility, of all residents. The provider and all 126629
persons involved in the facility's operation shall cooperate with 126630
and assist in the transfer of residents. 126631

(B) After a nursing facility's participation in the ~~medical~~ 126632
~~assistance~~ medicaid program is terminated under section ~~5111.45~~ 126633
5165.71, ~~5111.46~~ 5165.72, ~~5111.51~~ 5165.77, 5165.771, or ~~5111.58~~ 126634
5165.85 of the Revised Code, the department of ~~job and family~~ 126635
~~services~~ medicaid or contracting agency may appoint a temporary 126636
manager subject to the continuing consent of the provider, or may 126637
apply to the common pleas court of the county in which the 126638

facility is located for such injunctive relief as is necessary for 126639
the appointment of a special master, to ensure the transfer of 126640
medicaid eligible residents to other appropriate care settings 126641
and, if applicable, the orderly closure of the facility. 126642

Sec. ~~5111.54~~ 5165.81. (A) A temporary manager of a nursing 126643
facility appointed by the department of ~~job and family services~~ 126644
medicaid or a contracting agency under sections ~~5111.35~~ 5165.60 to 126645
~~5111.62~~ 5165.89 of the Revised Code shall meet all of the 126646
following qualifications: 126647

(1) Be licensed as a nursing home administrator under Chapter 126648
4751. of the Revised Code; 126649

(2) Have demonstrated competence as a nursing home 126650
administrator; 126651

(3) Have had no disciplinary action taken against the 126652
temporary manager by any licensing board or professional society 126653
in this state. 126654

(B) The salary of a temporary manager or special master 126655
appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 126656
Revised Code shall be paid by the facility and set by the 126657
department of ~~job and family services~~ medicaid or contracting 126658
agency, in the case of a temporary manager, or by the court, in 126659
the case of a special master, at a rate not to exceed the maximum 126660
allowable compensation for an administrator under the ~~medical~~ 126661
~~assistance~~ medicaid program. The extent to which this compensation 126662
is allowable under the ~~medical assistance~~ medicaid program is 126663
subject to and limited by this chapter and rules ~~of the department~~ 126664
adopted under section 5165.02 of the Revised Code. 126665

Subject to division (C) of this section, any costs incurred 126666
on behalf of a nursing facility by a temporary manager or special 126667
master appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 126668

of the Revised Code shall be paid by the facility. The 126669
allowability of these costs under the ~~medical assistance~~ medicaid 126670
program shall be subject to and governed by this chapter and ~~the~~ 126671
~~rules of the department~~ adopted under section 5165.02 of the 126672
Revised Code. This division does not prohibit a facility from 126673
applying for or receiving any waiver of cost ceilings available 126674
under the ~~rules of the department~~. 126675

(C) No temporary manager or special master appointed under 126676
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code 126677
shall enter into any employment contract on behalf of a facility, 126678
or purchase any capital goods using facility funds totaling more 126679
than ten thousand dollars, unless the temporary manager or special 126680
master has obtained prior approval for the contract or purchase 126681
from either the provider or the court. 126682

(D)(1) A temporary manager appointed for a nursing facility 126683
under section ~~5111.46~~ 5165.72 of the Revised Code is hereby 126684
vested, subject to division (C) of this section, with the legal 126685
authority necessary to correct any deficiency or cluster of 126686
deficiencies at a facility, bring the facility into compliance 126687
with certification requirements, and otherwise ensure the health 126688
and safety of the residents. 126689

(2) A temporary manager appointed under section ~~5111.51~~ 126690
5165.77 of the Revised Code is hereby vested, subject to division 126691
(C) of this section, with the authority necessary to eliminate the 126692
emergency, bring the facility into compliance with certification 126693
requirements, and otherwise ensure the health and safety of the 126694
residents. 126695

(3) A temporary manager appointed under section ~~5111.53~~ 126696
5165.80 of the Revised Code is hereby vested, subject to division 126697
(C) of this section, with the authority necessary to ensure the 126698
transfer of medicaid eligible residents to other appropriate care 126699
settings and, if applicable, the orderly closure of the facility, 126700

and to otherwise ensure the health and safety of the residents. 126701

(E) Prior to acting under division (A)(1)(b) or (2)(b) of 126702
section ~~5111.46~~ 5165.72 of the Revised Code to appoint a temporary 126703
manager or apply for a special master, the department of ~~job and~~ 126704
~~family services~~ medicaid or contracting agency shall order the 126705
facility to substantially correct the deficiency or deficiencies 126706
within five days after receiving the statement and inform the 126707
facility, in the statement it provides pursuant to division (B) of 126708
section ~~5111.49~~ 5165.75 of the Revised Code, of the order and that 126709
it will not take that action unless the facility fails to 126710
substantially correct the deficiency or deficiencies within that 126711
five-day period. At the end of the five-day period, the department 126712
of health shall conduct a follow-up survey that focuses on the 126713
deficiency or deficiencies. If the department of health determines 126714
that the facility has substantially corrected the deficiency or 126715
deficiencies within that time, the department of ~~job and family~~ 126716
~~services~~ medicaid or contracting agency shall not appoint a 126717
temporary manager or apply for a special master. If the department 126718
of health determines that the facility has failed to substantially 126719
correct the deficiency or deficiencies within that time, the 126720
department of ~~job and family services~~ medicaid or contracting 126721
agency may proceed with appointment of the temporary manager or 126722
application for a special master. Until the statement required 126723
under division (B) of section ~~5111.49~~ 5165.75 of the Revised Code 126724
is actually delivered, no action taken by the department or agency 126725
to appoint a temporary manager or apply for a temporary manager 126726
under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 of 126727
the Revised Code shall have any legal effect. No action taken by a 126728
facility under this division to substantially correct a deficiency 126729
or deficiencies shall be considered an admission by the facility 126730
of the existence of a deficiency or deficiencies. 126731

(F) Appointment of a temporary manager under division 126732

(A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 or division 126733
(A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code shall 126734
expire at the end of the seventh day following the appointment. If 126735
the department of ~~job and family services~~ medicaid or contracting 126736
agency finds that the deficiency or deficiencies that prompted the 126737
appointment under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 126738
5165.72 of the Revised Code cannot be substantially corrected, or 126739
the condition of immediate jeopardy that prompted the appointment 126740
under division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised 126741
Code cannot be eliminated, prior to the expiration of the 126742
appointment, it may take one of the following actions: 126743

(1) Appoint, subject to the continuing consent of the 126744
provider, a temporary manager for the facility; 126745

(2) Apply to the common pleas court of the county in which 126746
the facility is located for an order appointing a special master 126747
who, under the authority and direct supervision of the court and 126748
subject to divisions (B) and (C) of this section, may take such 126749
additional actions as are necessary to correct the deficiency or 126750
deficiencies or eliminate the condition of immediate jeopardy and 126751
bring the facility into compliance with certification 126752
requirements. 126753

(G) The court, on finding that the deficiency or deficiencies 126754
for which a special master was appointed under division (F)(2) of 126755
this section or division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 126756
5165.72 of the Revised Code has been substantially corrected, or 126757
the emergency for which a special master was appointed under 126758
division (F)(2) of this section or division (A)(1)(b) or (B)(2) of 126759
section ~~5111.51~~ 5165.77 of the Revised Code has been eliminated, 126760
that the facility has been brought into compliance with 126761
certification requirements, and that the provider has established 126762
the management capability to ensure continued compliance with the 126763
certification requirements, shall immediately terminate its 126764

jurisdiction over the facility and return control and management 126765
of the facility to the provider. If the deficiency or deficiencies 126766
cannot be substantially corrected, or the emergency cannot be 126767
eliminated practicably within a reasonable time following 126768
appointment of the special master, the court may order the special 126769
master to close the facility and transfer all residents to other 126770
nursing facilities or other appropriate care settings. 126771

(H) This section does not apply to temporary resident safety 126772
assurance managers appointed under section ~~5111.511~~ 5165.78 of the 126773
Revised Code. 126774

Sec. ~~5111.55~~ 5165.82. (A) An order issued under section 126775
~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 126776
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 126777
medicaid payments to a nursing facility for all medicaid eligible 126778
residents admitted after its effective date, or an order issued 126779
under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 126780
of the Revised Code denying ~~payment~~ medicaid payments to a nursing 126781
facility for medicaid eligible residents admitted after the 126782
effective date of the order who have specified diagnoses or 126783
special care needs, shall also apply to individuals admitted to 126784
the facility on and after the effective date of the order who are 126785
not medicaid eligible residents but become medicaid eligible 126786
residents after admission. Such an order shall not apply to any of 126787
the following: 126788

(1) An individual who was a medicaid eligible resident of the 126789
facility on the day immediately preceding the effective date of 126790
the order and continues to be a medicaid eligible resident on and 126791
after that date; 126792

(2) An individual who was a resident of the facility on the 126793
day immediately preceding the effective date of the order, 126794
continues to be a resident on and after that date, and becomes 126795

medicaid eligible on or after that date; 126796

(3) An individual who was a medicaid eligible resident of the 126797
facility prior to the effective date of the order, is temporarily 126798
absent from the facility on that or a subsequent date due to 126799
hospitalization or participation in therapeutic programs outside 126800
the facility, and chooses to return to the facility; 126801

(4) An individual who was a resident of the facility prior to 126802
the effective date of the order, is temporarily absent from the 126803
facility on that or a subsequent date due to hospitalization or 126804
participation in therapeutic programs outside the facility, 126805
becomes medicaid eligible on or after that date, and chooses to 126806
return to the facility. 126807

(B) An order issued under section ~~5111.46~~ 5165.72 of the 126808
Revised Code denying ~~payment~~ medicaid payments to a nursing 126809
facility for all medicaid eligible residents admitted after its 126810
effective date, or denying ~~payment~~ medicaid payments to a facility 126811
for medicaid eligible residents admitted after the effective date 126812
of the order who have specified diagnoses or special care needs 126813
shall not take effect prior to the fifth day after the order is 126814
delivered to the facility. Such an order issued under section 126815
~~5111.47~~ 5165.73 or ~~5111.48~~ 5165.74 of the Revised Code shall not 126816
take effect prior to the twentieth day after it is delivered to 126817
the facility. 126818

(C) No nursing facility that has received an order under 126819
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 126820
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 126821
medicaid payments for all new admissions of medicaid eligible 126822
residents shall admit a medicaid eligible resident on or after the 126823
effective date of the order, unless the resident is described in 126824
division (A)(3) or (4) of this section, until the order is 126825
terminated pursuant to this section. No nursing facility that has 126826
received an order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, 126827

or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ medicaid 126828
payments to a nursing facility for new admissions of medicaid 126829
eligible residents with specified diagnoses or special care needs 126830
shall admit such a resident on or after the effective date of the 126831
order, unless the resident is described in division (A)(3) or (4) 126832
of this section, until the order is terminated pursuant to this 126833
section. 126834

(D) In the case of an order imposed under division (B) of 126835
section ~~5111.57~~ 5165.84 of the Revised Code, the department or 126836
agency shall appoint monitors in accordance with section ~~5111.44~~ 126837
5165.70 of the Revised Code to conduct on-site monitoring. 126838

(E)(1) A facility may give written notice to the department 126839
of health whenever any of the following apply: 126840

(a) With respect to an order denying payment issued under 126841
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126842
the Revised Code, either of the following is the case: 126843

(i) The facility has completed implementation of the plan of 126844
correction it submitted under section ~~5111.43~~ 5165.69 of the 126845
Revised Code and substantially corrected all deficiencies for 126846
which the order was issued. 126847

(ii) The facility has reduced the severity or scope of all of 126848
the deficiencies to a level at which sections ~~5111.46~~ 5165.72 to 126849
~~5111.48~~ 5165.74 of the Revised Code do not authorize the order. 126850

(b) With respect to an order denying payment issued under 126851
section ~~5111.51~~ 5165.77 of the Revised Code, the facility has 126852
eliminated the immediate jeopardy. 126853

(c) With respect to an order denying ~~payment~~ medicaid 126854
payments issued under division (A) of section ~~5111.57~~ 5165.84 of 126855
the Revised Code, the facility has completed implementation of the 126856
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 126857
the Revised Code and substantially corrected all deficiencies for 126858

which the order was issued. 126859

(d) With respect to an order denying ~~payment~~ medicaid 126860
payments issued under division (B) of section ~~5111.57~~ 5165.84 of 126861
the Revised Code, both of the following are the case: 126862

(i) The facility has completed implementation of the plan of 126863
correction it submitted under section ~~5111.43~~ 5165.69 of the 126864
Revised Code and substantially corrected all deficiencies for 126865
which the order was issued. 126866

(ii) The facility is in compliance with certification 126867
requirements and has provided adequate assurance that it will 126868
remain in compliance with them. 126869

(2) Within ten working days after it receives the notice 126870
under division (E)(1) of this section, the department of health 126871
shall conduct a follow-up survey that focuses on the cited 126872
deficiency or deficiencies, unless the department is able to 126873
determine, on the basis of documentation provided by the facility, 126874
that the facility has completed the applicable action described in 126875
divisions (E)(1)(a) to (d) of this section. If the department of 126876
health makes that determination on the basis of the documentation, 126877
the department of ~~job and family services~~ medicaid or contracting 126878
agency shall terminate the order denying ~~payment~~ medicaid payments 126879
as of the date the facility completed the applicable action, as 126880
subsequently verified by the department of health. If the 126881
department of health conducts a follow-up survey, the department 126882
of ~~job and family services~~ medicaid or contracting agency shall 126883
terminate the order denying ~~payment~~ medicaid payments as of the 126884
date the department of health makes the determination that the 126885
facility completed the applicable action. 126886

(F) The department of ~~job and family services~~ medicaid or 126887
contracting agency shall provide public notice implementing an 126888
order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 126889

~~5165.74, 5111.51 5165.77, or 5111.57 5165.84~~ of the Revised Code 126890
denying ~~payment~~ medicaid payments to a nursing facility ~~under the~~ 126891
~~medical assistance program~~ for all medicaid eligible residents by 126892
publishing in a newspaper of general circulation in the county in 126893
which the facility is located an announcement stating: "By order 126894
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 126895
name of contracting agency), effective on and after (effective 126896
date of order), (name of facility) is no longer authorized to 126897
admit Medicaid eligible residents." Immediately following 126898
termination of any such order, the department or agency shall 126899
publish in a newspaper of general circulation in the county in 126900
which the facility is located an announcement stating: "By order 126901
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 126902
name of contracting agency), effective on and after (effective 126903
date of termination), (name of facility) is hereby authorized to 126904
admit Medicaid eligible residents." Neither the department nor the 126905
contracting agency shall issue public notice of an order under 126906
section ~~5111.46 5165.72, 5111.47 5165.73, or 5111.48 5165.74~~ of 126907
the Revised Code denying payment to a nursing facility for 126908
medicaid eligible residents with specified diagnoses or special 126909
care needs; public notice is not required for such an order to 126910
take effect. 126911

(G) A facility that complies with division (E) of this 126912
section shall not be considered to have admitted to the existence 126913
of the deficiency that constitutes the basis of the department's 126914
or agency's order. 126915

Sec. ~~5111.56 5165.83.~~ (A) As used in this section, "certified 126916
beds" means beds certified under Title XVIII or Title XIX ~~of the~~ 126917
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 126918
~~amended.~~ 126919

(B) If the department of ~~job and family services~~ medicaid or 126920

a contracting agency imposes a fine on a nursing facility under 126921
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 126922
the Revised Code, it may impose one or more of the following: 126923

(1) One hundred sixty per cent of the amount calculated under 126924
division (C) of this section for any deficiency or cluster of 126925
deficiencies that constitutes a severity level four and scope 126926
level four finding; 126927

(2) One hundred forty per cent of the amount calculated under 126928
division (C) of this section for any deficiency or cluster of 126929
deficiencies that constitutes a severity level four and scope 126930
level three finding; 126931

(3) One hundred twenty per cent of the amount calculated 126932
under division (C) of this section for any deficiency or cluster 126933
of deficiencies that constitutes a severity level four and scope 126934
level two finding; 126935

(4) The amount calculated under division (C) of this section 126936
for any deficiency or cluster of deficiencies that constitutes a 126937
severity level four and scope level one finding or any deficiency 126938
or cluster of deficiencies that constitutes a severity level three 126939
and scope level four finding; 126940

(5) Ninety per cent of the amount calculated under division 126941
(C) of this section for any deficiency or cluster of deficiencies 126942
that constitutes a severity level three and scope level three 126943
finding; 126944

(6) Eighty per cent of the amount calculated under division 126945
(C) of this section for any deficiency or cluster of deficiencies 126946
that constitutes a severity level three and scope level two 126947
finding; 126948

(7) Seventy per cent of the amount calculated under division 126949
(C) of this section for any deficiency or cluster of deficiencies 126950
that constitutes a severity level three and scope level one 126951

finding; 126952

(8) Fifty per cent of the amount calculated under division 126953
(C) of this section for any deficiency or cluster of deficiencies 126954
that constitutes a severity level two and scope level four 126955
finding; 126956

(9) Forty per cent of the amount calculated under division 126957
(C) of this section for any deficiency or cluster of deficiencies 126958
that constitutes a severity level two and scope level three 126959
finding. 126960

(C) The amount subject to division (B) of this section shall 126961
be the product of multiplying two dollars and fifty cents for each 126962
day the fine is in effect by the total number of licensed nursing 126963
home beds or certified beds, whichever is greater, in the facility 126964
as of the date the deficiency or cluster of deficiencies that is 126965
the reason for the fine was cited. 126966

(D)(1) The department of ~~job and family services~~ medicaid or 126967
contracting agency shall not impose on a facility, at any one 126968
time, more than four fines as a result of any one survey. 126969

(2) The department of ~~job and family services~~ medicaid or 126970
contracting agency shall not impose more than one fine based on a 126971
deficiency or cluster of deficiencies. However, if the department 126972
of health, in a follow-up or other subsequent survey, finds a 126973
change in the scope or severity of the deficiency or cluster of 126974
deficiencies, the department of ~~job and family services~~ medicaid 126975
or contracting agency may increase or decrease the fine in 126976
accordance with division (B) of this section to reflect the change 126977
in scope or severity. The department or agency shall give the 126978
facility written notice of the change in the amount of the fine. 126979
The change shall take effect on the date the follow-up or other 126980
subsequent survey is completed. 126981

If the department of health finds that a deficiency is a 126982

repeat deficiency, the department of ~~job and family services~~ 126983
medicaid or contracting agency may impose a fine that is one 126984
hundred per cent greater than the fine specified in division (B) 126985
of this section for the deficiency. 126986

(E) The total amount of fines the department of ~~job and~~ 126987
~~family services~~ medicaid or contracting agency may impose on a 126988
facility in a single calendar year shall not exceed five hundred 126989
dollars for each licensed nursing home bed or certified bed, 126990
whichever is greater in number, in the facility. 126991

(F)(1) Except as provided in division (F)(2) of this section, 126992
the department of ~~job and family services~~ medicaid or contracting 126993
agency shall not impose a fine under section ~~5111.46~~ 5165.72, 126994
~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code if the 126995
deficiency or cluster of deficiencies is substantially corrected 126996
within twenty days after the nursing facility receives the 126997
statement provided under division (B) of section ~~5111.49~~ 5165.75 126998
of the Revised Code. The department or agency shall inform the 126999
nursing facility in that statement that the fine will not be 127000
imposed if the deficiency or cluster of deficiencies is 127001
substantially corrected within the twenty-day period. 127002

(2) If a nursing facility has substantially corrected a 127003
deficiency or cluster of deficiencies within six months after the 127004
exit interview of a survey that was the basis for citing a 127005
deficiency or cluster of deficiencies, but after correcting it has 127006
been cited for the same deficiency or cluster of deficiencies by 127007
the department of health on the basis of a subsequent survey 127008
conducted during the remainder of the six-month period, the 127009
department of ~~job and family services~~ medicaid or contracting 127010
agency may impose a fine beginning on the date of the exit 127011
interview of the subsequent survey. 127012

(G) Whenever a facility believes that it has completed 127013
implementation of the plan of correction it submitted under 127014

section ~~5111.43~~ 5165.69 of the Revised Code and substantially 127015
corrected the cited deficiency or cluster of deficiencies that is 127016
the basis for a fine, it may give written notice to that effect to 127017
the department of health. After receiving the notice, the 127018
department shall conduct a follow-up survey of the facility that 127019
focuses on the deficiency or cluster, unless the department is 127020
able to determine, on the basis of documentation provided by the 127021
facility, that the facility has substantially corrected the 127022
deficiency or cluster. If, based on the follow-up survey, the 127023
department establishes that the facility had not completed 127024
implementation of the plan of correction at the time the 127025
department received the notice, any fine based on the deficiency 127026
or cluster shall be doubled effective from the date the department 127027
received the notice. A facility that complies with this division 127028
shall not be considered to have admitted the existence of the 127029
deficiency or cluster that is the basis for the fine. 127030

(H) Except for a fine imposed under division (C) of section 127031
~~5111.46~~ 5165.72 of the Revised Code and as provided in division 127032
(F)(2) of this section, the department of ~~job and family services~~ 127033
medicaid or contracting agency shall impose a fine only if the 127034
facility fails to give notice under division (G) of this section 127035
within twenty days after it receives the statement required by 127036
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code or if 127037
the department of health determines, based on a follow-up survey, 127038
that the deficiency or cluster of deficiencies for which the fine 127039
is proposed has not been substantially corrected within the 127040
twenty-day period. The fine shall be imposed effective on the 127041
twenty-first day after the facility receives the statement under 127042
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code. The 127043
fine shall remain in effect until the earliest of the following: 127044

(1) The date the department of health receives notice under 127045
division (G) of this section, unless the department determines, on 127046

the basis of a follow-up survey, that the deficiency or cluster of 127047
deficiencies that is the basis for the fine has not been 127048
substantially corrected as of that date; 127049

(2) The date on which the department of health makes a 127050
determination, on the basis of a follow-up survey, that the 127051
deficiency or cluster of deficiencies has been substantially 127052
corrected; 127053

(3) The date the facility substantially corrected the 127054
deficiency or cluster, as subsequently determined by the 127055
department of health on the basis of documentation provided by the 127056
facility. 127057

(I) Any fine imposed by the department of ~~job and family~~ 127058
~~services~~ medicaid or contracting agency under this section is 127059
subject to appeal under Chapter 119. of the Revised Code. If the 127060
facility does not request a hearing under Chapter 119. of the 127061
Revised Code and either pays or agrees in writing to pay the fine 127062
when payment becomes due under division (J) of this section, the 127063
department or agency shall reduce the fine by fifty per cent. The 127064
department or agency may compromise any claim for payment of a 127065
fine under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 127066
Revised Code. 127067

(J) The department of ~~job and family services~~ medicaid or 127068
contracting agency shall collect interest on fines, at the rate 127069
per calendar month that equals one-twelfth of the rate per year 127070
prescribed by section 5703.47 of the Revised Code for the calendar 127071
year that includes the month for which the interest charge 127072
accrues. Payment of a fine is due, and interest begins to accrue 127073
on the unpaid fine or balance, on the thirty-first day after the 127074
department or agency issues a final adjudication order imposing 127075
the fine. If the deficiency or deficiencies on which the fine is 127076
based have not been corrected when the final adjudication order is 127077
issued, the payment is due, and interest begins to accrue on the 127078

unpaid fine or balance, on the thirty-first day after the 127079
deficiency or deficiencies are corrected and the department or 127080
agency mails a notice specifying the amount of the fine to the 127081
facility. 127082

(K) The department of ~~job and family services~~ medicaid or 127083
contracting agency shall collect fines and interest imposed under 127084
this section through one of the following means: 127085

(1) A lump sum payment from the provider; 127086

(2) Periodic payments for a period not to exceed twelve 127087
months, in accordance with a schedule approved by the department 127088
or agency; 127089

(3) Appropriately reducing the amounts of medicaid payments 127090
made to the facility for ~~care~~ nursing facility services provided 127091
to medicaid eligible residents for a period not to exceed twelve 127092
months following the date on which payment of the fine becomes due 127093
under division (J) of this section. An amount equal to the amount 127094
by which each payment is reduced shall be deposited to the credit 127095
of the residents protection fund in accordance with section 127096
~~5111.62~~ 5162.66 of the Revised Code. 127097

Sec. ~~5111.57~~ 5165.84. (A) The department of ~~job and family~~ 127098
~~services~~ medicaid or a contracting agency shall issue an order 127099
denying ~~payment~~ medicaid payments to a nursing facility for all 127100
medicaid eligible residents admitted to the facility on or after 127101
the effective date of the order, if the facility has failed to 127102
substantially correct within ninety days after the exit interview 127103
a deficiency or cluster of deficiencies in accordance with the 127104
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 127105
the Revised Code, as determined by the department of health on the 127106
basis of a follow-up survey. 127107

(B) The department of ~~job and family services~~ medicaid or 127108

contracting agency shall issue an order denying ~~payment~~ medicaid 127109
payments to a nursing facility for all medicaid eligible residents 127110
admitted to the facility on or after the effective date of the 127111
order, if during three consecutive standard surveys conducted 127112
after December 13, 1990, the department of health has found a 127113
condition of substandard care in a facility. 127114

(C) An order issued under division (A) or (B) of this section 127115
shall take effect on the later of the date the facility receives 127116
the order or the date the public notice required under division 127117
(F) of section ~~5111.55~~ 5165.82 of the Revised Code is published. 127118
The order is subject to appeal under Chapter 119. of the Revised 127119
Code; however the order may take effect prior to or during the 127120
pendency of any hearing under that chapter. In that case, the 127121
department or agency shall provide the facility an opportunity for 127122
a hearing in accordance with section ~~5111.60~~ 5165.87 of the 127123
Revised Code. 127124

Sec. ~~5111.58~~ 5165.85. (A) If a nursing facility notifies the 127125
department of ~~job and family services~~ medicaid or a contracting 127126
agency, at any time during the six-month period following the exit 127127
interview of a survey that was the basis for citing a deficiency 127128
or deficiencies, that the deficiency or deficiencies have been 127129
substantially corrected in accordance with the plan of correction 127130
submitted and approved under section ~~5111.43~~ 5165.69 of the 127131
Revised Code, the department of health shall conduct a follow-up 127132
survey to determine whether the deficiency or deficiencies have 127133
been substantially corrected in accordance with the plan. 127134

(B) The department of ~~job and family services~~ medicaid or a 127135
contracting agency shall terminate a nursing facility's 127136
participation in the ~~medical assistance~~ medicaid program whenever 127137
the facility has not substantially corrected, within six months 127138
after the exit interview of the survey on the basis of which it 127139

was cited, a deficiency or deficiencies in accordance with the 127140
plan of correction submitted under section ~~5111.43~~ 5165.69 of the 127141
Revised Code, as determined by the department of health on the 127142
basis of a follow-up survey. 127143

(C) Unless the facility has substantially corrected the 127144
deficiency or deficiencies in accordance with the plan of 127145
correction, as determined by the department of health on the basis 127146
of a follow-up survey, the department of ~~job and family services~~ 127147
medicaid or contracting agency shall deliver to the facility, at 127148
least thirty days prior to the day that is six months after the 127149
exit interview, a written order terminating the facility's 127150
participation in the ~~medical assistance~~ medicaid program. The 127151
order shall take effect and the facility's participation shall 127152
terminate on the day that is six months after the exit interview. 127153
The order shall not take effect if, after it is delivered to the 127154
facility and prior to the effective date of the order, the 127155
department of health determines on the basis of a follow-up survey 127156
that the facility has corrected the deficiency or deficiencies. 127157

An order issued under this section is subject to appeal under 127158
Chapter 119. of the Revised Code; however, the order may take 127159
effect prior to or during the pendency of any hearing under that 127160
chapter. In that case, the department of ~~job and family services~~ 127161
medicaid or contracting agency shall provide the facility an 127162
opportunity for a hearing in accordance with section ~~5111.60~~ 127163
5165.87 of the Revised Code. 127164

(D) Except as provided in division (E) of this section, 127165
whenever the department of ~~job and family services~~ medicaid or a 127166
contracting agency terminates a facility's participation in the 127167
~~medical assistance~~ medicaid program pursuant to this section, the 127168
provider shall repay the department the federal share of all 127169
medicaid payments made by the department to the facility ~~under the~~ 127170
~~medical assistance program~~ during the six-month period following 127171

the exit interview of the survey that was the basis for citing the 127172
deficiency or cluster of deficiencies. The provider shall repay 127173
the department within thirty days after the department repays to 127174
the federal government the federal share of medicaid payments made 127175
to the facility during that six-month period. 127176

(E) A provider is not required to repay the department of ~~job~~ 127177
~~and family services~~ medicaid if either of the following is the 127178
case: 127179

(1) The facility has brought an appeal under Chapter 119. of 127180
the Revised Code of termination of its participation in the 127181
~~medical assistance~~ medicaid program, except that the provider 127182
shall repay the department of ~~job and family services~~ medicaid 127183
within thirty days after the facility exhausts its right to appeal 127184
under that chapter. 127185

(2) The facility complied with the plan of correction 127186
approved by the department of health and the obligation to repay 127187
resulted from the department's failure to provide timely 127188
verification to the United States department of health and human 127189
services of the facility's compliance with the plan of correction. 127190

(F) If a provider's obligation to repay the department of ~~job~~ 127191
~~and family services~~ medicaid under division (D) of this section 127192
results from disallowance of federal financial participation by 127193
the United States department of health and human services, the 127194
provider shall not be required to repay the department of ~~job and~~ 127195
~~family services~~ medicaid until the federal disallowance becomes 127196
final. 127197

(G) Any fines paid under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 127198
5165.89 of the Revised Code during any period for which the 127199
facility is required to repay the department of ~~job and family~~ 127200
~~services~~ medicaid under division (D) of this section shall be 127201
offset against the amount the provider is required to repay the 127202

department for that period. 127203

(H) Prior to a change of ownership of a facility for which a 127204
provider has an obligation to repay the department of ~~job and~~ 127205
~~family services~~ medicaid under division (D) of this section that 127206
has not become final, or has become final but not been paid, the 127207
department may do one or more of the following: 127208

(1) Require the provider to place money in escrow, or obtain 127209
a bond, in sufficient amount to indemnify the state against the 127210
provider's failure to repay the department after the change of 127211
ownership occurs; 127212

(2) Place a lien on the facility's real property; 127213

(3) Use any method to recover the medicaid payments that is 127214
available to the attorney general to recover payments on behalf of 127215
the department of ~~job and family services~~ medicaid. 127216

Sec. ~~5111.59~~ 5165.86. The department of ~~job and family~~ 127217
~~services~~ medicaid, the department of health, and any contracting 127218
agency shall deliver a written notice, statement, or order to a 127219
nursing facility under sections ~~5111.35~~ 5165.60 to ~~5111.41~~ 5165.66 127220
and ~~5111.43~~ 5165.69 to ~~5111.62~~ 5165.89 of the Revised Code by 127221
certified mail or hand delivery. If the notice, statement, or 127222
order is mailed, it shall be addressed to the administrator of the 127223
facility as indicated in the department's or agency's records. If 127224
it is hand delivered, it shall be delivered to a person at the 127225
facility who would appear to the average prudent person to have 127226
authority to accept it. 127227

Delivery of written notice by a nursing facility to the 127228
department of health, the department of ~~job and family services~~ 127229
medicaid, or a contracting agency under sections ~~5111.35~~ 5165.60 127230
to ~~5111.62~~ 5165.89 of the Revised Code shall be by certified mail 127231
or hand delivery to the appropriate department or the agency. 127232

Sec. ~~5111.60~~ 5165.87. (A) Except as provided in division (B) 127233
of this section, the following remedies are subject to appeal 127234
under Chapter 119. of the Revised Code: 127235

(1) An order issued under section ~~5111.45~~ 5165.71, ~~5111.46~~ 127236
5165.72, ~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 127237
terminating a nursing facility's participation in the ~~medical~~ 127238
~~assistance~~ medicaid program; 127239

(2) Appointment of a temporary manager of a facility under 127240
division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72, or 127241
division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code; 127242

(3) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 127243
5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of 127244
the Revised Code denying ~~payment~~ medicaid payments to a facility 127245
~~under the medical assistance program~~ for all medicaid eligible 127246
residents admitted after the effective date of the order; 127247

(4) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 127248
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ 127249
medicaid payments to a facility ~~under the medical assistance~~ 127250
~~program~~ for medicaid eligible residents admitted after the 127251
effective date of the order who have certain diagnoses or special 127252
care needs specified by the department or agency; 127253

(5) A fine imposed under section ~~5111.46~~ 5165.72, ~~5111.47~~ 127254
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code. 127255

(B) The department of ~~job and family services~~ medicaid or 127256
contracting agency may do any of the following prior to or during 127257
the pendency of any proceeding under Chapter 119. of the Revised 127258
Code: 127259

(1) Issue and execute an order under section ~~5111.46~~ 5165.72, 127260
~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 127261
terminating a nursing facility's participation in the ~~medical~~ 127262

assistance medicaid program; 127263

(2) Appoint a temporary manager under division (A)(1)(b) or 127264
(2)(b) of section ~~5111.46~~ 5165.72 or division (A)(1)(d) of section 127265
~~5111.51~~ 5165.77 of the Revised Code; 127266

(3) Issue and execute an order under section ~~5111.46~~ 5165.72, 127267
~~5111.47~~ 5165.73, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the 127268
Revised Code denying ~~payment~~ medicaid payments to a facility for 127269
all medicaid eligible residents admitted after the effective date 127270
of the order; 127271

(4) Issue and execute an order under section ~~5111.46~~ 5165.72 127272
or ~~5111.47~~ 5165.73 or division (A), (B), or (C) of section ~~5111.48~~ 127273
5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a 127274
facility for medicaid eligible residents admitted after the 127275
effective date of the order who have specified diagnoses or 127276
special care needs. 127277

(C) Whenever the department or agency imposes a remedy listed 127278
in division (B) of this section prior to or during the pendency of 127279
a proceeding, all of the following apply: 127280

(1) The provider against whom the action is taken shall have 127281
ten days after the date the facility actually receives the notice 127282
specified in section 119.07 of the Revised Code to request a 127283
hearing. 127284

(2) The hearing shall commence within thirty days after the 127285
date the department or agency receives the provider's request for 127286
a hearing. 127287

(3) The hearing shall continue uninterrupted from day to day, 127288
except for Saturdays, Sundays, and legal holidays, unless other 127289
interruptions are agreed to by the provider and the department or 127290
agency. 127291

(4) If the hearing is conducted by a hearing examiner, the 127292

hearing examiner shall file a report and recommendations within 127293
ten days after the close of the hearing. 127294

(5) The provider shall have five days after the date the 127295
hearing officer files the report and recommendations within which 127296
to file objections to the report and recommendations. 127297

(6) Not later than fifteen days after the date the hearing 127298
officer files the report and recommendations, the medicaid 127299
~~director of job and family services~~ or the director of the 127300
contracting agency shall issue an order approving, modifying, or 127301
disapproving the report and recommendations of the hearing 127302
examiner. 127303

(D) If the department or agency imposes more than one remedy 127304
as the result of deficiencies cited in a single survey, the 127305
proceedings for all of the remedies shall be consolidated. If any 127306
of the remedies are imposed during the pendency of a hearing, as 127307
permitted by division (B) of this section, the consolidated 127308
hearing shall be conducted in accordance with division (C) of this 127309
section. The consolidation of the remedies for purposes of a 127310
hearing does not affect the effective dates prescribed in sections 127311
~~5111.35~~ 5165.60 to ~~5111.58~~ 2165.85 of the Revised Code. 127312

(E) If a contracting agency conducts administrative 127313
proceedings pertaining to remedies imposed under sections ~~5111.35~~ 127314
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department of 127315
~~job and family services~~ medicaid shall not be considered a party 127316
to the proceedings. 127317

Sec. ~~5111.61~~ 5165.88. (A)(1) Except as required by court 127318
order, as necessary for the administration or enforcement of any 127319
statute relating to nursing facilities, or as provided in division 127320
(C) of this section, the department of ~~job and family services~~ 127321
medicaid and any contracting agency shall not release any of the 127322
following information without the permission of the individual or 127323

the individual's legal representative: 127324

(a) The identity of any resident of a nursing facility; 127325

(b) The identity of any individual who submits a complaint 127326
about a nursing facility; 127327

(c) The identity of any individual who provides the 127328
department or agency with information about a nursing facility and 127329
has requested confidentiality; 127330

(d) Any information that reasonably would tend to disclose 127331
the identity of any individual described in division (A)(1)(a) to 127332
(c) of this section. 127333

(2) An agency or individual to whom the department or 127334
contracting agency is required, by court order or for the 127335
administration or enforcement of a statute relating to nursing 127336
facilities, to release information described in division (A)(1) of 127337
this section shall not release the information without the 127338
permission of the individual who would be or would reasonably tend 127339
to be identified, or of the individual's legal representative, 127340
unless the agency or individual is required to release it by 127341
division (C) of this section, by court order, or for the 127342
administration or enforcement of a statute relating to nursing 127343
facilities. 127344

(B) Except as provided in division (C) of this section, any 127345
record that identifies an individual described in division (A)(1) 127346
of this section or that reasonably would tend to identify such an 127347
individual is not a public record for the purposes of section 127348
149.43 of the Revised Code, and is not subject to inspection and 127349
copying under section 1347.08 of the Revised Code. 127350

(C) If the department or a contracting agency, or an agency 127351
or individual to whom the department or contracting agency was 127352
required by court order or for administration or enforcement of a 127353
statute relating to nursing facilities to release information 127354

described in division (A)(1) of this section, uses information in 127355
any administrative or judicial proceeding against a facility that 127356
reasonably would tend to identify an individual described in 127357
division (A)(1) of this section, the department, agency, or 127358
individual shall disclose that information to the facility. 127359
However, the department, agency, or individual shall not disclose 127360
information that directly identifies an individual described in 127361
divisions (A)(1)(a) to (c) of this section, unless the individual 127362
is to testify in the proceedings. 127363

(D) No person shall knowingly register a false complaint 127364
about a nursing facility with the department or a contracting 127365
agency, or knowingly swear or affirm the truth of a false 127366
complaint, when the allegation is made for the purpose of 127367
incriminating another. 127368

~~Sec. 5111.63 5165.89. For the purposes of this section,~~ 127369
~~"facility," "medicare," and "medicaid" have the same meanings as~~ 127370
~~in section 3721.10 of the Revised Code.~~ 127371

The department of health shall be the designee of the 127372
department of ~~job and family services~~ medicaid for the purpose of 127373
conducting a hearing pursuant to section 3721.162 of the Revised 127374
Code concerning a nursing facility's decision to transfer or 127375
discharge a resident if the resident is a medicaid recipient or 127376
medicare beneficiary. 127377

~~Sec. 5111.99 5165.99.~~ (A) Whoever violates ~~division (B) of~~ 127378
~~section 5111.26 5165.102~~ or division (E) of section ~~5111.31~~ 127379
5165.08 of the Revised Code shall be fined not less than five 127380
hundred dollars nor more than one thousand dollars for the first 127381
offense and not less than one thousand dollars nor more than five 127382
thousand dollars for each subsequent offense. Fines paid under 127383
this section shall be deposited in the state treasury to the 127384

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| credit of the general revenue fund. | 127385 |
| (B) Whoever violates division (D) of section 5111.61 <u>5165.88</u> | 127386 |
| of the Revised Code is guilty of registering a false complaint, a | 127387 |
| misdemeanor of the first degree. | 127388 |
| <u>Sec. 5166.01.</u> As used in this chapter: | 127389 |
| <u>"Administrative agency" means, with respect to a home and</u> | 127390 |
| <u>community-based services medicaid waiver component, the department</u> | 127391 |
| <u>of medicaid or, if a state agency or political subdivision</u> | 127392 |
| <u>contracts with the department under section 5162.35 of the Revised</u> | 127393 |
| <u>Code to administer the component, that state agency or political</u> | 127394 |
| <u>subdivision.</u> | 127395 |
| <u>"Dual eligible individual" has the same meaning as in section</u> | 127396 |
| <u>5160.01 of the Revised Code.</u> | 127397 |
| <u>"Home and community-based services medicaid waiver component"</u> | 127398 |
| <u>means a medicaid waiver component under which home and</u> | 127399 |
| <u>community-based services are provided as an alternative to</u> | 127400 |
| <u>hospital services, nursing facility services, or ICF/IID services.</u> | 127401 |
| <u>"Hospital" has the same meaning as in section 3727.01 of the</u> | 127402 |
| <u>Revised Code.</u> | 127403 |
| <u>"Hospital long-term care unit" has the same meaning as in</u> | 127404 |
| <u>section 5168.40 of the Revised Code.</u> | 127405 |
| <u>"ICDS participant" has the same meaning as in section 5164.01</u> | 127406 |
| <u>of the Revised Code.</u> | 127407 |
| <u>"ICF/IID" and "ICF/IID services" have the same meanings as in</u> | 127408 |
| <u>section 5124.01 of the Revised Code.</u> | 127409 |
| <u>"Integrated care delivery system" and "ICDS" have the same</u> | 127410 |
| <u>meanings as in section 5164.01 of the Revised Code.</u> | 127411 |
| <u>"Level of care determination" means a determination of</u> | 127412 |
| <u>whether an individual needs the level of care provided by a</u> | 127413 |

hospital, nursing facility, or ICF/IID and whether the individual, 127414
if determined to need that level of care, would receive hospital 127415
services, nursing facility services, or ICF/IID services if not 127416
for a home and community-based services medicaid waiver component. 127417

"Medicaid buy-in for workers with disabilities program" has 127418
the same meaning as in section 5163.01 of the Revised Code. 127419

"Medicaid services" has the same meaning as in section 127420
5164.01 of the Revised Code. 127421

"Medicaid waiver component" means a component of the medicaid 127422
program authorized by a waiver granted by the United States 127423
department of health and human services under the "Social Security 127424
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 127425
waiver component" does not include a care management system 127426
established under section 5167.03 of the Revised Code. 127427

"Nursing facility" and "nursing facility services" have the 127428
same meanings as in section 5165.01 of the Revised Code. 127429

"Ohio home care waiver program" means the home and 127430
community-based services medicaid waiver component that is known 127431
as Ohio home care and was created pursuant to section 5166.11 of 127432
the Revised Code. 127433

"Ohio transitions II aging carve-out program" means the home 127434
and community-based services medicaid waiver component that is 127435
known as Ohio transitions II aging carve-out and was created 127436
pursuant to section 5166.11 of the Revised Code. 127437

"Provider agreement" has the same meaning as in section 127438
5164.01 of the Revised Code. 127439

"Residential treatment facility" means a residential facility 127440
licensed by the department of mental health and addiction services 127441
under section 5119.34 of the Revised Code, or an institution 127442
certified by the department of job and family services under 127443

section 5103.03 of the Revised Code, that serves children and 127444
either has more than sixteen beds or is part of a campus of 127445
multiple facilities or institutions that, combined, have a total 127446
of more than sixteen beds. 127447

"Skilled nursing facility" has the same meaning as in section 127448
5165.01 of the Revised Code. 127449

"Unified long-term services and support medicaid waiver 127450
component" means the medicaid waiver component authorized by 127451
section 5166.14 of the Revised Code. 127452

Sec. ~~5111.85~~ 5166.02. (A) ~~As used in this section and~~ 127453
~~sections 5111.851 to 5111.856 of the Revised Code:~~ 127454

~~"Home and community based services medicaid waiver component"~~ 127455
~~means a medicaid waiver component under which home and~~ 127456
~~community based services are provided as an alternative to~~ 127457
~~hospital, nursing facility, or intermediate care facility for the~~ 127458
~~mentally retarded services.~~ 127459

~~"Hospital" has the same meaning as in section 3727.01 of the~~ 127460
~~Revised Code.~~ 127461

~~"Intermediate care facility for the mentally retarded" has~~ 127462
~~the same meaning as in section 5111.20 of the Revised Code.~~ 127463

~~"Medicaid waiver component" means a component of the medicaid~~ 127464
~~program authorized by a waiver granted by the United States~~ 127465
~~department of health and human services under section 1115 or 1915~~ 127466
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 127467
~~1315 or 1396n. "Medicaid waiver component" does not include a care~~ 127468
~~management system established under section 5111.16 of the Revised~~ 127469
~~Code.~~ 127470

~~"Nursing facility" has the same meaning as in section 5111.20~~ 127471
~~of the Revised Code.~~ 127472

(B) The medicaid director of job and family services may 127473

shall adopt rules ~~under~~ in accordance with Chapter 119. of the 127474
Revised Code governing medicaid waiver components ~~that~~. The rules 127475
may establish all of the following: 127476

(1) Eligibility requirements for the medicaid waiver 127477
components; 127478

(2) The type, amount, duration, and scope of medicaid 127479
services the medicaid waiver components ~~provide~~ cover; 127480

(3) The conditions under which the medicaid waiver components 127481
cover medicaid services; 127482

(4) The ~~amount~~ amounts the medicaid waiver components pay for 127483
medicaid services or the ~~method~~ methods by which the ~~amount is~~
amounts are determined; 127484
127485

(5) The ~~manner~~ manners in which the medicaid waiver 127486
components pay for medicaid services; 127487

(6) Safeguards for the health and welfare of medicaid 127488
recipients receiving medicaid services under a medicaid waiver 127489
component; 127490

(7) Procedures for prioritizing and approving for enrollment 127491
individuals who are eligible for a home and community-based 127492
services medicaid waiver component and choose to be enrolled in 127493
the component; 127494

(8) Procedures for enforcing the rules, including 127495
establishing corrective action plans for, and imposing financial 127496
and administrative sanctions on, persons and government entities 127497
that violate the rules. Sanctions shall include terminating 127498
~~medicaid~~ provider agreements. The procedures shall include due 127499
process protections. 127500

(9) Other policies necessary for the efficient administration 127501
of the medicaid waiver components. 127502

~~(C)(B)~~ The director ~~of job and family services~~ may adopt 127503

different rules for the different medicaid waiver components. The 127504
rules shall be consistent with the terms of the waiver authorizing 127505
the medicaid waiver component. 127506

~~(D)~~(C) The following apply to procedures established under 127507
division ~~(B)~~(A)(7) of this section: 127508

(1) Any such procedures established for the medicaid-funded 127509
component of the PASSPORT program shall be consistent with section 127510
~~173.401~~ 173.521 of the Revised Code. 127511

(2) Any such procedures established for the medicaid-funded 127512
component of the assisted living program shall be consistent with 127513
section 173.542 of the Revised Code. 127514

(3) Any such procedures established for the Ohio home care 127515
waiver program shall be consistent with section ~~5111.862~~ 5166.121 127516
of the Revised Code. 127517

~~(3)~~(4) Any such procedures established for the unified 127518
long-term services and support medicaid waiver program shall be 127519
consistent with section ~~5111.865~~ 5166.141 of the Revised Code. 127520

~~(4) Any such procedures established for the medicaid-funded~~ 127521
~~component of the assisted living program shall be consistent with~~ 127522
~~section 5111.894 of the Revised Code.~~ 127523

Sec. ~~5111.84~~ 5166.03. The medicaid director ~~of job and family~~ 127524
~~services~~ may not submit a request to the United States secretary 127525
of health and human services for a medicaid waiver under ~~section~~ 127526
~~1115~~ of the "Social Security Act ~~of 1935,~~" section 1115, 42 U.S.C. 127527
1315, unless the director provides the speaker of the house of 127528
representatives and president of the senate written notice of the 127529
director's intent to submit the request at least ten days before 127530
the date the director submits the request to the United States 127531
secretary. The notice shall include a detailed explanation of the 127532
medicaid waiver the director proposes to seek. 127533

~~Sec. 5111.851 5166.04. (A) As used in sections 5111.851 to 127534
5111.855 of the Revised Code: 127535~~

~~"Administrative agency" means, with respect to a home and 127536
community based services medicaid waiver component, the department 127537
of job and family services or, if a state agency or political 127538
subdivision contracts with the department under section 5111.91 of 127539
the Revised Code to administer the component, that state agency or 127540
political subdivision. 127541~~

~~"Level of care determination" means a determination of 127542
whether an individual needs the level of care provided by a 127543
hospital, nursing facility, or intermediate care facility for the 127544
mentally retarded and whether the individual, if determined to 127545
need that level of care, would receive hospital, nursing facility, 127546
or intermediate care facility for the mentally retarded services 127547
if not for a home and community based services medicaid waiver 127548
component. 127549~~

~~"Medicaid buy in for workers with disabilities program" means 127550
the component of the medicaid program established under sections 127551
5111.70 to 5111.7011 of the Revised Code. 127552~~

~~"Skilled nursing facility" means a facility certified as a 127553
skilled nursing facility under Title XVIII of the "Social Security 127554
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 127555~~

~~(B) The following requirements apply to each home and 127556
community-based services medicaid waiver component: 127557~~

~~(1)(A) Only an individual who qualifies for a component shall 127558
receive that component's medicaid services. 127559~~

~~(2)(B) A level of care determination shall be made as part of 127560
the process of determining whether an individual qualifies for a 127561
component and shall be made each year after the initial 127562
determination if, during such a subsequent year, the 127563~~

administrative agency determines there is a reasonable indication 127564
that the individual's needs have changed. 127565

~~(3)~~(C) A written plan of care or individual service plan 127566
based on an individual assessment of the medicaid services that an 127567
individual needs to avoid needing admission to a hospital, nursing 127568
facility, or ~~intermediate care facility for the mentally retarded~~ 127569
ICF/IID shall be created for each individual determined eligible 127570
for a component. 127571

~~(4)~~(D) Each individual determined eligible for a component 127572
shall receive that component's medicaid services in accordance 127573
with the individual's level of care determination and written plan 127574
of care or individual service plan. 127575

~~(5)~~(E) No individual may receive medicaid services under a 127576
component while the individual is a hospital inpatient or resident 127577
of a skilled nursing facility, nursing facility, or ~~intermediate~~ 127578
~~care facility for the mentally retarded~~ ICF/IID. 127579

~~(6)~~(F) No individual may receive prevocational, educational, 127580
or supported employment services under a component if the 127581
individual is eligible for such services that are funded with 127582
federal funds provided under 29 U.S.C. 730 or the "Individuals 127583
with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 127584
1400, as amended. 127585

~~(7)~~(G) Safeguards shall be taken to protect the health and 127586
welfare of individuals receiving medicaid services under a 127587
component, including safeguards established in rules adopted under 127588
section ~~5111.95~~ 5166.02 of the Revised Code and safeguards 127589
established by licensing and certification requirements that are 127590
applicable to the providers of that component's medicaid services. 127591

~~(8)~~(H) No medicaid services may be provided under a component 127592
by a provider that is subject to standards that the "Social 127593
Security Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires 127594

be established if the provider fails to comply with the standards 127595
applicable to the provider. 127596

~~(9)~~(I) Individuals determined to be eligible for a component, 127597
or such individuals' representatives, shall be informed of that 127598
component's medicaid services, including any choices that the 127599
individual or representative may make regarding the component's 127600
medicaid services, and given the choice of either receiving 127601
medicaid services under that component or, as appropriate, 127602
hospital services, nursing facility services, or ~~intermediate care~~ 127603
~~facility for the mentally retarded~~ ICF/IID services. 127604

~~(10)~~(J) No individual shall lose eligibility for services 127605
under a component, or have the services reduced or otherwise 127606
disrupted, on the basis that the individual also receives services 127607
under the medicaid buy-in for workers with disabilities program. 127608

~~(11)~~(K) No individual shall lose eligibility for services 127609
under a component, or have the services reduced or otherwise 127610
disrupted, on the basis that the individual's income or resources 127611
increase to an amount above the eligibility limit for the 127612
component if the individual is participating in the medicaid 127613
buy-in for workers with disabilities program and the amount of the 127614
individual's income or resources does not exceed the eligibility 127615
limit for the medicaid buy-in for workers with disabilities 127616
program. 127617

~~(12)~~(L) No individual receiving services under a component 127618
shall be required to pay any cost sharing expenses for the 127619
services for any period during which the individual also 127620
participates in the medicaid buy-in for workers with disabilities 127621
program. 127622

Sec. ~~5111.852~~ 5166.05. The department of ~~job and family~~ 127623
~~services~~ medicaid may review and approve, modify, or deny written 127624
plans of care and individual service plans that section ~~5111.851~~ 127625

5166.04 of the Revised Code requires be created for individuals 127626
determined eligible for a home and community-based services 127627
medicaid waiver component. If a state agency or political 127628
subdivision contracts with the department under section ~~5111.91~~ 127629
5162.35 of the Revised Code to administer a home and 127630
community-based services medicaid waiver component and approves, 127631
modifies, or denies a written plan of care or individual service 127632
plan pursuant to the agency's or subdivision's administration of 127633
the component, the department may review the agency's or 127634
subdivision's approval, modification, or denial and order the 127635
agency or subdivision to reverse or modify the approval, 127636
modification, or denial. The state agency or political subdivision 127637
shall comply with the department's order. 127638

The department of ~~job and family services~~ medicaid shall be 127639
granted full and immediate access to any records the department 127640
needs to implement its duties under this section. 127641

Sec. ~~5111.853~~ 5166.06. Each administrative agency shall 127642
maintain, for a period of time the department of ~~job and family~~ 127643
~~services~~ medicaid shall specify, financial records documenting the 127644
costs of medicaid services provided under the home and 127645
community-based services medicaid waiver components that the 127646
agency administers, including records of independent audits. The 127647
administrative agency shall make the financial records available 127648
on request to the United States secretary of health and human 127649
services, United States comptroller general, and their designees. 127650

Sec. ~~5111.854~~ 5166.07. Each administrative agency is 127651
financially accountable for funds expended for medicaid services 127652
~~provided under~~ covered by the home and community-based services 127653
medicaid waiver components that the agency administers. 127654

Sec. ~~5111.855~~ 5166.08. Each state agency and political subdivision that enters into a contract with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code to administer a home and community-based services medicaid waiver component, or one or more aspects of such a component, shall provide the department a written assurance that the agency or subdivision will not violate any of the requirements of sections ~~5111.85~~ 5166.01 to ~~5111.854~~ 5166.07 of the Revised Code.

Sec. ~~5111.856~~ 5166.10. To the extent necessary for the efficient and economical administration of medicaid waiver components, the department of ~~job and family services~~ medicaid may transfer an individual enrolled in a medicaid waiver component administered by the department to another medicaid waiver component the department administers if the individual is eligible for the medicaid waiver component and the transfer does not jeopardize the individual's health or safety.

Sec. ~~5111.86~~ 5166.11. (A) As used in this section:

~~(1) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.~~

~~(2) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

~~(3) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~

~~(4) "Ohio home care program" means the program the department of ~~job and family services~~ medicaid administers that provides state plan services and medicaid waiver component services pursuant to rules adopted ~~under sections 5111.01 and 5111.02 of the Revised Code~~ for the medicaid program and a~~

medicaid waiver that went into effect July 1, 1998. 127684

(B) The ~~director department~~ of job and family services 127685
~~medicaid~~ may ~~submit requests to the United States secretary of~~ 127686
~~health and human services pursuant to section 1915 of the "Social~~ 127687
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended,~~ 127688
~~to obtain waivers of federal medicaid requirements that would~~ 127689
~~otherwise be violated in the creation and implementation of~~ create 127690
and administer two or more medicaid waiver components under which 127691
home and community-based services are provided to eligible 127692
individuals who need the level of care provided by a nursing 127693
facility or hospital. In administering the ~~requests~~ medicaid 127694
waiver components, the ~~director department~~ may specify the 127695
following: 127696

(1) The maximum number of individuals who may be enrolled in 127697
each of the medicaid waiver components ~~included in the requests;~~ 127698

(2) The maximum amount the medicaid program may expend each 127699
year for each individual enrolled in the medicaid waiver 127700
components; 127701

(3) The maximum amount the medicaid program may expend each 127702
year for all individuals enrolled in the medicaid waiver 127703
components; 127704

(4) Any other requirements the ~~director department~~ selects 127705
for the medicaid waiver components. 127706

(C) ~~If the secretary approves the medicaid waivers requested~~ 127707
~~under this section, the director may create and implement the~~ 127708
~~medicaid waiver components in accordance with the provisions of~~ 127709
~~the approved waivers. The department of job and family services~~ 127710
~~shall administer the medicaid waiver components.~~ 127711

(D) After the first of any of the medicaid waiver components 127712
created that the department administers under this section begins 127713
to enroll eligible individuals, the ~~director department~~ may ~~submit~~ 127714

~~to the United States secretary of health and human services an
amendment to a medicaid waiver component of the Ohio home care
program authorizing the department to cease enrolling to enroll
additional individuals in that a medicaid waiver component of the
Ohio home care program. If the secretary approves the amendment,
the director may cease to enroll additional individuals in that
medicaid waiver component of the Ohio home care program.~~

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~~Sec. **5111.861** **5166.12**. (A) As used in this section:~~

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~~"Medicaid waiver component" has the same meaning as in
section 5111.85 of the Revised Code.~~

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~~"Unified long term services and support medicaid waiver
component" means the medicaid waiver component authorized by
section 5111.864 of the Revised Code.~~

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~~(B) Subject to division (C) of this section, there is hereby
created the Ohio home care program. The program shall provide home
and community based services. The department of job and family
services medicaid shall administer the program.~~

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~~(C) If the unified long-term services and support medicaid
waiver component is created, the departments of aging and job and
family services medicaid shall ~~work together~~ collaborate to
determine whether the Ohio home care waiver program should
continue to operate as a separate medicaid waiver component or be
terminated. If the departments determine that the Ohio home care
waiver program should be terminated, the program shall cease to
exist on a date the departments shall specify.~~

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~~Sec. **5111.862** **5166.121**. (A) As used in this section:~~

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~~"Hospital long term care unit" has the same meaning as in
section 3721.50 of the Revised Code.~~

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~~"Nursing facility" has the same meaning as in section 5111.20~~

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~~of the Revised Code.~~ 127744

~~"Ohio home care program" means the medicaid waiver component created under section 5111.861 of the Revised Code.~~ 127745
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~~"Residential treatment facility" means a residential facility licensed by the department of mental health under section 5119.22 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.~~ 127747
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~~(B) Subject to division (C) of Unless the Ohio home care waiver program is terminated pursuant to section 5111.861 5165.12 of the Revised Code, the department of job and family services medicaid shall establish a home first component for the Ohio home care waiver program. An individual is eligible for the Ohio home care waiver program's home first component if the individual has been determined to be eligible for the Ohio home care waiver program and at least one of the following applies:~~ 127754
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(1) If the individual is under twenty-one years of age, the individual received inpatient hospital services for at least fourteen consecutive days, or had at least three inpatient hospital stays during the twelve months, immediately preceding the date the individual applies for the Ohio home care waiver program. 127762
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(2) If the individual is at least twenty-one but less than sixty years of age, the individual received inpatient hospital services for at least fourteen consecutive days immediately preceding the date the individual applies for the Ohio home care waiver program. 127767
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(3) The individual received private duty nursing services under the medicaid program for at least twelve consecutive months immediately preceding the date the individual applies for the Ohio 127772
127773
127774

home care waiver program. 127775

(4) The individual does not reside in a nursing facility or 127776
hospital long-term care unit at the time the individual applies 127777
for the Ohio home care waiver program but is at risk of imminent 127778
admission to a nursing facility or hospital long-term care unit 127779
due to a documented loss of a primary caregiver. 127780

(5) The individual resides in a nursing facility at the time 127781
the individual applies for the Ohio home care waiver program. 127782

(6) At the time the individual applies for the Ohio home care 127783
waiver program, the individual participates in the money follows 127784
the person demonstration project authorized by section 6071 of the 127785
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 127786
and either resides in a residential treatment facility or 127787
inpatient hospital setting. 127788

~~(C)(B)~~ An individual determined to be eligible for the home 127789
first component of the Ohio home care waiver program shall be 127790
enrolled in the ~~Ohio home care~~ program in accordance with rules 127791
adopted under section ~~5111.85~~ 5166.02 of the Revised Code. 127792

Sec. ~~5111.863~~ 5166.13. ~~(A) As used in this section:~~ 127793

~~"Medicaid waiver component" has the same meaning as in~~ 127794
~~section 5111.85 of the Revised Code.~~ 127795

~~"Unified long term services and support medicaid waiver~~ 127796
~~component" means the medicaid waiver component authorized by~~ 127797
~~section 5111.864 of the Revised Code.~~ 127798

~~(B) Subject to division (C) of this section, there is hereby~~ 127799
~~created the Ohio transitions II aging carve out program. The~~ 127800
~~program shall provide home and community based services. The~~ 127801
~~department of job and family services shall administer the~~ 127802
~~program.~~ 127803

~~(C)~~ If the unified long-term services and support medicaid 127804

waiver component is created, the departments of aging and ~~job and~~ 127805
~~family services~~ medicaid shall ~~work together~~ collaborate to 127806
determine whether the Ohio transitions II aging carve-out program 127807
should continue to operate as a separate medicaid waiver component 127808
or be terminated. If the departments determine that the Ohio 127809
transitions II aging carve-out program should be terminated, the 127810
program shall cease to exist on a date the departments shall 127811
specify. 127812

Sec. ~~5111.864~~ 5166.14. ~~(A) As used in this section:~~ 127813

~~"Medicaid waiver component" has the same meaning as in~~ 127814
~~section 5111.85 of the Revised Code.~~ 127815

~~"Nursing facility" has the same meaning as in section 5111.20~~ 127816
~~of the Revised Code.~~ 127817

~~(B) The director department of ~~job and family services~~ 127818
medicaid shall ~~submit a request to the United States secretary of~~ 127819
~~health and human services pursuant to section 1915n of the "Social~~ 127820
~~Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended,~~ 127821
~~to obtain approval to create a unified long-term services and~~ 127822
support medicaid waiver component to provide home and 127823
community-based services to eligible individuals of any age who 127824
require the level of care provided by nursing facilities. The 127825
~~director department of ~~job and family services~~ medicaid shall ~~work~~ 127826
collaborate with the ~~director department of aging in seeking~~ 127827
~~approval of the unified long term services and support medicaid~~ 127828
~~waiver component and, if the approval is obtained, in creating and~~ 127829
implementing the component. 127830~~~~

~~If the request to create the unified long term services and~~ 127831
~~support medicaid waiver component is approved, the The medicaid~~ 127832
~~director of ~~job and family services~~, ~~working~~ shall collaborate~~ 127833
with the director of aging, ~~shall adopt~~ when adopting rules under 127834
section ~~5111.85~~ 5166.02 of the Revised Code to implement the 127835

~~component. The rules may authorize the director of aging to adopt 127836
rules in accordance with Chapter 119. of the Revised Code 127837
governing aspects of the unified long term services and support 127838
medicaid waiver component. 127839~~

Sec. ~~5111.865~~ 5166.141. ~~(A) As used in this section, "unified 127840
long term services and support medicaid waiver program" or 127841
"program" means the medicaid waiver component authorized by 127842
section 5111.864 of the Revised Code. 127843~~

~~(B) If the United States secretary of health and human 127844
services approves the request submitted under section 5111.864 of 127845
the Revised Code to create the unified long term services and 127846
support medicaid waiver program, the The department of job and 127847
family services medicaid shall establish a home first component 127848
for the unified long-term services and support medicaid waiver 127849
program. The home first component shall be similar to the home 127850
first component of the medicaid-funded component of the PASSPORT 127851
program established under section ~~173.401~~ 173.521 of the Revised 127852
Code, ~~the home first component of the Ohio home care program~~ 127853
~~established under section 5111.862 of the Revised Code, and the~~ 127854
home first component of the medicaid-funded component of the 127855
assisted living program established under section ~~5111.894~~ 173.542 127856
of the Revised Code, and the home first component of the Ohio home 127857
care waiver program established under section 5166.121 of the 127858
Revised Code. 127859~~

Sec. 5166.16. ~~(A) As used in this section, "ODA or MCD 127860
medicaid waiver component" means all of the following: 127861~~

~~(1) The medicaid-funded component of the PASSPORT program, 127862
unless it is terminated pursuant to division (C) of section 173.52 127863
of the Revised Code; 127864~~

~~(2) The choices program, unless it is terminated pursuant to 127865~~

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|---|--------|
| <u>division (B) of section 173.53 of the Revised Code;</u> | 127866 |
| <u>(3) The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code;</u> | 127867 |
| | 127868 |
| | 127869 |
| <u>(4) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;</u> | 127870 |
| | 127871 |
| <u>(5) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code.</u> | 127872 |
| | 127873 |
| <u>(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply:</u> | 127874 |
| | 127875 |
| | 127876 |
| | 127877 |
| <u>(1) The department of medicaid shall administer it;</u> | 127878 |
| <u>(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component.</u> | 127879 |
| | 127880 |
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| | 127882 |
| | 127883 |
| <u>(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component.</u> | 127884 |
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| | 127894 |
| <u>(D) An ICDS participant's disenrollment from an ODA or MCD</u> | 127895 |

medicaid waiver component and enrollment in the ICDS medicaid 127896
waiver component resulting from division (B)(2) or (C) of this 127897
section shall be accomplished without a disruption in the 127898
participant's services under the components. 127899

~~Sec. 5111.87 5166.20.~~ (A) ~~As used in this section and section~~ 127900
~~5111.871 of the Revised Code:~~ 127901

~~(1) "Intermediate care facility for the mentally retarded"~~ 127902
~~has the same meaning as in section 5111.20 of the Revised Code.~~ 127903

~~(2) "Medicaid waiver component" has the same meaning as in~~ 127904
~~section 5111.85 of the Revised Code.~~ 127905

~~(B) The director department of job and family services~~ 127906
~~medicaid may apply to the United States secretary of health and~~ 127907
~~human services for both of create the following:~~ 127908

(1) One or more medicaid waiver components under which home 127909
and community-based services are provided to individuals with 127910
mental retardation or other developmental disability as an 127911
alternative to placement in ~~an intermediate care facility for the~~ 127912
~~mentally retarded ICFs/IID;~~ 127913

(2) One or more medicaid waiver components under which home 127914
and community-based services are provided in the form of any of 127915
the following: 127916

(a) Early intervention and supportive services for children 127917
under three years of age who have developmental delays or 127918
disabilities the ~~director department~~ determines are significant; 127919

(b) Therapeutic services for children who have autism; 127920

(c) Specialized habilitative services for individuals who are 127921
eighteen years of age or older and have autism. 127922

~~(C)(B)~~ No medicaid waiver component ~~authorized by created~~ 127923
pursuant to division (B)(A)(2)(b) or (c) of this section shall 127924

provide services that are available under another medicaid waiver 127925
component. No medicaid waiver component ~~authorized by~~ created 127926
pursuant to division ~~(B)(A)~~(2)(b) of this section shall provide 127927
services to an individual that the individual is eligible to 127928
receive through an individualized education program as defined in 127929
section 3323.01 of the Revised Code. 127930

~~(D)(C)~~ The director of developmental disabilities ~~or~~ and 127931
director of health may request that the ~~director~~ department of ~~job~~ 127932
~~and family services~~ apply for medicaid create one or more medicaid 127933
~~waivers~~ waiver components under this section. 127934

~~(E)(D)~~ Before ~~applying for~~ creating a medicaid waiver 127935
component under this section, the ~~director~~ department of ~~job and~~ 127936
~~family services~~ medicaid shall seek, accept, and consider public 127937
comments. 127938

Sec. ~~5111.871~~ 5166.21. The department of ~~job and family~~ 127939
~~services~~ medicaid shall enter into a contract with the department 127940
of developmental disabilities under section ~~5111.91~~ 5162.35 of the 127941
Revised Code with regard to one or more of the medicaid waiver 127942
components ~~established~~ created by the department of ~~job and family~~ 127943
~~services~~ medicaid under section ~~5111.87~~ 5166.20 of the Revised 127944
Code. ~~Subject, if needed, to the approval of the United States~~ 127945
~~secretary of health and human services, the~~ The contract shall 127946
include the medicaid waiver component known as the transitions 127947
developmental disabilities waiver. The contract shall provide for 127948
the department of developmental disabilities to administer the 127949
components in accordance with the terms of the federal medicaid 127950
waivers authorizing the components. The contract shall include a 127951
schedule for the department of developmental disabilities to begin 127952
administering the transitions developmental disabilities waiver. 127953
~~The directors of job and family services and developmental~~ 127954
~~disabilities shall adopt rules in accordance with Chapter 119. of~~ 127955

~~the Revised Code governing the components.~~ 127956

If the department of developmental disabilities or the 127957
department of ~~job and family services~~ medicaid denies an 127958
individual's application for home and community-based services 127959
provided under any of these medicaid components, the department 127960
that denied the services shall give timely notice to the 127961
individual that the individual may ~~request a hearing under~~ appeal 127962
pursuant to section 5101.35 5160.31 of the Revised Code. 127963

The departments of developmental disabilities and ~~job and~~ 127964
~~family services~~ medicaid may approve, reduce, deny, or terminate a 127965
medicaid service included in the individualized service plan 127966
developed for a medicaid recipient eligible for home and 127967
community-based services provided under any of these medicaid 127968
components. The departments shall consider the recommendations a 127969
county board of developmental disabilities makes under division 127970
(A)(1)(c) of section 5126.055 of the Revised Code. If either 127971
department approves, reduces, denies, or terminates a medicaid 127972
service, that department shall give timely notice to the medicaid 127973
recipient that the recipient may ~~request a hearing under~~ appeal 127974
pursuant to section 5101.35 5160.31 of the Revised Code. 127975

If supported living, as defined in section 5126.01 of the 127976
Revised Code, is to be provided as a medicaid service under any of 127977
these components, any person or government entity with a current, 127978
valid ~~medicaid~~ provider agreement and a current, valid certificate 127979
under section 5123.161 of the Revised Code may provide the 127980
medicaid service. 127981

If a medicaid service is to be provided under any of these 127982
components by a residential facility, as defined in section 127983
5123.19 of the Revised Code, any person or government entity with 127984
a current, valid ~~medicaid~~ provider agreement and a current, valid 127985
license under section 5123.19 of the Revised Code may provide the 127986
medicaid service. 127987

Sec. ~~5111.872~~ 5166.22. (A) Subject to division (B) of this section, when the department of developmental disabilities allocates enrollment numbers to a county board of developmental disabilities for home and community-based services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 5166.20 of the Revised Code and provided under any of the medicaid waiver components that the department administers under section ~~5111.871~~ 5166.21 of the Revised Code, the department shall consider all of the following:

(1) The number of individuals with mental retardation or other developmental disability who are on a waiting list the county board establishes under section 5126.042 of the Revised Code for those services and are given priority on the waiting list;

(2) The implementation component required by division (A)(3) of section 5126.054 of the Revised Code of the county board's plan approved under section 5123.046 of the Revised Code;

(3) Anything else the department considers necessary to enable county boards to provide those services to individuals in accordance with the priority requirements for waiting lists established under section 5126.042 of the Revised Code for those services.

(B) Division (A) of this section applies to home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver only to the extent, if any, provided by the contract required by section ~~5111.871~~ 5166.21 of the Revised Code regarding the ~~waiver~~ component.

Sec. ~~5111.873~~ 5166.23. (A) Subject to division (D) of this section, the medicaid director ~~of job and family services~~ shall adopt rules ~~in accordance with Chapter 119.~~ under section 5166.02

of the Revised Code establishing the ~~amount of reimbursement~~ 128018
payment amounts or the methods by which the payment amounts of 128019
~~reimbursement~~ are to be determined for home and community-based 128020
services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 128021
5166.20 of the Revised Code and provided under the components of 128022
the medicaid program that the department of developmental 128023
disabilities administers under section ~~5111.871~~ 5166.21 of the 128024
Revised Code. With respect to these rules, all of the following 128025
apply: 128026

(1) The rules shall establish procedures for the department 128027
of developmental disabilities to follow in arranging for the 128028
initial and ongoing collection of cost information from a 128029
comprehensive, statistically valid sample of persons and 128030
government entities providing the services at the time the 128031
information is obtained. 128032

(2) The rules shall establish procedures for the collection 128033
of consumer-specific information through an assessment instrument 128034
the department of developmental disabilities shall provide to the 128035
department of ~~job and family services~~ medicaid. 128036

(3) With the information collected pursuant to divisions 128037
(A)(1) and (2) of this section, an analysis of that information, 128038
and other information the director determines relevant, the rules 128039
shall establish ~~reimbursement~~ payment standards that do all of the 128040
following: 128041

(a) Assure that ~~reimbursement is~~ payment amounts are 128042
consistent with efficiency, economy, and quality of care; 128043

(b) Consider the intensity of consumer resource need; 128044

(c) Recognize variations in different geographic areas 128045
regarding the resources necessary to assure the health and welfare 128046
of consumers; 128047

(d) Recognize variations in environmental supports available 128048

to consumers. 128049

(B) As part of the process of adopting rules ~~under~~ authorized 128050
by this section, the director shall consult with the director of 128051
developmental disabilities, representatives of county boards of 128052
developmental disabilities, persons who provide the home and 128053
community-based services, and other persons and government 128054
entities the director identifies. 128055

(C) The ~~directors of job and family services~~ medicaid 128056
director and director of developmental disabilities shall review 128057
the rules ~~adopted under~~ authorized by this section at times they 128058
determine are necessary to ensure that the ~~amount of reimbursement~~ 128059
payment amounts or the methods by which the payment amounts ~~of~~ 128060
~~reimbursement~~ are to be determined continue to meet the 128061
~~reimbursement~~ payment standards established under division (A)(3) 128062
of this section. 128063

(D) This section applies to home and community-based services 128064
provided under the medicaid waiver component known as the 128065
transitions developmental disabilities waiver only to the extent, 128066
if any, provided by the contract required by section ~~5111.871~~ 128067
5166.21 of the Revised Code regarding the ~~waiver component~~. 128068

Sec. ~~5111.88~~ 5166.30. (A) As used in sections ~~5111.88~~ 5166.30 128069
to ~~5111.8811~~ 5166.3010 of the Revised Code: 128070

(1) "Adult" means an individual at least eighteen years of 128071
age. 128072

(2) "Appropriate director" means the following: 128073

(a) The medicaid director in the context of all of the 128074
following: 128075

(i) The Ohio home care waiver program, unless it is 128076
terminated pursuant to section 5166.12 of the Revised Code; 128077

(ii) The Ohio transitions II aging carve-out program, unless 128078

| | |
|---|--------|
| <u>it is terminated pursuant to section 5166.13 of the Revised Code;</u> | 128079 |
| <u>(iii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.</u> | 128080 |
| <u>(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.</u> | 128081 |
| <u>(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.</u> | 128082 |
| <u>(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.</u> | 128083 |
| <u>(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.</u> | 128084 |
| <u>(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.</u> | 128085 |
| <u>(3) "Authorized representative" means the following:</u> | 128086 |
| (a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian; | 128087 |
| (a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian; | 128088 |
| (b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 <u>5166.3010</u> of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services. | 128089 |
| (b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 <u>5166.3010</u> of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services. | 128090 |
| (b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 <u>5166.3010</u> of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services. | 128091 |
| (b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 <u>5166.3010</u> of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services. | 128092 |
| (3) <u>(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 <u>5166.307</u> of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u> | 128093 |
| (3) <u>(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 <u>5166.307</u> of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u> | 128094 |
| (3) <u>(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 <u>5166.307</u> of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u> | 128095 |
| (3) <u>(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 <u>5166.307</u> of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u> | 128096 |
| (3) <u>(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 <u>5166.307</u> of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u> | 128097 |
| (4) <u>(5) "Consumer" means an individual to whom all of the following apply:</u> | 128098 |
| (4) <u>(5) "Consumer" means an individual to whom all of the following apply:</u> | 128099 |
| (a) The individual is enrolled in a participating medicaid waiver component. | 128100 |
| (a) The individual is enrolled in a participating medicaid waiver component. | 128101 |
| (b) The individual has a medically determinable physical impairment to which both of the following apply: | 128102 |
| (b) The individual has a medically determinable physical impairment to which both of the following apply: | 128103 |
| (i) It is expected to last for a continuous period of not less than twelve months. | 128104 |
| (i) It is expected to last for a continuous period of not less than twelve months. | 128105 |
| (ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the | 128106 |
| (ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the | 128107 |
| (ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the | 128108 |

performance of nursing tasks, or both. 1281109

(c) In the case of an individual who is an adult, the 1281110
individual is mentally alert and is, or has an authorized 1281111
representative who is, capable of selecting, directing the actions 1281112
of, and dismissing a home care attendant. 1281113

(d) In the case of an individual who is a minor, the 1281114
individual has an authorized representative who is capable of 1281115
selecting, directing the actions of, and dismissing a home care 1281116
attendant. 1281117

~~(5)~~(6) "Controlled substance" has the same meaning as in 1281118
section 3719.01 of the Revised Code. 1281119

~~(6)~~(7) "Custodian" has the same meaning as in section 1281120
2151.011 of the Revised Code. 1281121

~~(7)~~(8) "Gastrostomy tube" means a percutaneously inserted 1281122
catheter that terminates in the stomach. 1281123

~~(8)~~(9) "Guardian" has the same meaning as in section 2111.01 1281124
of the Revised Code. 1281125

~~(9)~~(10) "Health care professional" means a physician or 1281126
registered nurse. 1281127

~~(10)~~(11) "Home care attendant" means an individual holding a 1281128
valid ~~medicaid~~ provider agreement in accordance with section 1281129
~~5111.881~~ 5166.301 of the Revised Code that authorizes the 1281130
individual to provide home care attendant services to consumers. 1281131

~~(11)~~(12) "Home care attendant services" means all of the 1281132
following as provided by a home care attendant: 1281133

(a) Personal care aide services; 1281134

(b) Assistance with the self-administration of medication; 1281135

(c) Assistance with nursing tasks. 1281136

~~(12)~~(13) "Jejunostomy tube" means a percutaneously inserted 1281137

catheter that terminates in the jejunum. 128138

~~(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 128139
128140

(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 128141
128142

(15) "Minor" means an individual under eighteen years of age. 128143

(16) "Participating medicaid waiver component" means ~~both~~ all of the following: 128144
128145

(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code; 128146
128147
128148

(b) The Ohio home care waiver program created under, unless it is terminated pursuant to section 5111.861 5166.12 of the Revised Code; 128149
128150
128151

~~(b)~~(c) The Ohio transitions II aging carve-out program created under, unless it is terminated pursuant to section 5111.863 5166.13 of the Revised Code; 128152
128153
128154

(d) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 128155
128156

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 128157
128158
128159

(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. 128160
128161
128162
"Registered nurse" includes an advanced practice registered nurse, 128163
as defined in section 4723.01 of the Revised Code. 128164

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 128165
128166
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(B) ~~The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating Participating medicaid waiver components to have those components may cover home care attendant services in accordance with sections ~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 of the Revised Code and rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code. Notwithstanding sections ~~5111.881~~ to ~~5111.8811~~ of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component.~~

Sec. ~~5111.881~~ 5166.301. The medicaid director ~~of job and family services~~ shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services to consumers if the individual does both of the following:

(A) Agrees to comply with the requirements of sections ~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 and rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code;

(B) Provides the director evidence satisfactory to the director of all of the following:

(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following:

(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code;

(b) A training program approved by the ~~department of job and family services~~ appropriate director that includes training in at least all of the following and provides training equivalent to a

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| training and competency evaluation program specified in division | 128198 |
| (B)(1)(a) of this section or meets the requirements of 42 C.F.R. | 128199 |
| 484.36(a): | 128200 |
| (i) Basic home safety; | 128201 |
| (ii) Universal precautions for the prevention of disease | 128202 |
| transmission, including hand-washing and proper disposal of bodily | 128203 |
| waste and medical instruments that are sharp or may produce sharp | 128204 |
| pieces if broken; | 128205 |
| (iii) Personal care aide services; | 128206 |
| (iv) The labeling, counting, and storage requirements for | 128207 |
| schedule II, III, IV, and V medications. | 128208 |
| (2) That the individual has obtained a certificate of | 128209 |
| completion of a course in first aid from a first aid course to | 128210 |
| which all of the following apply: | 128211 |
| (a) It is not provided solely through the internet. | 128212 |
| (b) It includes hands-on training provided by a first aid | 128213 |
| instructor who is qualified to provide such training according to | 128214 |
| standards set in rules adopted under section 5111.8811 <u>5166.02</u> of | 128215 |
| the Revised Code. | 128216 |
| (c) It requires the individual to demonstrate successfully | 128217 |
| that the individual has learned the first aid taught in the | 128218 |
| course. | 128219 |
| (3) That the individual meets any other requirements for the | 128220 |
| medicaid provider agreement specified in rules adopted under | 128221 |
| section 5111.8811 <u>5166.02</u> of the Revised Code. | 128222 |
| Sec. 5111.882 <u>5166.302</u>. A home care attendant shall complete | 128223 |
| not less than twelve hours of in-service continuing education | 128224 |
| regarding home care attendant services each year and provide the | 128225 |
| <u>appropriate</u> director of job and family services evidence | 128226 |

satisfactory to the appropriate director that the attendant 128227
satisfied this requirement. The evidence shall be submitted to the 128228
appropriate director not later than the annual anniversary of the 128229
issuance of the home care attendant's initial ~~medicaid~~ provider 128230
agreement. 128231

Sec. ~~5111.883~~ 5166.303. A home care attendant shall do all of 128232
the following: 128233

(A) Maintain a clinical record for each consumer to whom the 128234
attendant provides home care attendant services in a manner that 128235
protects the consumer's privacy; 128236

(B) Participate in a face-to-face visit every ninety days 128237
with all of the following to monitor the health and welfare of 128238
each of the consumers to whom the attendant provides home care 128239
attendant services: 128240

(1) The consumer; 128241

(2) The consumer's authorized representative, if any; 128242

(3) A registered nurse who agrees to answer any questions 128243
that the attendant, consumer, or authorized representative has 128244
about consumer care needs, medications, and other issues. 128245

(C) Document the activities of each visit required by 128246
division (B) of this section in the consumer's clinical record 128247
with the assistance of the registered nurse. 128248

Sec. ~~5111.884~~ 5166.304. (A) A home care attendant may assist 128249
a consumer with nursing tasks or self-administration of medication 128250
only after the attendant does both of the following: 128251

(1) Subject to division (B) of this section, completes 128252
consumer-specific training in how to provide the assistance that 128253
the authorizing health care professional authorizes the attendant 128254

to provide to the consumer; 128255

(2) At the request of the consumer, consumer's authorized 128256
representative, or authorizing health care professional, 128257
successfully demonstrates that the attendant has learned how to 128258
provide the authorized assistance to the consumer. 128259

(B) The training required by division (A)(1) of this section 128260
shall be provided by either of the following: 128261

(1) The authorizing health care professional; 128262

(2) The consumer or consumer's authorized representative in 128263
cooperation with the authorizing health care professional. 128264

Sec. ~~5111.885~~ 5166.305. A home care attendant shall comply 128265
with both of the following when assisting a consumer with nursing 128266
tasks or self-administration of medication: 128267

(A) The written consent of the consumer or consumer's 128268
authorized representative provided to the appropriate director ~~of~~ 128269
~~job and family services~~ under section ~~5111.886~~ 5166.306 of the 128270
Revised Code; 128271

(B) The authorizing health care professional's written 128272
authorization provided to the appropriate director under section 128273
~~5111.887~~ 5166.307 of the Revised Code. 128274

Sec. ~~5111.886~~ 5166.306. To consent to a home care attendant 128275
assisting a consumer with nursing tasks or self-administration of 128276
medication, the consumer or consumer's authorized representative 128277
shall provide the appropriate director ~~of job and family services~~ 128278
a written statement signed by the consumer or authorized 128279
representative under which the consumer or authorized 128280
representative consents to both of the following: 128281

(A) Having the attendant assist the consumer with nursing 128282
tasks or self-administration of medication; 128283

(B) Assuming responsibility for directing the attendant when 128284
the attendant assists the consumer with nursing tasks or 128285
self-administration of medication. 128286

Sec. ~~5111.887~~ 5166.307. To authorize a home care attendant to 128287
assist a consumer with nursing tasks or self-administration of 128288
medication, a health care professional shall provide the 128289
appropriate director ~~of job and family services~~ a written 128290
statement signed by the health care professional that includes all 128291
of the following: 128292

(A) The consumer's name and address; 128293

(B) A description of the nursing tasks or self-administration 128294
of medication with which the attendant is to assist the consumer, 128295
including, in the case of assistance with self-administration of 128296
medication, the name and dosage of the medication; 128297

(C) The times or intervals when the attendant is to assist 128298
the consumer with the self-administration of each dosage of the 128299
medication or nursing tasks; 128300

(D) The dates the attendant is to begin and cease providing 128301
the assistance; 128302

(E) A list of severe adverse reactions the attendant must 128303
report to the health care professional should the consumer 128304
experience one or more of the reactions; 128305

(F) At least one telephone number at which the attendant can 128306
reach the health care professional in an emergency; 128307

(G) Instructions the attendant is to follow when assisting 128308
the consumer with nursing tasks or self-administration of 128309
medication, including instructions for maintaining sterile 128310
conditions and for storage of task-related equipment and supplies; 128311

(H) The health care professional's attestation of both of the 128312
following: 128313

(1) That the consumer or consumer's authorized representative 128314
has demonstrated to the health care professional the ability to 128315
direct the attendant; 128316

(2) That the attendant has demonstrated to the health care 128317
professional the ability to provide the consumer assistance with 128318
nursing tasks or self-administration of medication that the health 128319
care professional has specifically authorized the attendant to 128320
provide and that the consumer or consumer's authorized 128321
representative has indicated to the health care professional that 128322
the consumer or authorized representative is satisfied with the 128323
attendant's demonstration. 128324

Sec. ~~5111.888~~ 5166.308. When authorizing a home care 128325
attendant to assist a consumer with nursing tasks or 128326
self-administration of medication, a health care professional may 128327
not authorize a home care attendant to do any of the following: 128328

(A) Perform a task that is outside of the health care 128329
professional's scope of practice; 128330

(B) Assist the consumer with the self-administration of a 128331
medication, including a schedule II, schedule III, schedule IV, or 128332
schedule V drug unless both of the following apply: 128333

(1) The medication is administered orally, topically, or via 128334
a gastrostomy tube or jejunostomy tube, including through any of 128335
the following: 128336

(a) In the case of an oral medication, a metered dose 128337
inhaler; 128338

(b) In the case of a topical medication, including a 128339
transdermal medication, either of the following: 128340

(i) An eye, ear, or nose drop or spray; 128341

(ii) A vaginal or rectal suppository. 128342

(c) In the case of a gastrostomy tube or jejunostomy tube, 128343
only through a pre-programmed pump. 128344

(2) The medication is in its original container and the label 128345
attached to the container displays all of the following: 128346

(a) The consumer's full name in print; 128347

(b) The medication's dispensing date, which must not be more 128348
than twelve months before the date the attendant assists the 128349
consumer with self-administration of the medication; 128350

(c) The exact dosage and means of administration that match 128351
the health care professional's authorization to the attendant. 128352

(C) Assist the consumer with the self-administration of a 128353
schedule II, schedule III, schedule IV, or schedule V medication 128354
unless, in addition to meeting the requirements of division (B) of 128355
this section, all of the following apply: 128356

(1) The medication has a warning label on its container. 128357

(2) The attendant counts the medication in the consumer's or 128358
authorized representative's presence when the medication is 128359
administered to the consumer and records the count on a form used 128360
for the count as specified in rules adopted under section 128361
~~5111.8811~~ 5166.02 of the Revised Code. 128362

(3) The attendant recounts the medication in the consumer's 128363
or authorized representative's presence at least monthly and 128364
reconciles the recount on a log located in the consumer's clinical 128365
record. 128366

(4) The medication is stored separately from all other 128367
medications and is secured and locked at all times when not being 128368
administered to the consumer to prevent unauthorized access. 128369

(D) Perform an intramuscular injection; 128370

(E) Perform a subcutaneous injection unless it is for a 128371
routine dose of insulin; 128372

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| (F) Program a pump used to deliver a medication unless the pump is used to deliver a routine dose of insulin; | 128373
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| (G) Insert, remove, or discontinue an intravenous access device; | 128375
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| (H) Engage in intravenous medication administration; | 128377 |
| (I) Insert or initiate an infusion therapy; | 128378 |
| (J) Perform a central line dressing change. | 128379 |
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| Sec. 5111.889 <u>5166.309</u>. A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code. | 128380
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| A consumer or the consumer's authorized representative shall report to the <u>appropriate</u> director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The <u>appropriate</u> director shall forward a copy of each report to the board of nursing. | 128386
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| Sec. 5111.8810 <u>5166.3010</u>. A consumer who is an adult may select an individual to act on the consumer's behalf for purposes regarding home care attendant services by submitting a written notice of the consumer's selection of an authorized representative to the <u>appropriate</u> director of job and family services . The notice shall specifically identify the individual the consumer selects as authorized representative and may limit what the authorized representative may do on the consumer's behalf regarding home care attendant services. A consumer may not select the consumer's home care attendant to be the consumer's authorized representative. | 128393
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~~Sec. 5111.97~~ 5166.35. (A) ~~As used in this section:~~

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~~(1) "Home and community based services medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~

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~~(2) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~

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~~(B) To the extent funds are available, the~~ The medicaid
director ~~of job and family services~~ may establish the Ohio access
success project to help medicaid recipients make the transition
from residing in a nursing ~~facility~~ facilities to residing in a
community ~~setting~~ settings. The project may be established as a
separate nonmedicaid program or integrated into a new or existing
home and community-based services medicaid waiver component. The
director shall permit any medicaid recipient ~~of medicaid funded~~
receiving nursing facility services to apply for participation in
the project, but may limit the number of project participants.

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The director shall ensure that an assessment of an applicant
is conducted as soon as practicable to determine whether the
applicant is eligible for participation in the project. To the
maximum extent possible, the assessment and eligibility
determination shall be completed not later than the date that
occurs six months after the applicant ~~became a recipient of~~
~~medicaid funded~~ begins to receive nursing facility services.

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~~(C)~~ (B) To be eligible for benefits under the project, a
medicaid recipient must satisfy all of the following requirements:

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(1) The medicaid recipient must be ~~a recipient of~~
~~medicaid funded~~ receiving nursing facility services, at the time
of applying for the project benefits.

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(2) If the project is established as a nonmedicaid program, 128432
the medicaid recipient must be able to remain in the community as 128433
a result of receiving project benefits and the projected cost of 128434
the benefits to the project does not exceed eighty per cent of the 128435
average monthly medicaid cost of a medicaid recipient in a nursing 128436
facility. 128437

(3) If the project is integrated into a home and 128438
community-based services medicaid waiver component, the medicaid 128439
recipient must meet the waiver component's enrollment criteria. 128440

~~(D)~~(C) If the director establishes the Ohio access success 128441
project, the benefits provided under the project may include 128442
payment of all of the following: 128443

(1) The first month's rent in a community setting; 128444

(2) Rental deposits; 128445

(3) Utility deposits; 128446

(4) Moving expenses; 128447

(5) Other expenses not covered by the medicaid program that 128448
facilitate a medicaid recipient's move from a nursing facility to 128449
a community setting. 128450

~~(E)~~(D) If the project is established as a nonmedicaid 128451
program, no participant may receive more than two thousand 128452
dollars' worth of benefits under the project. 128453

~~(F)~~(E) If the department of ~~job and family services~~ medicaid 128454
enters into a contract with an entity to provide fiscal management 128455
services regarding the project, the contract may provide for a 128456
portion of a participant's benefits under the project to be paid 128457
to the contracting entity. The contract shall specify the portion 128458
to be paid to the contracting entity. 128459

~~(G) The director may submit a request to the United States 128460
secretary of health and human services pursuant to section 1915 of 128461~~

~~the "Social Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n,~~ 128462
~~as amended, to create a home and community based services medicaid~~ 128463
~~waiver component to serve individuals who meet the criteria for~~ 128464
~~participation in the Ohio access success project.~~ 128465

~~(H)(F)~~ The director may adopt rules in accordance with 128466
Chapter 119. of the Revised Code for the administration and 128467
operation of the project. If the project is integrated into a home 128468
and community-based services medicaid waiver component, the rules 128469
shall be adopted under section ~~5111.85~~ 5166.02 of the Revised 128470
Code. 128471

Sec. 5167.01. As used in this chapter: 128472

(A) "Controlled substance" has the same meaning as in section 128473
3719.01 of the Revised Code. 128474

(B) "Dual eligible individual" has the same meaning as in 128475
section 5160.01 of the Revised Code. 128476

(C) "Emergency services" has the same meaning as in the 128477
"Social Security Act," section 1932(b)(2), 42 U.S.C. 128478
1396u-2(b)(2). 128479

(D) "Home and community-based services medicaid waiver 128480
component" has the same meaning as in section 5166.01 of the 128481
Revised Code. 128482

(E) "Medicaid managed care organization" means a managed care 128483
organization under contract with the department of medicaid 128484
pursuant to section 5167.10 of the Revised Code. 128485

(F) "Medicaid waiver component" has the same meaning as in 128486
section 5166.01 of the Revised Code. 128487

(G) "Nursing facility" has the same meaning as in section 128488
5165.01 of the Revised Code. 128489

(H) "Prescribed drug" has the same meaning as in section 128490

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| <u>5164.01 of the Revised Code.</u> | 128491 |
| <u>(I) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person or entity has a provider agreement.</u> | 128492
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| <u>(J) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u> | 128496
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| <u>Sec. 5167.02. The medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.</u> | 128498
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| <u>Sec. 5111.16 5167.03. (A) As part of the medicaid program, the department of job and family services medicaid shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.</u> | 128501
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| <u>(B) The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system. In the department's implementation of the system and designation of participants, all of the following apply:</u> | 128508
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| <u>(1) In the case of individuals who receive medicaid on the basis of being included in the category identified by the department as covered families and children, the department shall implement the care management system in all counties. All individuals included in the category shall be designated for participation, except for individuals included in one or more of the medicaid recipient groups specified in 42 C.F.R. 438.50(d). The department shall ensure that all participants are enrolled in</u> | 128513
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~~medicaid managed care organizations that are health insuring 128521
corporations under contract with the department pursuant to 128522
section 5111.17 of the Revised Code. 128523~~

(2) In the case of individuals who receive medicaid on the 128524
basis of being aged, blind, or disabled, ~~as specified in division 128525
(C)(2) of section 5111.01 of the Revised Code,~~ the department 128526
shall implement the care management system in all counties. Except 128527
as provided in division (C) of this section, all individuals 128528
included in the category shall be designated for participation. 128529
The department shall ensure that all participants are enrolled in 128530
medicaid managed care organizations that are health insuring 128531
~~corporations under contract with the department pursuant to 128532
section 5111.17 of the Revised Code. 128533~~

(3) Alcohol, drug addiction, and mental health services 128534
covered by medicaid shall not be included in any component of the 128535
care management system when the nonfederal share of the cost of 128536
those services is provided by a board of alcohol, drug addiction, 128537
and mental health services or a state agency other than the 128538
department of ~~job and family services~~ medicaid, but the recipients 128539
of those services may otherwise be designated for participation in 128540
the system. 128541

(C)(1) In designating participants who receive medicaid on 128542
the basis of being aged, blind, or disabled, the department shall 128543
not include any of the following, except as provided under 128544
division (C)(2) of this section: 128545

(a) Individuals who are under twenty-one years of age; 128546

(b) Individuals who are institutionalized; 128547

(c) Individuals who become eligible for medicaid by spending 128548
down their income or resources to a level that meets the medicaid 128549
program's financial eligibility requirements; 128550

(d) ~~Individuals who are dually~~ Dual eligible under the 128551

~~medicaid program and the medicare program established under Title 128552
XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 128553
1395, as amended individuals;~~ 128554

(e) Individuals to the extent that they are receiving 128555
medicaid services through a medicaid waiver component, ~~as defined~~ 128556
~~in section 5111.85 of the Revised Code.~~ 128557

(2) ~~If any necessary waiver of federal medicaid requirements~~ 128558
~~is granted, the~~ The department may designate any of the following 128559
individuals who receive medicaid on the basis of being aged, 128560
blind, or disabled as individuals who are permitted or required to 128561
participate in the care management system: 128562

(a) Individuals who are under twenty-one years of age; 128563

(b) Individuals who reside in a nursing facility, ~~as defined~~ 128564
~~in section 5111.20 of the Revised Code;~~ 128565

(c) Individuals who, as an alternative to receiving nursing 128566
facility services, are participating in a home and community-based 128567
services medicaid waiver component, ~~as defined in section 5111.85~~ 128568
~~of the Revised Code;~~ 128569

(d) ~~Individuals who are dually~~ Dual eligible under the 128570
~~medicaid program and the medicare program~~ individuals. 128571

(D) Subject to division (B) of this section, the department 128572
may do both of the following under the care management system: 128573

(1) Require or permit participants in the system to obtain 128574
health care services from providers designated by the department; 128575

(2) Require or permit participants in the system to obtain 128576
health care services through medicaid managed care organizations 128577
~~under contract with the department pursuant to section 5111.17 of~~ 128578
~~the Revised Code.~~ 128579

~~(E)(1) The department shall prepare an annual report on the~~ 128580
~~care management system. The report shall address the department's~~ 128581

ability to implement the system, including all of the following components: 128582
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(a) ~~The required designation of participants included in the category identified by the department as covered families and children;~~ 128584
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(b) ~~The required designation of participants included in the aged, blind, or disabled category of medicaid recipients;~~ 128587
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(c) ~~The use of any programs for enhanced care management.~~ 128589

(2) ~~The department shall submit each annual report to the general assembly. The first report shall be submitted not later than October 1, 2007.~~ 128590
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(F) ~~The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.~~ 128593
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Sec. ~~5111.161~~ 5167.031. (A) As used in this section: 128596

(1) "Children's care network" means any of the following: 128597

(a) A children's hospital; 128598

(b) A group of children's hospitals; 128599

(c) A group of pediatric physicians. 128600

(2) "Children's hospital" has the same meaning as in section 2151.86 of the Revised Code. 128601
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(B) If the department of ~~job and family services~~ medicaid includes in the care management system, pursuant to section ~~5111.16~~ 5167.03 of the Revised Code, individuals under twenty-one years of age who are included in the category of individuals who receive medicaid on the basis of being aged, blind, or disabled, ~~as specified in division (C)(2) of section 5111.01 of the Revised Code,~~ the department ~~shall develop a system to~~ may recognize entities as pediatric accountable care organizations. ~~The purpose~~ 128603
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~~of the recognition system shall be to meet the complex medical and behavioral needs of disabled children through new approaches to care coordination. The department shall implement the recognition system not later than July 1, 2012.~~

An entity recognized by the department as a pediatric accountable care organization may develop innovative partnerships between relevant groups and may contract directly or subcontract with the state to provide care coordination and other services to the medicaid recipients under twenty-one years of age described in this division who are permitted or required to participate in the care management system.

(C)(1) To be recognized by the department as a pediatric accountable care organization, an entity shall meet the standards established ~~in rules adopted under this section by the department.~~ Unless required by ~~sections~~ section 2706 and ~~3022~~ of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and ~~Title XVIII of the "Social Security Act," 124 Stat. 395 (2010)~~ section 1895, 42 U.S.C. 1395jjj, the regulations adopted pursuant to those sections, and the laws of this state, the department shall not require that an entity be a health insuring corporation as a condition of receiving the department's recognition.

(2) Any of the following entities may receive the department's recognition, if the standards for recognition have been met:

(a) A children's care network;

(b) A children's care network that may include one or more other entities, including, but not limited to, health insuring corporations or other managed care organizations;

(c) Any other entity the department determines is qualified.

(D) The ~~department~~ medicaid director shall consult with all of the following in adopting rules ~~under~~ authorized by division

(E) of this section necessary for an entity to be recognized by the department as a pediatric accountable care organization: 128642

(1) The superintendent of insurance; 128644

(2) Children's hospitals; 128645

(3) ~~Managed Medicaid managed~~ care organizations ~~under contract pursuant to section 5111.17 of the Revised Code;~~ 128646

(4) Any other relevant entities, as determined necessary by the department, with interests in pediatric accountable care organizations. 128648

(E) ~~The department shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.~~ In adopting the rules under section 5167.02 of the Revised Code, the ~~department~~ medicaid director shall do all of the following: 128651

(1) Establish application procedures to be followed by an entity seeking recognition as a pediatric accountable care organization; 128656

(2) Ensure that the standards for recognition as a pediatric accountable care organization are the same as and do not conflict with those specified in ~~sections~~ section 2706 and 3022 of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and ~~Title XVIII of the "Social Security Act," 124 Stat. 395 (2010)~~ section 1895, 42 U.S.C. 1395jjj or the regulations adopted pursuant to those sections; 128659

(3) Establish requirements regarding the access to pediatric specialty care provided through or by a pediatric accountable care organization; 128666

(4) Establish accountability and financial requirements for an entity recognized as a pediatric accountable care organization; 128669

(5) Establish quality improvement initiatives consistent with 128671

any state medicaid quality plan established by the department; 128672

(6) Establish transparency and consumer protection 128673
requirements for an entity recognized as a pediatric accountable 128674
care organization; 128675

(7) Establish a process for sharing data. 128676

(F) This section does not limit the authority of the 128677
department of insurance to regulate the business of insurance in 128678
this state. 128679

Sec. ~~5111.17~~ 5167.10. (A) The department of ~~job and family~~ 128680
~~services~~ medicaid may enter into contracts with managed care 128681
organizations, including health insuring corporations, under which 128682
the organizations are authorized to provide, or arrange for the 128683
provision of, health care services to ~~medical assistance~~ medicaid 128684
recipients who are required or permitted to obtain health care 128685
services through managed care organizations as part of the care 128686
management system established under section ~~5111.16~~ 5167.03 of the 128687
Revised Code. 128688

(B) ~~The~~ (1) Subject to division (B)(2)(a) of this section, 128689
the department or its actuary shall base the hospital inpatient 128690
capital payment portion of the payment made to managed care 128691
organizations on data for services provided to all recipients 128692
enrolled in managed care organizations with which the department 128693
contracts, as reported by hospitals on relevant cost reports 128694
submitted pursuant to rules adopted under ~~this~~ section 5167.02 of 128695
the Revised Code. 128696

(2)(a) The hospital inpatient capital payment portion of the 128697
payment made to medicaid managed care organizations shall not 128698
exceed any maximum rate established by the department pursuant to 128699
rules adopted under this section. 128700

(b) If a maximum rate is established, a medicaid managed care 128701

organization shall not compensate hospitals for inpatient capital costs in an amount that exceeds that rate. 128702
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~~(C) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.~~ 128704
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~~(D)~~ The department of ~~job and family services~~ medicaid shall allow a medicaid managed care organization to use providers to render care upon completion of the medicaid managed care organization's credentialing process. 128707
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Sec. ~~5111.177~~ 5167.11. When contracting under section ~~5111.17~~ 5167.10 of the Revised Code with a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code, the department of ~~job and family services~~ medicaid shall require the health insuring corporation to provide a grievance process for medicaid recipients in accordance with 42 C.F.R. 438, subpart F. 128711
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Sec. ~~5111.172~~ 5167.12. (A) When contracting under section ~~5111.17~~ 5167.10 of the Revised Code with a managed care organization that is a health insuring corporation, the department of ~~job and family services~~ medicaid shall require the health insuring corporation to provide coverage of ~~prescription~~ prescribed drugs for medicaid recipients enrolled in the health insuring corporation. In providing the required coverage, the health insuring corporation may, subject to the department's approval and the limitations specified in division (B) of this section, use strategies for the management of drug utilization. 128718
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(B) The department shall not permit a health insuring corporation to impose a prior authorization requirement in the case of a drug to which all of the following apply: 128728
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(1) The drug is an antidepressant or antipsychotic. 128731

(2) The drug is administered or dispensed in a standard 128732
tablet or capsule form, except that in the case of an 128733
antipsychotic, the drug also may be administered or dispensed in a 128734
long-acting injectable form. 128735

(3) The drug is prescribed by either of the following: 128736

(a) A physician whom the health insuring corporation, 128737
pursuant to division (C) of section ~~5111.17~~ 5167.10 of the Revised 128738
Code, has credentialed to provide care as a psychiatrist; 128739

(b) A psychiatrist practicing at a community mental health 128740
~~agency services provider~~ certified by the department of ~~mental~~ 128741
~~health~~ mental health and addiction services under section ~~5119.611~~ 128742
5119.36 of the Revised Code. 128743

(4) The drug is prescribed for a use that is indicated on the 128744
drug's labeling, as approved by the federal food and drug 128745
administration. 128746

~~(C) As used in this division, "controlled substance" has the 128747
same meaning as in section 3719.01 of the Revised Code.~~ 128748

The department shall permit a health insuring corporation to 128749
develop and implement a pharmacy utilization management program 128750
under which prior authorization through the program is established 128751
as a condition of obtaining a controlled substance pursuant to a 128752
prescription. 128753

Sec. ~~5111.179~~ 5167.13. Each contract the department of ~~job~~ 128754
~~and family services~~ medicaid enters into with a managed care 128755
organization under section ~~5111.17~~ 5167.10 of the Revised Code 128756
shall require the managed care organization to implement a 128757
coordinated services program for medicaid recipients enrolled in 128758
the organization who are found to have obtained ~~prescription~~ 128759
prescribed drugs under the medicaid program at a frequency or in 128760
an amount that is not medically necessary. The program shall be 128761

implemented in a manner that is consistent with ~~section 1915(a)(2)~~ 128762
of the "Social Security Act," ~~95 Stat. 810 (1981)~~ section 128763
1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended~~, and 42 C.F.R. 128764
431.54(e). 128765

Sec. ~~5111.1710~~ 5167.14. Each contract the department of ~~job~~ 128766
~~and family services~~ medicaid enters into with a managed care 128767
organization under section ~~5111.17~~ 5167.10 of the Revised Code 128768
shall require the managed care organization to enter into a data 128769
security agreement with the state board of pharmacy governing the 128770
managed care organization's use of the board's drug database 128771
established and maintained under section 4729.75 of the Revised 128772
Code. 128773

This section does not apply if the board no longer maintains 128774
the drug database. 128775

Sec. ~~5111.162~~ 5167.20. (A) ~~As used in this section:~~ 128776
~~(1) "Emergency services" has the same meaning as in section~~ 128777
~~1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 128778
~~U.S.C. 1396u-2(b)(2), as amended.~~ 128779

~~(2) "Medicaid managed care organization" means a managed care~~ 128780
~~organization that has entered into a contract with the department~~ 128781
~~of job and family services pursuant to section 5111.17 of the~~ 128782
~~Revised Code.~~ 128783

~~(B)~~ Except as provided in division ~~(C)~~ (B) of this section, 128784
when a participant in the care management system established under 128785
~~section 5111.16 of the Revised Code~~ this chapter is enrolled in a 128786
medicaid managed care organization and the organization refers the 128787
participant to receive services, other than emergency services 128788
provided on or after January 1, 2007, at a hospital that 128789
participates in the medicaid program but is not under contract 128790
with the organization, the hospital shall provide the service for 128791

which the referral was made and shall accept from the 128792
organization, as payment in full, the amount derived from the 128793
~~reimbursement~~ payment rate used by the department to ~~reimburse pay~~ 128794
other hospitals of the same type for providing the same service to 128795
a medicaid recipient who is not enrolled in a medicaid managed 128796
care organization. 128797

~~(C)~~(B) A hospital is not subject to division ~~(B)~~(A) of this 128798
section if all of the following are the case: 128799

(1) The hospital is located in a county in which participants 128800
in the care management system are required before January 1, 2006, 128801
to be enrolled in a medicaid managed care organization that is a 128802
health insuring corporation; 128803

(2) The hospital has entered into a contract before January 128804
1, 2006, with at least one health insuring corporation serving the 128805
participants specified in division ~~(C)~~(B)(1) of this section; 128806

(3) The hospital remains under contract with at least one 128807
health insuring corporation serving participants in the care 128808
management system who are required to be enrolled in a health 128809
insuring corporation. 128810

~~(D)~~(C) The medicaid director ~~of job and family services~~ shall 128811
adopt rules under section 5167.02 of the Revised Code specifying 128812
the circumstances under which a medicaid managed care organization 128813
is permitted to refer a participant in the care management system 128814
to a hospital that is not under contract with the organization. 128815
~~The director may adopt any other rules necessary to implement this~~ 128816
~~section. All rules adopted under this section shall be adopted in~~ 128817
~~accordance with Chapter 119. of the Revised Code.~~ 128818

Sec. ~~5111.163~~ 5167.201. ~~(A) As used in this section:~~ 128819

~~(1) "Emergency services" has the same meaning as in section~~ 128820
~~1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 128821

~~U.S.C. 1396u-2(b)(2), as amended.~~ 128822

~~(2) "Medicaid managed care organization" has the same meaning
as in section 5111.162 of the Revised Code.~~ 128823
128824

~~(3) "Provider" means any person, institution, or entity that
furnishes emergency services to a medicaid recipient enrolled in a
medicaid managed care organization, regardless of whether the
person, institution, or entity has a provider agreement with the
department of job and family services pursuant to Title XIX of the
"Social Security Act."~~ 128825
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~~(B) When a participant in the care management system
established under section 5111.16 of the Revised Code this chapter
is enrolled in a medicaid managed care organization and receives
emergency services on or after January 1, 2007, from a provider
that is not under contract with the organization, the provider
shall accept from the organization, as payment in full, not more
than the amounts (less any payments for indirect costs of medical
education and direct costs of graduate medical education) that the
provider could collect if the participant received medicaid other
than through enrollment in a managed care organization.~~ 128831
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~~An agreement entered into by a participant, a participant's
parent, or a participant's legal guardian that requires payment
for emergency services in violation of this section is void and
unenforceable.~~ 128841
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Sec. ~~5111.982~~ 5167.21. (A) As used in this section: 128845

(1) "Covered skilled nursing facility services" has the same 128846
meaning as in the "Social Security Act," section 1888(e)(2)(A), 42 128847
U.S.C. 1395yy(e)(2)(A). 128848

(2) "Current medicare fee-for-service rate" means the 128849
fee-for-service rate in effect for a covered skilled nursing 128850
facility service under medicare at the time the service is 128851

provided. 128852

(3) "Skilled nursing facility" has the same meaning as in the 128853
"Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 128854

(B) Except as provided in division (C) of this section, a 128855
medicaid managed care organization shall pay a skilled nursing 128856
facility at least the current medicare fee-for-service rate, 128857
without deduction for any coinsurance, for covered skilled nursing 128858
facility services that the skilled nursing facility provides to a 128859
dual eligible individual if the medicaid managed care organization 128860
is responsible for the payment under the terms of a contract that 128861
the medicaid managed care organization, ~~medical assistance~~ 128862
medicaid director, and United States secretary of health and human 128863
services jointly enter into under the integrated care delivery 128864
system authorized by section ~~5111.981~~ 5164.91 of the Revised Code. 128865

(C) A medicaid managed care organization is required to pay 128866
the rate specified in division (B) of this section for covered 128867
skilled nursing facility services only if all of the following 128868
apply: 128869

(1) The United States secretary agrees to the payment rate as 128870
part of the contract that the medicaid managed care organization, 128871
~~medical assistance~~ medicaid director, and United States secretary 128872
jointly enter into under the integrated care delivery system; 128873

(2) The medicaid managed care organization receives a federal 128874
capitation payment that is an actuarially sufficient amount for 128875
the costs that the medicaid managed care organization incurs in 128876
paying the rate; 128877

(3) No state funds are used for any part of the costs that 128878
the medicaid managed care organization incurs in paying the rate; 128879

(4) The integrated care delivery system provides for dual 128880
eligible individuals to receive the covered skilled nursing 128881
facility services as part of the system. 128882

Sec. ~~5111.178~~ 5167.25. (A) The medicaid director ~~of job and family services~~ shall determine whether a waiver of federal medicaid requirements is necessary to fulfill the requirements of section 3901.3814 of the Revised Code. If the director determines a waiver is necessary, the department of ~~job and family services~~ medicaid shall apply to the United States secretary of health and human services for the waiver.

(B)(1) If the director determines that section 3901.3814 of the Revised Code can be implemented without a waiver or a waiver is granted, the department shall notify the department of insurance that the section can be implemented. Implementation of the section shall be effective eighteen months after the notice is sent.

(2) At the time the notice is given under division (B)(1) of this section, the department shall also give notice to each health insuring corporation that provides coverage to medicaid recipients. The notice shall inform the corporation that sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code apply to claims for services rendered to recipients on the date determined under division (B)(1) of this section, instead of the prompt payment requirements of 42 C.F.R. 447.46. That date shall be specified in the notice.

Sec. ~~5111.175~~ 5167.26. For the purpose of determining the amount the department of ~~job and family services~~ medicaid pays hospitals under section ~~5112.08~~ 5168.09 of the Revised Code and the amount of disproportionate share hospital payments paid by the medicare program ~~established under Title XVIII of~~ pursuant to the "Social Security Act," ~~79 Stat. 286 (1965)~~ section 1915, 42 U.S.C. 1396n, ~~as amended,~~ a medicaid managed care organization ~~under contract with the department pursuant to section 5111.17 of the Revised Code authorizing the organization to provide, or arrange~~

~~for the provision of, hospital services to medicaid recipients~~ 128914
shall keep detailed records for each hospital with which it 128915
contracts ~~about, including records regarding~~ the cost to the 128916
hospital of providing ~~the hospital~~ services for the organization, 128917
payments made by the organization to the hospital for the 128918
services, utilization of hospital services by medicaid recipients 128919
enrolled in the organization, and other utilization data required 128920
by the department. 128921

Sec. ~~5111.1711~~ 5167.30. (A)(1) The department of ~~job and~~ 128922
~~family services~~ medicaid shall establish a managed care 128923
performance payment program. Under the program, the department may 128924
provide payments to medicaid managed care organizations ~~under~~ 128925
~~contract with the department pursuant to section 5111.17 of the~~ 128926
~~Revised Code~~ that meet performance standards established by the 128927
department. 128928

(2) In establishing performance standards, the department may 128929
consult any of the following: 128930

(a) Any quality measurements developed under the pediatric 128931
quality measures program established pursuant to the "Social 128932
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 128933

(b) Any core set of adult health quality measures for 128934
medicaid eligible adults used for purposes of the "Social Security 128935
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 128936
quality used for purposes of the medicaid quality measurement 128937
program when the program is established under ~~42 U.S.C. 1320b-9b~~ 128938
that section of the "Social Security Act"; 128939

(c) The most recent healthcare effectiveness data and 128940
information set and quality measurement tool established by the 128941
national committee for quality assurance. 128942

(3) The standards that must be met to receive the payments 128943

may be specified in the contract the department enters into with a medicaid managed care organization. 128944
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(4) If a medicaid managed care organization meets the 128946
performance standards established by the department, the 128947
department shall make one or more performance payments to the 128948
organization. The amount of each performance payment, the number 128949
of payments, and the schedule for making the payments shall be 128950
established by the department. The payments shall be discontinued 128951
if the department determines that the organization no longer meets 128952
the performance standards. The department shall not make or 128953
discontinue payments based on any performance standard that has 128954
been in effect as part of the organization's contract for less 128955
than six months. 128956

(B) For purposes of the program, the department shall 128957
establish an amount that is to be withheld each time a premium 128958
payment is made to a medicaid managed care organization. The 128959
amount shall be established as a percentage of each premium 128960
payment. The percentage shall be the same for all medicaid managed 128961
care organizations ~~under contract with the department~~. The sum of 128962
all withholdings under this division shall not exceed ~~one~~ two per 128963
cent of the total of all premium payments made to all medicaid 128964
managed care organizations ~~under contract with the department~~. 128965

Each medicaid managed care organization shall agree to the 128966
withholding as a condition of receiving or maintaining its 128967
~~medicaid~~ provider agreement with the department. 128968

When the amount is established and each time the amount is 128969
modified thereafter, the department shall certify the amount to 128970
the director of budget and management and begin withholding the 128971
amount from each premium the department pays to a medicaid managed 128972
care organization. 128973

~~(C) There is hereby created in the state treasury the managed 128974~~

~~care performance payment fund. The fund shall consist of amounts transferred to it by the director of budget and management for the purpose of the program. All investment earnings of the fund shall be credited to the fund. Amounts in the fund shall be used solely to make performance payments to managed care organizations in accordance with this section.~~ 128975
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~~(D) The department may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~ 128981
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Sec. ~~5111.171~~ 5167.31. The department of ~~job and family services~~ medicaid may provide financial incentive awards to medicaid managed care organizations ~~under contract with the department pursuant to section 5111.17 of the Revised Code that meet or exceed performance standards specified in provider agreements or rules adopted by the department~~ medicaid director under section 5167.02 of the Revised Code. The department may specify in a contract with a medicaid managed care organization the amounts of financial incentive awards, methodology for distributing awards, types of awards, and standards for administration by the department. 128984
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Sec. ~~5111.173~~ 5167.40. The department of ~~job and family services~~ medicaid shall appoint a temporary manager for a medicaid managed care organization ~~under contract with the department pursuant to section 5111.17 of the Revised Code if the department determines that the~~ medicaid managed care organization has repeatedly failed to meet substantive requirements specified in ~~section 1903(m) of the "Social Security Act," 79 Stat. 286 (1965) sections 1903(m) and 1932, 42 U.S.C. 1396b(m), as amended; section 1932 of the Social Security Act, 42 U.S.C. and 1396u-2, as amended; or 42 C.F.R. 438 Part I.~~ The appointment of a temporary manager does not preclude the department from imposing other 128995
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sanctions available to the department against the medicaid managed care organization. 129006
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The medicaid managed care organization shall pay all costs of 129008
having the temporary manager perform the temporary manager's 129009
duties, including all costs the temporary manager incurs in 129010
performing those duties. If the temporary manager incurs costs or 129011
liabilities on behalf of the medicaid managed care organization, 129012
the medicaid managed care organization shall pay those costs and 129013
be responsible for those liabilities. 129014

The appointment of a temporary manager is not subject to 129015
Chapter 119. of the Revised Code, but the managed care 129016
organization may request a reconsideration of the appointment. 129017
Reconsiderations shall be requested and conducted in accordance 129018
with rules the ~~director of job and family services~~ medicaid 129019
director shall adopt ~~in accordance with Chapter 119. of~~ under 129020
section 5167.02 of the Revised Code. 129021

The appointment of a temporary manager does not cause the 129022
medicaid managed care organization to lose the right to appeal, in 129023
accordance with Chapter 119. of the Revised Code, any proposed 129024
termination or any decision not to ~~renew~~ revalidate the medicaid 129025
managed care organization's ~~medicaid~~ provider agreement or the 129026
right to initiate the sale of the medicaid managed care 129027
organization or its assets. 129028

~~In addition to the rules required to be adopted under this 129029
section, the director may adopt any other rules necessary to 129030
implement this section. The rules shall be adopted in accordance 129031
with Chapter 119. of the Revised Code. 129032~~

Sec. ~~5111.174~~ 5167.41. The department of ~~job and family 129033
services~~ medicaid may disenroll some or all medicaid recipients 129034
enrolled in a medicaid managed care organization ~~under contract~~ 129035

with the department pursuant to section 5111.17 of the Revised Code if the department proposes to terminate or not to renew the contract and determines that the recipients' access to medically necessary services is jeopardized by the proposal to terminate or not to renew the contract. The disenrollment is not subject to Chapter 119. of the Revised Code, but the medicaid managed care organization may request a reconsideration of the disenrollment. Reconsiderations shall be requested and conducted in accordance with rules the medicaid director ~~of job and family services~~ shall adopt ~~in accordance with Chapter 119.~~ under section 5167.02 of the Revised Code. The request for, or conduct of, a reconsideration regarding a proposed disenrollment shall not delay the disenrollment.

~~In addition to the rules required to be adopted under this section, the director may adopt any other rules necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~

Sec. ~~5112.01~~ 5168.01. As used in sections ~~5112.03~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code.

(D) "Federal poverty line" means the official poverty line

defined by the United States office of management and budget based 129066
on the most recent data available from the United States bureau of 129067
the census and revised by the United States secretary of health 129068
and human services pursuant to the "Omnibus Budget Reconciliation 129069
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 129070

(E) "Governmental hospital" means a county hospital with more 129071
than five hundred registered beds or a state-owned and -operated 129072
hospital with more than five hundred registered beds. 129073

(F)(1) "Hospital" means a nonfederal hospital to which either 129074
of the following applies: 129075

(a) The hospital is registered under section 3701.07 of the 129076
Revised Code as a general medical and surgical hospital or a 129077
pediatric general hospital, and provides inpatient hospital 129078
services, as defined in 42 C.F.R. 440.10; 129079

(b) The hospital is recognized under the medicare program 129080
~~established by Title XVIII of the "Social Security Act," 49 Stat.~~ 129081
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ as a cancer hospital and 129082
is exempt from the medicare prospective payment system. 129083

(2) "Hospital" does not include a hospital operated by a 129084
health insuring corporation that has been issued a certificate of 129085
authority under section 1751.05 of the Revised Code or a hospital 129086
that does not charge patients for services. 129087

~~(2) "Disproportionate share hospital" means a hospital that~~ 129088
~~meets the definition of a disproportionate share hospital in rules~~ 129089
~~adopted under section 5112.03 of the Revised Code.~~ 129090

~~(B) "Bad debt," "charity care," "courtesy care," and~~ 129091
~~"contractual allowances" have the same meanings given these terms~~ 129092
~~in regulations adopted under Title XVIII of the "Social Security~~ 129093
~~Act."~~ 129094

~~(C) "Cost reporting period" means the twelve-month period~~ 129095

~~used by a hospital in reporting costs for purposes of Title XVIII
of the "Social Security Act."~~ 129096
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~~(D) "Governmental hospital" means a county hospital with more
than five hundred registered beds or a state owned and operated
hospital with more than five hundred registered beds.~~ 129098
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~~(E)~~(G) "Indigent care pool" means the sum of the following: 129101

(1) The total of assessments to be paid in a program year by 129102
all hospitals under section ~~5112.06~~ 5168.06 of the Revised Code, 129103
less the assessments deposited into the legislative budget 129104
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 129105
and into the health care services administration fund created 129106
under section ~~5111.94~~ 5162.54 of the Revised Code; 129107

(2) The total amount of intergovernmental transfers required 129108
to be made in the same program year by governmental hospitals 129109
under section ~~5112.07~~ 5168.07 of the Revised Code, less the amount 129110
of transfers deposited into the legislative budget services fund 129111
under section ~~5112.19~~ 5168.12 of the Revised Code and into the 129112
health care services administration fund created under section 129113
~~5111.94~~ 5162.54 of the Revised Code; 129114

(3) The total amount of federal matching funds that will be 129115
made available in the same program year as a result of funds 129116
distributed by the department of ~~job and family services~~ medicaid 129117
to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code. 129118

~~(F)~~(H) "Intergovernmental transfer" means any transfer of 129119
money by a governmental hospital under section ~~5112.07~~ 5168.07 of 129120
the Revised Code. 129121

~~(G) "Medical assistance program" means the program of medical
assistance established under section 5111.01 of the Revised Code
and Title XIX of the "Social Security Act."~~ 129122
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~~(H)~~(I) "Medicaid services" has the same meaning as in section 129125

5164.01 of the Revised Code. 129126

(J) "Program year" means a period beginning the first day of 129127
October, or a later date designated in rules adopted under section 129128
~~5112.03~~ 5168.02 of the Revised Code, and ending the thirtieth day 129129
of September, or an earlier date designated in rules adopted under 129130
that section. 129131

~~(I)~~(K) "Registered beds" means the total number of hospital 129132
beds registered with the department of health, as reported in the 129133
most recent "directory of registered hospitals" published by the 129134
department of health. 129135

~~(J)~~(L) "Third-party payer" means any person or government 129136
entity that may be liable by law or contract to make payment to or 129137
on behalf of an individual for health care services. "Third-party 129138
payer" does not include a hospital. 129139

(M) "Total facility costs" means the total costs for all 129140
services rendered to all patients, including the direct, indirect, 129141
and overhead cost to the hospital of all services, supplies, 129142
equipment, and capital related to the care of patients, regardless 129143
of whether patients are enrolled in a health insuring corporation, 129144
excluding costs associated with providing skilled nursing services 129145
in distinct-part nursing facility units, as shown on the 129146
hospital's cost report filed under section ~~5112.04~~ 5168.05 of the 129147
Revised Code. Effective October 1, 1993, if rules adopted under 129148
section ~~5112.03~~ 5168.02 of the Revised Code so provide, "total 129149
facility costs" may exclude costs associated with providing care 129150
to recipients of any of the governmental programs listed in 129151
division (B) of that section. 129152

~~(K)~~(N) "Uncompensated care" means bad debt and charity care. 129153

Sec. ~~5112.03~~ 5168.02. (A) ~~The director of job and family~~ 129154
~~services shall adopt, and may amend and rescind,~~ medicaid director 129155

shall adopt rules in accordance with Chapter 119. of the Revised 129156
Code for the purpose of administering sections ~~5112.01~~ 5168.01 to 129157
~~5112.21~~ 5168.14 of the Revised Code, including rules that do all 129158
of the following: 129159

(1) Define as a "disproportionate share hospital" any 129160
hospital included under ~~subsection (b) of section 1923 of the~~ 129161
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1923(b), 42 129162
U.S.C.A. 1396r-4(b), ~~as amended~~, and any other hospital the 129163
director determines appropriate; 129164

(2) Prescribe the form for submission of cost reports under 129165
section ~~5112.04~~ 5168.05 of the Revised Code; 129166

(3) Establish, in accordance with division (A) of section 129167
~~5112.06~~ 5168.06 of the Revised Code, the assessment rate or rates 129168
to be applied to hospitals under that section; 129169

(4) Establish schedules for hospitals to pay installments on 129170
their assessments under section ~~5112.06~~ 5168.06 of the Revised 129171
Code and for governmental hospitals to pay installments on their 129172
intergovernmental transfers under section ~~5112.07~~ 5168.07 of the 129173
Revised Code; 129174

(5) Establish procedures to notify hospitals of adjustments 129175
made under division (B)(2)(b) of section ~~5112.06~~ 5168.06 of the 129176
Revised Code in the amount of installments on their assessment; 129177

(6) Establish procedures to notify hospitals of adjustments 129178
made under division (D) of section ~~5112.09~~ 5168.08 of the Revised 129179
Code in the total amount of their assessment and to adjust for the 129180
remainder of the program year the amount of the installments on 129181
the assessments; 129182

(7) Establish, in accordance with section ~~5112.08~~ 5168.09 of 129183
the Revised Code, the methodology for paying hospitals under that 129184
section. 129185

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) ~~Recipients of the medical assistance program~~ Medicaid recipients;

(2) Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;

(3) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

(4) ~~Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~ Medicare beneficiaries;

(5) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.,;

(6) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.

Sec. ~~5112.05~~ 5168.03. The requirements of sections ~~5112.06~~ 5168.06 to ~~5112.09~~ 5168.09 of the Revised Code apply only as long as the United States health care financing administration determines that the assessment imposed under section ~~5112.06~~ 5168.06 of the Revised Code is a permissible health care-related tax pursuant to ~~section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935)~~ section 1903(w), 42 U.S.C.A. 1396b(w), as amended. Whenever the department of ~~job and family services~~ medicaid is informed that the assessment is an impermissible

health care-related tax, the department shall promptly refund to 129216
each hospital the amount of money currently in the hospital care 129217
assurance program fund created by section ~~5112.18~~ 5168.11 of the 129218
Revised Code that has been paid by the hospital under section 129219
~~5112.06~~ 5168.06 or ~~5112.07~~ 5168.07 of the Revised Code, plus any 129220
investment earnings on that amount. 129221

Sec. ~~5112.10~~ 5168.04. The department of ~~job and family~~ 129222
~~services~~ medicaid shall operate the hospital care assurance 129223
program established by sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 129224
of the Revised Code on a program year basis. The department shall 129225
complete all program requirements on or before the thirtieth day 129226
of September each year. 129227

Sec. ~~5112.04~~ 5168.05. (A) Except as provided in division (C) 129228
of this section, each hospital, on or before the first day of July 129229
of each year or at a later date approved by the medicaid director 129230
~~of job and family services~~, shall submit to the department of ~~job~~ 129231
~~and family services~~ medicaid a financial statement for the 129232
preceding calendar year that accurately reflects the income, 129233
expenses, assets, liabilities, and net worth of the hospital, and 129234
accompanying notes. A hospital that has a fiscal year different 129235
from the calendar year shall file its financial statement within 129236
one hundred eighty days of the end of its fiscal year or at a 129237
later date approved by the director ~~of job and family services~~. 129238
The financial statement shall be prepared by an independent 129239
certified public accountant and reflect an official audit report 129240
prepared in a manner consistent with generally accepted accounting 129241
principles. The financial statement shall, to the extent that the 129242
hospital has sufficient financial records, show bad debt and 129243
charity care separately from courtesy care and contractual 129244
allowances. 129245

(B) Except as provided in division (C) of this section, each 129246

hospital, within one hundred eighty days after the end of the 129247
hospital's cost reporting period, shall submit to the department a 129248
cost report in a format prescribed in rules adopted ~~by the~~ 129249
~~director of job and family services~~ under section ~~5112.03~~ 5168.02 129250
of the Revised Code. The department shall grant a hospital an 129251
extension of the one hundred eighty day period if the health care 129252
financing administration of the United States department of health 129253
and human services extends the date by which the hospital must 129254
submit its cost report for the hospital's cost reporting period. 129255

(C) The director ~~of job and family services~~ may adopt rules 129256
under section ~~5112.03~~ 5168.02 of the Revised Code specifying 129257
financial information that must be submitted by hospitals for 129258
which no financial statement or cost report is available. The 129259
rules shall specify deadlines for submitting the information. Each 129260
such hospital shall submit the information specified in the rules 129261
not later than the deadline specified in the rules. 129262

Sec. ~~5112.06~~ 5168.06. (A) For the purpose of distributing 129263
funds to hospitals under the ~~medical assistance~~ medicaid program 129264
pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the 129265
Revised Code and depositing funds into the legislative budget 129266
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 129267
and into the health care services administration fund created 129268
under section ~~5111.94~~ 5162.54 of the Revised Code, there is hereby 129269
imposed an assessment on all hospitals. Each hospital's assessment 129270
shall be based on total facility costs. All hospitals shall be 129271
assessed according to the rate or rates established each program 129272
year ~~by the department of job and family services~~ in rules adopted 129273
under section ~~5112.03~~ 5168.02 of the Revised Code. The department 129274
shall assess all hospitals uniformly and in a manner consistent 129275
with federal statutes and regulations. During any program year, 129276
the department shall not assess any hospital more than two per 129277
cent of the hospital's total facility costs. 129278

The department shall establish an assessment rate or rates 129279
each program year that will do both of the following: 129280

(1) Yield funds that, when combined with intergovernmental 129281
transfers and federal matching funds, will produce a program of 129282
sufficient size to pay a substantial portion of the indigent care 129283
provided by hospitals; 129284

(2) Yield funds that, when combined with intergovernmental 129285
transfers and federal matching funds, will produce amounts for 129286
distribution to disproportionate share hospitals that do not 129287
exceed, in the aggregate, the limits prescribed by the United 129288
States health care financing administration under ~~subsection (f)~~ 129289
~~of section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129290
section 1923(f), 42 U.S.C.A. 1396r-4(f), as amended. 129291

(B)(1) Except as provided in division (B)(3) of this section, 129292
each hospital shall pay its assessment in periodic installments in 129293
accordance with a schedule established ~~by the director of job and~~ 129294
~~family services~~ in rules adopted under section ~~5112.03~~ 5168.02 of 129295
the Revised Code. 129296

(2) The installments shall be equal in amount, unless either 129297
of the following applies: 129298

(a) The department makes adjustments during a program year 129299
under division (D) of section ~~5112.09~~ 5168.08 of the Revised Code 129300
in the total amount of hospitals' assessments; 129301

(b) The medicaid director ~~of job and family services~~ 129302
determines that adjustments in the amounts of installments are 129303
necessary for the administration of sections ~~5112.01~~ 5168.01 to 129304
~~5112.21~~ 5168.14 of the Revised Code and that unequal installments 129305
will not create cash flow difficulties for hospitals. 129306

(3) The director may adopt rules under section ~~5112.03~~ 129307
5168.02 of the Revised Code establishing alternate schedules for 129308
hospitals to pay assessments under this section in order to reduce 129309

hospitals' cash flow difficulties. 129310

Sec. ~~5112.07~~ 5168.07. (A) The department of ~~job and family~~ 129311
~~services~~ medicaid may require governmental hospitals to make 129312
intergovernmental transfers each program year for the purpose of 129313
distributing funds to hospitals under the ~~medical assistance~~ 129314
medicaid program pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 129315
5168.14 of the Revised Code and depositing funds into the 129316
legislative budget services fund under section ~~5112.19~~ 5168.12 of 129317
the Revised Code and into the health care services administration 129318
fund created under section ~~5111.94~~ 5162.54 of the Revised Code. 129319
The department shall not require transfers in an amount that, when 129320
combined with hospital assessments paid under section ~~5112.06~~ 129321
5168.06 of the Revised Code and federal matching funds, produce 129322
amounts for distribution to disproportionate share hospitals that, 129323
in the aggregate, exceed limits prescribed by the United States 129324
health care financing administration under ~~subsection (f) of~~ 129325
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129326
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended.~~ 129327

(B) Before or during each program year, the department shall 129328
notify each governmental hospital of the amount of the 129329
intergovernmental transfer it is required to make during the 129330
program year. Each governmental hospital shall make 129331
intergovernmental transfers as required by the department under 129332
this section in periodic installments, executed by electronic fund 129333
transfer, in accordance with a schedule established in rules 129334
adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 129335

Sec. ~~5112.09~~ 5168.08. (A) Before or during each program year, 129336
the department of ~~job and family services~~ medicaid shall mail to 129337
each hospital by certified mail, return receipt requested, the 129338
preliminary determination of the amount that the hospital is 129339
assessed under section ~~5112.06~~ 5168.06 of the Revised Code during 129340

the program year. The preliminary determination of a hospital's 129341
assessment shall be calculated for a cost-reporting period that is 129342
specified in rules adopted under section ~~5112.03~~ 5168.02 of the 129343
Revised Code. 129344

The department shall consult with hospitals each year when 129345
determining the date on which it will mail the preliminary 129346
determinations in order to minimize hospitals' cash flow 129347
difficulties. 129348

If no hospital submits a request for reconsideration under 129349
division (B) of this section, the preliminary determination 129350
constitutes the final reconciliation of each hospital's assessment 129351
under section ~~5112.06~~ 5168.06 of the Revised Code. The final 129352
reconciliation is subject to adjustments under division (D) of 129353
this section. 129354

(B) Not later than fourteen days after the preliminary 129355
determinations are mailed, any hospital may submit to the 129356
department a written request to reconsider the preliminary 129357
determinations. The request shall be accompanied by written 129358
materials setting forth the basis for the reconsideration. If one 129359
or more hospitals submit a request, the department shall hold a 129360
public hearing not later than thirty days after the preliminary 129361
determinations are mailed to reconsider the preliminary 129362
determinations. The department shall mail to each hospital a 129363
written notice of the date, time, and place of the hearing at 129364
least ten days prior to the hearing. On the basis of the evidence 129365
submitted to the department or presented at the public hearing, 129366
the department shall reconsider and may adjust the preliminary 129367
determinations. The result of the reconsideration is the final 129368
reconciliation of the hospital's assessment under section ~~5112.06~~ 129369
5168.06 of the Revised Code. The final reconciliation is subject 129370
to adjustments under division (D) of this section. 129371

(C) The department shall mail to each hospital a written 129372

notice of its assessment for the program year under the final 129373
reconciliation. A hospital may appeal the final reconciliation of 129374
its assessment to the court of common pleas of Franklin county. 129375
While a judicial appeal is pending, the hospital shall pay, in 129376
accordance with the schedules required by division (B) of section 129377
~~5112.06~~ 5168.06 of the Revised Code, any amount of its assessment 129378
that is not in dispute into the hospital care assurance program 129379
fund created in section ~~5112.10~~ 5168.11 of the Revised Code. 129380

(D) In the course of any program year, the department may 129381
adjust the assessment rate or rates established in rules pursuant 129382
to section ~~5112.06~~ 5168.06 of the Revised Code or adjust the 129383
amounts of intergovernmental transfers required under section 129384
~~5112.07~~ 5168.07 of the Revised Code and, as a result of the 129385
adjustment, adjust each hospital's assessment and 129386
intergovernmental transfer, to reflect refinements made by the 129387
United States health care financing administration during that 129388
program year to the limits it prescribed under ~~subsection (f) of~~ 129389
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 129390
section 1923(f), 42 U.S.C.A. 1396r-4(f), as amended. When 129391
adjusted, the assessment rate or rates must comply with division 129392
(A) of section ~~5112.06~~ 5168.06 of the Revised Code. An adjusted 129393
intergovernmental transfer must comply with division (A) of 129394
section ~~5112.07~~ 5168.07 of the Revised Code. The department shall 129395
notify hospitals of adjustments made under this division and 129396
adjust for the remainder of the program year the installments paid 129397
by hospitals under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 5168.07 of 129398
the Revised Code in accordance with rules adopted under section 129399
~~5112.03~~ 5168.02 of the Revised Code. 129400

Sec. ~~5112.08~~ 5168.09. The medicaid director of ~~job and family~~ 129401
~~services~~ shall adopt rules under section ~~5112.03~~ 5168.02 of the 129402
Revised Code establishing a methodology to pay hospitals that is 129403
sufficient to expend all money in the indigent care pool. Under 129404

the rules: 129405

(A) The department of ~~job and family services~~ medicaid may 129406
classify similar hospitals into groups and allocate funds for 129407
distribution within each group. 129408

(B) The department shall establish a method of allocating 129409
funds to hospitals, taking into consideration the relative amount 129410
of indigent care provided by each hospital or group of hospitals. 129411
The amount to be allocated shall be based on any combination of 129412
the following indicators of indigent care that the director 129413
considers appropriate: 129414

(1) Total costs, volume, or proportion of services to 129415
recipients of the medical assistance program, including recipients 129416
enrolled in health insuring corporations; 129417

(2) Total costs, volume, or proportion of services to 129418
low-income patients in addition to medicaid recipients ~~of the~~ 129419
~~medical assistance program~~, which may include recipients of Title 129420
V of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 129421
~~301 701 et seq., as amended~~, and recipients of disability 129422
financial assistance provided under Chapter 5115. of the Revised 129423
Code; 129424

(3) The amount of uncompensated care provided by the hospital 129425
or group of hospitals; 129426

(4) Other factors that the director considers to be 129427
appropriate indicators of indigent care. 129428

(C) The department shall distribute funds to each hospital or 129429
group of hospitals in a manner that first may provide for an 129430
additional distribution to individual hospitals that provide a 129431
high proportion of indigent care in relation to the total care 129432
provided by the hospital or in relation to other hospitals. The 129433
department shall establish a formula to distribute the remainder 129434
of the funds. The formula shall be consistent with ~~section 1923 of~~ 129435

the "Social Security Act," section 1923, 42 U.S.C.A. 1396r-4, ~~as~~ 129436
~~amended,~~ and shall be based on any combination of the indicators 129437
of indigent care listed in division (B) of this section that the 129438
director considers appropriate. 129439

(D) The department shall distribute funds to each hospital in 129440
installments not later than ten working days after the deadline 129441
established in rules for each hospital to pay an installment on 129442
its assessment under section ~~5112.06~~ 5168.06 of the Revised Code. 129443
In the case of a governmental hospital that makes 129444
intergovernmental transfers, the department shall pay an 129445
installment under this section not later than ten working days 129446
after the earlier of that deadline or the deadline established in 129447
rules for the governmental hospital to pay an installment on its 129448
intergovernmental transfer. If the amount in the hospital care 129449
assurance program fund created under section ~~5112.18~~ 5168.11 of 129450
the Revised Code and the portion of the health care - federal fund 129451
created under section ~~5111.943~~ 5162.50 of the Revised Code that is 129452
credited to that fund pursuant to division (B) of section ~~5112.18~~ 129453
5168.11 of the Revised Code are insufficient to make the total 129454
distributions for which hospitals are eligible to receive in any 129455
period, the department shall reduce the amount of each 129456
distribution by the percentage by which the amount and portion are 129457
insufficient. The department shall distribute to hospitals any 129458
amounts not distributed in the period in which they are due as 129459
soon as moneys are available in the funds. 129460

Sec. ~~5112.11~~ 5168.10. Except for moneys deposited into the 129461
legislative budget services fund under section ~~5112.19~~ 5168.12 of 129462
the Revised Code and the health care services administration fund 129463
created under section ~~5111.94~~ 5162.54 of the Revised Code, the 129464
department of ~~job and family services~~ medicaid shall not use money 129465
paid to the department under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 129466
5168.07 of the Revised Code or money that the department pays to 129467

hospitals under section ~~5112.08~~ 5168.09 of the Revised Code to 129468
replace any funds appropriated by the general assembly for the 129469
~~medical assistance~~ medicaid program. 129470

Sec. ~~5112.18~~ 5168.11. (A) Except as provided in section 129471
~~5112.19~~ 5168.12 of the Revised Code, all payments of assessments 129472
by hospitals under section ~~5112.06~~ 5168.06 of the Revised Code and 129473
all intergovernmental transfers under section ~~5112.07~~ 5168.07 of 129474
the Revised Code shall be deposited in the state treasury to the 129475
credit of the hospital care assurance program fund, hereby 129476
created. All investment earnings of the hospital care assurance 129477
program fund shall be credited to the fund. The department of ~~job~~ 129478
~~and family services~~ medicaid shall maintain records that show the 129479
amount of money in the hospital care assurance program fund at any 129480
time that has been paid by each hospital and the amount of any 129481
investment earnings on that amount. All moneys credited to the 129482
hospital care assurance program fund shall be used solely to make 129483
payments to hospitals under division (D) of this section and 129484
section ~~5112.08~~ 5168.09 of the Revised Code. 129485

(B) All federal matching funds received as a result of the 129486
department distributing funds from the hospital care assurance 129487
program fund to hospitals under section ~~5112.08~~ 5168.09 of the 129488
Revised Code shall be credited to the health care - federal fund 129489
created under section ~~5111.943~~ 5162.50 of the Revised Code. 129490

(C) All distributions of funds to hospitals under section 129491
~~5112.08~~ 5168.09 of the Revised Code are conditional on: 129492

(1) Expiration of the time for appeals under section ~~5112.09~~ 129493
5168.08 of the Revised Code without the filing of an appeal, or on 129494
court determinations, in the event of appeals, that the hospital 129495
is entitled to the funds; 129496

(2) The sum of the following being sufficient to distribute 129497
the funds after the final determination of any appeals: 129498

(a) The available money in the hospital care assurance program fund; 129499
129500

(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section. 129501
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129503

(3) The hospital's compliance with section ~~5112.17~~ 5168.14 of the Revised Code. 129504
129505

(D) If an audit conducted by the department of the amounts of payments made and funds received by hospitals under sections ~~5112.06~~ 5168.06, ~~5112.07~~ 5168.07, and ~~5112.08~~ 5168.09 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did receive, or should have received but did not receive, the department shall: 129506
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(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received; 129514
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129516

(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not pay or that it should not have received but did receive. 129517
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Payments made under division (D)(1) of this section shall be made from the hospital care assurance program fund. Amounts recovered under division (D)(2) of this section shall be deposited to the credit of that fund. Any hospital may appeal the amount the hospital is to be paid under division (D)(1) or the amount that is to be recovered from the hospital under division (D)(2) of this section to the court of common pleas of Franklin county. 129520
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Sec. ~~5112.19~~ 5168.12. From the first installment of assessments paid under section ~~5112.06~~ 5168.06 of the Revised Code 129527
129528

and intergovernmental transfers made under section ~~5112.07~~ 5168.07 129529
of the Revised Code during each program year beginning in an 129530
odd-numbered calendar year, the department of ~~job and family~~ 129531
~~services~~ medicaid shall deposit into the state treasury to the 129532
credit of the legislative budget services fund, which is hereby 129533
created, a total amount equal to the amount by which the biennial 129534
appropriation from that fund exceeds the amount of unexpended, 129535
unencumbered moneys in that fund. All investment earnings of the 129536
legislative budget services fund shall be credited to that fund. 129537
Money in the legislative budget services fund shall be used solely 129538
to pay the expenses of the legislative budget office of the 129539
legislative service commission. 129540

Sec. ~~5112.21~~ 5168.13. Except as specifically required by 129541
sections ~~5112.01~~ 5168.01 to ~~5112.19~~ 5168.14 of the Revised Code, 129542
information filed under those sections shall not include any 129543
patient-identifying material. Information that includes 129544
patient-identifying material is not a public record under section 129545
149.43 of the Revised Code, and no patient-identifying material 129546
shall be released publicly by the department of ~~job and family~~ 129547
~~services~~ medicaid or by any person under contract with the 129548
department who has access to such information. 129549

Sec. ~~5112.17~~ 5168.14. (A) ~~As used in this section:~~ 129550

~~(1) "Federal poverty guideline" means the official poverty~~ 129551
~~guideline as revised annually by the United States secretary of~~ 129552
~~health and human services in accordance with section 673 of the~~ 129553
~~"Community Service Block Grant Act," 95 Stat. 511 (1981), 42~~ 129554
~~U.S.C.A. 9902, as amended, for a family size equal to the size of~~ 129555
~~the family of the person whose income is being determined.~~ 129556

~~(2) "Third party payer" means any private or public entity or~~ 129557
~~program that may be liable by law or contract to make payment to~~ 129558

~~or on behalf of an individual for health care services.~~ 129559

~~"Third party payer" does not include a hospital.~~ 129560

~~(B)~~ Each hospital that receives funds distributed under 129561
sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code 129562
shall provide, without charge to the individual, basic, medically 129563
necessary hospital-level services to individuals who are residents 129564
of this state, are not medicaid recipients ~~of the medical~~ 129565
~~assistance program~~, and whose income is at or below the federal 129566
poverty ~~guideline~~ line. Recipients of disability financial 129567
assistance provided under Chapter 5115. of the Revised Code 129568
qualify for services under this section. The medicaid director ~~of~~ 129569
~~job and family services~~ shall adopt rules under section ~~5112.03~~ 129570
5168.02 of the Revised Code specifying the hospital services to be 129571
provided under this section. 129572

~~(C)~~(B) Nothing in this section shall be construed to prevent 129573
a hospital from requiring an individual to apply for eligibility 129574
~~under the medical assistance~~ medicaid program before the hospital 129575
processes an application under this section. Hospitals may bill 129576
any third-party payer for services rendered under this section. 129577
Hospitals may bill the ~~medical assistance~~ medicaid program, in 129578
accordance with ~~Chapter 5111. of the Revised Code~~ state statutes 129579
governing the medicaid program and ~~the~~ rules adopted under ~~that~~ 129580
~~chapter~~ those statutes, for medicaid services rendered under this 129581
section if the individual becomes a medicaid recipient ~~of the~~ 129582
~~program~~. Hospitals may bill individuals for services under this 129583
section if all of the following apply: 129584

(1) The hospital has an established post-billing procedure 129585
for determining the individual's income and canceling the charges 129586
if the individual is found to qualify for services under this 129587
section. 129588

(2) The initial bill, and at least the first follow-up bill, 129589
is accompanied by a written statement that does all of the 129590

following: 129591

(a) Explains that individuals with income at or below the 129592
federal poverty ~~guideline~~ line are eligible for services without 129593
charge; 129594

(b) Specifies the federal poverty ~~guideline~~ line for 129595
individuals and families of various sizes at the time the bill is 129596
sent; 129597

(c) Describes the procedure required by division (C)(1) of 129598
this section. 129599

(3) The hospital complies with any additional rules ~~the~~ 129600
~~department adopts~~ adopted under section ~~5112.03~~ 5168.02 of the 129601
Revised Code. 129602

Notwithstanding division (B) of this section, a hospital 129603
providing care to an individual under this section is subrogated 129604
to the rights of any individual to receive compensation or 129605
benefits from any person or governmental entity for the hospital 129606
goods and services rendered. 129607

~~(D)~~(C) Each hospital shall collect and report to the 129608
department of medicaid, in the form and manner prescribed by the 129609
department, information on the number and identity of patients 129610
served pursuant to this section. 129611

~~(E)~~(D) This section applies beginning May 22, 1992, 129612
regardless of whether ~~the department has adopted~~ rules specifying 129613
the services to be provided have been adopted. Nothing in this 129614
section alters the scope or limits the obligation of any 129615
governmental entity or program, including the program awarding 129616
reparations to victims of crime under sections 2743.51 to 2743.72 129617
of the Revised Code and the program for medically handicapped 129618
children established under section 3701.023 of the Revised Code, 129619
to pay for hospital services in accordance with state or local 129620
law. 129621

Sec. ~~5112.40~~ 5168.20. As used in sections ~~5112.40~~ 5168.20 to 129622
~~5112.48~~ 5168.28 of the Revised Code: 129623

(A) "Applicable assessment percentage" means the percentage 129624
specified in rules adopted under section ~~5112.46~~ 5168.26 of the 129625
Revised Code that is used in calculating a hospital's assessment 129626
under section ~~5112.41~~ 5168.21 of the Revised Code. 129627

(B) "Assessment program year" means the twelve-month period 129628
beginning the first day of October of a calendar year and ending 129629
the last day of September of the following calendar year. 129630

(C) "Cost reporting period" means the period of time used by 129631
a hospital in reporting costs for purposes of the medicare 129632
program. 129633

(D) "Federal fiscal year" means the twelve-month period 129634
beginning the first day of October of a calendar year and ending 129635
the last day of September of the following calendar year. 129636

(E)(1) Except as provided in division (E)(2) of this section, 129637
"hospital" means a hospital to which any of the following applies: 129638

(a) The hospital is registered under section 3701.07 of the 129639
Revised Code as a general medical and surgical hospital or a 129640
pediatric general hospital and provides inpatient hospital 129641
services, as defined in 42 C.F.R. 440.10. 129642

(b) The hospital is recognized under the medicare program as 129643
a cancer hospital and is exempt from the medicare prospective 129644
payment system. 129645

(c) The hospital is a psychiatric hospital licensed under 129646
section ~~5119.20~~ 5119.33 of the Revised Code. 129647

(2) "Hospital" does not include either of the following: 129648

(a) A federal hospital; 129649

(b) A hospital that does not charge any of its patients for 129650

its services. 129651

(F) "Hospital care assurance program" means the program 129652
established under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of 129653
the Revised Code. 129654

(G) ~~"Medicaid" has the same meaning as in section 5111.01 of~~ 129655
~~the Revised Code.~~ 129656

~~(H) "Medicare" means the program established under Title~~ 129657
~~XVIII of the Social Security Act.~~ 129658

~~(I)~~ "State fiscal year" means the twelve-month period 129659
beginning the first day of July of a calendar year and ending the 129660
last day of June of the following calendar year. 129661

~~(J)~~(H)(1) Except as provided in divisions ~~(J)~~(H)(2) and (3) 129662
of this section, "total facility costs" means the total costs to a 129663
hospital for all care provided to all patients, including the 129664
direct, indirect, and overhead costs to the hospital of all 129665
services, supplies, equipment, and capital related to the care of 129666
patients, regardless of whether patients are enrolled in a health 129667
insuring corporation. 129668

(2) "Total facility costs" excludes all of the following of a 129669
hospital's costs as shown on the cost-reporting data used for 129670
purposes of determining the hospital's assessment under section 129671
~~5112.41~~ 5168.21 of the Revised Code: 129672

(a) Skilled nursing services provided in distinct-part 129673
nursing facility units; 129674

(b) Home health services; 129675

(c) Hospice services; 129676

(d) Ambulance services; 129677

(e) Renting durable medical equipment; 129678

(f) Selling durable medical equipment. 129679

(3) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (B)(1) of section ~~5112.46~~ 5168.26 of the Revised Code.

Sec. ~~5112.41~~ 5168.21. (A) For the purposes specified in section ~~5112.45~~ 5168.25 of the Revised Code and subject to section ~~5112.48~~ 5168.28 of the Revised Code, there is hereby imposed an assessment on all hospitals each assessment program year. The amount of a hospital's assessment for an assessment program year shall equal the applicable assessment percentage of the hospital's total facility costs for the period of time specified in division (B) of this section. The amount of a hospital's total facility costs shall be derived from cost-reporting data for the hospital submitted to the department of ~~job and family services~~ medicaid for purposes of the hospital care assurance program. If a hospital has not submitted that cost-reporting data to the department, the amount of a hospital's total facility costs shall be derived from other financial statements that the hospital shall provide to the department as directed by the department. The cost-reporting data or financial statements used to determine a hospital's assessment is subject to the same type of adjustments made to the cost-reporting data under the hospital care assurance program.

(B) The period of time specified in this division is the hospital's cost reporting period that ends in the state fiscal year that ends in the federal fiscal year that precedes the federal fiscal year that precedes the assessment program year for which the assessment is imposed.

(C) The assessment imposed by this section on a hospital is in addition to the assessment imposed by section ~~5112.06~~ 5168.06 of the Revised Code.

Sec. ~~5112.42~~ 5168.22. (A) Before or during each assessment 129711
program year, the department of ~~job and family services~~ medicaid 129712
shall mail to each hospital by certified mail, return receipt 129713
requested, the preliminary determination of the amount that the 129714
hospital is assessed under section ~~5112.41~~ 5168.21 of the Revised 129715
Code for the assessment program year. Except as provided in 129716
division (B) of this section, the preliminary determination 129717
becomes the final determination for the assessment program year 129718
fifteen days after the preliminary determination is mailed to the 129719
hospital. 129720

(B) A hospital may request that the department reconsider the 129721
preliminary determination mailed to the hospital under division 129722
(A) of this section by submitting to the department a written 129723
request for a reconsideration not later than fourteen days after 129724
the hospital's preliminary determination is mailed to the 129725
hospital. The request must be accompanied by written materials 129726
setting forth the basis for the reconsideration. On receipt of the 129727
timely request, the department shall reconsider the preliminary 129728
determination and may adjust the preliminary determination on the 129729
basis of the written materials accompanying the request. The 129730
result of the reconsideration is the final determination of the 129731
hospital's assessment under section ~~5112.41~~ 5168.21 of the Revised 129732
Code for the assessment program year. 129733

(C) The department shall mail to each hospital a written 129734
notice of the final determination of its assessment for the 129735
assessment program year. A hospital may appeal the final 129736
determination to the court of common pleas of Franklin county. 129737
While a judicial appeal is pending, the hospital shall pay, in 129738
accordance with section ~~5112.43~~ 5168.23 of the Revised Code, any 129739
amount of its assessment that is not in dispute. 129740

Sec. ~~5112.43~~ 5168.23. Unless rules adopted under section 129741

~~5112.46~~ 5168.26 of the Revised Code establish a different payment schedule, each hospital shall pay the amount it is assessed under section ~~5112.41~~ 5168.21 of the Revised Code in accordance with the following payment schedule:

(A) Twenty-eight per cent of a hospital's assessment is due on the last business day of October of each assessment program year.

(B) Thirty-one per cent of a hospital's assessment is due on the last business day of February of each assessment program year.

(C) Forty-one per cent of a hospital's assessment is due on the last business day of May of each assessment program year.

Sec. ~~5112.44~~ 5168.24. The department of ~~job and family services~~ medicaid may audit a hospital to ensure that the hospital properly pays the amount it is assessed under section ~~5112.41~~ 5168.21 of the Revised Code. The department shall take action to recover from a hospital any amount the audit reveals that the hospital should have paid but did not pay.

Sec. ~~5112.45~~ 5168.25. There is hereby created in the state treasury the hospital assessment fund. All installment payments made by hospitals under section ~~5112.43~~ 5168.23 of the Revised Code and all recoveries the department of ~~job and family services~~ medicaid makes under section ~~5112.44~~ 5168.24 of the Revised Code shall be deposited into the fund. All investment earnings of the fund shall be credited to the fund. The department shall use money in the fund to pay for the costs of the medicaid program, including the program's administrative costs.

Sec. ~~5112.46~~ 5168.26. (A) The ~~director of job and family services shall adopt, amend, and rescind~~ medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as

necessary to implement sections ~~5112.40~~ 5168.20 to ~~5112.48~~ 5168.28 129771
of the Revised Code, including rules that specify the percentage 129772
of hospitals' total facility costs to be used in calculating 129773
hospitals' assessments under section ~~5112.41~~ 5168.21 of the 129774
Revised Code. 129775

(B) The rules adopted under this section may do the 129776
following: 129777

(1) Provide that a hospital's total facility costs for the 129778
purpose of the assessment under section ~~5112.41~~ 5168.21 of the 129779
Revised Code exclude any of the following: 129780

(a) A hospital's costs associated with providing care to 129781
recipients of any of the following: 129782

(i) The medicaid program; 129783

(ii) The medicare program; 129784

(iii) The disability financial assistance program established 129785
under Chapter 5115. of the Revised Code; 129786

(iv) The program for medically handicapped children 129787
established under section 3701.023 of the Revised Code; 129788

(v) Services provided under the maternal and child health 129789
services block grant established under Title V of the "Social 129790
Security Act," 42 U.S.C. 701 et seq. 129791

(b) Any other category of hospital costs the director deems 129792
appropriate under federal law and regulations governing the 129793
medicaid program. 129794

(2) Subject to division (C) of this section, provide for the 129795
percentage of hospitals' total facility costs used in calculating 129796
hospitals' assessments to vary for different hospitals; 129797

(3) To reduce hospitals' cash flow difficulties, establish a 129798
schedule for hospitals to pay their assessments that is different 129799

from the schedule established under section ~~5112.43~~ 5168.23 of the Revised Code. 129800
129801

(C) Before adopting rules authorized by division (B)(2) of 129802
this section that establish varied percentages to be used in 129803
calculating hospitals' assessments, the director shall obtain a 129804
waiver from the United States secretary of health and human 129805
services under ~~section 1903(w)(3)(E)~~ of the "Social Security Act," 129806
~~105 Stat. 1796 (1991)~~ section 1903(w)(3)(E), 42 U.S.C. 129807
1396b(w)(3)(E), ~~as amended~~, if the varied percentages would cause 129808
the assessments to not be imposed uniformly. 129809

Sec. ~~5112.47~~ 5168.27. The medicaid director ~~of job and family~~ 129810
~~services~~ shall implement the assessment imposed by section ~~5112.41~~ 129811
5168.21 of the Revised Code in a manner that does not cause a 129812
reduction in federal financial participation for the medicaid 129813
program under the "Social Security Act," section 1903(w), 42 129814
U.S.C. 1396b(w). 129815

Sec. ~~5112.48~~ 5168.28. If the United States secretary of 129816
health and human services determines that the assessment imposed 129817
by section ~~5112.41~~ 5168.21 of the Revised Code is an impermissible 129818
health care-related tax under the "Social Security Act," section 129819
1903(w), 42 U.S.C. 1396b(w), the medicaid director ~~of job and~~ 129820
~~family services~~ shall take all necessary actions to cease 129821
implementation of sections ~~5112.40~~ 5168.20 to ~~5112.47~~ 5168.27 of 129822
the Revised Code and shall promptly refund to each hospital the 129823
amount of money in the hospital assessment fund at the time the 129824
refund is to be made that the hospital paid under section ~~5112.43~~ 129825
5168.23 of the Revised Code, plus any corresponding investment 129826
earnings on that amount. 129827

Sec. ~~3721.50~~ 5168.40. As used in sections ~~3721.50~~ 5168.40 to 129828
~~3721.58~~ 5168.56 of the Revised Code: 129829

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| (A) "Bed surrender" means the following: | 129830 |
| (1) In the case of a nursing home, the removal of a bed from a nursing home's licensed capacity in a manner that reduces the total licensed capacity of all nursing homes; | 129831
129832
129833 |
| (2) In the case of a hospital, the removal of a hospital bed from registration under section 3701.07 of the Revised Code as a skilled nursing facility bed or long-term care bed in a manner that reduces the total number of hospital beds registered under that section as skilled nursing facility beds or long-term care beds. | 129834
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129839 |
| (B) "Change of operator" means an entering operator becoming the operator of a nursing home or hospital in the place of the exiting operator. | 129840
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129842 |
| (1) Actions that constitute a change of operator include the following: | 129843
129844 |
| (a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship; | 129845
129846
129847 |
| (b) A transfer of all the exiting operator's ownership interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred; | 129848
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129852 |
| (c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease; | 129853
129854
129855 |
| (d) If the exiting operator is a partnership, dissolution of the partnership; | 129856
129857 |
| (e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: | 129858
129859 |

(i) The change in composition does not cause the partnership's dissolution under state law. 129860
129861

(ii) The partners agree that the change in composition does not constitute a change in operator. 129862
129863

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 129864
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129866
129867

(2) The following, alone, do not constitute a change of operator: 129868
129869

(a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions; 129870
129871
129872

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator; 129873
129874
129875
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(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 129877
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129880

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital. 129881
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(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator. 129884
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(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator. 129887
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| (F) "Franchise permit fee rate" means the following : | 129890 |
| (1) For fiscal year 2012, eleven dollars and forty seven cents; | 129891 |
| (2) For fiscal year 2013 and each fiscal year thereafter, eleven dollars and sixty seven cents rate determined in accordance with section 5168.41 of the Revised Code. | 129892 |
| (G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. | 129893 |
| (H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located: | 129894 |
| (1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds; | 129895 |
| (2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code. | 129896 |
| (I) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 120 Stat. 2994 (2006) <u>section 1903(w)(4)(C)(ii)</u> , 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: | 129897 |
| (1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; | 129898 |
| (2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. | 129899 |
| (J) "Medicaid <u>days</u> " has the same meaning as in section 5111.01 of the Revised Code. | 129900 |
| (K) "Medicare" means the program established by Title XVIII. | 129901 |

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|---|--------|
| (L) and "Nursing nursing facility" has have the same meaning | 129920 |
| <u>meanings</u> as in section 5111.20 <u>5165.01</u> of the Revised Code. | 129921 |
| (M) (K)(1) "Nursing home" means all of the following: | 129922 |
| (a) A nursing home licensed under section 3721.02 or 3721.09 | 129923 |
| of the Revised Code, including any part of a home for the aging | 129924 |
| licensed as a nursing home; | 129925 |
| (b) A facility or part of a facility, other than a hospital, | 129926 |
| that is certified as a skilled nursing facility under Title XVIII; | 129927 |
| (c) A nursing facility, other than a portion of a hospital | 129928 |
| certified as a nursing facility. | 129929 |
| (2) "Nursing home" does not include either of the following: | 129930 |
| (a) A county home, county nursing home, or district home | 129931 |
| operated pursuant to Chapter 5155. of the Revised Code; | 129932 |
| (b) A nursing home maintained and operated by the department | 129933 |
| of veterans services under section 5907.01 of the Revised Code. | 129934 |
| (N) (L) "Operator" means the person or government entity | 129935 |
| responsible for the daily operating and management decisions for a | 129936 |
| nursing home or hospital. | 129937 |
| (O) (M) "Title XIX" means Title XIX of the "Social Security | 129938 |
| Act," 79 Stat. 286 (1965) , 42 U.S.C. 1396, as amended <u>et seq.</u> | 129939 |
| (P) (N) "Title XVIII" means Title XVIII of the "Social | 129940 |
| Security Act," 79 Stat. 286 (1965) , 42 U.S.C. 1395, as amended <u>et</u> | 129941 |
| <u>seq.</u> | 129942 |
| <u>Sec. 5168.41.</u> (A) <u>The franchise permit fee rate shall be</u> | 129943 |
| <u>determined for each fiscal year as follows:</u> | 129944 |
| <u>(1) Determine the estimated total net patient revenues for</u> | 129945 |
| <u>all nursing homes and hospital long-term care units for the fiscal</u> | 129946 |
| <u>year;</u> | 129947 |

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|---|--------|
| <u>(2) Multiply the estimated total net patient revenues</u> | 129948 |
| <u>determined under division (A)(1) of this section by the lesser of</u> | 129949 |
| <u>the following:</u> | 129950 |
| <u>(a) The indirect guarantee percentage;</u> | 129951 |
| <u>(b) Six per cent.</u> | 129952 |
| <u>(3) Divide the product determined under division (A)(2) of</u> | 129953 |
| <u>this section by the number of days in the fiscal year;</u> | 129954 |
| <u>(4) Determine the sum of the following:</u> | 129955 |
| <u>(a) The total number of beds in all nursing homes and</u> | 129956 |
| <u>hospital long-term care units that are subject to the franchise</u> | 129957 |
| <u>permit fee for the fiscal year;</u> | 129958 |
| <u>(b) The total number of nursing home beds that are exempt</u> | 129959 |
| <u>from the franchise permit fee for the fiscal year because of the</u> | 129960 |
| <u>waiver obtained pursuant to section 5168.43 of the Revised Code.</u> | 129961 |
| <u>(5) Divide the quotient determined under division (A)(3) of</u> | 129962 |
| <u>this section by the sum determined under division (A)(4) of this</u> | 129963 |
| <u>section.</u> | 129964 |
| <u>(B) In determining the estimated total net patient revenues</u> | 129965 |
| <u>for all nursing homes and hospital long-term care units for a</u> | 129966 |
| <u>fiscal year, the department of medicaid shall use at least all of</u> | 129967 |
| <u>the following:</u> | 129968 |
| <u>(1) Information from medicaid cost reports filed under</u> | 129969 |
| <u>section 5165.10 of the Revised Code that are the most recent at</u> | 129970 |
| <u>the time the determination is made;</u> | 129971 |
| <u>(2) The projected total medicaid payment rates for nursing</u> | 129972 |
| <u>facility services for the fiscal year;</u> | 129973 |
| <u>(3) The projected total number of medicaid days for the</u> | 129974 |
| <u>fiscal year.</u> | 129975 |
| Sec. 3721.51 5168.42. The department of job and family | 129976 |

~~services~~ medicaid shall do all of the following: 129977

(A) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, 129978
and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) 129979
of this section and for the purposes specified in section ~~3721.56~~ 129980
5168.54 of the Revised Code, determine an annual franchise permit 129981
fee on each nursing home in an amount equal to the franchise 129982
permit fee rate multiplied by the product of the following: 129983

(1) The number of beds licensed as nursing home beds, plus 129984
any other beds certified as skilled nursing facility beds under 129985
Title XVIII or nursing facility beds under Title XIX on the first 129986
day of May of the calendar year in which the fee is determined 129987
pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised 129988
Code; 129989

(2) The number of days in the fiscal year beginning on the 129990
first day of July of the calendar year in which the fee is 129991
determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of 129992
the Revised Code. 129993

(B) Subject to sections ~~3721.512~~ 5168.44, ~~3721.513~~ 5168.45, 129994
and ~~3721.531~~ 5168.48 of the Revised Code and divisions (C) and (D) 129995
of this section and for the purposes specified in section ~~3721.56~~ 129996
5168.54 of the Revised Code, determine an annual franchise permit 129997
fee on each hospital in an amount equal to the franchise permit 129998
fee rate multiplied by the product of the following: 129999

(1) The number of beds registered pursuant to section 3701.07 130000
of the Revised Code as skilled nursing facility beds or long-term 130001
care beds, plus any other beds licensed as nursing home beds under 130002
section 3721.02 or 3721.09 of the Revised Code, on the first day 130003
of May of the calendar year in which the fee is determined 130004
pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised 130005
Code; 130006

(2) The number of days in the fiscal year beginning on the 130007

first day of July of the calendar year in which the fee is 130008
determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of 130009
the Revised Code. 130010

(C) If the total amount of the franchise permit fee assessed 130011
under divisions (A) and (B) of this section for a fiscal year 130012
exceeds the indirect guarantee percentage of the actual net 130013
patient revenue for all nursing homes and hospital long-term care 130014
units for that fiscal year and seventy-five per cent or more of 130015
the combined total number of nursing homes and hospital long-term 130016
care units receive enhanced medicaid payments or other state 130017
payments equal to seventy-five per cent or more of their total 130018
franchise permit fee assessments, do both of the following: 130019

(1) Recalculate the assessments under divisions (A) and (B) 130020
of this section using a per bed per day rate equal to the indirect 130021
guarantee percentage of actual net patient revenue for all nursing 130022
homes and hospital long-term care units for that fiscal year; 130023

(2) Refund the difference between the amount of the franchise 130024
permit fee assessed for that fiscal year under divisions (A) and 130025
(B) of this section and the amount recalculated under division 130026
(C)(1) of this section as a credit against the assessments imposed 130027
under divisions (A) and (B) of this section for the subsequent 130028
fiscal year. 130029

(D) If the United States centers for medicare and medicaid 130030
services determines that the franchise permit fee established by 130031
sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised Code is 130032
an impermissible health care-related tax under ~~section 1903(w)~~ of 130033
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 1903(w), 42 130034
U.S.C. 1396b(w), ~~as amended~~, take all necessary actions to cease 130035
implementation of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of 130036
the Revised Code in accordance with rules adopted under section 130037
~~3721.58~~ 5168.56 of the Revised Code. 130038

Sec. ~~3721.511~~ 5168.43. (A) Not later than four months after 130039
July 17, 2009, the department of ~~job and family services~~ medicaid 130040
shall apply to the United States secretary of health and human 130041
services for a waiver under the "Social Security Act," section 130042
1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), as necessary to do both 130043
of the following regarding the franchise permit fee assessed under 130044
section ~~3721.51~~ 5168.42 of the Revised Code: 130045

(1) Reduce the franchise permit fee rate to zero dollars for 130046
each nursing home licensed under section 3721.02 or 3721.09 of the 130047
Revised Code to which either of the following applies: 130048

(a) The nursing home: 130049

(i) Is exempt from state taxation under section 140.08 of the 130050
Revised Code or is exempt from state taxation as a home for the 130051
aged as defined in section 5701.13 of the Revised Code; 130052

(ii) Is exempt from federal income taxation under section 501 130053
of the Internal Revenue Code of 1986; 130054

(iii) Does not participate in medicaid or medicare; and 130055

(iv) Provides services for the life of each resident without 130056
regard to the resident's ability to secure payment for the 130057
services. 130058

(b) The nursing home: 130059

(i) Has had a written affiliation agreement with a university 130060
in this state for education and research related to Alzheimer's 130061
disease for each of the twenty years preceding July 17, 2009, and 130062
has such an agreement on July 17, 2009; 130063

(ii) Was constructed pursuant to a certificate of need 130064
granted under Section 3 of Am. Sub. S.B. 256 of the 116th general 130065
assembly; and 130066

(iii) Does not participate in medicaid or medicare. 130067

(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee rate for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section.

(B) The effective date of the waiver sought under this section shall be the first day of the quarter beginning after the United States secretary approves the waiver.

Sec. ~~3721.512~~ 5168.44. If the United States secretary of health and human services approves the waiver sought under section ~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and family services~~ medicaid shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee rate under the waiver, reduce the franchise permit fee rate in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section ~~3721.53~~ 5168.47 of the Revised Code.

Sec. ~~3721.513~~ 5168.45. (A) If the United States secretary of health and human services approves the waiver sought under section ~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and family services~~ medicaid may do both of the following regarding the franchise permit fee assessed under section ~~3721.51~~ 5168.42 of the Revised Code:

(1) Determine how much money the franchise permit fee would have raised in a fiscal year if not for the waiver;

(2) For each nursing home and hospital subject to the franchise permit fee, other than a nursing home or hospital that has its franchise permit fee rate reduced under section ~~3721.512~~ 5168.44 of the Revised Code, uniformly increase the amount of the franchise permit fee rate for a fiscal year to an amount that will have the franchise permit fee raise an amount of money that does not exceed the amount determined under division (A)(1) of this section for that fiscal year.

(B) If the department increases the franchise permit fee rate in accordance with division (A) of this section for the first fiscal year during which the waiver takes effect, the department shall determine the amount of the increase not later than the effective date of the waiver and shall mail to each nursing home and hospital subject to the increase notice of the increase not later than the last day of the first month of the quarter that begins after the United States secretary approves the waiver. If the department increases the franchise permit fee rate in accordance with division (A) of this section for a subsequent fiscal year, the department shall make such determinations and mail such notices in accordance with section ~~3721.53~~ 5168.47 of the Revised Code.

Sec. ~~3721.52~~ 5168.46. The department of health shall do all of the following:

(A) For the purpose of the determinations made under divisions (A) and (B) of section ~~3721.51~~ 5168.42 of the Revised Code and not later than the first day of each June, report to the department of ~~job and family services~~ medicaid the following:

(1) For each nursing home, the number of beds in the nursing home licensed on the preceding first day of May under section

3721.02 or 3721.09 of the Revised Code or certified on that date 130129
under Title XVIII or Title XIX; 130130

(2) For each hospital, the number of beds in the hospital 130131
registered on the preceding first day of May pursuant to section 130132
3701.07 of the Revised Code as skilled nursing facility or 130133
long-term care beds or licensed on that date under section 3721.02 130134
or 3721.09 of the Revised Code as nursing home beds. 130135

(B) For the purpose of the redetermination under section 130136
~~3721.531~~ 5168.48 of the Revised Code and not later than the 130137
fifteenth day of each January, report to the department of ~~job and~~ 130138
~~family services~~ medicaid, for each nursing home and hospital, the 130139
number of beds for which a bed surrender occurred during the 130140
period beginning on the first day of May of the preceding calendar 130141
year and ending on the first day of January of the calendar year 130142
in which the redetermination is made. 130143

Sec. ~~3721.53~~ 5168.47. (A) Not later than the fifteenth day of 130144
September of each year, the department of ~~job and family services~~ 130145
medicaid shall determine the annual franchise permit fee for each 130146
nursing home and hospital in accordance with section ~~3721.51~~ 130147
5168.42 of the Revised Code and any adjustments made in accordance 130148
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 130149
Code. 130150

(B) Not later than the first day of October of each year, the 130151
department shall mail to each nursing home and hospital notice of 130152
the amount of the franchise permit fee that has been determined 130153
for the nursing home or hospital. 130154

(C) Subject to section ~~3721.531~~ 5168.48 of the Revised Code, 130155
each nursing home and hospital shall pay its fee under section 130156
~~3721.51~~ 5168.42 of the Revised Code, as adjusted in accordance 130157
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 130158
Code, to the department in four installment payments not later 130159

than forty-five days after the last day of each October, December, 130160
March, and June. 130161

Sec. ~~3721.531~~ 5168.48. (A) Not later than the last day of 130162
February of each year, the department of ~~job and family services~~ 130163
~~medicaid~~ shall redetermine each nursing home's and hospital's 130164
franchise permit fee if one or more bed surrenders occur during 130165
the period beginning on the first day of May of the preceding 130166
calendar year and ending on the first day of January of the 130167
calendar year in which the redetermination is made. 130168

(B) In redetermining nursing homes' and hospitals' franchise 130169
permit fees under this section, the department shall do both of 130170
the following: 130171

(1) Provide for the redetermination to be conducted in a 130172
manner consistent with the terms of the waiver sought under 130173
section ~~3721.511~~ 5168.43 of the Revised Code; 130174

(2) Recalculate each nursing home's and hospital's franchise 130175
permit fee in accordance with division (A) or (B) of section 130176
~~3721.51~~ 5168.42 of the Revised Code with the following changes: 130177

(a) In the case of a nursing home or hospital for which one 130178
or more bed surrenders occurred during the period beginning on the 130179
first day of May of the preceding calendar year and ending on the 130180
first day of January of the calendar year in which the 130181
redetermination is made, the number of beds included in the 130182
calculation for the purpose of division (A)(1) or (B)(1) of 130183
section ~~3721.51~~ 5168.42 of the Revised Code shall exclude the beds 130184
for which bed surrenders occurred during that period. 130185

(b) The number of days used in the calculation under division 130186
(A)(2) or (B)(2) of section ~~3721.51~~ 5168.42 of the Revised Code 130187
shall be the number of days in the first half of the calendar year 130188
in which the redetermination is made. 130189

(c) The franchise permit fee rate shall reflect adjustments 130190
made under sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the 130191
Revised Code. 130192

(C) Not later than the first day of March of each year, the 130193
department shall mail to each nursing home and hospital notice of 130194
the amount of its redetermined franchise permit fee. 130195

(D) Each nursing home and hospital shall pay its redetermined 130196
fee to the department in two installment payments not later than 130197
forty-five days after the last day of March and June of the 130198
calendar year in which the redetermination is made. 130199

Sec. ~~3721.532~~ 5168.49. If a nursing home or hospital 130200
undergoes a change of operator during a fiscal year, the 130201
responsibility for paying the franchise permit fee that was 130202
determined for the nursing home or hospital under section ~~3721.53~~ 130203
5168.47 of the Revised Code, or redetermined for the nursing home 130204
or hospital under section ~~3721.531~~ 5168.48 of the Revised Code, 130205
for that fiscal year shall be divided proportionally. The exiting 130206
operator shall be responsible for paying the amount of the fee 130207
that is for the part of the fiscal year that ends on the day 130208
before the effective date of the change of operator. The entering 130209
operator shall be responsible for paying the amount of the fee 130210
that is for the part of the fiscal year that begins on the 130211
effective date of the change of operator. The department of ~~job~~ 130212
~~and family services~~ medicaid is not required to mail a notice to 130213
the entering operator regarding the amount of that fiscal year's 130214
fee for which the entering operator is responsible. 130215

Sec. ~~3721.533~~ 5168.50. No nursing home or hospital shall 130216
directly bill its residents for the franchise permit fee paid 130217
under section ~~3721.53~~ 5168.47 or ~~3721.531~~ 5168.48 of the Revised 130218
Code or otherwise directly pass the fee through to its residents. 130219

Sec. ~~3721.54~~ 5168.51. If a nursing home or hospital fails to pay the full amount of a franchise permit fee installment when due, the department of ~~job and family services~~ medicaid may assess a five per cent penalty on the amount due for each month or fraction thereof the installment is overdue.

Sec. ~~3721.541~~ 5168.52. (A) In addition to assessing a penalty pursuant to section ~~3721.54~~ 5168.51 of the Revised Code, the department of ~~job and family services~~ medicaid may do any of the following if a nursing facility or hospital fails to pay the full amount of a franchise permit fee installment when due:

(1) Withhold an amount less than or equal to the installment and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised Code from a ~~medicaid~~ medicaid payment due the nursing facility or hospital until the nursing facility or hospital pays the installment and penalty;

(2) Offset an amount less than or equal to the installment and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised Code from a ~~Medicaid~~ medicaid payment due the nursing facility or hospital;

(3) Terminate the nursing facility or hospital's ~~medicaid~~ medicaid provider agreement.

(B) The department may offset a ~~medicaid~~ medicaid payment under division (A) of this section without providing notice to the nursing facility or hospital and without conducting an adjudication under Chapter 119. of the Revised Code.

Sec. ~~3721.55~~ 5168.53. (A) A nursing home or hospital may appeal the fee assessed under section ~~3721.51~~ 5168.42 of the Revised Code, as adjusted under section ~~3721.512~~ 5168.44 or ~~3721.513~~ 5168.45 of the Revised Code, and redetermined under

section ~~3721.531~~ 5168.48 of the Revised Code solely on the grounds 130249
that the department of ~~job and family services~~ medicaid committed 130250
a material error in determining or redetermining the amount of the 130251
fee. A request for an appeal must be received by the department 130252
not later than fifteen days after the date the department mails 130253
the notice of the fee and must include written materials setting 130254
forth the basis for the appeal. 130255

(B) If a nursing home or hospital submits a request for an 130256
appeal within the time required under division (A) of this 130257
section, the department of ~~job and family services~~ shall hold a 130258
public hearing in Columbus not later than thirty days after the 130259
date the department receives the request for an appeal. The 130260
department shall, not later than ten days before the date of the 130261
hearing, mail a notice of the date, time, and place of the hearing 130262
to the nursing home or hospital. The department may hear all the 130263
requested appeals in one public hearing. 130264

(C) On the basis of the evidence presented at the hearing or 130265
any other evidence submitted by the nursing home or hospital, the 130266
department may adjust a fee. The department's decision is final. 130267

Sec. ~~3721.56~~ 5168.54. (A) There is hereby created in the 130268
state treasury the nursing home franchise permit fee fund. All 130269
payments and penalties paid by nursing homes and hospitals under 130270
sections ~~3721.53~~ 5168.47, ~~3721.531~~ 5168.48, and ~~3721.54~~ 5168.51 of 130271
the Revised Code shall be deposited into the fund. The fund shall 130272
also consist of money deposited into it pursuant to sections 130273
3769.08 and 3769.26 of the Revised Code. Subject to division (B) 130274
of section 3769.08 of the Revised Code, the department of ~~job and~~ 130275
~~family services~~ medicaid shall use the money in the fund to make 130276
medicaid payments to providers of nursing facility services and 130277
providers of home and community-based services. Money in the fund 130278
may also be used for the residential state supplement program 130279

established under section ~~5119.69~~ 5119.41 of the Revised Code. 130280

(B) Any money remaining in the nursing home franchise permit 130281
fee fund after payments specified in division (A) of this section 130282
are made shall be retained in the fund. Any interest or other 130283
investment proceeds earned on money in the fund shall be credited 130284
to the fund and used to make medicaid payments in accordance with 130285
division (A) of this section. 130286

Sec. ~~3721.57~~ 5168.55. The department of ~~job and family~~ 130287
~~services~~ medicaid may make any investigation it considers 130288
appropriate to obtain information necessary to fulfill its duties 130289
under sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 130290
Code. At the request of the department, the attorney general shall 130291
aid in any such investigations. The attorney general shall 130292
institute and prosecute all necessary actions for the enforcement 130293
of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 130294
Code, except that at the request of the attorney general, the 130295
county prosecutor of the county in which a nursing home or 130296
hospital that has failed to comply with sections ~~3721.50~~ 5168.40 130297
to ~~3721.58~~ 5168.56 of the Revised Code is located shall institute 130298
and prosecute any necessary action against the nursing home or 130299
hospital. 130300

Sec. ~~3721.58~~ 5168.56. The medicaid director of ~~job and family~~ 130301
~~services~~ shall adopt rules in accordance with Chapter 119. of the 130302
Revised Code to do both of the following: 130303

(A) Prescribe the actions the department of ~~job and family~~ 130304
~~services~~ medicaid will take to cease implementation of sections 130305
~~3721.50 through 3721.57~~ 5168.40 to 5168.56 of the Revised Code if 130306
the United States centers for medicare and medicaid services 130307
determines that the franchise permit fee established by those 130308
sections is an impermissible health-care related tax under ~~section~~ 130309

~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ 130310
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~; 130311

(B) Establish any requirements or procedures the director 130312
considers necessary to implement sections ~~3721.50~~ 5168.40 to 130313
~~3721.58~~ 5168.56 of the Revised Code. 130314

Sec. ~~5112.30~~ 5168.60. As used in sections ~~5112.30~~ 5168.60 to 130315
~~5112.39~~ 5168.71 of the Revised Code: 130316

(A) "Franchise permit fee rate" means the following: 130317

(1) For fiscal year ~~2012~~ 2014, ~~seventeen~~ eighteen dollars and 130318
~~ninety-nine~~ twenty-four cents; 130319

(2) For fiscal year ~~2013~~ 2015 and each fiscal year 130320
thereafter, eighteen dollars and ~~thirty-two~~ seventeen cents. 130321

(B) "Indirect guarantee percentage" means the percentage 130322
specified in ~~section 1903(w)(4)(C)(ii)~~ of the "Social Security 130323
Act," ~~120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 130324
1396b(w)(4)(C)(ii), ~~as amended~~, that is to be used in determining 130325
whether a class of providers is indirectly held harmless for any 130326
portion of the costs of a broad-based health-care-related tax. If 130327
the indirect guarantee percentage changes during a fiscal year, 130328
the indirect guarantee percentage is the following: 130329

(1) For the part of the fiscal year before the change takes 130330
effect, the percentage in effect before the change; 130331

(2) For the part of the fiscal year beginning with the date 130332
the indirect guarantee percentage changes, the new percentage. 130333

(C) "~~Intermediate care facility for the mentally retarded~~ 130334
ICF/IID" has the same meaning as in section ~~5111.20~~ 5124.01 of the 130335
Revised Code, ~~except that, until August 1, 2009, it does not~~ 130336
~~include any such facility operated by the department of~~ 130337
~~developmental disabilities.~~ 130338

(D) "~~Medicaid~~ Medicaid-certified capacity" has the same 130339
meaning as in section ~~5111.01~~ 5124.01 of the Revised Code. 130340

(E) "Provider agreement" has the same meaning as in section 130341
5124.01 of the Revised Code. 130342

Sec. ~~5112.31~~ 5168.61. The department of ~~job and family~~ 130343
~~services~~ developmental disabilities shall do all of the following: 130344
130345

(A) Subject to section ~~5112.331~~ 5168.64 of the Revised Code 130346
and divisions (B) and (C) of this section and for the purposes 130347
specified in section ~~5112.371~~ 5168.69 of the Revised Code, assess 130348
for each fiscal year each ~~intermediate care facility for the~~ 130349
~~mentally retarded~~ ICF/IID a franchise permit fee equal to the 130350
franchise permit fee rate multiplied by the product of the 130351
following: 130352

(1) The ~~number of beds certified under Title XIX of the~~ 130353
~~"Social Security Act"~~ ICF/IID's medicaid-certified capacity on the 130354
first day of May of the calendar year in which the assessment is 130355
determined pursuant to division (A) of section ~~5112.33~~ 5168.63 of 130356
the Revised Code; 130357

(2) The number of days in the fiscal year. 130358

(B) If the total amount of the franchise permit fee assessed 130359
under division (A) of this section for a fiscal year exceeds the 130360
indirect guarantee percentage of the actual net patient revenue 130361
for all ~~intermediate care facilities for the mentally retarded~~ 130362
ICFs/IID for that fiscal year and seventy-five per cent or more of 130363
the total number of ~~intermediate care facilities for the mentally~~ 130364
~~retarded~~ ICFs/IID receive enhanced medicaid payments or other 130365
state payments equal to seventy-five per cent or more of their 130366
total franchise permit fee assessments, do both of the following: 130367

(1) Recalculate the assessments under division (A) of this 130368

section using a per bed per day rate equal to the indirect 130369
guarantee percentage of actual net patient revenue for all 130370
~~intermediate care facilities for the mentally retarded~~ ICFs/IID 130371
for that fiscal year; 130372

(2) Refund the difference between the amount of the franchise 130373
permit fee assessed for that fiscal year under division (A) of 130374
this section and the amount recalculated under division (B)(1) of 130375
this section as a credit against the assessments imposed under 130376
division (A) of this section for the subsequent fiscal year. 130377

(C) If the United States secretary of health and human 130378
services determines that the franchise permit fee established by 130379
sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the Revised Code 130380
would be an impermissible health care-related tax under ~~section~~ 130381
~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ 130382
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, take all 130383
necessary actions to cease implementation of those sections in 130384
accordance with rules adopted under section ~~5112.39~~ 5168.71 of the 130385
Revised Code. 130386

Sec. ~~5112.32~~ 5168.62. For the purpose of the franchise permit 130387
fee imposed under section ~~5112.31~~ 5168.61 of the Revised Code and 130388
not later than the first day of each June, the department of 130389
developmental disabilities shall: 130390

~~(A) Not later than August 1, 1993, report to the department~~ 130391
~~of job and family services the number of beds in each intermediate~~ 130392
~~care facility for the mentally retarded certified on July 1, 1993,~~ 130393
~~under Title XIX of the "Social Security Act," 49 Stat. 620 (1935),~~ 130394
~~42 U.S.C.A. 301, as amended;~~ 130395

~~(B) Not later than June 1, 1994, and the first day of each~~ 130396
~~June thereafter, report to the department of job and family~~ 130397
~~services~~ medicaid the number of beds in each ~~such facility~~ 130398
~~certified~~ ICF/IID on the preceding first day of May ~~under that~~ 130399

title. 130400

Sec. ~~5112.33~~ 5168.63. (A) Not later than the fifteenth day of 130401
August of each year, the department of ~~job and family services~~ 130402
developmental disabilities shall determine the annual franchise 130403
permit fee for each ~~intermediate care facility for the mentally~~ 130404
~~retarded~~ ICF/IID in accordance with section ~~5112.31~~ 5168.61 of the 130405
Revised Code. 130406

(B) Not later than the first day of September of each year, 130407
the department shall mail to each ~~intermediate care facility for~~ 130408
~~the mentally retarded~~ ICF/IID notice of the amount of the 130409
franchise permit fee the ~~facility~~ ICF/IID has been assessed under 130410
section ~~5112.31~~ 5168.61 of the Revised Code. 130411

(C) Subject to section ~~5112.331~~ 5168.64 of the Revised Code, 130412
each ~~intermediate care facility for the mentally retarded~~ ICF/IID 130413
shall pay its fee under section ~~5112.31~~ 5168.61 of the Revised 130414
Code to the department in quarterly installment payments not later 130415
than forty-five days after the last day of each September, 130416
December, March, and June. 130417

Sec. ~~5112.331~~ 5168.64. (A) If, during the period beginning on 130418
the first day of May of a calendar year and ending on the first 130419
day of January of the immediately following calendar year, the 130420
operator of an ~~intermediate care facility for the mentally~~ 130421
~~retarded~~ ICF/IID converts, pursuant to section ~~5111.874~~ 5124.60 of 130422
the Revised Code, one or more of the ~~facility's~~ ICF/IID's beds to 130423
providing home and community-based services, the department of ~~job~~ 130424
~~and family services~~ developmental disabilities shall do the 130425
following: 130426

(1) If the ~~facility's~~ ICF/IID's medicaid certification is 130427
terminated because of the conversion, terminate the ~~facility's~~ 130428
ICF/IID's franchise permit fee effective on the first day of the 130429

quarter immediately following the quarter in which the department 130430
receives the notice of the conversion from the director of health; 130431

(2) If the ~~facility's certified~~ ICF/IID's medicaid-certified 130432
capacity ~~under medicaid~~ is reduced because of the conversion, 130433
redetermine the ~~facility's~~ ICF/IID's franchise permit fee in 130434
accordance with division (B) of this section for the second half 130435
of the fiscal year for which the fee is assessed. 130436

(B)(1) To redetermine an ~~intermediate care facility for the~~ 130437
~~mentally retarded's~~ ICF/IID's franchise permit fee, the department 130438
shall multiply the franchise permit fee rate by the product of the 130439
following: 130440

(a) The ~~number of the facility's beds that remain certified~~ 130441
~~under Title XIX of the "Social Security Act"~~ ICF/IID's 130442
medicaid-certified capacity as of the date the conversion takes 130443
effect; 130444

(b) The number of days in the second half of the fiscal year 130445
for which the redetermination is made. 130446

(2) The ~~intermediate care facility for the mentally retarded~~ 130447
ICF/IID shall pay its franchise permit fee as redetermined under 130448
division (B)(1) of this section in installment payments not later 130449
than forty-five days after the last day of March and June of the 130450
fiscal year for which the redetermination is made. 130451

Sec. ~~5112.34~~ 5168.65. If an ~~intermediate care facility for~~ 130452
~~the mentally retarded~~ ICF/IID fails to pay the full amount of an 130453
installment when due, the department of ~~job and family services~~ 130454
developmental disabilities may assess a five per cent penalty on 130455
the amount due for each month or fraction thereof the installment 130456
is overdue. 130457

Sec. ~~5112.341~~ 5168.66. (A) In addition to assessing a penalty 130458
pursuant to section ~~5112.34~~ 5168.65 of the Revised Code, the 130459

department of ~~job and family services~~ developmental disabilities 130460
may do any of the following if an ~~intermediate care facility for~~ 130461
~~the mentally retarded~~ ICF/IID fails to pay the full amount of a 130462
franchise permit fee installment when due: 130463

(1) Withhold an amount less than or equal to the installment 130464
and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised 130465
Code from a medicaid payment due the ~~facility~~ ICF/IID until the 130466
~~facility~~ ICF/IID pays the installment and penalty; 130467

(2) Offset an amount less than or equal to the installment 130468
and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised 130469
Code from a medicaid payment due the ~~facility~~ ICF/IID; 130470

(3) ~~Terminate~~ Provide for the department of medicaid to 130471
terminate the facility's medicaid ICF/IID's provider agreement. 130472

(B) The department may offset a medicaid payment under 130473
division (A) of this section without providing notice to the 130474
~~intermediate care facility for the mentally retarded~~ ICF/IID and 130475
without conducting an adjudication under Chapter 119. of the 130476
Revised Code. 130477

Sec. ~~5112.35~~ 5168.67. (A) An ~~intermediate care facility for~~ 130478
~~the mentally retarded~~ ICF/IID may appeal the franchise permit fee 130479
imposed under section ~~5112.31~~ 5168.61 of the Revised Code solely 130480
on the grounds that the department of ~~job and family services~~ 130481
developmental disabilities committed a material error in 130482
determining the amount of the fee. A request for an appeal must be 130483
received by the department not later than fifteen days after the 130484
date the department mails the notice of the fee and must include 130485
written materials setting forth the basis for the appeal. 130486

(B) If an ~~intermediate care facility for the mentally~~ 130487
~~retarded~~ ICF/IID submits a request for an appeal within the time 130488
required under division (A) of this section, the department shall 130489

hold a public hearing in Columbus not later than thirty days after 130490
the date the department receives the request for an appeal. The 130491
department shall, not later than ten days before the date of the 130492
hearing, mail a notice of the date, time, and place of the hearing 130493
to the ~~facility~~ ICF/IID. The department may hear all requested 130494
appeals in one public hearing. 130495

(C) On the basis of the evidence presented at the hearing or 130496
any other evidence submitted by the ~~intermediate care facility for~~ 130497
~~the mentally retarded~~ ICF/IID, the department may adjust a fee. 130498
The department's decision is final. 130499

Sec. ~~5112.37~~ 5168.68. There is hereby created in the state 130500
treasury the home and community-based services for the mentally 130501
retarded and developmentally disabled fund. All installment 130502
payments and penalties paid by an ~~intermediate care facility for~~ 130503
~~the mentally retarded~~ ICF/IID under sections ~~5112.33~~ 5168.63 and 130504
~~5112.34~~ 5168.65 of the Revised Code shall be deposited into the 130505
fund. As soon as possible after the end of each quarter, the 130506
~~medicaid~~ director of ~~job and family services~~ shall certify to the 130507
director of budget and management the amount of money that is in 130508
the fund as of the last day of that quarter. On receipt of a 130509
certification, the director of budget and management shall 130510
transfer the amount so certified from the home and community-based 130511
services for the mentally retarded and developmentally disabled 130512
fund to the department of developmental disabilities operating and 130513
services fund created under section ~~5112.371~~ 5168.69 of the 130514
Revised Code. 130515

Sec. ~~5112.371~~ 5168.69. There is hereby created in the state 130516
treasury the department of developmental disabilities operating 130517
and services fund. The fund shall consist of the money transferred 130518
to it under section ~~5112.37~~ 5168.68 of the Revised Code. The money 130519
in the fund shall be used for the expenses of the programs that 130520

the department of developmental disabilities administers and the 130521
department's administrative expenses. 130522

Sec. ~~5112.38~~ 5168.70. The department of ~~job and family~~ 130523
~~services developmental disabilities~~ may make any investigation it 130524
considers appropriate to obtain information necessary to fulfill 130525
its duties under sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of 130526
the Revised Code. At the request of the department, the attorney 130527
general shall aid in any such investigations. The attorney general 130528
shall institute and prosecute all necessary actions for the 130529
enforcement of sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the 130530
Revised Code, except that at the request of the attorney general, 130531
the county prosecutor of the county in which an ~~intermediate care~~ 130532
~~facility for the mentally retarded~~ ICF/IID that has failed to 130533
comply with those sections is located shall institute and 130534
prosecute any necessary action against the ~~facility~~ ICF/IID. 130535

Sec. ~~5112.39~~ 5168.71. ~~The~~ To the extent authorized by rules 130536
authorized by section 5162.021 of the Revised Code, the director 130537
of ~~job and family services developmental disabilities~~ shall adopt 130538
rules in accordance with Chapter 119. of the Revised Code to do 130539
both of the following: 130540

(A) Prescribe the actions the department of developmental 130541
disabilities will take to cease implementation of sections ~~5112.30~~ 130542
5168.60 to ~~5112.39~~ 5168.71 of the Revised Code if the United 130543
States secretary of health and human services determines that the 130544
franchise permit fee imposed under section ~~5112.31~~ 5168.61 of the 130545
Revised Code is an impermissible health care-related tax under 130546
~~section 1903(w) of the "Social Security Act," 105 Stat. 1793~~ 130547
~~(1991)~~ section 1903(w), 42 U.S.C. 1396b(w), as amended; 130548

(B) Establish any other requirements or procedures the 130549
director considers necessary to implement sections ~~5112.30~~ 5168.60 130550

to ~~5112.39~~ 5168.71 of the Revised Code. 130551

Sec. ~~5112.99~~ 5168.99. (A) The medicaid director ~~of job and family services~~ shall impose a penalty for each day that a hospital fails to report the information required under section ~~5112.04~~ 5168.05 of the Revised Code on or before the dates specified in that section. The amount of the penalty shall be established by the director in rules adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 130552
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(B) In addition to any other remedy available to the department of ~~job and family services~~ medicaid under law to collect unpaid assessments and transfers under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code, the director shall impose a penalty of ten per cent of the amount due on any hospital that fails to pay assessments or make intergovernmental transfers by the dates required by rules adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 130559
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(C) In addition to any other remedy available to the department of ~~job and family services~~ medicaid under law to collect unpaid assessments imposed under section ~~5112.41~~ 5168.21 of the Revised Code, the director shall impose a penalty of ten per cent of the amount due on any hospital that fails to pay the assessment by the date it is due. 130567
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(D) The director shall waive the penalties provided for in this section for good cause shown by the hospital. 130573
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(E) All penalties imposed under this section shall be deposited into the health care administration fund created by section ~~5111.94~~ 5162.54 of the Revised Code. 130575
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Sec. ~~5112.991~~ 5168.991. The department of ~~job and family services~~ medicaid may offset the amount of a hospital's unpaid penalty imposed under section ~~5112.99~~ 5168.99 of the Revised Code 130578
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from one or more payments due the hospital under the medicaid 130581
program. The total amount that may be offset from one or more 130582
payments shall not exceed the amount of the unpaid penalty. 130583

Sec. 5302.221. (A) As used in this section: 130584

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 130585
of the Revised Code. 130586

"Medicaid estate recovery program" means the program 130587
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 130588

(B) The administrator of the medicaid estate recovery program 130589
shall prescribe a form on which a beneficiary of a transfer on 130590
death designation affidavit as provided in section 5302.22 of the 130591
Revised Code, who survives the deceased owner of the real property 130592
or an interest in the real property or that is in existence on the 130593
date of death of the deceased owner, or that beneficiary's 130594
representative is to indicate both of the following: 130595

(1) Whether the deceased owner was either of the following: 130596

(a) A decedent subject to the medicaid estate recovery 130597
program; 130598

(b) The spouse of a decedent subject to the medicaid estate 130599
recovery program. 130600

(2) Whether the real property or interest in the real 130601
property was part of the estate of a decedent subject to the 130602
medicaid estate recovery program. 130603

(C) A county recorder shall obtain a properly completed form 130604
prescribed under division (B) of this section from the beneficiary 130605
of a transfer on death designation affidavit or the beneficiary's 130606
representative and send a copy of the form to the administrator of 130607
the medicaid estate recovery program before recording the transfer 130608
of the real property or interest in the real property under 130609

section 5302.222 of the Revised Code. 130610

Sec. 5309.082. (A) As used in this section: 130611

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 130612
of the Revised Code. 130613

"Medicaid estate recovery program" means the program 130614
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 130615

(B) The administrator of the medicaid estate recovery program 130616
shall prescribe a form on which a surviving tenant under a 130617
survivorship tenancy or such a surviving tenant's representative 130618
is to indicate both of the following: 130619

(1) Whether the deceased survivorship tenant was either of 130620
the following: 130621

(a) A decedent subject to the medicaid estate recovery 130622
program; 130623

(b) The spouse of a decedent subject to the medicaid estate 130624
recovery program. 130625

(2) Whether the registered land under a survivorship tenancy 130626
was part of the estate of a decedent subject to the medicaid 130627
estate recovery program. 130628

(C) A county recorder shall obtain a properly completed form 130629
prescribed under division (B) of this section from the surviving 130630
tenant under a survivorship tenancy or the surviving tenant's 130631
representative and send a copy of the form to the administrator of 130632
the medicaid estate recovery program before registering the title 130633
in the surviving tenants under section 5309.081 of the Revised 130634
Code. 130635

Sec. 5309.68. Any person owning real estate, the title to 130636
which is registered, may request the withdrawal of such real 130637
estate from registration by presenting to the county recorder an 130638

affidavit of intention to withdraw. The affidavit shall describe 130639
the real estate, shall be properly executed and signed, and shall 130640
have attached to it the owner's duplicate certificate of title. 130641
Thereupon the county recorder shall register or record the 130642
affidavit and, upon order of the court, cancel said certificate of 130643
record, and thereafter record the court's order in the 130644
unregistered land official records. Thereafter, said title shall 130645
be considered the same as other unregistered lands. ~~All deeds and~~ 130646
~~mortgages heretofore filed conveying registered lands, the A~~ 130647
registration certificate ~~of which~~ that has been surrendered as 130648
herein provided, shall be recorded according to law, and 130649
thereafter the lands conveyed therein shall be considered the same 130650
as other unregistered lands. 130651

Sec. 5309.86. (A) Every memorial, notation, or cancellation 130652
of such memorial or notation, made on any certificate of title or 130653
duplicate thereof that is kept by paper means shall be signed by 130654
the county recorder or ~~his~~ the recorder's authorized deputy or 130655
clerk. 130656

(B) If a county recorder maintains registered land records by 130657
nonpaper means in the manner authorized by section 5309.031 of the 130658
Revised Code, the signature and seal of the county recorder or the 130659
recorder's authorized deputy or clerk may be reproduced by 130660
electronic facsimile on a certificate of title or duplicate 130661
thereof. Any prior memorial, notation, or cancellation of such 130662
memorial or notation on a certificate of title or duplicate 130663
thereof shall note only the name of the prior recorder and need 130664
not be signed by the county recorder or the recorder's authorized 130665
deputy or clerk. 130666

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 130667
of the Revised Code the director of transportation may lease or 130668
lease-purchase all or any part of a transportation facility to or 130669

from one or more persons, one or more governmental agencies, a transportation improvement district, or any combination thereof, and may grant leases, easements, or licenses for lands under the control of the department of transportation. The director may adopt rules necessary to give effect to this section.

(B) Plans and specifications for the construction of a transportation facility under a lease or lease-purchase agreement are subject to approval of the director and must meet or exceed all applicable standards of the department.

(C) Any lease or lease-purchase agreement under which the department is the lessee shall be for a period not exceeding the then current two-year period for which appropriations have been made by the general assembly to the department, and such agreement may contain such other terms as the department and the other parties thereto agree, notwithstanding any other provision of law, including provisions that rental payments in amounts sufficient to pay bond service charges payable during the current two-year lease term shall be an absolute and unconditional obligation of the department independent of all other duties under the agreement without set-off or deduction or any other similar rights or defenses. Any such agreement may provide for renewal of the agreement at the end of each term for another term, not exceeding two years, provided that no renewal shall be effective until the effective date of an appropriation enacted by the general assembly from which the department may lawfully pay rentals under such agreement. Any such agreement may include, without limitation, any agreement by the department with respect to any costs of transportation facilities to be included prior to acquisition and construction of such transportation facilities. Any such agreement shall not constitute a debt or pledge of the faith and credit of the state, or of any political subdivision of the state, and the

lessor shall have no right to have taxes or excises levied by the 130702
general assembly, or the taxing authority of any political 130703
subdivision of the state, for the payment of rentals thereunder. 130704
Any such agreement shall contain a statement to that effect. 130705

(D) A municipal corporation, township, or county may use 130706
service payments in lieu of taxes credited to special funds or 130707
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 130708
Revised Code to provide its contribution to the cost of a 130709
transportation facility, provided such facility was among the 130710
purposes for which such service payments were authorized. The 130711
contribution may be in the form of a lump sum or periodic 130712
payments. 130713

(E) Pursuant to the "Telecommunications Act of 1996," 110 130714
Stat. 152, 47 U.S.C. 332 note, the director may grant a lease, 130715
easement, or license in a transportation facility to a 130716
telecommunications service provider for construction, placement, 130717
or operation of a telecommunications facility. An interest granted 130718
under this division is subject to all of the following conditions: 130719

(1) The transportation facility is owned in fee simple or 130720
easement by this state at the time the lease, easement, or license 130721
is granted to the telecommunications provider. 130722

(2) The lease, easement, or license shall be granted on a 130723
competitive basis in accordance with policies and procedures to be 130724
determined by the director. The policies and procedures may 130725
include provisions for master leases for multiple sites. 130726

(3) The telecommunications facility shall be designed to 130727
accommodate the state's multi-agency radio communication system, 130728
the intelligent transportation system, and the department's 130729
communication system as the director may determine is necessary 130730
for highway or other departmental purposes. 130731

(4) The telecommunications facility shall be designed to 130732

accommodate such additional telecommunications equipment as may 130733
feasibly be co-located thereon as determined in the discretion of 130734
the director. 130735

(5) The telecommunications service providers awarded the 130736
lease, easement, or license, agree to permit other 130737
telecommunications service providers to co-locate on the 130738
telecommunications facility, and agree to the terms and conditions 130739
of the co-location as determined in the discretion of the 130740
director. 130741

(6) The director shall require indemnity agreements in favor 130742
of the department as a condition of any lease, easement, or 130743
license granted under this division. Each indemnity agreement 130744
shall secure this state and its agents from liability for damages 130745
arising out of safety hazards, zoning, and any other matter of 130746
public interest the director considers necessary. 130747

(7) The telecommunications service provider fully complies 130748
with any permit issued under section 5515.01 of the Revised Code 130749
pertaining to land that is the subject of the lease, easement, or 130750
license. 130751

(8) All plans and specifications shall meet with the 130752
director's approval. 130753

(9) Any other conditions the director determines necessary. 130754

(F) In accordance with section 5501.031 of the Revised Code, 130755
to further efforts to promote energy conservation and energy 130756
efficiency, the director may grant a lease, easement, or license 130757
in a transportation facility to a utility service provider that 130758
has received its certificate from the Ohio power siting board or 130759
appropriate local entity for construction, placement, or operation 130760
of an alternative energy generating facility service provider as 130761
defined in section 4928.64 of the Revised Code. An interest 130762
granted under this division is subject to all of the following 130763

conditions: 130764

(1) The transportation facility is owned in fee simple or in 130765
easement by this state at the time the lease, easement, or license 130766
is granted to the utility service provider. 130767

(2) The lease, easement, or license shall be granted on a 130768
competitive basis in accordance with policies and procedures to be 130769
determined by the director. The policies and procedures may 130770
include provisions for master leases for multiple sites. 130771

(3) The alternative energy generating facility shall be 130772
designed to provide energy for the department's transportation 130773
facilities with the potential for selling excess power on the 130774
power grid, as the director may determine is necessary for highway 130775
or other departmental purposes. 130776

(4) The director shall require indemnity agreements in favor 130777
of the department as a condition of any lease, easement, or 130778
license granted under this division. Each indemnity agreement 130779
shall secure this state from liability for damages arising out of 130780
safety hazards, zoning, and any other matter of public interest 130781
the director considers necessary. 130782

(5) The alternative energy service provider fully complies 130783
with any permit issued by the Ohio power siting board under 130784
Chapter 4906. of the Revised Code and complies with section 130785
5515.01 of the Revised Code pertaining to land that is the subject 130786
of the lease, easement, or license. 130787

(6) All plans and specifications shall meet with the 130788
director's approval. 130789

(7) Any other conditions the director determines necessary. 130790

(G) Money the department receives under ~~divisions (E) and (F)~~ 130791
~~of~~ this section shall be deposited into the state treasury to the 130792
credit of the highway operating fund. 130793

(H) A lease, easement, or license granted under division (E) 130794
or (F) of this section, and any telecommunications facility or 130795
alternative energy generating facility relating to such interest 130796
in a transportation facility, is hereby deemed to further the 130797
essential highway purpose of building and maintaining a safe, 130798
energy-efficient, and accessible transportation system. 130799

Sec. 5501.312. (A) The director of transportation may do all 130800
of the following: 130801

~~(A)~~(1) Contract in the manner provided by this section with 130802
one or more persons, a transportation improvement district, one or 130803
more governmental agencies, or any combination thereof, desiring 130804
the use or service of a transportation facility, and fix the 130805
terms, conditions, rentals, or other charges for such use or 130806
services. Such contract may provide for acquisition by such person 130807
or governmental agency of all or any part of the facility for such 130808
consideration payable over the period of the contract or otherwise 130809
as the director in ~~his~~ the director's sole discretion determines 130810
to be appropriate. 130811

~~(B)~~(2) Make loans from any available source, including the 130812
federal share of a project, for the planning, acquisition, or 130813
construction of transportation facilities upon such terms as the 130814
director may determine or authorize, including secured or 130815
unsecured loans, and in connection therewith, enter into loan 130816
agreements, subordination agreements, and other agreements, accept 130817
notes and other forms of obligation to evidence the indebtedness 130818
and mortgages, liens, pledges, assignments, or other security 130819
interests to secure the indebtedness, which may be prior or 130820
subordinate to or on a parity with other indebtedness, 130821
obligations, mortgages, pledges, assignments, other security 130822
interests, or liens or encumbrances, and take such actions as are 130823
appropriate to protect the security and safeguard against losses, 130824

including foreclosure and the bidding upon and purchase of 130825
property upon foreclosure or other sale. Repayments of a federal 130826
share loan may be obligated by the director for any transportation 130827
purpose, including the reloaning of such repaid funds for other 130828
projects. Reloaned funds would be considered state loans, not 130829
federal share loans. 130830

~~(C)~~(3) Sell transportation facilities under such terms as ~~he~~ 130831
the director may determine, including conditional sale or 130832
installment sale, under which title may pass prior to or after 130833
completion of the facility, or at any time provided in the 130834
agreement pertaining to the sale, including sale under an option 130835
to purchase at a price which may be a nominal amount or less than 130836
true value at the time of the purchase; 130837

~~(D)~~(4) Grant a ~~mortage~~ mortgage, lien, or other encumbrance 130838
on, or pledge or assignment of, or other security interest with 130839
respect to, all or any part of a transportation facility, or on, 130840
of, or with respect to any lease, sublease, sale, conditional sale 130841
or installment sale agreement, loan agreement, or other agreement 130842
pertaining to the lease, sublease, sale, or other disposition of a 130843
facility or pertaining to a loan made for a facility, or any 130844
guaranty or insurance agreement made with respect thereto, or any 130845
interest of the department of transportation therein, or any other 130846
interest granted, assigned, or released to secure payments to be 130847
made by the department, which mortgage, lien, encumbrance, pledge, 130848
assignment, or other security interest may be prior or subordinate 130849
to or on a parity with any other mortgage assignment, or other 130850
security interest, lien, or encumbrance; 130851

~~(E)~~(5) Contract for the acquisition or construction of a 130852
transportation facility or any part thereof and for the leasing, 130853
subleasing, sale, or other disposition of the facility in a manner 130854
determined by the director. 130855

(B) All money received by the department under this section 130856

shall be deposited into the state treasury to the credit of the 130857
highway operating fund. 130858

Sec. 5501.73. (A) After selecting a solicited or unsolicited 130859
proposal for a public-private initiative, the department of 130860
transportation shall enter into a public-private agreement for a 130861
transportation facility with the selected private entity or any 130862
configuration of private entities. An affected jurisdiction may be 130863
a party to a public-private agreement entered into by the 130864
department and a selected private entity or combination of private 130865
entities. 130866

(B) A public-private agreement under this section shall 130867
provide for all of the following: 130868

(1) Planning, acquisition, financing, development, design, 130869
construction, reconstruction, replacement, improvement, 130870
maintenance, management, repair, leasing, or operation of a 130871
transportation facility; 130872

(2) Term of the public-private agreement; 130873

(3) Type of property interest, if any, the private entity 130874
will have in the transportation facility; 130875

(4) A specific plan to ensure proper maintenance of the 130876
transportation facility throughout the term of the agreement and a 130877
return of the facility to the department, if applicable, in good 130878
condition and repair; 130879

(5) Whether user fees will be collected on the transportation 130880
facility and the basis by which such user fees shall be determined 130881
and modified; 130882

(6) Compliance with applicable federal, state, and local 130883
laws; 130884

(7) Grounds for termination of the public-private agreement 130885
by the department or operator; 130886

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|--|----------------------------|
| (8) Disposition of the facility upon completion of the agreement; | 130887
130888 |
| (9) Procedures for amendment of the agreement. | 130889 |
| (C) A public-private agreement under this section may provide for any of the following: | 130890
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| (1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility; | 130892
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| (2) Inspection by the department of construction of or improvements to the transportation facility; | 130895
130896 |
| (3) Maintenance by the operator of a policy of liability insurance or self-insurance; | 130897
130898 |
| (4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department; | 130899
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130901 |
| (5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department; | 130902
130903 |
| (6) Financing obligations of the operator and the department; | 130904 |
| (7) Apportionment of expenses between the operator and the department; | 130905
130906 |
| (8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility; | 130907
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130909 |
| (9) Rights and remedies available in the event of default or delay; | 130910
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| (10) Terms and conditions of indemnification of the operator by the department; | 130912
130913 |
| (11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the | 130914
130915 |

agreement to third parties, including other private entities and 130916
other state agencies; 130917

(12) Sale or lease to the operator of private property 130918
related to the transportation facility; 130919

(13) Traffic enforcement and other policing issues, including 130920
any reimbursement by the private entity for such services. 130921

(D)(1) The director of transportation may include in any 130922
public-private agreement under sections 5501.70 to 5501.83 of the 130923
Revised Code a provision authorizing a binding dispute resolution 130924
method for any controversy subsequently arising out of the 130925
contract. The binding dispute resolution method may proceed only 130926
upon agreement of all parties to the controversy. If all parties 130927
do not agree to proceed to a binding dispute resolution, a party 130928
having a claim against the department shall exhaust its 130929
administrative remedies specified in the public-private agreement 130930
prior to filing any action against the department in the court of 130931
claims. 130932

No appeal from the determination of a technical expert lies 130933
to any court, except that the court of common pleas of Franklin 130934
County may issue an order vacating such a determination upon the 130935
application of any party to the binding dispute resolution if any 130936
of the following applies: 130937

(a) The determination was procured by corruption, fraud, or 130938
undue means. 130939

(b) There was evidence of partiality or corruption on the 130940
part of the technical expert. 130941

(c) The technical expert was guilty of misconduct in refusing 130942
to postpone the hearing, upon sufficient cause shown, or in 130943
refusing to hear evidence pertinent and material to the 130944
controversy, or of any other misbehavior by which the rights of 130945
any party have been prejudiced. 130946

(2) As used in this division, "binding dispute resolution" 130947
means a binding determination after review by a technical expert 130948
of all relevant items, which may include documents, and by 130949
interviewing appropriate personnel and visiting the project site 130950
involved in the controversy. "Binding dispute resolution" does not 130951
involve representation by legal counsel or advocacy by any person 130952
on behalf of any party to the controversy. 130953

(E) No public-private agreement entered into under this 130954
section shall be construed to transfer to a private entity the 130955
director's authority to appropriate property under Chapters 163., 130956
5501., and 5519. of the Revised Code. 130957

(F) Money collected by the department pursuant to an 130958
agreement entered into under this section shall be deposited into 130959
the state treasury to the credit of the highway operating fund. 130960

Sec. 5502.011. (A) As used in this section, "department of 130961
public safety" and "department" include all divisions within the 130962
department of public safety. 130963

(B) The director of public safety is the chief executive and 130964
administrative officer of the department. The director may 130965
establish policies governing the department, the performance of 130966
its employees and officers, the conduct of its business, and the 130967
custody, use, and preservation of departmental records, papers, 130968
books, documents, and property. The director also may authorize 130969
and approve investigations to be conducted by any of the 130970
department's divisions. Whenever the Revised Code imposes a duty 130971
upon or requires an action of the department, the director may 130972
perform the action or duty in the name of the department or direct 130973
such performance to be performed by the director's designee. 130974

(C) In addition to any other duties enumerated in the Revised 130975
Code, the director or the director's designee shall do all of the 130976
following: 130977

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|---|--------------------------------------|
| (1) Administer and direct the performance of the duties of the department; | 130978
130979 |
| (2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department; | 130980
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| (3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering into contracts, agreements, and other business arrangements; | 130983
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| (4) Make appointments for the department as needed to comply with requirements of the Revised Code; | 130987
130988 |
| (5) Approve employment actions of the department, including appointments, promotions, discipline, investigations, and terminations; | 130989
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130991 |
| (6) Accept, hold, and use, for the benefit of the department, any gift, donation, bequest, or devise, and may agree to and perform all conditions of the gift, donation, bequest, or devise, that are not contrary to law; | 130992
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| (7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources; | 130996
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| (8) Develop a list of disqualifying offenses for licensure as a private investigator or a security guard provider pursuant to sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised Code; | 130999
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131002 |
| (9) Do all other acts necessary or desirable to carry out this chapter. | 131003
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| (D)(1) The director of public safety may assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for each of the | 131005
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| | |
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| following: | 131008 |
| (a) A check, draft, or money order that is returned or dishonored; | 131009
131010 |
| (b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason; | 131011
131012 |
| (c) Any financial transaction device that is returned or dishonored for any reason. | 131013
131014 |
| (2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid. | 131015
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131017 |
| (3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code. | 131018
131019 |
| (E) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts. The advisory council shall include, but not be limited to, state and local government officials who have homeland security or emergency management responsibilities and who represent first responders. The director shall appoint the members of the council, who shall serve without compensation. | 131020
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| (F)(1) The director or the director's designee shall carry out the duties required of the director under Chapter 5507. of the Revised Code. The director may, at the director's discretion, assign employees of the department to provide assistance in carrying out those duties as the director considers necessary. | 131028
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| (2) The director may adopt rules under Chapter 111. of the Revised Code to approve, adopt, and prescribe such forms and processes as are necessary to carry out the duties required of the director under Chapter 5507. of the Revised Code. | 131033
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| Sec. 5505.12. (A) The state highway patrol retirement board | 131037 |

shall have prepared annually by or under the supervision of an 131038
actuary an actuarial valuation of the pension assets, liabilities, 131039
and funding requirements of the state highway patrol retirement 131040
system as established pursuant to this chapter. The actuary shall 131041
complete the valuation in accordance with actuarial standards of 131042
practice promulgated by the actuarial standards board of the 131043
American academy of actuaries and prepare a report of the 131044
valuation. The report shall include all of the following: 131045

(1) A summary of the benefit provisions evaluated; 131046

(2) A summary of the census data and financial information 131047
used in the valuation; 131048

(3) A description of the actuarial assumptions, actuarial 131049
cost method, and asset valuation method used in the valuation, 131050
including a statement of the assumed rate of payroll growth and 131051
assumed rate of growth or decline in the number of members 131052
contributing to the retirement system; 131053

(4) A summary of findings that includes a statement of the 131054
actuarial accrued pension liabilities and unfunded actuarial 131055
accrued pension liabilities; 131056

(5) A schedule showing the effect of any changes in the 131057
benefit provisions, actuarial assumptions, or cost methods since 131058
the last annual actuarial valuation; 131059

(6) A statement of whether contributions to the retirement 131060
system are expected to be sufficient to satisfy the funding 131061
objectives established by the board. 131062

The board shall submit the report to the Ohio retirement 131063
study council, the director of budget and management, and the 131064
standing committees of the house of representatives and the senate 131065
with primary responsibility for retirement legislation immediately 131066
upon its availability and not later than the first day of July 131067
following the year for which the valuation was made. 131068

(B) At such times as the state highway patrol retirement board determines, and at least once in each five-year period after January 1, 1966, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions;

(4) If the investigation required by this division includes the investigation required by division (F) of this section, a report of the result of that investigation.

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of November following the last fiscal year of the period the report covers.

(C) The board may at any time request the actuary to make any studies or actuarial valuations to determine the adequacy of the rates of contributions provided by section 5505.15 of the Revised

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| Code. | 131100 |
| (D) The board shall have prepared by or under the supervision | 131101 |
| of an actuary an actuarial analysis of any introduced legislation | 131102 |
| expected to have a measurable financial impact on the retirement | 131103 |
| system. The actuarial analysis shall be completed in accordance | 131104 |
| with the actuarial standards of practice promulgated by the | 131105 |
| actuarial standards board of the American academy of actuaries. | 131106 |
| The actuary shall prepare a report of the actuarial analysis, | 131107 |
| which shall include all of the following: | 131108 |
| (1) A summary of the statutory changes that are being | 131109 |
| evaluated; | 131110 |
| (2) A description of or reference to the actuarial | 131111 |
| assumptions and actuarial cost method used in the report; | 131112 |
| (3) A description of the participant group or groups included | 131113 |
| in the report; | 131114 |
| (4) A statement of the financial impact of the legislation, | 131115 |
| including the resulting increase, if any, in the employer normal | 131116 |
| cost percentage; the increase, if any, in actuarial accrued | 131117 |
| liabilities; and the per cent of payroll that would be required to | 131118 |
| amortize the increase in actuarial accrued liabilities as a level | 131119 |
| per cent of covered payroll for all active members over a period | 131120 |
| not to exceed thirty years; | 131121 |
| (5) A statement of whether the scheduled contributions to the | 131122 |
| system after the proposed change is enacted are expected to be | 131123 |
| sufficient to satisfy the funding objectives established by the | 131124 |
| board. | 131125 |
| Not later than sixty days from the date of introduction of | 131126 |
| the legislation, the board shall submit a copy of the actuarial | 131127 |
| analysis to the legislative service commission, the standing | 131128 |
| committees of the house of representatives and the senate with | 131129 |
| primary responsibility for retirement legislation, and the Ohio | 131130 |

retirement study council. 131131

(E) The board shall have prepared annually a report giving a 131132
full accounting of the revenues and costs relating to the 131133
provision of benefits under section 5505.28 of the Revised Code. 131134
The report shall be made as of December 31, 1997, and the 131135
thirty-first day of December of each year thereafter. The report 131136
shall include the following: 131137

(1) A description of the statutory authority for the benefits 131138
provided; 131139

(2) A summary of the benefits; 131140

(3) A summary of the eligibility requirements for the 131141
benefits; 131142

(4) A statement of the number of participants eligible for 131143
the benefits; 131144

(5) A description of the accounting, asset valuation, and 131145
funding method used to provide the benefits; 131146

(6) A statement of the net assets available for the provision 131147
of the benefits as of the last day of the fiscal year; 131148

(7) A statement of any changes in the net assets available 131149
for the provision of benefits, including participant and employer 131150
contributions, net investment income, administrative expenses, and 131151
benefits provided to participants, as of the last day of the 131152
fiscal year; 131153

(8) For the last six consecutive fiscal years, a schedule of 131154
the net assets available for the benefits, the annual cost of 131155
benefits, administrative expenses incurred, and annual employer 131156
contributions allocated for the provision of benefits; 131157

(9) A description of any significant changes that affect the 131158
comparability of the report required under this division; 131159

(10) A statement of the amount paid under division (B) of 131160

section 5505.28 of the Revised Code. 131161

The board shall submit the report to the Ohio retirement 131162
study council, the director of budget and management, and the 131163
standing committees of the house of representatives and the senate 131164
with primary responsibility for retirement legislation immediately 131165
upon its availability and not later than the thirtieth day of June 131166
following the year for which the report was made. 131167

(F) At least once in each five-year period, the board shall 131168
have prepared by or under the supervision of an actuary an 131169
actuarial investigation of the deferred retirement option plan 131170
established under section 5505.50 of the Revised Code. The 131171
investigation shall include an examination of the financial 131172
impact, if any, on the retirement system of offering the plan to 131173
members. 131174

The actuary shall prepare a report of the actuarial 131175
investigation. The report shall include a determination of whether 131176
the plan, as established or modified, has a negative financial 131177
impact on the retirement system and, if so, recommendations on how 131178
to modify the plan to eliminate the negative financial impact. If 131179
the actuarial report indicates that the plan has a negative 131180
financial impact on the retirement system, the board shall modify 131181
the plan. If the board modifies the plan, the rights and 131182
obligations of members who have already elected to participate 131183
shall not be altered. 131184

The state's contributions to the employer accumulation fund 131185
shall not be increased to offset any negative financial impact of 131186
the deferred retirement option plan. 131187

The board may include the actuarial investigation required 131188
under this division as part of the actuarial investigation 131189
required under division (B) of this section. If the report of the 131190
actuarial investigation required by this division is not included 131191

in the report required by division (B) of this section, the board 131192
shall submit the report required by this division to the Ohio 131193
retirement study council and the standing committees of the house 131194
of representatives and the senate with primary responsibility for 131195
retirement legislation not later than the first day of November 131196
following the last fiscal year of the period the report covers. 131197

Sec. 5511.03. The director of transportation shall examine 131198
the existing highway facilities serving the several hospitals, 131199
educational institutions, and correctional and other similar 131200
institutions belonging to the state, and located outside municipal 131201
corporations. Where the director finds that any such state 131202
institution is not located on a state highway or connected with a 131203
highway by a suitable road, affording in its present condition 131204
adequate transportation facilities to those having occasion to 131205
visit such institution, the director may establish a state highway 131206
leading to such institution from a convenient point on an existing 131207
highway. Where the director finds that any such institution is not 131208
served by adequate highway facilities connecting it with the 131209
railroad delivery point from which it principally obtains fuel, 131210
provisions, and supplies, the director may establish a highway 131211
connecting such institution and railroad delivery point. 131212
Limitations imposed on the mileage of state highways shall not 131213
apply to highways established under this section. 131214

The director may construct at state expense all highways 131215
established under authority of this section and pay the entire 131216
cost thereof from the state highway operating fund. Such highways 131217
shall be maintained by the department of transportation and the 131218
cost shall be paid from the highway operating fund of the 131219
department. 131220

The directors of transportation, ~~mental health~~ mental health 131221
and addiction services, developmental disabilities, and 131222

rehabilitation and correction may cooperate in the establishment, 131223
construction, reconstruction, maintenance, and repair of roads 131224
within the limits of state institutions. The cost shall be paid 131225
from funds appropriated for highway purposes and from the funds 131226
appropriated to the department of ~~mental health~~ mental health and 131227
addiction services, department of developmental disabilities, or 131228
the department of rehabilitation and correction for capital 131229
improvements or maintenance in such proportion as may be agreed 131230
upon by the directors of transportation, ~~mental health~~ mental 131231
health and addiction services, developmental disabilities, and 131232
rehabilitation and correction. 131233

Sec. 5515.08. (A) The department of transportation may 131234
contract to sell commercial advertising space within or on the 131235
outside surfaces of any building located within a roadside rest 131236
area under its jurisdiction in exchange for cash payment. Money 131237
the department receives under this section shall be deposited in 131238
the state treasury to the credit of the ~~roadside rest area~~ 131239
~~improvement~~ highway operating fund, ~~which is hereby created.~~ The 131240
~~department shall use the money in the fund only to improve~~ 131241
~~roadside rest areas in accordance with section 5529.06 of the~~ 131242
~~Revised Code.~~ 131243

(B) Advertising placed under this section shall comply with 131244
all of the following: 131245

(1) It shall not be libelous or obscene and shall not promote 131246
any illegal product or service. 131247

(2) It shall not promote illegal discrimination on the basis 131248
of the race, religion, national origin, handicap, age, or ancestry 131249
of any person. 131250

(3) It shall not support or oppose any candidate for 131251
political office or any political cause, issue, or organization. 131252

(4) It shall comply with any controlling federal or state regulations or restrictions. 131253
131254

(5) To the extent physically and technically practical, it shall state that the advertisement is a paid commercial advertisement and that the state does not endorse the product or service promoted by the advertisement or make any representation about the accuracy of the advertisement or the quality or performance of the product or service promoted by the advertisement. 131255
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(6) It shall conform to all applicable rules adopted by the director of transportation under division (E) of this section. 131262
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(C) Contracts entered into under this section shall be awarded only to the qualified bidder who submits the highest responsive bid or according to uniformly applied rate classes. 131264
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(D) No person, except an advertiser alleging a breach of contract or the improper awarding of a contract, has a cause of action against the state with respect to any contract or advertising authorized by this section. Under no circumstances is the state liable for consequential or noneconomic damages with respect to any contract or advertising authorized under this section. 131267
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(E) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section. The rules shall be consistent with the policy of protecting the safety of the traveling public and consistent with the national policy governing the use and control of such roadside rest areas. The rules shall regulate the awarding of contracts and may regulate the content, display, and other aspects of the commercial advertising authorized by this section. 131274
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Sec. 5540.03. (A) A transportation improvement district may: 131282

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| (1) Adopt bylaws for the regulation of its affairs and the
conduct of its business; | 131283
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| (2) Adopt an official seal; | 131285 |
| (3) Sue and be sued in its own name, plead and be impleaded,
provided any actions against the district shall be brought in the
court of common pleas of the county in which the principal office
of the district is located, or in the court of common pleas of the
county in which the cause of action arose, and all summonses,
exceptions, and notices of every kind shall be served on the
district by leaving a copy thereof at its principal office with
the secretary-treasurer; | 131286
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| (4) Purchase, construct, maintain, repair, sell, exchange,
police, operate, or lease projects; | 131294
131295 |
| (5) Issue either or both of the following for the purpose of
providing funds to pay the costs of any project or part thereof: | 131296
131297 |
| (a) Transportation improvement district revenue bonds; | 131298 |
| (b) Bonds pursuant to Section 13 of Article VIII, Ohio
Constitution; | 131299
131300 |
| (6) Maintain such funds as it considers necessary; | 131301 |
| (7) Direct its agents or employees, when properly identified
in writing and after at least five days' written notice, to enter
upon lands within its jurisdiction to make surveys and
examinations preliminary to the location and construction of
projects for the district, without liability of the district or
its agents or employees except for actual damage done; | 131302
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| (8) Make and enter into all contracts and agreements
necessary or incidental to the performance of its functions and
the execution of its powers under this chapter; | 131308
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| (9) Employ or retain or contract for the services of
consulting engineers, superintendents, managers, and such other | 131311
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engineers, construction and accounting experts, financial 131313
advisers, trustees, marketing, remarketing, and administrative 131314
agents, attorneys, and other employees, independent contractors, 131315
or agents as are necessary in its judgment and fix their 131316
compensation, provided all such expenses shall be payable solely 131317
from the proceeds of bonds or from revenues; 131318

(10) Receive and accept from the federal or any state or 131319
local government, including, but not limited to, any agency, 131320
entity, or instrumentality of any of the foregoing, loans and 131321
grants for or in aid of the construction, maintenance, or repair 131322
of any project, and receive and accept aid or contributions from 131323
any source or person of money, property, labor, or other things of 131324
value, to be held, used, and applied only for the purposes for 131325
which such loans, grants, and contributions are made. Nothing in 131326
division (A)(10) of this section shall be construed as imposing 131327
any liability on this state for any loan received by a 131328
transportation improvement district from a third party unless this 131329
state has entered into an agreement to accept such liability. 131330

(11) Acquire, hold, and dispose of property in the exercise 131331
of its powers and the performance of its duties under this 131332
chapter; 131333

(12) Establish and collect tolls or user charges for its 131334
projects; 131335

(13) Subject to section 5540.18 of the Revised Code, enter 131336
into an agreement with a contiguous board of county commissioners 131337
other than the board of county commissioners that created the 131338
transportation improvement district, for the district to exercise 131339
all or any portion of its powers with respect to a project that is 131340
located wholly or partially within the county that is party to the 131341
agreement; 131342

(14) Do all acts necessary and proper to carry out the powers 131343

expressly granted in this chapter. 131344

(B) Chapters 123., 124., 125., 153., and 4115., and sections 131345
9.331 to 9.335 and 307.86 of the Revised Code do not apply to 131346
contracts or projects of a transportation improvement district. 131347

Sec. 5540.18. A board of county commissioners may enter into 131348
an agreement with a contiguous transportation improvement district 131349
that the board of county commissioners did not create for the 131350
district to undertake a project that is located wholly or 131351
partially within that county provided that, the board of county 131352
commissioners of the county that created the transportation 131353
improvement district also must enter into the agreement. 131354

No transportation improvement district shall undertake a 131355
project that is located wholly or partially within a county that 131356
did not create the transportation improvement district except 131357
pursuant to an agreement entered into in accordance with this 131358
section, or as otherwise provided by law. 131359

Sec. 5701.13. (A) As used in this section: 131360

(1) "Nursing home" means a nursing home or a home for the 131361
aging, as those terms are defined in section 3721.01 of the 131362
Revised Code, that is issued a license pursuant to section 3721.02 131363
of the Revised Code. 131364

(2) "Residential care facility" means a residential care 131365
facility, as defined in section 3721.01 of the Revised Code, that 131366
is issued a license pursuant to section 3721.02 of the Revised 131367
Code. 131368

(3) "Residential facility" means a residential facility 131369
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 131370
provides accommodations, supervision, and personal care services 131371
for three to sixteen unrelated adults. 131372

(B) As used in Title LVII of the Revised Code, and for the purpose of other sections of the Revised Code that refer specifically to Chapter 5701. or section 5701.13 of the Revised Code, a "home for the aged" means either of the following:

(1) A place of residence for aged and infirm persons that satisfies divisions (B)(1)(a) to (e) of this section:

(a) It is a nursing home, residential care facility, or residential facility.

(b) It is owned by a corporation, unincorporated nonprofit association, or trust of a charitable, religious, or fraternal nature, that is organized and operated not for profit, is not formed for the pecuniary gain or profit of, and whose net earnings or any part of whose net earnings is not distributable to, its members, trustees, officers, or other private persons, and is exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1.

(c) It is open to the public without regard to race, color, or national origin.

(d) It does not pay, directly or indirectly, compensation for services rendered, interest on debts incurred, or purchase price for land, building, equipment, supplies, or other goods or chattels, which compensation, interest, or purchase price is unreasonably high.

(e) It provides services for the life of each resident without regard to the resident's ability to continue payment for the full cost of the services.

(2) A place of residence that satisfies divisions (B)(1)(b), (d), and (e) of this section; that satisfies the definition of "nursing home" or "residential care facility" under section 3721.01 of the Revised Code or the definition of "residential facility" under division (A)(3) of this section regardless of

whether it is licensed as such a home or facility; and that is 131404
provided at no charge to individuals on account of their service 131405
without compensation to a charitable, religious, fraternal, or 131406
educational institution, which individuals are aged or infirm and 131407
are members of the corporation, association, or trust that owns 131408
the place of residence. For the purposes of division (B)(2) of 131409
this section, "compensation" does not include furnishing room and 131410
board, clothing, health care, or other necessities, or stipends or 131411
other de minimis payments to defray the cost thereof. 131412

Exemption from taxation shall be accorded, on proper 131413
application, only to those homes or parts of homes that meet the 131414
standards and provide the services specified in this section. 131415

Nothing in this section shall be construed as preventing a 131416
home from requiring a resident with financial need to apply for 131417
any applicable financial assistance or requiring a home to retain 131418
a resident who willfully refuses to pay for services for which the 131419
resident has contracted even though the resident has sufficient 131420
resources to do so. 131421

(C)(1) If a corporation, unincorporated nonprofit 131422
association, or trust described in division (B)(1)(b) of this 131423
section is granted a certificate of need pursuant to section 131424
3702.52 of the Revised Code to construct, add to, or otherwise 131425
modify a nursing home, or is given approval pursuant to section 131426
3791.04 of the Revised Code to construct, add to, or otherwise 131427
modify a residential care facility or residential facility and if 131428
the corporation, association, or trust submits an affidavit to the 131429
tax commissioner stating that, commencing on the date of licensure 131430
and continuing thereafter, the home or facility will be operated 131431
in accordance with the requirements of divisions (B)(1)(a) to (e) 131432
of this section, the corporation, association, or trust shall be 131433
considered to be operating a "home for the aged" within the 131434
meaning of division (B)(1) of this section, beginning on the first 131435

day of January of the year in which such certificate is granted or approval is given. 131436
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(2) If a corporation, association, or trust is considered to be operating a "home for the aged" pursuant to division (C)(1) of this section, the corporation, association, or trust shall notify the tax commissioner in writing upon the occurrence of any of the following events: 131438
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(a) The corporation, association, or trust no longer intends to complete the construction of, addition to, or modification of the home or facility, to obtain the appropriate license for the home or facility, or to commence operation of the home or facility in accordance with the requirements of divisions (B)(1)(a) to (e) of this section; 131443
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(b) The certificate of approval referred to in division (C)(1) of this section expires, is revoked, or is otherwise terminated prior to the completion of the construction of, addition to, or modification of the home or facility; 131449
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(c) The license to operate the home or facility is not granted by the director of health within one year following completion of the construction of, addition to, or modification of the home or facility; 131453
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(d) The license to operate the home or facility is not granted by the director of health within four years following the date upon which the certificate or approval referred to in division (C)(1) of this section was granted or given; 131457
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(e) The home or facility is granted a license to operate as a nursing home, residential care facility, or residential facility. 131461
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(3) Upon the occurrence of any of the events referred to in divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the corporation, association, or trust shall no longer be considered to be operating a "home for the aged" pursuant to division (C)(1) 131463
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of this section, except that the tax commissioner, for good cause 131467
shown and to the extent the commissioner considers appropriate, 131468
may extend the time period specified in division (C)(2)(c) or (d) 131469
of this section, or both. Nothing in division (C)(3) of this 131470
section shall be construed to prevent a nursing home, residential 131471
care facility, or residential facility from qualifying as a "home 131472
for the aged" if, upon proper application made pursuant to 131473
division (B) of this section, it is found to meet the requirements 131474
of divisions (A) and (B) of this section. 131475

Sec. 5703.052. (A) There is hereby created in the state 131476
treasury the tax refund fund, from which refunds shall be paid for 131477
taxes illegally or erroneously assessed or collected, or for any 131478
other reason overpaid, that are levied by Chapter 4301., 4305., 131479
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 131480
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 131481
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 131482
5727.81, and 5727.811 of the Revised Code. Refunds for fees 131483
illegally or erroneously assessed or collected, or for any other 131484
reason overpaid, that are levied by sections 3734.90 to 3734.9014 131485
of the Revised Code also shall be paid from the fund. Refunds for 131486
amounts illegally or erroneously assessed or collected by the tax 131487
commissioner, or for any other reason overpaid, that are due under 131488
section 1509.50 of the Revised Code shall be paid from the fund. 131489
However, refunds for taxes levied under section 5739.101 of the 131490
Revised Code shall not be paid from the tax refund fund, but shall 131491
be paid as provided in section 5739.104 of the Revised Code. 131492

(B)(1) Upon certification by the tax commissioner to the 131493
treasurer of state of a tax refund, ~~a fee refund,~~ or ~~an other~~ 131494
another amount refunded, or by the superintendent of insurance of 131495
a domestic or foreign insurance tax refund, the treasurer of state 131496
shall place the amount certified to the credit of the fund. The 131497
certified amount transferred shall be derived from ~~current~~ the 131498

receipts of the same tax, fee, or other amount from which the 131499
refund arose. ~~If current receipts from the tax, fee, or other~~ 131500
~~amount from which the refund arose are inadequate to make the~~ 131501
~~transfer of the amount so certified, the treasurer of state shall~~ 131502
~~transfer such certified amount from current receipts of the sales~~ 131503
~~tax levied by section 5739.02 of the Revised Code.~~ 131504

(2) ~~When the treasurer of state provides for the payment of a~~ 131505
~~refund of a tax, fee, or other amount from the current receipts of~~ 131506
~~the sales tax, and the a refund is for a tax, fee, or other amount~~ 131507
that is not levied by the state, the tax commissioner shall 131508
recover the amount of that refund from the next distribution of 131509
that tax, fee, or other amount that otherwise would be made to the 131510
taxing jurisdiction. If the amount to be recovered would exceed 131511
twenty-five per cent of the next distribution of that tax, fee, or 131512
other amount, the commissioner may spread the recovery over more 131513
than one future distribution, taking into account the amount to be 131514
recovered and the amount of the anticipated future distributions. 131515
In no event may the commissioner spread the recovery over a period 131516
to exceed twenty-four months. 131517

Sec. 5703.053. As used in this section, "postal service" 131518
means the United States postal service. 131519

An application to the tax commissioner for a tax refund under 131520
section 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 131521
5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 5739.07, 131522
5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 of the 131523
Revised Code or division (B) of section 5703.05 of the Revised 131524
Code, or a fee refunded under section 3734.905 of the Revised 131525
Code, that is received after the last day for filing under such 131526
section shall be considered to have been filed in a timely manner 131527
if: 131528

(A) The application is delivered by the postal service and 131529

the earliest postal service postmark on the cover in which the application is enclosed is not later than the last day for filing the application;

(B) The application is delivered by the postal service, the only postmark on the cover in which the application is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the application, and the application is received within seven days of such last day; or

(C) The application is delivered by the postal service, no postmark date was affixed to the cover in which the application is enclosed or the date of the postmark so affixed is not legible, and the application is received within seven days of the last day for making the application.

Sec. 5703.059. (A) The tax commissioner may adopt rules requiring returns, including any accompanying schedule or statement, for any of the following taxes to be filed electronically using the Ohio business gateway as defined in section 718.051 of the Revised Code, filed telephonically using the system known as the Ohio telefile system, or filed by any other electronic means prescribed by the commissioner:

(1) Employer income tax withholding under Chapter 5747. of the Revised Code;

(2) Motor fuel tax under Chapter 5735. of the Revised Code;

(3) Cigarette and tobacco product tax under Chapter 5743. of the Revised Code;

(4) Severance tax under Chapter 5749. of the Revised Code;

(5) Use tax under Chapter 5741. of the Revised Code;

(6) Commercial activity tax under Chapter 5751. of the Revised Code;

(7) Financial institutions tax under Chapter 5726. of the 131559
Revised Code; 131560

(8) Motor fuel receipts tax under Chapter 5736. of the 131561
Revised Code. 131562

(B) The tax commissioner may adopt rules requiring any 131563
payment of tax shown on such a return to be due to be made 131564
electronically in a manner approved by the commissioner. 131565

(C) A rule adopted under this section does not apply to 131566
returns or reports filed or payments made before six months after 131567
the effective date of the rule. The commissioner shall publicize 131568
any new electronic filing requirement on the department's web 131569
site. The commissioner shall educate the public of the requirement 131570
through seminars, workshops, conferences, or other outreach 131571
activities. 131572

(D) Any person required to file returns and make payments 131573
electronically under rules adopted under this section may apply to 131574
the commissioner, on a form prescribed by the commissioner, to be 131575
excused from that requirement. For good cause shown, the 131576
commissioner may excuse the applicant from the requirement and 131577
permit the applicant to file the returns or reports or make the 131578
payments required under this section by nonelectronic means. 131579

Sec. 5703.19. (A) To carry out the purposes of the laws that 131580
the tax commissioner is required to administer, the commissioner 131581
or any person employed by the commissioner for that purpose, upon 131582
demand, may inspect books, accounts, records, and memoranda of any 131583
person or public utility subject to those laws, and may examine 131584
under oath any officer, agent, or employee of that person or 131585
public utility. Any person other than the commissioner who makes a 131586
demand pursuant to this section shall produce the person's 131587
authority to make the inspection. 131588

(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section and refuses to comply with that demand, a penalty of five hundred dollars shall be imposed upon the person or public utility for each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or sections 3734.90 to 3734.9014, of the Revised Code.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination

shall not be divulged for any purpose other than as required for 131621
the audit or unless the officers and employees are required to 131622
testify in a court or proceeding under compulsion of legal 131623
process. Whoever violates this provision shall thereafter be 131624
disqualified from acting as an officer or employee or in any other 131625
capacity under appointment or employment of the auditor of state. 131626

(2) For purposes of an internal audit pursuant to section 131627
126.45 of the Revised Code, the officers and employees of the 131628
office of internal ~~auditing~~ audit in the office of budget and 131629
management charged with ~~conducting~~ directing the internal audit 131630
shall have access to and the right to examine any state tax 131631
returns and state tax return information in the possession of the 131632
department to the extent that the access and examination are 131633
necessary for purposes of the internal audit. Any information 131634
acquired as the result of that access and examination shall not be 131635
divulged for any purpose other than as required for the internal 131636
audit or unless the officers and employees are required to testify 131637
in a court or proceeding under compulsion of legal process. 131638
Whoever violates this provision shall thereafter be disqualified 131639
from acting as an officer or employee or in any other capacity 131640
under appointment or employment of the office of internal ~~auditing~~ 131641
audit. 131642

(3) As provided by section 6103(d)(2) of the Internal Revenue 131643
Code, any federal tax returns or federal tax information that the 131644
department has acquired from the internal revenue service, through 131645
federal and state statutory authority, may be disclosed to the 131646
auditor of state or the office of internal ~~auditing~~ audit solely 131647
for purposes of an audit of the department. 131648

(4) For purposes of Chapter 3739. of the Revised Code, an 131649
agent of the department of taxation may share information with the 131650
division of state fire marshal that the agent finds during the 131651
course of an investigation. 131652

(C) Division (A) of this section does not prohibit any of the following: 131653
131654

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code; 131655
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131658

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code; 131659
131660
131661

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code; 131662
131663
131664
131665
131666

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code; 131667
131668
131669

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; 131670
131671
131672

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code; 131673
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131675
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(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, 131677
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direct payment permit, or seller's use tax account; 131684

(8) Releasing invoices or invoice information furnished under 131685
section 4301.433 of the Revised Code pursuant to that section; 131686

(9) Providing to a county auditor notices or documents 131687
concerning or affecting the taxable value of property in the 131688
county auditor's county. Unless authorized by law to disclose 131689
documents so provided, the county auditor shall not disclose such 131690
documents; 131691

(10) Providing to a county auditor sales or use tax return or 131692
audit information under section 333.06 of the Revised Code; 131693

(11) Subject to section 4301.441 of the Revised Code, 131694
disclosing to the appropriate state agency information in the 131695
possession of the department of taxation that is necessary to 131696
verify a permit holder's gallonage or noncompliance with taxes 131697
levied under Chapter 4301. or 4305. of the Revised Code; 131698

(12) Disclosing to the department of natural resources 131699
information in the possession of the department of taxation that 131700
is necessary for the department of taxation to verify the 131701
taxpayer's compliance with ~~division (A)(1), (5), (6), (8), or (9)~~ 131702
~~of section 5749.02 of the Revised Code and information received~~ 131703
~~pursuant to section 1509.50 of the Revised Code concerning the~~ 131704
~~amount due under that section~~ or to allow the department of 131705
natural resources to enforce Chapter 1509. of the Revised Code; 131706

(13) Disclosing to the department of job and family services, 131707
industrial commission, and bureau of workers' compensation 131708
information in the possession of the department of taxation solely 131709
for the purpose of identifying employers that misclassify 131710
employees as independent contractors or that fail to properly 131711
report and pay employer tax liabilities. The department of 131712
taxation shall disclose only such information that is necessary to 131713
verify employer compliance with law administered by those 131714

agencies. 131715

(14) Disclosing to the Ohio casino control commission 131716
information in the possession of the department of taxation that 131717
is necessary to verify a casino operator's compliance with section 131718
5747.063 or 5753.02 of the Revised Code and sections related 131719
thereto; 131720

(15) Disclosing to the state lottery commission information 131721
in the possession of the department of taxation that is necessary 131722
to verify a lottery sales agent's compliance with section 5747.064 131723
of the Revised Code. 131724

Sec. 5703.37. (A)(1) Except as provided in division (B) of 131725
this section, whenever service of a notice or order is required in 131726
the manner provided in this section, a copy of the notice or order 131727
shall be served upon the person affected thereby either by 131728
personal service, by certified mail, or by a delivery service 131729
authorized under section 5703.056 of the Revised Code that 131730
notifies the tax commissioner of the date of delivery. 131731

(2) In lieu of serving a copy of a notice or order through 131732
one of the means provided in division (A)(1) of this section, the 131733
commissioner may serve a notice or order upon the person affected 131734
thereby through alternative means as provided in this section, 131735
including, but not limited to, delivery by secure electronic mail 131736
as provided in division (F) of this section. Delivery by such 131737
means satisfies the requirements for delivery under this section. 131738

(B)(1)(a) If certified mail is returned because of an 131739
undeliverable address, the commissioner shall first utilize 131740
reasonable means to ascertain a new last known address, including 131741
the use of a change of address service offered by the United 131742
States postal service or an authorized delivery service under 131743
section 5703.056 of the Revised Code. If, after using reasonable 131744
means, the commissioner is unable to ascertain a new last known 131745

address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section. If a petition for reassessment is filed pursuant to this section on a claim that has been certified to the attorney general for collection, the claim shall be uncertified.

(F) The commissioner may serve a notice or order upon the person affected by the notice or order through secure electronic means only with the person's consent. The commissioner must inform the recipient, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. The recipient's electronic access of the notice or order satisfies the requirements for delivery under this section. If the recipient fails to access the notice or order electronically within ten business days, then the commissioner shall inform the recipient a second time, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. If the recipient fails to access the notice or order electronically within ten business days of the second notification, the notice or order shall be served upon the person through ~~one of~~ the means provided in division ~~(A)(1)~~(B)(2) of this section.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code.

(2) "Undeliverable address" means an address to which the

United States postal service or an authorized delivery service 131842
under section 5703.056 of the Revised Code is not able to deliver 131843
a notice or order, except when the reason for nondelivery is 131844
because the addressee fails to acknowledge or accept the notice or 131845
order. 131846

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the 131847
Revised Code: 131848

(A) "Tax" includes only those taxes imposed on tangible 131849
personal property listed in accordance with Chapter 5711. of the 131850
Revised Code and taxes imposed under Chapters 5733., 5736., 5739., 131851
5741., 5747., and 5751. of the Revised Code. 131852

(B) "Taxpayer" means a person subject to or potentially 131853
subject to a tax including an employer required to deduct and 131854
withhold any amount under section 5747.06 of the Revised Code. 131855

(C) "Audit" means the examination of a taxpayer or the 131856
inspection of the books, records, memoranda, or accounts of a 131857
taxpayer for the purpose of determining liability for a tax. 131858

(D) "Assessment" means a notice of underpayment or nonpayment 131859
of a tax issued pursuant to section 5711.26, 5711.32, 5733.11, 131860
5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 of the 131861
Revised Code. 131862

(E) "County auditor" means the auditor of the county in which 131863
the tangible personal property subject to a tax is located. 131864

Sec. 5703.70. (A) On the filing of an application for refund 131865
under section 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 131866
5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 131867
5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 131868
5743.05, 5743.53, 5749.08, 5751.08, or 5753.06 of the Revised 131869
Code, or an application for compensation under section 5739.061 of 131870
the Revised Code, if the tax commissioner determines that the 131871

amount of the refund or compensation to which the applicant is 131872
entitled is less than the amount claimed in the application, the 131873
commissioner shall give the applicant written notice by ordinary 131874
mail of the amount. The notice shall be sent to the address shown 131875
on the application unless the applicant notifies the commissioner 131876
of a different address. The applicant shall have sixty days from 131877
the date the commissioner mails the notice to provide additional 131878
information to the commissioner or request a hearing, or both. 131879

(B) If the applicant neither requests a hearing nor provides 131880
additional information to the tax commissioner within the time 131881
prescribed by division (A) of this section, the commissioner shall 131882
take no further action, and the refund or compensation amount 131883
denied becomes final. 131884

(C)(1) If the applicant requests a hearing within the time 131885
prescribed by division (A) of this section, the tax commissioner 131886
shall assign a time and place for the hearing and notify the 131887
applicant of such time and place, but the commissioner may 131888
continue the hearing from time to time as necessary. After the 131889
hearing, the commissioner may make such adjustments to the refund 131890
or compensation as the commissioner finds proper, and shall issue 131891
a final determination thereon. 131892

(2) If the applicant does not request a hearing, but provides 131893
additional information, within the time prescribed by division (A) 131894
of this section, the commissioner shall review the information, 131895
make such adjustments to the refund or compensation as the 131896
commissioner finds proper, and issue a final determination 131897
thereon. 131898

(3) The commissioner shall serve a copy of the final 131899
determination made under division (C)(1) or (2) of this section on 131900
the applicant in the manner provided in section 5703.37 of the 131901
Revised Code, and the decision is final, subject to appeal under 131902

section 5717.02 of the Revised Code. 131903

(D) The tax commissioner shall certify to the director of 131904
budget and management and treasurer of state for payment from the 131905
tax refund fund created by section 5703.052 of the Revised Code, 131906
the amount of the refund to be refunded under division (B) or (C) 131907
of this section. The commissioner also shall certify to the 131908
director and treasurer of state for payment from the general 131909
revenue fund the amount of compensation to be paid under division 131910
(B) or (C) of this section. 131911

Sec. 5703.75. This section applies to any tax payable to the 131912
state and administered by the tax commissioner. If the total 131913
amount of any such tax shown to be due on a return, amended 131914
return, or notice does not exceed one dollar, the taxpayer shall 131915
not be required to remit the amount due. If the total amount of a 131916
taxpayer's overpayment of any such tax does not exceed one dollar, 131917
the tax commissioner shall not be required to refund the 131918
overpayment. 131919

Sec. 5703.76. Any payment or distribution of money that the 131920
tax commissioner is required by law to make to a political 131921
subdivision of this state, an officer thereof, or a political 131922
party shall be made by electronic funds transfer. The commissioner 131923
shall promulgate any rules necessary to administer this section. 131924

Sec. 5703.82. (A) Not later than April 1, 2009, the 131925
department of taxation shall acquire the necessary hardware, 131926
software, and services to establish and implement a tax discovery 131927
data system to increase the efficiency of tax collections in the 131928
state. The system must be fully integrated and pre-staged for the 131929
purposes of assisting in revenue analysis, discovering 131930
noncompliant taxpayers, and collecting taxes from those taxpayers. 131931
The system shall consolidate tax data from various mainframe 131932

systems and operate as a single tax discovery data system. The 131933
department shall contract, pursuant to a competitive bidding 131934
process, for the necessary hardware, software, and services to 131935
implement the tax discovery data system. 131936

~~(B) There is hereby created in the state treasury the 131937
discovery project fund. All money to the credit of the fund shall 131938
be used to pay the costs of implementing and operating the tax 131939
discovery data system and to defray the costs incurred by the 131940
department of taxation in administering the system. 131941~~

~~(C) Beginning July 1, 2009, on or before the first day of 131942
January, April, July, and October of each calendar year, the tax 131943
commissioner shall determine and certify to the director of budget 131944
and management the amount needed to pay the costs of operating the 131945
tax discovery data system in the previous calendar quarter and the 131946
costs incurred in the previous calendar quarter by the department 131947
of taxation in administering the system. The director shall 131948
provide for payment from the general revenue fund to the discovery 131949
project fund of the amount so certified. 131950~~

Sec. 5705.01. As used in this chapter: 131951

(A) "Subdivision" means any county; municipal corporation; 131952
township; township police district; joint police district; 131953
township fire district; joint fire district; joint ambulance 131954
district; joint emergency medical services district; fire and 131955
ambulance district; joint recreation district; township waste 131956
disposal district; township road district; community college 131957
district; technical college district; detention facility district; 131958
a district organized under section 2151.65 of the Revised Code; a 131959
combined district organized under sections 2152.41 and 2151.65 of 131960
the Revised Code; a joint-county alcohol, drug addiction, and 131961
mental health service district; a drainage improvement district 131962

created under section 6131.52 of the Revised Code; a lake 131963
facilities authority created under Chapter 353. of the Revised 131964
Code; a union cemetery district; a county school financing 131965
district; a city, local, exempted village, cooperative education, 131966
or joint vocational school district; or a regional student 131967
education district created under section 3313.83 of the Revised 131968
Code. 131969

(B) "Municipal corporation" means all municipal corporations, 131970
including those that have adopted a charter under Article XVIII, 131971
Ohio Constitution. 131972

(C) "Taxing authority" or "bond issuing authority" means, in 131973
the case of any county, the board of county commissioners; in the 131974
case of a municipal corporation, the council or other legislative 131975
authority of the municipal corporation; in the case of a city, 131976
local, exempted village, cooperative education, or joint 131977
vocational school district, the board of education; in the case of 131978
a community college district, the board of trustees of the 131979
district; in the case of a technical college district, the board 131980
of trustees of the district; in the case of a detention facility 131981
district, a district organized under section 2151.65 of the 131982
Revised Code, or a combined district organized under sections 131983
2152.41 and 2151.65 of the Revised Code, the joint board of county 131984
commissioners of the district; in the case of a township, the 131985
board of township trustees; in the case of a joint police 131986
district, the joint police district board; in the case of a joint 131987
fire district, the board of fire district trustees; in the case of 131988
a joint recreation district, the joint recreation district board 131989
of trustees; in the case of a joint-county alcohol, drug 131990
addiction, and mental health service district, the district's 131991
board of alcohol, drug addiction, and mental health services; in 131992
the case of a joint ambulance district or a fire and ambulance 131993
district, the board of trustees of the district; in the case of a 131994

union cemetery district, the legislative authority of the 131995
municipal corporation and the board of township trustees, acting 131996
jointly as described in section 759.341 of the Revised Code; in 131997
the case of a drainage improvement district, the board of county 131998
commissioners of the county in which the drainage district is 131999
located; in the case of a lake facilities authority, the board of 132000
directors; in the case of a joint emergency medical services 132001
district, the joint board of county commissioners of all counties 132002
in which all or any part of the district lies; and in the case of 132003
a township police district, a township fire district, a township 132004
road district, or a township waste disposal district, the board of 132005
township trustees of the township in which the district is 132006
located. "Taxing authority" also means the educational service 132007
center governing board that serves as the taxing authority of a 132008
county school financing district as provided in section 3311.50 of 132009
the Revised Code, and the board of directors of a regional student 132010
education district created under section 3313.83 of the Revised 132011
Code. 132012

(D) "Fiscal officer" in the case of a county, means the 132013
county auditor; in the case of a municipal corporation, the city 132014
auditor or village clerk, or an officer who, by virtue of the 132015
charter, has the duties and functions of the city auditor or 132016
village clerk, except that in the case of a municipal university 132017
the board of directors of which have assumed, in the manner 132018
provided by law, the custody and control of the funds of the 132019
university, the chief accounting officer of the university shall 132020
perform, with respect to the funds, the duties vested in the 132021
fiscal officer of the subdivision by sections 5705.41 and 5705.44 132022
of the Revised Code; in the case of a school district, the 132023
treasurer of the board of education; in the case of a county 132024
school financing district, the treasurer of the educational 132025
service center governing board that serves as the taxing 132026
authority; in the case of a township, the township fiscal officer; 132027

in the case of a joint police district, the treasurer of the 132028
district; in the case of a joint fire district, the clerk of the 132029
board of fire district trustees; in the case of a joint ambulance 132030
district, the clerk of the board of trustees of the district; in 132031
the case of a joint emergency medical services district, the 132032
person appointed as fiscal officer pursuant to division (D) of 132033
section 307.053 of the Revised Code; in the case of a fire and 132034
ambulance district, the person appointed as fiscal officer 132035
pursuant to division (B) of section 505.375 of the Revised Code; 132036
in the case of a joint recreation district, the person designated 132037
pursuant to section 755.15 of the Revised Code; in the case of a 132038
union cemetery district, the clerk of the municipal corporation 132039
designated in section 759.34 of the Revised Code; in the case of a 132040
children's home district, educational service center, general 132041
health district, joint-county alcohol, drug addiction, and mental 132042
health service district, county library district, detention 132043
facility district, district organized under section 2151.65 of the 132044
Revised Code, a combined district organized under sections 2152.41 132045
and 2151.65 of the Revised Code, or a metropolitan park district 132046
for which no treasurer has been appointed pursuant to section 132047
1545.07 of the Revised Code, the county auditor of the county 132048
designated by law to act as the auditor of the district; in the 132049
case of a metropolitan park district which has appointed a 132050
treasurer pursuant to section 1545.07 of the Revised Code, that 132051
treasurer; in the case of a drainage improvement district, the 132052
auditor of the county in which the drainage improvement district 132053
is located; in the case of a lake facilities authority, the fiscal 132054
officer designated under section 353.02 of the Revised Code; in 132055
the case of a regional student education district, the fiscal 132056
officer appointed pursuant to section 3313.83 of the Revised Code; 132057
and in all other cases, the officer responsible for keeping the 132058
appropriation accounts and drawing warrants for the expenditure of 132059
the moneys of the district or taxing unit. 132060

(E) "Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more.

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(F) "Current operating expenses" and "current expenses" mean the lawful expenditures of a subdivision, except those for permanent improvements, and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision.

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(G) "Debt charges" means interest, sinking fund, and retirement charges on bonds, notes, or certificates of indebtedness.

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(H) "Taxing unit" means any subdivision or other governmental district having authority to levy taxes on the property in the district or issue bonds that constitute a charge against the property of the district, including conservancy districts, metropolitan park districts, sanitary districts, road districts, and other districts.

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(I) "District authority" means any board of directors, trustees, commissioners, or other officers controlling a district institution or activity that derives its income or funds from two or more subdivisions, such as the educational service center, the trustees of district children's homes, the district board of health, a joint-county alcohol, drug addiction, and mental health service district's board of alcohol, drug addiction, and mental health services, detention facility districts, a joint recreation district board of trustees, districts organized under section 2151.65 of the Revised Code, combined districts organized under sections 2152.41 and 2151.65 of the Revised Code, and other such boards.

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(J) "Tax list" and "tax duplicate" mean the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code.

(K) "Property" as applied to a tax levy means taxable property listed on general tax lists and duplicates.

(L) "Association library district" means a territory, the boundaries of which are defined by the state library board pursuant to division (I) of section 3375.01 of the Revised Code, in which a library association or private corporation maintains a free public library.

(M) "Library district" means a territory, the boundaries of which are defined by the state library board pursuant to section 3375.01 of the Revised Code, in which the board of trustees of a county, municipal corporation, school district, or township public library maintains a free public library.

(N) "Qualifying library levy" means either of the following:

(1) A levy for the support of a library association or private corporation that has an association library district with boundaries that are not identical to those of a subdivision;

(2) A levy proposed under section 5705.23 of the Revised Code for the support of the board of trustees of a public library that has a library district with boundaries that are not identical to those of a subdivision.

(O) "School library district" means a school district in which a free public library has been established that is under the control and management of a board of library trustees as provided in section 3375.15 of the Revised Code.

Sec. 5705.10. (A) All revenue derived from the general levy for current expense within the ten-mill limitation, from any general levy for current expense authorized by vote in excess of

the ten-mill limitation, and from sources other than the general 132122
property tax, unless its use for a particular purpose is 132123
prescribed by law, shall be paid into the general fund. 132124

(B) All revenue derived from general or special levies for 132125
debt charges, whether within or in excess of the ten-mill 132126
limitation, which is levied for the debt charges on serial bonds, 132127
notes, or certificates of indebtedness having a life less than 132128
five years, shall be paid into the bond retirement fund; and all 132129
such revenue which is levied for the debt charges on all other 132130
bonds, notes, or certificates of indebtedness shall be paid into 132131
the sinking fund. 132132

(C) All revenue derived from a special levy shall be credited 132133
to a special fund for the purpose for which the levy was made. 132134

(D) Except as otherwise provided by resolution adopted 132135
pursuant to section 3315.01 of the Revised Code, all revenue 132136
derived from a source other than the general property tax and 132137
which the law prescribes shall be used for a particular purpose, 132138
shall be paid into a special fund for such purpose. Except as 132139
otherwise provided by resolution adopted pursuant to section 132140
3315.01 of the Revised Code or as otherwise provided by section 132141
3315.40 of the Revised Code, all revenue derived from a source 132142
other than the general property tax, for which the law does not 132143
prescribe use for a particular purpose, including interest earned 132144
on the principal of any special fund, regardless of the source or 132145
purpose of the principal, shall be paid into the general fund. 132146

(E) All proceeds from the sale of public obligations or 132147
fractionalized interests in public obligations as defined in 132148
section 133.01 of the Revised Code, except premium and accrued 132149
interest, shall be paid into a special fund for the purpose of 132150
such issue, and any interest and other income earned on money in 132151
such special fund may be used for the purposes for which the 132152
indebtedness was authorized or may be credited to the general fund 132153

or other fund or account as the taxing authority authorizes and 132154
used for the purposes of that fund or account. The premium and 132155
accrued interest received from such sale shall be paid into the 132156
sinking fund or the bond retirement fund of the subdivision. 132157

(F) Except as provided in ~~division~~ divisions (G) and (H) of 132158
this section, if a permanent improvement of the subdivision is 132159
sold, the amount received from the sale shall be paid into the 132160
sinking fund, the bond retirement fund, or a special fund for the 132161
construction or acquisition of permanent improvements; provided 132162
that the proceeds from the sale of a public utility shall be paid 132163
into the sinking fund or bond retirement fund to the extent 132164
necessary to provide for the retirement of the outstanding 132165
indebtedness incurred in the construction or acquisition of such 132166
utility. Proceeds from the sale of property other than a permanent 132167
improvement shall be paid into the fund from which such property 132168
was acquired or is maintained or, if there is no such fund, into 132169
the general fund. 132170

(G) A township that has a population greater than fifteen 132171
thousand according to the most recent federal decennial census and 132172
that has declared one or more improvements in the township to be a 132173
public purpose under section 5709.73 of the Revised Code may pay 132174
proceeds from the sale of a permanent improvement of the township 132175
into its general fund if both of the following conditions are 132176
satisfied: 132177

(1) The township fiscal officer determines that all 132178
foreseeable public infrastructure improvements, as defined in 132179
section 5709.40 of the Revised Code, to be made in the township in 132180
the ten years immediately following the date the permanent 132181
improvement is sold will have been financed through resolutions 132182
adopted under section 5709.73 of the Revised Code on or before the 132183
date of the sale. The fiscal officer shall provide written 132184
certification of this determination for the township's records. 132185

(2) The permanent improvement being sold was financed 132186
entirely from moneys in the township's general fund. 132187

(H) If a board of education of a school district disposes of 132188
real property under section 3313.41 of the Revised Code, the 132189
proceeds received from the sale may be paid into the school 132190
district's general fund and used only to pay for the costs of 132191
nonoperating capital expenses related to technological upgrades 132192
and equipment to be used for instruction and assessment. 132193

(I) Money paid into any fund shall be used only for the 132194
purposes for which such fund is established. 132195

Sec. 5705.19. This section does not apply to school districts 132196
or county school financing districts, or lake facilities 132197
authorities. 132198

The taxing authority of any subdivision at any time and in 132199
any year, by vote of two-thirds of all the members of the taxing 132200
authority, may declare by resolution and certify the resolution to 132201
the board of elections not less than ninety days before the 132202
election upon which it will be voted that the amount of taxes that 132203
may be raised within the ten-mill limitation will be insufficient 132204
to provide for the necessary requirements of the subdivision and 132205
that it is necessary to levy a tax in excess of that limitation 132206
for any of the following purposes: 132207

(A) For current expenses of the subdivision, except that the 132208
total levy for current expenses of a detention facility district 132209
or district organized under section 2151.65 of the Revised Code 132210
shall not exceed two mills and that the total levy for current 132211
expenses of a combined district organized under sections 2151.65 132212
and 2152.41 of the Revised Code shall not exceed four mills; 132213

(B) For the payment of debt charges on certain described 132214
bonds, notes, or certificates of indebtedness of the subdivision 132215

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| issued subsequent to January 1, 1925; | 132216 |
| (C) For the debt charges on all bonds, notes, and | 132217 |
| certificates of indebtedness issued and authorized to be issued | 132218 |
| prior to January 1, 1925; | 132219 |
| (D) For a public library of, or supported by, the subdivision | 132220 |
| under whatever law organized or authorized to be supported; | 132221 |
| (E) For a municipal university, not to exceed two mills over | 132222 |
| the limitation of one mill prescribed in section 3349.13 of the | 132223 |
| Revised Code; | 132224 |
| (F) For the construction or acquisition of any specific | 132225 |
| permanent improvement or class of improvements that the taxing | 132226 |
| authority of the subdivision may include in a single bond issue; | 132227 |
| (G) For the general construction, reconstruction, | 132228 |
| resurfacing, and repair of streets, roads, and bridges in | 132229 |
| municipal corporations, counties, or townships; | 132230 |
| (H) For parks and recreational purposes; | 132231 |
| (I) For the purpose of providing and maintaining fire | 132232 |
| apparatus, appliances, buildings, or sites therefor, or sources of | 132233 |
| water supply and materials therefor, or the establishment and | 132234 |
| maintenance of lines of fire alarm telegraph, or the payment of | 132235 |
| firefighting companies or permanent, part-time, or volunteer | 132236 |
| firefighting, emergency medical service, administrative, or | 132237 |
| communications personnel to operate the same, including the | 132238 |
| payment of any employer contributions required for such personnel | 132239 |
| under section 145.48 or 742.34 of the Revised Code, or the | 132240 |
| purchase of ambulance equipment, or the provision of ambulance, | 132241 |
| paramedic, or other emergency medical services operated by a fire | 132242 |
| department or firefighting company; | 132243 |
| (J) For the purpose of providing and maintaining motor | 132244 |
| vehicles, communications, other equipment, buildings, and sites | 132245 |

for such buildings used directly in the operation of a police department, or the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department; 132246
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(K) For the maintenance and operation of a county home or detention facility; 132255
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(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code; 132257
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(M) For regional planning; 132261

(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections; 132262
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(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods; 132267
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(P) For maintaining and operating sewage disposal plants and facilities; 132270
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(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners 132272
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| operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code; | 132277
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| (R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections; | 132279
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| (S) For the prevention, control, and abatement of air pollution; | 132283
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| (T) For maintaining and operating cemeteries; | 132285 |
| (U) For providing ambulance service, emergency medical service, or both; | 132286
132287 |
| (V) For providing for the collection and disposal of garbage or refuse, including yard waste; | 132288
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| (W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code; | 132290
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| (X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code; | 132293
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| (Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code; | 132295
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| (Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code; | 132298
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| (AA) For the maintenance and operation of a free public museum of art, science, or history; | 132301
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| (BB) For the establishment and operation of a 9-1-1 system, as defined in section 5507.01 <u>128.01</u> of the Revised Code; | 132303
132304 |
| (CC) For the purpose of acquiring, rehabilitating, or | 132305 |

developing rail property or rail service. As used in this 132306
division, "rail property" and "rail service" have the same 132307
meanings as in section 4981.01 of the Revised Code. This division 132308
applies only to a county, township, or municipal corporation. 132309

(DD) For the purpose of acquiring property for, constructing, 132310
operating, and maintaining community centers as provided for in 132311
section 755.16 of the Revised Code; 132312

(EE) For the creation and operation of an office or joint 132313
office of economic development, for any economic development 132314
purpose of the office, and to otherwise provide for the 132315
establishment and operation of a program of economic development 132316
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 132317
the extent that the expenses of a county land reutilization 132318
corporation organized under Chapter 1724. of the Revised Code are 132319
found by the board of county commissioners to constitute the 132320
promotion of economic development, for the payment of such 132321
operations and expenses; 132322

(FF) For the purpose of acquiring, establishing, 132323
constructing, improving, equipping, maintaining, or operating, or 132324
any combination of the foregoing, a township airport, landing 132325
field, or other air navigation facility pursuant to section 505.15 132326
of the Revised Code; 132327

(GG) For the payment of costs incurred by a township as a 132328
result of a contract made with a county pursuant to section 132329
505.263 of the Revised Code in order to pay all or any part of the 132330
cost of constructing, maintaining, repairing, or operating a water 132331
supply improvement; 132332

(HH) For a board of township trustees to acquire, other than 132333
by appropriation, an ownership interest in land, water, or 132334
wetlands, or to restore or maintain land, water, or wetlands in 132335
which the board has an ownership interest, not for purposes of 132336

recreation, but for the purposes of protecting and preserving the 132337
natural, scenic, open, or wooded condition of the land, water, or 132338
wetlands against modification or encroachment resulting from 132339
occupation, development, or other use, which may be styled as 132340
protecting or preserving "greenspace" in the resolution, notice of 132341
election, or ballot form. Except as otherwise provided in this 132342
division, land is not acquired for purposes of recreation, even if 132343
the land is used for recreational purposes, so long as no 132344
building, structure, or fixture used for recreational purposes is 132345
permanently attached or affixed to the land. Except as otherwise 132346
provided in this division, land that previously has been acquired 132347
in a township for these greenspace purposes may subsequently be 132348
used for recreational purposes if the board of township trustees 132349
adopts a resolution approving that use and no building, structure, 132350
or fixture used for recreational purposes is permanently attached 132351
or affixed to the land. The authorization to use greenspace land 132352
for recreational use does not apply to land located in a township 132353
that had a population, at the time it passed its first greenspace 132354
levy, of more than thirty-eight thousand within a county that had 132355
a population, at that time, of at least eight hundred sixty 132356
thousand. 132357

(II) For the support by a county of a crime victim assistance 132358
program that is provided and maintained by a county agency or a 132359
private, nonprofit corporation or association under section 307.62 132360
of the Revised Code; 132361

(JJ) For any or all of the purposes set forth in divisions 132362
(I) and (J) of this section. This division applies only to a 132363
township. 132364

(KK) For a countywide public safety communications system 132365
under section 307.63 of the Revised Code. This division applies 132366
only to counties. 132367

(LL) For the support by a county of criminal justice services 132368

under section 307.45 of the Revised Code; 132369

(MM) For the purpose of maintaining and operating a jail or 132370
other detention facility as defined in section 2921.01 of the 132371
Revised Code; 132372

(NN) For purchasing, maintaining, or improving, or any 132373
combination of the foregoing, real estate on which to hold, and 132374
the operating expenses of, agricultural fairs operated by a county 132375
agricultural society or independent agricultural society under 132376
Chapter 1711. of the Revised Code. This division applies only to a 132377
county. 132378

(OO) For constructing, rehabilitating, repairing, or 132379
maintaining sidewalks, walkways, trails, bicycle pathways, or 132380
similar improvements, or acquiring ownership interests in land 132381
necessary for the foregoing improvements; 132382

(PP) For both of the purposes set forth in divisions (G) and 132383
(OO) of this section. 132384

(QQ) For both of the purposes set forth in divisions (H) and 132385
(HH) of this section. This division applies only to a township. 132386

(RR) For the legislative authority of a municipal 132387
corporation, board of county commissioners of a county, or board 132388
of township trustees of a township to acquire agricultural 132389
easements, as defined in section 5301.67 of the Revised Code, and 132390
to supervise and enforce the easements. 132391

(SS) For both of the purposes set forth in divisions (BB) and 132392
(KK) of this section. This division applies only to a county. 132393

(TT) For the maintenance and operation of a facility that is 132394
organized in whole or in part to promote the sciences and natural 132395
history under section 307.761 of the Revised Code. 132396

(UU) For the creation and operation of a county land 132397
reutilization corporation and for any programs or activities of 132398

the corporation found by the board of directors of the corporation 132399
to be consistent with the purposes for which the corporation is 132400
organized; 132401

(VV) For construction and maintenance of improvements and 132402
expenses of soil and water conservation district programs under 132403
Chapter 1515. of the Revised Code; 132404

(WW) For the ~~Ohio cooperative~~ OSU extension ~~service~~ fund 132405
created under section 3335.35 of the Revised Code for the purposes 132406
prescribed under section 3335.36 of the Revised Code for the 132407
benefit of the citizens of a county. This division applies only to 132408
a county. 132409

(XX) For a municipal corporation that withdraws or proposes 132410
by resolution to withdraw from a regional transit authority under 132411
section 306.55 of the Revised Code to provide transportation 132412
services for the movement of persons within, from, or to the 132413
municipal corporation; 132414

(YY) For any combination of the purposes specified in 132415
divisions (NN), (VV), and (WW) of this section. This division 132416
applies only to a county. 132417

The resolution shall be confined to the purpose or purposes 132418
described in one division of this section, to which the revenue 132419
derived therefrom shall be applied. The existence in any other 132420
division of this section of authority to levy a tax for any part 132421
or all of the same purpose or purposes does not preclude the use 132422
of such revenues for any part of the purpose or purposes of the 132423
division under which the resolution is adopted. 132424

The resolution shall specify the amount of the increase in 132425
rate that it is necessary to levy, the purpose of that increase in 132426
rate, and the number of years during which the increase in rate 132427
shall be in effect, which may or may not include a levy upon the 132428
duplicate of the current year. The number of years may be any 132429

number not exceeding five, except as follows: 132430

(1) When the additional rate is for the payment of debt 132431
charges, the increased rate shall be for the life of the 132432
indebtedness. 132433

(2) When the additional rate is for any of the following, the 132434
increased rate shall be for a continuing period of time: 132435

(a) For the current expenses for a detention facility 132436
district, a district organized under section 2151.65 of the 132437
Revised Code, or a combined district organized under sections 132438
2151.65 and 2152.41 of the Revised Code; 132439

(b) For providing a county's share of the cost of maintaining 132440
and operating schools, district detention facilities, forestry 132441
camps, or other facilities, or any combination thereof, 132442
established under section 2151.65 or 2152.41 of the Revised Code 132443
or under both of those sections. 132444

(3) When the additional rate is for either of the following, 132445
the increased rate may be for a continuing period of time: 132446

(a) For the purposes set forth in division (I), (J), (U), or 132447
(KK) of this section; 132448

(b) For the maintenance and operation of a joint recreation 132449
district. 132450

(4) When the increase is for the purpose or purposes set 132451
forth in division (D), (G), (H), (CC), or (PP) of this section, 132452
the tax levy may be for any specified number of years or for a 132453
continuing period of time, as set forth in the resolution. 132454

(5) When the additional rate is for the purpose described in 132455
division (Z) of this section, the increased rate shall be for any 132456
number of years not exceeding ten. 132457

A levy for one of the purposes set forth in division (G), 132458
(I), (J), or (U) of this section may be reduced pursuant to 132459

section 5705.261 or 5705.31 of the Revised Code. A levy for one of 132460
the purposes set forth in division (G), (I), (J), or (U) of this 132461
section may also be terminated or permanently reduced by the 132462
taxing authority if it adopts a resolution stating that the 132463
continuance of the levy is unnecessary and the levy shall be 132464
terminated or that the millage is excessive and the levy shall be 132465
decreased by a designated amount. 132466

A resolution of a detention facility district, a district 132467
organized under section 2151.65 of the Revised Code, or a combined 132468
district organized under both sections 2151.65 and 2152.41 of the 132469
Revised Code may include both current expenses and other purposes, 132470
provided that the resolution shall apportion the annual rate of 132471
levy between the current expenses and the other purpose or 132472
purposes. The apportionment need not be the same for each year of 132473
the levy, but the respective portions of the rate actually levied 132474
each year for the current expenses and the other purpose or 132475
purposes shall be limited by the apportionment. 132476

Whenever a board of county commissioners, acting either as 132477
the taxing authority of its county or as the taxing authority of a 132478
sewer district or subdistrict created under Chapter 6117. of the 132479
Revised Code, by resolution declares it necessary to levy a tax in 132480
excess of the ten-mill limitation for the purpose of constructing, 132481
improving, or extending sewage disposal plants or sewage systems, 132482
the tax may be in effect for any number of years not exceeding 132483
twenty, and the proceeds of the tax, notwithstanding the general 132484
provisions of this section, may be used to pay debt charges on any 132485
obligations issued and outstanding on behalf of the subdivision 132486
for the purposes enumerated in this paragraph, provided that any 132487
such obligations have been specifically described in the 132488
resolution. 132489

A resolution adopted by the legislative authority of a 132490
municipal corporation that is for the purpose in division (XX) of 132491

this section may be combined with the purpose provided in section 132492
306.55 of the Revised Code, by vote of two-thirds of all members 132493
of the legislative authority. The legislative authority may 132494
certify the resolution to the board of elections as a combined 132495
question. The question appearing on the ballot shall be as 132496
provided in section 5705.252 of the Revised Code. 132497

The resolution shall go into immediate effect upon its 132498
passage, and no publication of the resolution is necessary other 132499
than that provided for in the notice of election. 132500

When the electors of a subdivision or, in the case of a 132501
qualifying library levy for the support of a library association 132502
or private corporation, the electors of the association library 132503
district, have approved a tax levy under this section, the taxing 132504
authority of the subdivision may anticipate a fraction of the 132505
proceeds of the levy and issue anticipation notes in accordance 132506
with section 5705.191 or 5705.193 of the Revised Code. 132507

Sec. 5705.192. (A) For the purposes of this section only, 132508
"taxing authority" includes a township board of park commissioners 132509
appointed under section 511.18 of the Revised Code. 132510

(B) A taxing authority may propose to replace an existing 132511
levy that the taxing authority is authorized to levy, regardless 132512
of the section of the Revised Code under which the authority is 132513
granted, except a school district emergency levy proposed pursuant 132514
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 132515
authority may propose to replace the existing levy in its entirety 132516
at the rate at which it is authorized to be levied; may propose to 132517
replace a portion of the existing levy at a lesser rate; or may 132518
propose to replace the existing levy in its entirety and increase 132519
the rate at which it is levied. If the taxing authority proposes 132520
to replace an existing levy, the proposed levy shall be called a 132521
replacement levy and shall be so designated on the ballot. Except 132522

as otherwise provided in this division, a replacement levy shall 132523
be limited to the purpose of the existing levy, and shall appear 132524
separately on the ballot from, and shall not be conjoined with, 132525
the renewal of any other existing levy. In the case of an existing 132526
school district levy imposed under section 5705.21 of the Revised 132527
Code for the purpose specified in division (F) of section 5705.19 132528
of the Revised Code, or in the case of an existing school district 132529
levy imposed under section 5705.217 of the Revised Code for the 132530
acquisition, construction, enlargement, renovation, and financing 132531
of permanent improvements, the replacement for that existing levy 132532
may be for the same purpose or for the purpose of general 132533
permanent improvements as defined in section 5705.21 of the 132534
Revised Code. 132535

The resolution proposing a replacement levy shall specify the 132536
purpose of the levy; its proposed rate expressed in mills; whether 132537
the proposed rate is the same as the rate of the existing levy, a 132538
reduction, or an increase; the extent of any reduction or increase 132539
expressed in mills; the first calendar year in which the levy will 132540
be due; and the term of the levy, expressed in years or, if 132541
applicable, that it will be levied for a continuing period of 132542
time. 132543

The sections of the Revised Code governing the maximum rate 132544
and term of the existing levy, the contents of the resolution that 132545
proposed the levy, the adoption of the resolution, the 132546
arrangements for the submission of the question of the levy, and 132547
notice of the election also govern the respective provisions of 132548
the proposal to replace the existing levy, except as provided in 132549
divisions (B)(1) to (3) of this section: 132550

(1) In the case of an existing school district levy that is 132551
imposed under section 5705.21 of the Revised Code for the purpose 132552
specified in division (F) of section 5705.19 of the Revised Code 132553
or under section 5705.217 of the Revised Code for the acquisition, 132554

construction, enlargement, renovation, and financing of permanent 132555
improvements, and that is to be replaced by a levy for general 132556
permanent improvements, the maximum term of the replacement levy 132557
is not limited to the term of the existing levy and may be for a 132558
continuing period of time. 132559

(2) The date on which the election is held shall be as 132560
follows: 132561

(a) For the replacement of a levy with a fixed term of years, 132562
the date of the general election held during the last year the 132563
existing levy may be extended on the real and public utility 132564
property tax list and duplicate, or the date of any election held 132565
in the ensuing year; 132566

(b) For the replacement of a levy imposed for a continuing 132567
period of time, the date of any election held in any year after 132568
the year the levy to be replaced is first approved by the 132569
electors, except that only one election on the question of 132570
replacing the levy may be held during any calendar year. 132571

The failure by the electors to approve a proposal to replace 132572
a levy imposed for a continuing period of time does not terminate 132573
the existing continuing levy. 132574

(3) In the case of an existing school district levy imposed 132575
under division (B) of section 5705.21, division (C) of section 132576
5705.212, or division (J) of section 5705.218 of the Revised Code, 132577
the rates allocated to the municipal school district and to 132578
partnering community schools each may be increased or decreased or 132579
remain the same, and the total rate may be increased, decreased, 132580
or remain the same. 132581

(C) The form of the ballot at the election on the question of 132582
a replacement levy shall be as follows: 132583

"A replacement of a tax for the benefit of (name 132584
of subdivision or public library) for the purpose of 132585

(the purpose stated in the resolution) at a rate not exceeding 132586
 mills for each one dollar of valuation, which amounts 132587
 to (rate expressed in dollars and cents) for each one 132588
 hundred dollars in valuation, for (number of years levy 132589
 is to run, or that it will be levied for a continuous period of 132590
 time) 132591

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| | FOR THE TAX LEVY | " |
| | AGAINST THE TAX LEVY | |

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If the replacement levy is proposed by a municipal school 132596
 district to replace an existing tax levied under division (B) of 132597
 section 5705.21, division (C)(1) of section 5705.212, or division 132598
 (J) of section 5705.218 of the Revised Code, the form of the 132599
 ballot shall be modified by adding, after the phrase "each one 132600
 dollar of valuation," the following: "(of which mills is to 132601
 be allocated to partnering community schools)." 132602

If the proposal is to replace an existing levy and increase 132603
 the rate of the existing levy, the form of the ballot shall be 132604
 changed by adding the words "..... mills of an existing levy 132605
 and an increase of mills, to constitute" after the 132606
 words "a replacement of." If the proposal is to replace only a 132607
 portion of an existing levy, the form of the ballot shall be 132608
 changed by adding the words "a portion of an existing levy, being 132609
 a reduction of mills, to constitute" after the words "a 132610
 replacement of." If the existing levy is imposed under division 132611
 (B) of section 5705.21, division (C)(1) of section 5705.212, or 132612
 division (J) of section 5705.218 of the Revised Code, the form of 132613
 the ballot also shall state the portion of the total increased 132614
 rate or of the total rate as reduced that is to be allocated to 132615
 partnering community schools. 132616

If the tax is to be placed on the tax list of the current tax year, the form of the ballot shall be modified by adding at the end of the form the phrase ", commencing in (first year the replacement tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

(D) Two existing levies, or any portion of those levies, may be combined into one replacement levy, so long as both of the existing levies are for the same purpose and either both are due to expire the same year or both are for a continuing period of time. The question of combining all or portions of the two existing levies into the replacement levy shall appear as one ballot proposition before the electors. If the electors approve the ballot proposition, all or the stated portions of the two existing levies are replaced by one replacement levy.

(E) A levy approved in excess of the ten-mill limitation under this section shall be certified to the tax commissioner. In the first year of a levy approved under this section, the levy shall be extended on the tax lists after the February settlement succeeding the election at which the levy was approved. If the levy is to be placed on the tax lists of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified immediately after the canvass by the board of elections to the taxing authority, which shall forthwith make the necessary levy and certify it to the county auditor, who shall extend it on the tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget

commission. 132649

If notes are authorized to be issued in anticipation of the 132650
proceeds of the existing levy, notes may be issued in anticipation 132651
of the proceeds of the replacement levy, and such issuance is 132652
subject to the terms and limitations governing the issuance of 132653
notes in anticipation of the proceeds of the existing levy. 132654

(F) This section does not authorize a tax to be levied in any 132655
year after the year in which revenue is not needed for the purpose 132656
for which the tax is levied. 132657

Sec. 5705.21. (A) At any time, the board of education of any 132658
city, local, exempted village, cooperative education, or joint 132659
vocational school district, by a vote of two-thirds of all its 132660
members, may declare by resolution that the amount of taxes which 132661
may be raised within the ten-mill limitation by levies on the 132662
current tax duplicate will be insufficient to provide an adequate 132663
amount for the necessary requirements of the school district, that 132664
it is necessary to levy a tax in excess of such limitation for one 132665
of the purposes specified in division (A), (D), (F), (H), or (DD) 132666
of section 5705.19 of the Revised Code, for general permanent 132667
improvements, for the purpose of operating a cultural center, for 132668
the purpose of providing for school safety and security, or for 132669
the purpose of providing education technology, and that the 132670
question of such additional tax levy shall be submitted to the 132671
electors of the school district at a special election on a day to 132672
be specified in the resolution. In the case of a qualifying 132673
library levy for the support of a library association or private 132674
corporation, the question shall be submitted to the electors of 132675
the association library district. If the resolution states that 132676
the levy is for the purpose of operating a cultural center, the 132677
ballot shall state that the levy is "for the purpose of operating 132678
the (name of cultural center)." 132679

As used in this division, "cultural center" means a 132680
freestanding building, separate from a public school building, 132681
that is open to the public for educational, musical, artistic, and 132682
cultural purposes; "education technology" means, but is not 132683
limited to, computer hardware, equipment, materials, and 132684
accessories, equipment used for two-way audio or video, and 132685
software; and "general permanent improvements" means permanent 132686
improvements without regard to the limitation of division (F) of 132687
section 5705.19 of the Revised Code that the improvements be a 132688
specific improvement or a class of improvements that may be 132689
included in a single bond issue. 132690

A resolution adopted under this division shall be confined to 132691
a single purpose and shall specify the amount of the increase in 132692
rate that it is necessary to levy, the purpose of the levy, and 132693
the number of years during which the increase in rate shall be in 132694
effect. The number of years may be any number not exceeding five 132695
or, if the levy is for current expenses of the district or for 132696
general permanent improvements, for a continuing period of time. 132697

(B)(1) The board of education of a municipal school district, 132698
by resolution, may declare that it is necessary to levy a tax in 132699
excess of the ten-mill limitation for the purpose of paying the 132700
current expenses of the district and of partnering community 132701
schools and that the question of the additional tax levy shall be 132702
submitted to the electors of the school district at a special 132703
election on a day to be specified in the resolution. The 132704
resolution shall state the purpose of the levy, the rate of the 132705
tax expressed in mills per dollar of taxable value, the number of 132706
such mills to be levied for the current expenses of the partnering 132707
community schools and the number of such mills to be levied for 132708
the current expenses of the school district, the number of years 132709
the tax will be levied, and the first year the tax will be levied. 132710
The number of years the tax may be levied may be any number not 132711

exceeding ten years, or for a continuing period of time. 132712

The levy of a tax for the current expenses of a partnering 132713
community school under this section and the distribution of 132714
proceeds from the tax by a municipal school district to partnering 132715
community schools is hereby determined to be a proper public 132716
purpose. 132717

(2) The form of the ballot at an election held pursuant to 132718
division (B) of this section shall be as follows: 132719

"Shall a levy be imposed by the (insert the name of 132720
the municipal school district) for the purpose of current expenses 132721
of the school district and of partnering community schools at a 132722
rate not exceeding (insert the number of mills) mills for 132723
each one dollar of valuation (of which (insert the number 132724
of mills to be allocated to partnering community schools) mills is 132725
to be allocated to partnering community schools), which amounts to 132726
..... (insert the rate expressed in dollars and cents) for each 132727
one hundred dollars of valuation, for (insert the number of 132728
years the levy is to be imposed, or that it will be levied for a 132729
continuing period of time), beginning (insert first year 132730
the tax is to be levied), which will first be payable in calendar 132731
year (insert the first calendar year in which the tax would 132732
be payable)? 132733

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| | FOR THE TAX LEVY |
| | AGAINST THE TAX LEVY |

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(3) Upon each receipt of a tax distribution by the municipal 132736
school district, the board of education shall credit the portion 132737
allocated to partnering community schools to the partnering 132738
community schools fund. All income from the investment of money in 132739
the partnering community schools fund shall be credited to that 132740
fund. 132741

Not more than forty-five days after the municipal school 132742

district receives and deposits each tax distribution, the board of 132743
education shall distribute the partnering community schools amount 132744
among the then qualifying community schools. From each tax 132745
distribution, each such partnering community school shall receive 132746
a portion of the partnering community schools amount in the 132747
proportion that the number of its resident students bears to the 132748
aggregate number of resident students of all such partnering 132749
community schools as of the date of receipt and deposit of the tax 132750
distribution. For the purposes of this division, the number of 132751
resident students shall be the number of such students reported 132752
under section 3317.03 of the Revised Code and established by the 132753
department of education as of the date of receipt and deposit of 132754
the tax distribution. 132755

(4) To the extent an agreement whereby the municipal school 132756
district and a community school endorse each other's programs is 132757
necessary for the community school to qualify as a partnering 132758
community school under division (B)(6)(b) of this section, the 132759
board of education of the school district shall certify to the 132760
department of education the agreement along with the determination 132761
that such agreement satisfies the requirements of that division. 132762
The board's determination is conclusive. 132763

(5) For the purposes of Chapter 3317. of the Revised Code or 132764
other laws referring to the "taxes charged and payable" for a 132765
school district, the taxes charged and payable for a municipal 132766
school district that levies a tax under division (B) of this 132767
section includes only the taxes charged and payable under that 132768
levy for the current expenses of the school district, and does not 132769
include the taxes charged and payable for the current expenses of 132770
partnering community schools. The taxes charged and payable for 132771
the current expenses of partnering community schools shall not 132772
affect the calculation of "state education aid" as defined in 132773
section 5751.20 of the Revised Code. 132774

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| (6) As used in division (B) of this section: | 132775 |
| (a) "Municipal school district" has the same meaning as in section 3311.71 of the Revised Code. | 132776
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| (b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the municipal school district and that either is sponsored by the district or is a party to an agreement with the district whereby the district and the community school endorse each other's programs. | 132778
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| (c) "Partnering community schools amount" means the product obtained, as of the receipt and deposit of the tax distribution, by multiplying the amount of a tax distribution by a fraction, the numerator of which is the number of mills per dollar of taxable value of the property tax to be allocated to partnering community schools, and the denominator of which is the total number of mills per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax. | 132784
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| (d) "Partnering community schools fund" means a separate fund established by the board of education of a municipal school district for the deposit of partnering community school amounts under this section. | 132793
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| (e) "Resident student" means a student enrolled in a partnering community school who is entitled to attend school in the municipal school district under section 3313.64 or 3313.65 of the Revised Code. | 132797
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| (f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law. | 132801
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(C) A resolution adopted under this section shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

A resolution adopted under this section may propose to renew one or more existing levies imposed under division (A) or (B) of this section or to increase or decrease a single levy imposed under either such division.

If the board of education imposes one or more existing levies for the purpose specified in division (F) of section 5705.19 of the Revised Code, the resolution may propose to renew one or more of those existing levies, or to increase or decrease a single such existing levy, for the purpose of general permanent improvements.

If the resolution proposes to renew two or more existing levies, the levies shall be levied for the same purpose. The resolution shall identify those levies and the rates at which they are levied. The resolution also shall specify that the existing levies shall not be extended on the tax lists after the year preceding the year in which the renewal levy is first imposed, regardless of the years for which those levies originally were authorized to be levied.

If the resolution proposes to renew an existing levy imposed under division (B) of this section, the rates allocated to the municipal school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be increased, decreased, or remain the same. The resolution and notice of election shall specify the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the municipal school district.

A resolution adopted under this section shall go into 132837
immediate effect upon its passage, and no publication of the 132838
resolution shall be necessary other than that provided for in the 132839
notice of election. A copy of the resolution shall immediately 132840
after its passing be certified to the board of elections of the 132841
proper county in the manner provided by section 5705.25 of the 132842
Revised Code. That section shall govern the arrangements for the 132843
submission of such question and other matters concerning the 132844
election to which that section refers, including publication of 132845
notice of the election, except that the election shall be held on 132846
the date specified in the resolution. In the case of a resolution 132847
adopted under division (B) of this section, the publication of 132848
notice of that election shall state the number of the mills to be 132849
levied for the current expenses of partnering community schools 132850
and the number of the mills to be levied for the current expenses 132851
of the municipal school district. If a majority of the electors 132852
voting on the question so submitted in an election vote in favor 132853
of the levy, the board of education may make the necessary levy 132854
within the school district or, in the case of a qualifying library 132855
levy for the support of a library association or private 132856
corporation, within the association library district, at the 132857
additional rate, or at any lesser rate in excess of the ten-mill 132858
limitation on the tax list, for the purpose stated in the 132859
resolution. A levy for a continuing period of time may be reduced 132860
pursuant to section 5705.261 of the Revised Code. The tax levy 132861
shall be included in the next tax budget that is certified to the 132862
county budget commission. 132863

(D)(1) After the approval of a levy on the current tax list 132864
and duplicate for current expenses, for recreational purposes, for 132865
community centers provided for in section 755.16 of the Revised 132866
Code, or for a public library of the district under division (A) 132867
of this section, and prior to the time when the first tax 132868
collection from the levy can be made, the board of education may 132869

anticipate a fraction of the proceeds of the levy and issue 132870
anticipation notes in a principal amount not exceeding fifty per 132871
cent of the total estimated proceeds of the levy to be collected 132872
during the first year of the levy. 132873

(2) After the approval of a levy for general permanent 132874
improvements for a specified number of years or for permanent 132875
improvements having the purpose specified in division (F) of 132876
section 5705.19 of the Revised Code, the board of education may 132877
anticipate a fraction of the proceeds of the levy and issue 132878
anticipation notes in a principal amount not exceeding fifty per 132879
cent of the total estimated proceeds of the levy remaining to be 132880
collected in each year over a period of five years after the 132881
issuance of the notes. 132882

The notes shall be issued as provided in section 133.24 of 132883
the Revised Code, shall have principal payments during each year 132884
after the year of their issuance over a period not to exceed five 132885
years, and may have a principal payment in the year of their 132886
issuance. 132887

(3) After approval of a levy for general permanent 132888
improvements for a continuing period of time, the board of 132889
education may anticipate a fraction of the proceeds of the levy 132890
and issue anticipation notes in a principal amount not exceeding 132891
fifty per cent of the total estimated proceeds of the levy to be 132892
collected in each year over a specified period of years, not 132893
exceeding ten, after the issuance of the notes. 132894

The notes shall be issued as provided in section 133.24 of 132895
the Revised Code, shall have principal payments during each year 132896
after the year of their issuance over a period not to exceed ten 132897
years, and may have a principal payment in the year of their 132898
issuance. 132899

(4) After the approval of a levy on the current tax list and 132900

duplicate under division (B) of this section, and prior to the 132901
time when the first tax collection from the levy can be made, the 132902
board of education may anticipate a fraction of the proceeds of 132903
the levy for the current expenses of the school district and issue 132904
anticipation notes in a principal amount not exceeding fifty per 132905
cent of the estimated proceeds of the levy to be collected during 132906
the first year of the levy and allocated to the school district. 132907
The portion of the levy proceeds to be allocated to partnering 132908
community schools under that division shall not be included in the 132909
estimated proceeds anticipated under this division and shall not 132910
be used to pay debt charges on any anticipation notes. 132911

The notes shall be issued as provided in section 133.24 of 132912
the Revised Code, shall have principal payments during each year 132913
after the year of their issuance over a period not to exceed five 132914
years, and may have a principal payment in the year of their 132915
issuance. 132916

(E) The submission of questions to the electors under this 132917
section is subject to the limitation on the number of election 132918
dates established by section 5705.214 of the Revised Code. 132919

Sec. 5705.217. (A) The board of education of a city, local, 132920
or exempted village school district, at any time by a vote of 132921
two-thirds of all its members, may declare by resolution that the 132922
amount of taxes that can be raised within the ten-mill limitation 132923
will be insufficient to provide an adequate amount for the present 132924
and future requirements of the school district; that it is 132925
necessary to levy an additional tax in excess of that limitation 132926
for the purposes of providing funds for current operating expenses 132927
and for ~~the acquisition, construction, enlargement, renovation,~~ 132928
~~and financing of~~ general permanent improvements as defined in 132929
section 5705.21 of the Revised Code; and that the question of the 132930
tax shall be submitted to the electors of the district at a 132931

special election. The tax may be levied for a specified number of 132932
years not exceeding five or, ~~if the tax is for current operating~~ 132933
~~expenses or for general, on going permanent improvements,~~ for a 132934
continuing period of time. The resolution shall specify the 132935
proposed tax rate, the first year the tax will be levied, and the 132936
number of years it will be levied, or that it will be levied for a 132937
continuing period of time. The resolution shall apportion the 132938
annual rate of the tax between current operating expenses and 132939
permanent improvements. The apportionment may but need not be the 132940
same for each year of the tax, but the respective portions of the 132941
rate actually levied each year for current operating expenses and 132942
permanent improvements shall be limited by the apportionment. 132943

The resolution shall specify the date of holding the special 132944
election, which shall not be earlier than ninety days after 132945
certification of the resolution to the board of elections and 132946
shall be consistent with the requirements of section 3501.01 of 132947
the Revised Code. The resolution shall go into immediate effect 132948
upon its passage, and no publication of it is necessary other than 132949
that provided in the notice of election. The board of education 132950
shall certify a copy of the resolution to the board of elections 132951
immediately after its adoption. Section 5705.25 of the Revised 132952
Code governs the arrangements and form of the ballot for the 132953
submission of the question to the electors. 132954

If a majority of the electors voting on the question vote in 132955
favor of the tax, the board of education may make the levy at the 132956
additional rate, or at any lesser rate in excess of the ten-mill 132957
limitation. If the tax is for a continuing period of time, it may 132958
be decreased in accordance with section 5705.261 of the Revised 132959
Code. 132960

A board of education may adopt a resolution to renew one or 132961
more existing levies imposed under this section, or to increase or 132962
decrease the rate of a tax levied under this section, for the 132963

purpose of providing funds for either current expenses and general permanent improvements or solely for general permanent improvements. 132964
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(B)(1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy. 132967
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(2) After the approval of a tax ~~under this section~~ for general permanent improvements having a specific purpose levied under this section for a specified number of years, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax remaining to be collected in each year over a specified period of ~~five years, not exceeding the number of years for which the tax was levied~~, after issuance of the notes. 132974
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(3) After the approval of a tax for general, ~~on-going~~ permanent improvements levied under this section for a continuing period of time, the board of education may anticipate a fraction of the proceeds of such tax and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected in each year over a specified period of years, not exceeding ten, after issuance of the notes. 132983
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Anticipation notes under this section shall be issued as provided in section 133.24 of the Revised Code. Notes issued under division (B)(1) or (2) of this section shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment 132991
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in the year of their issuance. Notes issued under division (B)(3) 132996
of this section shall have principal payments during each year 132997
after the year of their issuance over a period not to exceed ten 132998
years, and may have a principal payment in the year of their 132999
issuance. 133000

(C) The submission of a question to the electors under this 133001
section is subject to the limitation on the number of elections 133002
that can be held in a year under section 5705.214 of the Revised 133003
Code. 133004

Sec. 5705.218. (A) The board of education of a city, local, 133005
or exempted village school district, at any time by a vote of 133006
two-thirds of all its members, may declare by resolution that it 133007
may be necessary for the school district to issue general 133008
obligation bonds for permanent improvements. The resolution shall 133009
state all of the following: 133010

(1) The necessity and purpose of the bond issue; 133011

(2) The date of the special election at which the question 133012
shall be submitted to the electors; 133013

(3) The amount, approximate date, estimated rate of interest, 133014
and maximum number of years over which the principal of the bonds 133015
may be paid; 133016

(4) The necessity of levying a tax outside the ten-mill 133017
limitation to pay debt charges on the bonds and any anticipatory 133018
securities. 133019

On adoption of the resolution, the board shall certify a copy 133020
of it to the county auditor. The county auditor promptly shall 133021
estimate and certify to the board the average annual property tax 133022
rate required throughout the stated maturity of the bonds to pay 133023
debt charges on the bonds, in the same manner as under division 133024
(C) of section 133.18 of the Revised Code. 133025

(B) After receiving the county auditor's certification under 133026
division (A) of this section, the board of education of the city, 133027
local, or exempted village school district, by a vote of 133028
two-thirds of all its members, may declare by resolution that the 133029
amount of taxes that can be raised within the ten-mill limitation 133030
will be insufficient to provide an adequate amount for the present 133031
and future requirements of the school district; that it is 133032
necessary to issue general obligation bonds of the school district 133033
for permanent improvements and to levy an additional tax in excess 133034
of the ten-mill limitation to pay debt charges on the bonds and 133035
any anticipatory securities; that it is necessary for a specified 133036
number of years or for a continuing period of time to levy 133037
additional taxes in excess of the ten-mill limitation to provide 133038
funds for the acquisition, construction, enlargement, renovation, 133039
and financing of permanent improvements or to pay for current 133040
operating expenses, or both; and that the question of the bonds 133041
and taxes shall be submitted to the electors of the school 133042
district at a special election, which shall not be earlier than 133043
ninety days after certification of the resolution to the board of 133044
elections, and the date of which shall be consistent with section 133045
3501.01 of the Revised Code. The resolution shall specify all of 133046
the following: 133047

(1) The county auditor's estimate of the average annual 133048
property tax rate required throughout the stated maturity of the 133049
bonds to pay debt charges on the bonds; 133050

(2) The proposed rate of the tax, if any, for current 133051
operating expenses, the first year the tax will be levied, and the 133052
number of years it will be levied, or that it will be levied for a 133053
continuing period of time; 133054

(3) The proposed rate of the tax, if any, for permanent 133055
improvements, the first year the tax will be levied, and the 133056
number of years it will be levied, or that it will be levied for a 133057

continuing period of time. 133058

The resolution shall apportion the annual rate of the tax 133059
between current operating expenses and permanent improvements, if 133060
both taxes are proposed. The apportionment may but need not be the 133061
same for each year of the tax, but the respective portions of the 133062
rate actually levied each year for current operating expenses and 133063
permanent improvements shall be limited by the apportionment. The 133064
resolution shall go into immediate effect upon its passage, and no 133065
publication of it is necessary other than that provided in the 133066
notice of election. The board of education shall certify a copy of 133067
the resolution, along with copies of the auditor's estimate and 133068
its resolution under division (A) of this section, to the board of 133069
elections immediately after its adoption. 133070

(C) The board of elections shall make the arrangements for 133071
the submission to the electors of the school district of the 133072
question proposed under division (B) or (J) of this section, and 133073
the election shall be conducted, canvassed, and certified in the 133074
same manner as regular elections in the district for the election 133075
of county officers. The resolution shall be put before the 133076
electors as one ballot question, with a favorable vote indicating 133077
approval of the bond issue, the levy to pay debt charges on the 133078
bonds and any anticipatory securities, the current operating 133079
expenses levy, the permanent improvements levy, and the levy for 133080
the current expenses of a municipal school district and of 133081
partnering community schools, as those levies may be proposed. The 133082
board of elections shall publish notice of the election in a 133083
newspaper of general circulation in the school district once a 133084
week for two consecutive weeks, or as provided in section 7.16 of 133085
the Revised Code, prior to the election. If a board of elections 133086
operates and maintains a web site, that board also shall post 133087
notice of the election on its web site for thirty days prior to 133088
the election. The notice of election shall state all of the 133089

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| following: | 133090 |
| (1) The principal amount of the proposed bond issue; | 133091 |
| (2) The permanent improvements for which the bonds are to be issued; | 133092
133093 |
| (3) The maximum number of years over which the principal of the bonds may be paid; | 133094
133095 |
| (4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor; | 133096
133097
133098 |
| (5) The proposed rate of the additional tax, if any, for current operating expenses and, if the question is proposed under division (J) of this section, the portion of the rate to be allocated to the school district and the portion to be allocated to partnering community schools; | 133099
133100
133101
133102
133103 |
| (6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time; | 133104
133105
133106 |
| (7) The proposed rate of the additional tax, if any, for permanent improvements; | 133107
133108 |
| (8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time; | 133109
133110
133111 |
| (9) The time and place of the special election. | 133112 |
| (D) The form of the ballot for an election under this section is as follows: | 133113
133114 |
| "Shall the school district be authorized to do the following: | 133115
133116 |
| (1) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum | 133117
133118 |

period of years, and levy a property tax outside the 133119
ten-mill limitation, estimated by the county auditor to average 133120
over the bond repayment period mills for each one dollar of 133121
tax valuation, which amounts to (rate expressed in cents or 133122
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 133123
tax valuation, to pay the annual debt charges on the bonds, and to 133124
pay debt charges on any notes issued in anticipation of those 133125
bonds?" 133126

If either a levy for permanent improvements or a levy for 133127
current operating expenses is proposed, or both are proposed, the 133128
ballot also shall contain the following language, as appropriate: 133129

"(2) Levy an additional property tax to provide funds for the 133130
acquisition, construction, enlargement, renovation, and financing 133131
of permanent improvements at a rate not exceeding mills 133132
for each one dollar of tax valuation, which amounts to 133133
(rate expressed in cents or dollars and cents) for each \$100 of 133134
tax valuation, for (number of years of the levy, or a 133135
continuing period of time)? 133136

(3) Levy an additional property tax to pay current operating 133137
expenses at a rate not exceeding mills for each one dollar 133138
of tax valuation, which amounts to (rate expressed in 133139
cents or dollars and cents) for each \$100 of tax valuation, for 133140
..... (number of years of the levy, or a continuing period of 133141
time)? 133142

133143

| | |
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| | FOR THE BOND ISSUE AND LEVY (OR LEVIES) |
| | AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) |

"

133144

133145

133146

If the question is proposed under division (J) of this 133147
section, the form of the ballot shall be modified as prescribed by 133148
division (J)(4) of this section. 133149

(E) The board of elections promptly shall certify the results 133150
of the election to the tax commissioner and the county auditor of 133151
the county in which the school district is located. If a majority 133152
of the electors voting on the question vote for it, the board of 133153
education may proceed with issuance of the bonds and with the levy 133154
and collection of the property tax or taxes at the additional rate 133155
or any lesser rate in excess of the ten-mill limitation. Any 133156
securities issued by the board of education under this section are 133157
Chapter 133. securities, as that term is defined in section 133.01 133158
of the Revised Code. 133159

(F)(1) After the approval of a tax for current operating 133160
expenses under this section and prior to the time the first 133161
collection and distribution from the levy can be made, the board 133162
of education may anticipate a fraction of the proceeds of such 133163
levy and issue anticipation notes in a principal amount not 133164
exceeding fifty per cent of the total estimated proceeds of the 133165
tax to be collected during the first year of the levy. 133166

(2) After the approval of a tax under this section for 133167
permanent improvements having a specific purpose, the board of 133168
education may anticipate a fraction of the proceeds of such tax 133169
and issue anticipation notes in a principal amount not exceeding 133170
fifty per cent of the total estimated proceeds of the tax 133171
remaining to be collected in each year over a period of five years 133172
after issuance of the notes. 133173

(3) After the approval of a tax under this section for 133174
general, ~~on-going~~ permanent improvements as defined under ~~this~~ 133175
section 5705.21 of the Revised Code, the board of education may 133176
anticipate a fraction of the proceeds of such tax and issue 133177
anticipation notes in a principal amount not exceeding fifty per 133178
cent of the total estimated proceeds of the tax to be collected in 133179
each year over a specified period of years, not exceeding ten, 133180
after issuance of the notes. 133181

Anticipation notes under this section shall be issued as 133182
provided in section 133.24 of the Revised Code. Notes issued under 133183
division (F)(1) or (2) of this section shall have principal 133184
payments during each year after the year of their issuance over a 133185
period not to exceed five years, and may have a principal payment 133186
in the year of their issuance. Notes issued under division (F)(3) 133187
of this section shall have principal payments during each year 133188
after the year of their issuance over a period not to exceed ten 133189
years, and may have a principal payment in the year of their 133190
issuance. 133191

(G) A tax for current operating expenses or for permanent 133192
improvements levied under this section for a specified number of 133193
years may be renewed or replaced in the same manner as a tax for 133194
current operating expenses or for permanent improvements levied 133195
under section 5705.21 of the Revised Code. A tax for current 133196
operating expenses or for permanent improvements levied under this 133197
section for a continuing period of time may be decreased in 133198
accordance with section 5705.261 of the Revised Code. 133199

(H) The submission of a question to the electors under this 133200
section is subject to the limitation on the number of elections 133201
that can be held in a year under section 5705.214 of the Revised 133202
Code. 133203

(I) A school district board of education proposing a ballot 133204
measure under this section to generate local resources for a 133205
project under the school building assistance expedited local 133206
partnership program under section 3318.36 of the Revised Code may 133207
combine the questions under division (D) of this section with a 133208
question for the levy of a property tax to generate moneys for 133209
maintenance of the classroom facilities acquired under that 133210
project as prescribed in section 3318.361 of the Revised Code. 133211

(J)(1) After receiving the county auditor's certification 133212
under division (A) of this section, the board of education of a 133213

municipal school district, by a vote of two-thirds of all its members, may declare by resolution that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of paying the current expenses of the school district and of partnering community schools, as defined in section 5705.21 of the Revised Code; that it is necessary to issue general obligation bonds of the school district for permanent improvements of the district and to levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3505.01 of the Revised Code.

The levy of taxes for the current expenses of a partnering community school under division (J) of this section and the distribution of proceeds from the tax by a municipal school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The tax for the current expenses of the school district and of partnering community schools is subject to the requirements of divisions (B)(3), (4), and (5) of section 5705.21 of the Revised Code.

(3) In addition to the required specifications of the resolution under division (B) of this section, the resolution shall express the rate of the tax in mills per dollar of taxable value, state the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the school district, specify the number of years (not exceeding ten) the tax will be levied or that it will be levied for a continuing period of time, and state the first year the tax will be levied.

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.

(4) The form of the ballot shall be modified by replacing the ballot form set forth in division (D)(3) of this section with the following:

"Levy an additional property tax for the purpose of the current expenses of the school district and of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation (of which (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time)?

| | |
|--|---|
| | FOR THE BOND ISSUE AND LEVY (OR LEVIES) |
| | AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) |

(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division (J) of this section, and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of levy proceeds to be allocated to partnering

community schools shall not be included in the estimated proceeds 133278
anticipated under this division and shall not be used to pay debt 133279
charges on any anticipation notes. 133280

The notes shall be issued as provided in section 133.24 of 133281
the Revised Code, shall have principal payments during each year 133282
after the year of their issuance over a period not to exceed five 133283
years, and may have a principal payment in the year of their 133284
issuance. 133285

(6) A tax for the current expenses of the school district and 133286
of partnering community schools levied under division (J) of this 133287
section for a specified number of years may be renewed or replaced 133288
in the same manner as a tax for the current expenses of a school 133289
district and of partnering community schools levied under division 133290
(B) of section 5705.21 of the Revised Code. A tax for the current 133291
expenses of the school district and of partnering community 133292
schools levied under this division for a continuing period of time 133293
may be decreased in accordance with section 5705.261 of the 133294
Revised Code. 133295

(7) The proceeds from the issuance of the general obligation 133296
bonds under division (J) of this section shall be used solely to 133297
pay for permanent improvements of the school district and not for 133298
permanent improvements of partnering community schools. 133299

Sec. 5705.221. (A) At any time, the board of county 133300
commissioners of any county by a majority vote of the full 133301
membership may declare by resolution and certify to the board of 133302
elections of the county that the amount of taxes which may be 133303
raised within the ten-mill limitation by levies on the current tax 133304
duplicate will be insufficient to provide the necessary 133305
requirements of the county's alcohol, drug addiction, and mental 133306
health service district established pursuant to Chapter 340. of 133307
the Revised Code, or the county's contribution to a joint-county 133308

district of which the county is a part, and that it is necessary 133309
to levy a tax in excess of such limitation for the operation of 133310
~~alcohol and drug~~ community addiction ~~programs~~ services providers 133311
and community mental health ~~programs~~ services providers and the 133312
acquisition, construction, renovation, financing, maintenance, and 133313
operation of alcohol and drug addiction facilities and mental 133314
health facilities. 133315

Such resolution shall conform to section 5705.19 of the 133316
Revised Code, except that the increased rate may be in effect for 133317
any number of years not exceeding ten. 133318

The resolution shall be certified and submitted in the manner 133319
provided in section 5705.25 of the Revised Code, except that it 133320
may be placed on the ballot in any election, and shall be 133321
certified to the board of elections not less than ninety days 133322
before the election at which it will be voted upon. 133323

If the majority of the electors voting on a levy to 133324
supplement general fund appropriations for the support of the 133325
comprehensive ~~alcohol and drug~~ community addiction and mental 133326
health ~~program~~ services providers vote in favor of the levy, the 133327
board may levy a tax within the county at the additional rate 133328
outside the ten-mill limitation during the specified or continuing 133329
period, for the purpose stated in the resolution. 133330

(B) When electors have approved a tax levy under this 133331
section, the board of county commissioners may anticipate a 133332
fraction of the proceeds of the levy and, from time to time, issue 133333
anticipation notes in accordance with section 5705.191 or 5705.193 133334
of the Revised Code. 133335

(C) The county auditor who is the fiscal officer of the 133336
alcohol, drug addiction, and mental health service district, upon 133337
receipt of a resolution from the board of alcohol, drug addiction, 133338
and mental health services, shall establish for the district a 133339

capital improvements account or a reserve balance account, or 133340
both, as specified in the resolution. The capital improvements 133341
account shall be a contingency fund for the necessary acquisition, 133342
replacement, renovation, or construction of facilities and movable 133343
and fixed equipment. Upon the request of the board, funds not 133344
needed to pay for current expenses may be appropriated to the 133345
capital improvements account, in amounts such that the account 133346
does not exceed twenty-five per cent of the replacement value of 133347
all capital facilities and equipment currently used by the board 133348
for programs and services. Other funds which are available for 133349
current capital expenses from federal, state, or local sources may 133350
also be appropriated to this account. 133351

The reserve balance account shall contain those funds that 133352
are not needed to pay for current operating expenses and not 133353
deposited in the capital improvements account but that will be 133354
needed to pay for operating expenses in the future. Upon the 133355
request of a board, such funds shall be appropriated to the 133356
reserve balance account. Payments from the capital improvements 133357
account and the reserve balance account shall be made by the 133358
county treasurer who is the custodian of funds for the district 133359
upon warrants issued by the county auditor who is the fiscal 133360
officer of the district pursuant to orders of the board. 133361

Sec. 5705.25. (A) A copy of any resolution adopted as 133362
provided in section 5705.19 or 5705.2111 of the Revised Code shall 133363
be certified by the taxing authority to the board of elections of 133364
the proper county not less than ninety days before the general 133365
election in any year, and the board shall submit the proposal to 133366
the electors of the subdivision at the succeeding November 133367
election. In the case of a qualifying library levy, the board 133368
shall submit the question to the electors of the library district 133369
or association library district. Except as otherwise provided in 133370
this division, a resolution to renew an existing levy, regardless 133371

of the section of the Revised Code under which the tax was 133372
imposed, shall not be placed on the ballot unless the question is 133373
submitted at the general election held during the last year the 133374
tax to be renewed or replaced may be extended on the real and 133375
public utility property tax list and duplicate, or at any election 133376
held in the ensuing year. The limitation of the foregoing sentence 133377
does not apply to a resolution to renew and increase or to renew 133378
part of an existing levy that was imposed under section 5705.191 133379
of the Revised Code to supplement the general fund for the purpose 133380
of making appropriations for one or more of the following 133381
purposes: for public assistance, human or social services, relief, 133382
welfare, hospitalization, health, and support of general 133383
hospitals. The limitation of the second preceding sentence also 133384
does not apply to a resolution that proposes to renew two or more 133385
existing levies imposed under section 5705.21 or 5705.217 of the 133386
Revised Code, in which case the question shall be submitted on the 133387
date of the general or primary election held during the last year 133388
at least one of the levies to be renewed may be extended on the 133389
real and public utility property tax list and duplicate, or at any 133390
election held during the ensuing year. For purposes of this 133391
section, a levy shall be considered to be an "existing levy" 133392
through the year following the last year it can be placed on that 133393
tax list and duplicate. 133394

The board shall make the necessary arrangements for the 133395
submission of such questions to the electors of such subdivision, 133396
library district, or association library district, and the 133397
election shall be conducted, canvassed, and certified in the same 133398
manner as regular elections in such subdivision, library district, 133399
or association library district for the election of county 133400
officers. Notice of the election shall be published in a newspaper 133401
of general circulation in the subdivision, library district, or 133402
association library district once a week for two consecutive 133403
weeks, or as provided in section 7.16 of the Revised Code, prior 133404

to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the purpose, the proposed increase in rate expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, the number of years during which the increase will be in effect, the first month and year in which the tax will be levied, and the time and place of the election.

(B) The form of the ballots cast at an election held pursuant to division (A) of this section shall be as follows:

"An additional tax for the benefit of (name of subdivision or public library) for the purpose of (purpose stated in the resolution) at a rate not exceeding mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for (life of indebtedness or number of years the levy is to run).

| | |
|--|----------------------|
| | For the Tax Levy |
| | Against the Tax Levy |

"

(C) If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in division (B) of this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in case of a proposal to renew an existing levy in the same amount; the words "A renewal of mills and an increase of mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of mills, to constitute a" in the case of a decrease in the proposed levy.

If the levy submitted is a proposal to renew two or more existing levies imposed under section 5705.21 or 5705.217 of the Revised Code, the form of the ballot specified in division (B) of this section shall be modified by substituting for the words "an additional tax" the words "a renewal of(insert the number of levies to be renewed) existing taxes."

If the levy submitted is a levy under section 5705.72 of the Revised Code or a proposal to renew, increase, or decrease an existing levy imposed under that section, the name of the subdivision shall be "the unincorporated area of (name of township)."

The question covered by such resolution shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

(D) A levy voted in excess of the ten-mill limitation under this section shall be certified to the tax commissioner. In the first year of the levy, it shall be extended on the tax lists after the February settlement succeeding the election. If the additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission,

the result of the election shall be certified immediately after 133468
the canvass by the board of elections to the taxing authority, who 133469
shall make the necessary levy and certify it to the county 133470
auditor, who shall extend it on the tax lists for collection. 133471
After the first year, the tax levy shall be included in the annual 133472
tax budget that is certified to the county budget commission. 133473

Sec. 5705.55. (A) The board of directors of a lake facilities 133474
authority, by a vote of two-thirds of all its members, may at any 133475
time declare by resolution that the amount of taxes which may be 133476
raised within the ten-mill limitation by levies on the current tax 133477
duplicate will be insufficient to provide an adequate amount for 133478
the necessary requirements of the authority, that it is necessary 133479
to levy a tax in excess of such limitation for any of the purposes 133480
specified in divisions (A), (B), (F), and (H) of section 5705.19 133481
of the Revised Code, and that the question of such additional tax 133482
levy shall be submitted by the board to the electors residing 133483
within the boundaries of the impacted lake district on the day of 133484
a primary or general election. The resolution shall conform to 133485
section 5705.19 of the Revised Code, except that the tax levy may 133486
be in effect for no more than five years, as set forth in the 133487
resolution, unless the levy is for the payment of debt charges, 133488
and the total number of mills levied for each dollar of taxable 133489
valuation that may be levied under this section for any tax year 133490
shall not exceed one mill. If the levy is for the payment of debt 133491
charges, the levy shall be for the life of the bond indebtedness. 133492

133493

The resolution shall specify the date of holding the 133494
election, which shall not be earlier than ninety days after the 133495
adoption and certification of the resolution to the board of 133496
elections. The resolution shall not include a levy on the current 133497
tax list and duplicate unless the election is to be held at or 133498
prior to the first Tuesday after the first Monday in November of 133499

the current tax year. 133500

The resolution shall be certified to the board of elections 133501
of the proper county or counties not less than ninety days before 133502
the date of the election. The resolution shall go into immediate 133503
effect upon its passage, and no publication of the resolution 133504
shall be necessary other than that provided in the notice of 133505
election. Section 5705.25 of the Revised Code shall govern the 133506
arrangements for the submission of such question and other matters 133507
concerning the election, to which that section refers, except that 133508
the election shall be held on the date specified in the 133509
resolution. If a majority of the electors voting on the question 133510
so submitted in an election vote in favor of the levy, the board 133511
of directors may forthwith make the necessary levy within the 133512
boundaries of the impacted lake district at the additional rate in 133513
excess of the ten-mill limitation on the tax list, for the purpose 133514
stated in the resolution. The tax levy shall be included in the 133515
next annual tax budget that is certified to the county budget 133516
commission. 133517

(B) The form of the ballot in an election held on the 133518
question of levying a tax proposed pursuant to this section shall 133519
be as follows or in any other form acceptable to the secretary of 133520
state: 133521

"A tax for the benefit of (name of lake facilities authority) 133522
..... for the purpose of at a rate not exceeding 133523
..... mills for each one dollar of valuation, which amounts to 133524
(rate expressed in dollars and cents) for each one 133525
hundred dollars of valuation, for (life of 133526
indebtedness or number of years the levy is to run). 133527

| | |
|--|-----------------------------|
| | <u>For the Tax Levy</u> |
| | <u>Against the Tax Levy</u> |

"

133528
 133529
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(C) On approval of the levy, notes may be issued in 133532
anticipation of the collection of the proceeds of the tax levy, 133533
other than the proceeds to be received for the payment of bond 133534
debt charges, in the amount and manner and at the times as are 133535
provided in section 5705.193 of the Revised Code, for the issuance 133536
of notes by a county in anticipation of the proceeds of a tax 133537
levy. The lake facilities authority may borrow money in 133538
anticipation of the collection of current revenues as provided in 133539
section 133.10 of the Revised Code. 133540

(D) If a tax is levied under this section in a tax year, no 133541
other taxing authority of a subdivision or taxing unit, including 133542
a port authority, may levy a tax on property in the impacted lake 133543
district in the same tax year if the purpose of the levy is 133544
substantially the same as the purpose for which the lake 133545
facilities authority of the impacted lake district was created. 133546

Sec. 5709.17. The following property shall be exempted from 133547
taxation: 133548

(A) Real estate held or occupied by an association or 133549
corporation, organized or incorporated under the laws of this 133550
state relative to soldiers' memorial associations, monumental 133551
building associations, or cemetery associations or corporations, 133552
which in the opinion of the trustees, directors, or managers 133553
thereof is necessary and proper to carry out the object intended 133554
for such association or corporation; 133555

(B) Real estate and tangible personal property held or 133556
occupied by a veterans' organization that qualifies for exemption 133557
from taxation under section 501(c)(19) or 501(c)(23) of the 133558
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 133559
amended, and is incorporated under the laws of this state or the 133560
United States, except real estate held by such organization for 133561

the production of rental ~~or other~~ income in excess of the 133562
designated amount, before accounting for any cost or expense 133563
incurred in the production of such income. For the purposes of 133564
this division, ~~the:~~ 133565

(1) "Rental income" includes only income arising directly 133566
from renting the real estate to others for consideration. 133567

(2) The "designated amount" equals seven thousand five 133568
hundred dollars in tax year 2002, and shall be increased by two 133569
hundred fifty dollars each year thereafter until tax year 2012, 133570
when it shall equal ten thousand dollars. For tax years 2013 and 133571
thereafter, the designated amount shall equal ~~ten~~ thirty-six 133572
thousand dollars. 133573

(C) Tangible personal property held by a corporation 133574
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 133575
section 501(c)(3) of the Internal Revenue Code, and exempt from 133576
taxation under section 501(a) of the Internal Revenue Code shall 133577
be exempt from taxation if it is property obtained as described in 133578
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 133579

(D) Real estate held or occupied by a fraternal organization 133580
and used primarily for meetings of and the administration of the 133581
fraternal organization. As used in this division, "fraternal 133582
organization" means a domestic fraternal society, order, or 133583
association operating under the lodge, council, or grange system 133584
that qualifies for exemption from taxation under section 133585
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 133586
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 133587
financial support for charitable purposes, as defined in division 133588
(B)(12) of section 5739.02 of the Revised Code; and that has been 133589
operating in this state with a state governing body for at least 133590
one hundred years. 133591

Sec. 5709.75. (A) Any township that receives service payments 133592

in lieu of taxes under section 5709.74 of the Revised Code shall 133593
establish a township public improvement tax increment equivalent 133594
fund into which those payments shall be deposited. If the board of 133595
township trustees has adopted a resolution under division (C) of 133596
section 5709.73 of the Revised Code, the township shall establish 133597
at least one account in that fund with respect to resolutions 133598
adopted under division (B) of that section, and one account with 133599
respect to each incentive district created by a resolution adopted 133600
under division (C) of that section. If a resolution adopted under 133601
division (C) of section 5709.73 of the Revised Code also 133602
authorizes the use of service payments for housing renovations 133603
within the incentive district, the township shall establish 133604
separate accounts for the service payments designated for public 133605
infrastructure improvements and for the service payments 133606
authorized for the purpose of housing renovations. 133607

(B) Except as otherwise provided in division (C) or (D) of 133608
this section, money deposited in an account of the township public 133609
improvement tax increment equivalent fund shall be used by the 133610
township to pay the costs of public infrastructure improvements 133611
designated in or the housing renovations authorized by the 133612
resolution with respect to which the account is established, 133613
including any interest on and principal of the notes; in the case 133614
of an account established with respect to a resolution adopted 133615
under division (C) of that section, money in the account shall be 133616
used to finance the public infrastructure improvements designated, 133617
or the housing renovations authorized, for each incentive district 133618
created in the resolution. Money in an account shall not be used 133619
to finance or support housing renovations that take place after 133620
the incentive district has expired. 133621

(C)(1)(a) A township may distribute money in such an account 133622
to any school district in which the exempt property is located in 133623
an amount not to exceed the amount of real property taxes that 133624

such school district would have received from the improvement if 133625
it were not exempt from taxation. The resolution establishing the 133626
fund shall set forth the percentage of such maximum amount that 133627
will be distributed to any affected school district. 133628

(b) A township also may distribute money in such an account 133629
as follows: 133630

(i) To a board of county commissioners, in the amount that is 133631
owed to the board pursuant to division (E) of section 5709.73 of 133632
the Revised Code; 133633

(ii) To a county in accordance with section 5709.913 of the 133634
Revised Code. 133635

(2) Money from an account in a township public improvement 133636
tax increment equivalent fund may be distributed under division 133637
(C)(1)(b) of this section, regardless of the date a resolution was 133638
adopted under section 5709.73 of the Revised Code that prompted 133639
the establishment of the account, even if the resolution was 133640
adopted prior to March 30, 2006. 133641

(D) A board of township trustees that adopted a resolution 133642
under ~~division (B) of~~ section 5709.73 of the Revised Code ~~before~~ 133643
~~January 1, 1995,~~ and that, with respect to property exempted under 133644
such a resolution, is party to a hold-harmless or service 133645
agreement, may appropriate and expend unencumbered money in the 133646
fund to pay current public safety expenses of the township. A 133647
township appropriating and expending money under this division 133648
shall reimburse the fund for the sum so appropriated and expended 133649
not later than the day the exemption granted under the resolution 133650
expires. For the purposes of this division, a "hold-harmless 133651
agreement" is an agreement with the board of education of a city, 133652
local, or exempted village school district under which the board 133653
of township trustees agrees to compensate the school district for 133654
one hundred per cent of the tax revenue the school district would 133655

have received from improvements to parcels designated in the 133656
resolution were it not for the exemption granted by the 133657
resolution. 133658

(E) Any ~~incidental surplus~~ unencumbered money remaining in 133659
the township public improvement tax increment equivalent fund or 133660
an account of that fund upon dissolution of the account or fund 133661
shall be transferred to the general fund of the township. 133662

Sec. 5723.01. (A)(1) Every tract of land and town lot, which, 133663
pursuant to foreclosure proceedings under section 323.25, sections 133664
323.65 to 323.79, or section 5721.18 of the Revised Code, has been 133665
advertised and offered for sale on two separate occasions, not 133666
less than two weeks apart, and not sold for want of bidders, shall 133667
be forfeited to the state or to a political subdivision, school 133668
district, or county land reutilization corporation pursuant to 133669
division (A)(3) of this section. 133670

(2) The county prosecuting attorney shall certify to the 133671
court that such tract of land or town lot has been twice offered 133672
for sale and not sold for want of a bidder. Such forfeiture of 133673
lands and town lots shall be effective when the court by entry 133674
orders such lands and town lots forfeited to the state or to a 133675
political subdivision, school district, or county land 133676
reutilization corporation pursuant to division (A)(3) of this 133677
section. A copy of such entry shall be certified to the county 133678
auditor and, after the date of the certification, all the right, 133679
title, claim, and interest of the former owner is transferred to 133680
and vested in the state to be disposed of in compliance with this 133681
chapter. 133682

(3) After having been notified pursuant to division (A)(2) of 133683
this section that the tract of land or town lot has been twice 133684
offered for sale and not sold for want of bidders, the court shall 133685
notify the political subdivision and school district in which the 133686

property is located, and any county land reutilization corporation 133687
in the county, and offer to forfeit the property to the political 133688
subdivision, school district, or corporation, or to an electing 133689
subdivision as defined in section 5722.01 of the Revised Code, 133690
upon a petition from the political subdivision, school district, 133691
or corporation. If no such petition is filed with the court within 133692
ten days after notification by the court, the court shall forfeit 133693
the property to the state. If a political subdivision, school 133694
district, or corporation requests through a petition to receive 133695
the property through forfeiture, the forfeiture of land and town 133696
lots is effective when, by entry, the court orders such lands and 133697
town lots forfeited to the political subdivision, school district, 133698
or corporation. The court shall certify a copy of the entry to the 133699
county auditor and, after the date of certification, all the 133700
right, title, claim, and interest of the former owner is 133701
transferred to and vested in the political subdivision, school 133702
district, or corporation free and clear of all taxes, assessments, 133703
charges, penalties, interest, and costs. Any subordinate liens 133704
shall be deemed fully and forever satisfied and discharged. 133705

(B) Every parcel against which a judgment of foreclosure and 133706
forfeiture is made in accordance with section 5721.16 of the 133707
Revised Code is forfeited to the state on the date the court 133708
enters a finding under that section. After that date, all the 133709
right, title, claim, and interest of the former owner is 133710
transferred to the state to be disposed of in compliance with the 133711
relevant provisions of this chapter. 133712

Sec. 5725.18. (A) An annual franchise tax on the privilege of 133713
being an insurance company is hereby levied on each domestic 133714
insurance company. In the month of May, annually, the treasurer of 133715
state shall charge for collection from each domestic insurance 133716
company a franchise tax in the amount computed in accordance with 133717
the following, as applicable: 133718

(1) With respect to a domestic insurance company that is a health insuring corporation, one per cent of all premium rate payments received, exclusive of payments received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program ~~established under Chapter 5111. of the Revised Code~~ for the period ending September 30, 2009, as reflected in its annual report for the preceding calendar year;

(2) With respect to a domestic insurance company that is not a health insuring corporation, one and four-tenths per cent of the gross amount of premiums received from policies covering risks within this state, exclusive of premiums received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program ~~established under Chapter 5111. of the Revised Code~~ for the period ending September 30, 2009, as reflected in its annual statement for the preceding calendar year, and, if the company operates a health insuring corporation as a line of business, one per cent of all premium rate payments received from that line of business, exclusive of payments received under the medicare program ~~established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of payments received pursuant to the ~~medical assistance~~ medicaid program ~~established under Chapter 5111. of the Revised Code~~ for the period ending September 30, 2009, as reflected in its annual statement for the preceding calendar year.

Domestic insurance companies, including health insuring corporations, receiving payments pursuant to the ~~medical assistance~~ medicaid program ~~established under Chapter 5111. of the~~

~~Revised Code~~ during the period beginning October 1, 2009, and 133751
ending December 31, 2009, shall file with the 2009 annual 133752
statement to the superintendent a schedule that reflects those 133753
payments received pursuant to the ~~medical assistance~~ medicaid 133754
program for that period. The payments reflected in the schedule, 133755
plus all other taxable premiums, are subject to the annual 133756
franchise tax due to be paid in 2010. 133757

(B) The gross amount of premium rate payments or premiums 133758
used to compute the applicable tax in accordance with division (A) 133759
of this section is subject to the deductions prescribed by section 133760
5729.03 of the Revised Code for foreign insurance companies. The 133761
objects of such tax are those declared in section 5725.24 of the 133762
Revised Code, to which only such tax shall be applied. 133763

(C) In no case shall such tax be less than two hundred fifty 133764
dollars. 133765

Sec. 5725.33. (A) Except as otherwise provided in this 133766
section, terms used in this section have the same meaning as 133767
section 45D of the Internal Revenue Code, any related proposed, 133768
temporary or final regulations promulgated under the Internal 133769
Revenue Code, any rules or guidance of the internal revenue 133770
service or the United States department of the treasury, and any 133771
related rules or guidance issued by the community development 133772
financial institutions fund of the United States department of the 133773
treasury, as such law, regulations, rules, and guidance exist on 133774
October 16, 2009. 133775

As used in this section: 133776

(1) "Adjusted purchase price" means the amount paid for 133777
qualified equity investments multiplied by the qualified 133778
low-income community investments made by the issuer in projects 133779
located in this state as a percentage of the total amount of 133780
qualified low-income community investments made by the issuer in 133781

projects located in all states on the credit allowance date during 133782
the applicable tax year, subject to divisions (B)(1) and (2) of 133783
this section. 133784

(2) "Applicable percentage" means zero per cent for each of 133785
the first two credit allowance dates, seven per cent for the third 133786
credit allowance date, and eight per cent for the four following 133787
credit allowance dates. 133788

(3) "Credit allowance date" means the date, on or after 133789
January 1, 2010, a qualified equity investment is made and each of 133790
the six anniversary dates thereafter. For qualified equity 133791
investments made after October 16, 2009, but before January 1, 133792
2010, the initial credit allowance date is January 1, 2010, and 133793
each of the six anniversary dates thereafter is on the first day 133794
of January of each year. 133795

~~(4) "Qualified active low income community business" excludes 133796
any business that derives or projects to derive fifteen per cent 133797
or more of annual revenue from the rental or sale of real 133798
property, except any business that is a special purpose entity 133799
principally owned by a principal user of that property formed 133800
solely for the purpose of renting, either directly or indirectly, 133801
or selling real property back to such principal user if such 133802
principal user does not derive fifteen per cent or more of its 133803
gross annual revenue from the rental or sale of real property. 133804~~

~~(5) "Qualified community development entity" includes only 133805
entities; 133806~~

~~(a) That that have entered into an allocation agreement with 133807
the community development financial institutions fund of the 133808
United States department of the treasury with respect to credits 133809
authorized by section 45D of the Internal Revenue Code; 133810~~

~~(b) Whose and whose service area includes any portion of this 133811
state; and 133812~~

~~(c) That will designate an equity investment in such entities as a qualified equity investment for purposes of both section 45D of the Internal Revenue Code and this section.~~

~~(6)(5)~~ "Qualified equity investment" is limited to an equity investment in a qualified community development entity that:

(a) Is acquired after October 16, 2009, at its original issuance solely in exchange for cash;

(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments; and

(c) Is designated by the issuer as a qualified equity investment.

"Qualified equity investment" includes any equity investment that would, but for division (A)~~(6)(5)~~(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section:

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a

qualified community development entity even if the investment has 133844
been sold or repaid, provided that, at any time before the seventh 133845
anniversary of the issuance of the qualified equity investment, 133846
the qualified community development entity reinvests an amount 133847
equal to the capital returned to or received or recovered by the 133848
qualified community development entity from the original 133849
investment, exclusive of any profits realized and costs incurred 133850
in the sale or repayment, in another qualified low-income 133851
community investment within twelve months of the receipt of such 133852
capital. If the qualified low-income community investment is sold 133853
or repaid after the sixth anniversary of the issuance of the 133854
qualified equity investment, the qualified low-income community 133855
investment shall be considered held by the qualified community 133856
development entity through the seventh anniversary of the 133857
qualified equity investment's issuance. 133858

(2) The qualified low-income community investment made in 133859
this state shall equal the sum of the qualified low-income 133860
community investments in each qualified active low-income 133861
community business in this state, not to exceed two million five 133862
hundred sixty-four thousand dollars, in which the qualified 133863
community development entity invests, including such investments 133864
in any such businesses in this state related to that qualified 133865
active low-income community business through majority ownership or 133866
control. 133867

The credit shall be claimed in the order prescribed by 133868
section 5725.98 of the Revised Code. If the amount of the credit 133869
exceeds the amount of tax otherwise due after deducting all other 133870
credits in that order, the excess may be carried forward and 133871
applied to the tax due for not more than four ensuing years. 133872

By claiming a tax credit under this section, an insurance 133873
company waives its rights under section 5725.222 of the Revised 133874
Code with respect to the time limitation for the assessment of 133875

taxes as it relates to credits claimed that later become subject 133876
to recapture under division (E) of this section. 133877

(C) The amount of qualified equity investments on the basis 133878
of which credits may be claimed under this section and sections 133879
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 133880
the amount, estimated by the director of development, that would 133881
cause the total amount of credits allowed each fiscal year to 133882
exceed ten million dollars, computed without regard to the 133883
potential for taxpayers to carry tax credits forward to later 133884
years. 133885

(D) If any amount of ~~the~~ a federal tax credit allowed for a 133886
qualified equity investment for which a credit was received under 133887
this section is recaptured under section 45D of the Internal 133888
Revenue Code, or if the director of development services 133889
determines that an investment for which a tax credit is claimed 133890
under this section is not a qualified equity investment or that 133891
the proceeds of an investment for which a tax credit is claimed 133892
under this section are used to make qualified low-income community 133893
investments other than in a qualified active low-income community 133894
business, all or a portion of the credit received on account of 133895
that investment shall be paid by the insurance company that 133896
received the credit to the superintendent of insurance. The amount 133897
to be recovered shall be determined by the director of development 133898
services pursuant to rules adopted under division (E) of this 133899
section. The director shall certify any amount due under this 133900
division to the superintendent of insurance, and the 133901
superintendent shall notify the treasurer of state of the amount 133902
due. Upon notification, the treasurer shall invoice the insurance 133903
company for the amount due. The amount due is payable not later 133904
than thirty days after the date the treasurer invoices the 133905
insurance company. The amount due shall be considered to be tax 133906
due under section 5725.18 of the Revised Code, and may be 133907

collected by assessment without regard to the time limitations 133908
imposed under section 5725.222 of the Revised Code for the 133909
assessment of taxes by the superintendent. All amounts collected 133910
under this division shall be credited as revenue from the tax 133911
levied under section 5725.18 of the Revised Code. 133912

(E) The tax credits authorized under this section and 133913
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 133914
be administered by the ~~department of~~ development services agency. 133915
The director of development services, in consultation with the tax 133916
commissioner and the superintendent of insurance, pursuant to 133917
Chapter 119. of the Revised Code, shall adopt rules for the 133918
administration of this section and sections 5726.54, 5729.16, and 133919
5733.58 of the Revised Code. The rules shall provide for 133920
determining the recovery of credits under division (D) of this 133921
section and under sections 5726.54, 5729.16, and 5733.58 of the 133922
Revised Code, including prorating the amount of the credit to be 133923
recovered on any reasonable basis, the manner in which credits may 133924
be allocated among claimants, and the amount of any application or 133925
other fees to be charged in connection with a recovery. 133926

(F) There is hereby created in the state treasury the new 133927
markets tax credit operating fund. The director of development 133928
services is authorized to charge reasonable application and other 133929
fees in connection with the administration of tax credits 133930
authorized by this section and sections 5726.54, 5729.16, and 133931
5733.58 of the Revised Code. Any such fees collected shall be 133932
credited to the fund. The director of development services shall 133933
use money in the fund to pay expenses related to the 133934
administration of tax credits authorized under sections 5725.33, 133935
5726.54, 5729.16, and 5733.58 of the Revised Code. 133936

Sec. 5725.34. (A) As used in this section, "certificate 133937
owner" has the same meaning as in section 149.311 of the Revised 133938

Code. 133939

(B) There is allowed a credit against the tax imposed by 133940
section 5725.18 of the Revised Code for an insurance company 133941
subject to that tax that is a certificate owner of a 133942
rehabilitation tax credit certificate issued under section 149.311 133943
of the Revised Code. The credit shall equal twenty-five per cent 133944
of the dollar amount indicated on the certificate, but the amount 133945
of the credit allowed for any company for any year shall not 133946
exceed ~~five~~ ten million dollars. The credit shall be claimed in 133947
the calendar year specified in the certificate and in the order 133948
required under section 5725.98 of the Revised Code. If the credit 133949
exceeds the amount of tax otherwise due in that year, the excess 133950
shall be refunded to the company but, if any amount of the credit 133951
is refunded, the sum of the amount refunded and the amount applied 133952
to reduce the tax otherwise due in that year shall not exceed 133953
three million dollars. The company may carry forward any balance 133954
of the credit in excess of the amount claimed in that year for not 133955
more than five ensuing years, and shall deduct any amount claimed 133956
in any such year from the amount claimed in an ensuing year. 133957

(C) An insurance company claiming a credit under this section 133958
shall retain the rehabilitation tax credit certificate for four 133959
years following the end of the year in which the credit was 133960
claimed, and shall make the certificate available for inspection 133961
by the tax commissioner upon the request of the tax commissioner 133962
during that period. 133963

Sec. 5726.20. (A) The tax commissioner may make an 133964
assessment, based on any information in the commissioner's 133965
possession, against any person that fails to file a return or 133966
report or pay any tax as required by this chapter. The reporting 133967
person for a taxpayer shall file the annual report required under 133968
section 5726.02 of the Revised Code and remit the tax imposed by 133969

this chapter. Each person included in the annual report of the taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties and interest thereon. If the reporting person fails, for any reason, to file and remit any tax, the amount due may be collected by assessment against the reporting person and against any or all other persons required to be included in the annual report of the taxpayer in the manner provided by this section. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) No assessment shall be made or issued against a person under this section more than four years after the later of the final date the report subject to assessment was required to be filed or the date such report was filed. Such time limit may be extended if both the person and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limit has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit prescribed in division (A) of section 5726.30 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a person that fails to file a report subject to assessment as required by this chapter, or that files a fraudulent report.

(C) Unless the person assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either in person or by certified mail, a written petition for reassessment signed by the person or the person's authorized agent having knowledge of the facts, the assessment shall become final, and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A

petition shall indicate the objections of the person assessed, but 134002
additional objections may be raised in writing if received by the 134003
commissioner prior to the date shown on the final determination. 134004
If a petition for reassessment has been properly filed, the 134005
commissioner shall proceed under section 5703.60 of the Revised 134006
Code. 134007

(D)(1) After an assessment becomes final, if any portion of 134008
the assessment, including any accrued interest, remains unpaid, a 134009
certified copy of the tax commissioner's entry making the 134010
assessment final may be filed in the office of the clerk of the 134011
court of common pleas in the county in which the person resides or 134012
has its principal place of business in this state, or in the 134013
office of the clerk of court of common pleas of Franklin county. 134014

(2) Immediately upon the filing of the entry, the clerk shall 134015
enter judgment for the state against the person assessed in the 134016
amount shown on the entry. The judgment may be filed by the clerk 134017
in a loose-leaf book entitled, "special judgments for the 134018
financial institution tax" and shall have the same effect as other 134019
judgments. Execution shall issue upon the judgment at the request 134020
of the tax commissioner, and all laws applicable to sales on 134021
execution shall apply to sales made under the judgment. 134022

(3) ~~The portion of~~ If the assessment is not paid in its 134023
entirety within sixty days after the day the assessment was 134024
issued, the portion of the assessment consisting of tax due shall 134025
bear interest at the rate per annum prescribed by section 5703.47 134026
of the Revised Code from the date the tax commissioner issues the 134027
assessment until the date the assessment is paid or until it is 134028
certified to the attorney general for collection under section 134029
131.02 of the Revised Code, whichever comes first. If the unpaid 134030
portion of the assessment is certified to the attorney general for 134031
collection, the entire unpaid portion of the assessment shall bear 134032
interest at the rate per annum prescribed by section 5703.47 of 134033

the Revised Code from the date of certification until the date it 134034
is paid in its entirety. Interest shall be paid in the same manner 134035
as the tax and may be collected by the issuance of an assessment 134036
under this section. 134037

(E) If the tax commissioner believes that collection of the 134038
tax imposed by this chapter will be jeopardized unless proceedings 134039
to collect or secure collection of the tax are instituted without 134040
delay, the commissioner may issue a jeopardy assessment against 134041
the person liable for the tax. Immediately upon the issuance of 134042
the jeopardy assessment, the commissioner shall file an entry with 134043
the clerk of the court of common pleas in the manner prescribed by 134044
division (D) of this section. Notice of the jeopardy assessment 134045
shall be served on the person assessed or the person's authorized 134046
agent in the manner provided in section 5703.37 of the Revised 134047
Code within five days of the filing of the entry with the clerk. 134048
The total amount assessed shall be immediately due and payable, 134049
unless the person assessed files a petition for reassessment in 134050
accordance with division (C) of this section and provides security 134051
in a form satisfactory to the commissioner and in an amount 134052
sufficient to satisfy the unpaid balance of the assessment. Full 134053
or partial payment of the assessment shall not prejudice the 134054
commissioner's consideration of the petition for reassessment. 134055

(F) The tax commissioner shall immediately forward to the 134056
treasurer of state all amounts the commissioner receives under 134057
this section. Such amounts shall be considered as revenue arising 134058
from the tax imposed by this chapter. 134059

(G) If the tax commissioner possesses information indicating 134060
that the amount of tax a taxpayer is required to pay under this 134061
chapter exceeds the amount the reporting person for the taxpayer 134062
paid, the tax commissioner may audit a sample of the taxpayer's 134063
gross receipts over a representative period of time to ascertain 134064
the amount of tax due, and may issue an assessment based on the 134065

audit. The tax commissioner shall make a good faith effort to 134066
reach agreement with the taxpayer in selecting a representative 134067
sample. The tax commissioner may apply a sampling method only if 134068
the commissioner has prescribed the method by rule. 134069

(H) If the whereabouts of a person subject to this chapter is 134070
not known to the tax commissioner, the secretary of state is 134071
hereby deemed to be that person's agent for purposes of service of 134072
process or notice of any assessment, action, or proceedings 134073
instituted in this state against the person under this chapter. 134074
Such process or notice shall be served on such person by the 134075
commissioner or by an agent of the commissioner by leaving a true 134076
and attested copy of the process or notice at the office of the 134077
secretary of state at least fifteen days before the return day of 134078
such process or notice, and by sending a copy of the process or 134079
notice to such person by ordinary mail, with an endorsement 134080
thereon of the service upon the secretary of state, addressed to 134081
such person at the person's last known address. 134082

Sec. 5726.52. (A) As used in this section, "certificate 134083
owner" has the same meaning as in section 149.311 of the Revised 134084
Code. 134085

(B) A taxpayer may claim a refundable credit against the tax 134086
imposed by this chapter for each person included in the annual 134087
report of a taxpayer that is a certificate owner of a 134088
rehabilitation tax credit certificate issued under section 149.311 134089
of the Revised Code. The credit shall equal twenty-five per cent 134090
of the dollar amount indicated on each certificate, but shall not 134091
exceed ~~five~~ ten million dollars for each certificate. 134092

The credit shall be claimed for the calendar year specified 134093
in the certificate and in the order required under section 5726.98 134094
of the Revised Code. If the credit exceeds the amount of tax 134095
otherwise due in that year, the excess shall be refunded to the 134096

taxpayer, provided that, if any amount of the credit is refunded, 134097
the sum of the amount refunded and the amount applied to reduce 134098
the tax otherwise due in that year shall not exceed three million 134099
dollars. The taxpayer may carry forward any balance of the credit 134100
in excess of the amount claimed in that year for not more than 134101
five ensuing years, and shall deduct any amount claimed in any 134102
such year from the amount claimed in an ensuing year. A taxpayer 134103
may claim against the tax imposed by this chapter any unused 134104
portion of the credit authorized under section 5725.151 of the 134105
Revised Code, but only to the extent of the five-year carry 134106
forward period authorized by that section. 134107

(C) A taxpayer claiming a credit under this section shall 134108
retain the rehabilitation tax credit certificate for four years 134109
following the end of the year to which the credit was applied, and 134110
shall make the certificate available for inspection by the tax 134111
commissioner upon the request of the commissioner during that 134112
period. 134113

Sec. 5726.54. (A) Any term used in this section has the same 134114
meaning as in section 5725.33 of the Revised Code. 134115

(B) A taxpayer may claim a nonrefundable credit against the 134116
tax imposed by this chapter for each person included in the annual 134117
report of the taxpayer that holds a qualified equity investment on 134118
a credit allowance date occurring in the calendar year immediately 134119
preceding the tax year for which the tax is due. The credit shall 134120
be computed in the same manner prescribed for the computation of 134121
credits allowed under section 5725.33 of the Revised Code. 134122

By claiming a tax credit under this section, a taxpayer 134123
waives its rights under section 5726.20 of the Revised Code with 134124
respect to the time limitation for the assessment of taxes as it 134125
relates to credits claimed under this section that later become 134126
subject to recapture under division (D) of this section. 134127

A taxpayer may claim against the tax imposed by this chapter 134128
any unused portion of the credits authorized under sections 134129
5725.33 and 5733.58 of the Revised Code, but only to the extent of 134130
the remaining carry forward period authorized by those sections. 134131

The credit shall be claimed in the order prescribed by 134132
section 5726.98 of the Revised Code. If the amount of the credit 134133
exceeds the amount of tax otherwise due after deducting all other 134134
credits preceding the credit in the order prescribed in section 134135
5726.98 of the Revised Code, the excess may be carried forward for 134136
not more than four ensuing tax years. 134137

(C) The total amount of qualified equity investments on the 134138
basis of which credits may be claimed under this section and 134139
sections 5725.33, 5729.16, and 5733.58 of the Revised Code is 134140
subject to the limitation of division (C) of section 5725.33 of 134141
the Revised Code. 134142

(D) If any amount of ~~the~~ a federal tax credit allowed for a 134143
qualified equity investment for which a credit was received under 134144
this section is recaptured under section 45D of the Internal 134145
Revenue Code, or if the director of development services 134146
determines that an investment for which a tax credit is claimed 134147
under this section is not a qualified equity investment or that 134148
the proceeds of an investment for which a tax credit is claimed 134149
under this section are used to make qualified low-income community 134150
investments other than in a qualified active low-income community 134151
business, all or a portion of the credit received on account of 134152
that investment shall be paid by the taxpayer that received the 134153
credit to the tax commissioner. The amount to be recovered shall 134154
be determined by the director pursuant to rules adopted under 134155
section 5725.33 of the Revised Code. The director shall certify 134156
any amount due under this division to the tax commissioner, and 134157
the commissioner shall notify the taxpayer of the amount due. The 134158
amount due is payable not later than thirty days after the day the 134159

commissioner issues the notice. The amount due shall be considered 134160
to be tax due under section 5726.02 of the Revised Code, and may 134161
be collected by assessment without regard to the limitations 134162
imposed under section 5726.20 of the Revised Code for the 134163
assessment of taxes by the commissioner. All amounts collected 134164
under this division shall be credited as revenue from the tax 134165
levied under section 5726.02 of the Revised Code. 134166

Sec. 5727.26. (A) The tax commissioner may make an 134167
assessment, based on any information in the commissioner's 134168
possession, against any natural gas company or combined company 134169
that fails to file a return or pay any tax, interest, or 134170
additional charge as required by sections 5727.24 to 5727.29 of 134171
the Revised Code. The commissioner shall give the company assessed 134172
written notice of the assessment as provided in section 5703.37 of 134173
the Revised Code. With the notice, the commissioner shall provide 134174
instructions on how to petition for reassessment and request a 134175
hearing on the petition. A penalty of up to fifteen per cent may 134176
be added to all amounts assessed under this section. The tax 134177
commissioner may adopt rules providing for the imposition and 134178
remission of the penalty. 134179

(B) Unless the company assessed, within sixty days after 134180
service of the notice of assessment, files with the tax 134181
commissioner, either personally or by certified mail, a written 134182
petition signed by the company's authorized agent having knowledge 134183
of the facts, the assessment becomes final, and the amount of the 134184
assessment is due and payable from the company assessed to the 134185
treasurer of state. The petition shall indicate the objections of 134186
the company assessed, but additional objections may be raised in 134187
writing if received by the commissioner prior to the date shown on 134188
the final determination. 134189

If a petition for reassessment has been properly filed, the 134190

commissioner shall proceed under section 5703.60 of the Revised Code. 134191
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(C) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the natural gas company's or combined company's principal place of business is located, or in the office of the clerk of court of common pleas of Franklin county. 134193
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Immediately on the filing of the entry, the clerk shall enter judgment for the state against the company assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the public utility excise tax on natural gas and combined companies," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment. 134201
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~~The portion of~~ If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax 134210
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and may be collected by the issuance of an assessment under this section. 134223
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(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the company liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the company assessed or the company's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the company assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment. 134225
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(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code. 134243
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(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later. 134248
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| Sec. 5727.75. (A) For purposes of this section: | 134254 |
| (1) "Qualified energy project" means an energy project certified by the director of development <u>services</u> pursuant to this section. | 134255
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| (2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility. | 134258
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| (3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section. | 134261
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| (4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours. | 134264
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| (5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity. | 134269
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| (B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011, 2012, 2013, and 2014 <u>through 2019</u> if all of the following conditions are satisfied: | 134271
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| (a) On or before December 31, 2013 <u>2018</u> , the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project. | 134275
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| (b) Construction or installation of the energy facility | 134283 |

begins on or after January 1, 2009, and before January 1, ~~2014~~ 134284
2019. For the purposes of this division, construction begins on 134285
the earlier of the date of application for a certificate or other 134286
approval or permit described in division (B)(1)(a) of this 134287
section, or the date the contract for the construction or 134288
installation of the energy facility is entered into. 134289

(c) For a qualified energy project with a nameplate capacity 134290
of five megawatts or greater, a board of county commissioners of a 134291
county in which property of the project is located has adopted a 134292
resolution under division (E)(1)(b) or (c) of this section to 134293
approve the application submitted under division (E) of this 134294
section to exempt the property located in that county from 134295
taxation. A board's adoption of a resolution rejecting an 134296
application or its failure to adopt a resolution approving the 134297
application does not affect the tax-exempt status of the qualified 134298
energy project's property that is located in another county. 134299

(2) If tangible personal property of a qualified energy 134300
project using renewable energy resources was exempt from taxation 134301
under this section beginning in any of tax years 2011, 2012, 2013, 134302
~~or~~ 2014, 2015, 2016, 2017, 2018, or 2019, and the certification 134303
under division (E)(2) of this section has not been revoked, the 134304
tangible personal property of the qualified energy project is 134305
exempt from taxation for tax year ~~2015~~ 2020 and all ensuing tax 134306
years if the property was placed into service before January 1, 134307
~~2015~~ 2020, as certified in the construction progress report 134308
required under division (F)(2) of this section. Tangible personal 134309
property that has not been placed into service before that date is 134310
taxable property subject to taxation. An energy project for which 134311
certification has been revoked is ineligible for further exemption 134312
under this section. Revocation does not affect the tax-exempt 134313
status of the project's tangible personal property for the tax 134314
year in which revocation occurs or any prior tax year. 134315

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, ~~2019~~ 2024. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development 134347
services for certification of an energy project as a qualified 134348
energy project on or before the following dates: 134349

(i) December 31, ~~2013~~ 2018, for an energy project using 134350
renewable energy resources; 134351

(ii) December 31, ~~2015~~ 2020, for an energy project using 134352
clean coal technology, advanced nuclear technology, or 134353
cogeneration technology. 134354

(b) The director shall forward a copy of each application for 134355
certification of an energy project with a nameplate capacity of 134356
five megawatts or greater to the board of county commissioners of 134357
each county in which the project is located and to each taxing 134358
unit with territory located in each of the affected counties. Any 134359
board that receives from the director a copy of an application 134360
submitted under this division shall adopt a resolution approving 134361
or rejecting the application unless it has adopted a resolution 134362
under division (E)(1)(c) of this section. A resolution adopted 134363
under division (E)(1)(b) or (c) of this section may require an 134364
annual service payment to be made in addition to the service 134365
payment required under division (G) of this section. The sum of 134366
the service payment required in the resolution and the service 134367
payment required under division (G) of this section shall not 134368
exceed nine thousand dollars per megawatt of nameplate capacity 134369
located in the county. The resolution shall specify the time and 134370
manner in which the payments required by the resolution shall be 134371
paid to the county treasurer. The county treasurer shall deposit 134372
the payment to the credit of the county's general fund to be used 134373
for any purpose for which money credited to that fund may be used. 134374

The board shall send copies of the resolution by certified 134375
mail to the owner of the facility and the director within thirty 134376
days after receipt of the application, or a longer period of time 134377
if authorized by the director. 134378

(c) A board of county commissioners may adopt a resolution 134379
declaring the county to be an alternative energy zone and 134380
declaring all applications submitted to the director of 134381
development services under this division after the adoption of the 134382
resolution, and prior to its repeal, to be approved by the board. 134383

All tangible personal property and real property of an energy 134384
project with a nameplate capacity of five megawatts or greater is 134385
taxable if it is located in a county in which the board of county 134386
commissioners adopted a resolution rejecting the application 134387
submitted under this division or failed to adopt a resolution 134388
approving the application under division (E)(1)(b) or (c) of this 134389
section. 134390

(2) The director shall certify an energy project if all of 134391
the following circumstances exist: 134392

(a) The application was timely submitted. 134393

(b) For an energy project with a nameplate capacity of five 134394
megawatts or greater, a board of county commissioners of at least 134395
one county in which the project is located has adopted a 134396
resolution approving the application under division (E)(1)(b) or 134397
(c) of this section. 134398

(c) No portion of the project's facility was used to supply 134399
electricity before December 31, 2009. 134400

(3) The director shall deny a certification application if 134401
the director determines the person has failed to comply with any 134402
requirement under this section. The director may revoke a 134403
certification if the director determines the person, or subsequent 134404
owner or lessee pursuant to a sale and leaseback transaction of 134405
the qualified energy project, has failed to comply with any 134406
requirement under this section. Upon certification or revocation, 134407
the director shall notify the person, owner, or lessee, the tax 134408
commissioner, and the county auditor of a county in which the 134409

project is located of the certification or revocation. Notice 134410
shall be provided in a manner convenient to the director. 134411

(F) The owner or a lessee pursuant to a sale and leaseback 134412
transaction of a qualified energy project shall do each of the 134413
following: 134414

(1) Comply with all applicable regulations; 134415

(2) File with the director of development services a 134416
certified construction progress report before the first day of 134417
March of each year during the energy facility's construction or 134418
installation indicating the percentage of the project completed, 134419
and the project's nameplate capacity, as of the preceding 134420
thirty-first day of December. Unless otherwise instructed by the 134421
director of development services, the owner or lessee of an energy 134422
project shall file a report with the director on or before the 134423
first day of March each year after completion of the energy 134424
facility's construction or installation indicating the project's 134425
nameplate capacity as of the preceding thirty-first day of 134426
December. Not later than sixty days after June 17, 2010, the owner 134427
or lessee of an energy project, the construction of which was 134428
completed before June 17, 2010, shall file a certificate 134429
indicating the project's nameplate capacity. 134430

(3) File with the director of development services, in a 134431
manner prescribed by the director, a report of the total number of 134432
full-time equivalent employees, and the total number of full-time 134433
equivalent employees domiciled in Ohio, who are employed in the 134434
construction or installation of the energy facility; 134435

(4) For energy projects with a nameplate capacity of five 134436
megawatts or greater, repair all roads, bridges, and culverts 134437
affected by construction as reasonably required to restore them to 134438
their preconstruction condition, as determined by the county 134439
engineer in consultation with the local jurisdiction responsible 134440

for the roads, bridges, and culverts. In the event that the county engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the energy facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established by the county engineer and to be held by the board of county commissioners to ensure funding for repairs of roads, bridges, and culverts affected during the construction. The bond shall be released by the board not later than one year after the date the repairs are completed. The energy facility owner or lessee pursuant to a sale and leaseback transaction shall post a bond, as may be required by the Ohio power siting board in the certificate authorizing commencement of construction issued pursuant to section 4906.10 of the Revised Code, to ensure funding for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of five megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less

than eighty per cent in the case of a solar energy project, and 134473
not less than fifty per cent in the case of any other energy 134474
project. In the case of an energy project for which certification 134475
from the power siting board is required under section 4906.20 of 134476
the Revised Code, the number of full-time equivalent employees 134477
employed in the construction or installation of the energy project 134478
equals the number actually employed or the number projected to be 134479
employed in the certificate application, if such projection is 134480
required under regulations adopted pursuant to section 4906.03 of 134481
the Revised Code, whichever is greater. For all other energy 134482
projects, the number of full-time equivalent employees employed in 134483
the construction or installation of the energy project equals the 134484
number actually employed or the number projected to be employed by 134485
the director of development services, whichever is greater. To 134486
estimate the number of employees to be employed in the 134487
construction or installation of an energy project, the director 134488
shall use a generally accepted job-estimating model in use for 134489
renewable energy projects, including but not limited to the job 134490
and economic development impact model. The director may adjust an 134491
estimate produced by a model to account for variables not 134492
accounted for by the model. 134493

(7) For energy projects with a nameplate capacity in excess 134494
of two megawatts, establish a relationship with a member of the 134495
university system of Ohio as defined in section 3345.011 of the 134496
Revised Code or with a person offering an apprenticeship program 134497
registered with the employment and training administration within 134498
the United States department of labor or with the apprenticeship 134499
council created by section 4139.02 of the Revised Code, to educate 134500
and train individuals for careers in the wind or solar energy 134501
industry. The relationship may include endowments, cooperative 134502
programs, internships, apprenticeships, research and development 134503
projects, and curriculum development. 134504

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy

project is exempt from taxation under this section. The county 134536
treasurer shall allocate the payment on the basis of the project's 134537
physical location. Upon receipt of a payment, or if timely payment 134538
has not been received, the county treasurer shall certify such 134539
receipt or non-receipt to the director of development services and 134540
tax commissioner in a form determined by the director and 134541
commissioner, respectively. Each payment shall be in the following 134542
amount: 134543

(1) In the case of a solar energy project, seven thousand 134544
dollars per megawatt of nameplate capacity located in the county 134545
as of December 31, 2010, for tax year 2011, as of December 31, 134546
2011, for tax year 2012, as of December 31, 2012, for tax year 134547
2013, as of December 31, 2013, for tax year 2014, ~~and~~ as of 134548
December 31, 2014, for tax year 2015, as of December 31, 2015, for 134549
tax year 2016, as of December 31, 2016, for tax year 2017, as of 134550
December 31, 2017, for tax year 2018, as of December 31, 2018, for 134551
tax year 2019, and as of December 31, 2019, for tax year 2020 and 134552
each tax year thereafter; 134553

(2) In the case of any other energy project using renewable 134554
energy resources, the following: 134555

(a) If the project maintains during the construction or 134556
installation of the energy facility a ratio of Ohio-domiciled 134557
full-time equivalent employees to total full-time equivalent 134558
employees of not less than seventy-five per cent, six thousand 134559
dollars per megawatt of nameplate capacity located in the county 134560
as of the thirty-first day of December of the preceding tax year; 134561

(b) If the project maintains during the construction or 134562
installation of the energy facility a ratio of Ohio-domiciled 134563
full-time equivalent employees to total full-time equivalent 134564
employees of less than seventy-five per cent but not less than 134565
sixty per cent, seven thousand dollars per megawatt of nameplate 134566
capacity located in the county as of the thirty-first day of 134567

December of the preceding tax year; 134568

(c) If the project maintains during the construction or 134569
installation of the energy facility a ratio of Ohio-domiciled 134570
full-time equivalent employees to total full-time equivalent 134571
employees of less than sixty per cent but not less than fifty per 134572
cent, eight thousand dollars per megawatt of nameplate capacity 134573
located in the county as of the thirty-first day of December of 134574
the preceding tax year. 134575

(3) In the case of an energy project using clean coal 134576
technology, advanced nuclear technology, or cogeneration 134577
technology, the following: 134578

(a) If the project maintains during the construction or 134579
installation of the energy facility a ratio of Ohio-domiciled 134580
full-time equivalent employees to total full-time equivalent 134581
employees of not less than seventy-five per cent, six thousand 134582
dollars per megawatt of nameplate capacity located in the county 134583
as of the thirty-first day of December of the preceding tax year; 134584

(b) If the project maintains during the construction or 134585
installation of the energy facility a ratio of Ohio-domiciled 134586
full-time equivalent employees to total full-time equivalent 134587
employees of less than seventy-five per cent but not less than 134588
sixty per cent, seven thousand dollars per megawatt of nameplate 134589
capacity located in the county as of the thirty-first day of 134590
December of the preceding tax year; 134591

(c) If the project maintains during the construction or 134592
installation of the energy facility a ratio of Ohio-domiciled 134593
full-time equivalent employees to total full-time equivalent 134594
employees of less than sixty per cent but not less than fifty per 134595
cent, eight thousand dollars per megawatt of nameplate capacity 134596
located in the county as of the thirty-first day of December of 134597
the preceding tax year. 134598

(H) The director of development services in consultation with 134599
the tax commissioner shall adopt rules pursuant to Chapter 119. of 134600
the Revised Code to implement and enforce this section. 134601

Sec. 5727.84. (A) As used in this section and sections 134602
5727.85, 5727.86, and 5727.87 of the Revised Code: 134603

(1) "School district" means a city, local, or exempted 134604
village school district. 134605

(2) "Joint vocational school district" means a joint 134606
vocational school district created under section 3311.16 of the 134607
Revised Code, and includes a cooperative education school district 134608
created under section 3311.52 or 3311.521 of the Revised Code and 134609
a county school financing district created under section 3311.50 134610
of the Revised Code. 134611

(3) "Local taxing unit" means a subdivision or taxing unit, 134612
as defined in section 5705.01 of the Revised Code, a park district 134613
created under Chapter 1545. of the Revised Code, or a township 134614
park district established under section 511.23 of the Revised 134615
Code, but excludes school districts and joint vocational school 134616
districts. 134617

(4) "State education aid," for a school district, means the 134618
following: 134619

(a) For fiscal years prior to fiscal year 2010, the sum of 134620
state aid amounts computed for the district under former sections 134621
3317.029, 3317.052, and 3317.053 of the Revised Code and the 134622
following provisions, as they existed for the applicable fiscal 134623
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 134624
3317.022; divisions (B), (C), and (D) of section 3317.023; 134625
divisions (G), (L), and (N) of section 3317.024; and sections 134626
~~3317.029~~, 3317.0216, 3317.0217, 3317.04, and 3317.05, ~~3317.052,~~ 134627
~~and 3317.053~~ of the Revised Code; and the adjustments required by: 134628

division (C) of section 3310.08; division (C)(2) of section 134629
3310.41; division (C) of section 3314.08; division (D)(2) of 134630
section 3314.091; division (D) of former section 3314.13; 134631
divisions (E), (K), (L), (M), and (N) of section 3317.023; 134632
division (C) of section 3317.20; and sections 3313.979 and 134633
3313.981 of the Revised Code. However, when calculating state 134634
education aid for a school district for fiscal years 2008 and 134635
2009, include the amount computed for the district under Section 134636
269.20.80 of H.B. 119 of the 127th general assembly, as 134637
subsequently amended, instead of division (D) of section 3317.022 134638
of the Revised Code; and include amounts calculated under Section 134639
269.30.80 of H.B. 119 of the 127th general assembly, as 134640
subsequently amended. 134641

(b) For fiscal years 2010 and 2011, the sum of the amounts 134642
computed for the district under former sections 3306.052, 3306.12, 134643
3306.13, 3306.19, 3306.191, ~~and 3306.192, 3317.052, and 3317.053~~ 134644
of the Revised Code and the following provisions, as they existed 134645
for the applicable fiscal year: division (G) of section 3317.024; 134646
~~sections~~ section 3317.05, ~~3317.052, and 3317.053~~ of the Revised 134647
Code; and the adjustments required by division (C) of section 134648
3310.08; division (C)(2) of section 3310.41; division (C) of 134649
section 3314.08; division (D)(2) of section 3314.091; division (D) 134650
of former section 3314.13; divisions (E), (K), (L), (M), and (N) 134651
of section 3317.023; division (C) of section 3317.20; and sections 134652
3313.979, 3313.981, and 3326.33 of the Revised Code. 134653

(c) For fiscal years 2012 and 2013, the amount paid in 134654
accordance with the section of H.B. 153 of the 129th general 134655
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 134656
SCHOOL DISTRICTS" and the adjustments required by division (C) of 134657
section 3310.08; division (C)(2) of section 3310.41; section 134658
3310.55; division (C) of section 3314.08; division (D)(2) of 134659
section 3314.091; division (D) of former section 3314.13; 134660

divisions (B), (H), (I), (J), and (K) of section 3317.023; 134661
division (C) of section 3317.20; and sections 3313.979 and 134662
3313.981 of the Revised Code; 134663

(d) For fiscal year 2014 and each fiscal year thereafter, the 134664
sum of amounts computed for and paid to the district under section 134665
3317.022 of the Revised Code; and the adjustments required by 134666
division (C) of section 3310.08, division (C)(2) of section 134667
3310.41, section 3310.55, division (C) of section 3314.08, 134668
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 134669
(K) of section 3317.023, and sections 3313.978, 3313.981, 134670
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 134671
However, for fiscal years 2014 and 2015, the amount computed for 134672
the district under the section of this act entitled "TRANSITIONAL 134673
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 134674
shall be included. 134675

(5) "State education aid," for a joint vocational school 134676
district, means the following: 134677

(a) For fiscal years prior to fiscal year 2010, the sum of 134678
the state aid amounts computed for the district under division (N) 134679
of section 3317.024 and section 3317.16 of the Revised Code. 134680
However, when calculating state education aid for a joint 134681
vocational school district for fiscal years 2008 and 2009, include 134682
the amount computed for the district under Section 269.30.90 of 134683
H.B. 119 of the 127th general assembly, as subsequently amended. 134684

(b) For fiscal years 2010 and 2011, the amount computed for 134685
the district in accordance with the section of H.B. 1 of the 128th 134686
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 134687
DISTRICTS". 134688

(c) For fiscal years 2012 and 2013, the amount paid in 134689
accordance with the section of H.B. 153 of the 129th general 134690
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 134691

(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included.

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(6) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.

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(7) "Recognized valuation" ~~has the same meaning as in~~ means the amount computed for a school district pursuant to section 3317.02 3317.015 of the Revised Code.

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(8) "Electric company tax value loss" means the amount determined under division (D) of this section.

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(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.

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(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.

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(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.

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(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.

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(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies charged and payable pursuant to section 5705.194 of the Revised Code.

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(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.

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(15) "Consumer price index" means the consumer price index

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(all items, all urban consumers) prepared by the bureau of labor 134722
statistics of the United States department of labor. 134723

(16) "Total resources" and "total library resources" have the 134724
same meanings as in section 5751.20 of the Revised Code. 134725

(17) "2011 current expense S.B. 3 allocation" means the sum 134726
of payments received by a school district or joint vocational 134727
school district in fiscal year 2011 for current expense levy 134728
losses pursuant to division (C)(2) of section 5727.85 of the 134729
Revised Code. If a fixed-rate levy eligible for reimbursement is 134730
not charged and payable in any year after tax year 2010, "2011 134731
current expense S.B. 3 allocation" used to compute payments to be 134732
made under division (C)(3) of section 5727.85 of the Revised Code 134733
in the tax years following the last year the levy is charged and 134734
payable shall be reduced to the extent that those payments are 134735
attributable to the fixed-rate levy loss of that levy. 134736

(18) "2010 current expense S.B. 3 allocation" means the sum 134737
of payments received by a municipal corporation in calendar year 134738
2010 for current expense levy losses pursuant to division (A)(1) 134739
of section 5727.86 of the Revised Code, excluding any such 134740
payments received for current expense levy losses attributable to 134741
a tax levied under section 5705.23 of the Revised Code. If a 134742
fixed-rate levy eligible for reimbursement is not charged and 134743
payable in any year after tax year 2010, "2010 current expense 134744
S.B. 3 allocation" used to compute payments to be made under 134745
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 134746
in the tax years following the last year the levy is charged and 134747
payable shall be reduced to the extent that those payments are 134748
attributable to the fixed-rate levy loss of that levy. 134749

(19) "2010 S.B. 3 allocation" means the sum of payments 134750
received by a local taxing unit during calendar year 2010 pursuant 134751
to division (A)(1) of section 5727.86 of the Revised Code, 134752
excluding any such payments received for fixed-rate levy losses 134753

attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2010 S.B. 3 allocation" used to compute payments to be made under division (A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy.

(20) "Total S.B. 3 allocation" means, in the case of a school district or joint vocational school district, the sum of the payments received in fiscal year 2011 pursuant to divisions (C)(2) and (D) of section 5727.85 of the Revised Code. In the case of a local taxing unit, "total S.B. 3 allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1) and (4) of section 5727.86 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "total S.B. 3 allocation" used to compute payments to be made under division (C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85 or division (A)(1)(b) of section 5727.86 of the Revised Code.

(21) "2011 non-current expense S.B. 3 allocation" means the difference of a school district's or joint vocational school district's total S.B. 3 allocation minus the sum of the school district's 2011 current expense S.B. 3 allocation and the portion of the school district's total S.B. 3 allocation constituting

reimbursement for debt levies pursuant to division (D) of section 134786
5727.85 of the Revised Code. 134787

(22) "2010 non-current expense S.B. 3 allocation" means the 134788
difference of a municipal corporation's total S.B. 3 allocation 134789
minus the sum of its 2010 current expense S.B. 3 allocation and 134790
the portion of its total S.B. 3 allocation constituting 134791
reimbursement for debt levies pursuant to division (A)(4) of 134792
section 5727.86 of the Revised Code. 134793

(23) "S.B. 3 allocation for library purposes" means, in the 134794
case of a county, municipal corporation, school district, or 134795
township public library that receives the proceeds of a tax levied 134796
under section 5705.23 of the Revised Code, the sum of the payments 134797
received by the public library in calendar year 2010 pursuant to 134798
section 5727.86 of the Revised Code for fixed-rate levy losses 134799
attributable to a tax levied under section 5705.23 of the Revised 134800
Code. If a fixed-rate levy authorized under section 5705.23 of the 134801
Revised Code that is eligible for reimbursement is not charged and 134802
payable in any year after tax year 2010, "S.B. 3 allocation for 134803
library purposes" used to compute payments to be made under 134804
division (A)(1)(f) of section 5727.86 of the Revised Code in the 134805
tax years following the last year the levy is charged and payable 134806
shall be reduced to the extent that those payments are 134807
attributable to the fixed-rate levy loss of that levy as would be 134808
computed under division (A)(1)(b) of section 5727.86 of the 134809
Revised Code. 134810

(24) "Threshold per cent" means, in the case of a school 134811
district or joint vocational school district, two per cent for 134812
fiscal year 2012 and four per cent for fiscal years 2013 and 134813
thereafter. In the case of a local taxing unit or public library 134814
that receives the proceeds of a tax levied under section 5705.23 134815
of the Revised Code, "threshold per cent" means two per cent for 134816
calendar year 2011, four per cent for calendar year 2012, and six 134817

per cent for calendar years 2013 and thereafter. 134818

(B) The kilowatt-hour tax receipts fund is hereby created in 134819
the state treasury and shall consist of money arising from the tax 134820
imposed by section 5727.81 of the Revised Code. All money in the 134821
kilowatt-hour tax receipts fund shall be credited as follows: 134822

| Fiscal Year | General Revenue
Fund | School District
Property Tax
Replacement Fund | Local Government
Property Tax
Replacement Fund | |
|------------------------|-------------------------|---|--|--------|
| 2001-2011 | 63.0% | 25.4% | 11.6% | 134824 |
| 2012 and
thereafter | 88.0% | 9.0% | 3.0% | 134825 |

(C) The natural gas tax receipts fund is hereby created in 134826
the state treasury and shall consist of money arising from the tax 134827
imposed by section 5727.811 of the Revised Code. All money in the 134828
fund shall be credited as follows: 134829

(1) For fiscal years before fiscal year 2012: 134830

(a) Sixty-eight and seven-tenths per cent shall be credited 134831
to the school district property tax replacement fund for the 134832
purpose of making the payments described in section 5727.85 of the 134833
Revised Code. 134834

(b) Thirty-one and three-tenths per cent shall be credited to 134835
the local government property tax replacement fund for the purpose 134836
of making the payments described in section 5727.86 of the Revised 134837
Code. 134838

(2) For fiscal years 2012 and thereafter, one hundred per 134839
cent to the general revenue fund. 134840

(D) Not later than January 1, 2002, the tax commissioner 134841
shall determine for each taxing district its electric company tax 134842
value loss, which is the sum of the applicable amounts described 134843
in divisions (D)(1) to (4) of this section: 134844

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| (1) The difference obtained by subtracting the amount | 134845 |
| described in division (D)(1)(b) from the amount described in | 134846 |
| division (D)(1)(a) of this section. | 134847 |
| (a) The value of electric company and rural electric company | 134848 |
| tangible personal property as assessed by the tax commissioner for | 134849 |
| tax year 1998 on a preliminary assessment, or an amended | 134850 |
| preliminary assessment if issued prior to March 1, 1999, and as | 134851 |
| apportioned to the taxing district for tax year 1998; | 134852 |
| (b) The value of electric company and rural electric company | 134853 |
| tangible personal property as assessed by the tax commissioner for | 134854 |
| tax year 1998 had the property been apportioned to the taxing | 134855 |
| district for tax year 2001, and assessed at the rates in effect | 134856 |
| for tax year 2001. | 134857 |
| (2) The difference obtained by subtracting the amount | 134858 |
| described in division (D)(2)(b) from the amount described in | 134859 |
| division (D)(2)(a) of this section. | 134860 |
| (a) The three-year average for tax years 1996, 1997, and 1998 | 134861 |
| of the assessed value from nuclear fuel materials and assemblies | 134862 |
| assessed against a person under Chapter 5711. of the Revised Code | 134863 |
| from the leasing of them to an electric company for those | 134864 |
| respective tax years, as reflected in the preliminary assessments; | 134865 |
| (b) The three-year average assessed value from nuclear fuel | 134866 |
| materials and assemblies assessed under division (D)(2)(a) of this | 134867 |
| section for tax years 1996, 1997, and 1998, as reflected in the | 134868 |
| preliminary assessments, using an assessment rate of twenty-five | 134869 |
| per cent. | 134870 |
| (3) In the case of a taxing district having a nuclear power | 134871 |
| plant within its territory, any amount, resulting in an electric | 134872 |
| company tax value loss, obtained by subtracting the amount | 134873 |
| described in division (D)(1) of this section from the difference | 134874 |
| obtained by subtracting the amount described in division (D)(3)(b) | 134875 |

of this section from the amount described in division (D)(3)(a) of 134876
this section. 134877

(a) The value of electric company tangible personal property 134878
as assessed by the tax commissioner for tax year 2000 on a 134879
preliminary assessment, or an amended preliminary assessment if 134880
issued prior to March 1, 2001, and as apportioned to the taxing 134881
district for tax year 2000; 134882

(b) The value of electric company tangible personal property 134883
as assessed by the tax commissioner for tax year 2001 on a 134884
preliminary assessment, or an amended preliminary assessment if 134885
issued prior to March 1, 2002, and as apportioned to the taxing 134886
district for tax year 2001. 134887

(4) In the case of a taxing district having a nuclear power 134888
plant within its territory, the difference obtained by subtracting 134889
the amount described in division (D)(4)(b) of this section from 134890
the amount described in division (D)(4)(a) of this section, 134891
provided that such difference is greater than ten per cent of the 134892
amount described in division (D)(4)(a) of this section. 134893

(a) The value of electric company tangible personal property 134894
as assessed by the tax commissioner for tax year 2005 on a 134895
preliminary assessment, or an amended preliminary assessment if 134896
issued prior to March 1, 2006, and as apportioned to the taxing 134897
district for tax year 2005; 134898

(b) The value of electric company tangible personal property 134899
as assessed by the tax commissioner for tax year 2006 on a 134900
preliminary assessment, or an amended preliminary assessment if 134901
issued prior to March 1, 2007, and as apportioned to the taxing 134902
district for tax year 2006. 134903

(E) Not later than January 1, 2002, the tax commissioner 134904
shall determine for each taxing district its natural gas company 134905
tax value loss, which is the sum of the amounts described in 134906

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| divisions (E)(1) and (2) of this section: | 134907 |
| (1) The difference obtained by subtracting the amount | 134908 |
| described in division (E)(1)(b) from the amount described in | 134909 |
| division (E)(1)(a) of this section. | 134910 |
| (a) The value of all natural gas company tangible personal | 134911 |
| property, other than property described in division (E)(2) of this | 134912 |
| section, as assessed by the tax commissioner for tax year 1999 on | 134913 |
| a preliminary assessment, or an amended preliminary assessment if | 134914 |
| issued prior to March 1, 2000, and apportioned to the taxing | 134915 |
| district for tax year 1999; | 134916 |
| (b) The value of all natural gas company tangible personal | 134917 |
| property, other than property described in division (E)(2) of this | 134918 |
| section, as assessed by the tax commissioner for tax year 1999 had | 134919 |
| the property been apportioned to the taxing district for tax year | 134920 |
| 2001, and assessed at the rates in effect for tax year 2001. | 134921 |
| (2) The difference in the value of current gas obtained by | 134922 |
| subtracting the amount described in division (E)(2)(b) from the | 134923 |
| amount described in division (E)(2)(a) of this section. | 134924 |
| (a) The three-year average assessed value of current gas as | 134925 |
| assessed by the tax commissioner for tax years 1997, 1998, and | 134926 |
| 1999 on a preliminary assessment, or an amended preliminary | 134927 |
| assessment if issued prior to March 1, 2001, and as apportioned in | 134928 |
| the taxing district for those respective years; | 134929 |
| (b) The three-year average assessed value from current gas | 134930 |
| under division (E)(2)(a) of this section for tax years 1997, 1998, | 134931 |
| and 1999, as reflected in the preliminary assessment, using an | 134932 |
| assessment rate of twenty-five per cent. | 134933 |
| (F) The tax commissioner may request that natural gas | 134934 |
| companies, electric companies, and rural electric companies file a | 134935 |
| report to help determine the tax value loss under divisions (D) | 134936 |
| and (E) of this section. The report shall be filed within thirty | 134937 |

days of the commissioner's request. A company that fails to file 134938
the report or does not timely file the report is subject to the 134939
penalty in section 5727.60 of the Revised Code. 134940

(G) Not later than January 1, 2002, the tax commissioner 134941
shall determine for each school district, joint vocational school 134942
district, and local taxing unit its fixed-rate levy loss, which is 134943
the sum of its electric company tax value loss multiplied by the 134944
tax rate in effect in tax year 1998 for fixed-rate levies and its 134945
natural gas company tax value loss multiplied by the tax rate in 134946
effect in tax year 1999 for fixed-rate levies. 134947

(H) Not later than January 1, 2002, the tax commissioner 134948
shall determine for each school district, joint vocational school 134949
district, and local taxing unit its fixed-sum levy loss, which is 134950
the amount obtained by subtracting the amount described in 134951
division (H)(2) of this section from the amount described in 134952
division (H)(1) of this section: 134953

(1) The sum of the electric company tax value loss multiplied 134954
by the tax rate in effect in tax year 1998, and the natural gas 134955
company tax value loss multiplied by the tax rate in effect in tax 134956
year 1999, for fixed-sum levies for all taxing districts within 134957
each school district, joint vocational school district, and local 134958
taxing unit. For the years 2002 through 2006, this computation 134959
shall include school district emergency levies that existed in 134960
1998 in the case of the electric company tax value loss, and 1999 134961
in the case of the natural gas company tax value loss, and all 134962
other fixed-sum levies that existed in 1998 in the case of the 134963
electric company tax value loss and 1999 in the case of the 134964
natural gas company tax value loss and continue to be charged in 134965
the tax year preceding the distribution year. For the years 2007 134966
through 2016 in the case of school district emergency levies, and 134967
for all years after 2006 in the case of all other fixed-sum 134968
levies, this computation shall exclude all fixed-sum levies that 134969

existed in 1998 in the case of the electric company tax value loss 134970
and 1999 in the case of the natural gas company tax value loss, 134971
but are no longer in effect in the tax year preceding the 134972
distribution year. For the purposes of this section, an emergency 134973
levy that existed in 1998 in the case of the electric company tax 134974
value loss, and 1999 in the case of the natural gas company tax 134975
value loss, continues to exist in a year beginning on or after 134976
January 1, 2007, but before January 1, 2017, if, in that year, the 134977
board of education levies a school district emergency levy for an 134978
annual sum at least equal to the annual sum levied by the board in 134979
tax year 1998 or 1999, respectively, less the amount of the 134980
payment certified under this division for 2002. 134981

(2) The total taxable value in tax year 1999 less the tax 134982
value loss in each school district, joint vocational school 134983
district, and local taxing unit multiplied by one-fourth of one 134984
mill. 134985

If the amount computed under division (H) of this section for 134986
any school district, joint vocational school district, or local 134987
taxing unit is greater than zero, that amount shall equal the 134988
fixed-sum levy loss reimbursed pursuant to division (F) of section 134989
5727.85 of the Revised Code or division (A)(2) of section 5727.86 134990
of the Revised Code, and the one-fourth of one mill that is 134991
subtracted under division (H)(2) of this section shall be 134992
apportioned among all contributing fixed-sum levies in the 134993
proportion of each levy to the sum of all fixed-sum levies within 134994
each school district, joint vocational school district, or local 134995
taxing unit. 134996

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 134997
section, in computing the tax value loss, fixed-rate levy loss, 134998
and fixed-sum levy loss, the tax commissioner shall use the 134999
greater of the 1998 tax rate or the 1999 tax rate in the case of 135000
levy losses associated with the electric company tax value loss, 135001

but the 1999 tax rate shall not include for this purpose any tax 135002
levy approved by the voters after June 30, 1999, and the tax 135003
commissioner shall use the greater of the 1999 or the 2000 tax 135004
rate in the case of levy losses associated with the natural gas 135005
company tax value loss. 135006

(J) Not later than January 1, 2002, the tax commissioner 135007
shall certify to the department of education the tax value loss 135008
determined under divisions (D) and (E) of this section for each 135009
taxing district, the fixed-rate levy loss calculated under 135010
division (G) of this section, and the fixed-sum levy loss 135011
calculated under division (H) of this section. The calculations 135012
under divisions (G) and (H) of this section shall separately 135013
display the levy loss for each levy eligible for reimbursement. 135014

(K) Not later than September 1, 2001, the tax commissioner 135015
shall certify the amount of the fixed-sum levy loss to the county 135016
auditor of each county in which a school district with a fixed-sum 135017
levy loss has territory. 135018

Sec. 5727.89. (A) The tax commissioner may make an 135019
assessment, based on any information in the commissioner's 135020
possession, against any natural gas distribution company, electric 135021
distribution company, self-assessing purchaser, or qualified end 135022
user that fails to file a return or pay any tax, interest, or 135023
additional charge as required by sections 5727.80 to 5727.95 of 135024
the Revised Code. 135025

When information in the possession of the tax commissioner 135026
indicates that a person liable for the tax imposed by section 135027
5727.81 or 5727.811 of the Revised Code has not paid the full 135028
amount of tax due, the commissioner may audit a representative 135029
sample of the person's business and may issue an assessment based 135030
on the audit. The commissioner shall give the person assessed 135031
written notice of the assessment in the manner provided in section 135032

5703.37 of the Revised Code. With the notice, the commissioner 135033
shall provide instructions on how to petition for reassessment and 135034
request a hearing on the petition. 135035

The tax commissioner may issue an assessment for which the 135036
tax imposed by section 5727.81 or 5727.811 of the Revised Code was 135037
due and unpaid on the date the person was informed by an agent of 135038
the tax commissioner of an investigation or audit of the person. 135039
Any payment of the tax for the period covered by the assessment, 135040
after the person is so informed, shall be credited against the 135041
assessment. 135042

A penalty of up to fifteen per cent may be added to all 135043
amounts assessed under this section. The commissioner may adopt 135044
rules providing for the imposition and remission of penalties. 135045

(B) Unless the party assessed files with the tax commissioner 135046
within sixty days after service of the notice of assessment, 135047
either personally or by certified mail, a written petition for 135048
reassessment signed by the party assessed or that party's 135049
authorized agent having knowledge of the facts, the assessment 135050
becomes final and the amount of the assessment is due and payable 135051
from the party assessed to the treasurer of state. The petition 135052
shall indicate the objections of the party assessed, but 135053
additional objections may be raised in writing if received by the 135054
commissioner prior to the date shown on the final determination. 135055
If the petition has been properly filed, the commissioner shall 135056
proceed under section 5703.60 of the Revised Code. 135057

(C) After an assessment becomes final, if any portion of the 135058
assessment, including accrued interest, remains unpaid, a 135059
certified copy of the tax commissioner's entry making the 135060
assessment final may be filed in the office of the clerk of the 135061
court of common pleas in the county in which the party assessed 135062
resides or in which the party's business is conducted. If the 135063
party assessed maintains no place of business in this state and is 135064

not a resident of this state, the certified copy of the entry may 135065
be filed in the office of the clerk of the court of common pleas 135066
of Franklin county. 135067

Immediately upon the filing of the entry, the clerk shall 135068
enter a judgment for the state against the person assessed in the 135069
amount shown on the entry. The judgment may be filed by the clerk 135070
in a loose-leaf book entitled "special judgments for the 135071
distribution excise taxes," and shall have the same effect as 135072
other judgments. Execution shall issue upon the judgment at the 135073
request of the tax commissioner, and all laws applicable to sales 135074
on execution shall apply to sales made under the judgment. 135075

~~The portion of~~ If the assessment is not paid in its entirety 135076
within sixty days after the day the assessment was issued, the 135077
portion of the assessment consisting of tax due shall bear 135078
interest at the rate per annum prescribed by section 5703.47 of 135079
the Revised Code from the day the tax commissioner issues the 135080
assessment until the day the assessment is paid or until it is 135081
certified to the attorney general for collection under section 135082
131.02 of the Revised Code, whichever comes first. If the unpaid 135083
portion of the assessment is certified to the attorney general for 135084
collection, the entire unpaid portion of the assessment shall bear 135085
interest at the rate per annum prescribed by section 5703.47 of 135086
the Revised Code from the date of certification until the date it 135087
is paid in its entirety. Interest shall be paid in the same manner 135088
as the tax and may be collected by the issuance of an assessment 135089
under this section. 135090

(D) If the tax commissioner believes that collection of the 135091
tax imposed by section 5727.81 or 5727.811 of the Revised Code 135092
will be jeopardized unless proceedings to collect or secure 135093
collection of the tax are instituted without delay, the 135094
commissioner may issue a jeopardy assessment against the person 135095
liable for the tax. Immediately upon the issuance of the jeopardy 135096

assessment, the commissioner shall file an entry with the clerk of 135097
the court of common pleas in the manner prescribed by division (C) 135098
of this section. Notice of the jeopardy assessment shall be served 135099
on the party assessed or the party's legal representative within 135100
five days of the filing of the entry with the clerk. The total 135101
amount assessed is immediately due and payable, unless the party 135102
assessed files a petition for reassessment in accordance with 135103
division (B) of this section and provides security in a form 135104
satisfactory to the commissioner and in an amount sufficient to 135105
satisfy the unpaid balance of the assessment. Full or partial 135106
payment of the assessment does not prejudice the commissioner's 135107
consideration of the petition for reassessment. 135108

(E) All money collected by the tax commissioner under this 135109
section shall be paid to the treasurer of state, and when paid 135110
shall be considered as revenue arising from the taxes imposed by 135111
sections 5727.81 and 5727.811 of the Revised Code. 135112

Sec. 5728.10. (A) If any person required to file a fuel use 135113
tax return by sections 5728.01 to 5728.14 of the Revised Code, 135114
fails to file the return within the time prescribed by those 135115
sections, files an incomplete return, files an incorrect return, 135116
or fails to remit the full amount of the tax due for the period 135117
covered by the return, the tax commissioner may make an assessment 135118
against the person, based upon any information in the 135119
commissioner's possession, for the period for which the tax was 135120
due. 135121

No assessment shall be made against any person for any tax 135122
imposed by this chapter more than four years after the return date 135123
for the period for which the tax was due or more than four years 135124
after the return for the period was filed, whichever is later. 135125
This section does not bar an assessment against any person who 135126
fails to file a fuel use tax return as required by this chapter, 135127

or who files a fraudulent fuel use tax return. 135128

A penalty of up to fifteen per cent may be added to the 135129
amount of every assessment made pursuant to this section. The 135130
commissioner may adopt rules providing for the imposition and 135131
remission of penalties added to assessments made under this 135132
section. 135133

The commissioner shall give the party assessed written notice 135134
of the assessment in the manner provided in section 5703.37 of the 135135
Revised Code. With the notice, the commissioner shall provide 135136
instructions on how to petition for reassessment and request a 135137
hearing on the petition. 135138

(B) Unless the party assessed files with the tax commissioner 135139
within sixty days after service of the notice of assessment, 135140
either personally or by certified mail, a written petition for 135141
reassessment, signed by the party assessed, or by the party's 135142
authorized agent having knowledge of the facts, the assessment 135143
becomes final and the amount of the assessment is due and payable 135144
from the party assessed to the treasurer of state. The petition 135145
shall indicate the objections of the party assessed, but 135146
additional objections may be raised in writing if received by the 135147
commissioner prior to the date shown on the final determination. 135148
If the petition has been properly filed, the commissioner shall 135149
proceed under section 5703.60 of the Revised Code. 135150

(C) After an assessment becomes final, if any portion of the 135151
assessment remains unpaid, including accrued interest, a certified 135152
copy of the tax commissioner's entry making the assessment final 135153
may be filed in the office of the clerk of the court of common 135154
pleas in the county in which the party's place of business is 135155
located or the county in which the party assessed resides. If the 135156
party maintains no office in this state and is not a resident of 135157
this state, the certified copy of the entry may be filed in the 135158
office of the clerk of the court of common pleas of Franklin 135159

county. 135160

Immediately upon the filing of the entry, the clerk shall 135161
enter a judgment for the state of Ohio against the party assessed 135162
in the amount shown on the entry. The judgment may be filed by the 135163
clerk in a loose-leaf book entitled "special judgments for state 135164
fuel use tax," and shall have the same effect as other judgments. 135165
Execution shall issue upon the judgment upon the request of the 135166
commissioner, and all laws applicable to sales on execution shall 135167
apply to sales made under the judgment. 135168

~~The portion of~~ If the assessment is not paid within sixty 135169
days after the day the assessment was issued, the portion of the 135170
assessment consisting of tax due shall bear interest at the rate 135171
per annum prescribed by section 5703.47 of the Revised Code from 135172
the day the commissioner issues the assessment until it is paid or 135173
until it is certified to the attorney general for collection under 135174
section 131.02 of the Revised Code, whichever comes first. If the 135175
unpaid portion of the assessment is certified to the attorney 135176
general for collection, the entire unpaid portion of the 135177
assessment shall bear interest at the rate per annum prescribed by 135178
section 5703.47 of the Revised Code from the date of certification 135179
until the date it is paid in its entirety. Interest shall be paid 135180
in the same manner as the tax and may be collected by the issuance 135181
of an assessment under this section. 135182

(D) All money collected by the tax commissioner under this 135183
section shall be paid into the state treasury in the same manner 135184
as the revenues deriving from the taxes imposed by section 5728.06 135185
of the Revised Code. 135186

Sec. 5729.03. (A) If the superintendent of insurance finds 135187
the annual statement required by section 5729.02 of the Revised 135188
Code to be correct, the superintendent shall compute the following 135189
amount, as applicable, of the balance of such gross amount, after 135190

deducting such return premiums and considerations received for 135191
reinsurance, and charge such amount to such company as a tax upon 135192
the business done by it in this state for the period covered by 135193
such annual statement: 135194

(1) If the company is a health insuring corporation, one per 135195
cent of the balance of premium rate payments received, exclusive 135196
of payments received under the medicare program ~~established under~~ 135197
~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 135198
~~U.S.C.A. 301, as amended,~~ and exclusive of payments received 135199
pursuant to the ~~medical assistance~~ medicaid program ~~established~~ 135200
~~under Chapter 5111. of the Revised Code~~ for the period ending 135201
September 30, 2009, as reflected in its annual report; 135202

(2) If the company is not a health insuring corporation, one 135203
and four-tenths per cent of the balance of premiums received, 135204
exclusive of premiums received under the medicare program 135205
~~established under Title XVIII of the "Social Security Act," 49~~ 135206
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 135207
payments received pursuant to the ~~medical assistance~~ medicaid 135208
program ~~established under Chapter 5111. of the Revised Code~~ for 135209
the period ending September 30, 2009, as reflected in its annual 135210
statement, and, if the company operates a health insuring 135211
corporation as a line of business, one per cent of the balance of 135212
premium rate payments received from that line of business, 135213
exclusive of payments received under the medicare program 135214
~~established under Title XVIII of the "Social Security Act," 49~~ 135215
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 135216
payments received pursuant to the ~~medical assistance~~ medicaid 135217
program ~~established under Chapter 5111. of the Revised Code~~ for 135218
the period ending September 30, 2009, as reflected in its annual 135219
statement. 135220

Each foreign insurance company, including health insuring 135221
corporations, receiving payments pursuant to the ~~medical~~ 135222

assistance medicaid program established under Chapter 5111. of the 135223
Revised Code during the period beginning October 1, 2009, and 135224
ending December 31, 2009, shall file with the 2009 annual 135225
statement to the superintendent a schedule that reflects those 135226
payments received pursuant to the ~~medical assistance~~ medicaid 135227
program for that period. The payments reflected in the schedule, 135228
plus all other taxable premiums, are subject to the annual 135229
franchise tax due to be paid in 2010. 135230

(B) Any insurance policies that were not issued in violation 135231
of Title XXXIX of the Revised Code and that were issued prior to 135232
April 15, 1967, by a life insurance company organized and operated 135233
without profit to any private shareholder or individual, 135234
exclusively for the purpose of aiding educational or scientific 135235
institutions organized and operated without profit to any private 135236
shareholder or individual, are not subject to the tax imposed by 135237
this section. All taxes collected pursuant to this section shall 135238
be credited to the general revenue fund. 135239

(C) In no case shall the tax imposed under this section be 135240
less than two hundred fifty dollars. 135241

Sec. 5729.04. To compute franchise taxes on gross premiums to 135242
be paid under any law of this state by any mutual insurance 135243
company authorized to do business under the laws of this state, or 135244
by any stock insurance company so authorized, doing business on 135245
the plan of distributing back to its policyholders at the end of 135246
the policy year refunds of a portion of the premium collected, the 135247
amount of premium deposits received by the company upon any risk 135248
written pursuant to section 3925.34 or division (A)(1), (2), ~~or~~ 135249
(7), or (14) of section 3929.01 of the Revised Code, within this 135250
state in excess of the net cost of insurance to the insured shall 135251
not be included where the excess deposit is returned ratably by 135252
the company to its policyholders; but the amount of gross or 135253

aggregate premiums received by the company is deemed the balance 135254
remaining after deducting from the gross amount of premium 135255
deposits received or collected by it on risks in this state during 135256
the preceding calendar year that portion of gross premium deposits 135257
returned by it to policyholders during the preceding calendar 135258
year, upon the cancellation or expiration of risks upon property 135259
situated within this state. In addition to the matters of return 135260
required to be made by insurance companies for the purpose of 135261
computing taxes, any company shall also return for such purpose in 135262
its annual statement: 135263

(A) The gross amount of premium deposits received or 135264
collected by it on risks in this state during the preceding 135265
calendar year; 135266

(B) The total amount of gross premium deposits returned to 135267
policyholders during such preceding calendar year upon 135268
cancellation and upon expiration of risks upon property situated 135269
within this state. 135270

Where insurance against fire is included with insurance 135271
against other perils at an undivided premium, a reasonable 135272
allocation from the entire premium shall be made for the fire 135273
portion of the coverage in such manner as the superintendent of 135274
insurance may direct. 135275

Sec. 5729.16. (A) Terms used in this section have the same 135276
meaning as in section 5725.33 of the Revised Code. 135277

(B) There is hereby allowed a nonrefundable credit against 135278
the tax imposed by section 5729.03 of the Revised Code for a 135279
foreign insurance company holding a qualified equity investment on 135280
the credit allowance date occurring in the calendar year for which 135281
the tax is due. The credit shall be computed in the same manner 135282
prescribed for the computation of credits allowed under section 135283
5725.33 of the Revised Code. 135284

The credit shall be claimed in the order prescribed by 135285
section 5729.98 of the Revised Code. If the amount of the credit 135286
exceeds the amount of tax otherwise due after deducting all other 135287
credits in that order, the excess may be carried forward and 135288
applied to the tax due for not more than four ensuing years. 135289

By claiming a tax credit under this section, an insurance 135290
company waives its rights under section 5729.102 of the Revised 135291
Code with respect to the time limitation for the assessment of 135292
taxes as it relates to credits claimed that later become subject 135293
to recapture under division (D) of this section. 135294

(C) The total amount of qualified equity investments on the 135295
basis of which credits may be claimed under this section, section 135296
5725.33, and section 5733.58 of the Revised Code is subject to the 135297
limitation of division (C) of section 5725.33 of the Revised Code. 135298

(D) If any amount of ~~the~~ a federal tax credit allowed for a 135299
qualified equity investment for which a credit was received under 135300
this section is recaptured under section 45D of the Internal 135301
Revenue Code, or if the director of development services 135302
determines that an investment for which a tax credit is claimed 135303
under this section is not a qualified equity investment or that 135304
the proceeds of an investment for which a tax credit is claimed 135305
under this section are used to make qualified low-income community 135306
investments other than in a qualified active low-income community 135307
business, all or a portion of the credit received on account of 135308
that investment shall be paid by the insurance company that 135309
received the credit to the superintendent of insurance. The amount 135310
to be recovered shall be determined by the director of development 135311
services pursuant to rules adopted under section 5725.33 of the 135312
Revised Code. The director shall certify any amount due under this 135313
division to the superintendent of insurance, and the 135314
superintendent shall notify the treasurer of state of the amount 135315
due. Upon notification, the treasurer shall invoice the insurance 135316

company for the amount due. The amount due is payable not later than thirty days after the date the treasurer invoices the insurance company. The amount due shall be considered to be tax due under section 5729.03 of the Revised Code, and may be collected by assessment without regard to the time limitations imposed under section 5729.102 of the Revised Code for the assessment of taxes by the superintendent. All amounts collected under this division shall be credited as revenue from the tax levied under section 5729.03 of the Revised Code.

Sec. 5729.17. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code.

(B) There is allowed a credit against the tax imposed by section 5729.03 of the Revised Code for an insurance company subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any company for any year shall not exceed ~~five~~ ten million dollars. The credit shall be claimed in the calendar year specified in the certificate and in the order required under section 5729.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the company but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The company may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year.

(C) An insurance company claiming a credit under this section

shall retain the rehabilitation tax credit certificate for four 135348
years following the end of the year in which the credit was 135349
claimed, and shall make the certificate available for inspection 135350
by the tax commissioner upon the request of the tax commissioner 135351
during that period. 135352

Sec. 5731.39. This section does not apply to, and the written 135353
permission of the tax commissioner is not required for asset 135354
transfers with respect to, decedents dying on or after January 1, 135355
2013. 135356

(A) No corporation organized or existing under the laws of 135357
this state shall transfer on its books or issue a new certificate 135358
for any share of its capital stock registered in the name of a 135359
decedent, or in trust for a decedent, or in the name of a decedent 135360
and another person or persons, without the written consent of the 135361
tax commissioner. 135362

(B) No safe deposit company, trust company, financial 135363
institution as defined in division (A) of section 5725.01 of the 135364
Revised Code, or other corporation or person, having in 135365
possession, control, or custody a deposit standing in the name of 135366
a decedent, or in trust for a decedent, or in the name of a 135367
decedent and another person or persons, shall deliver or transfer 135368
an amount in excess of three-fourths of the total value of such 135369
deposit, including accrued interest and dividends, as of the date 135370
of decedent's death, without the written consent of the tax 135371
commissioner. The written consent of the tax commissioner need not 135372
be obtained prior to the delivery or transfer of amounts having a 135373
value of three-fourths or less of said total value. 135374

(C) No life insurance company shall pay the proceeds of an 135375
annuity or matured endowment contract, or of a life insurance 135376
contract payable to the estate of a decedent, or of any other 135377
insurance contract taxable under Chapter 5731. of the Revised 135378

Code, without the written consent of the tax commissioner. Any 135379
life insurance company may pay the proceeds of any insurance 135380
contract not specified in this division (C) without the written 135381
consent of the tax commissioner. 135382

(D) No trust company or other corporation or person shall pay 135383
the proceeds of any death benefit, retirement, pension, or 135384
profit-sharing plan in excess of two thousand dollars, without the 135385
written consent of the tax commissioner. Such trust company or 135386
other corporation or person, however, may pay the proceeds of any 135387
death benefit, retirement, pension, or profit-sharing plan which 135388
consists of insurance on the life of the decedent payable to a 135389
beneficiary other than the estate of the insured without the 135390
written consent of the tax commissioner. 135391

(E) No safe deposit company, trust company, financial 135392
institution as defined in division (A) of section 5725.01 of the 135393
Revised Code, or other corporation or person, having in 135394
possession, control, or custody securities, assets, or other 135395
property (including the shares of the capital stock of, or other 135396
interest in, such safe deposit company, trust company, financial 135397
institution as defined in division (A) of section 5725.01 of the 135398
Revised Code, or other corporation), standing in the name of a 135399
decedent, or in trust for a decedent, or in the name of a decedent 135400
and another person or persons, and the transfer of which is 135401
taxable under Chapter 5731. of the Revised Code, shall deliver or 135402
transfer any such securities, assets, or other property which have 135403
a value as of the date of decedent's death in excess of 135404
three-fourths of the total value thereof, without the written 135405
consent of the tax commissioner. The written consent of the tax 135406
commissioner need not be obtained prior to the delivery or 135407
transfer of any such securities, assets, or other property having 135408
a value of three-fourths or less of said total value. 135409

(F) No safe deposit company, financial institution as defined 135410

in division (A) of section 5725.01 of the Revised Code, or other 135411
corporation or person having possession or control of a safe 135412
deposit box or similar receptacle standing in the name of a 135413
decedent or in the name of the decedent and another person or 135414
persons, or to which the decedent had a right of access, except 135415
when such safe deposit box or other receptacle stands in the name 135416
of a corporation or partnership, or in the name of the decedent as 135417
guardian or executor, shall deliver any of the contents thereof 135418
unless the safe deposit box or similar receptacle has been opened 135419
and inventoried in the presence of the tax commissioner or the 135420
commissioner's agent, and a written consent to transfer issued; 135421
provided, however, that a safe deposit company, financial 135422
institution, or other corporation or person having possession or 135423
control of a safe deposit box may deliver wills, deeds to burial 135424
lots, and insurance policies to a representative of the decedent, 135425
but that a representative of the safe deposit company, financial 135426
institution, or other corporation or person must supervise the 135427
opening of the box and make a written record of the wills, deeds, 135428
and policies removed. Such written record shall be included in the 135429
tax commissioner's inventory records. 135430

(G) Notwithstanding any provision of this section: 135431

(1) The tax commissioner may authorize any delivery or 135432
transfer or waive any of the foregoing requirements under such 135433
terms and conditions as the commissioner may prescribe; 135434

(2) A home, as defined in section 3721.10 of the Revised 135435
Code, or a residential facility licensed under section ~~5119.22~~ 135436
5119.34 of the Revised Code that provides accommodations, 135437
supervision, and personal care services for three to sixteen 135438
unrelated adults, may transfer or use the money in a personal 135439
needs allowance account in accordance with section ~~5111.113~~ 135440
5162.22 of the Revised Code without the written consent of the tax 135441
commissioner, and without the account having been opened and 135442

inventoried in the presence of the commissioner or the 135443
commissioner's agent. 135444

Failure to comply with this section shall render such safe 135445
deposit company, trust company, life insurance company, financial 135446
institution as defined in division (A) of section 5725.01 of the 135447
Revised Code, or other corporation or person liable for the amount 135448
of the taxes and interest due under the provisions of Chapter 135449
5731. of the Revised Code on the transfer of such stock, deposit, 135450
proceeds of an annuity or matured endowment contract or of a life 135451
insurance contract payable to the estate of a decedent, or other 135452
insurance contract taxable under Chapter 5731. of the Revised 135453
Code, proceeds of any death benefit, retirement, pension, or 135454
profit-sharing plan in excess of two thousand dollars, or 135455
securities, assets, or other property of any resident decedent, 135456
and in addition thereto, to a penalty of not less than five 135457
hundred or more than five thousand dollars. 135458

Sec. 5733.01. (A) The tax provided by this chapter for 135459
domestic corporations shall be the amount charged against each 135460
corporation organized for profit under the laws of this state and 135461
each nonprofit corporation organized pursuant to Chapter 1729. of 135462
the Revised Code, except as provided in sections 5733.09 and 135463
5733.10 of the Revised Code, for the privilege of exercising its 135464
franchise during the calendar year in which that amount is 135465
payable, and the tax provided by this chapter for foreign 135466
corporations shall be the amount charged against each corporation 135467
organized for profit and each nonprofit corporation organized or 135468
operating in the same or similar manner as nonprofit corporations 135469
organized under Chapter 1729. of the Revised Code, under the laws 135470
of any state or country other than this state, except as provided 135471
in sections 5733.09 and 5733.10 of the Revised Code, for the 135472
privilege of doing business in this state, owning or using a part 135473
or all of its capital or property in this state, holding a 135474

certificate of compliance with the laws of this state authorizing 135475
it to do business in this state, or otherwise having nexus in or 135476
with this state under the Constitution of the United States, 135477
during the calendar year in which that amount is payable. 135478

(B) A corporation is subject to the tax imposed by section 135479
5733.06 of the Revised Code for each calendar year prior to 2014 135480
that it is so organized, doing business, owning or using a part or 135481
all of its capital or property, holding a certificate of 135482
compliance, or otherwise having nexus in or with this state under 135483
the Constitution of the United States, on the first day of January 135484
of that calendar year. No credit authorized by this chapter may be 135485
claimed for tax year 2014 or any tax year thereafter. 135486

(C) Any corporation subject to this chapter that is not 135487
subject to the federal income tax shall file its returns and 135488
compute its tax liability as required by this chapter in the same 135489
manner as if that corporation were subject to the federal income 135490
tax. 135491

(D) For purposes of this chapter, a federally chartered 135492
financial institution shall be deemed to be organized under the 135493
laws of the state within which its principal office is located. 135494

(E) For purposes of this chapter, any person, as defined in 135495
section 5701.01 of the Revised Code, shall be treated as a 135496
corporation if the person is classified for federal income tax 135497
purposes as an association taxable as a corporation, and an equity 135498
interest in the person shall be treated as capital stock of the 135499
person. 135500

(F) For the purposes of this chapter, "disregarded entity" 135501
has the same meaning as in division (D) of section 5745.01 of the 135502
Revised Code. 135503

(1) A person's interest in a disregarded entity, whether held 135504
directly or indirectly, shall be treated as the person's ownership 135505

of the assets and liabilities of the disregarded entity, and the 135506
income, including gain or loss, shall be included in the person's 135507
net income under this chapter. 135508

(2) Any sale, exchange, or other disposition of the person's 135509
interest in the disregarded entity, whether held directly or 135510
indirectly, shall be treated as a sale, exchange, or other 135511
disposition of the person's share of the disregarded entity's 135512
underlying assets or liabilities, and the gain or loss from such 135513
sale, exchange, or disposition shall be included in the person's 135514
net income under this chapter. 135515

(3) The disregarded entity's payroll, property, and sales 135516
factors shall be included in the person's factors. 135517

(G) The tax a corporation is required to pay under this 135518
chapter shall be as follows: 135519

(1)(a) For financial institutions, the greater of the minimum 135520
payment required under division (E) of section 5733.06 of the 135521
Revised Code or the difference between all taxes charged the 135522
financial institution under this chapter, without regard to 135523
division (G)(2) of this section, less any credits allowable 135524
against such tax. 135525

(b) A corporation satisfying the description in division 135526
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 135527
Code, as that section existed before its amendment by H.B. 510 of 135528
the 129th general assembly, that is not a financial institution, 135529
insurance company, or dealer in intangibles is subject to the 135530
taxes imposed under this chapter as a corporation and not subject 135531
to tax as a financial institution, and shall pay the greater of 135532
the minimum payment required under division (E) of section 5733.06 135533
of the Revised Code or the difference between all the taxes 135534
charged under this chapter, without regard to division (G)(2) of 135535
this section, less any credits allowable against such tax. 135536

(2) For all corporations other than those persons described 135537
in division (G)(1)(a) or (b) of this section, the amount under 135538
division (G)(2)(a) of this section applicable to the tax year 135539
specified less the amount under division (G)(2)(b) of this 135540
section: 135541

(a)(i) For tax year 2005, the greater of the minimum payment 135542
required under division (E) of section 5733.06 of the Revised Code 135543
or the difference between all taxes charged the corporation under 135544
this chapter and any credits allowable against such tax; 135545

(ii) For tax year 2006, the greater of the minimum payment 135546
required under division (E) of section 5733.06 of the Revised Code 135547
or four-fifths of the difference between all taxes charged the 135548
corporation under this chapter and any credits allowable against 135549
such tax, except the qualifying pass-through entity tax credit 135550
described in division (A)(30) and the refundable credits described 135551
in divisions (A)(31) to (35) of section 5733.98 of the Revised 135552
Code; 135553

(iii) For tax year 2007, the greater of the minimum payment 135554
required under division (E) of section 5733.06 of the Revised Code 135555
or three-fifths of the difference between all taxes charged the 135556
corporation under this chapter and any credits allowable against 135557
such tax, except the qualifying pass-through entity tax credit 135558
described in division (A)(30) and the refundable credits described 135559
in divisions (A)(31) to (35) of section 5733.98 of the Revised 135560
Code; 135561

(iv) For tax year 2008, the greater of the minimum payment 135562
required under division (E) of section 5733.06 of the Revised Code 135563
or two-fifths of the difference between all taxes charged the 135564
corporation under this chapter and any credits allowable against 135565
such tax, except the qualifying pass-through entity tax credit 135566
described in division (A)(30) and the refundable credits described 135567
in divisions (A)(31) to (35) of section 5733.98 of the Revised 135568

Code; 135569

(v) For tax year 2009, the greater of the minimum payment 135570
required under division (E) of section 5733.06 of the Revised Code 135571
or one-fifth of the difference between all taxes charged the 135572
corporation under this chapter and any credits allowable against 135573
such tax, except the qualifying pass-through entity tax credit 135574
described in division (A)(30) and the refundable credits described 135575
in divisions (A)(31), (32), (33), and (34) of section 5733.98 of 135576
the Revised Code; 135577

(vi) For tax year 2010 and each tax year thereafter, no tax. 135578

(b) A corporation shall subtract from the amount calculated 135579
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 135580
any qualifying pass-through entity tax credit described in 135581
division (A)(30) and any refundable credits described in divisions 135582
(A)(31) to (35) of section 5733.98 of the Revised Code to which 135583
the corporation is entitled. Any unused qualifying pass-through 135584
entity tax credit is not refundable. 135585

(c) For the purposes of computing the amount of a credit that 135586
may be carried forward to a subsequent tax year under division 135587
(G)(2) of this section, a credit is utilized against the tax for a 135588
tax year to the extent the credit applies against the tax for that 135589
tax year, even if the difference is then multiplied by the 135590
applicable fraction under division (G)(2)(a) of this section. 135591

(d) References in division (G)(2) of this section to section 135592
5733.98 of the Revised Code is to that section before its 135593
amendment by H.B. 59 of the 130th general assembly. 135594

(3) Nothing in division (G) of this section eliminates or 135595
reduces the tax imposed by section 5733.41 of the Revised Code on 135596
a qualifying pass-through entity. 135597

Sec. 5733.06. For tax years prior to tax year 2014, the tax 135598

hereby charged each corporation subject to this chapter shall be 135599
the greater of the sum of divisions (A) and (B) of this section, 135600
after the reduction, if any, provided by division (J) of this 135601
section, or division (C) of this section, after the reduction, if 135602
any, provided by division (J) of this section, except that the tax 135603
hereby charged each financial institution subject to this chapter 135604
shall be the amount computed under division (D) of this section: 135605

(A) Except as set forth in division (F) of this section, five 135606
and one-tenth per cent upon the first fifty thousand dollars of 135607
the value of the taxpayer's issued and outstanding shares of stock 135608
as determined under division (B) of section 5733.05 of the Revised 135609
Code; 135610

(B) Except as set forth in division (F) of this section, 135611
eight and one-half per cent upon the value so determined in excess 135612
of fifty thousand dollars; or 135613

(C)(1) Except as otherwise provided under division (G) of 135614
this section, four mills times that portion of the value of the 135615
issued and outstanding shares of stock as determined under 135616
division (C) of section 5733.05 of the Revised Code. For the 135617
purposes of division (C) of this section, division (C)(2) of 135618
section 5733.065, and division (C) of section 5733.066 of the 135619
Revised Code, the value of the issued and outstanding shares of 135620
stock of an eligible corporation for tax year 2003 through tax 135621
year 2007, or of a qualifying holding company, is zero. 135622

(2) As used in division (C) of this section, "eligible 135623
corporation" means a person treated as a corporation for federal 135624
income tax purposes that meets all of the following criteria: 135625

(a) The corporation conducts business for an entire taxable 135626
year as a qualified trade or business as defined by division (C) 135627
of section 122.15 of the Revised Code, as that section existed 135628
before its repeal by H.B. 59 of the 130th general assembly. 135629

(b) The corporation uses more than fifty per cent of the corporation's assets, based on net book value, that are located in Ohio solely to conduct activities that constitute a qualified trade or business as defined by section 122.15 of the Revised Code, as that section existed before its repeal by H.B. 59 of the 130th general assembly.

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(c) The corporation has been formed or organized not more than three years before the report required to be filed by section 5733.02 of the Revised Code is due, without regard to any extensions.

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(d) The corporation is not a related member, as defined in section 5733.042 of the Revised Code, at any time during the taxable year with respect to another person treated as a corporation for federal income tax purposes. A corporation is not a related member if during the entire taxable year at least seventy-five per cent of the corporation's stock is owned directly or through a pass-through entity by individuals, estates, and grantor trusts, and the individuals, estates, and grantor trusts do not directly or indirectly own more than twenty per cent of the value of another person treated as a corporation for federal income tax purposes that is conducting a qualified trade or business.

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(D) The tax charged each financial institution subject to this chapter shall be that portion of the value of the issued and outstanding shares of stock as determined under division (A) of section 5733.05 of the Revised Code, multiplied by the following amounts:

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(1) For tax years prior to the 1999 tax year, fifteen mills;

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(2) For the 1999 tax year, fourteen mills;

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(3) For tax year 2000 and thereafter, thirteen mills.

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(E) No tax shall be charged from any corporation that has

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been adjudicated bankrupt, or for which a receiver has been 135661
appointed, or that has made a general assignment for the benefit 135662
of creditors, except for the portion of the then current tax year 135663
during which the tax commissioner finds such corporation had the 135664
power to exercise its corporate franchise unimpaired by such 135665
proceedings or act. The minimum payment for each corporation shall 135666
be as follows: 135667

(1) One thousand dollars in the case of a corporation having 135668
gross receipts for the taxable year equal to at least five million 135669
dollars from activities within or outside this state or in the 135670
case of a corporation employing at least three hundred employees 135671
at some time during the taxable year within or outside this state; 135672

(2) Fifty dollars in the case of any other corporation. 135673

The tax charged to corporations under this chapter for the 135674
privilege of engaging in business in this state, which is an 135675
excise tax levied on the value of the issued and outstanding 135676
shares of stock, shall in no manner be construed as prohibiting or 135677
otherwise limiting the powers of municipal corporations, joint 135678
economic development zones created under section 715.691 of the 135679
Revised Code, and joint economic development districts created 135680
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 135681
Revised Code in this state to impose an income tax on the income 135682
of such corporations. 135683

(F) If two or more taxpayers satisfy the ownership or control 135684
requirements of division (A) of section 5733.052 of the Revised 135685
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 135686
amount" for "fifty thousand dollars" in divisions (A) and (B) of 135687
this section. For purposes of this division, "the taxpayer's 135688
pro-rata amount" is an amount that, when added to the other such 135689
taxpayers' pro-rata amounts, does not exceed fifty thousand 135690
dollars. For the purpose of making that computation, the 135691
taxpayer's pro-rata amount shall not be less than zero. Nothing in 135692

this division derogates from or eliminates the requirement to make 135693
the alternative computation of tax under division (C) of this 135694
section. 135695

(G) The tax liability of any corporation under division (C) 135696
of this section shall not exceed one hundred fifty thousand 135697
dollars. 135698

(H)(1) For the purposes of division (H) of this section, 135699
"exiting corporation" means a corporation that satisfies all of 135700
the following conditions: 135701

(a) The corporation had nexus with or in this state under the 135702
Constitution of the United States during any portion of a calendar 135703
year; 135704

(b) The corporation was not a corporation described in 135705
division (A) of section 5733.01 of the Revised Code on the first 135706
day of January immediately following that calendar year; 135707

(c) The corporation was not a financial institution on the 135708
first day of January immediately following that calendar year; 135709

(d) If the corporation was a transferor as defined in section 135710
5733.053 of the Revised Code, the corporation's transferee was not 135711
required to add to the transferee's net income the income of the 135712
transferor pursuant to division (B) of that section; 135713

(e) During any portion of that calendar year, or any portion 135714
of the immediately preceding calendar year, the corporation had 135715
net income that was not included in a report filed by the 135716
corporation or its transferee pursuant to section 5733.02, 135717
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 135718

(f) The corporation would have been subject to the tax 135719
computed under divisions (A), (B), (C), (F), and (G) of this 135720
section if the corporation is assumed to be a corporation 135721
described in division (A) of section 5733.01 of the Revised Code 135722

on the first day of January immediately following the calendar 135723
year to which division (H)(1)(a) of this section refers. 135724

(2) For the purposes of division (H) of this section, 135725
"unreported net income" means net income that was not previously 135726
included in a report filed pursuant to section 5733.02, 5733.021, 135727
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 135728
realized or recognized during the calendar year to which division 135729
(H)(1) of this section refers or the immediately preceding 135730
calendar year. 135731

(3) Each exiting corporation shall pay a tax computed by 135732
first allocating and apportioning the unreported net income 135733
pursuant to division (B) of section 5733.05 and section 5733.051 135734
and, if applicable, section 5733.052 of the Revised Code. The 135735
exiting corporation then shall compute the tax due on its 135736
unreported net income allocated and apportioned to this state by 135737
applying divisions (A), (B), and (F) of this section to that 135738
income. 135739

(4) Divisions (C) and (G) of this section, division (D)(2) of 135740
section 5733.065, and division (C) of section 5733.066 of the 135741
Revised Code do not apply to an exiting corporation, but exiting 135742
corporations are subject to every other provision of this chapter. 135743

(5) Notwithstanding division (B) of section 5733.01 or 135744
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 135745
contrary, each exiting corporation shall report and pay the tax 135746
due under division (H) of this section on or before the 135747
thirty-first day of May immediately following the calendar year to 135748
which division (H)(1)(a) of this section refers. The exiting 135749
corporation shall file that report on the form most recently 135750
prescribed by the tax commissioner for the purposes of complying 135751
with sections 5733.02 and 5733.03 of the Revised Code. Upon 135752
request by the corporation, the tax commissioner may extend the 135753
date for filing the report. 135754

(6) If, on account of the application of section 5733.053 of the Revised Code, net income is subject to the tax imposed by divisions (A) and (B) of this section, such income shall not be subject to the tax imposed by division (H)(3) of this section.

(7) The amendments made to division (H) of this section by Am. Sub. S.B. 287 of the 123rd general assembly do not apply to any transfer, as defined in section 5733.053 of the Revised Code, for which negotiations began prior to January 1, 2001, and that was commenced in and completed during calendar year 2001, unless the taxpayer makes an election prior to December 31, 2001, to apply those amendments.

(8) The tax commissioner may adopt rules governing division (H) of this section.

(I) Any reference in the Revised Code to "the tax imposed by section 5733.06 of the Revised Code" or "the tax due under section 5733.06 of the Revised Code" includes the taxes imposed under sections 5733.065 and 5733.066 of the Revised Code.

(J)(1) Division (J) of this section applies solely to a combined company. Section 5733.057 of the Revised Code shall apply when calculating the adjustments required by division (J) of this section.

(2) Subject to division (J)(4) of this section, the total tax calculated in divisions (A) and (B) of this section shall be reduced by an amount calculated by multiplying such tax by a fraction, the numerator of which is the total taxable gross receipts attributed to providing public utility activity other than as an electric company under section 5727.03 of the Revised Code for the year upon which the taxable gross receipts are measured immediately preceding the tax year, and the denominator of which is the total gross receipts from all sources for the year upon which the taxable gross receipts are measured immediately

preceding the tax year. Nothing herein shall be construed to 135786
exclude from the denominator any item of income described in 135787
section 5733.051 of the Revised Code. 135788

(3) Subject to division (J)(4) of this section, the total tax 135789
calculated in division (C) of this section shall be reduced by an 135790
amount calculated by multiplying such tax by the fraction 135791
described in division (J)(2) of this section. 135792

(4) In no event shall the reduction provided by division 135793
(J)(2) or (J)(3) of this section exceed the amount of the excise 135794
tax paid in accordance with section 5727.38 of the Revised Code, 135795
for the year upon which the taxable gross receipts are measured 135796
immediately preceding the tax year. 135797

Sec. 5733.11. (A) If any corporation required to file a 135798
report under this chapter fails to file the report within the time 135799
prescribed, files an incorrect report, or fails to remit the full 135800
amount of the tax due for the period covered by the report, the 135801
tax commissioner may make an assessment against the corporation 135802
for any deficiency for the period for which the report or tax is 135803
due, based upon any information in the commissioner's possession. 135804

No assessment shall be made or issued against a corporation 135805
more than three years after the later of the final date the report 135806
subject to assessment was required to be filed or the date the 135807
report was filed. Such time limit may be extended if both the 135808
corporation and the commissioner consent in writing to the 135809
extension or if an agreement waiving or extending the time limit 135810
has been entered into pursuant to section 122.171 of the Revised 135811
Code. Any such extension shall extend the three-year time limit in 135812
division (B) of section 5733.12 of the Revised Code for the same 135813
period of time. There shall be no bar or limit to an assessment 135814
against a corporation that fails to file a report subject to 135815
assessment as required by this chapter, or that files a fraudulent 135816

report. 135817

The commissioner shall give the corporation assessed written 135818
notice of the assessment in the manner provided in section 5703.37 135819
of the Revised Code. With the notice, the commissioner shall 135820
provide instructions on how to petition for reassessment and 135821
request a hearing on the petition. 135822

(B) Unless the corporation assessed files with the tax 135823
commissioner within sixty days after service of the notice of 135824
assessment, either personally or by certified mail, a written 135825
petition for reassessment, signed by the ~~corporations~~ 135826
corporation's authorized agent having knowledge of the facts, ⁷ the 135827
assessment becomes final, and the amount of the assessment is due 135828
and payable from the corporation assessed to the treasurer of 135829
state. The petition shall indicate the corporation's objections, 135830
but additional objections may be raised in writing if received by 135831
the commissioner prior to the date shown on the final 135832
determination. If the petition has been properly filed, the 135833
commissioner shall proceed under section 5703.60 of the Revised 135834
Code. 135835

(C) After an assessment becomes final, if any portion of the 135836
assessment remains unpaid, including accrued interest, a certified 135837
copy of the tax commissioner's entry making the assessment final 135838
may be filed in the office of the clerk of the court of common 135839
pleas in the county in which the corporation has an office or 135840
place of business in this state, the county in which the 135841
corporation's statutory agent is located, or Franklin county. 135842

Immediately upon the filing of the entry, the clerk shall 135843
enter a judgment against the corporation assessed in the amount 135844
shown on the entry. The judgment may be filed by the clerk in a 135845
loose-leaf book entitled "special judgments for state corporate 135846
franchise and litter taxes," and shall have the same effect as 135847
other judgments. Execution shall issue upon the judgment upon the 135848

request of the tax commissioner, and all laws applicable to sales 135849
on execution shall apply to sales made under the judgment. 135850

~~The portion of an~~ If the assessment is not paid within sixty 135851
days after the day the assessment was issued, the portion of the 135852
assessment consisting of tax due shall bear interest at the rate 135853
per annum prescribed by section 5703.47 of the Revised Code from 135854
the day the tax commissioner issues the assessment until the 135855
assessment is paid or until it is certified to the attorney 135856
general for collection under section 131.02 of the Revised Code, 135857
whichever comes first. If the unpaid portion of the assessment is 135858
certified to the attorney general for collection, the entire 135859
unpaid portion of the assessment shall bear interest at the rate 135860
per annum prescribed by section 5703.47 of the Revised Code from 135861
the date of certification until the date it is paid in its 135862
entirety. Interest shall be paid in the same manner as the tax and 135863
may be collected by issuing an assessment under this section. 135864

(D) All money collected under this section shall be 135865
considered as revenue arising from the taxes imposed by this 135866
chapter. 135867

(E) The portion of an assessment that must be paid upon the 135868
filing of a petition for reassessment shall be as follows: 135869

(1) If the sole item objected to is the assessed penalty or 135870
interest, payment of the assessment, including interest but not 135871
penalty, is required; 135872

(2) If the corporation assessed failed to file, prior to the 135873
date of issuance of the assessment, the annual report required by 135874
section 5733.02 of the Revised Code, any amended report required 135875
by division (C) of section 5733.031 of the Revised Code for the 135876
tax year at issue, or any amended report required by division (D) 135877
of section 5733.067 of the Revised Code to indicate a reduction in 135878
the amount of the credit provided under that section, payment of 135879

the assessment, including interest but not penalty, is required; 135880

(3) If the corporation assessed filed, prior to the date of 135881
issuance of the assessment, the annual report required by section 135882
5733.02 of the Revised Code, all amended reports required by 135883
division (C) of section 5733.031 of the Revised Code for the tax 135884
year at issue, and all amended reports required by division (D) of 135885
section 5733.067 of the Revised Code to indicate a reduction in 135886
the amount of the credit provided under that section, and a 135887
balance of the taxes shown due on the reports as computed on the 135888
reports remains unpaid, payment of only that portion of the 135889
assessment representing the unpaid balance of tax and interest is 135890
required; 135891

(4) If the corporation assessed does not dispute that it is a 135892
taxpayer but claims the protections of section 101 of Public Law 135893
86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, payment of only 135894
that portion of the assessment representing any balance of taxes 135895
shown due on the corporation's annual report required by section 135896
5733.02 of the Revised Code, as computed on the report, that 135897
remains unpaid, and that represents taxes imposed by division (C) 135898
of section 5733.06, division (C)(2) of section 5733.065, and 135899
division (C) of section 5733.066 of the Revised Code, together 135900
with all related interest, is required; 135901

(5) If none of the conditions specified in divisions (E)(1) 135902
to (4) of this section apply, or if the corporation assessed 135903
disputes that it is a taxpayer, no payment is required. 135904

(F) Notwithstanding the fact that a petition for reassessment 135905
is pending, the corporation may pay all or a portion of the 135906
assessment that is the subject of the petition. The acceptance of 135907
a payment by the treasurer of state does not prejudice any claim 135908
for refund upon final determination of the petition. 135909

If upon final determination of the petition an error in the 135910

assessment is corrected by the tax commissioner, upon petition so 135911
filed or pursuant to a decision of the board of tax appeals or any 135912
court to which the determination or decision has been appealed, so 135913
that the amount due from the corporation under the corrected 135914
assessment is less than the portion paid, there shall be issued to 135915
the corporation, its assigns, or legal representative a refund in 135916
the amount of the overpayment as provided by section 5733.12 of 135917
the Revised Code, with interest on that amount as provided by 135918
section 5733.26 of the Revised Code, subject to section 5733.121 135919
of the Revised Code. 135920

Sec. 5733.55. (A) As used in this section: 135921

(1) "9-1-1 system" has the same meaning as in section ~~5507.01~~ 135922
128.01 of the Revised Code. 135923

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 135924
approved by the public utilities commission for the telephone 135925
network portion of a 9-1-1 system pursuant to section ~~5507.18~~ 135926
128.18 of the Revised Code. 135927

(3) "Eligible nonrecurring 9-1-1 charges" means all 135928
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 135929
following: 135930

(a) Charges for a system that was not established pursuant to 135931
a plan adopted under section ~~5507.08~~ 128.08 of the Revised Code or 135932
an agreement under section ~~5507.09~~ 128.09 of the Revised Code; 135933

(b) Charges for that part of a system established pursuant to 135934
such a plan or agreement that are excluded from the credit by 135935
division (C)(2) of section ~~5507.18~~ 128.18 of the Revised Code. 135936

(4) "Telephone company" has the same meaning as in section 135937
5727.01 of the Revised Code. 135938

(B) Beginning in tax year 2005, a telephone company shall be 135939
allowed a nonrefundable credit against the tax imposed by section 135940

5733.06 of the Revised Code equal to the amount of its eligible 135941
nonrecurring 9-1-1 charges. The credit shall be claimed for the 135942
company's taxable year that covers the period in which the 9-1-1 135943
service for which the credit is claimed becomes available for use. 135944
The credit shall be claimed in the order required by section 135945
5733.98 of the Revised Code. If the credit exceeds the total taxes 135946
due under section 5733.06 of the Revised Code for the tax year, 135947
the tax commissioner shall credit the excess against taxes due 135948
under that section for succeeding tax years until the full amount 135949
of the credit is granted. 135950

(C) After the last day a return, with any extensions, may be 135951
filed by any telephone company that is eligible to claim a credit 135952
under this section, the commissioner shall determine whether the 135953
sum of the credits allowed for prior tax years commencing with tax 135954
year 2005 plus the sum of the credits claimed for the current tax 135955
year exceeds fifteen million dollars. If it does, the credits 135956
allowed under this section for the current tax year shall be 135957
reduced by a uniform percentage such that the sum of the credits 135958
allowed for the current tax year do not exceed fifteen million 135959
dollars claimed by all telephone companies for all tax years. 135960
Thereafter, no credit shall be granted under this section, except 135961
for the remaining portions of any credits allowed under division 135962
(B) of this section. 135963

(D) A telephone company that is entitled to carry forward a 135964
credit against its public utility excise tax liability under 135965
section 5727.39 of the Revised Code is entitled to carry forward 135966
any amount of that credit remaining after its last public utility 135967
excise tax payment for the period of July 1, 2003, through June 135968
30, 2004, and claim that amount as a credit against its 135969
corporation franchise tax liability under this section. Nothing in 135970
this section authorizes a telephone company to claim a credit 135971
under this section for any eligible nonrecurring 9-1-1 charges for 135972

which it has already claimed a credit under this section or 135973
section 5727.39 of the Revised Code. 135974

Sec. 5733.58. (A) Terms used in this section have the same 135975
meaning as in section 5725.33 of the Revised Code. 135976

(B) There is hereby allowed a nonrefundable credit against 135977
the tax imposed by section 5733.06 of the Revised Code for a 135978
financial institution holding a qualified equity investment on the 135979
credit allowance date occurring in the calendar year immediately 135980
preceding the tax year for which the tax is due. The credit shall 135981
be computed in the same manner prescribed for the computation of 135982
credits allowed under section 5725.33 of the Revised Code. 135983

By claiming a tax credit under this section, a financial 135984
institution waives its rights under section 5733.11 of the Revised 135985
Code with respect to the time limitation for the assessment of 135986
taxes as it relates to credits claimed that later become subject 135987
to recapture under division (D) of this section. 135988

The credit shall be claimed in the order prescribed by 135989
section 5733.98 of the Revised Code. If the amount of the credit 135990
exceeds the amount of tax otherwise due after deducting all other 135991
credits in that order, the excess may be carried forward and 135992
applied to the tax due for not more than four ensuing tax years. 135993

(C) The total amount of qualified equity investments on the 135994
basis of which credits may be claimed under this section and 135995
sections 5725.33 and 5729.16 of the Revised Code is subject to the 135996
limitation of division (C) of section 5725.33 of the Revised Code. 135997

(D) If any amount of ~~the~~ a federal tax credit allowed for a 135998
qualified equity investment for which a credit was received under 135999
this section is recaptured under section 45D of the Internal 136000
Revenue Code, or if the director of development services 136001
determines that an investment for which a tax credit is claimed 136002

under this section is not a qualified equity investment or that 136003
the proceeds of an investment for which a tax credit is claimed 136004
under this section are used to make qualified low-income community 136005
investments other than in a qualified active low-income community 136006
business, all or a portion of the credit received on account of 136007
that investment shall be paid by the financial institution that 136008
received the credit to the tax commissioner. The amount to be 136009
recovered shall be determined by the director of development 136010
services pursuant to rules adopted under section 5725.33 of the 136011
Revised Code. The director shall certify any amount due under this 136012
division to the tax commissioner, and the commissioner shall 136013
notify the financial institution of the amount due. The amount due 136014
is payable not later than thirty days after the day the 136015
commissioner issues the notice. The amount due shall be considered 136016
to be tax due under section 5733.06 of the Revised Code, and may 136017
be collected by assessment without regard to the limitations 136018
imposed under section 5733.11 of the Revised Code for the 136019
assessment of taxes by the commissioner. All amounts collected 136020
under this division shall be credited as revenue from the tax 136021
levied under section 5733.06 of the Revised Code. 136022

Sec. 5733.98. (A) To provide a uniform procedure for 136023
calculating the amount of tax imposed by section 5733.06 of the 136024
Revised Code that is due under this chapter, a taxpayer shall 136025
claim any credits to which it is entitled in the following order, 136026
except as otherwise provided in section 5733.058 of the Revised 136027
Code: 136028

(1) For tax year 2005, the credit for taxes paid by a 136029
qualifying pass-through entity allowed under section 5733.0611 of 136030
the Revised Code; 136031

(2) The credit allowed for financial institutions under 136032
section 5733.45 of the Revised Code; 136033

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| (3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code; | 136034
136035 |
| (4) The subsidiary corporation credit under section 5733.067 of the Revised Code; | 136036
136037 |
| (5) The savings and loan assessment credit under section 5733.063 of the Revised Code; | 136038
136039 |
| (6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code; | 136040
136041 |
| (7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code; | 136042
136043 |
| (8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code; | 136044
136045 |
| (9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code; | 136046
136047 |
| (10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code; | 136048
136049 |
| (11) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code; | 136050
136051 |
| (12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code; | 136052
136053 |
| (13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code; | 136054
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| (14) The job training credit under section 5733.42 of the Revised Code; | 136056
136057 |
| (15) The credit for qualified research expenses under section 5733.351 of the Revised Code; | 136058
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| (16) The enterprise zone credit under section 5709.66 of the Revised Code; | 136060
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| (17) The credit for the eligible costs associated with a | 136062 |

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| voluntary action under section 5733.34 of the Revised Code; | 136063 |
| (18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code; | 136064
136065 |
| (19) The ethanol plant investment credit under section 5733.46 of the Revised Code; | 136066
136067 |
| (20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code; | 136068
136069 |
| (21) The export sales credit under section 5733.069 of the Revised Code; | 136070
136071 |
| (22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code; | 136072
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| (23) The enterprise zone credits under section 5709.65 of the Revised Code; | 136074
136075 |
| (24) <u>(23)</u> The credit for using Ohio coal under section 5733.39 of the Revised Code; | 136076
136077 |
| (25) <u>(24)</u> The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code; | 136078
136079 |
| (26) <u>(25)</u> The credit for small telephone companies under section 5733.57 of the Revised Code; | 136080
136081 |
| (27) <u>(26)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code; | 136082
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| (28) <u>(27)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code; | 136084
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| (29) <u>(28)</u> The research and development credit under section 5733.352 of the Revised Code; | 136087
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| (30) <u>(29)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code; | 136089
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| (31) (30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code; | 136092
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| (32) (31) The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code; | 136094
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136096 |
| (33) (32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code; | 136097
136098 |
| (34) (33) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; | 136099
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136101 |
| (35) (34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code; | 136102
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136104 |
| (36) (35) The refundable motion picture production credit under section 5733.59 of the Revised Code. | 136105
136106 |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. | 136107
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| Sec. 5735.012. Amounts <u>With respect to liquid motor fuel other than liquid natural gas, amounts</u> of motor fuel reported under this chapter shall be measured in gross gallons, except that amounts reported for terminal to terminal transactions shall be measured in net gallons and amounts reported for terminal to Ohio licensed dealer transactions shall be measured in both net gallons and gross gallons. <u>Amounts of liquid natural gas shall be measured in gallon equivalents as described in section 5735.013 of the Revised Code.</u> | 136113
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Sec. 5735.013. For the purposes of this chapter, if the 136122
national conference on weights and measures has adopted a diesel 136123
gallon equivalent standard for liquid natural gas, that standard 136124
shall be the equivalent of one gallon of motor fuel. If the 136125
national conference on weights and measures has not adopted such a 136126
standard, six and six one-hundredths pounds of liquid natural gas 136127
shall be the equivalent of one gallon of motor fuel. 136128

Sec. 5735.12. (A) Any motor fuel dealer required by this 136129
chapter to file reports and pay the tax levied by this chapter who 136130
fails to file the report within the time prescribed, may be liable 136131
for an additional charge not exceeding the greater of ten per cent 136132
of the motor fuel dealer's tax liability for that month or fifty 136133
dollars. The tax commissioner may remit all or a portion of the 136134
additional charge and may adopt rules relating to the remission of 136135
all or a portion of the charge. 136136

If any person required by this chapter to file reports and 136137
pay the taxes, interest, or additional charge levied by this 136138
chapter fails to file the report, files an incomplete or incorrect 136139
report, or fails to remit the full amount of the tax, interest, or 136140
additional charge due for the period covered by the report, the 136141
commissioner may make an assessment against the person based upon 136142
any information in the commissioner's possession. 136143

No assessment shall be made against any motor fuel dealer for 136144
taxes imposed by this chapter more than four years after the date 136145
on which the report on which the assessment was based was due or 136146
was filed, whichever is later. This section does not bar an 136147
assessment against any motor fuel dealer who fails to file a 136148
report required by section 5735.06 of the Revised Code, or who 136149
files a fraudulent motor fuel tax report. 136150

A penalty of up to fifteen per cent may be added to the 136151

amount of every assessment made under this section. The 136152
commissioner may adopt rules providing for the imposition and 136153
remission of penalties added to assessments made under this 136154
section. 136155

The commissioner shall give the party assessed written notice 136156
of the assessment in the manner provided in section 5703.37 of the 136157
Revised Code. With the notice, the commissioner shall provide 136158
instructions on how to petition for reassessment and request a 136159
hearing on the petition. 136160

(B) Unless the party assessed files with the tax commissioner 136161
within sixty days after service of the notice of assessment, 136162
either personally or by certified mail, a written petition for 136163
reassessment in writing, signed by the party assessed or that 136164
party's authorized agent having knowledge of the facts, the 136165
assessment becomes final and the amount of the assessment is due 136166
and payable from the party assessed to the treasurer of state. The 136167
petition shall indicate the objections of the party assessed, but 136168
additional objections may be raised in writing if received by the 136169
commissioner prior to the date shown on the final determination. 136170
If the petition has been properly filed, the commissioner shall 136171
proceed under section 5703.60 of the Revised Code. 136172

(C) After an assessment becomes final, if any portion of the 136173
assessment remains unpaid, including accrued interest, a certified 136174
copy of the tax commissioner's entry making the assessment final 136175
may be filed in the office of the clerk of the court of common 136176
pleas in the county in which the party assessed resides or in 136177
which the business of the party assessed is conducted. If the 136178
party assessed maintains no place of business in this state and is 136179
not a resident of this state, the certified copy of the entry may 136180
be filed in the office of the clerk of the court of common pleas 136181
of Franklin county. 136182

Immediately upon the filing of the entry, the clerk shall 136183

enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state motor fuel tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

~~The portion of~~ If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the tax imposed by this chapter.

(E) If the tax commissioner determines that the commissioner has erroneously refunded motor fuel tax to any person, the commissioner may make an assessment against the person for recovery of the erroneously refunded tax.

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on

which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 136215
the Revised Code has been paid, for the purpose of operating a 136216
transit bus shall be reimbursed in the amount of such tax paid on 136217
motor fuel used by public transportation systems providing transit 136218
or paratransit service on a regular and continuing basis within 136219
the state; 136220

(2) A city, exempted village, joint vocational, or local 136221
school district or educational service center that purchases any 136222
motor fuel for school district or service center operations, on 136223
which any tax imposed by ~~section~~ sections 5735.25 and 5735.29 of 136224
the Revised Code ~~that became effective on or after July 1, 2003,~~ 136225
has been paid, may, if an application is filed under this section, 136226
be reimbursed in the amount of all ~~but two cents per gallon of the~~ 136227
~~total~~ such tax ~~imposed by such section and paid on motor fuel.~~ 136228

(3) A county board of developmental disabilities that, on or 136229
after July 1, 2005, purchases any motor fuel for county board 136230
operations, on which any tax imposed by section 5735.29 of the 136231
Revised Code has been paid may, if an application is filed under 136232
this section, be reimbursed in the amount of all but two cents per 136233
gallon of the total tax imposed by such section and paid on motor 136234
fuel purchased on or after July 1, 2005. 136235

(B) Such person, school district, educational service center, 136236
or county board shall file with the tax commissioner an 136237
application for refund within one year from the date of purchase, 136238
stating the quantity of fuel used for operating transit buses used 136239
by local transit systems in furnishing scheduled common carrier, 136240
public passenger land transportation service along regular routes 136241
primarily in one or more municipal corporations or for operating 136242
vehicles used for school district, service center, or county board 136243
operations. However, no claim shall be made for the tax on fewer 136244
than one hundred gallons of motor fuel. A school district, 136245
educational service center, or county board shall not apply for a 136246

refund for any tax paid on motor fuel that is sold by the 136247
district, service center, or county board. The application shall 136248
be accompanied by the statement described in section 5735.15 of 136249
the Revised Code showing the purchase, together with evidence of 136250
payment thereof. 136251

(C) After consideration of the application and statement, the 136252
commissioner shall determine the amount of refund to which the 136253
applicant is entitled. If the amount is not less than that 136254
claimed, the commissioner shall certify the amount to the director 136255
of budget and management and treasurer of state for payment from 136256
the tax refund fund created by section 5703.052 of the Revised 136257
Code. If the amount is less than that claimed, the commissioner 136258
shall proceed in accordance with section 5703.70 of the Revised 136259
Code. 136260

The commissioner may require that the application be 136261
supported by the affidavit of the claimant. No refund shall be 136262
authorized or ordered for any single claim for the tax on fewer 136263
than one hundred gallons of motor fuel. No refund shall be 136264
authorized or ordered on motor fuel that is sold by a school 136265
district, educational service center, or county board. 136266

(D) The refund authorized by this section or section 5703.70 136267
of the Revised Code shall be reduced by the cents per gallon 136268
amount of any qualified fuel credit received under section 136269
5735.145 of the Revised Code, as determined by the commissioner, 136270
for each gallon of qualified fuel included in the total gallonage 136271
of motor fuel upon which the refund is computed. 136272

(E) The right to receive any refund under this section or 136273
section 5703.70 of the Revised Code is not assignable. The payment 136274
of this refund shall not be made to any person or entity other 136275
than the person or entity originally entitled thereto who used the 136276
motor fuel upon which the claim for refund is based, except that 136277
the refund when allowed and certified, as provided in this 136278

section, may be paid to the executor, the administrator, the 136279
receiver, the trustee in bankruptcy, or the assignee in insolvency 136280
proceedings of the person. 136281

Sec. 5735.27. (A) There is hereby created in the state 136282
treasury the gasoline excise tax fund, which shall be distributed 136283
in the following manner: 136284

(1) The amount credited pursuant to divisions (B)(2)(a) and 136285
(C)(2)(a) of section 5735.23 of the Revised Code shall be 136286
distributed among municipal corporations. The amount paid to each 136287
municipal corporation shall be that proportion of the amount to be 136288
so distributed that the number of motor vehicles registered within 136289
the municipal corporation bears to the total number of motor 136290
vehicles registered within all the municipal corporations of this 136291
state during the preceding motor vehicle registration year. When a 136292
new village is incorporated, the registrar of motor vehicles shall 136293
determine from the applications on file in the bureau of motor 136294
vehicles the number of motor vehicles located within the territory 136295
comprising the village during the entire registration year in 136296
which the municipal corporation was incorporated. The registrar 136297
shall forthwith certify the number of motor vehicles so determined 136298
to the tax commissioner for use in distributing motor vehicle fuel 136299
tax funds to the village until the village is qualified to 136300
participate in the distribution of the funds pursuant to this 136301
division. The number of motor vehicle registrations shall be 136302
determined by the official records of the bureau of motor 136303
vehicles. The amount received by each municipal corporation shall 136304
be used to plan, construct, reconstruct, repave, widen, maintain, 136305
repair, clear, and clean public highways, roads, and streets; to 136306
maintain and repair bridges and viaducts; to purchase, erect, and 136307
maintain street and traffic signs and markers; to pay the costs 136308
apportioned to the municipal corporation under section 4907.47 of 136309
the Revised Code; to purchase, erect, and maintain traffic lights 136310

and signals; to pay the principal, interest, and charges on bonds 136311
and other obligations issued pursuant to Chapter 133. of the 136312
Revised Code or incurred pursuant to section 5531.09 of the 136313
Revised Code for the purpose of acquiring or constructing roads, 136314
highways, bridges, or viaducts or acquiring or making other 136315
highway improvements for which the municipal corporation may issue 136316
bonds; and to supplement revenue already available for these 136317
purposes. 136318

(2) The amount credited pursuant to division (B) of section 136319
5735.26 of the Revised Code shall be distributed among the 136320
municipal corporations within the state, in the proportion which 136321
the number of motor vehicles registered within each municipal 136322
corporation bears to the total number of motor vehicles registered 136323
within all the municipal corporations of the state during the 136324
preceding calendar year, as shown by the official records of the 136325
bureau of motor vehicles, and shall be expended by each municipal 136326
corporation to plan, construct, reconstruct, repave, widen, 136327
maintain, repair, clear, and clean public highways, roads, and 136328
streets; to maintain and repair bridges and viaducts; to purchase, 136329
erect, and maintain street and traffic signs and markers; to 136330
purchase, erect, and maintain traffic lights and signals; to pay 136331
costs apportioned to the municipal corporation under section 136332
4907.47 of the Revised Code; to pay the principal, interest, and 136333
charges on bonds and other obligations issued pursuant to Chapter 136334
133. of the Revised Code or incurred pursuant to section 5531.09 136335
of the Revised Code for the purpose of acquiring or constructing 136336
roads, highways, bridges, or viaducts or acquiring or making other 136337
highway improvements for which the municipal corporation may issue 136338
bonds; and to supplement revenue already available for these 136339
purposes. 136340

(3) The amount credited pursuant to divisions (B)(2)(b) and 136341
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 136342

equal proportions to the county treasurer of each county within 136343
the state and shall be used only for the purposes of planning, 136344
maintaining, and repairing the county system of public roads and 136345
highways within the county; the planning, construction, and repair 136346
of walks or paths along county roads in congested areas; the 136347
planning, construction, purchase, lease, and maintenance of 136348
suitable buildings for the housing and repair of county road 136349
machinery, housing of supplies, and housing of personnel 136350
associated with the machinery and supplies; the payment of costs 136351
apportioned to the county under section 4907.47 of the Revised 136352
Code; the payment of principal, interest, and charges on bonds and 136353
other obligations issued pursuant to Chapter 133. of the Revised 136354
Code or incurred pursuant to section 5531.09 of the Revised Code 136355
for the purpose of acquiring or constructing roads, highways, 136356
bridges, or viaducts or acquiring or making other highway 136357
improvements for which the board of county commissioners may issue 136358
bonds under that chapter; and the purchase, installation, and 136359
maintenance of traffic signal lights. 136360

(4) The amount credited pursuant to division (C) of section 136361
5735.26 of the Revised Code shall be paid in equal proportions to 136362
the county treasurer of each county for the purposes of planning, 136363
maintaining, constructing, widening, and reconstructing the county 136364
system of public roads and highways; paying principal, interest, 136365
and charges on bonds and other obligations issued pursuant to 136366
Chapter 133. of the Revised Code or incurred pursuant to section 136367
5531.09 of the Revised Code for the purpose of acquiring or 136368
constructing roads, highways, bridges, or viaducts or acquiring or 136369
making other highway improvements for which the board of county 136370
commissioners may issue bonds under that chapter; and paying costs 136371
apportioned to the county under section 4907.47 of the Revised 136372
Code. 136373

(5)(a) The amount credited pursuant to division (D) of 136374

section 5735.26 and division (C)(2)(b) of section 5735.23 of the Revised Code shall be divided in equal proportions among the townships within the state.

(b) As used in division (A)(5)(b) of this section, the "formula amount" for any township is the amount that would be allocated to that township if fifty per cent of the amount credited to townships pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of centerline miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of the amount credited pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles. The number of centerline miles within the boundaries of a township shall not include any centerline miles of township roads that have been placed on nonmaintained status by a board of township trustees pursuant to section 5571.20 of the Revised Code.

Beginning on August 15, 2003, the tax levied by section 5735.29 of the Revised Code shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under division (A) of section 5735.291 of the Revised Code divided by the number of townships in the state at the time of the calculation;

(ii) Seventy per cent of the formula amount for that township.

(c) The total difference between the amount of money credited to townships under division (A) of section 5735.291 of the Revised

Code and the total amount of money required to make all the 136406
payments specified in division (A)(5)(b) of this section shall be 136407
deducted, in accordance with division (B) of section 5735.291 of 136408
the Revised Code, from the revenues resulting from the tax levied 136409
pursuant to section 5735.29 of the Revised Code prior to crediting 136410
portions of such revenues to counties, municipal corporations, and 136411
the highway operating fund. 136412

(d) All amounts credited pursuant to divisions (A)(5)(a) and 136413
(b) of this section shall be paid to the county treasurer of each 136414
county for the total amount payable to the townships within each 136415
of the counties. The county treasurer shall pay to each township 136416
within the county its proportional share of the funds, which shall 136417
be expended by each township only for the purposes of planning, 136418
constructing, maintaining, widening, and reconstructing the public 136419
roads and highways within the township, paying principal, 136420
interest, and charges on bonds and other obligations issued 136421
pursuant to Chapter 133. or 505. of the Revised Code or incurred 136422
pursuant to section 5531.09 of the Revised Code for the purpose of 136423
acquiring or constructing roads, highways, bridges, or viaducts or 136424
acquiring or making other highway improvements for which the board 136425
of township trustees may issue bonds under those chapters, and 136426
paying costs apportioned to the township under section 4907.47 of 136427
the Revised Code. 136428

No part of the funds designated for road and highway purposes 136429
shall be used for any purpose except to pay in whole or part the 136430
contract price of any such work done by contract, or to pay the 136431
cost of labor in planning, constructing, widening, and 136432
reconstructing such roads and highways, and the cost of materials 136433
forming a part of the improvement; provided that the funds may be 136434
used for the purchase of road machinery and equipment ~~and for~~ the 136435
planning, construction, and maintenance of suitable buildings for 136436
housing road machinery and equipment, and the payment of 136437

principal, interest, and charges on bonds and other obligations 136438
issued pursuant to Chapter 133. or 505. of the Revised Code for 136439
the purpose of purchasing road machinery and equipment or 136440
planning, constructing, and maintaining suitable buildings for 136441
housing road machinery and equipment; and provided that all such 136442
improvement of roads shall be under supervision and direction of 136443
the county engineer as provided in section 5575.07 of the Revised 136444
Code. No obligation against the funds shall be incurred unless 136445
plans and specifications for the improvement, approved by the 136446
county engineer, are on file in the office of the township fiscal 136447
officer, and all contracts for material and for work done by 136448
contract shall be approved by the county engineer before being 136449
signed by the board of township trustees. The board of township 136450
trustees of any township may pass a resolution permitting the 136451
board of county commissioners to expend the township's share of 136452
the funds, or any portion of it, for the improvement of the roads 136453
within the township as may be designated in the resolution. 136454

All investment earnings of the fund shall be credited to the 136455
fund. 136456

(B) Amounts credited to the highway operating fund pursuant 136457
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 136458
division (A) of section 5735.26 of the Revised Code shall be 136459
expended in the following manner: 136460

(1) The amount credited pursuant to divisions (B)(2)(c) and 136461
(C)(2)(d) of section 5735.23 of the Revised Code shall be 136462
apportioned to and expended by the department of transportation 136463
for the purposes of planning, maintaining, repairing, and keeping 136464
in passable condition for travel the roads and highways of the 136465
state required by law to be maintained by the department; paying 136466
the costs apportioned to the state under section 4907.47 of the 136467
Revised Code; paying that portion of the construction cost of a 136468
highway project which a county, township, or municipal corporation 136469

normally would be required to pay, but which the director of 136470
transportation, pursuant to division (B) of section 5531.08 of the 136471
Revised Code, determines instead will be paid from moneys in the 136472
highway operating fund; and paying the costs of the department of 136473
public safety in administering and enforcing the state law 136474
relating to the registration and operation of motor vehicles. 136475

(2) The amount credited pursuant to division (A) of section 136476
5735.26 of the Revised Code shall be used for paying the state's 136477
share of the cost of planning, constructing, widening, 136478
maintaining, and reconstructing the state highways; paying that 136479
portion of the construction cost of a highway project which a 136480
county, township, or municipal corporation normally would be 136481
required to pay, but which the director of transportation, 136482
pursuant to division (B) of section 5531.08 of the Revised Code, 136483
determines instead will be paid from moneys in the highway 136484
operating fund; and also for supplying the state's share of the 136485
cost of eliminating railway grade crossings upon such highways and 136486
costs apportioned to the state under section 4907.47 of the 136487
Revised Code. The director of transportation may expend portions 136488
of such amount upon extensions of state highways within municipal 136489
corporations or upon portions of state highways within municipal 136490
corporations, as is provided by law. 136491

Sec. 5735.34. (A) If any motor fuel dealer sells that motor 136492
fuel dealer's entire business or discontinues operating that 136493
business, the taxes and any interest and penalties imposed under 136494
this chapter that arose prior to the date of sale or 136495
discontinuation become due and payable immediately. The Within 136496
fifteen days after the date of the sale or discontinuation of the 136497
business, the motor fuel dealer shall make a final return within 136498
fifteen days after the date of the sale or discontinuation of the 136499
business and provide written notification to the tax commissioner 136500
of the sale or discontinuation and the name and contact 136501

information of the purchaser, if applicable. The purchaser of the 136502
business shall withhold a sufficient amount of the purchase money 136503
to cover the amount of such taxes, interest, and penalties due and 136504
unpaid until the seller produces a receipt from the tax 136505
commissioner showing that the taxes, interest, and penalties have 136506
been paid, or until the seller produces a certificate indicating 136507
that no taxes, interest, and penalties are due. 136508

(B) If the purchaser of the business fails to withhold the 136509
purchase money required to be withheld under this section, the 136510
purchaser of the business is personally liable for the payment of 136511
the taxes, interest, and penalties accrued and unpaid during the 136512
operation of the business by the seller, but only to the extent of 136513
the consideration offered for the entire business. 136514

(C) For purposes of this section, "entire business" means 136515
substantially all of the seller's assets determined without regard 136516
to any then existing mortgages, liens, security interests or other 136517
encumbrances attaching to those assets. A person is considered to 136518
have sold the entire business only if the person ceases to qualify 136519
as a motor fuel dealer and has relinquished or the tax 136520
commissioner has canceled the person's motor fuel dealer's 136521
license. 136522

Sec. 5736.01. As used in this division: 136523

(A) "Calendar quarter" and "person" have the same meanings as 136524
in section 5751.01 of the Revised Code. 136525

(B) "Distribution system" means a bulk transfer or terminal 136526
system for the distribution of motor fuel consisting of 136527
refineries, pipelines, marine vessels, and terminals. For the 136528
purposes of this section, motor fuel that is in a refinery, 136529
pipeline, terminal, or marine vessel that is transporting motor 136530
fuel to a refinery or terminal is in a "distribution system." 136531
Motor fuel is "outside of a distribution system" if the fuel is in 136532

a fuel storage facility, including, but not limited to, a bulk plant that is not part of a refinery or terminal, the fuel supply tank of an engine or motor vehicle, a marine vessel transporting motor fuel to a fuel storage facility that is not in a distribution system, or a tank car, rail car, trailer, truck, or other equipment suitable for ground transportation.

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(C) "Dyed diesel fuel," "import," "motor fuel," "public highways," and "terminal" have the same meanings as in section 5735.01 of the Revised Code.

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(D) "First sale of motor fuel within this state" means the initial sale of motor fuel when sold for delivery to a location in this state.

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(E) "Gross receipts" means the total amount received by a person, without deduction for the cost of goods sold or other expenses incurred, from the first sale of motor fuel within this state. For the purposes of division (E) of this section, "amount received" includes amounts accrued under the accrual method of accounting. "Gross receipts" shall not include any of the following amounts:

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(1) Receipts derived from the sale of motor fuel when sold for export to another state;

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(2) An amount equal to the federal and state excise taxes paid by the supplier on the motor fuel;

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(3) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" has the same meaning as in section 5751.01 of the Revised Code.

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(4) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.

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(F) "Motor fuel used to propel vehicles on public highways and waterways" includes motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways. "Motor fuel used to propel vehicles on public highways and waterways" does not include dyed diesel fuel. 136564
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(G) "Rack" means a mechanism capable of delivering motor fuel from a refinery, terminal, or marine vessel into a railroad tank car, transport truck, tank wagon, fuel supply tank, marine vessel, or other means of transport outside of a distribution system. 136570
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(H) "Refinery" means a facility used to produce motor fuel and from which motor fuel may be removed by pipeline, by vessel, or at a rack. 136574
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(I) "Supplier" means either of the following: 136577

(1) A person that sells, exchanges, transfers, or otherwise distributes motor fuel from a terminal or refinery rack to a point outside of a distribution system, if the person distributes such motor fuel at a location in this state; 136578
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(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state. 136582
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(J) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter. 136585
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(K) "Taxpayer" means a person subject to the tax imposed by this chapter. 136588
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(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies 136590
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of water. 136594

Sec. 5736.02. (A) Beginning with the tax period that 136595
commences July 1, 2014, and continuing for every tax period 136596
thereafter, there is hereby levied an excise tax on each supplier 136597
measured by the supplier's gross receipts derived from the first 136598
sale of motor fuel within this state. The tax shall be levied at a 136599
rate of six and five-tenths mills for each dollar of the 136600
supplier's gross receipts. 136601

All revenue from the tax shall be distributed as follows: 136602

(1) All revenue from the tax as measured by gross receipts 136603
derived from the sale of motor fuel used for propelling vehicles 136604
on public highways and waterways shall be used for the purposes of 136605
maintaining the state highway system, funding the enforcement of 136606
traffic laws, and covering the costs of hospitalization of 136607
indigent persons injured in motor vehicle accidents on the public 136608
highways. 136609

(2) All revenue not distributed as required by division 136610
(A)(1) of this section shall be used for the purpose of funding 136611
the needs of this state and its local governments. 136612

(B) The tax imposed by this section is in addition to any 136613
other taxes or fees imposed under the Revised Code. 136614

Sec. 5736.03. (A) No person shall avoid the tax imposed by 136615
this chapter by receiving motor fuel outside of this state and 136616
transferring the motor fuel into this state within one year. Any 136617
such person shall be considered to have received the fuel in this 136618
state and shall include as gross receipts the value of motor fuel 136619
the person transfers into this state within one year after the 136620
person receives the property outside of this state. 136621

(B) The tax commissioner may adopt rules necessary to 136622
administer this section. 136623

Sec. 5736.04. (A) Not later than the tenth day of the second 136624
month after the end of each calendar quarter, every taxpayer shall 136625
file with the tax commissioner a tax return in such form as the 136626
commissioner prescribes. The return shall include, but is not 136627
limited to, the amount of the taxpayer's gross receipts for the 136628
calendar quarter and shall indicate the amount of tax due under 136629
section 5736.02 of the Revised Code for the calendar quarter. The 136630
taxpayer shall indicate on each return the portion of the 136631
taxpayer's gross receipts attributable to motor fuel used for 136632
propelling vehicles on public highways and waterways and the 136633
portion of such receipts attributable to motor fuel used for other 136634
purposes. 136635

(B)(1) The taxpayer shall remit the tax shown to be due on 136636
the return, and, if required by the tax commissioner, file the 136637
return, electronically. The commissioner may require taxpayers to 136638
use the Ohio business gateway as defined in section 718.051 of the 136639
Revised Code to file return returns and remit the tax, or may 136640
provide another means for taxpayers to file and remit the tax 136641
electronically. 136642

(2) A person required by this section to remit taxes or file 136643
returns electronically may apply to the commissioner, on the form 136644
prescribed by the commissioner, to be excused from that 136645
requirement. The commissioner may excuse a person from such 136646
requirement for good cause. 136647

(C) The tax rate with respect to gross receipts for a 136648
calendar quarter is not fixed until the end of the measurement 136649
period for each calendar quarter. The total amount of gross 136650
receipts reported for a given calendar quarter shall be subject to 136651
the tax rate in effect in that quarter. 136652

Sec. 5736.05. (A) Any taxpayer that fails to file a return or 136653

pay the full amount of the tax due within the period prescribed 136654
therefor under this chapter shall pay a penalty in an amount not 136655
exceeding the greater of fifty dollars or ten per cent of the tax 136656
required to be paid for the tax period. 136657

(B)(1) If any additional tax is found to be due, the tax 136658
commissioner may impose an additional penalty of up to fifteen per 136659
cent on the additional tax found to be due. 136660

(2) Any delinquent payments of the tax made after a taxpayer 136661
is notified of an audit or a tax discrepancy by the commissioner 136662
is subject to the penalty imposed by division (B) of this section. 136663
If an assessment is issued under section 5736.09 of the Revised 136664
Code in connection with such delinquent payments, the payments 136665
shall be credited to the assessment. 136666

(C) If a person required to remit taxes or file a return 136667
electronically under section 5736.04 of the Revised Code fails to 136668
do so, the commissioner may impose a penalty not to exceed the 136669
following: 136670

(1) For either of the first two calendar quarters the person 136671
so fails, five per cent of the amount of the payment that was 136672
required to be remitted; 136673

(2) For the third and any subsequent calendar quarters the 136674
person so fails, ten per cent of the amount of the payment that 136675
was required to be remitted. 136676

(D) The tax commissioner may collect any penalty or interest 136677
imposed by this section in the same manner as the tax imposed 136678
under this chapter. Penalties and interest so collected shall be 136679
considered as revenue arising from the tax imposed under this 136680
chapter. 136681

(E) The tax commissioner may abate all or a portion of any 136682
penalties imposed under this section and may adopt rules governing 136683

such abatements. 136684

(F) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first. 136685
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Sec. 5736.06. (A) No person subject to the tax imposed by section 5736.02 of the Revised Code shall distribute, import, or cause the importation of motor fuel for consumption in this state without holding a supplier's license issued by the tax commissioner to engage in such activities. 136690
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(B)(1) A person subject to the tax imposed by section 5736.02 of the Revised Code shall, on or before March 1, 2014, or within thirty days of first becoming subject to the tax imposed by this chapter, whichever is earlier, apply to the tax commissioner for a supplier's license on the form prescribed by the commissioner. 136695
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(2) Each person issued a supplier's license under division (B)(1) of this section shall apply to renew the license on or before the first day of March of each year. 136700
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(3) With each license application submitted under division (B)(1) or (2) of this section, the applicant shall pay an application fee equal to one of the following amounts: 136703
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(a) If the applicant solely imports or causes the importation of motor fuel for sale, exchange, or transfer by the person in this state, three hundred dollars; 136706
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(b) If the applicant engages in activities in addition to those described in division (B)(3)(a) of this section, one thousand dollars. 136709
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If an applicant timely submits an application under division (B)(1) of this section on or after the first day of September of 136712
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any year, the fee that would apply to the applicant under division (B)(3)(a) or (b) of this section shall be reduced by one-half. 136714
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(4) The failure to apply to the commissioner for a supplier's license does not relieve a person from the requirement to file returns and pay the tax imposed by this chapter. 136716
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(C) The tax commissioner may refuse to issue a license to any applicant under this section in the following circumstances: 136719
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(1) The applicant has previously had any license canceled for cause by the commissioner. 136721
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(2) The commissioner believes that the application is not filed in good faith or is filed as a subterfuge in an attempt to procure a license for another person. 136723
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(3) The applicant has violated any provision of this chapter. 136726

(D) If the tax commissioner refuses to issue a license to an applicant under this section, the applicant is entitled to a refund of the application fee in accordance with section 5736.08 of the Revised Code. All application fees collected under this section shall be deposited into the motor fuel receipts tax administration fund created in section 5736.13 of the Revised Code. 136727
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(E) No person shall make a false or fraudulent statement on an application required by this section. 136734
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Sec. 5736.07. (A) If a taxpayer files a false return, fails to file a return as required by section 5736.04 of the Revised Code, or fails to pay the full amount of tax due with a return, the tax commissioner may revoke the supplier's license issued to the taxpayer under section 5736.06 of the Revised Code by notifying the taxpayer in writing of such revocation by certified mail sent to the last known address of the taxpayer appearing on the files of the commissioner. 136736
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(B) Upon the request of a person that is no longer subject to the tax imposed by this chapter, the tax commissioner may cancel the supplier's license issued to the person under section 5736.06 of the Revised Code. The cancellation shall become effective at the time determined by the commissioner. No license shall be canceled upon the request of any person unless, prior to the date of cancellation, the person has paid to the state all taxes payable by such person under the laws of the state, together with any interest and penalties. 136744
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Sec. 5736.08. (A) An application for refund to the taxpayer of the amount of taxes imposed under this chapter that are overpaid, paid illegally or erroneously, or paid on any illegal or erroneous assessment shall be filed by the taxpayer with the tax commissioner, on the form prescribed by the commissioner, within four years after the date of the illegal or erroneous payment of the tax, or within any additional period allowed under division (F) of section 5736.09 of the Revised Code. The applicant shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. 136753
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(B) On the filing of the refund application, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 136764
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(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax 136772
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was paid or when the tax payment was due. 136775

(D) Except as provided in section 5736.081 of the Revised Code, the commissioner may provide for the crediting against tax due for a tax period the amount of any refund due the taxpayer under this chapter for a preceding tax period. 136776
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Sec. 5736.081. As used in this section, "debt to this state" means unpaid taxes due the state, unpaid workers' compensation premiums due under section 4123.35 of the Revised Code, unpaid unemployment compensation contributions due under section 4141.25 of the Revised Code, unpaid unemployment compensation payment in lieu of contribution under section 4141.241 of the Revised Code, unpaid fees payable to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code, incorrect payments for medicaid services under the medicaid program, or any unpaid charge, penalty, or interest arising from any of the foregoing. 136780
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If a taxpayer entitled to a refund under section 5736.08 of the Revised Code owes any debt to this state, the amount refundable may be applied in satisfaction of the debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded. This section applies only to debts that have become final. For the purposes of this section, a debt becomes final when, under the applicable law, any time provided for petition for reassessment, request for reconsideration, or other appeal of the legality or validity of the amount giving rise to the debt expires without an appeal having been filed in the manner provided by law. 136791
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Sec. 5736.09. (A) The tax commissioner may make an 136804

assessment, based on any information in the commissioner's 136805
possession, against any person that fails to file a return or pay 136806
any tax as required by this chapter. The commissioner shall give 136807
the person assessed written notice of the assessment as provided 136808
in section 5703.37 of the Revised Code. With the notice, the 136809
commissioner shall provide instructions on the manner in which to 136810
petition for reassessment and request a hearing with respect to 136811
the petition. 136812

(B) Unless the person assessed, within sixty days after 136813
service of the notice of assessment, files with the commissioner, 136814
either personally or by certified mail, a written petition signed 136815
by the person or the person's authorized agent having knowledge of 136816
the facts, the assessment becomes final, and the amount of the 136817
assessment is due and payable from the person assessed to the 136818
treasurer of state. The petition shall indicate the objections of 136819
the person assessed, but additional objections may be raised in 136820
writing if received by the commissioner prior to the date shown on 136821
the final determination. 136822

If a petition for reassessment has been properly filed, the 136823
commissioner shall proceed under section 5703.60 of the Revised 136824
Code. 136825

(C)(1) After an assessment becomes final, if any portion of 136826
the assessment, including accrued interest, remains unpaid, a 136827
certified copy of the commissioner's entry making the assessment 136828
final may be filed in the office of the clerk of the court of 136829
common pleas in the county in which the person resides or has its 136830
principal place of business in this state, or in the office of the 136831
clerk of court of common pleas of Franklin county. 136832

(2) Immediately upon the filing of the entry, the clerk shall 136833
enter judgment for the state against the person assessed in the 136834
amount shown on the entry. The judgment may be filed by the clerk 136835

in a loose-leaf book entitled, "special judgments for the motor 136836
fuel receipts tax" and shall have the same effect as other 136837
judgments. Execution shall issue upon the judgment at the request 136838
of the commissioner, and all laws applicable to sales on execution 136839
shall apply to sales made under the judgment. 136840

(3) If the assessment is not paid in its entirety within 136841
sixty days after the day the assessment was issued, the portion of 136842
the assessment consisting of tax due shall bear interest at the 136843
rate per annum prescribed by section 5703.47 of the Revised Code 136844
from the day the commissioner issues the assessment until it is 136845
paid or until it is certified to the attorney general for 136846
collection under section 131.02 of the Revised Code, whichever 136847
comes first. If the unpaid portion of the assessment is certified 136848
to the attorney general for collection, the entire unpaid portion 136849
of the assessment shall bear interest at the rate per annum 136850
prescribed by section 5703.47 of the Revised Code from the date of 136851
certification until the date it is paid in its entirety. Interest 136852
shall be paid in the same manner as the tax and may be collected 136853
by the issuance of an assessment under this section. 136854

(D) If the commissioner believes that collection of the tax 136855
will be jeopardized unless proceedings to collect or secure 136856
collection of the tax are instituted without delay, the 136857
commissioner may issue a jeopardy assessment against the person 136858
liable for the tax. Immediately upon the issuance of the jeopardy 136859
assessment, the commissioner shall file an entry with the clerk of 136860
the court of common pleas in the manner prescribed by division (C) 136861
of this section. Notice of the jeopardy assessment shall be served 136862
on the person assessed or the person's authorized agent in the 136863
manner provided in section 5703.37 of the Revised Code within five 136864
days of the filing of the entry with the clerk. The total amount 136865
assessed is immediately due and payable, unless the person 136866
assessed files a petition for reassessment in accordance with 136867

division (B) of this section and provides security in a form 136868
satisfactory to the commissioner and in an amount sufficient to 136869
satisfy the unpaid balance of the assessment. Full or partial 136870
payment of the assessment does not prejudice the commissioner's 136871
consideration of the petition for reassessment. 136872

(E) The commissioner shall immediately forward to the 136873
treasurer of state all amounts the commissioner receives under 136874
this section, and such amounts shall be considered as revenue 136875
arising from the tax imposed under this chapter. 136876

(F) Except as otherwise provided in this division, no 136877
assessment shall be made or issued against a taxpayer for the tax 136878
imposed under this chapter more than four years after the due date 136879
for the filing of the return for the tax period for which the tax 136880
was reported, or more than four years after the return for the tax 136881
period was filed, whichever is later. The time limit may be 136882
extended if both the taxpayer and the commissioner consent in 136883
writing to the extension or enter into an agreement waiving or 136884
extending the time limit. Any such extension shall extend the 136885
four-year time limit in division (A) of section 5736.08 of the 136886
Revised Code for the same period of time. Nothing in this division 136887
bars an assessment against a taxpayer that fails to file a return 136888
required by this chapter or that files a fraudulent return. 136889

(G) If the commissioner possesses information that indicates 136890
that the amount of tax a taxpayer is required to pay under this 136891
chapter exceeds the amount the taxpayer paid, the commissioner may 136892
audit a sample of the taxpayer's gross receipts over a 136893
representative period of time to ascertain the amount of tax due, 136894
and may issue an assessment based on the audit. The commissioner 136895
shall make a good faith effort to reach agreement with the 136896
taxpayer in selecting a representative sample. The commissioner 136897
may apply a sampling method only if the commissioner has 136898
prescribed the method by rule. 136899

(H) If the whereabouts of a person subject to this chapter is not known to the commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code. 136900
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Sec. 5736.10. If any person liable for the tax imposed under this chapter sells the trade or business, disposes in any manner other than in the regular course of business at least seventy-five per cent of assets of the trade or business, or quits the trade or business, any tax owed by such person shall become due and payable immediately, and the person shall pay the tax under this section, including any applicable penalties and interest, within forty-five days after the date of selling or quitting the trade or business. The person's successor shall withhold a sufficient amount of the purchase money to cover the amount due and unpaid until the former owner produces a receipt from the tax commissioner showing that the amounts are paid or a certificate indicating that no taxes are due. If a purchaser fails to withhold purchase money, that person is personally liable up to the purchase money amount, for such amounts that are unpaid during the operation of the business by the former owner. 136903
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The commissioner may adopt rules regarding the issuance of certificates under this section, including the waiver of the need for a certificate if certain criteria are met. 136919
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Sec. 5736.11. If any person subject to this chapter fails to report or pay the tax as required under this chapter, or fails to pay any penalty imposed under this chapter within ninety days after the time prescribed for payment of the penalty, the attorney general, on the request of the tax commissioner, shall commence an action in quo warranto in the court of appeals of the county in which the person has its principal place of business to forfeit and annul its privileges or franchise within this state. If the court finds that the person is in default for the amount claimed, 136922
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it shall render judgment revoking the person's privileges or 136931
franchise within this state and shall otherwise proceed as 136932
provided in Chapter 2733. of the Revised Code. 136933

Sec. 5736.12. The tax commissioner may prescribe requirements 136934
for the keeping of records and other pertinent documents, the 136935
filing of copies of federal income tax returns and determinations, 136936
and computations reconciling federal income tax returns with the 136937
returns and reports required by section 5736.04 of the Revised 136938
Code. The commissioner may require any person, by rule or notice 136939
served on that person, to keep those records that the commissioner 136940
considers necessary to show whether, and the extent to which, a 136941
person is subject to this chapter. Those records and other 136942
documents shall be open during business hours to the inspection of 136943
the commissioner, and shall be preserved for a period of four 136944
years unless the commissioner, in writing, consents to their 136945
destruction within that period, or by order requires that they be 136946
kept longer. If such records are normally kept by the person 136947
electronically, the person shall provide such records to the 136948
commissioner electronically at the commissioner's request. 136949

Sec. 5736.13. (A) For the purpose of receiving, accounting 136950
for, and distributing revenue received from the tax imposed by 136951
section 5736.02 of the Revised Code, the following funds are 136952
hereby created in the state treasury: 136953

(1) The motor fuel receipts tax fund; 136954

(2) The motor fuel receipts tax administration fund. All 136955
amounts credited to the motor fuel receipts tax administration 136956
fund shall be used solely for the purpose of paying the expenses 136957
of the department of taxation incident to the administration of 136958
the tax imposed by section 5736.02 of the Revised Code. 136959

(3) The motor fuel receipts tax public highways fund. 136960

(B) All money collected from the tax imposed by section 5736.02 of the Revised Code shall be deposited into the motor fuel receipts tax fund. 136961
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(C) From the motor fuel receipts tax fund, the director of budget and management shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to section 5736.08 of the Revised Code. 136964
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(D) Not later than the last day of March, June, September, and December of each year, the director of budget and management shall provide for the transfer of the balance of the motor fuel receipts tax fund as of the last day of the preceding month, excluding any amounts required to be transferred as provided in division (C) of this section, as follows: 136969
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(1) To the motor fuel receipts tax administration fund, one per cent; 136975
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(2) To the motor fuel receipts tax public highways fund, an amount that bears the same ratio to the balance in the motor fuel tax receipts fund, after subtracting the amount transferred under division (D)(1) of this section, that (a) the gross receipts attributed to motor fuel used for propelling vehicles on public highways and waterways as indicated by returns filed by the last day of the preceding month, bears to (b) all gross receipts as indicated by those returns; 136977
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(3) To the general revenue fund, the amount remaining after the transfers required by divisions (D)(1) and (2) of this section. 136985
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Sec. 5736.14. (A)(1) If any person, regardless of organizational form, required to file reports and to remit taxes imposed under this chapter fails for any reason to file such 136988
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reports or pay such taxes, any employees of the person having 136991
control or supervision of, or charged with the responsibility of, 136992
filing reports and making payments, or any officers or trustees of 136993
the person responsible for the execution of the person's fiscal 136994
responsibilities, are personally liable for the failure. 136995

(2) The dissolution, termination, or bankruptcy of a person 136996
shall not discharge a responsible officer's, shareholder's, 136997
member's, manager's, employee's, or trustee's liability for 136998
failure of the person to file reports or remit taxes. The sum due 136999
for the liability may be collected by assessment in the manner 137000
provided in section 5736.09 of the Revised Code. 137001

(B) If more than one individual is personally liable under 137002
this section for the unpaid tax of a person, then the liability of 137003
all such individuals shall be joint and several. 137004

Sec. 5736.99. (A) Any person that files a fraudulent refund 137005
claim under section 5736.08 of the Revised Code shall be fined the 137006
greater of not more than one thousand dollars or the amount of the 137007
fraudulent refund requested or imprisoned not more than sixty 137008
days, or both. 137009

(B) Except as provided in this section, whoever violates any 137010
section of this chapter, or any rule adopted by the tax 137011
commissioner under this chapter, shall be fined not more than five 137012
hundred dollars or imprisoned not more than thirty days, or both. 137013

(C) Any person that is subject to the tax imposed by this 137014
chapter and that is found to be engaged in distributing, 137015
importing, or causing the importation of motor fuel for 137016
consumption in this state without a license as required by section 137017
5736.06 of the Revised Code shall be fined not more than one 137018
thousand dollars or imprisoned not more than one hundred eighty 137019
days, or both. 137020

(D) The penalties provided in this section are in addition to 137021
any penalties imposed by the tax commissioner under section 137022
5736.05 of the Revised Code. 137023

Sec. 5739.01. As used in this chapter: 137024

(A) "Person" includes individuals, receivers, assignees, 137025
trustees in bankruptcy, estates, firms, partnerships, 137026
associations, joint-stock companies, joint ventures, clubs, 137027
societies, corporations, the state and its political subdivisions, 137028
and combinations of individuals of any form. 137029

(B) "Sale" and "selling" include all of the following 137030
transactions for a consideration in any manner, whether absolutely 137031
or conditionally, whether for a price or rental, in money or by 137032
exchange, and by any means whatsoever: 137033

(1) All transactions by which title or possession, or both, 137034
of tangible personal property, is or is to be transferred, or a 137035
license to use or consume tangible personal property is or is to 137036
be granted; 137037

(2) All transactions by which lodging by a hotel is or is to 137038
be furnished to transient guests; 137039

(3) All transactions by which: 137040

(a) An item of tangible personal property is or is to be 137041
repaired, except property, the purchase of which would not be 137042
subject to the tax imposed by section 5739.02 of the Revised Code; 137043

(b) An item of tangible personal property is or is to be 137044
installed, except property, the purchase of which would not be 137045
subject to the tax imposed by section 5739.02 of the Revised Code 137046
or property that is or is to be incorporated into and will become 137047
a part of a production, transmission, transportation, or 137048
distribution system for the delivery of a public utility service; 137049

(c) The service of washing, cleaning, waxing, polishing, or 137050

painting a motor vehicle is or is to be furnished; 137051

(d) Until August 1, 2003, industrial laundry cleaning 137052
services are or are to be provided and, on and after August 1, 137053
2003, laundry and dry cleaning services are or are to be provided; 137054

(e) Automatic data processing, computer services, or 137055
electronic information services are or are to be provided for use 137056
in business when the true object of the transaction is the receipt 137057
by the consumer of automatic data processing, computer services, 137058
or electronic information services rather than the receipt of 137059
personal or professional services to which automatic data 137060
processing, computer services, or electronic information services 137061
are incidental or supplemental. Notwithstanding any other 137062
provision of this chapter, such transactions that occur between 137063
members of an affiliated group are not sales. An "affiliated 137064
group" means two or more persons related in such a way that one 137065
person owns or controls the business operation of another member 137066
of the group. In the case of corporations with stock, one 137067
corporation owns or controls another if it owns more than fifty 137068
per cent of the other corporation's common stock with voting 137069
rights. 137070

(f) Telecommunications service, including prepaid calling 137071
service, prepaid wireless calling service, or ancillary service, 137072
is or is to be provided, but not including coin-operated telephone 137073
service; 137074

(g) Landscaping and lawn care service is or is to be 137075
provided; 137076

(h) Private investigation and security service is or is to be 137077
provided; 137078

(i) Information services or tangible personal property is 137079
provided or ordered by means of a nine hundred telephone call; 137080

(j) Building maintenance and janitorial service is or is to 137081

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| be provided; | 137082 |
| (k) Employment service is or is to be provided; | 137083 |
| (l) Employment placement service is or is to be provided; | 137084 |
| (m) Exterminating service is or is to be provided; | 137085 |
| (n) Physical fitness facility service is or is to be
provided; | 137086
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| (o) Recreation and sports club service is or is to be
provided; | 137088
137089 |
| (p) On and after August 1, 2003, satellite broadcasting
service is or is to be provided; | 137090
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| (q) On and after August 1, 2003, personal care service is or
is to be provided to an individual. As used in this division,
"personal care service" includes skin care, the application of
cosmetics, manicuring, pedicuring, hair removal, tattooing, body
piercing, tanning, massage, and other similar services. "Personal
care service" does not include a service provided by or on the
order of a licensed physician or licensed chiropractor, or the
cutting, coloring, or styling of an individual's hair. | 137092
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| (r) On and after August 1, 2003, the transportation of
persons by motor vehicle or aircraft is or is to be provided, when
the transportation is entirely within this state, except for
transportation provided by an ambulance service, by a transit bus,
as defined in section 5735.01 of the Revised Code, and
transportation provided by a citizen of the United States holding
a certificate of public convenience and necessity issued under 49
U.S.C. 41102; | 137100
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| (s) On and after August 1, 2003, motor vehicle towing service
is or is to be provided. As used in this division, "motor vehicle
towing service" means the towing or conveyance of a wrecked,
disabled, or illegally parked motor vehicle. | 137108
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(t) On and after August 1, 2003, snow removal service is or 137112
is to be provided. As used in this division, "snow removal 137113
service" means the removal of snow by any mechanized means, but 137114
does not include the providing of such service by a person that 137115
has less than five thousand dollars in sales of such service 137116
during the calendar year. 137117

(u) Electronic publishing service is or is to be provided to 137118
a consumer for use in business, except that such transactions 137119
occurring between members of an affiliated group, as defined in 137120
division (B)(3)(e) of this section, are not sales. 137121

(4) All transactions by which printed, imprinted, 137122
overprinted, lithographic, multilithic, blueprinted, photostatic, 137123
or other productions or reproductions of written or graphic matter 137124
are or are to be furnished or transferred; 137125

(5) The production or fabrication of tangible personal 137126
property for a consideration for consumers who furnish either 137127
directly or indirectly the materials used in the production of 137128
fabrication work; and include the furnishing, preparing, or 137129
serving for a consideration of any tangible personal property 137130
consumed on the premises of the person furnishing, preparing, or 137131
serving such tangible personal property. Except as provided in 137132
section 5739.03 of the Revised Code, a construction contract 137133
pursuant to which tangible personal property is or is to be 137134
incorporated into a structure or improvement on and becoming a 137135
part of real property is not a sale of such tangible personal 137136
property. The construction contractor is the consumer of such 137137
tangible personal property, provided that the sale and 137138
installation of carpeting, the sale and installation of 137139
agricultural land tile, the sale and erection or installation of 137140
portable grain bins, or the provision of landscaping and lawn care 137141
service and the transfer of property as part of such service is 137142
never a construction contract. 137143

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| As used in division (B)(5) of this section: | 137144 |
| (a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production. | 137145
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| (b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts. | 137154
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| (6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners; | 137158
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| (7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided; | 137166
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| (8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale; | 137171
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| (9) On and after August 1, 2003, all transactions by which | 137174 |

tangible personal property is or is to be stored, except such 137175
property that the consumer of the storage holds for sale in the 137176
regular course of business; 137177

(10) All transactions in which "guaranteed auto protection" 137178
is provided whereby a person promises to pay to the consumer the 137179
difference between the amount the consumer receives from motor 137180
vehicle insurance and the amount the consumer owes to a person 137181
holding title to or a lien on the consumer's motor vehicle in the 137182
event the consumer's motor vehicle suffers a total loss under the 137183
terms of the motor vehicle insurance policy or is stolen and not 137184
recovered, if the protection and its price are included in the 137185
purchase or lease agreement; 137186

(11)(a) Except as provided in division (B)(11)(b) of this 137187
section, on and after October 1, 2009, all transactions by which 137188
health care services are paid for, reimbursed, provided, 137189
delivered, arranged for, or otherwise made available by a medicaid 137190
health insuring corporation pursuant to the corporation's contract 137191
with the state. 137192

(b) If the centers for medicare and medicaid services of the 137193
United States department of health and human services determines 137194
that the taxation of transactions described in division (B)(11)(a) 137195
of this section constitutes an impermissible health care-related 137196
tax under ~~section 1903(w) of the "Social Security Act," 49 Stat.~~ 137197
~~620 (1935)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended,~~ and 137198
regulations adopted thereunder, the medicaid director ~~of job and~~ 137199
~~family services~~ shall notify the tax commissioner of that 137200
determination. Beginning with the first day of the month following 137201
that notification, the transactions described in division 137202
(B)(11)(a) of this section are not sales for the purposes of this 137203
chapter or Chapter 5741. of the Revised Code. The tax commissioner 137204
shall order that the collection of taxes under sections 5739.02, 137205
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 137206

5741.023 of the Revised Code shall cease for transactions 137207
occurring on or after that date. 137208

Except as provided in this section, "sale" and "selling" do 137209
not include transfers of interest in leased property where the 137210
original lessee and the terms of the original lease agreement 137211
remain unchanged, or professional, insurance, or personal service 137212
transactions that involve the transfer of tangible personal 137213
property as an inconsequential element, for which no separate 137214
charges are made. 137215

(C) "Vendor" means the person providing the service or by 137216
whom the transfer effected or license given by a sale is or is to 137217
be made or given and, for sales described in division (B)(3)(i) of 137218
this section, the telecommunications service vendor that provides 137219
the nine hundred telephone service; if two or more persons are 137220
engaged in business at the same place of business under a single 137221
trade name in which all collections on account of sales by each 137222
are made, such persons shall constitute a single vendor. 137223

Physicians, dentists, hospitals, and veterinarians who are 137224
engaged in selling tangible personal property as received from 137225
others, such as eyeglasses, mouthwashes, dentifrices, or similar 137226
articles, are vendors. Veterinarians who are engaged in 137227
transferring to others for a consideration drugs, the dispensing 137228
of which does not require an order of a licensed veterinarian or 137229
physician under federal law, are vendors. 137230

(D)(1) "Consumer" means the person for whom the service is 137231
provided, to whom the transfer effected or license given by a sale 137232
is or is to be made or given, to whom the service described in 137233
division (B)(3)(f) or (i) of this section is charged, or to whom 137234
the admission is granted. 137235

(2) Physicians, dentists, hospitals, and blood banks operated 137236
by nonprofit institutions and persons licensed to practice 137237

veterinary medicine, surgery, and dentistry are consumers of all 137238
tangible personal property and services purchased by them in 137239
connection with the practice of medicine, dentistry, the rendition 137240
of hospital or blood bank service, or the practice of veterinary 137241
medicine, surgery, and dentistry. In addition to being consumers 137242
of drugs administered by them or by their assistants according to 137243
their direction, veterinarians also are consumers of drugs that 137244
under federal law may be dispensed only by or upon the order of a 137245
licensed veterinarian or physician, when transferred by them to 137246
others for a consideration to provide treatment to animals as 137247
directed by the veterinarian. 137248

(3) A person who performs a facility management, or similar 137249
service contract for a contractee is a consumer of all tangible 137250
personal property and services purchased for use in connection 137251
with the performance of such contract, regardless of whether title 137252
to any such property vests in the contractee. The purchase of such 137253
property and services is not subject to the exception for resale 137254
under division (E)(1) of this section. 137255

(4)(a) In the case of a person who purchases printed matter 137256
for the purpose of distributing it or having it distributed to the 137257
public or to a designated segment of the public, free of charge, 137258
that person is the consumer of that printed matter, and the 137259
purchase of that printed matter for that purpose is a sale. 137260

(b) In the case of a person who produces, rather than 137261
purchases, printed matter for the purpose of distributing it or 137262
having it distributed to the public or to a designated segment of 137263
the public, free of charge, that person is the consumer of all 137264
tangible personal property and services purchased for use or 137265
consumption in the production of that printed matter. That person 137266
is not entitled to claim exemption under division (B)(42)(f) of 137267
section 5739.02 of the Revised Code for any material incorporated 137268
into the printed matter or any equipment, supplies, or services 137269

primarily used to produce the printed matter. 137270

(c) The distribution of printed matter to the public or to a 137271
designated segment of the public, free of charge, is not a sale to 137272
the members of the public to whom the printed matter is 137273
distributed or to any persons who purchase space in the printed 137274
matter for advertising or other purposes. 137275

(5) A person who makes sales of any of the services listed in 137276
division (B)(3) of this section is the consumer of any tangible 137277
personal property used in performing the service. The purchase of 137278
that property is not subject to the resale exception under 137279
division (E)(1) of this section. 137280

(6) A person who engages in highway transportation for hire 137281
is the consumer of all packaging materials purchased by that 137282
person and used in performing the service, except for packaging 137283
materials sold by such person in a transaction separate from the 137284
service. 137285

(7) In the case of a transaction for health care services 137286
under division (B)(11) of this section, a medicaid health insuring 137287
corporation is the consumer of such services. The purchase of such 137288
services by a medicaid health insuring corporation is not subject 137289
to the exception for resale under division (E)(1) of this section 137290
or to the exemptions provided under divisions (B)(12), (18), (19), 137291
and (22) of section 5739.02 of the Revised Code. 137292

(E) "Retail sale" and "sales at retail" include all sales, 137293
except those in which the purpose of the consumer is to resell the 137294
thing transferred or benefit of the service provided, by a person 137295
engaging in business, in the form in which the same is, or is to 137296
be, received by the person. 137297

(F) "Business" includes any activity engaged in by any person 137298
with the object of gain, benefit, or advantage, either direct or 137299
indirect. "Business" does not include the activity of a person in 137300

managing and investing the person's own funds. 137301

(G) "Engaging in business" means commencing, conducting, or 137302
continuing in business, and liquidating a business when the 137303
liquidator thereof holds itself out to the public as conducting 137304
such business. Making a casual sale is not engaging in business. 137305

(H)(1)(a) "Price," except as provided in divisions (H)(2), 137306
(3), and (4) of this section, means the total amount of 137307
consideration, including cash, credit, property, and services, for 137308
which tangible personal property or services are sold, leased, or 137309
rented, valued in money, whether received in money or otherwise, 137310
without any deduction for any of the following: 137311

(i) The vendor's cost of the property sold; 137312

(ii) The cost of materials used, labor or service costs, 137313
interest, losses, all costs of transportation to the vendor, all 137314
taxes imposed on the vendor, including the tax imposed under 137315
Chapter 5751. of the Revised Code, and any other expense of the 137316
vendor; 137317

(iii) Charges by the vendor for any services necessary to 137318
complete the sale; 137319

(iv) On and after August 1, 2003, delivery charges. As used 137320
in this division, "delivery charges" means charges by the vendor 137321
for preparation and delivery to a location designated by the 137322
consumer of tangible personal property or a service, including 137323
transportation, shipping, postage, handling, crating, and packing. 137324

(v) Installation charges; 137325

(vi) Credit for any trade-in. 137326

(b) "Price" includes consideration received by the vendor 137327
from a third party, if the vendor actually receives the 137328
consideration from a party other than the consumer, and the 137329
consideration is directly related to a price reduction or discount 137330

on the sale; the vendor has an obligation to pass the price 137331
reduction or discount through to the consumer; the amount of the 137332
consideration attributable to the sale is fixed and determinable 137333
by the vendor at the time of the sale of the item to the consumer; 137334
and one of the following criteria is met: 137335

(i) The consumer presents a coupon, certificate, or other 137336
document to the vendor to claim a price reduction or discount 137337
where the coupon, certificate, or document is authorized, 137338
distributed, or granted by a third party with the understanding 137339
that the third party will reimburse any vendor to whom the coupon, 137340
certificate, or document is presented; 137341

(ii) The consumer identifies the consumer's self to the 137342
seller as a member of a group or organization entitled to a price 137343
reduction or discount. A preferred customer card that is available 137344
to any patron does not constitute membership in such a group or 137345
organization. 137346

(iii) The price reduction or discount is identified as a 137347
third party price reduction or discount on the invoice received by 137348
the consumer, or on a coupon, certificate, or other document 137349
presented by the consumer. 137350

(c) "Price" does not include any of the following: 137351

(i) Discounts, including cash, term, or coupons that are not 137352
reimbursed by a third party that are allowed by a vendor and taken 137353
by a consumer on a sale; 137354

(ii) Interest, financing, and carrying charges from credit 137355
extended on the sale of tangible personal property or services, if 137356
the amount is separately stated on the invoice, bill of sale, or 137357
similar document given to the purchaser; 137358

(iii) Any taxes legally imposed directly on the consumer that 137359
are separately stated on the invoice, bill of sale, or similar 137360
document given to the consumer. For the purpose of this division, 137361

the tax imposed under Chapter 5751. of the Revised Code is not a 137362
tax directly on the consumer, even if the tax or a portion thereof 137363
is separately stated. 137364

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 137365
section, any discount allowed by an automobile manufacturer to its 137366
employee, or to the employee of a supplier, on the purchase of a 137367
new motor vehicle from a new motor vehicle dealer in this state. 137368

(v) The dollar value of a gift card that is not sold by a 137369
vendor or purchased by a consumer and that is redeemed by the 137370
consumer in purchasing tangible personal property or services if 137371
the vendor is not reimbursed and does not receive compensation 137372
from a third party to cover all or part of the gift card value. 137373
For the purposes of this division, a gift card is not sold by a 137374
vendor or purchased by a consumer if it is distributed pursuant to 137375
an awards, loyalty, or promotional program. Past and present 137376
purchases of tangible personal property or services by the 137377
consumer shall not be treated as consideration exchanged for a 137378
gift card. 137379

(2) In the case of a sale of any new motor vehicle by a new 137380
motor vehicle dealer, as defined in section 4517.01 of the Revised 137381
Code, in which another motor vehicle is accepted by the dealer as 137382
part of the consideration received, "price" has the same meaning 137383
as in division (H)(1) of this section, reduced by the credit 137384
afforded the consumer by the dealer for the motor vehicle received 137385
in trade. 137386

(3) In the case of a sale of any watercraft or outboard motor 137387
by a watercraft dealer licensed in accordance with section 137388
1547.543 of the Revised Code, in which another watercraft, 137389
watercraft and trailer, or outboard motor is accepted by the 137390
dealer as part of the consideration received, "price" has the same 137391
meaning as in division (H)(1) of this section, reduced by the 137392
credit afforded the consumer by the dealer for the watercraft, 137393

watercraft and trailer, or outboard motor received in trade. As 137394
used in this division, "watercraft" includes an outdrive unit 137395
attached to the watercraft. 137396

(4) In the case of transactions for health care services 137397
under division (B)(11) of this section, "price" means the amount 137398
of managed care premiums received each month by a medicaid health 137399
insuring corporation. 137400

(I) "Receipts" means the total amount of the prices of the 137401
sales of vendors, provided that the dollar value of gift cards 137402
distributed pursuant to an awards, loyalty, or promotional 137403
program, and cash discounts allowed and taken on sales at the time 137404
they are consummated are not included, minus any amount deducted 137405
as a bad debt pursuant to section 5739.121 of the Revised Code. 137406
"Receipts" does not include the sale price of property returned or 137407
services rejected by consumers when the full sale price and tax 137408
are refunded either in cash or by credit. 137409

(J) "Place of business" means any location at which a person 137410
engages in business. 137411

(K) "Premises" includes any real property or portion thereof 137412
upon which any person engages in selling tangible personal 137413
property at retail or making retail sales and also includes any 137414
real property or portion thereof designated for, or devoted to, 137415
use in conjunction with the business engaged in by such person. 137416

(L) "Casual sale" means a sale of an item of tangible 137417
personal property that was obtained by the person making the sale, 137418
through purchase or otherwise, for the person's own use and was 137419
previously subject to any state's taxing jurisdiction on its sale 137420
or use, and includes such items acquired for the seller's use that 137421
are sold by an auctioneer employed directly by the person for such 137422
purpose, provided the location of such sales is not the 137423
auctioneer's permanent place of business. As used in this 137424

division, "permanent place of business" includes any location 137425
where such auctioneer has conducted more than two auctions during 137426
the year. 137427

(M) "Hotel" means every establishment kept, used, maintained, 137428
advertised, or held out to the public to be a place where sleeping 137429
accommodations are offered to guests, in which five or more rooms 137430
are used for the accommodation of such guests, whether the rooms 137431
are in one or several structures, except as otherwise provided in 137432
division (G) of section 5739.09 of the Revised Code. 137433

(N) "Transient guests" means persons occupying a room or 137434
rooms for sleeping accommodations for less than thirty consecutive 137435
days. 137436

(O) "Making retail sales" means the effecting of transactions 137437
wherein one party is obligated to pay the price and the other 137438
party is obligated to provide a service or to transfer title to or 137439
possession of the item sold. "Making retail sales" does not 137440
include the preliminary acts of promoting or soliciting the retail 137441
sales, other than the distribution of printed matter which 137442
displays or describes and prices the item offered for sale, nor 137443
does it include delivery of a predetermined quantity of tangible 137444
personal property or transportation of property or personnel to or 137445
from a place where a service is performed. 137446

(P) "Used directly in the rendition of a public utility 137447
service" means that property that is to be incorporated into and 137448
will become a part of the consumer's production, transmission, 137449
transportation, or distribution system and that retains its 137450
classification as tangible personal property after such 137451
incorporation; fuel or power used in the production, transmission, 137452
transportation, or distribution system; and tangible personal 137453
property used in the repair and maintenance of the production, 137454
transmission, transportation, or distribution system, including 137455
only such motor vehicles as are specially designed and equipped 137456

for such use. Tangible personal property and services used 137457
primarily in providing highway transportation for hire are not 137458
used directly in the rendition of a public utility service. In 137459
this definition, "public utility" includes a citizen of the United 137460
States holding, and required to hold, a certificate of public 137461
convenience and necessity issued under 49 U.S.C. 41102. 137462

(Q) "Refining" means removing or separating a desirable 137463
product from raw or contaminated materials by distillation or 137464
physical, mechanical, or chemical processes. 137465

(R) "Assembly" and "assembling" mean attaching or fitting 137466
together parts to form a product, but do not include packaging a 137467
product. 137468

(S) "Manufacturing operation" means a process in which 137469
materials are changed, converted, or transformed into a different 137470
state or form from which they previously existed and includes 137471
refining materials, assembling parts, and preparing raw materials 137472
and parts by mixing, measuring, blending, or otherwise committing 137473
such materials or parts to the manufacturing process. 137474
"Manufacturing operation" does not include packaging. 137475

(T) "Fiscal officer" means, with respect to a regional 137476
transit authority, the secretary-treasurer thereof, and with 137477
respect to a county that is a transit authority, the fiscal 137478
officer of the county transit board if one is appointed pursuant 137479
to section 306.03 of the Revised Code or the county auditor if the 137480
board of county commissioners operates the county transit system. 137481

(U) "Transit authority" means a regional transit authority 137482
created pursuant to section 306.31 of the Revised Code or a county 137483
in which a county transit system is created pursuant to section 137484
306.01 of the Revised Code. For the purposes of this chapter, a 137485
transit authority must extend to at least the entire area of a 137486
single county. A transit authority that includes territory in more 137487

than one county must include all the area of the most populous 137488
county that is a part of such transit authority. County population 137489
shall be measured by the most recent census taken by the United 137490
States census bureau. 137491

(V) "Legislative authority" means, with respect to a regional 137492
transit authority, the board of trustees thereof, and with respect 137493
to a county that is a transit authority, the board of county 137494
commissioners. 137495

(W) "Territory of the transit authority" means all of the 137496
area included within the territorial boundaries of a transit 137497
authority as they from time to time exist. Such territorial 137498
boundaries must at all times include all the area of a single 137499
county or all the area of the most populous county that is a part 137500
of such transit authority. County population shall be measured by 137501
the most recent census taken by the United States census bureau. 137502

(X) "Providing a service" means providing or furnishing 137503
anything described in division (B)(3) of this section for 137504
consideration. 137505

(Y)(1)(a) "Automatic data processing" means processing of 137506
others' data, including keypunching or similar data entry services 137507
together with verification thereof, or providing access to 137508
computer equipment for the purpose of processing data. 137509

(b) "Computer services" means providing services consisting 137510
of specifying computer hardware configurations and evaluating 137511
technical processing characteristics, computer programming, and 137512
training of computer programmers and operators, provided in 137513
conjunction with and to support the sale, lease, or operation of 137514
taxable computer equipment or systems. 137515

(c) "Electronic information services" means providing access 137516
to computer equipment by means of telecommunications equipment for 137517
the purpose of either of the following: 137518

(i) Examining or acquiring data stored in or accessible to the computer equipment; 137519
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(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment. 137521
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For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division (LLL) of this section. 137523
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(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services. 137528
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(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to: 137531
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(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material; 137535
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(b) Analyzing business policies and procedures; 137540

(c) Identifying management information needs; 137541

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives; 137542
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(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management; 137545
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| (f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled; | 137549
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| (g) Testing of business procedures; | 137552 |
| (h) Training personnel in business procedure applications; | 137553 |
| (i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium; | 137554
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| (j) Providing debt collection services by any oral, written, graphic, or electronic means. | 137560
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| The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services. | 137562
137563 |
| (Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following: | 137564
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137566 |
| (1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare; | 137567
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| (2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section; | 137572
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(3) A person who leases a motor vehicle to and operates it 137579
for a person described by division (Z)(1) or (2) of this section. 137580

(AA)(1) "Telecommunications service" means the electronic 137581
transmission, conveyance, or routing of voice, data, audio, video, 137582
or any other information or signals to a point, or between or 137583
among points. "Telecommunications service" includes such 137584
transmission, conveyance, or routing in which computer processing 137585
applications are used to act on the form, code, or protocol of the 137586
content for purposes of transmission, conveyance, or routing 137587
without regard to whether the service is referred to as voice-over 137588
internet protocol service or is classified by the federal 137589
communications commission as enhanced or value-added. 137590
"Telecommunications service" does not include any of the 137591
following: 137592

(a) Data processing and information services that allow data 137593
to be generated, acquired, stored, processed, or retrieved and 137594
delivered by an electronic transmission to a consumer where the 137595
consumer's primary purpose for the underlying transaction is the 137596
processed data or information; 137597

(b) Installation or maintenance of wiring or equipment on a 137598
customer's premises; 137599

(c) Tangible personal property; 137600

(d) Advertising, including directory advertising; 137601

(e) Billing and collection services provided to third 137602
parties; 137603

(f) Internet access service; 137604

(g) Radio and television audio and video programming 137605
services, regardless of the medium, including the furnishing of 137606
transmission, conveyance, and routing of such services by the 137607
programming service provider. Radio and television audio and video 137608

programming services include, but are not limited to, cable 137609
service, as defined in 47 U.S.C. 522(6), and audio and video 137610
programming services delivered by commercial mobile radio service 137611
providers, as defined in 47 C.F.R. 20.3; 137612

(h) Ancillary service; 137613

(i) Digital products delivered electronically, including 137614
software, music, video, reading materials, or ring tones. 137615

(2) "Ancillary service" means a service that is associated 137616
with or incidental to the provision of telecommunications service, 137617
including conference bridging service, detailed telecommunications 137618
billing service, directory assistance, vertical service, and voice 137619
mail service. As used in this division: 137620

(a) "Conference bridging service" means an ancillary service 137621
that links two or more participants of an audio or video 137622
conference call, including providing a telephone number. 137623
"Conference bridging service" does not include telecommunications 137624
services used to reach the conference bridge. 137625

(b) "Detailed telecommunications billing service" means an 137626
ancillary service of separately stating information pertaining to 137627
individual calls on a customer's billing statement. 137628

(c) "Directory assistance" means an ancillary service of 137629
providing telephone number or address information. 137630

(d) "Vertical service" means an ancillary service that is 137631
offered in connection with one or more telecommunications 137632
services, which offers advanced calling features that allow 137633
customers to identify callers and manage multiple calls and call 137634
connections, including conference bridging service. 137635

(e) "Voice mail service" means an ancillary service that 137636
enables the customer to store, send, or receive recorded messages. 137637
"Voice mail service" does not include any vertical services that 137638

the customer may be required to have in order to utilize the voice 137639
mail service. 137640

(3) "900 service" means an inbound toll telecommunications 137641
service purchased by a subscriber that allows the subscriber's 137642
customers to call in to the subscriber's prerecorded announcement 137643
or live service, and which is typically marketed under the name 137644
"900⁺ service" and any subsequent numbers designated by the 137645
federal communications commission. "900 service" does not include 137646
the charge for collection services provided by the seller of the 137647
telecommunications service to the subscriber, or services or 137648
products sold by the subscriber to the subscriber's customer. 137649

(4) "Prepaid calling service" means the right to access 137650
exclusively telecommunications services, which must be paid for in 137651
advance and which enables the origination of calls using an access 137652
number or authorization code, whether manually or electronically 137653
dialed, and that is sold in predetermined units or dollars of 137654
which the number declines with use in a known amount. 137655

(5) "Prepaid wireless calling service" means a 137656
telecommunications service that provides the right to utilize 137657
mobile telecommunications service as well as other 137658
non-telecommunications services, including the download of digital 137659
products delivered electronically, and content and ancillary 137660
services, that must be paid for in advance and that is sold in 137661
predetermined units or dollars of which the number declines with 137662
use in a known amount. 137663

(6) "Value-added non-voice data service" means a 137664
telecommunications service in which computer processing 137665
applications are used to act on the form, content, code, or 137666
protocol of the information or data primarily for a purpose other 137667
than transmission, conveyance, or routing. 137668

(7) "Coin-operated telephone service" means a 137669

telecommunications service paid for by inserting money into a 137670
telephone accepting direct deposits of money to operate. 137671

(8) "Customer" has the same meaning as in section 5739.034 of 137672
the Revised Code. 137673

(BB) "Laundry and dry cleaning services" means removing soil 137674
or dirt from towels, linens, articles of clothing, or other fabric 137675
items that belong to others and supplying towels, linens, articles 137676
of clothing, or other fabric items. "Laundry and dry cleaning 137677
services" does not include the provision of self-service 137678
facilities for use by consumers to remove soil or dirt from 137679
towels, linens, articles of clothing, or other fabric items. 137680

(CC) "Magazines distributed as controlled circulation 137681
publications" means magazines containing at least twenty-four 137682
pages, at least twenty-five per cent editorial content, issued at 137683
regular intervals four or more times a year, and circulated 137684
without charge to the recipient, provided that such magazines are 137685
not owned or controlled by individuals or business concerns which 137686
conduct such publications as an auxiliary to, and essentially for 137687
the advancement of the main business or calling of, those who own 137688
or control them. 137689

(DD) "Landscaping and lawn care service" means the services 137690
of planting, seeding, sodding, removing, cutting, trimming, 137691
pruning, mulching, aerating, applying chemicals, watering, 137692
fertilizing, and providing similar services to establish, promote, 137693
or control the growth of trees, shrubs, flowers, grass, ground 137694
cover, and other flora, or otherwise maintaining a lawn or 137695
landscape grown or maintained by the owner for ornamentation or 137696
other nonagricultural purpose. However, "landscaping and lawn care 137697
service" does not include the providing of such services by a 137698
person who has less than five thousand dollars in sales of such 137699
services during the calendar year. 137700

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

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

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development

equipment unless such property is primarily used by the consumer 137733
in testing the product, equipment, or manufacturing process being 137734
created, designed, or formulated by the consumer in the research 137735
and development activity or in recording or storing such test 137736
results. 137737

(II) "Building maintenance and janitorial service" means 137738
cleaning the interior or exterior of a building and any tangible 137739
personal property located therein or thereon, including any 137740
services incidental to such cleaning for which no separate charge 137741
is made. However, "building maintenance and janitorial service" 137742
does not include the providing of such service by a person who has 137743
less than five thousand dollars in sales of such service during 137744
the calendar year. 137745

(JJ) "Employment service" means providing or supplying 137746
personnel, on a temporary or long-term basis, to perform work or 137747
labor under the supervision or control of another, when the 137748
personnel so provided or supplied receive their wages, salary, or 137749
other compensation from the provider or supplier of the employment 137750
service or from a third party that provided or supplied the 137751
personnel to the provider or supplier. "Employment service" does 137752
not include: 137753

(1) Acting as a contractor or subcontractor, where the 137754
personnel performing the work are not under the direct control of 137755
the purchaser. 137756

(2) Medical and health care services. 137757

(3) Supplying personnel to a purchaser pursuant to a contract 137758
of at least one year between the service provider and the 137759
purchaser that specifies that each employee covered under the 137760
contract is assigned to the purchaser on a permanent basis. 137761

(4) Transactions between members of an affiliated group, as 137762
defined in division (B)(3)(e) of this section. 137763

(5) Transactions where the personnel so provided or supplied 137764
by a provider or supplier to a purchaser of an employment service 137765
are then provided or supplied by that purchaser to a third party 137766
as an employment service, except "employment service" does include 137767
the transaction between that purchaser and the third party. 137768

(KK) "Employment placement service" means locating or finding 137769
employment for a person or finding or locating an employee to fill 137770
an available position. 137771

(LL) "Exterminating service" means eradicating or attempting 137772
to eradicate vermin infestations from a building or structure, or 137773
the area surrounding a building or structure, and includes 137774
activities to inspect, detect, or prevent vermin infestation of a 137775
building or structure. 137776

(MM) "Physical fitness facility service" means all 137777
transactions by which a membership is granted, maintained, or 137778
renewed, including initiation fees, membership dues, renewal fees, 137779
monthly minimum fees, and other similar fees and dues, by a 137780
physical fitness facility such as an athletic club, health spa, or 137781
gymnasium, which entitles the member to use the facility for 137782
physical exercise. 137783

(NN) "Recreation and sports club service" means all 137784
transactions by which a membership is granted, maintained, or 137785
renewed, including initiation fees, membership dues, renewal fees, 137786
monthly minimum fees, and other similar fees and dues, by a 137787
recreation and sports club, which entitles the member to use the 137788
facilities of the organization. "Recreation and sports club" means 137789
an organization that has ownership of, or controls or leases on a 137790
continuing, long-term basis, the facilities used by its members 137791
and includes an aviation club, gun or shooting club, yacht club, 137792
card club, swimming club, tennis club, golf club, country club, 137793
riding club, amateur sports club, or similar organization. 137794

(OO) "Livestock" means farm animals commonly raised for food, 137795
food production, or other agricultural purposes, including, but 137796
not limited to, cattle, sheep, goats, swine, poultry, and captive 137797
deer. "Livestock" does not include invertebrates, amphibians, 137798
reptiles, domestic pets, animals for use in laboratories or for 137799
exhibition, or other animals not commonly raised for food or food 137800
production. 137801

(PP) "Livestock structure" means a building or structure used 137802
exclusively for the housing, raising, feeding, or sheltering of 137803
livestock, and includes feed storage or handling structures and 137804
structures for livestock waste handling. 137805

(QQ) "Horticulture" means the growing, cultivation, and 137806
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 137807
and nursery stock. As used in this division, "nursery stock" has 137808
the same meaning as in section 927.51 of the Revised Code. 137809

(RR) "Horticulture structure" means a building or structure 137810
used exclusively for the commercial growing, raising, or 137811
overwintering of horticultural products, and includes the area 137812
used for stocking, storing, and packing horticultural products 137813
when done in conjunction with the production of those products. 137814

(SS) "Newspaper" means an unbound publication bearing a title 137815
or name that is regularly published, at least as frequently as 137816
biweekly, and distributed from a fixed place of business to the 137817
public in a specific geographic area, and that contains a 137818
substantial amount of news matter of international, national, or 137819
local events of interest to the general public. 137820

(TT) "Professional racing team" means a person that employs 137821
at least twenty full-time employees for the purpose of conducting 137822
a motor vehicle racing business for profit. The person must 137823
conduct the business with the purpose of racing one or more motor 137824
racing vehicles in at least ten competitive professional racing 137825

events each year that comprise all or part of a motor racing 137826
series sanctioned by one or more motor racing sanctioning 137827
organizations. A "motor racing vehicle" means a vehicle for which 137828
the chassis, engine, and parts are designed exclusively for motor 137829
racing, and does not include a stock or production model vehicle 137830
that may be modified for use in racing. For the purposes of this 137831
division: 137832

(1) A "competitive professional racing event" is a motor 137833
vehicle racing event sanctioned by one or more motor racing 137834
sanctioning organizations, at which aggregate cash prizes in 137835
excess of eight hundred thousand dollars are awarded to the 137836
competitors. 137837

(2) "Full-time employee" means an individual who is employed 137838
for consideration for thirty-five or more hours a week, or who 137839
renders any other standard of service generally accepted by custom 137840
or specified by contract as full-time employment. 137841

(UU)(1) "Lease" or "rental" means any transfer of the 137842
possession or control of tangible personal property for a fixed or 137843
indefinite term, for consideration. "Lease" or "rental" includes 137844
future options to purchase or extend, and agreements described in 137845
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 137846
the amount of consideration may be increased or decreased by 137847
reference to the amount realized upon the sale or disposition of 137848
the property. "Lease" or "rental" does not include: 137849

(a) A transfer of possession or control of tangible personal 137850
property under a security agreement or a deferred payment plan 137851
that requires the transfer of title upon completion of the 137852
required payments; 137853

(b) A transfer of possession or control of tangible personal 137854
property under an agreement that requires the transfer of title 137855
upon completion of required payments and payment of an option 137856

price that does not exceed the greater of one hundred dollars or 137857
one per cent of the total required payments; 137858

(c) Providing tangible personal property along with an 137859
operator for a fixed or indefinite period of time, if the operator 137860
is necessary for the property to perform as designed. For purposes 137861
of this division, the operator must do more than maintain, 137862
inspect, or ~~set-up~~ set up the tangible personal property. 137863

(2) "Lease" and "rental," as defined in division (UU) of this 137864
section, shall not apply to leases or rentals that exist before 137865
June 26, 2003. 137866

(3) "Lease" and "rental" have the same meaning as in division 137867
(UU)(1) of this section regardless of whether a transaction is 137868
characterized as a lease or rental under generally accepted 137869
accounting principles, the Internal Revenue Code, Title XIII of 137870
the Revised Code, or other federal, state, or local laws. 137871

(VV) "Mobile telecommunications service" has the same meaning 137872
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 137873
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 137874
on and after August 1, 2003, includes related fees and ancillary 137875
services, including universal service fees, detailed billing 137876
service, directory assistance, service initiation, voice mail 137877
service, and vertical services, such as caller ID and three-way 137878
calling. 137879

(WW) "Certified service provider" has the same meaning as in 137880
section 5740.01 of the Revised Code. 137881

(XX) "Satellite broadcasting service" means the distribution 137882
or broadcasting of programming or services by satellite directly 137883
to the subscriber's receiving equipment without the use of ground 137884
receiving or distribution equipment, except the subscriber's 137885
receiving equipment or equipment used in the uplink process to the 137886
satellite, and includes all service and rental charges, premium 137887

channels or other special services, installation and repair 137888
service charges, and any other charges having any connection with 137889
the provision of the satellite broadcasting service. 137890

(YY) "Tangible personal property" means personal property 137891
that can be seen, weighed, measured, felt, or touched, or that is 137892
in any other manner perceptible to the senses. For purposes of 137893
this chapter and Chapter 5741. of the Revised Code, "tangible 137894
personal property" includes motor vehicles, electricity, water, 137895
gas, steam, and prewritten computer software. 137896

(ZZ) "Direct mail" means printed material delivered or 137897
distributed by United States mail or other delivery service to a 137898
mass audience or to addressees on a mailing list provided by the 137899
consumer or at the direction of the consumer when the cost of the 137900
items are not billed directly to the recipients. "Direct mail" 137901
includes tangible personal property supplied directly or 137902
indirectly by the consumer to the direct mail vendor for inclusion 137903
in the package containing the printed material. "Direct mail" does 137904
not include multiple items of printed material delivered to a 137905
single address. 137906

(AAA) "Computer" means an electronic device that accepts 137907
information in digital or similar form and manipulates it for a 137908
result based on a sequence of instructions. 137909

(BBB) "Computer software" means a set of coded instructions 137910
designed to cause a computer or automatic data processing 137911
equipment to perform a task. 137912

(CCC) "Delivered electronically" means delivery of computer 137913
software from the seller to the purchaser by means other than 137914
tangible storage media. 137915

(DDD) "Prewritten computer software" means computer software, 137916
including prewritten upgrades, that is not designed and developed 137917
by the author or other creator to the specifications of a specific 137918

purchaser. The combining of two or more prewritten computer 137919
software programs or prewritten portions thereof does not cause 137920
the combination to be other than prewritten computer software. 137921
"Prewritten computer software" includes software designed and 137922
developed by the author or other creator to the specifications of 137923
a specific purchaser when it is sold to a person other than the 137924
purchaser. If a person modifies or enhances computer software of 137925
which the person is not the author or creator, the person shall be 137926
deemed to be the author or creator only of such person's 137927
modifications or enhancements. Prewritten computer software or a 137928
prewritten portion thereof that is modified or enhanced to any 137929
degree, where such modification or enhancement is designed and 137930
developed to the specifications of a specific purchaser, remains 137931
prewritten computer software; provided, however, that where there 137932
is a reasonable, separately stated charge or an invoice or other 137933
statement of the price given to the purchaser for the modification 137934
or enhancement, the modification or enhancement shall not 137935
constitute prewritten computer software. 137936

(EEE)(1) "Food" means substances, whether in liquid, 137937
concentrated, solid, frozen, dried, or dehydrated form, that are 137938
sold for ingestion or chewing by humans and are consumed for their 137939
taste or nutritional value. "Food" does not include alcoholic 137940
beverages, dietary supplements, soft drinks, or tobacco. 137941

(2) As used in division (EEE)(1) of this section: 137942

(a) "Alcoholic beverages" means beverages that are suitable 137943
for human consumption and contain one-half of one per cent or more 137944
of alcohol by volume. 137945

(b) "Dietary supplements" means any product, other than 137946
tobacco, that is intended to supplement the diet and that is 137947
intended for ingestion in tablet, capsule, powder, softgel, 137948
gelcap, or liquid form, or, if not intended for ingestion in such 137949
a form, is not represented as conventional food for use as a sole 137950

item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

- (i) A vitamin;
- (ii) A mineral;
- (iii) An herb or other botanical;
- (iv) An amino acid;
- (v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;
- (vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(GGG) "Prescription" means an order, formula, or recipe

issued in any form of oral, written, electronic, or other means of 137981
transmission by a duly licensed practitioner authorized by the 137982
laws of this state to issue a prescription. 137983

(HHH) "Durable medical equipment" means equipment, including 137984
repair and replacement parts for such equipment, that can 137985
withstand repeated use, is primarily and customarily used to serve 137986
a medical purpose, generally is not useful to a person in the 137987
absence of illness or injury, and is not worn in or on the body. 137988
"Durable medical equipment" does not include mobility enhancing 137989
equipment. 137990

(III) "Mobility enhancing equipment" means equipment, 137991
including repair and replacement parts for such equipment, that is 137992
primarily and customarily used to provide or increase the ability 137993
to move from one place to another and is appropriate for use 137994
either in a home or a motor vehicle, that is not generally used by 137995
persons with normal mobility, and that does not include any motor 137996
vehicle or equipment on a motor vehicle normally provided by a 137997
motor vehicle manufacturer. "Mobility enhancing equipment" does 137998
not include durable medical equipment. 137999

(JJJ) "Prosthetic device" means a replacement, corrective, or 138000
supportive device, including repair and replacement parts for the 138001
device, worn on or in the human body to artificially replace a 138002
missing portion of the body, prevent or correct physical deformity 138003
or malfunction, or support a weak or deformed portion of the body. 138004
As used in this division, "prosthetic device" does not include 138005
corrective eyeglasses, contact lenses, or dental prosthesis. 138006

(KKK)(1) "Fractional aircraft ownership program" means a 138007
program in which persons within an affiliated group sell and 138008
manage fractional ownership program aircraft, provided that at 138009
least one hundred airworthy aircraft are operated in the program 138010
and the program meets all of the following criteria: 138011

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners. 138012
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138014

(b) Each program aircraft is owned or possessed by at least one fractional owner. 138015
138016

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 138017
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138019

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 138020
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(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 138022
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138024

(2) As used in division (KKK)(1) of this section: 138025

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 138026
138027

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section. 138028
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 138032
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under 138039
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138041

division (KKK)(1)(e) of this section, and offered by the program 138042
manager to the fractional owners, including, at a minimum, the 138043
establishment and implementation of safety guidelines; the 138044
coordination of the scheduling of the program aircraft and crews; 138045
program aircraft maintenance; program aircraft insurance; crew 138046
training for crews employed, furnished, or contracted by the 138047
program manager or the fractional owner; the satisfaction of 138048
record-keeping requirements; and the development and use of an 138049
operations manual and a maintenance manual for the fractional 138050
aircraft ownership program. 138051

(e) "Program manager" means the person that offers management 138052
services to fractional owners pursuant to a management services 138053
agreement under division (KKK)(1)(e) of this section. 138054

(LLL) "Electronic publishing" means providing access to one 138055
or more of the following primarily for business customers, 138056
including the federal government or a state government or a 138057
political subdivision thereof, to conduct research: news; 138058
business, financial, legal, consumer, or credit materials; 138059
editorials, columns, reader commentary, or features; photos or 138060
images; archival or research material; legal notices, identity 138061
verification, or public records; scientific, educational, 138062
instructional, technical, professional, trade, or other literary 138063
materials; or other similar information which has been gathered 138064
and made available by the provider to the consumer in an 138065
electronic format. Providing electronic publishing includes the 138066
functions necessary for the acquisition, formatting, editing, 138067
storage, and dissemination of data or information that is the 138068
subject of a sale. 138069

(MMM) "Medicaid health insuring corporation" means a health 138070
insuring corporation that holds a certificate of authority under 138071
Chapter 1751. of the Revised Code and is under contract with the 138072
department of job and family services pursuant to section 5111.17 138073

of the Revised Code. 138074

(NNN) "Managed care premium" means any premium, capitation, 138075
or other payment a medicaid health insuring corporation receives 138076
for providing or arranging for the provision of health care 138077
services to its members or enrollees residing in this state. 138078

(OOO) "Captive deer" means deer and other cervidae that have 138079
been legally acquired, or their offspring, that are privately 138080
owned for agricultural or farming purposes. 138081

(PPP) "Gift card" means a document, card, certificate, or 138082
other record, whether tangible or intangible, that may be redeemed 138083
by a consumer for a dollar value when making a purchase of 138084
tangible personal property or services. 138085

Sec. 5739.02. For the purpose of providing revenue with which 138086
to meet the needs of the state, for the use of the general revenue 138087
fund of the state, for the purpose of securing a thorough and 138088
efficient system of common schools throughout the state, for the 138089
purpose of affording revenues, in addition to those from general 138090
property taxes, permitted under constitutional limitations, and 138091
from other sources, for the support of local governmental 138092
functions, and for the purpose of reimbursing the state for the 138093
expense of administering this chapter, an excise tax is hereby 138094
levied on each retail sale made in this state. 138095

(A)(1) The tax shall be collected as provided in section 138096
5739.025 of the Revised Code. The rate of the tax shall be five 138097
and one-half per cent. The tax applies and is collectible when the 138098
sale is made, regardless of the time when the price is paid or 138099
delivered. 138100

(2) In the case of the lease or rental, with a fixed term of 138101
more than thirty days or an indefinite term with a minimum period 138102
of more than thirty days, of any motor vehicles designed by the 138103

manufacturer to carry a load of not more than one ton, watercraft, 138104
outboard motor, or aircraft, or of any tangible personal property, 138105
other than motor vehicles designed by the manufacturer to carry a 138106
load of more than one ton, to be used by the lessee or renter 138107
primarily for business purposes, the tax shall be collected by the 138108
vendor at the time the lease or rental is consummated and shall be 138109
calculated by the vendor on the basis of the total amount to be 138110
paid by the lessee or renter under the lease agreement. If the 138111
total amount of the consideration for the lease or rental includes 138112
amounts that are not calculated at the time the lease or rental is 138113
executed, the tax shall be calculated and collected by the vendor 138114
at the time such amounts are billed to the lessee or renter. In 138115
the case of an open-end lease or rental, the tax shall be 138116
calculated by the vendor on the basis of the total amount to be 138117
paid during the initial fixed term of the lease or rental, and for 138118
each subsequent renewal period as it comes due. As used in this 138119
division, "motor vehicle" has the same meaning as in section 138120
4501.01 of the Revised Code, and "watercraft" includes an outdrive 138121
unit attached to the watercraft. 138122

A lease with a renewal clause and a termination penalty or 138123
similar provision that applies if the renewal clause is not 138124
exercised is presumed to be a sham transaction. In such a case, 138125
the tax shall be calculated and paid on the basis of the entire 138126
length of the lease period, including any renewal periods, until 138127
the termination penalty or similar provision no longer applies. 138128
The taxpayer shall bear the burden, by a preponderance of the 138129
evidence, that the transaction or series of transactions is not a 138130
sham transaction. 138131

(3) Except as provided in division (A)(2) of this section, in 138132
the case of a sale, the price of which consists in whole or in 138133
part of the lease or rental of tangible personal property, the tax 138134
shall be measured by the installments of that lease or rental. 138135

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| (4) In the case of a sale of a physical fitness facility | 138136 |
| service or recreation and sports club service, the price of which | 138137 |
| consists in whole or in part of a membership for the receipt of | 138138 |
| the benefit of the service, the tax applicable to the sale shall | 138139 |
| be measured by the installments thereof. | 138140 |
| (B) The tax does not apply to the following: | 138141 |
| (1) Sales to the state or any of its political subdivisions, | 138142 |
| or to any other state or its political subdivisions if the laws of | 138143 |
| that state exempt from taxation sales made to this state and its | 138144 |
| political subdivisions; | 138145 |
| (2) Sales of food for human consumption off the premises | 138146 |
| where sold; | 138147 |
| (3) Sales of food sold to students only in a cafeteria, | 138148 |
| dormitory, fraternity, or sorority maintained in a private, | 138149 |
| public, or parochial school, college, or university; | 138150 |
| (4) Sales of newspapers and of magazine subscriptions and | 138151 |
| sales or transfers of magazines distributed as controlled | 138152 |
| circulation publications; | 138153 |
| (5) The furnishing, preparing, or serving of meals without | 138154 |
| charge by an employer to an employee provided the employer records | 138155 |
| the meals as part compensation for services performed or work | 138156 |
| done; | 138157 |
| (6) Sales of motor fuel upon receipt, use, distribution, or | 138158 |
| sale of which in this state a tax is imposed by the law of this | 138159 |
| state, but this exemption shall not apply to the sale of motor | 138160 |
| fuel on which a refund of the tax is allowable under division (A) | 138161 |
| of section 5735.14 of the Revised Code; and the tax commissioner | 138162 |
| may deduct the amount of tax levied by this section applicable to | 138163 |
| the price of motor fuel when granting a refund of motor fuel tax | 138164 |
| pursuant to division (A) of section 5735.14 of the Revised Code | 138165 |
| and shall cause the amount deducted to be paid into the general | 138166 |

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| revenue fund of this state; | 138167 |
| (7) Sales of natural gas by a natural gas company, of water | 138168 |
| by a water-works company, or of steam by a heating company, if in | 138169 |
| each case the thing sold is delivered to consumers through pipes | 138170 |
| or conduits, and all sales of communications services by a | 138171 |
| telegraph company, all terms as defined in section 5727.01 of the | 138172 |
| Revised Code, and sales of electricity delivered through wires; | 138173 |
| (8) Casual sales by a person, or auctioneer employed directly | 138174 |
| by the person to conduct such sales, except as to such sales of | 138175 |
| motor vehicles, watercraft or outboard motors required to be | 138176 |
| titled under section 1548.06 of the Revised Code, watercraft | 138177 |
| documented with the United States coast guard, snowmobiles, and | 138178 |
| all-purpose vehicles as defined in section 4519.01 of the Revised | 138179 |
| Code; | 138180 |
| (9)(a) Sales of services or tangible personal property, other | 138181 |
| than motor vehicles, mobile homes, and manufactured homes, by | 138182 |
| churches, organizations exempt from taxation under section | 138183 |
| 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit | 138184 |
| organizations operated exclusively for charitable purposes as | 138185 |
| defined in division (B)(12) of this section, provided that the | 138186 |
| number of days on which such tangible personal property or | 138187 |
| services, other than items never subject to the tax, are sold does | 138188 |
| not exceed six in any calendar year, except as otherwise provided | 138189 |
| in division (B)(9)(b) of this section. If the number of days on | 138190 |
| which such sales are made exceeds six in any calendar year, the | 138191 |
| church or organization shall be considered to be engaged in | 138192 |
| business and all subsequent sales by it shall be subject to the | 138193 |
| tax. In counting the number of days, all sales by groups within a | 138194 |
| church or within an organization shall be considered to be sales | 138195 |
| of that church or organization. | 138196 |
| (b) The limitation on the number of days on which tax-exempt | 138197 |
| sales may be made by a church or organization under division | 138198 |

(B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing

services to hospitals or charitable institutions; the operation of 138230
a home for the aged, as defined in section 5701.13 of the Revised 138231
Code; the operation of a radio or television broadcasting station 138232
that is licensed by the federal communications commission as a 138233
noncommercial educational radio or television station; the 138234
operation of a nonprofit animal adoption service or a county 138235
humane society; the promotion of education by an institution of 138236
learning that maintains a faculty of qualified instructors, 138237
teaches regular continuous courses of study, and confers a 138238
recognized diploma upon completion of a specific curriculum; the 138239
operation of a parent-teacher association, booster group, or 138240
similar organization primarily engaged in the promotion and 138241
support of the curricular or extracurricular activities of a 138242
primary or secondary school; the operation of a community or area 138243
center in which presentations in music, dramatics, the arts, and 138244
related fields are made in order to foster public interest and 138245
education therein; the production of performances in music, 138246
dramatics, and the arts; or the promotion of education by an 138247
organization engaged in carrying on research in, or the 138248
dissemination of, scientific and technological knowledge and 138249
information primarily for the public. 138250

Nothing in this division shall be deemed to exempt sales to 138251
any organization for use in the operation or carrying on of a 138252
trade or business, or sales to a home for the aged for use in the 138253
operation of independent living facilities as defined in division 138254
(A) of section 5709.12 of the Revised Code. 138255

(13) Building and construction materials and services sold to 138256
construction contractors for incorporation into a structure or 138257
improvement to real property under a construction contract with 138258
this state or a political subdivision of this state, or with the 138259
United States government or any of its agencies; building and 138260
construction materials and services sold to construction 138261

contractors for incorporation into a structure or improvement to 138262
real property that are accepted for ownership by this state or any 138263
of its political subdivisions, or by the United States government 138264
or any of its agencies at the time of completion of the structures 138265
or improvements; building and construction materials sold to 138266
construction contractors for incorporation into a horticulture 138267
structure or livestock structure for a person engaged in the 138268
business of horticulture or producing livestock; building 138269
materials and services sold to a construction contractor for 138270
incorporation into a house of public worship or religious 138271
education, or a building used exclusively for charitable purposes 138272
under a construction contract with an organization whose purpose 138273
is as described in division (B)(12) of this section; building 138274
materials and services sold to a construction contractor for 138275
incorporation into a building under a construction contract with 138276
an organization exempt from taxation under section 501(c)(3) of 138277
the Internal Revenue Code of 1986 when the building is to be used 138278
exclusively for the organization's exempt purposes; building and 138279
construction materials sold for incorporation into the original 138280
construction of a sports facility under section 307.696 of the 138281
Revised Code; building and construction materials and services 138282
sold to a construction contractor for incorporation into real 138283
property outside this state if such materials and services, when 138284
sold to a construction contractor in the state in which the real 138285
property is located for incorporation into real property in that 138286
state, would be exempt from a tax on sales levied by that state; 138287
and, until one calendar year after the construction of a 138288
convention center that qualifies for property tax exemption under 138289
section 5709.084 of the Revised Code is completed, building and 138290
construction materials and services sold to a construction 138291
contractor for incorporation into the real property comprising 138292
that convention center; 138293

(14) Sales of ships or vessels or rail rolling stock used or 138294

to be used principally in interstate or foreign commerce, and 138295
repairs, alterations, fuel, and lubricants for such ships or 138296
vessels or rail rolling stock; 138297

(15) Sales to persons primarily engaged in any of the 138298
activities mentioned in division (B)(42)(a), (g), or (h) of this 138299
section, to persons engaged in making retail sales, or to persons 138300
who purchase for sale from a manufacturer tangible personal 138301
property that was produced by the manufacturer in accordance with 138302
specific designs provided by the purchaser, of packages, including 138303
material, labels, and parts for packages, and of machinery, 138304
equipment, and material for use primarily in packaging tangible 138305
personal property produced for sale, including any machinery, 138306
equipment, and supplies used to make labels or packages, to 138307
prepare packages or products for labeling, or to label packages or 138308
products, by or on the order of the person doing the packaging, or 138309
sold at retail. "Packages" includes bags, baskets, cartons, 138310
crates, boxes, cans, bottles, bindings, wrappings, and other 138311
similar devices and containers, but does not include motor 138312
vehicles or bulk tanks, trailers, or similar devices attached to 138313
motor vehicles. "Packaging" means placing in a package. Division 138314
(B)(15) of this section does not apply to persons engaged in 138315
highway transportation for hire. 138316

(16) Sales of food to persons using supplemental nutrition 138317
assistance program benefits to purchase the food. As used in this 138318
division, "food" has the same meaning as in 7 U.S.C. 2012 and 138319
federal regulations adopted pursuant to the Food and Nutrition Act 138320
of 2008. 138321

(17) Sales to persons engaged in farming, agriculture, 138322
horticulture, or floriculture, of tangible personal property for 138323
use or consumption primarily in the production by farming, 138324
agriculture, horticulture, or floriculture of other tangible 138325
personal property for use or consumption primarily in the 138326

production of tangible personal property for sale by farming, 138327
agriculture, horticulture, or floriculture; or material and parts 138328
for incorporation into any such tangible personal property for use 138329
or consumption in production; and of tangible personal property 138330
for such use or consumption in the conditioning or holding of 138331
products produced by and for such use, consumption, or sale by 138332
persons engaged in farming, agriculture, horticulture, or 138333
floriculture, except where such property is incorporated into real 138334
property; 138335

(18) Sales of drugs for a human being that may be dispensed 138336
only pursuant to a prescription; insulin as recognized in the 138337
official United States pharmacopoeia; urine and blood testing 138338
materials when used by diabetics or persons with hypoglycemia to 138339
test for glucose or acetone; hypodermic syringes and needles when 138340
used by diabetics for insulin injections; epoetin alfa when 138341
purchased for use in the treatment of persons with medical 138342
disease; hospital beds when purchased by hospitals, nursing homes, 138343
or other medical facilities; and medical oxygen and medical 138344
oxygen-dispensing equipment when purchased by hospitals, nursing 138345
homes, or other medical facilities; 138346

(19) Sales of prosthetic devices, durable medical equipment 138347
for home use, or mobility enhancing equipment, when made pursuant 138348
to a prescription and when such devices or equipment are for use 138349
by a human being. 138350

(20) Sales of emergency and fire protection vehicles and 138351
equipment to nonprofit organizations for use solely in providing 138352
fire protection and emergency services, including trauma care and 138353
emergency medical services, for political subdivisions of the 138354
state; 138355

(21) Sales of tangible personal property manufactured in this 138356
state, if sold by the manufacturer in this state to a retailer for 138357
use in the retail business of the retailer outside of this state 138358

and if possession is taken from the manufacturer by the purchaser 138359
within this state for the sole purpose of immediately removing the 138360
same from this state in a vehicle owned by the purchaser; 138361

(22) Sales of services provided by the state or any of its 138362
political subdivisions, agencies, instrumentalities, institutions, 138363
or authorities, or by governmental entities of the state or any of 138364
its political subdivisions, agencies, instrumentalities, 138365
institutions, or authorities; 138366

(23) Sales of motor vehicles to nonresidents of this state 138367
under the circumstances described in division (B) of section 138368
5739.029 of the Revised Code; 138369

(24) Sales to persons engaged in the preparation of eggs for 138370
sale of tangible personal property used or consumed directly in 138371
such preparation, including such tangible personal property used 138372
for cleaning, sanitizing, preserving, grading, sorting, and 138373
classifying by size; packages, including material and parts for 138374
packages, and machinery, equipment, and material for use in 138375
packaging eggs for sale; and handling and transportation equipment 138376
and parts therefor, except motor vehicles licensed to operate on 138377
public highways, used in intraplant or interplant transfers or 138378
shipment of eggs in the process of preparation for sale, when the 138379
plant or plants within or between which such transfers or 138380
shipments occur are operated by the same person. "Packages" 138381
includes containers, cases, baskets, flats, fillers, filler flats, 138382
cartons, closure materials, labels, and labeling materials, and 138383
"packaging" means placing therein. 138384

(25)(a) Sales of water to a consumer for residential use; 138385

(b) Sales of water by a nonprofit corporation engaged 138386
exclusively in the treatment, distribution, and sale of water to 138387
consumers, if such water is delivered to consumers through pipes 138388
or tubing. 138389

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| (26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code; | 138390
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| (27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following: | 138392
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| (a) To prepare food for human consumption for sale; | 138396 |
| (b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer; | 138397
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| (c) To clean tangible personal property used to prepare or serve food for human consumption for sale. | 138401
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| (28) Sales of animals by nonprofit animal adoption services or county humane societies; | 138403
138404 |
| (29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code; | 138405
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138408 |
| (30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code; | 138409
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| (31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code; | 138412
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138414 |
| (32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the | 138415
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transportation of tangible personal property; 138420

(33) Sales to the state headquarters of any veterans' 138421
organization in this state that is either incorporated and issued 138422
a charter by the congress of the United States or is recognized by 138423
the United States veterans administration, for use by the 138424
headquarters; 138425

(34) Sales to a telecommunications service vendor, mobile 138426
telecommunications service vendor, or satellite broadcasting 138427
service vendor of tangible personal property and services used 138428
directly and primarily in transmitting, receiving, switching, or 138429
recording any interactive, one- or two-way electromagnetic 138430
communications, including voice, image, data, and information, 138431
through the use of any medium, including, but not limited to, 138432
poles, wires, cables, switching equipment, computers, and record 138433
storage devices and media, and component parts for the tangible 138434
personal property. The exemption provided in this division shall 138435
be in lieu of all other exemptions under division (B)(42)(a) or 138436
(n) of this section to which the vendor may otherwise be entitled, 138437
based upon the use of the thing purchased in providing the 138438
telecommunications, mobile telecommunications, or satellite 138439
broadcasting service. 138440

(35)(a) Sales where the purpose of the consumer is to use or 138441
consume the things transferred in making retail sales and 138442
consisting of newspaper inserts, catalogues, coupons, flyers, gift 138443
certificates, or other advertising material that prices and 138444
describes tangible personal property offered for retail sale. 138445

(b) Sales to direct marketing vendors of preliminary 138446
materials such as photographs, artwork, and typesetting that will 138447
be used in printing advertising material; and of printed matter 138448
that offers free merchandise or chances to win sweepstake prizes 138449
and that is mailed to potential customers with advertising 138450
material described in division (B)(35)(a) of this section; 138451

(c) Sales of equipment such as telephones, computers, 138452
facsimile machines, and similar tangible personal property 138453
primarily used to accept orders for direct marketing retail sales. 138454

(d) Sales of automatic food vending machines that preserve 138455
food with a shelf life of forty-five days or less by refrigeration 138456
and dispense it to the consumer. 138457

For purposes of division (B)(35) of this section, "direct 138458
marketing" means the method of selling where consumers order 138459
tangible personal property by United States mail, delivery 138460
service, or telecommunication and the vendor delivers or ships the 138461
tangible personal property sold to the consumer from a warehouse, 138462
catalogue distribution center, or similar fulfillment facility by 138463
means of the United States mail, delivery service, or common 138464
carrier. 138465

(36) Sales to a person engaged in the business of 138466
horticulture or producing livestock of materials to be 138467
incorporated into a horticulture structure or livestock structure; 138468

(37) Sales of personal computers, computer monitors, computer 138469
keyboards, modems, and other peripheral computer equipment to an 138470
individual who is licensed or certified to teach in an elementary 138471
or a secondary school in this state for use by that individual in 138472
preparation for teaching elementary or secondary school students; 138473

(38) Sales to a professional racing team of any of the 138474
following: 138475

(a) Motor racing vehicles; 138476

(b) Repair services for motor racing vehicles; 138477

(c) Items of property that are attached to or incorporated in 138478
motor racing vehicles, including engines, chassis, and all other 138479
components of the vehicles, and all spare, replacement, and 138480
rebuilt parts or components of the vehicles; except not including 138481

tires, consumable fluids, paint, and accessories consisting of 138482
instrumentation sensors and related items added to the vehicle to 138483
collect and transmit data by means of telemetry and other forms of 138484
communication. 138485

(39) Sales of used manufactured homes and used mobile homes, 138486
as defined in section 5739.0210 of the Revised Code, made on or 138487
after January 1, 2000; 138488

(40) Sales of tangible personal property and services to a 138489
provider of electricity used or consumed directly and primarily in 138490
generating, transmitting, or distributing electricity for use by 138491
others, including property that is or is to be incorporated into 138492
and will become a part of the consumer's production, transmission, 138493
or distribution system and that retains its classification as 138494
tangible personal property after incorporation; fuel or power used 138495
in the production, transmission, or distribution of electricity; 138496
energy conversion equipment as defined in section 5727.01 of the 138497
Revised Code; and tangible personal property and services used in 138498
the repair and maintenance of the production, transmission, or 138499
distribution system, including only those motor vehicles as are 138500
specially designed and equipped for such use. The exemption 138501
provided in this division shall be in lieu of all other exemptions 138502
in division (B)(42)(a) or (n) of this section to which a provider 138503
of electricity may otherwise be entitled based on the use of the 138504
tangible personal property or service purchased in generating, 138505
transmitting, or distributing electricity. 138506

(41) Sales to a person providing services under division 138507
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 138508
personal property and services used directly and primarily in 138509
providing taxable services under that section. 138510

(42) Sales where the purpose of the purchaser is to do any of 138511
the following: 138512

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering services in the exploration for, and production of, crude oil and natural gas for others are deemed engaged directly in the exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(b) To hold the thing transferred as security for the performance of an obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial fishing;

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of

written or graphic matter; 138544

(g) To use the thing transferred, as described in section 138545
5739.011 of the Revised Code, primarily in a manufacturing 138546
operation to produce tangible personal property for sale; 138547

(h) To use the benefit of a warranty, maintenance or service 138548
contract, or similar agreement, as described in division (B)(7) of 138549
section 5739.01 of the Revised Code, to repair or maintain 138550
tangible personal property, if all of the property that is the 138551
subject of the warranty, contract, or agreement would not be 138552
subject to the tax imposed by this section; 138553

(i) To use the thing transferred as qualified research and 138554
development equipment; 138555

(j) To use or consume the thing transferred primarily in 138556
storing, transporting, mailing, or otherwise handling purchased 138557
sales inventory in a warehouse, distribution center, or similar 138558
facility when the inventory is primarily distributed outside this 138559
state to retail stores of the person who owns or controls the 138560
warehouse, distribution center, or similar facility, to retail 138561
stores of an affiliated group of which that person is a member, or 138562
by means of direct marketing. This division does not apply to 138563
motor vehicles registered for operation on the public highways. As 138564
used in this division, "affiliated group" has the same meaning as 138565
in division (B)(3)(e) of section 5739.01 of the Revised Code and 138566
"direct marketing" has the same meaning as in division (B)(35) of 138567
this section. 138568

(k) To use or consume the thing transferred to fulfill a 138569
contractual obligation incurred by a warrantor pursuant to a 138570
warranty provided as a part of the price of the tangible personal 138571
property sold or by a vendor of a warranty, maintenance or service 138572
contract, or similar agreement the provision of which is defined 138573
as a sale under division (B)(7) of section 5739.01 of the Revised 138574

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| Code; | 138575 |
| (l) To use or consume the thing transferred in the production of a newspaper for distribution to the public; | 138576
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| (m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service; | 138578
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| (n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property. | 138583
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| (o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing. | 138592
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138594 |
| As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code. | 138595
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| (43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction. | 138598
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138604 |
| (44) Sales of replacement and modification parts for engines, | 138605 |

airframes, instruments, and interiors in, and paint for, aircraft 138606
used primarily in a fractional aircraft ownership program, and 138607
sales of services for the repair, modification, and maintenance of 138608
such aircraft, and machinery, equipment, and supplies primarily 138609
used to provide those services. 138610

(45) Sales of telecommunications service that is used 138611
directly and primarily to perform the functions of a call center. 138612
As used in this division, "call center" means any physical 138613
location where telephone calls are placed or received in high 138614
volume for the purpose of making sales, marketing, customer 138615
service, technical support, or other specialized business 138616
activity, and that employs at least fifty individuals that engage 138617
in call center activities on a full-time basis, or sufficient 138618
individuals to fill fifty full-time equivalent positions. 138619

(46) Sales by a telecommunications service vendor of 900 138620
service to a subscriber. This division does not apply to 138621
information services, as defined in division (FF) of section 138622
5739.01 of the Revised Code. 138623

(47) Sales of value-added non-voice data service. This 138624
division does not apply to any similar service that is not 138625
otherwise a telecommunications service. 138626

(48)(a) Sales of machinery, equipment, and software to a 138627
qualified direct selling entity for use in a warehouse or 138628
distribution center primarily for storing, transporting, or 138629
otherwise handling inventory that is held for sale to independent 138630
salespersons who operate as direct sellers and that is held 138631
primarily for distribution outside this state; 138632

(b) As used in division (B)(48)(a) of this section: 138633

(i) "Direct seller" means a person selling consumer products 138634
to individuals for personal or household use and not from a fixed 138635
retail location, including selling such product at in-home product 138636

demonstrations, parties, and other one-on-one selling. 138637

(ii) "Qualified direct selling entity" means an entity 138638
selling to direct sellers at the time the entity enters into a tax 138639
credit agreement with the tax credit authority pursuant to section 138640
122.17 of the Revised Code, provided that the agreement was 138641
entered into on or after January 1, 2007. Neither contingencies 138642
relevant to the granting of, nor later developments with respect 138643
to, the tax credit shall impair the status of the qualified direct 138644
selling entity under division (B)(48) of this section after 138645
execution of the tax credit agreement by the tax credit authority. 138646

(c) Division (B)(48) of this section is limited to machinery, 138647
equipment, and software first stored, used, or consumed in this 138648
state within the period commencing June 24, 2008, and ending on 138649
the date that is five years after that date. 138650

(49)(a) Sales of materials, parts, equipment, or engines used 138651
in the repair or maintenance of aircraft or avionics systems of 138652
such aircraft, and sales of repair, remodeling, replacement, or 138653
maintenance services in this state performed on aircraft or on an 138654
aircraft's avionics, engine, or component materials or parts. As 138655
used in division (B)(49)(a) of this section, "aircraft" means 138656
aircraft of more than six thousand pounds maximum certified 138657
takeoff weight or used exclusively in general aviation. 138658

(b) Sales of tangible personal property, including materials, 138659
parts, equipment, software, supplies, tools, fuel, catalysts, oil, 138660
acids, and other consumables, or services used or consumed in 138661
performing research and development activities with respect to 138662
aerospace vehicles, the parts, avionics systems, control systems, 138663
engines, software, component materials, or component parts of such 138664
aerospace vehicles, and human performance equipment and technology 138665
associated with operating and testing aerospace vehicles. As used 138666
in division (B)(49)(b) of this section, "aerospace vehicles" means 138667
any manned or unmanned aviation device including, but not limited 138668

to, aircraft, airplanes, helicopters, missiles, rockets, and space 138669
vehicles. 138670

(50) Sales of full flight simulators that are used for pilot 138671
or flight-crew training, sales of repair or replacement parts or 138672
components, and sales of repair or maintenance services for such 138673
full flight simulators. "Full flight simulator" means a replica of 138674
a specific type, or make, model, and series of aircraft cockpit. 138675
It includes the assemblage of equipment and computer programs 138676
necessary to represent aircraft operations in ground and flight 138677
conditions, a visual system providing an out-of-the-cockpit view, 138678
and a system that provides cues at least equivalent to those of a 138679
three-degree-of-freedom motion system, and has the full range of 138680
capabilities of the systems installed in the device as described 138681
in appendices A and B of part 60 of chapter 1 of title 14 of the 138682
Code of Federal Regulations. 138683

(51) Any transfer or lease of tangible personal property 138684
between the state and a successful proposer in accordance with 138685
sections 126.60 to 126.605 of the Revised Code, provided the 138686
property is part of a project as defined in section 126.60 of the 138687
Revised Code and the state retains ownership of the project or 138688
part thereof that is being transferred or leased, between the 138689
state and JobsOhio in accordance with section 4313.02 of the 138690
Revised Code. 138691

(52)(a) Sales to a qualifying corporation. 138692

(b) As used in division (B)(52) of this section: 138693

(i) "Qualifying corporation" means a nonprofit corporation 138694
organized in this state that leases from an eligible county land, 138695
buildings, structures, fixtures, and improvements to the land that 138696
are part of or used in a public recreational facility used by a 138697
major league professional athletic team or a class A to class AAA 138698
minor league affiliate of a major league professional athletic 138699

team for a significant portion of the team's home schedule, 138700
provided the following apply: 138701

(I) The facility is leased from the eligible county pursuant 138702
to a lease that requires substantially all of the revenue from the 138703
operation of the business or activity conducted by the nonprofit 138704
corporation at the facility in excess of operating costs, capital 138705
expenditures, and reserves to be paid to the eligible county at 138706
least once per calendar year. 138707

(II) Upon dissolution and liquidation of the nonprofit 138708
corporation, all of its net assets are distributable to the board 138709
of commissioners of the eligible county from which the corporation 138710
leases the facility. 138711

(ii) "Eligible county" has the same meaning as in section 138712
307.695 of the Revised Code. 138713

(C) For the purpose of the proper administration of this 138714
chapter, and to prevent the evasion of the tax, it is presumed 138715
that all sales made in this state are subject to the tax until the 138716
contrary is established. 138717

(D) The levy of this tax on retail sales of recreation and 138718
sports club service shall not prevent a municipal corporation from 138719
levying any tax on recreation and sports club dues or on any 138720
income generated by recreation and sports club dues. 138721

(E) The tax collected by the vendor from the consumer under 138722
this chapter is not part of the price, but is a tax collection for 138723
the benefit of the state, and of counties levying an additional 138724
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 138725
Code and of transit authorities levying an additional sales tax 138726
pursuant to section 5739.023 of the Revised Code. Except for the 138727
discount authorized under section 5739.12 of the Revised Code and 138728
the effects of any rounding pursuant to section 5703.055 of the 138729
Revised Code, no person other than the state or such a county or 138730

transit authority shall derive any benefit from the collection or 138731
payment of the tax levied by this section or section 5739.021, 138732
5739.023, or 5739.026 of the Revised Code. 138733

Sec. 5739.026. (A) A board of county commissioners may levy a 138734
tax of one-fourth or one-half of one per cent on every retail sale 138735
in the county, except sales of watercraft and outboard motors 138736
required to be titled pursuant to Chapter 1548. of the Revised 138737
Code and sales of motor vehicles, and may increase an existing 138738
rate of one-fourth of one per cent to one-half of one per cent, to 138739
pay the expenses of administering the tax and, except as provided 138740
in division (A)(6) of this section, for any one or more of the 138741
following purposes provided that the aggregate levy for all such 138742
purposes does not exceed one-half of one per cent: 138743

(1) To provide additional revenues for the payment of bonds 138744
or notes issued in anticipation of bonds issued by a convention 138745
facilities authority established by the board of county 138746
commissioners under Chapter 351. of the Revised Code and to 138747
provide additional operating revenues for the convention 138748
facilities authority; 138749

(2) To provide additional revenues for a transit authority 138750
operating in the county; 138751

(3) To provide additional revenue for the county's general 138752
fund; 138753

(4) To provide additional revenue for permanent improvements 138754
within the county to be distributed by the community improvements 138755
board in accordance with section 307.283 and to pay principal, 138756
interest, and premium on bonds issued under section 307.284 of the 138757
Revised Code; 138758

(5) To provide additional revenue for the acquisition, 138759
construction, equipping, or repair of any specific permanent 138760

improvement or any class or group of permanent improvements, which 138761
improvement or class or group of improvements shall be enumerated 138762
in the resolution required by division (D) of this section, and to 138763
pay principal, interest, premium, and other costs associated with 138764
the issuance of bonds or notes in anticipation of bonds issued 138765
pursuant to Chapter 133. of the Revised Code for the acquisition, 138766
construction, equipping, or repair of the specific permanent 138767
improvement or class or group of permanent improvements; 138768

(6) To provide revenue for the implementation and operation 138769
of a 9-1-1 system in the county. If the tax is levied or the rate 138770
increased exclusively for such purpose, the tax shall not be 138771
levied or the rate increased for more than five years. At the end 138772
of the last year the tax is levied or the rate increased, any 138773
balance remaining in the special fund established for such purpose 138774
shall remain in that fund and be used exclusively for such purpose 138775
until the fund is completely expended, and, notwithstanding 138776
section 5705.16 of the Revised Code, the board of county 138777
commissioners shall not petition for the transfer of money from 138778
such special fund, and the tax commissioner shall not approve such 138779
a petition. 138780

If the tax is levied or the rate increased for such purpose 138781
for more than five years, the board of county commissioners also 138782
shall levy the tax or increase the rate of the tax for one or more 138783
of the purposes described in divisions (A)(1) to (5) of this 138784
section and shall prescribe the method for allocating the revenues 138785
from the tax each year in the manner required by division (C) of 138786
this section. 138787

(7) To provide additional revenue for the operation or 138788
maintenance of a detention facility, as that term is defined under 138789
division (F) of section 2921.01 of the Revised Code; 138790

(8) To provide revenue to finance the construction or 138791
renovation of a sports facility, but only if the tax is levied for 138792

that purpose in the manner prescribed by section 5739.028 of the Revised Code. 138793
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As used in division (A)(8) of this section: 138795

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 138796
138797

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 138798
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(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 138800
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 138806
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(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code. 138808
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 138812
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The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and 138817
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section 5739.023 of the Revised Code shall be a multiple of 138823
one-fourth of one per cent. The tax shall be levied and the rate 138824
increased pursuant to a resolution adopted by a majority of the 138825
members of the board. The board shall deliver a certified copy of 138826
the resolution to the tax commissioner, not later than the 138827
sixty-fifth day prior to the date on which the tax is to become 138828
effective, which shall be the first day of a calendar quarter. 138829

Prior to the adoption of any resolution to levy the tax or to 138830
increase the rate of tax exclusively for the purpose set forth in 138831
division (A)(3) of this section, the board of county commissioners 138832
shall conduct two public hearings on the resolution, the second 138833
hearing to be no fewer than three nor more than ten days after the 138834
first. Notice of the date, time, and place of the hearings shall 138835
be given by publication in a newspaper of general circulation in 138836
the county, or as provided in section 7.16 of the Revised Code, 138837
once a week on the same day of the week for two consecutive weeks. 138838
The second publication shall be no fewer than ten nor more than 138839
thirty days prior to the first hearing. Except as provided in 138840
division (E) of this section, the resolution shall be subject to a 138841
referendum as provided in sections 305.31 to 305.41 of the Revised 138842
Code. If the resolution is adopted as an emergency measure 138843
necessary for the immediate preservation of the public peace, 138844
health, or safety, it must receive an affirmative vote of all of 138845
the members of the board of county commissioners and shall state 138846
the reasons for the necessity. 138847

If the tax is for more than one of the purposes set forth in 138848
divisions (A)(1) to (7), (9), and (10) of this section, or is 138849
exclusively for one of the purposes set forth in division (A)(1), 138850
(2), (4), (5), (6), (7), (9), or (10) of this section, the 138851
resolution shall not go into effect unless it is approved by a 138852
majority of the electors voting on the question of the tax. 138853

(B) The board of county commissioners shall adopt a 138854

resolution under section 351.02 of the Revised Code creating the 138855
convention facilities authority, or under section 307.283 of the 138856
Revised Code creating the community improvements board, before 138857
adopting a resolution levying a tax for the purpose of a 138858
convention facilities authority under division (A)(1) of this 138859
section or for the purpose of a community improvements board under 138860
division (A)(4) of this section. 138861

(C)(1) If the tax is to be used for more than one of the 138862
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 138863
this section, the board of county commissioners shall establish 138864
the method that will be used to determine the amount or proportion 138865
of the tax revenue received by the county during each year that 138866
will be distributed for each of those purposes, including, if 138867
applicable, provisions governing the reallocation of a convention 138868
facilities authority's allocation if the authority is dissolved 138869
while the tax is in effect. The allocation method may provide that 138870
different proportions or amounts of the tax shall be distributed 138871
among the purposes in different years, but it shall clearly 138872
describe the method that will be used for each year. Except as 138873
otherwise provided in division (C)(2) of this section, the 138874
allocation method established by the board is not subject to 138875
amendment during the life of the tax. 138876

(2) Subsequent to holding a public hearing on the proposed 138877
amendment, the board of county commissioners may amend the 138878
allocation method established under division (C)(1) of this 138879
section for any year, if the amendment is approved by the 138880
governing board of each entity whose allocation for the year would 138881
be reduced by the proposed amendment. In the case of a tax that is 138882
levied for a continuing period of time, the board may not so amend 138883
the allocation method for any year before the sixth year that the 138884
tax is in effect. 138885

(a) If the additional revenues provided to the convention 138886

facilities authority are pledged by the authority for the payment 138887
of convention facilities authority revenue bonds for as long as 138888
such bonds are outstanding, no reduction of the authority's 138889
allocation of the tax shall be made for any year except to the 138890
extent that the reduced authority allocation, when combined with 138891
the authority's other revenues pledged for that purpose, is 138892
sufficient to meet the debt service requirements for that year on 138893
such bonds. 138894

(b) If the additional revenues provided to the county are 138895
pledged by the county for the payment of bonds or notes described 138896
in division (A)(4) or (5) of this section, for as long as such 138897
bonds or notes are outstanding, no reduction of the county's or 138898
the community improvements board's allocation of the tax shall be 138899
made for any year, except to the extent that the reduced county or 138900
community improvements board allocation is sufficient to meet the 138901
debt service requirements for that year on such bonds or notes. 138902

(c) If the additional revenues provided to the transit 138903
authority are pledged by the authority for the payment of revenue 138904
bonds issued under section 306.37 of the Revised Code, for as long 138905
as such bonds are outstanding, no reduction of the authority's 138906
allocation of tax shall be made for any year, except to the extent 138907
that the authority's reduced allocation, when combined with the 138908
authority's other revenues pledged for that purpose, is sufficient 138909
to meet the debt service requirements for that year on such bonds. 138910

(d) If the additional revenues provided to the county are 138911
pledged by the county for the payment of bonds or notes issued 138912
under section 133.60 of the Revised Code, for so long as the bonds 138913
or notes are outstanding, no reduction of the county's allocation 138914
of the tax shall be made for any year, except to the extent that 138915
the reduced county allocation is sufficient to meet the debt 138916
service requirements for that year on the bonds or notes. 138917

(D)(1) The resolution levying the tax or increasing the rate 138918

of tax shall state the rate of the tax or the rate of the 138919
increase; the purpose or purposes for which it is to be levied; 138920
the number of years for which it is to be levied or that it is for 138921
a continuing period of time; the allocation method required by 138922
division (C) of this section; and if required to be submitted to 138923
the electors of the county under division (A) of this section, the 138924
date of the election at which the proposal shall be submitted to 138925
the electors of the county, which shall be not less than ninety 138926
days after the certification of a copy of the resolution to the 138927
board of elections and, if the tax is to be levied exclusively for 138928
the purpose set forth in division (A)(3) of this section, shall 138929
not occur in February or August of any year. Upon certification of 138930
the resolution to the board of elections, the board of county 138931
commissioners shall notify the tax commissioner in writing of the 138932
levy question to be submitted to the electors. If approved by a 138933
majority of the electors, the tax shall become effective on the 138934
first day of a calendar quarter next following the sixty-fifth day 138935
following the date the board of county commissioners and tax 138936
commissioner receive from the board of elections the certification 138937
of the results of the election, except as provided in division (E) 138938
of this section. 138939

(2)(a) A resolution specifying that the tax is to be used 138940
exclusively for the purpose set forth in division (A)(3) of this 138941
section that is not adopted as an emergency measure may direct the 138942
board of elections to submit the question of levying the tax or 138943
increasing the rate of the tax to the electors of the county at a 138944
special election held on the date specified by the board of county 138945
commissioners in the resolution, provided that the election occurs 138946
not less than ninety days after the resolution is certified to the 138947
board of elections and the election is not held in February or 138948
August of any year. Upon certification of the resolution to the 138949
board of elections, the board of county commissioners shall notify 138950
the tax commissioner in writing of the levy question to be 138951

submitted to the electors. No resolution adopted under division 138952
(D)(2)(a) of this section shall go into effect unless approved by 138953
a majority of those voting upon it and, except as provided in 138954
division (E) of this section, not until the first day of a 138955
calendar quarter following the expiration of sixty-five days from 138956
the date the tax commissioner receives notice from the board of 138957
elections of the affirmative vote. 138958

(b) A resolution specifying that the tax is to be used 138959
exclusively for the purpose set forth in division (A)(3) of this 138960
section that is adopted as an emergency measure shall become 138961
effective as provided in division (A) of this section, but may 138962
direct the board of elections to submit the question of repealing 138963
the tax or increase in the rate of the tax to the electors of the 138964
county at the next general election in the county occurring not 138965
less than ninety days after the resolution is certified to the 138966
board of elections. Upon certification of the resolution to the 138967
board of elections, the board of county commissioners shall notify 138968
the tax commissioner in writing of the levy question to be 138969
submitted to the electors. The ballot question shall be the same 138970
as that prescribed in section 5739.022 of the Revised Code. The 138971
board of elections shall notify the board of county commissioners 138972
and the tax commissioner of the result of the election immediately 138973
after the result has been declared. If a majority of the qualified 138974
electors voting on the question of repealing the tax or increase 138975
in the rate of the tax vote for repeal of the tax or repeal of the 138976
increase, the board of county commissioners, on the first day of a 138977
calendar quarter following the expiration of sixty-five days after 138978
the date the board and tax commissioner received notice of the 138979
result of the election, shall, in the case of a repeal of the tax, 138980
cease to levy the tax, or, in the case of a repeal of an increase 138981
in the rate of the tax, cease to levy the increased rate and levy 138982
the tax at the rate at which it was imposed immediately prior to 138983
the increase in rate. 138984

(c) A board of county commissioners, by resolution, may 138985
reduce the rate of a tax levied exclusively for the purpose set 138986
forth in division (A)(3) of this section to a lower rate 138987
authorized by this section. Any such reduction shall be made 138988
effective on the first day of the calendar quarter next following 138989
the sixty-fifth day after the tax commissioner receives a 138990
certified copy of the resolution from the board. 138991

(E) If a vendor makes a sale in this state by printed catalog 138992
and the consumer computed the tax on the sale based on local rates 138993
published in the catalog, any tax levied or repealed or rate 138994
changed under this section shall not apply to such a sale until 138995
the first day of a calendar quarter following the expiration of 138996
one hundred twenty days from the date of notice by the tax 138997
commissioner pursuant to division (G) of this section. 138998

(F) The tax levied pursuant to this section shall be in 138999
addition to the tax levied by section 5739.02 of the Revised Code 139000
and any tax levied pursuant to section 5739.021 or 5739.023 of the 139001
Revised Code. 139002

A county that levies a tax pursuant to this section shall 139003
levy a tax at the same rate pursuant to section 5741.023 of the 139004
Revised Code. 139005

The additional tax levied by the county shall be collected 139006
pursuant to section 5739.025 of the Revised Code. 139007

Any tax levied pursuant to this section is subject to the 139008
exemptions provided in section 5739.02 of the Revised Code and in 139009
addition shall not be applicable to sales not within the taxing 139010
power of a county under the Constitution of the United States or 139011
the Ohio Constitution. 139012

(G) Upon receipt from a board of county commissioners of a 139013
certified copy of a resolution required by division (A) of this 139014
section, or from the board of elections a notice of the results of 139015

an election required by division (D)(1), (2)(a), (b), or (c) of 139016
this section, the tax commissioner shall provide notice of a tax 139017
rate change in a manner that is reasonably accessible to all 139018
affected vendors. The commissioner shall provide this notice at 139019
least sixty days prior to the effective date of the rate change. 139020
The commissioner, by rule, may establish the method by which 139021
notice will be provided. 139022

Sec. 5739.09. (A)(1) A board of county commissioners may, by 139023
resolution adopted by a majority of the members of the board, levy 139024
an excise tax not to exceed three per cent on transactions by 139025
which lodging by a hotel is or is to be furnished to transient 139026
guests. The board shall establish all regulations necessary to 139027
provide for the administration and allocation of the tax. The 139028
regulations may prescribe the time for payment of the tax, and may 139029
provide for the imposition of a penalty or interest, or both, for 139030
late payments, provided that the penalty does not exceed ten per 139031
cent of the amount of tax due, and the rate at which interest 139032
accrues does not exceed the rate per annum prescribed pursuant to 139033
section 5703.47 of the Revised Code. Except as provided in 139034
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 139035
regulations shall provide, after deducting the real and actual 139036
costs of administering the tax, for the return to each municipal 139037
corporation or township that does not levy an excise tax on the 139038
transactions, a uniform percentage of the tax collected in the 139039
municipal corporation or in the unincorporated portion of the 139040
township from each transaction, not to exceed thirty-three and 139041
one-third per cent. The remainder of the revenue arising from the 139042
tax shall be deposited in a separate fund and shall be spent 139043
solely to make contributions to the convention and visitors' 139044
bureau operating within the county, including a pledge and 139045
contribution of any portion of the remainder pursuant to an 139046
agreement authorized by section 307.695 of the Revised Code, 139047

provided that if the board of county commissioners of an eligible 139048
county as defined in section 307.695 of the Revised Code adopts a 139049
resolution amending a resolution levying a tax under this division 139050
to provide that the revenue from the tax shall be used by the 139051
board as described in division (H) of section 307.695 of the 139052
Revised Code, the remainder of the revenue shall be used as 139053
described in the resolution making that amendment. Except as 139054
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 139055
this section, on and after May 10, 1994, a board of county 139056
commissioners may not levy an excise tax pursuant to this division 139057
in any municipal corporation or township located wholly or partly 139058
within the county that has in effect an ordinance or resolution 139059
levying an excise tax pursuant to division (B) of this section. 139060
The board of a county that has levied a tax under division (C) of 139061
this section may, by resolution adopted within ninety days after 139062
July 15, 1985, by a majority of the members of the board, amend 139063
the resolution levying a tax under this division to provide for a 139064
portion of that tax to be pledged and contributed in accordance 139065
with an agreement entered into under section 307.695 of the 139066
Revised Code. A tax, any revenue from which is pledged pursuant to 139067
such an agreement, shall remain in effect at the rate at which it 139068
is imposed for the duration of the period for which the revenue 139069
from the tax has been so pledged. 139070

The board of county commissioners of an eligible county as 139071
defined in section 307.695 of the Revised Code may, by resolution 139072
adopted by a majority of the members of the board, amend a 139073
resolution levying a tax under this division to provide that the 139074
revenue from the tax shall be used by the board as described in 139075
division (H) of section 307.695 of the Revised Code, in which case 139076
the tax shall remain in effect at the rate at which it was imposed 139077
for the duration of any agreement entered into by the board under 139078
section 307.695 of the Revised Code, the duration during which any 139079
securities issued by the board under that section are outstanding, 139080

or the duration of the period during which the board owns a 139081
project as defined in section 307.695 of the Revised Code, 139082
whichever duration is longest. 139083

(2) A board of county commissioners that levies an excise tax 139084
under division (A)(1) of this section on June 30, 1997, at a rate 139085
of three per cent, and that has pledged revenue from the tax to an 139086
agreement entered into under section 307.695 of the Revised Code 139087
or, in the case of the board of county commissioners of an 139088
eligible county as defined in section 307.695 of the Revised Code, 139089
has amended a resolution levying a tax under division (C) of this 139090
section to provide that proceeds from the tax shall be used by the 139091
board as described in division (H) of section 307.695 of the 139092
Revised Code, may, at any time by a resolution adopted by a 139093
majority of the members of the board, amend the resolution levying 139094
a tax under division (A)(1) of this section to provide for an 139095
increase in the rate of that tax up to seven per cent on each 139096
transaction; to provide that revenue from the increase in the rate 139097
shall be used as described in division (H) of section 307.695 of 139098
the Revised Code or be spent solely to make contributions to the 139099
convention and visitors' bureau operating within the county to be 139100
used specifically for promotion, advertising, and marketing of the 139101
region in which the county is located; and to provide that the 139102
rate in excess of the three per cent levied under division (A)(1) 139103
of this section shall remain in effect at the rate at which it is 139104
imposed for the duration of the period during which any agreement 139105
is in effect that was entered into under section 307.695 of the 139106
Revised Code by the board of county commissioners levying a tax 139107
under division (A)(1) of this section, the duration of the period 139108
during which any securities issued by the board under division (I) 139109
of section 307.695 of the Revised Code are outstanding, or the 139110
duration of the period during which the board owns a project as 139111
defined in section 307.695 of the Revised Code, whichever duration 139112
is longest. The amendment also shall provide that no portion of 139113

that revenue need be returned to townships or municipal 139114
corporations as would otherwise be required under division (A)(1) 139115
of this section. 139116

(3) A board of county commissioners that levies a tax under 139117
division (A)(1) of this section on March 18, 1999, at a rate of 139118
three per cent may, by resolution adopted not later than 139119
forty-five days after March 18, 1999, amend the resolution levying 139120
the tax to provide for all of the following: 139121

(a) That the rate of the tax shall be increased by not more 139122
than an additional four per cent on each transaction; 139123

(b) That all of the revenue from the increase in the rate 139124
shall be pledged and contributed to a convention facilities 139125
authority established by the board of county commissioners under 139126
Chapter 351. of the Revised Code on or before November 15, 1998, 139127
and used to pay costs of constructing, maintaining, operating, and 139128
promoting a facility in the county, including paying bonds, or 139129
notes issued in anticipation of bonds, as provided by that 139130
chapter; 139131

(c) That no portion of the revenue arising from the increase 139132
in rate need be returned to municipal corporations or townships as 139133
otherwise required under division (A)(1) of this section; 139134

(d) That the increase in rate shall not be subject to 139135
diminution by initiative or referendum or by law while any bonds, 139136
or notes in anticipation of bonds, issued by the authority under 139137
Chapter 351. of the Revised Code to which the revenue is pledged, 139138
remain outstanding in accordance with their terms, unless 139139
provision is made by law or by the board of county commissioners 139140
for an adequate substitute therefor that is satisfactory to the 139141
trustee if a trust agreement secures the bonds. 139142

Division (A)(3) of this section does not apply to the board 139143
of county commissioners of any county in which a convention center 139144

or facility exists or is being constructed on November 15, 1998, 139145
or of any county in which a convention facilities authority levies 139146
a tax pursuant to section 351.021 of the Revised Code on that 139147
date. 139148

As used in division (A)(3) of this section, "cost" and 139149
"facility" have the same meanings as in section 351.01 of the 139150
Revised Code, and "convention center" has the same meaning as in 139151
section 307.695 of the Revised Code. 139152

(4)(a) A board of county commissioners that levies a tax 139153
under division (A)(1) of this section on June 30, 2002, at a rate 139154
of three per cent may, by resolution adopted not later than 139155
September 30, 2002, amend the resolution levying the tax to 139156
provide for all of the following: 139157

(i) That the rate of the tax shall be increased by not more 139158
than an additional three and one-half per cent on each 139159
transaction; 139160

(ii) That all of the revenue from the increase in rate shall 139161
be pledged and contributed to a convention facilities authority 139162
established by the board of county commissioners under Chapter 139163
351. of the Revised Code on or before May 15, 2002, and be used to 139164
pay costs of constructing, expanding, maintaining, operating, or 139165
promoting a convention center in the county, including paying 139166
bonds, or notes issued in anticipation of bonds, as provided by 139167
that chapter; 139168

(iii) That no portion of the revenue arising from the 139169
increase in rate need be returned to municipal corporations or 139170
townships as otherwise required under division (A)(1) of this 139171
section; 139172

(iv) That the increase in rate shall not be subject to 139173
diminution by initiative or referendum or by law while any bonds, 139174
or notes in anticipation of bonds, issued by the authority under 139175

Chapter 351. of the Revised Code to which the revenue is pledged, 139176
remain outstanding in accordance with their terms, unless 139177
provision is made by law or by the board of county commissioners 139178
for an adequate substitute therefor that is satisfactory to the 139179
trustee if a trust agreement secures the bonds. 139180

(b) Any board of county commissioners that, pursuant to 139181
division (A)(4)(a) of this section, has amended a resolution 139182
levying the tax authorized by division (A)(1) of this section may 139183
further amend the resolution to provide that the revenue referred 139184
to in division (A)(4)(a)(ii) of this section shall be pledged and 139185
contributed both to a convention facilities authority to pay the 139186
costs of constructing, expanding, maintaining, or operating one or 139187
more convention centers in the county, including paying bonds, or 139188
notes issued in anticipation of bonds, as provided in Chapter 351. 139189
of the Revised Code, and to a convention and visitors' bureau to 139190
pay the costs of promoting one or more convention centers in the 139191
county. 139192

As used in division (A)(4) of this section, "cost" has the 139193
same meaning as in section 351.01 of the Revised Code, and 139194
"convention center" has the same meaning as in section 307.695 of 139195
the Revised Code. 139196

(5)(a) As used in division (A)(5) of this section: 139197

(i) "Port authority" means a port authority created under 139198
Chapter 4582. of the Revised Code. 139199

(ii) "Port authority military-use facility" means port 139200
authority facilities on which or adjacent to which is located an 139201
installation of the armed forces of the United States, a reserve 139202
component thereof, or the national guard and at least part of 139203
which is made available for use, for consideration, by the armed 139204
forces of the United States, a reserve component thereof, or the 139205
national guard. 139206

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the

resolution shall provide that all of the revenue from the increase 139239
in rate, after deducting the real and actual costs of 139240
administering the tax, shall be used to pay the costs of 139241
improving, expanding, equipping, financing, or operating a 139242
convention center by a convention and visitors' bureau in the 139243
county. The increase in rate shall remain in effect for the period 139244
specified in the resolution, not to exceed ten years. The increase 139245
in rate shall be subject to the regulations adopted under division 139246
(A)(1) of this section, except that the resolution may provide 139247
that no portion of the revenue from the increase in the rate shall 139248
be returned to townships or municipal corporations as would 139249
otherwise be required under that division. 139250

(7) Division (A)(7) of this section applies only to a county 139251
with a population greater than sixty-five thousand and less than 139252
seventy thousand according to the most recent federal decennial 139253
census and in which, on December 31, 2006, an excise tax is levied 139254
under division (A)(1) of this section at a rate not less than and 139255
not greater than three per cent, and in which the most recent 139256
increase in the rate of that tax was enacted or took effect in 139257
November 1984. 139258

The board of county commissioners of a county to which this 139259
division applies, by resolution adopted by a majority of the 139260
members of the board, may increase the rate of the tax by not more 139261
than one per cent on transactions by which lodging by a hotel is 139262
or is to be furnished to transient guests. The increase in rate 139263
shall be for the purpose of paying expenses deemed necessary by 139264
the convention and visitors' bureau operating in the county to 139265
promote travel and tourism. The increase in rate shall remain in 139266
effect for the period specified in the resolution, not to exceed 139267
twenty years, provided that the increase in rate may not continue 139268
beyond the time when the purpose for which the increase is levied 139269
ceases to exist. If revenue from the increase in rate is pledged 139270

to the payment of debt charges on securities, the increase in rate 139271
is not subject to diminution by initiative or referendum or by law 139272
for so long as the securities are outstanding, unless provision is 139273
made by law or by the board of county commissioners for an 139274
adequate substitute for that revenue that is satisfactory to the 139275
trustee if a trust agreement secures payment of the debt charges. 139276
The increase in rate shall be subject to the regulations adopted 139277
under division (A)(1) of this section, except that the resolution 139278
may provide that no portion of the revenue from the increase in 139279
the rate shall be returned to townships or municipal corporations 139280
as would otherwise be required under division (A)(1) of this 139281
section. A resolution adopted under division (A)(7) of this 139282
section is subject to referendum under sections 305.31 to 305.99 139283
of the Revised Code. 139284

(B)(1) The legislative authority of a municipal corporation 139285
or the board of trustees of a township that is not wholly or 139286
partly located in a county that has in effect a resolution levying 139287
an excise tax pursuant to division (A)(1) of this section may, by 139288
ordinance or resolution, levy an excise tax not to exceed three 139289
per cent on transactions by which lodging by a hotel is or is to 139290
be furnished to transient guests. The legislative authority of the 139291
municipal corporation or the board of trustees of the township 139292
shall deposit at least fifty per cent of the revenue from the tax 139293
levied pursuant to this division into a separate fund, which shall 139294
be spent solely to make contributions to convention and visitors' 139295
bureaus operating within the county in which the municipal 139296
corporation or township is wholly or partly located, and the 139297
balance of that revenue shall be deposited in the general fund. 139298
The municipal corporation or township shall establish all 139299
regulations necessary to provide for the administration and 139300
allocation of the tax. The regulations may prescribe the time for 139301
payment of the tax, and may provide for the imposition of a 139302
penalty or interest, or both, for late payments, provided that the 139303

penalty does not exceed ten per cent of the amount of tax due, and 139304
the rate at which interest accrues does not exceed the rate per 139305
annum prescribed pursuant to section 5703.47 of the Revised Code. 139306
The levy of a tax under this division is in addition to any tax 139307
imposed on the same transaction by a municipal corporation or a 139308
township as authorized by division (A) of section 5739.08 of the 139309
Revised Code. 139310

(2)(a) The legislative authority of the most populous 139311
municipal corporation located wholly or partly in a county in 139312
which the board of county commissioners has levied a tax under 139313
division (A)(4) of this section may amend, on or before September 139314
30, 2002, that municipal corporation's ordinance or resolution 139315
that levies an excise tax on transactions by which lodging by a 139316
hotel is or is to be furnished to transient guests, to provide for 139317
all of the following: 139318

(i) That the rate of the tax shall be increased by not more 139319
than an additional one per cent on each transaction; 139320

(ii) That all of the revenue from the increase in rate shall 139321
be pledged and contributed to a convention facilities authority 139322
established by the board of county commissioners under Chapter 139323
351. of the Revised Code on or before May 15, 2002, and be used to 139324
pay costs of constructing, expanding, maintaining, operating, or 139325
promoting a convention center in the county, including paying 139326
bonds, or notes issued in anticipation of bonds, as provided by 139327
that chapter; 139328

(iii) That the increase in rate shall not be subject to 139329
diminution by initiative or referendum or by law while any bonds, 139330
or notes in anticipation of bonds, issued by the authority under 139331
Chapter 351. of the Revised Code to which the revenue is pledged, 139332
remain outstanding in accordance with their terms, unless 139333
provision is made by law, by the board of county commissioners, or 139334
by the legislative authority, for an adequate substitute therefor 139335

that is satisfactory to the trustee if a trust agreement secures 139336
the bonds. 139337

(b) The legislative authority of a municipal corporation 139338
that, pursuant to division (B)(2)(a) of this section, has amended 139339
its ordinance or resolution to increase the rate of the tax 139340
authorized by division (B)(1) of this section may further amend 139341
the ordinance or resolution to provide that the revenue referred 139342
to in division (B)(2)(a)(ii) of this section shall be pledged and 139343
contributed both to a convention facilities authority to pay the 139344
costs of constructing, expanding, maintaining, or operating one or 139345
more convention centers in the county, including paying bonds, or 139346
notes issued in anticipation of bonds, as provided in Chapter 351. 139347
of the Revised Code, and to a convention and visitors' bureau to 139348
pay the costs of promoting one or more convention centers in the 139349
county. 139350

As used in division (B)(2) of this section, "cost" has the 139351
same meaning as in section 351.01 of the Revised Code, and 139352
"convention center" has the same meaning as in section 307.695 of 139353
the Revised Code. 139354

(C) For the purposes described in section 307.695 of the 139355
Revised Code and to cover the costs of administering the tax, a 139356
board of county commissioners of a county where a tax imposed 139357
under division (A)(1) of this section is in effect may, by 139358
resolution adopted within ninety days after July 15, 1985, by a 139359
majority of the members of the board, levy an additional excise 139360
tax not to exceed three per cent on transactions by which lodging 139361
by a hotel is or is to be furnished to transient guests. The tax 139362
authorized by this division shall be in addition to any tax that 139363
is levied pursuant to division (A) of this section, but it shall 139364
not apply to transactions subject to a tax levied by a municipal 139365
corporation or township pursuant to the authorization granted by 139366
division (A) of section 5739.08 of the Revised Code. The board 139367

shall establish all regulations necessary to provide for the 139368
administration and allocation of the tax. The regulations may 139369
prescribe the time for payment of the tax, and may provide for the 139370
imposition of a penalty or interest, or both, for late payments, 139371
provided that the penalty does not exceed ten per cent of the 139372
amount of tax due, and the rate at which interest accrues does not 139373
exceed the rate per annum prescribed pursuant to section 5703.47 139374
of the Revised Code. All revenues arising from the tax shall be 139375
expended in accordance with section 307.695 of the Revised Code. 139376
The board of county commissioners of an eligible county as defined 139377
in section 307.695 of the Revised Code may, by resolution adopted 139378
by a majority of the members of the board, amend the resolution 139379
levying a tax under this division to provide that the revenue from 139380
the tax shall be used by the board as described in division (H) of 139381
section 307.695 of the Revised Code. A tax imposed under this 139382
division shall remain in effect at the rate at which it is imposed 139383
for the duration of the period during which any agreement entered 139384
into by the board under section 307.695 of the Revised Code is in 139385
effect, the duration of the period during which any securities 139386
issued by the board under division (I) of section 307.695 of the 139387
Revised Code are outstanding, or the duration of the period during 139388
which the board owns a project as defined in section 307.695 of 139389
the Revised Code, whichever duration is longest. 139390

(D) For the purpose of providing contributions under division 139391
(B)(1) of section 307.671 of the Revised Code to enable the 139392
acquisition, construction, and equipping of a port authority 139393
educational and cultural facility in the county and, to the extent 139394
provided for in the cooperative agreement authorized by that 139395
section, for the purpose of paying debt service charges on bonds, 139396
or notes in anticipation of bonds, described in division (B)(1)(b) 139397
of that section, a board of county commissioners, by resolution 139398
adopted within ninety days after December 22, 1992, by a majority 139399
of the members of the board, may levy an additional excise tax not 139400

to exceed one and one-half per cent on transactions by which 139401
lodging by a hotel is or is to be furnished to transient guests. 139402
The excise tax authorized by this division shall be in addition to 139403
any tax that is levied pursuant to divisions (A), (B), and (C) of 139404
this section, to any excise tax levied pursuant to section 5739.08 139405
of the Revised Code, and to any excise tax levied pursuant to 139406
section 351.021 of the Revised Code. The board of county 139407
commissioners shall establish all regulations necessary to provide 139408
for the administration and allocation of the tax that are not 139409
inconsistent with this section or section 307.671 of the Revised 139410
Code. The regulations may prescribe the time for payment of the 139411
tax, and may provide for the imposition of a penalty or interest, 139412
or both, for late payments, provided that the penalty does not 139413
exceed ten per cent of the amount of tax due, and the rate at 139414
which interest accrues does not exceed the rate per annum 139415
prescribed pursuant to section 5703.47 of the Revised Code. All 139416
revenues arising from the tax shall be expended in accordance with 139417
section 307.671 of the Revised Code and division (D) of this 139418
section. The levy of a tax imposed under this division may not 139419
commence prior to the first day of the month next following the 139420
execution of the cooperative agreement authorized by section 139421
307.671 of the Revised Code by all parties to that agreement. The 139422
tax shall remain in effect at the rate at which it is imposed for 139423
the period of time described in division (C) of section 307.671 of 139424
the Revised Code for which the revenue from the tax has been 139425
pledged by the county to the corporation pursuant to that section, 139426
but, to any extent provided for in the cooperative agreement, for 139427
no lesser period than the period of time required for payment of 139428
the debt service charges on bonds, or notes in anticipation of 139429
bonds, described in division (B)(1)(b) of that section. 139430

(E) For the purpose of paying the costs of acquiring, 139431
constructing, equipping, and improving a municipal educational and 139432
cultural facility, including debt service charges on bonds 139433

provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), (C), and (D) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The legislative authority of the county shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at

which it is imposed for the period of time determined by the 139467
legislative authority of the county. That period of time shall not 139468
exceed fifteen years, except that the legislative authority of a 139469
county with a population of less than two hundred fifty thousand 139470
according to the most recent federal decennial census, by 139471
resolution adopted by a majority of its members before the 139472
original tax expires, may extend the duration of the tax for an 139473
additional period of time. The additional period of time by which 139474
a legislative authority extends a tax levied under this division 139475
shall not exceed fifteen years. 139476

(F) The legislative authority of a county that has levied a 139477
tax under division (E) of this section may, by resolution adopted 139478
within one hundred eighty days after January 4, 2001, by a 139479
majority of the members of the legislative authority, amend the 139480
resolution levying a tax under that division to provide for the 139481
use of the proceeds of that tax, to the extent that it is no 139482
longer needed for its original purpose as determined by the 139483
parties to a cooperative agreement amendment pursuant to division 139484
(D) of section 307.672 of the Revised Code, to pay costs of 139485
acquiring, constructing, renovating, rehabilitating, equipping, 139486
and improving a port authority educational and cultural performing 139487
arts facility, including debt service charges on bonds provided 139488
for in division (B) of section 307.674 of the Revised Code, and to 139489
pay all obligations under any guaranty agreements, reimbursement 139490
agreements, or other credit enhancement agreements described in 139491
division (C) of section 307.674 of the Revised Code. The 139492
resolution may also provide for the extension of the tax at the 139493
same rate for the longer of the period of time determined by the 139494
legislative authority of the county, but not to exceed an 139495
additional twenty-five years, or the period of time required to 139496
pay all debt service charges on bonds provided for in division (B) 139497
of section 307.672 of the Revised Code and on port authority 139498
revenue bonds provided for in division (B) of section 307.674 of 139499

the Revised Code. All revenues arising from the amendment and 139500
extension of the tax shall be expended in accordance with section 139501
307.674 of the Revised Code, this division, and division (E) of 139502
this section. 139503

(G) For purposes of a tax levied by a county, township, or 139504
municipal corporation under this section or section 5739.08 of the 139505
Revised Code, a board of county commissioners, board of township 139506
trustees, or the legislative authority of a municipal corporation 139507
may adopt a resolution or ordinance at any time specifying that 139508
"hotel," as otherwise defined in section 5739.01 of the Revised 139509
Code, includes the following: 139510

(1) Establishments in which fewer than five rooms are used 139511
for the accommodation of guests. 139512

(2) Establishments at which rooms are used for the 139513
accommodation of guests regardless of whether each room is 139514
accessible through its own keyed entry or several rooms are 139515
accessible through the same keyed entry; and, in determining the 139516
number of rooms, all rooms are included regardless of the number 139517
of structures in which the rooms are situated or the number of 139518
parcels of land on which the structures are located if the 139519
structures are under the same ownership and the structures are not 139520
identified in advertisements of the accommodations as distinct 139521
establishments. For the purposes of division (G)(2) of this 139522
section, two or more structures are under the same ownership if 139523
they are owned by the same person, or if they are owned by two or 139524
more persons the majority of the ownership interests of which are 139525
owned by the same person. 139526

The resolution or ordinance may apply to a tax imposed 139527
pursuant to this section prior to the adoption of the resolution 139528
or ordinance if the resolution or ordinance so states, but the tax 139529
shall not apply to transactions by which lodging by such an 139530
establishment is provided to transient guests prior to the 139531

adoption of the resolution or ordinance. 139532

(H)(1) As used in this division: 139533

(a) "Convention facilities authority" has the same meaning as 139534
in section 351.01 of the Revised Code. 139535

(b) "Convention center" has the same meaning as in section 139536
307.695 of the Revised Code. 139537

(2) Notwithstanding any contrary provision of division (D) of 139538
this section, the legislative authority of a county with a 139539
population of one million or more according to the most recent 139540
federal decennial census that has levied a tax under division (D) 139541
of this section may, by resolution adopted by a majority of the 139542
members of the legislative authority, provide for the extension of 139543
such levy and may provide that the proceeds of that tax, to the 139544
extent that they are no longer needed for their original purpose 139545
as defined by a cooperative agreement entered into under section 139546
307.671 of the Revised Code, shall be deposited into the county 139547
general revenue fund. The resolution shall provide for the 139548
extension of the tax at a rate not to exceed the rate specified in 139549
division (D) of this section for a period of time determined by 139550
the legislative authority of the county, but not to exceed an 139551
additional forty years. 139552

(3) The legislative authority of a county with a population 139553
of one million or more that has levied a tax under division (A)(1) 139554
of this section may, by resolution adopted by a majority of the 139555
members of the legislative authority, increase the rate of the tax 139556
levied by such county under division (A)(1) of this section to a 139557
rate not to exceed five per cent on transactions by which lodging 139558
by a hotel is or is to be furnished to transient guests. 139559
Notwithstanding any contrary provision of division (A)(1) of this 139560
section, the resolution may provide that all collections resulting 139561
from the rate levied in excess of three per cent, after deducting 139562

the real and actual costs of administering the tax, shall be 139563
deposited in the county general fund. 139564

(4) The legislative authority of a county with a population 139565
of one million or more that has levied a tax under division (A)(1) 139566
of this section may, by resolution adopted on or before August 30, 139567
2004, by a majority of the members of the legislative authority, 139568
provide that all or a portion of the proceeds of the tax levied 139569
under division (A)(1) of this section, after deducting the real 139570
and actual costs of administering the tax and the amounts required 139571
to be returned to townships and municipal corporations with 139572
respect to the first three per cent levied under division (A)(1) 139573
of this section, shall be deposited in the county general fund, 139574
provided that such proceeds shall be used to satisfy any pledges 139575
made in connection with an agreement entered into under section 139576
307.695 of the Revised Code. 139577

(5) No amount collected from a tax levied, extended, or 139578
required to be deposited in the county general fund under division 139579
(H) of this section shall be contributed to a convention 139580
facilities authority, corporation, or other entity created after 139581
July 1, 2003, for the principal purpose of constructing, 139582
improving, expanding, equipping, financing, or operating a 139583
convention center unless the mayor of the municipal corporation in 139584
which the convention center is to be operated by that convention 139585
facilities authority, corporation, or other entity has consented 139586
to the creation of that convention facilities authority, 139587
corporation, or entity. Notwithstanding any contrary provision of 139588
section 351.04 of the Revised Code, if a tax is levied by a county 139589
under division (H) of this section, the board of county 139590
commissioners of that county may determine the manner of 139591
selection, the qualifications, the number, and terms of office of 139592
the members of the board of directors of any convention facilities 139593
authority, corporation, or other entity described in division 139594

(H)(5) of this section. 139595

(6)(a) No amount collected from a tax levied, extended, or 139596
required to be deposited in the county general fund under division 139597
(H) of this section may be used for any purpose other than paying 139598
the direct and indirect costs of constructing, improving, 139599
expanding, equipping, financing, or operating a convention center 139600
and for the real and actual costs of administering the tax, 139601
unless, prior to the adoption of the resolution of the legislative 139602
authority of the county authorizing the levy, extension, increase, 139603
or deposit, the county and the mayor of the most populous 139604
municipal corporation in that county have entered into an 139605
agreement as to the use of such amounts, provided that such 139606
agreement has been approved by a majority of the mayors of the 139607
other municipal corporations in that county. The agreement shall 139608
provide that the amounts to be used for purposes other than paying 139609
the convention center or administrative costs described in 139610
division (H)(6)(a) of this section be used only for the direct and 139611
indirect costs of capital improvements, including the financing of 139612
capital improvements. 139613

(b) If the county in which the tax is levied has an 139614
association of mayors and city managers, the approval of that 139615
association of an agreement described in division (H)(6)(a) of 139616
this section shall be considered to be the approval of the 139617
majority of the mayors of the other municipal corporations for 139618
purposes of that division. 139619

(7) Each year, the auditor of state shall conduct an audit of 139620
the uses of any amounts collected from taxes levied, extended, or 139621
deposited under division (H) of this section and shall prepare a 139622
report of the auditor of state's findings. The auditor of state 139623
shall submit the report to the legislative authority of the county 139624
that has levied, extended, or deposited the tax, the speaker of 139625
the house of representatives, the president of the senate, and the 139626

leaders of the minority parties of the house of representatives 139627
and the senate. 139628

(I)(1) As used in this division: 139629

(a) "Convention facilities authority" has the same meaning as 139630
in section 351.01 of the Revised Code. 139631

(b) "Convention center" has the same meaning as in section 139632
307.695 of the Revised Code. 139633

(2) Notwithstanding any contrary provision of division (D) of 139634
this section, the legislative authority of a county with a 139635
population of one million two hundred thousand or more according 139636
to the most recent federal decennial census or the most recent 139637
annual population estimate published or released by the United 139638
States census bureau at the time the resolution is adopted placing 139639
the levy on the ballot, that has levied a tax under division (D) 139640
of this section may, by resolution adopted by a majority of the 139641
members of the legislative authority, provide for the extension of 139642
such levy and may provide that the proceeds of that tax, to the 139643
extent that the proceeds are no longer needed for their original 139644
purpose as defined by a cooperative agreement entered into under 139645
section 307.671 of the Revised Code and after deducting the real 139646
and actual costs of administering the tax, shall be used for 139647
paying the direct and indirect costs of constructing, improving, 139648
expanding, equipping, financing, or operating a convention center. 139649
The resolution shall provide for the extension of the tax at a 139650
rate not to exceed the rate specified in division (D) of this 139651
section for a period of time determined by the legislative 139652
authority of the county, but not to exceed an additional forty 139653
years. 139654

(3) The legislative authority of a county with a population 139655
of one million two hundred thousand or more that has levied a tax 139656
under division (A)(1) of this section may, by resolution adopted 139657

by a majority of the members of the legislative authority, 139658
increase the rate of the tax levied by such county under division 139659
(A)(1) of this section to a rate not to exceed five per cent on 139660
transactions by which lodging by a hotel is or is to be furnished 139661
to transient guests. Notwithstanding any contrary provision of 139662
division (A)(1) of this section, the resolution shall provide that 139663
all collections resulting from the rate levied in excess of three 139664
per cent, after deducting the real and actual costs of 139665
administering the tax, shall be used for paying the direct and 139666
indirect costs of constructing, improving, expanding, equipping, 139667
financing, or operating a convention center. 139668

(4) The legislative authority of a county with a population 139669
of one million two hundred thousand or more that has levied a tax 139670
under division (A)(1) of this section may, by resolution adopted 139671
on or before July 1, 2008, by a majority of the members of the 139672
legislative authority, provide that all or a portion of the 139673
proceeds of the tax levied under division (A)(1) of this section, 139674
after deducting the real and actual costs of administering the tax 139675
and the amounts required to be returned to townships and municipal 139676
corporations with respect to the first three per cent levied under 139677
division (A)(1) of this section, shall be used to satisfy any 139678
pledges made in connection with an agreement entered into under 139679
section 307.695 of the Revised Code or shall otherwise be used for 139680
paying the direct and indirect costs of constructing, improving, 139681
expanding, equipping, financing, or operating a convention center. 139682

(5) Any amount collected from a tax levied or extended under 139683
division (I) of this section may be contributed to a convention 139684
facilities authority created before July 1, 2005, but no amount 139685
collected from a tax levied or extended under division (I) of this 139686
section may be contributed to a convention facilities authority, 139687
corporation, or other entity created after July 1, 2005, unless 139688
the mayor of the municipal corporation in which the convention 139689

center is to be operated by that convention facilities authority, 139690
corporation, or other entity has consented to the creation of that 139691
convention facilities authority, corporation, or entity. 139692

(J) All money collected by a county and distributed under 139693
this section to a convention and visitors' bureau in existence as 139694
of the effective date of H.B. 59 of the 130th general assembly, 139695
except for any such money pledged, as of that effective date, to 139696
the payment of debt service charges on bonds, notes, securities, 139697
or lease agreements, shall be used solely for tourism sales, 139698
marketing and promotion, and their associated costs, including, 139699
but not limited to, operational and administrative costs of the 139700
bureau, sales and marketing, and maintenance of the physical 139701
bureau structure. 139702

(K) Of the funds distributed to a convention and visitors' 139703
bureau under this section, the amount a county may retain for real 139704
and actual costs associated with administering the tax shall not 139705
exceed the sum of (1) three per cent of the first five hundred 139706
thousand dollars distributed to the bureau and (2) one and 139707
one-half per cent of any amount in excess of five hundred thousand 139708
dollars distributed to the bureau. 139709

Sec. 5739.13. (A) If any vendor collects the tax imposed by 139710
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 139711
the Revised Code, and fails to remit the tax to the state as 139712
prescribed, or on the sale of a motor vehicle, watercraft, or 139713
outboard motor required to be titled, fails to remit payment to a 139714
clerk of a court of common pleas as provided in section 1548.06 or 139715
4505.06 of the Revised Code, the vendor shall be personally liable 139716
for any tax collected and not remitted. The tax commissioner may 139717
make an assessment against such vendor based upon any information 139718
in the commissioner's possession. 139719

If any vendor fails to collect the tax or any consumer fails 139720

to pay the tax imposed by or pursuant to section 5739.02, 139721
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 139722
transaction subject to the tax, the vendor or consumer shall be 139723
personally liable for the amount of the tax applicable to the 139724
transaction. The commissioner may make an assessment against 139725
either the vendor or consumer, as the facts may require, based 139726
upon any information in the commissioner's possession. 139727

An assessment against a vendor when the tax imposed by or 139728
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 139729
the Revised Code has not been collected or paid, shall not 139730
discharge the purchaser's or consumer's liability to reimburse the 139731
vendor for the tax applicable to such transaction. 139732

An assessment issued against either, pursuant to this 139733
section, shall not be considered an election of remedies, nor a 139734
bar to an assessment against the other for the tax applicable to 139735
the same transaction, provided that no assessment shall be issued 139736
against any person for the tax due on a particular transaction if 139737
the tax on that transaction actually has been paid by another. 139738

The commissioner may make an assessment against any vendor 139739
who fails to file a return or remit the proper amount of tax 139740
required by this chapter, or against any consumer who fails to pay 139741
the proper amount of tax required by this chapter. When 139742
information in the possession of the commissioner indicates that 139743
the amount required to be collected or paid under this chapter is 139744
greater than the amount remitted by the vendor or paid by the 139745
consumer, the commissioner may audit a sample of the vendor's 139746
sales or the consumer's purchases for a representative period, to 139747
ascertain the per cent of exempt or taxable transactions or the 139748
effective tax rate and may issue an assessment based on the audit. 139749
The commissioner shall make a good faith effort to reach agreement 139750
with the vendor or consumer in selecting a representative sample. 139751

The commissioner may make an assessment, based on any 139752

information in ~~his~~ the commissioner's possession, against any 139753
person who fails to file a return or remit the proper amount of 139754
tax required by section 5739.102 of the Revised Code. 139755

The commissioner may issue an assessment on any transaction 139756
for which any tax imposed under this chapter or Chapter 5741. of 139757
the Revised Code was due and unpaid on the date the vendor or 139758
consumer was informed by an agent of the tax commissioner of an 139759
investigation or audit. If the vendor or consumer remits any 139760
payment of the tax for the period covered by the assessment after 139761
the vendor or consumer was informed of the investigation or audit, 139762
the payment shall be credited against the amount of the 139763
assessment. 139764

The commissioner shall give the party assessed written notice 139765
of the assessment in the manner provided in section 5703.37 of the 139766
Revised Code. With the notice, the commissioner shall provide 139767
instructions on how to petition for reassessment and request a 139768
hearing on the petition. 139769

(B) Unless the party assessed files with the commissioner 139770
within sixty days after service of the notice of assessment, 139771
either personally or by certified mail, a written petition for 139772
reassessment, signed by the party assessed or that party's 139773
authorized agent having knowledge of the facts, the assessment 139774
becomes final and the amount of the assessment is due from the 139775
party assessed and payable to the treasurer of state and remitted 139776
to the tax commissioner. The petition shall indicate the 139777
objections of the party assessed, but additional objections may be 139778
raised in writing if received by the commissioner prior to the 139779
date shown on the final determination. If the petition has been 139780
properly filed, the commissioner shall proceed under section 139781
5703.60 of the Revised Code. 139782

(C) After an assessment becomes final, if any portion of the 139783
assessment remains unpaid, including accrued interest, a certified 139784

copy of the commissioner's entry making the assessment final may 139785
be filed in the office of the clerk of the court of common pleas 139786
in the county in which the place of business of the party assessed 139787
is located or the county in which the party assessed resides. If 139788
the party assessed maintains no place of business in this state 139789
and is not a resident of this state, the certified copy of the 139790
entry may be filed in the office of the clerk of the court of 139791
common pleas of Franklin county. 139792

Immediately upon the filing of the entry, the clerk shall 139793
enter a judgment for the state against the party assessed in the 139794
amount shown on the entry. The judgment may be filed by the clerk 139795
in a loose-leaf book entitled "special judgments for state, 139796
county, and transit authority retail sales tax" or, if 139797
appropriate, "special judgments for resort area excise tax," and 139798
shall have the same effect as other judgments. Execution shall 139799
issue upon the judgment upon the request of the tax commissioner, 139800
and all laws applicable to sales on execution shall apply to sales 139801
made under the judgment except as otherwise provided in this 139802
chapter. 139803

~~The portion of~~ If the assessment is not paid in its entirety 139804
within sixty days after the date the assessment was issued, the 139805
portion of the assessment consisting of tax due shall bear 139806
interest at the rate per annum prescribed by section 5703.47 of 139807
the Revised Code from the day the tax commissioner issues the 139808
assessment until the assessment is paid or until it is certified 139809
to the attorney general for collection under section 131.02 of the 139810
Revised Code, whichever comes first. If the unpaid portion of the 139811
assessment is certified to the attorney general for collection, 139812
the entire unpaid portion of the assessment shall bear interest at 139813
the rate per annum prescribed by section 5703.47 of the Revised 139814
Code from the date of certification until the date it is paid in 139815
its entirety. Interest shall be paid in the same manner as the tax 139816

and may be collected by issuing an assessment under this section. 139817

(D) All money collected by the tax commissioner under this 139818
section shall be paid to the treasurer of state, and when paid 139819
shall be considered as revenue arising from the taxes imposed by 139820
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 139821

Sec. 5741.01. As used in this chapter: 139822

(A) "Person" includes individuals, receivers, assignees, 139823
trustees in bankruptcy, estates, firms, partnerships, 139824
associations, joint-stock companies, joint ventures, clubs, 139825
societies, corporations, business trusts, governments, and 139826
combinations of individuals of any form. 139827

(B) "Storage" means and includes any keeping or retention in 139828
this state for use or other consumption in this state. 139829

(C) "Use" means and includes the exercise of any right or 139830
power incidental to the ownership of the thing used. A thing is 139831
also "used" in this state if its consumer gives or otherwise 139832
distributes it, without charge, to recipients in this state. 139833

(D) "Purchase" means acquired or received for a 139834
consideration, whether such acquisition or receipt was effected by 139835
a transfer of title, or of possession, or of both, or a license to 139836
use or consume; whether such transfer was absolute or conditional, 139837
and by whatever means the transfer was effected; and whether the 139838
consideration was money, credit, barter, or exchange. Purchase 139839
includes production, even though the article produced was used, 139840
stored, or consumed by the producer. The transfer of copyrighted 139841
motion picture films for exhibition purposes is not a purchase, 139842
except such films as are used solely for advertising purposes. 139843

(E) "Seller" means the person from whom a purchase is made, 139844
and includes every person engaged in this state or elsewhere in 139845
the business of selling tangible personal property or providing a 139846

service for storage, use, or other consumption or benefit in this 139847
state; and when, in the opinion of the tax commissioner, it is 139848
necessary for the efficient administration of this chapter, to 139849
regard any ~~salesman~~ salesperson, representative, peddler, or 139850
canvasser as the agent of a dealer, distributor, supervisor, or 139851
employer under whom the person operates, or from whom the person 139852
obtains tangible personal property, sold by the person for 139853
storage, use, or other consumption in this state, irrespective of 139854
whether or not the person is making such sales on the person's own 139855
behalf, or on behalf of such dealer, distributor, supervisor, or 139856
employer, the commissioner may regard the person as such agent, 139857
and may regard such dealer, distributor, supervisor, or employer 139858
as the seller. "Seller" does not include any person to the extent 139859
the person provides a communications medium, such as, but not 139860
limited to, newspapers, magazines, radio, television, or cable 139861
television, by means of which sellers solicit purchases of their 139862
goods or services. 139863

(F) "Consumer" means any person who has purchased tangible 139864
personal property or has been provided a service for storage, use, 139865
or other consumption or benefit in this state. "Consumer" does not 139866
include a person who receives, without charge, tangible personal 139867
property or a service. 139868

A person who performs a facility management or similar 139869
service contract for a contractee is a consumer of all tangible 139870
personal property and services purchased for use in connection 139871
with the performance of such contract, regardless of whether title 139872
to any such property vests in the contractee. The purchase of such 139873
property and services is not subject to the exception for resale 139874
under division (E) of section 5739.01 of the Revised Code. 139875

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 139876
of this section, has the same meaning as in division (H)(1) of 139877
section 5739.01 of the Revised Code. 139878

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this state more than six months after its acquisition by the consumer, the consumer or the commissioner may determine the price based on the current value of such tangible personal property, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property.

(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state.

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state. ~~"Substantial~~

(2) "Substantial nexus with this state" exists is presumed to exist when the seller does any of the following:

~~(1) Maintains a~~ (a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by employees or agents of the seller, by a member of an affiliated group, as defined in division (B)(3)(e) of section 5739.01 of the Revised Code, of which the seller is a member, or by a franchisee using a trade name of the seller; or any other person, other than a common carrier acting in its capacity as a common carrier.

~~(2)(b) Regularly has~~ uses employees, agents, representatives, solicitors, installers, repairmen repairers, salesmen salespersons, or other individuals persons in this state (i) for the purpose of conducting the business of the seller, or that (ii) engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or (iii) use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller.

~~(3)(c) Uses a~~ any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the

| | |
|---|--------|
| purpose of receiving <u>following purposes:</u> | 139941 |
| <u>(i) Receiving</u> or processing orders of the seller's goods or services; | 139942 |
| | 139943 |
| <u>(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers;</u> | 139944 |
| | 139945 |
| | 139946 |
| <u>(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;</u> | 139947 |
| | 139948 |
| <u>(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business.</u> | 139949 |
| | 139950 |
| | 139951 |
| | 139952 |
| | 139953 |
| (4)(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier ; | 139954 |
| | 139955 |
| (5)(e) Has membership in an affiliated group, as described in division (B)(3)(e) of section 5739.01 of the Revised Code, at least one other member of which <u>person that</u> has substantial nexus with this state; | 139956 |
| | 139957 |
| | 139958 |
| | 139959 |
| (6)(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state; | 139960 |
| | 139961 |
| | 139962 |
| (7) Except as provided in section 5703.65 of the Revised Code, is registered with the secretary of state to do business in this state or is registered or licensed by any state agency, board, or commission to transact business in this state or to make sales to persons in this state; | 139963 |
| | 139964 |
| | 139965 |
| | 139966 |
| | 139967 |
| (8) Has any other contact with this state that would allow this state to require the seller to collect and remit use tax under Section 8 of Article I of the Constitution of the United | 139968 |
| | 139969 |
| | 139970 |

States (g) Enters into an agreement with one or more residents of 139971
this state under which the resident, for a commission or other 139972
consideration, directly or indirectly refers potential customers 139973
to the seller, whether by a link on a web site, an in-person oral 139974
presentation, telemarketing, or otherwise, provided the cumulative 139975
gross receipts from sales to consumers referred to the seller by 139976
all such residents exceeded ten thousand dollars during the 139977
preceding twelve months. 139978

(3) A seller presumed to have substantial nexus with this 139979
state under divisions (I)(2)(a) to (f) of this section may rebut 139980
that presumption by demonstrating that activities described in any 139981
of those divisions that are conducted by a person in this state on 139982
the seller's behalf are not significantly associated with the 139983
seller's ability to establish or maintain a market in this state 139984
for the seller's sales. 139985

(4) A seller presumed to have substantial nexus with this 139986
state under division (I)(2)(g) of this section may rebut that 139987
presumption by submitting proof that each resident engaged by the 139988
seller as described in that division did not engage in any 139989
activity within this state during the preceding twelve months that 139990
was significantly associated with the seller's ability to 139991
establish or maintain the seller's market in this state during the 139992
preceding twelve months. Such proof may consist of sworn written 139993
statements from all the residents with whom the seller has an 139994
agreement stating that the resident did not engage in any 139995
solicitation in this state on behalf of the seller during the 139996
preceding twelve months if such statements are provided and 139997
obtained in good faith. 139998

(5) A seller that does not have substantial nexus with this 139999
state, and any affiliated person of the seller, before selling or 140000
leasing tangible personal property or services to a state agency, 140001
shall register with the tax commissioner in the same manner as a 140002

seller described in division (A)(1) of section 5741.17 of the 140003
Revised Code. 140004

(6) As used in division (I) of this section: 140005

(a) "Affiliated person" means any person that is a member of 140006
the same controlled group of corporations as the seller or any 140007
other person that, notwithstanding the form of organization, bears 140008
the same ownership relationship to the seller as a corporation 140009
that is a member of the same controlled group of corporations. 140010

(b) "Controlled group of corporations" has the same meaning 140011
as in section 1563(a) of the Internal Revenue Code. 140012

(c) "State agency" has the same meaning as in section 1.60 of 140013
the Revised Code. 140014

(J) "Fiscal officer" means, with respect to a regional 140015
transit authority, the secretary-treasurer thereof, and with 140016
respect to a county which is a transit authority, the fiscal 140017
officer of the county transit board appointed pursuant to section 140018
306.03 of the Revised Code or, if the board of county 140019
commissioners operates the county transit system, the county 140020
auditor. 140021

(K) "Territory of the transit authority" means all of the 140022
area included within the territorial boundaries of a transit 140023
authority as they from time to time exist. Such territorial 140024
boundaries must at all times include all the area of a single 140025
county or all the area of the most populous county which is a part 140026
of such transit authority. County population shall be measured by 140027
the most recent census taken by the United States census bureau. 140028

(L) "Transit authority" means a regional transit authority 140029
created pursuant to section 306.31 of the Revised Code or a county 140030
in which a county transit system is created pursuant to section 140031
306.01 of the Revised Code. For the purposes of this chapter, a 140032
transit authority must extend to at least the entire area of a 140033

single county. A transit authority which includes territory in 140034
more than one county must include all the area of the most 140035
populous county which is a part of such transit authority. County 140036
population shall be measured by the most recent census taken by 140037
the United States census bureau. 140038

(M) "Providing a service" has the same meaning as in ~~division~~ 140039
~~(X)~~ of section 5739.01 of the Revised Code. 140040

(N) "Other consumption" includes receiving the benefits of a 140041
service. 140042

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 140043
~~(UU)~~ of section 5739.01 of the Revised Code. 140044

(P) "Certified service provider" has the same meaning as in 140045
section 5740.01 of the Revised Code. 140046

(Q) "Remote sale" means a sale for which the seller could not 140047
be legally required to pay, collect, or remit a tax imposed under 140048
this chapter or Chapter 5739. of the Revised Code, unless 140049
otherwise provided by the laws of the United States. 140050

(R) "Remote seller" means a seller that makes remote sales to 140051
one or more consumers. 140052

(S) "Remote small seller" means a remote seller that has 140053
gross annual receipts from remote sales in the United States not 140054
exceeding one million dollars for the preceding calendar year. For 140055
the purposes of determining whether a person is a small remote 140056
seller, the sales of all persons related within the meaning of 140057
subsection (b) or (c) of section 267 or section 707(b)(1) of the 140058
Internal Revenue Code shall be aggregated, and persons with one or 140059
more ownership relationships shall be aggregated if those 140060
relationships were designed with the principal purpose to qualify 140061
as a remote small seller. 140062

Sec. 5741.03. (A) One hundred per cent of all money deposited 140063

into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be distributed as provided in division (B) of this section shall be credited to the general revenue fund.

(B) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes from billings and assessments received during that month, or shown on tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes, which amounts shall be determined in the manner provided in section 5739.21 of the Revised Code. The director of budget and management shall transfer, from the general revenue fund, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund created by division (C) of section 5739.21 of the Revised Code, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer or to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs the commissioner incurs in administering such taxes levied by a county or transit authority.

(C) Not later than the first day of January and of July each calendar year, the tax commissioner shall determine and certify to the director of budget and management the amount of tax imposed by section 5741.02 of the Revised Code and remitted under this

chapter by remote sellers during the six-month period ending on 140096
the preceding last day of November and of May, respectively, 140097
reduced by any refunds issued to remote sellers from the tax 140098
refund fund on account of that tax during the six-month period, 140099
and the director of budget and management shall transfer from the 140100
general revenue fund to the income tax reduction fund the amount 140101
so certified, less one-half of the amount of that tax remitted 140102
during fiscal year 2013 by remote sellers that voluntarily 140103
registered under section 5741.17 of the Revised Code. Amounts 140104
transferred to the income tax reduction fund under this section 140105
shall be included in the determination of the percentage under 140106
division (B)(2) of section 131.44 of the Revised Code required to 140107
be made by the thirty-first day of July of the calendar year in 140108
which the commissioner makes the certifications under this 140109
division. 140110

Sec. 5741.032. There is hereby created in the state treasury 140111
the remote seller administration fund for the purpose of paying 140112
the expenses incurred by the department of taxation in the 140113
administration of this chapter with respect to remote sellers. 140114
Annually, before the thirty-first day of July, the treasurer of 140115
state shall transfer to the remote seller administration fund 140116
one-half of one per cent of the taxes collected from remote 140117
sellers under this chapter during the preceding fiscal year. 140118

Sec. 5741.17. (A)(1) Except as otherwise provided in 140119
divisions (A)(2), (3), and (4) of this section, every seller of 140120
tangible personal property or services who has substantial nexus 140121
with this state shall register with the tax commissioner and 140122
supply any information concerning ~~his~~ the seller's contacts with 140123
this state that may be required by the commissioner. 140124

(2) A seller who is licensed as a vendor pursuant to section 140125
5739.17 of the Revised Code shall not be required to register with 140126

the commissioner pursuant to this section if all sales to consumers in this state are made under the authority of ~~his~~ the seller's vendor's license.

(3) A Unless the seller has substantial nexus with this state pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code, a seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

Sec. 5743.081. (A) If any wholesale dealer or retail dealer

fails to pay the tax levied under section 5743.02, 5743.021, 140157
5743.024, or 5743.026 of the Revised Code as required by sections 140158
5743.01 to 5743.20 of the Revised Code, and by the rules of the 140159
tax commissioner, or fails to collect the tax from the purchaser 140160
or consumer, the commissioner may make an assessment against the 140161
wholesale or retail dealer based upon any information in the 140162
commissioner's possession. 140163

The commissioner may make an assessment against any wholesale 140164
or retail dealer who fails to file a return required by section 140165
5743.03 or 5743.025 of the Revised Code. 140166

No assessment shall be made against any wholesale or retail 140167
dealer for any taxes imposed under section 5743.02, 5743.021, 140168
5743.024, or 5743.026 of the Revised Code more than three years 140169
after the last day of the calendar month that immediately follows 140170
the semiannual period prescribed in section 5743.03 of the Revised 140171
Code in which the sale was made, or more than three years after 140172
the semiannual return for such period is filed, whichever is 140173
later. This section does not bar an assessment against any 140174
wholesale or retail dealer who fails to file a return as required 140175
by section 5743.025 or 5743.03 of the Revised Code, or who files a 140176
fraudulent return. 140177

A penalty of up to thirty per cent may be added to the amount 140178
of every assessment made under this section. The commissioner may 140179
adopt rules providing for the imposition and remission of 140180
penalties added to assessments made under this section. 140181

The commissioner shall give the party assessed written notice 140182
of the assessment in the manner provided in section 5703.37 of the 140183
Revised Code. The notice shall specify separately any portion of 140184
the assessment that represents a county tax. With the notice, the 140185
commissioner shall provide instructions on how to petition for 140186
reassessment and request a hearing on the petition. 140187

(B) Unless the party assessed files with the tax commissioner 140188
within sixty days after service of the notice of assessment, 140189
either personally or by certified mail, a written petition for 140190
reassessment signed by the party assessed or that party's 140191
authorized agent having knowledge of the facts, the assessment 140192
becomes final and the amount of the assessment is due and payable 140193
from the party assessed to the treasurer of state. The petition 140194
shall indicate the objections of the party assessed, but 140195
additional objections may be raised in writing if received by the 140196
commissioner prior to the date shown on the final determination. 140197
If the petition has been properly filed, the commissioner shall 140198
proceed under section 5703.60 of the Revised Code. 140199

(C) After an assessment becomes final, if any portion of the 140200
assessment remains unpaid, including accrued interest, a certified 140201
copy of the tax commissioner's entry making the assessment final 140202
may be filed in the office of the clerk of the court of common 140203
pleas in the county in which the wholesale or retail dealer's 140204
place of business is located or the county in which the party 140205
assessed resides. If the party assessed maintains no place of 140206
business in this state and is not a resident of this state, the 140207
certified copy of the entry may be filed in the office of the 140208
clerk of the court of common pleas of Franklin county. 140209

Immediately upon the filing of the commissioner's entry, the 140210
clerk shall enter a judgment for the state against the party 140211
assessed in the amount shown on the entry. The judgment may be 140212
filed by the clerk in a loose-leaf book entitled "special 140213
judgments for state cigarette sales tax," and shall have the same 140214
effect as other judgments. Execution shall issue upon the judgment 140215
upon the request of the tax commissioner, and all laws applicable 140216
to sales on execution shall apply to sales made under the 140217
judgment, except as otherwise provided in sections 5743.01 to 140218
5743.20 of the Revised Code. 140219

~~The portion of~~ If the assessment is not paid in its entirety 140220
within sixty days after the assessment was issued, the portion of 140221
the assessment consisting of tax due shall bear interest at the 140222
rate per annum prescribed by section 5703.47 of the Revised Code 140223
from the day the commissioner issues the assessment until it is 140224
paid or until it is certified to the attorney general for 140225
collection under section 131.02 of the Revised Code, whichever 140226
comes first. If the unpaid portion of the assessment is certified 140227
to the attorney general for collection, the entire unpaid portion 140228
of the assessment shall bear interest at the rate per annum 140229
prescribed by section 5703.47 of the Revised Code from the date of 140230
certification until the date it is paid in its entirety. Interest 140231
shall be paid in the same manner as the tax and may be collected 140232
by the issuance of an assessment under this section. 140233

(D) All money collected by the tax commissioner under this 140234
section shall be paid to the treasurer of state, and when paid 140235
shall be considered as revenue arising from the taxes imposed by 140236
sections 5743.01 to 5743.20 of the Revised Code. 140237

Sec. 5743.15. (A) Except as otherwise provided in this 140238
division, no person shall engage in this state in the wholesale or 140239
retail business of trafficking in cigarettes or in the business of 140240
a manufacturer or importer of cigarettes without having a license 140241
to conduct each such activity issued by a county auditor under 140242
division (B) of this section or the tax commissioner under 140243
divisions (C) and (F) of this section. On dissolution of a 140244
partnership by death, the surviving partner may operate under the 140245
license of the partnership until expiration of the license, and 140246
the heirs or legal representatives of deceased persons, and 140247
receivers and trustees in bankruptcy appointed by any competent 140248
authority, may operate under the license of the person succeeded 140249
in possession by such heir, representative, receiver, or trustee 140250
in bankruptcy if the partner or successor notifies the issuer of 140251

the license of the dissolution or succession within thirty days 140252
after the dissolution or succession. 140253

(B)(1) Each applicant for a license to engage in the retail 140254
business of trafficking in cigarettes under this section, 140255
annually, on or before the fourth Monday of May, shall make and 140256
deliver to the county auditor of the county in which the applicant 140257
desires to engage in the retail business of trafficking in 140258
cigarettes, upon a blank form furnished by such auditor for that 140259
purpose, a statement showing the name of the applicant, each 140260
physical place in the county where the applicant's business is 140261
conducted, the nature of the business, and any other information 140262
the tax commissioner requires in the form of statement prescribed 140263
by the commissioner. If the applicant is a firm, partnership, or 140264
association other than a corporation, the application shall state 140265
the name and address of each of its members. If the applicant is a 140266
corporation, the application shall state the name and address of 140267
each of its officers. At the time of making the application 140268
required by this section, every person desiring to engage in the 140269
retail business of trafficking in cigarettes shall pay an 140270
application fee in the sum of one hundred twenty-five dollars for 140271
each physical place where the person proposes to carry on such 140272
business. Each place of business shall be deemed such space, under 140273
lease or license to, or under the control of, or under the 140274
supervision of the applicant, as is contained in one or more 140275
contiguous, adjacent, or adjoining buildings constituting an 140276
industrial plant or a place of business operated by, or under the 140277
control of, one person, or under one roof and connected by doors, 140278
halls, stairways, or elevators, which space may contain any number 140279
of points at which cigarettes are offered for sale, provided that 140280
each additional point at which cigarettes are offered for sale 140281
shall be listed in the application. 140282

(2) Upon receipt of the application and exhibition of the 140283

county treasurer's receipt showing the payment of the application 140284
fee, the county auditor shall issue to the applicant a license for 140285
each place of business designated in the application, authorizing 140286
the applicant to engage in such business at such place for one 140287
year commencing on the fourth Monday of May. The form of the 140288
license shall be prescribed by the commissioner. A duplicate 140289
license may be obtained from the county auditor upon payment of a 140290
five-dollar fee if the original license is lost, destroyed, or 140291
defaced. When an application is filed after the fourth Monday of 140292
May, the application fee required to be paid shall be proportioned 140293
in amount to the remainder of the license year, except that it 140294
shall not be less than twenty-five dollars in any one year. 140295

(3) The holder of a retail dealer's cigarette license may 140296
transfer the license to a place of business within the same county 140297
other than that designated on the license on condition that the 140298
licensee's ownership interest and business structure remain 140299
unchanged, and that the licensee applies to the county auditor 140300
therefor, upon forms approved by the commissioner and the payment 140301
of a fee of five dollars into the county treasury. 140302

(C)(1) Each applicant for a license to engage in the 140303
wholesale business of trafficking in cigarettes under this 140304
section, annually, on or before the fourth Monday in May, shall 140305
make and deliver to the tax commissioner, upon a blank form 140306
furnished by the commissioner for that purpose, a statement 140307
showing the name of the applicant, physical street address where 140308
the applicant's business is conducted, the nature of the business, 140309
and any other information required by the commissioner. If the 140310
applicant is a firm, partnership, or association other than a 140311
corporation, the applicant shall state the name and address of 140312
each of its members. If the applicant is a corporation, the 140313
applicant shall state the name and address of each of its 140314
officers. At the time of making the application required by this 140315

section, every person desiring to engage in the wholesale business 140316
of trafficking in cigarettes shall pay an application fee of one 140317
thousand dollars for each physical place where the person proposes 140318
to carry on such business. Each place of business shall be deemed 140319
such space, under lease or license to, or under the control of, or 140320
under the supervision of the applicant, as is contained in one or 140321
more contiguous, adjacent, or adjoining buildings constituting an 140322
industrial plant or a place of business operated by, or under the 140323
control of, one person, or under one roof and connected by doors, 140324
halls, stairways, or elevators. A duplicate license may be 140325
obtained from the commissioner upon payment of a 140326
twenty-five-dollar fee if the original license is lost, destroyed, 140327
or defaced. 140328

(2) Upon receipt of the application and payment of any 140329
application fee required by this section, the commissioner shall 140330
verify that the applicant is ~~in good standing under~~ not in 140331
violation of any provision of Chapter 1346. ~~and or~~ Title LVII of 140332
the Revised Code. The commissioner shall also verify that the 140333
applicant has filed any returns, submitted any information, and 140334
paid any outstanding taxes or fees as required by the 140335
commissioner, to the extent that the commissioner is aware of the 140336
returns, information, taxes, or fees at the time of the 140337
application. Upon approval, the commissioner shall issue to the 140338
applicant a license for each physical place of business designated 140339
in the application authorizing the applicant to engage in business 140340
at that location for one year commencing on the fourth Monday in 140341
May. For licenses issued after the fourth Monday in May, the 140342
application fee shall be reduced proportionately by the remainder 140343
of the twelve-month period for which the license is issued, except 140344
that the application fee required to be paid under this section 140345
shall be not less than two hundred dollars in any one year. 140346

(3) The holder of a wholesale dealer cigarette license may 140347

transfer the license to a place of business other than that 140348
designated on the license on condition that the licensee's 140349
ownership or business structure remains unchanged, and that the 140350
licensee applies to the commissioner for such a transfer upon a 140351
form promulgated by the commissioner and pays a fee of twenty-five 140352
dollars, which shall be deposited into the cigarette tax 140353
enforcement fund created in division (E) of this section. 140354

(D)(1) The wholesale cigarette license application fees 140355
collected under this section shall be paid into the cigarette tax 140356
enforcement fund. 140357

(2) The retail cigarette license application fees collected 140358
under this section shall be distributed as follows: 140359

(a) Thirty per cent shall be paid upon the warrant of the 140360
county auditor into the treasury of the municipal corporation or 140361
township in which the places of business for which the tax revenue 140362
was received are located; 140363

(b) Ten per cent shall be credited to the general fund of the 140364
county; 140365

(c) Sixty per cent shall be paid into the cigarette tax 140366
enforcement fund. 140367

(3) The remainder of the revenues and fines collected under 140368
this section and the penal laws relating to cigarettes shall be 140369
distributed as follows: 140370

(a) Three-fourths shall be paid upon the warrant of the 140371
county auditor into the treasury of the municipal corporation or 140372
township in which the place of business, on account of which the 140373
revenues and fines were received, is located; 140374

(b) One-fourth shall be credited to the general fund of the 140375
county. 140376

(E) There is hereby created within the state treasury the 140377

cigarette tax enforcement fund for the purpose of providing funds 140378
to assist in paying the costs of enforcing sections 1333.11 to 140379
1333.21 and Chapter 5743. of the Revised Code. 140380

The portion of cigarette license application fees received by 140381
a county auditor during the annual application period that ends on 140382
the fourth Monday in May and that is required to be deposited in 140383
the cigarette tax enforcement fund shall be sent to the treasurer 140384
of state by the thirtieth day of June each year accompanied by the 140385
form prescribed by the tax commissioner. The portion of cigarette 140386
license application fees received by each county auditor after the 140387
fourth Monday in May and that is required to be deposited in the 140388
cigarette tax enforcement fund shall be sent to the treasurer of 140389
state by the last day of the month following the month in which 140390
such fees were collected. 140391

(F)(1) Every person who desires to engage in the business of 140392
a manufacturer or importer of cigarettes shall, annually, on or 140393
before the fourth Monday of May, make and deliver to the tax 140394
commissioner, upon a blank form furnished by the commissioner for 140395
that purpose, a statement showing the name of the applicant, the 140396
nature of the applicant's business, and any other information 140397
required by the commissioner. If the applicant is a firm, 140398
partnership, or association other than a corporation, the 140399
applicant shall state the name and address of each of its members. 140400
If the applicant is a corporation, the applicant shall state the 140401
name and address of each of its officers. 140402

(2) Upon receipt of the application required under this 140403
section, the commissioner shall verify that the applicant is ~~in~~ 140404
~~good standing under~~ not in violation of any provision of Chapter 140405
1346. ~~and or~~ Title LVII of the Revised Code. The commissioner 140406
shall also verify that the applicant has filed any returns, 140407
submitted any information, and paid any outstanding taxes or fees 140408
as required by the commissioner, to the extent that the 140409

commissioner is aware of the returns, information, taxes, or fees 140410
at the time of the application. Upon approval, the commissioner 140411
shall issue to the applicant a license authorizing the applicant 140412
to engage in the business of manufacturer or importer, whichever 140413
the case may be, for one year commencing on the fourth Monday of 140414
May. 140415

(3) The issuing of a license under division (F)(1) of this 140416
section to a manufacturer does not excuse a manufacturer from the 140417
certification process required under section 1346.05 of the 140418
Revised Code. A manufacturer who is issued a license under 140419
division (F)(1) of this section and who is not listed on the 140420
directory required under section 1346.05 of the Revised Code shall 140421
not be permitted to sell cigarettes in this state other than to a 140422
licensed cigarette wholesaler for sale outside this state. Such a 140423
manufacturer shall provide documentation to the commissioner 140424
evidencing that the cigarettes are legal for sale in another 140425
state. 140426

(G) The tax commissioner may adopt rules necessary to 140427
administer this section. 140428

Sec. 5743.56. (A) Any person required to pay the tax imposed 140429
by section 5743.51, 5743.62, or 5743.63 of the Revised Code is 140430
personally liable for the tax. The tax commissioner may make an 140431
assessment, based upon any information in the commissioner's 140432
possession, against any person who fails to file a return or pay 140433
any tax, interest, or additional charge as required by this 140434
chapter. The commissioner shall give the person assessed written 140435
notice of such assessment in the manner provided in section 140436
5703.37 of the Revised Code. With the notice, the commissioner 140437
shall provide instructions on how to petition for reassessment and 140438
request a hearing on the petition. 140439

(B) When the information in the possession of the tax 140440

commissioner indicates that a person liable for the tax imposed by 140441
section 5743.51, 5743.62, or 5743.63 of the Revised Code has not 140442
paid the full amount of tax due, the commissioner may audit a 140443
representative sample of the person's business and may issue an 140444
assessment based on such audit. 140445

(C) A penalty of up to fifteen per cent may be added to all 140446
amounts assessed under this section. The tax commissioner may 140447
adopt rules providing for the imposition and remission of such 140448
penalties. 140449

(D) Unless the person assessed files with the tax 140450
commissioner within sixty days after service of the notice of 140451
assessment, either personally or by certified mail, a written 140452
petition for reassessment signed by the person assessed or that 140453
person's authorized agent having knowledge of the facts, the 140454
assessment becomes final and the amount of the assessment is due 140455
and payable from the person assessed to the treasurer of state. A 140456
petition shall indicate the objections of the person assessed, but 140457
additional objections may be raised in writing if received by the 140458
commissioner prior to the date shown on the final determination. 140459
If the petition has been properly filed, the commissioner shall 140460
proceed under section 5703.60 of the Revised Code. 140461

(E) After an assessment becomes final, if any portion of the 140462
assessment, including accrued interest, remains unpaid, a 140463
certified copy of the tax commissioner's entry making the 140464
assessment final may be filed in the office of the clerk of the 140465
court of common pleas in the county in which the person assessed 140466
resides or in which the person assessed conducts business. If the 140467
person assessed maintains no place of business in this state and 140468
is not a resident of this state, the certified copy of the entry 140469
may be filed in the office of the clerk of the court of common 140470
pleas of Franklin county. 140471

Immediately upon the filing of the entry, the clerk shall 140472

enter a judgment for the state against the person assessed in the 140473
amount shown on the entry. The judgment may be filed by the clerk 140474
in a loose-leaf book entitled "special judgments for state tobacco 140475
products tax," and shall have the same effect as other judgments. 140476
Execution shall issue upon the judgment upon the request of the 140477
commissioner, and all laws applicable to sales on execution shall 140478
apply to sales made under the judgment. 140479

~~The portion of~~ If the assessment is not paid in its entirety 140480
within sixty days after the day the assessment is issued, the 140481
portion of the assessment consisting of tax due shall bear 140482
interest at the rate per annum prescribed by section 5703.47 of 140483
the Revised Code from the day the commissioner issues the 140484
assessment until the assessment is paid or until it is certified 140485
to the attorney general for collection under section 131.02 of the 140486
Revised Code, whichever comes first. If the unpaid portion of the 140487
assessment is certified to the attorney general for collection, 140488
the entire unpaid portion of the assessment shall bear interest at 140489
the rate per annum prescribed by section 5703.47 of the Revised 140490
Code from the date of certification until the date it is paid in 140491
its entirety. Interest shall be paid in the same manner as the tax 140492
and may be collected by issuing an assessment under this section. 140493

(F) If the tax commissioner believes that collection of the 140494
tax will be jeopardized unless proceedings to collect or secure 140495
collection of the tax are instituted without delay, the 140496
commissioner may issue a jeopardy assessment against the person 140497
liable for the tax. Immediately upon the issuance of the jeopardy 140498
assessment, the commissioner shall file an entry with the clerk of 140499
the court of common pleas in the manner prescribed by division (E) 140500
of this section. Notice of the jeopardy assessment shall be served 140501
on the person assessed or the legal representative of the person 140502
assessed, as provided in section 5703.37 of the Revised Code, 140503
within five days of the filing of the entry with the clerk. The 140504

total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (D) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of the Revised Code.

Sec. 5745.12. (A) If any taxpayer required to file a report under this chapter fails to file the report within the time prescribed, files an incorrect report, or fails to remit the full amount of the tax due for the period covered by the report, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the report or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the final date the report subject to assessment was required to be filed or the date the report was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in section 5745.11 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a report subject to assessment as required by this chapter, or that files a fraudulent report. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner

shall provide instructions on how to petition for reassessment and 140536
request a hearing on the petition. 140537

(B) Unless the taxpayer assessed files with the tax 140538
commissioner within sixty days after service of the notice of 140539
assessment, either personally or by certified mail, a written 140540
petition for reassessment signed by the authorized agent of the 140541
taxpayer assessed having knowledge of the facts, the assessment 140542
becomes final, and the amount of the assessment is due and payable 140543
from the taxpayer to the treasurer of state. The petition shall 140544
indicate the taxpayer's objections, but additional objections may 140545
be raised in writing if received by the commissioner prior to the 140546
date shown on the final determination. If the petition has been 140547
properly filed, the commissioner shall proceed under section 140548
5703.60 of the Revised Code. 140549

(C) After an assessment becomes final, if any portion of the 140550
assessment remains unpaid, including accrued interest, a certified 140551
copy of the tax commissioner's entry making the assessment final 140552
may be filed in the office of the clerk of the court of common 140553
pleas in the county in which the taxpayer has an office or place 140554
of business in this state, the county in which the taxpayer's 140555
statutory agent is located, or Franklin county. 140556

Immediately upon the filing of the entry, the clerk shall 140557
enter a judgment against the taxpayer assessed in the amount shown 140558
on the entry. The judgment may be filed by the clerk in a 140559
loose-leaf book entitled "special judgments for municipal income 140560
taxes," and shall have the same effect as other judgments. 140561
Execution shall issue upon the judgment upon the request of the 140562
tax commissioner, and all laws applicable to sales on execution 140563
shall apply to sales made under the judgment. 140564

~~The portion of an~~ If the assessment is not paid in its 140565
entirety within sixty days after the day the assessment was 140566
issued, the portion of the assessment consisting of tax due shall 140567

bear interest at the rate per annum prescribed by section 5703.47 140568
of the Revised Code from the day the commissioner issues the 140569
assessment until the assessment is paid or until it is certified 140570
to the attorney general for collection under section 131.02 of the 140571
Revised Code, whichever comes first. If the unpaid portion of the 140572
assessment is certified to the attorney general for collection, 140573
the entire unpaid portion of the assessment shall bear interest at 140574
the rate per annum prescribed by section 5703.47 of the Revised 140575
Code from the date of certification until the date it is paid in 140576
its entirety. Interest shall be paid in the same manner as the tax 140577
and may be collected by issuing an assessment under this section. 140578

(D) All money collected under this section shall be credited 140579
and distributed to the municipal corporation to which the money is 140580
owed based on the assessment issued under this section. 140581

(E) If the tax commissioner believes that collection of the 140582
tax imposed by this chapter will be jeopardized unless proceedings 140583
to collect or secure collection of the tax are instituted without 140584
delay, the commissioner may issue a jeopardy assessment against 140585
the taxpayer liable for the tax. Immediately upon the issuance of 140586
the jeopardy assessment, the commissioner shall file an entry with 140587
the clerk of the court of common pleas in the manner prescribed by 140588
division (C) of this section. Notice of the jeopardy assessment 140589
shall be served on the taxpayer assessed or the taxpayer's legal 140590
representative in the manner provided in section 5703.37 of the 140591
Revised Code within five days of the filing of the entry with the 140592
clerk. The total amount assessed is immediately due and payable, 140593
unless the taxpayer assessed files a petition for reassessment in 140594
accordance with division (B) of this section and provides security 140595
in a form satisfactory to the commissioner and in an amount 140596
sufficient to satisfy the unpaid balance of the assessment. Full 140597
or partial payment of the assessment does not prejudice the 140598
commissioner's consideration of the petition for reassessment. 140599

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 5745.11 of the Revised Code, with interest on that amount as provided by section 5745.11 of the Revised Code.

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

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(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter.

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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of

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this section, (ii) the amount of federal income taxes attributable 140663
to such income, and (iii) the amount of taxable income that has 140664
been included in the adjusted gross income of a beneficiary by 140665
reason of a prior accumulation distribution. Any undistributed net 140666
income included in the adjusted gross income of a beneficiary 140667
shall reduce the undistributed net income of the trust commencing 140668
with the earliest years of the accumulation period. 140669

(7) Deduct the amount of wages and salaries, if any, not 140670
otherwise allowable as a deduction but that would have been 140671
allowable as a deduction in computing federal adjusted gross 140672
income for the taxable year, had the targeted jobs credit allowed 140673
and determined under sections 38, 51, and 52 of the Internal 140674
Revenue Code not been in effect. 140675

(8) Deduct any interest or interest equivalent on public 140676
obligations and purchase obligations to the extent that the 140677
interest or interest equivalent is included in federal adjusted 140678
gross income. 140679

(9) Add any loss or deduct any gain resulting from the sale, 140680
exchange, or other disposition of public obligations to the extent 140681
that the loss has been deducted or the gain has been included in 140682
computing federal adjusted gross income. 140683

(10) Deduct or add amounts, as provided under section 5747.70 140684
of the Revised Code, related to contributions to variable college 140685
savings program accounts made or tuition units purchased pursuant 140686
to Chapter 3334. of the Revised Code. 140687

(11)(a) Deduct, to the extent not otherwise allowable as a 140688
deduction or exclusion in computing federal or Ohio adjusted gross 140689
income for the taxable year, the amount the taxpayer paid during 140690
the taxable year for medical care insurance and qualified 140691
long-term care insurance for the taxpayer, the taxpayer's spouse, 140692
and dependents. No deduction for medical care insurance under 140693

division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income, any amount included in federal adjusted gross income under section 105 or not excluded under section 106 of the Internal Revenue Code solely because it relates to an accident and health plan for a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(d) For purposes of division (A)(11) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations,

and exclusions set forth therein, and "qualified long-term care" 140726
has the same meaning given in section 7702B(c) of the Internal 140727
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 140728
of this section, "dependent" includes a person who otherwise would 140729
be a "qualifying relative" and thus a "dependent" under section 140730
152 of the Internal Revenue Code but for the fact that the person 140731
fails to meet the income and support limitations under section 140732
152(d)(1)(B) and (C) of the Internal Revenue Code. 140733

(12)(a) Deduct any amount included in federal adjusted gross 140734
income solely because the amount represents a reimbursement or 140735
refund of expenses that in any year the taxpayer had deducted as 140736
an itemized deduction pursuant to section 63 of the Internal 140737
Revenue Code and applicable United States department of the 140738
treasury regulations. The deduction otherwise allowed under 140739
division (A)(12)(a) of this section shall be reduced to the extent 140740
the reimbursement is attributable to an amount the taxpayer 140741
deducted under this section in any taxable year. 140742

(b) Add any amount not otherwise included in Ohio adjusted 140743
gross income for any taxable year to the extent that the amount is 140744
attributable to the recovery during the taxable year of any amount 140745
deducted or excluded in computing federal or Ohio adjusted gross 140746
income in any taxable year. 140747

(13) Deduct any portion of the deduction described in section 140748
1341(a)(2) of the Internal Revenue Code, for repaying previously 140749
reported income received under a claim of right, that meets both 140750
of the following requirements: 140751

(a) It is allowable for repayment of an item that was 140752
included in the taxpayer's adjusted gross income for a prior 140753
taxable year and did not qualify for a credit under division (A) 140754
or (B) of section 5747.05 of the Revised Code for that year; 140755

(b) It does not otherwise reduce the taxpayer's adjusted 140756

gross income for the current or any other taxable year. 140757

(14) Deduct an amount equal to the deposits made to, and net 140758
investment earnings of, a medical savings account during the 140759
taxable year, in accordance with section 3924.66 of the Revised 140760
Code. The deduction allowed by division (A)(14) of this section 140761
does not apply to medical savings account deposits and earnings 140762
otherwise deducted or excluded for the current or any other 140763
taxable year from the taxpayer's federal adjusted gross income. 140764

(15)(a) Add an amount equal to the funds withdrawn from a 140765
medical savings account during the taxable year, and the net 140766
investment earnings on those funds, when the funds withdrawn were 140767
used for any purpose other than to reimburse an account holder 140768
for, or to pay, eligible medical expenses, in accordance with 140769
section 3924.66 of the Revised Code; 140770

(b) Add the amounts distributed from a medical savings 140771
account under division (A)(2) of section 3924.68 of the Revised 140772
Code during the taxable year. 140773

(16) Add any amount claimed as a credit under section 140774
5747.059 or 5747.65 of the Revised Code to the extent that such 140775
amount satisfies either of the following: 140776

(a) The amount was deducted or excluded from the computation 140777
of the taxpayer's federal adjusted gross income as required to be 140778
reported for the taxpayer's taxable year under the Internal 140779
Revenue Code; 140780

(b) The amount resulted in a reduction of the taxpayer's 140781
federal adjusted gross income as required to be reported for any 140782
of the taxpayer's taxable years under the Internal Revenue Code. 140783

(17) Deduct the amount contributed by the taxpayer to an 140784
individual development account program established by a county 140785
department of job and family services pursuant to sections 329.11 140786
to 329.14 of the Revised Code for the purpose of matching funds 140787

deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the

commissioner, may waive the add-backs related to a pass-through 140852
entity if the taxpayer owns, directly or indirectly, less than 140853
five per cent of the pass-through entity. 140854

(b) Nothing in division (A)(20) of this section shall be 140855
construed to adjust or modify the adjusted basis of any asset. 140856

(c) To the extent the add-back required under division 140857
(A)(20)(a) of this section is attributable to property generating 140858
nonbusiness income or loss allocated under section 5747.20 of the 140859
Revised Code, the add-back shall be situated to the same location 140860
as the nonbusiness income or loss generated by the property for 140861
the purpose of determining the credit under division (A) of 140862
section 5747.05 of the Revised Code. Otherwise, the add-back shall 140863
be apportioned, subject to one or more of the four alternative 140864
methods of apportionment enumerated in section 5747.21 of the 140865
Revised Code. 140866

(d) For the purposes of division (A)(20)(a)(v) of this 140867
section, net operating loss carryback and carryforward shall not 140868
include the allowance of any net operating loss deduction 140869
carryback or carryforward to the taxable year to the extent such 140870
loss resulted from depreciation allowed by section 168(k) of the 140871
Internal Revenue Code and by the qualifying section 179 140872
depreciation expense amount. 140873

(e) For the purposes of divisions (A)(20) and (21) of this 140874
section: 140875

(i) "Income taxes withheld" means the total amount withheld 140876
and remitted under sections 5747.06 and 5747.07 of the Revised 140877
Code by an employer during the employer's taxable year. 140878

(ii) "Increase in income taxes withheld" means the amount by 140879
which the amount of income taxes withheld by an employer during 140880
the employer's current taxable year exceeds the amount of income 140881
taxes withheld by that employer during the employer's immediately 140882

preceding taxable year. 140883

(iii) "Qualifying section 179 depreciation expense" means the 140884
difference between (I) the amount of depreciation expense directly 140885
or indirectly allowed to a taxpayer under section 179 of the 140886
Internal Revised Code, and (II) the amount of depreciation expense 140887
directly or indirectly allowed to the taxpayer under section 179 140888
of the Internal Revenue Code as that section existed on December 140889
31, 2002. 140890

(21)(a) If the taxpayer was required to add an amount under 140891
division (A)(20)(a) of this section for a taxable year, deduct one 140892
of the following: 140893

(i) One-fifth of the amount so added for each of the five 140894
succeeding taxable years if the amount so added was five-sixths of 140895
qualifying section 179 depreciation expense or depreciation 140896
expense allowed by subsection (k) of section 168 of the Internal 140897
Revenue Code; 140898

(ii) One-half of the amount so added for each of the two 140899
succeeding taxable years if the amount so added was two-thirds of 140900
such depreciation expense; 140901

(iii) One-sixth of the amount so added for each of the six 140902
succeeding taxable years if the entire amount of such depreciation 140903
expense was so added. 140904

(b) If the amount deducted under division (A)(21)(a) of this 140905
section is attributable to an add-back allocated under division 140906
(A)(20)(c) of this section, the amount deducted shall be sitused 140907
to the same location. Otherwise, the add-back shall be apportioned 140908
using the apportionment factors for the taxable year in which the 140909
deduction is taken, subject to one or more of the four alternative 140910
methods of apportionment enumerated in section 5747.21 of the 140911
Revised Code. 140912

(c) No deduction is available under division (A)(21)(a) of 140913

this section with regard to any depreciation allowed by section 140914
168(k) of the Internal Revenue Code and by the qualifying section 140915
179 depreciation expense amount to the extent that such 140916
depreciation results in or increases a federal net operating loss 140917
carryback or carryforward. If no such deduction is available for a 140918
taxable year, the taxpayer may carry forward the amount not 140919
deducted in such taxable year to the next taxable year and add 140920
that amount to any deduction otherwise available under division 140921
(A)(21)(a) of this section for that next taxable year. The 140922
carryforward of amounts not so deducted shall continue until the 140923
entire addition required by division (A)(20)(a) of this section 140924
has been deducted. 140925

(d) No refund shall be allowed as a result of adjustments 140926
made by division (A)(21) of this section. 140927

(22) Deduct, to the extent not otherwise deducted or excluded 140928
in computing federal or Ohio adjusted gross income for the taxable 140929
year, the amount the taxpayer received during the taxable year as 140930
reimbursement for life insurance premiums under section 5919.31 of 140931
the Revised Code. 140932

(23) Deduct, to the extent not otherwise deducted or excluded 140933
in computing federal or Ohio adjusted gross income for the taxable 140934
year, the amount the taxpayer received during the taxable year as 140935
a death benefit paid by the adjutant general under section 5919.33 140936
of the Revised Code. 140937

(24) Deduct, to the extent included in federal adjusted gross 140938
income and not otherwise allowable as a deduction or exclusion in 140939
computing federal or Ohio adjusted gross income for the taxable 140940
year, military pay and allowances received by the taxpayer during 140941
the taxable year for active duty service in the United States 140942
army, air force, navy, marine corps, or coast guard or reserve 140943
components thereof or the national guard. The deduction may not be 140944
claimed for military pay and allowances received by the taxpayer 140945

while the taxpayer is stationed in this state. 140946

(25) Deduct, to the extent not otherwise allowable as a 140947
deduction or exclusion in computing federal or Ohio adjusted gross 140948
income for the taxable year and not otherwise compensated for by 140949
any other source, the amount of qualified organ donation expenses 140950
incurred by the taxpayer during the taxable year, not to exceed 140951
ten thousand dollars. A taxpayer may deduct qualified organ 140952
donation expenses only once for all taxable years beginning with 140953
taxable years beginning in 2007. 140954

For the purposes of division (A)(25) of this section: 140955

(a) "Human organ" means all or any portion of a human liver, 140956
pancreas, kidney, intestine, or lung, and any portion of human 140957
bone marrow. 140958

(b) "Qualified organ donation expenses" means travel 140959
expenses, lodging expenses, and wages and salary forgone by a 140960
taxpayer in connection with the taxpayer's donation, while living, 140961
of one or more of the taxpayer's human organs to another human 140962
being. 140963

(26) Deduct, to the extent not otherwise deducted or excluded 140964
in computing federal or Ohio adjusted gross income for the taxable 140965
year, amounts received by the taxpayer as retired ~~military~~ 140966
~~personnel pay for service in the United States army, navy, air~~ 140967
~~force, coast guard, or marine corps~~ uniformed services or reserve 140968
components thereof, or the national guard, or received by the 140969
surviving spouse or former spouse of such a taxpayer under the 140970
survivor benefit plan on account of such a taxpayer's death. If 140971
the taxpayer receives income on account of retirement paid under 140972
the federal civil service retirement system or federal employees 140973
retirement system, or under any successor retirement program 140974
enacted by the congress of the United States that is established 140975
and maintained for retired employees of the United States 140976

government, and such retirement income is based, in whole or in part, on credit for the taxpayer's ~~military~~ uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's ~~military~~ uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A)(26) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(26) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5101.98 of the Revised Code.

(28) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(29) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any loss from wagering transactions that is allowed as an itemized deduction under section 165 of the Internal Revenue Code and that the taxpayer deducted in computing federal taxable income.

(30) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the

enterprise transferred under that agreement under section 4313.02 141009
of the Revised Code. 141010

(31) Deduct, to the extent not otherwise deducted or excluded 141011
in computing federal or Ohio adjusted gross income for the taxable 141012
year, Ohio college opportunity or federal Pell grant amounts 141013
received by the taxpayer or the taxpayer's spouse or dependent 141014
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 141015
1070a, et seq., and used to pay room or board furnished by the 141016
educational institution for which the grant was awarded at the 141017
institution's facilities, including meal plans administered by the 141018
institution. For the purposes of this division, receipt of a grant 141019
includes the distribution of a grant directly to an educational 141020
institution and the crediting of the grant to the enrollee's 141021
account with the institution. 141022

(32) Deduct one-half of the taxpayer's Ohio small business 141023
investor income, not to exceed one hundred eighty-seven thousand 141024
five hundred dollars for each spouse if spouses file separate 141025
returns under section 5747.08 of the Revised Code or three hundred 141026
seventy-five thousand dollars for all other taxpayers. No 141027
pass-through entity may claim a deduction under this division. 141028

For the purposes of this division, "Ohio small business 141029
investor income" means the portion of a taxpayer's adjusted gross 141030
income that is business income reduced by deductions from business 141031
income and apportioned or allocated to this state under sections 141032
5747.21 and 5747.22 of the Revised Code, to the extent not 141033
otherwise deducted or excluded in computing federal or Ohio 141034
adjusted gross income for the taxable year. 141035

(B) "Business income" means income, including gain or loss, 141036
arising from transactions, activities, and sources in the regular 141037
course of a trade or business and includes income, gain, or loss 141038
from real property, tangible property, and intangible property if 141039
the acquisition, rental, management, and disposition of the 141040

property constitute integral parts of the regular course of a 141041
trade or business operation. "Business income" includes income, 141042
including gain or loss, from a partial or complete liquidation of 141043
a business, including, but not limited to, gain or loss from the 141044
sale or other disposition of goodwill. 141045

(C) "Nonbusiness income" means all income other than business 141046
income and may include, but is not limited to, compensation, rents 141047
and royalties from real or tangible personal property, capital 141048
gains, interest, dividends and distributions, patent or copyright 141049
royalties, or lottery winnings, prizes, and awards. 141050

(D) "Compensation" means any form of remuneration paid to an 141051
employee for personal services. 141052

(E) "Fiduciary" means a guardian, trustee, executor, 141053
administrator, receiver, conservator, or any other person acting 141054
in any fiduciary capacity for any individual, trust, or estate. 141055

(F) "Fiscal year" means an accounting period of twelve months 141056
ending on the last day of any month other than December. 141057

(G) "Individual" means any natural person. 141058

(H) "Internal Revenue Code" means the "Internal Revenue Code 141059
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 141060

(I) "Resident" means any of the following, provided that 141061
division (I)(3) of this section applies only to taxable years of a 141062
trust beginning in 2002 or thereafter: 141063

(1) An individual who is domiciled in this state, subject to 141064
section 5747.24 of the Revised Code; 141065

(2) The estate of a decedent who at the time of death was 141066
domiciled in this state. The domicile tests of section 5747.24 of 141067
the Revised Code are not controlling for purposes of division 141068
(I)(2) of this section. 141069

(3) A trust that, in whole or part, resides in this state. If 141070

only part of a trust resides in this state, the trust is a 141071
resident only with respect to that part. 141072

For the purposes of division (I)(3) of this section: 141073

(a) A trust resides in this state for the trust's current 141074
taxable year to the extent, as described in division (I)(3)(d) of 141075
this section, that the trust consists directly or indirectly, in 141076
whole or in part, of assets, net of any related liabilities, that 141077
were transferred, or caused to be transferred, directly or 141078
indirectly, to the trust by any of the following: 141079

(i) A person, a court, or a governmental entity or 141080
instrumentality on account of the death of a decedent, but only if 141081
the trust is described in division (I)(3)(e)(i) or (ii) of this 141082
section; 141083

(ii) A person who was domiciled in this state for the 141084
purposes of this chapter when the person directly or indirectly 141085
transferred assets to an irrevocable trust, but only if at least 141086
one of the trust's qualifying beneficiaries is domiciled in this 141087
state for the purposes of this chapter during all or some portion 141088
of the trust's current taxable year; 141089

(iii) A person who was domiciled in this state for the 141090
purposes of this chapter when the trust document or instrument or 141091
part of the trust document or instrument became irrevocable, but 141092
only if at least one of the trust's qualifying beneficiaries is a 141093
resident domiciled in this state for the purposes of this chapter 141094
during all or some portion of the trust's current taxable year. If 141095
a trust document or instrument became irrevocable upon the death 141096
of a person who at the time of death was domiciled in this state 141097
for purposes of this chapter, that person is a person described in 141098
division (I)(3)(a)(iii) of this section. 141099

(b) A trust is irrevocable to the extent that the transferor 141100
is not considered to be the owner of the net assets of the trust 141101

under sections 671 to 678 of the Internal Revenue Code. 141102

(c) With respect to a trust other than a charitable lead 141103
trust, "qualifying beneficiary" has the same meaning as "potential 141104
current beneficiary" as defined in section 1361(e)(2) of the 141105
Internal Revenue Code, and with respect to a charitable lead trust 141106
"qualifying beneficiary" is any current, future, or contingent 141107
beneficiary, but with respect to any trust "qualifying 141108
beneficiary" excludes a person or a governmental entity or 141109
instrumentality to any of which a contribution would qualify for 141110
the charitable deduction under section 170 of the Internal Revenue 141111
Code. 141112

(d) For the purposes of division (I)(3)(a) of this section, 141113
the extent to which a trust consists directly or indirectly, in 141114
whole or in part, of assets, net of any related liabilities, that 141115
were transferred directly or indirectly, in whole or part, to the 141116
trust by any of the sources enumerated in that division shall be 141117
ascertained by multiplying the fair market value of the trust's 141118
assets, net of related liabilities, by the qualifying ratio, which 141119
shall be computed as follows: 141120

(i) The first time the trust receives assets, the numerator 141121
of the qualifying ratio is the fair market value of those assets 141122
at that time, net of any related liabilities, from sources 141123
enumerated in division (I)(3)(a) of this section. The denominator 141124
of the qualifying ratio is the fair market value of all the 141125
trust's assets at that time, net of any related liabilities. 141126

(ii) Each subsequent time the trust receives assets, a 141127
revised qualifying ratio shall be computed. The numerator of the 141128
revised qualifying ratio is the sum of (1) the fair market value 141129
of the trust's assets immediately prior to the subsequent 141130
transfer, net of any related liabilities, multiplied by the 141131
qualifying ratio last computed without regard to the subsequent 141132
transfer, and (2) the fair market value of the subsequently 141133

transferred assets at the time transferred, net of any related 141134
liabilities, from sources enumerated in division (I)(3)(a) of this 141135
section. The denominator of the revised qualifying ratio is the 141136
fair market value of all the trust's assets immediately after the 141137
subsequent transfer, net of any related liabilities. 141138

(iii) Whether a transfer to the trust is by or from any of 141139
the sources enumerated in division (I)(3)(a) of this section shall 141140
be ascertained without regard to the domicile of the trust's 141141
beneficiaries. 141142

(e) For the purposes of division (I)(3)(a)(i) of this 141143
section: 141144

(i) A trust is described in division (I)(3)(e)(i) of this 141145
section if the trust is a testamentary trust and the testator of 141146
that testamentary trust was domiciled in this state at the time of 141147
the testator's death for purposes of the taxes levied under 141148
Chapter 5731. of the Revised Code. 141149

(ii) A trust is described in division (I)(3)(e)(ii) of this 141150
section if the transfer is a qualifying transfer described in any 141151
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 141152
irrevocable inter vivos trust, and at least one of the trust's 141153
qualifying beneficiaries is domiciled in this state for purposes 141154
of this chapter during all or some portion of the trust's current 141155
taxable year. 141156

(f) For the purposes of division (I)(3)(e)(ii) of this 141157
section, a "qualifying transfer" is a transfer of assets, net of 141158
any related liabilities, directly or indirectly to a trust, if the 141159
transfer is described in any of the following: 141160

(i) The transfer is made to a trust, created by the decedent 141161
before the decedent's death and while the decedent was domiciled 141162
in this state for the purposes of this chapter, and, prior to the 141163
death of the decedent, the trust became irrevocable while the 141164

decedent was domiciled in this state for the purposes of this 141165
chapter. 141166

(ii) The transfer is made to a trust to which the decedent, 141167
prior to the decedent's death, had directly or indirectly 141168
transferred assets, net of any related liabilities, while the 141169
decedent was domiciled in this state for the purposes of this 141170
chapter, and prior to the death of the decedent the trust became 141171
irrevocable while the decedent was domiciled in this state for the 141172
purposes of this chapter. 141173

(iii) The transfer is made on account of a contractual 141174
relationship existing directly or indirectly between the 141175
transferor and either the decedent or the estate of the decedent 141176
at any time prior to the date of the decedent's death, and the 141177
decedent was domiciled in this state at the time of death for 141178
purposes of the taxes levied under Chapter 5731. of the Revised 141179
Code. 141180

(iv) The transfer is made to a trust on account of a 141181
contractual relationship existing directly or indirectly between 141182
the transferor and another person who at the time of the 141183
decedent's death was domiciled in this state for purposes of this 141184
chapter. 141185

(v) The transfer is made to a trust on account of the will of 141186
a testator who was domiciled in this state at the time of the 141187
testator's death for purposes of the taxes levied under Chapter 141188
5731. of the Revised Code. 141189

(vi) The transfer is made to a trust created by or caused to 141190
be created by a court, and the trust was directly or indirectly 141191
created in connection with or as a result of the death of an 141192
individual who, for purposes of the taxes levied under Chapter 141193
5731. of the Revised Code, was domiciled in this state at the time 141194
of the individual's death. 141195

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|---|--|
| (g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state. | 141196
141197 |
| (J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year. | 141198
141199
141200
141201 |
| (K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. | 141202
141203 |
| (L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required. | 141204
141205
141206
141207 |
| (M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter. | 141208
141209
141210
141211 |
| (N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code. | 141212
141213
141214
141215 |
| (O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return. | 141216
141217
141218
141219
141220 |
| (P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed. | 141221
141222
141223
141224
141225 |

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| (Q) As used in sections 5747.50 to 5747.55 of the Revised Code: | 141226 |
| | 141227 |
| (1) "Subdivision" means any county, municipal corporation, park district, or township. | 141228 |
| | 141229 |
| (2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution. | 141230 |
| | 141231 |
| | 141232 |
| | 141233 |
| (R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax. | 141234 |
| | 141235 |
| (S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows: | 141236 |
| | 141237 |
| | 141238 |
| (1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section: | 141239 |
| | 141240 |
| | 141241 |
| | 141242 |
| | 141243 |
| | 141244 |
| | 141245 |
| | 141246 |
| (a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year; | 141247 |
| | 141248 |
| | 141249 |
| (b) The net amount is attributable to the S portion of an electing small business trust for the taxable year. | 141250 |
| | 141251 |
| (2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to | 141252 |
| | 141253 |
| | 141254 |
| | 141255 |

the extent that the interest or dividends are exempt from federal 141256
income taxes but not from state income taxes, but only to the 141257
extent that such net amount is not otherwise includible in Ohio 141258
taxable income and is described in either division (S)(1)(a) or 141259
(b) of this section; 141260

(3) Add the amount of personal exemption allowed to the 141261
estate pursuant to section 642(b) of the Internal Revenue Code; 141262

(4) Deduct interest or dividends, net of related expenses 141263
deducted in computing federal taxable income, on obligations of 141264
the United States and its territories and possessions or of any 141265
authority, commission, or instrumentality of the United States to 141266
the extent that the interest or dividends are exempt from state 141267
taxes under the laws of the United States, but only to the extent 141268
that such amount is included in federal taxable income and is 141269
described in either division (S)(1)(a) or (b) of this section; 141270

(5) Deduct the amount of wages and salaries, if any, not 141271
otherwise allowable as a deduction but that would have been 141272
allowable as a deduction in computing federal taxable income for 141273
the taxable year, had the targeted jobs credit allowed under 141274
sections 38, 51, and 52 of the Internal Revenue Code not been in 141275
effect, but only to the extent such amount relates either to 141276
income included in federal taxable income for the taxable year or 141277
to income of the S portion of an electing small business trust for 141278
the taxable year; 141279

(6) Deduct any interest or interest equivalent, net of 141280
related expenses deducted in computing federal taxable income, on 141281
public obligations and purchase obligations, but only to the 141282
extent that such net amount relates either to income included in 141283
federal taxable income for the taxable year or to income of the S 141284
portion of an electing small business trust for the taxable year; 141285

(7) Add any loss or deduct any gain resulting from sale, 141286

exchange, or other disposition of public obligations to the extent 141287
that such loss has been deducted or such gain has been included in 141288
computing either federal taxable income or income of the S portion 141289
of an electing small business trust for the taxable year; 141290

(8) Except in the case of the final return of an estate, add 141291
any amount deducted by the taxpayer on both its Ohio estate tax 141292
return pursuant to section 5731.14 of the Revised Code, and on its 141293
federal income tax return in determining federal taxable income; 141294

(9)(a) Deduct any amount included in federal taxable income 141295
solely because the amount represents a reimbursement or refund of 141296
expenses that in a previous year the decedent had deducted as an 141297
itemized deduction pursuant to section 63 of the Internal Revenue 141298
Code and applicable treasury regulations. The deduction otherwise 141299
allowed under division (S)(9)(a) of this section shall be reduced 141300
to the extent the reimbursement is attributable to an amount the 141301
taxpayer or decedent deducted under this section in any taxable 141302
year. 141303

(b) Add any amount not otherwise included in Ohio taxable 141304
income for any taxable year to the extent that the amount is 141305
attributable to the recovery during the taxable year of any amount 141306
deducted or excluded in computing federal or Ohio taxable income 141307
in any taxable year, but only to the extent such amount has not 141308
been distributed to beneficiaries for the taxable year. 141309

(10) Deduct any portion of the deduction described in section 141310
1341(a)(2) of the Internal Revenue Code, for repaying previously 141311
reported income received under a claim of right, that meets both 141312
of the following requirements: 141313

(a) It is allowable for repayment of an item that was 141314
included in the taxpayer's taxable income or the decedent's 141315
adjusted gross income for a prior taxable year and did not qualify 141316
for a credit under division (A) or (B) of section 5747.05 of the 141317

Revised Code for that year. 141318

(b) It does not otherwise reduce the taxpayer's taxable 141319
income or the decedent's adjusted gross income for the current or 141320
any other taxable year. 141321

(11) Add any amount claimed as a credit under section 141322
5747.059 or 5747.65 of the Revised Code to the extent that the 141323
amount satisfies either of the following: 141324

(a) The amount was deducted or excluded from the computation 141325
of the taxpayer's federal taxable income as required to be 141326
reported for the taxpayer's taxable year under the Internal 141327
Revenue Code; 141328

(b) The amount resulted in a reduction in the taxpayer's 141329
federal taxable income as required to be reported for any of the 141330
taxpayer's taxable years under the Internal Revenue Code. 141331

(12) Deduct any amount, net of related expenses deducted in 141332
computing federal taxable income, that a trust is required to 141333
report as farm income on its federal income tax return, but only 141334
if the assets of the trust include at least ten acres of land 141335
satisfying the definition of "land devoted exclusively to 141336
agricultural use" under section 5713.30 of the Revised Code, 141337
regardless of whether the land is valued for tax purposes as such 141338
land under sections 5713.30 to 5713.38 of the Revised Code. If the 141339
trust is a pass-through entity investor, section 5747.231 of the 141340
Revised Code applies in ascertaining if the trust is eligible to 141341
claim the deduction provided by division (S)(12) of this section 141342
in connection with the pass-through entity's farm income. 141343

Except for farm income attributable to the S portion of an 141344
electing small business trust, the deduction provided by division 141345
(S)(12) of this section is allowed only to the extent that the 141346
trust has not distributed such farm income. Division (S)(12) of 141347
this section applies only to taxable years of a trust beginning in 141348

2002 or thereafter. 141349

(13) Add the net amount of income described in section 641(c) 141350
of the Internal Revenue Code to the extent that amount is not 141351
included in federal taxable income. 141352

(14) Add or deduct the amount the taxpayer would be required 141353
to add or deduct under division (A)(20) or (21) of this section if 141354
the taxpayer's Ohio taxable income were computed in the same 141355
manner as an individual's Ohio adjusted gross income is computed 141356
under this section. In the case of a trust, division (S)(14) of 141357
this section applies only to any of the trust's taxable years 141358
beginning in 2002 or thereafter. 141359

(T) "School district income" and "school district income tax" 141360
have the same meanings as in section 5748.01 of the Revised Code. 141361

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 141362
of this section, "public obligations," "purchase obligations," and 141363
"interest or interest equivalent" have the same meanings as in 141364
section 5709.76 of the Revised Code. 141365

(V) "Limited liability company" means any limited liability 141366
company formed under Chapter 1705. of the Revised Code or under 141367
the laws of any other state. 141368

(W) "Pass-through entity investor" means any person who, 141369
during any portion of a taxable year of a pass-through entity, is 141370
a partner, member, shareholder, or equity investor in that 141371
pass-through entity. 141372

(X) "Banking day" has the same meaning as in section 1304.01 141373
of the Revised Code. 141374

(Y) "Month" means a calendar month. 141375

(Z) "Quarter" means the first three months, the second three 141376
months, the third three months, or the last three months of the 141377
taxpayer's taxable year. 141378

(AA)(1) "Eligible institution" means a state university or 141379
state institution of higher education as defined in section 141380
3345.011 of the Revised Code, or a private, nonprofit college, 141381
university, or other post-secondary institution located in this 141382
state that possesses a certificate of authorization issued by the 141383
Ohio board of regents pursuant to Chapter 1713. of the Revised 141384
Code or a certificate of registration issued by the state board of 141385
career colleges and schools under Chapter 3332. of the Revised 141386
Code. 141387

(2) "Qualified tuition and fees" means tuition and fees 141388
imposed by an eligible institution as a condition of enrollment or 141389
attendance, not exceeding two thousand five hundred dollars in 141390
each of the individual's first two years of post-secondary 141391
education. If the individual is a part-time student, "qualified 141392
tuition and fees" includes tuition and fees paid for the academic 141393
equivalent of the first two years of post-secondary education 141394
during a maximum of five taxable years, not exceeding a total of 141395
five thousand dollars. "Qualified tuition and fees" does not 141396
include: 141397

(a) Expenses for any course or activity involving sports, 141398
games, or hobbies unless the course or activity is part of the 141399
individual's degree or diploma program; 141400

(b) The cost of books, room and board, student activity fees, 141401
athletic fees, insurance expenses, or other expenses unrelated to 141402
the individual's academic course of instruction; 141403

(c) Tuition, fees, or other expenses paid or reimbursed 141404
through an employer, scholarship, grant in aid, or other 141405
educational benefit program. 141406

(BB)(1) "Modified business income" means the business income 141407
included in a trust's Ohio taxable income after such taxable 141408
income is first reduced by the qualifying trust amount, if any. 141409

(2) "Qualifying trust amount" of a trust means capital gains 141410
and losses from the sale, exchange, or other disposition of equity 141411
or ownership interests in, or debt obligations of, a qualifying 141412
investee to the extent included in the trust's Ohio taxable 141413
income, but only if the following requirements are satisfied: 141414

(a) The book value of the qualifying investee's physical 141415
assets in this state and everywhere, as of the last day of the 141416
qualifying investee's fiscal or calendar year ending immediately 141417
prior to the date on which the trust recognizes the gain or loss, 141418
is available to the trust. 141419

(b) The requirements of section 5747.011 of the Revised Code 141420
are satisfied for the trust's taxable year in which the trust 141421
recognizes the gain or loss. 141422

Any gain or loss that is not a qualifying trust amount is 141423
modified business income, qualifying investment income, or 141424
modified nonbusiness income, as the case may be. 141425

(3) "Modified nonbusiness income" means a trust's Ohio 141426
taxable income other than modified business income, other than the 141427
qualifying trust amount, and other than qualifying investment 141428
income, as defined in section 5747.012 of the Revised Code, to the 141429
extent such qualifying investment income is not otherwise part of 141430
modified business income. 141431

(4) "Modified Ohio taxable income" applies only to trusts, 141432
and means the sum of the amounts described in divisions (BB)(4)(a) 141433
to (c) of this section: 141434

(a) The fraction, calculated under section 5747.013, and 141435
applying section 5747.231 of the Revised Code, multiplied by the 141436
sum of the following amounts: 141437

(i) The trust's modified business income; 141438

(ii) The trust's qualifying investment income, as defined in 141439

section 5747.012 of the Revised Code, but only to the extent the 141440
qualifying investment income does not otherwise constitute 141441
modified business income and does not otherwise constitute a 141442
qualifying trust amount. 141443

(b) The qualifying trust amount multiplied by a fraction, the 141444
numerator of which is the sum of the book value of the qualifying 141445
investee's physical assets in this state on the last day of the 141446
qualifying investee's fiscal or calendar year ending immediately 141447
prior to the day on which the trust recognizes the qualifying 141448
trust amount, and the denominator of which is the sum of the book 141449
value of the qualifying investee's total physical assets 141450
everywhere on the last day of the qualifying investee's fiscal or 141451
calendar year ending immediately prior to the day on which the 141452
trust recognizes the qualifying trust amount. If, for a taxable 141453
year, the trust recognizes a qualifying trust amount with respect 141454
to more than one qualifying investee, the amount described in 141455
division (BB)(4)(b) of this section shall equal the sum of the 141456
products so computed for each such qualifying investee. 141457

(c)(i) With respect to a trust or portion of a trust that is 141458
a resident as ascertained in accordance with division (I)(3)(d) of 141459
this section, its modified nonbusiness income. 141460

(ii) With respect to a trust or portion of a trust that is 141461
not a resident as ascertained in accordance with division 141462
(I)(3)(d) of this section, the amount of its modified nonbusiness 141463
income satisfying the descriptions in divisions (B)(2) to (5) of 141464
section 5747.20 of the Revised Code, except as otherwise provided 141465
in division (BB)(4)(c)(ii) of this section. With respect to a 141466
trust or portion of a trust that is not a resident as ascertained 141467
in accordance with division (I)(3)(d) of this section, the trust's 141468
portion of modified nonbusiness income recognized from the sale, 141469
exchange, or other disposition of a debt interest in or equity 141470
interest in a section 5747.212 entity, as defined in section 141471

5747.212 of the Revised Code, without regard to division (A) of 141472
that section, shall not be allocated to this state in accordance 141473
with section 5747.20 of the Revised Code but shall be apportioned 141474
to this state in accordance with division (B) of section 5747.212 141475
of the Revised Code without regard to division (A) of that 141476
section. 141477

If the allocation and apportionment of a trust's income under 141478
divisions (BB)(4)(a) and (c) of this section do not fairly 141479
represent the modified Ohio taxable income of the trust in this 141480
state, the alternative methods described in division (C) of 141481
section 5747.21 of the Revised Code may be applied in the manner 141482
and to the same extent provided in that section. 141483

(5)(a) Except as set forth in division (BB)(5)(b) of this 141484
section, "qualifying investee" means a person in which a trust has 141485
an equity or ownership interest, or a person or unit of government 141486
the debt obligations of either of which are owned by a trust. For 141487
the purposes of division (BB)(2)(a) of this section and for the 141488
purpose of computing the fraction described in division (BB)(4)(b) 141489
of this section, all of the following apply: 141490

(i) If the qualifying investee is a member of a qualifying 141491
controlled group on the last day of the qualifying investee's 141492
fiscal or calendar year ending immediately prior to the date on 141493
which the trust recognizes the gain or loss, then "qualifying 141494
investee" includes all persons in the qualifying controlled group 141495
on such last day. 141496

(ii) If the qualifying investee, or if the qualifying 141497
investee and any members of the qualifying controlled group of 141498
which the qualifying investee is a member on the last day of the 141499
qualifying investee's fiscal or calendar year ending immediately 141500
prior to the date on which the trust recognizes the gain or loss, 141501
separately or cumulatively own, directly or indirectly, on the 141502
last day of the qualifying investee's fiscal or calendar year 141503

ending immediately prior to the date on which the trust recognizes 141504
the qualifying trust amount, more than fifty per cent of the 141505
equity of a pass-through entity, then the qualifying investee and 141506
the other members are deemed to own the proportionate share of the 141507
pass-through entity's physical assets which the pass-through 141508
entity directly or indirectly owns on the last day of the 141509
pass-through entity's calendar or fiscal year ending within or 141510
with the last day of the qualifying investee's fiscal or calendar 141511
year ending immediately prior to the date on which the trust 141512
recognizes the qualifying trust amount. 141513

(iii) For the purposes of division (BB)(5)(a)(iii) of this 141514
section, "upper level pass-through entity" means a pass-through 141515
entity directly or indirectly owning any equity of another 141516
pass-through entity, and "lower level pass-through entity" means 141517
that other pass-through entity. 141518

An upper level pass-through entity, whether or not it is also 141519
a qualifying investee, is deemed to own, on the last day of the 141520
upper level pass-through entity's calendar or fiscal year, the 141521
proportionate share of the lower level pass-through entity's 141522
physical assets that the lower level pass-through entity directly 141523
or indirectly owns on the last day of the lower level pass-through 141524
entity's calendar or fiscal year ending within or with the last 141525
day of the upper level pass-through entity's fiscal or calendar 141526
year. If the upper level pass-through entity directly and 141527
indirectly owns less than fifty per cent of the equity of the 141528
lower level pass-through entity on each day of the upper level 141529
pass-through entity's calendar or fiscal year in which or with 141530
which ends the calendar or fiscal year of the lower level 141531
pass-through entity and if, based upon clear and convincing 141532
evidence, complete information about the location and cost of the 141533
physical assets of the lower pass-through entity is not available 141534
to the upper level pass-through entity, then solely for purposes 141535

of ascertaining if a gain or loss constitutes a qualifying trust 141536
amount, the upper level pass-through entity shall be deemed as 141537
owning no equity of the lower level pass-through entity for each 141538
day during the upper level pass-through entity's calendar or 141539
fiscal year in which or with which ends the lower level 141540
pass-through entity's calendar or fiscal year. Nothing in division 141541
(BB)(5)(a)(iii) of this section shall be construed to provide for 141542
any deduction or exclusion in computing any trust's Ohio taxable 141543
income. 141544

(b) With respect to a trust that is not a resident for the 141545
taxable year and with respect to a part of a trust that is not a 141546
resident for the taxable year, "qualifying investee" for that 141547
taxable year does not include a C corporation if both of the 141548
following apply: 141549

(i) During the taxable year the trust or part of the trust 141550
recognizes a gain or loss from the sale, exchange, or other 141551
disposition of equity or ownership interests in, or debt 141552
obligations of, the C corporation. 141553

(ii) Such gain or loss constitutes nonbusiness income. 141554

(6) "Available" means information is such that a person is 141555
able to learn of the information by the due date plus extensions, 141556
if any, for filing the return for the taxable year in which the 141557
trust recognizes the gain or loss. 141558

(CC) "Qualifying controlled group" has the same meaning as in 141559
section 5733.04 of the Revised Code. 141560

(DD) "Related member" has the same meaning as in section 141561
5733.042 of the Revised Code. 141562

(EE)(1) For the purposes of division (EE) of this section: 141563

(a) "Qualifying person" means any person other than a 141564
qualifying corporation. 141565

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the

trustee of the trust. 141597

(4) A "pre-income tax trust" is a trust that satisfies all of 141598
the following requirements: 141599

(a) The document or instrument creating the trust was 141600
executed by the grantor before January 1, 1972; 141601

(b) The trust became irrevocable upon the creation of the 141602
trust; and 141603

(c) The grantor was domiciled in this state at the time the 141604
trust was created. 141605

(GG) "Uniformed services" has the same meaning as in 10 141606
U.S.C. 101. 141607

Sec. 5747.02. (A) For the purpose of providing revenue for 141608
the support of schools and local government functions, to provide 141609
relief to property taxpayers, to provide revenue for the general 141610
revenue fund, and to meet the expenses of administering the tax 141611
levied by this chapter, there is hereby levied on every 141612
individual, trust, and estate residing in or earning or receiving 141613
income in this state, on every individual, trust, and estate 141614
earning or receiving lottery winnings, prizes, or awards pursuant 141615
to Chapter 3770. of the Revised Code, on every individual, trust, 141616
and estate earning or receiving winnings on casino gaming, and on 141617
every individual, trust, and estate otherwise having nexus with or 141618
in this state under the Constitution of the United States, an 141619
annual tax measured in the case of individuals by Ohio adjusted 141620
gross income less an exemption for the taxpayer, the taxpayer's 141621
spouse, and each dependent as provided in section 5747.025 of the 141622
Revised Code; measured in the case of trusts by modified Ohio 141623
taxable income under division (D) of this section; and measured in 141624
the case of estates by Ohio taxable income. The tax imposed by 141625
this section on the balance thus obtained is hereby levied as 141626

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| follows: | | 141627 |
| (1) For taxable years beginning in 2004: | | 141628 |
| OHIO ADJUSTED GROSS INCOME LESS | | 141629 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 141630 |
| MODIFIED OHIO | | 141631 |
| TAXABLE INCOME (TRUSTS) | | 141632 |
| OR | | 141633 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 141634 |
| \$5,000 or less | .743% | 141635 |
| More than \$5,000 but not more than \$10,000 | \$37.15 plus 1.486% of the amount in excess of \$5,000 | 141636 |
| More than \$10,000 but not more than \$15,000 | \$111.45 plus 2.972% of the amount in excess of \$10,000 | 141637 |
| More than \$15,000 but not more than \$20,000 | \$260.05 plus 3.715% of the amount in excess of \$15,000 | 141638 |
| More than \$20,000 but not more than \$40,000 | \$445.80 plus 4.457% of the amount in excess of \$20,000 | 141639 |
| More than \$40,000 but not more than \$80,000 | \$1,337.20 plus 5.201% of the amount in excess of \$40,000 | 141640 |
| More than \$80,000 but not more than \$100,000 | \$3,417.60 plus 5.943% of the amount in excess of \$80,000 | 141641 |
| More than \$100,000 but not more than \$200,000 | \$4,606.20 plus 6.9% of the amount in excess of \$100,000 | 141642 |
| More than \$200,000 | \$11,506.20 plus 7.5% of the amount in excess of \$200,000 | 141643 |
| (2) For taxable years beginning in 2005: | | 141644 |
| OHIO ADJUSTED GROSS INCOME LESS | | 141645 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 141646 |
| MODIFIED OHIO | | 141647 |
| TAXABLE INCOME (TRUSTS) | | 141648 |

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| | OR | 141649 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 141650 |
| \$5,000 or less | .712% | 141651 |
| More than \$5,000 but not more than \$10,000 | \$35.60 plus 1.424% of the amount in excess of \$5,000 | 141652 |
| More than \$10,000 but not more than \$15,000 | \$106.80 plus 2.847% of the amount in excess of \$10,000 | 141653 |
| More than \$15,000 but not more than \$20,000 | \$249.15 plus 3.559% of the amount in excess of \$15,000 | 141654 |
| More than \$20,000 but not more than \$40,000 | \$427.10 plus 4.27% of the amount in excess of \$20,000 | 141655 |
| More than \$40,000 but not more than \$80,000 | \$1,281.10 plus 4.983% of the amount in excess of \$40,000 | 141656 |
| More than \$80,000 but not more than \$100,000 | \$3,274.30 plus 5.693% of the amount in excess of \$80,000 | 141657 |
| More than \$100,000 but not more than \$200,000 | \$4,412.90 plus 6.61% of the amount in excess of \$100,000 | 141658 |
| More than \$200,000 | \$11,022.90 plus 7.185% of the amount in excess of \$200,000 | 141659 |
| (3) For taxable years beginning in 2006: | | 141660 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) | | 141661 |
| OR | | 141662 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS) | | 141664 |
| OR | | 141665 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 141666 |
| \$5,000 or less | .681% | 141667 |
| More than \$5,000 but not more than \$10,000 | \$34.05 plus 1.361% of the amount in excess of \$5,000 | 141668 |
| More than \$10,000 but not more than \$15,000 | \$102.10 plus 2.722% of the amount in excess of \$10,000 | 141669 |
| More than \$15,000 but not more | \$238.20 plus 3.403% of the | 141670 |

| | | |
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| than \$20,000 | amount in excess of \$15,000 | |
| More than \$20,000 but not more than \$40,000 | \$408.35 plus 4.083% of the amount in excess of \$20,000 | 141671 |
| More than \$40,000 but not more than \$80,000 | \$1,224.95 plus 4.764% of the amount in excess of \$40,000 | 141672 |
| More than \$80,000 but not more than \$100,000 | \$3,130.55 plus 5.444% of the amount in excess of \$80,000 | 141673 |
| More than \$100,000 but not more than \$200,000 | \$4,219.35 plus 6.32% of the amount in excess of \$100,000 | 141674 |
| More than \$200,000 | \$10,539.35 plus 6.87% of the amount in excess of \$200,000 | 141675 |
| (4) For taxable years beginning in 2007: | | 141676 |
| OHIO ADJUSTED GROSS INCOME LESS | | 141677 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 141678 |
| MODIFIED OHIO | | 141679 |
| TAXABLE INCOME (TRUSTS) | | 141680 |
| OR | | 141681 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 141682 |
| \$5,000 or less | .649% | 141683 |
| More than \$5,000 but not more than \$10,000 | \$32.45 plus 1.299% of the amount in excess of \$5,000 | 141684 |
| More than \$10,000 but not more than \$15,000 | \$97.40 plus 2.598% of the amount in excess of \$10,000 | 141685 |
| More than \$15,000 but not more than \$20,000 | \$227.30 plus 3.247% of the amount in excess of \$15,000 | 141686 |
| More than \$20,000 but not more than \$40,000 | \$389.65 plus 3.895% of the amount in excess of \$20,000 | 141687 |
| More than \$40,000 but not more than \$80,000 | \$1,168.65 plus 4.546% of the amount in excess of \$40,000 | 141688 |
| More than \$80,000 but not more than \$100,000 | \$2,987.05 plus 5.194% of the amount in excess of \$80,000 | 141689 |
| More than \$100,000 but not more | \$4,025.85 plus 6.031% of the | 141690 |

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| than \$200,000 | amount in excess of \$100,000 | |
| More than \$200,000 | \$10,056.85 plus 6.555% of the
amount in excess of \$200,000 | 141691 |
| (5) For taxable years beginning in 2008, 2009, or 2010: | | 141692 |
| OHIO ADJUSTED GROSS INCOME LESS | | 141693 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 141694 |
| MODIFIED OHIO | | 141695 |
| TAXABLE INCOME (TRUSTS) | | 141696 |
| OR | | 141697 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 141698 |
| \$5,000 or less | .618% | 141699 |
| More than \$5,000 but not more
than \$10,000 | \$30.90 plus 1.236% of the amount
in excess of \$5,000 | 141700 |
| More than \$10,000 but not more
than \$15,000 | \$92.70 plus 2.473% of the amount
in excess of \$10,000 | 141701 |
| More than \$15,000 but not more
than \$20,000 | \$216.35 plus 3.091% of the
amount in excess of \$15,000 | 141702 |
| More than \$20,000 but not more
than \$40,000 | \$370.90 plus 3.708% of the
amount in excess of \$20,000 | 141703 |
| More than \$40,000 but not more
than \$80,000 | \$1,112.50 plus 4.327% of the
amount in excess of \$40,000 | 141704 |
| More than \$80,000 but not more
than \$100,000 | \$2,843.30 plus 4.945% of the
amount in excess of \$80,000 | 141705 |
| More than \$100,000 but not more
than \$200,000 | \$3,832.30 plus 5.741% of the
amount in excess of \$100,000 | 141706 |
| More than \$200,000 | \$9,573.30 plus 6.24% of the
amount in excess of \$200,000 | 141707 |
| (6) For taxable years beginning in 2011 or thereafter: | | 141708 |
| OHIO ADJUSTED GROSS INCOME LESS | | 141709 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 141710 |

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| MODIFIED OHIO | | 141711 |
| TAXABLE INCOME (TRUSTS) | | 141712 |
| OR | | 141713 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 141714 |
| \$5,000 or less | .587% | 141715 |
| More than \$5,000 but not more than \$10,000 | \$29.35 plus 1.174% of the amount in excess of \$5,000 | 141716 |
| More than \$10,000 but not more than \$15,000 | \$88.05 plus 2.348% of the amount in excess of \$10,000 | 141717 |
| More than \$15,000 but not more than \$20,000 | \$205.45 plus 2.935% of the amount in excess of \$15,000 | 141718 |
| More than \$20,000 but not more than \$40,000 | \$352.20 plus 3.521% of the amount in excess of \$20,000 | 141719 |
| More than \$40,000 but not more than \$80,000 | \$1,056.40 plus 4.109% of the amount in excess of \$40,000 | 141720 |
| More than \$80,000 but not more than \$100,000 | \$2,700.00 plus 4.695% of the amount in excess of \$80,000 | 141721 |
| More than \$100,000 but not more than \$200,000 | \$3,639.00 plus 5.451% of the amount in excess of \$100,000 | 141722 |
| More than \$200,000 | \$9,090.00 plus 5.925% of the amount in excess of \$200,000 | 141723 |
| In July <u>August</u> of each year, beginning in 2010 , the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be | | 141724
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141735 |

adjusted. 141736

The adjusted amounts apply to taxable years beginning in the 141737
calendar year in which the adjustments are made. The tax 141738
commissioner shall not make such adjustments in any year in which 141739
the amount resulting from the adjustment would be less than the 141740
amount resulting from the adjustment in the preceding year. 141741

(B) If the director of budget and management makes a 141742
certification to the tax commissioner under division (B) of 141743
section 131.44 of the Revised Code, the amount of tax as 141744
determined under division (A) of this section shall be reduced by 141745
the percentage prescribed in that certification for taxable years 141746
beginning in the calendar year in which that certification is 141747
made. 141748

(C) The levy of this tax on income does not prevent a 141749
municipal corporation, a joint economic development zone created 141750
under section 715.691, or a joint economic development district 141751
created under section 715.70 or 715.71 or sections 715.72 to 141752
715.81 of the Revised Code from levying a tax on income. 141753

(D) This division applies only to taxable years of a trust 141754
beginning in 2002 or thereafter. 141755

(1) The tax imposed by this section on a trust shall be 141756
computed by multiplying the Ohio modified taxable income of the 141757
trust by the rates prescribed by division (A) of this section. 141758

(2) A resident trust may claim a credit against the tax 141759
computed under division (D) of this section equal to the lesser of 141760
(1) the tax paid to another state or the District of Columbia on 141761
the resident trust's modified nonbusiness income, other than the 141762
portion of the resident trust's nonbusiness income that is 141763
qualifying investment income as defined in section 5747.012 of the 141764
Revised Code, or (2) the effective tax rate, based on modified 141765
Ohio taxable income, multiplied by the resident trust's modified 141766

nonbusiness income other than the portion of the resident trust's 141767
nonbusiness income that is qualifying investment income. The 141768
credit applies before any other applicable credits. 141769

(3) The credits enumerated in divisions (A)(1) to (13) of 141770
section 5747.98 of the Revised Code do not apply to a trust 141771
subject to division (D) of this section. Any credits enumerated in 141772
other divisions of section 5747.98 of the Revised Code apply to a 141773
trust subject to division (D) of this section. To the extent that 141774
the trust distributes income for the taxable year for which a 141775
credit is available to the trust, the credit shall be shared by 141776
the trust and its beneficiaries. The tax commissioner and the 141777
trust shall be guided by applicable regulations of the United 141778
States treasury regarding the sharing of credits. 141779

(E) For the purposes of this section, "trust" means any trust 141780
described in Subchapter J of Chapter 1 of the Internal Revenue 141781
Code, excluding trusts that are not irrevocable as defined in 141782
division (I)(3)(b) of section 5747.01 of the Revised Code and that 141783
have no modified Ohio taxable income for the taxable year, 141784
charitable remainder trusts, qualified funeral trusts and preneed 141785
funeral contract trusts established pursuant to sections 4717.31 141786
to 4717.38 of the Revised Code that are not qualified funeral 141787
trusts, endowment and perpetual care trusts, qualified settlement 141788
trusts and funds, designated settlement trusts and funds, and 141789
trusts exempted from taxation under section 501(a) of the Internal 141790
Revenue Code. 141791

Sec. 5747.022. An individual subject to the tax imposed by 141792
section 5747.02 of the Revised Code may claim a credit equal to 141793
twenty dollars times the number of exemptions allowed for the 141794
taxpayer, ~~his~~ the taxpayer's spouse, and each dependent under 141795
section 5747.02 of the Revised Code. The credit shall be claimed 141796
in the order required under section 5747.98 of the Revised Code. 141797

The credit shall not be considered in determining the taxes 141798
required to be withheld under section 5747.06 of the Revised Code 141799
or the estimated taxes required to be paid under section 5747.09 141800
of the Revised Code. In the case of an individual with respect to 141801
whom an exemption under section 5747.02 of the Revised Code is 141802
allowable to another taxpayer for a taxable year beginning in the 141803
calendar year in which the individual's taxable year begins, the 141804
"number of exemptions allowed" for purposes of calculating the 141805
credit allowed under this section to such individual for the 141806
individual's taxable year shall not include an exemption for the 141807
individual. 141808

Sec. 5747.025. (A) The Except as otherwise provided in this 141809
division, the personal exemption for the taxpayer and the 141810
taxpayer's spouse shall be seven hundred fifty dollars each for 141811
the taxable year beginning in 1996, eight hundred fifty dollars 141812
each for the taxable year beginning in 1997, nine hundred fifty 141813
dollars each for the taxable year beginning in 1998, and one 141814
thousand fifty dollars each for the taxable year beginning in 1999 141815
and taxable years beginning after 1999. The personal exemption 141816
amount prescribed in this division for taxable years beginning 141817
after 1999 shall be adjusted each year in the manner prescribed in 141818
division (C) of this section. In the case of an individual with 141819
respect to whom an exemption under section 5747.02 of the Revised 141820
Code is allowable to another taxpayer for a taxable year beginning 141821
in the calendar year in which the individual's taxable year 141822
begins, the exemption amount applicable to such individual for 141823
such individual's taxable year shall be zero. 141824

(B) The personal exemption for each dependent shall be eight 141825
hundred fifty dollars for the taxable year beginning in 1996, and 141826
one thousand fifty dollars for the taxable year beginning in 1997 141827
and taxable years beginning after 1997. The personal exemption 141828
amount prescribed in this division for taxable years beginning 141829

after 1999 shall be adjusted each year in the manner prescribed in 141830
division (C) of this section. 141831

(C) In ~~September~~ August of each year, ~~beginning in 2000~~, the 141832
tax commissioner shall determine the percentage increase in the 141833
gross domestic product deflator determined by the bureau of 141834
economic analysis of the United States department of commerce from 141835
the first day of January of the preceding calendar year to the 141836
last day of December of the preceding year, and adjust the 141837
personal exemption amount for taxable years beginning in the 141838
current calendar year by multiplying that amount by the percentage 141839
increase in the gross domestic product deflator for that period; 141840
adding the resulting product to the personal exemption amount for 141841
taxable years beginning in the preceding calendar year; and 141842
rounding the resulting sum upward to the nearest multiple of fifty 141843
dollars. The commissioner shall not make such an adjustment in any 141844
calendar year in which the amount resulting from the adjustment 141845
would be less than the amount resulting from the adjustment in the 141846
preceding calendar year. 141847

Sec. 5747.08. An annual return with respect to the tax 141848
imposed by section 5747.02 of the Revised Code and each tax 141849
imposed under Chapter 5748. of the Revised Code shall be made by 141850
every taxpayer for any taxable year for which the taxpayer is 141851
liable for the tax imposed by that section or under that chapter, 141852
unless the total credits allowed under divisions (E), (F), and (G) 141853
of section 5747.05 of the Revised Code for the year are equal to 141854
or exceed the tax imposed by section 5747.02 of the Revised Code, 141855
in which case no return shall be required unless the taxpayer is 141856
liable for a tax imposed pursuant to Chapter 5748. of the Revised 141857
Code. 141858

(A) If an individual is deceased, any return or notice 141859
required of that individual under this chapter shall be made and 141860

filed by that decedent's executor, administrator, or other person 141861
charged with the property of that decedent. 141862

(B) If an individual is unable to make a return or notice 141863
required by this chapter, the return or notice required of that 141864
individual shall be made and filed by the individual's duly 141865
authorized agent, guardian, conservator, fiduciary, or other 141866
person charged with the care of the person or property of that 141867
individual. 141868

(C) Returns or notices required of an estate or a trust shall 141869
be made and filed by the fiduciary of the estate or trust. 141870

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 141871
of this section, any pass-through entity may file a single return 141872
on behalf of one or more of the entity's investors other than an 141873
investor that is a person subject to the tax imposed under section 141874
5733.06 of the Revised Code. The single return shall set forth the 141875
name, address, and social security number or other identifying 141876
number of each of those pass-through entity investors and shall 141877
indicate the distributive share of each of those pass-through 141878
entity investor's income taxable in this state in accordance with 141879
sections 5747.20 to 5747.231 of the Revised Code. Such 141880
pass-through entity investors for whom the pass-through entity 141881
elects to file a single return are not entitled to the exemption 141882
or credit provided for by sections 5747.02 and 5747.022 of the 141883
Revised Code; shall calculate the tax before business credits at 141884
the highest rate of tax set forth in section 5747.02 of the 141885
Revised Code for the taxable year for which the return is filed; 141886
and are entitled to only their distributive share of the business 141887
credits as defined in division (D)(2) of this section. A single 141888
check drawn by the pass-through entity shall accompany the return 141889
in full payment of the tax due, as shown on the single return, for 141890
such investors, other than investors who are persons subject to 141891
the tax imposed under section 5733.06 of the Revised Code. 141892

(b)(i) A pass-through entity shall not include in such a 141893
single return any investor that is a trust to the extent that any 141894
direct or indirect current, future, or contingent beneficiary of 141895
the trust is a person subject to the tax imposed under section 141896
5733.06 of the Revised Code. 141897

(ii) A pass-through entity shall not include in such a single 141898
return any investor that is itself a pass-through entity to the 141899
extent that any direct or indirect investor in the second 141900
pass-through entity is a person subject to the tax imposed under 141901
section 5733.06 of the Revised Code. 141902

(c) Nothing in division (D) of this section precludes the tax 141903
commissioner from requiring such investors to file the return and 141904
make the payment of taxes and related interest, penalty, and 141905
interest penalty required by this section or section 5747.02, 141906
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 141907
of this section precludes such an investor from filing the annual 141908
return under this section, utilizing the refundable credit equal 141909
to the investor's proportionate share of the tax paid by the 141910
pass-through entity on behalf of the investor under division (J) 141911
of this section, and making the payment of taxes imposed under 141912
section 5747.02 of the Revised Code. Nothing in division (D) of 141913
this section shall be construed to provide to such an investor or 141914
pass-through entity any additional deduction or credit, other than 141915
the credit provided by division (J) of this section, solely on 141916
account of the entity's filing a return in accordance with this 141917
section. Such a pass-through entity also shall make the filing and 141918
payment of estimated taxes on behalf of the pass-through entity 141919
investors other than an investor that is a person subject to the 141920
tax imposed under section 5733.06 of the Revised Code. 141921

(2) For the purposes of this section, "business credits" 141922
means the credits listed in section 5747.98 of the Revised Code 141923
excluding the following credits: 141924

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| (a) The retirement credit under division (B) of section 5747.055 of the Revised Code; | 141925
141926 |
| (b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code; | 141927
141928 |
| (c) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code; | 141929
141930 |
| (d) The dependent care credit under section 5747.054 of the Revised Code; | 141931
141932 |
| (e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code; | 141933
141934 |
| (f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code; | 141935
141936 |
| (g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code; | 141937
141938 |
| (h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code; | 141939
141940 |
| (i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code; | 141941
141942 |
| (j) The joint filing credit under division (G) of section 5747.05 of the Revised Code; | 141943
141944 |
| (k) The nonresident credit under division (A) of section 5747.05 of the Revised Code; | 141945
141946 |
| (l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; | 141947
141948 |
| (m) The low-income credit under section 5747.056 of the Revised Code. | 141949
141950 |
| (3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner | 141951
141952
141953 |

provides otherwise, this election, once made, is binding and 141954
irrevocable for the taxable year for which the election is made. 141955
Nothing in this division shall be construed to provide for any 141956
deduction or credit that would not be allowable if a nonresident 141957
pass-through entity investor were to file an annual return. 141958

(4) If a pass-through entity makes the election provided for 141959
under division (D) of this section, the pass-through entity shall 141960
be liable for any additional taxes, interest, interest penalty, or 141961
penalties imposed by this chapter if the tax commissioner finds 141962
that the single return does not reflect the correct tax due by the 141963
pass-through entity investors covered by that return. Nothing in 141964
this division shall be construed to limit or alter the liability, 141965
if any, imposed on pass-through entity investors for unpaid or 141966
underpaid taxes, interest, interest penalty, or penalties as a 141967
result of the pass-through entity's making the election provided 141968
for under division (D) of this section. For the purposes of 141969
division (D) of this section, "correct tax due" means the tax that 141970
would have been paid by the pass-through entity had the single 141971
return been filed in a manner reflecting the commissioner's 141972
findings. Nothing in division (D) of this section shall be 141973
construed to make or hold a pass-through entity liable for tax 141974
attributable to a pass-through entity investor's income from a 141975
source other than the pass-through entity electing to file the 141976
single return. 141977

(E) If a husband and wife file a joint federal income tax 141978
return for a taxable year, they shall file a joint return under 141979
this section for that taxable year, and their liabilities are 141980
joint and several, but, if the federal income tax liability of 141981
either spouse is determined on a separate federal income tax 141982
return, they shall file separate returns under this section. 141983

If either spouse is not required to file a federal income tax 141984
return and either or both are required to file a return pursuant 141985

to this chapter, they may elect to file separate or joint returns, 141986
and, pursuant to that election, their liabilities are separate or 141987
joint and several. If a husband and wife file separate returns 141988
pursuant to this chapter, each must claim the taxpayer's own 141989
exemption, but not both, as authorized under section 5747.02 of 141990
the Revised Code on the taxpayer's own return. 141991

(F) Each return or notice required to be filed under this 141992
section shall contain the signature of the taxpayer or the 141993
taxpayer's duly authorized agent and of the person who prepared 141994
the return for the taxpayer, and shall include the taxpayer's 141995
social security number. Each return shall be verified by a 141996
declaration under the penalties of perjury. The tax commissioner 141997
shall prescribe the form that the signature and declaration shall 141998
take. 141999

(G) Each return or notice required to be filed under this 142000
section shall be made and filed as required by section 5747.04 of 142001
the Revised Code, on or before the fifteenth day of April of each 142002
year, on forms that the tax commissioner shall prescribe, together 142003
with remittance made payable to the treasurer of state in the 142004
combined amount of the state and all school district income taxes 142005
~~shown to be due on the form, unless the combined amount shown to~~ 142006
~~be due is one dollar or less, in which case that amount need not~~ 142007
~~be remitted.~~ 142008

Upon good cause shown, the commissioner may extend the period 142009
for filing any notice or return required to be filed under this 142010
section and may adopt rules relating to extensions. If the 142011
extension results in an extension of time for the payment of any 142012
state or school district income tax liability with respect to 142013
which the return is filed, the taxpayer shall pay at the time the 142014
tax liability is paid an amount of interest computed at the rate 142015
per annum prescribed by section 5703.47 of the Revised Code on 142016
that liability from the time that payment is due without extension 142017

to the time of actual payment. Except as provided in section 142018
5747.132 of the Revised Code, in addition to all other interest 142019
charges and penalties, all taxes imposed under this chapter or 142020
Chapter 5748. of the Revised Code and remaining unpaid after they 142021
become due, except combined amounts due of one dollar or less, 142022
bear interest at the rate per annum prescribed by section 5703.47 142023
of the Revised Code until paid or until the day an assessment is 142024
issued under section 5747.13 of the Revised Code, whichever occurs 142025
first. 142026

If the commissioner considers it necessary in order to ensure 142027
the payment of the tax imposed by section 5747.02 of the Revised 142028
Code or any tax imposed under Chapter 5748. of the Revised Code, 142029
the commissioner may require returns and payments to be made 142030
otherwise than as provided in this section. 142031

To the extent that any provision in this division conflicts 142032
with any provision in section 5747.026 of the Revised Code, the 142033
provision in that section prevails. 142034

(H) If any report, claim, statement, or other document 142035
required to be filed, or any payment required to be made, within a 142036
prescribed period or on or before a prescribed date under this 142037
chapter is delivered after that period or that date by United 142038
States mail to the agency, officer, or office with which the 142039
report, claim, statement, or other document is required to be 142040
filed, or to which the payment is required to be made, the date of 142041
the postmark stamped on the cover in which the report, claim, 142042
statement, or other document, or payment is mailed shall be deemed 142043
to be the date of delivery or the date of payment. 142044

If a payment is required to be made by electronic funds 142045
transfer pursuant to section 5747.072 of the Revised Code, the 142046
payment is considered to be made when the payment is received by 142047
the treasurer of state or credited to an account designated by the 142048
treasurer of state for the receipt of tax payments. 142049

"The date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the United States postal service.

(I) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation casino winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(J) ~~If, in accordance with division (D) of this section,~~ a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the ~~purpose~~ purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(K) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared

the return to communicate with the department of taxation about 142082
matters pertaining to the return. The return or instructions 142083
accompanying the return shall indicate that by checking the box 142084
the taxpayer authorizes the department of taxation to contact the 142085
preparer concerning questions that arise during the processing of 142086
the return and authorizes the preparer only to provide the 142087
department with information that is missing from the return, to 142088
contact the department for information about the processing of the 142089
return or the status of the taxpayer's refund or payments, and to 142090
respond to notices about mathematical errors, offsets, or return 142091
preparation that the taxpayer has received from the department and 142092
has shown to the preparer. 142093

(L) The tax commissioner shall permit individual taxpayers to 142094
instruct the department of taxation to cause any refund of 142095
overpaid taxes to be deposited directly into a checking account, 142096
savings account, or an individual retirement account or individual 142097
retirement annuity, or preexisting college savings plan or program 142098
account offered by the Ohio tuition trust authority under Chapter 142099
3334. of the Revised Code, as designated by the taxpayer, when the 142100
taxpayer files the annual return required by this section 142101
electronically. 142102

(M) The tax commissioner may adopt rules to administer this 142103
section. 142104

Sec. 5747.10. If any of the facts, figures, computations, or 142105
attachments required in a taxpayer's annual return to determine 142106
the tax charged by this chapter or Chapter 5748. of the Revised 142107
Code must be altered as the result of an adjustment to the 142108
taxpayer's federal income tax return, whether initiated by the 142109
taxpayer or the internal revenue service, and such alteration 142110
affects the taxpayer's tax liability under this chapter or Chapter 142111
5748. of the Revised Code, the taxpayer shall file an amended 142112

return with the tax commissioner in such form as the commissioner 142113
requires. The amended return shall be filed not later than sixty 142114
days after the adjustment has been agreed to or finally determined 142115
for federal income tax purposes or any federal income tax 142116
deficiency or refund, or the abatement or credit resulting 142117
therefrom, has been assessed or paid, whichever occurs first. 142118

(A) In the case of an underpayment, the amended return shall 142119
be accompanied by payment of any combined additional tax due 142120
together with interest thereon. ~~If the combined tax shown to be 142121
due is one dollar or less, such amount need not accompany the 142122
amended return.~~ An amended return required by this section is a 142123
return subject to assessment under section 5747.13 of the Revised 142124
Code for the purpose of assessing any additional tax due under 142125
this section, together with any applicable penalty and interest. 142126
It shall not reopen those facts, figures, computations, or 142127
attachments from a previously filed return no longer subject to 142128
assessment that are not affected, either directly or indirectly, 142129
by the adjustment to the taxpayer's federal income tax return. 142130

(B) In the case of an overpayment, an application for refund 142131
may be filed under this division within the sixty-day period 142132
prescribed for filing the amended return even if it is filed 142133
beyond the period prescribed in section 5747.11 of the Revised 142134
Code if it otherwise conforms to the requirements of such section. 142135
An application filed under this division shall claim refund of 142136
overpayments resulting from alterations to only those facts, 142137
figures, computations, or attachments required in the taxpayer's 142138
annual return that are affected, either directly or indirectly, by 142139
the adjustment to the taxpayer's federal income tax return unless 142140
it is also filed within the time prescribed in section 5747.11 of 142141
the Revised Code. It shall not reopen those facts, figures, 142142
computations, or attachments that are not affected, either 142143
directly or indirectly, by the adjustment to the taxpayer's 142144

federal income tax return. 142145

Sec. 5747.11. (A) The tax commissioner shall refund to 142146
employers, qualifying entities, or taxpayers, ~~with respect to any~~ 142147
subject to a tax imposed under section 5733.41, 5747.02, or 142148
5747.41, or Chapter 5748. of the Revised Code+ 142149

~~(1) Overpayments of more than one dollar;~~ 142150

~~(2) Amounts in excess of one dollar paid illegally or~~ 142151
~~erroneously;~~ 142152

~~(3) Amounts in excess of one dollar paid on an illegal,~~ 142153
~~erroneous, or excessive assessment~~ the amount of any overpayment 142154
of such tax. 142155

(B) Except as otherwise provided under divisions (D) and (E) 142156
of this section, applications for refund shall be filed with the 142157
tax commissioner, on the form prescribed by the commissioner, 142158
within four years from the date of the illegal, erroneous, or 142159
excessive payment of the tax, or within any additional period 142160
allowed by division (B)(3)(b) of section 5747.05, division (B) of 142161
section 5747.10, division (A) of section 5747.13, or division (C) 142162
of section 5747.45 of the Revised Code. 142163

On filing of the refund application, the commissioner shall 142164
determine the amount of refund due and, if that amount exceeds one 142165
dollar, certify such amount to the director of budget and 142166
management and treasurer of state for payment from the tax refund 142167
fund created by section 5703.052 of the Revised Code. Payment 142168
shall be made as provided in division (C) of section 126.35 of the 142169
Revised Code. 142170

~~(C)(1) Interest shall be allowed and paid upon any illegal or~~ 142171
~~erroneous assessment in excess of one dollar in respect of the tax~~ 142172
~~imposed under section 5747.02 or Chapter 5748. of the Revised Code~~ 142173
~~at the rate per annum prescribed by section 5703.47 of the Revised~~ 142174

~~Code from the date of the payment of the illegal or erroneous 142175
assessment until the date the refund of such amount is paid. If 142176
such refund results from the filing of a return or report, or the 142177
payment accompanying such return or report, by an employer or 142178
taxpayer, rather than from an assessment by the commissioner, such 142179
interest shall run from a period ninety days after the final 142180
filing date of the annual return until the date the refund is 142181
paid. 142182~~

(2) Interest shall be allowed and paid at the rate per annum 142183
prescribed by section 5703.47 of the Revised Code ~~upon any 142184
overpayment in excess of one dollar in respect of on amounts 142185
refunded with respect to~~ the tax imposed under section 5747.02 or 142186
Chapter 5748. of the Revised Code from the date of the overpayment 142187
until the date of the refund of the overpayment, except that if 142188
any overpayment is refunded within ninety days after the final 142189
filing date of the annual return or ninety days after the return 142190
is filed, whichever is later, no interest shall be allowed on such 142191
overpayment. If the overpayment results from the carryback of a 142192
net operating loss or net capital loss to a previous taxable year, 142193
the overpayment is deemed not to have been made prior to the 142194
filing date, including any extension thereof, for the taxable year 142195
in which the net operating loss or net capital loss arises. For 142196
purposes of the payment of interest on overpayments, no amount of 142197
tax, for any taxable year, shall be treated as having been paid 142198
before the date on which the tax return for that year was due 142199
without regard to any extension of time for filing such return. 142200

(3)(2) Interest shall be allowed at the rate per annum 142201
prescribed by section 5703.47 of the Revised Code on amounts 142202
refunded with respect to the taxes imposed under sections 5733.41 142203
and 5747.41 of the Revised Code. The interest shall run from 142204
whichever of the following days is the latest until the day the 142205
refund is paid: the day the illegal, erroneous, or excessive 142206

payment was made; the ninetieth day after the final day the annual 142207
report was required to be filed under section 5747.42 of the 142208
Revised Code; or the ninetieth day after the day that report was 142209
filed. 142210

(D) "Ninety days" shall be substituted for "four years" in 142211
division (B) of this section if the taxpayer satisfies both of the 142212
following conditions: 142213

(1) The taxpayer has applied for a refund based in whole or 142214
in part upon section 5747.059 of the Revised Code; 142215

(2) The taxpayer asserts that either the imposition or 142216
collection of the tax imposed or charged by this chapter or any 142217
portion of such tax violates the Constitution of the United States 142218
or the Constitution of Ohio. 142219

(E)(1) Division (E)(2) of this section applies only if all of 142220
the following conditions are satisfied: 142221

(a) A qualifying entity pays an amount of the tax imposed by 142222
section 5733.41 or 5747.41 of the Revised Code; 142223

(b) The taxpayer is a qualifying investor as to that 142224
qualifying entity; 142225

(c) The taxpayer did not claim the credit provided for in 142226
section 5747.059 of the Revised Code as to the tax described in 142227
division (E)(1)(a) of this section; 142228

(d) The four-year period described in division (B) of this 142229
section has ended as to the taxable year for which the taxpayer 142230
otherwise would have claimed that credit. 142231

(2) A taxpayer shall file an application for refund pursuant 142232
to division (E) of this section within one year after the date the 142233
payment described in division (E)(1)(a) of this section is made. 142234
An application filed under division (E)(2) of this section shall 142235
claim refund only of overpayments resulting from the taxpayer's 142236

failure to claim the credit described in division (E)(1)(c) of 142237
this section. Nothing in division (E) of this section shall be 142238
construed to relieve a taxpayer from complying with division 142239
(A)(16) of section 5747.01 of the Revised Code. 142240

Sec. 5747.113. (A) Any taxpayer claiming a refund under 142241
section 5747.11 of the Revised Code who wishes to contribute any 142242
part of the taxpayer's refund to the natural areas and preserves 142243
fund created in section 1517.11 of the Revised Code, the nongame 142244
and endangered wildlife fund created in section 1531.26 of the 142245
Revised Code, the military injury relief fund created in section 142246
5101.98 of the Revised Code, the Ohio historical society income 142247
tax contribution fund created in section 149.308 of the Revised 142248
Code, or all of those funds may designate on the taxpayer's income 142249
tax return the amount that the taxpayer wishes to contribute to 142250
the fund or funds. A designated contribution is irrevocable upon 142251
the filing of the return and shall be made in the full amount 142252
designated if the refund found due the taxpayer upon the initial 142253
processing of the taxpayer's return, after any deductions 142254
including those required by section 5747.12 of the Revised Code, 142255
is greater than or equal to the designated contribution. If the 142256
refund due as initially determined is less than the designated 142257
contribution, the contribution shall be made in the full amount of 142258
the refund. The tax commissioner shall subtract the amount of the 142259
contribution from the amount of the refund initially found due the 142260
taxpayer and shall certify the difference to the director of 142261
budget and management and treasurer of state for payment to the 142262
taxpayer in accordance with section 5747.11 of the Revised Code. 142263
For the purpose of any subsequent determination of the taxpayer's 142264
net tax payment, the contribution shall be considered a part of 142265
the refund paid to the taxpayer. 142266

(B) The tax commissioner shall provide a space on the income 142267
tax return form in which a taxpayer may indicate that the taxpayer 142268

wishes to make a donation in accordance with this section. The tax 142269
commissioner shall also print in the instructions accompanying the 142270
income tax return form a description of the purposes for which the 142271
natural areas and preserves fund, the nongame and endangered 142272
wildlife fund, the military injury relief fund, and the Ohio 142273
historical society income tax contribution fund were created and 142274
the use of moneys from the income tax refund contribution system 142275
established in this section. No person shall designate on the 142276
person's income tax return any part of a refund claimed under 142277
section 5747.11 of the Revised Code as a contribution to any fund 142278
other than the natural areas and preserves fund, the nongame and 142279
endangered wildlife fund, the military injury relief fund, or the 142280
Ohio historical society income tax contribution fund. 142281

(C) The money collected under the income tax refund 142282
contribution system established in this section shall be deposited 142283
by the tax commissioner into the natural areas and preserves fund, 142284
the nongame and endangered wildlife fund, the military injury 142285
relief fund, and the Ohio historical society income tax 142286
contribution fund in the amounts designated on the tax returns. 142287

(D) No later than the thirtieth day of September each year, 142288
the tax commissioner shall determine the total amount contributed 142289
to each fund under this section during the preceding eight months, 142290
any adjustments to prior months, and the cost to the department of 142291
taxation of administering the income tax refund contribution 142292
system during that eight-month period. The commissioner shall make 142293
an additional determination no later than the thirty-first day of 142294
January of each year of the total amount contributed to each fund 142295
under this section during the preceding four calendar months, any 142296
adjustments to prior years made during that four-month period, and 142297
the cost to the department of taxation of administering the income 142298
tax contribution system during that period. The cost of 142299
administering the income tax contribution system shall be 142300

certified by the tax commissioner to the director of budget and 142301
management, who shall transfer an amount equal to one-fourth of 142302
such administrative costs from the natural areas and preserves 142303
fund, one-fourth of such costs from the nongame and endangered 142304
wildlife fund, one-fourth of such costs from the military injury 142305
relief fund, and one-fourth of such costs from the Ohio historical 142306
society income tax contribution fund to the ~~litter control and~~ 142307
~~natural resource~~ income tax administration contribution fund, 142308
which is hereby created, provided that the moneys that the 142309
department receives to pay the cost of administering the income 142310
tax refund contribution system in any year shall not exceed two 142311
and one-half per cent of the total amount contributed under that 142312
system during that year. 142313

(E)(1) The director of natural resources, in January of every 142314
odd-numbered year, shall report to the general assembly on the 142315
effectiveness of the income tax refund contribution system as it 142316
pertains to the natural areas and preserves fund and the nongame 142317
and endangered wildlife fund. The report shall include the amount 142318
of money contributed to each fund in each of the previous five 142319
years, the amount of money contributed directly to each fund in 142320
addition to or independently of the income tax refund contribution 142321
system in each of the previous five years, and the purposes for 142322
which the money was expended. 142323

(2) The director of job and family services and the director 142324
of the Ohio historical society, in January of every odd-numbered 142325
year, each shall report to the general assembly on the 142326
effectiveness of the income tax refund contribution system as it 142327
pertains to the military injury relief fund and the Ohio 142328
historical society income tax contribution fund, respectively. The 142329
report shall include the amount of money contributed to the fund 142330
in each of the previous five years, the amount of money 142331
contributed directly to the fund in addition to or independently 142332

of the income tax refund contribution system in each of the 142333
previous five years, and the purposes for which the money was 142334
expended. 142335

Sec. 5747.122. (A) The tax commissioner, in accordance with 142336
section 5101.184 of the Revised Code, shall cooperate with the 142337
director of job and family services to collect overpayments of 142338
assistance under Chapter 5107.~~7~~~~5111.7~~ or 5115., former Chapter 142339
5113., or section 5101.54 of the Revised Code from refunds of 142340
state income taxes for taxable year 1992 and thereafter that are 142341
payable to the recipients of such overpayments. 142342

(B) At the request of the department of job and family 142343
services in connection with the collection of an overpayment of 142344
assistance from a refund of state income taxes pursuant to this 142345
section and section 5101.184 of the Revised Code, the tax 142346
commissioner shall release to the department the home address and 142347
social security number of any recipient of assistance whose 142348
overpayment may be collected from a refund of state income taxes 142349
under those sections. 142350

(C) In the case of a joint income tax return for two people 142351
who were not married to each other at the time one of them 142352
received an overpayment of assistance, only the portion of a 142353
refund that is due to the recipient of the overpayment shall be 142354
available for collection of the overpayment under this section and 142355
section 5101.184 of the Revised Code. The tax commissioner shall 142356
determine such portion. A recipient's spouse who objects to the 142357
portion as determined by the commissioner may file a complaint 142358
with the commissioner within twenty-one days after receiving 142359
notice of the collection, and the commissioner shall afford the 142360
spouse an opportunity to be heard on the complaint. The 142361
commissioner shall waive or extend the twenty-one-day period if 142362
the recipient's spouse establishes that such action is necessary 142363

to avoid unjust, unfair, or unreasonable results. After the 142364
hearing, the commissioner shall make a final determination of the 142365
portion of the refund available for collection of the overpayment. 142366

(D) The welfare overpayment intercept fund is hereby created 142367
in the state treasury. The tax commissioner shall deposit amounts 142368
collected from income tax refunds under this section to the credit 142369
of the welfare overpayment intercept fund. The director of job and 142370
family services shall distribute money in the fund in accordance 142371
with appropriate federal or state laws and procedures regarding 142372
collection of welfare overpayments. 142373

Sec. 5747.13. (A) If any employer collects the tax imposed by 142374
section 5747.02 or under Chapter 5748. of the Revised Code and 142375
fails to remit the tax as required by law, or fails to collect the 142376
tax, the employer is personally liable for any amount collected 142377
that the employer fails to remit, or any amount that the employer 142378
fails to collect. If any taxpayer fails to file a return or fails 142379
to pay the tax imposed by section 5747.02 or under Chapter 5748. 142380
of the Revised Code, the taxpayer is personally liable for the 142381
amount of the tax. 142382

If any employer, taxpayer, or qualifying entity required to 142383
file a return under this chapter fails to file the return within 142384
the time prescribed, files an incorrect return, fails to remit the 142385
full amount of the taxes due for the period covered by the return, 142386
or fails to remit any additional tax due as a result of a 142387
reduction in the amount of the credit allowed under division (B) 142388
of section 5747.05 of the Revised Code together with interest on 142389
the additional tax within the time prescribed by that division, 142390
the tax commissioner may make an assessment against any person 142391
liable for any deficiency for the period for which the return is 142392
or taxes are due, based upon any information in the commissioner's 142393
possession. 142394

An assessment issued against either the employer or the taxpayer pursuant to this section shall not be considered an election of remedies or a bar to an assessment against the other for failure to report or pay the same tax. No assessment shall be issued against any person if the tax actually has been paid by another.

No assessment shall be made or issued against an employer, taxpayer, or qualifying entity more than four years after the final date the return subject to assessment was required to be filed or the date the return was filed, whichever is later. However, the commissioner may assess any balance due as the result of a reduction in the credit allowed under division (B) of section 5747.05 of the Revised Code, including applicable penalty and interest, within four years of the date on which the taxpayer reports a change in either the portion of the taxpayer's adjusted gross income subjected to an income tax or tax measured by income in another state or the District of Columbia, or the amount of liability for an income tax or tax measured by income to another state or the District of Columbia, as required by division (B)(3) of section 5747.05 of the Revised Code. Such time limits may be extended if both the employer, taxpayer, or qualifying entity and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limits has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit in division (B) of section 5747.11 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against an employer for taxes withheld from employees and not remitted to the state, against an employer, taxpayer, or qualifying entity that fails to file a return subject to assessment as required by this chapter, or against an employer, taxpayer, or qualifying entity that files a fraudulent return.

The commissioner shall give the party assessed written notice 142427
of the assessment in the manner provided in section 5703.37 of the 142428
Revised Code. With the notice, the commissioner shall provide 142429
instructions on how to petition for reassessment and request a 142430
hearing on the petition. 142431

(B) Unless the party assessed files with the tax commissioner 142432
within sixty days after service of the notice of assessment, 142433
either personally or by certified mail, a written petition for 142434
reassessment, signed by the party assessed or that party's 142435
authorized agent having knowledge of the facts, the assessment 142436
becomes final, and the amount of the assessment is due and payable 142437
from the party assessed to the commissioner with remittance made 142438
payable to the treasurer of state. The petition shall indicate the 142439
objections of the party assessed, but additional objections may be 142440
raised in writing if received by the commissioner prior to the 142441
date shown on the final determination. If the petition has been 142442
properly filed, the commissioner shall proceed under section 142443
5703.60 of the Revised Code. 142444

(C) After an assessment becomes final, if any portion of the 142445
assessment remains unpaid, including accrued interest, a certified 142446
copy of the tax commissioner's entry making the assessment final 142447
may be filed in the office of the clerk of the court of common 142448
pleas in the county in which the employer's, taxpayer's, or 142449
qualifying entity's place of business is located or the county in 142450
which the party assessed resides. If the party assessed is not a 142451
resident of this state, the certified copy of the entry may be 142452
filed in the office of the clerk of the court of common pleas of 142453
Franklin county. 142454

Immediately upon the filing of the entry, the clerk shall 142455
enter a judgment against the party assessed in the amount shown on 142456
the entry. The judgment shall be filed by the clerk in one of two 142457
loose-leaf books, one entitled "special judgments for state and 142458

school district income taxes," and the other entitled "special 142459
judgments for qualifying entity taxes." The judgment shall have 142460
the same effect as other judgments. Execution shall issue upon the 142461
judgment upon the request of the tax commissioner, and all laws 142462
applicable to sales on execution shall apply to sales made under 142463
the judgment. 142464

~~The portion of~~ If the assessment is not paid in its entirety 142465
within sixty days after the assessment was issued, the portion of 142466
the assessment consisting of tax due shall bear interest at the 142467
rate per annum prescribed by section 5703.47 of the Revised Code 142468
from the day the tax commissioner issues the assessment until it 142469
is paid or until it is certified to the attorney general for 142470
collection under section 131.02 of the Revised Code, whichever 142471
comes first. If the unpaid portion of the assessment is certified 142472
to the attorney general for collection, the entire unpaid portion 142473
of the assessment shall bear interest at the rate per annum 142474
prescribed by section 5703.47 of the Revised Code from the date of 142475
certification until the date it is paid in its entirety. Interest 142476
shall be paid in the same manner as the tax and may be collected 142477
by the issuance of an assessment under this section. 142478

(D) All money collected under this section shall be 142479
considered as revenue arising from the taxes imposed by this 142480
chapter or Chapter 5733. or 5748. of the Revised Code, as 142481
appropriate. 142482

(E) If the party assessed files a petition for reassessment 142483
under division (B) of this section, the person, on or before the 142484
last day the petition may be filed, shall pay the assessed amount, 142485
including assessed interest and assessed penalties, if any of the 142486
following conditions exists: 142487

(1) The person files a tax return reporting Ohio adjusted 142488
gross income, less the exemptions allowed by section 5747.025 of 142489
the Revised Code, in an amount less than one cent, and the 142490

reported amount is not based on the computations required under 142491
division (A) of section 5747.01 or section 5747.025 of the Revised 142492
Code. 142493

(2) The person files a tax return that the tax commissioner 142494
determines to be incomplete, false, fraudulent, or frivolous. 142495

(3) The person fails to file a tax return, and the basis for 142496
this failure is not either of the following: 142497

(a) An assertion that the person has no nexus with this 142498
state; 142499

(b) The computations required under division (A) of section 142500
5747.01 of the Revised Code or the application of credits allowed 142501
under this chapter has the result that the person's tax liability 142502
is less than one dollar and one cent. 142503

(F) Notwithstanding the fact that a petition for reassessment 142504
is pending, the petitioner may pay all or a portion of the 142505
assessment that is the subject of the petition. The acceptance of 142506
a payment by the treasurer of state does not prejudice any claim 142507
for refund upon final determination of the petition. 142508

If upon final determination of the petition an error in the 142509
assessment is corrected by the tax commissioner, upon petition so 142510
filed or pursuant to a decision of the board of tax appeals or any 142511
court to which the determination or decision has been appealed, so 142512
that the amount due from the party assessed under the corrected 142513
assessment is less than the portion paid, there shall be issued to 142514
the petitioner or to the petitioner's assigns or legal 142515
representative a refund in the amount of the overpayment as 142516
provided by section 5747.11 of the Revised Code, with interest on 142517
that amount as provided by such section, subject to section 142518
5747.12 of the Revised Code. 142519

Sec. 5747.21. (A) This section applies solely for the 142520

purposes of computing the credit allowed under division (A) of 142521
section 5747.05 of the Revised Code, computing income taxable in 142522
this state under division (D) of section 5747.08 of the Revised 142523
Code, computing the deduction under division (A)(32) of section 142524
5747.01 of the Revised Code, and computing the credit allowed 142525
under section 5747.057 of the Revised Code. 142526

(B) Except as otherwise provided under ~~sections 5747.211 and~~ 142527
section 5747.212 of the Revised Code, all items of business income 142528
and business deduction shall be apportioned to this state by 142529
multiplying the adjusted gross income by the fraction calculated 142530
under division (B)(2) of section 5733.05 and section 5733.057 of 142531
the Revised Code as if the taxpayer's business were a corporation 142532
subject to the tax imposed by section 5733.06 of the Revised Code. 142533

(C) If the allocation and apportionment provisions of 142534
sections 5747.20 to 5747.23 of the Revised Code or of any rule 142535
adopted by the tax commissioner, do not fairly represent the 142536
extent of business activity in this state of a taxpayer or 142537
pass-through entity, the taxpayer or pass-through entity may 142538
request, which request must be in writing accompanying ~~the a~~ 142539
timely filed return or timely filed amended return, or the tax 142540
commissioner may require, in respect of all or any part of the 142541
business activity, if reasonable, any one or more of the 142542
following: 142543

(1) Separate accounting; 142544

(2) The exclusion of one or more factors; 142545

(3) The inclusion of one or more additional factors which 142546
will fairly represent the business activity in this state; 142547

(4) The employment of any other method to effectuate an 142548
equitable allocation and apportionment of such business in this 142549
state. An alternative method will be effective only with approval 142550
of the tax commissioner. 142551

The tax commissioner may adopt rules in the manner provided 142552
by sections 5703.14 and 5747.18 of the Revised Code providing for 142553
alternative methods of calculating business income and nonbusiness 142554
income applicable to all taxpayers and pass-through entities, to 142555
classes of taxpayers and pass-through entities, or only to 142556
taxpayers and pass-through entities within a certain industry. 142557

Sec. 5747.22. (A) This section applies solely for the 142558
purposes of computing the credit allowed under division (A) of 142559
section 5747.05 ~~of the Revised Code and,~~ computing income taxable 142560
in this state under division (D) of section 5747.08, and computing 142561
the deduction under division (A)(32) of section 5747.01 of the 142562
Revised Code. 142563

(B) With respect to a pass-through entity, one or more of the 142564
pass-through entity investors of which are liable for the tax 142565
imposed by section 5747.02 of the Revised Code, the business 142566
income and deductions included in the adjusted gross income of the 142567
pass-through entity shall be apportioned to this state in the 142568
hands of the pass-through entity investors pursuant to section 142569
5747.21 of the Revised Code. The business income and deductions as 142570
thus apportioned to this state then shall be allocated to the 142571
pass-through entity investors in proportion to their right to 142572
share in that business income. 142573

(C) With respect to a pass-through entity described in 142574
division (B) of this section, the nonbusiness income and 142575
deductions included in the adjusted gross income of the 142576
pass-through entity shall be allocated to the pass-through entity 142577
investors in proportion to their right to share in the nonbusiness 142578
income, and then the pass-through entity shares shall be allocated 142579
to this state in the hands of each pass-through entity investor 142580
pursuant to section 5747.20 of the Revised Code. 142581

Sec. 5747.47. (A)(1) By the ~~twentieth~~ twenty-fifth day of 142582
July of each year, the tax commissioner shall estimate and certify 142583
the following for each county to its county auditor: 142584

(a) Its guaranteed share of the ensuing year's fund balance; 142585

(b) Its share of the excess of the ensuing year's fund 142586
balance; 142587

(c) Its total entitlement. 142588

(2) In December and in June following such estimations and 142589
certifications, the commissioner shall revise such estimates and 142590
certify such revised estimates to the respective county auditors. 142591

(B) By the tenth day of each month the commissioner shall 142592
distribute the amount credited to the public library fund in the 142593
current month under section 131.51 of the Revised Code. The 142594
distributions shall be made as follows: 142595

(1) During the first six months of each year, each county 142596
shall be paid a percentage of the balance that is the same per 142597
cent that the revised estimate of the county's total entitlement 142598
certified in December under division (A)(2) of this section is of 142599
the sum of such revised estimates of the total entitlements for 142600
all counties. 142601

(2) During the last six months, each county shall be paid a 142602
percentage of the balance that is the same per cent that the 142603
revised estimate of the county's total entitlement certified in 142604
June under division (A)(2) of this section is of the sum of such 142605
revised estimates of the total entitlements for all counties. 142606

(3) During each of the first six months of each year, the 142607
payments made to each county shall be adjusted as follows: 142608

(a) If the county received an overpayment during the 142609
preceding distribution year, reduce the sum of the payments by the 142610
amount of such overpayment. The reduction shall be apportioned 142611

over the six months. 142612

(b) If the county received an underpayment during the 142613
preceding distribution year, increase the sum of the payments by 142614
the amount of such underpayment. The increase shall be apportioned 142615
over the six months. 142616

(C) By the twentieth day of December of each year, the tax 142617
commissioner shall determine and certify to the auditor of each 142618
county each of the following with respect to the current 142619
distribution year: 142620

(1) The year's fund balance; 142621

(2) Each county's guaranteed share; 142622

(3) Each county's share of the excess; 142623

(4) Each county's total entitlement; 142624

(5) Each county's net distribution; 142625

(6) The amount by which each county's net distribution 142626
exceeded or was less than its total entitlement, which amount 142627
shall constitute the county's overpayment or underpayment for 142628
purposes of division (B)(3) of this section in the ensuing 142629
distribution year. 142630

Sec. 5747.501. (A) On or before the twenty-fifth day of July 142631
of each year, the tax commissioner shall estimate and certify to 142632
each county auditor the amount to be distributed from the local 142633
government fund to each undivided local government fund during the 142634
following calendar year under section 5747.50 of the Revised Code. 142635
The estimate shall equal the sum of the separate amounts computed 142636
under divisions (B)(1) and (2) of this section. 142637

(B)(1) The product obtained by multiplying the percentage 142638
described in division (B)(1)(a) of this section by the amount 142639
described in division (B)(1)(b) of this section. 142640

(a) Each county's proportionate share of the total amount 142641
distributed to the counties from the local government fund and the 142642
local government revenue assistance fund during calendar year 142643
2007. In fiscal year 2014 and thereafter, the amount distributed 142644
to any county undivided local government fund shall be an amount 142645
not less than seven hundred fifty thousand dollars or the amount 142646
distributed to such fund in fiscal year 2013, whichever amount is 142647
smaller. To the extent necessary to implement this minimum 142648
distribution requirement, the proportionate shares computed under 142649
this division shall be adjusted accordingly. 142650

(b) The total amount distributed to counties from the local 142651
government fund and the local government revenue assistance fund 142652
during calendar year 2007 adjusted downward if, and to the extent 142653
that, total local government fund distributions to counties for 142654
the following year are projected to be less than what was 142655
distributed to counties from the local government fund and local 142656
government revenue assistance fund during calendar year 2007. 142657

(2) The product obtained by multiplying the percentage 142658
described in division (B)(2)(a) of this section by the amount 142659
described in division (B)(2)(b) of this section. 142660

(a) Each county's proportionate share of the state's 142661
population as reflected in the most recent federal decennial 142662
census or the federal government's most recent census estimates, 142663
whichever represents the most recent year. 142664

(b) The amount by which total estimated distributions from 142665
the local government fund during the immediately succeeding 142666
calendar year, less the total estimated amount to be distributed 142667
from the fund to municipal corporations under division (C) of 142668
section 5747.50 of the Revised Code during the immediately 142669
succeeding calendar year, exceed the total amount distributed to 142670
counties from the local government fund and local government 142671
revenue assistance fund during calendar year 2007. 142672

Sec. 5747.76. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code. 142673
142674
142675

(B) There is allowed a credit against the tax imposed under 142676
section 5747.02 of the Revised Code for a taxpayer that is the 142677
certificate owner of a rehabilitation tax credit certificate 142678
issued under section 149.311 of the Revised Code. The credit shall 142679
equal twenty-five per cent of the dollar amount indicated on the 142680
certificate, but the amount of credit allowed for any taxpayer 142681
shall not exceed ~~five~~ ten million dollars. The credit shall be 142682
claimed for the taxable year specified in the certificate and in 142683
the order required under section 5747.98 of the Revised Code. 142684

(C) Nothing in this section limits or disallows pass-through 142685
treatment of the credit if the certificate owner is a pass-through 142686
entity. If the certificate owner is a pass-through entity, the 142687
amount of the credit allowed for the pass-through entity shall not 142688
exceed five million dollars. If the certificate owner is a 142689
pass-through entity, the credit may be allocated among the 142690
entity's equity owners in proportion to their ownership interests 142691
or in such proportions or amounts as the equity owners mutually 142692
agree. 142693

(D) If the credit allowed for any taxable year exceeds the 142694
tax otherwise due under section 5747.02 of the Revised Code, after 142695
allowing for any other credits preceding the credit in the order 142696
prescribed by section 5747.98 of the Revised Code, the excess 142697
shall be refunded to the taxpayer but, if any amount of the credit 142698
is refunded, the sum of the amount refunded and the amount applied 142699
to reduce the tax otherwise due for that year shall not exceed 142700
three million dollars or, if the certificate owner is a 142701
pass-through entity, shall not exceed the taxpayer's distributive 142702
or proportionate share, as allocated under division (C) of this 142703

section, of three million dollars. The taxpayer may carry forward 142704
any balance of the credit in excess of the amount claimed for that 142705
year for not more than five ensuing taxable years, and shall 142706
deduct any amount claimed for any such year from the amount 142707
claimed in an ensuing year. 142708

(E) A taxpayer claiming a credit under this section shall 142709
retain the rehabilitation tax credit certificate for four years 142710
following the end of the taxable year to which the credit was 142711
applied, and shall make the certificate available for inspection 142712
by the tax commissioner upon the request of the tax commissioner 142713
during that period. 142714

Sec. 5747.98. (A) To provide a uniform procedure for 142715
calculating the amount of tax due under section 5747.02 of the 142716
Revised Code, a taxpayer shall claim any credits to which the 142717
taxpayer is entitled in the following order: 142718

(1) The retirement income credit under division (B) of 142719
section 5747.055 of the Revised Code; 142720

(2) The senior citizen credit under division (C) of section 142721
5747.05 of the Revised Code; 142722

(3) The lump sum distribution credit under division (D) of 142723
section 5747.05 of the Revised Code; 142724

(4) The dependent care credit under section 5747.054 of the 142725
Revised Code; 142726

(5) The lump sum retirement income credit under division (C) 142727
of section 5747.055 of the Revised Code; 142728

(6) The lump sum retirement income credit under division (D) 142729
of section 5747.055 of the Revised Code; 142730

(7) The lump sum retirement income credit under division (E) 142731
of section 5747.055 of the Revised Code; 142732

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| (8) The low-income credit under section 5747.056 of the Revised Code; | 142733
142734 |
| (9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code; | 142735
142736 |
| (10) The campaign contribution credit under section 5747.29 of the Revised Code; | 142737
142738 |
| (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code; | 142739
142740 |
| (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code; | 142741
142742 |
| (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code; | 142743
142744 |
| (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; | 142745
142746 |
| (15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code; | 142747
142748 |
| (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code; | 142749
142750 |
| (17) The credit for adoption of a minor child under section 5747.37 of the Revised Code; | 142751
142752 |
| (18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code; | 142753
142754 |
| (19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code; | 142755
142756 |
| (20) The credit for selling alternative fuel under section 5747.77 of the Revised Code; | 142757
142758 |
| (21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code; | 142759
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| (22) The job training credit under section 5747.39 of the Revised Code; | 142762
142763 |
| (23) The enterprise zone credit under section 5709.66 of the Revised Code; | 142764
142765 |
| (24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code; | 142766
142767 |
| (25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code; | 142768
142769 |
| (26) The ethanol plant investment credit under section 5747.75 of the Revised Code; | 142770
142771 |
| (27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code; | 142772
142773 |
| (28) The small business investment credit under section 5747.81 of the Revised Code; | 142774
142775 |
| (29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code; | 142776
142777 |
| (30) The enterprise zone credits under section 5709.65 of the Revised Code; | 142778
142779 |
| (31) <u>(30)</u> The research and development credit under section 5747.331 of the Revised Code; | 142780
142781 |
| (32) <u>(31)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code; | 142782
142783 |
| (33) <u>(32)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code; | 142784
142785 |
| (34) <u>(33)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code; | 142786
142787 |
| (35) <u>(34)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code; | 142788
142789 |
| (36) <u>(35)</u> The refundable credits for taxes paid by a | 142790 |

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| qualifying pass-through entity granted under division (J) of | 142791 |
| section 5747.08 of the Revised Code; | 142792 |
| (37) (36) The refundable credit under section 5747.80 of the | 142793 |
| Revised Code for losses on loans made to the Ohio venture capital | 142794 |
| program under sections 150.01 to 150.10 of the Revised Code; | 142795 |
| (38) (37) The refundable motion picture production credit | 142796 |
| under section 5747.66 of the Revised Code. | 142797 |
| (39) (38) The refundable credit for financial institution | 142798 |
| taxes paid by a pass-through entity granted under section 5747.65 | 142799 |
| of the Revised Code. | 142800 |
| (B) For any credit, except the refundable credits enumerated | 142801 |
| in this section and the credit granted under division (I) of | 142802 |
| section 5747.08 of the Revised Code, the amount of the credit for | 142803 |
| a taxable year shall not exceed the tax due after allowing for any | 142804 |
| other credit that precedes it in the order required under this | 142805 |
| section. Any excess amount of a particular credit may be carried | 142806 |
| forward if authorized under the section creating that credit. | 142807 |
| Nothing in this chapter shall be construed to allow a taxpayer to | 142808 |
| claim, directly or indirectly, a credit more than once for a | 142809 |
| taxable year. | 142810 |
| Sec. 5748.01. As used in this chapter: | 142811 |
| (A) "School district income tax" means an income tax adopted | 142812 |
| under one of the following: | 142813 |
| (1) Former section 5748.03 of the Revised Code as it existed | 142814 |
| prior to its repeal by Amended Substitute House Bill No. 291 of | 142815 |
| the 115th general assembly; | 142816 |
| (2) Section 5748.03 of the Revised Code as enacted in | 142817 |
| Substitute Senate Bill No. 28 of the 118th general assembly; | 142818 |
| (3) Section 5748.08 of the Revised Code as enacted in Amended | 142819 |
| Substitute Senate Bill No. 17 of the 122nd general assembly; | 142820 |

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| (4) Section 5748.021 of the Revised Code; | 142821 |
| (5) Section 5748.081 of the Revised Code; | 142822 |
| (6) Section 5748.09 of the Revised Code. | 142823 |
| (B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code. | 142824
142825 |
| (C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code. | 142826
142827 |
| (D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code. | 142828
142829 |
| (E) "Taxable income" means: | 142830 |
| (1) In the case of an individual, one of the following, as specified in the resolution imposing the tax: | 142831
142832 |
| (a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, <u>plus any amount deducted under division (A)(32) of section 5747.01 of the Revised Code for the taxable year;</u> | 142833
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142837 |
| (b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income. | 142838
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142843 |
| (2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code. | 142844
142845
142846 |
| (F) "Resident" of the school district means: | 142847 |
| (1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all | 142848
142849 |

or a portion of the taxable year and who, during all or a portion 142850
of such period of state residency, is domiciled in the school 142851
district or lives in and maintains a permanent place of abode in 142852
the school district; 142853

(2) An estate of a decedent who, at the time of death, was 142854
domiciled in the school district. 142855

(G) "School district income" means: 142856

(1) With respect to an individual, the portion of the taxable 142857
income of an individual that is received by the individual during 142858
the portion of the taxable year that the individual is a resident 142859
of the school district and the school district income tax is in 142860
effect in that school district. An individual may have school 142861
district income with respect to more than one school district. 142862

(2) With respect to an estate, the taxable income of the 142863
estate for the portion of the taxable year that the school 142864
district income tax is in effect in that school district. 142865

(H) "Taxpayer" means an individual or estate having school 142866
district income upon which a school district income tax is 142867
imposed. 142868

(I) "School district purposes" means any of the purposes for 142869
which a tax may be levied pursuant to division (A) of section 142870
5705.21 of the Revised Code, including the combined purposes 142871
authorized by section 5705.217 of the Revised Code. 142872

Sec. 5749.02. (A) For the purpose of providing revenue to 142873
administer the state's coal mining and reclamation regulatory 142874
program, to meet the environmental and resource management needs 142875
of this state, and to reclaim land affected by mining, an excise 142876
tax is hereby levied on the privilege of engaging in the severance 142877
of natural resources from the soil or water of this state. The tax 142878
shall be imposed upon the severer ~~and shall be~~ at the rates 142879

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| <u>prescribed by divisions (A)(1) to (9) of this section:</u> | 142880 |
| (1) Ten cents per ton of coal; | 142881 |
| (2) Four cents per ton of salt; | 142882 |
| (3) Two cents per ton of limestone or dolomite; | 142883 |
| (4) Two cents per ton of sand and gravel; | 142884 |
| (5) Ten cents per barrel of oil; | 142885 |
| (6) Two and one-half cents per thousand cubic feet of natural
gas; | 142886
142887 |
| (7) One cent per ton of clay, sandstone or conglomerate,
shale, gypsum, or quartzite; | 142888
142889 |
| (8) Except as otherwise provided in this division or in rules
adopted by the reclamation forfeiture fund advisory board under
section 1513.182 of the Revised Code, an additional fourteen cents
per ton of coal produced from an area under a coal mining and
reclamation permit issued under Chapter 1513. of the Revised Code
for which the performance security is provided under division
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1,
2007, if at the end of a fiscal biennium the balance of the
reclamation forfeiture fund created in section 1513.18 of the
Revised Code is equal to or greater than ten million dollars, the
rate levied shall be twelve cents per ton. Beginning July 1, 2007,
if at the end of a fiscal biennium the balance of the fund is at
least five million dollars, but less than ten million dollars, the
rate levied shall be fourteen cents per ton. Beginning July 1,
2007, if at the end of a fiscal biennium the balance of the fund
is less than five million dollars, the rate levied shall be
sixteen cents per ton. Beginning July 1, 2009, not later than
thirty days after the close of a fiscal biennium, the chief of the
division of mineral resources management shall certify to the tax
commissioner the amount of the balance of the reclamation | 142890
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forfeiture fund as of the close of the fiscal biennium. Any 142910
necessary adjustment of the rate levied shall take effect on the 142911
first day of the following January and shall remain in effect 142912
during the calendar biennium that begins on that date. 142913

(9) An additional one and two-tenths cents per ton of coal 142914
mined by surface mining methods. 142915

(B) ~~Of~~ After the director of budget and management transfers 142916
money from the severance tax receipts fund as required in division 142917
(H) of section 5749.06 of the Revised Code, money remaining in the 142918
severance tax receipts fund, except for money in the fund from the 142919
amounts due under section 1509.50 of the Revised Code, shall be 142920
credited as follows: 142921

(1) Of the moneys received by the treasurer of state in the 142922
fund from the tax levied in division (A)(1) of this section, four 142923
and seventy-six-hundredths per cent shall be credited to the 142924
geological mapping fund created in section 1505.09 of the Revised 142925
Code, eighty and ninety-five-hundredths per cent shall be credited 142926
to the coal mining administration and reclamation reserve fund 142927
created in section 1513.181 of the Revised Code, and fourteen and 142928
twenty-nine-hundredths per cent shall be credited to the 142929
unreclaimed lands fund created in section 1513.30 of the Revised 142930
Code. 142931

(2) The money received by the treasurer of state in the fund 142932
from the tax levied in division (A)(2) of this section shall be 142933
credited to the geological mapping fund. 142934

(3) Of the moneys received by the treasurer of state in the 142935
fund from the tax levied in divisions (A)(3) and (4) of this 142936
section, seven and five-tenths per cent shall be credited to the 142937
geological mapping fund, forty-two and five-tenths per cent shall 142938
be credited to the unreclaimed lands fund, and the remainder shall 142939
be credited to the surface mining fund created in section 1514.06 142940

of the Revised Code. 142941

(4) Of the moneys ~~received by the treasurer of state in the~~ 142942
fund from the tax levied in divisions (A)(5) and (6) of this 142943
section, ninety per cent shall be credited to the oil and gas well 142944
fund created in section 1509.02 of the Revised Code and ten per 142945
cent shall be credited to the geological mapping fund. All of the 142946
moneys ~~received by the treasurer of state in the fund~~ from the tax 142947
levied in division (A)(7) of this section shall be credited to the 142948
surface mining fund. 142949

(5) All of the moneys ~~received by the treasurer of state in~~ 142950
the fund from the tax levied in division (A)(8) of this section 142951
shall be credited to the reclamation forfeiture fund. 142952

(6) All of the moneys ~~received by the treasurer of state in~~ 142953
the fund from the tax levied in division (A)(9) of this section 142954
shall be credited to the unreclaimed lands fund. 142955

(C) When, at the close of any fiscal year, the chief finds 142956
that the balance of the reclamation forfeiture fund, plus 142957
estimated transfers to it from the coal mining administration and 142958
reclamation reserve fund under section 1513.181 of the Revised 142959
Code, plus the estimated revenues from the tax levied by division 142960
(A)(8) of this section for the remainder of the calendar year that 142961
includes the close of the fiscal year, are sufficient to complete 142962
the reclamation of all lands for which the performance security 142963
has been provided under division (C)(2) of section 1513.08 of the 142964
Revised Code, the purposes for which the tax under division (A)(8) 142965
of this section is levied shall be deemed accomplished at the end 142966
of that calendar year. The chief, within thirty days after the 142967
close of the fiscal year, shall certify those findings to the tax 142968
commissioner, and the tax levied under division (A)(8) of this 142969
section shall cease to be imposed for the subsequent calendar year 142970
after the last day of that calendar year on coal produced under a 142971
coal mining and reclamation permit issued under Chapter 1513. of 142972

the Revised Code if the permittee has made tax payments under 142973
division (A)(8) of this section during each of the preceding five 142974
full calendar years. Not later than thirty days after the close of 142975
a fiscal year, the chief shall certify to the tax commissioner the 142976
identity of any permittees who accordingly no longer are required 142977
to pay the tax levied under division (A)(8) of this section for 142978
the subsequent calendar year. 142979

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 142980
by section 5749.02 of the Revised Code and each severer or owner 142981
liable for the amounts due under section 1509.50 of the Revised 142982
Code shall make and file returns with the tax commissioner in the 142983
prescribed form and as of the prescribed times, computing and 142984
reflecting therein the tax as required by this chapter and amounts 142985
due under section 1509.50 of the Revised Code. 142986

(2) The returns shall be filed for every quarterly period, 142987
which periods shall end on the thirty-first day of March, the 142988
thirtieth day of June, the thirtieth day of September, and the 142989
thirty-first day of December of each year, as required by this 142990
section, unless a different return period is prescribed for a 142991
taxpayer by the commissioner. 142992

(B)(1) A separate return shall be filed for each calendar 142993
quarterly period, or other period, or any part thereof, during 142994
which the severer holds a license as provided by section 5749.04 142995
of the Revised Code, or is required to hold the license, or during 142996
which an owner is required to file a return, ~~and the.~~ The return 142997
shall be filed within forty-five days after the last day of each 142998
such calendar month, or other period, or any part thereof, for 142999
which the return is required ~~and shall include remittance payable~~ 143000
~~to the treasurer of state of the amount of.~~ The tax due is payable 143001
along with the return. All such returns shall contain such 143002
information as the commissioner may require to fairly administer 143003

the tax. 143004

(2) All returns shall be signed by the severer or owner, as 143005
applicable, shall contain the full and complete information 143006
requested, and shall be made under penalty of perjury. 143007

(C) If the commissioner believes that quarterly payments of 143008
tax would result in a delay that might jeopardize the collection 143009
of such tax payments, the commissioner may order that such 143010
payments be made weekly, or more frequently if necessary, such 143011
payments to be made not later than seven days following the close 143012
of the period for which the jeopardy payment is required. Such an 143013
order shall be delivered to the taxpayer personally or by 143014
certified mail and shall remain in effect until the commissioner 143015
notifies the taxpayer to the contrary. 143016

(D) Upon good cause the commissioner may extend for thirty 143017
days the period for filing any notice or return required to be 143018
filed under this section, and may remit all or a part of penalties 143019
that may become due under this chapter. 143020

(E) Any tax and any amount due under section 1509.50 of the 143021
Revised Code not paid by the day the tax or amount is due shall 143022
bear interest computed at the rate per annum prescribed by section 143023
5703.47 of the Revised Code on that amount due from the day that 143024
the amount was originally required to be paid to the day of actual 143025
payment or to the day an assessment was issued under section 143026
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 143027

(F) ~~The severer shall make all payments payable to the~~ 143028
~~treasurer of state. Except for the amounts due under section~~ 143029
~~1509.50 of the Revised Code, all~~ A severer or owner, as 143030
applicable, that fails to file a complete return or pay the full 143031
amount due under this chapter within the time prescribed, 143032
including any extensions of time granted by the commissioner, 143033
shall be subject to a penalty not to exceed the greater of fifty 143034

dollars or ten per cent of the amount due for the period. 143035

(G)(1) A severer or owner, as applicable, shall remit 143036
payments electronically and, if required by the commissioner, file 143037
each return electronically. The commissioner may require that the 143038
severer or owner use the Ohio business gateway, as defined in 143039
section 718.051 of the Revised Code, or another electronic means 143040
to file returns and remit payments electronically. 143041

(2) A severer or owner that is required to remit payments 143042
electronically under this section may apply to the commissioner, 143043
in the manner prescribed by the commissioner, to be excused from 143044
that requirement. The commissioner may excuse a severer or owner 143045
from the requirements of division (G) of this section for good 143046
cause. 143047

(3) If a severer or owner that is required to remit payments 143048
or file returns electronically under this section fails to do so, 143049
the commissioner may impose a penalty on the severer or owner not 143050
to exceed the following: 143051

(a) For the first or second payment or return the severer or 143052
owner fails to remit or file electronically, the greater of five 143053
per cent of the amount of the payment that was required to be 143054
remitted or twenty-five dollars; 143055

(b) For every payment or return after the second that the 143056
severer or owner fails to remit or file electronically, the 143057
greater of ten per cent of the amount of the payment that was 143058
required to be remitted or fifty dollars. 143059

(H)(1) All amounts that the ~~tax~~ commissioner receives under 143060
this section shall be deemed to be revenue from taxes imposed 143061
under this chapter. ~~The commissioner shall immediately forward to 143062~~
~~the treasurer of state all amounts received under this section or 143063~~
~~from the amount due under section 1509.50 of the Revised Code, as 143064~~
applicable, and shall be deposited in the severance tax receipts 143065

fund, which is hereby created in the state treasury. 143066

(2) The director of budget and management shall transfer from 143067
the severance tax receipts fund to the tax refund fund amounts 143068
equal to the refunds certified by the commissioner under section 143069
5749.08 of the Revised Code. Any amount transferred under division 143070
(H)(2) of this section shall be derived from receipts of the same 143071
tax or other amount from which the refund arose. 143072

(3) After the director of budget and management makes any 143073
transfer required by division (H)(2) of this section, but not 143074
later than the fifteenth day of the month following the end of 143075
each calendar quarter, the commissioner shall certify to the 143076
director the total amount remaining in the severance tax receipts 143077
fund organized according to the amount attributable to each 143078
natural resource and according to the amount attributable to a tax 143079
imposed by this chapter and the amounts due under section 1509.50 143080
of the Revised Code. 143081

(I) Penalties imposed under this section are in addition to 143082
any other penalty imposed under this chapter and shall be 143083
considered as revenue arising from the tax levied under this 143084
chapter or the amount due under section 1509.50 of the Revised 143085
Code, as applicable. The commissioner may collect any penalty or 143086
interest imposed under this section in the same manner as provided 143087
for the making of an assessment in section 5749.07 of the Revised 143088
Code. The commissioner may abate all or a portion of such interest 143089
or penalties and may adopt rules governing such abatements. 143090

Sec. 5749.07. (A) If any severer required by this chapter to 143091
make and file returns and pay the tax levied by section 5749.02 of 143092
the Revised Code, or any severer or owner liable for the amounts 143093
due under section 1509.50 of the Revised Code, fails to make such 143094
return or pay such tax or amounts, the tax commissioner may make 143095
an assessment against the severer or owner based upon any 143096

information in the commissioner's possession. 143097

No assessment shall be made or issued against any severer for 143098
any tax imposed by section 5749.02 of the Revised Code or against 143099
any severer or owner for any amount due under section 1509.50 of 143100
the Revised Code more than four years after the return was due or 143101
was filed, whichever is later. This section does not bar an 143102
assessment against a severer or owner who fails to file a return 143103
as required by this chapter, or who files a fraudulent return. 143104

The commissioner shall give the party assessed written notice 143105
of such assessment in the manner provided in section 5703.37 of 143106
the Revised Code. With the notice, the commissioner shall provide 143107
instructions on how to petition for reassessment and request a 143108
hearing on the petition. 143109

(B) Unless the party assessed files with the commissioner 143110
within sixty days after service of the notice of assessment, 143111
either personally or by certified mail, a written petition for 143112
reassessment signed by the party assessed or that party's 143113
authorized agent having knowledge of the facts, the assessment 143114
becomes final and the amount of the assessment is due and payable 143115
from the party assessed to the treasurer of state. The petition 143116
shall indicate the objections of the party assessed, but 143117
additional objections may be raised in writing if received by the 143118
commissioner prior to the date shown on the final determination. 143119
If the petition has been properly filed, the commissioner shall 143120
proceed under section 5703.60 of the Revised Code. 143121

(C) After an assessment becomes final, if any portion of the 143122
assessment remains unpaid, including accrued interest, a certified 143123
copy of the commissioner's entry making the assessment final may 143124
be filed in the office of the clerk of the court of common pleas 143125
in the county in which the party assessed resides or in which the 143126
party's business is conducted. If the party assessed maintains no 143127
place of business in this state and is not a resident of this 143128

state, the certified copy of the entry may be filed in the office 143129
of the clerk of the court of common pleas of Franklin county. 143130

Immediately upon the filing of such entry, the clerk shall 143131
enter a judgment for the state against the party assessed in the 143132
amount shown on the entry. The judgment may be filed by the clerk 143133
in a loose-leaf book entitled "special judgments for state 143134
severance tax," and shall have the same effect as other judgments. 143135
Execution shall issue upon the judgment upon the request of the 143136
commissioner, and all laws applicable to sales on execution shall 143137
apply to sales made under the judgment. 143138

~~The portion of~~ If the assessment is not paid in its entirety 143139
within sixty days after the day the assessment is issued, the 143140
portion of the assessment consisting of tax due or amounts due 143141
under section 1509.50 of the Revised Code shall bear interest at 143142
the rate per annum prescribed by section 5703.47 of the Revised 143143
Code from the day the commissioner issues the assessment until it 143144
is paid or until it is certified to the attorney general for 143145
collection under section 131.02 of the Revised Code, whichever 143146
comes first. If the unpaid portion of the assessment is certified 143147
to the attorney general for collection, the entire unpaid portion 143148
of the assessment shall bear interest at the rate per annum 143149
prescribed by section 5703.47 of the Revised Code from the date of 143150
certification until the date it is paid in its entirety. Interest 143151
shall be paid in the same manner as the tax and may be collected 143152
by the issuance of an assessment under this section. 143153

(D) All money collected by the commissioner under this 143154
section shall be paid to the treasurer of state, and when paid 143155
shall be considered as revenue arising from the tax imposed by 143156
section 5749.02 of the Revised Code and the amount due under 143157
section 1509.50 of the Revised Code, as applicable. 143158

Sec. 5749.17. ~~Any~~ Except for purposes of enforcing Chapter 143159

1509. of the Revised Code, any information provided to the 143160
department of natural resources by the department of taxation in 143161
accordance with division (C)(12) of section 5703.21 of the Revised 143162
Code shall not be disclosed publicly by the department of natural 143163
resources, ~~but, However~~ the department of natural resources may 143164
provide such information to the attorney general for purposes of 143165
enforcement of ~~the law~~ Chapter 1509. of the Revised Code. 143166

Sec. 5751.01. As used in this chapter: 143167

(A) "Person" means, but is not limited to, individuals, 143168
combinations of individuals of any form, receivers, assignees, 143169
trustees in bankruptcy, firms, companies, joint-stock companies, 143170
business trusts, estates, partnerships, limited liability 143171
partnerships, limited liability companies, associations, joint 143172
ventures, clubs, societies, for-profit corporations, S 143173
corporations, qualified subchapter S subsidiaries, qualified 143174
subchapter S trusts, trusts, entities that are disregarded for 143175
federal income tax purposes, and any other entities. 143176

(B) "Consolidated elected taxpayer" means a group of two or 143177
more persons treated as a single taxpayer for purposes of this 143178
chapter as the result of an election made under section 5751.011 143179
of the Revised Code. 143180

(C) "Combined taxpayer" means a group of two or more persons 143181
treated as a single taxpayer for purposes of this chapter under 143182
section 5751.012 of the Revised Code. 143183

(D) "Taxpayer" means any person, or any group of persons in 143184
the case of a consolidated elected taxpayer or combined taxpayer 143185
treated as one taxpayer, required to register or pay tax under 143186
this chapter. "Taxpayer" does not include excluded persons. 143187

(E) "Excluded person" means any of the following: 143188

(1) Any person with not more than one hundred fifty thousand 143189

dollars of taxable gross receipts during the calendar year. 143190

Division (E)(1) of this section does not apply to a person that is 143191
a member of a consolidated elected taxpayer; 143192

(2) A public utility that paid the excise tax imposed by 143193
section 5727.24 or 5727.30 of the Revised Code based on one or 143194
more measurement periods that include the entire tax period under 143195
this chapter, except that a public utility that is a combined 143196
company is a taxpayer with regard to the following gross receipts: 143197

(a) Taxable gross receipts directly attributed to a public 143198
utility activity, but not directly attributed to an activity that 143199
is subject to the excise tax imposed by section 5727.24 or 5727.30 143200
of the Revised Code; 143201

(b) Taxable gross receipts that cannot be directly attributed 143202
to any activity, multiplied by a fraction whose numerator is the 143203
taxable gross receipts described in division (E)(2)(a) of this 143204
section and whose denominator is the total taxable gross receipts 143205
that can be directly attributed to any activity; 143206

(c) Except for any differences resulting from the use of an 143207
accrual basis method of accounting for purposes of determining 143208
gross receipts under this chapter and the use of the cash basis 143209
method of accounting for purposes of determining gross receipts 143210
under section 5727.24 of the Revised Code, the gross receipts 143211
directly attributed to the activity of a natural gas company shall 143212
be determined in a manner consistent with division (D) of section 143213
5727.03 of the Revised Code. 143214

As used in division (E)(2) of this section, "combined 143215
company" and "public utility" have the same meanings as in section 143216
5727.01 of the Revised Code. 143217

(3) A financial institution, as defined in section 5726.01 of 143218
the Revised Code, that paid the tax imposed by section 5726.02 of 143219
the Revised Code based on one or more taxable years that include 143220

the entire tax period under this chapter; 143221

(4) A person directly or indirectly owned by one or more 143222
financial institutions, as defined in section 5726.01 of the 143223
Revised Code, that paid the tax imposed by section 5726.02 of the 143224
Revised Code based on one or more taxable years that include the 143225
entire tax period under this chapter. 143226

For the purposes of division (E)(4) of this section, a person 143227
owns another person under the following circumstances: 143228

(a) In the case of corporations issuing capital stock, one 143229
corporation owns another corporation if it owns fifty per cent or 143230
more of the other corporation's capital stock with current voting 143231
rights; 143232

(b) In the case of a limited liability company, one person 143233
owns the company if that person's membership interest, as defined 143234
in section 1705.01 of the Revised Code, is fifty per cent or more 143235
of the combined membership interests of all persons owning such 143236
interests in the company; 143237

(c) In the case of a partnership, trust, or other 143238
unincorporated business organization other than a limited 143239
liability company, one person owns the organization if, under the 143240
articles of organization or other instrument governing the affairs 143241
of the organization, that person has a beneficial interest in the 143242
organization's profits, surpluses, losses, or distributions of 143243
fifty per cent or more of the combined beneficial interests of all 143244
persons having such an interest in the organization. 143245

(5) A domestic insurance company or foreign insurance 143246
company, as defined in section 5725.01 of the Revised Code, that 143247
paid the insurance company premiums tax imposed by section 5725.18 143248
or Chapter 5729. of the Revised Code, or an unauthorized insurance 143249
company whose gross premiums are subject to tax under section 143250
3905.36 of the Revised Code based on one or more measurement 143251

periods that include the entire tax period under this chapter; 143252

(6) A person that solely facilitates or services one or more 143253
securitizations of phase-in-recovery property pursuant to a final 143254
financing order as those terms are defined in section 4928.23 of 143255
the Revised Code. For purposes of this division, "securitization" 143256
means transferring one or more assets to one or more persons and 143257
then issuing securities backed by the right to receive payment 143258
from the asset or assets so transferred. 143259

(7) Except as otherwise provided in this division, a 143260
pre-income tax trust as defined in division (FF)(4) of section 143261
5747.01 of the Revised Code and any pass-through entity of which 143262
such pre-income tax trust owns or controls, directly, indirectly, 143263
or constructively through related interests, more than five per 143264
cent of the ownership or equity interests. If the pre-income tax 143265
trust has made a qualifying pre-income tax trust election under 143266
division (FF)(3) of section 5747.01 of the Revised Code, then the 143267
trust and the pass-through entities of which it owns or controls, 143268
directly, indirectly, or constructively through related interests, 143269
more than five per cent of the ownership or equity interests, 143270
shall not be excluded persons for purposes of the tax imposed 143271
under section 5751.02 of the Revised Code. 143272

(8) Nonprofit organizations or the state and its agencies, 143273
instrumentalities, or political subdivisions. 143274

(F) Except as otherwise provided in divisions (F)(2), (3), 143275
and (4) of this section, "gross receipts" means the total amount 143276
realized by a person, without deduction for the cost of goods sold 143277
or other expenses incurred, that contributes to the production of 143278
gross income of the person, including the fair market value of any 143279
property and any services received, and any debt transferred or 143280
forgiven as consideration. 143281

(1) The following are examples of gross receipts: 143282

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| (a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another; | 143283
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| (b) Amounts realized from the taxpayer's performance of services for another; | 143285
143286 |
| (c) Amounts realized from another's use or possession of the taxpayer's property or capital; | 143287
143288 |
| (d) Any combination of the foregoing amounts. | 143289 |
| (2) "Gross receipts" excludes the following amounts: | 143290 |
| (a) Interest income except interest on credit sales; | 143291 |
| (b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code; | 143292
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| (c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction. | 143296
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| (d) Proceeds received attributable to the repayment, | 143314 |
| maturity, or redemption of the principal of a loan, bond, mutual | 143315 |
| fund, certificate of deposit, or marketable instrument; | 143316 |
| (e) The principal amount received under a repurchase | 143317 |
| agreement or on account of any transaction properly characterized | 143318 |
| as a loan to the person; | 143319 |
| (f) Contributions received by a trust, plan, or other | 143320 |
| arrangement, any of which is described in section 501(a) of the | 143321 |
| Internal Revenue Code, or to which Title 26, Subtitle A, Chapter | 143322 |
| 1, Subchapter (D) of the Internal Revenue Code applies; | 143323 |
| (g) Compensation, whether current or deferred, and whether in | 143324 |
| cash or in kind, received or to be received by an employee, former | 143325 |
| employee, or the employee's legal successor for services rendered | 143326 |
| to or for an employer, including reimbursements received by or for | 143327 |
| an individual for medical or education expenses, health insurance | 143328 |
| premiums, or employee expenses, or on account of a dependent care | 143329 |
| spending account, legal services plan, any cafeteria plan | 143330 |
| described in section 125 of the Internal Revenue Code, or any | 143331 |
| similar employee reimbursement; | 143332 |
| (h) Proceeds received from the issuance of the taxpayer's own | 143333 |
| stock, options, warrants, puts, or calls, or from the sale of the | 143334 |
| taxpayer's treasury stock; | 143335 |
| (i) Proceeds received on the account of payments from | 143336 |
| insurance policies, except those proceeds received for the loss of | 143337 |
| business revenue; | 143338 |
| (j) Gifts or charitable contributions received; membership | 143339 |
| dues received by trade, professional, homeowners', or condominium | 143340 |
| associations; and payments received for educational courses, | 143341 |
| meetings, meals, or similar payments to a trade, professional, or | 143342 |
| other similar association; and fundraising receipts received by | 143343 |
| any person when any excess receipts are donated or used | 143344 |

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| exclusively for charitable purposes; | 143345 |
| (k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts; | 143346
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| (l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration; | 143349
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| (m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code; | 143352
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| (n) Pension reversions; | 143362 |
| (o) Contributions to capital; | 143363 |
| (p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority; | 143364
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| (q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code; | 143369
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(r) ~~In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of the Revised Code, an amount equal to federal and state excise taxes paid by any person on such motor fuel under section 4081 of the Internal Revenue Code or Chapter 5735. Receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code;~~ 143376
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(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code; 143384
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(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle; 143391
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(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners; 143398
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(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic 143406
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agents, and supportive drugs in a physician's office to patients 143408
with cancer; 143409

(w) Funds received or used by a mortgage broker that is not a 143410
dealer in intangibles, other than fees or other consideration, 143411
pursuant to a table-funding mortgage loan or warehouse-lending 143412
mortgage loan. Terms used in division (F)(2)(w) of this section 143413
have the same meanings as in section 1322.01 of the Revised Code, 143414
except "mortgage broker" means a person assisting a buyer in 143415
obtaining a mortgage loan for a fee or other consideration paid by 143416
the buyer or a lender, or a person engaged in table-funding or 143417
warehouse-lending mortgage loans that are first lien mortgage 143418
loans. 143419

(x) Property, money, and other amounts received by a 143420
professional employer organization, as defined in section 4125.01 143421
of the Revised Code, from a client employer, as defined in that 143422
section, in excess of the administrative fee charged by the 143423
professional employer organization to the client employer; 143424

(y) In the case of amounts retained as commissions by a 143425
permit holder under Chapter 3769. of the Revised Code, an amount 143426
equal to the amounts specified under that chapter that must be 143427
paid to or collected by the tax commissioner as a tax and the 143428
amounts specified under that chapter to be used as purse money; 143429

(z) Qualifying distribution center receipts. 143430

(i) For purposes of division (F)(2)(z) of this section: 143431

(I) "Qualifying distribution center receipts" means receipts 143432
of a supplier from qualified property that is delivered to a 143433
qualified distribution center, multiplied by a quantity that 143434
equals one minus the Ohio delivery percentage. If the qualified 143435
distribution center is a refining facility, "supplier" includes 143436
all dealers, brokers, processors, sellers, vendors, cosigners, and 143437
distributors of qualified property. 143438

(II) "Qualified property" means tangible personal property 143439
delivered to a qualified distribution center that is shipped to 143440
that qualified distribution center solely for further shipping by 143441
the qualified distribution center to another location in this 143442
state or elsewhere or, in the case of gold, silver, platinum, or 143443
palladium delivered to a refining facility solely for refining to 143444
a grade and fineness acceptable for delivery to a registered 143445
commodities exchange. "Further shipping" includes storing and 143446
repackaging property into smaller or larger bundles, so long as 143447
the property is not subject to further manufacturing or 143448
processing. "Refining" is limited to extracting impurities from 143449
gold, silver, platinum, or palladium through smelting or some 143450
other process at a refining facility. 143451

(III) "Qualified distribution center" means a warehouse, a 143452
facility similar to a warehouse, or a refining facility in this 143453
state that, for the qualifying year, is operated by a person that 143454
is not part of a combined taxpayer group and that has a qualifying 143455
certificate. All warehouses or facilities similar to warehouses 143456
that are operated by persons in the same taxpayer group and that 143457
are located within one mile of each other shall be treated as one 143458
qualified distribution center. All refining facilities that are 143459
operated by persons in the same taxpayer group and that are 143460
located in the same or adjacent counties may be treated as one 143461
qualified distribution center. 143462

(IV) "Qualifying year" means the calendar year to which the 143463
qualifying certificate applies. 143464

(V) "Qualifying period" means the period of the first day of 143465
July of the second year preceding the qualifying year through the 143466
thirtieth day of June of the year preceding the qualifying year. 143467

(VI) "Qualifying certificate" means the certificate issued by 143468
the tax commissioner after the operator of a distribution center 143469
files an annual application with the commissioner. The application 143470

and annual fee shall be filed and paid for each qualified 143471
distribution center on or before the first day of September before 143472
the qualifying year or within forty-five days after the 143473
distribution center opens, whichever is later. 143474

The applicant must substantiate to the commissioner's 143475
satisfaction that, for the qualifying period, all persons 143476
operating the distribution center have more than fifty per cent of 143477
the cost of the qualified property shipped to a location such that 143478
it would be situated outside this state under the provisions of 143479
division (E) of section 5751.033 of the Revised Code. The 143480
applicant must also substantiate that the distribution center 143481
cumulatively had costs from its suppliers equal to or exceeding 143482
five hundred million dollars during the qualifying period. (For 143483
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 143484
excludes any person that is part of the consolidated elected 143485
taxpayer group, if applicable, of the operator of the qualified 143486
distribution center.) The commissioner may require the applicant 143487
to have an independent certified public accountant certify that 143488
the calculation of the minimum thresholds required for a qualified 143489
distribution center by the operator of a distribution center has 143490
been made in accordance with generally accepted accounting 143491
principles. The commissioner shall issue or deny the issuance of a 143492
certificate within sixty days after the receipt of the 143493
application. A denial is subject to appeal under section 5717.02 143494
of the Revised Code. If the operator files a timely appeal under 143495
section 5717.02 of the Revised Code, the operator shall be granted 143496
a qualifying certificate, ~~provided that~~ effective for the 143497
remainder of the qualifying year or until the appeal is finalized, 143498
whichever is earlier. ~~If the operator is liable for any tax,~~ 143499
~~interest, or penalty upon amounts claimed as qualifying~~ 143500
~~distribution center receipts, other than those receipts exempt~~ 143501
~~under division (C)(1) of section 5751.011 of the Revised Code,~~ 143502
~~that would have otherwise not been owed by its suppliers if the~~ 143503

qualifying certificate was valid does not prevail in the appeal, 143504
the operator shall pay the ineligible operator's supplier tax 143505
liability. 143506

(VII) "Ohio delivery percentage" means the proportion of the 143507
total property delivered to a destination inside Ohio from the 143508
qualified distribution center during the qualifying period 143509
compared with total deliveries from such distribution center 143510
everywhere during the qualifying period. 143511

(VIII) "Refining facility" means one or more buildings 143512
located in a county in the Appalachian region of this state as 143513
defined by section 107.21 of the Revised Code and utilized for 143514
refining or smelting gold, silver, platinum, or palladium to a 143515
grade and fineness acceptable for delivery to a registered 143516
commodities exchange. 143517

(IX) "Registered commodities exchange" means a board of 143518
trade, such as New York mercantile exchange, inc. or commodity 143519
exchange, inc., designated as a contract market by the commodity 143520
futures trading commission under the "Commodity Exchange Act," 7 143521
U.S.C. 1 et seq., as amended. 143522

(X) "Ineligible operator's supplier tax liability" means an 143523
amount equal to the tax liability of all suppliers of a 143524
distribution center had the distribution center not been issued a 143525
qualifying certificate for the qualifying year. Ineligible 143526
operator's supplier tax liability shall not include interest or 143527
penalties. The tax commissioner shall determine an ineligible 143528
operator's supplier tax liability based on information that the 143529
commissioner may request from the operator of the distribution 143530
center. An operator shall provide a list of all suppliers of the 143531
distribution center and the corresponding costs of qualified 143532
property for the qualifying year at issue within sixty days of a 143533
request by the commissioner under this division. 143534

(ii)(I) If the distribution center is new and was not open 143535
for the entire qualifying period, the operator of the distribution 143536
center may request that the commissioner grant a qualifying 143537
certificate. If the certificate is granted and it is later 143538
determined that more than fifty per cent of the qualified property 143539
during that year was not shipped to a location such that it would 143540
be situated outside of this state under the provisions of division 143541
(E) of section 5751.033 of the Revised Code or if it is later 143542
determined that the person that operates the distribution center 143543
had average monthly costs from its suppliers of less than forty 143544
million dollars during that year, then the operator of the 143545
distribution center shall pay ~~a penalty for that year equal to~~ 143546
~~five hundred thousand dollars~~ the ineligible operator's supplier 143547
tax liability. (For purposes of division (F)(2)(z)(ii) of this 143548
section, "supplier" excludes any person that is part of the 143549
consolidated elected taxpayer group, if applicable, of the 143550
operator of the qualified distribution center.) 143551

(II) The commissioner may grant a qualifying certificate to a 143552
distribution center that does not qualify as a qualified 143553
distribution center for an entire qualifying period if the 143554
operator of the distribution center demonstrates that the business 143555
operations of the distribution center have changed or will change 143556
such that the distribution center will qualify as a qualified 143557
distribution center within thirty-six months after the date the 143558
operator first applies for a certificate. If, at the end of that 143559
thirty-six-month period, the business operations of the 143560
distribution center have not changed such that the distribution 143561
center qualifies as a qualified distribution center, the operator 143562
of the distribution center shall pay ~~a penalty equal to five~~ 143563
~~hundred thousand dollars~~ the ineligible operator's supplier tax 143564
liability for each year that the distribution center received a 143565
certificate but did not qualify as a qualified distribution 143566
center. For each year the distribution center receives a 143567

certificate under division (F)(2)(z)(ii)(II) of this section, the 143568
distribution center shall pay all applicable fees required under 143569
division (F)(2)(z) of this section and shall submit an updated 143570
business plan showing the progress the distribution center made 143571
toward qualifying as a qualified distribution center during the 143572
preceding year. 143573

(III) An operator may appeal ~~the imposition of a penalty~~ 143574
~~imposed~~ determination under division (F)(2)(z)(ii)(I) or (II) of 143575
this section that the ineligible operator is liable for the 143576
operator's supplier tax liability as a result of not qualifying as 143577
a qualified distribution center, as provided in section 5717.02 of 143578
the Revised Code. 143579

(iii) When filing an application for a qualifying certificate 143580
under division (F)(2)(z)(i)(VI) of this section, the operator of a 143581
qualified distribution center also shall provide documentation, as 143582
the commissioner requires, for the commissioner to ascertain the 143583
Ohio delivery percentage. The commissioner, upon issuing the 143584
qualifying certificate, also shall certify the Ohio delivery 143585
percentage. The operator of the qualified distribution center may 143586
appeal the commissioner's certification of the Ohio delivery 143587
percentage in the same manner as an appeal is taken from the 143588
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 143589
of this section. 143590

~~Within thirty days after all appeals have been exhausted, the~~ 143591
~~operator of the qualified distribution center shall provide the~~ 143592
~~commissioner with a list of all affected suppliers of qualified~~ 143593
~~property. The commissioner shall notify all such suppliers that~~ 143594
~~the suppliers are required to file, within sixty days after~~ 143595
~~receiving the notice, amended reports for the affected calendar~~ 143596
~~quarter or quarters or calendar year, whichever the case may be.~~ 143597
~~Any additional tax liability or tax overpayment shall be subject~~ 143598
~~to interest but shall not be subject to the imposition of any~~ 143599

~~penalty so long as the amended returns are timely filed. The 143600
supplier of tangible personal property delivered to the qualified 143601
distribution center shall include in its report of taxable gross 143602
receipts the receipts from the total sales of property delivered 143603
to the qualified distribution center for the calendar quarter or 143604
calendar year, whichever the case may be, multiplied by the Ohio 143605
delivery percentage for the qualifying year. Nothing in division 143606
(F)(2)(z)(iii) of this section shall be construed as imposing 143607
liability on the operator of a qualified distribution center for 143608
the tax imposed by this chapter arising from any change to the 143609
Ohio delivery percentage. 143610~~

(iv)(I) In the case where the distribution center is new and 143611
not open for the entire qualifying period, the operator shall make 143612
a good faith estimate of an Ohio delivery percentage for use by 143613
suppliers in their reports of taxable gross receipts for the 143614
remainder of the qualifying period. The operator of the facility 143615
shall disclose to the suppliers that such Ohio delivery percentage 143616
is an estimate and is subject to recalculation. By the due date of 143617
the next application for a qualifying certificate, the operator 143618
shall determine the actual Ohio delivery percentage for the 143619
estimated qualifying period and proceed as provided in division 143620
(F)(2)(z)(iii) of this section with respect to the calculation and 143621
recalculation of the Ohio delivery percentage. The supplier is 143622
required to file, within sixty days after receiving notice from 143623
the operator of the qualified distribution center, amended reports 143624
for the impacted calendar quarter or quarters or calendar year, 143625
whichever the case may be. Any additional tax liability or tax 143626
overpayment shall be subject to interest but shall not be subject 143627
to the imposition of any penalty so long as the amended returns 143628
are timely filed. 143629

(II) The operator of a distribution center that receives a 143630
qualifying certificate under division (F)(2)(z)(ii)(II) of this 143631

section shall make a good faith estimate of the Ohio delivery 143632
percentage that the operator estimates will apply to the 143633
distribution center at the end of the thirty-six-month period 143634
after the operator first applied for a qualifying certificate 143635
under that division. The result of the estimate shall be 143636
multiplied by a factor of one and seventy-five one-hundredths. The 143637
product of that calculation shall be the Ohio delivery percentage 143638
used by suppliers in their reports of taxable gross receipts for 143639
each qualifying year that the distribution center receives a 143640
qualifying certificate under division (F)(2)(z)(ii)(II) of this 143641
section, except that, if the product is less than five per cent, 143642
the Ohio delivery percentage used shall be five per cent and that, 143643
if the product exceeds forty-nine per cent, the Ohio delivery 143644
percentage used shall be forty-nine per cent. 143645

(v) Qualifying certificates and Ohio delivery percentages 143646
issued by the commissioner shall be open to public inspection and 143647
shall be timely published by the commissioner. A supplier relying 143648
in good faith on a certificate issued under this division shall 143649
not be subject to tax on the qualifying distribution center 143650
receipts under division (F)(2)(z) of this section. ~~A person~~ An 143651
operator receiving a qualifying certificate is liable for a 143652
~~penalty equal to five hundred thousand dollars~~ the ineligible 143653
operator's supplier tax liability for each year the ~~person~~ 143654
operator received a certificate ~~that should not have been issued~~ 143655
~~because the statutory requirements were in fact not met~~ but did 143656
not qualify as a qualified distribution center. 143657

(vi) The annual fee for a qualifying certificate shall be one 143658
hundred thousand dollars for each qualified distribution center. 143659
If a qualifying certificate is not issued, the annual fee is 143660
subject to refund after the exhaustion of all appeals provided for 143661
in division (F)(2)(z)(i)(VI) of this section. ~~The fee imposed~~ 143662
~~under this division may be assessed in the same manner as the tax~~ 143663

~~imposed under this chapter.~~ The first one hundred thousand dollars 143664
of the annual application fees collected each calendar year shall 143665
be credited to the revenue enhancement fund. The remainder of the 143666
annual application fees collected shall be distributed in the same 143667
manner required under section 5751.20 of the Revised Code. 143668

(vii) The tax commissioner may require that adequate security 143669
be posted by the operator of the distribution center on appeal 143670
when the commissioner disagrees that the applicant has met the 143671
minimum thresholds for a qualified distribution center as set 143672
forth in ~~divisions (F)(2)(z)(i)(VI) and~~ division (F)(2)(z)(ii) of 143673
this section. 143674

(aa) Receipts of an employer from payroll deductions relating 143675
to the reimbursement of the employer for advancing moneys to an 143676
unrelated third party on an employee's behalf; 143677

(bb) Cash discounts allowed and taken; 143678

(cc) Returns and allowances; 143679

(dd) Bad debts from receipts on the basis of which the tax 143680
imposed by this chapter was paid in a prior quarterly tax payment 143681
period. For the purpose of this division, "bad debts" means any 143682
debts that have become worthless or uncollectible between the 143683
preceding and current quarterly tax payment periods, have been 143684
uncollected for at least six months, and that may be claimed as a 143685
deduction under section 166 of the Internal Revenue Code and the 143686
regulations adopted under that section, or that could be claimed 143687
as such if the taxpayer kept its accounts on the accrual basis. 143688
"Bad debts" does not include repossessed property, uncollectible 143689
amounts on property that remains in the possession of the taxpayer 143690
until the full purchase price is paid, or expenses in attempting 143691
to collect any account receivable or for any portion of the debt 143692
recovered; 143693

(ee) Any amount realized from the sale of an account 143694

receivable to the extent the receipts from the underlying 143695
transaction giving rise to the account receivable were included in 143696
the gross receipts of the taxpayer; 143697

(ff) Any receipts directly attributed to a transfer agreement 143698
or to the enterprise transferred under that agreement under 143699
section 4313.02 of the Revised Code. 143700

(gg)(i) As used in this division: 143701

(I) "Qualified uranium receipts" means receipts from the 143702
sale, exchange, lease, loan, production, processing, or other 143703
disposition of uranium within a uranium enrichment zone certified 143704
by the tax commissioner under division (F)(2)(gg)(ii) of this 143705
section. "Qualified uranium receipts" does not include any 143706
receipts with a situs in this state outside a uranium enrichment 143707
zone certified by the tax commissioner under division 143708
(F)(2)(gg)(ii) of this section. 143709

(II) "Uranium enrichment zone" means all real property that 143710
is part of a uranium enrichment facility licensed by the United 143711
States nuclear regulatory commission and that was or is owned or 143712
controlled by the United States department of energy or its 143713
successor. 143714

(ii) Any person that owns, leases, or operates real or 143715
tangible personal property constituting or located within a 143716
uranium enrichment zone may apply to the tax commissioner to have 143717
the uranium enrichment zone certified for the purpose of excluding 143718
qualified uranium receipts under division (F)(2)(gg) of this 143719
section. The application shall include such information that the 143720
tax commissioner prescribes. Within sixty days after receiving the 143721
application, the tax commissioner shall certify the zone for that 143722
purpose if the commissioner determines that the property qualifies 143723
as a uranium enrichment zone as defined in division (F)(2)(gg) of 143724
this section, or, if the tax commissioner determines that the 143725

property does not qualify, the commissioner shall deny the 143726
application or request additional information from the applicant. 143727
If the tax commissioner denies an application, the commissioner 143728
shall state the reasons for the denial. The applicant may appeal 143729
the denial of an application to the board of tax appeals pursuant 143730
to section 5717.02 of the Revised Code. If the applicant files a 143731
timely appeal, the tax commissioner shall conditionally certify 143732
the applicant's property. The conditional certification shall 143733
expire when all of the applicant's appeals are exhausted. Until 143734
final resolution of the appeal, the applicant shall retain the 143735
applicant's records in accordance with section 5751.12 of the 143736
Revised Code, notwithstanding any time limit on the preservation 143737
of records under that section. 143738

~~(hh) Amounts realized by licensed motor fuel dealers or 143739
licensed permissive motor fuel dealers from the exchange of 143740
petroleum products, including motor fuel, between such dealers, 143741
provided that delivery of the petroleum products occurs at a 143742
refinery, terminal, pipeline, or marine vessel and that the 143743
exchanging dealers agree neither dealer shall require monetary 143744
compensation from the other for the value of the exchanged 143745
petroleum products other than such compensation for differences in 143746
product location or grade. Division (F)(2)(hh) of this section 143747
does not apply to amounts realized as a result of differences in 143748
location or grade of exchanged petroleum products or from 143749
handling, lubricity, dye, or other additive injections fees, 143750
pipeline security fees, or similar fees. As used in this division, 143751
"motor fuel," "licensed motor fuel dealer," "licensed permissive 143752
motor fuel dealer," and "terminal" have the same meanings as in 143753
section 5735.01 of the Revised Code. 143754~~

~~(ii) In the case of amounts collected by a licensed casino 143755
operator from casino gaming, amounts in excess of the casino 143756
operator's gross casino revenue. In this division, "casino 143757~~

operator" and "casino gaming" have the meanings defined in section 143758
3772.01 of the Revised Code, and "gross casino revenue" has the 143759
meaning defined in section 5753.01 of the Revised Code. 143760

~~(jj)~~(ii) Receipts realized from the sale of agricultural 143761
commodities by an agricultural commodity handler, both as defined 143762
in section 926.01 of the Revised Code, that is licensed by the 143763
director of agriculture to handle agricultural commodities in this 143764
state. 143765

(jj) Any receipts for which the tax imposed by this chapter 143766
is prohibited by the constitution or laws of the United States or 143767
the constitution of this state. 143768

(3) In the case of a taxpayer when acting as a real estate 143769
broker, "gross receipts" includes only the portion of any fee for 143770
the service of a real estate broker, or service of a real estate 143771
salesperson associated with that broker, that is retained by the 143772
broker and not paid to an associated real estate salesperson or 143773
another real estate broker. For the purposes of this division, 143774
"real estate broker" and "real estate salesperson" have the same 143775
meanings as in section 4735.01 of the Revised Code. 143776

(4) A taxpayer's method of accounting for gross receipts for 143777
a tax period shall be the same as the taxpayer's method of 143778
accounting for federal income tax purposes for the taxpayer's 143779
federal taxable year that includes the tax period. If a taxpayer's 143780
method of accounting for federal income tax purposes changes, its 143781
method of accounting for gross receipts under this chapter shall 143782
be changed accordingly. 143783

(G) "Taxable gross receipts" means gross receipts situated to 143784
this state under section 5751.033 of the Revised Code. 143785

(H) A person has "substantial nexus with this state" if any 143786
of the following applies. The person: 143787

(1) Owns or uses a part or all of its capital in this state; 143788

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|--|--|
| (2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state; | 143789
143790 |
| (3) Has bright-line presence in this state; | 143791 |
| (4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States. | 143792
143793
143794 |
| (I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person: | 143795
143796
143797 |
| (1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge. | 143798
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| (2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following: | 143803
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143805 |
| (a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code; | 143806
143807 |
| (b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and | 143808
143809
143810 |
| (c) Any amount the person pays for services performed in this state on its behalf by another. | 143811
143812 |
| (3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars. | 143813
143814 |
| (4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts. | 143815
143816
143817 |
| (5) Is domiciled in this state as an individual or for | 143818 |

corporate, commercial, or other business purposes. 143819

(J) "Tangible personal property" has the same meaning as in 143820
section 5739.01 of the Revised Code. 143821

(K) "Internal Revenue Code" means the Internal Revenue Code 143822
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 143823
this chapter that is not otherwise defined has the same meaning as 143824
when used in a comparable context in the laws of the United States 143825
relating to federal income taxes unless a different meaning is 143826
clearly required. Any reference in this chapter to the Internal 143827
Revenue Code includes other laws of the United States relating to 143828
federal income taxes. 143829

(L) "Calendar quarter" means a three-month period ending on 143830
the thirty-first day of March, the thirtieth day of June, the 143831
thirtieth day of September, or the thirty-first day of December. 143832

(M) "Tax period" means the calendar quarter or calendar year 143833
on the basis of which a taxpayer is required to pay the tax 143834
imposed under this chapter. 143835

(N) "Calendar year taxpayer" means a taxpayer for which the 143836
tax period is a calendar year. 143837

(O) "Calendar quarter taxpayer" means a taxpayer for which 143838
the tax period is a calendar quarter. 143839

(P) "Agent" means a person authorized by another person to 143840
act on its behalf to undertake a transaction for the other, 143841
including any of the following: 143842

(1) A person receiving a fee to sell financial instruments; 143843

(2) A person retaining only a commission from a transaction 143844
with the other proceeds from the transaction being remitted to 143845
another person; 143846

(3) A person issuing licenses and permits under section 143847
1533.13 of the Revised Code; 143848

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 143849
143850

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 143851
143852

(Q) "Received" includes amounts accrued under the accrual method of accounting. 143853
143854

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 143855
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Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments ~~and providing revenue to the commercial activity tax motor fuel receipts fund~~, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that, in the case of calendar year taxpayers, is the 143862
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annual tax period and, in the case of calendar quarter taxpayers, 143880
contains all quarterly tax periods in the calendar year. A 143881
taxpayer is subject to the annual privilege tax for doing business 143882
during any portion of such calendar year. 143883

(B) The tax imposed by this section is a tax on the taxpayer 143884
and shall not be billed or invoiced to another person. Even if the 143885
tax or any portion thereof is billed or invoiced and separately 143886
stated, such amounts remain part of the price for purposes of the 143887
sales and use taxes levied under Chapters 5739. and 5741. of the 143888
Revised Code. Nothing in division (B) of this section prohibits: 143889

(1) A person from including in the price charged for a good 143890
or service an amount sufficient to recover the tax imposed by this 143891
section; or 143892

(2) A lessor from including an amount sufficient to recover 143893
the tax imposed by this section in a lease payment charged, or 143894
from including such an amount on a billing or invoice pursuant to 143895
the terms of a written lease agreement providing for the recovery 143896
of the lessor's tax costs. The recovery of such costs shall be 143897
based on an estimate of the total tax cost of the lessor during 143898
the tax period, as the tax liability of the lessor cannot be 143899
calculated until the end of that period. 143900

Sec. 5751.051. (A)(1) Not later than the tenth day of the 143901
second month after the end of each calendar quarter, every 143902
taxpayer other than a calendar year taxpayer shall file with the 143903
tax commissioner a tax return in such form as the commissioner 143904
prescribes. The return shall include, but is not limited to, the 143905
amount of the taxpayer's taxable gross receipts for the calendar 143906
quarter and shall indicate the amount of tax due under section 143907
5751.03 of the Revised Code for the calendar quarter. ~~The taxpayer~~ 143908
~~shall indicate on the return the portion of the taxpayer's~~ 143909

~~receipts attributable to motor fuel used for propelling vehicles~~ 143910
~~on public highways.~~ 143911

(2)(a) Subject to division (C) of section 5751.05 of the 143912
Revised Code, a calendar quarter taxpayer shall report the taxable 143913
gross receipts for that calendar quarter. 143914

(b) With respect to taxable gross receipts incorrectly 143915
reported in a calendar quarter that has a lower tax rate, the tax 143916
shall be computed at the tax rate in effect for the quarterly 143917
return in which such receipts should have been reported. Nothing 143918
in division (A)(2)(b) of this section prohibits a taxpayer from 143919
filing an application for refund under section 5751.08 of the 143920
Revised Code with regard to the incorrect reporting of taxable 143921
gross receipts discovered after filing the annual return described 143922
in division (A)(3) of this section. 143923

A tax return shall not be deemed to be an incorrect reporting 143924
of taxable gross receipts for the purposes of division (A)(2)(b) 143925
of this section if the return reflects between ninety-five and one 143926
hundred five per cent of the actual taxable gross receipts for the 143927
calendar quarter. 143928

(3) For the purposes of division (A)(2)(b) of this section, 143929
the tax return filed for the fourth calendar quarter of a calendar 143930
year is the annual return for the privilege tax imposed by this 143931
chapter. Such return shall report any additional taxable gross 143932
receipts not previously reported in the calendar year and shall 143933
adjust for any over-reported taxable gross receipts in the 143934
calendar year. If the taxpayer ceases to be a taxpayer before the 143935
end of the calendar year, the last return the taxpayer is required 143936
to file shall be the annual return for the taxpayer and the 143937
taxpayer shall report any additional taxable gross receipts not 143938
previously reported in the calendar year and shall adjust for any 143939
over-reported taxable gross receipts in the calendar year. 143940

~~Taxpayers reporting taxable gross receipts attributable to motor fuel used for propelling vehicles on public highways may not utilize the statutory estimation procedure provided in divisions (A)(2) and (3) of this section.~~

(4) Because the tax imposed by this chapter is a privilege tax, the tax rate with respect to taxable gross receipts for a calendar quarter is not fixed until the end of the measurement period for each calendar quarter. Subject to division (A)(2)(b) of this section, the total amount of taxable gross receipts reported for a given calendar quarter shall be subject to the tax rate in effect in that quarter.

(5) Not later than the tenth day of May following the end of each calendar year, every calendar year taxpayer shall file with the tax commissioner a tax return in such form as the commissioner prescribes. The return shall include, but is not limited to, the amount of the taxpayer's taxable gross receipts for the calendar year and shall indicate the amount of tax due under section 5751.03 of the Revised Code for the calendar year. ~~The taxpayer shall indicate on the return the portion of the taxpayer's receipts attributable to motor fuel used for propelling vehicles on public highways.~~

(B)(1) A person that first becomes subject to the tax imposed under this chapter shall pay the minimum tax imposed under division (B) of section 5751.03 of the Revised Code on or before the day the return is required to be filed for that quarter under division (A)(1) of this section, regardless of whether the person registers as a calendar year taxpayer under section 5751.05 of the Revised Code.

(2) The amount of the minimum tax for a person subject to division (B)(1) of this section shall be reduced to seventy-five dollars if the registration is timely filed after the first day of May and before the first day of January of the following calendar

year. 143973

Sec. 5751.07. (A) Any person required to file returns ~~for a~~ 143974
~~calendar quarter~~ under this chapter shall remit each tax payment, 143975
and, if required by the tax commissioner, file the tax return or 143976
the annual report, electronically. The commissioner may require 143977
taxpayers to use the Ohio business gateway as defined in section 143978
718.051 of the Revised Code to file returns and remit the tax, or 143979
may provide another means for taxpayers to file and remit the tax 143980
electronically. 143981

(B) A person required by this section to remit taxes or file 143982
returns electronically may apply to the tax commissioner, on the 143983
form prescribed by the commissioner, to be excused from that 143984
requirement. The commissioner may excuse a person from the 143985
requirements of this division for good cause. 143986

(C)(1) If a person required to remit taxes or file a return 143987
electronically under this section fails to do so, the commissioner 143988
may impose a penalty not to exceed the following: 143989

(a) For either of the first two ~~calendar quarters~~ tax periods 143990
the person so fails, the greater of twenty-five dollars or five 143991
per cent of the amount of the payment that was required to be 143992
remitted; 143993

(b) For the third and any subsequent ~~calendar quarters~~ tax 143994
periods the person so fails, the greater of fifty dollars or ten 143995
per cent of the amount of the payment that was required to be 143996
remitted. 143997

(2) The penalty imposed under division (C)(1) of this section 143998
is in addition to any other penalty imposed under this chapter and 143999
shall be considered as revenue arising from the tax imposed under 144000
this chapter. A penalty may be collected by assessment in the 144001
manner prescribed by section 5751.09 of the Revised Code. The tax 144002

commissioner may abate all or a portion of such a penalty. 144003

(D) The tax commissioner may adopt rules necessary to 144004

administer this section. 144005

Sec. 5751.081. As used in this section, "debt to this state" 144006
means unpaid taxes due the state, unpaid workers' compensation 144007
premiums due under section 4123.35 of the Revised Code, unpaid 144008
unemployment compensation contributions due under section 4141.25 144009
of the Revised Code, unpaid unemployment compensation payment in 144010
lieu of contribution under section 4141.241 of the Revised Code, 144011
unpaid ~~fee~~ fees payable to the state or to the clerk of courts 144012
pursuant to section 4505.06 of the Revised Code, ~~incorrect medical~~ 144013
~~assistance~~ payments for medicaid services under ~~section 5111.02 of~~ 144014
~~the Revised Code~~ the medicaid program, or any unpaid charge, 144015
penalty, or interest arising from any of the foregoing. 144016

If a taxpayer entitled to a refund under section 5751.08 of 144017
the Revised Code owes any debt to this state, the amount 144018
refundable may be applied in satisfaction of the debt. If the 144019
amount refundable is less than the amount of the debt, it may be 144020
applied in partial satisfaction of the debt. If the amount 144021
refundable is greater than the amount of the debt, the amount 144022
remaining after satisfaction of the debt shall be refunded. This 144023
section applies only to debts that have become final. For the 144024
purposes of this section, a debt becomes final when, under the 144025
applicable law, any time provided for petition for reassessment, 144026
request for reconsideration, or other appeal of the legality or 144027
validity of the amount giving rise to the debt expires without an 144028
appeal having been filed in the manner provided by law. 144029

Sec. 5751.09. (A) The tax commissioner may make an 144030
assessment, based on any information in the commissioner's 144031
possession, against any person that fails to file a return or pay 144032

any tax as required by this chapter. The commissioner shall give 144033
the person assessed written notice of the assessment as provided 144034
in section 5703.37 of the Revised Code. With the notice, the 144035
commissioner shall provide instructions on the manner in which to 144036
petition for reassessment and request a hearing with respect to 144037
the petition. The commissioner shall send any assessments against 144038
consolidated elected taxpayer and combined taxpayer groups under 144039
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 144040
"reporting person" as defined under division (R) of section 144041
5751.01 of the Revised Code. The reporting person shall notify all 144042
members of the group of the assessment and all outstanding taxes, 144043
interest, and penalties for which the assessment is issued. 144044

(B) Unless the person assessed, within sixty days after 144045
service of the notice of assessment, files with the tax 144046
commissioner, either personally or by certified mail, a written 144047
petition signed by the person or the person's authorized agent 144048
having knowledge of the facts, the assessment becomes final, and 144049
the amount of the assessment is due and payable from the person 144050
assessed to the treasurer of state. The petition shall indicate 144051
the objections of the person assessed, but additional objections 144052
may be raised in writing if received by the commissioner prior to 144053
the date shown on the final determination. 144054

If a petition for reassessment has been properly filed, the 144055
commissioner shall proceed under section 5703.60 of the Revised 144056
Code. 144057

(C)(1) After an assessment becomes final, if any portion of 144058
the assessment, including accrued interest, remains unpaid, a 144059
certified copy of the tax commissioner's entry making the 144060
assessment final may be filed in the office of the clerk of the 144061
court of common pleas in the county in which the person resides or 144062
has its principal place of business in this state, or in the 144063

office of the clerk of court of common pleas of Franklin county. 144064

(2) Immediately upon the filing of the entry, the clerk shall 144065
enter judgment for the state against the person assessed in the 144066
amount shown on the entry. The judgment may be filed by the clerk 144067
in a loose-leaf book entitled, "special judgments for the 144068
commercial activity tax" and shall have the same effect as other 144069
judgments. Execution shall issue upon the judgment at the request 144070
of the tax commissioner, and all laws applicable to sales on 144071
execution shall apply to sales made under the judgment. 144072

(3) ~~The portion of~~ If the assessment is not paid in its 144073
entirety within sixty days after the day the assessment was 144074
issued, the portion of the assessment consisting of tax due shall 144075
bear interest at the rate per annum prescribed by section 5703.47 144076
of the Revised Code from the day the tax commissioner issues the 144077
assessment until it is paid or until it is certified to the 144078
attorney general for collection under section 131.02 of the 144079
Revised Code, whichever comes first. If the unpaid portion of the 144080
assessment is certified to the attorney general for collection, 144081
the entire unpaid portion of the assessment shall bear interest at 144082
the rate per annum prescribed by section 5703.47 of the Revised 144083
Code from the date of certification until the date it is paid in 144084
its entirety. Interest shall be paid in the same manner as the tax 144085
and may be collected by the issuance of an assessment under this 144086
section. 144087

(D) If the tax commissioner believes that collection of the 144088
tax will be jeopardized unless proceedings to collect or secure 144089
collection of the tax are instituted without delay, the 144090
commissioner may issue a jeopardy assessment against the person 144091
liable for the tax. Immediately upon the issuance of the jeopardy 144092
assessment, the commissioner shall file an entry with the clerk of 144093
the court of common pleas in the manner prescribed by division (C) 144094
of this section. Notice of the jeopardy assessment shall be served 144095

on the person assessed or the person's authorized agent in the 144096
manner provided in section 5703.37 of the Revised Code within five 144097
days of the filing of the entry with the clerk. The total amount 144098
assessed is immediately due and payable, unless the person 144099
assessed files a petition for reassessment in accordance with 144100
division (B) of this section and provides security in a form 144101
satisfactory to the commissioner and in an amount sufficient to 144102
satisfy the unpaid balance of the assessment. Full or partial 144103
payment of the assessment does not prejudice the commissioner's 144104
consideration of the petition for reassessment. 144105

(E) The tax commissioner shall immediately forward to the 144106
treasurer of state all amounts the commissioner receives under 144107
this section, and such amounts shall be considered as revenue 144108
arising from the tax imposed under this chapter. 144109

(F) Except as otherwise provided in this division, no 144110
assessment shall be made or issued against a taxpayer for the tax 144111
imposed under this chapter more than four years after the due date 144112
for the filing of the return for the tax period for which the tax 144113
was reported, or more than four years after the return for the tax 144114
period was filed, whichever is later. The time limit may be 144115
extended if both the taxpayer and the commissioner consent in 144116
writing to the extension or enter into an agreement waiving or 144117
extending the time limit. Any such extension shall extend the 144118
four-year time limit in division (B) of section 5751.08 of the 144119
Revised Code for the same period of time. Nothing in this division 144120
bars an assessment against a taxpayer that fails to file a return 144121
required by this chapter or that files a fraudulent return. 144122

(G) If the tax commissioner possesses information that 144123
indicates that the amount of tax a taxpayer is required to pay 144124
under this chapter exceeds the amount the taxpayer paid, the tax 144125
commissioner may audit a sample of the taxpayer's gross receipts 144126
over a representative period of time to ascertain the amount of 144127

tax due, and may issue an assessment based on the audit. The tax 144128
commissioner shall make a good faith effort to reach agreement 144129
with the taxpayer in selecting a representative sample. The tax 144130
commissioner may apply a sampling method only if the commissioner 144131
has prescribed the method by rule. 144132

(H) If the whereabouts of a person subject to this chapter is 144133
not known to the tax commissioner, the commissioner shall follow 144134
the procedures under section 5703.37 of the Revised Code. 144135

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 144136
the Revised Code: 144137

(1) "School district," "joint vocational school district," 144138
"local taxing unit," "recognized valuation," "fixed-rate levy," 144139
and "fixed-sum levy" have the same meanings as used in section 144140
5727.84 of the Revised Code. 144141

(2) "State education aid" for a school district means the 144142
following: 144143

(a) For fiscal years prior to fiscal year 2010, the sum of 144144
state aid amounts computed for the district under the following 144145
provisions, as they existed for the applicable fiscal year: 144146
division (A) of section 3317.022 of the Revised Code, including 144147
the amounts calculated under ~~sections~~ former section 3317.029 and 144148
section 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), 144149
(D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) 144150
of section 3317.023; divisions (L) and (N) of section 3317.024; 144151
section 3317.0216; and any unit payments for gifted student 144152
services paid under ~~sections~~ section 3317.05~~7~~ and former sections 144153
3317.052~~7~~ and 3317.053 of the Revised Code; except that, for 144154
fiscal years 2008 and 2009, the amount computed for the district 144155
under Section 269.20.80 of H.B. 119 of the 127th general assembly 144156
and as that section subsequently may be amended shall be 144157
substituted for the amount computed under division (D) of section 144158

3317.022 of the Revised Code, and the amount computed under 144159
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 144160
that section subsequently may be amended shall be included. 144161

(b) For fiscal years 2010 and 2011, the sum of the amounts 144162
computed under former sections 3306.052, 3306.12, 3306.13, 144163
3306.19, 3306.191, and 3306.192 of the Revised Code; 144164

(c) For fiscal years 2012 and 2013, the sum of the amounts 144165
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 144166
153 of the 129th general assembly; 144167

(d) For fiscal year 2014 and each fiscal year thereafter, the 144168
sum of state amounts computed for the district under section 144169
3317.022 of the Revised Code; except that, for fiscal years 2014 144170
and 2015, the amount computed for the district under the section 144171
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 144172
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 144173

(3) "State education aid" for a joint vocational school 144174
district means the following: 144175

(a) For fiscal years prior to fiscal year 2010, the sum of 144176
the state aid computed for the district under division (N) of 144177
section 3317.024 and former section 3317.16 of the Revised Code, 144178
except that, for fiscal years 2008 and 2009, the amount computed 144179
under Section 269.30.80 of H.B. 119 of the 127th general assembly 144180
and as that section subsequently may be amended shall be included. 144181

(b) For fiscal years 2010 and 2011, the amount paid in 144182
accordance with Section 265.30.50 of H.B. 1 of the 128th general 144183
assembly. 144184

(c) For fiscal years 2012 and 2013, the amount paid in 144185
accordance with Section 267.30.60 of H.B. 153 of the 129th general 144186
assembly. 144187

(d) For fiscal year 2014 and each fiscal year thereafter, the 144188

amount computed for the district under section 3317.16 of the 144189
Revised Code; except that, for fiscal years 2014 and 2015, the 144190
amount computed for the district under the section of this act 144191
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 144192
shall be included. 144193

(4) "State education aid offset" means the amount determined 144194
for each school district or joint vocational school district under 144195
division (A)(1) of section 5751.21 of the Revised Code. 144196

(5) "Machinery and equipment property tax value loss" means 144197
the amount determined under division (C)(1) of this section. 144198

(6) "Inventory property tax value loss" means the amount 144199
determined under division (C)(2) of this section. 144200

(7) "Furniture and fixtures property tax value loss" means 144201
the amount determined under division (C)(3) of this section. 144202

(8) "Machinery and equipment fixed-rate levy loss" means the 144203
amount determined under division (D)(1) of this section. 144204

(9) "Inventory fixed-rate levy loss" means the amount 144205
determined under division (D)(2) of this section. 144206

(10) "Furniture and fixtures fixed-rate levy loss" means the 144207
amount determined under division (D)(3) of this section. 144208

(11) "Total fixed-rate levy loss" means the sum of the 144209
machinery and equipment fixed-rate levy loss, the inventory 144210
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 144211
loss, and the telephone company fixed-rate levy loss. 144212

(12) "Fixed-sum levy loss" means the amount determined under 144213
division (E) of this section. 144214

(13) "Machinery and equipment" means personal property 144215
subject to the assessment rate specified in division (F) of 144216
section 5711.22 of the Revised Code. 144217

(14) "Inventory" means personal property subject to the 144218

assessment rate specified in division (E) of section 5711.22 of the Revised Code. 144219
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(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 144221
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(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. 144224
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(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004. 144230
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(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section. 144234
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(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section. 144236
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(20) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 144238
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(21) "Median estate tax collections" means, in the case of a municipal corporation to which revenue from the taxes levied in Chapter 5731. of the Revised Code was distributed in each of calendar years 2006, 2007, 2008, and 2009, the median of those distributions. In the case of a municipal corporation to which no distributions were made in one or more of those years, "median estate tax collections" means zero. 144242
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| (22) "Total resources," in the case of a school district, | 144249 |
| means the sum of the amounts in divisions (A)(22)(a) to (h) of | 144250 |
| this section less any reduction required under division (A)(32) or | 144251 |
| (33) of this section. | 144252 |
| (a) The state education aid for fiscal year 2010; | 144253 |
| (b) The sum of the payments received by the school district | 144254 |
| in fiscal year 2010 for current expense levy losses pursuant to | 144255 |
| division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of | 144256 |
| section 5751.21 of the Revised Code, excluding the portion of such | 144257 |
| payments attributable to levies for joint vocational school | 144258 |
| district purposes; | 144259 |
| (c) The sum of fixed-sum levy loss payments received by the | 144260 |
| school district in fiscal year 2010 pursuant to division (E)(1) of | 144261 |
| section 5727.85 and division (E)(1) of section 5751.21 of the | 144262 |
| Revised Code for fixed-sum levies charged and payable for a | 144263 |
| purpose other than paying debt charges; | 144264 |
| (d) Fifty per cent of the school district's taxes charged and | 144265 |
| payable against all property on the tax list of real and public | 144266 |
| utility property for current expense purposes for tax year 2008, | 144267 |
| including taxes charged and payable from emergency levies charged | 144268 |
| and payable under section 5709.194 of the Revised Code and | 144269 |
| excluding taxes levied for joint vocational school district | 144270 |
| purposes; | 144271 |
| (e) Fifty per cent of the school district's taxes charged and | 144272 |
| payable against all property on the tax list of real and public | 144273 |
| utility property for current expenses for tax year 2009, including | 144274 |
| taxes charged and payable from emergency levies and excluding | 144275 |
| taxes levied for joint vocational school district purposes; | 144276 |
| (f) The school district's taxes charged and payable against | 144277 |
| all property on the general tax list of personal property for | 144278 |
| current expenses for tax year 2009, including taxes charged and | 144279 |

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| payable from emergency levies; | 144280 |
| (g) The amount certified for fiscal year 2010 under division | 144281 |
| (A)(2) of section 3317.08 of the Revised Code; | 144282 |
| (h) Distributions received during calendar year 2009 from | 144283 |
| taxes levied under section 718.09 of the Revised Code. | 144284 |
| (23) "Total resources," in the case of a joint vocational | 144285 |
| school district, means the sum of amounts in divisions (A)(23)(a) | 144286 |
| to (g) of this section less any reduction required under division | 144287 |
| (A)(32) of this section. | 144288 |
| (a) The state education aid for fiscal year 2010; | 144289 |
| (b) The sum of the payments received by the joint vocational | 144290 |
| school district in fiscal year 2010 for current expense levy | 144291 |
| losses pursuant to division (C)(2) of section 5727.85 and | 144292 |
| divisions (C)(8) and (9) of section 5751.21 of the Revised Code; | 144293 |
| (c) Fifty per cent of the joint vocational school district's | 144294 |
| taxes charged and payable against all property on the tax list of | 144295 |
| real and public utility property for current expense purposes for | 144296 |
| tax year 2008; | 144297 |
| (d) Fifty per cent of the joint vocational school district's | 144298 |
| taxes charged and payable against all property on the tax list of | 144299 |
| real and public utility property for current expenses for tax year | 144300 |
| 2009; | 144301 |
| (e) Fifty per cent of a city, local, or exempted village | 144302 |
| school district's taxes charged and payable against all property | 144303 |
| on the tax list of real and public utility property for current | 144304 |
| expenses of the joint vocational school district for tax year | 144305 |
| 2008; | 144306 |
| (f) Fifty per cent of a city, local, or exempted village | 144307 |
| school district's taxes charged and payable against all property | 144308 |
| on the tax list of real and public utility property for current | 144309 |

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| expenses of the joint vocational school district for tax year | 144310 |
| 2009; | 144311 |
| (g) The joint vocational school district's taxes charged and | 144312 |
| payable against all property on the general tax list of personal | 144313 |
| property for current expenses for tax year 2009. | 144314 |
| (24) "Total resources," in the case of county mental health | 144315 |
| and disability related functions, means the sum of the amounts in | 144316 |
| divisions (A)(24)(a) and (b) of this section less any reduction | 144317 |
| required under division (A)(32) of this section. | 144318 |
| (a) The sum of the payments received by the county for mental | 144319 |
| health and developmental disability related functions in calendar | 144320 |
| year 2010 under division (A)(1) of section 5727.86 and divisions | 144321 |
| (A)(1) and (2) of section 5751.22 of the Revised Code as they | 144322 |
| existed at that time; | 144323 |
| (b) With respect to taxes levied by the county for mental | 144324 |
| health and developmental disability related purposes, the taxes | 144325 |
| charged and payable for such purposes against all property on the | 144326 |
| tax list of real and public utility property for tax year 2009. | 144327 |
| (25) "Total resources," in the case of county senior services | 144328 |
| related functions, means the sum of the amounts in divisions | 144329 |
| (A)(25)(a) and (b) of this section less any reduction required | 144330 |
| under division (A)(32) of this section. | 144331 |
| (a) The sum of the payments received by the county for senior | 144332 |
| services related functions in calendar year 2010 under division | 144333 |
| (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section | 144334 |
| 5751.22 of the Revised Code as they existed at that time; | 144335 |
| (b) With respect to taxes levied by the county for senior | 144336 |
| services related purposes, the taxes charged and payable for such | 144337 |
| purposes against all property on the tax list of real and public | 144338 |
| utility property for tax year 2009. | 144339 |

(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of

section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 144371
the Revised Code as they existed at that time; 144372

(b) The county's percentage share of county undivided local 144373
government fund allocations as certified to the tax commissioner 144374
for calendar year 2010 by the county auditor under division (J) of 144375
section 5747.51 of the Revised Code or division (F) of section 144376
5747.53 of the Revised Code multiplied by the total amount 144377
actually distributed in calendar year 2010 from the county 144378
undivided local government fund; 144379

(c) With respect to taxes levied by the county for all other 144380
purposes, the taxes charged and payable for such purposes against 144381
all property on the tax list of real and public utility property 144382
for tax year 2009, excluding taxes charged and payable for the 144383
purpose of paying debt charges; 144384

(d) The sum of the amounts distributed to the county in 144385
calendar year 2010 for the taxes levied pursuant to sections 144386
5739.021 and 5741.021 of the Revised Code. 144387

(29) "Total resources," in the case of a municipal 144388
corporation, means the sum of the amounts in divisions (A)(29)(a) 144389
to (g) of this section less any reduction required under division 144390
(A)(32) or (33) of this section. 144391

(a) The sum of the payments received by the municipal 144392
corporation in calendar year 2010 for current expense levy losses 144393
under division (A)(1) of section 5727.86 and divisions (A)(1) and 144394
(2) of section 5751.22 of the Revised Code as they existed at that 144395
time; 144396

(b) The municipal corporation's percentage share of county 144397
undivided local government fund allocations as certified to the 144398
tax commissioner for calendar year 2010 by the county auditor 144399
under division (J) of section 5747.51 of the Revised Code or 144400
division (F) of section 5747.53 of the Revised Code multiplied by 144401

| | |
|--|--------|
| the total amount actually distributed in calendar year 2010 from | 144402 |
| the county undivided local government fund; | 144403 |
| (c) The sum of the amounts distributed to the municipal | 144404 |
| corporation in calendar year 2010 pursuant to section 5747.50 of | 144405 |
| the Revised Code; | 144406 |
| (d) With respect to taxes levied by the municipal | 144407 |
| corporation, the taxes charged and payable against all property on | 144408 |
| the tax list of real and public utility property for current | 144409 |
| expenses, defined in division (A)(35) of this section, for tax | 144410 |
| year 2009; | 144411 |
| (e) The amount of admissions tax collected by the municipal | 144412 |
| corporation in calendar year 2008, or if such information has not | 144413 |
| yet been reported to the tax commissioner, in the most recent year | 144414 |
| before 2008 for which the municipal corporation has reported data | 144415 |
| to the commissioner; | 144416 |
| (f) The amount of income taxes collected by the municipal | 144417 |
| corporation in calendar year 2008, or if such information has not | 144418 |
| yet been reported to the tax commissioner, in the most recent year | 144419 |
| before 2008 for which the municipal corporation has reported data | 144420 |
| to the commissioner; | 144421 |
| (g) The municipal corporation's median estate tax | 144422 |
| collections. | 144423 |
| (30) "Total resources," in the case of a township, means the | 144424 |
| sum of the amounts in divisions (A)(30)(a) to (c) of this section | 144425 |
| less any reduction required under division (A)(32) or (33) of this | 144426 |
| section. | 144427 |
| (a) The sum of the payments received by the township in | 144428 |
| calendar year 2010 pursuant to division (A)(1) of section 5727.86 | 144429 |
| of the Revised Code and divisions (A)(1) and (2) of section | 144430 |
| 5751.22 of the Revised Code as they existed at that time, | 144431 |
| excluding payments received for debt purposes; | 144432 |

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges.

(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges;

(d) The amount received from the tax commissioner during 144464
calendar year 2010 for sales or use taxes authorized under 144465
sections 5739.023 and 5741.022 of the Revised Code; 144466

(e) For institutions of higher education receiving tax 144467
revenue from a local levy, as identified in section 3358.02 of the 144468
Revised Code, the final state share of instruction allocation for 144469
fiscal year 2010 as calculated by the board of regents and 144470
reported to the state controlling board. 144471

(32) If a fixed-rate levy that is a qualifying levy is not 144472
charged and payable in any year after tax year 2010, "total 144473
resources" used to compute payments to be made under division 144474
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 144475
5751.22 of the Revised Code in the tax years following the last 144476
year the levy is charged and payable shall be reduced to the 144477
extent that the payments are attributable to the fixed-rate levy 144478
loss of that levy as would be computed under division (C)(2) of 144479
section 5727.85, division (A)(1) of section 5727.85, divisions 144480
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 144481
5751.22 of the Revised Code. 144482

(33) In the case of a county, municipal corporation, school 144483
district, or township with fixed-rate levy losses attributable to 144484
a tax levied under section 5705.23 of the Revised Code, "total 144485
resources" used to compute payments to be made under division 144486
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 144487
division (C)(12) of section 5751.21, or division (A)(1)(c) of 144488
section 5751.22 of the Revised Code shall be reduced by the 144489
amounts described in divisions (A)(34)(a) to (c) of this section 144490
to the extent that those amounts were included in calculating the 144491
"total resources" of the school district or local taxing unit 144492
under division (A)(22), (28), (29), or (30) of this section. 144493

(34) "Total library resources," in the case of a county, 144494
municipal corporation, school district, or township public library 144495

that receives the proceeds of a tax levied under section 5705.23 144496
of the Revised Code, means the sum of the amounts in divisions 144497
(A)(34)(a) to (c) of this section less any reduction required 144498
under division (A)(32) of this section. 144499

(a) The sum of the payments received by the county, municipal 144500
corporation, school district, or township public library in 144501
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 144502
Revised Code, as they existed at that time, for fixed-rate levy 144503
losses attributable to a tax levied under section 5705.23 of the 144504
Revised Code for the benefit of the public library; 144505

(b) The public library's percentage share of county undivided 144506
local government fund allocations as certified to the tax 144507
commissioner for calendar year 2010 by the county auditor under 144508
division (J) of section 5747.51 of the Revised Code or division 144509
(F) of section 5747.53 of the Revised Code multiplied by the total 144510
amount actually distributed in calendar year 2010 from the county 144511
undivided local government fund; 144512

(c) With respect to a tax levied pursuant to section 5705.23 144513
of the Revised Code for the benefit of the public library, the 144514
amount of such tax that is charged and payable against all 144515
property on the tax list of real and public utility property for 144516
tax year 2009 excluding any tax that is charged and payable for 144517
the purpose of paying debt charges. 144518

(35) "Municipal current expense property tax levies" means 144519
all property tax levies of a municipality, except those with the 144520
following levy names: airport resurfacing; bond or any levy name 144521
including the word "bond"; capital improvement or any levy name 144522
including the word "capital"; debt or any levy name including the 144523
word "debt"; equipment or any levy name including the word 144524
"equipment," unless the levy is for combined operating and 144525
equipment; employee termination fund; fire pension or any levy 144526
containing the word "pension," including police pensions; 144527

fireman's fund or any practically similar name; sinking fund; road 144528
improvements or any levy containing the word "road"; fire truck or 144529
apparatus; flood or any levy containing the word "flood"; 144530
conservancy district; county health; note retirement; sewage, or 144531
any levy containing the words "sewage" or "sewer"; park 144532
improvement; parkland acquisition; storm drain; street or any levy 144533
name containing the word "street"; lighting, or any levy name 144534
containing the word "lighting"; and water. 144535

(36) "Current expense TPP allocation" means, in the case of a 144536
school district or joint vocational school district, the sum of 144537
the payments received by the school district in fiscal year 2011 144538
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 144539
Revised Code to the extent paid for current expense levies. In the 144540
case of a municipal corporation, "current expense TPP allocation" 144541
means the sum of the payments received by the municipal 144542
corporation in calendar year 2010 pursuant to divisions (A)(1) and 144543
(2) of section 5751.22 of the Revised Code to the extent paid for 144544
municipal current expense property tax levies as defined in 144545
division (A)(35) of this section, excluding any such payments 144546
received for current expense levy losses attributable to a tax 144547
levied under section 5705.23 of the Revised Code. If a fixed-rate 144548
levy that is a qualifying levy is not charged and payable in any 144549
year after tax year 2010, "current expense TPP allocation" used to 144550
compute payments to be made under division (C)(12) of section 144551
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 144552
Revised Code in the tax years following the last year the levy is 144553
charged and payable shall be reduced to the extent that the 144554
payments are attributable to the fixed-rate levy loss of that levy 144555
as would be computed under divisions (C)(10) and (11) of section 144556
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 144557

(37) "TPP allocation" means the sum of payments received by a 144558
local taxing unit in calendar year 2010 pursuant to divisions 144559

(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 144560
any such payments received for fixed-rate levy losses attributable 144561
to a tax levied under section 5705.23 of the Revised Code. If a 144562
fixed-rate levy that is a qualifying levy is not charged and 144563
payable in any year after tax year 2010, "TPP allocation" used to 144564
compute payments to be made under division (A)(1)(b) or (c) of 144565
section 5751.22 of the Revised Code in the tax years following the 144566
last year the levy is charged and payable shall be reduced to the 144567
extent that the payments are attributable to the fixed-rate levy 144568
loss of that levy as would be computed under division (A)(1) of 144569
that section. 144570

(38) "Total TPP allocation" means, in the case of a school 144571
district or joint vocational school district, the sum of the 144572
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 144573
and (11) and (D) of section 5751.21 of the Revised Code. In the 144574
case of a local taxing unit, "total TPP allocation" means the sum 144575
of payments received by the unit in calendar year 2010 pursuant to 144576
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 144577
Code. If a fixed-rate levy that is a qualifying levy is not 144578
charged and payable in any year after tax year 2010, "total TPP 144579
allocation" used to compute payments to be made under division 144580
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 144581
5751.22 of the Revised Code in the tax years following the last 144582
year the levy is charged and payable shall be reduced to the 144583
extent that the payments are attributable to the fixed-rate levy 144584
loss of that levy as would be computed under divisions (C)(10) and 144585
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 144586
the Revised Code. 144587

(39) "Non-current expense TPP allocation" means the 144588
difference of total TPP allocation minus the sum of current 144589
expense TPP allocation and the portion of total TPP allocation 144590
constituting reimbursement for debt levies, pursuant to division 144591

(D) of section 5751.21 of the Revised Code in the case of a school 144592
district or joint vocational school district and pursuant to 144593
division (A)(3) of section 5751.22 of the Revised Code in the case 144594
of a municipal corporation. 144595

(40) "TPP allocation for library purposes" means the sum of 144596
payments received by a county, municipal corporation, school 144597
district, or township public library in calendar year 2010 144598
pursuant to section 5751.22 of the Revised Code for fixed-rate 144599
levy losses attributable to a tax levied under section 5705.23 of 144600
the Revised Code. If a fixed-rate levy authorized under section 144601
5705.23 of the Revised Code that is a qualifying levy is not 144602
charged and payable in any year after tax year 2010, "TPP 144603
allocation for library purposes" used to compute payments to be 144604
made under division (A)(1)(d) of section 5751.22 of the Revised 144605
Code in the tax years following the last year the levy is charged 144606
and payable shall be reduced to the extent that the payments are 144607
attributable to the fixed-rate levy loss of that levy as would be 144608
computed under division (A)(1) of section 5751.22 of the Revised 144609
Code. 144610

(41) "Threshold per cent" means, in the case of a school 144611
district or joint vocational school district, two per cent for 144612
fiscal year 2012 and four per cent for fiscal years 2013 and 144613
thereafter. In the case of a local taxing unit or public library 144614
that receives the proceeds of a tax levied under section 5705.23 144615
of the Revised Code, "threshold per cent" means two per cent for 144616
tax year 2011, four per cent for tax year 2012, and six per cent 144617
for tax years 2013 and thereafter. 144618

(B)(1) The commercial activities tax receipts fund is hereby 144619
created in the state treasury and shall consist of money arising 144620
from the tax imposed under this chapter. Eighty-five 144621
one-hundredths of one per cent of the money credited to that fund 144622
shall be credited to the revenue enhancement fund and shall be 144623

used to defray the costs incurred by the department of taxation in 144624
administering the tax imposed by this chapter and in implementing 144625
tax reform measures. The remainder of the money in the commercial 144626
activities tax receipts fund shall first be credited to the 144627
commercial activity tax motor fuel receipts fund, pursuant to 144628
division (B)(2) of this section, and the remainder shall be 144629
credited in the following percentages each fiscal year to the 144630
general revenue fund, to the school district tangible property tax 144631
replacement fund, which is hereby created in the state treasury 144632
for the purpose of making the payments described in section 144633
5751.21 of the Revised Code, and to the local government tangible 144634
property tax replacement fund, which is hereby created in the 144635
state treasury for the purpose of making the payments described in 144636
section 5751.22 of the Revised Code, in the following percentages: 144637

| Fiscal year | General Revenue
Fund | School District
Tangible
Property Tax
Replacement Fund | Local Government
Tangible
Property Tax
Replacement Fund | |
|------------------------|-------------------------|---|--|--------|
| 2006 | 67.7% | 22.6% | 9.7% | 144639 |
| 2007 | 0% | 70.0% | 30.0% | 144640 |
| 2008 | 0% | 70.0% | 30.0% | 144641 |
| 2009 | 0% | 70.0% | 30.0% | 144642 |
| 2010 | 0% | 70.0% | 30.0% | 144643 |
| 2011 | 0% | 70.0% | 30.0% | 144644 |
| 2012 | 25.0% | 52.5% | 22.5% | 144645 |
| 2013 and
thereafter | 50.0% | 35.0% | 15.0% | 144646 |

(2) Not later than the twentieth day of February, May, 144647
August, and November of each year, the commissioner shall provide 144648
for payment from the commercial activities tax receipts fund to 144649
the commercial activity tax motor fuel receipts fund an amount 144650
that bears the same ratio to the balance in the commercial 144651
activities tax receipts fund that (a) the taxable gross receipts 144652

attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is

thirteen and one-fourth and the denominator of which is 144683
twenty-three; 144684

(d) For tax year 2009 and thereafter a fraction, the 144685
numerator of which is seventeen and the denominator of which is 144686
twenty-three. 144687

(3) Furniture and fixtures property tax value loss is the 144688
taxable value of furniture and fixture property as reported by 144689
taxpayers for tax year 2004 multiplied by: 144690

(a) For tax year 2006, twenty-five per cent; 144691

(b) For tax year 2007, fifty per cent; 144692

(c) For tax year 2008, seventy-five per cent; 144693

(d) For tax year 2009 and thereafter, one hundred per cent. 144694

The taxable value of property reported by taxpayers used in 144695
divisions (C)(1), (2), and (3) of this section shall be such 144696
values as determined to be final by the tax commissioner as of 144697
August 31, 2005. Such determinations shall be final except for any 144698
correction of a clerical error that was made prior to August 31, 144699
2005, by the tax commissioner. 144700

(4) Telephone property tax value loss is the taxable value of 144701
telephone property as taxpayers would have reported that property 144702
for tax year 2004 if the assessment rate for all telephone 144703
property for that year were twenty-five per cent, multiplied by: 144704

(a) For tax year 2006, zero per cent; 144705

(b) For tax year 2007, zero per cent; 144706

(c) For tax year 2008, zero per cent; 144707

(d) For tax year 2009, sixty per cent; 144708

(e) For tax year 2010, eighty per cent; 144709

(f) For tax year 2011 and thereafter, one hundred per cent. 144710

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit

multiplied by the sum of the fixed-sum tax rates of qualifying 144774
levies. For 2006 through 2010, this computation shall include all 144775
qualifying levies remaining in effect for the current tax year and 144776
any school district levies charged and payable under section 144777
5705.194 or 5705.213 of the Revised Code that are qualifying 144778
levies not remaining in effect for the current year. For 2011 144779
through 2017 in the case of school district levies charged and 144780
payable under section 5705.194 or 5705.213 of the Revised Code and 144781
for all years after 2010 in the case of other fixed-sum levies, 144782
this computation shall include only qualifying levies remaining in 144783
effect for the current year. For purposes of this computation, a 144784
qualifying school district levy charged and payable under section 144785
5705.194 or 5705.213 of the Revised Code remains in effect in a 144786
year after 2010 only if, for that year, the board of education 144787
levies a school district levy charged and payable under section 144788
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 144789
an annual sum at least equal to the annual sum levied by the board 144790
in tax year 2004 less the amount of the payment certified under 144791
this division for 2006. 144792

(2) The total taxable value in tax year 2004 less the sum of 144793
the machinery and equipment, inventory, furniture and fixtures, 144794
and telephone property tax value losses in each school district, 144795
joint vocational school district, and local taxing unit multiplied 144796
by one-half of one mill per dollar. 144797

(3) For the calculations in divisions (E)(1) and (2) of this 144798
section, the tax value losses are those that would be calculated 144799
for tax year 2009 under divisions (C)(1), (2), and (3) of this 144800
section and for tax year 2011 under division (C)(4) of this 144801
section. 144802

(4) To facilitate the calculation under divisions (D) and (E) 144803
of this section, not later than September 1, 2005, any school 144804
district, joint vocational school district, or local taxing unit 144805

that has a qualifying levy that was approved at an election 144806
conducted during 2005 before September 1, 2005, shall certify to 144807
the tax commissioner a copy of the county auditor's certificate of 144808
estimated property tax millage for such levy as required under 144809
division (B) of section 5705.03 of the Revised Code, which is the 144810
rate that shall be used in the calculations under such divisions. 144811

If the amount determined under division (E) of this section 144812
for any school district, joint vocational school district, or 144813
local taxing unit is greater than zero, that amount shall equal 144814
the reimbursement to be paid pursuant to division (E) of section 144815
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 144816
and the one-half of one mill that is subtracted under division 144817
(E)(2) of this section shall be apportioned among all contributing 144818
fixed-sum levies in the proportion that each levy bears to the sum 144819
of all fixed-sum levies within each school district, joint 144820
vocational school district, or local taxing unit. 144821

(F) If a school district levies a tax under section 5705.219 144822
of the Revised Code, the fixed-rate levy loss for qualifying 144823
levies, to the extent repealed under that section, shall equal the 144824
sum of the following amounts in lieu of the amounts computed for 144825
such levies under division (D) of this section: 144826

(1) The sum of the rates of qualifying levies to the extent 144827
so repealed multiplied by the sum of the machinery and equipment, 144828
inventory, and furniture and fixtures tax value losses for 2009 as 144829
determined under that division; 144830

(2) The sum of the rates of qualifying levies to the extent 144831
so repealed multiplied by the telephone property tax value loss 144832
for 2011 as determined under that division. 144833

The fixed-rate levy losses for qualifying levies to the 144834
extent not repealed under section 5705.219 of the Revised Code 144835
shall be as determined under division (D) of this section. The 144836

revised fixed-rate levy losses determined under this division and 144837
division (D) of this section first apply in the year following the 144838
first year the district levies the tax under section 5705.219 of 144839
the Revised Code. 144840

(G) Not later than October 1, 2005, the tax commissioner 144841
shall certify to the department of education for every school 144842
district and joint vocational school district the machinery and 144843
equipment, inventory, furniture and fixtures, and telephone 144844
property tax value losses determined under division (C) of this 144845
section, the machinery and equipment, inventory, furniture and 144846
fixtures, and telephone fixed-rate levy losses determined under 144847
division (D) of this section, and the fixed-sum levy losses 144848
calculated under division (E) of this section. The calculations 144849
under divisions (D) and (E) of this section shall separately 144850
display the levy loss for each levy eligible for reimbursement. 144851

(H) Not later than October 1, 2005, the tax commissioner 144852
shall certify the amount of the fixed-sum levy losses to the 144853
county auditor of each county in which a school district, joint 144854
vocational school district, or local taxing unit with a fixed-sum 144855
levy loss reimbursement has territory. 144856

(I) Not later than the twenty-eighth day of February each 144857
year beginning in 2011 and ending in 2014, the tax commissioner 144858
shall certify to the department of education for each school 144859
district first levying a tax under section 5705.219 of the Revised 144860
Code in the preceding year the revised fixed-rate levy losses 144861
determined under divisions (D) and (F) of this section. 144862

(J)(1) There is hereby created in the state treasury the 144863
commercial activity tax motor fuel receipts fund. 144864

(2)(a) On or before June 15, 2014, the director of the Ohio 144865
public works commission shall certify to the director of budget 144866
and management the amount of debt service paid from the general 144867

revenue fund in fiscal years 2013 and 2014 on bonds issued to 144868
finance or assist in the financing of the cost of local 144869
subdivision public infrastructure capital improvement projects, as 144870
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 144871
Constitution, that are attributable to costs for construction, 144872
reconstruction, maintenance, or repair of public highways and 144873
bridges and other statutory highway purposes. That certification 144874
shall allocate the total amount of debt service paid from the 144875
general revenue fund and attributable to those costs in each of 144876
fiscal years 2013 and 2014 according to the applicable section of 144877
the Ohio Constitution under which the bonds were originally 144878
issued. 144879

(b) On or before June 30, 2014, the director of budget and 144880
management shall determine an amount up to but not exceeding the 144881
amount certified under division (J)(2)(a) of this section and 144882
shall reserve that amount from the cash balance in the commercial 144883
activity tax motor fuel receipts fund for transfer to the general 144884
revenue fund at times and in amounts to be determined by the 144885
director. The director shall transfer the cash balance in the 144886
commercial activity tax motor fuel receipts fund in excess of the 144887
amount so reserved to the highway operating fund on or before June 144888
30, 2014. 144889

(3)(a) On or before the fifteenth day of June of each fiscal 144890
year beginning with fiscal year 2015, the director of the Ohio 144891
public works commission shall certify to the director of budget 144892
and management the amount of debt service paid from the general 144893
revenue fund in the current fiscal year on bonds issued to finance 144894
or assist in the financing of the cost of local subdivision public 144895
infrastructure capital improvement projects, as provided for in 144896
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 144897
are attributable to costs for construction, reconstruction, 144898
maintenance, or repair of public highways and bridges and other 144899

statutory highway purposes. That certification shall allocate the 144900
total amount of debt service paid from the general revenue fund 144901
and attributable to those costs in the current fiscal year 144902
according to the applicable section of the Ohio Constitution under 144903
which the bonds were originally issued. 144904

(b) On or before the thirtieth day of June of each fiscal 144905
year beginning with fiscal year 2015, the director of budget and 144906
management shall determine an amount up to but not exceeding the 144907
amount certified under division (J)(3)(a) of this section and 144908
shall reserve that amount from the cash balance in the motor fuel 144909
receipts tax public highways fund or the commercial activity tax 144910
motor fuel receipts fund for transfer to the general revenue fund 144911
at times and in amounts to be determined by the director. The 144912
director shall transfer the cash balance in the motor fuel 144913
receipts tax public highways fund or the commercial activity tax 144914
motor fuel receipts fund in excess of the amount so reserved to 144915
the highway operating fund on or before the thirtieth day of June 144916
of the current fiscal year. 144917

Sec. 5751.21. (A) Not later than the thirtieth day of July of 144918
2007 through 2010, the department of education shall consult with 144919
the director of budget and management and determine the following 144920
for each school district and each joint vocational school district 144921
eligible for payment under division (B) of this section: 144922

(1) The state education aid offset, which, except as provided 144924
in division (A)(1)(c) of this section, is the difference obtained 144925
by subtracting the amount described in division (A)(1)(b) of this 144926
section from the amount described in division (A)(1)(a) of this 144927
section: 144928

(a) The state education aid computed for the school district 144929
or joint vocational school district for the current fiscal year as 144930

of the thirtieth day of July; 144931

(b) The state education aid that would be computed for the 144932
school district or joint vocational school district for the 144933
current fiscal year as of the thirtieth day of July if the 144934
valuation used in the calculation in division (B)(1) of section 144935
3306.13 of the Revised Code as that division existed for fiscal 144936
years 2010 and 2011 included the machinery and equipment, 144937
inventory, furniture and fixtures, and telephone property tax 144938
value losses for the school district or joint vocational school 144939
district for the second preceding tax year, and if taxes charged 144940
and payable associated with the tax value losses are accounted for 144941
in any state education aid computation dependent on taxes charged 144942
and payable. 144943

(c) The state education aid offset for fiscal year 2010 and 144944
fiscal year 2011 equals the greater of the state education aid 144945
offset calculated for that fiscal year under divisions (A)(1)(a) 144946
and (b) of this section and the state education aid offset 144947
calculated for fiscal year 2009. For fiscal year 2012 and 2013, 144948
the state education aid offset equals the state education aid 144949
offset for fiscal year 2011. 144950

(2) For fiscal years 2008 through 2011, the greater of zero 144951
or the difference obtained by subtracting the state education aid 144952
offset determined under division (A)(1) of this section from the 144953
sum of the machinery and equipment fixed-rate levy loss, the 144954
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 144955
levy loss, and telephone property fixed-rate levy loss certified 144956
under divisions (G) and (I) of section 5751.20 of the Revised Code 144957
for all taxing districts in each school district and joint 144958
vocational school district for the second preceding tax year. 144959

By the thirtieth day of July of each such year, the 144960
department of education and the director of budget and management 144961
shall agree upon the amount to be determined under division (A)(1) 144962

of this section. 144963

(B) On or before the thirty-first day of August of 2008, 144964
2009, and 2010, the department of education shall recalculate the 144965
offset described under division (A) of this section for the 144966
previous fiscal year and recalculate the payments made under 144967
division (C) of this section in the preceding fiscal year using 144968
the offset calculated under this division. If the payments 144969
calculated under this division differ from the payments made under 144970
division (C) of this section in the preceding fiscal year, the 144971
difference shall either be paid to a school district or recaptured 144972
from a school district through an adjustment at the same times 144973
during the current fiscal year that the payments under division 144974
(C) of this section are made. In August and October of the current 144975
fiscal year, the amount of each adjustment shall be three-sevenths 144976
of the amount calculated under this division. In May of the 144977
current fiscal year, the adjustment shall be one-seventh of the 144978
amount calculated under this division. 144979

(C) The department of education shall pay from the school 144980
district tangible property tax replacement fund to each school 144981
district and joint vocational school district all of the following 144982
for fixed-rate levy losses certified under divisions (G) and (I) 144983
of section 5751.20 of the Revised Code: 144984

(1) On or before May 31, 2006, one-seventh of the total 144985
fixed-rate levy loss for tax year 2006; 144986

(2) On or before August 31, 2006, and October 31, 2006, 144987
one-half of six-sevenths of the total fixed-rate levy loss for tax 144988
year 2006; 144989

(3) On or before May 31, 2007, one-seventh of the total 144990
fixed-rate levy loss for tax year 2007; 144991

(4) On or before August 31, 2007, and October 31, 2007, 144992
forty-three per cent of the amount determined under division 144993

(A)(2) of this section for fiscal year 2008, but not less than 144994
zero, plus one-half of six-sevenths of the difference between the 144995
total fixed-rate levy loss for tax year 2007 and the total 144996
fixed-rate levy loss for tax year 2006. 144997

(5) On or before May 31, 2008, fourteen per cent of the 144998
amount determined under division (A)(2) of this section for fiscal 144999
year 2008, but not less than zero, plus one-seventh of the 145000
difference between the total fixed-rate levy loss for tax year 145001
2008 and the total fixed-rate levy loss for tax year 2006. 145002

(6) On or before August 31, 2008, and October 31, 2008, 145003
forty-three per cent of the amount determined under division 145004
(A)(2) of this section for fiscal year 2009, but not less than 145005
zero, plus one-half of six-sevenths of the difference between the 145006
total fixed-rate levy loss in tax year 2008 and the total 145007
fixed-rate levy loss in tax year 2007. 145008

(7) On or before May 31, 2009, fourteen per cent of the 145009
amount determined under division (A)(2) of this section for fiscal 145010
year 2009, but not less than zero, plus one-seventh of the 145011
difference between the total fixed-rate levy loss for tax year 145012
2009 and the total fixed-rate levy loss for tax year 2007. 145013

(8) On or before August 31, 2009, and October 31, 2009, 145014
forty-three per cent of the amount determined under division 145015
(A)(2) of this section for fiscal year 2010, but not less than 145016
zero, plus one-half of six-sevenths of the difference between the 145017
total fixed-rate levy loss in tax year 2009 and the total 145018
fixed-rate levy loss in tax year 2008. 145019

(9) On or before May 31, 2010, fourteen per cent of the 145020
amount determined under division (A)(2) of this section for fiscal 145021
year 2010, but not less than zero, plus one-seventh of the 145022
difference between the total fixed-rate levy loss in tax year 2010 145023
and the total fixed-rate levy loss in tax year 2008. 145024

(10) On or before August 31, 2010, and October 31, 2010, 145025
forty-three per cent of the amount determined under division 145026
(A)(2) of this section for fiscal year 2011, but not less than 145027
zero, plus one-half of six-sevenths of the difference between the 145028
telephone property fixed-rate levy loss for tax year 2010 and the 145029
telephone property fixed-rate levy loss for tax year 2009. 145030

(11) On or before May 31, 2011, fourteen per cent of the 145031
amount determined under division (A)(2) of this section for fiscal 145032
year 2011, but not less than zero, plus one-seventh of the 145033
difference between the telephone property fixed-rate levy loss for 145034
tax year 2011 and the telephone property fixed-rate levy loss for 145035
tax year 2009. 145036

(12) For fiscal years 2012 and thereafter, the sum of the 145037
amounts in divisions (C)(12)(a) or (b) and (c) of this section 145038
shall be paid on or before the ~~twentieth~~ last day of November and 145039
the last day of May: 145040

(a) If the ratio of current expense TPP allocation to total 145041
resources is equal to or less than the threshold per cent, zero; 145042

(b) If the ratio of current expense TPP allocation to total 145043
resources is greater than the threshold per cent, fifty per cent 145044
of the difference of current expense TPP allocation minus the 145045
product of total resources multiplied by the threshold per cent; 145046

(c) Fifty per cent of the product of non-current expense TPP 145047
allocation multiplied by seventy-five per cent for fiscal year 145048
2012 and fifty per cent for fiscal years 2013 and thereafter. 145049

The department of education shall report to each school 145050
district and joint vocational school district the apportionment of 145051
the payments among the school district's or joint vocational 145052
school district's funds based on the certifications under 145053
divisions (G) and (I) of section 5751.20 of the Revised Code. 145054

(D) For taxes levied within the ten-mill limitation for debt 145055

purposes in tax year 2005, payments shall be made equal to one 145056
hundred per cent of the loss computed as if the tax were a 145057
fixed-rate levy, but those payments shall extend from fiscal year 145058
2006 through fiscal year 2018, as long as the qualifying levy 145059
continues to be used for debt purposes. If the purpose of such a 145060
qualifying levy is changed, that levy becomes subject to the 145061
payments determined in division (C) of this section. 145062

(E)(1) Not later than January 1, 2006, for each fixed-sum 145063
levy of each school district or joint vocational school district 145064
and for each year for which a determination is made under division 145065
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 145066
loss is to be reimbursed, the tax commissioner shall certify to 145067
the department of education the fixed-sum levy loss determined 145068
under that division. The certification shall cover a time period 145069
sufficient to include all fixed-sum levies for which the 145070
commissioner made such a determination. On or before the last day 145071
of May of the current year, the department shall pay from the 145072
school district property tax replacement fund to the school 145073
district or joint vocational school district one-third of the 145074
fixed-sum levy loss so certified, plus one-third of the amount 145075
certified under division (I) of section 5751.20 of the Revised 145076
Code, and on or before the ~~twentieth~~ last day of November, 145077
two-thirds of the fixed-sum levy loss so certified, plus 145078
two-thirds of the amount certified under division (I) of section 145079
5751.20 of the Revised Code. Payments under this division of the 145080
amounts certified under division (I) of section 5751.20 of the 145081
Revised Code shall continue until the levy adopted under section 145082
5705.219 of the Revised Code expires. 145083

(2) Beginning in 2006, by the first day of January of each 145084
year, the tax commissioner shall review the certification 145085
originally made under division (E)(1) of this section. If the 145086
commissioner determines that a debt levy that had been scheduled 145087

to be reimbursed in the current year has expired, a revised 145088
certification for that and all subsequent years shall be made to 145089
the department of education. 145090

(F) Beginning in September 2007 and through June 2013, the 145091
director of budget and management shall transfer from the school 145092
district tangible property tax replacement fund to the general 145093
revenue fund each of the following: 145094

(1) On the first day of September, one-fourth of the amount 145095
determined for that fiscal year under division (A)(1) of this 145096
section; 145097

(2) On the first day of December, one-fourth of the amount 145098
determined for that fiscal year under division (A)(1) of this 145099
section; 145100

(3) On the first day of March, one-fourth of the amount 145101
determined for that fiscal year under division (A)(1) of this 145102
section; 145103

(4) On the first day of June, one-fourth of the amount 145104
determined for that fiscal year under division (A)(1) of this 145105
section. 145106

If, when a transfer is required under division (F)(1), (2), 145107
(3), or (4) of this section, there is not sufficient money in the 145108
school district tangible property tax replacement fund to make the 145109
transfer in the required amount, the director shall transfer the 145110
balance in the fund to the general revenue fund and may make 145111
additional transfers on later dates as determined by the director 145112
in a total amount that does not exceed one-fourth of the amount 145113
determined for the fiscal year. 145114

(G) If the total amount in the school district tangible 145115
property tax replacement fund is insufficient to make all payments 145116
under divisions (C), (D), and (E) of this section at the times the 145117
payments are to be made, the director of budget and management 145118

shall transfer from the general revenue fund to the school 145119
district tangible property tax replacement fund the difference 145120
between the total amount to be paid and the amount in the school 145121
district tangible property tax replacement fund. 145122

(H) On the fifteenth day of June of each year, the director 145123
of budget and management may transfer any balance in the school 145124
district tangible property tax replacement fund to the general 145125
revenue fund. 145126

(I) If all of the territory of a school district or joint 145127
vocational school district is merged with another district, or if 145128
a part of the territory of a school district or joint vocational 145129
school district is transferred to an existing or newly created 145130
district, the department of education, in consultation with the 145131
tax commissioner, shall adjust the payments made under this 145132
section as follows: 145133

(1) For a merger of two or more districts, the fixed-sum levy 145134
losses, total resources, current expense TPP allocation, total TPP 145135
allocation, and non-current expense TPP allocation of the 145136
successor district shall be the sum of such items for each of the 145137
districts involved in the merger. 145138

(2) If property is transferred from one district to a 145139
previously existing district, the amount of total resources, 145140
current expense TPP allocation, total TPP allocation, and 145141
non-current expense TPP allocation that shall be transferred to 145142
the recipient district shall be an amount equal to total 145143
resources, current expense TPP allocation, total TPP allocation, 145144
and non-current expense TPP allocation of the transferor district 145145
times a fraction, the numerator of which is the number of pupils 145146
being transferred to the recipient district, measured, in the case 145147
of a school district, by average daily membership as reported 145148
under division (A) of section 3317.03 of the Revised Code or, in 145149
the case of a joint vocational school district, by formula ADM as 145150

reported in division (D) of that section, and the denominator of 145151
which is the average daily membership or formula ADM of the 145152
transferor district. 145153

(3) After December 31, 2010, if property is transferred from 145154
one or more districts to a district that is newly created out of 145155
the transferred property, the newly created district shall be 145156
deemed not to have any total resources, current expense TPP 145157
allocation, total TPP allocation, or non-current expense TPP 145158
allocation. 145159

(4) If the recipient district under division (I)(2) of this 145160
section or the newly created district under division (I)(3) of 145161
this section is assuming debt from one or more of the districts 145162
from which the property was transferred and any of the districts 145163
losing the property had fixed-sum levy losses, the department of 145164
education, in consultation with the tax commissioner, shall make 145165
an equitable division of the fixed-sum levy loss reimbursements. 145166

Sec. 5751.55. (A) As used in this section, "certificate 145167
owner" has the same meaning as in section 149.311 of the Revised 145168
Code. 145169

(B) There is allowed a refundable credit against the tax 145170
imposed by section 5751.02 of the Revised Code for any taxpayer 145171
that is the certificate owner of a rehabilitation tax credit 145172
certificate issued under section 149.311 of the Revised Code. The 145173
credit shall equal twenty-five per cent of the dollar amount 145174
indicated on the certificate, but shall not exceed five million 145175
dollars. The credit shall be claimed for the calendar year 145176
specified in the certificate and in the order required under 145177
section 5751.98 of the Revised Code. For the purpose of making tax 145178
payments under this chapter, taxes equal to the amount of the 145179
credit shall be considered to be paid to the state on the first 145180
day of the tax period. 145181

(C) A taxpayer claiming a credit under this section shall 145182
retain the rehabilitation tax credit certificate for four years 145183
following the end of the tax period to which the credit was 145184
applied and shall make the certificate available for inspection by 145185
the tax commissioner upon the request of the commissioner during 145186
that four-year period. 145187

(D) Nothing in this section limits or disallows pass-through 145188
treatment of the credit if the certificate owner is a pass-through 145189
entity. If the certificate owner is a pass-through entity, the 145190
credit may be allocated among the entity's equity owners in such 145191
proportions or amounts as the equity owners mutually agree, 145192
whether or not the equity owner allocated the credit is part of a 145193
combined taxpayer or consolidated elected taxpayer group with the 145194
pass-through entity. 145195

(E) Notwithstanding division (B) of this section, a taxpayer 145196
that is a certificate owner and that could have claimed the credit 145197
under section 5733.47 of the Revised Code for tax year 2014 or 145198
2015, as that section existed before its amendment by H.B. 510 of 145199
the 129th general assembly, may claim the credit under this 145200
section for calendar year 2013 or 2014. Nothing in this division 145201
allows a taxpayer to claim the credit more than once. 145202

Sec. 5751.98. (A) To provide a uniform procedure for 145203
calculating the amount of tax due under this chapter, a taxpayer 145204
shall claim any credits to which it is entitled in the following 145205
order: 145206

(1) The nonrefundable jobs retention credit under division 145207
(B) of section 5751.50 of the Revised Code; 145208

(2) The nonrefundable credit for qualified research expenses 145209
under division (B) of section 5751.51 of the Revised Code; 145210

(3) The nonrefundable credit for a borrower's qualified 145211

| | |
|---|--|
| research and development loan payments under division (B) of section 5751.52 of the Revised Code; | 145212
145213 |
| (4) The nonrefundable credit for calendar years 2010 to 2029 for unused net operating losses under division (B) of section 5751.53 of the Revised Code; | 145214
145215
145216 |
| (5) The refundable motion picture production credit under section 5751.54 of the Revised Code; | 145217
145218 |
| (6) The refundable jobs creation credit or job retention credit under division (A) of section 5751.50 of the Revised Code; | 145219
145220 |
| (7) The refundable credit for calendar year 2030 for unused net operating losses under division (C) of section 5751.53 of the Revised Code; | 145221
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145223 |
| <u>(8) The refundable credit for rehabilitating a historic building under section 5751.55 of the Revised Code.</u> | 145224
145225 |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit. | 145226
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145231 |
| Sec. 5753.03. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.02 of the Revised Code, the following funds are created in the state treasury: | 145232
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145235 |
| (1) The casino tax revenue fund; | 145236 |
| (2) The gross casino revenue county fund; | 145237 |
| (3) The gross casino revenue county student fund; | 145238 |
| (4) The gross casino revenue host city fund; | 145239 |
| (5) The Ohio state racing commission fund; | 145240 |

| | |
|--|--------------------------------------|
| (6) The Ohio law enforcement training fund; | 145241 |
| (7) The problem casino gambling and addictions fund; | 145242 |
| (8) The casino control commission fund; | 145243 |
| (9) The casino tax administration fund; | 145244 |
| (10) The peace officer training academy fund; | 145245 |
| (11) The criminal justice services casino tax revenue fund. | 145246 |
| (B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund. | 145247
145248 |
| (C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code. | 145249
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145252 |
| (D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows: | 145253
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145256 |
| (1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution; | 145257
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145259 |
| (2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code; | 145260
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145262
145263 |
| (3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located; | 145264
145265
145266 |
| (4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the | 145267
145268
145269 |

pari-mutuel system of wagering is conducted; 145270

(5) Two per cent to the Ohio law enforcement training fund to 145271
support law enforcement functions in the state; 145272

(6) Two per cent to the problem casino gambling and 145273
addictions fund to support efforts of the department of ~~alcohol~~ 145274
~~and drug addiction services~~ mental health and addiction services 145275
to alleviate problem gambling and substance abuse and related 145276
research in the state under section ~~3793.032~~ 5119.47 of the 145277
Revised Code; 145278

(7) Three per cent to the casino control commission fund to 145279
support the operations of the Ohio casino control commission and 145280
to defray the cost of administering the tax levied under section 145281
5753.02 of the Revised Code. 145282

Payments under divisions (D)(1) and (3) of this section shall 145283
be made by the end of the month following the end of the quarterly 145284
period. The tax commissioner shall make the data available to the 145285
director of budget and management for this purpose. 145286

Money in the Ohio state racing commission fund shall be 145287
distributed at the discretion of the Ohio state racing commission 145288
for the purpose stated in division (D)(4) of this section by the 145289
end of the month following the end of the quarterly period. The 145290
commission may retain up to five per cent of the amount 145291
transferred to the fund under division (D)(4) of this section for 145292
operating expenses necessary for the administration of the fund. 145293

Payments from the gross casino revenue county student fund as 145294
required under section 5753.11 of the Revised Code shall be made 145295
by the last day of January and by the last day of August of each 145296
year, beginning in 2013. The tax commissioner shall make the data 145297
available to the director of budget and management for this 145298
purpose. 145299

Of the money credited to the Ohio law enforcement training 145300

fund, the director of budget and management shall distribute 145301
eighty-five per cent of the money to the police officer training 145302
academy fund for the purpose of supporting the law enforcement 145303
training efforts of the Ohio peace officer training academy and 145304
fifteen per cent of the money to the criminal justice services 145305
casino tax revenue fund for the purpose of supporting the law 145306
enforcement training efforts of the division of criminal justice 145307
services. 145308

(E)(1) The tax commissioner shall serve as an agent of the 145309
counties of this state only for the purposes of this division and 145310
solely to make payments directly to municipal corporations and 145311
school districts, as applicable, on the counties' behalf. 145312

(2) On or before the last day of the month following the end 145313
of each calendar quarter, the tax commissioner shall provide for 145314
payment from the funds referenced in divisions (D)(1) and (3) of 145315
this section to each county and municipal corporation as 145316
prescribed in those divisions. 145317

(3) On or before the last day of January and the last day of 145318
August each year, the commissioner shall provide for payments from 145319
the fund referenced in division (D)(2) of this section to each 145320
school district as prescribed in that division. 145321

(F) The director of budget and management shall transfer one 145322
per cent of the money credited to the casino control commission 145323
fund to the casino tax administration fund. The tax commissioner 145324
shall use the casino tax administration fund to defray the costs 145325
incurred in administering the tax levied by this chapter. 145326

(G) All investment earnings of the gross casino revenue 145327
county student fund shall be credited to the fund. 145328

Sec. 5753.07. (A)(1) The tax commissioner may issue an 145329
assessment, based on any information in the tax commissioner's 145330

possession, against a casino operator who fails to pay the tax 145331
levied under section 5753.02 of the Revised Code or to file a 145332
return under section 5753.04 of the Revised Code. The tax 145333
commissioner shall give the casino operator written notice of the 145334
assessment under section 5703.37 of the Revised Code. With the 145335
notice, the tax commissioner shall include instructions on how to 145336
petition for reassessment and on how to request a hearing with 145337
respect to the petition. 145338

(2) Unless the casino operator, within sixty days after 145339
service of the notice of assessment, files with the tax 145340
commissioner, either personally or by certified mail, a written 145341
petition signed by the casino operator, or by the casino 145342
operator's authorized agent who has knowledge of the facts, the 145343
assessment becomes final, and the amount of the assessment is due 145344
and payable from the casino operator to the treasurer of state. 145345
The petition shall indicate the casino operator's objections to 145346
the assessment. Additional objections may be raised in writing if 145347
they are received by the tax commissioner before the date shown on 145348
the final determination. 145349

(3) If a petition for reassessment has been properly filed, 145350
the tax commissioner shall proceed under section 5703.60 of the 145351
Revised Code. 145352

(4) After an assessment becomes final, if any portion of the 145353
assessment, including penalties and accrued interest, remains 145354
unpaid, the tax commissioner may file a certified copy of the 145355
entry making the assessment final in the office of the clerk of 145356
the court of common pleas of Franklin county or in the office of 145357
the clerk of the court of common pleas of the county in which the 145358
casino operator resides, the casino operator's casino facility is 145359
located, or the casino operator's principal place of business in 145360
this state is located. Immediately upon the filing of the entry, 145361

the clerk shall enter a judgment for the state against the 145362
taxpayer assessed in the amount shown on the entry. The judgment 145363
may be filed by the clerk in a loose-leaf book entitled, "special 145364
judgments for the gross casino revenue tax." The judgment has the 145365
same effect as other judgments. Execution shall issue upon the 145366
judgment at the request of the tax commissioner, and all laws 145367
applicable to sales on execution apply to sales made under the 145368
judgment. 145369

(5) ~~The portion of an~~ If the assessment is not paid in its 145370
entirety within sixty days after the day the assessment was issued 145371
~~bears, the portion of the assessment consisting of tax due shall~~ 145372
bear interest at the rate per annum prescribed by section 5703.47 145373
of the Revised Code from the day the tax commissioner issued the 145374
assessment until the assessment is paid or until it is certified 145375
to the attorney general for collection under section 131.02 of the 145376
Revised Code, whichever comes first. If the unpaid portion of the 145377
assessment is certified to the attorney general for collection, 145378
the entire unpaid portion of the assessment shall bear interest at 145379
the rate per annum prescribed by section 5703.47 of the Revised 145380
Code from the date of certification until the date it is paid in 145381
its entirety. Interest shall be paid in the same manner as the tax 145382
levied under section 5753.02 of the Revised Code and may be 145383
collected by the issuance of an assessment under this section. 145384

(B) If the tax commissioner believes that collection of the 145385
tax levied under section 5753.02 of the Revised Code will be 145386
jeopardized unless proceedings to collect or secure collection of 145387
the tax are instituted without delay, the commissioner may issue a 145388
jeopardy assessment against the casino operator who is liable for 145389
the tax. Immediately upon the issuance of a jeopardy assessment, 145390
the tax commissioner shall file an entry with the clerk of the 145391
court of common pleas in the manner prescribed by division (A)(4) 145392
of this section, and the clerk shall proceed as directed in that 145393

division. Notice of the jeopardy assessment shall be served on the 145394
casino operator or the casino operator's authorized agent under 145395
section 5703.37 of the Revised Code within five days after the 145396
filing of the entry with the clerk. The total amount assessed is 145397
immediately due and payable, unless the casino operator assessed 145398
files a petition for reassessment under division (A)(2) of this 145399
section and provides security in a form satisfactory to the tax 145400
commissioner that is in an amount sufficient to satisfy the unpaid 145401
balance of the assessment. If a petition for reassessment has been 145402
filed, and if satisfactory security has been provided, the tax 145403
commissioner shall proceed under division (A)(3) of this section. 145404
Full or partial payment of the assessment does not prejudice the 145405
tax commissioner's consideration of the petition for reassessment. 145406

(C) The tax commissioner shall immediately forward to the 145407
treasurer of state all amounts the tax commissioner receives under 145408
this section, and the amounts forwarded shall be treated as if 145409
they were revenue arising from the tax levied under section 145410
5753.02 of the Revised Code. 145411

(D) Except as otherwise provided in this division, no 145412
assessment shall be issued against a casino operator for the tax 145413
levied under section 5753.02 of the Revised Code more than four 145414
years after the due date for filing the return for the tax period 145415
for which the tax was reported, or more than four years after the 145416
return for the tax period was filed, whichever is later. This 145417
division does not bar an assessment against a casino operator who 145418
fails to file a return as required by section 5753.04 of the 145419
Revised Code or who files a fraudulent return, or when the casino 145420
operator and the tax commissioner waive in writing the time 145421
limitation. 145422

(E) If the tax commissioner possesses information that 145423
indicates that the amount of tax a casino operator is liable to 145424
pay under section 5753.02 of the Revised Code exceeds the amount 145425

the casino operator paid, the tax commissioner may audit a sample 145426
of the casino operator's gross casino revenue over a 145427
representative period of time to ascertain the amount of tax due, 145428
and may issue an assessment based on the audit. The tax 145429
commissioner shall make a good faith effort to reach agreement 145430
with the casino operator in selecting a representative sample. The 145431
tax commissioner may apply a sampling method only if the tax 145432
commissioner has prescribed the method by rule. 145433

(F) If the whereabouts of a casino operator who is liable for 145434
the tax levied under section 5753.02 of the Revised Code are 145435
unknown to the tax commissioner, the tax commissioner shall 145436
proceed under section 5703.37 of the Revised Code. 145437

(G) If a casino operator fails to pay the tax levied under 145438
section 5753.02 of the Revised Code within a period of one year 145439
after the due date for remitting the tax, the Ohio casino control 145440
commission may suspend the casino operator's license. 145441

Sec. 5815.28. (A) As used in this section: 145442

(1) "Ascertainable standard" includes a standard in a trust 145443
instrument requiring the trustee to provide for the care, comfort, 145444
maintenance, welfare, education, or general well-being of the 145445
beneficiary. 145446

(2) "Disability" means any substantial, medically 145447
determinable impairment that can be expected to result in death or 145448
that has lasted or can be expected to last for a continuous period 145449
of at least twelve months, except that "disability" does not 145450
include an impairment that is the result of abuse of alcohol or 145451
drugs. 145452

(3) "Political subdivision" and "state" have the same 145453
meanings as in section 2744.01 of the Revised Code. 145454

(4) "Supplemental services" means services specified by rule 145455

of the department of ~~mental health~~ mental health and addiction 145456
services under section ~~5119.01~~ 5119.10 of the Revised Code or the 145457
department of developmental disabilities under section 5123.04 of 145458
the Revised Code that are provided to an individual with a 145459
disability in addition to services the individual is eligible to 145460
receive under programs authorized by federal or state law. 145461

(B) Any person may create a trust under this section to 145462
provide funding for supplemental services for the benefit of 145463
another individual who meets either of the following conditions: 145464

(1) The individual has a physical or mental disability and is 145465
eligible to receive services through the department of 145466
developmental disabilities or a county board of developmental 145467
disabilities; 145468

(2) The individual has a mental disability and is eligible to 145469
receive services through the department of ~~mental health~~ mental 145470
health and addiction services or a board of alcohol, drug 145471
addiction, and mental health services. 145472

The trust may confer discretion upon the trustee and may 145473
contain specific instructions or conditions governing the exercise 145474
of the discretion. 145475

(C) The general division of the court of common pleas and the 145476
probate court of the county in which the beneficiary of a trust 145477
authorized by division (B) of this section resides or is confined 145478
have concurrent original jurisdiction to hear and determine 145479
actions pertaining to the trust. In any action pertaining to the 145480
trust in a court of common pleas or probate court and in any 145481
appeal of the action, all of the following apply to the trial or 145482
appellate court: 145483

(1) The court shall render determinations consistent with the 145484
testator's or other settlor's intent in creating the trust, as 145485
evidenced by the terms of the trust instrument. 145486

(2) The court may order the trustee to exercise discretion 145487
that the trust instrument confers upon the trustee only if the 145488
instrument contains specific instructions or conditions governing 145489
the exercise of that discretion and the trustee has failed to 145490
comply with the instructions or conditions. In issuing an order 145491
pursuant to this division, the court shall require the trustee to 145492
exercise the trustee's discretion only in accordance with the 145493
instructions or conditions. 145494

(3) The court may order the trustee to maintain the trust and 145495
distribute assets in accordance with rules adopted by the director 145496
of ~~mental health~~ mental health and addiction services under 145497
section ~~5119.01~~ 5119.10 of the Revised Code or the director of 145498
developmental disabilities under section 5123.04 of the Revised 145499
Code if the trustee has failed to comply with such rules. 145500

(D) To the extent permitted by federal law and subject to the 145501
provisions of division (C)(2) of this section pertaining to the 145502
enforcement of specific instructions or conditions governing a 145503
trustee's discretion, a trust authorized by division (B) of this 145504
section that confers discretion upon the trustee shall not be 145505
considered an asset or resource of the beneficiary, the 145506
beneficiary's estate, the settlor, or the settlor's estate and 145507
shall be exempt from the claims of creditors, political 145508
subdivisions, the state, other governmental entities, and other 145509
claimants against the beneficiary, the beneficiary's estate, the 145510
settlor, or the settlor's estate, including claims regarding the 145511
medicaid program or based on provisions of Chapters ~~5111.7~~ 5121.7 145512
or 5123. of the Revised Code and claims sought to be satisfied by 145513
way of a civil action, subrogation, execution, garnishment, 145514
attachment, judicial sale, or other legal process, if all of the 145515
following apply: 145516

(1) At the time the trust is created, the trust principal 145517
does not exceed the maximum amount determined under division (E) 145518

of this section; 145519

(2) The trust instrument contains a statement of the 145520
settlor's intent, or otherwise clearly evidences the settlor's 145521
intent, that the beneficiary does not have authority to compel the 145522
trustee under any circumstances to furnish the beneficiary with 145523
minimal or other maintenance or support, to make payments from the 145524
principal of the trust or from the income derived from the 145525
principal, or to convert any portion of the principal into cash, 145526
whether pursuant to an ascertainable standard specified in the 145527
instrument or otherwise; 145528

(3) The trust instrument provides that trust assets can be 145529
used only to provide supplemental services, as defined by rule of 145530
the director of ~~mental health~~ mental health and addiction services 145531
under section ~~5119.01~~ 5119.10 of the Revised Code or the director 145532
of developmental disabilities under section 5123.04 of the Revised 145533
Code, to the beneficiary; 145534

(4) The trust is maintained and assets are distributed in 145535
accordance with rules adopted by the director of ~~mental health~~ 145536
mental health and addiction services under section ~~5119.01~~ 5119.10 145537
of the Revised Code or the director of developmental disabilities 145538
under section 5123.04 of the Revised Code; 145539

(5) The trust instrument provides that on the death of the 145540
beneficiary, a portion of the remaining assets of the trust, which 145541
shall be not less than fifty per cent of such assets, will be 145542
deposited to the credit of the services fund for individuals with 145543
mental illness created by section ~~5119.17~~ 5119.51 of the Revised 145544
Code or the services fund for individuals with mental retardation 145545
and developmental disabilities created by section 5123.40 of the 145546
Revised Code. 145547

(E) In 1994, the trust principal maximum amount for a trust 145548
created under this section shall be two hundred thousand dollars. 145549

The maximum amount for a trust created under this section prior to 145550
November 11, 1994, may be increased to two hundred thousand 145551
dollars. 145552

In 1995, the maximum amount for a trust created under this 145553
section shall be two hundred two thousand dollars. Each year 145554
thereafter, the maximum amount shall be the prior year's amount 145555
plus two thousand dollars. 145556

(F) This section does not limit or otherwise affect the 145557
creation, validity, interpretation, or effect of any trust that is 145558
not created under this section. 145559

(G) Once a trustee takes action on a trust created by a 145560
settlor under this section and disburses trust funds on behalf of 145561
the beneficiary of the trust, then the trust may not be terminated 145562
or otherwise revoked by a particular event or otherwise without 145563
payment into the services fund created pursuant to section ~~5119.17~~ 145564
5119.51 or 5123.40 of the Revised Code of an amount that is equal 145565
to the disbursements made on behalf of the beneficiary for medical 145566
care by the state from the date the trust vests but that is not 145567
more than fifty per cent of the trust corpus. 145568

Sec. 5902.02. The duties of the director of veterans services 145569
shall include the following: 145570

(A) Furnishing the veterans service commissions of all 145571
counties of the state copies of the state laws, rules, and 145572
legislation relating to the operation of the commissions and their 145573
offices; 145574

(B) Upon application, assisting the general public in 145575
obtaining records of vital statistics pertaining to veterans or 145576
their dependents; 145577

(C) Adopting rules pursuant to Chapter 119. of the Revised 145578
Code pertaining to minimum qualifications for hiring, certifying, 145579

and accrediting county veterans service officers, pertaining to 145580
their required duties, and pertaining to revocation of the 145581
certification of county veterans service officers; 145582

(D) Adopting rules pursuant to Chapter 119. of the Revised 145583
Code for the education, training, certification, and duties of 145584
veterans service commissioners and for the revocation of the 145585
certification of a veterans service commissioner; 145586

(E) Developing and monitoring programs and agreements 145587
enhancing employment and training for veterans in single or 145588
multiple county areas; 145589

(F) Developing and monitoring programs and agreements to 145590
enable county veterans service commissions to address 145591
homelessness, indigency, and other veteran-related issues 145592
individually or jointly; 145593

(G) Developing and monitoring programs and agreements to 145594
enable state agencies, individually or jointly, that provide 145595
services to veterans, including the veterans' homes operated under 145596
Chapter 5907. of the Revised Code and the director of job and 145597
family services, to address homelessness, indigency, employment, 145598
and other veteran-related issues; 145599

(H) Establishing and providing statistical reporting formats 145600
and procedures for county veterans service commissions; 145601

(I) Publishing electronically a listing of county veterans 145602
service offices and county veterans service commissioners. The 145603
listing shall include the expiration dates of commission members' 145604
terms of office and the organizations they represent; the names, 145605
addresses, and telephone numbers of county veterans service 145606
offices; and the addresses and telephone numbers of the Ohio 145607
offices and headquarters of state and national veterans service 145608
organizations. 145609

(J) Establishing a veterans advisory committee to advise and 145610

assist the department of veterans services in its duties. Members 145611
shall include a member of the national guard association of the 145612
United States who is a resident of this state, a member of the 145613
military officers association of America who is a resident of this 145614
state, a state representative of congressionally chartered 145615
veterans organizations referred to in section 5901.02 of the 145616
Revised Code, a representative of any other congressionally 145617
chartered state veterans organization that has at least one 145618
veterans service commissioner in the state, three representatives 145619
of the Ohio state association of county veterans service 145620
commissioners, who shall have a combined vote of one, three 145621
representatives of the state association of county veterans 145622
service officers, who shall have a combined vote of one, one 145623
representative of the county commissioners association of Ohio, 145624
who shall be a county commissioner not from the same county as any 145625
of the other county representatives, a representative of the 145626
advisory committee on women veterans, a representative of a labor 145627
organization, and a representative of the office of the attorney 145628
general. The department of veterans services shall submit to the 145629
advisory committee proposed rules for the committee's operation. 145630
The committee may review and revise these proposed rules prior to 145631
submitting them to the joint committee on agency rule review. 145632

(K) Adopting, with the advice and assistance of the veterans 145633
advisory committee, policy and procedural guidelines that the 145634
veterans service commissions shall adhere to in the development 145635
and implementation of rules, policies, procedures, and guidelines 145636
for the administration of Chapter 5901. of the Revised Code. The 145637
department of veterans services shall adopt no guidelines or rules 145638
regulating the purposes, scope, duration, or amounts of financial 145639
assistance provided to applicants pursuant to sections 5901.01 to 145640
5901.15 of the Revised Code. The director of veterans services may 145641
obtain opinions from the office of the attorney general regarding 145642
rules, policies, procedures, and guidelines of the veterans 145643

service commissions and may enforce compliance with Chapter 5901. 145644
of the Revised Code. 145645

(L) Receiving copies of form DD214 filed in accordance with 145646
the director's guidelines adopted under division (L) of this 145647
section from members of veterans service commissions appointed 145648
under section 5901.02 and from county veterans service officers 145649
employed under section 5901.07 of the Revised Code; 145650

(M) Developing and maintaining and improving a resource, such 145651
as a telephone answering point or a web site, by means of which 145652
veterans and their dependents, through a single portal, can access 145653
multiple sources of information and interaction with regard to the 145654
rights of, and the benefits available to, veterans and their 145655
dependents. The director of veterans services may enter into 145656
agreements with state and federal agencies, with agencies of 145657
political subdivisions, with state and local instrumentalities, 145658
and with private entities as necessary to make the resource as 145659
complete as is possible. 145660

(N) Planning, organizing, advertising, and conducting 145661
outreach efforts, such as conferences and fairs, at which veterans 145662
and their dependents may meet, learn about the organization and 145663
operation of the department of veterans services and of veterans 145664
service commissions, and obtain information about the rights of, 145665
and the benefits and services available to, veterans and their 145666
dependents; 145667

(O) Advertising, in print, on radio and television, and 145668
otherwise, the rights of, and the benefits and services available 145669
to, veterans and their dependents; 145670

(P) Developing and advocating improved benefits and services 145671
for, and improved delivery of benefits and services to, veterans 145672
and their dependents; 145673

(Q) Searching for, identifying, and reviewing statutory and 145674

administrative policies that relate to veterans and their dependents and reporting to the general assembly statutory and administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents;

(R) Encouraging veterans service commissions to innovate and otherwise to improve efficiency in delivering benefits and services to veterans and their dependents and to report successful innovations and efficiencies to the director of veterans services;

(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents;

(T) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues;

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;

(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and

prescribing the form and content of the report; 145706

(X) Reviewing the reports submitted to the director under 145707
division (W) of this section within thirty days of receipt and 145708
informing the veterans organization of any deficiencies that exist 145709
in the organization's report and that funding will not be released 145710
until the deficiencies have been corrected and a satisfactory 145711
report submitted; 145712

(Y) Advising the director of budget and management when a 145713
report submitted to the director under division (W) of this 145714
section has been reviewed and determined to be satisfactory; 145715

(Z) Furnishing copies of all reports that the director of 145716
veterans services has determined have been submitted 145717
satisfactorily under division (W) of this section to the 145718
chairperson of the finance committees of the general assembly; 145719

(AA) Investigating complaints against county veterans 145720
services commissioners and county veterans service officers if the 145721
director reasonably believes the investigation to be appropriate 145722
and necessary; 145723

~~(Y)~~(BB) Taking any other actions required by this chapter. 145724

Sec. 5905.02. Whenever it appears that a person is eligible 145725
for care or treatment by the veterans' administration or other 145726
agency of the United States, and hospitalization is necessary for 145727
the proper care or treatment of such person, the probate court, 145728
upon receipt of a certificate from the veterans' administration or 145729
such other agency showing that facilities are available and such 145730
person is eligible for care or treatment therein, may order such 145731
person to said veterans' administration or other agency for care 145732
and treatment. 145733

Upon admission, such person shall be subject to the 145734
applicable regulations of the veterans' administration or other 145735

agency of the United States. The chief officer of any hospital to 145736
which any person is admitted pursuant to hospitalization as 145737
provided in sections 5905.01 to 5905.19 of the Revised Code, or 145738
under the law in effect at the time of such admission, shall have 145739
the same powers as are exercised by heads of hospitals for mental 145740
diseases and the department of ~~mental health~~ mental health and 145741
addiction services with respect to the retention, transfer, 145742
parole, or discharge of the person hospitalized; provided no 145743
person shall be transferred to a hospital operated by the state or 145744
any political subdivision thereof without the consent of such 145745
department. 145746

The right of such person to appear and defend shall not be 145747
denied. 145748

The judgment or order of hospitalization by a court of 145749
competent jurisdiction of another state ordering a person to the 145750
veterans' administration or other agency of the United States, or 145751
any hospital operated by any such agency, for care or treatment 145752
shall have the same effect as to such person while in this state 145753
as in the state in which the court entering such judgment or 145754
making such order is situated, provided that no nonresident 145755
ordered to a veterans' administration facility located in Ohio 145756
shall thereby acquire a legal settlement in Ohio. 145757

Upon receipt of a certificate that facilities are available 145758
in any such hospital operated by the United States for the care or 145759
treatment of any person ordered to any hospital for the mentally 145760
ill or other hospital in this state for the care of persons 145761
similarly afflicted, and that such person is eligible for such 145762
care or treatment, such department may transfer any such person to 145763
the veterans' administration or other agency of the United States 145764
in the state. Upon effecting any such transfer, the ordering court 145765
shall be notified thereof by the transferring agency; provided 145766
that no such person shall be transferred if ~~he~~ the person is 145767

confined pursuant to conviction of any crime or misdemeanor, or if he the person has been acquitted of any such charge solely on the ground of insanity, unless prior to such transfer the court originally ordering such person enters an order for such transfer after appropriate motion and hearing.

Any person transferred as provided in this section is ordered to the veterans' administration or other agency of the United States pursuant to the original order as though ~~he~~ the person had been originally so ordered.

Sec. 5910.02. There is hereby created an Ohio war orphans scholarship board as part of the department of veterans services. The board consists of eight members as follows: the chancellor of the Ohio board of regents or the chancellor's designee; the director of veterans services or the director's designee; one member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the president of the senate; and four members appointed by the governor, one of whom shall be a representative of the American Legion, one of whom shall be a representative of the Veterans of Foreign Wars, one of whom shall be a representative of the Disabled American Veterans, and one of whom shall be a representative of the AMVETS. At least ninety days prior to the expiration of the term of office of the representative of a veterans organization appointed by the governor, the governor shall notify the state headquarters of the affected organization of the need for an appointment and request the organization to make at least three nominations. Within sixty days after making the request for nominations, the governor may make the appointment from the nominations received, or may reject all the nominations and request at least three new nominations, from which the governor shall make an appointment within thirty days after making the request for the new nominations. If the governor receives no nominations during this thirty-day period,

the governor may appoint any veteran. 145800

Terms of office for the four members appointed by the 145801
governor shall be for four years, commencing on the first day of 145802
January and ending on the thirty-first day of December, except 145803
that the term of the AMVETS representative shall expire December 145804
31, 1998, and the new term that succeeds it shall commence on 145805
January 1, 1999, and end on December 31, 2002. Each member shall 145806
hold office from the date of the member's appointment until the 145807
end of the term for which the member was appointed. The other 145808
members shall serve during their terms of office. Any vacancy 145809
shall be filled by appointment in the same manner as by original 145810
appointment. Any member appointed to fill a vacancy occurring 145811
prior to the expiration of the term for which the member's 145812
predecessor was appointed shall hold office for the remainder of 145813
such term. Any appointed member shall continue in office 145814
subsequent to the expiration date of the member's term until the 145815
member's successor takes office, or until a period of sixty days 145816
has elapsed, whichever occurs first. The members of the board 145817
shall serve without pay but shall be reimbursed for travel 145818
expenses and for other actual and necessary expenses incurred in 145819
the performance of their duties, not to exceed ten dollars per day 145820
for ten days in any one year to be appropriated out of any moneys 145821
in the state treasury to the credit of the general revenue fund. 145822

The chancellor of the board of regents shall act as secretary 145823
to the board and shall furnish such clerical and other assistance 145824
as may be necessary to the performance of the duties of the board. 145825

The board shall determine the number of scholarships to be 145826
made available, receive applications for scholarships, pass upon 145827
the eligibility of applicants, decide which applicants are to 145828
receive scholarships, and do all other things necessary for the 145829
proper administration of this chapter. 145830

The board may apply for, and may receive and accept, grants, 145831

and may receive and accept gifts, bequests, and contributions, 145832
from public and private sources, including agencies and 145833
instrumentalities of the United States and this state, and shall 145834
deposit the grants, gifts, bequests, or contributions into the 145835
Ohio war orphans scholarship donation fund. 145836

Sec. 5910.07. The Ohio war orphans scholarship donation fund 145837
is created in the state treasury. The fund shall consist of gifts, 145838
bequests, grants, and contributions made to the fund under section 145839
5910.02 of the Revised Code. Investment earnings of the fund shall 145840
be deposited into the fund. The fund shall be used to operate the 145841
war orphans scholarship program and to provide grants under 145842
sections 5910.01 to 5910.06 of the Revised Code. 145843

Sec. 5910.08. There is hereby created in the state treasury 145844
the war orphans scholarship reserve fund. Not later than the first 145845
day of July of each fiscal year, the chancellor of the Ohio board 145846
of regents shall certify to the director of budget and management 145847
the unencumbered balance of the general revenue fund 145848
appropriations made in the immediately preceding fiscal year for 145849
purposes of the war orphans scholarship program created in Chapter 145850
5910. of the Revised Code. Upon receipt of the certification, the 145851
director may transfer an amount not exceeding the certified amount 145852
from the general revenue fund to the war orphans scholarship 145853
reserve fund. Moneys in the war orphans scholarship reserve fund 145854
shall be used to pay scholarship obligations in excess of the 145855
general revenue fund appropriations made for that purpose. 145856

The director may transfer any unencumbered balance from the 145857
war orphans scholarship reserve fund to the general revenue fund. 145858

Sec. 5919.34. (A) As used in this section: 145859

(1) "Academic term" means any one of the following: 145860

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| (a) Fall term, which consists of fall semester or fall quarter, as appropriate; | 145861
145862 |
| (b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate; | 145863
145864 |
| (c) Spring term, which consists of spring quarter; | 145865 |
| (d) Summer term, which consists of summer semester or summer quarter, as appropriate. | 145866
145867 |
| (2) "Eligible applicant" means any individual to whom all of the following apply: | 145868
145869 |
| (a) The individual does not possess a baccalaureate degree. | 145870 |
| (b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies. | 145871
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| (c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing. | 145874
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| (d) The individual has not accumulated ninety-six eligibility units under division (E) of this section. | 145881
145882 |
| (3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code. | 145883
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(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section.

(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units in accordance with the following table:

The

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|--------------------|--------|-------------|----|---------------|--------|
| Number of | | following | | The following | 145952 |
| credit hours | | number of | | number of | 145953 |
| of enrollment | | eligibility | | eligibility | 145954 |
| in an academic | | units if a | | units if a | 145955 |
| term | equals | semester | or | quarter | 145956 |
| | | | | | 145957 |
| 12 or more hours | | 12 units | | 8 units | 145958 |
| 9 but less than 12 | | 9 units | | 6 units | 145959 |
| 6 but less than 9 | | 6 units | | 4 units | 145960 |
| 3 but less than 6 | | 3 units | | 2 units | 145961 |

(2) A scholarship recipient under this section may continue 145962
to apply for scholarships under this section until the recipient 145963
has accumulated ninety-six eligibility units. 145964

(3) If a scholarship recipient withdraws from courses prior 145965
to the end of an academic term so that the recipient's enrollment 145966
for that academic term is less than three credit hours, no 145967
scholarship shall be paid on behalf of that person for that 145968
academic term. Except as provided in division (F)(3) of this 145969
section, if a scholarship has already been paid on behalf of the 145970
person for that academic term, the adjutant general shall add to 145971
that person's accumulated eligibility units the number of 145972
eligibility units for which the scholarship was paid. 145973

(F) This division applies to any eligible applicant called 145974
into active duty on or after September 11, 2001. As used in this 145975
division, "active duty" means active duty pursuant to an executive 145976
order of the president of the United States, an act of the 145977
congress of the United States, or section 5919.29 or 5923.21 of 145978
the Revised Code. 145979

(1) For a period of up to five years from when an 145980
individual's enlistment obligation in the Ohio national guard 145981
ends, an individual to whom this division applies is eligible for 145982
scholarships under this section for those academic terms that were 145983

missed or could have been missed as a result of the individual's 145984
call into active duty. Scholarships shall not be paid for the 145985
academic term in which an eligible applicant's enlistment 145986
obligation ends unless an applicant is eligible under this 145987
division for a scholarship for such academic term due to previous 145988
active duty. 145989

(2) When an individual to whom this division applies 145990
withdraws or otherwise fails to complete courses, for which 145991
scholarships have been awarded under this section, because the 145992
individual was called into active duty, the institution of higher 145993
education shall grant the individual a leave of absence from the 145994
individual's education program and shall not impose any academic 145995
penalty for such withdrawal or failure to complete courses. 145996
Division (F)(2) of this section applies regardless of whether or 145997
not the scholarship amount was paid to the institution of higher 145998
education. 145999

(3) If an individual to whom this division applies withdraws 146000
or otherwise fails to complete courses because the individual was 146001
called into active duty, and if scholarships for those courses 146002
have already been paid, either: 146003

(a) The adjutant general shall not add to that person's 146004
accumulated eligibility units calculated under division (E) of 146005
this section the number of eligibility units for the academic 146006
courses or term for which the scholarship was paid and the 146007
institution of higher education shall repay the scholarship amount 146008
to the state. 146009

(b) The adjutant general shall add to that individual's 146010
accumulated eligibility units calculated under division (E) of 146011
this section the number of eligibility units for the academic 146012
courses or term for which the scholarship was paid if the 146013
institution of higher education agrees to permit the individual to 146014
complete the remainder of the academic courses in which the 146015

individual was enrolled at the time the individual was called into active duty. 146016
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(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division. 146018
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(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard. 146021
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The attorney general may commence a civil action on behalf of the chancellor of the Ohio board of regents to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability. 146033
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(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual 146043
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full-time or part-time enrollment of each scholarship recipient 146048
listed as enrolled at the institution and return the roster to the 146049
adjutant general and the chancellor. Except as provided in 146050
division (J) of this section, the chancellor shall provide for 146051
payment of the appropriate number and amount of scholarships to 146052
each institution of higher education pursuant to division (D) of 146053
this section. If an institution of higher education fails to 146054
certify the actual enrollment of a scholarship recipient listed as 146055
enrolled at the institution within thirty days of the end of an 146056
academic term, the institution shall not be eligible to receive 146057
payment from the Ohio national guard scholarship program or from 146058
the individual enrollee. The adjutant general shall report on a 146059
semiannual basis to the director of budget and management, the 146060
speaker of the house of representatives, the president of the 146061
senate, and the chancellor the number of Ohio national guard 146062
scholarship recipients, the size of the scholarship-eligible 146063
population, and a projection of the cost of the program for the 146064
remainder of the biennium. 146065

(I) The chancellor and the adjutant general may adopt rules 146066
pursuant to Chapter 119. of the Revised Code governing the 146067
administration and fiscal management of the Ohio national guard 146068
scholarship program and the procedure by which the chancellor and 146069
the department of the adjutant general may modify the amount of 146070
scholarships a member receives based on the amount of other state 146071
financial aid a member receives. 146072

(J) The adjutant general, the chancellor, and the director, 146073
or their designees, shall jointly estimate the costs of the Ohio 146074
national guard scholarship program for each upcoming fiscal 146075
biennium, and shall report that estimate prior to the beginning of 146076
the fiscal biennium to the chairpersons of the finance committees 146077
in the general assembly. During each fiscal year of the biennium, 146078
the adjutant general, the chancellor, and the director, or their 146079

designees, shall meet regularly to monitor the actual costs of the 146080
Ohio national guard scholarship program and update cost 146081
projections for the remainder of the biennium as necessary. If the 146082
amounts appropriated for the Ohio national guard scholarship 146083
program and any funds in the Ohio national guard scholarship 146084
reserve fund and the Ohio national guard scholarship donation fund 146085
are not adequate to provide scholarships in the amounts specified 146086
in division (D)(1) of this section for all eligible applicants, 146087
the chancellor shall do all of the following: 146088

(1) Notify each private institution of higher education, 146089
where a scholarship recipient is enrolled, that, by accepting the 146090
Ohio national guard scholarship program as payment for all or part 146091
of the institution's tuition, the institution agrees that if the 146092
chancellor reduces the amount of each scholarship, the institution 146093
shall provide each scholarship recipient a grant or tuition waiver 146094
in an amount equal to the amount the recipient's scholarship was 146095
reduced by the chancellor. 146096

(2) Reduce the amount of each scholarship under division 146097
(D)(1)(a) of this section proportionally based on the amount of 146098
remaining available funds. Each state institution of higher 146099
education shall provide each scholarship recipient under division 146100
(D)(1)(a) of this section a grant or tuition waiver in an amount 146101
equal to the amount the recipient's scholarship was reduced by the 146102
chancellor. 146103

(K) Notwithstanding division (A) of section 127.14 of the 146104
Revised Code, the controlling board shall not transfer all or part 146105
of any appropriation for the Ohio national guard scholarship 146106
program. 146107

(L) The chancellor and the adjutant general may apply for, 146108
and may receive and accept grants, and may receive and accept 146109
gifts, bequests, and contributions, from public and private 146110
sources, including agencies and instrumentalities of the United 146111

States and this state, and shall deposit the grants, gifts, 146112
bequests, or contributions into the national guard scholarship 146113
~~reserve~~ donation fund. 146114

Sec. 5919.342. The national guard scholarship donation fund 146115
is created in the state treasury. The fund shall consist of gifts, 146116
bequests, grants, and contributions made to the fund under 146117
division (L) of section 5919.34 of the Revised Code. Investment 146118
earnings of the fund shall be deposited into the fund. The fund 146119
shall be used to operate the Ohio national guard scholarship 146120
program created under section 5919.34 of the Revised Code. 146121

Sec. 5924.502. (A) If the issue of an accused's competence to 146122
stand trial is raised or if an accused enters a plea of not guilty 146123
by reason of insanity, the court may order one or more evaluations 146124
of the accused's present mental condition or, in the case of a 146125
plea of not guilty by reason of insanity, of the accused's mental 146126
condition at the time of the offense charged. An examiner shall 146127
conduct the evaluation. 146128

(B) If the court orders more than one evaluation under 146129
division (A) of this section, the trial counsel and the defense 146130
counsel may recommend to the court an examiner whom each prefers 146131
to perform one of the evaluations. If an accused enters a plea of 146132
not guilty by reason of insanity and if the court does not 146133
designate an examiner recommended by the defense counsel, the 146134
court shall inform the accused that the accused may have 146135
independent expert evaluation and that it will be obtained for the 146136
accused at public expense. 146137

(C) If the court orders an evaluation under division (A) of 146138
this section, the accused shall be available at the times and 146139
places established by the examiners who are to conduct the 146140
evaluation. The court may order an accused who is not being held 146141

in pretrial confinement to submit to an evaluation under this 146142
section. If an accused who is not being held in pretrial 146143
confinement refuses to submit to a complete evaluation, the court 146144
may order the sheriff to take the accused into custody and deliver 146145
the accused to a center, program, or facility operated or 146146
certified by the department of ~~mental health~~ mental health and 146147
addiction services where the accused may be held for evaluation 146148
for a reasonable period of time not to exceed twenty days. 146149

(D) An accused who is being held in pretrial confinement may 146150
be evaluated at the accused's place of detention. Upon the request 146151
of the examiner, the court may order the sheriff to transport the 146152
accused to a program or facility operated or certified by the 146153
department of ~~mental health~~ mental health and addiction services, 146154
where the accused may be held for evaluation for a reasonable 146155
period of time not to exceed twenty days, and to return the 146156
accused to the place of detention after the evaluation. 146157

(E) If a court orders the evaluation to determine an 146158
accused's mental condition at the time of the offense charged, the 146159
court shall inform the examiner of the offense with which the 146160
accused is charged. 146161

(F) In conducting an evaluation of an accused's mental 146162
condition at the time of the offense charged, the examiner shall 146163
consider all relevant evidence. If the offense charged involves 146164
the use of force against another person, the relevant evidence to 146165
be considered includes, but is not limited to, any evidence that 146166
the accused suffered at the time of the commission of the offense 146167
from the "battered woman syndrome." 146168

(G) The examiner shall file a written report with the court 146169
within thirty days after entry of a court order for evaluation, 146170
and the court shall provide copies of the report to the trial 146171
counsel and defense counsel. The report shall include all of the 146172
following: 146173

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| (1) The examiner's findings; | 146174 |
| (2) The facts in reasonable detail on which the findings are based; | 146175
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| (3) If the evaluation was ordered to determine the accused's competence to stand trial, all of the following findings or recommendations that are applicable: | 146177
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| (a) Whether the accused is capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense; | 146180
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| (b) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, whether the accused presently is mentally ill; | 146183
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| (c) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, the examiner's opinion as to the likelihood of the accused becoming capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense within one year if the accused is provided with a course of treatment; | 146187
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| (d) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense and that the accused presently is mentally ill, the examiner's recommendation as to the least restrictive placement or commitment alternative, consistent with the accused's treatment needs for restoration to competency and with the safety of the community; | 146195
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| (e) If the accused is charged before a special or summary court-martial with an offense that is not a violation of section | 146203
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5924.120, 5924.127, or 5924.128 of the Revised Code and the 146205
examiner's opinion is that the accused is incapable of 146206
understanding the nature and objective of the proceedings against 146207
the accused or of assisting in the accused's defense and that the 146208
accused is presently mentally ill, the examiner's recommendation 146209
as to whether the accused is amenable to engagement in mental 146210
health treatment. 146211

(4) If the evaluation was ordered to determine the accused's 146212
mental condition at the time of the offense charged, the 146213
examiner's findings as to whether the accused at the time of the 146214
offense charged did not know, as a result of a severe mental 146215
disease or defect, the wrongfulness of the accused's acts charged. 146216

(H) An examiner appointed under divisions (A) and (B) of this 146217
section to evaluate an accused to determine the accused's 146218
competence to stand trial also may be appointed to evaluate an 146219
accused who has entered a plea of not guilty by reason of 146220
insanity, but an examiner of that nature shall prepare separate 146221
reports on the issue of competence to stand trial and the defense 146222
of not guilty by reason of insanity. 146223

(I) No statement that an accused makes in an evaluation or 146224
hearing under divisions (A) to (H) of this section relating to the 146225
accused's competence to stand trial or to the accused's mental 146226
condition at the time of the offense charged may be used against 146227
the accused on the issue of guilt in any criminal action or 146228
proceeding, but, in a criminal action or proceeding, the trial 146229
counsel or defense counsel may call as a witness any person who 146230
evaluated the accused or prepared a report pursuant to a referral 146231
under this section. Neither the appointment nor the testimony of 146232
an examiner appointed under this section precludes the trial 146233
counsel or defense counsel from calling other witnesses or 146234
presenting other evidence on competency or insanity issues. 146235

(J) Persons appointed as examiners under divisions (A) and 146236

(B) of this section or under division (H) of this section shall be 146237
paid a reasonable amount for their services and expenses, as 146238
certified by the court. 146239

Sec. 5924.503. (A) If the issue of an accused's competence to 146240
stand trial is raised and if the court, upon conducting the 146241
hearing provided for in section 5924.502 of the Revised Code, 146242
finds that the accused is competent to stand trial, the accused 146243
shall be proceeded against as provided by law. If the court finds 146244
the accused competent to stand trial and the accused is receiving 146245
psychotropic drugs or other medication, the court may authorize 146246
the continued administration of the drugs or medication or other 146247
appropriate treatment in order to maintain the accused's 146248
competence to stand trial unless the accused's attending physician 146249
advises the court against continuation of the drugs, other 146250
medication, or treatment. 146251

(B)(1)(a) If, after taking into consideration all relevant 146252
reports, information, and other evidence, the court finds that the 146253
accused is incompetent to stand trial and that there is a 146254
substantial probability that the accused will become competent to 146255
stand trial within one year if the accused is provided with a 146256
course of treatment, the court shall order the accused to undergo 146257
treatment. If the accused is being tried by a general 146258
court-martial and if, after taking into consideration all relevant 146259
reports, information, and other evidence, the court finds that the 146260
accused is incompetent to stand trial, but the court is unable at 146261
that time to determine whether there is a substantial probability 146262
that the accused will become competent to stand trial within one 146263
year if the accused is provided with a course of treatment, the 146264
court shall order continuing evaluation and treatment of the 146265
accused for a period not to exceed four months to determine 146266
whether there is a substantial probability that the accused will 146267
become competent to stand trial within one year if the accused is 146268

provided with a course of treatment. 146269

(b) The court order for the accused to undergo treatment or 146270
continuing evaluation and treatment under division (B)(1)(a) of 146271
this section shall specify that the accused, if determined to 146272
require mental health treatment or continuing evaluation and 146273
treatment, shall be committed to the department of ~~mental health~~ 146274
mental health and addiction services for treatment or continuing 146275
evaluation and treatment at a hospital, facility, or agency 146276
determined to be clinically appropriate by the department of 146277
~~mental health~~ mental health and addiction services. The order may 146278
restrict the accused's freedom of movement as the court considers 146279
necessary. The trial counsel in the accused's case shall send to 146280
the chief clinical officer of the hospital, facility, or ~~agency~~ 146281
services provider where the accused is placed by the department of 146282
~~mental health~~ mental health and addiction services or to the 146283
managing officer of the institution, the director of the facility, 146284
or the person to which the accused is committed copies of relevant 146285
investigative reports and other background information that 146286
pertains to the accused and is available to the trial counsel 146287
unless the trial counsel determines that the release of any of the 146288
information in the investigative reports or any of the other 146289
background information to unauthorized persons would interfere 146290
with the effective prosecution of any person or would create a 146291
substantial risk of harm to any person. 146292

In committing the accused to the department of ~~mental health~~ 146293
mental health and addiction services, the court shall consider the 146294
extent to which the person is a danger to the person and to 146295
others, the need for security, and the type of crime involved and, 146296
if the court finds that restrictions on the accused's freedom of 146297
movement are necessary, shall specify the least restrictive 146298
limitations on the person's freedom of movement determined to be 146299
necessary to protect public safety. In weighing these factors, the 146300

court shall give preference to protecting public safety. 146301

(c) If the accused is found incompetent to stand trial, if 146302
the chief clinical officer of the hospital, facility, or ~~agency~~ 146303
services provider where the accused is placed, or the managing 146304
officer of the institution, the director of the facility, or the 146305
person to which the accused is committed for treatment or 146306
continuing evaluation and treatment under division (B)(1)(b) of 146307
this section determines that medication is necessary to restore 146308
the accused's competency to stand trial, and if the accused lacks 146309
the capacity to give informed consent or refuses medication, the 146310
chief clinical officer of the hospital, facility, or ~~agency~~ 146311
services provider where the accused is placed or the managing 146312
officer of the institution, the director of the facility, or the 146313
person to which the accused is committed for treatment or 146314
continuing evaluation and treatment may petition the court for 146315
authorization for the involuntary administration of medication. 146316
The court shall hold a hearing on the petition within five days of 146317
the filing of the petition. Following the hearing, the court may 146318
authorize the involuntary administration of medication or may 146319
dismiss the petition. 146320

(d) If the accused is charged before a special or summary 146321
court-martial with an offense that is not a violation of section 146322
5924.120, 5924.127, or 5924.128 of the Revised Code, the trial 146323
counsel may hold the charges in abeyance while the accused engages 146324
in mental health treatment. 146325

(2) If the court finds that the accused is incompetent to 146326
stand trial and that, even if the accused is provided with a 146327
course of treatment, there is not a substantial probability that 146328
the accused will become competent to stand trial within one year, 146329
the court shall order the discharge of the accused, unless upon 146330
motion of the trial counsel or on its own motion, the court either 146331
seeks to retain jurisdiction over the accused pursuant to division 146332

(A)(2) of section 5924.504 of the Revised Code or files an affidavit in the probate court for the civil commitment of the accused pursuant to Chapter 5122. of the Revised Code alleging that the accused is a mentally ill person subject to hospitalization by court order. If an affidavit is filed in the probate court, the trial court shall send to the probate court copies of all written reports of the accused's mental condition that were prepared pursuant to section 5924.502 of the Revised Code.

The trial court may issue the temporary order of detention that a probate court may issue under section 5122.11 of the Revised Code, to remain in effect until the probable cause or initial hearing in the probate court. Further proceedings in the probate court are civil proceedings governed by Chapter 5122. of the Revised Code.

(C) No accused shall be required to undergo treatment, including any continuing evaluation and treatment, under division (B)(1) of this section for longer than whichever of the following periods is applicable:

(1) One year, if the accused is being tried by a general court-martial;

(2) Six months, if the accused is being tried before a special court-martial;

(3) Sixty days, if the accused is being tried before a summary court-martial.

(D) Any accused who is committed pursuant to this section shall not voluntarily admit the accused or be voluntarily admitted to a hospital or institution pursuant to section 5122.02 or 5122.15 of the Revised Code.

(E) Except as otherwise provided in this division, an accused who is charged with an offense and is committed by the court under

this section to the department of ~~mental health~~ mental health and 146364
addiction services with restrictions on the accused's freedom of 146365
movement shall not be granted unsupervised on-grounds movement, 146366
supervised off-grounds movement, or nonsecured status except in 146367
accordance with the court order. The court may grant an accused 146368
supervised off-grounds movement to obtain medical treatment or 146369
specialized habilitation treatment services if the person who 146370
supervises the treatment or the continuing evaluation and 146371
treatment of the accused ordered under division (B)(1)(a) of this 146372
section informs the court that the treatment or continuing 146373
evaluation and treatment cannot be provided at the hospital or 146374
facility where the accused is placed by the department of ~~mental~~ 146375
~~health~~ mental health and addiction services. The chief clinical 146376
officer of the hospital or facility where the accused is placed by 146377
the department of ~~mental health~~ mental health and addiction 146378
services or the managing officer of the institution or director of 146379
the facility to which the accused is committed or a designee of 146380
any of those persons may grant an accused movement to a medical 146381
facility for an emergency medical situation with appropriate 146382
supervision to ensure the safety of the accused, staff, and 146383
community during that emergency medical situation. The chief 146384
clinical officer of the hospital or facility where the accused is 146385
placed by the department of ~~mental health~~ mental health and 146386
addiction services or the managing officer of the institution or 146387
director of the facility to which the accused is committed shall 146388
notify the court within twenty-four hours of the accused's 146389
movement to the medical facility for an emergency medical 146390
situation under this division. 146391

(F) The person who supervises the treatment or continuing 146392
evaluation and treatment of an accused ordered to undergo 146393
treatment or continuing evaluation and treatment under division 146394
(B)(1)(a) of this section shall file a written report with the 146395
court at the following times: 146396

(1) Whenever the person believes the accused is capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense;

(2) Fourteen days before expiration of the maximum time for treatment as specified in division (C) of this section and fourteen days before the expiration of the maximum time for continuing evaluation and treatment as specified in division (B)(1)(a) of this section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or continuing evaluation and treatment of an accused ordered under division (B)(1)(a) of this section believes that there is not a substantial probability that the accused will become capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense even if the accused is provided with a course of treatment.

(G) A report under division (F) of this section shall contain the examiner's findings, the facts in reasonable detail on which the findings are based, and the examiner's opinion as to the accused's capability of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense. If, in the examiner's opinion, the accused remains incapable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense and there is a substantial probability that the accused will become capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense if the accused is provided with a course of treatment, if in the examiner's opinion the accused remains mentally ill, and if the maximum time for treatment as specified in division (C) of this section has not expired, the report also shall contain the examiner's recommendation as to the least

restrictive placement or commitment alternative that is consistent 146429
with the accused's treatment needs for restoration to competency 146430
and with the safety of the community. The court shall provide 146431
copies of the report to the trial counsel and defense counsel. 146432

(H) If an accused is committed pursuant to division (B)(1) of 146433
this section, within ten days after the treating physician of the 146434
accused or the examiner of the accused who is employed or retained 146435
by the treating facility advises that there is not a substantial 146436
probability that the accused will become capable of understanding 146437
the nature and objective of the proceedings against the accused or 146438
of assisting in the accused's defense even if the accused is 146439
provided with a course of treatment, within ten days after the 146440
expiration of the maximum time for treatment as specified in 146441
division (C) of this section, within ten days after the expiration 146442
of the maximum time for continuing evaluation and treatment as 146443
specified in division (B)(1)(a) of this section, within thirty 146444
days after an accused's request for a hearing that is made after 146445
six months of treatment, or within thirty days after being advised 146446
by the treating physician or examiner that the accused is 146447
competent to stand trial, whichever is the earliest, the court 146448
shall conduct another hearing to determine if the accused is 146449
competent to stand trial and shall do whichever of the following 146450
is applicable: 146451

(1) If the court finds that the accused is competent to stand 146452
trial, the accused shall be proceeded against as provided by law. 146453

(2) If the court finds that the accused is incompetent to 146454
stand trial, but that there is a substantial probability that the 146455
accused will become competent to stand trial if the accused is 146456
provided with a course of treatment, and the maximum time for 146457
treatment as specified in division (C) of this section has not 146458
expired, the court, after consideration of the examiner's 146459
recommendation, shall order that treatment be continued, may 146460

change least restrictive limitations on the accused's freedom of 146461
movement. 146462

(3) If the court finds that the accused is incompetent to 146463
stand trial, if the accused is being tried by a general 146464
court-martial, and if the court finds that there is not a 146465
substantial probability that the accused will become competent to 146466
stand trial even if the accused is provided with a course of 146467
treatment, or if the maximum time for treatment as specified in 146468
division (C) of this section has expired, further proceedings 146469
shall be as provided in sections 5924.504 to 5924.506 of the 146470
Revised Code. 146471

(4) If the court finds that the accused is incompetent to 146472
stand trial, if the accused is being tried before a special 146473
court-martial, and if the court finds that there is not a 146474
substantial probability that the accused will become competent to 146475
stand trial even if the accused is provided with a course of 146476
treatment, or if the maximum time for treatment as specified in 146477
division (C) of this section has expired, the court shall dismiss 146478
the charge against the accused. A dismissal under this division is 146479
not a bar to further prosecution based on the same conduct. The 146480
court shall discharge the accused unless the court or trial 146481
counsel files an affidavit in probate court for civil commitment 146482
pursuant to Chapter 5122. of the Revised Code. If an affidavit for 146483
civil commitment is filed, the court may detain the accused for 146484
ten days pending civil commitment. All of the following provisions 146485
apply to persons being tried by a special court-martial who are 146486
committed by the probate court subsequent to the court's or trial 146487
counsel's filing of an affidavit for civil commitment under 146488
authority of this division: 146489

(a) The chief clinical officer of the entity, hospital, or 146490
facility, the managing officer of the institution, or the person 146491
to which the accused is committed or admitted shall do all of the 146492

following: 146493

(i) Notify the trial counsel in writing of the discharge of 146494
the accused, send the notice at least ten days prior to the 146495
discharge unless the discharge is by the probate court, and state 146496
in the notice the date on which the accused will be discharged; 146497

(ii) Notify the trial counsel in writing when the accused is 146498
absent without leave or is granted unsupervised, off-grounds 146499
movement and send this notice promptly after the discovery of the 146500
absence without leave or prior to the granting of the 146501
unsupervised, off-grounds movement, whichever is applicable; 146502

(iii) Notify the trial counsel in writing of the change of 146503
the accused's commitment or admission to voluntary status, send 146504
the notice promptly upon learning of the change to voluntary 146505
status, and state in the notice the date on which the accused was 146506
committed or admitted on a voluntary status. 146507

(b) The trial counsel shall promptly inform the convening 146508
authority of any notification received under division (H)(4)(a) of 146509
this section. Upon receiving notice that the accused will be 146510
granted unsupervised, off-grounds movement, the convening 146511
authority either shall refer the charges against the accused to an 146512
investigating officer again or promptly notify the court that the 146513
convening authority does not intend to refer the charges against 146514
the accused again. 146515

(I) If an accused is convicted of a crime and sentenced to 146516
confinement, the accused's sentence shall be reduced by the total 146517
number of days the accused is confined for evaluation to determine 146518
the accused's competence to stand trial or treatment under this 146519
section and sections 5924.502 and 5924.504 of the Revised Code or 146520
by the total number of days the accused is confined for evaluation 146521
to determine the accused's mental condition at the time of the 146522
offense charged. 146523

Sec. 5924.504. (A) If an accused being tried by a general court-martial is found incompetent to stand trial, after the expiration of the maximum time for treatment as specified in division (C) of section 5924.503 of the Revised Code or after the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, one of the following applies:

(1) The court or the trial counsel may file an affidavit in probate court for civil commitment of the accused in the manner provided in Chapter 5122. of the Revised Code. If the court or trial counsel files an affidavit for civil commitment, the court may detain the accused for ten days pending civil commitment. If the probate court commits the accused subsequent to the court's or trial counsel's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall send to the trial counsel the notices described in divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised Code within the periods of time and under the circumstances specified in those divisions.

(2) On the motion of the trial counsel or on its own motion, the court may retain jurisdiction over the accused if at a hearing the court finds both of the following by clear and convincing evidence:

(a) The accused committed the offense with which the accused is charged.

(b) The accused is a mentally ill person subject to hospitalization by court order.

(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the accused, the

court may consider all relevant evidence, including, but not 146555
limited to, any relevant psychiatric, psychological, or medical 146556
testimony or reports, the acts constituting the offense charged, 146557
and any history of the accused that is relevant to the accused's 146558
ability to conform to the law. 146559

(C) If the court conducts a hearing as described in division 146560
(A)(2) of this section and if the court does not make both 146561
findings described in divisions (A)(2)(a) and (b) of this section 146562
by clear and convincing evidence, the court shall dismiss the 146563
charges against the accused. Upon the dismissal, the court shall 146564
discharge the accused unless the court or trial counsel files an 146565
affidavit in probate court for civil commitment of the accused 146566
pursuant to Chapter 5122. of the Revised Code. If the court or 146567
trial counsel files an affidavit for civil commitment, the court 146568
may order that the accused be detained for up to ten days pending 146569
the civil commitment. If the probate court commits the accused 146570
subsequent to the court's or trial counsel's filing of an 146571
affidavit for civil commitment, the chief clinical officer of the 146572
entity, hospital, or facility, the managing officer of the 146573
institution, or the person to which the accused is committed or 146574
admitted shall send to the trial counsel the notices described in 146575
divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised 146576
Code within the periods of time and under the circumstances 146577
specified in those divisions. A dismissal of charges under this 146578
division is not a bar to further criminal proceedings based on the 146579
same conduct. 146580

(D)(1) If the court conducts a hearing as described in 146581
division (A)(2) of this section and if the court makes the 146582
findings described in divisions (A)(2)(a) and (b) of this section 146583
by clear and convincing evidence, the court shall commit the 146584
accused, if determined to require mental health treatment, to the 146585
department of ~~mental health~~ mental health and addiction services 146586

for treatment at a hospital, facility, or ~~agency services provider~~ 146587
as determined clinically appropriate by the department of ~~mental~~ 146588
~~health~~ mental health and addiction services. In committing the 146589
accused to the department of ~~mental health~~ mental health and 146590
addiction services, the court shall specify the least restrictive 146591
limitations on the accused's freedom of movement determined to be 146592
necessary to protect public safety. 146593

(2) If a court makes a commitment of an accused under 146594
division (D)(1) of this section, the trial counsel shall send to 146595
the hospital, facility, or ~~agency services provider~~ where the 146596
accused is placed by the department of ~~mental health~~ mental health 146597
and addiction services or to the accused's place of commitment all 146598
reports of the accused's current mental condition and, except as 146599
otherwise provided in this division, any other relevant 146600
information, including, but not limited to, a transcript of the 146601
hearing held pursuant to division (A)(2) of this section, copies 146602
of relevant investigative reports, and copies of any prior arrest 146603
and conviction records that pertain to the accused and that the 146604
trial counsel possesses. The trial counsel shall send the reports 146605
of the accused's current mental condition in every case of 146606
commitment, and, unless the trial counsel determines that the 146607
release of any of the other relevant information to unauthorized 146608
persons would interfere with the effective prosecution of any 146609
person or would create a substantial risk of harm to any person, 146610
the trial counsel also shall send the other relevant information. 146611

(3) If a court makes a commitment under division (D)(1) of 146612
this section, all further proceedings shall be in accordance with 146613
Chapter 5122. of the Revised Code. 146614

Sec. 5924.506. (A) If an accused person is found not guilty 146615
by reason of insanity, the verdict shall state that finding, and 146616
the trial court shall conduct a full hearing to determine whether 146617

the person is a mentally ill person subject to hospitalization by 146618
court order. Prior to the hearing, if the military judge believes 146619
that there is probable cause that the person found not guilty by 146620
reason of insanity is a mentally ill person subject to 146621
hospitalization by court order, the military judge may issue a 146622
temporary order of detention for that person to remain in effect 146623
for ten court days or until the hearing, whichever occurs first. 146624

Any person detained pursuant to a temporary order of 146625
detention issued under this division shall be held in a suitable 146626
facility, taking into consideration the place and type of 146627
confinement prior to and during trial. 146628

(B) The court shall hold the hearing under division (A) of 146629
this section to determine whether the person found not guilty by 146630
reason of insanity is a mentally ill person subject to 146631
hospitalization by court order within ten court days after the 146632
finding of not guilty by reason of insanity. Failure to conduct 146633
the hearing within the ten-day period shall cause the immediate 146634
discharge of the respondent, unless the judge grants a continuance 146635
for not longer than ten court days for good cause shown or for any 146636
period of time upon motion of the respondent. 146637

(C) If a person is found not guilty by reason of insanity, 146638
the person has the right to attend a hearing conducted pursuant to 146639
this section. At the hearing, the court shall inform the person 146640
that the person has all of the following rights: 146641

(1) The right to be represented by defense counsel or to 146642
retain civilian counsel, if the person so chooses; 146643

(2) The right to have independent expert evaluation; 146644

(3) The right to subpoena witnesses and documents, to present 146645
evidence on the person's behalf, and to cross-examine witnesses 146646
against the person; 146647

(4) The right to testify in the person's own behalf and to 146648

not be compelled to testify; 146649

(5) The right to have copies of any relevant medical or 146650
mental health document in the custody of the state or of any place 146651
of commitment other than a document for which the court finds that 146652
the release to the person of information contained in the document 146653
would create a substantial risk of harm to any person. 146654

(D) The hearing under division (A) of this section shall be 146655
open to the public, and the court shall conduct the hearing in 146656
accordance with regulations prescribed by the adjutant general. 146657
The court shall make and maintain a full transcript and record of 146658
the hearing proceedings. The court may consider all relevant 146659
evidence, including, but not limited to, any relevant psychiatric, 146660
psychological, or medical testimony or reports, the acts 146661
constituting the offense in relation to which the person was found 146662
not guilty by reason of insanity, and any history of the person 146663
that is relevant to the person's ability to conform to the law. 146664

(E) Upon completion of the hearing under division (A) of this 146665
section, if the court finds there is not clear and convincing 146666
evidence that the person is a mentally ill person subject to 146667
hospitalization by court order, the court shall discharge the 146668
person, unless a detainer has been placed upon the person by the 146669
department of rehabilitation and correction, in which case the 146670
person shall be returned to that department. 146671

(F) If, at the hearing under division (A) of this section, 146672
the court finds by clear and convincing evidence that the person 146673
is a mentally ill person subject to hospitalization by court 146674
order, it shall commit the person to the department of ~~mental~~ 146675
~~health~~ mental health and addiction services for placement in a 146676
hospital, facility, or ~~agency~~ services provider as determined 146677
clinically appropriate by the department of ~~mental health~~ mental 146678
health and addiction services. Further proceedings shall be in 146679
accordance with Chapter 5122. or 5123. of the Revised Code. In 146680

committing the accused to the department of ~~mental health~~ mental 146681
health and addiction services, the court shall specify the least 146682
restrictive limitations on the accused's freedom of movement 146683
determined to be necessary to protect public safety. 146684

(G) If a court makes a commitment of a person under division 146685
(F) of this section, the trial counsel shall send to the hospital, 146686
facility, or ~~agency~~ services provider where the defendant is 146687
placed by the department of ~~mental health~~ mental health and 146688
addiction services or to the accused's place of commitment all 146689
reports of the person's current mental condition, and, except as 146690
otherwise provided in this division, any other relevant 146691
information, including, but not limited to, a transcript of the 146692
hearing held pursuant to division (A) of this section, copies of 146693
relevant investigative reports, and copies of any prior arrest and 146694
conviction records that pertain to the person and that the trial 146695
counsel possesses. The trial counsel shall send the reports of the 146696
person's current mental condition in every case of commitment, 146697
and, unless the trial counsel determines that the release of any 146698
of the other relevant information to unauthorized persons would 146699
interfere with the effective prosecution of any person or would 146700
create a substantial risk of harm to any person, the trial counsel 146701
also shall send the other relevant information. 146702

(H) A person who is committed pursuant to this section shall 146703
not voluntarily admit the person or be voluntarily admitted to a 146704
hospital or institution pursuant to sections 5122.02 and 5122.15 146705
of the Revised Code. 146706

Sec. 6109.21. (A) Except as provided in divisions (I) and (J) 146707
of this section, no person shall operate a public water system in 146708
this state without a license issued by the director of 146709
environmental protection. 146710

(B)(1) A person who proposes to operate a new public water 146711

system, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall obtain an initial license from the director. The person shall submit an application for the initial license at least forty-five days prior to commencing the operation of the system.

(C) A license shall expire on the thirtieth day of January in the year following its issuance.

(D) A license shall be renewed annually. A person proposing to continue operating a public water system shall apply for a license renewal at least thirty days prior to the expiration date of the license.

(E) ~~Through June 30, 2014, each~~ Each application for a license or license renewal shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code. However, an applicant for an initial license who is proposing to operate a new public water system shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license 146742
or license renewal issued under this section at any time if the 146743
director finds that the public water system was not or will not be 146744
operated in substantial compliance with this chapter and rules 146745
adopted under it. 146746

(H) The director shall adopt rules in accordance with Chapter 146747
119. of the Revised Code establishing procedures and requirements 146748
governing both of the following: 146749

(1) Information to be included on applications for licenses 146750
and license renewals issued under this section; 146751

(2) The issuance, conditioning, suspension, revocation, and 146752
denial of licenses and license renewals under this section. 146753

(I)(1) As used in division (I) of this section, "church" 146754
means a fellowship of believers, congregation, society, 146755
corporation, convention, or association that is formed primarily 146756
or exclusively for religious purposes and that is not formed or 146757
operated for the private profit of any person. 146758

(2) This section does not apply to a church that operates or 146759
maintains a public water system solely to provide water for that 146760
church or for a campground that is owned by the church and 146761
operated primarily or exclusively for members of the church and 146762
their families. 146763

(J) This section does not apply to any public or nonpublic 146764
school that meets minimum standards of the state board of 146765
education that operates or maintains a public water system solely 146766
to provide water for that school. 146767

(K) The environmental protection agency shall collect well 146768
log filing fees on behalf of the division of soil and water 146769
resources in the department of natural resources in accordance 146770
with section 1521.05 of the Revised Code and rules adopted under 146771
it. The fees shall be submitted to the division quarterly as 146772

provided in those rules. 146773

~~Sec. 6111.037. (A) There is hereby created in the state~~ 146774
~~treasury the nonpoint source pollution management fund. The fund~~ 146775
~~shall consist of grant moneys received under~~ For purposes of state 146776
nonpoint source pollution management and pursuant to section 319 146777
of the "Federal Water Pollution Control Act," ~~for purposes of~~ 146778
~~assisting with the development and implementation of a~~ 146779
~~comprehensive nonpoint source pollution management program~~ 146780
~~pursuant to that section of the act. Moneys credited to the fund~~ 146781
~~may be used for purposes of research, planning, water quality~~ 146782
~~assessments, demonstration projects, enforcement, technical~~ 146783
~~assistance, education, and training regarding management of~~ 146784
~~nonpoint sources of water pollution. The~~ the director of 146785
environmental protection may enter into agreements to receive 146786
grant moneys for ~~the nonpoint source pollution management fund and~~ 146787
for deposit into the state treasury to the credit of the water 146788
quality protection fund created in section 6111.0381 of the 146789
Revised Code. The director may enter into agreements to make 146790
grants of moneys credited to the fund under this section, 146791
including, without limitation, passthrough grants to other state 146792
departments or agencies. 146793

(B) The director shall periodically prepare and, by rules 146794
adopted under division (O) of section 6111.036 of the Revised 146795
Code, establish a priority system for identifying activities 146796
eligible for assistance under this section. The priority system 146797
shall ensure that financial assistance available under this 146798
section is first provided to: 146799

(1) Control particularly difficult or serious nonpoint source 146800
pollution problems, including, without limitation, problems 146801
resulting from mining activities; 146802

(2) Implement innovative methods or practices for controlling 146803

nonpoint sources of pollution, including, without limitation, 146804
regulatory programs that the director determines are appropriate; 146805

(3) Control interstate nonpoint source pollution problems; 146806

(4) Implement ground and surface water quality protection 146807
activities that the director determines are part of a 146808
comprehensive nonpoint source pollution control program, which 146809
activities include research, planning, ~~ground~~ water quality 146810
assessments, demonstration programs, enforcement, technical 146811
assistance, education, and training to protect ~~ground~~ water 146812
quality from nonpoint sources of pollution. 146813

Sec. 6133.041. (A) Notwithstanding any other provision of 146814
this chapter or Chapter 6131. of the Revised Code to the contrary, 146815
a joint board of county commissioners, when practicable, may 146816
conduct proceedings regarding existing improvements by video 146817
conference or, if video conference is not available, by 146818
teleconference. The joint board shall make provisions for public 146819
attendance at any location involved in such a proceeding. The 146820
participation of any commissioner or board of county commissioners 146821
in a video conference or teleconference shall occur at the 146822
location of the commissioners' main office or board room in an 146823
open meeting at which the public is allowed to attend. 146824

(B) Before convening a meeting of a joint board of county 146825
commissioners by video conference or by teleconference, designated 146826
staff shall send, via electronic mail, facsimile, or United States 146827
postal service, a copy of meeting-related documents to each member 146828
of the joint board. 146829

(C) The minutes of each joint county ditch meeting shall 146830
specify who was attending by teleconference, who was attending by 146831
video conference, and who was physically present. 146832

(D) Nothing in section 121.22 of the Revised Code prohibits a 146833

joint board of county commissioners from conducting a proceeding 146834
in a manner authorized by this section. 146835

Section 101.02. That existing sections 9.03, 9.15, 9.231, 146836
9.239, 9.24, 9.833, 9.90, 9.901, 101.39, 101.391, 102.02, 103.144, 146837
103.63, 107.033, 107.12, 109.06, 109.36, 109.57, 109.572, 109.71, 146838
109.746, 109.77, 109.85, 109.86, 109.90, 111.02, 111.15, 111.28, 146839
113.02, 113.061, 117.03, 117.10, 117.20, 119.01, 120.06, 121.02, 146840
121.03, 121.22, 121.35, 121.37, 121.372, 122.075, 122.083, 122.17, 146841
122.171, 122.175, 122.28, 122.30, 122.31, 122.32, 122.33, 122.34, 146842
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5507.60, 5507.63, 5507.99, 5511.03, 5515.08, 5540.03, 5701.13, 147053
5703.052, 5703.053, 5703.059, 5703.19, 5703.21, 5703.37, 5703.50, 147054
5703.70, 5703.82, 5705.01, 5705.10, 5705.19, 5705.192, 5705.21, 147055
5705.217, 5705.218, 5705.221, 5705.25, 5709.17, 5709.75, 5723.01, 147056
5725.18, 5725.33, 5725.34, 5726.20, 5726.52, 5726.54, 5727.26, 147057

5727.75, 5727.84, 5727.89, 5728.10, 5729.03, 5729.04, 5729.16, 147058
5729.17, 5731.39, 5733.01, 5733.06, 5733.11, 5733.55, 5733.58, 147059
5733.98, 5735.012, 5735.12, 5735.142, 5735.27, 5735.34, 5739.01, 147060
5739.02, 5739.026, 5739.09, 5739.13, 5741.01, 5741.03, 5741.17, 147061
5743.081, 5743.15, 5743.56, 5745.12, 5747.01, 5747.02, 5747.022, 147062
5747.025, 5747.08, 5747.10, 5747.11, 5747.113, 5747.122, 5747.13, 147063
5747.21, 5747.22, 5747.47, 5747.501, 5747.76, 5747.98, 5748.01, 147064
5749.02, 5749.06, 5749.07, 5749.17, 5751.01, 5751.02, 5751.051, 147065
5751.07, 5751.081, 5751.09, 5751.20, 5751.21, 5751.98, 5753.03, 147066
5753.07, 5815.28, 5902.02, 5905.02, 5910.02, 5910.07, 5919.34, 147067
5924.502, 5924.503, 5924.504, 5924.506, 6109.21, and 6111.037 of 147068
the Revised Code are hereby repealed. 147069

Section 105.01. That sections 122.076, 122.15, 122.151, 147070
122.152, 122.153, 122.154, 122.29, 122.97, 123.23, 125.837, 147071
125.838, 149.51, 149.55, 166.22, 166.28, 173.425, 173.433, 183.28, 147072
184.04, 340.022, 340.033, 340.06, 340.14, 1513.371, 1531.34, 147073
1547.721, 1547.722, 1547.723, 1547.724, 1547.725, 1547.726, 147074
1901.121, 2301.26, 2743.54, 3302.043, 3304.24, 3304.26, 3304.38, 147075
3313.481, 3313.482, 3313.4811, 3314.088, 3314.13, 3317.012, 147076
3317.014, 3317.018, 3317.02, 3317.022, 3317.029, 3317.0217, 147077
3317.051, 3317.052, 3317.053, 3317.11, 3317.16, 3317.62, 3317.63, 147078
3317.64, 3318.023, 3323.16, 3326.39, 3345.81, 3353.09, 3353.15, 147079
3353.20, 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.08, 147080
3383.09, 3506.22, 3517.1010, 3701.072, 3701.263, 3701.343, 147081
3701.90, 3701.901, 3701.902, 3701.903, 3701.904, 3701.905, 147082
3701.906, 3701.907, 3721.026, 3793.02, 3793.03, 3793.04, 3793.041, 147083
3793.05, 3793.06, 3793.061, 3793.08, 3793.09, 3793.19, 3793.20, 147084
3793.21, 3793.99, 5101.503, 5101.514, 5101.515, 5101.518, 147085
5101.523, 5101.525, 5101.526, 5101.528, 5101.529, 5111.012, 147086
5111.014, 5111.015, 5111.0110, 5111.0111, 5111.0113, 5111.0115, 147087
5111.0120, 5111.0121, 5111.0122, 5111.0123, 5111.0124, 5111.0125, 147088

5111.176, 5111.211, 5111.236, 5111.65, 5111.8710, 5111.8811, 147089
5111.913, 5111.942, 5111.946, 5119.011, 5119.013, 5119.03, 147090
5119.05, 5119.47, 5119.623, 5119.64, 5119.65, 5119.66, 5119.67, 147091
5119.68, 5507.65, 5507.66, 5707.05, 5727.41, 5733.35, 5747.211, 147092
5747.33, 6101.451, and 6111.029 of the Revised Code are hereby 147093
repealed. 147094

Section 110.10. That section 3313.88 of the Revised Code as 147095
it results from Section 101.01 of this act be amended and 147096
recodified as section 3313.482 of the Revised Code to read as 147097
follows: 147098

Sec. ~~3313.88~~ 3313.482. (A)(1) Prior to the first day of 147099
August of each school year, the board of education of any school 147100
district or the governing authority of any chartered nonpublic 147101
school may submit to the department of education a plan to require 147102
students to access and complete classroom lessons posted on the 147103
district's or nonpublic school's web portal or web site in order 147104
to make up ~~days~~ hours in that school year on which it is necessary 147105
to close schools for ~~any of the reasons specified in division (B)~~ 147106
~~of section 3317.01 of the Revised Code in excess of the number of~~ 147107
~~days permitted under sections 3313.48, 3313.481, and 3317.01 of~~ 147108
~~the Revised Code~~ disease epidemic, hazardous weather conditions, 147109
law enforcement emergencies, inoperability of school buses or 147110
other equipment necessary to the school's operation, damage to a 147111
school building, or other temporary circumstances due to utility 147112
failure rendering the school building unfit for school use. 147113

Prior to the first day of August of each school year, the 147115
governing authority of any community school established under 147116
Chapter 3314. that is not an internet- or computer-based community 147117
school, as defined in section 3314.02 of the Revised Code, may 147118

submit to the department a plan to require students to access and 147119
complete classroom lessons posted on the school's web portal or 147120
web site in order to make up ~~days or~~ hours in that school year on 147121
which it is necessary to close the school for any of the reasons 147122
specified in division (H)(4) of section 3314.08 of the Revised 147123
Code so that the school is in compliance with the minimum number 147124
of hours required under Chapter 3314. of the Revised Code. 147125

A plan submitted by a school district board ~~or~~ chartered 147126
nonpublic school governing authority ~~shall provide for making up~~ 147127
~~any number of days, up to a maximum of three days. A plan~~ 147128
~~submitted by a, or~~ community school governing authority shall 147129
provide for making up any number of hours, up to a maximum of the 147130
number of hours that are the equivalent of three school days. 147131
Provided the plan meets all requirements of this section, the 147132
department shall permit the board or governing authority to 147133
implement the plan for the applicable school year. 147134

(2) Each plan submitted under this section by a school 147135
district board of education shall include the written consent of 147136
the teachers' employee representative designated under division 147137
(B) of section 4117.04 of the Revised Code. 147138

(3) Each plan submitted under this section shall provide for 147139
the following: 147140

(a) Not later than the first day of November of the school 147141
year, each classroom teacher shall develop a sufficient number of 147142
lessons for each course taught by the teacher that school year to 147143
cover the number of make-up ~~days or~~ hours specified in the plan. 147144
The teacher shall designate the order in which the lessons are to 147145
be posted on the district's, community school's, or nonpublic 147146
school's web portal or web site in the event of a school closure. 147147
Teachers may be granted up to one professional development day to 147148
create lesson plans for those lessons. 147149

(b) To the extent possible and necessary, a classroom teacher shall update or replace, based on current instructional progress, one or more of the lesson plans developed under division (A)(3)(a) of this section before they are posted on the web portal or web site under division (A)(3)(c) of this section or distributed under division (B) of this section.

(c) As soon as practicable after a school closure, a district or school employee responsible for web portal or web site operations shall make the designated lessons available to students on the district's, community school's, or nonpublic school's portal or site. A lesson shall be posted for each course that was scheduled to meet on the day or hours of the closure.

(d) Each student enrolled in a course for which a lesson is posted on the portal or site shall be granted a two-week period from the date of posting to complete the lesson. The student's classroom teacher shall grade the lesson in the same manner as other lessons. The student may receive an incomplete or failing grade if the lesson is not completed on time.

(e) If a student does not have access to a computer at the student's residence and the plan does not include blizzard bags under division (B) of this section, the student shall be permitted to work on the posted lessons at school after the student's school reopens. If the lessons were posted prior to the reopening, the student shall be granted a two-week period from the date of the reopening, rather than from the date of posting as otherwise required under division (A)(3)(d) of this section, to complete the lessons. The district board or community school or nonpublic school governing authority may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

(B)(1) In addition to posting classroom lessons online under

division (A) of this section, the board of education of any school 147182
district or governing authority of any community or chartered 147183
nonpublic school may include in the plan distribution of "blizzard 147184
bags," which are paper copies of the lessons posted online. 147185

(2) If a school opts to use blizzard bags, teachers shall 147186
prepare paper copies in conjunction with the lessons to be posted 147187
online and update the paper copies whenever the teacher updates 147188
the online lesson plans. 147189

(3) The board of education of any school district or 147190
governing authority of any community or chartered nonpublic school 147191
that opts to use blizzard bags shall specify in the plan the 147192
method of distribution of blizzard bag lessons, which may include, 147193
but not be limited to, requiring distribution by a specific 147194
deadline or requiring distribution prior to anticipated school 147195
closure as directed by the superintendent of a school district or 147196
the principal, director, chief administrative officer, or the 147197
equivalent, of a school. 147198

(4) Students shall turn in completed lessons in accordance 147199
with division (A)(3)(d) of this section. 147200

(C)(1) No school district that implements a plan in 147201
accordance with this section shall be considered to have failed to 147202
comply with division (B) of section 3317.01 of the Revised Code 147203
with respect to the number of make-up ~~days~~ hours specified in the 147204
plan. 147205

(2) No community school that implements a plan in accordance 147206
with this section shall be considered to have failed to comply 147207
with the minimum number of hours required under Chapter 3314. of 147208
the Revised Code with respect to the number of make-up hours 147209
specified in the plan. 147210

Section 110.11. That existing section 3313.88 of the Revised 147211

Code is hereby repealed. 147212

Section 110.12. Sections 110.10 and 110.11 of this act shall 147213
take effect July 1, 2014. 147214

Section 110.20. That the versions of sections 109.57, 147215
2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 147216
5104.32 of the Revised Code that are scheduled to take effect 147217
January 1, 2014, be amended to read as follows: 147218

Sec. 109.57. (A)(1) The superintendent of the bureau of 147219
criminal identification and investigation shall procure from 147220
wherever procurable and file for record photographs, pictures, 147221
descriptions, fingerprints, measurements, and other information 147222
that may be pertinent of all persons who have been convicted of 147223
committing within this state a felony, any crime constituting a 147224
misdemeanor on the first offense and a felony on subsequent 147225
offenses, or any misdemeanor described in division (A)(1)(a), 147226
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 147227
all children under eighteen years of age who have been adjudicated 147228
delinquent children for committing within this state an act that 147229
would be a felony or an offense of violence if committed by an 147230
adult or who have been convicted of or pleaded guilty to 147231
committing within this state a felony or an offense of violence, 147232
and of all well-known and habitual criminals. The person in charge 147233
of any county, multicounty, municipal, municipal-county, or 147234
multicounty-municipal jail or workhouse, community-based 147235
correctional facility, halfway house, alternative residential 147236
facility, or state correctional institution and the person in 147237
charge of any state institution having custody of a person 147238
suspected of having committed a felony, any crime constituting a 147239
misdemeanor on the first offense and a felony on subsequent 147240
offenses, or any misdemeanor described in division (A)(1)(a), 147241

(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 147242
having custody of a child under eighteen years of age with respect 147243
to whom there is probable cause to believe that the child may have 147244
committed an act that would be a felony or an offense of violence 147245
if committed by an adult shall furnish such material to the 147246
superintendent of the bureau. Fingerprints, photographs, or other 147247
descriptive information of a child who is under eighteen years of 147248
age, has not been arrested or otherwise taken into custody for 147249
committing an act that would be a felony or an offense of violence 147250
who is not in any other category of child specified in this 147251
division, if committed by an adult, has not been adjudicated a 147252
delinquent child for committing an act that would be a felony or 147253
an offense of violence if committed by an adult, has not been 147254
convicted of or pleaded guilty to committing a felony or an 147255
offense of violence, and is not a child with respect to whom there 147256
is probable cause to believe that the child may have committed an 147257
act that would be a felony or an offense of violence if committed 147258
by an adult shall not be procured by the superintendent or 147259
furnished by any person in charge of any county, multicounty, 147260
municipal, municipal-county, or multicounty-municipal jail or 147261
workhouse, community-based correctional facility, halfway house, 147262
alternative residential facility, or state correctional 147263
institution, except as authorized in section 2151.313 of the 147264
Revised Code. 147265

(2) Every clerk of a court of record in this state, other 147266
than the supreme court or a court of appeals, shall send to the 147267
superintendent of the bureau a weekly report containing a summary 147268
of each case involving a felony, involving any crime constituting 147269
a misdemeanor on the first offense and a felony on subsequent 147270
offenses, involving a misdemeanor described in division (A)(1)(a), 147271
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 147272
involving an adjudication in a case in which a child under 147273

eighteen years of age was alleged to be a delinquent child for 147274
committing an act that would be a felony or an offense of violence 147275
if committed by an adult. The clerk of the court of common pleas 147276
shall include in the report and summary the clerk sends under this 147277
division all information described in divisions (A)(2)(a) to (f) 147278
of this section regarding a case before the court of appeals that 147279
is served by that clerk. The summary shall be written on the 147280
standard forms furnished by the superintendent pursuant to 147281
division (B) of this section and shall include the following 147282
information: 147283

(a) The incident tracking number contained on the standard 147284
forms furnished by the superintendent pursuant to division (B) of 147285
this section; 147286

(b) The style and number of the case; 147287

(c) The date of arrest, offense, summons, or arraignment; 147288

(d) The date that the person was convicted of or pleaded 147289
guilty to the offense, adjudicated a delinquent child for 147290
committing the act that would be a felony or an offense of 147291
violence if committed by an adult, found not guilty of the 147292
offense, or found not to be a delinquent child for committing an 147293
act that would be a felony or an offense of violence if committed 147294
by an adult, the date of an entry dismissing the charge, an entry 147295
declaring a mistrial of the offense in which the person is 147296
discharged, an entry finding that the person or child is not 147297
competent to stand trial, or an entry of a nolle prosequi, or the 147298
date of any other determination that constitutes final resolution 147299
of the case; 147300

(e) A statement of the original charge with the section of 147301
the Revised Code that was alleged to be violated; 147302

(f) If the person or child was convicted, pleaded guilty, or 147303
was adjudicated a delinquent child, the sentence or terms of 147304

probation imposed or any other disposition of the offender or the delinquent child. 147305
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If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records. 147307
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(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the 147312
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state and its political subdivisions. 147337

(4) The superintendent shall carry out Chapter 2950. of the 147338
Revised Code with respect to the registration of persons who are 147339
convicted of or plead guilty to a sexually oriented offense or a 147340
child-victim oriented offense and with respect to all other duties 147341
imposed on the bureau under that chapter. 147342

(5) The bureau shall perform centralized recordkeeping 147343
functions for criminal history records and services in this state 147344
for purposes of the national crime prevention and privacy compact 147345
set forth in section 109.571 of the Revised Code and is the 147346
criminal history record repository as defined in that section for 147347
purposes of that compact. The superintendent or the 147348
superintendent's designee is the compact officer for purposes of 147349
that compact and shall carry out the responsibilities of the 147350
compact officer specified in that compact. 147351

(B) The superintendent shall prepare and furnish to every 147352
county, multicounty, municipal, municipal-county, or 147353
multicounty-municipal jail or workhouse, community-based 147354
correctional facility, halfway house, alternative residential 147355
facility, or state correctional institution and to every clerk of 147356
a court in this state specified in division (A)(2) of this section 147357
standard forms for reporting the information required under 147358
division (A) of this section. The standard forms that the 147359
superintendent prepares pursuant to this division may be in a 147360
tangible format, in an electronic format, or in both tangible 147361
formats and electronic formats. 147362

(C)(1) The superintendent may operate a center for 147363
electronic, automated, or other data processing for the storage 147364
and retrieval of information, data, and statistics pertaining to 147365
criminals and to children under eighteen years of age who are 147366
adjudicated delinquent children for committing an act that would 147367
be a felony or an offense of violence if committed by an adult, 147368

criminal activity, crime prevention, law enforcement, and criminal 147369
justice, and may establish and operate a statewide communications 147370
network to be known as the Ohio law enforcement gateway to gather 147371
and disseminate information, data, and statistics for the use of 147372
law enforcement agencies and for other uses specified in this 147373
division. The superintendent may gather, store, retrieve, and 147374
disseminate information, data, and statistics that pertain to 147375
children who are under eighteen years of age and that are gathered 147376
pursuant to sections 109.57 to 109.61 of the Revised Code together 147377
with information, data, and statistics that pertain to adults and 147378
that are gathered pursuant to those sections. 147379

(2) The superintendent or the superintendent's designee shall 147380
gather information of the nature described in division (C)(1) of 147381
this section that pertains to the offense and delinquency history 147382
of a person who has been convicted of, pleaded guilty to, or been 147383
adjudicated a delinquent child for committing a sexually oriented 147384
offense or a child-victim oriented offense for inclusion in the 147385
state registry of sex offenders and child-victim offenders 147386
maintained pursuant to division (A)(1) of section 2950.13 of the 147387
Revised Code and in the internet database operated pursuant to 147388
division (A)(13) of that section and for possible inclusion in the 147389
internet database operated pursuant to division (A)(11) of that 147390
section. 147391

(3) In addition to any other authorized use of information, 147392
data, and statistics of the nature described in division (C)(1) of 147393
this section, the superintendent or the superintendent's designee 147394
may provide and exchange the information, data, and statistics 147395
pursuant to the national crime prevention and privacy compact as 147396
described in division (A)(5) of this section. 147397

(4) The attorney general may adopt rules under Chapter 119. 147398
of the Revised Code establishing guidelines for the operation of 147399
and participation in the Ohio law enforcement gateway. The rules 147400

may include criteria for granting and restricting access to 147401
information gathered and disseminated through the Ohio law 147402
enforcement gateway. The attorney general shall permit the state 147403
medical board and board of nursing to access and view, but not 147404
alter, information gathered and disseminated through the Ohio law 147405
enforcement gateway. 147406

The attorney general may appoint a steering committee to 147407
advise the attorney general in the operation of the Ohio law 147408
enforcement gateway that is comprised of persons who are 147409
representatives of the criminal justice agencies in this state 147410
that use the Ohio law enforcement gateway and is chaired by the 147411
superintendent or the superintendent's designee. 147412

(D)(1) The following are not public records under section 147413
149.43 of the Revised Code: 147414

(a) Information and materials furnished to the superintendent 147415
pursuant to division (A) of this section; 147416

(b) Information, data, and statistics gathered or 147417
disseminated through the Ohio law enforcement gateway pursuant to 147418
division (C)(1) of this section; 147419

(c) Information and materials furnished to any board or 147420
person under division (F) or (G) of this section. 147421

(2) The superintendent or the superintendent's designee shall 147422
gather and retain information so furnished under division (A) of 147423
this section that pertains to the offense and delinquency history 147424
of a person who has been convicted of, pleaded guilty to, or been 147425
adjudicated a delinquent child for committing a sexually oriented 147426
offense or a child-victim oriented offense for the purposes 147427
described in division (C)(2) of this section. 147428

(E)(1) The attorney general shall adopt rules, in accordance 147429
with Chapter 119. of the Revised Code and subject to division 147430
(E)(2) of this section, setting forth the procedure by which a 147431

person may receive or release information gathered by the 147432
superintendent pursuant to division (A) of this section. A 147433
reasonable fee may be charged for this service. If a temporary 147434
employment service submits a request for a determination of 147435
whether a person the service plans to refer to an employment 147436
position has been convicted of or pleaded guilty to an offense 147437
listed or described in division (A)(1), (2), or (3) of section 147438
109.572 of the Revised Code, the request shall be treated as a 147439
single request and only one fee shall be charged. 147440

(2) Except as otherwise provided in this division, a rule 147441
adopted under division (E)(1) of this section may provide only for 147442
the release of information gathered pursuant to division (A) of 147443
this section that relates to the conviction of a person, or a 147444
person's plea of guilty to, a criminal offense. The superintendent 147445
shall not release, and the attorney general shall not adopt any 147446
rule under division (E)(1) of this section that permits the 147447
release of, any information gathered pursuant to division (A) of 147448
this section that relates to an adjudication of a child as a 147449
delinquent child, or that relates to a criminal conviction of a 147450
person under eighteen years of age if the person's case was 147451
transferred back to a juvenile court under division (B)(2) or (3) 147452
of section 2152.121 of the Revised Code and the juvenile court 147453
imposed a disposition or serious youthful offender disposition 147454
upon the person under either division, unless either of the 147455
following applies with respect to the adjudication or conviction: 147456

(a) The adjudication or conviction was for a violation of 147457
section 2903.01 or 2903.02 of the Revised Code. 147458

(b) The adjudication or conviction was for a sexually 147459
oriented offense, the juvenile court was required to classify the 147460
child a juvenile offender registrant for that offense under 147461
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 147462
classification has not been removed. 147463

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, subject to division (E)(2) of this

section, the superintendent shall determine whether that 147497
information exists and, upon request of the person, board, or 147498
entity requesting information, also shall request from the federal 147499
bureau of investigation any criminal records it has pertaining to 147500
that individual. The superintendent or the superintendent's 147501
designee also may request criminal history records from other 147502
states or the federal government pursuant to the national crime 147503
prevention and privacy compact set forth in section 109.571 of the 147504
Revised Code. Within thirty days of the date that the 147505
superintendent receives a request, subject to division (E)(2) of 147506
this section, the superintendent shall send to the board, entity, 147507
or person a report of any information that the superintendent 147508
determines exists, including information contained in records that 147509
have been sealed under section 2953.32 of the Revised Code, and, 147510
within thirty days of its receipt, subject to division (E)(2) of 147511
this section, shall send the board, entity, or person a report of 147512
any information received from the federal bureau of investigation, 147513
other than information the dissemination of which is prohibited by 147514
federal law. 147515

(b) When a board of education or a registered private 147516
provider is required to receive information under this section as 147517
a prerequisite to employment of an individual pursuant to division 147518
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 147519
may accept a certified copy of records that were issued by the 147520
bureau of criminal identification and investigation and that are 147521
presented by an individual applying for employment with the 147522
district in lieu of requesting that information itself. In such a 147523
case, the board shall accept the certified copy issued by the 147524
bureau in order to make a photocopy of it for that individual's 147525
employment application documents and shall return the certified 147526
copy to the individual. In a case of that nature, a district or 147527
provider only shall accept a certified copy of records of that 147528
nature within one year after the date of their issuance by the 147529

bureau. 147530

(c) Notwithstanding division (F)(2)(a) of this section, in 147531
the case of a request under section 3319.39, 3319.391, or 3327.10 147532
of the Revised Code only for criminal records maintained by the 147533
federal bureau of investigation, the superintendent shall not 147534
determine whether any information gathered under division (A) of 147535
this section exists on the person for whom the request is made. 147536

(3) The state board of education may request, with respect to 147537
any individual who has applied for employment after October 2, 147538
1989, in any position with the state board or the department of 147539
education, any information that a school district board of 147540
education is authorized to request under division (F)(2) of this 147541
section, and the superintendent of the bureau shall proceed as if 147542
the request has been received from a school district board of 147543
education under division (F)(2) of this section. 147544

(4) When the superintendent of the bureau receives a request 147545
for information under section 3319.291 of the Revised Code, the 147546
superintendent shall proceed as if the request has been received 147547
from a school district board of education and shall comply with 147548
divisions (F)(2)(a) and (c) of this section. 147549

(5) When a recipient of a classroom reading improvement grant 147550
paid under section 3301.86 of the Revised Code requests, with 147551
respect to any individual who applies to participate in providing 147552
any program or service funded in whole or in part by the grant, 147553
the information that a school district board of education is 147554
authorized to request under division (F)(2)(a) of this section, 147555
the superintendent of the bureau shall proceed as if the request 147556
has been received from a school district board of education under 147557
division (F)(2)(a) of this section. 147558

(G) In addition to or in conjunction with any request that is 147559
required to be made under section 3701.881, 3712.09, or 3721.121 147560

of the Revised Code with respect to an individual who has applied 147561
for employment in a position that involves providing direct care 147562
to an older adult or adult resident, the chief administrator of a 147563
home health agency, hospice care program, home licensed under 147564
Chapter 3721. of the Revised Code, or adult day-care program 147565
operated pursuant to rules adopted under section 3721.04 of the 147566
Revised Code may request that the superintendent of the bureau 147567
investigate and determine, with respect to any individual who has 147568
applied after January 27, 1997, for employment in a position that 147569
does not involve providing direct care to an older adult or adult 147570
resident, whether the bureau has any information gathered under 147571
division (A) of this section that pertains to that individual. 147572

In addition to or in conjunction with any request that is 147573
required to be made under section 173.27 of the Revised Code with 147574
respect to an individual who has applied for employment in a 147575
position that involves providing ~~ombudsperson~~ ombudsman services 147576
to residents of long-term care facilities or recipients of 147577
community-based long-term care services, the state long-term care 147578
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee, or the~~ director 147579
of health aging, a regional long-term care ombudsman program, or 147580
the designee of the ombudsman, director, or program may request 147581
that the superintendent investigate and determine, with respect to 147582
any individual who has applied for employment in a position that 147583
does not involve providing such ~~ombudsperson~~ ombudsman services, 147584
whether the bureau has any information gathered under division (A) 147585
of this section that pertains to that applicant. 147586

In addition to or in conjunction with any request that is 147587
required to be made under section ~~173.394~~ 173.38 of the Revised 147588
Code with respect to an individual who has applied for employment 147589
in a direct-care position ~~that involves providing direct care to~~ 147590
~~an individual~~, the chief administrator of a community based 147591
long-term care agency provider, as defined in section 173.39 of 147592

the Revised Code, may request that the superintendent investigate 147593
and determine, with respect to any individual who has applied for 147594
employment in a position that ~~does is not involve providing direct~~ 147595
~~care~~ are a direct-care position, whether the bureau has any 147596
information gathered under division (A) of this section that 147597
pertains to that applicant. 147598

In addition to or in conjunction with any request that is 147599
required to be made under section 3712.09 of the Revised Code with 147600
respect to an individual who has applied for employment in a 147601
position that involves providing direct care to a pediatric 147602
respite care patient, the chief administrator of a pediatric 147603
respite care program may request that the superintendent of the 147604
bureau investigate and determine, with respect to any individual 147605
who has applied for employment in a position that does not involve 147606
providing direct care to a pediatric respite care patient, whether 147607
the bureau has any information gathered under division (A) of this 147608
section that pertains to that individual. 147609

On receipt of a request under this division, the 147610
superintendent shall determine whether that information exists 147611
and, on request of the individual requesting information, shall 147612
also request from the federal bureau of investigation any criminal 147613
records it has pertaining to the applicant. The superintendent or 147614
the superintendent's designee also may request criminal history 147615
records from other states or the federal government pursuant to 147616
the national crime prevention and privacy compact set forth in 147617
section 109.571 of the Revised Code. Within thirty days of the 147618
date a request is received, subject to division (E)(2) of this 147619
section, the superintendent shall send to the requester a report 147620
of any information determined to exist, including information 147621
contained in records that have been sealed under section 2953.32 147622
of the Revised Code, and, within thirty days of its receipt, shall 147623
send the requester a report of any information received from the 147624

federal bureau of investigation, other than information the 147625
dissemination of which is prohibited by federal law. 147626

(H) Information obtained by a government entity or person 147627
under this section is confidential and shall not be released or 147628
disseminated. 147629

(I) The superintendent may charge a reasonable fee for 147630
providing information or criminal records under division (F)(2) or 147631
(G) of this section. 147632

(J) As used in this section: 147633

(1) "Pediatric respite care program" and "pediatric care 147634
patient" have the same meanings as in section 3712.01 of the 147635
Revised Code. 147636

(2) "Sexually oriented offense" and "child-victim oriented 147637
offense" have the same meanings as in section 2950.01 of the 147638
Revised Code. 147639

(3) "Registered private provider" means a nonpublic school or 147640
entity registered with the superintendent of public instruction 147641
under section 3310.41 of the Revised Code to participate in the 147642
autism scholarship program or section 3310.58 of the Revised Code 147643
to participate in the Jon Peterson special needs scholarship 147644
program. 147645

Sec. 2151.011. (A) As used in the Revised Code: 147646

(1) "Juvenile court" means whichever of the following is 147647
applicable that has jurisdiction under this chapter and Chapter 147648
2152. of the Revised Code: 147649

(a) The division of the court of common pleas specified in 147650
section 2101.022 or 2301.03 of the Revised Code as having 147651
jurisdiction under this chapter and Chapter 2152. of the Revised 147652
Code or as being the juvenile division or the juvenile division 147653
combined with one or more other divisions; 147654

(b) The juvenile court of Cuyahoga county or Hamilton county 147655
that is separately and independently created by section 2151.08 or 147656
Chapter 2153. of the Revised Code and that has jurisdiction under 147657
this chapter and Chapter 2152. of the Revised Code; 147658

(c) If division (A)(1)(a) or (b) of this section does not 147659
apply, the probate division of the court of common pleas. 147660

(2) "Juvenile judge" means a judge of a court having 147661
jurisdiction under this chapter. 147662

(3) "Private child placing agency" means any association, as 147663
defined in section 5103.02 of the Revised Code, that is certified 147664
under section 5103.03 of the Revised Code to accept temporary, 147665
permanent, or legal custody of children and place the children for 147666
either foster care or adoption. 147667

(4) "Private noncustodial agency" means any person, 147668
organization, association, or society certified by the department 147669
of job and family services that does not accept temporary or 147670
permanent legal custody of children, that is privately operated in 147671
this state, and that does one or more of the following: 147672

(a) Receives and cares for children for two or more 147673
consecutive weeks; 147674

(b) Participates in the placement of children in certified 147675
foster homes; 147676

(c) Provides adoption services in conjunction with a public 147677
children services agency or private child placing agency. 147678

(B) As used in this chapter: 147679

(1) "Adequate parental care" means the provision by a child's 147680
parent or parents, guardian, or custodian of adequate food, 147681
clothing, and shelter to ensure the child's health and physical 147682
safety and the provision by a child's parent or parents of 147683
specialized services warranted by the child's physical or mental 147684

needs. 147685

(2) "Adult" means an individual who is eighteen years of age 147686
or older. 147687

(3) "Agreement for temporary custody" means a voluntary 147688
agreement authorized by section 5103.15 of the Revised Code that 147689
transfers the temporary custody of a child to a public children 147690
services agency or a private child placing agency. 147691

(4) "Alternative response" means the public children services 147692
agency's response to a report of child abuse or neglect that 147693
engages the family in a comprehensive evaluation of child safety, 147694
risk of subsequent harm, and family strengths and needs and that 147695
does not include a determination as to whether child abuse or 147696
neglect occurred. 147697

(5) "Certified foster home" means a foster home, as defined 147698
in section 5103.02 of the Revised Code, certified under section 147699
5103.03 of the Revised Code. 147700

(6) "Child" means a person who is under eighteen years of 147701
age, except that the juvenile court has jurisdiction over any 147702
person who is adjudicated an unruly child prior to attaining 147703
eighteen years of age until the person attains twenty-one years of 147704
age, and, for purposes of that jurisdiction related to that 147705
adjudication, a person who is so adjudicated an unruly child shall 147706
be deemed a "child" until the person attains twenty-one years of 147707
age. 147708

(7) "Child day camp," "child care," "child day-care center," 147709
"part-time child day-care center," "type A family day-care home," 147710
"licensed type B family day-care home," "type B family day-care 147711
home," "administrator of a child day-care center," "administrator 147712
of a type A family day-care home," and "in-home aide" have the 147713
same meanings as in section 5104.01 of the Revised Code. 147714

(8) "Child care provider" means an individual who is a 147715

child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(10) "Commit" means to vest custody as ordered by the court.

(11) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(13) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(14) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order,

in a public or private facility designed to physically restrict 147746
the movement and activities of children. 147747

(15) "Developmental disability" has the same meaning as in 147748
section 5123.01 of the Revised Code. 147749

(16) "Differential response approach" means an approach that 147750
a public children services agency may use to respond to accepted 147751
reports of child abuse or neglect with either an alternative 147752
response or a traditional response. 147753

(17) "Foster caregiver" has the same meaning as in section 147754
5103.02 of the Revised Code. 147755

(18) "Guardian" means a person, association, or corporation 147756
that is granted authority by a probate court pursuant to Chapter 147757
2111. of the Revised Code to exercise parental rights over a child 147758
to the extent provided in the court's order and subject to the 147759
residual parental rights of the child's parents. 147760

(19) "Habitual truant" means any child of compulsory school 147761
age who is absent without legitimate excuse for absence from the 147762
public school the child is supposed to attend for five or more 147763
consecutive school days, seven or more school days in one school 147764
month, or twelve or more school days in a school year. 147765

(20) "Juvenile traffic offender" has the same meaning as in 147766
section 2152.02 of the Revised Code. 147767

(21) "Legal custody" means a legal status that vests in the 147768
custodian the right to have physical care and control of the child 147769
and to determine where and with whom the child shall live, and the 147770
right and duty to protect, train, and discipline the child and to 147771
provide the child with food, shelter, education, and medical care, 147772
all subject to any residual parental rights, privileges, and 147773
responsibilities. An individual granted legal custody shall 147774
exercise the rights and responsibilities personally unless 147775
otherwise authorized by any section of the Revised Code or by the 147776

court. 147777

(22) A "legitimate excuse for absence from the public school 147778
the child is supposed to attend" includes, but is not limited to, 147779
any of the following: 147780

(a) The fact that the child in question has enrolled in and 147781
is attending another public or nonpublic school in this or another 147782
state; 147783

(b) The fact that the child in question is excused from 147784
attendance at school for any of the reasons specified in section 147785
3321.04 of the Revised Code; 147786

(c) The fact that the child in question has received an age 147787
and schooling certificate in accordance with section 3331.01 of 147788
the Revised Code. 147789

(23) "Mental illness" and "mentally ill person subject to 147790
hospitalization by court order" have the same meanings as in 147791
section 5122.01 of the Revised Code. 147792

(24) "Mental injury" means any behavioral, cognitive, 147793
emotional, or mental disorder in a child caused by an act or 147794
omission that is described in section 2919.22 of the Revised Code 147795
and is committed by the parent or other person responsible for the 147796
child's care. 147797

(25) "Mentally retarded person" has the same meaning as in 147798
section 5123.01 of the Revised Code. 147799

(26) "Nonsecure care, supervision, or training" means care, 147800
supervision, or training of a child in a facility that does not 147801
confine or prevent movement of the child within the facility or 147802
from the facility. 147803

(27) "Of compulsory school age" has the same meaning as in 147804
section 3321.01 of the Revised Code. 147805

(28) "Organization" means any institution, public, 147806

semipublic, or private, and any private association, society, or 147807
agency located or operating in the state, incorporated or 147808
unincorporated, having among its functions the furnishing of 147809
protective services or care for children, or the placement of 147810
children in certified foster homes or elsewhere. 147811

(29) "Out-of-home care" means detention facilities, shelter 147812
facilities, certified children's crisis care facilities, certified 147813
foster homes, placement in a prospective adoptive home prior to 147814
the issuance of a final decree of adoption, organizations, 147815
certified organizations, child day-care centers, type A family 147816
day-care homes, type B family day-care homes, child care provided 147817
by in-home aides, group home providers, group homes, institutions, 147818
state institutions, residential facilities, residential care 147819
facilities, residential camps, day camps, public schools, 147820
chartered nonpublic schools, educational service centers, 147821
hospitals, and medical clinics that are responsible for the care, 147822
physical custody, or control of children. 147823

(30) "Out-of-home care child abuse" means any of the 147824
following when committed by a person responsible for the care of a 147825
child in out-of-home care: 147826

(a) Engaging in sexual activity with a child in the person's 147827
care; 147828

(b) Denial to a child, as a means of punishment, of proper or 147829
necessary subsistence, education, medical care, or other care 147830
necessary for a child's health; 147831

(c) Use of restraint procedures on a child that cause injury 147832
or pain; 147833

(d) Administration of prescription drugs or psychotropic 147834
medication to the child without the written approval and ongoing 147835
supervision of a licensed physician; 147836

(e) Commission of any act, other than by accidental means, 147837

that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;

(c) Failure to develop a process for all of the following:

(i) Administration of prescription drugs or psychotropic drugs for the child;

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is

substantial risk that the isolation, if continued, will impair or 147868
retard the mental health or physical well-being of the child. 147869

(32) "Permanent custody" means a legal status that vests in a 147870
public children services agency or a private child placing agency, 147871
all parental rights, duties, and obligations, including the right 147872
to consent to adoption, and divests the natural parents or 147873
adoptive parents of all parental rights, privileges, and 147874
obligations, including all residual rights and obligations. 147875

(33) "Permanent surrender" means the act of the parents or, 147876
if a child has only one parent, of the parent of a child, by a 147877
voluntary agreement authorized by section 5103.15 of the Revised 147878
Code, to transfer the permanent custody of the child to a public 147879
children services agency or a private child placing agency. 147880

(34) "Person" means an individual, association, corporation, 147881
or partnership and the state or any of its political subdivisions, 147882
departments, or agencies. 147883

(35) "Person responsible for a child's care in out-of-home 147884
care" means any of the following: 147885

(a) Any foster caregiver, in-home aide, or provider; 147886

(b) Any administrator, employee, or agent of any of the 147887
following: a public or private detention facility; shelter 147888
facility; certified children's crisis care facility; organization; 147889
certified organization; child day-care center; type A family 147890
day-care home; licensed type B family day-care home; group home; 147891
institution; state institution; residential facility; residential 147892
care facility; residential camp; day camp; school district; 147893
community school; chartered nonpublic school; educational service 147894
center; hospital; or medical clinic; 147895

(c) Any person who supervises or coaches children as part of 147896
an extracurricular activity sponsored by a school district, public 147897
school, or chartered nonpublic school; 147898

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| (d) Any other person who performs a similar function with respect to, or has a similar relationship to, children. | 147899
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| (36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction: | 147901
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| (a) A substantial impairment of vision, speech, or hearing; | 147905 |
| (b) A congenital orthopedic impairment; | 147906 |
| (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause. | 147907
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| (37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody. | 147910
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| (38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody. | 147914
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| (39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply: | 147918
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| (a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights. | 147920
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| (b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed. | 147923
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| (40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the | 147927
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| Revised Code. | 147929 |
| (41) "Sanction, service, or condition" means a sanction,
service, or condition created by court order following an
adjudication that a child is an unruly child that is described in
division (A)(4) of section 2152.19 of the Revised Code. | 147930
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| (42) "Protective supervision" means an order of disposition
pursuant to which the court permits an abused, neglected,
dependent, or unruly child to remain in the custody of the child's
parents, guardian, or custodian and stay in the child's home,
subject to any conditions and limitations upon the child, the
child's parents, guardian, or custodian, or any other person that
the court prescribes, including supervision as directed by the
court for the protection of the child. | 147934
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| (43) "Psychiatrist" has the same meaning as in section
5122.01 of the Revised Code. | 147942
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| (44) "Psychologist" has the same meaning as in section
4732.01 of the Revised Code. | 147944
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| (45) "Residential camp" means a program in which the care,
physical custody, or control of children is accepted overnight for
recreational or recreational and educational purposes. | 147946
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| (46) "Residential care facility" means an institution,
residence, or facility that is licensed by the department of
mental health <u>mental health and addiction services</u> under section
5119.22 <u>5119.34</u> of the Revised Code and that provides care for a
child. | 147949
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| (47) "Residential facility" means a home or facility that is
licensed by the department of developmental disabilities under
section 5123.19 of the Revised Code and in which a child with a
developmental disability resides. | 147954
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| (48) "Residual parental rights, privileges, and | 147958 |

responsibilities" means those rights, privileges, and 147959
responsibilities remaining with the natural parent after the 147960
transfer of legal custody of the child, including, but not 147961
necessarily limited to, the privilege of reasonable visitation, 147962
consent to adoption, the privilege to determine the child's 147963
religious affiliation, and the responsibility for support. 147964

(49) "School day" means the school day established by the 147965
~~state~~ board of education of the applicable school district 147966
pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 147967

(50) "School ~~month~~ and ~~school~~ year" ~~have~~ has the same 147968
~~meanings~~ meaning as in section 3313.62 of the Revised Code. 147969

(51) "Secure correctional facility" means a facility under 147970
the direction of the department of youth services that is designed 147971
to physically restrict the movement and activities of children and 147972
used for the placement of children after adjudication and 147973
disposition. 147974

(52) "Sexual activity" has the same meaning as in section 147975
2907.01 of the Revised Code. 147976

(53) "Shelter" means the temporary care of children in 147977
physically unrestricted facilities pending court adjudication or 147978
disposition. 147979

(54) "Shelter for victims of domestic violence" has the same 147980
meaning as in section 3113.33 of the Revised Code. 147981

(55) "Temporary custody" means legal custody of a child who 147982
is removed from the child's home, which custody may be terminated 147983
at any time at the discretion of the court or, if the legal 147984
custody is granted in an agreement for temporary custody, by the 147985
person who executed the agreement. 147986

(56) "Traditional response" means a public children services 147987
agency's response to a report of child abuse or neglect that 147988

encourages engagement of the family in a comprehensive evaluation 147989
of the child's current and future safety needs and a fact-finding 147990
process to determine whether child abuse or neglect occurred and 147991
the circumstances surrounding the alleged harm or risk of harm. 147992

(C) For the purposes of this chapter, a child shall be 147993
presumed abandoned when the parents of the child have failed to 147994
visit or maintain contact with the child for more than ninety 147995
days, regardless of whether the parents resume contact with the 147996
child after that period of ninety days. 147997

Sec. 2923.126. (A) A concealed handgun license that is issued 147998
under section 2923.125 of the Revised Code shall expire five years 147999
after the date of issuance. A licensee who has been issued a 148000
license under that section shall be granted a grace period of 148001
thirty days after the licensee's license expires during which the 148002
licensee's license remains valid. Except as provided in divisions 148003
(B) and (C) of this section, a licensee who has been issued a 148004
concealed handgun license under section 2923.125 or 2923.1213 of 148005
the Revised Code may carry a concealed handgun anywhere in this 148006
state if the licensee also carries a valid license and valid 148007
identification when the licensee is in actual possession of a 148008
concealed handgun. The licensee shall give notice of any change in 148009
the licensee's residence address to the sheriff who issued the 148010
license within forty-five days after that change. 148011

If a licensee is the driver or an occupant of a motor vehicle 148012
that is stopped as the result of a traffic stop or a stop for 148013
another law enforcement purpose and if the licensee is 148014
transporting or has a loaded handgun in the motor vehicle at that 148015
time, the licensee shall promptly inform any law enforcement 148016
officer who approaches the vehicle while stopped that the licensee 148017
has been issued a concealed handgun license and that the licensee 148018
currently possesses or has a loaded handgun; the licensee shall 148019

not knowingly disregard or fail to comply with lawful orders of a 148020
law enforcement officer given while the motor vehicle is stopped, 148021
knowingly fail to remain in the motor vehicle while stopped, or 148022
knowingly fail to keep the licensee's hands in plain sight after 148023
any law enforcement officer begins approaching the licensee while 148024
stopped and before the officer leaves, unless directed otherwise 148025
by a law enforcement officer; and the licensee shall not knowingly 148026
have contact with the loaded handgun by touching it with the 148027
licensee's hands or fingers, in any manner in violation of 148028
division (E) of section 2923.16 of the Revised Code, after any law 148029
enforcement officer begins approaching the licensee while stopped 148030
and before the officer leaves. Additionally, if a licensee is the 148031
driver or an occupant of a commercial motor vehicle that is 148032
stopped by an employee of the motor carrier enforcement unit for 148033
the purposes defined in section 5503.04 of the Revised Code and if 148034
the licensee is transporting or has a loaded handgun in the 148035
commercial motor vehicle at that time, the licensee shall promptly 148036
inform the employee of the unit who approaches the vehicle while 148037
stopped that the licensee has been issued a concealed handgun 148038
license and that the licensee currently possesses or has a loaded 148039
handgun. 148040

If a licensee is stopped for a law enforcement purpose and if 148041
the licensee is carrying a concealed handgun at the time the 148042
officer approaches, the licensee shall promptly inform any law 148043
enforcement officer who approaches the licensee while stopped that 148044
the licensee has been issued a concealed handgun license and that 148045
the licensee currently is carrying a concealed handgun; the 148046
licensee shall not knowingly disregard or fail to comply with 148047
lawful orders of a law enforcement officer given while the 148048
licensee is stopped or knowingly fail to keep the licensee's hands 148049
in plain sight after any law enforcement officer begins 148050
approaching the licensee while stopped and before the officer 148051
leaves, unless directed otherwise by a law enforcement officer; 148052

and the licensee shall not knowingly remove, attempt to remove, 148053
grasp, or hold the loaded handgun or knowingly have contact with 148054
the loaded handgun by touching it with the licensee's hands or 148055
fingers, in any manner in violation of division (B) of section 148056
2923.12 of the Revised Code, after any law enforcement officer 148057
begins approaching the licensee while stopped and before the 148058
officer leaves. 148059

(B) A valid concealed handgun license does not authorize the 148060
licensee to carry a concealed handgun in any manner prohibited 148061
under division (B) of section 2923.12 of the Revised Code or in 148062
any manner prohibited under section 2923.16 of the Revised Code. A 148063
valid license does not authorize the licensee to carry a concealed 148064
handgun into any of the following places: 148065

(1) A police station, sheriff's office, or state highway 148066
patrol station, premises controlled by the bureau of criminal 148067
identification and investigation, a state correctional 148068
institution, jail, workhouse, or other detention facility, an 148069
airport passenger terminal, or an institution that is maintained, 148070
operated, managed, and governed pursuant to division (A) of 148071
section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of 148072
section 5123.03 of the Revised Code; 148073

(2) A school safety zone if the licensee's carrying the 148074
concealed handgun is in violation of section 2923.122 of the 148075
Revised Code; 148076

(3) A courthouse or another building or structure in which a 148077
courtroom is located, in violation of section 2923.123 of the 148078
Revised Code; 148079

(4) Any premises or open air arena for which a D permit has 148080
been issued under Chapter 4303. of the Revised Code if the 148081
licensee's carrying the concealed handgun is in violation of 148082
section 2923.121 of the Revised Code; 148083

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;

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(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

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(7) A child day-care center, a type A family day-care home, or a type B family day-care home, except that this division does not prohibit a licensee who resides in a type A family day-care home or a type B family day-care home from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home;

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(8) An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail by aircraft;

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(9) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section;

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(10) A place in which federal law prohibits the carrying of handguns.

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(C)(1) Nothing in this section shall negate or restrict a rule, policy, or practice of a private employer that is not a

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private college, university, or other institution of higher 148115
education concerning or prohibiting the presence of firearms on 148116
the private employer's premises or property, including motor 148117
vehicles owned by the private employer. Nothing in this section 148118
shall require a private employer of that nature to adopt a rule, 148119
policy, or practice concerning or prohibiting the presence of 148120
firearms on the private employer's premises or property, including 148121
motor vehicles owned by the private employer. 148122

(2)(a) A private employer shall be immune from liability in a 148123
civil action for any injury, death, or loss to person or property 148124
that allegedly was caused by or related to a licensee bringing a 148125
handgun onto the premises or property of the private employer, 148126
including motor vehicles owned by the private employer, unless the 148127
private employer acted with malicious purpose. A private employer 148128
is immune from liability in a civil action for any injury, death, 148129
or loss to person or property that allegedly was caused by or 148130
related to the private employer's decision to permit a licensee to 148131
bring, or prohibit a licensee from bringing, a handgun onto the 148132
premises or property of the private employer. As used in this 148133
division, "private employer" includes a private college, 148134
university, or other institution of higher education. 148135

(b) A political subdivision shall be immune from liability in 148136
a civil action, to the extent and in the manner provided in 148137
Chapter 2744. of the Revised Code, for any injury, death, or loss 148138
to person or property that allegedly was caused by or related to a 148139
licensee bringing a handgun onto any premises or property owned, 148140
leased, or otherwise under the control of the political 148141
subdivision. As used in this division, "political subdivision" has 148142
the same meaning as in section 2744.01 of the Revised Code. 148143

(3)(a) Except as provided in division (C)(3)(b) of this 148144
section, the owner or person in control of private land or 148145
premises, and a private person or entity leasing land or premises 148146

owned by the state, the United States, or a political subdivision 148147
of the state or the United States, may post a sign in a 148148
conspicuous location on that land or on those premises prohibiting 148149
persons from carrying firearms or concealed firearms on or onto 148150
that land or those premises. Except as otherwise provided in this 148151
division, a person who knowingly violates a posted prohibition of 148152
that nature is guilty of criminal trespass in violation of 148153
division (A)(4) of section 2911.21 of the Revised Code and is 148154
guilty of a misdemeanor of the fourth degree. If a person 148155
knowingly violates a posted prohibition of that nature and the 148156
posted land or premises primarily was a parking lot or other 148157
parking facility, the person is not guilty of criminal trespass in 148158
violation of division (A)(4) of section 2911.21 of the Revised 148159
Code and instead is subject only to a civil cause of action for 148160
trespass based on the violation. 148161

(b) A landlord may not prohibit or restrict a tenant who is a 148162
licensee and who on or after September 9, 2008, enters into a 148163
rental agreement with the landlord for the use of residential 148164
premises, and the tenant's guest while the tenant is present, from 148165
lawfully carrying or possessing a handgun on those residential 148166
premises. 148167

(c) As used in division (C)(3) of this section: 148168

(i) "Residential premises" has the same meaning as in section 148169
5321.01 of the Revised Code, except "residential premises" does 148170
not include a dwelling unit that is owned or operated by a college 148171
or university. 148172

(ii) "Landlord," "tenant," and "rental agreement" have the 148173
same meanings as in section 5321.01 of the Revised Code. 148174

(D) A person who holds a concealed handgun license issued by 148175
another state that is recognized by the attorney general pursuant 148176
to a reciprocity agreement entered into pursuant to section 109.69 148177

of the Revised Code has the same right to carry a concealed 148178
handgun in this state as a person who was issued a concealed 148179
handgun license under section 2923.125 of the Revised Code and is 148180
subject to the same restrictions that apply to a person who 148181
carries a license issued under that section. 148182

(E) A peace officer has the same right to carry a concealed 148183
handgun in this state as a person who was issued a concealed 148184
handgun license under section 2923.125 of the Revised Code. For 148185
purposes of reciprocity with other states, a peace officer shall 148186
be considered to be a licensee in this state. 148187

(F)(1) A qualified retired peace officer who possesses a 148188
retired peace officer identification card issued pursuant to 148189
division (F)(2) of this section and a valid firearms 148190
requalification certification issued pursuant to division (F)(3) 148191
of this section has the same right to carry a concealed handgun in 148192
this state as a person who was issued a concealed handgun license 148193
under section 2923.125 of the Revised Code and is subject to the 148194
same restrictions that apply to a person who carries a license 148195
issued under that section. For purposes of reciprocity with other 148196
states, a qualified retired peace officer who possesses a retired 148197
peace officer identification card issued pursuant to division 148198
(F)(2) of this section and a valid firearms requalification 148199
certification issued pursuant to division (F)(3) of this section 148200
shall be considered to be a licensee in this state. 148201

(2)(a) Each public agency of this state or of a political 148202
subdivision of this state that is served by one or more peace 148203
officers shall issue a retired peace officer identification card 148204
to any person who retired from service as a peace officer with 148205
that agency, if the issuance is in accordance with the agency's 148206
policies and procedures and if the person, with respect to the 148207
person's service with that agency, satisfies all of the following: 148208

(i) The person retired in good standing from service as a 148209

peace officer with the public agency, and the retirement was not 148210
for reasons of mental instability. 148211

(ii) Before retiring from service as a peace officer with 148212
that agency, the person was authorized to engage in or supervise 148213
the prevention, detection, investigation, or prosecution of, or 148214
the incarceration of any person for, any violation of law and the 148215
person had statutory powers of arrest. 148216

(iii) At the time of the person's retirement as a peace 148217
officer with that agency, the person was trained and qualified to 148218
carry firearms in the performance of the peace officer's duties. 148219

(iv) Before retiring from service as a peace officer with 148220
that agency, the person was regularly employed as a peace officer 148221
for an aggregate of fifteen years or more, or, in the alternative, 148222
the person retired from service as a peace officer with that 148223
agency, after completing any applicable probationary period of 148224
that service, due to a service-connected disability, as determined 148225
by the agency. 148226

(b) A retired peace officer identification card issued to a 148227
person under division (F)(2)(a) of this section shall identify the 148228
person by name, contain a photograph of the person, identify the 148229
public agency of this state or of the political subdivision of 148230
this state from which the person retired as a peace officer and 148231
that is issuing the identification card, and specify that the 148232
person retired in good standing from service as a peace officer 148233
with the issuing public agency and satisfies the criteria set 148234
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 148235
addition to the required content specified in this division, a 148236
retired peace officer identification card issued to a person under 148237
division (F)(2)(a) of this section may include the firearms 148238
requalification certification described in division (F)(3) of this 148239
section, and if the identification card includes that 148240
certification, the identification card shall serve as the firearms 148241

requalification certification for the retired peace officer. If 148242
the issuing public agency issues credentials to active law 148243
enforcement officers who serve the agency, the agency may comply 148244
with division (F)(2)(a) of this section by issuing the same 148245
credentials to persons who retired from service as a peace officer 148246
with the agency and who satisfy the criteria set forth in 148247
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 148248
credentials so issued to retired peace officers are stamped with 148249
the word "RETIRED." 148250

(c) A public agency of this state or of a political 148251
subdivision of this state may charge persons who retired from 148252
service as a peace officer with the agency a reasonable fee for 148253
issuing to the person a retired peace officer identification card 148254
pursuant to division (F)(2)(a) of this section. 148255

(3) If a person retired from service as a peace officer with 148256
a public agency of this state or of a political subdivision of 148257
this state and the person satisfies the criteria set forth in 148258
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 148259
may provide the retired peace officer with the opportunity to 148260
attend a firearms requalification program that is approved for 148261
purposes of firearms requalification required under section 148262
109.801 of the Revised Code. The retired peace officer may be 148263
required to pay the cost of the course. 148264

If a retired peace officer who satisfies the criteria set 148265
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 148266
firearms requalification program that is approved for purposes of 148267
firearms requalification required under section 109.801 of the 148268
Revised Code, the retired peace officer's successful completion of 148269
the firearms requalification program requalifies the retired peace 148270
officer for purposes of division (F) of this section for five 148271
years from the date on which the program was successfully 148272
completed, and the requalification is valid during that five-year 148273

period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F)(2) of this section.

A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program.

(G) As used in this section:

(1) "Qualified retired peace officer" means a person who satisfies all of the following:

(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.

(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) The person is not prohibited by federal law from receiving firearms.

(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.

(3) "Government facility of this state or a political subdivision of this state" means any of the following:

(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

Sec. 5104.012. (A)(1) At the times specified in this division, the administrator of a child day-care center or a type A family day-care home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center or type A home for employment as a person responsible for the care, custody, or control of a child.

The administrator shall request a criminal records check pursuant to this division at the time of the applicant's initial application for employment and every ~~four~~ five years thereafter. When the administrator requests pursuant to this division a criminal records check for an applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrator requests a criminal records check for an applicant pursuant to this division, the

administrator may request that the superintendent include 148335
information from the federal bureau of investigation in the 148336
criminal records check, including fingerprint-based checks of 148337
national crime information databases as described in 42 U.S.C. 148338
671. 148339

(2) A person required by division (A)(1) of this section to 148340
request a criminal records check shall provide to each applicant a 148341
copy of the form prescribed pursuant to division (C)(1) of section 148342
109.572 of the Revised Code, provide to each applicant a standard 148343
impression sheet to obtain fingerprint impressions prescribed 148344
pursuant to division (C)(2) of section 109.572 of the Revised 148345
Code, obtain the completed form and impression sheet from each 148346
applicant, and forward the completed form and impression sheet to 148347
the superintendent of the bureau of criminal identification and 148348
investigation at the time the person requests a criminal records 148349
check pursuant to division (A)(1) of this section. On and after 148350
August 14, 2008, the administrator of a child day-care center or a 148351
type A family day-care home shall review the results of the 148352
criminal records check before the applicant has sole 148353
responsibility for the care, custody, or control of any child. 148354

(3) An applicant who receives pursuant to division (A)(2) of 148355
this section a copy of the form prescribed pursuant to division 148356
(C)(1) of section 109.572 of the Revised Code and a copy of an 148357
impression sheet prescribed pursuant to division (C)(2) of that 148358
section and who is requested to complete the form and provide a 148359
set of fingerprint impressions shall complete the form or provide 148360
all the information necessary to complete the form and shall 148361
provide the impression sheet with the impressions of the 148362
applicant's fingerprints. If an applicant, upon request, fails to 148363
provide the information necessary to complete the form or fails to 148364
provide impressions of the applicant's fingerprints, the center or 148365
type A home shall not employ that applicant for any position for 148366

which a criminal records check is required by division (A)(1) of 148367
this section. 148368

(B)(1) Except as provided in rules adopted under division (E) 148369
of this section, no child day-care center or type A family 148370
day-care home shall employ or contract with another entity for the 148371
services of a person as a person responsible for the care, 148372
custody, or control of a child if the person previously has been 148373
convicted of or pleaded guilty to any of the violations described 148374
in division (A)(5) of section 109.572 of the Revised Code. 148375

(2) A child day-care center or type A family day-care home 148376
may employ an applicant conditionally until the criminal records 148377
check required by this section is completed and the center or home 148378
receives the results of the criminal records check. If the results 148379
of the criminal records check indicate that, pursuant to division 148380
(B)(1) of this section, the applicant does not qualify for 148381
employment, the center or home shall release the applicant from 148382
employment. 148383

(C)(1) Each child day-care center and type A family day-care 148384
home shall pay to the bureau of criminal identification and 148385
investigation the fee prescribed pursuant to division (C)(3) of 148386
section 109.572 of the Revised Code for each criminal records 148387
check conducted in accordance with that section upon the request 148388
pursuant to division (A)(1) of this section of the administrator 148389
or provider of the center or home. 148390

(2) A child day-care center and type A family day-care home 148391
may charge an applicant a fee for the costs it incurs in obtaining 148392
a criminal records check under this section. A fee charged under 148393
this division shall not exceed the amount of fees the center or 148394
home pays under division (C)(1) of this section. If a fee is 148395
charged under this division, the center or home shall notify the 148396
applicant at the time of the applicant's initial application for 148397
employment of the amount of the fee and that, unless the fee is 148398

paid, the center or type A home will not consider the applicant 148399
for employment. 148400

(D) The report of any criminal records check conducted by the 148401
bureau of criminal identification and investigation in accordance 148402
with section 109.572 of the Revised Code and pursuant to a request 148403
under division (A)(1) of this section is not a public record for 148404
the purposes of section 149.43 of the Revised Code and shall not 148405
be made available to any person other than the applicant who is 148406
the subject of the criminal records check or the applicant's 148407
representative; the center or type A home requesting the criminal 148408
records check or its representative; the department of job and 148409
family services or a county department of job and family services; 148410
and any court, hearing officer, or other necessary individual 148411
involved in a case dealing with the denial of employment to the 148412
applicant. 148413

(E) The director of job and family services shall adopt rules 148414
pursuant to Chapter 119. of the Revised Code to implement this 148415
section, including rules specifying circumstances under which a 148416
center or home may hire a person who has been convicted of an 148417
offense listed in division (B)(1) of this section but who meets 148418
standards in regard to rehabilitation set by the department. 148419

(F) Any person required by division (A)(1) of this section to 148420
request a criminal records check shall inform each person, at the 148421
time of the person's initial application for employment, that the 148422
person is required to provide a set of impressions of the person's 148423
fingerprints and that a criminal records check is required to be 148424
conducted and satisfactorily completed in accordance with section 148425
109.572 of the Revised Code if the person comes under final 148426
consideration for appointment or employment as a precondition to 148427
employment for that position. 148428

(G) As used in this section: 148429

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child or any person who would serve in any position with a child day-care center or a type A family day-care home as a person responsible for the care, custody, or control of a child pursuant to a contract with another entity.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

Sec. 5104.013. (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers, type A family day-care homes, and licensed type B family day-care homes shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

(a) Any owner, licensee, or administrator of a child day-care center;

(b) Any owner, licensee, or administrator of a type A family day-care home and any person eighteen years of age or older who resides in a type A family day-care home;

(c) Any administrator of a licensed type B family day-care home and any person eighteen years of age or older who resides in a licensed type B family day-care home.

(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records

check with respect to any in-home aide. 148460

(3) The director of job and family services shall request a 148461
criminal records check pursuant to division (A)(1) of this section 148462
at the time of the initial application for licensure and every 148463
~~four~~ five years thereafter. The director of a county department of 148464
job and family services shall request a criminal records check 148465
pursuant to division (A)(2) of this section at the time of the 148466
initial application for certification and every ~~four~~ five years 148467
thereafter. When the director of job and family services or the 148468
director of a county department of job and family services 148469
requests pursuant to division (A)(1) or (2) of this section a 148470
criminal records check for a person at the time of the person's 148471
initial application for licensure or certification, the director 148472
shall request that the superintendent of the bureau of criminal 148473
identification and investigation obtain information from the 148474
federal bureau of investigation as a part of the criminal records 148475
check for the person, including fingerprint-based checks of 148476
national crime information databases as described in 42 U.S.C. 671 148477
for the person subject to the criminal records check. In all other 148478
cases in which the director of job and family services or the 148479
director of a county department of job and family services 148480
requests a criminal records check for an applicant pursuant to 148481
division (A)(1) or (2) of this section, the director may request 148482
that the superintendent include information from the federal 148483
bureau of investigation in the criminal records check, including 148484
fingerprint-based checks of national crime information databases 148485
as described in 42 U.S.C. 671. 148486

(4) The director of job and family services shall review the 148487
results of a criminal records check subsequent to a request made 148488
pursuant to divisions (A)(1) and (3) of this section prior to 148489
approval of a license. The director of a county department of job 148490
and family services shall review the results of a criminal records 148491

check subsequent to a request made pursuant to divisions (A)(2) 148492
and (3) of this section prior to approval of certification. 148493

(B) The director of job and family services or the director 148494
of a county department of job and family services shall provide to 148495
each person for whom a criminal records check is required under 148496
this section a copy of the form prescribed pursuant to division 148497
(C)(1) of section 109.572 of the Revised Code and a standard 148498
impression sheet to obtain fingerprint impressions prescribed 148499
pursuant to division (C)(2) of that section, obtain the completed 148500
form and impression sheet from that person, and forward the 148501
completed form and impression sheet to the superintendent of the 148502
bureau of criminal identification and investigation. 148503

(C) A person who receives pursuant to division (B) of this 148504
section a copy of the form and standard impression sheet described 148505
in that division and who is requested to complete the form and 148506
provide a set of fingerprint impressions shall complete the form 148507
or provide all the information necessary to complete the form and 148508
shall provide the impression sheet with the impressions of the 148509
person's fingerprints. If the person, upon request, fails to 148510
provide the information necessary to complete the form or fails to 148511
provide impressions of the person's fingerprints, the director may 148512
consider the failure as a reason to deny licensure or 148513
certification. 148514

(D) Except as provided in rules adopted under division (G) of 148515
this section, the director of job and family services shall not 148516
grant a license to a child day-care center, type A family day-care 148517
home, or type B family day-care home and a county director of job 148518
and family services shall not certify an in-home aide if a person 148519
for whom a criminal records check was required in connection with 148520
the center or home previously has been convicted of or pleaded 148521
guilty to any of the violations described in division (A)(5) of 148522
section 109.572 of the Revised Code. 148523

(E) Each child day-care center, type A family day-care home, 148524
and type B family day-care home shall pay to the bureau of 148525
criminal identification and investigation the fee prescribed 148526
pursuant to division (C)(3) of section 109.572 of the Revised Code 148527
for each criminal records check conducted in accordance with that 148528
section upon a request made pursuant to division (A) of this 148529
section. 148530

(F) The report of any criminal records check conducted by the 148531
bureau of criminal identification and investigation in accordance 148532
with section 109.572 of the Revised Code and pursuant to a request 148533
made under division (A) of this section is not a public record for 148534
the purposes of section 149.43 of the Revised Code and shall not 148535
be made available to any person other than the person who is the 148536
subject of the criminal records check or the person's 148537
representative, the director of job and family services, the 148538
director of a county department of job and family services, the 148539
center, type A home, or type B home involved, and any court, 148540
hearing officer, or other necessary individual involved in a case 148541
dealing with a denial of licensure or certification related to the 148542
criminal records check. 148543

(G) The director of job and family services shall adopt rules 148544
in accordance with Chapter 119. of the Revised Code to implement 148545
this section, including rules specifying exceptions to the 148546
prohibition in division (D) of this section for persons who have 148547
been convicted of an offense listed in that division but who meet 148548
standards in regard to rehabilitation set by the director. 148549

(H) As used in this section, "criminal records check" has the 148550
same meaning as in section 109.572 of the Revised Code. 148551

Sec. 5104.03. (A) Any person, firm, organization, 148552
institution, or agency seeking to establish a child day-care 148553
center, type A family day-care home, or licensed type B family 148554

day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

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

(B)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division (H) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be designated as provisional and shall be valid for twelve months from the date of issuance unless revoked.

(2) The director may contract with a government entity or a private nonprofit entity for the entity to inspect and license type B family day-care homes pursuant to this section. The department, government entity, or nonprofit entity shall conduct the inspection prior to the issuance of a license for the type B home and, as part of that inspection, ensure that the type B home is safe and sanitary.

(C)(1) On receipt of an application for licensure as a type B family day-care home to provide publicly funded child care, the department shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject.

(2) The department shall consider any information it discovers pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the department determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the department shall deny the application for licensure or revoke the license of a type B family day-care home.

(D) The director shall investigate and inspect the center, type A home, or type B home at least once during operation under a license designated as provisional. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division (H) of this section, the director shall issue a new license to the center or home.

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons

suspecting that the center, type A home, or licensed type B home 148619
has violated a provision of this chapter or rules adopted pursuant 148620
to this chapter. A license is valid only for the licensee, 148621
administrator, address, and license capacity for each age category 148622
of children designated on the license. The license capacity 148623
specified on the license is the maximum number of children in each 148624
age category that may be cared for in the center, type A home, or 148625
licensed type B home at one time. 148626

The center or type A home licensee shall notify the director 148627
when the administrator of the center or home changes. The director 148628
shall amend the current license to reflect a change in an 148629
administrator, if the administrator meets the requirements of this 148630
chapter and rules adopted pursuant to this chapter, or a change in 148631
license capacity for any age category of children as determined by 148632
the director of job and family services. 148633

(F) If the director revokes the license of a center, a type A 148634
home, or a type B home, the director shall not issue another 148635
license to the owner of the center, type A home, or type B home 148636
until five years have elapsed from the date the license is 148637
revoked. 148638

If the director denies an application for a license, the 148639
director shall not accept another application from the applicant 148640
until five years have elapsed from the date the application is 148641
denied. 148642

(G) If during the application for licensure process the 148643
director determines that the license of the owner has been 148644
revoked, the investigation of the center, type A home, or type B 148645
home shall cease. This action does not constitute denial of the 148646
application and may not be appealed under division (H) of this 148647
section. 148648

(H) All actions of the director with respect to licensing 148649

centers, type A homes, or type B homes, refusal to license, and 148650
revocation of a license shall be in accordance with Chapter 119. 148651
of the Revised Code. Any applicant who is denied a license or any 148652
owner whose license is revoked may appeal in accordance with 148653
section 119.12 of the Revised Code. 148654

(I) In no case shall the director issue a license under this 148655
section for a center, type A home, or type B home if the director, 148656
based on documentation provided by the appropriate county 148657
department of job and family services, determines that the 148658
applicant had been certified as a type B family day-care home when 148659
such certifications were issued by county departments prior to ~~the~~ 148660
~~effective date of this amendment~~ January 1, 2014, that the county 148661
department revoked that certification within the immediately 148662
preceding five years, that the revocation was based on the 148663
applicant's refusal or inability to comply with the criteria for 148664
certification, and that the refusal or inability resulted in a 148665
risk to the health or safety of children. 148666

(J)(1) Except as provided in division (J)(2) of this section, 148667
an administrator of a type B family day-care home that receives a 148668
license pursuant to this section to provide publicly funded child 148669
care is an independent contractor and is not an employee of the 148670
department of job and family services. 148671

(2) For purposes of Chapter 4141. of the Revised Code, 148672
determinations concerning the employment of an administrator of a 148673
type B family day-care home that receives a license pursuant to 148674
this section shall be determined under Chapter 4141. of the 148675
Revised Code. 148676

Sec. 5104.08. (A) There is hereby created in the department 148677
of job and family services a child care advisory council to advise 148678
and assist the department in the administration of this chapter 148679
and in the development of child care. The council shall consist of 148680

twenty-two voting members appointed by the director of job and 148681
family services with the approval of the governor. The director of 148682
job and family services, the director of developmental 148683
disabilities, the director of ~~mental health~~ mental health and 148684
addiction services, the superintendent of public instruction, the 148685
director of health, the director of commerce, and the state fire 148686
marshal shall serve as nonvoting members of the council. 148687

Six members shall be representatives of child care centers 148688
subject to licensing, the members to represent a variety of 148689
centers, including nonprofit and proprietary, from different 148690
geographical areas of the state. At least three members shall be 148691
parents, guardians, or custodians of children receiving child care 148692
or publicly funded child care in the child's own home, a center, a 148693
type A home, a head start program, a licensed type B home, or a 148694
type B home at the time of appointment. Three members shall be 148695
representatives of in-home aides, type A homes, licensed type B 148696
homes, or type B homes or head start programs. At least six 148697
members shall represent county departments of job and family 148698
services. The remaining members shall be representatives of the 148699
teaching, child development, and health professions, and other 148700
individuals interested in the welfare of children. At least six 148701
members of the council shall not be employees or licensees of a 148702
child day-care center, head start program, or type A home, or 148703
providers operating a licensed type B home or type B home, or 148704
in-home aides. 148705

Appointments shall be for three-year terms. Vacancies shall 148706
be filled for the unexpired terms. A member of the council is 148707
subject to removal by the director of job and family services for 148708
a willful and flagrant exercise of authority or power that is not 148709
authorized by law, for a refusal or willful neglect to perform any 148710
official duty as a member of the council imposed by law, or for 148711
being guilty of misfeasance, malfeasance, nonfeasance, or gross 148712

neglect of duty as a member of the council. 148713

There shall be two co-chairpersons of the council. One 148714
co-chairperson shall be the director of job and family services or 148715
the director's designee, and one co-chairperson shall be elected 148716
by the members of the council. The council shall meet as often as 148717
is necessary to perform its duties, provided that it shall meet at 148718
least once in each quarter of each calendar year and at the call 148719
of the co-chairpersons. The co-chairpersons or their designee 148720
shall send to each member a written notice of the date, time, and 148721
place of each meeting. 148722

Members of the council shall serve without compensation, but 148723
shall be reimbursed for necessary expenses. 148724

(B) The child care advisory council shall advise the director 148725
on matters affecting the licensing of centers, type A homes, and 148726
type B homes and the certification of in-home aides. The council 148727
shall make an annual report to the director of job and family 148728
services that addresses the availability, affordability, 148729
accessibility, and quality of child care and that summarizes the 148730
recommendations and plans of action that the council has proposed 148731
to the director during the preceding fiscal year. The director of 148732
job and family services shall provide copies of the report to the 148733
governor, speaker and minority leader of the house of 148734
representatives, and the president and minority leader of the 148735
senate and, on request, shall make copies available to the public. 148736

(C) The director of job and family services shall adopt rules 148737
in accordance with Chapter 119. of the Revised Code to implement 148738
this section. 148739

Sec. 5104.32. (A) Except as provided in division (C) of this 148740
section, all purchases of publicly funded child care shall be made 148741
under a contract entered into by a licensed child day-care center, 148742
licensed type A family day-care home, licensed type B family 148743

day-care home, certified in-home aide, approved child day camp, 148744
licensed preschool program, licensed school child program, or 148745
border state child care provider and the department of job and 148746
family services. All contracts for publicly funded child care 148747
shall be contingent upon the availability of state and federal 148748
funds. The department shall prescribe a standard form to be used 148749
for all contracts for the purchase of publicly funded child care, 148750
regardless of the source of public funds used to purchase the 148751
child care. To the extent permitted by federal law and 148752
notwithstanding any other provision of the Revised Code that 148753
regulates state contracts or contracts involving the expenditure 148754
of state or federal funds, all contracts for publicly funded child 148755
care shall be entered into in accordance with the provisions of 148756
this chapter and are exempt from any other provision of the 148757
Revised Code that regulates state contracts or contracts involving 148758
the expenditure of state or federal funds. 148759

(B) Each contract for publicly funded child care shall 148760
specify at least the following: 148761

(1) That the provider of publicly funded child care agrees to 148762
be paid for rendering services at the lower of the rate 148763
customarily charged by the provider for children enrolled for 148764
child care or the reimbursement ceiling or rate of payment 148765
established pursuant to section 5104.30 of the Revised Code; 148766

(2) That, if a provider provides child care to an individual 148767
potentially eligible for publicly funded child care who is 148768
subsequently determined to be eligible, the department agrees to 148769
pay for all child care provided between the date the county 148770
department of job and family services receives the individual's 148771
completed application and the date the individual's eligibility is 148772
determined; 148773

(3) Whether the county department of job and family services, 148774
the provider, or a child care resource and referral service 148775

organization will make eligibility determinations, whether the 148776
provider or a child care resource and referral service 148777
organization will be required to collect information to be used by 148778
the county department to make eligibility determinations, and the 148779
time period within which the provider or child care resource and 148780
referral service organization is required to complete required 148781
eligibility determinations or to transmit to the county department 148782
any information collected for the purpose of making eligibility 148783
determinations; 148784

(4) That the provider, other than a border state child care 148785
provider, shall continue to be licensed, approved, or certified 148786
pursuant to this chapter and shall comply with all standards and 148787
other requirements in this chapter and in rules adopted pursuant 148788
to this chapter for maintaining the provider's license, approval, 148789
or certification; 148790

(5) That, in the case of a border state child care provider, 148791
the provider shall continue to be licensed, certified, or 148792
otherwise approved by the state in which the provider is located 148793
and shall comply with all standards and other requirements 148794
established by that state for maintaining the provider's license, 148795
certificate, or other approval; 148796

(6) Whether the provider will be paid by the state department 148797
of job and family services or in some other manner as prescribed 148798
by rules adopted under section 5104.42 of the Revised Code; 148799

(7) That the contract is subject to the availability of state 148800
and federal funds. 148801

(C) Unless specifically prohibited by federal law or by rules 148802
adopted under section 5104.42 of the Revised Code, the county 148803
department of job and family services shall give individuals 148804
eligible for publicly funded child care the option of obtaining 148805
certificates that the individual may use to purchase services from 148806

any provider qualified to provide publicly funded child care under 148807
section 5104.31 of the Revised Code. Providers of publicly funded 148808
child care may present these certificates for payment in 148809
accordance with rules that the director of job and family services 148810
shall adopt. Only providers may receive payment for certificates. 148811
The value of the certificate shall be based on the lower of the 148812
rate customarily charged by the provider or the rate of payment 148813
established pursuant to section 5104.30 of the Revised Code. The 148814
county department may provide the certificates to the individuals 148815
or may contract with child care providers or child care resource 148816
and referral service organizations that make determinations of 148817
eligibility for publicly funded child care pursuant to contracts 148818
entered into under section 5104.34 of the Revised Code for the 148819
providers or resource and referral service organizations to 148820
provide the certificates to individuals whom they determine are 148821
eligible for publicly funded child care. 148822

For each six-month period a provider of publicly funded child 148823
care provides publicly funded child care to the child of an 148824
individual given certificates, the individual shall provide the 148825
provider certificates for days the provider would have provided 148826
publicly funded child care to the child had the child been 148827
present. The maximum number of days providers shall be provided 148828
certificates shall not exceed ten days in a six-month period 148829
during which publicly funded child care is provided to the child 148830
regardless of the number of providers that provide publicly funded 148831
child care to the child during that period. 148832

(D)(1) The department shall establish the Ohio electronic 148833
child care system to track attendance and calculate payments for 148834
publicly funded child care. The system shall include issuing an 148835
electronic child care card to each caretaker parent to swipe 148836
through a point of service device issued to an eligible provider, 148837
as described in section 5104.31 of the Revised Code. 148838

(2) Each eligible provider that provides publicly funded child care shall participate in the Ohio electronic child care system. A provider participating in the system shall not do any of the following: 148839
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(a) Use or have possession of an electronic child care card issued to a caretaker parent; 148843
148844

(b) Falsify attendance records; 148845

(c) Knowingly seek payment for publicly funded child care that was not provided; 148846
148847

(d) Knowingly accept reimbursement for publicly funded child care that was not provided. 148848
148849

Section 110.21. That the existing versions of sections 148850
109.57, 2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, 148851
and 5104.32 of the Revised Code that are scheduled to take effect 148852
January 1, 2014, are hereby repealed. 148853

Section 110.22. Sections 110.20 and 110.21 of this act shall 148854
take effect January 1, 2014, except that the amendments by 148855
Sections 110.20 and 110.21 of this act to divisions (B)(49) and 148856
(50) of section 2151.011 of the Revised Code shall take effect 148857
July 1, 2014. 148858

Section 110.30. That the versions of sections 4501.01, 148859
4507.01, and 4507.06 of the Revised Code that are scheduled to 148860
take effect January 1, 2017, be amended to read as follows: 148861

Sec. 4501.01. As used in this chapter and Chapters 4503., 148862
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 148863
Revised Code, and in the penal laws, except as otherwise provided: 148864

(A) "Vehicles" means everything on wheels or runners, 148865
including motorized bicycles, but does not mean electric personal 148866

assistive mobility devices, vehicles that are operated exclusively 148867
on rails or tracks or from overhead electric trolley wires, and 148868
vehicles that belong to any police department, municipal fire 148869
department, or volunteer fire department, or that are used by such 148870
a department in the discharge of its functions. 148871

(B) "Motor vehicle" means any vehicle, including mobile homes 148872
and recreational vehicles, that is propelled or drawn by power 148873
other than muscular power or power collected from overhead 148874
electric trolley wires. "Motor vehicle" does not include utility 148875
vehicles as defined in division (VV) of this section, under-speed 148876
vehicles as defined in division (XX) of this section, mini-trucks 148877
as defined in division (BBB) of this section, motorized bicycles, 148878
road rollers, traction engines, power shovels, power cranes, and 148879
other equipment used in construction work and not designed for or 148880
employed in general highway transportation, well-drilling 148881
machinery, ditch-digging machinery, farm machinery, and trailers 148882
that are designed and used exclusively to transport a boat between 148883
a place of storage and a marina, or in and around a marina, when 148884
drawn or towed on a public road or highway for a distance of no 148885
more than ten miles and at a speed of twenty-five miles per hour 148886
or less. 148887

(C) "Agricultural tractor" and "traction engine" mean any 148888
self-propelling vehicle that is designed or used for drawing other 148889
vehicles or wheeled machinery, but has no provisions for carrying 148890
loads independently of such other vehicles, and that is used 148891
principally for agricultural purposes. 148892

(D) "Commercial tractor," except as defined in division (C) 148893
of this section, means any motor vehicle that has motive power and 148894
either is designed or used for drawing other motor vehicles, or is 148895
designed or used for drawing another motor vehicle while carrying 148896
a portion of the other motor vehicle or its load, or both. 148897

(E) "Passenger car" means any motor vehicle that is designed 148898

and used for carrying not more than nine persons and includes any 148899
motor vehicle that is designed and used for carrying not more than 148900
fifteen persons in a ridesharing arrangement. 148901

(F) "Collector's vehicle" means any motor vehicle or 148902
agricultural tractor or traction engine that is of special 148903
interest, that has a fair market value of one hundred dollars or 148904
more, whether operable or not, and that is owned, operated, 148905
collected, preserved, restored, maintained, or used essentially as 148906
a collector's item, leisure pursuit, or investment, but not as the 148907
owner's principal means of transportation. "Licensed collector's 148908
vehicle" means a collector's vehicle, other than an agricultural 148909
tractor or traction engine, that displays current, valid license 148910
tags issued under section 4503.45 of the Revised Code, or a 148911
similar type of motor vehicle that displays current, valid license 148912
tags issued under substantially equivalent provisions in the laws 148913
of other states. 148914

(G) "Historical motor vehicle" means any motor vehicle that 148915
is over twenty-five years old and is owned solely as a collector's 148916
item and for participation in club activities, exhibitions, tours, 148917
parades, and similar uses, but that in no event is used for 148918
general transportation. 148919

(H) "Noncommercial motor vehicle" means any motor vehicle, 148920
including a farm truck as defined in section 4503.04 of the 148921
Revised Code, that is designed by the manufacturer to carry a load 148922
of no more than one ton and is used exclusively for purposes other 148923
than engaging in business for profit. 148924

(I) "Bus" means any motor vehicle that has motor power and is 148925
designed and used for carrying more than nine passengers, except 148926
any motor vehicle that is designed and used for carrying not more 148927
than fifteen passengers in a ridesharing arrangement. 148928

(J) "Commercial car" or "truck" means any motor vehicle that 148929

has motor power and is designed and used for carrying merchandise 148930
or freight, or that is used as a commercial tractor. 148931

(K) "Bicycle" means every device, other than a device that is 148932
designed solely for use as a play vehicle by a child, that is 148933
propelled solely by human power upon which a person may ride, and 148934
that has two or more wheels, any of which is more than fourteen 148935
inches in diameter. 148936

(L) "Motorized bicycle" or "moped" means any vehicle that 148937
either has two tandem wheels or one wheel in the front and two 148938
wheels in the rear, that may be pedaled, and that is equipped with 148939
a helper motor of not more than fifty cubic centimeters piston 148940
displacement that produces no more than one brake horsepower and 148941
is capable of propelling the vehicle at a speed of no greater than 148942
twenty miles per hour on a level surface. 148943

(M) "Trailer" means any vehicle without motive power that is 148944
designed or used for carrying property or persons wholly on its 148945
own structure and for being drawn by a motor vehicle, and includes 148946
any such vehicle that is formed by or operated as a combination of 148947
a semitrailer and a vehicle of the dolly type such as that 148948
commonly known as a trailer dolly, a vehicle used to transport 148949
agricultural produce or agricultural production materials between 148950
a local place of storage or supply and the farm when drawn or 148951
towed on a public road or highway at a speed greater than 148952
twenty-five miles per hour, and a vehicle that is designed and 148953
used exclusively to transport a boat between a place of storage 148954
and a marina, or in and around a marina, when drawn or towed on a 148955
public road or highway for a distance of more than ten miles or at 148956
a speed of more than twenty-five miles per hour. "Trailer" does 148957
not include a manufactured home or travel trailer. 148958

(N) "Noncommercial trailer" means any trailer, except a 148959
travel trailer or trailer that is used to transport a boat as 148960
described in division (B) of this section, but, where applicable, 148961

includes a vehicle that is used to transport a boat as described 148962
in division (M) of this section, that has a gross weight of no 148963
more than ten thousand pounds, and that is used exclusively for 148964
purposes other than engaging in business for a profit, such as the 148965
transportation of personal items for personal or recreational 148966
purposes. 148967

(O) "Mobile home" means a building unit or assembly of closed 148968
construction that is fabricated in an off-site facility, is more 148969
than thirty-five body feet in length or, when erected on site, is 148970
three hundred twenty or more square feet, is built on a permanent 148971
chassis, is transportable in one or more sections, and does not 148972
qualify as a manufactured home as defined in division (C)(4) of 148973
section 3781.06 of the Revised Code or as an industrialized unit 148974
as defined in division (C)(3) of section 3781.06 of the Revised 148975
Code. 148976

(P) "Semitrailer" means any vehicle of the trailer type that 148977
does not have motive power and is so designed or used with another 148978
and separate motor vehicle that in operation a part of its own 148979
weight or that of its load, or both, rests upon and is carried by 148980
the other vehicle furnishing the motive power for propelling 148981
itself and the vehicle referred to in this division, and includes, 148982
for the purpose only of registration and taxation under those 148983
chapters, any vehicle of the dolly type, such as a trailer dolly, 148984
that is designed or used for the conversion of a semitrailer into 148985
a trailer. 148986

(Q) "Recreational vehicle" means a vehicular portable 148987
structure that meets all of the following conditions: 148988

(1) It is designed for the sole purpose of recreational 148989
travel. 148990

(2) It is not used for the purpose of engaging in business 148991
for profit. 148992

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| (3) It is not used for the purpose of engaging in intrastate commerce. | 148993
148994 |
| (4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended. | 148995
148996 |
| (5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. | 148997
148998 |
| (6) It is classed as one of the following: | 148999 |
| (a) "Travel trailer" or "house vehicle" means a nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code. | 149000
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| (b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. | 149005
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| (c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. | 149009
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| (d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck. | 149015
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| (e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national | 149021
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standard institute standard A119.5 (1988) for park trailers, is 149023
built on a single chassis, has a gross trailer area of four 149024
hundred square feet or less when set up, is designed for seasonal 149025
or temporary living quarters, and may be connected to utilities 149026
necessary for the operation of installed features and appliances. 149027

(R) "Pneumatic tires" means tires of rubber and fabric or 149028
tires of similar material, that are inflated with air. 149029

(S) "Solid tires" means tires of rubber or similar elastic 149030
material that are not dependent upon confined air for support of 149031
the load. 149032

(T) "Solid tire vehicle" means any vehicle that is equipped 149033
with two or more solid tires. 149034

(U) "Farm machinery" means all machines and tools that are 149035
used in the production, harvesting, and care of farm products, and 149036
includes trailers that are used to transport agricultural produce 149037
or agricultural production materials between a local place of 149038
storage or supply and the farm, agricultural tractors, threshing 149039
machinery, hay-baling machinery, corn shellers, hammermills, and 149040
machinery used in the production of horticultural, agricultural, 149041
and vegetable products. 149042

(V) "Owner" includes any person or firm, other than a 149043
manufacturer or dealer, that has title to a motor vehicle, except 149044
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 149045
includes in addition manufacturers and dealers. 149046

(W) "Manufacturer" and "dealer" include all persons and firms 149047
that are regularly engaged in the business of manufacturing, 149048
selling, displaying, offering for sale, or dealing in motor 149049
vehicles, at an established place of business that is used 149050
exclusively for the purpose of manufacturing, selling, displaying, 149051
offering for sale, or dealing in motor vehicles. A place of 149052
business that is used for manufacturing, selling, displaying, 149053

offering for sale, or dealing in motor vehicles shall be deemed to 149054
be used exclusively for those purposes even though snowmobiles or 149055
all-purpose vehicles are sold or displayed for sale thereat, even 149056
though farm machinery is sold or displayed for sale thereat, or 149057
even though repair, accessory, gasoline and oil, storage, parts, 149058
service, or paint departments are maintained thereat, or, in any 149059
county having a population of less than seventy-five thousand at 149060
the last federal census, even though a department in a place of 149061
business is used to dismantle, salvage, or rebuild motor vehicles 149062
by means of used parts, if such departments are operated for the 149063
purpose of furthering and assisting in the business of 149064
manufacturing, selling, displaying, offering for sale, or dealing 149065
in motor vehicles. Places of business or departments in a place of 149066
business used to dismantle, salvage, or rebuild motor vehicles by 149067
means of using used parts are not considered as being maintained 149068
for the purpose of assisting or furthering the manufacturing, 149069
selling, displaying, and offering for sale or dealing in motor 149070
vehicles. 149071

(X) "Operator" includes any person who drives or operates a 149072
motor vehicle upon the public highways. 149073

(Y) "Chauffeur" means any operator who operates a motor 149074
vehicle, other than a taxicab, as an employee for hire; or any 149075
operator whether or not the owner of a motor vehicle, other than a 149076
taxicab, who operates such vehicle for transporting, for gain, 149077
compensation, or profit, either persons or property owned by 149078
another. Any operator of a motor vehicle who is voluntarily 149079
involved in a ridesharing arrangement is not considered an 149080
employee for hire or operating such vehicle for gain, 149081
compensation, or profit. 149082

(Z) "State" includes the territories and federal districts of 149083
the United States, and the provinces of Canada. 149084

(AA) "Public roads and highways" for vehicles includes all 149085

public thoroughfares, bridges, and culverts. 149086

(BB) "Manufacturer's number" means the manufacturer's 149087
original serial number that is affixed to or imprinted upon the 149088
chassis or other part of the motor vehicle. 149089

(CC) "Motor number" means the manufacturer's original number 149090
that is affixed to or imprinted upon the engine or motor of the 149091
vehicle. 149092

(DD) "Distributor" means any person who is authorized by a 149093
motor vehicle manufacturer to distribute new motor vehicles to 149094
licensed motor vehicle dealers at an established place of business 149095
that is used exclusively for the purpose of distributing new motor 149096
vehicles to licensed motor vehicle dealers, except when the 149097
distributor also is a new motor vehicle dealer, in which case the 149098
distributor may distribute at the location of the distributor's 149099
licensed dealership. 149100

(EE) "Ridesharing arrangement" means the transportation of 149101
persons in a motor vehicle where the transportation is incidental 149102
to another purpose of a volunteer driver and includes ridesharing 149103
arrangements known as carpools, vanpools, and buspools. 149104

(FF) "Apportionable vehicle" means any vehicle that is used 149105
or intended for use in two or more international registration plan 149106
member jurisdictions that allocate or proportionally register 149107
vehicles, that is used for the transportation of persons for hire 149108
or designed, used, or maintained primarily for the transportation 149109
of property, and that meets any of the following qualifications: 149110

(1) Is a power unit having a gross vehicle weight in excess 149111
of twenty-six thousand pounds; 149112

(2) Is a power unit having three or more axles, regardless of 149113
the gross vehicle weight; 149114

(3) Is a combination vehicle with a gross vehicle weight in 149115

excess of twenty-six thousand pounds. 149116

"Apportionable vehicle" does not include recreational 149117
vehicles, vehicles displaying restricted plates, city pick-up and 149118
delivery vehicles, buses used for the transportation of chartered 149119
parties, or vehicles owned and operated by the United States, this 149120
state, or any political subdivisions thereof. 149121

(GG) "Chartered party" means a group of persons who contract 149122
as a group to acquire the exclusive use of a passenger-carrying 149123
motor vehicle at a fixed charge for the vehicle in accordance with 149124
the carrier's tariff, lawfully on file with the United States 149125
department of transportation, for the purpose of group travel to a 149126
specified destination or for a particular itinerary, either agreed 149127
upon in advance or modified by the chartered group after having 149128
left the place of origin. 149129

(HH) "International registration plan" means a reciprocal 149130
agreement of member jurisdictions that is endorsed by the American 149131
association of motor vehicle administrators, and that promotes and 149132
encourages the fullest possible use of the highway system by 149133
authorizing apportioned registration of fleets of vehicles and 149134
recognizing registration of vehicles apportioned in member 149135
jurisdictions. 149136

(II) "Restricted plate" means a license plate that has a 149137
restriction of time, geographic area, mileage, or commodity, and 149138
includes license plates issued to farm trucks under division (J) 149139
of section 4503.04 of the Revised Code. 149140

(JJ) "Gross vehicle weight," with regard to any commercial 149141
car, trailer, semitrailer, or bus that is taxed at the rates 149142
established under section 4503.042 or 4503.65 of the Revised Code, 149143
means the unladen weight of the vehicle fully equipped plus the 149144
maximum weight of the load to be carried on the vehicle. 149145

(KK) "Combined gross vehicle weight" with regard to any 149146

combination of a commercial car, trailer, and semitrailer, that is 149147
taxed at the rates established under section 4503.042 or 4503.65 149148
of the Revised Code, means the total unladen weight of the 149149
combination of vehicles fully equipped plus the maximum weight of 149150
the load to be carried on that combination of vehicles. 149151

(LL) "Chauffeured limousine" means a motor vehicle that is 149152
designed to carry nine or fewer passengers and is operated for 149153
hire ~~on an hourly basis~~ pursuant to a prearranged contract for the 149154
transportation of passengers on public roads and highways along a 149155
route under the control of the person hiring the vehicle and not 149156
over a defined and regular route. "Prearranged contract" means an 149157
agreement, made in advance of boarding, to provide transportation 149158
from a specific location in a chauffeured limousine ~~at a fixed~~ 149159
~~rate per hour or trip~~. "Chauffeured limousine" does not include 149160
any vehicle that is used exclusively in the business of funeral 149161
directing. 149162

(MM) "Manufactured home" has the same meaning as in division 149163
(C)(4) of section 3781.06 of the Revised Code. 149164

(NN) "Acquired situs," with respect to a manufactured home or 149165
a mobile home, means to become located in this state by the 149166
placement of the home on real property, but does not include the 149167
placement of a manufactured home or a mobile home in the inventory 149168
of a new motor vehicle dealer or the inventory of a manufacturer, 149169
remanufacturer, or distributor of manufactured or mobile homes. 149170

(OO) "Electronic" includes electrical, digital, magnetic, 149171
optical, electromagnetic, or any other form of technology that 149172
entails capabilities similar to these technologies. 149173

(PP) "Electronic record" means a record generated, 149174
communicated, received, or stored by electronic means for use in 149175
an information system or for transmission from one information 149176
system to another. 149177

(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

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(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

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(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria designated in section 4503.035 of the Revised Code for electronic motor vehicle dealers and designates as an electronic motor vehicle dealer under that section.

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(TT) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

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(UU) "Limited driving privileges" means the privilege to operate a motor vehicle that a court grants under section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

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(VV) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

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(WW) "Low-speed vehicle" means a three- or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating

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less than three thousand pounds. 149209

(XX) "Under-speed vehicle" means a three- or four-wheeled 149210
vehicle, including a vehicle commonly known as a golf cart, with 149211
an attainable speed on a paved level surface of not more than 149212
twenty miles per hour and with a gross vehicle weight rating less 149213
than three thousand pounds. 149214

(YY) "Motor-driven cycle or motor scooter" means any vehicle 149215
designed to travel on not more than three wheels in contact with 149216
the ground, with a seat for the driver and floor pad for the 149217
driver's feet, and is equipped with a motor with a piston 149218
displacement between fifty and one hundred fifty cubic centimeters 149219
piston displacement that produces not more than five brake 149220
horsepower and is capable of propelling the vehicle at a speed 149221
greater than twenty miles per hour on a level surface. 149222

(ZZ) "Motorcycle" means a motor vehicle with motive power 149223
having a seat or saddle for the use of the operator, designed to 149224
travel on not more than three wheels in contact with the ground, 149225
and having no occupant compartment top or occupant compartment top 149226
that can be installed or removed by the user. 149227

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 149228
motive power having a seat or saddle for the use of the operator, 149229
designed to travel on not more than three wheels in contact with 149230
the ground, and having an occupant compartment top or an occupant 149231
compartment top that can be installed or removed by the user. 149232

(BBB) "Mini-truck" means a vehicle that has four wheels, is 149233
propelled by an electric motor with a rated power of seven 149234
thousand five hundred watts or less or an internal combustion 149235
engine with a piston displacement capacity of six hundred sixty 149236
cubic centimeters or less, has a total dry weight of nine hundred 149237
to two thousand two hundred pounds, contains an enclosed cabin and 149238
a seat for the vehicle operator, resembles a pickup truck or van 149239

with a cargo area or bed located at the rear of the vehicle, and 149240
was not originally manufactured to meet federal motor vehicle 149241
safety standards. 149242

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 149243
"motorized bicycle," "state," "owner," "operator," "chauffeur," 149244
and "highways" have the same meanings as in section 4501.01 of the 149245
Revised Code. 149246

"Driver's license" means a class D license issued to any 149247
person to operate a motor vehicle or motor-driven cycle, other 149248
than a commercial motor vehicle, and includes "probationary 149249
license," "restricted license," and any operator's or chauffeur's 149250
license issued before January 1, 1990. 149251

"Probationary license" means the license issued to any person 149252
between sixteen and eighteen years of age to operate a motor 149253
vehicle. 149254

"Restricted license" means the license issued to any person 149255
to operate a motor vehicle subject to conditions or restrictions 149256
imposed by the registrar of motor vehicles. 149257

"Commercial driver's license" means the license issued to a 149258
person under Chapter 4506. of the Revised Code to operate a 149259
commercial motor vehicle. 149260

"Commercial motor vehicle" has the same meaning as in section 149261
4506.01 of the Revised Code. 149262

"Motorcycle operator's temporary instruction permit, license, 149263
or endorsement" includes a temporary instruction permit, license, 149264
or endorsement for a motor-driven cycle or motor scooter unless 149265
otherwise specified. 149266

"Motorized bicycle license" means the license issued under 149267
section 4511.521 of the Revised Code to any person to operate a 149268
motorized bicycle including a "probationary motorized bicycle 149269

license." 149270

"Probationary motorized bicycle license" means the license 149271
issued under section 4511.521 of the Revised Code to any person 149272
between fourteen and sixteen years of age to operate a motorized 149273
bicycle. 149274

"Identification card" means a card issued under sections 149275
4507.50 and 4507.51 of the Revised Code. 149276

"Resident" means a person who, in accordance with standards 149277
prescribed in rules adopted by the registrar, resides in this 149278
state on a permanent basis. 149279

"Temporary resident" means a person who, in accordance with 149280
standards prescribed in rules adopted by the registrar, resides in 149281
this state on a temporary basis. 149282

(B) In the administration of this chapter and Chapter 4506. 149283
of the Revised Code, the registrar has the same authority as is 149284
conferred on the registrar by section 4501.02 of the Revised Code. 149285
Any act of an authorized deputy registrar of motor vehicles under 149286
direction of the registrar is deemed the act of the registrar. 149287

To carry out this chapter, the registrar shall appoint such 149288
deputy registrars ~~in each county~~ as are necessary. 149289

The registrar also shall provide at each place where an 149290
application for a driver's or commercial driver's license or 149291
identification card may be made the necessary equipment to take a 149292
color photograph of the applicant for such license or card as 149293
required under section 4506.11 or 4507.06 of the Revised Code, and 149294
to conduct the vision screenings required by section 4507.12 of 149295
the Revised Code, and equipment to laminate licenses, motorized 149296
bicycle licenses, and identification cards as required by sections 149297
4507.13, 4507.52, and 4511.521 of the Revised Code. 149298

The registrar shall assign one or more deputy registrars to 149299

any driver's license examining station operated under the 149300
supervision of the director of public safety, whenever the 149301
registrar considers such assignment possible. Space shall be 149302
provided in the driver's license examining station for any such 149303
deputy registrar so assigned. The deputy registrars shall not 149304
exercise the powers conferred by such sections upon the registrar, 149305
unless they are specifically authorized to exercise such powers by 149306
such sections. 149307

(C) No agent for any insurance company, writing automobile 149308
insurance, shall be appointed deputy registrar, and any such 149309
appointment is void. No deputy registrar shall in any manner 149310
solicit any form of automobile insurance, nor in any manner 149311
advise, suggest, or influence any licensee or applicant for 149312
license for or against any kind or type of automobile insurance, 149313
insurance company, or agent, nor have the deputy registrar's 149314
office directly connected with the office of any automobile 149315
insurance agent, nor impart any information furnished by any 149316
applicant for a license or identification card to any person, 149317
except the registrar. This division shall not apply to any 149318
nonprofit corporation appointed deputy registrar. 149319

(D) The registrar shall immediately remove a deputy registrar 149320
who violates the requirements of this chapter. 149321

(E) The registrar shall periodically solicit bids and enter 149322
into a contract for the provision of laminating equipment and 149323
laminating materials to the registrar and all deputy registrars. 149324
The registrar shall not consider any bid that does not provide for 149325
the supplying of both laminating equipment and laminating 149326
materials. The laminating materials selected shall contain a 149327
security feature so that any tampering with the laminating 149328
material covering a license or identification card is readily 149329
apparent. In soliciting bids and entering into a contract for the 149330
provision of laminating equipment and laminating materials, the 149331

registrar shall observe all procedures required by law. 149332

Sec. 4507.06. (A)(1) Every application for a driver's 149333
license, motorcycle operator's license or endorsement, or 149334
motor-driven cycle or motor scooter license or endorsement, or 149335
duplicate of any such license or endorsement, shall be made upon 149336
the approved form furnished by the registrar of motor vehicles and 149337
shall be signed by the applicant. 149338

Every application shall state the following: 149339

(a) The applicant's name, date of birth, social security 149340
number if such has been assigned, sex, general description, 149341
including height, weight, color of hair, and eyes, residence 149342
address, including county of residence, duration of residence in 149343
this state, and country of citizenship; 149344

(b) Whether the applicant previously has been licensed as an 149345
operator, chauffeur, driver, commercial driver, or motorcycle 149346
operator and, if so, when, by what state, and whether such license 149347
is suspended or canceled at the present time and, if so, the date 149348
of and reason for the suspension or cancellation; 149349

(c) Whether the applicant is now or ever has been afflicted 149350
with epilepsy, or whether the applicant now is suffering from any 149351
physical or mental disability or disease and, if so, the nature 149352
and extent of the disability or disease, giving the names and 149353
addresses of physicians then or previously in attendance upon the 149354
applicant; 149355

(d) Whether an applicant for a duplicate driver's license, 149356
duplicate license containing a motorcycle operator endorsement, or 149357
duplicate license containing a motor-driven cycle or motor scooter 149358
endorsement has pending a citation for violation of any motor 149359
vehicle law or ordinance, a description of any such citation 149360
pending, and the date of the citation; 149361

(e) ~~Whether~~ If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift ~~under section 2108.05 of the Revised Code~~, which shall be given no consideration in the issuance of a license or endorsement;

(f) Whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the applicant's license to indicate that the applicant has executed the instrument;

(g) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the applicant's license to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(2) Every applicant for a driver's license shall be photographed in color at the time the application for the license is made. The application shall state any additional information that the registrar requires.

(B) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for a license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the

decision of whether to issue the applicant a license or 149394
endorsement, or a renewal or duplicate. 149395

(C) The registrar or a deputy registrar, in accordance with 149396
section 3503.11 of the Revised Code, shall offer the opportunity 149397
of completing a notice of change of residence or change of name to 149398
any applicant for a driver's license or endorsement under division 149399
(A) of this section, or for a renewal or duplicate of the license 149400
or endorsement, if the applicant is a registered elector who has 149401
changed the applicant's residence or name and has not filed such a 149402
notice. 149403

(D) In addition to any other information it contains, on and 149404
after October 7, 2009, the approved form furnished by the 149405
registrar of motor vehicles for an application for a license or 149406
endorsement or an application for a duplicate of any such license 149407
or endorsement shall inform applicants that the applicant must 149408
present a copy of the applicant's DD-214 or an equivalent document 149409
in order to qualify to have the license or duplicate indicate that 149410
the applicant is a veteran, active duty, or reservist of the armed 149411
forces of the United States based on a request made pursuant to 149412
division (A)(1)(g) of this section. 149413

Section 110.31. That the existing versions of sections 149414
4501.01, 4507.01, and 4507.06 of the Revised Code that are 149415
scheduled to take effect January 1, 2017, are hereby repealed. 149416

Section 110.32. Sections 110.30 and 110.31 of this act shall 149417
take effect January 1, 2017. 149418

Section 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 149419
5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 149420
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 of the Revised 149421
Code are hereby repealed, effective October 16, 2015. 149422

(B) Any money remaining in the Legislative Budget Services Fund on October 16, 2015, the date that section 5168.12 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist.

Section 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, 2015.

Section 125.11.03. Section 5124.67 of the Revised Code is hereby repealed, effective July 1, 2018.

Section 125.11.10. That Section 267.60.31 of Am. Sub. H.B. 153 of the 129th General Assembly is hereby repealed.

Section 125.12. That Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 153 of the 129th General Assembly, is hereby repealed.

Section 125.13. That Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as most recently amended by Am. Sub. H.B. 153 of the 129th General Assembly, is hereby repealed.

Section 125.14. That Section 514.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.

Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in

this act, the amounts in the first column are for fiscal year 2014 149450
and the amounts in the second column are for fiscal year 2015. 149451

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Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 149453

General Services Fund Group 149454

4J80 889601 CPA Education \$ 325,000 \$ 325,000 149455
Assistance

4K90 889609 Operating Expenses \$ 977,500 \$ 977,500 149456

TOTAL GSF General Services Fund 149457

Group \$ 1,302,500 \$ 1,302,500 149458

TOTAL ALL BUDGET FUND GROUPS \$ 1,302,500 \$ 1,302,500 149459

Section 205.10. ADJ ADJUTANT GENERAL 149461

General Revenue Fund 149462

GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 149463

GRF 745404 Air National Guard \$ 1,810,606 \$ 1,810,606 149464

GRF 745407 National Guard \$ 400,000 \$ 400,000 149465
Benefits

GRF 745409 Central \$ 2,682,098 \$ 2,682,098 149466
Administration

GRF 745499 Army National Guard \$ 3,689,871 \$ 3,689,871 149467

TOTAL GRF General Revenue Fund \$ 8,594,883 \$ 8,594,883 149468

General Services Fund Group 149469

5340 745612 Property Operations \$ 534,304 \$ 534,304 149470
Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 149471
Activities

5360 745620 Camp Perry and \$ 978,846 \$ 978,846 149472
Buckeye Inn

Operations

5370 745604 Ohio National Guard \$ 62,000 \$ 62,000 149473

| | | | |
|---|----|------------|--|
| Facilities | | | |
| Maintenance | | | |
| TOTAL GSF General Services Fund Group | \$ | 1,703,750 | \$ 1,703,750 149474 |
| Federal Special Revenue Fund Group | | | 149475 |
| 3410 745615 Air National Guard | \$ | 2,919,000 | \$ 2,919,000 149476 |
| Base Security | | | |
| 3420 745616 Army National Guard | \$ | 15,063,000 | \$ 15,063,000 149477 |
| Service Agreement | | | |
| 3E80 745628 Air National Guard | \$ | 16,850,000 | \$ 16,850,000 149478 |
| Operations and Maintenance | | | |
| 3R80 745603 Counter Drug | \$ | 15,000 | \$ 15,000 149479 |
| Operations | | | |
| TOTAL FED Federal Special Revenue Fund Group | \$ | 34,847,000 | \$ 34,847,000 149480 |
| State Special Revenue Fund Group | | | 149481 |
| 5U80 745613 Community Match | \$ | 350,000 | \$ 350,000 149482 |
| Armories | | | |
| TOTAL SSR State Special Revenue Fund Group | \$ | 350,000 | \$ 350,000 149483 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 45,495,633 | \$ 45,495,633 149484 |
| NATIONAL GUARD BENEFITS | | | 149485 |
| The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. | | | 149486
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| If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard | | | 149490
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Benefits. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made.

For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy.

STATE ACTIVE DUTY COSTS

Of the foregoing appropriation item 745409, Central Administration, \$50,000 in each fiscal year shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, in accordance with a proclamation of the Governor. Expenses include, but are not limited to, the cost of equipment, supplies, and services, as determined by the Adjutant General's Department.

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

General Revenue Fund

| | | | | | | |
|------------|-----------------------|----|------------|----|------------|--------|
| GRF 100403 | Public Employees | \$ | 309,600 | \$ | 309,600 | 149513 |
| | Health Care Program | | | | | |
| GRF 100414 | MARCS Lease Rental | \$ | 5,133,700 | \$ | 5,135,800 | 149514 |
| | Payments | | | | | |
| GRF 100415 | OAKS Lease Rental | \$ | 22,998,500 | \$ | 22,982,500 | 149515 |
| | Payments | | | | | |
| GRF 100416 | STARS Lease Rental | \$ | 4,976,500 | \$ | 4,973,200 | 149516 |
| | Payments | | | | | |
| GRF 100447 | Administrative | \$ | 85,847,800 | \$ | 91,059,600 | 149517 |
| | Building Lease Rental | | | | | |
| | Payments | | | | | |
| GRF 100448 | Office Building | \$ | 20,000,000 | \$ | 20,000,000 | 149518 |

| | | | | | | |
|-----------|--------|-----------------------------|----|-------------|----|--------------------|
| | | Operating Payments | | | | |
| GRF | 100449 | DAS - Building | \$ | 7,551,571 | \$ | 7,551,571 149519 |
| | | Operating Payments | | | | |
| GRF | 100452 | Lean Ohio | \$ | 1,059,624 | \$ | 1,059,624 149520 |
| GRF | 100456 | State IT Services | \$ | 1,739,038 | \$ | 1,739,038 149521 |
| GRF | 100457 | Equal Opportunity | \$ | 1,910,516 | \$ | 1,910,516 149522 |
| | | Services | | | | |
| GRF | 100459 | Ohio Business Gateway | \$ | 4,049,094 | \$ | 4,049,094 149523 |
| GRF | 130321 | State Agency Support | \$ | 2,477,008 | \$ | 2,477,008 149524 |
| | | Services | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 158,052,951 | \$ | 163,247,551 149525 |
| | | General Services Fund Group | | | | 149526 |
| 1120 | 100616 | DAS Administration | \$ | 6,127,659 | \$ | 6,147,659 149527 |
| 1150 | 100632 | Central Service Agency | \$ | 911,580 | \$ | 927,699 149528 |
| 1170 | 100644 | General Services | \$ | 12,993,870 | \$ | 12,993,870 149529 |
| | | Division - Operating | | | | |
| 1220 | 100637 | Fleet Management | \$ | 4,200,000 | \$ | 4,200,000 149530 |
| 1250 | 100622 | Human Resources | \$ | 17,749,839 | \$ | 17,749,839 149531 |
| | | Division - Operating | | | | |
| 1250 | 100657 | Benefits Communication | \$ | 712,316 | \$ | 712,316 149532 |
| 1280 | 100620 | Office of Collective | \$ | 3,329,507 | \$ | 3,329,507 149533 |
| | | Bargaining | | | | |
| 1300 | 100606 | Risk Management | \$ | 6,635,784 | \$ | 6,635,784 149534 |
| | | Reserve | | | | |
| 1320 | 100631 | DAS Building | \$ | 19,343,170 | \$ | 19,343,170 149535 |
| | | Management | | | | |
| 1330 | 100607 | IT Services Delivery | \$ | 57,521,975 | \$ | 57,521,975 149536 |
| 1880 | 100649 | Equal Opportunity | \$ | 863,013 | \$ | 863,013 149537 |
| | | Division - Operating | | | | |
| 2100 | 100612 | State Printing | \$ | 20,459,526 | \$ | 20,459,526 149538 |
| 2290 | 100630 | IT Governance | \$ | 16,446,474 | \$ | 16,446,474 149539 |
| 2290 | 100640 | Leveraged Enterprise | \$ | 7,065,639 | \$ | 7,065,639 149540 |
| | | Purchases | | | | |

| | | | | | | | |
|------------------------------------|--------|--|----|-------------|----|-------------|--------|
| 4270 | 100602 | Investment Recovery | \$ | 1,618,062 | \$ | 1,638,515 | 149541 |
| 4N60 | 100617 | Major IT Purchases | \$ | 56,888,635 | \$ | 56,888,635 | 149542 |
| 4P30 | 100603 | DAS Information
Services | \$ | 6,400,070 | \$ | 6,400,070 | 149543 |
| 5C20 | 100605 | MARCS Administration | \$ | 14,292,596 | \$ | 14,512,028 | 149544 |
| 5C30 | 100608 | Minor Construction
Project Management | \$ | 1,004,375 | \$ | 1,004,375 | 149545 |
| 5EB0 | 100635 | OAKS Support
Organization | \$ | 25,813,077 | \$ | 19,813,077 | 149546 |
| 5EB0 | 100656 | OAKS Updates and
Developments | \$ | 9,886,923 | \$ | 2,636,923 | 149547 |
| 5HU0 | 100655 | Construction Reform
Demo Compliance | \$ | 150,000 | \$ | 150,000 | 149548 |
| 5KZ0 | 100659 | Building Improvement | \$ | 500,000 | \$ | 500,000 | 149549 |
| 5L70 | 100610 | Professional
Development | \$ | 2,100,000 | \$ | 2,100,000 | 149550 |
| 5LA0 | 100660 | Building Operation | \$ | 26,600,767 | \$ | 26,814,648 | 149551 |
| 5LJ0 | 100661 | IT Development | \$ | 13,200,000 | \$ | 13,200,000 | 149552 |
| 5V60 | 100619 | Employee Educational
Development | \$ | 800,000 | \$ | 800,000 | 149553 |
| TOTAL GSF General Services Fund | | | | | | | 149554 |
| Group | | | \$ | 333,614,857 | \$ | 320,854,742 | 149555 |
| Federal Special Revenue Fund Group | | | | | | | 149556 |
| 3AJ0 | 100654 | ARRA Broadband Mapping
Grant | \$ | 1,723,009 | \$ | 1,723,009 | 149557 |
| TOTAL FED Federal Special Revenue | | | | | | | 149558 |
| Fund Group | | | \$ | 1,723,009 | \$ | 1,723,009 | 149559 |
| State Special Revenue Fund Group | | | | | | | 149560 |
| 5JQ0 | 100658 | Professionals
Licensing System | \$ | 3,028,366 | \$ | 990,000 | 149561 |
| 5MV0 | 100662 | Theater Equipment
Maintenance | \$ | 80,891 | \$ | 80,891 | 149562 |

| | | | | | |
|---------------------------------|----|-------------|----|-------------|--------|
| 5NM0 100663 911 Program | \$ | 290,000 | \$ | 290,000 | 149563 |
| TOTAL SSR State Special Revenue | | | | | 149564 |
| Fund Group | \$ | 3,399,257 | \$ | 1,360,891 | 149565 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 496,790,074 | \$ | 487,186,193 | 149566 |

Section 207.20. OAKS LEASE RENTAL PAYMENTS 149568

The foregoing appropriation item 100415, OAKS Lease Rental 149569
Payments, shall be used for payments at the times they are 149570
required to be made for the period from July 1, 2013, through June 149571
30, 2015, pursuant to leases and agreements entered into under 149572
Chapter 125. of the Revised Code, as supplemented by Section 149573
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 149574
other prior acts of the General Assembly, with respect to 149575
financing the costs associated with the acquisition, development, 149576
installation, and implementation of the Ohio Administrative 149577
Knowledge System. If it is determined that additional 149578
appropriations are necessary for this purpose, the amounts are 149579
hereby appropriated. 149580

Section 207.30. STARS LEASE RENTAL PAYMENTS 149581

The foregoing appropriation item 100416, STARS Lease Rental 149582
Payments, shall be used for payments at the times they are 149583
required to be made for the period from July 1, 2013, through June 149584
30, 2015, pursuant to leases and agreements entered into under 149585
Chapter 125. of the Revised Code, as supplemented by Section 149586
207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and 149587
other prior acts of the General Assembly, with respect to 149588
financing the cost for the acquisition, development, installation, 149589
and implementation of the State Taxation Accounting and Revenue 149590
System (STARS). If it is determined that additional appropriations 149591
are necessary for this purpose, the amounts are appropriated. 149592

The State Taxation Accounting and Revenue System (STARS) is 149593

an integrated tax collection and audit system that will replace 149594
all of the state's existing separate tax software and 149595
administration systems for the various taxes collected by the 149596
state. The Department of Administrative Services, in conjunction 149597
with the Department of Taxation, may acquire STARS, including, but 149598
not limited to, the application hardware and software and 149599
installation and implementation thereof, for the use of the 149600
Department of Taxation. Any lease-purchase agreement used under 149601
Chapter 125. of the Revised Code to acquire STARS, including any 149602
fractionalized interests as defined in division (N) of section 149603
133.01 of the Revised Code in the lease payments under that 149604
agreement, shall provide at the end of the lease period that the 149605
financed asset becomes the property of the state. The principal 149606
amount of any new such financing is limited, excluding the 149607
principal amounts of any lease-purchase financing heretofore 149608
completed for STARS, to the amount of \$20,000,000. 149609

Section 207.40. MARCS LEASE RENTAL PAYMENTS 149610

The foregoing appropriation item 100414, MARCS Lease Rental 149611
Payments, shall be used for payments at the times they are 149612
required to be made for the period from July 1, 2013, through June 149613
30, 2015, pursuant to leases and agreements entered into under 149614
Chapter 125. of the Revised Code, as supplemented by Section 149615
701.20 of Sub. H.B. 482 of the 129th General Assembly, with 149616
respect to financing the cost for the acquisition, development, 149617
installation, and implementation of the Multi-Agency Radio 149618
Communication System (MARCS) upgrade. If it is determined that 149619
additional appropriations are necessary for this purpose, the 149620
amounts are hereby appropriated. 149621

Section 207.50. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 149622
UPGRADE 149623

The Multi-Agency Radio Communications System (MARCS) is a 149624
statewide computer and communications network designed to provide 149625
instant voice and data communication and supply a communications 149626
backbone to public safety and emergency management. The Department 149627
of Administrative Services may update or add functionality to 149628
MARCS to upgrade the existing system to a 700/800 megahertz voice 149629
and data system specifically designed to support interoperable 149630
communications for public safety law enforcement and first 149631
responders. The improvements may include, but are not limited to, 149632
hardware and software and the installation and implementation 149633
thereof. Any lease-purchase agreement utilized under Chapter 125. 149634
of the Revised Code to acquire MARCS and the enhancements 149635
described above, including any fractionalized interest as defined 149636
in division (N) of section 133.01 of the Revised Code in the lease 149637
payments under that agreement, shall provide at the end of the 149638
lease period that the financed asset becomes the property of the 149639
state. The principal amount of any new such financing is limited, 149640
in addition to the principal amounts of lease-purchase financing 149641
heretofore completed for MARCS, to the amount of \$27,000,000. 149642

Section 207.60. ADMINISTRATIVE BUILDING LEASE RENTAL PAYMENTS 149643

The foregoing appropriation item 100447, Administrative 149644
Building Lease Rental Payments, shall be used to meet all payments 149645
at the times they are required to be made during the period from 149646
July 1, 2013, through June 30, 2015, by the Department of 149647
Administrative Services pursuant to leases and agreements under 149648
Chapters 152. and 154. of the Revised Code. These appropriations 149649
are the source of funds pledged for bond service charges on 149650
related obligations issued under Chapters 152. and 154. of the 149651
Revised Code. 149652

The foregoing appropriation item 100448, Office Building 149653
Operating Payments, shall be used to pay the expenses of vacant 149654

space, space undergoing renovation, agencies funded by the General Revenue Fund, and the rent expenses of tenants that have been relocated because of building renovations that occupy space in the James A. Rhodes State Office Tower, the Vern Riffe Center for Government and the Arts, the Frank J. Lausche State Office Building, the Michael V. DiSalle Government Center, and the Oliver R. Ocasek Government Office Building.

At least once per year, the portion of appropriation item 100448, Office Building Operating Payments, that is not used for expenses of agencies funded by the General Revenue Fund, vacant space, space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations shall be processed by the Department of Administrative Services through intrastate voucher and placed in the Building Improvements Fund (Fund 5KZ0).

Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

The foregoing appropriation item 100449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2014 and 2015.

The foregoing appropriation item, 100449, DAS - Building Operating Payments, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to

building tenants, or other costs associated with the Voinovich 149686
Center in Youngstown, Ohio. These expenses may include, but are 149687
not limited to, the costs for vacant space and space undergoing 149688
renovation, and the rent expenses of tenants that are relocated 149689
because of building renovations. These payments may be processed 149690
by the Department of Administrative Services through intrastate 149691
transfer vouchers and placed in the Building Management Fund (Fund 149692
1320) or the Information Technology Services Fund (Fund 1330). 149693

Notwithstanding section 125.28 of the Revised Code, the 149694
Department of Administrative Services may forego some or all of 149695
the amounts attributable to debt service included in 149696
reimbursements made by tenants who are supported in whole or in 149697
part by non-GRF money for the costs of occupying space at the 149698
North High Street Complex in Columbus. 149699

The Director of Budget and Management shall transfer the 149700
portion of payments attributed to depreciation from Fund 1320 to 149701
the General Revenue Fund, as applicable. 149702

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE 149703
HUMAN RESOURCES SERVICES FUND 149704

Upon request of the Director of Administrative Services, 149705
during the FY 2014 - FY 2015 biennium, the Director of Budget and 149706
Management shall transfer up to \$975,000 from the Workforce 149707
Development Fund (Fund 5D70) to the Human Resources Services Fund 149708
(Fund 1250) to support one-time human resources administration 149709
activities for state agencies. 149710

Section 207.80. CENTRAL SERVICE AGENCY FUND 149711

Appropriation item 100632, Central Service Agency, shall be 149712
used to purchase the equipment, products, and services that are 149713
needed to maintain existing automated applications for the 149714
professional licensing boards and the Casino Control Commission to 149715

support board licensing functions in fiscal years 2014 and 2015 149716
until these functions are replaced by the Ohio Professionals 149717
Licensing System. The Department of Administrative Services shall 149718
establish charges for recovering the costs of carrying out these 149719
functions. The charges shall be billed to the professional 149720
licensing boards and the Casino Control Commission, and deposited 149721
via intrastate transfer vouchers to the credit of the Central 149722
Service Agency Fund (Fund 1150). 149723

Upon implementation of the replacement Ohio Professionals 149724
Licensing System and the decommissioning of the existing automated 149725
applications, the Director of Budget and Management may transfer 149726
any cash balances that remain in the Central Service Agency Fund 149727
(Fund 1150) and that are attributable to the operation of the 149728
existing automated applications to the Professions Licensing 149729
System Fund (Fund 5JQ0). 149730

Section 207.90. GENERAL SERVICE CHARGES 149731

The Department of Administrative Services, with the approval 149732
of the Director of Budget and Management, shall establish charges 149733
for recovering the costs of administering the programs funded by 149734
the General Services Fund (Fund 1170) and the State Printing Fund 149735
(Fund 2100). Such charges within Fund 1170 may be used to recover 149736
the cost of paying a vendor to establish reduced pricing for 149737
contracted supplies or services. 149738

If the Director of Administrative Services determines that 149739
additional amounts are necessary to pay for consulting and 149740
administrative costs related to securing lower pricing, the 149741
Director of Administrative Services may request that the Director 149742
of Budget and Management approve additional expenditures. Such 149743
approved additional amounts are appropriated to appropriation item 149744
100644, General Services Division-Operating. 149745

Section 207.93. CASH TRANSFER TO THE INVESTMENT RECOVERY FUND 149746

Notwithstanding division (B) of section 125.14 of the Revised 149747
Code, the Director of Budget and Management, at the request of the 149748
Director of Administrative Services, shall transfer up to \$200,000 149749
of cash in excess of needs from the General Services Fund (Fund 149750
1170) to the Investment Recovery Fund (Fund 4270) during the 149751
biennium beginning July 1, 2013, and ending June 30, 2015, to pay 149752
the operating expenses of the State Surplus, Federal Surplus, and 149753
Asset Management Programs, including expenses to develop database 149754
systems for use in these programs. 149755

Section 207.95. TRANSFER OF THE EMPLOYEE ASSISTANCE PROGRAM 149756
TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES 149757

Effective July 1, 2013, the Employee Assistance Program under 149758
section 3701.041 of the Revised Code shall be transferred to the 149759
Ohio Department of Administrative Services. The Department of 149760
Administrative Services is thereupon and thereafter successor to, 149761
assumes the operations, functions, powers, and obligations of, and 149762
otherwise constitutes the continuation of the Employee Assistance 149763
Program as provided in section 3701.041 (124.88) of the Revised 149764
Code. All related functions, equipment, assets, and liabilities, 149765
regardless of form or medium, agreements, and contracts of the 149766
program are transferred to the Department of Administrative 149767
Services. 149768

Employees of the Employee Assistance Program shall be 149769
transferred to the Department of Administrative Services in their 149770
same classification, and shall retain the rights specified in 149771
sections 124.321 to 124.328 of the Revised Code. 149772

On and after the effective date of this section, 149773
notwithstanding any provision of the law to the contrary, if 149774
requested by the Director of Administrative Services, the Director 149775

of Budget and Management shall make the budget changes made 149776
necessary by the transfer, if any, including administrative 149777
reorganization or program transfers. 149778

Effective July 1, 2013, the Director of Budget and Management 149779
shall cancel any existing encumbrances against appropriation item 149780
440633, Employee Assistance Program, and reestablish them against 149781
appropriation item 100622, Human Resources Division - Operating. 149782
The reestablished encumbrance amounts are hereby appropriated. Any 149783
business commenced but not completed under appropriation item 149784
440633, Employee Assistance Program, by July 1, 2013, shall be 149785
completed under appropriation item 100622, Human Resources 149786
Division - Operating, in the same manner, and with the same 149787
effect, as if completed with regard to appropriation item 440633, 149788
Employee Assistance Program. All of the rules, policies, orders, 149789
and determinations associated with the program continue in effect 149790
as rules, orders, and determinations associated with the 149791
Department of Administrative Services until modified or rescinded 149792
by the Director of Administrative Services. If necessary to ensure 149793
the integrity of the Administrative Code rule numbering system, 149794
the Director of the Legislative Service Commission shall renumber 149795
the rules relating to the Employee Assistance Program to reflect 149796
their transfer to the Department of Administrative Services. No 149797
validation, cure, right, privilege, remedy, obligation, or 149798
liability is lost or impaired by reason of the transfer and shall 149799
be administered with regard to appropriation item 100622, Human 149800
Resources Division - Operating. On and after July 1, 2013, if the 149801
Employee Assistance Program is referred to in any statute, rule, 149802
contract, grant, or other document, the reference is deemed to 149803
refer to the Department of Administrative Services. 149804

Funds collected by the Department of Health for the Employee 149805
Assistance Program, which previously were deposited in the 149806
Employee Assistance Fund (Fund 6830), shall be credited to the 149807

Human Resources Services Fund (Fund 1250) created in section 149808
124.07 of the Revised Code. The Director of Budget and Management 149809
shall transfer from the Employee Assistance Fund to the Human 149810
Resources Services Fund any remaining cash balances in the 149811
Employee Assistance Fund. In order to facilitate this transfer, 149812
the Director of Health, on July 1, 2013, or as soon as possible 149813
thereafter, shall certify to the Director of Budget and Management 149814
an estimate of the amount to be transferred. Upon the completion 149815
of this transfer, the Employee Assistance Fund is abolished. 149816

Section 207.100. COLLECTIVE BARGAINING ARBITRATION EXPENSES 149817

With approval of the Director of Budget and Management, the 149818
Department of Administrative Services may seek reimbursement from 149819
state agencies for the actual costs and expenses the Department 149820
incurs in the collective bargaining arbitration process. The 149821
reimbursements shall be processed through intrastate transfer 149822
vouchers and credited to the Collective Bargaining Fund (Fund 149823
1280). 149824

Section 207.110. EQUAL OPPORTUNITY PROGRAM 149825

The Department of Administrative Services, with the approval 149826
of the Director of Budget and Management, shall establish charges 149827
for recovering the costs of administering the activities supported 149828
by the State EEO Fund (Fund 1880). These charges shall be 149829
deposited to the credit of the State EEO Fund (Fund 1880) upon 149830
payment made by state agencies, state-supported or state-assisted 149831
institutions of higher education, and tax-supported agencies, 149832
municipal corporations, and other political subdivisions of the 149833
state, for services rendered. 149834

Section 207.111. STATE PRINTING FUND 149835

On July 1, 2013, or as soon as possible thereafter, the 149836

Director of Budget and Management shall transfer \$30,109.39 in 149837
cash from the General Revenue Fund to the State Printing Fund 149838
(Fund 2100) to correct fiscal year 2012 disbursements that were 149839
made from Fund 2100 but that should have been made from the 149840
General Revenue Fund. 149841

Section 207.113. LEVERAGED ENTERPRISE PURCHASES 149842

The foregoing appropriation item 100640, Leveraged Enterprise 149843
Purchases, shall be used by the Department of Administrative 149844
Services to make information technology purchases for the benefit 149845
of one or more government entities as authorized under division 149846
(G) of section 125.18 of the Revised Code. If the Director of 149847
Administrative Services determines that additional amounts are 149848
necessary to pay for pass-through information technology purchases 149849
that will be billed to one or more state agencies, the Director of 149850
Administrative Services shall seek Controlling Board approval for 149851
an increase in appropriation to make the requested purchases. 149852

Section 207.120. INVESTMENT RECOVERY FUND 149853

Notwithstanding division (B) of section 125.14 of the Revised 149854
Code, cash balances in the Investment Recovery Fund (Fund 4270) 149855
may be used to support the operating expenses of the Federal 149856
Surplus Operating Program created in sections 125.84 to 125.90 of 149857
the Revised Code. 149858

The Director of Administrative Services shall use the 149859
foregoing appropriation item 100602, Investment Recovery, to pay 149860
the operating expenses of the State Surplus Property Program and 149861
the Surplus Federal Property Program, under Chapter 125. of the 149862
Revised Code and this section. If additional appropriations are 149863
necessary for the operations of these programs, the Director of 149864
Administrative Services shall seek increased appropriations from 149865
the Controlling Board under section 131.35 of the Revised Code. 149866

The Director of Administrative Services shall transfer 149867
proceeds from the sale of surplus property from the Investment 149868
Recovery Fund to non-General Revenue Funds under division (A)(2) 149869
of section 125.14 of the Revised Code. 149870

Section 207.130. MAJOR IT PURCHASES CHARGES 149871

The Department of Administrative Services may bill agencies 149872
for actual expenditures made for major IT purchases if those 149873
expenditures are not recovered as part of the information 149874
technology services rates the Department charges and deposits into 149875
the Information Technology Fund (Fund 1330) created in section 149876
125.15 of the Revised Code. These charges shall be deposited to 149877
the credit of the Major IT Purchases Fund (Fund 4N60). 149878

Section 207.140. DAS INFORMATION SERVICES 149879

There is hereby established in the State Treasury the DAS 149880
Information Services Fund. The foregoing appropriation item 149881
100603, DAS Information Services, shall be used to pay the costs 149882
of providing information systems and services in the Department of 149883
Administrative Services. Any state agency, board, or commission 149884
may use DAS Information Services by paying for the services 149885
rendered. 149886

The Department of Administrative Services shall establish 149887
user charges for all information systems and services that are 149888
allowable in the statewide indirect cost allocation plan submitted 149889
annually to the United States Department of Health and Human 149890
Services. These charges shall comply with federal regulations and 149891
shall be deposited to the credit of the DAS Information Services 149892
Fund (Fund 4P30). 149893

Section 207.150. CASH TRANSFER FROM THE MARCS ADMINISTRATION 149894
FUND TO GRF 149895

Upon the request of the Director of Administrative Services, 149896
the Director of Budget and Management may transfer unobligated 149897
cash in the MARCS Administration Fund (Fund 5C20) to the General 149898
Revenue Fund to reimburse the General Revenue Fund for lease 149899
rental payments made on behalf of the MARCS upgrade. 149900

Section 207.160. PROFESSIONS LICENSING SYSTEM 149901

There is hereby created in the state treasury the Professions 149902
Licensing System Fund (Fund 5JQ0). Appropriation item 100658, Ohio 149903
Professionals Licensing System, shall be used to make payments 149904
from the fund. The fund shall be used to purchase the equipment, 149905
products, and services necessary to develop and maintain a 149906
replacement automated licensing system for the professional 149907
licensing boards. The Director of Budget and Management may 149908
transfer up to a total of \$990,000 in cash from the Occupational 149909
Licensing and Regulatory Fund (4K90), the State Medical Board 149910
Operating Fund (Fund 5C60), and the Casino Control Commission - 149911
Operating Fund (Fund 5HS0) to the Professions Licensing System 149912
Fund during the FY 2014 - FY 2015 biennium. These transfers shall 149913
be in proportion to the number of current licensees issued by the 149914
professional licensing boards and current and anticipated licenses 149915
in the case of the Casino Control Commission. The purpose of these 149916
cash transfers is to fund the initial acquisition and development 149917
of the system. Any cash balances not expended in fiscal year 2014 149918
are hereby reappropriated in fiscal year 2015. 149919

Effective with the implementation of the replacement 149920
licensing system, the Department of Administrative Services shall 149921
establish charges for recovering the costs of ongoing maintenance 149922
of the system. The charges shall be billed to the professional 149923
licensing boards and the Casino Control Commission, and deposited 149924
via intrastate transfer vouchers to the credit of the Professions 149925
Licensing System Fund. 149926

Section 207.170. BUILDING IMPROVEMENT FUND 149927

The foregoing appropriation item 100659, Building 149928
Improvement, shall be used to make payments from the Building 149929
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 149930
required in the James A. Rhodes State Office Tower, the Vern Riffe 149931
Center for Government and the Arts, the Frank J. Lausche State 149932
Office Building, the Michael V. DiSalle Government Center, and the 149933
Oliver R. Ocasek Government Office. The Department of 149934
Administrative Services shall conduct or contract for regular 149935
assessments of these buildings and shall maintain a cash balance 149936
in the Building Improvement Fund equal to the cost of the repairs 149937
and improvements that are recommended to occur within the next 149938
five years, with the following exception described below. 149939

Upon request of the Director of Administrative Services, the 149940
Director of Budget and Management may permit a cash transfer from 149941
the Building Improvement Fund (Fund 5KZ0) to the Building 149942
Operating Fund (Fund 5LA0) to pay costs of operating and 149943
maintaining the James A. Rhodes State Office Tower, the Vern Riffe 149944
Center for Government and the Arts, the Frank J. Lausche State 149945
Office Building, the Michael V. DiSalle Government Center, and the 149946
Oliver R. Ocasek Government Office that are not charged to tenants 149947
during the same fiscal year. 149948

Should the cash balance in the Building Operating Fund (Fund 149949
5LA0) be determined to be sufficient, the Director of 149950
Administrative Services may request that the Director of Budget 149951
and Management transfer cash from the Building Operating Fund 149952
(Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) in an 149953
amount equal to the initial cash transfer made under this section 149954
plus applicable interest. 149955

Section 207.180. PROFESSIONAL DEVELOPMENT FUND 149956

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

Section 207.190. BUILDING OPERATING FUND

The foregoing appropriation item 100660, Building Operation, shall be used to make payments from the Building Operating Fund (Fund 5LA0) to pay costs of operating and maintaining the James A. Rhodes State Office Tower, the Vern Riffe Center for Government and the Arts, the Frank J. Lausche State Office Building, the Michael V. DiSalle Government Center, and the Oliver R. Ocasek Government Office.

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges to be reimbursed for the cost of operating these buildings. These charges shall include the cost of applicable depreciation on the buildings and the resulting revenue shall be deposited in the Building Operating Fund (Fund 5LA0). The Director of Budget and Management shall transfer the portion of these charges attributed to depreciation from the Building Operating Fund (Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) or to the General Revenue Fund, as applicable.

Section 207.200. INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology

management and investment practices away from a limited, 149987
agency-specific focus in favor of a statewide methodology 149988
supporting development of enterprise solutions. 149989

The Department of Administrative Services, with the approval 149990
of the Director of Budget and Management, may charge state 149991
agencies an information technology development assessment based on 149992
state agencies' information technology expenditures or other 149993
methodology. The revenue from this assessment shall be deposited 149994
in the Information Technology Development Fund (Fund 5LJ0), which 149995
is hereby created. 149996

Section 207.210. EMPLOYEE EDUCATIONAL DEVELOPMENT 149997

The foregoing appropriation item 100619, Employee Educational 149998
Development, shall be used to make payments from the Employee 149999
Educational Development Fund (Fund 5V60) under section 124.86 of 150000
the Revised Code. The fund shall be used to pay the costs of 150001
administering educational programs under existing collective 150002
bargaining agreements with District 1199, the Health Care and 150003
Social Service Union; State Council of Professional Educators; 150004
Ohio Education Association and National Education Association; the 150005
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 150006
State Troopers Association, Units 1 and 15. 150007

If it is determined by the Director of Administrative 150008
Services that additional amounts are necessary, the Director of 150009
Administrative Services may request that the Director of Budget 150010
and Management approve additional amounts. Such approved 150011
additional amounts are hereby appropriated. 150012

Section 207.220. CASH TRANSFERS TO THE MAJOR IT PURCHASES 150013
FUND 150014

Upon request of the Director of Administrative Services, the 150015
Director of Budget and Management may transfer up to \$4,000,000 150016

from the OAKS Support Organization Fund (Fund 5EB0) to the Major 150017
IT Purchases Fund (Fund 4N60). This amount represents cash 150018
transferred from Fund 4N60 during fiscal year 2010 pursuant to 150019
Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General 150020
Assembly. Any portion of appropriation item 100617, Major IT 150021
Purchases, that is unencumbered and unexpended at the end of 150022
fiscal year 2014 is hereby reappropriated for fiscal year 2015. 150023

Section 207.230. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 150024
SERVICE PAYMENTS 150025

The Director of Administrative Services, in consultation with 150026
the Multi-Agency Radio Communication System (MARCS) Steering 150027
Committee and the Director of Budget and Management, shall 150028
determine the share of debt service payments attributable to 150029
spending for MARCS components that are not specific to any one 150030
agency and that shall be charged to agencies supported by the 150031
motor fuel tax. Such share of debt service payments shall be 150032
calculated for MARCS capital disbursements made beginning July 1, 150033
1997. Within thirty days of any payment made from appropriation 150034
item 100447, Administrative Building Lease Payments, the Director 150035
of Administrative Services shall certify to the Director of Budget 150036
and Management the amount of this share. The Director of Budget 150037
and Management shall transfer such amounts to the General Revenue 150038
Fund from the State Highway Safety Fund (Fund 7036) established in 150039
section 4501.06 of the Revised Code. 150040

The Director of Administrative Services shall consider 150041
renting or leasing existing tower sites at reasonable or current 150042
market rates, so long as these existing sites are equipped with 150043
the technical capabilities to support the MARCS project. 150044

Section 207.240. ENTERPRISE IT STRATEGY IMPLEMENTATION 150045

The Director of Administrative Services shall determine and 150046

implement strategies that benefit the enterprise by improving 150047
efficiency, reducing costs or enhancing capacity of information 150048
technology (IT) services. Such improvements and efficiencies may 150049
result in the consolidation and transfer of such services. As 150050
determined to be necessary for successful implementation of this 150051
section and notwithstanding any provision of law to the contrary, 150052
the Director of Administrative Services may request the Director 150053
of Budget and Management to consolidate or transfer IT-specific 150054
budget authority between agencies as necessary to implement 150055
enterprise IT cost containment strategies and related 150056
efficiencies. Once the Director of Budget and Management is 150057
satisfied that the proposed initiative is cost advantageous to the 150058
enterprise, the Director of Budget and Management may transfer 150059
appropriations, funds and cash as needed to implement the proposed 150060
initiative. The establishment of any new fund or total increased 150061
appropriation as a result of this section will be subject to 150062
approval by the Controlling Board. 150063

The Director of Budget and Management and the Director of 150064
Administrative Services may transfer any employees, assets, and 150065
liabilities, including, but not limited to, records, contracts, 150066
and agreements in order to facilitate the improvements determined 150067
in accordance with this section. 150068

Section 207.250. 911 PROGRAM 150069

The foregoing appropriation item 100663, 911 Program, shall 150070
be used by the Department of Administrative Services to pay the 150071
administrative costs of the Statewide Emergency Services Internet 150072
Protocol Network Steering Committee. 150073

Section 209.10. AGE DEPARTMENT OF AGING 150074

General Revenue Fund 150075

GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 150076

| | | | | | | | |
|------------------------------------|---------------------------------------|---|----|------------|----|------------|--------|
| GRF | 490410 | Long-Term Care
Ombudsman | \$ | 477,448 | \$ | 477,448 | 150077 |
| GRF | 490411 | Senior Community
Services | \$ | 7,060,844 | \$ | 7,060,844 | 150078 |
| GRF | 490414 | Alzheimer's Respite | \$ | 1,995,245 | \$ | 1,995,245 | 150079 |
| GRF | 490506 | National Senior
Service Corps | \$ | 241,413 | \$ | 241,413 | 150080 |
| GRF | 656423 | Long-Term Care
Program Support -
State | \$ | 3,385,057 | \$ | 3,385,057 | 150081 |
| TOTAL GRF | General Revenue Fund | | \$ | 14,647,425 | \$ | 14,647,425 | 150082 |
| General Services Fund Group | | | | | | | 150083 |
| 4800 | 490606 | Senior Community
Outreach and
Education | \$ | 372,523 | \$ | 372,523 | 150084 |
| TOTAL GSF | General Services Fund
Group | | \$ | 372,523 | \$ | 372,523 | 150085 |
| Federal Special Revenue Fund Group | | | | | | | 150086 |
| 3220 | 490618 | Federal Aging Grants | \$ | 12,000,000 | \$ | 12,000,000 | 150087 |
| 3C40 | 656623 | Long-Term Care
Program Support -
Federal | \$ | 3,385,057 | \$ | 3,385,057 | 150088 |
| 3M40 | 490612 | Federal Independence
Services | \$ | 58,655,080 | \$ | 58,655,080 | 150089 |
| TOTAL FED | Federal Special Revenue
Fund Group | | \$ | 74,040,137 | \$ | 74,040,137 | 150090 |
| State Special Revenue Fund Group | | | | | | | 150091 |
| 4C40 | 490609 | Regional Long-Term
Care Ombudsman
Program | \$ | 935,000 | \$ | 935,000 | 150092 |
| 5BA0 | 490620 | Ombudsman Support | \$ | 550,000 | \$ | 550,000 | 150093 |
| 5K90 | 490613 | Long-Term Care | \$ | 1,059,400 | \$ | 1,059,400 | 150094 |

| | | | | |
|---------------------------------|---------------------|---------------|---------------|--------|
| | Consumers Guide | | | |
| 5W10 490616 | Resident Services | \$ 344,700 | \$ 344,700 | 150097 |
| | Coordinator Program | | | |
| TOTAL SSR State Special Revenue | | | | 150098 |
| Fund Group | | \$ 2,889,100 | \$ 2,889,100 | 150099 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 91,949,185 | \$ 91,949,185 | 150100 |

Section 209.20. LONG-TERM CARE 150102

Pursuant to an interagency agreement, the Department of 150103
 Medicaid may designate the Department of Aging to perform 150104
 assessments under section 5165.04 of the Revised Code. The 150105
 Department of Aging shall provide long-term care consultations 150106
 under section 173.42 of the Revised Code to assist individuals in 150107
 planning for their long-term health care needs. 150108

The Department of Aging shall administer the Medicaid 150109
 waiver-funded PASSPORT Home Care Program, the Choices Program, the 150110
 Assisted Living Program, and PACE as delegated by the Department 150111
 of Medicaid in an interagency agreement. The foregoing 150112
 appropriation items 656423, Long-Term Care Program Support - 150113
 State, and 656623, Long-Term Care Program Support - Federal, may 150114
 be used to support the Department of Aging's administrative costs 150115
 associated with operating the PASSPORT, Choices, Assisted Living, 150116
 and PACE programs. 150117

PERFORMANCE-BASED REIMBURSEMENT 150118

The Department of Aging may design and utilize a payment 150119
 method for PASSPORT administrative agency operations that includes 150120
 a pay-for-performance incentive component that is earned by a 150121
 PASSPORT administrative agency when defined consumer and policy 150122
 outcomes are achieved. 150123

Section 209.30. LONG-TERM CARE OMBUDSMAN 150124

The foregoing appropriation item 490410, Long-Term Care 150125

Ombudsman, shall be used to fund ombudsman program activities as 150126
authorized in sections 173.14 to 173.27 and section 173.99 of the 150127
Revised Code. 150128

The State Ombudsman may explore the design of a payment 150129
method for the Ombudsman Program that includes a 150130
pay-for-performance incentive component that is earned by 150131
designated regional long-term care ombudsman programs. 150132

SENIOR COMMUNITY SERVICES 150133

The foregoing appropriation item 490411, Senior Community 150134
Services, shall be used for services designated by the Department 150135
of Aging, including, but not limited to, home-delivered and 150136
congregate meals, transportation services, personal care services, 150137
respite services, adult day services, home repair, care 150138
coordination, prevention and disease self-management, and decision 150139
support systems. Service priority shall be given to low income, 150140
frail, and cognitively impaired persons 60 years of age and over. 150141
The department shall promote cost sharing by service recipients 150142
for those services funded with senior community services funds, 150143
including, when possible, sliding-fee scale payment systems based 150144
on the income of service recipients. 150145

ALZHEIMER'S RESPITE 150146

The foregoing appropriation item 490414, Alzheimer's Respite, 150147
shall be used to fund only Alzheimer's disease services under 150148
section 173.04 of the Revised Code. 150149

NATIONAL SENIOR SERVICE CORPS 150150

The foregoing appropriation item 490506, National Senior 150151
Service Corps, shall be used by the Department of Aging to fund 150152
grants for three Corporation for National and Community 150153
Service/Senior Corps programs: the Foster Grandparents Program, 150154
the Senior Companion Program, and the Retired Senior Volunteer 150155
Program. A recipient of these grant funds shall use the funds to 150156

support priorities established by the Department and the Ohio 150157
State Office of the Corporation for National and Community 150158
Service. The expenditure of these funds by any grant recipient 150159
shall be in accordance with Senior Corps policies and procedures, 150160
as stated in the Domestic Volunteer Service Act of 1973, as 150161
amended. Neither the Department nor any area agencies on aging 150162
that are involved in the distribution of these funds to 150163
lower-tiered grant recipients may use any portion of these funds 150164
to cover administrative costs. 150165

SENIOR COMMUNITY OUTREACH AND EDUCATION 150166

The foregoing appropriation item 490606, Senior Community 150167
Outreach and Education, may be used to provide training to workers 150168
in the field of aging pursuant to division (G) of section 173.02 150169
of the Revised Code. 150170

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 150171
AND FEDERAL AGING GRANTS 150172

At the request of the Director of Aging, the Director of 150173
Budget and Management may transfer appropriation between 150174
appropriation items 490612, Federal Independence Services, and 150175
490618, Federal Aging Grants. The amounts transferred shall not 150176
exceed 30 per cent of the appropriation from which the transfer is 150177
made. Any transfers shall be reported by the Department of Aging 150178
to the Controlling Board at the next scheduled meeting of the 150179
board. 150180

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 150181

The foregoing appropriation item 490609, Regional Long-Term 150182
Care Ombudsman Program, shall be used to pay the costs of 150183
operating the regional long-term care ombudsman programs 150184
designated by the State Long-Term Care Ombudsman. 150185

TRANSFER OF RESIDENT PROTECTION FUNDS 150186

In each fiscal year, the Director of Budget and Management 150187
may transfer up to \$550,000 cash from the Resident Protection Fund 150188
(Fund 4E30), which is used by the Department of Medicaid, to the 150189
Ombudsman Support Fund (Fund 5BA0), which is used by the 150190
Department of Aging. 150191

LONG-TERM CARE CONSUMERS GUIDE 150192

The foregoing appropriation item 490613, Long-Term Care 150193
Consumers Guide, shall be used to conduct annual consumer 150194
satisfaction surveys and to pay for other administrative expenses 150195
related to the publication of the Ohio Long-Term Care Consumer 150196
Guide. 150197

Section 209.40. DEPARTMENT OF AGING'S APPROPRIATION ITEM 150198
STRUCTURE 150199

Upon request from the Director of Aging, the Director of 150200
Budget and Management may establish new funds, new appropriation 150201
items, and appropriations in order to support the transition to a 150202
new appropriation item structure in the Department of Aging's 150203
budget. Also, upon request of the Director of Aging, the Director 150204
of Budget and Management may transfer appropriations between GRF 150205
appropriation items, transfer cash between any funds used by the 150206
Department of Aging, abolish existing funds used by the Department 150207
of Aging, and cancel and reestablish encumbrances. Any 150208
establishment of new funds or appropriation items, any transfers 150209
of appropriations or cash, and any increases in appropriation 150210
under this section are subject to Controlling Board approval. 150211

Section 209.50. UPDATING AUTHORIZING STATUTE CITATIONS 150212

As used in this section, "authorizing statute" means a 150213
Revised Code section or provision of a Revised Code section that 150214
is cited in the Ohio Administrative Code as the statute that 150215
authorizes the adoption of a rule. 150216

The Director of Aging is not required to amend any rule for 150217
the sole purpose of updating the citation in the Ohio 150218
Administrative Code to the rule's authorizing statute to reflect 150219
that this act renumbers the authorizing statute or relocates it to 150220
another Revised Code section. Such citations shall be updated as 150221
the Director amends the rules for other purposes. 150222

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 150223

General Revenue Fund 150224

GRF 700401 Animal Disease Control \$ 3,936,687 \$ 3,936,687 150225

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 150226

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 150227

GRF 700406 Consumer Analytical \$ 1,287,556 \$ 1,287,556 150228

Lab

GRF 700407 Food Safety \$ 848,792 \$ 848,792 150229

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 150230

GRF 700412 Weights and Measures \$ 600,000 \$ 600,000 150231

GRF 700415 Poultry Inspection \$ 592,978 \$ 592,978 150232

GRF 700418 Livestock Regulation \$ 1,108,071 \$ 1,108,071 150233

Program

GRF 700424 Livestock Testing and \$ 102,770 \$ 102,770 150234

Inspections

GRF 700426 Dangerous and \$ 800,000 \$ 800,000 150235

Restricted Animals

GRF 700427 High Volume Breeder \$ 400,000 \$ 200,000 150236

Kennel Control

GRF 700499 Meat Inspection \$ 4,175,097 \$ 4,175,097 150237

Program - State Share

GRF 700501 County Agricultural \$ 391,415 \$ 391,415 150238

Societies

TOTAL GRF General Revenue Fund \$ 15,454,231 \$ 15,254,231 150239

General Services Fund Group 150240

| | | | | | | | |
|------------------------------------|--------|--|----|------------|----|------------|------------------|
| 5DA0 | 700644 | Laboratory
Administration
Support | \$ | 1,115,000 | \$ | 1,115,000 | 150241 |
| 5GH0 | 700655 | Central Support
Indirect Cost | \$ | 4,368,013 | \$ | 4,404,073 | 150242 |
| TOTAL GSF
Group | | General Services Fund | \$ | 5,483,013 | \$ | 5,519,073 | 150243 |
| Federal Special Revenue Fund Group | | | | | | | 150244 |
| 3260 | 700618 | Meat Inspection
Program - Federal
Share | \$ | 4,450,000 | \$ | 4,450,000 | 150245 |
| 3360 | 700617 | Ohio Farm Loan
Revolving Fund | \$ | 150,000 | \$ | 150,000 | 150246 |
| 3820 | 700601 | Cooperative Contracts | \$ | 4,500,000 | \$ | 4,500,000 | 150247 |
| 3AB0 | 700641 | Agricultural Easement | \$ | 1,000,000 | \$ | 1,000,000 | 150248 |
| 3J40 | 700607 | Indirect Cost | \$ | 1,100,000 | \$ | 1,100,000 | 150249 |
| 3R20 | 700614 | Federal Plant
Industry | \$ | 1,606,000 | \$ | 1,606,000 | 150250 |
| TOTAL FED
Fund Group | | Federal Special Revenue | \$ | 12,806,000 | \$ | 12,806,000 | 150251
150252 |
| State Special Revenue Fund Group | | | | | | | 150253 |
| 4900 | 700651 | License Plates -
Sustainable
Agriculture | \$ | 10,000 | \$ | 10,000 | 150254 |
| 4940 | 700612 | Agricultural
Commodity Marketing
Program | \$ | 218,000 | \$ | 213,000 | 150255 |
| 4960 | 700626 | Ohio Grape Industries | \$ | 970,000 | \$ | 970,000 | 150256 |
| 4970 | 700627 | Commodity Handlers
Regulatory Program | \$ | 482,672 | \$ | 482,672 | 150257 |
| 4C90 | 700605 | Commercial Feed and
Seed | \$ | 1,760,000 | \$ | 1,760,000 | 150258 |

| | | | | | | | |
|------------------------------------|--------|--|----|------------|----|------------|--------|
| 4D20 | 700609 | Auction Education | \$ | 35,000 | \$ | 35,000 | 150259 |
| 4E40 | 700606 | Utility Radiological
Safety | \$ | 130,000 | \$ | 130,000 | 150260 |
| 4P70 | 700610 | Food Safety
Inspection | \$ | 1,017,328 | \$ | 1,017,328 | 150261 |
| 4R00 | 700636 | Ohio Proud Marketing | \$ | 45,500 | \$ | 45,500 | 150262 |
| 4R20 | 700637 | Dairy Industry
Inspection | \$ | 1,738,247 | \$ | 1,738,247 | 150263 |
| 4T60 | 700611 | Poultry and Meat
Inspection | \$ | 120,000 | \$ | 120,000 | 150264 |
| 5780 | 700620 | Ride Inspection Fees | \$ | 1,175,142 | \$ | 1,175,142 | 150265 |
| 5880 | 700633 | Brand Registration | \$ | 5,000 | \$ | 5,000 | 150266 |
| 5B80 | 700629 | Auctioneers | \$ | 340,000 | \$ | 340,000 | 150267 |
| 5CP0 | 700652 | License Plate
Scholarships | \$ | 10,000 | \$ | 10,000 | 150268 |
| 5FC0 | 700648 | Plant Pest Program | \$ | 1,190,000 | \$ | 1,190,000 | 150269 |
| 5H20 | 700608 | Metrology Lab and
Scale Certification | \$ | 552,000 | \$ | 552,000 | 150270 |
| 5L80 | 700604 | Livestock Management
Program | \$ | 145,000 | \$ | 145,000 | 150271 |
| 5MA0 | 700657 | Dangerous and
Restricted Animals | \$ | 195,000 | \$ | 195,000 | 150272 |
| 6520 | 700634 | Animal and Consumer
Analytical Laboratory | \$ | 4,966,383 | \$ | 4,966,383 | 150273 |
| 6690 | 700635 | Pesticide,
Fertilizer, and Lime
Inspection Program | \$ | 3,418,041 | \$ | 3,418,041 | 150274 |
| TOTAL SSR | | State Special Revenue | | | | | 150275 |
| Fund Group | | | \$ | 18,523,313 | \$ | 18,518,313 | 150276 |
| Clean Ohio Conservation Fund Group | | | | | | | 150277 |
| 7057 | 700632 | Clean Ohio
Agricultural Easement | \$ | 310,000 | \$ | 310,000 | 150278 |
| TOTAL CLF | | Clean Ohio Conservation | \$ | 310,000 | \$ | 310,000 | 150279 |

| | | | | |
|--|--------------------|---------------|---------------|--------|
| Fund Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 52,576,557 | \$ 52,407,617 | 150280 |
| DANGEROUS AND RESTRICTED WILD ANIMALS | | | | 150281 |
| The foregoing GRF appropriation item 700426, Dangerous and | | | | 150282 |
| Restricted Animals, shall be used to administer the Dangerous and | | | | 150283 |
| Restricted Wild Animal Permitting Program. | | | | 150284 |
| COUNTY AGRICULTURAL SOCIETIES | | | | 150285 |
| The foregoing appropriation item 700501, County Agricultural | | | | 150286 |
| Societies, shall be used to reimburse county and independent | | | | 150287 |
| agricultural societies for expenses related to Junior Fair | | | | 150288 |
| activities. | | | | 150289 |
| CLEAN OHIO AGRICULTURAL EASEMENT | | | | 150290 |
| The foregoing appropriation item 700632, Clean Ohio | | | | 150291 |
| Agricultural Easement, shall be used by the Department of | | | | 150292 |
| Agriculture in administering Ohio Agricultural Easement Fund (Fund | | | | 150293 |
| 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to | | | | 150294 |
| 5301.70 of the Revised Code. | | | | 150295 |
| Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY | | | | 150296 |
| General Services Fund Group | | | | 150297 |
| 5EG0 898608 | Energy Strategy | \$ 240,681 | \$ 240,681 | 150298 |
| Development | | | | |
| TOTAL GSF General Services Fund | | \$ 240,681 | \$ 240,681 | 150299 |
| State Special Revenue Fund Group | | | | 150300 |
| 4Z90 898602 | Small Business | \$ 288,232 | \$ 288,232 | 150301 |
| Ombudsman | | | | |
| 5700 898601 | Operating Expenses | \$ 323,980 | \$ 323,980 | 150302 |
| 5A00 898603 | Small Business | \$ 900,000 | \$ 1,125,000 | 150303 |
| Assistance | | | | |
| TOTAL SSR State Special Revenue | | \$ 1,512,212 | \$ 1,737,212 | 150304 |
| Fund Group | | | | |

TOTAL ALL BUDGET FUND GROUPS \$ 1,752,893 \$ 1,977,893 150305

Section 213.20. ENERGY STRATEGY DEVELOPMENT 150307

The Energy Strategy Development Program shall develop energy 150308
initiatives, projects, and policy that align with the energy 150309
policy for the state. Issues addressed by such initiatives, 150310
projects, and policy shall not be limited to those governed by 150311
Chapter 3706. of the Revised Code. The Ohio Air Quality 150312
Development Authority shall be responsible for the monitoring of 150313
the program. 150314

There is hereby created in the state treasury the Energy 150315
Strategy Development Fund (Fund 5EG0). The fund shall consist of 150316
money credited to it and money obtained for advanced energy 150317
projects from federal or private grants, loans, or other sources. 150318
Money in the fund shall be used to carry out the purposes of the 150319
program. Interest earned on the money in the fund shall be 150320
credited to the General Revenue Fund. 150321

On July 1 of each fiscal year, or as soon as possible 150322
thereafter, the Director of Budget and Management may transfer 150323
cash from the funds specified below, up to the amounts specified 150324
below, to the Energy Strategy Development Fund. Fund 5EG0 may 150325
accept contributions and transfers made to the fund. On July 1, 150326
2015, or as soon as possible thereafter, the Director shall 150327
transfer to the General Revenue Fund all cash credited to Fund 150328
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 150329

| <u>Fund</u> | <u>Fund Name</u> | <u>User</u> | <u>FY 2014</u> | <u>FY 2015</u> | |
|-------------|------------------|-----------------|----------------|----------------|--------|
| 1310 | State Agency | Ohio Facilities | \$27,405 | \$27,439 | 150331 |
| | Construction | Construction | | | |
| | Project Service | Commission | | | |
| 5GH0 | Central Support | Department of | \$27,405 | \$27,439 | 150332 |
| | Indirect Cost | Agriculture | | | |
| 1350 | Supportive | Development | \$27,405 | \$27,439 | 150333 |

| | | | | | |
|------|-------------------|-------------------|----------|----------|--------|
| | Services | Services Agency | | | |
| 2190 | Central Support | Environmental | \$27,405 | \$27,439 | 150334 |
| | Indirect Cost | Protection Agency | | | |
| 1570 | Central Support | Department of | \$27,405 | \$27,439 | 150335 |
| | Indirect | Natural Resources | | | |
| | Chargeback | | | | |
| 7002 | Highway Operating | Department of | \$39,150 | \$39,199 | 150336 |
| | | Transportation | | | |

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 150337
AUTHORITY TRUST ACCOUNT 150338

Notwithstanding any other provision of law to the contrary, 150339
the Air Quality Development Authority may reimburse the Air 150340
Quality Development Authority trust account established under 150341
section 3706.10 of the Revised Code from all operating funds of 150342
the agency for expenses pertaining to the administration and 150343
shared costs incurred by the Air Quality Development Authority in 150344
the execution of responsibilities as prescribed in Chapter 3706. 150345
of the Revised Code. Reimbursement shall be made by voucher and 150346
completed in accordance with the administrative indirect costs 150347
allocation plan approved by the Office of Budget and Management. 150348

Section 215.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 150349
General Services Fund Group 150350
4K90 891609 Operating \$ 481,379 \$ 485,954 150351
TOTAL GSF General Services Fund 150352
Group \$ 481,379 \$ 485,954 150353
TOTAL ALL BUDGET FUND GROUPS \$ 481,379 \$ 485,954 150354

Section 217.10. ART OHIO ARTS COUNCIL 150356
General Revenue Fund 150357
GRF 370321 Operating Expenses \$ 1,649,204 \$ 1,649,204 150358

| | | | | | | |
|------------------------------|---|----|------------|----|------------|--------|
| GRF 370502 | State Program | \$ | 9,700,000 | \$ | 9,700,000 | 150359 |
| | Subsidies | | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 11,349,204 | \$ | 11,349,204 | 150360 |
| | General Services Fund Group | | | | | 150361 |
| 4600 370602 | Management Expenses | \$ | 247,000 | \$ | 247,000 | 150362 |
| | and Donations | | | | | |
| 4B70 370603 | Percent for Art | \$ | 247,000 | \$ | 247,000 | 150363 |
| | Acquisitions | | | | | |
| TOTAL GSF | General Services Fund | \$ | 494,000 | \$ | 494,000 | 150364 |
| | Group | | | | | |
| | Federal Special Revenue Fund Group | | | | | 150365 |
| 3140 370601 | Federal Support | \$ | 1,000,000 | \$ | 1,000,000 | 150366 |
| TOTAL FED | Federal Special Revenue | \$ | 1,000,000 | \$ | 1,000,000 | 150367 |
| | Fund Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 12,843,204 | \$ | 12,843,204 | 150368 |
| | OPERATING EXPENSES | | | | | 150369 |
| | Of the foregoing appropriation item 370321, Operating | | | | | 150370 |
| | Expenses, up to \$50,000 shall be used in each fiscal year for | | | | | 150371 |
| | technology upgrades and improvements. | | | | | 150372 |
| | FEDERAL SUPPORT | | | | | 150373 |
| | Notwithstanding any provision of law to the contrary, the | | | | | 150374 |
| | foregoing appropriation item 370601, Federal Support, shall be | | | | | 150375 |
| | used by the Ohio Arts Council for subsidies only, and not for its | | | | | 150376 |
| | administrative costs, unless the Council is required to use a | | | | | 150377 |
| | portion of the funds for administrative costs under conditions of | | | | | 150378 |
| | the federal grant. | | | | | 150379 |
| | Section 219.10. ATH ATHLETIC COMMISSION | | | | | 150380 |
| | General Services Fund Group | | | | | 150381 |
| 4K90 175609 | Operating Expenses | \$ | 312,000 | \$ | 320,000 | 150382 |
| TOTAL GSF | General Services Fund | \$ | 312,000 | \$ | 320,000 | 150383 |

Group

TOTAL ALL BUDGET FUND GROUPS \$ 312,000 \$ 320,000 150384

Section 221.10. AGO ATTORNEY GENERAL 150386

General Revenue Fund 150387

GRF 055321 Operating Expenses \$ 42,514,169 \$ 43,114,169 150388

GRF 055405 Law-Related Education \$ 100,000 \$ 100,000 150389

GRF 055407 Tobacco Settlement \$ 1,500,000 \$ 1,500,000 150390

Enforcement

GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 757,921 150391

Supplement

GRF 055415 County Prosecutors' \$ 831,499 \$ 831,499 150392

Pay Supplement

TOTAL GRF General Revenue Fund \$ 45,703,589 \$ 46,303,589 150393

General Services Fund Group 150394

1060 055612 General Reimbursement \$ 54,806,192 \$ 55,820,716 150395

1950 055660 Workers' Compensation \$ 8,415,504 \$ 8,415,504 150396

Section

4180 055615 Charitable \$ 8,286,000 \$ 8,286,000 150397

Foundations

4200 055603 Attorney General \$ 1,839,074 \$ 1,839,074 150398

Antitrust

4210 055617 Police Officers' \$ 500,000 \$ 500,000 150399

Training Academy Fee

4Z20 055609 BCI Asset Forfeiture \$ 1,000,000 \$ 1,000,000 150400

and Cost

Reimbursement

5900 055633 Peace Officer Private \$ 79,438 \$ 95,325 150401

Security Fund

5A90 055618 Telemarketing Fraud \$ 45,000 \$ 10,000 150402

Enforcement

5L50 055619 Law Enforcement \$ 1,226,201 \$ 1,038,573 150403

| | | | | | | | |
|------------------------------------|--------|-------------------------|----|------------|----|------------|--------|
| | | Assistance Program | | | | | |
| 5LR0 | 055655 | Peace Officer | \$ | 4,629,409 | \$ | 4,629,409 | 150404 |
| | | Training - Casino | | | | | |
| 5MP0 | 055657 | Peace Officer | \$ | 25,000 | \$ | 25,000 | 150405 |
| | | Training Commission | | | | | |
| 6310 | 055637 | Consumer Protection | \$ | 6,700,000 | \$ | 6,834,000 | 150406 |
| | | Enforcement | | | | | |
| TOTAL GSF | | General Services Fund | | | | | 150407 |
| Group | | | \$ | 87,551,818 | \$ | 88,493,601 | 150408 |
| Federal Special Revenue Fund Group | | | | | | | 150409 |
| 3060 | 055620 | Medicaid Fraud | \$ | 4,537,408 | \$ | 4,628,156 | 150410 |
| | | Control | | | | | |
| 3810 | 055611 | Civil Rights Legal | \$ | 75,000 | \$ | 35,574 | 150411 |
| | | Service | | | | | |
| 3830 | 055634 | Crime Victims | \$ | 15,000,000 | \$ | 15,000,000 | 150412 |
| | | Assistance | | | | | |
| 3E50 | 055638 | Attorney General | \$ | 599,999 | \$ | 599,999 | 150413 |
| | | Pass-Through Funds | | | | | |
| 3FV0 | 055656 | Crime Victim | \$ | 7,000,000 | \$ | 7,000,000 | 150414 |
| | | Compensation | | | | | |
| 3R60 | 055613 | Attorney General | \$ | 999,999 | \$ | 999,999 | 150415 |
| | | Federal Funds | | | | | |
| TOTAL FED | | Federal Special Revenue | | | | | 150416 |
| Fund Group | | | \$ | 28,212,406 | \$ | 28,263,728 | 150417 |
| State Special Revenue Fund Group | | | | | | | 150418 |
| 4020 | 055616 | Victims of Crime | \$ | 16,456,769 | \$ | 16,456,769 | 150419 |
| 4190 | 055623 | Claims Section | \$ | 55,920,716 | \$ | 56,937,131 | 150420 |
| 4L60 | 055606 | DARE Programs | \$ | 3,578,901 | \$ | 3,486,209 | 150421 |
| 4Y70 | 055608 | Title Defect Recision | \$ | 600,000 | \$ | 600,000 | 150422 |
| 6590 | 055641 | Solid and Hazardous | \$ | 310,730 | \$ | 310,730 | 150423 |
| | | Waste Background | | | | | |
| | | Investigations | | | | | |

| | | | | |
|---|----|-------------|----------------|--------|
| TOTAL SSR State Special Revenue | | | | 150424 |
| Fund Group | \$ | 76,867,116 | \$ 77,790,839 | 150425 |
| Holding Account Redistribution Fund Group | | | | 150426 |
| R004 055631 General Holding | \$ | 1,000,000 | \$ 1,000,000 | 150427 |
| Account | | | | |
| R005 055632 Antitrust Settlements | \$ | 1,000 | \$ 1,000 | 150428 |
| R018 055630 Consumer Frauds | \$ | 750,000 | \$ 750,000 | 150429 |
| R042 055601 Organized Crime | \$ | 25,025 | \$ 25,025 | 150430 |
| Commission | | | | |
| Distributions | | | | |
| R054 055650 Collection Payment | \$ | 4,500,000 | \$ 4,500,000 | 150431 |
| Redistribution | | | | |
| TOTAL 090 Holding Account | | | | 150432 |
| Redistribution Fund Group | \$ | 6,276,025 | \$ 6,276,025 | 150433 |
| Tobacco Master Settlement Agreement Fund Group | | | | 150434 |
| U087 055402 Tobacco Settlement | \$ | 500,000 | \$ 500,000 | 150435 |
| Oversight, | | | | |
| Administration, and | | | | |
| Enforcement | | | | |
| TOTAL TSF Tobacco Master Settlement | \$ | 500,000 | \$ 500,000 | 150436 |
| Agreement Fund Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 245,110,954 | \$ 247,627,782 | 150437 |
| OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER | | | | 150438 |
| Of the foregoing appropriation item 055321, Operating | | | | 150439 |
| Expenses, \$600,000 in fiscal year 2015 shall be used to create the | | | | 150440 |
| Ohio BCI Forensic Research and Professional Training Center at | | | | 150441 |
| Bowling Green State University. The purpose of the Center shall be | | | | 150442 |
| to foster forensic science research techniques (BCI Eminent | | | | 150443 |
| Scholar) and to create professional training opportunities to | | | | 150444 |
| students (BCI Scholars) in the forensic science fields. | | | | 150445 |
| COUNTY SHERIFFS' PAY SUPPLEMENT | | | | 150446 |

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL REIMBURSEMENT FUND

Notwithstanding any other provision of law to the contrary, on July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$80,000 cash from the General Revenue Fund to the General Reimbursement Fund (Fund 1060).

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to 150477
receive payments from the Bureau of Workers' Compensation and the 150478
Ohio Industrial Commission at the beginning of each quarter of 150479
each fiscal year to fund legal services to be provided to the 150480
Bureau of Workers' Compensation and the Ohio Industrial Commission 150481
during the ensuing quarter. The advance payment shall be subject 150482
to adjustment. 150483

In addition, the Bureau of Workers' Compensation shall 150484
transfer payments at the beginning of each quarter for the support 150485
of the Workers' Compensation Fraud Unit. 150486

All amounts shall be mutually agreed upon by the Attorney 150487
General, the Bureau of Workers' Compensation, and the Ohio 150488
Industrial Commission. 150489

CASH TRANSFERS FROM CRIMINAL JUSTICE SERVICES CASINO TAX 150490
REVENUE FUND TO LAW ENFORCEMENT ASSISTANCE FUND 150491

Notwithstanding division (D)(7) of section 5753.03 of the 150492
Revised Code and any other provision of law to the contrary, the 150493
Director of Budget and Management shall transfer the amounts 150494
deposited into the Criminal Justice Services Casino Tax Revenue 150495
Fund (Fund 5LM0) pursuant to division (D)(7) of section 5753.03 of 150496
the Revised Code during fiscal years 2014 and 2015 to the Law 150497
Enforcement Assistance Fund (Fund 5L50) at the times that such 150498
deposits are made or as soon as practicable thereafter. 150499

ATTORNEY GENERAL PASS-THROUGH FUNDS 150500

The foregoing appropriation item 055638, Attorney General 150501
Pass-Through Funds, shall be used to receive federal grant funds 150502
provided to the Attorney General by other state agencies, 150503
including, but not limited to, the Department of Youth Services 150504
and the Department of Public Safety. 150505

GENERAL HOLDING ACCOUNT 150506

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose,

| | | | | |
|---|----|------------|---------------|--------|
| the amounts are hereby appropriated. | | | | 150538 |
| COLLECTION PAYMENT REDISTRIBUTION | | | | 150539 |
| The foregoing appropriation item 055650, Collection Payment | | | | 150540 |
| Redistribution, shall be used for the purpose of allocating the | | | | 150541 |
| revenue where debtors mistakenly paid the client agencies instead | | | | 150542 |
| of the Attorney General's Collections Enforcement Section. If it | | | | 150543 |
| is determined that additional amounts are necessary for this | | | | 150544 |
| purpose, the amounts are hereby appropriated. | | | | 150545 |
| Section 223.10. AUD AUDITOR OF STATE | | | | 150546 |
| General Revenue Fund | | | | 150547 |
| GRF 070321 Operating Expenses | \$ | 27,434,452 | \$ 27,434,452 | 150548 |
| GRF 070403 Fiscal | \$ | 800,000 | \$ 800,000 | 150549 |
| Watch/Emergency | | | | |
| Technical Assistance | | | | |
| TOTAL GRF General Revenue Fund | \$ | 28,234,452 | \$ 28,234,452 | 150550 |
| Auditor of State Fund Group | | | | 150551 |
| 1090 070601 Public Audit Expense | \$ | 9,069,804 | \$ 9,196,081 | 150552 |
| - Intra-State | | | | |
| 4220 070602 Public Audit Expense | \$ | 31,052,999 | \$ 31,031,044 | 150553 |
| - Local Government | | | | |
| 5840 070603 Training Program | \$ | 181,730 | \$ 181,250 | 150554 |
| 5JZ0 070606 LEAP Revolving Loans | \$ | 650,000 | \$ 650,000 | 150555 |
| 6750 070605 Uniform Accounting | \$ | 3,241,533 | \$ 3,160,637 | 150556 |
| Network | | | | |
| TOTAL AUD Auditor of State Fund | | | | 150557 |
| Group | \$ | 44,196,066 | \$ 44,219,012 | 150558 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 72,430,518 | \$ 72,453,464 | 150559 |
| FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE | | | | 150560 |
| The foregoing appropriation item 070403, Fiscal | | | | 150561 |
| Watch/Emergency Technical Assistance, shall be used for expenses | | | | 150562 |

incurred by the Office of the Auditor of State in its role 150563
relating to fiscal watch or fiscal emergency activities under 150564
Chapters 118. and 3316. of the Revised Code. Expenses include, but 150565
are not limited to, the following: duties related to the 150566
determination or termination of fiscal watch or fiscal emergency 150567
of municipal corporations, counties, townships, or school 150568
districts; development of preliminary accounting reports; 150569
performance of annual forecasts; provision of performance audits; 150570
and supervisory, accounting, or auditing services for the 150571
municipal corporations, counties, townships, or school districts. 150572

Section 225.10. BRB BOARD OF BARBER EXAMINERS 150573

General Services Fund Group 150574
4K90 877609 Operating Expenses \$ 670,882 \$ 674,272 150575
TOTAL GSF General Services Fund 150576
Group \$ 670,882 \$ 674,272 150577
TOTAL ALL BUDGET FUND GROUPS \$ 670,882 \$ 674,272 150578

Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT 150580

General Revenue Fund 150581
GRF 042321 Budget Development \$ 2,703,189 \$ 2,697,483 150582
and Implementation
GRF 042409 Commission Closures \$ 304,000 \$ 155,000 150583
GRF 042416 Office of Health \$ 484,486 \$ 498,571 150584
Transformation
GRF 042425 Shared Services \$ 1,250,000 \$ 1,250,000 150585
Development
TOTAL GRF General Revenue Fund \$ 4,741,675 \$ 4,601,054 150586
General Services Fund Group 150587
1050 042603 Financial Management \$ 14,060,275 \$ 14,451,086 150588
1050 042620 Shared Services \$ 8,837,518 \$ 8,924,830 150589
Operating

| | | | | | |
|------------------------------------|----|------------|----|------------|--------|
| TOTAL GSF General Services Fund | \$ | 22,897,793 | \$ | 23,375,916 | 150590 |
| Group | | | | | |
| Federal Special Revenue Fund Group | | | | | 150591 |
| 3CM0 042606 Office of Health | \$ | 438,723 | \$ | 438,723 | 150592 |
| Transformation - | | | | | |
| Federal | | | | | |
| TOTAL FED Federal Special Revenue | \$ | 438,723 | \$ | 438,723 | 150593 |
| Fund Group | | | | | |
| Agency Fund Group | | | | | 150594 |
| 5EH0 042604 Forgery Recovery | \$ | 40,000 | \$ | 40,000 | 150595 |
| TOTAL AGY Agency Fund Group | \$ | 40,000 | \$ | 40,000 | 150596 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 28,118,191 | \$ | 28,455,693 | 150597 |

COMMISSION CLOSURES 150598

The foregoing appropriation item 042409, Commission Closures, 150599
 may be used to pay obligations associated with the closure of any 150600
 state agency, whether in the executive, legislative, or judicial 150601
 branch of government. Notwithstanding any provision of law to the 150602
 contrary, this appropriation item may also be used to pay final 150603
 payroll expenses occurring after the closure of any state agency, 150604
 whether in the executive, legislative, or judicial branch of 150605
 government in the event that appropriations or cash in the closing 150606
 agency are insufficient to do so. 150607

The Director of Budget and Management may request Controlling 150608
 Board approval for funds to be transferred to appropriation item 150609
 042409, Commission Closures, from appropriation item 911614, CB 150610
 Emergency Purposes, for anticipated expenses associated with 150611
 agency closures. 150612

AUDIT COSTS AND DUES 150613

All centralized audit costs associated with either Single 150614
 Audit Schedules or financial statements prepared in conformance 150615
 with generally accepted accounting principles for the state shall 150616

be paid from the foregoing appropriation item 042603, Financial Management. 150617
150618

Costs associated with the audit of the Auditor of State and national association dues shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation. 150619
150620
150621

SHARED SERVICES CENTER 150622

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support a Shared Services Center within the Office of Budget and Management for the purpose of consolidating statewide business functions and common transactional processes. 150623
150624
150625
150626
150627
150628

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services Center in the accounting and budgeting services payroll rate and through a direct charges using intrastate transfer vouchers to agencies for services rendered. The Director of Budget and Management shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050. 150629
150630
150631
150632
150633
150634
150635

INTERNAL AUDIT 150636

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through a direct charge using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). 150637
150638
150639
150640
150641
150642
150643
150644
150645

FORGERY RECOVERY 150646

The foregoing appropriation item 042604, Forgery Recovery, 150647
shall be used to reissue warrants that have been certified as 150648
forgeries by the rightful recipient as determined by the Bureau of 150649
Criminal Identification and Investigation and the Treasurer of 150650
State. Upon receipt of funds to cover the reissuance of the 150651
warrant, the Director of Budget and Management shall reissue a 150652
state warrant of the same amount. Any additional amounts needed to 150653
reissue warrants backed by the receipt of funds are hereby 150654
appropriated. 150655

ABOLISHMENT OF FUND 5N40 AND FUND 5Z80 150656

On or before December 31, 2013, the Director of Budget and 150657
Management shall transfer the cash balances of the OAKS Project 150658
Implementation Fund (Fund 5N40) and the Office of Health 150659
Transformation Administration Fund (Fund 5Z80) to the General 150660
Revenue Fund. Upon completion of the transfers, Fund 5N40 and Fund 150661
5Z80 are abolished. 150662

Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 150663

General Revenue Fund 150664

| | | | | | | |
|------------|-------------------|----|-----------|----|-----------|--------|
| GRF 874100 | Personal Services | \$ | 2,417,467 | \$ | 2,417,467 | 150665 |
|------------|-------------------|----|-----------|----|-----------|--------|

| | | | | | | |
|------------|-----------------|----|-----------|----|-----------|--------|
| GRF 874320 | Maintenance and | \$ | 1,161,098 | \$ | 1,161,098 | 150666 |
| | Equipment | | | | | |

| | | | | | | |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 3,578,565 | \$ | 3,578,565 | 150667 |
|-----------|----------------------|----|-----------|----|-----------|--------|

General Services Fund Group 150668

| | | | | | | |
|-------------|----------------|----|-------|----|-------|--------|
| 4G50 874603 | Capitol Square | \$ | 5,882 | \$ | 5,882 | 150669 |
|-------------|----------------|----|-------|----|-------|--------|

Education Center and
Arts

| | | | | | | |
|-------------|-----------------|----|---------|----|---------|--------|
| 4S70 874602 | Statehouse Gift | \$ | 629,409 | \$ | 629,409 | 150670 |
|-------------|-----------------|----|---------|----|---------|--------|

Shop/Events

| | | | | | | |
|-----------|------------------|--|--|--|--|--------|
| TOTAL GSF | General Services | | | | | 150671 |
|-----------|------------------|--|--|--|--|--------|

| | | | | | | |
|------------|--|----|---------|----|---------|--------|
| Fund Group | | \$ | 635,291 | \$ | 635,291 | 150672 |
|------------|--|----|---------|----|---------|--------|

| | | | | | |
|---|----|-----------|----|-----------|--------|
| Underground Parking Garage | | | | 150673 | |
| 2080 874601 Underground Parking | \$ | 3,049,740 | \$ | 2,996,740 | 150674 |
| Garage Operations | | | | | |
| TOTAL UPG Underground Parking | | | | 150675 | |
| Garage | \$ | 3,049,740 | \$ | 2,996,740 | 150676 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 7,263,596 | \$ | 7,210,596 | 150677 |
| WAREHOUSE PAYMENTS | | | | 150678 | |
| Of the foregoing appropriation item 874601, Underground | | | | 150679 | |
| Parking Garage Operations, \$48,000 in each fiscal year shall be | | | | 150680 | |
| used to meet all payments at the times they are required to be | | | | 150681 | |
| made during the period from July 1, 2013, through June 30, 2015, | | | | 150682 | |
| to the Department of Administrative Services for bond service | | | | 150683 | |
| charges relating to the purchase and improvement of a warehouse | | | | 150684 | |
| acquired pursuant to section 105.41 of the Revised Code, in which | | | | 150685 | |
| to store items of the Capitol Collection Trust and, whenever | | | | 150686 | |
| necessary, equipment or other property of the Board. | | | | 150687 | |
| UNDERGROUND PARKING GARAGE FUND | | | | 150688 | |
| Notwithstanding division (G) of section 105.41 of the Revised | | | | 150689 | |
| Code and any other provision to the contrary, moneys in the | | | | 150690 | |
| Underground Parking Garage Fund (Fund 2080) may be used for | | | | 150691 | |
| personnel and operating costs related to the operations of the | | | | 150692 | |
| Statehouse and the Statehouse Underground Parking Garage. | | | | 150693 | |
| Of the foregoing appropriation item 874601, Underground | | | | 150694 | |
| Parking Garage Operations, up to \$10,000 in fiscal year 2014 shall | | | | 150695 | |
| be used to support the 1st Ohio Light Artillery Battery A for the | | | | 150696 | |
| 150th Anniversary Reenactment of the Battle of Gettysburg, and up | | | | 150697 | |
| to \$15,000 in fiscal year 2015 shall be used for preparations in | | | | 150698 | |
| anticipation of the Lincoln Funeral Procession Train. | | | | 150699 | |
| Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND | | | | 150700 | |
| SCHOOLS | | | | 150701 | |

| | | | | |
|--|----|------------|---------------|--------|
| General Services Fund Group | | | | 150702 |
| 4K90 233601 Operating Expenses | \$ | 579,328 | \$ 579,328 | 150703 |
| TOTAL GSF General Services Fund | \$ | 579,328 | \$ 579,328 | 150704 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 579,328 | \$ 579,328 | 150705 |
|
Section 233.10. CAC CASINO CONTROL COMMISSION | | | | 150707 |
| State Special Revenue Fund Group | | | | 150708 |
| 5HS0 955321 Casino Control - | \$ | 13,121,283 | \$ 13,542,674 | 150709 |
| Operating | | | | |
| TOTAL SSR State Special Revenue | \$ | 13,121,283 | \$ 13,542,674 | 150710 |
| Fund Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 13,121,283 | \$ 13,542,674 | 150711 |
|
Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD | | | | 150713 |
| General Services Fund Group | | | | 150714 |
| 4K90 930609 Operating Expenses | \$ | 476,642 | \$ 469,349 | 150715 |
| TOTAL GSF General Services Fund | \$ | 476,642 | \$ 469,349 | 150716 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 476,642 | \$ 469,349 | 150717 |
|
Section 237.10. CHR STATE CHIROPRACTIC BOARD | | | | 150719 |
| General Services Fund Group | | | | 150720 |
| 4K90 878609 Operating Expenses | \$ | 617,829 | \$ 630,775 | 150721 |
| TOTAL GSF General Services Fund | \$ | 617,829 | \$ 630,775 | 150722 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 617,829 | \$ 630,775 | 150723 |
|
Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION | | | | 150725 |
| General Revenue Fund | | | | 150726 |
| GRF 876321 Operating Expenses | \$ | 4,725,784 | \$ 4,725,784 | 150727 |
| TOTAL GRF General Revenue Fund | \$ | 4,725,784 | \$ 4,725,784 | 150728 |

| | | | | |
|---|----|------------|---------------|--------|
| General Services Fund Group | | | | 150729 |
| 2170 876604 Operations Support | \$ | 4,000 | \$ 4,000 | 150730 |
| TOTAL GSF General Services | | | | 150731 |
| Fund Group | \$ | 4,000 | \$ 4,000 | 150732 |
| Federal Special Revenue Fund Group | | | | 150733 |
| 3340 876601 Federal Programs | \$ | 2,820,670 | \$ 2,947,983 | 150734 |
| TOTAL FED Federal Special Revenue | | | | 150735 |
| Fund Group | \$ | 2,820,670 | \$ 2,947,983 | 150736 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 7,550,454 | \$ 7,677,767 | 150737 |
|
 | | | | |
| Section 241.10. COM DEPARTMENT OF COMMERCE | | | | 150739 |
| General Services Fund Group | | | | 150740 |
| 1630 800620 Division of | \$ | 6,200,000 | \$ 6,200,000 | 150741 |
| Administration | | | | |
| 1630 800637 Information Technology | \$ | 6,011,977 | \$ 6,011,977 | 150742 |
| 5430 800602 Unclaimed | \$ | 7,737,546 | \$ 7,737,546 | 150743 |
| Funds-Operating | | | | |
| 5430 800625 Unclaimed Funds-Claims | \$ | 64,000,000 | \$ 64,000,000 | 150744 |
| 5F10 800635 Small Government Fire | \$ | 300,000 | \$ 300,000 | 150745 |
| Departments | | | | |
| TOTAL GSF General Services Fund | | | | 150746 |
| Group | \$ | 84,249,523 | \$ 84,249,523 | 150747 |
| Federal Special Revenue Fund Group | | | | 150748 |
| 3480 800622 Underground Storage | \$ | 1,129,518 | \$ 1,129,518 | 150749 |
| Tanks | | | | |
| 3480 800624 Leaking Underground | \$ | 1,556,211 | \$ 1,556,211 | 150750 |
| Storage Tanks | | | | |
| TOTAL FED Federal Special Revenue | | | | 150751 |
| Fund Group | \$ | 2,685,729 | \$ 2,685,729 | 150752 |
| State Special Revenue Fund Group | | | | 150753 |
| 4B20 800631 Real Estate Appraisal | \$ | 35,000 | \$ 35,000 | 150754 |

| | | | | | |
|---------------------------------|-------------------------|----|------------|----|-------------------|
| | Recovery | | | | |
| 4H90 800608 | Cemeteries | \$ | 266,688 | \$ | 266,688 150755 |
| 4X20 800619 | Financial Institutions | \$ | 1,854,298 | \$ | 1,854,298 150756 |
| 5440 800612 | Banks | \$ | 6,836,589 | \$ | 6,836,589 150757 |
| 5450 800613 | Savings Institutions | \$ | 2,259,536 | \$ | 2,259,536 150758 |
| 5460 800610 | Fire Marshal | \$ | 15,315,738 | \$ | 15,324,574 150759 |
| 5460 800639 | Fire Department Grants | \$ | 2,198,802 | \$ | 2,198,802 150760 |
| 5470 800603 | Real Estate | \$ | 69,655 | \$ | 69,655 150761 |
| | Education/Research | | | | |
| 5480 800611 | Real Estate Recovery | \$ | 50,000 | \$ | 50,000 150762 |
| 5490 800614 | Real Estate | \$ | 3,310,412 | \$ | 3,310,412 150763 |
| 5500 800617 | Securities | \$ | 4,238,814 | \$ | 4,238,814 150764 |
| 5520 800604 | Credit Union | \$ | 3,297,888 | \$ | 3,297,888 150765 |
| 5530 800607 | Consumer Finance | \$ | 3,481,692 | \$ | 3,481,692 150766 |
| 5560 800615 | Industrial Compliance | \$ | 26,612,520 | \$ | 27,104,205 150767 |
| 5FW0 800616 | Financial Literacy | \$ | 200,000 | \$ | 200,000 150768 |
| | Education | | | | |
| 5GK0 800609 | Securities Investor | \$ | 432,150 | \$ | 432,150 150769 |
| | Education/Enforcement | | | | |
| 5HV0 800641 | Cigarette Enforcement | \$ | 118,800 | \$ | 118,800 150770 |
| 5LP0 800646 | Liquor Regulatory | \$ | 7,988,921 | \$ | 7,844,537 150771 |
| | Operating Expenses | | | | |
| 5X60 800623 | Video Service | \$ | 337,224 | \$ | 337,224 150772 |
| 6530 800629 | UST Registration/Permit | \$ | 3,831,888 | \$ | 3,612,588 150773 |
| | Fee | | | | |
| 6A40 800630 | Real Estate | \$ | 672,973 | \$ | 672,973 150774 |
| | Appraiser-Operating | | | | |
| TOTAL SSR State Special Revenue | | | | | 150775 |
| Fund Group | | \$ | 83,409,588 | \$ | 83,546,425 150776 |
| Liquor Control Fund Group | | | | | 150777 |
| 5LC0 800644 | Liquor JobsOhio | \$ | 557,974 | \$ | 372,661 150778 |
| | Extraordinary | | | | |
| | Allowance | | | | |

| | | | | | | |
|------------------------------|---|----|-------------|----|-------------|--------|
| 5LN0 800645 | Liquor Operating | \$ | 13,949,342 | \$ | 9,316,535 | 150779 |
| | Services | | | | | |
| TOTAL LCF Liquor Control | | | | | | 150780 |
| Fund Group | | \$ | 14,507,316 | \$ | 9,689,196 | 150781 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 184,852,156 | \$ | 180,170,873 | 150782 |
| | ADMINISTRATIVE ASSESSMENTS | | | | | 150783 |
| | Notwithstanding any other provision of law to the contrary, | | | | | 150784 |
| | the Division of Administration Fund (Fund 1630) is entitled to | | | | | 150785 |
| | receive assessments from all operating funds of the Department in | | | | | 150786 |
| | accordance with procedures prescribed by the Director of Commerce | | | | | 150787 |
| | and approved by the Director of Budget and Management. | | | | | 150788 |
| | UNCLAIMED FUNDS PAYMENTS | | | | | 150789 |
| | The foregoing appropriation item 800625, Unclaimed | | | | | 150790 |
| | Funds-Claims, shall be used to pay claims under section 169.08 of | | | | | 150791 |
| | the Revised Code. If it is determined that additional amounts are | | | | | 150792 |
| | necessary, the amounts are appropriated. | | | | | 150793 |
| | FIRE DEPARTMENT GRANTS | | | | | 150794 |
| | Of the foregoing appropriation item 800639, Fire Department | | | | | 150795 |
| | Grants, up to \$2,198,802 in each fiscal year shall be used to make | | | | | 150796 |
| | annual grants to the following eligible recipients: volunteer fire | | | | | 150797 |
| | departments, fire departments that serve one or more small | | | | | 150798 |
| | municipalities or small townships, joint fire districts comprised | | | | | 150799 |
| | of fire departments that primarily serve small municipalities or | | | | | 150800 |
| | small townships, local units of government responsible for such | | | | | 150801 |
| | fire departments, and local units of government responsible for | | | | | 150802 |
| | the provision of fire protection services for small municipalities | | | | | 150803 |
| | or small townships. For the purposes of these grants, a private | | | | | 150804 |
| | fire company, as that phrase is defined in section 9.60 of the | | | | | 150805 |
| | Revised Code, that is providing fire protection services under a | | | | | 150806 |
| | contract to a political subdivision of the state, is an additional | | | | | 150807 |
| | eligible recipient for a training grant. | | | | | 150808 |

Eligible recipients that consist of small municipalities or 150809
small townships that all intend to contract with the same fire 150810
department or private fire company for fire protection services 150811
may jointly apply and be considered for a grant. If a joint 150812
applicant is awarded a grant, the State Fire Marshal shall, if 150813
feasible, proportionately award the grant and any equipment 150814
purchased with grant funds to each of the joint applicants based 150815
upon each applicant's contribution to and demonstrated need for 150816
fire protection services. 150817

If the grant awarded to joint applicants is an equipment 150818
grant and the equipment to be purchased cannot be readily 150819
distributed or possessed by multiple recipients, each of the joint 150820
applicants shall be awarded by the State Fire Marshal an ownership 150821
interest in the equipment so purchased in proportion to each 150822
applicant's contribution to and demonstrated need for fire 150823
protection services. The joint applicants shall then mutually 150824
agree on how the equipment is to be maintained, operated, stored, 150825
or disposed of. If, for any reason, the joint applicants cannot 150826
agree as to how jointly owned equipment is to be maintained, 150827
operated, stored, or disposed of or any of the joint applicants no 150828
longer maintain a contract with the same fire protection service 150829
provider as the other applicants, then the joint applicants shall, 150830
with the assistance of the State Fire Marshal, mutually agree as 150831
to how the jointly owned equipment is to be maintained, operated, 150832
stored, disposed of, or owned. If the joint applicants cannot 150833
agree how the grant equipment is to be maintained, operated, 150834
stored, disposed of, or owned, the State Fire Marshal may, in its 150835
discretion, require all of the equipment acquired by the joint 150836
applicants with grant funds to be returned to the State Fire 150837
Marshal. The State Fire Marshal may then award the returned 150838
equipment to any eligible recipients. 150839

Except as otherwise provided in this section, the grants 150840

shall be used by recipients to purchase firefighting or rescue 150841
equipment or gear or similar items, to provide full or partial 150842
reimbursement for the documented costs of firefighter training, 150843
or, at the discretion of the State Fire Marshal, to cover fire 150844
department costs for providing fire protection services in that 150845
grant recipient's jurisdiction. 150846

Of the foregoing appropriation item 800639, up to \$500,000 150847
per fiscal year may be used to pay for the State Fire Marshal's 150848
costs of providing firefighter I certification classes or other 150849
firefighter classes approved by the Department of Public Safety in 150850
accordance with section 4765.55 of the Revised Code at no cost to 150851
selected students attending the Ohio Fire Academy or other class 150852
providers approved by the State Fire Marshal. The State Fire 150853
Marshal may establish the qualifications and selection processes 150854
for students to attend such classes by written policy, and such 150855
students shall be considered eligible recipients of fire 150856
department grants for the purposes of this portion of the grant 150857
program. 150858

Grant awards for firefighting or rescue equipment or gear or 150859
for fire department costs of providing fire protection services 150860
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 150861
fiscal year if an eligible entity serves a jurisdiction in which 150862
the Governor declared a natural disaster during the preceding or 150863
current fiscal year in which the grant was awarded. In addition to 150864
any grant funds awarded for rescue equipment or gear, or for fire 150865
department costs associated with the provision of fire protection 150866
services, an eligible entity may receive a grant for up to \$15,000 150867
per fiscal year for full or partial reimbursement of the 150868
documented costs of firefighter training. For each fiscal year, 150869
the State Fire Marshal shall determine the total amounts to be 150870
allocated for each eligible purpose. 150871

The grant program shall be administered by the State Fire 150872

Marshal in accordance with rules the State Fire Marshal adopts as 150873
part of the state fire code adopted pursuant to section 3737.82 of 150874
the Revised Code that are necessary for the administration and 150875
operation of the grant program. The rules may further define the 150876
entities eligible to receive grants and establish criteria for the 150877
awarding and expenditure of grant funds, including methods the 150878
State Fire Marshal may use to verify the proper use of grant funds 150879
or to obtain reimbursement for or the return of equipment for 150880
improperly used grant funds. Any amounts in appropriation item 150881
800639, Fire Department Grants, in excess of the amount allocated 150882
for these grants may be used for the administration of the grant 150883
program. 150884

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 150885

The Director of Budget and Management, upon the request of 150886
the Director of Commerce, may transfer up to \$500,000 in cash from 150887
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 150888
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 150889
the Division of Real Estate Operating Fund (Fund 5490) during the 150890
biennium ending June 30, 2015. 150891

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 150892

General Services Fund Group 150893

| | | | | | | |
|-------------|--------------------|----|-----------|----|-----------|--------|
| 5F50 053601 | Operating Expenses | \$ | 5,641,093 | \$ | 5,641,093 | 150894 |
|-------------|--------------------|----|-----------|----|-----------|--------|

| | | | | | | |
|-----------|-----------------------|----|-----------|----|-----------|--------|
| TOTAL GSF | General Services Fund | \$ | 5,641,093 | \$ | 5,641,093 | 150895 |
|-----------|-----------------------|----|-----------|----|-----------|--------|

Group

| | | | | | | |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 5,641,093 | \$ | 5,641,093 | 150896 |
|------------------------------|--|----|-----------|----|-----------|--------|

Section 245.10. CEB CONTROLLING BOARD 150898

General Revenue Fund 150899

| | | | | | | |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 911441 | Ballot Advertising | \$ | 475,000 | \$ | 475,000 | 150900 |
|------------|--------------------|----|---------|----|---------|--------|

Costs

| | | | | | | |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 475,000 | \$ | 475,000 | 150901 |
|-----------|----------------------|----|---------|----|---------|--------|

| | | | | | |
|--|----|------------|----|------------|--------|
| General Services Fund Group | | | | 150902 | |
| 5KM0 911614 CB Emergency Purposes | \$ | 10,000,000 | \$ | 10,000,000 | 150903 |
| TOTAL GSF General Services Fund | \$ | 10,000,000 | \$ | 10,000,000 | 150904 |
| Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 10,475,000 | \$ | 10,475,000 | 150905 |
| FEDERAL SHARE | | | | | 150906 |
| In transferring appropriations to or from appropriation items | | | | | 150907 |
| that have federal shares identified in this act, the Controlling | | | | | 150908 |
| Board shall add or subtract corresponding amounts of federal | | | | | 150909 |
| matching funds at the percentages indicated by the state and | | | | | 150910 |
| federal division of the appropriations in this act. Such changes | | | | | 150911 |
| are hereby appropriated. | | | | | 150912 |
| DISASTER SERVICES | | | | | 150913 |
| Pursuant to requests submitted by the Department of Public | | | | | 150914 |
| Safety, the Controlling Board may approve transfers from the | | | | | 150915 |
| Disaster Services Fund (5E20) to a fund and appropriation item | | | | | 150916 |
| used by the Department of Public Safety to provide for assistance | | | | | 150917 |
| to political subdivisions made necessary by natural disasters or | | | | | 150918 |
| emergencies. These transfers may be requested and approved prior | | | | | 150919 |
| to the occurrence of any specific natural disasters or emergencies | | | | | 150920 |
| in order to facilitate the provision of timely assistance. The | | | | | 150921 |
| Emergency Management Agency of the Department of Public Safety | | | | | 150922 |
| shall use the funding to fund the State Disaster Relief Program | | | | | 150923 |
| for disasters that have a written Governor's authorization, and | | | | | 150924 |
| the State Individual Assistance Program for disasters that have a | | | | | 150925 |
| written Governor's authorization and is declared by the federal | | | | | 150926 |
| Small Business Administration. The Ohio Emergency Management | | | | | 150927 |
| Agency shall publish and make available application packets | | | | | 150928 |
| outlining procedures for the State Disaster Relief Program and the | | | | | 150929 |
| State Individual Assistance Program. | | | | | 150930 |
| Fund 5E20 shall be used by the Controlling Board, pursuant to | | | | | 150931 |

requests submitted by state agencies, to transfer cash and 150932
appropriations to any fund and appropriation item for the payment 150933
of state agency disaster relief program expenses for disasters 150934
that have a written Governor's authorization, if the Director of 150935
Budget and Management determines that sufficient funds exist. 150936

Upon the request of the Department of Public Safety, the 150937
Controlling Board may release up to \$3,000,000 for Blanchard River 150938
flood mitigation projects. 150939

BALLOT ADVERTISING COSTS 150940

Pursuant to section 3501.17 of the Revised Code, and upon 150941
requests submitted by the Secretary of State, the Controlling 150942
Board shall approve transfers from the foregoing appropriation 150943
item 911441, Ballot Advertising Costs, to appropriation item 150944
050621, Statewide Ballot Advertising, in order to pay for the cost 150945
of public notices associated with statewide ballot initiatives. 150946

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 150947
ELIGIBILITY 150948

A state agency director shall request that the Controlling 150949
Board increase the amount of the agency's capital appropriations 150950
if the director determines such an increase is necessary for the 150951
agency to receive and use funds under the federal American 150952
Recovery and Reinvestment Act of 2009. The Controlling Board may 150953
increase the capital appropriations pursuant to the request up to 150954
the exact amount necessary under the federal act if the Board 150955
determines it is necessary for the agency to receive and use those 150956
federal funds. 150957

Section 247.10. COS STATE BOARD OF COSMETOLOGY 150958

General Services Fund Group 150959
4K90 879609 Operating Expenses \$ 3,474,030 \$ 3,474,030 150960
TOTAL GSF General Services Fund 150961

| | | | | | |
|------------------------------|----|-----------|----|-----------|--------|
| Group | \$ | 3,474,030 | \$ | 3,474,030 | 150962 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 3,474,030 | \$ | 3,474,030 | 150963 |

Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 150965
AND FAMILY THERAPIST BOARD 150966

| | | | | | |
|---------------------------------|----|-----------|----|-----------|--------|
| General Services Fund Group | | | | | 150967 |
| 4K90 899609 Operating Expenses | \$ | 1,265,856 | \$ | 1,281,478 | 150968 |
| TOTAL GSF General Services Fund | | | | | 150969 |
| Group | \$ | 1,265,856 | \$ | 1,281,478 | 150970 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,265,856 | \$ | 1,281,478 | 150971 |

Section 251.10. CLA COURT OF CLAIMS 150973

| | | | | | |
|----------------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund | | | | | 150974 |
| GRF 015321 Operating Expenses | \$ | 2,501,052 | \$ | 2,501,052 | 150975 |
| TOTAL GRF General Revenue Fund | \$ | 2,501,052 | \$ | 2,501,052 | 150976 |
| State Special Revenue Fund Group | | | | | 150977 |
| 5K20 015603 CLA Victims of Crime | \$ | 415,556 | \$ | 415,953 | 150978 |
| TOTAL SSR State Special Revenue | | | | | 150979 |
| Fund Group | \$ | 415,556 | \$ | 415,953 | 150980 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,916,608 | \$ | 2,917,005 | 150981 |

Section 251.20. AFC OHIO CULTURAL FACILITIES COMMISSION 150983

| | | | | | |
|----------------------------------|----|------------|----|---|--------|
| General Revenue Fund | | | | | 150984 |
| GRF 371401 Lease Rental Payments | \$ | 22,555,872 | \$ | 0 | 150985 |
| TOTAL GRF General Revenue Fund | \$ | 22,555,872 | \$ | 0 | 150986 |
| State Special Revenue Fund Group | | | | | 150987 |
| 4T80 371601 Riffe Theatre | \$ | 40,446 | \$ | 0 | 150988 |
| Equipment Maintenance | | | | | |
| 4T80 371603 Project | \$ | 250,000 | \$ | 0 | 150989 |
| Administration | | | | | |
| Services | | | | | |
| TOTAL SSR State Special Revenue | \$ | 290,446 | \$ | 0 | 150990 |

Group

| | | | |
|--|------------------|---|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ 22,846,318 \$ | 0 | 150991 |
| LEASE RENTAL PAYMENTS | | | 150992 |
| The foregoing appropriation item 371401, Lease Rental | | | 150993 |
| Payments, shall be used to meet all payments at the times they are | | | 150994 |
| required to be made during the period from July 1, 2013, through | | | 150995 |
| December 31, 2013, from the Ohio Cultural Facilities Commission | | | 150996 |
| under the primary leases and agreements for those arts and sports | | | 150997 |
| facilities made under Chapters 152. and 154. of the Revised Code. | | | 150998 |
| These appropriations are the source of funds pledged for bond | | | 150999 |
| service charges on related obligations issued under Chapters 152. | | | 151000 |
| and 154. of the Revised Code. | | | 151001 |
| PROJECT ADMINISTRATION SERVICES | | | 151002 |
| The foregoing appropriation item 371603, Project | | | 151003 |
| Administration Services, shall be used by the Ohio Cultural | | | 151004 |
| Facilities Commission in administering Cultural and Sports | | | 151005 |
| Facilities Building Fund (Fund 7030) projects pursuant to Chapter | | | 151006 |
| 3383. of the Revised Code. | | | 151007 |
| By the tenth day following each calendar quarter in each | | | 151008 |
| fiscal year, or as soon as possible thereafter, the Director of | | | 151009 |
| Budget and Management shall determine the amount of cash from | | | 151010 |
| interest earnings to be transferred from the Cultural and Sports | | | 151011 |
| Facilities Building Fund (Fund 7030) to the Cultural Facilities | | | 151012 |
| Commission Administration Fund (Fund 4T80). | | | 151013 |
| As soon as possible after each bond issuance made on behalf | | | 151014 |
| of the Cultural Facilities Commission, the Director of Budget and | | | 151015 |
| Management shall determine the amount of cash from any premium | | | 151016 |
| paid on each issuance that is available to be transferred, after | | | 151017 |
| all issuance costs have been paid, from the Cultural and Sports | | | 151018 |
| Facilities Building Fund (Fund 7030) to the Cultural Facilities | | | 151019 |
| Commission Administration Fund (Fund 4T80). | | | 151020 |

| | |
|--|--------|
| CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS | 151021 |
| The Executive Director of the Cultural Facilities Commission | 151022 |
| shall certify to the Director of Budget and Management the amount | 151023 |
| of cash receipts and related investment income, irrevocable | 151024 |
| letters of credit from a bank, or certification of the | 151025 |
| availability of funds that have been received from a county or a | 151026 |
| municipal corporation for deposit into the Capital Donations Fund | 151027 |
| (Fund 5A10) and that are related to an anticipated project. These | 151028 |
| amounts are hereby appropriated to appropriation item C37146, | 151029 |
| Capital Donations. Prior to certifying these amounts to the | 151030 |
| Director, the Executive Director shall make a written agreement | 151031 |
| with the participating entity on the necessary cash flows required | 151032 |
| for the anticipated construction or equipment acquisition project. | 151033 |
|
 | |
| Section 253.10. DEN STATE DENTAL BOARD | 151034 |
| General Services Fund Group | 151035 |
| 4K90 880609 Operating Expenses \$ 1,566,484 \$ 1,566,484 | 151036 |
| TOTAL GSF General Services Fund | 151037 |
| Group \$ 1,566,484 \$ 1,566,484 | 151038 |
| TOTAL ALL BUDGET FUND GROUPS \$ 1,566,484 \$ 1,566,484 | 151039 |
|
 | |
| Section 255.10. BDP BOARD OF DEPOSIT | 151041 |
| General Services Fund Group | 151042 |
| 4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 | 151043 |
| TOTAL GSF General Services Fund | 151044 |
| Group \$ 1,876,000 \$ 1,876,000 | 151045 |
| TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 | 151046 |
|
 | |
| BOARD OF DEPOSIT EXPENSE FUND | 151047 |
| Upon receiving certification of expenses from the Treasurer | 151048 |
| of State, the Director of Budget and Management shall transfer | 151049 |
| cash from the Investment Earnings Redistribution Fund (Fund 6080) | 151050 |
| to the Board of Deposit Expense Fund (Fund 4M20). The latter fund | 151051 |

shall be used pursuant to section 135.02 of the Revised Code to 151052
pay for any and all necessary expenses of the Board of Deposit or 151053
for banking charges and fees required for the operation of the 151054
State of Ohio Regular Account. 151055

Section 257.10. DEV DEVELOPMENT SERVICES AGENCY 151056

General Revenue Fund 151057

GRF 195402 Coal Research \$ 261,205 \$ 261,405 151058
Operating

GRF 195405 Minority Business \$ 1,693,691 \$ 1,693,691 151059
Development

GRF 195407 Travel and Tourism \$ 1,300,000 \$ 0 151060

GRF 195415 Business Development \$ 2,413,387 \$ 2,413,387 151061
Services

GRF 195426 Redevelopment \$ 468,365 \$ 468,365 151062
Assistance

GRF 195497 CDBG Operating Match \$ 1,015,000 \$ 1,015,000 151063

GRF 195501 Appalachian Local \$ 440,000 \$ 440,000 151064
Development Districts

GRF 195532 Technology Programs \$ 13,547,341 \$ 13,547,341 151065
and Grants

GRF 195533 Business Assistance \$ 4,205,774 \$ 4,205,774 151066

GRF 195535 Appalachia Assistance \$ 3,846,482 \$ 3,846,482 151067

GRF 195537 Ohio-Israel \$ 150,000 \$ 150,000 151068
Agricultural
Initiative

GRF 195901 Coal Research & \$ 2,858,900 \$ 4,327,200 151069
Development General
Obligation Debt
Service

GRF 195905 Third Frontier \$ 66,511,600 \$ 83,783,000 151070
Research &

| | | | | | | |
|-----------|--------|------------------------------------|----|-------------|----|--------------------|
| | | Development General | | | | |
| | | Obligation Debt | | | | |
| | | Service | | | | |
| GRF | 195912 | Job Ready Site | \$ | 15,498,400 | \$ | 19,124,500 151071 |
| | | Development General | | | | |
| | | Obligation Debt | | | | |
| | | Service | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 114,210,145 | \$ | 135,276,145 151072 |
| | | General Services Fund Group | | | | 151073 |
| 1350 | 195684 | Development Services | \$ | 10,800,000 | \$ | 10,800,000 151074 |
| | | Operations | | | | |
| 4W10 | 195646 | Minority Business | \$ | 2,500,000 | \$ | 2,500,000 151075 |
| | | Enterprise Loan | | | | |
| 5KN0 | 195640 | Local Government | \$ | 16,130,986 | \$ | 16,000,000 151076 |
| | | Innovation | | | | |
| 5MB0 | 195623 | Business Incentive | \$ | 15,000,000 | \$ | 0 151077 |
| | | Grants | | | | |
| 5MK0 | 195600 | Vacant Facilities | \$ | 1,000,000 | \$ | 1,000,000 151078 |
| | | Grant | | | | |
| 5W50 | 195690 | Travel and Tourism | \$ | 150,000 | \$ | 150,000 151079 |
| | | Cooperative Projects | | | | |
| 6850 | 195636 | Development Services | \$ | 700,000 | \$ | 700,000 151080 |
| | | Reimbursable | | | | |
| | | Expenditures | | | | |
| TOTAL GSF | | General Services Fund | | | | 151081 |
| | | Group | \$ | 46,280,986 | \$ | 31,150,000 151082 |
| | | Federal Special Revenue Fund Group | | | | 151083 |
| 3080 | 195602 | Appalachian Regional | \$ | 475,000 | \$ | 475,000 151084 |
| | | Commission | | | | |
| 3080 | 195603 | Housing Assistance | \$ | 10,000,000 | \$ | 10,000,000 151085 |
| | | Programs | | | | |
| 3080 | 195609 | Small Business | \$ | 5,271,381 | \$ | 5,271,381 151086 |

| | | Administration Grants | | | | | |
|------|--------|---|----|-------------|----|-------------|--------|
| 3080 | 195618 | Energy Grants | \$ | 9,307,779 | \$ | 4,109,193 | 151087 |
| 3080 | 195670 | Home Weatherization
Program | \$ | 17,000,000 | \$ | 17,000,000 | 151088 |
| 3080 | 195671 | Brownfield
Redevelopment | \$ | 5,000,000 | \$ | 5,000,000 | 151089 |
| 3080 | 195672 | Manufacturing
Extension Partnership | \$ | 5,359,305 | \$ | 5,359,305 | 151090 |
| 3080 | 195675 | Procurement Technical
Assistance | \$ | 600,000 | \$ | 600,000 | 151091 |
| 3080 | 195681 | SBDC Disability
Consulting | \$ | 1,300,000 | \$ | 1,300,000 | 151092 |
| 3350 | 195610 | Energy Programs | \$ | 200,000 | \$ | 200,000 | 151093 |
| 3AE0 | 195643 | Workforce Development
Initiatives | \$ | 1,800,000 | \$ | 1,800,000 | 151094 |
| 3DB0 | 195642 | Federal Stimulus -
Energy Efficiency &
Conservation Block
Grants | \$ | 38,152 | \$ | 0 | 151095 |
| 3FJ0 | 195626 | Small Business
Capital Access and
Collateral
Enhancement Program | \$ | 32,046,846 | \$ | 5,655,326 | 151096 |
| 3FJ0 | 195661 | Technology Targeted
Investment Program | \$ | 12,750,410 | \$ | 2,250,072 | 151097 |
| 3K80 | 195613 | Community Development
Block Grant | \$ | 65,000,000 | \$ | 65,000,000 | 151098 |
| 3K90 | 195611 | Home Energy
Assistance Block
Grant | \$ | 172,000,000 | \$ | 172,000,000 | 151099 |
| 3K90 | 195614 | HEAP Weatherization | \$ | 22,000,000 | \$ | 22,000,000 | 151100 |
| 3L00 | 195612 | Community Services
Block Grant | \$ | 27,240,217 | \$ | 27,240,217 | 151101 |

| | | | | | | | |
|----------------------------------|--------|--|----|-------------|----|-------------|--------|
| 3V10 | 195601 | HOME Program | \$ | 30,000,000 | \$ | 30,000,000 | 151102 |
| TOTAL FED | | Federal Special Revenue | | | | | 151103 |
| Fund Group | | | \$ | 417,389,090 | \$ | 375,260,494 | 151104 |
| State Special Revenue Fund Group | | | | | | | 151105 |
| 4500 | 195624 | Minority Business Bonding Program Administration | \$ | 74,868 | \$ | 74,905 | 151106 |
| 4510 | 195649 | Business Assistance Programs | \$ | 6,300,800 | \$ | 6,700,800 | 151107 |
| 4F20 | 195639 | State Special Projects | \$ | 102,145 | \$ | 102,104 | 151108 |
| 4F20 | 195699 | Utility Community Assistance | \$ | 500,000 | \$ | 500,000 | 151109 |
| 5CG0 | 195679 | Alternative Fuel Transportation | \$ | 750,000 | \$ | 750,000 | 151110 |
| 5HR0 | 195526 | Incumbent Workforce Training Vouchers | \$ | 30,000,000 | \$ | 30,000,000 | 151111 |
| 5HR0 | 195622 | Defense Development Assistance | \$ | 5,000,000 | \$ | 5,000,000 | 151112 |
| 5JR0 | 195635 | Redevelopment Program Support | \$ | 100,000 | \$ | 100,000 | 151113 |
| 5KP0 | 195645 | Historic Rehab Operating | \$ | 650,000 | \$ | 650,000 | 151114 |
| 5LU0 | 195673 | Racetrack Facility Community Economic Redevelopment Fund | \$ | 12,000,000 | \$ | 0 | 151115 |
| 5M40 | 195659 | Low Income Energy Assistance (USF) | \$ | 350,000,000 | \$ | 350,000,000 | 151116 |
| 5M50 | 195660 | Advanced Energy Loan Programs | \$ | 8,000,000 | \$ | 8,000,000 | 151117 |
| 5MH0 | 195644 | SiteOhio Administration | \$ | 100,000 | \$ | 100,000 | 151118 |
| 5MJ0 | 195683 | TourismOhio Administration | \$ | 8,000,000 | \$ | 8,000,000 | 151119 |

| | | | | | | | |
|--|--------|--|----|-------------|----|-------------|--------|
| 5W60 | 195691 | International Trade
Cooperative Projects | \$ | 18,000 | \$ | 18,000 | 151120 |
| 6170 | 195654 | Volume Cap
Administration | \$ | 32,562 | \$ | 32,562 | 151121 |
| 6460 | 195638 | Low- and Moderate-
Income Housing Trust
Fund | \$ | 53,000,000 | \$ | 53,000,000 | 151122 |
| TOTAL SSR State Special Revenue | | | | | | | 151123 |
| Fund Group | | | \$ | 474,628,375 | \$ | 463,028,371 | 151124 |
| Facilities Establishment Fund Group | | | | | | | 151125 |
| 5S90 | 195628 | Capital Access Loan
Program | \$ | 3,000,000 | \$ | 3,000,000 | 151126 |
| 7009 | 195664 | Innovation Ohio | \$ | 15,000,000 | \$ | 15,000,000 | 151127 |
| 7010 | 195665 | Research and
Development | \$ | 22,000,000 | \$ | 22,000,000 | 151128 |
| 7037 | 195615 | Facilities
Establishment | \$ | 50,000,000 | \$ | 50,000,000 | 151129 |
| TOTAL 037 Facilities | | | | | | | 151130 |
| Establishment Fund Group | | | \$ | 90,000,000 | \$ | 90,000,000 | 151131 |
| Clean Ohio Revitalization Fund | | | | | | | 151132 |
| 7003 | 195663 | Clean Ohio Program | \$ | 950,000 | \$ | 950,000 | 151133 |
| TOTAL 7003 Clean Ohio | | | \$ | 950,000 | \$ | 950,000 | 151134 |
| Revitalization Fund | | | | | | | |
| Third Frontier Research & Development Fund Group | | | | | | | 151135 |
| 7011 | 195686 | Third Frontier
Operating | \$ | 1,149,750 | \$ | 1,149,750 | 151136 |
| 7011 | 195687 | Third Frontier
Research &
Development Projects | \$ | 90,850,250 | \$ | 90,850,250 | 151137 |
| 7014 | 195620 | Third Frontier
Operating - Tax | \$ | 1,700,000 | \$ | 1,700,000 | 151138 |
| 7014 | 195692 | Research & | \$ | 38,300,000 | \$ | 38,300,000 | 151139 |

| | | | |
|--|------------------|------------------|--------------------------------------|
| Development Taxable | | | |
| Bond Projects | | | |
| TOTAL 011 Third Frontier Research & Development Fund Group | \$ 132,000,000 | \$ 132,000,000 | 151140 |
| Job Ready Site Development Fund Group | | | 151141 |
| 7012 195688 Job Ready Site Development | \$ 800,000 | \$ 800,000 | 151142 |
| TOTAL 012 Job Ready Site Development Fund Group | \$ 800,000 | \$ 800,000 | 151143 |
| Tobacco Master Settlement Agreement Fund Group | | | 151144 |
| M087 195435 Biomedical Research and Technology Transfer | \$ 1,896,595 | \$ 1,906,025 | 151145 |
| TOTAL TSF Tobacco Master Settlement Agreement Fund Group | \$ 1,896,595 | \$ 1,906,025 | 151146 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 1,278,155,191 | \$ 1,230,371,035 | 151147 |
| Section 257.20. COAL RESEARCH OPERATING | | | 151149 |
| The foregoing appropriation item 195402, Coal Research Operating, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. | | | 151150
151151
151152
151153 |
| TRAVEL AND TOURISM | | | 151154 |
| The foregoing appropriation item 195407, Travel and Tourism, shall be used for marketing the state of Ohio as a tourism destination and to support administrative expenses and contracts necessary to market Ohio. | | | 151155
151156
151157
151158 |
| BUSINESS DEVELOPMENT SERVICES | | | 151159 |
| The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices | | | 151160
151161
151162 |

| | |
|--|--|
| and for grants for cooperative economic development ventures. | 151163 |
| REDEVELOPMENT ASSISTANCE | 151164 |
| The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the Clean Ohio Revitalization program and other urban revitalization programs that may be implemented by the Development Services Agency. | 151165
151166
151167
151168
151169 |
| CDBG OPERATING MATCH | 151170 |
| The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto. | 151171
151172
151173
151174
151175 |
| APPALACHIAN LOCAL DEVELOPMENT DISTRICTS | 151176 |
| The foregoing appropriation item 195501, Appalachian Local Development Districts, shall be used to support four local development districts. Of the foregoing appropriation amount in each fiscal year, up to \$135,000 shall be allocated to the Ohio Valley Regional Development Commission, up to \$135,000 shall be allocated to the Ohio Mid-Eastern Government Association, up to \$135,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and up to \$35,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code. | 151177
151178
151179
151180
151181
151182
151183
151184
151185
151186
151187
151188 |
| TECHNOLOGY PROGRAMS AND GRANTS | 151189 |
| Of the foregoing appropriation item 195532, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio | 151190
151191
151192 |

Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; and up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to 122.38 of the Revised Code, of which not less than \$7,650,000 shall be allocated for the Edison Center Network entities defined in division (C) of section 122.33 of the Revised Code, \$2,000,000 of which shall be allocated on a competitive basis among the entities, and not more than ten per cent shall be used for operating expenses incurred in administering the program.

BUSINESS ASSISTANCE

The foregoing appropriation item 195533, Business Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote minority business development, small business development, entrepreneurship, and exports of Ohio's goods and services. This appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 as amended by Public Law No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing appropriation item 195535, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission.

OHIO-ISRAEL AGRICULTURE INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel

| | |
|---|--|
| Agricultural Initiative. | 151224 |
| COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE | 151225 |
| The foregoing appropriation line item 195901, Coal Research and Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2013, through June 30, 2015 for obligations issued under sections 151.01 and 151.07 of the Revised Code. | 151226
151227
151228
151229
151230 |
| THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE | 151231
151232 |
| The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code. | 151233
151234
151235
151236
151237
151238 |
| JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE | 151239 |
| The foregoing appropriation item 195912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code. | 151240
151241
151242
151243
151244
151245 |
| Section 257.30. DEVELOPMENT SERVICES OPERATIONS | 151246 |
| The Director of Development Services may assess offices of the agency for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher. | 151247
151248
151249
151250
151251
151252 |
| LOCAL GOVERNMENT INNOVATION FUND | 151253 |

The foregoing appropriation item 195640, Local Government Innovation, shall be used for the purposes of making loans and grants to political subdivisions under the Local Government Innovation Program in accordance with sections 189.01 to 189.10 of the Revised Code. Of the foregoing appropriation item 195640, Local Government Innovation, up to \$175,000 in each fiscal year shall be used for administrative costs incurred by the Development Services Agency.

TRAVEL AND TOURISM COOPERATIVE PROJECTS 151262

The foregoing appropriation item 195690, Travel and Tourism Cooperative Projects, shall consist solely of leveraged private sector paid advertising dollars received in tourism marketing assistance and co-op programs. These funds are to be used for the marketing and promotion of travel and tourism in Ohio.

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 151268

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the agency. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs.

Section 257.40. WORKFORCE DEVELOPMENT INITIATIVES 151274

Of the foregoing appropriation item 195643, Workforce Development Initiatives, \$500,000 in fiscal year 2014 shall be used to fund the Heavy Machinery Pilot Program at Central Ohio Technical College for tuition support and reimbursement to train approximately 30 students for careers in construction and the oil and gas industries in Eastern Ohio and statewide.

Of the foregoing appropriation item 195643, Workforce Development Initiative, \$500,000 in each fiscal year shall be used for grants to BioOhio to support the Bioscience Workforce

Development Initiative for training incumbent and prospective 151284
workers in the bioscience manufacturing industry in partnership 151285
with community colleges. BioOhio shall provide an annual report to 151286
the Office of the Governor and the General Assembly assessing the 151287
progress of the BioScience Workforce Development Initiative, and 151288
the report shall include enrollment and placement statistics. 151289

HEAP WEATHERIZATION 151290

Up to twenty-five per cent of the federal funds deposited to 151291
the credit of the Home Energy Assistance Block Grant Fund (Fund 151292
3K90) may be expended from appropriation item 195614, HEAP 151293
Weatherization, to provide home weatherization services in the 151294
state as determined by the Director of Development Services. Any 151295
transfers or increases in appropriation for the foregoing 151296
appropriation items 195614, HEAP Weatherization, or 195611, Home 151297
Energy Assistance Block Grant, shall be subject to approval by the 151298
Controlling Board. 151299

Section 257.50. BUSINESS ASSISTANCE PROGRAMS 151300

The foregoing appropriation item 195649, Business Assistance 151301
Programs, shall be used for administrative expenses associated 151302
with the operation of tax credit programs, loan servicing, the 151303
Ohio Film Office, workforce initiatives, and the Office of 151304
Strategic Business Investments. 151305

STATE SPECIAL PROJECTS 151306

The State Special Projects Fund (Fund 4F20), may be used for 151307
the deposit of private-sector funds from utility companies and for 151308
the deposit of other miscellaneous state funds. State moneys so 151309
deposited may also be used to match federal housing grants for the 151310
homeless. 151311

MINORITY BUSINESS ENTERPRISE LOAN 151312

All repayments from the Minority Development Financing 151313

Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 151314
Program shall be deposited in the State Treasury to the credit of 151315
the Minority Business Enterprise Loan Fund (Fund 4W10). 151316

MINORITY BUSINESS BONDING FUND 151317

Notwithstanding Chapters 122., 169., and 175. of the Revised 151318
Code, the Director of Development Services may, upon the 151319
recommendation of the Minority Development Financing Advisory 151320
Board, pledge up to \$10,000,000 in the fiscal year 2014-fiscal 151321
year 2015 biennium of unclaimed funds administered by the Director 151322
of Commerce and allocated to the Minority Business Bonding Program 151323
under section 169.05 of the Revised Code. 151324

If needed for the payment of losses arising from the Minority 151325
Business Bonding Program, the Director of Budget and Management 151326
may, at the request of the Director of Development Services, 151327
request that the Director of Commerce transfer unclaimed funds 151328
that have been reported by holders of unclaimed funds under 151329
section 169.05 of the Revised Code to the Minority Bonding Fund 151330
(Fund 4490). The transfer of unclaimed funds shall only occur 151331
after proceeds of the initial transfer of \$2,700,000 by the 151332
Controlling Board to the Minority Business Bonding Program have 151333
been used for that purpose. If expenditures are required for 151334
payment of losses arising from the Minority Business Bonding 151335
Program, such expenditures shall be made from appropriation item 151336
195658, Minority Business Bonding Contingency in the Minority 151337
Business Bonding Fund, and such amounts are hereby appropriated. 151338

INCUMBENT WORKFORCE TRAINING VOUCHERS 151339

(A) The Director of Budget and Management may transfer up to 151340
\$30,000,000 cash in each fiscal year from the Economic Development 151341
Programs Fund (Fund 5JC0) used by the Board of Regents to the Ohio 151342
Incumbent Workforce Job Training Fund (Fund 5HR0) used by the 151343
Development Services Agency. 151344

(B) Of the foregoing appropriation item 195526, Incumbent Workforce Training Vouchers, up to \$30,000,000 in each fiscal year shall be used to support the Ohio Incumbent Workforce Training Voucher Program.

(C) The Ohio Incumbent Workforce Training Voucher Program shall conform to guidelines for the operation of the program, including, but not limited to, the following:

(1) A requirement that a training voucher under the program shall not exceed \$6,000 per worker per year;

(2) A provision for an employer of an eligible employee to apply for a voucher on behalf of the eligible employee;

(3) A provision for an eligible employee to apply directly for a training voucher with the pre-approval of the employee's employer; and

(4) A requirement that an employee participating in the program, or the employee's employer, shall pay for not less than thirty-three per cent of the training costs under the program.

On July 1, 2014, or as soon as possible thereafter, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balance of the prior fiscal year's appropriation to the foregoing appropriation item 195526, Incumbent Workforce Training Vouchers, for fiscal year 2015. The Director of Budget and Management may request additional information necessary for evaluating the request, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amount to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2015.

DEFENSE DEVELOPMENT ASSISTANCE

The Director of Budget and Management shall transfer up to 151376
\$5,000,000 in cash in each fiscal year from the Economic 151377
Development Programs Fund (Fund 5JC0) used by the Board of Regents 151378
to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used 151379
by the Development Services Agency. The transferred funds shall be 151380
used for appropriation item 195622, Defense Development 151381
Assistance, for economic development programs and the creation of 151382
new jobs to leverage and support mission gains at Department of 151383
Defense facilities in Ohio by working with future base realignment 151384
and closure activities and ongoing Department of Defense 151385
efficiency initiatives, assisting efforts to secure Department of 151386
Defense support contracts for Ohio companies, assessing and 151387
supporting regional job training and workforce development needs 151388
generated by the Department of Defense and the Ohio aerospace 151389
industry, and for expanding job training and economic development 151390
programs in human performance related initiatives. A portion of 151391
these funds shall be matched in the aggregate amount of \$5,000,000 151392
by either public or private industry partners, educational 151393
entities, or federal agencies. 151394

Of the foregoing appropriation item 195622, Defense 151395
Development Assistance, \$3,000,000 shall be used by Applied 151396
Research Corporation to support education or research projects 151397
conducted by public-private partnerships in Ohio that seek to 151398
develop and train the workforce of Ohio in all industries. 151399

On July 1, 2014, or as soon as possible thereafter, the 151400
Director of Development Services may request that the Director of 151401
Budget and Management reappropriate any unexpended, unencumbered 151402
balance of the prior fiscal year's appropriation to the foregoing 151403
appropriation item 195622, Defense Development Assistance, for 151404
fiscal year 2015. The Director of Budget and Management may 151405
request additional information necessary for evaluating the 151406
request, and the Director of Development Services shall provide 151407

the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amount to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2015.

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development Services.

TOURISMOHIO ADMINISTRATION

Of the foregoing appropriation item 195683, TourismOhio Administration, \$1,000,000 in fiscal year 2014 shall be used to administer a program established by the Development Services Agency pursuant to section 122.121 of the Revised Code.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

Section 257.60. CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program

shall be used to assist participating financial institutions in 151438
making program loans to eligible businesses that face barriers in 151439
accessing working capital and obtaining fixed-asset financing. 151440

INNOVATION OHIO LOAN FUND 151441

The foregoing appropriation item 195664, Innovation Ohio, 151442
shall be used to provide for Innovation Ohio purposes, including 151443
loan guarantees and loans under Chapter 166. and particularly 151444
sections 166.12 to 166.16 of the Revised Code. 151445

RESEARCH AND DEVELOPMENT 151446

The foregoing appropriation item 195665, Research and 151447
Development, shall be used to provide for research and development 151448
purposes, including loans, under Chapter 166. and particularly 151449
sections 166.17 to 166.21 of the Revised Code. 151450

FACILITIES ESTABLISHMENT 151451

The foregoing appropriation item 195615, Facilities 151452
Establishment, shall be used for the purposes of the Facilities 151453
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 151454
Code. 151455

Notwithstanding Chapter 166. of the Revised Code, an amount 151456
not to exceed \$3,000,000 in cash in each fiscal year may be 151457
transferred from the Facilities Establishment Fund (Fund 7037) to 151458
the Business Assistance Fund (Fund 4510). The transfer is subject 151459
to Controlling Board approval under division (B) of section 166.03 151460
of the Revised Code. 151461

Notwithstanding Chapter 166. of the Revised Code, the 151462
Director of Budget and Management may transfer an amount not to 151463
exceed \$1,000,000 in cash in each fiscal year from the Facilities 151464
Establishment Fund (Fund 7037) to the Minority Business Enterprise 151465
Loan Fund (Fund 4W10). 151466

Notwithstanding Chapter 166. of the Revised Code, the 151467

Director of Budget and Management may transfer an amount not to 151468
exceed \$2,000,000 in cash in each fiscal year from the Facilities 151469
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 151470
(Fund 5S90). 151471

Section 257.70. CLEAN OHIO OPERATING EXPENSES 151472

The foregoing appropriation item 195663, Clean Ohio Program, 151473
shall be used by the Development Services Agency in administering 151474
Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to 151475
sections 122.65 to 122.658 of the Revised Code. 151476

Section 257.80. THIRD FRONTIER OPERATING 151477

The foregoing appropriation items 195686, Third Frontier 151478
Operating, and 195620, Third Frontier Operating - Tax, shall be 151479
used for operating expenses incurred by the Development Services 151480
Agency in administering projects pursuant to sections 184.10 to 151481
184.20 of the Revised Code. Operating expenses paid from item 151482
195686 shall be limited to the administration of projects funded 151483
from the Third Frontier Research & Development Fund (Fund 7011) 151484
and operating expenses paid from item 195620 shall be limited to 151485
the administration of projects funded from the Third Frontier 151486
Research & Development Taxable Bond Project Fund (Fund 7014). 151487

THIRD FRONTIER RESEARCH AND DEVELOPMENT PROJECTS AND RESEARCH 151488
AND DEVELOPMENT TAXABLE BOND PROJECTS 151489

The foregoing appropriation items 195687, Third Frontier 151490
Research & Development Projects, 195692, Research & Development 151491
Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, 151492
shall be used by the Development Services Agency to fund selected 151493
projects. Eligible costs are those costs of research and 151494
development projects to which the proceeds of the Third Frontier 151495
Research & Development Fund (Fund 7011) and the Research & 151496
Development Taxable Bond Project Fund (Fund 7014) are to be 151497

applied. 151498

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 151499

The Director of Budget and Management may approve written 151500
requests from the Director of Development Services for the 151501
transfer of appropriations between appropriation items 195687, 151502
Third Frontier Research & Development Projects, and 195692, 151503
Research & Development Taxable Bond Projects, based upon awards 151504
recommended by the Third Frontier Commission. The transfers are 151505
subject to approval by the Controlling Board. 151506

In fiscal year 2015, the Director of Development Services may 151507
request that the Director of Budget and Management reappropriate 151508
any unexpended, unencumbered balances of the prior fiscal year's 151509
appropriation to the foregoing appropriation items 195687, Third 151510
Frontier Research & Development Projects, and 195692, Research & 151511
Development Taxable Bond Projects, for fiscal year 2015. The 151512
Director of Budget and Management may request additional 151513
information necessary for evaluating these requests, and the 151514
Director of Development Services shall provide the requested 151515
information to the Director of Budget and Management. Based on the 151516
information provided by the Director of Development Services, the 151517
Director of Budget and Management shall determine the amounts to 151518
be reappropriated, and those amounts are hereby reappropriated for 151519
fiscal year 2015. 151520

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 151521

The Ohio Public Facilities Commission is hereby authorized to 151522
issue and sell, in accordance with Section 2p of Article VIII, 151523
Ohio Constitution, and particularly sections 151.01 and 151.10 of 151524
the Revised Code, original obligations of the State of Ohio in an 151525
aggregate amount not to exceed \$350,000,000 in addition to the 151526
original issuance of obligations authorized by prior acts of the 151527
General Assembly. The authorized obligations shall be issued and 151528

sold from time to time and in amounts necessary to ensure 151529
sufficient moneys to the credit of the Third Frontier Research and 151530
Development Fund (Fund 7011) and the Third Frontier Research and 151531
Development Taxable Bond Fund (Fund 7014) to pay costs of research 151532
and development projects. 151533

Section 257.90. JOB READY SITE PROGRAM 151534

The foregoing appropriation item 195688, Job Ready Site 151535
Development, shall be used for operating expenses incurred by the 151536
Development Services Agency in administering Job Ready Site 151537
Development Fund (Fund 7012) projects pursuant to sections 122.085 151538
to 122.0820 of the Revised Code. Operating expenses include, but 151539
are not limited to, certain qualified expenses of the District 151540
Public Works Integrating Committees, as applicable, engineering 151541
review of submitted applications by the State Architect or a 151542
third-party engineering firm, audit and accountability activities, 151543
and costs associated with formal certifications verifying that 151544
site infrastructure is in place and is functional. 151545

Section 257.110. (A) ASSORTED TRANSFERS FOR RESTRUCTURING 151546

On July 1, 2013, or as soon as possible thereafter, the 151547
Director of Budget and Management may transfer up to the cash 151548
balances in the Tax Incentive Program Operating Fund (Fund 4S00) 151549
and the Tax Credit Operating Fund (Fund 4S10) to the Business 151550
Assistance Fund (Fund 4510). 151551

On July 1, 2013, or as soon as possible thereafter, the 151552
Director of Budget and Management may transfer up to the cash 151553
balances in the Family Farm Loan Fund (Fund 5H10) and the First 151554
Frontier Fund (Fund 4H40) to the Facility Establishment Fund (Fund 151555
7037). 151556

On July 1, 2013, or as soon as possible thereafter, the 151557
Director of Budget and Management may transfer up to the cash 151558

balance in the Brownfield Stormwater Loan Fund (Fund 5KD0) to the 151559
New Markets Tax Credit Program Fund (Fund 5JR0). 151560

On July 1, 2013, or as soon as possible thereafter, the 151561
Director of Budget and Management may transfer up to the cash 151562
balances in the Water and Sewer Fund (Fund 4440) and the Water and 151563
Sewer Administrative Fund (Fund 6110) to the General 151564
Reimbursements Fund (Fund 6850). 151565

On July 1, 2013, or as soon as possible thereafter, the 151566
Director of Budget and Management may transfer up to the cash 151567
balance in the Local Government Services Collaboration Grant Fund 151568
(Fund 7088) to the Local Government Innovation Fund (Fund 5KN0). 151569

(B) ABOLISHMENT OF FUNDS 151570

On July 1, 2013, or as soon as possible thereafter, upon 151571
completion of a transfer of the cash balance in a fund as 151572
described in division (A) of this section by the Director of 151573
Budget and Management, notwithstanding the establishment authority 151574
of the fund, the fund is hereby abolished. 151575

On July 1, 2013, or as soon as possible thereafter, the 151576
Director of Budget and Management shall transfer the cash balance 151577
in the Rapid Outreach Loan Fund (Fund 7022) to the Facilities 151578
Establishment Fund (Fund 7037). After completion of the transfer 151579
and on the effective date of its repeal by this act, Fund 7022 151580
shall be abolished. 151581

The following funds are determined to be dormant and shall be 151582
abolished on the effective date of their repeal by this act: 151583
Diesel Emissions Grant Fund (Fund 3BD0), Shovel Ready Sites Fund 151584
(Fund 5CA0), Energy Projects Fund (Fund 5DU0), Business 151585
Development and Assistance Fund (Fund 5LK0), Clean Ohio 151586
Revitalization Revolving Loan Fund (Fund 7007), and Logistics & 151587
Distribution Infrastructure Taxable Bond Fund (Fund 7048). 151588

(C) ELIMINATION OF DORMANT FUNDS 151589

On July 1, 2013, or as soon as possible thereafter, the 151590
 Director of Budget and Management may determine whether the 151591
 following funds are dormant. If the Director of Budget and 151592
 Management determines a fund to be dormant, notwithstanding the 151593
 establishment authority of the fund, the fund is hereby abolished. 151594
 The funds are: 151595

| Fund Number | Fund Name | 151596 |
|-------------|---|--------|
| 1360 | International Trade | 151597 |
| 3800 | Ohio Housing Agency | 151598 |
| 3BJ0 | TANF Heating Assistance | 151599 |
| 3X30 | TANF Housing | 151600 |
| 4450 | OHFA Administration | 151601 |
| 4480 | Ohio Coal Development | 151602 |
| 4D00 | Public & Private Assistance | 151603 |
| 5CV0 | Defense Conversion Assistance | 151604 |
| 5D10 | Port Authority Bond Reserves | 151605 |
| 5D20 | Urban Redevelopment Loan | 151606 |
| 5F70 | Local Government Y2K Loan Program | 151607 |
| 5X50 | Family Homelessness Prevention
Pilot | 151608 |
| 5Y60 | Economic Development Contingency | 151609 |
| 5Z30 | Jobs | 151610 |
| QA70 | Electric Revenue Development | 151611 |

Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 151612

| | | | | |
|----------------------|--------|-------------------------------------|-----------------------------|--------|
| General Revenue Fund | | | | 151613 |
| GRF | 320412 | Protective Services | \$ 1,918,196 \$ 1,918,196 | 151614 |
| GRF | 320415 | Lease-Rental Payments | \$ 15,843,300 \$ 16,076,700 | 151615 |
| GRF | 322420 | Screening and Early
Intervention | \$ 300,000 \$ 300,000 | 151616 |
| GRF | 322451 | Family Support
Services | \$ 5,932,758 \$ 5,932,758 | 151617 |

| | | | | | | | |
|-----------|--------|--|----|---------------|----|---------------|--------|
| GRF | 322501 | County Boards
Subsidies | \$ | 44,449,280 | \$ | 44,449,280 | 151618 |
| GRF | 322503 | Tax Equity | \$ | 14,000,000 | \$ | 14,000,000 | 151619 |
| GRF | 322507 | County Board Case
Management | \$ | 2,500,000 | \$ | 2,500,000 | 151620 |
| GRF | 322508 | Employment First
Pilot Program | \$ | 3,000,000 | \$ | 3,000,000 | 151621 |
| GRF | 653321 | Medicaid Program
Support - State | \$ | 6,186,694 | \$ | 6,186,694 | 151622 |
| GRF | 653407 | Medicaid Services | \$ | 430,056,111 | \$ | 437,574,237 | 151623 |
| TOTAL GRF | | General Revenue Fund | \$ | 524,186,339 | \$ | 531,937,865 | 151624 |
| | | General Services Fund Group | | | | | 151625 |
| 1520 | 653609 | DC and Residential
Operating Services | \$ | 3,414,317 | \$ | 3,414,317 | 151626 |
| TOTAL GSF | | General Services Fund
Group | \$ | 3,414,317 | \$ | 3,414,317 | 151627 |
| | | Federal Special Revenue Fund Group | | | | | 151628 |
| 3A50 | 320613 | DD Council | \$ | 3,297,656 | \$ | 3,324,187 | 151629 |
| 3250 | 322612 | Community Social
Service Programs | \$ | 10,604,896 | \$ | 10,604,896 | 151630 |
| 3A40 | 653604 | DC & ICF/IID Program
Support | \$ | 8,013,611 | \$ | 8,013,611 | 151631 |
| 3A40 | 653605 | DC and Residential
Services and Support | \$ | 159,548,565 | | 159,548,565 | 151632 |
| 3A40 | 653653 | ICF/IID | \$ | 354,712,840 | \$ | 353,895,717 | 151633 |
| 3G60 | 653639 | Medicaid Waiver
Services | \$ | 932,073,249 | \$ | 1,025,921,683 | 151634 |
| 3G60 | 653640 | Medicaid Waiver
Program Support | \$ | 36,934,303 | \$ | 36,170,872 | 151635 |
| 3M70 | 653650 | CAFS Medicaid | \$ | 3,000,000 | \$ | 3,000,000 | 151636 |
| TOTAL FED | | Federal Special Revenue
Fund Group | \$ | 1,508,185,120 | \$ | 1,600,479,531 | 151637 |

| | | | | | | |
|---|--------------------------------------|----|---------------|----|---------------|--------|
| State Special Revenue Fund Group | | | | | 151638 | |
| 5GE0 320606 | Operating and
Services | \$ | 7,407,297 | \$ | 7,407,297 | 151639 |
| 2210 322620 | Supplement Service
Trust | \$ | 150,000 | \$ | 150,000 | 151640 |
| 5DJ0 322625 | Targeted Case
Management Match | \$ | 33,750,000 | \$ | 37,260,000 | 151641 |
| 5DK0 322629 | Capital Replacement
Facilities | \$ | 750,000 | \$ | 750,000 | 151642 |
| 5H00 322619 | Medicaid Repayment | \$ | 160,000 | \$ | 160,000 | 151643 |
| 5JX0 322651 | Interagency Workgroup
- Autism | \$ | 45,000 | | 45,000 | 151644 |
| 4890 653632 | DC Direct Care
Services | \$ | 16,497,169 | \$ | 16,497,169 | 151645 |
| 5CT0 653607 | Intensive Behavioral
Needs | \$ | 1,000,000 | \$ | 1,000,000 | 151646 |
| 5DJ0 653626 | Targeted Case
Management Services | \$ | 91,740,000 | \$ | 100,910,000 | 151647 |
| 5EV0 653627 | Medicaid Program
Support | \$ | 685,000 | \$ | 685,000 | 151648 |
| 5GE0 653606 | ICF/IID and Waiver
Match | \$ | 40,353,139 | \$ | 39,106,638 | 151649 |
| 5S20 653622 | Medicaid Admin and
Oversight | \$ | 17,341,201 | \$ | 19,032,154 | 151650 |
| 5Z10 653624 | County Board Waiver
Match | \$ | 284,740,000 | \$ | 336,480,000 | 151651 |
| TOTAL SSR State Special Revenue
Fund Group | | \$ | 494,618,806 | \$ | 559,483,258 | 151652 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 2,530,404,582 | \$ | 2,695,314,971 | 151653 |

Section 259.20. LEASE-RENTAL PAYMENTS 151655

The foregoing appropriation item 320415, Lease-Rental 151656
 Payments, shall be used to meet all payments at the times they are 151657

required to be made during the period from July 1, 2013, through 151658
June 30, 2015, by the Department of Developmental Disabilities 151659
under leases and agreements made under section 154.20 of the 151660
Revised Code. These appropriations are the source of funds pledged 151661
for bond service charges on related obligations issued under 151662
Chapter 154. of the Revised Code. 151663

Section 259.30. SCREENING AND EARLY INTERVENTION 151664

The foregoing appropriation item 322420, Screening and Early 151665
Intervention, shall be used for screening and early intervention 151666
programs for children with autism selected by the Director of 151667
Developmental Disabilities. 151668

Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY 151669

The foregoing appropriation item 322451, Family Support 151670
Services, may be used as follows in fiscal year 2014 and fiscal 151671
year 2015: 151672

(A) The appropriation item may be used to provide a subsidy 151673
to county boards of developmental disabilities for family support 151674
services provided under section 5126.11 of the Revised Code. The 151675
subsidy shall be paid in quarterly installments and allocated to 151676
county boards according to a formula the Director of Developmental 151677
Disabilities shall develop in consultation with representatives of 151678
county boards. A county board shall use not more than seven per 151679
cent of its subsidy for administrative costs. 151680

(B) The appropriation item may be used to distribute funds to 151681
county boards for the purpose of addressing economic hardships and 151682
to promote efficiency of operations. In consultation with 151683
representatives of county boards, the Director shall determine the 151684
amount of funds to distribute for these purposes and the criteria 151685
for distributing the funds. 151686

| | |
|--|--------|
| Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS | 151687 |
| (A) Except as provided in the section of this act titled | 151688 |
| "NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing | 151689 |
| appropriation item 322501, County Boards Subsidies, shall be used | 151690 |
| for the following purposes: | 151691 |
| (1) To provide a subsidy to county boards of developmental | 151692 |
| disabilities in quarterly installments and allocated according to | 151693 |
| a formula developed by the Director of Developmental Disabilities | 151694 |
| in consultation with representatives of county boards. Except as | 151695 |
| provided in section 5126.0511 of the Revised Code or in division | 151696 |
| (B) of this section, county boards shall use the subsidy for early | 151697 |
| childhood services and adult services provided under section | 151698 |
| 5126.05 of the Revised Code, service and support administration | 151699 |
| provided under section 5126.15 of the Revised Code, or supported | 151700 |
| living as defined in section 5126.01 of the Revised Code. | 151701 |
| (2) To provide funding, as determined necessary by the | 151702 |
| Director, for residential services, including room and board, and | 151703 |
| support service programs that enable individuals with | 151704 |
| developmental disabilities to live in the community. | 151705 |
| (3) To distribute funds to county boards of developmental | 151706 |
| disabilities to address economic hardships and promote efficiency | 151707 |
| of operations. The Director shall determine, in consultation with | 151708 |
| representatives of county boards, the amount of funds to | 151709 |
| distribute for these purposes and the criteria for distributing | 151710 |
| the funds. | 151711 |
| (B) In collaboration with the county's family and children | 151712 |
| first council, a county board of developmental disabilities may | 151713 |
| transfer portions of funds received under this section, to a | 151714 |
| flexible funding pool in accordance with the section of this act | 151715 |
| titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." | 151716 |

Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES 151717

As used in this section, "home and community-based services" 151718
has the same meaning as in section 5123.01 of the Revised Code. 151719

The Director of Developmental Disabilities shall establish a 151720
methodology to be used in fiscal year 2014 and fiscal year 2015 to 151721
estimate the quarterly amount each county board of developmental 151722
disabilities is to pay of the nonfederal share of home and 151723
community-based services that section 5126.0510 of the Revised 151724
Code requires county boards to pay. Each quarter, the Director 151725
shall submit to a county board written notice of the amount the 151726
county board is to pay for that quarter. The notice shall specify 151727
when the payment is due. 151728

Section 259.70. TAX EQUITY 151729

Notwithstanding section 5126.18 of the Revised Code, the 151730
foregoing appropriation item 322503, Tax Equity, may be used to 151731
distribute funds to county boards of developmental disabilities to 151732
address economic hardships and promote efficiency of operations. 151733
The Director of Developmental Disabilities shall determine, in 151734
consultation with representatives of county boards, the amount of 151735
funds to distribute for these purposes and the criteria for 151736
distributing the funds. 151737

Section 259.80. MEDICAID SERVICES 151738

Except as provided in section 5123.0416 of the Revised Code, 151739
the purposes for which the foregoing appropriation item 653407, 151740
Medicaid Services, shall be used include the following: 151741

(A) Home and community-based services, as defined in section 151742
5123.01 of the Revised Code; 151743

(B) Implementation of the requirements of the agreement 151744
settling the consent decree in *Sermak v. Manuel*, Case No. 151745

| | |
|---|--|
| C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division; | 151746
151747 |
| (C) Implementation of the requirements of the agreement settling the consent decree in the <i>Martin v. Strickland</i> , Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division; | 151748
151749
151750
151751 |
| (D) ICF/IID services, as defined in section 5124.01 of the Revised Code; | 151752
151753 |
| (E) Other programs as identified by the Director of Developmental Disabilities. | 151754
151755 |
| Section 259.90. EMPLOYMENT FIRST PILOT PROGRAM | 151756 |
| The foregoing appropriation item 322508, Employment First Pilot Program, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. | 151757
151758
151759
151760
151761 |
| Of the foregoing appropriation item, 322508, Employment First Pilot Program, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Pilot Program. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the pilot program. The Director of Developmental Disabilities and the Executive Director | 151762
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151775 |

of the Opportunities for Ohioans with Disabilities Agency shall 151776
enter into an interagency agreement in accordance with section 151777
3304.181 of the Revised Code that will specify the 151778
responsibilities of each agency under the pilot program. Under the 151779
interagency agreement, the Opportunities for Ohioans with 151780
Disabilities Agency shall retain responsibility for eligibility 151781
determination, order of selection, plan approval, plan amendment, 151782
and release of vendor payments. 151783

The remainder of appropriation item 322508, Employment First 151784
Pilot Program, shall be used to develop a long term, sustainable 151785
system that places individuals with developmental disabilities in 151786
community employment, as defined in section 5126.01 of the Revised 151787
Code. 151788

Section 259.100. EMPLOYMENT FIRST TASKFORCE FUND 151789

If an employment first task force is established by the 151790
Director of Developmental Disabilities in accordance with section 151791
5123.023 of the Revised Code, the Director of Budget and 151792
Management shall establish an appropriation item from the 151793
Employment First Taskforce Fund for use by the Department of 151794
Developmental Disabilities to support the work of the task force. 151795
In fiscal year 2014 and fiscal year 2015, if an employment first 151796
task force is established, the Director of Developmental 151797
Disabilities shall certify to the Director of Budget and 151798
Management the appropriation amounts necessary for the Department 151799
of Developmental Disabilities to fulfill its obligation to support 151800
the work of the task force. Once the certification required under 151801
this section has been submitted and approved by the Director of 151802
Budget and Management, the appropriations established under this 151803
section are hereby appropriated in the amounts approved by the 151804
Director of Budget and Management. 151805

Section 259.110. TRANSFER TO OPERATING AND SERVICES FUND 151806

On July 1, 2013, or as soon as possible thereafter, the 151807
Director of Developmental Disabilities shall request the Director 151808
of Budget and Management to transfer the cash balance in the Home 151809
and Community-Based Services Fund (Fund 4K80) to the Operating and 151810
Services Fund (Fund 5GE0). Upon completion of the transfer, Fund 151811
4K80 is hereby abolished. The Director of Budget and Management 151812
shall cancel any existing encumbrances against appropriation item 151813
322604, Medicaid Waiver - State Match, and reestablish them 151814
against appropriation item 653606, ICF/IID and Waiver Match. The 151815
reestablished encumbrance amounts are hereby appropriated. 151816

Section 259.120. OPERATING AND SERVICES 151817

Of the foregoing appropriation item 320606, Operating and 151818
Services, \$100,000 in each fiscal year shall be provided to the 151819
Ohio Center for Autism and Low Incidence to establish a lifespan 151820
autism hub to support families and professionals. 151821

Section 259.130. TARGETED CASE MANAGEMENT SERVICES 151822

County boards of developmental disabilities shall pay the 151823
nonfederal portion of targeted case management costs to the 151824
Department of Developmental Disabilities. 151825

The Director of Developmental Disabilities and the Medicaid 151826
Director may enter into an interagency agreement under which the 151827
Department of Developmental Disabilities shall transfer cash from 151828
the Targeted Case Management Fund (Fund 5DJ0) to the Health 151829
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 151830
Department of Medicaid in an amount equal to the nonfederal 151831
portion of the cost of targeted case management services paid by 151832
county boards. Under the agreement, the Department of Medicaid 151833
shall pay the total cost of targeted case management claims. The 151834

transfer shall be made using an intrastate transfer voucher. 151835

Section 259.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 151836

If a county board of developmental disabilities does not 151837
fully pay any amount owed to the Department of Developmental 151838
Disabilities by the due date established by the Department, the 151839
Director of Developmental Disabilities may withhold the amount the 151840
county board did not pay from any amounts due to the county board. 151841
The Director may use any appropriation item or fund used by the 151842
Department to transfer cash to any other fund used by the 151843
Department in an amount equal to the amount owed the Department 151844
that the county board did not pay. Transfers under this section 151845
shall be made using an intrastate transfer voucher. 151846

Section 259.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 151847

Developmental centers of the Department of Developmental 151848
Disabilities may provide services to persons with mental 151849
retardation or developmental disabilities living in the community 151850
or to providers of services to these persons. The Department may 151851
develop a method for recovery of all costs associated with the 151852
provision of these services. 151853

Section 259.160. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 151854
PHARMACY PROGRAMS 151855

The Director of Developmental Disabilities shall quarterly 151856
transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the 151857
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used 151858
by the Department of Medicaid, in an amount equal to the 151859
nonfederal share of Medicaid prescription drug claim costs for all 151860
developmental centers paid by the Department of Medicaid. The 151861
quarterly transfer shall be made using an intrastate transfer 151862
voucher. 151863

Section 259.170. NONFEDERAL MATCH FOR ACTIVE TREATMENT 151864
SERVICES 151865

Any county funds received by the Department of Developmental 151866
Disabilities from county boards of developmental disabilities for 151867
active treatment shall be deposited in the Developmental 151868
Disabilities Operating Fund (Fund 4890). 151869

Section 259.180. ODODD INNOVATIVE PILOT PROJECTS 151870

(A) In fiscal year 2014 and fiscal year 2015, the Director of 151871
Developmental Disabilities may authorize the continuation or 151872
implementation of one or more innovative pilot projects that, in 151873
the judgment of the Director, are likely to assist in promoting 151874
the objectives of Chapter 5123. or 5126. of the Revised Code. 151875
Subject to division (B) of this section and notwithstanding any 151876
provision of Chapters 5123. and 5126. of the Revised Code and any 151877
rule adopted under either chapter, a pilot project authorized by 151878
the Director may be continued or implemented in a manner 151879
inconsistent with one or more provisions of either chapter or one 151880
or more rules adopted under either chapter. Before authorizing a 151881
pilot program, the Director shall consult with entities interested 151882
in the issue of developmental disabilities, including the Ohio 151883
Provider Resource Association, Ohio Association of County Boards 151884
of Developmental Disabilities, Ohio Health Care Association/Ohio 151885
Centers for Intellectual Disabilities, the Values and Faith 151886
Alliance, and ARC of Ohio. 151887

(B) The Director may not authorize a pilot project to be 151888
implemented in a manner that would cause the state to be out of 151889
compliance with any requirements for a program funded in whole or 151890
in part with federal funds. 151891

Section 259.190. DEPARTMENT OF DEVELOPMENTAL DISABILITIES' 151892
APPROPRIATION ITEM STRUCTURE 151893

Upon request from the Director of Developmental Disabilities, 151894
the Director of Budget and Management may establish new funds, new 151895
appropriation items, and appropriations in order to support the 151896
transition to a new appropriation item structure in the Department 151897
of Developmental Disabilities' budget. Also, upon request of the 151898
Director of Developmental Disabilities, the Director of Budget and 151899
Management may transfer appropriations between GRF appropriation 151900
items, transfer cash between any funds used by the Department of 151901
Developmental Disabilities, abolish existing funds used by the 151902
Department of Developmental Disabilities, and cancel and 151903
reestablish encumbrances. Any establishment of new funds or 151904
appropriation items, any transfers of appropriations or cash, and 151905
any increases in appropriation under this section are subject to 151906
Controlling Board approval. 151907

Section 259.200. FISCAL YEAR 2014 MEDICAID PAYMENT RATES FOR 151908
ICFs/IID 151909

(A) As used in this section: 151910

"Change of operator," "entering operator," "exiting 151911
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "new 151912
ICF/IID," "provider," and "provider agreement" have the same 151913
meanings as in section 5124.01 of the Revised Code. 151914

"Franchise permit fee" means the fee imposed by sections 151915
5168.60 to 5168.71 of the Revised Code. 151916

"Modified per diem rate" means the total per Medicaid day 151917
payment rate calculated for an ICF/IID under division (C) of this 151918
section. 151919

"Unmodified per diem rate" means the total per Medicaid day 151920
payment rate calculated for an ICF/IID under Chapter 5124. of the 151921
Revised Code. In the case of a new ICF/IID, "unmodified per diem 151922
rate" means the initial total per Medicaid day payment rate 151923

calculated for the new ICF/IID under section 5124.151 of the Revised Code. 151924
151925

(B) This section applies to each ICF/IID provider to which any of the following applies: 151926
151927

(1) The provider has a valid Medicaid provider agreement for the ICF/IID on June 30, 2013, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2014. 151928
151929
151930

(2) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2014, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2014. 151931
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(3) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2014. 151937
151938

(C)(1) Except as otherwise provided in this section, an ICF/IID provider to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2014, the total modified per diem rate determined for the ICF/IID under this division. 151939
151940
151941
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151943

(2) Except in the case of a new ICF/IID, an ICF/IID's total modified per diem rate for fiscal year 2014 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications: 151944
151945
151946
151947

(a) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2012 shall be multiplied by 1.014. 151948
151949
151950
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151952

(b) In place of the maximum cost per case-mix unit 151953

established for the ICF/IID's peer group under division (C) of 151954
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 151955
per case-mix unit shall be the following: 151956

(i) In the case of an ICF/IID with more than eight beds, 151957
\$123.05; 151958

(ii) In the case of an ICF/IID with eight or fewer beds, 151959
\$117.22. 151960

(c) In place of the inflation adjustment otherwise calculated 151961
under division (D) of section 5124.19 of the Revised Code for the 151962
purpose of division (A)(1)(b) of that section, an inflation 151963
adjustment of 1.014 shall be used. 151964

(d) In place of the maximum rate for indirect care costs 151965
established for the ICF/IID's peer group under division (C) of 151966
section 5124.21 of the Revised Code, the maximum rate for indirect 151967
care costs for the ICF/IID's peer group shall be the following: 151968

(i) In the case of an ICF/IID with more than eight beds, 151969
\$68.98; 151970

(ii) In the case of an ICF/IID with eight or fewer beds, 151971
\$59.60. 151972

(e) In place of the inflation adjustment otherwise calculated 151973
under division (D)(1) of section 5124.21 of the Revised Code for 151974
the purpose of division (B)(1) of that section only, an inflation 151975
adjustment of 1.014 shall be used. 151976

(f) In place of the efficiency incentive otherwise calculated 151977
under division (B)(2) or (3) of section 5124.21 of the Revised 151978
Code, the ICF/IID's efficiency incentive for indirect care costs 151979
shall be the following: 151980

(i) In the case of an ICF/IID with more than eight beds, 151981
\$3.69; 151982

(ii) In the case of an ICF/IID with eight or fewer beds, 151983

| | |
|---|--|
| \$3.19. | 151984 |
| (g) The ICF/IID's efficiency incentive for capital costs, as determined under division (E) of section 5124.17 of the Revised Code, shall be reduced by 50%. | 151985
151986
151987 |
| (3) In the case of a new ICF/IID, the ICF/IID's initial total modified per diem rate for fiscal year 2014 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications: | 151988
151989
151990
151991 |
| (a) In place of the amount determined under division (A)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows: | 151992
151993
151994
151995
151996 |
| (i) Using the costs per case-mix units determined for ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 of the 129th General Assembly, as amended by this act, determine the median of the costs per case-mix units of each peer group; | 151997
151998
151999
152000 |
| (ii) Multiply the median determined under division (C)(3)(a)(i) of this section by the median of the averages determined under division (C)(3)(a) of Section 11 of Sub. H.B. 303 of the 129th General Assembly, as amended by this act, for the ICFs/IID in the new ICF/IID's peer group; | 152001
152002
152003
152004
152005 |
| (iii) Multiply the product determined under division (C)(3)(a)(ii) of this section by 1.014. | 152006
152007 |
| (b) In place of the amount determined under division (A)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following: | 152008
152009
152010
152011 |
| (i) If the new ICF/IID has more than eight beds, \$68.98; | 152012 |
| (ii) If the new ICF/IID has eight or fewer beds, \$59.60. | 152013 |

(c) In place of the amount determined under division (A)(4) 152014
of section 5124.151 of the Revised Code, the new ICF/IID's initial 152015
per Medicaid day rate for other protected costs shall be one 152016
hundred fifteen per cent of the median rate for ICFs/IID 152017
determined under section 5124.23 of the Revised Code with the 152018
modification made under division (C)(2)(a) of this section. 152019

(4) A new ICF/IID's initial total modified per diem rate for 152020
fiscal year 2014 as determined under division (C)(3) of this 152021
section shall be adjusted at the applicable time specified in 152022
division (B) of section 5124.151 of the Revised Code. If the 152023
adjustment affects the ICF/IID's rate for ICF/IID services 152024
provided during fiscal year 2014, the modifications specified in 152025
division (C)(2) of this section apply to the adjustment. 152026

(D) If the mean total per diem rate for all ICFs/IID to which 152027
this section applies, weighted by May 2013 Medicaid days and 152028
determined under division (C) of this section as of July 1, 2013, 152029
is other than \$282.84, the Department of Developmental 152030
Disabilities shall adjust, for fiscal year 2014, the total per 152031
diem rate for each ICF/IID to which this section applies by a 152032
percentage that is equal to the percentage by which the mean total 152033
per diem rate is greater or less than \$282.84. 152034

(E) If the United States Centers for Medicare and Medicaid 152035
Services requires that the franchise permit fee be reduced or 152036
eliminated, the Department of Developmental Disabilities shall 152037
reduce the amount it pays ICF/IID providers under this section as 152038
necessary to reflect the loss to the state of the revenue and 152039
federal financial participation generated from the franchise 152040
permit fee. 152041

(F) The Department of Developmental Disabilities shall follow 152042
this section in determining the rate to be paid ICF/IID providers 152043
subject to this section notwithstanding anything to the contrary 152044
in Chapter 5124. of the Revised Code. 152045

(G) Of the foregoing appropriation items 653407, Medicaid 152046
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 152047
portions shall be used to pay the Medicaid payment rates 152048
determined in accordance with this section for ICF/IID services 152049
provided during fiscal year 2014. 152050

Section 259.210. FISCAL YEAR 2015 MEDICAID PAYMENT RATES FOR 152051
ICFs/IID 152052

(A) As used in this section: 152053

"Change of operator," "entering operator," "exiting 152054
operator," "ICF/IID," "ICF/IID services," "Medicaid days," 152055
"provider," and "provider agreement" have the same meanings as in 152056
section 5124.01 of the Revised Code. 152057

"Franchise permit fee" means the fee imposed by sections 152058
5168.60 to 5168.71 of the Revised Code. 152059

"Modified per diem rate" means the total per Medicaid day 152060
payment rate calculated for an ICF/IID under division (C) of this 152061
section. 152062

"Unmodified per diem rate" means the total per Medicaid day 152063
payment rate calculated for an ICF/IID under Chapter 5124. of the 152064
Revised Code. In the case of a new ICF/IID, "unmodified per diem 152065
rate" means the initial total per Medicaid day payment rate 152066
calculated for the new ICF/IID under section 5124.151 of the 152067
Revised Code. 152068

(B) This section applies to each ICF/IID provider to which 152069
any of the following applies: 152070

(1) The provider has a valid Medicaid provider agreement for 152071
the ICF/IID on June 30, 2014, and a valid Medicaid provider 152072
agreement for the ICF/IID during fiscal year 2015. 152073

(2) The ICF/IID undergoes a change of operator that takes 152074
effect during fiscal year 2015, the exiting operator has a valid 152075

Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2015.

(3) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2015.

(C)(1) Except as otherwise provided in this section, an ICF/IID provider to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2015, the total modified per diem rate determined for the ICF/IID under this division.

(2) Except in the case of a new ICF/IID, an ICF/IID's total modified per diem rate for fiscal year 2015 shall be the ICF/IID's total unmodified per diem rate for that fiscal year with the following modifications:

(a) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2013 shall be multiplied by 1.014.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the following:

(i) In the case of an ICF/IID with more than eight beds, \$114.37 or the different amount, if any, specified in a future amendment to this section made under division (D)(3) of this section;

(ii) In the case of an ICF/IID with eight or fewer beds, \$109.09 or the different amount, if any, specified in a future amendment to this section made under division (D)(3) of this

| | |
|---|--|
| section. | 152107 |
| (c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used. | 152108
152109
152110
152111 |
| (d) In the place of the grouper methodology prescribed, as of the day immediately before the effective date of this section, in rules authorized by section 5124.192 of the Revised Code, the new grouper methodology prescribed in rules authorized by division (D)(2)(a) of this section shall be used. | 152112
152113
152114
152115
152116 |
| (e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following: | 152117
152118
152119
152120 |
| (i) In the case of an ICF/IID with more than eight beds, \$68.98; | 152121
152122 |
| (ii) In the case of an ICF/IID with eight or fewer beds, \$59.60. | 152123
152124 |
| (f) In place of the inflation adjustment otherwise calculated under divisions (D)(1) and (2) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used. | 152125
152126
152127
152128 |
| (g) In place of the efficiency incentive otherwise calculated under division (B)(2) or (3) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following: | 152129
152130
152131
152132 |
| (i) In the case of an ICF/IID with more than eight beds, \$3.69; | 152133
152134 |
| (ii) In the case of an ICF/IID with eight or fewer beds, \$3.19. | 152135
152136 |

(h) The ICF/IID's efficiency incentive for capital costs, as 152137
determined under division (E) of section 5124.17 of the Revised 152138
Code, shall be reduced by 50%. 152139

(3) In the case of a new ICF/IID, the ICF/IID's initial total 152140
modified per diem rate for fiscal year 2015 shall be the ICF/IID's 152141
total unmodified per diem rate for that fiscal year with the 152142
following modifications: 152143

(a) In place of the amount determined under division 152144
(A)(2)(a) of section 5124.151 of the Revised Code, if there are no 152145
cost or resident assessment data for the new ICF/IID, the new 152146
ICF/IID's initial per Medicaid day rate for direct care costs 152147
shall be determined as follows: 152148

(i) Using the costs per case-mix units determined for 152149
ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 152150
of the 129th General Assembly, as amended by this act, determine 152151
the median of the costs per case-mix units of each peer group; 152152

(ii) Multiply the median determined under division 152153
(C)(3)(a)(i) of this section by the median annual average case-mix 152154
score for the new ICF/IID's peer group for calendar year 2013; 152155

(iii) Multiply the product determined under division 152156
(C)(3)(a)(ii) of this section by 1.014. 152157

(b) In place of the amount determined under division (A)(3) 152158
of section 5124.151 of the Revised Code, the new ICF/IID's initial 152159
per Medicaid day rate for indirect care costs shall be the 152160
following: 152161

(i) If the new ICF/IID has more than eight beds, \$68.98; 152162

(ii) If the new ICF/IID has eight or fewer beds, \$59.60. 152163

(c) In place of the amount determined under division (A)(4) 152164
of section 5124.151 of the Revised Code, the new ICF/IID's initial 152165
per Medicaid day rate for other protected costs shall be one 152166

hundred fifteen per cent of the median rate for ICFs/IID 152167
determined under section 5124.23 of the Revised Code with the 152168
modification made under division (C)(2)(a) of this section. 152169

(4) A new ICF/IID's initial total modified per diem rate for 152170
fiscal year 2015 as determined under division (C)(3) of this 152171
section shall be adjusted at the applicable time specified in 152172
division (B) of section 5124.151 of the Revised Code. If the 152173
adjustment affects the ICF/IID's rate for ICF/IID services 152174
provided during fiscal year 2015, the modifications specified in 152175
division (C)(2) of this section apply to the adjustment. 152176

(D)(1) In consultation with the Ohio Provider Resource 152177
Association, Values and Faith Alliance, Ohio Association of County 152178
Boards of Developmental Disabilities, and Ohio Health Care 152179
Association/Ohio Centers for Intellectual Disabilities, the 152180
Director of Developmental Disabilities shall study all of the 152181
following: 152182

(a) Establishing a new grouper methodology to be used when 152183
determining ICFs/IID's case-mix scores for fiscal year 2015; 152184

(b) Whether the amounts specified in division (C)(2)(b)(i) 152185
and (ii) of this section are set at levels that will avoid or 152186
minimize rate reductions under division (E) of this section; 152187

(c) For the purposes of sections 5124.153 and 5124.154 of the 152188
Revised Code, specifying additional diagnoses and special care 152189
needs that individuals must have to meet the criteria for 152190
admission to designated outlier ICFs/IID or units; 152191

(d) Sources of funding for, or mechanisms to ensure the 152192
budget neutrality of, the additional diagnoses and special care 152193
needs studied under division (D)(1)(c) of this section. 152194

(2) Not later than March 31, 2014, the Director shall adopt 152195
rules under section 5124.03 of the Revised Code to do both of the 152196
following: 152197

(a) Prescribe the following: 152198

(i) If the Director and the organizations with which the 152199
Director consults under division (D)(1) of this section agree, not 152200
later than December 31, 2013, to the terms of a new grouper 152201
methodology to be used when determining ICFs/IID's case-mix scores 152202
for fiscal year 2015, a new methodology that is consistent with 152203
those terms; 152204

(ii) If division (D)(2)(a)(i) of this section does not apply, 152205
a new grouper methodology that provides for six classes based on 152206
data available to the Director on the day immediately before the 152207
effective date of this section. 152208

(b) Specify additional diagnoses and special care needs that 152209
individuals must have to meet the criteria for admission to 152210
designated outlier ICFs/IID or units for the purposes of Medicaid 152211
payment rates under sections 5124.153 and 5124.154 of the Revised 152212
Code. 152213

(3) If the Director and the organizations with which the 152214
Director consults under divisions (D)(1) of this section agree 152215
that the amounts specified in divisions (C)(2)(b)(i) and (ii) of 152216
this section are not set at levels that will avoid or minimize 152217
rate reductions under division (E) of this section, the Director 152218
and organizations shall recommend, not later than March 31, 2014, 152219
that the General Assembly amend this section to revise the 152220
amounts. It is the General Assembly's intent to amend this section 152221
to revise the amounts specified in divisions (C)(2)(b)(i) and (ii) 152222
of this section if the Director and organizations recommend that 152223
the amounts be revised. 152224

(E) If the mean total per diem rate for all ICFs/IID to which 152225
this section applies, weighted by May 2014 Medicaid days and 152226
determined under division (C) of this section as of July 1, 2014, 152227
is other than \$282.77, the Department of Developmental 152228

Disabilities shall adjust, for fiscal year 2015, the total per 152229
diem rate for each ICF/IID to which this section applies by a 152230
percentage that is equal to the percentage by which the mean total 152231
per diem rate is greater or less than \$282.77. 152232

(F) If the United States Centers for Medicare and Medicaid 152233
Services requires that the franchise permit fee be reduced or 152234
eliminated, the Department of Developmental Disabilities shall 152235
reduce the amount it pays ICF/IID providers under this section as 152236
necessary to reflect the loss to the state of the revenue and 152237
federal financial participation generated from the franchise 152238
permit fee. 152239

(G) The Department of Developmental Disabilities shall follow 152240
this section in determining the rate to be paid ICF/IID providers 152241
subject to this section notwithstanding anything to the contrary 152242
in Chapter 5124. of the Revised Code. 152243

(H) Of the foregoing appropriation items 653407, Medicaid 152244
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 152245
portions shall be used to pay the Medicaid payment rates 152246
determined in accordance with this section for ICF/IID services 152247
provided during fiscal year 2015. 152248

Section 259.220. TRANSFER OF FUNDS FOR OUTLIER SERVICES 152249
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS 152250

As used in this section, "ICF/IID" and "ICF/IID services" 152251
have the same meanings as in section 5124.01 of the Revised Code. 152252

Each quarter during fiscal year 2015, the Director of 152253
Developmental Disabilities shall certify to the Director of Budget 152254
and Management the amount needed to pay the nonfederal share of 152255
the costs of the Medicaid rate add-on paid to ICFs/IID pursuant to 152256
section 5124.25 of the Revised Code for providing outlier ICF/IID 152257
services to residents who qualify for the services and are 152258

transferred to ICFs/IID from hospitals at which they receive 152259
ventilator services at the time of their transfer to the ICFs/IID. 152260

On receipt of a certification, the Director of Budget and 152261
Management shall transfer appropriations equaling the certified 152262
amount from appropriation item 651525, Medicaid/Health Care 152263
Services, to appropriation item 653407, Medicaid Services, and, in 152264
addition, shall reduce the appropriation in 651525, 152265
Medicaid/Health Care Services, by the corresponding federal share. 152266

If receipts credited to the Developmental Center and 152267
Residential Facility Services and Support Fund (Fund 3A40), used 152268
by the Department of Developmental Disabilities, exceed the 152269
amounts appropriated in appropriation item 653653, ICF/IID, the 152270
Director of Developmental Disabilities may request the Director of 152271
Budget and Management to authorize expenditures from the fund in 152272
excess of the amounts appropriated. Upon approval of the Director 152273
of Budget and Management, the additional amounts are hereby 152274
appropriated. 152275

Section 259.230. ICF/IID MEDICAID RATE WORKGROUP 152276

As used in this section, "ICF/IID," "ICF/IID services," and 152277
"Medicaid-certified capacity" have the same meanings as in section 152278
5124.01 of the Revised Code. 152279

For the purpose of assisting the Department of Developmental 152280
Disabilities during fiscal year 2014 and fiscal year 2015 with an 152281
evaluation of revisions to the formula used to determine Medicaid 152282
payment rates for ICF/IID services, the Department shall retain 152283
the workgroup that was created to assist with the study required 152284
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 152285
Assembly. In conducting the evaluation, the Department and 152286
workgroup shall do all of the following: 152287

(A) Focus primarily on the service needs of individuals with 152288

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| complex challenges that ICFs/IID are able to meet; | 152289 |
| (B) Pursue the goal of reducing the Medicaid-certified capacity of individual ICFs/IID and the total number of ICF/IID beds in the state for the purpose of increasing the service choices and community integration of individuals eligible for ICF/IID services; | 152290
152291
152292
152293
152294 |
| (C) Consider the impact that exception reviews conducted under section 5124.193 of the Revised Code have on ICFs/IID's case-mix scores. | 152295
152296
152297 |
| Section 259.240. NONFEDERAL SHARE OF ICF/IID SERVICES | 152298 |
| (A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code. | 152299
152300
152301 |
| (B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply: | 152302
152303
152304
152305 |
| (1) Medicaid covers the ICF/IID services. | 152306 |
| (2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply: | 152307
152308 |
| (a) The Medicaid recipient is eligible for the ICF/IID services; | 152309
152310 |
| (b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003. | 152311
152312
152313
152314 |
| (3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities. | 152315
152316
152317 |

(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

(1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies.

Section 259.250. FY 2014 AND FY 2015 RATES FOR CERTAIN
HOMEMAKER/PERSONAL CARE SERVICES UNDER IO WAIVER

(A) As used in this section:

"Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

"Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

"H.B. 153 increased Medicaid payment rate" means the total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that was set by Section 263.20.70 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly.

"IO Waiver" means the Medicaid waiver component, as defined 152348
in section 5166.01 of the Revised Code, known as Individual 152349
Options. 152350

"Public hospital" has the same meaning as in section 5122.01 152351
of the Revised Code. 152352

"Regular Medicaid payment rate" means the total Medicaid 152353
payment rate for each fifteen minutes of routine 152354
homemaker/personal care services that are available under the IO 152355
Waiver and to which this section does not apply. 152356

(B) This section applies to routine homemaker/personal care 152357
services to which both of the following apply: 152358

(1) The services are provided to an IO Waiver enrollee to 152359
whom all of the following apply: 152360

(a) The enrollee began to receive the services from the 152361
provider on or after July 1, 2011. 152362

(b) The enrollee resided in a developmental center, converted 152363
facility, or public hospital immediately before enrolling in the 152364
IO Wavier. 152365

(c) The Director of Developmental Disabilities has determined 152366
that the enrollee's special circumstances (including the 152367
enrollee's diagnosis, service needs, or length of stay at the 152368
developmental center, converted facility, or public hospital) 152369
warrants paying the Medicaid payment rate authorized by this 152370
section. 152371

(2) The provider of the services has a valid Medicaid 152372
provider agreement for the services for the period during which 152373
the enrollee receives the services from the provider. 152374

(C) The total Medicaid payment rate for each fifteen minutes 152375
of routine homemaker/personal care services to which this section 152376
applies and that are provided during the period beginning July 1, 152377

| | |
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| 2013, and ending June 30, 2015, shall be the greater of the | 152378 |
| following: | 152379 |
| (1) The H.B. 153 increased Medicaid payment rate; | 152380 |
| (2) The regular Medicaid payment rate in effect at the time | 152381 |
| the services are provided. | 152382 |
| (D) Of the foregoing appropriation items 653407, Medicaid | 152383 |
| Services, and 653639, Medicaid Waiver Services, portions shall be | 152384 |
| used to pay the Medicaid payment rates determined in accordance | 152385 |
| with this section for certain homemaker/personal care services | 152386 |
| under the IO Waiver. | 152387 |
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| Section 259.260. UPDATING AUTHORIZING STATUTE CITATIONS | 152388 |
| As used in this section, "authorizing statute" means a | 152389 |
| Revised Code section or provision of a Revised Code section that | 152390 |
| is cited in the Ohio Administrative Code as the statute that | 152391 |
| authorizes the adoption of a rule. | 152392 |
| The Director of Developmental Disabilities is not required to | 152393 |
| amend any rule for the sole purpose of updating the citation in | 152394 |
| the Ohio Administrative Code to the rule's authorizing statute to | 152395 |
| reflect that this act renumbers the authorizing statute or | 152396 |
| relocates it to another Revised Code section. Such citations shall | 152397 |
| be updated as the Director amends the rules for other purposes. | 152398 |
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| Section 259.270. REASON FOR THE REPEAL OF R.C. 5111.236 | 152399 |
| This act repeals section 5111.236 of the Revised Code to | 152400 |
| carry out the intent of the Governor as indicated in the veto | 152401 |
| message regarding Am. Sub. H.B. 1 of the 128th General Assembly | 152402 |
| transmitted to the Clerk of the House of Representatives on July | 152403 |
| 17, 2009. The actual veto removed the section from the title and | 152404 |
| enacting clause of H.B. 1 and an earmark related to the section. | 152405 |
| However, the actual veto inadvertently showed only division (C) of | 152406 |

the section, rather than the entire section, as being vetoed. 152407

Section 261.10. OBD OHIO BOARD OF DIETETICS 152408

General Services Fund Group 152409

4K90 860609 Operating Expenses \$ 330,592 \$ 342,592 152410

TOTAL GSF General Services Fund 152411

Group \$ 330,592 \$ 342,592 152412

TOTAL ALL BUDGET FUND GROUPS \$ 330,592 \$ 342,592 152413

Section 263.10. EDU DEPARTMENT OF EDUCATION 152415

General Revenue Fund 152416

GRF 200321 Operating Expenses \$ 13,142,780 \$ 13,142,780 152417

GRF 200408 Early Childhood \$ 33,318,341 \$ 45,318,341 152418

Education

GRF 200420 Information Technology \$ 4,241,296 \$ 4,241,296 152419

Development and

Support

GRF 200421 Alternative Education \$ 7,403,998 \$ 7,403,998 152420

Programs

GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 152421

Assistance

GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 152422

GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 152423

Support

GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 152424

Computer Network

GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 152425

GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 152426

GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 152427

Cards

GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 152428

GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 152429

| | | | | | | |
|-------------|---|--------------------|---------------|----|---------------|--------|
| | | Information System | | | | |
| GRF 200447 | GED Testing | \$ | 879,551 | \$ | 879,551 | 152430 |
| GRF 200448 | Educator Preparation | \$ | 1,136,737 | \$ | 1,564,237 | 152431 |
| GRF 200455 | Community Schools and
Choice Programs | \$ | 2,438,685 | \$ | 2,491,395 | 152432 |
| GRF 200464 | General Technology
Operations | \$ | 192,097 | \$ | 192,097 | 152433 |
| GRF 200465 | Technology Integration
and Professional
Development | \$ | 1,778,879 | \$ | 1,778,879 | 152434 |
| GRF 200502 | Pupil Transportation | \$ | 505,013,527 | \$ | 521,013,527 | 152435 |
| GRF 200505 | School Lunch Match | \$ | 9,100,000 | \$ | 9,100,000 | 152436 |
| GRF 200511 | Auxiliary Services | \$ | 130,499,457 | \$ | 138,214,374 | 152437 |
| GRF 200532 | Nonpublic
Administrative Cost
Reimbursement | \$ | 58,951,750 | \$ | 62,436,882 | 152438 |
| GRF 200540 | Special Education
Enhancements | \$ | 156,871,292 | \$ | 157,871,292 | 152439 |
| GRF 200545 | Career-Technical
Education Enhancements | \$ | 9,372,999 | \$ | 9,372,999 | 152440 |
| GRF 200550 | Foundation Funding | \$ | 5,808,098,389 | \$ | 6,151,463,768 | 152441 |
| GRF 200566 | Literacy Improvement | \$ | 150,000 | \$ | 150,000 | 152442 |
| GRF 200901 | Property Tax
Allocation - Education | \$ | 1,138,800,000 | \$ | 1,184,352,000 | 152443 |
| TOTAL GRF | General Revenue Fund | \$ | 7,985,459,657 | \$ | 8,425,307,295 | 152444 |
| | General Services Fund Group | | | | | 152445 |
| 1380 200606 | Information
Technology
Development and
Support | \$ | 6,850,090 | \$ | 6,850,090 | 152446 |
| 4520 200638 | Fees and Refunds | \$ | 500,000 | \$ | 500,000 | 152447 |
| 4L20 200681 | Teacher Certification
and Licensure | \$ | 8,313,762 | \$ | 13,658,274 | 152448 |

| | | | | | | | |
|------------------------------------|--------|--|----|------------|----|------------|--------|
| 5960 | 200656 | Ohio Career
Information System | \$ | 529,761 | \$ | 529,761 | 152449 |
| 5H30 | 200687 | School District
Solvency Assistance | \$ | 25,000,000 | \$ | 25,000,000 | 152450 |
| 5KX0 | 200691 | Ohio School
Sponsorship Program | \$ | 487,419 | \$ | 487,419 | 152451 |
| 5KY0 | 200693 | Community Schools
Temporary Sponsorship | \$ | 83,000 | \$ | 83,000 | 152452 |
| TOTAL GSF General Services | | | | | | | 152453 |
| Fund Group | | | \$ | 41,764,032 | \$ | 47,108,544 | 152454 |
| Federal Special Revenue Fund Group | | | | | | | 152455 |
| 3090 | 200601 | Neglected and
Delinquent Education | \$ | 2,168,642 | \$ | 2,168,642 | 152456 |
| 3670 | 200607 | School Food Services | \$ | 8,200,664 | \$ | 8,700,149 | 152457 |
| 3700 | 200624 | Education of
Exceptional Children | \$ | 1,530,000 | \$ | 1,530,000 | 152458 |
| 3AF0 | 200603 | Schools Medicaid
Administrative Claims | \$ | 750,000 | \$ | 750,000 | 152459 |
| 3AN0 | 200671 | School Improvement
Grants | \$ | 20,400,000 | \$ | 20,400,000 | 152460 |
| 3BK0 | 200628 | Longitudinal Data
Systems | \$ | 1,250,000 | \$ | 0 | 152461 |
| 3C50 | 200661 | Early Childhood
Education | \$ | 14,554,749 | \$ | 14,554,749 | 152462 |
| 3CG0 | 200646 | Teacher Incentive | \$ | 15,125,588 | \$ | 15,183,285 | 152463 |
| 3D20 | 200667 | Math Science
Partnerships | \$ | 6,000,000 | \$ | 6,000,000 | 152464 |
| 3EC0 | 200653 | Teacher Incentive -
Federal Stimulus | \$ | 1,300,000 | \$ | 0 | 152465 |
| 3EH0 | 200620 | Migrant Education | \$ | 2,900,000 | \$ | 2,900,000 | 152466 |
| 3EJ0 | 200622 | Homeless Children
Education | \$ | 2,600,000 | \$ | 2,600,000 | 152467 |
| 3EK0 | 200637 | Advanced Placement | \$ | 450,000 | \$ | 450,000 | 152468 |

| | | | | | | | |
|------|--------|---|----|-------------|----|-------------|--------|
| 3EN0 | 200655 | State Data Systems -
Federal Stimulus | \$ | 1,250,000 | \$ | 0 | 152469 |
| 3FD0 | 200665 | Race to the Top | \$ | 136,000,000 | \$ | 58,074,046 | 152470 |
| 3FN0 | 200672 | Early Learning
Challenge - Race to
the Top | \$ | 7,040,000 | \$ | 7,040,000 | 152471 |
| 3GE0 | 200674 | Summer Food Service
Program | \$ | 13,596,000 | \$ | 14,003,800 | 152472 |
| 3GF0 | 200675 | Miscellaneous
Nutrition Grants | \$ | 700,000 | \$ | 700,000 | 152473 |
| 3GG0 | 200676 | Fresh Fruit and
Vegetable Program | \$ | 4,738,000 | \$ | 4,880,140 | 152474 |
| 3H90 | 200605 | Head Start
Collaboration Project | \$ | 225,000 | \$ | 225,000 | 152475 |
| 3L60 | 200617 | Federal School Lunch | \$ | 350,608,075 | \$ | 361,126,273 | 152476 |
| 3L70 | 200618 | Federal School
Breakfast | \$ | 108,480,590 | \$ | 112,819,813 | 152477 |
| 3L80 | 200619 | Child/Adult Food
Programs | \$ | 106,992,650 | \$ | 110,202,428 | 152478 |
| 3L90 | 200621 | Career-Technical
Education Basic Grant | \$ | 44,663,900 | \$ | 44,663,900 | 152479 |
| 3M00 | 200623 | ESEA Title 1A | \$ | 560,000,000 | \$ | 560,000,000 | 152480 |
| 3M20 | 200680 | Individuals with
Disabilities
Education Act | \$ | 443,170,050 | \$ | 443,170,050 | 152481 |
| 3T40 | 200613 | Public Charter
Schools | \$ | 500,000 | \$ | 0 | 152482 |
| 3Y20 | 200688 | 21st Century
Community Learning
Centers | \$ | 48,201,810 | \$ | 50,611,900 | 152483 |
| 3Y60 | 200635 | Improving Teacher
Quality | \$ | 101,900,000 | \$ | 101,900,000 | 152484 |
| 3Y70 | 200689 | English Language | \$ | 9,700,000 | \$ | 9,700,000 | 152485 |

| | | | | | | |
|--------------------------------------|--------|-----------------------|----|---------------|----|----------------------|
| | | Acquisition | | | | |
| 3Y80 | 200639 | Rural and Low Income | \$ | 3,300,000 | \$ | 3,300,000 152486 |
| | | Technical Assistance | | | | |
| 3Z20 | 200690 | State Assessments | \$ | 11,800,000 | \$ | 11,800,000 152487 |
| 3Z30 | 200645 | Consolidated Federal | \$ | 7,949,280 | \$ | 7,949,280 152488 |
| | | Grant Administration | | | | |
| TOTAL FED | | Federal Special | | | | 152489 |
| Revenue Fund Group | | | \$ | 2,038,044,998 | \$ | 1,977,403,455 152490 |
| State Special Revenue Fund Group | | | | | | 152491 |
| 4540 | 200610 | GED Testing | \$ | 1,050,000 | \$ | 250,000 152492 |
| 4550 | 200608 | Commodity Foods | \$ | 24,000,000 | \$ | 24,000,000 152493 |
| 4R70 | 200695 | Indirect Operational | \$ | 6,600,000 | \$ | 6,600,000 152494 |
| | | Support | | | | |
| 4V70 | 200633 | Interagency Program | \$ | 717,725 | \$ | 717,725 152495 |
| | | Support | | | | |
| 5980 | 200659 | Auxiliary Services | \$ | 1,328,910 | \$ | 1,328,910 152496 |
| | | Reimbursement | | | | |
| 5BJ0 | 200626 | Half-Mill Maintenance | \$ | 19,000,000 | \$ | 20,000,000 152497 |
| | | Equalization | | | | |
| 5MM0 | 200677 | Child Nutrition | \$ | 500,000 | \$ | 500,000 152498 |
| | | Refunds | | | | |
| 5T30 | 200668 | Gates Foundation | \$ | 200,000 | \$ | 153,000 152499 |
| | | Grants | | | | |
| 5U20 | 200685 | National Education | \$ | 300,000 | \$ | 300,000 152500 |
| | | Statistics | | | | |
| 6200 | 200615 | Educational | \$ | 300,000 | \$ | 300,000 152501 |
| | | Improvement Grants | | | | |
| TOTAL SSR | | State Special Revenue | | | | 152502 |
| Fund Group | | | \$ | 53,996,635 | \$ | 54,149,635 152503 |
| Lottery Profits Education Fund Group | | | | | | 152504 |
| 7017 | 200612 | Foundation Funding | \$ | 775,000,000 | \$ | 850,000,000 152505 |
| 7017 | 200648 | Straight A Fund | \$ | 100,000,000 | \$ | 150,000,000 152506 |

| | | | | | | | |
|------|--------|---------------------------------|----|----------------|----|----------------|--------|
| 7017 | 200666 | EdChoice Expansion | \$ | 8,500,000 | \$ | 17,000,000 | 152507 |
| 7017 | 200684 | Community School | \$ | 7,500,000 | \$ | 7,500,000 | 152508 |
| | | Facilities | | | | | |
| | | TOTAL LPE Lottery Profits | | | | | 152509 |
| | | Education Fund Group | \$ | 891,000,000 | \$ | 1,024,500,000 | 152510 |
| | | Revenue Distribution Fund Group | | | | | 152511 |
| 7047 | 200909 | School District | \$ | 482,000,000 | \$ | 482,000,000 | 152512 |
| | | Property Tax | | | | | |
| | | Replacement-Business | | | | | |
| 7053 | 200900 | School District | \$ | 28,000,000 | \$ | 28,000,000 | 152513 |
| | | Property Tax | | | | | |
| | | Replacement-Utility | | | | | |
| | | TOTAL RDF Revenue Distribution | | | | | 152514 |
| | | Fund Group | \$ | 510,000,000 | \$ | 510,000,000 | 152515 |
| | | TOTAL ALL BUDGET FUND GROUPS | \$ | 11,520,265,322 | \$ | 12,038,468,929 | 152516 |

Section 263.20. OPERATING EXPENSES 152518

A portion of the foregoing appropriation item 200321, 152519
 Operating Expenses, shall be used by the Department of Education 152520
 to provide matching funds under 20 U.S.C. 2321. 152521

EARLY CHILDHOOD EDUCATION 152522

Of the foregoing appropriation item 200408, Early Childhood 152523
 Education, up to \$50,000 in each fiscal year shall be used to 152524
 support the operations of the "Ready, Set, Go...to Kindergarten" 152525
 Program at the Horizon Education Center in Lorain County. The 152526
 effectiveness of the program shall be evaluated and reported to 152527
 the Department of Education in a study that includes statistics on 152528
 program participants' scores for the "Get It, Got It, Go!" 152529
 assessment and the kindergarten readiness assessment. 152530

The Department of Education shall distribute the remainder of 152531
 the foregoing appropriation item 200408, Early Childhood 152532
 Education, to pay the costs of early childhood education programs. 152533

The Department shall distribute such funds directly to qualifying providers. 152534
152535

(A) As used in this section: 152536

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the tiered quality rating and improvement system described in section 5104.30 of the Revised Code; or a combination of entities described in this paragraph. 152537
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(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section. 152545
152546
152547
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152551

(3) "Eligible child" means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday. 152552
152553
152554
152555
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152559

(4) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning programs. 152560
152561
152562

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support 152563
152564

and technical assistance. The Department shall distribute the 152565
remainder of the appropriation in each fiscal year to serve 152566
eligible children. 152567

(C) The Department shall provide an annual report to the 152568
Governor, the Speaker of the House of Representatives, and the 152569
President of the Senate and post the report to the Department's 152570
web site, regarding early childhood education programs operated 152571
under this section and the early learning program standards. 152572

(D) After setting aside the amounts to make payments due from 152573
the previous fiscal year, in fiscal year 2014, the Department 152574
shall distribute funds first to recipients of funds for early 152575
childhood education programs under Section 267.10.10 of Am. Sub. 152576
H.B. 153 of the 129th General Assembly, as amended by Am. Sub. 152577
H.B. 487 of the 129th General Assembly, in the previous fiscal 152578
year and the balance to new eligible providers of early childhood 152579
education programs under this section or to existing providers to 152580
serve more eligible children or for purposes of program expansion, 152581
improvement, or special projects to promote quality and 152582
innovation. 152583

After setting aside the amounts to make payments due from the 152584
previous fiscal year, in fiscal year 2015, the Department shall 152585
distribute funds first to providers of early childhood education 152586
programs under this section in the previous fiscal year and the 152587
balance to new eligible providers or to existing providers to 152588
serve more eligible children as outlined under division (E) of 152589
this section or for purposes of program expansion, improvement, or 152590
special projects to promote quality and innovation. 152591

(E) The Department shall distribute any new or remaining 152592
funding to existing providers of early childhood education 152593
programs or any new eligible providers in an effort to invest in 152594
high quality early childhood programs where there is a need as 152595
determined by the Department. The Department shall distribute the 152596

new or remaining funds to existing providers of early childhood 152597
education programs or any new eligible providers to serve 152598
additional eligible children based on community economic 152599
disadvantage, limited access to high quality preschool or 152600
childcare services, and demonstration of high quality preschool 152601
services as determined by the Department using new metrics 152602
developed pursuant to Ohio's Race to the Top—Early Learning 152603
Challenge Grant, awarded to the Department in December 2011. 152604

Awards under divisions (D) and (E) of this section shall be 152605
distributed on a per-pupil basis, and in accordance with division 152606
(I) of this section. The Department may adjust the per-pupil 152607
amount so that the per-pupil amount multiplied by the number of 152608
eligible children enrolled and receiving services on the first day 152609
of December or the business day closest to that date equals the 152610
amount allocated under this section. 152611

(F) Costs for developing and administering an early childhood 152612
education program may not exceed fifteen per cent of the total 152613
approved costs of the program. 152614

All providers shall maintain such fiscal control and 152615
accounting procedures as may be necessary to ensure the 152616
disbursement of, and accounting for, these funds. The control of 152617
funds provided in this program, and title to property obtained, 152618
shall be under the authority of the approved provider for purposes 152619
provided in the program unless, as described in division (K) of 152620
this section, the program waives its right for funding or a 152621
program's funding is eliminated or reduced due to its inability to 152622
meet financial or early learning program standards. The approved 152623
provider shall administer and use such property and funds for the 152624
purposes specified. 152625

(G) The Department may examine a provider's financial and 152626
program records. If the financial practices of the program are not 152627
in accordance with standard accounting principles or do not meet 152628

financial standards outlined under division (F) of this section, 152629
or if the program fails to substantially meet the early learning 152630
program standards, meet a quality rating level in the tiered 152631
quality rating and improvement system developed under section 152632
5104.30 of the Revised Code as prescribed by the Department, or 152633
exhibits below average performance as measured against the 152634
standards, the early childhood education program shall propose and 152635
implement a corrective action plan that has been approved by the 152636
Department. The approved corrective action plan shall be signed by 152637
the chief executive officer and the executive of the official 152638
governing body of the provider. The corrective action plan shall 152639
include a schedule for monitoring by the Department. Such 152640
monitoring may include monthly reports, inspections, a timeline 152641
for correction of deficiencies, and technical assistance to be 152642
provided by the Department or obtained by the early childhood 152643
education program. The Department may withhold funding pending 152644
corrective action. If an early childhood education program fails 152645
to satisfactorily complete a corrective action plan, the 152646
Department may deny expansion funding to the program or withdraw 152647
all or part of the funding to the program and establish a new 152648
eligible provider through a selection process established by the 152649
Department. 152650

(H)(1) If the early childhood education program is licensed 152651
by the Department of Education and is not highly rated, as 152652
determined by the Director of Job and Family Services, under the 152653
tiered quality rating and improvement system described in section 152654
5104.30 of the Revised Code, the program shall do all of the 152655
following: 152656

(a) Meet teacher qualification requirements prescribed by 152657
section 3301.311 of the Revised Code; 152658

(b) Align curriculum to the early learning content standards 152659
developed by the Department; 152660

| | |
|--|--|
| (c) Meet any child or program assessment requirements prescribed by the Department; | 152661
152662 |
| (d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department; | 152663
152664
152665
152666 |
| (e) Document and report child progress as prescribed by the Department; | 152667
152668 |
| (f) Meet and report compliance with the early learning program standards as prescribed by the Department; | 152669
152670 |
| (g) Participate in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code. Effective July 1, 2016, all programs shall be rated through the system. | 152671
152672
152673
152674 |
| (2) If the program is highly rated, as determined by the Director of Job and Family Services, under the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code, the program shall comply with the requirements of that system. | 152675
152676
152677
152678
152679 |
| (I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that | 152680
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152691 |

the provider is working in collaboration with a preschool special 152692
education program, the provider may submit a waiver to the 152693
Department requesting an alternate schedule. If the Department 152694
approves a waiver for an alternate schedule that provides services 152695
for less time than the standard early childhood education 152696
schedule, the Department may reduce the provider's annual 152697
allocation proportionately. Under no circumstances shall an annual 152698
allocation be increased because of the approval of an alternate 152699
schedule. 152700

(J) Each provider shall develop a sliding fee scale based on 152701
family incomes and shall charge families who earn more than two 152702
hundred per cent of the federal poverty guidelines, as defined in 152703
division (A)(3) of section 5101.46 of the Revised Code, for the 152704
early childhood education program. 152705

The Department shall conduct an annual survey of each 152706
provider to determine whether the provider charges families 152707
tuition or fees, the amount families are charged relative to 152708
family income levels, and the number of families and students 152709
charged tuition and fees for the early childhood program. 152710

(K) If an early childhood education program voluntarily 152711
waives its right for funding, or has its funding eliminated for 152712
not meeting financial standards or the early learning program 152713
standards, the provider shall transfer control of title to 152714
property, equipment, and remaining supplies obtained through the 152715
program to providers designated by the Department and return any 152716
unexpended funds to the Department along with any reports 152717
prescribed by the Department. The funding made available from a 152718
program that waives its right for funding or has its funding 152719
eliminated or reduced may be used by the Department for new grant 152720
awards or expansion grants. The Department may award new grants or 152721
expansion grants to eligible providers who apply. The eligible 152722
providers who apply must do so in accordance with the selection 152723

process established by the Department. 152724

(L) Eligible expenditures for the Early Childhood Education 152725
Program shall be claimed each fiscal year to help meet the state's 152726
TANF maintenance of effort requirement. The Superintendent of 152727
Public Instruction and the Director of Job and Family Services 152728
shall enter into an interagency agreement to carry out the 152729
requirements under this division, which shall include developing 152730
reporting guidelines for these expenditures. 152731

(M) The Early Childhood Advisory Council established under 152732
section 3301.90 of the Revised Code shall provide, by October 1, 152733
2013, recommendations including, but not limited to, the 152734
administration, implementation, and distribution of funding for an 152735
early childhood voucher program, to the Superintendent of Public 152736
Instruction, the Governor's Office of 21st Century Education, the 152737
Speaker of the House of Representatives, the President of the 152738
Senate, and the chairpersons of the standing committees of the 152739
House of Representatives and the Senate that deal primarily with 152740
issues of education. 152741

Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 152742
SUPPORT 152743

The foregoing appropriation item 200420, Information 152744
Technology Development and Support, shall be used to support the 152745
development and implementation of information technology solutions 152746
designed to improve the performance and services of the Department 152747
of Education. Funds may be used for personnel, maintenance, and 152748
equipment costs related to the development and implementation of 152749
these technical system projects. Implementation of these systems 152750
shall allow the Department to provide greater levels of assistance 152751
to school districts and to provide more timely information to the 152752
public, including school districts, administrators, and 152753
legislators. Funds may also be used to support data-driven 152754

decision-making and differentiated instruction, as well as to 152755
communicate academic content standards and curriculum models to 152756
schools through web-based applications. 152757

Section 263.40. ALTERNATIVE EDUCATION PROGRAMS 152758

The foregoing appropriation item 200421, Alternative 152759
Education Programs, shall be used for the renewal of successful 152760
implementation grants and for competitive matching grants to 152761
school districts for alternative educational programs for existing 152762
and new at-risk and delinquent youth. Programs shall be focused on 152763
youth in one or more of the following categories: those who have 152764
been expelled or suspended, those who have dropped out of school 152765
or who are at risk of dropping out of school, those who are 152766
habitually truant or disruptive, or those on probation or on 152767
parole from a Department of Youth Services facility. Grants shall 152768
be awarded only to programs in which the grant will not serve as 152769
the program's primary source of funding. These grants shall be 152770
administered by the Department of Education. 152771

The Department of Education may waive compliance with any 152772
minimum education standard established under section 3301.07 of 152773
the Revised Code for any alternative school that receives a grant 152774
under this section on the grounds that the waiver will enable the 152775
program to more effectively educate students enrolled in the 152776
alternative school. 152777

Of the foregoing appropriation item 200421, Alternative 152778
Education Programs, a portion may be used for program 152779
administration, monitoring, technical assistance, support, 152780
research, and evaluation. 152781

Section 263.50. SCHOOL MANAGEMENT ASSISTANCE 152782

Of the foregoing appropriation item 200422, School Management 152783
Assistance, \$1,000,000 in each fiscal year shall be used by the 152784

Auditor of State in consultation with the Department of Education 152785
for expenses incurred in the Auditor of State's role relating to 152786
fiscal caution, fiscal watch, and fiscal emergency activities as 152787
defined in Chapter 3316. of the Revised Code, unless an amount 152788
less than \$1,000,000 is needed and mutually agreed to by the 152789
Department and the Auditor of State. This set-aside may also be 152790
used by the Auditor of State to conduct performance audits of 152791
other school districts with priority given to districts in fiscal 152792
distress. Districts in fiscal distress shall be determined by the 152793
Auditor of State and shall include districts that the Auditor of 152794
State, in consultation with the Department of Education, 152795
determines are employing fiscal practices or experiencing 152796
budgetary conditions that could produce a state of fiscal watch or 152797
fiscal emergency. 152798

The remainder of appropriation item 200422, School Management 152799
Assistance, shall be used by the Department of Education to 152800
provide fiscal technical assistance and inservice education for 152801
school district management personnel and to administer, monitor, 152802
and implement the fiscal caution, fiscal watch, and fiscal 152803
emergency provisions under Chapter 3316. of the Revised Code. 152804

Section 263.60. POLICY ANALYSIS 152805

The foregoing appropriation item 200424, Policy Analysis, 152806
shall be used by the Department of Education to support a system 152807
of administrative, statistical, and legislative education 152808
information to be used for policy analysis. Staff supported by 152809
this appropriation shall administer the development of reports, 152810
analyses, and briefings to inform education policymakers of 152811
current trends in education practice, efficient and effective use 152812
of resources, and evaluation of programs to improve education 152813
results. The database shall be kept current at all times. These 152814
research efforts shall be used to supply information and analysis 152815

of data to the General Assembly and other state policymakers, 152816
including the Office of Budget and Management, the Governor's 152817
Office of 21st Century Education, and the Legislative Service 152818
Commission. 152819

The Department of Education may use funding from this 152820
appropriation item to purchase or contract for the development of 152821
software systems or contract for policy studies that will assist 152822
in the provision and analysis of policy-related information. 152823
Funding from this appropriation item also may be used to monitor 152824
and enhance quality assurance for research-based policy analysis 152825
and program evaluation to enhance the effective use of education 152826
information to inform education policymakers. 152827

TECH PREP CONSORTIA SUPPORT 152828

The foregoing appropriation item 200425, Tech Prep Consortia 152829
Support, shall be used by the Department of Education to support 152830
state-level activities designed to support, promote, and expand 152831
tech prep programs. Use of these funds shall include, but not be 152832
limited to, administration of grants, program evaluation, 152833
professional development, curriculum development, assessment 152834
development, program promotion, communications, and statewide 152835
coordination of tech prep consortia. 152836

Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK 152837

The foregoing appropriation item 200426, Ohio Educational 152838
Computer Network, shall be used by the Department of Education to 152839
maintain a system of information technology throughout Ohio and to 152840
provide technical assistance for such a system in support of the 152841
P-16 State Education Technology Plan developed under section 152842
3353.09 of the Revised Code. 152843

Of the foregoing appropriation item 200426, Ohio Educational 152844
Computer Network, up to \$10,705,569 in each fiscal year shall be 152845

used by the Department of Education to support connection of all 152846
public school buildings and participating chartered nonpublic 152847
schools to the state's education network, to each other, and to 152848
the Internet. In each fiscal year the Department of Education 152849
shall use these funds to assist information technology centers or 152850
school districts with the operational costs associated with this 152851
connectivity. The Department of Education shall develop a formula 152852
and guidelines for the distribution of these funds to information 152853
technology centers or individual school districts. As used in this 152854
section, "public school building" means a school building of any 152855
city, local, exempted village, or joint vocational school 152856
district, any community school established under Chapter 3314. of 152857
the Revised Code, any college preparatory boarding school 152858
established under Chapter 3328. of the Revised Code, any STEM 152859
school established under Chapter 3326. of the Revised Code, any 152860
educational service center building used for instructional 152861
purposes, the Ohio School for the Deaf and the Ohio School for the 152862
Blind, high schools chartered by the Ohio Department of Youth 152863
Services, or high schools operated by Ohio Department of 152864
Rehabilitation and Corrections' Ohio Central School System. 152865

Of the foregoing appropriation item 200426, Ohio Educational 152866
Computer Network, up to \$2,500,000 in each fiscal year shall be 152867
used for the Union Catalog and InfOhio Network and to support the 152868
provision of electronic resources with priority given to resources 152869
that support the teaching of state academic content standards in 152870
all public schools. Consideration shall be given by the Department 152871
of Education to coordinating the allocation of these moneys with 152872
the efforts of Libraries Connect Ohio, whose members include 152873
OhioLINK, the Ohio Public Information Network, and the State 152874
Library of Ohio. 152875

Of the foregoing appropriation item 200426, Ohio Educational 152876
Computer Network, up to \$5,220,000 in each fiscal year shall be 152877

used, through a formula and guidelines devised by the Department, 152878
to subsidize the activities of designated information technology 152879
centers, as defined by State Board of Education rules, to provide 152880
school districts and chartered nonpublic schools with 152881
computer-based student and teacher instructional and 152882
administrative information services, including approved 152883
computerized financial accounting, and to ensure the effective 152884
operation of local automated administrative and instructional 152885
systems. 152886

Of the foregoing appropriation item 200426, Ohio Educational 152887
Computer Network, up to \$10,000,000 in fiscal year 2014 shall be 152888
used for middle mile connections for the information technology 152889
centers established under section 3301.075 of the Revised Code and 152890
select large urban districts to connect to the state broadband 152891
backbone managed by the Ohio Technology Consortium and for other 152892
connectivity upgrades necessary for K-12 school buildings with 152893
severely restricted broadband connections. The Department of 152894
Education shall develop an expenditure plan to facilitate 152895
instructional technology/blended learning initiatives. The State 152896
Chief Information Officer and the Education Technology Division of 152897
the Ohio Board of Regents shall review the plan to ensure it 152898
coincides with State of Ohio and higher education network 152899
strategies and shall either approve or reject the plan. If the 152900
plan is rejected, the State Chief Information Officer and the 152901
Education Technology Division of the Ohio Board of Regents shall 152902
identify deficiencies in the plan and work with the Department to 152903
complete an acceptable plan. "Select large urban districts" are 152904
those districts that connect to the state broadband backbone 152905
directly rather than through an information technology center. At 152906
the request of the Superintendent of Public Instruction, the 152907
Director of Budget and Management may authorize the expenditure in 152908
fiscal year 2015 of any unexpended and unencumbered portion of 152909
this set-aside at the end of fiscal year 2014. The authorized 152910

expenditure is hereby reappropriated to the Department for the 152911
same purpose for fiscal year 2015. 152912

The remainder of appropriation item 200426, Ohio Educational 152913
Computer Network, shall be used to support the work of the 152914
development, maintenance, and operation of a network of uniform 152915
and compatible computer-based information and instructional 152916
systems as well as the teacher student linkage/roster verification 152917
process and the eTranscript/student records exchange initiative. 152918
This technical assistance shall include, but not be restricted to, 152919
development and maintenance of adequate computer software systems 152920
to support network activities. In order to improve the efficiency 152921
of network activities, the Department and information technology 152922
centers may jointly purchase equipment, materials, and services 152923
from funds provided under this appropriation for use by the 152924
network and, when considered practical by the Department, may 152925
utilize the services of appropriate state purchasing agencies. 152926

Section 263.80. ACADEMIC STANDARDS 152927

The foregoing appropriation item 200427, Academic Standards, 152928
shall be used by the Department of Education to develop, revise, 152929
and communicate to school districts academic content standards and 152930
curriculum models and to develop professional development programs 152931
and other tools on the new content standards and model curriculum. 152932

Section 263.90. STUDENT ASSESSMENT 152933

Of the foregoing appropriation item 200437, Student 152934
Assessment, up to \$95,000 in each fiscal year may be used to 152935
support the assessments required under section 3301.0715 of the 152936
Revised Code. 152937

The remainder of appropriation item 200437, Student 152938
Assessment, shall be used to develop, field test, print, 152939
distribute, score, report results, and support other associated 152940

costs for the tests required under sections 3301.0710, 3301.0711, 152941
and 3301.0712 of the Revised Code and for similar purposes as 152942
required by section 3301.27 of the Revised Code. The funds may 152943
also be used to update and develop diagnostic assessments required 152944
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 152945
Code. 152946

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 152947
ASSESSMENT 152948

In fiscal year 2014 and fiscal year 2015, if the 152949
Superintendent of Public Instruction determines that additional 152950
funds are needed to fully fund the requirements of sections 152951
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 152952
and this act for assessments of student performance, the 152953
Superintendent of Public Instruction may recommend the 152954
reallocation of unexpended and unencumbered General Revenue Fund 152955
appropriations within the Department of Education to appropriation 152956
item 200437, Student Assessment, to the Director of Budget and 152957
Management. If the Director of Budget and Management determines 152958
that such a reallocation is required, the Director of Budget and 152959
Management may transfer unexpended and unencumbered appropriations 152960
within the Department of Education as necessary to appropriation 152961
item 200437, Student Assessment. If these transferred 152962
appropriations are not sufficient to fully fund the assessment 152963
requirements in fiscal year 2014 or fiscal year 2015, the 152964
Superintendent of Public Instruction may request that the 152965
Controlling Board transfer up to \$9,000,000 cash from the Lottery 152966
Profits Education Reserve Fund (Fund 7018) to the General Revenue 152967
Fund. Upon approval of the Controlling Board, the Director of 152968
Budget and Management shall transfer the cash. These transferred 152969
funds are hereby appropriated for the same purpose as 152970
appropriation item 200437, Student Assessment. 152971

Section 263.100. Notwithstanding anything to the contrary in 152972
sections 3301.0710 and 3301.0711 of the Revised Code, in the 152973
2013-2014 school year, the Department of Education shall not 152974
furnish, and school districts and schools shall not administer, 152975
the elementary writing and social studies achievement assessments 152976
prescribed by section 3301.0710 of the Revised Code, unless the 152977
Superintendent of Public Instruction determines the Department has 152978
sufficient funds to pay the costs of furnishing and scoring those 152979
assessments. 152980

Section 263.110. ACCOUNTABILITY/REPORT CARDS 152981

Of the foregoing appropriation item 200439, 152982
Accountability/Report Cards, a portion in each fiscal year may be 152983
used to train district and regional specialists and district 152984
educators in the use of the value-added progress dimension and in 152985
the use of data as it relates to improving student achievement. 152986
This training may include teacher and administrator professional 152987
development in the use of data to improve instruction and student 152988
learning, and teacher and administrator training in understanding 152989
teacher value-added reports and how they can be used as a 152990
component in measuring teacher and administrator effectiveness. A 152991
portion of this funding may be provided to a credible nonprofit 152992
organization with expertise in value-added progress dimensions. 152993

The remainder of appropriation item 200439, 152994
Accountability/Report Cards, shall be used by the Department to 152995
incorporate a statewide value-added progress dimension into 152996
performance ratings for school districts and for the development 152997
of an accountability system that includes the preparation and 152998
distribution of school report cards, funding and expenditure 152999
accountability reports under sections 3302.03 and 3302.031 of the 153000
Revised Code, and the development and maintenance of teacher 153001
value-added reports. 153002

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| CHILD CARE LICENSING | 153003 |
| The foregoing appropriation item 200442, Child Care | 153004 |
| Licensing, shall be used by the Department of Education to license | 153005 |
| and to inspect preschool and school-age child care programs under | 153006 |
| sections 3301.52 to 3301.59 of the Revised Code. | 153007 |
| Section 263.120. EDUCATION MANAGEMENT INFORMATION SYSTEM | 153008 |
| The foregoing appropriation item 200446, Education Management | 153009 |
| Information System, shall be used by the Department of Education | 153010 |
| to improve the Education Management Information System (EMIS). | 153011 |
| Of the foregoing appropriation item 200446, Education | 153012 |
| Management Information System, up to \$729,000 in each fiscal year | 153013 |
| shall be distributed to designated information technology centers | 153014 |
| for costs relating to processing, storing, and transferring data | 153015 |
| for the effective operation of the EMIS. These costs may include, | 153016 |
| but are not limited to, personnel, hardware, software development, | 153017 |
| communications connectivity, professional development, and support | 153018 |
| services, and to provide services to participate in the State | 153019 |
| Education Technology Plan developed under section 3353.09 of the | 153020 |
| Revised Code. | 153021 |
| The remainder of appropriation item 200446, Education | 153022 |
| Management Information System, shall be used to develop and | 153023 |
| support a common core of data definitions and standards as adopted | 153024 |
| by the Education Management Information System Advisory Board, | 153025 |
| including the ongoing development and maintenance of the data | 153026 |
| dictionary and data warehouse. In addition, such funds shall be | 153027 |
| used to support the development and implementation of data | 153028 |
| standards; the design, development, and implementation of a new | 153029 |
| data exchange system; and responsibilities related to the school | 153030 |
| report cards prescribed by section 3302.03 of the Revised Code and | 153031 |
| value-added progress dimension calculations. | 153032 |

Any provider of software meeting the standards approved by 153033
the Education Management Information System Advisory Board shall 153034
be designated as an approved vendor and may enter into contracts 153035
with local school districts, community schools, STEMS schools, 153036
information technology centers, or other educational entities for 153037
the purpose of collecting and managing data required under Ohio's 153038
education management information system (EMIS) laws. On an annual 153039
basis, the Department of Education shall convene an advisory group 153040
of school districts, community schools, and other 153041
education-related entities to review the Education Management 153042
Information System data definitions and data format standards. The 153043
advisory group shall recommend changes and enhancements based upon 153044
surveys of its members, education agencies in other states, and 153045
current industry practices, to reflect best practices, align with 153046
federal initiatives, and meet the needs of school districts. 153047

School districts, STEM schools, and community schools not 153048
implementing a common and uniform set of data definitions and data 153049
format standards for Education Management Information System 153050
purposes shall have all EMIS funding withheld until they are in 153051
compliance. 153052

Section 263.130. GED TESTING 153053

The foregoing appropriation item 200447, GED Testing, shall 153054
be used to provide General Educational Development (GED) testing 153055
under rules adopted by the State Board of Education. 153056

Section 263.140. EDUCATOR PREPARATION 153057

Of the foregoing appropriation item 200448, Educator 153058
Preparation, up to \$500,000 in each fiscal year may be used by the 153059
Department of Education to monitor and support Ohio's State System 153060
of Support in accordance with the "No Child Left Behind Act of 153061
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 153062

and Secondary Education Act flexibility waivers approved for Ohio 153063
by the United States Department of Education. 153064

Of the foregoing appropriation item 200448, Educator 153065
Preparation, up to \$100,000 in each fiscal year may be used by the 153066
Department to support the Educator Standards Board under section 153067
3319.61 of the Revised Code and reforms under sections 3302.042, 153068
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 153069
3319.58 of the Revised Code. 153070

The remainder of the foregoing appropriation item 200448, 153071
Educator Preparation, in fiscal year 2015 may be used for 153072
implementation of teacher and principal evaluation systems, 153073
including incorporation of student growth as a metric in those 153074
systems, and teacher value-added reports. 153075

Section 263.150. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 153076

The foregoing appropriation item 200455, Community Schools 153077
and Choice Programs, may be used by the Department of Education 153078
for additional services and responsibilities under section 3314.11 153079
of the Revised Code and for operation of the school choice 153080
programs. 153081

Of the foregoing appropriation item 200455, Community Schools 153082
and Choice Programs, a portion in each fiscal year may be used by 153083
the Department of Education for developing and conducting training 153084
sessions for community schools and sponsors and prospective 153085
sponsors of community schools as prescribed in division (A)(1) of 153086
section 3314.015 of the Revised Code, and other schools 153087
participating in school choice programs. 153088

**Section 263.160. TECHNOLOGY INTEGRATION AND PROFESSIONAL 153089
DEVELOPMENT** 153090

The foregoing appropriation item 200465, Technology 153091
Integration and Professional Development, shall be used by the 153092

Department of Education to contract with educational television 153093
stations and education technology centers to provide Ohio public 153094
schools with instructional resources and services, with priority 153095
given to resources and services aligned with state academic 153096
content standards. Such resources and services shall be based upon 153097
the advice and approval of the Department, based on a formula used 153098
by the former eTech Ohio Commission unless and until a substitute 153099
formula is developed in consultation with the Ohio Board of 153100
Regents. 153101

Section 263.170. PUPIL TRANSPORTATION 153102

Of the foregoing appropriation item 200502, Pupil 153103
Transportation, up to \$838,930 in each fiscal year may be used by 153104
the Department of Education for training prospective and 153105
experienced school bus drivers in accordance with training 153106
programs prescribed by the Department. Up to \$60,469,220 in each 153107
fiscal year may be used by the Department of Education for special 153108
education transportation reimbursements to school districts and 153109
county DD boards for transportation operating costs as provided in 153110
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 153111
to \$5,000,000 in fiscal year 2014 and up to \$2,500,000 in fiscal 153112
year 2015 may be used by the Department of Education to reimburse 153113
school districts that make payments to parents in lieu of 153114
transportation under section 3327.02 of the Revised Code and whose 153115
transportation is not funded under division (C) of section 153116
3317.024 of the Revised Code. 153117

Of the foregoing appropriation item 200502, Pupil 153118
Transportation, up to \$25,300,000 in fiscal year 2014 and up to 153119
\$23,100,000 in fiscal year 2015 shall be used for additional 153120
transportation aid for school districts as provided by division 153121
(G)(2) of section 3317.0212 of the Revised Code, as amended by 153122
this act. The Department shall pay each school district a pro rata 153123

portion of the amounts calculated so that the amount appropriated 153124
is not exceeded. 153125

Of the foregoing appropriation item 200502, Pupil 153126
Transportation, \$413,385,915 in fiscal year 2014 and \$434,055,210 153127
in fiscal year 2015 shall be used to distribute the amounts 153128
calculated for transportation aid under division (G)(1) of section 153129
3317.0212 of the Revised Code, as amended by this act. 153130

Section 263.180. SCHOOL LUNCH MATCH 153131

The foregoing appropriation item 200505, School Lunch Match, 153132
shall be used to provide matching funds to obtain federal funds 153133
for the school lunch program. 153134

Any remaining appropriation after providing matching funds 153135
for the school lunch program may be used to partially reimburse 153136
school buildings within school districts that are required to have 153137
a school breakfast program under section 3313.813 of the Revised 153138
Code, at a rate decided by the Department. 153139

Section 263.190. AUXILIARY SERVICES 153140

The foregoing appropriation item 200511, Auxiliary Services, 153141
shall be used by the Department of Education for the purpose of 153142
implementing section 3317.06 of the Revised Code. Of the 153143
appropriation, up to \$1,888,106 in fiscal year 2014 and up to 153144
\$1,944,949 in fiscal year 2015 may be used for payment of the 153145
Post-Secondary Enrollment Program for nonpublic students, except 153146
that in fiscal year 2014 the Department may spend above the 153147
set-aside to pay for outstanding obligations for the 153148
Post-Secondary Enrollment Options Program in fiscal year 2013. 153149

Section 263.200. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 153150

The foregoing appropriation item 200532, Nonpublic 153151
Administrative Cost Reimbursement, shall be used by the Department 153152

of Education for the purpose of implementing section 3317.063 of 153153
the Revised Code. 153154

Section 263.210. SPECIAL EDUCATION ENHANCEMENTS 153155

Of the foregoing appropriation item 200540, Special Education 153156
Enhancements, up to \$50,000,000 in each fiscal year shall be used 153157
to fund special education and related services at county boards of 153158
developmental disabilities for eligible students under section 153159
3317.20 of the Revised Code and at institutions for eligible 153160
students under section 3317.201 of the Revised Code. If necessary, 153161
the Department shall proportionately reduce the amount calculated 153162
for each county board of developmental disabilities and 153163
institution so as not to exceed the amount appropriated in each 153164
fiscal year. 153165

Of the foregoing appropriation item 200540, Special Education 153166
Enhancements, up to \$1,333,468 in each fiscal year shall be used 153167
for parent mentoring programs. 153168

Of the foregoing appropriation item 200540, Special Education 153169
Enhancements, up to \$2,537,824 in each fiscal year may be used for 153170
school psychology interns. 153171

The remainder of appropriation item 200540, Special Education 153172
Enhancements, shall be distributed by the Department of Education 153173
to school districts and institutions, as defined in section 153174
3323.091 of the Revised Code, for preschool special education 153175
funding under section 3317.0213 of the Revised Code. If necessary, 153176
the Department shall proportionately reduce the amount calculated 153177
for each school district and institution so as not to exceed the 153178
amount appropriated in each fiscal year. 153179

The Department may reimburse school districts and 153180
institutions for services provided by instructional assistants, 153181
related services as defined in rule 3301-51-11 of the 153182

Administrative Code, physical therapy services provided by a 153183
licensed physical therapist or physical therapist assistant under 153184
the supervision of a licensed physical therapist as required under 153185
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 153186
Administrative Code and occupational therapy services provided by 153187
a licensed occupational therapist or occupational therapy 153188
assistant under the supervision of a licensed occupational 153189
therapist as required under Chapter 4755. of the Revised Code and 153190
Chapter 4755-7 of the Administrative Code. Nothing in this section 153191
authorizes occupational therapy assistants or physical therapist 153192
assistants to generate or manage their own caseloads. 153193

The Department of Education shall require school districts, 153194
educational service centers, county DD boards, and institutions 153195
serving preschool children with disabilities to adhere to Ohio's 153196
early learning program standards, participate in the tiered 153197
quality rating and improvement system developed under section 153198
5104.30 of the Revised Code, and document child progress using 153199
research-based indicators prescribed by the Department and report 153200
results annually. The reporting dates and method shall be 153201
determined by the Department. Effective July 1, 2018, all programs 153202
shall be rated through the tiered quality rating and improvement 153203
system. 153204

Section 263.220. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 153205

Of the foregoing appropriation item 200545, Career-Technical 153206
Education Enhancements, up to \$2,563,568 in each fiscal year shall 153207
be used to fund secondary career-technical education at 153208
institutions using a grant-based methodology, notwithstanding 153209
section 3317.05 of the Revised Code. 153210

Of the foregoing appropriation item 200545, Career-Technical 153211
Education Enhancements, up to \$2,838,281 in each fiscal year shall 153212
be used by the Department of Education to fund competitive grants 153213

to tech prep consortia that expand the number of students enrolled 153214
in tech prep programs. These grant funds shall be used to directly 153215
support expanded tech prep programs provided to students enrolled 153216
in school districts, including joint vocational school districts, 153217
and affiliated higher education institutions. This support may 153218
include the purchase of equipment. 153219

Of the foregoing appropriation item 200545, Career-Technical 153220
Education Enhancements, up to \$3,100,850 in each fiscal year shall 153221
be used by the Department of Education to support existing High 153222
Schools That Work (HSTW) sites, develop and support new sites, 153223
fund technical assistance, and support regional centers and middle 153224
school programs. The purpose of HSTW is to combine challenging 153225
academic courses and modern career-technical studies to raise the 153226
academic achievement of students. HSTW provides intensive 153227
technical assistance, focused staff development, targeted 153228
assessment services, and ongoing communications and networking 153229
opportunities. 153230

Of the foregoing appropriation item 200545, Career-Technical 153231
Education Enhancements, up to \$600,000 in each fiscal year shall 153232
be used by the Department of Education to enable students in 153233
agricultural programs to enroll in a fifth quarter of instruction 153234
based on the agricultural education model of delivering work-based 153235
learning through supervised agricultural experience. The 153236
Department of Education shall determine eligibility criteria and 153237
the reporting process for the Agriculture 5th Quarter Project and 153238
shall fund as many programs as possible given the set aside. The 153239
eligibility criteria developed by the Department shall allow these 153240
funds to support supervised agricultural experience that occurs 153241
anytime outside of the regular school day. 153242

Of the foregoing appropriation item, 200545, Career-Technical 153243
Education Enhancements, up to \$162,200 in each fiscal year shall 153244
be distributed to the Cleveland Municipal School District and the 153245

Cincinnati City School District to be used for a VoAg Program in 153246
one at-risk nonvocational school in each district. The amount 153247
distributed to the Cleveland Municipal School District shall be 153248
equal to \$78,600 minus the funding allocated to the district under 153249
division (A)(8) of section 3317.022 of the Revised Code for the 153250
students participating in the program. The amount distributed to 153251
the Cincinnati City School District shall be equal to \$83,600 153252
minus the funding allocated to the district under section 3317.162 153253
of the Revised Code for the students participating in the program. 153254

Of the foregoing appropriation item 200545, Career-Technical 153255
Education Enhancements, \$108,100 in each fiscal year shall be used 153256
to prepare students for careers in culinary arts and restaurant 153257
management under the Ohio ProStart school restaurant program. 153258

Section 263.230. FOUNDATION FUNDING 153259

Of the foregoing appropriation item 200550, Foundation 153260
Funding, up to \$675,000 in each fiscal year shall be used to 153261
support the work of the College of Education and Human Ecology at 153262
the Ohio State University in reviewing and assessing the alignment 153263
of courses offered through the distance learning clearinghouse 153264
established in sections 3333.81 to 3333.88 of the Revised Code 153265
with the academic content standards adopted under division (A) of 153266
section 3301.079 of the Revised Code. 153267

Of the foregoing appropriation item 200550, Foundation 153268
Funding, up to \$40,000,000 in each fiscal year shall be used to 153269
provide additional state aid to school districts, joint vocational 153270
school districts, community schools, and STEM schools for special 153271
education students under division (C)(3) of section 3314.08, 153272
section 3317.0214, division (B) of section 3317.16, and section 153273
3326.34 of the Revised Code, except that the Controlling Board may 153274
increase these amounts if presented with such a request from the 153275
Department of Education at the final meeting of the fiscal year. 153276

Of the foregoing appropriation item 200550, Foundation 153277
Funding, up to \$2,000,000 in each fiscal year shall be reserved 153278
for Youth Services tuition payments under section 3317.024 of the 153279
Revised Code. 153280

Of the foregoing appropriation item 200550, Foundation 153281
Funding, up to \$3,800,000 in each fiscal year shall be used to 153282
fund gifted education at educational service centers. The 153283
Department shall distribute the funding through the unit-based 153284
funding methodology in place under division (L) of section 153285
3317.024, division (E) of section 3317.05, and divisions (A), (B), 153286
and (C) of section 3317.053 of the Revised Code as they existed 153287
prior to fiscal year 2010. 153288

Of the foregoing appropriation item 200550, Foundation 153289
Funding, up to \$43,500,000 in fiscal year 2014 and up to 153290
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 153291
state reimbursement of educational service centers under the 153292
section of this act entitled "EDUCATIONAL SERVICE CENTERS 153293
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 153294
distributed to educational service centers for School Improvement 153295
Initiatives and, in consultation with the Governor's Director of 153296
21st Century Education, for the provision of technical assistance 153297
as required by the Elementary and Secondary Education Act 153298
Flexibility waivers approved for Ohio by the United States 153299
Department of Education. Educational service centers shall be 153300
required to support districts in the development and 153301
implementation of their continuous improvement plans as required 153302
in section 3302.04 of the Revised Code and to provide technical 153303
assistance and support in accordance with Title I of the "No Child 153304
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, as 153305
administered pursuant to the Elementary and Secondary Education 153306
Act Flexibility waivers approved for Ohio by the United States 153307
Department of Education. 153308

Of the foregoing appropriation item 200550, Foundation 153309
Funding, up to \$20,000,000 in each fiscal year shall be reserved 153310
for payments under sections 3317.026, 3317.027, and 3317.028 of 153311
the Revised Code. If this amount is not sufficient, the Department 153312
of Education shall prorate the payment amounts so that the 153313
aggregate amount allocated in this paragraph is not exceeded. 153314

Of the foregoing appropriation item 200550, Foundation 153315
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 153316
career-technical planning districts for the amounts reimbursed to 153317
students, as prescribed in this paragraph. Each career-technical 153318
planning district shall reimburse individuals taking the online 153319
General Educational Development (GED) test for the first time for 153320
application/test fees in excess of \$40. Each career-technical 153321
planning district shall designate a site or sites where 153322
individuals may register and take the exam. For each individual 153323
that registers for the exam, the career-technical planning 153324
district shall make available and offer career counseling 153325
services, including information on adult education programs that 153326
are available. 153327

Of the foregoing appropriation item 200550, Foundation 153328
Funding, up to \$410,000 in each fiscal year shall be used to pay 153329
career-technical planning districts \$500 for each student that 153330
receives a journeyman certification, as recognized by the United 153331
States Department of Labor. 153332

Of the foregoing appropriation item 200550, Foundation 153333
Funding, up to \$18,713,327 in each fiscal year shall be used to 153334
support school choice programs. 153335

Of the portion of the funds distributed to the Cleveland 153336
Municipal School District under this section, up to \$11,901,887 in 153337
each fiscal year shall be used to operate the school choice 153338
program in the Cleveland Municipal School District under sections 153339
3313.974 to 3313.979 of the Revised Code. Notwithstanding 153340

divisions (B) and (C) of section 3313.978 and division (C) of 153341
section 3313.979 of the Revised Code, up to \$1,000,000 in each 153342
fiscal year of this amount shall be used by the Cleveland 153343
Municipal School District to provide tutorial assistance as 153344
provided in division (H) of section 3313.974 of the Revised Code. 153345
The Cleveland Municipal School District shall report the use of 153346
these funds in the district's three-year continuous improvement 153347
plan as described in section 3302.04 of the Revised Code in a 153348
manner approved by the Department of Education. 153349

Of the foregoing appropriation item 200550, Foundation 153350
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay 153351
college-preparatory boarding schools the per pupil boarding amount 153352
pursuant to section 3328.34 of the Revised Code. 153353

Of the foregoing appropriation item 200550, Foundation 153354
Funding, up to \$500,000 in each fiscal year shall be used to 153355
support Jobs for Ohio's Graduates. 153356

Of the foregoing appropriation item 200550, Foundation 153357
Funding, up to \$250,000 in fiscal year 2015 may be used for 153358
payment of the Post-Secondary Enrollment Options Program for 153359
students instructed at home pursuant to section 3321.04 of the 153360
Revised Code. 153361

Of the foregoing appropriation item 200550, Foundation 153362
Funding, up to \$5,000,000 in fiscal year 2014 shall be used to 153363
reimburse school districts for the full amount deducted in that 153364
year under section 3310.55 of the Revised Code for Jon Peterson 153365
Scholarships awarded under sections 3310.51 to 3310.64 of the 153366
Revised Code to students who did not attend a public school in 153367
their resident district in the previous school year. If this 153368
amount is not sufficient, the Department of Education shall 153369
prorate the payment amounts so that the aggregate amount 153370
appropriated in this paragraph is not exceeded. 153371

Of the foregoing appropriation item 200550, Foundation 153372
Funding, an amount shall be available in each fiscal year to be 153373
paid to joint vocational school districts in accordance with 153374
division (A) of section 3317.16 of the Revised Code and the 153375
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 153376
VOCATIONAL SCHOOL DISTRICTS." 153377

Of the foregoing appropriation item 200550, Foundation 153378
Funding, up to \$700,000 in each fiscal year shall be used by the 153379
Department of Education for a program to pay for educational 153380
services for youth who have been assigned by a juvenile court or 153381
other authorized agency to any of the facilities described in 153382
division (A) of the section of this act entitled "PRIVATE 153383
TREATMENT FACILITY PROJECT." 153384

Of the foregoing appropriation item 200550, Foundation 153385
Funding, an amount shall be available in each fiscal year to pay 153386
eligible community schools the amounts required to comply with 153387
divisions (B) and (C) of the section of this act entitled 153388
"GUARANTEE FOR HIGH PERFORMING COMMUNITY SCHOOLS." 153389

The remainder of appropriation item 200550, Foundation 153390
Funding, shall be used to distribute the amounts calculated for 153391
formula aid under section 3317.022 of the Revised Code and the 153392
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 153393
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 153394

Appropriation items 200502, Pupil Transportation, 200540, 153395
Special Education Enhancements, and 200550, Foundation Funding, 153396
other than specific set-asides, are collectively used in each 153397
fiscal year to pay state formula aid obligations for school 153398
districts, community schools, STEM schools, college preparatory 153399
boarding schools, and joint vocational school districts under this 153400
act. The first priority of these appropriation items, with the 153401
exception of specific set-asides, is to fund state formula aid 153402
obligations. It may be necessary to reallocate funds among these 153403

appropriation items or use excess funds from other general revenue 153404
fund appropriation items in the Department of Education's budget 153405
in each fiscal year, in order to meet state formula aid 153406
obligations. If it is determined that it is necessary to transfer 153407
funds among these appropriation items or to transfer funds from 153408
other General Revenue Fund appropriations in the Department of 153409
Education's budget to meet state formula aid obligations, the 153410
Department of Education shall seek approval from the Controlling 153411
Board to transfer funds as needed. 153412

The Superintendent of Public Instruction shall make payments, 153413
transfers, and deductions, as authorized by Title XXXIII of the 153414
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 153415
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 153416
amounts substantially equal to those made in the prior year, or 153417
otherwise, at the discretion of the Superintendent, until at least 153418
the effective date of the amendments and enactments made to Title 153419
XXXIII by this act. If a new school district, community school, or 153420
STEM school opens prior to the effective date of this act, the 153421
Department of Education shall pay to the district or school an 153422
amount of \$5,000 per pupil, based upon the estimated number of 153423
students that the district or school is expected to serve. Any 153424
funds paid to districts or schools under this section shall be 153425
credited toward the annual funds calculated for the district or 153426
school after the changes made to Title XXXIII in this act are 153427
effective. Upon the effective date of changes made to Title XXXIII 153428
in this act, funds shall be calculated as an annual amount. 153429

Section 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 153430
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 153431

The Department of Education shall distribute funds within 153432
appropriation item 200550, Foundation Funding, for temporary 153433
transitional aid in each fiscal year to each qualifying city, 153434

local, and exempted village school district. 153435

(A) For fiscal years 2014 and 2015, the Department shall pay 153436
temporary transitional aid to each city, local, or exempted 153437
village school district that experiences any decrease in its state 153438
foundation funding for the current fiscal year from its 153439
transitional aid guarantee base. The amount of the temporary 153440
transitional aid payment shall equal the difference between its 153441
foundation funding for the current fiscal year and its 153442
transitional aid guarantee base. If the computation made under 153443
this division results in a negative number, the district's funding 153444
under this division shall be zero. 153445

(1) As used in this section, foundation funding for each 153446
city, local, and exempted village school district for a given 153447
fiscal year equals the sum of the amount calculated for the 153448
district under section 3317.022 of the Revised Code, as re-enacted 153449
by this act, and the amounts calculated for the district under 153450
divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, 153451
as amended by this act, for that fiscal year. 153452

(2) The transitional aid guarantee base for each city, local, 153453
and exempted village school district equals the sum of the amounts 153454
computed for the district for fiscal year 2013, under Sections 153455
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 153456
129th General Assembly. The Department of Education shall adjust, 153457
as necessary, the transitional aid guarantee base of any local 153458
school district that participates in the establishment of a joint 153459
vocational school district that begins receiving payments under 153460
section 3317.16 of the Revised Code, as re-enacted by this act, 153461
for fiscal year 2014, but does not receive payments under Section 153462
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for 153463
fiscal year 2013. The Department shall adjust any such local 153464
school district's guarantee base according to the amounts received 153465
by the district in fiscal year 2013 for career-technical education 153466

students who attend the newly established joint vocational school district in fiscal year 2014. 153467
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(B)(1) Notwithstanding section 3317.022 of the Revised Code, 153469
as re-enacted by this act, in fiscal year 2014, no city, local, or 153470
exempted village school district shall be allocated foundation 153471
funding that is greater than 1.0625 times the district's 153472
transitional aid guarantee base. 153473

(2) Notwithstanding section 3317.022 of the Revised Code, as 153474
re-enacted by this act, in fiscal year 2015, no city, local, or 153475
exempted village school district shall be allocated foundation 153476
funding that is greater than 1.105 times the amount computed for 153477
foundation funding for the district for fiscal year 2014 plus any 153478
amount calculated for temporary transitional aid for fiscal year 153479
2014 under division (A) of this section and after any reductions 153480
made for fiscal year 2014 under division (B)(1) of this section. 153481

(3) The Department shall reduce a district's payments under 153482
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 153483
of the Revised Code, as re-enacted by this act, and divisions 153484
(G)(1) and (2) of section 3317.0212 of the Revised Code, as 153485
amended by this act, proportionately as necessary in order to 153486
comply with this division. If those amounts are insufficient, the 153487
Department shall proportionately reduce a district's payments 153488
under divisions (A)(3), (8), and (9) of section 3317.022 of the 153489
Revised Code, as re-enacted by this act. 153490

Section 263.250. TEMPORARY TRANSITIONAL AID FOR JOINT 153491
VOCATIONAL SCHOOL DISTRICTS 153492

The Department of Education shall distribute funds within 153493
appropriation item 200550, Foundation Funding, for temporary 153494
transitional aid in each fiscal year to each qualifying joint 153495
vocational school district. 153496

(A) For fiscal years 2014 and 2015, the Department shall pay 153497
temporary transitional aid to each joint vocational school 153498
district that experiences any decrease in its state core 153499
foundation funding under division (A) of section 3317.16 of the 153500
Revised Code, as re-enacted by this act, for the current fiscal 153501
year from its transitional aid guarantee base. The amount of the 153502
temporary transitional aid payment shall equal the difference 153503
between the district's funding under division (A) of section 153504
3317.16 of the Revised Code for the current fiscal year and its 153505
transitional aid guarantee base. If the computation made under 153506
this division results in a negative number, the district's funding 153507
under this division shall be zero. 153508

The transitional aid guarantee base for each joint vocational 153509
school district equals the amount computed for the district for 153510
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 153511
the 129th General Assembly. The Department of Education shall 153512
establish, as necessary, the transitional aid guarantee base of 153513
any joint vocational school district that begins receiving 153514
payments under section 3317.16 of the Revised Code, as re-enacted 153515
by this act, for fiscal year 2014, but does not receive payments 153516
under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th General 153517
Assembly, for fiscal year 2013. The Department shall establish any 153518
such joint vocational school district's guarantee base as an 153519
amount equal to the absolute value of the sum of the associated 153520
adjustments of any local school districts' guarantee bases under 153521
Section 263.240 of this act. 153522

(B)(1) Notwithstanding division (A) of section 3317.16 of the 153523
Revised Code, as re-enacted by this act, in fiscal year 2014, no 153524
joint vocational school district shall be allocated state core 153525
foundation funding, as computed under division (A) of section 153526
3317.16 of the Revised Code, as re-enacted by this act, that is 153527
greater than 1.0625 times the district's transitional aid 153528

guarantee base. 153529

(2) Notwithstanding division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, in fiscal year 2015, no joint vocational school district shall be allocated state core foundation funding, under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, that is greater than 1.105 times the amount computed for state core foundation funding for the district for fiscal year 2014 under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, plus any amount calculated for temporary transitional aid for fiscal year 2014 under division (A) of this section and after any reductions made for fiscal year 2014 under division (B)(1) of this section. 153530
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(3) The Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code, as re-enacted by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(2), (5), and (6) of section 3317.16 of the Revised Code, as re-enacted by this act. 153542
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Section 263.253. GUARANTEE FOR HIGH PERFORMING COMMUNITY SCHOOLS 153549
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(A) As used in this section, "eligible community school" means a community school established under Chapter 3314. of the Revised Code that, for the 2009-2010, 2010-2011, and 2011-2012 school years, was declared to be excellent or higher under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013. 153551
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(B) Notwithstanding section 3314.08 of the Revised Code, as amended by this act, in fiscal year 2014, no eligible community school shall receive payments under divisions (C)(1) and (2) of 153557
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section 3314.08 of the Revised Code, as amended by this act, and 153560
division (D) of section 3314.091 of the Revised Code, as amended 153561
by this act, in an aggregate amount that is less than the 153562
community school's payments for fiscal year 2013 under divisions 153563
(D)(1), (2), and (4) to (10) of section 3314.08 of the Revised 153564
Code, as that section existed prior to the effective date of the 153565
amendments to that section by this act, division (D) of section 153566
3314.091 of the Revised Code, as that section existed prior to the 153567
effective date of the amendments to that section by this act, and 153568
Section 267.30.56 of Am. Sub. H.B. 153 of the 129th General 153569
Assembly. 153570

(C) Notwithstanding section 3314.08 of the Revised Code, as 153571
amended by this act, in fiscal year 2015, no eligible community 153572
school shall receive payments under divisions (C)(1) and (2) of 153573
section 3314.08 of the Revised Code, as amended by this act, and 153574
division (D) of section 3314.091 of the Revised Code, as amended 153575
by this act, in an aggregate amount that is less than the 153576
community school's payments for fiscal year 2013 under divisions 153577
(D)(1), (2), and (4) to (10) of section 3314.08 of the Revised 153578
Code, as that section existed prior to the effective date of the 153579
amendments to that section by this act, and division (D) of 153580
section 3314.091 of the Revised Code, as that section existed 153581
prior to the effective date of the amendments to that section by 153582
this act, and Section 267.30.56 of Am. Sub. H.B. 153 of the 129th 153583
General Assembly. 153584

Section 263.255. LITERACY IMPROVEMENT 153585

The foregoing appropriation item 200566, Literacy 153586
Improvement, shall be used for Read Baby Read. 153587

Section 263.260. PROPERTY TAX ALLOCATION - EDUCATION 153588

The Superintendent of Public Instruction shall not request, 153589

and the Controlling Board shall not approve, the transfer of 153590
appropriation from appropriation item 200901, Property Tax 153591
Allocation - Education, to any other appropriation item. 153592

The appropriation item 200901, Property Tax Allocation - 153593
Education, is appropriated to pay for the state's costs incurred 153594
because of the homestead exemption, the property tax rollback, and 153595
payments required under division (C) of section 5705.2110 of the 153596
Revised Code. In cooperation with the Department of Taxation, the 153597
Department of Education shall distribute these funds directly to 153598
the appropriate school districts of the state, notwithstanding 153599
sections 321.24 and 323.156 of the Revised Code, which provide for 153600
payment of the homestead exemption and property tax rollback by 153601
the Tax Commissioner to the appropriate county treasurer and the 153602
subsequent redistribution of these funds to the appropriate local 153603
taxing districts by the county auditor. 153604

Upon receipt of these amounts, each school district shall 153605
distribute the amount among the proper funds as if it had been 153606
paid as real or tangible personal property taxes. Payments for the 153607
costs of administration shall continue to be paid to the county 153608
treasurer and county auditor as provided for in sections 319.54, 153609
321.26, and 323.156 of the Revised Code. 153610

Any sums, in addition to the amount specifically appropriated 153611
in appropriation items 200901, Property Tax Allocation - 153612
Education, for the homestead exemption and the property tax 153613
rollback payments, and payments required under division (C) of 153614
section 5705.2110 of the Revised Code, which are determined to be 153615
necessary for these purposes, are hereby appropriated. 153616

Section 263.270. TEACHER CERTIFICATION AND LICENSURE 153617

The foregoing appropriation item 200681, Teacher 153618
Certification and Licensure, shall be used by the Department of 153619
Education in each year of the biennium to administer and support 153620

teacher certification and licensure activities. 153621

SCHOOL DISTRICT SOLVENCY ASSISTANCE 153622

(A) Of the foregoing appropriation item 200687, School 153623
District Solvency Assistance, \$20,000,000 in each fiscal year 153624
shall be allocated to the School District Shared Resource Account 153625
and \$5,000,000 in each fiscal year shall be allocated to the 153626
Catastrophic Expenditures Account. These funds shall be used to 153627
provide assistance and grants to school districts to enable them 153628
to remain solvent under section 3316.20 of the Revised Code. 153629
Assistance and grants shall be subject to approval by the 153630
Controlling Board. Except as provided under division (C) of this 153631
section, any required reimbursements from school districts for 153632
solvency assistance shall be made to the appropriate account in 153633
the School District Solvency Assistance Fund (Fund 5H30). 153634

(B) Notwithstanding any provision of law to the contrary, 153635
upon the request of the Superintendent of Public Instruction, the 153636
Director of Budget and Management may make transfers to the School 153637
District Solvency Assistance Fund (Fund 5H30) from any fund used 153638
by the Department of Education or the General Revenue Fund to 153639
maintain sufficient cash balances in Fund 5H30 in fiscal years 153640
2014 and 2015. Any cash transferred is hereby appropriated. The 153641
transferred cash may be used by the Department of Education to 153642
provide assistance and grants to school districts to enable them 153643
to remain solvent and to pay unforeseeable expenses of a temporary 153644
or emergency nature that the school district is unable to pay from 153645
existing resources. The Director of Budget and Management shall 153646
notify the members of the Controlling Board of any such transfers. 153647

(C) If the cash balance of the School District Solvency 153648
Assistance Fund (Fund 5H30) is insufficient to pay solvency 153649
assistance in fiscal years 2014 and 2015, at the request of the 153650
Superintendent of Public Instruction, and with the approval of the 153651
Controlling Board, the Director of Budget and Management may 153652

transfer cash from the Lottery Profits Education Reserve Fund 153653
(Fund 7018) to Fund 5H30 to provide assistance and grants to 153654
school districts to enable them to remain solvent and to pay 153655
unforeseeable expenses of a temporary nature that they are unable 153656
to pay from existing resources under section 3316.20 of the 153657
Revised Code. Such transfers are hereby appropriated to 153658
appropriation item 200670, School District Solvency Assistance - 153659
Lottery. Any required reimbursements from school districts for 153660
solvency assistance granted from appropriation item 200670, School 153661
District Solvency Assistance - Lottery, shall be made to Fund 153662
7018. 153663

Section 263.280. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 153664

Upon the request of the Superintendent of Public Instruction, 153665
the Director of Budget and Management may transfer up to \$750,000 153666
cash in each fiscal year from the General Revenue Fund to the 153667
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 153668
transferred cash is to be used by the Department of Education to 153669
pay the expenses the Department incurs in administering the 153670
Medicaid School Component of the Medicaid program established 153671
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 153672
of each fiscal year, or as soon as possible thereafter, the 153673
Director of Budget and Management shall transfer cash from Fund 153674
3AF0 back to the General Revenue Fund in an amount equal to the 153675
total amount transferred to Fund 3AF0 in that fiscal year. 153676

The money deposited into Fund 3AF0 under division (B) of 153677
section 5162.64 of the Revised Code is hereby appropriated for 153678
fiscal years 2014 and 2015 and shall be used in accordance with 153679
division (C) of section 5162.64 of the Revised Code. 153680

Section 263.290. HALF-MILL MAINTENANCE EQUALIZATION 153681

The foregoing appropriation item 200626, Half-Mill 153682

Maintenance Equalization, shall be used to make payments pursuant 153683
to section 3318.18 of the Revised Code. 153684

Section 263.300. GATES FOUNDATION GRANTS 153685

The foregoing appropriation item 200668, Gates Foundation 153686
Grants, shall be used by the Department of Education to provide 153687
professional development to school district principals, 153688
superintendents, and other administrative staff on the use of 153689
education technology. 153690

Section 263.310. AUXILIARY SERVICES REIMBURSEMENT 153691

Notwithstanding section 3317.064 of the Revised Code, if the 153692
unexpended, unencumbered cash balance is sufficient, the Treasurer 153693
of State shall transfer \$1,500,000 in fiscal year 2014 within 153694
thirty days after the effective date of this section, and 153695
\$1,500,000 in fiscal year 2015 by August 1, 2014, from the 153696
Auxiliary Services Personnel Unemployment Compensation Fund to the 153697
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 153698
Department of Education. 153699

Section 263.320. LOTTERY PROFITS EDUCATION FUND 153700

Appropriation item 200612, Foundation Funding (Fund 7017), 153701
shall be used in conjunction with appropriation item 200550, 153702
Foundation Funding (GRF), to provide state foundation payments to 153703
school districts. 153704

The Department of Education, with the approval of the 153705
Director of Budget and Management, shall determine the monthly 153706
distribution schedules of appropriation item 200550, Foundation 153707
Funding (GRF), and appropriation item 200612, Foundation Funding 153708
(Fund 7017). If adjustments to the monthly distribution schedule 153709
are necessary, the Department of Education shall make such 153710
adjustments with the approval of the Director of Budget and 153711

Management. 153712

STRAIGHT A FUND 153713

Of the foregoing appropriation item, 200648, Straight A Fund, 153714
up to \$375,000 in each fiscal year shall be used to provide 153715
scholarships to parents of high needs children enrolled in the Get 153716
Ready for Kindergarten pilot program. These scholarships shall be 153717
administered as provided under the section of this act entitled 153718
"GET READY FOR KINDERGARTEN." 153719

Of the foregoing appropriation item 200648, Straight A Fund, 153720
up to \$500,000 in fiscal year 2014 and up to \$3,000,000 in fiscal 153721
year 2015 shall be used for the New Leaders for Ohio Schools Pilot 153722
Project in accordance with Section 733.40 of this act. 153723

Of the foregoing appropriation item 200648, Straight A Fund, 153724
up to \$70,000 in each fiscal year shall be used by Kids Unlimited 153725
of Toledo for quality after-school tutoring and mentoring programs 153726
in two elementary school buildings in Lucas County. The school 153727
buildings may include any community school, chartered nonpublic 153728
school, or building that is part of a city, local, or exempted 153729
village school district. Kids Unlimited of Toledo shall provide 153730
local matching funds equal to the set-aside. 153731

Of the foregoing appropriation item 200648, Straight A Fund, 153732
up to \$5,000,000 in fiscal year 2015 shall be used to support the 153733
implementation of the College Credit Plus Program established 153734
under Chapter 3365. of the Revised Code. 153735

Of the foregoing appropriation item 200648, Straight A Fund, 153736
up to \$250,000 in each fiscal year may be used to make competitive 153737
grants in accordance with Section 263.324 of this act. 153738

The remainder of appropriation item 200648, Straight A Fund, 153739
shall be used to make competitive grants in accordance with 153740
Section 263.325 of this act. 153741

EDCHOICE EXPANSION 153742

The foregoing appropriation item 200666, EdChoice Expansion, 153743
shall be used as follows: 153744

(A) In fiscal year 2014, notwithstanding section 3310.032 of 153745
the Revised Code, the Department of Education shall administer an 153746
expansion of the Educational Choice Scholarship program as 153747
follows: 153748

(1) A student is an "eligible student" for purposes of the 153749
expansion of the Educational Choice Scholarship Pilot Program 153750
under division (A) of this section if the student's resident 153751
district is not a school district in which the pilot project 153752
scholarship program is operating under sections 3313.974 to 153753
3313.979 of the Revised Code and the student's family income is at 153754
or below two hundred per cent of the federal poverty guidelines, 153755
as defined in section 5101.46 of the Revised Code. 153756

(2) The Department shall pay scholarships to attend chartered 153757
nonpublic schools in accordance with section 3310.08 of the 153758
Revised Code. The number of scholarships awarded under division 153759
(A) of this section shall not exceed the number that can be funded 153760
with appropriations made by the general assembly for this purpose. 153761

(3) Scholarships under division (A) of this section shall be 153762
awarded for the 2013-2014 school year, to eligible students who 153763
are entering kindergarten in that school year for the first time. 153764

(4) If the number of eligible students who apply for a 153765
scholarship exceeds the scholarships available based on the 153766
appropriation for division (A) of this section, the department 153767
shall award scholarships in the following order of priority: 153768

(a) First, to eligible students with family incomes at or 153769
below one hundred per cent of the federal poverty guidelines. 153770

(b) Second, to other eligible students who qualify under 153771

division (A) of this section. If the number of students described 153772
in division (A)(4)(b) of this section exceeds the number of 153773
available scholarships after awards are made under division 153774
(A)(4)(a) of this section, the department shall select students 153775
described in division (A)(4)(b) of this section by lot to receive 153776
any remaining scholarships. 153777

(5) A student who receives a scholarship under division (A) 153778
of this section remains an eligible student and may continue to 153779
receive scholarships under section 3310.032 of the Revised Code in 153780
subsequent school years until the student completes grade twelve, 153781
so long as the student satisfies the conditions specified in 153782
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 153783

Once a scholarship is awarded under this section, the student 153784
shall remain eligible for that scholarship for the current and 153785
subsequent school years, even if the student's family income rises 153786
above the amount specified in division (A) of section 3310.032 of 153787
the Revised Code, provided the student remains enrolled in a 153788
chartered nonpublic school. 153789

(B) In fiscal year 2015, to provide for the scholarships 153790
awarded under the expansion of the educational choice program 153791
established under section 3310.032 of the Revised Code. The number 153792
of scholarships awarded under the expansion of the educational 153793
choice program shall not exceed the number that can be funded with 153794
the appropriations made by the General Assembly for this purpose. 153795

COMMUNITY SCHOOL FACILITIES 153796

The foregoing appropriation item 200684, Community School 153797
Facilities, shall be used to pay each community school established 153798
under Chapter 3314. of the Revised Code that is not an internet- 153799
or computer-based community school and each STEM school 153800
established under Chapter 3326. of the Revised Code an amount 153801
equal to \$100 for each full-time equivalent pupil for assistance 153802

with the cost associated with facilities. If the amount 153803
appropriated is not sufficient, the Department of Education shall 153804
prorate the amounts so that the aggregate amount appropriated is 153805
not exceeded. 153806

Section 263.323. GET READY FOR KINDERGARTEN 153807

(A) A preschool is an "eligible preschool" for the purposes 153808
of this section if the preschool has a quality rating in the top 153809
two tiers of the tiered rating improvement system developed under 153810
division (C)(3)(d) of section 5104.30 of the Revised Code. 153811

(B) The Department of Education shall provide scholarships to 153812
parents of high needs children to enroll in eligible preschools as 153813
defined in division (A) of this section. 153814

(C) Scholarships under this section shall be awarded to 153815
students who are at least age three but are not of compulsory 153816
school age, as defined in section 3321.01 of the Revised Code, and 153817
who are not currently enrolled in kindergarten. Students who 153818
receive scholarships under this section shall enroll in eligible 153819
preschools between July 1, 2013, and December 31, 2013. 153820

Section 263.324. (A) A program that has applied for or 153821
received a Promise Neighborhood Implementation Grant from the 153822
United States Department of Education that is located in a city 153823
school district may apply to the Ohio Department of Education for 153824
a grant under this section. 153825

(B) To be eligible to receive a grant, a program shall meet 153826
either of the following criteria: 153827

(1) The program was awarded a Promise Neighborhood 153828
Implementation Grant in the year for which a grant is sought from 153829
the Ohio Department of Education. 153830

(2) The program applied to the United States Department of 153831

Education for a Promise Neighborhood Implementation Grant in 153832
either the year for which the state grant is sought or in the year 153833
prior to which the state grant is sought. 153834

(C) A program that receives a grant from the Ohio Department 153835
of Education under this section shall use the funds for 153836
administrative costs associated with the Promise Neighborhood 153837
Program. 153838

(D) Any program that receives a grant from the Ohio 153839
Department of Education under this section shall contribute local 153840
matching funds that are equal to the amount of the grant received 153841
by the Department. 153842

Section 263.325. (A) The Straight A Program is hereby created 153843
for fiscal years 2014 and 2015 to provide grants to city, local, 153844
exempted village, and joint vocational school districts, 153845
educational service centers, community schools established under 153846
Chapter 3314., STEM schools established under Chapter 3326., 153847
college-preparatory boarding schools established under Chapter 153848
3328. of the Revised Code, individual school buildings, education 153849
consortia (which may represent a partnership among school 153850
districts, school buildings, community schools, or STEM schools), 153851
institutions of higher education, and private entities partnering 153852
with one or more of the educational entities identified in this 153853
division for projects that aim to achieve significant advancement 153854
in one or more of the following goals: 153855

(1) Student achievement; 153856

(2) Spending reduction in the five-year fiscal forecast 153857
required under section 5705.391 of the Revised Code; 153858

(3) Utilization of a greater share of resources in the 153859
classroom. 153860

(B)(1) Grants shall be awarded by a nine-member governing 153861

board consisting of the Superintendent of Public Instruction, or 153862
the Superintendent's designee, four members appointed by the 153863
Governor, two members appointed by the Speaker of the House of 153864
Representatives, and two members appointed by the President of the 153865
Senate. The Department of Education shall provide administrative 153866
support to the board. No member shall be compensated for the 153867
member's service on the board. 153868

(2) The board may establish an advisory council consisting of 153869
grant advisors with fiscal expertise and education expertise. 153870
These advisors shall evaluate proposals from grant applicants, 153871
consult with the governing board regarding strategic planning, and 153872
advise the staff administering the program. No advisor shall be 153873
compensated for this service. 153874

(3) The board shall issue an annual report to the Governor, 153875
the Speaker of the House of Representatives, the President of the 153876
Senate, and the chairpersons of the House and Senate committees 153877
that primarily deal with education regarding the types of grants 153878
awarded, the grant recipients, and the effectiveness of the grant 153879
program. 153880

(4) The board shall create a grant application and publish on 153881
the Department's web site the application and timeline for the 153882
submission, review, notification, and awarding of grant proposals. 153883

(5) With the approval of the board, the Department shall 153884
establish a system for evaluating and scoring the grant 153885
applications received under this section. 153886

(C) Each grant applicant shall submit a proposal that 153887
includes all of the following: 153888

(1) A description of the project for which the applicant is 153889
seeking a grant, including a description of how the project will 153890
have substantial value and lasting impact; 153891

(2) An explanation of how the project will be 153892

self-sustaining. If the project will result in increased ongoing 153893
spending, the applicant shall show how the spending will be offset 153894
by verifiable, credible, permanent spending reductions. 153895

(3) A description of quantifiable results of the project that 153896
can be benchmarked. 153897

If an education consortia described in division (A) of this 153898
section applies for a grant, the lead applicant shall be the 153899
school district, school building, community school, or STEM school 153900
that is a member of the consortia and shall so indicate on the 153901
grant application. 153902

(D)(1) Within seventy-five days after receiving a grant 153903
application, the board shall issue a decision on the application 153904
of "yes," "no," "hold," or "edit." In making its decision, the 153905
board shall consider whether the project has the capability of 153906
being replicated in other school districts and schools or creates 153907
something that can be used in other districts and schools. 153908

(2) If the board issues a "hold" or "edit" decision for an 153909
application, it shall, upon returning the application to the 153910
applicant, specify the process for reconsideration of the 153911
application. An applicant may work with the grant advisors and 153912
staff to modify or improve a grant application. 153913

(E) Upon deciding to award a grant to an applicant, the board 153914
shall enter into a grant agreement with the applicant that 153915
includes all of the following: 153916

(1) The content of the applicant's proposal as outlined under 153917
division (C) of this section; 153918

(2) The project's deliverables and a timetable for their 153919
completion; 153920

(3) Conditions for receiving grant funding; 153921

(4) Conditions for receiving funding in future years if the 153922

contract is a multi-year contract; 153923

(5) A provision specifying that funding will be returned to 153924
the board if the applicant fails to implement the agreement, as 153925
determined by the Auditor of State. 153926

(6) A provision specifying that the agreement may be amended 153927
by mutual agreement between the board and the applicant. 153928

(F) Each grant awarded under this section shall be subject to 153929
approval by the Controlling Board prior to execution of the grant 153930
agreement. 153931

Section 263.330. LOTTERY PROFITS EDUCATION RESERVE FUND 153932

(A) There is hereby created the Lottery Profits Education 153933
Reserve Fund (Fund 7018) in the State Treasury. Investment 153934
earnings of the Lottery Profits Education Reserve Fund shall be 153935
credited to the fund. 153936

(B) Notwithstanding any other provision of law to the 153937
contrary, the Director of Budget and Management may transfer cash 153938
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 153939
in fiscal year 2014 and fiscal year 2015. 153940

(C) On July 15, 2013, or as soon as possible thereafter, the 153941
Director of the Ohio Lottery Commission shall certify to the 153942
Director of Budget and Management the amount by which lottery 153943
profit transfers received by Fund 7017 exceeded \$680,500,000 in 153944
fiscal year 2013. 153945

(D) On July 15, 2014, or as soon as possible thereafter, the 153946
Director of the Ohio Lottery Commission shall certify to the 153947
Director of Budget and Management the amount by which lottery 153948
profit transfers received by Fund 7017 exceeded \$841,000,000 in 153949
fiscal year 2014. 153950

(E) Notwithstanding any provision of law to the contrary, in 153951
fiscal year 2014 and fiscal year 2015, the Director of Budget and 153952

Management may transfer cash in excess of the amounts necessary to 153953
support appropriations in Fund 7017 from that fund to Fund 7018. 153954

Section 263.340. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 153955
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 153956

Notwithstanding any provision of law to the contrary, in 153957
fiscal year 2014 and fiscal year 2015 the Director of Budget and 153958
Management may make temporary transfers between the General 153959
Revenue Fund and the School District Property Tax Replacement - 153960
Business Fund (Fund 7047), used by the Department of Education, to 153961
ensure sufficient balances in Fund 7047 and to replenish the 153962
General Revenue Fund for such transfers. 153963

Section 263.350. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 153964
BUSINESS 153965

The foregoing appropriation item 200909, School District 153966
Property Tax Replacement - Business, shall be used by the 153967
Department of Education, in consultation with the Department of 153968
Taxation, to make payments to school districts and joint 153969
vocational school districts under section 5751.21 of the Revised 153970
Code. If it is determined by the Director of Budget and Management 153971
that additional appropriations are necessary for this purpose, 153972
such amounts are hereby appropriated. 153973

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 153974

The foregoing appropriation item 200900, School District 153975
Property Tax Replacement-Utility, shall be used by the Department 153976
of Education, in consultation with the Department of Taxation, to 153977
make payments to school districts and joint vocational school 153978
districts under section 5727.85 of the Revised Code. If it is 153979
determined by the Director of Budget and Management that 153980
additional appropriations are necessary for this purpose, such 153981
amounts are hereby appropriated. 153982

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| DISTRIBUTION FORMULAS | 153983 |
| The Department of Education shall report the following to the | 153984 |
| Director of Budget and Management and the Legislative Service | 153985 |
| Commission: | 153986 |
| (A) Changes in formulas for distributing state | 153987 |
| appropriations, including administratively defined formula | 153988 |
| factors; | 153989 |
| (B) Discretionary changes in formulas for distributing | 153990 |
| federal appropriations; | 153991 |
| (C) Federally mandated changes in formulas for distributing | 153992 |
| federal appropriations. | 153993 |
| Any such changes shall be reported two weeks prior to the | 153994 |
| effective date of the change. | 153995 |
| Section 263.360. EDUCATIONAL SERVICE CENTERS FUNDING | 153996 |
| In fiscal year 2014, the Department of Education shall pay | 153997 |
| the governing board of each primary educational service center | 153998 |
| state funds equal to thirty-seven dollars times its student count, | 153999 |
| as calculated under division (G)(1) of section 3313.843 of the | 154000 |
| Revised Code. | 154001 |
| In fiscal year 2015, the Department of Education shall pay | 154002 |
| the governing board of each primary educational service center | 154003 |
| state funds equal to thirty-five dollars times its student count, | 154004 |
| as calculated under division (G)(1) of section 3313.843 of the | 154005 |
| Revised Code. | 154006 |
| If the amount earmarked for the state reimbursement of | 154007 |
| educational service centers in appropriation item 200550, | 154008 |
| Foundation Funding, is not sufficient, the Department of Education | 154009 |
| shall prorate the payment amounts so that the appropriation is not | 154010 |
| exceeded. | 154011 |

Notwithstanding any provision of law to the contrary, the Department of Education shall modify the payments under this section as follows:

(A) If an educational service center ceases operation, the Department shall redistribute that center's funding, as calculated under this section, to the remaining centers in proportion to each center's service center ADM as defined in former section 3317.11 of the Revised Code, as that section existed prior to the date of its repeal.

(B) If two or more educational service centers merge operations to create a single service center, the Department shall distribute the sum of the original service centers' funding, as calculated under this section, to the new service center.

Section 263.370. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent of Public Instruction shall participate.

Section 263.373. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS

(A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school 154041
established under Chapter 3314. of the Revised Code that in each 154042
of fiscal years 2014 and 2015 enrolls a number of SBH students 154043
equal to at least fifty per cent of the total number of students 154044
enrolled in the school in the applicable fiscal year. 154045

(C) In addition to any state foundation payments made, in 154046
each of fiscal years 2014 and 2015, the Department of Education 154047
shall pay to a community school to which this section applies a 154048
subsidy equal to the difference between the aggregate amount 154049
calculated and paid in that fiscal year to the community school 154050
for special education and related services additional weighted 154051
costs for the SBH students enrolled in the school and the 154052
aggregate amount that would have been calculated for the school 154053
for special education and related services additional weighted 154054
costs for those same students in fiscal year 2001. If the 154055
difference is a negative number, the amount of the subsidy shall 154056
be zero. 154057

(D) The amount of any subsidy paid to a community school 154058
under this section shall not be deducted from the school district 154059
in which any of the students enrolled in the community school are 154060
entitled to attend school under section 3313.64 or 3313.65 of the 154061
Revised Code. The amount of any subsidy paid to a community school 154062
under this section shall be paid from funds appropriated to the 154063
Department of Education in appropriation item 200550, Foundation 154064
Funding. 154065

Section 263.380. EARMARK ACCOUNTABILITY 154066

At the request of the Superintendent of Public Instruction, 154067
any entity that receives a budget earmark under the Department of 154068
Education shall submit annually to the chairpersons of the 154069
committees of the House of Representatives and the Senate 154070
primarily concerned with education and to the Department of 154071

Education a report that includes a description of the services 154072
supported by the funds, a description of the results achieved by 154073
those services, an analysis of the effectiveness of the program, 154074
and an opinion as to the program's applicability to other school 154075
districts. For an earmarked entity that received state funds from 154076
an earmark in the prior fiscal year, no funds shall be provided by 154077
the Department of Education to an earmarked entity for a fiscal 154078
year until its report for the prior fiscal year has been 154079
submitted. 154080

Section 263.390. COMMUNITY SCHOOL OPERATING FROM HOME 154081

A community school established under Chapter 3314. of the 154082
Revised Code that was open for operation as a community school as 154083
of May 1, 2005, may operate from or in any home, as defined in 154084
section 3313.64 of the Revised Code, located in the state, 154085
regardless of when the community school's operations from or in a 154086
particular home began. 154087

Section 263.400. USE OF VOLUNTEERS 154088

The Department of Education may utilize the services of 154089
volunteers to accomplish any of the purposes of the Department. 154090
The Superintendent of Public Instruction shall approve for what 154091
purposes volunteers may be used and for these purposes may 154092
recruit, train, and oversee the services of volunteers. The 154093
Superintendent may reimburse volunteers for necessary and 154094
appropriate expenses in accordance with state guidelines and may 154095
designate volunteers as state employees for the purpose of motor 154096
vehicle accident liability insurance under section 9.83 of the 154097
Revised Code, for immunity under section 9.86 of the Revised Code, 154098
and for indemnification from liability incurred in the performance 154099
of their duties under section 9.87 of the Revised Code. 154100

Section 263.410. RESTRICTION OF LIABILITY FOR CERTAIN 154101

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| REIMBURSEMENTS | 154102 |
| (A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding. | 154103
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| (B) As used in this section: | 154119 |
| (1) "Community school" means a community school established under Chapter 3314. of the Revised Code. | 154120
154121 |
| (2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. | 154122
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154124 |
| (3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code. | 154125
154126 |
| (4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 | 154127
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of the 127th General Assembly. 154132

Section 263.420. UNAUDITABLE COMMUNITY SCHOOL 154133

(A) If the Auditor of State or a public accountant, pursuant 154134
to section 117.41 of the Revised Code, declares a community school 154135
established under Chapter 3314. of the Revised Code to be 154136
unauditable, the Auditor of State shall provide written 154137
notification of that declaration to the school, the school's 154138
sponsor, and the Department of Education. The Auditor of State 154139
also shall post the notification on the Auditor of State's web 154140
site. 154141

(B) Notwithstanding any provision to the contrary in Chapter 154142
3314. of the Revised Code or any other provision of law, a sponsor 154143
of a community school that is notified by the Auditor of State 154144
under division (A) of this section that a community school it 154145
sponsors is unauditabile shall not enter into contracts with any 154146
additional community schools under section 3314.03 of the Revised 154147
Code until the Auditor of State or a public accountant has 154148
completed a financial audit of that school. 154149

(C) Not later than forty-five days after receiving 154150
notification by the Auditor of State under division (A) of this 154151
section that a community school is unauditabile, the sponsor of the 154152
school shall provide a written response to the Auditor of State. 154153
The response shall include the following: 154154

(1) An overview of the process the sponsor will use to review 154155
and understand the circumstances that led to the community school 154156
becoming unauditabile; 154157

(2) A plan for providing the Auditor of State with the 154158
documentation necessary to complete an audit of the community 154159
school and for ensuring that all financial documents are available 154160
in the future; 154161

(3) The actions the sponsor will take to ensure that the plan 154162
described in division (C)(2) of this section is implemented. 154163

(D) If a community school fails to make reasonable efforts 154164
and continuing progress to bring its accounts, records, files, or 154165
reports into an auditable condition within ninety days after being 154166
declared unauditale, the Auditor of State, in addition to 154167
requesting legal action under sections 117.41 and 117.42 of the 154168
Revised Code, shall notify the Department of the school's failure. 154169
If the Auditor of State or a public accountant subsequently is 154170
able to complete a financial audit of the school, the Auditor of 154171
State shall notify the Department that the audit has been 154172
completed. 154173

(E) Notwithstanding any provision to the contrary in Chapter 154174
3314. of the Revised Code or any other provision of law, upon 154175
notification by the Auditor of State under division (D) of this 154176
section that a community school has failed to make reasonable 154177
efforts and continuing progress to bring its accounts, records, 154178
files, or reports into an auditable condition following a 154179
declaration that the school is unauditale, the Department shall 154180
immediately cease all payments to the school under Chapter 3314. 154181
of the Revised Code and any other provision of law. Upon 154182
subsequent notification from the Auditor of State under that 154183
division that the Auditor of State or a public accountant was able 154184
to complete a financial audit of the community school, the 154185
Department shall release all funds withheld from the school under 154186
this section. 154187

Section 263.430. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 154188

In collaboration with the County Family and Children First 154189
Council, a city, local, or exempted village school district, 154190
community school, STEM school, joint vocational school district, 154191
educational service center, or county board of developmental 154192

disabilities that receives allocations from the Department of 154193
Education from appropriation item 200550, Foundation Funding, or 154194
appropriation item 200540, Special Education Enhancements, may 154195
transfer portions of those allocations to a flexible funding pool 154196
authorized by the Section of this act entitled "FAMILY AND 154197
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 154198
maintenance of effort or for federal or state funding matching 154199
requirements shall not be transferred unless the allocation may 154200
still be used to meet such requirements. 154201

Section 263.440. The Department of Education shall conduct a 154202
formative evaluation of the Jon Peterson Special Needs Scholarship 154203
Program established under sections 3310.51 to 3310.64 of the 154204
Revised Code and shall report its findings to the General 154205
Assembly, in accordance with section 101.68 of the Revised Code, 154206
not later than December 31, 2014. 154207

In conducting the evaluation, the Department shall to the 154208
extent possible gather comments from parents who have been awarded 154209
scholarships under the program, school district officials, 154210
representatives of registered private providers, educators, and 154211
representatives of educational organizations for inclusion in the 154212
report required under this section. 154213

The Department may contract with one or more qualified 154214
researchers who have previous experience evaluating school choice 154215
programs to conduct this study. The Department may accept grants 154216
to assist in funding this study. 154217

Section 263.443. Notwithstanding anything to the contrary in 154218
section 3310.52 of the Revised Code, during the fall 2013 154219
application period for the Jon Peterson Special Needs Scholarship 154220
Program established under sections 3310.51 to 3310.64 of the 154221
Revised Code, the Department of Education shall not accept any 154222

applications from students who have not received a scholarship 154223
from the program in the previous or current school year. 154224

Section 263.450. (A) The Ohio Open Enrollment Task Force is 154225
hereby established to review and make recommendations on open 154226
enrollment. The Superintendent of Public Instruction shall consult 154227
with the Governor's Office of 21st Century Education to convene a 154228
taskforce that consists of representatives from school districts 154229
that represent all sectors of Ohio's educational community. 154230

(B) The Superintendent shall designate the chairperson of the 154231
Task Force. All meetings of the Task Force shall be held at the 154232
call of the chairperson. 154233

(C) The Task Force shall review and make recommendations 154234
regarding the process by which students may enroll in other school 154235
districts under open enrollment and the funding mechanisms 154236
associated with open enrollment deductions and credits. 154237

(D) Not later than December 31, 2013, the Task Force shall 154238
issue a report of its findings and recommendations to the 154239
Governor, the President of the Senate, and the Speaker of the 154240
House of Representatives. Upon issuance of the report, the Task 154241
Force shall cease to exist. 154242

Section 263.470. (A) On July 1, 2013, or as soon as possible 154243
thereafter, notwithstanding any provision of law to the contrary, 154244
and if requested by the Department of Education, the Director of 154245
Budget and Management shall make budget changes made necessary by 154246
the transfer of the operations and related management functions of 154247
the eTech Ohio Commission to the Department of Education, if any, 154248
including administrative organization, program transfers, the 154249
creation of new funds, the transfer of state funds, and the 154250
consolidation of funds, as authorized by this section. The 154251
Director of Budget and Management may, if necessary, establish 154252

encumbrances or parts of encumbrances in the fiscal year 2014-2015 154253
biennium in the appropriate fund and appropriation item for the 154254
same purpose and for payment to the same vendor. The established 154255
encumbrances plus any additional amounts determined to be 154256
necessary for the Ohio Department of Education to perform the 154257
operations and related management functions of the eTech Ohio 154258
Commission are hereby appropriated. 154259

(B) Effective July 1, 2013, the Director of Budget and 154260
Management shall cancel any existing encumbrances against 154261
appropriation item 935607, Gates Foundation Grants, and 154262
re-establish them against appropriation item 200668, Gates 154263
Foundation Grants. The re-established encumbrance amounts are 154264
hereby appropriated. Any business commenced but not completed 154265
under appropriation item 935607 by July 1, 2013, shall be 154266
completed under appropriation item 200668 in the same manner and 154267
with the same effect as if it were completed with regard to 154268
appropriation item 935607. 154269

(C) Effective July 1, 2013, the Director of Budget and 154270
Management shall cancel existing encumbrances against 154271
appropriation item 935408, General Operations, and re-establish 154272
them, as determined to be appropriate by the Director of Budget 154273
and Management, against appropriation item 200464, General 154274
Technology Operations. The re-established encumbrance amounts are 154275
hereby appropriated. Any business commenced but not completed 154276
under appropriation item 935408 by July 1, 2013, shall be 154277
completed, as determined to be appropriate by the Director of 154278
Budget and Management, under appropriation item 200464 in the same 154279
manner and with the same effect as if it were completed with 154280
regard to appropriation item 935408. 154281

(D) Effective July 1, 2013, the Director of Budget and 154282
Management shall cancel existing encumbrances against 154283

appropriation item 935411, Technology Integration and Professional 154284
Development, and re-establish them, as determined to be 154285
appropriate by the Director of Budget and Management, against 154286
appropriation item 200465, Technology Integration and Professional 154287
Development. The re-established encumbrance amounts are hereby 154288
appropriated. Any business commenced but not completed under 154289
appropriation item 935411 by July 1, 2013, shall be completed, as 154290
determined to be appropriate by the Director of Budget and 154291
Management, under appropriation item 200465 in the same manner and 154292
with the same effect as if it were completed with regard to 154293
appropriation item 935411. 154294

(E) There is hereby created the Educational Technology 154295
Practice Office as a cross-functional office comprised of 154296
employees of the Ohio Board of Regents and the Department of 154297
Education, including former employees of the eTech Ohio Commission 154298
transferred to the Ohio Board of Regents and the Department of 154299
Education. The Office shall work with educational service centers 154300
and information technology centers to develop digital learning, 154301
blended learning, and professional development materials using 154302
shared infrastructure. The Office shall also evaluate new 154303
educational technology and methodologies of teaching and learning 154304
and work with educators to increase awareness of such new 154305
technology and methodologies shown to be helpful to Ohio students. 154306

Section 263.473. Notwithstanding section 3321.01 of the 154307
Revised Code, no student who has been admitted to and has 154308
successfully completed kindergarten in the 2012-2013 school year 154309
shall be required to repeat kindergarten based solely on the age 154310
of the student. 154311

Section 263.480. PRIVATE TREATMENT FACILITY PROJECT 154312

(A) As used in this section: 154313

| | |
|---|--|
| (1) The following are "participating residential treatment centers": | 154314
154315 |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2014 or fiscal year 2015 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 154316
154317
154318
154319
154320
154321 |
| (b) Abraxas, in Shelby; | 154322 |
| (c) Paint Creek, in Bainbridge; | 154323 |
| (d) F.I.R.S.T., in Mansfield. | 154324 |
| (2) "Education program" means an elementary or secondary education program or a special education program and related services. | 154325
154326
154327 |
| (3) "Served child" means any child receiving an education program pursuant to division (B) of this section. | 154328
154329 |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition. | 154330
154331
154332
154333
154334 |
| (5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section. | 154335
154336
154337 |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria | 154338
154339
154340
154341
154342
154343 |

established for such programs by the Department of Education. The 154344
educational program shall be provided by a school district or 154345
educational service center, or by the residential facility itself. 154346
Maximum flexibility shall be given to the residential treatment 154347
facility to determine the provider. In the event that a voluntary 154348
agreement cannot be reached and the residential facility does not 154349
choose to provide the educational program, the educational service 154350
center in the county in which the facility is located shall 154351
provide the educational program at the treatment center to 154352
children under twenty-two years of age residing in the treatment 154353
center. 154354

(C) Any school district responsible for tuition for a 154355
residential child shall, notwithstanding any conflicting provision 154356
of the Revised Code regarding tuition payment, pay tuition for the 154357
child for fiscal year 2014 and fiscal year 2015 to the education 154358
program provider and in the amount specified in this division. If 154359
there is no school district responsible for tuition for a 154360
residential child and if the participating residential treatment 154361
center to which the child is assigned is located in the city, 154362
exempted village, or local school district that, if the child were 154363
not a resident of that treatment center, would be the school 154364
district where the child is entitled to attend school under 154365
sections 3313.64 and 3313.65 of the Revised Code, that school 154366
district, notwithstanding any conflicting provision of the Revised 154367
Code, shall pay tuition for the child for fiscal year 2014 and 154368
fiscal year 2015 under this division unless that school district 154369
is providing the educational program to the child under division 154370
(B) of this section. 154371

A tuition payment under this division shall be made to the 154372
school district, educational service center, or residential 154373
treatment facility providing the educational program to the child. 154374

The amount of tuition paid shall be: 154375

(1) The amount of tuition determined for the district under 154376
division (A) of section 3317.08 of the Revised Code; 154377

(2) In addition, for any student receiving special education 154378
pursuant to an individualized education program as defined in 154379
section 3323.01 of the Revised Code, a payment for excess costs. 154380
This payment shall equal the actual cost to the school district, 154381
educational service center, or residential treatment facility of 154382
providing special education and related services to the student 154383
pursuant to the student's individualized education program, minus 154384
the tuition paid for the child under division (C)(1) of this 154385
section. 154386

A school district paying tuition under this division shall 154387
not include the child for whom tuition is paid in the district's 154388
average daily membership certified under division (A) of section 154389
3317.03 of the Revised Code. 154390

(D) In each of fiscal years 2014 and 2015, the Department of 154391
Education shall reimburse, from appropriations made for the 154392
purpose, a school district, educational service center, or 154393
residential treatment facility, whichever is providing the 154394
service, that has demonstrated that it is in compliance with the 154395
funding criteria for each served child for whom a school district 154396
must pay tuition under division (C) of this section. The amount of 154397
the reimbursement shall be the amount appropriated for this 154398
purpose divided by the full-time equivalent number of children for 154399
whom reimbursement is to be made. 154400

(E) Funds provided to a school district, educational service 154401
center, or residential treatment facility under this section shall 154402
be used to supplement, not supplant, funds from other public 154403
sources for which the school district, service center, or 154404
residential treatment facility is entitled or eligible. 154405

(F) The Department of Education shall track the utilization 154406

of funds provided to school districts, educational service 154407
centers, and residential treatment facilities under this section 154408
and monitor the effect of the funding on the educational programs 154409
they provide in participating residential treatment facilities. 154410
The Department shall monitor the programs for educational 154411
accountability. 154412

Section 265.10. ELC OHIO ELECTIONS COMMISSION 154413

General Revenue Fund 154414
GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 154415
TOTAL GRF General Revenue Fund \$ 333,117 \$ 333,117 154416
General Services Fund Group 154417
4P20 051601 Ohio Elections \$ 225,000 \$ 225,000 154418
Commission Fund
TOTAL GSF General Services Fund \$ 225,000 \$ 225,000 154419
Group
TOTAL ALL BUDGET FUND GROUPS \$ 558,117 \$ 558,117 154420

Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 154422

DIRECTORS 154423
General Services Fund Group 154424
4K90 881609 Operating Expenses \$ 737,000 \$ 741,000 154425
TOTAL GSF General Services 154426
Fund Group \$ 737,000 \$ 741,000 154427
TOTAL ALL BUDGET FUND GROUPS \$ 737,000 \$ 741,000 154428

Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 154430

Accrued Leave Liability Fund Group 154431
8060 995666 Accrued Leave Fund \$ 73,494,242 \$ 74,964,127 154432
8070 995667 Disability Fund \$ 26,593,747 \$ 27,345,147 154433
TOTAL ALF Accrued Leave Liability 154434
Fund Group \$ 100,087,989 \$ 102,309,274 154435

| | | | | | |
|------------------------------|-----------------------|------------------|------------------|--|--------|
| Agency Fund Group | | | | | 154436 |
| 1240 995673 | Payroll Deductions | \$ 775,712,468 | \$ 814,498,091 | | 154437 |
| 8080 995668 | State Employee Health | \$ 689,654,314 | \$ 758,608,963 | | 154438 |
| | Benefit Fund | | | | |
| 8090 995669 | Dependent Care | \$ 2,967,711 | \$ 3,116,097 | | 154439 |
| | Spending Account | | | | |
| 8100 995670 | Life Insurance | \$ 2,143,053 | \$ 2,143,053 | | 154440 |
| | Investment Fund | | | | |
| 8110 995671 | Parental Leave | \$ 3,668,471 | \$ 3,741,840 | | 154441 |
| | Benefit Fund | | | | |
| 8130 995672 | Health Care Spending | \$ 8,033,020 | \$ 8,434,671 | | 154442 |
| | Account | | | | |
| TOTAL AGY Agency Fund Group | | \$ 1,482,179,037 | \$ 1,590,542,715 | | 154443 |
| | | | | | 154444 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 1,582,267,026 | \$ 1,692,851,989 | | 154445 |

ACCRUED LEAVE LIABILITY FUND 154446

The foregoing appropriation item 995666, Accrued Leave Fund, 154447
shall be used to make payments from the Accrued Leave Liability 154448
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 154449
If it is determined by the Director of Budget and Management that 154450
additional amounts are necessary, the amounts are hereby 154451
appropriated. 154452

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 154453

The foregoing appropriation item 995667, Disability Fund, 154454
shall be used to make payments from the State Employee Disability 154455
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 154456
Revised Code. If it is determined by the Director of Budget and 154457
Management that additional amounts are necessary, the amounts are 154458
hereby appropriated. 154459

PAYROLL DEDUCTION FUND 154460

The foregoing appropriation item 995673, Payroll Deductions, 154461

shall be used to make payments from the Payroll Deduction Fund 154462
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 154463
is determined by the Director of Budget and Management that 154464
additional appropriation amounts are necessary, the amounts are 154465
hereby appropriated. 154466

STATE EMPLOYEE HEALTH BENEFIT FUND 154467

The foregoing appropriation item 995668, State Employee 154468
Health Benefit Fund, shall be used to make payments from the State 154469
Employee Health Benefit Fund (Fund 8080) pursuant to section 154470
124.87 of the Revised Code. If it is determined by the Director of 154471
Budget and Management that additional amounts are necessary, the 154472
amounts are hereby appropriated. 154473

DEPENDENT CARE SPENDING FUND 154474

The foregoing appropriation item 995669, Dependent Care 154475
Spending Account, shall be used to make payments from the 154476
Dependent Care Spending Fund (Fund 8090) to employees eligible for 154477
dependent care expenses pursuant to section 124.822 of the Revised 154478
Code. If it is determined by the Director of Budget and Management 154479
that additional amounts are necessary, the amounts are hereby 154480
appropriated. 154481

LIFE INSURANCE INVESTMENT FUND 154482

The foregoing appropriation item 995670, Life Insurance 154483
Investment Fund, shall be used to make payments from the Life 154484
Insurance Investment Fund (Fund 8100) for the costs and expenses 154485
of the state's life insurance benefit program pursuant to section 154486
125.212 of the Revised Code. If it is determined by the Director 154487
of Budget and Management that additional amounts are necessary, 154488
the amounts are hereby appropriated. 154489

PARENTAL LEAVE BENEFIT FUND 154490

The foregoing appropriation item 995671, Parental Leave 154491

Benefit Fund, shall be used to make payments from the Parental 154492
Leave Benefit Fund (Fund 8110) to employees eligible for parental 154493
leave benefits pursuant to section 124.137 of the Revised Code. If 154494
it is determined by the Director of Budget and Management that 154495
additional amounts are necessary, the amounts are hereby 154496
appropriated. 154497

HEALTH CARE SPENDING ACCOUNT FUND 154498

The foregoing appropriation item 995672, Health Care Spending 154499
Account, shall be used to make payments from the Health Care 154500
Spending Account Fund (Fund 8130) for payments pursuant to state 154501
employees' participation in a flexible spending account for 154502
non-reimbursed health care expenses and section 124.821 of the 154503
Revised Code. If it is determined by the Director of 154504
Administrative Services that additional appropriation amounts are 154505
necessary, the Director of Administrative Services may request 154506
that the Director of Budget and Management increase such amounts. 154507
Such amounts are hereby appropriated. 154508

Section 269.20. CASH TRANSFERS FROM THE COST SAVINGS FUND 154509

On July 1, 2013, or as soon as possible thereafter, the 154510
Director of Budget and Management shall transfer \$735,000 cash 154511
from the Cost Savings Fund (Fund 8140) to the Investment Recovery 154512
Fund (Fund 4270) used by the Department of Administrative 154513
Services, and up to \$5,200,000 cash from the Cost Savings Fund 154514
(Fund 8140) to the Accrued Leave Fund (Fund 8060) in order to 154515
support accrued leave payouts to state employees who are 154516
participating in an annual leave conversion or who are separating 154517
from state service. 154518

Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD 154519

General Revenue Fund 154520

GRF 125321 Operating Expenses \$ 3,761,457 \$ 3,761,457 154521

| | | | | | |
|---|----|------------|----|------------|------------------|
| TOTAL GRF General Revenue Fund | \$ | 3,761,457 | \$ | 3,761,457 | 154522 |
| General Services Fund Group | | | | | 154523 |
| 5720 125603 Training and
Publications | \$ | 85,000 | \$ | 85,000 | 154524 |
| TOTAL GSF General Services
Fund Group | \$ | 85,000 | \$ | 85,000 | 154525
154526 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 3,846,457 | \$ | 3,846,457 | 154527 |
|
Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS | | | | | 154529 |
| General Services Fund Group | | | | | 154530 |
| 4K90 892609 Operating | \$ | 996,938 | \$ | 993,889 | 154531 |
| TOTAL GSF General Services
Fund Group | \$ | 996,938 | \$ | 993,889 | 154532
154533 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 996,938 | \$ | 993,889 | 154534 |
|
Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY | | | | | 154536 |
| General Revenue Fund | | | | | 154537 |
| GRF 715502 Auto Emissions
e-Check Program | \$ | 10,923,093 | \$ | 10,923,093 | 154538 |
| TOTAL GRF General Revenue Fund | \$ | 10,923,093 | \$ | 10,923,093 | 154539 |
| General Services Fund Group | | | | | 154540 |
| 1990 715602 Laboratory Services | \$ | 252,153 | \$ | 326,029 | 154541 |
| 2190 715604 Central Support
Indirect | \$ | 10,255,680 | \$ | 10,255,680 | 154542 |
| 4A10 715640 Operating Expenses | \$ | 2,600,000 | \$ | 2,602,000 | 154543 |
| 4D50 715618 Recycled State
Materials | \$ | 50,000 | \$ | 50,000 | 154544 |
| TOTAL GSF General Services
Fund Group | \$ | 13,157,833 | \$ | 13,233,709 | 154545
154546 |
| Federal Special Revenue Fund Group | | | | | 154547 |
| 3530 715612 Public Water Supply | \$ | 2,562,578 | \$ | 2,474,605 | 154548 |
| 3540 715614 Hazardous Waste | \$ | 4,088,383 | \$ | 4,088,383 | 154549 |

| | | | | | | |
|-----------------------|--------|-------------------------|----|------------|----|-------------------|
| | | Management - Federal | | | | |
| 3570 | 715619 | Air Pollution Control | \$ | 6,310,203 | \$ | 6,310,203 154550 |
| | | - Federal | | | | |
| 3620 | 715605 | Underground Injection | \$ | 111,874 | \$ | 111,874 154551 |
| | | Control - Federal | | | | |
| 3BU0 | 715684 | Water Quality | \$ | 16,205,000 | \$ | 15,280,000 154552 |
| | | Protection | | | | |
| 3CS0 | 715688 | Federal NRD | \$ | 200,000 | \$ | 200,000 154553 |
| | | Settlements | | | | |
| 3F20 | 715630 | Revolving Loan Fund - | \$ | 832,543 | \$ | 1,114,543 154554 |
| | | Operating | | | | |
| 3F30 | 715632 | Federally Supported | \$ | 3,012,021 | \$ | 3,012,991 154555 |
| | | Cleanup and Response | | | | |
| 3FH0 | 715693 | Diesel Emission | \$ | 10,000,000 | \$ | 10,000,000 154556 |
| | | Reduction Grants | | | | |
| 3T30 | 715669 | Drinking Water State | \$ | 2,609,198 | \$ | 2,824,076 154557 |
| | | Revolving Fund | | | | |
| 3V70 | 715606 | Agencywide Grants | \$ | 600,000 | \$ | 600,000 154558 |
| TOTAL FED | | Federal Special Revenue | | | | 154559 |
| Fund Group | | | \$ | 46,531,800 | \$ | 46,016,675 154560 |
| State Special Revenue | | Fund Group | | | | 154561 |
| 4J00 | 715638 | Underground Injection | \$ | 389,126 | \$ | 402,697 154562 |
| | | Control | | | | |
| 4K20 | 715648 | Clean Air - Non Title | \$ | 3,165,400 | \$ | 3,237,450 154563 |
| | | V | | | | |
| 4K30 | 715649 | Solid Waste | \$ | 15,685,342 | \$ | 16,330,873 154564 |
| 4K40 | 715650 | Surface Water | \$ | 6,993,800 | \$ | 7,688,800 154565 |
| | | Protection | | | | |
| 4K40 | 715686 | Environmental | \$ | 2,096,007 | \$ | 2,096,007 154566 |
| | | Laboratory Services | | | | |
| 4K50 | 715651 | Drinking Water | \$ | 6,316,772 | \$ | 6,476,011 154567 |
| | | Protection | | | | |
| 4P50 | 715654 | Cozart Landfill | \$ | 100,000 | \$ | 100,000 154568 |

| | | | | | | | |
|------|--------|--|----|------------|----|------------|--------|
| 4R50 | 715656 | Scrap Tire Management | \$ | 1,059,378 | \$ | 1,070,532 | 154569 |
| 4R90 | 715658 | Voluntary Action
Program | \$ | 916,690 | \$ | 945,195 | 154570 |
| 4T30 | 715659 | Clean Air - Title V
Permit Program | \$ | 14,528,885 | \$ | 15,080,366 | 154571 |
| 4U70 | 715660 | Construction and
Demolition Debris | \$ | 335,000 | \$ | 335,000 | 154572 |
| 5000 | 715608 | Immediate Removal
Special Account | \$ | 660,033 | \$ | 660,293 | 154573 |
| 5030 | 715621 | Hazardous Waste
Facility Management | \$ | 7,615,403 | \$ | 8,224,041 | 154574 |
| 5050 | 715623 | Hazardous Waste
Cleanup | \$ | 14,528,609 | \$ | 14,933,345 | 154575 |
| 5050 | 715674 | Clean Ohio
Environmental Review | \$ | 108,104 | \$ | 108,104 | 154576 |
| 5320 | 715646 | Recycling and Litter
Control | \$ | 4,514,500 | \$ | 4,535,500 | 154577 |
| 5410 | 715670 | Site Specific Cleanup | \$ | 1,548,101 | \$ | 1,548,101 | 154578 |
| 5420 | 715671 | Risk Management
Reporting | \$ | 208,936 | \$ | 214,826 | 154579 |
| 5860 | 715637 | Scrap Tire Market
Development | \$ | 1,497,645 | \$ | 1,497,645 | 154580 |
| 5BC0 | 715617 | Clean Ohio | \$ | 611,455 | \$ | 611,455 | 154581 |
| 5BC0 | 715622 | Local Air Pollution
Control | \$ | 2,297,980 | \$ | 2,297,980 | 154582 |
| 5BC0 | 715624 | Surface Water | \$ | 9,614,974 | \$ | 9,614,974 | 154583 |
| 5BC0 | 715672 | Air Pollution Control | \$ | 5,684,758 | \$ | 5,684,758 | 154584 |
| 5BC0 | 715673 | Drinking and Ground
Water | \$ | 4,863,521 | \$ | 4,863,521 | 154585 |
| 5BC0 | 715676 | Assistance and
Prevention | \$ | 695,069 | \$ | 695,069 | 154586 |
| 5BC0 | 715677 | Laboratory | \$ | 1,358,586 | \$ | 1,558,586 | 154587 |
| 5BC0 | 715678 | Corrective Actions | \$ | 705,423 | \$ | 705,423 | 154588 |

| | | | | | | | |
|------------------------------------|--------|---|----|-------------|----|-------------|--------|
| 5BC0 | 715687 | Areawide Planning
Agencies | \$ | 450,000 | \$ | 450,000 | 154589 |
| 5BC0 | 715692 | Administration | \$ | 10,582,627 | \$ | 10,582,627 | 154590 |
| 5BC0 | 715694 | Environmental Resource
Coordination | \$ | 170,000 | \$ | 170,000 | 154591 |
| 5BT0 | 715679 | C&DD Groundwater
Monitoring | \$ | 203,800 | \$ | 203,800 | 154592 |
| 5CD0 | 715682 | Clean Diesel School
Buses | \$ | 475,000 | \$ | 475,000 | 154593 |
| 5H40 | 715664 | Groundwater Support | \$ | 128,212 | \$ | 223,212 | 154594 |
| 5Y30 | 715685 | Surface Water
Improvement | \$ | 1,800,000 | \$ | 1,800,000 | 154595 |
| 6440 | 715631 | Emergency Response
Radiological Safety | \$ | 284,266 | \$ | 290,674 | 154596 |
| 6600 | 715629 | Infectious Waste
Management | \$ | 88,764 | \$ | 88,764 | 154597 |
| 6760 | 715642 | Water Pollution
Control Loan
Administration | \$ | 3,921,605 | \$ | 3,921,605 | 154598 |
| 6780 | 715635 | Air Toxic Release | \$ | 133,636 | \$ | 133,636 | 154599 |
| 6790 | 715636 | Emergency Planning | \$ | 2,623,252 | \$ | 2,623,252 | 154600 |
| 6960 | 715643 | Air Pollution Control
Administration | \$ | 1,100,000 | \$ | 1,125,000 | 154601 |
| 6990 | 715644 | Water Pollution
Control Administration | \$ | 345,000 | \$ | 345,000 | 154602 |
| 6A10 | 715645 | Environmental
Education | \$ | 1,350,000 | \$ | 1,350,000 | 154603 |
| TOTAL SSR | | State Special Revenue | \$ | 131,755,659 | \$ | 135,299,122 | 154604 |
| Fund Group | | | | | | | |
| Clean Ohio Conservation Fund Group | | | | | | | 154605 |
| 5S10 | 715607 | Clean Ohio -
Operating | \$ | 284,124 | \$ | 284,124 | 154606 |
| TOTAL CLF | | Clean Ohio Conservation | \$ | 284,124 | \$ | 284,124 | 154607 |

| | | | |
|--|----|-------------|-----------------------|
| Fund Group | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 202,652,509 | \$ 205,756,723 154608 |
| AREAWIDE PLANNING AGENCIES | | | 154609 |
| The Director of Environmental Protection Agency may award | | | 154610 |
| grants from appropriation item 715687, Areawide Planning Agencies, | | | 154611 |
| to areawide planning agencies engaged in areawide water quality | | | 154612 |
| management and planning activities in accordance with Section 208 | | | 154613 |
| of the "Federal Clean Water Act," 33 U.S.C. 1288. | | | 154614 |
| CASH TRANSFERS | | | 154615 |
| On July 1, 2013, or as soon as possible thereafter, the | | | 154616 |
| Director of Budget and Management may transfer up to \$11,400,000 | | | 154617 |
| cash from the Hazardous Waste Management Fund (Fund 5030) to the | | | 154618 |
| Hazardous Waste Cleanup Fund (Fund 5050) to support closure and | | | 154619 |
| corrective action programs that were transferred to the Division | | | 154620 |
| of Environmental Response and Revitalization. | | | 154621 |
| On July 1, 2013, or as soon as possible thereafter, the | | | 154622 |
| Director of Environmental Protection shall certify to the Director | | | 154623 |
| of Budget and Management the cash balance in the Dredge and Fill | | | 154624 |
| Fund (Fund 5N20). The Director of Budget and Management shall | | | 154625 |
| transfer the certified amount from Fund 5N20 to the Surface Water | | | 154626 |
| Protection Fund (Fund 4K40). Any existing encumbrances against | | | 154627 |
| appropriation item 715613, Dredge and Fill, shall be canceled and | | | 154628 |
| reestablished against appropriation item 715650, Surface Water | | | 154629 |
| Protection. The reestablished encumbrance amounts are hereby | | | 154630 |
| appropriated and Fund 5N20 is abolished. | | | 154631 |
| Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION | | | 154632 |
| General Revenue Fund | | | 154633 |
| GRF 172321 Operating Expenses | \$ | 545,530 | \$ 545,530 154634 |
| TOTAL GRF General Revenue Fund | \$ | 545,530 | \$ 545,530 154635 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 545,530 | \$ 545,530 154636 |

| | | | | | |
|------------------------------|------------------------|--|----|-----------|---------------------|
| | Section 278.10. | ETC BROADCAST EDUCATIONAL MEDIA COMMISSION | | | 154638 |
| | | General Revenue Fund | | | 154639 |
| GRF | 935401 | Statehouse News | \$ | 215,561 | \$ 215,561 154640 |
| | | Bureau | | | |
| GRF | 935402 | Ohio Government | \$ | 1,252,089 | \$ 1,252,089 154641 |
| | | Telecommunications | | | |
| | | Services | | | |
| GRF | 935408 | General Operations | \$ | 495,000 | \$ 495,000 154642 |
| GRF | 935409 | Technology Operations | \$ | 2,743,962 | \$ 2,743,962 154643 |
| GRF | 935410 | Content Development, | \$ | 2,607,094 | \$ 2,607,094 154644 |
| | | Acquisition, and | | | |
| | | Distribution | | | |
| GRF | 935412 | Information | \$ | 500,000 | \$ 500,000 154645 |
| | | Technology | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 7,813,706 | \$ 7,813,706 154646 |
| | | General Services Fund Group | | | 154647 |
| 4F30 | 935603 | Affiliate Services | \$ | 50,000 | \$ 50,000 154648 |
| 4T20 | 935605 | Government | \$ | 25,000 | \$ 25,000 154649 |
| | | Television/Telecommunications | | | |
| | | Operating | | | |
| TOTAL GSF | | General Services Fund | \$ | 75,000 | \$ 75,000 154650 |
| | | Group | | | |
| | | State Special Revenue Fund Group | | | 154651 |
| 5FK0 | 935608 | Media Services | \$ | 491,373 | \$ 491,373 154652 |
| TOTAL SSR | | State Special Revenue | \$ | 491,373 | \$ 491,373 154653 |
| | | Fund Group | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 8,380,079 | \$ 8,380,079 154654 |
| | Section 278.20. | STATEHOUSE NEWS BUREAU | | | 154656 |
| | | The foregoing appropriation item 935401, Statehouse News | | | 154657 |
| | | Bureau, shall be used solely to support the operations of the Ohio | | | 154658 |

| | |
|---|--|
| Statehouse News Bureau. | 154659 |
| OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES | 154660 |
| The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. | 154661
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154667 |
| TECHNOLOGY OPERATIONS | 154668 |
| The foregoing appropriation item 935409, Technology Operations, shall be used by the Broadcast Educational Media Commission to pay expenses of the network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers. | 154669
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| CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION | 154677 |
| The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. | 154678
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154682 |
| Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$658,099 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the poorest two | 154683
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hundred school districts as determined by the district's adjusted 154690
valuation per pupil as defined in former section 3317.0213 of the 154691
Revised Code as that section existed prior to June 30, 2005. 154692

Of the foregoing appropriation item 935410, Content 154693
Development, Acquisition, and Distribution, up to \$1,749,283 in 154694
each fiscal year shall be distributed by the Broadcast Educational 154695
Media Commission to Ohio's qualified public educational television 154696
stations and educational radio stations to support their 154697
operations. The funds shall be distributed pursuant to an 154698
allocation formula used by the Ohio Educational Telecommunications 154699
Network Commission unless a substitute formula is developed by the 154700
Broadcast Educational Media Commission in consultation with Ohio's 154701
qualified public educational television stations and educational 154702
radio stations. 154703

Of the foregoing appropriation item 935410, Content 154704
Development, Acquisition, and Distribution, up to \$199,712 in each 154705
fiscal year shall be distributed by the Broadcast Educational 154706
Media Commission to Ohio's qualified radio reading services to 154707
support their operations. The funds shall be distributed pursuant 154708
to an allocation formula used by the Ohio Educational 154709
Telecommunications Network Commission unless a substitute formula 154710
is developed by the Broadcast Educational Media Commission in 154711
consultation with Ohio's qualified radio reading services. 154712

Section 279.10. ETH OHIO ETHICS COMMISSION 154713

General Revenue Fund 154714

| | | | | | | |
|------------|--------------------|----|-----------|----|-----------|--------|
| GRF 146321 | Operating Expenses | \$ | 1,409,751 | \$ | 1,381,556 | 154715 |
|------------|--------------------|----|-----------|----|-----------|--------|

| | | | | | | |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 1,409,751 | \$ | 1,381,556 | 154716 |
|-----------|----------------------|----|-----------|----|-----------|--------|

General Services Fund Group 154717

| | | | | | | |
|-------------|--------------------|----|---------|----|---------|--------|
| 4M60 146601 | Operating Expenses | \$ | 636,388 | \$ | 641,000 | 154718 |
|-------------|--------------------|----|---------|----|---------|--------|

| | | | | | | |
|-----------|------------------|--|--|--|--|--------|
| TOTAL GSF | General Services | | | | | 154719 |
|-----------|------------------|--|--|--|--|--------|

| | | | | | |
|------------------------------|----|-----------|----|-----------|--------|
| Fund Group | \$ | 636,388 | \$ | 641,000 | 154720 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,046,139 | \$ | 2,022,556 | 154721 |

Section 281.10. EXP OHIO EXPOSITIONS COMMISSION 154723

General Revenue Fund 154724

| | | | | | |
|----------------------------------|----|---------|----|---------|--------|
| GRF 723403 Junior Fair Subsidy | \$ | 250,000 | \$ | 250,000 | 154725 |
| GRF 723501 Construction Planning | \$ | 670,000 | \$ | 0 | 154726 |
| TOTAL GRF General Revenue Fund | \$ | 920,000 | \$ | 250,000 | 154727 |

State Special Revenue Fund Group 154728

4N20 723602 Ohio State Fair \$ 235,000 \$ 235,000 154729

Harness Racing

5060 723601 Operating Expenses \$ 12,894,000 \$ 12,894,000 154730

TOTAL SSR State Special Revenue 154731

Fund Group \$ 13,129,000 \$ 13,129,000 154732

TOTAL ALL BUDGET FUND GROUPS \$ 14,049,000 \$ 13,379,000 154733

CONSTRUCTION PLANNING 154734

The foregoing appropriation item 723501, Construction 154735
 Planning, shall be used for acquiring purchased services for new 154736
 and renovated facility planning, including, but not limited to, 154737
 necessary architectural engineering, land or facility use 154738
 consulting services, and facility construction. An amount equal to 154739
 the unexpended, unencumbered portion of the foregoing 154740
 appropriation item 723501, Construction Planning, is hereby 154741
 reappropriated for the same purpose in FY 2015. 154742

STATE FAIR RESERVE 154743

The General Manager of the Expositions Commission, in 154744
 consultation with the Director of Budget and Management, may 154745
 submit a request to the Controlling Board to use available amounts 154746
 in the State Fair Reserve Fund (Fund 6400) if revenues for the 154747
 Ohio State Fair for the 2013 or 2014 Ohio State Fair are 154748
 unexpectedly low. 154749

| | | | | |
|--|--------|-----------------------|-------------------------------|--------|
| Section 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION | | | | 154750 |
| General Revenue Fund | | | | 154751 |
| GRF | 230401 | Lease Rental Payments | \$ 10,550,568 \$ 29,854,500 | 154752 |
| - Cultural Facilities | | | | |
| GRF | 230458 | State Construction | \$ 2,495,751 \$ 2,245,751 | 154753 |
| Management Services | | | | |
| GRF | 230908 | Common Schools | \$ 351,806,100 \$ 377,364,700 | 154754 |
| General Obligation | | | | |
| Debt Service | | | | |
| TOTAL GRF General Revenue Fund | | | \$ 364,852,419 \$ 409,464,951 | 154755 |
| General Services Fund Group | | | | 154756 |
| 1310 | 230639 | State Construction | \$ 9,463,342 \$ 9,463,342 | 154757 |
| Management Operations | | | | |
| TOTAL GSF General Services Fund | | | \$ 9,463,342 \$ 9,463,342 | 154758 |
| Group | | | | |
| State Special Revenue Fund Group | | | | 154759 |
| 4T80 | 230603 | Community Project | \$ 150,000 \$ 200,000 | 154760 |
| Administration | | | | |
| 5E30 | 230644 | Operating Expenses | \$ 8,550,000 \$ 8,550,000 | 154761 |
| TOTAL SSR State Special Revenue | | | | 154762 |
| Fund Group | | | \$ 8,700,000 \$ 8,750,000 | 154763 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ 383,015,761 \$ 427,678,293 | 154764 |

Section 282.20. LEASE RENTAL PAYMENTS 154766

The foregoing appropriation item 230401, Lease Rental 154767
 Payments - Cultural Facilities, shall be used to meet all payments 154768
 at the times they are required to be made during the period from 154769
 January 1, 2014, through June 30, 2015, from the Ohio Facilities 154770
 Construction Commission under the primary leases and agreements 154771
 for those arts and sports facilities made under Chapters 152. and 154772
 154. of the Revised Code. These appropriations are the source of 154773

| | |
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| funds pledged for bond service charges on related obligations | 154774 |
| issued under Chapters 152. and 154. of the Revised Code. | 154775 |
| COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE | 154776 |
| The foregoing appropriation item 230908, Common Schools | 154777 |
| General Obligation Debt Service, shall be used to pay all debt | 154778 |
| service and related financing costs at the times they are required | 154779 |
| to be made during the period from July 1, 2013, through June 30, | 154780 |
| 2015, for obligations issued under sections 151.01 and 151.03 of | 154781 |
| the Revised Code. | 154782 |
| Section 282.30. COMMUNITY PROJECT ADMINISTRATION | 154783 |
| The foregoing appropriation item 230603, Community Project | 154784 |
| Administration, shall be used by the Ohio Facilities Construction | 154785 |
| Commission in administering Cultural and Sports Facilities | 154786 |
| Building Fund (Fund 7030) projects pursuant to section 123.201 of | 154787 |
| the Revised Code. | 154788 |
| Section 282.40. OPERATING EXPENSES | 154789 |
| The foregoing appropriation item 230644, Operating Expenses, | 154790 |
| shall be used by the Ohio School Facilities Commission to carry | 154791 |
| out its responsibilities under this section and Chapter 3318. of | 154792 |
| the Revised Code. | 154793 |
| In both fiscal years 2014 and 2015, the Executive Director of | 154794 |
| the Ohio School Facilities Commission shall certify on a quarterly | 154795 |
| basis to the Director of Budget and Management the amount of cash | 154796 |
| from interest earnings to be transferred from the School Building | 154797 |
| Assistance Fund (Fund 7032), the Public School Building Fund (Fund | 154798 |
| 7021), and the Educational Facilities Trust Fund (Fund N087) to | 154799 |
| the Ohio School Facilities Commission Fund (Fund 5E30). The amount | 154800 |
| transferred from the School Building Assistance Fund (Fund 7032) | 154801 |
| may not exceed investment earnings credited to the fund, less any | 154802 |
| amount required to be paid for federal arbitrage rebate purposes. | 154803 |

If the Executive Director of the Ohio Facilities Construction Commission determines that transferring cash from interest earnings is insufficient to support operations and carry out its responsibilities under this section and Chapter 3318. of the Revised Code, the Commission may, with the approval of the Controlling Board, transfer cash not generated from interest from the Public School Building Fund (Fund 7021) and the Educational Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30).

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

Section 282.50. CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

On January 1, 2014, or as soon as possible thereafter, the Executive Director of the Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146,

Capital Donations. Prior to certifying these amounts to the 154835
Director, the Executive Director shall make a written agreement 154836
with the participating entity on the necessary cash flows required 154837
for the anticipated construction or equipment acquisition project. 154838

Section 282.60. AMENDMENT TO PROJECT AGREEMENT FOR 154839
MAINTENANCE LEVY 154840

The Ohio School Facilities Commission shall amend the project 154841
agreement between the Commission and a school district that is 154842
participating in the Accelerated Urban School Building Assistance 154843
Program on the effective date of this section, if the Commission 154844
determines that it is necessary to do so in order to comply with 154845
division (B)(3)(c) of section 3318.38 of the Revised Code. 154846

Section 282.70. Notwithstanding any other provision of law to 154847
the contrary, the Ohio School Facilities Commission may determine 154848
the amount of funding available for disbursement in a given fiscal 154849
year for any project approved under sections 3318.01 to 3318.20 of 154850
the Revised Code in order to keep aggregate state capital spending 154851
within approved limits and may take actions including, but not 154852
limited to, determining the schedule for design or bidding of 154853
approved projects, to ensure appropriate and supportable cash 154854
flow. 154855

Section 282.80. Notwithstanding division (B) of section 154856
3318.40 of the Revised Code, the Ohio School Facilities Commission 154857
may provide assistance to at least one joint vocational school 154858
district each fiscal year for the acquisition of classroom 154859
facilities in accordance with sections 3318.40 to 3318.45 of the 154860
Revised Code. 154861

Section 282.90. Effective January 1, 2014, the Ohio Cultural 154862
Facilities Commission is abolished. Except as otherwise provided 154863

in this section, all obligations of the Ohio Cultural Facilities Commission under agreements to which the Ohio Cultural Facilities Commission is a party, and all records and assets of the Ohio Cultural Facilities Commission, including, without limitation, equipment, inventory, contract rights, accounts, and general intangibles, are transferred to the Ohio Facilities Construction Commission. 154864
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The Ohio Facilities Construction Commission shall designate the positions, if any, to be transferred to the Ohio Facilities Construction Commission, along with any equipment assigned to those positions. Any employee transferred to the Ohio Facilities Construction Commission retains the employee's respective classification, but the Ohio Facilities Construction Commission may reassign and reclassify the employee's position and compensation as the Ohio Facilities Construction Commission determines to be in the best interest of office administration. 154871
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The Ohio Facilities Construction Commission shall complete any activities related to the design, planning, construction, and related management functions commenced but not completed by the Ohio Cultural Facilities Commission in the same manner and with the same effect as if the Ohio Cultural Facilities Commission had completed them. The consolidation of the commissions shall not cause the loss or impairment of any validation, cure, right, privilege, remedy, obligation, or liability, which the Ohio Facilities Construction Commission shall administer. 154880
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All rules, orders, and determinations related to the design, planning, and construction and related management functions of the Ohio Cultural Facilities Commission continue in effect as rules, orders, and determinations of the Ohio Facilities Construction Commission until the Ohio Facilities Construction Commission modifies or rescinds them. The Director of the Legislative Service 154889
154890
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Commission shall renumber the rules of the Ohio Cultural 154895
Facilities Commission related to that commission's design, 154896
planning, and construction and related management functions to 154897
reflect their transfer to the Ohio Facilities Construction 154898
Commission. 154899

The transfer of functions from the Ohio Cultural Facilities 154900
Commission to the Ohio Facilities Construction Commission does not 154901
affect any pending judicial or administrative action or proceeding 154902
to which the Ohio Cultural Facilities Commission is a party and 154903
that is related to that commission's design, planning, 154904
construction, capital funding, or related management functions. 154905
Any such action or proceeding shall be prosecuted or defended in 154906
the name of the Ohio Facilities Construction Commission. On 154907
application to the court or agency, the Ohio Facilities 154908
Construction Commission shall be substituted for the Ohio Cultural 154909
Facilities Commission as a party to the action or proceeding. 154910

Effective January 1, 2014, the Director of Budget and 154911
Management shall cancel any existing encumbrances against 154912
appropriation item 371603, Project Administration, and 154913
re-establish them against appropriation item 230603, Community 154914
Project Administration. The re-established encumbrance amounts are 154915
hereby appropriated. Any business commenced but not completed 154916
under appropriation item 371603 by January 1, 2014, shall be 154917
completed under appropriation item 230603 in the same manner and 154918
with the same effect as if it were completed with regard to 154919
appropriation item 371603. 154920

Funds collected as part of a management contract for the 154921
Riffe Theatres, which previously were deposited in the Ohio 154922
Cultural Facilities Commission Administration Fund (Fund 4T80), 154923
shall be credited to the Theater Equipment Maintenance Fund (Fund 154924
5MV0), which is hereby created in the State Treasury. The Director 154925
of Budget and Management shall transfer from the Ohio Cultural 154926

Facilities Commission Administration Fund to the Theater Equipment 154927
Maintenance Fund any remaining cash balances from funds collected 154928
as part of a management contract for the Riffe Theatres. In order 154929
to facilitate this transfer, the Executive Director of the Ohio 154930
Facilities Construction Commission, by January 1, 2014, or as soon 154931
as possible thereafter, shall certify to the Director of Budget 154932
and Management an estimate of the amount to be transferred. The 154933
Department of Administrative Services shall use appropriation item 154934
100662, Theater Equipment Maintenance, to spend cash in the 154935
Theater Equipment Maintenance Fund (Fund 5MV0). 154936

The Ohio Facilities Construction Commission may enter into an 154937
interagency agreement with the Department of Administrative 154938
Services for the Department to perform any of the functions 154939
transferred to the Ohio Facilities Construction Commission under 154940
this section. 154941

Any reference to the Ohio Cultural Facilities Commission in 154942
any statute, rule, contract, grant, or other document is deemed to 154943
refer to the Ohio Facilities Construction Commission. 154944

The Ohio Facilities Construction Commission, the Ohio Public 154945
Facilities Commission, and the issuing authority of any 154946
obligations issued for the financing of capital facilities for 154947
Ohio cultural facilities and Ohio sports facilities may execute 154948
instruments, documents, and agreements and may take necessary or 154949
appropriate actions to effect the orderly transfer of those 154950
obligations from the Ohio Cultural Facilities Commission to the 154951
Ohio Facilities Construction Commission. 154952

This section takes effect January 1, 2014. 154953

Section 283.10. GOV OFFICE OF THE GOVERNOR 154954

General Revenue Fund 154955

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552 154956

| | | | | | |
|--|----|-----------|----|-----------|--------|
| TOTAL GRF General Revenue Fund | \$ | 2,851,552 | \$ | 2,851,552 | 154957 |
| General Services Fund Group | | | | | 154958 |
| 5AK0 040607 Government Relations | \$ | 365,149 | \$ | 365,149 | 154959 |
| TOTAL GSF General Services Fund | \$ | 365,149 | \$ | 365,149 | 154960 |
| Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 3,216,701 | \$ | 3,216,701 | 154961 |
| GOVERNMENT RELATIONS | | | | | 154962 |
| A portion of the foregoing appropriation item 040607, | | | | | 154963 |
| Government Relations, may be used to support Ohio's membership in | | | | | 154964 |
| national or regional associations. | | | | | 154965 |
| The Office of the Governor may charge any state agency of the | | | | | 154966 |
| executive branch using an intrastate transfer voucher such amounts | | | | | 154967 |
| necessary to defray the costs incurred for the conduct of | | | | | 154968 |
| governmental relations associated with issues that can be | | | | | 154969 |
| attributed to the agency. Amounts collected shall be deposited in | | | | | 154970 |
| the Government Relations Fund (Fund 5AK0). | | | | | 154971 |
| Section 285.10. DOH DEPARTMENT OF HEALTH | | | | | 154972 |
| General Revenue Fund | | | | | 154973 |
| GRF 440412 Cancer Incidence | \$ | 600,000 | \$ | 600,000 | 154974 |
| Surveillance System | | | | | |
| GRF 440413 Local Health | \$ | 823,061 | \$ | 823,061 | 154975 |
| Departments | | | | | |
| GRF 440416 Mothers and Children | \$ | 4,428,015 | \$ | 4,428,015 | 154976 |
| Safety Net Services | | | | | |
| GRF 440418 Immunizations | \$ | 8,825,829 | \$ | 8,825,829 | 154977 |
| GRF 440431 Free Clinics Safety | \$ | 437,326 | \$ | 437,326 | 154978 |
| Net Services | | | | | |
| GRF 440438 Breast and Cervical | \$ | 823,217 | \$ | 823,217 | 154979 |
| Cancer Screening | | | | | |
| GRF 440444 AIDS Prevention and | \$ | 5,842,315 | \$ | 5,842,315 | 154980 |

| | | | | | |
|-------------|---------------------------------|----|------------|----|-------------------|
| | Treatment | | | | |
| GRF 440451 | Public Health | \$ | 3,655,449 | \$ | 3,655,449 154981 |
| | Laboratory | | | | |
| GRF 440452 | Child and Family | \$ | 630,444 | \$ | 630,444 154982 |
| | Health Services Match | | | | |
| GRF 440453 | Health Care Quality | \$ | 4,874,361 | \$ | 4,874,361 154983 |
| | Assurance | | | | |
| GRF 440454 | Environmental Health | \$ | 1,194,634 | \$ | 1,194,634 154984 |
| GRF 440459 | Help Me Grow | \$ | 33,673,987 | \$ | 33,673,987 154985 |
| GRF 440465 | Federally Qualified | \$ | 2,686,688 | \$ | 2,686,688 154986 |
| | Health Centers | | | | |
| GRF 440467 | Access to Dental Care | \$ | 540,484 | \$ | 540,484 154987 |
| GRF 440468 | Chronic Disease and | \$ | 2,447,251 | \$ | 2,447,251 154988 |
| | Injury Prevention | | | | |
| GRF 440472 | Alcohol Testing | \$ | 1,100,000 | \$ | 1,100,000 154989 |
| GRF 440473 | Tobacco Prevention and | \$ | 1,050,000 | \$ | 1,050,000 154990 |
| | Cessation | | | | |
| GRF 440474 | Infant Vitality | \$ | 3,116,688 | \$ | 3,116,688 154991 |
| GRF 440505 | Medically Handicapped | \$ | 7,512,451 | \$ | 7,512,451 154992 |
| | Children | | | | |
| GRF 440507 | Targeted Health Care | \$ | 1,045,414 | \$ | 1,045,414 154993 |
| | Services Over 21 | | | | |
| GRF 654453 | Medicaid - Health Care | \$ | 3,300,000 | \$ | 3,300,000 154994 |
| | Quality Assurance | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 88,607,614 | \$ | 88,607,614 154995 |
| | State Highway Safety Fund Group | | | | 154996 |
| 4T40 440603 | Child Highway Safety | \$ | 233,894 | \$ | 233,894 154997 |
| TOTAL HSF | State Highway Safety | | | | 154998 |
| Fund Group | | \$ | 233,894 | \$ | 233,894 154999 |
| | General Services Fund Group | | | | 155000 |
| 1420 440646 | Agency Health | \$ | 820,998 | \$ | 820,998 155001 |
| | Services | | | | |

| | | | | | | | |
|------------------------------------|--------|-----------------------|----|-------------|----|-------------|--------|
| 2110 | 440613 | Central Support | \$ | 30,615,591 | \$ | 31,052,469 | 155002 |
| | | Indirect Costs | | | | | |
| 4730 | 440622 | Lab Operating | \$ | 5,000,000 | \$ | 5,000,000 | 155003 |
| | | Expenses | | | | | |
| 6980 | 440634 | Nurse Aide Training | \$ | 99,265 | \$ | 99,265 | 155004 |
| TOTAL GSF General Services | | | | | | | 155005 |
| Fund Group | | | \$ | 36,535,854 | \$ | 36,972,732 | 155006 |
| Federal Special Revenue Fund Group | | | | | | | 155007 |
| 3200 | 440601 | Maternal Child Health | \$ | 23,889,057 | \$ | 23,889,057 | 155008 |
| | | Block Grant | | | | | |
| 3870 | 440602 | Preventive Health | \$ | 6,000,000 | \$ | 6,000,000 | 155009 |
| | | Block Grant | | | | | |
| 3890 | 440604 | Women, Infants, and | \$ | 250,000,000 | \$ | 250,000,000 | 155010 |
| | | Children | | | | | |
| 3910 | 440606 | Medicare Survey and | \$ | 19,449,282 | \$ | 19,961,405 | 155011 |
| | | Certification | | | | | |
| 3920 | 440618 | Federal Public Health | \$ | 134,546,304 | \$ | 135,140,586 | 155012 |
| | | Programs | | | | | |
| 3GD0 | 654601 | Medicaid Program | \$ | 21,126,014 | \$ | 22,392,094 | 155013 |
| | | Support | | | | | |
| TOTAL FED Federal Special Revenue | | | | | | | 155014 |
| Fund Group | | | \$ | 455,010,657 | \$ | 457,383,142 | 155015 |
| State Special Revenue Fund Group | | | | | | | 155016 |
| 4700 | 440647 | Fee Supported | \$ | 25,905,250 | \$ | 26,213,586 | 155017 |
| | | Programs | | | | | |
| 4710 | 440619 | Certificate of Need | \$ | 878,433 | \$ | 878,433 | 155018 |
| 4770 | 440627 | Medically Handicapped | \$ | 3,692,703 | \$ | 3,692,703 | 155019 |
| | | Children Audit | | | | | |
| 4D60 | 440608 | Genetics Services | \$ | 3,311,039 | \$ | 3,311,039 | 155020 |
| 4F90 | 440610 | Sickle Cell Disease | \$ | 1,032,824 | \$ | 1,032,824 | 155021 |
| | | Control | | | | | |
| 4G00 | 440636 | Heirloom Birth | \$ | 5,000 | \$ | 5,000 | 155022 |

| | | | | | | | |
|-----------------|--------|---------------------------|----|------------|----|------------|--------|
| | | Certificate | | | | | |
| 4G00 | 440637 | Birth Certificate | \$ | 5,000 | \$ | 5,000 | 155023 |
| | | Surcharge | | | | | |
| 4L30 | 440609 | HIV Care and | \$ | 8,333,164 | \$ | 8,333,164 | 155024 |
| | | Miscellaneous | | | | | |
| | | Expenses | | | | | |
| 4P40 | 440628 | Ohio Physician Loan | \$ | 476,870 | \$ | 476,870 | 155025 |
| | | Repayment | | | | | |
| 4V60 | 440641 | Save Our Sight | \$ | 2,255,789 | \$ | 2,255,789 | 155026 |
| 5B50 | 440616 | Quality, Monitoring, | \$ | 878,997 | \$ | 878,997 | 155027 |
| | | and Inspection | | | | | |
| 5CN0 | 440645 | Choose Life | \$ | 75,000 | \$ | 75,000 | 155028 |
| 5D60 | 440620 | Second Chance Trust | \$ | 1,151,902 | \$ | 1,151,902 | 155029 |
| 5ED0 | 440651 | Smoke Free Indoor Air | \$ | 250,000 | \$ | 250,000 | 155030 |
| 5G40 | 440639 | Adoption Services | \$ | 20,000 | \$ | 20,000 | 155031 |
| 5L10 | 440623 | Nursing Facility | \$ | 700,000 | \$ | 700,000 | 155032 |
| | | Technical Assistance | | | | | |
| | | Program | | | | | |
| 5Z70 | 440624 | Ohio Dentist Loan | \$ | 140,000 | \$ | 140,000 | 155033 |
| | | Repayment | | | | | |
| 6100 | 440626 | Radiation Emergency | \$ | 1,049,954 | \$ | 1,086,098 | 155034 |
| | | Response | | | | | |
| 6660 | 440607 | Medically Handicapped | \$ | 19,739,617 | \$ | 19,739,617 | 155035 |
| | | Children - County | | | | | |
| | | Assessments | | | | | |
| TOTAL SSR | | State Special Revenue | | | | | 155036 |
| Fund Group | | | \$ | 69,901,542 | \$ | 70,246,022 | 155037 |
| Holding Account | | Redistribution Fund Group | | | | | 155038 |
| R014 | 440631 | Vital Statistics | \$ | 44,986 | \$ | 44,986 | 155039 |
| R048 | 440625 | Refunds, Grants | \$ | 20,000 | \$ | 20,000 | 155040 |
| | | Reconciliation, and | | | | | |
| | | Audit Settlements | | | | | |
| TOTAL 090 | | Holding Account | | | | | 155041 |

| | | | | | |
|--|----|-------------|----|-------------|--------|
| Redistribution Fund Group | \$ | 64,986 | \$ | 64,986 | 155042 |
| Tobacco Master Settlement Agreement Fund Group | | | | | 155043 |
| 5BX0 440656 Tobacco Use | \$ | 1,450,000 | \$ | 1,450,000 | 155044 |
| Prevention | | | | | |
| TOTAL TSF Tobacco Master Settlement Agreement Fund Group | \$ | 1,450,000 | \$ | 1,450,000 | 155045 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 651,804,547 | \$ | 654,958,390 | 155046 |

Section 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 155048

Of the foregoing appropriation item 440416, Mothers and 155049
Children Safety Net Services, \$200,000 in each fiscal year shall 155050
be used to assist families with hearing impaired children under 155051
twenty-one years of age in purchasing hearing aids. The Director 155052
of Health shall adopt rules governing the distribution of these 155053
funds, including rules that do both of the following: (1) 155054
establish eligibility criteria to include families with incomes at 155055
or below four hundred per cent of the federal poverty guidelines 155056
as defined in section 5101.46 of the Revised Code, and (2) develop 155057
a sliding scale of disbursements under this section based on 155058
family income. The Director may adopt other rules as necessary to 155059
implement this section. Rules adopted under this section shall be 155060
adopted in accordance with Chapter 119. of the Revised Code. 155061

The Department shall disburse all of the funds appropriated 155062
under this section. 155063

HIV/AIDS PREVENTION/TREATMENT 155064

The foregoing appropriation item 440444, AIDS Prevention and 155065
Treatment, shall be used to assist persons with HIV/AIDS in 155066
acquiring HIV-related medications and to administer educational 155067
prevention initiatives. 155068

PUBLIC HEALTH LABORATORY 155069

A portion of the foregoing appropriation item 440451, Public 155070

Health Laboratory, shall be used for coordination and management 155071
of prevention program operations and the purchase of drugs for 155072
sexually transmitted diseases. 155073

HELP ME GROW 155074

The foregoing appropriation item 440459, Help Me Grow, shall 155075
be used by the Department of Health to implement the Help Me Grow 155076
Program. Funds shall be distributed to counties through 155077
agreements, contracts, grants, or subsidies in accordance with 155078
section 3701.61 of the Revised Code. Appropriation item 440459, 155079
Help Me Grow, may be used in conjunction with other early 155080
childhood funds and services to promote the optimal development of 155081
young children and family-centered programs and services that 155082
acknowledge and support the social, emotional, cognitive, 155083
intellectual, and physical development of children and the vital 155084
role of families in ensuring the well-being and success of 155085
children. The Department of Health shall enter into interagency 155086
agreements with the Department of Education, Department of 155087
Developmental Disabilities, Department of Job and Family Services, 155088
and Department of Mental Health and Addiction Services to ensure 155089
that all early childhood programs and initiatives are coordinated 155090
and school linked. 155091

The foregoing appropriation item 440459, Help Me Grow, may 155092
also be used for the Developmental Autism and Screening Program. 155093

INFANT VITALITY 155094

The foregoing appropriation item 440474, Infant Vitality, 155095
shall be used to fund the following projects, which are hereby 155096
created: 155097

(A) The Infant Safe Sleep Campaign to educate parents and 155098
caregivers with a uniform message regarding safe sleep 155099
environments; 155100

(B) The Progesterone Prematurity Prevention Project to enable 155101

| | |
|--|------------|
| prenatal care providers to identify, screen, treat, and track | 155102 |
| outcomes for women eligible for progesterone supplementation; and | 155103 |
| (C) The Prenatal Smoking Cessation Project to enable prenatal | 155104 |
| care providers who work with women of reproductive age, including | 155105 |
| pregnant women, to have the tools, training, and technical | 155106 |
| assistance needed to treat smokers effectively. | 155107 |
|
TARGETED HEALTH CARE SERVICES OVER 21 |
155108 |
| The foregoing appropriation item 440507, Targeted Health Care | 155109 |
| Services Over 21, shall be used to administer the Cystic Fibrosis | 155110 |
| Program and to implement the Hemophilia Insurance Premium Payment | 155111 |
| Program. | 155112 |
| The foregoing appropriation item 440507, Targeted Health Care | 155113 |
| Services Over 21, shall also be used to provide essential | 155114 |
| medications and to pay the copayments for drugs approved by the | 155115 |
| Department of Health and covered by Medicare Part D that are | 155116 |
| dispensed to Bureau for Children with Medical Handicaps (BCMh) | 155117 |
| participants for the Cystic Fibrosis Program. | 155118 |
| The Department shall expend all of these funds. | 155119 |
|
GENETICS SERVICES |
155120 |
| The foregoing appropriation item 440608, Genetics Services | 155121 |
| (Fund 4D60), shall be used by the Department of Health to | 155122 |
| administer programs authorized by sections 3701.501 and 3701.502 | 155123 |
| of the Revised Code. None of these funds shall be used to counsel | 155124 |
| or refer for abortion, except in the case of a medical emergency. | 155125 |
|
MEDICALLY HANDICAPPED CHILDREN AUDIT |
155126 |
| The Medically Handicapped Children Audit Fund (Fund 4770) | 155127 |
| shall receive revenue from audits of hospitals and recoveries from | 155128 |
| third-party payers. Moneys may be expended for payment of audit | 155129 |
| settlements and for costs directly related to obtaining recoveries | 155130 |
| from third-party payers and for encouraging Medically Handicapped | 155131 |

Children's Program recipients to apply for third-party benefits. 155132
Moneys also may be expended for payments for diagnostic and 155133
treatment services on behalf of medically handicapped children, as 155134
defined in division (A) of section 3701.022 of the Revised Code, 155135
and Ohio residents who are twenty-one or more years of age and who 155136
are suffering from cystic fibrosis or hemophilia. Moneys may also 155137
be expended for administrative expenses incurred in operating the 155138
Medically Handicapped Children's Program. 155139

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 155140

The foregoing appropriation item 440607, Medically 155141
Handicapped Children - County Assessments (Fund 6660), shall be 155142
used to make payments under division (E) of section 3701.023 of 155143
the Revised Code. 155144

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 155145

On July 1 of each fiscal year, or as soon as possible 155146
thereafter, the Director of Budget and Management may transfer 155147
\$700,000 cash from the Resident Protection Fund (Fund 4E30), which 155148
is used by the Department of Medicaid, to the Nursing Facility 155149
Technical Assistance Program Fund (Fund 5L10), which is used by 155150
the Department of Health. 155151

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 155152
THE TOBACCO USE PREVENTION FUND 155153

On July 1, 2013, or as soon as possible thereafter, the 155154
Director of Budget and Management shall transfer \$2,439,230 cash 155155
from the Public Health Priorities Trust Fund (Fund L087) to the 155156
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 155157
needs of the Department of Health's tobacco enforcement and 155158
cessation efforts. 155159

Section 285.30. DEPARTMENT OF HEALTH'S APPROPRIATION ITEM 155160
STRUCTURE 155161

Upon request from the Director of Health, the Director of 155162
 Budget and Management may establish new funds, new appropriation 155163
 items, and appropriations in order to support the transition to a 155164
 new appropriation item structure in the Department of Health's 155165
 budget. Also, upon request of the Director of Health, the Director 155166
 of Budget and Management may transfer appropriations between GRF 155167
 appropriation items, transfer cash between any funds used by the 155168
 Department of Health, abolish existing funds used by the 155169
 Department of Health, and cancel and reestablish encumbrances. Any 155170
 establishment of new funds or appropriation items, any transfers 155171
 of appropriations or cash, and any increases in appropriation 155172
 under this section are subject to Controlling Board approval. 155173

Section 287.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 155174

Agency Fund Group 155175
 4610 372601 Operating Expenses \$ 12,500 \$ 12,500 155176
 TOTAL AGY Agency Fund Group \$ 12,500 \$ 12,500 155177
 TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 155178

Section 289.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 155180

General Revenue Fund 155181
 GRF 148100 Personal Services \$ 333,037 \$ 347,852 155182
 GRF 148402 Community Programs \$ 44,924 \$ 44,924 155183
 TOTAL GRF General Revenue Fund \$ 377,961 \$ 392,776 155184
 General Services Fund Group 155185
 6010 148602 Special Initiatives \$ 24,558 \$ 24,558 155186
 TOTAL GSF General Services 155187
 Fund Group \$ 24,558 \$ 24,558 155188
 TOTAL ALL BUDGET FUND GROUPS \$ 402,519 \$ 417,334 155189

Section 291.10. OHS OHIO HISTORICAL SOCIETY 155191

General Revenue Fund 155192

| | | | | | | | |
|------------------------------|----------------------|----------------------------------|----|------------|----|------------|--------|
| GRF | 360501 | Education and
Collections | \$ | 3,618,997 | \$ | 3,618,997 | 155193 |
| GRF | 360502 | Site and Museum
Operations | \$ | 4,426,288 | \$ | 4,926,288 | 155194 |
| GRF | 360504 | Ohio Preservation
Office | \$ | 290,000 | \$ | 290,000 | 155195 |
| GRF | 360505 | National
Afro-American Museum | \$ | 414,798 | \$ | 414,798 | 155196 |
| GRF | 360506 | Hayes Presidential
Center | \$ | 309,147 | \$ | 309,147 | 155197 |
| GRF | 360508 | State Historical
Grants | \$ | 1,000,000 | \$ | 900,000 | 155198 |
| GRF | 360509 | Outreach and
Partnership | \$ | 90,395 | \$ | 90,395 | 155199 |
| TOTAL GRF | General Revenue Fund | | \$ | 10,149,625 | \$ | 10,549,625 | 155200 |
| | Agency Fund Group | | | | | | 155201 |
| 5KL0 | 360602 | Ohio History Tax
Check-off | \$ | 250,000 | \$ | 250,000 | 155202 |
| TOTAL AGY | Agency Fund Group | | \$ | 250,000 | \$ | 250,000 | 155203 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 10,399,625 | \$ | 10,799,625 | 155204 |

SUBSIDY APPROPRIATION

155205

Upon approval by the Director of Budget and Management, the 155206
foregoing appropriation items shall be released to the Ohio 155207
Historical Society in quarterly amounts that in total do not 155208
exceed the annual appropriations. The funds and fiscal records of 155209
the society for fiscal year 2014 and fiscal year 2015 shall be 155210
examined by independent certified public accountants approved by 155211
the Auditor of State, and a copy of the audited financial 155212
statements shall be filed with the Office of Budget and 155213
Management. The society shall prepare and submit to the Office of 155214
Budget and Management the following: 155215

(A) An estimated operating budget for each fiscal year of the 155216

biennium. The operating budget shall be submitted at or near the beginning of each calendar year.

(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code.

STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, \$200,000 in each fiscal year shall be used for the Cincinnati Museum Center, \$200,000 in each fiscal year shall be used for the Western Reserve Historical Society, and \$100,000 in fiscal year 2014 shall be used to complete renovations and additional construction work on the Chardon Heritage House.

Section 293.10. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

| | | | | | |
|------------|----------------------|----|------------|----|------------|
| GRF 025321 | Operating Expenses | \$ | 21,031,091 | \$ | 21,031,091 |
| TOTAL GRF | General Revenue Fund | \$ | 21,031,091 | \$ | 21,031,091 |

General Services Fund Group

| | | | | | |
|-------------|---------------------|----|-----------|----|-----------|
| 1030 025601 | House Reimbursement | \$ | 1,433,664 | \$ | 1,433,664 |
| 4A40 025602 | Miscellaneous Sales | \$ | 37,849 | \$ | 37,849 |

TOTAL GSF General Services

Fund Group

| | | | | | |
|------------------------------|--|----|------------|----|------------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 22,502,604 | \$ | 22,502,604 |
|------------------------------|--|----|------------|----|------------|

OPERATING EXPENSES

On July 1, 2013, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the

unexpended, unencumbered balance of the foregoing appropriation 155247
 item 025321, Operating Expenses, at the end of fiscal year 2013 to 155248
 be reappropriated to fiscal year 2014. The amount certified is 155249
 hereby reappropriated to the same appropriation item for fiscal 155250
 year 2014. 155251

On July 1, 2014, or as soon as possible thereafter, the Chief 155252
 Administrative Officer of the House of Representatives may certify 155253
 to the Director of Budget and Management the amount of the 155254
 unexpended, unencumbered balance of the foregoing appropriation 155255
 item 025321, Operating Expenses, at the end of fiscal year 2014 to 155256
 be reappropriated to fiscal year 2015. The amount certified is 155257
 hereby reappropriated to the same appropriation item for fiscal 155258
 year 2015. 155259

HOUSE REIMBURSEMENT 155260

If it is determined by the Chief Administrative Officer of 155261
 the House of Representatives that additional appropriations are 155262
 necessary for the foregoing appropriation item 025601, House 155263
 Reimbursement, the amounts are hereby appropriated. 155264

Section 295.10. HFA OHIO HOUSING FINANCE AGENCY 155265

State Special Revenue Fund Group 155266

5AZ0 997601 Housing Finance Agency \$ 12,526,713 \$ 12,850,014 155267

Personal Services

TOTAL SSR State Special Revenue \$ 12,526,713 \$ 12,850,014 155268

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,526,713 \$ 12,850,014 155269

Section 297.10. IGO OFFICE OF THE INSPECTOR GENERAL 155271

General Revenue Fund 155272

GRF 965321 Operating Expenses \$ 1,175,598 \$ 1,175,598 155273

GRF 965404 Deputy Inspector \$ 475,000 \$ 350,000 155274

| | | | |
|------------------------------------|----|-----------|---------------------|
| General for ARRA | | | |
| TOTAL GRF General Revenue Fund | \$ | 1,650,598 | \$ 1,525,598 155275 |
| General Services Fund Group 155276 | | | |
| 5FA0 965603 Deputy Inspector | \$ | 400,000 | \$ 400,000 155277 |
| General for ODOT | | | |
| 5FT0 965604 Deputy Inspector | \$ | 425,000 | \$ 425,000 155278 |
| General for BWC/OIC | | | |
| 5GI0 965605 Deputy Inspector | \$ | 25,000 | \$ 0 155279 |
| General for ARRA | | | |
| TOTAL GSF General Services Fund | \$ | 850,000 | \$ 825,000 155280 |
| Group | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,500,598 | \$ 2,350,598 155281 |

Section 299.10. INS DEPARTMENT OF INSURANCE 155283

| | | | |
|---|----|------------|----------------------|
| Federal Special Revenue Fund Group 155284 | | | |
| 3EV0 820610 Health Insurance | \$ | 1,300,000 | \$ 1,300,000 155285 |
| Premium Review | | | |
| 3U50 820602 OSHIIP Operating | \$ | 1,970,725 | \$ 1,970,725 155286 |
| Grant | | | |
| TOTAL FED Federal Special | | | 155287 |
| Revenue Fund Group | \$ | 3,270,725 | \$ 3,270,725 155288 |
| State Special Revenue Fund Group 155289 | | | |
| 5540 820601 Operating Expenses - | \$ | 180,000 | \$ 180,000 155290 |
| OSHIIP | | | |
| 5540 820606 Operating Expenses | \$ | 27,570,433 | \$ 24,910,367 155291 |
| 5550 820605 Examination | \$ | 8,184,065 | \$ 8,184,065 155292 |
| TOTAL SSR State Special Revenue | | | 155293 |
| Fund Group | \$ | 35,934,498 | \$ 33,274,432 155294 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 39,205,223 | \$ 36,545,157 155295 |

MARKET CONDUCT EXAMINATION 155296

When conducting a market conduct examination of any insurer 155297
 doing business in this state, the Superintendent of Insurance may 155298

assess the costs of the examination against the insurer. The 155299
 superintendent may enter into consent agreements to impose 155300
 administrative assessments or fines for conduct discovered that 155301
 may be violations of statutes or rules administered by the 155302
 Superintendent. All costs, assessments, or fines collected shall 155303
 be deposited to the credit of the Department of Insurance 155304
 Operating Fund (Fund 5540). 155305

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 155306

The Director of Budget and Management, at the request of the 155307
 Superintendent of Insurance, may transfer funds from the 155308
 Department of Insurance Operating Fund (Fund 5540), established by 155309
 section 3901.021 of the Revised Code, to the Superintendent's 155310
 Examination Fund (Fund 5550), established by section 3901.071 of 155311
 the Revised Code, only for expenses incurred in examining domestic 155312
 fraternal benefit societies as required by section 3921.28 of the 155313
 Revised Code. 155314

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 155315

Not later than the thirty-first day of July each fiscal year, 155316
 the Director of Budget and Management shall transfer \$5,000,000 155317
 from the Department of Insurance Operating Fund (Fund 5540) to the 155318
 General Revenue Fund. 155319

Section 301.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 155320

General Revenue Fund 155321

| | | | | | | |
|------------|------------------------|----|-------------|----|-------------|--------|
| GRF 600321 | Program Support | \$ | 31,320,964 | \$ | 31,109,751 | 155322 |
| GRF 600410 | TANF State/Maintenance | \$ | 152,386,934 | \$ | 152,386,934 | 155323 |
| | of Effort | | | | | |
| GRF 600413 | Child Care | \$ | 84,732,730 | \$ | 84,732,730 | 155324 |
| | State/Maintenance of | | | | | |
| | Effort | | | | | |
| GRF 600416 | Information Technology | \$ | 54,223,871 | \$ | 54,184,700 | 155325 |

| | | | | | |
|------------|-------------------------|----|-------------|----|--------------------|
| | Projects | | | | |
| GRF 600420 | Child Support Programs | \$ | 6,498,667 | \$ | 6,591,048 155326 |
| GRF 600421 | Family Assistance | \$ | 3,161,930 | \$ | 3,161,930 155327 |
| | Programs | | | | |
| GRF 600423 | Families and Children | \$ | 6,384,514 | \$ | 6,542,517 155328 |
| | Programs | | | | |
| GRF 600502 | Child Support - Local | \$ | 23,814,103 | \$ | 23,814,103 155329 |
| GRF 600511 | Disability Financial | \$ | 22,000,000 | \$ | 22,000,000 155330 |
| | Assistance | | | | |
| GRF 600521 | Family Assistance - | \$ | 41,132,751 | \$ | 41,132,751 155331 |
| | Local | | | | |
| GRF 600523 | Family and Children | \$ | 54,255,323 | \$ | 54,255,323 155332 |
| | Services | | | | |
| GRF 600528 | Adoption Services | | | | 155333 |
| | State | \$ | 28,623,389 | \$ | 28,623,389 155334 |
| | Federal | \$ | 38,202,557 | \$ | 38,202,557 155335 |
| | Adoption Services Total | \$ | 66,825,946 | \$ | 66,825,946 155336 |
| GRF 600533 | Child, Family, and | \$ | 13,500,000 | \$ | 13,500,000 155337 |
| | Adult Community & | | | | |
| | Protective Services | | | | |
| GRF 600534 | Adult Protective | \$ | 500,000 | \$ | 500,000 155338 |
| | Services | | | | |
| GRF 600535 | Early Care and | \$ | 123,596,474 | \$ | 123,596,474 155339 |
| | Education | | | | |
| GRF 600540 | Food Banks | \$ | 6,000,000 | \$ | 6,000,000 155340 |
| GRF 600541 | Kinship Permanency | \$ | 3,500,000 | \$ | 3,500,000 155341 |
| | Incentive Program | | | | |
| GRF 655522 | Medicaid Program | \$ | 31,067,970 | \$ | 31,067,970 155342 |
| | Support - Local | | | | |
| GRF 655523 | Medicaid Program | \$ | 30,680,495 | \$ | 30,680,495 155343 |
| | Support - Local | | | | |
| | Transportation | | | | |
| TOTAL GRF | General Revenue Fund | | | | 155344 |

| | | | | | | | |
|------------------------------------|-----------|-----------------------|----|-------------|----|-------------|--------------------------------------|
| | State | | \$ | 717,380,115 | \$ | 717,380,115 | 155345 |
| | Federal | | \$ | 38,202,557 | \$ | 38,202,557 | 155346 |
| | GRF Total | | \$ | 755,582,672 | \$ | 755,582,672 | 155347 |
| General Services Fund Group | | | | | | | 155348 |
| 4A80 | 600658 | Public Assistance | \$ | 34,000,000 | \$ | 34,000,000 | 155349 |
| | | Activities | | | | | |
| 5DM0 | 600633 | Administration & | \$ | 19,660,339 | \$ | 19,660,339 | 155350 |
| | | Operating | | | | | |
| 5HC0 | 600695 | Unemployment | \$ | 60,000,000 | \$ | 60,000,000 | 155351 |
| | | Compensation Interest | | | | | |
| 5HL0 | 600602 | State and County | \$ | 3,020,000 | \$ | 3,020,000 | 155352 |
| | | Shared Services | | | | | |
| 6130 | 600645 | Training Activities | \$ | 100,000 | \$ | 92,989 | 155353 |
| TOTAL GSF General Services | | | | | | | 155354 |
| Fund Group | | | | | | | \$ 116,780,339 \$ 116,773,328 155355 |
| Federal Special Revenue Fund Group | | | | | | | 155356 |
| 3270 | 600606 | Child Welfare | \$ | 29,769,866 | \$ | 29,769,866 | 155357 |
| 3310 | 600615 | Veterans Programs | \$ | 8,000,000 | \$ | 8,000,000 | 155358 |
| 3310 | 600624 | Employment Services | \$ | 26,000,000 | \$ | 26,000,000 | 155359 |
| | | Programs | | | | | |
| 3310 | 600686 | Workforce Programs | \$ | 6,260,000 | \$ | 6,260,000 | 155360 |
| 3840 | 600610 | Food Assistance | \$ | 209,333,246 | \$ | 180,381,394 | 155361 |
| | | Programs | | | | | |
| 3850 | 600614 | Refugee Services | \$ | 12,564,952 | \$ | 12,564,952 | 155362 |
| 3950 | 600616 | Federal Discretionary | \$ | 2,259,264 | \$ | 2,259,264 | 155363 |
| | | Grants | | | | | |
| 3960 | 600620 | Social Services Block | \$ | 47,000,000 | \$ | 47,000,000 | 155364 |
| | | Grant | | | | | |
| 3970 | 600626 | Child Support - | \$ | 235,000,000 | \$ | 235,000,000 | 155365 |
| | | Federal | | | | | |
| 3980 | 600627 | Adoption Program - | \$ | 174,178,779 | \$ | 174,178,779 | 155366 |
| | | Federal | | | | | |

| | | | | | | | |
|-----------------------------------|--------|---|----|---------------|----|---------------|--------|
| 3A20 | 600641 | Emergency Food
Distribution | \$ | 5,000,000 | \$ | 5,000,000 | 155367 |
| 3D30 | 600648 | Children's Trust Fund
Federal | \$ | 3,477,699 | \$ | 3,477,699 | 155368 |
| 3F01 | 655624 | Medicaid Program
Support | \$ | 110,680,495 | \$ | 110,680,495 | 155369 |
| 3H70 | 600617 | Child Care Federal | \$ | 241,987,805 | \$ | 222,212,089 | 155370 |
| 3N00 | 600628 | Foster Care Program -
Federal | \$ | 311,968,616 | \$ | 311,968,616 | 155371 |
| 3S50 | 600622 | Child Support Projects | \$ | 534,050 | \$ | 534,050 | 155372 |
| 3V00 | 600688 | Workforce Investment
Act Programs | \$ | 136,000,000 | \$ | 136,000,000 | 155373 |
| 3V40 | 600678 | Federal Unemployment
Programs | \$ | 182,814,212 | \$ | 182,814,212 | 155374 |
| 3V40 | 600679 | UC Review Commission -
Federal | \$ | 6,185,788 | \$ | 6,185,788 | 155375 |
| 3V60 | 600689 | TANF Block Grant | \$ | 777,957,809 | \$ | 790,304,845 | 155376 |
| TOTAL FED Federal Special Revenue | | | | | | | 155377 |
| Fund Group | | | \$ | 2,526,972,581 | \$ | 2,490,592,049 | 155378 |
| State Special Revenue Fund Group | | | | | | | 155379 |
| 1980 | 600647 | Children's Trust Fund | \$ | 5,873,848 | \$ | 5,873,848 | 155380 |
| 4A90 | 600607 | Unemployment
Compensation
Administration Fund | \$ | 9,006,000 | \$ | 9,006,000 | 155381 |
| 4E70 | 600604 | Family and Children
Services Collections | \$ | 400,000 | \$ | 400,000 | 155382 |
| 4F10 | 600609 | Family and Children
Activities | \$ | 683,549 | \$ | 683,549 | 155383 |
| 5DB0 | 600637 | Military Injury Relief
Subsidies | \$ | 2,000,000 | \$ | 2,000,000 | 155384 |
| 5DP0 | 600634 | Adoption Assistance
Loan | \$ | 500,000 | \$ | 500,000 | 155385 |
| 5ES0 | 600630 | Food Bank Assistance | \$ | 500,000 | \$ | 500,000 | 155386 |

| | | | | | | |
|---|------------------------|----|---------------|----|---------------|--------|
| 5KU0 600611 | Unemployment | \$ | 2,000,000 | \$ | 2,000,000 | 155387 |
| | Compensation Support - | | | | | |
| | Other Sources | | | | | |
| 5NG0 600660 | Victims of Human | \$ | 100,000 | \$ | 100,000 | 155388 |
| | Trafficking | | | | | |
| 5U60 600663 | Family and Children | \$ | 4,000,000 | \$ | 4,000,000 | 155389 |
| | Support | | | | | |
| TOTAL SSR State Special Revenue | | | | | | 155390 |
| Fund Group | | \$ | 25,063,397 | \$ | 25,063,397 | 155391 |
| Agency Fund Group | | | | | | 155392 |
| 1920 600646 | Child Support | \$ | 129,250,000 | \$ | 129,250,000 | 155393 |
| | Intercept - Federal | | | | | |
| 5830 600642 | Child Support | \$ | 14,000,000 | \$ | 14,000,000 | 155394 |
| | Intercept - State | | | | | |
| 5B60 600601 | Food Assistance | \$ | 1,000,000 | \$ | 1,000,000 | 155395 |
| | Intercept | | | | | |
| TOTAL AGY Agency Fund Group | | \$ | 144,250,000 | \$ | 144,250,000 | 155396 |
| Holding Account Redistribution Fund Group | | | | | | 155397 |
| R012 600643 | Refunds and Audit | \$ | 2,200,000 | \$ | 2,200,000 | 155398 |
| | Settlements | | | | | |
| R013 600644 | Forgery Collections | \$ | 10,000 | \$ | 10,000 | 155399 |
| TOTAL 090 Holding Account | | \$ | 2,210,000 | \$ | 2,210,000 | 155400 |
| Redistribution Fund Group | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 3,570,858,989 | \$ | 3,534,471,446 | 155401 |

Section 301.20. TRANSFER TO STATE AND COUNTY SHARED SERVICES 155403

FUND 155404

Within thirty days of the effective date of this act, or as 155405
soon as possible thereafter, the Director of Budget and Management 155406
shall transfer the cash balance in the County Technologies Fund 155407
(Fund 5N10) to the State and County Shared Services Fund (Fund 155408
5HL0). 155409

Section 301.30. AGENCY AND HOLDING ACCOUNT REDISTRIBUTION 155410
FUND GROUPS 155411

The Agency Fund Group and Holding Account Redistribution Fund 155412
Group shall be used to hold revenues until the appropriate fund is 155413
determined or until the revenues are directed to the appropriate 155414
governmental agency other than the Department of Job and Family 155415
Services. If receipts credited to the Support Intercept - Federal 155416
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 155417
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 155418
Settlements Fund (Fund R012), or the Forgery Collections Fund 155419
(Fund R013) exceed the amounts appropriated from the fund, the 155420
Director of Job and Family Services may request the Director of 155421
Budget and Management to authorize expenditures from the fund in 155422
excess of the amounts appropriated. Upon the approval of the 155423
Director of Budget and Management, the additional amounts are 155424
hereby appropriated. 155425

Section 301.33. BIG BROTHERS BIG SISTERS 155426

Of the foregoing appropriation item 600410, TANF 155427
State/Maintenance of Effort, \$1,000,000 in each fiscal year shall 155428
be provided, in accordance with sections 5101.80 and 5101.801 of 155429
the Revised Code, to Big Brothers Big Sisters of Central Ohio to 155430
provide mentoring services to children of incarcerated parents 155431
throughout the state. 155432

Section 301.40. COUNTY ADMINISTRATIVE FUNDS 155433

(A) The foregoing appropriation item 600521, Family 155434
Assistance - Local, may be provided to county departments of job 155435
and family services to administer food assistance and disability 155436
assistance programs. 155437

(B) The foregoing appropriation item 655522, Medicaid Program 155438

Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 155439
155440
155441

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item. 155442
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Section 301.50. FOOD STAMPS TRANSFER 155448

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 155449
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Section 301.60. NAME OF FOOD STAMP PROGRAM 155453

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program or the Food Assistance Program in rules and documents of the Department of Job and Family Services. 155454
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Section 301.70. OHIO ASSOCIATION OF FOOD BANKS 155460

The foregoing appropriation item 600540, Food Banks, shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products. 155461
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Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, in addition to funds designated for the Ohio Association of Food Banks in this section, in fiscal year 2014 and fiscal year 2015, the Director of Job and Family Services 155464
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shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount up to or equal to the assistance provided in state fiscal year 2013 from all funds used by the Department, except the General Revenue Fund.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

Section 301.80. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 301.90. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$6,540,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

| | |
|---|--------|
| Section 301.100. INDEPENDENT LIVING INITIATIVE | 155498 |
| Of the foregoing appropriation item 600689, TANF Block Grant, | 155499 |
| up to \$2,000,000 in each fiscal year shall be used, in accordance | 155500 |
| with sections 5101.80 and 5101.801 of the Revised Code, to support | 155501 |
| the Independent Living Initiative, including life skills training | 155502 |
| and work supports for older children in foster care and those who | 155503 |
| have recently aged out of foster care. | 155504 |
|
 | |
| Section 301.110. KINSHIP PERMANENCY INCENTIVE PROGRAM | 155505 |
| Of the foregoing appropriation item 600689, TANF Block Grant, | 155506 |
| \$1,750,000 in each fiscal year shall be used to support the | 155507 |
| activities of the Kinship Permanency Incentive Program established | 155508 |
| in section 5101.802 of the Revised Code. | 155509 |
|
 | |
| Section 301.120. OHIO COMMISSION ON FATHERHOOD | 155510 |
| Of the foregoing appropriation item 600689, TANF Block Grant, | 155511 |
| \$1,000,000 in each fiscal year shall be provided to the Ohio | 155512 |
| Commission on Fatherhood. | 155513 |
|
 | |
| Section 301.123. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS | 155514 |
| Of the foregoing appropriation item 600689, TANF Block Grant, | 155515 |
| \$500,000 in each fiscal year shall be provided, in accordance with | 155516 |
| sections 5101.80 and 5101.801 of the Revised Code, to the Ohio | 155517 |
| Alliance of Boys and Girls Clubs to provide after-school programs | 155518 |
| that protect at-risk children and enable youth to become | 155519 |
| responsible adults. | 155520 |
|
 | |
| Section 301.130. DIFFERENTIAL RESPONSE | 155521 |
| In accordance with an independent evaluation of the Ohio | 155522 |
| Alternative Response Pilot Program that recommended statewide | 155523 |
| implementation, the Department of Job and Family Services shall | 155524 |

plan the statewide expansion of the Ohio Alternative Response 155525
Pilot Program on a county by county basis, through a schedule 155526
determined by the Department. The program shall be known as the 155527
"differential response" approach as defined in section 2151.011 of 155528
the Revised Code. Notwithstanding provisions of Chapter 2151. of 155529
the Revised Code that refer to "differential response," 155530
"traditional response," and "alternative response," those 155531
provisions shall become effective on the scheduled date of 155532
expansion of the differential response approach to that county. 155533
Prior to statewide implementation, the Department may adopt rules 155534
in accordance with Chapter 119. of the Revised Code as necessary 155535
to carry out the purposes of this section. 155536

Section 301.140. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 155537

In collaboration with the county family and children first 155538
council, a county department of job and family services or public 155539
children services agency that receives an allocation from the 155540
Department of Job and Family Services from the foregoing 155541
appropriation item 600523, Family and Children Services, or 155542
600533, Child, Family, and Adult Community & Protective Services, 155543
may transfer a portion of either or both allocations to a flexible 155544
funding pool as authorized by the section of this act titled 155545
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 155546

Section 301.143. CHILDREN'S CRISIS CARE FACILITIES 155547

Of the foregoing appropriation item 600523, Family and 155548
Children Services, \$150,000 in each fiscal year shall be provided 155549
to children's crisis care facilities, as defined in section 155550
5103.13 of the Revised Code. The Director of Job and Family 155551
Services shall allocate funds based on the number of children at 155552
each facility. A children's crisis care facility may decline to 155553
receive funds provided for under this section. A children's crisis 155554

care facility that accepts funds provided under this section shall 155555
use the funds in accordance with section 5103.13 of the Revised 155556
Code and rules in section 5101:2-9-36 of the Administrative Code. 155557

Section 301.150. CHILD, FAMILY, AND ADULT COMMUNITY AND 155558
PROTECTIVE SERVICES 155559

(A) The foregoing appropriation item 600533, Child, Family, 155560
and Adult Community & Protective Services, shall be distributed to 155561
each county department of job and family services using the 155562
formula the Department of Job and Family Services uses when 155563
distributing Title XX funds to county departments of job and 155564
family services under section 5101.46 of the Revised Code. County 155565
departments shall use the funds distributed to them under this 155566
section as follows, in accordance with the written plan of 155567
cooperation entered into under section 307.983 of the Revised 155568
Code: 155569

(1) To assist individuals achieve or maintain 155570
self-sufficiency, including by reducing or preventing dependency 155571
among individuals with family income not exceeding two hundred per 155572
cent of the federal poverty guidelines; 155573

(2) Subject to division (B) of this section, to respond to 155574
reports of abuse, neglect, or exploitation of children and adults, 155575
including through the differential response approach program 155576
developed under Section 309.50.10 of this act; 155577

(3) To provide outreach and referral services regarding home 155578
and community-based services to individuals at risk of placement 155579
in a group home or institution, regardless of the individuals' 155580
family income and without need for a written application; 155581

(4) To provide outreach, referral, application assistance, 155582
and other services to assist individuals receive assistance, 155583
benefits, or services under Medicaid; Title IV-A programs, as 155584

defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs. 155585
155586
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(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation. 155588
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Section 301.160. CHILDREN AND FAMILY SERVICES ACTIVITIES 155595

The foregoing appropriation item 600609, Children and Family Services Activities, shall be used to expend miscellaneous foundation funds and grants to support children and family services activities. 155596
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Section 301.170. ADOPTION ASSISTANCE LOAN 155600

Of the foregoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. 155601
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155604

Section 301.173. VICTIMS OF HUMAN TRAFFICKING 155605

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from 155606
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the fund in excess of the amounts appropriated. Upon the approval 155614
of the Director of Budget and Management, the additional amounts 155615
are hereby appropriated. 155616

Section 301.180. FEDERAL UNEMPLOYMENT PROGRAMS 155617

All unexpended funds remaining at the end of fiscal year 2013 155618
that were appropriated and made available to the state under 155619
section 903(d) of the Social Security Act, as amended, in the 155620
foregoing appropriation item 600678, Federal Unemployment Programs 155621
(Fund 3V40), are hereby appropriated to the Department of Job and 155622
Family Services. Upon the request of the Director of Job and 155623
Family Services, the Director of Budget and Management may 155624
increase the appropriation for fiscal year 2014 by the amount 155625
remaining unspent from the fiscal year 2013 appropriation and may 155626
increase the appropriation for fiscal year 2015 by the amount 155627
remaining unspent from the fiscal year 2014 appropriation. The 155628
appropriation shall be used under the direction of the Department 155629
of Job and Family Services to pay for administrative activities 155630
for the Unemployment Insurance Program, employment services, and 155631
other allowable expenditures under section 903(d) of the Social 155632
Security Act, as amended. 155633

The amounts obligated pursuant to this section shall not 155634
exceed at any time the amount by which the aggregate of the 155635
amounts transferred to the account of the state under section 155636
903(d) of the Social Security Act, as amended, exceeds the 155637
aggregate of the amounts obligated for administration and paid out 155638
for benefits and required by law to be charged against the amounts 155639
transferred to the account of the state. 155640

Section 301.190. UNEMPLOYMENT COMPENSATION INTEREST 155641

The foregoing appropriation item 600695, Unemployment 155642
Compensation Interest, shall be used for payment of interest costs 155643

paid to the United States Secretary of the Treasury for the 155644
repayment of accrued interest related to federal unemployment 155645
account borrowing. 155646

Section 303.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 155647

General Revenue Fund 155648

GRF 029321 Operating Expenses \$ 455,858 \$ 456,376 155649

TOTAL GRF General Revenue Fund \$ 455,858 \$ 456,376 155650

TOTAL ALL BUDGET FUND GROUPS \$ 455,858 \$ 456,376 155651

OPERATING GUIDANCE 155652

The Chief Administrative Officer of the House of 155653
Representatives and the Clerk of the Senate shall determine, by 155654
mutual agreement, which of them shall act as fiscal agent for the 155655
Joint Committee on Agency Rule Review. Members of the Committee 155656
shall be paid in accordance with section 101.35 of the Revised 155657
Code. 155658

OPERATING EXPENSES 155659

On July 1, 2013, or as soon as possible thereafter, the 155660
Executive Director of the Joint Committee on Agency Rule Review 155661
may certify to the Director of Budget and Management the amount of 155662
the unexpended, unencumbered balance of the foregoing 155663
appropriation item 029321, Operating Expenses, at the end of 155664
fiscal year 2013 to be reappropriated to fiscal year 2014. The 155665
amount certified is hereby reappropriated to the same 155666
appropriation item for fiscal year 2014. 155667

On July 1, 2014, or as soon as possible thereafter, the 155668
Executive Director of the Joint Committee on Agency Rule Review 155669
may certify to the Director of Budget and Management the amount of 155670
the unexpended, unencumbered balance of the foregoing 155671
appropriation item 029321, Operating Expenses, at the end of 155672
fiscal year 2014 to be reappropriated to fiscal year 2015. The 155673

amount certified is hereby reappropriated to the same 155674
appropriation item for fiscal year 2015. 155675

Section 305.10. JCO JUDICIAL CONFERENCE OF OHIO 155676

General Revenue Fund 155677

GRF 018321 Operating Expenses \$ 824,900 \$ 847,200 155678

TOTAL GRF General Revenue Fund \$ 824,900 \$ 847,200 155679

General Services Fund Group 155680

4030 018601 Ohio Jury \$ 385,000 \$ 385,000 155681

Instructions

TOTAL GSF General Services Fund \$ 385,000 \$ 385,000 155682

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,209,900 \$ 1,232,200 155683

STATE COUNCIL OF UNIFORM STATE LAWS 155684

Notwithstanding section 105.26 of the Revised Code, of the 155685
foregoing appropriation item 018321, Operating Expenses, up to 155686
\$84,900 in fiscal year 2014 and up to \$88,300 in fiscal year 2015 155687
shall be used to pay the expenses of the State Council of Uniform 155688
State Laws, including membership dues to the National Conference 155689
of Commissioners on Uniform State Laws. 155690

OHIO JURY INSTRUCTIONS FUND 155691

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 155692
grants, royalties, dues, conference fees, bequests, devises, and 155693
other gifts received for the purpose of supporting costs incurred 155694
by the Judicial Conference of Ohio in its activities as a part of 155695
the judicial system of the state as determined by the Judicial 155696
Conference Executive Committee. Fund 4030 shall be used by the 155697
Judicial Conference of Ohio to pay expenses incurred in its 155698
activities as a part of the judicial system of the state as 155699
determined by the Judicial Conference Executive Committee. All 155700
moneys accruing to Fund 4030 in excess of \$385,000 in fiscal year 155701

2014 and in excess of \$385,000 in fiscal year 2015 are hereby 155702
 appropriated for the purposes authorized. 155703

No money in Fund 4030 shall be transferred to any other fund 155704
 by the Director of Budget and Management or the Controlling Board. 155705

Section 307.10. JSC THE JUDICIARY/SUPREME COURT 155706

General Revenue Fund 155707

GRF 005321 Operating Expenses - \$ 143,016,534 \$ 140,232,737 155708
 Judiciary/Supreme
 Court

GRF 005406 Law-Related Education \$ 236,172 \$ 236,172 155709

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 155710
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 146,602,706 \$ 143,818,909 155711

General Services Fund Group 155712

6720 005601 Continuing Judicial \$ 101,392 \$ 93,563 155713
 Education

TOTAL GSF General Services Fund \$ 101,392 \$ 93,563 155714

Group

Federal Special Revenue Fund Group 155715

3J00 005603 Federal Grants \$ 1,235,900 \$ 1,252,600 155716

TOTAL FED Federal Special Revenue \$ 1,235,900 \$ 1,252,600 155717

Fund Group

State Special Revenue Fund Group 155718

4C80 005605 Attorney Services \$ 3,923,101 \$ 3,915,721 155719

5HT0 005617 Court Interpreter \$ 23,000 \$ 23,000 155720
 Certification

5JY0 005620 County Law Library \$ 258,000 \$ 258,000 155721
 Resources Boards

5T80 005609 Grants and Awards \$ 25,000 \$ 25,000 155722

6A80 005606 Supreme Court \$ 1,283,751 \$ 1,308,025 155723

Admissions

| | | | | | |
|---------------------------------|----|-----------|----|-----------|--------|
| TOTAL SSR State Special Revenue | \$ | 5,512,852 | \$ | 5,529,746 | 155724 |
|---------------------------------|----|-----------|----|-----------|--------|

Fund Group

| | | | | | |
|------------------------------|----|-------------|----|-------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 153,452,850 | \$ | 150,694,818 | 155725 |
|------------------------------|----|-------------|----|-------------|--------|

OPERATING EXPENSES - JUDICIARY/SUPREME COURT 155726

Of the foregoing appropriation item 005321, Operating 155727
Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal 155728
year may be used to support the functions of the State Criminal 155729
Sentencing Council, and \$5,000,000 in fiscal year 2014 shall be 155730
used to support the pilot program established under the section of 155731
this act entitled "ADDICTION TREATMENT PILOT PROGRAM." Of the 155732
\$5,000,000 allocated for the pilot program, the Supreme Court 155733
shall receive an amount of not more than five per cent for an 155734
administrative fee. 155735

LAW-RELATED EDUCATION 155736

The foregoing appropriation item 005406, Law-Related 155737
Education, shall be distributed directly to the Ohio Center for 155738
Law-Related Education for the purposes of providing continuing 155739
citizenship education activities to primary and secondary 155740
students, expanding delinquency prevention programs, increasing 155741
activities for at-risk youth, and accessing additional public and 155742
private money for new programs. 155743

OHIO COURTS TECHNOLOGY INITIATIVE 155744

The foregoing appropriation item 005409, Ohio Courts 155745
Technology Initiative, shall be used to fund an initiative by the 155746
Supreme Court to facilitate the exchange of information and 155747
warehousing of data by and between Ohio courts and other justice 155748
system partners through the creation of an Ohio Courts Network, 155749
the delivery of technology services to courts throughout the 155750
state, including the provision of hardware, software, and the 155751
development and implementation of educational and training 155752

programs for judges and court personnel, and operation of the 155753
Commission on Technology and the Courts by the Supreme Court for 155754
the promulgation of statewide rules, policies, and uniform 155755
standards, and to aid in the orderly adoption and comprehensive 155756
use of technology in Ohio courts. 155757

CONTINUING JUDICIAL EDUCATION 155758

The Continuing Judicial Education Fund (Fund 6720) shall 155759
consist of fees paid by judges and court personnel for attending 155760
continuing education courses and other gifts and grants received 155761
for the purpose of continuing judicial education. The foregoing 155762
appropriation item 005601, Continuing Judicial Education, shall be 155763
used to pay expenses for continuing education courses for judges 155764
and court personnel. If it is determined by the Administrative 155765
Director of the Supreme Court that additional appropriations are 155766
necessary, the amounts are hereby appropriated. 155767

No money in Fund 6720 shall be transferred to any other fund 155768
by the Director of Budget and Management or the Controlling Board. 155769
Interest earned on money in Fund 6720 shall be credited to the 155770
fund. 155771

FEDERAL GRANTS 155772

The Federal Grants Fund (Fund 3J00) shall consist of grants 155773
and other moneys awarded to the Supreme Court (The Judiciary) by 155774
the United States Government or other entities that receive the 155775
moneys directly from the United States Government and distribute 155776
those moneys to the Supreme Court (The Judiciary). The foregoing 155777
appropriation item 005603, Federal Grants, shall be used in a 155778
manner consistent with the purpose of the grant or award. If it is 155779
determined by the Administrative Director of the Supreme Court 155780
that additional appropriations are necessary, the amounts are 155781
hereby appropriated. 155782

No money in Fund 3J00 shall be transferred to any other fund 155783

by the Director of Budget and Management or the Controlling Board. 155784
However, interest earned on money in Fund 3J00 shall be credited 155785
or transferred to the General Revenue Fund. 155786

ATTORNEY SERVICES 155787

The Attorney Services Fund (Fund 4C80), formerly known as the 155788
Attorney Registration Fund, shall consist of money received by the 155789
Supreme Court (The Judiciary) pursuant to the Rules for the 155790
Government of the Bar of Ohio. In addition to funding other 155791
activities considered appropriate by the Supreme Court, the 155792
foregoing appropriation item 005605, Attorney Services, may be 155793
used to compensate employees and to fund appropriate activities of 155794
the following offices established by the Supreme Court: the Office 155795
of Disciplinary Counsel, the Board of Commissioners on Grievances 155796
and Discipline, the Clients' Security Fund, and the Attorney 155797
Services Division. If it is determined by the Administrative 155798
Director of the Supreme Court that additional appropriations are 155799
necessary, the amounts are hereby appropriated. 155800

No money in Fund 4C80 shall be transferred to any other fund 155801
by the Director of Budget and Management or the Controlling Board. 155802
Interest earned on money in Fund 4C80 shall be credited to the 155803
fund. 155804

COURT INTERPRETER CERTIFICATION 155805

The Court Interpreter Certification Fund (Fund 5HT0) shall 155806
consist of money received by the Supreme Court (The Judiciary) 155807
pursuant to Rules 80 through 87 of the Rules of Superintendence 155808
for the Courts of Ohio. The foregoing appropriation item 005617, 155809
Court Interpreter Certification, shall be used to provide 155810
training, to provide the written examination, and to pay language 155811
experts to rate, or grade, the oral examinations of those applying 155812
to become certified court interpreters. If it is determined by the 155813
Administrative Director that additional appropriations are 155814

necessary, the amounts are hereby appropriated. 155815

No money in Fund 5HT0 shall be transferred to any other fund 155816
by the Director of Budget and Management or the Controlling Board. 155817
Interest earned on money in Fund 5HT0 shall be credited to the 155818
fund. 155819

COUNTY LAW LIBRARY RESOURCES BOARD 155820

The Statewide Consortium of County Law Library Resources 155821
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 155822
to section 307.515 of the Revised Code into a county's law library 155823
resources fund and forwarded by that county's treasurer for 155824
deposit in the state treasury pursuant to division (E)(1) of 155825
section 3375.481 of the Revised Code. The foregoing appropriation 155826
item 005620, County Law Library Resources Board, shall be used for 155827
the operation of the Statewide Consortium of County Law Library 155828
Resources Boards. If it is determined by the Administrative 155829
Director of the Supreme Court that additional appropriations are 155830
necessary, the amounts are hereby appropriated. 155831

No money in Fund 5JY0 shall be transferred to any other fund 155832
by the Director of Budget and Management or the Controlling Board. 155833
Interest earned on money in Fund 5JY0 shall be credited to the 155834
fund. 155835

GRANTS AND AWARDS 155836

The Grants and Awards Fund (Fund 5T80) shall consist of 155837
grants and other money awarded to the Supreme Court (The 155838
Judiciary) by the State Justice Institute, the Division of 155839
Criminal Justice Services, or other entities. The foregoing 155840
appropriation item 005609, Grants and Awards, shall be used in a 155841
manner consistent with the purpose of the grant or award. If it is 155842
determined by the Administrative Director of the Supreme Court 155843
that additional appropriations are necessary, the amounts are 155844
hereby appropriated. 155845

No money in Fund 5T80 shall be transferred to any other fund 155846
by the Director of Budget and Management or the Controlling Board. 155847
However, interest earned on money in Fund 5T80 shall be credited 155848
or transferred to the General Revenue Fund. 155849

SUPREME COURT ADMISSIONS 155850

The foregoing appropriation item 005606, Supreme Court 155851
Admissions, shall be used to compensate Supreme Court employees 155852
who are primarily responsible for administering the attorney 155853
admissions program under the Rules for the Government of the Bar 155854
of Ohio, and to fund any other activities considered appropriate 155855
by the court. Moneys shall be deposited into the Supreme Court 155856
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 155857
Government of the Bar of Ohio. If it is determined by the 155858
Administrative Director of the Supreme Court that additional 155859
appropriations are necessary, the amounts are hereby appropriated. 155860

No money in Fund 6A80 shall be transferred to any other fund 155861
by the Director of Budget and Management or the Controlling Board. 155862
Interest earned on money in Fund 6A80 shall be credited to the 155863
fund. 155864

Section 307.20. ADDICTION TREATMENT PILOT PROGRAM 155865

(A) As used in this section: 155866

(1) "Certified drug court program" means a session of any of 155867
the following that holds initial or final certification from the 155868
Supreme Court of Ohio as a specialized docket program for drugs: a 155869
common pleas court, municipal court, or county court or a division 155870
of any of those courts. 155871

(2) "Prescriber" has the same meaning as in section 4729.01 155872
of the Revised Code. 155873

(B)(1) The Supreme Court of Ohio shall conduct a pilot 155874
program to provide addiction treatment, including 155875

medication-assisted treatment, to persons who are offenders within 155876
the criminal justice system, eligible to participate in a 155877
certified drug court program, and selected under this section to 155878
be participants in the pilot program because of their dependence 155879
on opioids, alcohol, or both. 155880

(2) The Supreme Court shall conduct the pilot program in the 155881
courts of Crawford, Franklin, Hardin, Mercer, and Scioto counties 155882
that are conducting certified drug court programs. If in any these 155883
counties there is no court conducting a certified drug court 155884
program, the Supreme Court shall conduct the pilot program in a 155885
court that is conducting a certified drug court program in another 155886
county. 155887

(3) In addition to courts of the counties listed in division 155888
(B)(2) of this section, the Supreme Court may conduct the pilot 155889
program in any court that is conducting a certified drug court 155890
program. 155891

(C) In conducting the pilot program, the Supreme Court shall 155892
collaborate with the Department of Mental Health and Addiction 155893
Services, Department of Rehabilitation and Correction, and any 155894
other state agency that it determines may be of assistance in 155895
accomplishing the objectives of the pilot program. In addition, 155896
the Supreme Court may collaborate with the boards of alcohol, drug 155897
addiction, and mental health services that serve the counties in 155898
which the courts participating in the pilot program are located. 155899

(D) Not later than sixty days after the effective date of 155900
this section, the Supreme Court shall select a nationally 155901
recognized criminal justice research institute with extensive 155902
experience in the evaluation of criminal justice and substance 155903
abuse projects to develop an evaluation plan for the pilot 155904
program. The evaluation plan shall include performance measures 155905
that reflect the purpose of the pilot program, which is to assist 155906
participants in addressing their dependence on opioids, alcohol, 155907

or both, by maintaining abstinence from the use of those 155908
substances and reducing recidivism. 155909

(E) Before any person may be enrolled as a participant in the 155910
pilot program, the evaluation plan developed by the research 155911
institute shall be put into place with each of the certified drug 155912
court programs included in the pilot program and the addiction 155913
services providers that will provide treatment to the 155914
participants. 155915

Once the evaluation plan has been put into place, the 155916
certified drug court programs shall select persons who are 155917
offenders within the criminal justice system to be participants in 155918
the pilot program. To be selected, a person must meet the legal 155919
and clinical eligibility criteria for the certified drug court 155920
program and be an active participant in the program. The total 155921
number of persons participating in the pilot program at any one 155922
time shall not exceed five hundred, except that the Supreme Court 155923
may authorize the maximum number to be exceeded in circumstances 155924
that the Court considers appropriate. 155925

After being enrolled in the pilot program, a participant 155926
shall comply with all requirements of the certified drug court 155927
program. 155928

(F) Treatment may be provided under the pilot program only by 155929
an addiction services provider that is certified under section 155930
5119.36 of the Revised Code. In serving as a treatment provider, 155931
an addiction services provider shall do all of the following: 155932

(1) Provide treatment based on an integrated service delivery 155933
model that consists of the coordination of care between a 155934
prescriber and the addiction services provider; 155935

(2) Conduct professional, comprehensive substance abuse and 155936
mental health diagnostic assessments of persons under 155937
consideration for selection as pilot program participants to 155938

| | |
|--|--------|
| determine whether they would benefit from substance abuse | 155939 |
| treatment and monitoring; | 155940 |
| (3) Determine, based on the assessments described in division | 155941 |
| (F)(2) of this section, the treatment needs of the participants | 155942 |
| served by the treatment provider; | 155943 |
| (4) Develop, for the participants served by the treatment | 155944 |
| provider, individualized goals and objectives; | 155945 |
| (5) Provide access to the long-acting antagonist therapies, | 155946 |
| partial agonist therapies, or both that are included in the pilot | 155947 |
| program's medication-assisted treatment; | 155948 |
| (6) Provide other types of therapies, including psychosocial | 155949 |
| therapies, for both substance abuse and any disorders that are | 155950 |
| considered by the treatment provider to be co-occurring disorders; | 155951 |
| (7) Monitor pilot program compliance through the use of | 155952 |
| regular drug testing, including urinalysis, of the participants | 155953 |
| being served by the treatment provider. | 155954 |
| (G) In the case of the medication-assisted treatment provided | 155955 |
| under the pilot program, all of the following conditions apply: | 155956 |
| (1) A drug may be used only if it has been approved by the | 155957 |
| United States Food and Drug Administration for use in treating | 155958 |
| dependence on opioids, alcohol, or both or for preventing relapse | 155959 |
| into the use of opioids, alcohol, or both. | 155960 |
| (2) One or more drugs may be used, but each drug that is used | 155961 |
| must constitute long-acting antagonist therapy or partial agonist | 155962 |
| therapy. | 155963 |
| (3) If a drug constituting partial agonist therapy is used, | 155964 |
| the pilot program shall provide safeguards to minimize abuse and | 155965 |
| diversion of the drug, including such safeguards as routine drug | 155966 |
| testing of the pilot program participants. | 155967 |
| (H) The research institute selected by the Supreme Court | 155968 |

under division (D) of this section shall prepare a report of the findings obtained from the pilot program. The report shall include data derived from the drug testing and performance measures used in the pilot program. In preparing the report, the research institute shall obtain assistance from the Supreme Court.

Not later than six months after the conclusion of the pilot program, the research institute shall complete its report. On completion, the research institute shall submit the report to the Governor; Chief Justice of the Supreme Court; President of the Senate; Speaker of the House of Representatives; Department of Mental Health and Addiction Services and Department of Rehabilitation and Correction; and any other state agency the Supreme Court collaborates with in conducting the pilot program.

Section 309.10. LEC LAKE ERIE COMMISSION

| | | | | | |
|------------------------------------|----|---------|----|---------|--------|
| Federal Special Revenue Fund Group | | | | | 155983 |
| 3EP0 780603 Lake Erie Federal | \$ | 25,000 | \$ | 0 | 155984 |
| Grants | | | | | |
| TOTAL FED Federal Special Revenue | \$ | 25,000 | \$ | 0 | 155985 |
| Fund Group | | | | | |
| State Special Revenue Fund Group | | | | | 155986 |
| 4C00 780601 Lake Erie Protection | \$ | 200,000 | \$ | 200,000 | 155987 |
| Fund | | | | | |
| 5D80 780602 Lake Erie Resources | \$ | 298,942 | \$ | 339,637 | 155988 |
| Fund | | | | | |
| TOTAL SSR State Special Revenue | | | | | 155989 |
| Fund Group | \$ | 498,942 | \$ | 539,637 | 155990 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 523,942 | \$ | 539,637 | 155991 |

CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer

cash from the funds specified below, up to the amounts specified 155995
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 155996
accept contributions and transfers made to the fund. 155997

| Fund | Fund Name | User | FY 2014 | FY 2015 | |
|------|--------------------------------|---------------------------------|----------|----------|------------------|
| 5BC0 | Environmental Protection | Environmental Protection Agency | \$23,500 | \$53,500 | 155998
155999 |
| 6690 | Pesticide, Fertilizer and Lime | Department of Agriculture | \$23,500 | \$53,500 | 156000 |
| 4700 | General Operations | Department of Health | \$23,500 | \$53,500 | 156001 |
| 1570 | Central Support Indirect | Department of Natural Resources | \$23,500 | \$53,500 | 156002 |

On July 1, 2013, or as soon as possible thereafter, the 156003
Director of Budget and Management may transfer \$23,500 cash from a 156004
fund used by the Development Services Agency, as specified by the 156005
Director of Development Services, to Fund 5D80. 156006

On July 1, 2014, or as soon as possible thereafter, the 156007
Director of Budget and Management may transfer \$53,500 cash from a 156008
fund used by the Development Services Agency, as specified by the 156009
Director of Development Services, to Fund 5D80. 156010

Section 311.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE

| | | | | | |
|-----------------------------|-----------------------------|------------------------------------|------------|------------|------------------|
| General Revenue Fund | | | | | 156011
156012 |
| GRF | 028321 | Legislative Ethics Committee | \$ 550,000 | \$ 550,000 | 156013 |
| TOTAL GRF | General Revenue Fund | | \$ 550,000 | \$ 550,000 | 156014 |
| General Services Fund Group | | | | | 156015 |
| 4G70 | 028601 | Joint Legislative Ethics Committee | \$ 150,000 | \$ 150,000 | 156016 |
| TOTAL GSF | General Services Fund Group | | \$ 150,000 | \$ 150,000 | 156017 |

| | | | | | |
|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 700,000 | \$ | 700,000 | 156018 |
| LEGISLATIVE ETHICS COMMITTEE | | | | | 156019 |
| On July 1, 2013, or as soon as possible thereafter, the | | | | | 156020 |
| Legislative Inspector General of the Joint Legislative Ethics | | | | | 156021 |
| Committee may certify to the Director of Budget and Management the | | | | | 156022 |
| amount of the unexpended, unencumbered balance of the foregoing | | | | | 156023 |
| appropriation item 028321, Legislative Ethics Committee, at the | | | | | 156024 |
| end of fiscal year 2013 to be reappropriated to fiscal year 2014. | | | | | 156025 |
| The amount certified is hereby reappropriated to the same | | | | | 156026 |
| appropriation item for fiscal year 2014. | | | | | 156027 |
| On July 1, 2014, or as soon as possible thereafter, the | | | | | 156028 |
| Legislative Inspector General of the Joint Legislative Ethics | | | | | 156029 |
| Committee may certify to the Director of Budget and Management the | | | | | 156030 |
| amount of the unexpended, unencumbered balance of the foregoing | | | | | 156031 |
| appropriation item 028321, Legislative Ethics Committee, at the | | | | | 156032 |
| end of fiscal year 2014 to be reappropriated to fiscal year 2015. | | | | | 156033 |
| The amount certified is hereby reappropriated to the same | | | | | 156034 |
| appropriation item for fiscal year 2015. | | | | | 156035 |
| Section 313.10. LSC LEGISLATIVE SERVICE COMMISSION | | | | | 156036 |
| General Revenue Fund | | | | | 156037 |
| GRF 035321 Operating Expenses | \$ | 15,117,700 | \$ | 15,117,700 | 156038 |
| GRF 035402 Legislative Fellows | \$ | 1,022,120 | \$ | 1,022,120 | 156039 |
| GRF 035405 Correctional | \$ | 460,845 | \$ | 460,845 | 156040 |
| Institution Inspection | | | | | |
| Committee | | | | | |
| GRF 035407 Legislative Task Force | \$ | 320,000 | \$ | 400,000 | 156041 |
| on Redistricting | | | | | |
| GRF 035409 National Associations | \$ | 460,560 | \$ | 460,560 | 156042 |
| GRF 035410 Legislative | \$ | 3,861,250 | \$ | 3,861,250 | 156043 |
| Information Systems | | | | | |
| GRF 035411 Ohio Constitutional | \$ | 500,000 | \$ | 500,000 | 156044 |

| | | | | | |
|--|----|------------|----|------------|--------|
| Modernization | | | | | |
| Commission | | | | | |
| TOTAL GRF General Revenue Fund | \$ | 21,742,475 | \$ | 21,822,475 | 156045 |
| General Services Fund Group | | | | | 156046 |
| 4100 035601 Sale of Publications | \$ | 10,000 | \$ | 10,000 | 156047 |
| 4F60 035603 Legislative Budget | \$ | 200,000 | \$ | 200,000 | 156048 |
| Services | | | | | |
| 5EF0 035607 Legislative Agency | \$ | 30,000 | \$ | 30,000 | 156049 |
| Telephone Usage | | | | | |
| TOTAL GSF General Services | | | | | 156050 |
| Fund Group | \$ | 240,000 | \$ | 240,000 | 156051 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 21,982,475 | \$ | 22,062,475 | 156052 |
| OPERATING EXPENSES | | | | | 156053 |
| On July 1, 2013, or as soon as possible thereafter, the | | | | | 156054 |
| Director of the Legislative Service Commission may certify to the | | | | | 156055 |
| Director of Budget and Management the amount of the unexpended, | | | | | 156056 |
| unencumbered balance of the foregoing appropriation item 035321, | | | | | 156057 |
| Operating Expenses, at the end of fiscal year 2013 to be | | | | | 156058 |
| reappropriated to fiscal year 2014. The amount certified is hereby | | | | | 156059 |
| reappropriated to the same appropriation item for fiscal year | | | | | 156060 |
| 2014. | | | | | 156061 |
| On July 1, 2014, or as soon as possible thereafter, the | | | | | 156062 |
| Director of the Legislative Service Commission may certify to the | | | | | 156063 |
| Director of Budget and Management the amount of the unexpended, | | | | | 156064 |
| unencumbered balance of the foregoing appropriation item 035321, | | | | | 156065 |
| Operating Expenses, at the end of fiscal year 2014 to be | | | | | 156066 |
| reappropriated to fiscal year 2015. The amount certified is hereby | | | | | 156067 |
| reappropriated to the same appropriation item for fiscal year | | | | | 156068 |
| 2015. | | | | | 156069 |
| LEGISLATIVE TASK FORCE ON REDISTRICTING | | | | | 156070 |
| An amount equal to the unexpended, unencumbered portion of | | | | | 156071 |

the foregoing appropriation item 035407, Legislative Task Force on 156072
Redistricting, at the end of fiscal year 2013 is hereby 156073
reappropriated to the Legislative Service Commission for the same 156074
purpose for fiscal year 2014. 156075

An amount equal to the unexpended, unencumbered portion of 156076
the foregoing appropriation item 035407, Legislative Task Force on 156077
Redistricting, at the end of fiscal year 2014 is hereby 156078
reappropriated to the Legislative Service Commission for the same 156079
purpose for fiscal year 2015. 156080

LEGISLATIVE INFORMATION SYSTEMS 156081

On July 1, 2013, or as soon as possible thereafter, the 156082
Director of the Legislative Service Commission may certify to the 156083
Director of Budget and Management the amount of the unexpended, 156084
unencumbered balance of the foregoing appropriation item 035410, 156085
Legislative Information Systems, at the end of fiscal year 2013 to 156086
be reappropriated to fiscal year 2014. The amount certified is 156087
hereby reappropriated to the same appropriation item for fiscal 156088
year 2014. 156089

On July 1, 2014, or as soon as possible thereafter, the 156090
Director of the Legislative Service Commission may certify to the 156091
Director of Budget and Management the amount of the unexpended, 156092
unencumbered balance of the foregoing appropriation item 035410, 156093
Legislative Information Systems, at the end of fiscal year 2014 to 156094
be reappropriated to fiscal year 2015. The amount certified is 156095
hereby reappropriated to the same appropriation item for fiscal 156096
year 2015. 156097

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 156098

The foregoing appropriation item 035411, Ohio Constitutional 156099
Modernization Commission, shall be used to support the operation 156100
and expenses of the Ohio Constitutional Modernization Commission 156101
under sections 103.61 to 103.67 of the Revised Code. 156102

An amount equal to the unexpended, unencumbered portion of 156103
the foregoing appropriation item 035411, Ohio Constitutional 156104
Modernization Commission, at the end of fiscal year 2013 is hereby 156105
reappropriated to the Legislative Service Commission for the same 156106
purpose for fiscal year 2014. 156107

An amount equal to the unexpended, unencumbered portion of 156108
the foregoing appropriation item 035411, Ohio Constitutional 156109
Modernization Commission, at the end of fiscal year 2014 is hereby 156110
reappropriated to the Legislative Service Commission for the same 156111
purpose for fiscal year 2015. 156112

Section 315.10. LIB STATE LIBRARY BOARD 156113

General Revenue Fund 156114

| | | | | | | | |
|-----|--------|--------------------|----|-----------|----|-----------|--------|
| GRF | 350321 | Operating Expenses | \$ | 5,057,364 | \$ | 5,057,364 | 156115 |
|-----|--------|--------------------|----|-----------|----|-----------|--------|

| | | | | | | | |
|-----|--------|----------------|----|---------|----|---------|--------|
| GRF | 350401 | Ohioana Rental | \$ | 120,114 | \$ | 120,114 | 156116 |
|-----|--------|----------------|----|---------|----|---------|--------|

Payments

| | | | | | | | |
|-----|--------|------------------|----|---------|----|---------|--------|
| GRF | 350502 | Regional Library | \$ | 582,469 | \$ | 582,469 | 156117 |
|-----|--------|------------------|----|---------|----|---------|--------|

Systems

| | | | | | | |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 5,759,947 | \$ | 5,759,947 | 156118 |
|-----------|----------------------|----|-----------|----|-----------|--------|

General Services Fund Group 156119

| | | | | | | | |
|------|--------|----------------------|----|-------|----|-------|--------|
| 1390 | 350602 | Intra-Agency Service | \$ | 8,000 | \$ | 8,000 | 156120 |
|------|--------|----------------------|----|-------|----|-------|--------|

Charges

| | | | | | | | |
|------|--------|-----------------|----|-----------|----|-----------|--------|
| 4590 | 350603 | Library Service | \$ | 3,237,430 | \$ | 3,526,368 | 156121 |
|------|--------|-----------------|----|-----------|----|-----------|--------|

Charges

| | | | | | | | |
|------|--------|---------------------|----|-----------|----|-----------|--------|
| 4S40 | 350604 | Ohio Public Library | \$ | 5,689,788 | \$ | 5,689,788 | 156122 |
|------|--------|---------------------|----|-----------|----|-----------|--------|

Information Network

| | | | | | | | |
|------|--------|-----------------------|----|-----------|----|-----------|--------|
| 5GB0 | 350605 | Library for the Blind | \$ | 1,274,194 | \$ | 1,274,194 | 156123 |
|------|--------|-----------------------|----|-----------|----|-----------|--------|

| | | | | | | |
|-----------|------------------|--|--|--|--|--------|
| TOTAL GSF | General Services | | | | | 156124 |
|-----------|------------------|--|--|--|--|--------|

| | | | | | |
|------------|----|------------|----|------------|--------|
| Fund Group | \$ | 10,209,412 | \$ | 10,498,350 | 156125 |
|------------|----|------------|----|------------|--------|

Federal Special Revenue Fund Group 156126

| | | | | | | | |
|------|--------|--------------|----|-----------|----|-----------|--------|
| 3130 | 350601 | LSTA Federal | \$ | 5,303,693 | \$ | 5,120,439 | 156127 |
|------|--------|--------------|----|-----------|----|-----------|--------|

| | | | | | |
|--|----|------------|----|------------|--------|
| TOTAL FED Federal Special Revenue | | | | 156128 | |
| Fund Group | \$ | 5,303,693 | \$ | 5,120,439 | 156129 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 21,273,052 | \$ | 21,378,736 | 156130 |
| | | | | | |
| OHIOANA RENTAL PAYMENTS | | | | 156131 | |
| | | | | | |
| The foregoing appropriation item 350401, Ohioana Rental | | | | 156132 | |
| Payments, shall be used to pay the rental expenses of the Martha | | | | 156133 | |
| Kinney Cooper Ohioana Library Association under section 3375.61 of | | | | 156134 | |
| the Revised Code. | | | | 156135 | |
| | | | | | |
| REGIONAL LIBRARY SYSTEMS | | | | 156136 | |
| | | | | | |
| The foregoing appropriation item 350502, Regional Library | | | | 156137 | |
| Systems, shall be used to support regional library systems | | | | 156138 | |
| eligible for funding under sections 3375.83 and 3375.90 of the | | | | 156139 | |
| Revised Code. | | | | 156140 | |
| | | | | | |
| OHIO PUBLIC LIBRARY INFORMATION NETWORK | | | | 156141 | |
| | | | | | |
| (A) The foregoing appropriation item 350604, Ohio Public | | | | 156142 | |
| Library Information Network, shall be used for an information | | | | 156143 | |
| telecommunications network linking public libraries in the state | | | | 156144 | |
| and such others as may participate in the Ohio Public Library | | | | 156145 | |
| Information Network (OPLIN). | | | | 156146 | |
| | | | | | |
| The Ohio Public Library Information Network Board of Trustees | | | | 156147 | |
| created under section 3375.65 of the Revised Code may make | | | | 156148 | |
| decisions regarding use of the foregoing appropriation item | | | | 156149 | |
| 350604, Ohio Public Library Information Network. | | | | 156150 | |
| | | | | | |
| (B) The OPLIN Board shall research and assist or advise local | | | | 156151 | |
| libraries with regard to emerging technologies and methods that | | | | 156152 | |
| may be effective means to control access to obscene and illegal | | | | 156153 | |
| materials. The OPLIN Director shall provide written reports upon | | | | 156154 | |
| request within ten days to the Governor, the Speaker and Minority | | | | 156155 | |
| Leader of the House of Representatives, and the President and | | | | 156156 | |
| Minority Leader of the Senate on any steps being taken by OPLIN | | | | 156157 | |
| and public libraries in the state to limit and control such | | | | 156158 | |

improper usage as well as information on technological, legal, and 156159
law enforcement trends nationally and internationally affecting 156160
this area of public access and service. 156161

(C) The Ohio Public Library Information Network, INFOhio, and 156162
OhioLINK shall, to the extent feasible, coordinate and cooperate 156163
in their purchase or other acquisition of the use of electronic 156164
databases for their respective users and shall contribute funds in 156165
an equitable manner to such effort. 156166

LIBRARY FOR THE BLIND 156167

The foregoing appropriation item 350605, Library for the 156168
Blind, shall be used for the statewide Talking Book Program to 156169
assist the blind and disabled. 156170

TRANSFER TO OPLIN TECHNOLOGY FUND 156171

Notwithstanding sections 5747.03 and 5747.47 of the Revised 156172
Code and any other provision of law to the contrary, in accordance 156173
with a schedule established by the Director of Budget and 156174
Management, the Director of Budget and Management shall transfer 156175
\$3,689,788 cash in each fiscal year from the Public Library Fund 156176
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 156177

TRANSFER TO LIBRARY FOR THE BLIND FUND 156178

Notwithstanding sections 5747.03 and 5747.47 of the Revised 156179
Code and any other provision of law to the contrary, in accordance 156180
with a schedule established by the Director of Budget and 156181
Management, the Director of Budget and Management shall transfer 156182
\$1,274,194 cash in each fiscal year from the Public Library Fund 156183
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 156184

Section 317.10. LCO LIQUOR CONTROL COMMISSION 156185

State Special Revenue Fund Group 156186

5LP0 970601 Commission Operating \$ 784,376 \$ 796,368 156187

Expenses

| | | | | | |
|---------------------------------|----|---------|----|---------|--------|
| TOTAL SSR State Special Revenue | \$ | 784,376 | \$ | 796,368 | 156188 |
| Fund Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 784,376 | \$ | 796,368 | 156189 |

Section 319.10. LOT STATE LOTTERY COMMISSION 156191

State Lottery Fund Group 156192

2310 950604 Charitable Gaming \$ 1,946,000 \$ 1,946,000 156193

Oversight

7044 950321 Operating Expenses \$ 49,778,677 \$ 51,173,293 156194

7044 950402 Advertising Contracts \$ 23,024,080 \$ 23,024,080 156195

7044 950403 Gaming Contracts \$ 63,405,851 \$ 59,356,988 156196

7044 950601 Direct Prize Payments \$ 116,281,000 \$ 114,779,000 156197

7044 950605 Problem Gambling \$ 2,000,000 \$ 3,000,000 156198

8710 950602 Annuity Prizes \$ 79,039,985 \$ 80,299,167 156199

TOTAL SLF State Lottery Fund 156200

Group \$ 335,475,593 \$ 333,578,528 156201

TOTAL ALL BUDGET FUND GROUPS \$ 335,475,593 \$ 333,578,528 156202

OPERATING EXPENSES 156203

Notwithstanding sections 127.14 and 131.35 of the Revised 156204

Code, the Controlling Board may, at the request of the State 156205

Lottery Commission, authorize expenditures from the State Lottery 156206

Fund in excess of the amounts appropriated, up to a maximum of 10 156207

per cent of anticipated total revenue accruing from the sale of 156208

lottery products. Upon the approval of the Controlling Board, the 156209

additional amounts are hereby appropriated. 156210

DIRECT PRIZE PAYMENTS 156211

Any amounts, in addition to the amounts appropriated in 156212

appropriation item 950601, Direct Prize Payments, that the 156213

Director of the State Lottery Commission determines to be 156214

necessary to fund prizes are hereby appropriated. 156215

| | |
|--|--|
| ANNUITY PRIZES | 156216 |
| Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances. | 156217
156218
156219
156220
156221
156222
156223 |
| Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated. | 156224
156225
156226
156227 |
| TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND | 156228 |
| Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$841,000,000 in fiscal year 2014 and \$974,500,000 in fiscal year 2015. The Director of Budget and Management shall transfer such amounts contingent upon the availability of resources. Transfers from the State Lottery Fund to the Lottery Profits Education Fund shall represent the estimated net income from operations for the Commission in fiscal year 2014 and fiscal year 2015. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct. | 156229
156230
156231
156232
156233
156234
156235
156236
156237
156238 |
| Section 321.10. MHC MANUFACTURED HOMES COMMISSION | 156239 |
| General Services Fund Group | 156240 |
| 4K90 996609 Operating Expenses \$ 459,134 \$ 459,134 | 156241 |
| TOTAL GSF General Services Fund Group | 156242 |
| Fund Group \$ 459,134 \$ 459,134 | 156243 |
| State Special Revenue Fund Group | 156244 |
| 5MC0 996610 Manufactured Homes \$ 747,825 \$ 747,825 | 156245 |

| | | | |
|---|----|----------------|-------------------------|
| Regulation | | | |
| TOTAL SSR State Special Revenue | \$ | 747,825 | \$ 747,825 156246 |
| Fund Group | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,206,959 | \$ 1,206,959 156247 |
| Section 323.10. MCD DEPARTMENT OF MEDICAID | | | 156249 |
| General Revenue Fund | | | 156250 |
| GRF 651425 Medicaid Program | \$ | 150,382,299 | \$ 156,964,636 156251 |
| Support - State | | | |
| GRF 651525 Medicaid/Health Care | | | 156252 |
| Services | | | |
| State | \$ | 4,747,521,777 | \$ 4,991,552,135 156253 |
| Federal | \$ | 9,000,192,337 | \$ 9,314,662,342 156254 |
| Medicaid/Health Care | \$ | 13,747,714,114 | \$14,306,214,477 156255 |
| Services Total | | | |
| GRF 651526 Medicare Part D | \$ | 308,749,142 | \$ 324,920,518 156256 |
| TOTAL GRF General Revenue Fund | | | 156257 |
| State | \$ | 5,206,653,218 | \$ 5,473,437,289 156258 |
| Federal | \$ | 9,000,192,337 | \$ 9,314,662,342 156259 |
| GRF Total | \$ | 14,206,845,555 | \$14,788,099,631 156260 |
| General Services Fund Group | | | 156261 |
| 5DL0 651639 Medicaid Services - | \$ | 462,900,000 | \$ 514,700,000 156262 |
| Recoveries | | | |
| 5FX0 561638 Medicaid Services - | \$ | 6,000,000 | \$ 6,000,000 156263 |
| Payment Withholding | | | |
| TOTAL GSF General Services Fund | \$ | 468,900,000 | \$ 520,700,000 156264 |
| Group | | | |
| Federal Special Revenue Fund Group | | | 156265 |
| 3ER0 651603 Medicaid Health | \$ | 123,074,778 | \$ 123,089,606 156266 |
| Information | | | |
| Technology | | | |
| 3F00 651623 Medicaid Services - | \$ | 2,977,109,943 | \$ 3,214,589,109 156267 |

| | | | | | | |
|------------------------------|--------|---|----|----------------|----|-----------------------|
| | | Federal | | | | |
| 3F00 | 651624 | Medicaid Program | \$ | 409,896,401 | \$ | 410,223,399 156268 |
| | | Support - Federal | | | | |
| 3FA0 | 651680 | Health Care Grants - | \$ | 20,000,000 | \$ | 20,000,000 156269 |
| | | Federal | | | | |
| 3G50 | 651655 | Medicaid Interagency | \$ | 1,712,881,658 | \$ | 1,895,403,348 156270 |
| | | Pass-Through | | | | |
| TOTAL FED | | Federal Special Revenue | \$ | 5,242,962,780 | \$ | 5,663,305,462 156271 |
| | | Fund Group | | | | |
| | | State Special Revenue Fund Group | | | | 156272 |
| 4E30 | 651605 | Resident Protection | \$ | 2,878,319 | \$ | 2,878,319 156273 |
| | | Fund | | | | |
| 5AJ0 | 651631 | Money Follows the | \$ | 5,555,000 | \$ | 4,517,500 156274 |
| | | Person | | | | |
| 5GF0 | 651656 | Medicaid Services - | \$ | 531,273,601 | \$ | 531,273,601 156275 |
| | | Hospitals/UPL | | | | |
| 5KC0 | 651682 | Health Care Grants - | \$ | 10,000,000 | \$ | 10,000,000 156276 |
| | | State | | | | |
| 5R20 | 651608 | Medicaid Services - | \$ | 402,000,000 | \$ | 402,000,000 156277 |
| | | Long Term Care | | | | |
| 5U30 | 651654 | Medicaid Program | \$ | 36,205,843 | \$ | 35,403,126 156278 |
| | | Support | | | | |
| 6510 | 651649 | Medicaid Services - | \$ | 215,527,947 | \$ | 215,314,482 156279 |
| | | HCAP | | | | |
| TOTAL SSR | | State Special Revenue | \$ | 1,203,440,710 | \$ | 1,201,387,028 156280 |
| | | Fund Group | | | | |
| | | Holding Account Redistribution Fund Group | | | | 156281 |
| R055 | 651644 | Refunds and | \$ | 1,000,000 | \$ | 1,000,000 156282 |
| | | Reconciliations | | | | |
| TOTAL 090 | | Holding Account | \$ | 1,000,000 | \$ | 1,000,000 156283 |
| | | Redistribution Fund Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 21,123,149,045 | \$ | 22,174,492,121 156284 |

| | |
|--|--|
| Section 323.10.10. CREATION OF THE DEPARTMENT OF MEDICAID | 156286 |
| (A) As used in this section, "medical assistance program" means all of the following: | 156287
156288 |
| (1) The Medicaid program established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq. | 156289
156290 |
| (2) The Children's Health Insurance Program authorized by Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq. | 156291
156292 |
| (3) The Refugee Medical Assistance program authorized by the "Immigration and Nationality Act," section 412(e), 42 U.S.C. 1522(e). | 156293
156294
156295 |
| (B) On July 1, 2013, all of the following apply: | 156296 |
| (1) The Department of Medicaid is created. | 156297 |
| (2) The Department of Medicaid is to be administered by the Medicaid Director who is to be appointed by the Governor with the advice and consent of the Senate. | 156298
156299
156300 |
| (3) The Medicaid Director is to hold the Director's office during the term of the appointing Governor and is subject to removal at the pleasure of the Governor. | 156301
156302
156303 |
| (4) The Medicaid Director is the executive head of the Department of Medicaid and all duties conferred on the Department by law or order of the Director are under the Director's control and shall be performed in accordance with rules the Director adopts. | 156304
156305
156306
156307
156308 |
| (5) The Medicaid Director may appoint such employees as are necessary for the efficient operation of the Department of Medicaid and may prescribe the title and duties of the employees. | 156309
156310
156311 |
| (6) The Office of Medical Assistance shall cease to exist. | 156312 |
| (7) Each reference to the Department or Director of Public Welfare, Department or Director of Human Services, Department or | 156313
156314 |

Director of Job and Family Services, Office of Medical Assistance, 156315
or Medical Assistance Director in any statute, rule, contract, 156316
grant, or other document is deemed to refer to the Department of 156317
Medicaid or Medicaid Director, as the case may be, to the extent 156318
the reference is about a duty or authority of the Department of 156319
Medicaid or Medicaid Director regarding a medical assistance 156320
program. 156321

(8) Employees of the Office of Medical Assistance are hereby 156322
transferred to the Department of Medicaid. The vehicles and 156323
equipment assigned to the Office's employees are transferred to 156324
the Department. 156325

(9) The assets, liabilities, other equipment not provided 156326
for, and records, irrespective of form or medium, of the Office of 156327
Medical Assistance are transferred to the Department of Medicaid. 156328
The Department is the successor to, assumes the obligations of, 156329
and otherwise constitutes the continuation of, the Office. 156330

(10) Business commenced but not completed on July 1, 2013, by 156331
the Medical Assistance Director, the Office of Medical Assistance, 156332
Director of Job and Family Services, or Department of Job and 156333
Family Services regarding a medical assistance program shall be 156334
completed by the Medicaid Director or Department of Medicaid in 156335
the same manner, and with the same effect, as if completed by the 156336
Medical Assistance Director, Office of Medical Assistance, 156337
Director of Job and Family Services, or Department of Job and 156338
Family Services. No validation, cure, right, privilege, remedy, 156339
obligation, or liability is lost or impaired by reason of the 156340
transfer required by this section but shall be administered by the 156341
Medicaid Director or Department of Medicaid. 156342

(11) For the purpose of the "Social Security Act," section 156343
1902(a)(5), 42 U.S.C. 1396a(a)(5), the Department of Medicaid 156344
shall act as the single state agency to supervise the 156345
administration of the Medicaid program. As the single state 156346

agency, the Department shall comply with 42 C.F.R. 431.10(e) and 156347
all other federal requirements applicable to the single state 156348
agency. 156349

(D) The rules, orders, and determinations pertaining to the 156350
Office of Medical Assistance and Department of Job and Family 156351
Services regarding medical assistance programs continue in effect 156352
as rules, orders, and determinations of the Department of Medicaid 156353
until modified or rescinded by the Department of Medicaid. 156354

(E) No judicial or administrative action or proceeding 156355
pending on July 1, 2013, is affected by the transfer of functions 156356
from the Medical Assistance Director, Office of Medical 156357
Assistance, Director of Job and Family Services, or Department of 156358
Job and Family Services to the Medicaid Director or Department of 156359
Medicaid and shall be prosecuted or defended in the name of the 156360
Medicaid Director or Department of Medicaid. On application to the 156361
court or other tribunal, the Medicaid Director or Department of 156362
Medicaid shall be substituted as a party in such actions and 156363
proceedings. 156364

(F) When the Department of Medicaid created in section 121.02 156365
of the Revised Code comes into effect, it is a continuation of the 156366
Department of Medicaid created in this section. 156367

(G) A portion of the foregoing appropriation items 651425, 156368
Medicaid Program Support - State, 651525, Medicaid/Health Care 156369
Services, 651526, Medicare Part D, 651639, Medicaid Services - 156370
Recoveries, 651638, Medicaid Services - Payment Withholding, 156371
651603, Medicaid Health Information Technology, 651623, Medicaid 156372
Services - Federal, 651624, Medicaid Program Support - Federal, 156373
651680 Health Care Grants - Federal, 651655, Medicaid Interagency 156374
Pass-Through, 651605, Resident Protection Fund, 651631, Money 156375
Follows the Person, 651656, Medicaid Services - Hospitals/UPL, 156376
651682, Health Care Grants - State, 651608, Medicaid Services - 156377
Long Term Care, 651654, Medicaid Program Support, 651649, Medicaid 156378

Services - HCAP, 651644, Refunds and Reconciliations, and 651612, 156379
Managed Care Performance Payments, may be used to pay for Medicaid 156380
services and costs associated with the administration of the 156381
Medicaid program. 156382

Section 323.10.20. TRANSFER OF ENCUMBRANCES AND RECEIVABLES 156383

On July 1, 2013, or as soon as possible thereafter, the 156384
Medicaid Director shall certify to the Director of Budget and 156385
Management all medical assistance-related encumbrances held by the 156386
Department of Job and Family Services, and specify which of those 156387
encumbrances are requested to be transferred to the Department of 156388
Medicaid. The Director of Budget and Management may cancel any 156389
existing encumbrances, as certified by the Medicaid Director, and 156390
reestablish them in the Department of Medicaid. The reestablished 156391
encumbrance amounts are hereby appropriated. Any business 156392
commenced, but not completed, with regard to the encumbrances 156393
certified shall be completed by the Department of Medicaid in the 156394
same manner and with the same effect as if it were completed by 156395
the Department of Job and Family Services. 156396

On July 1, 2013, or as soon as possible thereafter, the 156397
Medicaid Director shall certify to the Director of Budget and 156398
Management all medical assistance-related receivables held by the 156399
Department of Job and Family Services, and specify which of those 156400
receivables are requested to be transferred to the Department of 156401
Medicaid. The Director of Budget and Management may cancel any 156402
existing receivables as certified by the Medicaid Director and 156403
reestablish them in the Department of Medicaid. 156404

A portion of the foregoing appropriation items 651425, 156405
Medicaid Program Support - State, 651525, Medicaid/Health Care 156406
Services, 651639, Medicaid Services - Recoveries, 651638, Medicaid 156407
Services-Payment Withholding, 651624, Medicaid Program Support - 156408
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 156409

Interagency Pass-Through, 651605, Resident Protection Fund, 156410
651631, Money Follows the Person, 651656, Medicaid Services - 156411
Hospitals/UPL, 651682, Health Care Grants - State, 651608, 156412
Medicaid Services - Long Term Care, 651654, Medicaid Program 156413
Support, and 651649, Medicaid Services - HCAP, may be used to pay 156414
for medical assistance services and costs associated with the 156415
administration of the Medicaid program. 156416

Section 323.10.30. TEMPORARY AUTHORITY REGARDING EMPLOYEES 156417

(A) As used in this section, "medical assistance program" has 156418
the same meaning as in the section of this act titled "CREATION OF 156419
THE DEPARTMENT OF MEDICAID." 156420

(B) During the period beginning July 1, 2013, and ending June 156421
30, 2015, all of the following apply: 156422

(1) The Medicaid Director has the authority to establish, 156423
change, and abolish positions for the Department of Medicaid, and 156424
to assign, reassign, classify, reclassify, transfer, reduce, 156425
promote, or demote all employees of the Department of Medicaid who 156426
are not subject to Chapter 4117. of the Revised Code. 156427

(2) As part of the transfer of medical assistance programs to 156428
the Department of Medicaid, the Director of Job and Family 156429
Services has the authority to establish, change, and abolish 156430
positions for the Department of Job and Family Services, and to 156431
assign, reassign, classify, reclassify, transfer, reduce, promote, 156432
or demote all employees of the Department of Job and Family 156433
Services who are not subject to Chapter 4117. of the Revised Code. 156434

(C) The authority granted under division (B) of this section 156435
includes assigning or reassigning an exempt employee, as defined 156436
in section 124.152 of the Revised Code, to a bargaining unit 156437
classification if the Medicaid Director or Director of Job and 156438
Family Services determines that the bargaining unit classification 156439

is the proper classification for that employee. The actions of the Medicaid Director or Director of Job and Family Services shall be consistent with the requirements of 5 C.F.R. 900.603 for those employees subject to such requirements. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Medicaid Director or Director of Job and Family Services, or in the case of a transfer outside the Department of Medicaid or Department of Job and Family Services, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(D) Actions taken by the Medicaid Director, Director of Job and Family Services, and Director of Administrative Services pursuant to this section are not subject to appeal to the State Personnel Board of Review.

(E) A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651603, Medicaid Health Information Technology, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651682, Health Care Grants - State, and 651654, Medicaid Program Support, may be used to pay for costs associated with the administration of the Medicaid program, including the assignment, reassignment, classification, reclassification, transfer, reduction, promotion, or demotion of employees authorized by this section.

Section 323.10.40. STAFF TRAINING REGARDING TRANSFERS 156470

As used in this section, "medical assistance program" has the same meaning as in the section of this act titled "CREATION OF THE DEPARTMENT OF MEDICAID."

The Medicaid Director and Director of Job and Family Services may jointly or separately enter into one or more contracts with public or private entities for staff training and development to facilitate the transfer of the staff and duties regarding medical assistance programs to the Department of Medicaid. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this section.

A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651605, Resident Protection Fund, 651631, Money Follows the Person, and 651654, Medicaid Program Support, may be used to pay for costs associated with the administration of the Medicaid program, including staff training authorized under this section.

Section 323.10.50. CREATION OF THE DEPARTMENT OF MEDICAID NOT A COLLECTIVE BARGAINING SUBJECT

As used in this section, "medical assistance program" has the same meaning as in the section of this act titled "CREATION OF THE DEPARTMENT OF MEDICAID."

Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, this act's creation of the Department of Medicaid and reassignment of the functions and duties of the Office of Medical Assistance regarding medical assistance programs are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

A portion of the foregoing appropriation items 651425, Medicaid Program Support - State, 651624, Medicaid Program Support

- Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 156501
Interagency Pass-Through, 651605, Resident Protection Fund, 156502
651631, Money Follows the Person, 651682, Health Care Grants - 156503
State, and 651654, Medicaid Program Support, may be used to pay 156504
for costs associated with the administration of the Medicaid 156505
program, including the reassignment of functions and duties 156506
related to the transition of the Office of Medical Assistance into 156507
the Department of Medicaid. 156508

Section 323.10.60. NEW AND AMENDED GRANT AGREEMENTS 156509

(A) As used in this section: 156510

(1) "Grant agreement" has the same meaning as in section 156511
5101.21 of the Revised Code. 156512

(2) "Medical assistance program" has the same meaning as in 156513
the section of this act titled "CREATION OF THE DEPARTMENT OF 156514
MEDICAID." 156515

(B) The Director of Job and Family Services and boards of 156516
county commissioners may enter into negotiations to amend an 156517
existing grant agreement or to enter into a new grant agreement 156518
regarding the transfer of medical assistance programs to the 156519
Department of Medicaid. Any such amended or new grant agreement 156520
shall be drafted in the name of the Department of Job and Family 156521
Services. The amended or new grant agreement may be executed 156522
before July 1, 2013, if the amendment or agreement does not become 156523
effective sooner than that date. 156524

(C) A portion of the foregoing appropriation items 651525, 156525
Health Care/Medicaid Services, 651603, Medicaid Health Information 156526
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 156527
Program Support - Federal, 651680, Health Care Grants - Federal, 156528
and 651682, Health Care Grants - State, may be used to pay for 156529
Medicaid services and costs associated with the administration of 156530

the Medicaid program. 156531

Section 323.10.63. EXCHANGE OF CERTAIN INFORMATION BETWEEN 156532
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 156533

Until the amendments to sections 191.01, 191.02, 191.04, and 156534
191.06 of the Revised Code made by this act take effect in 156535
accordance with section 101.01 of this act, all of the following 156536
shall be the case: 156537

(A) The definition of "state agency" in section 191.01 of the 156538
Revised Code includes the Department of Administrative Services 156539
and the Department of Medicaid in addition to the other agencies 156540
specified in division (I)(1) to (13) of that section. 156541

(B) For the purpose of fulfilling the requirement in section 156542
191.02 of the Revised Code, the Executive Director of the Office 156543
of Health Transformation may consult with the Director of 156544
Administrative Services and the Medicaid Director in addition to 156545
the other individuals specified in divisions (A) to (O) of that 156546
section. 156547

(C) Notwithstanding any provision of the Revised Code to the 156548
contrary, the provisions in sections 191.04 and 191.06 of the 156549
Revised Code apply only for fiscal years 2013, 2014, and 2015. 156550

(D) A portion of the foregoing appropriation items 651425, 156551
Medicaid Program Support-State, 651525, Medicaid/Health Care 156552
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 156553
Services-Payment Withholding, 651624, Medicaid Program 156554
Support-Federal, 651680, Health Care Grants-Federal, 651655, 156555
Medicaid Interagency Pass-Through, 651605, Resident Protection 156556
Fund, 651631, Money Follows the Person, 651656, Medicaid 156557
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 156558
Medicaid Services-Long Term Care, 651654, Medicaid Program 156559
Support, and 651649, Medicaid Services-HCAP, may be used to pay 156560

for services and costs associated with operating protocols adopted 156561
under section 191.06 of the Revised Code and this section. 156562

Section 323.10.70. LSC TO RENUMBER ADMINISTRATIVE RULES 156563

On and after October 1, 2013, if necessary to ensure the 156564
integrity of the numbering of the Administrative Code, the 156565
Director of the Legislative Service Commission shall renumber the 156566
rules of the Office of Medical Assistance within the Department of 156567
Job and Family Services to reflect its transfer to the Department 156568
of Medicaid. 156569

Section 323.20. MEDICAID/HEALTH CARE SERVICES 156570

The foregoing appropriation item 651525, Medicaid/Health Care 156571
Services, shall not be limited by section 131.33 of the Revised 156572
Code. 156573

Section 323.30. QUALITY INCENTIVE PROGRAM TO REDUCE AVOIDABLE 156574
ADMISSIONS 156575

(A) The Department of Medicaid may implement, for fiscal year 156576
2014 and fiscal year 2015, a quality incentive program to do both 156577
of the following: 156578

(1) Reduce the number of times that the following persons are 156579
admitted to hospitals and nursing facilities or utilize emergency 156580
department services when the admissions or utilizations are 156581
avoidable: 156582

(a) Medicaid recipients enrolled in a home and 156583
community-based services Medicaid waiver component administered by 156584
the Office; 156585

(b) Medicaid recipients receiving nursing services available 156586
under the home health services benefit pursuant to 42 C.F.R. 156587
440.70(b)(1); 156588

(c) Medicaid recipients receiving home health aide services 156589
available under the home health services benefit pursuant to 42 156590
C.F.R. 440.70(b)(2); 156591

(d) Medicaid recipients receiving private duty nursing 156592
services as defined in 42 C.F.R. 440.80. 156593

(2) Reduce the number of times that Medicaid recipients 156594
receiving nursing facility services are admitted to hospitals or 156595
utilize emergency department services when the admissions or 156596
utilizations are avoidable. 156597

(B) If the quality incentive program is implemented, the 156598
Department shall include in the program methods by which the 156599
Department will determine the program's actual savings to the 156600
Medicaid program and shall distribute not more than fifty per cent 156601
of the savings to participating Medicaid providers. 156602

Section 323.40. CHILDREN'S HOSPITALS QUALITY OUTCOMES PROGRAM 156603
156604

(A) As used in this section, "children's hospital" means a 156605
hospital, as defined in section 3727.01 of the Revised Code, that 156606
is located in this state, primarily serves patients eighteen years 156607
of age and younger, is subject to the Medicaid prospective payment 156608
system for hospitals established in rules adopted under section 156609
5164.02 of the Revised Code, and is excluded from Medicare 156610
prospective payments in accordance with 42 C.F.R. 412.23(d). 156611

(B) The Medicaid Director may implement, during fiscal year 156612
2014 and fiscal year 2015, a children's hospitals quality outcomes 156613
program that encourages children's hospitals to develop the 156614
following: 156615

(1) Infrastructures that are needed to care for patients in 156616
the least restrictive setting and promote the care of patients and 156617
their families; 156618

| | |
|--|--------|
| (2) Programs designed to improve birth outcomes and | 156619 |
| measurably reduce neonatal intensive care admissions; | 156620 |
| (3) Patient-centered methods to measurably reduce utilization | 156621 |
| of emergency department services for primary care needs and | 156622 |
| nonemergency health conditions; | 156623 |
| (4) Other quality-focused reforms the Director identifies. | 156624 |
| (C) Up to \$6,000,000 state share plus the corresponding | 156625 |
| federal share in each fiscal year shall be used to support | 156626 |
| payments made to children's hospitals for developing programs that | 156627 |
| achieve the outcomes specified under division (B) of this section | 156628 |
| and any other measures the Medicaid Director deems appropriate. | 156629 |
| Section 323.50. UNIFIED LONG TERM CARE | 156630 |
| The foregoing appropriation item 651425, Medicaid Program | 156631 |
| Support - State, may be used to provide the preadmission screening | 156632 |
| and resident review (PASRR), which includes screening, | 156633 |
| assessments, and determinations made under sections 5119.061 | 156634 |
| (renumbered section 5119.40 of the Revised Code in this act), | 156635 |
| 5123.021, and 5165.04 of the Revised Code. | 156636 |
| The foregoing appropriation item 651425, Medicaid Program | 156637 |
| Support - State, may be used to assess and provide long-term care | 156638 |
| consultations under section 173.42 of the Revised Code to clients | 156639 |
| regardless of Medicaid eligibility. | 156640 |
| The foregoing appropriation item 651525, Medicaid/Health Care | 156641 |
| Services, may be used to provide nonwaiver funded PASSPORT and | 156642 |
| assisted living services to persons who the state department has | 156643 |
| determined to be eligible to participate in the nonwaiver funded | 156644 |
| PASSPORT and assisted living programs, who applied for but have | 156645 |
| not yet been determined to be financially eligible to participate | 156646 |
| in the Medicaid waiver component of the PASSPORT Home Care Program | 156647 |
| or the Assisted Living Program by a county department of job and | 156648 |

family services, and to persons who are not eligible for Medicaid 156649
but were enrolled in the PASSPORT Program prior to July 1, 1990. 156650

The foregoing appropriation item 651425, Medicaid Program 156651
Support - State, shall be used to provide the required state match 156652
for federal Medicaid funds supporting the Medicaid waiver-funded 156653
PASSPORT Home Care Program, the Choices Program, the Assisted 156654
Living Program, and the PACE Program. 156655

The foregoing appropriation item 651525, Medicaid/Health Care 156656
Services, shall be used to provide the federal matching share of 156657
program costs determined by the Department of Medicaid to be 156658
eligible for Medicaid reimbursement for the Medicaid waiver-funded 156659
PASSPORT Home Care Program, the Choices Program, the Assisted 156660
Living Program, and the PACE Program. 156661

Section 323.53. PASSPORT ADMINISTRATIVE AGENCY SITE 156662
OPERATIONS 156663

For fiscal year 2014 and fiscal year 2015, spending for 156664
PASSPORT administrative agencies' site operating functions 156665
relating to screening, assessments, general administrative 156666
functions, and provider relations for the Medicaid waiver-funded 156667
PASSPORT Home Care Program, Choices Program, Assisted Living 156668
Program, and PACE Program shall be at one hundred five per cent of 156669
the level provided in fiscal year 2013. 156670

Section 323.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 156671

At the beginning of each quarter, or as soon as possible 156672
thereafter, the Medicaid Director shall certify to the Director of 156673
Budget and Management the amount withheld in accordance with 156674
section 5167.30 of the Revised Code for purposes of the Managed 156675
Care Performance Payment Program. Upon receiving certification, 156676
the Director of Budget and Management shall transfer cash in the 156677
amount certified from the General Revenue Fund to the Managed Care 156678

Performance Payment Fund. Appropriation item 651525, 156679
Medicaid/Health Care Services, is hereby reduced by the amount of 156680
the transfer. Upon request of the Medicaid Director and approval 156681
of the Director of Budget and Management, appropriation up to the 156682
cash balance in the Managed Care Performance Payment Fund is 156683
hereby appropriated. 156684

In addition to any other purpose authorized by law, the 156685
Department of Medicaid may use money in the Managed Care 156686
Performance Payment Fund for the following purposes for fiscal 156687
year 2014 and fiscal year 2015: 156688

(A) To meet obligations specified in provider agreements with 156689
Medicaid managed care organizations; 156690

(B) To pay for Medicaid services provided by a Medicaid 156691
managed care organization; 156692

(C) To reimburse a Medicaid managed care organization that 156693
has paid a fine for failure to meet performance standards or other 156694
requirements specified in provider agreements or rules adopted 156695
under section 5167.02 of the Revised Code if the organization 156696
comes into compliance with the standards or requirements. 156697

Section 323.70. MEDICAID MANAGED CARE EXEMPTIONS 156698

(A) Except as provided in division (B) of this section, the 156699
Department of Medicaid shall not include in the care management 156700
system established under section 5167.03 of the Revised Code any 156701
individual receiving services through the program for medically 156702
handicapped children established under section 3701.023 of the 156703
Revised Code who has one or more of the following conditions: 156704

(1) Cystic fibrosis; 156705

(2) Hemophilia; 156706

(3) Cancer. 156707

(B) An individual described in division (A) of this section 156708
may be designated for participation in the care management system 156709
if the individual was receiving services through the system 156710
immediately before April 1, 2013. 156711

(C) This section applies until July 1, 2014, notwithstanding 156712
any provision of section 5167.03 of the Revised Code that 156713
otherwise authorizes or requires the designation of individuals 156714
for participation in the care management system. 156715

Section 323.80. PRIOR AUTHORIZATION FOR COMMUNITY MENTAL 156716
HEALTH SERVICES 156717

(A) As used in this section, "community mental health 156718
services" means mental health services included in the state 156719
Medicaid plan pursuant to section 5164.15 of the Revised Code. 156720

(B) For fiscal year 2014 and fiscal year 2015, a Medicaid 156721
recipient who is under twenty-one years of age automatically 156722
satisfies all requirements for any prior authorization process for 156723
community mental health services provided under a component of the 156724
Medicaid program administered by the Department of Mental Health 156725
and Addiction Services pursuant to an interagency agreement 156726
authorized by section 5162.35 of the Revised Code if any of the 156727
following apply to the recipient: 156728

(1) The recipient is in the temporary custody or permanent 156729
custody of a public children services agency or private child 156730
placing agency or is in a planned permanent living arrangement. 156731

(2) The recipient has been placed in protective supervision 156732
by a juvenile court. 156733

(3) The recipient has been committed to the Department of 156734
Youth Services. 156735

(4) The recipient is an alleged or adjudicated delinquent or 156736
unruly child receiving services under the Felony Delinquent Care 156737

and Custody Program operated under section 5139.43 of the Revised Code. 156738
156739

Section 323.90. JOINT LEGISLATIVE COMMITTEE FOR UNIFIED LONG-TERM SERVICES AND SUPPORTS 156740
156741

(A) The Joint Legislative Committee for Unified Long-Term Services and Supports created under section 309.30.73 of Am. Sub. H.B. 153 of the 129th General Assembly, as subsequently amended, shall continue to exist during fiscal year 2014 and fiscal year 2015. The Committee shall consist of the following members: 156742
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(1) Two members of the House of Representatives from the majority party, appointed by the Speaker of the House of Representatives; 156747
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(2) One member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives; 156750
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(3) Two members of the Senate from the majority party, appointed by the President of the Senate; 156753
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(4) One member of the Senate from the minority party, appointed by the President of the Senate. 156755
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(B) The Speaker of the House of Representatives shall designate one of the members of the Committee appointed under division (A)(1) of this section to serve as co-chairperson of the Committee. The President of the Senate shall designate one of the members of the Committee appointed under division (A)(3) of this section to serve as the other co-chairperson of the Committee. The Committee shall meet at the call of the co-chairpersons. The co-chairpersons may request assistance for the Committee from the Legislative Service Commission. 156757
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(C) The Committee may examine the following issues: 156766

(1) The implementation of the dual eligible integrated care 156767

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| demonstration project authorized by section 5164.91 of the Revised Code; | 156768
156769 |
| (2) The implementation of a unified long-term services and support Medicaid waiver component under section 5166.14 of the Revised Code; | 156770
156771
156772 |
| (3) Providing consumers choices regarding a continuum of services that meet their health-care needs, promote autonomy and independence, and improve quality of life; | 156773
156774
156775 |
| (4) Ensuring that long-term care services and supports are delivered in a cost-effective and quality manner; | 156776
156777 |
| (5) Subjecting county homes, county nursing homes, and district homes operated pursuant to Chapter 5155. of the Revised Code to the franchise permit fee under sections 5168.40 to 5168.56 of the Revised Code; | 156778
156779
156780
156781 |
| (6) Other issues of interest to the committee. | 156782 |
| (D) The co-chairpersons of the Committee shall provide for the Medicaid Director to testify before the Committee at least quarterly regarding the issues that the Committee examines. | 156783
156784
156785 |
| Section 323.100. HOSPITAL INPATIENT AND OUTPATIENT SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE HOSPITAL INCENTIVE PAYMENT PROGRAM | 156786
156787
156788 |
| (A) As used in this section: | 156789 |
| (1) "Hospital" has the same meaning as in section 5168.20 of the Revised Code. | 156790
156791 |
| (2) "Hospital Assessment Fund" means the fund created under section 5168.25 of the Revised Code. | 156792
156793 |
| (3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. | 156794
156795 |
| (B) The Department of Medicaid shall do both of the | 156796 |

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| following: | 156797 |
| (1) Continue the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program that was established pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th General Assembly, with any modifications necessary to implement the program as described under division (D) of this section; | 156798
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156802 |
| (2) Continue the Medicaid Managed Care Hospital Incentive Payment Program, as described under division (E) of this section. | 156803
156804 |
| (C) The Department shall use amounts deposited into the Hospital Assessment Fund in fiscal year 2014 and fiscal year 2015 for the following purposes in each fiscal year: | 156805
156806
156807 |
| (1) To pay for costs associated with all of the following: | 156808 |
| (a) The Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program; | 156809
156810 |
| (b) The Medicaid Managed Care Hospital Incentive Payment Program; | 156811
156812 |
| (c) The Medicaid payment rates for hospital inpatient and outpatient services required by the section of this act entitled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT." | 156813
156814
156815 |
| (2) To reduce spending in appropriation item 651525, Medicaid/Health Care Services. | 156816
156817 |
| (D)(1) Under the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program, subject to division (D)(2) of this section, supplemental Medicaid payments shall be made to hospitals for Medicaid-covered inpatient and outpatient services. The Department shall make the payments through amounts available for the Program pursuant to division (C) of this section and any federal financial participation available for the Program. | 156818
156819
156820
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156824 |
| (2) The Department shall take all actions necessary to cease implementation of the Program if the United States Secretary | 156825
156826 |

determines that the assessment imposed under section 5168.21 of 156827
the Revised Code is an impermissible health care-related tax under 156828
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 156829

(E)(1) The purpose of the Medicaid Managed Care Hospital 156830
Incentive Payment Program is to increase access to hospital 156831
services for Medicaid recipients who are enrolled in Medicaid 156832
managed care organizations. 156833

Under the Program, subject to division (E)(2) of this 156834
section, funds shall be provided to Medicaid managed care 156835
organizations, which shall use the funds to increase payments to 156836
hospitals for providing services to Medicaid recipients who are 156837
enrolled in the organizations. The Department shall provide the 156838
funds through amounts available for the Program pursuant to 156839
division (C) of this section and any federal financial 156840
participation available for the Program. 156841

(2)(a) The Department shall not provide funds to Medicaid 156842
managed care organizations under the Program unless an actuary 156843
selected by the Department certifies that the Program would not 156844
violate the actuarial soundness of the capitation rates paid to 156845
Medicaid managed care organizations. 156846

(b) The Department shall not implement the Program in a 156847
manner that causes a hospital to receive less money from the 156848
Hospital Assessment Fund than the hospital would have received if 156849
the Program were not implemented. 156850

(c) The Department shall not implement the Program in a 156851
manner that causes a Medicaid managed care organization to receive 156852
a lower capitation payment rate solely because funds are made 156853
available to the organization under the Program. 156854

(d) The Department shall take all necessary actions to cease 156855
implementation of the Program if the United States Secretary 156856
determines that the assessment imposed under section 5168.21 of 156857

the Revised Code is an impermissible health care-related tax under 156858
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 156859

(F) The Director of Budget and Management may authorize 156860
additional expenditures from appropriation item 651623, Medicaid 156861
Services - Federal, appropriation item 651525, Medicaid/Health 156862
Care Services, and appropriation item 651656, Medicaid Services - 156863
Hospital/UPL, in order to implement the programs authorized by 156864
this section. Any amounts authorized are hereby appropriated. 156865

(G) The Medicaid Director shall adopt rules as necessary to 156866
implement this section. The rules shall provide for the applicable 156867
assessment percentage that is used for the purpose of section 156868
5168.21 of the Revised Code to be an amount that raises, from the 156869
assessments imposed on hospitals under that section, an amount the 156870
Director determines is appropriate to fund the purposes specified 156871
in division (C) of this section. 156872

Section 323.103. CONTINUATION OF MEDICAID RATES FOR HOSPITAL 156873
INPATIENT SERVICES 156874

(A) The Medicaid payment rates for Medicaid-covered hospital 156875
inpatient services shall be the same as the Medicaid payment rates 156876
for the services in effect on June 30, 2013, until the effective 156877
date of the first of any rules adopted under section 5164.02 of 156878
the Revised Code establishing new diagnosis-related groups for the 156879
services. 156880

(B) The Director of Budget and Management may authorize 156881
additional expenditures from appropriation item 651623, Medicaid 156882
Services - Federal, appropriation item 651525, Medicaid/Health 156883
Care Services, and appropriation item 651656, Medicaid Services - 156884
Hospital/UPL, in order to implement this section. Any amounts 156885
authorized are hereby appropriated. 156886

Section 323.105. MEDICAID RATES FOR CERTAIN HOSPITAL 156887

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| OUTPATIENT AND LABORATORY SERVICES | 156888 |
| (A) As used in this section: | 156889 |
| (1) "Applicable hospital outpatient and laboratory services" | 156890 |
| means the following Medicaid-covered services: | 156891 |
| (a) Hospital outpatient services paid at hospital-specific | 156892 |
| costs; | 156893 |
| (b) Hospital laboratory procedures paid in excess of Medicare | 156894 |
| rates for the procedures. | 156895 |
| (2) "Hospital outpatient savings" means the amount, if any, | 156896 |
| by which the actual amount expended and encumbered under the | 156897 |
| Medicaid program for hospital outpatient services for a fiscal | 156898 |
| year is less than the amount the Medicaid Director, before the | 156899 |
| beginning of that fiscal year, projected would be expended and | 156900 |
| encumbered under the Medicaid program for hospital outpatient | 156901 |
| services for that fiscal year. | 156902 |
| (B) On July 1, 2013, or as soon as possible thereafter, the | 156903 |
| Medicaid Director shall determine whether the amount of hospital | 156904 |
| outpatient savings for fiscal year 2013 is greater than zero. If | 156905 |
| the Director determines that the amount of hospital outpatient | 156906 |
| savings for fiscal year 2013 is greater than zero, the Director | 156907 |
| shall increase the Medicaid payment rates for applicable hospital | 156908 |
| outpatient and laboratory services provided during fiscal year | 156909 |
| 2014. Subject to division (D) of this section, the rates shall be | 156910 |
| increased to the highest amount that it is possible to raise the | 156911 |
| rates using the amount of hospital outpatient savings for fiscal | 156912 |
| year 2013. | 156913 |
| (C) On July 1, 2014, or as soon as possible thereafter, the | 156914 |
| Medicaid Director shall determine whether the amount of hospital | 156915 |
| outpatient savings for fiscal year 2014 is greater than zero. If | 156916 |
| the Director determines that the amount of hospital outpatient | 156917 |

savings for fiscal year 2014 is greater than zero, the Director 156918
shall increase the Medicaid payment rates for applicable hospital 156919
outpatient and laboratory services provided during fiscal year 156920
2015. Subject to division (D) of this section, the rates shall be 156921
increased to the highest amount that it is possible to raise the 156922
rates using the amount of hospital outpatient savings for fiscal 156923
year 2014. 156924

(D) The Medicaid payment rates for applicable hospital 156925
outpatient and laboratory services provided during the period 156926
beginning July 1, 2013, and ending June 30, 2015, shall not be 156927
greater than the Medicaid payment rates for the services in effect 156928
on June 30, 2013. 156929

Section 323.110. ADMINISTRATIVE ISSUES RELATED TO TERMINATION 156930
OF MEDICAID WAIVER PROGRAMS 156931

(A) As used in this section, "MCD or ODA Medicaid waiver 156932
component" means the following: 156933

(1) The Medicaid waiver component of the PASSPORT program 156934
created under section 173.52 of the Revised Code; 156935

(2) The Choices program created under section 173.53 of the 156936
Revised Code; 156937

(3) The Medicaid waiver component of the Assisted Living 156938
program created under section 173.54 of the Revised Code. 156939

(4) The Ohio Home Care Waiver program as defined in section 156940
5166.01 of the Revised Code; 156941

(5) The Ohio Transitions II Aging Carve-Out program as 156942
defined in section 5166.01 of the Revised Code; 156943

(B) If an MCD or ODA Medicaid waiver component is terminated 156944
under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the 156945
Revised Code, all of the following apply: 156946

(1) All applicable statutes, and all applicable rules, 156947
standards, guidelines, or orders issued by the Medicaid Director 156948
or Department of Medicaid or Director or Department of Aging 156949
before the component is terminated, shall remain in full force and 156950
effect on and after that date, but solely for purposes of 156951
concluding the component's operations, including fulfilling the 156952
Departments' legal obligations for claims arising from the 156953
component relating to eligibility determinations, covered medical 156954
assistance provided to eligible persons, and recovering erroneous 156955
overpayments. 156956

(2) Notwithstanding the termination of the component, the 156957
right of subrogation for the cost of medical assistance given 156958
under section 5160.37 of the Revised Code to the Department of 156959
Medicaid and an assignment of the right to medical assistance 156960
given under section 5160.38 of the Revised Code to the Department 156961
continue to apply with respect to the component and remain in 156962
force to the full extent provided under those sections. 156963

(3) The Department of Medicaid and Department of Aging may 156964
use appropriated funds to satisfy any claims or contingent claims 156965
for medical assistance provided under the component before the 156966
component's termination. 156967

(4) Neither the Department of Medicaid nor the Department of 156968
Aging has liability under the component to reimburse any provider 156969
or other person for claims for medical assistance rendered under 156970
the component after it is terminated. 156971

(C) The Medicaid Director and Director of Aging may adopt 156972
rules in accordance with Chapter 119. of the Revised Code to 156973
implement this section. 156974

Section 323.130. DISPENSING FEE FOR NONCOMPOUNDED DRUGS 156975

The Medicaid dispensing fee for each noncompounded drug 156976

covered by the Medicaid program shall be \$1.80 for the period 156977
beginning July 1, 2013, and ending on the effective date of a rule 156978
changing the amount of the fee that the Medicaid Director adopts 156979
under section 5164.02 of the Revised Code. 156980

Section 323.140. MONEY FOLLOWS THE PERSON ENHANCED 156981
REIMBURSEMENT FUND 156982

The federal payments made to the state under subsection (e) 156983
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 156984
No. 109-171, as amended, shall be deposited into the Money Follows 156985
the Person Enhanced Reimbursement Fund. The Department of Medicaid 156986
shall continue to use money deposited into the fund for system 156987
reform activities related to the Money Follows the Person 156988
demonstration project. 156989

Section 323.150. MEDICARE PART D 156990

The foregoing appropriation item 651526, Medicare Part D, may 156991
be used by the Department of Medicaid for the implementation and 156992
operation of the Medicare Part D requirements contained in the 156993
"Medicare Prescription Drug, Improvement, and Modernization Act of 156994
2003," Pub. L. No. 108-173, as amended. Upon the request of the 156995
Department of Medicaid, the Director of Budget and Management may 156996
transfer the state share of appropriations between appropriation 156997
item 651525, Medicaid/Health Care Services, or appropriation item 156998
651526, Medicare Part D. If the state share of appropriation item 156999
651525, Medicaid/Health Care Services, is adjusted, the Director 157000
of Budget and Management shall adjust the federal share 157001
accordingly. The Department of Medicaid shall provide notification 157002
to the Controlling Board of any transfers at the next scheduled 157003
Controlling Board meeting. 157004

Section 323.160. REBALANCING LONG-TERM CARE 157005

(A) As used in this section: 157006

"Balancing Incentive Payments Program" means the program 157007
established under section 10202 of the Patient Protection and 157008
Affordable Care Act. 157009

"Long-term services and supports" has the same meaning as in 157010
section 10202(f)(1) of the Patient Protection and Affordable Care 157011
Act. 157012

"Non-institutionally-based long-term services and supports" 157013
has the same meaning as in section 10202(f)(1)(B) of the Patient 157014
Protection and Affordable Care Act. 157015

"Patient Protection and Affordable Care Act" means Public Law 157016
111-148. 157017

(B) The Departments of Aging, Developmental Disabilities, and 157018
Medicaid shall continue efforts to achieve a sustainable and 157019
balanced delivery system for long-term services and supports. In 157020
so doing, the Departments shall strive to realize the following 157021
goals by June 30, 2015: 157022

(1) Having at least fifty per cent of Medicaid recipients who 157023
are sixty years of age or older and need long-term services and 157024
supports utilize non-institutionally-based long-term services and 157025
supports; 157026

(2) Having at least sixty per cent of Medicaid recipients who 157027
are less than sixty years of age and have cognitive or physical 157028
disabilities for which long-term services and supports are needed 157029
utilize non-institutionally-based long-term services and supports. 157030

(C) If the Department of Medicaid determines that 157031
participating in the Balancing Incentive Payments Program will 157032
assist in achieving the goals specified in division (B) of this 157033
section, the Department may apply to the United States Secretary 157034
of Health and Human Services to participate in the program. 157035

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| Section 323.170. OHIO ACCESS SUCCESS PROJECT | 157036 |
| Of the foregoing appropriation item, 651525, Medicaid/Health | 157037 |
| Care Services, up to \$450,000 in each fiscal year may be used to | 157038 |
| provide one-time transitional benefits under the Ohio Access | 157039 |
| Success Project that the Medicaid Director may establish under | 157040 |
| section 5166.35 of the Revised Code. | 157041 |
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| Section 323.180. PROVIDER FRANCHISE FEE OFFSETS | 157042 |
| (A) At least quarterly, the Medicaid Director shall certify | 157043 |
| to the Director of Budget and Management the amount of offsets | 157044 |
| withheld under section 5168.52 of the Revised Code from payments | 157045 |
| made from the General Revenue Fund. | 157046 |
| (B) The Director of Budget and Management may transfer cash | 157047 |
| from the General Revenue Fund to the Nursing Home Franchise Permit | 157048 |
| Fee Fund (Fund 5R20), in accordance with section 5168.54 of the | 157049 |
| Revised Code. | 157050 |
| (C) Amounts transferred pursuant to this section are hereby | 157051 |
| appropriated. | 157052 |
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| Section 323.190. HOSPITAL CARE ASSURANCE MATCH | 157053 |
| The foregoing appropriation item 651623, Medicaid Services - | 157054 |
| Federal, shall be used by the Department of Medicaid for | 157055 |
| distributing the federal share of Medicaid services required under | 157056 |
| the section of this act entitled "CREATION OF THE DEPARTMENT OF | 157057 |
| MEDICAID," including the federal share of all hospital care | 157058 |
| assurance program funds to hospitals under section 5168.09 of the | 157059 |
| Revised Code. | 157060 |
| If receipts credited to the Health Care Federal Fund (Fund | 157061 |
| 3F00) exceed the amounts appropriated from the fund for making the | 157062 |
| hospital care assurance program distribution, the Medicaid | 157063 |
| Director may request the Director of Budget and Management to | 157064 |

authorize expenditures from the fund in excess of the amounts 157065
appropriated. Upon the approval of the Director of Budget and 157066
Management, the additional amounts are hereby appropriated. 157067

The foregoing appropriation item 651649, Medicaid Services - 157068
HCAP, shall be used by the Department of Medicaid for distributing 157069
the state share of all hospital care assurance program funds to 157070
hospitals under section 5168.09 of the Revised Code. If receipts 157071
credited to the Hospital Care Assurance Program Fund (Fund 6510) 157072
exceed the amounts appropriated from the fund for making the 157073
hospital care assurance program distribution, the Medicaid 157074
Director may request the Director of Budget and Management to 157075
authorize expenditures from the fund in excess of the amounts 157076
appropriated. Upon the approval of the Director of Budget and 157077
Management, the additional amounts are hereby appropriated. 157078

Section 323.200. HEALTH CARE SERVICES ADMINISTRATION FUND 157079

Of the amount received by the Department of Medicaid during 157080
fiscal year 2014 and fiscal year 2015 from the first installment 157081
of assessments paid under section 5168.06 of the Revised Code and 157082
intergovernmental transfers made under section 5168.07 of the 157083
Revised Code, the Medicaid Director shall deposit \$350,000 in each 157084
fiscal year into the state treasury to the credit of the Health 157085
Care Services Administration Fund (Fund 5U30). 157086

Section 323.210. TRANSFERS OF OFFSETS TO THE HEALTH CARE 157087
SERVICES ADMINISTRATION FUND 157088

(A) As used in this section: 157089

"Hospital offset" means an offset from a hospital's Medicaid 157090
payment authorized by section 5168.991 of the Revised Code. 157091

"Vendor offset" means a reduction of a Medicaid payment to a 157092
Medicaid provider to correct a previous, incorrect Medicaid 157093
payment. 157094

(B) During fiscal year 2014 and fiscal year 2015, at intervals selected by the Medicaid Director, the Director shall certify to the Director of Budget and Management the amount of hospital offsets and vendor offsets for the period covered by the certification and the particular funds that would have been used to make Medicaid payments to providers if not for the offsets. Each certification shall specify the amount that would have been taken from each of the funds if not for the hospital offsets and vendor offsets.

(C) On receipt of a certification under division (B) of this section, the Director of Budget and Management shall transfer cash from the funds identified in the certification to the Health Care Services Administration Fund (Fund 5U30). The amount transferred from a fund shall equal the amount that would have been taken from the fund if not for the hospital offsets and vendor offsets as specified in the certification. The transferred cash is hereby appropriated.

Section 323.220. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 323.230. MEDICAID PAYMENTS FOR NONINSTITUTIONAL SERVICES PROVIDED TO DUAL ELIGIBLE INDIVIDUALS

(A) As used in this section:

"Dual eligible individual" has the same meaning as in the "Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 1396n(h)(2)(B).

"Medicare Part B" means the Supplementary Medical Insurance

Program for the Aged and Disabled component of the Medicare 157125
program established by Part B of Title XVIII of the "Social 157126
Security Act," 42 U.S.C. 1395j et seq. 157127

"Noninstitutional services" means any services other than 157128
hospital services, nursing facility services, and intermediate 157129
care facilities for individuals with intellectual disabilities. 157130

(B) Notwithstanding any conflicting state statute, a Medicaid 157131
payment for noninstitutional services, excluding physician 157132
services and including freestanding dialysis center services, 157133
provided during the period beginning January 1, 2014, and ending 157134
July 1, 2015, to a Medicaid recipient who is a dual eligible 157135
individual enrolled for benefits under Medicare Part B shall equal 157136
the lesser of the following: 157137

(1) The sum of the Medicare Part B deductible, coinsurance, 157138
and copayment for the services that are applicable to the 157139
individual; 157140

(2) The greater of the following: 157141

(a) The maximum allowable Medicaid payment for the services 157142
when the services are provided to other Medicaid recipients, less 157143
the total Medicaid payment (if any) most recently paid on the 157144
Medicaid recipient's behalf for such services; 157145

(b) Zero. 157146

**Section 323.233. MEDICAID PAYMENTS FOR HOME HEALTH SERVICES 157147
AND PRIVATE DUTY NURSING 157148**

(A) As used in this section, "responsible adult" means the 157149
spouse of a Medicaid recipient or, in the case of a Medicaid 157150
recipient who is a minor, the minor's parent, foster caregiver, 157151
stepparent, guardian, legal custodian, or any other person who 157152
stands in loco parentis for the minor. 157153

(B) Except as provided in division (C) of this section, for 157154

fiscal year 2014 and fiscal year 2015, Medicaid payments shall not
be made for any of the following services that are provided to a
Medicaid recipient by an individual who is a responsible adult for
that recipient:

(1) Nursing services available under the home health services
benefit pursuant to 42 C.F.R. 440.70(b)(1);

(2) Home health aide services available under the home health
services benefit pursuant to 42 C.F.R. 440.70(b)(2);

(3) Private duty nursing services, as defined in 42 C.F.R.
440.80.

(C) For fiscal year 2014 and fiscal year 2015, the Medicaid
Director shall establish the conditions under which Medicaid
payments may be made for any of the services described in division
(B) of this section that are provided to a Medicaid recipient by
an individual who is a responsible adult for that recipient.

(D) The Director shall adopt rules in accordance with Chapter
119. of the Revised Code necessary to implement this section. The
Director shall consult provider representatives, consumer
representatives, and other stakeholders in developing the rules,
which may include the following:

(1) Qualification and training requirements necessary for
responsible adults to receive Medicaid payments under division (C)
of this section;

(2) Oversight requirements necessary for responsible adults
to receive Medicaid payments under division (C) of this section;

(3) Procedures designed to protect against fraud, waste, and
abuse that may occur as a result of payments made under division
(C) of this section;

(4) Any other procedures, standards, or requirements the
Director considers appropriate.

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| Section 323.234. DIRECT CARE WORKER ADVISORY WORKGROUP | 157185 |
| (A) As used in this section: | 157186 |
| (1) "Core competencies" means the minimum standards a direct care worker must meet when providing direct care services and engaging in any one or more of the following activities associated with care for a medicaid recipient: maintaining a clean and safe environment, ensuring recipient-centered care, promoting the recipient's development, assisting the recipient with activities of daily living, communicating with the recipient, completing administrative tasks, and participating in professional development activities. | 157187
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| (2) "Direct care services" means health care services, ancillary services, or services related to or in support of the provision of health care or ancillary services. | 157196
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| (3) "Direct care worker" means an individual who, for direct or indirect payment, provides direct care services to a medicaid recipient in the recipient's home or other place of residence. | 157199
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| (4) "Direct payment" means a Medicaid payment made directly to a direct care worker for the worker's provision of direct care services to a Medicaid recipient. | 157202
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| (5) "Indirect payment" means a Medicaid payment made to a third party who pays a direct care worker for the worker's provision of direct care services to a Medicaid recipient. | 157205
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| (B) There is hereby created the Direct Care Worker Advisory Workgroup. The Workgroup shall consist of the following members: | 157208
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| (1) The Director of Aging or the Director's designee; | 157210 |
| (2) The Director of Developmental Disabilities or the Director's designee; | 157211
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| (3) The Director of Health or the Director's designee; | 157213 |

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| (4) The Medicaid Director or the Director's designee; | 157214 |
| (5) The Executive Director of the Office of Health Transformation or the Executive Director's designee; | 157215
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| (6) Two representatives from each of the following organizations, appointed by the organization's chief executive officer or the individual serving in an equivalent capacity for the organization: | 157217
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| (a) The Ohio Council for Home Care and Hospice; | 157221 |
| (b) The Ohio Health Care Association; | 157222 |
| (c) The Ohio Provider Resource Association; | 157223 |
| (d) The Ohio Nurses Association; | 157224 |
| (e) The Midwest Care Alliance; | 157225 |
| (f) The Ohio Assisted Living Association; | 157226 |
| (g) LeadingAge Ohio. | 157227 |
| (7) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House of Representatives; | 157228
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| (8) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the President of the Senate. | 157231
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| (C) Members of the Workgroup shall be appointed not later than fifteen days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments. Each member shall serve without compensation or reimbursement for expenses incurred while serving on the Workgroup, except to the extent that serving on the Workgroup is considered to be among the member's employment duties. | 157234
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| (D) The Executive Director of the Office of Health Transformation or the Executive Director's designee shall serve as | 157241
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chairperson of the Workgroup. The Departments of Health and Medicaid shall provide staff and other support services for the Workgroup.

(E) The Workgroup shall do all of the following:

(1) Determine core competencies;

(2) Designate which direct care workers should meet core competencies;

(3) Determine whether existing regulatory requirements are equivalent or similar to core competencies;

(4) Identify funding sources that could be used to assist direct care workers in meeting core competencies;

(5) Recommend policies that may be incorporated in legislation the General Assembly intends to consider, as described in division (G) of this section.

(F) Not later than December 31, 2013, the Workgroup shall submit a report to the General Assembly describing its findings and recommendations. The report shall be submitted in accordance with section 101.68 of the Revised Code. On submission of the report, the Workgroup shall cease to exist.

(G) It is the intent of the General Assembly to enact legislation in the future, taking into account the recommendations of the Workgroup, regarding certification of direct care workers and Medicaid payments for direct care services provided by those workers. The legislation is intended to do both of the following:

(1) Require the Director of Health to establish, not later than October 1, 2014, a direct care worker certification program that applies to the workers designated by the Workgroup;

(2) Prohibit the Department of Medicaid, beginning October 1, 2015, from allowing a direct or indirect payment to be made for direct care services provided by a direct care worker to whom the

certification program applies unless the worker is appropriately certified under that program. 157273
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Section 323.236. PURCHASING STRATEGIES FOR CERTAIN SERVICES 157275

As used in this section, "custom wheelchair" has the same meaning as in section 5165.01 of the Revised Code. 157276
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For the period beginning January 1, 2014, and ending June 30, 2015, the Medicaid Director shall implement strategies for purchasing oxygen (other than emergency oxygen), resident transportation services, and custom wheelchairs for Medicaid recipients residing in nursing facilities. In implementing the purchasing strategies, the Director shall seek to achieve a more efficient allocation of resources and price and quality competition among providers of the goods and services. The Director shall consider one or more of the following when determining the purchasing strategies to implement: 157278
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(A) Establishing competitive bidding; 157288

(B) Establishing manufacturers rebate programs; 157289

(C) Another purchasing strategy that saves the Medicaid program an amount equivalent to the savings that would be realized from the purchasing strategies specified in division (A) or (B), or both, of this section. 157290
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Section 323.250. REDUCED RATE FOR REPEAT RADIOLOGICAL SERVICES 157294
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(A) The Medicaid Director shall reduce the Medicaid payment rate for radiological services to which both of the following apply: 157296
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(1) They are provided in a physician's office or an independent diagnostic testing facility; 157299
157300

(2) They are provided more than once by the same provider for 157301

the same Medicaid recipient during the same session. 157302

(B) The Director shall adopt rules under section 5164.02 of 157303
the Revised Code to implement the rate reduction required by this 157304
section. The rules shall not take effect before January 1, 2014. 157305

Section 323.260. VARYING MEDICAID PAYMENT RATES FOR PHYSICIAN 157306
SERVICES DEPENDING ON LOCATION OF SERVICE 157307

(A) The Medicaid Director shall do both of the following: 157308

(1) Identify physician services for which Medicaid payment 157309
rates should vary depending on where the services are provided; 157310

(2) Adopt rules under section 5164.02 of the Revised Code to 157311
establish the varying Medicaid payment rates. 157312

(B) The rules required by division (A)(2) of this section 157313
shall not take effect before January 1, 2014. 157314

Section 323.263. PAYMENT RATES FOR PASSPORT SERVICES 157315

The Medicaid payment rates for services provided under the 157316
PASSPORT program, other than adult day-care services, during the 157317
period beginning July 1, 2013, and ending June 30, 2015, shall be 157318
not less than ninety-eight and five-tenths per cent of the 157319
Medicaid payment rates for the services in effect on June 30, 157320
2011. The Medicaid payment rates for adult day-care services 157321
provided under the PASSPORT program during the period beginning 157322
July 1, 2013, and ending June 30, 2015, shall be twenty per cent 157323
higher than the amount of the Medicaid payment rates for the 157324
services in effect on June 30, 2013. 157325

Section 323.270. MEDICAID PAYMENT METHODOLOGIES ALIGNED WITH 157326
MEDICARE PAYMENT METHODOLOGIES 157327

(A) The Medicaid Director shall do both of the following: 157328

(1) Identify Medicaid services for which the Medicaid payment 157329

methodologies should be aligned, to the extent the Director 157330
considers appropriate, with Medicare payment methodologies for the 157331
services; 157332

(2) Adopt rules under section 5164.02 of the Revised Code to 157333
so align the payment methodologies for the services. 157334

(B) The rules required by division (A)(2) of this section 157335
shall not take effect before January 1, 2014. 157336

Section 323.280. ALTERNATIVE PURCHASING MODEL FOR NURSING 157337
FACILITY SERVICES 157338

As used in this section, "Medicaid waiver component" has the 157339
same meaning as in section 5166.01 of the Revised Code. 157340

The Medicaid Director may establish, as a Medicaid waiver 157341
component, an alternative purchasing model for nursing facility 157342
services provided, during the period beginning July 1, 2013, and 157343
ending July 1, 2015, to Medicaid recipients with specialized 157344
health care needs, including recipients dependent on ventilators, 157345
recipients who have severe traumatic brain injury, and recipients 157346
who would be admitted to long-term acute care hospitals or 157347
rehabilitation hospitals if they did not receive nursing facility 157348
services. If established, the alternative purchasing model shall 157349
do all of the following: 157350

(A) Recognize a connection between enhanced Medicaid payment 157351
rates and improved health outcomes capable of being measured; 157352

(B) Include criteria for identifying Medicaid recipients with 157353
specialized health care needs; 157354

(C) Include procedures for ensuring that Medicaid recipients 157355
identified pursuant to division (B) of this section receive 157356
nursing facility services under the alternative purchasing model. 157357

The total per Medicaid day payment rate for nursing facility 157358
services provided under the alternative purchasing model may 157359

differ from the rate that would otherwise be paid pursuant to 157360
Chapter 5165. of the Revised Code. 157361

Section 323.290. REVIEW OF LONG-TERM SERVICES TO IMPROVE 157362
EFFICIENCY AND INDIVIDUAL CARE 157363

(A) The Department of Medicaid may review the following 157364
services covered by the Medicaid program to identify opportunities 157365
to improve the efficiency of, and individual care provided by, 157366
long-term care services and supports: 157367

(1) Nursing services available under the home health services 157368
benefit pursuant to 42 C.F.R. 440.70(b)(1); 157369

(2) Home health aide services available under the home health 157370
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 157371

(3) Private duty nursing services as defined in 42 C.F.R. 157372
440.80. 157373

(B) The Department, in its review authorized by division (A) 157374
of this section, may consider establishing the following: 157375

(1) New methods for authorizing and coordinating long-term 157376
care services and supports, including such services and supports 157377
covered by the Medicaid state plan, using case managers or care 157378
coordinators; 157379

(2) Competency and training requirements for the case 157380
managers or care coordinators; 157381

(3) Other mechanisms for improving efficiency and individual 157382
care in the delivery of long-term care services and supports. 157383

Section 323.300. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 157384
CARE 157385

(A) As used in this section: 157386

(1) "Dual eligible individual" has the same meaning as in 157387

section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315, 157388
42 U.S.C. 1396n(h)(2)(B). 157389

(2) "Dual eligible integrated care demonstration project" 157390
means the demonstration project authorized by section 5164.91 of 157391
the Revised Code. 157392

(3) "Medicaid managed care organization" has the same meaning 157393
as in section 5167.01 of the Revised Code. 157394

(4) "Participant" means an individual participating in the 157395
dual eligible integrated care demonstration project. 157396

(B) For fiscal year 2014 and fiscal year 2015, the Department 157397
of Medicaid shall provide performance payments as provided under 157398
this section to Medicaid managed care organizations providing care 157399
under the Dual Eligible Integrated Care Demonstration Project. 157400

(C) If the Department implements the Dual Eligible Integrated 157401
Care Demonstration Project, and if participants receive care 157402
through Medicaid managed care organizations under the project, the 157403
Department shall, in consultation with the United States Centers 157404
for Medicare and Medicaid Services, do both of the following: 157405

(1) Develop quality measures designed specifically to 157406
determine the effectiveness of the health care and other services 157407
provided to participants by Medicaid managed care organizations; 157408

(2) Determine an amount to be withheld from the Medicaid 157409
premium payments paid to Medicaid managed care organizations for 157410
participants. 157411

(D)(1) For the purposes of division (C)(2) of this section, 157412
the Department shall establish an amount that is to be withheld 157413
each time a premium payment is made to a Medicaid managed care 157414
organization for a participant. The amount shall be established as 157415
a percentage of each premium payment. The percentage shall be the 157416
same for all Medicaid managed care organizations providing care to 157417

participants. 157418

(2) Each Medicaid managed care organization shall agree to 157419
the withholding as a condition of receiving or maintaining its 157420
Medicaid provider agreement with the Department. 157421

(3) When the amount is established and each time the amount 157422
is modified thereafter, the Department shall certify the amount to 157423
the Director of Budget and Management and begin withholding the 157424
amount from each premium the Department pays to a Medicaid managed 157425
care organization for a participant. 157426

(E) The Director of Budget and Management shall transfer the 157427
amounts certified in accordance with division (D) of this section 157428
into the Managed Care Performance Payment Fund created under 157429
section 5162.60 of the Revised Code. The amounts transferred may 157430
be used to make performance payments to Medicaid managed care 157431
organizations providing care to participants in accordance with 157432
rules that may be adopted by the Medicaid Director under Chapter 157433
119. of the Revised Code. 157434

(F) A Medicaid managed care organization subject to this 157435
section is not subject to section 5167.30 of the Revised Code for 157436
premium payments attributed to participants during fiscal year 157437
2014 and fiscal year 2015. 157438

Section 323.310. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 157439
PAYMENT PROGRAM 157440

At the beginning of each quarter, or as soon as possible 157441
thereafter, the Medicaid Director may certify to the Director of 157442
Budget and Management the amount withheld in accordance with the 157443
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 157444
MANAGED CARE." On receipt of certification, the Director of Budget 157445
and Management shall transfer cash in the amount certified from 157446
the General Revenue Fund to the Managed Care Performance Payment 157447

Fund (Fund 5KW0). The transferred cash is hereby appropriated. 157448
Appropriation item 651525, Medicaid/Health Care Services, is 157449
hereby reduced by the amount of the transfer. 157450

Section 323.320. VENDOR COLLECTION OF PATIENT LIABILITY 157451

(A) As used in this section: 157452

"Medicaid waiver component" has the same meaning as in 157453
section 5166.01 of the Revised Code. 157454

"Patient liability" means the amount that 42 C.F.R. 435.735 157455
requires be reduced from a Medicaid payment for home and 157456
community-based services available under a Medicaid waiver 157457
component. 157458

(B) The Medicaid Director may contract with a person or 157459
government entity to collect patient liabilities for fiscal year 157460
2014 and fiscal year 2015. The Director may adopt rules under 157461
section 5166.02 of the Revised Code as necessary to implement this 157462
section. 157463

Section 323.330. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 157464

(A) As used in this section: 157465

"Federal poverty line" means the official poverty line 157466
defined by the United States Office of Management and Budget based 157467
on the most recent data available from the United States Bureau of 157468
the Census and revised by the United States Secretary of Health 157469
and Human Services pursuant to the "Omnibus Budget Reconciliation 157470
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 157471

"State plan home and community-based services" means home and 157472
community-based services that may be included in the Medicaid 157473
state plan pursuant to the "Social Security Act," section 1915(i), 157474
42 U.S.C. 1396n(i). 157475

(B) During fiscal year 2014 and fiscal year 2015, the 157476

Medicaid program may cover state plan home and community-based 157477
services for Medicaid recipients of any age who have behavioral 157478
health issues and countable incomes not exceeding one hundred 157479
fifty per cent of the federal poverty line. A Medicaid recipient 157480
is not required to undergo a level of care determination to be 157481
eligible for the state plan home and community-based services. 157482

The Medicaid Director may adopt rules under section 5164.02 157483
of the Revised Code as necessary to implement this section. 157484

Section 323.340. INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR 157485
INDIVIDUALS UNDER AGE 21 157486

(A) As used in this section: 157487

"Inpatient psychiatric hospital services for individuals 157488
under age 21" has the same meaning as in the "Social Security 157489
Act," section 1905(h), 42 U.S.C. 1396d(h). 157490

"Psychiatric residential treatment facility" has the same 157491
meaning as in 42 C.F.R. 483.352. 157492

(B) During fiscal year 2014 and fiscal year 2015, the 157493
Medicaid program may cover inpatient psychiatric hospital services 157494
for individuals under age 21 that are provided by psychiatric 157495
residential treatment facilities to Medicaid recipients to whom 157496
both of the following apply: 157497

(1) They are in the custody of the Department of Youth 157498
Services. 157499

(2) They have been identified as meeting a clinical criterion 157500
of serious emotional disturbance specified pursuant to division 157501
(C) of this section. 157502

(C) The Department of Youth Services, in collaboration with 157503
the Department of Medicaid and Department of Mental Health and 157504
Addiction Services, shall specify the clinical criterion of 157505
serious emotional disturbance to be used for the purpose of 157506

division (B)(2) of this section. 157507

Section 323.350. MCD COLLABORATION WITH DVS 157508

The Department of Medicaid may collaborate with the 157509
Department of Veterans Services to determine ways to improve the 157510
coordination of the services that the Departments make available 157511
to veterans in a manner that enhances veterans' receipt of the 157512
services. The Departments may implement, during fiscal year 2014 157513
and fiscal year 2015, initiatives that they determine during the 157514
collaboration will maximize the efficiency of the services and 157515
ensure that veterans' needs are met. 157516

Section 323.360. IMPROVED BIRTH OUTCOMES INITIATIVES 157517

(A) The Medicaid Director may develop and implement, during 157518
fiscal year 2014 and fiscal year 2015, initiatives designed to 157519
improve birth outcomes for Medicaid recipients, including 157520
improvements designed to do the following: 157521

(1) Reduce the number of preterm births; 157522

(2) Reduce Medicaid costs; 157523

(3) Improve the quality of Medicaid services. 157524

(B) In developing the initiatives, the Director may consult 157525
with experts in practice improvement, Medicaid managed care 157526
organizations, hospitals, and other types of Medicaid providers. 157527
The Director, Medicaid managed care organizations, and other types 157528
of Medicaid providers involved in the initiatives shall make 157529
information about the initiatives available on their web sites. 157530

Section 323.370. ABOLISHMENT OF THE PRESCRIPTION DRUG REBATES 157531
FUND 157532

On July 1, 2013, or as soon as possible thereafter, the 157533
Director of Budget and Management shall transfer the cash balance 157534

in the Prescription Drug Rebates Fund (Fund 5P50) to the Health 157535
Care/Medicaid Support and Recoveries Fund (Fund 5DL0). Upon 157536
completion of the transfer, Fund 5P50 is abolished. The Director 157537
shall cancel any existing encumbrances against appropriation item 157538
600692, Health Care/Medicaid Support - Drug Rebates, and 157539
reestablish them against appropriation item 651639, Medicaid 157540
Services - Recoveries. The re-established encumbrance amounts are 157541
hereby appropriated. 157542

All money that would have been deposited into the 157543
Prescription Drug Rebates Fund shall be deposited into the Health 157544
Care/Medicaid Support and Recoveries Fund during fiscal year 2014 157545
and fiscal year 2015. 157546

Section 323.380. ABOLISHMENT OF THE HEALTHCARE COMPLIANCE 157547
FUND 157548

On July 1, 2013, or as soon as possible thereafter, the 157549
Medicaid Director shall certify to the Director of Budget and 157550
Management, the cash balance related to managed care obligations 157551
in the Healthcare Compliance Fund (Fund 4Z10). The Director of 157552
Budget and Management shall transfer the amount certified from 157553
Fund 4Z10 to the Managed Care Performance Payment Fund (Fund 157554
5KW0). The Director shall cancel any existing encumbrances related 157555
to managed care obligations against appropriation item 600625, 157556
Healthcare Compliance, and re-establish them against appropriation 157557
item 651612, Managed Care Performance Payment. The re-established 157558
encumbrance amounts are hereby appropriated. 157559

After the cash relating to managed care obligations has been 157560
transferred, the Director of Budget and Management shall transfer 157561
the remaining cash balance in the Healthcare Compliance Fund (Fund 157562
4Z10) to the Health Care Services Administration Fund (Fund 5U30). 157563
Upon completion of the transfer, Fund 4Z10 is abolished. The 157564
Director shall cancel any remaining encumbrances against 157565

appropriation item 600625, Healthcare Compliance, and re-establish 157566
them against appropriation item 651654, Medicaid Program Support. 157567
The re-established encumbrance amounts are hereby appropriated. 157568

All money that would have been deposited into the Health Care 157569
Compliance Fund pursuant to division (B)(2) of former section 157570
5111.946 of the Revised Code shall be deposited into the Health 157571
Care Services Administration Fund during fiscal year 2014 and 157572
fiscal year 2015. 157573

Section 323.390. ABOLISHMENT OF THE ODJFS ADMINISTRATION AND 157574
OVERSIGHT FUND 157575

On July 1, 2013, or as soon as possible thereafter, the 157576
Director of Budget and Management shall transfer the cash balance 157577
in the ODJFS Administration and Oversight Fund (Fund 5S30) to the 157578
Health Care Services Administration Fund (Fund 5U30). Upon 157579
completion of the transfer, Fund 5S30 is abolished. The Director 157580
shall cancel any existing encumbrances against appropriation item 157581
600629, Healthcare Program and DDD Support, and re-establish them 157582
against appropriation item 651654, Medicaid Program Support. The 157583
re-established encumbrance amounts are hereby appropriated. 157584

Section 323.400. REFUNDS AND RECONCILIATION FUND 157585

The Refunds and Reconciliation Fund (Fund R055) shall be used 157586
to hold refund and reconciliation revenues until the appropriate 157587
fund is determined or until the revenues are directed to the 157588
appropriate governmental agency other than the Department of 157589
Medicaid. Any Medicaid refunds or reconciliations received or held 157590
by the Department of Job and Family Services shall be transferred 157591
or credited to this fund. If receipts credited to the Refunds and 157592
Reconciliation Fund exceed the amounts appropriated from the fund, 157593
the Medicaid Director may request the Director of Budget and 157594
Management to authorize expenditures from the fund in excess of 157595

the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 323.460. NO LOSS OF MEDICAID ELIGIBILITY BEFORE JANUARY 1, 2014

Notwithstanding the amendments by this act to sections 5101.18, 5111.01 (as renumbered as section 5162.03), and 5111.011 (as renumbered as section 5163.02) and the repeal by this act of sections 5111.014, 5111.015, 5111.0110, 5111.0111, 5111.0113, 5111.0115, 5111.0120, 5111.0121, 5111.0122, 5111.0123, 5111.0124, and 5111.0125 of the Revised Code, no individual eligible for Medicaid pursuant to those sections shall lose Medicaid eligibility before January 1, 2014, because of the amendments to, or repeal of, those sections. This section does not preclude an individual from losing Medicaid eligibility before January 1, 2014, if the individual would cease to be Medicaid eligible before that date for reasons unrelated to the amendments to, or repeal of, those sections. Unrelated reasons include acquiring income or assets exceeding eligibility limits and failure to comply with eligibility requirements.

Section 323.470. ALTERATIONS TO AND ELIMINATION OF OPTIONAL MEDICAID ELIGIBILITY GROUPS

The Medicaid Director may initiate, before January 1, 2014, the rule-making process to alter the eligibility requirements for, or to eliminate, one or more Medicaid optional eligibility groups or subgroups pursuant to section 5163.06 of the Revised Code. However, none of the rules may go into effect before that date.

Section 323.480. UPDATING AUTHORIZING STATUTE CITATIONS

As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that

is cited in the Ohio Administrative Code as the statute that 157625
 authorizes the adoption of a rule. 157626

The Medicaid Director is not required to amend any rule for 157627
 the sole purpose of updating the citation in the Ohio 157628
 Administrative Code to the rule's authorizing statute to reflect 157629
 that this act renumbers the authorizing statute or relocates it to 157630
 another Revised Code section. Such citations shall be updated as 157631
 the Director amends the rules for other purposes. 157632

Section 325.10. MED STATE MEDICAL BOARD 157633

General Services Fund Group 157634
 5C60 883609 Operating Expenses \$ 9,172,062 \$ 9,172,062 157635
 TOTAL GSF General Services 157636
 Fund Group \$ 9,172,062 \$ 9,172,062 157637
 TOTAL ALL BUDGET FUND GROUPS \$ 9,172,062 \$ 9,172,062 157638

Section 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 157640
SERVICES 157641

General Revenue Fund 157642
 GRF 333321 Central \$ 13,495,337 \$ 13,486,290 157643
 Administration
 GRF 333402 Resident Trainees \$ 450,000 \$ 450,000 157644
 GRF 333415 Lease-Rental Payments \$ 15,843,300 \$ 16,076,700 157645
 GRF 333416 Research Program \$ 321,998 \$ 321,998 157646
 Evaluation
 GRF 334412 Hospital Services \$ 190,514,437 \$ 190,514,437 157647
 GRF 334506 Court Costs \$ 784,210 \$ 784,210 157648
 GRF 335405 Family & Children \$ 1,386,000 \$ 1,386,000 157649
 First
 GRF 335406 Prevention and \$ 868,659 \$ 868,659 157650
 Wellness
 GRF 335421 Continuum of Care \$ 77,318,546 \$ 77,718,546 157651

| | | | | | | |
|-----------|--------|------------------------------------|----|-------------|----|--------------------|
| | | Services | | | | |
| GRF | 335422 | Criminal Justice | \$ | 4,917,898 | \$ | 4,917,898 157652 |
| | | Services | | | | |
| GRF | 335504 | Community Innovations | \$ | 1,500,000 | \$ | 1,500,000 157653 |
| GRF | 335506 | Residential State | \$ | 7,502,875 | \$ | 7,502,875 157654 |
| | | Supplement | | | | |
| GRF | 335507 | Community Behavioral | \$ | 47,500,000 | \$ | 47,500,000 157655 |
| | | Health | | | | |
| GRF | 652507 | Medicaid Support | \$ | 1,727,553 | \$ | 1,736,600 157656 |
| TOTAL GRF | | General Revenue Fund | \$ | 364,130,813 | \$ | 364,764,213 157657 |
| | | General Services Fund Group | | | | 157658 |
| 1490 | 333609 | Central Office | \$ | 1,343,190 | \$ | 1,343,190 157659 |
| | | Operating | | | | |
| 5T90 | 333641 | Problem Gambling | \$ | 60,000 | \$ | 60,000 157660 |
| | | Services - | | | | |
| | | Administration | | | | |
| 1490 | 334609 | Hospital - Operating | \$ | 28,190,000 | \$ | 28,190,000 157661 |
| | | Expenses | | | | |
| 1500 | 334620 | Special Education | \$ | 150,000 | \$ | 150,000 157662 |
| 4P90 | 335604 | Community Mental | \$ | 250,000 | \$ | 250,000 157663 |
| | | Health Projects | | | | |
| 5T90 | 335641 | Problem Gambling | \$ | 275,000 | \$ | 275,000 157664 |
| | | Services | | | | |
| 1510 | 336601 | Office of Support | \$ | 115,000,000 | \$ | 115,000,000 157665 |
| | | Services | | | | |
| TOTAL GSF | | General Services Fund | \$ | 145,268,190 | \$ | 145,268,190 157666 |
| | | Group | | | | |
| | | Federal Special Revenue Fund Group | | | | 157667 |
| 3240 | 333605 | Medicaid/Medicare - | \$ | 154,500 | \$ | 154,500 157668 |
| | | Refunds | | | | |
| 3A60 | 333608 | Federal Miscellaneous | \$ | 140,000 | \$ | 140,000 157669 |
| | | - Administration | | | | |

| | | | | | | | |
|------|--------|---|----|------------|----|------------|--------|
| 3A70 | 333612 | Social Services Block
Grant -
Administration | \$ | 50,000 | \$ | 50,000 | 157670 |
| 3A80 | 333613 | Federal Grants -
Administration | \$ | 4,717,000 | \$ | 4,717,000 | 157671 |
| 3A90 | 333614 | Mental Health Block
Grant -
Administration | \$ | 748,470 | \$ | 748,470 | 157672 |
| 3G40 | 333618 | Substance Abuse Block
Grant- Administration | \$ | 3,307,789 | \$ | 3,307,789 | 157673 |
| 3H80 | 333606 | Demonstration Grants
- Administration | \$ | 3,237,574 | \$ | 3,237,574 | 157674 |
| 3N80 | 333639 | Administrative
Reimbursement | \$ | 300,000 | \$ | 300,000 | 157675 |
| 3240 | 334605 | Medicaid/Medicare -
Hospitals | \$ | 28,200,000 | \$ | 28,200,000 | 157676 |
| 3A60 | 334608 | Federal Miscellaneous
- Hospitals | \$ | 200,000 | \$ | 200,000 | 157677 |
| 3A80 | 334613 | Federal Letter of
Credit | \$ | 200,000 | \$ | 200,000 | 157678 |
| 3A60 | 335608 | Federal Miscellaneous | \$ | 2,170,000 | \$ | 2,170,000 | 157679 |
| 3A70 | 335612 | Social Services Block
Grant | \$ | 8,400,000 | \$ | 8,400,000 | 157680 |
| 3A80 | 335613 | Federal Grant -
Community Mental
Health Board Subsidy | \$ | 2,500,000 | \$ | 2,500,000 | 157681 |
| 3A90 | 335614 | Mental Health Block
Grant | \$ | 14,200,000 | \$ | 14,200,000 | 157682 |
| 3FR0 | 335638 | Race to the Top -
Early Learning
Challenge Grant | \$ | 1,164,000 | \$ | 1,164,000 | 157683 |
| 3G40 | 335618 | Substance Abuse Block
Grant | \$ | 62,542,003 | \$ | 62,557,967 | 157684 |

| | | | | | | | |
|----------------------------------|-------------------------|---|----|-------------|----|-------------|--------|
| 3H80 | 335606 | Demonstration Grants | \$ | 5,428,006 | \$ | 5,428,006 | 157685 |
| 3B10 | 652635 | Community Medicaid
Legacy Costs | \$ | 5,000,000 | \$ | 0 | 157686 |
| 3B10 | 652636 | Community Medicaid
Legacy Support | \$ | 7,000,000 | \$ | 7,000,000 | 157687 |
| 3J80 | 652609 | Medicaid Legacy Costs
Support | \$ | 3,000,000 | \$ | 0 | 157688 |
| TOTAL FED | Federal Special Revenue | | \$ | 152,659,342 | \$ | 144,675,306 | 157689 |
| Fund Group | | | | | | | |
| State Special Revenue Fund Group | | | | | | | 157690 |
| 2320 | 333621 | Family and Children
First Administration | \$ | 400,000 | \$ | 400,000 | 157691 |
| 4750 | 333623 | Statewide Treatment
and Prevention -
Administration | \$ | 5,490,667 | \$ | 5,490,667 | 157692 |
| 4850 | 333632 | Mental Health
Operating - Refunds | \$ | 134,233 | \$ | 134,233 | 157693 |
| 5JL0 | 333629 | Problem Gambling and
Casino Addictions -
Administration | \$ | 1,361,592 | \$ | 1,361,592 | 157694 |
| 5V20 | 333611 | Non-Federal
Miscellaneous | \$ | 100,000 | \$ | 100,000 | 157695 |
| 6890 | 333640 | Education and
Conferences | \$ | 150,000 | \$ | 150,000 | 157696 |
| 4850 | 334632 | Mental Health
Operating - Hospitals | \$ | 2,477,500 | \$ | 2,477,500 | 157697 |
| 4750 | 335623 | Statewide Treatment
and Prevention | \$ | 10,059,333 | \$ | 10,059,333 | 157698 |
| 5AU0 | 335615 | Behavioral Health Care | \$ | 6,690,000 | \$ | 6,690,000 | 157699 |
| 5JL0 | 335629 | Problem Gambling and
Casino Addictions | \$ | 4,084,772 | | 4,084,772 | 157700 |
| 6320 | 335616 | Community Capital
Replacement | \$ | 350,000 | \$ | 350,000 | 157701 |

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|---------------------------------|----|-------------|----|-------------|--------|
| TOTAL SSR State Special Revenue | \$ | 31,298,097 | \$ | 31,298,097 | 157702 |
| Fund Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 693,356,442 | \$ | 686,005,806 | 157703 |

Section 327.20. TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 157705
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Notwithstanding Chapters 340., 3793., 5119., and 5122. of the Revised Code, and any other provision of law to the contrary, on July 1, 2013, there is hereby created the Department of Mental Health and Addiction Services, which shall be administered by the Director of Mental Health and Addiction Services. The Director of Mental Health and Addiction Services shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office during the term of the appointing Governor, and is subject to removal at the pleasure of the Governor. The Director of Mental Health and Addiction Services is the executive head of the Department of Mental Health and Addiction Services. The Department of Alcohol and Drug Addiction Services and the Department of Mental Health shall be consolidated into the single Department of Mental Health and Addiction Services. All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services are transferred to the Department of Mental Health and Addiction Services. The Department of Mental Health and Addiction Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Department of Alcohol and Drug Addiction Services and the Department of Mental Health. The Director of Mental Health and Addiction Services assumes all of the duties, authorities, and responsibilities of the Director of Alcohol and Drug Addiction Services and the Director of Mental Health. Any action, license, or certification that was undertaken or issued by the Director of Alcohol and Drug Addiction Services or the Director of Mental

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Health that is current and valid on the effective date of the 157734
consolidation is deemed to be an action, license, or certification 157735
undertaken or issued by the Department of Mental Health and 157736
Addiction Services under the statute creating that Department. 157737

Any business commenced but not completed by July 1, 2013, by 157738
the Department of Mental Health or the Department of Alcohol and 157739
Drug Addiction Services shall be completed by the Department of 157740
Mental Health and Addiction Services. The business shall be 157741
completed in the same manner, and with the same effect, as if 157742
completed by the Department of Mental Health or by the Department 157743
of Alcohol and Drug Addiction Services prior to July 1, 2013. 157744

No validation, cure, right, privilege, remedy, obligation, or 157745
liability is lost or impaired by reason of this act's transfer of 157746
responsibility from the Department of Mental Health and the 157747
Department of Alcohol and Drug Addiction Services to the 157748
Department of Mental Health and Addiction Services. Each such 157749
validation, cure, right, remedy, obligation, or liability shall be 157750
administered by the Department of Mental Health and Addiction 157751
Services pursuant to the statute creating that department. 157752

All rules, orders, and determinations made or undertaken 157753
pursuant to the authority and responsibilities of the Department 157754
of Mental Health and the Department of Alcohol and Drug Addiction 157755
Services prior to July 1, 2013, shall continue in effect as rules, 157756
orders, and determinations of the Department of Mental Health and 157757
Addiction Services until modified or rescinded by the Department 157758
of Mental Health and Addiction Services. If necessary to ensure 157759
the integrity of the numbering system of the Administrative Code, 157760
the Director of the Legislative Service Commission shall renumber 157761
the rules to reflect the transfer of authority and responsibility 157762
to the Department of Mental Health and Addiction Services. 157763

Any action or proceeding that is related to the functions or 157764
duties of the Department of Mental Health or the Department of 157765

Alcohol and Drug Addiction Services pending on July 1, 2013, is 157766
not affected by the transfer of responsibility to the Department 157767
of Mental Health and Addiction Services and shall be prosecuted or 157768
defended in the name of the Department of Mental Health and 157769
Addiction Services. In all such actions and proceedings, the 157770
Department of Mental Health and Addiction Services, on application 157771
to the court, shall be substituted as a party. 157772

It is the intention of the Department of Mental Health and 157773
Addiction Services that community subsidies allocated or 157774
distributed by the department will be used to fund mental health 157775
and addiction services in largely the same proportion that such 157776
services were funded when allocated or distributed as separate 157777
funding streams through the separate Department of Mental Health 157778
or Department of Alcohol and Drug Addiction Services. 157779

All employees of the Department of Mental Health and the 157780
Department of Alcohol and Drug Addiction Services shall be 157781
employees of the Department of Mental Health and Addiction 157782
Services and shall serve in the positions previously held within 157783
their respective agencies unless the Department of Mental Health 157784
and Addiction Services determines otherwise. The merger of 157785
Department of Mental Health and Department of Alcohol and Drug 157786
Addiction Services shall not be deemed a transfer of employees 157787
pursuant to division (D)(3)(b) of section 124.11 of the Revised 157788
Code. Any unclassified employee of the Department of Mental Health 157789
and Addiction Services who held a right to resume a position 157790
within the classified service of his or her previous respective 157791
agency of the Department of Mental Health or the Department of 157792
Alcohol and Drug Addiction Services shall retain such a right 157793
subject to section 5119.18 of the Revised Code as may be amended. 157794

On July 1, 2013, or as soon as possible thereafter, 157795
notwithstanding any provision of law to the contrary, and if 157796
requested by the Department of Mental Health and Addiction 157797

Services, the Director of Budget and Management shall make budget 157798
changes made necessary by the consolidation, if any, including 157799
administrative organization, program transfers, the creation of 157800
new funds, the transfer of state funds, and the consolidation of 157801
funds, as authorized by this section. The Director of Budget and 157802
Management may make any transfer of cash balances between funds. 157803

On July 1, 2013, or as soon as possible thereafter, the 157804
Director of Mental Health and Addiction Services shall certify to 157805
the Director of Budget and Management all encumbrances held by the 157806
Department of Mental Health and the Department of Alcohol and Drug 157807
Addiction Services, and specify which of those encumbrances are 157808
requested to be transferred to the Department of Mental Health and 157809
Addiction Services. The Director of Budget and Management may 157810
cancel any existing encumbrances as certified by the Director of 157811
Mental Health and Addiction Services and re-establish them in the 157812
new agency. The re-established encumbrance amounts are hereby 157813
appropriated. Any business commenced but not completed with regard 157814
to the encumbrances certified shall be completed by the Department 157815
of Mental Health and Addiction Services in the same manner and 157816
with the same effect as if it were completed by the Department of 157817
Mental Health or the Department of Alcohol and Drug Addiction 157818
Services. 157819

Not later than 30 days after the transfer and consolidation 157820
of the operations and related management functions of the 157821
Department of Mental Health and the Department of Alcohol and Drug 157822
Addiction Services to the Department of Mental Health and 157823
Addiction Services, an authorized officer of the former Department 157824
of Mental Health and the former Department of Alcohol and Drug 157825
Addiction Services shall certify to the Director of Mental Health 157826
and Addiction Services the unexpended balance and location of any 157827
funds and accounts designated for building and facility operation 157828
and management functions, and the custody of such funds and 157829

accounts shall be transferred to the Department of Mental Health and Addiction Services.

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Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 038616, Problem Gambling Services, and re-establish them against appropriation items 333641, Problem Gambling Services - Administration, and 335641, Problem Gambling Services. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 038616 by July 1, 2013, shall be completed under appropriation items 333641 and 335641 in the same manner and with the same effect as if it were completed with regard to appropriation item 038616.

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Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 038614, Substance Abuse Block Grant, and re-establish them against appropriation items 333618, Substance Abuse Block Grant - Administration, and 335618, Substance Abuse Block Grant. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 038614 by July 1, 2013, shall be completed under appropriation items 333618 and 335618 in the same manner and with the same effect as if it were completed with regard to appropriation item 038614.

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Effective July 1, 2013, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 038609, Demonstration Grants, and re-establish them against appropriation items 333606, Demonstration Grants - Administration, and 335606, Demonstration Grants. The re-established encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 038609 by July 1, 2013, shall be completed under appropriation items 333606 and 335606 in the

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same manner and with the same effect as if it were completed with 157862
regard to appropriation item 038609. 157863

Effective July 1, 2013, the Director of Budget and Management 157864
shall cancel any existing encumbrances against appropriation item 157865
038621, Statewide Treatment and Prevention, and re-establish them 157866
against appropriation items 333623, Statewide Treatment and 157867
Prevention - Administration, and 335623, Statewide Treatment and 157868
Prevention. The re-established encumbrance amounts are hereby 157869
appropriated. Any business commenced but not completed under 157870
appropriation item 038621 by July 1, 2013, shall be completed 157871
under appropriation items 333623 and 335623 in the same manner and 157872
with the same effect as if it were completed with regard to 157873
appropriation item 038621. 157874

Effective July 1, 2013, the Director of Budget and Management 157875
shall cancel any existing encumbrances against appropriation item 157876
038629, Problem Gambling and Casino Addictions, and re-establish 157877
them against appropriation items 333629, Problem Gambling and 157878
Casino Addictions - Administration, and 335629, Problem Gambling 157879
and Casino Addictions. The re-established encumbrance amounts are 157880
hereby appropriated. Any business commenced but not completed 157881
under appropriation item 038629 by July 1, 2013, shall be 157882
completed under appropriation items 333629 and 335629 in the same 157883
manner and with the same effect as if it were completed with 157884
regard to appropriation item 038629. 157885

Effective July 1, 2013, the Director of Budget and Management 157886
shall cancel any existing encumbrances against appropriation item 157887
038611, Administrative Reimbursement, and re-establish them 157888
against appropriation item 333639, Administrative Reimbursement. 157889
The re-established encumbrance amounts are hereby appropriated. 157890
Any business commenced but not completed under appropriation item 157891
038611 by July 1, 2013, shall be completed under appropriation 157892
item 333639 in the same manner and with the same effect as if it 157893

were completed with regard to appropriation item 038611. 157894

Effective July 1, 2013, the Director of Budget and Management 157895
shall cancel any existing encumbrances against appropriation item 157896
335635, Community Medicaid Expansion, and re-establish them 157897
against appropriation item 652635, Community Medicaid Legacy 157898
Costs. The re-established encumbrance amounts are hereby 157899
appropriated. Any business commenced but not completed under 157900
appropriation item 335635 by July 1, 2013, shall be completed 157901
under appropriation item 652635 in the same manner and with the 157902
same effect as if it were completed with regard to appropriation 157903
item 335635. 157904

Effective July 1, 2013, the Director of Budget and Management 157905
shall cancel any existing encumbrances against appropriation item 157906
333635, Community Medicaid Expansion, and re-establish them 157907
against appropriation item 652636, Community Medicaid Legacy 157908
Support. The re-established encumbrance amounts are hereby 157909
appropriated. Any business commenced but not completed under 157910
appropriation item 333635 by July 1, 2013, shall be completed 157911
under appropriation item 652636 in the same manner and with the 157912
same effect as if it were completed with regard to appropriation 157913
item 333635. 157914

Effective July 1, 2013, the Director of Budget and Management 157915
shall cancel any existing encumbrances against appropriation item 157916
038610, Medicaid, and re-establish them against appropriation item 157917
652609, Medicaid Legacy Costs Support. The re-established 157918
encumbrance amounts are hereby appropriated. Any business 157919
commenced but not completed under appropriation item 038610 by 157920
July 1, 2013, shall be completed under appropriation item 652609 157921
in the same manner and with the same effect as if it were 157922
completed with regard to appropriation item 038610. 157923

Effective July 1, 2013, the Director of Budget and Management 157924
shall cancel any existing encumbrances against appropriation item 157925

038604, Education and Conferences, and re-establish them against 157926
appropriation item 333640, Education and Conferences. The 157927
re-established encumbrance amounts are hereby appropriated. Any 157928
business commenced but not completed under appropriation item 157929
038604 by July 1, 2013, shall be completed under appropriation 157930
item 333640 in the same manner and with the same effect as if it 157931
were completed with regard to appropriation item 038604. 157932

Effective July 1, 2013, the Director of Budget and Management 157933
shall cancel any existing encumbrances against appropriation item 157934
038401, Treatment Services, and re-establish them against 157935
appropriation items 335421, Continuum of Care Services, 335422, 157936
Criminal Justice Services, and 335406, Prevention and Wellness. 157937
The re-established encumbrance amounts are hereby appropriated. 157938
Any business commenced but not completed under appropriation item 157939
038401 by July 1, 2013, shall be completed under appropriation 157940
items 335421, 335422, and 335406 in the same manner and with the 157941
same effect as if it were completed with regard to appropriation 157942
item 038401. 157943

Effective July 1, 2013, the Director of Budget and Management 157944
shall cancel any existing encumbrances against appropriation item 157945
335419, Community Medication Subsidy, and re-establish them 157946
against appropriation item 335421, Continuum of Care Services. The 157947
re-established encumbrance amounts are hereby appropriated. Any 157948
business commenced but not completed under appropriation item 157949
335419 by July 1, 2013, shall be completed under appropriation 157950
item 335421 in the same manner and with the same effect as if it 157951
were completed with regard to appropriation item 335419. 157952

Effective July 1, 2013, the Director of Budget and Management 157953
shall cancel any existing encumbrances against appropriation item 157954
335505, Local Mental Health Systems of Care, and re-establish them 157955
against appropriation item 335421, Continuum of Care Services. The 157956
re-established encumbrance amounts are hereby appropriated. Any 157957

business commenced but not completed under appropriation item 157958
335505 by July 1, 2013, shall be completed under appropriation 157959
item 335421 in the same manner and with the same effect as if it 157960
were completed with regard to appropriation item 335505. 157961

Effective July 1, 2013, the Director of Budget and Management 157962
shall cancel any existing encumbrances against appropriation item 157963
332401, Forensic Services, and re-establish them against 157964
appropriation item 335422, Criminal Justice Services. The 157965
re-established encumbrance amounts are hereby appropriated. Any 157966
business commenced but not completed under appropriation item 157967
332401 by July 1, 2013, shall be completed under appropriation 157968
item 335422 in the same manner and with the same effect as if it 157969
were completed with regard to appropriation item 332401. 157970

Effective July 1, 2013, the Director of Budget and Management 157971
shall cancel any existing encumbrances against appropriation item 157972
333403, Pre-Admission Screening Expenses, and re-establish them 157973
against appropriation item 652507, Medicaid Support. The 157974
re-established encumbrance amounts are hereby appropriated. Any 157975
business commenced but not completed under appropriation item 157976
333403 by July 1, 2013, shall be completed under appropriation 157977
item 652507 in the same manner and with the same effect as if it 157978
were completed with regard to appropriation item 333403. 157979

Effective July 1, 2013, the Director of Budget and Management 157980
shall cancel any existing encumbrances against appropriation item 157981
038900, Indigent Drivers Alcohol Treatment, and re-establish them 157982
against appropriation item 335900, Indigent Drivers Alcohol 157983
Treatment. The re-established encumbrance amounts are hereby 157984
appropriated. Any business commenced but not completed under 157985
appropriation item 038900 by July 1, 2013, shall be completed 157986
under appropriation item 335900 in the same manner and with the 157987
same effect as if it were completed with regard to appropriation 157988
item 038900. 157989

Effective July 1, 2013, the Director of Budget and Management 157990
shall cancel any existing encumbrances against appropriation item 157991
038404, Prevention Services, and re-establish them against 157992
appropriation item 335406, Prevention and Wellness. The 157993
re-established encumbrance amounts are hereby appropriated. Any 157994
business commenced but not completed under appropriation item 157995
038404 by July 1, 2013, shall be completed under appropriation 157996
item 335406 in the same manner and with the same effect as if it 157997
were completed with regard to appropriation item 038404. 157998

Section 327.20.10. Effective July 1, 2013, the Director of 157999
Mental Health and Addiction Services, with respect to all mental 158000
health and addiction facilities and services established and 158001
operated or provided under Chapter 340. of the Revised Code shall 158002
do all of the following: 158003

(A) To the extent the Director determines necessary, and 158004
after consultation with the boards of alcohol, drug addiction, and 158005
mental health services, develop and operate, or contract for the 158006
operation of, a community behavioral health information system or 158007
systems, and shall specify the information that must be provided 158008
by boards of alcohol, drug addiction, and mental health services 158009
for inclusion in the system or systems, which may include 158010
information on services provided in whole or in part under 158011
contract with a board, financial information regarding 158012
expenditures of federal, state, or local funds by boards, and 158013
information about persons served under contract with a board. 158014

(B)(1) Receive and review each board's community mental 158015
health and addiction services plan, budget, and statement of 158016
services to be made available, and approve or disapprove the plan, 158017
budget, and statement of services in whole or in part. 158018

(2) The Department may withhold all or part of the funds 158019
allocated to a board if it disapproves all or part of a plan, 158020

budget, or statement of service. 158021

(3) Prior to a final decision to disapprove a plan, budget, 158022
or statement of services, or to withhold funds from a board, a 158023
representative of the Director shall meet with the board to 158024
discuss the reasons for the action and any corrective action that 158025
should be taken to make the plan, budget, or statement of services 158026
acceptable, and give the board a reasonable time in which to 158027
revise the plan, budget, or statement of services. 158028

(C) Establish procedures for the review of plans, budgets, 158029
and statements of services, and a timetable for submission and 158030
review. Boards of alcohol, drug addiction, and mental health 158031
services shall submit to the Department of Mental Health and 158032
Addiction Services the information, plans, budgets, and statements 158033
of services described above in accordance with the guidance or 158034
directives of the Department or Director. After notifying and 158035
consulting with relevant constituents, the Department of Mental 158036
Health and Addiction Services shall establish a methodology for 158037
allocating to boards of alcohol, drug addiction, and mental health 158038
services the funds appropriated by the General Assembly to the 158039
Department for the purpose of local mental health and addiction 158040
services continuums of care. Subject to existing provisions of law 158041
that permit the Director to withhold funds from boards of alcohol, 158042
drug addiction, and mental health services for failure to comply 158043
with applicable sections of law, or for discriminating in making 158044
services available, and subject to a board's submission and 158045
approval of the required plan, budget, and statement of services 158046
described above, the Department shall allocate the funds to the 158047
boards in a manner consistent with the methodology and state and 158048
federal laws, rules, and regulations. 158049

Portions of appropriation items 333609, Central Office 158050
Operating, 333606, Demonstration Grants - Administration, 333612, 158051
Social Services Block Grant - Administration, 333613, Federal 158052

Grants - Administration, 333614, Mental Health Block Grant - 158053
Administration, 333618, Substance Abuse Block Grant - 158054
Administration, 333623, Statewide Treatment and Prevention - 158055
Administration, 333629, Problem Gambling and Casino Addictions - 158056
Administration, 333608, Federal Miscellaneous - Administration, 158057
333641, Problem Gambling Services - Administration, 335406, 158058
Prevention and Wellness, 335421, Continuum of Care Services, 158059
335422, Criminal Justice Services, 335604, Community Mental Health 158060
Projects, 335606, Demonstration Grants, 335612, Social Services 158061
Block Grant, 335613, Federal Grant - Community Mental Health 158062
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 158063
Health Care, 335618, Substance Abuse Block Grant, 335623, 158064
Statewide Treatment and Prevention, 335629, Problem Gambling and 158065
Casino Addictions, 335638, Race to the Top - Early Learning 158066
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 158067
may be used to pay for the Department and board functions 158068
enumerated above. 158069

Section 327.20.20. (A) Effective July 1, 2013, all records 158070
and reports, other than court journal entries or court docket 158071
entries, identifying a person and pertaining to the person's 158072
mental health condition, assessment, provision of care or 158073
treatment, or payment for assessment, care, or treatment that are 158074
maintained in connection with any services certified by the 158075
Department of Mental Health and Addiction Services, or any 158076
hospitals or facilities licensed or operated by the Department, 158077
shall be kept confidential and shall not be disclosed by any 158078
person, with the following exceptions: 158079

(1) If the person identified, or the person's legal guardian, 158080
if any, or if the person is a minor, the person's parent or legal 158081
guardian, consents. 158082

(2) When disclosure is provided for in Chapters 340., 5119., 158083

or 5122., or in Title 47 of the Revised Code. 158084

(3) Hospitals, boards of alcohol, drug addiction, and mental 158085
health services, licensed facilities, and community mental health 158086
services providers may release necessary information to insurers 158087
and other third-party payers, including government entities 158088
responsible for processing and authorizing payment, to obtain 158089
payment for goods and services furnished to the person. 158090

(4) Pursuant to a court order signed by a judge; 158091

(5) A person shall be granted access to the person's own 158092
psychiatric and medical records unless access specifically is 158093
restricted in a person's treatment plan for clear treatment 158094
reasons. 158095

(6) The Department of Mental Health and Addiction Services 158096
may exchange psychiatric records and other pertinent information 158097
with community mental health services providers and boards of 158098
alcohol, drug addiction, and mental health services relating to 158099
the person's care or services. Records and information that may be 158100
exchanged pursuant to this division shall be limited to medication 158101
history, physical health status and history, financial status, 158102
summary of course of treatment, summary of treatment needs, and a 158103
discharge summary, if any. 158104

(7) The Department of Mental Health and Addiction Services, 158105
hospitals, and community providers operated by the Department, 158106
hospitals licensed by the Department under section 5119.20 158107
(5119.33) of the Revised Code and community mental health services 158108
providers may exchange psychiatric records and other pertinent 158109
information with payers and other providers of treatment and 158110
health services if the purpose of the exchange is to facilitate 158111
continuity of care for the person or for the emergency treatment 158112
of the person. 158113

(8) The Department of Mental Health and Addiction Services 158114

and community mental health services providers may exchange 158115
psychiatric records and other pertinent information with boards of 158116
alcohol, drug addiction, and mental health services for purposes 158117
of any board function set forth in Chapter 340. of the Revised 158118
Code. Boards of alcohol, drug addiction, and mental health 158119
services shall not access or use any personal information from the 158120
Department or providers except as required or permitted by this 158121
section, or Chapters 340. and 5122. of the Revised Code for 158122
purposes related to payment, care coordination, health care 158123
operations, program and service evaluation, reporting activities, 158124
research, system administration, oversight, or other authorized 158125
purposes. 158126

(9) A person's family member who is involved in the 158127
provision, planning, and monitoring of services to the person may 158128
receive medication information, a summary of the person's 158129
diagnosis and prognosis, and a list of the services and personnel 158130
available to assist the person and the person's family, if the 158131
person's treatment provider determines that the disclosure would 158132
be in the best interests of the person. No such disclosure shall 158133
be made unless the person is notified first and receives the 158134
information and does not object to the disclosure. 158135

(10) Community mental health services providers may exchange 158136
psychiatric records and certain other information with the board 158137
of alcohol, drug addiction, and mental health services and other 158138
providers in order to provide services to a person involuntarily 158139
committed to a board. Release of records under this division shall 158140
be limited to medication history, physical health status and 158141
history, financial status, summary of course of treatment, summary 158142
of treatment needs, and discharge summary, if any. 158143

(11) Information may be disclosed to the executor or the 158144
administrator of an estate of a deceased person when the 158145
information is necessary to administer the estate. 158146

(12) Information may be disclosed to staff members of the 158147
appropriate board or to staff members designated by the Director 158148
of Mental Health and Addiction Services for the purpose of 158149
evaluating the quality, effectiveness, and efficiency of services 158150
and determining if the services meet minimum standards. 158151
Information obtained during such evaluations shall not be retained 158152
with the name of any person. 158153

(13) Records pertaining to the person's diagnosis, course of 158154
treatment, treatment needs, and prognosis shall be disclosed and 158155
released to the appropriate prosecuting attorney if the person was 158156
committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, 158157
or 2945.402 of the Revised Code, or to the attorney designated by 158158
the board for proceedings pursuant to involuntary commitment under 158159
Chapter 5122. of the Revised Code. 158160

(14) The Department of Mental Health and Addiction Services 158161
may exchange psychiatric hospitalization records, other mental 158162
health treatment records, and other pertinent information with the 158163
Department of Rehabilitation and Correction and with the 158164
Department of Youth Services to ensure continuity of care for 158165
inmates and offenders who are receiving mental health services in 158166
an institution of the Department of Rehabilitation and Correction 158167
or the Department of Youth Services and may exchange psychiatric 158168
hospitalization records, other mental health treatment records, 158169
and other pertinent information with boards of alcohol, drug 158170
addiction, and mental health services and community mental health 158171
services providers to ensure continuity of care for inmates or 158172
offenders who are receiving mental health services in an 158173
institution and are scheduled for release within six months. The 158174
release of records under this division is limited to records 158175
regarding an inmate's or offender's medication history, physical 158176
health status and history, summary of course of treatment, summary 158177
of treatment needs, and a discharge summary, if any. 158178

(15) A community mental health services provider that ceases 158179
to operate may transfer to either a community mental health 158180
services provider that assumes its caseload or to the board of 158181
alcohol, drug addiction, and mental health services of the service 158182
district in which the person resided at the time services were 158183
most recently provided any treatment records that have not been 158184
transferred elsewhere at the person's request. 158185

(B) Before records are disclosed pursuant to divisions 158186
(A)(3), (6), or (10) of this section, the custodian of the records 158187
shall attempt to obtain the consent of the person in question for 158188
the disclosure. 158189

(C) No person shall reveal the content of a medical record of 158190
a person except as authorized by the law. 158191

(D) Portions of appropriation items 333321, Central 158192
Administration, 333416, Research Program Evaluation, 333605, 158193
Medicaid/Medicare - Refunds, 333606, Demonstration Grants - 158194
Administration, 333608, Federal Miscellaneous - Administration, 158195
333609, Central Office Opening, 333611, Non-Federal Miscellaneous, 158196
333612, Social Services Block Grant - Administration, 333613, 158197
Federal Grants - Administration, 333614, Mental Health Block Grant 158198
- Administration, 333618, Substance Abuse Block Grant - 158199
Administration, 333621, Family and Children First Administration, 158200
333623, Statewide Treatment and Prevention - Administration, 158201
333629, Problem Gambling and Casino Addictions - Administration, 158202
333632, Mental Health Operating - Refunds, 333608, Federal 158203
Miscellaneous - Administration, 333640, Education and Conferences, 158204
333641, Problem Gambling Services - Administration, 333639, 158205
Administrative Reimbursement, 334605, Medicaid/Medicare - 158206
Hospitals, 334608, Federal Miscellaneous - Hospitals, 334609, 158207
Hospital - Operating Expenses, 334613, Federal Letter of Credit, 158208
334620, Special Education, 334632, Mental Health Operating - 158209
Hospitals, 335405, Family and Children First, 335406, Prevention 158210

and Wellness, 335421, Continuum of Care Services, 335422, Criminal 158211
Justice Services, 335604, Community Mental Health Projects, 158212
335506, Residential State Supplement, 335608, Federal 158213
Miscellaneous, 335606, Demonstration Grants, 335612, Social 158214
Services Block Grant, 335613, Federal Grant - Community Mental 158215
Health Subsidy, 335614, Mental Health Block Grant, 335615, 158216
Behavioral Health Care, 335618, Substance Abuse Block Grant, 158217
335623, Statewide Treatment and Prevention, 335629, Problem 158218
Gambling and Casino Addictions, 335638, Race to the Top - Early 158219
Learning Challenge Grant, 335900, Indigent Drivers Alcohol 158220
Treatment, 336601, Office of Support Services, 652609, Medicaid 158221
Legacy Costs Support, 652635, Community Medicaid Legacy Costs, and 158222
652636, Community Medicaid Legacy Support, may be used to pay for 158223
the Department and community mental health system functions that 158224
operate under the confidentiality provisions enumerated above. 158225

Section 327.20.30. Effective July 1, 2013, the Director of 158226
Mental Health and Addiction Services may adopt rules pursuant to 158227
Chapter 119. of the Revised Code governing licensure and operation 158228
of residential facilities, that include procedures for conducting 158229
criminal records checks for operators, employees, and volunteers 158230
who have direct access to facility residents. 158231

Portions of appropriation items 334506, Court Costs, 335406, 158232
Prevention and Wellness, 335421, Continuum of Care Services, 158233
335614, Mental Health Block Grant, 335506, Residential State 158234
Supplement, 335615, Behavioral Health Care, 335618, Substance 158235
Abuse Block Grant, 335623, Statewide Treatment and Prevention, and 158236
335900, Indigent Drivers Alcohol Treatment, may be used to pay for 158237
these regulated activities. 158238

Section 327.20.40. Effective July 1, 2013, to the extent 158239
funds are available and on application of boards of alcohol, drug 158240
addiction, and mental health services, the Director of Mental 158241

Health and Addiction Services may approve state reimbursement of, 158242
or state grants for, community construction programs, including 158243
residential housing for severely mentally disabled persons and 158244
persons with substance use disorders. The Director may also 158245
approve an application for reimbursement or a grant for such 158246
programs submitted by other governmental entities or by private, 158247
nonprofit organizations after the board of alcohol, drug 158248
addiction, and mental health services has reviewed and approved 158249
the application and the application is consistent with the plan, 158250
budget, and statement of services submitted to and approved by the 158251
Department. The Director shall adopt rules in accordance with 158252
Chapter 119. of the Revised Code that specify procedures for 158253
applying for state reimbursement and for state grants for 158254
community construction programs, including residential housing for 158255
severely mentally disabled persons and persons with substance use 158256
disorders. 158257

Portions of appropriation item 335616, Community Capital 158258
Replacement, may be used to pay for the Department functions 158259
enumerated above. 158260

Section 327.20.50. Effective July 1, 2013, the Department of 158261
Mental Health and Addiction Services shall collect information 158262
about services delivered and persons served as required for 158263
reporting and evaluation relating to state and federal funds 158264
expended for such purposes. No alcohol, drug addiction, or mental 158265
health program, agency, or services provider shall fail to supply 158266
statistics or other information within its knowledge and with 158267
respect to its programs or services upon the request of the 158268
department. 158269

Portions of appropriation items 333321, Central 158270
Administration, 333609 Central Office Operating, 333606, 158271
Demonstration Grants - Administration, 333612, Social Services 158272

Block Grant - Administration, 333613, Federal Grants - 158273
Administration, 333614, Mental Health Block Grant - 158274
Administration, 333618, Substance Abuse Block Grant - 158275
Administration, 333623, Statewide Treatment and Prevention - 158276
Administration, 333629, Problem Gambling and Casino Addictions - 158277
Administration, 333608, Federal Miscellaneous - Administration, 158278
333641, Problem Gambling Services - Administration, 335406, 158279
Prevention and Wellness, 335421, Continuum of Care Services, 158280
335422, Criminal Justice Services, 335604, Community Mental Health 158281
Projects, 335606, Demonstration Grants, 335612, Social Services 158282
Block Grant, 335613, Federal Grant - Community Mental Health 158283
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 158284
Health Care, 335618, Substance Abuse Block Grant, 335623, 158285
Statewide Treatment and Prevention, 335629, Problem Gambling and 158286
Casino Addictions, 335638, Race to the Top - Early Learning 158287
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 158288
652609, Medicaid Legacy Costs Support, and 652636, Community 158289
Medicaid Legacy Support, may be used to pay for the Department 158290
information collection and reporting functions enumerated above. 158291

Section 327.20.60. The Department of Mental Health and 158292
Addiction Services shall administer specified Medicaid services as 158293
delegated by the State's single agency responsible for the 158294
Medicaid program. Effective July 1, 2013, the Department shall use 158295
appropriation item 652507, Medicaid Support, to fund the 158296
Medicaid-related services and supports performed by the 158297
Department. 158298

Section 327.30. RESIDENT TRAINEES 158299

The foregoing appropriation item 333402, Resident Trainees, 158300
shall be used to fund training agreements entered into by the 158301
Director of Mental Health and Addiction Services for the 158302
development of curricula and the provision of training programs to 158303

support public mental health services. 158304

Section 327.40. LEASE-RENTAL PAYMENTS 158305

The foregoing appropriation item 333415, Lease-Rental 158306
Payments, shall be used to meet all payments at the times they are 158307
required to be made during the period from July 1, 2013, through 158308
June 30, 2015, by the Department of Mental Health and Addiction 158309
Services under leases and agreements made under section 154.20 of 158310
the Revised Code. These appropriations are the source of funds 158311
pledged for bond service charges on obligations issued pursuant to 158312
Chapter 154. of the Revised Code. 158313

Section 327.50. HOSPITAL SERVICES 158314

The foregoing appropriation item 334412, Hospital Services, 158315
shall be used for the operation of the State Regional Psychiatric 158316
Hospitals, including, but not limited to, all aspects involving 158317
civil and forensic commitment, treatment, and discharge as 158318
determined by the Director of Mental Health and Addiction 158319
Services. A portion of this appropriation may be used by the 158320
Department of Mental Health and Addiction Services to create, 158321
purchase, or contract for the custody, supervision, control, and 158322
treatment of persons committed to the Department of Mental Health 158323
and Addiction Services in other clinically appropriate 158324
environments, consistent with public safety. 158325

Section 327.60. CONTINUUM OF CARE SERVICES 158326

The foregoing appropriation item 335421, Continuum of Care 158327
Services, shall be used as follows: 158328

(A) A portion of this appropriation shall be allocated to 158329
community alcohol, drug addiction, and mental health services 158330
boards in accordance with a distribution methodology determined by 158331
the Director of Mental Health and Addiction Services: 158332

| | |
|---|--|
| (1) For the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code; | 158333
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| (2) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and | 158335
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| (3) To provide subsidized support for medication assisted treatment costs. | 158338
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| (B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of mental health and addiction services initiatives. | 158340
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| (C) In fiscal year 2014 \$250,000 and in fiscal year 2015 \$750,000 shall be allocated to the Human Trafficking Center at The Ohio State University. The Center shall use the funds to investigate all aspects of human trafficking, including research, training, and direct services for victims. The Center shall do all of the following: | 158346
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| (1) Provide research opportunities in areas affecting human trafficking, including topics such as socioeconomic, political, and cultural factors involved in human trafficking; | 158352
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| (2) Develop assessments and other tools to help human trafficking victims or service providers, including online training courses for law enforcement and social and medical service personnel on how best to identify and treat victims of human trafficking; | 158355
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158359 |
| (3) Offer internships, clinical hours, and other training opportunities for undergraduate and graduate students; | 158360
158361 |
| (4) Provide direct services and care for victims of human | 158362 |

trafficking; and 158363

(5) Collaborate with community affiliates and other 158364
institutions of higher education engaged in human trafficking 158365
research, training, and direct victim services. 158366

(D) \$669,446 in fiscal year 2014 and \$569,446 in fiscal year 158367
2015 shall be allocated to the Geauga County Board of Mental 158368
Health and Recovery Services to support the Chardon Pilot Program. 158369
The Chardon Pilot Program shall support the behavioral health 158370
needs of the Chardon community. The board shall distribute 158371
\$469,446 of these funds in fiscal year 2014 and \$369,446 of these 158372
funds in fiscal year 2015 to the Chardon school district to be 158373
used for program-related activities. The Department of Mental 158374
Health and Addiction Services shall submit a report to the General 158375
Assembly in accordance with section 101.68 of the Revised Code 158376
regarding the performance of the program by September 30, 2015. 158377

Section 327.70. CRIMINAL JUSTICE SERVICES 158378

The foregoing appropriation item 335422, Criminal Justice 158379
Services, shall be used to provide forensic psychiatric 158380
evaluations to courts of common pleas and to conduct evaluations 158381
of patients of forensic status in facilities operated or 158382
designated by the Department of Mental Health and Addiction 158383
Services prior to conditional release to the community. A portion 158384
of this appropriation may be allocated through community alcohol, 158385
drug addiction, and mental health services boards to community 158386
addiction and/or mental health services providers in accordance 158387
with a distribution methodology as determined by the Director of 158388
Mental Health and Addiction Services. 158389

Appropriation item 335422, Criminal Justice Services, may 158390
also be used to: 158391

(A) Provide forensic monitoring and tracking of individuals 158392

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|---|--|
| on conditional release; | 158393 |
| (B) Provide forensic training; | 158394 |
| (C) Support projects that assist courts and law enforcement
to identify and develop appropriate alternative services to
incarceration for nonviolent mentally ill offenders; | 158395
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| (D) Provide specialized re-entry services to offenders
leaving prisons and jails; | 158398
158399 |
| (E) Provide specific grants in support of addiction services
alternatives to incarceration; | 158400
158401 |
| (F) Support specialty dockets; and | 158402 |
| (G) Support therapeutic communities. | 158403 |
|
Section 327.80. COMMUNITY INNOVATIONS |
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| The foregoing appropriation item 335504, Community
Innovations, may be used by the Department of Mental Health and
Addiction Services to make targeted investments in programs,
projects, or systems operated by or under the authority of other
state agencies, governmental entities, or private not-for-profit
agencies that impact, or are impacted by, the operations and
functions of the Department, with the goal of achieving a net
reduction in expenditure of state general revenue funds and/or
improved outcomes for Ohio citizens without a net increase in
state general revenue fund spending. | 158405
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| The Director shall identify and evaluate programs, projects,
or systems proposed or operated, in whole or in part, outside of
the authority of the Department, where targeted investment of
these funds in the program, project, or system is expected to
decrease demand for the Department or other resources funded with
state general revenue funds, and/or to measurably improve outcomes
for Ohio citizens with mental illness or with alcohol, drug, or
gambling addictions. The Director shall have discretion to | 158415
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transfer money from the appropriation item to other state 158423
agencies, governmental entities, or private not-for-profit 158424
agencies in amounts, and subject to conditions, that the Director 158425
determines most likely to achieve state savings and/or improved 158426
outcomes. Distribution of moneys from this appropriation item 158427
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 158428
the Revised Code. 158429

The Department shall enter into an agreement with each 158430
recipient of community innovation funds, identifying: allowable 158431
expenditure of the funds; other commitment of funds or other 158432
resources to the program, project, or system; expected state 158433
savings and/or improved outcomes and proposed mechanisms for 158434
measurement of such savings or outcomes; and required reporting 158435
regarding expenditure of funds and savings or outcomes achieved. 158436

The foregoing appropriation item 335504, Community 158437
Innovations, may also be used by the Department to make payments 158438
to the Opportunities for Ohioans with Disabilities Agency for 158439
vocational rehabilitation services to individuals receiving mental 158440
health or addiction services paid for with public dollars. 158441

Section 327.83. COMMUNITY BEHAVIORAL HEALTH 158442

Of the foregoing appropriation item 335507, Community 158443
Behavioral Health, \$30,000,000 in each fiscal year shall be 158444
allocated to community alcohol, drug addiction, and mental health 158445
services boards to provide mental health services. 158446

Of the foregoing appropriation item 335507, Community 158447
Behavioral Health, \$17,500,000 in each fiscal year shall be 158448
allocated to community alcohol, drug addiction, and mental health 158449
services boards to be used for addiction services including 158450
medication, treatment programs, and counseling. 158451

Section 327.90. COMMUNITY OPERATING/PLANNING 158452

Appropriation item 335609, Community Operating/Planning, may 158453
be used by the Department of Mental Health and Addiction Services 158454
to make payments to the Opportunities for Ohioans with 158455
Disabilities Agency for vocational rehabilitation services to 158456
individuals receiving mental health or addiction services paid for 158457
with public dollars. 158458

In addition, appropriation item 335609, Community 158459
Operating/Planning, may be used by the Department to make 158460
incentive payments to operators of residential facilities that are 158461
licensed by the Department of Mental Health and Addiction Services 158462
and provide accommodations and personal care services for one or 158463
two unrelated adults or accommodations, supervision, and personal 158464
care services for three to sixteen unrelated adults. The incentive 158465
payments shall be granted based upon operators demonstrating 158466
linkage between their facilities' residents and community 158467
resources, based on the residents' needs including, but not 158468
limited to, aged, mental health, and physical health issues. The 158469
financial incentive shall be used to support community living for 158470
individuals with a disability or who are aged, and to assist with 158471
costs arising from facility operations. 158472

Appropriation item 335609, Community Operating/Planning, may 158473
also be used by the Department to support non-Medicaid program 158474
costs for individuals moving into community settings. 158475

Section 327.93. PROBLEM GAMBLING AND CASINO ADDICTIONS 158476

A portion of appropriation item 335629, Problem Gambling and 158477
Casino Addictions, shall be allocated to boards of alcohol, drug 158478
addiction, and mental health services in accordance with a 158479
distribution methodology determined by the Director of Mental 158480
Health and Addiction Services. 158481

Section 327.100. RESIDENTIAL STATE SUPPLEMENT 158482

| | |
|--|--|
| (A) As used in this section: | 158483 |
| (1) "Residential facility" means a facility licensed by the Department of Mental Health and Addiction Services under section 5119.34 of the Revised Code. | 158484
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158486 |
| (2) "Residential care facility" means a facility licensed by the Director of Health under Chapter 3721. of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code. | 158487
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158490 |
| (B) The foregoing appropriation item 335506, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness, to transfer cash to the Nursing Home Franchise Permit Fee Fund (Fund 5R20) used by the Department of Job and Family Services, and to make benefit payments to residential state supplement recipients. | 158491
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| (C) Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment, and for determining the amount per month the eligible resident will receive, shall be as follows: | 158500
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158503 |
| (1) \$927 for a residential care facility; | 158504 |
| (2) \$927 for a residential facility that provides accommodations, supervision, and personal care services for six to sixteen unrelated adults as described in section 5119.34 of the Revised Code; | 158505
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158508 |
| (3) \$824 for a residential facility that provides accommodations, supervision, and personal care services for one or two unrelated adults as described in division (A)(9)(b)(ii) of section 5119.34 of the Revised Code; | 158509
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158512 |

(4) \$824 for a residential facility providing accommodations, supervision, and personal care services to three to five unrelated adults, as described in section 5119.34 of the Revised Code;

(5) \$824 for a residential facility that provides accommodations, supervision, and personal care services for one or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider or a hospital, as described in division (A)(9)(b)(i) of section 5119.34 of the Revised Code;

(6) \$618 for community mental health housing services, as described in division (D)(1)(c) of section 5119.41 of the Revised Code.

The Department of Mental Health and Addiction Services shall reflect these amounts in any applicable rules the Department adopts under section 5119.41 of the Revised Code.

(D) The Department of Mental Health and Addiction Services shall, with the input of stakeholders and impacted state agencies, conduct a review of the state and federal rules and statutes governing the Residential State Supplement Program and report on potential improvements to be made in governing the program not later than January 1, 2014.

Section 327.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions:

(A) The county council shall establish and operate the

flexible funding pool in accordance with formal guidance issued by 158543
the Family and Children First Cabinet Council; 158544

(B) The county council shall produce an annual report on its 158545
use of the pooled funds. The annual report shall conform to a 158546
format prescribed in the formal guidance issued by the Family and 158547
Children First Cabinet Council; 158548

(C) Unless otherwise restricted, funds transferred to the 158549
flexible funding pool may include state general revenues allocated 158550
to local entities to support the provision of services to families 158551
and children; 158552

(D) The amounts transferred to the flexible funding pool 158553
shall be limited to amounts that can be redirected without 158554
impairing the achievement of the objectives for which the initial 158555
allocation is designated; and 158556

(E) Each amount transferred to the flexible funding pool from 158557
a specific allocation shall be approved for transfer by the 158558
director of the local agency that was the original recipient of 158559
the allocation. 158560

Section 329.10. MIH COMMISSION ON MINORITY HEALTH 158561

General Revenue Fund 158562

| | | | | | | |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 149321 | Operating Expenses | \$ | 581,490 | \$ | 591,615 | 158563 |
|------------|--------------------|----|---------|----|---------|--------|

| | | | | | | |
|------------|-----------------|----|---------|----|---------|--------|
| GRF 149501 | Minority Health | \$ | 889,100 | \$ | 878,975 | 158564 |
|------------|-----------------|----|---------|----|---------|--------|

Grants

| | | | | | | |
|------------|---------------|----|---------|----|---------|--------|
| GRF 149502 | Lupus Program | \$ | 110,047 | \$ | 110,047 | 158565 |
|------------|---------------|----|---------|----|---------|--------|

| | | | | | | |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 1,580,637 | \$ | 1,580,637 | 158566 |
|-----------|----------------------|----|-----------|----|-----------|--------|

Federal Special Revenue Fund Group 158567

| | | | | | | |
|-------------|----------------|----|---------|----|---------|--------|
| 3J90 149602 | Federal Grants | \$ | 140,000 | \$ | 140,000 | 158568 |
|-------------|----------------|----|---------|----|---------|--------|

| | | | | | | |
|-----------|-------------------------|--|--|--|--|--------|
| TOTAL FED | Federal Special Revenue | | | | | 158569 |
|-----------|-------------------------|--|--|--|--|--------|

| | | | | | | |
|------------|--|----|---------|----|---------|--------|
| Fund Group | | \$ | 140,000 | \$ | 140,000 | 158570 |
|------------|--|----|---------|----|---------|--------|

State Special Revenue Fund Group 158571

| | | | | | | |
|--|------------------------|----|------------|----|------------|--------|
| 4C20 149601 | Minority Health | \$ | 25,000 | \$ | 25,000 | 158572 |
| | Conference | | | | | |
| TOTAL SSR State Special Revenue | | | | | | 158573 |
| Fund Group | | \$ | 25,000 | \$ | 25,000 | 158574 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | 158575 |
|
Section 331.10. CRB MOTOR VEHICLE REPAIR BOARD | | | | | | 158577 |
| General Services Fund Group | | | | | | 158578 |
| 4K90 865601 | Operating Expenses | \$ | 487,592 | \$ | 484,292 | 158579 |
| TOTAL GSF General Services | | | | | | 158580 |
| Fund Group | | \$ | 487,592 | \$ | 484,292 | 158581 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | 158582 |
|
Section 333.10. DNR DEPARTMENT OF NATURAL RESOURCES | | | | | | 158584 |
| General Revenue Fund | | | | | | 158585 |
| GRF 725401 | Wildlife-GRF Central | \$ | 1,800,000 | \$ | 1,800,000 | 158586 |
| | Support | | | | | |
| GRF 725413 | Lease Rental Payments | \$ | 21,622,900 | \$ | 23,943,400 | 158587 |
| GRF 725456 | Canal Lands | \$ | 135,000 | \$ | 135,000 | 158588 |
| GRF 725502 | Soil and Water | \$ | 2,900,000 | \$ | 2,900,000 | 158589 |
| | Districts | | | | | |
| GRF 725505 | Healthy Lake Erie Fund | \$ | 650,000 | \$ | 500,000 | 158590 |
| GRF 725507 | Coal and Mine Safety | \$ | 2,500,000 | \$ | 2,500,000 | 158591 |
| | Program | | | | | |
| GRF 725903 | Natural Resources | \$ | 24,325,400 | \$ | 25,443,000 | 158592 |
| | General Obligation | | | | | |
| | Debt Service | | | | | |
| GRF 727321 | Division of Forestry | \$ | 4,392,002 | \$ | 4,392,001 | 158593 |
| GRF 728321 | Division of Geological | \$ | 800,000 | \$ | 800,000 | 158594 |
| | Survey | | | | | |
| GRF 729321 | Office of Information | \$ | 177,405 | \$ | 177,405 | 158595 |
| | Technology | | | | | |

| | | | | | | | |
|-----------------------------|----------------------|---|----|------------|----|-------------|--------|
| GRF | 730321 | Division of Parks and Recreation | \$ | 30,000,000 | \$ | 30,000,000 | 158596 |
| GRF | 736321 | Division of Engineering | \$ | 2,279,115 | \$ | 2,324,736 | 158597 |
| GRF | 737321 | Division of Soil and Water Resources | \$ | 4,782,704 | \$ | 4,782,652 | 158598 |
| GRF | 738321 | Division of Real Estate and Land Management | \$ | 715,963 | \$ | 670,342 | 158599 |
| GRF | 741321 | Division of Natural Areas and Preserves | \$ | 1,200,000 | \$ | 1,200,000 | 158600 |
| TOTAL GRF | General Revenue Fund | | \$ | 98,280,489 | \$ | 101,568,536 | 158601 |
| General Services Fund Group | | | | | | | 158602 |
| 1550 | 725601 | Departmental Projects | \$ | 2,109,968 | \$ | 1,839,204 | 158603 |
| 1570 | 725651 | Central Support Indirect | \$ | 4,609,154 | \$ | 4,671,566 | 158604 |
| 2040 | 725687 | Information Services | \$ | 5,179,097 | \$ | 5,288,168 | 158605 |
| 2050 | 725696 | Human Resource Direct Service | \$ | 2,474,345 | \$ | 2,526,662 | 158606 |
| 2070 | 725690 | Real Estate Services | \$ | 50,000 | \$ | 50,000 | 158607 |
| 2230 | 725665 | Law Enforcement Administration | \$ | 2,126,432 | \$ | 2,126,432 | 158608 |
| 2270 | 725406 | Parks Projects Personnel | \$ | 436,500 | \$ | 436,500 | 158609 |
| 4300 | 725671 | Canal Lands | \$ | 883,879 | \$ | 883,879 | 158610 |
| 4S90 | 725622 | NatureWorks Personnel | \$ | 404,657 | \$ | 412,570 | 158611 |
| 4X80 | 725662 | Water Resources Council | \$ | 138,005 | \$ | 138,005 | 158612 |
| 5100 | 725631 | Maintenance - State-owned Residences | \$ | 303,611 | \$ | 303,611 | 158613 |
| 5160 | 725620 | Water Management | \$ | 2,559,292 | \$ | 2,559,292 | 158614 |
| 6350 | 725664 | Fountain Square | \$ | 3,329,935 | \$ | 3,346,259 | 158615 |

| | | | | | | |
|------------------------------------|--------|-----------------------|----|------------|----|-------------------|
| | | Facilities Management | | | | |
| 6970 | 725670 | Submerged Lands | \$ | 852,982 | \$ | 869,145 158616 |
| TOTAL GSF General Services | | | | | | 158617 |
| Fund Group | | | \$ | 25,457,857 | \$ | 25,451,293 158618 |
| Federal Special Revenue Fund Group | | | | | | 158619 |
| 3320 | 725669 | Federal Mine Safety | \$ | 265,000 | \$ | 265,000 158620 |
| | | Grant | | | | |
| 3B30 | 725640 | Federal Forest | \$ | 500,000 | \$ | 500,000 158621 |
| | | Pass-Thru | | | | |
| 3B40 | 725641 | Federal Flood | \$ | 500,000 | \$ | 500,000 158622 |
| | | Pass-Thru | | | | |
| 3B50 | 725645 | Federal Abandoned | \$ | 11,851,759 | \$ | 11,851,759 158623 |
| | | Mine Lands | | | | |
| 3B60 | 725653 | Federal Land and | \$ | 950,000 | \$ | 950,000 158624 |
| | | Water Conservation | | | | |
| | | Grants | | | | |
| 3B70 | 725654 | Reclamation - | \$ | 3,200,000 | \$ | 3,200,000 158625 |
| | | Regulatory | | | | |
| 3P10 | 725632 | Geological Survey - | \$ | 933,448 | \$ | 557,146 158626 |
| | | Federal | | | | |
| 3P20 | 725642 | Oil and Gas - Federal | \$ | 234,509 | \$ | 234,509 158627 |
| 3P30 | 725650 | Coastal Management - | \$ | 2,790,633 | \$ | 2,790,633 158628 |
| | | Federal | | | | |
| 3P40 | 725660 | Federal - Soil and | \$ | 969,190 | \$ | 1,006,874 158629 |
| | | Water Resources | | | | |
| 3R50 | 725673 | Acid Mine Drainage | \$ | 4,342,280 | \$ | 4,342,280 158630 |
| | | Abatement/Treatment | | | | |
| 3Z50 | 725657 | Federal Recreation | \$ | 1,850,000 | \$ | 1,850,000 158631 |
| | | and Trails | | | | |
| TOTAL FED Federal Special Revenue | | | | | | 158632 |
| Fund Group | | | \$ | 28,386,819 | \$ | 28,048,201 158633 |
| State Special Revenue Fund Group | | | | | | 158634 |

| | | | | | | | |
|------|--------|---|----|------------|----|------------|--------|
| 4J20 | 725628 | Injection Well Review | \$ | 128,466 | \$ | 128,466 | 158635 |
| 4M70 | 725686 | Wildfire Suppression | \$ | 100,000 | \$ | 100,000 | 158636 |
| 4U60 | 725668 | Scenic Rivers
Protection | \$ | 100,000 | \$ | 100,000 | 158637 |
| 5090 | 725602 | State Forest | \$ | 6,873,330 | \$ | 6,880,158 | 158638 |
| 5110 | 725646 | Ohio Geological
Mapping | \$ | 1,220,690 | \$ | 1,993,519 | 158639 |
| 5120 | 725605 | State Parks Operations | \$ | 29,654,880 | \$ | 29,671,044 | 158640 |
| 5140 | 725606 | Lake Erie Shoreline | \$ | 1,559,583 | \$ | 1,559,583 | 158641 |
| 5180 | 725643 | Oil and Gas Permit
Fees | \$ | 12,812,311 | \$ | 13,140,201 | 158642 |
| 5180 | 725677 | Oil and Gas Well
Plugging | \$ | 1,500,000 | \$ | 1,500,000 | 158643 |
| 5210 | 725627 | Off-Road Vehicle
Trails | \$ | 143,490 | \$ | 143,490 | 158644 |
| 5220 | 725656 | Natural Areas and
Preserves | \$ | 546,639 | \$ | 546,639 | 158645 |
| 5260 | 725610 | Strip Mining
Administration Fee | \$ | 1,800,000 | \$ | 1,800,000 | 158646 |
| 5270 | 725637 | Surface Mining
Administration | \$ | 1,941,532 | \$ | 1,941,532 | 158647 |
| 5290 | 725639 | Unreclaimed Land Fund | \$ | 1,804,180 | \$ | 1,804,180 | 158648 |
| 5310 | 725648 | Reclamation Forfeiture | \$ | 500,000 | \$ | 500,000 | 158649 |
| 5B30 | 725674 | Mining Regulation | \$ | 28,135 | \$ | 28,135 | 158650 |
| 5BV0 | 725658 | Heidelberg Water
Quality Lab | \$ | 250,000 | \$ | 250,000 | 158651 |
| 5BV0 | 725683 | Soil and Water
Districts | \$ | 8,000,000 | \$ | 8,000,000 | 158652 |
| 5EJ0 | 725608 | Forestry Law
Enforcement | \$ | 1,000 | \$ | 1,000 | 158653 |
| 5EK0 | 725611 | Natural Areas &
Preserves Law
Enforcement | \$ | 1,000 | \$ | 1,000 | 158654 |

| | | | | | | | |
|--|--------|---------------------------------------|----|------------|----|------------|--------|
| 5EL0 | 725612 | Wildlife Law Enforcement | \$ | 12,000 | \$ | 12,000 | 158655 |
| 5EM0 | 725613 | Park Law Enforcement | \$ | 34,000 | \$ | 34,000 | 158656 |
| 5EN0 | 725614 | Watercraft Law Enforcement | \$ | 2,500 | \$ | 2,500 | 158657 |
| 5HK0 | 725625 | Ohio Nature Preserves | \$ | 1,000 | \$ | 1,000 | 158658 |
| 5MF0 | 725635 | Ohio Geology License Plate | \$ | 7,500 | \$ | 7,500 | 158659 |
| 5MW0 | 725604 | Natural Resources Special Purposes | \$ | 9,000,000 | \$ | 6,000,000 | 158660 |
| 6150 | 725661 | Dam Safety | \$ | 943,517 | \$ | 943,517 | 158661 |
| TOTAL SSR State Special Revenue | | | | | | | 158662 |
| Fund Group | | | \$ | 78,965,753 | \$ | 77,089,464 | 158663 |
| Clean Ohio Conservation Fund Group | | | | | | | 158664 |
| 7061 | 725405 | Clean Ohio Operating | \$ | 300,775 | \$ | 300,775 | 158665 |
| TOTAL CLF Clean Ohio Conservation Fund Group | | | | | | | 158666 |
| Wildlife Fund Group | | | | | | | 158667 |
| 5P20 | 725634 | Wildlife Boater Angler Administration | \$ | 3,000,000 | \$ | 3,000,000 | 158668 |
| 7015 | 740401 | Division of Wildlife Conservation | \$ | 56,466,564 | \$ | 57,075,976 | 158669 |
| 8150 | 725636 | Cooperative Management Projects | \$ | 120,449 | \$ | 120,449 | 158670 |
| 8160 | 725649 | Wetlands Habitat | \$ | 966,885 | \$ | 966,885 | 158671 |
| 8170 | 725655 | Wildlife Conservation Checkoff Fund | \$ | 2,000,000 | \$ | 2,000,000 | 158672 |
| 8180 | 725629 | Cooperative Fisheries Research | \$ | 1,500,000 | \$ | 1,500,000 | 158673 |
| 8190 | 725685 | Ohio River Management | \$ | 203,584 | \$ | 203,584 | 158674 |
| 81B0 | 725688 | Wildlife Habitat Fund | \$ | 1,200,000 | \$ | 1,200,000 | 158675 |
| TOTAL WLF Wildlife Fund Group | | | | | | | 158676 |

| | | | | | | |
|---|-----------------------|----|-------------|----|-------------|--------|
| Waterways Safety Fund Group | | | | | 158677 | |
| 7086 725414 | Waterways Improvement | \$ | 5,693,671 | \$ | 5,693,671 | 158678 |
| 7086 725418 | Buoy Placement | \$ | 52,182 | \$ | 52,182 | 158679 |
| 7086 725501 | Waterway Safety | \$ | 120,000 | \$ | 120,000 | 158680 |
| | Grants | | | | | |
| 7086 725506 | Watercraft Marine | \$ | 576,153 | \$ | 576,153 | 158681 |
| | Patrol | | | | | |
| 7086 725513 | Watercraft | \$ | 366,643 | \$ | 366,643 | 158682 |
| | Educational Grants | | | | | |
| 7086 739401 | Division of | \$ | 19,467,370 | \$ | 19,297,370 | 158683 |
| | Watercraft | | | | | |
| TOTAL WSF | Waterways Safety Fund | | | | | 158684 |
| Group | | \$ | 26,276,019 | \$ | 26,106,019 | 158685 |
| Accrued Leave Liability Fund Group | | | | | | 158686 |
| 4M80 725675 | FOP Contract | \$ | 20,219 | \$ | 20,219 | 158687 |
| TOTAL ALF | Accrued Leave | | | | | 158688 |
| Liability Fund Group | | \$ | 20,219 | \$ | 20,219 | 158689 |
| Holding Account Redistribution Fund Group | | | | | | 158690 |
| R017 725659 | Performance Cash Bond | \$ | 496,263 | \$ | 496,263 | 158691 |
| | Refunds | | | | | |
| R043 725624 | Forestry | \$ | 2,100,000 | \$ | 2,100,000 | 158692 |
| TOTAL 090 | Holding Account | | | | | 158693 |
| Redistribution Fund Group | | \$ | 2,596,263 | \$ | 2,596,263 | 158694 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 325,741,676 | \$ | 327,247,664 | 158695 |

Section 333.20. CENTRAL SUPPORT INDIRECT 158697

With the exception of the Division of Wildlife, whose direct 158698
and indirect central support charges shall be paid out of the 158699
General Revenue Fund from the foregoing appropriation item 725401, 158700
Wildlife-GRF Central Support, the Department of Natural Resources, 158701
with approval of the Director of Budget and Management, shall 158702
utilize a methodology for determining each division's payments 158703

into the Central Support Indirect Fund (Fund 1570). The 158704
methodology used shall contain the characteristics of 158705
administrative ease and uniform application in compliance with 158706
federal grant requirements. It may include direct cost charges for 158707
specific services provided. Payments to Fund 1570 shall be made 158708
using an intrastate transfer voucher. 158709

Section 333.30. LEASE RENTAL PAYMENTS 158710

The foregoing appropriation item 725413, Lease Rental 158711
Payments, shall be used to meet all payments at the times they are 158712
required to be made during the period from July 1, 2013, through 158713
June 30, 2015, by the Department of Natural Resources pursuant to 158714
leases and agreements made under section 154.22 of the Revised 158715
Code. These appropriations are the source of funds pledged for 158716
bond service charges on related obligations issued under Chapter 158717
154. of the Revised Code. 158718

CANAL LANDS 158719

The foregoing appropriation item 725456, Canal Lands, shall 158720
be used to provide operating expenses for the State Canal Lands 158721
Program. 158722

HEALTHY LAKE ERIE FUND 158723

The foregoing appropriation item 725505, Healthy Lake Erie 158724
Fund, shall be used by the Director of Natural Resources, in 158725
consultation with the Director of Agriculture and the Director of 158726
Environmental Protection, to implement nonstatutory 158727
recommendations of the Agriculture Nutrients and Water Quality 158728
Working Group. The Director shall give priority to recommendations 158729
that encourage farmers to adopt agricultural production guidelines 158730
commonly known as 4R nutrient stewardship practices. Funds may 158731
also be used for enhanced soil testing in the Western Lake Erie 158732
Basin, monitoring the quality of Lake Erie and its tributaries, 158733

| | |
|--|--|
| and conducting research and establishing pilot projects that have the goal of reducing algae blooms in Lake Erie. | 158734
158735 |
| COAL AND MINE SAFETY PROGRAM | 158736 |
| The foregoing appropriation item 725507, Coal and Mine Safety Program, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program. | 158737
158738
158739 |
| NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE | 158740 |
| The foregoing appropriation item 725903, Natural Resources General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2013, through June 30, 2015, on obligations issued under sections 151.01 and 151.05 of the Revised Code. | 158741
158742
158743
158744
158745 |
| Section 333.40. WELL LOG FILING FEES | 158746 |
| The Chief of the Division of Soil and Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Departmental Services - Intrastate Fund (Fund 1550) for the purposes described in that section. | 158747
158748
158749
158750 |
| CRANBERRY BOG PRESERVATION | 158751 |
| Of the foregoing appropriation item 725601, Departmental Projects, \$12,450 in fiscal year 2014 shall be used for the Greater Buckeye Lake Historical Society to preserve the Cranberry Bog. | 158752
158753
158754
158755 |
| Section 333.50. HUMAN RESOURCES DIRECT SERVICE | 158756 |
| The foregoing appropriation item 725696, Human Resources Direct Service, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined | 158757
158758
158759
158760
158761
158762 |

by the Director of Natural Resources and the Director of Budget 158763
and Management. 158764

Section 333.60. LAW ENFORCEMENT ADMINISTRATION 158765

The foregoing appropriation item 725665, Law Enforcement 158766
Administration, shall be used to cover the cost of support, 158767
coordination, and oversight of the Department of Natural 158768
Resources' law enforcement functions. The Law Enforcement 158769
Administration Fund (Fund 2230) shall consist of cash transferred 158770
to it via intrastate transfer voucher from other funds as 158771
determined by the Director of Natural Resources and the Director 158772
of Budget and Management. 158773

**Section 333.70. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 158774
EXPO CENTER** 158775

The foregoing appropriation item 725664, Fountain Square 158776
Facilities Management, shall be used for payment of repairs, 158777
renovation, utilities, property management, and building 158778
maintenance expenses for the Fountain Square complex and the 158779
Department of Natural Resources grounds at the Ohio Expo Center. 158780
Cash transferred by intrastate transfer vouchers from various 158781
department funds and rental income received by the Department of 158782
Natural Resources shall be deposited into the Fountain Square 158783
Facilities Management Fund (Fund 6350). 158784

Section 333.80. SOIL AND WATER DISTRICTS 158785

In addition to state payments to soil and water conservation 158786
districts authorized by section 1515.10 of the Revised Code, the 158787
Department of Natural Resources may use appropriation item 725683, 158788
Soil and Water Districts, to pay any soil and water conservation 158789
district an annual amount not to exceed \$40,000, upon receipt of a 158790
request and justification from the district and approval by the 158791

Ohio Soil and Water Conservation Commission. The county auditor 158792
shall credit the payments to the special fund established under 158793
section 1515.10 of the Revised Code for the local soil and water 158794
conservation district. Moneys received by each district shall be 158795
expended for the purposes of the district. 158796

OIL AND GAS WELL PLUGGING 158797

The foregoing appropriation item 725677, Oil and Gas Well 158798
Plugging, shall be used exclusively for the purposes of plugging 158799
wells and to properly restore the land surface of idle and orphan 158800
oil and gas wells pursuant to section 1509.071 of the Revised 158801
Code. No funds from the appropriation item shall be used for 158802
salaries, maintenance, equipment, or other administrative 158803
purposes, except for those costs directly attributed to the 158804
plugging of an idle or orphan well. This appropriation item shall 158805
not be used to transfer cash to any other fund or appropriation 158806
item. 158807

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION OPERATIONS 158808

During fiscal years 2014 and 2015, the Director of Budget and 158809
Management may, in consultation with the Director of Natural 158810
Resources, transfer such cash as necessary from the General 158811
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) for handling 158812
the increased regulatory work related to the expansion of the oil 158813
and gas program that will occur before receipts from this activity 158814
are deposited into Fund 5180. Once funds from severance taxes, 158815
application and permitting fees, and other sources have accrued to 158816
Fund 5180 in such amounts as are considered sufficient to sustain 158817
expanded operations, the Director of Budget and Management, in 158818
consultation with the Director of Natural Resources, shall 158819
establish a schedule for repaying the transferred funds from Fund 158820
5180 to the General Revenue Fund. 158821

NATURAL RESOURCES SPECIAL PURPOSES 158822

On July 1, 2013, or as soon as possible thereafter, the 158823
Director of Budget and Management shall transfer \$3,000,000 cash 158824
from the General Revenue Fund to the Natural Resources Special 158825
Purposes Fund (Fund 5MW0). Of the amount transferred, \$2,100,000 158826
in fiscal year 2014 shall be used for the construction or 158827
acquisition of a treatment train process at an Ohio inland lake, 158828
and \$900,000 in fiscal year 2014 shall be used for the purchase of 158829
a sweeper dredge for use at Ohio inland lakes. 158830

Section 333.90. CLEAN OHIO OPERATING EXPENSES 158831

The foregoing appropriation item 725405, Clean Ohio 158832
Operating, shall be used by the Department of Natural Resources in 158833
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 158834
to section 1519.05 of the Revised Code. 158835

Section 333.100. WATERCRAFT MARINE PATROL 158836

Of the foregoing appropriation item 739401, Division of 158837
Watercraft, up to \$200,000 in each fiscal year shall be expended 158838
for the purchase of equipment for marine patrols qualifying for 158839
funding from the Department of Natural Resources pursuant to 158840
section 1547.67 of the Revised Code. Proposals for equipment shall 158841
accompany the submission of documentation for receipt of a marine 158842
patrol subsidy pursuant to section 1547.67 of the Revised Code and 158843
shall be loaned to eligible marine patrols pursuant to a 158844
cooperative agreement between the Department of Natural Resources 158845
and the eligible marine patrol. 158846

Section 333.110. PARKS CAPITAL EXPENSES FUND 158847

The Director of Natural Resources shall submit to the 158848
Director of Budget and Management the estimated design, 158849
engineering, and planning costs of capital-related work to be done 158850
by Department of Natural Resources staff for parks projects within 158851

the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 158852
Director of Budget and Management approves the estimated costs, 158853
the Director may release appropriations from appropriation item 158854
C725E6, Project Planning, Fund 7035, for those purposes. Upon 158855
release of the appropriations, the Department of Natural Resources 158856
shall pay for these expenses from the Parks Capital Expenses Fund 158857
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 158858
Fund 7035 using an intrastate transfer voucher. 158859

NATUREWORKS CAPITAL EXPENSES FUND 158860

The Department of Natural Resources shall periodically 158861
prepare and submit to the Director of Budget and Management the 158862
estimated design, planning, and engineering costs of 158863
capital-related work to be done by Department of Natural Resources 158864
staff for each capital improvement project within the Ohio Parks 158865
and Natural Resources Fund (Fund 7031). If the Director of Budget 158866
and Management approves the estimated costs, the Director may 158867
release appropriations from appropriation item C725E5, Project 158868
Planning, in Fund 7031, for those purposes. Upon release of the 158869
appropriations, the Department of Natural Resources shall pay for 158870
these expenses from the Capital Expenses Fund (Fund 4S90). 158871
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 158872
using an intrastate transfer voucher. 158873

Section 333.120. ELIMINATION OF DORMANT FUNDS 158874

The following funds are hereby abolished and the fund names 158875
and fund numbers shall be stricken from the list of funds falling 158876
within the jurisdiction of the Department of Natural Resources: 158877

| Fund Number | Fund Name | |
|-------------|---|--------|
| 1580 | Reprint and Replacement - Intrastate | 158878 |
| 1580 | Reprint and Replacement - Intrastate | 158879 |
| 1610 | Parks and Recreation Depreciation Reserve | 158880 |
| 1620 | Civilian Conservation Corps Earned Revenues | 158881 |
| 2060 | General Services | 158882 |

| | | |
|------|--|--------|
| 5080 | Natural Resources Publications and Promotions | 158883 |
| 5190 | Burr Oak Water Plant | 158884 |
| 5250 | Reclamation Forfeiture | 158885 |
| 5300 | Surface Mining Reclamation | 158886 |
| 8800 | Cooperative Boat Harbor Project | 158887 |
| 4B80 | Forestry Development | 158888 |
| 5F90 | Flood Reimbursement | 158889 |
| 81A0 | Wildlife Education | 158890 |
| R029 | Reclamation Fee | 158891 |
| R030 | Surface Mining Reclamation Fee | 158892 |
| R040 | Wildlife Refunds | 158893 |
| 3280 | Federal Special Revenue | 158894 |
| 3P00 | Natural Areas and Preserves - Federal | 158895 |
| 5K10 | Urban Forestry Grant | 158896 |
| 5150 | Conservancy District Organization | 158897 |
| 6300 | Wild Animal | 158898 |
| 3CH0 | Mined Land Set Aside | 158899 |
| | TRANSFER OF ELIMINATED DORMANT FUNDS | 158900 |
| | The Watercraft Revolving Loan Fund (Fund 5AW0) is hereby | 158901 |
| | abolished. Any balance remaining in the fund as of July 1, 2013, | 158902 |
| | shall be transferred into the Waterways Safety Fund (Fund 7086) | 158903 |
| | and appropriated to appropriation item 739401, Division of | 158904 |
| | Watercraft. | 158905 |
| | The Division of Forestry Law Enforcement Fund (Fund 5EJ0) and | 158906 |
| | the Division of Natural Areas and Preserves Law Enforcement Fund | 158907 |
| | (Fund 5EK0) are hereby abolished. Any balance remaining in these | 158908 |
| | funds as of July 1, 2013, shall be transferred into the Park Law | 158909 |
| | Enforcement Fund (Fund 5EM0) and appropriated to appropriation | 158910 |
| | item 725613, Park Law Enforcement. | 158911 |
| | Section 335.10. NUR STATE BOARD OF NURSING | 158912 |
| | General Services Fund Group | 158913 |

| | | | | | | | |
|------------------------------|--------|-----------------------|----|-----------|----|-----------|--------|
| 4K90 | 884609 | Operating Expenses | \$ | 7,181,743 | \$ | 7,273,978 | 158914 |
| 5AC0 | 884602 | Nurse Education Grant | \$ | 1,373,506 | \$ | 1,373,506 | 158915 |
| | | Program | | | | | |
| 5P80 | 884601 | Nursing Special | \$ | 2,000 | \$ | 2,000 | 158916 |
| | | Issues | | | | | |
| TOTAL GSF General Services | | | | | | | 158917 |
| Fund Group | | | \$ | 8,557,249 | \$ | 8,649,484 | 158918 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 8,557,249 | \$ | 8,649,484 | 158919 |

Section 337.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 158921
AND ATHLETIC TRAINERS BOARD 158922

| | | | | | | | |
|---------------------------------|--------|--------------------|----|---------|----|---------|--------|
| General Services Fund Group | | | | | | | 158923 |
| 4K90 | 890609 | Operating Expenses | \$ | 866,169 | \$ | 925,897 | 158924 |
| TOTAL GSF General Services Fund | | | \$ | 866,169 | \$ | 925,897 | 158925 |
| Group | | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 866,169 | \$ | 925,897 | 158926 |

Section 339.10. OLA OHIOANA LIBRARY ASSOCIATION 158928

| | | | | | | | |
|--------------------------------|--------|-----------------|----|---------|----|---------|--------|
| General Revenue Fund | | | | | | | 158929 |
| GRF | 355501 | Library Subsidy | \$ | 135,000 | \$ | 140,000 | 158930 |
| TOTAL GRF General Revenue Fund | | | \$ | 135,000 | \$ | 140,000 | 158931 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 135,000 | \$ | 140,000 | 158932 |

Section 340.10. OOD OPPORTUNITIES FOR OHIOANS WITH 158934
DISABILITIES AGENCY 158935

| | | | | | | | |
|----------------------|--------|----------------------|----|------------|----|------------|--------|
| General Revenue Fund | | | | | | | 158936 |
| GRF | 415402 | Independent Living | \$ | 252,000 | \$ | 252,000 | 158937 |
| | | Council | | | | | |
| GRF | 415406 | Assistive Technology | \$ | 26,618 | \$ | 26,618 | 158938 |
| GRF | 415431 | Office for People | \$ | 126,567 | \$ | 126,567 | 158939 |
| | | with Brain Injury | | | | | |
| GRF | 415506 | Services for People | \$ | 15,277,885 | \$ | 15,277,885 | 158940 |

| | | | | | | |
|------------|--------|------------------------------------|----|-------------|----|--------------------|
| | | with Disabilities | | | | |
| GRF | 415508 | Services for the Deaf | \$ | 28,000 | \$ | 28,000 158941 |
| TOTAL GRF | | General Revenue Fund | \$ | 15,711,070 | \$ | 15,711,070 158942 |
| | | General Services Fund Group | | | | 158943 |
| 4670 | 415609 | Business Enterprise | \$ | 962,538 | \$ | 965,481 158944 |
| | | Operating Expenses | | | | |
| TOTAL GSF | | General Services | | | | 158945 |
| Fund Group | | | \$ | 962,538 | \$ | 965,481 158946 |
| | | Federal Special Revenue Fund Group | | | | 158947 |
| 3170 | 415620 | Disability | \$ | 83,332,186 | \$ | 84,641,911 158948 |
| | | Determination | | | | |
| 3790 | 415616 | Federal - Vocational | \$ | 117,431,895 | \$ | 113,610,728 158949 |
| | | Rehabilitation | | | | |
| 3L10 | 415601 | Social Security | \$ | 2,748,451 | \$ | 2,752,396 158950 |
| | | Personal Care | | | | |
| | | Assistance | | | | |
| 3L10 | 415605 | Social Security | \$ | 772,000 | \$ | 772,000 158951 |
| | | Community Centers for | | | | |
| | | the Deaf | | | | |
| 3L10 | 415608 | Social Security | \$ | 445,258 | \$ | 498,269 158952 |
| | | Special | | | | |
| | | Programs/Assistance | | | | |
| 3L40 | 415612 | Federal Independent | \$ | 638,431 | \$ | 638,431 158953 |
| | | Living Centers or | | | | |
| | | Services | | | | |
| 3L40 | 415615 | Federal - Supported | \$ | 916,727 | \$ | 916,727 158954 |
| | | Employment | | | | |
| 3L40 | 415617 | Independent | \$ | 1,548,658 | \$ | 1,348,658 158955 |
| | | Living/Vocational | | | | |
| | | Rehabilitation | | | | |
| | | Programs | | | | |
| TOTAL FED | | Federal Special | | | | 158956 |

| | | | | | | |
|---|--------------------------------|----|-------------|----|-------------|--------|
| Revenue Fund Group | | \$ | 207,833,606 | \$ | 205,179,120 | 158957 |
| State Special Revenue Fund Group | | | | | | 158958 |
| 4680 415618 | Third Party Funding | \$ | 11,000,000 | \$ | 11,000,000 | 158959 |
| 4L10 415619 | Services for
Rehabilitation | \$ | 3,502,168 | \$ | 3,502,168 | 158960 |
| 4W50 415606 | Program Management
Expenses | \$ | 12,369,751 | \$ | 12,594,758 | 158961 |
| TOTAL SSR State Special | | | | | | 158962 |
| Revenue Fund Group | | \$ | 26,871,919 | \$ | 27,096,926 | 158963 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 251,379,133 | \$ | 248,952,597 | 158964 |
| INDEPENDENT LIVING COUNCIL | | | | | | 158965 |
| The foregoing appropriation item 415402, Independent Living | | | | | | 158966 |
| Council, shall be used to fund the operations of the State | | | | | | 158967 |
| Independent Living Council and to support state independent living | | | | | | 158968 |
| centers and independent living services under Title VII of the | | | | | | 158969 |
| Independent Living Services and Centers for Independent Living of | | | | | | 158970 |
| the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 | | | | | | 158971 |
| U.S.C. 796d. | | | | | | 158972 |
| Of the foregoing appropriation item 415402, Independent | | | | | | 158973 |
| Living Council, \$67,662 in each fiscal year shall be used as state | | | | | | 158974 |
| matching funds for vocational rehabilitation innovation and | | | | | | 158975 |
| expansion activities. | | | | | | 158976 |
| ASSISTIVE TECHNOLOGY | | | | | | 158977 |
| The total amount of the foregoing appropriation item 415406, | | | | | | 158978 |
| Assistive Technology, shall be provided to Assistive Technology of | | | | | | 158979 |
| Ohio to provide grants and assistive technology services for | | | | | | 158980 |
| people with disabilities in the State of Ohio. | | | | | | 158981 |
| OFFICE FOR PEOPLE WITH BRAIN INJURY | | | | | | 158982 |
| The foregoing appropriation item 415431, Office for People | | | | | | 158983 |
| with Brain Injury, shall be provided to The Ohio State University | | | | | | 158984 |
| College of Medicine to support the Brain Injury Program | | | | | | 158985 |

| | |
|---|--|
| established under section 3304.23 of the Revised Code. | 158986 |
| VOCATIONAL REHABILITATION SERVICES | 158987 |
| The foregoing appropriation item 415506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers. | 158988
158989
158990 |
| SERVICES FOR THE DEAF | 158991 |
| The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf. | 158992
158993
158994 |
| INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS | 158995 |
| The foregoing appropriation item 415617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs. | 158996
158997
158998 |
| SOCIAL SECURITY REIMBURSEMENT FUNDS | 158999 |
| Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended from the Social Security Reimbursement Fund (Fund 3L10), to the extent funds are available, as follows: | 159000
159001
159002
159003
159004
159005 |
| (A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code; | 159006
159007
159008 |
| (B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and | 159009
159010
159011
159012 |
| (C) Appropriation item 415608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security | 159013
159014
159015 |

beneficiaries, to enable them to achieve competitive employment. 159016
 This appropriation item shall also be used to pay a portion of 159017
 indirect costs of the Personal Care Assistance Program and the 159018
 Independent Living Programs as mandated by federal OMB Circular 159019
 A-87. 159020

PROGRAM MANAGEMENT EXPENSES 159021

The foregoing appropriation item 415606, Program Management 159022
 Expenses, shall be used to support the administrative functions of 159023
 the commission related to the provision of vocational 159024
 rehabilitation, disability determination services, and ancillary 159025
 programs. 159026

Section 341.10. ODB OHIO OPTICAL DISPENSERS BOARD 159027

General Services Fund Group 159028
 4K90 894609 Operating Expenses \$ 366,000 \$ 365,000 159029
 TOTAL GSF General Services 159030
 Fund Group \$ 366,000 \$ 365,000 159031
 TOTAL ALL BUDGET FUND GROUPS \$ 366,000 \$ 365,000 159032

Section 343.10. OPT STATE BOARD OF OPTOMETRY 159034

General Services Fund Group 159035
 4K90 885609 Operating Expenses \$ 347,278 \$ 347,278 159036
 TOTAL GSF General Services 159037
 Fund Group \$ 347,278 \$ 347,278 159038
 TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 159039

Section 345.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 159041
 AND PEDORTHICS 159042

General Services Fund Group 159043
 4K90 973609 Operating Expenses \$ 151,417 \$ 159,982 159044
 TOTAL GSF General Services 159045

| | | | | | |
|------------------------------|----|---------|----|---------|--------|
| Fund Group | \$ | 151,417 | \$ | 159,982 | 159046 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 151,417 | \$ | 159,982 | 159047 |

Section 347.10. UST PETROLEUM UNDERGROUND STORAGE TANK 159048
RELEASE COMPENSATION BOARD 159049

| | | | | | |
|----------------------------------|----|-----------|----|-----------|--------|
| State Special Revenue Fund Group | | | | | 159050 |
| 6910 810632 PUSTRCB Staff | \$ | 1,233,249 | \$ | 1,252,202 | 159051 |
| TOTAL SSR State Special Revenue | | | | | 159052 |
| Fund Group | \$ | 1,233,249 | \$ | 1,252,202 | 159053 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,233,249 | \$ | 1,252,202 | 159054 |

Section 349.10. PRX STATE BOARD OF PHARMACY 159056

| | | | | | |
|----------------------------------|----|-----------|----|-----------|--------|
| General Services Fund Group | | | | | 159057 |
| 4A50 887605 Drug Law Enforcement | \$ | 150,000 | \$ | 150,000 | 159058 |
| 4K90 887609 Operating Expenses | \$ | 6,701,285 | \$ | 6,701,285 | 159059 |
| TOTAL GSF General Services Fund | \$ | 6,851,285 | \$ | 6,851,285 | 159060 |

Group

| | | | | | |
|------------------------------------|----|-----------|----|-----------|--------|
| Federal Special Revenue Fund Group | | | | | 159061 |
| 3BC0 887604 Dangerous Drugs | \$ | 390,869 | \$ | 0 | 159062 |
| Database | | | | | |
| 3CT0 887606 2008 | \$ | 224,691 | \$ | 112,346 | 159063 |
| Developing/Enhancing | | | | | |
| PMP | | | | | |
| 3DV0 887607 Enhancing Ohio's PMP | \$ | 2,000 | \$ | 2,000 | 159064 |
| 3EY0 887603 Administration of | \$ | 66,335 | \$ | 0 | 159065 |
| PMIX Hub | | | | | |
| TOTAL FED Federal Special Revenue | \$ | 683,895 | \$ | 114,346 | 159066 |
| Fund Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 7,535,180 | \$ | 6,965,631 | 159067 |

Section 351.10. PSY STATE BOARD OF PSYCHOLOGY 159069

| | | | | | |
|-----------------------------|--|--|--|--|--------|
| General Services Fund Group | | | | | 159070 |
|-----------------------------|--|--|--|--|--------|

| | | | | | | |
|--|-----------------------|----|-----------|----|-----------|--------|
| 4K90 882609 | Operating Expenses | \$ | 548,000 | \$ | 571,000 | 159071 |
| TOTAL GSF General Services | | | | | | 159072 |
| Fund Group | | \$ | 548,000 | \$ | 571,000 | 159073 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | 159074 |
|
 | | | | | | |
| Section 353.10. PUB OHIO PUBLIC DEFENDER COMMISSION | | | | | | 159076 |
|
 | | | | | | |
| General Revenue Fund | | | | | | 159077 |
| GRF 019401 | State Legal Defense | \$ | 3,020,855 | \$ | 3,020,855 | 159078 |
| | Services | | | | | |
| GRF 019403 | Multi-County: State | \$ | 1,237,318 | \$ | 1,250,824 | 159079 |
| | Share | | | | | |
| GRF 019404 | Trumbull County - | \$ | 354,743 | \$ | 359,631 | 159080 |
| | State Share | | | | | |
| GRF 019405 | Training Account | \$ | 50,000 | \$ | 50,000 | 159081 |
| GRF 019501 | County Reimbursement | \$ | 9,768,050 | \$ | 9,885,175 | 159082 |
| TOTAL GRF General Revenue Fund | | | | | | 159083 |
|
 | | | | | | |
| General Services Fund Group | | | | | | 159084 |
| 4070 019604 | County Representation | \$ | 351,149 | \$ | 354,248 | 159085 |
| 4080 019605 | Client Payments | \$ | 725,144 | \$ | 722,931 | 159086 |
| 5CX0 019617 | Civil Case Filing Fee | \$ | 532,136 | \$ | 528,476 | 159087 |
| TOTAL GSF General Services | | | | | | 159088 |
| Fund Group | | \$ | 1,608,429 | \$ | 1,605,655 | 159089 |
|
 | | | | | | |
| Federal Special Revenue Fund Group | | | | | | 159090 |
| 3FX0 019621 | Wrongful Conviction | \$ | 103,950 | \$ | 103,950 | 159091 |
| | Program | | | | | |
| 3S80 019608 | Federal | \$ | 204,706 | \$ | 202,942 | 159092 |
| | Representation | | | | | |
| TOTAL FED Federal Special Revenue | | | | | | 159093 |
| Fund Group | | \$ | 308,656 | \$ | 306,892 | 159094 |
|
 | | | | | | |
| State Special Revenue Fund Group | | | | | | 159095 |
| 4C70 019601 | Multi-County: County | \$ | 2,297,876 | \$ | 2,322,959 | 159096 |
| | Share | | | | | |

| | | | | |
|---|--|---------------|---------------|--|
| 4X70 019610 | Trumbull County -
County Share | \$ 658,809 | \$ 667,887 | 159097 |
| 5740 019606 | Civil Legal Aid | \$ 20,000,000 | \$ 20,000,000 | 159098 |
| 5DY0 019618 | Indigent Defense
Support - County
Share | \$ 40,320,991 | \$ 41,191,285 | 159099 |
| 5DY0 019619 | Indigent Defense
Support Fund - State
Office | \$ 5,186,329 | \$ 5,612,719 | 159100 |
| TOTAL SSR State Special Revenue | | | | 159101 |
| Fund Group | | \$ 68,464,005 | \$ 69,794,850 | 159102 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 84,812,056 | \$ 86,273,882 | 159103 |
| INDIGENT DEFENSE OFFICE | | | | 159104 |
| The foregoing appropriation items 019404, Trumbull County -
State Share, and 019610, Trumbull County - County Share, shall be
used to support an indigent defense office for Trumbull County. | | | | 159105
159106
159107 |
| MULTI-COUNTY OFFICE | | | | 159108 |
| The foregoing appropriation items 019403, Multi-County: State
Share, and 019601, Multi-County: County Share, shall be used to
support the Office of the Ohio Public Defender's Multi-County
Branch Office Program. | | | | 159109
159110
159111
159112 |
| TRAINING ACCOUNT | | | | 159113 |
| The foregoing appropriation item 019405, Training Account,
shall be used by the Ohio Public Defender to provide legal
training programs at no cost for private appointed counsel who
represent at least one indigent defendant at no cost and for state
and county public defenders and attorneys who contract with the
Ohio Public Defender to provide indigent defense services. | | | | 159114
159115
159116
159117
159118
159119 |
| FEDERAL REPRESENTATION | | | | 159120 |
| The foregoing appropriation item 019608, Federal
Representation, shall be used to receive reimbursements from the | | | | 159121
159122 |

| | |
|---|--------|
| federal courts when the Ohio Public Defender provides | 159123 |
| representation in federal court cases and to support | 159124 |
| representation in such cases. | 159125 |

Section 355.10. DPS DEPARTMENT OF PUBLIC SAFETY 159126

General Revenue Fund 159127

| | | | |
|---------------------------------|---------------|---------------|--------|
| GRF 767420 Investigative Unit - | \$ 10,500,000 | \$ 10,500,000 | 159128 |
| Operating | | | |

| | | | |
|--------------------------------|---------------|---------------|--------|
| TOTAL GRF General Revenue Fund | \$ 10,500,000 | \$ 10,500,000 | 159129 |
|--------------------------------|---------------|---------------|--------|

| | | | |
|------------------------------|---------------|---------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ 10,500,000 | \$ 10,500,000 | 159130 |
|------------------------------|---------------|---------------|--------|

Section 357.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 159132

General Services Fund Group 159133

| | | | |
|----------------------------|---------------|------|--------|
| 5BP0 870623 Wireless 9-1-1 | \$ 18,035,000 | \$ 0 | 159134 |
| Administration | | | |

| | | | |
|----------------------------------|---------------|---------------|--------|
| 5F60 870622 Utility and Railroad | \$ 30,619,708 | \$ 30,619,708 | 159135 |
| Regulation | | | |

| | | | |
|--------------------------------|-----------|-----------|--------|
| 5F60 870624 NARUC/NRRI Subsidy | \$ 85,000 | \$ 85,000 | 159136 |
|--------------------------------|-----------|-----------|--------|

| | | | |
|--------------------------------|--------------|--------------|--------|
| 5Q50 870626 Telecommunications | \$ 5,000,000 | \$ 5,000,000 | 159137 |
| Relay Service | | | |

TOTAL GSF General Services 159138

| | | | |
|------------|---------------|---------------|--------|
| Fund Group | \$ 53,739,708 | \$ 35,704,708 | 159139 |
|------------|---------------|---------------|--------|

Federal Special Revenue Fund Group 159140

| | | | |
|---------------------------------|------------|------------|--------|
| 3330 870601 Gas Pipeline Safety | \$ 597,959 | \$ 597,959 | 159141 |
|---------------------------------|------------|------------|--------|

| | | | |
|----------------------------------|--------------|--------------|--------|
| 3500 870608 Motor Carrier Safety | \$ 7,351,660 | \$ 7,351,660 | 159142 |
|----------------------------------|--------------|--------------|--------|

| | | | |
|------------------------------|------------|------|--------|
| 3EA0 870630 Energy Assurance | \$ 192,001 | \$ 0 | 159143 |
| Planning | | | |

| | | | |
|------------------------------|------------|------|--------|
| 3ED0 870631 State Regulators | \$ 115,912 | \$ 0 | 159144 |
| Assistance | | | |

| | | | |
|--------------------------------|------------|------------|--------|
| 3V30 870604 Commercial Vehicle | \$ 100,000 | \$ 100,000 | 159145 |
| Information | | | |
| Systems/Networks | | | |

| | | | | |
|---|----|------------|---------------|--------|
| TOTAL FED Federal Special Revenue | | | | 159146 |
| Fund Group | \$ | 8,357,532 | \$ 8,049,619 | 159147 |
| State Special Revenue Fund Group | | | | 159148 |
| 4A30 870614 Grade Crossing | \$ | 1,347,357 | \$ 1,347,357 | 159149 |
| Protection | | | | |
| Devices-State | | | | |
| 4L80 870617 Pipeline Safety-State | \$ | 331,992 | \$ 331,992 | 159150 |
| 5610 870606 Power Siting Board | \$ | 581,618 | \$ 581,618 | 159151 |
| 5LT0 870640 Intrastate | \$ | 180,000 | \$ 180,000 | 159152 |
| Registration | | | | |
| 5LT0 870641 Unified Carrier | \$ | 420,000 | \$ 420,000 | 159153 |
| Registration | | | | |
| 5LT0 870642 Hazardous Materials | \$ | 743,346 | \$ 753,346 | 159154 |
| Registration | | | | |
| 5LT0 870643 Nonhazardous Materials | \$ | 277,496 | \$ 277,496 | 159155 |
| Civil Forfeiture | | | | |
| 5LT0 870644 Hazardous Materials | \$ | 898,800 | \$ 898,800 | 159156 |
| Civil Forfeiture | | | | |
| 5LT0 870645 Motor Carrier | \$ | 4,768,453 | \$ 4,709,592 | 159157 |
| Enforcement | | | | |
| TOTAL SSR State Special Revenue | | | | 159158 |
| Fund Group | \$ | 9,549,062 | \$ 9,500,201 | 159159 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 71,646,302 | \$ 53,254,528 | 159160 |
| TELECOMMUNICATIONS TRANSITION PLANNING | | | | 159161 |
| The foregoing appropriation item 870622, Utility and Railroad | | | | 159162 |
| Regulation, shall be used in part to plan for the transition, | | | | 159163 |
| consistent with the directives and policies of the federal | | | | 159164 |
| communications commission, from the current public switched | | | | 159165 |
| telephone network to an internet-protocol network that will | | | | 159166 |
| stimulate investment in the internet-protocol network in Ohio and | | | | 159167 |
| that will expand the availability of advanced telecommunications | | | | 159168 |
| services to all Ohioans. The transition plan shall include a | | | | 159169 |

review of statutes or rules that may prevent or delay an 159170
appropriate transition. The transition plan shall address consumer 159171
protection issues, including the availability and reliability of 159172
alternatives to basic local exchange service. The commission shall 159173
report to the General Assembly by December 31, 2013, on any 159174
further action required to be taken by the General Assembly to 159175
insure a successful and timely transition. 159176

Section 359.10. PWC PUBLIC WORKS COMMISSION 159177

General Revenue Fund 159178

GRF 150904 Conservation General \$ 33,376,600 \$ 34,447,700 159179
Obligation Debt
Service

GRF 150907 State Capital \$ 227,810,300 \$ 228,948,900 159180
Improvements General
Obligation Debt
Service

TOTAL GRF General Revenue Fund \$ 261,186,900 \$ 263,396,600 159181

Clean Ohio Conservation Fund Group 159182

7056 150403 Clean Ohio Operating \$ 288,980 \$ 288,980 159183
Expenses

TOTAL 056 Clean Ohio Conservation \$ 288,980 \$ 288,980 159184

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 261,475,880 \$ 263,685,580 159185

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 159186

The foregoing appropriation item 150904, Conservation General 159187
Obligation Debt Service, shall be used to pay all debt service and 159188
related financing costs during the period from July 1, 2013, 159189
through June 30, 2015, at the times they are required to be made 159190
for obligations issued under sections 151.01 and 151.09 of the 159191
Revised Code. 159192

| | | | | | |
|--|----|------------|----|------------|--------|
| STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE | | | | | 159193 |
| The foregoing appropriation item 150907, State Capital | | | | | 159194 |
| Improvements General Obligation Debt Service, shall be used to pay | | | | | 159195 |
| all debt service and related financing costs during the period | | | | | 159196 |
| from July 1, 2013, through June 30, 2015, at the times they are | | | | | 159197 |
| required to be made for obligations issued under sections 151.01 | | | | | 159198 |
| and 151.08 of the Revised Code. | | | | | 159199 |
| CLEAN OHIO OPERATING EXPENSES | | | | | 159200 |
| The foregoing appropriation item 150403, Clean Ohio Operating | | | | | 159201 |
| Expenses, shall be used by the Ohio Public Works Commission in | | | | | 159202 |
| administering Clean Ohio Conservation Fund (Fund 7056) projects | | | | | 159203 |
| pursuant to sections 164.20 to 164.27 of the Revised Code. | | | | | 159204 |
| Section 361.10. RAC STATE RACING COMMISSION | | | | | 159205 |
| State Special Revenue Fund Group | | | | | 159206 |
| 5620 875601 Thoroughbred Race | \$ | 1,696,456 | \$ | 1,696,456 | 159207 |
| Fund | | | | | |
| 5630 875602 Standardbred | \$ | 1,697,452 | \$ | 1,697,452 | 159208 |
| Development Fund | | | | | |
| 5640 875603 Quarter Horse | \$ | 1,000 | \$ | 1,000 | 159209 |
| Development Fund | | | | | |
| 5650 875604 Racing Commission | \$ | 2,934,178 | \$ | 2,934,178 | 159210 |
| Operating | | | | | |
| 5C40 875607 Simulcast Horse | \$ | 12,000,000 | \$ | 12,000,000 | 159211 |
| Racing Purse | | | | | |
| 5JK0 875610 Racing Commission | \$ | 10,000,000 | \$ | 10,000,000 | 159212 |
| Fund | | | | | |
| TOTAL SSR State Special Revenue | | | | | 159213 |
| Fund Group | \$ | 28,329,086 | \$ | 28,329,086 | 159214 |
| Holding Account Redistribution Fund Group | | | | | 159215 |
| R021 875605 Bond Reimbursements | \$ | 100,000 | \$ | 100,000 | 159216 |

| | | | | |
|------------------------------|----|------------|----|-------------------|
| TOTAL 090 Holding Account | | | | 159217 |
| Redistribution | | | | |
| Fund Group | \$ | 100,000 | \$ | 100,000 159218 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 28,429,086 | \$ | 28,429,086 159219 |

Section 363.10. BOR BOARD OF REGENTS 159221

| | | | | |
|----------------------|---|----|------------|----------------------|
| General Revenue Fund | | | | 159222 |
| GRF 235321 | Operating Expenses | \$ | 2,850,357 | \$ 2,850,357 159223 |
| GRF 235401 | Lease Rental Payments | \$ | 5,805,300 | \$ 0 159224 |
| GRF 235402 | Sea Grants | \$ | 285,000 | \$ 285,000 159225 |
| GRF 235406 | Articulation and
Transfer | \$ | 2,000,000 | \$ 2,000,000 159226 |
| GRF 235408 | Midwest Higher
Education Compact | \$ | 95,000 | \$ 95,000 159227 |
| GRF 235409 | HEI Information System | \$ | 1,505,683 | \$ 1,505,683 159228 |
| GRF 235414 | State Grants and
Scholarship
Administration | \$ | 830,180 | \$ 830,180 159229 |
| GRF 235417 | eStudent Services | \$ | 2,532,688 | \$ 2,532,688 159230 |
| GRF 235428 | Appalachian New
Economy Partnership | \$ | 737,366 | \$ 737,366 159231 |
| GRF 235433 | Economic Growth
Challenge | \$ | 521,153 | \$ 521,153 159232 |
| GRF 235434 | College Readiness and
Access | \$ | 1,200,000 | \$ 1,200,000 159233 |
| GRF 235438 | Choose Ohio First
Scholarship | \$ | 16,665,114 | \$ 16,665,114 159234 |
| GRF 235443 | Adult Basic and
Literacy Education -
State | \$ | 7,302,416 | \$ 7,302,416 159235 |
| GRF 235444 | Post-Secondary Adult
Career-Technical
Education | \$ | 15,817,547 | \$ 15,817,547 159236 |

| | | | | | | |
|------------|---|----|---------------|----|---------------|--------|
| GRF 235474 | Area Health Education
Centers Program
Support | \$ | 900,000 | \$ | 900,000 | 159237 |
| GRF 235480 | General Technology
Operations | \$ | 500,000 | \$ | 500,000 | 159238 |
| GRF 235483 | Technology Integration
and Professional
Development | \$ | 2,378,598 | \$ | 2,378,598 | 159239 |
| GRF 235501 | State Share of
Instruction | \$ | 1,792,320,502 | \$ | 1,818,225,497 | 159240 |
| GRF 235502 | Student Support
Services | \$ | 632,974 | \$ | 632,974 | 159241 |
| GRF 235504 | War Orphans
Scholarships | \$ | 5,500,000 | \$ | 5,500,000 | 159242 |
| GRF 235507 | OhioLINK | \$ | 6,211,012 | \$ | 6,211,012 | 159243 |
| GRF 235508 | Air Force Institute of
Technology | \$ | 1,740,803 | \$ | 1,740,803 | 159244 |
| GRF 235510 | Ohio Supercomputer
Center | \$ | 3,747,418 | \$ | 3,747,418 | 159245 |
| GRF 235511 | Cooperative Extension
Service | \$ | 23,086,658 | \$ | 23,056,658 | 159246 |
| GRF 235512 | OSU Agricultural
Technical Institute
Supplement | \$ | 0 | \$ | 503,870 | 159247 |
| GRF 235514 | Central State
Supplement | \$ | 11,063,468 | \$ | 11,063,468 | 159248 |
| GRF 235515 | Case Western Reserve
University School of
Medicine | \$ | 2,146,253 | \$ | 2,146,253 | 159249 |
| GRF 235516 | Wright State Lake
Campus Agricultural
Program | \$ | 200,000 | \$ | 0 | 159250 |
| GRF 235519 | Family Practice | \$ | 3,166,185 | \$ | 3,166,185 | 159251 |

| | | | | | | |
|------------|--|----|------------|----|------------|--------|
| GRF 235520 | Shawnee State
Supplement | \$ | 2,326,097 | \$ | 2,326,097 | 159252 |
| GRF 235523 | Youth STEM
Commercialization and
Entrepreneurship
Program | \$ | 2,000,000 | \$ | 3,000,000 | 159253 |
| GRF 235524 | Police and Fire
Protection | \$ | 107,814 | \$ | 107,814 | 159254 |
| GRF 235525 | Geriatric Medicine | \$ | 522,151 | \$ | 522,151 | 159255 |
| GRF 235526 | Primary Care
Residencies | \$ | 1,500,000 | \$ | 1,500,000 | 159256 |
| GRF 235535 | Ohio Agricultural
Research and
Development Center | \$ | 34,126,100 | \$ | 34,126,100 | 159257 |
| GRF 235536 | The Ohio State
University Clinical
Teaching | \$ | 9,668,941 | \$ | 9,668,941 | 159258 |
| GRF 235537 | University of
Cincinnati Clinical
Teaching | \$ | 7,952,573 | \$ | 7,952,573 | 159259 |
| GRF 235538 | University of Toledo
Clinical Teaching | \$ | 6,198,600 | \$ | 6,198,600 | 159260 |
| GRF 235539 | Wright State
University Clinical
Teaching | \$ | 3,011,400 | \$ | 3,011,400 | 159261 |
| GRF 235540 | Ohio University
Clinical Teaching | \$ | 2,911,212 | \$ | 2,911,212 | 159262 |
| GRF 235541 | Northeast Ohio Medical
University Clinical
Teaching | \$ | 2,994,178 | \$ | 2,994,178 | 159263 |
| GRF 235552 | Capital Component | \$ | 13,628,639 | \$ | 10,280,387 | 159264 |
| GRF 235555 | Library Depositories | \$ | 1,440,342 | \$ | 1,440,342 | 159265 |
| GRF 235556 | Ohio Academic | \$ | 3,172,519 | \$ | 3,172,519 | 159266 |

| | | | | | | |
|-------------|--|------------------------------------|----|---------------|----|----------------------|
| | | Resources Network | | | | |
| GRF 235558 | | Long-term Care | \$ | 325,300 | \$ | 325,300 159267 |
| | | Research | | | | |
| GRF 235563 | | Ohio College | \$ | 90,284,264 | \$ | 90,284,264 159268 |
| | | Opportunity Grant | | | | |
| GRF 235572 | | The Ohio State | \$ | 766,533 | \$ | 766,533 159269 |
| | | University Clinic | | | | |
| | | Support | | | | |
| GRF 235599 | | National Guard | \$ | 16,711,514 | \$ | 17,384,511 159270 |
| | | Scholarship Program | | | | |
| GRF 235909 | | Higher Education | \$ | 221,168,700 | \$ | 248,822,000 159271 |
| | | General Obligation | | | | |
| | | Debt Service | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 2,332,558,552 | \$ | 2,378,910,162 159272 |
| | | General Services Fund Group | | | | 159273 |
| 2200 235614 | | Program Approval and | \$ | 903,595 | \$ | 903,595 159274 |
| | | Reauthorization | | | | |
| 4560 235603 | | Sales and Services | \$ | 199,250 | \$ | 199,250 159275 |
| 5JC0 235649 | | Co-op Internship | \$ | 8,000,000 | \$ | 8,000,000 159276 |
| | | Program | | | | |
| 5JC0 235668 | | Defense/Aerospace | \$ | 4,000,000 | \$ | 4,000,000 159277 |
| | | Workforce Development | | | | |
| | | Initiative | | | | |
| 5JC0 235685 | | Manufacturing | \$ | 2,000,000 | \$ | 0 159278 |
| | | Workforce Development | | | | |
| | | Initiative | | | | |
| TOTAL GSF | | General Services | | | | 159279 |
| | | Fund Group | \$ | 15,102,845 | \$ | 13,102,845 159280 |
| | | Federal Special Revenue Fund Group | | | | 159281 |
| 3120 235612 | | Carl D. Perkins | \$ | 1,350,000 | \$ | 1,350,000 159282 |
| | | Grant/Plan | | | | |
| | | Administration | | | | |

| | | | | | | | |
|--|--------|---|----|------------|----|------------|--------|
| 3120 | 235617 | Improving Teacher
Quality Grant | \$ | 3,200,000 | \$ | 3,200,000 | 159283 |
| 3120 | 235641 | Adult Basic and
Literacy Education -
Federal | \$ | 14,835,671 | \$ | 14,835,671 | 159284 |
| 3120 | 235672 | H-1B Tech Skills
Training | \$ | 1,100,000 | \$ | 1,100,000 | 159285 |
| 3BW0 | 235630 | Indirect Cost
Recovery - Federal | \$ | 50,000 | \$ | 50,000 | 159286 |
| 3H20 | 235608 | Human Services
Project | \$ | 1,000,000 | \$ | 1,000,000 | 159287 |
| TOTAL FED Federal Special Revenue | | | | | | | 159288 |
| Fund Group | | | \$ | 21,535,671 | \$ | 21,535,671 | 159289 |
| State Special Revenue Fund Group | | | | | | | 159290 |
| 4E80 | 235602 | Higher Educational
Facility Commission
Administration | \$ | 29,100 | \$ | 29,100 | 159291 |
| 4X10 | 235674 | Telecommunity and
Distance Learning | \$ | 49,150 | \$ | 49,150 | 159292 |
| 5D40 | 235675 | Conferences/Special
Purposes | \$ | 1,884,095 | \$ | 1,884,095 | 159293 |
| 5FR0 | 235643 | Making Opportunity
Affordable | \$ | 230,000 | \$ | 230,000 | 159294 |
| 5P30 | 235663 | Variable Savings Plan | \$ | 8,066,920 | \$ | 8,104,370 | 159295 |
| 6450 | 235664 | Guaranteed Savings
Plan | \$ | 1,290,718 | \$ | 1,303,129 | 159296 |
| 6820 | 235606 | Nursing Loan Program | \$ | 891,320 | \$ | 891,320 | 159297 |
| TOTAL SSR State Special Revenue | | | | | | | 159298 |
| Fund Group | | | \$ | 12,441,303 | \$ | 12,491,164 | 159299 |
| Third Frontier Research & Development Fund Group | | | | | | | 159300 |
| 7011 | 235634 | Research Incentive
Third Frontier Fund | \$ | 8,000,000 | \$ | 8,000,000 | 159301 |

TOTAL 011 Third Frontier Research & \$ 8,000,000 \$ 8,000,000 159302
Development Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,389,638,371 \$ 2,434,039,842 159303

Section 363.20. LEASE RENTAL PAYMENTS 159305

The foregoing appropriation item 235401, Lease Rental 159306
Payments, shall be used to meet all payments at the times they are 159307
required to be made during the period from July 1, 2013, through 159308
June 30, 2015, by the Chancellor of the Board of Regents under 159309
leases and agreements made under section 154.21 of the Revised 159310
Code. These appropriations are the source of funds pledged for 159311
bond service charges on related obligations issued under Chapter 159312
154. of the Revised Code. 159313

Section 363.23. SEA GRANTS 159314

The foregoing appropriation item 235402, Sea Grants, shall be 159315
used to match federal dollars and leverage additional support by 159316
The Ohio State University's Sea Grant program, including Stone 159317
Laboratory, for research, education, and outreach to enhance the 159318
economic value, public utilization, and responsible management of 159319
Lake Erie and Ohio's coastal resources. 159320

Section 363.30. ARTICULATION AND TRANSFER 159321

The foregoing appropriation item 235406, Articulation and 159322
Transfer, shall be used by the Chancellor of the Board of Regents 159323
to maintain and expand the work of the Articulation and Transfer 159324
Council to develop a system of transfer policies to ensure that 159325
students at state institutions of higher education can transfer 159326
and have coursework apply to their majors and degrees at any other 159327
state institution of higher education without unnecessary 159328
duplication or institutional barriers under sections 3333.16, 159329
3333.161, and 3333.162 of the Revised Code. 159330

Section 363.40. MIDWEST HIGHER EDUCATION COMPACT 159331

The foregoing appropriation item 235408, Midwest Higher 159332
Education Compact, shall be distributed by the Chancellor of the 159333
Board of Regents under section 3333.40 of the Revised Code. 159334

Section 363.50. HEI INFORMATION SYSTEM 159335

The foregoing appropriation item 235409, HEI Information 159336
System, shall be used by the Chancellor of the Board of Regents to 159337
support the development and implementation of information 159338
technology solutions designed to improve the performance and 159339
services of the Chancellor of the Board of Regents and the 159340
University System of Ohio. Information technology solutions may be 159341
provided by the Ohio Academic Research Network (OARnet). 159342

Section 363.60. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 159343

The foregoing appropriation item 235414, State Grants and 159344
Scholarship Administration, shall be used by the Chancellor of the 159345
Board of Regents to administer the following student financial aid 159346
programs: Ohio College Opportunity Grant, Ohio War Orphans' 159347
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 159348
Officers College Memorial Fund, and any other student financial 159349
aid programs created by the General Assembly. The appropriation 159350
item also shall be used to support all state financial aid audits 159351
and student financial aid programs created by Congress, and to 159352
provide fiscal services for the Ohio National Guard Scholarship 159353
Program. 159354

Section 363.70. ESTUDENT SERVICES 159355

The foregoing appropriation item 235417, eStudent Services, 159356
shall be used by the Chancellor of the Board of Regents to support 159357
the continued implementation of eStudent Services, a consortium 159358

organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to support the distance learning clearinghouse and platform created under section 3333.82 of the Revised Code, and to facilitate cost-effectiveness through shared educational technology investments.

Section 363.80. APPALACHIAN NEW ECONOMY PARTNERSHIP

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 363.90. ECONOMIC GROWTH CHALLENGE

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents.

The Chancellor of the Board of Regents shall use any appropriation transfer to the foregoing appropriation item 235433, Economic Growth Challenge, to enhance the basic research and commercialization capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in order to strengthen academic research and

commercialization for pursuing Ohio's economic development goals. 159389

Section 363.93. COLLEGE READINESS AND ACCESS 159390

The foregoing appropriation item 235434, College Readiness 159391
and Access, shall be used by the Chancellor of the Board of 159392
Regents to support early college high school initiatives. The 159393
Chancellor shall distribute grants equal to \$2,000 per enrolled 159394
early college high school student to institutions of higher 159395
education supporting an early college high school. If the 159396
Chancellor determines that the amounts appropriated are inadequate 159397
to provide full grant awards to all eligible institutions, the 159398
Chancellor may decrease the per student grant amount. 159399

Section 363.100. CHOOSE OHIO FIRST SCHOLARSHIP 159400

The foregoing appropriation item 235438, Choose Ohio First 159401
Scholarship, shall be used to operate the program prescribed in 159402
sections 3333.60 to 3333.70 of the Revised Code. 159403

Section 363.110. ADULT BASIC AND LITERACY EDUCATION 159404

The foregoing appropriation item 235443, Adult Basic and 159405
Literacy Education - State, shall be used to support the adult 159406
basic and literacy education instructional grant program and state 159407
leadership program. The supported programs shall satisfy the state 159408
match and maintenance of effort requirements for the 159409
state-administered grant program. 159410

Section 363.120. POST-SECONDARY ADULT CAREER-TECHNICAL 159411
EDUCATION 159412

The foregoing appropriation item 235444, Post-Secondary Adult 159413
Career-Technical Education, shall be used by the Chancellor of the 159414
Board of Regents, in consultation with the Superintendent of 159415
Public Instruction and the Governor's Office of Workforce 159416

Transformation, to support post-secondary adult career-technical 159417
education. The Chancellor of the Board of Regents, the 159418
Superintendent of Public Instruction, and the Governor's Office of 159419
Workforce Transformation, or their designees, shall hold a series 159420
of consultations with the Ohio Technical Centers during fiscal 159421
year 2014 to develop an appropriate funding formula to distribute 159422
these funds based on student outcomes, beginning in fiscal year 159423
2015. 159424

Not later than June 30, 2014, the Chancellor of the Board of 159425
Regents shall establish a One-Year Option credit articulation 159426
system in which graduates of Ohio Technical Centers who complete a 159427
900-hour program of study and obtain an industry-recognized 159428
credential approved by the Chancellor shall receive 30 college 159429
technical credit hours toward a technical degree upon enrollment 159430
in an institution of higher education. 159431

By June 30, 2014, the Chancellor also shall submit a report 159432
to the General Assembly, in accordance with section 101.68 of the 159433
Revised Code, that recommends a process to award proportional 159434
credit toward a technical degree for students who complete a 159435
program of study between 600 and 899 hours and obtain an 159436
industry-recognized credential approved by the Chancellor. 159437

As used in this section, "institution of higher education" 159438
has the same meaning as in section 3345.12 of the Revised Code. 159439

Section 363.130. AREA HEALTH EDUCATION CENTERS 159440

The foregoing appropriation item 235474, Area Health 159441
Education Centers Program Support, shall be used by the Chancellor 159442
of the Board of Regents to support the medical school regional 159443
area health education centers' educational programs for the 159444
continued support of medical and other health professions 159445
education and for support of the Area Health Education Center 159446
Program. 159447

Effective July 1, 2013, the Director of Budget and Management 159448
shall cancel any existing encumbrances against appropriation item 159449
935408, General Operations, and re-establish them, as determined 159450
to be appropriate by the Director of Budget and Management, 159451
against appropriation item 235480, General Technology Operations. 159452
The re-established encumbrance amounts are hereby appropriated. 159453
Any business commenced but not completed under appropriation item 159454
935408, General Operations, by July 1, 2013, shall be completed, 159455
as determined to be appropriate by the Director of Budget and 159456
Management, under appropriation item 235480, General Technology 159457
Operations, in the same manner and with the same effect as if it 159458
were completed with regard to appropriation item 935408, General 159459
Operations. 159460

Section 363.180. TECHNOLOGY INTEGRATION AND PROFESSIONAL 159461
DEVELOPMENT 159462

Of the foregoing appropriation item 235483, Technology 159463
Integration and Professional Development, up to \$2,000,000 in each 159464
fiscal year shall be used to provide grants on a competitive basis 159465
to public and chartered nonpublic schools for their participation 159466
in the electronic textbook pilot project. These grants shall be 159467
administered as provided under the section of this act entitled 159468
ELECTRONIC TEXTBOOK PILOT PROJECT. On July 1, 2014, or as soon as 159469
possible thereafter, the Chancellor of the Board of Regents may 159470
certify to the Director of Budget and Management the amount of the 159471
unexpended, unencumbered balance of this set aside at the end of 159472
fiscal year 2014 to be appropriated to fiscal year 2015. The 159473
amount certified is hereby reappropriated for the same purpose for 159474
fiscal year 2015. 159475

The remainder of the foregoing appropriation item 235483, 159476
Technology Integration and Professional Development, shall be used 159477
by the Ohio Department of Education and the Chancellor of the 159478

Board of Regents for the provision of staff development, hardware, 159479
software, telecommunications services, and information resources 159480
to support educational uses of technology in the classroom and at 159481
a distance and for professional development for teachers, 159482
administrators, and technology staff on the use of educational 159483
technology in qualifying public schools, including the State 159484
School for the Blind, the School for the Deaf, and the Department 159485
of Youth Services. 159486

Section 363.190. STATE SHARE OF INSTRUCTION FORMULAS 159487

The Chancellor of the Board of Regents shall establish 159488
procedures to allocate the foregoing appropriation item 235501, 159489
State Share of Instruction, based on the formulas detailed in this 159490
section that utilize the enrollment, course completion, degree 159491
attainment, and student achievement factors reported annually by 159492
each state institution of higher education participating in the 159493
Higher Education Information (HEI) system. 159494

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 159495
COMPLETIONS 159496

(1) As soon as possible during each fiscal year of the 159497
biennium ending June 30, 2015, in accordance with instructions of 159498
the Board of Regents, each state institution of higher education 159499
shall report its actual data, consistent with the definitions in 159500
the Higher Education Information (HEI) system's enrollment files, 159501
to the Chancellor of the Board of Regents. 159502

(2) In defining the number of full-time equivalent students 159503
for state subsidy instructional cost purposes, the Chancellor of 159504
the Board of Regents shall exclude all undergraduate students who 159505
are not residents of Ohio, except those charged in-state fees in 159506
accordance with reciprocity agreements made under section 3333.17 159507
of the Revised Code or employer contracts entered into under 159508
section 3333.32 of the Revised Code. 159509

(3) In calculating the core subsidy entitlements for university branch and main campuses, the Chancellor of the Board of Regents shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (A)(3)(a) of this section, that had an expected family contribution less than 2190 or were determined to have been in need of remedial education shall be defined as at-risk students and shall have their eligible completions weighted by the following:

(i) Campus-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2010-2012 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(4) In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(5) In calculating the core subsidy entitlements for students enrolled in state-supported law schools, subsidy eligible FTE completions shall be limited to students identified as residents of Ohio.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

| | | | |
|--|-----------|-----------|--------|
| For purposes of calculating state share of instruction | | | 159540 |
| allocations, the total instructional costs per full-time | | | 159541 |
| equivalent student shall be: | | | 159542 |
| Model | Fiscal | Fiscal | 159543 |
| | Year 2014 | Year 2015 | |
| ARTS AND HUMANITIES 1 | \$7,803 | \$7,940 | 159544 |
| ARTS AND HUMANITIES 2 | \$10,828 | \$11,018 | 159545 |
| ARTS AND HUMANITIES 3 | \$13,988 | \$14,234 | 159546 |
| ARTS AND HUMANITIES 4 | \$20,242 | \$20,598 | 159547 |
| ARTS AND HUMANITIES 5 | \$33,969 | \$34,567 | 159548 |
| ARTS AND HUMANITIES 6 | \$38,280 | \$38,954 | 159549 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1 | \$7,109 | \$7,235 | 159550 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2 | \$8,106 | \$8,249 | 159551 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3 | \$10,640 | \$10,827 | 159552 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4 | \$12,647 | \$12,869 | 159553 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5 | \$19,657 | \$20,003 | 159554 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6 | \$22,006 | \$22,393 | 159555 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7 | \$30,558 | \$31,096 | 159556 |
| MEDICAL 1 | \$53,424 | \$54,365 | 159557 |
| MEDICAL 2 | \$45,873 | \$46,681 | 159558 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$7,190 | \$7,317 | 159559 |
| MEDICINE 1 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$10,091 | \$10,268 | 159560 |
| MEDICINE 2 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$11,928 | \$12,138 | 159561 |
| MEDICINE 3 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$15,186 | \$15,454 | 159562 |
| MEDICINE 4 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$20,043 | \$20,396 | 159563 |
| MEDICINE 5 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$21,633 | \$22,013 | 159564 |
| MEDICINE 6 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$26,471 | \$26,937 | 159565 |

| | | | |
|---|-----------|-----------|--------|
| MEDICINE 7 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$36,766 | \$37,413 | 159566 |
| MEDICINE 8 | | | |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$52,170 | \$53,088 | 159567 |
| MEDICINE 9 | | | |
| Doctoral I and Doctoral II models shall be allocated in | | | 159568 |
| accordance with division (D)(3) of this section. | | | 159569 |
| (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, | | | 159570 |
| AND GRADUATE WEIGHTS | | | 159571 |
| For the purpose of implementing the recommendations of the | | | 159572 |
| 2006 State Share of Instruction Consultation and the Higher | | | 159573 |
| Education Funding Study Council that priority be given to | | | 159574 |
| maintaining state support for science, technology, engineering, | | | 159575 |
| mathematics, medicine, and graduate programs, the costs in | | | 159576 |
| division (B) of this section shall be weighted by the amounts | | | 159577 |
| provided below: | | | 159578 |
| Model | Fiscal | Fiscal | 159579 |
| | Year 2014 | Year 2015 | |
| ARTS AND HUMANITIES 1 | 1.0000 | 1.0000 | 159580 |
| ARTS AND HUMANITIES 2 | 1.0000 | 1.0000 | 159581 |
| ARTS AND HUMANITIES 3 | 1.0000 | 1.0000 | 159582 |
| ARTS AND HUMANITIES 4 | 1.0000 | 1.0000 | 159583 |
| ARTS AND HUMANITIES 5 | 1.0425 | 1.0425 | 159584 |
| ARTS AND HUMANITIES 6 | 1.0425 | 1.0425 | 159585 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1 | 1.0000 | 1.0000 | 159586 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2 | 1.0000 | 1.0000 | 159587 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3 | 1.0000 | 1.0000 | 159588 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4 | 1.0000 | 1.0000 | 159589 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5 | 1.0425 | 1.0425 | 159590 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6 | 1.0425 | 1.0425 | 159591 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7 | 1.0425 | 1.0425 | 159592 |
| MEDICAL 1 | 1.6456 | 1.6456 | 159593 |

| | | | |
|---|--------|--------|--------|
| MEDICAL 2 | 1.7462 | 1.7462 | 159594 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1 | 1.0000 | 1.0000 | 159595 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2 | 1.0017 | 1.0017 | 159596 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3 | 1.6150 | 1.6150 | 159597 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4 | 1.6920 | 1.6920 | 159598 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5 | 1.4222 | 1.4222 | 159599 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6 | 1.8798 | 1.8798 | 159600 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7 | 1.4380 | 1.4380 | 159601 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8 | 1.5675 | 1.5675 | 159602 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9 | 1.1361 | 1.1361 | 159603 |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS | | | 159604 |
| (1) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the fiscal year 2014 appropriation for state-supported community colleges, state community colleges, and technical colleges shall be allocated to colleges in proportion to their share of college student success factors as adopted by the Chancellor of the Board of Regents in formal communication to the Controlling Board on August 30, 2010. | | | 159605 |
| (2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the fiscal year 2014 appropriation for state-supported community colleges, state community colleges, and technical colleges shall be reserved for course completion | | | 159606 |
| | | | 159607 |
| | | | 159608 |
| | | | 159609 |
| | | | 159610 |
| | | | 159611 |
| | | | 159612 |
| | | | 159613 |
| | | | 159614 |
| | | | 159615 |
| | | | 159616 |

FTEs as aggregated by the subsidy models defined in division (B) 159617
of this section. 159618

The course completion funding shall be allocated to colleges 159619
in proportion to each campuses' share of the total sector's course 159620
completions, weighted by the instructional cost of the subsidy 159621
models. 159622

To calculate the subsidy entitlements for course completions 159623
at community colleges, state community colleges, and technical 159624
colleges, the Chancellor of the Board of Regents shall use the 159625
following calculations: 159626

(a) In calculating each campus's count of FTE course 159627
completions, the Chancellor of the Board of Regents shall use the 159628
three-year average course completions for the three-year period 159629
ending in the prior year. 159630

(b) The model costs as used in the calculation shall be 159631
augmented by the model weights for science, technology, 159632
engineering, mathematics, and medicine models as established in 159633
division (C) of this section. 159634

(3) Of the foregoing appropriation item 235501, State Share 159635
of Instruction, up to 11.78 per cent of the appropriation for 159636
universities, as established in division (A)(2) of the section of 159637
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159638
2014 and 2015," in each fiscal year shall be reserved for support 159639
of doctoral programs to implement the funding recommendations made 159640
by representatives of the universities. The amount so reserved 159641
shall be referred to as the doctoral set-aside. 159642

The doctoral set-aside shall be allocated to universities as 159643
follows: 159644

(a) 62.50 per cent of the doctoral set-aside in fiscal year 159645
2014 and 55 per cent of the doctoral set-aside in fiscal year 2015 159646
shall be allocated to universities in proportion to their share of 159647

the statewide total of each state institution's three-year average 159648
Doctoral I equivalent FTEs as calculated on an institutional basis 159649
using historical FTEs for the period fiscal year 1994 through 159650
fiscal year 1998 with annualized FTEs for fiscal years 1994 159651
through 1997 and all-term FTEs for fiscal year 1998 as adjusted to 159652
reflect the effects of doctoral review and subsequent changes in 159653
Doctoral I equivalent enrollments. For the purposes of this 159654
calculation, Doctoral I equivalent FTEs shall equal the sum of 159655
Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 159656

(b) 25 per cent of the doctoral set-aside in fiscal year 2014 159657
and 30 per cent of the doctoral set-aside in fiscal year 2015 159658
shall be allocated to universities in proportion to each campus's 159659
share of the total statewide doctoral degrees, weighted by the 159660
cost of the doctoral discipline. In calculating each campus's 159661
doctoral degrees the Chancellor of the Board of Regents shall use 159662
the three-year average doctoral degrees awarded for the three-year 159663
period ending in the prior year. 159664

(c) 12.5 per cent of the doctoral set-aside in fiscal year 159665
2014 and 15 per cent of the doctoral set-aside in fiscal year 2015 159666
shall be allocated to universities in proportion to their share of 159667
research grant activity, using a data collection method that is 159668
reviewed and approved by the presidents of Ohio's doctoral degree 159669
granting universities. In the event that the data collection 159670
method is not available, funding for this component shall be 159671
allocated to universities in proportion to their share of research 159672
grant activity published by the National Science Foundation. Grant 159673
awards from the Department of Health and Human Services shall be 159674
weighted at 50 per cent. 159675

(4) Of the foregoing appropriation item 235501, State Share 159676
of Instruction, 6.41 per cent of the appropriation for 159677
universities, as established in division (A)(2) of the section of 159678
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159679

2014 AND 2015," in each fiscal year shall be reserved for support 159680
of Medical II FTEs. The amount so reserved shall be referred to as 159681
the medical II set-aside. 159682

The medical II set-aside shall be allocated to universities 159683
in proportion to their share of the statewide total of each state 159684
institution's three-year average Medical II FTEs as calculated in 159685
division (A) of this section, weighted by model cost. 159686

(5) Of the foregoing appropriation item 235501, State Share 159687
of Instruction, 1.48 per cent of the appropriation for 159688
universities, as established in division (A)(2) of the section of 159689
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159690
2014 AND 2015," in each fiscal year shall be reserved for support 159691
of Medical I FTEs. The amount so reserved shall be referred to as 159692
the medical I set-aside. 159693

The medical I set-aside shall be allocated to universities in 159694
proportion to their share of the statewide total of each state 159695
institution's three-year average Medical I FTEs as calculated in 159696
division (A) of this section. 159697

(6) Of the foregoing appropriation item 235501, State Share 159698
of Instruction, 50 per cent of the appropriation in each fiscal 159699
year for universities, net any earmarked funding for university 159700
regional campuses as detailed in division (B)(1) of the section of 159701
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159702
2014 AND 2015," shall be reserved for support of associate, 159703
baccalaureate, master's, and professional level degree attainment. 159704

The degree attainment funding shall be allocated to 159705
universities in proportion to each campus's share of the total 159706
statewide degrees granted, weighted by the cost of the degree 159707
programs. The degree cost calculations shall include the model 159708
cost weights for the science, technology, engineering, 159709
mathematics, and medicine models as established in division (C) of 159710

this section. 159711

For degrees including credits earned at multiple 159712
institutions, in fiscal year 2015, degree attainment funding shall 159713
be allocated to universities and branch campuses in proportion to 159714
each campus's share of the cost of earned credits for the degree. 159715
Each institution shall receive its prorated share of degree 159716
funding for credits earned at that institution. Cost of credits 159717
not earned at a university main or regional campus shall be 159718
credited to the degree-granting institution. 159719

In calculating the subsidy entitlements for degree attainment 159720
at university main and regional campuses, the Chancellor of the 159721
Board of Regents shall use the following count of degrees and 159722
degree costs: 159723

(a) The subsidy eligible undergraduate degrees shall be 159724
defined as follows: 159725

(i) The subsidy eligible degrees conferred to students 159726
identified as residents of the state of Ohio in any term of their 159727
studies, as reported through the Higher Education Information 159728
(HEI) system student enrollment file, shall be weighted by a 159729
factor of 1. 159730

(ii) The subsidy eligible degrees conferred to students 159731
identified as out-of-state residents during all terms of their 159732
studies, as reported through the Higher Education Information 159733
(HEI) system student enrollment file, who remain in the state of 159734
Ohio at least one year after graduation, as calculated based on 159735
the three-year average in-state residency rate for out-of-state 159736
students at each institution, shall be weighted by a factor of 50 159737
per cent. For fiscal year 2014, subsidy eligible degrees conferred 159738
to all out-of-state students shall be weighted by a factor of 25 159739
per cent. 159740

(b) In fiscal year 2014, for those associate degrees awarded 159741

by a state-supported university, the subsidy eligible degrees 159742
granted are defined as only those earned by students attending a 159743
university that received funding under GRF appropriation item 159744
235418, Access Challenge, in fiscal year 2009. In fiscal year 159745
2015, subsidy eligible associate degrees are defined as those 159746
earned by students attending any state-supported university main 159747
or regional campus. 159748

(c) In calculating each campus's count of degrees, the 159749
Chancellor of the Board of Regents shall use the three-year 159750
average associate, baccalaureate, master's, and professional 159751
degrees awarded for the three-year period ending in the prior 159752
year. In fiscal year 2014, university regional campuses are not 159753
eligible for degree completion funding. In fiscal year 2015, all 159754
university campuses are eligible for degree completion funding. 159755

(d) For fiscal year 2014, eligible associate degrees defined 159756
in division (D)(6)(b) of this section and all bachelor's degrees 159757
earned by a student that either had an expected family 159758
contribution less than 2190, was determined to have been in need 159759
of remedial education, is Native American, African American, or 159760
Hispanic, or is at least age 26 at the time of graduation, shall 159761
be defined as degrees earned by an at-risk student and shall be 159762
weighted by the following: 159763

(i) A campus-specific at-risk index, where the index is 159764
calculated based on the proportion of at-risk students enrolled 159765
during a four-year cohort beginning in fiscal year 2001, 2002, 159766
2003, or 2004; and 159767

(ii) A statewide average at-risk degree completion weight 159768
determined by calculating the difference between the percentage of 159769
non-at-risk students who earned a degree and the percentage of 159770
at-risk students who earned a degree in eight years or less. 159771

(e) For fiscal year 2015, eligible associate degrees defined 159772

in division (D)(6)(b) of this section and all bachelor's degrees 159773
earned by a student that either had an expected family 159774
contribution less than 2190, was determined to be in need of 159775
remedial education, is Native American, African American, or 159776
Hispanic, or is at least 26 years of age at the time of 159777
graduation, shall be defined as degrees earned by an at-risk 159778
student and shall be weighted by the following: 159779

A student-specific degree completion weight, where the weight 159780
is calculated based on the at risk factors of the individual 159781
student, determined by calculating the difference between the 159782
percentage of students with each risk factor who earned a degree 159783
and the percentage of non-at-risk students who earned a degree. 159784

(7) State share of instruction base formula earnings shall be 159785
determined as follows: 159786

(a) The instructional costs shall be determined by 159787
multiplying the amounts listed above in divisions (B) and (C) of 159788
this section by the average subsidy-eligible FTEs for the 159789
three-year period ending in the prior year for all models except 159790
Doctoral I and Doctoral II. 159791

(b) The Chancellor of the Board of Regents shall compute a 159792
uniform state share of instructional costs for each sector. 159793

(i) For the state-supported community colleges, state 159794
community colleges, and technical colleges, in fiscal year 2014 159795
the Chancellor of the Board of Regents shall compute the uniform 159796
state share of instructional costs for enrollment by dividing the 159797
sector level appropriation total as determined by the Chancellor 159798
in division (A)(1) of the section of this act entitled "STATE 159799
SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 159800
pursuant to divisions (B) and (C) of that section, less the 159801
student college success allocation as described in division (D)(1) 159802
of this section and less the course completion allocation as 159803

detailed in division (D)(2) of this section, by the sum of all 159804
eligible campuses' instructional costs as calculated in division 159805
(D)(7)(b) of this section. 159806

(ii) For the state-supported university regional campuses, in 159807
fiscal year 2014 the Chancellor of the Board of Regents shall 159808
compute the uniform state share of instructional costs by dividing 159809
the sector level appropriation, as determined by the Chancellor in 159810
division (A)(2) of the section of this act entitled "STATE SHARE 159811
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 159812
pursuant to division (B) of that section by the sum of all 159813
campuses' instructional costs as calculated in division (D)(7)(b) 159814
of this section. 159815

(iii) For the state-supported university main campuses, in 159816
fiscal year 2014 the Chancellor of the Board of Regents shall 159817
compute the uniform state share of instructional costs by dividing 159818
the sector level appropriation, as determined by the Chancellor in 159819
division (A)(3) of the section of this act entitled "STATE SHARE 159820
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 159821
pursuant to division (B) of that section, less the degree 159822
attainment funding as calculated in divisions (D)(3) to (6) of 159823
this section, less the doctoral set-aside, less the medical I 159824
set-aside, and less the medical II set-aside, by the sum of all 159825
campuses' instructional costs as calculated in division (D)(7)(b) 159826
of this section. 159827

(iv) For the state university regional and main campuses, in 159828
fiscal year 2015 the Chancellor of the Board of Regents shall 159829
compute the uniform state share of instructional costs by dividing 159830
the university appropriation, as determined by the Chancellor in 159831
division (A)(3) of the section of this act entitled "STATE SHARE 159832
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 159833
pursuant to division (B) of that section, less the degree 159834
attainment funding as calculated in divisions (D)(3) to (6) of 159835

this section, less the doctoral set-aside, less the medical I 159836
set-aside, and less the medical II set-aside, by the sum of all 159837
campuses' instructional costs as calculated in division (D)(7)(b) 159838
of this section. 159839

(c) The formula entitlement shall be determined by 159840
multiplying the uniform state share of instructional costs 159841
calculated in division (D)(7)(c) of this section by the 159842
instructional cost determined in division (D)(7)(b) of this 159843
section. 159844

(8) In addition to the student success allocation, doctoral 159845
set-aside, medical I set-aside, medical II set-aside, and the 159846
degree attainment allocation determined in divisions (D)(1) to (6) 159847
of this section and the formula entitlement determined in division 159848
(D)(7) of this section, an allocation based on facility-based 159849
plant operations and maintenance (POM) subsidy shall be made. For 159850
each eligible university main campus, the amount of the POM 159851
allocation in each fiscal year shall be distributed based on what 159852
each campus received in the fiscal year 2009 POM allocation. 159853

Any POM allocations required by this division shall be funded 159854
by proportionately reducing formula entitlement earnings, 159855
including the POM allocations, for all campuses in that sector. 159856

(9) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING FOR 159857
COMMUNITY, STATE COMMUNITY, AND TECHNICAL COLLEGES 159858

In addition to and after the adjustments noted above, in 159859
fiscal year 2014, no community college, state community college, 159860
or technical college shall receive a state share of instruction 159861
allocation that is less than 97 per cent of the prior year's state 159862
share of instruction earnings. Funds shall be made available to 159863
support this allocation by proportionately reducing formula 159864
entitlement earnings from those campuses, within the community, 159865
state community, and technical college sector, that are not 159866

| | |
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| receiving stability funding. | 159867 |
| (10) CAPITAL COMPONENT DEDUCTION | 159868 |
| After all other adjustments have been made, state share of | 159869 |
| instruction earnings shall be reduced for each campus by the | 159870 |
| amount, if any, by which debt service charged in Am. H.B. 748 of | 159871 |
| the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General | 159872 |
| Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. | 159873 |
| 675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th | 159874 |
| General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, | 159875 |
| Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. | 159876 |
| 562 of the 127th General Assembly for that campus exceeds that | 159877 |
| campus's capital component earnings. The sum of the amounts | 159878 |
| deducted shall be transferred to appropriation item 235552, | 159879 |
| Capital Component, in each fiscal year. | 159880 |
| (E) EXCEPTIONAL CIRCUMSTANCES | 159881 |
| Adjustments may be made to the state share of instruction | 159882 |
| payments and other subsidies distributed by the Chancellor of the | 159883 |
| Board of Regents to state colleges and universities for | 159884 |
| exceptional circumstances. No adjustments for exceptional | 159885 |
| circumstances may be made without the recommendation of the | 159886 |
| Chancellor and the approval of the Controlling Board. | 159887 |
| (F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF | 159888 |
| INSTRUCTION | 159889 |
| The standard provisions of the state share of instruction | 159890 |
| calculation as described in the preceding sections of temporary | 159891 |
| law shall apply to any reductions made to appropriation item | 159892 |
| 235501, State Share of Instruction, before the Chancellor of the | 159893 |
| Board of Regents has formally approved the final allocation of the | 159894 |
| state share of instruction funds for any fiscal year. | 159895 |
| Any reductions made to appropriation item 235501, State Share | 159896 |
| of Instruction, after the Chancellor of the Board of Regents has | 159897 |

formally approved the final allocation of the state share of 159898
instruction funds for any fiscal year, shall be uniformly applied 159899
to each campus in proportion to its share of the final allocation. 159900

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 159901

The state share of instruction payments to the institutions 159902
shall be in substantially equal monthly amounts during the fiscal 159903
year, unless otherwise determined by the Director of Budget and 159904
Management pursuant to section 126.09 of the Revised Code. 159905
Payments during the first six months of the fiscal year shall be 159906
based upon the state share of instruction appropriation estimates 159907
made for the various institutions of higher education according to 159908
the Chancellor of the Board of Regents enrollment, completion, and 159909
performance estimates. Payments during the last six months of the 159910
fiscal year shall be distributed after approval of the Controlling 159911
Board upon the request of the Chancellor. 159912

(H) STUDIES TO DETERMINE IMPROVEMENTS TO THE FISCAL YEAR 2015 159913
STATE SHARE OF INSTRUCTION FORMULAS 159914

(1) STUDY ON IDENTIFYING "AT-RISK" STUDENTS FOR COMMUNITY 159915
COLLEGES 159916

Community college presidents, or their designees, in 159917
consultation with the Chancellor of the Board of Regents, shall 159918
study the most appropriate formula weights for students who come 159919
from "at-risk" populations and recommend how they may be used to 159920
determine allocations of appropriations to community colleges from 159921
appropriation item 235501, State Share of Instruction, in fiscal 159922
year 2015. The study shall identify the socio-economic, 159923
demographic, academic, personal, and other factors that identify a 159924
student as being "at-risk" of academic failure, and recommend how 159925
these factors may be used to determine allocations of the State 159926
Share of Instruction for community colleges in fiscal year 2015. 159927
The study shall be completed by December 31, 2013. Notwithstanding 159928

any provision of law to the contrary, community college 159929
presidents, or their designees, in consultation with the 159930
Chancellor of the Board of Regents, shall use the results of the 159931
study to recommend changes in the determination of the 159932
distribution of the community college allocations beginning in 159933
fiscal year 2015 and shall report any such formula change 159934
recommendations to the Governor, the General Assembly, and the 159935
Office of Budget and Management not later than February 15, 2014. 159936

(2) STUDY ON THE USE OF SUCCESS POINTS AND COMPLETION 159937
MEASURES FOR COMMUNITY COLLEGES 159938

Community college presidents, or their designees, in 159939
consultation with the Chancellor of the Board of Regents, shall 159940
study the most appropriate formula weights for the "success 159941
points" and completion performance measures used in the allocation 159942
of appropriations to community colleges from appropriation item 159943
235501, State Share of Instruction, in fiscal year 2015. The study 159944
shall research the most appropriate success points and completion 159945
measures that occur during the academic career of community 159946
college students and recommend revisions to the current State 159947
Share of Instruction model to fund achievement of the success 159948
points beginning in fiscal year 2015. In addition, community 159949
college presidents, or their designees, in consultation with the 159950
Chancellor of the Board of Regents, shall determine how the 159951
community college's fiscal year 2015 share of State Share of 159952
Instruction funding shall be distributed among its success points, 159953
completion measures and course completion funding, or other 159954
performance and access measures. The study shall be completed by 159955
December 31, 2013. Notwithstanding any provision of law to the 159956
contrary, community college presidents, or their designees, in 159957
consultation with the Chancellor of the Board of Regents, shall 159958
use the results of the study to recommend changes in the 159959
determination of the distribution of the community college 159960

allocations beginning in fiscal year 2015 and shall report any 159961
such formula change recommendations to the Governor, the General 159962
Assembly, and the Office of Budget and Management not later than 159963
February 15, 2014. 159964

Section 363.200. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 159965
2014 AND 2015 159966

(A) The foregoing appropriation item 235501, State Share of 159967
Instruction, shall be distributed according to the section of this 159968
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 159969

(1) Of the foregoing appropriation item 235501, State Share 159970
of Instruction, \$411,257,477 in fiscal year 2014 and \$419,101,428 159971
in fiscal year 2015 shall be distributed to state-supported 159972
community colleges, state community colleges, and technical 159973
colleges. 159974

(2) Of the foregoing appropriation item 235501, State Share 159975
of Instruction, \$1,372,968,020 in fiscal year 2014 and 159976
\$1,399,124,069 in fiscal year 2015 shall be distributed to 159977
state-supported university main and regional campuses. 159978

(B) Of the amounts earmarked in division (A)(2) of this 159979
section: 159980

(1) \$116,181,104 in fiscal year 2014 shall be distributed to 159981
state university regional campuses. 159982

(2) \$3,923,764 in each fiscal year shall be distributed to 159983
university main campuses based on each campus's share of the 159984
appropriation item 235418, Access Challenge, in fiscal year 2009. 159985

(C) Of the foregoing appropriation item 235501, State Share 159986
of Instruction, \$8,095,005 in fiscal year 2014 shall be used by 159987
the Chancellor to provide supplemental subsidy payments to each 159988
campus receiving a State Share of Instruction allocation, as 159989
determined according to the section of this act entitled "STATE 159990

SHARE OF INSTRUCTION FORMULAS" and divisions (A) and (B) of this 159991
section, in fiscal year 2014 that is lower than that campus's 159992
State Share of Instruction allocation in fiscal year 2013. If the 159993
Chancellor determines that the amounts earmarked for these 159994
supplemental subsidies are inadequate to provide full payments to 159995
all eligible campuses, the Chancellor shall proportionally reduce 159996
payment amounts. 159997

(D) The POM adjustment in division (D)(7) of the section of 159998
this act entitled "STATE SHARE OF INSTRUCTION FORMULAS" and the 159999
Access Challenge earmark in division (B) of this section shall 160000
expire on June 30, 2015. 160001

(E) The state share of instruction payments to the 160002
institutions shall be in substantially equal monthly amounts 160003
during the fiscal year, unless otherwise determined by the 160004
Director of Budget and Management pursuant to section 126.09 of 160005
the Revised Code. Payments during the last six months of the 160006
fiscal year shall be distributed after approval of the Controlling 160007
Board upon the request of the Chancellor of the Board of Regents. 160008

**Section 363.210. TRANSFER OF INSTRUCTIONAL SUBSIDIES BETWEEN 160009
UNIVERSITIES 160010**

Notwithstanding any provision of law to the contrary, in 160011
consultation with the Chancellor of the Board of Regents, a 160012
state-supported university may request to transfer its fiscal year 160013
2014 state share of instruction subsidy allocations of the 160014
foregoing appropriation item 235501, State Share of Instruction, 160015
between a university main campus and any university branch campus 160016
for which the university main campus is affiliated to best 160017
accomplish institutional goals and objectives. At the request of 160018
the Chancellor of the Board of Regents, the Director of Budget and 160019
Management may transfer the requested amounts of state share of 160020
instruction appropriation allocations between affiliated 160021

university branch campuses and university main campuses. 160022

Section 363.220. RESTRICTION ON FEE INCREASES 160023

The boards of trustees of state institutions of higher 160024
education shall restrain increases in in-state undergraduate 160025
instructional and general fees. Each state university and the 160026
Northeast Ohio Medical University shall not increase its in-state 160027
undergraduate instructional and general fees by more than 2.0 per 160028
cent or \$188, whichever is higher, over what the institution 160029
charged for the preceding academic year. 160030

Each university regional campus shall not increase its 160031
in-state undergraduate instructional and general fees by more than 160032
2.0 per cent or \$114, whichever is higher, over what the 160033
institution charged for the preceding academic year. 160034

Each community college, state community college, and 160035
technical college shall not increase its in-state undergraduate 160036
instructional and general fees by more than \$100 over what the 160037
institution charged for the preceding academic year. 160038

These limitations shall not apply to increases required to 160039
comply with institutional covenants related to their obligations 160040
or to meet unfunded legal mandates or legally binding obligations 160041
incurred or commitments made prior to the effective date of this 160042
section with respect to which the institution had identified such 160043
fee increases as the source of funds. Any increase required by 160044
such covenants and any such mandates, obligations, or commitments 160045
shall be reported by the Chancellor of the Board of Regents to the 160046
Controlling Board. These limitations may also be modified by the 160047
Chancellor of the Board of Regents, with the approval of the 160048
Controlling Board, to respond to exceptional circumstances as 160049
identified by the Chancellor of the Board of Regents. 160050

These limitations shall not apply to institutions 160051

participating in an undergraduate tuition guarantee program 160052
pursuant to section 3345.48 of the Revised Code. 160053

Section 363.230. HIGHER EDUCATION - BOARD OF TRUSTEES 160054

(A) Funds appropriated for instructional subsidies at 160055
colleges and universities may be used to provide such branch or 160056
other off-campus undergraduate courses of study and such master's 160057
degree courses of study as may be approved by the Chancellor of 160058
the Board of Regents. 160059

(B) In providing instructional and other services to 160060
students, boards of trustees of state institutions of higher 160061
education shall supplement state subsidies with income from 160062
charges to students. Except as otherwise provided in this act, 160063
each board shall establish the fees to be charged to all students, 160064
including an instructional fee for educational and associated 160065
operational support of the institution and a general fee for 160066
noninstructional services, including locally financed student 160067
services facilities used for the benefit of enrolled students. The 160068
instructional fee and the general fee shall encompass all charges 160069
for services assessed uniformly to all enrolled students. Each 160070
board may also establish special purpose fees, service charges, 160071
and fines as required; such special purpose fees and service 160072
charges shall be for services or benefits furnished individual 160073
students or specific categories of students and shall not be 160074
applied uniformly to all enrolled students. A tuition surcharge 160075
shall be paid by all students who are not residents of Ohio. 160076

The board of trustees of a state institution of higher 160077
education shall not authorize a waiver or nonpayment of 160078
instructional fees or general fees for any particular student or 160079
any class of students other than waivers specifically authorized 160080
by law or approved by the Chancellor. This prohibition is not 160081
intended to limit the authority of boards of trustees to provide 160082

for payments to students for services rendered the institution, 160083
nor to prohibit the budgeting of income for staff benefits or for 160084
student assistance in the form of payment of such instructional 160085
and general fees. 160086

Each state institution of higher education in its statement 160087
of charges to students shall separately identify the instructional 160088
fee, the general fee, the tuition charge, and the tuition 160089
surcharge. Fee charges to students for instruction shall not be 160090
considered to be a price of service but shall be considered to be 160091
an integral part of the state government financing program in 160092
support of higher educational opportunity for students. 160093

(C) The boards of trustees of state institutions of higher 160094
education shall ensure that faculty members devote a proper and 160095
judicious part of their work week to the actual instruction of 160096
students. Total class credit hours of production per academic term 160097
per full-time faculty member is expected to meet the standards set 160098
forth in the budget data submitted by the Chancellor of the Board 160099
of Regents. 160100

(D) The authority of government vested by law in the boards 160101
of trustees of state institutions of higher education shall in 160102
fact be exercised by those boards. Boards of trustees may consult 160103
extensively with appropriate student and faculty groups. 160104
Administrative decisions about the utilization of available 160105
resources, about organizational structure, about disciplinary 160106
procedure, about the operation and staffing of all auxiliary 160107
facilities, and about administrative personnel shall be the 160108
exclusive prerogative of boards of trustees. Any delegation of 160109
authority by a board of trustees in other areas of responsibility 160110
shall be accompanied by appropriate standards of guidance 160111
concerning expected objectives in the exercise of such delegated 160112
authority and shall be accompanied by periodic review of the 160113
exercise of this delegated authority to the end that the public 160114

interest, in contrast to any institutional or special interest, 160115
shall be served. 160116

Section 363.240. STUDENT SUPPORT SERVICES 160117

The foregoing appropriation item 235502, Student Support 160118
Services, shall be distributed by the Chancellor of the Board of 160119
Regents to Ohio's state colleges and universities that incur 160120
disproportionate costs in the provision of support services to 160121
disabled students. 160122

Section 363.250. WAR ORPHANS SCHOLARSHIPS 160123

The foregoing appropriation item 235504, War Orphans 160124
Scholarships, shall be used to reimburse state institutions of 160125
higher education for waivers of instructional fees and general 160126
fees provided by them, to provide grants to institutions that have 160127
received a certificate of authorization from the Chancellor of the 160128
Board of Regents under Chapter 1713. of the Revised Code, in 160129
accordance with the provisions of section 5910.04 of the Revised 160130
Code, and to fund additional scholarship benefits provided by 160131
section 5910.032 of the Revised Code. 160132

Section 363.260. OHIOLINK 160133

The foregoing appropriation item 235507, OhioLINK, shall be 160134
used by the Chancellor of the Board of Regents to support 160135
OhioLINK, a consortium organized under division (T) of section 160136
3333.04 of the Revised Code to serve as the state's electronic 160137
library information and retrieval system, which provides access 160138
statewide to an extensive set of electronic databases and 160139
resources, the library holdings of Ohio's public and participating 160140
private nonprofit colleges and universities, and the State Library 160141
of Ohio. 160142

Section 363.270. AIR FORCE INSTITUTE OF TECHNOLOGY 160143

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 363.280. OHIO SUPERCOMPUTER CENTER 160152

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of the Board of Regents to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support the Ohio Supercomputer Center's Computational Science Initiative, which includes its industrial outreach program, Blue Collar Computing, and its School of Computational Science. These collaborations between the Ohio Supercomputer Center and Ohio's colleges and universities shall be aimed at making Ohio a leader in using computer modeling to promote economic development.

Section 363.290. COOPERATIVE EXTENSION SERVICE 160169

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of

the Board of Regents to The Ohio State University in monthly 160172
payments, unless otherwise determined by the Director of Budget 160173
and Management under section 126.09 of the Revised Code. 160174

Of the foregoing appropriation item 235511, Cooperative 160175
Extension Service, up to \$30,000 in fiscal year 2014 shall be used 160176
to develop an in-school agriculturally based curriculum for 160177
inclusion within the regular classroom curriculum of an elementary 160178
school in the Cleveland Municipal School District and the 160179
Cincinnati City School District. 160180

Of the foregoing appropriation item 235511, Cooperative 160181
Extension Service, up to \$73,450 in each fiscal year shall be used 160182
to support a City of Cleveland Program Manager tasked with 160183
preparing regular classroom teachers in one elementary school to 160184
recruit and train volunteers for an after-school 4-H Club. 160185

Of the foregoing appropriation item 235511, Cooperative 160186
Extension Service, \$73,450 in each fiscal year shall be used to 160187
support a City of Cincinnati Program Manager tasked with preparing 160188
regular classroom teachers in one elementary school to recruit and 160189
train volunteers for an after-school 4-H Club. 160190

Section 363.293. OSU AGRICULTURAL TECHNICAL INSTITUTE 160191
SUPPLEMENT 160192

The foregoing appropriation item 235512, OSU Agricultural 160193
Technical Institute Supplement, shall be used to support The Ohio 160194
State University Agricultural Technical Institute Campus. 160195

Section 363.300. CENTRAL STATE SUPPLEMENT 160196

The foregoing appropriation item 235514, Central State 160197
Supplement, shall be disbursed by the Chancellor of the Board of 160198
Regents to Central State University in accordance with the plan 160199
developed by the Chancellor and submitted to the Governor and the 160200
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 160201

General Assembly. Funds shall be used in a manner consistent with 160202
the goals of increasing enrollment, improving course completion, 160203
and increasing the number of degrees conferred. 160204

The Chancellor shall monitor the implementation of the plan 160205
and the use of funds. Central State University shall provide any 160206
information requested by the Chancellor related to the 160207
implementation of the plan. If the Chancellor determines that 160208
Central State University's use of supplemental funds is not in 160209
accordance with the plan or if the plan is not having the desired 160210
effect, the Chancellor may notify Central State University that 160211
the plan is suspended. Upon receiving such notice, Central State 160212
University shall avoid all unnecessary expenditures under the 160213
plan. The Chancellor shall notify the Controlling Board of the 160214
suspension of the plan and within sixty days prepare a new plan 160215
for the use of any remaining funds. 160216

Section 363.310. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 160217
MEDICINE 160218

The foregoing appropriation item 235515, Case Western Reserve 160219
University School of Medicine, shall be disbursed to Case Western 160220
Reserve University through the Chancellor of the Board of Regents 160221
in accordance with agreements entered into under section 3333.10 160222
of the Revised Code, provided that the state support per full-time 160223
medical student shall not exceed that provided to full-time 160224
medical students at state universities. 160225

Section 363.313. WRIGHT STATE LAKE CAMPUS AGRICULTURAL 160226
PROGRAM 160227

The foregoing appropriation item 235516, Wright State Lake 160228
Campus Agricultural Program, shall be used to support the 160229
agricultural program at Wright State University's Lake Campus. 160230

Section 363.320. FAMILY PRACTICE 160231

The Chancellor of the Ohio Board of Regents shall develop 160232
plans consistent with existing criteria and guidelines as may be 160233
required for the distribution of appropriation item 235519, Family 160234
Practice. 160235

Section 363.330. SHAWNEE STATE SUPPLEMENT 160236

The foregoing appropriation item 235520, Shawnee State 160237
Supplement, shall be disbursed by the Chancellor of the Board of 160238
Regents to Shawnee State University in accordance with the plan 160239
developed by the Chancellor and submitted to the Governor and the 160240
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 160241
General Assembly. Funds shall be used in a manner consistent with 160242
the goals of improving course completion, increasing the number of 160243
degrees conferred, and furthering the university's mission of 160244
service to the Appalachian region. 160245

The Chancellor shall monitor the implementation of the plan 160246
and the use of funds. Shawnee State University shall provide any 160247
information requested by the Chancellor related to the 160248
implementation of the plan. If the Chancellor determines that 160249
Shawnee State University's use of supplemental funds is not in 160250
accordance with the plan or if the plan is not having the desired 160251
effect, the Chancellor may notify Shawnee State University that 160252
the plan is suspended. Upon receiving such notice, Shawnee State 160253
University shall avoid all unnecessary expenditures under the 160254
plan. The Chancellor shall notify the Controlling Board of the 160255
suspension of the plan and within sixty days prepare a new plan 160256
for the use of any remaining funds. 160257

Section 363.333. YOUTH STEM COMMERCIALIZATION AND 160258
ENTREPRENEURSHIP PROGRAM 160259

The foregoing appropriation item 235523, Youth STEM Commercialization and Entrepreneurship Program, shall be used by the Chancellor of the Ohio Board of Regents to support the Youth STEM Commercialization and Entrepreneurship Program. The purpose of this program is to grow Ohio's next generation of entrepreneurs, to create jobs in Ohio by focusing on the practical application of science, technology, engineering, and mathematics (STEM), including medicine and health fields, and to innovate new products and services. The Youth STEM Commercialization and Entrepreneurship Program shall (1) conduct regional STEM forums for students and educators; (2) develop regional online high school and collegiate STEM commercialization and entrepreneurship content and courses; (3) create a statewide STEM commercialization and entrepreneurship mentoring network available to high school students anywhere in Ohio; and (4) conduct a statewide STEM Commercialization and Entrepreneurship Plan competition that includes incentive awards and scholarships for students and professional development and incentives for teacher participation. The competition and all aspects of the program shall be open to any Ohio high school student and shall include initiatives to engage minority, rural, and economically disadvantaged students anywhere in Ohio. The Youth STEM Commercialization and Entrepreneurship Program shall collaborate with Ohio's colleges and universities, existing STEM and entrepreneurship programs, and Ohio's STEM professional and trade associations to implement these provisions and to create the new products or services of the future, advance job creation in Ohio, and encourage enrollment at Ohio institutions of higher education.

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Section 363.340. POLICE AND FIRE PROTECTION

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The foregoing appropriation item 235524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green,

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Portsmouth, Xenia Township (Greene County), Rootstown Township, 160292
and the City of Nelsonville that may be used to assist these local 160293
governments in providing police and fire protection for the 160294
central campus of the state-affiliated university located therein. 160295

Section 363.350. GERIATRIC MEDICINE 160296

The Chancellor of the Board of Regents shall develop plans 160297
consistent with existing criteria and guidelines as may be 160298
required for the distribution of appropriation item 235525, 160299
Geriatric Medicine. 160300

Section 363.360. PRIMARY CARE RESIDENCIES 160301

The Chancellor of the Board of Regents shall develop plans 160302
consistent with existing criteria and guidelines as may be 160303
required for the distribution of appropriation item 235526, 160304
Primary Care Residencies. 160305

The foregoing appropriation item 235526, Primary Care 160306
Residencies, shall be distributed in each fiscal year of the 160307
biennium, based on whether or not the institution has submitted 160308
and gained approval for a plan. If the institution does not have 160309
an approved plan, it shall receive five per cent less funding per 160310
student than it would have received from its annual allocation. 160311
The remaining funding shall be distributed among those 160312
institutions that meet or exceed their targets. 160313

Section 363.370. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 160314
CENTER 160315

The foregoing appropriation item 235535, Ohio Agricultural 160316
Research and Development Center, shall be disbursed through the 160317
Chancellor of the Board of Regents to The Ohio State University in 160318
monthly payments, unless otherwise determined by the Director of 160319
Budget and Management under section 126.09 of the Revised Code. 160320

The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2015, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

Section 363.380. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of the Board of Regents.

Section 363.390. CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of the Board of Regents to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to

all campuses for which the estimated campus debt service 160351
attributable to qualifying capital projects was less than the 160352
campus's formula-determined capital component allocation. Campus 160353
allocations shall be determined by subtracting the estimated 160354
campus debt service attributable to qualifying capital projects 160355
from the campus's formula-determined capital component allocation. 160356
Moneys distributed from this appropriation item shall be 160357
restricted to capital-related purposes. 160358

Any campus for which the estimated campus debt service 160359
attributable to qualifying capital projects is greater than the 160360
campus's formula-determined capital component allocation shall 160361
have the difference subtracted from its State Share of Instruction 160362
allocation in each fiscal year. Appropriation equal to the sum of 160363
all such amounts except that of the Ohio Agricultural Research and 160364
Development Center shall be transferred from appropriation item 160365
235501, State Share of Instruction, to appropriation item 235552, 160366
Capital Component. Appropriation equal to any estimated Ohio 160367
Agricultural Research and Development Center debt service 160368
attributable to qualifying capital projects that is greater than 160369
the Center's formula-determined capital component allocation shall 160370
be transferred from appropriation item 235535, Ohio Agricultural 160371
Research and Development Center, to appropriation item 235552, 160372
Capital Component. 160373

Section 363.400. LIBRARY DEPOSITORIES 160374

The foregoing appropriation item, 235555, Library 160375
Depositories, shall be distributed to the state's five regional 160376
depository libraries for the cost-effective storage of and access 160377
to lesser-used materials in university library collections. The 160378
depositories shall be administrated by the Chancellor of the Board 160379
of Regents, or by OhioLINK at the discretion of the Chancellor. 160380

Section 363.410. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 160381

The foregoing appropriation item 235556, Ohio Academic 160382
Resources Network, shall be used by the Chancellor of the Board of 160383
Regents to support the operations of the Ohio Academic Resources 160384
Network, a consortium organized under division (T) of section 160385
3333.04 of the Revised Code, which shall include support for 160386
Ohio's colleges and universities in maintaining and enhancing 160387
network connections, using new network technologies to improve 160388
research, education, and economic development programs, and 160389
sharing information technology services. To the extent network 160390
capacity is available, OARnet shall support allocating bandwidth 160391
to eligible programs directly supporting Ohio's economic 160392
development. 160393

Section 363.420. LONG-TERM CARE RESEARCH 160394

The foregoing appropriation item 235558, Long-term Care 160395
Research, shall be disbursed to Miami University for long-term 160396
care research. 160397

Section 363.430. OHIO COLLEGE OPPORTUNITY GRANT 160398

(A) Except as provided in division (C) of this section: 160399

Of the foregoing appropriation item 235563, Ohio College 160400
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 160401
by the Chancellor of the Board of Regents to award need-based 160402
financial aid to students enrolled in eligible four-year public 160403
institutions of higher education, excluding early college high 160404
school and post-secondary enrollment option participants. 160405

Of the foregoing appropriation item 235563, Ohio College 160406
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 160407
by the Chancellor of the Board of Regents to award need-based 160408
financial aid to students enrolled in eligible private nonprofit 160409

institutions of higher education, excluding early college high 160410
school and post-secondary enrollment option participants. 160411

The remainder of the foregoing appropriation item 235563, 160412
Ohio College Opportunity Grant, shall be used by the Chancellor of 160413
the Board of Regents to award needs-based financial aid to 160414
students enrolled in eligible private for-profit career colleges 160415
and schools. 160416

(B)(1) As used in this section: 160417

(a) "Eligible institution" means any institution described in 160418
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 160419
Code. 160420

(b) The three "sectors" of institutions of higher education 160421
consist of the following: 160422

(i) State colleges and universities, community colleges, 160423
state community colleges, university branches, and technical 160424
colleges; 160425

(ii) Eligible private nonprofit institutions of higher 160426
education; 160427

(iii) Eligible private for-profit career colleges and 160428
schools. 160429

(2) If the Chancellor determines that the amounts 160430
appropriated for support of the Ohio College Opportunity Grant 160431
program are inadequate to provide grants to all eligible students 160432
as calculated under division (D) of section 3333.122 of the 160433
Revised Code, the Chancellor may create a distribution formula for 160434
fiscal year 2014 and fiscal year 2015 based on the formula used in 160435
fiscal year 2013, or may follow methods established in division 160436
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 160437
Chancellor shall notify the Controlling Board of the distribution 160438
method. Any formula calculated under this division shall be 160439

complete and established to coincide with the start of the 160440
2013-2014 academic year. 160441

(C) Prior to determining the amount of funds available to 160442
award under this section and section 3333.122 of the Revised Code, 160443
the Chancellor shall use the foregoing appropriation item 235563, 160444
Ohio College Opportunity Grant, to pay for renewals or partial 160445
renewals of scholarships students receive under the Ohio Academic 160446
Scholarship Program under sections 3333.21 and 3333.22 of the 160447
Revised Code. In paying for scholarships under this division, the 160448
Chancellor shall deduct funds from the allocations made under 160449
division (A) of this section. Deductions shall be proportionate to 160450
the amounts allocated to each sector from the total amounts 160451
appropriated for each sector under the foregoing appropriation 160452
item 235563, Ohio College Opportunity Grant. 160453

In each fiscal year, with the exception of sections 3333.121 160454
and 3333.124 of the Revised Code and Section 363.530 of this act, 160455
the Chancellor shall not distribute or obligate or commit to be 160456
distributed an amount greater than what is appropriated under the 160457
foregoing appropriation item 235563, Ohio College Opportunity 160458
Grant. 160459

(D) The Chancellor shall establish, and post on the Ohio 160460
Board of Regents' web site, award tables based on any formulas 160461
created under division (B) of this section. The Chancellor shall 160462
notify students and institutions of any reductions in awards under 160463
this section. 160464

On or before August 31, 2013, the Chancellor of the Board of 160465
Regents shall submit award tables to the Controlling Board for the 160466
2013-2014 academic year and allocations of Ohio College 160467
Opportunity Grant awards not already specified in section 3333.122 160468
of the Revised Code. 160469

(E) Notwithstanding section 3333.122 of the Revised Code, no 160470

student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

Section 363.440. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 160476

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of the Board of Regents to The Ohio State University for support of dental and veterinary medicine clinics.

Section 363.450. NATIONAL GUARD SCHOLARSHIP PROGRAM 160481

The Chancellor of the Board of Regents shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor of the Board of Regents, within ten days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). The Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 235623, National Guard Scholarship Reserve Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated. The Chancellor of the Board of Regents shall disburse funds from appropriation item 235623, National Guard Scholarship Reserve Fund.

Section 363.460. PLEDGE OF FEES 160499

Any new pledge of fees, or new agreement for adjustment of 160500
fees, made in the biennium ending June 30, 2015, to secure bonds 160501
or notes of a state institution of higher education for a project 160502
for which bonds or notes were not outstanding on the effective 160503
date of this section shall be effective only after approval by the 160504
Chancellor of the Board of Regents, unless approved in a previous 160505
biennium. 160506

Section 363.470. HIGHER EDUCATION GENERAL OBLIGATION DEBT 160507
SERVICE 160508

The foregoing appropriation item 235909, Higher Education 160509
General Obligation Debt Service, shall be used to pay all debt 160510
service and related financing costs at the times they are required 160511
to be made during the period from July 1, 2013, through June 30, 160512
2015, for obligations issued under sections 151.01 and 151.04 of 160513
the Revised Code. 160514

Section 363.480. SALES AND SERVICES 160515

The Chancellor of the Board of Regents is authorized to 160516
charge and accept payment for the provision of goods and services. 160517
Such charges shall be reasonably related to the cost of producing 160518
the goods and services. Except as otherwise provided by law, no 160519
charges may be levied for goods or services that are produced as 160520
part of the routine responsibilities or duties of the Chancellor. 160521
All revenues received by the Chancellor of the Board of Regents 160522
shall be deposited into Fund 4560, and may be used by the 160523
Chancellor of the Board of Regents to pay for the costs of 160524
producing the goods and services. 160525

Section 363.483. CO-OP INTERNSHIP PROGRAM 160526

Of the foregoing appropriation item 235649, Co-op Internship 160527
Program, \$200,000 in each fiscal year shall be used to support the 160528

Museum of Contemporary Art Cleveland fellowship program in 160529
collaboration with Cleveland State University. 160530

Of the foregoing appropriation item 235649, Co-op Internship 160531
Program, \$75,000 in each fiscal year shall be used by the 160532
Chancellor of the Board of Regents to support the operations of 160533
Ohio University's Voinovich School. 160534

Of the foregoing appropriation item 235649, Co-op Internship 160535
Program, \$75,000 in each fiscal year, shall be used by the 160536
Chancellor of the Board of Regents to support the operations of 160537
The Ohio State University's John Glenn School of Public Affairs. 160538

Of the foregoing appropriation item 235649, Co-op Internship 160539
Program, \$75,000 in each fiscal year shall be used to support the 160540
Bliss Institute of Applied Politics at the University of Akron. 160541

Of the foregoing appropriation item 235649, Co-op Internship 160542
Program, \$75,000 in each fiscal year shall be used to support the 160543
Center for Public Management and Regional Affairs at Miami 160544
University. 160545

Of the foregoing appropriation item 235649, Co-op Internship 160546
Program, \$150,000 in each fiscal year shall be used to support the 160547
Washington Center Internship Program. 160548

Of the foregoing appropriation item 235649, Co-op Internship 160549
Program, \$150,000 in each fiscal year shall be used to support the 160550
Ohio Center for the Advancement of Women in Public Service at the 160551
Maxine Goodman Levin College of Urban Affairs at Cleveland State 160552
University. 160553

Of the foregoing appropriation item 235649, Co-op Internship 160554
Program, \$75,000 in each fiscal year shall be used to support the 160555
University of Cincinnati Internship Program. 160556

Of the foregoing appropriation item 235649, Co-op Internship 160557
Program, \$75,000 in each fiscal year shall be used by the 160558

Chancellor of the Board of Regents to support the operations of 160559
the Center for Regional Development at Bowling Green State 160560
University. 160561

Of the foregoing appropriation item 235649, Co-op Internship 160562
Program, \$75,000 in each fiscal year shall be used by the 160563
Chancellor of the Board of Regents to support the operations of 160564
the Institute for Defense Studies at Wright State University. 160565

Of the foregoing appropriation item 235649, Co-op Internship 160566
Program, \$75,000 in each fiscal year shall be used to support the 160567
Kent State University Columbus Program. 160568

Of the foregoing appropriation item 235649, Co-op Internship 160569
Program, \$75,000 in each fiscal year shall be used to support the 160570
University of Toledo Urban Affairs Center. 160571

Of the foregoing appropriation item 235649, Co-op Internship 160572
Program, \$10,000 in each fiscal year shall be provided to the Ohio 160573
College Access Network to support the Ohio Student Education 160574
Policy Institute. 160575

Section 363.485. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 160576
INITIATIVE 160577

The foregoing appropriation item 235668, Defense/Aerospace 160578
Workforce Development Initiative, shall be used by the 160579
Defense/Aerospace Graduate Studies Institute, to collaborate with 160580
the aviation, aerospace, and defense industries, to strengthen job 160581
training programs, equip Ohio's workforce with needed skills, and 160582
strengthen and grow research and educational linkages among Ohio's 160583
defense and aerospace aviation industry, federal agencies, and the 160584
University System of Ohio. A portion of the foregoing 160585
appropriation item 235668, Defense/Aerospace Workforce Development 160586
Initiative, shall be allocated to develop a strategic plan to 160587
align the University System of Ohio's research and workforce 160588

development assets with the workforce needs of public and private 160589
sector employers. A portion of these funds shall be used to 160590
support the Aerospace Professional Development Center to establish 160591
processes necessary to link underemployed or unemployed persons to 160592
job openings in these industries. The funds appropriated in this 160593
appropriation item shall be matched by private industry or 160594
educational partners or federal agencies in the aggregate amount 160595
of \$4,000,000 over the FY 2014-FY 2015 biennium. 160596

Section 363.487. MANUFACTURING WORKFORCE DEVELOPMENT 160597
INITIATIVE 160598

Of the foregoing appropriation item 235685, Manufacturing 160599
Workforce Development Initiative, \$1,000,000 in fiscal year 2014 160600
shall be used for a demonstration project to purchase portable 160601
welding stations made from large shipping containers and high 160602
level advanced training equipment for use by Lorain County 160603
Community College. 160604

Of the foregoing appropriation item 235685, Manufacturing 160605
Workforce Development Initiative, \$1,000,000 in fiscal year 2014 160606
shall be used for a demonstration project to purchase portable 160607
welding stations made from large shipping containers and high 160608
level advanced training equipment for use at the Point Industrial 160609
Park in South Point. 160610

Section 363.490. HIGHER EDUCATIONAL FACILITY COMMISSION 160611
ADMINISTRATION 160612

The foregoing appropriation item 235602, Higher Educational 160613
Facility Commission Administration, shall be used by the 160614
Chancellor of the Board of Regents for operating expenses related 160615
to the Chancellor of the Board of Regents' support of the 160616
activities of the Ohio Higher Educational Facility Commission. 160617
Upon the request of the Chancellor, the Director of Budget and 160618

Management may transfer up to \$29,100 cash in each fiscal year 160619
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 160620
Administration Fund (Fund 4E80). 160621

Section 363.500. NURSING LOAN PROGRAM 160622

The foregoing appropriation item 235606, Nursing Loan 160623
Program, shall be used to administer the nurse education 160624
assistance program. Up to \$50,000 in each fiscal year may be used 160625
for operating expenses associated with the program. Any additional 160626
funds needed for the administration of the program are subject to 160627
Controlling Board approval. 160628

Section 363.510. TELECOMMUNITY AND DISTANCE LEARNING 160629

Of the foregoing appropriation item 235674, Telecommunity and 160630
Distance Learning, up to \$25,000 in each fiscal year shall be 160631
distributed by the Chancellor of the Board of Regents on a grant 160632
basis to eligible school districts to establish "distance 160633
learning" through interactive video technologies in the school 160634
district. Per agreements with eight Ohio local telephone 160635
companies, ALLTEL Ohio, CENTURY Telephone of Ohio, Chillicothe 160636
Telephone Company, Cincinnati Bell Telephone Company, Orwell 160637
Telephone Company, Sprint North Central Telephone, VERIZON, and 160638
Western Reserve Telephone Company, school districts are eligible 160639
for funds if they are within one of the listed telephone company 160640
service areas. Funds to administer the program shall be expended 160641
by the Chancellor of the Board of Regents up to the amount 160642
specified in the agreements with the listed telephone companies. 160643

Within thirty days after the effective date of this section, 160644
the Director of Budget and Management shall transfer to Fund 4X10 160645
in the State Special Revenue Fund Group any investment earnings 160646
from moneys paid by any telephone company as part of any 160647
settlement agreement between the listed companies and the Public 160648

Utilities Commission in fiscal years 1996 and beyond. 160649

Of the foregoing appropriation item 235674, Telecommunity and 160650
Distance Learning, up to \$24,150 in each fiscal year shall be 160651
distributed by the Chancellor of the Board of Regents on a grant 160652
basis to eligible school districts to establish "distance 160653
learning" in the school district. Per an agreement with Ameritech, 160654
school districts are eligible for funds if they are within an 160655
Ameritech service area. Funds to administer the program shall be 160656
expended by the Chancellor of the Board of Regents up to the 160657
amount specified in the agreement with Ameritech. 160658

Within thirty days after the effective date of this section, 160659
the Director of Budget and Management shall transfer to Fund 4X10 160660
in the State Special Revenue Fund Group any investment earnings 160661
from moneys paid by any telephone company as part of a settlement 160662
agreement between the company and the Public Utilities Commission 160663
in fiscal year 1995. 160664

Section 363.520. VETERANS PREFERENCES 160665

The Chancellor of the Board of Regents shall work with the 160666
Department of Veterans Services to develop specific veterans 160667
preference guidelines for higher education institutions. These 160668
guidelines shall ensure that the institutions' hiring practices 160669
are in accordance with the intent of Ohio's veterans preference 160670
laws. 160671

Section 363.530. STATE NEED-BASED FINANCIAL AID 160672
RECONCILIATION 160673

By the first day of August in each fiscal year, or as soon as 160674
possible thereafter, the Chancellor of the Board of Regents shall 160675
certify to the Director of Budget and Management the amount 160676
necessary to pay any outstanding prior year obligations to higher 160677
education institutions for the state's need-based financial aid 160678

programs. The amounts certified are hereby appropriated to 160679
appropriation item 235618, State Need-based Financial Aid 160680
Reconciliation, from revenues received in the State Need-based 160681
Financial Aid Reconciliation Fund (Fund 5Y50). 160682

Section 363.540. (A) As used in this section: 160683

(1) "Board of trustees" includes the managing authority of a 160684
university branch district. 160685

(2) "State institution of higher education" has the same 160686
meaning as in section 3345.011 of the Revised Code. 160687

(B) The board of trustees of any state institution of higher 160688
education, notwithstanding any rule of the institution to the 160689
contrary, may adopt a policy providing for mandatory furloughs of 160690
employees, including faculty, to achieve spending reductions 160691
necessitated by institutional budget deficits. 160692

Section 363.550. EFFICIENCY ADVISORY COMMITTEE 160693

The Chancellor of the Board of Regents shall establish an 160694
efficiency advisory committee for the purpose of generating 160695
optimal efficiency plans for campuses, identifying shared services 160696
opportunities, and sharing best practices. The efficiency advisory 160697
committee shall also explore methods for reducing the costs for 160698
students for textbooks and other education resource materials. The 160699
committee shall meet at the call of the Chancellor or the 160700
Chancellor's designee, but at least quarterly. Each state 160701
institution of higher education shall designate an employee to 160702
serve as its efficiency officer responsible for the evaluation and 160703
improvement of operational efficiencies on campus. Each efficiency 160704
officer shall serve on the efficiency advisory committee. 160705

By December 31 of each year, the Efficiency Advisory 160706
Committee shall provide a report to the Office of Budget and 160707
Management, the Governor, and the General Assembly compiling the 160708

operational efficiency plans for all institutions of higher 160709
education and benchmarking efficiency gains realized over the 160710
preceding year and progress in implementing the prior year's 160711
efficiency plan. The report shall also be made available to the 160712
public on the Ohio Board of Regents web site. 160713

Section 363.570. (A) FUND ABOLITION 160714

On July 1, 2013, or as soon as possible thereafter, the 160715
Director of Budget and Management shall transfer the cash balance 160716
in the eTech Ohio Telecommunity Education Fund (Fund 4W90) to the 160717
Distance Learning Fund (Fund 4X10). Upon completion of the 160718
transfer, the eTech Ohio Telecommunity Education Fund (Fund 160719
4W90) is hereby abolished. 160720

(B) ETECH OHIO COMMISSION ABOLISHMENT AND APPROPRIATION LINE 160721
ITEM TRANSFER 160722

Effective July 1, 2013, the Director of Budget and Management 160723
shall cancel any existing encumbrances against appropriation item 160724
935411, Technology Integration and Professional Development, and 160725
re-establish them, as determined to be appropriate by the Director 160726
of Budget and Management, against appropriation item 235483, 160727
Technology Integration and Professional Development. The 160728
re-established encumbrance amounts are hereby appropriated. Any 160729
business commenced but not completed under appropriation item 160730
935411, Technology Integration and Professional Development, by 160731
July 1, 2013, shall be completed, as determined to be appropriate 160732
by the Director of Budget and Management, under appropriation item 160733
235483, Technology Integration and Professional Development, in 160734
the same manner and with the same effect as if it were completed 160735
with regard to appropriation item 935411, Technology Integration 160736
and Professional Development. 160737

Effective July 1, 2013, the Director of Budget and Management 160738
shall cancel any existing encumbrances against appropriation item 160739

935640, Conference/Special Purposes, and re-establish them against 160740
appropriation item 235675, Conference/Special Purposes. The 160741
re-established encumbrance amounts are hereby appropriated. Any 160742
business commenced but not completed under appropriation item 160743
935640, Conference/Special Purposes, by July 1, 2013, shall be 160744
completed under appropriation item 235675, Conference/Special 160745
Purposes, in the same manner and with the same effect as if it 160746
were completed with regard to appropriation item 935640, 160747
Conference/Special Purposes. 160748

Effective July 1, 2013, the Director of Budget and Management 160749
shall cancel any existing encumbrances against appropriation item 160750
935630, Telecommunity, and cancel any existing encumbrances 160751
against appropriation item 935634, Distance Learning, and 160752
re-establish them against appropriation item 235674, Telecommunity 160753
and Distance Learning. The re-established encumbrance amounts are 160754
hereby appropriated. Any business commenced but not completed 160755
under appropriation items 935630, Telecommunity, and 935634, 160756
Distance Learning, by July 1, 2013, shall be completed under 160757
appropriation item 235674, Telecommunity and Distance Learning, in 160758
the same manner and with the same effect as if it were completed 160759
with regard to appropriation items 935630, Telecommunity, and 160760
935634, Distance Learning. 160761

On July 1, 2013, or as soon as possible thereafter, the 160762
Director of Budget and Management shall cancel any existing 160763
capital appropriations and capital encumbrances of the former 160764
eTech Ohio Commission in the Higher Education Improvement Fund 160765
(Fund 7034), and re-establish them with the Chancellor of the 160766
Board of Regents in the Higher Education Improvement Fund (Fund 160767
7034). The re-established amounts are hereby appropriated. 160768

Effective July 1, 2013, notwithstanding any provision of the 160769
law to the contrary, the Director of Budget and Management may 160770
make budget changes made necessary by the transfer of the former 160771

eTech Ohio Commission to the Chancellor of the Board of Regents, 160772
if any, including administrative organization, program transfers, 160773
the creation of new funds, the transfer of state funds, the 160774
consolidation of funds, and the transfer of capital 160775
appropriations, as authorized by this section. The Director of 160776
Budget and Management may, if necessary, establish prior year 160777
encumbrances or parts of prior year encumbrances of the former 160778
eTech Ohio Commission with the Chancellor of the Board of Regents 160779
in the appropriate fund and appropriation item for the same 160780
purpose and for payment to the same vendor in fiscal year 2014 or 160781
fiscal year 2015. The established encumbrances plus any additional 160782
amounts determined to be necessary for the Chancellor of the Board 160783
of Regents to perform the operations and related management 160784
functions of the former eTech Ohio Commission are hereby 160785
appropriated. 160786

(C) CONFERENCE OPERATION OFFICE 160787

Beginning in fiscal year 2014, the annual eTech Ohio 160788
Conference will be overseen by a Conference Operation Office 160789
comprised of employees of the Chancellor of the Board of Regents 160790
and Department of Education, including former employees of the 160791
eTech Ohio Commission transferred to the Chancellor of the Board 160792
of Regents and the Department of Education. The Office shall be 160793
responsible for conferences that focus on professional development 160794
in the education field, educational technology, distance learning, 160795
and other education topics pertinent to the State of Ohio. 160796

(D) TRANSFER OF CAPITAL DUTIES 160797

As of July 1, 2013, the Chancellor of the Board of Regents 160798
shall succeed to and have and perform all fiduciary duties and 160799
responsibilities previously held by the Director of eTech Ohio for 160800
all outstanding capital appropriations designated for use by eTech 160801
Ohio. 160802

| | |
|---|--|
| Section 363.580. ELECTRONIC TEXTBOOK PILOT PROJECT | 160803 |
| (A) The Electronic Textbook Pilot Project is hereby established to provide grants on a competitive basis to public and chartered nonpublic schools to purchase electronic textbooks, electronic educational content, and professional development and training resources through the learning clearinghouse established in section 3333.81 to 3333.88. The Electronic Textbook Pilot Project shall be administered by the Chancellor of the Board of Regents. | 160804
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160811 |
| (B) The Chancellor shall have the authority to set the grant criteria and to select grant recipients. In awarding grants under this section, the Chancellor shall establish the criteria for determining which applicants will be considered a priority for receiving grant funds. | 160812
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160814
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160816 |
| (C) Not later than January 31, 2014, the Chancellor shall issue a request for proposals from eligible schools. | 160817
160818 |
| (D) Not later than May 31, 2014, the Chancellor shall award grants for use during the 2014-2015 school year. | 160819
160820 |
| (E) The Chancellor and Superintendent of Public Instruction jointly shall notify schools of and promote participation in the pilot project. | 160821
160822
160823 |
| (F) Not later than December 31, 2015, the Chancellor shall submit to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, a formative evaluation of the implementation and results of the pilot project and legislative recommendations for any changes in the pilot project. | 160824
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160828 |
| (G) The number of grants awarded under this section shall not exceed the number that can be funded with appropriations made by the General Assembly for this purpose. | 160829
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160831 |

Section 363.590. COLLEGE CREDIT PLUS PROGRAM 160832

The Chancellor shall make recommendations to the General 160833
 Assembly to establish the College Credit Plus program, whereby 160834
 high school students may earn credits through Ohio institutions of 160835
 higher education. The Chancellor shall consult with the 160836
 Inter-University Council of Ohio, the Association of Independent 160837
 Colleges and Universities of Ohio, the Ohio Association of 160838
 Community Colleges, and the Superintendent of Public Instruction 160839
 in developing the recommendations. The Chancellor shall provide a 160840
 report of the recommendation to the Governor, the President of the 160841
 Senate, and the Speaker of the House of Representatives by 160842
 December 31, 2013, for implementation in the 2014-2015 academic 160843
 year. 160844

Section 365.10. DRC DEPARTMENT OF REHABILITATION AND 160845
 CORRECTION 160846

General Revenue Fund 160847

| | | | | | | |
|------------|-----------------------|----|-------------|----|-------------|--------|
| GRF 501321 | Institutional | \$ | 883,768,015 | \$ | 873,724,802 | 160848 |
| | Operations | | | | | |
| GRF 501403 | Prisoner Compensation | \$ | 6,000,000 | \$ | 6,000,000 | 160849 |
| GRF 501405 | Halfway House | \$ | 45,049,356 | \$ | 46,024,108 | 160850 |
| GRF 501406 | Lease Rental Payments | \$ | 104,099,500 | \$ | 99,534,800 | 160851 |
| GRF 501407 | Community | \$ | 34,187,858 | \$ | 34,314,390 | 160852 |
| | Nonresidential | | | | | |
| | Programs | | | | | |
| GRF 501408 | Community Misdemeanor | \$ | 12,856,800 | \$ | 12,856,800 | 160853 |
| | Programs | | | | | |
| GRF 501501 | Community Residential | \$ | 63,345,972 | \$ | 66,150,781 | 160854 |
| | Programs - CBCF | | | | | |
| GRF 503321 | Parole and Community | \$ | 64,480,938 | \$ | 65,029,680 | 160855 |
| | Operations | | | | | |

| | | | | | | | |
|------------------------------------|---------------------------------------|--------------------------------------|----|---------------|----|---------------|--------|
| GRF | 504321 | Administrative
Operations | \$ | 20,659,664 | \$ | 20,907,476 | 160856 |
| GRF | 505321 | Institution Medical
Services | \$ | 243,289,774 | \$ | 254,139,452 | 160857 |
| GRF | 506321 | Institution Education
Services | \$ | 19,102,051 | \$ | 19,112,418 | 160858 |
| TOTAL GRF | General Revenue Fund | | \$ | 1,496,839,928 | \$ | 1,497,794,707 | 160859 |
| General Services Fund Group | | | | | | | 160860 |
| 1480 | 501602 | Institutional
Services | \$ | 3,139,577 | \$ | 3,139,577 | 160861 |
| 2000 | 501607 | Ohio Penal Industries | \$ | 41,393,226 | \$ | 40,609,872 | 160862 |
| 4830 | 501605 | Property Receipts | \$ | 582,086 | \$ | 582,086 | 160863 |
| 4B00 | 501601 | Sewer Treatment
Services | \$ | 2,023,671 | \$ | 2,067,214 | 160864 |
| 4D40 | 501603 | Prisoner Programs | \$ | 17,499,255 | \$ | 17,499,255 | 160865 |
| 4L40 | 501604 | Transitional Control | \$ | 1,113,120 | \$ | 1,113,120 | 160866 |
| 4S50 | 501608 | Education Services | \$ | 4,114,782 | \$ | 4,114,782 | 160867 |
| 5710 | 501606 | Training Academy
Receipts | \$ | 125,000 | \$ | 125,000 | 160868 |
| 5930 | 501618 | Laboratory Services | \$ | 3,750,000 | \$ | 0 | 160869 |
| 5AF0 | 501609 | State and Non-Federal
Awards | \$ | 1,440,000 | \$ | 1,440,000 | 160870 |
| 5H80 | 501617 | Offender Financial
Responsibility | \$ | 2,000,000 | \$ | 2,000,000 | 160871 |
| 5L60 | 501611 | Information
Technology Services | \$ | 250,000 | \$ | 250,000 | 160872 |
| TOTAL GSF | General Services Fund
Group | | \$ | 77,430,717 | \$ | 72,940,906 | 160873 |
| Federal Special Revenue Fund Group | | | | | | | 160874 |
| 3230 | 501619 | Federal Grants | \$ | 7,132,943 | \$ | 7,132,943 | 160875 |
| TOTAL FED | Federal Special Revenue
Fund Group | | \$ | 7,132,943 | \$ | 7,132,943 | 160876 |

| | | |
|---|-----------------------------------|--|
| TOTAL ALL BUDGET FUND GROUPS | \$ 1,581,403,588 \$ 1,577,868,556 | 160878 |
| TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL SENTENCING REFORMS | | 160879
160880 |
| For the purposes of implementing criminal sentencing reforms, and notwithstanding any other provision of law to the contrary, the Director of Budget and Management, at the request of the Director of Rehabilitation and Correction, may transfer up to \$14,000,000 in appropriations, in each of fiscal years 2014 and 2015, from appropriation item 501321, Institutional Operations, to any combination of appropriation items 501405, Halfway House; 501407, Community Residential Programs; 501408, Community Misdemeanor Programs; and 501501, Community Residential Programs - CBCF. | | 160881
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160890 |
| LEASE RENTAL PAYMENTS | | 160891 |
| The foregoing appropriation item 501406, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2013, through June 30, 2015, by the Department of Rehabilitation and Correction under the primary leases and agreements for those buildings made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code. | | 160892
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160900 |
| OSU MEDICAL CHARGES | | 160901 |
| Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary care shall be billed to the | | 160902
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Department at a rate not to exceed the authorized reimbursement 160909
rate for the same service established by the Department of 160910
Medicaid under the Medicaid Program. 160911

CORRECTIVE CASH TRANSFER 160912

At the request of the Director of Rehabilitation and 160913
Correction, the Director of Budget and Management may transfer an 160914
amount not to exceed \$2,391 in cash that was mistakenly deposited 160915
in the Federal Grants Fund (Fund 3230) to the General Revenue 160916
Fund. 160917

Section 369.10. RCB RESPIRATORY CARE BOARD 160918

General Services Fund Group 160919

| | | | | | | |
|-------------|--------------------|----|---------|----|---------|--------|
| 4K90 872609 | Operating Expenses | \$ | 552,876 | \$ | 545,246 | 160920 |
|-------------|--------------------|----|---------|----|---------|--------|

TOTAL GSF General Services 160921

| | | | | | | |
|------------|--|----|---------|----|---------|--------|
| Fund Group | | \$ | 552,876 | \$ | 545,246 | 160922 |
|------------|--|----|---------|----|---------|--------|

| | | | | | | |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 552,876 | \$ | 545,246 | 160923 |
|------------------------------|--|----|---------|----|---------|--------|

Section 371.10. RDF REVENUE DISTRIBUTION FUNDS 160925

Special State Revenue Fund Group 160926

| | | | | | | |
|-------------|----------------------|----|-------------|----|-------------|--------|
| 5JG0 110633 | Gross Casino Revenue | \$ | 158,005,325 | \$ | 168,977,942 | 160927 |
|-------------|----------------------|----|-------------|----|-------------|--------|

County Fund

| | | | | | | |
|---------------------------------|--|----|-------------|----|-------------|--------|
| TOTAL SSR State Special Revenue | | \$ | 158,005,325 | \$ | 168,977,942 | 160928 |
|---------------------------------|--|----|-------------|----|-------------|--------|

Fund Group

Volunteer Firefighters' Dependents Fund 160929

| | | | | | | |
|-------------|---------------------|----|---------|----|---------|--------|
| 7085 800985 | Volunteer Firemen's | \$ | 300,000 | \$ | 300,000 | 160930 |
|-------------|---------------------|----|---------|----|---------|--------|

Dependents Fund

TOTAL 085 Volunteer Firefighters' 160931

| | | | | | | |
|-----------------|--|----|---------|----|---------|--------|
| Dependents Fund | | \$ | 300,000 | \$ | 300,000 | 160932 |
|-----------------|--|----|---------|----|---------|--------|

Agency Fund Group 160933

| | | | | | | |
|-------------|-----------------|----|-----------|----|-----------|--------|
| 4P80 001698 | Cash Management | \$ | 3,100,000 | \$ | 3,100,000 | 160934 |
|-------------|-----------------|----|-----------|----|-----------|--------|

Improvement Fund

| | | | | | |
|-----------|--|---|------------------|------------------|--------|
| 5JH0 | 110634 | Gross Casino Revenue
County Student Fund | \$ 105,336,883 | \$ 112,651,961 | 160935 |
| 5JJ0 | 110636 | Gross Casino Revenue
Host City Fund | \$ 15,490,718 | \$ 16,566,465 | 160936 |
| 6080 | 001699 | Investment Earnings | \$ 30,000,000 | \$ 30,000,000 | 160937 |
| 7062 | 110962 | Resort Area Excise
Tax | \$ 1,000,000 | \$ 1,000,000 | 160938 |
| 7063 | 110963 | Permissive Tax
Distribution | \$ 2,066,331,400 | \$ 2,151,135,100 | 160939 |
| 7067 | 110967 | School District
Income Tax | \$ 346,669,300 | \$ 365,277,800 | 160940 |
| 7099 | 762902 | Permissive Tax
Distribution - Auto
Registration | \$ 184,000,000 | \$ 184,000,000 | 160941 |
| TOTAL AGY | Agency Fund Group | | \$ 2,751,928,301 | \$ 2,863,731,326 | 160942 |
| | Holding Account Redistribution | | | | 160943 |
| R045 | 110617 | International Fuel
Tax Distribution | \$ 40,000,000 | \$ 40,000,000 | 160944 |
| TOTAL 090 | Holding Account
Redistribution Fund | | \$ 40,000,000 | \$ 40,000,000 | 160945 |
| | Revenue Distribution Fund Group | | | | 160946 |
| 7049 | 335900 | Indigent Drivers
Alcohol Treatment | \$ 2,250,000 | \$ 2,250,000 | 160947 |
| 7050 | 762900 | International
Registration Plan
Distribution | \$ 30,000,000 | \$ 30,000,000 | 160948 |
| 7051 | 762901 | Auto Registration
Distribution | \$ 360,000,000 | \$ 360,000,000 | 160949 |
| 7054 | 110954 | Local Government
Property Tax
Replacement - Utility | \$ 5,649,000 | \$ 5,649,000 | 160950 |
| 7060 | 110960 | Gasoline Excise Tax
Fund | \$ 395,000,000 | \$ 395,000,000 | 160951 |

| | | | | | |
|--------------------------------|--------|--|------------------|------------------|--------|
| 7065 | 110965 | Public Library Fund | \$ 359,300,000 | \$ 369,000,000 | 160952 |
| 7066 | 800966 | Undivided Liquor
Permits | \$ 14,100,000 | \$ 14,100,000 | 160953 |
| 7068 | 110968 | State and Local
Government Highway
Distribution | \$ 196,000,000 | \$ 196,000,000 | 160954 |
| 7069 | 110969 | Local Government Fund | \$ 363,600,000 | \$ 376,400,000 | 160955 |
| 7081 | 110981 | Local Government
Property Tax
Replacement-Business | \$ 146,500,000 | \$ 107,900,000 | 160956 |
| 7082 | 110982 | Horse Racing Tax | \$ 100,000 | \$ 100,000 | 160957 |
| 7083 | 700900 | Ohio Fairs Fund | \$ 1,400,000 | \$ 1,400,000 | 160958 |
| TOTAL RDF Revenue Distribution | | | | | 160959 |
| Fund Group | | | \$ 1,873,899,000 | \$ 1,857,799,000 | 160960 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ 4,824,132,626 | \$ 4,930,808,268 | 160961 |

ADDITIONAL APPROPRIATIONS

160962

Appropriation items in this section shall be used for the
purpose of administering and distributing the designated revenue
distribution funds according to the Revised Code. If it is
determined that additional appropriations are necessary for this
purpose, such amounts are hereby appropriated.

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GENERAL REVENUE FUND TRANSFERS

160968

Notwithstanding any provision of law to the contrary, in
fiscal year 2014 and fiscal year 2015, the Director of Budget and
Management may transfer from the General Revenue Fund to the Local
Government Tangible Property Tax Replacement Fund (Fund 7081) in
the Revenue Distribution Fund Group, those amounts necessary to
reimburse local taxing units under section 5751.22 of the Revised
Code. Also, in fiscal year 2014 and fiscal year 2015, the Director
of Budget and Management may make temporary transfers from the
General Revenue Fund to ensure sufficient balances in the Local
Government Tangible Property Tax Replacement Fund (Fund 7081) and

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to replenish the General Revenue Fund for such transfers. 160979

Section 373.10. SAN BOARD OF SANITARIAN REGISTRATION 160980

General Services Fund Group 160981

4K90 893609 Operating Expenses \$ 137,850 \$ 129,850 160982

TOTAL GSF General Services 160983

Fund Group \$ 137,850 \$ 129,850 160984

TOTAL ALL BUDGET FUND GROUPS \$ 137,850 \$ 129,850 160985

Section 375.10. OSB OHIO STATE SCHOOL FOR THE BLIND 160987

General Revenue Fund 160988

GRF 226321 Operations \$ 7,278,579 \$ 7,278,579 160989

TOTAL GRF General Revenue Fund \$ 7,278,579 \$ 7,278,579 160990

General Services Fund Group 160991

4H80 226602 Education Reform \$ 27,000 \$ 27,000 160992

Grants

5NJ0 226622 Food Service Program \$ 9,000 \$ 9,000 160993

TOTAL GSF General Services 160994

Fund Group \$ 36,000 \$ 36,000 160995

Federal Special Revenue Fund Group 160996

3100 226626 Coordinating Unit \$ 2,527,104 \$ 2,527,104 160997

3DT0 226621 Ohio Transition \$ 650,000 \$ 650,000 160998

Collaborative

3P50 226643 Medicaid Professional \$ 50,000 \$ 50,000 160999

Services

Reimbursement

TOTAL FED Federal Special 161000

Revenue Fund Group \$ 3,227,104 \$ 3,227,104 161001

State Special Revenue Fund Group 161002

4M50 226601 Work Study and \$ 461,521 \$ 461,521 161003

Technology Investment

| | | | | |
|---------------------------------|----|------------|---------------|--------|
| TOTAL SSR State Special Revenue | | | | 161004 |
| Fund Group | \$ | 461,521 | \$ 461,521 | 161005 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 11,003,204 | \$ 11,003,204 | 161006 |

Section 377.10. OSD OHIO SCHOOL FOR THE DEAF 161008

| | | | | |
|--------------------------------|----|-----------|--------------|--------|
| General Revenue Fund | | | | 161009 |
| GRF 221321 Operations | \$ | 8,727,657 | \$ 8,727,657 | 161010 |
| TOTAL GRF General Revenue Fund | \$ | 8,727,657 | \$ 8,727,657 | 161011 |

General Services Fund Group 161012

| | | | | |
|------------------------------|----|--------|-----------|--------|
| 4M10 221602 Education Reform | \$ | 35,000 | \$ 35,000 | 161013 |
| Grants | | | | |

| | | | | |
|----------------------------------|----|-------|----------|--------|
| 5NK0 221610 Food Service Program | \$ | 9,000 | \$ 9,000 | 161014 |
| TOTAL GSF General Services | | | | 161015 |

| | | | | |
|------------|----|--------|-----------|--------|
| Fund Group | \$ | 44,000 | \$ 44,000 | 161016 |
|------------|----|--------|-----------|--------|

Federal Special Revenue Fund Group 161017

| | | | | |
|-----------------------------------|----|-----------|--------------|--------|
| 3110 221625 Coordinating Unit | \$ | 2,153,245 | \$ 2,153,245 | 161018 |
| 3R00 221684 Medicaid Professional | \$ | 35,000 | \$ 35,000 | 161019 |

Services

Reimbursement

TOTAL FED Federal Special 161020

| | | | | |
|--------------------|----|-----------|--------------|--------|
| Revenue Fund Group | \$ | 2,188,245 | \$ 2,188,245 | 161021 |
|--------------------|----|-----------|--------------|--------|

State Special Revenue Fund Group 161022

| | | | | |
|---------------------------------|----|--------|-----------|--------|
| 4M00 221601 Educational Program | \$ | 95,000 | \$ 95,000 | 161023 |
| Expenses | | | | |

| | | | | |
|---------------------------------|----|--------|-----------|--------|
| 5H60 221609 Even Start Fees and | \$ | 35,000 | \$ 35,000 | 161024 |
| Gifts | | | | |

TOTAL SSR State Special Revenue 161025

| | | | | |
|------------|----|---------|------------|--------|
| Fund Group | \$ | 130,000 | \$ 130,000 | 161026 |
|------------|----|---------|------------|--------|

| | | | | |
|------------------------------|----|------------|---------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 11,089,902 | \$ 11,089,902 | 161027 |
|------------------------------|----|------------|---------------|--------|

Section 381.10. SOS SECRETARY OF STATE 161029

General Revenue Fund 161030

| | | | | | | |
|---|-----------------------|----|------------|----|------------|--------|
| GRF 050321 | Operating Expenses | \$ | 2,144,030 | \$ | 2,144,030 | 161031 |
| GRF 050407 | Pollworkers Training | \$ | 234,196 | \$ | 234,196 | 161032 |
| TOTAL GRF | General Revenue Fund | \$ | 2,378,226 | \$ | 2,378,226 | 161033 |
| General Services Fund Group | | | | | | 161034 |
| 4120 050609 | Notary Commission | \$ | 475,000 | \$ | 475,000 | 161035 |
| 4130 050601 | Information Systems | \$ | 49,000 | \$ | 49,000 | 161036 |
| 4S80 050610 | Board of Voting | \$ | 7,200 | \$ | 7,200 | 161037 |
| | Machine Examiners | | | | | |
| 5FG0 050620 | BOE Reimbursement and | \$ | 80,000 | \$ | 80,000 | 161038 |
| | Education | | | | | |
| TOTAL General Services | Fund Group | \$ | 611,200 | \$ | 611,200 | 161039 |
| Federal Special Revenue Fund Group | | | | | | 161040 |
| 3AH0 050614 | Election | \$ | 300,000 | \$ | 300,000 | 161041 |
| | Reform/Health and | | | | | |
| | Human Services | | | | | |
| 3AS0 050616 | Help America Vote Act | \$ | 1,710,000 | \$ | 1,710,000 | 161042 |
| | (HAVA) | | | | | |
| TOTAL FED Federal Special Revenue | | | | | | 161043 |
| Fund Group | | \$ | 2,010,000 | \$ | 2,010,000 | 161044 |
| State Special Revenue Fund Group | | | | | | 161045 |
| 5990 050603 | Business Services | \$ | 14,385,400 | \$ | 14,385,400 | 161046 |
| | Operating Expenses | | | | | |
| TOTAL SSR State Special Revenue | | | | | | 161047 |
| Fund Group | | \$ | 14,385,400 | \$ | 14,385,400 | 161048 |
| Holding Account Redistribution Fund Group | | | | | | 161049 |
| R001 050605 | Uniform Commercial | \$ | 30,000 | \$ | 30,000 | 161050 |
| | Code Refunds | | | | | |
| R002 050606 | Corporate/Business | \$ | 85,000 | \$ | 85,000 | 161051 |
| | Filing Refunds | | | | | |
| TOTAL 090 Holding Account | | | | | | 161052 |
| Redistribution Fund Group | | \$ | 115,000 | \$ | 115,000 | 161053 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 19,499,826 | \$ | 19,499,826 | 161054 |

POLLWORKER TRAINING 161055

The foregoing appropriation item 050407, Pollworkers 161056
Training, shall be used to reimburse county boards of elections 161057
for pollworker training pursuant to section 3501.27 of the Revised 161058
Code. At the end of fiscal year 2014, an amount equal to the 161059
unexpended, unencumbered portion of appropriation item 050407, 161060
Pollworkers Training, is hereby reappropriated in fiscal year 2015 161061
for the same purpose. 161062

BOARD OF VOTING MACHINE EXAMINERS 161063

The foregoing appropriation item 050610, Board of Voting 161064
Machine Examiners, shall be used to pay for the services and 161065
expenses of the members of the Board of Voting Machine Examiners, 161066
and for other expenses that are authorized to be paid from the 161067
Board of Voting Machine Examiners Fund, which is created in 161068
section 3506.05 of the Revised Code. Moneys not used shall be 161069
returned to the person or entity submitting equipment for 161070
examination. If it is determined that additional appropriations 161071
are necessary, such amounts are hereby appropriated. 161072

HAVA FUNDS 161073

An amount equal to the unexpended, unencumbered portion of 161074
appropriation item 050614, Election Reform/Health and Human 161075
Services, at the end of fiscal year 2014 is reappropriated for the 161076
same purpose in fiscal year 2015. 161077

An amount equal to the unexpended, unencumbered portion of 161078
appropriation item 050616, Help America Vote Act (HAVA), at the 161079
end of fiscal year 2014 is reappropriated for the same purpose in 161080
fiscal year 2015. 161081

The Director of Budget and Management shall credit the 161082
ongoing interest earnings from the Election Reform/Health and 161083
Human Services Fund (Fund 3AH0) and the Help America Vote Act 161084
(HAVA) (Fund 3AS0) to the respective funds and distribute these 161085

earnings in accordance with the terms of the grant under which the 161086
 money is received. 161087

MISCELLANEOUS FEDERAL GRANTS 161088

On July 1, 2013, or as soon as possible thereafter, the 161089
 Director of Budget and Management shall transfer from the General 161090
 Revenue Fund (GRF) all investment earnings and amounts equal to 161091
 the interest earnings that were attributable to the Miscellaneous 161092
 Federal Grants Fund (Fund 3FM0) in each quarter of fiscal year 161093
 2013. The Director of Budget and Management shall credit the 161094
 ongoing interest earnings from Fund 3FM0 to that fund and 161095
 distribute these earnings in accordance with the terms of the 161096
 grant under which the money was received. 161097

HOLDING ACCOUNT REDISTRIBUTION GROUP 161098

The foregoing appropriation items 050605, Uniform Commercial 161099
 Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 161100
 be used to hold revenues until they are directed to the 161101
 appropriate accounts or until they are refunded. If it is 161102
 determined that additional appropriations are necessary, such 161103
 amounts are hereby appropriated. 161104

Section 383.10. SEN THE OHIO SENATE 161105

General Revenue Fund 161106

| | | | | | | |
|------------|----------------------|----|------------|----|------------|--------|
| GRF 020321 | Operating Expenses | \$ | 11,947,822 | \$ | 11,947,822 | 161107 |
| TOTAL GRF | General Revenue Fund | \$ | 11,947,822 | \$ | 11,947,822 | 161108 |

General Services Fund Group 161109

| | | | | | | |
|-------------|----------------------|----|---------|----|---------|--------|
| 1020 020602 | Senate Reimbursement | \$ | 852,001 | \$ | 852,001 | 161110 |
| 4090 020601 | Miscellaneous Sales | \$ | 34,497 | \$ | 34,497 | 161111 |
| TOTAL GSF | General Services | | | | | 161112 |

| | | | | | | |
|------------|--|----|---------|----|---------|--------|
| Fund Group | | \$ | 886,498 | \$ | 886,498 | 161113 |
|------------|--|----|---------|----|---------|--------|

| | | | | | | |
|------------------------------|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 12,834,320 | \$ | 12,834,320 | 161114 |
|------------------------------|--|----|------------|----|------------|--------|

OPERATING EXPENSES 161115

On July 1, 2013, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2013 to be reappropriated to fiscal year 2014. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2014.

On July 1, 2014, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2014 to be reappropriated to fiscal year 2015. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2015.

Section 385.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 161130

| | | | | |
|--|----|-----------|--------------|--------|
| General Revenue Fund | | | | 161131 |
| GRF 866321 CSV Operations | \$ | 286,661 | \$ 294,072 | 161132 |
| TOTAL GRF General Revenue Fund | \$ | 286,661 | \$ 294,072 | 161133 |
| General Services Fund | | | | 161134 |
| 5GN0 866605 Serve Ohio Support | \$ | 30,000 | \$ 30,000 | 161135 |
| TOTAL GSF General Services Fund | \$ | 30,000 | \$ 30,000 | 161136 |
| Federal Special Revenue Fund Group | | | | 161137 |
| 3R70 866617 AmeriCorps Programs | \$ | 7,447,000 | \$ 7,447,000 | 161138 |
| TOTAL FED Federal Special Revenue Fund Group | \$ | 7,447,000 | \$ 7,447,000 | 161139 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 7,763,661 | \$ 7,771,072 | 161141 |

Section 387.10. CSF COMMISSIONERS OF THE SINKING FUND 161143

| | | | | |
|----------------------------|----|------------|---------------|--------|
| Debt Service Fund Group | | | | 161144 |
| 7070 155905 Third Frontier | \$ | 66,511,600 | \$ 83,783,000 | 161145 |

| | | | | | | |
|--|--------|---|----|---------------|----|----------------------|
| | | Research and
Development Bond
Retirement Fund | | | | |
| 7072 | 155902 | Highway Capital
Improvement Bond
Retirement Fund | \$ | 132,647,900 | \$ | 127,171,800 161146 |
| 7073 | 155903 | Natural Resources Bond
Retirement Fund | \$ | 24,325,400 | \$ | 25,443,000 161147 |
| 7074 | 155904 | Conservation Projects
Bond Retirement Fund | \$ | 33,376,600 | \$ | 34,447,700 161148 |
| 7076 | 155906 | Coal Research and
Development Bond
Retirement Fund | \$ | 2,858,900 | \$ | 4,327,200 161149 |
| 7077 | 155907 | State Capital
Improvement Bond
Retirement Fund | \$ | 227,810,300 | \$ | 228,948,900 161150 |
| 7078 | 155908 | Common Schools Bond
Retirement Fund | \$ | 351,806,100 | \$ | 377,364,700 161151 |
| 7079 | 155909 | Higher Education Bond
Retirement Fund | \$ | 221,168,700 | \$ | 248,822,000 161152 |
| 7080 | 155901 | Persian Gulf,
Afghanistan, and Iraq
Conflicts Bond
Retirement Fund | \$ | 7,542,600 | \$ | 9,914,800 161153 |
| 7090 | 155912 | Job Ready Site
Development Bond
Retirement Fund | \$ | 15,498,400 | \$ | 19,124,500 161154 |
| TOTAL DSF Debt Service Fund Group | | | \$ | 1,083,546,500 | \$ | 1,159,347,600 161155 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 1,083,546,500 | \$ | 1,159,347,600 161156 |
| ADDITIONAL APPROPRIATIONS | | | | | | 161157 |
| Appropriation items in this section are for the purpose of | | | | | | 161158 |
| paying debt service and financing costs on bonds or notes of the | | | | | | 161159 |
| state issued under the Ohio Constitution and acts of the General | | | | | | 161160 |

Assembly. If it is determined that additional amounts are 161161
 necessary for this purpose, such amounts are hereby appropriated. 161162

Section 389.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 161163
 DEVELOPMENT FOUNDATION 161164

Tobacco Master Settlement Agreement Fund Group 161165
 5M90 945601 Operating Expenses \$ 426,800 \$ 426,800 161166
 TOTAL TMF Tobacco Master Settlement \$ 426,800 \$ 426,800 161167
 Agreement Fund Group
 TOTAL ALL BUDGET FUND GROUPS \$ 426,800 \$ 426,800 161168

Section 391.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 161170
 AUDIOLOGY 161171

General Services Fund Group 161172
 4K90 886609 Operating Expenses \$ 472,260 \$ 508,660 161173
 TOTAL GSF General Services 161174
 Fund Group \$ 472,260 \$ 508,660 161175
 TOTAL ALL BUDGET FUND GROUPS \$ 427,260 \$ 508,660 161176

Section 393.10. BTA BOARD OF TAX APPEALS 161178

General Revenue Fund 161179
 GRF 116321 Operating Expenses \$ 1,700,000 \$ 1,700,000 161180
 TOTAL GRF General Revenue Fund \$ 1,700,000 \$ 1,700,000 161181
 TOTAL ALL BUDGET FUND GROUPS \$ 1,700,000 \$ 1,700,000 161182

Section 395.10. TAX DEPARTMENT OF TAXATION 161184

General Revenue Fund 161185
 GRF 110321 Operating Expenses \$ 72,568,330 \$ 67,968,332 161186
 GRF 110404 Tobacco Settlement \$ 178,200 \$ 178,200 161187
 Enforcement
 GRF 110901 Property Tax \$ 666,640,000 \$ 693,305,600 161188
 Allocation - Taxation

| | | | | | |
|---|----|-------------|----|-------------|------------------|
| TOTAL GRF General Revenue Fund | \$ | 739,386,530 | \$ | 761,452,132 | 161189 |
| General Services Fund Group | | | | | 161190 |
| 2280 110628 Revenue Enhancement | \$ | 15,500,000 | \$ | 17,500,000 | 161191 |
| 4330 110602 Tape File Account | \$ | 175,000 | \$ | 175,000 | 161192 |
| 5BP0 110639 Wireless 9-1-1
Administration | \$ | 290,000 | \$ | 290,000 | 161193 |
| 5CZ0 110631 Vendor's License
Application | \$ | 250,000 | \$ | 250,000 | 161194 |
| 5MN0 110638 STARS Development and
Implementation | \$ | 5,000,000 | \$ | 3,000,000 | 161195 |
| 5N50 110605 Municipal Income Tax
Administration | \$ | 150,000 | \$ | 150,000 | 161196 |
| 5N60 110618 Kilowatt Hour Tax
Administration | \$ | 100,000 | \$ | 100,000 | 161197 |
| 5V80 110623 Property Tax
Administration | \$ | 11,978,310 | \$ | 11,978,310 | 161198 |
| 5W70 110627 Exempt Facility
Administration | \$ | 49,500 | \$ | 49,500 | 161199 |
| TOTAL GSF General Services
Fund Group | \$ | 33,492,810 | \$ | 33,492,810 | 161200
161201 |
| State Special Revenue Fund Group | | | | | 161202 |
| 4350 110607 Local Tax
Administration | \$ | 20,000,000 | \$ | 20,700,000 | 161203 |
| 4360 110608 Motor Vehicle Audit | \$ | 1,459,609 | \$ | 1,459,609 | 161204 |
| 4370 110606 Income Tax
Contribution | \$ | 38,800 | \$ | 38,800 | 161205 |
| 4380 110609 School District Income
Tax | \$ | 5,802,044 | \$ | 5,802,044 | 161206 |
| 4C60 110616 International
Registration Plan | \$ | 682,415 | \$ | 682,415 | 161207 |
| 4R60 110610 Tire Tax
Administration | \$ | 244,193 | \$ | 244,193 | 161208 |

| | | | | | | | |
|--|--------|----------------------|----|---------------|----|---------------|--------|
| 5V70 | 110622 | Motor Fuel Tax | \$ | 5,035,374 | \$ | 5,035,374 | 161209 |
| | | Administration | | | | | |
| 6390 | 110614 | Cigarette Tax | \$ | 1,750,000 | \$ | 1,750,000 | 161210 |
| | | Enforcement | | | | | |
| 6420 | 110613 | Ohio Political Party | \$ | 500,000 | \$ | 500,000 | 161211 |
| | | Distributions | | | | | |
| 6880 | 110615 | Local Excise Tax | \$ | 775,015 | \$ | 775,015 | 161212 |
| | | Administration | | | | | |
| TOTAL SSR State Special Revenue | | | | | | | 161213 |
| Fund Group | | | \$ | 36,287,450 | \$ | 36,987,450 | 161214 |
| Agency Fund Group | | | | | | | 161215 |
| 4250 | 110635 | Tax Refunds | \$ | 1,546,800,000 | \$ | 1,546,800,000 | 161216 |
| 7095 | 110995 | Municipal Income Tax | \$ | 21,000,000 | \$ | 21,000,000 | 161217 |
| TOTAL AGY Agency Fund Group | | | \$ | 1,567,800,000 | \$ | 1,567,800,000 | 161218 |
| Holding Account Redistribution Fund Group | | | | | | | 161219 |
| R010 | 110611 | Tax Distributions | \$ | 50,000 | \$ | 50,000 | 161220 |
| R011 | 110612 | Miscellaneous Income | \$ | 50,000 | \$ | 50,000 | 161221 |
| | | Tax Receipts | | | | | |
| TOTAL 090 Holding Account | | | | | | | 161222 |
| Redistribution Fund Group | | | \$ | 100,000 | \$ | 100,000 | 161223 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 2,377,066,790 | \$ | 2,399,832,392 | 161224 |
| HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK | | | | | | | 161225 |
| The foregoing appropriation item 110901, Property Tax | | | | | | | 161226 |
| Allocation - Taxation, is hereby appropriated to pay for the | | | | | | | 161227 |
| state's costs incurred due to the Homestead Exemption, the | | | | | | | 161228 |
| Manufactured Home Property Tax Rollback, and the Property Tax | | | | | | | 161229 |
| Rollback. The Tax Commissioner shall distribute these funds | | | | | | | 161230 |
| directly to the appropriate local taxing districts, except for | | | | | | | 161231 |
| school districts, notwithstanding the provisions in sections | | | | | | | 161232 |
| 321.24 and 323.156 of the Revised Code, which provide for payment | | | | | | | 161233 |
| of the Homestead Exemption, the Manufactured Home Property Tax | | | | | | | 161234 |
| Rollback, and Property Tax Rollback by the Tax Commissioner to the | | | | | | | 161235 |

appropriate county treasurer and the subsequent redistribution of 161236
these funds to the appropriate local taxing districts by the 161237
county auditor. 161238

Upon receipt of these amounts, each local taxing district 161239
shall distribute the amount among the proper funds as if it had 161240
been paid as real property taxes. Payments for the costs of 161241
administration shall continue to be paid to the county treasurer 161242
and county auditor as provided for in sections 319.54, 321.26, and 161243
323.156 of the Revised Code. 161244

Any sums, in addition to the amounts specifically 161245
appropriated in appropriation item 110901, Property Tax Allocation 161246
- Taxation, for the Homestead Exemption, the Manufactured Home 161247
Property Tax Rollback, and the Property Tax Rollback payments, 161248
which are determined to be necessary for these purposes, are 161249
hereby appropriated. 161250

MUNICIPAL INCOME TAX 161251

The foregoing appropriation item 110995, Municipal Income 161252
Tax, shall be used to make payments to municipal corporations 161253
under section 5745.05 of the Revised Code. If it is determined 161254
that additional appropriations are necessary to make such 161255
payments, such amounts are hereby appropriated. 161256

TAX REFUNDS 161257

The foregoing appropriation item 110635, Tax Refunds, shall 161258
be used to pay refunds under section 5703.052 of the Revised Code. 161259
If it is determined that additional appropriations are necessary 161260
for this purpose, such amounts are hereby appropriated. 161261

INTERNATIONAL REGISTRATION PLAN AUDIT 161262

The foregoing appropriation item 110616, International 161263
Registration Plan, shall be used under section 5703.12 of the 161264
Revised Code for audits of persons with vehicles registered under 161265

| | |
|---|--|
| the International Registration Plan. | 161266 |
| TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT | 161267 |
| Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines. | 161268
161269
161270
161271
161272
161273
161274 |
| TOBACCO SETTLEMENT ENFORCEMENT | 161275 |
| The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code. | 161276
161277
161278
161279 |
| STARS DEVELOPMENT AND IMPLEMENTATION FUND | 161280 |
| The foregoing appropriation item 110638, STARS Development and Implementation Fund, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Tax Reform System Implementation Fund, Local Tax Administration Fund, School District Income Tax Fund, Discovery Project Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$8,000,000 in the biennium. | 161281
161282
161283
161284
161285
161286
161287
161288
161289
161290
161291
161292 |
| Section 397.10. DOT DEPARTMENT OF TRANSPORTATION | 161293 |
| General Revenue Fund | 161294 |
| GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000 | 161295 |

| | | | | | |
|------------------------------|----------------------------------|----|------------|----|-------------------|
| | - State | | | | |
| GRF 776465 | Ohio Rail Development Commission | \$ | 2,000,000 | \$ | 2,000,000 161296 |
| GRF 777471 | Airport Improvements | \$ | 750,000 | \$ | 750,000 161297 |
| | - State | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 10,050,000 | \$ | 10,050,000 161298 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 10,050,000 | \$ | 10,050,000 161299 |

Section 399.10. TOS TREASURER OF STATE 161301

| | | | | | |
|-------------|---|----|------------|----|-------------------|
| | General Revenue Fund | | | | 161302 |
| GRF 090321 | Operating Expenses | \$ | 7,743,553 | \$ | 7,743,553 161303 |
| GRF 090401 | Office of the Sinking Fund | \$ | 502,304 | \$ | 502,304 161304 |
| GRF 090402 | Continuing Education | \$ | 377,702 | \$ | 377,702 161305 |
| GRF 090524 | Police and Fire Disability Pension Fund | \$ | 6,000 | \$ | 6,000 161306 |
| GRF 090534 | Police and Fire Ad Hoc Cost of Living | \$ | 70,000 | \$ | 70,000 161307 |
| GRF 090554 | Police and Fire Survivor Benefits | \$ | 507,000 | \$ | 507,000 161308 |
| GRF 090575 | Police and Fire Death Benefits | \$ | 20,000,000 | \$ | 20,000,000 161309 |
| TOTAL GRF | General Revenue Fund | \$ | 29,206,559 | \$ | 29,206,559 161310 |
| | General Services Fund Group | | | | 161311 |
| 4E90 090603 | Securities Lending Income | \$ | 3,765,000 | \$ | 3,765,000 161312 |
| 5770 090605 | Investment Pool Reimbursement | \$ | 850,000 | \$ | 850,000 161313 |
| 5C50 090602 | County Treasurer Education | \$ | 170,057 | \$ | 170,057 161314 |
| 6050 090609 | Treasurer of State | \$ | 835,000 | \$ | 835,000 161315 |

Administrative Fund

| | | | | |
|------------------------------|----|------------|---------------|--------|
| TOTAL GSF General Services | | | | 161316 |
| Fund Group | \$ | 5,620,057 | \$ 5,620,057 | 161317 |
| Agency Fund Group | | | | 161318 |
| 4250 090635 Tax Refunds | \$ | 6,000,000 | \$ 6,000,000 | 161319 |
| TOTAL Agency Fund Group | \$ | 6,000,000 | \$ 6,000,000 | 161320 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 40,826,616 | \$ 40,826,616 | 161321 |

Section 399.20. OFFICE OF THE SINKING FUND 161323

The foregoing appropriation item 090401, Office of the 161324
Sinking Fund, shall be used for costs incurred by or on behalf of 161325
the Commissioners of the Sinking Fund and the Ohio Public 161326
Facilities Commission with respect to State of Ohio general 161327
obligation bonds or notes, and the Treasurer of State with respect 161328
to State of Ohio general obligation and special obligation bonds 161329
or notes, including, but not limited to, printing, advertising, 161330
delivery, rating fees and the procurement of ratings, professional 161331
publications, membership in professional organizations, and other 161332
services referred to in division (D) of section 151.01 of the 161333
Revised Code. The General Revenue Fund shall be reimbursed for 161334
such costs relating to the issuance and administration of Highway 161335
Capital Improvement bonds or notes authorized under Ohio 161336
Constitution, Article VIII, Section 2m and Chapter 151. of the 161337
Revised Code. That reimbursement shall be made from appropriation 161338
item 155902, Highway Capital Improvement Bond Retirement Fund, by 161339
intrastate transfer voucher pursuant to a certification by the 161340
Office of the Sinking Fund of the actual amounts used. The amounts 161341
necessary to make such a reimbursement are hereby appropriated 161342
from the Highway Capital Improvement Bond Retirement Fund created 161343
in section 151.06 of the Revised Code. 161344

POLICE AND FIRE DEATH BENEFIT FUND 161345

The foregoing appropriation item 090575, Police and Fire 161346

Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 401.10. VTO VETERANS' ORGANIZATIONS

General Revenue Fund

VAP AMERICAN EX-PRISONERS OF WAR

GRF 743501 State Support \$ 28,910 \$ 28,910

VAN ARMY AND NAVY UNION, USA, INC.

GRF 746501 State Support \$ 63,539 \$ 63,539

VKW KOREAN WAR VETERANS

GRF 747501 State Support \$ 57,118 \$ 57,118

VJW JEWISH WAR VETERANS

GRF 748501 State Support \$ 34,321 \$ 34,321

VCW CATHOLIC WAR VETERANS

GRF 749501 State Support \$ 66,978 \$ 66,978

VPH MILITARY ORDER OF THE PURPLE HEART

GRF 750501 State Support \$ 65,116 \$ 65,116

| | | | | | | | |
|------------------------------|--------|---|----|------------|----|------------|--------|
| | | VVV VIETNAM VETERANS OF AMERICA | | | | 161378 | |
| GRF | 751501 | State Support | \$ | 214,776 | \$ | 214,776 | 161379 |
| | | VAL AMERICAN LEGION OF OHIO | | | | | 161380 |
| GRF | 752501 | State Support | \$ | 349,189 | \$ | 349,189 | 161381 |
| | | VII AMVETS | | | | | 161382 |
| GRF | 753501 | State Support | \$ | 332,547 | \$ | 332,547 | 161383 |
| | | VAV DISABLED AMERICAN VETERANS | | | | | 161384 |
| GRF | 754501 | State Support | \$ | 249,836 | \$ | 249,836 | 161385 |
| | | VMC MARINE CORPS LEAGUE | | | | | 161386 |
| GRF | 756501 | State Support | \$ | 133,947 | \$ | 133,947 | 161387 |
| | | V37 37TH DIVISION VETERANS' ASSOCIATION | | | | | 161388 |
| GRF | 757501 | State Support | \$ | 6,868 | \$ | 6,868 | 161389 |
| | | VFW VETERANS OF FOREIGN WARS | | | | | 161390 |
| GRF | 758501 | State Support | \$ | 284,841 | \$ | 284,841 | 161391 |
| TOTAL GRF | | General Revenue Fund | \$ | 1,887,986 | \$ | 1,887,986 | 161392 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 1,887,986 | \$ | 1,887,986 | 161393 |
| | | RELEASE OF FUNDS | | | | | 161394 |
| | | The Director of Budget and Management may release the | | | | | 161395 |
| | | foregoing appropriation items 743501, 746501, 747501, 748501, | | | | | 161396 |
| | | 749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, | | | | | 161397 |
| | | and 758501, State Support. | | | | | 161398 |
| | | Section 403.10. DVS DEPARTMENT OF VETERANS SERVICES | | | | | 161399 |
| | | General Revenue Fund | | | | | 161400 |
| GRF | 900321 | Veterans' Homes | \$ | 27,369,946 | \$ | 27,369,946 | 161401 |
| GRF | 900402 | Hall of Fame | \$ | 107,075 | \$ | 107,075 | 161402 |
| GRF | 900408 | Department of | \$ | 2,001,823 | \$ | 2,001,823 | 161403 |
| | | Veterans Services | | | | | |
| GRF | 900901 | Persian Gulf, | \$ | 7,542,600 | \$ | 9,914,800 | 161404 |
| | | Afghanistan, and Iraq | | | | | |
| | | Compensation Debt | | | | | |
| | | Service | | | | | |

| | | | | | |
|---|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund | \$ | 37,021,444 | \$ | 39,393,644 | 161405 |
| General Services Fund Group | | | | | 161406 |
| 4840 900603 Veterans' Homes | \$ | 1,596,894 | \$ | 1,596,894 | 161407 |
| Services | | | | | |
| TOTAL GSF General Services Fund | \$ | 1,596,894 | \$ | 1,596,894 | 161408 |
| Group | | | | | |
| Federal Special Revenue Fund Group | | | | | 161409 |
| 3680 900614 Veterans Training | \$ | 684,017 | \$ | 697,682 | 161410 |
| 3740 900606 Troops to Teachers | \$ | 111,822 | \$ | 111,879 | 161411 |
| 3BX0 900609 Medicare Services | \$ | 2,250,000 | \$ | 2,250,000 | 161412 |
| 3L20 900601 Veterans' Homes | \$ | 24,887,790 | \$ | 25,634,423 | 161413 |
| Operations - Federal | | | | | |
| TOTAL FED Federal Special Revenue | | | | | 161414 |
| Fund Group | \$ | 27,933,629 | \$ | 28,693,984 | 161415 |
| State Special Revenue Fund Group | | | | | 161416 |
| 4E20 900602 Veterans' Homes | \$ | 10,614,652 | \$ | 10,837,435 | 161417 |
| Operating | | | | | |
| 6040 900604 Veterans' Homes | \$ | 403,663 | \$ | 459,359 | 161418 |
| Improvement | | | | | |
| TOTAL SSR State Special Revenue | | | | | 161419 |
| Fund Group | \$ | 11,018,315 | \$ | 11,296,794 | 161420 |
| Persian Gulf, Afghanistan, and Iraq Compensation Fund Group | | | | | 161421 |
| 7041 900615 Veteran Bonus Program | \$ | 738,703 | \$ | 629,709 | 161422 |
| - Administration | | | | | |
| 7041 900641 Persian Gulf, | \$ | 14,500,000 | \$ | 9,400,000 | 161423 |
| Afghanistan, and Iraq | | | | | |
| Compensation | | | | | |
| TOTAL 041 Persian Gulf, | | | | | 161424 |
| Afghanistan, and Iraq | | | | | 161425 |
| Compensation Fund Group | \$ | 15,238,703 | \$ | 10,029,709 | 161426 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 92,808,985 | \$ | 91,011,025 | 161427 |
| PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL | | | | | 161428 |

| | | | | | |
|--|----|-------------|----|-------------|--------|
| OBLIGATION DEBT SERVICE | | | | | 161429 |
| The foregoing appropriation item 900901, Persian Gulf, | | | | | 161430 |
| Afghanistan and Iraq Compensation Debt Service, shall be used to | | | | | 161431 |
| pay all debt service and related financing costs during the period | | | | | 161432 |
| from July 1, 2013, through June 30, 2015, on obligations issued | | | | | 161433 |
| for Persian Gulf, Afghanistan and Iraq Conflicts Compensation | | | | | 161434 |
| purposes under sections 151.01 and 151.12 of the Revised Code. | | | | | 161435 |
|
 | | | | | |
| Section 405.10. DVM STATE VETERINARY MEDICAL BOARD | | | | | 161436 |
| General Services Fund Group | | | | | 161437 |
| 4K90 888609 Operating Expenses | \$ | 337,432 | \$ | 331,695 | 161438 |
| 5BU0 888602 Veterinary Student | \$ | 30,000 | \$ | 30,000 | 161439 |
| Loan Program | | | | | |
| TOTAL GSF General Services | | | | | 161440 |
| Fund Group | \$ | 367,432 | \$ | 361,695 | 161441 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 367,432 | \$ | 361,695 | 161442 |
|
 | | | | | |
| Section 407.10. DYS DEPARTMENT OF YOUTH SERVICES | | | | | 161444 |
| General Revenue Fund | | | | | 161445 |
| GRF 470401 RECLAIM Ohio | \$ | 166,862,228 | \$ | 166,862,228 | 161446 |
| GRF 470412 Lease Rental Payments | \$ | 26,044,800 | \$ | 27,819,700 | 161447 |
| GRF 470510 Youth Services | \$ | 16,702,728 | \$ | 16,702,728 | 161448 |
| GRF 472321 Parole Operations | \$ | 10,583,118 | \$ | 10,583,118 | 161449 |
| GRF 477321 Administrative | \$ | 11,355,389 | \$ | 11,355,389 | 161450 |
| Operations | | | | | |
| TOTAL GRF General Revenue Fund | \$ | 231,548,263 | \$ | 233,323,163 | 161451 |
| General Services Fund Group | | | | | 161452 |
| 1750 470613 Education | \$ | 3,950,000 | \$ | 3,600,000 | 161453 |
| Reimbursement | | | | | |
| 4790 470609 Employee Food Service | \$ | 125,000 | \$ | 125,000 | 161454 |
| 4A20 470602 Child Support | \$ | 250,000 | \$ | 250,000 | 161455 |
| 4G60 470605 General Operational | \$ | 115,000 | \$ | 115,000 | 161456 |

| | | Funds | | | |
|------------------------------------|--------|-------------------------|----|------------|---------------------|
| 5BN0 | 470629 | E-Rate Program | \$ | 525,000 | \$ 525,000 161457 |
| TOTAL GSF | | General Services | | | 161458 |
| Fund Group | | | \$ | 4,965,000 | \$ 4,615,000 161459 |
| Federal Special Revenue Fund Group | | | | | 161460 |
| 3210 | 470601 | Education | \$ | 1,480,740 | \$ 1,203,272 161461 |
| 3210 | 470603 | Juvenile Justice | \$ | 300,000 | \$ 300,000 161462 |
| | | Prevention | | | |
| 3210 | 470606 | Nutrition | \$ | 1,033,947 | \$ 1,033,947 161463 |
| 3210 | 470614 | Title IV-E | \$ | 5,755,620 | \$ 3,714,548 161464 |
| | | Reimbursements | | | |
| 3CP0 | 470638 | Federal Juvenile | \$ | 20,000 | \$ 5,000 161465 |
| | | Programs FFY 09 | | | |
| 3CR0 | 470639 | Federal Juvenile | \$ | 479,900 | \$ 126,000 161466 |
| | | Programs FFY 10 | | | |
| 3FB0 | 470641 | Federal Juvenile | \$ | 500,000 | \$ 105,000 161467 |
| | | Programs FFY 11 | | | |
| 3FC0 | 470642 | Federal Juvenile | \$ | 600,000 | \$ 50,000 161468 |
| | | Programs FFY 12 | | | |
| 3GB0 | 470643 | Federal Juvenile | \$ | 135,000 | \$ 600,000 161469 |
| | | Programs FFY 13 | | | |
| 3GC0 | 470644 | Federal Juvenile | \$ | 0 | \$ 135,000 161470 |
| | | Programs FFY 14 | | | |
| 3V50 | 470604 | Juvenile | \$ | 1,300,000 | \$ 1,000,000 161471 |
| | | Justice/Delinquency | | | |
| | | Prevention | | | |
| TOTAL FED | | Federal Special Revenue | | | 161472 |
| Fund Group | | | \$ | 11,605,207 | \$ 8,272,767 161473 |
| State Special Revenue Fund Group | | | | | 161474 |
| 1470 | 470612 | Vocational Education | \$ | 1,795,000 | \$ 1,795,000 161475 |
| TOTAL SSR | | State Special Revenue | | | 161476 |
| Fund Group | | | \$ | 1,795,000 | \$ 1,795,000 161477 |

| | | | |
|--|----------------|----------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ 249,913,470 | \$ 248,005,930 | 161478 |
| COMMUNITY PROGRAMS | | | 161479 |
| For purposes of improving community programs, and | | | 161480 |
| notwithstanding any provision of law to the contrary, of the | | | 161481 |
| foregoing appropriation item 470401, RECLAIM Ohio, the Department | | | 161482 |
| of Youth Services shall use \$8,813,811 in each fiscal year to | | | 161483 |
| expand Targeted RECLAIM, the Behavioral Health Juvenile Justice | | | 161484 |
| Initiative, and other evidence-based community programs. | | | 161485 |
| For purposes of implementing juvenile sentencing reforms, and | | | 161486 |
| notwithstanding any provision of law to the contrary, the | | | 161487 |
| Department of Youth Services may use up to forty-five per cent of | | | 161488 |
| the unexpended, unencumbered balance of the portion of | | | 161489 |
| appropriation item 470401, RECLAIM Ohio, that is allocated to | | | 161490 |
| juvenile correctional facilities in each fiscal year to expand | | | 161491 |
| Targeted RECLAIM, the Behavioral Health Juvenile Justice | | | 161492 |
| Initiative, and other evidence-based community programs. | | | 161493 |
| LEASE RENTAL PAYMENTS | | | 161494 |
| The foregoing appropriation item 470412, Lease Rental | | | 161495 |
| Payments, shall be used to meet all payments at the times they are | | | 161496 |
| required to be made for the period from July 1, 2013, through June | | | 161497 |
| 30, 2015, by the Department of Youth Services under the leases and | | | 161498 |
| agreements for facilities made under Chapters 152. and 154. of the | | | 161499 |
| Revised Code. This appropriation is the source of funds pledged | | | 161500 |
| for bond service charges on related obligations issued under | | | 161501 |
| Chapters 152. and 154. of the Revised Code. | | | 161502 |
| EDUCATION REIMBURSEMENT | | | 161503 |
| The foregoing appropriation item 470613, Education | | | 161504 |
| Reimbursement, shall be used to fund the operating expenses of | | | 161505 |
| providing educational services to youth supervised by the | | | 161506 |
| Department of Youth Services. Operating expenses include, but are | | | 161507 |
| not limited to, teachers' salaries, maintenance costs, and | | | 161508 |

educational equipment. This appropriation item may be used for 161509
capital expenses related to the education program. 161510

EMPLOYEE FOOD SERVICE AND EQUIPMENT 161511

Notwithstanding section 125.14 of the Revised Code, the 161512
foregoing appropriation item 470609, Employee Food Service, may be 161513
used to purchase any food operational items with funds received 161514
into the fund from reimbursements for state surplus property. 161515

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 161516

In collaboration with the county family and children first 161517
council, the juvenile court of that county that receives 161518
allocations from one or both of the foregoing appropriation items 161519
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 161520
portions of those allocations to a flexible funding pool as 161521
authorized by the section of Am. Sub. H.B. 153 of the 129th 161522
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 161523
FUNDING POOL." 161524

Section 501.10. SCREENING TOOL FOR HIGH-RISK YOUTH TEAM 161525
EVALUATION 161526

The Office of Health Transformation shall convene a team 161527
comprised of the Department of Youth Services, the Department of 161528
Medicaid, the Department of Job and Family Services, the 161529
Department of Health, and the Department of Mental Health and 161530
Addiction Services. The team shall evaluate the feasibility of 161531
implementing a trauma screening tool for high-risk youth and 161532
create a report with the following information: (A) the 161533
recommended trauma screening tool to be used to evaluate high-risk 161534
youth; (B) training in the administration of the recommended tool; 161535
(C) screening protocols; (D) the persons to whom the recommended 161536
tool should apply; and (E) the implications for treatment. The 161537
report shall be completed by December 1, 2013, and shall be 161538

distributed to the Governor. The Department of Youth Services may 161539
receive funds for piloting the recommended tool in detention 161540
centers. 161541

Section 501.20. All items set forth in sections 501.20 and 161542
501.30 of this act are hereby appropriated for the biennium ending 161543
on June 30, 2015, out of any moneys in the state treasury to the 161544
credit of the Administrative Building Fund (Fund 7026) that are 161545
not otherwise appropriated. 161546

Appropriations

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 161547
C87412 Capitol Square Security \$ 1,200,000 161548
TOTAL Capitol Square Review and Advisory \$ 1,200,000 161549
Board

Appropriations

Section 501.30. TOS TREASURER OF STATE 161551
C09001 Treasury Management System \$ 10,000,000 161552
TOTAL Treasurer of State \$ 10,000,000 161553
TOTAL Administrative Building Fund \$ 11,200,000 161554

The foregoing appropriation item C09001, Treasury Management 161555
System, shall be used to pay costs incurred in the acquisition and 161556
implementation of the Treasury Management System. 161557

The Treasurer of State may acquire and implement a Treasury 161558
Management System, including, but not limited to, the application 161559
hardware and software and the installation and implementation 161560
thereof, for the use of the Treasurer of State. The Treasury 161561
Management System is an integrated treasury technology 161562
infrastructure system that will replace the Treasurer of State's 161563
existing separate cash, custody, investment, and accounting 161564
software and administration systems for the various treasury 161565
functions performed by the state. 161566

The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.24 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$11,200,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs associated with previously authorized capital facilities and the capital facilities referred to in this section of the act.

Section 503.10. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; and the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; the Employee Assistance Program; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070601, Public Audit Expense - Intra-State, may be exempted from the requirements of this section.

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS
AGAINST THE STATE**

Except as otherwise provided in this section, an 161598
appropriation in this act or any other act may be used for the 161599
purpose of satisfying judgments, settlements, or administrative 161600
awards ordered or approved by the Court of Claims or by any other 161601
court of competent jurisdiction in connection with civil actions 161602
against the state. This authorization does not apply to 161603
appropriations to be applied to or used for payment of guarantees 161604
by or on behalf of the state, or for payments under lease 161605
agreements relating to, or debt service on, bonds, notes, or other 161606
obligations of the state. Notwithstanding any other statute to the 161607
contrary, this authorization includes appropriations from funds 161608
into which proceeds of direct obligations of the state are 161609
deposited only to the extent that the judgment, settlement, or 161610
administrative award is for, or represents, capital costs for 161611
which the appropriation may otherwise be used and is consistent 161612
with the purpose for which any related obligations were issued or 161613
entered into. Nothing contained in this section is intended to 161614
subject the state to suit in any forum in which it is not 161615
otherwise subject to suit, and is not intended to waive or 161616
compromise any defense or right available to the state in any suit 161617
against it. 161618

Section 503.30. CAPITAL PROJECT SETTLEMENTS 161619

This section specifies an additional and supplemental 161620
procedure to provide for payments of judgments and settlements if 161621
the Director of Budget and Management determines, pursuant to 161622
division (C)(4) of section 2743.19 of the Revised Code, that 161623
sufficient unencumbered moneys do not exist in the fund to support 161624
a particular appropriation to pay the amount of a final judgment 161625
rendered against the state or a state agency, including the 161626
settlement of a claim approved by a court, in an action upon and 161627
arising out of a contractual obligation for the construction or 161628
improvement of a capital facility if the costs under the contract 161629

were payable in whole or in part from a state capital projects 161630
appropriation. In such a case, the Director may either proceed 161631
pursuant to division (C)(4) of section 2743.19 of the Revised Code 161632
or apply to the Controlling Board to increase an appropriation or 161633
create an appropriation out of any unencumbered moneys in the 161634
state treasury to the credit of the capital projects fund from 161635
which the initial state appropriation was made. The amount of an 161636
increase in appropriation or new appropriation approved by the 161637
Controlling Board is hereby appropriated from the applicable 161638
capital projects fund and made available for the payment of the 161639
judgment or settlement. 161640

If the Director does not make the application authorized by 161641
this section or the Controlling Board disapproves the application, 161642
and the Director does not make application under division (C)(4) 161643
of section 2743.19 of the Revised Code, the Director shall for the 161644
purpose of making that payment make a request to the General 161645
Assembly as provided for in division (C)(5) of that section. 161646

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 161647

In order to provide funds for the reissuance of voided 161648
warrants under section 126.37 of the Revised Code, there is hereby 161649
appropriated, out of moneys in the state treasury from the fund 161650
credited as provided in section 126.37 of the Revised Code, that 161651
amount sufficient to pay such warrants when approved by the Office 161652
of Budget and Management. 161653

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 161654
BALANCES OF OPERATING APPROPRIATIONS** 161655

(A) An unexpended balance of an operating appropriation or 161656
reappropriation that a state agency lawfully encumbered prior to 161657
the close of a fiscal year is hereby reappropriated on the first 161658
day of July of the following fiscal year from the fund from which 161659

it was originally appropriated or reappropriated for the following 161660
period and shall remain available only for the purpose of 161661
discharging the encumbrance: 161662

(1) For an encumbrance for personal services, maintenance, 161663
equipment, or items for resale, other than an encumbrance for an 161664
item of special order manufacture not available on term contract 161665
or in the open market or for reclamation of land or oil and gas 161666
wells, for a period of not more than five months from the end of 161667
the fiscal year; 161668

(2) For an encumbrance for an item of special order 161669
manufacture not available on term contract or in the open market, 161670
for a period of not more than five months from the end of the 161671
fiscal year or, with the written approval of the Director of 161672
Budget and Management, for a period of not more than twelve months 161673
from the end of the fiscal year; 161674

(3) For an encumbrance for reclamation of land or oil and gas 161675
wells, for a period ending when the encumbered appropriation is 161676
expended or for a period of two years, whichever is less; 161677

(4) For an encumbrance for any other expense, for such period 161678
as the Director approves, provided such period does not exceed two 161679
years. 161680

(B) Any operating appropriations for which unexpended 161681
balances are reappropriated beyond a five-month period from the 161682
end of the fiscal year by division (A)(2) of this section shall be 161683
reported to the Controlling Board by the Director of Budget and 161684
Management by the thirty-first day of December of each year. The 161685
report on each such item shall include the item, the cost of the 161686
item, and the name of the vendor. The report shall be updated on a 161687
quarterly basis for encumbrances remaining open. 161688

(C) Upon the expiration of the reappropriation period set out 161689
in division (A) of this section, a reappropriation made by this 161690

section lapses, and the Director of Budget and Management shall 161691
cancel the encumbrance of the unexpended reappropriation not later 161692
than the end of the weekend following the expiration of the 161693
reappropriation period. 161694

(D) Notwithstanding division (C) of this section, with the 161695
approval of the Director of Budget and Management, an unexpended 161696
balance of an encumbrance that was reappropriated on the first day 161697
of July by this section for a period specified in division (A)(3) 161698
or (4) of this section and that remains encumbered at the close of 161699
the fiscal biennium is hereby reappropriated on the first day of 161700
July of the following fiscal biennium from the fund from which it 161701
was originally appropriated or reappropriated for the applicable 161702
period specified in division (A)(3) or (4) of this section and 161703
shall remain available only for the purpose of discharging the 161704
encumbrance. 161705

(E) The Director of Budget and Management may correct 161706
accounting errors committed by the staff of the Office of Budget 161707
and Management, such as reestablishing encumbrances or 161708
appropriations cancelled in error, during the cancellation of 161709
operating encumbrances in November and of nonoperating 161710
encumbrances in December. 161711

(F) The Director of Budget and Management may at any time 161712
correct accounting errors committed by the staff of a state agency 161713
or state institution of higher education, as defined in section 161714
3345.011 of the Revised Code, such as reestablishing prior year 161715
nonoperating encumbrances canceled or modified in error. The 161716
reestablished encumbrance amounts are hereby appropriated. 161717

(G) If the Controlling Board approved a purchase, that 161718
approval remains in effect so long as the appropriation used to 161719
make that purchase remains encumbered. 161720

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 161721

| | |
|--|--------|
| RE-ESTABLISHMENT OF ENCUMBRANCES | 161722 |
| Any cash transferred by the Director of Budget and Management | 161723 |
| under section 126.15 of the Revised Code is hereby appropriated. | 161724 |
| Any amounts necessary to re-establish appropriations or | 161725 |
| encumbrances under section 126.15 of the Revised Code are hereby | 161726 |
| appropriated. | 161727 |
|
 | |
| Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES | 161728 |
| There are hereby appropriated out of any moneys in the state | 161729 |
| treasury to the credit of the General Revenue Fund, which are not | 161730 |
| otherwise appropriated, funds sufficient to make any payment | 161731 |
| required by division (B)(2) of section 5747.03 of the Revised | 161732 |
| Code. | 161733 |
|
 | |
| Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES | 161734 |
| APPROVED BY THE CONTROLLING BOARD | 161735 |
| Any money that the Controlling Board approves for expenditure | 161736 |
| or any increase in appropriation that the Controlling Board | 161737 |
| approves under sections 127.14, 131.35, and 131.39 of the Revised | 161738 |
| Code or any other provision of law is hereby appropriated for the | 161739 |
| period ending June 30, 2015. | 161740 |
|
 | |
| Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S | 161741 |
| RESIDENCE | 161742 |
| If the Governor's Residence Fund (Fund 4H20) receives payment | 161743 |
| for use of the residence pursuant to section 107.40 of the Revised | 161744 |
| Code, the amounts so received are hereby appropriated to | 161745 |
| appropriation item 100604, Governor's Residence Gift. | 161746 |
|
 | |
| Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS | 161747 |
| Unless the agency and nuclear electric utility mutually agree | 161748 |
| to a higher amount by contract, the maximum amounts that may be | 161749 |

assessed against nuclear electric utilities under division (B)(2) 161750
of section 4937.05 of the Revised Code and deposited into the 161751
specified funds are as follows: 161752

| <u>Fund</u> | <u>User</u> | <u>FY 2014</u> | <u>FY 2015</u> | |
|---|---------------------------------|----------------|----------------|--------|
| Utility Radiological Safety Fund (Fund 4E40) | Department of Agriculture | \$ 130,000 | \$ 130,000 | 161754 |
| Radiation Emergency Response Fund (Fund 6100) | Department of Health | \$ 1,049,954 | \$ 1,086,098 | 161755 |
| ER Radiological Safety Fund (Fund 6440) | Environmental Protection Agency | \$ 284,266 | \$ 290,674 | 161756 |
| Emergency Response Plan Fund (Fund 6570) | Department of Public Safety | \$ 1,415,945 | \$ 1,415,945 | 161757 |

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 161758
161759

Notwithstanding any provision of law to the contrary, the 161760
Director of Budget and Management, through June 30, 2015, may 161761
transfer interest earned by any state fund to the General Revenue 161762
Fund. This section does not apply to funds whose source of revenue 161763
is restricted or protected by the Ohio Constitution, federal tax 161764
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 161765
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 161766

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 161767
161768

Notwithstanding any provision of law to the contrary, the 161769
Director of Budget and Management may transfer up to \$60,000,000 161770
in each fiscal year in cash from non-General Revenue Funds that 161771
are not constitutionally restricted to the General Revenue Fund in 161772
order to ensure that available General Revenue Fund receipts and 161773

balances are sufficient to support General Revenue Fund 161774
appropriations in each fiscal year. 161775

Section 512.30. FISCAL YEAR 2013 GENERAL REVENUE FUND ENDING 161776
BALANCE 161777

Notwithstanding divisions (B) and (C) of section 131.44 of 161778
the Revised Code, the Director of Budget and Management shall 161779
determine the surplus General Revenue Fund revenue that existed on 161780
June 30, 2013, in excess of the amount required under division 161781
(A)(3) of section 131.44 of the Revised Code, and transfer from 161782
the General Revenue Fund, to the extent of the amount so 161783
determined, the following: 161784

(A) To the Disaster Services Fund (Fund 5E20), a cash amount 161785
of up to \$15,000,000; 161786

(B) To the Controlling Board Emergency Purposes Fund (Fund 161787
5KM0), a cash amount of up to \$20,000,000; 161788

(C) To the Natural Resources Special Purposes Fund (Fund 161789
5MW0), which is hereby created in the state treasury, a cash 161790
amount of up to \$12,000,000; 161791

(D) To the Unemployment Compensation Interest Contingency 161792
Fund (Fund 5HC0), a cash amount of up to \$120,000,000 for payment 161793
to the United States Secretary of the Treasury of accrued interest 161794
costs related to federal unemployment account borrowing. 161795

Section 512.40. ACCESS SUCCESS II PROGRAM 161796

To the extent cash is available, the Director of Budget and 161797
Management may transfer cash from the Money Follows the Person 161798
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 161799
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 161800
by the Department of Mental Health and Addiction Services. The 161801
transferred cash is hereby appropriated. 161802

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

Section 512.50. Not later than the first day of September 2013, the Director of Mental Health and the Director of Alcohol and Drug Addiction Services shall certify to the Director of Budget and Management the amount of all of the unexpended, unencumbered balances of general revenue fund appropriations made to the Department of Mental Health and to the Department of Alcohol and Drug Addiction Services for FY 2012, excluding funds appropriated for rental payments to the Ohio Public Facilities Commission. On receipt of the certification, the Director of Budget and Management shall transfer cash to the Department of Mental Health and Addiction Services Trust Fund created in section 5119.46 of the Revised Code (renumbered section 5119.60 of the Revised Code in this act) in an amount up to, but not exceeding, the total amounts certified by the Director of Mental Health and the Director of Alcohol and Drug Addiction Services.

Section 512.70. PROHIBITION ON TRANSFERS

Notwithstanding section 131.44 of the Revised Code, cash shall not be transferred to the Income Tax Reduction Fund prior to July 1, 2015.

Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit,

evaluate, score, and select projects submitted by public and 161833
private entities that are eligible for the federal Congestion 161834
Mitigation and Air Quality (CMAQ) Program. The Director of 161835
Transportation shall process Federal Highway 161836
Administration-approved projects as recommended by the Director of 161837
Environmental Protection. 161838

In addition to the allowable expenditures set forth in 161839
section 122.861 of the Revised Code, Diesel Emissions Reduction 161840
Grant Program funds also may be used to fund projects involving 161841
the purchase or use of hybrid and alternative fuel vehicles that 161842
are allowed under guidance developed by the Federal Highway 161843
Administration for the CMAQ Program. 161844

Public entities eligible to receive funds under section 161845
122.861 of the Revised Code and CMAQ shall be reimbursed from 161846
moneys in the Highway Operating Fund (Fund 7002) designated for 161847
the Department of Transportation's Diesel Emissions Reduction 161848
Grant Program. 161849

Private entities eligible to receive funds under section 161850
122.861 of the Revised Code and CMAQ shall be reimbursed through 161851
transfers of cash from moneys in the Highway Operating Fund (Fund 161852
7002) designated for the Department of Transportation's Diesel 161853
Emissions Reduction Grant Program to the Diesel Emissions 161854
Reduction Fund (Fund 3FH0), used by the Environmental Protection 161855
Agency. Total expenditures between both the Environmental 161856
Protection Agency and the Department of Transportation shall not 161857
exceed the amounts appropriated in this act for appropriation item 161858
715693, Diesel Emissions Reduction Grants. 161859

On or before June 30, 2014, the Director of Environmental 161860
Protection may certify to the Director of Budget and Management 161861
the amount of any unencumbered balance of the foregoing 161862
appropriation item 715693, Diesel Emissions Reduction Grants, for 161863
fiscal year 2014 to be used for the same purpose in fiscal year 161864

2015. Once the certification permitted under this section has been submitted and approved by the Director of Budget and Management, the amount approved is hereby appropriated for fiscal year 2015.

Any cash transfers or allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the directors of Development Services and Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 515.30. On the effective date of this section, the Rehabilitation Services Commission is renamed the Opportunities for Ohioans with Disabilities Agency. The Rehabilitation Services Commission's functions, and its assets and liabilities, are transferred to the Opportunities for Ohioans with Disabilities Agency. The Opportunities for Ohioans with Disabilities Agency is successor to, assumes the obligations and authority of, and otherwise continues the Rehabilitation Services Commission. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the Rehabilitation Services Commission is impaired or lost by reason of the renaming and shall be recognized, administered, performed, or enforced by the Opportunities for Ohioans with Disabilities Agency.

Business commenced but not completed by the Rehabilitation Services Commission or by the Administrator of the Rehabilitation

Services Commission shall be completed by the Opportunities for 161896
Ohioans with Disabilities Agency or the Executive Director of the 161897
Opportunities for Ohioans with Disabilities Agency in the same 161898
manner, and with the same effect, as if completed by the 161899
Rehabilitation Services Commission or the Administrator of the 161900
Rehabilitation Services Commission. 161901

All of the Rehabilitation Services Commission's rules, 161902
orders, and determinations continue in effect as rules, orders, 161903
and determinations of the Opportunities for Ohioans with 161904
Disabilities Agency until modified or rescinded by the 161905
Opportunities for Ohioans with Disabilities Agency. 161906

Subject to the layoff provisions of sections 124.321 to 161907
124.382 of the Revised Code, all employees of the Rehabilitation 161908
Services Commission continue with the Opportunities for Ohioans 161909
with Disabilities Agency and retain their positions and all 161910
benefits accruing thereto. 161911

The Director of Budget and Management shall determine the 161912
amount of unexpended balances in the appropriation accounts that 161913
pertain to the Rehabilitation Services Commission and shall 161914
recommend to the Controlling Board their transfer to the 161915
appropriation accounts that pertain to the Opportunities for 161916
Ohioans with Disabilities Agency. The Administrator of the 161917
Rehabilitation Services Commission shall provide full and timely 161918
information to the Controlling Board to facilitate the transfer. 161919

Whenever the Rehabilitation Services Commission or the 161920
Administrator of the Rehabilitation Services Commission is 161921
referred to in a statute, contract, or other instrument, the 161922
reference is deemed to refer to the Opportunities for Ohioans with 161923
Disabilities Agency or to the Executive Director of the 161924
Opportunities for Ohioans with Disabilities Agency, whichever is 161925
appropriate in context. 161926

No pending action or proceeding being prosecuted or defended 161927
in court or before an agency by the Rehabilitation Services 161928
Commission or the Administrator of the Rehabilitation Services 161929
Commission is affected by the renaming and shall be prosecuted or 161930
defended in the name of the Opportunities for Ohioans with 161931
Disabilities Agency or the Executive Director of the Opportunities 161932
for Ohioans with Disabilities Agency, whichever is appropriate. 161933
Upon application to the court or agency, the Opportunities for 161934
Ohioans with Disabilities Agency or the Executive Director of the 161935
Opportunities for Ohioans with Disabilities Agency shall be 161936
substituted. 161937

Section 515.40. On the effective date of this section, the 161938
Board of Examiners of Nursing Home Administrators is renamed the 161939
Board of Executives of Long-Term Services and Supports. The Board 161940
of Examiners of Nursing Home Administrators' functions and its 161941
assets and liabilities, are transferred to the Board of Executives 161942
of Long-Term Services and Supports. The Board of Executives of 161943
Long-Term Services and Supports is successor to, assumes the 161944
obligations and authority of, and otherwise continues the Board of 161945
Examiners of Nursing Home Administrators. No right, privilege, or 161946
remedy, and no duty, liability, or obligation, accrued under the 161947
Board of Examiners of Nursing Home Administrators is impaired or 161948
lost by reason of the renaming and shall be recognized, 161949
administered, performed, or enforced by the Board of Executives of 161950
Long-Term Services and Supports. 161951

Business commenced but not completed by the Board of 161952
Examiners of Nursing Home Administrators or by the Secretary of 161953
the Board of Examiners of Nursing Home Administrators shall be 161954
completed by the Board of Executives of Long-Term Services and 161955
Supports or the Secretary of the Board of Executives of Long-Term 161956
Services and Supports in the same manner, and with the same 161957
effect, as if completed by the Board of Examiners of Nursing Home 161958

Administrators or by the Secretary of the Board of Examiners of 161959
Nursing Home Administrators. 161960

All of the Board of Examiners of Nursing Home Administrators' 161961
rules, orders, and determinations continue in effect as rules, 161962
orders, and determinations of the Board of Executives of Long-Term 161963
Services and Supports. 161964

Subject to the layoff provisions of sections 124.321 to 161965
124.328 of the Revised Code, all employees of the Board of 161966
Examiners of Nursing Home Administrators who provide 161967
administrative, technical, or other services to the Board of 161968
Examiners of Nursing Home Administrators on a full-time, permanent 161969
basis shall continue with the Board of Executives of Long-Term 161970
Services and Supports and retain their positions and benefits 161971
accruing thereto, except that those employees in the classified 161972
service shall be reclassified into the unclassified service and 161973
shall serve at the pleasure of the Board. 161974

Notwithstanding section 4751.03 of the Revised Code, as 161975
amended by this act, those board members currently serving as 161976
members of the Board of Examiners of Nursing Home Administrators 161977
on the effective date of this act shall continue to serve as 161978
members of the Board of Executives of Long-Term Services and 161979
Supports for the remainder of their appointment period, at which 161980
time new members shall be appointed in a manner consistent with 161981
section 4751.03 of the Revised Code, as amended by this act. 161982

Within ninety days after the effective date of this act, the 161983
Governor shall appoint to the Board of Executives of Long-Term 161984
Services and Supports those new members who are required to be 161985
appointed under divisions (A)(3) and (6) of section 4751.03 of the 161986
Revised Code, as amended by this act, for terms ending on May 27, 161987
2014. Thereafter, appointment for those members shall be as 161988
provided in section 4751.03 of the Revised Code, as amended by 161989
this act. 161990

Whenever the Board of Examiners of Nursing Home Administrators is referred to in statute, contract, or other instrument, the reference is deemed to refer to the Board of Executives of Long-Term Services and Supports.

No pending action or proceeding being prosecuted or defended in court or before an agency by the Board of Examiners of Nursing Home Administrators or the Secretary of the Board of Examiners of Nursing Home Administrators is affected by the renaming and shall be prosecuted or defended in the name of the Board of Executives of Long-Term Services and Supports or the Secretary of the Board of Executives of Long-Term Services and Supports. Upon application to the court or agency, the Board of Executives of Long-Term Services and Supports or the Secretary of the Board of Executives of Long-Term Services and Supports shall be substituted.

Section 515.50. (A) On July 1, 2013, the eTech Ohio Commission is renamed and reconstituted as the Broadcast Educational Media Commission, as described in section 3353.02 of the Revised Code as amended by this act. The Broadcast Educational Media Commission is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the eTech Ohio Commission, for all obligations related to the state's educational broadcasting services, including educational television, radio, and radio reading services.

(B) Any business related to the state's educational television, radio, or radio reading services commenced but not completed by the eTech Ohio Commission shall be completed by the Broadcast Educational Media Commission in the same manner, and with the same effect, as if completed by the eTech Ohio Commission. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the renaming, and shall be recognized, administered, performed, or

enforced by the Broadcast Educational Media Commission. 162022

(C) All of the rules of the eTech Ohio Commission related to 162023
the state's educational broadcasting services, including 162024
educational television, radio, or radio reading services, continue 162025
in effect as rules of the Broadcast Educational Media Commission, 162026
until amended or rescinded by the Broadcast Educational Media 162027
Commission. 162028

(D) No judicial or administrative action or proceeding 162029
related to the state's educational broadcasting services, 162030
including educational television, radio, or radio reading 162031
services, in which the eTech Ohio Commission is a party, that is 162032
pending on the effective date of this section is affected by the 162033
renaming. Such action or proceeding shall be prosecuted or 162034
defended in the name of the Broadcast Educational Media 162035
Commission. On application to the court or other tribunal, the 162036
Broadcast Educational Media Commission shall be substituted for 162037
the eTech Ohio Commission as a party to such action or proceeding. 162038

(E) Subject to the layoff provisions of sections 124.321 to 162039
124.328 and division (D) of section 3353.03 of the Revised Code, 162040
as amended by this act, all employees of the former eTech Ohio 162041
Commission assigned to activities related to the state's 162042
educational broadcasting services, including educational 162043
television, radio, or radio reading services, continue with the 162044
Broadcast Educational Media Commission and retain their positions 162045
and all benefits accruing thereto. 162046

(F) All books, records, documents, files, transcripts, 162047
equipment, furniture, supplies, and other materials related to the 162048
state's educational broadcasting services, including educational 162049
television, radio, or radio reading services, assigned to or in 162050
the possession of the former eTech Ohio Commission shall be 162051
transferred to the Broadcast Educational Media Commission. 162052

(G) Each current member of the eTech Ohio Commission shall 162053
serve until June 30, 2013. On July 1, 2013, or as soon after July 162054
1, 2013, as possible, each member shall either be reappointed or 162055
replaced by another member to serve on the Educational Media 162056
Commission pursuant to section 3353.02 of the Revised Code, as 162057
amended by this act. 162058

Section 515.51. (A) On July 1, 2013, all responsibilities 162059
related to the administration of the Telecommunity Fund and the 162060
Distance Learning Fund, as well as for technology-related teacher 162061
professional development programs, are transferred from the former 162062
eTech Ohio Commission to the Chancellor of the Board of Regents as 162063
described in sections 3319.235, 3317.50, and 3317.51 of the 162064
Revised Code, as amended by this act. The Chancellor is thereupon 162065
and thereafter successor to, assumes the obligations of, and 162066
otherwise constitutes the continuation of the eTech Ohio 162067
Commission relating to the functions, assets, records, and 162068
obligations relating to these responsibilities. 162069

(B) Any business related to these responsibilities commenced 162070
but not completed by the former eTech Ohio Commission shall be 162071
completed by the Chancellor in the same manner, and with the same 162072
effect, as if completed by the eTech Ohio Commission. No 162073
validation, cure, right, privilege, remedy, obligation, or 162074
liability is lost or impaired by reason of the transfer, and shall 162075
be recognized, administered, performed, or enforced by the 162076
Chancellor. 162077

(C) All of the rules of the former eTech Ohio Commission 162078
related to these responsibilities continue in effect as rules of 162079
the Chancellor, until amended or rescinded by the Chancellor. 162080

(D) Any judicial or administrative action or proceeding 162081
related to these responsibilities, in which the eTech Ohio 162082
Commission is a party, that is pending on the effective date of 162083

this section is affected by the transfer. Such action or 162084
proceeding shall be prosecuted or defended in the name of the 162085
Chancellor. On application to the court or other tribunal, the 162086
Chancellor of the Board of Regents shall be substituted for the 162087
eTech Ohio Commission as a party to such action or proceeding. 162088

(E) Subject to the layoff provisions of sections 124.321 to 162089
124.328 and division (D) of section 3353.03 of the Revised Code, 162090
as amended by this act, all employees of the former eTech Ohio 162091
Commission assigned to these responsibilities continue with the 162092
Chancellor and retain their positions and all benefits accruing 162093
thereto. 162094

(F) All books, records, documents, files, transcripts, 162095
equipment, furniture, supplies, and other materials related to 162096
these responsibilities assigned to or in the possession of the 162097
former eTech Ohio Commission shall be transferred to the 162098
Chancellor. 162099

(G) All employees of the former eTech Ohio Commission who 162100
transferred to the Chancellor of the Board of Regents upon the 162101
reconstitution of the Commission as prescribed by Section 515.50 162102
of H.B. 59 of the 130th General Assembly and who when employed by 162103
that Commission or a predecessor agency were included in a 162104
bargaining unit established under Chapter 4117. of the Revised 162105
Code, shall continue to be included in that bargaining unit, are 162106
public employees as defined in section 4117.01 of the Revised 162107
Code, and may collectively bargain with the Chancellor in 162108
accordance with that chapter. Otherwise, any employee hired by the 162109
Chancellor after the reconstitution of the Commission, either to 162110
fill vacancies or to fill new positions related to the transferred 162111
employees' duties, shall be exempt from Chapter 4117. of the 162112
Revised Code and shall not be public employees as defined in 162113
section 4117.01 of the Revised Code. 162114

Section 515.52. (A) On July 1, 2013, all responsibilities of 162115
the former eTech Ohio Commission related to the purchase of 162116
software services and supplies, the redistribution of hardware and 162117
software from closed community schools, and technology-related 162118
teacher professional development programs are transferred from the 162119
former eTech Ohio Commission to the Department of Education as 162120
described in sections 125.05, 3314.074, and 3319.235 of the 162121
Revised Code, as amended by this act. The Department is thereupon 162122
and thereafter successor to, assumes the obligations of, and 162123
otherwise constitutes the continuation of the eTech Ohio 162124
Commission relating to these responsibilities. 162125

(B) Any business related to these responsibilities commenced 162126
but not completed by the former eTech Ohio Commission shall be 162127
completed by the Department in the same manner, and with the same 162128
effect, as if completed by the eTech Ohio Commission. No 162129
validation, cure, right, privilege, remedy, obligation, or 162130
liability is lost or impaired by reason of the transfer, and shall 162131
be recognized, administered, performed, or enforced by the 162132
Department. 162133

(C) All of the rules of the eTech Ohio Commission related to 162134
these responsibilities continue in effect as rules of the 162135
Department, until amended or rescinded by the Department. 162136

(D) Any judicial or administrative action or proceeding 162137
related to these responsibilities, in which the eTech Ohio 162138
Commission is a party, that is pending on the effective date of 162139
this section is affected by the transfer. Such action or 162140
proceeding shall be prosecuted or defended in the name of the 162141
Department. On application to the court or other tribunal, the 162142
Department of Education shall be substituted for the eTech Ohio 162143
Commission as a party to such action or proceeding. 162144

(E) Subject to the layoff provisions of sections 124.321 to 162145

124.328 and division (D) of section 3353.03 of the Revised Code, 162146
as amended by this act, all employees of the former eTech Ohio 162147
Commission assigned to these responsibilities continue with the 162148
Department and retain their positions and all benefits accruing 162149
thereto. 162150

(F) All books, records, documents, files, transcripts, 162151
equipment, furniture, supplies, and other materials related to 162152
these responsibilities assigned to or in the possession of the 162153
former eTech Ohio Commission shall be transferred to the 162154
Department. 162155

(G) All employees of the former eTech Ohio Commission who 162156
transferred to the Department of Education upon the reconstitution 162157
of the Commission as prescribed by Section 515.50 of H.B. 59 of 162158
the 130th General Assembly and who when employed by that 162159
Commission or a predecessor agency were included in a bargaining 162160
unit established under Chapter 4117. of the Revised Code, shall 162161
continue to be included in that bargaining unit, are public 162162
employees as defined in section 4117.01 of the Revised Code, and 162163
may collectively bargain with the state Board of Education in 162164
accordance with that chapter. Otherwise, any employee hired by the 162165
Department after the reconstitution of the Commission, either to 162166
fill vacancies or to fill new positions related to the transferred 162167
employees' duties, shall be exempt from Chapter 4117. of the 162168
Revised Code and shall not be public employees as defined in 162169
section 4117.01 of the Revised Code. 162170

Section 515.53. Any duties and responsibilities of the former 162171
eTech Ohio Commission not transferred in accordance with Sections 162172
515.50, 515.51, and 515.52 of this act are eliminated on July 1, 162173
2013. 162174

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 162175

Certain appropriations are in this act for the purpose of 162176
paying debt service and financing costs on general obligation 162177
bonds or notes of the state issued pursuant to the Ohio 162178
Constitution and acts of the General Assembly. If it is determined 162179
that additional appropriations are necessary for this purpose, 162180
such amounts are hereby appropriated. 162181

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 162182

Certain appropriations are in this act for the purpose of 162183
making lease rental payments pursuant to leases and agreements 162184
relating to bonds or notes issued by the Treasurer of State, or 162185
previously by the Ohio Public Facilities Commission or the Ohio 162186
Building Authority, pursuant to the Ohio Constitution and acts of 162187
the General Assembly. If it is determined that additional 162188
appropriations are necessary for this purpose, such amounts are 162189
hereby appropriated. 162190

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 162191
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 162192

The Office of Budget and Management shall process payments 162193
from general obligation and lease rental payment appropriation 162194
items during the period from July 1, 2013, through June 30, 2015, 162195
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 162196
2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and 162197
Chapters 151., 152., and 154. of the Revised Code. Payments shall 162198
be made upon certification by the Treasurer of State of the dates 162199
and the amounts due on those dates. 162200

Section 521.11. STATE AND LOCAL REBATE AUTHORIZATION 162201

There is hereby appropriated, from those funds designated by 162202
or pursuant to the applicable proceedings authorizing the issuance 162203
of state obligations, amounts computed at the time to represent 162204

the portion of investment income to be rebated or amounts in lieu 162205
of or in addition to any rebate amount to be paid to the federal 162206
government in order to maintain the exclusion from gross income 162207
for federal income tax purposes of interest on those state 162208
obligations under section 148(f) of the Internal Revenue Code. 162209

Rebate payments shall be approved and vouchered by the Office 162210
of Budget and Management. 162211

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 162212

Whenever the Director of Budget and Management determines 162213
that an appropriation made to a state agency from a fund of the 162214
state is insufficient to provide for the recovery of statewide 162215
indirect costs under section 126.12 of the Revised Code, the 162216
amount required for such purpose is hereby appropriated from the 162217
available receipts of such fund. 162218

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 162219
COST ALLOCATION PLAN 162220

The total transfers made from the General Revenue Fund by the 162221
Director of Budget and Management under this section shall not 162222
exceed the amounts transferred into the General Revenue Fund under 162223
section 126.12 of the Revised Code. 162224

The director of an agency may certify to the Director of 162225
Budget and Management the amount of expenses not allowed to be 162226
included in the Statewide Indirect Cost Allocation Plan under 162227
federal regulations, from any fund included in the Statewide 162228
Indirect Cost Allocation Plan, prepared as required by section 162229
126.12 of the Revised Code. 162230

Upon determining that no alternative source of funding is 162231
available to pay for such expenses, the Director of Budget and 162232
Management may transfer cash from the General Revenue Fund into 162233
the fund for which the certification is made, up to the amount of 162234

the certification. The director of the agency receiving such funds 162235
shall include, as part of the next budget submission prepared 162236
under section 126.02 of the Revised Code, a request for funding 162237
for such activities from an alternative source such that further 162238
federal disallowances would not be required. 162239

The director of an agency may certify to the Director of 162240
Budget and Management the amount of expenses paid in error from a 162241
fund included in the Statewide Indirect Cost Allocation Plan. The 162242
Director of Budget and Management may transfer cash from the fund 162243
from which the expenditure should have been made into the fund 162244
from which the expenses were erroneously paid, up to the amount of 162245
the certification. 162246

The director of an agency may certify to the Director of 162247
Budget and Management the amount of expenses or revenues not 162248
allowed to be included in the Statewide Indirect Cost Allocation 162249
Plan under federal regulations, for any fund included in the 162250
Statewide Indirect Cost Allocation Plan, for which the federal 162251
government requires payment. If the Director of Budget and 162252
Management determines that an appropriation made to a state agency 162253
from a fund of the state is insufficient to pay the amount 162254
required by the federal government, the amount required for such 162255
purpose is hereby appropriated from the available receipts of such 162256
fund, up to the amount of the certification. 162257

Section 521.35. CASH TRANSFERS TO TOBACCO OVERSIGHT 162258
ADMINISTRATION AND ENFORCEMENT FUND 162259

On July 1, 2013, or as soon as possible thereafter, the 162260
Director of Budget and Management shall transfer the cash balance 162261
in the Tobacco Settlement Enforcement Fund (Fund T087) and the 162262
Education Technology Trust Fund (Fund S087) to the Tobacco 162263
Oversight Administration and Enforcement Fund (Fund U087). Upon 162264
completion of the transfer, Fund T087 and Fund S087 are abolished. 162265

The Director shall cancel any existing encumbrances against 162266
appropriation items 110402, Tobacco Settlement Enforcement, and 162267
935602, Education Technology Trust. 162268

On July 1, 2014, or as soon as possible thereafter, the 162269
Director of Budget and Management shall transfer the cash balance 162270
in the Law Enforcement Improvement Trust Fund (Fund J087) to the 162271
Tobacco Oversight Administration and Enforcement Fund (Fund U087). 162272
Upon completion of the transfer, Fund J087 is abolished. The 162273
Director shall cancel any existing encumbrances against 162274
appropriation item 055635, Law Enforcement Technology, Training, 162275
and Facility Enhancements. 162276

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 162277

Notwithstanding any provision of law to the contrary, on or 162278
before the first day of September of each fiscal year, the 162279
Director of Budget and Management, in order to reduce the payment 162280
of adjustments to the federal government, as determined by the 162281
plan prepared under division (A) of section 126.12 of the Revised 162282
Code, may designate such funds as the Director considers necessary 162283
to retain their own interest earnings. 162284

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 162285

Pursuant to the plan for compliance with the Federal Cash 162286
Management Improvement Act required by section 131.36 of the 162287
Revised Code, the Director of Budget and Management may cancel and 162288
re-establish all or part of encumbrances in like amounts within 162289
the funds identified by the plan. The amounts necessary to 162290
re-establish all or part of encumbrances are hereby appropriated. 162291

Section 521.60. FISCAL STABILIZATION AND RECOVERY 162292

To ensure the level of accountability and transparency 162293
required by federal law, the Director of Budget and Management may 162294

issue guidelines to any agency applying for federal money made 162295
available to this state for fiscal stabilization and recovery 162296
purposes, and may prescribe the process by which agencies are to 162297
comply with any reporting requirements established by the federal 162298
government. 162299

Section 605.03. That Section 1 of Sub. H.B. 34 of the 130th 162300
General Assembly be amended to read as follows: 162301

Sec. 1. All items in this section are hereby appropriated out 162302
of any moneys in the state treasury to the credit of the 162303
designated fund. For all appropriations made in this act, those in 162304
the first column are for fiscal year 2014, and those in the second 162305
column are for fiscal year 2015. 162306

| FND AI | AI TITLE | Appropriations | | |
|-------------|-------------------------------------|--------------------------|--------------------------|--------|
| | BWC BUREAU OF WORKERS' COMPENSATION | | | 162308 |
| | Workers' Compensation Fund Group | | | 162309 |
| 7023 855401 | William Green Lease | \$ 16,026,100 | \$ 0 | 162310 |
| | Payments to OBA | | | |
| 7023 855407 | Claims, Risk and | \$ 118,338,586 | \$ 118,338,586 | 162311 |
| | Medical Management | | | |
| 7023 855408 | Fraud Prevention | \$ 12,114,226 | \$ 12,114,226 | 162312 |
| 7023 855409 | Administrative | \$ 105,857,276 | \$ 105,357,276 | 162313 |
| | Services | | | |
| 7023 855410 | Attorney General | \$ 4,621,850 | \$ 4,621,850 | 162314 |
| | Payments | | | |
| 8220 855606 | Coal Workers' Fund | \$ 147,666 | \$ 147,666 | 162315 |
| 8230 855608 | Marine Industry | \$ 75,527 | \$ 75,527 | 162316 |
| 8250 855605 | Disabled Workers | \$ 319,718 | \$ 319,718 | 162317 |
| | Relief Fund | | | |
| 8260 855609 | Safety and Hygiene | \$ 19,161,132 | \$ 19,161,132 | 162318 |
| | Operating | <u>21,661,132</u> | <u>21,661,132</u> | |

| | | | | | | | |
|------------------------------------|--------|---------------------------------------|----|------------------------|----|------------------------|--------|
| 8260 | 855610 | Gear Program <u>Safety</u> | \$ | 5,000,000 | \$ | 5,000,000 | 162319 |
| | | <u>Grants</u> | | <u>15,000,000</u> | | <u>15,000,000</u> | |
| 8290 | 855604 | Long Term Care Loan | \$ | 100,000 | \$ | 100,000 | 162320 |
| | | Program | | | | | |
| TOTAL WCF Workers' Compensation | | | | | | | 162321 |
| Fund Group | | | \$ | 281,762,081 | \$ | 265,235,981 | 162322 |
| | | | | <u>294,262,081</u> | | <u>277,735,981</u> | |
| Federal Special Revenue Fund Group | | | | | | | 162323 |
| 3490 | 855601 | OSHA Enforcement | \$ | 1,731,000 | \$ | 1,731,000 | 162324 |
| 3FW0 | 855614 | BLS SOII Grant | \$ | 116,919 | \$ | 116,919 | 162325 |
| TOTAL FED Federal Special Revenue | | | | | | | 162326 |
| Fund Group | | | \$ | 1,847,919 | \$ | 1,847,919 | 162326 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | | 162327 |
| | | | \$ | 283,610,000 | \$ | 267,083,900 | 162327 |
| | | | | <u>296,110,000</u> | | <u>279,583,900</u> | |

WILLIAM GREEN LEASE PAYMENTS 162328

Of the foregoing appropriation item 855401, William Green 162329
 Lease Payments, up to \$16,026,100 shall be used to make lease 162330
 payments to the Treasurer of State at the times they are required 162331
 to be made during the period from July 1, 2013 to June 30, 2015, 162332
 pursuant to leases and agreements made under section 154.24 of the 162333
 Revised Code. If it is determined that additional appropriations 162334
 are necessary for such purpose, such amounts are hereby 162335
 appropriated. 162336

WORKERS' COMPENSATION FRAUD UNIT 162337

Of the foregoing appropriation item 855410, Attorney General 162338
 Payments, \$828,200 in each fiscal year shall be used to fund the 162339
 expenses of the Workers' Compensation Fraud Unit within the 162340
 Attorney General's Office. These payments shall be processed at 162341
 the beginning of each quarter of each fiscal year and deposited 162342
 into the Workers' Compensation Section Fund (Fund 1950) used by 162343
 the Attorney General. 162344

SAFETY AND HYGIENE 162345

Notwithstanding section 4121.37 of the Revised Code, the 162346
Treasurer of State shall transfer ~~\$19,161,132~~ \$21,661,132 cash in 162347
fiscal year 2014 and ~~\$19,161,132~~ \$21,661,132 cash in fiscal year 162348
2015 from the State Insurance Fund to the Safety and Hygiene Fund 162349
(Fund 8260). 162350

OSHA ON-SITE CONSULTATION PROGRAM 162351

The Bureau of Workers' Compensation may designate a portion 162352
of appropriation item 855609, Safety and Hygiene Operating, to be 162353
used to match federal funding for the federal Occupational Safety 162354
and Health Administration's (OSHA) on-site consultation program. 162355

VOCATIONAL REHABILITATION 162356

The Bureau of Workers' Compensation and the ~~Rehabilitation~~ 162357
~~Services Commission~~ Opportunities for Ohioans with Disabilities 162358
Agency shall enter into an interagency agreement for the provision 162359
of vocational rehabilitation services and staff to mutually 162360
eligible clients. The bureau may provide not more than \$605,407 in 162361
fiscal year 2014 and not more than \$605,407 in fiscal year 2015 162362
from the State Insurance Fund to fund vocational rehabilitation 162363
services and staff in accordance with the interagency agreement. 162364

FUND BALANCE 162365

Any unencumbered cash balance in excess of \$45,000,000 in the 162366
Workers' Compensation Fund (Fund 7023) on the thirtieth day of 162367
June of each fiscal year shall be used to reduce the 162368
administrative cost rate charged to employers to cover 162369
appropriations for Bureau of Workers' Compensation operations. 162370

Section 605.04. That existing Section 1 of Sub. H.B. 34 of 162371
the 130th General Assembly is hereby repealed. 162372

Section 605.10. That Sections 205.10, 506.10, and 755.30 of 162373

Am. Sub. H.B. 51 of the 130th General Assembly be amended to read 162374
as follows: 162375

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 162376

State Highway Safety Fund Group 162377

4W40 762321 Operating Expense - \$ 130,559,268 \$ 130,418,957 162378
BMV

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 162379
Contribution

7036 761321 Operating Expense - \$ 7,055,066 \$ 6,999,331 162380
Information and
Education

7036 761401 Lease Rental Payments \$ 2,472,300 \$ 2,473,100 162381

7036 764033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 162382

7036 764321 Operating Expense - \$ ~~268,232,602~~ \$ 270,232,602 162383
Highway Patrol 268,743,502

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 162384
Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 162385
Administration

8310 761610 Information and \$ 300,000 \$ 300,000 162386
Education - Federal

8310 764608 FARS Grant Federal \$ 175,000 \$ 175,000 162387

8310 764610 Patrol - Federal \$ 2,250,000 \$ 2,250,000 162388

8310 764659 Transportation \$ 5,200,000 \$ 5,200,000 162389
Enforcement - Federal

8310 765610 EMS - Federal \$ 225,000 \$ 225,000 162390

8310 769610 Investigative Unit \$ 1,400,000 \$ 1,400,000 162391
Federal Reimbursement

8310 769631 Homeland Security - \$ 750,000 \$ 400,000 162392
Federal

8320 761612 Traffic Safety - \$ 22,000,000 \$ 22,000,000 162393

| | | | | | | |
|-------|--------|---------------------------|----|------------------------|----|--------------------|
| | | Federal | | | | |
| 8350 | 762616 | Financial | \$ | 5,274,068 | \$ | 5,274,068 162394 |
| | | Responsibility | | | | |
| | | Compliance | | | | |
| 8370 | 764602 | Turnpike Policing | \$ | 11,553,959 | \$ | 11,553,959 162395 |
| 83C0 | 764630 | Contraband, | \$ | 622,894 | \$ | 622,894 162396 |
| | | Forfeiture, Other | | | | |
| 83F0 | 764657 | Law Enforcement | \$ | 8,500,000 | \$ | 8,500,000 162397 |
| | | Automated Data System | | | | |
| 83G0 | 764633 | OMVI | \$ | 641,927 | \$ | 641,927 162398 |
| | | Enforcement/Education | | | | |
| 83J0 | 764693 | Highway Patrol Justice | \$ | 2,100,000 | \$ | 2,100,000 162399 |
| | | Contraband | | | | |
| 83M0 | 765624 | Operating - EMS | \$ | 3,056,069 | \$ | 3,056,069 162400 |
| 83M0 | 765640 | EMS - Grants | \$ | 3,300,000 | \$ | 3,300,000 162401 |
| 83R0 | 762639 | Local Immobilization | \$ | 450,000 | \$ | 450,000 162402 |
| | | Reimbursement | | | | |
| 83T0 | 764694 | Highway Patrol | \$ | 21,000 | \$ | 21,000 162403 |
| | | Treasury Contraband | | | | |
| 8400 | 764607 | State Fair Security | \$ | 1,294,354 | \$ | 1,294,354 162404 |
| 8400 | 764617 | Security and | \$ | 8,793,865 | \$ | 9,514,236 162405 |
| | | Investigations | | | | |
| 8400 | 764626 | State Fairgrounds | \$ | 1,047,560 | \$ | 1,084,559 162406 |
| | | Police Force | | | | |
| 8400 | 769632 | Homeland Security - | \$ | 650,000 | \$ | 630,000 162407 |
| | | Operating | | | | |
| 8410 | 764603 | Salvage and Exchange - | \$ | 1,339,399 | \$ | 1,339,399 162408 |
| | | Highway Patrol | | | | |
| 8460 | 761625 | Motorcycle Safety | \$ | 3,280,563 | \$ | 3,280,563 162409 |
| | | Education | | | | |
| 8490 | 762627 | Automated Title | \$ | 16,675,513 | \$ | 16,467,293 162410 |
| | | Processing Board | | | | |
| TOTAL | HSF | State Highway Safety Fund | \$ | 515,450,460 | \$ | 517,434,364 162411 |

| | | | | | |
|------------------------------------|--------------------------------|---------------|----------------------|---------------|-----------------------------|
| Group | | | <u>515,961,360</u> | | |
| General Services Fund Group | | | | | 162412 |
| 4P60 768601 | Justice Program | \$ | 900,000 | \$ | 875,000 162413 |
| | Services | | | | |
| 5E00 768625 | Drug Law Enforcement | \$ | 4,250,000 | \$ | 4,250,000 162414 |
| 5LM0 768698 | Criminal Justice | \$ | 850,946 | \$ | 850,946 162415 |
| | Services Law | | | | |
| | Enforcement Support | | | | |
| TOTAL GSF General Services Fund | | \$ | 6,290,946 | \$ | 6,265,946 162416 |
| Group | | | <u>5,150,000</u> | | <u>5,125,000</u> |
| Federal Special Revenue Fund Group | | | | | 162417 |
| 3290 763645 | Federal Mitigation | \$ | 10,413,642 | \$ | 10,413,642 162418 |
| | Program | | | | |
| 3370 763609 | Federal Disaster | \$ | 27,707,636 | \$ | 27,707,636 162419 |
| | Relief | | | | |
| 3390 763647 | Emergency Management | \$ | 70,934,765 | \$ | 70,934,765 162420 |
| | Assistance and | | | | |
| | Training | | | | |
| 3CE0 768611 | Justice Assistance | \$ | 400,000 | \$ | 100,000 162421 |
| | Grants - FFY09 | | | | |
| 3DE0 768612 | Federal Stimulus - | \$ | 1,000,000 | \$ | 300,000 162422 |
| | Justice Assistance | | | | |
| | Grants | | | | |
| 3DU0 762628 | BMV Grants | \$ | 1,350,000 | \$ | 1,325,000 162423 |
| 3EU0 768614 | Justice Assistance | \$ | 830,000 | \$ | 500,000 162424 |
| | Grants - FFY10 | | | | |
| 3FK0 768615 | Justice Assistance | \$ | 900,000 | \$ | 900,000 162425 |
| | Grants - FFY11 | | | | |
| 3FP0 767620 | Ohio Investigative | \$ | 55,000 | \$ | 55,000 162426 |
| | Unit Justice | | | | |
| | Contraband | | | | |
| 3FY0 768616 | Justice Assistance | \$ | 2,200,000 | \$ | 1,500,000 162427 |

| | | | | | | |
|-----------------|-------------------|----------------------------------|---------------|--------------------|---------------|---------------------------|
| | | Grants - FFY12 | | | | |
| 3FZ0 | 768617 | Justice Assistance | \$ | 7,000,000 | \$ | 2,000,000 162428 |
| | | Grants - FFY13 | | | | |
| 3GA0 | 768618 | Justice Assistance | \$ | 0 | \$ | 7,500,000 162429 |
| | | Grants - FFY14 | | | | |
| 3L50 | 768604 | Justice Program | \$ | 10,500,000 | \$ | 10,500,000 162430 |
| 3N50 | 763644 | U.S. Department of | \$ | 31,672 | \$ | 31,672 162431 |
| | | Energy Agreement | | | | |
| TOTAL FED | | Federal Special Revenue | \$ | 133,322,715 | \$ | 133,767,715 162432 |
| | | Fund Group | | | | |
| | | State Special Revenue Fund Group | | | | 162433 |
| 4V30 | 763662 | Storms/NOAA | \$ | 4,950,000 | \$ | 4,950,000 162434 |
| | | Maintenance | | | | |
| 5390 | 762614 | Motor Vehicle Dealers | \$ | 150,000 | \$ | 140,000 162435 |
| | | Board | | | | |
| 5B90 | 766632 | Private Investigator | \$ | 1,400,000 | \$ | 1,400,000 162436 |
| | | and Security Guard | | | | |
| | | Provider | | | | |
| 5BK0 | 768687 | Criminal Justice | \$ | 400,000 | \$ | 400,000 162437 |
| | | Services - Operating | | | | |
| 5BK0 | 768689 | Family Violence | \$ | 750,000 | \$ | 750,000 162438 |
| | | Shelter Programs | | | | |
| 5CM0 | 767691 | Equitable Share | \$ | 300,000 | \$ | 300,000 162439 |
| | | Account | | | | |
| 5DS0 | 769630 | Homeland Security | \$ | 1,414,384 | \$ | 1,414,384 162440 |
| 5FF0 | 762621 | Indigent Interlock | \$ | 2,000,000 | \$ | 2,000,000 162441 |
| | | and Alcohol | | | | |
| | | Monitoring | | | | |
| 5FL0 | 769634 | Investigations | \$ | 899,300 | \$ | 899,300 162442 |
| 5ML0 | 769635 | Infrastructure | \$ | 400,000 | \$ | 400,000 162443 |
| | | Protection | | | | |
| 5BP0 | 764609 | DPS Wireless 911 | \$ | 290,000 | \$ | 290,000 162444 |
| | | Administration | | | | |

| | | | | | | | |
|--|--------|---|----|------------------------|----|------------------------|--------|
| 6220 | 767615 | Investigative
Contraband and
Forfeiture | \$ | 325,000 | \$ | 325,000 | 162445 |
| 6570 | 763652 | Utility Radiological
Safety | \$ | 1,415,945 | \$ | 1,415,945 | 162446 |
| 6810 | 763653 | SARA Title III HAZMAT
Planning | \$ | 262,438 | \$ | 262,438 | 162447 |
| 8500 | 767628 | Investigative Unit
Salvage | \$ | 92,700 | \$ | 92,700 | 162448 |
| TOTAL SSR State Special Revenue | | | \$ | 15,049,767 | \$ | 15,039,767 | 162449 |
| Fund Group | | | | <u>14,759,767</u> | | <u>14,749,767</u> | |
| Agency Fund Group | | | | | | | 162450 |
| 5J90 | 761678 | Federal Salvage/GSA | \$ | 1,500,000 | \$ | 1,500,000 | 162451 |
| TOTAL AGY Agency Fund Group | | | \$ | 1,500,000 | \$ | 1,500,000 | 162452 |
| Holding Account Redistribution Fund Group | | | | | | | 162453 |
| R024 | 762619 | Unidentified Motor
Vehicle Receipts | \$ | 1,885,000 | \$ | 1,885,000 | 162454 |
| R052 | 762623 | Security Deposits | \$ | 350,000 | \$ | 350,000 | 162455 |
| TOTAL 090 Holding Account
Redistribution Fund Group | | | \$ | 2,235,000 | \$ | 2,235,000 | 162456 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 673,558,888 | \$ | 675,952,792 | 162457 |
| | | | | <u>672,928,842</u> | | <u>674,811,846</u> | |

MOTOR VEHICLE REGISTRATION 162458

The Registrar of Motor Vehicles may deposit revenues to meet 162459
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 162460
4W40) established in section 4501.25 of the Revised Code, obtained 162461
under sections 4503.02 and 4504.02 of the Revised Code, less all 162462
other available cash. Revenue deposited pursuant to this paragraph 162463
shall support, in part, appropriations for operating expenses and 162464
defray the cost of manufacturing and distributing license plates 162465
and license plate stickers and enforcing the law relative to the 162466
operation and registration of motor vehicles. Notwithstanding 162467

section 4501.03 of the Revised Code, the revenues shall be paid 162468
into Fund 4W40 before any revenues obtained pursuant to sections 162469
4503.02 and 4504.02 of the Revised Code are paid into any other 162470
fund. The deposit of revenues to meet the aforementioned cash 162471
needs shall be in approximately equal amounts on a monthly basis 162472
or as otherwise determined by the Director of Budget and 162473
Management pursuant to a plan submitted by the Registrar of Motor 162474
Vehicles. 162475

OPERATING EXPENSE - BMV 162476

Of the foregoing appropriation item 762321, Operating Expense 162477
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for 162478
costs associated with improvements to the program to accept 162479
applications for registration transactions of apportionable 162480
vehicles electronically over the internet. 162481

OPERATING EXPENSE - INFORMATION AND EDUCATION 162482

Of the foregoing appropriation item 761321, Operating Expense 162483
- Information and Education, up to \$250,000 in each fiscal year 162484
may be used to fund state employees to staff travel information 162485
centers on the border of the state. 162486

The Department of Public Safety shall conduct a study for 162487
partnering with local travel and tourism centers, as well as a 162488
study for the creation of the Ohio Ambassadors Volunteer Program 162489
at rest stops. 162490

LEASE RENTAL PAYMENTS 162491

The foregoing appropriation item 761401, Lease Rental 162492
Payments, shall be used for payments to the Treasurer of State for 162493
the period July 1, 2013, through June 30, 2015, under the primary 162494
leases and agreements for public safety related buildings. The 162495
appropriations are the source of funds pledged for bond service 162496
charges on obligations pursuant to Chapters 152. and 154. of the 162497
Revised Code. 162498

| | |
|---|--------|
| <u>OPERATING EXPENSE - HIGHWAY PATROL</u> | 162499 |
| <u>On July 1, 2013, or as soon as possible thereafter, the</u> | 162500 |
| <u>Director of Budget and Management shall transfer \$510,900 cash</u> | 162501 |
| <u>from the GRF to the State Highway Safety Fund (Fund 7036). The</u> | 162502 |
| <u>transferred cash shall be used by the State Highway Patrol for the</u> | 162503 |
| <u>purchase of specialized equipment for examining commercial truck</u> | 162504 |
| <u>cargo.</u> | 162505 |
| CASH TRANSFERS BETWEEN FUNDS | 162506 |
| Notwithstanding any provision of law to the contrary, the | 162507 |
| Director of Budget and Management, upon the written request of the | 162508 |
| Director of Public Safety, may transfer cash between the following | 162509 |
| six funds: the Trauma and Emergency Medical Services Fund (Fund | 162510 |
| 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations | 162511 |
| Fund (Fund 5FL0), the Emergency Management Agency Service and | 162512 |
| Reimbursement Fund (Fund 4V30), the Justice Program Services Fund | 162513 |
| (Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund | 162514 |
| 4W40). | 162515 |
| CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE | 162516 |
| PLATE CONTRIBUTION FUND | 162517 |
| On July 1, 2013, or as soon as possible thereafter, the | 162518 |
| Director of Budget and Management may transfer the cash balance in | 162519 |
| the Teen Driver Education Fund (Fund 5JS0) to the License Plate | 162520 |
| Contribution Fund (Fund 5V10). Upon completion of the transfer, | 162521 |
| Fund 5JS0 is hereby abolished. | 162522 |
| CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO | 162523 |
| STATE HIGHWAY SAFETY FUND | 162524 |
| Not later than January 1, 2014, the Director of Budget and | 162525 |
| Management may transfer the cash balance in the Hilltop Utility | 162526 |
| Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund | 162527 |
| (Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby | 162528 |
| abolished. The Director shall cancel any existing encumbrances | 162529 |

against appropriation item 766661, Hilltop Utility Reimbursement, 162530
and reestablish them against appropriation item 761321, Operating 162531
Expense - Information and Education. The reestablished encumbrance 162532
amounts are hereby appropriated. 162533

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 162534
SAFETY FUND 162535

On July 1, 2013, or as soon as possible thereafter, the 162536
Director of Budget and Management shall transfer the cash balance 162537
in the Registrar Rental Fund (Fund 8380) to the State Bureau of 162538
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 162539
Fund 8380 is abolished. 162540

STATE DISASTER RELIEF 162541

The State Disaster Relief Fund (Fund 5330) may accept 162542
transfers of cash and appropriations from Controlling Board 162543
appropriation items for Ohio Emergency Management Agency disaster 162544
response costs and disaster program management costs, and may also 162545
be used for the following purposes: 162546

(A) To accept transfers of cash and appropriations from 162547
Controlling Board appropriation items for Ohio Emergency 162548
Management Agency public assistance and mitigation program match 162549
costs to reimburse eligible local governments and private 162550
nonprofit organizations for costs related to disasters; 162551

(B) To accept and transfer cash to reimburse the costs 162552
associated with Emergency Management Assistance Compact (EMAC) 162553
deployments; 162554

(C) To accept disaster related reimbursement from federal, 162555
state, and local governments. The Director of Budget and 162556
Management may transfer cash from reimbursements received by this 162557
fund to other funds of the state from which transfers were 162558
originally approved by the Controlling Board. 162559

(D) To accept transfers of cash and appropriations from 162560
Controlling Board appropriation items to fund the State Disaster 162561
Relief Program, for disasters that qualify for the program by 162562
written authorization of the Governor, and the State Individual 162563
Assistance Program for disasters that have been declared by the 162564
federal Small Business Administration and that qualify for the 162565
program by written authorization of the Governor. The Ohio 162566
Emergency Management Agency shall publish and make available 162567
application packets outlining procedures for the State Disaster 162568
Relief Program and the State Individual Assistance Program. 162569

JUSTICE ASSISTANCE GRANT FUND 162570

The federal payments made to the state for the Byrne Justice 162571
Assistance Grants Program under Title II of Division A of the 162572
American Recovery and Reinvestment Act of 2009 shall be deposited 162573
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 162574
which is hereby created in the state treasury. All investment 162575
earnings of the fund shall be credited to the fund. 162576

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 162577
AGENCY SERVICE AND REIMBURSEMENT FUND 162578

On July 1 of each fiscal year, or as soon as possible 162579
thereafter, the Director of Budget and Management shall transfer 162580
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 162581
Emergency Management Agency Service and Reimbursement Fund (Fund 162582
4V30) to be distributed to the Ohio Task Force One - Urban Search 162583
and Rescue Unit, other similar urban search and rescue units 162584
around the state, and for the maintenance of the statewide fire 162585
emergency response plan by an entity recognized by the Ohio 162586
Emergency Management Agency. 162587

FAMILY VIOLENCE PREVENTION FUND 162588

Notwithstanding any provision of law to the contrary, in each 162589
of fiscal years 2014 and 2015, the first \$750,000 received to the 162590

credit of the Family Violence Prevention Fund (Fund 5BK0) is 162591
appropriated to appropriation item 768689, Family Violence Shelter 162592
Programs, and the next \$400,000 received to the credit of Fund 162593
5BK0 in each of those fiscal years is appropriated to 162594
appropriation item 768687, Criminal Justice Services - Operating. 162595
Any moneys received to the credit of Fund 5BK0 in excess of the 162596
aforementioned appropriated amounts in each fiscal year shall, 162597
upon the approval of the Controlling Board, be used to provide 162598
grants to family violence shelters in Ohio. 162599

SARA TITLE III HAZMAT PLANNING 162600

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 162601
entitled to receive grant funds from the Emergency Response 162602
Commission to implement the Emergency Management Agency's 162603
responsibilities under Chapter 3750. of the Revised Code. 162604

COLLECTIVE BARGAINING INCREASES 162605

Notwithstanding division (D) of section 127.14 and division 162606
(B) of section 131.35 of the Revised Code, except for the General 162607
Revenue Fund, the Controlling Board may, upon the request of 162608
either the Director of Budget and Management, or the Department of 162609
Public Safety with the approval of the Director of Budget and 162610
Management, authorize expenditures in excess of appropriations and 162611
transfer appropriations, as necessary, for any fund used by the 162612
Department of Public Safety, to assist in paying the costs of 162613
increases in employee compensation that have occurred pursuant to 162614
collective bargaining agreements under Chapter 4117. of the 162615
Revised Code and, for exempt employees, under section 124.152 of 162616
the Revised Code. Any money approved for expenditure under this 162617
paragraph is hereby appropriated. 162618

CASH BALANCE FUND REVIEW 162619

Not later than the first day of April in each fiscal year of 162620
the biennium, the Director of Budget and Management shall review 162621

the cash balances for each fund, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), in the State Highway Safety Fund Group, and shall recommend to the Controlling Board an amount to be transferred to the credit of Fund 7036 or Fund 4W40, as appropriate.

AUTO REGISTRATION DISTRIBUTION FUND

Notwithstanding the amendment by this act to section 4501.03 of the Revised Code and the enactment by this act of section 4501.031 of the Revised Code, any license tax assessed under Chapters 4503. or 4504. of the Revised Code, and derived from registrations processed on business days prior to July 1, 2013, shall be deposited to the state treasury to the credit of the Auto Registration Distribution Fund (Fund 7051) created by section 4501.03 of the Revised Code, even if such deposit does not occur until on or after July 1, 2013. All license tax assessed on registrations under Chapters 4503. or 4504. of the Revised Code prior to July 1, 2013, shall be deposited, and distributed, in accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 4501.043 of the Revised Code as they existed prior to the amendments to those sections by this act.

Sec. 506.10. Notwithstanding division (A)(3) of section 4501.044 and division (A)(1) of section 4501.045 of the Revised Code, commencing July 1, 2013, and extending through June 30, 2014, the Director of Public Safety shall deposit the money otherwise deposited and distributed in accordance with those divisions into the State Highway Safety Fund (Fund 7036) created by section 4501.06 of the Revised Code until such time as the deposits equal a cumulative total of ~~\$35,000,000~~ \$29,000,000. At that point, the Director shall cease depositing any such money into Fund 7036 and shall deposit and distribute that money as prescribed in division (A)(3) of section 4501.044 and division

(A)(1) of section 4501.045 of the Revised Code. 162653

Notwithstanding division (A)(3) of section 4501.044 and 162654
division (A)(1) of section 4501.045 of the Revised Code, 162655
commencing July 1, 2014, and extending through June 30, 2015, the 162656
Director of Public Safety shall deposit the money otherwise 162657
deposited and distributed in accordance with those divisions into 162658
the State Highway Safety Fund (Fund 7036) created by section 162659
4501.06 of the Revised Code until such time as the deposits equal 162660
a cumulative total of \$35,000,000. At that point, the Director 162661
shall cease depositing any such money into Fund 7036 and shall 162662
deposit and distribute that money as prescribed in division (A)(3) 162663
of section 4501.044 and division (A)(1) of section 4501.045 of the 162664
Revised Code. 162665

Sec. 755.30. ~~On July 1~~ Beginning on July 31, 2013, and on the 162666
~~first last~~ day of the month for each month thereafter, ~~the~~ 162667
~~Treasurer of State~~, before making any of the distributions 162668
specified in sections 5735.23, 5735.26, 5735.291, and 5735.30 of 162669
the Revised Code but after any transfers to the tax refund fund as 162670
required by those sections and section 5703.052 of the Revised 162671
Code, the Treasurer of State shall deposit the first two per cent 162672
of the amount of motor fuel tax received for the preceding 162673
calendar month to the credit of the Highway Operating Fund (Fund 162674
7002). 162675

Section 605.11. That existing Sections 205.10, 506.10, and 162676
755.30 of Am. Sub. H.B. 51 of the 130th General Assembly are 162677
hereby repealed. 162678

Section 605.20. That Section 753.30 of Am. Sub. H.B. 153 of 162679
the 129th General Assembly be amended to read as follows: 162680

Sec. 753.30. (A) The Governor is authorized to execute a deed 162681
in the name of the state conveying to a buyer or buyers to be 162682
determined in the manner provided in division (B) of this section 162683
all of the state's right, title, and interest in the real property 162684
of any facility under the management and control of the Department 162685
of Youth Services following the closure of that facility that the 162686
Director of Administrative Services determines is no longer 162687
required for state purposes. This section applies only to 162688
facilities that are closed before January 1, 2012. 162689

(B)(1) The Director of Administrative Services shall offer 162690
the real estate, improvements and chattels of a facility sold 162691
pursuant to division (A) of this section for sale "as is" in its 162692
present condition according to the following process: 162693

The real estate of the facility shall be sold as an entire 162694
parcel and not subdivided. 162695

The Director of Administrative Services shall conduct a 162696
sealed bid sale and the real property of the facility shall be 162697
sold to the highest bidder at a price acceptable to both the 162698
Director of Administrative Services and the Director of Youth 162699
Services. 162700

(2) The contract for sale of a facility pursuant to this 162701
section shall include a condition that requires the purchaser to 162702
provide preferential hiring treatment to employees or former 162703
employees of the Department of Youth Services in order to retain 162704
or rehire staff displaced as a result of the closure of the 162705
facility located on the property, to the extent the purchaser's 162706
use of the facility requires employees in the same or similar 162707
positions as those displaced as a result of the closure. 162708

The contract for sale also shall include a binding commitment 162709
that irrevocably grants to the state a right, upon the occurrence 162710
of any triggering event described in division (B)(2)(a) or (b) of 162711

this section and in accordance with the particular division, to 162712
repurchase the facility and the real property on which it is 162713
situated, any surrounding land that is to be transferred under the 162714
contract, or both the facility and real property on which it is 162715
situated plus the surrounding land that is to be transferred under 162716
the contract. The triggering events and the procedures for a 162717
repurchase under the irrevocable grant described in this division 162718
are as follows: 162719

(a) Before the purchaser, or the purchaser's successor in 162720
title, may resell or otherwise transfer the facility and the real 162721
property on which it is situated, any surrounding land that is to 162722
be transferred under the contract, or both the facility and real 162723
property on which it is situated plus the surrounding land that is 162724
to be transferred under the contract, the purchaser or successor 162725
first must offer the state the opportunity to repurchase the 162726
facility, real property, and surrounding land that is to be resold 162727
or transferred for a price not greater than the purchase price 162728
paid to the state for that facility, real property, or surrounding 162729
land, less depreciation from the time of the conveyance of that 162730
facility, real property, or surrounding land to the purchaser, 162731
plus the depreciated value of any capital improvements to that 162732
facility, real property, or surrounding land that were made to it 162733
and funded by anyone other than the state subsequent to the 162734
conveyance to the purchaser. The repurchase opportunity described 162735
in this division must be offered to the state at least one hundred 162736
twenty days before the purchaser intends to resell or otherwise 162737
transfer the facility, real property, or surrounding land that is 162738
to be resold or transferred. After being offered the repurchase 162739
opportunity, the state has the right to repurchase the facility, 162740
real property, and surrounding land that is to be resold or 162741
otherwise transferred for the price described in this division. 162742

(b) Upon the purchaser's default of any financial agreement 162743

for the purchase of the facility and the real property on which it 162744
is situated, any surrounding land that is to be transferred under 162745
the contract, or both the facility and real property on which it 162746
is situated plus the surrounding land that is to be transferred 162747
under the contract, upon the purchaser's default of any other term 162748
in the contract, or upon the purchaser's financial insolvency or 162749
inability to meet its contractual obligations, the state has the 162750
right to repurchase the facility and real property, the 162751
surrounding land, or both the facility and real property and the 162752
surrounding land, for a price not greater than the purchase price 162753
paid to the state for that facility, real property, or surrounding 162754
land, less depreciation from the time of the conveyance of that 162755
facility, real property, or surrounding land to the purchaser, 162756
plus the depreciated value of any capital improvements to that 162757
facility, real property, or surrounding land that were made to it 162758
and funded by anyone other than the state subsequent to the 162759
conveyance to the purchaser. 162760

(3) The Director of Administrative Services shall advertise 162761
the sealed bid sale in a newspaper of general circulation within 162762
Scioto County once a week for three consecutive weeks prior to the 162763
date of the sealed bid sale. The Director of Administrative 162764
Services may reject any and all bids from the sealed bid sale. The 162765
terms of sale shall be ten per cent of the purchase price in cash, 162766
bank draft, or certified check payable within five business days 162767
following written notification of the acceptance of the bid by the 162768
Director of Administrative Services, with the balance payable 162769
within sixty days after the date of the written notification of 162770
the acceptance of the bid by the Director of Administrative 162771
Services. A purchaser who does not complete the conditions of the 162772
sale as prescribed in this division shall forfeit the ten per cent 162773
of the purchase price paid to the state as liquidated damages. 162774
Should a purchaser not complete the conditions of sale as 162775
described in this division, the Director of Administrative 162776

Services is authorized to accept the next highest bid by 162777
collecting ten per cent of the revised purchase price from that 162778
bidder and to proceed to close the sale, provided that the 162779
secondary bid meets all other criteria provided for in this 162780
section. If the Director of Administrative Services rejects all 162781
bids from the sealed bid sale, the Director may repeat the sealed 162782
bid process described in this section or may use an alternate sale 162783
process acceptable to the Director of Youth Services. 162784

Advertising costs and any other costs incident to the sale of 162785
a facility pursuant to this section shall be paid by the 162786
Department of Youth Services. 162787

Upon notice from the Director of Administrative Services, the 162788
Auditor of State, with the assistance of the Attorney General, 162789
shall prepare a deed to the facility to the purchaser identified 162790
by the Director of Administrative Services. The deed shall be 162791
executed by the Governor, countersigned by the Secretary of State, 162792
presented in the Office of the Auditor of State for recording, and 162793
delivered to the grantee at closing and upon the grantee's payment 162794
of the balance of the purchase price. The grantee shall present 162795
the deed for recording in the office of the recorder of the county 162796
in which the facility is located. 162797

The grantee shall pay all costs associated with the purchase 162798
and conveyance of the facility, including the costs of recording 162799
the deed. 162800

The net proceeds of the conveyance of the facility shall be 162801
deposited into the State Treasury to the credit of the Adult and 162802
Juvenile Correctional Facilities Bond Retirement Fund and shall be 162803
used to offset bond indebtedness on state bonds issued for the 162804
facility that has been sold. The Director of Budget and Management 162805
may direct that any moneys remaining in the fund after the 162806
redemption or defeasance of the bonds issued for that facility be 162807
transferred to the General Revenue Fund. 162808

(C) This section expires two years after its effective date 162809
or on November 1, 2015, whichever is later. 162810

Section 605.21. That existing Section 753.30 of Am. Sub. H.B. 162811
153 of the 129th General Assembly is hereby repealed. 162812

Section 605.23. That Section 4 of Am. Sub. H.B. 279 of the 162813
129th General Assembly be amended to read as follows: 162814

Sec. 4. Notwithstanding any provision of the Revised Code to 162815
the contrary, individuals that provide services to a child under 162816
the autism scholarship program shall not be required to comply 162817
with the requirements of section 3310.43 of the Revised Code as 162818
enacted by this act until ~~twelve months after the effective date~~ 162819
~~of this section~~ December 20, 2014. 162820

Section 605.24. That existing Section 4 of Am. Sub. H.B. 279 162821
of the 129th General Assembly is hereby repealed. 162822

Section 605.30. That Section 11 of Sub. H.B. 303 of the 129th 162823
General Assembly be amended to read as follows: 162824

Sec. 11. (A) As used in this section, "intermediate care 162825
facility for individuals with intellectual disabilities" and 162826
"ICF/IID" mean an intermediate care facility for the mentally 162827
retarded as defined in the "Social Security Act," section 1905(d), 162828
42 U.S.C. 1396d(d). 162829

(B) The Department of Developmental Disabilities may conduct 162830
or contract with another entity to conduct, for the first quarter 162831
of calendar year 2013, assessments of all residents of each 162832
ICF/IID, regardless of payment source, who are in the ICF/IID, or 162833
on hospital or therapeutic leave from the ICF/IID, on the day or 162834
days that the assessments are conducted at the ICF/IID. 162835

(C) If assessments are conducted under division (B) of this section, the Department shall do all of the following:

(1) In conducting the assessments, provide for both of the following:

(a) The resident assessment instrument prescribed in rules authorized by ~~division (B) of section 5111.232~~ 5124.191 of the Revised Code to be used in accordance with an inter-rater reliable process;

(b) The assessments to be performed by individuals who meet the requirements to be qualified intellectual disability professionals, as specified in 42 C.F.R. 483.430(a).

(2) Use the data obtained from the assessments to determine each ICF/IID's case-mix score for the first quarter of calendar year 2013;

(3) ~~For the purpose of determining each ICF/IID's fiscal year 2014 Medicaid rates for direct care costs and subject~~ Subject to divisions (C)~~(8)(7)~~, (D), and ~~(E)(F)~~ of this section, ~~do both of the following~~ determine the fiscal year 2014 Medicaid payment rate for the direct care costs of each ICF/IID as follows:

(a) Determine the average of the following:

(i) The ICF/IID's case-mix score determined or assigned under section 5124.192 of the Revised Code for the last quarter of calendar year 2012;

(ii) The ICF/IID's case-mix score determined under section 5124.192 of the Revised Code for the first quarter of calendar year 2013;

(iii) The ICF/IID's case-mix score determined under division (C)(2) of this section for the first quarter of calendar year 2013.

(b) In determining costs per case-mix units and maximum costs

per case-mix units for the purpose of ~~division~~ divisions (B) and 162866
(C) of section ~~5111.23~~ 5124.19 of the Revised Code, use ~~each~~ 162867
~~ICF/IID's case mix score~~ the average determined under division 162868
~~(C)(2)(3)(a)~~ of this section in place of the ICF/IID's average 162869
case-mix score for calendar year 2012; 162870

~~(b) Instead of determining quarterly Medicaid rates for the~~ 162871
~~direct care costs of each ICF/IID pursuant to division (D) of~~ 162872
~~section 5111.23 of the Revised Code, determine, as follows, one~~ 162873
~~Medicaid rate for the direct care costs of each ICF/IID to be paid~~ 162874
~~for all of fiscal year 2014.~~ 162875

~~(i)(c)~~ Multiply the ~~ICF/IID's case mix score~~ average 162876
determined under division ~~(C)(2)(3)(a)~~ of this section by the 162877
lesser of the cost per case-mix unit determined for the ICF/IID 162878
pursuant to division ~~(C)(3)(a)(b)~~ of this section or the maximum 162879
cost per case-mix unit determined for the ICF/IID's peer group 162880
pursuant to division ~~(C)(3)(a)(b)~~ of this section; 162881

~~(ii)(d)~~ Adjust the product determined under division 162882
~~(C)(3)(b)(i)(c)~~ of this section by the inflation rate estimated in 162883
accordance with division ~~(B)(3)(D)~~ of section ~~5111.23~~ 5124.19 of 162884
the Revised Code. 162885

(4) For the purpose of determining each ICF/IID's fiscal year 162886
2015 Medicaid rates for direct care costs and subject to division 162887
~~(C)(8)(7)~~ of this section, use the ~~following when determining,~~ 162888
~~pursuant to the second paragraph of division (C) of section~~ 162889
~~5111.232 of the Revised Code, each ICF/IID's annual average~~ 162890
case-mix score determined under division (C)(2) of this section 162891
for the first quarter of calendar year 2013. 162892

~~(a) For the first quarter of calendar year 2013, the~~ 162893
~~ICF/IID's case mix score determined under division (C)(2) of this~~ 162894
~~section.~~ 162895

~~(b) For the last three quarters of calendar year 2013 and~~ 162896

~~except as provided in division (D) of section 5111.232 of the Revised Code, the ICF/IID's case mix scores determined by using the data the ICF/IID provider compiles in accordance with the first paragraph of division (C) of section 5111.232 of the Revised Code. if the ICF/IID provider does not submit resident assessment data for that quarter pursuant to section 5124.191 of the Revised Code;~~

~~(5) Notify each ICF/IID provider that the provider is permitted but not required to compile assessment data for the first quarter of calendar year 2013 pursuant to the first paragraph of division (C) of section 5111.232 of the Revised Code;~~

~~(6) After the assessments of all of an ICF/IID's residents are completed but not later than April 30, 2013, provide, or have the entity (if any) with which the Department contracts pursuant to division (B) of this section provide, the results of the assessments to the ICF/IID provider;~~

~~(7)(6) Conduct, in accordance with division (C)(8)(7) of this section, a reconsideration for any ICF/IID provider who does both of the following:~~

~~(a) Submits a written request for the reconsideration to the Department not later than fifteen days after the provider receives the assessments' results pursuant to division (C)(6)(5) of this section;~~

~~(b) Includes in the request all of the following:~~

~~(i) A detailed explanation of the items in the assessments' results that the provider disputes;~~

~~(ii) Copies of relevant supporting documentation from specific resident records;~~

~~(iii) The provider's proposed resolution of the disputes.~~

~~(8)(7) When conducting a reconsideration required by division~~

(C)~~(7)~~(6) of this section, do both of the following: 162927

(a) Consider all of the following: 162928

(i) The historic results of the resident assessments 162929
performed pursuant to section 5124.191 of the Revised Code 162930
(formerly the first paragraph of division (C) of section ~~5111.232~~ 162931
5124.19 of the Revised Code as that section existed on the day 162932
immediately before the effective date of the amendments to that 162933
section by Sub. H.B. 59 of the 130th general assembly) by the 162934
ICF/IID provider who requested the reconsideration; 162935

(ii) All of the materials the provider includes in the 162936
reconsideration request; 162937

(iii) All other matters the Department determines necessary 162938
for consideration. 162939

(b) Issue a written decision regarding the reconsideration 162940
not later than the sooner of the following: 162941

(i) Thirty days after the Department receives the 162942
reconsideration request; 162943

(ii) June 1, 2013. 162944

(D) If an ICF/IID provider does not submit resident 162945
assessment data to the department pursuant to section 5124.191 of 162946
the Revised Code for the first quarter of calendar year 2013, the 162947
Department shall use the case-mix scores specified in divisions 162948
(C)(3)(a)(i) and (iii) of this section when determining the 162949
average under division (C)(3)(a) of this section. 162950

(E) The Department's decision regarding a reconsideration 162951
required by division (C)~~(7)~~(6) of this section is final and not 162952
subject to further appeal. 162953

~~(E)~~(F) Regardless of what an ICF/IID's case-mix score is 162954
determined to be under division (C)(2) of this section or pursuant 162955
to a reconsideration required by division (C)~~(7)~~(6) of this 162956

section, no such case-mix score shall cause an ICF/IID's fiscal 162957
year 2014 Medicaid payment rate for direct care costs to be less 162958
than ninety per cent of its June 30, 2013, Medicaid rate for 162959
direct care costs. 162960

~~(F)~~(G) No ICF/IID provider shall be treated as having failed, 162961
for the first quarter of calendar year 2013, to timely submit data 162962
necessary to determine the ICF/IID's case-mix score for that 162963
quarter if the assessment is to be conducted under division (B) of 162964
this section. 162965

~~(G)~~(H) The Department may provide for assessments to be 162966
conducted under division (B) of this section and, if it so 162967
provides, shall comply with the other divisions of this section 162968
notwithstanding anything to the contrary in sections ~~5111.20~~ 162969
5124.01, ~~5111.23~~ 5124.19, 5124.191, and ~~5111.232~~ 5124.192 of the 162970
Revised Code. 162971

Section 605.31. That existing Section 11 of Sub. H.B. 303 of 162972
the 129th General Assembly is hereby repealed. 162973

Section 605.40. That Section 4 of Am. Sub. H.B. 472 of the 162974
129th General Assembly be amended to read as follows: 162975

Sec. 4. That ~~sections 5507.40 and~~ section 5507.53 of the 162976
Revised Code ~~are~~ is hereby repealed. 162977

Section 605.41. That existing Section 4 of Am. Sub. H.B. 472 162978
of the 129th General Assembly is hereby repealed. 162979

Section 610.10. That Sections 201.80, 205.83, and 509.40 of 162980
Sub. H.B. 482 of the 129th General Assembly be amended to read as 162981
follows: 162982

Sec. 201.80. All items set forth in this section are hereby 162983

appropriated out of any moneys in the state treasury to the credit 162984
of the School Building Program Assistance Fund (Fund 7032), that 162985
are not otherwise appropriated. 162986

Appropriations

| | | | |
|--------|---|---------------------------|--------|
| | SFC SCHOOL FACILITIES COMMISSION | | 162987 |
| C23002 | School Building Program Assistance | \$ 425,000,000 | 162988 |
| | | <u>413,000,000</u> | |
| C23020 | <u>School Security Grant Program</u> | \$ <u>12,000,000</u> | 162989 |
| | Total School Facilities Commission | \$ 425,000,000 | 162990 |
| | TOTAL School Building Program Assistance Fund | \$ 425,000,000 | 162991 |

SCHOOL BUILDING PROGRAM ASSISTANCE 162992

The foregoing appropriation item C23002, School Building 162993
Program Assistance, shall be used by the School Facilities 162994
Commission to provide funding to school districts that receive 162995
conditional approval from the Commission pursuant to Chapter 3318. 162996
of the Revised Code. 162997

SCHOOL SECURITY GRANT PROGRAM 162998

The foregoing appropriation item C23020, School Security 162999
Grant Program, shall be used by the School Facilities Commission 163000
to provide funding to all public schools for the purchase and 163001
installation of one Multi-Agency Radio Communications System unit 163002
per school building and one school entrance security system, per 163003
school building. The school entrance security system may include 163004
improvements to access control, intrusion detection, or video 163005
surveillance. A school may apply to the School Facilities 163006
Commission for reimbursement up to \$2,000 for one Multi-Agency 163007
Radio Communications System Unit per school building and up to 163008
\$5,000 for costs incurred with the purchase of a school entrance 163009
security system installed on or after January 1, 2013. 163010

Sec. 205.83. The Ohio Public Facilities Commission is hereby 163011
authorized to issue and sell, in accordance with Section 2o and 2q 163012

of Article VIII, Ohio Constitution, and pursuant to sections 163013
151.01 and 151.09 of the Revised Code, original obligations of the 163014
state in an aggregate principal amount not to exceed ~~\$6,000,000~~ 163015
12,500,000 in addition to the original issuance of obligations 163016
heretofore authorized by prior acts of the General Assembly. These 163017
authorized obligations shall be issued and sold from time to time, 163018
subject to applicable constitutional and statutory limitations, as 163019
needed to ensure sufficient moneys to the credit of the Clean Ohio 163020
Trail Fund (Fund 7061) to pay costs of conservation projects. 163021

Sec. 509.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 163022
PROJECTS 163023

Notwithstanding ~~sections 123.01 and 123.15~~ section 123.21 of 163024
the Revised Code, the Executive Director of ~~Administrative~~ 163025
~~Services~~ the Ohio Facilities Construction Commission may authorize 163026
the Departments of Mental Health, Developmental Disabilities, 163027
Agriculture, Job and Family Services, Rehabilitation and 163028
Correction, Youth Services, Public Safety, Transportation, ~~and~~ 163029
Veterans Services, and the Bureau of Workers' Compensation to 163030
administer any capital facilities projects, the estimated cost of 163031
which, including design fees, construction, equipment, and 163032
contingency amounts, is less than \$1,500,000. Requests for 163033
authorization to administer capital facilities projects shall be 163034
made ~~in writing to the Director of Administrative Services~~ through 163035
the OAKS-CI application by the applicable state agency ~~within~~ 163036
~~sixty days after the effective date of the section of law in which~~ 163037
~~the General Assembly initially makes an appropriation for the~~ 163038
~~project.~~ Upon the release of funds for the projects by the 163039
Controlling Board or the Director of Budget and Management, the 163040
agency may administer the capital project or projects for which 163041
agency administration has been authorized without the supervision, 163042
control, or approval of the Executive Director of ~~Administrative~~ 163043
~~Services~~ the Ohio Facilities Construction Commission. 163044

A state agency authorized by the Executive Director of 163045
~~Administrative Services~~ the Ohio Facilities Construction 163046
Commission to administer capital facilities projects pursuant to 163047
this section shall comply with the applicable procedures and 163048
guidelines established in Chapter 153. of the Revised Code and 163049
shall track all project information in OAKS-CI pursuant to Ohio 163050
Facilities Construction Commission guidelines. 163051

Section 610.11. That existing Sections 201.80, 205.83, and 163052
509.40 of Sub. H.B. 482 of the 129th General Assembly are hereby 163053
repealed. 163054

Section 610.14. That Sections 301.11, 301.12, and 301.13 of 163055
Am. Sub. H.B. 487 of the 129th General Assembly be amended to read 163056
as follows: 163057

Sec. 301.11. The items set forth in this section are hereby 163058
appropriated out of any moneys in the state treasury to the credit 163059
of the Clean Ohio Conservation Fund (Fund 7056) that are not 163060
otherwise appropriated. 163061

| | | Appropriations | |
|------------------------------------|-------------------------|--------------------------|--------|
| PWC PUBLIC WORKS COMMISSION | | | 163062 |
| C15060 | Clean Ohio Conservation | \$ 36,000,000 | 163063 |
| | | <u>75,000,000</u> | |
| Total Public Works Commission | | \$ 36,000,000 | 163064 |
| | | <u>75,000,000</u> | |
| TOTAL Clean Ohio Conservation Fund | | \$ 36,000,000 | 163065 |
| | | <u>75,000,000</u> | |

The foregoing appropriation item C15060, Clean Ohio 163066
Conservation, shall be used in accordance with sections 164.20 to 163067
164.27 of the Revised Code. If the Public Works Commission 163068
receives refunds due to project overpayments that are discovered 163069
during the post-project audit, the Director of the Public Works 163070

Commission may certify to the Director of Budget and Management 163071
that refunds have been received. If the Director of Budget and 163072
Management determines that the project refunds are available to 163073
support additional appropriations, such amounts are hereby 163074
appropriated. 163075

Sec. 301.12. The items set forth in this section are hereby 163076
appropriated out of any moneys in the state treasury to the credit 163077
of the Clean Ohio Agricultural Easement Fund (Fund 7057) that are 163078
not otherwise appropriated. 163079

| | | Appropriations | |
|---|-----------------------------------|-------------------------|--------|
| AGR DEPARTMENT OF AGRICULTURE | | | 163080 |
| C70009 | Clean Ohio Agricultural Easements | \$ 6,000,000 | 163081 |
| | | <u>12,500,000</u> | |
| Total Department of Agriculture | | \$ 6,000,000 | 163082 |
| | | <u>12,500,000</u> | |
| TOTAL Clean Ohio Agricultural Easement Fund | | \$ 6,000,000 | 163083 |
| | | <u>12,500,000</u> | |

Sec. 301.13. (A) The Ohio Public Facilities Commission is 163085
hereby authorized to issue and sell, in accordance with Section 2o 163086
and 2q of Article VIII, Ohio Constitution, and pursuant to 163087
sections 151.01 and 151.09 of the Revised Code, original 163088
obligations of the state in an aggregate principal amount not to 163089
exceed ~~\$36,000,000~~ 75,000,000 in addition to the original issuance 163090
of obligations heretofore authorized by prior acts of the General 163091
Assembly. These authorized obligations shall be issued and sold 163092
from time to time, subject to applicable constitutional and 163093
statutory limitations, as needed to ensure sufficient moneys to 163094
the credit of the Clean Ohio Conservation Fund (Fund 7056) to pay 163095
costs of conservation projects. 163096

(B) The Ohio Public Facilities Commission is hereby 163097
authorized to issue and sell, in accordance with Section 2o and 2q 163098

of Article VIII, Ohio Constitution, and pursuant to sections 163099
151.01 and 151.09 of the Revised Code, original obligations of the 163100
state in an aggregate principal amount not to exceed ~~\$6,000,000~~ 163101
12,500,000 in addition to the original issuance of obligations 163102
heretofore authorized by prior acts of the General Assembly. These 163103
authorized obligations shall be issued and sold from time to time, 163104
subject to applicable constitutional and statutory limitations, as 163105
needed to ensure sufficient moneys to the credit of the Clean Ohio 163106
Agricultural Easement Fund (Fund 7057) to pay costs of 163107
conservation projects. 163108

Section 610.15. That existing Sections 301.11, 301.12, and 163109
301.13 of Am. Sub. H.B. 487 of the 129th General Assembly are 163110
hereby repealed. 163111

Section 610.16. That Section 205.80 of Sub. H.B. 482 of the 163112
129th General Assembly, as amended by Am. Sub. H.B. 487 of the 163113
129th General Assembly, be amended to read as follows: 163114

Sec. 205.80. The items set forth in this section are hereby 163115
appropriated out of any moneys in the state treasury to the credit 163116
of the Clean Ohio Trail Fund (Fund 7061) that are not otherwise 163117
appropriated. 163118

DNR DEPARTMENT OF NATURAL RESOURCES 163119

| | Appropriations | |
|---------------------------------------|-------------------------|--------|
| C72514 Clean Ohio Local Grants | \$ 6,000,000 | 163120 |
| | <u>12,500,000</u> | |
| Total Department of Natural Resources | \$ 6,000,000 | 163121 |
| | <u>12,500,000</u> | |
| TOTAL Clean Ohio Trail Fund | \$ 6,000,000 | 163122 |
| | <u>12,500,000</u> | |

Section 610.17. That existing Section 205.80 of Sub. H.B. 482 163124

of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of 163125
the 129th General Assembly, is hereby repealed. 163126

Section 610.20. That Section 4 of Sub. S.B. 171 of the 129th 163127
General Assembly, as amended by Am. Sub. H.B. 487 of the 129th 163128
General Assembly, be amended to read as follows: 163129

Sec. 4. The following agencies are retained under division 163130
(D) of section 101.83 of the Revised Code and expire on December 163131
31, 2016: 163132

| AGENCY NAME | REVISED CODE OR
UNCODIFIED
SECTION | |
|--|--|--------|
| Academic Distress Commission | 3302.10 | 163134 |
| Advisory Board of Governor's Office of
Faith-Based and Community Initiatives | 107.12 | 163135 |
| Advisory Board to Assist and Advise in the
Operation of the Ohio Center for Autism and Low
Incidence | 3323.33, 3323.34 | 163136 |
| Advisory Council on Amusement Ride Safety | 1711.51, 1711.52 | 163137 |
| Advisory Council of Directors for Prison Labor | 5145.162 | 163138 |
| <u>Office of Enterprise Development Advisory Board</u> | | |
| Advisory Council for Wild, Scenic, or
Recreational River Area(s) | 1547.84 | 163139 |
| Advisory Committee on Livestock Exhibitions | 901.71 | 163140 |
| Agricultural Commodity Marketing Programs
Operating Committees | 924.07 | 163141 |
| Agricultural Commodity Marketing Programs
Coordinating Committee | 924.14 | 163142 |
| Alternative Energy Advisory Committee | 4928.64(D) | 163143 |
| AMBER Alert Advisory Committee | 5502.521 | 163144 |
| Apprenticeship Council | Chapter 4139. | 163145 |

| | | |
|---|--|--------|
| Armory Board of Control | 5911.09, 5911.12 | 163146 |
| Automated Title Processing Board | 4505.09(C)(1) | 163147 |
| Backflow Advisory Board | 3703.21 | 163148 |
| Banking Commission | 1123.01 | 163149 |
| Board of Directors of the Great Lakes Protection Fund | 1506.22
(6161.04) | 163150 |
| Board of Directors of the Medical Liability Underwriting Association Stabilization Fund | 3929.631 | 163151 |
| Board of Directors of the Ohio Appalachian Center for Higher Education | 3333.58 | 163152 |
| Board of Directors of the Ohio Health Reinsurance Program | 3924.08 -
3924.11 | 163153 |
| Board of Governors of the Commercial Insurance Joint Underwriting Association | 3930.03 | 163154 |
| Board of Governors of the Medical Liability Underwriting Association | 3929.64 | 163155 |
| Board of Voting Machines Examiners | 3506.05 | 163156 |
| Budget Planning and Management Commission | Section 509.10,
H.B. 1, 128th
G.A. | 163157 |
| Brain Injury Advisory Committee | 3304.231 | 163158 |
| Bureau of Workers' Compensation Board of Directors | 4121.12 | 163159 |
| Capitol Square Review and Advisory Board | 105.41 | 163160 |
| Child Care Advisory Council | 5104.08 | 163161 |
| Child Support Guideline Advisory Council | 3119.024 | 163162 |
| Children's Trust Fund Board | 3109.15 -
3109.17 | 163163 |
| Citizen's Advisory Council | 5123.092,
5123.093 | 163164 |
| Clean Ohio Trail Advisory Board | 1519.06 | 163165 |
| Coastal Resources Advisory Council | 1506.12 | 163166 |
| Commission on African-American Males | 4112.12, 4112.13 | 163167 |

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|--|---|--------|
| Commission on Hispanic-Latino Affairs | 121.31 | 163168 |
| Commission on Minority Health | 3701.78 | 163169 |
| Committee on Prescriptive Governance | 4723.49 -
4723.492 | 163170 |
| Commodity Advisory Commission | 926.32 | 163171 |
| Consumer Advisory Committee to the Opportunities
for Ohioans with Disabilities Commission | 3304.16
(3304.14),
Section 803.40 | 163172 |
| Continuing Education Committee | 109.80(B) | 163173 |
| Council on Alcohol and Drug Addiction Services | 3793.09 | 163174 |
| Council on Unreclaimed Strip Mined Lands | 1513.29 | 163175 |
| County Sheriff's Standard Car Marking and Uniform
Commission | 311.25 - 311.27 | 163176 |
| Credential Review Board | 3319.65 | 163177 |
| Credit Union Council | 1733.329 | 163178 |
| Criminal Sentencing Advisory Committee | 181.22 | 163179 |
| Data Collection and Analysis Group | 3727.32 | 163180 |
| Dentist Loan Repayment Advisory Board | 3702.92 | 163181 |
| Department Advisory Council(s) | 107.18, 121.13 | 163182 |
| Development Financing Advisory Council | 122.40, 122.41 | 163183 |
| Early Childhood Advisory Council | 3301.90 | 163184 |
| Education Commission of the States (Interstate
Compact for Education) | 3301.48, 3301.49 | 163185 |
| Education Management Information System Advisory
Board | 3301.0713 | 163186 |
| Educator Standards Board | 3319.60 | 163187 |
| Electrical Safety Inspector Advisory Committee | 3783.08 | 163188 |
| Emergency Response Commission | 3750.02 | 163189 |
| Engineering Experiment Station Advisory Committee | 3335.27 | 163190 |
| Environmental Education Council | 3745.21 | 163191 |
| Environmental Protection Agency Advisory Board(s) | 121.13, 3704.03,
3745.01 | 163192 |
| eTech Ohio <u>Broadcast Educational Media</u> Commission | 3353.02 - | 163193 |

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|--|---|--------|
| | 3353.04 | |
| Ex-Offender Reentry Coalition | 5120.07 | 163194 |
| Farmland Preservation Advisory Board | 901.23 | 163195 |
| Financial Planning and Supervision Commission(s)
for Municipal Corporation, County, or Township | 118.05 | 163196 |
| Financial Planning and Supervision Commission for
a school district | 3316.05 | 163197 |
| Forestry Advisory Council | 1503.40 | 163198 |
| Governance Authority for a State University or
College | 3345.75 | 163199 |
| Governor's Council on People with Disabilities | 3303.41 | 163200 |
| Governor's Policy Information Working Group | Section 313,
H.B. 420, 127th
G.A. | 163201 |
| Governor's Residence Advisory Commission | 107.40 | 163202 |
| Grain Marketing Program Operating Committee | 924.20 - 924.30 | 163203 |
| Great Lakes Commission (Great Lakes Basin
Compact) | 6161.01 | 163204 |
| Gubernatorial Transition Committee | 107.29, 126.26 | 163205 |
| Help Me Grow Advisory Council | 3701.611 | 163206 |
| Hemophilia Advisory Subcommittee of the Medically
Handicapped Children's Medical Advisory Council | 3701.0210 | 163207 |
| Homeland Security Advisory Council | 5502.011(E) | 163208 |
| Hospital Measures Advisory Council | 3727.31 | 163209 |
| Housing Trust Fund Advisory Committee | 174.06 | 163210 |
| Industrial Commission Nominating Council | 4121.04 | 163211 |
| Industrial Technology and Enterprise Advisory
Council | 122.29, 122.30 | 163212 |
| Infant Hearing Screening Subcommittee | 3701.507 | 163213 |
| Infection Control Group | 3727.312(D) | 163214 |
| Insurance Agent Education Advisory Council | 3905.483 | 163215 |
| Interstate Rail Passenger Advisory Council | 4981.35 | 163216 |
| Joint Select Committee on Volume Cap | 133.021 | 163217 |

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|---|---|--------|
| Labor-Management Government Advisory Council | 4121.70 | 163218 |
| Legislative Programming Committee of the Ohio Government Telecommunications Service | 3353.07 | 163219 |
| Legislative Task Force on Redistricting, Reapportionment, and Demographic Research | 103.51 | 163220 |
| Maternity and Newborn Advisory Council | 3711.20, 3711.21 | 163221 |
| Medically Handicapped Children's Medical Advisory Council | 3701.025 | 163222 |
| Midwest Interstate Passenger Rail Compact Commission | 4981.361 | 163223 |
| Milk Sanitation Board | 917.03 - 917.032 | 163224 |
| Mine Subsidence Insurance Governing Board | 3929.51 | 163225 |
| Minority Development Financing Advisory Board | 122.72, 122.73 | 163226 |
| Multi-Agency Radio Communications System (MARCS) Steering Committee | Section 15.02,
H.B. 640, 123rd
G.A. | 163227 |
| National Museum of Afro-American History and Culture Planning Committee | 149.303 | 163228 |
| New African Immigrants Commission | 4112.31, 4112.32 | 163229 |
| Ohio Accountability Task Force | 3302.021(E) | 163230 |
| Ohio Advisory Council for the Aging | 173.03 | 163231 |
| Ohio Agriculture License Plate Scholarship Fund Board | 901.90 | 163232 |
| Ohio Arts Council | Chapter 3379. | 163233 |
| Ohio Business Gateway Steering Committee | 5703.57 | 163234 |
| Ohio Cemetery Dispute Resolution Commission | 4767.05, 4767.06 | 163235 |
| Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils | 4112.04(B)(4) | 163236 |
| Ohio Commercial Market Assistance Plan Executive Committee | 3930.02 | 163237 |
| Ohio Commission on Dispute Resolution and Conflict Management | 179.02 - 179.04 | 163238 |
| Ohio Commission on Fatherhood | 5101.34 | 163239 |

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|---|--|--------|
| Ohio Community Service Council | 121.40 - 121.404 | 163240 |
| Ohio Council for Interstate Adult Offender
Supervision | 5149.22 | 163241 |
| Ohio Cultural Facilities Commission | Chapter 3383. | 163242 |
| Ohio Cystic Fibrosis Legislative Task Force | 101.38 | 163243 |
| Ohio Developmental Disabilities Council | 5123.35 | 163244 |
| Ohio Expositions Commission | 991.02 | 163245 |
| Ohio Family and Children First Cabinet Council | 121.37 | 163246 |
| Ohio Geographically Referenced Information
Program Council | 125.901, 125.902 | 163247 |
| Ohio Geology Advisory Council | 1501.11 | 163248 |
| Ohio Grape Industries Committee | 924.51 - 924.55 | 163249 |
| Ohio Historic Site Preservation Advisory Board | 149.301 | 163250 |
| Ohio Historical Society Board of Trustees | 149.30 | 163251 |
| Ohio Judicial Conference | 105.91 - 105.97 | 163252 |
| Ohio Lake Erie Commission | 1506.21 | 163253 |
| Ohio Legislative Commission on the Education and
Preservation of State History | Section 701.05,
H.B. 1, 128th
G.A. | 163254 |
| Ohio Medical Quality Foundation | 3701.89 | 163255 |
| Ohio Parks and Recreation Council | 1541.40 | 163256 |
| Ohio Peace Officer Training Commission | 109.71, 109.72 | 163257 |
| Ohio Private Investigation and Security Services
Commission | 4749.021,
4743.01 | 163258 |
| Ohio Public Defender Commission | 120.01 - 120.03 | 163259 |
| Ohio Public Library Information Network Board of
Trustees | 3375.65, 3375.66 | 163260 |
| Ohio Quarter Horse Development Commission | 3769.086 | 163261 |
| Ohio Small Government Capital Improvements
Commission | 164.02(C)(D) | 163262 |
| Ohio Soil and Water Conservation Commission | 1515.02 | 163263 |
| Ohio Standardbred Development Commission | 3769.085 | 163264 |
| Ohio Subrogation Rights Commission | 2323.44 | 163265 |

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|--|---|--------|
| Ohio Thoroughbred Racing Advisory Committee | 3769.084 | 163266 |
| Ohio Transportation Finance Commission | 5531.12(B) to
(D) | 163267 |
| Ohio Tuition Trust Authority | 3334.03, 3334.08 | 163268 |
| Ohio University College of Osteopathic Medicine
Advisory Committee | 3337.10, 3337.11 | 163269 |
| Ohio Vendors Representative Committee | 3304.34, 20 USC
107 | 163270 |
| Ohio War Orphans Scholarship Board | 5910.02 -
5910.06 | 163271 |
| Ohio Water Advisory Council | 1521.031 | 163272 |
| Ohio Water Resources Council Advisory Group | 1521.19 | 163273 |
| Ohio Water Resources Council | 1521.19 | 163274 |
| Oil and Gas Commission | 1509.35 | 163275 |
| Operating Committee of the Oil and Gas Marketing
Program | 1510.06, 1510.11 | 163276 |
| Organized Crime Investigations Commission | 177.01 | 163277 |
| Pharmacy and Therapeutics Committee of the
Department of Job and Family Services <u>Medicaid</u> | 5111.084
<u>5164.7510</u> | 163278 |
| Physician Assistant Policy Committee of the State
Medical Board | 4730.05, 4730.06 | 163279 |
| Physician Loan Repayment Advisory Board | 3702.81 | 163280 |
| Power Siting Board | 4906.02 | 163281 |
| Prequalification Review Board | 5525.07 | 163282 |
| Private Water Systems Advisory Council | 3701.346 | 163283 |
| Public Utilities Commission Nominating Council | 4901.021 | 163284 |
| Public Utility Property Tax Study Committee | 5727.85(K) | 163285 |
| Radiation Advisory Council | 3748.20 | 163286 |
| Reclamation Commission | 1513.05 | 163287 |
| Reclamation Forfeiture Fund Advisory Board | 1513.182 | 163288 |
| Recreation and Resources Commission | 1501.04 | 163289 |
| Recycling and Litter Prevention Advisory Council | 1502.04 | 163290 |
| School and Ministerial Lands Divestiture | 501.041 | 163291 |

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|--|---|--------|
| Committee | | |
| Savings and Loan Associations and Savings Banks Board | 1181.16 | 163292 |
| Second Chance Trust Fund Advisory Committee | 2108.35 | 163293 |
| Service Coordination Workgroup | Section 751.20,
H.B. 1, 128th
G.A. | 163294 |
| Ski Tramway Board | 4169.02 | 163295 |
| Small Business Stationary Source Technical and Environmental Compliance Assistance Council | 3704.19 | 163296 |
| Solid Waste Management Advisory Council | 3734.51 | 163297 |
| Special Commission to Consider the Suspension of Local Government Officials | 3.16 | 163298 |
| Speed to Scale Task Force | Section
375.60.80, H.B.
119, 128th G.A. | 163299 |
| State Agency Coordinating Group | 1521.19 | 163300 |
| State Audit Committee | 126.46 | 163301 |
| State Council of Uniform State Laws | 105.21 - 105.27 | 163302 |
| State Criminal Sentencing Commission | 181.22 - 181.26 | 163303 |
| State Fire Council | 3737.81 | 163304 |
| State Library Board | 3375.01 | 163305 |
| State Victims Assistance Advisory Council | 109.91(B) and
(C) | 163306 |
| Statewide Consortium of County Law Library Resource Boards | 3375.481 | 163307 |
| STEM Committee | 3326.02 | 163308 |
| Student Tuition Recovery Authority | 3332.081 | 163309 |
| Sunset Review Committee | 101.84 - 101.87 | 163310 |
| Tax Credit Authority | 122.17(M) | 163311 |
| Technical Advisory Committee to Assist Director of the Ohio Coal Development Office | 1551.35 | 163312 |
| Technical Advisory Council on Oil and Gas | 1509.38 | 163313 |

| | | |
|--|-----------------|--------|
| Transportation Review Advisory Council | 5512.07 - | 163314 |
| | 5512.09 | |
| Unemployment Compensation Advisory Council | 4141.08 | 163315 |
| Unemployment Compensation Review Commission | 4141.06 | 163316 |
| Veterans Advisory Committee | 5902.02(K) | 163317 |
| Volunteer Fire Fighters' Dependents Fund Boards
(private volunteer) | 146.02 - 146.06 | 163318 |
| Volunteer Fire Fighters' Dependents Fund Boards
(public) | 146.02 - 146.06 | 163319 |
| Water and Sewer Commission | 1525.11(C) | 163320 |
| Waterways Safety Council | 1547.73 | 163321 |
| Wildlife Council | 1531.03 - | 163322 |
| | 1531.05 | |
| Workers' Compensation Board of Directors | 4121.123 | 163323 |
| Nominating Committee | | |

Section 610.21. That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, is hereby repealed.

Section 620.10. That Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly be amended to read as follows:

Sec. 105.05. Section 121.53 of the Revised Code is hereby repealed, effective ~~September~~ June 30, 2013 2014.

Section 620.11. That existing Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly is hereby repealed.

Section 630.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 7026) that are not otherwise appropriated for the biennium ending June 30, 2014:

| | | Appropriations | |
|--------|-----------------------------------|----------------|--------|
| | DEV DEVELOPMENT SERVICES AGENCY | | 163337 |
| C19506 | Children's Home | \$ 100,000 | 163338 |
| | Total Development Services Agency | \$ 100,000 | 163339 |

CHILDREN'S HOME 163340

The foregoing appropriation item C19506, Children's Home, 163341
shall be used for the Children's Home of Cincinnati. 163342

Section 630.10.10. All items set forth in this section are 163343
hereby appropriated out of any moneys in the state treasury to the 163344
credit of the Parks and Recreation Improvement Fund (Fund 7035) 163345
that are not otherwise appropriated for the biennium ending June 163346
30, 2014: 163347

| | | Appropriations | |
|--------|---------------------------------------|----------------|--------|
| | DNR DEPARTMENT OF NATURAL RESOURCES | | 163348 |
| C725S6 | Cleveland Zoological Society | \$ 150,000 | 163349 |
| | TOTAL Department of Natural Resources | \$ 150,000 | 163350 |

CLEVELAND ZOOLOGICAL SOCIETY 163351

Of the foregoing appropriation item C725S6, Cleveland 163352
Zoological Society, shall be used for the Cleveland Zoological 163353
Society. 163354

Section 630.11. That Sections 203.30.40, 203.30.70, 163355
203.30.80, 203.90.10, 203.90.20, 205.10.20, 205.30.90, 205.50.70, 163356
and 207.10.10 of Sub. S.B. 312 of the 129th General Assembly be 163357
amended to read as follows: 163358

| | | Reappropriations | |
|--------|---|------------------|--------|
| | Sec. 203.30.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD | | 163359 |
| C87405 | Capitol Rotunda Renovations | \$ 37,363 | 163360 |
| C87406 | Statehouse Grounds Repair/Improvements | \$ 34,663 | 163361 |
| C87407 | Sound System Upgrades | \$ 30,654 | 163362 |

| | | | | |
|--|--|----|---------|--------|
| C87409 | Cupola Gutters and Ancillary Roof | \$ | 5,577 | 163363 |
| C87411 | ADA Specific Sidewalk Ramp Replacement | \$ | 7,564 | 163364 |
| C87412 | Capitol Square Security | \$ | 121,316 | 163365 |
| C87413 | CSRAB Visitors' Center | \$ | 48,576 | 163366 |
| Total Capitol Square Review and Advisory Board | | \$ | 285,713 | 163367 |

On July 1, 2013, or as soon as possible thereafter, the 163368
Director of Budget and Management shall transfer any unexpended 163369
appropriations in appropriation item C87405, Capitol Rotunda 163370
Renovations, and appropriation item C87413, CSRAB Visitors' 163371
Center, to appropriation item C87412, Capitol Square Security. The 163372
appropriations transferred under this section are hereby 163373
appropriated. 163374

Reappropriations

Sec. 203.30.70. OSB SCHOOL FOR THE BLIND 163375

| | | | | |
|---------------------------------|-----------------------------------|----|----------------------|--------|
| C22607 | Renovation of Science Laboratory | \$ | 26,473 | 163376 |
| | Greenhouse | | | |
| C22614 | New School Lighting | \$ | 32,775 | 163377 |
| C22616 | Renovation and Repairs | \$ | 779,478 | 163378 |
| C22617 | Elevator Replacement | \$ | 104,500 | 163379 |
| C22619 | Public Address System Replacement | \$ | 73,150 | 163380 |
| C22622 | Track Shelter | \$ | 42,750 | 163381 |
| C22624 | Natatorium Renovations | \$ | 2,483 | 163382 |
| C22700 | Infrastructure Improvements | \$ | 1,640,652 | 163383 |
| | | | <u>1,657,435</u> | |
| Total Ohio School for the Blind | | \$ | 2,702,261 | 163384 |
| | | | <u>2,719,044</u> | |

PUBLIC ADDRESS SYSTEM REPLACEMENT 163385

The amount reappropriated for the foregoing appropriation 163386
item C22619, Public Address System Replacement, is the 163387
unencumbered and unallotted balance as of June 30, 2012, in 163388
appropriation item C22619, Public Address System Replacement, 163389

| | | |
|--|--|--------|
| minus \$77,000. | | 163390 |
| TRACK SHELTER | | 163391 |
| The amount reappropriated for the foregoing appropriation | | 163392 |
| item C22622, Track Shelter, is the unencumbered and unallotted | | 163393 |
| balance as of June 30, 2012, in appropriation item C22622, Track | | 163394 |
| Shelter, plus \$77,000. | | 163395 |
| <u>INFRASTRUCTURE IMPROVEMENTS</u> | | 163396 |
| <u>The amount reappropriated for the foregoing appropriation</u> | | 163397 |
| <u>item C22700, Infrastructure Improvements, is the unencumbered and</u> | | 163398 |
| <u>unallotted balance as of June 30, 2013, in appropriation item</u> | | 163399 |
| <u>C22700, Infrastructure Improvements, plus \$16,783.</u> | | 163400 |

Reappropriations

| | | | |
|--|----|-----------------------|--------|
| Sec. 203.30.80. OSD SCHOOL FOR THE DEAF | | | 163401 |
| C22104 Boilers, Blowers, and Controls for the | \$ | 44,992 | 163402 |
| School Complex | | | |
| C22107 Renovation and Repairs | \$ | 950,000 | 163403 |
| C22108 High School Window Replacement | \$ | 20,041 | 163404 |
| C22109 High School HVAC | \$ | 19,182 | 163405 |
| C22111 Staff Building Windows and Repair | \$ | 15,983 | 163406 |
| C22112 Alumni Park Preservation | \$ | 59,375 | 163407 |
| C22800 Infrastructure Improvements | \$ | 905,833 | 163408 |
| | | <u>922,616</u> | |
| Total Ohio School for the Deaf | \$ | 2,015,406 | 163409 |
| | | <u>2,032,189</u> | |
| TOTAL Administrative Building Fund | \$ | 29,689,586 | 163410 |
| | | <u>29,723,152</u> | |

Reappropriations

| | | | |
|--|----|--------------------|--------|
| Sec. 203.90.10. DMH DEPARTMENT OF MENTAL HEALTH | | | 163412 |
| C58000 Hazardous Materials Abatement | \$ | 118,750 | 163413 |
| C58001 Community Assistance Projects | \$ | 332,500 | 163414 |

| | | | | |
|-----------------------------------|--|----|-------------------|--------|
| | | | <u>232,500</u> | |
| C58002 | Campus Consolidation - Automation | \$ | 95,000 | 163415 |
| C58004 | Demolition | \$ | 142,500 | 163416 |
| C58005 | Life Safety/Critical Plant Renovations | \$ | 23,750 | 163417 |
| C58006 | Patient Care/Environment Improvement | \$ | 285,000 | 163418 |
| C58007 | Infrastructure Renovations | \$ | 475,000 | 163419 |
| C58008 | Emergency Improvements | \$ | 285,000 | 163420 |
| C58009 | Patient Environment Improvement
Consolidation | \$ | 1,000 | 163421 |
| C58010 | Campus Consolidation | \$ | 23,750,000 | 163422 |
| C58020 | Mandel Jewish Community Center | \$ | 199,500 | 163423 |
| Total Department of Mental Health | | \$ | <u>25,708,000</u> | 163424 |
| | | | <u>25,608,000</u> | |

COMMUNITY ASSISTANCE PROJECTS 163425

Of the foregoing appropriation item C58001, Community Assistance Projects, ~~\$100,000 shall be used for the Children's Home of Cincinnati,~~ \$100,000 shall be used for the Shaw JCC, and \$300,000 shall be used for the Berea Children's Home. 163426
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163428
163429

The amount reappropriated for the foregoing appropriation item C58001, Community Assistance Projects, is the unencumbered unallotted balance, as of June 30, 2012, in appropriation item C58001, Community Assistance Projects, plus \$1,096,159.42. Prior to the expenditure of this reappropriation, the Director of Mental Health shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least \$1,096,159.42. 163430
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INFRASTRUCTURE RENOVATIONS 163437

The amount reappropriated for the foregoing appropriation item C58007, Infrastructure Renovations, is the unencumbered and unallotted balance as of June 30, 2012, in appropriation item C58007, Infrastructure Renovations, plus \$2,995,450.24. Prior to the expenditure of this reappropriation, the Director of Mental Health shall certify to the Director of Budget and Management 163438
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163443

canceled encumbrances in the amount of at least \$2,995,450.24. 163444

Reappropriations

| | | | |
|---|---------------------------------|--------------------------|--------|
| Sec. 203.90.20. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES | | | 163445 |
| C59004 | Community Assistance Projects | \$ 13,913,599 | 163446 |
| C59029 | Emergency Generator Replacement | \$ 460,362 | 163447 |
| C59034 | Statewide Developmental Centers | \$ 1,407,067 | 163448 |
| C59050 | Emergency Improvements | \$ 484,984 | 163449 |
| C59051 | Energy Conservation | \$ 430,500 | 163450 |
| C59055 | Camp McKinley Improvements | \$ 30,000 | 163451 |
| C59056 | The Hope Learning Center | \$ 250,000 | 163452 |
| TOTAL Department of Developmental Disabilities | | \$ 16,976,512 | 163453 |
| TOTAL Mental Health Facilities Improvement Fund | | \$ 42,684,512 | 163454 |
| | | <u>42,584,512</u> | |

COMMUNITY ASSISTANCE PROJECTS 163455

The foregoing appropriation item C59004, Community Assistance Projects, may be used to provide community assistance funds for the construction or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Developmental Disabilities or county boards of developmental disabilities. 163456
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The amount reappropriated for the foregoing appropriation item C59004, Community Assistance Projects, is the unencumbered, unallotted balance as of June 30, 2012, in appropriation item C59004, Community Assistance Projects, plus \$8,326,255. Prior to the expenditure of this reappropriation, the Director of Developmental Disabilities shall certify to the Director of Budget and Management canceled encumbrances in the Mental Health Facilities Improvement Fund (Fund 7033) in the amount of at least \$8,326,255. 163462
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STATEWIDE DEVELOPMENTAL CENTERS 163471

The amount reappropriated for the foregoing appropriation 163472
item C59034, Statewide Developmental Centers, is the unencumbered, 163473
unallotted balance as of June 30, 2012, in appropriation item 163474
C59034, Statewide Developmental Centers, plus \$167,912. Prior to 163475
the expenditure of this reappropriation, the Director of 163476
Developmental Disabilities shall certify to the Director of Budget 163477
and Management canceled encumbrances in the Mental Health 163478
Facilities Improvement Fund (Fund 7033) in the amount of at least 163479
\$167,912. 163480

Reappropriations

Sec. 205.10.20. BOR BOARD OF REGENTS 163481

| | | | | |
|------------------------|---|----|------------|----------------------|
| C23506 | Third Frontier Project | \$ | 15,689,958 | 163482 |
| C23519 | 315 Research and Technology Corridor | \$ | 2,090,000 | 163483 |
| C23525 | CWRU Mt. Sinai Skills and Simulation
Center | \$ | 500,000 | 163484 |
| C23528 | Clintonville Fiber Project | \$ | 100,000 | 163485 |
| C23529 | Non-credit Job Training Facilities | \$ | 2,011,227 | 163486 |
| C23535 | CWRU Energy Center <u>Cleveland Center for</u>
<u>Membrane and Structural Biology</u> | \$ | 333,333 | 163487 |
| Total Board of Regents | | | | \$ 20,724,518 163488 |

SUPPLEMENTAL RENOVATIONS LIBRARY DEPOSITORIES 163489

The amount reappropriated for appropriation item C23524, 163490
Supplemental Renovations Library Depositories, is the unencumbered 163491
and unallotted balance in appropriation item C23524, Supplemental 163492
Renovations Library Depositories, minus \$95,695. 163493

NON-CREDIT JOB TRAINING FACILITIES 163494

The amount reappropriated for the foregoing appropriation 163495
item C23529, Non-credit Job Training Facilities, is the 163496
unencumbered and unallotted balance in appropriation item C23529, 163497
Non-credit Job Training Facilities, as of June 30, 2012, plus 163498
\$866,811. 163499

Reappropriations

| | | | |
|---|--|-------------------------|--------|
| Sec. 205.30.90. CCC CUYAHOGA COMMUNITY COLLEGE | | | 163500 |
| C37800 | Basic Renovations | \$ 617,662 | 163501 |
| C37803 | Technology Learning Center - Western | \$ 40,941 | 163502 |
| C37812 | Building A Expansion Module - Western | \$ 118,115 | 163503 |
| C37816 | College-Wide Wayfinding Signage System | \$ 118,825 | 163504 |
| C37817 | College-Wide Asset Protection & Building | \$ 599,645 | 163505 |
| C37818 | Healthcare Technology Building - Eastern | \$ 1,343,897 | 163506 |
| C37821 | Hospitality Management Program | \$ 37,203 | 163507 |
| C37822 | Theater Renovations | \$ 948,231 | 163508 |
| C37824 | Rock and Roll Hall of Fame Archive | \$ 3,000 | 163509 |
| C37826 | CW Roof Replacement | \$ 181,197 | 163510 |
| C37831 | Visiting Nurse Association | \$ 142,500 | 163511 |
| C37833 | Cleveland Zoological Society | \$ 142,500 | 163512 |
| C37834 | Museum of Contemporary Art Cleveland | \$ 427,500 | 163513 |
| C37835 | Western Reserve Historical Society | \$ 2,660,000 | 163514 |
| Total Cuyahoga Community College | | \$ 7,381,216 | 163515 |
| | | <u>7,238,716</u> | |

BASIC RENOVATIONS 163516

The amount reappropriated for the foregoing appropriation 163517
 item C37800, Basic Renovations, is the unencumbered and unallotted 163518
 balance as of June 30, 2012, in appropriation item C37800, Basic 163519
 Renovations, plus \$1,033,551. 163520

NON-CREDIT JOB TRAINING 163521

The amount reappropriated for appropriation item C37805, 163522
 Non-credit Job Training, is the unencumbered and unallotted 163523
 balance in appropriation item C37805, Non-credit Job Training, as 163524
 of June 30, 2012, minus \$38,676. 163525

BUILDING A EXPANSION MODULE - WESTERN 163526

The amount reappropriated for the foregoing appropriation 163527

item C37812, Building A Expansion Module - Western, is the 163528
unencumbered and unallotted balance as of June 30, 2012, in 163529
appropriation item C37812, Building A Expansion Module - Western, 163530
minus \$82,761. 163531

THEATER RENOVATIONS 163532

The amount reappropriated for the foregoing appropriation 163533
item C37822, Theater Renovations, is the unencumbered and 163534
unallotted balance as of June 30, 2012, in appropriation item 163535
C37822, Theater Renovations, minus \$950,790. 163536

CCC AUTO LAB IMPROVEMENTS 163537

The amount reappropriated for appropriation item C37830, CCC 163538
Auto Lab Improvements, is the unencumbered and unallotted balance 163539
in appropriation item C37830, CCC Auto Lab Improvements, as of 163540
June 30, 2012, minus \$239. 163541

Reappropriations

| | | | |
|---|----|--|--------|
| Sec. 205.50.70. STC STARK TECHNICAL COLLEGE | | | 163542 |
| C38900 Basic Renovations | \$ | 4,775 | 163543 |
| C38917 Wind Energy Research and Development
Center | \$ | 1,166,996 | 163544 |
| Total Stark Technical College | \$ | 1,171,771 | 163545 |
| TOTAL Higher Education Improvement Fund | \$ | 226,722,333
<u>226,579,833</u> | 163546 |

Sec. 207.10.10. LOCAL PARKS PROJECTS 163548

Of the foregoing appropriation item C725E2, Local Parks 163549
Projects, \$50,000 plus an amount equal to two per cent of the 163550
projects listed may be used by the Ohio Department of Natural 163551
Resources for the administration of local projects; \$1,586,570 163552
shall be used for Grand Lake St. Mary's Improvements; \$400,000 163553
shall be used for the Austin Pike Project - Land Acquisition; 163554
\$191,000 shall be used for Deerfield Township Simpson Creek 163555

Erosion Mitigation and Bank Control; \$121,700 shall be used for 163556
the Salt Fork State Park Concession Stand; \$100,000 shall be used 163557
for the Crown Point Conservation Easement; \$100,000 shall be used 163558
for the Euclid Beach Pier; \$100,000 shall be used for the Liberty 163559
Park Expansion - Twinsburg; \$100,000 shall be used for the Lucas 163560
County Marina; \$100,000 shall be used for the Midtown Cleveland 163561
Mountain Bike Park; \$100,000 shall be used for the Mudbrook Trail 163562
and Greenway Project; \$69,000 shall be used for Miami and Erie 163563
Canal Repairs in Spencerville; \$60,000 shall be used for the 163564
Marseilles Reservoir Bulkhead Project; \$50,000 shall be used for 163565
Dillon State Park Upgrades; \$25,000 shall be used for the 163566
Marblehead Lighthouse State Park Life Boat Station; \$24,165 shall 163567
be used for Tar Hollow State Park Improvements; \$20,200 shall be 163568
used for Van Buren State Park Campground Electric and Restroom 163569
Facility Improvements; and \$10,000 shall be used for Village of 163570
Albany Bike Paths. 163571

FINDLEY STATE PARK 163572

The amount reappropriated for the foregoing appropriation 163573
item C72511, Findley State Park, is the unencumbered and 163574
unallotted balance as of June 30, 2012, in appropriation item 163575
C72511, Findley State Park, minus \$22,856. 163576

LAKE HOPE STATE PARK 163577

The amount reappropriated for the foregoing appropriation 163578
item C72522, Lake Hope State Park, is the unencumbered and 163579
unallotted balance as of June 30, 2012, in appropriation item 163580
C72522, Lake Hope State Park, minus \$7,276. 163581

HOCKING HILLS STATE PARK 163582

The amount reappropriated for the foregoing appropriation 163583
item C72559, Hocking Hills State Park, is the unencumbered and 163584
unallotted balance as of June 30, 2012, in appropriation item 163585
C72559, Hocking Hills State Park, minus \$3,025. 163586

| | |
|--|--------|
| PORTAGE LAKES STATE PARK | 163587 |
| The amount reappropriated for the foregoing appropriation | 163588 |
| item C72576, Portage Lakes State Park, is the unencumbered and | 163589 |
| unallotted balance as of June 30, 2012, in appropriation item | 163590 |
| C72576, Portage Lakes State Park, minus \$2,040. | 163591 |
| DEER CREEK STATE PARK | 163592 |
| The amount reappropriated for the foregoing appropriation | 163593 |
| item C72594, Deer Creek State Park, is the unencumbered and | 163594 |
| unallotted balance as of June 30, 2012, in appropriation item | 163595 |
| C72594, Deer Creek State Park, minus \$19,392. | 163596 |
| RIVERFRONT IMPROVEMENTS | 163597 |
| The amount reappropriated for the foregoing appropriation | 163598 |
| item C725D0, Riverfront Improvements, is the unencumbered and | 163599 |
| unallotted balance as of June 30, 2012, in appropriation item | 163600 |
| C725D0, Riverfront Improvements, minus \$5,000. | 163601 |
| MOHICAN STATE PARK | 163602 |
| The amount reappropriated for the foregoing appropriation | 163603 |
| item C725M9, Mohican State Park, is the unencumbered and | 163604 |
| unallotted balance as of June 30, 2012, in appropriation item | 163605 |
| C725M9, Mohican State Park, minus \$72,469. | 163606 |
| WASTEWATER AND WATER SYSTEMS UPGRADE | 163607 |
| The amount reappropriated for the foregoing appropriation | 163608 |
| item C725N6, Wastewater and Water Systems Upgrade, is the | 163609 |
| unencumbered and unallotted balance as of June 30, 2012, in | 163610 |
| appropriation item C725N6, Wastewater and Water Systems Upgrade, | 163611 |
| plus \$162,050. | 163612 |
| SOUTH BASS ISLAND STATE PARK | 163613 |
| The amount reappropriated for the foregoing appropriation | 163614 |
| item C725R0, South Bass Island State Park, is the unencumbered and | 163615 |
| unallotted balance as of June 30, 2012, in appropriation item | 163616 |

| | |
|--|--------|
| C725R0, South Bass Island State Park, minus \$29,992. | 163617 |
| <u>KAMP DOVETAIL PROJECT</u> | 163618 |
| <u>The amount reappropriated for the foregoing appropriation</u> | 163619 |
| <u>item C725S5, Kamp Dovetail Project, used by the Department of</u> | 163620 |
| <u>Natural Resources, is the unencumbered and unallotted balance</u> | 163621 |
| <u>remaining as of June 30, 2013, in appropriation item C59020, Kamp</u> | 163622 |
| <u>Dovetail Project, used by the Department of Developmental</u> | 163623 |
| <u>Disabilities.</u> | 163624 |
| FEDERAL REIMBURSEMENT | 163625 |
| All reimbursements received from the federal government for | 163626 |
| any expenditures made pursuant to sections of this act numbered | 163627 |
| with the prefix "207.10" shall be deposited in the state treasury | 163628 |
| to the credit of the Parks and Recreation Improvement Fund. | 163629 |
| Section 630.12. That existing Sections 203.30.40, 203.30.70, | 163630 |
| 203.30.80, 203.90.10, 203.90.20, 205.10.20, 205.30.90, 205.50.70, | 163631 |
| and 207.10.10 of Sub. S.B. 312 of the 129th General Assembly are | 163632 |
| hereby repealed. | 163633 |
| Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES | 163634 |
| As used in this section, "appointing authority" has the same | 163635 |
| meaning as in section 124.01 of the Revised Code, and "exempt | 163636 |
| employee" has the same meaning as in section 124.01 of the Revised | 163637 |
| Code. | 163638 |
| Notwithstanding section 124.181 of the Revised Code, in cases | 163639 |
| where no vacancy exists, an appointing authority may, with the | 163640 |
| written consent of an exempt employee, assign duties of a higher | 163641 |
| classification to that exempt employee for a period of time not to | 163642 |
| exceed two years, and that exempt employee shall receive | 163643 |
| compensation at a rate commensurate with the duties of the higher | 163644 |
| classification. | 163645 |

Section 701.30. As used in this section, "public record" has 163646
the meaning defined in section 149.43 of the Revised Code, and 163647
"public office" has the meaning defined in section 149.011 of the 163648
Revised Code. 163649

Not later than December 31, 2013, the Director of 163650
Administrative Services shall deliver a report to the Governor, 163651
the Speaker and Minority Leader of the House of Representatives, 163652
and the President and Minority Leader of the Senate that proposes 163653
uniform standards that should apply to a public office that 163654
chooses to post public records on an internet web site maintained 163655
by the public office. In developing the standards, the Director 163656
shall consider, at a minimum, the following factors: any 163657
recommended technology and/or software to use; the projected costs 163658
of implementing and maintaining such technology and software; and 163659
how a public office is to post a public record on its web site, or 163660
on a public web site maintained by the state, so that the public 163661
record, or the data contained in the public record, is capable of 163662
being searched and downloaded by the public in a uniform manner. 163663

Section 715.10. Two years after the amendments to section 163664
1501.011 of the Revised Code by this act take effect, the Ohio 163665
Facilities Construction Commission and the Department of Natural 163666
Resources shall review division (C) of that section. 163667

Section 733.10. Notwithstanding section 3317.01 of the 163668
Revised Code, as amended by this act, to determine whether a 163669
school district satisfied the minimum school year in the 2013-2014 163670
school year in order to qualify for state funding under Chapter 163671
3317. of the Revised Code for fiscal year 2015, the Department of 163672
Education shall apply the criteria prescribed in the version of 163673
division (B) of section 3317.01 of the Revised Code in effect 163674
prior to July 1, 2014. 163675

Section 733.20. The General Assembly hereby declares its intent, in enacting section 3319.031 of the Revised Code, to supersede any effect of the decision of the Court of Appeals of the Eighth Appellate District in *OAPSE/AFSCME Local 4 v. Berdine*, 174 Ohio App.3d 46 (Cuyahoga County, 2007) to the extent the decision conflicts with the principle that boards of education may appoint a licensed business manager, but also may determine instead to assign the roles and functions of a business manager to one or more employees or officers of the board, including the treasurer, in the board's sole discretion.

Section 733.40. (A) The Superintendent of Public Instruction shall appoint three incorporators who are knowledgeable about the administration of public schools and about the operation of nonprofit corporations in Ohio.

(B) The incorporators shall do whatever is necessary and proper to set up a nonprofit corporation under Chapter 1702. of the Revised Code. The articles of incorporation, in addition to meeting the requirements of section 1702.04 of the Revised Code, shall set forth the following provisions:

(1) That the nonprofit corporation is to create and implement a pilot program that provides an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, that will enable these individuals to earn a degree in public school administration, that will enable these individuals to obtain licenses in public school administration, and that promotes the placement of these individuals in public schools that have a poverty percentage greater than fifty per cent.

(2) That the Board of Directors are to establish criteria for program costs, participant selection, and continued participation,

and metrics to document and measure pilot program activities. 163706

(3) That the name of the nonprofit corporation is "New Leaders for Ohio Schools." 163707
163708

(4) That the Board of Directors is to consist of the following nine directors: 163709
163710

(a) The Governor or the Governor's designee; 163711

(b) The Superintendent of Public Instruction, or the Superintendent's designee; 163712
163713

(c) The Chancellor of the Ohio Board of Regents, or the Chancellor's designee; 163714
163715

(d) Two individuals to represent major business enterprises in Ohio; 163716
163717

(e) Two individuals appointed by the Speaker of the House of Representatives, one of whom shall be an active duty or retired military officer; 163718
163719
163720

(f) Two individuals appointed by the President of the Senate, one of whom shall be a current or retired teacher or principal. 163721
163722

The Dean of The Ohio State University Fisher College of Business and the Dean of The Ohio State University College of Education and Human Ecology are to serve as ex-officio nonvoting members of the Board. 163723
163724
163725
163726

The individuals on the Board who represent major business enterprises in Ohio are to be appointed by a statewide organization selected by the Governor. The organization is to be nonpartisan and consist of chief executive officers of major corporations organized in Ohio. 163727
163728
163729
163730
163731

(5) That the Board is to elect a chairperson from among its members, and is to appoint a President of the corporation. 163732
163733

(6) That the President of the Corporation, subject to the 163734

approval of the Board, is to enter into a contract with The Ohio State University Fisher College of Business. Under the contract, the College is to provide oversight to the corporation, is to serve as fiscal agent for the corporation, and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties.

(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation.

(8) That the President is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources.

(9) That the corporation is to submit an annual report to the General Assembly and Governor beginning December 31, 2013.

(10) That state financial support for the corporation shall cease on the date that is five years after the effective date of this section.

Section 733.50. (A) The State Board of Education shall issue an alternative principal or administrator license in accordance with rules adopted under this section to an individual who successfully completes the New Leaders for Ohio Schools pilot program under Section 733.40 of this act.

(B) The State Board, in consultation with the Board of Directors of New Leaders for Ohio Schools, shall adopt rules that prescribe the requirements for an alternative principal or administrator license specifically for an individual who successfully completes the New Leaders for Ohio Schools pilot program. The State Board shall use the rules for alternative principal and administrator licenses previously adopted under section 3319.27 of the Revised Code as a guideline for development

of the rules adopted under this section. 163765

Section 737.20. TELEMEDICINE POLICY WORKGROUP 163766

The Executive Director of the Governor's Office of Health 163767
Transformation may convene a workgroup of state agency directors 163768
to study policy matters regarding the potential benefits of using 163769
telemedicine as a means of increasing the quality and availability 163770
of health care services within this state. If established, the 163771
workgroup shall include the Medicaid Director, Superintendent of 163772
Insurance, and any other state agency director the Executive 163773
Director considers appropriate. Additional individuals may be 163774
included at the discretion of the Executive Director. 163775

A study conducted by a workgroup established under this 163776
section shall focus on developing a comprehensive statewide policy 163777
that encourages the use of telemedicine as an integral component 163778
of the state's health care system. In doing so, the workgroup 163779
shall consider not only the practice of telemedicine and the 163780
technology used to provide telemedicine services, but also matters 163781
pertaining to the implementation of telemedicine systems and the 163782
reimbursement of health care professionals, health care 163783
facilities, and other providers of telemedicine services, 163784
including coverage provided by health care insurers and the 163785
Medicaid program. 163786

Section 747.10. (A) The Ohio Cemetery Law Task Force shall 163787
develop recommendations on modifications of the laws of this state 163788
relating to cemeteries. 163789

(B) The Ohio Cemetery Law Task Force is established. The Task 163790
Force shall consist of the following eleven members: a 163791
representative of local government, other than townships, 163792
appointed by the President of the Senate; a representative of the 163793
Ohio Township Association appointed by the President of the 163794

Senate; a representative of Native Americans appointed by the 163795
President of the Senate; a representative of private cemeteries 163796
appointed by the Speaker of the House of Representatives; a 163797
representative of the Ohio Historical Society appointed by the 163798
Speaker of the House of Representatives; a representative of 163799
archeologists appointed by the Speaker of the House of 163800
Representatives; a representative of the Ohio Genealogical Society 163801
appointed by the Governor; a representative of the Ohio Cemetery 163802
Dispute Resolution Commission appointed by the Governor; a 163803
representative of the Division of Real Estate and Professional 163804
Licensing in the Department of Commerce appointed by the Governor; 163805
a representative of the Department of Transportation appointed by 163806
the Governor; and a representative of the Department of Natural 163807
Resources appointed by the Governor. 163808

The initial appointments shall be made not later than thirty 163809
days after the effective date of this section. Vacancies shall be 163810
filled in the manner provided for original appointments. 163811

The Task Force shall elect two of its members to serve as 163812
co-chairpersons of the Task Force. 163813

The Task Force shall meet as often as necessary to carry out 163814
its duties and responsibilities. Members of the Task Force shall 163815
serve without compensation. 163816

(C) The Task Force shall issue a report of its 163817
recommendations to the President of the Senate, the Speaker of the 163818
House of Representatives, and the Governor not later than one year 163819
after the effective date of this section. The Task Force ceases to 163820
exist upon submitting its report. 163821

Section 747.20. The county recorder shall continue to keep 163822
six separate sets of records of all agreements for the 163823
registration of lands as archaeological or historic landmarks 163824
recorded before the effective date of this section. 163825

Section 747.30. Notwithstanding section 4783.04 of the Revised Code, as enacted by this act, if an individual certified as a board certified behavior analyst by the Behavior Analyst Certification Board or its successor organization can demonstrate active practice in a manner prescribed in rules adopted by the State Board of Psychology within one year after the effective date of those rules, the individual may apply for immediate certification as a certified Ohio behavior analyst without paying a fee or satisfying other requirements specified in section 4783.04 of the Revised Code or requirements prescribed by the State Board of Psychology.

The State Board of Psychology shall provide internet access to the study guide produced by the State Board of Psychology that summarizes the applicable laws and rules. An individual issued a certificate pursuant to this section is responsible for knowledge of Ohio law based on self-study of these documents.

Following initial certification under this section, a certified Ohio behavior analyst shall comply with section 4783.05 of the Revised Code with respect to biennial registration, payment of fees, and continuing education requirements.

Section 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM

The Department of Mental Health and Addiction Services, in consultation with the Department of Medicaid, shall administer the Recovery Requires a Community Program to identify individuals residing in nursing facilities who can be successfully moved into a community setting with the aid of community non-Medicaid services.

The Director of Mental Health and Addiction Services and the Medicaid Director shall agree upon an amount representing the savings realized from decreased nursing facility utilization to be

transferred within the biennium from the Department of Medicaid to 163856
the Department of Mental Health and Addiction Services to support 163857
non-Medicaid program costs for individuals moving into community 163858
settings. 163859

Of the foregoing appropriation item 651525, Medicaid/Health 163860
Care Services, the Medicaid Director shall transfer the amount 163861
agreed upon representing the savings from the General Revenue Fund 163862
to the Sale of Goods and Services Fund (Fund 1490). The transfer 163863
shall be made using an intrastate transfer voucher. The 163864
transferred cash is hereby appropriated to appropriation item 163865
335609, Community Operating/Planning. 163866

Section 753.20. (A) The Director of Administrative Services, 163867
on behalf of the Department of Rehabilitation and Correction, is 163868
authorized to sell by bid, auction, real estate sale agreement, or 163869
through any other available legal means, all of the state's right, 163870
title, and interest in any or all of the real property described 163871
below, that the Director of Administrative Services and the 163872
Director of Rehabilitation and Correction determine should be sold 163873
in the best interest of, and as surplus to, the needs of the 163874
state. 163875

(B) The Governor is authorized to execute one or more deeds 163876
in the name of the state, conveying to one or more purchasers, 163877
their heirs and assigns or successors and assigns, all of the 163878
state's right, title, and interest in one or more of the real 163879
properties and improvements described below: 163880

101 Oval Drive Lima 45801 163881

102 Oval Drive Lima 45801 163882

1757 South Avon Belden Road Grafton 44044 163883

2069 South Avon Belden Road Grafton 44044 163884

900 East Capel Road Grafton 44044 163885

| | |
|---|--------|
| 1088 North Main Street Mansfield 44903 | 163886 |
| 1659 Scioto Village Drive Marion 43302 | 163887 |
| 1674 Scioto Village Drive Marion 43302 | 163888 |
| 1686 Scioto Village Drive Marion 43302 | 163889 |
| 1693 Scioto Village Drive Marion 43302 | 163890 |
| 1705 Scioto Village Drive Marion 43302 | 163891 |
| 1710 Scioto Village Drive Marion 43302 | 163892 |
| 1717 Scioto Village Drive Marion 43302 | 163893 |
| 745 Likens Road Marion 43302 | 163894 |
| 813 Likens Road Marion 43302 | 163895 |
| PCI Unit 4 - 11781 State Route 762 Orient 43146 | 163896 |
| 103 Reservation Circle Chillicothe 45601 | 163897 |
| 123 Reservation Circle Chillicothe 45601 | 163898 |
| 124 Reservation Circle Chillicothe 45601 | 163899 |
| 14166 Pleasant Valley Road Chillicothe 45601 | 163900 |
| 1187 Cook Road Lucasville 45648 | 163901 |
| (C) The Director of Administrative Services shall convey the | 163902 |
| real estate, its improvements and chattels, "as-is," in its | 163903 |
| present condition. | 163904 |
| (D) Consideration for conveyance of the real estate shall be | 163905 |
| determined by bid, auction, or negotiated purchase agreement, at | 163906 |
| the discretion of the Director of Administrative Services and the | 163907 |
| Director of Rehabilitation and Correction. | 163908 |
| (E) The real property shall be conveyed subject to all | 163909 |
| easements, covenants, conditions, and restrictions of record; all | 163910 |
| legal highways; zoning, building, and other laws, ordinances, | 163911 |
| restrictions, and regulations; and real estate taxes and | 163912 |

assessments not yet due and payable. 163913

(F)(1) The deed or deeds to the real estate may contain any 163914
terms and conditions the Director of Administrative Services and 163915
the Director of Rehabilitation and Correction determine to be in 163916
the best interest of the state. The deed or deeds may contain 163917
restrictions that the Directors determine are reasonably necessary 163918
to protect the interest of the state in neighboring state-owned 163919
land. 163920

(2) The deed or deeds shall contain restrictions prohibiting 163921
the purchaser from occupying, using, developing, or selling the 163922
real estate, such as will interfere with quiet enjoyment of the 163923
neighboring state-owned land. 163924

(G) The method of sale and disposition of the real estate 163925
shall be determined by the Director of Administrative Services and 163926
the Director of Rehabilitation and Correction. 163927

(H) The real estate may be sold as an entire tract, as 163928
multiple tracts, or in parcels. 163929

(I) The purchaser or purchasers shall pay all costs 163930
associated with the purchase and conveyance of the real estate, 163931
including, but not limited to, title evidence, title insurance, 163932
transfer costs and fees, recording costs of the deed, taxes, and 163933
any other fees and costs that may be imposed. 163934

(J) Surveys and legal descriptions as are required for the 163935
conveyance of the real estate shall be prepared at the purchaser's 163936
expense. 163937

(K) The net proceeds of the sale of the real estate shall be 163938
deposited into the state treasury to the credit of the Property 163939
Receipts Fund created by section 5120.22 of the Revised Code. 163940

(L) Upon payment of the purchase price for all or any of the 163941
real estate, the Auditor of State, with the assistance of the 163942

Attorney General, shall prepare a deed or deeds for the real 163943
estate. A deed shall state the consideration, and any terms or 163944
conditions and the restrictions. A deed shall be executed by the 163945
Governor in the name of the state, countersigned by the Secretary 163946
of State, sealed with the Great Seal of the State, presented in 163947
the Office of the Auditor of State for recording, and delivered to 163948
the purchaser. The purchaser shall present the deed for recording 163949
in the office of the appropriate County Recorder. 163950

(M) This section expires two years after its effective date. 163951

Section 753.30. (A) There is the State Facility Utilization 163952
and Consolidation Task Force. The Task Force shall create an 163953
inventory of state-owned real property and of assets related to 163954
the real property, study the current utilization of the real 163955
property and related assets, determine which real properties and 163956
related assets are not being productively used, determine which 163957
real properties and related assets that are not being productively 163958
used could be productively used, and determine which real 163959
properties and related assets that are not being productively used 163960
could be productively used if consolidated. The Task Force, based 163961
on its study, shall provide the Governor, the President of the 163962
Senate, and the Speaker of the House of Representatives, not later 163963
than one year after the effective date of this section, a report 163964
expressing Task Force's recommendations for the sale, productive 163965
use, or consolidation of state-owned real property and assets. 163966
Upon completing delivery of its report, the Task Force ceases to 163967
exist. 163968

(B) The Task Force consists of the following members: Two 163969
members of the House of Representatives, appointed by the Speaker 163970
of the House of Representatives; two members of the Senate 163971
appointed by the President of the Senate; one individual appointed 163972
by the Governor; the Director of Administrative Services or the 163973

Director's designee; and the Director of Budget and Management or 163974
the Director's designee. Vacancies on the Task Force shall be 163975
filled by the appointing authority. 163976

The Task Force shall select a chairperson and 163977
vice-chairperson from among its members. 163978

Members of the Task Force are not entitled to compensation 163979
for serving on the Task Force. Members of the Task Force may 163980
continue to receive the compensation and benefits accruing from 163981
their regular offices or employments. A member of the Task Force 163982
is entitled to reimbursement of actual and necessary expenses 163983
incurred because of service on the Task Force. 163984

The Task Force first shall meet within one month after the 163985
effective date of this section at the call of the Governor. 163986
Thereafter, the Task Force shall meet at the call of its 163987
chairperson as necessary to carry out its duties. 163988

The Director of Administrative Services shall provide the 163989
Task Force with meeting space and with professional, technical, 163990
and clerical staff as is necessary for the Task Force successfully 163991
and efficiently to fulfill its duties. 163992

Section 755.10. Not later than ninety days after the 163993
effective date of this section, the Director of Transportation 163994
shall establish a county bridge program to assist counties with 163995
the maintenance of bridges. The program may provide monetary and 163996
other resources, and shall address infrastructure needs related to 163997
county-maintained bridges, including bridge embankments, drainage 163998
bridge repair, and other related conditions. 163999

The Director may consult with affected political subdivisions 164000
in assessing needs and in developing the program. Upon 164001
establishing the program, the Director shall notify affected 164002
political subdivisions in an appropriate manner of the 164003

availability of the program. 164004

Section 757.10. MINIMUM DISTRIBUTION OF LOCAL GOVERNMENT FUND 164005
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Notwithstanding any provision of section 131.51 of the 164007
Revised Code to the contrary, from revenue arising from the 164008
personal income tax levied under Chapter 5747. of the Revised 164009
Code, an amount equal to one hundred per cent of the amount 164010
credited to the Local Government Fund in July 2012 shall be 164011
credited to such fund in July 2013. In July 2013 each county 164012
undivided local government fund shall receive the same amount it 164013
received in July 2012. In July 2013 each municipal corporation 164014
shall receive the same amount it directly received from the Local 164015
Government Fund in July 2012. 164016

Section 757.30. (A) There is hereby created the Commercial 164017
Activity Tax Review Committee to review and make recommendations 164018
for reforming and improving the tax levied under Chapter 5751. of 164019
the Revised Code. The committee shall be composed of the following 164020
members: 164021

(1) The chair of the standing committee of the House of 164022
Representatives that deals primarily with issues of taxation; 164023

(2) The chair of the standing committee of the Senate that 164024
deals primarily with issues of taxation; 164025

(3) Three members of the House of Representatives appointed 164026
by the Speaker of the House of Representatives, two of whom shall 164027
be members of the minority party; 164028

(4) Three members of the Senate appointed by the President of 164029
the Senate, two of whom shall be members of the minority party; 164030

(5) The Tax Commissioner or the Commissioner's designee; and 164031

(6) The Director of Budget and Management or the Director's 164032

designee. 164033

(B) The Commercial Activity Tax Review Committee shall be 164034
jointly chaired by the members described in divisions (A)(1) and 164035
(2) of this section. The committee shall meet monthly, beginning 164036
in July 2013, at the call of the chairs and may accept testimony. 164037
The committee is a public body for the purposes of section 121.22 164038
of the Revised Code. 164039

The committee shall, on or before October 31, 2013, submit a 164040
report with the committee's recommendations to the Governor, the 164041
Speaker and Minority Leader of the House of Representatives, and 164042
the President and Minority Leader of the Senate. 164043

(C) The Commercial Activity Tax Review Committee shall cease 164044
to exist after October 31, 2013. 164045

Section 757.50. The amendment by this act of divisions (Q), 164046
(R), and (S) of section 5741.01 and section 5741.03 of the Revised 164047
Code and the enactment of section 5741.032 of the Revised Code are 164048
hereby effectuated with the intent that if the United States 164049
Congress enacts the Marketplace Fairness Act of 2013, or other 164050
similar legislation authorizing states to require sellers that 164051
lack a substantial nexus with the state to pay, collect, or remit 164052
sales or use tax, the General Assembly shall adopt, before the 164053
effective date of such federal legislation, any conforming 164054
amendments required by such federal legislation and requiring the 164055
Tax Commissioner to adopt rules necessary to effectively 164056
administer such taxes with respect to remote sellers, as defined 164057
in division (R) of section 5741.01 of the Revised Code. 164058

This section is not intended to create a nexus between this 164059
state and remote sellers for any tax other than those imposed 164060
under Chapters 5739. and 5741. of the Revised Code. 164061

Section 757.60. The purpose of section 3735.661 of the 164062

Revised Code is to clarify the intent of the General Assembly that 164063
"first two amendments," as used in division (B) of Section 3 of 164064
Am. Sub. S.B. 19 of the 120th General Assembly, has, on and after 164065
July 22, 1994, referred and continues to refer to only a 164066
substantive amendment to a community reinvestment area ordinance 164067
or resolution that extends, expands, increases, or otherwise 164068
broadens the availability of tax exemptions provided under the 164069
ordinance or resolution and does not refer to an amendment that 164070
decreases or otherwise limits the availability of tax exemptions 164071
under the ordinance or resolution or that are procedural or 164072
administrative. Therefore, section 3735.661 of the Revised Code 164073
applies retroactively to ordinances and resolutions adopted under 164074
section 3735.66 of the Revised Code before and after the effective 164075
date of section 3735.661 of the Revised Code. 164076

Section 803.10. An investor who is issued a tax credit 164077
certificate under section 122.152 of the Revised Code prior to 164078
that section's repeal by this act may continue to claim that 164079
credit in the manner provided for in that section. 164080

Section 803.20. The member of the Farmland Preservation 164081
Advisory Board appointed under division (A)(4) of section 901.23 164082
of the Revised Code, as that section existed prior to its 164083
amendment by this act, who is serving on the effective date of 164084
this act shall continue to serve until the expiration of the term 164085
for which the member was appointed. At the end of that term, a 164086
member shall be appointed in accordance with division (A)(4) of 164087
that section as amended by this act. 164088

Section 803.30. A member of the technical advisory committee 164089
created in section 1551.35 of the Revised Code, as amended by this 164090
act, who was appointed by the Director of the Ohio Coal 164091
Development Office and who is serving on the committee immediately 164092

prior to the effective date of the amendments to that section 164093
shall continue in office until the expiration of the member's 164094
term. Thereafter, the appointment of a member for that position on 164095
the committee shall be made in accordance with the amendments to 164096
that section by this act. 164097

Section 803.41. (A) A member serving on the Rehabilitation 164098
Services Commission immediately prior to the effective date of 164099
this section who was appointed under section 3304.12 of the 164100
Revised Code as that section existed prior to its amendment by 164101
this act shall continue serving on the Opportunities for Ohioans 164102
with Disabilities Commission established by the amendments to that 164103
section by this act until the end of the term for which the member 164104
was appointed. 164105

(B) The consumer advisory committee that is required to be 164106
appointed by the Opportunities for Ohioans with Disabilities 164107
Commission by section 3304.16 (3304.14) of the Revised Code, as 164108
amended and renumbered by this act, is a continuation of the 164109
consumer advisory committee that was required to be appointed by 164110
the Rehabilitation Services Commission by section 3304.24 of the 164111
Revised Code prior to the repeal of that section by this act. 164112

Section 803.50. The amendments to sections 3313.48, 3313.533, 164113
3313.62, 3317.01, and 3321.05; the repeal and reenactment of 164114
section 3313.481; and the repeal of section 3313.482 of the 164115
Revised Code made by this act do not apply to any collective 164116
bargaining agreement executed under Chapter 4117. of the Revised 164117
Code prior to July 1, 2014. Any collective bargaining agreement or 164118
renewal executed after that date shall comply with the changes 164119
provided for in this act. 164120

Section 803.60. (A) As used in this section: 164121

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(2) "Career-technical planning district" has the same meaning as in section 3302.033 of the Revised Code.

(B) Nothing in Chapter 3365. of the Revised Code or the amendment of sections in that chapter by this act shall be construed to infringe upon or require the alteration of any existing or future articulation agreement for technical coursework offered through state-approved career-technical programs of study or any corresponding payment structure between any state institution of higher education and a career-technical planning district.

The Department of Education and the Board of Regents shall study the implications of applying the changes in Chapter 3365. of the Revised Code to articulation agreements for technical coursework offered through state-approved career-technical programs of study. The Department and the Board also shall make recommendations on how such career-technical programs of study might be included under Chapter 3365. of the Revised Code and the implications of including them. These recommendations shall be submitted to the Governor's Office of 21st Century Education and the General Assembly in accordance with section 101.68 of the Revised Code, not later than July 1, 2014.

Section 803.80. (A) The amendment by this act of section 5747.01 of the Revised Code, amending or enacting divisions (A)(26) and (GG) of that section, applies to taxable years ending on or after the effective date of this section.

(B) The amendment by this act of section 5747.022 and division (A) of section 5747.025 of the Revised Code applies to taxable years beginning on or after January 1, 2014.

(C) The amendment by this act of division (A)(32) of section 164152
5747.01, division (C) of section 5747.025, and of sections 164153
5747.02, 5747.08, 5747.21, 5747.22, and 5748.01 and the repeal of 164154
section 5747.211 of the Revised Code apply to taxable years 164155
beginning on or after January 1, 2013. 164156

Section 803.90. (A) Except as provided in division (B) of 164157
this section, the amendment by this act of section 5751.01 of the 164158
Revised Code applies to tax periods ending on or after the 164159
effective date of that amendment. 164160

(B) The amendment by this act of section 5751.02, section 164161
5751.051, divisions (B)(1), (B)(2), and (J) of section 5751.20, 164162
and all divisions of section 5751.01 of the Revised Code except 164163
divisions (F)(2)(z) and (jj) of that section shall take effect 164164
July 1, 2014. 164165

(C) The amendment by this act of divisions (F)(2)(z) and (jj) 164166
of section 5751.01 of the Revised Code applies to original returns 164167
filed on or after January 1, 2014. 164168

Section 803.120. (A) The amendment by this act of section 164169
1509.50, division (C)(12) of section 5703.21, section 5749.02, 164170
divisions (D), (F), (H), and (I) of section 5749.06, and section 164171
5749.17 of the Revised Code applies to calendar quarters beginning 164172
on or after October 1, 2013. 164173

(B) The amendment by this act of division (G) of section 164174
5749.06 of the Revised Code applies to the severance of natural 164175
resources occurring in calendar quarters beginning on or after 164176
January 1, 2014. 164177

Section 803.160. (A) References to the Ohio Cooperative 164178
Extension Service, or use of a similar term, in any contracts, 164179
agreements, or other instruments that were entered into or 164180

executed prior to the effective date of this section pursuant to 164181
state statutes are deemed to be references to OSU Extension as 164182
defined in section 1.611 of the Revised Code as enacted by this 164183
act. 164184

(B) References to the Ohio Cooperative Extension Service, or 164185
use of a similar term, in rules adopted prior to the effective 164186
date of this section pursuant to state statutes are deemed to be 164187
references to OSU Extension. 164188

Section 803.170. The amendment by this act of section 5709.17 164189
of the Revised Code applies to tax year 2013 and every tax year 164190
thereafter. 164191

Section 803.180. The amendment or enactment by this act of 164192
sections 5735.012 and 5735.013 applies on and after January 1, 164193
2014. 164194

Section 803.190. (A) The amendment or enactment by this act 164195
of division (I), except for divisions (I)(2)(g) and (I)(4), of 164196
section 5741.01 of the Revised Code applies to the storage, use, 164197
or other consumption of tangible personal property or services 164198
occurring on and after the first month beginning after the 164199
effective date of that division and section. 164200

(B) The amendment by this act of divisions (I)(2)(g) and 164201
(I)(4) of section 5741.01 and section 5741.17 of the Revised Code 164202
applies to the storage, use, or other consumption of tangible 164203
personal property or services occurring on and after October 1, 164204
2013, regardless of the date a seller and a resident entered into 164205
an agreement described in division (I)(2)(g) of section 5741.01 of 164206
the Revised Code. On that date, as used in divisions (I)(2)(g) and 164207
(I)(4) of section 5741.01 of the Revised Code, "preceding twelve 164208
months" means the twelve months beginning October 1, 2012, and 164209
ending September 30, 2013. 164210

(C) The amendment by this act of section 5739.02 of the Revised Code, adding division (B)(49)(b), applies to retail sales occurring on or after the first day of the first month beginning after the effective date of that section.

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Section 803.210. Section 4503.192 of the Revised Code, which under Am. Sub. H.B. 51 of the 130th General Assembly is scheduled to take effect on July 1, 2013, rather takes effect on January 1, 2014.

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Section 803.220. The new filing requirements applicable to persons who are elected or appointed to, or who are candidates for, an office of a township with a population of five thousand or more under section 102.02 of the Revised Code, as amended by this act, first apply to 2013 statements required to be filed by persons who are candidates for or serving in a township office in calendar year 2014, which shall be filed not later than ninety days after the effective date of this section.

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Section 803.230. The amendment by this act of section 5739.02 of the Revised Code, adding division (B)(52), applies to the sale or storage, use, or other consumption of tangible personal property or services occurring before, on, or after the effective date of this section.

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Section 803.240. The amendments by this act to section 5735.27 of the Revised Code apply to any proceedings commenced after their effective date, and, so far as their provisions support the actions taken, also apply to any proceedings that on their effective date are pending, in progress, or completed and that are supplemented to provide or confirm compliance with or support by the provisions of those amendments as if they had been in effect at the time of those proceedings, and also apply to any

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public obligations authorized, issued, or incurred pursuant to 164240
those proceedings, notwithstanding any law, resolution, ordinance, 164241
order, advertisement, notice, or other proceeding in effect before 164242
their effective date. Any proceedings pending or in progress on 164243
the effective date of the amendments, or any public obligations 164244
authorized, sold, issued, incurred, delivered, or validated 164245
pursuant to those proceedings, shall be deemed to have been taken, 164246
authorized, sold, issued, incurred, delivered, or validated in 164247
conformity with the amendments so far as their provisions support 164248
the actions taken. 164249

The amendments by this act to section 5735.27 of the Revised 164250
Code provide additional and supplemental provisions for subject 164251
matter that may also be the subject of other laws, and are 164252
intended to be supplemental to, and not in derogation of, any 164253
similar authority provided by, derived from, or implied by, the 164254
Constitution of Ohio, or any other law, including laws amended by 164255
this act, or any charter, order, resolution, or ordinance; and 164256
those amendments to section 5735.27 of the Revised Code shall not 164257
be interpreted to negate the authority provided by, derived from, 164258
or implied by the Constitution of Ohio, laws, charters, orders, 164259
resolutions, or ordinances. 164260

Section 803.250. The amendment by this act of section 323.158 164261
of the Revised Code applies to tax year 2013 and every tax year 164262
thereafter, and the amendment of section 4503.0610 of the Revised 164263
Code applies to tax year 2014 and every tax year thereafter. 164264
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Section 803.260. The amendment by this act of section 5729.04 164266
of the Revised Code applies to calendar years ending on or after 164267
December 31, 2013. 164268

Section 803.270. The amendment by this act of section 164269
5735.142 of the Revised Code applies to motor fuel purchased on or 164270
after the effective date of this section. 164271

Section 806.10. The items of law contained in this act, and 164272
their applications, are severable. If any item of law contained in 164273
this act, or if any application of any item of law contained in 164274
this act, is held invalid, the invalidity does not affect other 164275
items of law contained in this act and their applications that can 164276
be given effect without the invalid item of law or application. 164277

Section 809.10. An item of law, other than an amending, 164278
enacting, or repealing clause, that composes the whole or part of 164279
an uncodified section contained in this act has no effect after 164280
June 30, 2015, unless its context clearly indicates otherwise. 164281

Section 812.10. Except as otherwise provided in this act, the 164282
amendment, enactment, or repeal by this act of a section is 164283
subject to the referendum under Ohio Constitution, Article II, 164284
Section 1c and therefore takes effect on the ninety-first day 164285
after this act is filed with the Secretary of State or, if a later 164286
effective date is specified below, on that date. 164287

The amendment, enactment, or repeal of sections 123.19, 164288
123.201, 123.21, 123.27, 154.01, 154.23, 307.674, 3383.01 164289
(123.28), 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.07 164290
(123.281), 3383.08, 3383.09, and 5162.12 of the Revised Code takes 164291
effect January 1, 2014. 164292

The amendment, enactment, or repeal of sections 3313.48, 164293
3313.533, 3313.62, 3314.092, 3321.05, 3326.11, and 3327.02 of the 164294
Revised Code takes effect July 1, 2014. 164295

The repeal and reenactment of section 3313.481 of the Revised 164296
Code takes effect July 1, 2014. 164297

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| The enactment of section 3327.07 of the Revised Code takes effect on July 1, 2014. | 164298
164299 |
| Division (A) of section 4783.02 of the Revised Code takes effect one year after the effective date of that section. | 164300
164301 |
| Sections 323.70, 323.110, 323.120, and 323.480 of this act take effect at the earliest time permitted by law but not earlier than September 30, 2013. | 164302
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164304 |
| Section 282.90 of this act takes effect on January 1, 2014. | 164305 |
| Section 812.20. The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date. | 164306
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| Sections 131.51, 731.091, 3314.05, 3734.57, 3734.901, 4301.43, 5727.84, 5747.501, and 5753.03 of the Revised Code. | 164312
164313 |
| Sections of this act prefixed with section numbers in the 200's, 300's, 400's, and 500's except for sections 282.90, 323.10.70, 323.70, 323.110, 323.120, 323.480, 363.230, 363.520, 363.540, and 363.550 of this act. | 164314
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164317 |
| Sections 605.30 and 605.31 of this act. | 164318 |
| Section 803.210 of this act. | 164319 |
| Sections 812.10, 812.20, and 812.30 of this act. | 164320 |
| The amendment, enactment, or repeal of sections 125.05, 152.09, 154.25, 3313.603, 3314.074, 3317.06, 3317.50, 3317.51, 3319.22, 3319.235, 3345.12, 3353.01, 3353.02, 3353.04, 3353.06, 3353.07, 3353.08, 3353.09, 3353.15, and 3353.20 takes effect July 1, 2013. | 164321
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164325 |
| The enactment of section 5168.41 of the Revised Code takes | 164326 |

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| effect July 1, 2013. | | | 164327 |
| The amendment of sections 120.06 and 5139.04 of the Revised Code takes effect July 1, 2013. | | | 164328
164329 |
| Section 812.30. The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, sections 1c and 1d and section 1.471 of the Revised Code. | | | 164330
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164334 |
| The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date. | | | 164335
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164339 |
| The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date. | | | 164340
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164345 |
| Section of law | Amendments subject to referendum | Amendments exempt from referendum | 164346 |
| 3745.11 | Amendments to division (M)(5) | All amendments except as described in the middle column | 164347 |
| 3721.50
(5168.40) | All amendments except as described in the right-hand column | Amendments to division (F) | 164348 |
| 5112.30
(5168.60) | All amendments except as described in the right-hand column | Amendments to division (A) take effect July 1, 2013 | 164349 |
| 6109.21 | The stricken sentence in | All amendments except as | 164350 |

division (E) described in the middle
column

Section 812.40. The amendments to sections 3317.01, 3317.03, 164351
5101.573 (5160.40), 5101.58 (5160.37), 5111.07 (5164.752), 164352
5111.071 (5164.753), 5111.083 (5164.757), 5111.17 (5167.10), and 164353
5111.19 (5164.74) of the Revised Code are subject to the 164354
referendum under Ohio Constitution, Article II, Section 1c and 164355
section 1.471 of the Revised Code, and therefore take effect on 164356
the ninety-first day after this act is filed with the Secretary of 164357
State. However: 164358

(A) In section 3317.01 of the Revised Code, the amendments to 164359
division (B) take effect July 1, 2014. 164360

(B) In section 3317.03 of the Revised Code, the following 164361
amendments in divisions (A) and (D) take effect July 1, 2014: 164362

(1) The strike through of "the first paragraph of"; 164363

(2) The strike through of "(B)" and insertion of "(A)(1)"; 164364

(3) The strike through of "3317.01" and insertion of 164365
"3313.482". 164366

(C) In section 5101.573 (5160.40) of the Revised Code, the 164367
new matter inserted into division (C) takes effect January 1, 164368
2014. 164369

(D) In section 5101.58 (5160.37) of the Revised Code, the 164370
insertion of division (K) takes effect January 1, 2014. 164371

(E)(1) In section 5111.07 (5164.752) of the Revised Code, all 164372
of the amendments take effect July 1, 2014, except for the 164373
following amendments: 164374

(a) The renumbering of the section; 164375

(b) The strike through of "job and family services" and 164376
insertion of "medicaid" in the first sentence as the section 164377

appears on the day immediately preceding the effective date of 164378
this section. 164379

(2) The reference to "director of job and family services" in 164380
the last sentence shall be read as if it reads the "director of 164381
medicaid" while the last sentence remains in effect. 164382

(F) In section 5111.071 (5164.753) of the Revised Code, the 164383
insertion in the last sentence of "and the extent to which each 164384
terminal distributor participates in the medicaid program as a 164385
provider of drugs" takes effect July 1, 2014. 164386

(G) In section 5111.083 (5164.757) of the Revised Code, all 164387
of the amendments take effect January 1, 2014, except for the 164388
following amendments: 164389

(1) The renumbering of the section; 164390

(2) The insertion of "medicaid" before "director" in the 164391
first sentence of division (B); 164392

(3) The strike through of "of job and family services". 164393

(H) In section 5111.17 (5167.10) of the Revised Code, the 164394
amendments to division (B)(2) take effect January 1, 2014. 164395

(I) In section 5111.19 (5164.74) of the Revised Code, the 164396
following amendments take effect January 1, 2014: 164397

(1) The insertion of ", and the allocation of payments for," 164398
in the first paragraph; 164399

(2) The strike through of the second paragraph and divisions 164400
(A), (B), and (C). 164401

Section 815.10. The General Assembly, applying the principle 164402
stated in division (B) of section 1.52 of the Revised Code that 164403
amendments are to be harmonized if reasonably capable of 164404
simultaneous operation, finds that the following sections, 164405
presented in this act as composites of the sections as amended by 164406

the acts indicated, are the resulting versions of the sections in 164407
effect prior to the effective date of the sections as presented in 164408
this act: 164409

Section 9.90 of the Revised Code as amended by both Am. Sub. 164410
H.B. 153 and Sub. S.B. 171 of the 129th General Assembly. 164411

Section 109.572 of the Revised Code as amended by both Am. 164412
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 164413

Section 122.17 of the Revised Code as amended by Sub. H.B. 164414
327, Am. Sub. H.B. 510, and Am. Sub. S.B. 314, all of the 129th 164415
General Assembly. 164416

Section 122.171 of the Revised Code as amended by both Am. 164417
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| Section 5747.98 of the Revised Code as amended by both Am. | 164483 |
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| Section 815.20. The amendment of sections 5104.11 and 5120.07 | 164491 |
| of the Revised Code by this act is not intended to supersede the | 164492 |

earlier repeal, with delayed effective date, of those sections. 164493

The amendment of section 5507.53 (128.53) of the Revised Code 164494
by this act is not intended to supersede the earlier repeal, with 164495
delayed effective date, of that section. The amendment of section 164496
5507.40 (128.40) of the Revised Code of this act is intended to 164497
supersede the earlier repeal, with delayed effective date, of that 164498
section. 164499